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PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS, SECOND SESSION

SENATE—*Monday, October 19, 1998*

(Legislative day of Friday, October 2, 1998)

The Senate met at 9:58 and 40 seconds a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

RECESS UNTIL 10 A.M., TUESDAY, OCTOBER 20, 1998

The PRESIDENT pro tempore. Under the previous order, the Senate will stand recessed until 10 a.m., Tuesday, October 20, 1998.

Thereupon, the Senate at 9:58 and 54 seconds a.m., recessed until Tuesday, October 20, 1998, at 10 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, October 19, 1998*

The House met at noon and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 19, 1998.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Give us voices, O God, to sing Your praises and give us hands to do the works of justice; give us hearts that express kindness and compassion and give us ears to hear the petitions of the needy; give us vision to see better lives and a world of peace, and grant us mercy when we miss the mark; turn away from us envy or greed and encourage us to celebrate all Your gifts; grant us love and not selfishness, grant us peace and not struggle, grant us healing and wholeness. Hear our petitions, O gracious God, and grant us Your peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

Mr. PEASE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DESIGNATION OF HON. EDWARD A. PEASE TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH OCTOBER 20, 1998

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 19, 1998.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 20, 1998.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 9 p.m.

CONFERENCE REPORT ON H.R. 4328, MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 4328) making omnibus consolidated and emergency supplemental appropriations for fiscal year 1999:

CONFERENCE REPORT (H. REPT. 825)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4328) "making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:

SEC. 101(a). For programs, projects or activities in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,836,000: Provided, That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,620,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,718,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,120,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $5,551,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

under 5 U.S.C. 3109, $4,283,000: Provided, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $613,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, and repair of Agriculture buildings, $132,184,000: Provided, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $5,000,000, to remain available until expended; making a total appropriation of $137,184,000.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961, $15,700,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $32,168,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,668,000: Provided, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: Provided further, That not less than $2,241,000 shall be transferred to agencies funded by this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $65,128,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $100,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98: Provided, That for fiscal year 1999 and thereafter, funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of the Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, to remain available until expended.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $29,194,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $540,000.

ECONOMIC RESEARCH SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $65,757,000: Provided, That $2,000,000 shall be transferred to and merged with the appropriation for "Food and Nutrition Service, Food Program Administration" for studies and evaluations: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), the Census of Agriculture Act of 1997 (Public Law 105–113), and other laws, $103,964,000, of which up to $23,599,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $785,518,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 1999, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $56,437,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $180,545,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i); $21,932,000 for grants for cooperative forestry research (16 U.S.C. 582a–a7); $29,676,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); $63,116,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $15,048,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $119,300,000 for competitive research grants (7 U.S.C. 450i(b)); $5,109,000 for the support of animal health and disease programs (7 U.S.C. 3195); $750,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $600,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), to remain available until expended; $3,000,000 for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $2,850,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $500,000 for a secondary agriculture education program and two-year postsecondary education (7 U.S.C. 3152 (h)); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,200,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); $1,552,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $10,688,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $481,216,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 103–382 (7 U.S.C. 301 note), $4,600,000.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $2,060,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $3,000,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,214,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $8,426,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for a groundwater quality program under section 3(d) of the Act, $9,561,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,000,000; payments for a food safety program under section 3(d) of the Act, $7,365,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $1,714,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,309,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $25,843,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $11,741,000; in all, $437,987,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $425,803,000, of which $4,105,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 1999, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 1999, $88,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $7,700,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and *regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $48,831,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.*

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,998,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $26,787,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $446,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, $616,986,000, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: Provided, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $572,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $714,499,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $2,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $450,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $510,682,000, of which $425,031,000 shall be for guaranteed loans; operating loans, $1,648,276,000, of which $948,276,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $19,580,000, of which $6,758,000 shall be for guaranteed loans; operating loans, $62,630,000, of which $11,000,000 shall be for unsubsidized guaranteed loans and $17,480,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $153,000; for emergency insured loans, $5,900,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $1,440,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $219,861,000, of which $209,861,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $64,000,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1999, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $8,439,000,000 in the President's fiscal year 1999 Budget Request (H. Doc. 105–177)), but not to exceed $8,439,000,000, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1999, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961: Provided, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $693,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $641,243,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,990,000 is for snow survey and water forecasting and not less than $9,025,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 in demonstration projects: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,368,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $99,443,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed $47,000,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a–f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $35,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,325,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $588,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), $722,686,000, to remain available until expended, of which $29,786,000 shall be for rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act; of which $645,007,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C; and of which $47,893,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That not to exceed $16,215,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $5,300,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $33,926,000 shall be available through June 30, 1999, for empowerment zones and enterprise communities, as authorized by Public Law 103–66, of which $1,844,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $23,948,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; of which $8,134,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $3,965,313,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,000,000,000 shall be for unsubsidized guaranteed loans; $25,001,000 for section 504 housing repair loans; $100,000,000 for section 538 guaranteed multi-family housing loans; $20,000,000 for section 514 farm labor housing; $114,321,000 for section 515 rental housing; $5,152,000 for section 524 site loans; $16,930,000 for credit sales of acquired property, of which up to $5,001,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $116,800,000, of which $2,700,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $8,808,000; section 538 multi-family housing guaranteed loans, $2,320,000; section 514 farm labor housing, $10,406,000; section 515 rental housing, $55,160,000; section 524 site loans, $17,000; credit sales of acquired property, $3,492,000, of which up to $2,416,000 may be for multi-family credit sales; and section 523 self-help housing land development loans,

$282,000: Provided, That of the total amount appropriated in this paragraph, $10,380,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1999, they shall remain available for other authorized purposes under this head.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $360,785,000, which shall be transferred to and merged with the appropriation for "Rural Housing Service, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $583,397,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 1999 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $26,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That of the total amount appropriated, $1,000,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1999, they shall remain available for other authorized purposes under this head.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1486, 1490e, and 1490m, $41,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1999, they shall remain available for other authorized purposes under this head.

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, title V of the Housing Act of 1949, and cooperative agreements, $60,978,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $520,000 may be used for employment under 5 U.S.C. 3109: Provided further, That the Administrator may expend not more than $10,000 to provide modest nonmonetary awards to non-USDA employees.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $16,615,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $33,000,000: Provided further, That through June 30, 1999, of the total amount appropriated, $3,215,520 shall be available for the cost of direct loans for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, $7,246,000: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1999, they shall remain available for other authorized purposes under this head.

In addition, for administrative expenses to carry out the direct loan programs, $3,482,000 shall be transferred to and merged with the appropriation for "Rural Business-Cooperative Service, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,783,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 1999, as authorized by section 313 of the Rural Electrification Act of 1936, $3,783,000 shall not be obligated and $3,783,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $3,300,000, of which $1,300,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program and $250,000 shall be available for an agribusiness and cooperative development program.

SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $25,680,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $260,000 may be used for employment under 5 U.S.C. 3109.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION CORPORATION REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), $3,500,000 is appropriated to the Alternative Agricultural Research and Commercialization Corporation Revolving Fund.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $71,500,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $295,000,000; and loans made pursuant to section 306 of that Act, rural electric, $700,000,000 and rural telecommunications, $120,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of direct loans, $16,667,000; cost of municipal rate loans, $25,842,000; cost of money rural telecommunications loans, $810,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000, which shall be transferred to and merged with the appropriation for "Rural Utilities Service, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 1999 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $157,509,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $4,174,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,000,000, which shall be transferred to and merged with the appropriation for "Rural Utilities Service, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $12,680,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, and the Consolidated Farm and Rural Development Act, and for cooperative agreements, $33,000,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $105,000 may be used for employment under 5 U.S.C. 3109.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $554,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $9,176,897,000, to remain available through September 30, 2000, of which $4,128,747,000 is hereby appropriated and $5,048,150,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to $4,300,000 shall be available for independent verification of school food service claims: Provided further, That none of the funds under this heading shall be available unless the value of bonus commodities provided under section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is included in meeting the minimum commodity assistance requirement of section 6(g) of the National School Lunch Act (42 U.S.C. 1755(g)).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,924,000,000, to remain available through September 30, 2000: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the total amount available, the Secretary shall obligate $10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966: Provided further, That State agencies required to procure infant formula using a competitive bidding system may use funds appropriated by this Act to purchase infant formula under a cost containment contract entered into after September 30, 1996, only if the contract was awarded to the bidder offering the lowest net price, as defined by section 17(b)(20) of the Child Nutrition Act of 1966, unless the State agency demonstrates to the satisfaction of the Secretary that the weighted average retail price for different brands of infant formula in the State does not vary by more than 5 percent.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $22,585,106,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this head shall be used for studies and evaluations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this head shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $131,000,000, to remain available through September 30, 2000: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note), and section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a), $141,081,000, to remain available through September 30, 2000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $108,561,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law and of which $2,000,000 shall be available for obligation only after promulgation of a final rule to curb vendor related fraud: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $136,203,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691, 1701–1704, 1721–1726a, 1727–1727e, 1731–1736g–3, and 1737), as follows: (1) $203,475,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $16,249,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985; (3) $837,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $25,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: Provided, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: Provided further, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit agreements under said Act, $176,596,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 480 are utilized, $1,850,000, of which $1,035,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service and General Sales Manager" and $815,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,231,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service and General Sales Manager" and $589,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,103,140,000, of which not to exceed $132,273,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 1999 shall be subject to the fiscal year 1999 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31

U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $231,580,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, of which, and notwithstanding section 409(h)(5)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), an amount of $500,000 shall be made available for the development of systems, regulations, and pilot programs, if any, that would be required to permit full implementation, consistent with section 409(h)(5) of that Act, in fiscal year 2000 of the food contact substance notification program under section 409(h) of such Act; (2) $291,981,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $125,095,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $41,973,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $145,736,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $31,579,000 shall be for the National Center for Toxicological Research; (7) $34,000,000 shall be for the Office of Tobacco; (8) $25,855,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (9) $88,294,000 shall be for payments to the General Services Administration for rent and related costs; and (10) $87,047,000 shall be for other activities, including the Office of the Commissioner, the Office of Policy, the Office of External Affairs, the Office of Operations, the Office of Management and Systems, and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committee on Appropriations of both Houses of Congress.

In addition, fees pursuant to section 354 of the Public Health Service Act may be credited to this account, to remain available until expended.

In addition, fees pursuant to section 801 of the Federal Food, Drug, and Cosmetic Act may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $11,350,000, to remain available until expended (7 U.S.C. 2209b).

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1994, as authorized, $2,565,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $61,000,000, including not to exceed $1,000 for official reception and representation expenses: Provided, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

LIMITATION OF ADMINISTRATIVE EXPENSES

Not to exceed $35,800,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1999 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 440 passenger motor vehicles, of which 437 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427 and 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: Provided, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, and up to $2,000,000 for costs associated with collocating regional offices; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the boll weevil program; up to 10 percent of the screwworm program of the Animal and Plant Health Inspection Service; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; funds for the Native American Institutions Endowment Fund in the Cooperative State Research, Education, and Extension Service; and funds for the competitive research grants (7 U.S.C. 450i(b)), shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 711. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research, Education, and Extension Service that exceed 14 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under the Small Business Innovation Development Act of 1982, Public Law 97–219 (15 U.S.C. 638).

SEC. 712. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 713. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1999 shall remain available until expended to cover obligations made in fiscal year 1999 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; and the rural economic development loans program account.

SEC. 714. Such sums as may be necessary for fiscal year 1999 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 715. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service; Grain Inspection, Packers and Stockyards Administration; and the Animal and Plant Health Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service, the Grain Inspection, Packers and Stockyards Administration or the Animal and Plant Health Inspection Service and a State or Cooperator to carry out agricultural marketing programs or to carry out programs to protect the Nation's animal and plant resources.

SEC. 716. Notwithstanding the Federal Grant and Cooperative Agreement Act, the Natural Resources Conservation Service may enter into contracts, grants, or cooperative agreements with a State agency or subdivision, or a public or private organization, for the acquisition of goods or services, including personal services, to carry out natural resources conservation activities: Provided, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity

Credit Corporation for such purposes in fiscal year 1998.

SEC. 717. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 718. Hereafter, none of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel to carry out a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to the United States Mink Export Development Council or any mink industry trade association.

SEC. 719. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants: Provided, That interagency funding is authorized to carry out the purposes of the National Drought Policy Commission.

SEC. 720. None of the funds appropriated in this Act may be used to carry out the provisions of section 918 of Public Law 104–127, the Federal Agriculture Improvement and Reform Act.

SEC. 721. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 722. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 723. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 724. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1999, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committee on Appropriations of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1999, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committee on Appropriations of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 725. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel to carry out section 793 of Public Law 104–127, with the exception of funds made available under that section on January 1, 1997.

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by sections 334–341 of Public Law 104–127 in excess of $174,000,000.

SEC. 727. None of the funds appropriated or otherwise available to the Department of Agriculture may be used to administer the provision of contract payments to a producer under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice.

SEC. 728. The Federal facility located in Stuttgart, Arkansas, and known as the "United States National Rice Germplasm Evaluation and Enhancement Center", shall be known and designated as the "Dale Bumpers National Rice Research Center": Provided, That any reference in law, map, regulation, document, paper, or other record of the United States to such federal facility shall be deemed to be a reference to the "Dale Bumpers National Rice Research Center".

SEC. 729. Notwithstanding any other provision of law, the Secretary of Agriculture, subject to the reprogramming requirements established by this Act, may transfer up to $26,000,000 in discretionary funds made available by this Act among programs of the Department, not otherwise appropriated for a specific purpose or a specific location, for distribution to or for the benefit of the Lower Mississippi Delta Region, as defined in Public Law 100–460, prior to normal state or regional allocation of funds: Provided, That any funds made available through Chapter Four of Subtitle D of Title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) may be included in any amount reprogrammed under this section if such funds are used for a purpose authorized by such Chapter: Provided further, That any funds made available from ongoing programs of the Department of Agriculture used for the benefit of the Lower Mississippi Delta Region shall be counted toward the level cited in this section.

SEC. 730. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 120,000 acres in the fiscal year 1999 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 731. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the emergency food assistance program authorized by section 27(a) of the Food Stamp Act if such program exceeds $90,000,000.

SEC. 732. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185.

SEC. 733. Notwithstanding any other provision of law, the City of Big Spring, Texas shall be eligible to participate in rural housing programs administered by the Rural Housing Service.

SEC. 734. Notwithstanding any other provision of law, the Municipality of Carolina, Puerto Rico shall be eligible for grants and loans administered by the Rural Utilities Service.

SEC. 735. Notwithstanding section 381A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009), the definitions of rural areas for certain business programs administered by the Rural Business-Cooperative Service and the community facilities programs administered by the Rural Housing Service shall be those provided for in statute and regulations prior to the enactment of Public Law 104–127.

SEC. 736. None of the funds appropriated or otherwise made available by this Act shall be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

SEC. 737. Section 512(d)(4)(D)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(d)(4)(D)(iii)) is amended by inserting before the semicolon the following: ", except that for purposes of this clause, antibacterial ingredient or animal drug does not include the ionophore or arsenical classes of animal drugs".

SEC. 738. (a) None of the funds appropriated or otherwise made available to the Secretary by this Act, any other Act, or any other source may be used to issue the final rule to implement the amendments to Federal milk marketing orders required by subsection (a)(1) of section 143 of the Agricultural Market Transition Act (7 U.S.C. 7253), other than during the period of February 1, 1999, through April 4, 1999, and only if the actual implementation of the amendments as part of Federal milk marketing orders takes effect on October 1, 1999, notwithstanding the penalties that would otherwise be imposed under subsection (c) of such section.

(b) None of such funds may be used to designate the State of California as a separate Federal milk marketing order under subsection (a)(2) of such section, other than during the period beginning on the date of the issuance of the final rule referred to in subsection (a) through September 30, 1999.

(c) For purposes of this section, a rule shall be considered to be a final rule when the rule is submitted to Congress as required by chapter 8 of title 5, United States Code, to permit congressional review of agency rulemaking and before the Secretary of Agriculture conducts the producer referendum required under section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

SEC. 739. Whenever the Secretary of Agriculture announces the basic formula price for *milk for purposes of Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary shall include in the announcement an estimate, stated on a per hundredweight basis, of the costs incurred by milk producers, including transportation and marketing costs, to produce milk in the different regions of the United States.*

SEC. 740. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 335 of Public Law 104–127.

SEC. 741. WAIVER OF STATUTE OF LIMITATIONS. (a) To the extent permitted by the Constitution, any civil action to obtain relief with respect to the discrimination alleged in an eligible complaint, if commenced not later than 2 years after the date of the enactment of this Act, shall not be barred by any statute of limitations.

(b) The complainant may, in lieu of filing a civil action, seek a determination on the merits of the eligible complaint by the Department of Agriculture if such complaint was filed not later than 2 years after the date of enactment of this Act. The Department of Agriculture shall—

(1) provide the complainant an opportunity for a hearing on the record before making that determination;

(2) award the complainant such relief as would be afforded under the applicable statute from which the eligible complaint arose notwithstanding any statute of limitations; and

(3) to the maximum extent practicable within 180 days after the date a determination of an eligible complaint is sought under this subsection conduct an investigation, issue a written determination and propose a resolution in accordance with this subsection.

(c) Notwithstanding subsections (a) and (b), if an eligible claim is denied administratively, the claimant shall have at least 180 days to commence a cause of action in a Federal court of competent jurisdiction seeking a review of such denial.

(d) The United States Court of Federal Claims and the United States District Court shall have exclusive original jurisdiction over—

(1) any cause of action arising out of a complaint with respect to which this section waives the statute of limitations; and

(2) any civil action for judicial review of a determination in an administrative proceeding in the Department of Agriculture under this section.

(e) As used in this section, the term "eligible complaint" means a nonemployment related complaint that was filed with the Department of Agriculture before July 1, 1997 and alleges discrimination at any time during the period beginning on January 1, 1981 and ending December 31, 1996—

(1) in violation of the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) in administering—

(A) a farm ownership, farm operating, or emergency loan funded from the Agricultural Credit Insurance Program Account; or

(B) a housing program established under title V of the Housing Act of 1949; or

(2) in the administration of a commodity program or a disaster assistance program.

(f) This section shall apply in fiscal year 1999 and thereafter.

(g) The standard of review for judicial review of an agency action with respect to an eligible complaint is de novo review. Chapter 5 of title 5 of the United States Code shall apply with respect to an agency action under this section with respect to an eligible complaint, without regard to section 554(a)(1) of that title.

SEC. 742. In any claim brought under the Rehabilitation Act of 1973 and filed with the Secretary of Agriculture after January 1994 resulting in a finding that a farmer was subjected to discrimination under any farm loan program or activity conducted by the United States Department of Agriculture in violation of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Secretary of Agriculture shall be liable for compensatory damages. Such liability shall apply to any administrative action brought before the date of enactment of this Act, but only if the action is brought within the applicable statute of limitations and the complainant sought or seeks compensatory damages while the action is pending.

SEC. 743. Public Law 102–237, Title X, Section 1013(a) and (b) (7 U.S.C. 426 note) is amended by striking ", to the extent practicable," in each instance in which it appears.

SEC. 744. Funds made available for conservation operations by this or any other Act, including prior-year balances, shall be available for financial assistance and technical assistance for the purpose of constructing the Franklin County Lake Project, Mississippi, in the amounts earmarked in appropriations report language.

SEC. 745. Section 306D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d) is amended by inserting "25 percent in" in lieu of "equal" in subsection (b), and by inserting "$20,000,000" in lieu of "$15,000,000" in subsection (d).

SEC. 746. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis in St. Louis, Missouri.

SEC. 747. None of the funds made available by this Act or any other Act for any fiscal year may be used to carry out section 302(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary: Provided, That this provision shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 748. Notwithstanding the provisions of section 508(b)(5)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)(A)), for the 1999 reinsurance and subsequent reinsurance years, no producer shall pay more than $50 per crop per county as an administrative fee for catastrophic risk protection under section 508(b)(5)(A) of the Act.

SEC. 749. That notwithstanding section 4703(d)(1) of title 5, United States Code, the personnel management demonstration project established in the Department of Agriculture, as described at 55 FR 9062 and amended at 61 FR 9507 and 61 FR 49178, shall be continued indefinitely and become effective upon enactment of this Act.

SEC. 750. Strike the last sentence under the heading of Title IV—International Programs, Foreign Agricultural Service of Public Law 100–202 (101 STAT. 1329 et seq.) and insert in lieu thereof the following: "On or after August 1, 1998 such individuals employed by contract to perform such services shall not, by virtue of such employment, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. Such individuals may be considered employees within the meaning of the Federal Employee Compensation Act, 5 U.S.C. 8101 et seq.".

SEC. 751. Section 1237D(c)(1) of subchapter C of the Food Security Act of 1985 is amended by inserting after "perpetual" the following "or 30-year".

SEC. 752. Section 1237(b)(2) of subchapter C of the Food Security Act of 1985 is amended by adding the following:

"(C) For purposes of subparagraph (A), to the maximum extent practicable should be interpreted to mean that acceptance of wetlands reserve program bids may be in proportion to landowner interest expressed in program options.".

SEC. 753. (a) Section 3(d)(3) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(d)(3)) (as amended by section 253(b) of the Agricultural Research, Extension, and Education Reform Act of 1998) is amended by striking "The Secretary" and inserting "At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont, the Secretary".

(b) Section 7(e)(2) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(e)(2)) (as amended by section 605(f)(3) of the Agricultural Research, Extension, and Education Reform Act of 1998) is amended by striking "$0.0075" each place it appears and inserting "$0.01".

(c)(1) Section 793(c)(2)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(c)(2)(B)) is amended—

(A) in clause (iii), by striking "or" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(v) a State agricultural experiment station.".

(2) Section 401(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(d)) is amended—

(A) in paragraph (3), by striking "or" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(5) a State agricultural experiment station.".

(d) Section 3(d) of the Hatch Act of 1887 (7 U.S.C. 361c(d)) is amended—

(1) in paragraph (1), by striking "No" and inserting "Except as provided in paragraph (4), no"; and

(2) by adding at the end the following:

"(4) TERRITORIES.—In lieu of the matching funds requirement of paragraph (1), the Commonwealth of Puerto Rico, the Virgin Islands, and Guam shall be subject to the same matching funds requirements as those applicable to an eligible institution under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d).".

(e) Section 3(e) of the Smith-Lever Act (7 U.S.C. 343(e)) is amended—

(1) in paragraph (1), by inserting "paragraph (4) and" after "provided in"; and

(2) by adding at the end the following:

"(4) TERRITORIES.—In lieu of the matching funds requirement of paragraph (1), the Commonwealth of Puerto Rico, the Virgin Islands, and Guam shall be subject to the same matching funds requirements as those applicable to an eligible institution under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d).".

(f) The amendments made by this section shall take effect on the date of enactment of the Agricultural Research, Extension, and Education Reform Act of 1998.

SEC. 754. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, *and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2000 appropriations Act.*

SEC. 755. (a) Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended by adding at the end the following: "Shell eggs packed under the voluntary grading program of the Department of Agriculture shall not have been shipped for sale previous to being packed under the program, as determined under a regulation promulgated by the Secretary.".

(b) Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, and the Secretary of Health and Human Services, shall submit a joint status report to the Committees on Appropriations of the House of Representatives and the Senate that describes actions taken by the Secretary of Agriculture and the Secretary of Health and Human Services—

(1) to enhance the safety of shell eggs and egg products;

(2) to prohibit the grading, under the voluntary grading program of the Department of Agriculture, of shell eggs previously shipped for sale; and

(3) to assess the feasibility and desirability of applying to all shell eggs the prohibition on repackaging to enhance food safety, consumer information, and consumer awareness.

SEC. 756. Expenses for computer-related activities of the Department of Agriculture funded through the Commodity Credit Corporation pursuant to section 161(b)(1)(A) of Public Law 104–127 in fiscal year 1999 shall not exceed $65,000,000: Provided, That section 4(g) of the Commodity Credit Corporation Charter Act is amended by striking $193,000,000 and inserting $188,000,000.

SEC. 757. (a) The Secretary of Agriculture may use funds for tree assistance made available under Public Law 105–174, to carry out a tree assistance program to owners of trees that were lost or destroyed as a result of a disaster or emergency that was declared by the President or the Secretary of Agriculture during the period beginning May 1, 1998, and ending August 1, 1998, regardless of whether the damage resulted in loss or destruction after August 1, 1998.

(b) Subject to subsection (c), the Secretary shall carry out the program, to the maximum extent practicable, in accordance with the terms and conditions of the tree assistance program established under part 783 of title 7, Code of Federal Regulations.

(c) A person shall be presumed eligible for assistance under the program if the person demonstrates to the Secretary that trees owned by the person were lost or destroyed by May 31, 1999, as a direct result of fire blight infestation that was caused by a disaster or emergency described in subsection (a).

SEC. 758. None of the funds appropriated or otherwise made available by this Act shall be used to establish an Office of Community Food Security or any similar office within the United States Department of Agriculture without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 759. Notwithstanding any other provision of law, the city of Vineland, New Jersey, shall be eligible for programs administered by the Rural Housing Service and the Rural Business-Cooperative Service.

SEC. 760. (a)(1) For purpose of this section, the term "Commission" means the Commodity Futures Trading Commission.

(2) For purposes of this section, the term "qualifying hybrid instrument or swap agreement" means a hybrid instrument or swap agreement that—

(A) was entered into before the start of the restraint period or is entered into during the restraint period; and

(B) is exempt under part 34 or part 35 of title 17, Code of Federal Regulations (as in effect on January 1, 1998), qualifies for the safe harbor contained in the Policy Statement of the Commission regarding swap agreements published in the Federal Register on July 21, 1989 (54 Fed. Reg. 30694), or qualifies for the exclusion set forth in the Statutory Interpretation of the Commission concerning certain hybrid instruments published in the Federal Register on April 11, 1990 (55 Fed. Reg. 13582).

(3) For purposes of this section, the term "restraint period" means the period—

(A) beginning on the date of the enactment of this Act; and

(B) ending on March 30, 1999, or the first date on which legislation is enacted that authorizes appropriations for the Commission for a fiscal year after fiscal year 2000, whichever occurs first.

(b) During the restraint period, the Commission may not propose or issue any rule or regulation, or issue any interpretation or policy statement, that restricts or regulates activity in a qualifying hybrid instrument or swap agreement.

(c) Notwithstanding subsection (b), during the restraint period, the Commission may—

(1) act on a petition for exemptive relief under section 4(c) of the Commodity Exchange Act (7 U.S.C. 6(c));

(2) enter such cease and desist orders and take such enforcement action, including the imposition of sanctions, as the Commission considers necessary to enforce any provision of the Commodity Exchange Act (7 U.S.C. 1 et seq.) or title 17, Code of Federal Regulations, in connection with a qualifying hybrid instrument or swap agreement, to the extent such provision is otherwise applicable to that qualifying hybrid instrument or swap agreement or a transaction involving that qualifying hybrid instrument or swap agreement;

(3) take such action as the Commission considers appropriate with regard to agricultural trade options; and

(4) take such action as the Commission considers appropriate to respond to a market emergency.

(d)(1) The legal status of contracts involving a qualifying hybrid instrument or swap agreement shall not differ from the legal status afforded such contracts during the period—

(A) beginning on—

(i) in the case of swap agreements, July 21, 1989, which was the date on which the Commission adopted a Policy Statement regarding swap agreements (54 Fed. Reg. 30694); and

(ii) in the case of hybrid instruments, April 11, 1990, which was the date that the Statutory Interpretation of the Commission concerning hybrid instruments was published in the Federal Register; and

(B) ending on January 1, 1998.

(2) Neither the comment letter of the Commission submitted on February 26, 1998, to the Securities and Exchange Commission regarding the proposal known as "Broker-Dealer Lite", nor the Concept Release of the Commission regarding over-the-counter derivatives published in the Federal Register on May 12, 1998 (63 Fed. Reg. 26114), shall alter or affect the legal status of a qualifying hybrid instrument or swap agreement under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(e) Nothing in this section shall be construed as reflecting or implying a determination that a qualifying hybrid instrument or swap agreement, or a transaction involving a qualifying hybrid instrument or swap agreement, is subject to the Commodity Exchange Act (7 U.S.C. 1 et seq.).

SEC. 761. None of the funds appropriated or otherwise made available by this or any other Act may be used to carry out provision of section 612 of Public Law 105–185.

SEC. 762. Section 136 of the Agricultural Market Transition Act (7 U.S.C. 7236) is amended by striking "1.25 cents" each place it appears in subsections (a) and (b) and inserting "3 cents".

SEC. 763. In implementing section 1124 of subtitle C of title XI of this Act, the Secretary of Agriculture shall:

(a) provide $18,000,000 to the states for distribution of emergency aid to individuals with family incomes below the federal poverty level who have been adversely affected utilizing Federal Emergency Management Agency guidelines;

(b) transfer to the Secretary of Commerce for obligation and expenditure (1) $15,000,000 for programs pursuant to title IX of Public Law 91–304, as amended, of which six percent may be available for administrative costs; (2) $5,000,000 for the Trade Adjustment Assistance program as provided by the Trade Act of 1974, as amended; and (3) $7,000,000 for disaster research and prevention pursuant to section 402(d) of Public Law 94–265; and

(c) transfer to the Administrator of the Small Business Administration for obligation and expenditure, $5,000,000 for the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, for eligible small businesses.

SEC. 764. (a) Section 604 of the Clean Air Act is amended by inserting at the end the following:

"(h) METHYL BROMIDE.—Notwithstanding subsection (d) and section 604(b), the Administrator shall not terminate production of methyl bromide prior to January 1, 2005. The Administrator shall promulgate rules for reductions in, and terminate the production, importation, and consumption of, methyl bromide under a schedule that is in accordance with, but not more stringent than, the phaseout schedule of the Montreal Protocol Treaty as in effect on the date of the enactment of this subsection.".

(b) Section 604(d) of the Clean Air Act is amended by inserting at the end the following:

"(5) SANITATION AND FOOD PROTECTION.—To the extent consistent with the Montreal Protocol's quarantine and preshipment provisions, the Administrator shall exempt the production, importation, and consumption of methyl bromide to fumigate commodities entering or leaving the United States or any State (or political subdivision thereof) for purposes of compliance with Animal and Plant Health Inspection Service requirements or with any international, Federal, State, or local sanitation or food protection standard.

"(6) CRITICAL USES.—To the extent consistent with the Montreal Protocol, the Administrator, after notice and the opportunity for public comment, and after consultation with other departments or instrumentalities of the Federal Government having regulatory authority related to methyl bromide, including the Secretary of the Agriculture, may exempt the production, importation, and consumption of methylbromide for critical uses.".

(c) Section 604(e) of the Clean Air Act is amended by inserting at the end the following:

"(3) METHYL BROMIDE.—Notwithstanding the phaseout and termination of production of methyl bromide pursuant to section 604(h), the Administrator may, consistent with the Montreal Protocol, authorize the production of limited quantities of methyl bromide, solely for use in developing countries that are Parties to the Copenhagen Amendments to the Montreal Protocol.".

SEC. 765. Notwithstanding any other provision of law, permanent employees of county committees employed on or after October 1, 1998, pursuant to 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be considered as having Federal Civil Service status only for the purpose of applying for the United States Department of Agriculture Civil Service vacancies.

SEC. 766. For grants for the rural empowerment zone and enterprise communities programs, an additional $15,000,000 is hereby appropriated, to remain available until expended, of which $10,000,000, is for grants for entities designated under section 1391(g) of the Internal Revenue Code of 1986, for the Secretary of Agriculture to carry out a second round of the empowerment zone program in rural areas; and of which $5,000,000 is for grants for rural enterprise communities for the Secretary of Agriculture to designate not more than 20 additional rural enterprise communities provided that such communities meet the designation and eligibility requirements of part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986: Provided, That the designation of rural enterprise communities pursuant to this section shall be solely for the purpose of this section and not for tax treatment under the Internal Revenue Code: Provided further, That these funds are in addition to any other funds made available for empowerment zones and enterprise communities.

TITLE VIII—AGRICULTURAL CREDIT

SEC. 801. Section 373 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008h) is amended by striking subsection (b) and inserting the following:

"(b) PROHIBITION OF LOANS FOR BORROWERS THAT HAVE RECEIVED DEBT FORGIVENESS.—

"(1) PROHIBITIONS.—Except as provided in paragraph (2)—

"(A) the Secretary may not make a loan under this title to a borrower that has received debt forgiveness on a loan made or guaranteed under this title; and

"(B) the Secretary may not guarantee a loan under this title to a borrower that has received—

"(i) debt forgiveness after April 4, 1996, on a loan made or guaranteed under this title; or

"(ii) received debt forgiveness on more than 3 occasions on or before April 4, 1996.

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—The Secretary may make a direct or guaranteed farm operating loan for paying annual farm or ranch operating expenses of a borrower who—

(i) was restructured with a write-down under section 353; or

(ii) is current on payments under a confirmed reorganization plan under chapters 11, 12, or 13 of Title 11 of the United States Code.

"(B) EMERGENCY LOANS.—The Secretary may make an emergency loan under section 321 to a borrower that—

"(i) on or before April 4, 1996, received not more than 1 debt forgiveness on a loan made or guaranteed under this title; and

"(ii) after April 4, 1996, has not received debt forgiveness on a loan made or guaranteed under this title.".

SEC. 802. Section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)) is amended—

(1) by striking "(d) All loans" and inserting the following:

"(d) REPAYMENT.—

"(1) IN GENERAL.— All loans"; and

(2) by adding at the end the following:

"(2) NO BASIS FOR DENIAL OF LOAN.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall not deny a loan under this subtitle to a borrower by reason of the fact that the borrower lacks a particular amount of collateral for the loan if the Secretary is reasonably certain that the borrower will be able to repay the loan.

"(B) REFUSAL TO PLEDGE AVAILABLE COLLATERAL.—The Secretary may deny or cancel a loan under this subtitle if a borrower refuses to pledge available collateral on request by the Secretary.".

SEC. 803. (a) Section 508(n) of the Federal Crop Insurance Act (7 U.S.C. 1508(n)) is amended—

(1) by striking "If" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), if"; and

(2) by adding at the end the following:

"(2) EXCEPTION.—Paragraph (1) shall not apply to emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).".

(b) Section 196(i)(3) of the Agricultural Market Transition Act (7 U.S.C. 7333(i)(3)) is amended—

(1) by striking "If" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), if"; and

(2) by adding at the end the following:

"(B) EXCEPTION.—Subparagraph (A) shall not apply to emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).".

SEC. 804. Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended by adding at the end the following:

"(D) NOTICE.—Beginning with fiscal year 2000 not later than 12 months before a borrower will become ineligible for direct loans under this subtitle by reason of this paragraph, the Secretary shall notify the borrower of such impending ineligibility.".

SEC. 805. The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended—

(1) in section 302(a)(2) (7 U.S.C. 1922(a)(2)), by inserting "for direct loans only," before "have either";

(2) in section 311(a)(2) (7 U.S.C. 1941(a)(2)), by inserting "for direct loans only," before "have either"; and

(3) in section 359 (7 U.S.C. 2006a)—

(A) in subsection (a), by striking "and guaranteed"; and

(B) in subsection (c), by striking "or guaranteed" each place it appears.

SEC. 806. (a) Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925) is amended—

(1) by striking "Sec. 305. The Secretary" and inserting the following:

"SEC. 305. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

"(a) IN GENERAL.—The Secretary";

(2) by striking "$300,000" and inserting "$700,000 (increased, beginning with fiscal year 2000, by the inflation percentage applicable to the fiscal year in which the loan is guaranteed and reduced by the amount of any unpaid indebtedness of the borrower on loans under subtitle B that are guaranteed by the Secretary)";

(3) by striking "In determining" and inserting the following:

"(b) DETERMINATION OF VALUE.—In determining"; and

(4) by adding at the end the following:

"(c) INFLATION PERCENTAGE.—For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

"(1) the average of the Prices Paid By Farmers Index (as compiled by the National Agricultural Statistics of the Department of Agriculture) for the 12-month period ending on August 31 of the immediately preceding fiscal year; exceeds

"(2) the average of such index (as so defined) for the 12-month period ending on August 31, 1996.".

(b) Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended—

(1) by striking "Sec. 313. The Secretary" and inserting the following:

"SEC. 313. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

"(a) IN GENERAL.—The Secretary";

(2) by striking "this subtitle (1) that would cause" and inserting "this subtitle—

"(1) that would cause";

(3) by striking "$400,000; or (2) for the purchasing" and inserting "$700,000 (increased, beginning with fiscal year 2000, by the inflation percentage applicable to the fiscal year in which the loan is guaranteed and reduced by the unpaid indebtedness of the borrower on loans under the sections specified in section 305 that are guaranteed by the Secretary); or

"(2) for the purchasing"; and

(4) by adding at the end the following:

"(b) INFLATION PERCENTAGE.—For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

"(1) the average of the Prices Paid By Farmers Index (as compiled by the National Agricultural Statistics Service of the Department of Agriculture) for the 12-month period ending on August 31 of the immediately preceding fiscal year; exceeds

"(2) the average of such index (as so defined) for the 12-month period ending on August 31, 1996.".

SEC. 807. Section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) is amended by adding at the end the following:

"(6) NOTICE OF RECAPTURE.—Beginning with fiscal year 2000 not later than 12 months before the end of the term of a shared appreciation arrangement, the Secretary shall notify the borrower involved of the provisions of the arrangement.".

SEC. 808. Section 353(c)(3)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(c)(3)(C)) is amended by striking "110 percent" and inserting "100 percent".

TITLE IX—INDIA-PAKISTAN RELIEF ACT

SEC. 901. SHORT TITLE. This title may be cited as the "India-Pakistan Relief Act of 1998".

SEC. 902. WAIVER AUTHORITY. (a) AUTHORITY.—The President may waive for a period not to exceed one year upon enactment of this Act with respect to India or Pakistan the application of any sanction or prohibition (or portion thereof) contained in section 101 or 102 of the Arms Export Control Act, section 620E(e) of the Foreign Assistance Act of 1961, or section 2(b)(4) of the Export Import Bank Act of 1945.

(b) EXCEPTION.—The authority provided in subsection (a) shall not apply to any restriction in section 102(b)(2) (B), (C), or (G) of the Arms Export Control Act.

(c) AVAILABILITY OF AMOUNTS.—Amounts made available by this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided, That such amounts shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 903. CONSULTATION. Prior to each exercise of the authority provided in section 902, the President shall consult with the appropriate congressional committees.

Sec. 904. Reporting Requirement. Not later than 30 days prior to the expiration of a one-year period described in section 902, the Secretary of State shall submit a report to the appropriate congressional committees on economic and national security developments in India and Pakistan.

Sec. 905. Appropriate Congressional Committees Defined. In this title, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives and the Committees on Appropriations of the House of Representatives and the Senate.

TITLE X—UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS

SEC. 1001. GENERAL.

Title II of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6901 et seq.) is amended—

(1) in section 218(a)—

(A) in paragraph (1) by adding "and" at the end;

(B) in paragraph (2) by striking "; and" and inserting a period; and

(C) by striking paragraph (3);

(2) by redesignating subtitle I as subtitle J;

(3) by inserting after subtitle H the following:

"Subtitle I—Marketing and Regulatory Programs

"SEC. 285. UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS.

"(a) Authorization.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Marketing and Regulatory Programs.

"(b) Confirmation Required.—If the Secretary establishes the position of Under Secretary of Agriculture for Marketing and Regulatory Programs authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) Functions of Under Secretary.—

"(1) Principal functions.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Marketing and Regulatory Programs those functions and duties under the jurisdiction of the Department that are related to agricultural marketing, animal and plant health inspection, grain inspection, and packers and stockyards.

"(2) Additional functions.—The Under Secretary of Agriculture for Marketing and Regulatory Programs shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

"(d) Succession.—Any official who is serving as Assistant Secretary of Agriculture for Marketing and Regulatory Programs on the date of the enactment of this section and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after the date of enactment of this section (or such later date set by the Secretary if litigation delays rapid succession).

"(e) Executive Schedule.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Agriculture for Food Safety (as added by section 261(c)) the following:

'Under Secretary of Agriculture for Marketing and Regulatory Programs.'."; and

(4) in section 296(b)—

(A) in paragraph (2), by striking "or";

(B) in paragraph (3), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(4) the authority of the Secretary to establish in the Department the position of Under Secretary of Agriculture for Marketing and Regulatory Programs under section 285.".

SEC. 1002. PAY INCREASE PROHIBITED.

The compensation of any officer or employee of the Department of Agriculture on the date of enactment of this Act shall not be increased as a result of the enactment of this Act.

SEC. 1003. CONFORMING AMENDMENT.

Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Agriculture (3)." and inserting "Assistant Secretaries of Agriculture (2).".

TITLE XI—EMERGENCY AND MARKET LOSS ASSISTANCE

Subtitle A—Emergency Assistance for Crop and Livestock Feed Losses Due to Disasters

SEC. 1101. GENERAL PROVISIONS.

(a) Fair and Equitable Distribution.—Assistance made available under this subtitle shall be distributed in a fair and equitable manner to producers who have incurred crop and livestock feed losses in all affected geographic regions of the United States.

(b) Program Administration.—In carrying out this subtitle, the Secretary of Agriculture (referred to in this title as the "Secretary") may determine—

(1) 1 or more loss thresholds producers on a farm must incur with respect to a crop to be eligible for assistance;

(2) the payment rate for crop and livestock feed losses incurred; and

(3) eligibility and payment limitation criteria (as defined by the Secretary) for persons to receive assistance under this subtitle, which, in the case of assistance received under any section of this subtitle, shall be in addition to—

(A) assistance made available under any other section of this subtitle and subtitle B;

(B) payments or loans received by a person under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.);

(C) payments received by a person for the 1998 crop under the noninsured crop assistance program established under section 196 of that Act (7 U.S.C. 7333);

(D) crop insurance indemnities provided for the 1998 crop under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(E) emergency loans made available for the 1998 crop under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. 1102. CROP LOSS ASSISTANCE.

(a) In General.—The Secretary shall administer a program under which emergency financial assistance is made available to producers on a farm who have incurred losses associated with crops due to disasters (as determined by the Secretary).

(b) Losses Incurred for 1998 Crop.—Subject to section 1132, the Secretary shall use not more than $1,500,000,000 to make available assistance to producers on a farm who have incurred losses in the 1998 crop due to disasters.

(c) Multiyear Losses.—Subject to section 1132, the Secretary shall use not more than $875,000,000 to make available assistance to producers on a farm who have incurred multiyear losses (as defined by the Secretary) in the 1998 and preceding crops of a commodity due to disasters (including, but not limited to, diseases such as scab).

(d) Relationship Between Assistance.—The Secretary shall make assistance available to producers on a farm under either subsection (b) or (c).

(e) Qualifying Losses.—Assistance under this section may be made for losses associated with crops that are due to, as determined by the Secretary—

(1) quantity losses;

(2) quality (including, but not limited to, aflatoxin) losses; or

(3) severe economic losses due to damaging weather or related condition.

(f) Crops Covered.—Assistance under this section shall be applicable to losses for all crops (including losses of trees from which a crop is harvested), as determined by the Secretary, due to disasters.

(g) Crop Insurance.—

(1) Administration.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm who have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) Encouraging future crop insurance participation.—Subject to section 1132, the Secretary, acting through the Federal Crop Insurance Corporation, may use the funds made available under subsections (b) and (c), and only those funds, to provide premium refunds or other assistance to purchasers of crop insurance for their 1998 insured crops, or their preceding (including 1998) insured crops.

(3) Producers who have not purchased crop insurance for 1998 crop.—As a condition of receiving assistance under this section, producers on a farm who have not purchased crop insurance for the 1998 crop under that Act shall agree by contract to purchase crop insurance for the 1999 and 2000 crops produced by the producers.

(4) Liquidated damages.—

(A) In general.—The contract under paragraph (3) shall provide for liquidated damages to be paid by the producers due to the failure of the producers to purchase crop insurance as provided in paragraph (3).

(B) Notice of damages.—The amount of the liquidated damages shall be established by the Secretary and specified in the contract agreed to by the producers.

(5) Funding for crop insurance purchase requirement.—Subject to section 1132, such sums as may be necessary, to remain available until expended, shall be available to the Federal Crop Insurance Corporation to cover costs incurred by the Corporation as a result of the crop insurance purchase requirement of paragraph (3). Funds made available under subsections (b) and (c) may not be used to cover such costs.

SEC. 1103. EMERGENCY LIVESTOCK FEED ASSISTANCE.

Subject to section 1132, the Secretary shall use not more than $200,000,000 to make available livestock feed assistance to livestock producers affected by disasters during calendar year 1998.

Subtitle B—Market Loss Assistance

SEC. 1111. MARKET LOSS ASSISTANCE.

(a) In General.—Subject to section 1132 and except as provided in subsection (d), the Secretary shall use not more than $3,057,000,000 for assistance to owners and producers on a farm who are eligible for final payments for fiscal year 1998 under a production flexibility contract for the farm under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) to partially compensate the owners and producers for the loss of markets for the 1998 crop of a commodity.

(b) Amount.—Except as provided in subsection (d), the amount of assistance made available to owners and producers on a farm under this section shall be proportional to the amount of the contract payment received by the owners and producers for fiscal year 1998 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

(c) Time for Payment.—The assistance made available under this section for an eligible owner or producer shall be made as soon as practicable after the date of enactment of this Act.

(d) Of the total amount provided under subsection (a), $200,000,000 shall be available to

provide assistance to dairy farmers in a manner determined by the Secretary: Provided, That no payments made under this section shall affect any decision with respect to rulemaking activities described under section 143 of Public Law 104–127.

Subtitle C—Other Assistance

SEC. 1121. INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

(a) Federal Contribution.—Subject to subsection (b), the Secretary of Agriculture shall pay $5,000,000 to the State of Georgia to help fund an indemnity fund, to be established and managed by that State, to compensate cotton producers in that State for losses incurred in 1998 or 1999 from the loss of properly stored, harvested cotton as the result of the bankruptcy of a warehouseman or other party in possession of warehouse receipts evidencing title to the commodity, an improper conversion or transfer of the cotton, or such other potential hazards as determined appropriate by the State.

(b) Conditions on Payment to State.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State also contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2000, to provide compensation to cotton producers as provided in such subsection. If the State of Georgia fails to make its contribution of $5,000,000 to the indemnity fund by July 1, 1999, the funds that would otherwise be paid to the State shall be available to the Secretary for the purpose of providing partial compensation to cotton producers as provided in such subsection.

(c) Reporting Requirements.—Upon the establishment of the indemnity fund, and not later than October 1, 1999, the State of Georgia shall submit a report to the Secretary of Agriculture and the Congress describing the State's efforts to use the indemnity fund to provide compensation to injured cotton producers.

SEC. 1122. HONEY RECOURSE LOANS.

(a) In General.—Notwithstanding any other provision of law, in order to assist producers of honey to market their honey in an orderly manner during a period of disastrously low prices, the Secretary shall make available recourse loans to producers of the 1998 crop of honey on fair and reasonable terms and conditions, as determined by the Secretary.

(b) Loan Rate.—The loan rate of the loans shall be 85 percent of the average price of honey during the 5-crop year period preceding the 1998 crop year, excluding the crop year in which the average price of honey was the highest and the crop year in which the average price of honey was the lowest in the period.

(c) No Net Cost Basis.—Repayment of a loan under this section shall include repayment for interest and administrative costs as necessary to operate the program established under this section on a no net cost basis.

SEC. 1123. NONINSURED CROP ASSISTANCE TO RAISIN PRODUCERS.

Notwithstanding any of the provisions of section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) that would exclude the following producers from benefits thereunder, the Secretary shall make Noninsured Crop Assistance Program payments in fiscal year 1999 to raisin producers who obtained catastrophic risk protection but because of adverse weather conditions were not able to comply with the policy deadlines for laying the raisins in trays.

SEC. 1124. EMERGENCY ASSISTANCE.

In addition to amounts appropriated or otherwise made available by this Act, $50,000,000 is appropriated to the Department of Agriculture, to remain available until expended, to provide emergency disaster assistance to persons or entities who have incurred losses from a failure under section 312(a) of Public Law 94–265.

SEC. 1125. FOOD FOR PROGRESS.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (f)(3), by inserting after "$30,000,000" the following: "(or, in the case of fiscal year 1999, $35,000,000)";

(2) in subsection (l)(1), by inserting after "$10,000,000" the following: "(or, in the case of fiscal year 1999, $12,000,000)";

(3) by redesignating subsection (n) as subsection (o); and

(4) by inserting after subsection (m) the following:

"(n) During fiscal year 1999, to the maximum extent practicable, the Secretary shall utilize Private Voluntary Organizations to carry out this section.".

SEC. 1126. TEMPORARY EXPANSION OF RECOURSE LOAN AUTHORITY.

Section 137 of the Agricultural Market Transition Act (7 U.S.C. 7237) is amended—

*(1) in the section heading, by inserting "**AND OTHER FIBERS**" before the period at the end;*

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) Recourse Loans Available for Mohair.—

"(1) Recourse loans available.—Notwithstanding any other provision of law, during fiscal year 1999, the Secretary shall make available recourse loans, as determined by the Secretary, to producers of mohair produced during or before that fiscal year.

"(2) Loan rate.—The loan rate for a loan under paragraph (1) shall be equal to $2.00 per pound.

"(3) Term of loan.—A loan under paragraph (1) shall have a term of 1 year beginning on the first day of the first month after the month in which the loan is made.

"(4) Waiver of interest.—Notwithstanding subsection (d), the Secretary shall not charge interest on a loan made under paragraph (1).".

SEC. 1127. PILOT PROGRAMS.

(a) Domestic Market Reporting Pilot Program.—Title IV of the Packers and Stockyards Act is amended to include the following new section:

"SEC. 416. MANDATORY DOMESTIC REPORTING PILOT INVESTIGATION.

"(1) In General.—The Secretary of Agriculture shall conduct a twelve month pilot investigation, beginning upon the date of implementation of such pilot, under which the Secretary shall require any person or class of persons engaged in the business of buying, selling, or marketing domestic or imported cattle for immediate slaughter and fresh muscle cuts of beef, or domestic or imported sheep and fresh or frozen muscle cuts of lamb, to report to the Secretary, in the least intrusive manner possible, information relating to prices for the procurement of these items.

"(2) Application.—This section shall only apply to a person that is engaged in the business of buying, selling, or marketing a significant share of the national market, as determined by the Secretary, of the total volume of domestic or imported cattle for immediate slaughter and fresh muscle cuts of beef, or domestic or imported sheep and fresh or frozen muscle cuts of lamb, bought, sold, or marketed in the United States.

"(3) Report.—Not later than six months after the conclusion of the mandatory domestic reporting pilot investigation, the Secretary of Agriculture shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of the pilot investigation. No information collected under the pilot investigation may be disclosed until the report is submitted.".

(b) Export Market Reporting Pilot Investigation.—

(1) In general.—The Secretary shall implement a twelve month pilot investigation, beginning on the date of implementation, of a streamlined electronic system for collecting export data, in the least intrusive manner possible, for fresh or frozen muscle cuts of meat food products, and develop a data-reporting program to disseminate summary information in a timely manner, not to exceed two weeks after issuance.

(2) Report.—Not later than six months after the conclusion of the mandatory export reporting pilot investigation, the Secretary of Agriculture shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of the pilot investigation.

(c) Funding.—An amount of $250,000 is hereby appropriated to carry out this section of the Act.

Subtitle D—Administration

SEC. 1131. COMMODITY CREDIT CORPORATION.

Subject to section 1132, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out subtitles A, B, and C of this title.

SEC. 1132. EMERGENCY REQUIREMENT.

Notwithstanding the last sentence of section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, amounts made available by subtitles A, B, and C of this title are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided, That such amounts shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SEC. 1133. REGULATIONS.

(a) Issuance of Regulations.—As soon as practicable after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall issue such regulations as are necessary to implement subtitles A, B, and C of this title. The issuance of the regulations shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(b) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE XII—BIODIESEL

SEC. 1201. BIODIESEL FUEL USE CREDITS.

(a) Amendment.—Title III of the Energy Policy Act of 1992 (42 U.S.C. 13211–13219) is amended by adding at the end the following new section:

"SEC. 312. BIODIESEL FUEL USE CREDITS.

"(a) Allocation of Credits.—

"(1) In general.—The Secretary shall allocate one credit under this section to a fleet or covered person for each qualifying volume of the biodiesel component of fuel containing at least 20 percent biodiesel by volume purchased after

the date of the enactment of this section for use by the fleet or covered person in vehicles owned or operated by the fleet or covered person that weigh more than 8,500 pounds gross vehicle weight rating.

"(2) Exceptions.—No credits shall be allocated under paragraph (1) for a purchase of biodiesel—

"(A) for use in alternative fueled vehicles; or

"(B) that is required by Federal or State law.

"(3) Authority to modify percentage.—The Secretary may, by rule, lower the 20 percent biodiesel volume requirement in paragraph (1) for reasons related to cold start, safety, or vehicle function considerations.

"(4) Documentation.—A fleet or covered person seeking a credit under this section shall provide written documentation to the Secretary supporting the allocation of a credit to such fleet or covered person under paragraph (1).

"(b) Use of Credits.—

"(1) In general.—At the request of a fleet or covered person allocated a credit under subsection (a), the Secretary shall, for the year in which the purchase of a qualifying volume is made, treat that purchase as the acquisition of one alternative fueled vehicle the fleet or covered person is required to acquire under this title, title IV, or title V.

"(2) Limitation.—Credits allocated under subsection (a) may not be used to satisfy more than 50 percent of the alternative fueled vehicle requirements of a fleet or covered person under this title, title IV, and title V. This paragraph shall not apply to a fleet or covered person that is a biodiesel alternative fuel provider described in section 501(a)(2)(A).

"(c) Credit Not a Section 508 Credit.—A credit under this section shall not be considered a credit under section 508.

"(d) Issuance of Rule.—The Secretary shall, before January 1, 1999, issue a rule establishing procedures for the implementation of this section.

"(e) Collection of Data.—The Secretary shall collect such data as are required to make a determination described in subsection (f)(2)(B).

"(f) Definitions.—For purposes of this section—

"(1) the term 'biodiesel' means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act; and

"(2) the term 'qualifying volume' means—

"(A) 450 gallons; or

"(B) if the Secretary determines by rule that the average annual alternative fuel use in light duty vehicles by fleets and covered persons exceeds 450 gallons or gallon equivalents, the amount of such average annual alternative fuel use.".

(b) Table of Contents Amendment.—The table of contents of the Energy Policy Act of 1992 is amended by adding at the end of the items relating to title III the following new item:

"Sec. 312. Biodiesel fuel use credits.".

TITLE XIII—EMERGENCY APPROPRIATIONS

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $40,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional gross obligation for the principal amount of direct and guaranteed farm operating loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, $540,510,000, of which $150,000,000 shall be for unsubsidized guaranteed loans and $156,704,000 shall be for subsidized guaranteed loans.

For the additional cost of direct and guaranteed farm operating loans, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, farm operating loans, $31,405,000, of which $15,969,000 shall be for direct loans, $13,696,000 for guaranteed subsidized loans, and $1,740,000 for unsubsidized guaranteed loans: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION FUND

DAIRY PRODUCTION DISASTER ASSISTANCE PROGRAM

An additional $3,000,000 is provided for the dairy production indemnity program as established by Public Law 105–174: Provided, That the entire amount shall be available only to the extent that an official budget request for $3,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

FORESTRY INCENTIVES PROGRAM

For an additional amount to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $10,000,000, to remain available until expended, as authorized by that Act: Provided, That the entire amount shall be available only to the extent that an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999".

(b) For programs, projects or activities in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $79,448,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1998: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $10,000,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities; (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities; (4) the costs associated with ensuring the continuance of essential Government functions during a time of emergency; and (5) the costs of activities related to the protection of the Nation's critical infrastructure: Provided, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: Provided further, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

In addition, for necessary expenses, as determined by the Attorney General, $135,000,000, to remain available until expended, to reimburse or transfer to agencies of the Department of Justice for any costs incurred in connection with: (1) providing bomb training and response capabilities to State and local law enforcement agencies; (2) providing training and related equipment for chemical, biological, nuclear, and cyber attack prevention and response capabilities for States, cities, territories, and local jurisdictions; and (3) providing grants, contracts, cooperative agreements, and other assistance authorized by sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996: Provided, That such funds transferred to the Office of Justice Programs may include amounts for management and administration, which shall be transferred to and merged with the "Justice Assistance" account.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $75,312,000.

In addition, $59,251,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $35,610,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: Provided, That up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $7,400,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $466,840,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $17,834,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That $813,333 of funds made available to the Department of Justice in this Act shall be transferred by the Attorney General to the Presidential Advisory Commission on Holocaust Assets in the United States: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, $8,160,000, to be derived from the Violent Crime Reduction Trust Fund, to remain available until expended for such purposes.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $68,275,000: Provided, That, notwithstanding any other provision of law, not to exceed $68,275,000 of offsetting collections derived from fees collected in fiscal year 1999 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1999, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,009,680,000; of which not to exceed $2,500,000 shall be available until September 30, 2000, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed $1,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,044 positions and 9,312 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: Provided further, That $2,300,000 shall be used to provide for additional assistant United States attorneys and investigators to serve in Philadelphia, Pennsylvania, and Camden County, New Jersey, to enforce Federal laws designed to prevent the possession by criminals of firearms (as that term is defined in section 921(a) of title 18, United States Code), of which $1,500,000 shall be used to provide for those attorneys and investigators in Philadelphia, Pennsylvania, and $800,000 shall be used to provide for those attorneys and investigators in Camden County, New Jersey.

In addition, $80,698,000, to be derived from the Violent Crime Reduction Trust Fund, to remain available until expended for such purposes.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $114,248,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $114,248,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1999, so as to result in a final fiscal year 1999 appropriation from the Fund estimated at $0: Provided further, That any funds collected in fiscal year 1998 in excess of $114,248,000 are not available for obligation.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,227,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $477,056,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended.

In addition, $25,553,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $4,600,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

There is hereby established a Justice Prisoner and Alien Transportation System Fund for the payment of necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: Provided, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: Provided further, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: Provided further, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed 5 years.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $425,000,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $95,000,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; and of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $7,199,000 and, in addition, up to $500,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $304,014,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 2,668 passenger motor vehicles, of which 2,000 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,746,805,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2000; of which not less than $292,473,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $61,800,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

In addition, $223,356,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund, as authorized by the Violent Crime Control and Law Enforcement Act of 1994, as amended, and the Antiterrorism and Effective Death Penalty Act of 1996.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $1,287,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,428 passenger motor vehicles, of which 1,080 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $800,780,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2000; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

In addition, $405,000,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $8,000,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,855 passenger motor vehicles, of which 2,535 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, $1,069,754,000, of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1999: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading "Enforcement and Border Affairs", $552,083,000: Provided, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That the Attorney General may transfer any funds appropriated under this heading and the heading "Enforcement and Border Affairs" between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading "Enforcement and Border Affairs" for performance of the functions for which the fees legally may be expended: Provided further, That not to exceed 43 permanent positions and 43 full-time equivalent workyears and $4,284,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That the number of positions *filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed 4 permanent positions and 4 full-time equivalent workyears: Provided further, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police type use within the limits of the Enforcement and Border Affairs appropriation: Provided further, That, notwithstanding any other provision of law, during fiscal year 1999, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.*

VIOLENT CRIME REDUCTION PROGRAMS

In addition, $842,490,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund: Provided, That the Attorney General may use the transfer authority provided under the heading "Citizenship and Benefits, Immigration Support and Program Direction" to provide funds to any program of the Immigration and Naturalization Service that heretofore has been funded by the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $90,000,000, to remain available until expended: Provided, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 763, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $2,862,354,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 for the activation of new facilities shall remain available until September 30, 2000: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

In addition, $26,499,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $410,997,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,266,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $147,151,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $552,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $47,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), $2,369,950,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $40,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: Provided further, That, hereafter, for the purpose of eligibility for the Local Law Enforcement Block Grant Program in the State of Louisiana, parish sheriffs are to be considered the unit of local government at the parish level under section 108 of H.R. 728: Provided further, That $20,000,000 shall be available to carry out section 102(2) of H.R. 728; of which $45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $720,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, of which $25,000,000 shall be available for the Cooperative Agreement Program, and of which $34,000,000 shall be reserved by the Attorney General for fiscal year 1999 under section 20109(a) of subtitle A of title II of the 1994 Act; of which $9,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and

Practitioners, as authorized by section 224 of the 1990 Act; of which $206,750,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $23,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence, and $10,000,000 which shall be used exclusively for violence on college campuses: Provided further, That, of these funds, $5,200,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women, $1,196,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court, and $10,000,000 shall be available to the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended; of which $34,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $5,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $5,000,000 shall be for the Tribal Courts Initiative; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $15,000,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $1,300,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,500,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which $250,000,000 shall be for Juvenile Accountability Incentive Block Grants, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 1999: Provided further, That funds made available in fiscal year 1999 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $33,500,000 to remain available until expended, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That not to exceed 266 permanent positions and 266 full-time equivalent workyears and $32,023,000 shall be expended for program management and administration: Provided further, That of the funds made available under this heading and the unobligated balances available in this program, $180,000,000 shall be used for innovative community policing programs, of which $80,000,000 shall be used for a law enforcement technology program, $35,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots", $17,500,000 shall be used for programs to combat violence in schools, $25,000,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, $5,000,000 shall be used for additional community law enforcement officers and related program support for the District of Columbia Offender Supervision, Defender, and Court Services Agency, $12,500,000 shall be used for the Community Policing to Combat Domestic Violence Program pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and $5,000,000 shall be used for Community Prosecutors programs: Provided further, That up to $35,000,000 shall be available to improve tribal law enforcement including equipment and training.

In addition, for programs of Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $267,597,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) notwithstanding any other provision of law, $6,847,000 shall be available for expenses authorized by part A of title II of the Act, $89,000,000 shall be available for expenses authorized by part B of title II of the Act, and $42,750,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by section 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $10,000,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $25,000,000 shall be available for grants of $360,000 to each state and $6,640,000 shall be available for discretionary grants to states, for programs and activities to enforce state laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance, $10,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968

(42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. For fiscal year 1999 and thereafter, the Director of the Bureau of Prisons may make expenditures out of the Commissary Fund of the Federal Prison System, regardless of whether any such expenditure is security-related, for programs, goods, and services for the benefit of inmates (to the extent the provision of those programs, goods, or services to inmates is not otherwise prohibited by law), including—

(1) the installation, operation, and maintenance of the Inmate Telephone System;

(2) the payment of all the equipment purchased or leased in connection with the Inmate Telephone System; and

(3) the salaries, benefits, and other expenses of personnel who install, operate, and maintain the Inmate Telephone System.

SEC. 109. (a) Section 3201 of the Crime Control Act of 1990 (28 U.S.C. 509 note) is amended to read as follows—

"Appropriations in this or any other Act hereafter for the Federal Bureau of Investigation, the Drug Enforcement Administration, or the Immigration and Naturalization Service are available, in an amount of not to exceed $25,000 each per fiscal year, to pay humanitarian expenses incurred by or for any employee thereof (or any member of the employee's immediate family) that results from or is incident to serious illness, serious injury, or death occurring to the employee while on official duty or business.".

(b) The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking section 626 (8 U.S.C. 1363b).

SEC. 110. Any amounts credited to the "Legalization Account" established under section 245(c)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(7)(B)) are transferred to the "Examinations Fee Account" established under section 286(m) of that Act (8 U.S.C. 1356(m)).

SEC. 111. The Director of the Bureau of Prisons shall conduct a study, not later than 270 days after the date of the enactment of this Act, of private prisons that evaluates the growth and development of the private prison industry during the past 15 years, training qualifications of personnel at private prisons, and the security procedures of such facilities, and compares the general standards and conditions between private prisons and Federal prisons. The results of such study shall be submitted to the Committees on the Judiciary and Appropriations of the House of Representatives and the Senate.

SEC. 112. Notwithstanding any other provision of law, during fiscal year 1999, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice—

(1) may make grants, or enter into cooperative agreements and contracts, for the Office of Justice Programs and the component organizations of that Office; and

(2) shall have final authority over all grants, cooperative agreements, and contracts made, or entered into, for the Office of Justice Programs and the component organizations of that Office.

SEC. 113. Notwithstanding any other provision of law, with respect to any grant program for which amounts are made available under this title, the term "tribal" means of or relating to an Indian tribe (as that term is defined in section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2))).

SEC. 114. Section 286(e)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(1)(C)) is amended by inserting "State" and a comma immediately before "territory".

SEC. 115. (a)(1) Notwithstanding any other provision of law, for fiscal year 1999, the Attorney General may obligate any funds appropriated for or reimbursed to the Counterterrorism programs, projects or activities of the Department of Justice to purchase or lease equipment or any related items, or to acquire interim services, without regard to any otherwise applicable Federal acquisition rule, if the Attorney General determines that—

(A) there is an exigent need for the equipment, related items, or services in order to support an ongoing counterterrorism, national security, or computer-crime investigation or prosecution;

(B) the equipment, related items, or services required are not available within the Department of Justice; and

(C) adherence to that Federal acquisition rule would—

(i) delay the timely acquisition of the equipment, related items, or services; and

(ii) adversely affect an ongoing counterterrorism, national security, or computer-crime investigation or prosecution.

(2) In this subsection, the term "Federal acquisition rule" means any provision of title II or IX of the Federal Property and Administrative Services Act of 1949, the Office of Federal Procurement Policy Act, the Small Business Act, the Federal Acquisition Regulation, or any other provision of law or regulation that establishes policies, procedures, requirements, conditions, or restrictions for procurements by the head of a department or agency or the Federal Government.

(b) The Attorney General shall immediately notify the Committees on Appropriations of the House of Representatives and the Senate in writing of each expenditure under subsection (a), which notification shall include sufficient information to explain the circumstances necessitating the exercise of the authority under that subsection.

SEC. 116. Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended—

(1) in the matter preceding paragraph (1), by striking "later than" and all that follows through "Attorney" and inserting "later than October 15, 1998 (and not later than March 30, 2001, in the case of land border ports of entry and sea ports), the Attorney";

(2) in paragraph (1), by striking "and" at the end;

(3) in paragraph (2), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(3) not significantly disrupt trade, tourism, or other legitimate cross-border traffic at land border ports of entry.".

SEC. 117. Section 402 of the Controlled Substances Act (21 U.S.C. 842) is amended—

(1) in subsection (a)(5), by inserting "negligently" before "fail";

(2) in subsection (a)(10), by inserting "negligently" before "to fail"; and

(3) in subsection (c)(1)—

(A) by inserting "(A)" after "(1)";

(B) by inserting "subparagraph (B) of this paragraph and" before "paragraph (2)"; and

(C) by adding at the end the following:

"(B) In the case of a violation of paragraph (5) or (10) of subsection (a), the civil penalty shall not exceed $10,000.".

SEC. 118. The General Accounting Office shall—

(1) monitor the compliance of the Department of Justice and all United States Attorneys with the "Guidance on the Use of the False Claims Act in Civil Health Care Matters" issued by the Department of Justice on June 3, 1998, including any revisions to that guidance; and

(2) not later than February 1, 1999, and again not later than August 2, 1999, submit a report on such compliance to the Committees on the Judiciary and the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 119. FIREARMS SAFETY. (a) SECURE GUN STORAGE DEVICE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'secure gun storage or safety device' means—

"(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

"(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

"(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.".

(b) Certification Required in Application for Dealer's License.—Section 923(d)(1) of title 18, United States Code, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).".

(c) Revocation of Dealer's License for Failure To Have Secure Gun Storage or Safety Devices Available.—The first sentence of section 923(e) of title 18, United States Code, is amended by inserting before the period at the end the following: "or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device)".

(d) Statutory Construction; Evidence.—

(1) Statutory construction.—Nothing in the amendments made by this section shall be construed—

(A) as creating a cause of action against any firearms dealer or any other person for any civil liability; or

(B) as establishing any standard of care.

(2) Evidence.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(e) Effective Date.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

Sec. 120. Firearm Safety Education Grants. (a) In General.—Section 510 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) undertaking educational and training programs for—

"(A) criminal justice personnel; and

"(B) the general public, with respect to the lawful and safe ownership, storage, carriage, or use of firearms, including the provision of secure gun storage or safety devices;";

(2) in the first sentence of subsection (b), by inserting before the period the following: "and is authorized to make grants to, or enter into contracts with, those persons and entities to carry out the purposes specified in subsection (a)(1)(B) in accordance with subsection (c)"; and

(3) by adding at the end the following:

"(c)(1) In accordance with this subsection, the Director may make a grant to, or enter into a contract with, any person or entity referred to in subsection (b) to provide for a firearm safety program that, in a manner consistent with subsection (a)(1)(B), provides for general public training and dissemination of information concerning firearm safety, secure gun storage, and the lawful ownership, carriage, or use of firearms, including the provision of secure gun storage or safety devices.

"(2) Funds made available under a grant under paragraph (1) may not be used (either directly or by supplanting non-Federal funds) for advocating or promoting gun control, including making communications that are intended to directly or indirectly affect the passage of Federal, State, or local legislation intended to restrict or control the purchase or use of firearms.

"(3) Except as provided in paragraph (4), each firearm safety program that receives funding under this subsection shall provide for evaluations that shall be developed pursuant to guidelines that the Director of the National Institute of Justice of the Department of Justice, in consultation with the Director of the Bureau of Justice Assistance and recognized private entities that have expertise in firearms safety, education and training, shall establish.

"(4) With respect to a firearm safety program that receives funding under this section, the Director may waive the evaluation requirement described in paragraph (3) if the Director determines that the program—

"(A) is not of a sufficient size to justify an evaluation; or

"(B) is designed primarily to provide material resources and supplies, and that activity would not justify an evaluation.".

(b) Effective Date.—The amendments made by this section shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of enactment of this Act.

Sec. 121. Firearms. Section 922 of title 18, United States Code, is amended—

(1) in subsection (d), by striking paragraph (5) and inserting the following:

"(5) who, being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));";

(2) in subsection (g), by striking paragraph (5) and inserting the following:

"(5) who, being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));";

(3) in subsection (s)(3)(B), by striking clause (v) and inserting the following:

"(v) is not an alien who—

"(I) is illegally or unlawfully in the United States; or

"(II) subject to subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));"; and

(4) by inserting after subsection (x) the following:

"(y) Provisions Relating to Aliens Admitted Under Nonimmigrant Visas.—

"(1) Definitions.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) Exceptions.—Subsections (d)(5)(B), (g)(5)(B), and (s)(3)(B)(v)(II) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States;

"(B) an official representative of a foreign government who is—

"(i) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

"(ii) en route to or from another country to which that alien is accredited;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) Waiver.—

"(A) Conditions for waiver.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5), if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

"(ii) the Attorney General approves the petition.

"(B) Petition.—Each petition under subparagraph (B) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire a firearm or ammunition and certifying that the alien would not, absent the application of subsection (g)(5)(B), otherwise be prohibited from such acquisition under subsection (g).

"(C) Approval of petition.—The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (g)(5)(B) with respect to the petitioner—

"(i) would be in the interests of justice; and

"(ii) would not jeopardize the public safety.".

Sec. 122. Section 3486(a)(1) of title 18, United States Code, is amended by inserting "or any act or activity involving a Federal offense relating to the sexual exploitation or other abuse of children," after "health care offense,".

Sec. 123. Section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072) is amended—

(1) in subsection (a)(2), by striking "or";

(2) in subsection (g)(3), by striking "minimally sufficient" and inserting "State sexual offender"; and

(3) by amending subsection (i) to read as follows:

"(i) Penalty.—A person who is—

"(1) required to register under paragraph (1), (2), or (3) of subsection (g) of this section and knowingly fails to comply with this section;

"(2) required to register under a sexual offender registration program in the person's State of residence and knowingly fails to register in any other State in which the person is employed, carries on a vocation, or is a student;

"(3) described in section 4042(c)(4) of title 18, United States Code, and knowingly fails to register in any State in which the person resides, is employed, carries on a vocation, or is a student following release from prison or sentencing to probation; or

"(4) sentenced by a court martial for conduct in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119, and knowingly fails to register

in any State in which the person resides, is employed, carries on a vocation, or is a student following release from prison or sentencing to probation, shall, in the case of a first offense under this subsection, be imprisoned for not more than 1 year and, in the case of a second or subsequent offense under this subsection, be imprisoned for not more than 10 years.".

SEC. 124. (a). (1) A nursing facility or home health care agency may submit a request to the Attorney General to conduct a search and exchange of records described in subsection (b) regarding an applicant for employment if the employment position is involved in direct patient care.

(2) A nursing facility or home health care agency requesting a search and exchange of records under this section shall submit to the Attorney General through the appropriate State agency or agency designated by the Attorney General a copy of an employment applicant's fingerprints, a statement signed by the applicant authorizing the nursing facility or home health care agency to request the search and exchange of records, and any other identification information not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after acquiring the fingerprints, signed statement, and information.

(b) Pursuant to any submission that complies with the requirements of subsection (a), the Attorney General shall search the records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints or other identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the appropriate State agency or agency designated by the Attorney General to receive such information.

(c) Information regarding an applicant for employment in a nursing facility or home health care agency obtained pursuant to this section may be used only by the facility or agency requesting the information and only for the purpose of determining the suitability of the applicant for employment by the facility or agency in a position involved in direct patient care.

(d) The Attorney General may charge a reasonable fee, not to exceed $50 per request, to any nursing facility or home health care agency requesting a search and exchange of records pursuant to this section.

(e) Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit a report to Congress on the number of requests for searches and exchanges of records made under this section by nursing facilities and home health care agencies and the disposition of such requests.

(f) Whoever knowingly uses any information obtained pursuant to this section for a purpose other than as authorized under subsection (c) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

(g) A nursing facility or home health care agency that, in denying employment for an applicant, reasonably relies upon information provided by the Attorney General pursuant to this section shall not be liable in any action brought by the applicant based on the employment determination resulting from the incompleteness or inaccuracy of the information.

(h) The Attorney General may promulgate such regulations as are necessary to carry out this section, including regulations regarding the security, confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, the imposition of fees, and any necessary modifications to the definitions contained in subsection (i).

(i) In this section:

(1) The term "home health care agency" means an agency that provides home health care or personal care services on a visiting basis in a place of residence.

(2) The term "nursing facility" means a facility or institution (or a distinct part of an institution) that is primarily engaged in providing to residents of the facility or institution nursing care, including skilled nursing care, and related services for individuals who require medical or nursing care.

(j) This section shall apply without fiscal year limitation.

SEC. 125. Effective with the enactment of this Act, and in any fiscal year hereafter, the Attorney General and the Secretary of the Treasury may, for their respective agencies, extend the payment of relocation expenses listed in section 5724a(b)(1) of Title 5 of the United States Code to include the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

SEC. 126. Notwithstanding any other provision of this Act, the total of the amounts appropriated under this title of this Act is reduced by $20,038,000, out of which the reductions for each account shall be made in accordance with the chart on Year 2000 funding dated September 17, 1998, provided to Congress by the Department of Justice.

SEC. 127. Notwithstanding any other provision of law, in any action brought by a prisoner under section 1979 of the Revised Statutes (42 U.S.C. 1983) against a Federal, State, or local jail, prison, or correctional facility, or any employee or former employee thereof, arising out of the incarceration of that prisoner—

(1) the financial records of a person employed or formerly employed by the Federal, State, or local jail, prison, or correctional facility, shall not be subject to disclosure without the written consent of that person or pursuant to a court order, unless a verdict of liability has been entered against that person; and

(2) the home address, home phone number, social security number, identity of family members, personal tax returns, and personal banking information of a person described in paragraph (1), and any other records or information of a similar nature relating to that person, shall not be subject to disclosure without the written consent of that person, or pursuant to a court order.

SEC. 128. (a) The numerical limitation set forth in section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1159(b)) shall not apply to any alien described in subsection (b).

(b) An alien described in subsection (a) is an alien who was a United States Government employee, employee of a nongovernmental organization based in the United States, or other Iraqi national who was moved to Guam by the United States Government in 1996 or 1997 pursuant to an arrangement made by the United States Government, and who was granted asylum in the United States under section 208(a) of the Immigration and Nationality Act (8 U.S.C. 1158(a)).

SEC. 129. (a) AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—

(1) IN GENERAL.—Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(A) by striking paragraph (8) and inserting the following:

"(8) the term 'unit of local government' means—

"(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

"(B) any law enforcement district or judicial enforcement district that—

"(i) is established under applicable State law; and

"(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

"(C) an Indian Tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

"(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

"(i) the District of Columbia; or

"(ii) any Trust Territory of the United States;"; and

(B) in paragraph (9), by striking "units of general local government" and inserting "units of local government".

(2) CONFORMING AMENDMENTS.—

(A) Section 221(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631(a)) is amended by striking "units of general local government" each place that term appears and inserting "units of local government".

(B) Section 222(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(c)) is amended by striking "units of general local government" each place that term appears and inserting "units of local government".

(C) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(i) in paragraph (4)—

(I) by striking "units of general local government" and inserting "units of local government"; and

(II) by striking "local governments" and inserting "units of local government";

(ii) in paragraph (5)—

(I) in subparagraph (A), by striking "units of general local government" and inserting "units of local government"; and

(II) in subparagraph (B), by striking "unit of general local government" and inserting "unit of local government";

(iii) in paragraph (6), by striking "unit of general local government" and inserting "unit of local government"; and

(iv) in paragraph (10), by striking "unit of general local government" and inserting "unit of local government".

(D) Section 244(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(5)) is amended by striking "units of general local government" and inserting "units of local government".

(E) Section 372(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5714b(a)(3)) is amended by striking "unit of general local government" and inserting "unit of local government".

(F) Section 505(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5784(a)) is amended by striking "units of general local government" and inserting "units of local government".

(b) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 901(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(3)) is amended to read as follows:

"(3) 'unit of local government' means—

"(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

"(B) any law enforcement district or judicial enforcement district that—

"(i) is established under applicable State law; and

"(ii) has the authority to, in a manner independent of other State entities, establish a budget and impose taxes;

"(C) an Indian Tribe (as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))

that performs law enforcement functions, as determined by the Secretary of the Interior; or

"(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

"(i) the District of Columbia; or

"(ii) any Trust Territory of the United States;".

SEC. 130. For payments of judgments against the United States and compromise settlements of claims in suits against the United States arising from the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) and its implementation, such sums as may be necessary, to remain available until expended: Provided, That the foregoing authority is available solely for payment of judgments and compromise settlements: Provided further, That payment of litigation expenses is available under existing authority as set forth in the Memorandum of Understanding between the Federal Deposit Insurance Corporation and the Department of Justice, dated October 2, 1998, and may not be paid from amounts provided in this Act.

This title may be cited as the "Department of Justice Appropriations Act, 1999".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $24,200,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $44,495,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment, $286,264,000, to remain available until expended, of which $1,600,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That of the $302,757,000 provided for in direct obligations (of which $284,664,000 is appropriated from the General Fund, $1,600,000 is derived from fee collections, and $16,493,000 is derived from unobligated balances and deobligations from prior years), $59,280,000 shall be for Trade Development, $17,779,000 shall be for Market Access and Compliance, $31,047,000 shall be for the Import Administration, $182,736,000 shall be for the United States and Foreign Commercial Service, and $11,915,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $52,331,000 to remain available until expended, of which $1,877,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House and the Senate and other appropriate Committees of the Congress are notified of such proposed action.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $368,379,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $24,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $27,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $48,490,000, to remain available until September 30, 2000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $136,147,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to conduct the decennial census, $1,026,936,000 to remain available until expended: Provided, That, of this amount, not less than $75,000,000 shall be for the following activities: (1) $23,000,000 for additional staffing requirements for local field offices; (2) $17,000,000 for additional promotion, outreach, and marketing activities; and (3) $35,000,000 for additional costs associated with modifications to decennial census questionnaires.

In addition, for necessary expenses of the Census Monitoring Board as authorized by section 210 of Public Law 105–119, $4,000,000, to remain available until expended.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $155,966,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and

Information Administration (NTIA), $10,940,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,800,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That, hereafter, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Telecommunications Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $18,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $643,026,000, to remain available until expended: Provided, That of this amount, $643,026,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1999, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at $0: Provided further, That, during fiscal year 1999, should the total amount of offsetting fee collections be less than $643,026,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any amount received in excess of $643,026,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999: Provided further, That the amounts charged for patent fees under 35 U.S.C. 41 (a) and (b) shall be the amounts charged by the Patent and Trademark Office on September 30, 1998, including any applicable surcharges collected pursuant to section 8001 of Public Law 103–66: Provided further, That such fees shall be credited as offsetting collections and shall be retained and used for necessary expenses in this appropriation: Provided further, That upon enactment of a statute reauthorizing the Patent and Trademark Office or establishing a successor agency or agencies, and upon the subsequent enactment of a new patent fee schedule, the fifth proviso in this paragraph shall no longer have effect: Provided further, That, in addition to amounts otherwise made available under this heading, not to exceed $102,000,000 of such amounts collected shall be available for obligation in fiscal year 1999 for purposes as authorized by law: Provided further, That any amount received in excess of $102,000,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $9,495,000, of which not to exceed $1,600,000 shall remain available until September 30, 2000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $280,136,000, to remain available until expended, of which not to exceed $1,625,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,800,000, to remain available until expended: Provided, That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c)(1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional Centers for the transfer of Manufacturing Technology ("Centers"), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed one year, at a rate not to exceed one-third of the Center's total annual costs or the level of funding in the sixth year, whichever is less, subject before any such renewal to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the transfer of Manufacturing Technology Program: Provided further, That the Center's most recent performance evaluation is positive, and the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $203,500,000, to remain available until expended, of which not to exceed $66,000,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $56,714,000, to remain available until expended: Provided, That of the amounts provided under this heading, $40,000,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 250 commissioned officers on the active list as of September 30, 1999; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,579,844,000, to remain available until expended: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $63,381,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That not to exceed $31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Under Secretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: Provided further, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 33 personnel: Provided further, That the Secretary of Commerce shall make funds available to implement the mitigation recommendations identified subsequent to the "1995 Secretary's Report to Congress on Adequacy of NEXRAD Coverage and

Degradation of Weather Services", and shall ensure continuation of weather service coverage for these communities until mitigation activities are completed: Provided further, That no general administrative charge shall be applied against any assigned activity included in this Act and, further, that any direct administrative expenses applied against assigned activities shall be limited to five percent of the funds provided for that assigned activity.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $584,677,000, to remain available until expended: Provided, That not to exceed $67,667,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system through Build 4.2 and NOAA Port system, including program management, operations, and maintenance costs through deployment, will not exceed $71,790,000: Provided further, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $338,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $30,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $21,000,000.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, fees collected in this fiscal year, and balances of prior year fees, $71,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 1999 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 1999 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 210. No funds may be used under this Act to process or register any application filed or submitted with the Patent and Trademark Office under the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and *for other purposes", approved July 5, 1946, commonly referred to as the Trademark Act of 1946, as amended, after the date of enactment of this Act for a mark identical to the official tribal insignia of any federally recognized Indian tribe for a period of one year from the date of enactment of this Act.*

SEC. 211. (a)(1) Notwithstanding any other provision of law, no transaction or payment shall be authorized or approved pursuant to section 515.527 of title 31, Code of Federal Regulations, as in effect on September 9, 1998, with respect to a mark, trade name, or commercial name that is the same as or substantially similar to a mark, trade name, or commercial name that was used in connection with a business or assets that were confiscated unless the original owner of the mark, trade name, or commercial name, or the bona fide successor-in-interest has expressly consented.

(2) No U.S. court shall recognize, enforce or otherwise validate any assertion of rights by a designated national based on common law rights or registration obtained under such section 515.527 of such a confiscated mark, trade name, or commercial name.

(b) No U.S. court shall recognize, enforce or otherwise validate any assertion of treaty rights by a designated national or its successor-in-interest under sections 44 (b) or (e) of the Trademark Act of 1946 (15 U.S.C. 1126 (b) or (e)) for a mark, trade name, or commercial name that is the same as or substantially similar to a mark, trade name, or commercial name that was used in connection with a business or assets that were confiscated unless the original owner of such mark, trade name, or commercial name, or the bona fide successor-in-interest has expressly consented.

(c) The Secretary of the Treasury shall promulgate such rules and regulations as are necessary to carry out the provisions of this section.

(d) In this section:

(1) The term "designated national" has the meaning given such term in section 515.305 of title 31, Code of Federal Regulations, as in effect on September 9, 1998, and includes a national of any foreign country who is a successor-in-interest to a designated national.

(2) The term "confiscated" has the meaning given such term in section 515.336 of title 31, Code of Federal Regulations, as in effect on September 9, 1998.

Sec. 212. (a) Subject to subsection (b), the Secretary of Commerce shall convey, at fair market value (as determined by the Secretary), to the city of Two Harbors, Minnesota, or its designee, the parcel of land described in subsection (c).

(b) The Secretary may make the conveyance under subsection (a) only if the Secretary receives adequate assurances, as determined by the Secretary, that the conveyance is in accordance with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) The parcel of land referred to in subsection (a) consists of approximately 21.55 acres known as the J and J Casting site, in Lake County, Minnesota, together with a road easement, all as described in the deed of the United States Marshal, dated March 22, 1988, executed pursuant to the order of sale of the United States District Court for the District of Minnesota, dated May 15, 1987, in case Civil No. 5–86–300.

(d) The Secretary shall carry out this section acting through the Assistant Secretary of Commerce for Economic Development.

SEC. 213. The Secretary of Commerce, through the Under Secretary for Oceans and Atmosphere, is authorized to exchange, under such terms as the Secretary deems appropriate, all right, title, and interest in the 28.16 acre Lena Point property near Juneau, Alaska, to site a National Oceanic and Atmospheric Administration facility: Provided, That the Secretary is authorized to enter into an agreement with the owner of the Lena Point site to modify existing rock quarry operations to minimize future site development costs, and to provide appropriated funds for project mitigation purposes: Provided, That Section 2(b) of Public Law 104–91 is amended by striking "on Auke Cape near Juneau, Alaska" and inserting in lieu thereof "in Alaska".

SEC. 214. The National Oceanic and Atmospheric Administration (NOAA) is authorized to provide an easement, lease, license or other long-term agreement to allow the State of Alaska to own, operate and maintain a laboratory, classroom, and office facility on the site of the NOAA facility and to accept and expend State funds for development of joint facilities that will be owned and operated by NOAA: Provided, That NOAA is authorized to collect operation and maintenance costs from the State of Alaska and to retain said funds for utility costs, and current and future facility maintenance costs.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1999".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $31,059,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $5,400,000, of which $2,364,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $16,101,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and 8 judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,804,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,821,821,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,515,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $41,043,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $360,952,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $66,861,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $174,569,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31

U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $54,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,716,000; of which $1,800,000 shall remain available through September 30, 2000, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $27,500,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,800,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,000,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,487,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

This title may be cited as "The Judiciary Appropriations Act, 1999".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c), and 22 U.S.C. 2674; and for expenses of general administration, $1,644,300,000: Provided, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That of the amount made available under this heading, $500,000 shall be available only for the National Law Center for Inter-American Free Trade: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), fees may be collected during fiscal years 1999 and 2000 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 1999 and 2000 as an offsetting collection to appropriations made under this heading to recover costs as set forth under section 140(a)(2) of that Act and shall remain available until expended.

In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: Provided, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $355,000,000: Provided, That, of this amount, $813,333 shall be transferred to the Presidential Advisory Commission on Holocaust Assets in the United States.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $80,000,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,350,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,100,000, to remain available until September 30, 2000.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $403,561,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $5,500,000 to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,750,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $132,500,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $922,000,000: Provided, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on *or after October 1, 1984, through external borrowings: Provided further, That, of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding 6 months to increase funding for any United Nations program without identifying an offsetting decrease during that 6-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998–1999 of $2,533,000,000: Provided further, That not to exceed $15,000,000 shall be transferred from funds made available under this heading to the "International Conferences and Contingencies" account for United States contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, except that such transferred funds may be obligated or expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing internationally based monitoring systems involved in cooperative data sharing agreements with the United States as of the date of enactment of this Act, until the United States Senate ratifies the Comprehensive Nuclear Test Ban Treaty: Provided further, That notwithstanding section 402 of this Act, not to exceed $1,223,000 may be transferred from the funds made available under this heading to the "International Conferences and Contingencies" account for assessed contributions to new or provisional international organizations or for travel expenses of official delegates to international conferences: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not to exceed $2,000,000 shall only be available to establish an international center for response to chemical, biological, and nuclear weapons: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full U.S. assessment to the civil budget of the North Atlantic Treaty Organization.*

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $231,000,000: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

ARREARAGE PAYMENTS

For an additional amount for payment of arrearages to meet obligations of membership in the United Nations, and to pay assessed expenses of international peacekeeping activities, $475,000,000, to remain available until expended: Provided, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by law: Provided further, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member, and the share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $19,551,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,939,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $5,733,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,549,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,250,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)), $455,246,000: Provided, That not to exceed $1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): Provided further, That not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other law, fees from educational advising and counseling, and exchange visitor program services: Provided further, That not to exceed $920,000, to remain available until expended, may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $202,500,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other provision of law, fees from educational advising and counseling: Provided further, That notwithstanding section 402 of this Act, not to exceed $2,000,000 may be transferred from the funds made available under this heading to the "Technology Fund" account.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the

Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1999, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1999, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, $362,365,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $22,095,000, to remain available until expended.

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $13,245,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,500,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,750,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $31,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. (a) An employee who regularly commutes from his or her place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization adjustment equal to the amount of comparability payments under section 5304 of title 5, United States Code, that he or she would receive if assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

(b) For purposes of this section, the term "employee" shall mean a person who—

(1) is an "employee" as defined under section 2105 of title 5, United States Code; and

(2) is employed by the United States Department of State, the United States Information Agency, the United States Agency for International Development, or the International Joint Commission, except that the term shall not include members of the Foreign Service as defined by section 103 of the Foreign Service Act of 1980 (Public Law 96–465), section 3903 of title 22, United States Code.

(c) An equalization adjustment payable under this section shall be considered basic pay for the same purposes as are comparability payments under section 5304 of title 5, United States Code, and its implementing regulations.

(d) The agencies referenced in subsection (c)(2) are authorized to promulgate regulations to carry out the purposes of this section.

SEC. 404. (a) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(b) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

SEC. 405. The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 406. Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by inserting "and the United Nations Industrial Development Organization" after "International Labor Organization".

SEC. 407. (a) Section 5545a of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) For purposes of this section, the term 'criminal investigator' includes a special agent occupying a position under title II of Public Law 99–399 if such special agent—

"(A) meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof); and

"(B) such special agent satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

"(2) In applying subsection (h) with respect to a special agent under this subsection—

"(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

"(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

"(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.".

(b) Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c)(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking "Public Law 99–399)" and inserting "Public Law 99–399, subject to subsection (k))".

(2) Section 5542(e) of such title is amended by striking "title 18, United States Code," and inserting "title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,".

(d) The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 408. None of the funds made available in this Act may be used by the Department of State or the United States Information Agency to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 409. During the current fiscal year and hereafter, the Secretary of State shall have discretionary authority to pay tort claims in the manner authorized by section 2672 of title 28, United States Code, when such claims arise in foreign countries in connection with the overseas operations of the Department of State.

SEC. 410. (a)(1)(A) Notwithstanding any other provision of law and subject to subparagraph (B), the Secretary of State and the Attorney General shall impose, for the processing of any application for the issuance of a machine readable combined border crossing card and nonimmigrant visa under section 101(a)(15)(B) of the Immigration and Nationality Act, a fee of $13 (for recovery of the costs of manufacturing the combined card and visa) in the case of any alien under 15 years of age where the application for the machine readable combined border crossing card and nonimmigrant visa is made in Mexico by a citizen of Mexico who has at least one parent or guardian who has a visa under such section or is applying for a machine readable combined border crossing card and nonimmigrant visa under such section as well.

(B) The Secretary of State and the Attorney General may not commence implementation of the requirement in subparagraph (A) until the later of—

(i) the date that is 6 months after the date of enactment of this Act; or

(ii) the date on which the Secretary sets the amount of the fee or surcharge in accordance with paragraph (3).

(2)(A) Except as provided in subparagraph (B), if the fee for a machine readable combined border crossing card and nonimmigrant visa issued under section 101(a)(15)(B) of the Immigration and Nationality Act has been reduced under paragraph (1) for a child under 15 years of age, the machine readable combined border crossing card and nonimmigrant visa shall be issued to expire on the earlier of—

(i) the date on which the child attains the age of 15; or

(ii) ten years after its date of issue.

(B) At the request of the parent or guardian of any alien under 15 years of age otherwise covered by subparagraph (A), the Secretary of State and the Attorney General may charge the non-reduced fee for the processing of an application for the issuance of a machine readable combined border crossing card and nonimmigrant visa under section 101(a)(15)(B) of the Immigration and Nationality Act provided that the machine readable combined border crossing card and nonimmigrant visa is issued to expire as of the same date as is usually provided for visas issued under that section.

(3) Notwithstanding any other provision of law, the Secretary of State shall set the amount of the fee or surcharge authorized pursuant to section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 8 U.S.C. 1351 note) for the processing of machine readable nonimmigrant visas and machine readable combined border crossing cards and nonimmigrant visas at a level that will ensure the full recovery by the Department of State of the costs of processing such machine readable nonimmigrant visas and machine readable combined border crossing cards and nonimmigrant visas, including the costs of processing the machine readable combined border crossing cards and nonimmigrant visas for which the fee is reduced pursuant to this subsection.

(b) The Secretary of State shall continue, until the date that is 5 years after the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note et seq.), to process applications for visas under section 101(a)(15)(B) of the Immigration and Nationality Act at the following cities in Mexico located near the international border with the United States: Nogales, Nuevo Laredo, Ciudad Acuna, Piedras Negras, Agua Prieta, and Reynosa.

(c) Section 104(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended by striking "3 years" and inserting "5 years".

SEC. 411. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1999".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $89,650,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $69,303,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $6,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $265,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,900,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of 4 full-time individuals under Schedule C of the Excepted Service exclusive of 1 special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson who is permitted 125 billable days.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,170,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $279,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $192,000,000, of which not to exceed $300,000 shall remain available until September 30, 2000, for research and policy studies: Provided, That $172,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1999 so as to result in a final fiscal year 1999 appropriation estimated at $19,477,000: Provided further, That any offsetting collections received in excess of $172,523,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02, $14,150,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $86,679,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding any other provision of law, not to exceed $76,500,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1999, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at not more than $10,179,000, to remain available until expended: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $300,000,000, of which $289,000,000 is for basic field programs and required independent audits; $2,015,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $8,985,000 is for management and administration.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1998 and 1999, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,240,000.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, $3,500,000, to remain available until expended: Provided, That the funds provided in this Act for the Commission on Ocean Policy shall become available only upon the enactment of authorizing legislation.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $23,000,000; and, in addition, to remain available until expended, from fees collected in fiscal year 1998, $87,000,000, and from fees collected in fiscal year 1999, $214,000,000; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $288,300,000, of which: $3,500,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $4,000,000 shall be available for a grant for Western Carolina University to develop a facility to assist in small business and rural economic development; $2,000,000 shall be available for a grant for the City of Hazard, Kentucky for a Center for Rural Law Enforcement Technology and Training; $1,500,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $1,500,000 shall be available for a grant for Pikeville College for a telemedicine learning and resource center; $1,000,000 shall be available for a grant for the Center for Excellence in Marine Science Education at Southampton College; $1,000,000 shall be for a grant to King's College in Wilkes-Barre, Pennsylvania, for the commercialization of pulverization technologies; $850,000 shall be available for a grant for the Carbondale Technology Transfer Center in Lackawanna County, Pennsylvania; $1,000,000 shall be available for a grant for the Institute for Software Research in Fairmont, West Virginia, for Institute operations and to further develop their capability to perform basic and applied research aimed at software engineering, biometrics, image processing and networks; $500,000 shall be available for a grant for the Altoona Science and Technology Research Academy in Altoona, Pennsylvania; $200,000 shall be available for a grant to the City of Prestonburg, Kentucky for a regional arts and tourism center; $300,000 shall be available for a grant for the City of Parkersburg, West Virginia for infrastructure improvements, facility upgrades, and property acquisition associated with community non-profit service and enrichment projects; $200,000 shall be available for a grant for the Vandalia Heritage Foundation to fulfill its charter purposes; $1,000,000 shall be available for a grant for the Moundsville Economic Development Council to work in conjunction with the Office of Law Enforcement Technology Commercialization for the establishment of the National Corrections and Law Enforcement Training and Technology Center, and for infrastructure improvements associated with this initiative; and $250,000 shall be available for a grant for the Johnstown Area Regional Industries Defense Procurement Center to establish a Year 2000 challenge grant program to assist small businesses that rely heavily on the Federal Government's acquisition system for their livelihood, and help provide a solution to the Year 2000 computer problem: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $82,000,000 shall be available to fund grants for performance in fiscal year 1999 or fiscal year 2000 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $10,800,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $2,200,000, to be available until expended; and for the cost of guaranteed loans, $128,030,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2000: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That of the funds previously made available under Public Law 105–135, section 507(g), for the Delta Loan program, up to $20,000,000 may be transferred to and merged with the appropriations for salaries and expenses: Provided further, That during fiscal year 1999, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(d)(1)(B)(ii) of the Small Business Act, as amended: Provided further, That during fiscal year 1999, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $76,329,000, to remain available until expended: Provided, That such costs, including the cost of *modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.*

In addition, for administrative expenses to carry out the direct loan program, $116,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, including $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums shall be transferred to and merged with appropriations for the Office of Inspector General.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $3,300,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $6,850,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

Sec. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Sec. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1999, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1999, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

Sec. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

Sec. 607. (a) Purchase of American-Made Equipment and Products.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) Notice Requirement.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Sec. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

Sec. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for: (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995; unless the President certifies within 60 days the following:

(A) Based upon all information available to the United States Government, the Government of the Socialist Republic of Vietnam is fully cooperating in good faith with the United States in the following:

(i) Resolving discrepancy cases, live sightings, and field activities.

(ii) Recovering and repatriating American remains.

(iii) Accelerating efforts to provide documents that will help lead to fullest possible accounting of prisoners of war and missing in action.

(iv) Providing further assistance in implementing trilateral investigations with Laos.

(B) The remains, artifacts, eyewitness accounts, archival material, and other evidence associated with prisoners of war and missing in action recovered from crash sites, military actions, and other locations in Southeast Asia are being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members.

Sec. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

Sec. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

Sec. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102–567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

Sec. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of *funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. (a) None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former President Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4) was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in—

(A) the September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or

(B) the murders of thousands of Haitians during the period 1991 through 1994; or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (a).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than 3 months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary of State shall submit a report under this subsection not later than 6 months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 617. (a) None of the funds made available in this Act may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length or of more than 750 gross registered tons, and that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower—

(1) as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); or

(2) that would allow such a vessel to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States (except territories), unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997, and such fishery endorsement was not surrendered at any time thereafter.

(b) Any fishing permit or authorization issued or renewed prior to the date of the enactment of this Act for a fishing vessel to which the prohibition in subsection (a)(1) applies that would allow such vessel to engage in fishing for Atlantic mackerel or herring (or both) during fiscal year 1999 shall be null and void, and none of the funds made available in this Act may be used to issue a fishing permit or authorization that would allow a vessel whose permit or authorization was made null and void pursuant to this subsection to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States.

SEC. 618. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 619. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

SEC. 620. Section 1303 of the International Security and Development Corporation Act of 1985 (16 U.S.C. 469j) is amended in subsection (e), by striking "three" and inserting "six".

SEC. 621. None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

(2) whether such subsidies had an adverse effect on United States companies;

(3) the status of the Trade Representative's contacts with the Korean Government with respect to industry concerns regarding Hanbo Steel and efforts to eliminate subsidies; and

(4) the status of the Trade Representative's contacts with other Asian trading partners regarding the adverse effect of Korean steel subsidies on such trading partners.

(b) The report described in subsection (a) shall also include information on the status of any investigations initiated as a result of press reports that the Korean Government ordered Pohang Iron and Steel Company, in which the Government owns a controlling interest, to sell steel in Korea at a price that is 30 percent lower than the international market prices.

SEC. 623. None of the funds made available in this or any other Act may be used to implement, administer, or enforce Executive Order No. 13083 (titled "Federalism" and dated May 14, 1998).

SEC. 624. (a) Section 118 of title 28, United States Code, is amended—

(1) in subsection (a) by striking "Philadelphia, and Schuylkill" and inserting "and Philadelphia"; and

(2) in subsection (b) by inserting "Schuylkill," after "Potter,".

(b)(1) This section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending on such date in the United States District Court for the Eastern District of Pennsylvania.

(3) This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this section.

SEC. 625. Beginning 60 days from the date of enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be made available for the participation by delegates of the United States to the Standing Consultative Commission unless the President certifies and so reports to the Committees on Appropriations that the United States Government is not implementing the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine, or until the Senate provides it advice and consent to the Memorandum of Understanding.

SEC. 626. TIME LIMITATION ON FUNDING.—(a) Notwithstanding any other provisions of this Act, appropriations and funds made available and authority granted pursuant to this Act (the

Departments of Commerce, Justice, and State, and Judiciary, and Related Agencies Appropriations Act, 1999) shall cease to be available after June 15, 1999.

(b) Appropriations and funds made available by or authority granted pursuant to the Act referenced in subsection (a) shall be apportioned under section 1513 of title 31, United States Code, in the manner established for funds provided by a joint resolution making continuing appropriations.

(c) Appropriations made and authority granted pursuant to the Act referenced in subsection (a) shall cover all obligations or expenditures incurred for any program, project or activity during the period for which funds or authority for such project or activity are available under such Act.

(d) Expenditures made during the period for which funds or authority are available under such Act shall be charged to the full-year amount provided for the applicable appropriation, fund, or authorization.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading on September 30, 1998, $99,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,000,000 are rescinded.

FEDERAL BUREAU OF INVESTIGATION

(RESCISSIONS)

Of the funds provided in previous Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

"Construction, 1998", $4,000,000;

"Salaries and Expenses, no year", $6,400,000;

"Violent Crime Reduction Program, 1996", $2,000,000; and

"Violent Crime Reduction Program, 1997", $300,000.

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $5,000,000 are rescinded.

DEPARTMENT OF COMMERCE

(RESCISSIONS)

Of the funds provided in previous Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

"United States Travel and Tourism Administration, no year", $915,000; and

"Endowment for Children's Educational TV, no year", $1,175,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading for the Advanced Technology Program, $6,000,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $17,000,000 are rescinded.

TITLE VIII

SEC. 801. ETHICAL STANDARDS FOR FEDERAL PROSECUTORS.

(a) IN GENERAL.—Chapter 31 of title 28, United States Code, is amended by adding at the end the following:

"§530B. Ethical standards for attorneys for the Government

"(a) An attorney for the Government shall be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State.

"(b) The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this section.

"(c) As used in this section, the term 'attorney for the Government' includes any attorney described in section 77.2(a) of part 77 of title 28 of the Code of Federal Regulations and also includes any independent counsel, or employee of such a counsel, appointed under chapter 40.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of title 28, United States Code, is amended by adding at the end the following new item:

"530B. Ethical standards for attorneys for the Government.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act and shall apply during that portion of fiscal year 1999 that follows that taking effect, and in each succeeding fiscal year.

TITLE IX—NATIONAL WHALE CONSERVATION FUND ACT

SEC. 901. SHORT TITLE.—This title may be cited as the "National Whale Conservation Fund Act of 1998".

SEC. 902. FINDINGS.—Congress finds that—

(1) the populations of whales that occur in waters of the United States are resources of substantial ecological, scientific, socioeconomic, and esthetic value;

(2) whale populations—

(A) form a significant component of marine ecosystems;

(B) are the subject of intense research;

(C) provide for a multimillion dollar whale watching tourist industry that provides the public an opportunity to enjoy and learn about great whales and the ecosystems of which the whales are a part; and

(D) are of importance to Native Americans for cultural and subsistence purposes;

(3) whale populations are in various stages of recovery, and some whale populations, such as the northern right whale (Eubaleana glacialis) remain perilously close to extinction;

(4) the interactions that occur between ship traffic, commercial fishing, whale watching vessels, and other recreational vessels and whale populations may affect whale populations adversely;

(5) the exploration and development of oil, gas, and hard mineral resources, marine debris, chemical pollutants, noise, and other anthropogenic sources of change in the habitat of whales may affect whale populations adversely;

(6) the conservation of whale populations is subject to difficult challenges related to—

(A) the migration of whale populations across international boundaries;

(B) the size of individual whales, as that size precludes certain conservation research procedures that may be used for other animal species, such as captive research and breeding;

(C) the low reproductive rates of whales that require long-term conservation programs to ensure recovery of whale populations; and

(D) the occurrence of whale populations in offshore waters where undertaking research, monitoring, and conservation measures is difficult and costly;

(7)(A) the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, has research and regulatory responsibility for the conservation of whales under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.); and

(B) the heads of other Federal agencies and the Marine Mammal Commission established under section 201 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1401) have related research and management activities under the Marine Mammal Protection Act of 1972 or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(8) the funding available for the activities described in paragraph (8) is insufficient to support all necessary whale conservation and recovery activities; and

(9) there is a need to facilitate the use of funds from non-Federal sources to carry out the conservation of whales.

SEC. 903. NATIONAL WHALE CONSERVATION FUND.—Section 4 of the National Fish and Wildlife Establishment Act (16 U.S.C. 3703) is amended by adding at the end the following:

"(f)(1) In carrying out the purposes under section 2(b), the Foundation may establish a national whale conservation endowment fund, to be used by the Foundation to support research, management activities, or educational programs that contribute to the protection, conservation, or recovery of whale populations in waters of the United States.

"(2)(A) In a manner consistent with subsection (c)(1), the Foundation may—

"(i) accept, receive, solicit, hold, administer, and use any gift, devise, or bequest made to the Foundation for the express purpose of supporting whale conservation; and

"(ii) deposit in the endowment fund under paragraph (1) any funds made available to the Foundation under this subparagraph, including any income or interest earned from a gift, devise, or bequest received by the Foundation under this subparagraph.

"(B) To raise funds to be deposited in the endowment fund under paragraph (1), the Foundation may enter into appropriate arrangements to provide for the design, copyright, production, marketing, or licensing, of logos, seals, decals, stamps, or any other item that the Foundation determines to be appropriate.

"(C)(i) The Secretary of Commerce may transfer to the Foundation for deposit in the endowment fund under paragraph (1) any amount (or portion thereof) received by the Secretary under section 105(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375(a)(1)) as a civil penalty assessed by the Secretary under that section.

"(ii) The Directors of the Board shall ensure that any amounts transferred to the Foundation under clause (i) for the endowment fund under paragraph (1) are deposited in that fund in accordance with this subparagraph.

"(3) It is the intent of Congress that in making expenditures from the endowment fund under paragraph (1) to carry out activities specified in that paragraph, the Foundation should give priority to funding projects that address the conservation of populations of whales that the Foundation determines—

"(A) are the most endangered (including the northern right whale (Eubaleana glacialis)); or

"(B) most warrant, and are most likely to benefit from, research managment, or educational activities that may be funded with amounts made available from the fund.

"(g) In carrying out any action on the part of the Foundation under subsection (f), the Directors of the Board shall consult with the Administrator of the National Oceanic and Atmospheric Administration and the Marine Mammal Commission.".

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999".

(c) For programs, projects or activities in the District of Columbia Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes.

FEDERAL FUNDS

METRORAIL IMPROVEMENTS AND EXPANSION

For a Federal contribution to the Washington Metropolitan Area Transit Authority for improvements and expansion of the Mount Vernon Square Metrorail station located at the site of the proposed Washington Convention Center project, $25,000,000, to remain available until expended.

FEDERAL PAYMENT FOR MANAGEMENT REFORM

For payment to the District of Columbia, $25,000,000, to remain available until September 30, 1999, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority and shall be disbursed from such escrow account by the Authority pursuant to the instructions of the Authority only for a program of management reform pursuant to sections 11101–11106 of the District of Columbia Management Reform Act of 1997, Public Law 105–33.

FEDERAL PAYMENT FOR BOYS TOWN U.S.A. OPERATIONS IN THE DISTRICT OF COLUMBIA

For a Federal contribution of $7,100,000 to be paid to the Board of Trustees of Boys Town U.S.A. for expansion of the operations of Boys Town of Washington, located at 4801 Sargent Road, Northeast, said funds to be allocated as follows: $4,700,000 in capital costs for the construction of one emergency short-term residential center and four long-term residential homes in the District of Columbia; and $2,400,000 in first-year operating expenses for said facilities: Provided, That said Board of Trustees shall provide quarterly financial reports during fiscal year 1999 on the expenditure of said funds to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives.

NATION'S CAPITAL INFRASTRUCTURE FUND

For a Federal contribution to the District of Columbia towards the costs of infrastructure needs, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority and disbursed by the Authority from such account for the repair and maintenance of public safety facilities in the District of Columbia, $18,778,000, to remain available until expended.

ENVIRONMENTAL STUDY AND RELATED ACTIVITIES AT LORTON CORRECTIONAL COMPLEX

For a Federal contribution for an environmental study and related activities at the property on which the Lorton Correctional Complex is located, to be transferred to the Federal agency with authority over the Complex, $7,000,000, to remain available until expended.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For payment to the District of Columbia Corrections Trustee, $184,800,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33; of which $177,385,000 shall be available for expenses incurred in connection with the housing, in both private, District of Columbia and Federal facilities, of the sentenced adult felon population of the District of Columbia; $4,225,000 shall be available for personnel initiatives in the District of Columbia Department of Corrections; $750,000 shall be available for a system of internal controls and audits within the Department of Corrections; and $2,440,000 shall be available for administrative expenses: Provided, That, notwithstanding any other provision of law, and consistent with regulations and guidance governing the use of Federal funds by grantees, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be transferred by the Secretary of the Treasury to said Trustee only as funds are needed to pay properly incurred obligations.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

Notwithstanding any other provision of law, $128,000,000 for payment to the Joint Committee on Judicial Administration in the District of Columbia; of which not to exceed $121,000,000 shall be for District of Columbia Courts operation, to be allocated as follows: for the District of Columbia Court of Appeals, $7,839,000 and 96 full-time equivalent (FTE) positions; for the District of Columbia Superior Court, $72,419,000 and 1,017 FTE's; for the District of Columbia court system, $40,742,000 and 120 FTE's; and $7,000,000 shall be for capital improvements for District of Columbia courthouse facilities: Provided, That of amounts available for District of Columbia Courts operation, not to exceed $6,900,000 shall be for the Counsel for Child Abuse and Neglect program pursuant to section 1101 of title 11, D.C. Code, and section 2304 of title 16, D.C. Code, and of which not to exceed $25,036,000 shall be to carry out sections 2602 and 2604 of title 11, D.C. Code, relating to representation of indigents in criminal cases under the Criminal Justice Act, in total, $31,936,000: Provided further, That subject to normal reprogramming requirements contained in section 116 of this Act, this $31,936,000 may be used for other purposes under this heading: Provided further, That all amounts under this heading shall be paid quarterly by the Treasury of the United States based on quarterly apportionments approved by the Office of Management and Budget, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA OFFENDER SUPERVISION, DEFENDER, AND COURT SERVICES AGENCY

For payment to the District of Columbia Offender Supervision, Defender, and Court Services Agency, $59,400,000, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33; of which $33,802,000 shall be for necessary expenses of Parole Revocation, Adult Probation and Offender Supervision, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $14,486,000 shall be available to the Public Defender Service; and $11,112,000 shall be available to the Pretrial Services Agency: Provided, That, notwithstanding any other provision of law, and consistent with regulations and guidance governing the use of Federal funds by grantees, funds appropriated in this Act for the District of Columbia Offender Trustee shall be transferred by the Secretary of the Treasury to said Trustee only as funds are needed to pay properly incurred obligations.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

For payment to the Metropolitan Police Department, $1,200,000, for the administration and operating costs of the Citizen Complaint Review Office.

FEDERAL PAYMENT FOR FIRE DEPARTMENT

For payment to the Fire Department, $3,240,000, for a 5.5 percent pay increase to be effective and paid to firefighters beginning October 1, 1998.

FEDERAL PAYMENT TO THE GEORGETOWN WATERFRONT PARK FUND

For payment to the Georgetown Waterfront Park Fund, $1,000,000 for the construction and landscaping of Georgetown Waterfront Park, property described on the District of Columbia Surveyor's Plat Number S.O. 84–230: Provided, That the Georgetown Waterfront Park Fund provide an amount equal to one dollar for every dollar expended, in cash or in kind, to carry out the activities supported by the grant.

FEDERAL PAYMENT TO HISTORICAL SOCIETY FOR CITY MUSEUM

For a Federal payment to the Historical Society of Washington, D.C., for the establishment and operation of a Museum of the City of Washington, D.C. at the Carnegie Library at Mount Vernon Square, $2,000,000, to remain available until expended, to be deposited in a separate account of the Society used exclusively for the establishment and operation of such Museum: Provided, That the Secretary of the Treasury shall make such payment in quarterly installments, and the amount of the installment for a quarter shall be equal to the amount of matching funds that the Society has deposited into such account for the quarter (as certified by the Inspector General of the District of Columbia): Provided further, That notwithstanding any other provision of law, not later than January 1, 1999, the District of Columbia shall enter into an agreement with the Society under which the District of Columbia shall lease the Carnegie Library at Mount Vernon Square to the Society beginning on such date for 99 years at a rent of $1 per year for use as a city museum.

FEDERAL PAYMENT FOR A NATIONAL MUSEUM OF AMERICAN MUSIC AND FOR DOWNTOWN REVITALIZATION

For a Federal contribution to the District of Columbia to establish a National Museum of American Music and for downtown revitalization, $700,000 which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, to remain available until expended: Provided, That $300,000 shall be available from this appropriation for the Federal City Council to conduct a needs and design study for a National Museum of American Music: Provided further, That $300,000 shall be available from this appropriation for the Washington Center Alliance to further and promote the objectives of the Interactive Downtown Task Force: Provided further, That $100,000 shall be paid to Save New York Avenue, Inc., for the further improvement of that portion of New York Avenue designated as the Capital Gateway Corridor.

UNITED STATES PARK POLICE

For a Federal payment to the United States Park Police, $8,500,000, to acquire, modify and operate a helicopter and to make necessary capital expenditures to the Park Police aviation unit base: Provided, That the Chief of the

United States Park Police shall provide quarterly financial reports during fiscal year 1999 on the expenditure of said funds to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives.

FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS

For a Federal payment to the District of Columbia Department of Housing and Community Development for a study in consultation with the United States Army Corps of Engineers of necessary improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, and for carrying out the improvements recommended by the study, $3,000,000: Provided, That no portion of such funds shall be available to the District of Columbia unless the District of Columbia executes a 30-year lease with the existing lessees, or with their successors in interest, of such portions of property not later than 30 days after the existing lessees or their successors in interest have submitted to the District of Columbia acceptable plans for improvements and private financing: Provided further, That the District of Columbia shall report its progress on this project on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate.

FEDERAL PAYMENT FOR MENTORING SERVICES

For a Federal payment to the International Youth Service and Development Corps, Inc. for a mentoring program for at-risk children in the District of Columbia, $200,000: Provided, That the International Youth Service and Development Corps, Inc. shall submit to the Committees on Appropriations of the House of Representatives and the Senate an annual report due November 30, 1999, on the activities carried out with such funds.

FEDERAL PAYMENT FOR HOTLINE SERVICES

For a Federal payment to the International Youth Service and Development Corps, Inc. for the operation of a resource hotline for low-income individuals in the District of Columbia, $50,000: Provided, That the International Youth Service and Development Corps, Inc. shall submit to the Committees on Appropriations of the House of Representatives and the Senate an annual report due November 30, 1999, on the activities carried out with such funds.

FEDERAL PAYMENT FOR PUBLIC EDUCATION

For a Federal contribution to the public education system for public charter schools, $15,622,000.

FEDERAL PAYMENT FOR MEDICARE COORDINATED CARE DEMONSTRATION PROJECT IN THE DISTRICT OF COLUMBIA

For payment to the District of Columbia Financial Responsibility and Management Assistance Authority, $3,000,000 for the continued funding of a Medicare Coordinated Care Demonstration Project in the District of Columbia as specified in section 4016(b)(2)(C) of the Balanced Budget Act of 1997.

FEDERAL PAYMENT FOR CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $1,000,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically underserved areas of the District of Columbia.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $164,144,000 (including $136,485,000 from local funds, $13,955,000 from Federal funds, and $13,704,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the Chief Management Officer shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $159,039,000 (including $45,162,000 from local funds, $83,365,000 from Federal funds, and $30,512,000 from other funds), of which $12,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12–23): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $755,786,000 (including $530,945,000 from local funds, $30,327,000 from Federal funds, and $194,514,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That commencing on December 31, 1998, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1999, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1999, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1999, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $788,956,000 (including $640,135,000 from local funds, $125,869,000 from Federal funds, and $22,952,000 from other funds), to be allocated as follows: $644,805,000 (including $545,000,000 from local funds, $95,121,000 from Federal funds, and $4,684,000 from other funds), for the public schools of the District of Columbia; $18,600,000 from local funds for the District of Columbia Teachers' Retirement Fund; $27,857,000 (including $12,235,000 from local funds and $15,622,000 from Federal funds not including funds already made available for District of Columbia public schools) for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That the Emergency Transitional Education Board of Trustees shall report to Congress not later than February 1, 1999, on the implementation of their policy to give preference to newly created District of Columbia public charter schools for surplus public school property; $72,088,000 (including $40,148,000 from local funds, $14,079,000 from Federal funds, and $17,861,000 from other funds) for the University of the District of Columbia; $23,419,000 (including $22,326,000 from local funds, $686,000 from Federal funds, and $407,000 from other funds) for the Public Library; $2,187,000 (including $1,826,000 from local funds and $361,000 from Federal funds) for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That $244,078 shall be used to reimburse the National Capital Area Council of the Boy Scouts of America for services provided on behalf of 12,600 students at 39 public schools in the District of Columbia during fiscal year 1998 (including staff, curriculum, and support materials): Provided further, That the Inspector General of the District of Columbia shall certify not later than 30 days after the date of the enactment of this Act whether or not the services were so provided: Provided further, That the reimbursement shall be made not later than 15 days after the Inspector General certifies that the services were provided: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year 1999 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1999, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,514,751,000 (including $614,679,000 from local funds, $886,682,000 from Federal funds, and $13,390,000 from other funds): Provided, That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $266,912,000 (including $257,242,000 from local funds, $3,216,000 from Federal funds, and $6,454,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

For payment to the Washington Convention Center Enterprise Fund, $5,400,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with the Act entitled "An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia", approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City", approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system", approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $382,170,000 from local funds.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,453,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $11,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,926,000 from local funds.

HUMAN RESOURCES DEVELOPMENT

For human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, $6,674,000 from local funds.

PRODUCTIVITY SAVINGS

The Chief Financial Officer of the District of Columbia shall, under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority, make reductions of $10,000,000 in local funds to one or more of the appropriation headings in this Act for productivity savings.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $318,979,000 (including $189,154,000 from local funds, $96,691,000 from Federal funds, and $33,134,000 from other funds): Provided, That, of the sums made available to the Commission on Mental Health Services, $5,000,000 shall be available to a 501(c)(3) nonprofit organization formed in 1991 and located in the District of Columbia to finance capital improvements to community-based housing facilities dedicated for use only by seriously and chronically mentally ill individuals in the District of Columbia.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $7,840,000: Provided, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 1999 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2).

ENTERPRISE FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For the Water and Sewer Authority and the Washington Aqueduct, $273,314,000 from other funds (including $239,493,000 for the Water and Sewer Authority and $33,821,000 for the Washington Aqueduct) of which $39,933,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $225,200,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $2,108,000 from local funds.

PUBLIC SERVICE COMMISSION

For the Public Service Commission, $5,026,000 (including $252,000 from Federal funds and $4,774,000 from other funds).

OFFICE OF THE PEOPLE'S COUNSEL

For the Office of the People's Counsel, $2,501,000 from other funds.

DEPARTMENT OF INSURANCE AND SECURITIES REGULATION

For the Department of Insurance and Securities Regulation, $7,001,000 from other funds.

OFFICE OF BANKING AND FINANCIAL INSTITUTIONS

For the Office of Banking and Financial Institutions, $640,000 (including $390,000 from local funds and $250,000 from other funds).

STARPLEX FUND

For the Starplex Fund, $8,751,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled "An Act To Establish A District of Columbia Armory Board, and for other purposes", approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $113,599,000 of which $46,835,000 shall be derived by transfer from the general fund and $66,764,000 shall be derived from other funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-711), $18,202,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), $3,332,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $53,539,000, of which $5,400,000 shall be derived by transfer from the general fund.

PERSONNEL

The government of the District of Columbia shall employ no more than 32,900 FTE positions, exclusive of intra-District FTE positions, during fiscal year 1999.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, a net increase of $1,711,160,737 (including a rescission of $114,430,742 of which $24,437,811 is from local funds and $89,992,931 is from highway trust funds appropriated under this heading in prior fiscal years, and an additional $1,825,591,479 of which $718,234,161 is from local funds, $24,452,538 is from the highway trust fund, and $1,082,904,780 is from Federal funds), to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2000, except authorizations for projects for which funds have been obligated in whole or in part prior to September 30, 2000: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for payment of the non-Federal share of funds necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 1999, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies *funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or activities through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or activity; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing thirty days in advance of any reprogramming as set forth in this section.*

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) Notwithstanding section 422(7) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for Level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1998 shall be deemed to be the rate of pay payable for that position for September 30, 1998.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. The Director of the Office of Property Management may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), based upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1999, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1999 revenue estimates as of the end of the first quarter of fiscal year 1999. These estimates shall be used in the budget request for the fiscal year ending September 30, 2000. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 126. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1999 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 127. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 128. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority"), and the Council of the District of Columbia (hereafter in this section referred to as "Council") no later than 15 calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(5) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2000, a summary, analysis, and recommendations on the information provided in the monthly reports.

SEC. 129. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 130. None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with

Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

SEC. 131. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 132. U.S. ARMY CORPS OF ENGINEERS SERVICES TO DISTRICT OF COLUMBIA PUBLIC SCHOOLS. In using funds made available under this Act or any other Act for the repair and improvement of the District of Columbia's public school facilities, any entity of the District of Columbia government, including the District of Columbia Financial Responsibility and Management Assistance Authority, or its designee, may place orders for engineering and construction and related services with the Chief of Engineers of the U.S. Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations. This section shall apply to fiscal year 1999 and each fiscal year thereafter.

SEC. 133. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 134. The Emergency Transitional Education Board of Trustees shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 135. (a) IN GENERAL.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1998, fiscal year 1999, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 136. (a) No later than October 1, 1998, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

SEC. 137. The Emergency Transitional Education Board of Trustees, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 138. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1999 under the caption "Division of Expenses" shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,211,920,000 (of which $132,912,000 shall be from intra-District funds and $2,865,763,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1999, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other

grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1998, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

(d) APPLICATION OF EXCESS REVENUES.—Local revenues collected in excess of amounts required to support appropriations in this Act for operating expenses for the District of Columbia for fiscal year 1999 under the caption "Division of Expenses" shall be applied first to the elimination of the general fund accumulated deficit; second to a reserve account not to exceed $250,000,000 to be used to finance seasonal cash needs (in lieu of short term borrowings); third to accelerate repayment of cash borrowed from the Water and Sewer Fund; and fourth to reduce the outstanding long-term debt.

SEC. 139. UNIVERSITY OF THE DISTRICT OF COLUMBIA INVESTMENT AUTHORITY. Section 108(b) of the District of Columbia Public Education Act (D.C. Code, sec. 31–1408) is amended by striking the period at the end of the sentence and adding the phrase ", except that the funds appropriated in this section also may be invested in equity-based securities if approved by the Chief Financial Officer of the District of Columbia.".

SEC. 140. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 1999 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code sec. 1–101 et seq.) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 141. The District of Columbia Financial Responsibility and Management Assistance Authority and the Superintendent of the District of Columbia Public Schools are hereby directed to report to the Appropriations Committees of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives not later than April 1, 1999, on all measures necessary and steps to be taken to ensure that the District's Public Schools open on time to begin the 1999–2000 academic year.

SEC. 142. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 143. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—(1) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department).

(2) Paragraph (1) shall not apply with respect to any vehicle provided to the officer of the Metropolitan Police Department who was wounded in the line of duty and who is referred to in the letter of July 15, 1998, from the Chief of the Department to the Chair of the Subcommittee on the District of Columbia of the Committee on Appropriations of the House of Representatives. Notwithstanding any other provision of law, the Chief may donate the vehicle to such officer as a gift on behalf of the District of Columbia, and the donation shall not be subject to any Federal, State, or local income or gift tax.

(3) The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1998, an inventory, as of September 30, 1998, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 144. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 1999 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), as amended, is further amended in section 2408(a) by deleting "1998" and inserting, "1999"; in subsection (b), by deleting "1998" and inserting, "1999"; in subsection (i), by deleting "1998" and inserting, "1999"; and in subsection (k), by deleting "1998" and inserting, "1999".

SEC. 145. ASSESSMENT AND PLACEMENT OF SPECIAL EDUCATION STUDENTS. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools [DCPS] student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education (referred to in this section as the "Board"), or its successor and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 146. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 147. Notwithstanding any provision of any Federally-granted charter or any other provision of law, beginning with fiscal year 1999 and for each fiscal year hereafter, the real property of the National Education Association located in the District of Columbia shall be subject to taxation by the District of Columbia in the same manner as any similar organization.

SEC. 148. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 1999 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 149. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority"). Appropriations made *by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.*

SEC. 150. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 151. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 152. The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as "Authority") shall report to the Appropriations Committees of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives, by February 15, 1999, on the status of all partnerships or agreements entered into from January 1, 1994 through September 30, 1998, between the District of Columbia government and any nonprofit organization that provides medical care, substance abuse treatment, low income housing, food and shelter services, abstinance programs, or educational services to children, adults and families residing in the District. For those partnerships or agreements that have been terminated, the Authority shall report to Congress on the plans by the District government for reinitiating the partnerships or agreements with the respective nonprofit organization.

SEC. 153. The Residency Requirement Reinstatement Amendment Act of 1998 (D.C. Act 12–340) is hereby repealed.

SEC. 154. None of the funds contained in this Act may be used after April 1, 1999, to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 155. RESERVE.—The District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, sec. 202 is amended to include the following:

"(i) RESERVE.—Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act shall contain $150,000,000 for a reserve to be established by the Chief Financial Officer for the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority: Provided, That the reserve shall only be expended according to criteria established by the Chief Financial Officer and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.".

SEC. 156. LIBRARY FUNDRAISING AUTHORITY.—D.C. Code Section 37–105 is amended by striking the word "and" after section (11) and striking the period after section (12) and adding the following phrase:

", (13) Notwithstanding any other provision of law, the Board of Trustees of the District of Columbia Public Library is authorized to hire a fund raiser and to raise funds from private sources and expend those funds for the benefit of the District of Columbia Public Library, with the prior review and approval of the Chief Financial Officer for the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority.".

SEC. 157. DISTRICT OF COLUMBIA ADOPTION IMPROVEMENT ACT OF 1998. (a) SHORT TITLE.—This section may be cited as the "District of Columbia Adoption Improvement Act of 1998".

(b) DATABASE.—The District of Columbia Child and Family Services Agency (referred to as "CFSA") shall maintain an accurate database listing and tracking any child found by the Family Division of the District of Columbia Superior Court to be abused or neglected and who is in the custody of the District of Columbia, including any child with the goal of adoption or legally free for adoption.

(c) CONTRACTING WITH PRIVATE SERVICE PROVIDERS.—

(1) PRIVATE CONTRACTS.—Not later than September 30, 1999, CFSA shall enter into contracts with private service providers to perform some of the adoption recruitment and placement functions of CFSA, which may include recruitment, homestudy, and placement services.

(2) COMPETITIVE BIDDING.—Any contract entered into pursuant to paragraph (1) shall be subject to a competitive bidding process when required by CFSA contracting policies and procedures.

(3) PERFORMANCE-BASED COMPENSATION.—

(A) IN GENERAL.—Any contract entered into pursuant to paragraph (1) shall compensate the winning bidder pursuant to paragraph (2) upon completion of contract deliverables.

(B) CONTRACT DELIVERABLES.—In identifying contract deliverables, CFSA shall consider—

(i) in the case of recruitment, receipt of a list of potential adoptive families;

(ii) in the case of homestudies, receipt of a completed homestudy in a form specified in advance by CFSA; or

(iii) in the case of placements, the child is placed in an adoptive home approved by CFSA or the adoption is finalized.

(4) TYPES OF CONTRACTS.—Nothing in this section shall be construed to prevent CFSA from entering into contracts that provide for multiple deliverables or conditions for partial payment.

(5) REMOVAL OF BARRIERS TO ADOPTION.—CFSA shall meet with contractors to address issues identified during the term of a contract entered into pursuant to this section, including issues related to barriers to timely adoptions.

SEC. 158. CLARIFICATION OF RESPONSIBILITY FOR ADULT OFFENDER SUPERVISION IN THE DISTRICT OF COLUMBIA. (a) Section 11233(b)(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33) is amended by—

(1) striking "; and" in subparagraph (F) and inserting ";";

(2) striking "Columbia." in subparagraph (G) and inserting "Columbia; and"; and

(3) inserting after subparagraph (G) the following:

"(H) carry out all functions which have heretofore been carried out by the Social Services Division of the Superior Court relating to supervision of adults subject to protection orders or provision of services for or related to such persons.".

(b) Section 11–1722 of the District of Columbia Code is amended—

(1) in subsection (a)—

(A) by inserting "juvenile" after "all" in the first sentence; and

(B) by amending the second sentence to read as follows: "The Director shall have no jurisdiction over any adult under supervision.";

(2) in subsection (b), inserting "including the agency established by section 11233(a) of the National Capital Revitalization and Self-Government Improvement Act of 1997," after "Columbia,"; and

(3) in subsection (c), by inserting "juvenile" after "of".

SEC. 159. Public Law 104–8 is amended by adding new section 109 as follows:

"SEC. 109. CHIEF MANAGEMENT OFFICER.

"(a) The Authority may employ a Chief Management Officer of the District of Columbia, who shall be appointed by the Chair with the consent of the Authority. The Chief Management Officer shall assist the Authority in the fulfillment of its responsibilities under the District of Columbia Management Reform Act of 1997, subtitle B of the National Capital Revitalization and Self-Government Improvement Act of 1997, title XI of Public Law 105–33, to improve the effectiveness and efficiency of the District of Columbia Government. The Authority may delegate to the Chief Management Officer responsibility for oversight and supervision of departments and functions of the District of Columbia Government, or successor departments and functions, consistent with the District of Columbia Management Reform Act of 1997, subtitle B of the National Capital Revitalization and Self-Government Improvement Act of 1997, title XI of Public Law 105–33. The Chief Management Officer shall report directly to the Authority, through the Chair of the Authority, and shall be directed in his or her performance by a majority of the Authority. The Chief Management Officer shall be paid at an annual rate determined by the Authority sufficient in the judgment of the Authority to obtain the services of an individual with the skills and experience required to discharge the duties of the office.

"(b) EMPLOYMENT CONTRACT.—Notwithstanding any other provision of law, the employment agreement entered into as of January 15, 1998, between the Chief Management Officer and the District of Columbia Financial Responsibility and Management Assistance Authority shall be valid in all respects.".

SEC. 160. Section 1–1182.8(a)(4)(A) of the D.C. Code is amended to read as follows—

"(A) Audit the financial statement and report described in paragraph (3)(H) for a fiscal year, except that the financial statement and report may not be audited by the same auditor (or an auditor employed by or affiliated with the same auditor) for more than 5 consecutive fiscal years; and".

SEC. 161. DEFICIT REDUCTION AND REVITALIZATION.—Notwithstanding any other provision of law or this Act, funds allocated to management reform by the District of Columbia Financial Responsibility and Management Assistance Authority under this heading in Public Law 105–100 (111 Stat. 2159), as contained in the Authority's notification of June 24, 1998, shall remain available for management reform until September 30, 1999: Provided, That said funds shall not exceed $3,200,000.

SEC. 162. PROMPT PAYMENTS. (a) Section 3901 of title 31, United States Code is amended by adding at the end the following new subsection (d):

"(d)(1) Notwithstanding subsection (a)(1) of this section, this chapter, except section 3907 of this title, applies to the District of Columbia Courts.

"(2) A claim for an interest penalty not paid under this chapter may be filed in the same manner as claims are filed with respect to contracts to provide property or services for the District of Columbia Courts.

"(3)(A) Except as provided in subparagraph (B), an interest penalty under this chapter does not continue to accrue for more than one year or after a claim for an interest penalty is filed in the manner described in paragraph (2), whichever is earlier.

"(B) If a claim for an interest penalty is filed in the manner described in paragraph (2) and interest is not available for such claims under the laws and regulations governing claims under contracts to provide property or services

for the District of Columbia Courts, interest will accrue under this chapter as provided in paragraph (A) and from the date the claim is filed until the date the claim is paid.

"(4) Paragraph (3) of this subsection does not prevent an interest penalty from accruing on a claim if such interest is available for such claim under the laws and regulations governing claims under contracts to provide property or services for the District of Columbia Courts. Such interest may accrue on an unpaid contract payment and on the unpaid penalty under this chapter.

"(5) Except as provided in section 3904 of this title, this chapter does not require an interest penalty on a payment that is not made because of a dispute between the head of an agency and a business concern over the amount of payment or compliance with the contract. A claim related to the dispute, and any interest payable for the period during which the dispute is being resolved, is subject to the laws and regulations governing claims under contracts to provide property or services for the District of Columbia Courts.".

SEC. 163. Section 147 of the Nation's Capital Bicentennial Designation Act (Public Law 105–100; 111 Stat. 2180) is amended—

(1) in subsection (a)(3)(B) by striking "President's Day" and inserting "Washington's Birthday";

(2) in subsection (b)(1) by striking "President's Day" and inserting "Washington's Birthday".

SEC. 164. Section 101(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, 109 Stat. 97, is amended by adding at the end of paragraph (5) the following new subparagraph:

"(D) CONTINUATION OF SERVICE UNTIL SUCCESSOR APPOINTED.—Upon the expiration of a term of office, a member of the Authority may continue to serve until a successor has been appointed."

SEC. 165. Section 456(d)(2) of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198, as amended) is amended by adding at the end:

"(H) A statement of the balance of each account held by the District of Columbia Financial Responsibility and Management Assistance Authority as of the end of the quarter, together with a description of the activities within each such account during the quarter based on information supplied by the Authority.".

SEC. 166. No funds made available pursuant to any provision of this Act or any other Act now or hereafter enacted shall be used to capitalize the National Capital Revitalization Corporation or for the purpose of implementing the National Capital Revitalization Act of 1998 (D.C. Act 12–355) until at least 30 days after the District of Columbia Financial Responsibility and Management Assistance Authority submits to the appropriate committees of Congress an economic development strategy.

SEC. 167. The District of Columbia government shall maintain for fiscal year 1999 the same funding levels as provided in fiscal year 1997 for homeless services in the District of Columbia: Provided, That in addition to such amounts, $1,000,000 shall be paid to The Doe Fund for its Ready, Willing & Able program in Washington, D.C.

SEC. 168. (a) No later than November 1, 1998, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

SEC. 169. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (87 Stat. 813; Public Law 93–198; D.C. Code, sec. 1–233(c)(1), D.C. Act 12–421), "Oyster Elementary School Construction and Revenue Bond Act of 1998", shall take effect upon the date of enactment of this Act.

SEC. 170. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

SEC. 171. None of the funds contained in this Act may be used to conduct any ballot initiative which seeks to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

This Act may be cited as the "District of Columbia Appropriations Act, 1999".

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $765,000,000 to remain available until September 30, 2002: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until 2013 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1999, 2000, 2001, and 2002: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $22,500 for official reception and representation expenses for members of the Board of Directors, $50,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1999.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,500,000 of which not more than $27,500,000 may be made available until the Corporation reports to the Committees on Appropriations on measures taken to (1) establish sector specific investment funds; and (2) support regional investment initiatives in Georgia, Armenia and Azerbaijan through the Caucasus Fund: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $50,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1999 and 2000: Provided further, That such sums shall remain available through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999, and through fiscal year 2008 for the disbursement of direct and guaranteed loans obligated in fiscal year 2000: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,000,000, to remain available until September 30, 2000: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2000, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1999, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $650,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; and (7) up to $98,000,000 for basic education programs for children: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance for health and child survival programs, except that funds may be made available for such assistance for ongoing health programs.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106, and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,225,000,000, to remain available until September 30, 2000: Provided, That of the amount appropriated under this heading, up to $20,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: Provided further, That of the amount appropriated under this heading, up to $11,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers of referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes), (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to (A) an individual in exchange for becoming a family planning acceptor, or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning, (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services, (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method, (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the Untied States Agency for International Development determines that there has been a violation of the requirements contained in paragraphs (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, $2,500,000 may be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD): Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): Provided further, That none of the funds appropriated under this heading may be made available for assistance for the central Government of the Republic of South Africa, until the Secretary of State reports in writing to the appropriate committees of the Congress on the steps being taken by the United States Government to work with the Government of the Republic of South Africa to negotiate the repeal, suspension, or termination of section 15(c) of South Africa's Medicines and Related Substances Control Amendment Act No. 90 of 1997: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the funds appropriated under this heading, not less than $1,500,000 should be made available for agriculture programs in Laos: Provided further, That of the funds appropriated under this heading not less than $500,000 should be made available for support of the United States Telecommunications Training Institute: Provided further, That, of the funds made available by this Act for the "Microenterprise Initiative" (including any local currencies made available for the purposes of the Initiative), not less than 50 percent of the funds used for microcredit should be made available for support of programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the headings "Economic Support Fund" and "Development Assistance", not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated by this Act may be made available for activities or programs for Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Cambodia has: (1) thoroughly and credibly resolved all election-related disputes and complaints filed by all political parties to the National Election Commission and the Constitutional Council; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; and (3) been formed through credible, democratic elections: Provided, That the restrictions under this heading shall not apply to demining *or activities administered by nongovernmental organizations: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.*

INDONESIA

Of the funds appropriated under the headings "Economic Support Fund" and "Development Assistance", not less than $75,000,000 shall be made available for assistance for Indonesia: Provided, That of this amount, not less than $15,000,000 should be made available for activities administered by the Office of Transition Initiatives: Provided further, That of the amount made available under this heading up to $25,000,000 may be derived from funds that are available for obligation pursuant to section 511 of this Act or any comparable provision of law.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency: Provided further, That section 123(g) of the Foreign Assistance Act of 1961 and the paragraph entitled "Private and Voluntary Organizations" in title II of the Foreign Assistance and Related Programs Appropriations Act, 1985 (as enacted in Public Law 98–473) are hereby repealed.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $200,000,000, to remain available until expended.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 2000.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, including the cost of guaranteed loans designed to promote the urban and environmental policies and objectives of part I of such Act, $1,500,000, to remain available until expended: Provided, That these funds are available to subsidize loan principal, 100 per centum of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $5,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) of the Foreign Assistance Act of 1961, and the third and fourth sentences of section 223(j) of such Act are repealed.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,552,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $479,950,000: Provided, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $30,750,000, to remain available until September 30, 2000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,367,000,000, to remain available until September 30, 2000: Provided, That of the funds appropriated under this heading, not less than $1,080,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1998, whichever is later: Provided further, That not less than $775,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 should be made available for assistance for Jordan: Provided further, That notwithstanding any other provision of law, not to exceed $10,000,000 may be used to support victims of the Holocaust.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2000.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $430,000,000, to remain available until September 30, 2000, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 533 of this Act shall apply.

(e) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

(f) Not to exceed $200,000,000 of the funds appropriated under this heading may be made available for Bosnia and Herzegovina.

(g) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the New Independent

States of the former Soviet Union and for related programs, $801,000,000, to remain available until September 30, 2000: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph: Provided further, That such sums as may be necessary may be transferred to the Export-Import Bank of the United States for the cost of any financing under the Export-Import Bank Act of 1945 for activities for the New Independent States.

(b) Funds appropriated under title II of this Act, including funds appropriated under this heading, should be made available for assistance for Mongolia at a level which is at least equivalent to the level provided in fiscal year 1998: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(c)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Notwithstanding paragraph (1) assistance may be provided for the Government of Russia if the President determines and certifies to the Committees on Appropriations that making such funds available: (A) is vital to the national security interest of the United States; and (B) that the Government of Russia is taking meaningful steps to limit major supply contracts and to curtail the transfer of technology and technological expertise related to activities referred to in paragraph (1).

(d) Not more than 30 percent of the funds appropriated under this heading may be made available for assistance for any country in the region.

(e) Of the funds appropriated under this heading, not less than $228,000,000 shall be made available for assistance for the Southern Caucasus region: Provided, That of the funds made available for the Southern Caucasus region, 17.5 percent should be used for reconstruction and other activities relating to the peaceful resolution of conflicts within the region, especially those in the vicinity of Abkhazia and Nagorno-Karabakh: Provided further, That if the Secretary of State after May 30, 1999, determines and reports to the relevant committees of Congress that the full amount of funds that may be made available under the first proviso cannot be effectively utilized, the amount provided may be used for other purposes under this heading: Provided further, That of the funds provided under this subsection, 37 percent shall be made available for assistance for Georgia and 35 percent shall be made available for assistance for Armenia: Provided further, That of funds made available for Armenia, not less than 12 percent shall be made available for an endowment for the American University in Armenia.

(f) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(g) Of the funds appropriated under this heading, not less than $195,000,000 shall be made available for assistance for Ukraine: Provided, That not less than $25,000,000 of such funds should be made available for nuclear reactor safety programs, of which not less than $1,000,000 shall be made available for personnel security initiatives at all nuclear reactor installations: Provided further, That 50 percent of the amount made available in this subsection, exclusive of funds made available for nuclear safety and law enforcement reforms, shall be withheld from obligation and expenditure until the Secretary of State reports to the Committees on Appropriations that Ukraine has undertaken significant economic reforms additional to those achieved in fiscal year 1998, and include: (1) reform and effective enforcement of commercial and tax codes; and (2) continued progress on resolution of complaints by United States investors: Provided further, That the report in the previous proviso shall be provided 120 days after the date of enactment of this Act : Provided further, That for the purposes of the agreement with Ukraine submitted to the Congress under section 123 of the Atomic Energy Act of 1954, as amended, the requirement to submit the agreement and related documents to the Congress and the appropriate congressional committees for the periods described in that Act shall be deemed satisfied upon the enactment of this Act.

(h) The Coordinator for Assistance to the New Independent States of the Former Soviet Union shall inform the Committees on Appropriations prior to the obligation of funds made available under this heading for a United States national lab to administer nuclear safety activities if the management costs exceed 9 percent of the costs associated with the program or activity.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $240,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2000.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $261,000,000: Provided, That none of the funds under this heading may be made available to establish or operate an International Law Enforcement Academy for the Western Hemisphere outside the United States: Provided further, That in addition to any funds previously made available for an International Law Enforcement Academy for the Western Hemisphere, not less than $5,000,000 should be made available to establish and operate the International Law Enforcement Academy for the Western Hemisphere at the deBremond Training Center in Roswell, New Mexico: Provided further, That during fiscal year 1999, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $640,000,000: Provided, That not more than $13,000,000 shall be available for administrative expenses: Provided further, That not less than $70,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $30,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $198,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations at least twenty days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the New Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading not less than $35,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise *available for such purposes, may be used for expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.*

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended; and concessional loans, guarantees and credit agreements with any country in sub-Saharan Africa, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461); and of modifying any obligation, or portion of such obligation for Latin American countries to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501), $33,000,000, to remain available until expended: Provided, That not to exceed $2,900,000 of such funds may be used for implementation of improvements in the foreign credit reporting system of the United States Government: Provided further, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries: Provided further, That the authorities and appropriation under this heading shall also satisfy the requirement of section 808(a)(3) of part V of the Foreign Assistance Act, as amended, for the purpose of debt buybacks and swaps which incur no costs (as defined under section 502(5) of the Federal Credit Reform Act of 1990) in fiscal year 1999.

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out Department of the Treasury international affairs technical assistance activities, $1,500,000, to remain available until expended, which shall be available, pursuant to section 589 of this Act, for economic technical assistance and for related programs.

UNITED STATES COMMUNITY ADJUSTMENT AND INVESTMENT PROGRAM

For the United States Community Adjustment and Investment Program authorized by section 543 of the North American Free Trade Agreement Implementation Act, $10,000,000 to remain available until September 30, 2000. Provided, That the Secretary may transfer such funds to the North American Development Bank and/or to one or more Federal agencies for the purpose of enabling the Bank or such Federal agencies to assist in carrying out the program by providing technical assistance, grants, loans, loan guarantees, and other financial subsidies endorsed by the inter-agency finance committee established by section 7 of Executive Order 12916: Provided further, That no portion of such funds may be transferred to the Bank unless the Secretary shall have first entered into an agreement with the Bank that provides that any such funds may not be used for the Bank's administrative expenses: Provided further, That any funds transferred to the Bank under this head will be in addition to the 10 percent of the paid-in capital paid to the Bank by the United States referred to in section 543 of the Act: Provided further, That any funds transferred to any Federal Agency under this head will be in addition to amounts otherwise provided to such agency: Provided further, That any funds transferred to an agency under this head shall be subject to the same terms and conditions as the account to which transferred.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000 of which up to $1,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,330,000,000: Provided, That of the funds appropriated under this heading, not less than $1,860,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1998, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $490,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $45,000,000 should be available for assistance for Jordan: Provided further, That during fiscal year 1999 the President is authorized to, and shall, direct drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $25,000,000 under the authority of this proviso for Jordan for the purposes of part II of the Foreign Assistance Act of 1961: Provided further, That section 506(c) of the Foreign Assistance Act of 1961 shall apply, and section 632(d) of the Foreign Assistance Act of 1961 shall not apply, to any such drawdown: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated by this paragraph, not less than $7,000,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 1999, the President is authorized to, and shall, direct the drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $5,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the previous proviso: Provided further, That section 506(c) of the Foreign Assistance Act of 1961 shall apply and section 632(d) of the Foreign Assistance Act of 1961 shall not apply to any such drawdown: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $20,000,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $167,000,000.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $29,910,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $340,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1999 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $76,500,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $192,500,000 to remain available until expended for contributions previously due: Provided, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association (IDA) by the Secretary of the Treasury, $800,000,000, to remain available until expended: Provided, That none of these funds may be obligated or expended until the Secretary of the Treasury certifies that a procedure has been established for the Comptroller General of the United States to be provided full access to: (1) the financial and related records of the International Bank for Reconstruction and Development and IDA for the purposes of conducting audits of current loans and financial assistance provided by these institutions; and (2) management personnel manuals, procedures, and policy guidelines: Provided further, That following the review conducted in the previous proviso, the Comptroller General shall report to the Committees on Appropriations on the results of the audit and recommendations to improve institutional financial and personnel procedures, especially regarding the protection of individuals alleging mismanagement, fraud, or abuses: Provided further, That at least ten days prior to the obligation of funds appropriated under this heading the Secretary of Treasury shall report to the Committees on Appropriations of his intent to obligate such funds.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

FUND FOR SPECIAL OPERATIONS

For payment to the Inter-American Bank by the Secretary of the Treasury, for the United States share of the increase in resources for the Fund for Special Operations, $21,152,000, to remain available until expended for contributions previously due.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund, $50,000,000 to remain available until expended for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89–369), $210,000,000, to remain available until expended, of which $187,000,000 shall be available for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $128,000,000, to remain available until expended, of which $88,300,000 shall be available for contributions previously due.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $187,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That none of the funds appropriated under this heading may be made available for the United Nations Population Fund (UNFPA): Provided further, That not less than $5,000,000 should be made available to the World Food Program: Provided further, That none of the funds made available under this heading, may be provided to the Climate Stabilization Fund until fifteen days after the Department of State provides a report to the Committees on Foreign Relations and Appropriations in the Senate and the Committees on International Relations and Appropriations in the House of Representatives detailing the number of Fund employees and associated salaries and the fiscal year 1998 and 1999 Fund activities, programs or projects and associated costs: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to *exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.*

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1999, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified 15 days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1999.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, Brazil, Liberia, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. (a) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

(b) The Secretary of the Treasury should instruct the United States executive directors of international financial institutions listed in subsection (a) of this section to use the voice and vote of the United States to support the purchase of American produced agricultural commodities with funds appropriated or made available pursuant to this Act.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development assistance", "International Organizations and Programs", "Trade and Development Agency", "International narcotics control and law enforcement", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of *less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.*

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2000: Provided, That section 307(a) of the Foreign Assistance Act of 1961, is amended by inserting before the period at the end thereof ", or at the discretion of the President, Communist countries listed in section 620(f) of this Act".

NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for assistance for a Government of the New Independent States of the former Soviet Union—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for assistance for a Government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the New Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the New Independent States of the Former Soviet Union" for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(h)(1) WITHHOLDING OF ASSISTANCE.—None of the funds appropriated by this Act may be made available for assistance for the Government of the Russian Federation, after 180 days from the date of enactment of this Act, until agreement has been reached that assistance provided with funds appropriated by this Act will not be subject to customs duties or that legislation has been enacted and is in force that exempts such assistance from being subject to customs duties.

(2) WAIVER.—Notwithstanding paragraph (1), assistance may be provided for the Government of the Russian Federation if the President determines that significant progress has been made on reaching an agreement, or enacting and enforcing legislation, that meets the objectives of this section to provide exemption from customs duties for assistance furnished under this Act.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

EXCESS DEFENSE ARTICLES FOR CENTRAL EUROPEAN COUNTRIES

SEC. 519. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1999 and 2000".

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Honduras, Haiti, Liberia, Pakistan, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education, AIDS and other infectious diseases, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the prevention, treatment and control of acquired immune deficiency syndrome or other diseases in developing countries: Provided, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1998" and inserting in lieu thereof "the current fiscal year".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY IN CHINA

SEC. 527. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for "Economic Support Fund" may be made available to provide general support for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster democracy in that country: Provided, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 528. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 529. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 530. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 531. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 532. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 533. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing, or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961 are repealed.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 534. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

Sec. 535. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

Sec. 536. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION, THE AFRICAN DEVELOPMENT FOUNDATION AND THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

Sec. 537. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

Sec. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SERBIA-MONTENEGRO AND KOSOVA

Sec. 539. (a) Restrictions.—None of the funds in this or any other Act may be made available to modify or remove any sanction, prohibition or requirement with respect to Serbia-Montenegro unless the President first submits to the Congress a certification described in subsection (c).

(b) International Financial Institutions.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia-Montenegro, unless the President first submits to the Congress a certification described in subsection (c).

(c) Certification.—A certification described in this subsection is a certification that—

(1) there is substantial improvement in the human rights situation in Kosova;

(2) international human rights observers are allowed to return to Kosova;

(3) Serbian, Serbian-Montenegrin federal government officials, and representatives of the ethnic Albanian community in Kosova have agreed on and begun implementation of a negotiated settlement on the future status of Kosova; and

(4) the government of Serbia-Montenegro is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia-Herzegovina including fully cooperating with the International Criminal Tribunal for the Former Yugoslavia.

(d) Waiver Authority.—The President may waive the application, in whole or in part, of subsections (a) and (b) if he certifies in writing to the Congress that the waiver is necessary to meet emergency humanitarian needs or to advance negotiations toward a peaceful settlement of the conflict in Kosova that is acceptable to the parties.

(e) Exemption for Montenegro.—This section shall not apply to Montenegro.

SPECIAL AUTHORITIES

Sec. 540. (a) Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) Waiver.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) Period of Application of Waiver.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

Sec. 541. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

Sec. 542. (a) Of the funds appropriated by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

Sec. 543. (a) Assistance Through Nongovernmental Organizations.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1999, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 544. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 545. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 546. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 547. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 548. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 549. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 550. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 551. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance estimated to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 552. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 553. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 554. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That sixty days after the date of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals or commissions other than for Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 555. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 556. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 557. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

EQUITABLE ALLOCATION OF FUNDS

SEC. 558. Not more than 17 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 559. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief ad referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 560. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 561. (a) LIMITATION.—Funds appropriated by this Act may be made available for assistance for the central Government of Haiti only if the President reports to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of Haiti—

(1) has completed privatization of (or placed under long-term private management or concession) three major public entities including the completion of all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants of the land or facility;

(2) has re-signed or is implementing the bilateral Repatriation Agreement with the United States and in the preceding six months that the central Government of Haiti is cooperating with the United States in halting illegal emigration from Haiti;

(3) is conducting thorough investigations of extrajudicial and political killings and has made substantial progress in bringing to justice a person or persons responsible for one or more

extrajudicial or political killings in Haiti, and is cooperating with United States authorities and with United States-funded technical advisors to the Haitian National Police in such investigations;

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights or credibly alleged to have engaged in or conspired to engage in narcotics trafficking; and

(5) has ratified or is implementing the maritime counter-narcotics agreements signed in October 1997.

(b) AVAILABILITY OF ELECTORAL ASSISTANCE.—The limitation in subsection (a) shall not apply to funds appropriated by this Act that are made available to support elections in Haiti if the President reports to the Congress that the central Government of Haiti:

(1) has achieved a transparent settlement of the contested April 1997 elections; and

(2) has made concrete progress on the constitution of a credible and competent provisional electoral council that is acceptable to a broad spectrum of political parties and civic groups.

(c) EXCEPTIONS.—The limitations in subsections (a) and (b) shall not apply to the provision of—

(1) counter-narcotics assistance, support for the Haitian National Police's Special Investigations Unit and anti-corruption programs, the International Criminal Investigative Assistance Program, and assistance in support of Haitian customs and maritime officials;

(2) food assistance management and support;

(3) assistance for urgent humanitarian needs, such as medical and other supplies and services in support of community health services, schools, and orphanages; and

(4) not more than $3,000,000 for the development and support of political parties and civic groups.

(d) WAIVER.—At any time after 150 days from the date of enactment of this Act, the Secretary of State may waive the requirements contained in subsection (a)(1) if she reports to the Committees specified in subsection (a) that the Government of Haiti has satisfied the requirements of subsection (a)(1) with regard to one major public entity and has satisfied the remaining requirements of subsection (a).

(e) REPORTS.—The Secretary of State shall provide to the Committees specified in subsection (a) on a quarterly basis—

(1) in consultation with the Secretary of Defense and the Administrator of the Drug Enforcement Administration, a report on the status and number of United States personnel deployed in and around Haiti on Department of Defense, Drug Enforcement Administration, and United Nations missions, including displays by functional or operational assignment for such personnel and the cost to the United States of these operations; and

(2) the monthly reports, prepared during the previous quarter, of the Organization of American States/United Nations International Civilian Mission to Haiti (MICIVIH).

(f) ADMINISTRATION OF JUSTICE ASSISTANCE.—(1) The limitation in subsection (a) shall not apply to funds appropriated under this Act that are made available for the Ministry of Justice for the training of judges if the President determines and reports to the Committee on Appropriations and the Committee on Foreign Relations of the Senate, and the Committee on Appropriations and the Committee on International Relations of the House of Representatives, that Haiti's Minister of Justice—

(A) has demonstrated a commitment to the professionalism of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School; and

(B) is making progress in making the judicial branch in Haiti independent from the executive branch.

(2) The limitation in subsection (a) shall not apply to funds to support the training of prosecutors, judicial mentoring, legal assistance, and case management.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 562. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1998.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 563. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

BURMA LABOR REPORT

SEC. 564. Not later than ninety days after enactment of this Act, the Secretary of Labor shall provide to the Committees on Appropriations a report addressing labor practices in Burma: Provided, That the report shall provide comprehensive details on child labor practices, worker's rights, forced relocation of laborers, forced labor performed to support the tourism industry, and forced labor performed in conjunction with, and in support of, the Yadonna gas pipeline: Provided further, That the report should address whether the government is in compliance with international labor standards: Provided further, That the report should provide details regarding the United States government's efforts to address and correct practices of forced labor in Burma.

HAITI

SEC. 565. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 566. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

SEC. 567. None of the funds appropriated by title II of this Act may be made available to the Government of Croatia to relocate the remains of Croatian Ustashe soldiers, at the site of the World War II concentration camp at Jasenovac, Croatia.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 568. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 569. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the United States expects that the items will not be used in East Timor: Provided, That nothing in this section shall be construed to limit Indonesia's inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 570. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or canton described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against,

any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement; or

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity.

(H) assistance to the International Police Task Force for the training of a civilian police force.

(2) NOTIFICATION.—Every 30 days the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register and/or in a comparable publicly accessible document or internet site, a listing and justification of any assistance that is obligated within that period of time for any country, entity, or canton described in subsection (e), including a description of the purpose of the assistance project and its location, by municipality.

(d) FURTHER LIMITATIONS.—Notwithstanding subsection (c)—

(1) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (e), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(2) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or canton described in subsection (e) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or canton upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (1) the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal; and

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(g) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(h) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia-Herzegovina, Croatia, Serbia, and Montenegro.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.

(3) CANTON.—The term "canton" means the administrative units in Bosnia and Herzegovina.

(4) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(5) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(i) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 571. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking the word "and" after "1997", and inserting in lieu thereof a comma and inserting before the period at the end the following: "and $340,000,000 for fiscal year 1999".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1999, not more than $320,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 572. None of the funds appropriated under this Act may be made available for the Government of Russian Federation, after 180 days from the date of enactment of this Act, unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

SEC. 573. (a) Funds made available in this Act to support programs or activities promoting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1998, planned obligations for such activities in fiscal year 1999, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2000: Provided, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix.

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 574. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation or expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

(c) WAIVER.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 575. (a) None of the funds appropriated by this Act may be provided for assistance for the central Government of the Democratic Government of Congo until such time as the President reports in writing to the Congress that the central Government is—

(1) investigating and prosecuting those responsible for human rights violations committed in the Democratic Republic of Congo; and

(2) implementing a credible democratic transition program.

(b) This section shall not apply to assistance to promote democracy and the rule of law as part of a plan to implement a credible democratic transition program.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 576. Of the funds appropriated by this Act under the headings "Economic Support Fund", "Foreign Military Financing", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", not more than a total of $5,402,850,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: *Provided*, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of enactment of this Act obligated or allocated for other recipients may not during fiscal year 1999 be made available for activities that, if funded under this Act, would be required to count against this ceiling: *Provided further*, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 577. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 578. The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 579. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1999 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 580. (a) Not to exceed $385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance.

(b) Such funds may be apportioned only on a monthly basis, and such monthly apportionments may not exceed 8.34 percent of the total available for such activities.

REPORT ON ALL UNITED STATES MILITARY TRAINING PROVIDED TO FOREIGN MILITARY PERSONNEL

SEC. 581. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 1999, a report on all military training provided to foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, including those proposed for fiscal year 1999. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 582. (a) Of the funds made available under the heading "Nonproliferation, anti-terrorism, Demining and Related Programs", not to exceed $35,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as "KEDO"), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: *Provided*, That none of these funds may be made available until March 1, 1999.

(b) of the funds made available for KEDO, up to $15,000,000 may be made available prior to June 1, 1999, if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that:

(1)(A) the parties to the Agreed Framework have taken and continue to take demonstrable steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula in which the government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy or use nuclear weapons:

(B) the parties to the Agreed Framework have taken and continue to take demonstrable steps to assure that progress is made on the implementation of the North-South dialogue; and

(C) North Korea is complying with all provisions of the Agreed Framework and with the Confidential Minute between North Korea and the United States.

(2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors;

(3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended; and

(4) The United States is fully engaged in efforts to impede North Korea's development and export of ballistic missiles; and

(c) Of the funds made available for KEDO, up to $20,000,000 may be made available on or after June 1, 1999, if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that:

(1) the United States has initiated meaningful discussions with North Korea on implementation of the Joint Declaration on the Denuclearization of the Korean Peninsula;

(2) the United States has reached agreement with North Korea on the means for satisfying U.S. concerns regarding suspect underground construction, and;

(3) the United States is making significant progress on reducing and eliminating the North Korean ballistic missile threat, including its ballistic missile exports.

(d) The President may waive the certification requirements of subsections (b) and (c) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees prior to his exercise of such waiver. No funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

(e) Not later than January 1, 1999, the Presidential shall name a "North Korea Policy Coordinator", who shall conduct a full and complete interagency review of United States policy toward North Korea, shall provide policy direction for negotiations with North Korea related to nuclear weapons, ballistic missiles, and other security related issues, and shall also provide leadership for United States participation in KEDO.

(f) The Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the KEDO, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

(g) The Secretary of Defense shall submit to the appropriate congressional committees an annual report on the degree to which KEDO's mission and the Agreed Framework continue to promote important United States national security interests, contribute to delaying North Korean indigenous development of nuclear weapons-related technology, and positively impact the level of tension on the Korean Peninsula.

NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

SEC. 583. (a) Notwithstanding any other provision of law, each annual report required by subsection 1701(a) of the International Financial Institutions Act, as amended (Public Law 95–118, 22 U.S.C. 262r), shall comprise—

(1) an assessment of the effectiveness of the major policies and operations of the international financial institutions;

(2) the major issues affecting United States participation;

(3) the major developments in the past year;

(4) the prospects for the coming year;

(5) the progress made and steps taken to achieve United States policy goals (including major policy goals embodied in current law) with respect to the international financial institutions; and

(6) such data and explanations concerning the effectiveness, operations, and policies of the international financial institutions, such recommendations concerning the international financial institutions, and such other data and material as the Chairman may deem appropriate.

(b) The requirements of Sections 1602(e), 1603(c), 1604(c), and 1701(b) of the International Financial Institutions Act, as amended (Public Law 95–118, 22 U.S.C. 262p–1, 262p–2, 262p–3 and 262(r)), Section 2018(c) of the International Narcotics Control Act of 1986, as amended (Public Law 99–570, 22 U.S.C. 2291 note), Section 407(c) of the Foreign Debt Reserving Act of 1989 (Public Law 101–240, 22 U.S.C. 2291 note), Section 14(c) of the Inter-American Development Bank Act, as amended (Public Law 86–147, 22 U.S.C. 283j–1(c)), and Section 1002 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511) (22 U.S.C. 286ll(b)) shall no longer apply to the contents of such annual reports.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 584. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

REPORT ON IRAQI DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION

SEC. 585. (a) FINDINGS.—Congress finds that—

(1) Iraq is continuing efforts to mask the extent of its weapons of mass destruction and missile programs;

(2) proposals to relax the current international inspection regime would have potentially dangerous consequences for international security; and

(3) Iraq has demonstrated time and again that it cannot be trusted to abide by international norms or by its own agreements, and that the only way the international community can be assured of Iraqi compliance is by ongoing inspection.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the international agencies charged with inspections in Iraq—the International Atomic Energy Agency (IAEA) and the United Nations Special Commission (UNSCOM) should maintain vigorous inspections, including surprise inspections, within Iraq; and

(2) the United States should oppose any efforts to ease the inspections regimes on Iraq until there is clear, credible evidence that the Government of Iraq is in full compliance with all relevant United Nations' resolutions.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the President shall submit a report to Congress on the United States Government's assessment of Iraq's nuclear and other weapons of mass destruction programs and its efforts to move toward procurement of nuclear weapons and the means to deliver weapons of mass destruction. The report shall also—

(1) assess the United States view of the International Atomic Energy Agency's action team reports and other IAEA efforts to monitor the extent and nature of Iraq's nuclear program; and

(2) include the United States Government's opinion on the value of maintaining the ongoing inspection regime rather than replacing it with a passive monitoring system.

SENSE OF CONGRESS REGARDING IRAN

SEC. 586. (a) The Congress finds that—

(1) according to the Department of State, Iran continues to support international terrorism, providing training, financing, and weapons to such terrorist groups as Hizballah, Islamic Jihad and Hamas;

(2) Iran continues to oppose the Arab-Israeli peace process and refuses to recognize Israel's right to exist;

(3) Iran continues aggressively to seek weapons of mass destruction and the missiles to deliver them;

(4) it is long-standing United States policy to offer official government-to-government dialogue with the Iranian regime, such offers having been repeatedly rebuffed by Tehran;

(5) more than a year after the election of President Khatemi, Iranian foreign policy continues to threaten American security and that of our allies in the Middle East; and

(6) despite repeated offers and tentative steps toward rapprochement with Iran by the Clinton Administration, including a decision to waive sanctions under the Iran-Libya Sanctions Act and the President's veto of the Iran Missile Proliferation Sanctions Act, Iran has failed to reciprocate in a meaningful manner.

(b) Therefore it is the sense of the Congress that—

(1) the Administration should make no concessions to the Government of Iran unless and until that government moderates its objectionable policies, including taking steps to end its support of international terrorism, opposition to the Middle East peace process, and the development and proliferation of weapons of mass destruction and their means of delivery; and

(2) there should be no change in United States policy toward Iran until there is credible and sustained evidence of a change in Iranian policies.

AID OFFICE OF SECURITY

SEC. 587. (a) ESTABLISHMENT OF OFFICE.—There shall be established within the Office of the Administrator of the Agency for International Development, an Office of Security. Such Office of Security shall, notwithstanding any other provision of law except section 207 of the Foreign Service Act of 1980 and section 103 of Public Law 199–339, have the responsibility for the supervision, direction, and control of all security activities relating to the programs and operations of that Agency.

(b) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—There are transferred to the Office of Security all security functions exercised by the Office of Inspector General of the Agency for International Development exercised before the date of enactment of this Act. The Administrator shall transfer from the Office of the Inspector General of such Agency to the Office of Security established by subsection (a), the personnel (including the Senior Executive Service position designated for the Assistant Inspector General for Security), assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, and other funds held, used, available to, or to be made available in connection with such functions. Unexpended balances of appropriations, and other funds made available or to be made available in connection with such functions, shall be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the Agency for International Development".

(c) TRANSFER OF EMPLOYEES.—Any employee in the career service who is transferred pursuant to this section shall be placed in a position in the Office of Security established by subsection (a) which is comparable to the position the employee held in the Office of the Inspector General of the Agency for International Development.

SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEVELOPMENT BY NORTH KOREA

SEC. 588. (a) Congress makes the following findings:

(1) North Korea has been active in developing new generations of medium-range and intermediate-range ballistic missiles, including both the Nodong and Taepo Dong class missiles.

(2) North Korea is not an adherent to the Missile Technology Control Regime, actively cooperates with Iran and Pakistan in ballistic missile programs, and has declared its intention to continue to export ballistic missile technology.

(3) North Korea has shared technology involved in the Taepo Dong I missile program with Iran, which is concurrently developing the Shahab–3 intermediate-range ballistic missile.

(4) North Korea is developing the Taepo Dong II intermediate-range ballistic missile, which is expected to have sufficient range to put at risk United States territories, forces, and allies throughout the Asia-Pacific area.

(5) Multistage missiles like the Taepo Dong class missile can ultimately be extended to intercontinental range.

(6) The bipartisan Commission to Assess the Ballistic Missile Threat to the United States emphasized the need for the United States intelligence community and United States policy makers to review the methodology by which they assess foreign missile programs in order to guard against surprise developments with respect to such programs.

(b) It is the sense of Congress that—

(1) North Korea should be forcefully condemned for its August 31, 1998, firing of a Taepo Dong I intermediate-range ballistic missile over the sovereign territory of another country, specifically Japan, an event that demonstrated an advanced capability for employing multistage missiles, which are by nature capable of extended range, including intercontinental range;

(2) the United States should reassess its cooperative space launch programs with countries that continue to assist North Korea and Iran in their ballistic missile and cruise missile programs;

(3) any financial or technical assistance provided to North Korea should take into account the continuing conduct by that country of activities which destabilize the region, including the missile firing referred to in paragraph (1), continued submarine incursions into South Korean territorial waters, and violations of the demilitarized zone separating North Korea and South Korea;

(4) the recommendations of the Commission to Assess the Ballistic Missile Threat to the United States should be incorporated into the analytical processes of the United States intelligence community as soon as possible; and

(5) the United States should accelerate cooperative theater missile defense programs with Japan.

TECHNICAL ASSISTANCE TO FOREIGN GOVERNMENTS

SEC. 589. (a) ESTABLISHMENT OF PROGRAM.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"SEC. 129. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO FOREIGN GOVERNMENTS AND FOREIGN CENTRAL BANKS OF DEVELOPING OR TRANSITIONAL COUNTRIES.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Not later than 150 days after the date of the enactment of this section,

the Secretary of the Treasury, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, is authorized to establish a program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries.

"(2) ROLE OF SECRETARY OF STATE.—The Secretary of State shall provide foreign policy guidance to the Secretary to ensure that the program established under this subsection is effectively integrated into the foreign policy of the United States.

"(b) CONDUCT OF PROGRAM.—

"(1) IN GENERAL.—In carrying out the program established under subsection (a), the Secretary shall provide economic and financial technical assistance to foreign governments and foreign central banks of developing and transitional countries by providing advisers with appropriate expertise to advance the enactment of laws and establishment of administrative procedures and institutions in such countries to promote macroeconomic and fiscal stability, efficient resource allocation, transparent and market-oriented processes and sustainable private sector growth.

"(2) ADDITIONAL REQUIREMENTS.—To the extent practicable, such technical assistance shall be designed to establish—

"(A) tax systems that are fair, objective, and efficiently gather sufficient revenues for governmental operations;

"(B) debt issuance and management programs that rely on market forces;

"(C) budget planning and implementation that permits responsible fiscal policy management;

"(D) commercial banking sector development that efficiently intermediates between savers and investors; and

"(E) financial law enforcement to protect the integrity of financial systems, financial institutions, and government programs.

"(c) ADMINISTRATIVE REQUIREMENTS.—In carrying out the program established under subsection (a), the Secretary—

"(1) shall establish a methodology for identifying and selecting foreign governments and foreign central banks to receive assistance under the program;

"(2) prior to selecting a foreign government or foreign central bank to receive assistance under the program, shall receive the concurrence of the Secretary of State with respect to the selection of such government or central bank and with respect to the cost of the assistance to such government or central bank;

"(3) shall consult with the heads of appropriate Executive agencies of the United States, including the Secretary of State and the Administrator of the United States Agency for International Development, and appropriate international financial institutions to avoid duplicative efforts with respect to those foreign countries for which such agencies or organizations provide similar assistance;

"(4) shall ensure that the program is consistent with the International Affairs Strategic Plan and Mission Performance Plan of the United States Agency for International Development;

"(5) shall establish and carry out a plan to evaluate the program.

"(d) ADMINISTRATIVE AUTHORITIES.—In carrying out the program established under subsection (a), the Secretary shall have the following administrative authorities:

"(1) The Secretary may provide allowances and benefits under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) to any officer or employee of any agency of the United States Government performing functions under this section outside the United States.

"(2)(A) The Secretary may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out this section, including any advance to the United States Government by any country or international organization for the procurement of commodities, supplies, or services.

"(B) Such funds shall be available for obligation and expenditure for the purposes for which such funds were authorized, in accordance with authority granted in this section or under authority governing the activities of the agency of the United States Government to which such funds are allocated or transferred.

"(3) Appropriations for the purposes of or pursuant to this section, and allocations to any agency of the United States Government from other appropriations for functions directly related to the purposes of this section, shall be available for—

"(A) contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;

"(B) the purchase and hire of passenger motor vehicles, except that passenger motor vehicles may be purchased only—

"(i) for use in foreign countries; and

"(ii) if the Secretary or the Secretary's designee has determined that the vehicle is necessary to accomplish the mission;

"(C) the purchase of insurance for official motor vehicles acquired for use in foreign countries;

"(D)(i) the rent or lease outside the United States, not to exceed 5 years, of offices, buildings, grounds, and quarters, including living quarters to house personnel, consistent with the relevant interagency housing board policy, and payments therefor in advance;

"(ii) maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government outside the United States; and

"(iii) costs of insurance, fuel, water, and utilities for such properties;

"(E) expenses of preparing and transporting to their former homes or places of burial the remains of foreign participants or members of the family of foreign participants, who may die while such participants are away from their homes participating in activities carried out with funds covered by this section;

"(F) notwithstanding any other provision of law, transportation and payment of per diem in lieu of subsistence to foreign participants engaged in activities of the program under this section while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the standardized Government travel regulations;

"(G) expenses in connection with travel of personnel outside the United States, including travel expenses of dependents (including expenses during necessary stop-overs while engaged in such travel), and transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting automobiles to and from a place of storage, and the cost of storing automobiles of such personnel when it is in the public interest or more economical to authorize storage; and

"(H) grants to, and cooperative agreements and contracts with, any individual, corporation, or other body of persons, nonprofit organization, friendly government or government agency, whether within or without the United States, and international organizations, as the Secretary determines is appropriate to carry out the purposes of this section.

"(4) Whenever the Secretary determines it to be consistent with the purposes of this section, the Secretary is authorized to furnish services and commodities on an advance-of-funds basis to any friendly country or international organization that is not otherwise prohibited from receiving assistance under this Act. Such advances may be credited to the currently applicable appropriation, account, or fund of the Department of the Treasury and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used.

"(e) ISSUANCE OF REGULATIONS.—The Secretary is authorized to issue such regulations with respect to personal service contractors as the Secretary deems necessary to carry out this section.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to infringe upon the powers or functions of the Secretary of State (including the powers or functions described in section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802)) or of any chief of mission (including the powers or functions described in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)).

"(g) TERMINATION OF ASSISTANCE.—The Secretary shall conclude assistance activities for a recipient foreign government or foreign central bank under the program established under subsection (a) if the Secretary, after consultation with the appropriate officers of the United States, determines that such assistance has resulted in the enactment of laws or the establishment of institutions in that country that promote fiscal stability and administrative procedures, efficient resource allocation, transparent and market-oriented processes and private sector growth in a sustainable manner.

"(h) REPORT.—

"(1) IN GENERAL.—Not later than 3 months after the date of the enactment of this section, and every 6 months thereafter, the Secretary shall prepare and submit to the appropriate congressional committees a report on the conduct of the program established under this section during the preceding 6-month period.

"(2) DEFINITION.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(i) DEFINITIONS.—In this section:

"(1) DEVELOPING OR TRANSITIONAL COUNTRY.—The term 'developing or transitional country' means a country eligible to receive development assistance under this chapter.

"(2) INTERNATIONAL FINANCIAL INSTITUTION.—The term 'international financial institution' means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, the African Development Bank, the African Development Fund, the Inter-American Development Bank, the Inter-American Investment Corporation, the European Bank for Reconstruction and Development, and the Bank for Economic Cooperation and Development in the Middle East and North Africa.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(4) TECHNICAL ASSISTANCE.—The term 'technical assistance' includes—

"(A) the use of short-term and long-term expert advisers to assist foreign governments and foreign central banks for the purposes described in subsection (b)(1);

"(B) training in the recipient country, the United States, or elsewhere for the purposes described in subsection (b)(1);

"(C) grants of goods, services, or funds to foreign governments and foreign central banks;

"(D) grants to United States nonprofit organizations to provide services or products which contribute to the provision of advice to foreign governments and foreign central banks; and

"(D) study tours for foreign officials in the United States or elsewhere for the purpose of providing technical information to such officials.

"(5) FOREIGN PARTICIPANT.—The term 'foreign participant' means the national of a developing or transitional country that is receiving assistance under the program established under subsection (a) who has been designated to participate in activities under such program.

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1999.

"(2) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.".

(b) TRANSPORTATION OF REMAINS, DEPENDENTS, AND EFFECTS OF UNITED STATES GOVERNMENT EMPLOYEES; DEATH OCCURRING AWAY FROM OFFICIAL STATION ABROAD.—Section 5742(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking the "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) the travel expenses of not more than 2 persons to escort the remains of a deceased employee, if death occurred while the employee was in travel status away from his official station in the United States or while performing official duties outside the United States or in transit thereto or therefrom, from the place of death to the home or official station of such person, or such other place appropriate for interment as is determined by the head of the agency concerned.".

IRAQ OPPOSITION

SEC. 590. Notwithstanding any other provision of law, of the funds made available in this Act and prior Acts making appropriations for foreign operations, export financing and related programs, not less than $8,000,000 shall be made available only for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, and developing and implementing agreements among opposition groups: Provided further, That any agreement reached regarding the obligation of funds under the previous proviso shall include provisions to ensure appropriate monitoring on the use of such funds: Provided further, That of this amount not less than $3,000,000 should be made available as a grant to Iraqi National Congress, to be administered by its Executive Committee for the benefit of all constituent groups of the Iraqi National Congress: Provided further, That within 30 days of enactment of this Act the Secretary of State shall submit a detailed report to the Appropriations Committees of Congress on implementation of this section.

NATIONAL COMMISSION ON TERRORISM

SEC. 591. (a) ESTABLISHMENT OF NATIONAL COMMISSION ON TERRORISM.—

(1) ESTABLISHMENT.—There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as "The National Commission on Terrorism".

(2) COMPOSITION.—The commission shall be composed of 10 members appointed as follows:

(A) Three members shall be appointed by the Majority Leader of the Senate.

(B) Three members shall be appointed by the Speaker of the House of Representatives.

(C) Two members shall be appointed by the Minority Leader of the Senate.

(D) Two members shall be appointed by the Minority Leader of the House of Representatives.

(E) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(3) QUALIFICATIONS.—The members should have a knowledge and expertise in matters to be studied by the commission.

(4) CHAIR.—The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chair of the Commission.

(5) PERIOD OF APPOINTMENT: VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(6) SECURITY CLEARANCES.—All Members of the Commission should hold appropriate security clearances.

(b) DUTIES.—

(1) IN GENERAL.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(A) Review the laws, regulations, policies, directives, and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(B) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(i) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(ii) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

(iii) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

(C) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(2) REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

(c) ADMINISTRATIVE MATTERS.—

(1) MEETINGS.—

(A) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(B) After the first meeting, the commission shall meet upon the call of the chair.

(C) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(2) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this section.

(3) POWERS.—

(A) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(B) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chair of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(C) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) PAY AND EXPENSES OF COMMISSION MEMBERS.—

(A) Subject to appropriations, each member of the commission who is not an employee of the government shall be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(B) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(C) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(D)(i) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(ii) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(5) STAFF AND ADMINISTRATIVE SUPPORT.—

(A) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to three additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS-15 under the General Schedule.

(B) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION OF COMMISSION.—The commission shall terminate 30 days after the date on which the commission submits a final report.

(e) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SPECIAL AUTHORITIES AMENDMENT

SEC. 592. The authority of section 614 of the Foreign Assistance Act of 1961, as amended, may not be used during fiscal year 1999 for the Korean Peninsula Energy Development Organization to authorize the use of more than $35,000,000 of funds made available for use under that Act or the Arms Export Control Act.

ECONOMIC AND POLITICAL TRANSITION IN INDONESIA

SEC. 593. (a) POLITICAL AND ECONOMIC REFORM.—It is the sense of Congress that—

(1) expanding the availability of wheat, wheat products, and rice for distribution to the most needy and vulnerable Indonesians is vital to the well-being of all Indonesians;

(2) the Administration should adopt a more active approach in support of democratic institutions and processes in Indonesia and provide assistance for continued economic and political development in Indonesia, including—

(A) support for humanitarian programs;

(B) leading a multinational effort to expand humanitarian and food aid programs to meet the needs of Indonesia;

(C) working with international financial institutions to recapitalize and reform the banking system, restructure corporate debt, and introduce economic and legal transparency in Indonesia;

(D) urging the Government of Indonesia to remove, to the maximum extent possible, barriers to trade and investment which impede economic recovery in Indonesia, including tariffs, quotas, export taxes, nontariff barriers, and prohibitions against foreign ownership and investment;

(E) urging the Government of Indonesia to—

(i) recognize and protect the participation of all Indonesians, including ethnic and religious minorities, in the political and economic life of Indonesia; and

(ii) release individuals detained or imprisoned for their political views;

(F) supporting efforts to establish a timetable for elections and building democracy by strengthening political parties and institutions and the rule of law including the repeal of laws and regulations that discriminate on the basis of religion or ethnicity.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report containing a description and assessment of the actions taken by the Government of the United States and the Government of Indonesia to further the objectives referred to in subsection (a).

(c) ETHNIC VIOLENCE.—It is the sense of Congress that—

(1) the mistreatment of ethnic Chinese in Indonesia and the criminal acts carried out against them during the May 1998 riots in Indonesia are deplorable and condemned;

(2) a full and fair investigation of such criminal acts should be completed by the earliest possible date, and those identified as responsible for perpetrating such criminal acts should be brought to justice;

(3) the investigation by the Government of Indonesia, through its Military Honor Council, of those members of the armed forces of Indonesia suspected of possible involvement in the May 1998 riots, and of any member of the armed forces of Indonesia who may have participated in criminal acts against the people of Indonesia during the riots, is commended and should be supported;

(4) the Government of Indonesia should take action to assure—

(A) the implementation of appropriate measures to prevent ethnic-related violence and rapes in Indonesia and to protect the human rights and physical safety of the ethnic Chinese community in Indonesia; and

(B) the provision of just compensation for victims of the rape and violence that occurred during the May 1998 riots in Indonesia, including medical care;

(5) the Administration and the United Nations should continue to support and assist the Government of Indonesia and nongovernmental organizations, in the investigations into the May 1998 riots in Indonesia in order to expedite such investigations.

(d) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) An assessment of—

(i) whether or not there was a systematic and organized campaign of violence, including the use of rape, against the ethnic Chinese community in Indonesia during the May 1998 riots in Indonesia; and

(ii) the level and degree of participation, if any, of members of the Government or armed forces of Indonesia in the riots.

(B) An assessment of the actions taken by the Government of Indonesia to investigate the May 1998 riots in Indonesia, bring the perpetrators of the riots to justice, and ensure that similar riots do not recur.

REPORTING REQUIREMENTS

SEC. 594. (a) NOTIFICATION.—No less than 15 days prior to the export to any country identified pursuant to subparagraph (C) of any lethal defense article or service in the amount of $14,000,000 or less, the President shall provide a detailed notification to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives.

(b) CONTENT OF NOTIFICATION.—A detailed notification transmitted pursuant to subparagraph (a) shall include the same type and quantity of information required of a notification submitted pursuant to section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)).

(c) COUNTRIES DEFINED.—This section shall apply to any country that is—

(1) identified in section 521 of the annual appropriations Act for Foreign Operations, Export Financing, and Related Programs, or a comparable provision in a subsequent appropriations Act; or

(2) currently ineligible, in whole or in part, under an annual appropriations Act to receive funds for International Military Education and Training or under the Foreign Military Financing Program, excluding high-income countries as defined pursuant to section 546(b) of the Foreign Assistance Act of 1961.

(d) EXCLUSIONS.—Information reportable under title V of the National Security Act of 1947 is excluded from the requirements of this section.

SENSE OF CONGRESS CONCERNING THE MURDER OF FOUR AMERICAN CHURCHWOMEN IN EL SALVADOR

SEC. 595. (a) FINDINGS.—Congress makes the following findings—

(1) the December 2, 1980 brutal assault and murder of four American churchwomen by members of the Salvadoran National Guard was covered up and never fully investigated;

(2) on July 22 and July 23, 1998, Salvadoran authorities granted three of the National Guardsmen convicted of the crimes early release from prison;

(3) the United Nations Truth Commission for El Salvador determined in 1993 that there was sufficient evidence that the Guardsmen were acting on orders from their superiors;

(4) in March 1998, four of the convicted Guardsmen confessed that they acted after receiving orders from their superiors;

(5) recently declassified documents from the State Department show that United States Government officials were aware of information suggesting the involvement of superior officers in the murders;

(6) United States officials granted permanent residence to a former Salvadoran military official involved in the cover-up of the murders, enabling him to remain in Florida; and

(7) despite the fact that the murders occurred over 17 years ago, the families of the four victims continue to seek the disclosure of information relevant to the murders.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) information relevant to the murders should be made public to the fullest extent possible;

(2) the Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders to the victims' families and to the American public, in prompt response to congressional requests;

(3) the President should order all other Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible;

(4) in making determinations concerning the declassification and release of relevant information, the Federal agencies and departments should presume in favor of releasing, rather than of withholding, such information; and

(5) the President should direct the Attorney General to review the circumstances under which individuals involved in either the murders or the cover-up of the murders obtained residence in the United States, and the Attorney General should submit a report to the Congress on the results of such review not later than January 1, 1999.

SENSE OF CONGRESS REGARDING THE TRIAL IN THE NETHERLANDS OF THE SUSPECTS INDICTED IN THE BOMBING OF PAN AM FLIGHT 103

SEC. 596. (a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted 2 Libyan intelligence agents—Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah—in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader, Colonel Muammar Qadaffi, refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The sanctions in Security Council Resolutions 748 and 883 include a worldwide ban on Libya's national airline, a ban on flights into and out of Libya by other nations' airlines, a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a freeze on Libyan government funds in other countries.

(5) Colonel Qaddafi has continually refused to extradite the suspects to either the United States or the United Kingdom and has insisted that he will only transfer the suspects to a third and neutral country to stand trial.

(6) On August 24, 1998, the United States and the United Kingdom proposed that Colonel Qadaffi transfer the suspects to the Netherlands, where they would stand trial before a Scottish court, under Scottish law, and with a panel of Scottish judges.

(7) The United States-United Kingdom proposal is consistent with those previously endorsed by the Organization of African Unity,

the League of Arab States, the Non-Aligned Movement, and the Islamic Conference.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998, in United Nations Security Council Resolution 1192.

(9) The United States Government has stated that this proposal is nonnegotiable and has called on Colonel Qadaffi to respond promptly, positively, and unequivocally to this proposal by ensuring the timely appearance of the two accused individuals in the Netherlands for trial before the Scottish court.

(10) The United States Government has called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(11) Secretary of State Albright has said that the United States will urge a multilateral oil embargo against Libya in the United Nations Security Council if Colonel Muammar Qadaffi does not transfer the suspects to the Netherlands to stand trial.

(12) The United Nations Security Council will convene on October 30, 1998, to review sanctions imposed on Libya.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Colonel Qadaffi should promptly transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands to stand trial before the Scottish court;

(2) the United States Government should remain firm in its commitment not to negotiate with Colonel Qadaffi on any of the details of the proposal approved by the United Nations in United Nations Security Council Resolution 1192; and

(3) if Colonel Qadaffi does not transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands by October 29, 1998, the United States Permanent Representative to the United Nations should—

(A) introduce a resolution in the United Nations Security Council to impose a multilateral oil embargo against Libya;

(B) actively promote adoption of the resolution by the United Nations Security Council; and

(C) assure that a vote will occur in the United Nations Security Council on such a resolution.

SENSE OF THE CONGRESS REGARDING INTERNATIONAL COOPERATION IN RECOVERING CHILDREN ABDUCTED IN THE UNITED STATES AND TAKEN TO OTHER COUNTRIES.

SEC. 597. (a) FINDINGS.—Congress finds that—

(1) many children in the United States have been abducted by family members who are foreign nationals and living in foreign countries;

(2) children who have been abducted by an estranged father are very rarely returned, through legal remedies, from countries that only recognize the custody rights of the father;

(3) there are at least 140 cases that need to be resolved in which children have been abducted by family members and taken to foreign countries;

(4) although the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, has made progress in aiding the return of abducted children, the Convention does not address the criminal aspects of child abduction, and there is a need to reach agreements regarding child abduction with countries that are not parties to the Convention; and

(5) decisions on awarding custody of children should be made in the children's best interest, and persons who violate laws of the United States by abducting their children should not be rewarded by being granted custody of those children.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States Government should promote international cooperation in working to resolve those cases in which children in the United States are abducted by family members who are foreign nationals and taken to foreign countries, and in seeing that justice is served by holding accountable the abductors for violations of criminal law.

TITLE VI—INTERNATIONAL FINANCIAL PROGRAMS AND REFORM

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MONETARY PROGRAMS

UNITED STATES QUOTA IN THE INTERNATIONAL MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

LOANS TO THE INTERNATIONAL MONETARY FUND—NEW ARRANGEMENTS TO BORROW

For loans to the International Monetary Fund under section 17 of the Bretton Woods Agreements Act pursuant to the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended. In addition, the amounts appropriated by title III of the Foreign Aid and Related Agencies Appropriations Act, 1963 (Public Law 87–872) and section 1101(b) of the Supplemental Appropriations Act, 1984 (Public Law 98–181) may also be used under section 17 of the Bretton Woods Agreements Act pursuant to the New Arrangements to Borrow.

GENERAL PROVISIONS—THIS TITLE

CONDITIONS FOR THE USE OF APPROPRIATED FUNDS FOR THE INTERNATIONAL MONETARY FUND

SEC. 601. None of the funds appropriated in this title may be obligated or made available to the International Monetary Fund until 15 days after the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System jointly provide written notification to the appropriate committees that the major shareholders of the Fund have publicly agreed to, and will act to implement in the Fund the following policies:

(1) Policies providing that conditions in standby or other arrangements regarding the use of Fund resources include, in addition to appropriate monetary policy conditions, requirements that the recipient country, in accordance with a schedule for action—

(A) liberalize restrictions on trade in goods and services, consistent with the terms of all international trade agreements of which the borrowing country is a signatory;

(B) eliminate the systemic practice or policy of government directed lending on non-commercial terms or provision of market distorting subsidies to favored industries, enterprises, parties, or institutions; and

(C) provide a legal basis for nondiscriminatory treatment in insolvency proceedings between domestic and foreign creditors, and for debtors and other concerned persons.

(2) Policies providing that within 3 months after any meeting of the Executive Board of the Fund at which a Letter of Intent, a Policy Framework Paper, an Article IV economic review consultation with a member country, or a change in a general policy of the Fund is discussed, a full written summary of the meeting should be made available for public inspection, with the following information redacted:

(A) Information which, if released, would adversely affect the national security of a country, and which is of the type that would be classified by the United States Government.

(B) Market-sensitive information.

(C) Proprietary information.

(3) Policies providing that within 3 months after any meeting of the Executive Board of the Fund at which a Letter of Intent, a Memorandum of Understanding, or a Policy Framework Paper is discussed, a copy of the Letter of Intent, Memorandum of Understanding, or Policy Framework Paper should be made available for public inspection with the following information redacted:

(A) Information which, if released, would adversely affect the national security of a country, and which is of the type that would be classified by the United States Government.

(B) Market-sensitive information.

(C) Proprietary information.

(4) Policies providing that, in circumstances where a country is experiencing balance of payments difficulties due to a large short-term financing need resulting from a sudden and disruptive loss of market confidence and in order to provide an incentive for early repayment and encourage private market financing, loans made from the Fund's general resources after the date of the enactment of this section are—

(A) made available at an interest rate that reflects an adjustment for risk that is not less than 300 basis points in excess of the average of the market-based short-term cost of financing of its largest members; and

(B) repaid within 1 to 2½ years from each disbursement.

REPORTS ON FINANCIAL STABILIZATION PROGRAMS IN THE REPUBLIC OF KOREA

SEC. 602. (a) The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to exert the influence of the United States to oppose further disbursement of funds to the Republic of Korea under the Republic of Korea's standby arrangement of December 4, 1997 (in this section referred to as the "Arrangement"), unless there is in effect a certification by the Secretary of the Treasury to the appropriate committees that—

(1) no Fund resources made available pursuant to the Arrangement have been used to provide financial assistance to the semiconductor, steel, automobile, shipbuilding, or textile and apparel industries;

(2) the Fund has neither guaranteed nor underwritten the private loans of semiconductor, steel, automobile, shipbuilding, or textile and apparel manufacturers under the Arrangement; and

(3) officials from the Fund and the Department of the Treasury have monitored the implementation of the provisions contained in the Arrangement, and all of the conditions have either been met or the Republic of Korea has committed itself to fulfill all of these conditions according to an explicit timetable for completion; which timetable has been provided to the Fund and the Department of the Treasury and approved by the Fund.

(b) Before each disbursement of Fund resources to the Republic of Korea under the Arrangement, the Secretary of the Treasury shall report to the appropriate committees on whether a certification by the Secretary pursuant to subsection (a) is in effect.

ADVISORY COMMISSION

SEC. 603. (a) IN GENERAL.—The Secretary of the Treasury shall establish an International Financial Institution Advisory Commission (in this section referred to as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 11 members, as follows:

(A) 3 members appointed by the Speaker of the House of Representatives.

(B) 3 members appointed by the Majority Leader of the Senate.

(C) 5 members appointed jointly by the Minority Leader of the House of Representatives and the Minority Leader of the Senate.

(2) TIMING OF APPOINTMENTS.—All appointments to the Commission shall be made not later

than 45 days after the date of enactment of this Act.

(3) CHAIRMAN.—The Majority Leader of the Senate, after consultation with the Speaker of the House of Representatives and the Minority Leaders of the House of Representatives and the Senate, shall designate 1 of the members of the Commission to serve as Chairman of the Commission.

(c) QUALIFICATIONS.—

(1) EXPERTISE.—Members of the Commission shall be appointed from among those with knowledge and expertise in the workings of the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act), the World Trade Organization, and the Bank for International Settlements.

(2) FORMER AFFILIATION.—At least 4 members of the Commission shall be individuals who were officers or employees of the Executive Branch before January 20, 1992, and not more than half of such 4 members shall have served under Presidents from the same political party.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(e) DUTIES OF THE COMMISSION.—The Commission shall advise and report to the Congress on the future role and responsibilities of the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act), the World Trade Organization, and the Bank for International Settlements. In carrying out such duties, the Commission shall meet with and advise the Secretary of the Treasury or the Deputy Secretary of the Treasury, and shall examine—

(1) the effect of globalization, increased trade, capital flows, and other relevant factors on such institutions;

(2) the adequacy, efficacy, and desirability of current policies and programs at such institutions as well as their suitability for respective beneficiaries of such institutions;

(3) cooperation or duplication of functions and responsibilities of such institutions; and

(4) other matters the Commission deems necessary to make recommendations pursuant to subsection (g).

(f) POWERS AND PROCEDURES OF THE COMMISSION.—

(1) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission may, for the purpose of carrying out the provisions of this section, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(2) INFORMATION.—The Commission may secure directly information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section.

(3) MEETINGS.—The Commission shall meet at the call of the Chairman.

(g) REPORT.—On the termination of the Commission, the Commission shall submit to the Secretary of the Treasury and the appropriate committees a report that contains recommendations regarding the following matters:

(1) Changes to policy goals set forth in the Bretton Woods Agreements Act and the International Financial Institutions Act.

(2) Changes to the charters, organizational structures, policies and programs of the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act).

(3) Additional monitoring tools, global standards, or regulations for, among other things, global capital flows, bankruptcy standards, accounting standards, payment systems, and safety and soundness principles for financial institutions.

(4) Possible mergers or abolition of the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act), including changes to the manner in which such institutions coordinate their policy and program implementation and their roles and responsibilities.

(5) Any additional changes necessary to stabilize currencies, promote continued trade liberalization and to avoid future financial crises.

(h) TERMINATION.—The Commission shall terminate 6 months after the first meeting of the Commission, which shall be not later than 30 days after the appointment of all members of the Commission.

(i) REPORTS BY THE EXECUTIVE BRANCH.—

(1) Within three months after receiving the report of the Commission under subsection (g), the President of the United States through the Secretary of the Treasury shall report to the appropriate committees on the desirability and feasibility of implementing the recommendations contained in the report.

(2) Annually, for three years after the termination of the Commission, the President of the United States through the Secretary of the Treasury shall submit to the appropriate committees a report on the steps taken, if any, through relevant international institutions and international fora to implement such recommendations as are deemed feasible and desirable under paragraph (1).

INTERNATIONAL ADVISORY COMMITTEE

SEC. 604. The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to exert the influence of the United States to seek the establishment of a permanent advisory committee to the Interim Committee of the Board of Governors of the Fund, that is to consist of elected members of the national legislatures of the member countries directly represented by appointed members of the Executive Board of the Fund, and to seek to ensure that the permanent advisory committee has the same access to Fund documents as is afforded to the Executive Board of the Fund.

STRENGTHENING PROCEDURES FOR MONITORING USE OF IMF FUNDS

SEC. 605. (a) The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to exert the influence of the United States to strengthen Fund procedures for ascertaining that funds disbursed by the Fund are used by the central bank (or other fiscal agent) of a borrowing country in a manner that complies with the conditions of the Fund program for the country.

(b) On request of the appropriate committees, the United States Executive Director shall obtain from the Fund and make available to such committees, on a confidential basis if necessary, data concerning such compliance.

(c) Within 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall report to the appropriate committees on the progress made toward achieving the requirements of this section.

(d) On a quarterly basis, the Secretary of the Treasury shall report to the appropriate committees on the standby or other arrangements of the Fund made during the preceding quarter, identifying separately the arrangements to which the policies described in section 601(4) of this title apply and the arrangements to which such policies do not apply.

PROGRESS REPORTS TO CONGRESS ON UNITED STATES INITIATIVES TO UPDATE THE ARCHITECTURE OF THE INTERNATIONAL MONETARY SYSTEM

SEC. 606. Not later than July 15, 1999, and July 15, 2000, the Secretary of the Treasury shall report to the Chairmen and Ranking Members of the appropriate committees on the progress of efforts to reform the architecture of the international monetary system. The reports shall include a discussion of the substance of the United States position in consultations with other governments and the degree of progress in achieving international acceptance and implementation of such position with respect to the following issues:

(1) Adapting the mission and capabilities of the International Monetary Fund to take better account of the increased importance of cross-border capital flows in the world economy and improving the coordination of its responsibilities and activities with those of the International Bank for Reconstruction and Development.

(2) Advancing measures to prevent, and improve the management of, international financial crises, including by—

(A) integrating aspects of national bankruptcy principles into the management of international financial crises where feasible; and

(B) changing investor expectations about official rescues, thereby reducing moral hazard and systemic risk in international financial markets,

in order to help minimize the adjustment costs that the resolution of financial crises may impose on the real economy, in the form of disrupted patterns of trade, employment, and progress in living standards, and reduce the frequency and magnitude of claims on United States taxpayer resources.

(3) Improving international economic policy cooperation, including among the Group of Seven countries, to take better account of the importance of cross-border capital flows in the determination of exchange rate relationships.

(4) Improving international cooperation in the supervision and regulation of financial institutions and markets.

(5) Strengthening the financial sector in emerging economies, including by improving the coordination of financial sector liberalization with the establishment of strong public and private institutions in the areas of prudential supervision, accounting and disclosure conventions, bankruptcy laws and administrative procedures, and the collection and dissemination of economic and financial statistics, including the maturity structure of foreign indebtedness.

(6) Advocating that implementation of European Economic and Monetary Union and the advent of the European Currency Unit, or euro, proceed in a manner that is consistent with strong global economic growth and stability in world financial markets.

DEFINITION

SEC. 607. For purposes of sections 601 through 606 of this title, the term "appropriate committees" means the Committees on Appropriations, Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate and the Committees on Appropriations and Banking and Financial Services of the House of Representatives.

PARTICIPATION IN QUOTA INCREASE

SEC. 608. The Bretton Woods Agreements Act (22 U.S.C. 286–286mm) is amended by adding at the end the following:

"SEC. 61. QUOTA INCREASE.

"(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 10,622,500,000 Special Drawing Rights.

"(b) SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.".

NEW ARRANGEMENTS TO BORROW

SEC. 609. Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2 et seq.) is amended—

(1) in subsection (a)—

(A) by striking "and February 24, 1983" and inserting "February 24, 1983, and January 27, 1997"; and

(B) by striking "4,250,000,000" and inserting "6,712,000,000";

(2) in subsection (b), by striking "4,250,000,000" and inserting "6,712,000,000"; and

(3) in subsection (d)—

(A) by inserting "or the Decision of January 27, 1997," after "February 24, 1983,"; and

(B) by inserting "or the New Arrangements to Borrow, as applicable" before the period at the end.

ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND

SEC. 610. (a) IN GENERAL.—Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o-1) is amended by adding at the end the following:

"SEC. 1503. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

"(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the Executive Director to do the following:

"(1) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in structuring programs and assistance so as to promote policies and actions that will contribute to exchange rate stability and avoid competitive devaluations that will further destabilize the international financial and trading systems.

"(2) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in promoting market-oriented reform, trade liberalization, economic growth, democratic governance, and social stability through—

"(A) establishing an independent monetary authority, with full power to conduct monetary policy, that provides for a non-inflationary domestic currency that is fully convertible in foreign exchange markets;

"(B) opening domestic markets to fair and open internal competition among domestic enterprises by eliminating inappropriate favoritism for small or large businesses, eliminating elite monopolies, creating and effectively implementing anti-trust and anti-monopoly laws to protect free competition, and establishing fair and accessible legal procedures for dispute settlement among domestic enterprises;

"(C) privatizing industry in a fair and equitable manner that provides economic opportunities to a broad spectrum of the population, eliminating government and elite monopolies, closing loss-making enterprises, and reducing government control over the factors of production;

"(D) economic deregulation by eliminating inefficient and overly burdensome regulations and strengthening the legal framework supporting private contract and intellectual property rights;

"(E) establishing or strengthening key elements of a social safety net to cushion the effects on workers of unemployment and dislocation; and

"(F) encouraging the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

"(3) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), in strengthening financial systems in developing countries, and encouraging the adoption of sound banking principles and practices, including the development of laws and regulations that will help to ensure that domestic financial institutions meet strong standards regarding capital reserves, regulatory oversight, and transparency.

"(4) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), in facilitating the development and implementation of internationally acceptable domestic bankruptcy laws and regulations in developing countries, including the provision of technical assistance as appropriate.

"(5) Vigorously promote policies that aim at appropriate burden-sharing by the private sector so that investors and creditors bear more fully the consequences of their decisions, and accordingly advocate policies which include—

"(A) strengthening crisis prevention and early warning signals through improved and more effective surveillance of the national economic policies and financial market development of countries (including monitoring of the structure and volume of capital flows to identify problematic imbalances in the inflow of short and medium term investment capital, potentially destabilizing inflows of offshore lending and foreign investment, or problems with the maturity profiles of capital to provide warnings of imminent economic instability), and fuller disclosure of such information to market participants;

"(B) accelerating work on strengthening financial systems in emerging market economies so as to reduce the risk of financial crises;

"(C) consideration of provisions in debt contracts that would foster dialogue and consultation between a sovereign debtor and its private creditors, and among those creditors;

"(D) consideration of extending the scope of the International Monetary Fund's policy on lending to members in arrears and of other policies so as to foster the dialogue and consultation referred to in subparagraph (C);

"(E) intensified consideration of mechanisms to facilitate orderly workout mechanisms for countries experiencing debt or liquidity crises;

"(F) consideration of establishing ad hoc or formal linkages between the provision of official financing to countries experiencing a financial crisis and the willingness of market participants to meaningfully participate in any stabilization effort led by the International Monetary Fund;

"(G) using the International Monetary Fund to facilitate discussions between debtors and private creditors to help ensure that financial difficulties are resolved without inappropriate resort to public resources; and

"(H) the International Monetary Fund accompanying the provision of funding to countries experiencing a financial crisis resulting from imprudent borrowing with efforts to achieve a significant contribution by the private creditors, investors, and banks which had extended such credits.

"(6) Vigorously promote policies that would make the International Monetary Fund a more effective mechanism, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), for promoting good governance principles within recipient countries by fostering structural reforms, including procurement reform, that reduce opportunities for corruption and bribery, and drug-related money laundering.

"(7) Vigorously promote the design of International Monetary Fund programs and assistance so that governments that draw on the International Monetary Fund channel public funds away from unproductive purposes, including large 'show case' projects and excessive military spending, and toward investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

"(8) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

"(9) Structure International Monetary Fund programs and assistance so that the maintenance and improvement of core labor standards are routinely incorporated as an integral goal in the policy dialogue with recipient countries, so that—

"(A) recipient governments commit to affording workers the right to exercise internationally recognized core worker rights, including the right of free association and collective bargaining through unions of their own choosing;

"(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights; and

"(C) the staff of the International Monetary Fund surveys the labor market policies and practices of recipient countries and recommends policy initiatives that will help to ensure the maintenance or improvement of core labor standards.

"(10) Vigorously promote International Monetary Fund programs and assistance that are structured to the maximum extent feasible to discourage practices which may promote ethnic or social strife in a recipient country.

"(11) Vigorously promote recognition by the International Monetary Fund that macroeconomic developments and policies can affect and be affected by environmental conditions and policies, and urge the International Monetary Fund to encourage member countries to pursue macroeconomic stability while promoting environmental protection.

"(12) Facilitate greater International Monetary Fund transparency, including by enhancing accessibility of the International Monetary Fund and its staff, fostering a more open release policy toward working papers, past evaluations, and other International Monetary Fund documents, seeking to publish all Letters of Intent to the International Monetary Fund and Policy Framework Papers, and establishing a more open release policy regarding Article IV consultations.

"(13) Facilitate greater International Monetary Fund accountability and enhance International Monetary Fund self-evaluation by vigorously promoting review of the effectiveness of the Office of Internal Audit and Inspection and the Executive Board's external evaluation pilot program and, if necessary, the establishment of an operations evaluation department modeled on the experience of the International Bank for Reconstruction and Development, guided by such key principles as usefulness, credibility, transparency, and independence.

"(14) Vigorously promote coordination with the International Bank for Reconstruction and Development and other international financial institutions (as defined in section 1701(c)(2)) in promoting structural reforms which facilitate the provision of credit to small businesses, including microenterprise lending, especially in the world's poorest, heavily indebted countries.

"(b) COORDINATION WITH OTHER EXECUTIVE DEPARTMENTS.—To the extent that it would assist in achieving the goals described in subsection (a), the Secretary of the Treasury shall pursue the goals in coordination with the Secretary of State, the Secretary of Labor, the Secretary of Commerce, the Administrator of the

Environmental Protection Agency, the Administrator of the Agency for International Development, and the United States Trade Representative.''.

(b) ADVISORY COMMITTEE ON IMF POLICY.—Section 1701 of such Act (22 U.S.C. 262p–5) is amended by adding at the end the following:

''(e) ADVISORY COMMITTEE ON IMF POLICY.—

''(1) IN GENERAL.—The Secretary of the Treasury should establish an International Monetary Fund Advisory Committee (in this subsection referred to as the 'Advisory Committee').

''(2) MEMBERSHIP.—The Advisory Committee should consist of members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations. Such members should include representatives from industry, representatives from agriculture, representatives from organized labor, representatives from banking and financial services, and representatives from nongovernmental environmental and human rights organizations.''.

REDUCTION OF BARRIERS TO AGRICULTURAL TRADE

SEC. 611. Title XIV of the International Financial Institutions Act (22 U.S.C. 262n–262n–2) is amended by adding at the end the following:

"SEC. 1404. REDUCTION OF BARRIERS TO AGRICULTURAL TRADE.

''The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.''.

SEMIANNUAL REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND

SEC. 612. Title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r–2) is amended by adding at the end the following:

"SEC. 1704. REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND.

''(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Commerce and other appropriate Federal agencies, shall prepare reports on the implementation of financial stabilization programs (and any material terms and conditions thereof) led by the International Monetary Fund in countries in connection with which the United States has made a commitment to provide, or has provided financing from the stabilization fund established under section 5302 of title 31, United States Code. The reports shall include the following:

''(1) A description of the condition of the economies of countries requiring the financial stabilization programs, including the monetary, fiscal, and exchange rate policies of the countries.

''(2) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented financial sector restructuring and reform measures required by the International Monetary Fund, including—

''(A) ensuring full respect for the commercial orientation of commercial bank lending;

''(B) ensuring that governments will not intervene in bank management and lending decisions (except in regard to prudential supervision);

''(C) the enactment and implementation of appropriate financial reform legislation;

''(D) strengthening the domestic financial system and improving transparency and supervision; and

''(E) the opening of domestic capital markets.

''(3) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented reforms required by the International Monetary Fund that are directed at corporate governance and corporate structure, including—

''(A) making nontransparent conglomerate practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements; and

''(B) ensuring that no government subsidized support or tax privileges will be provided to bail out individual corporations, particularly in the semiconductor, steel, and paper industries.

''(4) A description of the implementation of reform measures required by the International Monetary Fund to deregulate and privatize economic activity by ending domestic monopolies, undertaking trade liberalization, and opening up restricted areas of the economy to foreign investment and competition.

''(5) A detailed description of the trade policies of the countries, including any unfair trade practices or adverse effects of the trade policies on the United States.

''(6) A description of the extent to which the financial stabilization programs have resulted in appropriate burden-sharing among private sector creditors, including rescheduling of outstanding loans by lengthening maturities, agreements on debt reduction, and the extension of new credit.

''(7) A description of the extent to which the economic adjustment policies of the International Monetary Fund and the policies of the government of the country adequately balance the need for financial stabilization, economic growth, environmental protection, social stability, and equity for all elements of the society.

''(8) Whether International Monetary Fund involvement in labor market flexibility measures has had a negative effect on core worker rights, particularly the rights of free association and collective bargaining.

''(9) A description of any pattern of abuses of core worker rights in recipient countries.

''(10) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed from the stabilization fund established under section 5302 of title 31, United States Code, in the form of loans, credits, guarantees, or swaps, in support of the financial stabilization programs.

''(11) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed by the International Monetary Fund to the countries in support of the financial stabilization programs.

''(b) TIMING.—Not later than March 15, 1999, and semiannually thereafter, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate a report on the matters described in subsection (a).''.

ANNUAL REPORT AND TESTIMONY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS

SEC. 613. Title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r–2) is further amended by adding at the end the following:

"SEC. 1705. ANNUAL REPORT AND TESTIMONY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS.

''(a) REPORTS.—Not later than October 1 of each year, the Secretary of the Treasury shall submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a written report on the progress (if any) made by the United States Executive Director at the International Monetary Fund in influencing the International Monetary Fund to adopt the policies and reform its internal procedures in the manner described in section 1503.

''(b) TESTIMONY.—After submitting the report required by subsection (a) but not later than March 1 of each year, the Secretary of the Treasury shall appear before the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate and present testimony on—

''(1) any progress made in reforming the International Monetary Fund;

''(2) the status of efforts to reform the international financial system; and

''(3) the compliance of countries which have received assistance from the International Monetary Fund with agreements made as a condition of receiving the assistance.''.

AUDITS OF THE INTERNATIONAL MONETARY FUND

SEC. 614. Title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r-2) is further amended by adding at the end the following:

"SEC. 1706. AUDITS OF THE INTERNATIONAL MONETARY FUND.

''(a) ACCESS TO MATERIALS.—Not later than 30 days after the date of the enactment of this section, the Secretary of the Treasury shall certify to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the Secretary has instructed the United States Executive Director at the International Monetary Fund to facilitate timely access by the General Accounting Office to information and documents of the International Monetary Fund needed by the Office to perform financial reviews of the International Monetary Fund that will facilitate the conduct of United States policy with respect to the Fund.

''(b) REPORTS.—Not later than June 30, 1999, and annually thereafter, the Comptroller General of the United States shall prepare and submit to the committees specified in subsection (a), the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report on the financial operations of the Fund during the preceding year, which shall include—

''(1) the current financial condition of the International Monetary Fund;

''(2) the amount, rate of interest, disbursement schedule, and repayment schedule for any loans that were initiated or outstanding during the preceding calendar year, and with respect to disbursement schedules, the report shall identify and discuss in detail any conditions required to be fulfilled by a borrower country before a disbursement is made;

''(3) a detailed description of whether the trade policies of borrower countries permit free and open trade by the United States and other foreign countries in the borrower countries;

''(4) a detailed description of the export policies of borrower countries and whether the policies may result in increased export of their products, goods, or services to the United States which may have significant adverse effects on, or result in unfair trade practices against or affecting United States companies, farmers, or communities;

''(5) a detailed description of any conditions of International Monetary Fund loans which have not been met by borrower countries, including a discussion of the reasons why such conditions were not met, and the actions taken by the International Monetary Fund due to the borrower country's noncompliance;

"(6) an identification of any borrower country and loan on which any loan terms or conditions were renegotiated in the preceding calendar year, including a discussion of the reasons for the renegotiation and any new loan terms and conditions; and

"(7) a specification of the total number of loans made by the International Monetary Fund from its inception through the end of the period covered by the report, the number and percentage (by number) of such loans that are in default or arrears, and the identity of the countries in default or arrears, and the number of such loans that are outstanding as of the end of period covered by the report and the aggregate amount of the outstanding loans and the average yield (weighted by loan principal) of the historical and outstanding loan portfolios of the International Monetary Fund.".

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999".

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $619,311,000, to remain available until expended, of which $2,082,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which $3,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $1,500,000 shall be available in fiscal year 1999 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands; in addition, $32,650,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $619,311,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation; and hazardous fuels reduction by the Department of the Interior, $286,895,000, to remain available until expended, of which not to exceed $6,950,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a Bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., Protection of United States Property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $10,997,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $125,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $14,600,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $97,037,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

Section 28f(a) of title 30, United States Code, is amended by striking the first sentence and inserting, "The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before September 1 of each year for years 1999 through 2001, a claim maintenance fee of $100 per claim or site."

Section 28f(d) of title 30, United States Code, is amended by adding the following new subsection at the end:

"(3) If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: (A) cure such defect or defects, or (B) pay the $100 claim maintenance fee due for such period.".

Section 28g of title 30, United States Code, is amended by striking "and before September 30, 1998" and inserting in lieu thereof "and before September 30, 2001".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $661,136,000, to remain available until September 30, 2000, except as otherwise provided herein, of which $11,648,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided, That not less than $1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: Provided further, That not to exceed $5,756,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsections (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: Provided further, That hereafter, all fees collected for Federal migratory bird permits shall be available to the Secretary, without further appropriation, to be used for the expenses of the U.S. Fish and Wildlife Service in administering such Federal migratory bird permits, and shall remain available until expended: Provided further, That hereafter, pursuant to 31 U.S.C. 9701 and notwithstanding 31 U.S.C. 3302, the Secretary shall charge reasonable fees for the full costs of the U.S. Fish and Wildlife Service in operating and maintaining the M/V Tiglax and other vessels, to be credited to this account and to be available until expended: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $50,453,000, to remain available until expended: Provided, That under this heading in Public Law 105–174, the word "fire," is inserted before the word "floods".

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $48,024,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $1,000,000, together with such other sums as may become available, is for a grant to the State of Ohio for acquisition of the Howard Farm near Metzger Marsh in the State of Ohio.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $14,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $15,000,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,000,000, to remain available until expended: Provided, That unexpended balances of amounts previously appropriated to the African Elephant Conservation Fund, Rewards and Operations account, and Rhinoceros and Tiger Conservation Fund may be transferred to and merged with this appropriation: Provided further, That in fiscal year 1999 and thereafter, donations to provide assistance under section 5304 of the Rhinoceros and Tiger Conservation Act, subchapter I of the African Elephant Conservation Act, and section 6 of the Asian Elephant Conservation Act of 1997 shall be deposited to this Fund and shall be available without further appropriation: Provided further, That in fiscal year 1999 and thereafter, all penalties received by the United States under 16 U.S.C. 4224 which are not used to pay rewards under 16 U.S.C. 4225 shall be deposited to this Fund to provide assistance under 16 U.S.C. 4211 and shall be available without further appropriation: Provided further, That in fiscal year 1999 and thereafter, not more than three percent of amounts appropriated to this Fund may be used by the Secretary of the Interior to administer the Fund.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 104 passenger motor vehicles, of which 89 are for replacement only (including 38 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56: Provided further, That hereafter the Secretary may sell land and interests in land, other than surface water rights, acquired in conformance with subsections 206(a) and 207(c) of Public Law 101–618, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund and used exclusively for the purposes of such subsections, without regard to the limitation on the distribution of benefits in subsection 206(f)(2) of such law: Provided further, That section 104(c)(50)(B) of the Marine Mammal Protection Act (16 U.S.C. 1361–1407) is *amended by inserting the words "until expended" after the word "Secretary" in the second sentence.*

TECHNICAL CORRECTIONS

Unit SC–03—

(1) The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in paragraph (2) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map entitled "Amendments to the Coastal Barrier Resources System", dated May 15, 1997, and on file with the Committee on Resources of the House of Representatives.

(2) The map described in this paragraph is the map that—

(A) is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990; and

(B) relates to unit SC–03 of the Coastal Barrier Resources System.

Unit FL–35P—

(1) The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in paragraph (2) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map entitled "Amendments to the Coastal Barrier Resources System", dated August 31, 1998, and on file with the Committee on Resources of the House of Representatives.

(2) The map described in this paragraph is the map that—

(A) is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990; and

(B) relates to unit FL–35P of the Coastal Barrier Resources System.

Unit FL–35—

The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, revise the map depicting unit FL–35 of the Coastal Barrier Resources System to exclude Pumpkin Key from the System.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,285,604,000, of which not less than $600,000 is for salaries and expenses by, at, and exclusively for new hires of mineral examiners on site at the Mojave National Preserve, none of which may be used for staff or administrative expenses for the geological resources division in Denver, Colorado or any other location, and of which $12,800,000 is for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $10,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $46,225,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $72,412,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2000, of which $7,000,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended: Provided, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts and of historic structures and sites, of the National Archives and Records Administration and of Federal agencies to which funds were appropriated in the Fiscal Year 1998 Interior and Related Agencies Appropriations Act: Provided further, That individual Save America's Treasures grants shall be subject to a fifty percent non-Federal match, and shall be available by transfer to appropriate accounts of individual agencies, after approval of projects by the Secretary: Provided further, That the agencies shall develop a common list of project selection criteria for Save America's Treasures which shall include national significance, urgency of need, and educational value, and which shall be approved by the House and Senate Committees on Appropriations prior to any commitment of grant funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to any commitment of grant funds: Provided further, That within the amount provided for Save America's Treasures, $3,000,000 shall be transferred immediately to the Smithsonian Institution for restoration of the Star Spangled Banner, $500,000 shall be available for the Sewall-Belmont House and sufficient funds to complete the restoration of the Declaration of Independence and the U.S. Constituion located in the National Archives: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $226,058,000, to remain available until expended: Provided, That $550,000 for the Susan B. Anthony House, $1,000,000 for the Virginia City Historic District, $2,000,000 for the Field Museum, $500,000 for the Hecksher Museum, $600,000 for the Sotterly Plantation House, $1,500,000 for the Kendall County Courthouse, $1,000,000 for the U–505, and $600,000 for the Wheeling National Heritage Area shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1999 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $147,925,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $500,000 is to administer the State assistance program: Provided, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress: Provided further, That the Secretary may acquire interests in the property known as George Washington's Boyhood Home, Ferry Farm, from the funds provided under this heading without regard to any restirctions of the Land and Water Conservation Fund Act of 1965: Provided further, That from the funds made available for land acquisition at Everglades National Park and Big Cypress National Preserve, the Secretary may provide for Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys) under terms and conditions deemed necessary by the Secretary, to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading to the State of Florida are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 375 passenger motor vehicles, of which 291 shall be for replacement only, including not to exceed 305 for police-type use, 12 buses, and 6 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities;

and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $797,896,000, of which $69,596,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $2,000,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which $161,221,000 shall be available until September 30, 2000 for the biological research activity and the operation of the Cooperative Research Units: Provided, That of the funds available for the biological research activity, $6,600,000 shall be made available by grant to the University of Alaska for conduct of, directly or through subgrants, basic marine research activities in the North Pacific Ocean pursuant to a plan approved by the Department of Commerce, the Department of the Interior, and the State of Alaska: Provided further, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $117,902,000, of which $72,729,000 shall be available for royalty management activities; and an amount not to exceed $100,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That $3,000,000 for computer acquisitions shall remain available until September 30, 2000: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $93,078,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1999 and thereafter: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 1999 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: Provided further, That beginning in fiscal year 1999 and thereafter, cost-based fees for the products of the Mine Map Repository shall be established (and revised as needed) in Federal Register Notices, and shall be collected and credited to this account, to be available until expended for the costs of administering this program.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $185,416,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $7,000,000, to be derived from the cumulative balance of interest earned to date on the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 1999: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: Provided further, That hereafter, donations received to support projects under the Appalachian Clean Streams Initiative and under the Western Mine Lands Restoration Partnerships Initiative, pursuant to 30 U.S.C. 1231, shall be credited to this account and remain available until expended without further appropriation for projects sponsored under these initiatives, directly through agreements with other Federal agencies, or through grants to States, and funding to local governments, or tax exempt private entities.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,584,124,000, to remain available until September 30, 2000 except as otherwise provided herein, of which not to exceed $94,010,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $114,871,000 shall be available for payments to tribes and tribal organizations for contract support costs associated *with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 1999, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs, and of which not to exceed $387,365,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1999, and shall remain available until September 30, 2000; and of which not to exceed $52,889,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $42,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That hereafter funds made available to tribes and tribal organizations through contracts, compact agreements, or grants, as authorized by the Indian Self-Determination Act of 1975 or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: Provided further, That hereafter, to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than two years may be reprogrammed to two year availability but shall remain available within the Compact until expended: Provided further, That hereafter notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated and, that any savings realized by such changes shall be available for use in meeting other priorities of the tribes and, that any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2000, may be transferred during fiscal year 2001 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2001: Provided further, That hereafter tribes may use tribal priority allocations funds for the replacement and repair of school facilities in compliance with 25 U.S.C. 2005(a), so long as such replacement or repair is approved by the Secretary and completed with non-Federal tribal and/or tribal priority allocation funds: Provided further, That the sixth proviso under Operation of Indian Programs in Public Law 102–154, for the fiscal year ending September 30, 1992 (105 Stat. 1004), is hereby amended to read as follows: "Provided further, That until such time as legislation is enacted to the contrary, no funds shall be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without consultation with the Cherokee Nation:".*

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $123,421,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 1999, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): Provided further, That funds appropriated in Public Law 105–18, making emergency supplemental appropriations for the Bureau of Indian Affairs for the repair of irrigation projects damaged in the severe winter conditions and ensuing flooding, are available on a nonreimbursable basis.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $28,882,000, to remain available until expended; of which $27,530,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; and of which $1,352,000 shall be available pursuant to Public Laws 99–264, 100–383, 103–402, and 100–580: Provided, That in fiscal year 1999 and thereafter, the Secretary is directed to sell land and interests in land, other than surface water rights, acquired in conformance with section 2 of the Truckee River Water Quality Settlement Agreement, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, and be available for the purposes of section 2 of such agreement, without regard to the limitation on the distribution of benefits in the second sentence of paragraph 206(f)(2) of Public Law 101–618.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,501,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $59,681,698.

In addition, for administrative expenses to carry out the guaranteed loan programs, $500,000.

INDIAN LAND CONSOLIDATION PILOT

For implementation of a pilot program for consolidation of fractional interests in Indian lands by direct expenditure or cooperative agreement, $5,000,000 to remain available until expended, of which not to exceed $250,000 shall be available for administrative expenses: Provided, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93–638, as amended, with a tribe having jurisdiction over the pilot reservation to implement the program to acquire fractional interests on behalf of such tribe: Provided further, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: Provided further, That acquisitions shall be limited to one or more pilot reservations as determined by the Secretary: Provided further, That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this pilot program: Provided further, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interest shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: Provided further, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau *shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995.*

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $66,175,000, of which: (1) $62,326,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $3,849,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands grant funding: Provided further, That of the Covenant grant funding for the Government of the Northern Mariana Islands $5,000,000 shall be used for the construction of prison facilities and $500,000 shall be used for construction and equipping of a crime laboratory unless the Secretary determines that acceptable alternative financing for these projects is already in place: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,930,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $64,686,000, of which not to exceed $8,500 may be for official reception and representation expenses, of which not to exceed $5,000,000 shall be available for payments pursuant to section 123 of this Act and up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $36,784,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $25,486,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $39,499,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred to the Bureau of Indian Affairs: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 1999, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least eighteen months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the accountholder.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public Law 101–337; $4,492,000, to remain available until expended: Provided, That unobligated and unexpended balances in the United States Fish and Wildlife Service, Natural Resource Damage Assessment Fund account at the end of fiscal year 1998 shall be transferred to and made a part of the Departmental Offices, Natural Resource Damage Assessment and Restoration, Natural Resource Damage Assessment Fund account and shall remain available until expended.

MANAGEMENT OF FEDERAL LANDS FOR SUBSISTENCE USES

SUBSISTENCE MANAGEMENT, DEPARTMENT OF THE INTERIOR

For necessary expenses of bureaus and offices of the Department of the Interior to manage federal lands in Alaska for subsistence uses under the provisions of Title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487 et seq.) except in areas described in section 339(a)(1) (A) and (B) of this Act, $8,000,000 to become available on September 30, 1999, and remain available until expended: Provided, That if prior to October 1, 1999, the Secretary of the Interior determines that the Alaska State Legislature has approved a bill or resolution to amend the Constitution of the State of Alaska that, if approved by the electorate, would enable the implementation of state laws of general applicability which are consistent with, and which provide for the definition, preference and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act, the Secretary of the Interior shall make an $8,000,000 grant to the State of Alaska for the purpose of assisting that State in fulfilling its responsibilities under sections 803, 804, and 805 of that Act: Provided further, That if, on June 1, 1999, the Secretary is unable to make a determination that the Alaska State Legislature has approved a bill or resolution to amend the Constitution of the State of Alaska that, if approved by the electorate, would enable the implementation of state laws of general applicability which are consistent with and which provide for the definition, preference and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act, $1,000,000 of these funds shall become available on June 1, 1999, and shall remain available until expended (with expended amounts to be subtracted from the amount that could be granted to the State), for the Secretary to conduct data gathering and research on subsistence uses, and formulate plans for operational aspects and in-season management, but not to implement and enforce subsistence use management beyond those public lands which as of October 1, 1998, were subject to federal management for subsistence uses pursuant to Title VIII of the Alaska National Interest Lands Conservation Act.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer *(within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.*

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the Funds, even in the event of a bank failure.

SEC. 112. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995.

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of, 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

SEC. 113. In fiscal year 1999 and thereafter, the Secretary may accept donations and bequests of money, services, or other personal property for the management and enhancement of the Department's Natural Resources Library. The Secretary may hold, use, and administer such donations until expended and without further appropriation.

SEC. 114. Notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, funds available under this title for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act and no funds appropriated in this title shall be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact or funding agreement entered into between an Indian tribe or tribal organization and any entity other than an agency of the Department of the Interior.

SEC. 115. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 116. (a) Denver Service Center, Presidio, and Golden Gate National Recreation Area employees who voluntarily resign or retire from the National Park Service on or before December 31, 1998, shall receive, from the National Park Service, a lump sum voluntary separation incentive payment that shall be equal to the lesser of an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or $25,000.

(1) The voluntary separation incentive payment—

(A) shall not be a basis for payment, and shall not be included in the computation of any other type of Government benefit; and

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(2) Employees receiving a voluntary separation incentive payment and accepting employment with the Federal Government within five years of the date of separation shall be required to repay the entire amount of the incentive payment to the National Park Service.

(3) The Secretary may, at the request of the head of an Executive branch agency, waive the repayment under paragraph (2) if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) In addition to any other payment which it is required to make under Subchapter III of chapter 83 of title 5, United States Code, the National Park Service shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the National Park Service—

(A) who retires under section 8336(d)(2) of Title 5, United States Code; and,

(B) to whom a voluntary separation incentive payment has been or is to be paid under the provisions of this section.

(b) Employees of Denver Service Center, Presidio, and Golden Gate National Recreation Area entitled to severance pay under 5 U.S.C. 5595, may apply for, and the National Park Service may pay, the total amount of severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the National Park Service.

(c) Employees of the Denver Service Center Presidio, and Golden Gate National Recreation Area who voluntarily resign on or before December 31, 1998, or who are separated in a reduction in force, shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A) if they elect to continue health benefits after separation. The National Park Service shall pay for 12 months the remaining portion of required contributions.

SEC. 117. Notwithstanding any other provision of law, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C. for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

SEC. 118. The 37 mile River Valley Trail from the town of Delaware Gap to the edge of the town of Milford, Pennsylvania located within the Delaware Water Gap National Recreation Area shall hereafter be referred to in any law, regulation, document, or record of the United States as the Joseph M. McDade Recreational Trail.

SEC. 119. (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term "Secretary" means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.".

SEC. 120. (a) STUDY.—The Secretary shall enter into an agreement with and provide funding, to the National Academy of Sciences (NAS), the Board on Earth Sciences and Resources, (Board), to conduct a detailed, comprehensive study of the environmental and reclamation requirements relating to mining of locatable minerals on federal lands and the adequacy of those requirements to prevent unnecessary or undue degradation of federal lands in each state in which such mining occurs.

(1) CONTENTS.—The study shall identify and consider—

(A) the operating, reclamation and permitting requirements for locatable minerals mining and exploration operations on federal lands by federal and state air, water, solid waste, reclamation and other environmental statutes, including surface management regulations promulgated by federal land management agencies and state primacy programs under applicable federal statutes and state laws and the time requirements applicable to project environmental review and permitting;

(B) the adequacy of federal and state environmental, reclamation and permitting statutes and regulations applicable in any state or states where mining or exploration of locatable minerals on federal lands is occurring, to prevent unnecessary or undue degradation; and

(C) recommendations and conclusions regarding how federal and state environmental, reclamation and permitting requirements and programs can be coordinated to ensure environmental protection, increase efficiency, avoid duplication and delay, and identify the most cost-effective manner for implementation.

(b) REPORT.—

No later than July 31, 1999, the Board shall submit a report addressing areas described under (a)(1) to the appropriate federal agencies, the Congress and the Governors of affected states.

(c) FUNDS.—From the funds collected for mining law administration, the Secretary shall provide to the NAS such funds as it requests, not to exceed $800,000, for the purpose of conducting this analysis.

(d) SURFACE MANAGEMENT REGULATIONS.—The Secretary of the Interior shall not promulgate any final regulations to change the Bureau of Land Management regulations found at 43 CFR Part 3809 prior to September 30, 1999.

SEC. 121. Overhead charges levied by the Fish and Wildlife Service on any and all funds transferred from the Bureau of Reclamation for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin and for the Recovery Implementation Program for Endangered Fish Species in the San Juan River Basin shall be limited to no more than 50 percent of the biennially determined full indirect cost recovery rate.

SEC. 122. (a) ANCSA DETERMINATION.—

(1) Within 180 days following the enactment of this Act, the Bureau of Land Management shall conduct a determination under section 3(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) of the property described as Lot 1, Block 12; the north 50 feet of Lots 43 and 44, Block 12; Lots 50, 51 and 52, Block 12; Lots 28 and 29, Block 33; and a strip of land 25 feet in length running east and west by 24 feet in width running north and south in the southwest corner of Lot 15, Block 33, all within the Nome Townsite, Records of the Cape Nome Recording District, Second Judicial District, State of Alaska.

(2) The ANCSA section 3(e) determination will determine if the lands must be conveyed to the Sitnasuak Native Corporation (the village corporation for Nome).

(3) If and only if the Bureau of Land Management's ANCSA section 3(e) determination concludes that the Sitnasuak Native Corporation is not entitled to the lands, and following the settlement of any and all claims filed appealing the decision, the Secretary shall carry out subsection (b) of this section, and the provisions of subsection (c) shall take effect.

(b) CONVEYANCE.—The Secretary shall convey to Kawerak, Inc., a non-profit tribal organization in Nome, Alaska, without consideration, all right, title, and interest of the United States, subject to all valid existing rights and to the rights-of-way described in subsection (c), in the property described as Lot 1, Block 12; the north 50 feet of Lots 43 and 44, Block 12; Lots 50, 51 and 52, Block 12; Lots 28 and 29, Block 33; and a strip of land 25 feet in length running east and west by 24 feet in width running north and south in the southwest corner of Lot 15, Block 33, all within the Nome Townsite, Records of the Cape Nome Recording District, Second Judicial District, State of Alaska.

(c) RIGHTS-OF-WAY.—The property conveyed under subsection (b) shall be subject to—

(1) title of the State of Alaska, Department of Highways, as to the south three feet of Lots 50, 51, and 52 of Block 12; and

(2) rights of the public or of any governmental agencies in and to any portion of the property lying within any roads, streets, or highways.

SEC. 123. COMMERICAL FISHING IN GLACIER BAY NATIONAL PARK. (a) GENERAL.—

(1) The Secretary of the Interior and the State of Alaska shall cooperate in the development of a management plan for the regulation of commercial fisheries in Glacier Bay National Park pursuant to existing State and Federal statutes and any applicable international conservation and management treaties. Such management plan shall provide for commercial fishing in the marine waters within Glacier Bay National Park outside of Glacier Bay Proper, and in the marine waters within Glacier Bay Proper as specified in paragraphs (a)(2) through (a)(5), and shall provide for the protection of park values and purposes for the prohibition, of any new or expanded fisheries, and for the opportunity for the study of marine resources.

(2) In the nonwilderness waters within Glacier Bay Proper, commercial fishing shall be limited, by means of non-transferable lifetime access permits, solely to individuals who—

(A) hold a valid commercial fishing permit for a fishery in a geographic area that includes the nonwilderness waters within Glacier Bay Proper;

(B) provides a sworn and notarized affidavit and other available corroborating documentation to the Secretary of the Interior sufficient to establish that such individual engaged in commercial fishing for halibut, tanner crab, or salmon in Glacier Bay Proper during qualifying years which shall be established by the Secretary of the Interior within one year of the date of the enactment of this Act; and

(C) fish only with—

(i) longline gear for halibut;

(ii) pots or ring nets for tanner crab; or

(iii) trolling gear for salmon.

(3) With respect to the individuals engaging in commercial fishing for Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in the West Arm of Glacier Bay Proper (West Arm) north of 58 degrees, 50 minutes north latitude except for trolling for king salmon during the period from October 1 through April 30. The water of Johns Hopkins Inlet, Tarr Inlet and Reid Inlet shall remain closed to all commercial fishing.

(4) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in the East Arm of Glacier Bay Proper (East Arm) North of a line drawn from Point Caroline, through the southern end of Garforth Island to the east side of Muir Inlet, except that trolling for king salmon during the period from October 1 through April 30 shall be allowed south of a line drawn across Muir Inlet at the southernmost point of Adams Inlet.

(5) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in Geikie Inlet.

(b) THE BEARDSLEE ISLANDS AND UPPER DUNDAS BAY.—Commerical fishing is prohibited in the designated wilderness waters within Glacier Bay National Park in Preserve, including the waters of the Beardslee Islands and Upper Dundas Bay. Any individual who—

(1) on or before February 1, 1999, provides a sworn and notarized affidavit and other available corroborating documentation to the Secretary of the Interior sufficient to establish that he or she has engaged in commercial fishing for Dungeness crab in the designated wilderness waters of the Beardslee Islands or Dundas Bay within Glacier Bay National Park pursuant to valid commercial fishing permit in at least six of the years during the period 1987 through 1996;

(2) at the time of receiving compensation based on the Secretary of the Interior's determination as described below—

(A) agrees in writing not to engaged in commercial fishing for Dungeness crab within Glacier Bay Proper;

(B) relinquishes to the State of Alaska for the purposes of its retirement any commercial fishing permit for Dungness crab for areas within Glacier Bay Proper;

(C) at the individual's option, relinquishes to the United States the Dungeness crab pots covered by the commercial fishing permit; and

(D) at the individual's option, relinquished to the United States the fishing vessel used for Dungeness crab fishing in Glacier Bay Proper; and

(3) hold a current valid commercial fishing permit that allows such individual to engage in commercial fishing for Dungeness crab in Glacier Bay National Park, shall be eligible to receive from the United States compensation that is the greater of (i) $400,000, or (ii) an amount equal to the fair market value (as of the date of relinquishment) of the commercial fishing permit for Dungeness crab, of any Dungeness crab pots or other Dungeness crab gear, and of not more than on Dungeness crab fishing vessel, together with an amount equal to the present value of the foregone net income from commercial fishing for Dungeness crab for the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996. Any individual seeking such compensation shall provide the consent necessary for the Secretary of the Interior to verify such net earnings in the fishery. The Secretary of the Interior's determination of the amount to be paid shall be completed and payment shall be made within six months from the date of the application by the individuals described in this subsection and shall constitute final agency action subject to review pursuant to the Administrative Procedures Act in the United States District Court for the District of Alaska.

(c) DEFINITION AND SAVINGS CLAUSE.—

(1) As used in this section, the term "Glacier Bay Proper" shall mean the marine waters within Glacier Bay, including coves and inlets, north of a line drawn from Point Custavus to Point Carolus.

(2) Noting in this section is intended to enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within the boundaries of Glacier Bay National Park, or the tidal or submerged lands under any provision of State or Federal law.

SEC. 124. Notwithstanding any other provision of law, grazing permits which expire during fiscal year 1999 shall be renewed for the balance of fiscal year 1999 on the same terms and conditions as contained in the expiring permits, or until the Bureau of Land Management completes processing these permits in compliance with all applicable laws, whichever comes first. Upon completion of processing by the Bureau, the terms and conditions of existing grazing permits may be modified, if necessary, and reissued for a term not to exceed ten years. Nothing in this language shall be deemed to affect the Bureau's authority to otherwise modify or terminate grazing permits.

SEC. 125. CONVEYANCE TO THE TOWN OF PAHRUMP, NEVADA. (a) CONVEYANCE.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the town of Pahrump, Nevada, without consideration, subject to the requirements of 43 U.S.C. 869, all right, title, and interest of the land subject to all valid existing rights in the public lands located south and west of Highway 160 within Sections 32 and 33, T. 20 S., R. 54 E., Mount Diablo Meridian.

(b) USE.—The conveyance of the property under subsection (a) shall be subject to reversion to the United States if the property is used for a purpose other than the purpose of a public fairground or a related public purpose.

SEC. 126. Special Federal Aviation Regulation No. 78, regarding commercial air tour operators in the vicinity of the Rocky Mountain National Park, as published in the Federal Register, on January 8, 1997, shall remain in effect until otherwise provided by an Act of Congress.

SEC. 127. Notwithstanding any other provision of law, none of the funds provided in this Act or any other Act hereafter enacted may be used by the Secretary of the Interior, except with respect to land exchange costs and costs associated with the preparation of land acquisitions, in the acquisition of State, private, or other non-federal lands (or any interest therein) in the State of Alaska, unless, in the acquisition of any State, private, or other non-federal lands (or interest therein) in the State of Alaska, the Secretary seeks to exchange unreserved public lands before purchasing all or any portion of such lands (or interest therein) in the State of Alaska.

SEC. 128. CHARLESTON, ARKANSAS NATIONAL COMMEMORATIVE SITE. (a) The Congress finds that—

(1) the 1954 U.S. Supreme Court decision of Brown v. Board of Education, which mandated an end to the segregation of public schools, was one of the most significant Court decisions in the history of the United States;

(2) the Charleston Public School District in Charleston, Arkansas, in September, 1954, became the first previously-segregated public school district in the former Confederacy to integrate following the Brown decision;

(3) the orderly and peaceful integration of the public schools in Charleston served as a model and inspiration in the development of the Civil Rights movement in the United States, particularly with respect to public education; and

(4) notwithstanding the important role of the Charleston School District in the successful implementation of integrated public schools, the role of the district has not been adequately commemorated and interpreted for the benefit and understanding of the nation.

(b) The Charleston Public School complex in Charleston, Arkansas is hereby designated as the "Charleston National Commemorative Site" in commemoration of the Charleston schools' role as the first public school district in the South to integrate following the 1954 United States Supreme Court decision, Brown v. Board of Education.

(c) The Secretary, after consultation with the Charleston Public School District, shall establish an appropriate commemorative monument and interpretive exhibit at the Charleston National Commemorative Site to commemorate the 1954 integration of Charleston's public schools.

SEC. 129. (a) In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

(b) The Bureau of Indian Affairs (BIA) shall develop alternative methods to fund tribal priority allocations (TPA) base programs in future years. The alternatives shall consider tribal revenues and relative needs of tribes and tribal members. No later than April 1, 1999, the BIA *shall submit a report to Congress containing its recommendations and other alternatives. The report shall also identify the methods proposed to be used by BIA to acquire data that is not currently available to BIA and any data gathering mechanisms that may be necessary to encourage tribal compliance. Notwithstanding any other provision of law, for the purposes of developing recommendations, the Bureau of Indian Affairs is hereby authorized access to tribal revenue-related data held by any Federal agency, excluding information held by the Internal Revenue Service.*

(c) Except as provided in subsection (d), tribal revenue shall include the sum of tribal net income, however derived, from any business venture owned, held, or operated, in whole or in part, by any tribal entity which is eligible to receive TPA on behalf of the members of any tribe, all amounts distributed as per capita payments which are not otherwise included in net income, and any income from fees, licenses or taxes collected by any tribe.

(d) The calculation of tribal revenues shall exclude payments made by the Federal Government in settlement of claims or judgments and income derived from lands, natural resources, funds, and assets held in trust by the Secretary of the Interior.

(e) In developing alternative TPA distribution methods, the Bureau of Indian Affairs will take into account the financial obligations of a tribe, such as budgeted health, education and public works service costs; its compliance, obligations and spending requirements under the Indian Gaming Regulatory Act; its compliance with the Single Audit Act; and its compact with its State.

Sec. 130. None of the funds in this or any other Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes, including a rulemaking derived from proposed rules published in 63 Federal Register 6113 (1998), 62 Federal Register 36030, and 62 Federal Register 3742 (1997) until June 1, 1999, or until there is a negotiated agreement on the rule.

Sec. 131. Up to $8,000,000 of funds available in fiscal years 1998 and 1999 shall be available for grants, not covering more than 33 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission. Lands or interests in lands acquired pursuant to this section shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)).

Sec. 132. Leasing of Certain Reserved Mineral Interests. (a) Application of Mineral Leasing Act.—Notwithstanding section 4 of Public Law 88–608 (78 Stat. 988), the Federal reserved mineral interests in land conveyed under that Act by United States land patents No. 49–71–0059 and No. 49–71–0065 shall be subject to the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.).

(b) Entry.—

(1) In general.—A person that acquires a lease under the Act of February 25, 1920 (30 U.S.C. 181 et seq.) for the interests referred to in subsection (a) may exercise the right of entry that is reserved to the United States and persons authorized by the United States in the patents conveying the land described in subsection (a) by occupying so much of the surface the land as may be required for purposes reasonably incident to the exploration for, and extraction and removal of, the leased minerals.

(2) Condition.—A person that exercises a right of entry under paragraph (1), shall, before commencing occupancy—

(A) secure the written consent or waiver of the patentee; or

(B) post a bond or other financial guarantee with the Secretary of the Interior in an amount sufficient to ensure—

(i) the completion of reclamation pursuant to the requirements of the Secretary under the Act of February 25, 1920 (30 U.S.C. 181 et seq.); and

(ii) the payment to the surface owner for—

(I) any damage to a crop or tangible improvement of the surface owner that results from activity under the mineral lease; and

(II) any permanent loss of income to the surface owner due to loss or impairment of grazing use or of other uses of the land by the surface owner at the time of commencement of activity under the mineral lease.

(c) Effective Date.—In the case of the land conveyed by United States patent No. 49–71–0065, this section takes effect January 1, 1997.

Sec. 133. Notwithstanding any other provision of law, the Tribal Self-Governance Act (25 U.S.C. §458aa et seq.) is amended at §458ff(c) by inserting "450c(d)," following the word "sections".

Sec. 134. Correction to Coastal Barrier Resources System Map. (a) In General.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to restore on that map the September 30, 1982, boundary for Unit M09 on the portion of Edisto Island located immediately to the south and west of the Jeremy Cay Causeway.

(b) Map Described.—The map described in this subsection is the map included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled "Edisto Complex M09/M09P".

Sec. 135. Katmai National Park Land Exchange. (a) Ratification of Agreement.—

(1) Ratification.—

(A) In general.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for the Sale, Purchase and Conveyance of Lands between the Heirs, Designees and/or Assigns of Palakia Melgenak and the United States of America" (hereinafter referred to in this section as the "Agreement"), executed by its signatories, including the heirs, designees and/or assigns of Palakia Melgenak (hereinafter referred to in this section as the "Heirs") effective on September 1, 1998 are authorized, ratified and confirmed, and set forth the obligations and commitments of the United States and all other signatories, as a matter of Federal law.

(B) Native allotment.—Notwithstanding any provision of law to the contrary, all lands described in section 2(c) of the Agreement for conveyance to the Heirs shall be deemed a replacement transaction under "An Act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county or municipal improvements or sold to other persons or for other purposes" (25 U.S.C. 409a, 46 Stat. 1471), as amended, and the Secretary shall convey such lands by a patent consistent with the terms of the Agreement and subject to the same restraints on alienation and tax-exempt status as provided for Native allotments pursuant to "An Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska" (34 Stat. 197), as amended, repealed by section 18(a) the Alaska Native Claims Settlement Act (85 Stat. 710), with a savings clause for applications pending on December 18, 1971.

(C) Land acquisition.—Lands and interests in land acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") as part of the Katmai National Park, subject to the laws and regulations applicable thereto.

(2) Maps and deeds.—The maps and deeds set forth in the Agreement generally depict the lands subject to the conveyances, the retention of consultation rights, the conservation easement, the access rights, Alaska Native Allotment Act status, and the use and transfer restrictions.

(b) Katmai National Park and Preserve Wilderness.—Upon the date of closing of the conveyance of the approximately 10 acres of Katmai National Park Wilderness lands to be conveyed to the Heirs under the Agreement, the following lands shall hereby be designated part of the Katmai Wilderness as designated by section 701(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1132 note; 94 Stat. 2417):

A strip of land approximately one half mile long and 165 feet wide lying within Section 1, Township 24 South, Range 33 West, Seward Meridian, Alaska, the center line of which is the center of the unnamed stream from its mouth at Geographic Harbor to the north line of said Section 1. Said unnamed stream flows from the unnamed lake located in Sections 25 and 26, Township 23 South, Range 33 West, Seward Meridian. This strip of land contains approximately 10 acres.

(c) Availability of Appropriation.—None of the funds appropriated in this Act or any other Act hereafter enacted for the implementation of the Agreement may be expended until the Secretary determines that the Heirs have signed a valid and full relinquishment and release of any and all claims described in section 2(d) of the Agreement.

(d) General Provisions.—

(1) All of the lands designated as Wilderness pursuant to this section shall be subject to any valid existing rights.

(2) Subject to the provisions of the Alaska National Interest Lands Conservation Act, the Secretary shall ensure that the lands in the Geographic Harbor area not directly affected by the Agreement remain accessible for the public, including its mooring and mechanized transportation needs.

(3) The Agreement shall be placed on file and available for public inspection at the Alaska Regional Office of the National Park Service, at the office of the Katmai National Park and Preserve in King Salmon, Alaska, and at least one public facility managed by the Federal, State or local government located in each of Homer, Alaska, and Kodiak, Alaska and such other public facilities which the Secretary determines are suitable and accessible for such public inspections. In addition, as soon as practicable after enactment of this provision, the Secretary shall make available for public inspection in those same offices, copies of all maps and legal descriptions of lands prepared in implementing either the Agreement or this section. Such legal descriptions shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate.

Sec. 136. Watershed Restoration and Enhancement Agreements. Section 124(a) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (16 U.S.C. 1011(a)) is amended by striking "with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both" and inserting "with the heads of other Federal agencies, tribal, State, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened".

SEC. 137. None of the funds made available in this or any other Act may be expended before March 31, 1999 to publish final regulations based on the regulations proposed at 63 Fed. Reg. 3289 on January 22, 1998.

SEC. 138. ACQUISITION OF REAL PROPERTY INTERESTS FOR ADDITION TO CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK. The Act of August 19, 1890 (16 U.S.C. 424), is amended by adding at the end the following:

"SEC. 12. ACQUISITION OF LAND.

"(a) IN GENERAL.—The Secretary of the Interior may acquire private land, easements, and buildings within the areas authorized for acquisition for the Chickamauga and Chattanooga National Military Park, by donation, purchase with donated or appropriated funds, or exchange.

"(b) LIMITATION.—Land, easements, and buildings described in subsection (a) may be acquired only from willing sellers.

"(c) ADMINISTRATION.—Land, easements, and buildings acquired by the Secretary under subsection (a) shall be administered by the Secretary as part of the park.".

SEC. 139. Amounts invoiced by the Secretary of the Interior and paid in full before the date of enactment of this Act for the purchase of Federal royalty oil by a refiner pursuant to the preference for small refiners in section 36 of the Mineral Leasing Act (30 U.S.C. 192) or section 27(b)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(b)(2)) are hereby ratified and deemed to be the refiner's total obligation to the United States for such purchases notwithstanding any other provision of law, including the regulations set forth in 30 C.F.R. 208.13 (1997), subject to adjustment to reconcile billed volumes with delivered volumes: Provided, That all delivered royalty oil volumes so invoiced were processed, used, or exchanged for other crude oil on a volume or equivalent basis that was processed or used, in the refiner's refineries located in the United States.

SEC. 140. Remaining funds in the amount of $250,000, appropriated as part of Public Law 105–83 in the National Park Service construction account for fiscal year 1998 for an environmental impact statement of a site for an interpretive center along the Blue Ridge Parkway near Roanoke, Virginia, may be used for the construction of an interpretive center outside of the boundaries of the Blue Ridge Parkway, near Roanoke, Virginia.

SEC. 141. Section 5(a)(3) of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u–5(a)(3)), is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by—

(A) striking "as of that date"; and

(B) inserting ", subject to subparagraph (B)," after "term ending"; and

(2) in subparagraph (B), by striking "Subparagraph (A)" and inserting "Subparagraph (A)(ii)".

SEC. 142. Notwithstanding any other provision of law, any settlement or judgment against the United States for the legislative taking by section 817 of Public Law 104–333 (110 Stat. 4200–4201) of real property on the eastern end of Santa Cruz Island known as the Gherini Ranch shall be paid solely from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

SEC. 143. Public Law 102–350 (16 U.S.C. 410) is amended to strike "Marsh-Billings" each place it appears and insert "Marsh-Billings-Rockefeller".

SEC. 144. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 145. The principal visitor center for the Santa Monica Mountains National Recreation Area, regardless of location, shall be named for Anthony C. Beilenson and shall be referred to in any law, document or record of the United States as the "Anthony C. Beilenson Visitor Center".

SEC. 146. The Redwood Information Center located at 119231 Highway 101 in Orick, California is hereby named the "Thomas H. Kuchel Visitor Center" and shall be referred to in any law, document or record of the United States as the "Thomas H. Kuchel Visitor Center".

SEC. 147. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 148. All funds received by the United States as a result of the sale or the exchange and subsequent sale of lands under section 412(a)(1) of the "Treasury and General Government Appropriations Act, 1999" shall be deposited in the "Everglades restoration" account in accordance with section 390(f)(2)(A) of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104–127, 110 Stat. 1022.

SEC. 149. Notwithstanding any other provision of law, the Secretary of the Interior shall transfer a road easement, no wider than 50 feet, across lot 1 (USS 3811, First Judicial District, Juneau Recording District, State of Alaska), administered by the National Park Service, identified as road alternative 1 on the map entitled "Traffic and Environmental Feasibility Study for Access to Proposed Auke Cape Facility" in the document for the NOAA/NMFS Juneau Consolidated Facility Preliminary Draft Environmental Impact Statement, dated July 1996, to the City and Borough of Juneau, Alaska. The Secretary of the Interior shall also transfer to the City and Borough of Juneau all right, title and interest of the United States in the right of way described by the plat recorded in Book 54, page 371, of the Juneau Recording District. Such transfers shall occur as soon as practical after the Secretary of Commerce has exchanged all, or a portion, of the right, title and interest in the 28.16 acres known as the Auke Cape property for the 22.35 acres known as the Lena Point property, near Juneau, Alaska to the City and Borough of Juneau, Alaska. The Secretary of the Interior shall deliver to the City and Borough of Juneau, Alaska a deed or patent establishing the conveyance to the City and Borough of Juneau, Alaska of said easements. The Secretary of the Interior shall retain the right of access and use of such right of way, easement and road.

SEC. 150. All properties administered by the National Park Service at Fort Baker, Golden Gate National Recreation Area, and leases, concessions, permits and other agreements associated with those properties, shall be exempt from all taxes and special assessments, except sales tax, by the State of California and its political subdivisions, including the County of Marin and the City of Sausalito. Such areas of Fort Baker shall remain under exclusive federal jurisdiction.

SEC. 151. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 152. In implementing section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197), the Secretary of the Interior shall deem the holder (on the date of enactment of this Act) of the concession contract KATM001–81 to be a person who, on or before January 1, 1979, was engaged in adequately providing visitor services of the type authorized in said contract with Katmai National Park and Preserve.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $197,444,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, $170,722,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the headings "Forest and Rangeland Research", "State and Private Forestry", "National Forest System", "Wildland Fire Management", "Reconstruction and Construction", and "Land Acquisition", $1,298,570,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That up to $3,000,000 of funds provided herein may be used to construct or reconstruct facilities of the Forest Service: Provided further, That no more than $150,000 shall be used on any single project, exclusive of planning and design costs: Provided further, That any unobligated balances remaining in this appropriation in the road maintenance extended budget line item at the end of fiscal year 1998 may be transferred to and made a part of the "Reconstruction and Construction" appropriation, road maintenance and decommissioning extended budget line item.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $560,176,000, to remain available until expended: Provided, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

For an additional amount to cover necessary expenses for emergency rehabilitation, *presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $102,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.*

RECONSTRUCTION AND CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, $297,352,000, to remain available until expended for construction, reconstruction and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided: Provided further, That the Forest Service may make an advance of up to $200,000 from the funds provided under this heading in this Act and up to $800,000 provided under this heading in Public Law 105–83 to the City of Colorado Springs, Colorado for the design and reconstruction of the Pikes Peak Summit House in accordance with terms and conditions agreed to.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $117,918,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

SUBSISTENCE MANAGEMENT, FOREST SERVICE

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under the provisions of Title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487 et seq.) except in areas described in section 339(a)(1)(A) and (B) of this Act, $3,000,000 to become available on September 30, 1999, and remain available until expended: Provided, That if prior to October 1, 1999, the Secretary of the Interior determines that the Alaska State Legislature has approved a bill or resolution to amend the Constitution of the State of Alaska that, if approved by the electorate, would enable the implementation of state laws of general applicability which are consistent with, and which provide for the definition, preference and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act, the Secretary of Agriculture shall make a $3,000,000 grant to the State of Alaska for the purpose of assisting that State in fulfilling its responsibilities under sections 803, 804, and 805 of that Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be ,available for: (1) purchase of not to exceed 177 passenger motor vehicles of which 22 will be used primarily for law enforcement purposes and of which 176 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 213 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, hereafter any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, hereafter money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: Provided, That this limitation shall not apply to hardwood stands damaged by natural disaster: Provided further, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall hereafter be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 note, 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, hereafter the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Reconstruction and Construction" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104–134, the direct grants provided in subsection (c) shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as "indirect expenditures"), from funds available to the Forest Service, unless otherwise prohibited by law: Provided, That not later than 90 days after the date of the enactment of this Act, the Forest Service shall provide, to the Committees on Appropriations of the House of Representatives and Senate, proposed definitions, which are consistent with Federal Accounting Standards Advisory Board standards, to be used with the fiscal year 2000 budget, for indirect expenditures: Provided further, That the Forest Service shall implement and adhere to the definitions on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in the fiscal year 2000 budget justification, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided further, That during fiscal year 2000 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund: Provided further, That not later than 90 days after the date of the enactment of this Act, the Forest Service shall provide a plan which addresses how the agency will fully integrate all indirect expenditure information into the agency's general ledger system.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $10,000,000 of such funds shall not be available until October 1, 1999; $15,000,000 shall not be available until October 1, 2000; and $15,000,000 shall not be available until October 1, 2001: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $384,056,000, to remain available until expended: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Moneys received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1998, shall be deposited in this account and immediately transferred to the general fund of the Treasury. Moneys received as revenue sharing from operation of the Great Plains Gasification Plant shall be immediately transferred to the general fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $14,000,000, to remain available until expended: Provided, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1999: Provided further, That, notwithstanding any other provision of law, funds available pursuant to the first proviso under this heading in Public Law 101–512 shall be immediately available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUNDS

For necessary expenses in fulfilling the first installment payment under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $691,701,000, to remain available until expended, including, notwithstanding any other provision of law, $64,000,000, which shall be transferred to this account from amounts held in escrow under section 3002(d) of Public Law 95–509 (15 U.S.C. 4501(d)): Provided, That $166,000,000 shall be for use in energy conservation programs as defined in section 3008(3) *of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: $133,000,000 for weatherization assistance grants and $33,000,000 for State energy conservation grants.*

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,801,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $160,120,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $70,500,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

The Secretary in fiscal year 1999 and thereafter, shall continue the process begun in fiscal year 1998 of accepting funds from other Federal agencies in return for assisting agencies in achieving energy efficiency in Federal facilities and operations by the use of privately financed, energy savings performance contracts and other private financing mechanisms. The funds may be provided after agencies begin to realize energy cost savings; may be retained by the Secretary until expended; and may be used only for the purpose of assisting Federal agencies in achieving greater efficiency, water conservation and use of renewable energy by means of privately financed mechanisms, including energy savings performance contracts and utility incentive programs. These recovered funds will continue to be used to administer even greater energy efficiency, water conservation and use of renewable energy by means of privately financed mechanisms such as utility efficiency service contracts and energy savings performance contracts. The recoverable funds will be used for all necessary program expenses, including contractor support and resources needed, to achieve overall Federal energy management program objectives for greater energy savings. Any such privately financed contracts shall meet the provisions of the Energy Policy Act of 1992, Public Law 102–486 regarding energy savings performance contracts and utility incentive programs.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $1,950,322,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $373,801,000 for contract medical care shall remain available for obligation until September 30, 2000: Provided further, That of the funds provided, up to $17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2000: Provided further, That amounts received by tribes-and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $203,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 1999: Provided further, That funds provided to the Ponca Indian Tribe of Nebraska in previous fiscal years that were retained by the tribe to carry out the programs and functions of the Indian Health Service may be used by the tribe to obtain approved clinical space to carry out the program.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $289,465,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law

93-638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: Provided further, That, heretofore and hereafter and notwithstanding any other provision of law, funds available to the Indian Health Service in this Act or any other Act for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act and no funds appropriated by this or any other Act shall be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact, or funding agreement entered into between an Indian tribe or tribal organization and any entity other than the Indian Health Service: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $13,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,250,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $347,154,000, of which not to exceed $38,165,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $4,400,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $40,000,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $16,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the construction of the National Museum of the American Indian may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design of any expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used to prepare a historic structures report, or for any other purpose, involving the Holt House located at the National Zoological Park in Washington, D.C.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101–185 for the construction of the National Museum of the American Indian.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $57,938,000 of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,311,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $12,187,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center *for the Performing Arts, $20,000,000, to remain available until expended.*

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,840,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $83,500,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,500,000, to remain available until expended, to the National Endowment for the Arts: Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $96,800,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,900,000, to remain available until expended, of which $9,900,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $23,405,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $898,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $2,800,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,954,000: Provided, That all appointed members will be compensated at a rate not to exceed the rate for level IV of the Executive Schedule.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $32,107,000, of which $1,575,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $14,913,000 shall be available to the Presidio Trust, to remain available until expended. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $20,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or *expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.*

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 1999, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 313. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Gallia, Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 314. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208 and 105–83 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 1998 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 1999 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, and northern California that have been affected by reduced timber harvesting on Federal lands.

SEC. 316. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 317. (a) None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior, the Forest Service or the Smithsonian Institution may be used to submit nominations for the designation of Biosphere Reserves pursuant to the Man and Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization.

(b) The provisions of this section shall be repealed upon enactment of subsequent legislation specifically authorizing United States participation in the Man and Biosphere program.

SEC. 318. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 319. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 320. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate Endowment for the purposes specified in each case.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the fifteen year legally mandated date to revise before or during calendar year 2000; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 322. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the five-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 323. (a) WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.—For fiscal year 1999, 2000 and 2001, to the extent funds are otherwise available, appropriations for the Forest Service may be used by the Secretary of Agriculture for the purpose of entering into cooperative agreements with willing Federal, tribal, State and local governments, private and nonprofit entities and landowners for the protection, restoration and enhancement of fish and wildlife habitat, and other resources on public or private land, the reduction of risk from natural disaster where public safety is threatened, or a combination thereof or both that benefit these resources within the watershed.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of Agriculture may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner; or

(2) indirectly through an agreement with a State, local or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner, state or local government, or private or nonprofit entity;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other resources on national forests lands within the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal Government, the landowner(s), and other entities, as mutually agreed on by the affected interests; and

(E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on non-Federal lands, provided such terms and conditions are mutually agreed to by the Secretary and other landowners, State and local governments or both.

(d) REPORTING REQUIREMENTS.—Not later than December 31, 1999, the Secretary shall submit a report to the Committees on Appropriations of the House and Senate, which contains—

(1) A concise description of each project, including the project purpose, location on federal and non-federal land, key activities, and all parties to the agreement.

(2) the funding and/or other contributions provided by each party for each project agreement.

SEC. 324. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation

on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 325. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 326. Notwithstanding the provisions of section 1010(b) of the Commemorative Works Act (40 U.S.C. 1001 et seq.), the legislative authority for the international memorial to honor the victims of communism, authorized under section 905 of Public Law 103–199 (107 Stat. 2331), shall expire December 17, 2007.

SEC. 327. Section 101(c) of Public Law 104–134, as amended, is further amended as follows: Under the heading "Title III—General Provisions" amend section 315(f) (16 U.S.C. 460l–6a note) by striking "September 30, 1999" after the words "and end on" and inserting "September 30, 2001" and striking "September 30, 2002" after the words "remain available through" and inserting "September 30, 2004".

SEC. 328. Notwithstanding any other provision of law, none of the funds in this Act may be used to enter into any new or expanded self-determination contract or grant or self-governance compact pursuant to the Indian Self-Determination Act of 1975, as amended, for any activities not previously covered by such contracts, compacts or grants. Nothing in this section precludes the continuation of those specific activities for which self-determination and self-governance contracts, compacts and grants currently exist or the renewal of contracts, compacts and grants for those activities; implementation of section 325 of Public Law 105–83 (111 Stat. 1597); or compliance with 25 U.S.C. 2005.

SEC. 329. (a) PROHIBITION ON TIMBER PURCHASER ROAD CREDITS.—In financing any forest development road pursuant to section 4 of Public Law 88–657 (16 U.S.C. 535, commonly known as the National Forest Roads and Trails Act), the Secretary of Agriculture may not provide effective credit for road construction to any purchaser of national forest timber or other forest products.

(b)(1) CONSTRUCTION OF ROADS BY TIMBER PURCHASERS.—Whenever the Secretary of Agriculture makes a determination that a forest development road referred to in subsection (a) shall be constructed or paid for, in whole or in part, by a purchaser of national forest timber or other forest products, the Secretary shall include notice of the determination in the notice of sale of the timber or other forest products. The notice of sale shall contain, or announce the availability of, sufficient information related to the road described in the notice to permit a prospective bidder on the sale to calculate the likely cost that would be incurred by the bidder to construct or finance the construction of the road so that the bidder may reflect such cost in the bid.

(2) If there is an increase or decrease in the cost of roads constructed by the timber purchaser, caused by variations in quantities, changes or modifications subsequent to the sale of timber made in accordance with applicable timber sale contract provisions, then an adjustment to the price paid for timber harvested by the purchaser shall be made. The adjustment shall be applied by the Secretary as soon as practicable after any such design change is implemented.

(c) SPECIAL ELECTION BY SMALL BUSINESS CONCERNS.—(1) A notice of sale referred to in subsection (b) containing specified road construction of $50,000 or more, shall give a purchaser of national forest timber or other forest products that qualifies as a "small business concern" under the Small Business Act (15 U.S.C. 631 et seq.), and regulations issued thereunder, the option to elect that the Secretary of Agriculture build the roads described in the notice. The Secretary shall provide the small business concern with an estimate of the cost that would be incurred by the Secretary to construct the roads on behalf of the small business concern. The notice of sale shall also include the date on which the roads described in the notice will be completed by the Secretary if the election is made.

(2) If the election referred to in paragraph (1) is made, the purchaser of the national forest timber or other forest products shall pay to the Secretary of Agriculture, in addition to the price paid for the timber or other forest products, an amount equal to the estimated cost of the roads which otherwise would be paid by the purchaser as provided in the notice of sale. Pending receipt of such amount, the Secretary may use receipts from the sale of national forest timber or other forest products and such additional sums as may be appropriated for the construction of roads, such funds to be available until expended, to accomplish the requested road construction.

(d) POST CONSTRUCTION HARVESTING.—In each sale of national forest timber or other forest products referred to in this section, the Secretary of Agriculture is encouraged to authorize harvest of the timber or other forest products in a unit included in the sale as soon as road work for that unit is completed and the road work is approved by the Secretary.

(e) CONSTRUCTION STANDARD.—For any forest development road that is to be constructed or paid for by a purchaser of national forest timber or other forest products, the Secretary of Agriculture may not require the purchaser to design, construct, or maintain the road (or pay for the design, construction, or maintenance of the road) to a standard higher than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the harvesting and removal of the timber or other forest products, unless the Secretary bears that part of the cost necessary to meet the higher standard.

(f) TREATMENT OF ROAD VALUE.—For any forest development road that is constructed or paid for by a purchaser of national forest timber or other forest products, the estimated cost of the road construction, including subsequent design changes, shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260, 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (35 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of road construction determined under this subsection reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard pursuant to subsection (e), the Secretary shall modify the appraisal of the road construction to exclude the effect of the Federal funds.

(g) EFFECTIVE DATE.—(1) This section and the requirements of this section shall take effect (and apply thereafter) upon the earlier of—

(A) April 1, 1999; or

(B) the date that is the later of—

(i) the effective date of regulations issued by the Secretary of Agriculture to implement this section; and

(ii) the date on which new timber sale contract provisions designed to implement this section, that have been published for public comment, are approved by the Secretary.

(2) Notwithstanding paragraph (1), any sale of national forest timber or other forest products for which notice of sale is provided before the effective date of this section, and any effective purchaser road credit earned pursuant to a contract resulting from such a notice of sale or otherwise earned before that effective date shall remain in effect, and shall continue to be subject to section 4 of Public Law 88–657 and section 14(i) of the National Forest Management Act of 1976 (16 U.S.C. 472a(i)), and rules issued thereunder, as in effect on the day before the date of the enactment of this Act.

SEC. 330. Section 6(b)(1)(B)(iii) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 955(b)(1)(B)(iii)) is amended by striking "One" and inserting "Two".

SEC. 331. Section 401(f) of Public Law 105–83 (111 Stat. 1610) is hereby amended by striking "1998" and inserting in lieu thereof "1999".

SEC. 332. Amounts deposited during fiscal year 1998 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 1999, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 333. Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b) by striking "$3,000,000,000" and inserting "$5,000,000,000";

(2) in subsection (c) by striking "$300,000,000" and inserting "$500,000,000";

(3) by striking "or" at the end of subsection (d)(4);

(4) in subsection (d)(5) by striking "$200,000,000 or more" and inserting "not less than $200,000,000 but less than $300,000,000" and by striking the final period and inserting a semicolon; and

(5) by inserting the following two new subsections after subsection (d)(5):

"(6) not less than $300,000,000 but less than $400,000,000, then coverage under this chapter shall extend only to loss or damage in excess of

the first $300,000 of loss or damage to items covered; or

"(7) $400,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first $400,000 of loss or damage to items covered.".

Sec. 334. Tulare Conveyance. (a) In General.—Subject to subsections (c) and (d), all conveyances to the Redevelopment Agency of the City of Tulare, California, of lands described in subsection (b), heretofore or hereafter, made directly by the Southern Pacific Transportation Company, or its successors, are hereby validated to the extent that the conveyances would be legal or valid if all right, title, and interest of the United States, except minerals, were held by the Southern Pacific Transportation Company.

(b) Lands Described.—The lands referred to in subsection (a) are the parcels shown on the map entitled "Tulare Redevelopment Agency-Railroad Parcels Proposed to be Acquired", dated May 29, 1997, that formed part of a railroad right-of-way granted to the Southern Pacific Railroad Company, or its successors, agents, or assigns, by the Federal Government (including the right-of-way approved by an Act of Congress on July 27, 1866). The map referred to in this subsection shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management.

(c) Preservation of Existing Rights of Access.—Nothing in this section shall impair any existing rights of access in favor of the public or any owner of adjacent lands over, under or across the lands which are referred to in subsection (a).

(d) Minerals.—The United States disclaims any and all right of surface entry to the mineral estate of lands described in subsection (b).

Sec. 335. The final set of maps entitled "Coastal Barrier Resources System", dated "October 24, 1990, revised November 12, 1996", and relating to the following units of the Coastal Barrier Resources System: P04A, P05/P05P; P05A/P05AP, FL–06P; P10/P10P; P11; P11AP; P11A; P18/P18P; P25/P25P; and P32/P32P (which set of maps were created by the Department of the Interior to comply with section 220 of Public Law 104–333, 110 Stat. 4115, and notice of which was published in the Federal Register on May 28, 1997) shall have the force and effect of law and replace and substitute for any other inconsistent Coastal Barrier Resource System map in the possession of the Department of the Interior. This provision is effective immediately upon enactment of this Act and the Secretary of the Interior or his designee shall immediately make this ministerial substitution.

Sec. 336. Section 405(c)(2) of the Indian Health Care Improvement Act (42 U.S.C. 1645(c)(2)) is amended by striking "September 30, 1998" and inserting "September 30, 2000".

Sec. 337. Section 3003 of the Petroleum Overcharge Distribution and Restitution Act of 1986 (15 U.S.C. 4502) is amended by adding after subsection (d) the following new subsection:

"(e) Subsections (b), (c), and (d) of this section are repealed, and any rights that may have arisen are extinguished, on the date of the enactment of the Department of the Interior and Related Agencies Appropriations Act, 1999. After that date, the amount available for direct restitution to current and future refined petroleum product claimants under this Act is reduced by the amounts specified in title II of that Act as being derived from amounts held in escrow under section 3002(d). The Secretary shall assure that the amount remaining in escrow to satisfy refined petroleum product claims for direct restitution is allocated equitably among the claimants.".

Sec. 338. Section 123(a)(2)(C) of the Department of the Interior and Related Agencies Appropriations Act, 1998 (111 Stat. 1566), is amended by striking "self-regulated tribes such as".

Sec. 339. (a) Restriction on Federal Management Under Title VIII of the Alaska National Interest Lands Conservation Act.—

(1) Notwithstanding any other provision of law, hereafter neither the Secretary of the Interior nor the Secretary of Agriculture may, prior to December 1, 2000, implement or enforce any final rule, regulation, or policy pursuant to title VIII of the Alaska National Interest Lands Conservation Act to manage and to assert jurisdiction, authority, or control over land, water, and wildlife, in Alaska for subsistence uses, except within—

(A) areas listed in 50 C.F.R. 100.3(b) (October 1, 1998) and

(B) areas constituting "public land or public lands" under the definition of such term found at 50 C.F.R. 100.4 (October 1, 1998).

(2) The areas in subparagraphs (A) and (B) of paragraph (1) shall only be construed to mean those public land which as of October 1, 1998, were subject to federal management for subistence uses pursuant to Title VIII of the Alaska National Interest Lands Conservation Act.

(b) Subsection (A) Repealed.—

(1) The Secretary of the Interior shall certify before October 1, 1999, if a bill or resolution has been passed by the Alaska State Legislature to amend the Constitution of the State of Alaska that, if approved by the electorate, would enable the implementation of state laws of general applicability consistent with, and which provide for the definition, preference, and participation specified in sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act.

(2) Subsection (a) shall be repealed on October 1, 1999, unless prior to that date the Secretary of the Interior makes such a certification described in paragraph (1).

(c) Technical Amendments to the Alaska National Interest Lands Conservation Act.—Section 805 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115) is amended—

(1) in subsection (a) by striking "one year after the date of enactment of this Act,"

(2) in subsection (d) by striking "within one year from the date of enactment of this Act,".

(d) Effect on Tidal and Submerged Land.—Nothing in this section invalidates, validates, or in any other way affects any claim of the State of Alaska to title to any tidal or submerged land in Alaska.

Sec. 340. None of the funds made available in this Act may be used to establish a national wildlife refuge in the Kankakee River watershed in northwestern Indiana and northeastern Illinois.

Sec. 341. Upon the condition that Skamania County conveys title acceptable to the Secretary of Agriculture to all right, title and interest in lands identified on a map dated September 29, 1998 entitled "Skamania County Lands to be Transferred", such lands being located on Table Mountain lying within the Columbia River Gorge National Scenic Area, there is hereby conveyed to Skamania County, notwithstanding any other provision of law, the Wind River Nursery Site lands and facilities and all interests therein, except for the corridor of the Pacific Crest National Scenic Trail, as depicted on a map dated September 29, 1998, entitled "Wind River Conveyance", which is on file and available for public inspection in the Office of the Chief, USDA Forest Service, Washington, D.C.

The conveyance of lands to Skamania County shall become automatically effective upon a determination by the Secretary that Skamania County has conveyed acceptable title to the United States to the Skamania County lands. Lands conveyed to the United States shall become part of the Gifford Pinchot National Forest and shall have the status of lands acquired under the Act of March 1, 1911, (commonly called the Weeks Act) and shall be managed in accordance with the laws and regulations applicable to the National Forest System.

Sec. 342. (a) Boundary Adjustments.—

(1) Lake Chelan National Recreation Area.—The boundary of the Lake Chelan National Recreation Area, established by section 202 of Public Law 90–544 (16 U.S.C. 90a–1), is hereby adjusted to exclude a parcel of land and waters consisting of approximately 88 acres, as depicted on the map entitled "Proposed Management Units, North Cascades, Washington", numbered NP–CAS–7002A, originally dated October 1967, and revised July 13, 1994.

(2) Wenatchee National Forest.—The boundary of the Wenatchee National Forest is hereby adjusted to include the parcel of land and waters described in paragraph (1).

(3) Availability of Map.—The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the superintendent of the Lake Chelan National Recreation Area and the Director of the National Park Service, Department of the Interior, and in the office of the Chief of the Forest Service, Department of Agriculture.

(b) Transfer of Administrative Jurisdiction.—Administrative jurisdiction over Federal land and waters in the parcel covered by the boundary adjustments in subsection (a) is transferred from the Secretary of the Interior to the Secretary of Agriculture, and the transferred land and waters shall be managed by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System.

(c) Land and Water Conservation Fund.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Wenatchee National Forest, as adjusted by subsection (a), shall be considered to be the boundaries of the Wenatchee National Forest as of January 1, 1965.

Sec. 343. Hardwood Technology Transfer and Applied Research. (a) The Secretary of Agriculture (hereinafter the "Secretary") is hereby authorized to conduct technology transfer and development, training, dissemination of information and applied research in the management, processing and utilization of the hardwood forest resource. This authority is in addition to any other authorities which may be available to the Secretary including, but not limited to, the Cooperative Forestry Assistance Act of 1978, as amended (16 U.S.C. 2101 et. seq.), and the Forest and Rangeland Renewable Resources Act of 1978, as amended (16 U.S.C. 1600–1614).

(b) In carrying out this authority, the Secretary may enter into grants, contracts, and cooperative agreements with public and private agencies, organizations, corporations, institutions and individuals. The Secretary may accept gifts and donations pursuant to the Act of October 10, 1978 (7 U.S.C. 2269) including gifts and donations from a donor that conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(c) The Secretary is authorized, on such terms and conditions as the Secretary may prescribe, to assume all rights, title, and interest, including all outstanding assets, of the Robert C. Byrd Hardwood Technology Center, Inc. (hereinafter the "Center"), a non-profit corporation existing under the laws of the State of West Virginia: Provided, That the Board of Directors of the Center requests such an action and dissolves the *corporation consistent with the Articles of Incorporation and the laws of the State of West Virginia.*

(d) The Secretary is authorized to operate and utilize the assets of the Center as part of a newly formed "Institute of Hardwood Technology Transfer and Applied Research" (hereinafter the "Institute"). The Institute, in addition to the Center, will consist of a Director, technology transfer specialists from State and Private Forestry, the Forestry Sciences Laboratory in Princeton, West Virginia, and any other organizational unit of the Department of Agriculture as the Secretary deems appropriate. The overall management of the Institute will be the responsibility of the USDA Forest Service, State and Private Forestry.

(e) The Secretary is authorized to generate revenue using the authorities provided herein. Any revenue received as part of the operation of the Institute shall be deposited into a special fund in the Treasury of the United States, known as the "Hardwood Technology Transfer and Applied Research Fund", which shall be available to the Secretary until expended, without further appropriation, in furtherance of the purposes of this section, including upkeep, management, and operation of the Institute and the payment of salaries and expenses.

(f) There are hereby authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 344. Notwithstanding the requirements of section 1203(a) of Public Law 99–662 [100 Stat. 4263], the non-Federal share of the cost of correcting the spillway deficiency at Beach City Lake, Muskingum River Basin, Ohio, shall not exceed $141,000.

SEC. 345. Notwithstanding section 343 of Public Law 105–83, increases in recreation residence fees on the Sawtooth National Forest shall be implemented in fiscal year 1999 only to the extent that such fee increases do not exceed 25 percent.

SEC. 346. Section 7 of the Granger-Thye Act of April 24, 1950 is amended by deleting the words "recondition and maintain," substituting in lieu thereof the words "renovate, recondition, improve, and maintain".

SEC. 347. STEWARDSHIP END RESULT CONTRACTING DEMONSTRATION PROJECT. (a) IN GENERAL.—Until September 30, 2002, the Forest Service may enter into no more than twenty-eight (28) contracts with private persons and entities, of which Region One of the Forest Service shall have the authority to enter into nine (9) such contracts, to perform services to achieve land management goals for the national forests that meet local and rural community needs.

(b) LAND MANAGEMENT GOALS.—The land management goals of a contract under subsection (a) may include, among other things—

(1) road and trail maintenance or obliteration to restore or maintain water quality;

(2) soil productivity, habitat for wildlife and fisheries, or other resource values;

(3) setting of prescribed fires to improve the composition, structure, condition, and health of stands or to improve wildlife habitat;

(4) noncommercial cutting or removing of trees or other activities to promote healthy forest stands, reduce fire hazards, or achieve other non-commercial objectives;

(5) watershed restoration and maintenance;

(6) restoration and maintenance of wildlife and fish habitat; and

(7) control of noxious and exotic weeds and reestablishing native plant species.

(c) CONTRACTS.—

(1) PROCUREMENT PROCEDURE.—A source for performance of a contract under subsection (a) shall be selected on a best-value basis, including consideration of source under other public and private contracts.

(2) TERM.—A multiyear contract may be entered into under subsection (a) in accordance with section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), except that the period of the contract may exceed 5 years but may not exceed 10 years.

(3) OFFSETS.—

(A) IN GENERAL.—In connection with contracts under subsection (a), the Forest Service may apply the value of timber or other forest products removed as an offset against the cost of services received.

(B) METHODS OF APPRAISAL.—The value of timber or other forest products used as offsets under subparagraph (A)—

(i) shall be determined using appropriate methods of appraisal commensurate with the quantity of products to be removed;

(ii) may be determined using a unit of measure appropriate to the contracts; and

(iii) may include valuing products on a per-acre basis.

(4) RELATION TO OTHER LAWS.—The Forest Service may enter into contracts under subsection (a), notwithstanding subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).

(d) RECEIPTS.—

(1) IN GENERAL.—The Forest Service may collect monies from a contract under subsection (a) so long as such collection is a secondary objective of negotiating contracts that will best achieve the purposes of this section.

(2) USE.—Monies from a contract under subsection (a) may be retained by the Forest Service and shall be available for expenditure without further appropriation at 'the demonstration project site from which the monies are collected or at another demonstration project site.

(3) RELATION TO OTHER LAWS.—The value of services received by the Secretary under a stewardship contract project conducted under this section, and any payments made or resources provided by the contractor or the Secretary under such a project, shall not be considered to be monies received from the National Forest System under any provision of law. The Act of June 9, 1930 (16 U.S.C. 576 et seq.; commonly known as the Knutson-Vandenberg Act), shall not apply to stewardship contracts entered into under this section.

(e) COSTS OF REMOVAL.—The Forest Service may collect deposits from contractors covering the costs of removal of timber or other forest products pursuant to the Act of August 11, 1916 (39 Stat. 462, chapter 313; 16 U.S.C. 490); and the next to the last paragraph under the heading "Forest Service." under the heading "Department of Agriculture" in the Act of June 30, 1914 (38 Stat. 430, chapter 131; 16 U.S.C. 498); notwithstanding the fact that the timber purchasers did not harvest the timber.

(f) PERFORMANCE AND PAYMENT GUARANTEES.—

(1) IN GENERAL.—The Forest Service may require performance and payment bonds, in accordance with sections 103–2 and 103–2 of part 28 of the Federal Acquisition Regulation (48 C.F.R. 28.103–2, 28.103–3), in an amount that the contracting officer considers sufficient to protect the Government's investment in receipts generated by the contractor from the estimated value of the forest products to be removed under contract under subsection (a).

(2) EXCESS OFFSET VALUE.—If the offset value of the forest products exceeds the value of the resource improvement treatments, the Forest Service may—

(A) collect any residual receipts pursuant to the Act of June 9, 1930 (46 Stat. 527, chapter 416; 16 U.S.C. 576b); and

(B) apply the excess to other authorized stewardship demonstration projects.

(g) MONITORING, EVALUATION AND REPORTING.—The Forest Service shall establish a multiparty monitoring and evaluation process that accesses each individual stewardship contract conducted under this section. Besides the Forest Service, participants in this process may include any cooperating governmental agencies, including tribal governments, and any interested groups or individuals. The Forest Service shall report annually to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate on—

(1) the status of development, execution, and administration of contracts under subsection (a);

(2) the specific accomplishments that have resulted; and

(3) the role of local communities in development of contract plans.

SEC. 348. The Forest Service and the Federal Highway Administration shall make available to the State of Utah, $15,000,000 for construction of the Trappers Loop connector road. Such funds shall be made available from the Federal Land Highway Program, Public Lands Highways (Forests) funds. Such funds shall be made available prior to computation and aggregation of the state shares of such funds for other projects.

SEC. 349. PROTECTION OF SANCTITY OF CONTRACTS AND LEASES OF SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS. (a) IN GENERAL.—Subject to subsection (b), the United States shall recognize as not infringing upon any ownership rights of the United States to coalbed methane any—

(1) contract or lease covering any land that was conveyed by the United States under the Act entitled "An Act for the protection of surface rights of entrymen", approved March 3, 1909 (30 U.S.C. 81), or the Act entitled "An Act to provide for agricultural entries on coal lands", approved June 22, 1910 (30 U.S.C. 83 et seq.), that was—

(A) entered into by a person who has title to said land derived under said Acts, and

(B) that conveys rights to explore for, extract, and sell coalbed methane from said land; or

(2) coalbed methane production from the lands described in subsection (a)(1) by a person who has title to said land and who, on or before the date of enactment of this Act, has filed an application with the State oil and gas regulating agency for a permit to drill an oil and gas well to a completion target located in a coal formation.

(b) APPLICATION.—Subsection (a)

(1) shall apply only to a valid contract or lease described in subsection (a) that is in effect on the date of enactment of this Act;

(2) shall not otherwise change the terms or conditions of, or affect the rights or obligations of any person under such a contract or lease;

(3) shall apply only to land with respect to which the United States is the owner of coal reserved to the United States in a patent issued under the Act of March 3, 1909 (30 U.S.C. 81), or the Act of June 22, 1910 (30 U.S.C. et seq.), the position of the United States as the owner of the coal not having passed to a third party by deed, patent or other conveyance by the United States;

(4) shall not apply to any interest in coal or land conveyed, restored, or transferred by the United States to a federally recognized Indian tribe, including any conveyance, restoration, or transfer made pursuant to the Indian Recorganization Act, June 18, 1934 (c. 576, 48 Stat. 984, as amended); the Act of June 28, 1938, (c. 776, 52 Stat. 1209 as implemented by the order of September 14, 1938, 3 Fed. Reg. 1425); and including the area described in §3 of P.L. 98–290; or any executive order;

(5) shall not be construed to constitute a waiver of any rights of the United States with respect to coalbed methane production that is not subject to subsection (a);

(6) shall not limit the right of any person who entered into a contract or lease before the date of enactment of this Act, or enters into a contract or lease on or after the date of enactment of this Act, for coal owned by the United States, to mine and remove the coal and to release coalbed methane without liability to any person referred to in subsection (a)(1)(A) or (a)(2).

SEC. 350. No timber in Region 10 of the Forest Service shall be advertised for sale which, when using domestic Alaska western red cedar selling values and manufacturing costs, fails to provide at least 60 percent of normal profit and risk of the appraised timber, except at the written request by a prospective bidder. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 1999, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan which provides greater than 60 percent of normal profit and risk at the time of the sale advertisement, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States based on values in the Pacific Northwest as determined by the Forest Service and stated in the timber sale contract. Should Region 10 sell, in fiscal year 1999, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan meeting the 60 percent of normal profit and risk standard at the time of sale advertisement, the volume of western red cedar timber available to domestic processors at rates specified in the timber sale contract in the contiguous 48 states shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold. (For purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded.) Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 351. (a) Notwithstanding any other provision of law, prior to September 30, 2001 the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.), with any Alaska native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to August 27, 1997, or to prohibit the renewal of any such agreement.

SEC. 352. None of the funds in this or any other Act shall be expended in Fiscal Year 1999 by the Department of the Interior, the Forest Service, or any other Federal agency for the capture and physical relocation of grizzly bears in the Selway-Bitteroot area of Idaho and adjacent Montana. Nothing in this section shall prohibit the Department of the Interior, the Forest Service, or any other Federal agency from using funds to produce a final environmental impact statement that will include an analysis of the habitat based population viability study completed in 1998, receive public comment on such final environmental impact statement, or issue a Record of Decision.

SEC. 353. KING COVE HEALTH AND SAFETY. (a) ROAD ON KING COVE CORPORATION LANDS.—Of the funds appropriated in this section, not later than 60 days after the date of enactment of this Act, $20,000,000 shall be made available to the Aleutians East Borough for the construction of an unpaved road not more than 20 feet in width, a dock, and marine facilities and equipment. Such road shall be constructed on King Cove Corporation Lands and shall extend from King Cove to such dock. The Aleutians East Borough, in consultation with the State of Alaska, shall determine the appropriate location of such dock and marine facilities. In no instance may any part of such road, dock, marine facilities or equipment enter or pass over any land within the Congressionally-designated wilderness in the Izembek National Wildlife Refuge (for purposes of this section, the lands within the Refuge boundary already conveyed to the King Cove Corporation are not within the wilderness area).

(b) KING COVE AIR STRIP.—Of the funds appropriated in this section, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall make available up to $15,000,000 to the State of Alaska for the cost of improvements to the air strip at King Cove, Alaska, including to enable jet aircraft with the capability of flying non-stop between Anchorage, Alaska and King Cove, Alaska to land and take off from such air strip.

(c) KING COVE INDIAN HEALTH SERVICE FACILITY.—Of the funds appropriated in this section, not later than 60 days after the enactment of this Act, the Secretary of Health and Human Services shall make available $2,500,000 to the Indian Health Service for the cost of new construction or improvements to the clinic in King Cove, Alaska, and telemedicine and other medical equipment for such clinic.

(d) APPLICABILITY OF OTHER LAWS.—All actions undertaken pursuant to this section must be in accordance with all other applicable laws.

(e) APPROPRIATION.—In addition to funds in this or any other Act, $37,500,000 is appropriated and shall remain available until expended for the King Cove Health and Safety projects specifically identified within this section.

SEC. 354. (a) IN GENERAL.—To reflect the intent of Congress set forth in Public Law 98–396, section 4(a)(2) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544(a)(2)) is amended—

(1) by striking "(2) The boundaries" and inserting the following:

"(2) Boundaries.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the boundaries"; and

(2) by adding at the end the following:

"(B) EXCLUSIONS.—The scenic area shall not include the approximately 29 acres of land owned by the Port of Camas-Washougal in the South ½ of Section 16, Township 1 North, Range 4 East, and the North ½ of Section 21, Township 1 North, Range 4 East, Willamete Meridian, Clark County, Washington, that consists of—

"(i) the approximately 19 acres of Port land acquired from the Corps of Engineers under the Second Supplemental Appropriations Act, 1984 (Public Law 98–396); and

"(ii) the approximately 10 acres of adjacent Port land to the west of the land described in clause (i).".

(b) INTENT.—The amendment made by subsection (a)—

(1) is intended to achieve the intent of Congress set forth in Public Law 98–396; and

(2) is not intended to set a precedent regarding adjustment or amendment of any boundaries of the Columbia River Gorge National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act.

SEC. 355. Section 5580 of the Revised Statutes (20 U.S.C. 42) is amended—

(1) by inserting "(a)" before "The business"; and

(2) by adding at the end the following:

"(b) Notwithstanding any other provision of law, the Board of Regents of the Smithsonian Institution may modify the number of members, manner of appointment of members, or tenure of members, of the boards or commissions under the jurisdiction of the Smithsonian Institution, other than—

"(1) the Board of Regents of the Smithsonian Institution; and

"(2) the boards or commissions of the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the Woodrow Wilson International Center for Scholars.".

SEC. 356. (a) The Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes", approved August 27, 1935 (25 U.S.C. 305 et seq.), is amended by adding at the end the following:

"SEC. 7. (a) Notwithstanding any other provision of law, the Secretary of the Interior is directed to transfer all right, title and interest in that portion of the Indian Arts and Crafts Board art collection maintained permanently by the Indian Arts and Crafts Board in Washington, District of Columbia, to the Secretary of the Smithsonian Institution to be a part of the collection of the National Museum of the American Indian, subject to subsection (b). Transfer of the collection and costs thereof shall be carried out in accordance with terms, conditions, and standards mutually agreed upon by the Secretary of the Interior and the Secretary of the Smithsonian Institution.

"(b) The Indian Arts and Crafts Board shall retain a permanent license to the use of images of the collection for promotional, economic development, educational and related nonprofit purposes. The Indian Arts and Crafts Board shall not be required to pay any royalty or fee for such license.".

(b) The Secretary of the Interior is authorized to use funds appropriated in this Act under the heading 'SALARIES AND EXPENSES' under the heading 'DEPARTMENTAL MANAGEMENT' for the costs associated with the transfer of the collection.

SEC. 357. None of the funds provided in this or any other Act shall be available for the acquisition of lands or interests in lands within the tract known as the Baca Location No. 1 in New Mexico until such time as—

(1) an appraisal is completed for such tract which conforms with the Uniform Appraisal Standards for Federal Land Acquisitions; and

(2) legislation is enacted authorizing the acquisition of lands or interests in lands within such tract.

SEC. 358. The Federal building located at 15013 Denver West Parkway, Golden, Colorado, and known as the National Renewable Energy Laboratory Visitors Center, shall be known and designated as the "Dan Schaefer Federal Building". Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States court house referred to in this provision shall be deemed to be a reference to the "Dan Schaefer Federal Building". This provision shall take effect on January 3, 1999.

SEC. 359. The new Federal building under construction at 325 Broadway in Boulder, Colorado, shall be known and designated as the "David Skaggs Federal Building". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in this provision shall be deemed to be a reference to the "David Skaggs Federal Building". This provision shall take effect on January 3, 1999.

SEC. 360. The Federal building located at 201 14th Street, S.W. in Washington, D.C., shall be known and redesignated as the "Sidney R. Yates Federal Building". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in this provision shall be deemed to be a reference to the "Sidney R. Yates Federal Building". This provision shall take effect on January 3, 1999.

SEC. 361. If all of the funding approved for release by the Committees on September 3, 1998, pursuant to Title V—Priority Land Acquisitions, Land Exchanges, and Maintenance in Public Law 105–83 is not apportioned to and made available for obligation by the relevant land management agencies within five days of the enactment of this Act, those funds are rescinded.

SEC. 362. Section 219 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, Public Law 103–354, 7 U.S.C. §6919, is hereby repealed.

TITLE IV

THE HERGER-FEINSTEIN QUINCY LIBRARY GROUP FOREST RECOVERY ACT

SEC. 401. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL. (a) DEFINITION.—For purposes of this section, the term "Quincy Library Group-Community Stability Proposal" means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated October 12, 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service and after completion of an environmental impact statement (a record of decision for which shall be adopted within 300 days), shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated October 12, 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS, RIPARIAN PROTECTION AND COMPLIANCE.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(C) LIMITATION.—Nothing in this section shall be construed to require the application of the Scientific Analysis Team guidelines to any livestock grazing in the pilot project area during the term of the pilot project, unless the livestock grazing is being conducted in the specific location at which the Scientific Analysis Team guidelines are being applied to an activity under subsection (d).

(3) COMPLIANCE.—All resource management activities required by subsection (d) shall be implemented to the extent consistent with applicable Federal law and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Sierran Provence Interim Guidelines or the subsequently issued guidelines, whichever are in effect.

(4) ROADLESS AREA PROTECTION.—The Regional Forester for Region 5 shall direct that any resource management activity required by subsection (d)(1) and (2), all road building, all timber harvesting activities, and any riparian management under subsection (d)(4) that utilizes road construction or timber harvesting shall not be conducted on Federal lands within the Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest that are designated as either "Off Base" or "Deferred" on the map referred to in subsection (a). Such direction shall be effective during the term of the pilot project.

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(4) RIPARIAN MANAGEMENT.—A program of riparian management, including wide protection zones and riparian restoration projects, consistent with riparian protection guidelines in subsection (c)(2)(B).

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use, subject to the relevant reprogramming guidelines of the House and Senate Committees on Appropriations—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) year-end excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—Subject to normal reprogramming guidelines, during the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain year-end excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—The Secretary shall seek to ensure that of amounts available to carry out this section—

(A) not more than 12 percent is used or allocated for general administration or other overhead; and

(B) at least 88 percent is used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(7) BASELINE FUNDS.—Amounts available for resource management activities authorized under subsection (d) shall at a minimum include existing baseline funding levels.

(g) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project until the earlier of: (1) the date on which the Secretary completes amendment or revision of the land and resource management plans directed under and in compliance with subsection (i) for the Plumas National Forest, Lassen National Forest, and Tahoe National Forest; or (2) five years after the date of the commencement of the pilot project.

(h) CONSULTATION.—(1) The statement required by subsection (b)(1) shall be prepared in consultation with interested members of the public, including the Quincy Library Group.

(2) CONTRACTING.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(i) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 2 years after the date of the enactment of this Act, the Regional Forester for

Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group-Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(j) STATUS REPORTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (f)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (f)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A proposed schedule for the resource management activities to be undertaken in the pilot project area during the 1-year period beginning on the date of submittal of the report.

(G) A description of any adverse environmental impacts from the pilot project.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $125,000.

(k) FINAL REPORT.—

(1) IN GENERAL.—The Secretary shall establish an independent scientific panel to review and report on whether, and to what extent, implementation of the pilot project under this section achieved the goals stated in the Quincy Library Group-Community Stability Proposal, including improved ecological health and community stability. The membership of the panel shall reflect expertise in diverse disciplines in order to adequately address all of those goals.

(2) PREPARATION.—The panel shall initiate such review no sooner than 18 months after the first day of the term of the pilot project under subsection (g). The panel shall prepare the report in consultation with interested members of the public, including the Quincy Library Group. The report shall include, but not be limited to, the following:

(A) A description of any adverse environmental impacts resulting from implementation of the pilot project.

(B) An assessment of watershed monitoring data on lands treated pursuant to this section. Such assessment shall address the following issues on a priority basis: timing of water releases; water quality changes; and water yield changes over the short- and long-term in the pilot project area.

(3) SUBMISSION TO THE CONGRESS.—The panel shall submit the final report to the Congress as soon as practicable, but in no case later than 18 months after completion of the pilot project.

(4) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended for the report under this subsection, other than for watershed monitoring, shall not exceed $350,000. The amount of Federal funds expended for watershed monitoring under this subsection shall not exceed $175,000 for each fiscal year in which the report is prepared.

(l) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

(m) LOANS FOR DEMONSTRATION PROJECTS FOR WOOD WASTE OR LOW-QUALITY WOOD BYPRODUCTS.—

(1) EVALUATION OF LOAN ADVISABILITY.—The Alternative Agricultural Research and Commercialization Corporation established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902) (in this section referred to as the "Corporation") shall evaluate the advisability of making commercialization assistance loans under section 1661 of such Act (7 U.S.C. 5905) to support a minimum of 2 demonstration projects for the development and demonstration of commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher value products.

(2) LOCATION OF DEMONSTRATION PROJECTS.—If the Corporation determines to make loans under this subsection to support the development and demonstration of commercial application of technology to convert wood waste or low-quality wood byproducts into usable, higher value products, the Corporation shall consider making one loan with regard to a demonstration project to be conducted in the pilot project area and one loan with regard to a demonstration project to be conducted in southeast Alaska.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan under this subsection, a demonstration project shall be required to satisfy the eligibility requirements imposed by the Corporation under section 1661 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5905).

SEC. 402. SHORT TITLE. Section 401 of this title may be cited as the "Herger-Feinstein Quincy Library Group Forest Recovery Act".

TITLE V—LAND BETWEEN THE LAKES PROTECTION ACT

SEC. 501. SHORT TITLE.

This title may be referred to as "The Land Between the Lakes Protection Act of 1998".

SEC. 502. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ADVISORY BOARD.—The term "Advisory Board" means the Land Between the Lakes Advisory Board established under section 522.

(3) CHAIRMAN.—The term "Chairman" means the Chairman of the Board of Directors of the Tennessee Valley Authority.

(4) ELIGIBLE EMPLOYEE.—The term "eligible employee" means a person that was, on the date of transfer pursuant to section 541, a full-time or part-time annual employee of the Tennessee Valley Authority at the Recreation Area.

(5) ENVIRONMENTAL LAW.—

(A) IN GENERAL.—The term "environmental law" means all applicable Federal, State, and local laws (including regulations) and requirements related to protection of human health, natural and cultural resources, or the environment.

(B) INCLUSIONS.—The term "environmental law" includes—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(iv) the Clean Air Act (42 U.S.C. 7401 et seq.);

(v) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(vi) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(vii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(viii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ix) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(6) FOREST HIGHWAY.—The term "forest highway" has the meaning given the term in section 101(a) of title 23, United States Code.

(7) GOVERNMENTAL UNIT.—The term "governmental unit" means an agency of the Federal Government or a State or local government, local governmental unit, public or municipal corporation, or unit of a State university system.

(8) HAZARDOUS SUBSTANCE.—The term "hazardous substance" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(9) PERSON.—The term "person" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(10) POLLUTANT OR CONTAMINANT.—The term "pollutant or contaminant" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(11) RECREATION AREA.—The term "Recreation Area" means the Land Between the Lakes National Recreation Area.

(12) RELEASE.—The term "release" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(13) RESPONSE ACTION.—The term "response action" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE.—The term "State" means the State of Kentucky and the State of Tennessee.

SEC. 503. PURPOSES.

The purposes of this title are—

(1) to transfer without consideration administrative jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary so that the Recreation Area may be managed as a unit of the National Forest System;

(2) to protect and manage the resources of the Recreation Area for optimum yield of outdoor recreation and environmental education through multiple use management by the Forest Service;

(3) to authorize, research, test, and demonstrate innovative programs and cost-effective management of the Recreation Area;

(4) to authorize the Secretary to cooperate between and among the States, Federal agencies, private organizations, and corporations, and individuals, as appropriate, in the management of

the Recreation Area and to help stimulate the development of the surrounding region and extend the beneficial results as widely as practicable; and

(5) to provide for the smooth and equitable transfer of jurisdiction from the Tennessee Valley Authority to the Secretary.

Subtitle A—Establishment, Administration, and Jurisdiction

SEC. 511. ESTABLISHMENT.

(a) In General.—On the transfer of administrative jurisdiction under section 541, the Land Between the Lakes National Recreation Area in the States of Kentucky and Tennessee is established as a unit of the National Forest System.

(b) Management.—

(1) In general.—The Secretary shall manage the Recreation Area for multiple use as a unit of the National Forest System.

(2) Emphases.—The emphases in the management of the Recreation Area shall be—

(A) to provide public recreational opportunities;

(B) to conserve fish and wildlife and their habitat; and

(C) to provide for diversity of native and desirable non-native plants, animals, opportunities for hunting and fishing, and environmental education.

(3) Status of unit.—The Secretary may administer the Recreation Area as a separate unit of the National Forest System or in conjunction with an existing national forest.

(c) Area Included.—

(1) In general.—The Recreation Area shall comprise the federally owned land, water, and interests in the land and water lying between Kentucky Lake and Lake Barkley in the States of Kentucky and Tennessee, as generally depicted on the map entitled "Land Between the Lakes National Recreation Area—January, 1998".

(2) Map.—The map described in paragraph (1) shall be available for public inspection in the Office of the Chief of the Forest Service, Washington, D.C.

(d) Waters.—

(1) Water levels and navigation.—Nothing in this title affects the jurisdiction of the Tennessee Valley Authority or the Army Corps of Engineers to manage and regulate water levels and navigation of Kentucky Lake and Lake Barkley and areas subject to flood easements.

(2) Occupancy and use.—Subject to the jurisdiction of the Tennessee Valley Authority and the Army Corps of Engineers, the Secretary shall have jurisdiction to regulate the occupancy and use of the surface waters of the lakes for recreational purposes.

SEC. 512. CIVIL AND CRIMINAL JURISDICTION.

(a) Administration.—The Secretary, acting through the Chief of the Forest Service, shall administer the Recreation Area in accordance with this title and the laws, rules, and regulations pertaining to the National Forest System.

(b) Status.—Land within the Recreation Area shall have the status of land acquired under the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 515 et seq.).

(c) Law Enforcement.—In order to provide for a cost-effective transfer of the law enforcement responsibilities between the Forest Service and the Tennessee Valley Authority, the law enforcement authorities designated under section 4A of the Tennessee Valley Authority Act 1933 (16 U.S.C. 831c–3) are hereby granted to special agents and law enforcement officers of the Forest Service. The law enforcement authorities designated under the eleventh undesignated paragraph under the heading "Surveying the public lands" of the Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 551), the first paragraph of that portion designated "General Expenses, Forest Service" of the Act of March 3, 1905 (33 U.S.C. 873; 16 U.S.C. 559), the National Forest System Drug Control Act of 1986 (16 U.S.C. 559b–559g) are hereby granted to law enforcement agents of the Tennessee Valley Authority, within the boundaries of the Recreation Area, for a period of 1 year from the date on which this section takes effect.

SEC. 513. PAYMENTS TO STATES AND COUNTIES.

(a) Payments in Lieu of Taxes.—Land within the Recreation Area shall be subject to the provisions for payments in lieu of taxes under chapter 69 of title 31, United States Code.

(b) Distribution.—All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall not be subject to distribution to States under the Act of May 23, 1908 (16 U.S.C. 500).

(c) Payments by the Tennessee Valley Authority.—After the transfer of administrative jurisdiction is made under section 541—

(1) the Tennessee Valley Authority shall continue to calculate the amount of payments to be made to States and counties under section 13 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831l); and

(2) each State (including, for the purposes of this subsection, the State of Kentucky, the State of Tennessee, and any other State) that receives a payment under that section shall continue to calculate the amounts to be distributed to the State and local governments, as though the transfer had not been made.

SEC. 514. FOREST HIGHWAYS.

(a) In General.—For purposes of section 204 of title 23, United States Code, the road known as "The Trace" and every other paved road within the Recreation Area (including any road constructed to secondary standards) shall be considered to be a forest highway.

(b) State Responsibility.—

(1) In general.—The States shall be responsible for the maintenance of forest highways within the Recreation Area.

(2) Reimbursement.—To the maximum extent provided by law, from funds appropriated to the Department of Transportation and available for purposes of highway construction and maintenance, the Secretary of Transportation shall reimburse the States for all or a portion of the costs of maintenance of forest highways in the Recreation Area.

Subtitle B—Management Provisions

SEC. 521. LAND AND RESOURCE MANAGEMENT PLAN.

(a) In General.—As soon as practicable after the effective date of the transfer of jurisdiction under section 541, the Secretary shall prepare a land and resource management plan for the Recreation Area in conformity with the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.) and other applicable law.

(b) Interim Provision.—Until adoption of the land and resource management plan, the Secretary may use, as appropriate, the existing Tennessee Valley Authority Natural Resource Management Plan to provide interim management direction. Use of all or a portion of the management plan by the Secretary shall not be considered to be a major Federal action significantly affecting the quality of the human environment.

SEC. 522. ADVISORY BOARD.

(a) Establishment.—Not later than 90 days after the date of transfer pursuant to section 541, the Secretary shall establish the Land Between the Lakes Advisory Board.

(b) Membership.—The Advisory Board shall be composed of 17 members, of whom—

(1) 4 individuals shall be appointed by the Secretary, including—

(A) 2 residents of the State of Kentucky; and

(B) 2 residents of the State of Tennessee;

(2) 2 individuals shall appointed by the Kentucky Fish and Wildlife Commissioner or designee;

(3) 1 individual shall be appointed by the Tennessee Fish and Wildlife Commission or designee;

(4) 2 individuals shall be appointed by the Governor of the State of Tennessee;

(5) 2 individuals shall be appointed by the Governor of the State of Kentucky; and

(6) 2 individuals shall be appointed by appropriate officials of each of the 3 counties containing the Recreation Area.

(c) Term.—

(1) In general.—The term of a member of the Advisory Board shall be 5 years.

(2) Succession.—Members of the Advisory Board may not succeed themselves.

(d) Chairperson.—The Regional Forester shall serve as chairperson of the Advisory Board.

(e) Rules of Procedure.—The Secretary shall prescribe the rules of procedure for the Advisory Board.

(f) Functions.—The Advisory Board may advise the Secretary on—

(1) means of promoting public participation for the land and resource management plan for the Recreation Area; and

(2) environmental education.

(g) Meetings.—

(1) Frequency.—The Advisory Board shall meet at least biannually.

(2) Public meeting.—A meeting of the Advisory Board shall be open to the general public.

(3) Notice of meetings.—The chairperson, through the placement of notices in local news media and by other appropriate means shall give 2 weeks' public notice of each meeting of the Advisory Board.

(h) No Termination.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

SEC. 523. FEES.

(a) Authority.—The Secretary may charge reasonable fees for admission to and the use of the designated sites, or for activities, within the Recreation Area.

(b) Factors.—In determining whether to charge fees, the Secretary may consider the costs of collection weighed against potential income.

(c) Limitation.—No general entrance fees shall be charged within the Recreation Area.

SEC. 524. DISPOSITION OF RECEIPTS.

(a) In General.—All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall be deposited in a special fund in the Treasury of the United States to be known as the "Land Between the Lakes Management Fund".

(b) Use.—Amounts in the Fund shall be available to the Secretary until expended, without further Act of appropriation, for the management of the Recreation Area, including payment of salaries and expenses.

SEC. 525. SPECIAL USE AUTHORIZATIONS.

(a) In General.—In addition to other authorities for the authorization of special uses within the National Forest System, within the Recreation Area, the Secretary may, on such terms and conditions as the Secretary may prescribe—

(1) convey for no consideration perpetual easements to governmental units for public roads over United States Route 68 and the Trace, and such other rights-of-way as the Secretary and a governmental unit may agree;

(2) transfer or lease to governmental units developed recreation sites or other facilities to be managed for public purposes; and

(3) lease or authorize recreational sites or other facilities, consistent with sections 503(2) and 511(b)(2).

(b) Consideration.—

(1) In general.—Consideration for a lease or other special use authorization within the

Recreation Area shall be based on fair market value.

(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive a fee to a governmental unit or nonprofit organization commensurate with other consideration provided to the United States, as determined by the Secretary.

(c) PROCEDURE.—The Secretary may use any fair and equitable method for authorizing special uses within the Recreation Area, including public solicitation of proposals.

(d) EXISTING AUTHORIZATIONS.—

(1) IN GENERAL.—A permit or other authorization granted by the Tennessee Valley Authority that is in effect on the date of transfer pursuant to section 541 may continue on transfer of administration of the Recreation Area to the Secretary.

(2) REISSUANCE.—A permit or authorization described in paragraph (1) may be reissued or terminated under terms and conditions prescribed by the Secretary.

(3) EXERCISE OF RIGHTS.—The Secretary may exercise any of the rights of the Tennessee Valley Authority contained in any permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

SEC. 526. COOPERATIVE AUTHORITIES AND GIFTS.

(a) FISH AND WILDLIFE SERVICE.—

(1) MANAGEMENT.—

(A) IN GENERAL.—Subject to such terms and conditions as the Secretary may prescribe, the Secretary may issue a special use authorization to the United States Fish and Wildlife Service for the management by the Service of facilities and land agreed on by the Secretary and the Secretary of the Interior.

(B) FEES.—

(i) IN GENERAL.—Reasonable admission and use fees may be charged for all areas administered by the United States Fish and Wildlife Service.

(ii) DEPOSIT.—The fees shall be deposited in accordance with section 524.

(2) COOPERATION.—The Secretary and the Secretary of the Interior may cooperate or act jointly on activities such as population monitoring and inventory of fish and wildlife with emphasis on migratory birds and endangered and threatened species, environmental education, visitor services, conservation demonstration projects and scientific research.

(3) SUBORDINATION OF FISH AND WILDLIFE ACTIVITIES TO OVERALL MANAGEMENT.—The management and use of areas and facilities under permit to the United States Fish and Wildlife Service as authorized pursuant to this section shall be subordinate to the overall management of the Recreation Area as directed by the Secretary.

(b) AUTHORITIES.—For the management, maintenance, operation, and interpretation of the Recreation Area and its facilities, the Secretary may—

(1) make grants and enter into contracts and cooperative agreements with Federal agencies, governmental units, nonprofit organizations, corporations, and individuals; and

(2) accept gifts under Public Law 95–442 (7 U.S.C. 2269) notwithstanding that the donor conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

SEC. 527. DESIGNATION OF NATIONAL RECREATION TRAIL.

Effective on the date of transfer pursuant to section 541, the North-South Trail is designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243).

SEC. 528. CEMETERIES.

The Secretary shall maintain an inventory of and ensure access to cemeteries within the Recreation Area for purposes of burial, visitation, and maintenance.

SEC. 529. RESOURCE MANAGEMENT.

(a) MINERALS.—

(1) WITHDRAWAL.—The land within the Recreation Area is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(2) USE OF MINERAL MATERIALS.—The Secretary may permit the use of common varieties of mineral materials for the development and maintenance of the Recreation Area.

(b) HUNTING AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting and fishing on land and water under the jurisdiction of the Secretary within the boundaries of the Recreation Area in accordance with applicable laws of the United States and of each State, respectively.

(2) PROHIBITIONS.—

(A) IN GENERAL.—The Secretary may designate areas where, and establish periods when, hunting or fishing is prohibited for reasons of public safety, administration, or public use and enjoyment.

(B) CONSULTATION.—Except in emergencies, a prohibition under subparagraph (A) shall become effective only after consultation with the appropriate fish and game departments of the States.

(3) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction or responsibilities of the States with respect to wildlife and fish on national forests.

SEC. 530. HEMATITE DAM.

Within one year from the date of transfer pursuant to section 541, the Tennessee Valley Authority shall cause any breach in the Hematite Dam to be repaired, or if such repairs have previously been made, the Tennessee Valley Authority shall certify in a letter to the Secretary the sound condition of the dam. Future repair costs and maintanence of the Hematite Dam shall be the responsibility of the Secretary.

SEC. 531. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a special interest-bearing fund known as the "Land Between the Lakes Trust Fund".

(b) AVAILABILITY.—Amounts in the Fund shall be available to the Secretary, until expended, for—

(1) public education, grants, and internships related to recreation, conservation, and multiple use land management in the Recreation Area; and

(2) regional promotion in the Recreation Area, in cooperation with development districts, chambers of commerce, and State and local governments.

(c) DEPOSITS.—The Tennessee Valley Authority shall deposit into the Fund $1,000,000 annually for each of the 5 fiscal years commencing in the first fiscal year of the transfer. Funding to carry out this section shall be derived from funding described in section 549.

Subtitle C—Transfer Provisions

SEC. 541. EFFECTIVE DATE OF TRANSFER.

Effective on October 1 of the first fiscal year for which Congress does not appropriate to the Tennessee Valley Authority at least $6,000,000 for the Recreation Area, or, if this Act is enacted during a fiscal year for which Congress has not made such an appropriation, effective as of the date of enactment of this Act, administrative jurisdiction over the Recreation Area is transferred from the Tennessee Valley Authority to the Secretary.

SEC. 542. STATEMENT OF POLICY.

It is the policy of the United States that, to the maximum extent practicable—

(1) the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary should be effected in an efficient and cost-effective manner; and

(2) due consideration should be given to minimizing—

(A) disruption of the personal lives of the Tennessee Valley Authority and Forest Service employees; and

(B) adverse impacts on permittees, contractees, and others owning or operating businesses affected by the transfer.

SEC. 543. MEMORANDUM OF AGREEMENT.

(a) IN GENERAL.—Not later than 30 days after the date of transfer pursuant to section 541, the Secretary and the Tennessee Valley Authority shall enter into a memorandum of agreement concerning implementation of this title.

(b) PROVISIONS.—The memorandum of understanding shall provide procedures for—

(1) the orderly withdrawal of officers and employees of the Tennessee Valley Authority;

(2) the transfer of property, fixtures, and facilities;

(3) the interagency transfer of officers and employees;

(4) the transfer of records; and

(5) other transfer issues.

(c) TRANSITION TEAM.—

(1) IN GENERAL.—The memorandum of understanding may provide for a transition team consisting of the Tennessee Valley Authority and Forest Service employees.

(2) DURATION.—The team may continue in existence after the date of transfer.

(3) PERSONNEL COSTS.—The Tennessee Valley Authority and the Forest Service shall pay personnel costs of their respective team members.

SEC. 544. RECORDS.

(a) RECREATION AREA RECORDS.—The Secretary shall have access to all records of the Tennessee Valley Authority pertaining to the management of the Recreation Area.

(b) PERSONNEL RECORDS.—The Tennessee Valley Authority personnel records shall be made available to the Secretary, on request, to the extent the records are relevant to Forest Service administration.

(c) CONFIDENTIALITY.—The Tennessee Valley Authority may prescribe terms and conditions on the availability of records to protect the confidentiality of private or proprietary information.

(d) LAND TITLE RECORDS.—The Tennessee Valley Authority shall provide to the Secretary original records pertaining to land titles, surveys, and other records pertaining to transferred personal property and facilities.

SEC. 545. TRANSFER OF PERSONAL PROPERTY.

(a) SUBJECT PROPERTY.—

(1) INVENTORY.—Not later than 60 days after the date of transfer pursuant to section 541, the Tennessee Valley Authority shall provide the Secretary with an inventory of all property and facilities at the Recreation Area.

(2) AVAILABILITY FOR TRANSFER.—

(A) IN GENERAL.—All Tennessee Valley Authority property associated with the administration of the Recreation Area, including any property purchased with Federal funds appropriated for the management of the Tennessee Valley Authority land, shall be available for transfer to the Secretary.

(B) PROPERTY INCLUDED.—Property under subparagraph (A) includes buildings, office furniture and supplies, computers, office equipment, buildings, vehicles, tools, equipment, maintenance supplies, boats, engines, and publications.

(3) EXCLUSION OF PROPERTY.—At the request of the authorized representative of the Tennessee Valley Authority, the Secretary may exclude movable property from transfer based on a showing by the Tennessee Valley Authority that the property is vital to the mission of the Tennessee Valley Authority and cannot be replaced in a cost-effective manner, if the Secretary determines that the property is not needed for management of the Recreation Area.

(b) DESIGNATION.—Pursuant to such procedures as may be prescribed in the memorandum of agreement entered into under section 543, the Secretary shall identify and designate, in writing, all Tennessee Valley Authority property to be transferred to the Secretary.

(c) FACILITATION OF TRANSFER.—The Tennessee Valley Authority shall, to the maximum extent practicable, use personnel to facilitate the transfer of necessary property and facilities to the Secretary, including replacement of signs and insignia, repainting of vehicles, printing of public information, and training of new personnel. Funding for these costs shall be derived from funding described in section 549.

(d) SURPLUS PROPERTY.—

(1) DISPOSITION.—Any personal property, including structures and facilities, that the Secretary determines cannot be efficiently managed and maintained either by the Forest Service or by lease or permit to other persons may be declared excess by the Secretary and—

(A) sold by the Secretary on such terms and conditions as the Secretary may prescribe to achieve the maximum benefit to the Federal Government; or

(B) disposed of under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(2) DEPOSIT OF PROCEEDS.—All net proceeds from the disposal of any property shall be deposited into the Fund established by section 531.

SEC. 546. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) DOCUMENTATION OF EXISTING CONDITIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of transfer pursuant to section 541, the Chairman and the Administrator shall provide the Secretary all documentation and information that exists on the environmental condition of the land and waters comprising the Recreation Area property.

(2) ADDITIONAL DOCUMENTATION.—The Chairman and the Administrator shall provide the Secretary with any additional documentation and information regarding the environmental condition of the Recreation Area property as such documentation and information becomes available.

(b) ACTION REQUIRED.—

(1) ASSESSMENT.—Not later than 120 days after the date of transfer pursuant to section 541, the Chairman shall provide to the Secretary an assessment indicating what action, if any, is required under any environmental law on Recreation Area property.

(2) MEMORANDUM OF UNDERSTANDING.—If the assessment concludes action is required under any environmental law with respect to any portion of the Recreation Area property, the Secretary and the Chairman shall enter into a memorandum of understanding that—

(A) provides for the performance by the Chairman of the required actions identified in the assessment; and

(B) includes a schedule providing for the prompt completion of the required actions to the satisfaction of the Secretary.

(c) DOCUMENTATION DEMONSTRATING ACTION.—On the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary, the Chairman shall provide the Secretary with documentation demonstrating that all actions required under any environmental law have been taken, including all response actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on Recreation Area property.

(d) CONTINUATION OF RESPONSIBILITIES AND LIABILITIES.—

(1) IN GENERAL.—The transfer of the Recreation Area property under this title, and the requirements of this section, shall not in any way affect the responsibilities and liabilities of the Tennessee Valley Authority at the Recreation Area under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or any other environmental law.

(2) ACCESS.—After transfer of the Recreation Area property, the Chairman shall be accorded any access to the property that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) NO LIABILITY.—The Secretary shall not be liable under any environmental law for matters that are related directly or indirectly to present or past activities of the Tennessee Valley Authority on the Recreation Area property, including liability for—

(A) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at or related to the Recreation Area; or

(B) costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Recreation Area or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the Recreation Area, including contamination resulting from migration.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Except as provided in paragraph (3), nothing in this title affects, modifies, amends, repeals, alters, limits or otherwise changes, directly or indirectly, the responsibilities or liabilities under any environmental law with respect to the Secretary.

(e) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations at the Recreation Area resulting in the release or threatened release of a hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product for which that agency would be liable under any environmental law shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or their derivatives.

SEC. 547. PERSONNEL.

(a) IN GENERAL.—

(1) HIRING.—Notwithstanding section 3503 of title 5, United States Code, and subject to paragraph (2), the Secretary may—

(A) appoint, hire, and discharge officers and employees to administer the Recreation Area; and

(B) pay the officers and employees at levels that are commensurate with levels at other units of the National Forest System.

(2) INTERIM RETENTION OF ELIGIBLE EMPLOYEES.—

(A) IN GENERAL.—For a period of not less than 5 months after the effective date of transfer to the Forest Service—

(i) all eligible employees shall be retained in the employment of the Tennessee Valley Authority;

(ii) those eligible employees shall be considered to be placed on detail to the Secretary and shall be subject to the direction of the Secretary; and

(iii) the Secretary shall reimburse the Tennessee Valley Authority for the amount of the basic pay and all other compensation of those eligible employees.

(B) NOTICE TO EMPLOYEES.—The Secretary shall provide eligible employees a written notice of not less than 60 days before termination.

(C) TERMINATION FOR CAUSE.—Subparagraph (A) does not preclude a termination for cause during the period described in subparagraph (A).

(b) APPLICATIONS FOR TRANSFER AND APPOINTMENT.—An eligible employee shall have the right to apply for employment by the Secretary under procedures for transfer and appointment of Federal employees outside the Department of Agriculture.

(c) HIRING BY THE SECRETARY.—

(1) IN GENERAL.—Subject to subsection (b), in filling personnel positions within the Recreation Area, the Secretary shall follow all laws (including regulations) and policies applicable to the Department of Agriculture.

(2) NOTIFICATION AND HIRING.—Notwithstanding paragraph (1), the Secretary—

(A) shall notify all eligible employees of all openings for positions with the Forest Service at the Recreation Area before notifying other individuals or considering applications by other individuals for the positions; and

(B) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(3) NONCOMPETITIVE APPOINTMENTS.—Notwithstanding any other placement of career transition programs authorized by the Office of Personnel Management of the United States Department of Agriculture, the Secretary may noncompetitively appoint eligible employees to positions in the Recreation Area.

(4) PERIOD OF SERVICE.—Except to the extent that an eligible employee that is appointed by the Secretary may be otherwise compensated for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the Secretary for the purposes of probation, career tenure, time-in-grade, and leave.

(d) TRANSFER TO POSITIONS IN OTHER UNITS OF THE TENNESSEE VALLEY AUTHORITY.—The Tennessee Valley Authority—

(1) shall notify all eligible employees of all openings for positions in other units of the Tennessee Valley Authority before notifying other individuals or considering applications by other individuals for the positions; and

(2) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(e) EMPLOYEE BENEFIT TRANSITION.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The Secretary and the heads of the Office of Personnel Management, the Tennessee Valley Authority and the Tennessee Valley Authority Retirement System shall enter into a memorandum of understanding providing for the transition for all eligible employees of compensation made available through the Tennessee Valley Authority Retirement System.

(B) EMPLOYEE PARTICIPATION.—In deciding on the terms of the memorandum of understanding, the Secretary and the heads of the Office of Personnel Management, the Tennessee Valley Authority and the Tennessee Valley Authority Retirement System shall meet and consult with and give full consideration to the views of employees and representatives of the employees of the Tennessee Valley Authority.

(2) ELIGIBLE EMPLOYEES THAT ARE TRANSFERRED TO OTHER UNITS OF TVA.—An eligible employee that is transferred to another unit of the Tennessee Valley Authority shall experience no interruption in coverage for or reduction of any retirement, health, leave, or other employee benefit.

(3) ELIGIBLE EMPLOYEES THAT ARE HIRED BY THE SECRETARY.—

(A) LEVEL OF BENEFITS.—The Secretary shall provide to an eligible employee that is hired by the Forest Service a level of retirement and health benefits that is equivalent to the level to which the eligible employee would have been entitled if the eligible employee had remained an employee of the Tennessee Valley Authority.

(B) TRANSFER OF RETIREMENT BENEFITS.—

(i) IN GENERAL.—Eligible employees hired by the Forest Service shall become members of the Civil Service Retirement System (CSRS) Offset Plan and shall have the option to transfer into the Federal Employees Retirement System (FERS) within six months of their date of transfer. Such employees shall have the option at any time to receive credit in CSRS Offset or FERS for all of their TVA service in accordance with applicable procedures. Any deposits necessary to receive credit for such service shall be considered transfers to a qualified plan for purposes of favorable tax treatment of such amount under the Internal Revenue Code.

(ii) FUNDING SHORTFALL.—

(I) IN GENERAL.—For all eligible employees that are not part of the Civil Service Retirement System, the Tennessee Valley Authority shall meet any funding shortfall resulting from the transfer of retirement benefits.

(II) NOTIFICATION.—The Secretary shall notify the Tennessee Valley Authority Board of the cost associated with the transfer of retirement benefits.

(III) PAYMENT.—The Tennessee Valley Authority shall fully compensate the Secretary for the costs associated with the transfer of retirement benefits.

(IV) NO INTERRUPTION.—An eligible employee that is hired by the Forest Service and is eligible for Civil Service Retirement shall not experience any interruption in retirement benefits.

(C) NO INTERRUPTION.—An eligible employee that is hired by the Secretary—

(i) shall experience no interruption in coverage for any health, leave, or other employee benefit; and

(ii) shall be entitled to carry over any leave time accumulated during employment by the Tennessee Valley Authority.

(D) PERIOD OF SERVICE.—Notwithstanding section 8411(b)(3) of title 5, United States Code, except to the extent that an eligible employee may be otherwise compensated (including the provision of retirement benefits in accordance with the memorandum of understanding) for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the U.S. Department of Agriculture for all purposes relating to the Federal employment of the eligible employee.

(4) ELIGIBLE EMPLOYEES THAT ARE DISCHARGED NOT FOR CAUSE.—

(A) LEVEL OF BENEFITS.—The parties to the memorandum of understanding shall have authority to deem any applicable requirement to be met, to make payments to an employee, or take any other action necessary to provide to an eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause and that does not accept an offer of employment from the Secretary, an optimum level of retirement and health benefits that is equivalent to the level that has been afforded employees discharged in previous reductions in force by the Tennessee Valley Authority.

(B) MINIMUM BENEFITS.—An eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause shall, at a minimum be entitled to—

(i) at the option of the eligible employee—

(I) a lump-sum equal to $1,000, multiplied by the number of years of service of the eligible employee (but not less that $15,000 nor more than $25,000);

(II) a lump-sum payment equal to the amount of pay earned by the eligible employee for the last 26 weeks of the eligible employee's service; or

(III) the deemed addition of 5 years to the age and the years of service of an eligible employee;

(ii) 15 months of health benefits for employees and dependents at the same level provided as of the date of transfer pursuant to section 541;

(iii) 1 week of pay per year of service as provided by the Tennessee Valley Authority Retirement System;

(iv) a lump-sum payment of all accumulated annual leave;

(v) unemployment compensation in accordance with State law;

(vi) eligible pension benefits as provided by the Tennessee Valley Authority Retirement System; and

(vii) retraining assistance provided by the Tennessee Valley Authority.

(C) SHORTFALL.—If the board of directors of the Tennessee Valley Authority Retirement System determines that the cost of providing the benefits described in subparagraphs (A) and (B) would have a negative impact on the overall retirement system, the Tennessee Valley Authority shall be required to meet any funding shortfalls.

SEC. 548. TENNESSEE VALLEY AUTHORITY TRANSFER COSTS.

Any costs incurred by Tennessee Valley Authority associated with the transfer under this subtitle shall be derived from funding described in section 549.

SEC. 549. TENNESSEE VALLEY AUTHORITY TRANSFER FUNDING.

(a) IN GENERAL.—The funding described in this section is funding derived from only 1 or more of the following sources:

(1) Nonpower fund balances and collections.

(2) Investment returns of the nonpower program.

(3) Applied programmatic savings in the power and nonpower programs.

(4) Savings from the suspension of bonuses and awards.

(5) Savings from reductions in memberships and contributions.

(6) Increases in collections resulting from nonpower activities, including user fees.

(7) Increases in charges to private and public utilities both investor and cooperatively owned, as well as to direct load customers.

(b) AVAILABILITY.—Funds from the sources described in subsection (a) shall be available notwithstanding section 11, 14, 15, or 29 or any other provision of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) or any provisions of the covenants contained in any power bonds issued by the Tennessee Valley Authority.

(c) SUFFICIENCY OF SAVINGS.—The savings from and the revenue adjustment to the budget of the Tennessee Valley Authority for the first fiscal year of the transfer and each fiscal year thereafter shall be sufficient so that the net spending authority and resulting outlays to carry out activities with funding described in subsection (a) shall not exceed $0 for the first fiscal year of the transfer and each fiscal year thereafter.

(d) ITEMIZED LIST OF REDUCTIONS AND INCREASED RECEIPTS.—

(1) PROPOSED CHANGES.—Not later than 30 days after the date of transfer pursuant to section 541, the Chairman of the Tennessee Valley Authority shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate an itemized list of the amounts of reductions in spending and increases in receipts that are proposed to be made as a result of activities under this subsection during the first fiscal year of the transfer.

(2) ACTUAL CHANGES.—Not later than 24 months after the effective date of the transfer, the Chairman of the Tennessee Valley Authority shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate an itemized list of the amounts of reductions in spending and increases in receipts as a result of activities under this subsection during the first fiscal year of the transfer.

Subtitle D—Funding

SEC. 551. AUTHORIZATION OF APPROPRIATIONS.

(a) AGRICULTURE.—There are authorized to be appropriated to the Secretary of Agriculture such sums as are necessary to—

(1) permit the Secretary to exercise administrative jurisdiction over the Recreation Area under this title; and

(2) administer the Recreation Area area as a unit of the National Forest System.

(b) INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to carry out activities within the Recreation Area.

TITLE VI—INTERSTATE 90 LAND EXCHANGE ACT

SEC. 601. SHORT TITLE.

This Act may be cited as the "Interstate 90 Land Exchange Act of 1998".

SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) certain parcels of private land located in central and southwest Washington are intermingled with National Forest System land owned by the United States and administered by the Secretary of Agriculture as parts of the Mt. Baker-Snoqualmie National Forest, Wenatchee National Forest, and Gifford Pinchot National Forest;

(2) the private land surface estate and some subsurface is owned by the Plum Creek Timber Company, L.P. in an intermingled checkerboard pattern, with the United States or Plum Creek owning alternate square mile sections of land or fractions of square mile sections;

(3) the checkerboard land ownership pattern in the area has frustrated sound and efficient land management on both private and National Forest lands by complicating fish and wildlife habitat management, watershed protection, recreation use, road construction and timber harvest, boundary administration, and protection and management of threatened and endangered species and old growth forest habitat;

(4) acquisition by the United States of certain parcels of land that have been offered by Plum Creek for addition to the Mt. Baker-Snoqualmie National Forest and Wenatchee National Forest will serve important public objectives, including—

(A) enhancement of public access, aesthetics and recreation opportunities within or near areas of very heavy public recreational use including—

(i) the Alpine Lakes Wilderness Area;

(ii) the Pacific Crest Trail;

(iii) Snoqualmie Pass;

(iv) Cle Elum Lake, Kachess Lake and Keechulus Lake; and

(v) other popular recreation areas along the Interstate 90 corridor east of the Seattle-Tacoma Metropolitan Area;

(B) protection and enhancement of old growth forests and habitat for threatened, endangered and sensitive species, including a net gain of approximately 28,500 acres of habitat for the northern spotted owl;

(C) consolidation of National Forest holdings for more efficient administration and to meet a broad array of ecosystem protection and other public land management goals, including net public gains of approximately 283 miles of stream ownership, 14 miles of the route of the

Pacific Crest Trail, 20,000 acres of unroaded land, and 7,360 acres of riparian land; and

(D) a significant reduction in administrative costs to the United States through—

(i) consolidation of Federal land holdings for more efficient land management and planning;

(ii) elimination of approximately 300 miles of boundary identification and posting;

(iii) reduced right-of-way, special use, and other permit processing and issuance for roads and other facilities on National Forest System land; and

(iv) other administrative cost savings;

(5) Plum Creek has selected certain parcels of National Forest System land that are logical for consolidation into Plum Creek ownership utilizing a land exchange because the parcels—

(A) are intermingled with parcels owned by Plum Creek; and

(B)(i) are generally located in less environmentally sensitive areas than the Plum Creek offered land; and

(ii) have lower public recreation and other public values than the Plum Creek offered land;

(6) time is of the essence in consummating a land exchange because delays may force Plum Creek to road or log the offered land and thereby diminish the public values for which the offered land is to be acquired; and

(7) it is in the public interest to complete the land exchange at the earliest practicable date so that the offered land can be acquired and preserved by the United States for permanent public management, use, and enjoyment.

(b) PURPOSE.—It is the purpose of this Act to further the public interest by authorizing, directing, facilitating, and expediting the consummation of the Interstate 90 land exchange so as to ensure that the offered land is expeditiously acquired for permanent public use and enjoyment.

SEC. 603. DEFINITIONS.

In this Act:

(1) OFFERED LAND.—The term "offered land" means all right, title and interest, including the surface and subsurface interests, in land described in section 604(a) to be conveyed into the public ownership of the United States under this Act.

(2) PLUM CREEK.—The term "Plum Creek" means Plum Creek Timber Company, L.P., a Delaware Limited Partnership, or its successors, heirs, or assigns.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) SELECTED LAND.—The term "selected land" means all right, title and interest, including the surface and subsurface interests, unless Plum Creek agrees otherwise, in land described in section 604(b) to be conveyed into the private ownership of Plum Creek under this Act.

SEC. 604. LAND EXCHANGE.

(a) CONDITION AND CONVEYANCE OF OFFERED LAND.—The exchange directed by this Act shall be consummated if Plum Creek conveys title acceptable to the Secretary in and to the lands described in subsection (d), the offered lands described in paragraphs (1) and (2), or, if necessary, the lands and interests in land as provided in subsection (c).

(1) Certain land comprising approximately 8,808 acres and located within the exterior boundaries of the Mt. Baker-Snoqualmie National Forest, Washington, as generally depicted on a map entitled "Interstate 90 Land Exchange", dated October 1998; and

(2) Certain land comprising approximately 53,576 acres and located within or adjacent to the exterior boundaries of the Wenatchee National Forest, Washington, as generally depicted on a map entitled "Interstate 90 Land Exchange", dated October 1998.

(b) CONVEYANCE OF SELECTED LAND BY THE UNITED STATES.—Upon receipt of acceptable title to the offered land, and lands and interests described in subsection (d), the Secretary shall simultaneously convey to Plum Creek all right, title and interest of the United States, subject to valid existing rights, in and to the following selected land:

(1) Certain land administered, as of the date of enactment of this Act, by the Secretary of Agriculture as part of the Mt. Baker-Snoqualmie National Forest, Washington, and comprising approximately 5,697 acres, as generally depicted on a map entitled "Interstate 90 Land Exchange", dated October 1998.

(2) Certain land administered, as of the date of enactment of this Act, by the Secretary of Agriculture as part of the Wenatchee National Forest, Washington, and comprising approximately 5,197 acres, as generally depicted on a map entitled "Interstate 90 Land Exchange", dated October 1998.

(3) Certain land administered, as of the date of enactment of this Act, by the Secretary of Agriculture as part of the Gifford Pinchot National Forest, Washington, and comprising approximately 5,601 acres, as generally depicted on a map entitled "Interstate 90 Land Exchange", dated October 1998.

(c) OFFERED LAND TITLE.—If Plum Creek conveys title acceptable to the Secretary to less than all rights and interests in the offered lands, but conveys title acceptable to the Secretary to all rights and interests that Plum Creek owns and acquires under previous agreements in the lands described in subsection (d), the offered lands, and lands on the east and west sides of Cle Elum Lake, comprising approximately 252 acres, described as Township 21 North, Range 14 East, Section 5, and Lost Lake lands comprising approximately 272 acres, described as Township 21 North, Range 11 East, W½ of Section 3, the Secretary shall convey to Plum Creek all rights and interest in the selected land after the values of the offered and selected land are equalized. The values of the offered and selected lands shall be equalized as provided in section 605(c)–(e) without regard to the value of lands described in subsection (d) or the Cle Elum or Lost Lake lands.

(d) LAND DONATION.—Plum Creek agrees that it will convey, in the form of a voluntary donation, title acceptable to the Secretary in and to lands and interests in lands comprising approximately 320 acres, described as Township 22 North, Range 11 East, S½ of Section 13, if Plum Creek conveys title to lands and interests pursuant to subsections (a) or (c). It is the intention of Congress that any portion of such donated land which the Secretary determines qualifies as wilderness be, upon the date of its acquisition by the United States, incorporated in and managed as part of the adjacent Alpine Lakes Wilderness (as designated by Public Law 94–357) in accordance with section 6(a) of the Wilderness Act (16 U.S.C. 1135).

SEC. 605. EXCHANGE VALUATION, APPRAISALS AND EQUALIZATION.

(a) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The values of the offered and selected land—

(A) shall be equal; or

(B) if the values are not equal, shall be equalized as set forth in subsections (c)–(e).

(2) APPRAISAL ASSUMPTION.—In order to ensure the equitable and uniform appraisal of both the offered and selected land directed for exchange by this Act, all appraisals shall determine the highest and best use of the offered and selected land in accordance with applicable provisions of the Washington State Forest Practices Act and rules and regulations thereunder, including alternative measures for protecting critical habitat pursuant to a habitat conservation plan as provided in Washington Administrative Code 222–16–080–(6).

(3) APPRAISALS.—The values of the offered land and selected land shall be determined by appraisals utilizing nationally recognized appraisal standards, including applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions (1992), the Uniform Standards of Professional Appraisal Practice, and section 206(d) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1716(d)).

(4) APPROVAL BY THE SECRETARY.—The appraisals, if not already completed by the date of enactment of this Act, shall be completed and submitted to the Secretary for approval not later than 180 days after the date of enactment of this Act: Provided, That all timber harvest cease no later than November 30, 1998, except for any cleanup, reforestation, or other post-harvest work which cannot be completed by November 30, 1998. A comprehensive summary of the appraisal consistent with 7 CFR Part 1.11 shall be made available for public inspection in the Office of the Supervisor, Wenatchee National Forest, not less than 30 days nor more than 45 days prior to the exchange of deeds.

(b) APPRAISAL PERIOD.—After the final appraised values of the offered and selected lands, or any portion of the land, have been approved by the Secretary or otherwise determined under section 206(d) of the Federal Land Policy and Management Act (43 U.S.C. 1716(d)), the value shall not be reappraised or updated before consummation of the land exchange, except to account for any timber harvest that might occur after completion of the final appraisal, or for any adjustments under section 606(g).

(c) EQUALIZATION IF SURPLUS OF OFFERED LAND.—

(1) IN GENERAL.—If the final appraised value of the offered land or lands and interest in lands conveyed by Plum Creek under section 604(c), except for the Cle Elum and Lost Lake lands, exceeds the final appraised value of the selected land, Plum Creek shall delete offered land parcels from the exchange in the exact order each land Section (or offered portion thereof) is listed in paragraph (2) until the values are approximately equal.

(2) ORDER OF DELETION.—Offered land deletions under paragraph (1) shall be made in the following order:

(A) Township 22 North, Range 13 East, Section 31, Willamette Meridian;

(B) Township 21 North, Range 11 East, Section 35;

(C) Township 19 North, Range 11 East, Section 35;

(D) Township 19 North, Range 12 East, Section 1;

(E) Township 20 North, Range 11 East, Sections 1 and 13;

(F) Township 19 North, Range 12 East, Section 15;

(G) Township 20, North Range 11 East, Section 11;

(H) Township 21 North, Range 11 East, Section 27;

(I) Township 19 North, Range 13 East, Sections 27 and 15;

(J) Township 21 North, Range 11 East, Sections 21 and 25;

(K) Township 19 North, Range 11 East, Section 23;

(L) Township 19 North, Range 13 East, Sections 21, 9 and 35;

(M) Township 20 North, Range 12 East, Sections 35 and 27;

(N) Township 19 North, Range 12 East, Section 11;

(O) Township 21 North, Range 11 East, Section 17;

(P) Township 21 North, Range 11 East, Section 5;

(Q) Township 18 North, Range 15 East, Section 3;

(R) Township 19 North, Range 14 East, Section 25;

(S) Township 19 North, Range 15 East, Sections 29 and 31; and

(T) Township 19 North, Range 13 East, Section 7.

(d) EQUALIZATION IF SURPLUS OF SELECTED LAND.—

(1) IN GENERAL.—If the final appraised value of the selected land exceeds the final appraised value of the offered land or lands and interest in lands conveyed by Plum Creek under section 604(c), except for the Cle Elum and Lost Lake lands, the Secretary shall delete selected land parcels from the exchange in the exact order each land Section (or selected portion thereof) is listed in paragraph (2) until the values are approximately equal.

(2) ORDER OF DELETION.—Selected land deletions under paragraph 1 shall be made in the following listed order:

(A) the portion of Township 20 North, Range 11 East, Section 30 lying east of the thread of Sawmill Creek;

(B) the portion of Township 19 North, Range 11 East, Section 6 lying east of the thread of Sawmill Creek;

(C) Township 20 North, Range 11 East, Section 32;

(D) Township 21 North, Range 14 East, Sections 28, 22, 36, 26 and 16;

(E) Township 18 North, Range 15 East, Sections 13, 12 and 2;

(F) Township 18 North, Range 15 East, Section 1; and

(G) Township 18 North, Range 15 East, Section 17, Willamette Meridian.

(e) Once the values of the offered and selected lands are equalized to the maximum extent practicable under subsections (c) or (d), any cash equalization balance due the Secretary or Plum Creek shall be made through cash equalization payments under subsection 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(f) USE OF PROCEEDS BY THE SECRETARY.—The amount of any cash equalization payment received by the Secretary under this section shall be retained by the Secretary and shall be used by the Secretary until fully expended to purchase land from willing sellers in the State of Washington for addition to the National Forest System.

SEC. 606. MISCELLANEOUS PROVISIONS.

(a) STATUS OF LANDS AFTER EXCHANGE.—

(1) LAND ACQUIRED BY THE SECRETARY.—

(A) IN GENERAL.—Land acquired by the Secretary under this Act shall become part of the Mt. Baker-Snoqualmie, Gifford Pinchot or Wenatchee National Forests, as appropriate.

(B) MODIFICATION OF BOUNDARIES.—

(i) If any land acquired by the Secretary lies outside the exterior boundaries of the national forests identified in subparagraph (A), the boundaries of the appropriate national forest are hereby modified to include such land.

(ii) Nothing in this section shall limit the authority of the Secretary to adjust the boundaries of such National Forests pursuant to section 11 of the Act of March 1, 1911 (commonly known as the "Weeks Act").

(iii) For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9) the boundaries of Mt. Baker-Snoqualmie, Wenatchee and Gifford Pinchot as modified by this Act shall be considered to be the boundaries of such forests as of January 1, 1965.

(C) MANAGEMENT.—Land acquired by the Secretary under this Act shall have the status of lands acquired under the Act of March 1, 1911 and shall be managed in accordance with the laws, rules, regulations and guidelines applicable to the National Forest System.

(2) LAND ACQUIRED BY PLUM CREEK.—Land acquired by Plum Creek under this Act shall become private land for all purposes of law, unless the deed by which conveyance is made to Plum Creek contains a specific reservation.

(b) POST-EXCHANGE ACCESS TO LAND.—

(1) FINDING.—Congress finds that Plum Creek and the Secretary should have adequate and timely post-exchange access to lands acquired pursuant to this Act over existing primary, secondary, or other national forest system roads as may be needed.

(2) INTENTION.—It is the intention of Congress that Plum Creek have access to all lands it acquires under this Act, and when such access requires construction of new roads, it shall be granted in compliance with the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, and other applicable laws, rules, and regulations.

(3) ACCESS WITHIN COST SHARE AGREEMENT AREAS.—Within Cost Share Construction and Use Agreement Areas, Plum Creek and the Secretary will convey road access, at no cost, to the lands acquired by each party upon consummation of the exchange pursuant to this Act in accordance with the appropriate terms and procedures of said cost share construction and use agreements.

(4) ACCESS OUTSIDE COST SHARE AGREEMENT AREAS.—Outside of Cost Share Construction and Use Agreement Areas, the Secretary shall grant Plum Creek road access easements at no cost in a form set out in Forest Service Handbook 2709.12, 35. In the case of new road construction, they shall conform to the Secretary's rules and regulations 36 CFR 251, subpart B, for the roads identified on the map entitled "Plum Creek Access Road Needs", dated September 1998, including mitigation under existing law.

(c) ACCESS TO CERTAIN LANDS ACQUIRED BY THE UNITED STATES.—Outside of Cost Share Construction and Use Agreement Areas, Plum Creek shall grant the Secretary road access easements at no cost on the locations identified by the Secretary in a format acceptable to the Secretary.

(d) TIMING.—It is the intent of Congress that the land exchange authorized and directed by this Act be consummated no later than 270 days after the date of enactment of this Act, unless the Secretary and Plum Creek mutually agree to extend the consummation date.

(e) WITHDRAWAL OF SELECTED LAND.—Effective upon the date of enactment of this Act, all selected land identified for exchange to Plum Creek under section 604(b) is hereby withdrawn from all forms of entry and appropriation under the U.S. mining and mineral leasing laws, including the Geothermal Steam Act of 1970, until such time as the exchange is consummated, or until a particular parcel or parcels are deleted from the exchange under section 605(d).

(f) WITHDRAWAL OF CLE ELUM RIVER LANDS.—Lands acquired by the Secretary under this Act that are located in Township 23 North, Range 14 East, and Township 22 North, Range 14 East, Willamette Meridian, shall upon the date of their acquisition be permanently withdrawn from all forms of entry and appropriation under the U.S. mining and mineral leasing laws, including the Geothermal Steam Act of 1970.

(g) PARCELS SUBJECT TO HISTORIC OR CULTURAL RESOURCE RESTRICTIONS.—

(1) REPORT TO PLUM CREEK.—No later than 180 days after enactment of this Act, the Secretary shall complete determinations and consultation under the National Historic Preservation Act and submit a report to Plum Creek and other consulting parties under the National Historic Preservation Act listing by exact aliquot part description any parcel or parcels of selected land on which cultural properties have been identified and for which protection, use restrictions or mitigation requirements will be imposed. Such report shall include an exact description of each restriction or mitigation action required.

(2) PLUM CREEK RESPONSE.—Within 30 days of receipt of the Secretary's report under paragraph (1), Plum Creek shall notify the Secretary as to: (i) those parcels it will accept subject to the identified use restrictions or mitigation requirements; and (ii) those parcels it will not accept because the restrictions or mitigation requirements are deemed by Plum Creek to be an unacceptable encumbrance on the land.

(3) PARCEL DELETION.—The Secretary shall delete from the selected land those parcels identified by Plum Creek as unacceptable for conveyance under paragraph (2).

(4) APPRAISAL ADJUSTMENT.—The fair market value of any parcels deleted under paragraph (3), or any modification in fair market value caused by the use restrictions or mitigation requirements on land accepted by Plum Creek, shall be based on their contributory value to the final approved appraised value of the selected land and subtracted from such value prior to consummation of the exchange.

(h) ACCESS LIMITATION.—The Secretary shall not grant any road easements that would access the offered lands listed in section 604(a) prior to consummation of the exchange: Provided, That this provision shall not apply should either party withdraw from the exchange.

SEC. 607. LAND PURCHASE.

(a) FINDING.—The Congress finds that certain lands owned by Plum Creek in the vicinity of the offered lands (but which are not included in the land exchange under this Act, or are deleted under section 605(c)) are highly desirable for addition to the National Forest System, and that Plum Creek has indicated its willingness to sell certain such lands to the United States. It is the intention of Congress that such lands be acquired by the United States, subject to the availability of funds, by purchase at fair market value consistent with the land acquisition procedures of the Secretary, and with the consent of Plum Creek, in order to preserve their outstanding scenic and natural values for the benefit of future generations.

(b) PURCHASE CONSULTATION.—In furtherance of subsection (a), the Secretary is authorized and directed to consult with Plum Creek to determine the precise lands Plum Creek is willing to sell.

(c) OTHER AGREEMENTS.—Nothing in this Act shall be construed to prohibit the Secretary from entering into additional agreements or contracts with Plum Creek to purchase, exchange or otherwise acquire lands from Plum Creek in Washington or any other state under the laws, rules and regulations generally applicable to Federal land acquisitions.

SEC. 608. TIETON RIVER STUDY.

The Secretary is authorized and directed to consult with Plum Creek concerning opportunities for the United States to acquire by exchange or purchase Plum Creek lands along the Tieton River in Township 14 North, Range 15 East, Willamette Meridian.

SEC. 609. FUTURE LAND EXCHANGE OPPORTUNITY.

(a) FINDING.—The Congress finds that certain lands which were identified for exchange to the United States in the I–90 Land Exchange process have been, or may be, deleted from the final exchange under this Act due to value equalization or other reasons. However, some or all of such deleted lands, or other Plum Creek lands, may possess attributes that merit their conveyance to the United States in a follow-up land exchange, including lands in or around the Carbon River, the Yakima River, the Pacific Crest Trail, Watch Mountain and Goat Mountain on the Gifford Pinchot National Forest, the Green River and the Manastash late successional reserve.

(b) Future Exchange.—In furtherance of subsection (a), the Secretary is authorized and directed to consult with Plum Creek in examining opportunities for the United States to acquire such deleted lands, or other Plum Creek lands in the State of Washington, in a future exchange.

(c) Report to Congress.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives briefly outlining future land exchange opportunities with Plum Creek, including those for which the Secretary is required to consult under section 608, which the Secretary determines merit detailed analysis and consideration. The Secretary should identify the most urgent acquisitions for purchase or exchange in the report.

SEC. 610. WILDERNESS STUDY AREA.

In furtherance of the purposes of the Wilderness Act, if the land exchange directed by this Act is consummated, the area of land comprising approximately 15,000 acres, as generally depicted on a map entitled "Alpine Lakes Wilderness Study Area", dated October 1998, shall be reviewed by the Secretary of Agriculture as to its suitability for preservation as wilderness. The Secretary shall submit a report and findings to the President, and the President shall submit his recommendations to the United States House of Representatives and United States Senate no later than three years after the date of enactment of this Act. Subject to valid existing rights and existing uses, such lands shall, until Congress determines otherwise or until December 31, 2003, be administered by the Secretary to maintain their wilderness character existing as of the date of enactment of this Act and potential for inclusion in the National Wilderness Preservation System, and shall be withdrawn from all forms of entry and appropriation under the U.S. mining and mineral leasing laws, including the Geothermal Steam Act of 1970.

SEC. 611. KELLY BUTTE SPECIAL MANAGEMENT AREA.

(a) Establishment.—Upon conveyance to the United States of the Plum Creek offered lands in the Kelly Butte area, there is hereby established the Kelly Butte Special Management Area in the Mt. Baker-Snoqualmie National Forest, Washington, comprising approximately 5,642 acres, as generally depicted on a map entitled "Kelly Butte Special Management Area", dated October 1998.

(b) Management.—The Kelly Butte Special Management Area shall be managed by the Secretary in accordance with the laws, rules and regulations generally applicable to National Forest System lands, and subject to the following additional provisions:

(1) the Area shall be managed with special emphasis on:

(A) preserving its natural character and protecting and enhancing water quality in the upper Green River watershed;

(B) permitting hunting and fishing;

(C) providing opportunities for primitive and semi-primitive recreation and scientific research and study;

(D) protecting and enhancing populations of fish, wildlife and native plant species; and

(E) allowing for traditional uses by native American peoples;

(2) commercial timber harvest and road construction shall be prohibited;

(3) the Area shall be closed to the use of motor vehicles, except as may be necessary for administrative purposes or in emergencies (including rescue operations) to protect public health and safety; and

(4) the Area shall, subject to valid existing rights, be permanently withdrawn from all forms of entry and appropriation under the U.S. mining laws and mineral leasing laws, including the Geothermal Steam Act of 1970.

(c) No Buffer Zones.—Congress does not intend that the designation of the Kelly Butte Special Management Area lead to the creation of protective perimeters or buffer zones around the Area. The fact that non-compatible activities or uses can be seen or heard from within the Kelly Butte Special Management Area shall not, of itself, preclude such activities or uses up to the boundary of the Area.

SEC. 612. EFFECT ON COUNTY REVENUES.

The Secretary shall consult with the appropriate Committees of Congress, and local elected officials in the counties in the State of Washington in which the offered lands are located, regarding options to minimize the adverse effect on county revenues of the transfer of the offered lands from private to Federal ownership.

TITLE VII—INDIAN TRIBAL TORT CLAIMS AND RISK MANAGEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the "Indian Tribal Tort Claims and Risk Management Act of 1998".

SEC. 702. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) Indian tribes have made significant achievements toward developing a foundation for economic self-sufficiency and self-determination, and that economic self-sufficiency and self-determination have increased opportunities for the Indian tribes and other entities and persons to interact more frequently in commerce and intergovernmental relationships;

(2) although Indian tribes have sought and secured liability insurance coverage to meet their needs, many Indian tribes are faced with significant barriers to obtaining liability insurance because of the high cost or unavailability of such coverage in the private market;

(3) as a result, Congress has extended liability coverage provided to Indian tribes to organizations to carry out activities under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

(4) there is an emergent need for comprehensive and cost-efficient insurance that allows the economy of Indian tribes to continue to grow and provides compensation to persons that may suffer personal injury or loss of property.

(b) Purpose.—The purpose of this title is to provide for a study to facilitate relief for a person who is injured as a result of an official action of a tribal government.

SEC. 703. DEFINITIONS.

In this title:

(1) Indian tribe.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

(3) Tribal organization.—The term "tribal organization" has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 704. STUDY AND REPORT TO CONGRESS.

(a) In General.—

(1) Study.—In order to minimize and, if possible, eliminate redundant or duplicative liability insurance coverage and to ensure that the provision of insurance to Indian tribes is cost-effective, the Secretary shall conduct a comprehensive survey of the degree, type, and adequacy of liability insurance coverage of Indian tribes at the time of the study.

(2) Contents of study.—The study conducted under this subsection shall include—

(A) an analysis of loss data;

(B) risk assessments;

(C) projected exposure to liability, and related matters; and

(D) the category of risk and coverage involved, which may include—

(i) general liability;

(ii) automobile liability;

(iii) the liability of officials of the Indian tribe;

(iv) law enforcement liability;

(v) workers' compensation; and

(vi) other types of liability contingencies.

(3) Assessment of coverage by categories of risk.—For each Indian tribe, for each category of risk identified under paragraph (2), the Secretary, in conducting the study, shall determine whether insurance coverage or coverage under chapter 171 of title 28, United States Code, applies to that Indian tribe for that activity.

(b) Report.—Not later than June 1, 1999, and annually thereafter, the Secretary shall submit a report to Congress that contains legislative recommendations that the Secretary determines to—

(1) be appropriate to improve the provision of insurance coverage to Indian tribes; or

(2) otherwise achieve the purpose of providing relief to persons who are injured as a result of an official action of a tribal government.

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out this title.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1999".

(f) For programs, projects or activities in the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriatiions Act:

AN ACT Making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF LABOR

Employment and Training Administration

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSION)

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; the Stewart B. McKinney Homeless Assistance Act; the Women in Apprenticeship and Nontraditional Occupations Act; the National Skill Standards Act of 1994; section 166(j) of the Workforce Investment Act of 1998; and the School-to-Work Opportunities Act; $5,272,324,000 plus reimbursements, of which $3,740,287,000 is available for obligation for the period July 1, 1999 through June 30, 2000; of which $1,250,965,000 is available for obligation for the period April 1, 1999 through June 30, 2000, including $250,000,000 for activities authorized by section 127(b)(1) of the Workforce Investment Act; of which $152,072,000 is available for the period July 1, 1999 through June 30, 2002, including $1,500,000 under authority of part B of title III of the Job Training Partnership Act for use by The Organizing Committee for The 2001 Special Olympics World Winter Games in Alaska to promote employment opportunities for individuals with mental disabilities, and $150,572,000 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $125,000,000 shall be available from July 1, 1999 through September 30, 2000, for carrying out activities of the School-to-Work Opportunities Act: Provided, That funds made available under this heading *to carry out the Job Training Partnership Act may be used for transition to, and implementation of, the provisions of the Workforce Investment Act of 1998: Provided further, That $57,815,000 shall be for carrying out section 401 of the Job Training Partnership Act, $71,517,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $9,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $955,000,000 shall be for carrying out title II, part A of such Act, and $129,965,000 shall be for carrying out title II, part C of such Act: Provided further, That funding appropriated herein under authority of part B of title III of the Job Training Partnership Act includes $5,000,000 for use by The Organizing Committee for The 1999 Special Olympics World Summer Games to promote employment opportunities for individuals with mental disabilities: Provided further, That $57,815,000 shall be for carrying out section 401 of the Job Training Partnership Act, $71,517,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $9,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $955,000,000 shall be for carrying out title II, part A of such Act, and $129,965,000 shall be for carrying out title II, part C of such Act: Provided further, That funding appropriated herein under authority of part B of title III of the Job Training Partnership Act includes $5,000,000 for use by The Organizing Committee for The 1999 Special Olympics World Summer Games to promote employment opportunities for individuals with mental disabilities: Provided further, That the National Occupational Information Coordinating Committee is authorized, effective upon enactment, to charge fees for publications, training and technical assistance developed by the National Occupational Information Coordinating Committee: Provided further, That revenues received from publications and delivery of technical assistance and training, notwithstanding 31 U.S.C. 3302, shall be credited to the National Occupational Information Coordinating Committee program account and shall be available to the National Occupational Information Coordinating Committee without further appropriations, so long as such revenues are used for authorized activities of the National Occupational Information Coordinating Committee: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That funds provided for title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver described in section 315(a)(2) may be granted if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services; and that funds provided for discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the enrollment requirements under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded: Provided further, That funds provided to carry out section 324 of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That service-delivery areas may transfer funding provided herein under authority of title II, parts B and C of the Job Training Partnership Act between the programs authorized by those titles of the Act, if the transfer is approved by the Governor: Provided further, That service delivery areas and substate areas may transfer up to 20 percent of the funding provided herein under authority of title II, part A and title III of the Job Training Partnership Act between the programs authorized by those titles of the Act, if such transfer is approved by the Governor: Provided further, That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program: Provided further, That notwithstanding any other provision of law, the Secretary of Labor may waive any of the statutory or regulatory requirements of titles I–III of the Job Training Partnership Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of service delivery areas and private industry councils, and the basic purposes of the Act), and any of the statutory or regulatory requirements of sections 8–10 of the Wagner-Peyser Act (except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers), only for funds available for expenditure in program year 1999, pursuant to a request submitted by a State which identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local service delivery areas intend to achieve, describes the actions that the State or local service delivery areas have undertaken to remove State or local statutory or regulatory barriers, describes the goals of the waiver and the expected programmatic outcomes if the request is granted, describes the individuals impacted by the waiver, and describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 105(a)(1) of the Job Training Partnership Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement a plan to improve the workforce development system and the State has executed a Memorandum of Understanding with the Secretary requiring such State to meet agreed upon outcomes and implement other appropriate measures to ensure accountability.*

Of the funds made available beginning on October 1, 1998 under this heading in Public Law 105–78 for Opportunity Areas of Out-of-School Youth, $250,000,000 are rescinded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $96,844,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $360,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $162,097,000, together with not to exceed $3,132,076,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 1201 of the Small Business Job Protection Act of 1996, section 7(d) of the Wagner-Peyser Act, as amended, section 461 of the Job Training Partnership Act, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1999, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2001; and of which $162,097,000, together with not to exceed $746,138,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 1999 through June 30, 2000, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose, and of which $180,933,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1999 is projected by the Department of Labor to exceed 2,629,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to *remain available until September 30, 2000, $357,000,000.*

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1999, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $94,410,000, including $6,360,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than two years, to administer welfare-to-work grants, together with not to exceed $43,716,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $90,000,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1999, for such Corporation: Provided, That not to exceed $10,958,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $312,076,000, together with $1,924,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $1,000,000 shall be for the development of an alternative system for the electronic submission of reports as required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $179,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 1998, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 1999: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $20,250,000 shall be made available to the Secretary as follows: for the operation of and enhancement to the automated data processing systems in support of Federal Employees' Compensation Act administration, $11,969,000; for expenditures relating to the expansion of the periodic roll management project, $6,652,000; for the financial management improvement project, $1,629,000; and the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,021,000,000, of which $969,725,000 shall be available until September 30, 2000, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $30,191,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $20,422,000 for transfer to Departmental Management, Salaries and Expenses, $306,000 for transfer to Departmental Management, Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: Provided, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $353,000,000, including not to exceed $80,084,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 1999, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under

such Act: Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $211,165,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; and, in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine: Provided further, That the Mine Safety and Health Administration may obligate or expend funds to promulgate final training regulations that are designed for the above named industries by no later than September 30, 1999.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $344,724,000, of which $11,159,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 2000, together with not to exceed $54,146,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $6,750,000 for the President's Committee on Employment of People With Disabilities, and including $500,000 to fund the activities of the Twenty-First Century Workforce Commission authorized by section 334 of the Workforce Investment Act of 1998, $190,832,000; together with not to exceed $299,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than one year shall be considered affirmed by the Benefits Review Board on the one-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $182,719,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214 and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1999.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $43,852,000, together with not to exceed $3,648,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level III.

SEC. 102. REVERSION OF UNALLOTTED FORMULA FUNDS UNDER WELFARE-TO-WORK. Section 403(a)(5)(A) of the Social Security Act is amended by adding the following clause:

"(ix) REVERSION OF UNALLOTTED FORMULA FUNDS.—If at the end of any fiscal year any funds available under this subparagraph have not been allotted due to a determination by the Secretary that any State has not met the requirements of clause (ii), such funds shall be transferred to the General Fund of the Treasury of the United States.".

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 104. Funds shall be available for carrying out title IV–B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

This title may be cited as the "Department of Labor Appropriations Act, 1999".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, $4,108,040,000, of which $150,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act, and of which $65,345,000 shall be available for the construction and renovation of health care and other facilities, and of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: Provided further, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $215,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $461,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $107,434,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: Provided further, That of the amount provided; $2,000,000 shall be for support of the Center for Sustainable Health Outreach at the University of Southern Mississippi in affiliation with Harrison Institute at Georgetown University for the establishment of demonstration programs that create model health access programs, health-related jobs and sustainability of community-based providers of health services in rural and urban communities; and $1,250,000 shall be for the American Federation for Negro Affairs Education and Research Fund.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $1,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest *subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.*

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Such sums as may be necessary to carry out the purpose of the program, as authorized by Title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $100,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21 and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,558,520,000, of which $17,800,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, up to $67,793,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That notwithstanding any other provison of law, a single contract or related contracts for the development and construction of the infectious disease laboratory through the General Services Administration may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: Provided further, That hereinafter obligations may be incurred related to agreement with private entities without receipt of advance payment.

In addition, $51,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151 and 40261 of Public Law 103–322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,927,187,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,793,697,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $234,338,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $994,218,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $903,278,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,570,102,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,197,825,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $750,982,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $395,857,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $375,743,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $596,521,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $308,164,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $229,887,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $69,834,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $259,747,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $603,274,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $861,208,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $264,892,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $554,819,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $30,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $35,426,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $181,309,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 1999, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $306,559,000, of which $43,493,000 shall be for the Office of AIDS Research: Provided, That funding shall be available for the purchase of not to exceed twenty-nine passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That NIH is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the National Foundation for Biomedical Research may be transferred to the National Institutes of Health: Provided further, That $50,000,000 shall be available to carry out section 404E of the Public Health Service Act.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $237,519,000, to remain available until expended, of which $90,000,000 of the fiscal year 1999 funds shall be for the clinical research center and $40,000,000 shall become available on October 1, 1999 and $9,143,000 shall be for the Vaccine Facility: Provided, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the clinical research center may be employed *which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.*

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,488,005,000: Provided, That of the amount provided, $300,000 shall be for the Philadelphia City-wide Improvement and Planning Agency.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $100,408,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $70,647,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $74,593,733,000, to remain available until expended.

For making, after May 31, 1999, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1999 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 2000, $28,733,605,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $62,953,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $1,946,500,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $1,000,000 shall be for carrying out section 4021 of Public Law 105–33: Provided further, That $45,000,000 appropriated under this heading for the transition to a single Part A and Part B processing system and for Year 2000 century date change conversion requirements of external contractor systems shall remain available until expended: Provided further, That $2,000,000 of the amount available for research, demonstration, and evaluation activities shall be available to continue carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services: Provided further, That funds appropriated under this heading may be obligated to increase Medicare provider audits and implement the Department's corrective action plan to the Chief Financial Officer's audit of the Health Care Financing Administration's oversight of Medicare: Provided further, That the Secretary of Health and Human Services is directed to collect, in aggregate, $95,000,000 in fees in fiscal year 1999 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1999, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), to remain available until expended, $1,989,000,000; and for such purposes for the first quarter of fiscal year 2000, $750,000,000.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,100,000,000, to be available for obligation in the period October 1, 1999 through September 30, 2000.

For making payments under title XXVI of such Act, $300,000,000: Provided, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Deficit Emergency Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $415,000,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 104–208 for fiscal year 1997 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1998 and 1999.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), to become available on October 1, 1999 and remain available through September 30, 2000, $1,182,672,000: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities: Provided further, That of the funds provided for fiscal year 1999 under Public Law 105–78, $50,000,000 shall be reserved by the States for activities authorized under section 658G of the Omnibus Budget Reconciliation Act of 1981 (the Child Care and Development Block Grant Act of 1990), such funds to be in addition to the amounts required to be reserved by States under such section 658G: Provided further, That of the funds provided for fiscal year 2000 $222,672,000 shall be reserved by the States for activities authorized under section 658G of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), such funds to be in addition to the amounts required to be reserved by the States under such section 658G: Provided further, That of the funds provided for fiscal year 2000, $10,000,000 shall be for use by the Secretary for child care research, demonstration and evaluation activities (directly or by grants or contracts).

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,909,000,000: Provided, That (1) notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 1999 shall be $1,909,000,000 and (2) notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act for fiscal years 1999 and 2000 shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child

Abuse Prevention and Treatment Act (including section 105(a)(2) of the Child Abuse Prevention and Treatment Act), the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211 and 40241 of Public Law 103–322 and section 126 and titles IV and V of Public Law 100–485, $6,032,087,000, of which $10,000,000 shall be used to establish Individual Development Accounts, for the purpose of encouraging low-income families and individuals to acquire productive assets, contingent upon enactment of authorizing legislation, and of which $20,000,000, to remain available until September 30, 2000, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679); of which $563,565,000 shall be for making payments under the Community Services Block Grant Act; and of which $4,660,000,000 shall be for making payments under the Head Start Act: Provided, That, notwithstanding section 640(a)(6), of the funds made available for the Head Start Act, $337,500,000 shall be set aside for the Head Start Program for Families with Infants and Toddlers (Early Head Start): Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $105,000,000, to be derived from the Violent Crime Reduction Trust Fund for carrying out sections 40155, 40211 and 40241 of Public Law 103–322.

Funds appropriated for fiscal year 1999 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 1999 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $275,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $3,764,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2000, $1,355,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and sections 339A, 398, and 399 of the Public Health Service Act, $882,020,000: Provided, That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: Provided further, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaska and Hawaiian Native communities to be served.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $180,051,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XVII of the Public Health Service Act, $1,000,000 shall be available until expended for extramural construction: Provided further, That $890,000 shall be for a contract with the National Academy of Sciences to conduct a study of all the available scientific literature examining the cause-and-effect relationship between repetitive tasks in the workplace and musculoskeletal disorders: Provided further, That said contract shall be awarded not later than January 1, 1999.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $29,000,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $17,345,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $14,000,000.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $216,922,000: Provided, That the entire amount is hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $216,922,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That of the amount provided under this heading, $51,000,000, to remain available until expended, shall be for pharmaceutical and vaccine stockpiling activities at the Centers for Disease Control and Prevention; and $3,000,000 shall be for the renovation and modernization of the Noble Army Hospital facility at Fort McClellan, Alabama; and $322,000 shall be in payment to the health department of Calhoun County, Michigan: Provided further, That no funds shall be obligated until the Department of Health and Human Services submits an operating plan to the House and Senate Committees on Appropriations.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level III.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. None of the funds appropriated in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. Funds appropriated in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, for the National Institutes of Health may be used to provide transit subsidies in amounts consistent with the transportation subsidy programs authorized under section 629 of Public Law 101–509 to non-FTE bearing positions including trainees, visiting fellows and volunteers.

SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 212. Subsection (b)(1)(H) of section 401 of the Public Health Service Act (42 U.S.C. 281 (b)(1)(H)) is amended by striking "National Institute of Dental Research" and inserting "National Institute of Dental and Craniofacial Research".

SEC. 213. (a) The final rule entitled "Organ Procurement and Transplantation Network", promulgated by the Secretary of Health and Human Services on April 2, 1998 (63 FR 16295 et seq.) (relating to part 121 of title 42, Code of Federal Regulations), shall not become effective before the expiration of the 1-year period beginning on the date of the enactment of this Act.

(b)(1) The Institute of Medicine under contract with and subject to review by the Comptroller General, in consultation with the Secretary and with the Organ Procurement and Transplantation Network (in this section referred to as the "OPTN"), shall conduct a review of the current polices of the OPTN and the final rule specified in subsection (a) in order to determine the following:

(A) The potential impact on access to transplantation services for low-income populations and for racial and ethnic minority groups. With respect to State policies in carrying out the program under title XIX of the Social Security Act, the determination made under this subparagraph shall include determining the impact of such policies regarding payment for services for patients that are provided to the patients outside of the States in which the patients reside.

(B) With respect to organ procurement organizations (qualified under section 371 of the Public Health Service Act):

(i) The potential impact on the ability of the organizations to facilitate an appropriate rate of organ donation within the service areas of the organizations.

(ii) The reasons underlying the variations in performance among such organizations.

(iii) The potential impact of requiring sharing of organs based on medical criteria instead of geography on the ability of the organizations to facilitate an appropriate rate of organ donation within the service areas of the organizations.

(C) The potential impact on waiting times for organ transplants, including determinations specific to the various geographic regions of the United States, and if practicable, waiting times for each transplant center by organ and medical status category. The determination made under this subparagraph shall include determining the impact of recent changes made by the OPTN in patient listing criteria and in measures of medical status.

(D) The potential impact on patient survival rates and organ failure rates which lead to retransplantation, including any variance by income status, ethnicity, gender, race, or blood type.

(E) The potential impact on the costs of organ transplantation services.

(F) The potential impact on the liability, under State laws and procedures regarding peer review, of members of the OPTN.

(G) The potential impact on the confidential status of information that relates to the transplantation of organs.

(H) Recommendations, if any, to change existing policies and the final rule.

(2)(A) Not later than May 1, 1999, the Comptroller General of the United States shall submit to the congressional committees specified in subparagraph (B) a report describing the results of the review conducted under paragraph (1).

(B) The congressional committees referred to in subparagraph (A) are the Committee on Commerce of the House of Representatives, the Committee on Appropriations of the House, the Committee on Labor and Human Resources of the Senate, and the Committee on Appropriations of the Senate.

(c)(1) Beginning promptly after the date of the enactment of this Act, the Secretary may conduct a series of discussions with the OPTN in order to resolve issues raised by the final rule referred to in subsection (a).

(2) The Secretary and the OPTN may utilize the services of a mediator in conducting the discussions under paragraph (1). An individual may not be selected to serve as the mediator unless the Secretary and the OPTN both approve the selection of the individual to so serve, and the individual agrees that, not later than June 30, 1999, the individual will submit to the congressional committees specified in subsection (b)(2)(B) a report describing the extent of progress that has been made through the discussions under paragraph (1).

(d)(1) Beginning on the date of enactment of this Act, the OPTN shall provide to the Secretary, the Institutes of Medicine, and the Comptroller General, upon request, any data necessary to assess the effectiveness of the Nation's organ donation, procurement and organ allocation systems, or to assess the quality of care provided to all transplant patients, and analysis of such data in a scientifically and clinically valid manner. If necessary, the OPTN may provide additional data as they deem appropriate.

(2) The OPTN shall make available to the public timely and accurate program-specific information on the performance of transplant programs. These data shall be updated as frequently as possible, and the OPTN shall work to shorten the time period for data collection and analysis in producing its center-specific outcomes report, including severity adjusted long term survival rates. Such data shall also include such other cost or performance information including but not limited to transplant program-specific information on waiting time within medical status, organ waitings, and refusal of organ offers.

(e) Data provided under subsection (d) shall be specific (if possible) to individual transplant centers and must be determined in a scientifically and clinically valid manner.

(f) Any disclosure of patient specific medical information under subsection (d) shall be subject to the restrictions contained in the Freedom of Information Act, the Privacy Act, and State laws.

(g) Of the amount appropriated in this title for "OFFICE OF THE SECRETARY-GENERAL DEPARTMENTAL MANAGEMENT", $500,000 shall, not later than 30 days after the date of the enactment of this Act, be transferred to the Comptroller General for purposes of carrying out the studies required and specified in this section.

(h) For purposes of this section:

(1) The term "Comptroller General" means the Comptroller General of the United States.

(2) The term "Organ Procurement and Transplantation Network" means the network operated under section 372 of the Public Health Service Act.

(3) The term "Secretary" means the Secretary of Health and Human Services.

SEC. 214. (a) Section 2003(c) of the Social Security Act (42 U.S.C. 1397b(c)) is amended by striking paragraph (8) and inserting the following:

"(8) $2,299,000,000 for the fiscal year 1998;".

(b) The amendment made by this section takes effect immediately after the amendments made by section 8401 of the Transportation Equity Act for the 21st Century take effect.

SEC. 215. The Consolidated Laboratory Building (Building 50) at the National Institutes of Health is hereby named the Louis Stokes Laboratories.

SEC. 216. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 217. The Vaccine Research Facility (Building 40) at the National Institutes of Health is hereby named the Dale and Betty Bumpers Vaccine Research Facility.

SEC. 218. (a) MENTAL HEALTH.—Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x–7(b)) is amended to read as follows:

"(b) MINIMUM ALLOTMENTS FOR STATES.—

"(1) IN GENERAL.—With respect to fiscal year 1999, the amount of the allotment of a State under section 1911 shall not be less than the amount the State received under section 1911 for fiscal year 1998.

(b) SUBSTANCE ABUSE.—Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x–33(b)) is amended to read as follows:

"(b) MINIMUM ALLOTMENTS FOR STATES.—

"(1) IN GENERAL.—With respect to fiscal year 1999, the amount of the allotment of a State under section 1921 shall not be less than the amount the State received under section 1921 for fiscal year 1998 increased by 30.65 percent of the percentage by which the amount allotted to the States for fiscal year 1999 exceeds the amount allotted to the States for fiscal year 1998.

"(2) LIMITATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not receive an allotment under section 1921 for fiscal year 1999 in an amount that is less than an amount equal to 0.375 percent of the amount appropriated under section 1935(a) for such fiscal year.

"(B) EXCEPTION.—In applying subparagraph (A), the Secretary shall ensure that no State receives an increase in its allotment under section 1921 for fiscal year 1999 (as compared to the amount allotted to the State in the fiscal year 1998) that is in excess of an amount equal to 300 percent of the percentage by which the amount appropriated under section 1935(a) for fiscal year 1999 exceeds the amount appropriated for the prior fiscal year.

"(3) Only for the purposes of calculating minimum allotments under this subsection, any reference to the amount appropriated under section 1935(a) for fiscal year 1998, allotments to States under section 21 and any references to amounts received by States in fiscal year 1998 shall include amounts appropriated or received under the amendments made by section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall become effective as if enacted on October 1, 1998 and shall only apply during fiscal year 1999.

(2) APPLICATION.—Upon the expiration of the fiscal year described in paragraph (1), the provisions of sections 1918(b) and 1933(b) of the Public Health Service Act (42 U.S.C. 300x–7(b) and

300x–33(b)), as in effect on September 30, 1998, shall be applied as if the amendments made by this section had not been enacted.

SEC. 219. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1999".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and sections 3122, 3132, 3136, and 3141 and parts B, C, and D of title III of the Elementary and Secondary Education Act of 1965, $1,314,000,000, of which $491,000,000 for the Goals 2000: Educate America Act and $125,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1999 and remain available through September 30, 2000, and of which $87,000,000 shall be for section 3122: Provided, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act, except that no more than $1,500,000 may be used to carry out activities under section 314(a)(2) of that Act: Provided further, That section 315(a)(2) of the Goals 2000 Act shall not apply: Provided further, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: Provided further, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register: Provided further, That $22,000,000 of the funds made available under section 3136 shall be for a competition consistent with the subjects outlined in the House and Senate reports and the statement of the managers, and that such competition should be administered in a manner consistent with the authorizing legislation and current departmental practices and policies: Provided further, That $9,850,000 of the funds made available for star schools shall be for a competition consistent with the language outlined in the House and Senate reports and the statement of the managers, and that such competition should be administered in a manner consistent with current departmental practices and policies: Provided further, That $8,000,000 shall be awarded to continue and expand the Iowa Communications Network statewide fiber optic demonstration project, and $800,000 shall be awarded to the School of Agriculture and Land Resources Management at the University of Alaska, Fairbanks to enhance distance delivery of natural resources management courses; $350,000 shall be for multi-media classrooms for the rural education technology center at the Western Montana College in Dillon, Montana: Provided further, That of the funds made available for section 3136, $2,500,000 shall be to establish the RUNet 2000 project at Rutgers, The State University of New Jersey; $500,000 shall be for state-of-the-art information technology systems at Mansfield University, Mansfield, Pennsylvania; $1,000,000 shall be for professional development for technology training at the Krell Institute, Ames, Iowa; $850,000 shall be for Internet-based curriculum at the State of Alaska, Department of Education; $2,000,000 shall be for "Magnet E-School" technology training and curriculum initiative at the Hawaii Department of Education; $600,000 shall be for technology in the classroom pilot program for the Green Bay Public School System, Green Bay, Wisconsin; $250,000 shall be for the "Passport to Chicago Community Network" technology training project; $1,200,000 for LEARN North Carolina and the University of North Carolina at Chapel Hill; and $1,500,000 for the Iowa Department of Education for community college grants to low-income schools for technology.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $8,370,520,000, of which $2,198,134,000 shall become available on July 1, 1999, and shall remain available through September 30, 2000, and of which $6,148,386,000 shall become available on October 1, 1999 and shall remain available through September 30, 2000, for academic year 1999–2000: Provided, That $6,574,000,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1998, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,102,020,000 shall be available for concentration grants under section 1124A, $$7,500,000 shall be available for evaluations under section 1501 and not more than $8,500,000 shall be reserved for section 1308, of which not more than $3,000,000 shall be reserved for section 1308(d): Provided further, That grant awards under section 1124 and 1124A of title I of the Elementary and Secondary Education Act shall be made to each State or local educational agency at no less than 100 percent of the amount such State or local educational agency received under this authority for fiscal year 1998: Provided further, That $120,000,000 shall be available under section 1002(g)(2) to demonstrate effective approaches to comprehensive school reform to be allocated and expended in accordance with the instructions relating to this activity in the statement of the managers on the conference report accompanying Public Law 105–78 and in the statement of the managers on the conference report accompanying this Act: Provided further, That in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children served by title I to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement: Provided further, That no funds appropriated under section 1002(g)(2) shall be available for section 1503.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $864,000,000, of which $704,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $70,000,000, to remain available until expended, shall be for payments under section 8003(f), $7,000,000 shall be for construction under section 8007, and $28,000,000 shall be for Federal property payments under section 8002 and $5,000,000 to remain available until expended shall be for facilities maintenance under section 8008: Provided, That Section 8002(f) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by inserting "(1)" after the subsection heading; and

(2) by adding a new paragraph (2) at the end to read as follows:

"(2) For each fiscal year beginning with fiscal year 1999, the Secretary shall treat the Webster School District, Day County, South Dakota as meeting the eligibility requirements of subsection (a)(1)(C) of this section.":

Provided further, That Section 8002 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof a new subsection (k) to read as follows:

"(k) SPECIAL RULE.—For purposes of payments under this section for each fiscal year beginning with fiscal year 1998—

"(1) the Secretary shall, for the Stanley County, South Dakota local educational agency, calculate payments as if subsection (e) had been in effect for fiscal year 1994; and

"(2) the Secretary shall treat the Delaware Valley, Pennsylvania local educational agency as if it had filed a timely application under section 2 of Public Law 81–874 for fiscal year 1994.":

Provided further, That (a) from the funds appropriated for payments to local educational agencies under section 8003(f) of the Elementary and Secondary Education Act of 1965 (ESEA) for fiscal year 1999, the Secretary of Education shall distribute supplemental payments for certain local educational agencies, as follows:

(1) First, from the amount of $68,000,000, the Secretary shall make supplemental payments to the following agencies under section 8003(b) of the ESEA:

(A) Local educational agencies that received assistance under section 8003(f) for fiscal year 1998.

(B) Local educational agencies with Impact Aid applicant numbers 20–0019, 51–0504, 51–2801, 51–1903, 51–0010, 51–4203, 51–2101, 51–0811, and 51–0904.

(C) Any eligible local educational agency with at least 25,000 children in average daily attendance, at least 55 percent federally connected children described in section 8003(a)(1) in average daily attendance, and at least 6,500 children described in sections 8003(a)(1)(A) and (B) in average daily attendance.

(2) From the remaining $2,000,000 and any amounts available after making payments under paragraph (1), the Secretary shall then make supplemental payments to local educational agencies that are not described in paragraph (1) of this subsection, but that meet the requirements of paragraphs (2) and (4) of section 8003(f) of the ESEA for fiscal year 1999, except that such agencies may count for purposes of eligibility for these supplemental payments, all students described in section 8003(a)(1).

(3) After making payments under section 8003(f) to all eligible applicants for fiscal years before fiscal year 1999, the Secretary shall use the combined amount of any funds remaining available under that subsection, and any amounts that may remain for fiscal year 1999 after making payments under paragraphs (1) and (2) of this subsection, to make the following payments:

(A) First, an amount not to exceed $3,000,000 to Impact Aid applicant number 20–0019.

(B) Second, from any remaining funds, an amount not to exceed $3,000,000 to Impact Aid applicant number 53–0061.

(C) Third, from any remaining funds, increased basic support payments under section 8003(b) for all eligible applicants.

(b) In calculating the amounts of supplemental payments for agencies described in subparagraphs (1)(A) and (B) and paragraph (2) of subsection (a), the Secretary shall use the formula contained in section 8003(b)(1)(C) of the ESEA, except that—

(1) eligible local educational agencies may count all children described in section 8003(a)(1) in computing the amount of those payments;

(2) maximum payments for any of those agencies that use local contribution rates identified

in section 8003(b)(1)(C)(i) or (ii) shall be computed by using four-fifths instead of one-half of those rates;

(3) the learning opportunity threshold percentage of all such agencies under section 8003(b)(2)(B) shall be deemed to be 100;

(4) for an eligible local educational agency with 35 percent or more of its children in average daily attendance described in either subparagraph (D) or (E) of section 8003(a)(1), the weighted student unit figure from its regular basic support payment shall be recomputed by using a factor of 0.55 for such children;

(5) for an eligible local educational agency with fewer than 100 children in average daily attendance, the weighted student unit figure from its regular basic support payment shall be recomputed by multiplying the total number of children described in section 8003(a)(1) by a factor of 1.5; and

(6) for an eligible local educational agency whose total number of children in average daily attendance is at least 100, but fewer than 750, the weighted student unit figure from its regular basic support payment shall be recomputed by multiplying the total number of children described in section 8003(a)(1) by a factor of 1.25.

(c) For a local educational agency described in subsection (a)(1)(C) above, the Secretary shall use the formula contained in section 8003(b)(1)(C) of the ESEA, except that the weighted student unit total from its regular basic support payment shall be increased by 35 percent and its learning opportunity threshold percentage shall be deemed to be 100.

(d) For each eligible local educational agency, the calculated supplemental basic support payment shall be reduced by subtracting the agency's regular fiscal year 1999 section 8003(b) basic support payment.

(e) The actual supplemental basic support payment that local educational agencies receive shall be treated under section 8009 in the same manner as payments under section 8003(f).

(f) If the sums described in subsections (a)(1) and (2) above are insufficient to pay in full the calculated supplemental basic support payments for the local educational agencies identified in those subsections, the Secretary shall ratably reduce the supplemental basic support payment to each local educational agency: Provided further, That the Secretary of Education shall treat as timely filed, and shall process for payment, an application for a fiscal year 1998 payment from the local educational agency for Prince Georges County, Maryland, under section 8003 of the Elementary and Secondary Education Act of 1965 if the Secretary has received that application not later than 30 days after the enactment of this Act: Provided further, That from the amount appropriated for section 8008 the Secretary shall award $500,000 to the Randolph Field Independent School District, Texas: Provided further, That for the purposes of computing the amount of payment for a local educational agency for children identified under section 8003, children residing in housing initially acquired or constructed under section 801 of the Military Construction Authorization Act of 1984, (Public Law 98–115)("Build to Lease" program) shall be considered as children described under section 8003(a)(1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated: Provided further, That if such property is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency which received a payment from the Secretary under section 8003, the Secretary shall:

(A) require such local educational agency to provide certification from an appropriate official of the Department of Defense that such property is being used to provide military housing; and

(B) reduce the amount of such payment by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency: Provided further, That of the funds available for payments under section 8002, the Secretary shall pay the San Diego, California, Centennial, Pennsylvania, and Hatboro-Horsham, Pennsylvania, local educational agencies the sum of $500,000 each, in addition to their regularly calculated payments, except that the total funds these agencies receive under this section may not exceed 50 percent of their maximum section 8002 payments.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, XII and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of VIII of the Higher Education Act; $2,811,134,000, of which $2,381,300,000 shall become available on July 1, 1999, and remain available through September 30, 2000: Provided, That of the amount appropriated, $335,000,000 shall be for Eisenhower professional development State grants under title II–B of the Elementary and Secondary Education Act of 1965, and $1,575,000,000 shall be for title VI, of which $1,200,000,000 shall be available, notwithstanding any other provision of law, to carry out title VI of the Elementary and Secondary Education Act of 1965 in accordance with section 307 of this Act, in order to reduce class size, particularly in the early grades, using highly qualified teachers to improve educational achievement for regular and special needs children.

READING EXCELLENCE

For necessary expenses to carry out the Reading Excellence Act, $260,000,000, which shall become available on July 1, 1999, and shall remain available through September 30, 2000.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, $66,000,000.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, without regard to section 7103(b), $380,000,000: Provided, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $5,124,146,000, of which $4,879,885,000 shall become available for obligation on July 1, 1999, and shall remain available through September 30, 2000: Provided, That $1,500,000 shall be awarded to The Organizing Committee for The 1999 Special Olympics World Summer Games and $1,500,000, to remain available until expended, shall be for preparation and planning and shall be awarded to The Organizing Committee of The 2001 Special Olympics World Winter Games: Provided further, That $600,000 shall be for the Early Childhood Development Project of the National Easter Seal Society for the Mississippi Delta Region, which funds shall be used to provide training, technical support, services, and equipment to address personnel and other needs.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, or successor legislation and the Helen Keller National Center Act, as amended, $2,652,584,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $8,661,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $45,500,000: Provided, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $83,480,000: Provided, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act and the Adult Education and Family Literacy Act, $1,539,247,000, of which $1,535,147,000 shall become available on July 1, 1999 and shall remain available through September 30, 2000: Provided, That of the amounts made available for title II of the Carl D. Perkins Vocational and Applied Technology Education Act, $13,497,000 shall be used by the Secretary for national programs under title IV, without regard to section 451: Provided further, That, of the amounts made available for the Adult Education and Family Literacy Act, $6,000,000 shall be for national leadership activities under section 243 and $6,000,000 shall be for the National Institute for Literacy under section 242: Provided further, That no funds shall be awarded to a State Council under section 112(f) of the Carl D. Perkins Vocational and Applied Technology Education Act, and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $9,348,000,000, which shall remain available through September 30, 2000.

The maximum Pell Grant for which a student shall be eligible during award year 1999–2000 shall be $3,125: Provided, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1998 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose: Provided further, That if the Secretary determines that the funds available to fund Pell Grants for award year 1999–2000 exceed the amount needed to fund Pell Grants at a maximum award of $3,125 for that award year, the

Secretary may increase the income protection allowances in sections 475(g)(2)(D), and 476(b)(1)(A)(iv)(I), (II) and (III) up to the amounts at which Pell Grant awards calculated using the increased income protection allowances equal the funds available to make Pell Grants in award year 1999–2000 with a $3,125 maximum award, except that the income protection allowance in section 475(g)(2)(D) may not exceed $2,200, the income protection allowance in sections 476(b)(1)(A)(iv)(I) and (II) may not exceed $4,250, and the income protection allowance in section 476(b)(1)(A)(iv)(III) may not exceed $7,250.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $46,482,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961 and Public Law 102–73; $1,307,846,000, of which $13,000,000 for interest subsidies authorized by section 121 of the Higher Education Act, shall remain available until expended: Provided, That $16,723,000 shall be for Youth Offender Grants, of which $4,723,000, which shall become available on July 1, 1999, and remain available until September 30, 2000, shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to enactment of Public Law 105–220: Provided further, That $4,800,000, to be available until expended, shall be for Salem State College in Salem, Massachusetts for activities authorized under Title III, part A, section 311(c)(2), of the Higher Education Act of 1965, as amended: Provided further, That of the funds made available under title VII, part B, $5,000,000 shall be awarded to the St. Petersburg Junior College for a demonstration of a national method for increasing access to four year degrees and work force training for students attending community college; $2,000,000 shall be for the Technology-Assisted Learning Campus in New Rochelle, New York for high-tech equipment; $250,000 shall be awarded to the Center for Urban Research and Learning, Loyola University, Chicago; $1,150,000 shall be awarded to the Southeast Community College in Letcher County, Kentucky; $3,000,000 shall be for the Oregon State University Distance Education Alliance; $1,000,000 shall be for the Appalachian Center for Econqmic Networks in Athens, Ohio; $6,000,000 shall be to establish the Robert J. Dole Institute for Public Service and Public Policy on the University of Kansas campus in Lawrence, Kansas; $1,000,000 shall be for the Oregon Institute of Public Service and Constitutional Studies at the Mark O. Hatfield School of Government at Portland State University; $2,150,000 shall be awarded to the College of Natural Resources, University of Wisconsin at Stevens Point for technology-enhanced learning; $1,500,000 shall be for the Touro Law Center in Central Islip, New York for the use of technology to bridge the gap between legal education and the actual practice of law; $1,000,000 shall be for the International Center for Educational Technology and Distance Learning at Empire State College; $500,000 shall be for the University of Northern Iowa National Institute of Technology for Inclusive Education; $1,500,000 shall be for a demonstration project to expand the successful college student preparation at Prairie View A&M, Texas; $750,000 shall be to identify and provide models of alcohol and drug abuse prevention and education in higher education at the college level; $500,000 shall be for a teacher training program in experiential learning to be awarded to the Department of Language Teacher Education School for International Training, Brattleboro, Vermont; and $1,000,000 shall be for the Paul Simon Public Policy Institute at Southern Illinois University at Carbondale, Illinois: Provided further, That $9,500,000 of the funds made available for title VII, part B shall be for a competition consistent with the subject areas outlined in the House and Senate reports and the statement of the managers, and that such competition should be administered in a manner consistent with current departmental practices and policies.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $214,489,000, of which not less than $3,530,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act, $698,000 to carry out activities related to existing facility loans entered into under the Higher Education Act.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act, as amended, $96,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994; section 2102 of title II, and parts A, B, I, and K and section 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $664,867,000: Provided, That $25,000,000 shall be available to demonstrate effective approaches to comprehensive school reform to be allocated and expended in accordance with the instructions relating to this activity in the statement of managers on the conference report accompanying Public Law 105–78 and in the statement of the managers on the conference report accompanying this Act: Provided further, That the funds made available for comprehensive school reform shall become available on July 1, 1999, and remain available through September 30, 2000, and in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement: Provided further, That $16,000,000 of the funds made available for title X, part A of the Elementary and Secondary Education Act, shall be carried out consistent with the subject areas outlined in the House and Senate reports and the statement of the managers, and should be administered in a manner consistent with current departmental practices and policies: Provided further, That, in addition to the $6,000,000 for Title VI of Public Law 103–227 and notwithstanding the provisions of section 601(c)(1)(C) of that Act, $1,000,000 shall be available to the Center for Civic Education to conduct a civic education program with Northern Ireland and the Republic of Ireland and, consistent with the civics and government activities authorized in section 601(c)(3) of Public Law 103–227, to provide civic education assistance to democracies in developing countries. The term "developing countries" shall have the same meaning as the term "developing country" in the Education for the Deaf Act: Provided further, That of the amount provided for part A of title X of the Elementary and Secondary Education Act of 1965, $2,000,000 shall be for a demonstration of full service community school sites in Charles County, Maryland, Westchester County, New York, Cranston, Rhode Island, and Skagit County, Washington; $2,000,000 shall be awarded to First Book for literacy programs; $1,750,000 shall be awarded to the Whitaker Center for Science and the Arts, Harrisburg, Pennsylvania for teaching of science education using the arts; $350,000 shall be awarded to the School of Education at the University of Montana and the Montana Board of Crime Control for community-based initiatives to promote nonviolent behavior in schools; $1,000,000 shall be awarded to the NetDay organization to assist schools in connecting K–12 classrooms to the Internet; $1,000,000 shall be awarded to the National Museum of Women in the Arts; $1,000,000 shall be awarded to Youth Friends of Kansas City to improve attendance and academic performance; $750,000 shall be awarded to the Thornberry Center for Youth and Families, Kansas City, Missouri to assist at-risk children; $400,000 shall be for Bay Shore, New York for Literacy Education and Assessment Partnerships; $1,150,000 shall be awarded to provide technology assistance and for operation of a math/science learning center in Perry County, Kentucky; $100,000 shall be for Presidio School District, Texas for library equipment and materials; $1,200,000 shall be for the Southeastern Pennsylvania Consortium for Higher Education; $1,000,000 shall be for the Dowling College Global Learning Center at the former LaSalle Academy in New York for a master teacher training and education center; $10,000,000 for continuing demonstration of public shcool facilities repair and construction to the Iowa Department of Education; and $1,000,000 shall be awarded to the Hechkscher Museum of Art, Long Island, New York for incorporating arts into education curriculum: Provided further, That of the amount provided for part I of title X of the Elementary and Secondary Education Act of 1965, $500,000 shall be for after school programs for the Chippewa Falls Area United School System, Wisconsin; $400,000 shall be for after-school programs for the Wausau School System, Wisconsin; $350,000 shall be for the New Rochelle School System, New York, after-school programs; $100,000 shall be for the New York Hall of Science Queens, New York, after-school program; $25,000 shall be for Louisville Central Community Centers Youth Education Program to support after-school programming; $25,000 shall be for Canaan's Community Development Corporation in Louisville, Kentucky for the Village Learning Center after-school program; $300,000 shall be for the Bay Shore Community Learning Wellness and Fitness Center for Drug Free Lifestyles in Bay Shore, New York; $2,500,000 shall be for an after school anti-drug pilot program in the Chicago Public Schools; and $400,000 shall be for the Green Bay, Wisconsin Public School System after school program: Provided further, That $10,000,000 of the funds provided for the national education research institutes shall be allocated notwithstanding section 931(c)(2)(B) of Public Law 103–227.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $362,000,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $66,000,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $31,242,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 305. NATIONAL TESTING. (a) IN GENERAL.—Part C of the General Education Provisions Act (20 U.S.C. 1231 et seq.) is amended by adding at the end the following:

"SEC. 447. PROHIBITION ON FEDERALLY SPONSORED TESTING.

"(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided to the Department of Education or to an applicable program, may be used to pilot test, field test, implement, administer or distribute in any way any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to the Third International Mathematics and Science Study or other international comparative assessments developed under the authority of section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6) et seq.) and administered to only a representative sample of pupils in the United States and in foreign nations.".

(b) AUTHORITY OF NATIONAL ASSESSMENT GOVERNING BOARD.—Subject to section 447 of the General Education Provisions Act, the exclusive authority over the direction and all policies and guidelines for developing voluntary national tests pursuant to contract RJ97153001 previously entered into between the United States Department of Education and the American Institutes for Research and executed on August 15, 1997, and subsequently modified by the National Assessment Governing Board on February 11, 1998, shall continue to be vested in the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011).

(c) STUDIES.—

(1) PURPOSE, DEFINITION, AND ACHIEVEMENT LEVELS.—The National Assessment Governing Board shall determine and clearly articulate in a report the purpose and intended use of any proposed federally sponsored national test. Such report shall also include—

(A) a definition of the meaning of the term "voluntary" in regards to the administration of any national test; and

(B) a description of the achievement levels and reporting methods to be used in grading any national test.

The report shall be submitted to the White House, the Committees on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate not later than September 30, 1999.

(2) RESPONSE TO REPORT.—The National Assessment Governing Board shall develop and submit to the entities identified in paragraph (1) a report, not later than September 30, 1999, that addresses and responds to the findings reported by the National Academy of Sciences in the report entitled "Grading the Nation's Report Card: Evaluating NAEP and transforming the Assessment of Educational Progress" that assert that the achievement levels of the National Assessment of Educational Progress (NAEP) are fundamentally flawed.

(3) TECHNICAL FEASIBILITY.—The National Academy of Sciences shall conduct a study regarding the technical feasibility, validity, and reliability of including test items from the National Assessment of Educational Progress (NAEP) for 4th grade reading and 8th grade mathematics or from other tests in State and district assessments for the purpose of providing a common measure of individual student performance. The National Academy of Sciences shall submit, to the entities identified under paragraph (1), an interim progress report not later than June 30, 1999 and a final report not later than September 30, 1999.

SEC. 306. Notwithstanding any other provision of law, any institution of higher education which receives funds under title III of the Higher Education Act, except for grants made under section 326, may use up to 20 percent of its award under part A or part B of the Act for endowment building purposes authorized under section 331. Any institution seeking to use part A or part B funds for endowment building purposes shall indicate such intention in its application to the Secretary and shall abide by departmental regulations governing the endowment challenge grant program.

SEC. 307. (a) From the amount appropriated for title VI of the Elementary and Secondary Education Act of 1965 in accordance with this section, the Secretary of Education—

(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

(2) shall allocate the remainder by providing each State the greater of the amount the State would receive if a total of $1,124,620,000 were allocated under section 1122 of the Elementary and Secondary Education Act of 1965 or under section 2202(b) of the Act for fiscal year 1998, except that such allocations shall be ratably increased or decreased as may be necessary.

(b)(1) Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies, of which—

(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of such agencies;

(2) Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

(c)(1) Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

(2)(A) Each such local educational agency may pursue the goal of reducing class size through—

(i) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

(ii) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

(iii) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

(B) A local educational agency may use not more than a total of 15 percent of the award received under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

(C) A local educational agency that has already reduced class size in the early grades to 18 or less children may use funds received under this section—

(i) to make further class-size reductions in grades 1 through 3;

(ii) to reduce class size in kindergarten or other grades; or

(iii) to carry out activities to improve teacher quality, including professional development.

(3) Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence

of such funds, would otherwise be spent for activities under this section.

(4) No funds made available under this section may be used to increase the salaries or provide benefits, other than participation in professional development and enrichment programs, to teachers who are, or have been, employed by the local educational agency.

(d)(1) Each State receiving funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

(2) Each school benefiting from this section, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, on student achievement that is a result of hiring additional highly qualified teachers and reducing class size.

(e) If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure for the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 of the Elementary and Secondary Education Act of 1965 shall not apply to other activities under this section.

(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative costs.

(g) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 6303 of the Elementary and Secondary Education Act of 1965 a description of the agency's program to reduce class size by hiring additional highly qualified teachers.

This title may be cited as the "Department of Education Appropriations Act, 1999".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $70,745,000, of which $15,717,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction at the United States Soldiers' and Airmen's Home, to include construction of a long-term care facility at the United States Naval Home and conversion of space in the Scott building at the United States Soldiers' and Airmen's Home, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $276,039,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2001, $340,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That in addition to the amounts provided above, $15,000,000 shall be for digitalization, only if specifically authorized by subsequent legislation enacted by September 30, 1999.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $34,620,000, including $1,500,000, to remain available through September 30, 2000, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,060,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out subtitle B of the Museum and Library Services Act, $166,175,000, of which $25,000,000 shall be for national leadership projects, notwithstanding section 221(a)(1)(B): Provided, That of the amount provided, $10,000,000, to remain available until expended, shall be awarded to the National Constitution Center, established by Public Law 100–433, for exhibition design, program planning, and operation of the Center to serve as a model between museums and libraries; $750,000 shall be for a Digital Geospatial and Numerical Data Library at the University of Idaho; $1,250,000 shall be awarded to the Franklin Institute, Philadelphia, Pennsylvania; $2,000,000 shall be to enhance digitization at the New York Public Library; $35,000 shall be for the Children's Museum of Manhattan; $300,000 shall be for the State Historical Society of Iowa; and $1,100,000 shall be for the Museum of Science and Industry in Chicago.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $7,015,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,344,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,100,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $184,451,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes: Provided further, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $8,400,000: Provided, That unobligated balances at the end of fiscal year 1999 not needed for emergency boards shall remain available for other statutory purposes through September 30, 2000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,100,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $189,000,000, which shall include amounts becoming available in fiscal year 1999 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $189,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2000, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $90,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,600,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That none of the funds made available under this heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $19,689,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $382,803,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2000, $141,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $21,552,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, $177,000,000, to remain available until September 30, 2000, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2000, $9,550,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,996,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,600,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances at the end of fiscal year 1999 not needed for fiscal year 1999 shall remain available until expended to invest in the Social Security Administration computing network, including related equipment and non-payroll administrative expenses associated solely with this network: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the previous paragraph, notwithstanding the provision under this heading in Public Law 105–78 regarding unobligated balances at the end of fiscal year 1998 not needed for such fiscal year, an amount not to exceed $50,000,000 from such unobligated balances shall, in addition to funding already available under this heading for fiscal year 1999, be available for necessary expenses.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

From funds provided under the first paragraph, the Commissioner of Social Security shall direct $6,000,000 for Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

In addition to funding already available under this heading, and subject to the same terms and conditions, $355,000,000, to remain available until September 30, 2000, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act as amended.

In addition, $75,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 1999 exceed $75,000,000, the amounts shall be available in fiscal year 2000 only to the extent provided in advance in appropriations Acts.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $12,000,000, together with not to exceed $44,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $12,160,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of *the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.*

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. Notwithstanding any other provision of law, hereafter—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation Act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purpose for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 511. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 512. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 513. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 514. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

SEC. 515. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of fiscal year 1999 from appropriations made available for salaries and expenses for fiscal year 1999 in this Act, shall remain available through December 31, 1999, for each such account for the purposes authorized: Provided, That the House and Senate Committees on Appropriations shall be notified at least fifteen days prior to the obligation of such funds.

SEC. 516. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

TITLE VI—NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

SEC. 601. ESTABLISHMENT OF NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE.

IN GENERAL.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by striking section 404E; and

(2) in part E, by adding at the end the following:

"Subpart 5—National Center for Complementary and Alternative Medicine

"SEC. 485D. PURPOSE OF CENTER.

"(a) IN GENERAL.—The general purposes of the National Center for Complementary and Alternative Medicine (in this subpart referred to as the 'Center') are the conduct and support of basic and applied research (including both intramural and extramural research), research training, the dissemination of health information, and other programs with respect to identifying, investigating, and validating complementary and alternative treatment, diagnostic and prevention modalities, disciplines and systems. The Center shall be headed by a director, who shall be appointed by the Secretary. The Director of the Center shall report directly to the Director of NIH.

"(b) ADVISORY COUNCIL.—The Secretary shall establish an advisory council for the Center in accordance with section 406, except that at least half of the members of the advisory council who are not ex officio members shall include practitioners licensed in one or more of the major systems with which the Center is concerned, and at least 3 individuals representing the interests of individual consumers of complementary and alternative medicine.

"(c) COMPLEMENT TO CONVENTIONAL MEDICINE.—In carrying out subsection (a), the Director of the Center shall, as appropriate, study the integration of alternative treatment, diagnostic and prevention systems, modalities, and disciplines with the practice of conventional medicine as a complement to such medicine and into health care delivery systems in the United States.

"(d) APPROPRIATE SCIENTIFIC EXPERTISE AND COORDINATION WITH INSTITUTES AND FEDERAL AGENCIES.—The Director of the Center, after consultation with the advisory council for the Center and the division of research grants, shall ensure that scientists with appropriate expertise in research on complementary and alternative medicine are incorporated into the review, oversight, and management processes of all research projects and other activities funded by the Center. In carrying out this subsection, the Director of the Center, as necessary, may establish review groups with appropriate scientific expertise. The Director of the Center shall coordinate efforts with other Institutes and Federal agencies to ensure appropriate scientific input and management.

"(e) EVALUATION OF VARIOUS DISCIPLINES AND SYSTEMS.—In carrying out subsection (a), the Director of the Center shall identify and evaluate alternative and complementary medical treatment, diagnostic and prevention modalities in each of the disciplines and systems with which the Center is concerned, including each

discipline and system in which accreditation, national certification, or a State license is available.

"(f) ENSURING HIGH QUALITY, RIGOROUS SCIENTIFIC REVIEW.—In order to ensure high quality, rigorous scientific review of complementary and alternative, diagnostic and prevention modalities, disciplines and systems, the Director of the Center shall conduct or support the following activities:

"(1) Outcomes research and investigations.

"(2) Epidemiological studies.

"(3) Health services research.

"(4) Basic science research.

"(5) Clinical trials.

"(6) Other appropriate research and investigational activities.

The Director of NIH, in coordination with the Director of the Center, shall designate specific personnel in each Institute to serve as full-time liaisons with the Center in facilitating appropriate coordination and scientific input.

"(g) DATA SYSTEM; INFORMATION CLEARINGHOUSE.—

"(1) DATA SYSTEM.—The Director of the Center shall establish a bibliographic system for the collection, storage, and retrieval of worldwide research relating to complementary and alternative treatment, diagnostic and prevention modalities, disciplines and systems. Such a system shall be regularly updated and publicly accessible.

"(2) CLEARINGHOUSE.—The Director of the Center shall establish an information clearinghouse to facilitate and enhance, through the effective dissemination of information, knowledge and understanding of alternative medical treatment, diagnostic and prevention practices by health professionals, patients, industry, and the public.

"(h) RESEARCH CENTERS.—The Director of the Center, after consultation with the advisory council for the Center, shall provide support for the development and operation of multipurpose centers to conduct research and other activities described in subsection (a) with respect to complementary and alternative treatment, diagnostic and prevention modalities, disciplines and systems. The provision of support for the development and operation of such centers shall include accredited complementary and alternative medicine research and education facilities.

"(i) AVAILABILITY OF RESOURCES.—After consultation with the Director of the Center, the Director of NIH shall ensure that resources of the National Institutes of Health, including laboratory and clinical facilities, fellowships (including research training fellowship and junior and senior clinical fellowships), and other resources are sufficiently available to enable the Center to appropriately and effectively carry out its duties as described in subsection (a). The Director of NIH, in coordination with the Director of the Center, shall designate specific personnel in each Institute to serve as full-time liaisons with the Center in facilitating appropriate coordination and scientific input.

"(j) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated to carry out this section for fiscal year 1999 are available for obligation through September 30, 2001. Amounts appropriated to carry out this section for fiscal year 2000 are available for obligation through September 30, 2001.".

(k) TECHNICAL AND CONFORMING AMENDMENT.—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2) is amended by adding at the end the following:

"(F) The National Center for Complementary and Alternative Medicine.".

TITLE VII—MISCELLANEOUS PROVISIONS

RATES OF PAY FOR PUBLIC BROADCASTING AND NATIONAL PUBLIC RADIO

SEC. 701. Section 396(k)(9) of Title 47, United States Code, is amended by striking "at an annual rate of pay which exceeds the rate of basic pay in effect from time to time for level I of the Executive Schedule under 5312 of title 5, United States Code" and inserting "in excess of reasonable compensation as determined pursuant to Section 4958 of the Internal Revenue Code for services that the officer or employee renders to organization" after "compensated."

SEC. 702. The amount of the DSH allotment for the State of Minnesota for fiscal year 1999, specified in the table under section 1923(f)(2) of the Social Security Act (as amended by section 4721(a)(1) of Public Law 105–33) is deemed to be $33,000,000.

SEC. 703. The amount of the DSH allotment for the State of New Mexico for fiscal year 1999, specified in the table under section 1923(f)(2) of the Social Security Act (as amended by section 4721(a)(1) of Public Law 105–33) is deemed to be $9,000,000.

SEC. 704. Notwithstanding section 1923(f)(2) of the Social Security Act (42 U.S.C. 1396r–4(f)(2)) (as amended by section 4721(a)(1) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 511), the amount of the DSH allotment for Wyoming for fiscal year 1999 is deemed to be $95,000.

SEC. 705. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997 and 1998" and inserting "1997, 1998, and 1999"; and

(B) in subsection (e), by striking "October 1, 1998" each place it appears and inserting "October 1, 1999"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 1998" and inserting "September 30, 1999".

SEC. 706. (a) Section 2104(c) of the Social Security Act (42 U.S.C. 1397dd(c)) is amended by adding at the end the following new paragraph:

"(4) ADDITIONAL ALLOTMENT.—

"(A) IN GENERAL.—In addition to the allotment under paragraph (1), the Secretary shall allot each commonwealth and territory described in paragraph (3) the applicable percentage specified in paragraph (2) of the amount appropriated under subparagraph (B).

"(B) APPROPRIATIONS.—For purposes of providing allotments pursuant to subparagraph (A), there is appropriated, out of any money in the Treasury not otherwise appropriated $32,000,000 for fiscal year 1999.".

(b) Section 2104(b)(1) of such Act (42 U.S.C. 1397dd(b)(1)) is amended by inserting "(determined without regard to paragraph (4) thereof)" after "subsection (c)".

SEC. 707. DETERMINATION OF NUMBER OF CHILDREN AND STATE COST FACTORS FOR FISCAL YEARS 1998 AND 1999 FOR PURPOSES OF STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP).—Notwithstanding any other provision of law, for purposes of determining the product under section 2104(b)(1)(A) of the Social Security Act (42 U.S.C. 1397dd(b)(1)(A)) for a State for each of fiscal years 1998 and 1999—

(1) the number of children under clause (i) of such section shall be the number of low-income children specified for the State in Column B of the table on pages 48101–48102 of the Federal Register published on September 12, 1997, adjusted by the Census Bureau as necessary to treat children as being without health insurance if they have access to health care funded by the Indian Health Service but do not have health insurance; and

(2) the State cost factor under clause (ii) of such section shall be the State cost factor specified for the State in Column C of such table.

SEC. 708. (a) EXTENSION OF DEADLINE FOR SUBMISSION OF REPORT BY COMMISSION TO ASSESS THE ORGANIZATION OF THE FEDERAL GOVERNMENT TO COMBAT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.—Section 712(c)(1) of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (subtitle A of title VII of Public Law 104-293; 110 Stat. 3470; 50 U.S.C. 2351 note) is amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "January 18, 1998".

(b) MEMBERSHIP OF COMMISSION.—Section 711 of that Act is amended—

(1) in the matter preceding subsection (b)(1), by striking out "eight members" and inserting in lieu thereof "twelve members, none of whom may, during the period of their service on the Commission, be an officer or employee of any department, agency, or other establishment of the Executive Branch (other than the Commission), and";

(2) in subsection (b)(2), by striking out "one" and inserting in lieu thereof "three";

(3) in subsection (b)(4), by striking out "one" and inserting in lieu thereof "three"; and

(4) in subsection (e), by striking out "the date on which all members of the Commission have been appointed" and inserting in lieu thereof "the date of enactment of an Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, regardless of whether all the members of the Commission have been appointed as of that date,".

(c) RESTRICTIONS ON ACTIVITIES OF COMMISSION.—Section 712(a) of that Act is amended by adding at the end the following:

"(4) RESTRICTIONS.—In carrying out the study under paragraph (1), making the assessments under paragraph (2), and addressing the matters identified in paragraph (3), the Commission shall not review, evaluate, or report on—

"(A) United States domestic response capabilities with respect to weapons of mass destruction; or

"(B) the adequacy or usefulness of United States laws that provide for the imposition of sanctions on countries or entities that engage in the proliferation of weapons of mass destruction.".

(d) LIMITATION ON COMMISSION EXPENDITURES.—Section 717 of that Act is amended by striking out "shall be paid" and inserting in lieu thereof "shall not exceed $1,000,000, and shall be paid".

SEC. 709. PROTECTION OF DIVORCED SPOUSES. (a) IN GENERAL.—Section 6(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231e(c)) is amended—

(1) in the last sentence of paragraph (1), by inserting "(other than to a survivor in the circumstances described in paragraph (3))" after "no further benefits shall be paid"; and

(2) by adding at the end the following:

"(3) Notwithstanding the last sentence of paragraph (1), benefits shall be paid to a survivor who—

"(A) is a divorced wife; and

"(B) through administrative error received benefits otherwise precluded by the making of a lump sum payment under this section to a widow;

if that divorced wife makes an election to repay to the Board the lump sum payment. The Board may withhold up to 10 percent of each benefit amount paid after the date of the enactment of this paragraph toward such reimbursement. The Board may waive such repayment to the extent the Board determines it would cause an unjust financial hardship for the beneficiary.".

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to any benefits paid before the date of enactment of this Act as well as to benefits

payable on or after the date of the enactment of this Act.

SEC. 710. For purposes of payments to States for medical assistance under title XIX of the Social Security Act from amounts appropriated to carry out such title for fiscal year 1999 and for any subsequent fiscal year, individuals who are PACE program eligible individuals under section 1934 of that Act and who meet the income and resource eligibility requirements of individuals who are eligible for medical assistance under section 1902(a)(10)(A)(ii)(VI) of that Act shall be treated as individuals described in such section 1902(a)(10)(A)(ii)(VI) during the period of their enrollment in the PACE program.

TITLE VIII—READING EXCELLENCE ACT

Subtitle I—Reading and Literacy Grants

SEC. 101. AMENDMENT TO ESEA FOR READING AND LITERACY GRANTS.

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating parts C and D as parts D and E, respectively; and

(2) by inserting after part B the following:

"PART C—READING AND LITERACY GRANTS

"SEC. 2251. PURPOSES.

"The purposes of this part are as follows:

"(1) To provide children with the readiness skills they need to learn to read once they enter school.

"(2) To teach every child to read in the child's early childhood years—

"(A) as soon as the child is ready to read; or

"(B) as soon as possible once the child enters school, but not later than 3d grade.

"(3) To improve the reading skills of students, and the instructional practices for current teachers (and, as appropriate, other instructional staff) who teach reading, through the use of findings from scientifically based reading research, including findings relating to phonemic awareness, systematic phonics, fluency, and reading comprehension.

"(4) To expand the number of high-quality family literacy programs.

"(5) To provide early literacy intervention to children who are experiencing reading difficulties in order to reduce the number of children who are incorrectly identified as a child with a disability and inappropriately referred to special education.

"SEC. 2252. DEFINITIONS.

"For purposes of this part:

"(1) ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER.—The term 'eligible professional development provider' means a provider of professional development in reading instruction to teachers that is based on scientifically based reading research.

"(2) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences.

"(3) INSTRUCTIONAL STAFF.—The term 'instructional staff'—

"(A) means individuals who have responsibility for teaching children to read; and

"(B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers of academic subjects other than reading, and other individuals who have responsibility for assisting children to learn to read.

"(4) READING.—The term 'reading' means a complex system of deriving meaning from print that requires all of the following:

"(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

"(B) The ability to decode unfamiliar words.

"(C) The ability to read fluently.

"(D) Sufficient background information and vocabulary to foster reading comprehension.

"(E) The development of appropriate active strategies to construct meaning from print.

"(F) The development and maintenance of a motivation to read.

"(5) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"SEC. 2253. READING AND LITERACY GRANTS TO STATE EDUCATIONAL AGENCIES.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—Subject to the provisions of this part, the Secretary shall award grants to State educational agencies to carry out the reading and literacy activities authorized under this section and sections 2254 through 2256.

"(2) LIMITATIONS.—

"(A) SINGLE GRANT PER STATE.—A State educational agency may not receive more than one grant under paragraph (1).

"(B) 3-YEAR TERM.—A State educational agency that receives a grant under paragraph (1) may expend the funds provided under the grant only during the 3-year period beginning on the date on which the grant is made.

"(b) APPLICATION.—

"(1) IN GENERAL.—A State educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time and in such form as the Secretary may require. The application shall contain the information described in paragraph (2).

"(2) CONTENTS.—An application under this subsection shall contain the following:

"(A) An assurance that the Governor of the State, in consultation with the State educational agency, has established a reading and literacy partnership described in subsection (d), and a description of how such partnership—

"(i) assisted in the development of the State plan;

"(ii) will be involved in advising on the selection of subgrantees under sections 2255 and 2256; and

"(iii) will assist in the oversight and evaluation of such subgrantees.

"(B) A description of the following:

"(i) How the State educational agency will ensure that professional development activities related to reading instruction and provided under this part are—

"(I) coordinated with other State and local level funds and used effectively to improve instructional practices for reading; and

"(II) based on scientifically based reading research.

"(ii) How the activities assisted under this part will address the needs of teachers and other instructional staff, and will effectively teach students to read, in schools receiving assistance under section 2255 and 2256.

"(iii) The extent to which the activities will prepare teachers in all the major components of reading instruction (including phonemic awareness, systematic phonics, fluency, and reading comprehension).

"(iv) How the State educational agency will use technology to enhance reading and literacy professional development activities for teachers, as appropriate.

"(v) How parents can participate in literacy-related activities assisted under this part to enhance their children's reading.

"(vi) How subgrants made by the State educational agency under sections 2255 and 2256 will meet the requirements of this part, including how the State educational agency will ensure that subgrantees will use practices based on scientifically based reading research.

"(vii) How the State educational agency will, to the extent practicable, make grants to subgrantees in both rural and urban areas.

"(viii) The process that the State used to establish the reading and literacy partnership described in subsection (d).

"(C) An assurance that each local educational agency to which the State educational agency makes a subgrant—

"(i) will provide professional development for the classroom teacher and other appropriate instructional staff on the teaching of reading based on scientifically based reading research;

"(ii) will provide family literacy services based on programs such as the Even Start family literacy model authorized under part B of title I, to enable parents to be their child's first and most important teacher;

"(iii) will carry out programs to assist those kindergarten students who are not ready for the transition to first grade, particularly students experiencing difficulty with reading skills; and

"(iv) will use supervised individuals (including tutors), who have been appropriately trained using scientifically based reading research, to provide additional support, before school, after school, on weekends, during non-instructional periods of the school day, or during the summer, for children preparing to enter kindergarten and students in kindergarten through grade 3 who are experiencing difficulty reading.

"(D) An assurance that instruction in reading will be provided to children with reading difficulties who—

"(i) are at risk of being referred to special education based on these difficulties; or

"(ii) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of such Act, have not been identified as being a child with a disability (as defined in section 602 of the such Act).

"(E) A description of how the State educational agency—

"(i) will build on, and promote coordination among, literacy programs in the State (including federally funded programs such as the Adult Education and Family Literacy Act and the Individuals with Disabilities Education Act), in order to increase the effectiveness of the programs in improving reading for adults and children and to avoid duplication of the efforts of the programs;

"(ii) will promote reading and library programs that provide access to engaging reading material;

"(iii) will make local educational agencies described in sections 2255(a)(1) and 2256(a)(1)

aware of the availability of subgrants under sections 2255 and 2256; and

"(iv) will assess and evaluate, on a regular basis, local educational agency activities assisted under this part, with respect to whether they have been effective in achieving the purposes of this part.

"(F) A description of the evaluation instrument the State educational agency will use for purposes of the assessments and evaluations under subparagraph (E)(iv).

"(c) APPROVAL OF APPLICATIONS.—

"(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section only—

"(A) if such application meets the requirement of this section; and

"(B) after taking into account the extent to which the application furthers the purposes of this part and the overall quality of the application.

"(2) PEER REVIEW.—

"(A) IN GENERAL.—The Secretary, in consultation with the National Institute for Literacy, shall convene a panel to evaluate applications under this section. At a minimum, the panel shall include—

"(i) representatives of the National Institute for Literacy, the National Research Council of the National Academy of Sciences, and the National Institute of Child Health and Human Development;

"(ii) 3 individuals selected by the Secretary;

"(iii) 3 individuals selected by the National Institute for Literacy;

"(iv) 3 individuals selected by the National Research Council of the National Academy of Sciences; and

"(v) 3 individuals selected by the National Institute of Child Health and Human Development.

"(B) EXPERTS.—The panel shall include experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section, and experts who provide professional development to teachers of reading to children and adults, and experts who provide professional development to other instructional staff, based on scientifically based reading research.

"(C) PRIORITY.—The panel shall recommend grant applications from State educational agencies under this section to the Secretary for funding or for disapproval. In making such recommendations, the panel shall give priority to applications from State educational agencies whose States have modified, are modifying, or provide an assurance that not later than 18 months after receiving a grant under this section the State educational agencies will increase the training and the methods of teaching reading required for certification as an elementary school teacher to reflect scientifically based reading research, except that nothing in this Act shall be construed to establish a national system of teacher certification.

"(D) MINIMUM GRANT AMOUNTS.—

"(i) STATES.—Each State educational agency selected to receive a grant under this section shall receive an amount for the grant period that is not less than $500,000.

"(ii) OUTLYING AREAS.—The Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands selected to receive a grant under this section shall receive an amount for the grant period that is not less than $100,000.

"(E) LIMITATION.—The Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not be eligible to receive a grant under this part.

"(d) READING AND LITERACY PARTNERSHIPS.—

"(1) REQUIRED PARTICIPANTS.—In order for a State educational agency to receive a grant under this section, the Governor of the State, in consultation with the State educational agency, shall establish a reading and literacy partnership consisting of at least the following participants:

"(A) The Governor of the State.

"(B) The chief State school officer.

"(C) The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.

"(D) A representative, selected jointly by the Governor and the chief State school officer, of at least one local educational agency that is eligible to receive a subgrant under section 2255.

"(E) A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using tutors and scientifically based reading research.

"(F) State directors of appropriate Federal or State programs with a strong reading component.

"(G) A parent of a public or private school student or a parent who educates their child or children in their home, selected jointly by the Governor and the chief State school officer.

"(H) A teacher who successfully teaches reading and an instructional staff member, selected jointly by the Governor and the chief State school officer.

"(I) A family literacy service provider selected jointly by the Governor and the chief state school officer.

"(2) OPTIONAL PARTICIPANTS.—A reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, and who may include a representative of—

"(A) an institution of higher education operating a program of teacher preparation based on scientifically based reading research in the State;

"(B) a local educational agency;

"(C) a private nonprofit or for-profit eligible professional development provider providing instruction based on scientifically based reading research;

"(D) an adult education provider;

"(E) a volunteer organization that is involved in reading programs; or

"(F) a school library or a public library that offers reading or literacy programs for children or families.

"(3) PREEXISTING PARTNERSHIP.—If, before the date of the enactment of the Reading Excellence Act, a State established a consortium, partnership, or any other similar body, that includes the Governor and the chief State school officer and has, as a central part of its mission, the promotion of literacy for children in their early childhood years through the 3d grade and family literacy services, but that does not satisfy the requirements of paragraph (1), the State may elect to treat that consortium, partnership, or body as the reading and literacy partnership for the State notwithstanding such paragraph, and it shall be considered a reading and literacy partnership for purposes of the other provisions of this part.

"SEC. 2254. USE OF AMOUNTS BY STATE EDUCATIONAL AGENCIES.

"A State educational agency that receives a grant under section 2253—

"(1) shall use not more than 5 percent of the funds made available under the grant for the administrative costs of carrying out this part (excluding section 2256), of which not more than 2 percent may be used to carry out section 2259; and

"(2) shall use not more than 15 percent of the funds made available under the grant to solicit applications for, award, and oversee the performance of, not less than one subgrant pursuant to section 2256.

"SEC. 2255. LOCAL READING IMPROVEMENT SUBGRANTS.

"(a) IN GENERAL.—

"(1) SUBGRANTS.—A State educational agency that receives a grant under section 2253 shall make subgrants, on a competitive basis, to local educational agencies that either—

"(A) have at least one school that is identified for school improvement under section 1116(c) in the geographic area served by the agency;

"(B) have the largest, or second largest, number of children who are counted under section 1124(c), in comparison to all other local educational agencies in the State; or

"(C) have the highest, or second highest, school-age child poverty rate, in comparison to all other local educational agencies in the State. For purposes of subparagraph (C), the term 'school-age child poverty rate' means the number of children counted under section 1124(c) who are living within the geographic boundaries of the local educational agency, expressed as a percentage of the total number of children aged 5-17 years living within the geographic boundaries of the local educational agency.

"(2) SUBGRANT AMOUNT.—A subgrant under this section shall consist of an amount sufficient to enable the subgrant recipient to operate a program for a 2-year period and may not be revoked or terminated on the grounds that a school ceases, during the grant period, to meet the requirements of subparagraph (A), (B), or (C) of paragraph (1).

"(b) APPLICATIONS.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and including such information as the agency may require. The application—

"(1) shall describe how the local educational agency will work with schools selected by the agency to receive assistance under subsection (d)(1)—

"(A) to select one or more programs of reading instruction, developed using scientifically based reading research, to improve reading instruction by all academic teachers for all children in each of the schools selected by the agency under such subsection and, where appropriate, for their parents; and

"(B) to enter into an agreement with a person or entity responsible for the development of each program selected under subparagraph (A), or a person with experience or expertise about the program and its implementation, under which the person or entity agrees to work with the local educational agency and the schools in connection with such implementation and improvement efforts;

"(2) shall include an assurance that the local educational agency—

"(A) will carry out professional development for the classroom teacher and other instructional staff on the teaching of reading based on scientifically based reading research;

"(B) will provide family literacy services based on programs such as the Even Start family literacy model authorized under part B of title I, to enable parents to be their child's first and most important teacher;

"(C) will carry out programs to assist those kindergarten students who are not ready for the transition to first grade, particularly students experiencing difficulty with reading skills; and

"(D) will use supervised individuals (including tutors), who have been appropriately trained using scientifically based reading research, to provide additional support, before school, after school, on weekends, during noninstructional periods of the school day, or during the summer, for children preparing to enter kindergarten and students in kindergarten through grade 3 who are experiencing difficulty reading;

"(3) shall describe how the applicant will ensure that funds available under this part, and

funds available for reading instruction for kindergarten through grade 6 from other appropriate sources, are effectively coordinated, and, where appropriate, integrated with funds under this Act in order to improve existing activities in the areas of reading instruction, professional development, program improvement, parental involvement, technical assistance, and other activities that can help meet the purposes of this part;

"(4) shall describe, if appropriate, how parents, tutors, and early childhood education providers will be assisted by, and participate in, literacy-related activities receiving financial assistance under this part to enhance children's reading fluency;

"(5) shall describe how the local educational agency—

"(A) provides instruction in reading to children with reading difficulties who—

"(i) are at risk of being referred to special education based on these difficulties; or

"(ii) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of such Act, have not been identified as being a child with a disability (as defined in section 602 of the such Act); and

"(B) will promote reading and library programs that provide access to engaging reading material; and

"(6) shall include an assurance that the local educational agency will make available, upon request and in an understandable and uniform format, to any parent of a student attending any school selected to receive assistance under subsection (d)(1) in the geographic area served by the local educational agency, information regarding the professional qualifications of the student's classroom teacher to provide instruction in reading.

"(c) SPECIAL RULE.—To the extent feasible, a local educational agency that desires to receive a grant under this section shall form a partnership with one or more community-based organizations of demonstrated effectiveness in early childhood literacy, and reading readiness, reading instruction, and reading achievement for both adults and children, such as a Head Start program, family literacy program, public library, or adult education program, to carry out the functions described in paragraphs (1) through (6) of subsection (b). In evaluating subgrant applications under this section, a State educational agency shall consider whether the applicant has satisfied the requirement in the preceding sentence. If not, the applicant must provide information on why it would not have been feasible for the applicant to have done so.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), a local educational agency that receives a subgrant under this section shall use amounts from the subgrant to carry out activities to advance reform of reading instruction in any school that (A) is described in subsection (a)(1)(A), (B) has the largest, or second largest, number of children who are counted under section 1124(c), in comparison to all other schools in the local educational agency, or (C) has the highest, or second highest, school-age child poverty rate (as defined in the second sentence of subsection (a)(1)), in comparison to all other schools in the local educational agency. Such activities shall include the following:

"(A) Securing technical and other assistance from—

"(i) a program of reading instruction based on scientifically based reading research;

"(ii) a person or entity with experience or expertise about such program and its implementation, who has agreed to work with the recipient in connection with its implementation; or

"(iii) a program providing family literacy services.

"(B) Providing professional development activities to teachers and other instructional staff (including training of tutors), using scientifically based reading research and purchasing of curricular and other supporting materials.

"(C) Promoting reading and library programs that provide access to engaging reading material.

"(D) Providing, on a voluntary basis, training to parents of children enrolled in a school selected to receive assistance under subsection (d)(1) on how to help their children with school work, particularly in the development of reading skills. Such training may be provided directly by the subgrant recipient, or through a grant or contract with another person. Such training shall be consistent with reading reforms taking place in the school setting. No parent shall be required to participate in such training.

"(E) Carrying out family literacy services based on programs such as the Even Start family literacy model authorized under part B of title I, to enable parents to be their child's first and most important teacher.

"(F) Providing instruction for parents of children enrolled in a school selected to receive assistance under subsection (d)(1), and others who volunteer to be reading tutors for such children, in the instructional practices based on scientifically based reading research used by the applicant.

"(G) Programs to assist those kindergarten students enrolled in a school selected to receive assistance under subsection (d)(1) who are not ready for the transition to first grade, particularly students experiencing difficulty with reading skills.

"(H) Providing additional support for children preparing to enter kindergarten and students in kindergarten through grade 3 who are enrolled in a school selected to receive assistance under subsection (d)(1), who are experiencing difficulty reading, before school, after school, on weekends, during noninstructional periods of the school day, or during the summer, using supervised individuals (including tutors), who have been appropriately trained using scientifically based reading research.

"(I) Providing instruction in reading to children with reading difficulties who—

"(i) are at risk of being referred to special education based on these difficulties; or

"(ii) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of such Act, have not been identified as being a child with a disability (as defined in section 602 of the such Act).

"(J) Providing coordination of reading, library, and literacy programs within the local educational agency to avoid duplication and increase the effectiveness of reading, library, and literacy activities.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A recipient of a subgrant under this section may use not more than 5 percent of the subgrant funds for administrative costs.

"(e) TRAINING NONRECIPIENTS.—A recipient of a subgrant under this section may train, on a fee-for-service basis, personnel from schools, or local educational agencies, that are not a beneficiary of, or receiving, such a subgrant, in the instructional practices based on scientifically based reading research used by the recipient. Such a nonrecipient school or agency may use funds received under title I of this Act, and other appropriate Federal funds used for reading instruction, to pay for such training, to the extent consistent with the law under which such funds were received.

"SEC. 2256. TUTORIAL ASSISTANCE SUBGRANTS.

"(a) IN GENERAL.—

"(1) SUBGRANTS.—Except as provided in paragraph (4), a State educational agency that receives a grant under section 2253 shall make at least one subgrant on a competitive basis to—

"(A) local educational agencies that have at least one school in the geographic area served by the agency that—

"(i) is located in an area designated as an empowerment zone under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986; or

"(ii) is located in an area designated as an enterprise community under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986;

"(B) local educational agencies that have at least one school that is identified for school improvement under section 1116(c) in the geographic area served by the agency;

"(C) local educational agencies with the largest, or second largest, number of children who are counted under section 1124(c), in comparison to all other local educational agencies in the State; or

"(D) local educational agencies with the highest, or second highest, school-age child poverty rate, in comparison to all other local educational agencies in the State.

For purposes of subparagraph (D), the term 'school-age child poverty rate' means the number of children counted under section 1124(c) who are living within the geographic boundaries of the local educational agency, expressed as a percentage of the total number of children aged 5-17 years living within the geographic boundaries of the local educational agency.

"(2) NOTIFICATION.—

"(A) TO LOCAL EDUCATIONAL AGENCIES.—A State educational agency shall provide notice to all local educational agencies within the State regarding the availability of the subgrants under this section.

"(B) TO PROVIDERS AND PARENTS.—Not later than 30 days after the date on which the State educational agency provides notice under subparagraph (A), each local educational agency described in paragraph (1) shall, as a condition on the agency's receipt of funds made available under title I of this Act, provide public notice to potential providers of tutorial assistance operating in the jurisdiction of the agency, and parents residing in such jurisdiction, regarding the availability of the subgrants under this section.

"(3) APPLICATION.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and including such information as the agency may require. The application shall include an assurance that the local educational agency will use the subgrant funds to carry out the duties described in subsection (b) for children enrolled in any school selected by the agency that (A) is described in paragraph (1)(A), (B) is described in paragraph (1)(B), (C) has the largest, or second largest, number of children who are counted under section 1124(c), in comparison to all other schools in the local educational agency, or (D) has the highest, or second highest, school-age child poverty rate (as defined in the second sentence of paragraph (1)), in comparison to all other schools in the local educational agency.

"(4) EXCEPTION.—If no local educational agency within the State submits an application to receive a subgrant under this section within the 6-month period beginning on the date on which the State educational agency provided notice to the local educational agencies regarding the availability of the subgrants, the State educational agency may use funds otherwise reserved under 2254(2) for the purpose of providing local reading improvement subgrants under section 2255 if the State educational agency certifies to the Secretary that the requirements of paragraph (2) have been met and each *local educational agency in the State described in subparagraph (B) of such paragraph has demonstrated to the State educational agency that no provider of tutorial assistance described in such subparagraph requested the local educational agency to submit under paragraph (3) an application for a tutorial assistance subgrant.*

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A local educational agency that receives a subgrant under this section shall carry out, using the funds provided under the subgrant, each of the duties described in paragraph (2).

"(2) DUTIES.—The duties described in this paragraph are the provision of tutorial assistance in reading, before school, after school, on weekends, or during the summer, to children who have difficulty reading, using instructional practices based on scientifically based reading research, through the following:

"(A) The creation and implementation of objective criteria to determine in a uniform manner the eligibility of tutorial assistance providers and tutorial assistance programs desiring to provide tutorial assistance under the subgrant. Such criteria shall include the following:

"(i) A record of effectiveness with respect to reading readiness, reading instruction for children in kindergarten through 3d grade, and early childhood literacy, as appropriate.

"(ii) Location in a geographic area convenient to the school or schools attended by the children who will be receiving tutorial assistance.

"(iii) The ability to provide tutoring in reading to children who have difficulty reading, using instructional practices based on scientifically based reading research and consistent with the reading instructional methods and content used by the school the child attends.

"(B) The provision, to parents of a child eligible to receive tutorial assistance pursuant to this section, of multiple choices among tutorial assistance providers and tutorial assistance programs determined to be eligible under the criteria described in subparagraph (A). Such choices shall include a school-based program and at least one tutorial assistance program operated by a provider pursuant to a contract with the local educational agency.

"(C) The development of procedures—

"(i) for the provision of information to parents of an eligible child regarding such parents' choices for tutorial assistance for the child;

"(ii) for considering children for tutorial assistance who are identified under subparagraph (D) and for whom no parent has selected a tutorial assistance provider or tutorial assistance program that give such parents additional opportunities to select a tutorial assistance provider or tutorial assistance program referred to in subparagraph (B); and

"(iii) that permit a local educational agency to recommend a tutorial assistance provider or tutorial assistance program in a case where a parent asks for assistance in the making of such selection.

"(D) The development of a selection process for providing tutorial assistance in accordance with this paragraph that limits the provision of assistance to children identified, by the school the child attends, as having difficulty reading, including difficulty mastering phonemic awareness, systematic phonics, fluency, and reading comprehension.

"(E) The development of procedures for selecting children to receive tutorial assistance, to be used in cases where insufficient funds are available to provide assistance with respect to all children identified by a school under subparagraph (D), that—

"(i) give priority to children who are determined, through State or local reading assessments, to be most in need of tutorial assistance; and

"(ii) give priority, in cases where children are determined, through State or local reading assessments, to be equally in need of tutorial assistance, based on a random selection principle.

"(F) The development of a methodology by which payments are made directly to tutorial assistance providers who are identified and selected pursuant to this section and selected for funding. Such methodology shall include the making of a contract, consistent with State and local law, between the provider and the local educational agency. Such contract shall satisfy the following requirements:

"(i) It shall contain specific goals and timetables with respect to the performance of the tutorial assistance provider.

"(ii) It shall require the tutorial assistance provider to report to the local educational agency on the provider's performance in meeting such goals and timetables.

"(iii) It shall specify the measurement techniques that will be used to evaluate the performance of the provider.

"(iv) It shall require the provider to meet all applicable Federal, State, and local health, safety, and civil rights laws.

"(v) It shall ensure that the tutorial assistance provided under the contract is consistent with reading instruction and content used by the local educational agency.

"(vi) It shall contain an agreement by the provider that information regarding the identity of any child eligible for, or enrolled in the program, will not be publicly disclosed without the permission of a parent of the child.

"(vii) It shall include the terms of an agreement between the provider and the local educational agency with respect to the provider's purchase and maintenance of adequate general liability insurance.

"(viii) It shall contain provisions with respect to the making of payments to the provider by the local educational agency.

"(G) The development of procedures under which the local educational agency carrying out this paragraph—

"(i) will ensure oversight of the quality and effectiveness of the tutorial assistance provided by each tutorial assistance provider that is selected for funding;

"(ii) will provide for the termination of contracts with ineffective and unsuccessful tutorial assistance providers (as determined by the local educational agency based upon the performance of the provider with respect to the goals and timetables contained in the contract between the agency and the provider under subparagraph (F));

"(iii) will provide to each parent of a child identified under subparagraph (D) who requests such information for the purpose of selecting a tutorial assistance provider for the child, in a comprehensible format, information with respect to the quality and effectiveness of the tutorial assistance referred to in clause (i);

"(iv) will ensure that each school identifying a child under subparagraph (D) will provide upon request, to a parent of the child, assistance in selecting, from among the tutorial assistance providers who are identified pursuant to subparagraph (B) the provider who is best able to meet the needs of the child;

"(v) will ensure that parents of a child receiving tutorial assistance pursuant to this section are informed of their child's progress in the tutorial program; and

"(vi) will ensure that it does not disclose the name of any child who may be eligible for tutorial assistance pursuant to this section, the name of any parent of such a child, or any other personally identifiable information about such a parent or child, to any tutorial assistance provider (excluding the agency itself), without the prior written consent of such parent.

"SEC. 2257. NATIONAL EVALUATION.

"From funds reserved under section 2260(b)(1), the Secretary, through grants or contracts, shall conduct a national assessment of the programs under this part. In developing the criteria for the assessment, the Secretary shall receive recommendations from the peer review panel convened under section 2253(c)(2).

"SEC. 2258. INFORMATION DISSEMINATION.

"(a) IN GENERAL.—From funds reserved under section 2260(b)(2), the National Institute for Literacy shall disseminate information on scientifically based reading research and information on subgrantee projects under section 2255 or 2256 that have proven effective. At a minimum, the institute shall disseminate such information to all recipients of Federal financial assistance under titles I and VII of this Act, the Head Start Act, the Individuals with Disabilities Education Act, and the Adult Education and Family Literacy Act.

"(b) COORDINATION.—In carrying out this section, the National Institute for Literacy—

"(1) shall use, to the extent practicable, information networks developed and maintained through other public and private persons, including the Secretary, the National Center for Family Literacy, and the Readline Program;

"(2) shall work in conjunction with any panel convened by the National Institute of Child Health and Human Development and the Secretary and any panel convened by the Office of Educational Research and Improvement to assess the current status of research-based knowledge on reading development, including the effectiveness of various approaches to teaching children to read, with respect to determining the criteria by which the National Institute for Literacy judges scientifically based reading research and the design of strategies to disseminate such information; and

"(3) may assist any State educational agency selected to receive a grant under section 2253, and that requests such assistance—

"(A) in determining whether applications submitted under section 2253 meet the requirements of this title relating to scientifically based reading research; and

"(B) in the development of subgrant application forms.

"SEC. 2259. STATE EVALUATIONS; PERFORMANCE REPORTS.

"(a) STATE EVALUATIONS.—

"(1) IN GENERAL.—Each State educational agency that receives a grant under section 2253 shall evaluate the success of the agency's subgrantees in meeting the purposes of this part. At a minimum, the evaluation shall measure the extent to which students who are the intended beneficiaries of the subgrants made by the agency have improved their reading skills.

"(2) CONTRACT.—A State educational agency shall carry out the evaluation under this subsection by entering into a contract with an entity that conducts scientifically based reading research, under which contract the entity will perform the evaluation.

"(3) SUBMISSION.—A State educational agency shall submit the findings from the evaluation under this subsection to the Secretary. The Secretary shall submit a summary of the findings from the evaluations under this subsection and the national assessment conducted under section 2257 to the appropriate committees of the Congress, including the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(b) PERFORMANCE REPORTS.—A State educational agency that receives a grant under section 2253 shall submit performance reports to the Secretary pursuant to a schedule to be determined by the Secretary, but not more frequently than annually. Such reports shall include—

"(1) with respect to subgrants under section 2255, the program or programs of reading instruction, based on scientifically based reading research, selected by subgrantees;

"(2) the results of use of the evaluation referred to in section 2253(b)(2)(E)(iv); and

"(3) a description of the subgrantees receiving funds under this part.

"SEC. 2260. AUTHORIZATIONS OF APPROPRIATIONS; RESERVATIONS FROM APPROPRIATIONS; SUNSET.

"(a) Authorizations.—

"(1) FY 1999.—There are authorized to be appropriated to carry out this part and section 1202(c) $260,000,000 for fiscal year 1999.

"(2) FY 2000.—There are authorized to be appropriated to carry out this part and section 1202(c) $260,000,000 for fiscal year 2000.

"(b) Reservations.—From each of the amounts appropriated under subsection (a) for a fiscal year, the Secretary—

"(1) shall reserve 1.5 percent to carry out section 2257(a);

"(2) shall reserve $5,000,000 to carry out section 2258; and

"(3) shall reserve $10,000,000 to carry out section 1202(c).

"(c) Sunset.—Notwithstanding section 422(a) of the General Education Provisions Act, this part is not subject to extension under such section.".

(b) Conforming Amendments.—

(1) Authorization of appropriations.—Section 2003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6603) is amended—

(A) in subsection (a), by striking "title," and inserting "title (other than part C),"; and

(B) in subsection (b)(3), by striking "part C" and inserting "part D".

(2) Priority for professional development in mathematics and science.—Section 2206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6646) is amended by inserting "(other than part C)" after "for this title" each place such term appears.

(3) Reporting and accountability.—Section 2401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6701) is amended by striking "under this part" each place such term appears and inserting "under this title (other than part C)".

(4) Definitions.—Section 2402 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6701) is amended by striking "this part—" and inserting "this title (other than part C)—".

(5) General definitions.—Section 14101(10)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(10)(C)) is amended by striking "part C" and inserting "part D".

(6) Participation by private school children and teachers.—Section 14503(b)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8893(b)(1)(B)) is amended by striking "part C" and inserting "part D".

SUBTITLE II—AMENDMENTS TO EVEN START FAMILY LITERACY PROGRAMS

SEC. 201. RESERVATION FOR GRANTS.

Section 1202(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)) is amended to read as follows:

"(c) Reservation for Grants.—

"(1) Grants authorized.—From funds reserved under section 2260(b)(3), the Secretary shall award grants, on a competitive basis, to States to enable such States to plan and implement statewide family literacy initiatives to coordinate and, where appropriate, integrate existing Federal, State, and local literacy resources consistent with the purposes of this part. Such coordination and integration shall include funds available under the Adult Education and Family Literacy Act, the Head Start Act, this part, part A of this title, and part A of title IV of the Social Security Act.

"(2) Consortia.—

"(A) Establishment.—To receive a grant under this subsection, a State shall establish a consortium of State-level programs under the following laws:

"(i) This title (other than part D).

"(ii) The Head Start Act.

"(iii) The Adult Education and Family Literacy Act.

"(iv) All other State-funded preschool programs and programs providing literacy services to adults.

"(B) Plan.—To receive a grant under this subsection, the consortium established by a State shall create a plan to use a portion of the State's resources, derived from the programs referred to in subparagraph (A), to strengthen and expand family literacy services in such State.

"(C) Coordination with part C of title II.—The consortium shall coordinate its activities with the activities of the reading and literacy partnership for the State established under section 2253(d), if the State educational agency receives a grant under section 2253.

"(3) Reading instruction.—Statewide family literacy initiatives implemented under this subsection shall base reading instruction on scientifically based reading research (as such term is defined in section 2252).

"(4) Technical assistance.—The Secretary shall provide, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to States receiving a grant under this subsection.

"(5) Matching requirement.—The Secretary shall not make a grant to a State under this subsection unless the State agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.".

SEC. 202. DEFINITIONS.

Section 1202(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(e)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) the term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences.

SEC. 203. EVALUATION.

Section 1209 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6369) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) to provide States and eligible entities receiving a subgrant under this part, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to ensure local evaluations undertaken under section 1205(10) provide accurate information on the effectiveness of programs assisted under this part.".

SEC. 204. INDICATORS OF PROGRAM QUALITY.

(a) In General.—The Elementary and Secondary Education Act of 1965 is amended—

(1) by redesignating section 1210 as section 1212; and

(2) by inserting after section 1209 the following:

"SEC. 1210. INDICATORS OF PROGRAM QUALITY.

"Each State receiving funds under this part shall develop, based on the best available research and evaluation data, indicators of program quality for programs assisted under this part. Such indicators shall be used to monitor, evaluate, and improve such programs within the State. Such indicators shall include the following:

"(1) With respect to eligible participants in a program who are adults—

"(A) achievement in the areas of reading, writing, English language acquisition, problem solving, and numeracy;

"(B) receipt of a high school diploma or a general equivalency diploma;

"(C) entry into a postsecondary school, job retraining program, or employment or career advancement, including the military; and

"(D) such other indicators as the State may develop.

"(2) With respect to eligible participants in a program who are children—

"(A) improvement in ability to read on grade level or reading readiness;

"(B) school attendance;

"(C) grade retention and promotion; and

"(D) such other indicators as the State may develop.".

(b) State Level Activities.—Section 1203(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) carrying out section 1210.".

(c) Award of Subgrants.—Paragraphs (3) and (4) of section 1208(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368) are amended to read as follows:

"(3) Continuing eligibility.—In awarding subgrant funds to continue a program under this part for the second, third, or fourth year, the State educational agency shall evaluate the program based on the indicators of program quality developed by the State under section 1210. Such evaluation shall take place after the conclusion of the startup period, if any.

"(4) Insufficient progress.—The State educational agency may refuse to award subgrant funds if such agency finds that the eligible entity has not sufficiently improved the performance of the program, as evaluated based on the indicators of program quality developed by the State under section 1210, after—

"(A) providing technical assistance to the eligible entity; and

"(B) affording the eligible entity notice and an opportunity for a hearing.".

SEC. 205. RESEARCH.

The Elementary and Secondary Education Act of 1965, as amended by section 204 of this Act, is further amended by inserting after section 1210 the following:

"SEC. 1211. RESEARCH.

"(a) In General.—The Secretary shall carry out, through grant or contract, research into the components of successful family literacy services, to use—

"(1) to improve the quality of existing programs assisted under this part or other family literacy programs carried out under this Act or the Adult Education and Family Literacy Act; and

"(2) to develop models for new programs to be carried out under this Act or the Adult Education and Family Literacy Act.

"(b) DISSEMINATION.—The National Institute for Literacy shall disseminate, pursuant to section 2258, the results of the research described in subsection (a) to States and recipients of subgrants under this part.".

SUBTITLE III—REPEALS

SEC. 301. REPEAL OF CERTAIN UNFUNDED EDUCATION PROGRAMS.

(a) COMMUNITY SCHOOL PARTNERSHIPS.—The Community School Partnership Act (contained in part B of title V of the Improving America's Schools Act of 1994 (20 U.S.C. 1070 note) is repealed.

(b) EDUCATIONAL RESEARCH, DEVELOPMENT, DISSEMINATION, AND IMPROVEMENT ACT OF 1994.—Section 941(j) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(j)) is repealed.

(c) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The following provisions are repealed:

(1) INNOVATIVE ELEMENTARY SCHOOL TRANSITION PROJECTS.—Section 1503 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6493).

(2) DE LUGO TERRITORIAL EDUCATION IMPROVEMENT PROGRAM.—Part H of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8221 et seq.).

(3) EXTENDED TIME FOR LEARNING AND LONGER SCHOOL YEAR.—Part L of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8351).

(4) TERRITORIAL ASSISTANCE.—Part M of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8371).

(d) FAMILY AND COMMUNITY ENDEAVOR SCHOOLS.—The Family and Community Endeavor Schools Act (42 U.S.C. 13792) is repealed.

(e) GOALS 2000: EDUCATE AMERICA ACT.—Subsections (b) and (d)(1) of section 601 of the Goals 2000: Educate America Act (20 U.S.C. 5951) are repealed.

SUBTITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS TO THE WORKFORCE INVESTMENT ACT OF 1998.

(1) Section 111(c) of the Workforce Investment Act of 1998 is amended by striking "CHAIRMAN" and inserting "CHAIRPERSON".

(2) Section 112(c)(1) of such Act is amended by striking "; and" and inserting "; or".

(3) Section 116(a)(3)(D)(ii)(I)(aa) of such Act is amended by striking "; or" and inserting "; and".

(4) Section 117 of such Act is amended—

(A) in subsection (f)(1)(D), by striking "State" and inserting "Governor"; and

(B) in subsection (i)(1)(D)(ii), by striking subclause (II), and inserting the following:

"(II) other representatives of employees in the local area (for a local area in which no employees are represented by such organizations).".

(5) Section 134(d)(4)(F) of such Act is amended by adding at the end the following:

"(iii) INDIVIDUAL TRAINING ACCOUNTS.—An individual who seeks training services and who is eligible pursuant to subparagraph (A), may, in consultation with a case manager, select an eligible provider of training services from the list or identifying information for providers described in clause (ii)(I). Upon such selection, the one-stop operator involved shall, to the extent practicable, refer such individual to the eligible provider of training services, and arrange for payment for such services through an individual training account.".

(6) Section 159 of such Act is amended—

(A) in subsections (c)(1)(G) and (d)(4), by striking "post-secondary" and inserting "postsecondary"; and

(B) in subsection (c)(3), by striking "containing" and inserting "containing,".

(7) Section 166(h)(3)(A) of such Act is amended by striking "paragraph (2)" and inserting "subparagraph (B)".

(8) Section 167(d) of such Act is amended by inserting "and section 127(b)(1)(A)(iii)" after "this section".

(9) Section 170(a)(1) of such Act is amended by striking "carry out" and inserting "carrying out".

(10) Section 170(b)(2) of such Act is amended by striking "174(b)" and inserting "173(b)".

(11) Section 171(b)(2) of such Act is amended by striking "only on a competitive" and all that follows through the period and inserting "in accordance with generally applicable Federal requirements.".

(12) Section 173(a)(2) of such Act is amended by striking "the Robert" and inserting "The Robert".

(13) Section 189(i)(1) of such Act is amended by striking "1997 (Public Law 104–208; 110 Stat. 3009–234)" and inserting "1998 (Public Law 105–78; 111 Stat. 1467).

(14) Paragraphs (2) and (3) of section 192(a) of such Act are amended by striking "), to" and inserting ") to".

(15) Section 334(b) of such Act is amended by striking paragraph (2) and inserting the following:

"(2) DATE.—The appointments of the members of the Commission shall be made by February 1, 1999.".

(16) Section 405 of such Act is amended by striking "et seq.)," and inserting "et seq.)".

(17) Section 501(b)(1) of such Act is amended by adding at the end the following: "For purposes of this paragraph, the activities and programs described in subparagraphs (A) and (B) of paragraph (2) shall not be considered to be 2 or more activities or programs for purposes of the unified plan. Such activities or programs shall be considered to be 1 activity or program.".

(18) Section 505 of such Act is amended—

(A) in subsection (a), by striking "in this Act" and inserting "under title I, II, or III or this title"; and

(B) in subsection (b), by striking "under this Act" each place it appears and inserting "under title I, II, or III or this title".

(19) Section 506(d) of such Act is amended—

(A) in paragraph (1), by striking "subsection (b)" and inserting "subsection (c)"; and

(B) in paragraph (2)—

(i) by inserting "planning authorized under" after "carry out" each place that such appears; and

(ii) by striking "the purposes" and inserting "the planning purposes".

SEC. 402. TECHNICAL AMENDMENTS TO THE REHABILITATION ACT OF 1973.

(a) REDESIGNATION.—

(1) The Rehabilitation Act of 1973 (as amended by title IV of the Workforce Investment Act of 1998) is further amended by redesignating sections 6 through 19 as sections 7, 8, and 10 through 21, respectively.

(2) The table of contents for the Rehabilitation Act of 1973 (as amended by section 403 of the Workforce Investment Act of 1998) is further amended by striking the items relating to sections 6 through 19 and inserting the following:

"Sec. 7. Definitions.
"Sec. 8. Allotment percentage.
"Sec. 10. Nonduplication.
"Sec. 11. Application of other laws.
"Sec. 12. Administration of the Act.
"Sec. 13. Reports.
"Sec. 14. Evaluation.
"Sec. 15. Information clearinghouse.
"Sec. 16. Transfer of funds.
"Sec. 17. State administration.
"Sec. 18. Review of applications.
"Sec. 19. Carryover.
"Sec. 20. Client assistance information.
"Sec. 21. Traditionally underserved populations.".

(b) SECTION HEADINGS.—

(1) Section 1 of such Act (as so amended) is further amended by striking the section heading and all that follows through "SHORT TITLE.—" and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—".

(2) Section 2 of such Act (as so amended) is further amended by striking the section heading and all that follows through "FINDINGS.—" and inserting the following:

"SEC. 2. FINDINGS; PURPOSE; POLICY.

"(a) FINDINGS.—".

(3) Section 7 of such Act (as so amended and redesignated in subsection (a)) is further amended by striking the section heading and all that follows through "(1) The term" and inserting the following:

"SEC. 7. DEFINITIONS.

"For the purposes of this Act:

"(1) ADMINISTRATIVE COSTS.—The term".

(4) Section 19 of such Act (as so amended and redesignated in subsection (a)) is further amended by striking the section heading and all that follows through "IN GENERAL.—" and inserting the following:

"SEC. 19. CARRYOVER.

"(a) IN GENERAL.—".

(5) Section 20 of such Act (as so amended and redesignated in subsection (a)) is further amended by striking the section heading and all that follows through "All" and inserting the following:

"SEC. 20. CLIENT ASSISTANCE INFORMATION.

"All".

(6) Section 21 of such Act (as so amended and redesignated in subsection (a)) is further amended by striking the section heading and all that follows through "FINDINGS.—" and inserting the following:

"SEC. 21. TRADITIONALLY UNDERSERVED POPULATIONS.

"(a) FINDINGS.—".

(7) Section 110 of such Act (as so amended) is further amended by striking the section heading and all that follows through "(a)(1) Subject" and inserting the following:

"STATE ALLOTMENTS

"SEC. 110. (a)(1) Subject".

(8) Section 111 of such Act (as so amended) is further amended by striking the section heading and all that follows through "(a)(1) Except" and inserting the following:

"PAYMENTS TO STATES

"SEC. 111. (a)(1) Except".

(9) Section 112 of such Act (as so amended) is further amended by striking the section heading and all that follows through "(a) From" and inserting the following:

"CLIENT ASSISTANCE PROGRAM

"SEC. 112. (a) From".

(10) Section 121 of such Act (as so amended) is further amended by striking the section heading and all that follows through "(a) The" and inserting the following:

"VOCATIONAL REHABILITATION SERVICES GRANTS

"SEC. 121. (a) The".

(11) Section 205 of such Act (as so amended) is further amended by striking the section heading and all that follows through "ESTABLISHMENT.—" and inserting the following:

"SEC. 205. REHABILITATION RESEARCH ADVISORY COUNCIL.

"(a) ESTABLISHMENT.—".

(12) Section 621 of such Act (as so amended) is further amended by striking the section heading and all that follows through "It" and inserting the following:

"SEC. 621. PURPOSE.

"It".

(13) Section 622 of such Act (as so amended) is further amended by striking the section heading and all that follows through "IN GENERAL.—" and inserting the following:

"SEC. 622. ALLOTMENTS.

"(a) IN GENERAL.—".

(14) Section 623 of such Act (as so amended) is further amended by striking the section heading and all that follows through "Funds provided under this part may" and inserting the following:

"SEC. 623. AVAILABILITY OF SERVICES.

"Funds provided under this part may".

(15) Section 624 of such Act (as so amended) is further amended by striking the section heading and all that follows through "An" and inserting the following:

"SEC. 624. ELIGIBILITY.

"An".

(16) Section 625 of such Act (as so amended) is further amended by striking the section heading and all that follows through "STATE PLAN SUPPLEMENTS.—" and inserting the following:

"SEC. 625. STATE PLAN.

"(a) STATE PLAN SUPPLEMENTS.—".

(17) Section 626 of such Act (as so amended) is further amended by striking the section heading and all that follows through "Each" and inserting the following:

"SEC. 626. RESTRICTION.

"Each".

(18) Section 627 of such Act (as so amended) is further amended by striking the section heading and all that follows through "SUPPORTED EMPLOYMENT SERVICES.—" and inserting the following:

"SEC. 627. SAVINGS PROVISION.

"(a) SUPPORTED EMPLOYMENT SERVICES.—".

(19) Section 628 of such Act (as so amended) is further amended by striking the section heading and all that follows through "There" and inserting the following:

"SEC. 628. AUTHORIZATION OF APPROPRIATIONS.

"There".

(c) OTHER AMENDMENTS.—

(1) Section 7 of such Act (as so amended and redesignated in subsection (a)) is further amended—

(A) in paragraph (2)(B), by striking "objectives, nature," and inserting "nature";

(B) by striking paragraph (7);

(C) in paragraph (16)(A)(iii), by striking "client" and inserting "eligible individual"; and

(D) in paragraph (36)(C), by striking "rehabilitation objectives" and inserting "employment outcome".

(2) Section 10 of such Act (as so amended and redesignated in subsection (a)) is further amended—

(A) by striking "disregarded: (1)" and inserting the following: "disregarded—

"(1)";

(B) by striking "(2)" and inserting the following:

"(2)"; and

(C) by striking "No payment" and inserting the following:

"No payment".

(3) The second and third sentences of section 21(a)(3) of such Act (as so amended and redesignated in subsection (a)) are further amended by striking "are" and inserting "is".

(4) Section 101(a) of such Act (as so amended) is further amended—

(A) in paragraph (18)(C), by striking "will be utilized" and inserting "were utilized during the preceding year"; and

(B) in paragraph (21)(A)(i)(II)(bb), by striking "Commission" and inserting "commission".

(5) Section 102(c)(5)(F) (as so amended) is further amended—

(A) in clause (ii), by striking "and" at the end thereof;

(B) in clause (iii), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(iv) not delegate the responsibility for making the final decision to any officer or employee of the designated State unit.".

(6) Section 105(b) of such Act (as so amended) is further amended—

(A) in paragraph (3)—

(i) by striking "Governor" the first place it appears and inserting "Governor or, in the case of a State that, under State law, vests authority for the administration of the activities carried out under this Act in an entity other than the Governor (such as one or more houses of the State legislature or an independent board), the chief officer of that entity"; and

(ii) in the second and third sentences, by striking "Governor" and inserting "appointing authority";

(B) in paragraph (4)(A)(i), by striking "section 7(20)(A)" and inserting "section 7(20)(B)";

(C) in paragraph (5)(B)—

(i) in the subparagraph heading, by striking "GOVERNOR" and inserting "CHIEF EXECUTIVE OFFICER"; and

(ii) by striking "Governor shall" and inserting "appointing authority described in paragraph (3) shall"; and

(D) in paragraphs (6)(A)(ii) and (7)(B), by striking "Governor" and inserting "appointing authority described in paragraph (3)".

(7) Section 705(b) of such Act (as so amended) is further amended—

(A) in paragraph (1)—

(i) by striking "Governor" the first place it appears and inserting "Governor or, in the case of a State that, under State law, vests authority for the administration of the activities carried out under this Act in an entity other than the Governor (such as one or more houses of the State legislature or an independent board), the chief officer of that entity"; and

(ii) in the second sentence, by striking "Governor" and inserting "appointing authority";

(B) in paragraph (5)(B)—

(i) in the subparagraph heading, by striking "GOVERNOR" and inserting "CHIEF EXECUTIVE OFFICER"; and

(ii) by striking "Governor shall" and inserting "appointing authority described in paragraph (3) shall"; and

(C) in paragraphs (6)(A)(ii) and (7)(B), by striking "Governor" and inserting "appointing authority described in paragraph (3)".

SEC. 403. TECHNICAL AMENDMENTS TO OTHER ACTS.

(a) WAGNER-PEYSER ACT.—

(1) IN GENERAL.—Section 15 of the Wagner-Peyser Act (as added by section 309 of the Workforce Investment Act of 1998) is amended—

(A) in subsection (a)(2)(A)(i), by striking "of this section" the second place it appears; and

(B) in subsection (e)(2)(G), by striking "complementary" and inserting "complementarity".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on July 2, 1999.

(b) OLDER AMERICANS ACT OF 1965.—Subparagraph (Q) of section 502(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)91)) (as added by section 323 of the Workforce Investment Act of 1998) is amended by aligning the margins of the subparagraph with the margins of subparagraph (P) of such section.

SEC. 404. TECHNICAL AMENDMENTS REGARDING ADULT EDUCATION.

(a) REFERENCES TO TITLE.—The matter preceding paragraph (1) of section 203, and sections 204 and-205, of the Adult Education and Family Literacy Act (20 U.S.C. 9202, 9203, and 9204) are each amended by striking "this subtitle" and inserting "this title".

(b) QUALIFYING ADULT.—Section 211(d)(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9211(d)(1)) is amended by striking ", but less than 61 years of age".

(c) LEVELS OF PERFORMANCE.—Section 212(b)(3)(A)(vi) of the Adult Education and Family Literacy Act (20 U.S.C. 9212(b)(3)(A)(vi)) is amended by striking "136(j)" and inserting "136(i)(1)".

(d) CORRECTIONS EDUCATION.—Section 225(a) of the Adult Education and Family Literacy Act (20 U.S.C. 9225) is amended—

(1) in subsection (a), by striking "or education" and inserting "and education"; and

(2) in subsection (c), by striking "with" and inserting "within".

(e) NATIONAL LEADERSHIP ACTIVITIES.—Section 243(2)(B) of the Adult Education and Family Literacy Act (20 U.S.C. 9253(2)(B)) is amended by striking "qualify" and inserting "quality".

(f) INCENTIVE GRANTS.—Section 503(a) of the Workforce Investment Act of 1998 (20 U.S.C. 9273(a)) is amended by striking "expected" and inserting "adjusted".

SEC. 405. CONFORMING AMENDMENTS.

(a) REFERENCES TO SECTION 204 OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986.—The table of contents for the Immigration Reform and Control Act of 1986 is amended by striking the item relating to section 204 of such Act.

(b) REFERENCES TO TITLE II OF PUBLIC LAW 95–250.—Section 103 of Public Law 95–250 (16 U.S.C. 791) is amended—

(1) by striking the second sentence of subsection (a); and

(2) by striking the second sentence of subsection (b).

(c) REFERENCES TO SUBTITLE C OF TITLE VII OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—

(1) TABLE OF CONTENTS RELATING TO SUBTITLE C OF TITLE VII.—The table of contents of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.) is amended by striking the items relating to sections 731 through 737, and sections 739 through 741, of such Act.

(2) TITLE VII.—Title VII of such Act is amended by inserting before section 738 the following:

"Subtitle C—Job Training for the Homeless".

(3) TITLE 31, UNITED STATES CODE.—Section 6703(a) of title 31, United States Code, is amended—

(A) by striking paragraph (15); and

(B) by redesignating paragraphs (16) through (19) as paragraphs (15) through (18), respectively.

(d) REFERENCES TO JOB TRAINING PARTNERSHIP ACT PRIOR TO REPEAL.—

(1) TITLE 5, UNITED STATES CODE.—Section 3502(d) of title 5, United States Code, is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

"(i) the appropriate State dislocated worker unit or office (referred to in section 311(b)(2) of the Job Training Partnership Act), or the State or entity designated by the State to carry out rapid response activities under section 134(a)(2)(A) of the Workforce Investment Act of 1998; and"; and

(ii) in subparagraph (B)(iii), by striking "other services under the Job Training Partnership Act" and inserting "other services under the Job Training Partnership Act or under title I of the Workforce Investment Act of 1998"; and

(B) in paragraph (4), in the second sentence, by striking "Secretary of Labor on matters relating to the Job Training Partnership Act" and *inserting "Secretary of Labor on matters relating to the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".*

(2) FOOD STAMP ACT OF 1977.—

(A) SECTION 5.—Section 5(l) of the Food Stamp Act of 1977 (7 U.S.C. 2014(l)) is amended by striking "Notwithstanding section 142(b) of the Job Training Partnership Act (29 U.S.C. 1552(b)), earnings to individuals participating in on-the-job training programs under section 204(b)(1)(C) or section 264(c)(1)(A) of the Job Training Partnership Act" and inserting "Notwithstanding section 142(b) of the Job Training Partnership Act or section 181(a)(2) of the Workforce Investment Act of 1998, earnings to individuals participating in on-the-job training programs under section 204(b)(1)(C) or 264(c)(1)(A) of the Job Training Partnership Act or in on-the-job training under title I of the Workforce Investment Act of 1998".

(B) SECTION 6.—Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended—

(i) in subsection (d)(4)(M), by striking "the State public employment offices and agencies operating programs under the Job Training Partnership Act" and inserting "the State public employment offices and agencies operating programs under the Job Training Partnership Act or of the State public employment offices and other State agencies and providers carrying out activities under title I of the Workforce Investment Act of 1998";

(ii) in subsection (e)(3), by striking subparagraph (A) and inserting the following:

"(A) a program under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998;"; and

(iii) in subsection (o)(1)(A), by striking "Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(C) SECTION 17.—The second sentence of section 17(b)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(2)) is amended—

(i) by striking "to accept an offer of employment from a political subdivision or a prime sponsor pursuant to the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 812)," and inserting "to accept an offer of employment from a political subdivision or provider pursuant to a program carried out under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998,"; and

(ii) by striking ": Provided, That all of the political subdivision's" and all that follows and inserting ", if all of the jobs supported under the program have been made available to participants in the program before the political subdivision or provider providing the jobs extends an offer of employment under this paragraph, and if the political subdivision or provider, in employing the person, complies with the requirements of Federal law that relate to the program.".

(3) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—

(A) Section 403(c)(2)(K) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(K)) is amended by striking "Job Training Partnership Act" and inserting "Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(B) Section 423(d)(11) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1183a note) is amended by striking "Job Training Partnership Act" and inserting "Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(4) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(F) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(F)) is amended by striking "The Job Training Partnership Act." and inserting "The Job Training Partnership Act or title I of the Workforce Investment Act of 1998.".

(5) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—Section 402(a)(4) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(6) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991.—Section 4003(5)(C) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2391 note) is amended by inserting before the period the following: ", as in effect on the day before the date of enactment of the Workforce Investment Act of 1998".

(7) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) SECTION 3161.—Section 3161(c)(6) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h(c)(6)) is amended by striking subparagraph (A) and inserting the following:

"(A) programs carried out by the Secretary of Labor under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998;".

(B) SECTION 4461.—Section 4461(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended by striking "The Job Training Partnership Act (29 U.S.C. 1501 et seq.)." and inserting "The Job Training Partnership Act or title I of the Workforce Investment Act of 1998.".

(C) SECTION 4471.—Section 4471 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 2501 note) is amended—

(i) in subsection (c)(2), by striking "the State dislocated" and all that follows through "and the chief" and inserting "the State dislocated worker unit or office referred to in section 311(b)(2) of the Job Training Partnership Act, or the State or entity designated by the State to carry out rapid response activities under section 134(a)(2)(A) of the Workforce Investment Act of 1998, and the chief";

(ii) in subsection (d)—

(I) in the first sentence, by striking "for training, adjustment assistance, and employment services" and all that follows through "except where" and inserting "for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act or to participate in employment and training activities carried out under title I of the Workforce Investment Act of 1998, except in a case in which"; and

(II) by striking the second sentence; and

(iii) in subsection (e), by striking "for training," and all that follows through "beginning" and inserting ", on the basis of any related reduction in funding under the contract, for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act or to participate in employment and training activities under title I of the Workforce Investment Act of 1998, beginning".

(D) SECTION 4492.—Section 4492(b) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended by striking "the Job Training Partnership Act" and inserting "the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(8) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1333(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2701 note) is amended by striking "Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512))." and inserting "Private industry councils as described in section 102 of the Job Training Partnership Act or local workforce investment boards established under section 117 of the Workforce Investment Act of 1998.".

(9) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998.—Section 2824(c)(5) of the National Defense Authorization Act for Fiscal Year 1998 (10 U.S.C. 2687 note) is amended by striking "Job Training Partnership Act" and inserting "Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(10) SMALL BUSINESS ACT.—The fourth sentence of section 7(j)(13)(E) of the Small Business Act (15 U.S.C. 636(j)(13)(E)) is amended by striking "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(11) EMPLOYMENT ACT OF 1946.—Section 4(f)(2)(B) of the Employment Act of 1946 (15 U.S.C. 1022a(f)(2)(B)) is amended by striking "and include these in the annual Employment and Training Report of the President required under section 705(a) of the Comprehensive Employment and Training Act of 1973 (hereinafter in this Act referred to as 'CETA')" and inserting "and prepare and submit to the President an annual report containing the recommendations".

(12) FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1978.—

(A) SECTION 206.—Section 206 of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3116) is amended—

(i) in subsection (b)—

(I) in the matter preceding paragraph (1), by striking "CETA" and inserting "the Job Training Partnership Act and title I of the Workforce Investment Act of 1998"; and

(II) in paragraph (1), by striking "(including use of section 110 of CETA when necessary)"; and

(ii) in subsection (c)(1), by striking "CETA" and inserting "activities carried out under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(B) SECTION 401.—Section 401(d) of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3151(d)) is amended by striking "include, in the annual Employment and Training Report of the President provided under section 705(a) of CETA," and inserting "include, in the annual report referred to in section 4(f)(2)(B) of the Employment Act of 1946 (15 U.S.C. 1022a(f)(2)(B)),".

(13) TITLE 18, UNITED STATES CODE.—Subsections (a), (b), and (c) of section 665 of title 18, United States Code are amended by striking "the Comprehensive Employment and Training Act or the Job Training Partnership Act" and inserting "the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(14) TRADE ACT OF 1974.—

(A) SECTION 236.—Section 236(a)(5)(B) of the Trade Act of 1974 (19 U.S.C. 2296(a)(5)(B)) is amended by striking "section 303 of the Job Training Partnership Act" and inserting "section 303 of the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(B) SECTION 239.—Section 239(e) of the Trade Act of 1974 (19 U.S.C. 2311(e)) is amended by striking "under title III of the Job Training Partnership Act" and inserting "under title III of the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(15) HIGHER EDUCATION ACT OF 1965.—

(A) SECTION 418A.—Subsections (b)(1)(B)(ii) and (c)(1)(A) of section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d–2) are amended by striking "section 402 of the Job Training Partnership Act" and inserting "section 402 of the Job Training Partnership Act or section 167 of the Workforce Investment Act of 1998".

(B) SECTION 480.—Section 480(b)(14) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)(14)) is amended by striking "Job Training Partnership Act noneducational benefits" and inserting "Job Training Partnership Act noneducational benefits or benefits received through participation in employment and training activities under title I of the Workforce Investment Act of 1998".

(16) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Subsection (a) of section 302 of the Department of Education Organization Act (20 U.S.C. 3443(a)) is amended by striking "under section 303(c)(2) of the Comprehensive Employment and Training Act" and inserting "relating to such education".

(17) NATIONAL SKILL STANDARDS ACT OF 1994.—

(A) SECTION 504.—Section 504(c)(3) of the National Skill Standards Act of 1994 (20 U.S.C. 5934(c)(3)) is amended by striking "the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)) and".

(B) SECTION 508.—Section 508(1) of the National Skill Standards Act of 1994 (20 U.S.C. 5938(1)) is amended to read as follows:

"(1) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment.".

(18) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) SECTION 1205.—Section 1205(8)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365(8)(B)) is amended by striking "the Job Training Partnership Act" and inserting "the Job Training Partnership Act and title I of the Workforce Investment Act of 1998".

(B) SECTION 1414.—Section 1414(c)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6434(c)(8)) is amended by striking "programs under the Job Training Partnership Act," and inserting "programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998,".

(C) SECTION 1423.—Section 1423(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6453(9)) is amended by striking "programs under the Job Training and Partnership Act" and inserting "programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(D) SECTION 1425.—Section 1425(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6455(9)) is amended by striking ", such as funds under the Job Training Partnership Act," and inserting ", such as funds made available under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998,".

(19) DISTRICT OF COLUMBIA SCHOOL REFORM ACT OF 1995.—Section 2604(c)(2)(B)(ii) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–145) is amended by striking "Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(20) FREEDOM SUPPORT ACT.—The last sentence of section 505 of the FREEDOM Support Act (22 U.S.C. 5855) is amended by striking ", through the Defense Conversion" and all that follows through "or through" and inserting "or through".

(21) EMERGENCY JOBS AND UNEMPLOYMENT ASSISTANCE ACT OF 1974.—

(A) SECTION 204.—Section 204(b) of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended by striking "designate as an area" and all that follows and inserting "designate as an area under this section an area that is a service delivery area established under section 101 of the Job Training Partnership Act (except that after local workforce investment areas are designated under section 116 of the Workforce Investment Act of 1998 for the State involved, the corresponding local workforce investment area shall be considered to be the area designated under this section) or a local workforce investment area designated under section 116 of the Workforce Investment Act of 1998.".

(B) SECTION 223.—Section 223 of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended—

(i) in paragraph (3), by striking "assistance provided" and all that follows and inserting "assistance provided under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998;"; and

(ii) in paragraph (4), by striking "funds provided" and all that follows and inserting "funds provided under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998;".

(22) JOB TRAINING REFORM AMENDMENTS OF 1992.—Section 701 of the Job Training Reform Amendments of 1992 (29 U.S.C. 1501 note) is repealed.

(23) PUBLIC LAW 98–524.—Section 7 of Public Law 98–524 (29 U.S.C. 1551 note) is repealed.

(24) VETERANS' BENEFITS AND PROGRAMS IMPROVEMENT ACT OF 1988.—Section 402 of the Veterans' Benefits and Programs Improvement Act of 1988 (29 U.S.C. 1721 note) is amended—

(A) in subsection (a), by striking "title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.)" and inserting "title III of the Job Training Partnership Act or title I of the Workforce Investment Act of 1998";

(B) in subsection (c), by striking "Training, in consultation with the office designated or created under section 322(b) of the Job Training Partnership Act," and inserting "Training, in consultation with the unit or office designated or created under section 322(b) of the Job Training Partnership Act or any successor to such unit or office under title I of the Workforce Investment Act of 1998,"; and

(C) in subsection (d)—

(i) in paragraph (1)(A), by striking "part C" and all that follows through"; and" and inserting "part C of title IV of the Job Training Partnership Act or title I of the Workforce Investment Act of 1998; and"; and

(ii) in paragraph (2), by striking "Employment and training" and all that follows and inserting "Employment and training activities for dislocated workers under title III of the Job Training Partnership Act or title I of the Workforce Investment Act of 1998.".

(25) VETERANS' JOB TRAINING ACT.—

(A) SECTION 13.—Section 13(b) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking "assistance under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "assistance under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(B) SECTION 14.—Section 14(b)(3)(B)(i)(II) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking "under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "under part C of title IV the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(C) SECTION 15.—Section 15(c)(2) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended—

(i) in the second sentence, by striking "part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "part C of title IV of the Job Training Partnership Act or title I of the Workforce Investment Act of 1998"; and

(ii) in the third sentence, by striking "title III of that Act" and inserting "title III of the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(26) WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.—Section 3(a)(2) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102(a)(2)) is amended by striking "to the State" and all that follows through "and the chief" and inserting "to the State dislocated worker unit or office (referred to in section 311(b)(2) of the Job Training and Partnership Act), or the State or entity designated by the State to carry out rapid response activities under section 134(a)(2)(A) of the Workforce Investment Act of 1998, and the chief".

(27) TITLE 31, UNITED STATES CODE.—Section 6703(a) of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) Programs under title II or IV of the Job Training Partnership Act or under title I of the Workforce Investment Act of 1998.".

(28) VETERANS' REHABILITATION AND EDUCATION AMENDMENTS OF 1980.—Section 512 of the Veterans' Rehabilitation and Education Amendments of 1980 (38 U.S.C. 4101 note) is amended by striking "the Comprehensive Employment and Training Act (29 U.S.C. et seq.)," and inserting "the Job Training Partnership Act or title I of the Workforce Investment Act of 1998,".

(29) TITLE 38, UNITED STATES CODE.—

(A) SECTION 4102A.—Section 4102A(d) of title 38, United States Code, is amended by striking "the Job Training Partnership Act" and inserting "the Job Training Partnership Act and title I of the Workforce Investment Act of 1998".

(B) SECTION 4103A.—Section 4103A(c)(4) of title 38, United States Code, is amended by striking "(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.))" and inserting "including part C of title IV of the Job Training Partnership Act and title I of the Workforce Investment Act of 1998".

(C) SECTION 4213.—Section 4213 of title 38, United States Code, is amended by striking "program assisted under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)," and inserting "program carried out under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998,".

(30) SOCIAL SECURITY ACT.—Section 403(a)(5) of Social Security Act (42 U.S.C. 603(a)(5)) is amended—

(A) in subparagraph (A)(vii)(I), by striking "(as described in section 103(c) of the Job Training Partnership Act)" and inserting "(as described in section 103(c) of the Job Training Partnership Act or defined in section 101 of the Workforce Investment Act of 1998)"; and

(B) in subparagraph (D)—

(i) in clause (ii), by striking "means, with respect to a service delivery area, the private industry council (or successor entity) established for the service delivery area pursuant to the Job Training Partnership Act" and inserting "means, with respect to a service delivery area, the private industry council or local workforce investment board established for the service delivery area pursuant to the Job Training Partnership Act or title I of the Workforce Investment Area of 1998, as appropriate"; and

(ii) in clause (iii), by striking "shall have the meaning given such term (or the successor to such term) for purposes of the Job Training Partnership Act" and inserting "shall have the meaning given such term for purposes of the Job Training Partnership Act or shall mean a local area as defined in section 101 of the Workforce Investment Act of 1998, as appropriate".

(31) UNITED STATES HOUSING ACT.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—

(A) in subsection (b)(2)(A), by striking "the Job Training" and all that follows through "or

the" and inserting "the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 or the";

(B) in the first sentence of subsection (f)(2), by striking "programs under the" and all that follows through "and the" and inserting "programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 or the"; and

(C) in subsection (g)—

(i) in paragraph (2), by striking "programs under the" and all that follows through "and the" and inserting "programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 or the"; and

(ii) in paragraph (3)(H), by striking "program under" and all that follows through "and any other" and inserting "programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 and any other".

(32) HOUSING ACT OF 1949.—Section 504(c)(3) of the Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is amended by striking "pursuant to" and all that follows through "or the" and inserting "pursuant to the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 or the".

(33) OLDER AMERICANS ACT OF 1965.—

(A) SECTION 203.—Section 203 of the Older Americans Act of 1965 (42 U.S.C. 3013) is amended—

(i) in subsection (a)(2), by striking the last sentence and inserting the following: "In particular, the Secretary of Labor shall consult and cooperate with the Assistant Secretary in carrying out the Job Training Partnership Act and title I of the Workforce Investment Act of 1998."; and

(ii) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) the Job Training Partnership Act or title I of the Workforce Investment Act of 1998,".

(B) SECTION 502.—Section 502 of the Older Americans Act of 1965 (42 U.S.C. 3056) is amended—

(i) in subsection (b)(1)(N)(i), by striking "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Job Training Partnership Act and title I of the Workforce Investment Act of 1998"; and

(ii) in subsection (e)(2)(C), by striking "programs carried out under section 124 of the Job Training Partnership Act (29 U.S.C. 1534)" and inserting "programs carried out under the Job Training Partnership Act and title I of the Workforce Investment Act of 1998".

(C) SECTION 503.—Section 503(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056a(b)(1)) is amended—

(i) in the first sentence, by striking "the Job Training Partnership Act" and inserting "the Job Training Partnership Act and title I of the Workforce Investment Act of 1998"; and

(ii) in the first sentence, by striking "the Job Training Partnership Act" and inserting "the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(D) SECTION 510.—Section 510 of the Older Americans Act of 1965 (42 U.S.C. 3056h) is amended by striking the matter following the section heading and inserting the following:

"In the case of projects under this title carried out jointly with programs carried out under the Job Training Partnership Act, eligible individuals shall be deemed to satisfy the requirements of sections 203 and 204(d)(5)(A) of such Act (29 U.S.C. 1603, 1604(d)(5)(A)) that are applicable to adults. In the case of projects under this title carried out jointly with programs carried out under subtitle B of title I of the Workforce Investment Act of 1998, eligible individuals shall be deemed to satisfy the requirements of section 134 of such Act.".

(34) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 1801(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)(3)) is amended by striking "activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.)" and inserting "activities carried out under part B of title IV of the Job Training Partnership Act or subtitle C of title I of the Workforce Investment Act of 1998 (relating to Job Corps)".

(35) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984.—The second sentence of section 2(a) of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by striking "and title IV of the Job Training Partnership Act" and inserting "and title IV of the Job Training Partnership Act or subtitle D of title I of the Workforce Investment Act of 1998".

(36) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(A) SECTION 103.—The second sentence of section 103(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4953(d)) is amended to read as follows: "Whenever feasible, such efforts shall be coordinated with an appropriate private industry council established under the Job Training Partnership Act or local workforce investment board established under section 117 of the Workforce Investment Act of 1998.".

(B) SECTION 109.—Subsections (c)(2) and (d)(2) of section 109 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4959) is amended by striking "administrative entities designated to administer job training plans under the Job Training Partnership Act" and inserting "administrative entities designated to administer job training plans under the Job Training Partnership Act and eligible providers of employment and training activities under subtitle B of title I of the Workforce Investment Act of 1998".

(37) AGE DISCRIMINATION ACT OF 1975.—Section 304(c)(1) of the Age Discrimination Act of 1975 (42 U.S.C. 6103(c)(1)) is amended by striking "Except with" and all that follows through "nothing" and inserting "Nothing".

(38) ENERGY CONSERVATION AND PRODUCTION ACT.—Section 414(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6864(b)(3)) is amended by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(39) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 233 of the National Energy Conservation Policy Act (42 U.S.C. 6873) is amended, in the matter preceding paragraph (1), by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(40) COMMUNITY ECONOMIC DEVELOPMENT ACT OF 1981.—Section 617(a)(3) of the Community Economic Development Act of 1981 (42 U.S.C. 9806(a)(3)) is amended by striking "activities such as those described in the Comprehensive Employment and Training Act" and inserting "activities such as the activities described in the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(41) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 103(b)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(b)(2)) is amended by striking "the Job Training Partnership Act" and inserting "the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(42) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) SECTION 177.—Section 177(d) of the National and Community Service Act of 1990 (42 U.S.C. 12637(d)) is amended to read as follows:

"(d) TREATMENT OF BENEFITS.—Allowances, earnings, and payments to individuals participating in programs that receive assistance under this title shall not be considered to be income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).".

(B) SECTION 198C.—Section 198C of the National and Community Service Act of 1990 (42 U.S.C. 12653c) is amended—

(i) in subsection (b)(1), by striking "a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1))." and inserting "a military installation being closed or realigned under—

"(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of division B of Public Law 101–510; 10 U.S.C. 2687 note); and

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note)."; and

(ii) in subsection (e)(1)(B), by striking clause (iii) and inserting the following:

"(iii) an eligible youth described in section 423 of the Job Training Partnership Act or an individual described in section 144 of the Workforce Investment Act of 1998.".

(C) SECTION 199L.—Section 199L(a) of the National and Community Service Act of 1990 (42 U.S.C. 12655m(a)) is amended by striking "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Job Training Partnership Act and title I of the Workforce Investment Act of 1998".

(43) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—

(A) SECTION 454.—Subparagraphs (H) and (M) of subsection (c)(2), and subsection (d)(7), of section 454 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899c) are amended by striking "the Job Training Partnership Act" and inserting "the Job Training Partnership Act and title I of the Workforce Investment Act of 1998".

(B) SECTION 456.—The first sentence of section 456(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899e(e)) is amended by inserting "(as in effect on the day before the date of enactment of the Workforce Investment Act of 1998)" after "the Job Training Partnership Act" each place it appears.

(44) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 31113(a)(4)(C) of the Violent Crime Çontrol and Law Enforcement Act of 1994 (42 U.S.C. 13823(a)(4)(C)) is amended by striking "authorized under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "authorized under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998".

(e) OTHER REFERENCES TO TITLE VII OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—

(1) TABLE OF CONTENTS.—The table of contents of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.) is amended by striking the items relating to title VII of such Act, except the items relating to the title heading, and subtitles B and C, of such title.

(2) TITLE VII.—The Stewart B. McKinney Homeless Assistance Act (as amended by section 199(b)(1) of the Workforce Investment Act of 1998) is further amended by inserting before subtitle B (relating to education for homeless children and families) the following:

"SUBTITLE VII—EDUCATION AND TRAINING".

(f) REFERENCES TO JOB TRAINING PARTNERSHIP ACT SUBSEQUENT TO REPEAL.—

(1) TITLE 5, UNITED STATES CODE.—Section 3502(d) of title 5, United States Code, is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

"(i) the State or entity designated by the State to carry out rapid response activities under section 134(a)(2)(A) of the Workforce Investment Act of 1998; and"; and

(ii) in subparagraph (B)(iii), by striking "under the Job Training Partnership Act or"; and

(B) in paragraph (4), in the second sentence, by striking "the Job Training Partnership Act or".

(2) FOOD STAMP ACT OF 1977.—

(A) SECTION 5.—Section 5(l) of the Food Stamp Act of 1977 (7 U.S.C. 2014(l)) is amended by striking "Notwithstanding section 142(b) of the Job Training Partnership Act or section 181(a)(2) of the Workforce Investment Act of 1998, earnings to individuals participating in on-the-job training programs under section 204(b)(1)(C) or 264(c)(1)(A) of the Job Training Partnership Act or in on-the-job training under title I of the Workforce Investment Act of 1998" and inserting "Notwithstanding section 181(a)(2) of the Workforce Investment Act of 1998, earnings to individuals participating in on-the-job training under title I of the Workforce Investment Act of 1998"

(B) SECTION 6.—Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended—

(i) in subsection (d)(4)(M), by striking "the State public employment offices and agencies operating programs under the Job Training Partnership Act or of";

(ii) in subsection (e)(3), by striking subparagraph (A) and inserting the following:

"(A) a program under title I of the Workforce Investment Act of 1998;"; and

(iii) in subsection (o)(1)(A), by striking "Job Training Partnership Act or".

(C) SECTION 17.—The second sentence of section 17(b)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(2)) is amended by striking "the Job Training Partnership Act or".

(3) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—

(A) Section 403(c)(2)(K) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(K)) is amended by striking "Job Training Partnership Act or".

(B) Section 423(d)(11) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1183a note) is amended by striking "Job Training Partnership Act or".

(4) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(F) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(F)) is amended by striking "The Job Training Partnership Act or title" and inserting "Title".

(5) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—Section 402(a)(4) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Job Training Partnership Act or".

(6) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) SECTION 3161.—Section 3161(c)(6) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h(c)(6)) is amended by striking subparagraph (A) and inserting the following:

"(A) programs carried out by the Secretary of Labor under title I of the Workforce Investment Act of 1998;".

(B) SECTION 4461.—Section 4461(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended by striking "The Job Training Partnership Act of title" and inserting "Title".

(C) SECTION 4471.—Section 4471 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 2501 note) is amended—

(i) in subsection (c)(2), by striking "the State dislocated worker unit or office referred to in section 311(b)(2) of the Job Training Partnership Act, or";

(ii) in subsection (d), in the first sentence, by striking "for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act or"; and

(iii) in subsection (e), by striking "for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act or".

(D) SECTION 4492.—Section 4492(b) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended by striking "the Job Training Partnership Act or".

(7) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1333(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2701 note) is amended by striking "Private industry councils as described in section 102 of the Job Training Partnership Act or local" and inserting "local".

(8) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998.—Section 2824(c)(5) of the National Defense Authorization Act for Fiscal Year 1998 (10 U.S.C. 2687 note) is amended by striking "Job Training Partnership Act or".

(9) SMALL BUSINESS ACT.—The fourth sentence of section 7(j)(13)(E) of the Small Business Act (15 U.S.C. 636(j)(13)(E)) is amended by striking "the Job Training Partnership Act or".

(10) FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1978.—Section 206 of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3116) is amended—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "CETA" and inserting "the Job Training Partnership Act and"; and

(B) in subsection (c)(1), by striking "activities carried out under the Job Training Partnership Act or".

(11) TRADE ACT OF 1974.—

(A) SECTION 236.—Section 236(a)(5)(B) of the Trade Act of 1974 (19 U.S.C. 2296(a)(5)(B)) is amended by striking "section 303 of the Job Training Partnership Act or".

(B) SECTION 239.—Section 239(e) of the Trade Act of 1974 (19 U.S.C. 2311(e)) is amended by striking "title III of the Job Training Partnership Act or".

(12) HIGHER EDUCATION ACT OF 1965.—

(A) SECTION 418A.—Subsections (b)(1)(B)(ii) and (c)(1)(A) of section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d–2) are amended by striking "section 402 of the Job Training Partnership Act or".

(B) SECTION 480.—Section 480(b)(14) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)(14)) is amended by striking "Job Training Partnership Act noneducational benefits or".

(13) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) SECTION 1205.—Section 1205(8)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365(8)(B)) is amended by striking "the Job Training Partnership Act and".

(B) SECTION 1414.—Section 1414(c)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6434(c)(8)) is amended by striking "the Job Training Partnership Act or".

(C) SECTION 1423.—Section 1423(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6453(9)) is amended by striking "the Job Training Partnership Act or".

(D) SECTION 1425.—Section 1425(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6455(9)) is amended by striking "the Job Training Partnership Act or".

(14) DISTRICT OF COLUMBIA SCHOOL REFORM ACT OF 1995.—Section 2604(c)(2)(B)(ii) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–145) is amended by striking "Job Training Partnership Act or".

(15) EMERGENCY JOBS AND UNEMPLOYMENT ASSISTANCE ACT OF 1974.—

(A) SECTION 204.—Section 204(b) of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended by striking "service delivery area established" and all that follows through "this section) or a".

(B) SECTION 223.—Section 223 of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended—

(i) in paragraph (3), by striking "the Job Training Partnership Act or"; and

(ii) in paragraph (4), by striking "the Job Training Partnership Act or".

(16) VETERANS' BENEFITS AND PROGRAMS IMPROVEMENT ACT OF 1988.—Section 402 of the Veterans' Benefits and Programs Improvement Act of 1988 (29 U.S.C. 1721 note) is amended—

(A) in subsection (a), by striking "title III of the Job Training Partnership Act or"; and

(B) in subsection (d)—

(i) in paragraph (1)(A), by striking "part C of title IV of the Job Training Partnership Act or"; and

(ii) in paragraph (2), by striking "title III of the Job Training Partnership Act or".

(17) VETERANS' JOB TRAINING ACT.—

(A) SECTION 13.—Section 13(b) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking "the Job Training Partnership Act or".

(B) SECTION 14.—Section 14(b)(3)(B)(i)(II) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking "part C of title IV the Job Training Partnership Act or".

(C) SECTION 15.—Section 15(c)(2) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended—

(i) in the second sentence, by striking "part C of title IV of the Job Training Partnership Act or"; and

(ii) in the third sentence, by striking "title III of the Job Training Partnership Act or".

(18) WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.—Section 3(a)(2) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102(a)(2)) is amended by striking "the State dislocated worker unit or office (referred to in section 311(b)(2) of the Job Training and Partnership Act), or".

(19) TITLE 31, UNITED STATES CODE.—Section 6703(a) of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) Programs under title I of the Workforce Investment Act of 1998.".

(20) VETERANS' REHABILITATION AND EDUCATION AMENDMENTS OF 1980.—Section 512 of the Veterans' Rehabilitation and Education Amendments of 1980 (38 U.S.C. 4101 note) is amended by striking "the Job Training Partnership Act or".

(21) TITLE 38, UNITED STATES CODE.—

(A) SECTION 4102A.—Section 4102A(d) of title 38, United States Code, is amended by striking "the Job Training Partnership Act and".

(B) SECTION 4103A.—Section 4103A(c)(4) of title 38, United States Code, is amended by striking "part C of title IV of the Job Training Partnership Act and".

(C) SECTION 4213.—Section 4213 of title 38, United States Code, is amended by striking "the Job Training Partnership Act or".

(22) SOCIAL SECURITY ACT.—Section 403(a)(5) of Social Security Act (42 U.S.C. 603(a)(5)) is amended—

(A) in subparagraph (A)(vii)(I), by striking "described in section 103(c) of the Job Training Partnership Act or"; and

(B) in subparagraph (D)—

(i) in clause (ii), by striking "the Job Training Partnership Act or"; and

(ii) in clause (iii), by striking "shall mean a local area as defined in section 101 of the Workforce Investment Act of 1998, as appropriate".

(23) UNITED STATES HOUSING ACT.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—

(A) in subsection (b)(2)(A), by striking "the Job Training Partnership Act or";

(B) in the first sentence of subsection (f)(2), by striking "the Job Training Partnership Act or"; and

(C) in subsection (g)—

(i) in paragraph (2), by striking "the Job Training Partnership Act or"; and

(ii) in paragraph (3)(H), by striking "the Job Training Partnership Act or".

(24) HOUSING ACT OF 1949.—Section 504(c)(3) of the Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is amended by striking "the Job Training Partnership Act or".

(25) OLDER AMERICANS ACT OF 1965.—

(A) SECTION 203.—Section 203 of the Older Americans Act of 1965 (42 U.S.C. 3013) is amended—

(i) in subsection (a)(2), by striking "the Job Training Partnership Act and"; and

(ii) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) title I of the Workforce Investment Act of 1998,".

(B) SECTION 502.—Section 502 of the Older Americans Act of 1965 (42 U.S.C. 3056) is amended—

(i) in subsection (b)(1)(N)(i), by striking "the Job Training Partnership Act and"; and

(ii) in subsection (e)(2)(C), by striking "the Job Training Partnership Act and".

(C) SECTION 503.—Section 503(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056a(b)(1)) is amended—

(i) in the first sentence, by striking "the Job Training Partnership Act and"; and

(ii) in the first sentence, by striking "the Job Training Partnership Act or".

(D) SECTION 510.—Section 510 of the Older Americans Act of 1965 (42 U.S.C. 3056h) is amended by striking the matter following the section heading and inserting the following:

"In the case of projects under this title carried out jointly with programs carried out under subtitle B of title I of the Workforce Investment Act of 1998, eligible individuals shall be deemed to satisfy the requirements of section 134 of such Act.".

(26) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 1801(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)(3)) is amended by striking "part B of title IV of the Job Training Partnership Act or".

(27) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984.—The second sentence of section 2(a) of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by striking "title IV of the Job Training Partnership Act or".

(28) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(A) SECTION 103.—The second sentence of section 103(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4953(d)) is amended to read as follows: "private industry council established under the Job Training Partnership Act or".

(B) SECTION 109.—Subsections (c)(2) and (d)(2) of section 109 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4959) is amended by striking "administrative entities designated to administer job training plans under the Job Training Partnership Act and".

(29) ENERGY CONSERVATION AND PRODUCTION ACT.—Section 414(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6864(b)(3)) is amended by striking "the Job Training Partnership Act or".

(30) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 233 of the National Energy Conservation Policy Act (42 U.S.C. 6873) is amended, in the matter preceding paragraph (1), by striking "the Job Training Partnership Act or".

(31) COMMUNITY ECONOMIC DEVELOPMENT ACT OF 1981.—Section 617(a)(3) of the Community Economic Development Act of 1981 (42 U.S.C. 9806(a)(3)) is amended by striking "the Job Training Partnership Act or".

(32) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 103(b)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(b)(2)) is amended by striking "the Job Training Partnership Act or".

(33) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) SECTION 198C.—Section 198C(e)(1)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12653c(e)(1)(C)) is amended by striking clause (iii) and inserting the following:

"(iii) an individual described in section 144 of the Workforce Investment Act of 1998.".

(B) SECTION 199L.—Section 199L(a) of the National and Community Service Act of 1990 (42 U.S.C. 12655m(a)) is amended by striking "the Job Training Partnership Act and".

(34) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Subparagraphs (H) and (M) of subsection (c)(2), and subsection (d)(7), of section 454 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899c) are amended by striking "the Job Training Partnership Act and".

(35) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 31113(a)(4)(C) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13823(a)(4)(C)) is amended by striking "the Job Training Partnership Act or".

(g) EFFECTIVE DATES.—

(1) IMMEDIATELY EFFECTIVE AMENDMENTS.—The amendments made by subsections (a) through (d) shall take effect on the date of the enactment of this Act.

(2) SUBSEQUENTLY EFFECTIVE AMENDMENTS.—

(A) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—The amendments made by subsection (e) shall take effect on July 1, 1999.

(B) JOB TRAINING PARTNERSHIP ACT.—The amendments made by subsection (f) shall take effect on July 1, 2000.

(h) REFERENCES.—

(1) IN GENERAL.—Section 190 of the Workforce Investment Act of 1998 is amended to read as follows:

"SEC. 190. REFERENCES.

"(a) REFERENCES TO COMPREHENSIVE EMPLOYMENT AND TRAINING ACT.—Except as otherwise specified, a reference in a Federal law (other than a reference in a provision amended by the Reading Excellence Act) to a provision of the Comprehensive Employment and Training Act—

"(1) effective on the date of enactment of this Act, shall be deemed to refer to the corresponding provision of the Job Training Partnership Act or of the Workforce Investment Act of 1998; and

"(2) effective on July 1, 2000, shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998.".

"(b) REFERENCES TO JOB TRAINING PARTNERSHIP ACT.—Except as otherwise specified, a reference in a Federal law (other than a reference in this Act or a reference in a provision amended by the Reading Excellence Act) to a provision of the Job Training Partnership Act—

"(1) effective on the date of enactment of this Act, shall be deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998; and

"(2) effective on July 1, 2000, shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the Workforce Investment Act of 1998.

(3) CONFORMING AMENDMENT.—Section 199A of such Act is amended by striking subsection (c).

"SUBTITLE VIII—AMENDMENT TO WORKFORCE INVESTMENT ACT OF 1998."

Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following new subsection:

"(e) ADDITIONAL ASSISTANCE.—

"(1) IN GENERAL.—From the amount appropriated and made available to carry out this section for any program year, the Secretary shall use not more than $15,000,000 to make grants to not more than 8 States to provide employment and training activities under section 134, in accordance with subtitle B.

"(2) ELIGIBLE STATES.—The Secretary shall make a grant under paragraph (1) to a State for a program year if—

"(A)(i) the amount of the allotment that would be made to the State for the program year under the formula specified in section 202(a) of the Job Training Partnership Act, as in effect on July 1, 1998; is greater than

"(ii) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B); and

"(B) the State is 1 of the 8 States with the greatest quotient obtained by dividing—

"(i) the amount described in subparagraph (A)(i); by

"(ii) the amount described in subparagraph (A)(ii).

"(3) AMOUNT OF GRANTS.—Subject to paragraph (1), the amount of the grant made under paragraph (1) to a State for a program year shall be based on the difference between—

"(A) the amount of the allotment that would be made to the State for the program year under the formula specified in section 202(a) of the Job Training Partnership Act, as in effect on July 1, 1998; and

"(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).

"(4) ALLOCATION OF FUNDS.—A State that receives a grant under paragraph (1) for a program year—

"(A) shall allocate funds made available through the grant on the basis of the formula used by the State to allocate funds within the State for that program year under—

"(i) paragraph (2)(A) or (3) of section 133(b); or

"(ii) paragraph (2)(B) of section 133(b); and

"(B) shall use the funds in the same manner as the State uses other funds allocated under the appropriate paragraph of section 133(b).".

TITLE IX—WOMEN'S HEALTH AND CANCER RIGHTS

SEC. 901. SHORT TITLE.

This title may be cited as the "Women's Health and Cancer Rights Act of 1998".

SEC. 902. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

"SEC. 713. REQUIRED COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES.

"(a) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall provide, in a case of a participant or beneficiary who is receiving benefits in connection with a mastectomy and who elects breast reconstruction in connection with such mastectomy, coverage for—

"(1) reconstruction of the breast on which the mastectomy has been performed;

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and

"(3) prostheses and physical complications all stages of mastectomy, including lymphedemas;

in a manner determined in consultation with the attending physician and the patient. Such coverage may be subject to annual deductibles and coinsurance provisions as may be deemed appropriate and as are consistent with those established for other benefits under the plan or coverage. Written notice of the availability of such coverage shall be delivered to the participant upon enrollment and annually thereafter.

"(b) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1999;

whichever is earlier.

"(c) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section; and

"(2) penalize or otherwise reduce or limit the reimbursement of an attending provider, or provide incentives (monetary or otherwise) to an attending provider, to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(e) PREEMPTION, RELATION TO STATE LAWS.—

"(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law in effect on the date of enactment of this section with respect to health insurance coverage that requires coverage of at least the coverage of reconstructive breast surgery otherwise required under this section.

"(2) ERISA.—Nothing in this section shall be construed to affect or modify the provisions of section 514 with respect to group health plans.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Required coverage reconstructive surgery following mastectomies.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 903. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

"SEC. 2706. REQUIRED COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES.

"The provisions of section 713 of the Employee Retirement Income Security Act of 1974 shall apply to group health plans, and health insurance issuers providing health insurance coverage in connection with group health plans, as if included in this subpart.".

(b) INDIVIDUAL MARKET.—Subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) is amended by adding at the end the following new section:

"SEC. 2752. REQUIRED COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES.

"The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(c) EFFECTIVE DATES.—

(1) GROUP PLANS.—

(A) IN GENERAL.—The amendment made by subsection (a) shall apply to group health plans for plan years beginning on or after the date of enactment of this Act.

(B) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers, any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by the amendment made by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

(2) INDIVIDUAL PLANS.—The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the date of enactment of this Act.

This Act may be cited as the "Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999".

(g) For programs, projects or activities in the Department of Transportation and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,624,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $585,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $8,750,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,808,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,650,300: Provided, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,349,000, including not to exceed $40,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $1,940,600.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $19,721,600.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,565,500.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,046,900.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $561,100.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,020,400.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,036,100.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $4,874,600.

OFFICE OF INTERMODALISM

For necessary expenses of the Office of Intermodalism, $956,900.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $6,966,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making *grants, to remain available until expended, $9,000,000.*

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $124,124,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: Provided further, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2000: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,700,000,000, of which $300,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: Provided further, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 1999: Provided further, That the Secretary may transfer funds to this account, from Federal Aviation Administration "Operations", not to exceed $71,705,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for drug interdiction activities: Provided further, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of enactment of this Act.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $395,465,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $219,923,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2003; $35,700,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2001; $36,569,000 shall be available for other equipment, to remain available until September 30, 2001; $54,823,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2001; and $48,450,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2000: Provided, That funds received from the sale of HU–25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity: Provided further, That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation, of which not more than $1,000,000 shall be credited as offsetting collections to this account, to be available for the purposes of this account: Provided further, That the amount herein appropriated from the General Fund shall be reduced by such amount: Provided further, That any proceeds from the sale or lease of Coast Guard surplus real property in excess of $1,000,000 shall be retained and remain available until expended, but shall not be available for obligation until October 1, 1999: Provided further, That the Secretary, with funds made available under this heading, acting through the Commandant, may enter into a long-term Use Agreement with the City of Homer for dedicated pier space on the Homer dock necessary to support Coast Guard vessels when such vessels call on Homer, Alaska.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $21,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $14,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $684,000,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $69,000,000: Provided, That no more than $20,000,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: Provided further, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $12,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

Notwithstanding any other provision of law, for necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,562,558,000 of which $4,112,174,000 shall be derived from the Airport and Airway Trust Fund: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, $6,000,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous

United States: Provided further, That no more than $28,600,000 of funds appropriated to the Federal Aviation Administration in this Act may be used for activities conducted by, or coordinated through, the Transportation Administrative Service Center (TASC): Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than five years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of the FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $1,900,000,000, of which $1,652,000,000 shall remain available until September 30, 2001, and of which $248,000,000 shall remain available until September 30, 1999: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That none of the funds in this Act or any other Act making appropriations for fiscal year 1999 may be obligated for bulk explosive detection systems until 30 days after the FAA Administrator certifies to the House and Senate Committees on Appropriations, in writing, that the major air carriers responsible for providing aircraft security at Category X airports have agreed to: (1) begin assuming the operation and maintenance costs of such machines beginning in fiscal year 1999; and (2) substantially increase the usage of such machines above the level experienced as of April 1, 1998: Provided further, That none of the funds provided under this heading for "Next Generation Navigation Systems" may be obligated or expended for activities related to phase two or phase three of the wide area augmentation system.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $150,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2001: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, $1,600,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $1,950,000,000 in fiscal year 1999 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, United States Code: Provided further, That no more than $975,000,000 of funds limited under this heading may be obligated prior to the enactment of a bill extending contract authorization for the Grants-in-Aid for Airports program to the third and fourth quarters of fiscal year 1999.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this heading during fiscal year 1999.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $327,413,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided further, That $53,375,000 shall be available to carry out the functions and operations of the office of motor carriers:

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $25,511,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1999: Provided, That, notwithstanding any other provision of law, within the $25,511,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $200,000,000 shall be available for the implementation or execution of programs for Intelligent Transportation Systems (Sections 5204, 5205, 5206, 5207, 5208, and 5209 of Public Law 105–178) for fiscal year 1999; not more than $178,150,000 shall be available for the implementation or execution of programs for transportation research (Sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and section 5112 of Public Law 105–178) for fiscal year 1999; not more than $38,000,000 shall be available for the implementation or execution of programs for Ferry Boat and Ferry Terminal Facility Program (Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) as amended)) for fiscal year 1999; not more than $15,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (Section 1218 of Public Law 105–178) for fiscal year 1999, of which not to exceed $500,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (Section 111 of title 49, United States Code) for fiscal year 1999: Provided further, That notwithstanding any other provision of law, within the $25,511,000,000 obligation limitation, $4,000,000 of the amounts made available as contract authority under section 1221(e) of the Transportation Equity Act for the 21st Century (Public Law 105–178) shall be made available to carry out section 5113 of that Act: Provided further, That within the $200,000,000 obligation limitation on Intelligent Transportation Systems, not less than the following sums shall be made available for Intelligent Transportation system projects in the following specified areas:

Amherst, Massachusetts, $1,000,000;
Arlington County, Virginia, $750,000;
Atlanta, Georgia, $2,000,000;
Brandon, Vermont, $375,000;
Buffalo, New York, $500,000;
Centre Valley, Pennsylvania, $500,000;
Cleveland, Ohio, $1,000,000;
Columbus, Ohio, $1,000,000;
Corpus Christi, Texas, $900,000;
Dade County, Florida, $1,000,000;
Del Rio, Texas, $1,000,000;
Delaware River, Pennsylvania, $1,000,000;
Fairfield, California, $1,000,000;
Fitchburg, Massachusetts, $500,000;
Greater metropolitan capital region, DC, $5,000,000;
Hammond, Louisiana, $4,000,000;
Houston, Texas, $2,000,000;
Huntington Beach, California, $1,000,000;
Huntsville, Alabama, $1,000,000;
Inglewood, California, $1,500,000;
Jackson, Mississippi, $1,000,000;
Kansas City, Missouri, $500,000;
Laredo, Texas, $1,000,000;
Middlesboro, Kentucky, $3,000,000;
Mission Viejo, California, $1,000,000;
Mobile, Alabama, $2,500,000;
Monroe County, New York, $400,000;
Montgomery, Alabama, $1,250,000;
Nashville, Tennessee, $500,000;
New Orleans, Louisiana, $1,500,000;
New York City, New York, $2,500,000;
New York/Long Island, New York, $2,300,000;
Oakland County, Michigan, $1,000,000;
Onandaga County, New York, $400,000;
Port Angeles, Washington, $500,000;
Raleigh-Wake County, North Carolina, $2,000,000;
Riverside, California, $1,000,000;
San Francisco, California, $1,500,000;
Scranton, Pennsylvania, $1,000,000;
Silicon Valley, California, $1,500,000;
Spokane, Washington, $450,000;
Springfield, Virginia, $500,000;
St. Louis, Missouri, $750,000;
State of Alaska, $1,500,000;
State of Idaho, $1,000,000;
State of Maryland, $2,500,000;
State of Minnesota, $7,100,000;
State of Mississippi, $1,000,000;

State of Missouri, $500,000;
State of Montana, $700,000;
State of Nevada, $575,000;
State of New Jersey, $3,000,000;
State of New Mexico, $1,000,000;
State of New York, $2,500,000;
State of North Dakota, $1,450,000;
Commonwealth of Pennsylvania, $14,000,000;
State of Texas, $1,000,000;
State of Utah, $3,600,000;
State of Washington, $2,000,000;
State of Wisconsin, $1,500,000;
Temucula, California, $250,000;
Tucson, Arizona, $1,000,000;
Volusia County, Florida, $1,000,000;
Warren County, Virginia, $250,000;
Wausau-Stevens Point-Wisconsin Rapids, Wisconsin, $1,000,000;
Westchester and Putnam Counties, New York, $500,000; and
White Plains, New York, $1,000,000.

Federal-Aid Highways

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, U.S.C., that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $24,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

Motor Carrier Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, $100,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $100,000,000 for "Motor Carrier Safety Grants".

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and Research

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, to be derived from the Highway Trust Fund, $87,400,000 for traffic and highway safety under chapter 301 of title 49, U.S.C., and part C of subtitle VI of title 49, U.S.C., of which $58,558,000 shall remain available until September 30, 2001: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

Operations and Research

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1999, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

National Driver Register

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000 to be derived from the Highway Trust Fund, and to remain available until expended.

Highway Traffic Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $200,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1999, are in excess of $200,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $150,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $10,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $35,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, $5,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $7,500,000 of the funds made available for section 402, not to exceed $500,000 of the funds made available for section 405, not to exceed $1,750,000 of the funds made available for section 410, and not to exceed $193,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under Chapter 4 of title 23, U.S.C.: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $21,215,000, of which $1,784,000 shall remain available until expended: Provided, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

Railroad Safety

For necessary expenses in connection with railroad safety, not otherwise provided for, $61,488,000, of which $3,825,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated under this heading are available for the reimbursement of out-of-state travel and per diem costs incurred by employees of State governments directly supporting the Federal railroad safety program, including regulatory development and compliance-related activities.

Railroad Research and Development

For necessary expenses for railroad research and development, $22,364,000, to remain available until expended: Provided, That the Secretary is authorized to sell aluminum reaction rail, power rail base, and other related materials located at the Transportation Technology Center, near Pueblo, Colorado, and shall credit the receipts from such sale to this account, notwithstanding 31 U.S.C. 3302, to remain available until expended.

Railroad Rehabilitation and Improvement Program

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 1999.

Next Generation High-Speed Rail

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 United States Code sections 26101 and 26102, $20,494,000, to remain available until expended.

Alaska Railroad Rehabilitation

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $10,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations.

Rhode Island Rail Development

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $5,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.

Capital Grants to the National Railroad Passenger Corporation

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by U.S.C. 24104(a), $609,230,000, to remain available until expended.

FEDERAL TRANSIT ADMINISTRATION

Administrative Expenses

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $10,800,000, to remain available until expended: Provided, That no more than $54,000,000 of budget authority shall be available for these purposes: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $800,000 shall be transferred to the Department of Transportation Inspector General for costs associated with the audit and review of new fixed guideway systems.

Formula Grants

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $570,000,000, to remain available until expended: Provided, That no more than $2,850,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding section 3008 of Public Law 105–178, the $50,000,000 to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $19,800,000, to remain available until expended: *Provided*, That no more than $98,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $43,841,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $9,158,400 is available for state planning (49 U.S.C. 5313(b)); and $27,500,000 is available for the national planning and research program (49 U.S.C. 5314): *Provided further*, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

City of Branson, MO congestion study, $450,000;

Skagit County, WA North Sound connecting communities project, Skagit County Council of Governments, $50,000;

Desert air quality comprehensive analysis, Las Vegas, NV, $1,000,000;

Vegetation control on rail rights-of-way survey, $250,000;

Zinc-air battery bus technology demonstration, $1,500,000;

North Orange-South Seminole County, FL fixed guideway technology, $750,000;

Galveston, TX fixed guideway activities, $750,000;

Washoe County, NV transit technology, $1,250,000;

Massachusetts Bay Transit Authority advanced electric transit buses and related infrastructure, $1,500,000;

Palm Springs, CA fuel cell buses, $1,000,000;

Gloucester, MA intermodal technology center, $1,500,000;

Southeastern Pennsylvania Transit Authority advanced propulsion control system, $2,000,000;

Project ACTION, $3,000,000;

Advanced transportation and alternative fuel vehicle technology consortium (CALSTART), $2,000,000;

Rural transportation assistance program, $750,000;

JOBLINKS, $1,000,000;

Fleet operations, including bus rapid transit, $1,500,000;

Northern tier community transportation, Massachusetts, $500,000;

Hennepin County community transportation, Minnesota, $1,000,000; and

Seattle, Washington livable city, $200,000.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $4,251,800,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $2,280,000,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $78,200,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $43,200,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $40,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $1,805,600,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $451,400,000, to remain available until expended: *Provided*, That no more than $2,257,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, $902,800,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $451,400,000, together with $50,000,000 transferred from "Federal Transit Administration, Formula grants", to be available for the following projects in amounts specified below:

No.	State	Project	Conference
1	Alaska	Anchorage Ship Creek intermodal facility	$4,300,000
2	Alaska	Fairbanks intermodal rail/bus transfer facility	2,000,000
3	Alaska	North Slope Borough buses	500,000
4	Alaska	Whittier intermodal facility and pedestrian overpass	700,000
5	Alabama	Birmingham intermodal facility	2,000,000
6	Alabama	Birmingham-Jefferson County, buses	1,250,000
7	Alabama	Dothan Wiregrass Transit Authority demand response shuttle vehicles and transit facility	500,000
8	Alabama	Huntsville, intermodal space centers	5,000,000
9	Alabama	Huntsville, transit facility	1,000,000
10	Alabama	Jasper buses	50,000
11	Alabama	Lee-Russell Council buses	790,000
12	Alabama	Mobile, GM&O building	5,000,000
13	Alabama	Montgomery Union Station intermodal center and buses	5,000,000
14	Alabama	Pritchard, bus transfer facility	500,000
15	Alabama	Tuscaloosa, intermodal center	1,950,000
16	Alabama	University of North Alabama pedestrian walkways	800,000
17	Arkansas	Arkansas Highway and Transit Department buses	200,000
18	Arkansas	Fayetteville, University of Arkansas Transit System buses	500,000
19	Arkansas	Hot Springs, transportation depot and plaza	560,000
20	Arkansas	Little Rock, Central Arkansas Transit buses	300,000
21	Arkansas	Statewide bus needs	1,500,000
22	Arizona	Phoenix bus and bus facilities	4,000,000
23	Arizona	Tucson alternatively fueled buses	2,000,000
24	Arizona	Tucson intermodal facility	1,000,000
25	California	Central Contra Costa County transit vans	200,000
26	California	Culver City, CityBus buses	1,250,000
27	California	Davis, Unitrans transit maintenance facility	625,000
28	California	Davis/Sacramento area hydrogen bus technology program	950,000
29	California	Folsom multimodal facility	1,000,000
30	California	Healdsburg, intermodal facility	1,000,000
31	California	Humboldt, intermodal facility	1,000,000
32	California	Huntington Beach buses	200,000
33	California	I–5 corridor intermodal transit centers	2,500,000
34	California	Lake Tahoe intermodal transit center	500,000
35	California	Livermore automatic vehicle locator program	1,000,000
36	California	Los Angeles County Metropolitan transportation authority buses	3,000,000
37	California	Los Angeles Foothills Transit maintenance facility	1,000,000
38	California	Los Angeles municipal transit operators consortium	2,500,000
39	California	Los Angeles, Union Station Gateway Intermodal Transit Center	1,250,000

No.	State	Project	Conference
40	California	Modesto, bus maintenance facility	1,355,000
41	California	Monterey, Monterey-Salinas buses	625,000
42	California	Morongo Basin, Transit Authority bus facility	650,000
43	California	North San Diego County transit district buses	1,750,000
44	California	Perris, bus maintenance facility	1,250,000
45	California	Riverside Transit Agency buses and facilities and ITS applications	1,000,000
46	California	Sacramento, CNG buses	1,250,000
47	California	San Bernardino buses	1,000,000
48	California	San Diego City College multimodal center (12th Avenue/College Station)	1,000,000
49	California	San Fernando Valley smart shuttle buses	300,000
50	California	San Francisco, Islais Creek maintenance facility	1,250,000
51	California	San Joaquin (Stockton) buses and bus facilities	1,000,000
52	California	Santa Clara Valley Transportation Authority buses and bus facilities	1,000,000
53	California	Santa Clarita transit maintenance facility	2,250,000
54	California	Santa Cruz metropolitan bus facilities	625,000
55	California	Santa Cruz transit facility	1,000,000
56	California	Santa Rosa/Cotati, and Rohnert Park facilities	750,000
57	California	Santa Rosa/Cotati, intermodal transportation facilities	750,000
58	California	Solano Links intercity transit consortium	1,000,000
59	California	Ukiah Transit Center	500,000
60	California	Windsor, Intermodal Facility	750,000
61	California	Woodland Hills, Warner Center Transportation Hub	325,000
62	California	Yolo County, bus facility	1,200,000
63	Colorado	Boulder/Denver, RTD buses	625,000
64	Colorado	Colorado buses and bus facilities	6,800,000
65	Colorado	Denver, Stapleton Intermodal Center	1,250,000
66	Connecticut	Hartford, Transportation Access Project	800,000
67	Connecticut	New Haven, bus facility	2,250,000
68	Connecticut	Norwich, buses	2,250,000
69	Connecticut	Waterbury, bus facility	2,250,000
70	District/Columbia	Fuel cell bus and bus facilities program (section 3015(b))	4,850,000
71	District/Columbia	Washington, D.C. Intermodal Transportation Center	2,500,000
72	Delaware.		
	Delaware statewide buses.	1,000,000.	
73	Florida	Broward County, buses	1,000,000
74	Florida	Clearwater multimodal facility	2,500,000
75	Florida	Daytona Beach, Intermodal Center	2,500,000
76	Florida	Gainesville buses and equipment	1,500,000
77	Florida	Jacksonville buses and bus facilities	1,000,000
78	Florida	Lakeland, Citrus Connection transit vehicles and related equipment	1,250,000
79	Florida	Lynx buses and bus facilities	1,000,000
80	Florida	Miami, bus security and surveillance	1,000,000
81	Florida	Miami Beach multimodal transit center	1,000,000
82	Florida	Miami Beach, Electric Shuttle Service	750,000
83	Florida	Miami-Dade, buses	2,250,000
84	Florida	Orlando, Intermodal Facility	2,500,000
85	Florida	Tampa Hartline buses	1,250,000
86	Georgia	Atlanta, MARTA buses	12,000,000
87	Georgia	Savannah/Chatham Area transit bus transfer centers and buses	3,500,000
88	Hawaii.		
	Honolulu, bus facility and buses.	3,250,000.	
89	Illinois	Illinois statewide buses and bus-related equipment	6,800,000
90	Illinois	Rock Island, buses	2,500,000
91	Indiana	City of East Chicago buses	200,000
92	Indiana	Gary, Transit Consortium buses	1,250,000
93	Indiana	Indianapolis, buses	5,000,000
94	Indiana	South Bend, Urban Intermodal Transportation Facility	1,250,000
95	Iowa	Fort Dodge, Intermodal Facility (Phase II)	885,000
96	Iowa	Iowa statewide buses and bus facilities	3,000,000
97	Iowa	Iowa/Illinois Transit Consortium bus safety and security	1,000,000
98	Iowa	Sioux City park and ride bus facility	1,800,000
99	Kansas.		
	Johnson County bus maintenance/operations facility.	2,000,000.	
100	Kentucky	Louisville, Kentucky University of Louisville and River City buses	3,000,000
101	Kentucky	Northern Kentucky Area Development District senior citizen buses	100,000
102	Kentucky	Owensboro buses	200,000
103	Kentucky	Southern and eastern Kentucky buses and bus facilities	2,000,000
104	Louisiana.		
	Statewide buses and bus-related facilities.	11,000,000.	
105	Massachusetts	Essex and Middlesex buses	3,128,000
106	Massachusetts	New Bedford/Fall River Mobile Access to health care	250,000
107	Massachusetts	Pittsfield intermodal center	4,600,000
108	Massachusetts	Springfield, Union Station	1,250,000
109	Massachusetts	Westfield intermodal center	2,000,000
110	Massachusetts	Worcester, Union Station Intermodal Transportation Center	2,500,000
111	Maryland.		

No.	State	Project	Conference
	Maryland statewide bus facilities and buses.	*10,000,000.*	
112	*Michigan*	*Lansing, CATA bus technology improvements*	*600,000*
113	*Michigan*	*Michigan statewide buses*	*10,000,000*
114	*Minnesota*	*Duluth, Transit Authority community circulation vehicles*	*1,000,000*
115	*Minnesota*	*Duluth, Transit Authority intelligent transportation systems*	*500,000*
116	*Minnesota*	*Duluth, Transit Authority Transit Hub*	*500,000*
117	*Minnesota*	*Northstar Corridor, Intermodal Facilities and buses*	*6,000,000*
118	*Minnesota*	*Twin Cities area metro transit buses and bus facilities*	*9,500,000*
119	*Missouri*	*Kansas City Union Station redevelopment*	*2,500,000*
120	*Missouri*	*OATS Transit*	*2,500,000*
121	*Missouri*	*Southwest Missouri State University park and ride facility*	*1,000,000*
122	*Missouri*	*St. Louis, Bi-state Intermodal Center*	*1,250,000*
123	*Missouri*	*Statewide bus and bus facilities*	*4,500,000*
124	*Mississippi*	*Harrison County multimodal center/hybrid electric shuttle buses*	*1,900,000*
125	*Mississippi*	*High Street, Jackson intermodal center*	*2,000,000*
126	*Mississippi*	*Jackson buses and facilities*	*1,600,000*
127	*Montana.*		
	Butte bus replacements.	*1,500,000.*	
128	*Nevada*	*Clark County Regional Transportation Commission buses and bus facilities*	*2,615,000*
129	*Nevada*	*Reno, RTC transit passenger and facility security improvements*	*1,250,000*
130	*Nevada*	*Washoe County, transit improvements*	*2,250,000*
131	*New Hampshire*	*Berlin Tri-County Community Action transit garage*	*120,000*
132	*New Hampshire*	*Carroll County transportation alliance buses*	*200,000*
133	*New Hampshire*	*Concord Area Transit buses*	*750,000*
134	*New Hampshire*	*Greater Laconia Transit Agency buses*	*450,000*
135	*New Hampshire*	*Keene HCS community care buses and equipment*	*100,000*
136	*New Hampshire*	*Lebanon advance transit buses*	*150,000*
137	*New Hampshire*	*Statewide transit systems*	*1,000,000*
138	*New Jersey*	*New Jersey Transit jitney shuttle buses*	*1,750,000*
139	*New Jersey*	*Newark, Morris & Essex Station access and buses*	*1,250,000*
140	*New Jersey*	*South Amboy, Regional Intermodal Transportation Initiative*	*1,250,000*
141	*New Jersey*	*Statewide alternatively fueled vehicles*	*7,500,000*
142	*New Mexico*	*Albuquerque, buses, paratransit vehicles, and bus facility*	*3,750,000*
143	*New Mexico*	*Northern New Mexico park and ride facilities*	*2,000,000*
144	*New York*	*Babylon, Intermodal Center*	*1,250,000*
145	*New York*	*Brookhaven Town, elderly and disabled buses and vans*	*225,000*
146	*New York*	*Brooklyn-Staten Island, Mobility Enhancement buses*	*800,000*
147	*New York*	*Broome County buses and fare collection equipment*	*900,000*
148	*New York*	*Buffalo, Auditorium Intermodal Center*	*3,000,000*
149	*New York*	*Dutchess County, Loop System buses*	*521,000*
150	*New York*	*East Hampton, elderly and disabled buses and vans*	*100,000*
151	*New York*	*Ithaca, TCAT bus technology improvements*	*1,250,000*
152	*New York*	*Long Beach central bus facility*	*750,000*
153	*New York*	*Long Island, CNG transit vehicles and facilities and bus replacement*	*1,250,000*
154	*New York*	*Mineola/Hicksville, LIRR Intermodal Centers*	*1,250,000*
155	*New York*	*Nassau County CNG buses*	*1,000,000*
156	*New York*	*New York City Midtown West Ferry Terminal*	*1,500,000*
157	*New York*	*New York, West 72nd St. Intermodal Station*	*1,750,000*
158	*New York*	*Niagara Frontier Transportation Authority Hublink*	*500,000*
159	*New York*	*Rensselaer intermodal bus facility*	*1,000,000*
160	*New York*	*Riverhead, elderly and disabled buses and vans*	*125,000*
161	*New York*	*Rochester central bus facility*	*1,000,000*
162	*New York*	*Rome, Intermodal Center*	*400,000*
163	*New York*	*Shelter Island, elderly and disabled buses and vans*	*100,000*
164	*New York*	*Smithtown, elderly and disabled buses and vans*	*125,000*
165	*New York*	*Southampton, elderly and disabled buses and vans*	*125,000*
166	*New York*	*Southold, elderly and disabled buses and vans*	*100,000*
167	*New York*	*Suffolk County, elderly and disabled buses and vans*	*100,000*
168	*New York*	*Syracuse CNG buses and facilities*	*2,000,000*
169	*New York*	*Ulster County bus facilities and equipment*	*1,000,000*
170	*New York*	*Utica and Rome, bus facilities and buses*	*500,000*
171	*New York*	*Utica, Union Station*	*2,100,000*
172	*New York*	*Westchester County, Bee-Line transit system fareboxes*	*979,000*
173	*New York*	*Westchester County, Bee-Line transit system shuttle buses*	*1,000,000*
174	*New York*	*Westchester County, DOT articulated buses*	*1,250,000*
175	*North Carolina*	*Greensboro, Multimodal Center*	*3,340,000*
176	*North Carolina*	*Greensboro, Transit Authority buses*	*1,500,000*
177	*North Carolina*	*Greensboro, Transit Authority small buses and vans*	*321,000*
178	*North Carolina*	*Statewide buses and bus facilities*	*5,000,000*
179	*North Dakota.*		
	Statewide buses and bus-related facilities.	*2,000,000.*	
180	*Ohio*	*Cleveland, Triskett Garage bus maintenance facility*	*625,000*
181	*Ohio*	*Dayton, Multimodal Transportation Center*	*625,000*
182	*Ohio*	*Statewide buses and bus facilities*	*12,000,000*
183	*Ohio*	*Toledo Mud Hens transit center study*	*200,000*
184	*Oklahoma.*		

No.	State	Project	Conference
	Oklahoma statewide bus facilities and buses.	5,000,000.	
185	Oregon	Lane County, Bus Rapid Transit	4,400,000
186	Oregon	Portland, Tri-Met buses	1,750,000
187	Oregon	Rogue Valley transit district bus purchase	1,000,000
188	Oregon	Salem area mass transit system buses	1,000,000
189	Oregon	Wilsonville, buses and shelters	400,000
190	Pennsylvania	Altoona bus testing facility (section 3009)	3,000,000
191	Pennsylvania	Altoona, Metro Transit Authority buses and transit system improvements	842,000
192	Pennsylvania	Altoona, Metro Transit Authority Logan Valley Mall Suburban Transfer Center	80,000
193	Pennsylvania	Altoona, Metro Transit Authority Transit Center improvements	424,000
194	Pennsylvania	Altoona, pedestrian crossover	800,000
195	Pennsylvania	Armstrong County-Mid-County, PA bus facilities and buses	150,000
196	Pennsylvania	Beaver County bus facility	1,000,000
197	Pennsylvania	Bradford County, Endless Mountain Transportation Authority buses	1,000,000
198	Pennsylvania	Cambria County, bus facilities and buses	575,000
199	Pennsylvania	Centre Area, Transportation Authority buses	1,250,000
200	Pennsylvania	Chambersburg, Transit Authority buses	300,000
201	Pennsylvania	Chambersburg, Transit Authority Intermodal Center	1,000,000
202	Pennsylvania	Chester County, Paoli Transportation Center	1,000,000
203	Pennsylvania	Crawford Area, Transportation buses	500,000
204	Pennsylvania	Erie, Metropolitan Transit Authority buses	1,000,000
205	Pennsylvania	Fayette County, Intermodal Facilities and buses	1,270,000
206	Pennsylvania	Lackawanna County, Transit System buses	600,000
207	Pennsylvania	Mercer County, buses	750,000
208	Pennsylvania	Monroe County, Transportation Authority buses	1,000,000
209	Pennsylvania	Philadelphia, Frankford Transportation Center	5,000,000
210	Pennsylvania	Philadelphia, Intermodal 30th Street Station	1,250,000
211	Pennsylvania	Philadelphia, Regional Transportation System for Elderly and Disabled	750,000
212	Pennsylvania	Reading, BARTA Intermodal Transportation Facility	1,750,000
213	Pennsylvania	Red Rose, Transit Bus Terminal	1,000,000
214	Pennsylvania	Robinson, Towne Center Intermodal Facility	1,500,000
215	Pennsylvania	Schuylkill County buses	220,000
216	Pennsylvania	Somerset County, bus facilities and buses	175,000
217	Pennsylvania	Towamencin Township, Intermodal Bus Transportation Center	1,500,000
218	Pennsylvania	Washington County, Intermodal Facilities	630,000
219	Pennsylvania	Westmoreland County, Intermodal Facility	200,000
220	Pennsylvania	Wilkes-Barre, Intermodal Facility	1,250,000
221	Pennsylvania	Williamsport, Bus Facility	1,200,000
222	Puerto Rico.		
	San Juan Intermodal access.	950,000.	
223	Rhode Island	Providence, buses and bus maintenance facility	2,250,000
224	Rhode Island	Rhode Island Public Transit Authority buses	3,200,000
225	South Carolina	Columbia Bus replacement	1,100,000
226	South Carolina	Pee Dee buses and facilities	1,250,000
227	South Carolina	South Carolina statewide Virtual Transit Enterprise	1,220,000
228	South Carolina	Spartanburg buses and facilities	1,000,000
229	South Dakota	Computerized bus dispatch system, radios, money boxes, and lift replacements	800,000
230	South Dakota	Sioux Falls buses	1,000,000
231	South Dakota	South Dakota statewide bus facilities and buses	3,500,000
232	Tennessee.		
	Statewide buses and bus facilities.	2,000,000.	
233	Texas	Austin, buses	2,250,000
234	Texas	Brazos Transit Authority buses and facilities	1,500,000
235	Texas	Corpus Christi transit authority buses and facilities	1,000,000
236	Texas	Dallas Area Rapid transit buses	2,750,000
237	Texas	Fort Worth bus and paratransit vehicle project	2,500,000
238	Texas	Galveston buses and bus facilities	1,000,000
239	Texas	Texas statewide small urban and rural buses	6,000,000
240	Utah	Ogden, Intermodal Center	800,000
241	Utah	Utah Hybrid electric vehicle bus purchase	1,500,000
242	Utah	Utah Transit Authority, Intermodal Facilities	1,500,000
243	Utah	Utah Transit Authority/Park City Transit, buses	6,500,000
244	Vermont	Brattleboro Union Station multimodal center	2,500,000
245	Vermont	Burlington intermodal center	1,000,000
246	Vermont	Deerfield Valley Transit authority	500,000
247	Virginia	Alexandria, bus maintenance facility and Crystal City canopy project	1,000,000
248	Virginia	Alexandria, King Street Station access	1,100,000
249	Virginia	Harrisonburg, buses	200,000
250	Virginia	Lynchburg, buses	200,000
251	Virginia	Richmond, GRTC bus maintenance facility	1,250,000
252	Virginia	Roanoke, buses	200,000
253	Virginia	Statewide buses and bus facilities	10,000,000
254	Washington	Anacortes ferry terminal information system	500,000
255	Washington	Ben Franklin transit operating facility	1,000,000
256	Washington	Bremerton transportation center	1,000,000
257	Washington	Central Puget Sound Seattle bus program	8,000,000
258	Washington	Chelan-Douglas multimodal center	900,000

No.	State	Project	Conference
259	Washington	Everett, Multimodal Transportation Center	1,950,000
260	Washington	Grant County, buses and vans	600,000
261	Washington	Mount Vernon, Multimodal Center	1,750,000
262	Washington	Port Angeles center	1,000,000
263	Washington	Seattle, Intermodal Transportation Terminal	1,250,000
264	Washington	Snohomish County, Community transit buses	1,000,000
265	Washington	Tacoma Dome, buses and bus facilities	1,750,000
266	Washington	Thurston County intercity buses	1,000,000
267	Washington	Vancouver, Clark County (C-Tran) bus facilities	1,000,000
268	Wisconsin	Milwaukee County, buses	4,000,000
269	Wisconsin	Wisconsin statewide bus facilities and buses	12,875,000
270	West Virginia	Huntington, Intermodal Facility	8,000,000
271	West Virginia	West Virginia statewide Intermodal Facility and buses	6,500,000

; and there shall be available for new fixed guideway systems, $902,800,000, to be available as follows:

$10,400,000 for the Alaska or Hawaii ferry projects;

$5,000,000 for the Albuquerque light rail project;

$52,110,000 for the Atlanta-North Springs project;

$1,000,000 for the Austin Capital metro project;

$500,000 for the Baltimore central downtown transit alternatives major investment study;

$1,000,000 for the Baltimore light rail double track project;

$1,000,000 for the Birmingham, Alabama alternatives analysis study and preliminary engineering;

$500,000 for the Boston North-South rail link project;

$750,000 for the Boston urban ring project;

$2,000,000 for the Burlington-Essex, Vermont commuter rail project;

$2,200,000 for the Canton-Akron-Cleveland commuter rail project;

$2,200,000 for the Charleston, South Carolina monobeam rail project;

$3,000,000 for the Charlotte, North Carolina South-North corridor transitway project;

$6,000,000 for the Chicago Metra commuter rail extensions and upgrades project;

$3,000,000 for the Chicago Transit Authority Ravenswood and Douglas branch lines projects: Provided, That recognizing the nature of these projects, of the requirements of 49 U.S.C. section 5309(e), only sections 5309(e)(1)(C) and 5309(e)(4) shall apply;

$1,800,000 for the Cincinnati Northeast/Northern Kentucky rail line project;

$4,000,000 for the Clark County, Nevada fixed guideway project;

$1,000,000 for, the Cleveland Berea Red Line extension to the Hopkins International Airport project;

$2,000,000 for the Cleveland Euclid corridor improvement project;

$500,000 for the Colorado-North Front Range corridor feasibility study;

$12,000,000 for the Dallas-Fort Worth RAILTRAN project;

$16,000,000 for the DART North Central light rail extension project;

$1,000,000 for the Dayton, Ohio light rail study;

$40,000,000 for the Denver Southwest Corridor project;

$500,000 for the Denver Southeast Corridor multimodal corridor project;

$17,000,000 for the Dulles corridor project;

$4,000,000 for the Fort Lauderdale, Florida Tri-County commuter rail project;

$1,000,000 for the Harrisburg, Pennsylvania capital area transit/corridor one project;

$1,500,000 for the Hartford, Connecticut light rail project;

$3,000,000 for the Honolulu, Hawaii major investment analysis of transit alternatives;

$2,000,000 for the Houston advanced regional transit program;

$59,670,000 for the Houston Regional Bus project;

$1,000,000 for the Johnson County, Kansas I-35 commuter rail project;

$500,000 for the Kansas City, Missouri commuter rail study;

$500,000 for the Kenosha-Racine-Milwaukee, Wisconsin commuter rail project;

$250,000 for the King County, Washington Elliot Bay water taxi;

$1,500,000 for the Knoxville, Tennessee electric transit project;

$1,000,000 for the Largo, Maryland Metro Blue Line extension project;

$1,000,000 for the Little Rock, Arkansas River rail project;

$24,000,000 for the Long Island Railroad East Side access project, New York;

$38,000,000 for the Los Angeles MOS-3 project;

$1,000,000 for the Massachusetts North Shore corridor project;

$17,041,000 for the MARC commuter rail project;

$1,000,000 for the Maryland Route 5 corridor;

$2,200,000 for the Memphis, Tennessee Medical Center rail extension project;

$3,000,000 for the Miami Metro-Dade Transit east-west corridor project;

$3,000,000 for the Miami Metro-Dade North 27th Avenue corridor project;

$8,000,000 for the Mid-City and East Side projects, Los Angeles;

$4,000,000 for the Morgantown, West Virginia fixed guideway modernization project;

$1,000,000 for the Nashville, Tennessee regional commuter rail project;

$70,000,000 for the New Jersey urban core Hudson-Bergen LRT project;

$6,000,000 for the New Jersey urban core Newark-Elizabeth rail link project;

$500,000 for the New London, Connecticut waterfront access project;

$22,000,000 for the New Orleans Canal Street corridor project;

$2,000,000 for the New Orleans Desire Streetcar project;

$8,000,000 for the Norfolk-Virginia Beach regional rail project;

$500,000 for the Northeast Ohio commuter rail study, Phase 2;

$3,000,000 for the Northern Indiana South Shore commuter rail project;

$3,000,000 for the Oceanside-Escondido passenger rail project;

$500,000 for the Old Saybrook-Hartford, Connecticut rail extension project;

$1,000,000 for the Omaha, Nebraska trolley system;

$2,500,000 for the Orange County, California transitway project;

$17,500,000 for the Orlando Lynx light rail project;

$3,000,000 for the Philadelphia-Reading SEPTA Schuykill Valley Metro project;

$1,000,000 for the Philadelphia SEPTA Cross County Metro project;

$5,000,000 for the Phoenix metropolitan area transit project;

$4,000,000 for the Pittsburgh Allegheny County Stage II light rail project;

$1,000,000 for the Pittsburgh North Shore central business district transit options MIS;

$25,718,000 for the Portland-Westside/Hillsboro project;

$5,000,000 for the Puget Sound RTA Link light rail project;

$41,000,000 for the Puget Sound RTA Sounder commuter rail project;

$10,000,000 for the Raleigh-Durham-Chapel Hill Triangle Transit project;

$23,480,000 for the Sacramento south corridor LRT project;

$70,000,000 for the Salt Lake City South LRT project;

$5,000,000 for the Salt Lake City/Airport to University (West-East) light rail project: Provided further, That the non-governmental share for these funds shall be determined in accordance with Section 3030(c)(2)(B)(ii) of the Transportation Equity Act for the 21st Century, as amended (Public Law 105–178);

$1,000,000 for the San Bernardino Metrolink extension project;

$2,000,000 for the San Diego Mid-Coast corridor project;

$1,500,000 for the San Diego Mission Valley East light rail transit project;

$40,000,000 for the San Francisco BART extension to the airport project;

$500,000 for the San Jacinto-Branch Line (Riverside County) project;

$27,000,000 for the San Jose Tasman LRT project;

$20,000,000 for the San Juan Tren Urbano;

$500,000 for the Savannah, Georgia water taxi;

$250,000 for the Sioux City micro rail trolley system;

$53,983,000 for the South Boston Piers MOS-2 project;

$1,000,000 for the South Dekalb-Lindburgh corridor LRT project;

$200,000 for the Southeast Michigan commuter rail viability project;

$1,000,000 for the Spokane, Washington light rail project;

$500,000 for the St. Louis-Jefferson City-Kansas City, Missouri commuter rail project;

$35,000,000 for the St. Louis-St.Clair LRT extension project;

$1,000,000 for the Stamford, Connecticut fixed guideway connector;

$1,000,000 for the Tampa Bay regional rail project;

$17,000,000 for the Twin Cities Transitways project;

$2,000,000 for the Virginia Railway Express Woodbridge station improvements project; and

$1,000,000 for the West Trenton, New Jersey rail project:

Provided further, That funds provided in Public Law 105-66 for the Pennsylvania Strawberry Hill/Diamond Branch rail project shall be available for the Laurel Rail line project in Lackawanna County, Pennsylvania.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $2,000,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $35,000,000, to remain available until expended: Provided, That no more than $75,000,000 of budget authority shall be available for these purposes: Provided further, That of the amounts appropriated under this head, not more than $10,000,000 shall be used for grants for reverse commute projects.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184 and Public Law 101–551, $50,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $11,496,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $29,280,000, of which $574,000 shall be derived from the Pipeline Safety Fund, and of which $3,460,000 shall remain available until September 30, 2001: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $33,248,000, of which $4,248,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2001; and of which $29,000,000 shall be derived from the Pipeline Safety Fund, of which $16,219,000 shall remain available until September 30, 2001: Provided, That in addition to amounts made available for the Pipeline Safety Fund, $1,400,000 shall be available for grants to States for the development and establishment of one-call notification systems and public education activities, and shall be derived from amounts previously collected under 49 U.S.C. 60301.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2001: Provided, That not more than $11,000,000 shall be made available for obligation in fiscal year 1999 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $43,495,000.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $16,000,000: Provided, That notwithstanding any other provision of law, not to exceed $2,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar for dollar basis as such offsetting collections are received during fiscal year 1999, to result in a final appropriation from the general fund estimated at no more than $16,000,000: Provided further, That any fees received in excess of $2,600,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,847,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $53,473,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $1,000,000, to remain available until expended.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 1999 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: Provided, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service *through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.*

SEC. 310. (a) For fiscal year 1999, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics.

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of the Transportation Equity Act for the 21st Century (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United State Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under section 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapters 3 and 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for a section set forth in subsection (a)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Section 218 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "the south Alaskan border" and inserting "Haines" in lieu thereof;

(B) in the third sentence by striking "highway" and inserting "highway or the Alaska Marine Highway System" in lieu thereof;

(C) in the fourth sentence by striking "any other fiscal year thereafter" and inserting "any other fiscal year thereafter, including any portion of any other fiscal year thereafter, prior to the date of the enactment of the Transportation Equity Act for the 21st Century" in lieu thereof;

(D) in the fifth sentence by striking "construction of such highways until an agreement" and inserting "construction of the portion of such highways that are in Canada until an agreement" in lieu thereof; and

(2) in subsection (b) by inserting "in Canada" after "undertaken".

SEC. 317. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2001, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 318. Notwithstanding any other provision of law, any funds appropriated before October 1, 1998, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 319. None of the funds in this Act may be used to compensate in excess of 350 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1999.

SEC. 320. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $15,000,000, which limits fiscal year 1999 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $109,124,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 321. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Limitation on General Operating Expenses" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Railroad Safety" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 322. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 323. Notwithstanding any other provision of law, the Secretary of Transportation shall convey, without consideration, all right, title, and interest of the United States in and to the parcels of real property described in this section, together with any improvements thereon, as the Secretary considers appropriate for purposes of the conveyance, to the entities described in this section, namely: (1) United States Coast Guard Pass Manchac Light in Tangipahoa Parish, Louisiana, to the State of Louisiana; and (2) Tchefuncte River Range Rear Light in Madisonville, Louisiana, to the Town of Madisonville, Louisiana.

SEC. 324. None of the funds made available in this Act may be used for the purpose of promulgating or enforcing any regulation that has the practical effect of (a) requiring more than one attendant during unloading of liquefied compressed gases, or (b) preventing the attendant from monitoring the customer's liquefied compressed gas storage tank during unloading.

SEC. 325. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 326. None of the funds in this Act may be obligated or expended for employee training which: (1) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (2) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; (5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (6) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 327. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 328. Not to exceed $1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: Provided, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard's advisory council on roles and missions.

SEC. 329. BULK FUEL STORAGE TANKS. (a) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the remainder of the balance in the Trans-Alaska Pipeline Liability Fund that is transferred and deposited into the Oil Spill Liability Trust Fund under section 8102(a)(2)(B)(ii) of the Oil Pollution Act of 1990 (43 U.S.C. 1653 note) after June 16, 1998 shall be used in accordance with this section.

(b) USE OF INTEREST ONLY.—The interest produced from the investment of the Trans-Alaska Pipeline Liability Fund balance that is transferred and deposited into the Oil Spill Liability Trust Fund under section 8102(a)(2)(B)(ii) of the Oil Pollution Act of 1990 (43 U.S.C. 1653 note) after June 16, 1998 shall be transferred annually by the National Pollution Funds Center to the Denali Commission for a program, to be developed in consultation with the Coast Guard, to repair or replace bulk fuel storage tanks in Alaska which are not in compliance with federal law, including the Oil Pollution Act of 1990, or State law.

(c) TAPS PAYMENT TO ALASKA DEDICATED TO BULK FUEL STORAGE TANK REPAIR AND REPLACEMENT.—Section 8102(a)(2)(B)(i) of Public Law 101–380 (43 U.S.C. 1653 note) is amended by inserting immediately before the semicolon, ", which, except as otherwise provided under article IX, section 15, of the Alaska Constitution, shall be used for the remediation of aboveground storage tanks".

SEC. 330. No funds other than those appropriated to the Surface Transportation Board or fees collected by the Board shall be used for conducting the activities of the Board.

SEC. 331. (a) None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 332. Notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 333. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 334. Notwithstanding 49 U.S.C. 41742, no essential air service shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

SEC. 335. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 1999.

SEC. 336. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 337. The unobligated balances of the funds made available in previous appropriations Acts for the National Civil Aviation Review Commission and for Urban Discretionary Grants are rescinded.

SEC. 338. (a) Notwithstanding any other provision of law—

(1) the land and improvements thereto comprising the Coast Guard Reserve Training Facility in Jacksonville, Florida, is deemed to be surplus property; and

(2) the Commandant of the Coast Guard shall dispose of all right, title, and interest of the

United States in and to that property, by sale, at fair market value.

(b) RIGHT OF FIRST REFUSAL.—Before a sale is made under subsection (a) to any other person, the Commandant of the Coast Guard shall give to the City of Jacksonville, Florida, the right of first refusal to purchase all or any part of the property required to be sold under that subsection.

SEC. 339. Of the funds provided under Federal Aviation Administration "Operations", $250,000 is only for activities and operations of the Centennial of Flight Commission.

SEC. 340. Notwithstanding any other provision of law, the Secretary of Transportation shall waive repayment of any Federal-aid highway funds expended on the construction of those high occupancy lanes or auxiliary lanes constructed on I–287 in the State of New Jersey, pursuant to section 338 of the fiscal year 1993 Department of Transportation and Related Agencies Appropriations Act (Public Law 102–388), if the State of New Jersey presents the Secretary with its determination that such high occupancy vehicle lanes or auxiliary lanes are not in the public interest.

SEC. 341. (a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey, without consideration, to the State of North Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, in Ocracoke, North Carolina, consisting of such portion of the Coast Guard Station Ocracoke, North Carolina, as the Secretary considers appropriate for purposes of the conveyance.

(b) CONDITIONS.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the State accept the property to be conveyed under that subsection subject to such easements or rights of way in favor of the United States as the Secretary considers to be appropriate for—

(A) utilities;

(B) access to and from the property;

(C) the use of the boat launching ramp on the property; and

(D) the use of pier space on the property by search and rescue assets.

(2) That the State maintain the property in a manner so as to preserve the usefulness of the easements or rights of way referred to in paragraph (1).

(3) That the State utilize the property for transportation, education, environmental, or other public purposes.

(c) REVERSION.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not to be used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a), and any easements or rights of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 342. Notwithstanding any other provision of law, funds appropriated in this or any other Act intended for highway demonstration projects, railroad-highway crossings demonstration projects or railroad relocation projects in Augusta, Georgia are available for implementation of a project consisting of modifications and additions to streets, railroads, and related improvements in the vicinity of the grade crossing of the CSX railroad and 15th Street in Augusta, Georgia.

SEC. 343. (a) None of the funds made available by this Act or subsequent Acts may be used by the Coast Guard to issue, implement, or enforce a regulation or to establish an interpretation or guideline under the Edible Oil Regulatory Reform Act (Public Law 104–55), or the amendments made by that Act, that does not recognize and provide for, with respect to fats, oils, and greases (as described in that Act, or the amendments made by that Act) differences in—

(1) physical, chemical, biological and other relevant properties; and

(2) environmental effects.

(b) Not later than March 31, 1999, the Secretary of Transportation shall issue regulations amending 33 CFR 154 to comply with the requirements of Public Law 104–55.

SEC. 344. Funding made available in Public Law 105–174 for emergency railroad rehabilitation and repair shall be available for repairs resulting from natural disasters occurring from September 1996 through July 10, 1998.

SEC. 345. For purposes of evaluating environmental impacts of the toll road in Orange and San Diego counties, California, the Administrator of the Federal Highway Administration and other participating Federal agencies shall consider only those transportation alternatives previously identified by regional planning processes and shall restrict agency comments to those matters over which the agency has direct jurisdiction: Provided, That notwithstanding any inter-agency memoranda of understanding, the Administrator of the Federal Highway Administration shall retain and exercise all authority regarding the form, content and timing of any environmental impact statement and record of decision regarding the toll road, including the evaluation and selection of alternatives and distribution of draft and final environmental impact statements.

SEC. 346. (a) Notwithstanding any other law, the Commandant, United States Coast Guard, shall convey to the University of South Alabama (in this section referred to as "the recipient"), the right, title, and interest of the United States Government in and to a decommissioned vessel of the Coast Guard, as determined appropriate by the Commandant and the recipient, if—

(1) the recipient agrees to use the vessel for the purposes of supporting archaeological and historical research in the Mobile Bay Delta;

(2) the recipient agrees not to use the vessel for commercial transportation purposes, except as incident to the provision of logistics services in connection with the Old Mobile Archaeological Project;

(3) The recipient agrees to make the vessel available to the Government if the Commandant requires use of the vessel by the Government in times of war or national emergency;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous materials including, but not limited to, asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3);

(5) the recipient has funds available to be committed for use to restore the vessel to operation and thereafter maintain it in good working condition, in the amount of at least $400,000; and

(6) the recipient agrees to any other conditions that the Secretary considers appropriate.

(b) DELIVERY OF VESSEL.—If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, without cost to the Government. The conveyance of this vessel shall not be considered a distribution in commerce for purposes of section 2605(e) of title 15, United States Code.

(c) OTHER UNNEEDED EQUIPMENT.—The Commandant may convey to the recipient any unneeded equipment or parts from other decommissioned vessels pending disposition for use to restore the vessel to operability. The Commandant may require compensation from the recipient for such items.

(d) APPLICABLE LAWS AND REGULATIONS.—The vessel shall at all times remain subject to applicable vessel safety laws and regulations.

SEC. 347. Item 1132 in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 298), relating to Mississippi, is amended by striking "Pirate Cove" and inserting "Pirates' Cove and 4-lane connector to Mississippi Highway 468".

SEC. 348. (a) AUTHORITY TO CONVEY COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY IN JACKSONVILLE, FLORIDA.—

(1) IN GENERAL.—The Secretary of Transportation may convey to Jacksonville University, located in Jacksonville, Florida, without consideration, all right, title, and interest of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of any property under this section shall be made—

(1) subject to such terms and conditions as the Commandant may consider appropriate; and

(2) subject to the condition that all right, title, and interest in and to the property conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University.

SEC. 349. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $450,000, to remain available until September 30, 2000: Provided, That none of the funds provided under this heading shall be for payments to outside consultants: Provided further, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: Provided further, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 350. Notwithstanding any other provision of law, the Secretary shall approve and the State of New York is authorized to proceed with engineering, final design and construction of additional entrances and exits between exits 57 and 58 on Interstate 495 in Suffolk County, New York. The Secretary may review final design of such project.

SEC. 351. (a) Section 30113 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "or passenger motor vehicles from a bumper standard prescribed under chapter 325 of this title," after

"a motor vehicle safety standard prescribed under this chapter"; and

(B) in paragraph (3)(A), by inserting "or chapter 325 of this title (as applicable)" after "this chapter";

(2) in subsection (c)(1), by inserting ", or a bumper standard prescribed under chapter 325 of this title," after "motor vehicle safety standard prescribed under this chapter";

(3) in subsection (d), by inserting "(including an exemption under subsection (b)(3)(B)(i) relating to a bumper standard referred to in subsection (b)(1))" after "subsection (b)(3)(B)(i) of this section"; and

(4) in subsection (h), by inserting "or bumper standard prescribed under chapter 325 of this title" after "each motor vehicle safety standard prescribed under this chapter".

(b) CONFORMING AMENDMENTS.—

(1) Section 32502(c) of title 49, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking "any part of a standard" and inserting "all or any part of a standard";

(B) in paragraph (1), by striking "or" at the end;

(C) in paragraph (2), by striking the period and inserting "; or"; and

(D) by adding at the end the following:

"(3) a passenger motor vehicle for which an application for an exemption under section 30013(b) of this title has been filed in accordance with the requirements of that section.".

(2) Section 32506(a) of title 49, United States Code, is amended by inserting "and section 32502 of this title" after "Except as provided in this section".

SEC. 352. Notwithstanding any other provision of law, $10,000,000 of funds available under section 104(a) of title 23 U.S.C., shall be made available to the University of Alabama in Tuscaloosa, Alabama, for research activities at the Transportation Research Institute and to construct a building to house the Institute, and shall remain available until expended.

SEC. 353. Discretionary grants funds for bus and bus-related facilities made available in this Act and in Public Law 105-66 and its accompanying conference report for the Virtual Transit Enterprise project shall be used to fund any aspect of the Virtual Transit Enterprise integration of information project in South Carolina.

SEC. 354. Section 3021 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended—

(1) in subsection (a), by inserting "or the State of Vermont" after "the State of Oklahoma"; and

(2) in subsection (b)(2)(A), by inserting "and the State of Vermont" after "within the State of Oklahoma".

SEC. 355. Section 3 of the Act of July 17, 1952 (66 Stat. 746, chapter 921), and section 3 of the Act of July 17, 1952 (66 Stat. 571, chapter 922), are each amended in the proviso—

(1) by striking "That" and all that follows through "the collection of" and inserting "That the commission may collect"; and

(2) by striking ", shall cease" and all that follows through the period at the end and inserting a period.

SEC. 356. Section 1212(m) of Public Law 105–178 is amended—(1) in the subsection heading, by inserting ", Idaho, Alaska and West Virginia" after "Minnesota"; and (2) by inserting "or the States of Idaho, Alaska or West Virginia" after "Minnesota".

SEC. 357. Notwithstanding any other provision of law, funds obligated and awarded in fiscal year 1994 by the Economic Development Administration in the amount of $912,000 to the City of Pittsburg, Kansas, as Project Number 05–19–61200 for water, sewer and street improvements shall be disbursed to the City upon determination by the EDA that the improvements have been completed in accordance with the project description in the award documents.

SEC. 358. Section 3030(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by adding at the end the following:

"(C) Saint Barnard Parish, Louisiana intermodal facility.".

SEC. 359. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: Provided further, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 360. Section 3027 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 366) is amended by adding at the end the following:

"(3) SERVICES FOR ELDERLY AND PERSONS WITH DISABILITIES.—In addition to assistance made available under paragraph (1), the Secretary may provide assistance under section 5307 of title 49, United States Code, to a transit provider that operates 20 or fewer vehicles in an urbanized area with a population of at least 200,000 to finance the operating costs of equipment and facilities used by the transit provider in providing mass transportation services to elderly and persons with disabilities, provided that such assistance to all entities shall not exceed $1,000,000 annually.".

SEC. 361. Hereafter, the Commonwealth of Virginia shall have the exclusive authority to determine the high-occupancy vehicle restrictions applicable to Interstate Highway 66 in Virginia.

SEC. 362. None of the funds appropriated by this Act may be used to issue a final standard under docket number NHTSA 98–3945 (relating to section 656(b) of the Illegal Immigration Reform and Responsibility Act of 1996).

SEC. 363. Items 178 and 1547 in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178), relating to Georgia, are amended by adding at the end the following: "and construct improvements to said corridor".

SEC. 364. Notwithstanding any other provision of law, the Secretary shall approve the construction of Type II noise barriers from funds apportioned under sections 104(b)(1) and 104(b)(3) of title 23, United States Code, at the following locations:

(a) beginning on the north and south sides of Interstate Route 20 extending from H.E. Holmes Road to Fulton Industrial Boulevard in Fulton County, Georgia;

(b) beginning on the north and south sides of Interstate Route 20 extending from Flat Shoals Road to Columbia Drive in DeKalb County, Georgia; and

(c) beginning on the west side of Interstate Route 75 extending from Howell Mill Road to West Paces Ferry Road in Fulton County, Georgia.

SEC. 365. Notwithstanding any other provision of law, except as otherwise provided in this section, the Secretary shall approve and the State of Alabama is authorized to proceed with construction of the East Foley corridor project from Baldwin County Highway 20 to State Highway 59, identified in items 857 and 1501 in the table contained in Section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178). Environmental reviews performed by the Alabama Department of Environmental Management and the Mobile District of the U.S. Army Corps of Engineers and all other non-environmental federal laws shall remain in effect.

SEC. 366. Item 1083 contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 297) is amended by striking "between Southwest Drive and U.S. 277".

SEC. 367. Notwithstanding any other provision of Federal law, the State of Minnesota may obligate funds apportioned in fiscal years 1998 through 2003 pursuant to section 117 of title 23, United States Code, for high priority project numbers 1628 and 1195 authorized in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178): Provided, That such obligation shall be subject to the allocation percentages of section 1602(b) as modified by section 1212(m) of the Transportation Equity Act for the 21st Century (Public Law 105–178).

SEC. 368. Item number 577 in the table contained in Section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by striking "Construct" and all that follows through "Ketchikan" and insert "For the purposes set forth in item number 1496".

SEC. 369. Section 5117(b)(6) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450) is amended by striking "Pennsylvania Transportation Institute" and inserting "Commonwealth of Pennsylvania".

SEC. 370. Section 5204 of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 453–455) is amended by adding at the end the following:

"(k) USE OF RIGHTS-OF-WAY.—Intelligent transportation system projects specified in section 5117(b)(3) and 5117(b)(6) and involving privately owned intelligent transportation system components that is carried out using funds made available from the Highway Trust Fund shall not be subject to any law or regulation of a State or political subdivision of a State prohibiting or regulating commercial activities in the rights-of-way of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance, if the Secretary of Transportation determines that such use is in the public interest. Nothing in this subsection shall affect the authority of a State or political subdivision of a State to regulate highway safety.".

SEC. 371. (a) The Commandant of the Coast Guard shall convey, without consideration, to the Town of New Castle, New Hampshire (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property comprising approximately 2 acres and having approximately 100 feet of ocean front that is located in New Castle, New Hampshire. The property is bordered to the west by property owned by the Town and to the east by Coast Guard Station Portsmouth Harbor, New Hampshire.

(b)(1) The Commandant shall, in connection with the conveyance required by subsection (a), grant to the Town such easements and rights-of-way as the Commandant considers necessary to permit access to the property conveyed under that subsection.

(2) The Commandant may, in connection with the conveyance required by subsection (a), reserve in favor of the United States such easements and rights-of-way as the Commandant considers necessary to protect the interests of the United States.

(c)(1) The conveyance of property under subsection (a) shall be subject to the following conditions:

(A) That the property, or any portion thereof, shall revert to the United States if the Commandant determines that such property is required by the United States for purposes of the national security of the United States.

(B) That the property, or any portion thereof, shall revert to the United States if the Commandant determines that such property is required by the United States for purposes of a site for an aid to navigation.

(2)(A) At least 30 days before the date of the reversion of property under paragraph (1)(A), the Commandant shall provide the Town written notice that the property is required for purposes of the national security of the United States.

(B) At least 30 days before the date of the reversion of property under paragraph (1)(B), the Commandant shall provide the Town written notice that the property is required for purposes of a site for an aid to navigation.

(d)(1) Notwithstanding any other provision of the Land and Water Conservation Fund Act of 1965, Public Law 88–578, as amended, or other law, the Coast Guard property conveyed to New Castle, New Hampshire pursuant to subsection (a) may be used to replace a portion of Land and Water Conservation Fund-assisted land in New Castle, New Hampshire under project number 33–00077: Provided, That the replacement property satisfactorily meets the conversion criteria regarding reasonably equivalent recreation usefulness and location.

(2) The Town may not use the property referred to in paragraph (1) for the purpose specified in that paragraph unless the property conveyed under subsection (a) provides opportunities for recreational activities that are reasonably similar to the opportunities for recreational activities provided by the property referred to in paragraph (1).

(e) The Commandant may require such additional terms and conditions in connection with the conveyance under subsection (a), and the grants of any easements or rights-of-way under subsection (b), as the Commandant considers appropriate to protect the interests of the United States.

SEC. 372. None of the Funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—

(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or

(2) restrict the distribution of peanuts,

until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.

SEC. 373. MODIFICATION OF SUBSTITUTE PROJECT IN WISCONSIN.

Section 1045 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1994) is amended in subsection (a) by striking paragraph (a)(2) and inserting the following:

"(2)(A) For six months after the date of enactment of this paragraph, the provisions set forth in paragraph (2)(B) shall apply to all of the funds identified in this section after such time, the provisions set forth in paragraph (2)(B) to fifty percent of the funds identified in this section, and the provisions of paragraph (2)(C) shall apply to fifty percent of the funds identified in this section."

"(B) Notwithstanding paragraph (1) and subsection (c) of this section, upon the request of the Governor of the State of Wisconsin, after consultation with appropriate local government officials, submitted by October 1, 2000, the Secretary may approve one or more substitute projects in lieu of the substitute project approved by the Secretary under paragraph (1) and subsection (c) of this section."

"(C) Notwithstanding paragraph (1) and subsection (c) of this section, upon the request of the Governor of the State of Wisconsin, submitted by October 1, 2000, the Secretary shall approve one or more substitute projects in lieu of the substitute project approved by the Secretary under paragraph (1) and subsection (c) of this section.".

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1999".

(h) For programs, projects or activities in the Treasury and General Government Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $123,151,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $6,560,800: Provided further, That the Department is authorized to charge both direct and indirect costs to the Office of Foreign Assets Control in the implementation of this floor: Provided further, That the methodology for applying such charges will be the same method used in developing the Departmental Offices Fiscal Year 1999 President's Budget Justification to the Congress.

AUTOMATION ENHANCEMENT

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $28,690,000: Provided, That these funds shall remain available until September 30, 2000: Provided further, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems: Provided further, That $6,000,000 of the funds appropriated for the Customs Modernization project may not be transferred to the United States Customs Service or obligated until the Treasury's Chief Information Officer, through the Treasury Investment Review Board, concurs on the plan and milestone schedule for the deployment of the system: Provided further, That $6,000,000 of the funds made available for the Customs Modernization project may not be obligated for any major system investments prior to the development of an architecture which is compliant with the Treasury Information Systems Architecture Framework (TISAF) and the establishment of measures to enforce compliance with the architecture.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $30,678,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $27,000,000, to remain available until expended: Provided, That none of the funds provided shall be available for obligation until September 30, 1999.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $24,000,000: Provided, That funds appropriated in this account may be used to procure personal services contracts.

VIOLENT CRIME REDUCTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(1) As authorized by section 190001(e), $119,000,000; of which $3,000,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms for administering the Gang Resistance Education and Training program; of which $1,400,000 shall be available to the Financial Crimes Enforcement Network; of which $22,628,000 shall be available to the United States Secret Service, including $6,700,000 for vehicle replacement, $5,000,000 for investigations of counterfeiting, $7,732,000 for the 2000 candidate/nominee protection program, and $3,196,000 for forensic and related support of investigations of missing and exploited children, of which $1,196,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended; of which $65,472,000 shall be available for the United States Customs Service, including $54,000,000 for narcotics detection technology, $9,500,000 for the passenger processing initiative, $972,000 for construction of canopies for inspection of outbound vehicles along the Southwest border, and $1,000,000 for technology investments related to the Cyber-Smuggling Center; of which $2,500,000 shall be available to the Office of National Drug Control Policy, including $1,000,000 for Model State Drug Law Conferences, and $1,500,000 to expand the Milwaukee, Wisconsin High Intensity Drug Trafficking Area; and of which $24,000,000 shall be available for Interagency Crime and Drug Enforcement;

(2) As authorized by section 32401, $13,000,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: Provided, That notwithstanding sections 32401

and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109; $71,923,000, of which up to $13,843,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2001: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $34,760,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary for the detection and investigation of individuals involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, $51,900,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $196,490,000, of which not to exceed $13,235,000 shall remain available until September 30, 2001, for information systems modernization initiatives.

FEDERAL FINANCING BANK

For liquidation of certain debts to the United States Treasury incurred by the Federal Financing Bank pursuant to section 9(b) of the Federal Financing Bank Act of 1973, $3,317,960,000.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $15,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement; $541,574,000, of which $2,206,000 shall not be available for obligation until September 30, 1999; of which $27,000,000 may be used for the Youth Crime Gun Interdiction Initiative; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: Provided, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 1999: Provided further, That of the funds made available, $4,500,000 shall be made available for the expansion of the National Tracing Center: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $1,642,565,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, not to exceed $4,000,000 shall be available until expended for research, not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081, and up to $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That of the amount provided, an additional $2,400,000 shall be made available for staffing and resources for the child pornography cybersmuggling initiative: Provided further, That $500,000 shall be available to fund the expansion of services at the Vermont World Trade Office: Provided further, That not to exceed $2,500,000 shall be available until expended for relocation of the Customs Air Branch from Belle Chase to Hammond, Louisiana: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000: Provided further, That of the amount provided, $9,500,000 shall not be available for obligation until September 30, 1999.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics *and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $113,688,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 1999 without the prior approval of the Committees on Appropriations.*

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $176,500,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2001, for information systems modernization initiatives: Provided, That the sum appropriated herein from the General Fund for fiscal year 1999 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at $172,100,000, and in addition, $20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 102 of Public Law 101–380: Provided further, That notwithstanding any other provisions of law, effective upon enactment and thereafter, the Bureau of the Public Debt shall be fully and directly reimbursed by the funds described in section 104 of Public Law 101–136 (103 Stat. 789) for costs and services performed by the Bureau in the administration of such funds.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; programs to match information returns and tax returns; management services; rent and utilities; and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,086,208,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That of the amount provided, $105,000,000 shall remain available until expended for postage and shall not be obligated before September 30, 1999: Provided further, That, pursuant to 39 U.S.C. 3206(a), funds shall continue to be provided to the United States Postal Service for postage due: Provided further, That of the amount provided, $25,000,000 shall not be available for obligation until September 30, 1999.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,164,189,000.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $143,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,265,456,000, which shall remain available until September 30, 2000, and of which $103,000,000 shall be available only for improvements to customer service.

INFORMATION TECHNOLOGY INVESTMENTS

For necessary expenses of the Internal Revenue Service, $211,000,000, to remain available until September 30, 2002, for the capital asset acquisition of information technology systems, including management and related contractual costs of such acquisition, and including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds is available for obligation until September 30, 1999: Provided further, That none of these funds shall be obligated until the Internal Revenue Service and the Department of the Treasury submit to Congress for approval, a plan for expenditure that: (1) implements the Internal Revenue Service's Modernization Blueprint submitted to Congress on May 15, 1997; (2) meets the information systems investment guidelines established by the Office of Management and Budget and in the fiscal year 1998 budget; (3) is reviewed and approved by the Office of Management and Budget, the Department of the Treasury's IRS Management Board, and is reviewed by the General Accounting Office; (4) meets the requirements of the May 15, 1997 Internal Revenue Service's Systems Life Cycle program; and (5) is in compliance with acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide, as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 105. The Internal Revenue Service shall institute and enforce policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 106. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 107. Notwithstanding any other provision of law, no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation Division will result in a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 739 vehicles for police-type use, of which 675 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $600,302,000: Provided, That $18,000,000 provided for protective travel shall remain available until September 30, 2000; Provided further, That of the amount provided, $5,000,000 shall not be available for obligation until September 30, 1999.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $8,068,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1999, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1999 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "the explosive in a fixed shotgun shell" and inserting "an explosive";

(2) in paragraph (7), by striking "the explosive in a fixed metallic cartridge" and inserting "an explosive"; and

(3) by striking paragraph (16) and inserting the following:

"(16) The term 'antique firearm' means—

"(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

"(B) any replica of any firearm described in subparagraph (A) if such replica—

"(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

"(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

"(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term 'antique firearm' shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.".

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with the vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. EXCEPTION TO IMMUNITY FROM ATTACHMENT OR EXECUTION. (a) Section 1610 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(f)(1)(A) Notwithstanding any other provision of law, including but not limited to section 208(f) of the Foreign Missions Act (22 U.S.C. 4308(f)), and except as provided in subparagraph (B), any property with respect to which financial transactions are prohibited or regulated pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), or any other proclamation, order, regulation, or license issued pursuant thereto, shall be subject to execution or attachment in aid of execution of any judgment relating to a claim for which a foreign state (including any agency or instrumentality or such state) claiming such property is not immune under section 1605(a)(7).

"(B) Subparagraph (A) shall not apply if, at the time the property is expropriated or seized by the foreign state, the property has been held in title by a natural person or, if held in trust, has been held for the benefit of a natural person or persons.

"(2)(A) At the request of any party in whose favor a judgment has been issued with respect to a claim for which the foreign state is not immune under section 1605(a)(7), the Secretary of the Treasury and the Secretary of State shall fully, promptly, and effectively assist any judgment creditor or any court that has issued any such judgment in identifying, locating, and executing against the property of that foreign state or any agency or instrumentality of such state.

"(B) In providing such assistance, the Secretaries—

"(i) may provide such information to the court under seal; and

"(ii) shall provide the information in a manner sufficient to allow the court to direct the United States Marshall's office to promptly and effectively execute against that property.".

(b) CONFORMING AMENDMENT.—Section 1606 of title 28, United States Code, is amended by inserting after "punitive damages" the following: ", except any action under section 1605(a)(7) or 1610(f)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

(d) WAIVER.—The President may waive the requirements of this section in the interest of national security.

This title may be cited as the "Treasury Department Appropriations Act, 1999".

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $71,195,000, which shall remain available until September 30, 2000: Provided, That none of the funds provided shall be available for obligation until October 1, 1999: Provided further, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1999.

This title may be cited as the "Postal Service Appropriations Act, 1999".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.G. 102, $250,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $52,344,000: Provided, That $10,100,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $8,061,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114: Provided, That such amount shall not be available for expenses for domestic staff overtime.

In addition, for necessary expenses for domestic staff overtime, $630,000: Provided, That such amount shall not become available for obligation until the Comptroller General of the United States notifies the Committees on Appropriations that (1) the Executive Office of the President has received, reviewed, and commented on the draft report of the General Accounting Office with respect to its audit of the Executive Residence at the White House; and (2) the General Accounting Office has received the comments of the Executive Office of the President.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,512,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $334,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,666,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,806,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $28,350,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget (OMB), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $60,617,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: Provided further, That the Director of OMB amends Section—.36 of OMB Circular A-110 to require Federal awarding agencies to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act: Provided further, That if the agency obtaining the data does so solely at the request of a private party, the agency may authorize a reasonable user fee equaling the incremental cost of obtaining the data: Provided further, That OMB is directed to submit a report by March 31, 1999, to the Committees on Appropriations, the Senate Committee on Governmental Affairs, and the House Committee on Government Reform and Oversight that: (1) identifies specific paperwork reduction accomplishments expected, constituting annual five percent reductions in paperwork expected in fiscal year 1999 and fiscal year 2000; and (2) issues guidance on the requirements of 5 U.S.C. Sec. 801(a)(1) and (3); sections 804(3), and 808(2), including a standard new rule reporting form for use under section 801(a)(1)(A)–(B).

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $48,042,000, of which $30,100,000 shall remain available until expended, consisting of $1,100,000 for policy research and evaluation, and $16,000,000 for the Counterdrug Technology Assessment Center for counternarcotics research and development projects, and $13,000,000 for the continued operation of the technology transfer program: Provided, That the $16,000,000 for the Counterdrug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: Provided further, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $182,477,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act: Provided, That funding shall be provided for existing High Intensity Drug Trafficking Areas at no less than the total fiscal year 1998 level consisting of funding from this account as well as the Violent Crime Reduction Trust Fund.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 100–690, as amended, $214,500,000, to remain available until expended: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the funds provided, $185,000,000 shall be to support a national media campaign to reduce and prevent drug use among young Americans: Provided further, That none of the funds provided for the support of a national media campaign may be obligated for the following purposes: to supplant current anti-drug community based coalitions; to supplant current pro bono public service time donated by national and local broadcasting networks; for partisan political purposes; or to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet-level officials, or other Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213, absent advance notice to the Committees on Appropriations and the Senate Judiciary Committee: Provided further, That (1) ONDCP will require a pro bono match commitment up-front as part of its media buy from each and every seller of ad time and space, (2) ONDCP, or any agent acting on its behalf, may not obligate any funds for the creative development of advertisements from for-profit organizations, not including out-of-pocket production costs and talent re-use payments, unless (A) the advertisements are intended to reach a minority, ethnic or other special audience that cannot be obtained on a pro bono basis within the time frames required by ONDCP's advertising and buying agencies, and (B) ONDCP receives prior approval from the Committees on Appropriations, (3) ONDCP will submit within three months of enactment of this Act an implementation plan to the Committees on Appropriations to secure corporate sponsorship equaling 40 percent of the appropriated amount in fiscal year 1999, the definition of which is a contribution that is not received as a result of leveraging funds to receive said sponsorship, corporate sponsorship equaling 60 percent of the appropriated amount in fiscal year 2000, corporate sponsorship equaling 80 percent of the appropriated amount in fiscal year 2001, corporate sponsorship equaling 100 percent of the appropriated amount in fiscal year 2002, (4) the funds provided for the support of a national media campaign may be used to fund the purchase of media time and space, talent re-use payments, out-of-pocket advertising production costs, testing and evaluation of advertising, evaluation of the effectiveness of the media campaign, the negotiated fees for the winning bidder on the request for proposal recently issued by ONDCP, partnership with community, civic, and professional groups, and government organizations related to the media campaign, entertainment industry collaborations to fashion anti-drug messages in movies, television programming, and popular music, interactive (Internet and new) media projects/activities, public information (News Media Outreach), and corporate sponsorship/participation, (5) ONDCP shall not obligate funds provided for the national media campaign for fiscal year 1999 until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Committees on Appropriations, and may obligate not more than 75 percent of these funds until ONDCP has submitted the evaluation and results of Phase II of the campaign to the Committees on Appropriations, and (6) ONDCP is required to report to the Committees on Appropriations not only quarterly, but also to provide monthly itemized reports of all expenditures and obligations relating to the media campaign as well as the specific parameters of the national media campaign, and shall report to Congress within one year on the effectiveness of the national media campaign based upon the measurable outcomes provided to Congress previously: Provided further, That of the funds provided, $4,500,000 shall be available for transfer to the Agricultural Research Service for anti-drug research and related matters; Provided further, That of the funds provided, $20,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: Provided further, That of the funds provided, $5,000,000 shall be available for the chronic users study.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1999".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $2,464,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $36,500,000, of which no less than $4,402,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses: Provided, That of the amounts appropriated for salaries and expenses, $1,120,000 may not be obligated until the Federal Election Commission submits a plan for approval to the House Committee on Appropriations for the expenditure of such funds.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $22,586,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $450,018,000 to be deposited into the Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,605,018,000, of which: (1) $492,190,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New construction:
Arkansas:
Little Rock, U.S. courthouse, $3,436,000
California:
San Diego, U.S. courthouse, $15,400,000
San Jose, U.S. courthouse, $10,800,000
Colorado:
Denver, U.S. courthouse, $83,959,000
District of Columbia:
Southeast Federal Center remediation, $10,000,000
Florida:
Jacksonville, U.S. courthouse, $86,010,000
Orlando, U.S. courthouse, $1,930,000
Massachusetts:
Springfield, U.S. courthouse, $5,563,000
Michigan:
Sault Sainte Marie, border station, $572,000
Mississippi:
Biloxi-Gulfport, U.S. courthouse, $7,543,000
Missouri:
Cape Girardeau, U.S. courthouse, $2,196,000
Montana:
Babb, Piegan border station, $6,165,000
New York:
Brooklyn, U.S. courthouse, $152,626,000
New York, U.S. Mission to the United Nations, $3,163,000
Oregon:
Eugene, U.S. courthouse, $7,190,000
Tennessee:
Greenville, U.S. courthouse, $28,229,000
Texas:
Laredo, U.S. courthouse, $28,105,000
West Virginia:
Wheeling, U.S. courthouse, $29,303,000
Nationwide:
Non-prospectus, $10,000,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That notwithstanding any other provision of law in order to rescind a General Services Administration property sale, the General Services Administration is authorized to re-acquire that parcel of land on Block 111, East Denver, Denver, Colorado, which was sold at public auction by the Federal government to its present owner pursuant to paragraphs (6) and (7) of section 12 of Public Law 94–204 (43 U.S.C. 1611 note) at a price equivalent to the 1988 auction sale price plus the amount of cumulative consumer price index, pursuant to the methodology as used in Public Law 104–42, Sec. 107(a), from the closing date of the sale until the date of re-acquisition by the Federal government, offset by any net income received from the property by the present owner since the 1988 sale: Provided further, That the funds provided in Public Law 102–393 for Hilo, Hawaii, shall be expended for the planning and design of the Mauna Kea Astronomy Educational Center, notwithstanding Public Law 103–123, and of the funds provided not more than $475,000 is to be disbursed in this fiscal year: Provided further, That all funds for direct construction projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the funds provided for non-prospectus construction projects, $2,100,000 shall be available until expended for acquisition, lease, construction, and equipping of flexiplace telecommuting centers: Provided further, That from the funds made available under this heading in this or prior Acts of Congress, the Administrator of General Services may purchase at a price he determines appropriate, notwithstanding any other provision of law, *property adjacent to the new courthouse currently under construction in Scranton, Pennsylvania; (2) $668,031,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services: Provided further, That of the amount provided, $161,500,000 shall not be available for obligation until September 30, 1999: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:*

Repairs and alterations:

California:

San Francisco, Appraisers Building, $29,778,000

Colorado:

Lakewood, Denver Federal Center, Building 25, $29,351,000

District of Columbia:

Federal Office Building, 10B, $13,844,000

Interstate Commerce Commission, Connecting Wing Complex, Customs Building, Phase 3/3, $83,959,000

Old Executive Office Building, $25,210,000

Department of State, Phase 1, $29,779,000

New York:

Brookhaven, Internal Revenue Service, Service Center, $20,019,000

New York, U.S. Courthouse, 40 Foley Square, $4,782,000

Pennsylvania:

Philadelphia, Byrne-Green, Federal Building-U.S. Courthouse, $11,212,000

Virginia:

Reston, J.W. Powell Building, $9,151,000

Nationwide:

Chlorofluorocarbons Program, $25,000,000

Energy Program, $25,000,000

Design Program, $16,710,000

Basic Repairs and Alteration, $344,236,000: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the amount provided, $100,000 shall be used to address the lighting issues at the Byrne-Green Federal Courthouse in Philadelphia, Pennsylvania: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, $1,600,000 shall be provided to complete the alterations required at the Milwaukee, Wisconsin Courthouse: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, $1,100,000 may be used to provide a new fence surrounding the Suitland Federal Complex in Suitland, Maryland: Provided further, That $5,700,000 of the funds provided under this heading in Public Law 103–329 for the Holtsville, New York, IRS Service Center shall remain available until September 30, 1999: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $215,764,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,583,261,000 for rental of space which shall remain available until expended: Provided further, That of the amount provided, $15,000,000 shall not be available for obligation until September 30, 1999; and (5) $1,554,772,000 for building operations which shall remain available until expended: Provided further, That of the amount provided $68,000,000 shall not be available for obligation until September 30, 1999: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That for the purposes of this authorization, and hereafter, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That the remaining balances and associated assets and liabilities of the Pennsylvania Avenue Activities account are hereby transferred to the Federal Buildings Fund to be effective October 1, 1998, and that all income earned after that effective date that would otherwise have been deposited to the Pennsylvania Avenue Activities account shall thereafter be deposited to the Federal Buildings Fund, to be available for the purposes authorized by Public Laws 104–134 and 104–208, notwithstanding subsection 210(f)(2) of the Federal Property and Administrative Services Act, as amended: Provided further, That of the amount provided, $475,000 shall be made available for the 1999 Women's World Cup Soccer event: Provided further, That of the amount provided, $600,000 shall be made available for the 1999 World Alpine Ski Championships: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 1999, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,605,018,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $109,594,000: Provided, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: Provided further, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: Provided further, That $100,000 is provided to the property disposal activity for the Racine, Wisconsin, property transfer identified in General Services Administration General Provision section 409.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $32,000,000: Provided, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,241,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1999 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2000 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2000 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund Limitations on Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. From the funds made available under the heading "Federal Buildings Fund Limitations on Revenue", in addition to amounts provided in budget activities above, up to $5,000,000 shall be available for the demolition, cleanup and conveyance of the property at block 35 and lot 2 of block 36 in Anchorage, Alaska: Provided, That notwithstanding any other provision of law, the Administrator of General Services shall, not later than 18 months after the date of enactment of this Act, demolish and remove all buildings, structures and other fixtures on the property at block 35 and lot 2 of block 36, Anchorage Original Townsite East Addition, Anchorage, Alaska, excluding any portion dedicated for use by the Centers for Disease Control and Prevention: Provided further, That the remediation of said parcel shall include the removal of all asbestos, lead and any other contamination, and restoration of the property, to the extent practicable, to an undeveloped condition: Provided further, That upon completion of the activities required for the demolition and removal of buildings, and notwithstanding any other provision of law, the Administrator of General Services shall convey to the municipality of Anchorage, without reimbursement, all right, title, and interest of the United States to the property.

SEC. 409. The Administrator of General Services may convey to the City of Racine, Wisconsin, all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located on 2310 Center Street, commencing at the intersection of the North line of 24th Street and the center line of Center Street, being the point of the beginning; thence Northerly along the center line of Center Street, 426 feet to the South line of 23rd Street extended East; thence Westerly along the South line of 23rd Street extended East; 325 feet to the West line of Franklin Street extended South; thence southerly along the West line of Franklin Street extended South to a point on the North line of 24th Street; thence Easterly along the North line of 24th Street to the point of beginning located in Racine, Wisconsin, and which contains the U.S. Army Reserve Center.

SEC. 410. DEPARTMENT OF TRANSPORTATION HEADQUARTERS. (a) IN GENERAL.—The Administrator of General Services shall—

(1) enter into an operating lease to acquire space for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998:

Provided, That the annual rent payment does not exceed $55,000,000.

(b) TERMS.—The authority granted in subsection (a) is effective only to the extent that the lease acquisition meets the guidelines for operating leases set forth in the joint statement of the managers for the conference report to the Balanced Budget Agreement of 1997, as determined by the Director of the Office of Management and Budget.

SEC. 411. Notwithstanding any other provision of law, the requirement under section 407 of Public Law 104–208 (110 Stat. 3009–337–38), that the Administrator of General Services charge user fees for flexiplace telecommuting centers that approximate commercial charges for comparable space and services but in no instance less than the amount necessary to pay the cost of establishing and operating such centers, shall not apply to the user fees charged for the period beginning October 1, 1996, and ending September 30, 1998, for the telecommuting centers established as part of a pilot telecommuting demonstration program in the Washington, D.C. metropolitan area by Public Laws 102–393, 103–123, 103–329, 104–52, and 104–208: Provided, That for these centers in the pilot demonstration program for the period beginning October 1, 1998, and ending September 30, 2000, the Administrator shall charge fees for Federal agency use of a telecenter based on 50 percent of the Administrator's annual costs of operating the center, including the reasonable cost of replacement for furniture, fixtures, and equipment: Provided further, That effective October 1, 2000, the Administrator shall charge fees for Federal agency use of the demonstration telecommuting centers based on 100 percent of the annual operating costs, including the reasonable cost of replacement for furniture, fixtures, and equipment: Provided further, That, to the extent such user charges do not cover the Administrator's costs in operating these centers, appropriations to the General Services Administration are authorized to reimburse the Federal Buildings Fund for any loss of revenue.

SEC. 412. (a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall convey to the University of Miami, by negotiated sale or by negotiated land exchange and by not later than September 30, 1999, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) PROPERTY DESCRIBED.—The property referred to in paragraph (1) is real property in Miami-Dade County, Florida, including improvements thereon, comprising the Federal facility known as the United States Naval Observatory/Alternate Time Service Laboratory, consisting of approximately 76 acres. The exact acreage and legal description of the property shall be determined by a survey that is satisfactory to the Administrator.

(b) CONDITION REGARDING USE.—Any conveyance under subsection (a) shall be subject to the condition that during the 10-year period beginning on the date of the conveyance, the University shall use the property, or provide for use of the property, only for—

(1) a research, education, and training facility complementary to longstanding national research missions, subject to such incidental exceptions as may be approved by the Administrator;

(2) research-related purposes other than the use specified in paragraph (1), under an agreement entered into by the Administrator and the University; or

(3) a combination of uses described in paragraph (1) and paragraph (2), respectively.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(d) REVERSION.—If the Administrator determines at any time that the property conveyed under subsection (a) is not being used in accordance with this section, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

SEC. 413. The Administrator of General Services is directed to reincorporate the elements of the original proposed design for the façade of the United States Courthouse, London, Kentucky, project into the revised design of the building in order to ensure compatibility of this new facility with the historic U.S. Courthouse in London, Kentucky, to maintain the stateliness of the building. Construction or design of the London, Kentucky, project should not be diminished in anyway to achieve this goal.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1997, $4,250,000, to remain available until expended, of which $3,000,000 will be for capitalization of the Fund, and $1,250,000 will be for annual operating expenses.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $25,805,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for *the hire of passenger motor vehicles, $224,614,000: Provided, That of the amount provided, $7,861,000 shall not be available for obligation until September 30, 1999: Provided further, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.*

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $11,325,000, to remain available until expended, of which $2,000,000 is for an architectural and engineering study for the renovation of the Archives I facility, of which $4,000,000 is for encasement of the Charters of Freedom, and of which $875,000 is for a requirements study and design of the National Archives Anchorage, Alaska, facility.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $10,000,000, to remain available until expended: Provided, That of the amount provided, $4,000,000 shall not be available for obligation until September 30, 1999.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $8,492,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $85,350,000; and in addition $91,236,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: Provided further, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 through 1320a–7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 1999, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $9,145,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $8,720,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $32,765,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1999".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 1999 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1999 from appropriations made available for salaries and expenses for fiscal year 1999 in this Act, shall remain available through September 30, 2000, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. Funds provided in this Act may be used to initiate or continue projects or activities to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) computer conversion until such time as supplemental appropriations are made available for that purpose: Provided, That the program, project, or activity from which funds are obligated for Y2K conversion activities shall be reimbursed when such supplemental appropriations are made available.

SEC. 514. Hereafter, any payment of attorneys fees, costs, and sanctions required to be made by the Federal Government pursuant to the order of the district court in the case Association of American Physicians and Surgeons, Inc. v. Clinton, 989 F. Supp. 8 (1997), or any appeal of such case, shall be derived by transfer from amounts made available in this or any other Act for any fiscal year for "Compensation of the President and the White House Office—Salaries and Expenses".

SEC. 515. Notwithstanding Section 515 of Public Law 104–208, fifty percent of the unobligated balances available to the White House Office, Salaries and Expenses appropriations in fiscal year 1997, shall remain available through September 30, 1999, for the purposes of satisfying the conditions of Section 515 of this Act.

SEC. 516. The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992, as amended (20 U.S.C. 5601 et seq.), is amended as follows:

(a) in section 11, by—

(1) deleting the heading and inserting "Use of the Institute by a Federal Agency or Other Entity."; and

(2) adding the following new subsection at the end:

"(e) NON-FEDERAL ENTITIES.—

"(1) Non-Federal entities, including state and local governments, Native American tribal governments, nongovernmental organizations and persons, as defined in 1 U.S.C. 1, may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict involving the Federal government related to the environment, public lands, or natural resources.

"(2) PAYMENT INTO THE ENVIRONMENTAL DISPUTE RESOLUTION FUND.—Entities utilizing services pursuant to this subsection shall reimburse the Institute for the costs of services provided. Such amounts shall be deposited into the Environmental Dispute Resolution Fund established under section 10."; and

(b) in section 12, by:

(1) deleting "IN GENERAL—" and inserting "(a) IN GENERAL—"; and

(2) adding the following new subsection:

"(b) THE INSTITUTE.—The authorities set forth above shall, with the exception of paragraph (4), apply to the Institute established pursuant to section 10."; and

(c) in section 10(b), by adding before the period as follows: ", including not to exceed $1,000 annually for official reception and representation expenses".

SEC. 518. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department, or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may, in fiscal year 1999 and thereafter, reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of such services: Provided, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention *programs. Such funds shall be available until expended for the following purposes:*

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 612. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 1999, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 614 of the Treasury and General Government Appropriations Act, 1998, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1999, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 614; and

(2) during the period consisting of the remainder of fiscal year 1999, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1999 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1999 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1998 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1998, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1998, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1998.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 615. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 616. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 617. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1999 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 618. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 619. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 620. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 621. For purposes of each provision of law amended by section 704(a)(2) of the Ethics

Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems.

SEC. 622. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 623. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 624. Notwithstanding any other provision of law, no part of any funds provided by this Act or any other Act beginning in fiscal year 1999 and thereafter shall be available for paying Sunday premium pay to any employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 625. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 626. Section 626(b) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in section 101(f) of Public Law 104–208 (110 Stat. 3009–360), the Omnibus Consolidated Appropriations Act, 1997, is amended to read as follows: "(b) Until September 30, 1999, or until the end of the current FTS 2000 contracts, whichever is earlier, subsection (a) shall continue to apply to the use of the funds appropriated by this or any other Act.".

SEC. 627. (a) DEFINITIONS.—In this section—

(1) the term "crime of violence" has the meaning given that term in section 16 of title 18, United States Code; and

(2) the term "law enforcement officer" means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes reasonable action, including the use of force, to—

(1) protect an individual in the presence of the officer from a crime of violence;

(2) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(3) prevent the escape of any individual who the officer reasonably believes to have committed in the presence of the officer a crime of violence.

SEC. 628. FEDERAL FIREFIGHTERS OVERTIME PAY REFORM ACT OF 1998. (a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding at the end the following new subsection:

"(f) In applying subsection (a) of this section with respect to a firefighter who is subject to section 5545b—

"(1) such subsection shall be deemed to apply to hours of work officially ordered or approved in excess of 106 hours in a biweekly pay period, or, if the agency establishes a weekly basis for overtime pay computation, in excess of 53 hours in an administrative workweek; and

"(2) the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay under section 5545b (b)(1)(A) or (c)(1)(B), as applicable, and such overtime hourly rate of pay may not be less than such hourly rate of basic pay in applying the limitation on the overtime rate provided in paragraph (2) of such subsection (a)."; and

(2) by inserting after section 5545a the following new section:

"§5545b. Pay for firefighters

"(a) This section applies to an employee whose position is classified in the firefighter occupation in conformance with the GS–081 standard published by the Office of Personnel Management, and whose normal work schedule, as in effect throughout the year, consists of regular tours of duty which average at least 106 hours per biweekly pay period.

"(b)(1) If the regular tour of duty of a firefighter subject to this section generally consists of 24-hour shifts, rather than a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) paragraph (1) of such section shall be deemed to require that the annual rate be divided by 2756 to derive the hourly rate; and

"(B) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on the hourly rate under subparagraph (A);

"(2) For the purpose of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(A)) for all hours in such firefighter's regular tour of duty (including overtime hours).

"(c)(1) If the regular tour of duty of a firefighter subject to this section includes a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) the provisions of such section shall apply to the hours within the basic 40-hour workweek;

"(B) for hours outside the basic 40-hour workweek, such section shall be deemed to require that the hourly rate be derived by dividing the annual rate by 2756; and

"(C) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on subparagraphs (A) and (B), as each applies to the hours involved.

"(2) For purposes of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include—

"(A) an amount computed under paragraph (1)(A) for the hours within the basic 40-hour workweek; and

"(B) an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(B)) for all hours outside the basic 40-hour workweek that are within such firefighter's regular tour of duty (including overtime hours).

"(d)(1) A firefighter who is subject to this section shall receive overtime pay in accordance with section 5542, but shall not receive premium pay provided by other provisions of this subchapter.

"(2) For the purpose of applying section 7(k) of the Fair Labor Standards Act of 1938 to a firefighter who is subject to this section, no violation referred to in such section 7(k) shall be deemed to have occurred if the requirements of section 5542(a) are met, applying section 5542(a) as provided in subsection (f) of that section: Provided, That the overtime hourly rate of pay for such firefighter shall in all cases be an amount equal to one and one-half times the firefighter's hourly rate of basic pay under subsection (b)(1)(A) or (c)(1)(B) of this section, as applicable.

"(3) The Office of Personnel Management may prescribe regulations, with respect to firefighters subject to this section, that would permit an agency to reduce or eliminate the variation in the amount of firefighters' biweekly pay caused by work scheduling cycles that result in varying hours in the regular tours of duty from pay period to pay period. Under such regulations, the pay that a firefighter would otherwise receive for regular tours of duty over the work scheduling cycle shall, to the extent practicable, remain unaffected.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545a the following:

"5545b. Pay for firefighters.".

(c) TRAINING.—Section 4109 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training.".

(d) INCLUSION IN BASIC PAY FOR FEDERAL RETIREMENT.—Section 8331(3) of title 5, United States Code, is amended—

(1) by striking "and" after subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting the following:

"(E) with respect to a criminal investigator, availability pay under section 5545a of this title;

"(F) pay as provided in section 5545b (b)(2) and (c)(2); and "; and

(4) by striking "subparagraphs (B), (C), (D), and (E)" and inserting "subparagraphs (B) through (G)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day

of the first applicable pay period which begins on or after October 1, 1998.

(f) REGULATIONS.—Under regulations prescribed by the Office of Personnel Management, a firefighter subject to section 5545b of title 5, United States Code, as added by this section, whose regular tours of duty average 60 hours or less per workweek and do not include a basic 40-hour workweek, shall, upon implementation of this section, be granted an increase in basic pay equal to 2 step-increases of the applicable General Schedule grade, and such increase shall not be an equivalent increase in pay. If such increase results in a change to a longer waiting period for the firefighter's next step increase, the firefighter shall be credited with an additional year of service for the purpose of such waiting period. If such increase results in a rate of basic pay which is above the maximum rate of the applicable grade, such resulting pay rate shall be treated as a retained rate of basic pay in accordance with section 5363 of title 5, United States Code.

(g) NO REDUCTION IN REGULAR PAY.—Under regulations prescribed by the Office of Personnel Management, the regular pay (over the established work scheduling cycle) of a firefighter subject to section 5545b of title 5, United States Code, as added by this section, shall not be reduced as a result of the implementation of this section.

SEC. 629. (1) Not later than 180 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy, the Secretary of the Treasury, and the Attorney General shall conduct a joint review of Federal efforts and submit to the appropriate congressional committees, including the Committees on Appropriations, a plan to improve coordination among the Federal agencies with responsibility to protect the borders against drug trafficking. The review shall also include consideration of Federal agencies' coordination with State and local law enforcement agencies. The plan shall include an assessment and action plan, including the activities of the following departments and agencies:

(A) Department of the Treasury;
(B) Department of Justice;
(C) United States Coast Guard;
(D) Department of Defense;
(E) Department of Transportation;
(F) Department of State; and
(G) Department of Interior.

(2) The purpose of the plan under paragraph (1) is to maximize the effectiveness of the border control efforts in achieving the objectives of the national drug control strategy in a manner that is also consistent with the goal of facilitating trade. In order to maximize the effectiveness, the plan shall:

(A) specify the methods used to enhance cooperation, planning and accountability among the Federal, State, and local agencies with responsibilities along the Southwest border;

(B) specify mechanisms to ensure cooperation among the agencies, including State and local agencies, with responsibilities along the Southwest border;

(C) identify new technologies that will be used in protecting the borders including conclusions regarding appropriate deployment of technology;

(D) identify new initiatives for infrastructure improvements;

(E) recommend reinforcements in terms of resources, technology and personnel necessary to ensure capacity to maintain appropriate inspections;

(F) integrate findings of the White House Intelligence Architecture Review into the plan; and

(G) make recommendations for strengthening the HIDTA program along the Southwest border.

SEC. 630. (a) FLEXIPLACE WORK TELECOMMUTING PROGRAMS.—For fiscal year 1999 and each fiscal year thereafter, of the funds made available to each Executive agency for salaries and expenses, at a minimum $50,000 shall be available only for the necessary expenses of the Executive agency to carry out a flexiplace work telecommuting program.

(b) DEFINITIONS.—For purposes of this section:

(1) EXECUTIVE AGENCY.—The term "Executive agency" means the following list of departments and agencies: Department of State, Treasury, Defense, Justice, Interior, Labor, Health and Human Services, Agriculture, Commerce, Housing and Urban Development, Transportation, Energy, Education, Veterans' Affairs, General Services Administration, Office of Personnel Management, Small Business Administration, Social Security Administration, Environmental Protection Agency, U.S. Postal Service.

(2) FLEXIPLACE WORK TELECOMMUTING PROGRAM.—The term "flexiplace work telecommuting program" means a program under which employees of an Executive agency are permitted to perform all or a portion of their duties at a flexiplace work telecommuting center established under section 210(l) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(l)) or other Federal law.

SEC. 631. (a) MERITORIOUS EXECUTIVE.—Section 4507(e)(1) of title 5, United States Code, is amended by striking "$10,000" and inserting "an amount equal to 20 percent of annual basic pay".

(b) DISTINGUISHED EXECUTIVE.—Section 4507(e)(2) of title 5, United States Code, is amended by striking "$20,000" and inserting "an amount equal to 35 percent of annual basic pay".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, or the date of enactment of this Act, whichever is later.

SEC. 632. (a) CAREER SES PERFORMANCE AWARDS.—Section 5384(b)(3) of title 5, United States Code, is amended—

(1) by striking "3 percent" and inserting "10 percent"; and

(2) by striking "15 percent" and inserting "20 percent".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, or the date of enactment of this Act, whichever is later.

SEC. 633. (a) INTERNATIONAL POSTAL ARRANGEMENTS.—Section 407 of title 39, United States Code, is amended to read as follows:

"§ 407. International Postal Arrangements.

"(a)(1) The Secretary of State shall have primary responsibility for formulation, coordination and oversight of policy with respect to United States participation in the Universal Postal Union, including the Universal Postal Convention and other Acts of the Universal Postal Union, amendments thereto, and all postal treaties and conventions concluded within the framework of the Convention and such Acts.

"(2) Subject to subsection (d), the Secretary may, with the consent of the President, negotiate and conclude treaties, conventions and amendments referred to in paragraph (1).

"(b)(1) Subject to subsections (a), (c), and (d), the Postal Service may, with the consent of the President, negotiate and conclude postal treaties and conventions.

"(2) The Postal Service may, with the consent of the President, establish rates of postage or other charges on mail matter conveyed between the United States and other countries.

"(3) The Postal Service shall transmit a copy of each postal treaty or convention concluded with other governments under the authority of this subsection to the Secretary of State, who shall furnish a copy to the Public Printer for publication.

"(c) The Postal Service shall not conclude any treaty or convention under the authority of this section or any other arrangement related to the delivery of international postal services that is inconsistent with any policy developed pursuant to subsection (a).

"(d) In carrying out their responsibilities under this section, the Secretary and the Postal Service shall consult with such federal agencies as the Secretary or the Postal Service considers appropriate, private providers of international postal services, users of international postal services, the general public, and such other persons as the Secretary or the Postal Service considers appropriate.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that any treaty, convention or amendment entered into under the authority of section 407 of title 39 of the United States Code, as amended by this section, should not grant any undue or unreasonable preference to the Postal Service, a private provider of postal services, or any other person.

(c) TRADE-IN-SERVICE PROGRAMS.—The second sentence of paragraph (5) of section 306(a) of the Trade and Tariff Act of 1984 (19 U.S.C. 2114b(5)) is amended by inserting "postal and delivery services," after "transportation."

(d) TRANSFER OF FUNDS.—In fiscal year 1999 and each fiscal year hereafter, the Postal Service shall allocate to the Department of State from any funds available to the Postal Service such sums as may be reasonable, documented and auditable for the Department of State to carry out the activities of Section 407 of title 39 of the United States Code.

SEC. 634. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 635. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 636. No funds appropriated in this or any other Act for fiscal year 1999 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by *members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.*

SEC. 637. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 638. (a) IN GENERAL.—For calendar year 2000, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 639. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.

SEC. 640. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 641. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 642. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 643. The Director of the United States Marshals Service is directed to conduct a quarterly threat assessment on the Director of the Office of National Drug Control Policy.

SEC. 644. Section 636(c) of Public Law 104–208 is amended as follows:

(1) In subparagraph (1) by inserting after "United States Code" the following: "any agency or court in the Judicial Branch,";

(2) In subparagraph (2) by amending "prosecution, or detention" to read: "prosecution, detention, or supervision"; and

(3) In subparagraph (3) by inserting after "title 5," the following: "and, with regard to the Judicial Branch, mean a justice or judge of the United States as defined in 28 U.S.C. 451 in regular active service or retired from regular active service, other judicial officers as authorized by the Judicial Conference of the United States, and supervisors and managers within the Judicial Branch as authorized by the Judicial Conference of the United States,".

SEC. 645. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 646. Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to, upon submission of proper documentation (as determined by the Secretary), reimburse importers of large capacity military magazine rifles as defined in the Treasury Department's April 6, 1998 "Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles", for which authority had been granted to import such firearms into the United States on or before November 14, 1997, and released under bond to the importer by the U.S. Customs Service on or before February 10, 1998: Provided, That the importer abandons title to the firearms to the United States: Provided further, That reimbursements are submitted to the Secretary for his approval within 120 days of enactment of this provision. In no event shall reimbursements under this provision exceed the importers cost for the weapons, plus any shipping, transportation, duty, and storage costs related to the importation of such weapons. Money made available for expenditure under 31 U.S.C. section 1304(a) in an amount not to exceed $1,000,000 shall be available for reimbursements under this provision: Provided, That accepting the compensation provided under this provision is final and conclusive and constitutes a complete release of any and all claims, demands, rights, and causes of action whatsoever against the United States, its agencies, officers, or employees arising from the denial by the Department of the Treasury of the entry of such firearms into the United States. Such compensation is not otherwise required by law and is not intended to create or recognize any legally enforceable right to any person.

SEC. 647. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1999 under section 5303 and 5304 of title 5, United States Code, shall be an increase of 3.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 1999.

SEC. 648. INTERNATIONAL MAIL REPORTING REQUIREMENT. (a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by adding after section 3662 the following:

"§3663. Annual report on international services

"(a) Not later than July 1 of each year, the Postal Rate Commission shall transmit to each House of Congress a comprehensive report of the costs, revenues, and volumes accrued by the Postal Service in connection with mail matter conveyed between the United States and other countries for the previous fiscal year.

"(b) Not later than March 15 of each year, the Postal Service shall provide to the Postal Rate Commission such data as the Commission may require to prepare the report required under subsection (a) of this section. Data shall be provided in sufficient detail to enable the Commission to analyze the costs, revenues, and volumes for each international mail product or service, under the methods determined appropriate by the Commission for the analysis of rates for domestic mail.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 39, United States Code, is amended by adding after the item relating to section 3662 the following:

"3663. Annual report on international services.".

SEC. 649. EXTENSION OF SUNSET PROVISION. Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended by striking "(2)" and all that follows through "10 years" and inserting the following:

"(2) SUNSET.—Effective 15 years".

SEC. 650. IMPORTATION OF CERTAIN GRAINS. (a) FINDINGS.—The Congress finds that—

(1) importation of grains into the United States at less than the cost to produce those grains is causing injury to the United States producers of those grains;

(2) importation of grains into the United States at less than the fair value of those grains is causing injury to the United States producers of those grains;

(3) the Canadian Government and the Canadian Wheat Board have refused to disclose pricing and cost information necessary to determine whether grains are being exported to the United

States at prices in violation of United States trade laws or agreements.

(b) REQUIREMENTS.—

(1) The Customs Service, consulting with the United States Trade Representative and the Department of Commerce, shall conduct a study of the efficiency and effectiveness of requiring that all spring wheat, durum or barley imported into the United States be imported into the United States through a single port of entry.

(2) The Customs Service shall report to the Committees on Appropriations and the Senate Committee on Finance and the House Committee on Ways and Means not later than ninety days after the effective date of this Act on the results of the study required by paragraph (1).

SEC. 651. DESIGNATION OF EUGENE J. MCCARTHY POST OFFICE BUILDING. (a) IN GENERAL.—The building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, shall be known and designated as the "Eugene J. McCarthy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Eugene J. McCarthy Post Office Building".

SEC. 652. The Administrator of General Services may provide, from government-wide credit card rebates, up to $3,000,000 in support of the Joint Financial Management Improvement Program as approved by the Chief Financial Officer's Council.

SEC. 653. Section 6302(g) of title 5, United States Code, is amended by inserting after "chapter 35" the following: "or section 3595".

SEC. 654. ASSESSMENT OF FEDERAL REGULATIONS AND POLICIES ON FAMILIES. (a) PURPOSES.—The purposes of this section are to—

(1) require agencies to assess the impact of proposed agency actions on family well-being; and

(2) improve the management of executive branch agencies.

(b) DEFINITIONS.—In this section—

(1) the term "agency" has the meaning given the term "Executive agency" by section 105 of title 5, United States Code, except such term does not include the General Accounting Office; and

(2) the term "family" means—

(A) a group of individuals related by blood, marriage, adoption, or other legal custody who live together as a single household; and

(B) any individual who is not a member of such group, but who is related by blood, marriage, or adoption to a member of such group, and over half of whose support in a calendar year is received from such group.

(c) FAMILY POLICYMAKING ASSESSMENT.—Before implementing policies and regulations that may affect family well-being, each agency shall assess such actions with respect to whether—

(1) the action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment;

(2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children;

(3) the action helps the family perform its functions, or substitutes governmental activity for the function;

(4) the action increases or decreases disposable income or poverty of families and children;

(5) the proposed benefits of the action justify the financial impact on the family;

(6) the action may be carried out by State or local government or by the family; and

(7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

(d) GOVERNMENTWIDE FAMILY POLICY COORDINATION AND REVIEW.—

(1) CERTIFICATION AND RATIONALE.—With respect to each proposed policy or regulation that may affect family well-being, the head of each agency shall—

(A) submit a written certification to the Director of the Office of Management and Budget and to Congress that such policy or regulation has been assessed in accordance with this section; and

(B) provide an adequate rationale for implementation of each policy or regulation that may negatively affect family well-being.

(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(A) ensure that policies and regulations proposed by agencies are implemented consistent with this section; and

(B) compile, index, and submit annually to the Congress the written certifications received pursuant to paragraph (1)(A).

(3) OFFICE OF POLICY DEVELOPMENT.—The Office of Policy Development shall—

(A) assess proposed policies and regulations in accordance with this section;

(B) provide evaluations of policies and regulations that may affect family well-being to the Director of the Office of Management and Budget; and

(C) advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and family in the United States.

(e) ASSESSMENTS UPON REQUEST BY MEMBERS OF CONGRESS.—Upon request by a Member of Congress relating to a proposed policy or regulation, an agency shall conduct an assessment in accordance with subsection (c), and shall provide a certification and rationale in accordance with subsection (d).

(f) JUDICIAL REVIEW.—This section is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

SEC. 655. None of the funds appropriated pursuant to this Act or any other provision of law may be used for any system to implement section 922(t) of title 18, United States Code, unless the system allows, in connection with a person's delivery of a firearm to a Federal firearms licensee as collateral for a loan, the background check to be performed at the time the collateral is offered for delivery to such licensee: Provided, That the licensee notifies local law enforcement within 48 hours of the licensee receiving a denial on the person offering the collateral: Provided further, That the provisions of section 922(t) shall apply at the time of the redemption of the firearm.

SEC. 656. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with:

(1) any of the following religious plans:

(a) SelectCare

(b) Personal CaresHMO

(c) Care Choices

(d) OSF Health Plans, Inc.

(e) Yellowstone Community Health Plan

(2) any existing or future plan, if the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

TITLE VIII—TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 801. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO DISTRICT OF COLUMBIA RETIREMENT FUNDS.

(a) PERMITTING OTHER FEDERAL ENTITIES TO ADMINISTER PROGRAM.—Section 11003 of the Balanced Budget Act of 1997 (DC Code, sec. 1-761.2) is amended—

(1) in paragraph (1), by inserting ", and includes any agreement with a department, agency, or instrumentality of the United States entered into under that section" after "the Trustee"; and

(2) in paragraph (10), by striking ", partnership, joint venture, corporation, mutual company, joint-stock company, trust, estate, unincorporated organization, association, or employee organization" and inserting "; partnership; joint venture; corporation; mutual company; joint-stock company; trust; estate; unincorporated organization; association; employee organization; or department, agency, or instrumentality of the United States" .

(b) PERMITTING WAIVER OF RECOVERY OF AMOUNTS PAID IN ERROR.—Section 11021(3) of such Act (DC Code, sec. 1–763.1(3)) is amended by inserting ", or waive recoupment or recovery of," after "recover".

(c) PERMITTING USE OF TRUST FUND TO COVER ADMINISTRATIVE EXPENSES.—Section 11032 of such Act (DC Code, sec. 1–764.2) is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—Amounts in the Trust Fund shall be used—

"(1) to make Federal benefit payments under this subtitle;

"(2) subject to subsection (b)(1), to cover the reasonable and necessary expenses of administering the Trust Fund under the contract entered into pursuant to section 11035(b);

"(3) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary s responsibilities under this subtitle; and

"(4) for such other purposes as are specified in this subtitle."; and

(2) in subsection (b)(2), by inserting "(including expenses described in section 11041(b))" after "to administer the Trust Fund".

(d) PROMOTING FLEXIBILITY IN ADMINISTRATION OF PROGRAM.—Section 11035 of such Act (DC Code, sec. 1–764.5) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

"(c) SUBCONTRACTS.—Notwithstanding any provision of a District Retirement Program or any other law, rule, or regulation, the Trustee may, with the approval of the Secretary, enter into one or more subcontracts with the District Government or any person to provide services to the Trustee in connection with its performance of the contract. The Trustee shall monitor the performance of any such subcontract and enforce its provisions.

"(d) DETERMINATION BY THE SECRETARY.—Notwithstanding subsection (b) or any other provision of this subtitle, the Secretary may determine, with respect to any function otherwise to be performed by the Trustee, that in the interest of economy and efficiency such function shall be performed by the Secretary rather than the Trustee.".

(e) PROCESS FOR REIMBURSEMENT OF DISTRICT GOVERNMENT FOR EXPENSES OF INTERIM ADMINISTRATION.—Section 11041 of such Act (DC Code, sec. 1–765.1) is amended—

(1) in subsection (b), by striking "The Trustee shall" and inserting "The Secretary or the

Trustee shall, at such times during or after the period of interim administration described in subsection (a) as are deemed appropriate by the Secretary or the Trustee'';

(2) in subsection (b)(1), by inserting ''the Secretary or'' after ''if''; and

(3) in subsection (c), by striking ''the replacement plan adoption date'' and inserting ''such time as the Secretary notifies the District Government that the Secretary has directed the Trustee to carry out the duties and responsibilities required under the contract''.

(f) ANNUAL FEDERAL PAYMENT INTO FEDERAL SUPPLEMENTAL FUND.—Section 11053 of such Act (DC Code, sec. 1–766.3) is amended—

(1) by amending subsection (a) to read as follows:

''(a) ANNUAL AMORTIZATION AMOUNT.—At the end of each applicable fiscal year the Secretary shall promptly pay into the Federal Supplemental Fund from the General Fund of the Treasury an amount equal to the annual amortization amount for the year (which may not be less than zero).'';

(2) in subsection (b), by striking ''freeze date'' and inserting ''effective date of this Act'';

(3) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(4) by inserting after subsection (a) the following new subsection:

''(b) ADMINISTRATIVE EXPENSES.—During each applicable fiscal year, the Secretary shall pay into the Federal Supplemental Fund from the General Fund of the Treasury amounts not to exceed the covered administrative expenses for the year.''.

(g) TECHNICAL CORRECTIONS.—(1) Section 11012(c) of such Act (DC Code, sec. 1–752.2(c)) is amended by striking ''District of Columbia Retirement Board'' and inserting ''District Government''.

(2) Section 11033(c)(1) of such Act (DC Code, sec. 1–764.3(c)(1)) is amended by striking ''consisting'' in the first place that it appears.

(3) Section 11052 of such Act (DC Code, sec. 1–766.2) is amended by inserting ''to'' after ''may be made only''.

SEC. 802. CLARIFYING TREATMENT OF DISTRICT OF COLUMBIA EMPLOYEES TRANSFERRED TO FEDERAL RETIREMENT SYSTEMS.

(a) ELIGIBILITY OF NONJUDICIAL EMPLOYEES OF DISTRICT OF COLUMBIA COURTS FOR MEDICARE AND SOCIAL SECURITY BENEFITS.—Section 11246(b) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 755) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) CONFORMING AMENDMENTS TO INTERNAL REVENUE CODE AND SOCIAL SECURITY.—(A) Section 3121(b)(7)(C) of the Internal Revenue Code of 1986 (relating to the definition of employment for service performed in the employ of the District of Columbia) is amended by inserting '(other than the Federal Employees Retirement System provided in chapter 84 of title 5, United States Code)' after 'law of the United States'.

''(B) Section 210(a)(7)(D) of the Social Security Act (42 U.S.C. 410(a)(7)(D)) (relating to the definition of employment for service performed in the employ of the District of Columbia), is amended by inserting '(other than the Federal Employees Retirement System provided in chapter 84 of title 5, United States Code)' after 'law of the United States.''.

(b) VESTING UNDER PREVIOUS DISTRICT OF COLUMBIA RETIREMENT PROGRAM.—For purposes of vesting pursuant to section 2610(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (DC Code, sec. 1–627.10(b)), creditable service with the District for employees whose participation in the District Defined Contribution Plan ceases as a result of the implementation of the Balanced Budget Act of 1997 shall include—

(1) continuous service performed by nonjudicial employees of the District of Columbia courts after September 30, 1997; and

(2) service performed for a successor employer, including the Department of Justice or the District of Columbia Offender Supervision, Defender, and Courts Services Agency established under section 11233 of the Balanced Budget Act of 1997, that provides services previously performed by the District government.

SEC. 803. METHODOLOGY FOR DESIGNATING ASSETS OF RETIREMENT FUND.

Section 11033 of the Balanced Budget Act of 1997 (DC Code, sec. 1–764.3) is amended by adding at the end the following new subsection:

''(e) METHODOLOGY FOR DESIGNATING ASSETS.—

''(1) IN GENERAL.—In carrying out subsection (b), the Secretary may develop and implement a methodology for designating assets after the replacement plan adoption date that takes into account the value of the District Retirement Fund as of the replacement plan adoption date and the proportion of such value represented by $1.275 billion, together with the income (including returns on investments) earned on the assets of and withdrawals from and deposits to the Fund during the period between such date and the date on which the Secretary designates assets under subsection (b). In implementing a methodology under the previous sentence, the Secretary shall not be required to determine the value of designated assets as of the replacement plan adoption date. Nothing in this paragraph may be deemed to effect the entitlement of the District Retirement Fund to income (including returns on investments) earned after the replacement plan adoption date on assets designated for retention by the Fund.

''(2) EMPLOYEE CONTRIBUTIONS; JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.—The Secretary may develop and implement a methodology comparable to the methodology described in paragraph (1) in carrying out the requirements of subsection (c) and in designating assets to be transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund pursuant to section 124(c)(1) of the District of Columbia Retirement Reform Act (as amended by section 11252).

''(3) DISCRETION OF THE SECRETARY.—The Secretary's development and implementation of methodologies for designating assets under this subsection shall be final and binding.''.

SEC. 804. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO JUDICIAL RETIREMENT PROGRAM.

(a) ADMINISTRATION OF JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.—Section 11–1570, District of Columbia Code, as amended by section 11251 of the Balanced Budget Act of 1997, is amended as follows:

(1) In subsection (b)(1)—

(A) by striking ''title I of the National Capital Revitalization and Self-Government Improvement Act of 1997'' and inserting ''subtitle A of title XI of the Balanced Budget Act of 1997''; and

(B) by inserting after the second sentence the following new sentences: ''Notwithstanding any other provision of District law or any other law, rule, or regulation, any Trustee, contractor, or enrolled actuary selected by the Secretary under this subsection may, with the approval of the Secretary, enter into one or more subcontracts with the District of Columbia government or any person to provide services to such Trustee, contractor, or enrolled actuary in connection with its performance of its agreement with the Secretary. Such Trustee, contractor, or enrolled actuary shall monitor the performance of any subcontract to which it is a party and enforce its provisions.''.

(2) In subsection (b)(2)—

(A) by striking ''chief judges of the District of Columbia Court of Appeals and Superior Court of the District of Columbia'' and inserting ''Secretary'';

(B) by striking ''and the Secretary'';

(C) by striking ''and appropriations''; and

(D) by striking ''and deficiency''.

(3) By amending subsection (c) to read as follows:

''(c)(1) Amounts in the Fund are available—

''(A) for the payment of judges retirement pay, annuities, refunds, and allowances under this subchapter;

''(B) to cover the reasonable and necessary expenses of administering the Fund under any agreement entered into with a Trustee, contractor, or enrolled actuary under subsection (b)(1), including any agreement with a department, agency or instrumentality of the United States; and

''(C) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary's responsibilities under this subchapter.

''(2) Notwithstanding any other provision of District law or any other law, rule, or regulation—

''(A) the Secretary may review benefit determinations under this subchapter made prior to the date of the enactment of the Balanced Budget Act of 1997, and shall make initial benefit determinations after such date; and

''(B) the Secretary may recoup or recover, or waive recoupment or recovery of, any amounts paid under this subchapter as a result of errors or omissions by any person.''.

(4) In subsection (d)(1)—

(A) by striking ''Subject to the availability of appropriations, there shall be deposited into the Fund'' and inserting ''The Secretary shall pay into the Fund from the General Fund of the Treasury''; and

(B) by striking ''(beginning with the first fiscal year which ends more than 6 months after the replacement plan adoption date described in section 103(13) of the National Capital Revitalization and Self-Government Improvement Act of 1997)''.

(5) In subsection (d)(2)(A)—

(A) by striking ''June 30, 1997'' and inserting ''September 30, 1997''; and

(B) by striking ''net the sum of future normal cost'' and inserting ''net of the sum of the present value of future normal costs''.

(6) In subsection (d)(3), by striking ''shall be taken from sums available for that fiscal year for the payment of the expenses of the Court, and''.

(7) By adding at the end the following new subsections:

''(h) For purposes of the Internal Revenue Code of 1986—

''(1) the Fund shall be treated as a trust described in section 401(a) of the Code that is exempt from taxation under section 501(a) of the Code;

''(2) any transfer to or distribution from the Fund shall be treated in the same manner as a transfer to or distribution from a trust described in section 401(a) of the Code; and

''(3) the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

''(i) For purposes of the Employee Retirement Income Security Act of 1974, the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

''(j) To the extent that any provision of subpart A of part I of subchapter D of the chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 401 et seq.) is amended after the date of *the enactment of this subsection, such provision as amended shall apply to the Fund only to the extent the Secretary determines that application of the provision as amended is consistent with the administration of this subchapter.*

"(k) Federal obligations for benefits under this subchapter are backed by the full faith and credit of the United States.".

(b) Regulatory Authority of Secretary.—Section 11251 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 756) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

"(b) Regulations; Effect on Reform Act.—Title 11, District of Columbia Code, is amended by adding the following new section:

'§ 11–1572. Regulations; effect on Reform Act.

'(a) The Secretary is authorized to issue regulations to implement, interpret, administer and carry out the purposes of this subchapter, and, in the Secretary's discretion, those regulations may have retroactive effect, except that nothing in this subsection may be construed to permit the Secretary to issue any regulation to retroactively reduce or eliminate the benefits to which any individual is entitled under this subchapter.

'(b) This subchapter supersedes any provision of the District of Columbia Retirement Reform Act (Public Law 96-122) inconsistent with this subchapter and the regulations thereunder.'."; and

(3) by amending subsection (c) (as so redesignated) to read as follows:

"(c) Clerical Amendments.—

"(1) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by amending the item relating to section 11–1570 to read as follows:

'11-1570. The District of Columbia Judicial Retirement and Survivors Annuity Fund.'.

"(2) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by adding at the end the following new item:

'11-1572. Regulations; effect on Reform Act.'."

(c) Termination of Previous Fund and Program.—Section 124 of the District of Columbia Retirement Reform Act (DC Code, sec. 1–714), as amended by section 11252(a) of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a), by inserting "(except as provided in section 11-1570, District of Columbia Code)" after "the following";

(2) in subsection (c)(1), by striking "title I of the National Capital Revitalization and Self-Government Improvement Act of 1997" and inserting "subtitle A of title XI of the Balanced Budget Act of 1997"; and

(3) in subsection (c)(2)—

(A) by striking "(2) The" and inserting "(2) In accordance with the direction of the Secretary, the";

(B) by striking "in the Treasury" and inserting "at the Board"; and

(C) by striking "appropriated" and inserting "used".

(d) Administration of Retirement Funds.—Section 11252 of the Balanced Budget Act of 1997 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

"(b) Transition from District of Columbia Administration.—Sections 11023, 11032(b)(2), 11033(d), and 11041 shall apply to the administration of the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act (DC Code, sec. 1–714), the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11–1570, District of Columbia Code, and the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code, except as follows:

"(1) In applying each such section—

"(A) any reference to this subtitle shall instead refer to subchapter III of chapter 15 of title 11, District of Columbia Code;

"(B) any reference to the District Retirement Program shall be deemed to include the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code;

"(C) any reference to the District Retirement Fund shall be deemed to include the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act;

"(D) any reference to Federal benefit payments shall be deemed to include judges retirement pay, annuities, refunds and allowances under subchapter III of chapter 15 of title 11, District of Columbia Code;

"(E) any reference to the Trust Fund shall instead refer to the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11–1570, District of Columbia Code;

"(F) any reference to section 11033 shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

"(G) any reference to chapter 2 shall instead refer to section 11–1570, ,District of Columbia Code.

"(2) In applying section 11023—

"(A) any reference to the contract shall instead refer to the agreement referred to in section 11–1570(b), District of Columbia Code; and

"(B) any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.

"(3) In applying section 11033(d)—

"(A) any reference to this section shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

"(B) any reference to the Trustee shall instead refer to the Secretary or the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.

"(4) In applying section 11041(b), any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code."; and

(3) by adding at the end the following new subsection:

"(d) Effective Date.—The provisions of subsection (c) shall take effect on the date on which the assets of the District of Columbia Judges Retirement Fund are transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund.".

(e) Miscellaneous Technical and Clerical Amendments.—(1) Sections 11–1568(d) and 11–1569, District of Columbia Code, are each amended by striking "Mayor" each place it appears and inserting "Secretary of the Treasury".

(2) Section 11–1568.2, District of Columbia Code, is amended by striking "Mayor of the District of Columbia" each place it appears and inserting "Secretary of the Treasury".

(3) Section 121(b)(1)(A) of the District of Columbia Retirement Reform Act (DC Code, sec. 1–711(b)(1)(A)), as amended by section 11252(c)(1) of the Balanced Budget Act of 1997 (as redesignated by subsection (d)(1)), is amended in the matter preceding clause (i), by striking "11" and inserting "12".

(4) Section 11–1561(4), District of Columbia Code, as amended by section 11253(b) of the Balanced Budget Act of 1997, is amended by striking "sections" and inserting "section".

(5) Section 11253(c) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 759) is amended to read as follows:

"(c) Treatment of Federal Service of Judges.—Section 11–1564, District of Columbia Code, is amended—

"(1) in subsection (d)(2)(A), by striking 'section 1–1814)' and inserting 'section 1–714) or the District of Columbia Judicial Retirement and Survivors Annuity Fund (established by section 11–1570)'; and

"(2) in subsection (d)(4), by striking 'Judges Retirement Fund established by section 124(a) of the District of Columbia Retirement Reform Act' and inserting 'Judicial Retirement and Survivors Annuity Fund under section 11–1570'.".

(6) Section 11253 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 759) is amended by adding at the end the following new subsection:

"(d) Redeposits to Fund.—Section 11–1568.1(4)(A), District of Columbia Code, is amended by striking 'Judges Retirement Fund' and inserting 'Judicial Retirement and Survivors Annuity Fund'.".

(f) Effective Date.—The amendments made by subsections (a)(2), (a)(4), and (a)(6) shall take effect October 1, 1998.

SEC. 805. EFFECTIVE DATE.

Except as otherwise specifically provided, this title and the amendments made by this title shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

TITLE IX—HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998

Sec. 901. Short Title. This title may be cited as the "Haitian Refugee Immigration Fairness Act of 1998".

Sec. 902. Adjustment of Status of Certain Haitian Nationals. (a) Adjustment of Status.—

(1) In general.—The status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) Relationship of application to certain orders.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) Aliens Eligible for Adjustment of Status.—The benefits provided by subsection (a) shall apply to any alien who is a national of Haiti who—

(1) was present in the United States on December 31, 1995, who—

(A) filed for asylum before December 31, 1995,

(B) was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest, or

(C) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) at the time of arrival in the United States and on December 31, 1995, and who—

(i) arrived in the United States without parents in the United States and has remained without parents in the United States since such arrival,

(ii) became orphaned subsequent to arrival in the United States, or

(iii) was abandoned by parents or guardians prior to April 1, 1998 and has remained abandoned since such abandonment; and

(2) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Haiti;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that he or she has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed; and

(D) the alien is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent resident pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

(i) ADJUSTMENT OF STATUS HAS NO EFFECT ON ELIGIBILITY FOR WELFARE AND PUBLIC BENEFITS.—No alien whose status has been adjusted in accordance with this section and who was not a qualified alien on the date of enactment of this Act may, solely on the basis of such adjusted status, be considered to be a qualified alien under section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)), as amended by section 5302 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 598), for purposes of determining the alien's eligibility for supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.).

(j) PERIOD OF APPLICABILITY.—Subsection (i) shall not apply after October 1, 2003.

(k) Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter (until all applications for adjustment of status under this section have been finally adjudicated), the Comptroller General of the United States shall submit to the Committees on the Judiciary and the Committees on Appropriations of the United States House of Representatives and the United States Senate a report containing the following:

(1)(A) The number of aliens who applied for adjustment of status under subsection (a), including a breakdown specifying the number of such applicants who are described in subparagraph (A), (B), or (C) of subsection (b)91), respectively.

(B) the number of aliens described in subparagraph (A) whose status was ajusted under this section, including a breakdown described in the subparagraph.

(2)(A) The number of aliens who applied for adjustment of status under subsection (d), including a breakdown specifying the number of such applicants who are sponsors, children, or unmarried sons or daughters described in such subsection, respectively.

(B) The number of aliens described in subparagraph (A) whose status was adjusted under this section, including a breakdown described in the subparagraph.

SEC. 903. COLLECTION OF DATA ON DETAINED ASYLUM SEEKERS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nation-wide basis with respect to asylum seekers in detention in the United States, including the following information:

(1) The number of detainees.

(2) An identification of the countries of origin of the detainees.

(3) The percentage of each gender within the total number of detainees.

(4) The number of detainees listed by each year of age of the detainees.

(5) The location of each detainee by detention facility.

(6) With respect to each facility where detainees are held, whether the facility is also used to detain criminals and whether any of the detainees are held in the same cells as criminals.

(7) The number and frequency of the transfers of detainees between detention facilities.

(8) The average length of detention and the number of detainees by category of the length of detention.

(9) The rate of release from detention of detainees for each district of the Immigration and Naturalization Service.

(10) A description of the disposition of cases.

(b) ANNUAL REPORTS.—Beginning October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsection (a) for the fiscal year ending September 30 of that year.

(c) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsection (a) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

SEC. 904. COLLECTION OF DATA ON OTHER DETAINED ALIENS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nation-wide basis on aliens being detained in the United States by the Immigration and Naturalization Service other than the aliens described in section 903, including the following information:

(1) The number of detainees who are criminal aliens and the number of detainees who are noncriminal aliens who are not seeking asylum.

(2) An identification of the ages, gender, and countries of origin of detainees within each category described in paragraph (1).

(3) The types of facilities, whether facilities of the Immigration and Naturalization Service or other Federal, State, or local facilities, in which each of the categories of detainees described in paragraph (1) are held.

(b) LENGTH OF DETENTION, TRANSFERS, AND DISPOSITIONS.—With respect to detainees who are criminal aliens and detainees who are noncriminal aliens who are not seeking asylum, the Attorney General shall also collect data concerning—

(1) the number and frequency of transfers between detention facilities for each category of detainee;

(2) the average length of detention of each category of detainee;

(3) for each category of detainee, the number of detainees who have been detained for the same length of time, in 3-month increments;

(4) for each category of detainee, the rate of release from detention for each district of the Immigration and Naturalization Service; and

(5) for each category of detainee, the disposition of detention, including whether detention ended due to deportation, release on parole, or any other release.

(c) CRIMINAL ALIENS.—With respect to criminal aliens, the Attorney General shall also collect data concerning—

(1) the number of criminal aliens apprehended under the immigration laws and not detained by the Attorney General; and

(2) a list of crimes committed by criminal aliens after the decision was made not to detain them, to the extent this information can be derived by cross-checking the list of criminal aliens not detained with other databases accessible to the Attorney General.

(d) ANNUAL REPORTS.—Beginning on October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsections (a), (b), and (c) for the fiscal year ending September 30 of that year.

(e) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsections (a), (b), and (c) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

This Act may be cited as the "Treasury and General Government Appropriations Act, 1999".

SEC. 102. For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $50,000,000 is hereby appropriated: Provided, That use of the funds provided herein is limited to the purposes for which funds were provided under this heading in Public Law 105–62: Provided further, That of the amounts appropriated under this section, $7,000,000 shall be available for operation, maintenance, surveillance, and improvement of Land Between the Lakes.

SEC. 103. REPURCHASE OF BONDS BY THE TENNESSEE VALLEY AUTHORITY. (a) REPURCHASE.—Notwithstanding any other provision of law or any term contained in any bond issued by the Tennessee Valley Authority to the Federal Financing Bank—

(1) subject to subsection (b), the Tennessee Valley Authority shall have the right to repurchase all such bonds by payment of the principal amount of the bonds plus interest to the date of repurchase;

(2) the Federal Financing Bank shall not require payment from the Tennessee Valley Authority of any additional amount in connection with the repurchase; and

(3) there is hereby appropriated to the Federal Financing Bank such amounts as may be necessary to pay the difference between (1) the amount that the Tennessee Valley Authority paid to the Federal Financing Bank to prepay its outstanding loans from the Federal Financing Bank under this section and (2) the amount that the Federal Financing Bank would have received otherwise.

(b) NO FURTHER FINANCING.—Notwithstanding any other law, after the date of repurchase of bonds under subsection (a), the Tennessee Valley Authority shall not be entitled or permitted to obtain financing from the Federal Financing Bank.

(c) USE OF SAVINGS.—

(1) IN GENERAL.—From non-appropriated funds, beginning on the date of repurchase of bonds and ending on the date on which the bonds would have matured but for this section, amounts that, as determined under paragraph (2), are equivalent to amounts that the Tennessee Valley Authority saves as a result of the repurchase of bonds shall be used to reduce debt of the Tennessee Valley Authority.

(2) DETERMINATION OF AMOUNT OF SAVINGS.—On each date on which a payment of interest would have been made on a repurchased bond if the bond had not been repurchased, the Tennessee Valley Authority shall be considered to realize a saving in the amount of the difference between—

(A) the amount of interest that would have been due at the rate of interest specified in the bond; and

(B) the amount of interest that would have been due if the rate of interest specified in the bond had been the yield to maturity of a marketable public obligation of the United States with a maturity of 10 years as of September 30, 1997.

SEC. 104. Section 312 of Public Law 105–245, the Energy and Water Development Appropriations Act, 1999, is repealed.

SEC. 105. An additional amount of $35,000,000, to remain available until expended, for Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, "Construction, General", is hereby appropriated for the Columbia River Fish Mitigation, Washington, Oregon, and Idaho, project.

SEC. 106. The Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,500,000 of the funds previously appropriated in "Construction, General", for the Lackawanna River, Scranton, Pennsylvania, project to initiate construction of the Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, project. The Secretary of the Army, acting through the Chief of Engineers, is directed to use $400,000 of the funds previously appropriated in "Construction, General", for the Lackawanna River, Scranton, Pennsylvania, project to initiate a comprehensive review of aquatic ecosystem restoration initiatives in the Upper Susquehanna-Lackawanna Watershed under the Aquatic Ecosystem Restoration (Section 206) program. Subject to enactment of authorizing legislation, the Secretary of the Army, acting through the Chief of Engineers, is directed to use $340,000 of the available "Construction, General" funds to initiate construction of the Pierre, South Dakota, flood mitigation project. The Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,500,000 of the funds appropriated in "Construction, General", in Public Law 105–245 for the South Central Pennsylvania Environment Improvement Program only for water-related environmental infrastructure and resource protection and development projects in Allegheny County, Pennsylvania, in accordance with the purposes of subsection (a) and requirements of subsections (b) through (e) of section 313 of the Water Resources Development Act of 1992, as amended.

SEC. 107. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use $750,000 of available "Construction, General" funds for engineering and design, and repair of the Archusa Dam and appurtenant structures located in Quitman, Mississippi.

SEC. 108. An additional amount of $60,000,000 for Department of Energy—Energy Programs, "Energy Supply", is hereby appropriated to remain available until September 30, 2000.

SEC. 109. An additional amount of $15,000,000, to remain available until expended, for Department of Energy—Energy Programs, "Science", is hereby appropriated.

SEC. 110. LAKE POWELL. No funds appropriated by this Act or any other Act for fiscal year 1999 shall be used to study or implement any plan to drain Lake Powell or decommission the Glen Canyon Dam.

SEC. 111. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, surface transportation projects located in the Commonwealth of Massachusetts, $100,000,000, to remain available until expended.

SEC. 112. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, Corridor X of the Appalachian development highway system located in the State of Alabama, $100,000,000, to remain available until expended.

SEC. 113. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, the Appalachian development highway system in the State of West Virginia, $32,000,000, to remain available until expended.

SEC. 114. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, highway projects in the corridor designated by section 1105(c)(18)(C)(ii) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033), as amended by section 1211(i) of the Transportation Equity Act for the 21st Century, $100,000,000, to remain available until expended.

SEC. 115. Notwithstanding any other provision of law, to enable the Secretary of Transportation to make grants to the Alaska Railroad, $28,000,000, to remain available until expended, which shall be for capital improvements benefiting its passenger rail operations.

SEC. 116. Of the unobligated balances authorized in Public Law 102–240 under 49 U.S.C. 5338(b)(1), $392,000,000 is rescinded.

SEC. 117. Notwithstanding any other provision of law, within the funding made available in the Department of Transportation and Related Agencies Appropriations Act, 1999 for discretionary grants under the obligation limitation for Federal Aviation Administration, "Grants-in-Aid for Airports" in fiscal year 1999, not less than $11,250,000 shall be made available for capital improvement projects at the Wilkes-Barre/Scranton International Airport.

SEC. 118. Notwithstanding any other provision of law, within the funding made available in the Department of Transportation and Related Agencies Appropriations Act, 1999 for discretionary grants under the obligation limitation for Federal Aviation Administration, "Grants-in-Aid for Airports" in fiscal year 1999, not less than $7,000,000 shall be made available for capital improvement projects at the Minneapolis-St. Paul International Airport.

SEC. 119. The Legislative Branch Appropriations Act, 1999, is amended by amending the item relating to "JOINT ITEMS—Joint Committee on Printing" to read as follows:

"JOINT COMMITTEE ON PRINTING

"For salaries and expenses of the Joint Committee on Printing, $202,000, to be disbursed by the Secretary of the Senate, together with an additional amount of $150,000 if there is enacted into law legislation which transfers the legislative and oversight responsibilities of the Joint Committee on Printing to the Committee on House Oversight of the House of Representatives: Provided, That such additional amount shall be transferred to the Committee on House Oversight of the House of Representatives and made available beginning January 1, 1999: Provided further, That such additional amount shall be disbursed by the Chief Administrative Officer of the House of Representatives.".

SEC. 120. For carrying out the provisions of division C, title II of this Act, $30,000,000, including $750,000 for the cost of the direct loan under section 207(a), $20,000,000 for the payments in section 207(d), $250,000 for the cost of direct loans under section 211(e), $1,000,000 for the cost of a direct loan in the Bering Sea and Aleutian Islands crab fisheries under the authority of section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)), and $6,000,000 and $2,000,000 for the

Secretary of Commerce and Secretary of Transportation, respectively, to implement division C, title II.

SEC. 121. In addition to amounts provided in the conference report accompanying H.R. 4194 (H. Rept. 105–769), the following funds are hereby appropriated: $10,000,000 for "Housing opportunities for persons with AIDS", to remain available until expended; $45,000,000 to the Secretary of Housing and Urban Development for "Urban Empowerment Zones" for grants in connection with a second round of the empowerment zones program in urban areas, designated by the Secretary of Housing and Urban Development in fiscal year 1999 pursuant to the Taxpayer Relief Act of 1997, including $3,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone, to remain available until expended; $20,000,000 for "State and tribal assistance grants" for a grant for construction and related activities for wastewater treatment for Boston, Massachusetts, to remain available until expended; $10,000,000 for "National and community service programs operating expenses" for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), to remain available until September 30, 2000: Provided, That none of the funds provided herein for "National and community service programs operating expenses" may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of the aforementioned Act; $10,000,000 for "Science and technology", for research associated with the Climate Change Technology Initiative, to remain available until September 30, 2000: Provided further, That the obligated balance of such $10,000,000 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000; and $15,000,000 for "Community development financial institutions fund program account", to remain available until September 30, 2000.

Of the amount appropriated in H.R. 4194, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, under the heading "Community development block grants", $4,750,000 shall be available as a grant to Cayuga County, New York, to repair and rehabilitate the seawalls at the Owasco Lake outlet, and $250,000 shall be available as a grant to Jackson, Michigan, to remove a portion of the Grand River culvert in Jackson, Michigan.

SEC. 122. Upon enactment of H.R. 4194, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, section 202 of that Act is hereby repealed.

SEC. 123. Section 513(a) of the "Quality Housing and Work Responsibility Act of 1998" is amended, upon enactment, by inserting after "40 percent" at the end of proposed section 16(c)(3) of the United States Housing Act of 1937, as set forth in section 513(a), the following: "shall be available for leasing only by families whose incomes at the time of commencement of occupancy do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families.".

SEC. 124. Notwithstanding the third undesignated paragraph under the heading "Community development block grants" under title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, of the amount made available under such heading for the city of Oklahoma City, Oklahoma, up to 50 percent of such amount shall be available to such city for payment of claims for bomb damage and repairs for infrastructure located in the area described in clause (1) of such undesignated paragraph. Any amounts available for use under such undesignated paragraph that are not expended to pay such claims or for such repairs shall be utilized for the revolving loan pool described in such undesignated paragraph.

SEC. 125. Of the amounts earmarked in the Joint Explanatory Statement of the Committee of Conference accompanying H.R. 4194 for grants targeted for economic investments, $2,000,000 made available to the Hawaii Housing Authority for work associated with the construction of the Community Resource Center at Kuhio Homes/Kuhio Park Terrace in Honolulu, Hawaii shall instead be made available to the Housing and Community Development Corporation of Hawaii for the same purpose.

SEC. 126. If the President makes the appointment to the position of Under Secretary for Health of the Department of Veterans Affairs authorized by section 907 of the Veterans Programs Enhancement Act of 1998, the individual appointed shall receive the pay and allowances authorized for that position as if the appointment had been made on September 29, 1998, except that the amount of such pay and allowances that is attributable to the period beginning on September 29, 1998, and ending on the day before the date of that appointment shall be reduced by any amount paid that individual by the United States for personal services performed during that period.

SEC. 127. TRADE DEFICIT REVIEW COMMISSION. (a) SHORT TITLE.—This section may be cited as the "Trade Deficit Review Commission Act".

(b) FINDINGS.—Congress makes the following findings:

(1) The United States continues to run substantial merchandise trade and current account deficits.

(2) Economic forecasts anticipate continued growth in such deficits in the next few years.

(3) The positive net international asset position that the United States built up over many years was eliminated in the 1980s. The United States today has become the world's largest debtor nation.

(4) The United States merchandise trade deficit is characterized by large bilateral trade imbalances with a handful of countries.

(5) The United States has one of the most open borders and economies in the world. The United States faces significant tariff and nontariff trade barriers with its trading partners. The United States does not benefit from fully reciprocal market access.

(6) The United States is once again at a critical juncture in trade policy development. The nature of the United States trade deficit and its causes and consequences must be analyzed and documented.

(c) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the Trade Deficit Review Commission (hereafter in this section referred to as the "Commission").

(2) PURPOSE.—The purpose of the Commission is to study the nature, causes, and consequences of the United States merchandise trade and current account deficits.

(3) MEMBERSHIP OF COMMISSION.—

(A) COMPOSITION.—The Commission shall be composed of 12 members as follows:

(i) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate, after consultation with the Chairman of the Committee on Finance.

(ii) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Finance.

(iii) Three persons shall be appointed by the Speaker of the House of Representatives, after consultation with the Chairman of the Committee on Ways and Means.

(iv) Three persons shall be appointed by the Minority Leader of the House of Representatives, after consultation with the ranking minority member of the Committee on Ways and Mean.

(B) QUALIFICATIONS OF MEMBERS.—

(i) APPOINTMENTS.—Persons who are appointed under subparagraph (A) shall be persons who—

(I) have expertise in economics, international trade, manufacturing, labor, environment, business, or have other pertinent qualifications or experience; and

(II) are not officers or employees of the United States.

(ii) OTHER CONSIDERATIONS.—In appointing Commission members, every effort shall be made to ensure that the members—

(I) are representative of a broad cross-section of economic and trade perspectives within the United States; and

(II) provide fresh insights to analyzing the causes and consequences of United States merchandise trade and current account deficits.

(4) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—Members shall be appointed not later than 60 days after the date of enactment of this Act and the appointment shall be for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(8) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(9) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(d) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall be responsible for examining the nature, causes, and consequences of, and the accuracy of available data on, the United States merchandise trade and current account deficits.

(2) ISSUES TO BE ADDRESSED.—The Commission shall examine and report to the President, the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and other appropriate committees of Congress on the following:

(A) The relationship of the merchandise trade and current account balances to the overall well-being of the United States economy, and to wages and employment in various sectors of the United States economy.

(B) The impact that United States monetary and fiscal policies may have on United States merchandise trade and current account deficits.

(C) The extent to which the coordination, allocation, and accountability of trade responsibilities among Federal agencies may contribute to the trade and current account deficits.

(D) The causes and consequences of the merchandise trade and current account deficits and specific bilateral trade deficits, including—

(i) identification and quantification of—

(I) the macroeconomic factors and bilateral trade barriers that may contribute to the United States merchandise trade and current account deficits;

(II) any impact of the merchandise trade and current account deficits on the domestic economy, industrial base, manufacturing capacity, technology, number and quality of jobs, productivity, wages, and the United States standard of living;

(III) any impact of the merchandise trade and current account deficits on the defense production and innovation capabilities of the United States; and

(IV) trade deficits within individual industrial, manufacturing, and production sectors, and any relationship between such deficits and the increasing volume of intra-industry and intra-company transactions;

(ii) a review of the adequacy and accuracy of the current collection and reporting of import and export data, and the identification and development of additional data bases and economic measurements that may be needed to properly quantify the merchandise trade and current account balances, and any impact the merchandise trade and current account balances may have on the United States economy; and

(iii) the extent to which there is reciprocal market access substantially equivalent to that afforded by the United States in each country with which the United States has a persistent and substantial bilateral trade deficit, and the extent to which such deficits have become structural.

(E) Any relationship of United States merchandise trade and current account deficits to both comparative and competitive trade advantages within the global economy, including—

(i) a systematic analysis of the United States trade patterns with different trading partners and to what extent the trade patterns are based on comparative and competitive trade advantages;

(ii) the extent to which the increased mobility of capital and technology has changed both comparative and competitive trade advantages;

(iii) any impact that labor, environmental, or health and safety standards may have on comparative and competitive trade advantages;

(iv) the effect that offset and technology transfer agreements have on the long-term competitiveness of the United States manufacturing sectors; and

(v) any effect that international trade, labor, environmental, or other agreements may have on United States competitiveness.

(F) The extent to which differences in the growth rates of the United States and its trading partners may impact on United States merchandise trade and current account deficits.

(G) The impact that currency exchange rate fluctuations and any manipulation of exchange rates may have on United States merchandise trade and current account deficits.

(H) The flow of investments both into and out of the United States, including—

(i) any consequences for the United States economy of the current status of the United States as a debtor nation;

(ii) any relationship between such investment flows and the United States merchandise trade and current account deficits and living standards of United States workers;

(iii) any impact such investment flows may have on United States labor, community, environmental, and health and safety standards, and how such investment flows influence the location of manufacturing facilities; and

(iv) the effect of barriers to United States foreign direct investment in developed and developing nations, particularly nations with which the United States has a merchandise trade and current account deficit.

(e) FINAL REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of the initial meeting of the Commission, the Commission shall submit to the President and Congress a final report which contains—

(A) the findings and conclusions of the Commission described in subsection (d); and

(B) recommendations for addressing the problems identified as part of the Commission's analysis.

(2) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the final report.

(f) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may find advisable to fulfill the requirements of this section. The Commission shall hold at least 1 or more hearings in Washington, D.C., and 4 in different regions of the United States.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(i) APPROPRIATIONS.—There are appropriated $2,000,000 to the Commission to carry out the provisions of this section.

SEC. 128. None of the funds provided or otherwise made available in this Division of this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 130. Notwithstanding section 11031 of the National Capital Revitalization and Self-Government Improvement Act of 1997 or any other provision of law and not later than September 30, 1999, the Secretary of the Treasury shall invest, or direct the Trustee to invest, the assets of the Trust Fund in public debt securities with maturities suitable to the needs of the Trust Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

SEC. 131. To capitalize the District of Columbia National Capital Revitalization Corporation, as authorized by the District Council, $25,000,000 to remain available until expended for economic development planning, project development, capital investments, loans, grants, administrative expenses and other purposes included in the District Council's authorizing legislation: Provided, That no funds shall be available unless the Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget, determines that the Corporation advances the purposes of the National Capital Revitalization and Self-Government Improvement Act of 1997: Provided further, That the Secretary, after apportionment pursuant to 31 U.S.C. 1512, may provide for the disbursement of funds in the manner provided for Federal grant programs.

SEC. 132. For a Federal payment to the District of Columbia Public Schools, $30,000,000, for special education costs.

SEC. 133. For payment to the District of Columbia, $20,000,000 which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, and shall be disbursed from such escrow account by the Authority for Year 2000 information technology and related chip replacement projects approved by the Authority: Provided, That, for purposes of any appropriations made by this or any other Act, for emergency expenses related to Year 2000 conversion of Federal information technology systems, and related expenses, the Government of the District of Columbia shall be considered an agency of the United States Government: Provided further, That, any funds provided pursuant to the preceding proviso shall be in addition to funds appropriated directly under this paragraph.

SEC. 134. For a Federal contribution to the District of Columbia for the costs of infrastructure needs, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority and disbursed by the Authority from such account for the repair and maintenance of roads, highways, bridges and transit in the District of Columbia and other economic development projects and planning in the District of Columbia, $50,000,000, to remain available until expended.

DIVISION B—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

TITLE I—MILITARY READINESS AND OVERSEAS CONTINGENCY OPERATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $10,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $33,300,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $33,300,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $8,900,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $8,900,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $10,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $314,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $314,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $232,600,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $232,600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $52,400,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $52,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $303,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $303,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,496,600,000, to remain available for obligation until expended: Provided, That the Secretary of Defense may transfer these funds to appropriations accounts for operation and maintenance; procurement; and research, development, test and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $3,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $3,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $3,300,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $3,300,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $9,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $50,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $21,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $21,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,858,600,000, to remain available for obligation until expended: Provided, That of the amounts provided under this heading, the following amounts shall be transferred to the specified accounts:

"Military Personnel, Army", $310,600,000;
"Military Personnel, Navy", $9,275,000;
"Military Personnel, Marine Corps", $2,748,000;
"Military Personnel, Air Force", $17,000,000; and
"Reserve Personnel, Navy", $2,295,000:

Provided further, That of the remaining funds made available under this heading, the Secretary of Defense may transfer these funds only to operation and maintenance accounts, procurement accounts, the defense health program appropriation, and working capital funds accounts: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MORALE, WELFARE AND RECREATION AND PERSONNEL SUPPORT FOR CONTINGENCY DEPLOYMENTS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 1999, $50,000,000, to remain available for obligation until expended, is hereby made available only for expenses, not otherwise provided for, to provide necessary morale, welfare and recreation support, family support, and to sustain necessary retention and re-enlistment of military personnel in critical military occupational specialties, resulting from the deployment of military personnel to Bosnia and Southwest Asia: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts of the military services: Provided further, That the funds transferred shall be available only for the purposes described under this heading: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program ", $200,000,000: Provided, That these funds shall be for Operation and maintenance, of which not to exceed two per centum shall remain available until September 30, 2000: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $200,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $42,000,000: Provided, That funds appropriated under this heading may be transferred to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation: Provided further, That funds appropriated under this heading shall be available for obligation for the same time period and for the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $42,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 101. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 102. In addition to the amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 1999, $1,000,000,000, to remain available for obligation until expended, is hereby appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide": Provided, That these funds shall be made available only for the enhanced testing, accelerated development, construction, and integration and infrastructure efforts in support of ballistic missile defense systems: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 103. In addition to amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 1999, $259,853,000 is hereby appropriated to the Department of Defense, only for emergency expenses incurred at United States military facilities or installations in the United States or overseas directly resulting from storm damage or other natural disasters, as follows:

"Military Personnel, Marine Corps", $232,000;
"Reserve Personnel, Army", $343,000;
"Reserve Personnel, Navy", $100,000;
"Operation and Maintenance, Army", $139,056,000;
"Operation and Maintenance, Navy", $57,179,000;
"Operation and Maintenance, Marine Corps", $8,470,000;
"Operation and Maintenance, Air Force", $34,254,000;
"Operation and Maintenance, Army Reserve", $853,000;
"Operation and Maintenance, Navy Reserve", $5,058,000;
"Operation and Maintenance, Army National Guard", $5,750,000;
"Operation and Maintenance, Air National Guard", $4,355,000;
"Defense Health Program", $2,120,000; and
"Navy Working Capital Fund", $2,083,000:

Provided, That these funds may be used to execute projects or programs that were deferred in order to carry out emergency repairs resulting from such storm damage or natural disasters: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of the amounts provided in this section, $153,551,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That of the amount referred to in the third proviso in this section, up to $29,454,000 may be transferred from "Operation and Maintenance, Army", to "Military Construction, Army".

SEC. 104. In addition to amounts provided in this Act, $2,000,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 105. Section 8136 of the Department of Defense Appropriations Act, 1999, is amended by striking out "$502,000,000" and inserting in lieu thereof "$569,000,000", and further amended by striking out "$176,000,000" and inserting in lieu thereof "$243,000,000".

CHAPTER 2

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", for expenditures in the Russian Federation to implement a United States/Russian accord for the disposition of excess weapons plutonium, $200,000,000, to remain available until expended: Provided, That none of the funds may be obligated until the Department of Energy submits to Congress a detailed budget justification for use of these funds, and the proposal has been approved by the House and Senate Committees on Appropriations: Provided further, That the entire amount shall be available *only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

For an additional amount to purchase natural uranium associated with the 1997 and 1998 deliveries under the United States-Russia HEU Purchase Agreement (hereinafter, "the Agreement"), $325,000,000, to remain available until expended, which shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such uranium is located in the United States at the time of purchase, and shall become part of the inventory of the Department of Energy: Provided further, That such funds shall be available only upon conclusion of a long-term agreement by the Government of the Russian Federation and commercial partners for the sale of uranium to be derived from deliveries scheduled for 1999 and thereafter under the Agreement.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army" to replace facilities destroyed by monsoons in the Republic of Korea during August of 1998, $118,000,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 1999: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That from amounts made available in this or any other Act for military construction, the Secretary of the Army may acquire real property and carry out a military construction project at Camp Casey in Korea, in the amount of $12,016,000.

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy" to cover the incremental costs arising from the consequences of Hurricanes Georges and Bonnie, $5,860,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 1999: Provided, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $29,200,000, to remain available until September 30, 1999: Provided, That of this amount, $2,200,000 shall be available to cover the incremental costs arising from force protection, as authorized by 10 U.S.C. 2803: Provided further, That of this amount $27,000,000 shall be available to cover the incremental costs arising from the consequences of Hurricane Georges, as authorized by 10 U.S.C. 2854: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard" to cover the incremental costs arising from the consequences of Hurricane Georges, $2,500,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 1999: Provided, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for "Military Construction, Air National Guard" to cover the incremental costs arising from the consequences of Hurricane Georges, $15,900,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 1999: Provided, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FAMILY HOUSING, ARMY

For an additional amount for "Family Housing, Army" to cover the incremental costs arising from the consequences of Hurricane Georges and for the rehabilitation of family housing, $5,200,000, to remain available until September 30, 1999: Provided, That notwithstanding any other provision of law, of this amount $4,000,000 shall be available only for the rehabilitation of family housing referred to in Section 8142 of the Department of Defense Appropriations Act of 1999: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental costs arising from the consequences of Hurricane Bonnie, $10,599,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 1999: Provided, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FAMILY HOUSING, AIR FORCE

For an additional amount for "Family Housing, Air Force" to cover the incremental costs arising from the consequences of Hurricane Georges, $22,233,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 1999: Provided, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION, THIS CHAPTER

Section 2304(c)(2) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 is amended by striking "$2,000,000,000" and inserting "$2,000,000".

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, $100,000,000, of which $28,000,000 is only available for expenses related to expansion of drug interdiction activities around Puerto Rico, the United States Virgin Islands, and other transit zone areas of operation, including costs to operate and maintain PC-170 patrol craft offered by the Department of Defense: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for acquisition, construction, renovation, and improvement of facilities and equipment, to be available for expansion of Coast Guard drug interdiction activities, $100,000,000, to remain available until expended and to be distributed as follows:

Acquisition and construction of Barracuda class coastal patrol boats, $33,000,000;

Reactivation costs for up to 3 HU-25 aircraft for maritime patrol, $7,500,000;

Acquisition of installed or deployable electronic sensors and communication systems for Coast Guard cutters or boats, $13,000,000;

Operational test and evaluation of the use of force from aircraft, $2,500,000; and

Acquisition of installed or deployable electronic sensors for maritime patrol aircraft and not to exceed $5,800,000 for C–130 engine upgrade, $44,000,000:

Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RESERVE TRAINING

For an additional amount for operating, maintenance, and training expenses of the Coast Guard Reserve, including supplies, equipment and services, $5,000,000: Provided, That none of these funds may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserves: Provided further, That the highest priority for use of these funds shall be for enhancing drug interdiction activities conducted by the Coast Guard Reserves: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For an additional amount for necessary expenses for applied scientific research, development, test, and evaluation, maintenance, rehabilitation, lease and operation of facilities and equipment, $5,000,000, to remain available until expended: Provided, That the highest priority for use of these funds shall be the development of new technologies or operational procedures which enhance drug interdiction activities of the Coast Guard: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

TITLE II—ANTITERRORISM

CHAPTER 1

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $21,680,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Diplomatic and Consular Programs", $773,700,000, to remain available until expended, of which $25,700,000 shall be available only to the extent that an official budget request that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That as determined by the Secretary of State, such funds may be used to procure services and equipment overseas necessary to improve worldwide security and reconstitute embassy operations in Kenya and Tanzania on behalf of any other agency: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SALARIES AND EXPENSES

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Salaries and Expenses", $12,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF INSPECTOR GENERAL

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Office of Inspector General", $1,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Security and Maintenance of United States Missions", $627,000,000, to remain available until expended; of which $56,000,000 is for security projects, relocations, and security equipment on behalf of missions of other U.S. Government agencies, which amount may be transferred to any appropriation for this purpose, to be merged with and available for the same time period as the appropriation to which transferred; and of which $185,000,000 is for capital improvements or relocation of office and residential facilities to improve security, which amount shall become available fifteen days after notice thereof has been transmitted to the Appropriations Committees of both Houses of Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Emergencies in the Diplomatic and Consular Service", $10,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", $358,427,000, to remain available for obligation until expended: Provided, That the Secretary of Defense may transfer these funds to fiscal year 1999 appropriations for operation and maintenance; procurement; research, development, test and evaluation; and family housing: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $358,427,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 201. MAINTENANCE AND OPERATION OF EQUIPMENT.—Section 374 of title 10, United States Code, is amended—

(1) in subsection (b)(1)(A), by striking "or";

(2) in subsection (b)(1)(B), by striking the period at the end, inserting in lieu thereof a semicolon and the following new subparagraphs:

"(C) a foreign or domestic counter-terrorism operation; or

"(D) a rendition of a suspected terrorist from a foreign country to the United States to stand trial.";

(3) in subsection (b)(2)(F)(i)—

(A) by inserting "along with any other civilian or military personnel who are supporting, or conducting, a joint operation with civilian law enforcement personnel;" after "the transportation of civilian law enforcement personnel"; and

(B) by striking "and";

(4) in subsection (b)(2)(F)(ii)—

(A) by inserting "and supporting" after "the operation of a base of operations for civilian law enforcement";

(B) by striking the period at the end and inserting in lieu thereof "; and"; and

(C) by inserting at the end the following new clause:

"(iii) the transportation of suspected terrorists from foreign countries to the United States for trial (so long as the requesting Federal law enforcement agency provides all security for such transportation and maintains custody over the suspect through the duration of the transportation).";

(5) in subsection (b)(4)(A), by striking "an" and inserting in lieu thereof "a Federal"; and

(6) in subsection (b)(4)(A), by inserting a new clause "(v) Any law, foreign or domestic, prohibiting terrorist activities." after "(iv) The Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).".

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. In addition to amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 1999, $50,000,000 is hereby appropriated, only to initiate and expand activities of the Department of Defense to *prevent, prepare for, and respond to a terrorist attack in the United States involving weapons of mass destruction: Provided, That $35,000,000 of the funds made available in this section shall be transferred to the following accounts in the specified amounts:*

"National Guard Personnel, Army", $4,000,000;

"National Guard Personnel, Air Force", $1,000,000;

"Operation and Maintenance, Army", $2,000,000;

"Operation and Maintenance, Army National Guard", $20,000,000; and

"Procurement, Defense-Wide", $8,000,000: Provided further, That of the funds made available in this section, $15,000,000 shall be transferred to "Research, Development, Test and Evaluation, Army", only to develop and support a long term, sustainable Weapons of Mass Destruction emergency preparedness training program: Provided further, That funds transferred pursuant to this section shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the entire amount provided in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 203. In addition to amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 1999, $120,500,000, to remain available for obligation until expended, is appropriated to the proper accounts within the Department of the Air Force: Provided, That the additional amount shall be made available only for the provision of crisis response aviation support for critical national security, law enforcement and emergency response agencies: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $120,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the President of the United States shall submit to the Congress by March 15, 1999, an interagency agreement for the utilization of Department of Defense assets to support the crisis response requirements of the Federal Bureau of Investigation and the Federal Emergency Management Agency.

CHAPTER 3

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL SECURITY ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFERS OF FUNDS)

Notwithstanding section 10 of Public Law 91–672, for an additional amount for "Economic Support Fund" for assistance for Kenya and Tanzania, $50,000,000, to remain available until September 30, 2000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated under this paragraph may be made available for administrative costs associated with assistance provided under this paragraph: Provided further, That $2,500,000 shall be transferred to and merged with "Operating Expenses of the Agency for International Development" for security and related expenses: Provided further, That $1,269,000 shall be transferred to and merged with "Peace Corps" for security and related expenses: Provided further, That the transfers authorized in the preceding provisos shall be in addition to sums otherwise available for such purposes: Provided further, That funds appropriated under this paragraph shall only be available through the regular notification procedures of the Committees on Appropriations.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956 and section 10 of Public Law 91–672, for an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for anti-terrorism assistance, $20,000,000, to remain available until September 30, 2000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for emergency security related expenses, $2,320,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction" for emergency security related expenses, $3,680,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

ARCHITECT OF THE CAPITOL

CAPITOL VISITOR CENTER

For necessary expenses for the planning, engineering, design, and construction, as each such milestone is approved by the Committee on Rules and Administration of the Senate, the Committee on House Oversight of the House of Representatives, the Committees on Appropriations of the House of Representatives and of the Senate, and other appropriate committees of the House of Representatives and of the Senate, of a new facility to provide greater security for all persons working in or visiting the United States Capitol and to enhance the educational experience of those who have come to learn about the Capitol building and Congress, $100,000,000, to be supplemented by private funds, which shall remain available until expended: Provided, That Section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this heading: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CAPITOL POLICE BOARD

SECURITY ENHANCEMENTS

For the Capitol Police Board for security enhancements to the Capitol complex, including the buildings and grounds of the Library of Congress, $106,782,000, to remain available until expended: Provided, That such security enhancements shall be carried out in accordance with a plan or plans approved by the Committee on House Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate: Provided further, That the Capitol Police Board shall transfer to the Architect of the Capitol such portion of the funds made available under this heading as the Architect may require for expenses necessary to provide support for the security enhancements, subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate: Provided further, That the Capitol Police Board shall transfer to the Librarian of Congress such portion of the funds made available under this heading as the Librarian may require for expenses necessary to provide support for the security enhancements, subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION, THIS CHAPTER

The responsibility for design, installation, and maintenance of security systems to protect the physical security of the buildings and grounds of the Library of Congress is transferred from the Architect of the Capitol to the Capitol Police Board. Such design, installation, and maintenance shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5). Any alteration to a structural, mechanical, or architectural feature of the buildings and grounds of the Library of Congress that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Facilities and Equipment", $100,000,000, for necessary expenses for acquisition, installation and related activities supporting the deployment of bulk and trace explosives detection systems and other advanced security equipment at airports in the United States, to remain available until September 30, 2001: Provided, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER 7

DEPARTMENT OF THE TREASURY

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $3,548,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $80,808,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE III—YEAR 2000 CONVERSION OF FEDERAL INFORMATION TECHNOLOGY SYSTEMS

FISCAL YEAR 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

INFORMATION TECHNOLOGY SYSTEMS AND RELATED EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for emergency expenses related to Year 2000 conversion of Federal information technology systems, and related expenses, $2,250,000,000, to remain available until September 30, 2001, of which $5,500,000 shall be transferred to the Legislative Branch for "SENATE", "Contingent Expenses of the Senate", "Sergeant at Arms and Doorkeeper of the Senate" for salaries and expenses related to Year 2000 conversion of Senate information technology systems: Provided, That the funds may be obligated with the prior approval of the Senate Committee on Appropriations; and of which, $6,373,000 shall be transferred to the Legislative Branch for "HOUSE OF REPRESENTATIVES", "Salaries and Expenses", "Salaries, Officers and Employees" for salaries and expenses related to Year 2000 conversion of House of Representatives information technology systems; and of which $5,000,000 shall be transferred to the Legislative Branch for "GENERAL ACCOUNTING OFFICE", "Information Technology Systems and Related Expenses" for expenses related to Year 2000 conversion of information technology systems and related expenses of all entities in the Legislative Branch other than the "Senate" and "House of Representatives" covered by the Legislative Branch Appropriations Act, 1998 (Public Law 105–55), which the Comptroller General shall transfer to the affected entities in the Legislative Branch, upon the approval of the House and Senate Committees on Appropriations; and of which $13,044,000 shall be transferred to the Judiciary to the Judiciary Information Technology Fund for expenses related to Year 2000 conversion of Judicial Branch information technology and security systems: Provided further, That the remaining funds made available shall be transferred, as necessary, by the Director of the Office of Management and Budget to all affected Federal Departments and Agencies, except the Department of Defense, for expenses necessary to ensure the information technology that is used or acquired by the Federal government meets the definition of Year 2000 compliant under Federal Acquisition Regulations (concerning accurate processing of date/time data, including calculating, comparing, and sequencing from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations) and to meet other criteria for Year 2000 compliance as the head of each Department or Agency considers appropriate: Provided further, That none of the funds provided under this heading, except those transferred to the Legislative Branch and the Judiciary, may be transferred to any Department or Agency until fifteen days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform and Oversight, a proposed allocation and plan for that Department or Agency to achieve Year 2000 compliance for technology information systems: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this or any other Act: Provided further, That funds provided under this heading shall be in addition to funds available in this or any other Act for Year 2000 compliance by any Federal Department or Agency: Provided further, That the entire amount, except those amounts transferred to the Legislative Branch and the Judiciary, shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

INFORMATION TECHNOLOGY SYSTEMS AND SECURITY TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses relating to Year 2000 conversion of information technology and national security systems, for information technology, and infrastructure protection to include computer security/information assurance programs, and for related expenses, $1,100,000,000, to remain available until September 30, 2001: Provided, That the funds made available shall be transferred, as necessary, by the Secretary of Defense to any account in any previously enacted Department of Defense Appropriations Act for expenses necessary to ensure the information technology that is used or acquired by the Federal government meets the definition of Year 2000 compliant under Federal Acquisition Regulations (concerning accurate processing of date/time data, including calculating, comparing, and sequencing from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations) and to meet other criteria for Year 2000 compliance as the Secretary considers appropriate: Provided further, That none of the funds provided under this heading may be transferred to any other account until fifteen days after the Secretary of Defense has submitted to the House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform and Oversight, a proposed allocation and plan for the Department of Defense to achieve Year 2000 compliance for technology information systems: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That funds provided under this heading shall be in addition to funds available in this or any other Act making appropriations for the Department of Defense for Year 2000 compliance and related activities: Provided further, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount made available under this heading shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

TITLE IV—OTHER EMERGENCIES

CHAPTER 1

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

In addition to the amounts appropriated or otherwise made available for this purpose, $5,000,000 is appropriated to the Department of Commerce to remain available until expended to provide emergency disaster assistance to persons or entities in the Northeast multispecies fishery who have incurred losses from a commercial fishery failure under section 308(b) of the Interjurisdictional Fisheries Act of 1986, as amended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to the Congress.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $71,000,000, to remain available until expended to subsidize additional gross obligations for the principal amount of direct loans: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for administrative expenses to carry out the disaster loan program, an additional $30,000,000 to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and Expenses": Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL—

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for emergency repairs and dredging due to flooding, $2,500,000, *to remain available until expended, which shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for emergency repairs and dredging due to flooding, $99,700,000, to remain available until expended, of which such amounts for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that Fund: Provided, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

Notwithstanding section 10 of Public Law 91–672, for an additional amount for "Child Survival and Disease Programs Fund", $50,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER BILATERAL ECONOMIC ASSISTANCE

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Notwithstanding section 10 of Public Law 91–672, for an additional amount for "Assistance for the New Independent States of the former Soviet Union," $46,000,000, to remain available until September 30, 2000: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNANTICIPATED NEEDS

For an additional amount for "Unanticipated Needs", $30,000,000, to remain available until expended, only for a grant to the American Red Cross for reimbursement of disaster relief, recovery expenditures, and emergency services: Provided, That the enrire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", $25,000,000, to remain available until expended, to repair damage due to hurricanes, floods and other acts of nature: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $10,000,000, to remain available until expended, to repair damage due to hurricanes, floods and other acts of nature: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $1,000,000, to remain available until expended, to repair damage due to hurricanes, floods and other acts of nature: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services" to carry out section 402 of the Job Training Partnership Act, $7,000,000, to be available upon enactment and remain available through June 30, 1999: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements", for facility replacement or repairs arising from the consequences of Hurricane Georges, $12,600,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

For an additional amount for "Community development block grants", as authorized under title I of the Housing and Community Development Act of 1974, $250,000,000, which shall remain available until September 30, 2002, for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal years 1998 and 1999, except for those activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: Provided, That in administering these amounts and except as provided in the next proviso, the Secretary of Housing and Urban Development (the Secretary) may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds and would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary may waive the requirements that activities benefit persons of low and moderate income, except that at least 50 percent of the funds under this heading must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need: Provided further, That, upon a finding of compelling need, the Secretary must provide an explanation of the finding to the Committees on Appropriations: Provided further, That all funds under this heading shall be allocated by the Secretary to states (including Indian tribes for all purposes under this heading) to be administered by each state in conjunction with its Federal Emergency Management Agency program or its community development block grants program or by the entity designated by its Chief Executive Officer to administer the HOME Investment Partnerships Program: Provided further, That each state shall provide not less than 25 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this heading: Provided further, That, in conjunction with the Director of the Federal Emergency Management Agency (the Director), the Secretary shall allocate funds based on the unmet needs identified *by the Director as those which have not or will not be addressed by other federal disaster assistance programs: Provided further, That, in conjunction with the Director, the Secretary shall utilize annual disaster cost estimates in order that the funds under this heading shall be available, to the maximum extent feasible, to assist states with all Presidentially declared disasters designated during these fiscal years: Provided further, That the Secretary shall publish a notice in the Federal Register governing the allocation and use of the community development block grants funds made available under this heading for disaster areas: Provided further, That any project or activity underway prior to a Presidentially declared disaster may not receive funds under this heading unless the disaster directly impacted the project: Provided further, That 10 days prior to distribution of funds, the Secretary and the Director shall submit a list to the Committees on Appropriations, setting forth the proposed uses of funds, including an explanation of why other Federal disaster assistance programs do not cover the costs of unmet needs identified by the Director, the most recent estimates of unmet needs (including all uses of waivers and the reasons therefore), and an explanation of how the disaster impacted the proposed project: Provided further, That the Secretary and the Director shall submit quarterly reports to the Committees on Appropriations regarding the actual projects, localities and needs for which funds have been provided: Provided further, That these reports shall be based upon quarterly reports submitted to the Secretary and the Director by each state receiving funds under this heading: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief", $906,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

TITLE V—COUNTER-DRUG ACTIVITIES AND INTERDICTION

CHAPTER 1

Department of Agriculture

Agriculture Research Service

"Agriculture Research Service", Department of Agriculture, $23,000,000, for additional counterdrug research and development activities: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amounts shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

CHAPTER 2

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $10,200,000, to remain available until expended, of which the entire amount shall be available only to the extent that an official budget request that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for Salaries and Expenses, Enforcement and Border Affairs, $10,000,000, to remain available until expended, of which the entire amount shall be available only to the extent that an official budget request that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $232,600,000, to remain available until expended: Provided, That such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, $16,300,000, available solely for expenses related to the expansion of drug interdiction activities around Puerto Rico, the United States Virgin Islands, and other transit zone areas of operation, including costs to operate and maintain PC–170 patrol craft offered by the Department of Defense: Provided, That $4,000,000 of these funds shall be used only for the establishment and operating costs of a Caribbean International Support Tender, to train and support foreign coast guards in the Caribbean region: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for acquisition, construction, renovation, and improvement of facilities and equipment, to be available for expansion of Coast Guard drug interdiction activities, $117,400,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $1,500,000, to remain available until expended for necessary expenses for an interagency money laundering initiative: Provided, That funds shall be available for transfer to the National Foreign Intelligence Program: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That none of the funds provided under this heading may be obligated until fifteen days after notice thereof has been transmitted to the Committees on Appropriations.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $106,300,000, to remain available until expended for counterdrug initiatives: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That none of the funds provided under this heading may be obligated until fifteen days after notice thereof has been transmitted to the Committees on Appropriations.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For an additional amount for "Operation, Maintenance and Procurement, Air and Marine Interdiction Programs", $162,700,000, to remain available until expended: Provided, That of the amount provided, $153,000,000 shall be available for the procurement and conversion of two P–3B AEW aircraft and four P–3B Slick aircraft to be transferred from the Department of Defense to the Customs Service: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That none of the funds provided under this heading may be obligated until fifteen days after notice thereof has been transmitted to the Committees on Appropriations.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For an additional amount for "Customs Facilities, Construction, Improvements and Related Expenses", $7,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That none of the funds provided under this heading may be obligated until fifteen days after notice thereof has been transmitted to the Committees on Appropriations.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,200,000: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That none of the funds provided under this heading may be obligated until fifteen days after notice thereof has been transmitted to the Committees on Appropriations.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to support the National Drug Court Institute, $2,000,000, to remain available until expended: Provided, That the entire amount shall be available for transfer to the National Drug Court Institute: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That none of the funds provided under this heading may be obligated until fifteen days after notice thereof has been transmitted to the Committees on Appropriations.

TITLE VI—GENERAL PROVISION

No part of any appropriation contained in this Division of this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DIVISION C—OTHER MATTERS

TITLE I—OTHER MATTERS

SEC. 101. ACTING TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION. (a) IN GENERAL.—Notwithstanding any other provision of law, the President may appoint an acting Treasury Inspector General for Tax Administration to serve during the period—

(1) beginning on the date of the enactment of this section (or, if later, the date of the appointment), and

(2) ending on the earlier of—

(A) April 30, 1999, or

(B) the date on which the first Treasury Inspector General for Tax Administration takes office (other than pursuant to this section).

(b) DUTIES BEFORE JANUARY 18, 1999.—The acting Treasury Inspector General for Tax Administration appointed under subsection (a) shall, before January 18, 1999, take only such actions as are necessary to begin operation of the Office of Treasury Inspector General for Tax Administration, including—

(1) making interim arrangements for administrative support for the Office,

(2) establishing interim positions in the Office into which personnel will be transferred upon the transfer of functions and duties to the Office on January 18, 1999,

(3) appointing such acting personnel on an interim basis as may be necessary upon the transfer of functions and duties to the Office on January 18, 1999, and

(4) providing guidance and input for the fiscal year 2000 budget process for the Office.

(c) ACTIONS NOT TO LIMIT AUTHORITY OF IG.—None of the actions taken by an individual appointed under subsection (a) shall affect the future authority of any Treasury Inspector General for Tax Administration not appointed under subsection (a).

(d) LIMITATIONS.—

(1) NOMINATION.—No individual appointed under subsection (a) may serve on or after January 19, 1999, unless on or before such date the President has submitted to the Senate his nomination of an individual to serve as the first Treasury Inspector General for Tax Administration.

(2) TREASURY INSPECTOR GENERAL MAY NOT SERVE.—No individual appointed under subsection (a) may serve during any period such individual is serving as the Inspector General of the Treasury of the United States or the acting Inspector General of the Treasury of the United States.

(3) EMPLOYMENT RESTRICTIONS.—The provisions of section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall apply to any individual appointed under subsection (a).

SEC. 102. Section 122 of Public Law 105–119 (5 U.S.C. 3104 note) is amended—

(1) by amending subsection (g) to read as follows:

"(g)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary of the Treasury is authorized to establish, for a period of three years from date of enactment of this provision, a personnel management demonstration project providing for the compensation and performance management of not more than a combined total of 950 employees who fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, and the United States Secret Service.

"(2) The provisions of subsections (b) through (f) and subsection (h) shall apply to the demonstration project authorized by paragraph (1) except that—

"(A) any reference in such subsections to the Director of the Federal Bureau of Investigation shall include a reference to the Secretary of the Treasury;

"(B) the operating plan required by subsection (d) shall be submitted not later than February 1, 1999 to the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, the Senate Committee on Governmental Affairs, the House Committee on Ways and Means, and the Senate Committee on Finance; and

"(C) the report required by subsection (f) shall be submitted not later than March 31, 2001."; and

(2) by amending subsection (h) to read as follows—

"(h) The authority to establish a demonstration project under this section shall terminate on November 26, 2000.".

SEC. 103. Section 824 of the Foreign Service Act is amended:

(1) in subsection (a)(1)(A) by inserting "or in the case of a waiver under subsection (g)" after "subsection (b)"; and

(2) by adding the following new subsections (g) and (h) at the end:

"(g) The Secretary of State may waive the application of the paragraphs (a) through (d) of this section, on a case-by-case basis, for an annuitant reemployed on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.

"(h) A reemployed annuitant as to whom a waiver under subsection (g) is in effect shall not be considered a participant for purposes of subchapter I or subchapter II, or an employee for purposes of chapter 83 or 84 of title 5, United States Code.".

SEC. 104. Title II of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99–399) is amended by adding the following new section at the end:

"SEC. 206. CONTRACTING AUTHORITY.

"The Secretary of State is authorized to employ individuals or organizations by contract to carry out the purposes of this Act, and individuals employed by contract to perform such services shall not by virtue of such employment be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management (except that the Secretary may determine the applicability to such individuals of any law administered by the Secretary concerning the employment of such individuals); and such contracts are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making and performance of contracts and performance of work in the United States.".

SEC. 106. INTRASTATE BUS TRANSPORTATION IN HAWAII. Section 14501(a)(1) of Title 49, United

States Code, is amended by striking "operations" and inserting "operations, or to intrastate bus transportation of any nature in the State of Hawaii".

Sec. 107. Provisions of 23 U.S.C. 125(b)(1) shall not apply to emergency relief projects resulting from the flooding in the State of California in January and March 1995.

Sec. 108. For the purpose of any Rule of the House of Representatives, notwithstanding any other provision of law, any obligation limitation relating to surface transportation projects under section 1602 of P.L. 105–178 shall be assumed to be administered on the basis of sound program management practices that are consistent with past practices of the administering agency permitting States to decide High Priority Project funding priorities within state program allocations.

Sec. 109. Operation of Trailers. (a) Registration of Trailers.—A State that requires annual registration of container chassis and the apportionment of fees for such registrations in accordance with the International Registration Plan (as defined under section 31701 of title 49, United States Code) shall not limit the operation, or require the registration, in the State of a container chassis (or impose fines or penalties on the operation of a container chassis for being operated in the State without a registration issued by the State) if such chassis—

(1) is registered under the laws of another State; and

(2) is operating under a trip permit issued by the State.

(b) Limitation on Registration of Trailers.—A State described in subsection (a) may not deny the use of trip permits for the operation in the State of a container chassis that is registered under the laws of another State.

(c) Safety Regulation.—This section shall apply to registration requirements only and shall not affect the ability of the State to regulate for safety.

(d) Penalties.—No State described in subsection (a), political subdivision of such a State, or person may impose or collect any fee, penalty, fine, or other form of damages which is based in whole or in part upon the nonpayment of a State registration fee (including related weight and licensing fees assessed as part of registration) attributable to a container chassis operated in the State (and registered in another State) before the date of enactment of this Act, unless it is shown by the State, political subdivision, or person that such container chassis was not operated in the State under a trip permit issued by the State.

(e) Container Chassis Defined.—In this section, the term "container chassis" means a trailer, semi-trailer, or auxiliary axle used exclusively for the transportation of ocean shipping containers.

Sec. 110. Reauthorization of the Federal Aviation Administration. (a) Period of Applicability of Certain Amendments.—Effective September 29, 1998, section 125 of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 47114 note; 110 Stat. 3220) is repealed.

(b) Airport Improvement Program.—

(1) Authorization of appropriations.—Section 48103 of title 49, United States Code, is amended—

(A) by striking "September 30, 1996" and inserting "September 30, 1998"; and

(B) by striking "$2,280,000,000" and all that follows through the period at the end and inserting the following: "$1,205,000,000 for the six-month period beginning October 1, 1998".

(2) Obligational authority.—Section 47104(c) of title 49, United States Code, is amended by striking "September 30, 1998" and inserting "March 31, 1999".

(c) Aviation Insurance Program Amendments.—

(1) Reimbursement of insured party's subrogee.—Section 44309(a) of title 49, United States Code, is amended to read as follows:

"(a) Losses.—

"(1) Actions against United States.—A person may bring a civil action in a district court of the United States or in the United States Court of Federal Claims against the United States Government when—

"(A) a loss insured under this chapter is in dispute; or

"(B)(i) the person is subrogated under a contract between the person and a party insured under this chapter (other than section 44305(b)) to the rights of the insured party against the United States Government; and

"(ii) the person has paid to the insured party, with the approval of the Secretary of Transportation, an amount for a physical damage loss that the Secretary has determined is a loss covered by insurance issued under this chapter (other than section 44305(b)).

"(2) Limitation.—A civil action involving the same matter (except the action authorized by this subsection) may not be brought against an agent, officer, or employee of the Government carrying out this chapter.

"(3) Procedure.—To the extent applicable, the procedure in an action brought under section 1346(a)(2) of title 28, United States Code, applies to an action under this subsection.".

(2) Extension of aviation insurance program.—Section 44310 of such title is amended by striking "December 31, 1998." and inserting "March 31, 1999.".

(d) Eligibility of AIP Funds to Assess Y2K Compliance.—

(1) Eligibility.—For fiscal year 1999 the term "airport development" under section 47102(3) of title 49, United States Code, may include activities of an airport sponsor of a commercial service airport (as defined by section 47102(7) of such title) to assess the Year 2000 processing capabilities of any airport facilities, technology systems, or equipment owned by the airport sponsor and directly related to airport activities, regardless of whether such facilities, systems, or equipment are otherwise eligible for assistance under chapter 471 of such title. Such activities may include testing associated with such assessment.

(2) Limitations.—

(A) Only funds apportioned to sponsors under section 47114(c) of title 49, United States Code, or to States under subsections (d) and (e) of section 47114 of such title, may be used for activities described in paragraph (1).

(B) The expanded eligibility under paragraph (1) applies only to the assessment (and associated testing) with respect to the Year 2000 processing capabilities of airport facilities, systems, and equipment owned by the airport sponsor.

(3) Definition.—In this subsection, the term "Year 2000 processing" means the processing (including, without limitation, calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date or date/time data from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000, and leap year calculations.

(e) Scorekeeping Adjustment.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105–217, legislation in this section that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriated, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) JOINT VENTURE AGREEMENTS.

(1) In general.—Subchapter I of chapter 417 is amended by adding at the end the following:

"§41716. Joint venture agreements

"(a) Definitions.—In this section, the following definitions apply:

"(1) Joint venture agreement.—The term 'joint venture agreement' means an agreement entered into by a major air carrier on or after January 1, 1998, with regard to (A) code-sharing, blocked-space arrangements, long-term wet leases (as defined in section 207.1 of title 14, Code of Federal Regulations) of a substantial number (as defined by the Secretary by regulation) of aircraft, or frequent flyer programs, or (B) any other cooperative working arrangement (as defined by the Secretary by regulation) between 2 or more major air carriers that affects more than 15 percent of the total number of available seat miles offered by the major air carriers.

"(2) Major air carrier.—The term 'major air carrier' means a passenger air carrier that is certificated under chapter 411 of this title and included in Carrier Group III under criteria contained in section 04 of part 241 of title 14, Code of Federal Regulations.

"(b) Submission of Joint Venture Agreement.—At least 30 days before a joint venture agreement may take effect, each of the major air carriers that entered into the agreement shall submit to the Secretary—

"(1) a complete copy of the joint venture agreement and all related agreements; and

"(2) other information and documentary material that the Secretary may require by regulation.

"(c) Extension of Waiting Period.—

"(1) In general.—The Secretary may extend the 30-day period referred to in subsection (b) until—

"(A) in the case of a joint venture agreement with regard to code-sharing, the 150th day following the last day of such period; and

"(B) in the case of any other joint venture agreement, the 60th day following the last day of such period.

"(2) Publication of reasons for extension.—If the Secretary extends the 30-day period referred to in subsection (b), the Secretary shall publish in the Federal Register the Secretary's reasons for making the extension.

"(d) Termination of waiting period.—At any time after the date of submission of a joint venture agreement under subsection (b), the Secretary may terminate the waiting periods referred to in subsections (b) and (c) with respect to the agreement.

"(e) Regulations.—The effectiveness of a joint venture agreement may not be delayed due to any failure of the Secretary to issue regulations to carry out this section.

"(f) Memorandum To Prevent Duplicative Reviews.—Promptly after the date of enactment of this section, the Secretary shall consult with the Assistant Attorney General of the Antitrust Division of the Department of Justice in order to establish, through a written memorandum of understanding, preclearance procedures to prevent unnecessary duplication of effort by the Secretary and the Assistant Attorney General under this section and the antitrust laws of the United States, respectively.

"(g) Prior Agreements.—With respect to a joint venture agreement entered into before the date of enactment of this section as to which the Secretary finds that—

"(1) the parties submitted the agreement to the Secretary before such date of enactment; and

"(2) the parties submitted all information on the agreement requested by the Secretary,

the waiting period described in paragraphs (2) and (3) shall begin on the date, as determined *by the Secretary, on which all such information was submitted and end on the last day to which the period could be extended under this section.*

"(h) LIMITATION ON STATUTORY CONSTRUCTION.—The authority granted to the Secretary under this section shall not in any way limit the authority of the Attorney General to enforce the antitrust laws as defined in the first section of the Clayton Act (15 U.S.C. 12).".

(2) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 417 is amended by adding at the end the following:

"41716. Joint venture agreements.".

(g) COMPETITIVE PRACTICES IN THE AIRLINE INDUSTRY.

(1) NATIONAL RESEARCH COUNCIL.—

(a) STUDY.—The National Research Council of the National Academy of Sciences shall complete a comprehensive update of the 1991 study of airline deregulation prepared by the Transportation Research Board of the Council. The update shall include updated versions of the chapters contained in the study pertaining to competitive issues in the airline industry as well as recommendations for changes in the statutory framework under which the airline industry operates.

(b) REPORT BY NATIONAL RESEARCH COUNCIL.—Not later than 6 months after the date of enactment of this Act, the National Research Council shall transmit to Congress and the Secretary of Transportation a report containing the results of the study conducted under paragraph (a).

(c) REPORT BY THE SECRETARY.—Not later than 2 months after the date on which the Secretary receives the report of the National Research Council under paragraph (2), the Secretary shall transmit to Congress a report containing the response of the Secretary to the findings and recommendations of the National Research Council.

(2) REPORT TO CONGRESS.—The Secretary shall conduct a study and transmit to Congress a report that includes—

(a) a description of any complaints received by the Secretary concerning acts of unfair competition or predatory pricing in the airline industry (including the number of such complaints) and of specific examples of such acts;

(b) a description of the options of the Secretary for addressing any acts of unfair competition or predatory pricing identified under paragraph (a);

(c) an analysis of the guidelines proposed in Docket OST–98–3713, including information documenting and quantifying the impact of the guidelines on the items listed in subsection (3)(c); and

(d) a description of the manner in which the Secretary plans to coordinate the handling of predatory pricing and unfair competition complaints against air carriers filed with the Secretary and similar complaints filed with the Attorney General, including methods to ensure efficient use of limited government resources and to ensure that all parties avoid duplicate requests by government agencies for information unless each of the agencies needs the information to carry out its statutory responsibilities.

(3) GUIDELINES.—

(a) ISSUANCE.—The Secretary shall not issue final guidelines in Docket OST–98–3713 before the date of transmittal to Congress of a report under subsection (2).

(b) TRANSMITTAL TO CONGRESS.—If the Secretary issues final guidelines in Docket OST–98–3713, the Secretary shall transmit the guidelines to Congress.

(c) IMPACT OF GUIDELINES.—If, as a result of the study conducted under subsection (2), the Secretary decides to issue final guidelines in Docket OST–98–3713 that are different from the guidelines originally proposed, the Secretary shall, as part of the transmittal under paragraph (b), include information that documents and quantifies the impact of the guidelines on the following:

(i) Scheduled service to small- and medium-sized communities.

(ii) Airfares, including the availability of senior citizen, Internet, and standby discounts on routes covered by the guidelines.

(iii) The incentive and ability of major air carriers to offer low airfares.

(iv) The incentive of new entrant air carriers to offer low airfares.

(v) The ability of air carriers to offer inclusive leisure travel for which airfares are not separately advertised.

(vi) Members of frequent flyer programs.

(vii) The ability of air carriers to carry non-origination and destination traffic on the portion of routes that are served by new entrant air carriers covered by the guidelines.

(viii) Airline employees.

(4) CONSULTATION.—In conducting the study under section (2), the Secretary shall consult with the Attorney General, major air carriers, new entrant air carriers, airport and community leaders, academic and economic experts, and airline employees and passengers.

(5) EFFECTIVE DATE.—The guidelines adopted in Docket OST–98–3713, or any similar guidelines, shall not become effective before the last day of the 12-week period beginning on the date of transmittal to Congress of final guidelines in Docket OST–98–3713, except that a week shall not count toward such 12-week period unless the House of Representatives is in session for legislative business at least 1 day during the week.

SEC. 111. STEEL IMPORTS INTO THE UNITED STATES. (a) FINDINGS.—Congress makes the following findings:

(1) The current financial crises in Asia, the independent States of the former Soviet Union (as defined in section 3 of the FREEDOM Support Act), Russia, and other areas of the world, involve significant depreciation in the currencies of several key steel-producing and steel-consuming countries, along with a collapse in the domestic demand for steel in the countries.

(2) The crises have generated and will continue to generate increases in United States imports of steel, both from the countries whose currencies have been depreciated and from other Asian steel-producing countries that are no longer able to export steel to the countries that are experiencing an economic crisis.

(3) United States imports of finished steel mill products from Asian steel-producing countries, such as the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia, increased by 79 percent in the first 5 months of 1998.

(4) Year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and the Ukraine now approach 2,500,000 net tons.

(5) Foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of steel diverted from other countries.

(6) The European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the independent states of the former Soviet Union and Russia.

(7) The United States is simultaneously facing a substantial increase in steel imports from the independent states of the former Soviet Union and Russia, caused in part by the closure of Asian markets to steel imports.

(8) There is a well recognized need for improvement in the enforcement of the United States trade laws to provide an effective response to situations of such increased imports.

(b) SENSE OF CONGRESS.—Congress calls upon the President to—

(1) pursue enhanced enforcement of the United States trade laws with respect to the increase in steel imports into the United States, using all remedies available under United States laws including imposition of offsetting duties, quantitative restrictions, and other appropriate remedial measures;

(2) pursue with all methods at the President's disposal to achieve a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the independent states of the former Soviet Union;

(3) establish a task force within the executive branch that has responsibility for closely monitoring imports of steel into the United States; and

(4) report to Congress not later than January 5, 1999, with a comprehensive plan for responding to the increase in steel imports, including ways of limiting the deleterious effects on employment, prices, and investment in the United States steel industry.

SEC. 112. INCLUSION OF SPIRIT MOUND, SOUTH DAKOTA, ON THE LEWIS AND CLARK TRAIL. (a) ACQUISITION.—The Secretary of the Interior is authorized to acquire on a willing seller basis, at a cost of not to exceed $600,000, the tract of land known as "Spirit Mound", located on South Dakota Highway 19 near Vermilion, South Dakota.

(b) INCLUSION ON THE LEWIS AND CLARK TRAIL.—The tract described in subsection (a) shall be administered as part of the Lewis and Clark National Historic Trail.

(c) COOPERATIVE AGREEMENT.—The Secretary of the Interior shall enter into a cooperative agreement with Lewis and Clark/Spirit Mound Trust Inc., providing for the restoration, interpretation, and long-term preservation of, and public access to, Spirit Mound.

SEC. 113. (a) DESIGNATION OF DICK CHENEY FEDERAL BUILDING.—The Federal Building and Post Office located at 100 East B Street, Casper, Wyoming, shall be known and designated as the "Dick Cheney Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal Building and Post Office referred to in subsection (a) shall be deemed to be a reference to the "Dick Cheney Federal Building".

SEC. 114. (a) DESIGNATION.—The United States Post Office located at 297 Larkfield Road in East Northport, New York, shall be known and designated as the "Jerome Anthony Ambro, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the "Jerome Anthony Ambro, Jr. Post Office Building".

SEC. 115. DESIGNATION OF LIEUTENANT HENRY O. FLIPPER STATION. (a) IN GENERAL.—The facility of the United States Postal Service located at Tall Timbers Village Square, United States Highway 19 South, in Thomasville, Georgia, shall be known and designated as the "Lieutenant Henry O. Flipper Station".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility of the United States Postal Service referred to in subsection (a) shall be deemed to be a reference to the "Lieutenant Henry O. Flipper Station".

SEC. 116. WILLIAM R. "BILLY" ROLLE POST OFFICE BUILDING. (a) DESIGNATION.—The United States Postal Service building located at 3191 Grand Avenue in Coconut Grove, Florida, shall be known and designated as the "William R. 'Billy' Rolle Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "William R. 'Billy' Rolle Post Office Building".

SEC. 117. HELEN MILLER POST OFFICE BUILDING. (a) DESIGNATION.—The United States Postal Service building located at 550 Fisherman Street in Opa Locka, Florida, shall be known and designated as the "Helen Miller Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Helen Miller Post Office Building".

SEC. 118. ESSIE SILVA POST OFFICE BUILDING. (a) DESIGNATION.—The United States Postal Service building located at 18690 N.W. 37th Avenue in Carol City, Florida, shall be known and designated as the "Essie Silva Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Essie Silva Post Office Building".

SEC. 119. ATHALIE RANGE POST OFFICE BUILDING. (a) DESIGNATION.—The United States Postal Service building located at 500 North West 2d Avenue in Miami, Florida, shall be known and designated as the "Athalie Range Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Athalie Range Post Office Building".

SEC. 120. GARTH REEVES, SR. POST OFFICE BUILDING. (a) DESIGNATION.—The United States Postal Service building located at 995 North West 119th Street in Miami, Florida, shall be known and designated as the "Garth Reeves, Sr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Garth Reeves, Sr. Post Office Building".

SEC. 121. (a) DESIGNATION.—The United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, shall be known and designated as the "Ray J. Favre Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the "Ray J. Favre Post Office Building".

SEC. 122. (a) REDESIGNATION.—The building of the United States Postal Service located at 2419 West Monroe Street, in Chicago, Illinois, and known as the Midwest Post Office Building, shall be known and designated as the "Nancy B. Jefferson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Nancy B. Jefferson Post Office Building".

SEC. 123. (a) REDESIGNATION.—The facility of the United States Postal Service located at 9719 Candelaria Road NE in Albuquerque, New Mexico, and known as the Eldorado Station Post Office, shall be known and designated as the "Steve Schiff Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Steve Schiff Post Office".

SEC. 124. (a) DESIGNATION.—The United States Post Office located at 860 Penniman Avenue in Plymouth, Michigan, shall be known and designated as the "Carl D. Pursell Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the "Carl D. Pursell Post Office".

SEC. 125. (a) DESIGNATION.—The United States Post Office located at 202 Center Street in Garwood, New Jersey, shall be known and designated as the "James T. Leonard, Sr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the "James T. Leonard, Sr. Post Office".

SEC. 126. EDGAR C. CAMPBELL, SR., POST OFFICE BUILDING. (a) DESIGNATION.—The United States Postal Service building located at 658 63rd Street, in Philadelphia, Pennsylvania, shall be known and designated as the "Edgar C. Campbell, Sr., Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Edgar C. Campbell, Sr., Post Office Building".

SEC. 127. DAVID P. RICHARDSON, JR., POST OFFICE BUILDING. (a) DESIGNATION.—The United States Postal Service building located at 5209 Greene Street, in Philadelphia, Pennsylvania, shall be known and designated as the "David P. Richardson, Jr., Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "David P. Richardson, Jr., Post Office Building".

SEC. 128. (a) REDESIGNATION.—The building of the United States Postal Service located at 324 South Laramie Street, in Chicago, Illinois, and known as the Austin Post Office Building, shall be known and designated as the "Reverend Milton R. Brunson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Reverend Milton R. Brunson Post Office Building".

SEC. 129. DESIGNATION. (a) IN GENERAL.—The facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, shall be known and designated as the "Daniel J. Doffyn Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in subsection (a) shall be deemed to be a reference to the "Daniel J. Doffyn Post Office Building".

SEC. 130. (a) DESIGNATION.—The United States Post Office located at 215 East Jackson Street in Painesville, Ohio, as the "Karl Bernal Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the "Karl Bernal Post Office Building".

SEC. 131. (a) DESIGNATION.—The United States Post Office located at 95 West #100 South in Provo, Utah, shall be known and designated as the "Howard C. Nielson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the "Howard C. Nielson Post Office Building".

SEC. 132. (a) DESIGNATION.—The United States Postal Service building located at 11550 Livingston Road, in Fort Washington, Maryland, shall be known and designated as the "Jacob Joseph Chestnut Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Jacob Joseph Chestnut Post Office Building".

SEC. 133. (a) DESIGNATION.—The Federal building located at 309 North Church Street in Dyersburg, Tennessee, shall be known and designated as the "Jere Cooper Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Jere Cooper Federal Building".

SEC. 134. Notwithstanding any other law, sections 101 (d), (k), (p), (s) and (x) of the Omnibus Personnel Reform Amendment Act of 1998, D.C. Law 12–124, effective June 11, 1998, are enacted into law.

SEC. 135. (a) Any right, title, or interest of the United States in the property described in subsection (b) is hereby waived.

(b) The property described in this subsection is certain real property comprised of approximately 106.94 acres of land located in Anne Arundel County in the State of Maryland, said property being originally approximately 144.5 acres of land granted to the United States to be held in title by the "Commissioners of the District of Columbia on behalf of the United States of America", in fee simple, by a Judgment of Taking in U.S. District Court, Civil Action Number 2391, saving and excepting therefrom approximately 37.57 acres of land by deed dated June 17, 1947, and recorded at Liber 584, Folio 591.

SEC. 136. FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA. (a) IN GENERAL.—

(1) LAND ACQUISITION.—To provide full operational capability to carry out the authorized purposes of the Missouri River Main Stem dams that are part of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved December 22, 1944, the Secretary may acquire from willing sellers such land and property in the vicinity of Pierre, South Dakota, or floodproof or relocate such property within the project area, as the Secretary determines is adversely affected by the full wintertime Oahe Powerplant releases.

(2) OWNERSHIP AND USE.—Any land that is acquired under this authority shall be kept in public ownership and will be dedicated and maintained in perpetuity for a use that is compatible with any remaining flood threat.

(3) REPORT.—

(A) IN GENERAL.—The Secretary shall not obligate funds to implement this paragraph until the Secretary has completed a report addressing the criteria for selecting which properties are to be acquired, relocated or floodproofed, and a plan for implementing such measures and has made a determination that the measures are economically justified.

(B) DEADLINE.—The report shall be completed not later than 180 days after funding is made available.

(4) COORDINATION AND COOPERATION.—The report and implementation plan—

(A) shall be coordinated with the Federal Emergency Management Agency; and

(B) shall be prepared in consultation with other Federal agencies, and State and local officials, and residents.

(5) CONSIDERATIONS.—Such report should take into account information from prior and ongoing studies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $35,000,000.

SEC. 137. GRAND FORKS, NORTH DAKOTA, AND EAST GRAND FORKS, MINNESOTA.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary of the Army, acting through the Chief of Engineers, substantially in accordance with the plans, and subject to the conditions recommended in a final report of the Chief of Engineers as approved by the Secretary, if the report of the Chief is completed not later than December 31, 1998: The project for flood damage reduction and recreation, Grand Forks, North Dakota, and East Grand Forks, Minnesota, at a total cost of $307,750,000, with an estimated Federal cost of $154,360,000 and an estimated non-Federal cost of $153,390,000.

Sec. 138. POLICE CORPS ACT. (a) TRAINING PERIOD.—

(1) IN GENERAL.—Section 200108 of the Police Corps Act (42 U.S.C. 14097) is amended by striking subsection (b) and inserting the following:

"(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend up to 24 weeks, but no less than 16 weeks, of training at a training center. The Director may approve training conducted in not more than 3 separate sessions.".

(2) CONFORMING AMENDMENT.—Section 200108(c) of the Police Corps Act (42 U.S.C. 14097(c)) is amended by striking "16 weeks of".

(b) REAUTHORIZATION.—Section 200112 of the Police Corps Act (42 U.S.C. 14101) is amended by striking "$20,000" and all that follows before the period and inserting "$50,000,000 for fiscal year 1999, $70,000,000 for fiscal year 2000, $90,000,000 for fiscal year 2001, and $90,000,000 for fiscal year 2002".

SEC. 139. CONGRESSIONAL GOLD MEDALS AND COMMEMORATIVE COINS. (a) LITTLE ROCK NINE.—

(1) The Congress hereby finds the following:

(A) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the "Little Rock Nine", voluntarily subjected themselves to the bitter stinging pains of racial bigotry.

(B) The Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country.

(C) The Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation.

(D) The Little Rock Nine sacrificed their innocence to protect the American principle that we are all "one Nation, under God, indivisible".

(E) The Little Rock Nine have indelibly left their mark on the history of the Nation.

(F) The Little Rock Nine have continued to work toward equality for all Americans.

(2)(A) The President is authorized to present, on behalf of Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to as the "Little Rock Nine", gold medals of appropriate design, in recognition of the selfless heroism such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(B) For purposes of the presentation referred to in subsection (A) the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient.

(C) Effective October 1, 1998, there be authorized to be appropriated such sums as may be necessary to carry out this subsection.

(3)(A) The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to subsection (a)(2)(B) under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(B) The appropriation used to carry out this subsection shall be reimbursed out of the proceeds of sales under subsection (a)(3)(A).

(4) The medals struck pursuant to this subsection are national medals for purposes of chapter 51 of title 31, United States Code.

(b) GERALD R. AND BETTY FORD.—

(1) The President is authorized to present, on behalf of the Congress, to Gerald R. and Betty Ford a gold medal of appropriated design—

(A) in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States; and

(B) in commemoration of the following occasions in 1998:

(i) The 85th anniversary of the birth of President Ford.

(ii) The 80th anniversary of the birth of Mrs. Ford.

(iii) The 50th wedding anniversary of President and Mrs. Ford.

(iv) The 50th anniversary of the 1st election of Gerald R. Ford to the United States to the United States House of Representatives.

(v) The 25th anniversary of the approval of Gerald R. Ford by the Congress to become Vice President of the United States.

(2) For purposes of the presentation referred to in subsection (b)(1), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(3) There are authorized to be appropriated not to exceed $20,000 to carry out this subsection.

(4) The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to subsection (b)(2) under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(5) The appropriation used to carry out this subsection shall be reimbursed out of the proceeds of sales under subsection (b)(4).

(6) The medals struck pursuant to this subsection are national medals for purposes of chapter 51 of title 31, United States Code.

(c) 6-MONTH EXTENSION FOR CERTAIN SALES.—Notwithstanding section 101(7)(D) of the United States Commemorative Coin Act of 1996, the Secretary of the Treasury may, at any time before January 1, 1999, make bulk sales at a reasonable discount to the Jackie Robinson Foundation of not less than 20 percent of any denomination of proof and uncirculated coins minted under section 101(7) of such Act which remained unissued as of July 1, 1998, except that the total number of coins of any such denomination which were issued under such section or this section may not exceed the amount of such denomination of coins which were authorized to be minted and issued under section 101(7)(A) of such Act.

SEC. 140. (a) LAND CONVEYANCE, SAN JOAQUIN COUNTY, CALIFORNIA.—Notwithstanding any other provision of law (including the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)), the Attorney General shall convey, by quit claim deed and by negotiated sale, to the City of Tracy, California (in this section referred to as the "City"), the interest of the United States in a parcel of real property consisting of approximately 200 acres located in San Joaquin County, California, and currently administered by the Federal Bureau of Prisons of the Department of Justice. The Attorney General shall complete the conveyance to the City not later than 120 days after the date of the enactment of this Act.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Attorney General. The cost of the survey shall be borne by the City.

(c) PURPOSE OF CONVEYANCE.—The purpose of the real property conveyance under subsection (a) is to permit the City to use approximately 150 acres of the conveyed property as the location of a joint secondary and post secondary educational facility and for other educational purposes and to use approximately 50 acres of the conveyed property for economic development. In the event that the City determines that a joint secondary and post secondary educational facility is unfeasible for the 150-acre portion of the conveyed property, the City shall use up to 50 acres of that portion for at least 30 years as the location for a secondary school and for other educational purposes and use up to 100 acres of that portion as a public park and for other recreational purposes.

(d) CONDITIONS ON USE.—(1) The use of the real property conveyed under subsection (a) for educational purposes, as provided in subsection (c), shall be subject to the approval of the Secretary of Education.

(2) The use of the conveyed real property for economic development, as provided in subsection (c), shall be subject to the approval of the Attorney General.

(3) If a portion of the conveyed real property is used as a public park or for other recreational purposes, as provided in subsection (c), the use of such portion shall be subject to the approval of the Secretary of the Interior.

(e) REVERSIONARY INTERESTS.—(1) If the Secretary of Education determines at any time that the portion of the real property conveyed under subsection (a) that is to be used for educational purposes is not being used for such purposes, all right, title, and interest in and to that portion of the property, including any improvements thereon, shall revert to the United States.

(2) If the Attorney General determines at any time that the portion of the real property conveyed under subsection (a) that is to be used for economic development is not being used for such purposes, all right, title, and interest in and to that portion of the property, including any improvements thereon, shall revert to the United States.

(3) If a portion of the real property conveyed under subsection (a) is used as a public park or for other recreational purposes, as provided in subsection (c), and the Secretary of the Interior determines that such portion is no longer being used for such purposes, all right, title, and interest in and to that portion of the property, including any improvements thereon, shall revert to the United States.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Attorney General may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Attorney General considers appropriate to protect the interests of the United States.

SEC. 141. (a) SHORT TITLE. This section may be cited as the "Lorton Technical Corrections Act of 1998".

(b) TRANSFER OF LAND TO GENERAL SERVICES ADMINISTRATION. Section 11201 of the National

Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; D.C. Code 24–1201) is amended—

(1) by redesignating the second subsection (g) and subsection (h) as subsections (h) and (i);

(2) in subsection (g)(1)—

(A) by inserting "(A)" before "Notwithstanding";

(B) by striking "Except as provided in paragraph (2)" and all that follows through "Department of the Interior."; and

(C) by adding at the end the following new subparagraphs:

"(B) Contingent on the General Services Administration (GSA) receiving the necessary appropriations to carry out the requirements of this paragraph and subsection (g), and notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), not later than 60 days after the date of the enactment of the Lorton Technical Corrections Act of 1998, any property on which the Lorton Correctional Complex is located shall be transferred to the GSA.

"(C) Not later than 1 year after the date of the enactment of the Lorton Technical Corrections Act of 1998, Fairfax County shall submit a reuse plan that complies with all requisite approvals to the Administrator of General Services, that aims to maximize use of the land for open space, park land, or recreation, while delineating permissible or required uses, potential development densities, and any time limits on such development factors of the property on which the Lorton Correctional Complex is located.

"(D) Not later than 180 days after the date of the enactment of the Lorton Technical Corrections Act of 1998, the Secretary of the Interior shall notify GSA of any property it requests to be transferred to the Department of the Interior for the purpose of a land exchange by the United States Fish and Wildlife Service within the Commonwealth of Virginia or such other purposes consistent with the reuse plan developed by Fairfax County as the Secretary may request. The Administrator of General Services shall approve the Secretary's request to the extent that the request is consistent with the reuse plan developed by Fairfax County and does not result in a significant reduction in the marketability or value of any remaining property. The Administrator of General Services shall coordinate with the Secretary of the Interior to resolve any conflicts presented by the Department of the Interior's request and shall transfer the property to the Department of the Interior at no cost.

"(E) Any property not transferred to the Department of the Interior under subparagraph (D) shall be disposed of according to paragraphs (2) and (4).";

(3) in subsection (g)(2)(A)(ii) by striking "Department of Parks and Recreation" each place it appears and inserting "Park Authority";

(4) in subsection (g) by adding at the end the following new paragraphs:

"(4) CONDITIONS ON TRANSFER OF LORTON PROPERTY EAST OF OX ROAD (STATE ROUTE 123).—

"(A) IN GENERAL.—With respect to property east of Ox Road (State Route 123) on which the Lorton Correctional Complex is located, the Administrator of General Services shall—

"(i) cooperate with the District of Columbia Corrections Trustee to determine property necessary for the Trustee to maintain the security of the Lorton Correctional Complex until its closure;

"(ii) prepare a report of title, complete a property description, provide protection and maintenance, conduct an environmental assessment of the property to determine the extent of contamination, complete National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) and National Historic Preservation Act (16 U.S.C. 470 et seq.) processes for closure and disposal of the property, and provide an estimate of the cost for remediation and contingent on receiving the necessary appropriations complete the remediation in compliance with applicable Federal and State environmental laws;

"(iii) develop a disposition strategy incorporating the Fairfax County reuse plan and the Department of the Interior's land transfer request, and resolve conflicts between the plan and the transfer request, or between the reuse plan, the transfer request and the results of the environmental studies;

"(iv) negotiate with any entity that has a lease, agreement, memorandum of understanding, right-of-way, or easement with the District of Columbia to occupy or utilize any parcels of such property on the date of the enactment of this title, to perfect or extend such lease, agreement, memorandum of understanding, right-of-way, or easement;

"(v) transfer any property identified for use for open space, park land, or recreation in the Fairfax County reuse plan to the Northern Virginia Regional Park Authority, the Fairfax County Park Authority, or another public entity, subject to the condition that the recipient use the conveyed property only for open space, park land, or recreation and that the transfer be at fair market value considering the highest and best use of the property to be open space, park land, and recreation;

"(vi) not later than 60 days after the property is transferred to the General Services Administration, transfer at fair market value the six-acre parcel east of Shirley Highway on Interstate 95 to Amtrak, subject to such terms and conditions as the Administrator determines to be in the best interest of the United States;

"(vii) dispose of any parcels not reserved by the Department of the Interior and not otherwise addressed under this subparagraph at fair market value, subject to such terms and conditions as the Administrator determines to be in the best interest of the United States;

"(viii) deposit any proceeds from the sale of property on which the Lorton Correctional Complex is located into a special fund established in the treasury for purposes of covering real property utilization and disposal related expenses, including environmental compliance and remediation for the Lorton Correctional Complex until all property has been conveyed; and

"(ix) deposit any remaining funds in the Policy and Operations appropriation account of the General Services Administration to be used for real property utilization and disposal activities until expended.

"(B) REPORT.—Not later than 90 days after the date of the receipt of the Fairfax County reuse plan and the Department of the Interior property transfer request by the Administrator of General Services, the Administrator shall report to the Committees on Appropriations and Government Reform and Oversight of the House of Representatives, and the Committees on Appropriations and Governmental Affairs of the Senate on plans to comply with the terms of this paragraph and any estimated costs associated with such compliance.

"(C) AUTHORIZATION.—There is authorized to be appropriated such sums as are necessary from the general funds of the Treasury, to remain available until expended, to the Policy and Operations appropriation account of the General Services Administration for the real property utilization and disposal activities in carrying out the provisions of this title.

"(5) JURISDICTION.—Any property disposed of according to paragraphs (2) and (4) shall be under the jurisdiction of the Commonwealth of Virginia. Any development of such property and any property transferred to the Department of the Interior for exchange purposes shall comply with any applicable planning and zoning requirements of Fairfax County and the Fairfax County reuse plan.".

SEC. 142. OLYMPIC AND AMATEUR SPORTS. (a) SHORT TITLE.—This section may be cited as the "Olympic and Amateur Sports Act Amendments of 1998".

(b) AMENDMENT OF TITLE 36, UNITED STATES CODE; TITLE OF CHAPTER.—

(1) Except as otherwise expressly provided, whenever in this section an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 36, United States Code.

(2) Section 220501 is amended—

*(A) by striking "**Definitions**" in the heading and inserting "**Title and Definitions**";*

(B) by inserting after the heading the following:

"(a) TITLE.—This chapter may be cited as the 'Ted Stevens Olympic and Amateur Sports Act'."; and

(C) by inserting "(b) DEFINITIONS.—" immediately before "For the purposes of".

(c) DEFINITIONS.—Section 220501 is amended by—

(1) inserting "or paralympic sports organization" after "national governing body" in paragraph (1);

(2) redesignating paragraph (7) as paragraph (8); and

(3) inserting after paragraph (6) the following:

"(7) 'paralympic sports organization' means an amateur sports organization which is recognized by the corporation under section 220521 of this title.".

(d) PURPOSES.—Section 220503 is amended by—

(1) striking "Olympic Games" each place it appears in paragraphs (3) and (4) and inserting "Olympic Games, the Paralympic Games,"; and

(2) striking paragraph (13) and inserting the following:

"(13) to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes; and".

(e) MEMBERSHIP.—Section 220504(b) is amended by—

(1) striking paragraphs (1) and (2) and inserting the following:

"(1) amateur sports organizations recognized as national governing bodies and paralympic sports organizations in accordance with section 220521 of this title, including through provisions which establish and maintain a National Governing Bodies' Council composed of representatives of the national governing bodies and any paralympic sports organizations and selected by their boards of directors or such other governing boards to ensure effective communication between the corporation and such national governing bodies and paralympic sports organizations;

"(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years, including through provisions which—

"(A) establish and maintain an Athletes' Advisory Council composed of, and elected by, such amateur athletes to ensure communication between the corporation and such amateur athletes; and

"(B) ensure that the membership and voting power held by such amateur athletes is not less than 20 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation;"; and

(2) inserting a comma and "the Paralympic Games," after "Olympic Games" in paragraph (3).

(f) POWERS.—

(1) GENERAL CORPORATE POWERS.—Section 220505(b)(9) is amended by striking "sued; and" and inserting "sued, except that any civil action brought in a State court against the corporation and solely relating to the corporation's responsibilities under this Act shall be removed, at the request of the corporation, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and".

(2) POWERS RELATED TO AMATEUR ATHLETICS AND THE OLYMPIC GAMES.—Section 220505(c) is amended by—

(A) striking "Organization;" in paragraph (2) and inserting "Organization and as its national Paralympic committee in relations with the International Paralympic Committee;";

(B) striking "Games and of" in paragraph (3) and inserting "Games, the Paralympic Games, and";

(C) striking "Games;" in paragraph (4) and inserting "Games, or as paralympic sports organizations for any sport that is included on the program of the Paralympic Games;"; and

(D) striking "Games," in paragraph (5) and inserting "Games, the Paralympic Games, the Pan-American Games, world championship competition,".

(g) USE OF OLYMPIC, PARALYMPIC, AND PAN-AMERICAN SYMBOLS.—Section 220506 is amended by—

(1) striking "rings;" in subsection (a)(2) and inserting "rings, the symbol of the International Paralympic Committee, consisting of 3 TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings;";

(2) inserting "'Paralympic', 'Paralympiad', 'Pan-American', 'America Espirito Sport Fraternite'," before "or any combination" in subsection (a)(4);

(3) inserting a comma and "International Paralympic Committee, the Pan-American Sports Organization," after "International Olympic Committee" in subsection (b);

(4) inserting "the Paralympic team," before "the Pan-American team" in subsection (b);

(5) inserting a comma and "Paralympic, or Pan-American Games" after "any Olympic" in subsection (c)(3);

(6) inserting a comma and "the International Paralympic Committee, the Pan-American Sports Organization," after "International Olympic Committee" in subsection (c)(4);

(7) inserting "AND GEOGRAPHIC REFERENCE" after "PRE-EXISTING" in subsection (d); and

(8) adding at the end of subsection (d) the following:

"(3) Use of the word 'Olympic' to identify a business or goods or services is permitted by this section where—

"(A) such use is not combined with any of the intellectual properties referenced in subsections (a) or (c) of this section;

"(B) it is evident from the circumstances that such use of the word 'Olympic' refers to the naturally occurring mountains or geographical region of the same name that were named prior to February 6, 1998, and not to the corporation or any Olympic activity; and

"(C) such business, goods, or services are operated, sold, and marketed in the State of Washington west of the Cascade Mountain range and operations, sales, and marketing outside of this area are not substantial.".

(h) RESOLUTION OF DISPUTES.—Section 220509 is amended by—

(1) inserting "(a) GENERAL.—" before "The corporation";

(2) inserting "the Paralympic Games," before "the Pan-American Games";

(3) inserting after "the corporation." the following: "In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the corporation within 21 days before the beginning of such games if the corporation, after consultation with the chair of the Athletes' Advisory Council, has provided a sworn statement in writing executed by an officer of the corporation to such court that its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games."; and

(4) adding at the end thereof the following:

"(b) OMBUDSMAN.—

"(1) The corporation shall hire and provide salary, benefits, and administrative expenses for an ombudsman for athletes, who shall—

"(A) provide independent advice to athletes at no cost about the applicable provisions of this chapter and the constitution and bylaws of the corporation, national governing bodies, a paralympic sports organizations, international sports federations, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization, and with respect to the resolution of any dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

"(B) assist in mediating any such disputes; and

"(C) report to the Athletes' Advisory Council on a regular basis.

"(2)(A) The procedure for hiring the ombudsman for athletes shall be as follows:

"(i) The Athletes' Advisory Council shall provide the corporation's executive director with the name of one qualified person to serve as ombudsman for athletes.

"(ii) The corporation's executive director shall immediately transmit the name of such person to the corporation's executive committee.

"(iii) The corporation's executive committee shall hire or not hire such person after fully considering the advice and counsel of the Athletes' Advisory Council.

"If there is a vacancy in the position of the ombudsman for athletes, the nomination and hiring procedure set forth in this paragraph shall be followed in a timely manner.

"(B) The corporation may terminate the employment of an individual serving as ombudsman for athletes only if—

"(i) the termination is carried out in accordance with the applicable policies and procedures of the corporation;

"(ii) the termination is initially recommended to the corporation's executive committee by either the corporation's executive director or by the Athletes' Advisory Council; and

"(iii) the corporation's executive committee fully considers the advice and counsel of the Athletes' Advisory Council prior to deciding whether or not to terminate the employment of such individual.".

(i) AGENT FOR SERVICE OF PROCESS.—The text of section 220510 is amended to read as follows: "As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall have a designated agent in the State of Colorado to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.".

(j) REPORT.—

(1) Section 220511(a) is amended to read as follows:

"(a) SUBMISSION TO PRESIDENT AND CONGRESS.—The corporation shall, on or before the first day of June, 2001, and every fourth year thereafter, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 4 years, including—

"(1) a complete statement of its receipts and expenditures;

"(2) a comprehensive description of the activities and accomplishments of the corporation during such 4-year period;

"(3) data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the corporation and national governing bodies; and

"(4) a description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities.".

(2) The chapter analysis for chapter 2205 is amended by striking the item relating to section 220511 and inserting the following:

"220511. Report.".

(k) COMPLETE TEAMS.—

(1) GENERAL.—Subchapter I of chapter 2205 is amended by adding at the end thereof the following:

"§ 220512. Complete teams

"In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, and Pan-American Games, the corporation, either directly or by delegation to the appropriate national governing body or paralympic sports organization, may select, but is not obligated to select (even if not selecting will result in an incomplete team for an event), athletes who have not met the eligibility standard of the national governing body and the Corporation, when the number of athletes who have met the eligibility standards of such entities is insufficient to fill the roster for an event.".

(2) The chapter analysis for chapter 2205 is amended by inserting after the item relating to section 220511 the following:

"220512. Complete teams.".

(l) RECOGNITION OF AMATEUR SPORTS ORGANIZATIONS.—Section 220521 is amended by—

(1) striking the first sentence of subsection (a) and inserting the following: "For any sport which is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation is authorized to recognize as a national governing body (in the case of a sport on the program of the Olympic Games or Pan-American Games) or as a paralympic sports organization (in the case of a sport on the program of the Paralympic Games for which a national governing body has not been designated under section 220522(b)) an amateur sports organization which files an application and is eligible for such recognition in accordance with the provisions of subsections (a) or (b) of section 220522.";

(2) striking "approved." in subsection (a) and inserting "approved, except as provided in section 220522(b) with respect to a paralympic sports organization.";

(3) striking "hold a public hearing" in subsection (b) and inserting "hold at least 2 public hearings";

(4) striking "hearing." each place it appears in subsection (b) and inserting "hearings."; and

(5) adding at the end of subsection (b) the following: "The corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of any

such public hearing to all amateur sports organizations known to the corporation in that sport.".

(m) Eligibility Requirements.—Section 220522 is amended by—

(1) inserting "(a) General.—" before "An amateur";

(2) striking paragraph (4) and inserting the following:

"(4) agrees to submit to binding arbitration in any controversy involving—

"(A) its recognition as a national governing body, as provided for in section 220529 of this title, upon demand of the corporation; and

"(B) the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, upon demand of the corporation or any aggrieved amateur athlete, coach, trainer, manager, administrator or official, conducted in accordance with the Commercial Rules of the American Arbitration Association, as modified and provided for in the corporation's constitution and bylaws, except that if the Athletes' Advisory Council and National Governing Bodies' Council do not concur on any modifications to such Rules, and if the corporation's executive committee is not able to facilitate such concurrence, the Commercial Rules of Arbitration shall apply unless at least two-thirds of the corporation's board of directors approves modifications to such Rules;";

(3) striking paragraph (10) and inserting the following:

"(10) demonstrates, based on guidelines approved by the corporation, the Athletes' Advisory Council, and the National Governing Bodies' Council, that its board of directors and other such governing boards have established criteria and election procedures for and maintain among their voting members individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought or who have represented the United States in international amateur athletic competition within the preceding 10 years, that any exceptions to such guidelines by such organization have been approved by the corporation, and that the voting power held by such individuals is not less than 20 percent of the voting power held in its board of directors and other such governing boards;";

(4) inserting "or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games" after "amateur status" in paragraph (14); and

(5) adding at the end thereof the following:

"(b) Recognition of Paralympic Sports Organizations.—For any sport which is included on the program of the Paralympic Games, the corporation is authorized to designate, where feasible and when such designation would serve the best interest of the sport, and with the approval of the affected national governing body, a national governing body recognized under subsection (a) to govern such sport. Where such designation is not feasible or would not serve the best interest of the sport, the corporation is authorized to recognize another amateur sports organization as a paralympic sports organization to govern such sport, except that, notwithstanding the other requirements of this chapter, any such paralympic sports organization—

"(1) shall comply only with those requirements, perform those duties, and have those powers that the corporation, in its sole discretion, determines are appropriate to meet the objects and purposes of this chapter; and

"(2) may, with the approval of the corporation, govern more than one sport included on the program of the Paralympic Games.".

(n) Authority of National Governing Bodies.—Section 220523 is amended by—

(1) striking "Games and" in paragraph (6) and inserting "Games, the Paralympic Games, and"; and

(2) striking "Games and" in paragraph (7) and inserting "Games, the Paralympic Games, and".

(o) Duties of National Governing Bodies.—Section 220524 is amended by—

(1) redesignating paragraphs (4) through (8) as paragraphs (5) through (9); and

(2) inserting after paragraph (3) the following:

"(4) disseminate and distribute to amateur athletes, coaches, trainers, managers, administrators, and officials in a timely manner the applicable rules and any changes to such rules of the national governing body, the corporation, the appropriate international sports federation, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization;".

(p) Replacement of National Governing Body.—Section 220528 is amended by—

(1) striking "Olympic Games or both" in subsection (c)(1)(A) and inserting "Olympic Games or the Paralympic Games, or in both";

(2) striking "registered" in subsection (c)(2) and inserting "certified";

(3) striking "body." in subsection (c)(2) and inserting "body and with any other organization that has filed an application.";

(4) inserting "open to the public" in subsection (d) after "formal hearing" in the first sentence;

(5) inserting after the second sentence in subsection (d) the following: "The corporation also shall send written notice, including a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the corporation in that sport."; and

(6) striking "title." in subsection (f)(4) and inserting "title and notify such national governing body of such probation and of the actions needed to comply with such requirements.".

(q) Special Report to Congress.—Five years from the date of the enactment of this Act, the United States Olympic Committee shall submit a special report to the Congress on the effectiveness of the provisions of chapter 2205 of title 36, United States Code, as amended by this Act, together with any additional proposed changes to that chapter the United States Olympic Committee determines are appropriate.

Sec. 143. Section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note), is amended by striking "$3,000,000" and inserting "$1,000,000".

Sec. 144. Section 8120 of the Department of Defense Appropriations Act, 1999, is amended by striking out "owned, or partially owned by" and inserting in lieu thereof "if the Secretary of Defense determines that", and is further amended by inserting before the period "owns more than a fifty per centum interest in the company".

Sec. 145. Modification of Land Conveyance Authority, Armed Forces Retirement Home. (a) Postponement of Sale.—Subsection (a) of section 1053 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201), as amended by section 1043 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, is further amended—

(1) by inserting "(1)" before "Notwithstanding"; and

(2) by adding at the end the following:

"(2) The sale under paragraph (1) may not occur before April 30, 1999.".

(b) Deposit of Proceeds of Sale.—Subsection (b) of such section 1053, as so amended, is further amended by adding at the end the following:

"(3) The payment received under paragraph (2) shall be deposited in the Armed Forces Retirement Home Trust Fund in accordance with section 1519(a)(2) of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1730; 24 U.S.C. 419(a)(2)).".

Sec. 146. Certification of Exports of Missile Equipment or Technology to China. (a) Certification.—Section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 is amended—

(1) by striking "The" and inserting "(a) Certification.—The"; and

(2) by adding at the end the following:

"(b) Exception.—The certification requirement contained in subsection (a) shall not apply to the export of inertial reference units and components in manned civilian aircraft or supplied as spare or replacement parts for such aircraft.".

(b) Effective Date.—The amendments made by this section shall take effect on the later of—

(1) the enactment of this Act; or

(2) the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

Sec. 147. The Secretary of the Navy, in consultation with the Commandant of the Marine Corps, shall assess the requirement for Marine Corps warfighting and attrition reserve F/A–18 aircraft and monitor the viability of the existing F/A–18 production line to meet these requirements: Provided, That, pursuant to section 8005 of the Department of Defense Appropriations Act, 1999, the Secretary of the Navy may transfer funds sufficient to ensure that the F/A–18 production capability remains available to meet Marine Corps F/A–18 warfighting and attrition reserve aircraft requirements through additional aircraft production.

Sec. 148. Section 8135 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1212; 37 U.S.C. 301b note), is amended—

(1) in subsection (a), by inserting before the period at the end the following: "or as a supplemental payment if the officer's final military pay account is already settled"; and

(2) in subsection (b)—

(A) by inserting "applies" after "subsection (a)";

(B) by striking "January 17, 1991" and inserting "August 2, 1990";

(C) by inserting "(regardless of the date of the commencement of combatant activities in such zone as specified in that Executive Order)" after "as a combat zone"; and

(D) by striking "section 302b" and inserting "section 301b".

Sec. 149. (a) Chapter 12 of title 11 of the United States Code, as in effect on September 30, 1998, is hereby reenacted for the period beginning on October 1, 1998, and ending on April 1, 1999.

(b) All cases commenced or pending under chapter 12 of title 11, United States Code, as reenacted under subsection (a), and all matters and proceedings in or relating to such cases, shall be conducted and determined under such chapter as if such chapter were continued in effect after April 1, 1999. The substantive rights of parties in connection with such cases, matters, and proceedings shall continue to be governed under the law applicable to such cases, matters, and proceedings as if such chapter were continued in effect after April 1, 1999.

(c) This section shall take effect on October 1, 1998.

Sec. 150.

(a) Extension of Agreement for State of Mississippi.—The Secretary of the Interior shall offer to reinstate the Memorandum of Agreement between the Mississippi Department of Wildlife Conservation and the United States Fish and Wildlife Service concerning the framework closing dates for the 1979–1980 through 1981–1982

duck hunting seasons, executed in November 1979, for the 1998–1999 duck hunting season in the State of Mississippi, except that—

(1) the duck hunting season shall end on January 31, 1999; and

(2) the total number of days for the duck hunting season in the State of Mississippi shall not exceed 51 days.

(b) EXTENSION OF AGREEMENT TO OTHER STATES.—At the request of any other State represented on the Lower-Region Regulations Committee of the Mississippi Flyway Council, the Secretary of the Interior shall extend the agreement described in subsection (a) to that State for the 1998–1999 duck hunting season if the State agrees to reduce the total number of days of the duck hunting season in the State to the extent necessary to result in no net increase in the duck harvest in the State for that season.

SEC. 151. FEDERAL VACANCIES AND APPOINTMENTS.

(a) SHORT TITLE.—This section may be cited as the "Federal Vacancies Reform Act of 1998".

(b) IN GENERAL.—Chapter 33 of title 5, United States Code, is amended by striking sections 3345 through 3349 and inserting the following:

"§3345. Acting officer

"(a) If an officer of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is otherwise unable to perform the functions and duties of the office—

"(1) the first assistant to the office of such officer shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346;

"(2) notwithstanding paragraph (1), the President (and only the President) may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of section 3346; or

"(3) notwithstanding paragraph (1), the President (and only the President) may direct an officer or employee of such Executive agency to perform the functions and duties of the vacant office temporarily in an acting capacity, subject to the time limitations of section 3346, if—

"(A) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, the officer or employee served in a position in such agency for not less than 90 days; and

"(B) the rate of pay for the position described under subparagraph (A) is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule.

"(b)(1) Notwithstanding subsection (a)(1), a person may not serve as an acting officer for an office under this section, if—

"(A) during the 365-day period preceding the date of the death, resignation, or beginning of inability to serve, such person—

"(i) did not serve in the position of first assistant to the office of such officer; or

"(ii) served in the position of first assistant to the office of such officer for less than 90 days; and

"(B) the President submits a nomination of such person to the Senate for appointment to such office.

"(2) Paragraph (1) shall not apply to any person if—

"(A) such person is serving as the first assistant to the office of an officer described under subsection (a);

"(B) the office of such first assistant is an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate; and

"(C) the Senate has approved the appointment of such person to such office.

"(c)(1) Notwithstanding subsection (a)(1), the President (and only the President) may direct an officer who is nominated by the President for reappointment for an additional term to the same office in an Executive department without a break in service, to continue to serve in that office subject to the time limitations in section 3346, until such time as the Senate has acted to confirm or reject the nomination, notwithstanding adjournment sine die.

"(2) For purposes of this section and sections 3346, 3347, 3348, 3349, 3349a, and 3349d, the expiration of a term of office is an inability to perform the functions and duties of such office.

"§3346. Time limitation

"(a) Except in the case of a vacancy caused by sickness, the person serving as an acting officer as described under section 3345 may serve in the office—

"(1) for no longer than 210 days beginning on the date the vacancy occurs; or

"(2) subject to subsection (b), once a first or second nomination for the office is submitted to the Senate, from the date of such nomination for the period that the nomination is pending in the Senate.

"(b)(1) If the first nomination for the office is rejected by the Senate, withdrawn, or returned to the President by the Senate, the person may continue to serve as the acting officer for no more than 210 days after the date of such rejection, withdrawal, or return.

"(2) Notwithstanding paragraph (1), if a second nomination for the office is submitted to the Senate after the rejection, withdrawal, or return of the first nomination, the person serving as the acting officer may continue to serve—

"(A) until the second nomination is confirmed; or

"(B) for no more than 210 days after the second nomination is rejected, withdrawn, or returned.

"(c) If a vacancy occurs during an adjournment of the Congress sine die, the 210-day period under subsection (a) shall begin on the date that the Senate first reconvenes.

"§3347. Exclusivity

"(a) Sections 3345 and 3346 are the exclusive means for temporarily authorizing an acting official to perform the functions and duties of any office of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) for which appointment is required to be made by the President, by and with the advice and consent of the Senate, unless—

"(1) a statutory provision expressly—

"(A) authorizes the President, a court, or the head of an Executive department, to designate an officer or employee to perform the functions and duties of a specified office temporarily in an acting capacity; or

"(B) designates an officer or employee to perform the functions and duties of a specified office temporarily in an acting capacity; or

"(2) the President makes an appointment to fill a vacancy in such office during the recess of the Senate pursuant to clause 3 of section 2 of article II of the United States Constitution.

"(b) Any statutory provision providing general authority to the head of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) to delegate duties statutorily vested in that agency head to, or to reassign duties among, officers or employees of such Executive agency, is not a statutory provision to which subsection (a)(2) applies.

"§3348. Vacant office

"(a) In this section—

"(1) the term 'action' includes any agency action as defined under section 551(13); and

"(2) the term 'function or duty' means any function or duty of the applicable office that—

"(A)(i) is established by statute; and

"(ii) is required by statute to be performed by the applicable officer (and only that officer); or

"(B)(i)(I) is established by regulation; and

"(II) is required by such regulation to be performed by the applicable officer (and only that officer); and

"(ii) includes a function or duty to which clause (i) (I) and (II) applies, and the applicable regulation is in effect at any time during the 180-day period preceding the date on which the vacancy occurs.

"(b) Unless an officer or employee is performing the functions and duties in accordance with sections 3345, 3346, and 3347, if an officer of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is otherwise unable to perform the functions and duties of the office—

"(1) the office shall remain vacant; and

"(2) in the case of an office other than the office of the head of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office), only the head of such Executive agency may perform any function or duty of such office.

"(c) If the last day of any 210-day period under section 3346 is a day on which the Senate is not in session, the second day the Senate is next in session and receiving nominations shall be deemed to be the last day of such period.

"(d)(1) An action taken by any person who is not acting under section 3345, 3346, or 3347, or as provided by subsection (b), in the performance of any function or duty of a vacant office to which this section and sections 3346, 3347, 3349, 3349a, 3349b, and 3349c apply shall have no force or effect.

"(2) An action that has no force or effect under paragraph (1) may not be ratified.

"(e) This section shall not apply to—

"(1) the General Counsel of the National Labor Relations Board;

"(2) the General Counsel of the Federal Labor Relations Authority;

"(3) any Inspector General appointed by the President, by and with the advice and consent of the Senate;

"(4) any Chief Financial Officer appointed by the President, by and with the advice and consent of the Senate; or

"(5) an office of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) if a statutory provision expressly prohibits the head of the Executive agency from performing the functions and duties of such office.

"§3349. Reporting of vacancies

"(a) The head of each Executive agency (including the Executive Office of the President, and other than the General Accounting Office) shall submit to the Comptroller General of the United States and to each House of Congress—

"(1) notification of a vacancy in an office to which this section and sections 3345, 3346, 3347, 3348, 3349a, 3349b, 3349c, and 3349d apply and the date such vacancy occurred immediately upon the occurrence of the vacancy;

"(2) the name of any person serving in an acting capacity and the date such service began immediately upon the designation;

"(3) the name of any person nominated to the Senate to fill the vacancy and the date such nomination is submitted immediately upon the submission of the nomination; and

"(4) the date of a rejection, withdrawal, or return of any nomination immediately upon such rejection, withdrawal, or return.

"(b) If the Comptroller General of the United States makes a determination that an officer is

serving longer than the 210-day period including the applicable exceptions to such period under section 3346 or section 3349a, the Comptroller General shall report such determination immediately to—

"(1) the Committee on Governmental Affairs of the Senate;

"(2) the Committee on Government Reform and Oversight of the House of Representatives;

"(3) the Committees on Appropriations of the Senate and House of Reqresentatives;

"(4) the appropriate committees of jurisdiction of the Senate and House of Representatives;

"(5) the President; and

"(6) the Office of Personnel Management.

"§3349a. Presidential inaugural transitions

"(a) In this section, the term 'transitional inauguration day' means the date on which any person swears or affirms the oath of office as President, if such person is not the President on the date preceding the date of swearing or affirming such oath of office.

"(b) With respect to any vacancy that exists during the 60-day period beginning on a transitional inauguration day, the 210-day period under section 3346 or 3348 shall be deemed to begin on the later of the date occurring—

"(1) 90 days after such transitional inauguration day; or

"(2) 90 days after the date on which the vacancy occurs.

"§3349b. Holdover provisions

"Sections 3345 through 3349a shall not be construed to affect any statute that authorizes a person to continue to serve in any office—

"(1) after the expiration of the term for which such person is appointed; and

"(2) until a successor is appointed or a specified period of time has expired.

"§3349c. Exclusion of certain officers

"Sections 3345 through 3349b shall not apply to—

"(1) any member who is appointed by the President, by and with the advice and consent of the Senate to any board, commission, or similar entity that—

"(A) is composed of multiple members; and

"(B) governs an independent establishment or Government corporation;

"(2) any commissioner of the Federal Energy Regulatory Commission;

"(3) any member of the Surface Transportation Board; or

"(4) any judge appointed by the President, by and with the advice and consent of the Senate, to a court constituted under article I of the United States Constitution.

"§3349d. Notification of intent to nominate during certain recesses or adjournments

"(a) The submission to the Senate, during a recess or adjournment of the Senate in excess of 15 days, of a written notification by the President of the President's intention to submit a nomination after the recess or adjournment shall be considered a nomination for purposes of sections 3345 through 3349c if such notification contains the name of the proposed nominee and the office for which the person is nominated.

"(b) If the President does not submit a nomination of the person named under subsection (a) within 2 days after the end of such recess or adjournment, effective after such second day the notification considered a nomination under subsection (a) shall be treated as a withdrawn nomination for purposes of sections 3345 through 3349c.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the matter relating to subchapter III and inserting the following:

"SUBCHAPTER III—DETAILS, VACANCIES, AND APPOINTMENTS

"3341. Details; within Executive or military departments.
"[3342. Repealed.]
"3343. Details; to international organizations.
"3344. Details; administrative law judges.
"3345. Acting officer.
"3346. Time limitation.
"3347. Exclusivity.
"3348. Vacant office.
"3349. Reporting of vacancies.
"3349a. Presidential inaugural transitions.
"3349b. Holdover provisions relating to certain independent establishments.
"3349c. Exclusion of certain officers.
"3349d. Notification of intent to nominate during certain recesses or adjournments.".

(2) SUBCHAPTER HEADING.—The subchapter heading for subchapter III of chapter 33 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—DETAILS, VACANCIES, AND APPOINTMENTS".

(d) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—Subject to paragraph (2), this section and the amendments made by this section shall take effect 30 days after the date of enactment of this section.

(2) APPLICATION.—

(A) IN GENERAL.—This section shall apply to any office that becomes vacant after the effective date of this section.

(B) IMMEDIATE APPLICATION OF TIME LIMITATION.—Notwithstanding subparagraph (A), for any office vacant on the effective date of this section, the time limitations under section 3346 of title 5, United States Code (as amended by this section) shall apply to such office. Such time limitations shall apply as though such office first became vacant on the effective date of this section.

(C) CERTAIN NOMINATIONS.—If the President submits to the Senate the nomination of any person after the effective date of this section for an office for which such person had been nominated before such date, the next nomination of such person after such date shall be considered a first nomination of such person to that office for purposes of sections 3345 through 3349 and section 3349d of title 5, United States Code (as amended by this section).

TITLE II—FISHERIES

Subtitle I—Fishery Endorsements

SEC. 201. SHORT TITLE.

This title may be cited as the "American Fisheries Act".

SEC. 202. STANDARD FOR FISHERY ENDORSEMENTS.

(a) STANDARD.—Section 12102(c) of title 46, United States Code, is amended to read as follows—

"(c)(1) A vessel owned by a corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity is not eligible for a fishery endorsement under section 12108 of this title unless at least 75 per centum of the interest in such entity, at each tier of ownership of such entity and in the aggregate, is owned and controlled by citizens of the United States.

"(2) The Secretary shall apply section 2(c) of the Shipping Act, 1916 (46 App. U.S.C. 802(c)) in determining under this subsection whether at least 75 per centum of the interest in a corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity is owned and controlled by citizens of the United States. For the purposes of this subsection and of applying the restrictions on controlling interest in section 2(c) of such Act, the terms 'control' or 'controlled'—

"(A) shall include—

"(i) the right to direct the business of the entity which owns the vessel;

"(ii) the right to limit the actions of or replace the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity which owns the vessel; or

"(iii) the right to direct the transfer, operation or manning of a vessel with a fishery endorsement; and

"(B) shall not include the right to simply participate in the activities under subparagraph (A), or the use by a mortgagee under paragraph (4) of loan covenants approved by the Secretary.

"(3) A fishery endorsement for a vessel that is chartered or leased to an individual who is not a citizen of the United States or to an entity that is not eligible to own a vessel with a fishery endorsement and used as a fishing vessel shall be invalid immediately upon such use.

"(4)(A) An individual or entity that is otherwise eligible to own a vessel with a fishery endorsement shall be ineligible by reason of an instrument or evidence of indebtedness, secured by a mortgage of the vessel to a trustee eligible to own a vessel with a fishery endorsement that is issued, assigned, transferred or held in trust for a person not eligible to own a vessel with a fishery endorsement, unless the Secretary determines that the issuance, assignment, transfer, or trust arrangement does not result in an impermissible transfer of control of the vessel and that the trustee—

"(i) is organized as a corporation, and is doing business, under the laws of the United States or of a State;

"(ii) is authorized under those laws to exercise corporate trust powers;

"(iii) is subject to supervision or examination by an official of the United States Government or a State;

"(iv) has a combined capital and surplus (as stated in its most recent published report of condition) of at least $3,000,000; and

"(v) meets any other requirements prescribed by the Secretary.

"(B) A vessel with a fishery endorsement may be operated by a trusuee only with the approval of the Secretary.

"(C) A right under a mortgage of a vessel with a fishery endorsement may be issued, assigned, or transferred to a person not eligible to be a mortgagee of that vessel under section 31322(a)(4) of this title only with the approval of the Secretary.

"(D) The issuance, assignment, or transfer of an instrument or evidence of indebtedness contrary to this paragraph is voidable by the Secretary.

"(5) The requirements of this subsection shall not apply to a vessel when it is engaged in fisheries in the exclusive economic zone under the authority of the Western Pacific Fishery Management Council established under section 302(a)(1)(H) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(H)) or to a purse seine vessel when it is engaged in tuna fishing in the Pacific Ocean outside the exclusive economic zone of the United States or pursuant to the South Pacific Regional Fisheries Treaty, provided that the owner of the vessel continues to comply with the eligibility requirements for a fishery endorsement under the federal law that was in effect on October 1, 1998. A fishery endorsement issued by the Secretary pursuant to this paragraph shall be valid for engaging only in fisheries in the exclusive economic zone under the authority of such Council, in such tuna fishing in the Pacific Ocean, or pursuant to such Treaty.

"(6) A vessel greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable

of producing a total of more than 3,000 shaft horsepower is not eligible for a fishery endorsement under section 12108 of this title unless—

"(A)(i) a certificate of documentation was issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997;

"(ii) the vessel is not placed under foreign registry after the date of the enactment of the American Fisheries Act; and

"(iii) in the event of the invalidation of the fishery endorsement after the date of the enactment of the American Fisheries Act, application is made for a new fishery endorsement within fifteen (15) business days of such invalidation; or

"(B) the owner of such vessel demonstrates to the Secretary that the regional fishery management council of jurisdiction established under section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)) has recommended after the date of the enactment of the American Fisheries Act, and the Secretary of Commerce has approved, conservation and management measures in accordance with such Act to allow such vessel to be used in fisheries under such council's authority.".

(b) Preferred Mortgage.—Section 31322(a) of title 46, United States Code is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3)(B) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting at the end the following new paragraph:

"(4) with respect to a vessel with a fishery endorsement that is 100 feet or greater in registered length, has as the mortgagee—

"(A) a person eligible to own a vessel with a fishery endorsement under section 12102(c) of this title;

"(B) a state or federally chartered financial institution that satisfies the controlling interest criteria of section 2(b) of the Shipping Act, 1916 (46 U.S.C. 802(b)); or

"(C) a person that complies with the provisions of section 12102(c)(4) of this title.".

SEC. 203. ENFORCEMENT OF STANDARD.

(a) Effective Date.—The amendments made by section 202 shall take effect on October 1, 2001.

(b) Regulations.—Final regulations to implement this subtitle shall be published in the Federal Register by April 1, 2000. Letter rulings and other interim interpretations about the effect of this subtitle and amendments made by this subtitle on specific vessels may not be issued prior to the publication of such final regulations. The regulations to implement this subtitle shall prohibit impermissible transfers of ownership or control, specify any transactions which require prior approval of an implementing agency, identify transactions which do not require prior agency approval, and to the extent practicable, minimize disruptions to the commercial fishing industry, to the traditional financing arrangements of such industry, and to the opportunity to form fishery cooperatives.

(c) Vessels Measuring 100 Feet and Greater.—(1) The Administrator of the Maritime Administration shall administer section 12102(c) of title 46, United States Code, as amended by this subtitle, with respect to vessels 100 feet or greater in registered length. The owner of each such vessel shall file a statement of citizenship setting forth all relevant facts regarding vessel ownership and control with the Administrator of the Maritime Administration on an annual basis to demonstrate compliance with such section. Regulations to implement this subsection shall conform to the extent practicable with the regulations establishing the form of citizenship affidavit set forth in part 355 of title 46, Code of Federal Regulations, as in effect on September 25, 1997, except that the form of the statement under this paragraph shall be written in a manner to allow the owner of each such vessel to satisfy any annual renewal requirements for a certificate of documentation for such vessel and to comply with this subsection and section 12102(c) of title 46, United States Code, as amended by this Act, and shall not be required to be notarized.

(2) After October 1, 2001, transfers of ownership and control of vessels subject to section 12102(c) of title 46, United States Code, as amended by this Act, which are 100 feet or greater in registered length, shall be rigorously scrutinized for violations of such section, with particular attention given to leases, charters, mortgages, financing, and similar arrangements, to the control of persons not eligible to own a vessel with a fishery endorsement under section 12102(c) of title 46, United States Code, as amended by this Act, over the management, sales, financing, or other operations of an entity, and to contracts involving the purchase over extended periods of time of all, or substantially all, of the living marine resources harvested by a fishing vessel.

(d) Vessels Measuring Less Than 100 Feet.—The Secretary of Transportation shall establish such requirements as are reasonable and necessary to demonstrate compliance with section 12102(c) of title 46, United States Code, as amended by this Act, with respect to vessels measuring less than 100 feet in registered length, and shall seek to minimize the administrative burden on individuals who own and operate such vessels.

(e) Endorsements Revoked.—The Secretary of Transportation shall revoke the fishery endorsement of any vessel subject to section 12102(c) of title 46, United States Code, as amended by this Act, whose owner does not comply with such section.

(f) Penalty.—Section 12122 of title 46, United States Code, is amended by inserting at the end the following new subsection:

"(c) In addition to penalties under subsections (a) and (b), the owner of a documented vessel for which a fishery endorsement has been issued is liable to the United States Government for a civil penalty of up to $100,000 for each day in which such vessel has engaged in fishing (as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) within the exclusive economic zone of the United States, if the owner or the representative or agent of the owner knowingly falsified or concealed a material fact, or knowingly made a false statement or representation with respect to the eligibility of the vessel under section 12102(c) of this title in applying for or applying to renew such fishery endorsement.".

(g) Certain Vessels.—The vessels EXCELLENCE (United States official number 967502), GOLDEN ALASKA (United States official number 651041), OCEAN PHOENIX (United States official number 296779), NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act) shall be exempt from section 12102(c), as amended by this Act, until such time after October 1, 2001 as more than 50 percent of the interest owned and controlled in the vessel changes, provided that the vessel maintains eligibility for a fishery endorsement under the federal law that was in effect the day before the date of the enactment of this Act, and unless, in the case of the NORTHERN TRAVELER or the NORTHERN VOYAGER (or such replacement), the vessel is used in any fishery under the authority of a regional fishery management council other than the New England Fishery Management Council or Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(A) and (B)), or in the case of the EXCELLENCE, GOLDEN ALASKA, or OCEAN PHOENIX, the vessel is used to harvest any fish.

SEC. 204. REPEAL OF OWNERSHIP SAVINGS CLAUSE.

(a) Repeal.—Section 7(b) of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Public Law 100–239; 46 U.S.C. 12102 note) is hereby repealed.

(b) Effective Date.—Subsection (a) shall take effect on October 1, 2001.

Subtitle II—Bering Sea Pollock Fishery

SEC. 205. DEFINITIONS.

As used in this subtitle—

(1) the term "Bering Sea and Aleutian Islands Management Area" has the same meaning as the meaning given for such term in part 679.2 of title 50, Code of Federal Regulations, as in effect on October 1, 1998;

(2) the term "catcher/processor" means a vessel that is used for harvesting fish and processing that fish;

(3) the term "catcher vessel" means a vessel that is used for harvesting fish and that does not process pollock onboard;

(4) the term "directed pollock fishery" means the fishery for the directed fishing allowances allocated under paragraphs (1), (2), and (3) of section 206(b);

(5) the term "harvest" means to commercially engage in the catching, taking, or harvesting of fish or any activity that can reasonably be expected to result in the catching, taking, or harvesting of fish;

(6) the term "inshore component" means the following categories that process groundfish harvested in the Bering Sea and Aleutian Islands Management Area:

(A) shoreside processors, including those eligible under section 208(f); and

(B) vessels less than 125 feet in length overall that process less than 126 metric tons per week in round-weight equivalents of an aggregate amount of pollock and Pacific cod;

(7) the term "Magnuson-Stevens Act" means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(8) the term "mothership" means a vessel that receives and processes fish from other vessels in the exclusive economic zone of the United States and is not used for, or equipped to be used for, harvesting fish;

(9) the term "North Pacific Council" means the North Pacific Fishery Management Council established under section 302(a)(1)(G) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)(1)(G));

(10) the term "offshore component" means all vessels not included in the definition of "inshore component" that process groundfish harvested in the Bering Sea and Aleutian Islands Management Area;

(11) the term "Secretary" means the Secretary of Commerce; and

(12) the term "shoreside processor" means any person or vessel that receives unprocessed fish, except catcher/processors, motherships, buying stations, restaurants, or persons receiving fish for personal consumption or bait.

SEC. 206. ALLOCATIONS.

(a) Pollock Community Development Quota.—Effective January 1, 1999, 10 percent of the total allowable catch of pollock in the Bering Sea and Aleutian Islands Management Area shall be allocated as a directed fishing allowance to the western Alaska community development quota program established under section

305(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)).

(b) INSHORE/OFFSHORE.—Effective January 1, 1999, the remainder of the pollock total allowable catch in the Bering Sea and Aleutian Islands Management Area, after the subtraction of the allocation under subsection (a) and the subtraction of allowances for the incidental catch of pollock by vessels harvesting other groundfish species (including under the western Alaska community development quota program) shall be allocated as directed fishing allowances as follows—

(1) 50 percent to catcher vessels harvesting pollock for processing by the inshore component;

(2) 40 percent to catcher/processors and catcher vessels harvesting pollock for processing by catcher/processors in the offshore component; and

(3) 10 percent to catcher vessels harvesting pollock for processing by motherships in the offshore component.

SEC. 207. BUYOUT.

(a) FEDERAL LOAN.—Under the authority of sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) and notwithstanding the requirements of section 312 of the Magnuson-Stevens Act (16 U.S.C. 1861a), the Secretary shall, subject to the availability of appropriations for the cost of the direct loan, provide up to $75,000,000 through a direct loan obligation for the payments required under subsection (d).

(b) INSHORE FEE SYSTEM.—Notwithstanding the requirements of section 304(d) or 312 of the Magnuson-Stevens Act (16 U.S.C. 1854(d) and 1861a), the Secretary shall establish a fee for the repayment of such loan obligation which—

(1) shall be six-tenths (0.6) of one cent for each pound round-weight of all pollock harvested from the directed fishing allowance under section 206(b)(1); and

(2) shall begin with such pollock harvested on or after January 1, 2000, and continue without interruption until such loan obligation is fully repaid; and

(3) shall be collected in accordance with section 312(d)(2)(C) of the Magnuson-Stevens Act (16 U.S.C. 1861a(d)(2)(C)) and in accordance with such other conditions as the Secretary establishes.

(c) FEDERAL APPROPRIATION.—Under the authority of section 312(c)(1)(B) of the Magnuson-Stevens Act (16 U.S.C. 1861a(c)(1)(B)), there are authorized to be appropriated $20,000,000 for the payments required under subsection (d).

(d) PAYMENTS.—Subject to the availability of appropriations for the cost of the direct loan under subsection (a) and funds under subsection (c), the Secretary shall pay by not later than December 31, 1998—

(1) up to $90,000,000 to the owner or owners of the catcher/processors listed in paragraphs (1) through (9) of section 209, in such manner as the owner or owners, with the concurrence of the Secretary, agree, except that—

(A) the portion of such payment with respect to the catcher/processor listed in paragraph (1) of section 209 shall be made only after the owner submits a written certification acceptable to the Secretary that neither the owner nor a purchaser from the owner intends to use such catcher/processor outsiee of the exclusive economic zone of the United States to harvest any stock of fish (as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) that occurs within the exclusive economic zone of the United States; and

(B) the portion of such payment with respect to the catcher/processors listed in paragraphs (2) through (9) of section 209 shall be made only after the owner or owners of such catcher/processors submit a written certification acceptable to the Secretary that such catcher/processors will be scrapped by December 31, 2000 and will not, before that date, be used to harvest or process any fish; and

(2)(A) if a contract has been filed under section 210(a) by the catcher/processors listed in section 208(e), $5,000,000 to the owner or owners of the catcher/processors listed in paragraphs (10) through (14) of such section in such manner as the owner or owners, with the concurrence of the Secretary, agree; or

(B) if such a contract has not been filed by such date, $5,000,000 to the owners of the catcher vessels eligible under section 208(b) and the catcher/processors eligible under paragraphs (1) through (20) of section 208(e), divided based on the amount of the harvest of pollock in the directed pollock fishery by each such vessel in 1997 in such manner as the Secretary deems appropriate,

except that any such payments shall be reducee by any obligation to the federal government that has not been satisfied by such owner or owners of any such vessels.

(e) PENALTY.—If the catcher/processor under paragraph (1) of section 209 is used outside of the exclusive economic zone of the United States to harvest any stock of fish that occurs within the exclusive economic zone of the United States while the owner who received the payment under subsection (d)(1)(A) has an ownership interest in such vessel, or if the catcher/processors listed in paragraphs (2) through (9) of section 209 are determined by the Secretary not to have been scrapped by December 31, 2000 or to have been used in a manner inconsistent with subsection (d)(1)(B), the Secretary may suspend any or all of the federal permits which allow any vessels owned in whole or in part by the owner or owners who received payments under subsection (d)(1) to harvest or process fish within the exclusive economic zone of the United States until such time as the obligations of such owner or owners under subsection (d)(1) have been fulfilled to the satisfaction of the Secretary.

(f) PROGRAM DEFINED; MATURITY.—For the purposes of section 1111 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f), the fishing capacity reduction program in this subtitle shall be within the meaning of the term "program" as defined and used in such section. Notwithstanding section 1111(b)(4) of such Act (46 U.S.C. App. 1279f(b)(4)), the debt obligation under subsection (a) of this section may have a maturity not to exceed 30 years.

(g) FISHERY CAPACITY REDUCTION REGULATIONS.—The Secretary of Commerce shall by not later than October 15, 1998 publish proposed regulations to implement subsections (b), (c), (d), and (e) of section 312 of the Magnuson-Stevens Act (16 U.S.C. 1861a) and sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g).

SEC. 208. ELIGIBLE VESSELS AND PROCESSORS.

(a) CATCHER VESSELS ONSHORE.—Effective January 1, 2000, only catcher vessels which are—

(1) determined by the Secretary—

(A) to have delivered at least 250 metric tons of pollock; or

(B) to be less than 60 feet in length overall and to have delivered at least 40 metric tons of pollock,

for processing by the inshore component in the directed pollock fishery in any one of the years 1996 or 1997, or between January 1, 1998 and September 1, 1998;

(2) eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary; and

(3) not listed in subsection (b),

shall be eligible to harvest the directed fishing allowance under section 206(b)(1) pursuant to a federal fishing permit.

(b) CATCHER VESSELS TO CATCHER/PROCESSORS.—Effective January 1, 1999, only the following catcher vessels shall be eligible to harvest the directed fishing allowance under section 206(b)(2) pursuant to a federal fishing permit:

(1) AMERICAN CHALLENGER (United States official number 615085);

(2) FORUM STAR (United States official number 925863);

(3) MUIR MILACH (United States official number 611524);

(4) NEAHKAHNIE (United States official number 599534);

(5) OCEAN HARVESTER (United States official number 549892);

(6) SEA STORM (United States official number 628959);

(7) TRACY ANNE (United States official number 904859); and

(8) any catcher vessel—

(A) determined by the Secretary to have delivered at least 250 metric tons and at least 75 percent of the pollock it harvested in the directed pollock fishery in 1997 to catcher/processors for processing by the offshore component; and

(B) eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary.

(c) CATCHER VESSELS TO MOTHERSHIPS.—Effective January 1, 2000, only the following catcher vessels shall be eligible to harvest the directed fishing allowance under section 206(b)(3) pursuant to a federal fishing permit:

(1) ALEUTIAN CHALLENGER (United States official number 603820);

(2) ALYESKA (United States official number 560237);

(3) AMBER DAWN (United States official number 529425);

(4) AMERICAN BEAUTY (United States official number 613847);

(5) CALIFORNIA HORIZON (United States official number 590758);

(6) MAR-GUN (United States official number 525608);

(7) MARGARET LYN (United States official number 615563);

(8) MARK I (United States official number 509552);

(9) MISTY DAWN (United States official number 926647);

(10) NORDIC FURY (United States official number 542651);

(11) OCEAN LEADER (United States official number 561518);

(12) OCEANIC (United States official number 602279);

(13) PACIFIC ALLIANCE (United States official number 612084);

(14) PACIFIC CHALLENGER (United States official number 518937);

(15) PACIFIC FURY (United States official number 561934);

(16) PAPADO II (United States official number 536161);

(17) TRAVELER (United States official number 929356);

(18) VESTERAALEN (United States official number 611642);

(19) WESTERN DAWN (United States official number 524423); and

(20) any vessel—

(A) determined by the Secretary to have delivered at least 250 metric tons of pollock for processing by motherships in the offshore component of the directed pollock fishery in any one of the years 1996 or 1997, or between January 1, 1998 and September 1, 1998;

(B) eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary; and

(C) not listed in subsection (b).

(d) MOTHERSHIPS.—Effective January 1, 2000, only the following motherships shall be eligible to process the directed fishing allowance under section 206(b)(3) pursuant to a federal fishing permit:

(1) EXCELLENCE (United States official number 967502);

(2) GOLDEN ALASKA (United States official number 651041); and

(3) OCEAN PHOENIX (United States official number 296779).

(e) CATCHER/PROCESSORS.—Effective January 1, 1999, only the following catcher/processors shall be eligible to harvest the directed fishing allowance under section 206(b)(2) pursuant to a federal fishing permit:

(1) AMERICAN DYNASTY (United States official number 951307);

(2) KATIE ANN (United States official number 518441);

(3) AMERICAN TRIUMPH (United States official number 646737);

(4) NORTHERN EAGLE (United States official number 506694);

(5) NORTHERN HAWK (United States official number 643771);

(6) NORTHERN JAEGER (United States official number 521069);

(7) OCEAN ROVER (United States official number 552100);

(8) ALASKA OCEAN (United States official number 637856);

(9) ENDURANCE (United States official number 592206);

(10) AMERICAN ENTERPRISE (United States official number 594803);

(11) ISLAND ENTERPRISE (United States official number 610290);

(12) KODIAK ENTERPRISE (United States official number 579450);

(13) SEATTLE ENTERPRISE (United States official number 904767);

(14) US ENTERPRISE (United States official number 921112);

(15) ARCTIC STORM (United States official number 903511);

(16) ARCTIC FJORD (United States official number 940866);

(17) NORTHERN GLACIER (United States official number 663457);

(18) PACIFIC GLACIER (United States official number 933627);

(19) HIGHLAND LIGHT (United States official number 577044);

(20) STARBOUND (United States official number 944658); and

(21) any catcher/processor not listed in this subsection and determined by the Secretary to have harvested more than 2,000 metric tons of the pollock in the 1997 directed pollock fishery and determined to be eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary, except that catcher/processors eligible under this paragraph shall be prohibited from harvesting in the aggregate a total of more than one-half (0.5) of a percent of the pollock apportioned for the directed pollock fishery under section 206(b)(2).

Notwithstanding section 213(a), failure to satisfy the requirements of section 4(a) of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Public Law 100–239; 46 U.S.C. 12108 note) shall not make a catcher/processor listed under this subsection ineligible for a fishery endorsement.

(f) SHORESIDE PROCESSORS.—(1) Effective January 1, 2000 and except as provided in paragraph (2), the catcher vessels eligible under subsection (a) may deliver pollock harvested from the directed fishing allowance under section 206(b)(1) only to—

(A) shoreside processors (including vessels in a single geographic location in Alaska State waters) determined by the Secretary to have processed more than 2,000 metric tons round-weight of pollock in the inshore component of the directed pollock fishery during each of 1996 and 1997; and

(B) shoreside processors determined by the Secretary to have processed pollock in the inshore component of the directed pollock fishery in 1996 or 1997, but to have processed less than 2,000 metric tons round-weight of such pollock in each year, except that effective January 1, 2000, each such shoreside processor may not process more than 2,000 metric tons round-weight from such directed fishing allowance in any year.

(2) Upon recommendation by the North Pacific Council, the Secretary may approve measures to allow catcher vessels eligible under subsection (a) to deliver pollock harvested from the directed fishing allowance under section 206(b)(1) to shoreside processors not eligible under paragraph (1) if the total allowable catch for pollock in the Bering Sea and Aleutian Islands Management Area increases by more than 10 percent above the total allowable catch in such fishery in 1997, or in the event of the actual total loss or constructive total loss of a shoreside processor eligible under paragraph (1)(A).

(g) REPLACEMENT VESSELS.—In the event of the actual total loss or constructive total loss of a vessel eligible under subsections (a), (b), (c), (d), or (e), the owner of such vessel may replace such vessel with a vessel which shall be eligible in the same manner under that subsection as the eligible vessel, provided that—

(1) such loss was caused by an act of God, an act of war, a collision, an act or omission of a party other than the owner or agent of the vessel, or any other event not caused by the willful misconduct of the owner or agent;

(2) the replacement vessel was built in the United States and if ever rebuilt, was rebuilt in the United States;

(3) the fishery endorsement for the replacement vessel is issued within 36 months of the end of the last year in which the eligible vessel harvested or processed pollock in the directed pollock fishery;

(4) if the eligible vessel is greater than 165 feet in registered length, of more than 750 gross registered tons, or has engines capable of producing more than 3,000 shaft horsepower, the replacement vessel is of the same or lesser registered length, gross registered tons, and shaft horsepower;

(5) if the eligible vessel is less than 165 feet in registered length, of fewer than 750 gross registered tons, and has engines incapable of producing less than 3,000 shaft horsepower, the replacement vessel is less than each of such thresholds and does not exceed by more than 10 percent the registered length, gross registered tons or shaft horsepower of the eligible vessel; and

(6) the replacement vessel otherwise qualifies under federal law for a fishery endorsement, including under section 12102(c) of title 46, United States Code, as amended by this Act.

(h) ELIGIBILITY DURING IMPLEMENTATION.—In the event the Secretary is unable to make a final determination about the eligibility of a vessel under subsection (b)(8) or subsection (e)(21) before January 1, 1999, or a vessel or shoreside processor under subsection (a), subsection (c)(21), or subsection (f) before January 1, 2000, such vessel or shoreside processor, upon the filing of an application for eligibility, shall be eligible to participate in the directed pollock fishery pending final determination by the Secretary with respect to such vessel or shoreside processor.

(i) ELIGIBILITY NOT A RIGHT.—Eligibility under this section shall not be construed—

(1) to confer any right of compensation, monetary or otherwise, to the owner of any catcher vessel, catcher/processor, mothership, or shoreside processor if such eligibility is revoked or limited in any way, including through the revocation or limitation of a fishery endorsement or any federal permit or license;

(2) to create any right, title, or interest in or to any fish in any fishery; or

(3) to waive any provision of law otherwise applicable to such catcher vessel, catcher/processor, mothership, or shoreside processor.

SEC. 209. LIST OF INELIGIBLE VESSELS.

Effective December 31, 1998, the following vessels shall be permanently ineligible for fishery endorsements, and any claims (including relating to catch history) associated with such vessels that could qualify any owners of such vessels for any present or future limited access system permit in any fishery within the exclusive economic zone of the United States (including a vessel moratorium permit or license limitation program permit in fisheries under the authority of the North Pacific Council) are hereby extinguished:

(1) AMERICAN EMPRESS (United States official number 942347);

(2) PACIFIC SCOUT (United States official number 934772);

(3) PACIFIC EXPLORER (United States official number 942592);

(4) PACIFIC NAVIGATOR (Uoited States official number 592204);

(5) VICTORIA ANN (United States official number 592207);

(6) ELIZABETH ANN (United States official number 534721);

(7) CHRISTINA ANN (United States official number 653045);

(8) REBECCA ANN (United States official number 592205); and

(9) BROWNS POINT (United States official number 587440).

SEC. 210. FISHERY COOPERATIVE LIMITATIONS.

(a) PUBLIC NOTICE.—(1) Any contract implementing a fishery cooperative under section 1 of the Act of June 25, 1934 (15 U.S.C. 521) in the directed pollock fishery and any material modifications to any such contract shall be filed not less than 30 days prior to the start of fishing under the contract with the North Pacific Council and with the Secretary, together with a copy of a letter from a party to the contract requesting a business review letter on the fishery cooperative from the Department of Justice and any response to such request. Notwithstanding section 402 of the Magnuson-Stevens Act (16 U.S.C. 1881a) or any other provision of law, but taking into account the interest of parties to any such contract in protecting the confidentiality of proprietary information, the North Pacific Council and Secretary shall—

(A) make available to the public such information about the contract, contract modifications, or fishery cooperative the North Pacific Council and Secretary deem appropriate, which at a minimum shall include a list of the parties to the contract, a list of the vessels involved, and the amount of pollock and other fish to be harvested by each party to such contract; and

(B) make available to the public in such manner as the North Pacific Council and Secretary deem appropriate information about the harvest by vessels under a fishery cooperative of all species (including bycatch) in the directed pollock fishery on a vessel-by-vessel basis.

(b) CATCHER VESSELS ONSHORE.—

(1) CATCHER VESSEL COOPERATIVES.—Effective January 1, 2000, upon the filing of a contract implementing a fishery cooperative under subsection (a) which—

(A) is signed by the owners of 80 percent or more of the qualified catcher vessels that delivered pollock for processing by a shoreside processor in the directed pollock fishery in the year prior to the year in which the fishery cooperative will be in effect; and

(B) specifies, except as provided in paragraph (6), that such catcher vessels will deliver pollock in the directed pollock fishery only to such shoreside processor during the year in which the fishery cooperative will be in effect and that such shoreside processor has agreed to process such pollock,

the Secretary shall allow only such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) to harvest the aggregate percentage of the directed fishing allowance under section 206(b)(1) in the year in which the fishery cooperative will be in effect that is equivalent to the aggregate total amount of pollock harvested by such catcher vessels (and by such catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) in the directed pollock fishery for processing by the inshore component during 1995, 1996, and 1997 relative to the aggregate total amount of pollock harvested in the directed pollock fishery for processing by the inshore component during such years and shall prevent such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) from harvesting in aggregate in excess of such percentage of such directed fishing allowance.

(2) VOLUNTARY PARTICIPATION.—Any contract implementing a fishery cooperative under paragraph (1) must allow the owners of other qualified catcher vessels to enter into such contract after it is filed and before the calender year in which fishing will begin under the same terms and conditions as the owners of the qualified catcher vessels who entered into such contract upon filing.

(3) QUALIFIED CATCHER VESSEL.—For the purposes of this subsection, a catcher vessel shall be considered a "qualified catcher vessel" if, during the year prior to the year in which the fishery cooperative will be in effect, it delivered more pollock to the shoreside processor to which it will deliver pollock under the fishery cooperative in paragraph (1) than to any other shoreside processor.

(4) CONSIDERATION OF CERTAIN VESSELS.—Any contract implementing a fishery cooperative under paragraph (1) which has been entered into by the owner of a qualified catcher vessel eligible under section 208(a) that harvested pollock for processing by catcher/processors or motherships in the directed pollock fishery during 1995, 1996, and 1997 shall, to the extent practicable, provide fair and equitable terms and conditions for the owner of such qualified catcher vessel.

(5) OPEN ACCESS.—A catcher vessel eligible under section 208(a) the catch history of which has not been attributed to a fishery cooperative under paragraph (1) may be used to deliver pollock harvested by such vessel from the directed fishing allowance under section 206(b)(1) (other than pollock reserved under paragraph (1) for a fishery cooperative) to any of the shoreside processors eligible under section 208(f). A catcher vessel eligible under section 208(a) the catch history of which has been attributed to a fishery cooperative under paragraph (1) during any calendar year may not harvest any pollock apportioned under section 206(b)(1) in such calendar year other than the pollock reserved under paragraph (1) for such fishery cooperative.

(6) TRANSFER OF COOPERATIVE HARVEST.—A contract implementing a fishery cooperative under paragraph (1) may, notwithstanding the other provisions of this subsection, provide for up to 10 percent of the pollock harvested under such cooperative to be processed by a shoreside processor eligible under section 208(f) other than the shoreside processor to which pollock will be delivered under paragraph (1).

(c) CATCHER VESSELS TO CATCHER/PROCESSORS.—Effective January 1, 1999, not less than 8.5 percent of the directed fishing allowance under section 206(b)(2) shall be available for harvest only by the catcher vessels eligible under section 208(b). The owners of such catcher vessels may participate in a fishery cooperative with the owners of the catcher/processors eligible under paragraphs (1) through (20) of the section 208(e). The owners of such catcher vessels may participate in a fishery cooperative that will be in effect during 1999 only if the contract implementing such cooperative establishes penalties to prevent such vessels from exceeding in 1999 the traditional levels harvested by such vessels in all other fisheries in the exclusive economic zone of the United States.

(d) CATCHER VESSELS TO MOTHERSHIPS.—

(1) PROCESSING.—Effective January 1, 2000, the authority in section 1 of the Act of June 25, 1934 (48 Stat. 1213 and 1214; 15 U.S.C. 521 et seq.) shall extend to processing by motherships eligible under section 208(d) solely for the purposes of forming or participating in a fishery cooperative in the directed pollock fishery upon the filing of a contract to implement a fishery cooperative under subsection (a) which has been entered into by the owners of 80 percent or more of the catcher vessels eligible under section 208(c) for the duration of such contract, provided that such owners agree to the terms of the fishery cooperative involving processing by the motherships.

(2) VOLUNTARY PARTICIPATION.—Any contract implementing a fishery cooperative described in paragraph (1) must allow the owners of any other catcher vessels eligible under section 208(c) to enter such contract aftet it is filed and before the calendar year in which fishing will begin under the same terms and conditions as the owners of the catcher vessels who entered into such contract upon filing.

(e) EXCESSIVE SHARES.—

(1) HARVESTING.—No particular individual, corporation, or other entity may harvest, through a fishery cooperative or otherwise, a total of more than 17.5 percent of the pollock available to be harvested in the directed pollock fishery.

(2) PROCESSING.—Under the authority of section 301(a)(4) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(4)), the North Pacific Council is directed to recommend for approval by the Secretary conservation and management measures to prevent any particular individual or entity from processing an excessive share of the pollock available to be harvested in the directed pollock fishery. In the event the North Pacific Council recommends and the Secretary approves an excessive processing share that is lower than 17.5 percent, any individual or entity that previously processed a percentage greater than such share shall be allowed to continue to process such percentage, except that their percentage may not exceed 17.5 percent (excluding pollock processed by catcher/processors that was harvested in the directed pollock fishery by catcher vessels eligible under 208(b)) and shall be reduced if their percentage decreases, until their percentage is below such share. In recommending the excessive processing share, the North Pacific Council shall consider the need of catcher vessels in the directed pollock fishery to have competitive buyers for the pollock harvested by such vessels.

(3) REVIEW BY MARITIME ADMINISTRATION.—At the request of the North Pacific Council or the Secretary, any individual or entity believed by such Council or the Secretary to have exceeded the percentage in either paragraph (1) or (2) shall submit such information to the Administrator of the Maritime Administration as the Administrator deems appropriate to allow the Administrator to determine whether such individual or entity has exceeded either such percentage. The Administrator shall make a finding as soon as practicable upon such request and shall submit such finding to the North Pacific Council and the Secretary. For the purposes of this subsection, any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity shall be considered to be the same entity as the other individual or entity.

(f) LANDING TAX JURISDICTION.—Any contract filed under subsection (a) shall include a contract clause under which the parties to the contract agree to make payments to the State of Alaska for any pollock harvested in the directed pollock fishery which is not landed in the State of Alaska, in amounts which would otherwise accrue had the pollock been landed in the State of Alaska subject to any landing taxes established under Alaska law. Failure to include such a contract clause or for such amounts to be paid shall result in a revocation of the authority to form fishery cooperatives under section 1 of the Act of June 25, 1934 (15 U.S.C. 521 et seq.).

(g) PENALTIES.—The violation of any of the requirements of this section or section 211 shall be considered the commission of an act prohibited by section 307 of the Magnuson-Stevens Act (16 U.S.C. 1857). In addition to the civil penalties and permit sanctions applicable to prohibited acts under section 308 of such Act (16 U.S.C. 1858), any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated a requirement of this section shall be subject to the forfeiture to the Secretary of Commerce of any fish harvested or processed during the commission of such act.

SEC. 211. PROTECTIONS FOR OTHER FISHERIES; CONSERVATION MEASURES.

(a) GENERAL.—The North Pacific Council shall recommend for approval by the Secretary such conservation and management measures as it determines necessary to protect other fisheries under its jurisdiction and the participants in those fisheries, including processors, from adverse impacts caused by this Act or fishery cooperatives in the directed pollock fishery.

(b) CATCHER/PROCESSOR RESTRICTIONS.—

(1) GENERAL.—The restrictions in this subsection shall take effect on January 1, 1999 and shall remain in effect thereafter except that they may be superceded (with the exception of paragraph (4)) by conservation and management measures recommended after the date of the enactment of this Act by the North Pacific Council and approved by the Secretary in accordance with the Magnuson-Stevens Act.

(2) BERING SEA FISHING.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from, in the aggregate—

(A) exceeding the percentage of the harvest available in the offshore component of any Bering Sea and Aleutian Islands groundfish fishery (other than the pollock fishery) that is equivalent to the total harvest by such catcher/processors and the catcher/processors listed in section 209 in the fishery in 1995, 1996, and 1997 relative to the total amount available to be harvested by the offshore component in the fishery in 1995, 1996, and 1997;

(B) exceeding the percentage of the prohibited species available in the offshore component of any Bering Sea and Aleutian Islands groundfish fishery (other than the pollock fishery) that is equivalent to the total of the prohibited species harvested by such catcher/processors and the catcher/processors listed in section 209 in the fishery in 1995, 1996, and 1997 relative to the total amount of prohibited species available to be harvested by the offshore component in the fishery in 1995, 1996, and 1997; and

(C) fishing for Atka mackerel in the eastern area of the Bering Sea and Aleutian Islands and from exceeding the following percentages of the

directed harvest available in the Bering Sea and Aleutian Islands Atka mackerel fishery—

(i) 11.5 percent in the central area; and

(ii) 20 percent in the western area.

(3) BERING SEA PROCESSING.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from—

(A) processing any of the directed fishing allowances under paragraphs (1) or (3) of section 206(b); and

(B) processing any species of crab harvested in the Bering Sea and Aleutian Islands Management Area.

(4) GULF OF ALASKA.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from—

(A) harvesting any fish in the Gulf of Alaska;

(B) processing any groundfish harvested from the portion of the exclusive economic zone off Alaska known as area 630 under the fishery management plan for Gulf of Alaska groundfish; or

(C) processing any pollock in the Gulf of Alaska (other than as bycatch in non-pollock groundfish fisheries) or processing, in the aggregate, a total of more than 10 percent of the cod harvested from areas 610, 620, and 640 of the Gulf of Alaska under the fishery management plan for Gulf of Alaska groundfish.

(5) FISHERIES OTHER THAN NORTH PACIFIC.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) and motherships eligible under section 208(d) are hereby prohibited from harvesting fish in any fishery under the authority of any regional fishery management council established under section 302(a) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)) other than the North Pacific Council, except for the Pacific whiting fishery, and from processing fish in any fishery under the authority of any such regional fishery management council other than the North Pacific Council, except in the Pacific whiting fishery, unless the catcher/processor or mothership is authorized to harvest or process fish under a fishery management plan recommended by the regional fishery management council of jurisdiction and approved by the Secretary.

(6) OBSERVERS AND SCALES.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) shall—

(A) have two observers onboard at all times while groundfish is being harvested, processed, or received from another vessel in any fishery under the authority of the North Pacific Council; and

(B) weigh its catch on a scale onboard approved by the National Marine Fisheries Service while harvesting groundfish in fisheries under the authority of the North Pacific Council.

This paragraph shall take effect on January 1, 1999 for catcher/processors eligible under paragraphs (1) through (20) of section 208(e) that will harvest pollock allocated under section 206(a) in 1999, and shall take effect on January 1, 2000 for all other catcher/processors eligible under such paragraphs of section 208(e).

(c) CATCHER VESSEL AND SHORESIDE PROCESSOR RESTRICTIONS.—

(1) REQUIRED COUNCIL RECOMMENDATIONS.—By not later than July 1, 1999, the North Pacific Council shall recommend for approval by the Secretary conservation and management measures to—

(A) prevent the catcher vessels eligible under subsections (a), (b), and (c) of section 208 from exceeding in the aggregate the traditional harvest levels of such vessels in other fisheries under the authority of the North Pacific Council as a result of fishery cooperatives in the directed pollock fishery; and

(B) protect processors not eligible to participate in the directed pollock fishery from adverse effects as a result of this Act or fishery cooperatives in the directed pollock fishery.

If the North Pacific Council does not recommend such conservation and management measures by such date, or if the Secretary determines that such conservation and management measures recommended by the North Pacific Council are not adequate to fulfill the purposes of this paragraph, the Secretary may by regulation restrict or change the authority in section 210(b) to the extent the Secretary deems appropriate, including by preventing fishery cooperatives from being formed pursuant to such section and by providing greater flexibility with respect to the shoreside processor or shoreside processors to which catcher vessels in a fishery cooperative under section 210(b) may deliver pollock.

(2) BERING SEA CRAB AND GROUNDFISH.—

(A) Effective January 1, 2000, the owners of the motherships eligible under section 208(d) and the shoreside processors eligible under section 208(f) that receive pollock from the directed pollock fishery under a fishery cooperative are hereby prohibited from processing, in the aggregate for each calendar year, more than the percentage of the total catch of each species of crab in directed fisheries under the jurisdiction of the North Pacific Council than facilities operated by such owners processed of each such species in the aggregate, on average, in 1995, 1996, 1997. For the purposes of this subparagraph, the term "facilities" means any processing plant, catcher/processor, mothership, floating processor, or any other operation that processes fish. Any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity shall be considered to be the same entity as the other individual or entity for the purposes of this subparagraph.

(B) Under the authority of section 301(a)(4) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(4)), the North Pacific Council is directed to recommend for approval by the Secretary conservation and management measures to prevent any particular individual or entity from harvesting or processing an excessive share of crab or of groundfish in fisheries in the Bering Sea and Aleutian Islands Management Area.

(C) The catcher vessels eligible under section 208(b) are hereby prohibited from participating in a directed fishery for any species of crab in the Bering Sea and Aleutian Islands Management Area unless the catcher vessel harvested crab in the directed fishery for that species of crab in such Area during 1997 and is eligible to harvest such crab in such directed fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary. The North Pacific Council is directed to recommend measures for approval by the Secretary to eliminate latent licenses under such program, and nothing in this subparagraph shall preclude the Council from recommending measures more restrictive than under this paragraph.

(3) FISHERIES OTHER THAN NORTH PACIFIC.—

(A) By not later than July 1, 2000, the Pacific Fishery Management Council established under section 302(a)(1)(F) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)(1)(F)) shall recommend for approval by the Secretary conservation and management measures to protect fisheries under its jurisdiction and the participants in those fisheries from adverse impacts caused by this Act or by any fishery cooperatives in the directed pollock fishery.

(B) If the Pacific Council does not recommend such conservation and management measures by such date, or if the Secretary determines that such conservation and management measures recommended by the Pacific Council are not adequate to fulfill the purposes of this paragraph, the Secretary may by regulation implement adequate measures including, but not limited to, restrictions on vessels which harvest pollock under a fishery cooperative which will prevent such vessels from harvesting Pacific groundfish, and restrictions on the number of processors eligible to process Pacific groundfish.

(d) BYCATCH INFORMATION.—Notwithstanding section 402 of the Magnuson-Stevens Act (16 U.S.C. 1881a), the North Pacific Council may recommend and the Secretary may approve, under such terms and conditions as the North Pacific Council and Secretary deem appropriate, the public disclosure of any information from the groundfish fisheries under the authority of such Council that would be beneficial in the implementation of section 301(a)(9) or section 303(a)(11) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(9) and 1853(a)(11)).

(e) COMMUNITY DEVELOPMENT LOAN PROGRAM.—Under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), and subject to the availability of appropriations, the Secretary is authorized to provide direct loan obligations to communities eligible to participate in the western Alaska community development quota program established under 304(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)) for the purposes of purchasing all or part of an ownership interest in vessels and shoreside processors eligible under subsections (a), (b), (c), (d), (e), or (f) of section 208. Notwithstanding the eligibility criteria in section 208(a) and section 208(c), the LISA MARIE (United States official number 1038717) shall be eligible under such sections in the same manner as other vessels eligible under such sections.

SEC. 212. RESTRICTION ON FEDERAL LOANS.

Section 302(b) of the Fisheries Financing Act (46 U.S.C. 1274 note) is amended—

(1) by inserting "(1)" before "Until October 1, 2001"; and

(2) by inserting at the end the following new paragraph:

"(2) No loans may be provided or guaranteed by the Federal Government for the construction or rebuilding of a vessel intended for use as a fishing vessel (as defined in section 2101 of title 46, United States Code), if such vessel will be greater than 165 feet in registered length, of more than 750 gross registered tons, or have an engine or engines capable of producing a total of more than 3,000 shaft horsepower, after such construction or rebuilding is completed. This prohibition shall not apply to vessels to be used in the menhaden fishery or in tuna purse seine fisheries outside the exclusive economic zone of the United States or the area of the South Pacific Regional Fisheries Treaty.".

SEC. 213. DURATION.

(a) GENERAL.—Except as otherwise provided in this title, the provisions of this title shall take effect upon the date of the enactment of this Act. Sections 206, 208, and 210 shall remain in effect until December 31, 2004, and shall be repealed on such date, except that the North Pacific Council may recommend and the Secretary may approve conservation and management measures as part of a fishery management plan under the Magnuson-Stevens Act to give effect to the measures in such sections thereafter.

(b) EXISTING AUTHORITY.—Except for the measures required by this subtitle, nothing in this subtitle shall be construed to limit the authority of the North Pacific Council or the Secretary under the Magnuson-Stevens Act.

(c) CHANGES TO FISHERY COOPERATIVE LIMITATIONS AND POLLOCK CDQ ALLOCATION.—The North Pacific Council may recommend and the Secretary may approve conservation and management measures in accordance with the Magnuson-Stevens Act—

(1) that supersede the provisions of this title, except for sections 206 and 208, for conservation purposes or to mitigate adverse effects in fisheries or on owners of fewer than three vessels in

the directed pollock fishery caused by this title or fishery cooperatives in the directed pollock fishery, provided such measures take into account all factors affecting the fisheries and are imposed fairly and equitably to the extent practicable among and within the sectors in the directed pollock fishery;

(2) that supersede the allocation in section 206(a) for any of the years 2002, 2003, and 2004, upon the finding by such Council that the western Alaska community development quota program for pollock has been adversely affected by the amendments in this title; or

(3) that supersede the criteria required in paragraph (1) of section 210(b) to be used by the Secretary to set the percentage allowed to be harvested by catcher vessels pursuant to a fishery cooperative under such paragraph.

(d) Report to Congress.—Not later than October 1, 2000, the North Pacific Council shall submit a report to the Secretary and to Congress on the implementation and effects of this Act, including the effects on fishery conservation and management, on bycatch levels, on fishing communities, on business and employment practices of participants in any fishery cooperatives, on the western Alaska community development quota program, on any fisheries outside of the authority of the North Pacific Council, and such other matters as the North Pacific Council deems appropriate.

(e) Report on Fillet Production.—Not later than June 1, 2000, the General Accounting Office shall submit a report to the North Pacific Council, the Secretary, and the Congress on the whether this Act has negatively affected the market for fillets and fillet blocks, including through the reduction in the supply of such fillets and fillet blocks. If the report determines that such market has been negatively affected, the North Pacific Council shall recommend measures for the Secretary's approval to mitigate any negative effects.

(f) Severability.—If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(g) International Agreements.—In the event that any provision of section 12102(c) or section 31322(a) of title 46, United States Code, as amended by this Act, is determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party with respect to the owner or mortgagee on October 1, 2001 of a vessel with a fishery endorsement, such provision shall not apply to that owner or mortgagee with respect to such vessel to the extent of any such inconsistency. The provisions of section 12102(c) and section 31322(a) of title 46, United States Code, as amended by this Act, shall apply to all subsequent owners and mortgagees of such vessel, and shall apply, notwithstanding the preceding sentence, to the owner on October 1, 2001 of such vessel if any ownership interest in that owner is transferred to or otherwise acquired by a foreign individual or entity after such date.

TITLE III—DENALI COMMISSION

SEC. 301. SHORT TITLE.

This title may be cited as the "Denali Commission Act of 1998".

SEC. 302. PURPOSES.

The purposes of this title are as follows:

(1) To deliver the services of the Federal Government in the most cost-effective manner practicable by reducing administrative and overhead costs.

(2) To provide job training and other economic development services in rural communities particularly distressed communities (many of which have a rate of unemployment that exceeds 50 percent).

(3) To promote rural development, provide power generation and transmission facilities, modern communication systems, water and sewer systems and other infrastructure needs.

SEC. 303. ESTABLISHMENT OF COMMISSION.

(a) Establishment.—There is established a commission to be known as the Denali Commission (referred to in this title as the "Commission").

(b) Membership.—

(1) Composition.—The Commission shall be composed of 7 members, who shall be appointed by the Secretary of Commerce (referred to in this title as the "Secretary"), of whom—

(A) one shall be the Governor of the State of Alaska, or an individual selected from nominations submitted by the Governor, who shall serve as the State Cochairperson;

(B) one shall be the President of the University of Alaska, or an individual selected from nominations submitted by the President of the University of Alaska;

(C) one shall be the President of the Alaska Municipal League or an individual selected from nominations submitted by the President of the Alaska Municipal League;

(D) one shall be the President of the Alaska Federation or Natives or an individual selected from nominations submitted by the President of the Alaska Federation or Natives;

(E) one shall be the Executive President of the Alaska State AFL–CIO or an individual selected from nominations submitted by the Executive President;

(F) one shall be the President of the Associated General Contractors of Alaska or an individual selected from nominations submitted by the President of the Associated General Contractors of Alaska; and

(G) one shall be the Federal Cochairperson, who shall be selected in accordance with the requirements of paragraph (2).

(2) Federal cochairperson.—

(A) In general.—The President pro temporare of the Senate and the Speaker of the House of Representatives shall each submit a list of nominations for the position of the Federal Cochairperson under paragraph (1)(G), including pertinent biographical information, to the Secretary.

(B) Appointment.—The Secretary shall appoint the Federal Cochairperson from among the list of nominations submitted under subparagraph (A). The Federal Cochairperson shall serve as an employee of the Department of Commerce, and may be removed by the Secretary for cause.

(C) Federal cochairperson vote.—The Federal Cochairperson appointed under this paragraph shall break any tie in the voting of the Commission.

(4) Date.—The appointments of the members of the Commission shall be made no later than January 1, 1999.

(c) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) Meetings.—

(1) In general.—The Commission shall meet at the call of the Federal Cochairperson not less frequently than 2 times each year, and may, as appropriate, conduct business by telephone or other electronic means.

(2) Notification.—Not later than 2 weeks before calling a meeting under this subsection, the Federal Cochairperson shall—

(A) notify each member of the Commission of the time, date and location of that meeting; and

(B) provide each member of the Commission with a written agenda for the meeting, including any proposals for discussion and consideration, and any appropriate background materials.

(e) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 304. DUTIES OF THE COMMISSION.

(a) Work Plan.—

(1) In general.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Commission shall develop a proposed work plan for Alaska that meets the requirements of paragraph (2) and submit that plan to the Federal Cochairperson for review in accordance with the requirements of subsection (b).

(2) Work plan.—In developing the work plan, the Commission shall—

(A) solicit project proposals from local governments and other entities and organizations; and

(B) provide for a comprehensive work plan for rural and infrastructure development and necessary job training in the area covered under the work plan.

(3) Report.—Upon completion of a work plan under this subsection, the Commission shall prepare, and submit to the Secretary, the Federal Cochairperson, and the Director of the Office of Management and Budget, a report that outlines the work plan and contains recommendations for funding priorities.

(b) Review by Federal Cochairperson.—

(1) In general.—Upon receiving a work plan under this section, the Secretary, acting through the Federal Cochairperson, shall publish the work plan in the Federal Register, with notice and an opportunity for public comment. The period for public review and comment shall be the 30-day period beginning on the date of publication of that notice.

(2) Criteria for review.—In conducting a review under paragraph (1), the Secretary, acting through the Federal Cochairperson, shall—

(A) take into consideration the information, views, and comments received from interested parties through the public review and comment process specified in paragraph (1); and

(B) consult with appropriate Federal officials in Alaska including but not limited to Bureau of Indian Affairs, Economic Development Administration, and Rural Development Administration.

(3) Approval.—Not later than 30 days after the end of the period specified in paragraph (1), the Secretary acting through the Federal Cochairperson, shall—

(A) approve, disapprove, or partially approve the work plan that is the subject of the review; and

(B) issue to the Commission a notice of the approval, disapproval, or partial approval that—

(i) specifies the reasons for disapproving any portion of the work plan; and

(ii) if applicable, includes recommendations for revisions to the work plan to make the plan subject to approval.

(4) Review of disapproval or partial approval.—If the Secretary, acting through the Federal Cochairperson, disapproves or partially approves a work plan, the Federal Cochairperson shall submit that work plan to the Commission for review and revision.

SEC. 305. POWERS OF THE COMMISSION.

(a) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as it considers necessary to carry out the provisions of this Act. Upon request of the Federal Cochairperson of the Commission, the head of such department or agency shall furnish such information to the Commission. Agencies must provide the Commission with the requested information in a timely manner. Agencies are not required to provide the Commission any information that is exempt from disclosure by the Freedom of Information Act. Agenices may,

upon request by the Commission, make services and personnel available to the Commission to carry out the duties of the Commission. To the maximum extent practicable, the Commission shall contract for completion of necesssary work utilizing local firms and labor to minimize costs.

(b) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 306. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during the time such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation that is in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Federal Cochairperson of the Commission may, without regard to the civil service laws and regulations, appoint such personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Federal Cochairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) OFFICES.—The principal office of the Commission shall be located in Alaska, at a location that the Commission shall select.

SEC. 307. SPECIAL FUNCTIONS.

(a) RURAL UTILITIES.—In carrying out its functions under this title, the Commission shall as appropriate, provide assistance, seek to avoid duplicating services and assistance, and complement the water and sewer wastewater programs under section 306D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d) and section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a).

(b) BULK FUELS.—The Commission, in consultation with the Commandant of the Coast Guard, shall develop a plan to provide for the repair or replacement of bulk fuel storage tanks in Alaska that are not in compliance with applicable—

(1) Federal law, including the Oil Pollution Act of 1990 (104 Stat. 484); or

(2) State law.

SEC. 308. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act shall not apply to the Commission.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission to carry out the duties of the Commission consistent with the purposes of this title and pursuant to the work plan approved under section 4 under this Act, $20,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available until expended.

TITLE IV—AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

SEC. 401. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.

(a) SHORT TITLE.—This title may be cited as the "American Competitiveness and Workforce Improvement Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

Sec. 401. Short title; table of contents; amendments to Immigration and Nationality Act.

Subtitle A—Provisions Relating to H–1B Nonimmigrants

Sec. 411. Temporary increase in access to temporary skilled personnel under H–1B program.
Sec. 412. Protection against displacement of United States workers in case of H–1B-dependent employers.
Sec. 413. Changes in enforcement and penalties.
Sec. 414. Collection and use of H–1B nonimmigrant fees for scholarships for low-income math, engineering, and computer science students and job training of United States workers.
Sec. 415. Computation of prevailing wage level.
Sec. 416. Improving count of H–1B and H–2B nonimmigrants.
Sec. 417. Report on older workers in the information technology field.
Sec. 418. Report on high technology labor market needs; reports on economic impact of increase in H–1B nonimmigrants.

Subtitle B—Special Immigrant Status for Certain NATO Civilian Employees

Sec. 421. Special immigrant status for certain NATO civilian employees.

Subtitle C—Miscellaneous Provision

Sec. 431. Academic honoraria.

(c) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this title, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to that section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SUBTITLE A—PROVISIONS RELATING TO H–1B NONIMMIGRANTS

SEC. 411. TEMPORARY INCREASE IN ACCESS TO TEMPORARY SKILLED PERSONNEL UNDER H–1B PROGRAM.

(a) TEMPORARY INCREASE IN SKILLED NONIMMIGRANT WORKERS.—Paragraph (1)(A) of section 214(g) (8 U.S.C. 1184(g)) is amended to read as follows:

"(A) under section 101(a)(15)(H)(i)(b), may not exceed—

"(i) 65,000 in each fiscal year before fiscal year 1999;

"(ii) 115,000 in fiscal year 1999;

"(iii) 115,000 in fiscal year 2000;

"(iv) 107,500 in fiscal year 2001; and

"(v) 65,000 in each succeeding fiscal year; or".

(b) EFFECTIVE DATES.—The amendment made by subsection (a) applies beginning with fiscal year 1999.

SEC. 412. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS IN CASE OF H–1B-DEPENDENT EMPLOYERS.

(a) PROTECTION AGAINST LAYOFF AND REQUIREMENT FOR PRIOR RECRUITMENT OF UNITED STATES WORKERS.—

(1) ADDITIONAL STATEMENTS ON APPLICATION.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by inserting after subparagraph (D) the following:

"(E)(i) In the case of an application described in clause (ii), the employer did not displace and will not displace a United States worker (as defined in paragraph (4)) employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition supported by the application.

"(ii) An application described in this clause is an application filed on or after the date final regulations are first promulgated to carry out this subparagraph, and before October 1, 2001, by an H–1B-dependent employer (as defined in paragraph (3)) or by an employer that has been found, on or after the date of the enactment of the American Competitiveness and Workforce Improvement Act of 1998, under paragraph (2)(C) or (5) to have committed a willful failure or misrepresentation during the 5-year period preceding the filing of the application. An application is not described in this clause if the only H–1B nonimmigrants sought in the application are exempt H–1B nonimmigrants.

"(F) In the case of an application described in subparagraph (E)(ii), the employer will not place the nonimmigrant with another employer (regardless of whether or not such other employer is an H–1B-dependent employer) where—

"(i) the nonimmigrant performs duties in whole or in part at one or more worksites owned, operated, or controlled by such other employer; and

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer;

unless the employer has inquired of the other employer as to whether, and has no knowledge that, within the period beginning 90 days before and ending 90 days after the date of the placement of the nonimmigrant with the other employer, the other employer has displaced or intends to displace a United States worker employed by the other employer.

"(G)(i) In the case of an application described in subparagraph (E)(ii), subject to clause (ii), the employer, prior to filing the application—

"(I) has taken good faith steps to recruit, in the United States using procedures that meet industry-wide standards and offering compensation that is at least as great as that required to be offered to H–1B nonimmigrants under subparagraph (A), United States workers for the job for which the nonimmigrant or nonimmigrants is or are sought; and

"(II) has offered the job to any United States worker who applies and is equally or better qualified for the job for which the nonimmigrant or nonimmigrants is or are sought.

"(ii) The conditions described in clause (i) shall not apply to an application filed with respect to the employment of an H–1B nonimmigrant who is described in subparagraph (A), (B), or (C) of section 203(b)(1).".

(2) NOTICE ON APPLICATION OF POTENTIAL LIABILITY OF PLACING EMPLOYERS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by adding at the end the following: "The application form shall include a clear statement explaining the liability under subparagraph (F) of

a placing employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.".

(3) CONSTRUCTION.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is further amended by adding at the end the following: "Nothing in subparagraph (G) shall be construed to prohibit an employer from using legitimate selection criteria relevant to the job that are normal or customary to the type of job involved, so long as such criteria are not applied in a discriminatory manner.".

(b) H–1B-DEPENDENT EMPLOYER AND OTHER DEFINITIONS.—

(1) IN GENERAL.—Section 212(n) (8 U.S.C. 1182(n)) is amended by adding at the end the following:

"(3)(A) For purposes of this subsection, the term 'H–1B-dependent employer' means an employer that—

"(i)(I) has 25 or fewer full-time equivalent employees who are employed in the United States; and (II) employs more than 7 H–1B nonimmigrants;

"(ii)(I) has at least 26 but not more than 50 full-time equivalent employees who are employed in the United States; and (II) employs more than 12 H–1B nonimmigrants; or

"(iii)(I) has at least 51 full-time equivalent employees who are employed in the United States; and (II) employs H–1B nonimmigrants in a number that is equal to at least 15 percent of the number of such full-time equivalent employees.

"(B) For purposes of this subsection—

"(i) the term 'exempt H–1B nonimmigrant' means an H–1B nonimmigrant who—

"(I) receives wages (including cash bonuses and similar compensation) at an annual rate equal to at least $60,000; or

"(II) has attained a master's or higher degree (or its equivalent) in a specialty related to the intended employment; and

"(ii) the term 'nonexempt H–1B nonimmigrant' means an H–1B nonimmigrant who is not an exempt H–1B nonimmigrant.

"(C) For purposes of subparagraph (A)—

"(i) in computing the number of full-time equivalent employees and the number of H–1B nonimmigrants, exempt H–1B nonimmigrants shall not be taken into account during the longer of—

"(I) the 6-month period beginning on the date of the enactment of the American Competitiveness and Workforce Improvement Act of 1998; or

"(II) the period beginning on the date of the enactment of the American Competitiveness and Workforce Improvement Act of 1998 and ending on the date final regulations are issued to carry out this paragraph; and

"(ii) any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer.

"(4) For purposes of this subsection:

"(A) The term 'area of employment' means the area within normal commuting distance of the worksite or physical location where the work of the H–1B nonimmigrant is or will be performed. If such worksite or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

"(B) In the case of an application with respect to one or more H–1B nonimmigrants by an employer, the employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job that is essentially the equivalent of the job for which the nonimmigrant or nonimmigrants is or are sought. A job shall not be considered to be essentially equivalent of another job unless it involves essentially the same responsibilities, was held by a United States worker with substantially equivalent qualifications and experience, and is located in the same area of employment as the other job.

"(C) The term 'H–1B nonimmigrant' means an alien admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b).

"(D)(i) The term 'lays off', with respect to a worker—

"(I) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract (other than a temporary employment contract entered into in order to evade a condition described in subparagraph (E) or (F) of paragraph (1)); but

"(II) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under paragraph (1)(F), with either employer described in such paragraph) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(ii) Nothing in this subparagraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(E) The term 'United States worker' means an employee who—

"(i) is a citizen or national of the United States; or

"(ii) is an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207, is granted asylum under section 208, or is an immigrant otherwise authorized, by this Act or by the Attorney General, to be employed.".

(2) CONFORMING AMENDMENTS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by striking "a nonimmigrant described in section 101(a)(15)(H)(i)(b)" each place it appears and inserting "an H–1B nonimmigrant".

(c) IMPROVED POSTING OF NOTICE OF APPLICATION.—Section 212(n)(1)(C)(ii) (8 U.S.C. 1182(n)(1)(C)(ii)) is amended to read as follows:

"(ii) if there is no such bargaining representative, has provided notice of filing in the occupational classification through such methods as physical posting in conspicuous locations at the place of employment or electronic notification to employees in the occupational classification for which H–1B nonimmigrants are sought.".

(d) EFFECTIVE DATES.—The amendments made by subsection (a) apply to applications filed under section 212(n)(1) of the Immigration and Nationality Act on or after the date final regulations are issued to carry out such amendments, and the amendments made by subsections (b) and (c) take effect on the date of the enactment of this Act.

(e) REDUCTION OF PERIOD FOR PUBLIC COMMENT.—In first promulgating regulations to implement the amendments made by this section in a timely manner, the Secretary of Labor and the Attorney General may reduce to not less than 30 days the period of public comment on proposed regulations.

SEC. 413. CHANGES IN ENFORCEMENT AND PENALTIES.

(a) INCREASED ENFORCEMENT AND PENALTIES.—Section 212(n)(2)(C) (8 U.S.C. 1182(n)(2)(C)) is amended to read as follows:

"(C)(i) If the Secretary finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(B), (1)(E), or (1)(F), a substantial failure to meet a condition of paragraph (1)(C), (1)(D), or (1)(G)(i)(I), or a misrepresentation of material fact in an application—

"(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 1 year for aliens to be employed by the employer.

"(ii) If the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1), a willful misrepresentation of material fact in an application, or a violation of clause (iv)—

"(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 2 years for aliens to be employed by the employer.

"(iii) If the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1) or a willful misrepresentation of material fact in an application, in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition supported by the application—

"(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $35,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 3 years for aliens to be employed by the employer.

"(iv) It is a violation of this clause for an employer who has filed an application under this subsection to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this clause, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of this subsection or any rule or regulation pertaining to this subsection.

"(v) The Secretary of Labor and the Attorney General shall devise a process under which an H–1B nonimmigrant who files a complaint regarding a violation of clause (iv) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(vi)(I) It is a violation of this clause for an employer who has filed an application under this subsection to require an H–1B nonimmigrant to pay a penalty for ceasing employment with the employer prior to a date agreed to by the nonimmigrant and the employer. The Secretary shall determine whether a required payment is a penalty (and not liquidated damages) pursuant to relevant State law.

"(II) It is a violation of this clause for an employer who has filed an application under this subsection to require an alien who is the subject of a petition filed under section 214(c)(1), for which a fee is imposed under section 214(c)(9), to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee. It is a violation of this clause for such an employer otherwise to accept such reimbursement or compensation from such an alien.

"(III) If the Secretary finds, after notice and opportunity for a hearing, that an employer has committed a violation of this clause, the Secretary may impose a civil monetary penalty of $1,000 for each such violation and issue an administrative order requiring the return to the nonimmigrant of any amount paid in violation of this clause, or, if the nonimmigrant cannot be located, requiring payment of any such amount to the general fund of the Treasury.

"(vii)(I) It is a failure to meet a condition of paragraph (1)(A) for an employer, who has filed an application under this subsection and who places an H–1B nonimmigrant designated as a full-time employee on the petition filed under section 214(c)(1) by the employer with respect to the nonimmigrant, after the nonimmigrant has entered into employment with the employer, in nonproductive status due to a decision by the employer (based on factors such as lack of work), or due to the nonimmigrant's lack of a permit or license, to fail to pay the nonimmigrant full-time wages in accordance with paragraph (1)(A) for all such nonproductive time.

"(II) It is a failure to meet a condition of paragraph (1)(A) for an employer, who has filed an application under this subsection and who places an H–1B nonimmigrant designated as a part-time employee on the petition filed under section 214(c)(1) by the employer with respect to the nonimmigrant, after the nonimmigrant has entered into employment with the employer, in nonproductive status under circumstances described in subclause (I), to fail to pay such a nonimmigrant for such hours as are designated on such petition consistent with the rate of pay identified on such petition.

"(III) In the case of an H–1B nonimmigrant who has not yet entered into employment with an employer who has had approved an application under this subsection, and a petition under section 214(c)(1), with respect to the nonimmigrant, the provisions of subclauses (I) and (II) shall apply to the employer beginning 30 days after the date the nonimmigrant first is admitted into the United States pursuant to the petition, or 60 days after the date the nonimmigrant becomes eligible to work for the employer (in the case of a nonimmigrant who is present in the United States on the date of the approval of the petition).

"(IV) This clause does not apply to a failure to pay wages to an H–1B nonimmigrant for nonproductive time due to non-work-related factors, such as the voluntary request of the nonimmigrant for an absence or circumstances rendering the nonimmigrant unable to work.

"(V) This clause shall not be construed as prohibiting an employer that is a school or other educational institution from applying to an H–1B nonimmigrant an established salary practice of the employer, under which the employer pays to H–1B nonimmigrants and United States workers in the same occupational classification an annual salary in disbursements over fewer than 12 months, if—

"(aa) the nonimmigrant agrees to the compressed annual salary payments prior to the commencement of the employment; and

"(bb) the application of the salary practice to the nonimmigrant does not otherwise cause the nonimmigrant to violate any condition of the nonimmigrant's authorization under this Act to remain in the United States.

"(VI) This clause shall not be construed as superseding clause (viii).

"(viii) It is a failure to meet a condition of paragraph (1)(A) for an employer who has filed an application under this subsection to fail to offer to an H–1B nonimmigrant, during the nonimmigrant's period of authorized employment, benefits and eligibility for benefits (including the opportunity to participate in health, life, disability, and other insurance plans; the opportunity to participate in retirement and savings plans; and cash bonuses and noncash compensation, such as stock options (whether or not based on performance)) on the same basis, and in accordance with the same criteria, as the employer offers to United States workers.".

(b) Use of Arbitration Process for Disputes Involving Qualifications of United States Workers Not Hired.—

(1) In general.—Section 212(n) (8 U.S.C. 1182(n)), as amended by section 412(b), is further amended by adding at the end the following:

"(5)(A) This paragraph shall apply instead of subparagraphs (A) through (E) of paragraph (2) in the case of a violation described in subparagraph (B), but shall not be construed to limit or affect the authority of the Secretary or the Attorney General with respect to any other violation.

"(B) The Attorney General shall establish a process for the receipt, initial review, and disposition in accordance with this paragraph of complaints respecting an employer's failure to meet the condition of paragraph (1)(G)(i)(II) or a petitioner's misrepresentation of material facts with respect to such condition. Complaints may be filed by an aggrieved individual who has submitted a résumé or otherwise applied in a reasonable manner for the job that is the subject of the condition. No proceeding shall be conducted under this paragraph on a complaint concerning such a failure or misrepresentation unless the Attorney General determines that the complaint was filed not later than 12 months after the date of the failure or misrepresentation, respectively.

"(C) If the Attorney General finds that a complaint has been filed in accordance with subparagraph (B) and there is reasonable cause to believe that such a failure or misrepresentation described in such complaint has occurred, the Attorney General shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the roster of arbitrators maintained by such Service. The procedure and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Attorney General shall pay the fee and expenses of the arbitrator.

"(D)(i) The arbitrator shall make findings respecting whether a failure or misrepresentation described in subparagraph (B) occurred. If the arbitrator concludes that failure or misrepresentation was willful, the arbitrator shall make a finding to that effect. The arbitrator may not find such a failure or misrepresentation (or that such a failure or misrepresentation was willful) unless the complainant demonstrates such a failure or misrepresentation (or its willful character) by clear and convincing evidence. The arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Attorney General. Such findings shall be final and conclusive, and, except as provided in this subparagraph, no official or court of the United States shall have power or jurisdiction to review any such findings.

"(ii) The Attorney General may review and reverse or modify the findings of an arbitrator only on the same bases as an award of an arbitrator may be vacated or modified under section 10 or 11 of title 9, United States Code.

"(iii) With respect to the findings of an arbitrator, a court may review only the actions of the Attorney General under clause (ii) and may set aside such actions only on the grounds described in subparagraph (A), (B), or (C) of section 706(a)(2) of title 5, United States Code. Notwithstanding any other provision of law, such judicial review may only be brought in an appropriate United States court of appeals.

"(E) If the Attorney General receives a finding of an arbitrator under this paragraph that an employer has failed to meet the condition of paragraph (1)(G)(i)(II) or has misrepresented a material fact with respect to such condition, unless the Attorney General reverses or modifies the finding under subparagraph (D)(ii)—

"(i) the Attorney General may impose administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per violation or $5,000 per violation in the case of a willful failure or misrepresentation) as the Attorney General determines to be appropriate; and

"(ii) the Attorney General is authorized to not approve petitions filed, with respect to that employer and for aliens to be employed by the employer, under section 204 or 214(c)—

"(I) during a period of not more than 1 year; or

"(II) in the case of a willful failure or willful misrepresentation, during a period of not more than 2 years.

"(F) The Attorney General shall not delegate, to any other employee or official of the Department of Justice, any function of the Attorney General under this paragraph, until 60 days after the Attorney General has submitted a plan for such delegation to the Committees on the Judiciary of the United States House of Representatives and the Senate.".

(2) Conforming amendment.—The first sentence of section 212(n)(2)(A) (8 U.S.C. 1182(n)(2)(A)) is amended by striking "The Secretary" and inserting "Subject to paragraph (5)(A), the Secretary".

(c) Liability of Petitioning Employer in Case of Placement of H–1B Nonimmigrant With Another Employer.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended by adding at the end the following:

"(E) If an H–1B-dependent employer places a nonexempt H–1B nonimmigrant with another employer as provided under paragraph (1)(F) and the other employer has displaced or displaces a United States worker employed by such other employer during the period described in such paragraph, such displacement shall be considered for purposes of this paragraph a failure, by the placing employer, to meet a condition specified in an application submitted under paragraph (1); except that the Attorney General may impose a sanction described in subclause (II) of subparagraph (C)(i), (C)(ii), or (C)(iii) only if the Secretary of Labor found that such placing employer—

"(i) knew or had reason to know of such displacement at the time of the placement of the nonimmigrant with the other employer; or

"(ii) has been subject to a sanction under this subparagraph based upon a previous placement of an H–1B nonimmigrant with the same other employer.".

(d) Spot Investigations During Probationary Period.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)), as amended by subsection (c), is further amended by adding at the end the following:

"(F) The Secretary may, on a case-by-case basis, subject an employer to random investigations for a period of up to 5 years, beginning on the date (on or after the date of the enactment of the American Competitiveness and Workforce Improvement Act of 1998) on which the employer is found by the Secretary to have committed a willful failure to meet a condition of paragraph (1) (or has been found under paragraph (5) to

have committed a willful failure to meet the condition of paragraph (1)(G)(i)(II)) or to have made a willful misrepresentation of material fact in an application. The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer. The authority of the Secretary under this subparagraph shall not be construed to be subject to, or limited by, the requirements of subparagraph (A).''.

(e) ADDITIONAL INVESTIGATIVE AUTHORITY.—

(1) IN GENERAL.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)), as amended by subsection (d), is further amended by adding at the end the following:

''(G)(i) If the Secretary receives specific credible information from a source, who is likely to have knowledge of an employer's practices or employment conditions, or an employer's compliance with the employer's labor condition application under paragraph (1), and whose identity is known to the Secretary, and such information provides reasonable cause to believe that the employer has committed a willful failure to meet a condition of paragraph (1)(A), (1)(B), (1)(E), (1)(F), or (1)(G)(i)(I), has engaged in a pattern or practice of failures to meet such a condition, or has committed a substantial failure to meet such a condition that affects multiple employees, the Secretary may conduct a 30-day investigation into the alleged failure or failures. The Secretary (or the Acting Secretary in the case of the Secretary's absence or disability) shall personally certify that the requirements for conducting such an investigation have been met and shall approve commencement of the investigation. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(ii) The Secretary shall establish a procedure for any person, desiring to provide to the Secretary information described in clause (i) that may be used, in whole or in part, as the basis for commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person. The person may not be an officer or employee of the Department of Labor, unless the information satisfies the requirement of clause (iii)(II) (although an officer or employee of the Department of Labor may complete the form on behalf of the person).

''(iii) Any investigation initiated or approved by the Secretary under clause (i) shall be based on information that satisfies the requirements of such clause and that (I) originates from a source other than an officer or employee of the Department of Labor, or (II) was lawfully obtained by the Secretary of Labor in the course of lawfully conducting another Department of Labor investigation under this Act or any other Act.

''(iv) The receipt by the Secretary of information submitted by an employer to the Attorney General or the Secretary for purposes of securing the employment of an H–1B nonimmigrant shall not be considered a receipt of information for purposes of clause (i).

''(v) No investigation described in clause (i) (or hearing described in clause (vii)) may be conducted with respect to information about a failure to meet a condition described in clause (i), unless the Secretary receives the information not later than 12 months after the date of the alleged failure.

''(vi) The Secretary shall provide notice to an employer with respect to whom the Secretary has received information described in clause (i), prior to the commencement of an investigation under such clause, of the receipt of the information and of the potential for an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vii) If the Secretary determines under this subparagraph that a reasonable basis exists to make a finding that a failure described in clause (i) has occurred, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 60 days after the date of the hearing.''.

(2) SUNSET.—The amendment made by paragraph (1) shall cease to be effective on September 30, 2001.

(f) CONSTRUCTION.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)), as amended by subsection (e), is further amended by adding at the end the following:

''(H) Nothing in this subsection shall be construed as superseding or preempting any other enforcement-related authority under this Act (such as the authorities under section 274B), or any other Act.''.

SEC. 414. COLLECTION AND USE OF H–1B NONIMMIGRANT FEES FOR SCHOLARSHIPS FOR LOW-INCOME MATH, ENGINEERING, AND COMPUTER SCIENCE STUDENTS AND JOB TRAINING OF UNITED STATES WORKERS.

(a) IMPOSITION OF FEE.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(9)(A) The Attorney General shall impose a fee on an employer (excluding an employer described in subparagraph (A) or (B) of section 212(p)(1)) filing (on or after December 1, 1998, and before October 1, 2001) a petition under paragraph (1)—

''(i) initially to grant an alien nonimmigrant status described in section 101(a)(15)(H)(i)(b);

''(ii) to extend the stay of an alien having such status (unless the employer previously has obtained an extension for such alien); or

''(iii) to obtain authorization for an alien having such status to change employers.

''(B) The amount of the fee shall be $500 for each such petition.

''(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(s).''.

(b) ESTABLISHMENT OF ACCOUNT; USE OF FEES.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

''(s) H–1B NONIMMIGRANT PETITIONER ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'H–1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(9).

''(2) USE OF FEES FOR JOB TRAINING.—56.3 percent of amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Secretary of Labor until expended for demonstration programs and projects described in section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998.

''(3) USE OF FEES FOR LOW-INCOME SCHOLARSHIP PROGRAM.—28.2 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in section 414(d) of the American Competitiveness and Workforce Improvement Act of 1998 for low-income students enrolled in a program of study leading to a degree in mathematics, engineering, or computer science.

''(4) ADDITIONAL NSF USES.—

''(A) GRANTS FOR MATHEMATICS, ENGINEERING, OR SCIENCE ENRICHMENT COURSES.—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to make merit-reviewed grants, under section 3(a)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)), for programs that provide opportunities for enrollment in year-round academic enrichment courses in mathematics, engineering, or science.

''(B) SYSTEMIC REFORM ACTIVITIES.—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out systemic reform activities administered by the National Science Foundation under section 3(a)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).

''(5) USE OF FEES FOR DUTIES RELATING TO PETITIONS.—1.5 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants described in section 101(a)(15)(H)(i)(b), to decrease the processing time for such petitions, and to carry out duties under section 416 of the American Competitiveness and Workforce Improvement Act of 1998. Such amounts shall be available in addition to any other fees authorized to be collected by the Attorney General with respect to such petitions.

''(6) USE OF FEES FOR APPLICATION PROCESSING AND ENFORCEMENT.—For fiscal year 1999, 6 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Secretary of Labor until expended for decreasing the processing time for applications under section 212(n)(1) and for carrying out section 212(n)(2). Beginning with fiscal year 2000, 3 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Secretary of Labor until expended for decreasing the processing time for applications under section 212(n)(1), and 3 percent of such amounts shall remain available to such Secretary until expended for carrying out section 212(n)(2). Notwithstanding the preceding sentence, both of the amounts made available for any fiscal year (beginning with fiscal year 2000) pursuant to the preceding sentence shall be available to such Secretary, and shall remain available until expended, only for decreasing the processing time for applications under section 212(n)(1) until the Secretary submits to the Congress a report containing a certification that, during the most recently concluded calendar year, the Secretary substantially complied with the requirement in section 212(n)(1) relating to the provision of the certification described in section 101(a)(15)(H)(i)(b) within a 7-day period.''.

(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

(1) IN GENERAL.—In establishing demonstration programs under section 452(c) of the Job Training Partnership Act (29 U.S.C. 1732(c)), as in effect on the date of the enactment of this Act, or demonstration programs or projects under section 171(b) of the Workforce Investment Act of 1998, the Secretary of Labor shall

use funds available under section 286(s)(2) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

(2) GRANTS.—The Secretary of Labor shall award grants to carry out the programs and projects described in paragraph (1) to—

(A)(i) private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512), as in effect on the date of the enactment of this Act; or

(ii) local boards that will carry out such programs or projects through one-stop delivery systems established under section 121 of the Workforce Investment Act of 1998; or

(B) regional consortia of councils or local boards described in subparagraph (A).

(d) LOW-INCOME SCHOLARSHIP PROGRAM.—

(1) ESTABLISHMENT.—The Director of the National Science Foundation (referred to in this subsection as the "Director") shall award scholarships to low-income individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, or computer science.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a scholarship under this subsection, an individual—

(i) must be a citizen of the United States, a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act), an alien admitted as a refugee under section 207 of the Immigration and Nationality, or an alien lawfully admitted to the United States for permanent residence;

(ii) shall prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(iii) shall certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, or computer science.

(B) ABILITY.—Awards of scholarships under this subsection shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants for scholarships are deemed by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.

(3) LIMITATION.—The amount of a scholarship awarded under this subsection shall be determined by the Director, except that the Director shall not award a scholarship in an amount exceeding $2,500 per year.

(4) FUNDING.—The Director shall carry out this subsection only with funds made available under section 286(s)(3) of the Immigration and Nationality Act.

SEC. 415. COMPUTATION OF PREVAILING WAGE LEVEL.

(a) IN GENERAL.—Section 212 (8 U.S.C. 1182) is amended by adding at the end the following:

"(p)(1) In computing the prevailing wage level for an occupational classification in an area of employment for purposes of subsections (n)(1)(A)(i)(II) and (a)(5)(A) in the case of an employee of—

"(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965), or a related or affiliated nonprofit entity; or

"(B) a nonprofit research organization or a Governmental research organization,

the prevailing wage level shall only take into account employees at such institutions and organizations in the area of employment.

"(2) With respect to a professional athlete (as defined in subsection (a)(5)(A)(iii)(II)) when the job opportunity is covered by professional sports league rules or regulations, the wage set forth in those rules or regulations shall be considered as not adversely affecting the wages of United States workers similarly employed and be considered the prevailing wage.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to prevailing wage computations made—

(1) for applications filed on or after the date of the enactment of this Act; and

(2) for applications filed before such date, but only to the extent that the computation is subject to an administrative or judicial determination that is not final as of such date.

SEC. 416. IMPROVING COUNT OF H-1B AND H-2B NONIMMIGRANTS.

(a) ENSURING ACCURATE COUNT.—The Attorney General shall take such steps as are necessary to maintain an accurate count of the number of aliens subject to the numerical limitations of section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)) who are issued visas or otherwise provided nonimmigrant status.

(b) REVISION OF PETITION FORMS.—The Attorney General shall take such steps as are necessary to revise the forms used for petitions for visas or nonimmigrant status under clause (i)(b) or (ii)(b) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) so as to ensure that the forms provide the Attorney General with sufficient information to permit the Attorney General accurately to count the number of aliens subject to the numerical limitations of section 214(g)(1) of such Act (8 U.S.C. 1184(g)(1)) who are issued visas or otherwise provided nonimmigrant status.

(c) PROVISION OF INFORMATION.—

(1) QUARTERLY NOTIFICATION.—Beginning not later than 60 days after the first day of fiscal year 1999, the Attorney General shall notify, on a quarterly basis, the Committees on the Judiciary of the United States House of Representatives and the Senate of the numbers of aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act during the preceding 3-month period.

(2) ANNUAL SUBMISSION.—Beginning with fiscal year 2000, the Attorney General shall submit on an annual basis, to the Committees on the Judiciary of the United States House of Representatives and the Senate, information on the countries of origin and occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act during the previous fiscal year. With respect to the first submission under this paragraph, the information shall relate solely to aliens provided nonimmigrant status after the date that is 60 days after the date on which final regulations are issued to carry out section 412(a).

(3) SPECIFICATION OF NUMBER OF PETITIONS FILED BY CERTAIN EMPLOYERS.—Each notification under paragraph (1), and each submission under paragraph (2), shall include the number of aliens who were issued visas or otherwise provided nonimmigrant status pursuant to petitions filed by institutions or organizations described in section 212(p)(1) of the Immigration and Nationality Act (as added by section 415 of this title).

SEC. 417. REPORT ON OLDER WORKERS IN THE INFORMATION TECHNOLOGY FIELD.

(a) STUDY.—The Director of the National Science Foundation shall enter into a contract with the President of the National Academy of Sciences to conduct a study, using the best available data, assessing the status of older workers in the information technology field. The study shall consider the following:

(1) The existence and extent of age discrimination in the information technology workplace.

(2) The extent to which there is a difference, based on age, in—

(A) promotion and advancement;

(B) working hours;

(C) telecommuting;

(D) salary; and

(E) stock options, bonuses, and other benefits.

(3) The relationship between rates of advancement, promotion, and compensation to experience, skill level, education, and age.

(4) Differences in skill level on the basis of age.

(b) REPORT.—Not later than October 1, 2000, the Director of the National Science Foundation shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in subsection (a).

SEC. 418. REPORT ON HIGH TECHNOLOGY LABOR MARKET NEEDS; REPORTS ON ECONOMIC IMPACT OF INCREASE IN H-1B NONIMMIGRANTS.

(a) NATIONAL SCIENCE FOUNDATION STUDY AND REPORT.—

(1) IN GENERAL.—The Director of the National Science Foundation shall conduct a study to assess labor market needs for workers with high technology skills during the next 10 years. The study shall investigate and analyze the following:

(A) Future training and education needs of companies in the high technology and information technology sectors and future training and education needs of United States students to ensure that students' skills at various levels are matched to the needs in such sectors.

(B) An analysis of progress made by educators, employers, and government entities to improve the teaching and educational level of American students in the fields of math, science, computer science, and engineering since 1998.

(C) An analysis of the number of United States workers currently or projected to work overseas in professional, technical, and managerial capacities.

(D) The relative achievement rates of United States and foreign students in secondary schools in a variety of subjects, including math, science, computer science, English, and history.

(E) The relative performance, by subject area, of United States and foreign students in postsecondary and graduate schools as compared to secondary schools.

(F) The needs of the high technology sector for foreign workers with specific skills and the potential benefits and costs to United States employers, workers, consumers, postsecondary educational institutions, and the United States economy, from the entry of skilled foreign professionals in the fields of science and engineering.

(G) The needs of the high technology sector to adapt products and services for export to particular local markets in foreign countries.

(H) An examination of the amount and trend of moving the production or performance of products and services now occurring in the United States abroad.

(2) REPORT.—Not later than October 1, 2000, the Director of the National Science Foundation shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in paragraph (1).

(3) INVOLVEMENT.—The study under paragraph (1) shall be conducted in a manner that ensures the participation of individuals representing a variety of points of view.

(b) REPORTING ON STUDIES SHOWING ECONOMIC IMPACT OF H–1B NONIMMIGRANT INCREASE.—The Chairman of the Board of Governors of the Federal Reserve System, the Director of the Office of Management and Budget, the Chair of the Council of Economic Advisers, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, and any other member of the Cabinet, shall promptly report to the Congress the results of any reliable study that suggests, based on legitimate economic analysis, that the increase effected by section 411(a) of this title in the number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act has had an impact on any national economic indicator, such as the level of inflation or unemployment, that warrants action by the Congress.

SUBTITLE B—SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES

SEC. 421. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES.

(a) IN GENERAL.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (J);

(2) by striking the period at the end of subparagraph (K) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—

"(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference to the North Atlantic Treaty Organization (NATO);

"(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO–6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the 'Protocol on the Status of International Military Headquarters' set up pursuant to the North Atlantic Treaty, or as a dependent); and

"(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the American Competitiveness and Workforce Improvement Act of 1998.".

(b) CONFORMING NONIMMIGRANT STATUS FOR CERTAIN PARENTS OF SPECIAL IMMIGRANT CHILDREN.—Section 101(a)(15)(N) (8 U.S.C. 1101(a)(15)(N)) is amended—

(1) by inserting "(or under analogous authority under paragraph (27)(L))" after "(27)(I)(i)"; and

(2) by inserting "(or under analogous authority under paragraph (27)(L))" after "(27)(I)".

SUBTITLE C—MISCELLANEOUS PROVISION

SEC. 431. ACADEMIC HONORARIA.

(a) IN GENERAL.—Section 212 (8 U.S.C. 1182), as amended by section 415, is further amended by adding at the end the following:

"(q) Any alien admitted under section 101(a)(15)(B) may accept an honorarium payment and associated incidental expenses for a usual academic activity or activities (lasting not longer than 9 days at any single institution), as defined by the Attorney General in consultation with the Secretary of Education, if such payment is offered by an institution or organization described in subsection (p)(1) and is made for services conducted for the benefit of that institution or entity and if the alien has not accepted such payment or expenses from more than 5 institutions or organizations in the previous 6-month period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to activities occurring on or after the date of the enactment of this Act.

TITLE V—SALTON SEA FEASIBILITY STUDY

(a) IN GENERAL.—No later than January 1, 2000, the Secretary of the Interior, in accordance with this section, shall complete all feasibility studies and cost analyses for the options set forth in subsection (b)(2)(A) necessary for Congress to fully evaluate such options.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—

(A) The Secretary shall complete all studies, including, but not limited to environmental and other reviews, of the feasibility and benefit-cost of various options that permit the continued use of the Salton Sea as a reservoir for irrigation drainage and (1) reduce and stabilize the overall salinity of the Salton Sea, (2) stabilize the surface elevation of the Salton Sea, (3) reclaim, in the long term, healthy fish and wildlife resources and their habitats, and (4) enhance the potential for recreational uses and economic development of the Salton Sea.

(B) Based solely on whatever information is available at the time of submission of the report, the Secretary shall (1) identify any options he deems economically feasible and cost effective, (2) identify any additional information necessary to develop construction specifications, and (3) submit any recommendations, along with the results of the study to the Committees no later than January 1, 2000.

(i) The Secretary shall carry out the feasibility study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(ii) The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under subparagraph (2)(A), including criteria for determining benefits and the magnitude and practicability of costs of construction, operation, and maintenance of each option evaluated.

(2) OPTIONS TO BE CONSIDERED.—Options considered in the feasibility study—

(A) shall consist of, but need not be limited to—

(i) use of impoundments to segregate a portion of the waters of the Salton Sea in one or more evaporation ponds located in the Salton Sea basin;

(ii) pumping water out of the Salton Sea;

(iii) augmented flows of water into the Salton Sea;

(iv) a combination of the options referred to in clauses (i), (ii), and (iii); and

(v) any other economically feasible remediation option the Secretary considers appropriate and for which feasibility analyses and cost estimates can be completed by January 1, 2000;

(B) shall be limited to proven technologies; and

(C) shall not include any option that—

(i) relies on the importation of any new or additional water from the Colorado River; or

(ii) is inconsistent with the provisions of subsection (c).

(3) ASSUMPTIONS.—In evaluating options, the Secretary shall apply assumptions regarding water inflows into the Salton Sea Basin that encourage water conservation, account for transfers of water out of the Salton Sea Basin, and are based on a maximum likely reduction in inflows into the Salton Sea Basin which could be 800,000 acre-feet or less per year.

(4) CONSIDERATION OF COSTS.—In evaluating the feasibility of options, the Secretary shall consider the ability of Federal, tribal, State and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs and shall set forth the basis for any cost sharing allocations as well as anticipated repayment, if any, of federal contributions.

(c) RELATIONSHIP TO OTHER LAW.—

(1) RECLAMATION LAWS.—Activities authorized by this title shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.), and Acts amendatory thereof and supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable for purposes of those laws and shall not be considered to be a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(2) PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER.—This Act shall not be considered to supersede or otherwise affect any treaty, law, decree, contract, or agreement governing use of water from the Colorado River. All activities taken under this Act must be carried out in a manner consistent with rights and obligations of persons under those treaties, laws, decrees, contracts, and agreements.

TITLE VI—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

SEC. 601. DEFINITIONS.

In this title, the following definitions apply:

(1) RESTORATION.—The term "restoration" means mitigation of the habitat of wildlife.

(2) TERRESTRIAL WILDLIFE HABITAT.—The term "terrestrial wildlife habitat" means a habitat for a wildlife species (including game and nongame species) that existed or exists on an upland habitat (including a prairie grassland, woodland, bottom land forest, scrub, or shrub) or an emergent wetland habitat.

(3) WILDLIFE.—The term "wildlife" has the meaning given the term in section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b).

SEC. 602. TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION PLANS.—

(1) IN GENERAL.—In accordance with this subsection and in consultation with the Secretary and the Secretary of the Interior, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall, as a condition of the receipt of funds under this title, each develop a plan for the restoration of terrestrial wildlife habitat loss that occurred as a result of flooding related to the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

(2) SUBMISSION OF PLAN TO SECRETARY.—On completion of a plan for terrestrial wildlife habitat restoration, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall submit the plan to the Secretary.

(3) REVIEW BY SECRETARY AND SUBMISSION TO COMMITTEES.—The Secretary shall review the plan and submit the plan, with any comments, to the appropriate committees of the Senate and the House of Representatives.

(4) FUNDING FOR CARRYING OUT PLANS.—

(A) STATE OF SOUTH DAKOTA.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota, each of the Committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of the plan.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the South Dakota

Terrestrial Wildlife Habitat Restoration Trust Fund established under section 803, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State and only after the Trust Fund is fully capitalized.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, each of the Committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of each of the plans.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 804, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, and only after the Trust Fund is fully capitalized.

(C) TRANSITION PERIOD.—

(i) IN GENERAL.—During the period described in clause (ii), the Secretary shall—

(I) fund the terrestrial wildlife habitat restoration programs being carried out on the date of enactment of this Act on Oahe and Big Bend project land and the plans established under this section at a level that does not exceed the highest amount of funding that was provided for the programs during a previous fiscal year; and

(II) fund the activities described in sections 803(d)(3) and 804(d)(3).

(ii) PERIOD.—Clause (i) shall apply during the period—

(I) beginning on the date of enactment of this Act; and

(II) ending on the date on which funds are made available for use from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund under section 803(d)(3)(A)(i) and the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund under section 804(d)(3)(A)(i).

(b) PROGRAMS FOR THE PURCHASE OF WILDLIFE HABITAT LEASES.—

(1) IN GENERAL.—The State of South Dakota may use funds made available under section 803(d)(3)(A)(iii) to develop a program for the purchase of wildlife habitat leases that meets the requirements of this subsection.

(2) DEVELOPMENT OF A PLAN.—

(A) IN GENERAL.—If the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe elects to conduct a program under this subsection, the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe (in consultation with the United States Fish and Wildlife Service and the Secretary and with an opportunity for public comment) shall develop a plan to lease land for the protection and development of wildlife habitat, including habitat for threatened and endangered species, associated with the Missouri River ecosystem.

(B) USE FOR PROGRAM.—The plan shall be used by the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe in carrying out the program carried out under paragraph (1).

(3) CONDITIONS OF LEASES.—Each lease covered under a program carried out under paragraph (1) shall specify that the owner of the property that is subject to the lease shall provide—

(A) public access for sportsmen during hunting season; and

(B) public access for other outdoor uses covered under the lease, as negotiated by the landowner and the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe.

(4) USE OF ASSISTANCE.—

(A) STATE OF SOUTH DAKOTA.—If the State of South Dakota conducts a program under this subsection, the State may use funds made available under section 803(d)(3)(A)(iii) to—

(i) acquire easements, rights-of-way, or leases for management and protection of wildlife habitat, including habitat for threatened and endangered species, and public access to wildlife on private property in the State of South Dakota;

(ii) create public access to Federal or State land through the purchase of easements or rights-of-way that traverse such private property; or

(iii) lease land for the creation or restoration of a wetland on such private property.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—If the Cheyenne River Sioux Tribe or the Lower Brule Sioux Tribe conducts a program under this subsection, the Tribe may use funds made available under section 804(d)(3)(A)(iii) for the purposes described in subparagraph (A).

(c) FEDERAL OBLIGATION FOR TERRESTRIAL WILDLIFE HABITAT MITIGATION FOR THE BIG BEND AND OAHE PROJECTS IN SOUTH DAKOTA.—The establishment of the trust funds under sections 803 and 804 and the development and implementation of plans for terrestrial wildlife habitat restoration developed by the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe in accordance with this section shall be considered to satisfy the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) for terrestrial wildlife habitat mitigation for the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe for the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

SEC. 603. SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund" (referred to in this section as the "Fund").

(b) FUNDING.—For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Fund under this subsection is equal to at least $108,000,000, the Secretary of the Treasury shall deposit $10,000,000 in the Fund.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the State of South Dakota for use in accordance with paragraph (3) after the Fund has been fully capitalized.

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 802(a)(4)(A), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of South Dakota for use as State funds in accordance with paragraph (3) after the Fund has been fully capitalized.

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the State of South Dakota shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the State developed under section 802(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the State;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the State of South Dakota by the Secretary;

(III) purchase and administer wildlife habitat leases under section 802(b);

(IV) carry out other activities described in section 802; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 604. CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.

(a) ESTABLISHMENT.—There are established in the Treasury of the United States 2 funds to be known as the "Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund" and the "Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund" (each of which is referred to in this section as a "Fund").

(b) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), for the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Funds under this subsection is equal to at least $57,400,000, the Secretary of the Treasury shall deposit $5,000,000 in the Funds.

(2) ALLOCATION.—Of the total amount of funds deposited into the Funds for a fiscal year, the Secretary of the Treasury shall deposit—

(A) 74 percent of the funds into the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund; and

(B) 26 percent of the funds into the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available after the Trust Funds are fully capitalized, without fiscal year limitation, to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for their use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 802(a)(4)(B), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for use in accordance with paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the respective Tribe developed under section 802(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the respective Tribe;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the respective Tribe by the Secretary;

(III) purchase and administer wildlife habitat leases under section 802(b);

(IV) carry out other activities described in section 802; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 605. TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.

(a) IN GENERAL.—

(1) TRANSFER.—

(A) IN GENERAL.—The Secretary shall transfer to the Department of Game, Fish and Parks of the State of South Dakota (referred to in this section as the "Department") the land and recreation areas described in subsections (b) and (c) for fish and wildlife purposes, or public recreation uses, in perpetuity.

(B) PERMITS, RIGHTS-OF-WAY, AND EASEMENTS.—All permits, rights-of-way, and easements granted by the Secretary to the Oglala Sioux Tribe for land on the west side of the Missouri River between the Oahe Dam and Highway 14, and all permits, rights-of-way, and easements on any other land administered by the Secretary and used by the Oglala Sioux Rural Water Supply System, are granted to the Oglala Sioux Tribe in perpetuity to be held in trust under section 3(e) of the Mni Wiconi Project Act of 1988 (102 Stat. 2568).

(2) USES.—The Department shall maintain and develop the land outside the recreation areas for fish and wildlife purposes in accordance with—

(A) fish and wildlife purposes in effect on the date of enactment of this Act; or

(B) a plan developed under section 802.

(3) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), or other applicable law.

(4) SECRETARY.—The Secretary shall retain the right to inundate with water the land transferred to the Department under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Oahe, Big Bend, Fort Randall, and Gavin's Point projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary for the implementation of the Pick-Sloan Missouri River Basin program;

(3) is located outside the external boundaries of a reservation of an Indian Tribe; and

(4) is located within the State of South Dakota.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and waters within a recreation area that—

(1) the Secretary determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located outside the external boundaries of a reservation of an Indian Tribe;

(3) is located within the State of South Dakota;

(4) is not the recreation area known as "Cottonwood", "Training Dike", or "Tailwaters"; and

(5) is located below Gavin's Point Dam in the State of South Dakota in accordance with boundary agreements and reciprocal fishing agreements between the State of South Dakota and the State of Nebraska in effect on the date of enactment of this Act, which agreements shall continue to be honored by the State of South Dakota as the agreements apply to any land or recreation areas transferred under this title to the State of South Dakota below Gavin's Point Dam and on the waters of the Missouri River.

(d) MAP.—

(1) IN GENERAL.—The Secretary, in consultation with the Department, shall prepare a map of the land and recreation areas transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary.

(e) SCHEDULE FOR TRANSFER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army and the Secretary of the Department shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the Trust Fund described in section 803.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred in fee title to the Department on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—The Department shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(g) HUNTING AND FISHING.—

(1) IN GENERAL.—Nothing in this title affects jurisdiction over the land and water below the exclusive flood pool of the Missouri River within the State of South Dakota, including affected Indian reservations. The State of South Dakota, the Lower Brule Sioux Tribe, and the Cheyenne River Sioux Tribe shall continue in perpetuity to exercise the jurisdiction the State and Tribes possess on the date of enactment of this Act.

(2) NO EFFECT ON RESPECTIVE JURISDICTIONS.—The Secretary may not adopt any regulation or otherwise affect the respective jurisdictions of the State of South Dakota, the Lower Brule River Sioux Tribe, or the Cheyenne River Sioux Tribe described in paragraph (1).

(h) APPLICABILITY OF LAW.—Notwithstanding any other provision of this Act, the following provisions of law shall apply to land transferred under this section:

(1) The National Historic Preservation Act (16 U.S.C. 470 et seq.), including sections 106 and 304 of that Act (16 U.S.C. 470f, 470w-3).

(2) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), including sections 4, 6, 7, and 9 of that Act (16 U.S.C. 470cc, 470ee, 470ff, 470hh).

(3) The Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.), including subsections (a) and (d) of section 3 of that Act (25 U.S.C. 3003).

SEC. 606. TRANSFER OF CORPS OF ENGINEERS LAND FOR INDIAN TRIBES.

(a) IN GENERAL.—

(1) TRANSFER.—The Secretary of the Army shall transfer to the Secretary of the Interior the land and recreation areas described in subsections (b) and (c).

(2) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), or other applicable law.

(3) SECRETARY OF THE ARMY.—The Secretary of the Army shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(4) TRUST.—The Secretary of the Interior shall hold in trust for the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe the land transferred under this section that is located within the external boundaries of the reservation of the Indian Tribes.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Big Bend and Oahe projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program; and

(3) is located within the external boundaries of the reservation of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and waters within a recreation area that—

(1) the Secretary determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located within the external boundaries of a reservation of an Indian Tribe; and

(3) is located within the State of South Dakota.

(d) MAP.—

(1) IN GENERAL.—The Secretary, in consultation with the governing bodies of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, shall prepare a map of the land transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary.

(e) SCHEDULE FOR TRANSFER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary

and the Chairmen of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the State and tribal Trust Fund described in section 804.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred to, and held in trust by, the Secretary of the Interior on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) HUNTING AND FISHING.—Nothing in this title affects jurisdiction over the land and waters below the exclusive flood pool and within the external boundaries of the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe reservations. The State of South Dakota, the Lower Brule Sioux Tribe, and the Cheyenne River Sioux Tribe shall continue to exercise, in perpetuity, the jurisdiction they possess on the date of enactment of this Act with regard to those lands and waters. The Secretary may not adopt any regulation or otherwise affect the respective jurisdictions of the State of South Dakota, the Lower Brule River Sioux Tribe, or the Cheyenne River Sioux Tribe described in the preceding sentence. Jurisdiction over the land transferred under this section shall be the same as that over other land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Tribe reservation and the Lower Brule Sioux Tribe reservation.

(3) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—

(A) MAINTENANCE.—The Secretary of the Interior shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(B) PAYMENTS TO COUNTY.—The Secretary of the Interior shall pay any affected county 100 percent of the receipts from the easements, rights-of-way, leases, and cost-sharing agreements described in subparagraph (A).

SEC. 607. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian Tribe;

(2) any other right of an Indian Tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian Tribe;

(5) any authority of the State of South Dakota that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private land caused by the operation of the Pick-Sloan Missouri River Basin program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan Missouri River Basin program for purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.).

SEC. 608. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall arrange for the United States Geological Survey, in consultation with the Bureau of Indian Affairs and other appropriate Federal agencies, to conduct a comprehensive study of the potential impacts of the transfer of land under sections 805(b) and 806(b), including potential impacts on South Dakota Sioux Tribes having water claims within the Missouri River Basin, on water flows in the Missouri River.

(b) NO TRANSFER PENDING DETERMINATION.—No transfer of land under section 805(b) or 806(b) shall occur until the Secretary determines, based on the study, that the transfer of land under either section will not significantly reduce the amount of water flow to the downstream States of the Missouri River.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) SECRETARY.—There are authorized to be appropriated to the Secretary such sums as are necessary—

(1) to pay the administrative expenses incurred by the Secretary in carrying out this title; and

(2) to fund the implementation of terrestrial wildlife habitat restoration plans under section 802(a) and other activities under sections 803(d)(3) and 804(d)(3).

(b) SECRETARY OF THE INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to pay the administrative expenses incurred by the Secretary of the Interior in carrying out this title.

TITLE VII—OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the "Office of National Drug Control Policy Reauthorization Act of 1998".

SEC. 702. DEFINITIONS.

In this title:

(1) DEMAND REDUCTION.—The term "demand reduction" means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the use of drugs, including—

(A) drug abuse education;
(B) drug abuse prevention;
(C) drug abuse treatment;
(D) drug abuse research;
(E) drug abuse rehabilitation;
(F) drug-free workplace programs; and
(G) drug testing.

(2) DIRECTOR.—The term "Director" means the Director of National Drug Control Policy.

(3) DRUG.—The term "drug" has the meaning given the term "controlled substance" in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(4) DRUG CONTROL.—The term "drug control" means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction.

(5) FUND.—The term "Fund" means the fund established under section 703(d).

(6) NATIONAL DRUG CONTROL PROGRAM.—The term "National Drug Control Program" means programs, policies, and activities undertaken by National Drug Control Program agencies pursuant to the responsibilities of such agencies under the National Drug Control Strategy.

(7) NATIONAL DRUG CONTROL PROGRAM AGENCY.—The term "National Drug Control Program Agency" means any agency that is responsible for implementing any aspect of the National Drug Control Strategy, including any agency that receives Federal funds to implement any aspect of the National Drug Control Strategy, but does not include any agency that receives funds for drug control activity solely under the National Foreign Intelligence Program, the Joint Military Intelligence Program or Tactical Intelligence and Related Activities, unless such agency has been designated—

(A) by the President; or

(B) jointly by the Director and the head of the agency.

(8) NATIONAL DRUG CONTROL STRATEGY.—The term "National Drug Control Strategy" means the strategy developed and submitted to Congress under section 706.

(9) OFFICE.—Unless the context clearly implicates otherwise, the term "Office" means the Office of National Drug Control Policy established under section 703(a).

(10) STATE AND LOCAL AFFAIRS.—The term "State and local affairs" means domestic activities conducted by a National Drug Control Program agency that are intended to reduce the availability and use of drugs, including—

(A) coordination and facilitation of Federal, State, and local law enforcement drug control efforts;

(B) promotion of coordination and cooperation among the drug supply reduction and demand reduction agencies of the various States, territories, and units of local government; and

(C) such other cooperative governmental activities which promote a comprehensive approach to drug control at the national, State, territory, and local levels.

(11) SUPPLY REDUCTION.—The term "supply reduction" means any activity of a program conducted by a National Drug Control Program agency that is intended to reduce the availability or use of drugs in the United States and abroad, including—

(A) international drug control;
(B) foreign and domestic drug intelligence;
(C) interdiction; and
(D) domestic drug law enforcement, including law enforcement directed at drug users.

SEC. 703. OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) ESTABLISHMENT OF OFFICE.—There is established in the Executive Office of the President an Office of National Drug Control Policy, which shall—

(1) develop national drug control policy;

(2) coordinate and oversee the implementation of that national drug control policy;

(3) assess and certify the adequacy of national drug control programs and the budget for those programs; and

(4) evaluate the effectiveness of the national drug control programs.

(b) DIRECTOR AND DEPUTY DIRECTORS.—

(1) DIRECTOR.—There shall be at the head of the Office a Director of National Drug Control Policy.

(2) DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—There shall be in the Office a Deputy Director of National Drug Control Policy, who shall assist the Director in carrying out

the responsibilities of the Director under this title.

(3) OTHER DEPUTY DIRECTORS.—There shall be in the Office—

(A) a Deputy Director for Demand Reduction, who shall be responsible for the activities described in subparagraphs (A) through (G) of section 702(1);

(B) a Deputy Director for Supply Reduction, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 702(11); and

(C) a Deputy Director for State and Local Affairs, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 702(10) and subparagraph (D) of section 702(11).

(c) ACCESS BY CONGRESS.—The location of the Office in the Executive Office of the President shall not be construed as affecting access by Congress, or any committee of the House of Representatives or the Senate, to any—

(1) information, document, or study in the possession of, or conducted by or at the direction of the Director; or

(2) personnel of the Office.

(d) OFFICE OF NATIONAL DRUG CONTROL POLICY GIFT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund for the receipt of gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office under section 704(c).

(2) CONTRIBUTIONS.—The Office may accept, hold, and administer contributions to the Fund.

(3) USE OF AMOUNTS DEPOSITED.—Amounts deposited in the Fund are authorized to be appropriated, to remain available until expended for authorized purposes at the discretion of the Director.

SEC. 704. APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Director, the Deputy Director of National Drug Control Policy, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State and Local Affairs, shall each be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational or professional background of the individual, and whether the individual has experience in the fields of substance abuse prevention, education, or treatment.

(2) DUTIES OF DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—The Deputy Director of National Drug Control Policy shall—

(A) carry out the duties and powers prescribed by the Director; and

(B) serve as the Director in the absence of the Director or during any period in which the office of the Director is vacant.

(3) DESIGNATION OF OTHER OFFICERS.—In the absence of the Deputy Director, or if the Office of the Deputy Director is vacant, the Director shall designate such other permanent employee of the Office to serve as the Director, if the Director is absent or unable to serve.

(4) PROHIBITION.—No person shall serve as Director or a Deputy Director while serving in any other position in the Federal Government.

(5) PROHIBITION ON POLITICAL CAMPAIGNING.—Any officer or employee of the Office who is appointed to that position by the President, by and with the advice and consent of the Senate, may not participate in Federal election campaign activities, except that such official is not prohibited by this paragraph from making contributions to individual candidates.

(b) RESPONSIBILITIES.—The Director—

(1) shall assist the President in the establishment of policies, goals, objectives, and priorities for the National Drug Control Program;

(2) shall promulgate the National Drug Control Strategy under section 706(a) and each report under section 706(b) in accordance with section 706;

(3) shall coordinate and oversee the implementation by the National Drug Control Program agencies of the policies, goals, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such agencies under the National Drug Control Strategy and make recommendations to National Drug Control Program agency heads with respect to implementation of Federal counter-drug programs;

(4) shall make such recommendations to the President as the Director determines are appropriate regarding changes in the organization, management, and budgets of Federal departments and agencies engaged in drug enforcement, and changes in the allocation of personnel to and within those departments and agencies, to implement the policies, goals, priorities, and objectives established under paragraph (1) and the National Drug Control Strategy;

(5) shall consult with and assist State and local governments with respect to the formulation and implementation of National Drug Control Policy and their relations with the National Drug Control Program agencies;

(6) shall appear before duly constituted committees and subcommittees of the House of Representatives and of the Senate to represent the drug policies of the executive branch;

(7) shall notify any National Drug Control Program agency if its policies are not in compliance with the responsibilities of the agency under the National Drug Control Strategy, transmit a copy of each such notification to the President, and maintain a copy of each such notification;

(8) shall provide, by July 1 of each year, budget recommendations, including requests for specific initiatives that are consistent with the priorities of the President under the National Drug Control Strategy, to the heads of departments and agencies with responsibilities under the National Drug Control Program, which recommendations shall—

(A) apply to the next budget year scheduled for formulation under the Budget and Accounting Act of 1921, and each of the 4 subsequent fiscal years; and

(B) address funding priorities developed in the National Drug Control Strategy;

(9) may serve as representative of the President in appearing before Congress on all issues relating to the National Drug Control Program;

(10) shall, in any matter affecting national security interests, work in conjunction with the Assistant to the President for National Security Affairs;

(11) may serve as spokesperson of the Administration on drug issues;

(12) shall ensure that no Federal funds appropriated to the Office of National Drug Control Policy shall be expended for any study or contract relating to the legalization (for a medical use or any other use) of a substance listed in schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812) and take such actions as necessary to oppose any attempt to legalize the use of a substance (in any form) that—

(A) is listed in schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812); and

(B) has not been approved for use for medical purposes by the Food and Drug Administration;

(13) shall require each National Drug Control Program agency to submit to the Director on an annual basis (beginning in 1999) an evaluation of progress by the agency with respect to drug control program goals using the performance measures for the agency developed under section 706(c), including progress with respect to—

(A) success in reducing domestic and foreign sources of illegal drugs;

(B) success in protecting the borders of the United States (and in particular the Southwestern border of the United States) from penetration by illegal narcotics;

(C) success in reducing violent crime associated with drug use in the United States;

(D) success in reducing the negative health and social consequences of drug use in the United States; and

(E) implementation of drug treatment and prevention programs in the United States and improvements in the adequacy and effectiveness of such programs;

(14) shall submit to the Appropriations committees and the authorizing committees of jurisdiction of the House of Representatives and the Senate on an annual basis, not later than 60 days after the date of the last day of the applicable period, a summary of—

(A) each of the evaluations received by the Director under paragraph (13); and

(B) the progress of each National Drug Control Program agency toward the drug control program goals of the agency using the performance measures for the agency developed under section 706(c); and

(15) shall ensure that drug prevention and drug treatment research and information is effectively disseminated by National Drug Control Program agencies to State and local governments and nongovernmental entities involved in demand reduction by—

(A) encouraging formal consultation between any such agency that conducts or sponsors research, and any such agency that disseminates information in developing research and information product development agendas;

(B) encouraging such agencies (as appropriate) to develop and implement dissemination plans that specifically target State and local governments and nongovernmental entities involved in demand reduction; and

(C) developing a single interagency clearinghouse for the dissemination of research and information by such agencies to State and local governments and nongovernmental agencies involved in demand reduction.

(c) NATIONAL DRUG CONTROL PROGRAM BUDGET.—

(1) RESPONSIBILITIES OF NATIONAL DRUG CONTROL PROGRAM AGENCIES.—

(A) IN GENERAL.—For each fiscal year, the head of each department, agency, or program of the Federal Government with responsibilities under the National Drug Control Program Strategy shall transmit to the Director a copy of the proposed drug control budget request of the department, agency, or program at the same time as that budget request is submitted to their superiors (and before submission to the Office of Management and Budget) in the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

(B) SUBMISSION OF DRUG CONTROL BUDGET REQUESTS.—The head of each National Drug Control Program agency shall ensure timely development and submission to the Director of each proposed drug control budget request transmitted pursuant to this paragraph, in such format as may be designated by the Director with the concurrence of the Director of the Office of Management and Budget.

(2) NATIONAL DRUG CONTROL PROGRAM BUDGET PROPOSAL.—For each fiscal year, following the transmission of proposed drug control budget requests to the Director under paragraph (1), the Director shall, in consultation with the head of each National Drug Control Program agency—

(A) develop a consolidated National Drug Control Program budget proposal designed to implement the National Drug Control Strategy;

(B) submit the consolidated budget proposal to the President; and

(C) after submission under subparagraph (B), submit the consolidated budget proposal to Congress.

(3) REVIEW AND CERTIFICATION OF BUDGET REQUESTS AND BUDGET SUBMISSIONS OF NATIONAL DRUG CONTROL PROGRAM AGENCIES.—

(A) IN GENERAL.—The Director shall review each drug control budget request submitted to the Director under paragraph (1).

(B) REVIEW OF BUDGET REQUESTS.—

(i) INADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under paragraph (1) is inadequate, in whole or in part, to implement the objectives of the National Drug Control Strategy with respect to the department, agency, or program at issue for the year for which the request is submitted, the Director shall submit to the head of the applicable National Drug Control Program agency a written description of funding levels and specific initiatives that would, in the determination of the Director, make the request adequate to implement those objectives.

(ii) ADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under paragraph (1) is adequate to implement the objectives of the National Drug Control Strategy with respect to the department, agency, or program at issue for the year for which the request is submitted, the Director shall submit to the head of the applicable National Drug Control Program agency a written statement confirming the adequacy of the request.

(iii) RECORD.—The Director shall maintain a record of each description submitted under clause (i) and each statement submitted under clause (ii).

(C) AGENCY RESPONSE.—

(i) IN GENERAL.—The head of a National Drug Control Program agency that receives a description under subparagraph (B)(i) shall include the funding levels and initiatives described by the Director in the budget submission for that agency to the Office of Management and Budget.

(ii) IMPACT STATEMENT.—The head of a National Drug Control Program agency that has altered its budget submission under this subparagraph shall include as an appendix to the budget submission for that agency to the Office of Management and Budget an impact statement that summarizes—

(I) the changes made to the budget under this subparagraph; and

(II) the impact of those changes on the ability of that agency to perform its other responsibilities, including any impact on specific missions or programs of the agency.

(iii) CONGRESSIONAL NOTIFICATION.—The head of a National Drug Control Program agency shall submit a copy of any impact statement under clause (ii) to the Senate and the House of Representatives at the time the budget for that agency is submitted to Congress under section 1105(a) of title 31, United States Code.

(D) CERTIFICATION OF BUDGET SUBMISSIONS.—

(i) IN GENERAL.—At the time a National Drug Control Program agency submits its budget request to the Office of Management and Budget, the head of the National Drug Control Program agency shall submit a copy of the budget request to the Director.

(ii) CERTIFICATION.—The Director—

(I) shall review each budget submission submitted under clause (i); and

(II) based on the review under subclause (I), if the Director concludes that the budget submission of a National Drug Control Program agency does not include the funding levels and initiatives described under subparagraph (B)—

(aa) may issue a written decertification of that agency's budget; and

(bb) in the case of a decertification issued under item (aa), shall submit to the Senate and the House of Representatives a copy of—

copy of—

(aaa) the decertification issued under item (aa);

(bbb) the description made under subparagraph (B); and

(ccc) the budget recommendations made under subsection (b)(8).

(4) REPROGRAMMING AND TRANSFER REQUESTS.—

(A) IN GENERAL.—No National Drug Control Program agency shall submit to Congress a reprogramming or transfer request with respect to any amount of appropriated funds in an amount exceeding $5,000,000 that is included in the National Drug Control Program budget unless the request has been approved by the Director.

(B) APPEAL.—The head of any National Drug Control Program agency may appeal to the President any disapproval by the Director of a reprogramming or transfer request under this paragraph.

(d) POWERS OF THE DIRECTOR.—In carrying out subsection (b), the Director may—

(1) select, appoint, employ, and fix compensation of such officers and employees of the Office as may be necessary to carry out the functions of the Office under this title;

(2) subject to subsection (e)(3), request the head of a department or agency, or program of the Federal Government to place department, agency, or program personnel who are engaged in drug control activities on temporary detail to another department, agency, or program in order to implement the National Drug Control Strategy, and the head of the department or agency shall comply with such a request;

(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable under level IV of the Executive Schedule under section 5311 of title 5, United States Code;

(5) accept and use gifts and donations of property from Federal, State, and local government agencies, and from the private sector, as authorized in section 703(d);

(6) use the mails in the same manner as any other department or agency of the executive branch;

(7) monitor implementation of the National Drug Control Program, including—

(A) conducting program and performance audits and evaluations; and

(B) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations;

(8) transfer funds made available to a National Drug Control Program agency for National Drug Control Strategy programs and activities to another account within such agency or to another National Drug Control Program agency for National Drug Control Strategy programs and activities, except that—

(A) the authority under this paragraph may be limited in an annual appropriations Act or other provision of Federal law;

(B) the Director may exercise the authority under this paragraph only with the concurrence of the head of each affected agency;

(C) in the case of an interagency transfer, the total amount of transfers under this paragraph may not exceed 3 percent of the total amount of funds made available for National Drug Control Strategy programs and activities to the agency from which those funds are to be transferred;

(D) funds transferred to an agency under this paragraph may only be used to increase the funding for programs or activities have been authorized by Congress; and

(E) the Director shall—

(i) submit to Congress, including to the Committees on Appropriations of the Senate and the House of Representatives, the authorizing committees for the Office, and any other applicable committees of jurisdiction, a reprogramming or transfer request in advance of any transfer under this paragraph in accordance with the regulations of the affected agency or agencies; and

(ii) annually submit to Congress a report describing the effect of all transfers of funds made pursuant to this paragraph or subsection (c)(4) during the 12-month period preceding the date on which the report is submitted;

(9) issue to the head of a National Drug Control Program agency a fund control notice described in subsection (f) to ensure compliance with the National Drug Control Program Strategy; and

(10) participate in the drug certification process pursuant to section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j).

(e) PERSONNEL DETAILED TO OFFICE.—

(1) EVALUATIONS.—Notwithstanding any provision of chapter 43 of title 5, United States Code, the Director shall perform the evaluation of the performance of any employee detailed to the Office for purposes of the applicable performance appraisal system established under such chapter for any rating period, or part thereof, that such employee is detailed to such office.

(2) COMPENSATION.—

(A) BONUS PAYMENTS.—Notwithstanding any other provision of law, the Director may provide periodic bonus payments to any employee detailed to the Office.

(B) RESTRICTIONS.—An amount paid under this paragraph to an employee for any period—

(i) shall not be greater than 20 percent of the basic pay paid or payable to such employee for such period; and

(ii) shall be in addition to the basic pay of such employee.

(C) AGGREGATE AMOUNT.—The aggregate amount paid during any fiscal year to an employee detailed to the Office as basic pay, awards, bonuses, and other compensation shall not exceed the annual rate payable at the end of such fiscal year for positions at level III of the Executive Schedule.

(3) MAXIMUM NUMBER OF DETAILEES.—The maximum number of personnel who may be detailed to another department or agency (including the Office) under subsection (d)(2) during any fiscal year is—

(A) for the Department of Defense, 50; and

(B) for any other department or agency, 10.

(f) FUND CONTROL NOTICES.—

(1) IN GENERAL.—A fund control notice may direct that all or part of an amount appropriated to the National Drug Control Program agency account be obligated by—

(A) months, fiscal year quarters, or other time periods; and

(B) activities, functions, projects, or object classes.

(2) UNAUTHORIZED OBLIGATION OR EXPENDITURE PROHIBITED.—An officer or employee of a National Drug Control Program agency shall not make or authorize an expenditure or obligation contrary to a fund control notice issued by the Director.

(3) DISCIPLINARY ACTION FOR VIOLATION.—In the case of a violation of paragraph (2) by an officer or employee of a National Drug Control

Program agency, the head of the agency, upon the request of and in consultation with the Director, may subject the officer or employee to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office.

(g) INAPPLICABILITY TO CERTAIN PROGRAMS.—The provisions of this section shall not apply to the National Foreign Intelligence Program, the Joint Military Intelligence Program and Tactical Intelligence and Related Activities unless the agency that carries out such program is designated as a National Drug Control Program agency by the President or jointly by the Director and the head of the agency.

(h) CONSTRUCTION.—Nothing in this Act shall be construed as derogating the authorities and responsibilities of the Director of Central Intelligence contained in sections 104 and 504 of the National Security Act of 1947 or any other law.

SEC. 705. COORDINATION WITH NATIONAL DRUG CONTROL PROGRAM AGENCIES IN DEMAND REDUCTION, SUPPLY REDUCTION, AND STATE AND LOCAL AFFAIRS.

(a) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Upon the request of the Director, the head of any National Drug Control Program agency shall cooperate with and provide to the Director any statistics, studies, reports, and other information prepared or collected by the agency concerning the responsibilities of the agency under the National Drug Control Strategy that relate to—

(A) drug abuse control; or

(B) the manner in which amounts made available to that agency for drug control are being used by that agency.

(2) PROTECTION OF INTELLIGENCE INFORMATION.—

(A) IN GENERAL.—The authorities conferred on the Office and the Director by this title shall be exercised in a manner consistent with provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.). The Director of Central Intelligence shall prescribe such regulations as may be necessary to protect information provided pursuant to this title regarding intelligence sources and methods.

(B) DUTIES OF DIRECTOR.—The Director of Central Intelligence shall, to the maximum extent practicable in accordance with subparagraph (A), render full assistance and support to the Office and the Director.

(3) ILLEGAL DRUG CULTIVATION.—The Secretary of Agriculture shall annually submit to the Director an assessment of the acreage of illegal drug cultivation in the United States.

(b) CERTIFICATION OF POLICY CHANGES TO DIRECTOR.—

(1) IN GENERAL.—Subject to paragraph (2), the head of a National Drug Control Program agency shall, unless exigent circumstances require otherwise, notify the Director in writing regarding any proposed change in policies relating to the activities of that agency under the National Drug Control Program prior to implementation of such change. The Director shall promptly review such proposed change and certify to the head of that agency in writing whether such change is consistent with the National Drug Control Strategy.

(2) EXCEPTION.—If prior notice of a proposed change under paragraph (1) is not practicable—

(A) the head of the National Drug Control Program agency shall notify the Director of the proposed change as soon as practicable; and

(B) upon such notification, the Director shall review the change and certify to the head of that agency in writing whether the change is consistent with the National Drug Control Program.

(c) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Director, in a reimbursable basis, such administrative support services as the Director may request.

(d) ACCOUNTING OF FUNDS EXPENDED.—The Director shall—

(A) require the National Drug Control Program agencies to submit to the Director not later than February 1 of each year a detailed accounting of all funds expended by the agencies for National Drug Control Program activities during the previous fiscal year, and require such accounting to be authenticated by the Inspector General for each agency prior to submission to the Director; and

(B) submit to Congress not later than April 1 of each year the information submitted to the Director under subparagraph (A).

SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

(1) TIMING.—Not later than February 1, 1999, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan, covering a period of not more than 5 years, for reducing drug abuse and the consequences of drug abuse in the United States, by limiting the availability of and reducing the demand for illegal drugs.

(2) CONTENTS.—

(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

(i) comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse in the United States;

(ii) annual, quantifiable, and measurable objectives and specific targets to accomplish long-term quantifiable goals that the Director determines may be achieved during each year of the period beginning on the date on which the National Drug Control Strategy is submitted;

(iii) 5-year projections for program and budget priorities; and

(iv) a review of international, State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.

(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

(i) shall consult with—

(I) the heads of the National Drug Control Program agencies;

(II) Congress;

(III) State and local officials;

(IV) private citizens and organizations with experience and expertise in demand reduction;

(V) private citizens and organizations with experience and expertise in supply reduction; and

(VI) appropriate representatives of foreign governments;

(ii) with the concurrence of the Attorney General, may require the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy; and

(iii) with the concurrence of the Director of Central Intelligence and the Attorney General, may request that the National Drug Intelligence Center undertake specific tasks or projects to implement the National Drug Control Strategy.

(B) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection, and each report submitted under subsection (b), shall include a list of each entity consulted under subparagraph (A)(i).

(4) SPECIFIC TARGETS.—The targets in the National Drug Control Strategy shall include the following:

(A) Reduction of unlawful drug use to 3 percent of the population of the United States or less by December 31, 2003 (as measured in terms of overall illicit drug use during the past 30 days by the National Household Survey), and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003.

(B) Reduction of adolescent unlawful drug use (as measured in terms of illicit drug use during the past 30 days by the Monitoring the Future Survey of the University of Michigan or the National PRIDE Survey conducted by the National Parents' Resource Institute for Drug Education) to 3 percent of the adolescent population of the United States or less by December 31, 2003, and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003.

(C) Reduction of the availability of cocaine, heroin, marijuana, and methamphetamine in the United States by 80 percent by December 31, 2003.

(D) Reduction of the respective nationwide average street purity levels for cocaine, heroin, marijuana, and methamphetamine (as estimated by the interagency drug flows assessment led by the Office of National Drug Control Policy, and based on statistics collected by the Drug Enforcement Administration and other National Drug Control Program agencies identified as relevant by the Director) by 60 percent by December 31, 2003, and achievement of at least 20 percent of each such reduction during each of 1999, 2000, 2001, 2002, and 2003.

(E) Reduction of drug-related crime in the United States by 50 percent by December 31, 2003, and achievement of at least 20 percent of such reduction during each of 1999, 2000, 2001, 2002, and 2003, including—

(i) reduction of State and Federal unlawful drug trafficking and distribution;

(ii) reduction of State and Federal crimes committed by persons under the influence of unlawful drugs;

(iii) reduction of State and Federal crimes committed for the purpose of obtaining unlawful drugs or obtaining property that is intended to be used for the purchase of unlawful drugs; and

(iv) reduction of drug-related emergency room incidents in the United States (as measured by data of the Drug Abuse Warning Network on illicit drug abuse), including incidents involving gunshot wounds and automobile accidents in which illicit drugs are identified in the bloodstream of the victim, by 50 percent by December 31, 2003.

(5) FURTHER REDUCTIONS IN DRUG USE, AVAILABILITY, AND CRIME.—Following the submission of a National Drug Control Strategy under this section to achieve the specific targets described in paragraph (4), the Director may formulate a strategy for additional reductions in drug use and availability and drug-related crime beyond the 5-year period covered by the National Drug Control Strategy that has been submitted.

(b) ANNUAL STRATEGY REPORT.—

(1) IN GENERAL.—Not later than February 1, 1999, and on February 1 of each year thereafter, the President shall submit to Congress a report on the progress in implementing the Strategy under subsection (a), which shall include—

(A) an assessment of the Federal effectiveness in achieving the National Drug Control Strategy goals and objectives using the performance measurement system described in subsection (c), including—

(i) an assessment of drug use and availability in the United States; and

(ii) an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect during the preceding year, or in effect as of the date on which the report is submitted;

(B) any modifications of the National Drug Control Strategy or the performance measurement system described in subsection (c);

(C) an assessment of the manner in which the budget proposal submitted under section 704(c) is intended to implement the National Drug Control Strategy and whether the funding levels contained in such proposal are sufficient to implement such Strategy;

(D) measurable data evaluating the success or failure in achieving the annual measurable objectives described in subsection (a)(2)(A)(ii);

(E) an assessment of current drug use (including inhalants) and availability, impact of drug use, and treatment availability, which assessment shall include—

(i) estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of—

(I) casual and chronic drug use;

(II) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, probationers, and juvenile delinquents; and

(III) drug use in the workplace and the productivity lost by such use;

(ii) an assessment of the reduction of drug availability against an ascertained baseline, as measured by—

(I) the quantities of cocaine, heroin, marijuana, methamphetamine, and other drugs available for consumption in the United States;

(II) the amount of marijuana, cocaine, heroin, and precursor chemicals entering the United States;

(III) the number of hectares of marijuana, poppy, and coca cultivated and destroyed domestically and in other countries;

(IV) the number of metric tons of marijuana, heroin, cocaine, and methamphetamine seized;

(V) the number of cocaine and methamphetamine processing laboratories destroyed domestically and in other countries;

(VI) changes in the price and purity of heroin and cocaine, changes in the price of methamphetamine, and changes in tetrahydrocannabinol level of marijuana;

(VII) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

(VIII) the effectiveness of Federal technology programs at improving drug detection capabilities in interdiction, and at United States ports of entry;

(iii) an assessment of the reduction of the consequences of drug use and availability, which shall include estimation of—

(I) the burden drug users placed on hospital emergency departments in the United States, such as the quantity of drug-related services provided;

(II) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immunodeficiency virus and other infectious diseases as a result of drug use;

(III) the extent of drug-related crime and criminal activity; and

(IV) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States;

(iv) a determination of the status of drug treatment in the United States, by assessing—

(I) public and private treatment capacity within each State, including information on the treatment capacity available in relation to the capacity actually used;

(II) the extent, within each State, to which treatment is available;

(III) the number of drug users the Director estimates could benefit from treatment; and

(IV) the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals; and

(v) a review of the research agenda of the Counter-Drug Technology Assessment Center to reduce the availability and abuse of drugs; and

(F) an assessment of private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control.

(2) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; and

(B) if a new President or Director takes office.

(3) 1999 STRATEGY REPORT.—With respect to the Strategy report required to be submitted by this subsection on February 1, 1999, the President shall prepare the report using such information as is available for the period covered by the report.

(c) PERFORMANCE MEASUREMENT SYSTEM.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the targets described in subsection (a) are important to the reduction of overall drug use in the United States;

(B) the President should seek to achieve those targets during the 5 years covered by the National Drug Control Strategy required to be submitted under subsection (a);

(C) the purpose of such targets and the annual reports to Congress on the progress towards achieving the targets is to allow for the annual restructuring of appropriations by the Appropriations Committees and authorizing committees of jurisdiction of Congress to meet the goals described in this Act;

(D) the performance measurement system developed by the Director described in this subsection is central to the National Drug Control Program targets, programs, and budget;

(E) the Congress strongly endorses the performance measurement system for establishing clear outcomes for reducing drug use nationwide during the next five years, and the linkage of this system to all agency drug control programs and budgets receiving funds scored as drug control agency funding.

(2) SUBMISSION TO CONGRESS.—Not later than February 1, 1999, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that—

(A) develops performance objectives, measures, and targets for each National Drug Control Strategy goal and objective;

(B) revises performance objectives, measures, and targets, to conform with National Drug Control Program Agency budgets;

(C) identifies major programs and activities of the National Drug Control Program agencies that support the goals and objectives of the National Drug Control Strategy;

(D) evaluates in detail the implementation by each National Drug Control Program agency of program activities supporting the National Drug Control Strategy;

(E) monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that drug control agency goals and budgets support and are fully consistent with the National Drug Control Strategy; and

(F) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

(i) the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

(ii) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the casual drug user population and groups that are at risk for drug use; and

(iii) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of subsection (b)(4).

(3) MODIFICATIONS.—A description of any modifications made during the preceding year to the national drug control performance measurement system described in paragraph (2) shall be included in each report submitted under subsection (b).

SEC. 707. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

(a) ESTABLISHMENT.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program.

(b) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, heads of the National Drug Control Program agencies, and the Governor of each applicable State, may designate any specified area of the United States as a high intensity drug trafficking area. After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

(1) obligate such sums as appropriated for the High Intensity Drug Trafficking Areas Program;

(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel;

(3) take any other action authorized under section 704 to provide increased Federal assistance to those areas;

(4) coordinate activities under this subsection (specifically administrative, recordkeeping, and funds management activities) with State and local officials.

(c) FACTORS FOR CONSIDERATION.—In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

(1) the area is a center of illegal drug production, manufacturing, importation, or distribution;

(2) State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

(3) drug-related activities in the area are having a harmful impact in other areas of the country; and

(4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

(d) USE OF FUNDS.—The Director shall ensure that no Federal funds appropriated for the High Intensity Drug Trafficking Program are expended for the establishment or expansion of drug treatment programs.

SEC. 708. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

(a) ESTABLISHMENT.—There is established within the Office the Counter-Drug Technology Assessment Center (referred to in this section as the "Center"). The Center shall operate under the authority of the Director of National Drug

Control Policy and shall serve as the central counter-drug technology research and development organization of the United States Government.

(b) DIRECTOR OF TECHNOLOGY.—There shall be at the head of the Center the Director of Technology, who shall be appointed by the Director of National Drug Control Policy from among individuals qualified and distinguished in the area of science, medicine, engineering, or technology.

(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—

(1) IN GENERAL.—The Director, acting through the Director of Technology shall—

(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local drug supply reduction agencies, including—

(i) advanced surveillance, tracking, and radar imaging;

(ii) electronic support measures;

(iii) communications;

(iv) data fusion, advanced computer systems, and artificial intelligence; and

(v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

(B) identify demand reduction basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

(i) improving treatment through neuroscientific advances;

(ii) improving the transfer of biomedical research to the clinical setting; and

(iii) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

(E) provide support to the development and implementation of the national drug control performance measurement system; and

(F) pursuant to the authority of the Director of National Drug Control Policy under section 704, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

(2) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.

(d) ASSISTANCE AND SUPPORT TO OFFICE OF NATIONAL DRUG CONTROL POLICY.—The Secretary of Defense and the Secretary of Health and Human Services shall, to the maximum extent practicable, render assistance and support to the Office and to the Director in the conduct of counter-drug technology assessment.

SEC. 709. PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS.

(a) ESTABLISHMENT.—There is established a council to be known as the President's Council on Counter-Narcotics (referred to in this section as the "Council").

(b) MEMBERSHIP.—

(1) IN GENERAL.—Subject to paragraph (2), the Council shall be composed of 18 members, of whom—

(A) 1 shall be the President, who shall serve as Chairman of the Council;

(B) 1 shall be the Vice President;

(C) 1 shall be the Secretary of State;

(D) 1 shall be the Secretary of the Treasury;

(E) 1 shall be the Secretary of Defense;

(F) 1 shall be the Attorney General;

(G) 1 shall be the Secretary of Transportation;

(H) 1 shall be the Secretary of Health and Human Services;

(I) 1 shall be the Secretary of Education;

(J) 1 shall be the Representative of the United States of America to the United Nations;

(K) 1 shall be the Director of the Office of Management and Budget;

(L) 1 shall be the Chief of Staff to the President;

(M) 1 shall be the Director of the Office, who shall serve as the Executive Director of the Council;

(N) 1 shall be the Director of Central Intelligence;

(O) 1 shall be the Assistant to the President for National Security Affairs;

(P) 1 shall be the Counsel to the President;

(Q) 1 shall be the Chairman of the Joint Chiefs of Staff; and

(R) 1 shall be the National Security Adviser to the Vice President.

(2) ADDITIONAL MEMBERS.—The President may, in the discretion of the President, appoint additional members to the Council.

(c) FUNCTIONS.—The Council shall advise and assist the President in—

(1) providing direction and oversight for the national drug control strategy, including relating drug control policy to other national security interests and establishing priorities; and

(2) ensuring coordination among departments and agencies of the Federal Government concerning implementation of the National Drug Control Strategy.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Council may utilize established or ad hoc committees, task forces, or interagency groups chaired by the Director (or a representative of the Director) in carrying out the functions of the Council under this section.

(2) STAFF.—The staff of the Office, in coordination with the staffs of the Vice President and the Assistant to the President for National Security Affairs, shall act as staff for the Council.

(3) COOPERATION FROM OTHER AGENCIES.—Each department and agency of the executive branch shall—

(A) cooperate with the Council in carrying out the functions of the Council under this section; and

(B) provide such assistance, information, and advice as the Council may request, to the extent permitted by law.

SEC. 710. PARENTS ADVISORY COUNCIL ON YOUTH DRUG ABUSE.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established a Council to be known as the Parents Advisory Council on Youth Drug Abuse (referred to in this section as the "Council").

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall be composed of 16 members, of whom—

(i) 4 shall be appointed by the President, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(ii) 4 shall be appointed by the Majority Leader of the Senate, 3 of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(iii) 2 shall be appointed by the Minority Leader of the Senate, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(iv) 4 shall be appointed by the Speaker of the House of Representatives, 3 of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made; and

(v) 2 shall be appointed by the Minority Leader of the House of Representatives, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made.

(B) REQUIREMENTS.—

(i) IN GENERAL.—Each member of the Council shall be an individual from the private sector with a demonstrated interest and expertise in research, education, treatment, or prevention activities related to youth drug abuse.

(ii) REPRESENTATIVES OF NONPROFIT ORGANIZATIONS.—Not less than 1 member appointed under each of clauses (i) through (v) of paragraph (2)(A) shall be a representative of a nonprofit organization focused on involving parents in antidrug education and prevention.

(C) DATE.—The appointments of the initial members of the Council shall be made not later than 60 days after the date of enactment of this section.

(D) EXECUTIVE DIRECTOR.—The Director shall appoint the Executive Director of the Council, who shall be an employee of the Office of National Drug Control Policy.

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) PERIOD OF APPOINTMENT.—Each member of the Council shall be appointed for a term of 3 years, except that, of the initial members of the Council—

(i) 1 member appointed under each of clauses (i) through (v) of paragraph (2)(A) shall be appointed for a term of 1 year; and

(ii) 1 member appointed under each of clauses (i) through (v) of paragraph (2)(A) shall be appointed for a term of 2 years.

(B) VACANCIES.—Any vacancy in the Council shall not affect its powers, provided that a quorum is present, but shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(C) APPOINTMENT OF SUCCESSOR.—To the extent necessary to prevent a vacancy in the membership of the Council, a member of the Council may serve for not more than 6 months after the expiration of the term of that member, if the successor of that member has not been appointed.

(4) INITIAL MEETING.—Not later than 120 days after the date on which all initial members of the Council have been appointed, the Council shall hold its first meeting.

(5) MEETINGS.—The Council shall meet at the call of the Chairperson.

(6) QUORUM.—Nine members of the Council shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The members of the Council shall select a Chairperson and Vice Chairperson from among the members of the Council.

(B) DUTIES OF CHAIRPERSON.—The Chairperson of the Council shall assign committee duties relating to the Council and direct the Executive Director to convene hearings and conduct other necessary business of the Council.

(C) DUTIES OF VICE CHAIRPERSON.—If the Chairperson of the Council is unable to serve, the Vice Chairperson shall serve as the Chairperson.

(b) DUTIES OF THE COUNCIL.—

(1) IN GENERAL.—The Council—

(A) shall advise the Director on drug prevention, education, and treatment and assist the Deputy Director of Demand Reduction in the responsibilities for the coordination of the demand reduction programs of the Federal Government

and the analysis and consideration of prevention and treatment alternatives; and

(B) may issue reports and recommendations on drug prevention, education, and treatment, in addition to the reports detailed in paragraph (2), as the Council considers appropriate.

(2) SUBMISSION OF REPORTS.—Any report or recommendation issued by the Council shall be submitted to the Director and subsequently to Congress.

(3) ADVICE ON THE NATIONAL DRUG CONTROL STRATEGY.—Not later than December 1, 1999, and on December 1 of each year thereafter, the Council shall submit to the Director an annual report containing drug control strategy recommendations on drug prevention, education, and treatment. The Director may include any recommendations submitted under this paragraph in the report submitted by the Director under section 706(b).

(c) EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to carry out this section.

SEC. 711. DRUG INTERDICTION.

(a) DEFINITION.—In this section, the term "Federal drug control agency" means—

(1) the Office of National Drug Control Policy;

(2) the Department of Defense;

(3) the Drug Enforcement Administration;

(4) the Federal Bureau of Investigation;

(5) the Immigration and Naturalization Service;

(6) the United States Coast Guard;

(7) the United States Customs Service; and

(8) any other department or agency of the Federal Government that the Director determines to be relevant.

(b) REPORT.—In order to assist Congress in determining the personnel, equipment, funding, and other resources that would be required by Federal drug control agencies in order to achieve a level of interdiction success at or above the highest level achieved before the date of enactment of this title, not later than 90 days after the date of enactment of this Act, the Director shall submit to Congress and to each Federal drug control program agency a report, which shall include—

(1) with respect to the southern and western border regions of the United States (including the Pacific coast, the border with Mexico, the Gulf of Mexico coast, and other ports of entry) and in overall totals, data relating to—

(A) the amount of marijuana, heroin, methamphetamine, and cocaine—

(i) seized during the year of highest recorded seizures for each drug in each region and during the year of highest recorded overall seizures; and

(ii) disrupted during the year of highest recorded disruptions for each drug in each region and during the year of highest recorded overall seizures; and

(B) the number of persons arrested for violations of section 1010(a) of the Controlled Substances Import and Export Act (21 U.S.C. 960(a)) and related offenses during the year of the highest number of arrests on record for each region and during the year of highest recorded overall arrests;

(2) the price of cocaine, heroin, methamphetamine, and marijuana during the year of highest price on record during the preceding 10-year period, adjusted for purity where possible; and

(3) a description of the personnel, equipment, funding, and other resources of the Federal drug control agency devoted to drug interdiction and securing the borders of the United States against drug trafficking for each of the years identified in paragraphs (1) and (2) for each Federal drug control agency.

(c) BUDGET PROCESS.—

(1) INFORMATION TO DIRECTOR.—Based on the report submitted under subsection (b), each Federal drug control agency shall submit to the Director, at the same time as each annual drug control budget request is submitted by the Federal drug control agency to the Director under section 704(c)(1), a description of the specific personnel, equipment, funding, and other resources that would be required for the Federal drug control agency to meet or exceed the highest level of interdiction success for that agency identified in the report submitted under subsection (b).

(2) INFORMATION TO CONGRESS.—The Director shall include each submission under paragraph (1) in each annual consolidated National Drug Control Program budget proposal submitted by the Director to Congress under section 704(c)(2), which submission shall be accompanied by a description of any additional resources that would be required by the Federal drug control agencies to meet the highest level of interdiction success identified in the report submitted under subsection (b).

SEC. 712. ESTABLISHMENT OF SPECIAL FORFEITURE FUND.

Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509) is amended—

(1) in subsection (b)—

(A) by striking "section 524(c)(9)" and inserting "section 524(c)(8)"; and

(B) by striking "section 9307(g)" and inserting "section 9703(g)"; and

(2) in subsection (e), by striking "strategy" and inserting "Strategy".

SEC. 713. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5312, by adding at the end the following:

"Director of National Drug Control Policy.";

(2) in section 5313, by adding at the end the following:

"Deputy Director of National Drug Control Policy."; and

(3) in section 5314, by adding at the end the following:

"Deputy Director for Demand Reduction, Office of National Drug Control Policy.

"Deputy Director for Supply Reduction, Office of National Drug Control Policy.

"Deputy Director for State and Local Affairs, Office of National Drug Control Policy.".

(b) NATIONAL SECURITY ACT OF 1947.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following:

"(f) The Director of National Drug Control Policy may, in the role of the Director as principal adviser to the National Security Council on national drug control policy, and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

(c) SUBMISSION OF NATIONAL DRUG CONTROL PROGRAM BUDGET WITH ANNUAL BUDGET REQUEST OF PRESIDENT.—Section 1105(a) of title 31, United States Code, is amended by inserting after paragraph (25) the following:

"(26) a separate statement of the amount of appropriations requested for the Office of National Drug Control Policy and each program of the National Drug Control Program.".

SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, to remain available until expended, such sums as may be necessary for each of fiscal years 1999 through 2003.

SEC. 715. TERMINATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) IN GENERAL.—Except as provided in subsection (b), effective on September 30, 2003, this title and the amendments made by this title are repealed.

(b) EXCEPTION.—Subsection (a) does not apply to section 713 or the amendments made by that section.

TITLE VIII—WESTERN HEMISPHERE DRUG ELIMINATION

SEC. 801. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Western Hemisphere Drug Elimination Act".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 801. Short title; table of contents.
Sec. 802. Findings and statement of policy.

SUBTITLE A—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

Sec. 811. Expansion of radar coverage and operation in source and transit countries.
Sec. 812. Expansion of Coast Guard drug interdiction.
Sec. 813. Expansion of aircraft coverage and operation in source and transit countries.

SUBTITLE B—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

Sec. 821. Additional eradication resources for Colombia.
Sec. 822. Additional eradication resources for Peru.
Sec. 823. Additional eradication resources for Bolivia.
Sec. 824. Miscellaneous additional eradication resources.
Sec. 825. Bureau of International Narcotics and Law Enforcement Affairs.

SUBTITLE C—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE

Sec. 831. Alternative crop development support.
Sec. 832. Authorization of appropriations for Agricultural Research Service counterdrug research and development activities.
Sec. 833. Master plan for herbicides to control narcotic crops.
Sec. 834. Authorization of use of environmentally-approved herbicides to eliminate illicit narcotics crops.

SUBTITLE D—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

Sec. 841. Enhanced international law enforcement academy training.
Sec. 842. Enhanced United States drug enforcement international training.
Sec. 843. Provision of nonlethal equipment to foreign law enforcement organizations for cooperative illicit narcotics control activities.

SUBTITLE E—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT

Sec. 851. Increased funding for operations and equipment; report.
Sec. 852. Funding for computer software and hardware to facilitate direct communication between drug enforcement agencies.
Sec. 853. Sense of Congress regarding priority of drug interdiction and counterdrug activities.

SUBTITLE F—RELATIONSHIP TO OTHER LAWS

Sec. 861. Authorizations of appropriations.

SUBTITLE G—TRAFFICKING IN CONTROLLED SUBSTANCES

Sec. 871. Short title.

Sec. 872. Limitation.

SEC. 802. FINDINGS AND STATEMENT OF POLICY.

(a) Findings.—Congress makes the following findings:

(1) Teenage drug use in the United States has doubled since 1993.

(2) The drug crisis facing the United States is a top national security threat.

(3) The spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy.

(4) Effective drug interdiction efforts have been shown to limit the availability of illicit narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use.

(5) A prerequisite for reducing youth drug use is increasing the price of drugs. To increase price substantially, at least 60 percent of drugs must be interdicted.

(6) In 1987, the national drug control budget maintained a significant balance between demand and supply reduction efforts, illustrated as follows:

(A) 29 percent of the total drug control budget expenditures for demand reduction programs.

(B) 38 percent of the total drug control budget expenditures for domestic law enforcement.

(C) 33 percent of the total drug control budget expenditures for international drug interdiction efforts.

(7) In the late 1980's and early 1990's, counternarcotic efforts were successful, specifically in protecting the borders of the United States from penetration by illegal narcotics through increased seizures by the United States Coast Guard and other agencies, including a 302 percent increase in pounds of cocaine seized between 1987 and 1991.

(8) Limiting the availability of narcotics to drug traffickers in the United States had a promising effect as illustrated by the decline of illicit drug use between 1988 and 1991, through a—

(A) 13 percent reduction in total drug use;

(B) 35 percent drop in cocaine use; and

(C) 16 percent decrease in marijuana use.

(9) In 1993, drug interdiction efforts in the transit zones were reduced due to an imbalance in the national drug control strategy. This trend has continued through 1995 as shown by the following figures:

(A) 35 percent for demand reduction programs.

(B) 53 percent for domestic law enforcement.

(C) 12 percent for international drug interdiction efforts.

(10) Supply reduction efforts became a lower priority for the Administration and the seizures by the United States Coast Guard and other agencies decreased as shown by a 68 percent decrease in the pounds of cocaine seized between 1991 and 1996.

(11) Reductions in funding for comprehensive interdiction operations like OPERATION GATEWAY and OPERATION STEELWEB, initiatives that encompassed all areas of interdiction and attempted to disrupt the operating methods of drug smugglers along the entire United States border, have created unprotected United States border areas which smugglers exploit to move their product into the United States.

(12) The result of this new imbalance in the national drug control strategy caused the drug situation in the United States to become a crisis with serious consequences including—

(A) doubling of drug-abuse-related arrests for minors between 1992 and 1996;

(B) 70 percent increase in overall drug use among children aged 12 to 17;

(C) 80 percent increase in drug use for graduating seniors since 1992;

(D) a sharp drop in the price of 1 pure gram of heroin from $1,647 in 1992 to $966 in February 1996; and

(E) a reduction in the street price of 1 gram of cocaine from $123 to $104 between 1993 and 1994.

(13) The percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(14) The Department of Defense has been called upon to support counter-drug efforts of Federal law enforcement agencies that are carried out in source countries and through transit zone interdiction, but in recent years Department of Defense assets critical to those counter-drug activities have been consistently diverted to missions that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider a higher priority.

(15) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff, through the Department of Defense policy referred to as the Global Military Force Policy, has established the priorities for the allocation of military assets in the following order: (1) war; (2) military operations other than war that might involve contact with hostile forces (such as peacekeeping operations and noncombatant evacuations); (3) exercises and training; and (4) operational tasking other than those involving hostilities (including counter-drug activities and humanitarian assistance).

(16) Use of Department of Defense assets is critical to the success of efforts to stem the flow of illegal drugs from source countries and through transit zones to the United States.

(17) The placement of counter-drug activities in the fourth and last priority of the Global Military Force Policy list of priorities for the allocation of military assets has resulted in a serious deficiency in assets vital to the success of source country and transit zone efforts to stop the flow of illegal drugs into the United States.

(18) At present the United States faces few, if any, threats from abroad greater than the threat posed to the Nation's youth by illegal and dangerous drugs.

(19) The conduct of counter-drug activities has the potential for contact with hostile forces.

(20) The Department of Defense counter-drug activities mission should be near the top, not among the last, of the priorities for the allocation of Department of Defense assets after the first priority for those assets for the war-fighting mission of the Department of Defense.

(b) Statement of Policy.—It is the policy of the United States to—

(1) reduce the supply of drugs and drug use through an enhanced drug interdiction effort in the major drug transit countries, as well support a comprehensive supply country eradication and crop substitution program, because a commitment of increased resources in international drug interdiction efforts will create a balanced national drug control strategy among demand reduction, law enforcement, and international drug interdiction efforts; and

(2) develop and establish comprehensive drug interdiction and drug eradication strategies, and dedicate the required resources, to achieve the goal of reducing the flow of illegal drugs into the United States by 80 percent by as early as January 1, 2003.

Subtitle A—Enhanced Source and Transit Country Coverage

SEC. 811. EXPANSION OF RADAR COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) Authorization of Appropriations.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of radar coverage in drug source and transit countries in the total amount of $14,300,000 which shall be available for the following purposes:

(1) For restoration of radar, and operation and maintenance of radar, in the Bahamas.

(2) For operation and maintenance of ground-based radar at Guantanamo Bay Naval Base, Cuba.

(b) Report.—Not later than January 31, 1999, the Secretary of Defense, in conjunction with the Director of Central Intelligence, shall submit to the Committee on National Security, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate a report examining the options available to the United States for improving Relocatable Over the Horizon (ROTHR) capability to provide enhanced radar coverage of narcotics source zone countries in South America and transit zones in the Eastern Pacific. The report shall include—

(1) a discussion of the need and costs associated with the establishment of a proposed fourth ROTHR site located in the source or transit zones; and

(2) an assessment of the intelligence specific issues raised if such a ROTHR facility were to be established in conjunction with a foreign government.

SEC. 812. EXPANSION OF COAST GUARD DRUG INTERDICTION.

(a) Operating Expenses.—For operating expenses of the Coast Guard associated with expansion of drug interdiction activities around Puerto Rico, the United States Virgin Islands, and other transit zone areas of operation, there is authorized to be appropriated to the Secretary of Transportation $151,500,000 for each of fiscal years 1999, 2000, and 2001. Such amounts shall include (but are not limited to) amounts for the following:

(1) For deployment of intelligent acoustic detection buoys in the Florida Straits and Bahamas.

(2) For a nonlethal technology program to enhance countermeasures against the threat of transportation of drugs by so-called Go-Fast boats.

(b) Acquisition, Construction, and Improvement.—

(1) In general.—For acquisition, construction, and improvement of facilities and equipment to be used for expansion of Coast Guard drug interdiction activities, there is authorized to be appropriated to the Secretary of Transportation for fiscal year 1999 the total amount of $630,300,000 which shall be available for the following purposes:

(A) For maritime patrol aircraft sensors.

(B) For acquisition of deployable pursuit boats.

(C) For the acquisition and construction of up to 15 United States Coast Guard Coastal Patrol Boats.

(D) For—

(i) the reactivation of up to 3 United States Coast Guard HU–25 Falcon jets;

(ii) the procurement of up to 3 C–37A aircraft; or

(iii) the procurement of up to 3 C–20H aircraft.

(E) For acquisition of installed or deployable electronic sensors and communications systems for Coast Guard Cutters.

(F) For acquisition and construction of facilities and equipment to support regional and international law enforcement training and support in Puerto Rico, the United States Virgin Islands, and the Caribbean Basin.

(G) For acquisition or conversion of maritime patrol aircraft.

(H) For acquisition or conversion of up to 2 vessels to be used as Coast Guard Medium or High Endurance Cutters.

(I) For acquisition or conversion of up to 2 vessels to be used as Coast Guard Cutters as

support, command, and control platforms for drug interdiction operations.

(J) For acquisition of up to 6 Coast Guard Medium Endurance Cutters.

(2) Continued Availability.—Amounts appropriated under this subsection may remain available until expended.

(c) Requirement To Accept Patrol Craft From Department of Defense.—The Secretary of Transportation shall accept, for use by the Coast Guard for expanded drug interdiction activities, 7 PC–170 patrol craft if offered by the Department of Defense.

SEC. 813. EXPANSION OF AIRCRAFT COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) Department of the Treasury.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of air coverage and operation for drug source and transit countries in the total amount of $886,500,000 which shall be available for the following purposes:

(1) For procurement of 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries.

(2) For the procurement and deployment of 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of the drug source zone.

(3) In fiscal years 2000 and 2001, for operation and maintenance of 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries.

(4) For personnel for the 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries.

(5) In fiscal years 2000 and 2001, for operation and maintenance of 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead coverage of the drug source zone.

(6) For personnel for the 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of drug source zone countries.

(7) For construction and furnishing of an additional facility for the P–3B aircraft.

(8) For operation and maintenance for overhead air coverage for source countries.

(9) For operation and maintenance for overhead coverage for the Caribbean and Eastern Pacific regions.

(10) For purchase and for operation and maintenance of 3 RU–38A observation aircraft (to be piloted by pilots under contract with the United States).

(b) Report.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Secretary of State and the Director of Central Intelligence, shall submit to the Committee on National Security, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate a report examining the options available in the source and transit zones to replace Howard Air Force Base in Panama and specifying the requirements of the United States to establish an airbase or airbases for use in support of counternarcotics operations to optimize operational effectiveness in the source and transit zones. The report shall identify the following:

(1) The specific requirements necessary to support the national drug control policy of the United States.

(2) The estimated construction, operation, and maintenance costs for a replacement counterdrug airbase or airbases in the source and transit zones.

(3) Possible interagency cost sharing arrangements for a replacement airbase or airbases.

(4) Any legal or treaty-related issues regarding the replacement airbase or airbases.

(5) A summary of completed alternative site surveys for the airbase or airbases.

(c) Transfer of Aircraft.—The Secretary of the Navy shall transfer to the United States Customs Service—

(1) ten currently retired and previously identified heavyweight P–3B aircraft for modification into P–3 AEW&C aircraft; and

(2) ten currently retired and previously identified heavyweight P–3B aircraft for modification into P–3 Slick aircraft.

Subtitle B—Enhanced Eradication and Interdiction Strategy in Source Countries

SEC. 821. ADDITIONAL ERADICATION RESOURCES FOR COLOMBIA.

(a) Department of State.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the enhancement of drug-related eradication efforts in Colombia in the total amount of $201,250,000 which shall be available for the following purposes:

(1) For each such fiscal year for sustaining support of the helicopters and fixed wing fleet of the national police of Colombia.

(2) For the purchase of DC–3 transport aircraft for the national police of Colombia.

(3) For acquisition of resources needed for prison security in Colombia.

(4) For the purchase of minigun systems for the national police of Colombia.

(5) For the purchase of 6 UH–60L Black Hawk utility helicopters for the national police of Colombia and for operation, maintenance, and training relating to such helicopters.

(6) For procurement, for upgrade of 50 UH–1H helicopters to the Huey II configuration equipped with miniguns for the use of the national police of Colombia.

(7) For the repair and rebuilding of the antinarcotics base in southern Colombia.

(8) For providing sufficient and adequate base and force security for any rebuilt facility in southern Colombia, and the other forward operating antinarcotics bases of the Colombian National Police antinarcotics unit.

(b) Counternarcotics Assistance.—

(1) Limitation on Provision of Assistance.—Except as provided in paragraph (2), United States counternarcotics assistance may not be provided for the Government of Colombia under this title or under any other provision of law on or after the date of enactment of this Act if the Government of Colombia negotiates or permits the establishment of any demilitarized zone in which the eradication of drug production by the security forces of Colombia, including the Colombian National Police antinarcotics unit, is prohibited.

(2) Exception.—If the Government of Colombia negotiates or permits the establishment of a demilitarized zone described in paragraph (1), United States counternarcotics assistance may be provided for the Government of Colombia for a period of up to 90 consecutive days upon a finding by the President that providing such assistance is in the national interest of the United States.

(3) Notification.—In each case in which counternarcotics assistance is provided for the Government of Colombia as a result of a finding by the President described in paragraph (2), the President shall notify the Committees on Appropriations and the authorizing committees of jurisdiction of the House of Representatives and the Senate not later than 5 days after such assistance is provided.

SEC. 822. ADDITIONAL ERADICATION RESOURCES FOR PERU.

(a) Department of State.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the establishment of a third drug interdiction site in Peru to support air bridge and riverine missions for enhancement of drug-related eradication efforts in Peru, in the total amount of $3,000,000, and an additional amount of $1,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance.

(b) Department of Defense Study.—The Secretary of Defense shall conduct a study of Peruvian counternarcotics air interdiction requirements and, not later than 90 days after the date of enactment of this Act, submit to Congress a report on the results of the study. The study shall include a review of the Peruvian Air Force's current and future requirements for counternarcotics air interdiction to complement the Peruvian Air Force's A–37 capability.

SEC. 823. ADDITIONAL ERADICATION RESOURCES FOR BOLIVIA.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhancement of drug-related eradication efforts in Bolivia in the total amount of $17,000,000 which shall be available for the following purposes:

(1) For support of air operations in Bolivia.

(2) For support of riverine operations in Bolivia.

(3) For support of coca eradication programs.

(4) For procurement of 2 mobile x-ray machines, with operation and maintenance support.

SEC. 824. MISCELLANEOUS ADDITIONAL ERADICATION RESOURCES.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhanced precursor chemical control projects, in the total amount of $500,000.

SEC. 825. BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) Sense of Congress Relating to Professional Qualifications of Officials Responsible for International Narcotics Control.—It is the sense of Congress that any individual serving in the position of assistant secretary in any department or agency of the Federal Government who has primary responsibility for international narcotics control and law enforcement, and the principal deputy of any such assistant secretary, shall have substantial professional qualifications in the fields of—

(1) management;

(2) Federal law enforcement or intelligence; and

(3) foreign policy.

(b) Sense of Congress Relating to Deficiencies in International Narcotics Assistance Activities.—It is the sense of Congress that the responsiveness and effectiveness of international narcotics assistance activities under the Department of State have been severely hampered due, in part, to the lack of law enforcement expertise by responsible personnel in the Department of State.

Subtitle C—Enhanced Alternative Crop Development Support in Source Zone

SEC. 831. ALTERNATIVE CROP DEVELOPMENT SUPPORT.

Funds are authorized to be appropriated for the United States Agency for International Development for fiscal years 1999, 2000, and 2001 for alternative development programs in the total amount of $180,000,000 which shall be available as follows:

(1) In the Guaviare, Putumayo, and Caqueta regions in Colombia.

(2) In the Ucayali, Apurimac, and Huallaga Valley regions in Peru.

(3) In the Chapare and Yungas regions in Bolivia.

SEC. 832. AUTHORIZATION OF APPROPRIATIONS FOR AGRICULTURAL RESEARCH SERVICE COUNTERDRUG RESEARCH AND DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of Agriculture for each of fiscal years 1999, 2000, and 2001, $23,000,000 to support the counternarcotics research efforts of the Agricultural Research Service of the Department of Agriculture. Of that amount, funds are authorized as follows:

(1) $5,000,000 shall be used for crop eradication technologies.

(2) $2,000,000 shall be used for narcotics plant identification, chemistry, and biotechnology.

(3) $1,000,000 shall be used for worldwide crop identification, detection tagging, and production estimation technology.

(4) $5,000,000 shall be used for improving the disease resistance, yield, and economic competitiveness of commercial crops that can be promoted as alternatives to the production of narcotics plants.

(5) $10,000,000 to contract with entities meeting the criteria described in subsection (b) for the product development, environmental testing, registration, production, aerial distribution system development, product effectiveness monitoring, and modification of multiple herbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) CRITERIA FOR ELIGIBLE ENTITIES.—An entity under this subsection is an entity which possesses—

(1) experience in diseases of narcotic crops;

(2) intellectual property involving seed-borne dispersal formulations;

(3) the availability of state-of-the-art containment or quarantine facilities;

(4) country-specific herbicide formulations;

(5) specialized fungicide resistant formulations; or

(6) special security arrangements.

SEC. 833. MASTER PLAN FOR HERBICIDES TO CONTROL NARCOTIC CROPS.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall develop a 10-year master plan for the use of herbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) COORDINATION.—The Director shall develop the plan in coordination with—

(1) the Department of Agriculture;

(2) the Drug Enforcement Administration of the Department of Justice;

(3) the Department of Defense;

(4) the Environmental Protection Agency;

(5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;

(6) the United States Information Agency; and

(7) other appropriate agencies.

(c) REPORT.—Not later than March 1, 1999, the Director of the Office of National Drug Control Policy shall submit to Congress a report describing the activities undertaken to carry out this section.

SEC. 834. AUTHORIZATION OF USE OF ENVIRONMENTALLY-APPROVED HERBICIDES TO ELIMINATE ILLICIT NARCOTICS CROPS.

The Secretary of State, the Attorney General, the Secretary of Agriculture, the Secretary of Defense, the Director of the Office of National Drug Control Policy, and the Administrator of the Environmental Protection Agency are authorized to support the development and use of environmentally-approved herbicides to eliminate illicit narcotics crops, including coca, cannabis, and opium poppy, both in the United States and in foreign countries.

Subtitle D—Enhanced International Law Enforcement Training

SEC. 841. ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.

(a) MARITIME LAW ENFORCEMENT TRAINING CENTER.—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the joint establishment, operation, and maintenance in San Juan, Puerto Rico, of a center for training law enforcement personnel of countries located in the Latin American and Caribbean regions in matters relating to maritime law enforcement, including customs-related ports management matters, as follows:

(1) For each such fiscal year for funding by the Department of Transportation, $1,500,000.

(2) For each such fiscal year for funding by the Department of the Treasury, $1,500,000.

(b) UNITED STATES COAST GUARD INTERNATIONAL MARITIME TRAINING VESSEL.—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for the establishment, operation, and maintenance of maritime training vessels in the total amount of $15,000,000 which shall be available for the following purposes:

(1) For a vessel for international maritime training, which shall visit participating Latin American and Caribbean nations on a rotating schedule in order to provide law enforcement training and to perform maintenance on participating national assets.

(2) For support of the United States Coast Guard Balsam Class Buoy Tender training vessel.

SEC. 842. ENHANCED UNITED STATES DRUG ENFORCEMENT INTERNATIONAL TRAINING.

(a) MEXICO.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for substantial exchanges for Mexican judges, prosecutors, and police, in the total amount of $2,000,000 for each such fiscal year. The Attorney General shall consult with the Secretary of State regarding such exchanges.

(b) BRAZIL.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for enhanced support for the Brazilian Federal Police Training Center, in the total amount of $1,000,000 for each such fiscal year. The Attorney General shall consult with the Secretary of State regarding such enhanced support.

(c) PANAMA.—

(1) IN GENERAL.—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for operation and maintenance, for locating and operating Coast Guard assets so as to strengthen the capability of the Coast Guard of Panama to patrol the Atlantic and Pacific coasts of Panama for drug enforcement and interdiction activities, in the total amount of $1,000,000 for each such fiscal year. The Secretary of Transportation shall consult with the Secretary of State regarding the location and operation of such assets for such purposes.

(2) ELIGIBILITY TO RECEIVE TRAINING.—Notwithstanding any other provision of law, members of the national police of Panama shall be eligible to receive training through the International Military Education Training program.

(d) VENEZUELA.—There are authorized to be appropriated for the Department of Justice for each of fiscal years 1999, 2000, and 2001, $1,000,000 for operation and maintenance, for support for the Venezuelan Judicial Technical Police Counterdrug Intelligence Center. The Attorney General shall consult with the Secretary of State regarding such support.

(e) ECUADOR.—

(1) IN GENERAL.—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for each of fiscal years 1999, 2000, and 2001 for the buildup of local coast guard and port control in Guayaquil and Esmeraldas, Ecuador, as follows:

(A) For each such fiscal year for the Department of Transportation, $500,000.

(B) For each such fiscal year for the Department of the Treasury, $500,000.

(2) CONSULTATION.—The Secretary of Transportation and the Secretary of the Treasury shall consult with the Secretary of State regarding the buildup described in paragraph (1).

(f) HAITI AND THE DOMINICAN REPUBLIC.—Funds are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, $500,000 for the buildup of local coast guard and port control in Haiti and the Dominican Republic. The Secretary of the Treasury shall consult with the Secretary of State regarding such buildup of local coast guard and port patrol.

(g) CENTRAL AMERICA.—There are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, $12,000,000 for the buildup of local coast guard and port control in Belize, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. The Secretary of the Treasury shall consult with the Secretary of State regarding such buildup of local coast guard and port patrol.

SEC. 843. PROVISION OF NONLETHAL EQUIPMENT TO FOREIGN LAW ENFORCEMENT ORGANIZATIONS FOR COOPERATIVE ILLICIT NARCOTICS CONTROL ACTIVITIES.

(a) IN GENERAL.—(1) Subject to paragraph (2), the Administrator of the Drug Enforcement Administration, in consultation with the Secretary of State, may transfer or lease each year nonlethal equipment to foreign law enforcement organizations for the purpose of establishing and carrying out cooperative illicit narcotics control activities.

(2)(A) The Administrator may transfer or lease equipment under paragraph (1) only if the equipment is not designated as a munitions item or controlled on the United States Munitions List pursuant to section 38 of the Arms Export Control Act.

(B) The value of each piece of equipment transferred or leased under paragraph (1) may not exceed $100,000.

(b) ADDITIONAL REQUIREMENT.—The Administrator shall provide for the maintenance and repair of any equipment transferred or leased under subsection (a).

(c) NOTIFICATION REQUIREMENT.—Before the export of any item authorized for transfer under subsection (a), the Administrator shall provide written notice to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited the same status under the Vienna Convention on Diplomatic Immunity as other diplomatic personnel serving at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accorded the same diplomatic status as Drug Enforcement Administration personnel serving in Mexico.

Subtitle E—Enhanced Drug Transit and Source Zone Law Enforcement Operations and Equipment

SEC. 851. INCREASED FUNDING FOR OPERATIONS AND EQUIPMENT; REPORT.

(a) DRUG ENFORCEMENT ADMINISTRATION.—Funds are authorized to be appropriated for the Drug Enforcement Administration for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries in the total amount of $58,900,000 which shall be available for the following purposes:

(1) For support of the Merlin program.

(2) For support of the intercept program.

(3) For support of the development and implementation of automation systems to support investigative and intelligence requirements.

(4) For support of the Caribbean Initiative.

(5) For the hire of special agents, administrative and investigative support personnel, and intelligence analysts for the support of investigations overseas.

(b) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal year 1999, 2000, and 2001 for the deployment of commercial unclassified intelligence and imaging data and a Passive Coherent Location System for counternarcotics and interdiction purposes in the Western Hemisphere, the total amount of $20,000,000.

(c) DEPARTMENT OF THE TREASURY.—Funds are authorized to be appropriated for the United States Customs Service for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries in the total amount of $71,500,000 which shall be available for the following purposes:

(1) For refurbishment of up to 30 interceptor and Blue Water Platform vessels in the Caribbean maritime fleet.

(2) For purchase of up to 9 new interceptor vessels in the Caribbean maritime fleet.

(3) For the hire and training of up to 25 special agents for maritime operations in the Caribbean.

(4) For purchase of up to 60 automotive vehicles for ground use in South Florida.

(5) For each such fiscal year for operation and maintenance support for up to 10 United States Customs Service Citations Aircraft to be dedicated for the source and transit zone.

(6) For purchase of non-intrusive inspection systems consistent with the United States Customs Service 5-year technology plan, including truck x-rays and gamma-imaging for drug interdiction purposes at high-threat seaports and land border ports of entry.

(d) DEPARTMENT OF DEFENSE REPORT.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Director of the Office of National Drug Control Policy, shall submit to Congress a report examining and proposing recommendations regarding any organizational changes to optimize counterdrug activities, including alternative cost-sharing arrangements regarding the following facilities:

(1) The Joint Inter-Agency Task Force, East, Key West, Florida.

(2) The Joint Inter-Agency Task Force, West, Alameda, California.

(3) The Joint Inter-Agency Task Force, South, Panama City, Panama.

(4) The Joint Task Force 6, El Paso, Texas.

SEC. 852. FUNDING FOR COMPUTER SOFTWARE AND HARDWARE TO FACILITATE DIRECT COMMUNICATION BETWEEN DRUG ENFORCEMENT AGENCIES.

(a) AUTHORIZATION.—Funds are authorized to be appropriated for the development and purchase of computer software and hardware to facilitate direct communication between agencies that perform work relating to the interdiction of drugs at United States borders, including the United States Customs Service, the Border Patrol, the Federal Bureau of Investigation, the Drug Enforcement Agency, and the Immigration and Naturalization Service, in the total amount of $50,000,000.

(b) AVAILABILITY.—Funds authorized pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

SEC. 853. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense in order—

(1) to treat the international drug interdiction and counter-drug activities of the Department as a military operation other than war, thereby elevating the priority given such activities under the Policy to the next priority below the priority given to war under the Policy and to the same priority as is given to peacekeeping operations under the Policy; and

(2) to allocate the assets of the Department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

Subtitle F—Relationship to Other Laws

SEC. 861. AUTHORIZATIONS OF APPROPRIATIONS.

The funds authorized to be appropriated for any department or agency of the Federal Government for fiscal years 1999, 2000, or 2001 by this title are in addition to funds authorized to be appropriated for that department or agency for fiscal year 1999, 2000, or 2001 by any other provision of law.

Subtitle G—Trafficking in Controlled Substances

SEC. 871. SHORT TITLE.

This subtitle may be cited as the "Controlled Substances Trafficking Prohibition Act".

SEC. 872. LIMITATION.

(a) AMENDMENT.—Section 1006(a) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)) is amended—

(1) by striking "The Attorney General" and inserting "(1) Subject to paragraph (2), the Attorney General"; and

(2) by adding at the end the following:

"(2) Notwithstanding any exemption under paragraph (1), a United States resident who enters the United States through an international land border with a controlled substance (except a substance in schedule I) for which the individual does not possess a valid prescription issued by a practitioner (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in accordance with applicable Federal and State law (or documentation that verifies the issuance of such a prescription to that individual) may not import the controlled substance into the United States in an amount that exceeds 50 dosage units of the controlled substance.".

(b) FEDERAL MINIMUM REQUIREMENT.—Section 1006(a)(2) of the Controlled Substances Import and Export Act, as added by subsection (a), is a minimum Federal requirement and shall not be construed to limit a State from imposing any additional requirement.

(c) EXTENT.—The amendment made by subsection (a) shall not be construed to affect the jurisdiction of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.).

TITLE IX—DRUG-FREE WORKPLACE ACT

SEC. 901. SHORT TITLE.

This title may be cited as the "Drug-Free Workplace Act of 1998".

SEC. 902. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) 74 percent of adults who use illegal drugs are employed;

(2) small business concerns employ over 50 percent of the Nation's workforce;

(3) in more than 88 percent of families with children under the age of 18, at least 1 parent is employed; and

(4) employees who use and abuse addictive illegal drugs and alcohol increase costs for businesses and risk the health and safety of all employees because—

(A) absenteeism is 66 percent higher among drug users than individuals who do not use drugs;

(B) health benefit utilization is 300 percent higher among drug users than individuals who do not use drugs;

(C) 47 percent of workplace accidents are drug-related;

(D) disciplinary actions are 90 percent higher among drug users than among individuals who do not use drugs; and

(E) employee turnover is significantly higher among drug users than among individuals who do not use drugs.

(b) PURPOSES.—The purposes of this title are to—

(1) educate small business concerns about the advantages of a drug-free workplace;

(2) provide grants and technical assistance in addition to financial incentives to enable small business concerns to create a drug-free workplace;

(3) assist working parents in keeping their children drug-free; and

(4) encourage small business employers and employees alike to participate in drug-free workplace programs.

SEC. 903. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) businesses should adopt drug-free workplace programs;

(2) States should consider incentives to encourage businesses to adopt drug-free workplace programs; and

(3) such incentives may include—

(A) financial incentives, including—

(i) a reduction in workers' compensation premiums;

(ii) a reduction in unemployment insurance premiums; and

(iii) tax deductions in an amount equal to the amount of expenditures for employee assistance programs, treatment, or illegal drug testing; and

(B) other incentives, such as the adoption of liability limitations, as recommended by the President's Commission on Model State Drug Laws.

SEC. 904. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

Section 27 of the Small Business Act (15 U.S.C. 654) is amended to read as follows:

"SEC. 27. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DRUG-FREE WORKPLACE PROGRAM.—The term 'drug-free workplace program' means a program that includes—

"(A) a written policy, including a clear statement of expectations for workplace behavior, prohibitions against reporting to work or working under the influence of illegal drugs or alcohol, prohibitions against the use or possession of illegal drugs in the workplace, and the consequences of violating those expectations and prohibitions;

"(B) drug and alcohol abuse prevention training for a total of not less than 2 hours for each employee, and additional voluntary drug and alcohol abuse prevention training for employees who are parents;

"(C) employee illegal drug testing, with analysis conducted by a drug testing laboratory certified by the Substance Abuse and Mental

Health Services Administration, or approved by the College of American Pathologists for forensic drug testing, and a review of each positive test result by a medical review officer;

"(D) employee access to an employee assistance program, including confidential assessment, referral, and short-term problem resolution; and

"(E) continuing alcohol and drug abuse prevention education.

"(2) ELIGIBLE INTERMEDIARY.—The term 'eligible intermediary' means an organization—

"(A) that has not less than 2 years of experience in carrying out drug-free workplace programs;

"(B) that has a drug-free workplace policy in effect;

"(C) that is located in a State, the District of Columbia, or a territory of the United States; and

"(D) the purpose of which is—

"(i) to develop comprehensive drug-free workplace programs or to supply drug-free workplace services; or

"(ii) to provide other forms of assistance and services to small business concerns.

"(3) EMPLOYEE.—The term 'employee' includes any—

"(A) applicant for employment;

"(B) employee;

"(C) supervisor;

"(D) manager;

"(E) officer of a small business concern who is active in management of the concern; and

"(F) owner of a small business concern who is active in management of the concern.

"(4) MEDICAL REVIEW OFFICER.—The term 'medical review officer'—

"(A) means a licensed physician with knowledge of substance abuse disorders; and

"(B) does not include any—

"(i) employee of the small business concern; or

"(ii) employee or agent of, or any person having a financial interest in, the laboratory for which the illegal drug test results are being reviewed.

"(b) ESTABLISHMENT.—There is established a drug-free workplace demonstration program, under which the Administrator may make grants to, or enter into cooperative agreements or contracts with, eligible intermediaries for the purpose of providing financial and technical assistance to small business concerns seeking to establish a drug-free workplace program.

"(c) PRIVACY PROTECTION FOR EMPLOYEES PARTICIPATING IN A DRUG-FREE WORKPLACE PROGRAM.—Each drug-free workplace program established with assistance made available under this section shall—

"(1) include, as reasonably necessary and appropriate, practices and procedures to ensure the confidentiality of illegal drug test results and of any participation by an employee in a rehabilitation program;

"(2) prohibit the mandatory disclosure of medical information by an employee prior to a confirmed positive illegal drug test; and

"(3) require that a medical review officer reviewing illegal drug test results shall report only the final results, limited to those drugs for which the employee tests positive, in writing and in a manner designed to ensure the confidentiality of the results.

"(d) EVALUATION AND COORDINATION.—Not later than 18 months after the date of enactment of the Drug-Free Workplace Act of 1998, the Administrator, in coordination with the Secretary of Labor, the Secretary of Health and Human Services, and the Director of National Drug Control Policy, shall—

"(1) evaluate the drug-free workplace programs established with assistance made available under this section; and

"(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

"(e) CONTRACT AUTHORITY.—In carrying out this section, the Administrator may—

"(1) contract with public and private entities to provide assistance related to carrying out the program under this section; and

"(2) compensate those entities for provision of that assistance.

"(f) CONSTRUCTION.—Nothing in this section may be construed to require an employer who attends a program offered by an intermediary to contract for any service offered by the intermediary.

"(g) AUTHORIZATION.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal years 1999 and 2000. Amounts made available under this subsection shall remain available until expended.

"(2) SMALL BUSINESS DEVELOPMENT CENTERS.—Of the total amount made available under this subsection, not more than the greater of 10 percent or $1,000,000 may be used to carry out section 21(c)(3)(T).".

SEC. 905. SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (R), by striking "and" at the end;

(2) in subparagraph (S), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(T) providing information and assistance to small business concerns with respect to establishing drug-free workplace programs on or before October 1, 2000.".

TITLE X—CANYON FERRY RESERVOIR, MONTANA, ACT

SECTION 1001. FINDINGS.

Congress finds that the conveyance of the properties described in section 4(b) to the lessees of those properties for fair market value would have the beneficial results of—

(1) reducing Pick-Sloan project debt for the Canyon Ferry Unit;

(2) providing a permanent source of funding to acquire publicly accessible land and interests in land, including easements and conservation easements, in the State from willing sellers at fair market value to—

(A) restore and conserve fisheries habitat, including riparian habitat;

(B) restore and conserve wildlife habitat;

(C) enhance public hunting, fishing, and recreational opportunities; and

(D) improve public access to public land;

(3) eliminating Federal payments in lieu of taxes and associated management expenditures in connection with the Federal Government's ownership of the properties while increasing local tax revenues from the new owners; and

(4) eliminating expensive and contentious disputes between the Secretary and leaseholders while ensuring that the Federal Government receives full and fair value for the properties.

SEC. 1002. PURPOSES.

The purposes of this Act are to—

(1) establish terms and conditions under which the Secretary of the Interior shall, for fair market value, convey certain properties around Canyon Ferry Reservoir, Montana, to private parties; and

(2) acquire certain land for fish and wildlife conservation purposes.

SEC. 1003. DEFINITIONS.

In this Act:

(1) CANYON FERRY-BROADWATER COUNTY TRUST.—The term "Canyon Ferry-Broadwater County Trust" means the Canyon Ferry-Broadwater County Trust established under section 8.

(2) CFRA.—The term "CFRA" means the Canyon Ferry Recreation Association, Incorporated, a Montana corporation.

(3) COMMISSIONERS.—The term "Commissioners" means the Board of Commissioners for Broadwater County, Montana.

(4) LEASE.—The term "lease" means a lease or permit in effect on the date of enactment of this Act that gives a leaseholder the right to occupy a property.

(5) LESSEE.—The term "lessee" means—

(A) the leaseholder of 1 of the properties on the date of enactment of this Act; and

(B) the leaseholder's heirs, executors, and assigns of the leasehold interest in the property.

(6) MONTANA FISH AND WILDLIFE CONSERVATION TRUST.—The term "Montana Fish and Wildlife Conservation Trust" means the Montana Fish and Wildlife Conservation Trust established under section 7.

(7) PROJECT.—The term "project" means the Canyon Ferry Unit of the Pick-Sloan Missouri River Basin Project.

(8) PROPERTY.—

(A) IN GENERAL.—The term "property" means 1 of the cabin sites described in section 4(b).

(B) USE IN THE PLURAL.—The term "properties" means all 265 of the properties and any contiguous parcels referred to in section 4(b)(1)(B).

(9) PURCHASER.—The term "purchaser" means a person or entity, excluding CFRA or a lessee, that purchases the properties under section 4.

(10) RESERVOIR.—The term "Reservoir" means the Canyon Ferry Reservoir, Montana.

(11) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(12) STATE.—The term "State" means the State of Montana.

SEC. 1004. SALE OF PROPERTIES.

(a) IN GENERAL.—Consistent with the Act of June 17, 1902 (32 Stat. 388, chapter 1093) and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), the Secretary shall convey to CFRA or a purchaser—

(1) all right, title, and interest (except the mineral estate) of the United States in and to the properties, subject to valid existing rights and the operational requirements of the Pick-Sloan Missouri River Basin Program; and

(2) perpetual easements for—

(A) vehicular access to each property;

(B) access to and use of 1 dock per property; and

(C) access to and use of all boathouses, ramps, retaining walls, and other improvements for which access is provided in the leases as of the date of enactment of this Act.

(b) DESCRIPTION OF PROPERTIES.—

(1) IN GENERAL.—The properties to be conveyed are—

(A) the 265 cabin sites of the Bureau of Reclamation located along the northern end of the Reservoir in portions of sections 2, 11, 12, 13, 15, 22, 23, and 26, Township 10 North, Range 1 West; and

(B) any small parcel contiguous to any property (not including shoreline or land needed to provide public access to the shoreline of the Reservoir) that the Secretary determines should be conveyed in order to eliminate an inholding and facilitate administration of surrounding land remaining in Federal ownership.

(2) ACREAGE; LEGAL DESCRIPTION.—The acreage and legal description of each property and of each parcel shall be determined by the Secretary in consultation with CFRA.

(3) RESTRICTIVE USE COVENANT.—

(A) IN GENERAL.—In order to maintain the unique character of the Reservoir area, the Secretary, the purchaser, CFRA, and each subsequent owner of each property shall covenant that the use restrictions to carry out subparagraphs (B) and (C) shall—

(i) be appurtenant to, and run, with each property; and

(ii) be binding on each subsequent owner of each property.

(B) ACCESS TO RESERVOIR.—

(i) IN GENERAL.—The Secretary, the purchaser, CFRA, and the subsequent owners of each property shall ensure that—

(I) public access to and along the shoreline of the Reservoir in existence on the date of enactment of this Act is not obstructed; and

(II) adequate public access to and along the shoreline of the Reservoir is maintained.

(ii) FEDERAL RECLAMATION LAW.—

(I) IN GENERAL.—No conveyance of property under this Act shall restrict or limit the authority or ability of the Secretary to fulfill the duties of the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(II) NO LIABILITY.—The operation of the Reservoir by the Secretary in fulfillment of the duties described in subclause (I) shall not result in liability for damages, direct or indirect, to the owner of any property conveyed under section 4(a) or damages from any loss of use or enjoyment of the property.

(C) HISTORICAL USE.—The Secretary, the purchaser, CFRA, and each subsequent owner of each property shall covenant that future uses of the property shall be limited to the type and intensity of uses in existence on the date of enactment of this Act, as limited by the prohibitions contained in the annual operating plan of the Bureau of Reclamation for the Reservoir in effect on October 1, 1998.

(c) PURCHASE PROCESS.—

(1) IN GENERAL.—The Secretary shall—

(A) solicit sealed bids for the properties;

(B) subject to paragraph (2), sell the properties to the bidder that submits the highest bid above the minimum bid determined under paragraph (2); and

(C) not accept any bid for less than all of the properties in 1 transaction.

(2) MINIMUM BID.—

(A) IN GENERAL.—Before accepting bids, the Secretary shall establish a minimum bid, which shall be equal to the fair market value of the properties determined by an appraisal of each property, exclusive of the value of private improvements made by the leaseholders before the date of the conveyance, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispuste over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(3) RIGHT OF FIRST REFUSAL.—If the highest bidder is other than CFRA, CFRA shall have the right to match the highest bid and purchase the properties at a price equal to the amount of the highest bid.

(d) TERMS OF CONVEYANCE.—

(1) PURCHASER.—If the highest bidder is other than CFRA, and CFRA does not match the highest bid, the following shall apply:

(A) PAYMENT.—The purchaser shall pay the amount bid to the Secretary for distribution in accordance with section 6.

(B) CONVEYANCE.—The Secretary shall convey the properties to the purchaser.

(C) OPTION TO PURCHASE.—The purchaser shall give each lessee of a property conveyed under this section an option to purchase the property at fair market value, as determined under subsection (c)(2).

(D) NONPURCHASING LESSEES.—

(i) RIGHT TO CONTINUE LEASE.—A lessee that is unable or unwilling to purchase a property shall be provided the opportunity to continue to lease the property for fair market value rent under the same terms and conditions as apply under the existing lease for the property, and shall have the right to renew the term of the existing lease for 2 consecutive 5-year terms.

(ii) COMPENSATION FOR IMPROVEMENTS.—If a lessee declines to purchase a property, the purchaser shall compensate the lessee for the fair market value, as determined pursuant to customary appraisal procedures, of all improvements made to the property by the lessee. The lessee may sell the improvements to the purchaser at any time, but the sale shall be completed by the final termination of the lease, after all renewals under clause (i).

(2) CFRA.—If CFRA is the highest bidder, or matches the highest bid, the following shall apply:

(A) CLOSING.—On receipt of a purchase request from a lessee or CFRA, the Secretary shall close on the property and prepare all other properties for closing within 45 days.

(B) PAYMENT.—At the closing for a property—

(i) the lessee or CFRA shall deliver to the Secretary payment for the property, which the Secretary shall distribute in accordance with section 6; and

(ii) the Secretary shall convey the property to the lessee or CFRA.

(C) APPRAISAL.—The Secretary shall determine the purchase amount of each property based on the appraisal conducted under subsection (c)(2), the amount of the bid under subsection (c)(1), and the proportionate share of administrative costs pursuant to subsection (e). The total purchase amount for all properties shall equal the total bid amount plus administrative costs under subsection (e).

(D) TIMING.—CFRA and the lessees shall purchase at least 75 percent of the properties not later than August 1 of the year that begins at least 12 months after title to the first property is conveyed by the Secretary to a lessee.

(E) RIGHT TO RENEW.—The Secretary shall afford the lessees who have not purchased properties under this section the right to renew the term of the existing lease for 2 (but not more than 2) consecutive 5-year terms.

(F) REIMBURSEMENT.—A lessee shall reimburse CFRA for a proportionate share of the costs to CFRA of completing the transactions contemplated by this Act, including any interest charges.

(G) RENTAL PAYMENTS.—All rent received from the leases shall be distributed by the Secretary in accordance with section 6.

(e) ADMINISTRATIVE COSTS.—Any reasonable administrative costs incurred by the Secretary, including the costs of survey and appraisals, incident to the conveyance under subsection (a) shall be reimbursed by the purchaser or CFRA.

(f) TIMING.—The Secretary shall make every effort to complete the conveyance under subsection (a) not later than 1 year after the satisfaction of the condition established by section 8(b).

(g) CLOSINGS.—Real estate closings to complete the conveyance under subsection (a) may be staggered to facilitate the conveyance as agreed to by the Secretary and the purchaser or CFRA.

(h) CONVEYANCE TO LESSEE.—If a lessee purchases a property from the purchaser or CFRA, the Secretary, at the request of the lessee, shall have the conveyance documents prepared in the name or names of the lessee so as to minimize the amount of time and number of documents required to complete the closing for the property.

SEC. 1005. AGREEMENT.

(a) MANAGEMENT OF SILO'S CAMPGROUND.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Commissioner of Reclamation, shall—

(1) offer to contract with the Commissioners to manage the Silo's campground;

(2) enter into such a contract if agreed to by the Secretary and the Commissioners; and

(3) grant necessary easements for access roads within and adjacent to the Silo's campground.

(b) CONCESSION INCOME.—Any income generated by any concession that may be granted by the Commissioners at the Silo's recreation area—

(1) shall be deposited in the Canyon Ferry-Broadwater County Trust; and

(2) may be disbursed by the Canyon Ferry-Broadwater County Trust manager as part of the income of the Trust.

SEC. 1006. USE OF PROCEEDS.

Notwithstanding any other provision of law, proceeds of conveyances under this Act shall be available, without further Act of appropriation, as follows:

(1) 10 percent of the proceeds shall be applied by the Secretary of the Treasury to reduce the outstanding debt for the Pick-Sloan project at the Reservoir.

(2) 90 percent of the proceeds shall be deposited in the Montana Fish and Wildlife Conservation Trust.

SEC. 1007. MONTANA FISH AND WILDLIFE CONSERVATION TRUST.

(a) ESTABLISHMENT.—The Secretary, in consultation with the State congressional delegation and the Governor of the State, shall establish a nonprofit charitable permanent perpetual public trust in the State, to be known as the "Montana Fish and Wildlife Conservation Trust" (referred to in this section as the "Trust").

(b) PURPOSE.—The purpose of the Trust shall be to provide a permanent source of funding to acquire publicly accessible land and interests in land, including easements and conservation easements, in the State from willing sellers at fair market value to—

(1) restore and conserve fisheries habitat, including riparian habitat;

(2) restore and conserve wildlife habitat;

(3) enhance public hunting, fishing, and recreational opportunities; and

(4) improve public access to public land.

(c) ADMINISTRATION.—

(1) TRUST MANAGER.—The Trust shall be managed by a trust manager, who—

(A) shall be responsible for investing the corpus of the Trust; and

(B) shall disburse funds from the Trust on receiving a request for disbursement from a majority of the members of the Joint State-Federal Agency Board established under paragraph (2) and after determining, in consultation with the Citizen Advisory Board established under paragraph (3) and after consideration of any comments submitted by members of the public, that the request meets the purpose of the Trust under subsection (b) and the requirements of subsections (d) and (e).

(2) JOINT STATE-FEDERAL AGENCY BOARD.—

(A) ESTABLISHMENT.—There is established a Joint State-Federal Agency Board, which shall consist of—

(i) 1 Forest Service employee employed in the State designated by the Forest Service;

(ii) 1 Bureau of Land Management employee employed in the State designated by the Bureau of Land Management;

(iii) 1 Bureau of Reclamation employee employed in the State designated by the Bureau of Reclamation;

(iv) 1 United States Fish and Wildlife Service employee employed in the State designated by the United States Fish and Wildlife Service; and

(v) 1 Montana Department of Fish, Wildlife and Parks employee designated by the Department.

(B) REQUESTS FOR DISBURSEMENT.—After consulting with the Citizen Advisory Board established under paragraph (3) and after consideration of the Trust plan prepared under paragraph (3)(C) and of any comments or requests submitted by members of the public, the Joint State-Federal Agency Board, by a vote of a majority of its members, may submit to the Trust

Manager a request for disbursement if the Board determines that the request meets the purpose of the Trust.

(3) CITIZEN ADVISORY BOARD.—

(A) IN GENERAL.—The Secretary shall nominate, and the Joint State-Federal Agency Board shall approve by a majority vote, a Citizen Advisory Board.

(B) MEMBERSHIP.—The Citizen Advisory Board shall consist of 4 members, including 1 with a demonstrated commitment to improving public access to public land and to fish and wildlife conservation, from each of—

(i) a Montana organization representing agricultural landowners;

(ii) a Montana organization representing hunters;

(iii) a Montana organization representing fishermen; and

(iv) a Montana nonprofit land trust or environmental organization.

(C) DUTIES.—The Citizen Advisory Board, in consultation with the Joint State-Federal Agency Board and the Montana Association of Counties, shall prepare and periodically update a Trust plan including recommendations for requests for disbursement by the Joint State-Federal Agency Board.

(D) OBJECTIVES OF PLAN.—The Trust plan shall be designed to maximize the effectiveness of Montana Fish and Wildlife Conservation Trust expenditures considering—

(i) public needs and requests;

(ii) availability of property;

(iii) alternative sources of funding; and

(iv) availability of matching funds.

(4) PUBLIC NOTICE AND COMMENT.—Before requesting any disbursements under paragraph (2), the Joint State-Federal Agency Board shall—

(A) notify members of the public, including local governments; and

(B) provide opportunity for public comment.

(d) USE.—

(1) PRINCIPAL.—The principal of the Trust shall be inviolate.

(2) EARNINGS.—Earnings on amounts in the Trust shall be used to carry out subsection (b) and to administer the Trust and Citizen Advisory Board.

(3) LOCAL PURPOSES.—Not more than 50 percent of the income from the Trust in any year shall be used outside the watershed of the Missouri River in the State, from Holter Dam upstream to the confluence of the Jefferson River, Gallatin River, and Madison River.

(e) MANAGEMENT.—Land and interests in land acquired under this section shall be managed for the purpose described in subsection (b).

SEC. 1008. CANYON FERRY-BROADWATER COUNTY TRUST.

(a) ESTABLISHMENT.—The Commissioners shall establish a nonprofit charitable permanent perpetual public trust to be known as the "Canyon Ferry-Broadwater County Trust" (referred to in this section as the "Trust").

(b) PRIORITY OF TRUST ESTABLISHMENT.—

(1) CONDITION TO SALE.—No sale of property under section 4 shall be made until at least $3,000,000, or a lesser amount as offset by in-kind contributions made before full funding of the trust, is deposited as the initial corpus of the Trust.

(2) IN-KIND CONTRIBUTIONS.—

(A) IN GENERAL.—In-kind contributions—

(i) shall be approved in advance by the Commissioners;

(ii) shall be made in Broadwater County;

(iii) shall be related to the improvement of access to the portions of the Reservoir lying within Broadwater County or to the creation and improvement of new and existing recreational areas within Broadwater County; and

(iv) shall not include any contribution made by Broadwater County.

(B) APPROVAL.—Approval by the Commissioners of an in-kind contribution under subparagraph (A) shall include approval of the value, nature, and type of the contribution and of the entity that makes the contribution.

(3) INTEREST.—Notwithstanding any other provision of this Act, all interest earned on the principal of the Trust shall be reinvested and considered part of its corpus until the condition stated in paragraph (1) is met.

(c) TRUST MANAGEMENT.—

(1) TRUST MANAGER.—The Trust shall be managed by a nonprofit foundation or other independent trustee to be selected by the Commissioners.

(2) USE.—The Trust manager shall invest the corpus of the Trust and disburse funds as follows:

(A) PRINCIPAL.—A sum not to exceed $500,000 may be expended from the corpus to pay for the planning and construction of a harbor at the Silo's recreation area.

(B) INTEREST.—The balance of the Trust shall be held and the income shall be expended annually for the improvement of access to the portions of the Reservoir lying within Broadwater County, Montana, and for the creation and improvement of new and existing recreational areas within Broadwater County.

(3) DISBURSEMENT.—The Trust manager—

(A) shall approve or reject any request for disbursement; and

(B) shall not make any expenditure except on the recommendation of the advisory committee established under subsection (d).

(d) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Commissioners shall appoint an advisory committee consisting of not fewer than 3 nor more than 5 persons.

(2) DUTIES.—The advisory committee shall meet on a regular basis to establish priorities and make requests for the disbursement of funds to the Trust manager.

(3) APPROVAL BY THE COMMISSIONERS.—The advisory committee shall recommend only such expenditures as are approved by the Commissioners.

(e) NO OFFSET.—Neither the corpus nor the income of the Trust shall be used to reduce or replace the regular operating expenses of the Secretary at the Reservoir, unless approved by the Commissioners.

SEC. 1009. AUTHORIZATION.

(a) IN GENERAL.—The Secretary is authorized to—

(1) investigate, plan, construct, operate, and maintain public recreational facilities on land withdrawn or acquired for the development of the project;

(2) conserve the scenery, the natural historic, paleontologic, and archaeologic objects, and the wildlife on the land;

(3) provide for public use and enjoyment of the land and of the water areas created by the project by such means as are consistent with but subordinate to the purposes of the project; and

(4) investigate, plan, construct, operate, and maintain facilities for the conservation of fish and wildlife resources.

(b) COSTS.—The costs (including operation and maintenance costs) of carrying out subsection (a) shall be nonreimbursable and nonreturnable under Federal reclamation law.

TITLE XI—MORATORIUM ON CERTAIN TAXES

SEC. 1100. SHORT TITLE.

This title may be cited as the "Internet Tax Freedom Act".

SEC. 1101. MORATORIUM.

(a) MORATORIUM.—No State or political subdivision thereof shall impose any of the following taxes during the period beginning on October 1, 1998, and ending 3 years after the date of the enactment of this Act—

(1) taxes on Internet access, unless such tax was generally imposed and actually enforced prior to October 1, 1998; and

(2) multiple or discriminatory taxes on electronic commerce.

(b) PRESERVATION OF STATE AND LOCAL TAXING AUTHORITY.—Except as provided in this section, nothing in this title shall be construed to modify, impair, or supersede, or authorize the modification, impairment, or superseding of, any State or local law pertaining to taxation that is otherwise permissible by or under the Constitution of the United States or other Federal law and in effect on the date of enactment of this Act.

(c) LIABILITIES AND PENDING CASES.—Nothing in this title affects liability for taxes accrued and enforced before the date of enactment of this Act, nor does this title affect ongoing litigation relating to such taxes.

(d) DEFINITION OF GENERALLY IMPOSED AND ACTUALLY ENFORCED.—For purposes of this section, a tax has been generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

(2) a State or political subdivision thereof generally collected such tax on charges for Internet access.

(e) EXCEPTION TO MORATORIUM.—

(1) IN GENERAL.—Subsection (a) shall also not apply in the case of any person or entity who knowingly and with knowledge of the character of the material, in interstate or foreign commerce by means of the World Wide Web, makes any communication for commercial purposes that is available to any minor and that includes any material that is harmful to minors unless such person or entity has restricted access by minors to material that is harmful to minors—

(A) by requiring use of a credit card, debit account, adult access code, or adult personal identification number;

(B) by accepting a digital certificate that verifies age; or

(C) by any other reasonable measures that are feasible under available technology.

(2) SCOPE OF EXCEPTION.—For purposes of paragraph (1), a person shall not be considered to making a communication for commercial purposes of material to the extent that the person is—

(A) a telecommunications carrier engaged in the provision of a telecommunications service;

(B) a person engaged in the business of providing an Internet access service;

(C) a person engaged in the business of providing an Internet information location tool; or

(D) similarly engaged in the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication made by another person, without selection or alteration of the communication.

(3) DEFINITIONS.—In this subsection:

(A) BY MEANS OF THE WORLD WIDE WEB.—The term "by means of the World Wide Web" means by placement of material in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol, file transfer protocol, or other similar protocols.

(B) COMMERCIAL PURPOSES; ENGAGED IN THE BUSINESS.—

(i) COMMERCIAL PURPOSES.—A person shall be considered to make a communication for commercial purposes only if such person is engaged in the business of making such communications.

(ii) ENGAGED IN THE BUSINESS.—The term "engaged in the business" means that the person who makes a communication, or offers to make a communication, by means of the World Wide Web, that includes any material that is harmful to minors, devotes time, attention, or labor to such activities, as a regular course of such person's trade or business, with the objective of earning a profit as a result of such activities (although it is not necessary that the person make a profit or that the making or offering to make such communications be the person's sole or principal business or source of income). A person may be considered to be engaged in the business of making, by means of the World Wide Web, communications for commercial purposes that include material that is harmful to minors, only if the person knowingly causes the material that is harmful to minors to be posted on the World Wide Web or knowingly solicits such material to be posted on the World Wide Web.

(C) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(D) INTERNET ACCESS SERVICE.—The term "Internet access service" means a service that enables users to access content, information, electronic mail, or other services offered over the Internet and may also include access to proprietary content, information, and other services as part of a package of services offered to consumers. Such term does not include telecommunications services.

(E) INTERNET INFORMATION LOCATION TOOL.—The term "Internet information location tool" means a service that refers or links users to an online location on the World Wide Web. Such term includes directories, indices, references, pointers, and hypertext links.

(F) MATERIAL THAT IS HARMFUL TO MINORS.—The term "material that is harmful to minors" means any communication, picture, image, graphic image file, article, recording, writing, or other matter of any kind that is obscene or that—

(i) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;

(ii) depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and

(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(G) MINOR.—The term "minor" means any person under 17 years of age.

(H) TELECOMMUNICATIONS CARRIER; TELECOMMUNICATIONS SERVICE.—The terms "telecommunications carrier" and "telecommunications service" have the meanings given such terms in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(f) ADDITIONAL EXCEPTION TO MORATORIUM.—

(1) IN GENERAL.—Subsection (a) shall also not apply with respect to an Internet access provider, unless, at the time of entering into an agreement with a customer for the provision of Internet access services, such provider offers such customer (either for a fee or at no charge) screening software that is designed to permit the customer to limit access to material on the Internet that is harmful to minors.

(2) DEFINITIONS.—In this subsection:

(A) INTERNET ACCESS PROVIDER.—The term "Internet access provider" means a person engaged in the business of providing a computer and communications facility through which a customer may obtain access to the Internet, but does not include a common carrier to the extent that it provides only telecommunications services.

(B) INTERNET ACCESS SERVICES.—The term "Internet access services" means the provision of computer and communications services through which a customer using a computer and a modem or other communications device may obtain access to the Internet, but does not include telecommunications services provided by a common carrier.

(C) SCREENING SOFTWARE.—The term "screening software" means software that is designed to permit a person to limit access to material on the Internet that is harmful to minors.

(3) APPLICABILITY.—Paragraph (1) shall apply to agreements for the provision of Internet access services entered into on or after the date that is 6 months after the date of enactment of this Act.

SEC. 1102. ADVISORY COMMISSION ON ELECTRONIC COMMERCE.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the Advisory Commission on Electronic Commerce (in this title referred to as the "Commission"). The Commission shall—

(1) be composed of 19 members appointed in accordance with subsection (b), including the chairperson who shall be selected by the members of the Commission from among themselves; and

(2) conduct its business in accordance with the provisions of this title.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commissioners shall serve for the life of the Commission. The membership of the Commission shall be as follows:

(A) 3 representatives from the Federal Government, comprised of the Secretary of Commerce, the Secretary of the Treasury, and the United States Trade Representative (or their respective delegates).

(B) 8 representatives from State and local governments (one such representative shall be from a State or local government that does not impose a sales tax and one representative shall be from a State that does not impose an income tax).

(C) 8 representatives of the electronic commerce industry (including small business), telecommunications carriers, local retail businesses, and consumer groups, comprised of—

(i) 5 individuals appointed by the Majority Leader of the Senate;

(ii) 3 individuals appointed by the Minority Leader of the Senate;

(iii) 5 individuals appointed by the Speaker of the House of Representatives; and

(iv) 3 individuals appointed by the Minority Leader of the House of Representatives.

(2) APPOINTMENTS.—Appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The chairperson shall be selected not later than 60 days after the date of the enactment of this Act.

(3) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) ACCEPTANCE OF GIFTS AND GRANTS.—The Commission may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Commission. Gifts or grants not used at the expiration of the Commission shall be returned to the donor or grantor.

(d) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, data, and other information from the Department of Justice, the Department of Commerce, the Department of State, the Department of the Treasury, and the Office of the United States Trade Representative. The Commission shall also have reasonable access to use the facilities of any such Department or Office for purposes of conducting meetings.

(e) SUNSET.—The Commission shall terminate 18 months after the date of the enactment of this Act.

(f) RULES OF THE COMMISSION.—

(1) QUORUM.—Nine members of the Commission shall constitute a quorum for conducting the business of the Commission.

(2) MEETINGS.—Any meetings held by the Commission shall be duly noticed at least 14 days in advance and shall be open to the public.

(3) OPPORTUNITIES TO TESTIFY.—The Commission shall provide opportunities for representatives of the general public, taxpayer groups, consumer groups, and State and local government officials to testify.

(4) ADDITIONAL RULES.—The Commission may adopt other rules as needed.

(g) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of Federal, State and local, and international taxation and tariff treatment of transactions using the Internet and Internet access and other comparable intrastate, interstate or international sales activities.

(2) ISSUES TO BE STUDIED.—The Commission may include in the study under subsection (a)—

(A) an examination of—

(i) barriers imposed in foreign markets on United States providers of property, goods, services, or information engaged in electronic commerce and on United States providers of telecommunications services; and

(ii) how the imposition of such barriers will affect United States consumers, the competitiveness of United States citizens providing property, goods, services, or information in foreign markets, and the growth and maturing of the Internet;

(B) an examination of the collection and administration of consumption taxes on electronic commerce in other countries and the United States, and the impact of such collection on the global economy, including an examination of the relationship between the collection and administration of such taxes when the transaction uses the Internet and when it does not;

(C) an examination of the impact of the Internet and Internet access (particularly voice transmission) on the revenue base for taxes imposed under section 4251 of the Internal Revenue Code of 1986;

(D) an examination of model State legislation that—

(i) would provide uniform definitions of categories of property, goods, service, or information subject to or exempt from sales and use taxes; and

(ii) would ensure that Internet access services, online services, and communications and transactions using the Internet, Internet access service, or online services would be treated in a tax and technologically neutral manner relative to other forms of remote sales;

(E) an examination of the effects of taxation, including the absence of taxation, on all interstate sales transactions, including transactions using the Internet, on retail businesses and on State and local governments, which examination may include a review of the efforts of State and local governments to collect sales and use taxes owed on in-State purchases from out-of-State sellers; and

(F) the examination of ways to simplify Federal and State and local taxes imposed on the provision of telecommunications services.

(3) EFFECT ON THE COMMUNICATIONS ACT OF 1934.—Nothing in this section shall include an examination of any fees or charges imposed by the Federal Communications Commission or States related to—

(A) obligations under the Communications Act of 1934 (47 U.S.C. 151 et seq.); or

(B) the implementation of the Telecommunications Act of 1996 (or of amendments made by that Act).

(h) NATIONAL TAX ASSOCIATION COMMUNICATIONS AND ELECTRONIC COMMERCE TAX PROJECT.—The Commission shall, to the extent possible, ensure that its work does not undermine the efforts of the National Tax Association Communications and Electronic Commerce Tax Project.

SEC. 1103. REPORT.

Not later than 18 months after the date of the enactment of this Act, the Commission shall transmit to Congress for its consideration a report reflecting the results, including such legislative recommendations as required to address the findings of the Commission's study under this title. Any recommendation agreed to by the Commission shall be tax and technologically neutral and apply to all forms of remote commerce. No finding or recommendation shall be included in the report unless agreed to by at least two-thirds of the members of the Commission serving at the time the finding or recommendation is made.

SEC. 1104. DEFINITIONS.

For the purposes of this title:

(1) BIT TAX.—The term "bit tax" means any tax on electronic commerce expressly imposed on or measured by the volume of digital information transmitted electronically, or the volume of digital information per unit of time transmitted electronically, but does not include taxes imposed on the provision of telecommunications services.

(2) DISCRIMINATORY TAX.—The term "discriminatory tax" means—

(A) any tax imposed by a State or political subdivision thereof on electronic commerce that—

(i) is not generally imposed and legally collectible by such State or such political subdivision on transactions involving similar property, goods, services, or information accomplished through other means;

(ii) is not generally imposed and legally collectible at the same rate by such State or such political subdivision on transactions involving similar property, goods, services, or information accomplished through other means, unless the rate is lower as part of a phase-out of the tax over not more than a 5-year period;

(iii) imposes an obligation to collect or pay the tax on a different person or entity than in the case of transactions involving similar property, goods, services, or information accomplished through other means;

(iv) establishes a classification of Internet access service providers or online service providers for purposes of establishing a higher tax rate to be imposed on such providers than the tax rate generally applied to providers of similar information services delivered through other means; or

(B) any tax imposed by a State or political subdivision thereof, if—

(i) except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998, the sole ability to access a site on a remote seller's out-of-State computer server is considered a factor in determining a remote seller's tax collection obligation; or

(ii) a provider of Internet access service or online services is deemed to be the agent of a remote seller for determining tax collection obligations solely as a result of—

(I) the display of a remote seller's information or content on the out-of-State computer server of a provider of Internet access service or online services; or

(II) the processing of orders through the out-of-State computer server of a provider of Internet access service or online services.

(3) ELECTRONIC COMMERCE.—The term "electronic commerce" means any transaction conducted over the Internet or through Internet access, comprising the sale, lease, license, offer, or delivery of property, goods, services, or information, whether or not for consideration, and includes the provision of Internet access.

(4) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(5) INTERNET ACCESS.—The term "Internet access" means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users. Such term does not include telecommunications services.

(6) MULTIPLE TAX.—

(A) IN GENERAL.—The term "multiple tax" means any tax that is imposed by one State or political subdivision thereof on the same or essentially the same electronic commerce that is also subject to another tax imposed by another State or political subdivision thereof (whether or not at the same rate or on the same basis), without a credit (for example, a resale exemption certificate) for taxes paid in other jurisdictions.

(B) EXCEPTION.—Such term shall not include a sales or use tax imposed by a State and 1 or more political subdivisions thereof on the same electronic commerce or a tax on persons engaged in electronic commerce which also may have been subject to a sales or use tax thereon.

(C) SALES OR USE TAX.—For purposes of subparagraph (B), the term "sales or use tax" means a tax that is imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property or services as may be defined by laws imposing such tax and which is measured by the amount of the sales price or other charge for such property or service.

(7) STATE.—The term "State" means any of the several States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

(8) TAX.—

(A) IN GENERAL.—The term "tax" means—

(i) any charge imposed by any governmental entity for the purpose of generating revenues for governmental purposes, and is not a fee imposed for a specific privilege, service, or benefit conferred; or

(ii) the imposition on a seller of an obligation to collect and to remit to a governmental entity any sales or use tax imposed on a buyer by a governmental entity.

(B) EXCEPTION.—Such term does not include any franchise fee or similar fee imposed by a State or local franchising authority, pursuant to section 622 or 653 of the Communications Act of 1934 (47 U.S.C. 542, 573), or any other fee related to obligations or telecommunications carriers under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(9) TELECOMMUNICATIONS SERVICE.—The term "telecommunications service" has the meaning given such term in section 3(46) of the Communications Act of 1934 (47 U.S.C. 153(46)) and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986).

(10) TAX ON INTERNET ACCESS.—The term "tax on Internet access" means a tax on Internet access, including the enforcement or application of any new or preexisting tax on the sale or use of Internet services unless such tax was generally imposed and actually enforced prior to October 1, 1998.

TITLE XII—OTHER PROVISIONS

SEC. 1201. DECLARATION THAT INTERNET SHOULD BE FREE OF NEW FEDERAL TAXES.

It is the sense of Congress that no new Federal taxes similar to the taxes described in section 1101(a) should be enacted with respect to the Internet and Internet access during the moratorium provided in such section.

SEC. 1202. NATIONAL TRADE ESTIMATE.

Section 181 of the Trade Act of 1974 (19 U.S.C. 2241) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)—

(i) by striking "and" at the end of clause (i);

(ii) by inserting "and" at the end of clause (ii); and

(iii) by inserting after clause (ii) the following new clause:

"(iii) United States electronic commerce,"; and

(B) in subparagraph (C)—

(i) by striking "and" at the end of clause (i);

(ii) by inserting "and" at the end of clause (ii);

(iii) by inserting after clause (ii) the following new clause:

"(iii) the value of additional United States electronic commerce,"; and

(iv) by inserting "or transacted with," after "or invested in";

(2) in subsection (a)(2)(E)—

(A) by striking "and" at the end of clause (i);

(B) by inserting "and" at the end of clause (ii); and

(C) by inserting after clause (ii) the following new clause:

"(iii) the value of electronic commerce transacted with,"; and

(3) by adding at the end the following new subsection:

"(d) ELECTRONIC COMMERCE.—For purposes of this section, the term 'electronic commerce' has the meaning given that term in section 1104(3) of the Internet Tax Freedom Act.".

SEC. 1203. DECLARATION THAT THE INTERNET SHOULD BE FREE OF FOREIGN TARIFFS, TRADE BARRIERS, AND OTHER RESTRICTIONS.

(a) IN GENERAL.—It is the sense of Congress that the President should seek bilateral, regional, and multilateral agreements to remove barriers to global electronic commerce through the World Trade Organization, the Organization for Economic Cooperation and Development, the Trans-Atlantic Economic Partnership, the Asia Pacific Economic Cooperation forum, the Free Trade Area of the America, the North American Free Trade Agreement, and other appropriate venues.

(b) NEGOTIATING OBJECTIVES.—The negotiating objectives of the United States shall be—

(1) to assure that electronic commerce is free from—

(A) tariff and nontariff barriers;

(B) burdensome and discriminatory regulation and standards; and

(C) discriminatory taxation; and

(2) to accelerate the growth of electronic commerce by expanding market access opportunities for—

(A) the development of telecommunications infrastructure;

(B) the procurement of telecommunications equipment;

(C) the provision of Internet access and telecommunications services; and

(D) the exchange of goods, services, and digitalized information.

(c) ELECTRONIC COMMERCE.—For purposes of this section, the term "electronic commerce" has the meaning given that term in section 1104(3).

SEC. 1204. NO EXPANSION OF TAX AUTHORITY.

Nothing in this title shall be construed to expand the duty of any person to collect or pay taxes beyond that which existed immediately before the date of the enactment of this Act.

SEC. 1205. PRESERVATION OF AUTHORITY.

Nothing in this title shall limit or otherwise affect the implementation of the Telecommunications Act of 1996 (Public Law 104–104) or the amendments made by such Act.

SEC. 1206. SEVERABILITY.

If any provision of this title, or any amendment made by this title, or the application of that provision to any person or circumstance, is held by a court of competent jurisdiction to violate any provision of the Constitution of the United States, then the other provisions of that title, and the application of that provision to other persons and circumstances, shall not be affected.

TITLE XIII—CHILDREN'S ONLINE PRIVACY PROTECTION

SEC. 1301. SHORT TITLE.

This title may be cited as the "Children's Online Privacy Protection Act of 1998".

SEC. 1302. DEFINITIONS.

In this title:

(1) CHILD.—The term "child" means an individual under the age of 13.

(2) OPERATOR.—The term "operator"—

(A) means any person who operates a website located on the Internet or an online service and who collects or maintains personal information from or about the users of or visitors to such website or online service, or on whose behalf such information is collected or maintained, where such website or online service is operated for commercial purposes, including any person offering products or services for sale through that website or online service, involving commerce—

(i) among the several States or with 1 or more foreign nations;

(ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

(I) another such territory; or

(II) any State or foreign nation; or

(iii) between the District of Columbia and any State, territory, or foreign nation; but

(B) does not include any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(4) DISCLOSURE.—The term "disclosure" means, with respect to personal information—

(A) the release of personal information collected from a child in identifiable form by an operator for any purpose, except where such information is provided to a person other than the operator who provides support for the internal operations of the website and does not disclose or use that information for any other purpose; and

(B) making personal information collected from a child by a website or online service directed to children or with actual knowledge that such information was collected from a child, publicly available in identifiable form, by any means including by a public posting, through the Internet, or through—

(i) a home page of a website;

(ii) a pen pal service;

(iii) an electronic mail service;

(iv) a message board; or

(v) a chat room.

(5) FEDERAL AGENCY.—The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(6) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(7) PARENT.—The term "parent" includes a legal guardian.

(8) PERSONAL INFORMATION.—The term "personal information" means individually identifiable information about an individual collected online, including—

(A) a first and last name;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a Social Security number;

(F) any other identifier that the Commission determines permits the physical or online contacting of a specific individual; or

(G) information concerning the child or the parents of that child that the website collects online from the child and combines with an identifier described in this paragraph.

(9) VERIFIABLE PARENTAL CONSENT.—The term "verifiable parental consent" means any reasonable effort (taking into consideration available technology), including a request for authorization for future collection, use, and disclosure described in the notice, to ensure that a parent of a child receives notice of the operator's personal information collection, use, and disclosure practices, and authorizes the collection, use, and disclosure, as applicable, of personal information and the subsequent use of that information before that information is collected from that child.

(10) WEBSITE OR ONLINE SERVICE DIRECTED TO CHILDREN.—

(A) IN GENERAL.—The term "website or online service directed to children" means—

(i) a commercial website or online service that is targeted to children; or

(ii) that portion of a commercial website or online service that is targeted to children.

(B) LIMITATION.—A commercial website or online service, or a portion of a commercial website or online service, shall not be deemed directed to children solely for referring or linking to a commercial website or online service directed to children by using information location tools, including a directory, index, reference, pointer, or hypertext link.

(11) PERSON.—The term "person" means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity.

(12) ONLINE CONTACT INFORMATION.—The term "online contact information" means an e-mail address or another substantially similar identifier that permits direct contact with a person online.

SEC. 1303. REGULATION OF UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN CONNECTION WITH THE COLLECTION AND USE OF PERSONAL INFORMATION FROM AND ABOUT CHILDREN ON THE INTERNET.

(a) ACTS PROHIBITED.—

(1) IN GENERAL.—It is unlawful for an operator of a website or online service directed to children, or any operator that has actual knowledge that it is collecting personal information from a child, to collect personal information from a child in a manner that violates the regulations prescribed under subsection (b).

(2) DISCLOSURE TO PARENT PROTECTED.—Notwithstanding paragraph (1), neither an operator of such a website or online service nor the operator's agent shall be held to be liable under any Federal or State law for any disclosure made in good faith and following reasonable procedures in responding to a request for disclosure of personal information under subsection (b)(1)(B)(iii) to the parent of a child.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate under section 553 of title 5, United States Code, regulations that—

(A) require the operator of any website or online service directed to children that collects personal information from children or the operator of a website or online service that has actual knowledge that it is collecting personal information from a child—

(i) to provide notice on the website of what information is collected from children by the operator, how the operator uses such information, and the operator's disclosure practices for such information; and

(ii) to obtain verifiable parental consent for the collection, use, or disclosure of personal information from children;

(B) require the operator to provide, upon request of a parent under this subparagraph whose child has provided personal information to that website or online service, upon proper identification of that parent, to such parent—

(i) a description of the specific types of personal information collected from the child by that operator;

(ii) the opportunity at any time to refuse to permit the operator's further use or maintenance in retrievable form, or future online collection, of personal information from that child; and

(iii) notwithstanding any other provision of law, a means that is reasonable under the circumstances for the parent to obtain any personal information collected from that child;

(C) prohibit conditioning a child's participation in a game, the offering of a prize, or another activity on the child disclosing more personal information than is reasonably necessary to participate in such activity; and

(D) require the operator of such a website or online service to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children.

(2) WHEN CONSENT NOT REQUIRED.—The regulations shall provide that verifiable parental consent under paragraph (1)(A)(ii) is not required in the case of—

(A) online contact information collected from a child that is used only to respond directly on a one-time basis to a specific request from the child and is not used to recontact the child and is not maintained in retrievable form by the operator;

(B) a request for the name or online contact information of a parent or child that is used for the sole purpose of obtaining parental consent or providing notice under this section and where such information is not maintained in retrievable form by the operator if parental consent is not obtained after a reasonable time;

(C) online contact information collected from a child that is used only to respond more than once directly to a specific request from the child and is not used to recontact the child beyond the scope of that request—

(i) if, before any additional response after the initial response to the child, the operator uses reasonable efforts to provide a parent notice of the online contact information collected from the child, the purposes for which it is to be used, and an opportunity for the parent to request that the operator make no further use of the information and that it not be maintained in retrievable form; or

(ii) without notice to the parent in such circumstances as the Commission may determine are appropriate, taking into consideration the benefits to the child of access to information and services, and risks to the security and privacy of the child, in regulations promulgated under this subsection;

(D) the name of the child and online contact information (to the extent reasonably necessary to protect the safety of a child participant on the site)—

(i) used only for the purpose of protecting such safety;

(ii) not used to recontact the child or for any other purpose; and

(iii) not disclosed on the site,

if the operator uses reasonable efforts to provide a parent notice of the name and online contact information collected from the child, the purposes for which it is to be used, and an opportunity for the parent to request that the operator make no further use of the information and that it not be maintained in retrievable form; or

(E) the collection, use, or dissemination of such information by the operator of such a website or online service necessary—

(i) to protect the security or integrity of its website;

(ii) to take precautions against liability;

(iii) to respond to judicial process; or

(iv) to the extent permitted under other provisions of law, to provide information to law enforcement agencies or for an investigation on a matter related to public safety.

(3) Termination of Service.—The regulations shall permit the operator of a website or an online service to terminate service provided to a child whose parent has refused, under the regulations prescribed under paragraph (1)(B)(ii), to permit the operator's further use or maintenance in retrievable form, or future online collection, of personal information from that child.

(c) Enforcement.—Subject to sections 1304 and 1306, a violation of a regulation prescribed under subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(d) Inconsistent State Law.—No State or local government may impose any liability for commercial activities or actions by operators in interstate or foreign commerce in connection with an activity or action described in this title that is inconsistent with the treatment of those activities or actions under this section.

SEC. 1304. SAFE HARBORS.

(a) Guidelines.—An operator may satisfy the requirements of regulations issued under section 1303(b) by following a set of self-regulatory guidelines, issued by representatives of the marketing or online industries, or by other persons, approved under subsection (b).

(b) Incentives.—

(1) Self-regulatory incentives.—In prescribing regulations under section 1303, the Commission shall provide incentives for self-regulation by operators to implement the protections afforded children under the regulatory requirements described in subsection (b) of that section.

(2) Deemed compliance.—Such incentives shall include provisions for ensuring that a person will be deemed to be in compliance with the requirements of the regulations under section 1303 if that person complies with guidelines that, after notice and comment, are approved by the Commission upon making a determination that the guidelines meet the requirements of the regulations issued under section 1303.

(3) Expedited response to requests.—The Commission shall act upon requests for safe harbor treatment within 180 days of the filing of the request, and shall set forth in writing its conclusions with regard to such requests.

(c) Appeals.—Final action by the Commission on a request for approval of guidelines, or the failure to act within 180 days on a request for approval of guidelines, submitted under subsection (b) may be appealed to a district court of the United States of appropriate jurisdiction as provided for in section 706 of title 5, United States Code.

SEC. 1305. ACTIONS BY STATES.

(a) In General.—

(1) Civil actions.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that violates any regulation of the Commission prescribed under section 1303(b), the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with the regulation;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) Notice.—

(A) In general.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) Exemption.—

(i) In general.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) Notification.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) Intervention.—

(1) In general.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) Effect of intervention.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(3) Amicus curiae.—Upon application to the court, a person whose self-regulatory guidelines have been approved by the Commission and are relied upon as a defense by any defendant to a proceeding under this section may file amicus curiae in that proceeding.

(c) Construction.—For purposes of bringing any civil action under subsection (a), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) Actions by the Commission.—In any case in which an action is instituted by or on behalf of the Commission for violation of any regulation prescribed under section 1303, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that regulation.

(e) Venue; Service of Process.—

(1) Venue.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) Service of process.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 1306. ADMINISTRATION AND APPLICABILITY OF ACT.

(a) In General.—Except as otherwise provided, this title shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(b) Provisions.—Compliance with the requirements imposed under this title shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act (12 U.S.C. 601 et seq. and 611 et seq.), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration Board with respect to any Federal credit union;

(4) part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(5) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act; and

(6) the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.

(c) Exercise of Certain Powers.—For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title, any other authority conferred on it by law.

(d) Actions by the Commission.—The Commission shall prevent any person from violating a rule of the Commission under section 1303 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title. Any entity that violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal

Trade Commission Act were incorporated into and made a part of this title.

(e) EFFECT ON OTHER LAWS.—Nothing contained in the Act shall be construed to limit the authority of the Commission under any other provisions of law.

SEC. 1307. REVIEW.

Not later than 5 years after the effective date of the regulations initially issued under section 1303, the Commission shall—

(1) review the implementation of this title, including the effect of the implementation of this title on practices relating to the collection and disclosure of information relating to children, children's ability to obtain access to information of their choice online, and on the availability of websites directed to children; and

(2) prepare and submit to Congress a report on the results of the review under paragraph (1).

SEC. 1308. EFFECTIVE DATE.

Sections 1303(a), 1305, and 1306 of this title take effect on the later of—

(1) the date that is 18 months after the date of enactment of this Act; or

(2) the date on which the Commission rules on the first application filed for safe harbor treatment under section 1304 if the Commission does not rule on the first such application within one year after the date of enactment of this Act, but in no case later than the date that is 30 months after the date of enactment of this Act.

TITLE XIV—CHILD ONLINE PROTECTION

SEC. 1401. SHORT TITLE.

This title may be cited as the "Child Online Protection Act".

SEC. 1402. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) while custody, care, and nurture of the child resides first with the parent, the widespread availability of the Internet presents opportunities for minors to access materials through the World Wide Web in a manner that can frustrate parental supervision or control;

(2) the protection of the physical and psychological well-being of minors by shielding them from materials that are harmful to them is a compelling governmental interest;

(3) to date, while the industry has developed innovative ways to help parents and educators restrict material that is harmful to minors through parental control protections and self-regulation, such efforts have not provided a national solution to the problem of minors accessing harmful material on the World Wide Web;

(4) a prohibition on the distribution of material harmful to minors, combined with legitimate defenses, is currently the most effective and least restrictive means by which to satisfy the compelling government interest; and

(5) notwithstanding the existence of protections that limit the distribution over the World Wide Web of material that is harmful to minors, parents, educators, and industry must continue efforts to find ways to protect children from being exposed to harmful material found on the Internet.

SEC. 1403. REQUIREMENT TO RESTRICT ACCESS BY MINORS TO MATERIALS COMMERCIALLY DISTRIBUTED BY MEANS OF THE WORLD WIDE WEB THAT ARE HARMFUL TO MINORS.

Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. 231. RESTRICTION OF ACCESS BY MINORS TO MATERIALS COMMERCIALLY DISTRIBUTED BY MEANS OF WORLD WIDE WEB THAT ARE HARMFUL TO MINORS.

"(a) REQUIREMENT TO RESTRICT ACCESS.—

"(1) PROHIBITED CONDUCT.—Whoever knowingly and with knowledge of the character of the material, in interstate or foreign commerce by means of the World Wide Web, makes any communication for commercial purposes that is available to any minor and that includes any material that is harmful to minors shall be fined not more than $50,000, imprisoned not more than 6 months, or both.

"(2) INTENTIONAL VIOLATIONS.—In addition to the penalties under paragraph (1), whoever intentionally violates such paragraph shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(3) CIVIL PENALTY.—In addition to the penalties under paragraphs (1) and (2), whoever violates paragraph (1) shall be subject to a civil penalty of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(b) INAPPLICABILITY OF CARRIERS AND OTHER SERVICE PROVIDERS.—For purposes of subsection (a), a person shall not be considered to make any communication for commercial purposes to the extent that such person is—

"(1) a telecommunications carrier engaged in the provision of a telecommunications service;

"(2) a person engaged in the business of providing an Internet access service;

"(3) a person engaged in the business of providing an Internet information location tool; or

"(4) similarly engaged in the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication made by another person, without selection or alteration of the content of the communication, except that such person's deletion of a particular communication or material made by another person in a manner consistent with subsection (c) or section 230 shall not constitute such selection or alteration of the content of the communication.

"(c) AFFIRMATIVE DEFENSE.—

"(1) DEFENSE.—It is an affirmative defense to prosecution under this section that the defendant, in good faith, has restricted access by minors to material that is harmful to minors—

"(A) by requiring use of a credit card, debit account, adult access code, or adult personal identification number;

"(B) by accepting a digital certificate that verifies age; or

"(C) by any other reasonable measures that are feasible under available technology.

"(2) PROTECTION FOR USE OF DEFENSES.—No cause of action may be brought in any court or administrative agency against any person on account of any activity that is not in violation of any law punishable by criminal or civil penalty, and that the person has taken in good faith to implement a defense authorized under this subsection or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(d) PRIVACY PROTECTION REQUIREMENTS.—

"(1) DISCLOSURE OF INFORMATION LIMITED.—A person making a communication described in subsection (a)—

"(A) shall not disclose any information collected for the purposes of restricting access to such communications to individuals 17 years of age or older without the prior written or electronic consent of—

"(i) the individual concerned, if the individual is an adult; or

"(ii) the individual's parent or guardian, if the individual is under 17 years of age; and

"(B) shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the person making such communication and the recipient of such communication.

"(2) EXCEPTIONS.—A person making a communication described in subsection (a) may disclose such information if the disclosure is—

"(A) necessary to make the communication or conduct a legitimate business activity related to making the communication; or

"(B) made pursuant to a court order authorizing such disclosure.

"(e) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(1) BY MEANS OF THE WORLD WIDE WEB.—The term 'by means of the World Wide Web' means by placement of material in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol or any successor protocol.

"(2) COMMERCIAL PURPOSES; ENGAGED IN THE BUSINESS.—

"(A) COMMERCIAL PURPOSES.—A person shall be considered to make a communication for commercial purposes only if such person is engaged in the business of making such communications.

"(B) ENGAGED IN THE BUSINESS.—The term 'engaged in the business' means that the person who makes a communication, or offers to make a communication, by means of the World Wide Web, that includes any material that is harmful to minors, devotes time, attention, or labor to such activities, as a regular course of such person's trade or business, with the objective of earning a profit as a result of such activities (although it is not necessary that the person make a profit or that the making or offering to make such communications be the person's sole or principal business or source of income). A person may be considered to be engaged in the business of making, by means of the World Wide Web, communications for commercial purposes that include material that is harmful to minors, only if the person knowingly causes the material that is harmful to minors to be posted on the World Wide Web or knowingly solicits such material to be posted on the World Wide Web.

"(3) INTERNET.—The term 'Internet' means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

"(4) INTERNET ACCESS SERVICE.—The term 'Internet access service' means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to consumers. Such term does not include telecommunications services.

"(5) INTERNET INFORMATION LOCATION TOOL.—The term 'Internet information location tool' means a service that refers or links users to an online location on the World Wide Web. Such term includes directories, indices, references, pointers, and hypertext links.

"(6) MATERIAL THAT IS HARMFUL TO MINORS.—The term 'material that is harmful to minors' means any communication, picture, image, graphic image file, article, recording, writing, or other matter of any kind that is obscene or that—

"(A) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;

"(B) depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and

"(C) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

"(7) MINOR.—The term 'minor' means any person under 17 years of age.".

SEC. 1404. NOTICE REQUIREMENT.

(a) NOTICE.—Section 230 of the Communications Act of 1934 (47 U.S.C. 230) is amended—

(1) in subsection (d)(1), by inserting "or 231" after "section 223";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

"(d) OBLIGATIONS OF INTERACTIVE COMPUTER SERVICE.—A provider of interactive computer service shall, at the time of entering an agreement with a customer for the provision of interactive computer service and in a manner deemed appropriate by the provider, notify such customer that parental control protections (such as computer hardware, software, or filtering services) are commercially available that may assist the customer in limiting access to material that is harmful to minors. Such notice shall identify, or provide the customer with access to information identifying, current providers of such protections.".

(b) CONFORMING AMENDMENT.—Section 223(h)(2) of the Communications Act of 1934 (47 U.S.C. 223(h)(2)) is amended by striking "230(e)(2)" and inserting "230(f)(2)".

SEC. 1405. STUDY BY COMMISSION ON ONLINE CHILD PROTECTION.

(a) ESTABLISHMENT.—There is hereby established a temporary Commission to be known as the Commission on Online Child Protection (in this section referred to as the "Commission") for the purpose of conducting a study under this section regarding methods to help reduce access by minors to material that is harmful to minors on the Internet.

(b) MEMBERSHIP.—The Commission shall be composed of 19 members, as follows:

(1) INDUSTRY MEMBERS.—The Commission shall include—

(A) 2 members who are engaged in the business of providing Internet filtering or blocking services or software;

(B) 2 members who are engaged in the business of providing Internet access services;

(C) 2 members who are engaged in the business of providing labeling or ratings services;

(D) 2 members who are engaged in the business of providing Internet portal or search services;

(E) 2 members who are engaged in the business of providing domain name registration services;

(F) 2 members who are academic experts in the field of technology; and

(G) 4 members who are engaged in the business of making content available over the Internet.

Of the members of the Commission by reason of each subparagraph of this paragraph, an equal number shall be appointed by the Speaker of the House of Representatives and by the Majority Leader of the Senate.

(2) EX OFFICIO MEMBERS.—The Commission shall include the following officials:

(A) The Assistant Secretary (or the Assistant Secretary's designee).

(B) The Attorney General (or the Attorney General's designee).

(C) The Chairman of the Federal Trade Commission (or the Chairman's designee).

(c) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a study to identify technological or other methods that—

(A) will help reduce access by minors to material that is harmful to minors on the Internet; and

(B) may meet the requirements for use as affirmative defenses for purposes of section 231(c) of the Communications Act of 1934 (as added by this title).

Any methods so identified shall be used as the basis for making legislative recommendations to the Congress under subsection (d)(3).

(2) SPECIFIC METHODS.—In carrying out the study, the Commission shall identify and analyze various technological tools and methods for protecting minors from material that is harmful to minors, which shall include (without limitation)—

(A) a common resource for parents to use to help protect minors (such as a "one-click-away" resource);

(B) filtering or blocking software or services;

(C) labeling or rating systems;

(D) age verification systems;

(E) the establishment of a domain name for posting of any material that is harmful to minors; and

(F) any other existing or proposed technologies or methods for reducing access by minors to such material.

(3) ANALYSIS.—In analyzing technologies and other methods identified pursuant to paragraph (2), the Commission shall examine—

(A) the cost of such technologies and methods;

(B) the effects of such technologies and methods on law enforcement entities;

(C) the effects of such technologies and methods on privacy;

(D) the extent to which material that is harmful to minors is globally distributed and the effect of such technologies and methods on such distribution;

(E) the accessibility of such technologies and methods to parents; and

(F) such other factors and issues as the Commission considers relevant and appropriate.

(d) REPORT.—Not later than 1 year after the enactment of this Act, the Commission shall submit a report to the Congress containing the results of the study under this section, which shall include—

(1) a description of the technologies and methods identified by the study and the results of the analysis of each such technology and method;

(2) the conclusions and recommendations of the Commission regarding each such technology or method;

(3) recommendations for legislative or administrative actions to implement the conclusions of the committee; and

(4) a description of the technologies or methods identified by the study that may meet the requirements for use as affirmative defenses for purposes of section 231(c) of the Communications Act of 1934 (as added by this title).

(e) STAFF AND RESOURCES.—The Assistant Secretary for Communication and Information of the Department of Commerce shall provide to the Commission such staff and resources as the Assistant Secretary determines necessary for the Commission to perform its duty efficiently and in accordance with this section.

(f) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (d).

(g) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 1406. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 30 days after the date of enactment of this Act.

TITLE XV—VACCINE INJURY COMPENSATION PROGRAM MODIFICATION ACT

SECTION 1501. SHORT TITLE.

This title may be cited as the "Vaccine Injury Compensation Program Modification Act".

SEC. 1502. ELIMINATION OF THRESHOLD REQUIREMENT OF UNREIMBURSABLE EXPENSES.

Section 2111(c)(1)(D)(i) of the Public Health Service Act (42 U.S.C. 300aa–11(c)(1)(D)(i)) is amended by striking "and incurred unreimbursable expenses due in whole or in part to such illness, disability, injury, or condition in an amount greater than $1,000".

SEC. 1503. INCLUSION OF ROTAVIRUS GASTROENTERITIS AS A TAXABLE VACCINE.

(a) IN GENERAL.—Section 4132(1) of the Internal Revenue Code of 1986 (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

"(K) Any vaccine against rotavirus gastroenteritis.".

(b) EFFECTIVE DATE.—

(1) SALES.—The amendment made by this section shall apply to sales after the date of the enactment of this Act.

(2) DELIVERIES.—For purposes of paragraph (1), in the case of sales on or before the date of the enactment of this Act for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 1504. VACCINE INJURY COMPENSATION TRUST FUND.

(a) AMENDMENTS RELATED TO SECTION 904 OF 1997 ACT.—

(1) Paragraph (1) of section 9510(c) of the 1986 Code is amended to read as follows:

"(1) IN GENERAL.—Amounts in the Vaccine Injury Compensation Trust Fund shall be available, as provided in appropriation Acts, only for—

"(A) the payment of compensation under subtitle 2 of title XXI of the Public Health Service Act (as in effect on August 6, 1997) for vaccine-related injury or death with respect to any vaccine—

"(i) which is administered after September 30, 1988, and

"(ii) which is a taxable vaccine (as defined in section 4132(a)(1)) at the time the vaccine was administered, or

"(B) the payment of all expenses of administration incurred by the Federal Government in administering such subtitle.".

(2) Section 9510(b) of the 1986 Code is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON TRANSFERS TO VACCINE INJURY COMPENSATION TRUST FUND.—No amount may be appropriated to the Vaccine Injury Compensation Trust Fund on and after the date of any expenditure from the Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

TITLE XVI—SERVICE CONNECTION FOR PERSIAN GULF WAR ILLNESSES

SEC. 1601. SHORT TITLE.

This title may be cited as the "Persian Gulf War Veterans Act of 1998".

SEC. 1602. PRESUMPTION OF SERVICE CONNECTION FOR ILLNESSES ASSOCIATED WITH SERVICE IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—(1) Subchapter II of chapter 11 of title 38, United States Code, is amended by adding at the end the following:

"§ 1118. Presumptions of service connection for illnesses associated with service in the Persian Gulf during the Persian Gulf War

"(a)(1) For purposes of section 1110 of this title, and subject to section 1113 of this title, each illness, if any, described in paragraph (2) shall be considered to have been incurred in or aggravated by service referred to in that paragraph, notwithstanding that there is no record *of evidence of such illness during the period of such service.*

"(2) An illness referred to in paragraph (1) is any diagnosed or undiagnosed illness that—

"(A) the Secretary determines in regulations prescribed under this section to warrant a presumption of service connection by reason of having a positive association with exposure to a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; and

"(B) becomes manifest within the period, if any, prescribed in such regulations in a veteran who served on active duty in that theater of operations during that war and by reason of such service was exposed to such agent, hazard, or medicine or vaccine.

"(3) For purposes of this subsection, a veteran who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War and has an illness described in paragraph (2) shall be presumed to have been exposed by reason of such service to the agent, hazard, or medicine or vaccine associated with the illness in the regulations prescribed under this section unless there is conclusive evidence to establish that the veteran was not exposed to the agent, hazard, or medicine or vaccine by reason of such service.

"(b)(1)(A) Whenever the Secretary makes a determination described in subparagraph (B), the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for the illness covered by that determination for purposes of this section.

"(B) A determination referred to in subparagraph (A) is a determination based on sound medical and scientific evidence that a positive association exists between—

"(i) the exposure of humans or animals to a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine known or presumed to be associated with service in the Southwest Asia theater of operations during the Persian Gulf War; and

"(ii) the occurrence of a diagnosed or undiagnosed illness in humans or animals.

"(2)(A) In making determinations for purposes of paragraph (1), the Secretary shall take into account—

"(i) the reports submitted to the Secretary by the National Academy of Sciences under section 1603 of the Persian Gulf War Veterans Act of 1998; and

"(ii) all other sound medical and scientific information and analyses available to the Secretary.

"(B) In evaluating any report, information, or analysis for purposes of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

"(3) An association between the occurrence of an illness in humans or animals and exposure to an agent, hazard, or medicine or vaccine shall be considered to be positive for purposes of this subsection if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

"(c)(1) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 1603 of the Persian Gulf War Veterans Act of 1998, the Secretary shall determine whether or not a presumption of service connection is warranted for each illness, if any, covered by the report.

"(2) If the Secretary determines under this subsection that a presumption of service connection is warranted, the Secretary shall, not later than 60 days after making the determination, issue proposed regulations setting forth the Secretary's determination.

"(3)(A) If the Secretary determines under this subsection that a presumption of service connection is not warranted, the Secretary shall, not later than 60 days after making the determination, publish in the Federal Register a notice of the determination. The notice shall include an explanation of the scientific basis for the determination.

"(B) If an illness already presumed to be service connected under this section is subject to a determination under subparagraph (A), the Secretary shall, not later than 60 days after publication of the notice under that subparagraph, issue proposed regulations removing the presumption of service connection for the illness.

"(4) Not later than 90 days after the date on which the Secretary issues any proposed regulations under this subsection, the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

"(d) Whenever the presumption of service connection for an illness under this section is removed under subsection (c)—

"(1) a veteran who was awarded compensation for the illness on the basis of the presumption before the effective date of the removal of the presumption shall continue to be entitled to receive compensation on that basis; and

"(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the illness on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

"(e) Subsections (b) through (d) shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 1603 of the Persian Gulf War Veterans Act of 1998.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1117 the following new item:

"1118. Presumptions of service connection for
illnesses associated with service in
the Persian Gulf during the Persian Gulf War.".

(b) CONFORMING AMENDMENTS.—Section 1113 of title 38, United States Code, is amended—

(1) by striking out "or 1117" each place it appears and inserting in lieu thereof "1117, or 1118"; and

(2) in subsection (a), by striking out "or 1116" and inserting in lieu thereof ", 1116, or 1118".

(c) COMPENSATION FOR UNDIAGNOSED GULF WAR ILLNESSES.—Section 1117 of title 38, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Whenever the Secretary determines under section 1118(c) of this title that a presumption of service connection for an undiagnosed illness (or combination of undiagnosed illnesses) previously established under this section is no longer warranted—

"(A) a veteran who was awarded compensation under this section for such illness (or combination of illnesses) on the basis of the presumption shall continue to be entitled to receive compensation under this section on that basis; and

"(B) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the disease on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

"(2) This subsection shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 1603 of the Persian Gulf War Veterans Act of 1998.".

SEC. 1603. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise, to review and evaluate the available scientific evidence regarding associations between illnesses and exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Gulf War service.

(b) AGREEMENT.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the activities covered by this section. The Secretary shall seek to enter into the agreement not later than two months after the date of enactment of this Act.

(c) IDENTIFICATION OF AGENTS AND ILLNESSES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall—

(A) identify the biological, chemical, or other toxic agents, environmental or wartime hazards, or preventive medicines or vaccines to which members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War may have been exposed by reason of such service; and

(B) identify the illnesses (including diagnosed illnesses and undiagnosed illnesses) that are manifest in such members.

(2) In identifying illnesses under paragraph (1)(B), the Academy shall review and summarize the relevant scientific evidence regarding illnesses among the members described in paragraph (1)(A) and among other appropriate populations of individuals, including mortality, symptoms, and adverse reproductive health outcomes among such members and individuals.

(d) INITIAL CONSIDERATION OF SPECIFIC AGENTS.—(1) In identifying under subsection (c) the agents, hazards, or preventive medicines or vaccines to which members of the Armed Forces may have been exposed for purposes of the first report under subsection (i), the National Academy of Sciences shall consider, within the first six months after the date of enactment of this Act, the following:

(A) The following organophosphorous pesticides:

(i) Chlorpyrifos.
(ii) Diazinon.
(iii) Dichlorvos.
(iv) Malathion.

(B) The following carbamate pesticides:

(i) Proxpur.
(ii) Carbaryl.
(iii) Methomyl.

(C) The carbamate pyridostigmine bromide used as nerve agent prophylaxis.

(D) The following chlorinated hydrocarbon and other pesticides and repellents:

(i) Lindane.
(ii) Pyrethrins.
(iii) Permethrins.
(iv) Rodenticides (bait).
(v) Repellent (DEET).

(E) The following low-level nerve agents and precursor compounds at exposure levels below those which produce immediately apparent incapacitating symptoms:

(i) Sarin.
(ii) Tabun.

(F) The following synthetic chemical compounds:

(i) Mustard agents at levels below those which cause immediate blistering.

(ii) Volatile organic compounds.

(iii) Hydrazine.

(iv) Red fuming nitric acid.

(v) Solvents.

(vi) Uranium.

(G) The following ionizing radiation:

(i) Depleted uranium.

(ii) Microwave radiation.

(iii) Radio frequency radiation.

(H) The following environmental particulates and pollutants:

(i) Hydrogen sulfide.

(ii) Oil fire byproducts.

(iii) Diesel heater fumes.

(iv) Sand micro-particles.

(I) Diseases endemic to the region (including the following):

(i) Leishmaniasis.

(ii) Sandfly fever.

(iii) Pathogenic escherechia coli.

(iv) Shigellosis.

(J) Time compressed administration of multiple live, 'attenuated', and toxoid vaccines.

(2) The consideration of agents, hazards, and medicines and vaccines under paragraph (1) shall not preclude the Academy from identifying other agents, hazards, or medicines or vaccines to which members of the Armed Forces may have been exposed for purposes of any report under subsection (i).

(3) Not later than six months after the date of enactment of this Act, the Academy shall submit to the designated congressional committees a report specifying the agents, hazards, and medicines and vaccines considered under paragraph (1).

(e) DETERMINATIONS OF ASSOCIATIONS BETWEEN AGENTS AND ILLNESSES.—(1) For each agent, hazard, or medicine or vaccine and illness identified under subsection (c), the National Academy of Sciences shall determine, to the extent that available scientific data permit meaningful determinations—

(A) whether a statistical association exists between exposure to the agent, hazard, or medicine or vaccine and the illness, taking into account the strength of the scientific evidence and the appropriateness of the scientific methodology used to detect the association;

(B) the increased risk of the illness among human or animal populations exposed to the agent, hazard, or medicine or vaccine; and

(C) whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the agent, hazard, or medicine or vaccine and the illness.

(2) The Academy shall include in its reports under subsection (i) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(f) REVIEW OF POTENTIAL TREATMENT MODELS FOR CERTAIN ILLNESSES.—Under the agreement under subsection (b), the National Academy of Sciences shall separately review, for each chronic undiagnosed illness identified under subsection (c)(1)(B) and for any other chronic illness that the Academy determines to warrant such review, the available scientific data in order to identify empirically valid models of treatment for such illnesses which employ successful treatment modalities for populations with similar symptoms.

(g) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall make any recommendations that it considers appropriate for additional scientific studies (including studies relating to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Gulf War service.

(2) In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

(h) SUBSEQUENT REVIEWS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct on a periodic and ongoing basis additional reviews of the evidence and data relating to its activities under this section.

(2) As part of each review under this subsection, the Academy shall—

(A) conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) and the data referred to in subsections (e), (f), and (g) that became available since the last review of such evidence and data under this section; and

(B) make determinations under the subsections referred to in subparagraph (A) on the basis of the results of such review and all other reviews previously conducted for purposes of this section.

(i) REPORTS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the committees and officials referred to in paragraph (5) periodic written reports regarding the Academy's activities under the agreement.

(2) The first report under paragraph (1) shall be submitted not later than 18 months after the date of enactment of this Act. That report shall include—

(A) the determinations and discussion referred to in subsection (e);

(B) the results of the review of models of treatment under subsection (f); and

(C) any recommendations of the Academy under subsection (g).

(3) Reports shall be submitted under this subsection at least once every two years, as measured from the date of the report under paragraph (2).

(4) In any report under this subsection (other than the report under paragraph (2)), the Academy may specify an absence of meaningful developments in the scientific or medical community with respect to the activities of the Academy under this section during the 2-year period ending on the date of such report.

(5) Reports under this subsection shall be submitted to the following:

(A) The designated congressional committees.

(B) The Secretary of Veterans Affairs.

(C) The Secretary of Defense.

(j) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences submits the first report under subsection (i).

(k) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—(1) If the Secretary is unable within the time period set forth in subsection (b) to enter into an agreement with the National Academy of Sciences for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for purposes of this section with another appropriate scientific organization that is not part of the Government, operates as a not-for-profit entity, and has expertise and objectivity comparable to that of the National Academy of Sciences.

(2) If the Secretary enters into an agreement with another organization under this subsection, any reference in this section and section 1118 of title 38, United States Code (as added by section 1602(a)), to the National Academy of Sciences shall be treated as a reference to such other organization.

SEC. 1604. REPEAL OF INCONSISTENT PROVISIONS OF LAW.

In the event of the enactment, before, on, or after the date of the enactment of this Act, of section 101 of the Veterans Programs Enhancement Act of 1998, or any similar provision of law enacted during the second session of the 105th Congress requiring an agreement with the National Academy of Sciences regarding an evaluation of health consequences of service in Southwest Asia during the Persian Gulf War, such section 101 (or other provision of law) shall be treated as if never enacted, and shall have no force or effect.

SEC. 1605. DEFINITIONS.

In this title:

(1) The term "toxic agent, environmental or wartime hazard, or preventive medicine or vaccine associated with Gulf War service" means a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine that is known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War, whether such association arises as a result of single, repeated, or sustained exposure and whether such association arises through exposure singularly or in combination.

(2) The term "designated congressional committees" means the following:

(A) The Committees on Veterans' Affairs and Armed Services of the Senate.

(B) The Committees on Veterans' Affairs and National Security of the House of Representatives.

(3) The term "Persian Gulf War" has the meaning given that term in section 101(33) of title 38, United States Code.

TITLE XVII—GOVERNMENT PAPERWORK ELIMINATION ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the "Government Paperwork Elimination Act".

SEC. 1702. AUTHORITY OF OMB TO PROVIDE FOR ACQUISITION AND USE OF ALTERNATIVE INFORMATION TECHNOLOGIES BY EXECUTIVE AGENCIES.

Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

"(vi) the acquisition and use of information technology, including alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.".

SEC. 1703. PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) REQUIREMENTS FOR PROCEDURES.—(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

SEC. 1704. DEADLINE FOR IMPLEMENTATION BY EXECUTIVE AGENCIES OF PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

SEC. 1705. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

SEC. 1706. STUDY ON USE OF ELECTRONIC SIGNATURES.

(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

(1) paperwork reduction and electronic commerce;

(2) individual privacy; and

(3) the security and authenticity of transactions.

(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

SEC. 1707. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with procedures developed under this title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

SEC. 1708. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this title, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

SEC. 1709. APPLICATION WITH INTERNAL REVENUE LAWS.

No provision of this title shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 1710. DEFINITIONS.

For purposes of this title:

(1) ELECTRONIC SIGNATURE.—The term "electronic signature" means a method of signing an electronic message that—

(A) identifies and authenticates a particular person as the source of the electronic message; and

(B) indicates such person's approval of the information contained in the electronic message.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

DIVISION D—DRUG DEMAND REDUCTION ACT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Drug Demand Reduction Act".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TARGETED SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Subtitle A—National Youth Anti-Drug Media Campaign

Sec. 101. Short title.
Sec. 102. Requirement to conduct national media campaign.
Sec. 103. Use of funds.
Sec. 104. Reports to Congress.
Sec. 105. Authorization of appropriations.

Subtitle B—Drug-Free Prisons and Jails

Sec. 111. Short title.
Sec. 112. Purpose.
Sec. 113. Program authorization.
Sec. 114. Grant application.
Sec. 115. Uses of funds.
Sec. 116. Evaluation and recommendation report to Congress.
Sec. 117. Definitions.
Sec. 118. Authorization of appropriations.

Subtitle C—Drug-Free Schools Quality Assurance

Sec. 121. Short title.
Sec. 122. Amendment to Safe and Drug-Free Schools and Communities Act.

TITLE II—STATEMENT OF NATIONAL ANTIDRUG POLICY

Subtitle A—Congressional Leadership in Community Coalitions

Sec. 201. Sense of Congress.

Subtitle B—Rejection of Legalization of Drugs

Sec. 211. Sense of Congress.

Subtitle C—Report on Streamlining Federal Prevention and Treatment Efforts

Sec. 221. Report on streamlining Federal prevention and treatment efforts.

TITLE I—TARGETED SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Subtitle A—National Youth Anti-Drug Media Campaign

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Media Campaign Act of 1998".

SEC. 102. REQUIREMENT TO CONDUCT NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy (in this subtitle referred to as the "Director") shall conduct a national media campaign in accordance with this subtitle for the purpose of reducing and preventing drug abuse among young people in the United States.

(b) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available to carry out this subtitle under section 105 for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

SEC. 103. USE OF FUNDS.

(a) AUTHORIZED USES.—

(1) IN GENERAL.—Amounts made available to carry out this subtitle for the support of the national media campaign may only be used for—

(A) the purchase of media time and space;

(B) talent reuse payments;

(C) out-of-pocket advertising production costs;

(D) testing and evaluation of advertising;

(E) evaluation of the effectiveness of the media campaign;

(F) the negotiated fees for the winning bidder on request for proposals issued by the Office of National Drug Control Policy;

(G) partnerships with community, civic, and professional groups, and government organizations related to the media campaign; and

(H) entertainment industry collaborations to fashion antidrug messages in motion pictures, television programing, popular music, interactive (Internet and new) media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(2) ADVERTISING.—In carrying out this subtitle, the Director shall devote sufficient funds to the advertising portion of the national media campaign to meet the stated reach and frequency goals of the campaign.

(b) PROHIBITIONS.—None of the amounts made available under section 105 may be obligated or expended—

(1) to supplant current antidrug community based coalitions;

(2) to supplant current pro bono public service time donated by national and local broadcasting networks;

(3) for partisan political purposes; or

(4) to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations, unless the Director provides advance notice to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives and the Committee on the Judiciary of the Senate.

(c) MATCHING REQUIREMENT.—Amounts made available under section 105 should be matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions to the campaign of the same value.

SEC. 104. REPORTS TO CONGRESS.

The Director shall—

(1) submit to Congress on an annual basis a report on the activities for which amounts made

available under section 105 have been obligated during the preceding year, including information for each quarter of such year, and on the specific parameters of the national media campaign; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report on the effectiveness of the national media campaign based on measurable outcomes provided to Congress previously.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this subtitle $195,000,000 for each of fiscal years 1999 through 2002.

Subtitle B—Drug-Free Prisons and Jails

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Prisons and Jails Act of 1998".

SEC. 112. PURPOSE.

The purpose of this subtitle is to provide for the establishment of model programs for comprehensive treatment of substance-involved offenders in the criminal justice system to reduce drug abuse and drug-related crime, and reduce the costs of the criminal justice system, that can be successfully replicated by States and local units of government through a comprehensive evaluation.

SEC. 113. PROGRAM AUTHORIZATION.

(a) ESTABLISHMENT.—The Director of the Bureau of Justice Assistance shall establish a model substance abuse treatment program for substance-involved offenders by—

(1) providing financial assistance to grant recipients selected in accordance with section 114(b); and

(2) evaluating the success of programs conducted pursuant to this subtitle.

(b) GRANT AWARDS.—The Director may award not more than 5 grants to units of local government and not more than 5 grants to States.

(c) ADMINISTRATIVE COSTS.—Not more than 5 percent of a grant award made pursuant to this subtitle may be used for administrative costs.

SEC. 114. GRANT APPLICATION.

(a) CONTENTS.—An application submitted by a unit of local government or a State for a grant award under this subtitle shall include each of the following:

(1) STRATEGY.—A strategy to coordinate programs and services for substance-involved offenders provided by the unit of local government or the State, as the case may be, developed in consultation with representatives from all components of the criminal justice system within the jurisdiction, including judges, law enforcement personnel, prosecutors, corrections personnel, probation personnel, parole personnel, substance abuse treatment personnel, and substance abuse prevention personnel.

(2) CERTIFICATION.—A certification that—

(A) Federal funds made available under this subtitle will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities; and

(B) the programs developed pursuant to this subtitle meet all requirements of this subtitle.

(b) REVIEW AND APPROVAL.—Subject to section 113(b), the Director shall approve applications and make grant awards to units of local governments and States that show the most promise for accomplishing the purposes of this subtitle consistent with the provisions of section 115.

SEC. 115. USES OF FUNDS.

A unit of local government or State that receives a grant award under this subtitle shall use such funds to provide comprehensive treatment programs to inmates in prisons or jails, including not less than 3 of the following:

(1) Tailored treatment programs to meet the special needs of different types of substance-involved offenders.

(2) Random and frequent drug testing, including a system of sanctions.

(3) Training and assistance for corrections officers and personnel to assist substance-involved offenders in correctional facilities.

(4) Clinical assessment of incoming substance-involved offenders.

(5) Availability of religious and spiritual activity and counseling to provide an environment that encourages recovery from substance involvement in correctional facilities.

(6) Education and vocational training.

(7) A substance-free correctional facility policy.

SEC. 116. EVALUATION AND RECOMMENDATION REPORT TO CONGRESS.

(a) EVALUATION.—

(1) IN GENERAL.—The Director shall enter into a contract, with an evaluating agency that has demonstrated experience in the evaluation of substance abuse treatment, to conduct an evaluation that incorporates the criteria described in paragraph (2).

(2) EVALUATION CRITERIA.—The Director, in consultation with the Directors of the appropriate National Institutes of Health, shall establish minimum criteria for evaluating each program. Such criteria shall include—

(A) reducing substance abuse among participants;

(B) reducing recidivism among participants;

(C) cost effectiveness of providing services to participants; and

(D) a data collection system that will produce data comparable to that used by the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration and the Bureau of Justice Statistics of the Office of Justice Programs.

(b) REPORT.—The Director shall submit to the appropriate committees, at the same time as the President's budget for fiscal year 2001 is submitted, a report that—

(1) describes the activities funded by grant awards under this subtitle;

(2) includes the evaluation submitted pursuant to subsection (a); and

(3) makes recommendations regarding revisions to the authorization of the program, including extension, expansion, application requirements, reduction, and termination.

SEC. 117. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES.—The term "appropriate committees" means the Committees on the Judiciary and the Committees on Appropriations of the House of Representatives and the Senate.

(2) DIRECTOR.—The term "Director" means the Director of the Bureau of Justice Assistance.

(3) SUBSTANCE-INVOLVED OFFENDER.—The term "substance-involved offender" means an individual under the supervision of a State or local criminal justice system, awaiting trial or serving a sentence imposed by the criminal justice system, who—

(A) violated or has been arrested for violating a drug or alcohol law;

(B) was under the influence of alcohol or an illegal drug at the time the crime was committed;

(C) stole property to buy illegal drugs; or

(D) has a history of substance abuse and addiction.

(4) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior and any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia, and the Trust Territory of the Pacific Islands.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund as authorized by title 31 of the Violent Crime and Control and Law Enforcement Act of 1994 (42 U.S.C. 14211)—

(1) for fiscal year 1999, $30,000,000; and

(2) for fiscal year 2000, $20,000,000.

(b) RESERVATION.—The Director may reserve each fiscal year not more than 20 percent of the funds appropriated pursuant to subsection (a) for activities required under section 116.

Subtitle C—Drug-Free Schools Quality Assurance

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Schools Quality Assurance Act".

SEC. 122. AMENDMENT TO SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT.

Subpart 3 of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7141 et seq.) is amended by adding at the end the following:

"SEC. 4134. QUALITY RATING.

"(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

"(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

"(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

"(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

"(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

"(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

"(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

"(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

"(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

"(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

"(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.".

TITLE II—STATEMENT OF NATIONAL ANTIDRUG POLICY

Subtitle A—Congressional Leadership in Community Coalitions

SEC. 201. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Illegal drug use is dangerous to the physical well-being of the Nation's youth.

(2) Illegal drug use can destroy the lives of the Nation's youth by diminishing their sense of morality and with it everything in life that is important and worthwhile.

(3) According to recently released national surveys, drug use among the Nation's youth remains at alarmingly high levels.

(4) National leadership is critical to conveying to the Nation's youth the message that drug use is dangerous and wrong.

(5) National leadership can help mobilize every sector of the community to support the implementation of comprehensive, sustainable, and effective programs to reduce drug abuse.

(6) As of September 1, 1998, 76 Members of the House of Representatives were establishing community-based antidrug coalitions in their congressional districts or were actively supporting such coalitions that already existed.

(7) The individual Members of the House of Representatives can best help their constituents prevent drug use among the Nation's youth by establishing community-based antidrug coalitions in their congressional districts or by actively supporting such coalitions that already exist.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the individual Members of the House of Representatives, including the Delegates and the Resident Commissioner, should establish community-based antidrug coalitions in their congressional districts or should actively support any such coalitions that have been established.

Subtitle B—Rejection of Legalization of Drugs

SEC. 211. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Illegal drug use is harmful and wrong.

(2) Illegal drug use can kill the individuals involved or cause the individuals to hurt or kill others, and such use strips the individuals of their moral sense.

(3) The greatest threat presented by such use is to the youth of the United States, who are illegally using drugs in increasingly greater numbers.

(4) The people of the United States are more concerned about illegal drug use and crimes associated with such use than with any other current social problem.

(5) Efforts to legalize or otherwise legitimize drug use present a message to the youth of the United States that drug use is acceptable.

(6) Article VI, clause 2 of the Constitution of the United States states that "[t]his Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.".

(7) The courts of the United States have repeatedly found that any State law that conflicts with a Federal law or treaty is preempted by such law or treaty.

(8) The Controlled Substances Act (21 U.S.C. 801 et seq.) strictly regulates the use and possession of drugs.

(9) The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotrophic Substances Treaty similarly regulates the use and possession of drugs.

(10) Any attempt to authorize under State law an activity prohibited under such Treaty or the Controlled Substances Act would conflict with that Treaty or Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the several States, and the citizens of such States, should reject the legalization of drugs through legislation, ballot proposition, constitutional amendment, or any other means; and

(2) each State should make efforts to be a drug-free State.

Subtitle C—Report on Streamlining Federal Prevention and Treatment Efforts

SEC. 221. REPORT ON STREAMLINING FEDERAL PREVENTION AND TREATMENT EFFORTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the efforts of the Federal Government to reduce the demand for illegal drugs in the United States are frustrated by the fragmentation of those efforts across multiple departments and agencies; and

(2) improvement of those efforts can best be achieved through consolidation and coordination.

(b) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall prepare and submit to the appropriate committees a report evaluating options for increasing the efficacy of drug prevention and treatment programs and activities by the Federal Government. Such option shall include the merits of a consolidation of programs into a single agency, transferring programs from 1 agency to another, and improving coordinating mechanisms and authorities. The report shall also include a thorough review of the activities and potential consolidation of existing Federal drug information clearinghouses.

(2) RECOMMENDATION AND EXPLANATORY STATEMENT.—The study submitted under paragraph (1) shall identify options that are determined by the Director to have merit, and an explanation which options should be implemented.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this subsection $1,000,000 for contracting, policy research, and related costs.

(c) APPROPRIATE COMMITTEES DEFINED.—In this section, the term "appropriate committees" means the Committee on Appropriations, the Committee on Commerce, and the Committee on Education and the Workforce of the House of Representatives, and the Committee on Appropriations, and Committee on Labor and Human Resources of the Senate.

DIVISION E—METHAMPHETAMINE TRAFFICKING PENALTY ENHANCEMENT ACT OF 1998

SECTION 1. SHORT TITLE.

This division may be cited as the "Methamphetamine Trafficking Penalty Enhancement Act of 1998".

SEC. 2. METHAMPHETAMINE PENALTY INCREASES.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A)(viii)—

(A) by striking "100 grams" and inserting "50 grams"; and

(B) by striking "1 kilogram" and inserting "500 grams"; and

(2) in subparagraph (B)(viii)—

(A) by striking "10 grams" and inserting "5 grams"; and

(B) by striking "100 grams" and inserting "50 grams".

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1)(H)—

(A) by striking "100 grams" and inserting "50 grams"; and

(B) by striking "1 kilogram" and inserting "500 grams"; and

(2) in paragraph (2)(H)—

(A) by striking "10 grams" and inserting "5 grams"; and

(B) by striking "100 grams" and inserting "50 grams".

SEC. 3. ADDITIONAL REQUIREMENTS FOR THE USE OF FUNDS UNDER THE VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING GRANTS PROGRAM.

Section 20105(b) of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"(b) ADDITIONAL REQUIREMENTS.—

"(1) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under section 20103 or section 20104, a State shall—

"(A) provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after the date of the enactment of this subtitle, policies that provide for the recognition of the rights of crime victims; and

"(B) subject to the limitation of paragraph (2), no later than September 1, 2000, consider a program of drug testing and intervention for appropriate categories of convicted offenders during periods of incarceration and post-incarceration and criminal justice supervision, with sanctions including denial or revocation of release for positive drug tests, consistent with guidelines issued by the Attorney General.

"(2) USE OF FUNDS.—Beginning in fiscal year 1999, not more than 10 percent of the funds provided under section 20103 or section 20104 of this subtitle may be applied to the cost of offender drug testing and intervention programs during periods of incarceration and post-incarceration criminal justice supervision, consistent with guidelines issued by the Attorney General. Further, such funds may be used by the States to pay the costs of providing to the Attorney General a baseline study on their prison drug abuse problem. Such studies shall be consistent with guidelines issued by the Attorney General.".

DIVISION F—NOT LEGALIZING MARIJUANA FOR MEDICINAL USE

It is the sense of the Congress that—

(1) certain drugs are listed on Schedule I of the Controlled Substances Act if they have a high potential for abuse, lack any currently accepted medical use in treatment, and are unsafe, even under medical supervision;

(2) the consequences of illegal use of Schedule I drugs are well documented, particularly with regard to physical health, highway safety, and criminal activity;

(3) pursuant to section 401 of the Controlled Substances Act, it is illegal to manufacture, distribute, or dispense marijuana, heroin, LSD, and more than 100 other Schedule I drugs;

(4) pursuant to section 505 of the Federal Food, Drug and Cosmetic Act, before any drug can be approved as a medication in the United States, it must meet extensive scientific and medical standards established by the Food and Drug Administration to ensure it is safe and effective;

(5) marijuana and other Schedule I drugs have not been approved by the Food and Drug Administration to treat any disease or condition;

(6) the Federal Food, Drug and Cosmetic Act already prohibits the sale of any unapproved drug, including marijuana, that has not been proven safe and effective for medical purposes and grants the Food and Drug Administration the authority to enforce this prohibition through seizure and other civil action, as well as through criminal penalties;

(7) marijuana use by children in grades 8 through 12 declined steadily from 1980 to 1992, but, from 1992 to 1996, has dramatically increased by 253 percent among 8th graders, 151 percent among 10th graders, and 84 percent

among 12th graders, and the average age of first-time use of marijuana is now younger than it has ever been;

(8) according to the 1997 survey by the Center on Addiction and Substance Abuse at Columbia University, 500,000 8th graders began using marijuana in the 6th and 7th grades;

(9) according to that same 1997 survey, youths between the ages of 12 and 17 who use marijuana are 85 times more likely to use cocaine than those who abstain from marijuana, and 60 percent of adolescents who use marijuana before the age of 15 will later use cocaine; and

(10) the rate of illegal drug use among youth is linked to their perceptions of the health and safety risks of those drugs, and the ambiguous cultural messages about marijuana use are contributing to a growing acceptance of marijuana use among children and teenagers;

(11) Congress continues to support the existing Federal legal process for determining the safety and efficacy of drugs and opposes efforts to circumvent this process by legalizing marijuana, and other Schedule I drugs, for medicinal use without valid scientific evidence and the approval of the Food and Drug Administration; and

(12) not later than 90 days after the date of the enactment of this Act—

(A) the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on—

(i) the total quantity of marijuana eradicated in the United States during the period from 1992 through 1997; and

(ii) the annual number of arrests and prosecutions for Federal marijuana offenses during the period described in clause (i); and

(B) the Commissioner of Foods and Drugs shall submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on the specific efforts underway to enforce sections 304 and 505 of the Federal Food, Drug and Cosmetic Act with respect to marijuana and other Schedule I drugs.

DIVISION G —FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Affairs Reform and Restructuring Act of 1998".

SEC. 1002. ORGANIZATION OF DIVISION INTO SUBDIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This division is organized into three subdivisions as follows:

(1) SUBDIVISION A.—Foreign Affairs Agencies Consolidation Act of 1998.

(2) SUBDIVISION B.—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) SUBDIVISION C.—United Nations Reform Act of 1998.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION —FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998

Sec. 1001. Short title.
Sec. 1002. Organization of division into subdivisions; table of contents.

SUBDIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE XI—GENERAL PROVISIONS

Sec. 1101. Short title.
Sec. 1102. Purposes.
Sec. 1103. Definitions.
Sec. 1104. Report on budgetary cost savings resulting from reorganization.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1201. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 1212. Transfer of functions to Secretary of State.
Sec. 1213. Under Secretary for Arms Control and International Security.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 1221. References.
Sec. 1222. Repeals.
Sec. 1223. Amendments to the Arms Control and Disarmament Act.
Sec. 1224. Compensation of officers.
Sec. 1225. Additional conforming amendments.

TITLE XIII—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1301. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1311. Abolition of United States Information Agency.
Sec. 1312. Transfer of functions.
Sec. 1313. Under Secretary of State for Public Diplomacy.
Sec. 1314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

CHAPTER 3—INTERNATIONAL BROADCASTING

Sec. 1321. Congressional findings and declaration of purpose.
Sec. 1322. Continued existence of Broadcasting Board of Governors.
Sec. 1323. Conforming amendments to the United States International Broadcasting Act of 1994.
Sec. 1324. Amendments to the Radio Broadcasting to Cuba Act.
Sec. 1325. Amendments to the Television Broadcasting to Cuba Act.
Sec. 1326. Transfer of broadcasting related funds, property, and personnel.
Sec. 1327. Savings provisions.
Sec. 1328. Report on the privatization of RFE/RL, Incorporated.

CHAPTER 4—CONFORMING AMENDMENTS

Sec. 1331. References.
Sec. 1332. Amendments to title 5, United States Code.
Sec. 1333. Application of certain laws.
Sec. 1334. Abolition of United States Advisory Commission on Public Diplomacy.
Sec. 1335. Conforming amendments.
Sec. 1336. Repeals.

TITLE XIV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 1401. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 1411. Abolition of United States International Development Cooperation Agency.
Sec. 1412. Transfer of functions and authorities.
Sec. 1413. Status of AID.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 1421. References.
Sec. 1422. Conforming amendments.

TITLE XV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 1501. Effective date.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

Sec. 1511. Reorganization of Agency for International Development.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

Sec. 1521. Definition of United States assistance.
Sec. 1522. Administrator of AID reporting to the Secretary of State.
Sec. 1523. Assistance programs coordination and oversight.

TITLE XVI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

Sec. 1601. Reorganization plan and report.

CHAPTER 2—REORGANIZATION AUTHORITY

Sec. 1611. Reorganization authority.
Sec. 1612. Transfer and allocation of appropriations.
Sec. 1613. Transfer, appointment, and assignment of personnel.
Sec. 1614. Incidental transfers.
Sec. 1615. Savings provisions.
Sec. 1616. Authority of Secretary of State to facilitate transition.
Sec. 1617. Final report.

SUBDIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE XX—GENERAL PROVISIONS

Sec. 2001. Short title.
Sec. 2002. Definition of appropriate congressional committees.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

Sec. 2101. Administration of foreign affairs.
Sec. 2102. International commissions.
Sec. 2103. Grants to The Asia Foundation.
Sec. 2104. Voluntary contributions to international organizations.
Sec. 2105. Voluntary contributions to peacekeeping operations.
Sec. 2106. Limitation on United States voluntary contributions to United Nations Development Program.

TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

Sec. 2201. Reimbursement of Department of State for assistance to overseas educational facilities.
Sec. 2202. Revision of Department of State rewards program.
Sec. 2203. Retention of additional defense trade controls registration fees.
Sec. 2204. Fees for commercial services.
Sec. 2205. Pilot program for foreign affairs reimbursement.
Sec. 2206. Fee for use of diplomatic reception rooms.
Sec. 2207. Budget presentation documents.
Sec. 2208. Office of the Inspector General.
Sec. 2209. Capital Investment Fund.
Sec. 2210. Contracting for local guards services overseas.
Sec. 2211. Authority of the Foreign Claims Settlement Commission.
Sec. 2212. Expenses relating to certain international claims and proceedings.
Sec. 2213. Grants to remedy international abductions of children.
Sec. 2214. Counterdrug and anticrime activities of the Department of State.
Sec. 2215. Annual report on overseas surplus properties.
Sec. 2216. Human rights reports.
Sec. 2217. Reports and policy concerning diplomatic immunity.
Sec. 2218. Reaffirming United States international telecommunications policy.
Sec. 2219. Reduction of reporting.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

Sec. 2221. Use of certain passport processing fees for enhanced passport services.

Sec. 2222. Consular officers.
Sec. 2223. Repeal of outdated consular receipt requirements.
Sec. 2224. Elimination of duplicate Federal Register publication for travel advisories.
Sec. 2225. Denial of visas to confiscators of American property.
Sec. 2226. Inadmissibility of any alien supporting an international child abductor.

CHAPTER 3—REFUGEES AND MIGRATION

SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS

Sec. 2231. Migration and refugee assistance.

SUBCHAPTER B—AUTHORITIES

Sec. 2241. United States policy regarding the involuntary return of refugees.
Sec. 2242. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
Sec. 2243. Reprogramming of migration and refugee assistance funds.
Sec. 2244. Eligibility for refugee status.
Sec. 2245. Reports to Congress concerning Cuban emigration policies.

TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

Sec. 2301. Coordinator for Counterterrorism.
Sec. 2302. Elimination of Deputy Assistant Secretary of State for Burdensharing.
Sec. 2303. Personnel management.
Sec. 2304. Diplomatic security.
Sec. 2305. Number of senior official positions authorized for the Department of State.
Sec. 2306. Nomination of Under Secretaries and Assistant Secretaries of State.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

Sec. 2311. Foreign Service reform.
Sec. 2312. Retirement benefits for involuntary separation.
Sec. 2313. Authority of Secretary to separate convicted felons from the Foreign Service.
Sec. 2314. Career counseling.
Sec. 2315. Limitations on management assignments.
Sec. 2316. Availability pay for certain criminal investigators within the Diplomatic Security Service.
Sec. 2317. Nonovertime differential pay.
Sec. 2318. Report concerning minorities and the Foreign Service.

TITLE XXIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 2401. International information activities and educational and cultural exchange programs.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

Sec. 2411. Retention of interest.
Sec. 2412. Use of selected program fees.
Sec. 2413. Muskie Fellowship Program.
Sec. 2414. Working Group on United States Government-Sponsored International Exchanges and Training.
Sec. 2415. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 2416. Surrogate broadcasting study.
Sec. 2417. Radio broadcasting to Iran in the Farsi language.
Sec. 2418. Authority to administer summer travel and work programs.
Sec. 2419. Permanent administrative authorities regarding appropriations.
Sec. 2420. Voice of America broadcasts.

TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

Sec. 2501. International conferences and contingencies.
Sec. 2502. Restriction relating to United States accession to any new international criminal tribunal.
Sec. 2503. United States membership in the Bureau of the Interparliamentary Union.
Sec. 2504. Service in international organizations.
Sec. 2505. Reports regarding foreign travel.

TITLE XXVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Sec. 2601. Authorization of appropriations.
Sec. 2602. Statutory construction.

TITLE XXVII—EUROPEAN SECURITY ACT OF 1998

Sec. 2701. Short title.
Sec. 2702. Statement of policy.
Sec. 2703. Authorities relating to NATO enlargement.
Sec. 2704. Sense of Congress with respect to the Treaty on Conventional Armed Forces in Europe.
Sec. 2705. Restrictions and requirements relating to ballistic missile defense.

TITLE XXVIII—OTHER FOREIGN POLICY PROVISIONS

Sec. 2801. Reports on claims by United States firms against the Government of Saudi Arabia.
Sec. 2802. Reports on determinations under title IV of the Libertad Act.
Sec. 2803. Report on compliance with the Hague Convention on International Child Abduction.
Sec. 2804. Sense of Congress relating to recognition of the Ecumenical Patriarchate by the Government of Turkey.
Sec. 2805. Report on relations with Vietnam.
Sec. 2806. Reports and policy concerning human rights violations in Laos.
Sec. 2807. Report on an alliance against narcotics trafficking in the Western Hemisphere.
Sec. 2808. Congressional statement regarding the accession of Taiwan to the World Trade Organization.
Sec. 2809. Programs or projects of the International Atomic Energy Agency in Cuba.
Sec. 2810. Limitation on assistance to countries aiding Cuba nuclear development.
Sec. 2811. International Fund for Ireland.
Sec. 2812. Support for democratic opposition in Iraq.
Sec. 2813. Development of democracy in the Republic of Serbia.

SUBDIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE XI—GENERAL PROVISIONS

SEC. 1101. SHORT TITLE.

This subdivision may be cited as the "Foreign Affairs Agencies Consolidation Act of 1998".

SEC. 1102. PURPOSES.

The purposes of this subdivision are—

(1) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—

(A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the special missions and skills of these agencies;

(B) transferring certain functions of the Agency for International Development to the Department of State; and

(C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminate redundancy in functions, and improvement in the management of the Department of State;

(3) to ensure that programs critical to the promotion of United States national interests be maintained;

(4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

SEC. 1103. DEFINITIONS.

In this subdivision:

(1) ACDA.—The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) AID.—The term "AID" means the United States Agency for International Development.

(3) AGENCY; FEDERAL AGENCY.—The term "agency" or "Federal agency" means an Executive agency as defined in section 105 of title 5, United States Code.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(5) COVERED AGENCY.—The term "covered agency" means any of the following agencies: ACDA, USIA, IDCA, and AID.

(6) DEPARTMENT.—The term "Department" means the Department of State.

(7) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(8) IDCA.—The term "IDCA" means the United States International Development Cooperation Agency.

(9) OFFICE.—The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(10) SECRETARY.—The term "Secretary" means the Secretary of State.

(11) USIA.—The term "USIA" means the United States Information Agency.

SEC. 1104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

The Secretary of State shall submit a report, together with the congressional presentation document for the budget of the Department of State for each of the fiscal years 2000 and 2001, to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization implemented under this subdivision, including cost savings by each of the following categories:

(1) Reductions in personnel.

(2) Administrative consolidation, including procurement.

(3) Program consolidation.

(4) Consolidation of real properties and leases.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) April 1, 1999; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 1212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency, and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

SEC. 1213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651(b)) is amended—

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as Senior Advisor to the President and the Secretary of State on Arms Control and Nonproliferation Matters.".

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1221. REFERENCES.

Except as otherwise provided in section 1223 or 1225, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, the Director of the Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Secretary of State; or

(2) the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 1222. REPEALS.

The following sections of the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) are repealed: Sections 21 through 26 (22 U.S.C. 2561–2566), section 35 (22 U.S.C. 2575), section 42 (22 U.S.C. 2582), section 43 (22 U.S.C. 2583), sections 45 through 50 (22 U.S.C. 2585–2593), section 53 (22 U.S.C. 2593c), section 54 (22 U.S.C. 2593d), and section 63 (22 U.S.C. 2595b).

SEC. 1223. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.

The Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended—

(1) in section 2 (22 U.S.C. 2551)—

(A) in the first undesignated paragraph, by striking "creating a new agency of peace to deal with" and inserting "addressing";

(B) by striking the second undesignated paragraph; and

(C) in the third undesignated paragraph—

(i) by striking "This organization" and inserting "The Secretary of State";

(ii) by striking "It shall have" and inserting "The Secretary shall have";

(iii) by striking "and the Secretary of State";

(iv) by inserting ", nonproliferation," after "arms control" in paragraph (1);

(v) by striking paragraph (2);

(vi) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(vii) by striking ", as appropriate," in paragraph (3) (as redesignated);

(2) in section 3 (22 U.S.C. 2552), by striking subsection (c);

*(3) in the heading for title II, by striking "**ORGANIZATION**" and inserting "**SPECIAL REPRESENTATIVES AND VISITING SCHOLARS**";*

(4) in section 27 (22 U.S.C. 2567)—

(A) by striking the third sentence;

(B) in the fourth sentence, by striking ", acting through the Director"; and

(C) in the fifth sentence, by striking "Agency" and inserting "Department of State";

(5) in section 28 (22 U.S.C. 2568)—

(A) by striking "Director" each place it appears and inserting "Secretary of State";

(B) in the second sentence—

(i) by striking "Agency" each place it appears and inserting "Department of State"; and

(ii) by striking "Agency's" and inserting "Department of State's"; and

(C) by striking the fourth sentence;

(6) in section 31 (22 U.S.C. 2571)—

(A) by inserting "this title in" after "powers in";

(B) by striking "Director" each place it appears and inserting "Secretary of State";

(C) by striking "insure" each place it appears and inserting "ensure";

(D) in the second sentence, by striking "in accordance with procedures established under section 35 of this Act";

(E) in the fourth sentence by striking "The authority" and all that follows through "disarmament:" and inserting the following: "The authority of the Secretary under this Act with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:"; and

(F) in subsection (l), by inserting "and" at the end;

(7) in section 32 (22 U.S.C. 2572)—

(A) by striking "Director" and inserting "Secretary of State"; and

(B) by striking "subsection" and inserting "section";

(8) in section 33(a) (22 U.S.C. 2573(a))—

(A) by striking "the Secretary of State,"; and

(B) by striking "Director" and inserting "Secretary of State";

(9) in section 34 (22 U.S.C. 2574)—

(A) in subsection (a)—

(i) in the first sentence, by striking "Director" and inserting "Secretary of State";

(ii) in the first sentence, by striking "and the Secretary of State";

(iii) in the first sentence, by inserting ", nonproliferation," after "in the fields of arms control";

(iv) in the first sentence, by striking "and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of the United States participation in international negotiations and implementation fora in the field of nonproliferation";

(v) in the second sentence, by striking "section 27" and inserting "section 201"; and

(vi) in the second sentence, by striking "the" after "serve as";

(B) by striking subsection (b);

(C) by redesignating subsection (c) as subsection (b); and

(D) in subsection (b) (as redesignated)—

(i) in the text above paragraph (1), by striking "Director" and inserting "Secretary of State";

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(10) in section 36 (22 U.S.C. 2576)—

(A) by striking "Director" each place it appears and inserting "Secretary of State"; and

(B) by striking ", in accordance with the procedures established pursuant to section 35 of this Act,";

(11) in section 37 (22 U.S.C. 2577)—

(A) by striking "Director" and "Agency" each place it appears and inserting "Secretary of State" or "Department of State", respectively; and

(B) by striking subsection (d);

(12) in section 38 (22 U.S.C. 2578)—

(A) by striking "Director" each place it appears and inserting "Secretary of State"; and

(B) by striking subsection (c);

(13) in section 41 (22 U.S.C. 2581)—

(A) by striking "In the performance of his functions, the Director" and inserting "In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this Act";

(B) by striking "Agency", "Agency's", "Director", and "Director's" each place they appear and inserting "Department of State", "Department of State's", "Secretary of State", or "Secretary of State's", as appropriate;

(C) in subsection (a), by striking the sentence that begins "It is the intent";

(D) in subsection (b)—

(i) by striking "appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities,";

(ii) in paragraph (1), by striking "exception" and inserting "subsection"; and

(iii) in paragraph (2)—

(I) by striking "exception" and inserting "subsection"; and

(II) by striking "ceiling" and inserting "positions allocated to carry out the purpose of this Act";

(E) by striking subsection (g);

(F) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively;

(G) by amending subsection (f) to read as follows:

"(f) establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;"; and

(H) in subsection (h) (as redesignated), by striking "Deputy Director" and inserting "Under Secretary for Arms Control and International Security";

(14) in section 44 (22 U.S.C. 2584)—

(A) by striking "CONFLICT-OF-INTEREST AND";

(B) by striking "The members" and all that follows through "(5 U.S.C. 2263), or any other" and inserting "Members of advisory boards and consultants may serve as such without regard to any"; and

(C) by inserting at the end the following new sentence: "This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.";

(15) in section 51 (22 U.S.C. 2593a)—

(A) in subsection (a)—

(i) in paragraphs (1) and (3), by inserting ", nonproliferation," after "arms control" each place it appears;

(ii) by striking "Director, in consultation with the Secretary of State," and inserting "Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with";

(iii) by striking "the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence" and inserting "and the Chairman of the Joint Chiefs of Staff";

(iv) by striking paragraphs (2) and (4); and

(v) by redesignating paragraphs (3), (5), (6), and (7) as paragraphs (2) through (5), respectively; and

(B) by adding at the end of subsection (b) the following: "The portions of this report described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.";

(16) in section 52 (22 U.S.C. 2593b), by striking "Director" and inserting "Secretary of State";

(17) in section 61 (22 U.S.C. 2593a)—

(A) in paragraph (1), by striking "United States Arms Control and Disarmament Agency" and inserting "Department of State";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively;

(D) in paragraph (4) (as redesignated), by striking "paragraph (4)" and inserting "paragraph (3)"; and

(E) in paragraph (6) (as redesignated), by striking "United States Arms Control and Disarmament Agency and the";

(18) in section 62 (22 U.S.C. 2595a)—

(A) in subsection (c)—

(i) in the subsection heading, by striking "DIRECTOR" and inserting "SECRETARY OF STATE"; and

(ii) by striking "2(d), 22, and 34(c)" and inserting "102(3) and 304(b)"; and

(B) by striking "Director" and inserting "Secretary of State";

(19) in section 64 (22 U.S.C. 2595b–1)—

*(A) by striking the section title and inserting "**SEC. 503. REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.**";*

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking "(b) REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.—"; and

(ii) by striking "Foreign Affairs" and inserting "International Relations";

(20) in section 65(1) (22 U.S.C. 2595c(1)) by inserting "of America" after "United States"; and

(21) by redesignating sections 1, 2, 3, 27, 28, 31, 32, 33, 34, 36, 37, 38, 39, 41, 44, 51, 52, 61, 62, 64, and 65, as amended by this section, as sections 101, 102, 103, 201, 202, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 501, 502, 503, and 504, respectively.

SEC. 1224. COMPENSATION OF OFFICERS.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency.";

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency.";

(3) in section 5315—

(A) by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4)."; and

(B) by striking "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency", and inserting "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State"; and

(4) in section 5316, by striking "General Counsel of the United States Arms Control and Disarmament Agency.".

SEC. 1225. ADDITIONAL CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking "Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense" and inserting "Secretary of State in consultation with the Secretary of Defense and the Director of Central Intelligence";

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking "be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to" and inserting "take into account"; and

(B) by striking the second sentence;

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking "the assessment of the Director of the United States Arms Control and Disarmament Agency as to";

(B) by striking "(1)" after "(a)"; and

(C) by striking paragraph (2);

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking ", the Director of the Arms Control and Disarmament Agency,";

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking "and the Director of the United States Arms Control and Disarmament Agency";

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce"; and

(B) by striking "or the Director";

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking "with the Director of the United States Arms Control and Disarmament Agency,"; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce".

(b) FOREIGN ASSISTANCE ACT.—Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321d) is amended by striking "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to" and inserting "take into account".

(c) UNITED STATES INSTITUTE OF PEACE ACT.—

(1) Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as redesignated), by striking "Eleven" and inserting "Twelve".

(2) Section 1707(d)(2) of that Act (22 U.S.C. 4606(d)(2)) is amended by striking ", Director of the Arms Control and Disarmament Agency".

(d) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking "the Arms Control and Disarmament Agency,"; and

(B) in the second sentence, by striking "the Director of the Arms Control and Disarmament Agency,";

(2) in section 109b. (42 U.S.C. 2129(b)), by striking "and the Director";

(3) in section 111b. (42 U.S.C. 2131(b)) by striking "the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission," and inserting "the Nuclear Regulatory Commission";

(4) in section 123 (42 U.S.C. 2153)—

(A) in subsection a., in the third sentence—

(i) by striking "and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director')";

(ii) by inserting "and" after "Energy,";

(iii) by striking "Commission, and the Director, who" and inserting "Commission. The Secretary of State"; and

(iv) after "nuclear explosive purpose.", by inserting the following new sentence: "Each Nuclear Proliferation Assessment Statement prepared pursuant to this Act shall be accompanied by a classified annex, prepared in consultation with the Director of Central Intelligence, summarizing relevant classified information.";

(B) in subsection d., in the first proviso—

(i) by striking "Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency," and inserting "Nuclear Proliferation Assessment Statement prepared by the Secretary of State, and any annexes thereto,"; and

(ii) by striking "has been" and inserting "have been"; and

(C) in the first undesignated paragraph following subsection d., by striking "the Arms Control and Disarmament Agency,";

(5) in section 126a.(1), by striking "the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission" and inserting "and the Nuclear Regulatory Commission,";

(6) in section 131a. (42 U.S.C. 2160(a))—

(A) in paragraph (1)—

(i) in the first sentence, by striking "the Director,";

(ii) in the third sentence, by striking "the Director declares that he intends" and inserting "the Secretary of State is required"; and

(iii) in the third sentence, by striking "the Director's declaration" and inserting "the requirement to prepare a Nuclear Proliferation Assessment Statement";

(B) in paragraph (2)—

(i) by striking "Director's view" and inserting "view of the Secretary of State, Secretary of Energy, Secretary of Defense, or the Commission"; and

(ii) by striking "he may prepare" and inserting "the Secretary of State, in consultation with such Secretary or the Commission, shall prepare"; and

(7) in section 131c. (42 U.S.C. 2160(c))—

(A) in the first sentence, by striking ", the Director of the Arms Control and Disarmament Agency,";

(B) in the sixth and seventh sentences, by striking "Director" each place it appears and inserting "Secretary of State"; and

(C) in the seventh sentence, by striking "Director's" and inserting "Secretary of State's".

(e) NUCLEAR NON-PROLIFERATION ACT OF 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4 (22 U.S.C. 3203)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(2) in section 102 (22 U.S.C. 3222), by striking ", the Secretary of State, and the Director of the Arms Control and Disarmament Agency" and inserting "and the Secretary of State";

(3) in section 304(d) (42 U.S.C. 2156a), by striking "the Secretary of Defense, and the Director," and inserting "and the Secretary of Defense,";

(4) in section 309 (42 U.S.C. 2139a)—

(A) in subsection (b), by striking "the Department of Commerce, and the Arms Control and Disarmament Agency" and inserting "and the Department of Commerce"; and

(B) in subsection (c), by striking "the Arms Control and Disarmament Agency,";

(5) in section 406 (42 U.S.C. 2160a), by inserting ", or any annexes thereto," after "Statement"; and

(6) in section 602 (22 U.S.C. 3282)—

(A) in subsection (c), by striking "the Arms Control and Disarmament Agency,"; and

(B) in subsection (e), by striking "and the Director".

(f) State Department Basic Authorities Act of 1956.—Section 23(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695(a)) is amended by striking "the Agency for International Development, and the Arms Control and Disarmament Agency" and inserting "and the Agency for International Development".

(g) Foreign Relations Authorization Act of 1972.—Section 502 of the Foreign Relations Authorization Act of 1972 (2 U.S.C. 194a) is amended by striking "the United States Arms Control and Disarmament Agency,".

(h) Title 49.—Section 40118(d) of title 49, United States Code, is amended by striking ", or the Director of the Arms Control and Disarmament Agency".

TITLE XIII—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1301. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors and the International Broadcasting Bureau) is abolished.

SEC. 1312. TRANSFER OF FUNCTIONS.

(a) In General.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

(b) Exception.—Subsection (a) does not apply to the Broadcasting Board of Governors, the International Broadcasting Bureau, or any function performed by the Board or the Bureau.

SEC. 1313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)), as amended by this division, is further amended by adding at the end the following new paragraph:

"(3) Under secretary for public diplomacy.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.".

SEC. 1314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) Abolition of Office.—The Office of Inspector General of the United States Information Agency is abolished.

(b) Amendments to Inspector General Act of 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "the Office of Personnel Management, the United States Information Agency" and inserting "or the Office of Personnel Management"; and

(2) in paragraph (2), by striking "the United States Information Agency,".

(c) Executive Schedule.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Inspector General, United States Information Agency.".

(d) Amendments to Public Law 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General of the Department of State and the Foreign Service"; and

(2) by striking ", the Director of the United States Information Agency,".

(e) Transfer of Functions.—There are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 1321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers", in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability, and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 1322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

"(a) Continued Existence Within Executive Branch.—

"(1) In general.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(2) Retention of existing board members.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998 and holding office as of that date may serve the remainder of their terms of office without reappointment.

"(3) Inspector general authorities.—

"(A) In general.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting Bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

"(B) Respect for journalistic integrity of broadcasters.—The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.".

SEC. 1323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) References in Section.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) Substitution of Secretary of State.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), and 304(e) (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), and 6203(e)) are amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

(c) Substitution of Acting Secretary of State.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking "acting Director of the agency" and inserting "Acting Secretary of State".

(d) Standards and Principles of International Broadcasting.—Section 303(b) (22 U.S.C. 6202(b)) is amended—

(1) in paragraph (3), by inserting ", including editorials, broadcast by the Voice of America, which present the views of the United States Government" after "policies";

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;";

(e) Authorities of the Board.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1)—

(A) by striking "direct and"; and

(B) by striking "and the Television Broadcasting to Cuba Act" and inserting ", the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b)";

(2) in paragraph (4), by inserting ", after consultation with the Secretary of State," after "annually,";

(3) in paragraph (9)—

(A) by striking ", through the Director of the United States Information Agency,"; and

(B) by adding at the end the following new sentence: "Each annual report shall place special emphasis on the assessment described in paragraph (2).";

(4) in paragraph (12)—

(A) by striking "1994 and 1995" and inserting "1998 and 1999"; and

(B) by striking "to the Board for International Broadcasting for such purposes for fiscal year 1993" and inserting "to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997"; and

(5) by adding at the end the following new paragraphs:

"(15)(A) To procure temporary and intermittent personal services to the same extent as is

authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code.

"(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(16) To procure, pursuant to section 1535 of title 31, United States Code (commonly known as the 'Economy Act'), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.

"(17) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the Board considers necessary in carrying out the provisions and purposes of this title.

"(18) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1998 for carrying out the broadcasting activities covered by this title.".

(f) DELEGATION OF AUTHORITY.—Section 305 (22 U.S.C. 6204) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) DELEGATION OF AUTHORITY.—The Board may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).".

(g) BROADCASTING BUDGETS.—Section 305(c)(1) (as redesignated) is amended—

(1) by striking "(1)" before "The Director"; and

(2) by striking "the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to".

(h) REPEAL.—Section 305(c)(2) (as redesignated) is repealed.

(i) IMPLEMENTATION.—Section 305(d) (as redesignated) is amended to read as follows:

"(d) PROFESSIONAL INDEPENDENCE OF BROADCASTERS.—The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board.".

(j) FOREIGN POLICY GUIDANCE.—Section 306 (22 U.S.C. 6205) is amended—

(1) in the section heading, by striking "**FOREIGN POLICY GUIDANCE**" and inserting "**ROLE OF THE SECRETARY OF STATE**";

(2) by inserting "(a) FOREIGN POLICY GUIDANCE.—" immediately before "To";

(3) by striking "State, acting through the Director of the United States Information Agency," and inserting "State";

(4) by inserting before the period at the end the following: ", as the Secretary may deem appropriate"; and

(5) by adding at the end the following:

"(b) CERTAIN WORLDNET PROGRAMMING.—The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the Broadcasting Board of Governors shall provide access to Worldnet for this purpose on a nonreimbursable basis.".

(k) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking "within the United States Information Agency" and inserting "under the Board";

(2) in subsection (b)(1), by striking "Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board" and inserting "President, by and with the advice and consent of the Senate";

(3) by redesignating subsection (b)(1) as subsection (b);

(4) by striking subsection (b)(2); and

(5) by adding at the end the following new subsection:

"(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.".

(l) REPEALS.—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207 (k), (l)).

(2) Section 310 (22 U.S.C. 6209).

SEC. 1324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) by striking "Agency" each place it appears and inserting "Board";

(3) by striking "the Director of the United States Information Agency" each place it appears and inserting "the Broadcasting Board of Governors";

(4) in section 4 (22 U.S.C. 1465b), by striking "the Voice of America" and inserting "the International Broadcasting Bureau";

(5) in section 5 (22 U.S.C. 1465c)—

(A) by striking "Board" each place it appears and inserting "Advisory Board"; and

(B) in subsection (a), by striking the first sentence and inserting "There is established within the Office of the President the Advisory Board for Cuba Broadcasting (in this division referred to as the 'Advisory Board')."; and

(6) by striking any other reference to "Director" not amended by paragraph (3) each place it appears and inserting "Board".

SEC. 1325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) in section 243(a) (22 U.S.C. 1465bb(a)) and section 246 (22 U.S.C. 1465dd), by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) in section 243(c) (22 U.S.C. 1465bb(c))—

(A) in the subsection heading, by striking "USIA"; and

(B) by striking "'USIA Television" and inserting "the 'Television";

(3) in section 244(c) (22 U.S.C. 1465cc(c)) and section 246 (22 U.S.C. 1465dd), by striking "Agency" each place it appears and inserting "Board";

(4) in section 244 (22 U.S.C. 1465cc)—

(A) in the section heading, by striking "**OF THE UNITED STATES INFORMATION AGENCY**";

(B) in subsection (a)—

(i) in the first sentence, by striking "The Director of the United States Information Agency shall establish" and inserting "There is"; and

(ii) in the second sentence—

(I) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(II) by striking "the Director of the Voice of America" and inserting "the International Broadcasting Bureau";

(C) in subsection (b)—

(i) by striking "Agency facilities" and inserting "Board facilities"; and

(ii) by striking "Information Agency" and inserting "International"; and

(D) in the heading of subsection (c), by striking "USIA"; and

(5) in section 245(d) (22 U.S.C. 1465c note), by striking "Board" and inserting "Advisory Board".

SEC. 1326. TRANSFER OF BROADCASTING RELATED FUNDS, PROPERTY, AND PERSONNEL.

(a) TRANSFER AND ALLOCATION OF PROPERTY AND APPROPRIATIONS.—

(1) IN GENERAL.—The assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1327(d)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices of USIA transferred to the Broadcasting Board of Governors by this chapter shall be transferred to the Broadcasting Board of Governors for appropriate allocation.

(2) ADDITIONAL TRANSFERS.—In addition to the transfers made under paragraph (1), there shall be transferred to the Chairman of the Broadcasting Board of Governors the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds, as determined by the Secretary, in concurrence with the Broadcasting Board of Governors, to support the functions transferred by this chapter.

(b) TRANSFER OF PERSONNEL.—Notwithstanding any other provision of law—

(1) except as provided in subsection (c), all personnel and positions of USIA employed or maintained to carry out the functions transferred by this chapter to the Broadcasting Board of Governors shall be transferred to the Broadcasting Board of Governors at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer; and

(2) the personnel and positions of USIA, as determined by the Secretary of State, with the concurrence of the Broadcasting Board of Governors and the Director of USIA, to support the functions transferred by this chapter shall be transferred to the Broadcasting Board of Governors, including the International Broadcasting Bureau, at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) TRANSFER AND ALLOCATION OF PROPERTY, APPROPRIATIONS, AND PERSONNEL ASSOCIATED WITH WORLDNET.—USIA personnel responsible *for carrying out interactive dialogs with foreign media and other similar overseas public diplomacy programs using the Worldnet television broadcasting system, and funds associated with such personnel, shall be transferred to the Department of State in accordance with the provisions of title XVI of this subdivision.*

(d) Incidental Transfers.—The Director of the Office of Management and Budget, when requested by the Broadcasting Board of Governors, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions and offices transferred from USIA, as may be necessary to carry out the provisions of this section.

SEC. 1327. SAVINGS PROVISIONS.

(a) Continuing Legal Force and Effect.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this title, and

(2) that are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) Pending Proceedings.—

(1) In general.—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this title takes effect, with respect to functions exercised by the Board as of the effective date of this title but such proceedings and applications shall be continued.

(2) Orders, appeals, and payments.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) Statutory construction.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(c) Nonabatement of Proceedings.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Broadcasting Board of Governors, or any commission or component thereof, shall abate by reason of the enactment of this chapter. No cause of action by or against the Broadcasting Board of Governors, or any commission or component thereof, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this chapter.

(d) Continuation of Proceedings With Substitution of Parties.—

(1) Substitution of parties.—If, before the effective date of this title, USIA or the Broadcasting Board of Governors, or any officer thereof in the official capacity of such officer, is a party to a suit which is related to the functions transferred by this chapter, then effective on such date such suit shall be continued with the Broadcasting Board of Governors or other appropriate official of the Board substituted or added as a party.

(2) Liability of the board.—The Board shall participate in suits continued under paragraph (1) where the Broadcasting Board of Governors or other appropriate official of the Board is added as a party and shall be liable for any judgments or remedies in those suits or proceedings arising from the exercise of the functions transferred by this chapter to the same extent that USIA would have been liable if such judgment or remedy had been rendered on the day before the abolition of USIA.

(e) Administrative Actions Relating to Promulgation of Regulations.—Any administrative action relating to the preparation or promulgation of a regulation by the Broadcasting Board of Governors relating to a function exercised by the Board before the effective date of this title may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) References.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this title, shall be deemed to refer to the Board.

SEC. 1328. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.

Not later than March 1 of each year, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, on any steps taken to further the policy declared in section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken with regard to section 312(a) of that Act.

(3) An analysis of prospects for privatization over the coming year.

(4) An assessment of the extent to which United States Government funding may be appropriate in the year 2000 and subsequent years for surrogate broadcasting to the countries to which RFE/RL, Incorporated, broadcast during the year. This assessment shall include an analysis of the environment for independent media in those countries, noting the extent of government control of the media, the ability of independent journalists and news organizations to operate, relevant domestic legislation, level of government harassment and efforts to censor, and other indications of whether the people of such countries enjoy freedom of expression.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 1331. REFERENCES.

(a) In General.—Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

(b) Continuing References to USIA or Director.—Subsection (a) shall not apply to section 146 (a), (b), or (c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4069a(f), 4069b(g), or 4069c(f)).

SEC. 1332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Information Agency.";

(2) in section 5315—

(A) by striking "Deputy Director of the United States Information Agency."; and

(B) by striking "Director of the International Broadcasting Bureau, the United States Information Agency." and inserting "Director of the International Broadcasting Bureau."; and

(3) in section 5316—

(A) by striking "Deputy Director, Policy and Plans, United States Information Agency."; and

(B) by striking "Associate Director (Policy and Plans), United States Information Agency.".

SEC. 1333. APPLICATION OF CERTAIN LAWS.

(a) Application to Functions of Department of State.—Section 501 of Public Law 80-402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this subdivision.

(b) Application to Functions Transferred to Department of State.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall apply only to public diplomacy programs of the Director of the United States Information Agency as carried out prior to any transfer of functions pursuant to this subdivision to the same extent that such programs were covered by these provisions prior to such transfer.

(c) Limitation on Use of Funds.—Except as provided in section 501 of Public Law 80–402 and section 208 of Public Law 99–93, funds specifically authorized to be appropriated for such public diplomacy programs shall not be used to influence public opinion in the United States, and no program material prepared using such funds shall be distributed or disseminated in the United States.

(d) Reporting Requirements.—The report submitted pursuant to section 1601(f) of this subdivision shall include a detailed statement of the manner in which the special mission of public diplomacy carried out by USIA prior to the transfer of functions under this subdivision shall be preserved within the Department of State, including the planned duties and responsibilities of any new bureaus that will perform such public diplomacy functions. Such report shall also include the best available estimates of—

(1) the amounts expended by the Department of State for public affairs programs during fiscal year 1998, and on the personnel and support costs for such programs;

(2) the amounts expended by USIA for its public diplomacy programs during fiscal year 1998, and on the personnel and support costs for such programs; and

(3) the amounts, including funds to be transferred from USIA and funds appropriated to the Department, that will be allocated for the programs described in paragraphs (1) and (2), respectively, during the fiscal year in which the transfer of functions from USIA to the Department occurs.

(e) Congressional Presentation Document.—The Department of State's Congressional Presentation Document for fiscal year 2000 and each fiscal year thereafter shall include—

(1) the aggregated amounts that the Department will spend on such public diplomacy programs and on costs of personnel for such programs, and a detailed description of the goals and purposes for which such funds shall be expended; and

(2) the amount of funds allocated to and the positions authorized for such public diplomacy programs, including bureaus to be created upon the transfer of functions from USIA to the Department.

SEC. 1334. ABOLITION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) ABOLITION.—The United States Advisory Commission on Public Diplomacy is abolished.

(b) REPEALS.—Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977 are repealed.

SEC. 1335. CONFORMING AMENDMENTS.

(a) The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a)—

(A) by striking "Director of the United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(B) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(C) in subsection (b)—

(i) by striking "Agency's" and all that follows through "'USIA–TV')" and inserting "television broadcasts of the United States International Television Service"; and

(ii) in paragraphs (1), (2), and (3), by striking "USIA-TV" each place it appears and inserting "The United States International Television Service"; and

(D) in subsections (d) and (e), by striking "USIA-TV" each place it appears and inserting "the United States International Television Service";

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors";

(B) by striking "Agency" and inserting "Board"; and

(C) by striking "Director" and inserting "Board";

(3) in section 705 (22 U.S.C 1477c)—

(A) by striking subsections (a) and (c); and

(B) in subsection (b)—

(i) by striking "(b) In addition, the United States Information Agency" and inserting "The Department of State"; and

(ii) by striking "program grants" and inserting "grants for overseas public diplomacy programs";

(4) in section 801(7) (22 U.S.C. 1471(7))—

(A) by striking "Agency" and inserting "overseas public diplomacy"; and

(B) by inserting "other" after "together with"; and

(5) in section 812 (22 U.S.C. 1475g)—

(A) by striking "United States Information Agency post" each place it appears and inserting "overseas public diplomacy post";

(B) in subsection (a), by striking "United States Information Agency" the first place it appears and inserting "Department of State";

(C) in subsection (b), by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

*(D) in the section heading, by striking "**USIA**" and inserting "**OVERSEAS PUBLIC DIPLOMACY**".*

(b) Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Department of State";

(2) in subsection (a), by inserting "for carrying out its overseas public diplomacy functions" after "grants";

(3) in subsection (b)—

(A) by striking "a grant" the first time it appears and inserting "an overseas public diplomacy grant"; and

(B) in paragraph (1), by inserting "such" before "a grant" the first place it appears;

(4) in subsection (c)(1), by inserting "overseas public diplomacy" before "grants";

(5) in subsection (c)(3), by inserting "such" before "grant"; and

(6) by striking subsection (d).

(c) Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking "United States Information Agency" and inserting "Department of State"; and

(2) in subsection (b)—

(A) by striking "appropriations account of the United States Information Agency" and inserting "appropriate appropriations account of the Department of State"; and

(B) by striking "and the United States Information Agency".

(d) Section 305 of Public Law 97–446 (19 U.S.C. 2604) is amended in the first sentence, by striking ", after consultation with the Director of the United States Information Agency,".

(e) Section 601 of Public Law 103–227 (20 U.S.C. 5951(a)) is amended by striking "of the Director of the United States Information Agency and with" and inserting "and".

(f) Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking "9 members" and inserting "7 members";

(2) in paragraph (4), by striking "Six" and inserting "Five";

(3) by striking paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(g) Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(2) in subsection (c), by striking "subsection (b)(7)" and inserting "subsection (b)(6)".

(h) Section 7 of the Federal Triangle Development Act (40 U.S.C. 1106) is amended—

(1) in subsection (c)(1)—

(A) in the text above subparagraph (A), by striking "15 members" and inserting "14 members";

(B) by striking subparagraph (F); and

(C) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively;

(2) in paragraphs (3) and (5) of subsection (c), by striking "paragraph (1)(J)" each place it appears and inserting "paragraph (1)(I)"; and

(3) in subsection (d)(3) and subsection (e), by striking "the Administrator and the Director of the United States Information Agency" each place it appears and inserting "and the Administrator".

(i) Section 3 of the Woodrow Wilson Memorial Act of 1968 (Public Law 90–637; 20 U.S.C. 80f) is amended—

(1) in subsection (b)—

(A) in the text preceding paragraph (1), by striking "19 members" and inserting "17 members";

(B) by striking paragraph (7);

(C) by striking "10" in paragraph (10) and inserting "9"; and

(D) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(2) in subsection (c), by striking "(9)" and inserting "(8)".

(j) Section 624 of Public Law 89–329 (20 U.S.C. 1131c) is amended by striking "the United States Information Agency,".

(k) The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors";

(2) in section 210 (22 U.S.C. 3930), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors";

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking "the United States Information Agency," and inserting "Broadcasting Board of Governors,".

(l) The State Department Authorities Act of 1956, as amended by this division, is further amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking "United States Information Agency" and inserting "Broadcasting Board of Governors";

(2) in section 25(f) (22 U.S.C. 2697(f))—

(A) by striking "Director of the United States Information Agency" and inserting "Broadcasting Board of Governors"; and

(B) by striking "with respect to their respective agencies" and inserting "with respect to the Board and the Agency";

(3) in section 26(b) (22 U.S.C. 2698(b)), as amended by this division—

(A) by striking "Director of the United States Information Agency, the chairman of the Board for International Broadcasting," and inserting "Broadcasting Board of Governors,"; and

(B) by striking "with respect to their respective agencies" and inserting "with respect to the Board and the Agency"; and

(4) in section 32 (22 U.S.C. 2704), as amended by this division, by striking "the Director of the United States Information Agency" and inserting "the Broadcasting Board of Governors".

(m) Section 507(b)(3) of Public Law 103–317 (22 U.S.C. 2669a(b)(3)) is amended by striking ", the United States Information Agency,".

(n) Section 502 of Public Law 92–352 (2 U.S.C. 194a) is amended by striking "the United States Information Agency,".

(o) Section 6 of Public Law 104–288 (22 U.S.C. 2141d) is amended—

(1) in subsection (a), by striking "Director of the United States Information Agency,"; and

(2) in subsection (b), by striking "the Director of the United States Information Agency" and inserting "the Under Secretary of State for Public Diplomacy".

(p) Section 40118(d) of title 49, United States Code, is amended by striking ", the Director of the United States Information Agency,".

(q) Section 155 of Public Law 102–138 is amended—

(1) by striking the comma before "Department of Commerce" and inserting "and"; and

(2) by striking ", and the United States Information Agency".

(r) Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Director of the International Broadcasting Bureau".

SEC. 1336. REPEALS.

The following provisions are repealed:

(1) Sections 701 (22 U.S.C. 1476), 704 (22 U.S.C. 1477b), 807 (22 U.S.C 1475b), 808 (22 U.S.C 1475c), 811 (22 U.S.C 1475f), and 1009 (22 U.S.C. 1440) of the United States Information and Educational Exchange Act of 1948.

(2) Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)).

(3) Section 565(e) of the Anti-Economic Discrimination Act of 1994 (22 U.S.C. 2679c(e)).

(4) Section 206(b) of Public Law 102–138.

(5) Section 2241 of Public Law 104–66.

(6) Sections 1 through 6 of Reorganization Plan Numbered 2 of 1977 (91 Stat. 636).

(7) Section 207 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 1463 note).

TITLE XIV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 1401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) April 1, 1999; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 1601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 1411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) In General.—Except for the components specified in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) AID and OPIC Exempted.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 1412. TRANSFER OF FUNCTIONS AND AUTHORITIES.

(a) Allocation of Funds.—

(1) Allocation to the Secretary of State.—Funds made available under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of October 1, 1997, shall be allocated to the Secretary of State on and after the effective date of this title without further action by the President.

(2) Procedures for Reallocations or Transfers.—The Secretary of State may allocate or transfer as appropriate any funds received under paragraph (1) in the same manner as previously provided for the Director of the International Development Cooperation Agency under section 1–802 of that Executive Order, as in effect on October 1, 1997.

(b) With Respect to the Overseas Private Investment Corporation.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) Other Activities.—The authorities and functions transferred to the United States International Development Cooperation Agency or the Director of that Agency by section 6 of Reorganization Plan Numbered 2 of 1979 shall, to the extent such authorities and functions have not been repealed, be transferred to those agencies or heads of agencies, as the case may be, in which those authorities and functions were vested by statute as of the day before the effective date of such reorganization plan.

SEC. 1413. STATUS OF AID.

(a) In General.—Unless abolished pursuant to the reorganization plan submitted under section 1601, and except as provided in section 1412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) Retention of Officers.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 1421. REFERENCES.

Except as otherwise provided in this subdivision, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States International Development Cooperation Agency (IDCA) or to the Director or any other officer or employee of IDCA—

(1) insofar as such reference relates to any function or authority transferred under section 1412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such reference relates to any function or authority transferred under section 1412(b), shall be deemed to refer to the Administrator of the Agency for International Development;

(3) insofar as such reference relates to any function or authority transferred under section 1412(c), shall be deemed to refer to the head of the agency to which such function or authority is transferred under such section; and

(4) insofar as such reference relates to any function or authority not transferred by this title, shall be deemed to refer to the President or such agency or agencies as may be specified by Executive order.

SEC. 1422. CONFORMING AMENDMENTS.

(a) Termination of Reorganization Plans and Delegations.—The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of IDCA, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.

(4) Section 3 of Executive Order No. 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

(b) Other Statutory Amendments and Repeal.—

(1) Title 5.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development".

(2) Inspector General Act of 1978.—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(A) in subsection (a)—

(i) by striking "Development" through "(1) shall" and inserting "Development shall";

(ii) by striking "; and" at the end of subsection (a)(1) and inserting a period; and

(iii) by striking paragraph (2);

(B) by striking subsections (c) and (f); and

(C) by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(3) State Department Basic Authorities Act of 1956.—The State Department Basic Authorities Act of 1956 is amended—

(A) in section 25(f) (22 U.S.C. 2697(f)), as amended by this division, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development";

(B) in section 26(b) (22 U.S.C. 2698(b)), as amended by this division Act, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development"; and

(C) in section 32 (22 U.S.C. 2704), by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development".

(4) Foreign Service Act of 1980.—The Foreign Service Act of 1980 is amended—

(A) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the Agency for International Development";

(B) in section 210 (22 U.S.C. 3930), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development";

(C) in section 1003(a) (22 U.S.C. 4103(a)), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development"; and

(D) in section 1101(c) (22 U.S.C. 4131(c)), by striking "United States International Development Cooperation Agency" and inserting "Agency for International Development".

(5) Repeal.—Section 413 of Public Law 96–53 (22 U.S.C. 3512) is repealed.

(6) Title 49.—Section 40118(d) of title 49, United States Code, is amended by striking "the Director of the United States International Development Cooperation Agency" and inserting "or the Administrator of the Agency for International Development".

(7) Export Administration Act of 1979.—Section 2405(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(g)) is amended—

(A) by striking "Director of the United States International Development Cooperation Agency" each place it appears and inserting "Administrator of the Agency for International Development"; and

(B) in the fourth sentence, by striking "Director" and inserting "Administrator".

TITLE XV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 1501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) April 1, 1999; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 1601.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

SEC. 1511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) In General.—The Agency for International Development shall be reorganized in accordance with this subdivision and the reorganization plan transmitted pursuant to section 1601.

(b) Functions To Be Transferred.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of AID:

(1) The Press office.

(2) Certain administrative functions.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 1521. DEFINITION OF UNITED STATES ASSISTANCE.

In this chapter, the term "United States assistance" means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

SEC. 1522. ADMINISTRATOR OF AID REPORTING TO THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

SEC. 1523. ASSISTANCE PROGRAMS COORDINATION AND OVERSIGHT.

(a) AUTHORITY OF THE SECRETARY OF STATE.—

(1) IN GENERAL.—Under the direction of the President, the Secretary of State shall coordinate all United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) EXPORT PROMOTION ACTIVITIES.—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) INTERNATIONAL ECONOMIC ACTIVITIES.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) AUTHORITIES AND POWERS OF THE SECRETARY OF STATE.—The powers and authorities of the Secretary provided in this chapter are in addition to the powers and authorities provided to the Secretary under any other Act, including section 101(b) and section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(b), 2382(c)).

(b) COORDINATION ACTIVITIES.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) approving an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations; and

(4) resolving policy, program, and funding disputes among United States Government agencies.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the Federal agency for that purpose.

(d) AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the Agency for International Development is authorized to detail to the Department of State on a nonreimbursable basis such personnel employed by the Agency as the Secretary of State may require to carry out this section.

TITLE XVI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 1601. REORGANIZATION PLAN AND REPORT.

(a) SUBMISSION OF PLAN AND REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan and report regarding—

(1) the abolition of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency in accordance with this subdivision;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 1511;

(3) the termination of functions of each covered agency as may be necessary to effectuate the reorganization under this subdivision, and the termination of the affairs of each agency abolished under this subdivision;

(4) the transfer to the Department of the functions and personnel of each covered agency consistent with the provisions of this subdivision; and

(5) the consolidation, reorganization, and streamlining of the Department in connection with the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—The agencies covered by this section are the following:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall contain, consistent with this subdivision, such elements as the President deems appropriate, including elements that—

(1) identify the functions of each covered agency that will be transferred to the Department under the plan;

(2) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(3) specify the funds available to each covered agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(4) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(5) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each covered agency in connection with the transfer of the functions of such agency to the Department.

(d) REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions set forth in section 1511; and

(B) may provide for additional consolidation, reorganization, and streamlining of AID, including—

(i) the termination of functions and reductions in personnel of AID;

(ii) the transfer of functions of AID, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan transmitted under subsection (a) until that part of the plan becomes effective in accordance with subsection (g).

(f) REPORT.—The report accompanying the reorganization plan for the Department and the covered agencies submitted pursuant to this section shall describe the implementation of the plan and shall include—

(1) a detailed description of—

(A) the actions necessary or planned to complete the reorganization,

(B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and

(C) any preliminary actions which have been taken in the implementation process;

(2) the number of personnel and positions of each covered agency (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred to the Department, separated from service with such agency, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(3) the number of personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred within the Department, separated from service with the Department, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(4) a projected schedule for completion of the implementation process; and

(5) recommendations, if any, for legislation necessary to carry out changes made by this subdivision relating to personnel and to incidental transfers.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of the date for the respective covered agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) STATUTORY EFFECTIVE DATES.—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) April 1, 1999, with respect to functions of the Agency for International Development described in section 1511.

(B) April 1, 1999, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(C) October 1, 1999, with respect to the abolition of the United States Information Agency.

(3) EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.—An effective date under this paragraph for a reorganization plan described in

this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 90 calendar days after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of a covered agency on a single date.

(5) SUPERSEDES EXISTING LAW.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

(h) PUBLICATION.—The reorganization plan described in this section shall be printed in the Federal Register after the date upon which it first becomes effective.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 1611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this subdivision, to allocate or reallocate any function transferred to the Department under any title of this subdivision, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this subdivision, but this subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office, or officer of the Department.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan transmitted under section 1601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing a Federal agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new Federal agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 1612. TRANSFER AND ALLOCATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as otherwise provided in this subdivision, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 1615(e)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by any title of this subdivision shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Except as provided in subsection (c), unexpended and unobligated funds transferred pursuant to any title of this subdivision shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) FUNDS TO FACILITATE TRANSITION.—

(1) CONGRESSIONAL NOTIFICATION.—Funds transferred pursuant to subsection (a) may be available for the purposes of reorganization subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(2) TRANSFER AUTHORITY.—Funds in any account appropriated to the Department of State may be transferred to another such account for the purposes of reorganization, subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). The authority in this paragraph is in addition to any other transfer authority available to the Secretary of State and shall expire September 30, 2000.

SEC. 1613. TRANSFER, APPOINTMENT, AND ASSIGNMENT OF PERSONNEL.

(a) TRANSFER OF PERSONNEL FROM ACDA AND USIA.—Except as otherwise provided in title XIII—

(1) not later than the date of abolition of ACDA, all personnel and positions of ACDA, and

(2) not later than the date of abolition of USIA, all personnel and positions of USIA,

shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(b) TRANSFER OF PERSONNEL FROM AID.—Except as otherwise provided in title XIII, not later than the date of transfer of any function of AID to the Department of State under this subdivision, all AID personnel performing such functions and all positions associated with such functions shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) ASSIGNMENT AUTHORITY.—The Secretary, for a period of not more than 6 months commencing on the effective date of the transfer to the Department of State of personnel under subsections (a) and (b), is authorized to assign such personnel to any position or set of duties in the Department of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. The Secretary shall consult with the relevant exclusive representatives (as defined in section 1002 of the Foreign Service Act and in section 7103 of title 5, United States Code) with regard to the exercise of this authority. This subsection does not authorize the Secretary to assign any individual to any position that by law requires appointment by the President, by and with the advice and consent of the Senate.

(d) SUPERSEDING OTHER PROVISIONS OF LAW.—Subsections (a) through (c) shall be exercised notwithstanding any other provision of law. s

SEC. 1614. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, when requested by the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection withsuch functions, as may be necessary to carry out the provisions of any title of this subdivision. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this subdivision and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this subdivision.

SEC. 1615. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this subdivision; and

(2) that are in effect as of the effective date of such title, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of any title of this subdivision shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this subdivision before any Federal agency, commission, or component thereof, functions of which are transferred by any title of this subdivision. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) ORDERS, APPEALS, PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subdivision had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subdivision shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subdivision had not been enacted.

(4) REGULATIONS.—The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as provided in subsection (e) and section 1327(d)—

(1) the provisions of this subdivision shall not affect suits commenced prior to the effective dates of the respective titles of this subdivision; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this subdivision had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivision, shall abate by reason of the enactment of this subdivision. No cause of action by or against any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this subdivision, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this subdivision.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the effective date of any title of this subdivision, any Federal agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this subdivision any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then effective on such date such suit shall

be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this subdivision shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this subdivision shall apply to the exercise of such function by the Secretary.

SEC. 1616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Notwithstanding any provision of this subdivision, the Secretary of State, with the concurrence of the head of the appropriate Federal agency exercising functions transferred under this subdivision, may transfer the whole or part of such functions prior to the effective dates established in this subdivision, including the transfer of personnel and funds associated with such functions.

SEC. 1617. FINAL REPORT.

Not later than January 1, 2001, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this subdivision.

SUBDIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This subdivision may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999".

SEC. 2002. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subdivision, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

SEC. 2101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs", of the Department of State $1,730,000,000 for the fiscal year 1998 and $1,644,300,000 for the fiscal year 1999.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "Salaries and Expenses", of the Department of State $363,513,000 for the fiscal year 1998 and $355,000,000 for the fiscal year 1999.

(B) LIMITATIONS.—Of the amounts authorized to be appropriated by subparagraph (A), $2,000,000 for fiscal year 1998 and $2,000,000 for the fiscal year 1999 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund", of the Department of State $86,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999.

(4) SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS.—For "Security and Maintenance of United States Missions", $404,000,000 for the fiscal year 1998 and $403,561,000 for the fiscal year 1999.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,200,000 for the fiscal year 1998 and $4,350,000 for the fiscal year 1999.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $5,500,000 for the fiscal year 1998 and $5,500,000 for the fiscal year 1999.

(7) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $27,495,000 for the fiscal year 1998 and $27,495,000 for the fiscal year 1999.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $14,000,000 for the fiscal year 1998 and $14,750,000 for the fiscal year 1999.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For "Protection of Foreign Missions and Officials", $7,900,000 for the fiscal year 1998 and $8,100,000 for the fiscal year 1999.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount appropriated was made.

(10) REPATRIATION LOANS.—For "Repatriation Loans", $1,200,000 for the fiscal year 1998 and $1,200,000 for the fiscal year 1999, for administrative expenses.

SEC. 2102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $17,490,000 for the fiscal year 1998 and $19,551,000 for the fiscal year 1999; and

(B) for "Construction" $6,463,000 for the fiscal year 1998 and $6,463,000 for the fiscal year 1999.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $761,000 for the fiscal year 1998 and $761,000 for the fiscal year 1999.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,189,000 for the fiscal year 1998 and $3,432,000 for the fiscal year 1999.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries . Commissions", $14,549,000 for the fiscal year 1998 and $14,549,000 for the fiscal year 1999.

SEC. 2103. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164) is amended to read as follows:

"SEC. 404. There are authorized to be appropriated to the Secretary of State $10,000,000 for each of the fiscal years 1998 and 1999 for grants to The Asia Foundation pursuant to this title.".

SEC. 2104. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Voluntary Contributions to International Organizations", $194,500,000 for the fiscal year 1998 and $214,000,000 for the fiscal year 1999.

(b) LIMITATIONS.—

(1) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), $4,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the World Food Program.

(2) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amount authorized to be appropriated under subsection (a), $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(3) INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 1998 and $5,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

(c) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2105. VOLUNTARY CONTRIBUTIONS TO PEACEKEEPING OPERATIONS.

There are authorized to be appropriated for "Peacekeeping Operations", $77,500,000 for the fiscal year 1998 and $83,000,000 for the fiscal year 1999 for the Department of State to carry out section 551 of Public Law 87–195.

SEC. 2106. LIMITATION ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.

(a) LIMITATION.—Of the amounts made available for fiscal years 1998 and 1999 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the President submits to the appropriate congressional committees the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(1) are focused on eliminating human suffering and addressing the needs of the poor;

(2) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Law and Order Restoration Council (SLORC), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(3) provide no financial, political, or military benefit to the SLORC; and

(4) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 2201. REIMBURSEMENT OF DEPARTMENT OF STATE FOR ASSISTANCE TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: "Notwithstanding any other provision of law, where the child of a United States citizen employee of an agency of the United States Government who is stationed outside the United States attends an educational facility assisted by the Secretary of

State under this section, the head of that agency is authorized to reimburse, or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities, by grant or otherwise, under this section.".

SEC. 2202. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

"(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

"(B) the killing or kidnapping of—

"(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

"(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

"(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

"(c) COORDINATION.—

"(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) the offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

"(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

"(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(e) LIMITATIONS AND CERTIFICATION.—

"(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed $2,000,000.

"(2) APPROVAL.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

"(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

"(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

"(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) REPORTS.—

"(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

"(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

"(j) DEFINITIONS.—As used in this section:

"(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

"(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person with respect to whom the individual stands in loco parentis; and

"(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

"(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

"(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

"(6) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a citizen or national of the United States; and

"(B) an alien lawfully present in the United States.".

SEC. 2203. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) at the end of paragraph (1), by striking "and";

(2) in paragraph (2)—

(A) by striking "functions" and inserting "functions, including compliance and enforcement activities,"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.".

SEC. 2204. FEES FOR COMMERCIAL SERVICES.

Section 52(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724(b)) is amended by adding at the end the following: "Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.".

SEC. 2205. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) Foreign Affairs Reimbursement.—

(1) In general.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

"(e)(1) The Secretary may provide appropriate training or related services, except foreign language training, through the institution to any United States person (or any employee or family member thereof) that is engaged in business abroad.

"(2) The Secretary may provide job-related training or related services, including foreign language training, through the institution to a United States person under contract to provide services to the United States Government or to any employee thereof that is performing such services.

"(3) Training under this subsection may be provided only to the extent that space is available and only on a reimbursable or advance-of-funds basis. Reimbursements and advances shall be credited to the currently available applicable appropriation account.

"(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(5) In this subsection, the term 'United States person' means—

"(A) any individual who is a citizen or national of the United States; or

"(B) any corporation, company, partnership, association, or other legal entity that is 50 percent or more beneficially owned by citizens or nationals of the United States.

"(f)(1) The Secretary is authorized to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary.

"(2) Employees of the legislative branch and employees of the judicial branch may participate, on a reimbursable basis, in training programs offered by the institution.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.".

(2) Effective date.—The amendments made by paragraph (1) shall take effect on October 1, 1998.

(3) Termination of pilot program.—Effective October 1, 2002, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as amended by this subsection, is further amended—

(A) by striking subsections (e) and (f); and

(B) by redesignating subsection (g) as paragraph (4) of subsection (d).

(b) Fees for Use of National Foreign Affairs Training Center.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

"The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

(c) Reporting on Pilot Program.—Two years after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing—

(1) the number of persons who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, as added by this section;

(2) the business or government affiliation of such persons;

(3) the amount of fees collected; and

(4) the impact of the program on the primary mission of the National Foreign Affairs Training Center.

SEC. 2206. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

"The Secretary is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

SEC. 2207. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 55. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

"The Secretary shall include in the annual Congressional Presentation Document and the Budget in Brief a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also cover collections from the preceding fiscal year and the projected expenditures from all collections accounts.".

SEC. 2208. OFFICE OF THE INSPECTOR GENERAL.

(a) Procedures.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

"(4) The Inspector General shall develop and provide to employees—

"(A) information detailing their rights to counsel; and

"(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation other than matters exempt from disclosure under other provisions of law.".

(b) Notice.—Section 209(e) of the Foreign Service Act of 1980 (22 U.S.C. 3929(e)) is amended by adding at the end the following new paragraph:

"(3) The Inspector General shall ensure that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation, other than an intelligence-related or sensitive undercover investigation, or except in those situations when the Inspector General has a reasonable basis to believe that such notice would cause tampering with witnesses, destroying evidence, or endangering the lives of individuals, unless that individual receives prior adequate notice regarding participation by officials of any other agency, including the Department of Justice, in such interviews or meetings.".

(c) Report.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees which includes the following:

(A) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any officer or employee of the Department of State, the United States Information Agency, or the United States Arms Control and Disarmament Agency.

(B) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

(2) Statutory construction.—Disclosure of information to the public under this section shall not be construed to include information shared with Congress by an employee of the Office of the Inspector General.

SEC. 2209. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a), by inserting "and enhancement" after "procurement";

(2) in subsection (c), by striking "are authorized to" and inserting "shall";

(3) in subsection (d), by striking "for expenditure to procure capital equipment and information technology" and inserting "for purposes of subsection (a)"; and

(4) by amending subsection (e) to read as follows:

"(e) Reprogramming Procedures.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).".

SEC. 2210. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 10 percent;";

(2) by inserting "and" at the end of paragraph (5);

(3) by striking "; and" at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 2211. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the first sentence, by striking "(a) The" and all that follows through the period and inserting the following:

"(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render a final decision with respect to any claim of the Government of the United States or of any national of the United States—

"(A) included within the terms of the Yugoslav Claims Agreement of 1948;

"(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

"(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State."; and

(3) by redesignating the second sentence as paragraph (2).

SEC. 2212. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) RECOVERY OF CERTAIN EXPENSES.—The Department of State Appropriation Act of 1937 (22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled "INTERNATIONAL FISHERIES COMMISSION" by inserting "(including such expenses as salaries and other personnel expenses)" after "extraordinary expenses".

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting "personal and" before "other support services".

SEC. 2213. GRANTS TO REMEDY INTERNATIONAL ABDUCTIONS OF CHILDREN.

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100–300) is amended by adding at the end the following new subsection:

"(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the Convention and this Act.".

SEC. 2214. COUNTERDRUG AND ANTICRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific and, to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy, and works to achieve the objectives; and

(F) ensure that—

(i) all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms with the objectives; and

(ii) the recommendations of the Department regarding certification determinations made by the President on March 1 as to the counterdrug cooperation, or adequate steps on its own, of each major illicit drug producing and drug trafficking country to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances also conform to meet such objectives.

(3) REPORTS.—Not later than February 15 of each year subsequent to the submission of the strategy described in paragraph (1), the Secretary shall submit to Congress an update of the strategy. The update shall include—

(A) an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2); and

(B) detailed information on how certification determinations described in paragraph (2)(F) made the previous year affected achievement of the objectives set forth in paragraph (2) for the previous calendar year.

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTICRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every diplomatic mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—Consistent with existing memoranda of understanding between the Department of State and other departments and agencies of the United States, including the Department of Justice, the chief of mission of every diplomatic mission of the United States shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug, law enforcement, rule of law, and administration of justice programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every diplomatic mission of the United States shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at diplomatic missions of the United States in order to carry out the responsibility set forth in paragraph (1).

SEC. 2215. ANNUAL REPORT ON OVERSEAS SURPLUS PROPERTIES.

The Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.) is amended by adding at the end the following new section:

"SEC. 12. Not later than March 1 of each year, the Secretary of State shall submit to Congress a report listing overseas United States surplus properties that are administered under this Act and that have been identified for sale.".

SEC. 2216. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) by striking "January 31" and inserting "February 25";

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the status of child labor practices in each country, including—

"(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

"(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;".

SEC. 2217. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this division, is further amended by adding at the end the following new section:

"SEC. 56. CRIMES COMMITTED BY DIPLOMATS.

"(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

"(1) REPORT TO CONGRESS.—180 days after the date of enactment, and annually thereafter, the Secretary of State shall prepare and submit to the Congress, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

"(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

"(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

"(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

"(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

"(F) Whether the Secretary has made the notifications referred to in subsection (c) during the period covered by the report.

"(3) SERIOUS CRIMINAL OFFENSE DEFINED.—For the purposes of this section, the term 'serious criminal offense' means—

"(A) any felony under Federal, State, or local law;

"(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

"(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

"(D)(i) driving under the influence of alcohol or drugs;

"(ii) reckless driving; or

"(iii) driving while intoxicated.

"(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

"(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

"(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

"(c) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.".

SEC. 2218. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.

(a) PROCUREMENT POLICY.—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) IMPLEMENTATION.—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS–PO) shall—

(1) utilize full and open competition, to the maximum extent practicable, in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular posts overseas;

(2) make every effort to ensure and promote the participation in the competition for such procurement of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the maximum extent practicable, the subcontracting level.

SEC. 2219. REDUCTION OF REPORTING.

(a) REPEALS.—The following provisions of law are repealed:

(1) MODEL FOREIGN LANGUAGE COMPETENCE POSTS.—The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991 (22 U.S.C. 4171 note).

(2) ACTIONS OF THE GOVERNMENT OF HAITI.—Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(3) TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.—Section 123(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

(4) MILITARY ASSISTANCE FOR HAITI.—Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99–529).

(5) INTERNATIONAL SUGAR AGREEMENT, 1977.—Section 5 of the Act entitled "An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes" (Public Law 96–236; 7 U.S.C. 3605 and 3606).

(6) AUDIENCE SURVEY OF WORLDNET PROGRAM.—Section 209 (c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204).

(7) RESEARCH ON THE NEAR AND MIDDLE EAST.—Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(b) PROGRESS TOWARD REGIONAL NONPROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking "Not later than April 1, 1993 and every six months thereafter," and inserting "Not later than April 1 of each year,".

(c) REPORT ON PARTICIPATION BY UNITED STATES MILITARY PERSONNEL ABROAD IN UNITED STATES ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff(b)(6)) is amended by striking "of voter participation" and inserting "of uniformed services voter participation, a general assessment of overseas nonmilitary participation,".

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 2221. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For each of the fiscal years 1998 and 1999, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to title V of the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214 note), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 2222. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: "For purposes of this paragraph, the term 'consular officer' includes any United States citizen employee of the Department of State who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.".

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 1689 of the Revised Statutes (22 U.S.C. 4191) is amended by inserting "and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe" after "such officers".

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—

(1) DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.—Section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221) is further amended by inserting after the first sentence: "At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government who is a United States citizen serving overseas, including any contract employee of the United States Government, to perform such acts, and any such contractor so authorized shall not be considered to be a consular officer.".

(2) DEFINITION OF CONSULAR OFFICERS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section and sections 3493 through 3496 of this title, the term 'consular officers' includes any United States citizen who is designated to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).".

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: "For purposes of this section, a consular officer shall include any United States citizen serving overseas, authorized to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).".

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting "or employee" after "officer" the second place it appears; and

(2) inserting before the period at the end of the sentence "or, when used in title III, for the purpose of adjudicating nationality".

(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:

"(d)(1) Before a United States citizen employee (other than a diplomatic or consular officer of the United States) may be designated by the Secretary of State, pursuant to regulation, to perform a consular function abroad, the United States citizen employee shall—

"(A) be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function; and

"(B) be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function.

"(2) As used in this subsection, the term 'consular function' includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.".

SEC. 2223. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214), as amended (relating to accounting for consular fees) are repealed.

SEC. 2224. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 2225. DENIAL OF VISAS TO CONFISCATORS OF AMERICAN PROPERTY.

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who—

(1) through the abuse of position, including a governmental or political party position, converts or has converted for personal gain real property that has been confiscated or expropriated, a claim to which is owned by a national of the United States, or who is complicit in such a conversion; or

(2) induces any of the actions or omissions described in paragraph (1) by any person.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any country established by international mandate through the United Nations; or

(2) any territory recognized by the United States Government to be in dispute.

(c) REPORTING REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report, including—

(1) a list of aliens who have been denied a visa under this subsection; and

(2) a list of aliens who could have been denied a visa under subsection (a) but were issued a visa and an explanation as to why each such visa was issued.

SEC. 2226. INADMISSIBILITY OF ANY ALIEN SUPPORTING AN INTERNATIONAL CHILD ABDUCTOR.

(a) AMENDMENT OF IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by striking clause (ii) and inserting the following:

"(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

"(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i),

"(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

"(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion, is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.

"(iii) EXCEPTIONS.—Clauses (i) and (ii) shall not apply—

"(I) to a government official of the United States who is acting within the scope of his or her official duties;

"(II) to a government official of any foreign government if the official has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or

"(III) so long as the child is located in a foreign state that is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

CHAPTER 3—REFUGEES AND MIGRATION

Subchapter A—Authorization of Appropriations

SEC. 2231. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $650,000,000 for the fiscal year 1998 and $704,500,000 for the fiscal year 1999.

(2) LIMITATIONS.—

(A) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), not more than $2,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated in paragraph (1), $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 are authorized to be available for assistance for refugees resettling in Israel from other countries.

(C) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amounts authorized to be appropriated in paragraph (1), $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance are authorized to be available, including food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

Subchapter B—Authorities

SEC. 2241. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—None of the funds made available by this subdivision shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by section 2231 of this division or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "to effect the involuntary return" means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 2242. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) POLICY.—It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the heads of the appropriate agencies shall prescribe regulations to implement the obligations of the United States under Article 3 of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

(c) EXCLUSION OF CERTAIN ALIENS.—To the maximum extent consistent with the obligations of the United States under the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention, the regulations described in subsection (b) shall exclude from the protection of such regulations aliens described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)).

(d) REVIEW AND CONSTRUCTION.—Notwithstanding any other provision of law, and except as provided in the regulations described in subsection (b), no court shall have jurisdiction to review the regulations adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(e) AUTHORITY TO DETAIN.—Nothing in this section shall be construed as limiting the authority of the Attorney General to detain any

person under any provision of law, including, but not limited to, any provision of the Immigration and Nationality Act.

(f) DEFINITIONS.—

(1) CONVENTION DEFINED.—In this section, the term "Convention" means the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(2) SAME TERMS AS IN THE CONVENTION.—Except as otherwise provided, the terms used in this section have the meanings given those terms in the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

SEC. 2243. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended—

(1) in subsection (a)—

(A) by striking "Foreign Affairs" and inserting "International Relations and the Committee on Appropriations"; and

(B) by inserting "and the Committee on Appropriations" after "Foreign Relations"; and

(2) by adding at the end the following new subsection:

"(c) The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.".

SEC. 2244. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997, 1998, and 1999"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.— An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is or has been accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

SEC. 2245. REPORTS TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State shall supplement the monthly report to Congress entitled "Update on Monitoring of Cuban Migrant Returnees" with additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 2301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

"(f) COORDINATOR FOR COUNTERTERRORISM.—

"(1) IN GENERAL.—There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DUTIES.—

"(A) IN GENERAL.—The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

"(B) DUTIES DESCRIBED.—The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

"(3) RANK AND STATUS OF AMBASSADOR.—The Coordinator shall have the rank and status of Ambassador at Large.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking subsection (e).

SEC. 2302. ELIMINATION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

SEC. 2303. PERSONNEL MANAGEMENT.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended by adding at the end the following new subsection:

"(g) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.".

SEC. 2304. DIPLOMATIC SECURITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended by adding at the end the following new subsection:

"(h) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (1) management, and (2) Federal law enforcement, intelligence, or security.".

SEC. 2305. NUMBER OF SENIOR OFFICIAL POSITIONS AUTHORIZED FOR THE DEPARTMENT OF STATE.

(a) UNDER SECRETARIES.—

(1) IN GENERAL.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended by striking "5" and inserting "6".

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretaries of State (5)" and inserting "Under Secretaries of State (6)".

(b) ASSISTANT SECRETARIES.—

(1) IN GENERAL.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended by striking "20" and inserting "24".

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of State (20)" and inserting "Assistant Secretaries of State (24)".

(c) DEPUTY ASSISTANT SECRETARIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this division, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 2306. NOMINATION OF UNDER SECRETARIES AND ASSISTANT SECRETARIES OF STATE.

(a) UNDER SECRETARIES OF STATE.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

"(4) NOMINATION OF UNDER SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.".

(b) ASSISTANT SECRETARIES OF STATE.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this division, is further amended by adding at the end the following new paragraph:

"(3) NOMINATION OF ASSISTANT SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.".

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 2311. FOREIGN SERVICE REFORM.

(a) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking "Members" and inserting "Subject to subsection (e), members"; and

(2) by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of any member of the Foreign Service described in subsection (a) (including any member of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.".

(b) EXPEDITED SEPARATION OUT.—

(1) SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, any member of the Foreign Service ranked by promotion boards of the Department of State in the bottom 5 percent of his or her class for 2 or more of the 5 years preceding the date of enactment of this Act (in this subsection referred to as the "years of lowest ranking") if the rating official for such member was not the same individual for any two of the years of lowest ranking.

(2) SPECIAL INTERNAL REVIEWS.—In any case where the member was evaluated by the same rating official in any 2 of the years of lowest ranking, an internal review of the member's file shall be conducted to determine whether the member should be considered for action leading to separation.

(3) PROCEDURES.—The Secretary of State shall develop procedures for the internal reviews required under paragraph (2).

SEC. 2312. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A), by inserting "or any other applicable provision of chapter 84 of title 5, United States Code," after "section 811";

(2) in subsection (a), by inserting "or section 855, as appropriate" after "section 806"; and

(3) in subsection (b)(2)—

(A) by striking "(2)" and inserting "(2)(A) for those participants in the Foreign Service Retirement and Disability System,"; and

(B) by inserting before the period at the end "; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851"; and

(4) in subsection (b) in the matter following paragraph (2), by inserting "(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)" after "age 60".

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1)—

(A) by inserting "611," after "608,";

(B) by inserting "or for participants in the Foreign Service Pension System," after "for participants in the Foreign Service Retirement and Disability System"; and

(C) by striking "Service shall" and inserting "Service, shall"; and

(2) in paragraph (3), by striking "or 610" and inserting "610, or 611".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1)(A) and (2) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 on or after January 1, 1996.

SEC. 2313. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM THE FOREIGN SERVICE.

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking "A member" and inserting "Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member".

SEC. 2314. CAREER COUNSELING.

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following new sentence: "Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment that consists primarily of paid time to conduct a job search and without other substantive duties for more than one month.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

SEC. 2315. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include—

"(A) any chief of mission;

"(B) any principal officer or deputy principal officer;

"(C) any administrative or personnel officer abroad; or

"(D) any individual described in section 1002(12) (B), (C), or (D) who is not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.".

SEC. 2316. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) For purposes of this section, the term 'criminal investigator' includes a special agent occupying a position under title II of Public Law 99–399 if such special agent—

"(A) meets the definition of such term under paragraph (2) of subsection (a) (applied disregardingthe parenthetical matter before subparagraph (A) thereof); and

"(B) such special agent satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

"(2) In applying subsection (h) with respect to a special agent under this subsection—

"(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

"(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

"(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.".

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking "Public Law 99–399)" and inserting "Public Law 99–399, subject to subsection (k))".

(2) Section 5542(e) of such title is amended by striking "title 18, United States Code," and inserting "title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 2317. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday."; and

(2) at the end of section 5546(a), by adding the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.".

SEC. 2318. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall during each of calendar years 1998 and 1999 submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data for the last preceding examination and promotion cycles for which such information is available (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written Foreign Service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written Foreign Service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral Foreign Service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minority Foreign Service officers at each grade.

(6) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

TITLE XXIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 2401. INTERNATIONAL INFORMATION ACTIVITIES AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of

1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL INFORMATION PROGRAMS.—For "International Information Programs", $427,097,000 for the fiscal year 1998 and $455,246,000 for the fiscal year 1999.

(2) TECHNOLOGY FUND.—For the "Technology Fund" for the United States Information Agency, $5,050,000 for the fiscal year 1998 and $5,050,000 for the fiscal year 1999.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—There are authorized to be appropriated for the "Fulbright Academic Exchange Programs" (other than programs described in subparagraph (B)), $99,236,000 for the fiscal year 1998 and $100,000,000 for the fiscal year 1999.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under clause (i), $5,000,000 for the fiscal year 1998 and $5,000,000 for the fiscal year 1999 are authorized to be available for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—There are authorized to be appropriated for other educational and cultural exchange programs authorized by law, $100,764,000 for the fiscal year 1998 and $102,500,000 for the fiscal year 1999.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999 are authorized to be available for "South Pacific Exchanges".

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999 are authorized to be available for "East Timorese Scholarships".

(iv) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999 are authorized to be available for "Educational and Cultural Exchanges with Tibet" under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "International Broadcasting Activities", $340,315,000 for the fiscal year 1998, and $340,365,000 for the fiscal year 1999.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Broadcasting Board of Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For "Radio Construction", $40,000,000 for the fiscal year 1998, and $13,245,000 for the fiscal year 1999.

(6) RADIO FREE ASIA.—For "Radio Free Asia", $24,100,000 for the fiscal year 1998 and $22,000,000 for the fiscal year 1999, and an additional $8,000,000 in fiscal year 1998 for one-time capital costs.

(7) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $22,095,000 for the fiscal year 1998 and $22,095,000 for the fiscal year 1999.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the "Center for Cultural and Technical Interchange between East and West", not more than $12,000,000 for the fiscal year 1998 and not more than $12,500,000 for the fiscal year 1999.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the "National Endowment for Democracy", $30,000,000 for the fiscal year 1998 and $31,000,000 for the fiscal year 1999.

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For "Center for Cultural and Technical Interchange between North and South" not more than $1,500,000 for the fiscal year 1998 and not more than $1,750,000 for the fiscal year 1999.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 2411. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement, and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned may be obligated and expended for the purposes for which the grant was made without further appropriation.

SEC. 2412. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

"USE OF ENGLISH-TEACHING PROGRAM FEES

"SEC. 810. (a) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees and receipts described in subsection (b) are authorized to be credited each fiscal year for authorized purposes to the appropriate appropriations of the United States Information Agency to such extent as may be provided in advance in appropriations acts.

"(b) FEES AND RECEIPTS DESCRIBED.—The fees and receipts described in this subsection are fees and payments received by or for the use of the United States Information Agency from or in connection with—

"(1) English-teaching and library services,

"(2) educational advising and counseling,

"(3) Exchange Visitor Program Services,

"(4) advertising and business ventures of the Voice of America and the International Broadcasting Bureau,

"(5) cooperating international organizations, and

"(6) Agency-produced publications,

"(7) an amount not to exceed $100,000 of the payments from motion picture and television programs produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Education and Cultural Exchange Act of 1961.".

SEC. 2413. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration," each of the two places it appears.

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsections (a), (b), and (c)(5), by striking "Soviet Union" each place it appears and inserting "independent states of the former Soviet Union";

(2) in subsection (c)(11), by striking "Soviet republics" and inserting "independent states of the former Soviet Union"; and

*(3) in the section heading, by inserting "**INDEPENDENT STATES OF THE FORMER**" after "**FROM THE**".*

SEC. 2414. WORKING GROUP ON UNITED STATES GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

"(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the 'Working Group').

"(2) For purposes of this subsection, the term 'Government-sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall be composed as follows:

"(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

"(B) A senior representative of the Department of State, who shall be designated by the Secretary of State.

"(C) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

"(D) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

"(E) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

"(F) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

"(G) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

"(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.

"(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

"(6) The Working Group shall have the following purposes and responsibilities:

"(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

"(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

"(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored international exchange and training program

promotes United States foreign policy, and to report thereon.

"(D)(i) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

"(ii) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

"(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

"(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

"(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

"(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

"(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

"(8) The Working Group shall meet at least on a quarterly basis.

"(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

"(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

"(11) With respect to any report issued under paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.".

SEC. 2415. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) IN GENERAL.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended—

(1) by striking "for fiscal year 1997" and inserting "for the fiscal year 1999"; and

(2) by inserting after "who are outside Tibet" the following: "(if practicable, including individuals active in the preservation of Tibet's unique culture, religion, and language)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998.

SEC. 2416. SURROGATE BROADCASTING STUDY.

Not later than 6 months after the date of enactment of this Act, the Broadcasting Board of Governors, acting through the International Broadcasting Bureau, should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

SEC. 2417. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than $2,000,000 of the funds made available under section 2401(a)(4) of this division for each of the fiscal years 1998 and 1999 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as "Radio Free Iran".

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the surrogate broadcasting service described in subsection (a).

(c) AVAILABILITY OF FUNDS.—None of the funds made available under subsection (a) may be made available report required under subsection (b).

SEC. 2418. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 2419. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

SEC. 2420. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote programming each day to broadcasting information on the individual States of the United States. The broadcasts shall include—

(1) information on the products, tourism, and cultural and educational facilities of each State;

(2) information on the potential for trade with each State; and

(3) discussions with State officials with respect to the matters described in paragraphs (1) and (2).

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

(c) STATE DEFINED.—In this section, the term "State" means any of the several States of the United States, the District of Columbia, or any commonwealth or territory of the United States.

TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

SEC. 2501. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for "International Conferences and Contingencies", $6,537,000 for the fiscal year 1998 and $16,223,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 2502. RESTRICTION RELATING TO UNITED STATES ACCESSION TO ANY NEW INTERNATIONAL CRIMINAL TRIBUNAL.

(a) PROHIBITION.—The United States shall not become a party to any new international criminal tribunal, nor give legal effect to the jurisdiction of such a tribunal over any matter described in subsection (b), except pursuant to—

(1) a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act; or

(2) any statute enacted by Congress on or after the date of enactment of this Act.

(b) JURISDICTION DESCRIBED.—The jurisdiction described in this section is jurisdiction over—

(1) persons found, property located, or acts or omissions committed, within the territory of the United States; or

(2) nationals of the United States, wherever found.

(c) STATUTORY CONSTRUCTION.—Nothing in this section precludes sharing information, expertise, or other forms of assistance with such tribunal.

(d) DEFINITION.—The term "new international criminal tribunal" means any permanent international criminal tribunal established on or after the date of enactment of this Act and does not include—

(1) the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993; or

(2) the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

SEC. 2503. UNITED STATES MEMBERSHIP IN THE BUREAU OF THE INTERPARLIAMENTARY UNION.

(a) INTERPARLIAMENTARY UNION LIMITATION.—Unless the Secretary of State certifies to Congress that the United States will be assessed not more than $500,000 for its annual contribution to the Bureau of the Interparliamentary Union during fiscal year 1999, then effective October 1, 1999, the authority for further participation by the United States in the Bureau shall terminate in accordance with subsection (d).

(b) ELIMINATION OF AUTHORITY TO PAY EXPENSES OF THE AMERICAN GROUP.—Section 1 of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276) is amended—

(1) in the first sentence—

(A) by striking "fiscal year" and all that follows through "(1) for" and inserting "fiscal year for";

(B) by striking "; and"; and

(C) by striking paragraph (2); and

(2) by striking the second sentence.

(c) ELIMINATION OF PERMANENT APPROPRIATION.—Section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988 (Public Law 100–202; 22 U.S.C. 276 note)) is amended—

(1) by striking "$440,000" and inserting "$350,000"; and

(2) by striking "paragraph (2) of the first section of Public Law 74–170,".

(d) CONDITIONAL TERMINATION OF AUTHORITY.—Unless Congress receives the certification described in subsection (a) before October 1,

1999, effective on that date the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276–276a–4) is repealed.

(e) Transfer of Funds to the Treasury.—Unobligated balances of appropriations made under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988; Public Law 100–202) that are available as of the day before the date of enactment of this Act shall be transferred on such date to the general fund of the Treasury of the United States.

SEC. 2504. SERVICE IN INTERNATIONAL ORGANIZATIONS.

(a) In General.—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: "On reemployment, an employee entitled to the benefits of subsection (a) is entitled to the rate of basic pay to which the employee would have been entitled had the employee remained in the civil service. On reemployment, the agency shall restore the sick leave account of the employee, by credit or charge, to its status at the time of transfer. The period of separation caused by the employment of the employee with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to transfers that take effect on or after the date of enactment of this Act.

SEC. 2505. REPORTS REGARDING FOREIGN TRAVEL.

(a) Prohibition.—Except as provided in subsection (e), none of the funds authorized to be appropriated by this division for fiscal year 1999 may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

(b) Preliminary Reports.—A preliminary report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

(1) the name and employing agency of the officer or employee;

(2) the name of the official who authorized the travel; and

(3) the purpose and duration of the travel.

(c) Final Reports.—A final report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

(1) setting forth the actual duration and cost of the travel; and

(2) updating any other information included in the preliminary report.

(d) Report to Congress.—The Director shall submit a report not later than April 1, 1999, to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

(1) the names and employing agencies of all officers and employees of Executive branch agencies who attended the international conference;

(2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and

(3) the total cost of travel by officers and employees of Executive branch agencies to the international conference.

(e) Exceptions.—This section shall not apply to travel by—

(1) the President or the Vice President;

(2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission; or

(3) any officer or employee who travels prior to January 1, 1999.

(f) Definitions.—In this section:

(1) Director.—The term "Director" means the Director of the Office of International Conferences of the Department of State.

(2) Executive branch agency.—The terms "Executive branch agency" and "Executive branch agencies" mean—

(A) an entity or entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code; and

(B) the Executive Office of the President (except as provided in subsection (e)).

(3) International conference.—The term "international conference" means any meeting held under the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States Executive branch agencies will send a total of ten or more representatives.

(g) Report.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the total Federal expenditure of all official international travel in each Executive branch agency during the previous fiscal year; and

(2) the total number of individuals in each agency who engaged in such travel.

TITLE XXVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 2601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act $41,500,000 for the fiscal year 1999.

SEC. 2602. STATUTORY CONSTRUCTION.

Section 303 of the Arms Control and Disarmament Act (22 U.S.C. 2573), as redesignated by section 2223 of this division, is amended by adding at the end the following new subsection:

"(c) Statutory Construction.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.".

TITLE XXVII—EUROPEAN SECURITY ACT OF 1998

SEC. 2701. SHORT TITLE.

This title may be cited as the "European Security Act of 1998".

SEC. 2702. STATEMENT OF POLICY.

(a) Policy With Respect to NATO Enlargement.—Congress urges the President to outline a clear and complete strategic rationale for the enlargement of the North Atlantic Treaty Organization (NATO), and declares that—

(1) Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO;

(2) the United States should ensure that NATO continues a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership;

(3) the United States should ensure that no limitations are placed on the numbers of NATO troops or types of equipment, including tactical nuclear weapons, to be deployed on the territory of new member states;

(4) the United States should reject all efforts to condition NATO decisions on review or approval by the United Nations Security Council;

(5) the United States should clearly delineate those NATO deliberations, including but not limited to discussions on arms control, further Alliance enlargement, procurement matters, and strategic doctrine, that are not subject to review or discussion in the NATO-Russia Permanent Joint Council;

(6) the United States should work to ensure that countries invited to join the Alliance are provided an immediate seat in NATO discussions; and

(7) the United States already pays more than a proportionate share of the costs of the common defense of Europe and should obtain, in advance, agreement on an equitable distribution of the cost of NATO enlargement to ensure that the United States does not continue to bear a disproportionate burden.

(b) Policy With Respect to Negotiations With Russia.—

(1) Implementation.—NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia. Accordingly, the United States and its NATO allies should make this intention clear in negotiations with Russia, including negotiations regarding adaptation of the Conventional Armed Forces in Europe (CFE) Treaty of November 19, 1990.

(2) Limitations on Commitments to Russia.—In seeking to demonstrate to Russia NATO's defensive and security-enhancing intentions, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized. In particular, no commitments should be made to Russia that would have the effect of—

(A) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(B) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(C) providing any international organization, or any country that is not a member of NATO, with authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO;

(D) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance;

(E) establishing a nuclear weapons-free zone in Central or Eastern Europe;

(F) requiring NATO to subsidize Russian arms sales, service, or support to the militaries of those former Warsaw Pact countries invited to join the Alliance; or

(G) legitimizing Russian efforts to link concessions in arms control negotiations to NATO enlargement.

(3) COMMITMENTS FROM RUSSIA.—In order to enhance security and stability in Europe, the United States should seek commitments from Russia—

(A) to demarcate and respect all its borders with neighboring states;

(B) to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of Russia that are deployed on the territories of the independent states of the former Soviet Union without the full and complete agreement of those states;

(C) to station its armed forces on the territory of other states only with the full and complete agreement of that state and in strict accordance with international law; and

(D) to take steps to reduce further its nuclear and conventional forces in Kaliningrad.

(4) CONSULTATIONS.—As negotiations on adaptation of the Treaty on Conventional Armed Forces in Europe proceed, the United States should engage in close and continuous consultations not only with its NATO allies, but also with the emerging democracies of Central and Eastern Europe, Ukraine, and the South Caucasus.

(c) POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION.—

(1) IN GENERAL.—As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

(2) DISCUSSIONS WITH NATO ALLIES.—The United States should initiate discussions with its NATO allies for the purpose of examining the feasibility of deploying a ballistic missile defense capable of protecting NATO's southern and eastern flanks from a limited ballistic missile attack.

(3) CONSTITUTIONAL PREROGATIVES.—Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

SEC. 2703. AUTHORITIES RELATING TO NATO ENLARGEMENT.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(a).

(b) DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.—

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF CONGRESS.—It is the sense of Congress that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

(c) REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Funds described in paragraph (2) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(A) the procurement of items in support of these programs; and

(B) the transfer of such items to countries participating in these programs.

(2) FUNDS DESCRIBED.—Funds described in this paragraph are funds that are available—

(A) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(B) during fiscal year 1998 under any Act to carry out the Warsaw Initiative.

(d) EXTENSION OF AUTHORITY REGARDING EXCESS DEFENSE ARTICLES.—Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1997, 1998, and 1999".

(e) CONFORMING AMENDMENTS TO THE NATO PARTICIPATION ACT OF 1994.—Section 203(c) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) is amended—

(1) in paragraph (1), by striking ", without regard to the restrictions" and all that follows through "section)";

(2) by striking paragraph (2);

(3) in paragraph (6), by striking "appropriated under the 'Nonproliferation and Disarmament Fund' account" and inserting "made available for the 'Nonproliferation and Disarmament Fund'"; and

(4) in paragraph (8)—

(A) by striking "any restrictions in sections 516 and 519" and inserting "section 516(e)";

(B) by striking "as amended,"; and

(C) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)"; and

(5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

SEC. 2704. SENSE OF CONGRESS WITH RESPECT TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

It is the sense of Congress that no revisions to the Treaty on Conventional Armed Forces in Europe will be approved for entry into force with respect to the United States that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(3) providing any international organization, or any country that is not a member of NATO, with the authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(4) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance.

SEC. 2705. RESTRICTIONS AND REQUIREMENTS RELATING TO BALLISTIC MISSILE DEFENSE.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(c).

(b) RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD DEMARCATION AGREEMENTS.—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of enactment of this Act, that agreement is specifically approved with the advice and consent of the United States Senate pursuant to Article II, section 2, clause 2 of the Constitution.

(c) SENSE OF CONGRESS WITH RESPECT TO DEMARCATION AGREEMENTS.—

(1) RELATIONSHIP TO MULTILATERALIZATION OF ABM TREATY.—It is the sense of Congress that no ABM/TMD demarcation agreement will be considered for advice and consent to ratification unless, consistent with the certification of the President pursuant to condition (9) of the resolution of ratification of the CFE Flank Document, the President submits for Senate advice and consent to ratification any agreement, arrangement, or understanding that would—

(A) add one or more countries as State Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(B) change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term "national territory" as used in Article VI and Article IX of the ABM Treaty.

(2) PRESERVATION OF UNITED STATES THEATER BALLISTIC MISSILE DEFENSE POTENTIAL.—It is the sense of Congress that no ABM/TMD demarcation agreement that would reduce the capabilities of United States theater missile defense systems, or the numbers or deployment patterns of such systems, will be approved for entry into force with respect to the United States.

(d) REPORT ON COOPERATIVE PROJECTS WITH RUSSIA.—Not later than January 1, 1999, and January 1, 2000, the President shall submit to the Committees on International Relations, National Security, and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate a report on cooperative projects with Russia in the area of ballistic missile defense, including in the area of early warning. Each such report shall include the following:

(1) COOPERATIVE PROJECTS.—A description of all cooperative projects conducted in the area of early warning and ballistic missile defense during the preceding fiscal year and the fiscal year during which the report is submitted.

(2) FUNDING.—A description of the funding for such projects during the preceding fiscal year and the year during which the report is submitted and the proposed funding for such projects for the next fiscal year.

(3) STATUS OF DIALOGUE OR DISCUSSIONS.—A description of the status of any dialogue or discussions conducted during the preceding fiscal year between the United States and Russia aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the ABM Treaty, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

(e) DEFINITIONS.—In this section:

(1) ABM/TMD DEMARCATION AGREEMENT.—The term "ABM/TMD demarcation agreement" means any agreement that establishes a demarcation between theater ballistic missile defense systems and strategic antiballistic missile defense systems for purposes of the ABM Treaty.

(2) ABM TREATY.—The term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (23 UST 3435), and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974 (27 UST 1645).

TITLE XXVIII—OTHER FOREIGN POLICY PROVISIONS

SEC. 2801. REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State, after consultation with the Secretary of Defense and the Secretary of Commerce, shall submit a report to the appropriate congressional committees on specific actions taken by the Department of State, the Department of Defense, and the Department of Commerce toward progress in resolving the commercial disputes between United States firms and the Government of Saudi Arabia that are described in the June 30, 1993, report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396), including the additional claims noticed by the Department of Commerce on page 2 of that report.

(b) TERMINATION.—Subsection (a) shall cease to have effect on the earlier of—

(1) the date of submission of the third report under that subsection; or

(2) the date that the Secretary of State, after consultation with the Secretary of Defense and the Secretary of Commerce, certifies in writing to the appropriate congressional committees that the commercial disputes referred to in subsection (a) have been resolved satisfactorily.

SEC. 2802. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act and every 3 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to that section;

(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to that section;

(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to that section;

(4) an explanation of the status of the review underway for the cases referred to in paragraph (1); and

(5) an unclassified explanation of each determination of the Secretary of State under section 401(a) of that Act and each finding of the Secretary under section 401(c) of that Act—

(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

(B) in the preceding 3-month period, in the case of each subsequent report.

(b) PROTECTION OF IDENTITY OF CONCERNED ENTITIES.—In preparing the report under subsection (a), the names of entities shall not be identified under paragraph (1) or (4).

SEC. 2803. REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION.

(a) IN GENERAL.—Beginning 6 months after the date of the enactment of this Act and every 12 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit a report to the appropriate congressional committees on the compliance with the provisions of the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, by the signatory countries of the Convention. Each such report shall include the following information:

(1) The number of applications for the return of children submitted by United States citizens to the Central Authority for the United States that remain unresolved more than 18 months after the date of filing.

(2) A list of the countries to which children in unresolved applications described in paragraph (1) are alleged to have been abducted.

(3) A list of the countries that have demonstrated a pattern of noncompliance with the obligations of the Convention with respect to applications for the return of children submitted by United States citizens to the Central Authority for the United States.

(4) Detailed information on each unresolved case described in paragraph (1) and on actions taken by the Department of State to resolve each such case.

(5) Information on efforts by the Department of State to encourage other countries to become signatories of the Convention.

(b) DEFINITION.—In this section, the term "Central Authority for the United States" has the meaning given the term in Article 6 of the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.

SEC. 2804. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.

It is the sense of Congress that the United States should use its influence with the Government of Turkey to suggest that the Government of Turkey—

(1) recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) ensure the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law, including the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act (1975), and the Charter of Paris;

(3) provide for the proper protection and safety of the Ecumenical Patriarch and Patriarchate personnel; and

(4) reopen the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

SEC. 2805. REPORT ON RELATIONS WITH VIETNAM.

In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary of State shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 180 days thereafter during the period ending September 30, 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved cases of prisoners of war (POWs) or persons missing-in-action (MIAs) through the provision of records and the unilateral and joint recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

SEC. 2806. REPORTS AND POLICY CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos. The report shall include the following:

(1) A full investigation, including full documentation of individual cases of persecution, of the Lao Government's treatment of Hmong and Laotian refugees who have returned to Laos.

(2) The steps the Department of State will take to continue to monitor any systematic human rights violations by the Government of Laos.

(3) The actions which the Department of State will take to seek to ensure the cessation of human rights violations.

SEC. 2807. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the

President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 2808. CONGRESSIONAL STATEMENT REGARDING THE ACCESSION OF TAIWAN TO THE WORLD TRADE ORGANIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The people of the United States and the people of the Republic of China on Taiwan have long enjoyed extensive ties.

(2) Taiwan is currently the 8th largest trading partner of the United States.

(3) The executive branch of Government has committed publicly to support Taiwan's bid to join the World Trade Organization and has declared that the United States will not oppose this bid solely on the grounds that the People's Republic of China, which also seeks membership in the World Trade Organization, is not yet eligible because of its unacceptable trade practices.

(4) The United States and Taiwan have concluded discussions on a variety of outstanding trade issues that remain unresolved with the People's Republic of China and that are necessary for the United States to support Taiwan's membership in the World Trade Organization.

(5) The reversion of control over Hong Kong—a member of the World Trade Organization—to the People's Republic of China in many respects affords to the People's Republic of China the practical benefit of membership in the World Trade Organization for a substantial portion of its trade in goods despite the fact that the trade practices of the People's Republic of China currently fall far short of what the United States expects for membership in the World Trade Organization.

(6) The executive branch of Government has announced its interest in the admission of the People's Republic of China to the World Trade Organization; the fundamental sense of fairness of the people of the United States warrants the United States Government's support for Taiwan's relatively more meritorious application for membership in the World Trade Organization.

(7) Despite having made significant progress in negotiations for its accession to the World Trade Organization, Taiwan has yet to offer acceptable terms of accession in agricultural and certain other market sectors.

(8) It is in the economic interest of United States consumers and exporters for Taiwan to complete those requirements for accession to the World Trade Organization at the earliest possible moment.

(b) CONGRESSIONAL STATEMENT.—The Congress favors public support by officials of the Department of State for the accession of Taiwan to the World Trade Organization.

SEC. 2809. PROGRAMS OR PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN CUBA.

(a) WITHHOLDING OF UNITED STATES PROPORTIONAL SHARE OF ASSISTANCE.—Section 307(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(c)) is amended—

(1) by striking "The limitations" and inserting "(1) Subject to paragraph (2), the limitations"; and

(2) by adding at the end the following:

"(2)(A) Except as provided in subparagraph (B), with respect to funds authorized to be appropriated by this chapter and available for the International Atomic Energy Agency, the limitations of subsection (a) shall apply to programs or projects of such Agency in Cuba.

"(B)(i) Subparagraph (A) shall not apply with respect to programs or projects of the International Atomic Energy Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by a country described in subsection (a).

"(ii) Clause (i) shall not apply with respect to the Juragua Nuclear Power Plant near Cienfuegos, Cuba, or the Pedro Pi Nuclear Research Center unless Cuba—

"(I) ratifies the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (commonly known as the Treaty of Tlatelolco);

"(II) negotiates full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(III) incorporates internationally accepted nuclear safety standards.".

(b) OPPOSITION TO CERTAIN PROGRAMS OR PROJECTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

(1) Technical assistance programs or projects of the Agency at the Juragua Nuclear Power Plant near Cienfuegos, Cuba, and at the Pedro Pi Nuclear Research Center.

(2) Any other program or project of the Agency in Cuba that is, or could become, a threat to the security of the United States.

(c) REPORTING REQUIREMENTS.—

(1) REQUEST FOR IAEA REPORTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to request the Director-General of the Agency to submit to the United States all reports prepared with respect to all programs or projects of the Agency that are of concern to the United States, including the programs or projects described in subsection (b).

(2) ANNUAL REPORTS TO THE CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and on an annual basis thereafter, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report containing a description of all programs or projects of the Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)).

SEC. 2810. LIMITATION ON ASSISTANCE TO COUNTRIES AIDING CUBA NUCLEAR DEVELOPMENT.

(a) IN GENERAL.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this division, is further amended by adding at the end the following:

"(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

"(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

"(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelelco, and Cuba is in compliance with the requirements of either such Treaty;

"(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

"(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.".

(b) EFFECTIVE DATE.—Section 620(y) of the Foreign Assistance Act of 1961, as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act.

SEC. 2811. INTERNATIONAL FUND FOR IRELAND.

(a) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415; 100 Stat. 947) is amended by adding at the end the following new sentences: "United States contributions should be used in a manner that effectively increases employment opportunities in communities with rates of unemployment higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions should be used to benefit individuals residing in such communities.".

(b) CONDITIONS AND UNDERSTANDINGS.—Section 5(a) of such Act is amended—

(1) in the first sentence—

(A) by striking "The United States" and inserting the following:

"(1) IN GENERAL.—The United States";

(B) by striking "in this Act may be used" and inserting the following: "in this Act—

"(A) may be used";

(C) by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(B) should be provided to individuals or entities in Northern Ireland which employ practices consistent with the principles of economic justice."; and

(2) in the second sentence, by striking "The restrictions" and inserting the following:

"(2) ADDITIONAL REQUIREMENTS.—The restrictions".

(c) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(1) in subparagraph (A), by striking "in accordance with the principle of equality" and all that follows and inserting "to individuals and entities whose practices are consistent with principles of economic justice; and"; and

(2) in subparagraph (B), by inserting before the period at the end the following: "and will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment".

(d) ANNUAL REPORTS.—Section 6 of such Act is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the extent to which the practices of each individual or entity receiving assistance from United States contributions to the International Fund has been consistent with the principles of economic justice.".

(e) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

"(c) PROHIBITION.—Nothing included herein shall require quotas or reverse discrimination or mandate their use.".

(f) DEFINITIONS.—Section 8 of such Act is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) the term 'principles of economic justice' means the following principles:

"(A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

"(B) Providing adequate security for the protection of minority employees at the workplace.

"(C) Banning provocative sectarian or political emblems from the workplace.

"(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

"(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

"(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

"(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

"(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

"(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H).".

SEC. 2812. SUPPORT FOR DEMOCRATIC OPPOSITION IN IRAQ.

(a) ASSISTANCE FOR JUSTICE IN IRAQ.—There are authorized to be appropriated for fiscal year 1998 $3,000,000 for assistance to an international commission to establish an international record for the criminal culpability of Saddam Hussein and other Iraqi officials and for an international criminal tribunal established for the purpose of indicting, prosecuting, and punishing Saddam Hussein and other Iraqi officials responsible for crimes against humanity, genocide, and other violations of international law.

(b) ASSISTANCE TO THE DEMOCRATIC OPPOSITION IN IRAQ.—There are authorized to be appropriated for fiscal year 1998 $15,000,000 to provide support for democratic opposition forces in Iraq, of which—

(1) not more than $10,000,000 shall be for assistance to the democratic opposition, including leadership organization, training political cadre, maintaining offices, disseminating information, and developing and implementing agreements among opposition elements; and

(2) not more than $5,000,000 of the funds made available under this subsection shall be available only for grants to RFE/RL, Incorporated, for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iraqi people in the Arabic language, such broadcasts to be designated as "Radio Free Iraq".

(c) ASSISTANCE FOR HUMANITARIAN RELIEF AND RECONSTRUCTION.—There are authorized to be appropriated for fiscal year 1998 $20,000,000 for the relief, rehabilitation, and reconstruction of people living in Iraq, and communities located in Iraq, who are not under the control of the Saddam Hussein regime.

(d) AVAILABILITY.—Amounts authorized to be appropriated by this section shall be provided in addition to amounts otherwise made available and shall remain available until expended.

(e) NOTIFICATION.—All assistance provided pursuant to this section shall be notified to Congress in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(f) RELATION TO OTHER LAWS.—Funds made available to carry out the provisions of this section may be made available notwithstanding any other provision of law.

(g) REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of State and the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing—

(1) the costs, implementation, and plans for the establishment of an international war crimes tribunal described in subsection (a);

(2) the establishment of a political assistance program, and the surrogate broadcasting service, as described in subsection (b); and

(3) the humanitarian assistance program described in subsection (c).

SEC. 2813. DEVELOPMENT OF DEMOCRACY IN THE REPUBLIC OF SERBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States stands as the beacon of democracy and freedom in the world.

(2) A stable and democratic Republic of Serbia is important to the interests of the United States, the international community, and to peace in the Balkans.

(3) Democratic forces in the Republic of Serbia are beginning to emerge, notwithstanding the efforts of Europe's longest-standing communist dictator, Slobodan Milosevic.

(4) The Serbian authorities have sought to continue to hinder the growth of free and independent news media in the Republic of Serbia, in particular the broadcast news media, and have harassed journalists performing their professional duties.

(5) Under Slobodan Milosevic, the political opposition in Serbia has been denied free, fair, and equal opportunity to participate in the democratic process.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States, the international community, nongovernmental organizations, and the private sector should continue to promote the building of democratic institutions and civic society in the Republic of Serbia, help strengthen the independent news media, and press for the Government of the Republic of Serbia to respect the rule of law; and

(2) the normalization of relations between the "Federal Republic of Yugoslavia" (Serbia and Montenegro) and the United States requires, among other things, that President Milosevic and the leadership of Serbia—

(A) promote the building of democratic institutions, including strengthening the independent news media and respecting the rule of law;

(B) promote the respect for human rights throughout the "Federal Republic of Yugoslavia" (Serbia and Montenegro); and

(C) promote and encourage free, fair, and equal conditions for the democratic opposition in Serbia.

DIVISION—H

SECTION 1. SHORT TITLE.

This Division may be cited as the "Depository Institution-GSE Affiliation Act of 1998".

SEC. 2. CERTAIN AFFILIATION PERMITTED.

Section 18(s) of the Federal Deposit Insurance Act (12 U.S.C. 1828(s)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) STUDENT LOANS.—

"(A) IN GENERAL.—This subsection shall not apply to any arrangement between the Holding Company (or any subsidiary of the Holding Company other than the Student Loan Marketing Association) and a depository institution, if the Secretary approves the affiliation and determines that—

"(i) the reorganization of such Association in accordance with section 440 of the Higher Education Act of 1965, as amended, will not be adversely affected by the arrangement;

"(ii) the dissolution of the Association pursuant to such reorganization will occur before the end of the 2-year period beginning on the date on which such arrangement is consummated or on such earlier date as the Secretary deems appropriate: Provided, That the Secretary may extend this period for not more than 1 year at a time if the Secretary determines that such extension is in the public interest and is appropriate to achieve an orderly reorganization of the Association or to prevent market disruptions in connection with such reorganization, but no such extensions shall in the aggregate exceed 2 years;

"(iii) the Association will not purchase or extend credit to, or guarantee or provide credit enhancement to, any obligation of the depository institution;

"(iv) the operations of the Association will be separate from the operations of the depository institution; and

"(v) until the 'dissolution date' (as that term is defined in section 440 of the Higher Education Act of 1965, as amended) has occurred, such depository institution will not use the trade name or service mark 'Sallie Mae' in connection with any product or service it offers if the appropriate Federal banking agency for such depository institution determines that—

"(I) the depository institution is the only institution offering such product or service using the 'Sallie Mae' name; and

"(II) such use would result in the depository institution having an unfair competitive advantage over other depository institutions.

"(B) TERMS AND CONDITIONS.—In approving any arrangement referred to in subparagraph (A) the Secretary may impose any terms and conditions on such an arrangement that the Secretary considers appropriate, including—

"(i) imposing additional restrictions on the issuance of debt obligations by the Association; or

"(ii) restricting the use of proceeds from the issuance of such debt.

"(C) ADDITIONAL LIMITATIONS.—In the event that the Holding Company (or any subsidiary of the Holding Company) enters into such an arrangement, the value of the Association's 'investment portfolio' shall not at any time exceed the lesser of—

"(i) the value of such portfolio on the date of the enactment of this subsection; or

"(ii) the value of such portfolio on the date such an arrangement is consummated. The term 'investment portfolio' shall mean all investments shown on the consolidated balance sheet of the Association other than—

"(I) any instrument or assets described in section 439(d) of the Higher Education Act of 1965, as amended;

"(II) any direct noncallable obligations of the United States or any agency thereof for which the full faith and credit of the United States is pledged; or

"(III) cash or cash equivalents.

"(D) ENFORCEMENT.—The terms and conditions imposed under subparagraph (B) may be enforced by the Secretary in accordance with section 440 of the Higher Education Act of 1965.

"(E) DEFINITIONS.—For purposes of this paragraph, the following definition shall apply—

"(i) ASSOCIATION; HOLDING COMPANY.—Notwithstanding any provision in section 3, the terms 'Association' and 'Holding Company' have the same meanings as in section 440(i) of the Higher Education Act of 1965.

"(ii) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.".

DIVISION I—CHEMICAL WEAPONS CONVENTION

SECTION 1. SHORT TITLE.

This Division may be cited as the "Chemical Weapons Convention Implementation Act of 1998".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—GENERAL PROVISIONS

Sec. 101. Designation of United States National Authority.
Sec. 102. No abridgement of constitutional rights.
Sec. 103. Civil liability of the United States.

TITLE II—PENALTIES FOR UNLAWFUL ACTIVITIES SUBJECT TO THE JURISDICTION OF THE UNITED STATES

Subtitle A—Criminal and Civil Penalties

Sec. 201. Criminal and civil provisions.

Subtitle B—Revocations of Export Privileges

Sec. 211. Revocations of export privileges.

TITLE III—INSPECTIONS

Sec. 301. Definitions in the title.
Sec. 302. Facility agreements.
Sec. 303. Authority to conduct inspections.
Sec. 304. Procedures for inspections.
Sec. 305. Warrants.
Sec. 306. Prohibited acts relating to inspections.
Sec. 307. National security exception.
Sec. 308. Protection of constitutional rights of contractors.
Sec. 309. Annual report on inspections.
Sec. 310. United States assistance in inspections at private facilities.

TITLE IV—REPORTS

Sec. 401. Reports required by the United States National Authority.
Sec. 402. Prohibition relating to low concentrations of schedule 2 and 3 chemicals.
Sec. 403. Prohibition relating to unscheduled discrete organic chemicals and coincidental byproducts in waste streams.
Sec. 404. Confidentiality of information.
Sec. 405. Recordkeeping violations.

TITLE V—ENFORCEMENT

Sec. 501. Penalties.
Sec. 502. Specific enforcement.
Sec. 503. Expedited judicial review.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Repeal.
Sec. 602. Prohibition.
Sec. 603. Bankruptcy actions.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHEMICAL WEAPON.—The term "chemical weapon" means the following, together or separately:

(A) A toxic chemical and its precursors, except where intended for a purpose not prohibited under this Act as long as the type and quantity is consistent with such a purpose.

(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device.

(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

(2) CHEMICAL WEAPONS CONVENTION; CONVENTION.—The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) KEY COMPONENT OF A BINARY OR MULTICOMPONENT CHEMICAL SYSTEM.—The term "key component of a binary or multicomponent chemical system" means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

(4) NATIONAL OF THE UNITED STATES.—The term "national of the United States" has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(5) ORGANIZATION.—The term "Organization" means the Organization for the Prohibition of Chemical Weapons.

(6) PERSON.—The term "person", except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

(7) PRECURSOR.—

(A) IN GENERAL.—The term "precursor" means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

(B) LIST OF PRECURSORS.—Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

(8) PURPOSES NOT PROHIBITED BY THIS ACT.—The term "purposes not prohibited by this Act" means the following:

(A) PEACEFUL PURPOSES.—Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

(B) PROTECTIVE PURPOSES.—Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

(C) UNRELATED MILITARY PURPOSES.—Any military purpose of the United States that is not connected with the use of a chemical weapon and that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(D) LAW ENFORCEMENT PURPOSES.—Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

(9) TECHNICAL SECRETARIAT.—The term "Technical Secretariat" means the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons established by the Chemical Weapons Convention.

(10) SCHEDULE 1 CHEMICAL AGENT.—The term 'Schedule 1 chemical agent' means any of the following, together or separately:

(A) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl

(Me, Et, n-Pr or i-Pr)-phosphonofluoridates

(e.g. Sarin: O-Isopropyl methylphosphonofluoridate Soman: O-Pinacolyl methylphosphonofluoridate).

(B) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl

(Me, Et, n-Pr or i-Pr)-phosphoramidocyanidates

(e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate).

(C) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl

(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl

(Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts

(e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate).

(D) Sulfur mustards:
2-Chloroethylchloromethylsulfide
Mustard gas: (Bis(2-chloroethyl)sulfide
Bis(2-chloroethylthio)methane
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane
1,3-Bis(2-chloroethylthio)-n-propane
1,4-Bis(2-chloroethylthio)-n-butane
1,5-Bis(2-chloroethylthio)-n-pentane
Bis(2-chloroethylthiomethyl)ether
O-Mustard: Bis(2-chloroethylthioethyl)ether.

(E) Lewisites:
Lewisite 1: 2-Chlorovinyldichloroarsine
Lewisite 2: Bis(2-chlorovinyl)chloroarsine
Lewisite 3: Tris (2-clorovinyl)arsine.

(F) Nitrogen mustards:
HN1: Bis(2-chloroethyl)ethylamine
HN2: Bis(2-chloroethyl)methylamine
HN3: Tris(2-chloroethyl)amine.

(G) Saxitoxin.

(H) Ricin.

(I) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides

e.g. DF: Methylphosphonyldifluoride.

(J) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl)O-2-dialkyl

(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl

(Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts

e.g. QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite.

(K) Chlorosarin: O-Isopropyl methylphosphonochloridate.

(L) Chlorosoman: O-Pinacolyl methylphosphonochloridate.

(11) SCHEDULE 2 CHEMICAL AGENT.—The term 'Schedule 2 chemical agent' means the following, together or separately:

(A) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl]

phosphorothiolate and corresponding alkylated or protonated salts.

(B) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene.

(C) BZ: 3-Quinuclidinyl benzilate

(D) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,

e.g. Methylphosphonyl dichloride Dimethyl methylphosphonate

Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate.

(E) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides.

(F) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates.

(G) arsenic trichloride.

(H) 2,2-Diphenyl-2-hydroxyacetic acid.

(I) Quinuclidine-3-ol.

(J) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts.

(K) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts

Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol and corresponding protonated salts.

(L) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts.

(M) Thiodiglycol: Bis(2-hydroxyethyl)sulfide.

(N) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol.

(12) SCHEDULE 3 CHEMICAL AGENT.—The term 'Schedule 3 chemical agent' means any the following, together or separately:

(A) Phosgene: carbonyl dichloride.

(B) Cyanogen chloride.

(C) Hydrogen cyanide.

(D) Chloropicrin: trichloronitromethane.

(E) Phosphorous oxychloride.

(F) Phosphorous trichloride.

(G) Phosphorous pentachloride.

(H) Trimethyl phosphite.

(I) Triethyl phosphite.

(J) Dimethyl phosphite.

(K) Diethyl phosphite.

(L) Sulfur monochloride.

(M) Sulfur dichloride.

(N) Thionyl chloride.

(O) Ethyldiethanolamine.

(P) Methyldiethanolamine.

(Q) Triethanolamine.

(13) TOXIC CHEMICAL.—

(A) IN GENERAL.—The term "toxic chemical" means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. The term includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(B) LIST OF TOXIC CHEMICALS.—Toxic chemicals which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

(14) UNITED STATES.—The term "United States" means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) any of the places within the provisions of paragraph (41) of section 40102 of title 49, United States Code;

(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (37), respectively, of section 40102 of title 49, United States Code; and

(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C., App. sec. 1903(b)).

(15) UNSCHEDULED DISCRETE ORGANIC CHEMICAL.—The term "unscheduled discrete organic chemical" means any chemical not listed on any schedule contained in the Annex on Chemicals of the Convention that belongs to the class of chemical compounds consisting of all compounds of carbon, except for its oxides, sulfides, and metal carbonates.

TITLE I—GENERAL PROVISIONS

SEC. 101. DESIGNATION OF UNITED STATES NATIONAL AUTHORITY.

(a) DESIGNATION.—Pursuant to paragraph 4 of Article VII of the Chemical Weapons Convention, the President shall designate the Department of State to be the United States National Authority.

(b) PURPOSES.—The United States National Authority shall—

(1) serve as the national focal point for effective liaison with the Organization for the Prohibition of Chemical Weapons and other States Parties to the Convention; and

(2) implement the provisions of this Act in coordination with an interagency group designated by the President consisting of the Secretary of Commerce, Secretary of Defense, Secretary of Energy, the Attorney General, and the heads of agencies considered necessary or advisable by the President.

(c) DIRECTOR.—The Secretary of State shall serve as the Director of the United States National Authority.

(d) POWERS.—The Director may utilize the administrative authorities otherwise available to the Secretary of State in carrying out the responsibilities of the Director set forth in this Act.

(e) IMPLEMENTATION.—The President is authorized to implement and carry out the provisions of this Act and the Convention and shall designate through Executive order which agencies of the United States shall issue, amend, or revise the regulations in order to implement this Act and the provisions of the Convention. The Director of the United States National Authority shall report to the Congress on the regulations that have been issued, implemented, or revised pursuant to this section.

SEC. 102. NO ABRIDGEMENT OF CONSTITUTIONAL RIGHTS.

No person may be required, as a condition for entering into a contract with the United States or as a condition for receiving any benefit from the United States, to waive any right under the Constitution for any purpose related to this Act or the Convention.

SEC. 103. CIVIL LIABILITY OF THE UNITED STATES.

(a) CLAIMS FOR TAKING OF PROPERTY.—

(1) JURISDICTION OF COURTS OF THE UNITED STATES.—

(A) UNITED STATES COURT OF FEDERAL CLAIMS.—The United States Court of Federal Claims shall, subject to subparagraph (B), have jurisdiction of any civil action or claim against the United States for any taking of property without just compensation that occurs by reason of the action of any officer or employee of the Organization for the Prohibition of Chemical Weapons, including any member of an inspection team of the Technical Secretariat, or by reason of the action of any officer or employee of the United States pursuant to this Act or the Convention. For purposes of this subsection, action taken pursuant to or under the color of this Act or the Convention shall be deemed to be action taken by the United States for a public purpose.

(B) DISTRICT COURTS.—The district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any civil action or claim described in subparagraph (A) that does not exceed $10,000.

(2) NOTIFICATION.—Any person intending to bring a civil action pursuant to paragraph (1) shall notify the United States National Authority of that intent at least one year before filing the claim in the United States Court of Federal Claims. Action on any claim filed during that one-year period shall be stayed. The one-year period following the notification shall not be counted for purposes of any law limiting the period within which the civil action may be commenced.

(3) INITIAL STEPS BY UNITED STATES GOVERNMENT TO SEEK REMEDIES.—During the period between a notification pursuant to paragraph (2) and the filing of a claim covered by the notification in the United States Court of Federal Claims, the United States National Authority shall pursue all diplomatic and other remedies that the United States National Authority considers necessary and appropriate to seek redress for the claim including, but not limited to, the remedies provided for in the Convention and under this Act.

(4) BURDEN OF PROOF.—In any civil action under paragraph (1), the plaintiff shall have the burden to establish a prima facie case that, due to acts or omissions of any official of the Organization or any member of an inspection team of the Technical Secretariat taken under the color of the Convention, proprietary information of the plaintiff has been divulged or taken without authorization. If the United States Court of Federal Claims finds that the plaintiff has demonstrated such a prima facie case, the burden shall shift to the United States to disprove the plaintiff's claim. In deciding whether the plaintiff has carried its burden, the United States Court of Federal Claims shall consider, among other things—

(A) the value of proprietary information;

(B) the availability of the proprietary information;

(C) the extent to which the proprietary information is based on patents, trade secrets, or other protected intellectual property;

(D) the significance of proprietary information; and

(E) the emergence of technology elsewhere a reasonable time after the inspection.

(b) TORT LIABILITY.—The district courts of the United States shall have exclusive jurisdiction of civil actions for money damages for any tort under the Constitution or any Federal or State law arising from the acts or omissions of any officer or employee of the United States or the Organization, including any member of an inspection team of the Technical Secretariat, taken pursuant to or under color of the Convention or this Act.

(c) WAIVER OF SOVEREIGN IMMUNITY OF THE UNITED STATES.—In any action under subsection (a) or (b), the United States may not raise sovereign immunity as a defense.

(d) AUTHORITY FOR CAUSE OF ACTION.—

(1) UNITED STATES ACTIONS IN UNITED STATES DISTRICT COURT.—Notwithstanding any other law, the Attorney General of the United States is authorized to bring an action in the United States District Court for the District of Columbia against any foreign nation for money damages resulting from that nation's refusal to provide indemnification to the United States for any liability imposed on the United States by virtue of the actions of an inspector of the Technical Secretariat who is a national of that foreign nation acting at the direction or the behest of that foreign nation.

(2) UNITED STATES ACTIONS IN COURTS OUTSIDE THE UNITED STATES.—The Attorney General is authorized to seek any and all available redress in any international tribunal for indemnification to the United States for any liability imposed on the United States by virtue of the actions of an inspector of the Technical Secretariat, and to seek such redress in the courts of the foreign nation from which the inspector is a national.

(3) ACTIONS BROUGHT BY INDIVIDUALS AND BUSINESSES.—Notwithstanding any other law, any national of the United States, or any business entity organized and operating under the laws of the United States, may bring a civil action in a United States District Court for money damages against any foreign national or any business entity organized and operating under the laws of a foreign nation for an unauthorized or unlawful acquisition, receipt, transmission, or use of property by or on behalf of such foreign national or business entity as a result of any tort under the Constitution or any Federal or State law arising from acts or omissions by any officer or employee of the United States or any member of an inspection team of the Technical Secretariat taken pursuant to or under the color of the Convention or this Act.

(e) RECOUPMENT.—

(1) POLICY.—It is the policy of the United States to recoup all funds withdrawn from the Treasury of the United States in payment for any tort under Federal or State law or taking under the Constitution arising from the acts or omissions of any foreign person, officer, or employee of the Organization, including any member of an inspection team of the Technical Secretariat, taken under color of the Chemical Weapons Convention or this Act.

(2) SANCTIONS ON FOREIGN COMPANIES.—

(A) IMPOSITION OF SANCTIONS.—The sanctions provided in subparagraph (B) shall be imposed for a period of not less than ten years upon—

(i) any foreign person, officer, or employee of the Organization, including any member of an inspection team of the Technical Secretariat, for whose actions or omissions the United States has been held liable for a tort or taking pursuant to this Act; and

(ii) any foreign person or business entity organized and operating under the laws of a foreign nation which knowingly assisted, encouraged or induced, in any way, a foreign person described in clause (i) to publish, divulge, disclose, or make known in any manner or to any extent not authorized by the Convention any United States confidential business information.

(B) SANCTIONS.—

(i) ARMS EXPORT TRANSACTIONS.—The United States Government shall not sell to a person described in subparagraph (A) any item on the United States Munitions List and shall terminate sales of any defense articles, defense services, or design and construction services to a person described in subparagraph (A) under the Arms Export Control Act.

(ii) SANCTIONS UNDER EXPORT ADMINISTRATION ACT OF 1979.—The authorities under section 6 of the Export Administration Act of 1979 shall be used to prohibit the export of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act to a person described in subparagraph (A).

(iii) INTERNATIONAL FINANCIAL ASSISTANCE.—The United States shall oppose any loan or financial or technical assistance by international financial institutions in accordance with section 701 of the International Financial Institutions Act to a person described in subparagraph (A).

(iv) EXPORT-IMPORT BANK TRANSACTIONS.—The United States shall not give approval to guarantee, insure, or extend credit, or to participate in the extension of credit to a person described in subparagraph (A) through the Export-Import Bank of the United States.

(v) PRIVATE BANK TRANSACTIONS.—Regulations shall be issued to prohibit any United States bank from making any loan or providing any credit to a person described in subparagraph (A).

(vi) BLOCKING OF ASSETS.—The President shall take all steps necessary to block any transactions in any property subject to the jurisdiction of the United States in which a person described in subparagraph (A) has any interest whatsoever, for the purpose of recouping funds in accordance with the policy in paragraph (1).

(vii) DENIAL OF LANDING RIGHTS.—Landing rights in the United States shall be denied to any private aircraft or air carrier owned by a person described in subparagraph (A) except as necessary to provide for emergencies in which the safety of the aircraft or its crew or passengers is threatened.

(3) SANCTIONS ON FOREIGN GOVERNMENTS.—

(A) IMPOSITION OF SANCTIONS.—Whenever the President determines that persuasive information is available indicating that a foreign country has knowingly assisted, encouraged or induced, in any way, a person described in paragraph (2)(A) to publish, divulge, disclose, or make known in any manner or to any extent not authorized by the Convention any United States confidential business information, the President shall, within 30 days after the receipt of such information by the executive branch of Government, notify the Congress in writing of such determination and, subject to the requirements of paragraphs (4) and (5), impose the sanctions provided under subparagraph (B) for a period of not less than five years.

(B) SANCTIONS.—

(i) ARMS EXPORT TRANSACTIONS.—The United States Government shall not sell a country described in subparagraph (A) any item on the United States Munitions List, shall terminate sales of any defense articles, defense services, or design and construction services to that country under the Arms Export Control Act, and shall terminate all foreign military financing for that country under the Arms Export Control Act.

(ii) DENIAL OF CERTAIN LICENSES.—Licenses shall not be issued for the export to the sanctioned country of any item on the United States Munitions List or commercial satellites.

(iii) DENIAL OF ASSISTANCE.—No appropriated funds may be used for the purpose of providing economic assistance, providing military assistance or grant military education and training, or extending military credits or making guarantees to a country described in subparagraph (A).

(iv) SANCTIONS UNDER EXPORT ADMINISTRATION ACT OF 1979.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit the export of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act to a country described in subparagraph (A).

(v) INTERNATIONAL FINANCIAL ASSISTANCE.—The United States shall oppose any loan or financial or technical assistance by international financial institutions in accordance with section 701 of the International Financial Institutions Act to a country described in subparagraph (A).

(vi) TERMINATION OF ASSISTANCE UNDER FOREIGN ASSISTANCE ACT OF 1961.—The United States shall terminate all assistance to a country described in subparagraph (A) under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance.

(vii) PRIVATE BANK TRANSACTIONS.—The United States shall not give approval to guarantee, insure, or extend credit, or participate in the extension of credit through the Export-Import Bank of the United States to a country described in subparagraph (A).

(viii) PRIVATE BANK TRANSACTIONS.—Regulations shall be issued to prohibit any United States bank from making any loan or providing any credit to a country described in subparagraph (A).

(ix) DENIAL OF LANDING RIGHTS.—Landing rights in the United States shall be denied to any air carrier owned by a country described in subparagraph (A), except as necessary to provide for emergencies in which the safety of the aircraft or its crew or passengers is threatened.

(4) SUSPENSION OF SANCTIONS UPON RECOUPMENT BY PAYMENT.—Sanctions imposed under paragraph (2) or (3) may be suspended if the sanctioned person, business entity, or country, within the period specified in that paragraph, provides full and complete compensation to the United States Government, in convertible foreign exchange or other mutually acceptable compensation equivalent to the full value thereof, in satisfaction of a tort or taking for which the United States has been held liable pursuant to this Act.

(5) WAIVER OF SANCTIONS ON FOREIGN COUNTRIES.—The President may waive some or all of the sanctions provided under paragraph (3) in a particular case if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is necessary to protect the national security interests of the United States. The certification shall set forth the reasons supporting the determination and shall take effect on the date on which the certification is received by the Congress.

(6) NOTIFICATION TO CONGRESS.—Not later than five days after sanctions become effective against a foreign person pursuant to this Act, the President shall transmit written notification of the imposition of sanctions against that foreign person to the chairmen and ranking members of the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(f) SANCTIONS FOR UNAUTHORIZED DISCLOSURE OF UNITED STATES CONFIDENTIAL BUSINESS INFORMATION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States any alien who, after the date of enactment of this Act—

(1) is, or previously served as, an officer or employee of the Organization and who has willfully published, divulged, disclosed, or made known in any manner or to any extent not authorized by the Convention any United States confidential business information coming to him in the course of his employment or official duties, or by reason of any examination or investigation of any return, report, or record made to or filed with the Organization, or any officer or employee thereof, such practice or disclosure having resulted in financial loses or damages to a United States person and for which actions or omissions the United States has been found liable of a tort or taking pursuant to this Act;

(2) traffics in United States confidential business information, a proven claim to which is owned by a United States national;

(3) is a corporate officer, principal, shareholder with a controlling interest of an entity which has been involved in the unauthorized disclosure of United States confidential business information, a proven claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(g) UNITED STATES CONFIDENTIAL BUSINESS INFORMATION DEFINED.—In this section, the term "United States confidential business information" means any trade secrets or commercial or financial information that is privileged and confidential—

(1) including—

(A) data described in section 304(e)(2) of this Act,

(B) any chemical structure,

(C) any plant design process, technology, or operating method,

(D) any operating requirement, input, or result that identifies any type or quantity of chemicals used, processed, or produced, or

(E) any commercial sale, shipment, or use of a chemical, or

(2) as described in section 552(b)(4) of title 5, United States Code,

and that is obtained—

(i) from a United States person; or

(ii) through the United States Government or the conduct of an inspection on United States territory under the Convention.

TITLE II—PENALTIES FOR UNLAWFUL ACTIVITIES SUBJECT TO THE JURISDICTION OF THE UNITED STATES

Subtitle A—Criminal and Civil Penalties

SEC. 201. CRIMINAL AND CIVIL PROVISIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 11A the following new chapter:

“CHAPTER 11B—CHEMICAL WEAPONS

“Sec.
“229. Prohibited activities.
“229A. Penalties.
“229B. Criminal forfeitures; destruction of weapons.
“229C. Individual self-defense devices.
“229D. Injunctions.
“229E. Requests for military assistance to enforce prohibition in certain emergencies.
“229F. Definitions.

“§229. Prohibited activities

“(a) UNLAWFUL CONDUCT.—Except as provided in subsection (b), it shall be unlawful for any person knowingly—

“(1) to develop, produce, otherwise acquire, transfer directly or indirectly, receive, stockpile, retain, own, possess, or use, or threaten to use, any chemical weapon; or

“(2) to assist or induce, in any way, any person to violate paragraph (1), or to attempt or conspire to violate paragraph (1).

“(b) EXEMPTED AGENCIES AND PERSONS.—

“(1) IN GENERAL.—Subsection (a) does not apply to the retention, ownership, possession, transfer, or receipt of a chemical weapon by a department, agency, or other entity of the United States, or by a person described in paragraph (2), pending destruction of the weapon.

“(2) EXEMPTED PERSONS.—A person referred to in paragraph (1) is—

“(A) any person, including a member of the Armed Forces of the United States, who is authorized by law or by an appropriate officer of the United States to retain, own, possess, transfer, or receive the chemical weapon; or

“(B) in an emergency situation, any otherwise nonculpable person if the person is attempting to destroy or seize the weapon.

“(c) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if the prohibited conduct—

“(1) takes place in the United States;

“(2) takes place outside of the United States and is committed by a national of the United States;

“(3) is committed against a national of the United States while the national is outside the United States; or

“(4) is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States.

“§229A. Penalties

“(a) CRIMINAL PENALTIES.—

“(1) IN GENERAL.—Any person who violates section 229 of this title shall be fined under this title, or imprisoned for any term of years, or both.

“(2) DEATH PENALTY.—Any person who violates section 229 of this title and by whose action the death of another person is the result shall be punished by death or imprisoned for life.

“(b) CIVIL PENALTIES.—

“(1) IN GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any person who violates section 229 of this title and, upon proof of such violation by a preponderance of the evidence, such person shall be subject to pay a civil penalty in an amount not to exceed $100,000 for each such violation.

“(2) RELATION TO OTHER PROCEEDINGS.—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

“(c) REIMBURSEMENT OF COSTS.—The court shall order any person convicted of an offense under subsection (a) to reimburse the United States for any expenses incurred by the United States incident to the seizure, storage, handling, transportation, and destruction or other disposition of any property that was seized in connection with an investigation of the commission of the offense by that person. A person ordered to reimburse the United States for expenses under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under this subsection to reimburse the United States for the same expenses.

“§229B. Criminal forfeitures; destruction of weapons

“(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Any person convicted under section 229A(a) shall forfeit to the United States irrespective of any provision of State law—

“(1) any property, real or personal, owned, possessed, or used by a person involved in the offense;

“(2) any property constituting, or derived from, and proceeds the person obtained, directly or indirectly, as the result of such violation; and

“(3) any of the property used in any manner or part, to commit, or to facilitate the commission of, such violation.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to section 229A(a), that the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by section 229A(a), a defendant who derived profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

“(b) PROCEDURES.—

“(1) GENERAL.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (b) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except that any reference under those subsections to—

“(A) ‘this subchapter or subchapter II’ shall be deemed to be a reference to section 229A(a); and

“(B) ‘subsection (a)’ shall be deemed to be a reference to subsection (a) of this section.

“(2) TEMPORARY RESTRAINING ORDERS.—

“(A) IN GENERAL.—For the purposes of forfeiture proceedings under this section, a temporary restraining order may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if, in addition to the circumstances described in section 413(e)(2) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e)(2)), the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and exigent circumstances exist that place the life or health of any person in danger.

“(B) WARRANT OF SEIZURE.—If the court enters a temporary restraining order under this paragraph, it shall also issue a warrant authorizing the seizure of such property.

“(C) APPLICABLE PROCEDURES.—The procedures and time limits applicable to temporary restraining orders under section 413(e) (2) and (3) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(e) (2) and (3)) shall apply to temporary restraining orders under this paragraph.

“(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forfeiture under subsection (b) that the property—

“(1) is for a purpose not prohibited under the Chemical Weapons Convention; and

“(2) is of a type and quantity that under the circumstances is consistent with that purpose.

“(d) DESTRUCTION OR OTHER DISPOSITION.—The Attorney General shall provide for the destruction or other appropriate disposition of any chemical weapon seized and forfeited pursuant to this section.

“(e) ASSISTANCE.—The Attorney General may request the head of any agency of the United States to assist in the handling, storage, transportation, or destruction of property seized under this section.

“(f) OWNER LIABILITY.—The owner or possessor of any property seized under this section shall be liable to the United States for any expenses incurred incident to the seizure, including any expenses relating to the handling, storage, transportation, and destruction or other disposition of the seized property.

“§229C. Individual self-defense devices

“Nothing in this chapter shall be construed to prohibit any individual self-defense device, including those using a pepper spray or chemical mace.

“§229D. Injunctions

“The United States may obtain in a civil action an injunction against—

“(1) the conduct prohibited under section 229 or 229C of this title; or

“(2) the preparation or solicitation to engage in conduct prohibited under section 229 or 229D of this title.

“§229E. Requests for military assistance to enforce prohibition in certain emergencies

“The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 229 of this title in an emergency situation involving a chemical weapon. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.

“§229F. Definitions

“In this chapter:

“(1) CHEMICAL WEAPON.—The term ‘chemical weapon’ means the following, together or separately:

“(A) A toxic chemical and its precursors, except where intended for a purpose not prohibited under this chapter as long as the type and quantity is consistent with such a purpose.

“(B) A munition or device, specifically designed to cause death or other harm through toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device.

“(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

“(2) CHEMICAL WEAPONS CONVENTION; CONVENTION.—The terms ‘Chemical Weapons Convention’ and ‘Convention’ mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

“(3) KEY COMPONENT OF A BINARY OR MULTICOMPONENT CHEMICAL SYSTEM.—The term ‘key

component of a binary or multicomponent chemical system' means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

"(4) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(5) PERSON.—The term 'person', except as otherwise provided, means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States.

"(6) PRECURSOR.—

"(A) IN GENERAL.—The term 'precursor' means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. The term includes any key component of a binary or multicomponent chemical system.

"(B) LIST OF PRECURSORS.—Precursors which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

"(7) PURPOSES NOT PROHIBITED BY THIS CHAPTER.—The term 'purposes not prohibited by this chapter' means the following:

"(A) PEACEFUL PURPOSES.—Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

"(B) PROTECTIVE PURPOSES.—Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons.

"(C) UNRELATED MILITARY PURPOSES.—Any military purpose of the United States that is not connected with the use of a chemical weapon or that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

"(D) LAW ENFORCEMENT PURPOSES.—Any law enforcement purpose, including any domestic riot control purpose and including imposition of capital punishment.

"(8) TOXIC CHEMICAL.—

"(A) IN GENERAL.—The term 'toxic chemical' means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. The term includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

"(B) LIST OF TOXIC CHEMICALS.—Toxic chemicals which have been identified for the application of verification measures under Article VI of the Convention are listed in schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.

"(9) UNITED STATES.—The term 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

"(A) any of the places within the provisions of paragraph (41) of section 40102 of title 49, United States Code;

"(B) any civil aircraft of the United States or public aircraft, as such terms are defined in paragraphs (17) and (37), respectively, of section 40102 of title 49, United States Code; and

"(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C., App. sec. 1903(b)).".

(b) CONFORMING AMENDMENTS.—

(1) WEAPONS OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) by striking "**§2332a. Use of weapons of mass destruction**" and inserting "**§2332a. Use of certain weapons of mass destruction**";

(B) in subsection (a), by inserting "(other than a chemical weapon as that term is defined in section 229F)" after "weapon of mass destruction"; and

(C) in subsection (b), by inserting "(other than a chemical weapon (as that term is defined in section 229F))" after "weapon of mass destruction".

(2) TABLE OF CHAPTERS.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 11A the following new item:

"**11B. Chemical Weapons** .... **229**".

(c) REPEALS.—The following provisions of law are repealed:

(1) Section 2332c of title 18, United States Code, relating to chemical weapons.

(2) In the table of sections for chapter 113B of title 18, United States Code, the item relating to section 2332c.

Subtitle B—Revocations of Export Privileges

SEC. 211. REVOCATIONS OF EXPORT PRIVILEGES.

If the President determines, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that any person within the United States, or any national of the United States located outside the United States, has committed any violation of section 229 of title 18, United States Code, the President may issue an order for the suspension or revocation of the authority of the person to export from the United States any goods or technology (as such terms are defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415)).

TITLE III—INSPECTIONS

SEC. 301. DEFINITIONS IN THE TITLE.

(a) IN GENERAL.—In this title, the terms "challenge inspection", "plant site", "plant", "facility agreement", "inspection team", and "requesting state party" have the meanings given those terms in Part I of the Annex on Implementation and Verification of the Chemical Weapons Convention. The term "routine inspection" means an inspection, other than an "initial inspection", undertaken pursuant to Article VI of the Convention.

(b) DEFINITION OF JUDGE OF THE UNITED STATES.—In this title, the term "judge of the United States" means a judge or magistrate judge of a district court of the United States.

SEC. 302. FACILITY AGREEMENTS.

(a) AUTHORIZATION OF INSPECTIONS.—Inspections by the Technical Secretariat of plants, plant sites, or other facilities or locations for which the United States has a facility agreement with the Organization shall be conducted in accordance with the facility agreement. Any such facility agreement may not in any way limit the right of the owner or operator of the facility to withhold consent to an inspection request.

(b) TYPES OF FACILITY AGREEMENTS.—

(1) SCHEDULE TWO FACILITIES.—The United States National Authority shall ensure that facility agreements for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraph 4 of Article VI of the Convention are concluded unless the owner, operator, occupant, or agent in charge of the facility and the Technical Secretariat agree that such an agreement is not necessary.

(2) SCHEDULE THREE FACILITIES.—The United States National Authority shall ensure that facility agreements are concluded for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraph 5 or 6 of Article VI of the Convention if so requested by the owner, operator, occupant, or agent in charge of the facility.

(c) NOTIFICATION REQUIREMENTS.—The United States National Authority shall ensure that the owner, operator, occupant, or agent in charge of a facility prior to the development of the agreement relating to that facility is notified and, if the person notified so requests, the person may participate in the preparations for the negotiation of such an agreement. To the maximum extent practicable consistent with the Convention, the owner and the operator, occupant or agent in charge of a facility may observe negotiations of the agreement between the United States and the Organization concerning that facility.

(d) CONTENT OF FACILITY AGREEMENTS.—Facility agreements shall—

(1) identify the areas, equipment, computers, records, data, and samples subject to inspection;

(2) describe the procedures for providing notice of an inspection to the owner, occupant, operator, or agent in charge of a facility;

(3) describe the timeframes for inspections; and

(4) detail the areas, equipment, computers, records, data, and samples that are not subject to inspection.

SEC. 303. AUTHORITY TO CONDUCT INSPECTIONS.

(a) PROHIBITION.—No inspection of a plant, plant site, or other facility or location in the United States shall take place under the Convention without the authorization of the United States National Authority in accordance with the requirements of this title.

(b) AUTHORITY.—

(1) TECHNICAL SECRETARIAT INSPECTION TEAMS.—Any duly designated member of an inspection team of the Technical Secretariat may inspect any plant, plant site, or other facility or location in the United States subject to inspection pursuant to the Convention.

(2) UNITED STATES GOVERNMENT REPRESENTATIVES.—The United States National Authority shall coordinate the designation of employees of the Federal Government to accompany members of an inspection team of the Technical Secretariat and, in doing so, shall ensure that—

(A) a special agent of the Federal Bureau of Investigation, as designated by the Federal Bureau of Investigation, accompanies each inspection team visit pursuant to paragraph (1);

(B) no employee of the Environmental Protection Agency or the Occupational Safety and Health Administration accompanies any inspection team visit conducted pursuant to paragraph (1); and

(C) the number of duly designated representatives shall be kept to the minimum necessary.

(3) OBJECTIONS TO INDIVIDUALS SERVING AS INSPECTORS.—

(A) IN GENERAL.—In deciding whether to exercise the right of the United States under the Convention to object to an individual serving as an inspector, the President shall give great weight to his reasonable belief that—

(i) such individual is or has been a member of, or a participant in, any group or organization that has engaged in, or attempted or conspired to engage in, or aided or abetted in the commission of, any terrorist act or activity;

(ii) such individual has committed any act or activity which would be a felony under the laws of the United States; or

(iii) the participation of such individual as a member of an inspection team would pose a risk to the national security or economic well-being of the United States.

(B) NOT SUBJECT TO JUDICIAL REVIEW.—Any objection by the President to an individual serving as an inspector, whether made pursuant to *this section or otherwise, shall not be reviewable in any court.*

SEC. 304. PROCEDURES FOR INSPECTIONS.

(a) TYPES OF INSPECTIONS.—Each inspection of a plant, plant site, or other facility or location in the United States under the Convention shall be conducted in accordance with this section and section 305, except where other procedures are provided in a facility agreement entered into under section 302.

(b) NOTICE.—

(1) IN GENERAL.—An inspection referred to in subsection (a) may be made only upon issuance of an actual written notice by the United States National Authority to the owner and to the operator, occupant, or agent in charge of the premises to be inspected.

(2) TIME OF NOTIFICATION.—The notice for a routine inspection shall be submitted to the owner and to the operator, occupant, or agent in charge within six hours of receiving the notification of the inspection from the Technical Secretariat or as soon as possible thereafter. Notice for a challenge inspection shall be provided at any appropriate time determined by the United States National Authority. Notices may be posted prominently at the plant, plant site, or other facility or location if the United States is unable to provide actual written notice to the owner, operator, or agent in charge of the premises.

(3) CONTENT OF NOTICE.—

(A) IN GENERAL.—The notice under paragraph (1) shall include all appropriate information supplied by the Technical Secretariat to the United States National Authority concerning—

(i) the type of inspection;

(ii) the basis for the selection of the plant, plant site, or other facility or location for the type of inspection sought;

(iii) the time and date that the inspection will begin and the period covered by the inspection; and

(iv) the names and titles of the inspectors.

(B) SPECIAL RULE FOR CHALLENGE INSPECTIONS.—In the case of a challenge inspection pursuant to Article IX of the Convention, the notice shall also include all appropriate evidence or reasons provided by the requesting state party to the Convention for seeking the inspection.

(4) SEPARATE NOTICES REQUIRED.—A separate notice shall be provided for each inspection, except that a notice shall not be required for each entry made during the period covered by the inspection.

(c) CREDENTIALS.—The head of the inspection team of the Technical Secretariat and the accompanying employees of the Federal government shall display appropriate identifying credentials to the owner, operator, occupant, or agent in charge of the premises before the inspection is commenced.

(d) TIMEFRAME FOR INSPECTIONS.—Consistent with the provisions of the Convention, each inspection shall be commenced and completed with reasonable promptness and shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner.

(e) SCOPE.—

(1) IN GENERAL.—Except as provided in a warrant issued under section 305 or a facility agreement entered into under section 302, an inspection conducted under this title may extend to all things within the premises inspected (including records, files, papers, processes, controls, structures and vehicles) related to whether the requirements of the Convention applicable to such premises have been complied with.

(2) EXCEPTION.—Unless required by the Convention, no inspection under this title shall extend to—

(A) financial data;

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) research data;

(F) patent data;

(G) data maintained for compliance with environmental or occupational health and safety regulations; or

(H) personnel and vehicles entering and personnel and personal passenger vehicles exiting the facility.

(f) SAMPLING AND SAFETY.—

(1) IN GENERAL.—The Director of the United States National Authority is authorized to require the provision of samples to a member of the inspection team of the Technical Secretariat in accordance with the provisions of the Convention. The owner or the operator, occupant or agent in charge of the premises to be inspected shall determine whether the sample shall be taken by representatives of the premises or the inspection team or other individuals present. No sample collected in the United States pursuant to an inspection permitted by this Act may be transferred for analysis to any laboratory outside the territory of the United States.

(2) COMPLIANCE WITH REGULATIONS.—In carrying out their activities, members of the inspection team of the Technical Secretariat and representatives of agencies or departments accompanying the inspection team shall observe safety regulations established at the premises to be inspected, including those for protection of controlled environments within a facility and for personal safety.

(g) COORDINATION.—The appropriate representatives of the United States, as designated, if present, shall assist the owner and the operator, occupant or agent in charge of the premises to be inspected in interacting with the members of the inspection team of the Technical Secretariat.

SEC. 305. WARRANTS.

(a) IN GENERAL.—The United States Government shall seek the consent of the owner or the operator, occupant, or agent in charge of the premises to be inspected prior to any inspection referred to in section 304(a). If consent is obtained, a warrant is not required for the inspection. The owner or the operator, occupant, or agent in charge of the premises to be inspected may withhold consent for any reason or no reason. After providing notification pursuant to subsection (b), the United States Government may seek a search warrant from a United States magistrate judge. Proceedings regarding the issuance of a search warrant shall be conducted ex parte, unless otherwise requested by the United States Government.

(b) ROUTINE INSPECTIONS.—

(1) OBTAINING ADMINISTRATIVE SEARCH WARRANTS.—For any routine inspection conducted on the territory of the United States pursuant to Article VI of the Convention, where consent has been withheld, the United States Government shall first obtain an administrative search warrant from a judge of the United States. The United States Government shall provide to the judge of the United States all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought. The United States Government shall also provide any other appropriate information available to it relating to the reasonableness of the selection of the plant, plant site, or other facility or location for the inspection.

(2) CONTENT OF AFFIDAVITS FOR ADMINISTRATIVE SEARCH WARRANTS.—The judge of the United States shall promptly issue a warrant authorizing the requested inspection upon an affidavit submitted by the United States Government showing that—

(A) the Chemical Weapons Convention is in force for the United States;

(B) the plant site, plant, or other facility or location sought to be inspected is required to report data under title IV of this Act and is subject to routine inspection under the Convention;

(C) the purpose of the inspection is—

(i) in the case of any facility owned or operated by a non-Government entity related to Schedule 1 chemical agents, to verify that the facility is not used to produce any Schedule 1 chemical agent except for declared chemicals; quantities of Schedule 1 chemicals produced, processed, or consumed are correctly declared and consistent with needs for the declared purpose; and Schedule 1 chemicals are not diverted or used for other purposes;

(ii) in the case of any facility related to Schedule 2 chemical agents, to verify that activities are in accordance with obligations under the Convention and consistent with the information provided in data declarations; and

(iii) in the case of any facility related to Schedule 3 chemical agents and any other chemical production facility, to verify that the activities of the facility are consistent with the information provided in data declarations;

(D) the items, documents, and areas to be searched and seized;

(E) in the case of a facility related to Schedule 2 or Schedule 3 chemical agents or unscheduled discrete organic chemicals, the plant site has not been subject to more than 1 routine inspection in the current calendar year, and, in the case of facilities related to Schedule 3 chemical agents or unscheduled discrete organic chemicals, the inspection will not cause the number of routine inspections in the United States to exceed 20 in a calendar year;

(F) the selection of the site was made in accordance with procedures established under the Convention and, in particular—

(i) in the case of any facility owned or operated by a non-Government entity related to Schedule 1 chemical agents, the intensity, duration, timing, and mode of the requested inspection is based on the risk to the object and purpose of the Convention by the quantities of chemical produced, the characteristics of the facility and the nature of activities carried out at the facility, and the requested inspection, when considered with previous such inspections of the facility undertaken in the current calendar year, shall not exceed the number reasonably required based on the risk to the object and purpose of the Convention as described above;

(ii) in the case of any facility related to Schedule 2 chemical agents, the Technical Secretariat gave due consideration to the risk to the object and purpose of the Convention posed by the relevant chemical, the characteristics of the plant site and the nature of activities carried out there, taking into account the respective facility agreement as well as the results of the initial inspections and subsequent inspections; and

(iii) in the case of any facility related to Schedule 3 chemical agents or unscheduled discrete organic chemicals, the facility was selected randomly by the Technical Secretariat using appropriate mechanisms, such as specifically designed computer software, on the basis of two weighting factors: (I) equitable geographical distribution of inspections; and (II) the information on the declared sites available to the Technical Secretariat, related to the relevant chemical, the characteristics of the plant site, and the nature of activities carried out there;

(G) the earliest commencement and latest closing dates and times of the inspection; and

(H) the duration of inspection will not exceed time limits specified in the Convention unless agreed by the owner, operator, or agent in charge of the plant.

(3) CONTENT OF WARRANTS.—A warrant issued under paragraph (2) shall specify the same matters required of an affidavit under that paragraph. In addition to the requirements for a warrant issued under this paragraph, each warrant shall contain, if known, the identities of the representatives of the Technical Secretariat conducting the inspection and the observers of the inspection and, if applicable, the identities of the representatives of agencies or departments of the United States accompanying those representatives.

(4) CHALLENGE INSPECTIONS.—

(A) CRIMINAL SEARCH WARRANT.—For any challenge inspection conducted on the territory of the United States pursuant to Article IX of the Chemical Weapons Convention, where consent has been withheld, the United States Government shall first obtain from a judge of the United States a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the person or things to be seized.

(B) INFORMATION PROVIDED.—The United States Government shall provide to the judge of the United States—

(i) all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought;

(ii) any other appropriate information relating to the reasonableness of the selection of the plant, plant site, or other facility or location for the inspection;

(iii) information concerning—

(I) the duration and scope of the inspection;

(II) areas to be inspected;

(III) records and data to be reviewed; and

(IV) samples to be taken;

(iv) appropriate evidence or reasons provided by the requesting state party for the inspection;

(v) any other evidence showing probable cause to believe that a violation of this Act has occurred or is occurring; and

(vi) the identities of the representatives of the Technical Secretariat on the inspection team and the Federal Government employees accompanying the inspection team.

(C) CONTENT OF WARRANT.—The warrant shall specify—

(i) the type of inspection authorized;

(ii) the purpose of the inspection;

(iii) the type of plant site, plant, or other facility or location to be inspected;

(iv) the areas of the plant site, plant, or other facility or location to be inspected;

(v) the items, documents, data, equipment, and computers that may be inspected or seized;

(vi) samples that may be taken;

(vii) the earliest commencement and latest concluding dates and times of the inspection; and

(viii) the identities of the representatives of the Technical Secretariat on the inspection teams and the Federal Government employees accompanying the inspection team.

SEC. 306. PROHIBITED ACTS RELATING TO INSPECTIONS.

It shall be unlawful for any person willfully to fail or refuse to permit entry or inspection, or to disrupt, delay, or otherwise impede an inspection, authorized by this Act.

SEC. 307. NATIONAL SECURITY EXCEPTION.

Consistent with the objective of eliminating chemical weapons, the President may deny a request to inspect any facility in the United States in cases where the President determines that the inspection may pose a threat to the national security interests of the United States.

SEC. 308. PROTECTION OF CONSTITUTIONAL RIGHTS OF CONTRACTORS.

(a) The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following:

“SEC. 39. PROTECTION OF CONSTITUTIONAL RIGHTS OF CONTRACTORS.

“(a) PROHIBITION.—A contractor may not be required, as a condition for entering into a contract with the Federal Government, to waive any right under the Constitution for any purpose related to Chemical Weapons Convention Implementation Act of 1997 or the Chemical Weapons Convention (as defined in section 3 of such Act.)

“(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to prohibit an executive agency from including in a contract a clause that requires the contractor to permit inspections for the purpose of ensuring that the contractor is performing the contract in accordance with the provisions of the contract.”.

(b) The table of contents in section 1(b) of such Act is amended by adding at the end the following:

“Sec. 39. Protection of constitutional rights of contractors.”.

SEC. 309. ANNUAL REPORT ON INSPECTIONS.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, and annually thereafter, the President shall submit a report in classified and unclassified form to the appropriate congressional committees on inspections made under the Convention during the preceding year.

(b) CONTENT OF REPORTS.—Each report shall contain the following information for the reporting period:

(1) The name of each company or entity subject to the jurisdiction of the United States reporting data pursuant to'title IV of this Act.

(2) The number of inspections under the Convention conducted on the territory of the United States.

(3) The number and identity of inspectors conducting any inspection described in paragraph (2) and the number of inspectors barred from inspection by the United States.

(4) The cost to the United States for each inspection described in paragraph (2).

(5) The total costs borne by United States business firms in the course of inspections described in paragraph (2).

(6) A description of the circumstances surrounding inspections described in paragraph (2), including instances of possible industrial espionage and misconduct of inspectors.

(7) The identity of parties claiming loss of trade secrets, the circumstances surrounding those losses, and the efforts taken by the United States Government to redress those losses.

(8) A description of instances where inspections under the Convention outside the United States have been disrupted or delayed.

(c) DEFINITION.—The term “appropriate congressional committees” means the Committee on the Judiciary, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 310. UNITED STATES ASSISTANCE IN INSPECTIONS AT PRIVATE FACILITIES.

(a) ASSISTANCE IN PREPARATION FOR INSPECTIONS.—At the request of an owner of a facility not owned or operated by the United States Government, or contracted for use by or for the United States Government, the Secretary of Defense may assist the facility to prepare the facility for possible inspections pursuant to the Convention.

(b) REIMBURSEMENT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the owner of a facility provided assistance under subsection (a) shall reimburse the Secretary for the costs incurred by the Secretary in providing the assistance.

(2) EXCEPTION.—In the case of assistance provided under subsection (a) to a facility owned by a person described in subsection (c), the United States National Authority shall reimburse the Secretary for the costs incurred by the Secretary in providing the assistance.

(c) OWNERS COVERED BY UNITED STATES NATIONAL AUTHORITY REIMBURSEMENTS.—Subsection (b)(2) applies in the case of assistance provided to the following:

(1) SMALL BUSINESS CONCERNS.—A small business concern as defined in section 3 of the Small Business Act.

(2) DOMESTIC PRODUCERS OF SCHEDULE 3 OR UNSCHEDULED DISCRETE ORGANIC CHEMICALS.—Any person located in the United States that—

(A) does not possess, produce, process, consume, import, or export any Schedule 1 or Schedule 2 chemical; and

(B) in the calendar year preceding the year in which the assistance is to be provided, produced—

(i) more than 30 metric tons of Schedule 3 or unscheduled discrete organic chemicals that contain phosphorous, sulfur, or fluorine; or

(ii) more than 200 metric tons of unscheduled discrete organic chemicals.

TITLE IV—REPORTS

SEC. 401. REPORTS REQUIRED BY THE UNITED STATES NATIONAL AUTHORITY.

(a) REGULATIONS ON RECORDKEEPING.—

(1) REQUIREMENTS.—The United States National Authority shall ensure that regulations are prescribed that require each person located in the United States who produces, processes, consumes, exports, or imports, or proposes to produce, process, consume, export, or import, a chemical substance that is subject to the Convention to—

(A) maintain and permit access to records related to that production, processing, consumption, export, or import of such substance; and

(B) submit to the Director of the United States National Authority such reports as the United States National Authority may reasonably require to provide to the Organization, pursuant to subparagraph 1(a) of the Annex on Confidentiality of the Convention, the minimum amount of information and data necessary for the timely and efficient conduct by the Organization of its responsibilities under the Convention.

(2) RULEMAKING.—The Director of the United States National Authority shall ensure that regulations pursuant to this section are prescribed expeditiously.

(b) COORDINATION.—

(1) AVOIDANCE OF DUPLICATION.—To the extent feasible, the United States Government shall not require the submission of any report that is unnecessary or duplicative of any report required by or under any other law. The head of each Federal agency shall coordinate the actions of that agency with the heads of the other Federal agencies in order to avoid the imposition of duplicative reporting requirements under this Act or any other law.

(2) DEFINITION.—As used in paragraph (1), the term “Federal agency” has the meaning given the term “agency” in section 551(1) of title 5, United States Code.

SEC. 402. PROHIBITION RELATING TO LOW CONCENTRATIONS OF SCHEDULE 2 AND 3 CHEMICALS.

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no person located in the United States shall be required to report on, or to submit to, any routine inspection conducted for the purpose of verifying the production, possession, consumption, exportation, importation, or proposed production, possession, consumption, exportation, or importation of any substance that contains less than—

(1) 10 percent concentration of a Schedule 2 chemical; or

(2) 80 percent concentration of a Schedule 3 chemical.

(b) STANDARD FOR MEASUREMENT OF CONCENTRATION.—The percent concentration of a chemical in a substance shall be measured on the basis of volume or total weight, which measurement yields the lesser percent.

SEC. 403. PROHIBITION RELATING TO UNSCHEDULED DISCRETE ORGANIC CHEMICALS AND COINCIDENTAL BYPRODUCTS IN WASTE STREAMS.

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no person located in the United States shall be required to report on, or to submit to, any routine inspection conducted for the purpose of verifying the production, possession, consumption, exportation, importation, or proposed production, possession, consumption, exportation, or importation of any substance that is—

(1) an unscheduled discrete organic chemical; and

(2) a coincidental byproduct of a manufacturing or production process that is not isolated or captured for use or sale during the process and is routed to, or escapes, from the waste stream of a stack, incinerator, or wastewater treatment system or any other waste stream.

SEC. 404. CONFIDENTIALITY OF INFORMATION.

(a) FREEDOM OF INFORMATION ACT EXEMPTION FOR CERTAIN CONVENTION INFORMATION.—Except as provided in subsection (b) or (c), any confidential business information, as defined in section 103(g), reported to, or otherwise acquired by, the United States Government under this Act or under the Convention shall not be disclosed under section 552(a) of title 5, United States Code.

(b) EXCEPTIONS.—

(1) INFORMATION FOR THE TECHNICAL SECRETARIAT.—Information shall be disclosed or otherwise provided to the Technical Secretariat or other states parties to the Chemical Weapons Convention in accordance with the Convention, in particular, the provisions of the Annex on the Protection of Confidential Information.

(2) INFORMATION FOR CONGRESS.—Information shall be made available to any committee or subcommittee of Congress with appropriate jurisdiction upon the written request of the chairman or ranking minority member of such committee or subcommittee, except that no such committee or subcommittee, and no member and no staff member of such committee or subcommittee, shall disclose such information or material except as otherwise required or authorized by law.

(3) INFORMATION FOR ENFORCEMENT ACTIONS.—Information shall be disclosed to other Federal agencies for enforcement of this Act or any other law, and shall be disclosed or otherwise provided when relevant in any proceeding under this Act or any other law, except that disclosure or provision in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding.

(c) INFORMATION DISCLOSED IN THE NATIONAL INTEREST.—

(1) AUTHORITY.—The United States Government shall disclose any information reported to, or otherwise required by the United States Government under this Act or the Convention, including categories of such information, that it determines is in the national interest to disclose and may specify the form in which such information is to be disclosed.

(2) NOTICE OF DISCLOSURE.—

(A) REQUIREMENT.—If any Department or agency of the United States Government proposes pursuant to paragraph (1) to publish or disclose or otherwise provide information exempt from disclosure under subsection (a), the United States National Authority shall, unless contrary to national security or law enforcement needs, provide notice of intent to disclose the information—

(i) to the person that submitted such information; and

(ii) in the case of information about a person received from another source, to the person to whom that information pertains.

The information may not be disclosed until the expiration of 30 days after notice under this paragraph has been provided.

(B) PROCEEDINGS ON OBJECTIONS.—In the event that the person to which the information pertains objects to the disclosure, the agency shall promptly review the grounds for each objection of the person and shall afford the objecting person a hearing for the purpose of presenting the objections to the disclosure. Not later than 10 days before the scheduled or rescheduled date for the disclosure, the United States National Authority shall notify such person regarding whether such disclosure will occur notwithstanding the objections.

(d) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—Any officer or employee of the United States, and any former officer or employee of the United States, who by reason of such employment or official position has obtained possession of, or has access to, information the disclosure or other provision of which is prohibited by subsection (a), and who, knowing that disclosure or provision of such information is prohibited by such subsection, willfully discloses or otherwise provides the information in any manner to any person (including any person located outside the territory of the United States) not authorized to receive it, shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.

(e) CRIMINAL FORFEITURE.—The property of any person who violates subsection (d) shall be subject to forfeiture to the United States in the same manner and to the same extent as is provided in section 229C of title 18, United States Code, as added by this Act.

(f) INTERNATIONAL INSPECTORS.—The provisions of this section shall also apply to employees of the Technical Secretariat.

SEC. 405. RECORDKEEPING VIOLATIONS.

It shall be unlawful for any person willfully to fail or refuse—

(1) to establish or maintain any record required by this Act or any regulation prescribed under this Act;

(2) to submit any report, notice, or other information to the United States Government in accordance with this Act or any regulation prescribed under this Act; or

(3) to permit access to or copying of any record that is exempt from disclosure under this Act or any regulation prescribed under this Act.

TITLE V—ENFORCEMENT

SEC. 501. PENALTIES.

(a) CIVIL.—

(1) PENALTY AMOUNTS.—

(A) PROHIBITED ACTS RELATING TO INSPECTIONS.—Any person that is determined, in accordance with paragraph (2), to have violated section 306 of this Act shall be required by order to pay a civil penalty in an amount not to exceed $25,000 for each such violation. For purposes of this paragraph, each day such a violation of section 306 continues shall constitute a separate violation of that section.

(B) RECORDKEEPING VIOLATIONS.—Any person that is determined, in accordance with paragraph (2), to have violated section 405 of this Act shall be required by order to pay a civil penalty in an amount not to exceed $5,000 for each such violation.

(2) HEARING.—

(A) IN GENERAL.—Before imposing an order described in paragraph (1) against a person under this subsection for a violation of section 306 or 405, the Secretary of State shall provide the person or entity with notice and, upon request made within 15 days of the date of the notice, a hearing respecting the violation.

(B) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. If no hearing is so requested, the Secretary of State's imposition of the order shall constitute a final and unappealable order.

(C) ISSUANCE OF ORDERS.—If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated section 306 or 405, the administrative law judge shall state his findings of fact and issue and cause to be served on such person or entity an order described in paragraph (1).

(D) FACTORS FOR DETERMINATION OF PENALTY AMOUNTS.—In determining the amount of any civil penalty, the administrative law judge shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, the ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(3) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the head of the United States National Authority unless, within 30 days, the head of the United States National Authority modifies or vacates the decision and order, with or without conditions, in which case the decision and order of the head of the United States National Authority shall become a final order under this subsection.

(4) OFFSETS.—The amount of the civil penalty under a final order of the United States National Authority may be deducted from any sums owed by the United States to the person.

(5) JUDICIAL REVIEW.—A person adversely affected by a final order respecting an assessment may, within 30 days after the date the final order is issued, file a petition in the Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business.

(6) ENFORCEMENT OF ORDERS.—If a person fails to comply with a final order issued under this subsection against the person or entity—

(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (5), or

(B) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the United States National Authority, the Secretary of State shall file a suit to seek compliance with the order in any appropriate district court of the United States, plus interest at currently prevailing rates calculated from the date of expiration of the 30-day period referred to in paragraph (5) or the date of such final judgment, as the case may be. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

(b) CRIMINAL.—Any person who knowingly violates any provision of section 306 or 405 of this Act, shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than one year, or both.

SEC. 502. SPECIFIC ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil actions to—

(1) restrain any violation of section 306 or 405 of this Act; and

(2) compel the taking of any action required by or under this Act or the Convention.

(b) CIVIL ACTIONS.—

(1) IN GENERAL.—A civil action described in subsection (a) may be brought—

(A) in the case of a civil action described in subsection (a)(1), in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 306 or 405 occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in subsection (a)(2), in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) SERVICE OF PROCESS.—In any such civil action process may be served on a defendant wherever the defendant may reside or may be found, whether the defendant resides or may be found within the United States or elsewhere.

SEC. 503. EXPEDITED JUDICIAL REVIEW.

(a) CIVIL ACTION.—Any person or entity subject to a search under this Act may file a civil action challenging the constitutionality of any provision of this Act. Notwithstanding any other provision of law, during the full calendar year of, and the two full calendar years following, the enactment of this Act, the district court shall accord such a case a priority in its disposition ahead of all other civil actions except for actions challenging the legality and conditions of confinement.

(b) EN BANC REVIEW.—Notwithstanding any other provision of law, during the full calendar year of, and the two full calendar years following, the enactment of this Act, any appeal from a final order entered by a district court in an action brought under subsection (a) shall be heard promptly by the full Court of Appeals sitting en banc.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. REPEAL.

Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520; relating to the use of human subjects for the testing of chemical or biological agents) is repealed.

SEC. 602. PROHIBITION.

(a) IN GENERAL.—Neither the Secretary of Defense nor any other officer or employee of the United States may, directly or by contract—

(1) conduct any test or experiment involving the use of any chemical or biological agent on a civilian population; or

(2) use human subjects for the testing of chemical or biological agents.

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit actions carried out for purposes not prohibited by this Act (as defined in section 3(8)).

(c) BIOLOGICAL AGENT DEFINED.—In this section, the term "biological agent" means any micro-organism (including bacteria, viruses, fungi, rickettsiae or protozoa), pathogen, or infectious substance, or any naturally occurring, bio-engineered or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

SEC. 603. BANKRUPTCY ACTIONS.

Section 362(b) of title 11, United States Code, is amended—

(1) by striking paragraphs (4) and (5); and

(2) by inserting after paragraph (3) the following:

"(4) under paragraph (1), (2), (3), or (6) of subsection (a) of this section, of the commencement or continuation of an action or proceeding by a governmental unit or any organization exercising authority under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993, to enforce such governmental unit's or organization's police and regulatory power, including the enforcement of a judgment other than a money judgment, obtained in an action or proceeding by the governmental unit to enforce such governmental unit's or organization's police or regulatory power;".

DIVISION ___—REVENUES AND MEDICARE

SEC. 1000. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Tax and Trade Relief Extension Act of 1998".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

DIVISION ___—REVENUES AND MEDICARE

Sec. 1000. Short title; amendment of 1986 Code; table of contents.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Tax Provisions

Sec. 1001. Research credit.
Sec. 1002. Work opportunity credit.
Sec. 1003. Welfare-to-work credit.
Sec. 1004. Contributions of stock to private foundations; expanded public inspection of private foundations' annual returns.
Sec. 1005. Subpart F exemption for active financing income.
Sec. 1006. Disclosure of return information on income contingent student loans.

Subtitle B—Trade Provisions

Sec. 1011. Extension of duty-free treatment under Generalized System of Preferences.
Sec. 1012. Trade adjustment assistance.

TITLE II—OTHER TAX PROVISIONS

Subtitle A—Provisions Relating to Individuals

Sec. 2001. Nonrefundable personal credits fully allowed against regular tax liability during 1998.
Sec. 2002. 100 percent deduction for health insurance costs of self-employed individuals.
Sec. 2003. Modification of estimated tax safe harbors.

Subtitle B—Provisions Relating to Farmers

Sec. 2011. Income averaging for farmers made permanent.
Sec. 2012. Production flexibility contract payments.
Sec. 2013. 5-year net operating loss carryback for farming losses.

Subtitle C—Miscellaneous Provisions

Sec. 2021. Increase in volume cap on private activity bonds.
Sec. 2022. Depreciation study.
Sec. 2023. Exemption for students employed by State schools, colleges, or universities.

TITLE III—REVENUE OFFSETS

Sec. 3001. Treatment of certain deductible liquidating distributions of regulated investment companies and real estate investment trusts.
Sec. 3002. Inclusion of rotavirus gastroenteritis as a taxable vaccine.
Sec. 3003. Clarification and expansion of mathematical error assessment procedures.
Sec. 3004. Clarification of definition of specified liability loss.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 4001. Definitions; coordination with other subtitles.
Sec. 4002. Amendments related to Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 4003. Amendments related to Taxpayer Relief Act of 1997.
Sec. 4004. Amendments related to Tax Reform Act of 1984.
Sec. 4005. Amendments related to Uruguay Round Agreements Act.
Sec. 4006. Other amendments.

TITLE V—MEDICARE-RELATED PROVISIONS

Subtitle A—Home Health

Sec. 5101. Increase in per beneficiary limits and per visit payment limits for payment for home health services.

Subtitle B—Other Medicare-Related Provisions

Sec. 5201. Authorization of additional exceptions to imposition of penalties for providing inducements to beneficiaries.
Sec. 5202. Expansion of membership of MedPAC to 17.

Subtitle C—Revenue Offsets

Sec. 5301. Tax treatment of cash option for qualified prizes.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Tax Provisions

SEC. 1001. RESEARCH CREDIT.

(a) TEMPORARY EXTENSION.—Paragraph (1) of section 41(h) (relating to termination) is amended—

(1) by striking "June 30, 1998" and inserting "June 30, 1999";

(2) by striking "24-month" and inserting "36-month"; and

(3) by striking "24 months" and inserting "36 months".

(b) TECHNICAL AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking "June 30, 1998" and inserting "June 30, 1999".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after June 30, 1998.

SEC. 1002. WORK OPPORTUNITY CREDIT.

(a) TEMPORARY EXTENSION.—Subparagraph (B) of section 51(c)(4) (relating to termination) is amended by striking "June 30, 1998" and inserting "June 30, 1999".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after June 30, 1998.

SEC. 1003. WELFARE-TO-WORK CREDIT.

Subsection (f) of section 51A (relating to termination) is amended by striking "April 30, 1999" and inserting "June 30, 1999".

SEC. 1004. CONTRIBUTIONS OF STOCK TO PRIVATE FOUNDATIONS; EXPANDED PUBLIC INSPECTION OF PRIVATE FOUNDATIONS' ANNUAL RETURNS.

(a) SPECIAL RULE FOR CONTRIBUTIONS OF STOCK MADE PERMANENT.—

(1) IN GENERAL.—Paragraph (5) of section 170(e) is amended by striking subparagraph (D) (relating to termination).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to contributions made after June 30, 1998.

(b) EXPANDED PUBLIC INSPECTION OF PRIVATE FOUNDATIONS' ANNUAL RETURNS, ETC.—

(1) IN GENERAL.—Section 6104 (relating to publicity of information required from certain exempt organizations and certain trusts) is amended by striking subsections (d) and (e) and inserting after subsection (c) the following new subsection:

"(d) Public Inspection of Certain Annual Returns and Applications for Exemption.—

"(1) In general.—In the case of an organization described in subsection (c) or (d) of section 501 and exempt from taxation under section 501(a)—

"(A) a copy of—

"(i) the annual return filed under section 6033 (relating to returns by exempt organizations) by such organization, and

"(ii) if the organization filed an application for recognition of exemption under section 501, the exempt status application materials of such organization,

shall be made available by such organization for inspection during regular business hours by any individual at the principal office of such organization and, if such organization regularly maintains 1 or more regional or district offices having 3 or more employees, at each such regional or district office, and

"(B) upon request of an individual made at such principal office or such a regional or district office, a copy of such annual return and exempt status application materials shall be provided to such individual without charge other than a reasonable fee for any reproduction and mailing costs.

The request described in subparagraph (B) must be made in person or in writing. If such request is made in person, such copy shall be provided immediately and, if made in writing, shall be provided within 30 days.

"(2) 3-year limitation on inspection of returns.—Paragraph (1) shall apply to an annual return filed under section 6033 only during the 3-year period beginning on the last day prescribed for filing such return (determined with regard to any extension of time for filing).

"(3) Exceptions from disclosure requirement.—

"(A) Nondisclosure of contributors, etc.—In the case of an organization which is not a private foundation (within the meaning of section 509(a)), paragraph (1) shall not require the disclosure of the name or address of any contributor to the organization. In the case of an organization described in section 501(d), paragraph (1) shall not require the disclosure of the copies referred to in section 6031(b) with respect to such organization.

"(B) Nondisclosure of certain other information.—Paragraph (1) shall not require the disclosure of any information if the Secretary withheld such information from public inspection under subsection (a)(1)(D).

"(4) Limitation on providing copies.—Paragraph (1)(B) shall not apply to any request if, in accordance with regulations promulgated by the Secretary, the organization has made the requested documents widely available, or the Secretary determines, upon application by an organization, that such request is part of a harassment campaign and that compliance with such request is not in the public interest.

"(5) Exempt status application materials.—For purposes of paragraph (1), the term 'exempt status application materials' means the application for recognition of exemption under section 501 and any papers submitted in support of such application and any letter or other document issued by the Internal Revenue Service with respect to such application.".

(2) Conforming amendments.—

(A) Subsection (c) of section 6033 is amended by adding "and" at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(B) Subparagraph (C) of section 6652(c)(1) is amended by striking "subsection (d) or (e)(1) of section 6104 (relating to public inspection of annual returns)" and inserting "section 6104(d) with respect to any annual return".

(C) Subparagraph (D) of section 6652(c)(1) is amended by striking "section 6104(e)(2) (relating to public inspection of applications for exemption)" and inserting "section 6104(d) with respect to any exempt status application materials (as defined in such section)".

(D) Section 6685 is amended by striking "or (e)".

(E) Section 7207 is amended by striking "or (e)".

(3) Effective date.—

(A) In general.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to requests made after the later of December 31, 1998, or the 60th day after the Secretary of the Treasury first issues the regulations referred to in section 6104(d)(4) of the Internal Revenue Code of 1986, as amended by this section.

(B) Publication of annual returns.—Section 6104(d) of such Code, as in effect before the amendments made by this subsection, shall not apply to any return the due date for which is after the date such amendments take effect under subparagraph (A).

SEC. 1005. SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.

(a) Income Derived From Banking, Financing, or Similar Businesses.—Section 954(h) (relating to income derived in the active conduct of banking, financing, or similar businesses) is amended to read as follows:

"(h) Special Rule for Income Derived in the Active Conduct of Banking, Financing, or Similar Businesses.—

"(1) In general.—For purposes of subsection (c)(1), foreign personal holding company income shall not include qualified banking or financing income of an eligible controlled foreign corporation.

"(2) Eligible controlled foreign corporation.—For purposes of this subsection—

"(A) In general.—The term 'eligible controlled foreign corporation' means a controlled foreign corporation which—

"(i) is predominantly engaged in the active conduct of a banking, financing, or similar business, and

"(ii) conducts substantial activity with respect to such business.

"(B) Predominantly engaged.—A controlled foreign corporation shall be treated as predominantly engaged in the active conduct of a banking, financing, or similar business if—

"(i) more than 70 percent of the gross income of the controlled foreign corporation is derived directly from the active and regular conduct of a lending or finance business from transactions with customers which are not related persons,

"(ii) it is engaged in the active conduct of a banking business and is an institution licensed to do business as a bank in the United States (or is any other corporation not so licensed which is specified by the Secretary in regulations), or

"(iii) it is engaged in the active conduct of a securities business and is registered as a securities broker or dealer under section 15(a) of the Securities Exchange Act of 1934 or is registered as a Government securities broker or dealer under section 15C(a) of such Act (or is any other corporation not so registered which is specified by the Secretary in regulations).

"(3) Qualified banking or financing income.—For purposes of this subsection—

"(A) In general.—The term 'qualified banking or financing income' means income of an eligible controlled foreign corporation which—

"(i) is derived in the active conduct of a banking, financing, or similar business by—

"(I) such eligible controlled foreign corporation, or

"(II) a qualified business unit of such eligible controlled foreign corporation,

"(ii) is derived from one or more transactions—

"(I) with customers located in a country other than the United States, and

"(II) substantially all of the activities in connection with which are conducted directly by the corporation or unit in its home country, and

"(iii) is treated as earned by such corporation or unit in its home country for purposes of such country's tax laws.

"(B) Limitation on nonbanking and nonsecurities businesses.—No income of an eligible controlled foreign corporation not described in clause (ii) or (iii) of paragraph (2)(B) (or of a qualified business unit of such corporation) shall be treated as qualified banking or financing income unless more than 30 percent of such corporation's or unit's gross income is derived directly from the active and regular conduct of a lending or finance business from transactions with customers which are not related persons and which are located within such corporation's or unit's home country.

"(C) Substantial activity requirement for cross border income.—The term 'qualified banking or financing income' shall not include income derived from 1 or more transactions with customers located in a country other than the home country of the eligible controlled foreign corporation or a qualified business unit of such corporation unless such corporation or unit conducts substantial activity with respect to a banking, financing, or similar business in its home country.

"(D) Determinations made separately.—For purposes of this paragraph, the qualified banking or financing income of an eligible controlled foreign corporation and each qualified business unit of such corporation shall be determined separately for such corporation and each such unit by taking into account—

"(i) in the case of the eligible controlled foreign corporation, only items of income, deduction, gain, or loss and activities of such corporation not properly allocable or attributable to any qualified business unit of such corporation, and

"(ii) in the case of a qualified business unit, only items of income, deduction, gain, or loss and activities properly allocable or attributable to such unit.

"(4) Lending or finance business.—For purposes of this subsection, the term 'lending or finance business' means the business of—

"(A) making loans,

"(B) purchasing or discounting accounts receivable, notes, or installment obligations,

"(C) engaging in leasing (including entering into leases and purchasing, servicing, and disposing of leases and leased assets),

"(D) issuing letters of credit or providing guarantees,

"(E) providing charge and credit card services, or

"(F) rendering services or making facilities available in connection with activities described in subparagraphs (A) through (E) carried on by—

"(i) the corporation (or qualified business unit) rendering services or making facilities available, or

"(ii) another corporation (or qualified business unit of a corporation) which is a member of the same affiliated group (as defined in section 1504, but determined without regard to section 1504(b)(3)).

"(5) Other definitions.—For purposes of this subsection—

"(A) Customer.—The term 'customer' means, with respect to any controlled foreign corporation or qualified business unit, any person which has a customer relationship with such corporation or unit and which is acting in its capacity as such.

"(B) Home country.—Except as provided in regulations—

"(i) Controlled foreign corporation.—The term 'home country' means, with respect to any

controlled foreign corporation, the country under the laws of which the corporation was created or organized.

"(ii) QUALIFIED BUSINESS UNIT.—The term 'home country' means, with respect to any qualified business unit, the country in which such unit maintains its principal office.

"(C) LOCATED.—The determination of where a customer is located shall be made under rules prescribed by the Secretary.

"(D) QUALIFIED BUSINESS UNIT.—The term 'qualified business unit' has the meaning given such term by section 989(a).

"(E) RELATED PERSON.—The term 'related person' has the meaning given such term by subsection (d)(3).

"(6) COORDINATION WITH EXCEPTION FOR DEALERS.—Paragraph (1) shall not apply to income described in subsection (c)(2)(C)(ii) of a dealer in securities (within the meaning of section 475) which is an eligible controlled foreign corporation described in paragraph (2)(B)(iii).

"(7) ANTI-ABUSE RULES.—For purposes of applying this subsection and subsection (c)(2)(C)(ii)—

"(A) there shall be disregarded any item of income, gain, loss, or deduction with respect to any transaction or series of transactions one of the principal purposes of which is qualifying income or gain for the exclusion under this section, including any transaction or series of transactions a principal purpose of which is the acceleration or deferral of any item in order to claim the benefits of such exclusion through the application of this subsection,

"(B) there shall be disregarded any item of income, gain, loss, or deduction of an entity which is not engaged in regular and continuous transactions with customers which are not related persons,

"(C) there shall be disregarded any item of income, gain, loss, or deduction with respect to any transaction or series of transactions utilizing, or doing business with—

"(i) one or more entities in order to satisfy any home country requirement under this subsection, or

"(ii) a special purpose entity or arrangement, including a securitization, financing, or similar entity or arrangement,

if one of the principal purposes of such transaction or series of transactions is qualifying income or gain for the exclusion under this subsection, and

"(D) a related person, an officer, a director, or an employee with respect to any controlled foreign corporation (or qualified business unit) which would otherwise be treated as a customer of such corporation or unit with respect to any transaction shall not be so treated if a principal purpose of such transaction is to satisfy any requirement of this subsection.

"(8) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, subsection (c)(1)(B)(i), subsection (c)(2)(C)(ii), and the last sentence of subsection (e)(2).

"(9) APPLICATION.—This subsection, subsection (c)(2)(C)(ii), and the last sentence of subsection (e)(2) shall apply only to the first taxable year of a foreign corporation beginning after December 31, 1998, and before January 1, 2000, and to taxable years of United States shareholders with or within which such taxable year of such foreign corporation ends.".

(b) INCOME DERIVED FROM INSURANCE BUSINESS.—

(1) INCOME ATTRIBUTABLE TO ISSUANCE OR REINSURANCE.—

(A) IN GENERAL.—Section 953(a) (defining insurance income) is amended to read as follows:

"(a) INSURANCE INCOME.—

"(1) IN GENERAL.—For purposes of section 952(a)(1), the term 'insurance income' means any income which—

"(A) is attributable to the issuing (or reinsuring) of an insurance or annuity contract, and

"(B) would (subject to the modifications provided by subsection (b)) be taxed under subchapter L of this chapter if such income were the income of a domestic insurance company.

"(2) EXCEPTION.—Such term shall not include any exempt insurance income (as defined in subsection (e)).".

(B) EXEMPT INSURANCE INCOME.—Section 953 (relating to insurance income) is amended by adding at the end the following new subsection:

"(e) EXEMPT INSURANCE INCOME.—For purposes of this section—

"(1) EXEMPT INSURANCE INCOME DEFINED.—

"(A) IN GENERAL.—The term 'exempt insurance income' means income derived by a qualifying insurance company which—

"(i) is attributable to the issuing (or reinsuring) of an exempt contract by such company or a qualifying insurance company branch of such company, and

"(ii) is treated as earned by such company or branch in its home country for purposes of such country's tax laws.

"(B) EXCEPTION FOR CERTAIN ARRANGEMENTS.—Such term shall not include income attributable to the issuing (or reinsuring) of an exempt contract as the result of any arrangement whereby another corporation receives a substantially equal amount of premiums or other consideration in respect of issuing (or reinsuring) a contract which is not an exempt contract.

"(C) DETERMINATIONS MADE SEPARATELY.—For purposes of this subsection and section 954(i), the exempt insurance income and exempt contracts of a qualifying insurance company or any qualifying insurance company branch of such company shall be determined separately for such company and each such branch by taking into account—

"(i) in the case of the qualifying insurance company, only items of income, deduction, gain, or loss, and activities of such company not properly allocable or attributable to any qualifying insurance company branch of such company, and

"(ii) in the case of a qualifying insurance company branch, only items of income, deduction, gain, or loss and activities properly allocable or attributable to such branch.

"(2) EXEMPT CONTRACT.—

"(A) IN GENERAL.—The term 'exempt contract' means an insurance or annuity contract issued or reinsured by a qualifying insurance company or qualifying insurance company branch in connection with property in, liability arising out of activity in, or the lives or health of residents of, a country other than the United States.

"(B) MINIMUM HOME COUNTRY INCOME REQUIRED.—

"(i) IN GENERAL.—No contract of a qualifying insurance company or of a qualifying insurance company branch shall be treated as an exempt contract unless such company or branch derives more than 30 percent of its net written premiums from exempt contracts (determined without regard to this subparagraph)—

"(I) which cover applicable home country risks, and

"(II) with respect to which no policyholder, insured, annuitant, or beneficiary is a related person (as defined in section 954(d)(3)).

"(ii) APPLICABLE HOME COUNTRY RISKS.—The term 'applicable home country risks' means risks in connection with property in, liability arising out of activity in, or the lives or health of residents of, the home country of the qualifying insurance company or qualifying insurance company branch, as the case may be, issuing or reinsuring the contract covering the risks.

"(C) SUBSTANTIAL ACTIVITY REQUIREMENTS FOR CROSS BORDER RISKS.—A contract issued by a qualifying insurance company or qualifying insurance company branch which covers risks other than applicable home country risks (as defined in subparagraph (B)(ii)) shall not be treated as an exempt contract unless such company or branch, as the case may be—

"(i) conducts substantial activity with respect to an insurance business in its home country, and

"(ii) performs in its home country substantially all of the activities necessary to give rise to the income generated by such contract.

"(3) QUALIFYING INSURANCE COMPANY.—The term 'qualifying insurance company' means any controlled foreign corporation which—

"(A) is subject to regulation as an insurance (or reinsurance) company by its home country, and is licensed, authorized, or regulated by the applicable insurance regulatory body for its home country to sell insurance, reinsurance, or annuity contracts to persons other than related persons (within the meaning of section 954(d)(3)) in such home country,

"(B) derives more than 50 percent of its aggregate net written premiums from the issuance or reinsurance by such controlled foreign corporation and each of its qualifying insurance company branches of contracts—

"(i) covering applicable home country risks (as defined in paragraph (2)) of such corporation or branch, as the case may be, and

"(ii) with respect to which no policyholder, insured, annuitant, or beneficiary is a related person (as defined in section 954(d)(3)),

except that in the case of a branch, such premiums shall only be taken into account to the extent such premiums are treated as earned by such branch in its home country for purposes of such country's tax laws, and

"(C) is engaged in the insurance business and would be subject to tax under subchapter L if it were a domestic corporation.

"(4) QUALIFYING INSURANCE COMPANY BRANCH.—The term 'qualifying insurance company branch' means a qualified business unit (within the meaning of section 989(a)) of a controlled foreign corporation if—

"(A) such unit is licensed, authorized, or regulated by the applicable insurance regulatory body for its home country to sell insurance, reinsurance, or annuity contracts to persons other than related persons (within the meaning of section 954(d)(3)) in such home country, and

"(B) such controlled foreign corporation is a qualifying insurance company, determined under paragraph (3) as if such unit were a qualifying insurance company branch.

"(5) LIFE INSURANCE OR ANNUITY CONTRACT.—For purposes of this section and section 954, the determination of whether a contract issued by a controlled foreign corporation or a qualified business unit (within the meaning of section 989(a)) is a life insurance contract or an annuity contract shall be made without regard to sections 72(s), 101(f), 817(h), and 7702 if—

"(A) such contract is regulated as a life insurance or annuity contract by the corporation's or unit's home country, and

"(B) no policyholder, insured, annuitant, or beneficiary with respect to the contract is a United States person.

"(6) HOME COUNTRY.—For purposes of this subsection, except as provided in regulations—

"(A) CONTROLLED FOREIGN CORPORATION.—The term 'home country' means, with respect to a controlled foreign corporation, the country in which such corporation is created or organized.

"(B) QUALIFIED BUSINESS UNIT.—The term 'home country' means, with respect to a qualified business unit (as defined in section 989(a)), the country in which the principal office of such unit is located and in which such unit is licensed, authorized, or regulated by the applicable insurance regulatory body to sell insurance,

reinsurance, or annuity contracts to persons other than related persons (as defined in section 954(d)(3)) in such country.

"(7) ANTI-ABUSE RULES.—For purposes of applying this subsection and section 954(i)—

"(A) the rules of section 954(h)(7) (other than subparagraph (B) thereof) shall apply,

"(B) there shall be disregarded any item of income, gain, loss, or deduction of, or derived from, an entity which is not engaged in regular and continuous transactions with persons which are not related persons,

"(C) there shall be disregarded any change in the method of computing reserves a principal purpose of which is the acceleration or deferral of any item in order to claim the benefits of this subsection or section 954(i),

"(D) a contract of insurance or reinsurance shall not be treated as an exempt contract (and premiums from such contract shall not be taken into account for purposes of paragraph (2)(B) or (3)) if—

"(i) any policyholder, insured, annuitant, or beneficiary is a resident of the United States and such contract was marketed to such resident and was written to cover a risk outside the United States, or

"(ii) the contract covers risks located within and without the United States and the qualifying insurance company or qualifying insurance company branch does not maintain such contemporaneous records, and file such reports, with respect to such contract as the Secretary may require,

"(E) the Secretary may prescribe rules for the allocation of contracts (and income from contracts) among 2 or more qualifying insurance company branches of a qualifying insurance company in order to clearly reflect the income of such branches, and

"(F) premiums from a contract shall not be taken into account for purposes of paragraph (2)(B) or (3) if such contract reinsures a contract issued or reinsured by a related person (as defined in section 954(d)(3)).

For purposes of subparagraph (D), the determination of where risks are located shall be made under the principles of section 953.

"(8) COORDINATION WITH SUBSECTION (c).—In determining insurance income for purposes of subsection (c), exempt insurance income shall not include income derived from exempt contracts which cover risks other than applicable home country risks.

"(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection and section 954(i).

"(10) APPLICATION.—This subsection and section 954(i) shall apply only to the first taxable year of a foreign corporation beginning after December 31, 1998, and before January 1, 2000, and to taxable years of United States shareholders with or within which such taxable year of such foreign corporation ends.

"(11) CROSS REFERENCE.—

"For income exempt from foreign personal holding company income, see section 954(i).".

(2) EXEMPTION FROM FOREIGN PERSONAL HOLDING COMPANY INCOME.—Section 954 (defining foreign base company income) is amended by adding at the end the following new subsection:

"(i) SPECIAL RULE FOR INCOME DERIVED IN THE ACTIVE CONDUCT OF INSURANCE BUSINESS.—

"(1) IN GENERAL.—For purposes of subsection (c)(1), foreign personal holding company income shall not include qualified insurance income of a qualifying insurance company.

"(2) QUALIFIED INSURANCE INCOME.—The term 'qualified insurance income' means income of a qualifying insurance company which is—

"(A) received from a person other than a related person (within the meaning of subsection (d)(3)) and derived from the investments made by a qualifying insurance company or a qualifying insurance company branch of its reserves allocable to exempt contracts or of 80 percent of its unearned premiums from exempt contracts (as both are determined in the manner prescribed under paragraph (4)), or

"(B) received from a person other than a related person (within the meaning of subsection (d)(3)) and derived from investments made by a qualifying insurance company or a qualifying insurance company branch of an amount of its assets allocable to exempt contracts equal to—

"(i) in the case of property, casualty, or health insurance contracts, one-third of its premiums earned on such insurance contracts during the taxable year (as defined in section 832(b)(4)), and

"(ii) in the case of life insurance or annuity contracts, 10 percent of the reserves described in subparagraph (A) for such contracts.

"(3) PRINCIPLES FOR DETERMINING INSURANCE INCOME.—Except as provided by the Secretary, for purposes of subparagraphs (A) and (B) of paragraph (2)—

"(A) in the case of any contract which is a separate account-type contract (including any variable contract not meeting the requirements of section 817), income credited under such contract shall be allocable only to such contract, and

"(B) income not allocable under subparagraph (A) shall be allocated ratably among contracts not described in subparagraph (A).

"(4) METHODS FOR DETERMINING UNEARNED PREMIUMS AND RESERVES.—For purposes of paragraph (2)(A)—

"(A) PROPERTY AND CASUALTY CONTRACTS.—The unearned premiums and reserves of a qualifying insurance company or a qualifying insurance company branch with respect to property, casualty, or health insurance contracts shall be determined using the same methods and interest rates which would be used if such company or branch were subject to tax under subchapter L, except that—

"(i) the interest rate determined for the functional currency of the company or branch, and which, except as provided by the Secretary, is calculated in the same manner as the Federal mid-term rate under section 1274(d), shall be substituted for the applicable Federal interest rate, and

"(ii) such company or branch shall use the appropriate foreign loss payment pattern.

"(B) LIFE INSURANCE AND ANNUITY CONTRACTS.—The amount of the reserve of a qualifying insurance company or qualifying insurance company branch for any life insurance or annuity contract shall be equal to the greater of—

"(i) the net surrender value of such contract (as defined in section 807(e)(1)(A)), or

"(ii) the reserve determined under paragraph (5).

"(C) LIMITATION ON RESERVES.—In no event shall the reserve determined under this paragraph for any contract as of any time exceed the amount which would be taken into account with respect to such contract as of such time in determining foreign statement reserves (less any catastrophe, deficiency, equalization, or similar reserves).

"(5) AMOUNT OF RESERVE.—The amount of the reserve determined under this paragraph with respect to any contract shall be determined in the same manner as it would be determined if the qualifying insurance company or qualifying insurance company branch were subject to tax under subchapter L, except that in applying such subchapter—

"(A) the interest rate determined for the functional currency of the company or branch, and which, except as provided by the Secretary, is calculated in the same manner as the Federal mid-term rate under section 1274(d), shall be substituted for the applicable Federal interest rate,

"(B) the highest assumed interest rate permitted to be used in determining foreign statement reserves shall be substituted for the prevailing State assumed interest rate, and

"(C) tables for mortality and morbidity which reasonably reflect the current mortality and morbidity risks in the company's or branch's home country shall be substituted for the mortality and morbidity tables otherwise used for such subchapter.

The Secretary may provide that the interest rate and mortality and morbidity tables of a qualifying insurance company may be used for 1 or more of its qualifying insurance company branches when appropriate.

"(6) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 953(e) shall have the meaning given such term by section 953.".

(3) RESERVES.—Section 953(b) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Reserves for any insurance or annuity contract shall be determined in the same manner as under section 954(i).".

(c) SPECIAL RULES FOR DEALERS.—Section 954(c)(2)(C) is amended to read as follows:

"(C) EXCEPTION FOR DEALERS.—Except as provided by regulations, in the case of a regular dealer in property which is property described in paragraph (1)(B), forward contracts, option contracts, or similar financial instruments (including notional principal contracts and all instruments referenced to commodities), there shall not be taken into account in computing foreign personal holding company income—

"(i) any item of income, gain, deduction, or loss (other than any item described in subparagraph (A), (E), or (G) of paragraph (1)) from any transaction (including hedging transactions) entered into in the ordinary course of such dealer's trade or business as such a dealer, and

"(ii) if such dealer is a dealer in securities (within the meaning of section 475), any interest or dividend or equivalent amount described in subparagraph (E) or (G) of paragraph (1) from any transaction (including any hedging transaction or transaction described in section 956(c)(2)(J)) entered into in the ordinary course of such dealer's trade or business as such a dealer in securities, but only if the income from the transaction is attributable to activities of the dealer in the country under the laws of which the dealer is created or organized (or in the case of a qualified business unit described in section 989(a), is attributable to activities of the unit in the country in which the unit both maintains its principal office and conducts substantial business activity).".

(d) EXEMPTION FROM FOREIGN BASE COMPANY SERVICES INCOME.—Paragraph (2) of section 954(e) is amended by inserting "or" at the end of subparagraph (A), by striking ", or" at the end of subparagraph (B) and inserting a period, by striking subparagraph (C), and by adding at the end the following new flush sentence:

"Paragraph (1) shall also not apply to income which is exempt insurance income (as defined in section 953(e)) or which is not treated as foreign personal holding income by reason of subsection (c)(2)(C)(ii), (h), or (i).".

(e) EXEMPTION FOR GAIN.—Section 954(c)(1)(B)(i) (relating to net gains from certain property transactions) is amended by inserting "other than property which gives rise to income not treated as foreign personal holding company income by reason of subsection (h) or (i) for the taxable year" before the comma at the end.

SEC. 1006. DISCLOSURE OF RETURN INFORMATION ON INCOME CONTINGENT STUDENT LOANS.

Subparagraph (D) of section 6103(l)(13) (relating to disclosure of return information to carry out income contingent repayment of student loans) is amended by striking "September 30, 1998" and inserting "September 30, 2003".

Subtitle B—Trade Provisions

SEC. 1011. EXTENSION OF DUTY-FREE TREATMENT UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) In General.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "June 30, 1998" and inserting "June 30, 1999".

(b) Effective Date.—

(1) In general.—The amendments made by this section apply to articles entered on or after the date of the enactment of this Act.

(2) Retroactive application for certain liquidations and reliquidations.—

(A) General rule.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), any entry—

(i) of an article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if such entry had been made on July 1, 1998, and such title had been in effect on July 1, 1998, and

(ii) that was made—

(I) after June 30, 1998, and

(II) before the date of enactment of this Act,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) Entry.—As used in this paragraph, the term "entry" includes a withdrawal from warehouse for consumption.

(3) Requests.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 1012. TRADE ADJUSTMENT ASSISTANCE.

(a) Assistance for Workers.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(1) in subsection (a), by striking "for each of" and all that follows through "1998," and inserting "for the period beginning October 1, 1998, and ending June 30, 1999,"; and

(2) in subsection (b), by striking "for each of" and all that follows through "1998," and inserting "for the period beginning October 1, 1998, and ending June 30, 1999,".

(b) NAFTA Transitional Program.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking "for any fiscal year shall not exceed $30,000,000" and inserting "for the period beginning October 1, 1998, and ending June 30, 1999, shall not exceed $15,000,000".

(c) Adjustment Assistance for Firms.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking "for fiscal years" and all that follows through "1998" and inserting "for the period beginning October 1, 1998, and ending June 30, 1999".

(d) Termination.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note preceding) is amended—

(1) in paragraph (1), by striking "September 30, 1998" and inserting "June 30, 1999"; and

(2) in paragraph (2)(A), by striking "the day that is" and all that follows through "effective" and inserting "June 30, 1999".

TITLE II—OTHER TAX PROVISIONS

Subtitle A—Provisions Relating to Individuals

SEC. 2001. NONREFUNDABLE PERSONAL CREDITS FULLY ALLOWED AGAINST REGULAR TAX LIABILITY DURING 1998.

(a) In General.—Subsection (a) of section 26 is amended by adding at the end the following flush sentence:

"For purposes of paragraph (2), the taxpayer's tentative minimum tax for any taxable year beginning during 1998 shall be treated as being zero."

(b) Conforming Amendment.—Section 24(d)(2) is amended by striking "The credit" and inserting "For taxable years beginning after December 31, 1998, the credit".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 2002. 100 PERCENT DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) In General.—The table contained in subparagraph (B) of section 162(l)(1) (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"For taxable years beginning in calendar year—	The applicable percentage is—
1999 through 2001	60
2002	70
2003 and thereafter	100."

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 2003. MODIFICATION OF ESTIMATED TAX SAFE HARBORS.

(a) In General.—The table contained in clause (i) of section 6654(d)(1)(C) (relating to limitation on use of preceding year's tax) is amended by striking the item relating to 1998, 1999, or 2000 and inserting the following new items:

"1998	105
1999 or 2000	106".

(b) Effective Date.—The amendment made by this section shall apply with respect to any installment payment for taxable years beginning after December 31, 1999.

Subtitle B—Provisions Relating to Farmers

SEC. 2011. INCOME AVERAGING FOR FARMERS MADE PERMANENT.

Subsection (c) of section 933 of the Taxpayer Relief Act of 1997 is amended by striking ", and before January 1, 2001".

SEC. 2012. PRODUCTION FLEXIBILITY CONTRACT PAYMENTS.

(a) In General.—The options under paragraphs (2) and (3) of section 112(d) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7212(d) (2) and (3)), as in effect on the date of the enactment of this Act, shall be disregarded in determining the taxable year for which any payment under a production flexibility contract under subtitle B of title I of such Act (as so in effect) is properly includible in gross income for purposes of the Internal Revenue Code of 1986.

(b) Effective Date.—Subsection (a) shall apply to taxable years ending after December 31, 1995.

SEC. 2013. 5-YEAR NET OPERATING LOSS CARRYBACK FOR FARMING LOSSES.

(a) In General.—Paragraph (1) of section 172(b) (relating to net operating loss deduction) is amended by adding at the end the following new subparagraph:

"(G) Farming losses.—In the case of a taxpayer which has a farming loss (as defined in subsection (i)) for a taxable year, such farming loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.".

(b) Farming Loss.—Section 172 is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) Rules Relating to Farming Losses.—For purposes of this section—

"(1) In general.—The term 'farming loss' means the lesser of—

"(A) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to farming businesses (as defined in section 263A(e)(4)) are taken into account, or

"(B) the amount of the net operating loss for such taxable year.

"(2) Coordination with subsection (b)(2).—For purposes of applying subsection (b)(2), a farming loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

"(3) Election.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(G) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(G). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.".

(c) Coordination With Farm Disaster Losses.—Clause (ii) of section 172(b)(1)(F) is amended by adding at the end the following flush sentence:

"Such term shall not include any farming loss (as defined in subsection (i)).".

(d) Effective Date.—The amendments made by this section shall apply to net operating losses for taxable years beginning after December 31, 1997.

Subtitle C—Miscellaneous Provisions

SEC. 2021. INCREASE IN VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) In General.—Subsection (d) of section 146 (relating to volume cap) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) In general.—The State ceiling applicable to any State for any calendar year shall be the greater of—

"(A) an amount equal to the per capita limit for such year multiplied by the State population, or

"(B) the aggregate limit for such year.

Subparagraph (B) shall not apply to any possession of the United States.

"(2) Per capita limit; aggregate limit.—For purposes of paragraph (1), the per capita limit, and the aggregate limit, for any calendar year shall be determined in accordance with the following table:

Calendar Year	Per Capita Limit	Aggregate Limit
1999 through 2002	$50	$150,000,000

Calendar Year	Per Capita Limit	Aggregate Limit
2003	55	165,000,000
2004	60	180,000,000
2005	65	195,000,000
2006	70	210,000,000
2007 and thereafter	75	225,000,000.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years after 1998.

SEC. 2022. DEPRECIATION STUDY.

The Secretary of the Treasury (or the Secretary's delegate)—

(1) shall conduct a comprehensive study of the recovery periods and depreciation methods under section 168 of the Internal Revenue Code of 1986, and

(2) not later than March 31, 2000, shall submit the results of such study, together with recommendations for determining such periods and methods in a more rational manner, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SEC. 2023. EXEMPTION FOR STUDENTS EMPLOYED BY STATE SCHOOLS, COLLEGES, OR UNIVERSITIES.

(a) IN GENERAL.—Notwithstanding section 218 of the Social Security Act, any agreement with a State (or any modification thereof) entered into pursuant to such section may, at the option of such State, be modified at any time on or after January 1, 1999, and on or before March 31, 1999, so as to exclude service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

(b) EFFECTIVE DATE OF MODIFICATION.—Any modification of an agreement pursuant to subsection (a) shall be effective with respect to services performed after June 30, 2000.

(c) IRREVOCABILITY OF MODIFICATION.—If any modification of an agreement pursuant to subsection (a) terminates coverage with respect to service performed in the employ of a school, college, or university, by a student who is enrolled and regularly attending classes at such school, college, or university, the Commissioner of Social Security and the State may not thereafter modify such agreement so as to again make the agreement applicable to such service performed in the employ of such school, college, or university.

TITLE III—REVENUE OFFSETS

SEC. 3001. TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—Section 332 (relating to complete liquidations of subsidiaries) is amended by adding at the end the following new subsection:

"(c) DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If a corporation receives a distribution from a regulated investment company or a real estate investment trust which is considered under subsection (b) as being in complete liquidation of such company or trust, then, notwithstanding any other provision of this chapter, such corporation shall recognize and treat as a dividend from such company or trust an amount equal to the deduction for dividends paid allowable to such company or trust by reason of such distribution.".

(b) CONFORMING AMENDMENTS.—

(1) The material preceding paragraph (1) of section 332(b) is amended by striking "subsection (a)" and inserting "this section".

(2) Paragraph (1) of section 334(b) is amended by striking "section 332(a)" and inserting "section 332".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after May 21, 1998.

(d) ASSUMPTIONS.—In making the estimate required for this Act by section 252(d)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, that part of the estimate that measures the change in receipts resulting from the amendments made by this section shall be based on the economic and technical assumptions underlying the supplemental summary of the budget for fiscal year 1999, submitted on May 26, 1998, pursuant to section 1106 of title 31, United States Code, notwithstanding section 252(d)(2)(B). All other parts of such estimate required by such section 252(d)(2) shall be made pursuant to the requirements of such section 252(d)(2)(B).

SEC. 3002. INCLUSION OF ROTAVIRUS GASTROENTERITIS AS A TAXABLE VACCINE.

(a) IN GENERAL.—Paragraph (1) of section 4132(a) (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

"(K) Any vaccine against rotavirus gastroenteritis.".

(b) EFFECTIVE DATE.—

(1) SALES.—The amendment made by this section shall apply to sales after the date of the enactment of this Act.

(2) DELIVERIES.—For purposes of paragraph (1), in the case of sales on or before the date of the enactment of this Act for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 3003. CLARIFICATION AND EXPANSION OF MATHEMATICAL ERROR ASSESSMENT PROCEDURES.

(a) TIN DEEMED INCORRECT IF INFORMATION ON RETURN DIFFERS WITH AGENCY RECORDS.—Paragraph (2) of section 6213(g) (defining mathematical or clerical error) is amended by adding at the end the following flush sentence:

"A taxpayer shall be treated as having omitted a correct TIN for purposes of the preceding sentence if information provided by the taxpayer on the return with respect to the individual whose TIN was provided differs from the information the Secretary obtains from the person issuing the TIN.".

(b) EXPANSION OF MATHEMATICAL ERROR PROCEDURES TO CASES WHERE TIN ESTABLISHES INDIVIDUAL NOT ELIGIBLE FOR TAX CREDIT.—Paragraph (2) of section 6213(g) is amended by striking "and" at the end of subparagraph (J), by striking the period at the end of the subparagraph (K) and inserting ", and", and by inserting after subparagraph (K) the following new subparagraph:

"(L) the inclusion on a return of a TIN required to be included on the return under section 21, 24, or 32 if—

"(i) such TIN is of an individual whose age affects the amount of the credit under such section, and

"(ii) the computation of the credit on the return reflects the treatment of such individual as being of an age different from the individual's age based on such TIN.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 3004. CLARIFICATION OF DEFINITION OF SPECIFIED LIABILITY LOSS.

(a) IN GENERAL.—Subparagraph (B) of section 172(f)(1) (defining specified liability loss) is amended to read as follows:

"(B)(i) Any amount allowable as a deduction under this chapter (other than section 468(a)(1) or 468A(a)) which is in satisfaction of a liability under a Federal or State law requiring—

"(I) the reclamation of land,

"(II) the decommissioning of a nuclear power plant (or any unit thereof),

"(III) the dismantlement of a drilling platform,

"(IV) the remediation of environmental contamination, or

"(V) a payment under any workers compensation act (within the meaning of section 461(h)(2)(C)(i)).

"(ii) A liability shall be taken into account under this subparagraph only if—

"(I) the act (or failure to act) giving rise to such liability occurs at least 3 years before the beginning of the taxable year, and

"(II) the taxpayer used an accrual method of accounting throughout the period or periods during which such act (or failure to act) occurred.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to net operating losses arising in taxable years ending after the date of the enactment of this Act.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 4001. DEFINITIONS; COORDINATION WITH OTHER TITLES.

(a) DEFINITIONS.—For purposes of this title—

(1) 1986 CODE.—The term "1986 Code" means the Internal Revenue Code of 1986.

(2) 1998 ACT.—The term "1998 Act" means the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105–206).

(3) 1997 ACT.—The term "1997 Act" means the Taxpayer Relief Act of 1997 (Public Law 105–34).

(b) COORDINATION WITH OTHER TITLES.—For purposes of applying the amendments made by any title of this division other than this title, the provisions of this title shall be treated as having been enacted immediately before the provisions of such other titles.

SEC. 4002. AMENDMENTS RELATED TO INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 1101 OF 1998 ACT.—Paragraph (5) of section 6103(h) of the 1986 Code, as added by section 1101(b) of the 1998 Act, is redesignated as paragraph (6).

(b) AMENDMENT RELATED TO SECTION 3001 OF 1998 ACT.—Paragraph (2) of section 7491(a) of the 1986 Code is amended by adding at the end the following flush sentence:

"Subparagraph (C) shall not apply to any qualified revocable trust (as defined in section 645(b)(1)) with respect to liability for tax for any taxable year ending after the date of the decedent's death and before the applicable date (as defined in section 645(b)(2)).".

(c) AMENDMENTS RELATED TO SECTION 3201 OF 1998 ACT.—

(1) Section 7421(a) of the 1986 Code is amended by striking "6015(d)" and inserting "6015(e)".

(2) Subparagraph (A) of section 6015(e)(3) is amended by striking "of this section" and inserting "of subsection (b) or (f)".

(d) AMENDMENT RELATED TO SECTION 3301 OF 1998 ACT.—Paragraph (2) of section 3301(c) of the 1998 Act is amended by striking "The amendments" and inserting "Subject to any applicable statute of limitation not having expired with regard to either a tax underpayment or a tax overpayment, the amendments".

(e) AMENDMENT RELATED TO SECTION 3401 OF 1998 ACT.—Section 3401(c) of the 1998 Act is amended—

(1) in paragraph (1), by striking "7443(b)" and inserting "7443A(b)"; and

(2) in paragraph (2), by striking "7443(c)" and inserting "7443A(c)".

(f) AMENDMENT RELATED TO SECTION 3433 OF 1998 ACT.—Section 7421(a) of the 1986 Code is amended by inserting "6331(i)," after "6246(b),".

(g) AMENDMENT RELATED TO SECTION 3467 OF 1998 ACT.—The subsection (d) of section 6159 of the 1986 Code relating to cross reference is redesignated as subsection (e).

(h) AMENDMENT RELATED TO SECTION 3708 OF 1998 ACT.—Subparagraph (A) of section 6103(p)(3) of the 1986 Code is amended by inserting "(f)(5)," after "(c), (e),".

(i) AMENDMENTS RELATED TO SECTION 5001 OF 1998 ACT.—

(1) Subparagraph (B) of section 1(h)(13) of the 1986 Code is amended by striking "paragraph (7)(A)" and inserting "paragraph (7)(A)(i)".

(2)(A) Subparagraphs (A)(i)(II), (A)(ii)(II), and (B)(ii) of section 1(h)(13) of the 1986 Code shall not apply to any distribution after December 31, 1997, by a regulated investment company or a real estate investment trust with respect to—

(i) gains and losses recognized directly by such company or trust, and

(ii) amounts properly taken into account by such company or trust by reason of holding (directly or indirectly) an interest in another such company or trust to the extent that such subparagraphs did not apply to such other company or trust with respect to such amounts.

(B) Subparagraph (A) shall not apply to any distribution which is treated under section 852(b)(7) or 857(b)(8) of the 1986 Code as received on December 31, 1997.

(C) For purposes of subparagraph (A), any amount which is includible in gross income of its shareholders under section 852(b)(3)(D) or 857(b)(3)(D) of the 1986 Code after December 31, 1997, shall be treated as distributed after such date.

(D)(i) For purposes of subparagraph (A), in the case of a qualified partnership with respect to which a regulated investment company meets the holding requirement of clause (iii)—

(I) the subparagraphs referred to in subparagraph (A) shall not apply to gains and losses recognized directly by such partnership for purposes of determining such company's distributive share of such gains and losses, and

(II) such company's distributive share of such gains and losses (as so determined) shall be treated as recognized directly by such company. The preceding sentence shall apply only if the qualified partnership provides the company with written documentation of such distributive share as so determined.

(ii) For purposes of clause (i), the term "qualified partnership" means, with respect to a regulated investment company, any partnership if—

(I) the partnership is an investment company registered under the Investment Company Act of 1940,

(II) the regulated investment company is permitted to invest in such partnership by reason of section 12(d)(1)(E) of such Act or an exemptive order of the Securities and Exchange Commission under such section, and

(III) the regulated investment company and the partnership have the same taxable year.

(iii) A regulated investment company meets the holding requirement of this clause with respect to a qualified partnership if (as of January 1, 1998)—

(I) the value of the interests of the regulated investment company in such partnership is 35 percent or more of the value of such company's total assets, or

(II) the value of the interests of the regulated investment company in such partnership and all other qualified partnerships is 90 percent or more of the value of such company's total assets.

(3) Paragraph (13) of section 1(h) of the 1986 Code is amended by adding at the end the following new subparagraph:

"(D) CHARITABLE REMAINDER TRUSTS.—Subparagraphs (A) and (B)(ii) shall not apply to any capital gain distribution made by a trust described in section 664."

(j) AMENDMENT RELATED TO SECTION 7004 OF 1998 ACT.—Clause (i) of section 408A(c)(3)(C) of the 1986 Code, as amended by section 7004 of the 1998 Act, is amended by striking the period at the end of subclause (II) and inserting ", and".

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the 1998 Act to which they relate.

SEC. 4003. AMENDMENTS RELATED TO TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 202 OF 1997 ACT.—

(1) Paragraph (2) of section 163(h) of the 1986 Code is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end the following new subparagraph:

"(F) any interest allowable as a deduction under section 221 (relating to interest on educational loans)."

(2)(A) Subparagraph (C) of section 221(b)(2) of the 1986 Code is amended—

(i) by striking "135, 137," in clause (i),

(ii) by inserting "135, 137," after "sections 86," in clause (ii), and

(iii) by striking the last sentence.

(B) Sections 86(b)(2)(A), 135(c)(4)(A), and 219(g)(3)(A)(ii) of the 1986 Code are each amended by inserting "221," after "137,".

(C) Subparagraph (A) of section 137(b)(3) of the 1986 Code is amended by inserting "221," before "911,".

(D) Clause (iii) of section 469(i)(3)(E) of the 1986 Code is amended to read as follows:

"(iii) the amounts allowable as a deduction under sections 219 and 221, and".

(3) The last sentence of section 221(e)(1) of the 1986 Code is amended by inserting before the period "or to any person by reason of a loan under any qualified employer plan (as defined in section 72(p)(4)) or under any contract referred to in section 72(p)(5)".

(b) PROVISION RELATED TO SECTION 311 OF 1997 ACT.—In the case of any capital gain distribution made after 1997 by a trust to which section 664 of the 1986 Code applies with respect to amounts properly taken into account by such trust during 1997, paragraphs (5)(A)(i)(I), (5)(A)(ii)(I), and (13)(A) of section 1(h) of the 1986 Code (as in effect for taxable years ending on December 31, 1997) shall not apply.

(c) AMENDMENT RELATED TO SECTION 506 OF 1997 ACT.—Section 2001(f)(2) of the 1986 Code is amended by adding at the end the following:

"For purposes of subparagraph (A), the value of an item shall be treated as shown on a return if the item is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the Secretary of the nature of such item.".

(d) AMENDMENTS RELATED TO SECTION 904 OF 1997 ACT.—

(1) Paragraph (1) of section 9510(c) of the 1986 Code is amended to read as follows:

"(1) IN GENERAL.—Amounts in the Vaccine Injury Compensation Trust Fund shall be available, as provided in appropriation Acts, only for—

"(A) the payment of compensation under subtitle 2 of title XXI of the Public Health Service Act (as in effect on August 5, 1997) for vaccine-related injury or death with respect to any vaccine—

"(i) which is administered after September 30, 1988, and

"(ii) which is a taxable vaccine (as defined in section 4132(a)(1)) at the time compensation is paid under such subtitle 2, or

"(B) the payment of all expenses of administration (but not in excess of $9,500,000 for any fiscal year) incurred by the Federal Government in administering such subtitle.".

(2) Section 9510(b) of the 1986 Code is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON TRANSFERS TO VACCINE INJURY COMPENSATION TRUST FUND.—No amount may be appropriated to the Vaccine Injury Compensation Trust Fund on and after the date of any expenditure from the Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.".

(e) AMENDMENTS RELATED TO SECTION 915 OF 1997 ACT.—

(1) Section 915(b) of the 1997 Act is amended by inserting "or 1998" after "1997".

(2) Paragraph (2) of section 6404(h) of the 1986 Code is amended by inserting "Robert T. Stafford" before "Disaster".

(f) AMENDMENTS RELATED TO SECTION 1012 OF 1997 ACT.—

(1) Paragraph (2) of section 351(c) of the 1986 Code, as amended by section 6010(c) of the 1998 Act, is amended by inserting ", or the fact that the corporation whose stock was distributed issues additional stock," after "dispose of part or all of the distributed stock".

(2) Clause (ii) of section 368(a)(2)(H) of the 1986 Code, as amended by section 6010(c) of the 1998 Act, is amended by inserting ", or the fact that the corporation whose stock was distributed issues additional stock," after "dispose of part or all of the distributed stock".

(g) PROVISION RELATED TO SECTION 1042 OF 1997 ACT.—Rules similar to the rules of section 1.1502–75(d)(5) of the Treasury Regulations shall apply with respect to any organization described in section 1042(b) of the 1997 Act.

(h) AMENDMENT RELATED TO SECTION 1082 OF 1997 ACT.—Subparagraph (F) of section 172(b)(1) of the 1986 Code is amended by adding at the end the following new clause:

"(iv) COORDINATION WITH PARAGRAPH (2).—For purposes of applying paragraph (2), an eligible loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated."

(i) AMENDMENT RELATED TO SECTION 1084 OF 1997 ACT.—Paragraph (3) of section 264(f) of the 1986 Code is amended by adding at the end the following flush sentence:

"If the amount described in subparagraph (A) with respect to any policy or contract does not reasonably approximate its actual value, the amount taken into account under subparagraph

(A) shall be the greater of the amount of the insurance company liability or the insurance company reserve with respect to such policy or contract (as determined for purposes of the annual statement approved by the National Association of Insurance Commissioners) or shall be such other amount as is determined by the Secretary."

(j) AMENDMENT RELATED TO SECTION 1175 OF 1997 ACT.—Subparagraph (C) of section 954(e)(2) of the 1986 Code is amended by striking "subsection (h)(8)" and inserting "subsection (h)(9)".

(k) AMENDMENT RELATED TO SECTION 1205 OF 1997 ACT.—Paragraph (2) of section 6311(d) of the 1986 Code is amended by striking "under such contracts" in the last sentence and inserting "under any such contract for the use of credit, debit, or charge cards for the payment of taxes imposed by subtitle A".

(l) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the 1997 Act to which they relate.

SEC. 4004. AMENDMENTS RELATED TO TAX REFORM ACT OF 1984.

(a) IN GENERAL.—Subparagraph (C) of section 172(d)(4) of the 1986 Code is amended to read as follows:

"(C) any deduction for casualty or theft losses allowable under paragraph (2) or (3) of section 165(c) shall be treated as attributable to the trade or business; and".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 67(b) of the 1986 Code is amended by striking "for losses described in subsection (c)(3) or (d) of section 165" and inserting "for casualty or theft losses described in paragraph (2) or (3) of section 165(c) or for losses described in section 165(d)".

(2) Paragraph (3) of section 68(c) of the 1986 Code is amended by striking "for losses described in subsection (c)(3) or (d) of section 165" and inserting "for casualty or theft losses described in paragraph (2) or (3) of section 165(c) or for losses described in section 165(d)".

(3) Paragraph (1) of section 873(b) is amended to read as follows:

"(1) LOSSES.—The deduction allowed by section 165 for casualty or theft losses described in paragraph (2) or (3) of section 165(c), but only if the loss is of property located within the United States."

(c) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b)(3) shall apply to taxable years beginning after December 31, 1983.

(2) The amendment made by subsection (b)(1) shall apply to taxable years beginning after December 31, 1986.

(3) The amendment made by subsection (b)(2) shall apply to taxable years beginning after December 31, 1990.

SEC. 4005. AMENDMENTS RELATED TO URUGUAY ROUND AGREEMENTS ACT.

(a) INAPPLICABILITY OF ASSIGNMENT PROHIBITION.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

"(c) Nothing in this section shall be construed to prohibit withholding taxes from any benefit under this title, if such withholding is done pursuant to a request made in accordance with section 3402(p)(1) of the Internal Revenue Code of 1986 by the person entitled to such benefit or such person's representative payee.".

(b) PROPER ALLOCATION OF COSTS OF WITHHOLDING BETWEEN THE TRUST FUNDS AND THE GENERAL FUND.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(1) by inserting before the period in paragraph (1)(A)(ii) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(2) by inserting before the period at the end of paragraph (1)(A) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(3) in paragraph (1)(B)(i)(I), by striking "subparagraph (A))," and inserting "subparagraph (A)) and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee,";

(4) in paragraph (1)(C)(iii), by inserting before the period the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(5) in paragraph (1)(D), by inserting after "section 232" the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits as described in section 207(c)"; and

(6) in paragraph (4), by inserting after the first sentence the following: "The Board of Trustees of such Trust Funds shall prescribe the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee.".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to benefits paid on or after the first day of the second month beginning after the month in which this Act is enacted.

SEC. 4006. OTHER AMENDMENTS.

(a) AMENDMENTS RELATED TO SECTION 6103 OF 1986 CODE.—

(1) Subsection (j) of section 6103 of the 1986 Code is amended by adding at the end the following new paragraph:

"(5) DEPARTMENT OF AGRICULTURE.—Upon request in writing by the Secretary of Agriculture, the Secretary shall furnish such returns, or return information reflected thereon, as the Secretary may prescribe by regulation to officers and employees of the Department of Agriculture whose official duties require access to such returns or information for the purpose of, but only to the extent necessary in, structuring, preparing, and conducting the census of agriculture pursuant to the Census of Agriculture Act of 1997 (Public Law 105–113).".

(2) Paragraph (4) of section 6103(p) of the 1986 Code is amended by striking "(j)(1) or (2)" in the material preceding subparagraph (A) and in subparagraph (F) and inserting "(j)(1), (2), or (5)".

(3) The amendments made by this subsection shall apply to requests made on or after the date of the enactment of this Act.

(b) AMENDMENT RELATED TO SECTION 9004 OF TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—

(1) Paragraph (2) of section 9503(f) of the 1986 Code is amended to read as follows:

"(2) notwithstanding section 9602(b), obligations held by such Fund after September 30, 1998, shall be obligations of the United States which are not interest-bearing."

(2) The amendment made by paragraph (1) shall take effect on October 1, 1998.

(c) CLERICAL AMENDMENTS.—

(1) Clause (i) of section 51(d)(6)(B) of the 1986 Code is amended by striking "rehabilitation plan" and inserting "plan for employment". The reference to "plan for employment" in such clause shall be treated as including a reference to the rehabilitation plan referred to in such clause as in effect before the amendment made by the preceding sentence.

(2) Paragraph (3) of section 56(a) of the 1986 Code is amended by striking "section 460(b)(2)" and inserting "section 460(b)(1)" and by striking "section 460(b)(4)" and inserting "section 460(b)(3)".

(3) Paragraph (10) of section 2031(c) of the 1986 Code is amended by striking "section 2033A(e)(3)" and inserting "section 2057(e)(3)".

(4) Subparagraphs (C) and (D) of section 6693(a)(2) of the 1986 Code are each amended by striking "Section" and inserting "section".

TITLE V—MEDICARE-RELATED PROVISIONS

Subtitle A—Home Health

SEC. 5101. INCREASE IN PER BENEFICIARY LIMITS AND PER VISIT PAYMENT LIMITS FOR PAYMENT FOR HOME HEALTH SERVICES.

(a) INCREASE IN PER BENEFICIARY LIMITS.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)) is amended—

(1) in the first sentence of clause (v), by inserting "subject to clause (viii)(I)," before "the Secretary";

(2) in clause (vi)(I), by inserting "subject to clauses (viii)(II) and (viii)(III)" after "fiscal year 1994"; and

(3) by adding at the end the following new clause:

"(viii)(I) In the case of a provider with a 12-month cost reporting period ending in fiscal year 1994, if the limit imposed under clause (v) (determined without regard to this subclause) for a cost reporting period beginning during or after fiscal year 1999 is less than the median described in clause (vi)(I) (but determined as if any reference in clause (v) to '98 percent' were a reference to '100 percent'), the limit otherwise imposed under clause (v) for such provider and period shall be increased by ⅓ of such difference.

"(II) Subject to subclause (IV), for new providers and those providers without a 12-month cost reporting period ending in fiscal year 1994, but for which the first cost reporting period begins before fiscal year 1999, for cost reporting periods beginning during or after fiscal year 1999, the per beneficiary limitation described in clause (vi)(I) shall be equal to the median described in such clause (determined as if any reference in clause (v) to '98 percent' were a reference to '100 percent').

"(III) Subject to subclause (IV), in the case of a new provider for which the first cost reporting period begins during or after fiscal year 1999, the limitation applied under clause (vi)(I) (but only with respect to such provider) shall be equal to 75 percent of the median described in clause (vi)(I).

"(IV) In the case of a new provider or a provider without a 12-month cost reporting period ending in fiscal year 1994, subclause (II) shall apply, instead of subclause (III), to a home health agency which filed an application for home health agency provider status under this title before September 15, 1998, or which was approved as a branch of its parent agency before such date and becomes a subunit of the parent agency or a separate agency on or after such date.

"(V) Each of the amounts specified in subclauses (I) through (III) are such amounts as adjusted under clause (iii) to reflect variations in wages among different areas.".

(b) REVISION OF PER VISIT LIMITS.—Section 1861(v)(1)(L)(i) of such Act (42 U.S.C. 1395x(v)(1)(L)(i)) is amended—

(1) in subclause (III), by striking "or";

(2) in subclause (IV)—

(A) by inserting "and before October 1, 1998," after "October 1, 1997,"; and

(B) by striking the period at the end and inserting ", or"; and

(3) by adding at the end the following new subclause:

"(V) October 1, 1998, 106 percent of such median.".

(c) ONE-YEAR DELAY IN 15 PERCENT REDUCTION IN PAYMENT LIMITS; CHANGE IN TIMING OF IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.—

(1) PROSPECTIVE PAYMENT SYSTEM.—Section 1895 of such Act (42 U.S.C. 1395fff) is amended—

(A) in subsection (a), by striking "for cost reporting periods beginning on or after October 1, 1999" and inserting "for portions of cost reporting periods occurring on or after October 1, 2000"; and

(B) in subsection (b)(3)—

(i) in subparagraph (A)(i), by striking "fiscal year 2000" and inserting "fiscal year 2001";

(ii) in subparagraph (A)(ii), by striking "September 30, 1999" and inserting "September 30, 2000"; and

(iii) in subparagraph (B)(i), by striking "fiscal year 2001" and inserting "fiscal year 2002".

(2) CHANGE IN EFFECTIVE DATE.—Section 4603(d) of the Balanced Budget Act of 1997 (42 U.S.C. 1395fff note) is amended by striking "cost reporting periods beginning on or after October 1, 1999" and inserting "portions of cost reporting periods occurring on or after October 1, 2000".

(3) CONTINGENCY REDUCTION.—Section 4603(e) of the Balanced Budget Act of 1997 (42 U.S.C. 1395fff note) is amended—

(A) by striking "cost reporting periods described in subsection (d), for such cost reporting periods" and inserting "portions of cost reporting periods described in subsection (d), for such portions"; and

(B) by striking "September 30, 1999" and inserting "September 30, 2000".

(d) CHANGE IN HOME HEALTH MARKET BASKET INCREASE.—

(1) INTERIM PAYMENT SYSTEM.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)), as amended by subsection (a)(3), is amended by adding at the end the following:

"(ix) Notwithstanding any other provision of this subparagraph, in updating any limit under this subparagraph by a home health market basket index for cost reporting periods beginning during each of fiscal years 2000, 2001, 2002, and 2003, the update otherwise provided shall be reduced by 1.1 percentage points.".

(2) PROSPECTIVE PAYMENT SYSTEM.—Section 1895(b)(3)(B) of such Act (42 U.S.C. 1395fff(b)(3)(B)) is amended—

(A) in clause (i), by striking "home health market basket percentage increase" and inserting "home health applicable increase percentage (as defined in clause (ii))";

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

"(ii) HOME HEALTH APPLICABLE INCREASE PERCENTAGE.—For purposes of this subparagraph, the term 'home health applicable increase percentage' means, with respect to—

"(I) fiscal year 2002 or 2003, the home health market basket percentage increase (as defined in clause (iii)) minus 1.1 percentage points; or

"(II) any subsequent fiscal year, the home health market basket percentage increase.".

(e) EXCLUSION OF ADDITIONAL PART B COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.—Section 1839 of such Act (42 U.S.C. 1395r) is amended—

(1) in subsection (a)(3), by inserting "(except as provided in subsection (g))" after "year that"; and

(2) by adding at the end the following new subsection:

"(g) In estimating the benefits and administrative costs which will be payable from the Federal Supplementary Medical Insurance Trust Fund for a year for purposes of determining the monthly premium rate under subsection (a)(3), the Secretary shall exclude an estimate of any benefits and administrative costs attributable to the application of section 1861(v)(1)(L)(viii) or to the establishment under section 1861(v)(1)(L)(i)(V) of a per visit limit at 106 percent of the median (instead of 105 percent of the median), but only to the extent payment for home health services under this title is not being made under section 1895 (relating to prospective payment for home health services).".

(f) REPORTS ON SUMMARY OF RESEARCH CONDUCTED BY THE SECRETARY ON THE PROSPECTIVE PAYMENT SYSTEM.—By not later than January 1, 1999, the Secretary of Health and Human Services shall submit to Congress a report on the following matters:

(1) RESEARCH.—A description of any research paid for by the Secretary on the development of a prospective payment system for home health services furnished under the medicare program under title XVIII of the Social Security Act, and a summary of the results of such research.

(2) SCHEDULE FOR IMPLEMENTATION OF SYSTEM.—The Secretary's schedule for the implementation of the prospective payment system for home health services under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(g) MEDPAC REPORTS.—

(1) REVIEW OF SECRETARY'S REPORT.—Not later than 60 days after the date the Secretary of Health and Human Services submits to Congress the report under subsection (f), the Medicare Payment Advisory Commission (established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6)) shall submit to Congress a report describing the Commission's analysis of the Secretary's report, and shall include the Commission's recommendations with respect to the matters contained in such report.

(2) ANNUAL REPORT.—The Commission shall include in its annual report to Congress for June 1999 an analysis of whether changes in law made by the Balanced Budget Act of 1997, as modified by the amendments made by this section, with respect to payments for home health services furnished under the medicare program under title XVIII of the Social Security Act, impede access to such services by individuals entitled to benefits under such program.

(h) GAO AUDIT OF RESEARCH EXPENDITURES.—The Comptroller General of the United States shall conduct an audit of sums obligated or expended by the Health Care Financing Administration for the research described in subsection (f)(1), and of the data, reports, proposals, or other information provided by such research.

(i) PROMPT IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall promptly issue (without regard to chapter 8 of title 5, United States Code) such regulations or program memoranda as may be necessary to effect the amendments made by this section for cost reporting periods beginning during fiscal year 1999.

(2) USE OF PAYMENT AMOUNTS AND LIMITS FROM PUBLISHED TABLES.—

(A) PER BENEFICIARY LIMITS.—In effecting the amendments made by subsection (a) for cost reporting periods beginning in fiscal year 1999, the "median" referred to in section 1861(v)(1)(L)(vi)(I) of the Social Security Act for such periods shall be the national standardized per beneficiary limitation specified in Table 3C published in the Federal Register on August 11, 1998 (63 FR 42926) and the "standardized regional average of such costs" referred to in section 1861(v)(1)(L)(v)(I) of such Act for a census division shall be the sum of the labor and nonlabor components of the standardized per beneficiary limitation for that census division specified in Table 3B published in the Federal Register on that date (63 FR 42926) (or in Table 3D as so published with respect to Puerto Rico and Guam), and adjusted to reflect variations in wages among different geographic areas as specified in Tables 4a and 4b published in the Federal Register on that date (63 FR 42926–42933).

(B) PER VISIT LIMITS.—In effecting the amendments made by subsection (b) for cost reporting periods beginning in fiscal year 1999, the limits determined under section 1861(v)(1)(L)(i)(V) of such Act for cost reporting periods beginning during such fiscal year shall be equal to the per visit limits as specified in Table 3A published in the Federal Register on August 11, 1998 (63 FR 42925) and as subsequently corrected, multiplied by $^{106}/_{105}$, and adjusted to reflect variations in wages among different geographic areas as specified in Tables 4a and 4b published in the Federal Register on August 11, 1998 (63 FR 42926–42933).

Subtitle B—Other Medicare-Related Provisions

SEC. 5201. AUTHORIZATION OF ADDITIONAL EXCEPTIONS TO IMPOSITION OF PENALTIES FOR PROVIDING INDUCEMENTS TO BENEFICIARIES.

(a) IN GENERAL.—Subparagraph (B) of section 1128A(i)(6) of the Social Security Act (42 U.S.C. 1320a–7a(i)(6)) is amended to read as follows:

"(B) subject to subsection (n), any permissible practice described in any subparagraph of section 1128B(b)(3) or in regulations issued by the Secretary;".

(b) SPECIAL PROVISIONS CONCERNING A SAFE HARBOR FOR PAYMENT OF MEDIGAP PREMIUMS OF ESRD BENEFICIARIES.—

(1) 2-YEAR LIMITATION.—Section 1128A of such Act (42 U.S.C. 1320a–7a) is amended by adding at the end the following:

"(n)(1) Subparagraph (B) of subsection (i)(6) shall not apply to a practice described in paragraph (2) unless—

"(A) the Secretary, through the Inspector General of the Department of Health and Human Services, promulgates a rule authorizing such a practice as an exception to remuneration; and

"(B) the remuneration is offered or transferred by a person under such rule during the 2-year period beginning on the date the rule is first promulgated.

"(2) A practice described in this paragraph is a practice under which a health care provider or facility pays, in whole or in part, premiums for medicare supplemental policies for individuals entitled to benefits under part A of title XVIII pursuant to section 226A.".

(2) GAO STUDY AND REPORT ON IMPACT OF SAFE HARBOR ON MEDIGAP POLICIES.—If a permissible practice is promulgated under section 1128A(n)(1)(A) of the Social Security Act (as added by paragraph (1)), the Comptroller General of the United States shall conduct a study that compares any disproportionate impact on specific issuers of medicare supplemental policies (including the impact on premiums for non-ESRD medicare beneficiaries enrolled in such policies) due to adverse selection in enrolling medicare ESRD beneficiaries before the enactment of the Health Insurance Portability and Accountability Act of 1996 and 1 year after the date of promulgation of such permissible practice under section 1128A(n)(1)(A) of the Social Security Act. Not later than 18 months after the date of promulgation of such practice, the Comptroller General shall submit a report to Congress on such study and shall include in the report recommendations concerning whether the time limitation imposed under section 1128A(n)(1)(B) of such Act should be extended.

(c) EXTENSION OF ADVISORY OPINION AUTHORITY.—Section 1128D(b)(2)(A) of such Act (42 U.S.C. 1320a–7d(b)(2)(A)) is amended by inserting "or section 1128A(i)(6)" after "1128B(b)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(e) INTERIM FINAL RULEMAKING AUTHORITY.—The Secretary of Health and Human Services may promulgate regulations that take effect on an interim basis, after notice and pending opportunity for public comment, in order to implement the amendments made by this section in a timely manner.

SEC. 5202. EXPANSION OF MEMBERSHIP OF MEDPAC TO 17.

(a) IN GENERAL.—Section 1805(c)(1) of the Social Security Act (42 U.S.C. 1395b–6(c)(1)), as added by section 4022 of the Balanced Budget Act of 1997, is amended by striking "15" and inserting "17".

(b) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission (under section 1805(c)(3) of such Act (42 U.S.C. 1395b–6(c)(3)), the initial terms of the two additional members of the Commission provided for by the amendment under subsection (a) are as follows:

(A) One member shall be appointed for one year.

(B) One member shall be appointed for two years.

(2) COMMENCEMENT OF TERMS.—Such terms shall begin on May 1, 1999.

Subtitle C—Revenue Offsets

SEC. 5301. TAX TREATMENT OF CASH OPTION FOR QUALIFIED PRIZES.

(a) IN GENERAL.—Section 451 (relating to taxable year for which items of gross income included) is amended by adding at the end the following new subsection:

"(h) SPECIAL RULE FOR CASH OPTIONS FOR RECEIPT OF QUALIFIED PRIZES.—

"(1) IN GENERAL.—For purposes of this title, in the case of an individual on the cash receipts and disbursements method of accounting, a qualified prize option shall be disregarded in determining the taxable year for which any portion of the qualified prize is properly includible in gross income of the taxpayer.

"(2) QUALIFIED PRIZE OPTION; QUALIFIED PRIZE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified prize option' means an option which—

"(i) entitles an individual to receive a single cash payment in lieu of receiving a qualified prize (or remaining portion thereof), and

"(ii) is exercisable not later than 60 days after such individual becomes entitled to the qualified prize.

"(B) QUALIFIED PRIZE.—The term 'qualified prize' means any prize or award which—

"(i) is awarded as a part of a contest, lottery, jackpot, game, or other similar arrangement,

"(ii) does not relate to any past services performed by the recipient and does not require the recipient to perform any substantial future service, and

"(iii) is payable over a period of at least 10 years.

"(3) PARTNERSHIP, ETC.—The Secretary shall provide for the application of this subsection in the case of a partnership or other pass-through entity consisting entirely of individuals described in paragraph (1)."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to any prize to which a person first becomes entitled after the date of enactment of this Act.

(2) TRANSITION RULE.—The amendment made by this section shall apply to any prize to which a person first becomes entitled on or before the date of enactment of this Act, except that in determining whether an option is a qualified prize option as defined in section 451(h)(2)(A) of the Internal Revenue Code of 1986 (as added by such amendment)—

(A) clause (ii) of such section 451(h)(2)(A) shall not apply, and

(B) such option shall be treated as a qualified prize option if it is exercisable only during all or part of the 18-month period beginning on July 1, 1999.

DIVISION K—PAY-AS-YOU-GO PROVISION

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105–217, legislation in section 103 of Division A and in divisions C through J of this Act that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

This Act may be cited as the "Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999".

And amend the title to read as follows:

An Act making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

And the Senate agree to the same.

TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
RON PACKARD,
S. CALLAHAN,
TODD TIAHRT,
ROBERT ADERHOLT,
BOB LIVINGSTON,
MARTIN OLAV SABO,
ESTEBAN E. TORRES,
JOHN W. OLVER,
ED PASTOR,
BUD CRAMER,
DAVE OBEY,
Managers on the Part of the House.

RICHARD SHELBY,
PETE V. DOMENICI,
ROBERT F. BENNETT,
TED STEVENS,
FRANK R. LAUTENBERG,
ROBERT C. BYRD
(with the exception of
certain leadership
legislative riders),
HARRY REID,
PATTY MURRAY,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. H.R. 4328) making appropriations for the Department of Transportation and Related Agencies Appropriations Act, 1999, for the fiscal year ending September 30, 1999, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying report.

The composition of this conference agreement includes more than the Department of Transportation and Related Agencies Appropriations Act for fiscal year 1999. While the House version of H.R. 4328 and the Senate amendment in the nature of a substitute dealt only with transportation appropriations, the conference report was expanded to include other matters, most significantly, other fiscal year 1999 appropriations for other departments and agencies. These appropriations are included in division A of this conference agreement and are organized in groupings as they would have been had they been enacted in their regular appropriations act.

Since this conference agreement is expanded to include matters beyond those relating to the Department of Transportation and Related Agencies Appropriations Act, the title of the bill is amended to reflect this expansion.

SECTION 101(a): AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The conferees on H.R. 4101 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of H.R. 4101, the Agriculture, rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 4101.

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

FOOD SAFETY INITIATIVE

Funding for Food Safety is of critical importance to the conferees and, accordingly, it has been given high priority. The conferees note that many of the activities described under the President's Food Safety Initiative have been funded for many years. The President's budget request, which assumes the collection of user fees that have not been authorized, further complicates the process.

The following table reflects funding increases for activities identified under the Food Safety Initiative:

Food and Drug Administration	$25,000,000
Food Safety and Inspection Service	16,467,000
Office of the Chief Economist	95,000
Economic Research Service	453,000

Food and Nutrition Service	2,000,000
Cooperative State Research, Education and Extension Service	16,000,000
Agricultural Research Service	12,370,000
Agricultural Marketing Service	2,831,000
Total	$75,219,000

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement provides $2,836,000 for the Office of the Secretary as proposed by the Senate instead of $2,941,000 as proposed by the House.

The conference agreement adopts language as proposed by the House to prohibit the use of salaries and expenses to carry out section 793(d) of Public Law 104-127, a limitation on program levels in the Fund for Rural America and section 793(c)(1)(C) of Public Law 104-127, a limitation on housing assistance. The Senate bill had no similar provision.

The conferees concur with Senate report language regarding the Food Quality Protection Act (FQPA) that says that, in implementing the FQPA, decisions should be ". . . based on sound science, and reliable, accurate and widely accepted data which reflects the Nation's agricultural production, practices, and conditions."

The conferees understand the trust responsibility the U.S. has toward Indians and Alaska Natives and directs the Department of Agriculture to report to the Congress no later than February 1, 1999, on the progress made with Indian agriculture, Federal interagency coordination, and the level of Indian usage of Federal programs and initiatives outlined to benefit Indian agriculture.

The conferees have included in the bill a prohibition on funding to establish an Office of Community Food Security or any similar office without the prior approval of the Committees on Appropriations.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

The conference agreement provides $5,620,000 for the Chief Economist instead of $5,973,000 as proposed by the House and $5,048,000 as proposed by the Senate. Included in this amount is $219,000 for agricultural weather activities, $255,000 for the World Agricultural Outlook Board, and $98,000 to support the Food Safety Initiative.

The conference agreement provides $6,120,000 for the Office of Budget and Program Analysis as proposed by the House instead of $5,986,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The conference agreement provides $613,000 for the Office of the Assistant Secretary for Administration as proposed by the Senate instead of $636,000 as proposed by the House.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

The conference agreement does not include language as proposed by the House limiting the purpose for which funds may be transferred to commercial space expansion. The conference agreement includes new language that provides flexibility for the Secretary to transfer not more than 5 percent of this appropriation to or from another agency's appropriation to allow for incremental changes in the amount of GSA or commercial space and not to finance changes in GSA billing.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $32,168,000 for Departmental Administration as proposed by the House instead of $27,034,000 as proposed by the Senate.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $65,128,000 for the Office of the Inspector General instead of $67,178,000 as proposed by the House and $63,128,000 as proposed by the Senate. Included in this amount is $100,000 for confidential operational expenses instead of $95,000 as proposed by the House and $125,000 as proposed by the Senate. The conference agreement includes $2,000,000 for law enforcement and related work instead of $1,965,000 as proposed by the House.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $29,194,000 for the Office of the General Counsel instead of $30,396,000 as proposed by the House and $28,759,000 as proposed by the Senate. Included in this amount is $435,000 to provide legal support for the Department's civil rights program.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The conference agreement provides $540,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the Senate instead of $560,000 as proposed by the House.

ECONOMIC RESEARCH SERVICE

The conference agreement provides $65,757,000 for the Economic Research Service instead of $67,282,000 as proposed by the House and $53,109,000 as proposed by the Senate. Included in this amount is $12,195,000 for studies and evaluations of the child nutrition, WIC, and food stamp programs. Of this amount, $2,000,000 is transfered to the Food Program Administration account of the Food and Nutrition Service to conduct programmatic evaluations and analyses. The conferees direct that any welfare reform studies, analyses, or evaluations undertaken by the agency shall directly relate to USDA programs.

The conferees expect a study as proposed by the House, as part of the nutrition related studies, to assess cost containment practices used by states to limit branded products sold in the WIC food package other than infant formula. The conferees direct that the total cost for this study shall not exceed $1,100,000 in fiscal year 1999 nor $1,500,000 over the next three years.

The conference agreement includes $453,000 for estimating the benefits of food safety.

The conferees are aware of a 1996 GAO study on plate waste in the school lunch program and expect the USDA to develop recommendations for eliminating this problem.

Two years ago, the U.S. Congress set U.S. farm policy through the year 2002. As international trade negotiations move into a phase critical to U.S. agriculture, it is essential that our negotiators and farmers have accurate and timely information. Therefore, in addition to the language in the Senate report, the conferees expect commodity situation and outlook reports be maintained at the reporting frequency in place at the time of enactment of the Food and Agriculture Improvement and Reform Act.

The conference agreement provides $300,000 for a study by the National Academy of Sciences concerning the appropriate amounts of fruit, fiber and sugar in the diet of the population targeted for benefit by the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). The study will be a compilation and review of existing studies and data, including data compiled and materials prepared by the Department in developing the Dietary Guidelines and the Healthy Eating Index. It will examine, in particular, whether WIC program participants would benefit nutritionally if the six grams of sugar per ounce of dried cereal limitation in WIC program regulations were to be modified so that sugar contained in dried fruit in such cereals did not count against this limitation. The study will also examine the impact of the above modifications to the WIC dried cereal limitation on the dental health of WIC participants. A report on this study should be transmitted to the appropriate committees of Congress and to the Secretary no later than 12 months after the project is initiated by the Academy.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides $103,964,000 for the National Agricultural Statistics Service as proposed by the Senate instead of $105,082,000 as proposed by the House. Of this amount up to $23,599,000, is provided for the Census of Agriculture including $600,000 for the agriculture economics and land ownership survey and the aquaculture statistics census as proposed by the Senate instead of up to $23,141,000 as proposed by the House.

The conferees expect the National Agricultural Statistics Service to continue to revise the Census of Agriculture to eliminate redundancies in questions asked of farmers.

AGRICULTURAL RESEARCH SERVICE

The conference agreement provides $785,518,000 for the Agricultural Research Service instead of $755,816,000 as proposed by the House and $768,221,000 as proposed by the Senate.

The following table reflects the conference agreement:

	Amount
FY 1998 Appropriation	$744,605,000
Transfer:	
Office of Civil Rights	170,000
Department of State	16,000
Rescission	(223,000)
Adjusted FY 1998 Base	744,568,000
Emerging Diseases and Exotic Pests	7,550,000
Plants: Emerging Plant Diseases	(1,450,000)
Albany, CA	{250,000}
Beltsville, MD	{250,000}
Frederick, MD	{250,000}
College Station, TX	{250,000}
Montpellier, FR	{250,000}
Logan, UT	{200,000}
Fusarium Head Blight (ARS/Consortium of 12 Land Grant Univ	{3,000,000}
Animals: Exotic Infectious Diseases	(3,100,000)
Athens, GA	{500,000}
Ames, IA (NADC)	{1,000,000}
Beltsville, MD	{500,000}
Pullman, WA	{600,000}
Laramie, WY	{500,000}
Environmental Quality/Natural Resources	2,400,000
Bioactive Compounds	(250,000)
Gainesville, FL	{250,000}
IPM/Areawide	(1,150,000)
Beltsville, MD	{250,000}
Columbia, MO	{400,000}
Stoneville, MS	{250,000}
College Station, TX	{250,000}
Livestock Management Systems	(1,000,000)
Everglades Initiative	750,000
Canal Point, FL	{250,000}
Miami, FL	{250,000}
Ft. Lauderdale, FL	{250,000}
Food Safety	12,370,000
Preharvest	(4,802,000)
Athens, GA	{250,000}
Ames, IA	{250,000}
West Lafayette, IN	{250,000}
Beltsville, MD	{250,000}
Clay Center, NE	{600,000}
College Station, TX	{250,000}
Postharvest	(2,000,000)
Safety/Quality of Fruits/Vegetables	(1,000,000)
Food Safety Engineering, Purdue Univ	(1,000,000)
Genetic Resources	2,100,000
Palmer, AK	{100,000}
Columbia, MO	{700,000}
Leetown, WV	{1,000,000}
Human Nutrition Initiative	2,250,000
Little Rock, AR	{750,000}

	Amount
San Francisco, CA	{250,000}
Boston, MA	{250,000}
Beltsville, MD	{250,000}
Grand Forks, ND	{250,000}
Houston, TX	{500,000}
Pfiesteria	719,000
Alternative Fish Feed, Aberdeen, ID	250,000
Appalachian Fruit Research Station, Kearneysville, WV	250,000
Aquaculture Research, AK	1,100,000
Biological Control of Western Weeds, Albany, CA	300,000
Biomedical Materials in Plants {C/A with Biotech. Foundation, Inc.	500,000
Cereal Crops Research, Madison WI	250,000
Cotton Ginning, Stoneville, MS	250,000
Endophyte Research {C/A with Univ. of AR, MO and OSU	200,000
Fish Diseases, Auburn, AL	750,000
Fish Farming Experiment Laboratory, Stuttgart, AR	750,000
Floriculture and Nursery Crop Res (USNA, Washington, DC/OSU/Cornell and CA Univ)	1,000,000
Ft. Pierce, FL {Horticulture	500,000
Forage Crops, Woodward, OK	250,000
Garden Unit, USNA, Washington, DC	250,000
Golden Nematode, Ithaca, NY	150,000
Grape Rootstock, Geneva, NY	300,000
Grasshopper Research, AK	750,000
Grazinglands Research, El Reno, OK	250,000
Honeybee Research (Varroa/Tracheal Mites), Baton Rouge, LA	300,000
Lettuce Geneticist/Breeding, Salinas, CA	250,000
Lyme Disease {Tick Control Project, Beltsville, MD	700,000
Manure Handling and Disposal, Starkville, MS	500,000
Meadowfoam Research, Peoria, IL	200,000
Mycoplasma Research, Starkville, MS	250,000
National Warmwater Aquaculture Center, Stoneville, MS	1,100,000
National Agricultural Library	250,000
Natural Products, Oxford, MS	750,000
New England Plant, Soil and Water Lab, Orono, ME	250,000
Non-Chemical Control of Pecan Insect Pests, Byron, GA	250,000
Peaceh Varieties Research, Byron, GA	150,000
Peanut Quality Research Dawson, GA/Raleigh, NC	1,000,000
Pear Thrips, Ithaca, NY	100,000
Potato Breeder Position, Aberdeen, ID	150,000
Range Research, Burns, OR	250,000
Rice Research:	
Stuttgart, ARK	1,400,000
Davis, CA	250,000
Beaumont, TX	200,000
Root Diseases of Wheat and Barley, Pullman, WA	500,000
Small Fruits Research, Poplarville, MS	250,000
Small Fruits Research, Corvallis, OR	250,000
Soil Tilth Research, Ames, IA	500,000
Soybean and Corn Research, Stoneville, MS	750,000
Subtropical Animal Research Station, Brooksville, FL	500,000
Subtropical Horticultural Research Station, Miami, FL	300,000
Sugarbeet Research, Ft. Collins, CO	200,000
U.S. Plant Stress and Water Conserv. Lab, Lubbock, TX	500,000
Vegetable Research, East Lansing, MI	200,000
Wild Rice Research, St. Paul, MN	100,000
Wind Erosion Research, Manhattan, KS	250,000
Termination of ongoing projects	−1,419,000
Children's nutrition study	−5,000,000
Food safety study	−420,000
Citrus Tristeza Virus (transfer	−500,000
Total, ARS	785,518,000

The conference agreement concurs in the following program terminations: global environmental change, CO; and water and agrochemical management, LA.

The conferees understand that ARS and the Institute for Technology Development are collaborating to develop promising imaging technology to help assure food quality and safety. The conferees encourage the continuation of this important research and expect ARS to increase its support for this cooperative project from the increased funding provided for food safety.

The conferees are aware of the important research carried out by ARS National Animal Disease Center at Ames, Iowa, on corn insects and crop genetics, plant introduction, soil tilth, and national programs to control and prevent avian and animal diseases. The conferees continue funding for these important ARS projects in FY 1999 and have provided an additional $2,000,000 for ARS research as reflected in the table.

The amount recommended does not provide funding for program and operations supporting the mission of the newly-constructed swine facility which has been deeded to Iowa State University (ISU). In the Department's report to the Committees regarding funding options for the facility, the conferees understand (1) ISU is presently investing funds in research that is related or complementary to the research proposed for the new facility, and (2) the swine industry is prepared to work toward obtaining other sources of funds to support operational costs and the program of research planned for this facility. The National Swine Research Center was conveyed to ISU in March, 1998, as directed under the Emergency Supplemental Appropriations and Rescissions Act, P.L. 104–19, October 17, 1995. Under this agreement, the conference report stated "that any future costs of operation associated with that facility be provided by sources other than the Federal government."

The conferees expect the Department to consult with the Strategic Planning Task Force on the appropriateness of establishing a human nutrition research center in preventive nutrition, diet, and obesity.

The conferees recognize the important research being done at the ARS-Athens Russell Research Center on competitive exclusion of enteritidis food safety pathogens and encourage the Department to extend this important research to swine.

BUILDINGS AND FACILITIES

The conference agreement provides $56,437,000 for Agricultural Research Service, Buildings and Facilities instead of $61,380,000 as proposed by the House and $31,930,000 as proposed by the Senate.

The following table reflects the conference agreement:

Arizona:	
Water Conservation and Western Cotton, Maricopa	$500,000
California:	
Western Human Nutrition Laboratory, Davis	6,150,000
Hawaii:	
U.S. Pacific Basin Agricultural Research Center	4,500,000
Illinois:	
National Center for Agricultural Utilization, Peoria	8,200,000
Iowa:	
National Animal Disease Center, Ames	2,957,000
Kansas:	
U.S. Grain Marketing Research Laboratory, Manhattan	1,400,000
Louisiana:	
Southern Regional Research Center, New Orleans	6,000,000
Maryland:	
National Agricultural Library, Beltsville	1,200,000
Beltsville Agricultural Research Center, Beltsville	2,500,000
Mississippi:	
Biocontrol and Insect Rearing Laboratory, Stoneville	200,000
Montana:	
Pest Quarantine/Integrated Pest Management Facility, Sidney	7,300,000
New Mexico:	
Jornada Range Research Station, Las Cruces	6,700,000
New York:	
Plum Island Animal Disease Center, Greenport	3,500,000
Pennsylvania:	
Eastern Regional Research Center, Philadelphia	3,300,000
Utah:	
Poisonous Plant Laboratory, Logan	30,000
West Virginia:	
National Center for Cool and Cold Water Aquaculture, Leetown	2,000,000
Total	56,437,000

The conference agreement provides $500,000 in additional planning funds for the relocation and replacement of ARS research laboratory from the Phoenix, Arizona location to the Maricopa Agriculture Center. The conferees direct the agency to further review and evaluate the size, capacity and costs associated with replacing the existing research laboratory. This effort is essential to determine the required scope and the most cost-efficient facility required to meet the needs of ARS water and cotton research. The conference agreement provides $2,957,000 for the National Animal Disease Center and expects the ARS to use $1,943,000 in available unobligated funds to complete the project.

The conference agreement does not include funding for the avian disease laboratory in Michigan without any prejudice toward the project.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides $481,216,000 for research and education activities instead of $431,125,000 as proposed by the House and $432,962,000 as proposed by the Senate.

The conference agreement reflects a 7% increase from the fiscal year 1998 level for payments under the Hatch Act, cooperative forestry research, payments to 1890 Colleges and Universities, animal health and disease grants, and payments to 1994 institutions; and an increase of $22,100,000 for the National Research Initiative. The following table reflects the conference agreement:

Research and Education Activities

[In thousands of dollars]

	Conference agreement
Payments Under Hatch Act	180,545
Cooperative forestry research (McIntire-Stennis)	21,932
Payments to 1890 colleges and Tuskegee	29,676
Special Research Grants (P.L. 89–106):	
Aegilops cylindricum (WA)	360
Aflatoxin (IL)	113
Agriculture-based industrial lubricants (IA)	250
Agricultural diversification (HI)	131
Agricultural diversity/Red River Corridor (MN/ND)	250
Agriculture water usage (GA)	300
Alliance for food protection (NE, GA)	300
Alternative crops (ND)	550
Alternative crops for arid lands (TX)	100
Alternative marine and fresh water species (MS)	308
Alternative salmon products (AK)	400
Animal science food safety consortium (AR, IA, KS)	1,521
Apple fire blight (NY, MI)	500
Aquaculture (LA)	330
Aquaculture (MS)	592
Aquaculture (VA)	100
Aquaculture product and marketing development (WV)	750
Babcock Institute (WI)	400
Binational agriculture research and development	400
Biodiesel research (MO)	152
Brucellosis vacinos (MT)	150
Center for animal health and productivity (PA)	113
Center for innovative food technology (OH)	381
Center for rural studies (VT)	200

	Conference agreement
Chesapeake Bay agroecology (MD)	150
Chesapeake Bay aquaculture	385
Citrus tristeza	500
Competitiveness of agricultural products (WA)	680
Contagious equine metitis (KY)	250
Cool season legume research (ID, WA)	329
Cotton research (TX)	200
Cranberry/blueberry (MA)	150
Cranberry/blueberry disease & breeding (NJ, MA)	220
Dairy and meat goat research (TX)	63
Delta rural revitalization (MS)	148
Designing foods for health (TX)	250
Drought mitigation (NE)	200
Ecosystems (AL)	500
Environmental research (NY)	486
Environmental risk factors/cancer (NY)	100
Expanded wheat pasture (OK)	285
Farm and rural business finance (IL)	87
Feed barley for rangeland cattle (MT)	600
Floriculture (HI)	250
Food and Agriculture Policy Institute (IA, MO)	800
Food irradiation (IA)	200
Food marketing policy center (CT)	400
Food processing center (NE)	42
Food quality (AK)	350
Food safety	5,000
Food safety (AL)	300
Food systems research group (WI)	225
Forestry (AR)	523
Fruit and vegetable market analysis (AZ, MO)	320
Generic commodity promotion research and evaluation (NY)	212
Global change	1,000
Global marketing support service (AR)	127
Grain sorghum (KS)	106
Grass seed cropping systems for a sustainable agriculture (WA, OR, ID)	423
Human nutrition (IA)	473
Human nutrition (LA)	752
Human nutrition (NY)	622
Hydroponic tomato production (OH)	200
Illinois-Missouri Alliance for Biotechnology	1,184
Improved dairy management practices (PA)	296
Improved fruit practices (MI)	445
Infectious disease research (CO)	250
Institute for Food Science and Engineering (AR)	1,250
Integrated production systems (OK)	180
International agricultural market structures and institutions (KY)	250
International arid lands consortium	400
Iowa biotechnology consortium	1,564
Livestock and dairy policy (NY, TX)	475
Lowbush blueberry research (ME)	220
Maple research (VT)	100
Meadowfoam (OR)	300
Michigan biotechnology consortium	675
Midwest advanced food manufacturing alliance	423
Midwest agricultural products (IA)	592
Milk safety (PA)	250
Minor use animal drugs (IR–4)	550
Molluscan shellfish (OR)	400
Multi-commodity research (OR)	364
Multi-cropping strategies for aquaculture (HI)	127
National biological impact assessment	254
Nematode resistance genetic engineering (NM)	127
Non-food uses of agricultural products (NE)	64
Oil resources from desert plants (NM)	175
Organic waste utilization (NM)	100
Pasture and forage research (UT)	225
Peach tree short life (SC)	162
Pest control alternatives (SC)	106
Phytophthora root rot (NM)	127
Plant, drought, and disease resistance gene cataloging (NM)	150
Postharvest rice straws (CA)	300
Potato research	1,300
Precision agriculture (KY)	500
Precision agriculture (MS)	1,000
Preharvest food safety (KS)	212
Preservation and processing research (OK)	226
Rangeland ecosystems (NM)	200
Regional barley gene mapping project	400
Regionalized implications of farm programs (MO, TX)	294
Rice Modeling (AR)	296
Rural devel. cntrs. (PA, IA (ND), MS, OR, LA)	523
Rural policies institute (NE, MO)	644
Russian wheat aphid (CO)	200
Seafood and aquaculture harvesting, processing and marketing (MS)	305
Small fruit research (OR, WA, ID)	300
Southwest consortium for plant genetics and water resources	338
Soybean cyst nematode (MO)	475
STEEP III—water quality in Northwest	500
Sustainable agriculture (MI)	445
Sustainable agriculture and natural resources (PA)	95
Sustainable agriculture systems (NE)	59
Sustainable beef supply (MT)	500
Sustainable pest management for dryland wheat (MT)	400
Swine waste management (NC)	500
Tillage, silviculture, waste management (LA)	212
Tomato wilt virus (GA)	200
Tropical and subtropical	2,724
Turkey carnavirus (IN)	200
Urban pests (GA)	64
Vidalia onions (GA)	100
Viticulture consortium (NY, CA)	1,000
Water conservation (KS)	79
Water quality	3,461
Weed control (ND)	423
Wetland plants (LA)	600
Wheat genetic research (KS)	261
Wood utilization research (OR, MS, NC, MN, ME, MI, ID, TN)	5,136
Wool research (TX, MT, WY)	300
Total, Special Research Grants	63,116
Improved pest control:	
Critical issues	200
Emerging pest and disease issues	1,623
Expert IPM decision support issues	177
Integrated pest management	2,731
Pesticide clearance (IR–4)	8,990
Pesticide impact assessment	1,327
Total, Improved pest control	15,048
Competitive research grants:	
Animal systems	29,000
Markets, trade and policy	4,600
Nutrition, food quality and health	16,000
Natural resources and the environment	20,500
Plant systems	41,000
Processes and new products	8,200
Total, Competitive research grants	119,300
Animal Health and Disease (Sec. 1433)	5,109
Critical Agricultural Materials Act	600
Aquaculture Centers (Sec. 1475)	4,000
Alternative Crops	750
Sustainable agriculture	8,000
Capacity building grants	9,200
Payments to the 1994 Institutions	1,552
Graduate fellowship grants	3,000
Institution challenge grants	4,350
Multicultural scholars program	1,000
Hispanic-serving institutions	2,850
Secondary/2-year post-secondary	500
Federal Administration:	
Agriculture development in American Pacific	564
Agriculture waste utilization (WV)	250
Alternative fuels characterization laboratory (ND)	218
Animal waste management (OK)	250
Center for Agricultural and Rural Development (IA)	355
Center for North American Studies (TX)	87
Data information system	1,000
Geographic information system	844
Mariculture (NC)	250
Mississippi Valley State University	583
National Center for Peanut Competitiveness	300
Office of grants and program systems	310
Pay costs and FERS (prior)	1,100
Peer panels	350
PM–10 study (CA, WA)	873
Shrimp aquaculture (AZ, HI, MS, MA, SC)	3,354
Total, Federal Administration	10,688
Total, Research and Education Activities	481,216]

The conferees direct the USDA to consult with the Food and Drug Administration regarding food safety research objectives of that agency and recommend that $5,000,000 of the funds provided for the food safety component of the National Research Initiative be used to meet those needs.

The conference agreement includes $523,000 for Rural Development Centers, of which $100,000 is for a new center in Louisiana. The conference agreement includes $750,000 for alternative crops, of which $550,000 is for canola and $200,000 is for hesperaloe. The conference agreement includes $1,000,000 for the wood utilization special grant for the establishment of two new centers in Idaho and

Tennessee with the remainder of the increase to be shared on a proportionate basis by the existing centers.

The conference agreement includes $5,000,000 for the special grant for food safety as requested by the President and an increase of $7,400,000 in the National Research Initiative category for nutrition, food quality and health.

EXTENSION ACTIVITIES

The conference agreement provides $437,987,000 for extension activities instead of $416,789,000 as proposed by the House and $432,181,000 as proposed by the Senate.

The following table reflects the conference agreement:

Extension Activities

[In thousands of dollars]

	Conference agreement
Smith Lever 3(b) & 3(c)	276,548
Smith Lever: 3(d):	
Farm safety	3,000
Food and nutrition education (EFNEP)	58,695
Food safety	7,365
Indian reservation agents	1,714
Pest management	10,783
Pesticide impact assessment	3,214
Rural development centers	908
Sustainable agriculture	3,309
Water quality	9,561
Youth at risk	9,000
1890's Colleges and Tuskegee	25,843
1890's facilities grants	8,426
Renewable Resources Extension Act	3,192
Rural health and safety education	2,628
Extension services at the 1994 institutions	2,060
Subtotal	426,246
Federal Administration and special grants:	
Ag in the classroom	208
Beef producers' improvement (AR)	197
Delta teachers academy	3,500
Diabetes detection, prevention (WA)	550
Extension specialist (AR)	99
Extension specialist (MS)	100
General administration	4,787
Income enhancement demonstration (OH)	246
Integrated cow/calf resources management (IA)	300
National Center for Agriculture Safety (IA)	195
Pilot tech. transfer (OK, MS)	326
Pilot tech. transfer (WI)	163
Range improvement (NM)	197
Rural development (NM)	280
Rural development (OK)	150
Rural rehabilitation (GA)	246
Wood biomass as an alternative farm product (NY)	197
Total, Federal Administration	11,741
Total, Extension Activities	437,987

The conferees are concerned that funds for cooperative agriculture extension services are being used to promote Federal welfare programs. Such activities are appropriate only to the extent that they fall within the traditional educational role of extension for home economics and similar missions.

The conference agreement includes a 3% increase for the formula grant programs as proposed by the Senate.

The conference agreement has provided an increase for water quality and expects the projects in North Dakota and Illinois to compete for these funds.

The conference agreement includes an increase of $500,000 for the Farm*A*Syst program, and an increase of $145,000 for the AgrAbility project.

MARKETING AND REGULATORY PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

The conference agreement provides $618,000 for the Office of the Assistant Secretary for Marketing and Regulatory Programs as proposed by the Senate instead of $642,000 as proposed by the House.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

The conference agreement provides $425,803,000 for the Animal and Plant Health Inspection Service (APHIS) instead of $424,500,000 as proposed by the House and $419,473,000 as proposed by the Senate.

The following table reflects the conference agreement:

[In thousands of dollars]

	Conference agreement
Pest and disease exclusion:	
Agricultural quarantine inspection	30,648
User fees	88,000
Subtotal, Agricultural quarantine inspection	118,648
Cattle ticks	4,627
Foot-and-mouth disease	3,803
Import-export inspection	6,815
International programs	6,630
Fruit fly exclusion and detection	22,970
Screwworm	30,301
Tropical bont tick	407
Total, Pest and disease exclusion	194,201
Plant and animal health monitoring:	
Animal health monitoring and surveillance	63,389
Animal and plant health regulatory enforcement	5,855
Pest detection	6,426
Total, Plant and animal health monitoring	75,670
Pest and disease management programs:	
Aquaculture	567
Biocontrol	8,160
Boll weevil	16,209
Brucellosis eradication	11,864
Golden nematode	435
Gypsy moth	4,366
Imported fire ant	1,000
Miscellaneous plant diseases	1,410
Noxious weeds	424
Pink bollworm	1,048
Pseudorabies	4,567
Scrapie	2,991
Silverleaf whitefly	
Tuberculosis	4,920
Wildlife services—operations	28,797
Witchweed	1,506
Total, Pest and disease management programs	88,264
Animal care:	
Animal welfare	9,175
Horse protection	361
Total, Animal care	9,536
Scientific and technical services:	
Aviation safety	1,200
Biotechnology/environmental protection	7,393
Integrated systems acquisition project	3,500
International cooperative administrative service	909
Plant methods development laboratories	4,693
Veterinary biologics	10,345
Veterinary diagnostics	15,622
Wildlife services—methods development	10,365
Total, Scientific and technical services	54,027
Contingency fund	4,105
Total, Salaries and expenses	425,803

The conference agreement includes $909,000 for the International Cooperative Administrative Support Service Program.

The conferees direct APHIS to conduct an analysis of the existing Medfly exclusion and detection program in the State of Florida and include in that analysis a review of various potential alternatives, including the feasibility of implementing a year-round sterile Medfly release program. Specifically, the analysis should identify the scope, annual cost, and method of implementation for such programs. APHIS shall report its findings to both the House and Senate Appropriations Committees no later than May 1, 1999.

Infestations of red imported fire ants have been found in Dona Ana County, New Mexico and, as a result, the county has been quarantined. In order to properly survey and monitor the remaining counties of New Mexico for red imported fire ants, the conferees direct APHIS to provide the necessary financial and technical assistance to the State of New Mexico to carry out the necessary activities.

The conferees request APHIS to grant a six-month extension of the comment period for the proposed rule published in the *Federal Register* on August 12, 1998, concerning importation of grapefruits, lemons, and oranges from Argentina. Additional time is needed to allow independent scientists to review the scientific data submitted on behalf of Argentina's petition and to review the risk mitigation measures advocated by APHIS.

The conferees direct the Department to publish rules regarding the compensation of Arizona wheat producers, seed companies, seed producers, and handlers for their economic loss for the 1997–1998 crop due to Karnal bunt.

The conferees direct the Department to work with the Arizona wheat industry and Arizona regulatory agencies to develop a plan for de-regulation of Karnal bunt in Arizona, to be submitted to the Committees on Appropriations no later than November 15, 1998, to allow for appropriate grower decisions for planting wheat for 1999.

The conferees direct APHIS to establish protocols containing appropriate verification procedures including permanent country of origin marking requirements for each country or region requesting to export livestock into the United States.

The conference agreement adopts House report language providing $1,500,000 for rabies control activities. The Senate report provided $800,000 for specific states.

The conference agreement adopts House report language providing $450,000 for trap testing and related activities to meet U.S. obligations under international standards. The Senate report had no similar language. The conferees expect the agency to work toward the development of more humane trapping methods.

The conference agreement adopts Senate report language providing $300,000 for an assessment of the economic threat from a newly-described contagious equine metritis-like bacterium to the U.S. horse industry. The House report had no similar provision.

The conference agreement adopts Senate report language providing $500,000 for operation of the bison quarantine facility and all associated operations including the testing of bison which have left Yellowstone National Park. The House report had no similar provision.

The conference agreement adopts Senate report language providing $300,000 to establish and operate a Wildlife Services office in Hawaii. The House report had no similar provision.

The conference agreement provides an increase of $175,000 to offset the impact of expanding wolf populations and the reintroduction of wolves in the northern Rocky Mountains.

The conference report adopts Senate report language providing $400,000 to require the Secretary to prevent the inadvertent introduction of brown tree snakes into Hawaii and other states. The House had no similar language.

The conferees urge the Secretary to delay the implementation of regulations issued by the Animal and Plant Health and Inspection Service (Fed. Reg. Vol. 63, No. 172, September 4, 1998) entitled "Swim with the Dolphin" as applied to wading programs. The managers expect the Department to solicit input from affected parties and ensure that the regulations will not impose unreasonable requirements, economic hardship, or conflict with State laws.

BUILDINGS AND FACILITIES

The conference agreement provides $7,700,000 for the Animal and Plant Health Inspection Service, Buildings and Facilities, instead of $5,200,000 as proposed by the House and $4,200,000 as proposed by the Senate.

The conference agreement includes $3,500,000 for completion of a wing at the National Wildlife Research Center in Fort Collins, CO.

The conferees direct the agency to consider locations in Montana and Iowa for construction of a large animal biosafety level-3 containment facility.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement provides $48,831,000 for the Agricultural Marketing Service instead of $46,567,000 as proposed by the House and $45,567,000 as proposed by the Senate. The conferees expect that, of the funds available for the National Organic Standards Program, amounts as may be necessary shall be used to offset the initial costs of accreditation services.

El Nino and the Asian currency crisis have caused significant problems to West Coast tuna fishermen. The USDA should use its surplus removal authorities to assist with this problem.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement provides $60,730,000 for the Limitation on Administrative Expenses as proposed by the House instead of $59,521,000 as proposed by the Senate.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $26,787,000 for the Grain Inspection, Packers and Stockyards Administration instead of $27,542,000 as proposed by the House and $26,390,000 as proposed by the Senate. Included in this amount is $2,500,000 as proposed by the Senate for restructuring the Packers and Stockyards Administration and $397,000 as proposed by the House for packer concentration and industry structure.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

The conference agreement provides $446,000 for the Office of the Under Secretary for Food Safety as proposed by the Senate. The House bill provided an unspecified amount of funding for the Office of the Under Secretary from the Food Safety and Inspection Service account.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides $616,986,000 for the Food Safety and Inspection Service as proposed by the House instead of $605,149,000 as proposed by the Senate.

The conference agreement includes the full amount requested in the fiscal year 1999 budget for the Food Safety Initiative and inspection costs.

The conferees note that the report on ratites was not delivered until six months after the requested submission date and, although a cost-benefit analysis was requested, it was not supplied. While citing significant potential health risks and the existence of industry microbiological data, the Department did not perform a risk assessment to quantify public health benefits. The Department is directed to resubmit the report with the cost-benefit analysis, as requested, by December 31, 1998, or to provide the conferees a detailed accounting of the projected cost and time required to determine the merits and effectiveness of a mandatory ratite inspection program.

The conference agreement adopts language as proposed by the House disagreeing with the Administration's proposal to waive cost-sharing limitations for cooperative state inspection programs. The Senate report had no similar provision.

The conferees direct the Secretary of Agriculture to report to the House and Senate Committees on Appropriations by March 1, 1999, recommendations on lifting the ban on the interstate distribution of State inspected meat.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

The conference agreement provides $572,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services as proposed by the Senate instead of $597,000 as proposed by the House.

The conferees are concerned that the USDA is administering the forfeiture penalty provisions of 7 U.S.C. 7272(g) in a manner inconsistent with the intent of Congress. These provisions were intended only to act as a disincentive to program loan forfeitures. Unfortunately, as evidenced in the fiscal year 1999 Budget Summary, the Department has interpreted the provisions to have "effectively reduced sugar loan rates." The conferees direct the Secretary of Agriculture to administer the program consistent with Congressional intent, and to ensure that the forfeiture penalty shall not for any purpose other than an actual loan forfeiture resulting in the reduction of the statutory price support loan levels for sugarcane (18 cents per pound of raw cane sugar) or sugar beets (22.9 cents per pound of refined beet sugar). In addition, the conferees direct that the penalty shall not be considered in the calculation of any sugar forfeiture price level by the Secretary or by any other official responsible for the administration of the sugar program under 7 U.S.C. 7272, the no-cost provision in section 902(a) of P.L. 99-198, and any related authorities.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement provides $714,499,000 for salaries and expenses of the Farm Service Agency instead of $724,499,000 as proposed by the House and $710,842,000 as proposed by the Senate. The conference agreement does not include $10,000,000 as proposed by the House for the Common Computing Environment.

The conferees expect the Secretary, to the extent practicable, to avoid the use of reductions-in-force or furloughs for both Federal and non-Federal employees or any county office closings.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The following table reflects the conference agreement:

Farm Ownership Loans:	
Direct	($85,651,000)
Subsidy	12,822,000
Guaranteed	(425,031,000)
Subsidy	6,758,000
Farm Operating Loans:	
Direct	(500,000,000)
Subsidy	34,150,000
Subsidized Guaranteed	(200,000,000)
Subsidy	17,480,000
Unsubsidized Guaranteed	(948,276,000)
Subsidy	11,000,000
Boll Weevil Eradication	(100,000,000)
Subsidy	1,440,000
Credit Sales of Acquired Property	....
Subsidy	....

DISASTER ASSISTANCE/RESERVE INVENTORIES

The conference agreement does not include $521,000,000 as proposed by the Senate for disaster assistance and reserve inventories. Disaster related problems are addressed in Titles XI—XIII.

RISK MANAGEMENT AGENCY

The conferees note that risk management tools are limited for livestock producers. The conferees expect the Risk Management Agency to provide a report to the appropriate Committees of Congress on the feasibility of a crop insurance program that livestock producers can utilize for forages and native pasture.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

The conference agreement provides $693,000 for the Office of the Under Secretary for Natural Resources and Environment as proposed by the Senate instead of $719,000 as proposed by the House.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement provides $641,243,000 for the Natural Resources Conservation Service Conservation Operations as proposed by the House instead of $638,664,000 as proposed by the Senate. Included in this amount is not less than

$5,990,000 for snow survey and water forecasting as proposed by the House instead of $5,835,000 as proposed by the Senate and not less than $9,025,000 for operation and establishment of plant materials centers as proposed by the Senate instead of $7,825,000 as proposed by the House.

In addition to the items in the House and Senate reports that are not changed by the conference agreement, funding is included for the following items: $100,000 increase for native plants on the Island of Kahoolawe in Hawaii; $300,000 increase for the Loess Hills Erosion Control in Iowa; $300,000 for the Long Beach Water Management District Project in Mississippi; $400,000 increase for the Delta Water Resources Study in Mississippi; $500,000 for the Tri-Valley watershed in Utah; $500,000 for the Great Lakes Basin Program for Soil and Erosion Sediment Control; $100,000 increase for the Potomac Ohio River Basin Soil Nutrient Project; $100,000 for the Trees Forever Program in Iowa; and $443,000 increase for construction of the Plant Materials Center at Alderson, West Virginia.

The conferees do not agree with the Senate report language citing problems that have arisen with the Wetlands Reserve Program (WRP). However, the conferees concur with Senate report language that encourages the USDA to structure the terms of WRP contracts so that high priority is given to the consideration of adjacent landowners, including but not limited to the maintenance of watershed protection.

The conferees encourage the agency to provide any technical assistance for construction and repairs to the spillway and roads for Lake Peltier at Salmen Scout Reservation, Hancock County, Mississippi.

WATERSHED SURVEYS AND PLANNING

The conference agreement provides $10,368,000 for Watershed Surveys and Planning instead of $9,545,000 as proposed by the House and $11,190,000 as proposed by the Senate.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $99,443,000 for Watershed and Flood Prevention Operations instead of $97,850,000 as proposed by the House and $101,036,000 as proposed by the Senate. The conference agreement includes House language providing that not more than $47,000,000 shall be available for technical assistance. The conference agreement includes continued progress and assistance for the Chino Dairy Preserve Project, San Bernardino County, CA.

The conferees expect the NRCS to provide for corrective action to the North Powder-Rock Creek South pipeline in the Powder Valley Water Control District, OR, to prevent the premature deterioration of the pipeline. The conferees note that since the Powder Valley Water Control District cost-shared in the construction of the current pipeline the cost-share requirements shall not apply to the corrective action necessary since the NRCS has admitted their design flaw.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides $35,000,000 for the Resource Conservation and Development program as proposed by the House instead of $34,377,000 as proposed by the Senate. The conferees expect the Department to present to the House and Senate Appropriations Committees no later than March 1, 1999, options to fund new Resource Conservation and Development districts, including a graduation component, while considering program effectiveness, efficiency, and necessary structural changes.

FORESTRY INCENTIVES PROGRAM

The conference agreement provides $6,325,000 for the Forestry Incentives Program as proposed by the Senate. The House bill provided no funds for this account.

TITLE III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conference agreement provides $588,000 for the Office of the Under Secretary for Rural Development as proposed by the Senate instead of $611,000 as proposed by the House.

The conferees expect the Secretary, to the extent practicable, to avoid the use of reductions-in-force and furloughs in the rural development work force. The conferees further expect that no reductions-in-force or furloughs will take place unless the Secretary provides detailed justifications for such actions to the House and Senate Committees on Appropriations.

The conferees note that it has become necessary in annual appropriations bills to declare certain communities eligible for rural development programs. This is because of anomalies in the criteria for eligibility, such as population and average income levels, that have made these communities ineligible under a strict interpretation of regulations. The conferees believe that there may not be sufficient flexibility under current law and regulations to address this problem. Therefore, the conferees direct the Department to develop a plan that will address this situation including changes in current law or regulation and present this plan to the House and Senate Committees on Appropriations.

The House and Senate reports recommend projects for consideration under various rural development programs and the conferees expect the Department to apply established review procedures when considering applications.

The conferees further expect the Department to give consideration to business enterprise and housing preservation projects in the city of Bayview, VA; applications for rural business enterprise grants from TELACU, for a project in Selma, CA; for assistance for a community improvement program in Arkansas; water and sewer improvements for the City of Vaughn, NM; the Shulerville/Honey Hill Water project, S.C.; and a rural enterprise grant for Indian Hills Community College, IA.

The conferees direct the agency to exercise its authority to consider the effects of economic circumstances and high unemployment in calculating median household income for the community of Wrangell, AK, for the purpose of determining whether the community is eligible for loans and grants.

The Department should consider a request, subject to normal review procedures, from the Water Environment Research Foundation for water quality research.

The conferees are aware that the Territory of American Samoa is currently in the grip of a severe, prolonged drought, and that the island's water system is rapidly becoming infiltrated by salt water and is unsafe for human consumption. Even with aggressive water conservation and service curtailment efforts, there will soon be insufficient safe drinking water to sustain human needs in the Territory. If assistance is not provided expeditiously, there is an imminent threat that waterborne illnesses will reach epidemic proportions which will severely overburden American Samoa's limited health care facilities. The drought crisis poses an immediate and rapidly escalating threat to human life in this most remote part of American Territories.

It has come to the attention of the conferees that the American Samoa Power Authority (the Territory's water, electric, and sanitary sewer utility) has applied to USDA for assistance in obtaining and installing water filtration and treatment equipment. This project would provide approximately one million gallons per day of safe drinking water necessary to sustain basic human needs and prevent life-threatening illness.

The conferees urge the Secretary to utilize creative and flexible solutions under the existing water and sewer loan and grants program, the community facilities loan and grants program, and such other rural development programs as the Secretary in his discretion may determine appropriate to meet this critical need in American Samoa.

RURAL DEVELOPMENT

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $722,686,000 for the Rural Community Advancement Program (RCAP) instead of $702,601,000 as proposed by the Senate and $745,172,000 as proposed by the House.

The following table reflects the conference agreement:

RCAP accounts

Water/Sewer	$645,007,000
Community Facilities	29,786,000
Business-Cooperative Development	47,893,000
Total	722,686,000
Earmarks:	
Tech. Asst. (water/sewer)	16,215,000
Circuit Rider	5,300,000
EZ/EC	33,926,000
Tech. Asst. (transportation)	500,000

The conference agreement adopts House bill language that does not include section 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f) from authorized activities included in RCAP funding. The Senate bill had no similar provision.

The conference agreement does not include language in the Senate report directing USDA to provide for rural venture capital demonstration projects in Kentucky and Vermont. The House report had no similar provision.

The conference agreement also adopts Senate bill language providing that funds not obligated for empowerment zones and enterprise communities by June 30, 1999, will remain available for other purposes under this heading. The House bill had no similar provision.

The conference agreement does not provide the requested three percent earmark for Federally-recognized Indian tribes. The conferees note that, according to USDA, Indian tribes now receive approximately five percent of funding under the RCAP and the conferees believe the three percent earmark would arbitrarily restrict rural development benefits to the tribes.

The conferees expect the Department to use funds provided for technical assistance for water and sewer projects to maintain the number of circuit riders at the same level as fiscal year 1998.

The conferees have agreed to permanently increase the authorization of funding for water and sewer projects benefiting Alaska Natives under the Federal Agriculture

Improvement and Reform Act of 1996 from $15,000,000 to $20,000,000 and to make the state match required under the program consistent with the 25 percent requirement for the Colonias. The conferees direct the Department, in awarding grants to various regions of the country, to give priority consideration to areas which lack flush toilets and running water. It shall also give highest priority to areas without modern sewage disposal systems, with open sewers, and high rates of disease caused by poor sanitation.

Rural Housing Service

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $197,285,000 (providing for an estimated loan program level of $4,251,717,000) for activities under the Rural Housing Insurance Fund Program Account instead of $186,855,000 (providing for an estimated loan program level of $4,235,601,000) as proposed by the House and $207,601,000 (providing for an estimated program level of $4,284,398,000) as proposed by the Senate.

The conference agreement provides $10,380,000 from the total amount available for empowerment zones and enterprise communities instead of $10,380,100 as proposed by the Senate. The House bill had no similar provision.

The following table reflects the conference agreement:

Rural Housing Insurance Fund Program Account:	
Loan authorizations:	
Single family (sec. 502)	(965,313,000)
Unsubsidized guaranteed	(3,000,000,000)
Housing repair (sec. 504)	(25,001,000)
Farm labor (sec. 514)	(20,000,000)
Rental housing (sec. 515)	(114,321,000)
Multi-family housing guarantees (sec. 538)	(100,000,000)
Site loans (sec. 524)	(5,152,000)
Credit sales of acquired property	(16,930,000)
Self-help housing land development fund	(5,000,000)
Total, Loan authorizations	(4,251,717,000)
Loan subsidies:	
Single family (sec. 502)	114,100,000
Unsubsidized guaranteed	2,700,000
Housing repair (sec. 504)	8,808,000
Multi-family housing guarantees (sec. 538)	2,320,000
Farm labor (sec. 514)	10,406,000
Rental housing (sec. 515)	55,160,000
Site loans (sec. 524)	17,000
Credit sales of acquired property	3,492,000
Self-help housing land development fund	282,000
Total, Loan subsidies	197,285,000
RHIF administrative expenses (transfer to RHS)	360,785,000
Total, Rural Housing Insurance Fund	1,141,467,000
(Loan authorization)	(4,251,717,000)

The conferees direct that the Department give preference to projects with the lowest interest rates in the section 538 program to ensure that the program serves tenants with low incomes.

The conferees recognize the importance of providing assistance to the economically distressed areas of the Lower Mississippi Delta. The conferees encourage the Secretary to consider using the reprogramming authority provided in section 724 of this Act to fund applications for Rural Housing Service programs in those areas where there is a shortage of affordable rental and home ownership opportunities. One of the areas to be considered is West Tallahatchie, MS, where there is a shortage of housing for teachers.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides $1,000,000 from the total amount available for Mutual and Self-Help Housing Grants for empowerment zones and enterprise communities as proposed by the Senate. The House bill had no similar provision.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $41,000,000 for Rural Housing Assistance Grants as proposed by the House instead of $45,720,000 as proposed by the Senate.

The conference agreement provides $1,200,000 from the total amount available for empowerment zones and enterprise communities as proposed by the House instead of $1,372,000 as proposed by the Senate. The House bill had no similar provision.

SALARIES AND EXPENSES

The conference agreement provides $60,978,000 for salaries and expenses as proposed by the Senate instead of $57,958,000 as proposed by the House. The conference agreement also provides for a transfer of $360,785,000 from the Rural Housing Insurance Fund as proposed by the Senate instead of $354,785,000 as proposed by the House. The total provided for Rural Housing Service salaries and expenses is $421,763,000 as proposed by the Senate instead of $412,743,000 as proposed by the House.

The conference agreement includes a provision that allows the Administrator of the Rural Housing Service to spend not more than $10,000 for non-monetary awards to non-employees of the Department of Agriculture. The House bill had no similar provision.

Rural Business-Cooperative Service

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $16,615,000 (providing for an estimated loan program level of $33,000,000) for the Rural Development Loan Fund Program Account as proposed by the Senate instead of $17,622,000 (providing for an estimated loan program level of $35,000,000) as proposed by the House.

The conference agreement also provides from the total amount available a subsidy of $3,215,520 (providing for an estimated loan program level of $7,246,000) for empowerment zones and enterprise communities as proposed by the Senate.

The conference agreement also provides $3,482,000 for administrative expenses as proposed by the Senate instead of $3,499,000 as proposed by the House.

The conference agreement adopts Senate language that provides that funds not obligated for empowerment zones/enterprise communities by June 30, 1999, will remain available for other authorized purposes. The House bill had no similar provision.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

The conference agreement rescinds $3,783,000 of funds derived from interest on the cushion of credit payments established in the Rural Electrification Act (7 U.S.C. 901) and further provides $3,783,000 (providing for an estimated loan program level of $15,000,000) for the cost of loans under the Rural Economic Development Loans Program Account as proposed by the House instead of $5,801,000 (providing for an estimated loan program level of $23,000,000) as proposed by the Senate.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides a total of $3,300,000 for rural cooperative development grants as proposed by the House instead of $3,000,000 as proposed by the Senate. Both House and Senate bills provide $1,300,000 from the total amount available for cooperative agreements for the Appropriate Technology Transfer for Rural Areas Program. The conference agreement also provides $250,000 for a cooperative development program as proposed by the Senate.

The conference agreement has not earmarked projects under this title but the conferees expect the Department to give consideration to the following projects requesting assistance under the Rural Cooperative Development Grants program: agricultural diversification, to be conducted by the Jefferson Institute, MO; Silos and Smokestacks, IA; and the Pennsylvania Cooperative Development Center. The conferees expect the Department to use established review procedures in considering these projects.

SALARIES AND EXPENSES

The conference agreement provides a direct appropriation of $25,680,000 for salaries and expenses of the Rural Business-Cooperative Service. The conference agreement further provides for transfers of $3,482,000 to this account from the Rural Development Loan Fund Program Account as proposed by the Senate instead of $3,499,000 as proposed by the House.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION CORPORATION REVOLVING FUND

The conference agreement provides $3,500,000 for the Alternative Agricultural Research and Commercialization Corporation Revolving Fund instead of $7,000,000 as proposed by the Senate. The House bill provided no funding for this account.

Rural Utilities Service

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $43,319,000 (providing for an estimated loan program level of $1,561,500,000) for activities under the Rural Electrification and Telecommunications Loans Program Account as proposed by the House instead of $43,184,000 (providing for an estimated loan program level of $1,511,500,000) as proposed by the Senate.

The following table reflects the conference agreement:

Rural Electrification and Telecommunications Loans Program Account:	
Loan authorizations:	
Direct loans:	
Electric 5%	(71,500,000)
Telecommuincations 5%	(75,000,000)
Subtotal	(146,500,000)
Treasury rates: Telecommunications	(300,000,000)
Muni-rate: Electric	(295,000,000)

FFB loans:	
Electric, regular	(700,000,000)
Telecommunications	(120,000,000)
Subtotal	(820,000,000)
Total, Loan authorizations	(1,561,500,000)
Loan subsidies:	
Direct loans:	
Electric 5%	9,325,000
Telecommunications 5%	7,342,000
Subtotal	16,667,000
Treasury rates: Telecommunications	810,000
Muni-rate: Electric	25,842,000
FFB loans: Electric, regular	....
Total, Loan subsidies	43,319,000
RETLP administrative expenses (transfer to RUS)	29,982,000
Total, Rural Electrification and Telecommunications Loans Program Account	73,301,000
(Loan authorization)	(1,561,500,000)

By increasing the amount available for Federal Financing Bank lending, it is the intent of the conferees that the Rural Utilities Service will fully utilize the authorities of section 306 of the Rural Electrification Act by issuing guarantees to private sector lenders such as the Cooperative Finance Corporation and other legally organized organizations to ensure the financial needs of borrowers are met in a timely and efficient manner.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $4,174,000 (providing for an estimated loan program level of $157,509,000) for the Rural Telephone Bank Program Account instead of $4,638,000 (providing for an estimated loan program level of $175,000,000) as proposed by the House and $3,710,000 (providing for an estimated program level of $140,000,000) as proposed by the Senate.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

The conference agreement provides $12,680,000 for the Distance Learning and Telemedicine Program as proposed by the Senate instead of $10,180,000 as proposed by the House. The conference agreement also provides that $12,500,000 of the total amount shall be available for grants under this program as proposed by the Senate instead of $10,000,000 as proposed by the House. Both House and Senate bills provide a subsidy of $180,000 from the total amount available, which provides for an estimated loan level of $150,000,000.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

The conference agreement provides $554,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services as proposed by the Senate. The House bill provided an unspecified amount of funding for the Office of the Under Secretary from the Food Program Administration account.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

The conference agreement provides a total of $9,176,897,000 for child nutrition programs instead of $9,218,647,000 as proposed by the House and $9,219,897,000 as proposed by the Senate. Included in this amount is an appropriated amount of $4,128,747,000 and an amount transferred from section 32 of $5,048,150,000.

The conference agreement includes language as proposed by the Senate providing that no funds are available for the commodity procurement program unless the value of section 32 commodities and section 416 commodities are calculated in meeting the minimum commodity assistance requirement of section 6(g) of the School Lunch Act.

The conference agreement provides the following:

Total Obligational Authority

Child Nutrition Programs:	
School lunch program	$5,384,452,000
School breakfast program	1,396,955,000
Child and adult care food program	1,611,520,000
Summer food service program	294,414,000
Special milk program	18,055,000
State administrative expenses	118,074,000
Commodity procurement and computer support	337,127,000
School meals initiative	10,000,000
Coordinated review effort	4,300,000
Food safety education	2,000,000
Total	9,176,897,000

The conference agreement provides $10,000,000 for the school meals initiative. Included in this amount is $4,000,000 for food service training grants to states, $1,600,000 for technical assistance materials, $800,000 for National Food Service Management Institute cooperative agreements, $400,000 for print and electronic food service resource systems, and $3,200,000 for other activities.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides $3,924,000,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) as proposed by the House instead of $3,948,000,000 as proposed by the Senate. The conference agreement includes bill language that directs USDA to obligate $10,000,000 for the farmers' market nutrition program within 45 days of enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels.

The conferees direct that USDA reduce to 120 days the time period in which states are required to report on monthly obligation of funds as proposed by the House. The Senate had no similar language.

The conferees direct the Department to review the methodology and data used to estimate participation and funding levels for WIC and to report to the House and Senate Committees on Appropriations its recommendations for improvements no later than April 1, 1999, as proposed by the House. The Senate had no similar language.

The conferees address the need for a study on WIC cost containment activity under the Economic Research Service.

The conference agreement does not include bill language as proposed by the House regarding the allocation of fiscal year 1998 recovered funds.

The conference agreement includes bill language as proposed by the House that state agencies required to procure infant formula using a competitive bidding system award a contract only to the bidder offering the lowest net price.

FOOD STAMP PROGRAM

The conference agreement provides $22,585,106,000 for the Food Stamp Program instead of $22,591,806,000 as proposed by the House and $23,781,806,000 as proposed by the Senate. Included in this amount is a contingency reserve of $100,000,000. Also included in this amount is $1,236,000,000 for nutrition assistance to Puerto Rico and $90,000,000 for TEFAP commodity purchases.

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides $131,000,000 for the Commodity Assistance Program instead of $141,000,000 as proposed by the House and Senate. Included in the amount is $45,000,000 for administration of TEFAP. The conferees provide that these funds may be used for administration or food costs at the discretion of the states. The conferees note that there is a $10,000,000 carryover from fiscal year 1998 in this account for the Commodity Supplemental Food Program and have adjusted the appropriation accordingly.

FOOD PROGRAM ADMINISTRATION

The conference agreement provides $108,561,000 for Food Program Administration instead of $108,311,000 as proposed by the House and $109,069,000 as proposed by the Senate. Included in this amount is $252,000 for publication of Dietary Guidelines and $725,000 for program and financial integrity advancement. The conference agreement includes language that withholds $2,000,000 of this appropriation until a final rule is promulgated to curb vendor-related fraud in the WIC program as proposed by the House.

The conferees understand USDA is reviewing the Dietary Guidelines and should ensure that scientific messages on dietary and nutritional behaviors are consistent among the Dietary Guidelines, the Food Guide Pyramid, and any related nutritional publications.

The conferees direct that the funds transferred to this account from the Economic Research Service be used for programmatic studies and evaluations directly related to USDA programs, and that any welfare reform studies, analyses, or evaluations undertaken shall directly relate to USDA programs.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

The conference agreement includes a direct appropriation of $136,203,000 instead of $131,295,000 as proposed by the House and $131,795,000 as proposed by the Senate.

The conference agreement adopts a Senate provision which provides for the transfer of $3,231,000 from the Export Loan Program and $1,035,000 from the P.L. 480 program account under the P.L. 480 and Export Loan program accounts. The House bill provided for these transfers under this heading.

The conference agreement does not include a Senate provision providing up to $2,000,000 solely for the purpose of offsetting international exchange rate fluctuations. The House bill had no similar provision. The conferees note that the deletion of this provision does not indicate a judgment on the merits of the request but reflects the fact that the agency has not developed a plan for this activity as requested in the fiscal year 1998 conference agreement. The conferees expect such a plan to be submitted with the fiscal year 2000 President's Budget.

The amount provided includes $4,408,000 for the International Cooperative Administrative Support Service Program.

Recent economic developments in Russia and other countries have jeopardized export markets for many U.S. agricultural products. The conferees direct the Secretary to utilize existing authorities including, but not limited to, the Export Enhancement Program, the Food for Progress Program, P.L. 480, and GSM credit programs to facilitate additional sales and donations to maintain and expand export markets.

The conferees recognize that poultry has been one of the primary components of exports to Russia in the past and that Russia has comprised a major portion of the export market for U.S. poultry products. The conferees expect the Secretary to consider the historic composition of export sales to Russia when allocating credits and donations.

The conference agreement includes $128,000 of the total provided for a representation allowance as proposed by the Senate instead of $140,000 as proposed by the House. The conferees also provide $3,500,000 for the Cochran Fellowship Program.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

The following table reflects the conference agreement for Public Law 480 Program Accounts:

Public Law 480 Program and Grant Accounts	
Title I—Credit sales:	
Program level	(219,724,000)
Direct loans	(203,475,000)
Ocean freight differential	(16,249,000)
Title II—Commodities for disposition abroad:	
Program level	(837,000,000)
Appropriation	837,000,000
Title III—Commodity grants:	
Program level	(25,000,000)
Appropriation	25,000,000
Loan subsidies	176,596,000
Salaries and expenses:	
General Sales Manager (transfer to FAS)	1,035,000
Farm Service Agency (transfer to FSA)	815,000
Subtotal	1,850,000
Total, Public Law 480:	
Program level	(1,081,724,000)
Appropriation	1,056,695,000

The conferees are concerned that Agency for International Development (AID) and Title II operational policies are not fully meeting both statutory mandates and the program's primary humanitarian objective of providing U.S. agricultural products and commodities for feeding the needy worldwide. While encouraged by recent aid commitments to increase relief-type feeding programs, the conferees expect AID, to the extent practicable, in utilizing the funds provided herein, to ensure that the non-emergency programs, including monetization programs, comply with the statutory requirement that 75% of the commodities provided be in the form of highly nutritious value-added agricultural commodities.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

SALARIES AND EXPENSES

The conference agreement includes a direct appropriation of $1,103,140,000 for the salaries and expenses of the Food and Drug Administration, instead of $998,340,000 as proposed by the House and $1,062,642,000 as proposed by the Senate.

The following table reflects the conference agreement:

Food Safety & Applied Nutrition	$231,580,000
Human Drugs	200,305,000
Biologics	96,279,000
Animal Drugs and Feeds	41,973,000
Devices & Radiological Products	145,736,000
National Center for Toxicological Research	31,579,000
Tobacco	34,000,000
Rent and related activities	25,855,000
Other activities	80,694,000
Rental Payments to GSA	82,866,000
Subtotal	970,867,000
Prescription Drug User Fees[1]	132,273,000
Total	1,103,140,000

[1] Of the total $132,273,000 in PDUFA collections, $91,676,000 is for Human Drugs, $28,816,000 is for Biologics, $6,353,000 is for other activities, and $5,428,000 is for payments to the General Services Administration.

The conference agreement includes an increase of $2,500,000 for the Office of Cosmetics and Color; $500,000 to begin development of a new approval process for food packaging materials; $1,000,000 for the Office of Generic Drugs; and $250,000 for the Office of Seafood Inspection. Within the amount for the Office of Seafood Inspection $200,000 is for a grant to the Interstate Shellfish Sanitation Commission.

The conference agreement includes an increase of $25,000,000 for the Food Safety Initiative. The FDA should use $24,500,000 for increased food inspection and $500,000 for research at the National Center for Toxicological Research.

The conferees expect the FDA to publish a proposed rule concerning the use of foreign marketing data in the review of new sunscreen active ingredients in the sunscreen over-the-counter drug monograph. The conferees expect the proposed rule will be published not later than June 1, 1999.

The conferees note that the Food and Drug Administration will soon consider a citizen petition requesting approval of disjunctive labeling for surimi. The conferees strongly urge the agency to act in an expeditious manner to propose a rule in response to the petition, but in no case shall the FDA propose such a rule later than six months after the receipt of the citizen petition, nor shall the agency finalize such a rule later than twelve months after the receipt of the citizen petition.

Included within the amount is $700,000 for the Clinical Pharmacology program. The conferees expect these funds to be used for competitive grants.

The conferees note that recent court decisions (Mova Pharmaceutical Corp. v. Shalala, 104 F.3d 1061 (D.C. Cir. 1998); Granutec, Inc. v. Shalala, No. 97–1873 and No. 97–1874, 1998 U.S. App. LEXIS 6685 (4th Cir. Apr 3, 1998)) have invalidated an element of the Food and Drug Administration's regulations regarding the 180-day exclusivity period for first applicants under section 505(j)(5)(B)(iv) of the Federal Food, Drug, and Cosmetic Act. The conferees strongly urge the FDA to use the funds provided to issue new regulations and guidance for industry to fulfill the intent of the Generic Drug Act (Waxman/Hatch) for the broadest possible availability of generic drugs to consumers consistent with the Act.

BUILDINGS AND FACILITIES

The conference agreement provides $11,350,000 for Food and Drug Administration Buildings and Facilities as proposed by the House instead of $12,350,000 as proposed by the Senate.

The conference agreement provides $3,000,000 for construction of Phase III at the National Center for Toxicological Research as proposed by the House instead of $4,000,000 as proposed by the Senate. The conferees expect these funds, in addition to any Phase II remaining balances, to be sufficient to initiate Phase III construction.

RENTAL PAYMENTS

The conference agreement provides $88,294,000 for FDA rental costs in the salaries and expenses account as proposed by the Senate. The House proposed these funds in a separate account.

INDEPENDENT AGENCIES

Commodity Futures Trading Commission

The conference agreement provides $61,000,000 for the Commodity Futures Trading Commission as proposed by the Senate instead of $62,140,000 as proposed by the House.

Farm Credit Administration

LIMITATION OF ADMINISTRATIVE EXPENSES

The conference agreement adopts the limitation of $35,800,000 on the expenses of the Farm Credit Administration as proposed by the House. The Senate bill had no limitation on expenses.

TITLE VII—GENERAL PROVISIONS

Senate Section 705.—The conference agreement includes language (Section 705) proposed by the Senate to allow up to $2,000,000 for costs associated with collocation of APHIS regional offices to remain available until expended.

House Section 710.—The conference agreement does not include language proposed by the House that limits agencies' reimbursement to General Services Administration for costs for rental space.

House Section 716 and Senate Section 715.—The conference agreement includes language (Section 715) proposed by the House that allows the Grain Inspection, Packers and Stockyards Administration to use cooperative agreements to carry out programs.

Senate Section 716.—The conference agreement includes language that allows the Natural Resources Conservation Service to use contracts, grants or cooperative agreements for goods or services.

Senate Section 717 and House Section 718.—The conference agreement includes language (Section 718) proposed by the Senate that permanently prohibits funds of the Market Access Program from being used to promote mink product exports.

House Section 719 and Senate Section 718.—The conference agreement includes language (Section 719) to allow up to $1,800,000 for expenses of advisory committees, panels, commissions, and task forces. The House bill recommended a limit of $1,400,000 and the Senate bill recommended a limit of $1,350,000.

Senate Section 722.—The conference agreement includes language (Section 723) to require the approval of the Chief Information Officer for purchases of information technology systems or upgrades by the Department of Agriculture. The language also includes a provision to prohibit any transfers of funds to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriation of both Houses.

House Section 724.—The conference agreement does not include language relating to common support services. The conferees concur that the Department has sufficient authority to carry out such a program.

Senate Section 724.—The conference agreement modifies language (Section 727) to prohibit contract acreage payments to a producer who plants wild rice on contract acreage unless the contract payment is reduced by an acre for each contract acre planted to wild rice. The agreement deletes the Senate provision that made this permanent law.

Senate Section 725.—The conference agreement includes language (Section 728) that names the National Rice Germplasm Evaluation and Enhancement Center the "Dale Bumpers National Rice Research Center."

Senate Section 726.—The conference agreement includes language (Section 729) proposed by the Senate to allow the Secretary of Agriculture to transfer, subject to reprogramming requirements, up to $26,000,000 for authorized programs to benefit the Lower Mississippi Delta Region. This amount should include any and all funds provided to that region as part of the total.

House Section 725 and Senate Section 727.—The conference agreement includes language (Section 725) to prohibit funding for the Fund for Rural America.

House Section 726.—The conference agreement does not include language proposed by the House that prohibited funding for the Wildlife Habitat Incentive Program.

House Section 727.—The conference agreement includes language (Section 726) proposed by the House that limits funding for the Environmental Quality Incentives Program to $174,000,000.

House and Senate Section 728.—The conference agreement includes language (Section 730) to limit acreage enrolled in the Wetlands Reserve Program to 120,000 acres as proposed by the Senate. The House proposed a limit of 130,000 acres.

House and Senate Section 729.—The conference agreement includes language (Section 731) to limit funding for The Emergency Food Assistance Program to $90,000,000 as proposed by the House instead of $80,000,000 as proposed by the Senate.

Senate Section 730 and House Section 739.—The conference agreement includes language (Section 740) that prohibits funding for the Conservation Farm Option Program as proposed by both the House and Senate.

House Section 730.—The conference agreement includes language (Section 732) that prohibits funding for the Initiative for Future Agricultural and Food Systems (P.L. 105-185) as proposed by the House.

Senate Section 731.—The conference agreement includes language (Section 743) proposed by the Senate that amended Public Law 102-237 with regard to control of the brown tree snake.

House Section 731.—The conference agreement includes language (Section 733) proposed by the House to make the City of Big Spring, Texas eligible for rural housing programs.

House Section 732.—The conference agreement includes language (Section 734) that makes the municipality of Carolina, Puerto Rico eligible for grants and loans administered by the Rural Utilities Service.

Senate Section 732.—The conference agreement includes language (Section 744) as proposed by the Senate that makes funds in this or any other Act available for financial and technical assistance for the purpose of constructing the Franklin County Lake Project, Mississippi.

House Section 734 and Senate Section 736.—The conference agreement includes language (Section 736) as proposed by the House that does not allow funds from this Act to be used to carry out any commodity purchase program that would prohibit eligibility or participation by a farmer-owned cooperative.

Senate Section 733.—The conference agreement includes language (Section 745) that makes the cost share requirement for Alaska water and wastewater loan and grants 25% and the authorized level $20,000,000.

Senate Section 735.—The conference agreement includes language (Section 746) as proposed by the Senate that prohibits the Food and Drug Administration from closing or relocating the Division of Drug Analysis in St. Louis, MO.

House Section 735.—The conference agreement includes language (Section 737) as proposed by the House that amends the technical definition of the word "antibacterial" in the Federal Food, Drug, and Cosmetic Act.

House Section 736.—The conference agreement includes language (Section 738) as proposed by the House that prohibits funds from being used to issue a final rule to implement the amendments to the Federal milk marketing orders as required by subsection (a) of the Agricultural Market Transition Act other than during the period February 1, 1999 through April 4, 1999. The conference agreement also modifies the House provision to include language clarifying marketing order reform in the State of California.

House Section 737 and Senate Section 738.—The conference agreement does not include language proposed by both the House and Senate related to sanctions for the sales of agricultural products. A similar provision has been enacted into law.

Senate Section 737.—The conference agreement includes language (Section 747) proposed by the Senate which requires the Secretary of Agriculture to inspect and certify agricultural processing equipment and to impose a fee for the inspection and certification in a manner that is similar to the inspection and certification of agricultural products under the Agricultural Marketing Act of 1946.

House Section 738.—The conference agreement includes language (Section 739) which requires that when the Secretary of Agriculture announces the basic formula price for milk, the Secretary shall include in the announcement an estimate of the costs incurred by milk producers to produce milk in the different regions of the United States.

Senate Section 739.—The conference agreement includes language (Section 748) as proposed by the Senate to prohibit funds from being used to require a producer to pay an administrative fee of 10 per cent for catastrophic insurance protection. The language also makes the provision permanent law.

House Section 740 and Senate Section 761.—The conference agreement includes bill language (Section 741) that waives the statute of limitations on non-employment complaints of discrimination in certain programs of the Department of Agriculture.

Senate Section 741.—The conference agreement includes language (Section 749) as proposed by the Senate that mandates the indefinite continuation of a personnel management demonstration project.

House Section 741.—The conference agreement does not include language as proposed by the House that provides that the Secretary may not deny certain guarantees in housing on the basis that the interest on the loan for which the guarantee is sought is exempt from inclusion in gross income for purposes of Chapter 1 of the Internal Revenue Code of 1986. This provision has been authorized in other legislation.

Senate Section 742.—The conference agreement does not include language proposed by the Senate that extends the authorization of certain provisions of the Housing Act of 1949. These provisions have been authorized in other legislation. The conference agreement provides language (Section 750) making foreign national employees of the Foreign Agricultural Service, killed or injured in the bombings of the U.S. embassies in Kenya and Tanzania, eligible for certain types of compensation.

Section 742.—The conference agreement includes language that makes the Secretary of Agriculture liable for compensatory damages to farmers who are found to have been discriminated against under any farm loan program or activity conducted by the USDA in violation of section 504 of the Rehabilitation Act of 1973.

House Section 742.—The conference agreement does not include language to prohibit the Food and Drug Administration from using funds for the testing, development, or approval of any drug for the chemical inducement of abortion.

Senate Section 743.—The conference agreement does not include bill language as proposed by the Senate requiring a review of methyl bromide alternatives research. The House bill had no similar provision. The conferees expect the Agricultural Research Service to conduct a review of the methyl bromide alternatives research conducted by the Department. The review should include: (1) the total amount of funds expended by the Department for methyl bromide alternatives research for each fiscal year 1990 to 1997 and estimates for fiscal years 1998 and 1999, including a description of how funds are distributed and utilized; (2) descriptions of plot and field scale testing of methyl bromide alternatives conducted in fiscal years 1990 through 1998, including: (a) total amount of funds expended for plot and field scale testing; and (b) the results of the testing and the impact of the results on future research; and (3) a description of the variables that impact the effectiveness of methyl bromide alternatives and the Department's strategy for addressing them.

The conferees expect the Department to submit a report describing the results of its review to the appropriate committees of both Houses of Congress not later than 180 days after enactment of this Act.

Senate Section 744.—The conference agreement does not include language proposed by the Senate regarding the need to provide drought relief in Texas. The conference agreement includes language related to all agriculture disasters in Titles XI—XIII.

Senate Section 745.—The conference agreement includes language (Section 751) proposed by the Senate that amends the 1985 farm bill to exempt 30-year easements from payment limitations for the Wetlands Reserve Program.

Senate Section 746.—The conference agreement includes language (Section 752) proposed by the Senate that acceptance of Wetlands Reserve Program bids may be in proportion to landowner interest expressed in program operations.

Senate Section 748.—The conference agreement includes language (Section 754) proposed by the Senate that prohibits funds from being used to prepare a budget submission to Congress that assumes reductions from the previous year's budget due to user fee proposals unless the submission also identifies spending reductions which should occur if the user fees are not enacted.

Senate Sections 747 and 752.—The conference agreement includes language (Section 753) that makes several technical corrections to the Agriculture Research, Extension, and Education Reform Act.

Senate Section 749.—The conference agreement does not include language to establish a pilot program to permit haying and grazing on conservation reserve land.

Senate Section 750.—The conference agreement includes language proposed by the Senate (Section 755) that amends the Agricultural Marketing Act of 1946 regarding shipment of shell eggs and mandates a report on egg safety and repackaging.

Senate Section 751.—The conference agreement does not include the sense of the Senate provision regarding economic hardships faced by agricultural producers and rural communities. The conference agreement includes language related to agriculture disasters in Titles XI—XIII.

Senate Section 753.—The conference agreement does not include language proposed by the Senate that exempts food, other agricultural products, medicines and medical equipment from export control sanctions except where the country repeatedly provided support for the acts of terrorism.

Senate Section 754.—The conference agreement does not include language proposed by the Senate regarding mandatory price reporting. Mandatory price reporting language is included in section 1127 of title XI of this Act.

The conferees direct the Secretary of Agriculture to take steps to increase the voluntary reporting of fed cattle, and wholesale beef carcass prices and volumes on a quality and yield grade basis, as well as the prices and volumes of boxed beef (on carcass equivalent basis) sales by quality grades and trim categories, on a daily basis. These reports may include all domestic and international forward sales for delivery period currently reported, prices for branded products, sales delivered as priced basis to a futures contract, sales of less than carlot volume and formulated sales. The Secretary shall encourage the reporting of the price differential for USDA Prime, the upper ⅔ of USDA Choice, and a sub-select price category. Reports should include imported beef products and livestock.

With regard to lamb, the conferees direct the Secretary of Agriculture to expand current voluntary reporting of live lamb and wholesale lamb carcass prices and volumes on a yield grade basis, as well as the prices and volumes of boxed lamb and other fabricated lamb cut sales. Price should be reported on a weekly basis, for the period currently reported, and should include prices for certified and branded products, sales of less than carlot volume and formulated sales. Reports should include imported lamb products.

The Secretary of Agriculture shall compile and publish price, volume sales, and the shipment information regarding all exports and imports of beef, veal, lamb and products thereof which is collected via the expanded voluntary process. The livestock, carcass, boxed product, primal, sub-primal and other meat cut descriptions currently being used by AMS Market News Service should serve as a basis for describing and reporting imported and exported products for price and volume purposes. The Secretary shall also standardize AMS price reporting data collection activities to ensure uniformity and complete sales data capture and to maximize the information available to all aspects of the industry. The Secretary shall report to Congress on the feasibility or need for mandatory price reporting. The Secretary shall encourage the information to be reported not later than one week after the end of the week during which exports occurred consistent with the advanced notice of rulemaking published by USDA during 1997.

Senate Section 755.—The conference agreement does not include language related to metered dose inhalers. The House bill had no similar provision. The conferees note the Senate's interest in a transition from the use of chlorofluorocarbons (CFCs) in metered-dose inhalers (MDIs) to less environmentally damaging substances, as required by international treaty. The use of CFCs has been shown to be harmful to the atmospheric ozone layer, which protects humans from skin cancer, although the magnitude of the environmental impact of the amount of CFCs used in MDIs is unclear. Metered-dose inhalers, which contain CFCs as propellants, are used primarily for the treatment of asthma and other chronic pulmonary disorders. Asthma and pulmonary patients and physicians rightfully believe that the Food and Drug Administration (FDA) must consider their concerns, as well as the need to have a range of suitable substitutes in place before current products are withdrawn from the market, as the agency moves forward with a proposal to manage the transition from CFC to non-CFC products. At the same time, clear and timely guidance about a transition process is needed by both patients and caregivers. Therefore, the conferees direct FDA to devote the resources necessary to ensure that a proposed rule is issued no later than September 1, 1999.

Senate Section 756.—The conference agreement does not include language proposed by the Senate directing the Secretary, in consultation with the Comptroller General, to submit a report on the Market Access Program (MAP) to the appropriate committees of Congress not later than 180 days after enactment of this Act.

The conferees direct the Secretary to produce a report on the MAP which should include an analysis of the costs and benefits of the program for compliance with OMB circular A–94; estimate the impact of MAP on the agricultural sector, on consumers, and other sectors of the economy in the United States; assess the relation between the priorities and spending levels of programs carried out under MAP and the privately funded market promotion activities undertaken by participants in the programs; and evaluate the additional spending of participants and the amount of export additionally resulting from the MAP.

Senate Section 757.—The conference agreement does not include Sense of the Senate language regarding the economic effect of low commodity prices. The conference agreement includes language regarding agricultural disasters in Titles XI-XIII.

Senate Section 758.—The conference agreement does not include language as proposed by the Senate that amends the law regarding reserve inventories. The conference agreement includes language relating to agricultural disasters in Titles XI-XIII.

Senate Section 759.—The conference agreement does not include language proposed by the Senate that provided for an assessment on tobacco programs and reductions in several Department of Agriculture programs and increased funding for food safety related activities.

Senate Section 760.—The conference agreement (Section 756) modifies Senate Section 760 and reduces the spending cap on computer-related activities funding through the CCC.

Senate Section 762.—The conference agreement does not include language proposed by the Senate to amend the Census of Agriculture Act of 1997. This issue is addressed under the National Agricultural Statistics Service.

Senate Section 763.—The conference agreement includes language (Section 757) as proposed by the Senate that makes certain owners of trees with fire blight eligible for disaster assistance.

Senate Section 764.—The conference agreement does not include language as proposed by the Senate that requires the Secretary of Agriculture to make assistance and information available to the Commission on 21st Century Production Agriculture. The conferees expect the Secretary to assist and cooperate as necessary with the Commission.

Senate Section 765.—The conference agreement does not include bill language requiring country of origin labeling for fresh produce.

The conferees direct the General Accounting Office (GAO) to conduct a comprehensive study on the potential effects of mandatory country of origin labeling of fresh produce. This report should assess the impact of such mandatory labeling requirements on importers, producers, consumers, and retailers, including a cost/benefit analysis. The report should identify U.S. trading-partner countries which currently have country of origin practices in place, the nature and scope of such practices, and a record of U.S. challenges to those requirements. The GAO report should also address the ability of the Federal government and the public to respond to warnings about the outbreak of food-borne illness arising from imported produce. The final report should be submitted to the Congress no later than six months after the enactment of this Act.

Senate Section 766.—The conference agreement does not include the Sense of the Senate provision that certain programs in the bill receive additional funding in the event that additional allocation becomes available.

Senate Section 767.—The conference agreement does not include a provision requiring creation of a new Office of the Small Farms Advocate as provided in the Senate bill. The conferees believe that better management of existing programs within the Department, generally, would result in a more efficient and effective use of limited resources as they apply to small farms and other considerations. Accordingly, the conferees urge the Secretary to coordinate activities and to encourage policy considerations within existing programs of the Department that promote the needs of small farm operators and that may help reverse the unwarranted decline in small farm operations.

Senate Section 768.—The conference agreement does not include Senate language addressing the inadvertent planting of ineligible beans. The conferees are aware that there may be instances in which producers, in good faith or in reliance on information provided by agricultural consultants, inadvertently planted crops in violation of section 118 of the Federal Agriculture Improvement and Reform Act of 1996 (FAIR). The FAIR Act encouraged producers to exercise planting flexibility in order to adapt to new markets and to promote sound conservation and agronomic practices. Accordingly, the Secretary is urged to exercise reasonable treatment of producers in order to avoid harmful consequences.

Senate Section 769.—The conference agreement does not include language as proposed by the Senate that requires a report to Congress on a recommendation to lift the ban on interstate distribution of state inspected meat. The conferees direct the Secretary of Agriculture to report to the House and Senate Committees on Appropriations by March 1, 1999, with recommendations on lifting the ban on the interstate distribution of State-inspected meat.

Senate Section 770.—The conference agreement includes language under Title VIII regarding loans to borrowers who have received debt forgiveness.

Senate Section 771.—The conference agreement does not include language related to the definition of family farm.

Senate Section 772.—The conference agreement includes language under Title VIII regarding the basis for denial of loans.

Senate Section 773.—The conference agreement does not include language as proposed by the Senate that amends the Federal Food, Drug, and Cosmetic Act regarding medical drug and device recalls.

Section 759.—The conference agreement includes language proposed by the House to make the city of Vineland, New Jersey eligible for programs administered by the Rural Housing Service and the Rural Business-Cooperative Service.

Section 760.—The conferees include language that places a moratorium on the rulemaking authority of the Commodity Futures Trading Commission (CFTC) over swaps and derivatives until March 30, 1999. The conferees do not intend to preclude the CFTC's participation in the President's Working Group on Financial Markets. Further, the conferees do not intend to preclude the Commission from taking action pursuant to any determination by the President's Working Group on Financial Markets regarding regulatory restraints with respect to qualifying hybrid instruments and swap agreements.

In light of recent market events, including the need for financial rescue measures to avert the collapse of a large hedge fund, the conferees strongly urge the President's Working Group on Financial Markets to undertake an immediate review and study of over-the-counter transactions of entities such as hedge funds and their relationships with their creditors. This provision would not interfere with the Commission's ability to take action in furtherance of any determination by the President's Working Group.

Section 761.—The conference agreement includes language providing a limitation on the use of funds to carry out section 612 of Public Law 105–185.

Section 762.—The conference agreement includes language amending section 136 of the Agricultural Market Transition Act (7 U.S.C. 7236) by striking "1.25 cents" each place it appears in subsection (a) and (b) and inserting "3 cents".

Section 763.—The conference agreement includes language regarding the distribution of funds made available by section 1124 of subtitle C of Title XI of this Act.

Section 764.—The conference agreement includes language regarding methyl bromide.

Section 765.—The conference agreement includes language that allows permanent employees of the Farm Service Agency county committees employed in fiscal year 1998 to apply for Department of Agriculture civil service vacancies.

Section 766.—The conference agreement provides not to exceed $15,000,000 for grants in connection with a second round for rural empowerment zone and rural enterprise community program designations.

TITLE VIII—AGRICULTURAL CREDIT

The conference agreement includes several changes to agricultural credit laws including eligibility for emergency loans, notification of ineligibility for loans, training requirement exemptions, limitations on amount of farm loans, and cash flow requirements.

TITLE IX—INDIA-PAKISTAN RELIEF ACT

The conference agreement adopts Senate language (Title IX) allowing waivers of certain export control laws for India and Pakistan.

(SENATE TITLE X)

The conference agreement does not include language proposed by the Senate requiring meat labeling.

The conferees direct the Secretary to conduct a comprehensive study on the potential effects of mandatory country of origin labeling of imported fresh muscle cuts of beef and lamb. The report shall include the impact of such requirements on imports, exports, livestock producers, consumers, processors, packers, distributors and grocers. The report shall also include, but is not limited to, the following: any additional costs to the Federal government which would be incurred as a result of mandatory country of origin labeling of imported fresh muscle cuts of beef and lamb; the projected costs for beef and lamb distributors, retailers or consumers; any projected gains that may result from country of origin labeling of imported fresh muscle cuts of beef and lamb; and any empirical evidence of benefit or harm, to producers, processors, distributors, retailers or consumers produced by similar labeling programs in other countries. The report shall be submitted to Congress no later than 6 months after the enactment of this Act and shall contain a detailed statement of the findings and conclusions of the Secretary, together with his recommendations for such legislation and administrative actions as he considers appropriate.

The study may also consider the economic effects of exempting imported beef and lamb, including meat produced from animals imported directly for slaughter in sealed trucks and containers, from eligibility for USDA quality grades. The Secretary is directed to differentiate "meat produced from animals in sealed trucks and containers directly for slaughter" from "U.S. production" in all market reports.

TITLE X—UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS

The conferees have included bill language that gives the Secretary of Agriculture the authority to create an Under Secretary for Marketing and Regulatory Programs position at USDA.

TITLE XI—EMERGENCY AND MARKET LOSS ASSISTANCE

The conference agreement includes funding to provide assistance to agricultural producers who have suffered financial hardship due to adverse weather conditions and loss of markets.

The conference agreement provides $1,500,000,000 in assistance directed to producers who have incurred losses in the 1998 crop due to disaster. An additional $875,000,000 is provided to make available assistance to producers who have incurred multiyear losses in the period to include 1998 and preceding crop years. The Secretary may make assistance available for crop losses due to losses in quantity, quality or severe economic losses due to damaging weather or related conditions.

The conference agreement requires that producers receiving crop loss assistance who have not purchased crop insurance for the 1998 crop shall agree to purchase crop insurance for the 1999 and 2000 crops produced by the producers.

The conference agreement makes available $200,000,000 to provide livestock feed assistance to livestock producers affected by disasters during calendar year 1998.

The conferees have granted the Secretary broad authority to create and implement a crop loss assistance program with the funds made available. This will allow the Secretary to complete an assessment of 1998 crop losses and provide the maximum flexibility to expedite the delivery of assistance.

The conference agreement provides $3,057,000,000 to partially compensate producers for loss of markets in 1998 due to circumstances beyond their control, such as regional economic dislocation, unilateral trade sanctions and failure of the government to pursue trade opportunities aggressively. Payments shall be proportional to the amount of the production flexibility contract payment made to producers in fiscal year 1998.

TITLE XII—BIODIESEL

The conference agreement includes language that creates a biodiesel program. The Senate bill included similar language.

TITLE XIII—EMERGENCY APPROPRIATIONS

The conference agreement includes additional funding for emergency related costs including $40,000,000 for salaries and expenses for the Farm Service Agency, to carry out Title XI of this Act, $31,405,000 for subsidy costs for additional operating loans for a total loan amount of $540,510,000, $3,000,000 for the Dairy Production Disaster Assistance Program and $10,000,000 for the Forestry Incentives Program.

The conference agreement makes available $200,000.000 to dairy producers in a manner to be determined by the Secretary of Agriculture.

Any market loss payments made under authority of this legislation shall not be treated as a contract (AMTA) payment for purposes of section 115 of Title I of the Federal Agriculture Improvement and Reform Act of 1996 or section 1001, paragraphs (1) through (4), of the Food Security Act of 1985.

To ensure timely delivery of market loss payments to eligible producers and owners, the conferees urge the Secretary to make the payments available under the same terms and conditions as 1998 contract payments provided these payments are excluded from the provisions of section 115 of title I of the Federal Agriculture Improvement and Reform Act of 1996 and section 1001, paragraphs (1) and (4), as amended, of the Food Security Act of 1985. It should not be necessary to require eligible owners and operators to file new contracts or redesignate shares in order to receive market loss payments.

The agreement includes $50,000,000 for emergency disaster assistance to persons or entities who have incurred losses from a failure under section 312(a) of P.L. 94–265, $5,000,000 for cotton warehouse losses, temporary recourse loans for honey and mohair, and adjustments to crop insurance for raisin producers. The conference agreement includes language providing additional funds for the Food for Progress program.

The conferees direct the Farm Service Agency to take into consideration the history of flooding in a watershed in determining emergency conservation program eligibility in Vermont.

The conferees expect the Secretary of Agriculture to extend for two years the time period that a participant in the Conservation Reserve Program (CRP) has for completion of pruning, thinning, and stand improvement of trees on lands subject to a contract under CRP. Such pruning, thinning, or stand improvement activities are otherwise required to be completed under the contract in 1998 or 1999.

The conferees expect the Secretary of Agriculture to provide guaranteed loans for purposes of installing irrigation systems if a farmer operates a farm within an area that has been declared an agricultural disaster due to drought conditions.

The conferees understand that in addition to the devastating forest fires that occurred in Florida earlier this year, the drought in Texas has also had a significant impact on timber production and forest health. The conferees also understand that it may take several planting seasons to complete the reforestation due to lack of available planting stock.

The conferees are concerned about the weather-related crop losses that have devastated New York State fruit and onion growers in 1998. The Secretary shall make funding available to assist producers who have incurred losses during the 1998 crop year to fruit crops and to the trees and vines on which those fruit crops are produced.

The Secretary is also directed to develop a crop disaster assistance program suitable for the New York State fruit and onion growers. The Secretary shall provide financial assistance to apple producers proportioned according to their volume of apples sold in fresh, processing and juice markets, based on 1997 marketing data, and shall not deduct a salvage value when the cost of harvesting a crop in that marketing category approximates the 1998 cash market value at the time of harvest.

The Secretary shall make eligible for the Emergency Conservation Program fruit drops in orchards as well as replacement of trellises in orchards and vineyards that were damaged by storms.

The managers direct that in carrying out the disaster relief activities funded by this conference agreement, the Secretary of Agriculture shall give particular attention to assessing and meeting the needs of Puerto Rico and the United States Virgin Islands following Hurricane Georges. The Secretary should take all necessary steps to help the territories recover from the 1998 hurricane season and restore their agricultural economies, such as covering losses in livestock and non-program crops, including but not limited to coffee, bananas, and tropical fruits.

The conference agreement includes language that provides for a domestic market reporting pilot program and an export market reporting pilot investigation. The conferees expect the Secretary to utilize any previously collected data to the maximum extent practicable in implementing this section. Nothing in this section shall be construed as requiring the reporting of information relating to feeder cattle.

TITLE XII—BIODIESEL

The conference agreement includes language that creates a biodiesel program. The Senate bill included similar language.

TITLE XIII—EMERGENCY APPROPRIATIONS

The conference agreement includes additional funding for emergency related costs including $40,000,000 for salaries and expenses for the Farm Service Agency, $31,405,000 for subsidy costs for additional operating loans for a total loan amount of $540,510,000, and $10,000,000 for the Forestry Incentives Program.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimates, and the House and Senate bills for 1999 follow:

New budget (obligational) authority, fiscal year 1998	$49,793,563,000
Budget estimates of new (obligational) authority, fiscal year 1999	59,567,544,000
House bill, fiscal year 1999	55,883,142,000
Senate bill, fiscal year 1999	56,820,368,000
Conference agreement, fiscal year 1999	61,607,490,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1998	+11,813,927,000
Budget estimates of new (obligational) authority, fiscal year 1999	+2,039,946,000
House bill, fiscal year 1999	+5,724,348,000
Senate bill, fiscal year 1999	+4,787,122,000

SECTION 101 (b): DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The conferees on H.R. 4328 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of H.R. 4276, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 4276.

The legislative intent in the House and Senate versions in H.R. 4276 is set forth in the accompanying House report (H. Rept. 105–636) and the accompanying Senate report (S. Rept. 105–235).

TITLE I—DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

The conference agreement includes $79,448,000 for General Administration, as proposed in the House bill, instead of $76,199,000 as proposed in the Senate bill.

Within this amount, the conference agreement includes $8,136,000 for the Department Leadership Program, as proposed in the House bill, instead of $7,860,000, as proposed in the Senate bill. In addition, the conference agreement includes a provision, as proposed in the House bill, that retains the level of augmentation in the Department Leadership Program to the level that occurred in these offices in fiscal year 1998, which was not included in the Senate bill.

The conference agreement also includes a provision that provides 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 for the Offices of Legislative Affairs and Public Affairs, as proposed in the House bill, instead of 39 permanent positions and 39 full-time equivalent workyears and $4,660,000, as proposed in the Senate bill.

The conference agreement includes a provision that provides the Attorney General the authority to transfer forfeited property of limited value to a State or local government or its designee for certain community-based programs, subject to reprogramming requirements, as proposed in the Senate bill. The House bill included a similar provision in Section 109. The House and Senate report language with respect to the study of Justice issues in Alaska, the transfer of $5,000,000 to the Justice Management Division, and the House report language with respect to the Immigration and Naturalization Service is adopted by reference.

JOINT AUTOMATED BOOKING SYSTEM

The conference agreement does not include $10,000,000 in a separate account to fund the Joint Automated Booking System, as proposed in the Senate bill. This is an activity which may be funded in fiscal year 1999 with Super Surplus funds available under the Assets Forfeiture Fund, as proposed in the House bill. In future years, it is expected that additional funding will be proposed as a separate account.

NARROWBAND COMMUNICATIONS

The conference agreement does not include new direct appropriations for this Fund. Instead, the conference agreement assumes that up to $23,396,000 may be derived from Super Surplus balances in the Assets Forfeiture Fund to establish this Fund to be under the control of the Attorney General.

Of the total amounts available in the Fund in fiscal year 1999, the Attorney General is expected to use up to $5,552,000 to establish a Department-wide narrowband program office and to conduct a baseline technical assessment of wireless communications to support Department-wide conversion in order to maximize opportunities for interoperability and resource sharing. In accordance with the direction included in both the House and Senate reports, the Attorney General is expected to submit a narrowband conversion master plan to the Committees on Appropriations no later than December 1, 1998. In addition, the Attorney General is expected to ensure that Department of Justice components comply with the direction included in the Senate report with respect to the purchase of communications equipment.

COUNTERTERRORISM FUND

The conference agreement includes $145,000,000 in direct appropriations for the Counterterrorism Fund, instead of $89,200,000 as proposed in the House bill and $193,999,000 as proposed in the Senate bill.

The conference agreement includes $10,000,000 from the Counterterrorism Fund for the National Critical Infrastructure Protection Center (NIPC), instead of $19,999,000 proposed in the Senate bill. The NIPC was established in fiscal year 1998 as the Computer Intrusion Threat Assessment Center (CITAC). The House bill did not propose funding NIPC from the Fund, but instead provided resources under the Federal Bureau of Investigations (FBI) Salaries and Expenses account. The conference agreement appropriates a total of $43,542,000 for the NIPC, $28,677,000 above the fiscal year 1998 level, of which $10,000,000 is provided in this account and $33,542,000 is provided in the FBI Salaries and Expenses account. Should funds become available in the Department of Justice Working Capital Fund, the Attorney

General is encouraged to provide additional support to the NIPC, if warranted.

The conference agreement does not include provisions, recommended in the Senate bill, to expand the use of the Fund to reimburse other Federal agencies for their operational costs associated with participation in the NIPC, as such action is inconsistent with the manner in which other interagency activities, such as the FBI's Counterterrorism Center, are currently funded. The Department of Justice and other Federal agencies are expected to cooperate to the fullest extent of their authorities and expertise in the response planning, prevention, detection, deterrence and elimination of vulnerabilities to our Nation's critical infrastructure. These agencies are encouraged to ensure that the resources required to protect these critical infrastructures are given a high priority within each agency's programs and initiatives.

In addition, the conference agreement provides $135,000,000 to continue the initiative begun in fiscal year 1998 to assist States and localities in becoming fully prepared to respond to the increasing threat of chemical and biological attacks resulting from incidents of domestic and international terrorism. In many instances, the Nation's front line response capability for a domestic chemical or biological terrorist incident rests with these agencies, including firefighters, emergency services personnel, law enforcement, bomb technicians, and other emergency response personnel. To ensure that these "first responders" are equipped and prepared to meet this challenge, the conference agreement includes the following:

—*First Responders Equipment Acquisition Program.*—$75,500,000 to provide personnel protective gear, and detection, decontamination, and communications equipment to be targeted to the 157 largest cities and localities, as well as the States. Of this amount, $4,000,000 is for equipment for the National Domestic Preparedness Consortium to be distributed as described below under Training; and $2,000,000 is for transfer to the Office of Justice Programs (OJP) for management and administration of this and other related grant and training programs. The Attorney General is encouraged to use OJP for the administration and management of the equipment purchasing and training programs.

—*Municipal Fire and Emergency Services.*—$25,000,000 to expand equipment and training programs targeted specifically to municipal fire and emergency services departments as follows: (1) $16,000,000 for grants of equipment directly to local fire departments, hazardous materials response teams, and emergency medical services agencies; (2) $4,000,000 for interoperable radio equipment for local emergency response agencies; and (3) $5,000,000 for training and assistance to these entities as authorized by section 819 of the Antiterrorism and Effective Death Penalty Act of 1996. This funding is in addition to amounts otherwise available for these agencies under the First Responders Equipment Acquisition program.

—*State and Local Bomb Technician Equipment.*—$25,000,000 is expected to be provided by the Attorney General for this purpose, should funds be available in the Department of Justice Working Capital Fund.

—*Training.*—$18,000,000 to support training activities. Of this amount, $16,000,000 is to support the activities of the National Domestic Preparedness Consortium. The following Consortium members are to receive $2,000,000 each from these training programs: the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; the National Center for Bio-Medical Research and Training, Louisiana State University; the National Emergency Response and Rescue Training Center, Texas A&M University; and the National Exercise, Test, and Training Center, Nevada test site. Each of these Consortium members are to receive an additional $1,000,000 from the equipment grant program. Further, the conference agreement includes $8,000,000 for the Center for Domestic Preparedness, Fort McClellan, AL within the training program. Funding is to be provided by OJP directly to each member of the Consortium. OJP is expected to utilize the Consortium members to the fullest extent possible, including the Consortium members' existing facilities, resources and expertise, to support cooperative programs to achieve cost-effective delivery of equipment, technical assistance, training and situational exercises. To maximize training accessibility, multiple facilities and expertise must be utilized, requiring parallel efforts to be coordinated between OJP and Consortium members.

In addition, the conference agreement appropriates $2,000,000 from the Fund for State and local law enforcement training activities. Funding for this activity was previously included under the Bureau of Justice Assistance account. The conference agreement does not provide funding in the Fund for State and local bomb technician training, and instead addresses this matter under the FBI Salaries and Expenses account.

—*Situational Exercises.*—$3,500,000 is for situational exercises to ensure that first responders training includes real-life situations. The conference agreement adopts the recommendation and direction included in the Senate report regarding a Topoff exercise.

—*Technical Assistance/Needs Assessment.*—$3,000,000 for technical assistance and a needs assessment, of which $1,000,000 shall be used to conduct a needs assessment in accordance with the direction in the House report. The Attorney General is expected to provide the results of this assessment to the House and Senate Committees on Appropriations no later than March 1, 1999.

—*Counterterrorism Technologies.*—$10,000,000 for the development of technologies to help State and local law enforcement combat terrorism, as authorized by section 821 of the Antiterrorism and Effective Death Penalty Act of 1996. The Attorney General is expected to follow the guidance included in the Senate report regarding simulations of dispersion and deposition of chemical and biological aerosols.

In addition to the amounts provided in this bill, unobligated balances of $26,782,915 remain available from previous appropriations for authorized purposes of this Fund. The Attorney General should utilize $1,000,000 from these balances for an alternative crisis management/relocation facility to carry on essential Department functions in the event the Department, or one of its components, is denied access to its facility for various reasons, such as a terrorist act.

As directed in the fiscal year 1998 conference report, the Attorney General is expected to submit a comprehensive 5-year interdepartmental counterterrorism and technology crime plan no later than December 31, 1998. This plan will cover a broad range of topics encompassing the Nation's efforts to prevent and deter terrorist attacks, as well as manage a crisis created by a terrorist incident. The Attorney General and other department and agency heads who participated in this comprehensive effort are to be commended for their efforts. This plan will serve as a baseline strategy for coordination of a national policy and operational capabilities to combat all forms of terrorism.

The conference agreement includes bill language, modified from both the House and Senate bills, setting forth the purposes for which the Fund can be used, and making funds available for such purposes. In addition, bill language is not included, as recommended in the Senate bill as Senate Section 117 under general provisions within this title, which would have required submission of the specific dollar amounts budgeted for counterterrorism activities Governmentwide with the Analytical Perspectives Volume beginning with the fiscal year 2000 budget request. However, the Attorney General is expected to work with the Office of Management and Budget to ensure that such information is included.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement does not include funding for the Telecommunications Carrier Compliance Fund to reimburse equipment manufacturers and telecommunications carriers and providers of telecommunications support services for implementation of the Communications Assistance for Law Enforcement Act (CALEA). Neither the House nor Senate bills provided new direct appropriations into the fund. Should funding be necessary in fiscal year 1999, the Attorney General is expected to utilize $102,580,270 in unobligated balances currently available in the fund.

For the past three years, the Department of Justice and the telecommunications industry have been urged to resolve their differences on the implementation of CALEA. Despite those efforts, CALEA implementation is now almost four years behind schedule because the industry and law enforcement have failed to reach agreement on CALEA technical standards. Since March 1998, the Federal Communications Commission (FCC) has been reviewing those standards as envisioned under CALEA. On September 11, 1998, the FCC issued an order extending the October 25, 1998 statutory compliance date until at least June 30, 2000. The FCC took this action because the final technical standards are still under review. Law enforcement, industry and privacy groups agree that the FCC should define the capability standard for CALEA compliance, as envisioned under CALEA. The FCC is urged to act quickly to resolve this issue.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $134,563,000 for Administrative Review and Appeals, as proposed in the House bill, instead of $41,858,000 as proposed in the Senate bill, of which $59,251,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF). Of the total amount provided, $132,963,000 is for the Executive Office for Immigration Review (EOIR) and $1,600,000 is for the Office of the Pardon Attorney. The recommendation represents the funding necessary to maintain the current level of activities in fiscal year 1999.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $35,610,000 for the Office of Inspector General, instead of $36,610,000 as proposed in the House bill, and $33,211,000 as proposed in the Senate bill.

The $1,000,000 increase in funding over the budget request shall be available for expenditure only upon submission of a report as to the level of fiscal year 1998 spending and compliance with anti-deficiency requirements.

There is concern that Department employees accused of wrongdoing are not enjoying the swift justice that is every citizen's right. From fiscal years 1996 to 1998, the average closure rate for Inspector General investigations climbed from 6 to 9 months. The Inspector General is urged to refer cases to the appropriate component of the Department as necessary to keep its average closure rate for investigations at no more than 180 days. A report is requested by January 31, 1999 describing the steps the Department and the Inspector General are taking to meet this timetable, and recommending any improvements in the process that are required.

United State Parole Commission

SALARIES AND EXPENSES

The conference agreement includes $7,400,000 for the U.S. Parole Commission, as proposed in the House bill, instead of $7,969,000 as proposed in the Senate bill. Funding is provided in accordance with the House report.

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $475,000,000 for General Legal Activities instead of $470,425,000 as proposed in the House bill and $485,511,000 as proposed in the Senate bill, of which $8,160,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill.

The amount in the conference agreement includes the following program increases: (1) $465,000 for the Criminal Division to improve coordination of interagency and bilateral U.S./Mexico efforts to combat drug trafficking; (2) $1,000,000 for the Criminal Division for online obscenity prosecutions; (3) $2,000,000 for the Office of Special Investigations to maintain the pace of prosecutions while supporting the Nazi war criminal records interagency working group; (4) $1,007,000 for the Civil Rights Division to increase enforcement and mediation activities under the Americans with Disabilities Act.

In addition, within the amounts provided for the Criminal Division, $4,089,000 shall be for cybercrime prosecutions. Within the amount provided for the Environment and Natural Resources Division, $3,431,000 shall be used to defend claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), $706,000 shall be used for vessel pollution prosecutions, and $523,000 shall be used for CFC smuggling prosecutions. The conference agreement allows $17,834,000 to remain available until expended for office automation costs. No funds are provided under this account for the Joint Center for Strategic Environmental Enforcement, including base funds, as proposed in the Senate bill.

The conference agreement recognizes that the Department requires additional resources to defend against claims under the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA), and that the Department will seek to have these costs paid from the FSLIC Resolution Fund (FRF). In the event that FRF resources are not available, additional costs of FIRREA litigation may have to be paid from this account, which could have a dramatic impact on the ability of the Department to carry out its other priority missions. Therefore, the Administration is encouraged in its efforts to find a solution to the funding requirements of FIRREA litigation that avoids such impacts.

The conference agreement does not include bill language providing that funds in this account may be used for annual costs of U.S. participation in law-based international organizations as was proposed in the Senate bill.

The conference agreement includes language directing the Attorney General to transfer $813,333 from funds available in the Department of Justice to the Presidential Advisory Commission on Holocaust Assets in the United States subject to reprogramming requirements, as proposed in the House bill.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 1999 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in both the House and Senate bills.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $98,275,000 for the Antitrust Division, as proposed in both the House and Senate bills. The conference agreement assumes that of the amount provided, $68,275,000 will be derived from fees collected in fiscal year 1999, and $30,000,000 will be derived from estimated unobligated fee collections available from 1998, resulting in a net direct appropriation of $0.

The conference agreement does not include language, as proposed in the Senate bill, repealing a proviso in the fiscal year 1998 bill making excess fee collections available in the subsequent fiscal year.

The conference agreement also does not include language, as proposed in the House bill, making fee collections in excess of $68,275,000 available until expended but not until October 1, 1999. It is intended that any excess fee collections shall remain available for the Antitrust Division in future years.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,090,378,000 for the U.S. Attorneys, as proposed in the House bill, instead of $1,083,642,000 as proposed in the Senate bill, of which $80,698,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $51,231,000 as proposed in the House bill, and no funding as proposed in the Senate bill.

Funding is provided for the following: $8,912,000 as a program increase above base funding as proposed in the House bill for 64 attorneys and 32 support staff to increase drug prosecutions; and from within base resources, the following, as proposed in the Senate bill: $3,630,000 for cybercrime prosecutions; $14,782,000 for the National Advocacy Center, as proposed in the budget; $1,000,000 for a violent crime task force demonstration project to investigate and prosecute perpetrators of Internet sexual exploitation of children to be administered under the auspices of Operation Streetsweeper; $1,000,000 for computer and equipment upgrades at the National Advocacy Center; $1,500,000 to hire additional assistant U.S. Attorneys and investigators in the city of Philadelphia and $800,000 for the same purpose in Camden County, New Jersey, as a focused demonstration project to enforce Federal laws designed to keep firearms out of the hands of criminals and to enhance existing law enforcement efforts.

The Executive Office of U.S. Attorneys is expected to report on new approaches to the deployment of resources, as set forth in the Senate report, and is encouraged to examine whether resources dedicated to the oversight of the International Brotherhood of Teamsters election can be redeployed to restoring the rule of law on Indian reservations.

In addition, the conference agreement includes language providing 9,044 positions and 9,312 workyears for U.S. Attorneys, as proposed in the House bill instead of 8,960 positions and 9,125 workyears, as proposed in the Senate bill. The conference agreement also includes language allowing not to exceed $2,500,000 for the National Advocacy Center and $1,000,000 for violent crime task forces to remain available until expended, as proposed in the Senate bill, as well as language setting forth funding for demonstration projects, as proposed in the Senate bill.

United States Trustee System Fund

The conference agreement provides $114,248,000 in budget (obligational) authority for the U.S. Trustees, to be entirely funded from offsetting fee collections, as proposed in the House bill, instead of $108,248,000, offset by $100,000,000 in offsetting fee collections and the balance provided in direct funding, as proposed in the Senate bill. The conference agreement does not include a provision as proposed in the House bill providing that any fees collected in excess of $114,248,000 will be available for obligation on October 1, 1999 or a provision as proposed in the Senate bill repealing a provision in the fiscal year 1998 Act that made fees collected in excess of $114,248,000 in fiscal year 1998 available in fiscal year 1999.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $1,227,000 for the Foreign Claims Settlement Commission as proposed in the Senate bill, instead of $1,335,000 as proposed in the House bill, and assumes funding is provided in accordance with the Senate bill.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes $502,609,000 for the U.S. Marshals Service instead of $503,164,000 as proposed in the House bill and $501,752,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $25,553,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill, instead of no funds as proposed in the Senate bill.

The amount included in the conference agreement includes program increases of $512,000 for management and administration to implement and support a variety of cost-reduction initiatives, $2,850,000 for courthouse security personnel, $3,268,000 for courthouse security equipment, $1,565,000 for electronic surveillance unit fugitive apprehension equipment and personnel, and $250,000 for videoconferencing. If additional resources are required for courthouse security, the U.S. Marshals Service can submit a reprogramming to obtain the additional resources.

The provision in the Senate report calling for a pilot program to pair the Marshals Service with the District of Columbia Metropolitan Police Department to enforce court-ordered evictions and to report back to the Appropriations Committees is adopted by reference. Further, the failure of the U.S. Marshals Service to conduct a significant percentage of evictions in a timely manner is noted, thus creating unreasonable inconveniences to other participants in the eviction process. The U.S. Marshals Service is directed to report back to the Committees on Appropriations by May 1, 1999 on efforts to correct this problem.

CONSTRUCTION

The conference agreement includes $4,600,000 for a new construction account for the U.S. Marshals Service, instead of $4,000,000 as proposed in the Senate bill, and $3,300,000 included in the House bill under Bureau of Prisons, Buildings and Facilities. This amount includes $600,000 for architectural and engineering services and $4,000,000 for construction projects as proposed in the Senate report. To the extent that slippages occur, other projects requested in the budget can be undertaken.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND

The conference report includes requested language establishing a revolving fund for the operation of the Justice Prisoner and Alien Transportation System, as provided in both the House and Senate bills. The conference agreement assumes that funding for the initial capitalization of the Fund is an eligible use of Super Surplus funds available under the Asset Forfeiture Fund, as proposed in the House bill, instead of direct funding of $10,000,000 proposed in the Senate bill, $5,000,000 to capitalize the Fund, and $5,000,000 to purchase a new airplane. Any enhancements to the system in fiscal year 1999, as well as the proposed funding source to pay for them, are expected to be presented to the Appropriations Committees for examination and review.

The conference agreement does not include language amending the definition of public aircraft with respect to JPATS activities, which was proposed in the Senate bill.

FEDERAL PRISONER DETENTION

The conference agreement provides $425,000,000 for Federal Prisoner Detention, as proposed in the House bill, instead of $407,018,000 as proposed in the Senate bill. The level provided in the conference report plus approximately $25,000,000 in carryover will provide the level of funding requested in the budget.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $95,000,000 for Fees and Expenses of Witnesses as proposed in both the House and Senate bills. The conference agreement does not include a provision making not to exceed $4,000,000 available for a secure automated information network, which was proposed in the Senate bill. The House bill did not include a similar provision. Funding is provided in accordance with both the House and Senate reports.

COMMUNITY RELATIONS SERVICE

The conference agreement includes $7,199,000 for the Community Relations Service, as proposed in the House bill, instead of $5,319,000 as proposed in the Senate bill. In addition, the conference agreement includes a provision allowing the Attorney General to transfer up to $500,000 of funds available to the Department of Justice to this program, instead of $1,000,000 as proposed in the House bill. The Senate bill had no such transfer provision. The Attorney General is directed to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised.

The conference agreement recognizes that CRS has served the country well as a small, elite crisis response team dedicated to mediating racially charged civil disputes. There are concerns, however, that CRS will lose its focus, and its skills, if its mission is broadened to include State and local education and training and national disaster planning which is unrelated to an existing condition of racial/ethnic conflict. The conference agreement improves the ability of CRS to execute its core mission, but does not fund education and training or disaster planning.

Close coordination between the Administration and Congress could help to stabilize racially motivated local incidents. As the people's body, Congress must be kept informed when the Administration responds to a domestic crisis. Therefore, the Attorney General is directed to notify the relevant committees whenever requests by local officials prompt the deployment of CRS personnel to mediate civil conflicts.

ASSETS FORFEITURE FUND

The conference agreement provides $23,000,000 for the Assets Forfeiture Fund as proposed in both the House and Senate bills, and assumes funding is provided in accordance with both the House and Senate reports.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement includes $2,000,000 for administrative expenses in accordance with the Radiation Exposure Compensation Act, as proposed by both the House and Senate bills.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

The conference agreement includes no new appropriations for fiscal year 1999, as proposed by both the House and Senate reports. Carryover is expected to exceed the amount expected to be paid from the fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes $304,014,000 for Interagency Crime and Drug Enforcement as proposed in the House bill, the full amount requested, instead of $294,967,000 proposed in the Senate bill, in accordance with the distribution included in the House report.

The conference agreement includes language proposed in the House bill, not included in the Senate bill, allowing a portion of the funds provided to remain available until expended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $2,971,448,000 for the Federal Bureau of Investigation (FBI), instead of $2,977,258,000 as proposed in the House bill and $2,956,461,000 as proposed in the Senate bill, of which $223,356,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $215,356,000 as recommended in the House bill, and $433,124,000 as recommended in the Senate bill. In addition, the conference agreement provides that not less than $292,473,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security, instead of $282,473,000 as proposed by the House and $233,473,000 as proposed by the Senate bill. Further, the FBI is directed to transfer $10,000,000 in unobligated user fees for fiscal year 1998 to the Department of Justice Working Capital Fund. This statement of managers reflects the distribution of the funding provided in the conference report.

The conference agreement provides $70,104,000 for requested adjustments to base, including the costs to annualize 429 positions provided in fiscal year 1998, offset by $86,783,000 in base reductions for non-recurring costs resulting from reduced requirements necessary to complete the Integrated Automated Fingerprint Identification System (IAFIS) and equipment provided for in fiscal year 1998. Should funds be available in the Working Capital Fund, the Attorney General is expected to provide $6,000,000 for microwave replacement base funding requirements. The conference agreement includes the following program increases:

Counterterrorism Initiative.—Again this year, the conferees have included increases for the FBI to address the increasing threat of domestic and international terrorism, including the growing threats of cybercrime and weapons of mass destruction, building upon the $157,743,000 Counterterrorism Initiative provided in fiscal year 1998. The conference agreement provides program increases to enhance the FBI's capability to address terrorism, including: (1) $9,165,000 to support 93 positions (56 agents) and 47 full-time equivalents (FTE), to enable the FBI to establish four additional Computer Intrusion Threat Assessment (CITA) field squads, including $465,000 to equip these new squads; (2) $442,000 to support 9 positions and 4 FTE to provide increased coverage for the Watch and Warning Analysis Unit; (3) $500,000 to support training programs related to computer crime detection; and (4) $670,000 to provide 6 positions (2 agents) and 3 FTE to enhance the staffing of the Hazardous Materials Response Unit. Additional resources are also included in the Counterterrorism Fund to further augment the FBI's National Information Protection Center (NIPC), previously named the Computer Intrusion Threat Assessment Center (CITAC). Further, should funds be available in the Working Capital Fund, the Attorney General should provide funding for the following purposes: $4,250,000 to establish an early warning system in the NIPC; $4,000,000 for chemical and biological detection equipment for FBI bomb technicians and Evidence Response Teams; and $2,900,000 for training at the Hazardous Devices School. Within the resources available, the FBI is expected to provide $2,300,000 for ongoing training activities at the Hazardous Devices School, and $3,200,000 for joint counterterrorism task force operations in fiscal year 1999.

In addition, the FBI is expected to comply with the direction included in the Senate report regarding integration of FBI and Drug Enforcement Administration training.

Infrastructure Requirements.—The conference agreement provides an increase of $42,050,000 and 20 positions to enable the FBI to improve its information systems by re-engineering its investigative, intelligence, and administrative automated data processing systems. This amount is in addition to $20,000,000 in base funding identified for this requirement, resulting in a total availability of $62,050,000 for this effort in fiscal year 1999. Of this amount, $2,050,000 is provided in direct appropriations to provide for additional staffing requirements to implement this initiative. The Attorney General is expected to provide an additional $40,000,000 from the Working Capital Fund should such funds be available. Further, the Department of Justice and the FBI are directed to follow the direction included in the House report regarding the obligation of funds for this initiative.

National Instant Criminal Background Check System.—The conference agreement includes a total of $42,000,000 for operations of the permanent National Instant Criminal Background Check System (NICS). Of this amount, $22,000,000 is new direct appropriations. In addition, the Attorney General is expected to provide an additional $20,000,000 from available balances in the Working Capital Fund to fully fund the costs of the NICS system in fiscal year 1999. The fiscal year 1999 budget request for the FBI included no direct funding for this system, and instead proposed to finance the operation of this system through a user fee. The conference agreement includes a provision under title VI of this Act which prohibits the FBI from charging a fee for NICS checks, and instead provides funding to the FBI for the costs to implement this system. The FBI and the Department of Justice are expected to include funding for the operations of the NICS system in the fiscal year 2000 budget submission. Additionally, the FBI is expected to pursue proposals to increase the number of states serving as points of contact for the NICS system. Criminal justice and other records available for performing background checks at the State level are generally the most complete and readily available records, which would ensure more timely and thorough responses to NICS inquiries.

Indian Country Law Enforcement.—The conference agreement includes $4,657,000 to support 50 positions (30 agents) and 25 FTE to implement two new Safe Trails Task Forces and to enhance four current task forces. Within the amounts provided, the FBI is expected to provide investigative equipment and supplies, operational case funds, and forensic services to support these task forces.

Housing Fraud Initiative.—The conference agreement provides $1,500,000 and 11 positions to support FBI's participation in the Housing Fraud Initiative being conducted by the Department of Housing and Urban Development Inspector General.

Crimes Against Children.—The conference agreement includes $5,204,000 to enhance the FBI's capability to combat child abductions and serial killings. Within this amount, $3,439,000 is for the child abduction and serial killer unit to enhance staffing, establish a police fellows program for training local investigators, and provide training to State and local law enforcement. In addition, $1,765,000 is included to enhance staffing of the Violent Criminal Apprehension Program to provide more timely assistance to State and local law enforcement.

Criminal Justice Services.—The conference agreement includes an increase of $8,110,000 for support of Criminal Justice Information Services Division (CJIS) facilities and systems to be allocated in accordance with the direction included in the Senate report. The FBI is expected to allocate sufficient personnel to ensure the timely processing of criminal background checks for school bus drivers and teachers. Bill language is also included, as proposed by the House, designating $1,500,000 for an independent office for automation of fingerprint services. The Senate bill contained similar language.

Foreign Counterintelligence Program.—An increase of $2,500,000 is provided for the FBI's National Foreign Counterintelligence Program for a counterintelligence investigation enhancement as recommended in the Senate bill. Within available fiscal year 1999 funding, the FBI may implement the additional authorizations contained in the Intelligence Authorization Act for Fiscal Year 1999.

Violent Crime Reduction Program.—The conference agreement includes $223,356,000, derived from the Violent Crime Reduction Trust Fund, for FBI activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, as amended, and the Antiterrorism and Effective Death Penalty Act. From within these funds, the FBI is expected to provide funding in accordance with the direction included in the House report regarding grants for State computerized identification systems and automated fingerprint identification systems, support for FBI's Combined DNA Identification Systems (CODIS), and support for investigative assistance and training.

CONSTRUCTION

The conference agreement includes $1,287,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), as provided for in the Senate bill, instead of $11,287,000 as proposed in the House bill. The agreement includes the funding necessary to continue necessary improvements and maintenance at the FBI Academy. Should additional funds become available in the Working Capital Fund, the Attorney General should provide $10,000,000 to continue upgrades to the FBI Academy Firearms Training Facility.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $1,205,780,000 for the salaries and expenses of the Drug Enforcement Administration (DEA), instead of $1,201,290,000 as proposed in the House bill and $1,209,054,000 as proposed in the Senate bill, of which $405,000,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill, instead of $407,000,000 as proposed in the Senate bill. The conference agreement does not assume the proposed transfer of $15,000,000 from direct appropriations to the Diversion Control Fund. However, the conference agreement assumes that $76,710,000 will be available from the Diversion Control Fund for diversion control activities. This statement of managers reflects the distribution of funds provided in the conference report.

Source Country/International Strategy.—The conference agreement includes program increases totaling $31,188,000 to support DEA's international programs, a $22,520,000 increase above the request. This action reflects continued support for DEA's supply reduction efforts. Program increases are provided for the following activities: (1) $4,212,000 and 20 positions (12 agents) to establish a new country office in Trinidad-Tobago and to enhance staffing in other Caribbean Country offices, including Barbados, Curacao, Jamaica, Haiti and the Dominican Republic; (2) $1,966,000 and 7 positions (5 agents) to open new country offices in Vietnam and Uzbekistan, and to expand staffing in the Philippines to address the rise in international heroin trafficking; (3) $1,415,000 and 5 positions to strengthen DEA's intelligence activities in Mexico; (4) $1,075,000 and 5 positions to enhance security for DEA activities; (5) $3,000,000 and 14 positions (8 agents) to enhance staffing in source countries and transit zones; (6) $5,000,000 to continue overseas implementation of the MERLIN system; (7) $3,500,000 for surveillance and electronic intercept equipment in source countries and transit zones; (8) $3,500,000 for aviation and technical equipment to support regional operations in the Caribbean; and (9) $120,000 for improved mobility along the Bolivian border. DEA is expected to comply with the reporting requirements included in the House report regarding deployment of investigative resources in source countries and transit zones.

Domestic Enforcement Enhancements.—The conference agreement includes program increases totaling $66,085,000 for domestic counter-drug activities, an increase of $13,000,000 above the request, as follows: (1) $5,632,000 and 70 positions (42 agents) to enhance DEA domestic offices impacted by Caribbean drug trafficking; (2) $24,459,000 and 223 positions (100 agents) to augment DEA's efforts to combat methamphetamine trafficking, including enforcement and chemical control efforts, clean up activities at clandestine laboratory sites, vehicle replacement, and establishment of a National Clandestine Laboratory database; (3) $12,926,000 and 148 positions (95 agents) to continue a five-year strategy to enhance enforcement efforts to reduce the domestic availability of heroin; and (4) $13,000,000 and 56 positions (32 agents) to establish DEA regional drug enforcement teams as recommended in the Senate report. Colombian and Mexican crime syndicates have established a network of compartmentalized cells to conduct their drug trafficking operations in the United States. While historically, these crime syndicates have maintained command and control centers in major U.S. cities, in reaction to law enforcement pressure in major metropolitan areas, these drug syndicates have established regional command and control centers and warehousing and transshipment points in smaller, nontraditional trafficking locations across the U.S., resulting in increased rates of drug abuse, trafficking, and violent crime in our Nation's smaller cities. DEA cannot combat this new threat by transferring resources from major metropolitan areas to smaller cities. Therefore, funding has been provided to establish regional enforcement teams to enable DEA to provide an immediate, flexible, and effective law enforcement response to this growing problem.

Investigative and Intelligence Requirements.—The conference agreement includes $17,468,000 to address critical infrastructure needs, $7,400,000 above the request, as follows: (1) $5,000,000 for 39 additional intelligence analysts, as recommended in the House report; (2) $2,400,000 for continued development and implementation of automation systems to support intelligence and investigative requirements, as provided in the House report; (3) $7,002,000 for improvements in cooperative drug law enforcement operations; and (4) $3,066,000 and 2 positions for establishment of a backup site for DEA's Network Control Facility.

Drug Diversion Control Fee Account.—The conference agreement provides $76,710,000 for DEA's Drug Diversion Control Program, the full amount requested, and assumes that diversion control programs will be fully supported through funding derived from the Diversion Control Fee Account in fiscal year 1999.

In addition, DEA is expected to comply with the direction in the House report concerning coastal surveillance technology, as well as the direction in the Senate report concerning integration of DEA and FBI training curriculum. The conference agreement contains bill language, as proposed by the House, to provide $4,000,000 for evidence and information payments, instead of $5,000,000 recommended by the Senate.

CONSTRUCTION

The conference agreement includes $8,000,000 in direct appropriations for Construction for the Drug Enforcement Administration (DEA), as proposed in both the House and Senate bills.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes $2,464,327,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of $2,486,004,000 as proposed in the House bill and $2,268,984,000 as proposed in the Senate bill, of which $842,490,000 is from the Violent Crime Reduction Trust Fund (VCRTF), instead of $866,490,000 as proposed in the House bill, and $1,099,667,000 as proposed in the Senate bill. In addition to amounts appropriated, the conference agreement assumes that $1,306,046,000 will be available from offsetting fee collections, instead of $1,570,014,000 as proposed by the House and $1,560,308,000 as proposed by the Senate. Thus, including resources provided under construction, the conference agreement provides a total operating level of $3,860,373,000 for INS, instead of $4,137,588,000 as provided by the House bill, and $3,940,543,000 as provided by the Senate. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Base adjustments.—The conference agreement provides $51,283,000 for the full base restoration request and includes $23,877,000 in restoration of base for detention and deportation and assumes the balance will be provided from expected carryover in the Breached Bond/Detention fund. The agreement does not include funding for helicopter purchases. The agreement includes a report on INS border air vehicle plans which is detailed below under Border Control.

INS Organization and Management.—The conference agreement includes the concerns expressed in the House report that a lack of resources is no longer an acceptable response to INS's inability to adequately address its mission responsibilities. The conference agreement includes the establishment of clearer chains of command—one for enforcement activities and one for service to noncitizens—as one step towards making the INS a more efficient accountable, and effective agency. Consistent with the concept of the separation of immigration enforcement from service, the conference agreement adopts the House recommendation to provide for a separation of INS funds. The conference agreement includes the establishment of two new accounts: Enforcement and Border Affairs, and Citizenship and Benefits, Immigration Support and Program Direction. These accounts correspond to existing decision units within the current INS Salaries and Expenses account. INS enforcement funds are placed under the Enforcement and Border Affairs account. All immigration-related benefits and naturalization, support and program resources are placed under the Citizenship and Benefits, Immigration Support and Program Direction account. Neither account includes revenues generated in various fee accounts to fund program activities in both enforcement and service functions which are in addition to the appropriated funds and are discussed below. Funds for INS construction projects continue to fall within the INS construction account.

The language includes authority for the Attorney General to transfer funds from one account to another in order to ensure that funds are properly aligned. Such transfers may occur notwithstanding any transfer limitations imposed under this Act but such transfers are still subject to the reprogramming requirements under Section 605 of this Act. It is expected that any request for transfer of funds will remain within the activities under those headings.

Under the new accounts, the conference agreement includes $1,069,754,000 for Enforcement and Border Affairs, $552,083,000 for Citizenship and Benefits, Immigration Support and Program Direction, and $842,490,000 from the Violent Crime Reduction Trust Fund.

The Enforcement and Border Affairs account is comprised of the following amounts: $931,871,000, for the existing base activities of Inspections, Border Patrol, Investigations, Detention and Deportation, and Intelligence; less funds for helicopter purchases and transfer of $29,536,000 to the User Fee account for user fee related Information Resource Management and legal activities; and program increases of $97,000,000 for the Border Patrol and $40,883,000 for interior enforcement. This amount, together with the amount from the Violent Crime Reduction Trust Fund, provides the total appropriation for these activities.

The Citizenship and Benefits, Immigration Support and Program Direction account includes $491,083,000 for the existing base activities of Citizenship and Benefits, Immigration Support and Management and Administration, assumes $30,000,000 of this base activity will be supported by unobligated balances available in the Working Capital Fund, includes funding for the naturalization initiative, and includes a program increase of $1,000,000 for the Office of Internal Audit.

Border control.—The conference agreement includes $97,000,000 for 1,000 new border patrol agents and 140 support personnel. The conference agreement adopts the following requests for reports to the Committee on border-related activities and technologies: 1) by December 1, 1998, the House request for an INS plan for the development, testing, and deployment of all current border technologies and the plans for training agents to use such technology; 2) by January 1, 1999, a report on the implications of having the Border Patrol Training Academy report directly to the Assistant Commissioner for the Border Patrol, as suggested by the Senate report; 3) by January 1, 1999, a report on the feasibility, cost and capabilities of a mixed fleet of manned and unmanned aircraft, as requested in both the House and Senate reports; 4) by November 15, 1998, a report on current plans for Border Patrol road and fence improvements, as specified in the House report; and 5) the continuation of reports on Border Patrol hiring, training and enforcement strategy, as requested in both the House and Senate reports. The conference agreement also adopts the House report direction to INS that it work more closely with the Forest Service and the Bureau of Land Management.

Deployment of Resources.—The conference agreement directs the INS to continue its consultation with the Committees on Appropriations of both the House and Senate before deployment of new border patrol agents and additional staffing included in this conference agreement.

Interior enforcement.—The conference agreement includes the following increases to enhance INS' ability to deport illegal aliens: 1) $21,800,000 for Quick Response Teams (QRTs) to work directly with State and local law enforcement officers to take into custody and remove illegal aliens, in accordance with the House report, including a report to the Committees on its strategy on their use and deployment plans by December 1, 1999 and quarterly reports on its progress, and improved response rates; 2) $3,112,000 for participation in joint task forces on terrorism, to assist in the identification and apprehension of alien terrorists; 3) $3,000,000 to expand the Law Enforcement Support Center (LESC), as in the Senate report; 4) $9,400,000 for activation of 400 beds at Port Isabel; 5) $1,971,000 for an additional 126 beds for juvenile detention space; and 6) $1,600,000 for four dedicated commuter lanes, as in the Senate report.

The conference agreement includes the concerns in both House and Senate reports about increasing illegal immigration in locations not previously believed to have problems, including Georgia, North Carolina, Kentucky, Tennessee, Arkansas, Utah, Nebraska, Iowa, Missouri and Colorado. It is expected that the INS will take into consideration the growing problems in these states in its deployment plan for the Quick Response Teams and other interior enforcement resources and will consult with the Committees on such plans. The agreement also includes the Senate proposal on Kodiak Island.

The conference agreement also supports $10,000,000 in additional funding within existing resources to continue and to expand the local jail programs pursuant to Public Law 105–141 and a report on the program by December 1, 1998, and INS is instructed to report on the feasibility of expanding the local ambulance service pilot program.

The conference agreement includes the House recommendations for staffing of the Institutional Removal Program and on employment eligibility verification pilot programs. The conference agreement includes a request that INS evaluate the existing technical infrastructure and the quality and integrity of the data used in the System for Alien Verification of Eligibility ("SAVE") system, or any comparable INS system, and recommend how INS can meet the needs of States seeking to comply with Title IV of Public Law 104–193, and report to the Committees by May 1, 1999.

Detention.—The conference agreement includes a report to the Committees on INS's anticipated detention needs for the next 3 years, including the resources and training necessary to adequately staff existing and anticipated new facilities, including the feasibility of locating a detention center in Utah, as in the Senate report, and other needs designated in the House and Senate reports.

The conference agreement includes the expectation that as funds become available in the Breached Bond/Detention account, that INS will submit a request to use additional funds for contract detention space and other detention needs. The conference agreement also includes funds for continuation of construction of several detention facilities within INS Construction funds.

The conference agreement includes the concerns about staffing of district offices and requests adjustments to be made, as in the Senate report.

Office of Internal Audit.—The conference agreement includes a program increase of $1,000,000 for the Office of Internal Audit, $430,000 of which is for the INSpect program to conduct impartial review of compliance and performance with program guidance and regulations.

Naturalization.—Naturalization and other services provided by the INS are meant to be covered by application fees deposited into the Examinations Fee account. However, in fiscal year 1998, $20,000,000 in direct appropriations and $196,000,000 in Examinations Fee account, were provided for backlog reduction and to improve the integrity of the naturalization process, beyond funds provided in the Examinations Fee account.

On August 6, 1998, the Department of Justice submitted a reprogramming request for INS that requested funds for a naturalization initiative from other resources beyond the revenues generated in the Examinations Fee account. The reason for this reprogramming was that Examinations Fee revenues have fallen significantly below the level INS estimated for fiscal years 1998 and 1999. These additional funds requested are intended to restore funding for ongoing naturalization activities, to provide a series of enhancements to address the large backlog of applications and to continue phasing in the revised application process recommended by PricewaterhouseCoopers. In that proposal, the Department recommended that the funds come from unobligated balances from within the INS Salaries and Expenses account, carryover from fiscal year 1998 Examinations Fee account, a transfer of funds from the Department's Working Capital Fund, and funds from the INS Breached Bond/Detention fund. The total requested by the Department was $171,000,000; $88,000,000 to restore base program activities that were reduced to cover the decline in fee revenues, of which $35,000,000 is for the restoration of base in the Examinations Fee account and $53,000,000 is for restoration of the Salaries and Expenses base; and the remaining $83,000,000 for a naturalization enhancement in the Salaries and Expenses account.

The conference agreement provides $171,000,000 for this initiative, $35,000,000 for base restoration in the Examinations Fee account, $53,000,000 for base restoration in Salaries and Expenses, and $83,000,000 in enhancements in funds which are not required to maintain other ongoing INS activities, funded in part directly through appropriation of funds, rather than through use of the Breached Bond Detention account, and $30,000,000 by transfer from the Working Capital Fund, which have been used instead to offset base funding requirements. The conference agreement recommends $83,000,000 for the following enhancements: (1) $27,450,000, of which $11,659,000 is for 200 term employees for the formation of Backlog Reduction Action Teams (BRAT) to work exclusively at INS locations where the average naturalization application processing time is in excess of 15 months and to reduce the backlog until the average case processing time at that location is under 12 months, $3,750,000 for clerical support, $3,425,000 for overtime, $2,401,000 for administering oaths, $3,200,000 for data entry, $2,222,000 for reprinting expired fingerprints, and $790,000 for computer support costs; (2) $4,325,000 for one-time need to reduce backlogs of cases at the service centers, including $145,000 for Information Resource Management needs; (3) $6,000,000 for field office ADP support; (4) $6,500,000 to improve records procedures and facilities; (5) $1,000,000 to conduct a pilot to improve fingerprint identification throughout the process; (6) $12,515,000 for implementation of key recommendations of PricewaterhouseCoopers to redesign the naturalization process, which includes $2,700,000 for designing and producing a user friendly guide to the naturalization process, $3,000,000 for continuation of the PricewaterhouseCoopers contract, $1,250,000 for consolidating medical waivers at the INS Service Centers, and $5,565,000 for the Complete File Review initiative which is designed to ensure that applicant files are complete at the time of adjudication; and (7) $25,190,000 for beginning one telephone verification center, a record centralization initiative in Missouri, and the indexing and conversion to CD or electronic transfer of INS microfilm images, provided that the INS should consult with the Committees on its proposed spending allocation of these funds prior to the obligation process.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes $1,306,046,000 will be available from offsetting fee collections for INS, instead of $1,570,014,000 as proposed by the House, and $1,560,308,000 as proposed by the Senate, to support activities related to the legal admission of persons into the United States. These activities are entirely paid by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following levels are recommended:

IMMIGRATION EXAMINATIONS FEES.—The conference agreement assumes $635,700,000 of spending from the Immigration Examinations Fee account resources, instead of $906,000,000 as proposed by the House bill, and $905,700,000, as proposed by the Senate bill. The estimated resources in this fee account have decreased by over $275,000,000 during the year from the original estimates due to declining levels of applications. The level provided in the conference agreement takes into consideration this significant decrease in available resources and the $35,000,000 for base restoration in the Examinations Fee account included in the reprogramming proposal from carryover and recoveries.

It is noted that even after providing additional resources to offset estimated reductions in the Examinations Fee account, current estimates provided by INS still reflect a deficit between resources and program activities of $160,000,000 in the Examinations Fee account. While there is considerable concern about the lengthy waits, there is also concern about any request by the Department of Justice which calls for a level of spending which, without incorporating program increases, would result in creating a deficit of an estimated $160,000,000. While the INS has proffered to the Committees that it may be able to recover $160,000,000 from unobligated balances and cost-saving measures without cutting into service programs, there is sufficient concern about this assurance that there is a desire to see the money that results from these sources before allowing INS to spend itself into a severe deficit.

Accordingly, the level of spending assumed in the conference agreement is based on estimated revenues in this account totaling $635,700,000 which includes carryover from fiscal year 1998 revenue projected for fiscal year 1999, recoveries, funds from the legalization fee account which has been merged into this account, proposed fingerprint surcharges, and fees from applications under section 245(i) of the Immigration and Nationality Act, which sunsetted on January 14, 1998.

Inspections User Fees.—The conference agreement includes $486,071,000 of spending from offsetting collections in this account, instead of $444,290,000 as proposed in the Senate bill, and does not assume the removal of the exemption for cruise ship passengers. The conference agreement assumes a transfer of $29,536,000 from base Salaries and Expenses funding for legal proceedings, Information Resource Management, support and infrastructure. The agreement includes: (1) $17,668,000 for pay and inflation base adjustments; (2) $7,657,000 to provide 100 additional inspectors at airports to maintain the 45-minute standard at airports; (3) $2,069,000, for 60 asylum officers and 20 support staff, for the expedited removal process; (4) $1,875,000, and 12 positions, for mandatory detention necessary to support the expedited removal process; (5) $19,520,000, and 217 positions for departure management automation initiatives to monitor the control of aliens departing the United States and to facilitate the pilot of a system of exit controls; (6) $3,961,000, and 16 attorneys, 8 legal support, and 10 management support positions, for legal proceedings staffing to support the expedited removal program; (7) $600,000 for 10 officers for an international program to train international airline carrier personnel and other overseas operations in fraudulent document detection and anti-smuggling operations.

Land Border Inspections Fees.—The conference agreement includes $3,275,000 in spending from the Land Border Inspection Fund, an increase of $232,000 over the current year. The current revenues generated in this account are from Dedicated Commuter Lanes in Blaine and Port Roberts, Washington, Detroit Tunnel and Ambassador Bridge, Michigan, and Otay Mesa, California and Automated Permit Ports which provide pre-screened local border residents border crossing privileges by means of automated inspections. The agreement includes the recommendation in the Senate report relating to the Peace Arch Crossing Entry program.

Immigration Breached Bond/Detention Account.—The conference agreement includes $176,950,000 in spending from the Breached Bond/Detention Account, instead of $169,870,000 as proposed by the House and $201,995,000 as proposed by the Senate. The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling $176,950,000, which includes carryover funds from fiscal year 1998, revenue projected for fiscal year 1998 and assumes the availability of funds from penalty fees from applications under section 245(i) of the Immigration and Nationality Act, which expired on January 14, 1998. Carryover balances from 245(i) fees collected in fiscal year 1998 remain in this account for expenditure in fiscal year 1999. The conference agreement assumes $27,061,000 of expenses for alien detention costs provided under the salaries and expenses account will be supported by the carryover estimated to be available from fiscal year 1999. Within the amounts provided, the conference agreement includes funding for the acquisition and installation of video-conferencing equipment at institutional hearing program sites, as proposed in the Senate report.

Immigration Enforcement Fines.—The conference agreement includes $4,050,000 in spending to support border enforcement activities, instead of $3,800,000, as proposed in the House report. A remote video surveillance system and sensors is included in the agreement, as proposed in the Senate report.

Other Provisions.—The conference agreement does not include the reduction of the number of employees in the Office of Legislative and Public Affairs, as proposed by the Senate bill; does include the purchase of 3,855 passenger motor vehicles, as proposed in the House bill, instead of 2,904 vehicles, as proposed in the Senate bill; includes bill language that prohibits funds from being used for the operation of the San Clemente and Temecula traffic checkpoints unless they are open on a continuous 24 hour basis, as proposed in the House bill; includes a limit on the number of political appointees as proposed in the House bill; and does include an authorization for the Attorney General to impose disciplinary actions on any INS employee who violates Department policies and procedures relative to granting citizenship or who willfully deceives the Congress or Department Leadership, as proposed in the House bill.

The EB-5, investor visa program, was created to promote investments in businesses and to create and preserve jobs in the United States. It is understood that serious allegations have been made concerning fraudulent activities designed to aid persons in gaining

U.S. citizenship pursuant to the EB–5 program without making the contributions to U.S. businesses which Congress intended. The Immigration and Naturalization Service (INS) is directed to report to Congress within 90 days to propose any legislative remedies that may be necessary to provide the INS with the tools to ensure that a person gaining citizenship pursuant to the EB–5 program has actually made, and is personally liable for, the required investment and is sufficiently involved in the management of the business invested in, consistent with the intent of Congress when the EB–5 program was created.

CONSTRUCTION

The conference agreement includes $90,000,000 for construction for INS, instead of $81,570,000 as proposed in the House bill and $110,251,000 as proposed in the Senate bill. The conference agreement assumes funding of $51,606,000 for Border Patrol new construction (including 8 stations or sector headquarters), as proposed in the House report, and $10,900,000 for the Charleston border patrol academy and $4,625,000 for the Artesia, NM law enforcement training center, as proposed in the Senate report; $3,619,000 for various military engineering projects to support the Border Patrol, and $3,875,000 to come from savings within Salaries and Expenses, as is allowed under the bill language in the Salaries and Expenses accounts, to include the Santa Theresa project in the Senate report but not to include the Tucson Checkpoint exit lane project, included in the House report; $5,900,000 for new construction of detention facilities, including $1,000,000 for Port Isabel, $4,000,000 for Florence, and $900,000 for Varick Street; $20,575,000 for maintenance and repair of INS facilities; $4,000,000 for fuel storage tank upgrade and repair; and $4,300,000 for program execution.

The agreement also includes new bill language prohibiting site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson Sector, which was not included in either the House or the Senate bills.

Federal Prison System

SALARIES AND EXPENSES

The conference agreement includes $2,888,853,000 for the salaries and expenses of the Federal Prison System, as proposed in the House bill instead of $2,919,515,000 as proposed in the Senate bill. Of this amount, the conference agreement provides $26,499,000 from the Violent Crime Reduction Trust Fund (VCRTF), as proposed in the House bill, instead of $9,559,000 as proposed in the Senate bill. The conference agreement also assumes that, in addition to the amounts appropriated, $90,000,000 will be available for necessary operations from unobligated balances from the prior year, as proposed by both House and Senate bills, and that should the funds be available in the Department of Justice Working Capital Fund, $23,200,000 will be made available from the Fund.

The conference agreement includes the commendation to BOP for its operating efficiencies by consolidating and sharing like-services at several multilevel security prison facilities within a prison complex; identifying ways such as telemedicine to reduce health care costs; and voluntarily reducing its authority by 760 positions.

The conference agreement also includes bill language, as proposed in the House, in lieu of a privatization plan proposed by the Senate, which requires the Bureau of Prisons to conduct a study of private prisons.

BUILDINGS AND FACILITIES

The conference agreement includes $410,997,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners, instead of $413,997,000 as proposed in the House bill and $379,197,000 as proposed in the Senate bill.

The conference agreement includes funding for construction of three Federal Correctional Institutions and partial funding of a fourth to provide additional capacity to accommodate the space requirements for the transfer of District of Columbia sentenced felons to the Federal Prison System, as mandated by the District of Columbia Revitalization Act, as set forth in the Senate report. The conference agreement also includes $7,000,000 and $2,000,000 for the construction of facilities in the Bureau of Prison's Southern region set forth in the Senate report. In addition, the conference agreement includes $10,000,000 for site acquisition, planning, design and initial phases of construction of a new prison at a site in the Northern part of the Bureau of Prison's Mid-Atlantic region, which meets the Bureau of Prison's siting criteria and needs, and where the construction of a prison can be expedited by the completion of an Environmental Impact Statement no later than March 31, 1999. The conference agreement also includes $20,000,000 for additional construction costs of other BOP projects under design.

The conference agreement includes the review of critical space needs, review site options for higher security prisons both in the western region and other places where the need exists, in accordance with the Senate report. The conference agreement also includes the direction to the Department of Justice to include in its fiscal year 2000 budget a request for at least $300,000,000 for modernization and repair within the Federal Prison System, as indicated in the Senate report. The conference agreement includes the expectation that the Bureau of Prisons participate with the Justice Management Division in the development of a narrowband communications conversion master plan, in accordance with the Senate report.

It is recognized that significant costs are associated with purchasing electric power for Bureau of Prisons facilities, and that savings may be effected by the use of hydroelectric power. There is an expectation that the Bureau of Prisons explore the possibility of using domestic hydroelectric power to reduce operating costs in its facilities and, by February 1, 1999, report to the Committees on Appropriations on its findings and any possible achievable savings.

Should funds be available in the Department of Justice Working Capital Fund, funds from the Working Capital Fund may be provided for Federal Prison System equipment, and other equipment and automation needs.

The conference agreement dóes not include funding for the U.S. Marshals Service construction under this account, which was proposed in the House bill. Instead funding is provided under a separate account as proposed in the Senate bill.

Federal Prison Industries, Incorporated

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of $3,266,000 for the Federal Prison Industries, as proposed by both the House and Senate bills.

Office of Justice Programs

JUSTICE ASSISTANCE

The conference agreement includes $147,151,000 for Justice Assistance, instead of $195,000,000 as proposed in the House bill and $170,151,000 as proposed in the Senate bill.

The conference agreement provides the following:

National Institute of Justice	$46,148,000
Defense/Law Enforcement Technology Transfer	(10,277,000)
DNA Technology R&D Program	(5,000)
Bureau of Justice Statistics	25,029,000
Missing Children	17,168,000
Regional Information Sharing System	[1] 20,000,000
National White Collar Crime Center	7,350,000
Grants to Firefighters and Emergency Service Personnel	[2] (5,000,000)
State and Local Antiterrorism Training	[2] (2,000,000)
Counterterrorism Technology	[2] (10,000,000)
Management and Administration	31,456,000
Total	147,151,000

[1] $5,000,000 included in COPS Technology, for a total of $25,000,000.

[2] Included under the Counterterrorism Fund.

This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Office of Justice Programs in this conference report are to be spent.

National Institute of Justice (NIJ).—The conference agreement provides $46,148,000 for the National Institute of Justice, as proposed in the Senate bill, instead of $52,577,000 as proposed in the House bill. Additionally, $5,200,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Grants program. The conference agreement adopts the recommendation in the House and Senate reports that provides that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: a grant to disseminate the results of the study of the health care status of prison inmates as stated in the House report; $1,500,000 for information technology applications for High Intensity Drug Trafficking Areas; and $1,500,000 for a pilot program with a Department of Criminal Justice Training and a College of Criminal Justice to evaluate how advanced computer-based interactive training systems can enhance training for state and local law enforcement officers; and a grant for the study and development of perfluorocarbon technology.

Within the total funding for NIJ, the conference agreement includes increased amounts to be made available for the utilization of telemedicine to provide health care for the prison inmate population. It is directed that two pilot programs be developed in conjunction with the Bureau of Prisons and the National Institute of Corrections, in South Carolina, as proposed in the Senate report, and in Eastern Kentucky. In addition to the above amount, $20,000,000 will be provided to NIJ in fiscal year 1999 from the Local Law Enforcement Block Grant for assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement. Within the amount provided, NIJ is expected to provide increased amounts for computerized identification systems and forensic DNA analysis technologies.

Safe schools initiative [SSI].—The conference agreement supports the concern as expressed in the Senate report regarding the level of violence in our children's schools as evidenced by recent tragic events that have occurred around the Nation. In particular, the incidence of gun violence by juveniles in schools is growing at an alarming rate. To address this issue, the conference agreement adopts the recommendation in the Senate report to include $210,000,000 for a new safe schools initiative [SSI], including funds for prevention and technology. Within this total, $15,000,000 is from the Juvenile Justice At-Risk Children's Program for communities to implement approaches unique to their particular areas; $10,000,000 is from funds available to the National Institute of Justice [NIJ] to develop new, more effective safety technologies such as less obtrusive weapons detection and surveillance equipment and information systems that provide communities quick access to information they need to identify potentially violent youth; $167,500,000 is from the Community Oriented Policing Services [COPS] Program to increase community policing in and around schools; and $17,500,000 is from the COPS Program for programs aimed at preventing violence in schools and community-based organizations.

Within total funding for NIJ, the conference agreement includes $10,000,000 from available funds to develop new, more effective safety technologies for a safe schools initiative, as proposed in the Senate report.

Defense/Law Enforcement Technology Transfer.—Within the total amount provided to NIJ, the conference agreement includes $10,277,000 to assist NIJ in its efforts to adopt technologies for law enforcement purposes. Within this amount, $2,800,000 is provided to continue the technology commercialization initiative at the National Technology Transfer Center and the remainder to go for continuation of the law enforcement technology center and other centers funded in the current year.

DNA Technology Research and Development Program.—Within the amount provided, the conference agreement includes $5,000,000 to develop improved DNA testing capabilities, as proposed in the House and Senate reports.

Bureau of Justice Statistics.—The conference agreement provides $25,029,000 for the Bureau of Justice Statistics (BJS) for fiscal year 1999, as proposed in the House bill instead of $25,529,000 as proposed by the Senate bill.

Missing Children.—The conference agreement provides $17,168,000 for the Missing Children Program as proposed in the Senate bill, instead of $12,256,000 as proposed in the House bill. The conference agreement provides a significant increase and expands the missing children initiative included in the fiscal year 1998 conference report for Federal, State, and local law enforcement agencies, and the National Center for Missing and Exploited Children, to address the increasing need to combat crimes against children, particularly kidnapping and sexual exploitation. The conference agreement again consolidates funding under one account for Missing Children programs as proposed in the House and Senate bills. Within the amounts provided the conference agreement assumes funding in accordance with the Senate report including:

(1) $7,798,000 for the Missing Children program within the Office of Justice Programs, Justice Assistance, including $5,000,000 for State and local law enforcement to continue eight specialized cyber units and to form eight new units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children; $162,000 for highly technical, sophisticated computer crime training for State and local law enforcement; $90,000 for a national teleconference on cybercrime against children; and $75,000 for town meetings to focus on cybercrimes against children in local communities around the country;

(2) $8,120,000 for the National Center for Missing and Exploited Children, of which $1,900,000 is provided for Internet investigations as proposed in the Senate report. The conferees expect the National Center for Missing and Exploited Children to continue to consult with participating law enforcement agencies to ensure the curriculum, training, and programs provided with this additional funding are consistent with the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice. Also included is the following: $180,000 for cybercrime awareness training for law enforcement in every State; $690,000 for expansion and enhancement of the cybertipline, technology upgrades, and enhancement of the exploited child unit; $300,000 for a national survey regarding the exposure of children and youth to unwanted sexual solicitations and pornography on the Internet; and $50,000 to increase staffing at the center's office in Columbia, SC; and

(3) $1,250,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases. The conference agreement includes an increase for expansion of the center to train additional law enforcement officers.

The Department is directed to work closely with the National Center for Missing and Exploited Children, schools, and libraries to educate the public about the potential risks of Internet usage. Further, the conference agreement includes the suggestion that the Center create a brief information seminar appropriate for organizations, such as Boys and Girls Clubs of America, who can provide information directly to juveniles. The conference agreement adopts additional Senate report language regarding the significant progress of the National Center for Missing and Exploited Children; the recognition that schools can play a vital role in the identification and recovery of missing children; the problem of the emergence of sex tourism in which glossy brochures and websites advertise packages for travelers complete with airfare, hotel, and directions to local brothels; and the recognition of the key role private organizations can play in combating child abduction.

Regional Information Sharing System (RISS).—The conference agreement includes $20,000,000 for the RISS program, as proposed in the House bill, instead of $25,000,000 as proposed in the Senate bill. In addition, the conference agreement provides $5,000,000 under the COPS Technology Program for an enhancement to the RISS program to upgrade its communications infrastructure. The conference agreement recognizes that the regional structure of the RISS program is essential to its continued acceptance and support by the state and local law enforcement community and commend OJP for their strong support of this valuable network.

National White Collar Crime Center.—The conference agreement includes $7,350,000 for the National White Collar Crime Center as proposed in the House bill instead of $5,350,000 as provided in the Senate bill and assumes funding in accordance with the House report.

Grants to Firefighters.—The conference agreement includes funds under the Counterterrorism Fund.

State and Local Antiterrorism Training.—The conference agreement includes funds under the Counterterrorism Fund.

Counterterrorism Technology.—The conference agreement includes funds under the Counterterrorism Fund.

Management and Administration.—The conference agreement provides $31,456,000 for Management and Administration expenses of the Office of Justice Programs instead of $37,788,000 as proposed in the House bill and instead of $31,956,000 as proposed in the Senate bill. In addition, reimbursable funding from VCRTF programs, the Counterterrorism Fund, and Community Oriented Policing Services and a transfer from the Juvenile Justice account, will be provided for the administration of grants under these activities. Total funding for the administration of grants assumed in the conference agreement is as follows:

	Amount	FTE
Direct Appropriation	31,456,000	322
Transfer from Juvenile Justice programs	6,947,000	87
Reimbursement from VCRTF	47,230,000	387
Reimbursement from COPS	2,500,000	23
Reimbursement from Counterterrorism Fund	2,000,000	15
Total	90,133,000	834

In order to ensure careful stewardship of these resources, and in accordance with the House report, the Assistant Attorney General for the Office of Justice Programs (OJP) submitted a report to the Committees in January of this year, which outlined the steps OJP has taken and which recommends additional actions that will ensure coordination and reduce the possibility of duplication and overlap among the various OJP divisions. As a result of that report, the conference agreement includes a General Provision under this title, as proposed in the Senate bill, which authorizes the Assistant Attorney General for OJP to have final authority over all grants, cooperative agreements, and contracts for OJP and its component organizations. The conference agreement includes the House proposal which directs the Assistant Attorney General of OJP to develop a new organizational structure.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $2,921,950,000 for State and Local Law Enforcement Assistance, instead of $2,927,150,000 as proposed in the House bill and $2,676,650,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $2,369,950,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of $2,374,400,000 as proposed in the House bill and $2,124,650,000 as proposed in the Senate bill.

The conference agreement provides for the following programs from direct appropriations and the VCRTF:

Direct Appropriation:

Byrne Discretionary Grants	$47,000,000

Byrne Formula Grants ...	505,000,000
Total Direct Appropriations	552,000,000
Violent Crime Reduction Trust Fund:	
Local Law Enforcement Block Grant	523,000,000
Boys and Girls Clubs	*(40,000,000)*
Law Enforcement Technology	*(20,000,000)*
Juvenile Crime Block Grant	250,000,000
Indian Tribal Courts Program	5,000,000
Drug Courts	40,000,000
Upgrade Criminal History Records (Brady Bill)	45,000,000
State Prison Grants	720,500,000
Cooperative Agreement Program	*(25,000,000)*
Indian Country Earmark	*(34,000,000)*
Alien Incarceration	*(165,000,000)*
State Criminal Alien Assistance Program	420,000,000
Violence Against Women Act Programs	282,750,000
Substance Abuse Treatment for State Prisoners	63,000,000
DNA Identification State Grants	15,000,000
Law Enforcement Family Support Programs	1,500,000
Senior Citizens Against Marketing Scams	2,000,000
Motor Vehicle Theft Prevention	1,300,000
Missing Alzheimer's Patient Program	900,000
Total, Violent Crime Reduction Trust Fund	2,369,950,000

Edward Byrne Grants to States.—The conference agreement provides $552,000,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $47,000,000 is for discretionary grants and $505,000,000 is provided for formula grants under this program.

Byrne Discretionary Grants.—The conference agreement provides $47,000,000 for discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Assistance Program, as proposed in the Senate bill, instead of $47,750,000 as proposed in the House bill. Within the amount provided, the Bureau of Justice Assistance (BJA) is expected to review the following proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

—$4,000,000 for the National Crime Prevention Council;

—$1,750,000 to continue the Drug Abuse Resistance Education (DARE America) program. DARE may also apply for a grant to expand its program into middle schools under the COPS Methamphetamine/Drug Hot Spots program as proposed in the House report;

—$2,250,000 for continued funding for the Washington Metropolitan Area Drug Enforcement Task Force and for development of a regional gang tracking system;

—$1,000,000 for Project Return to include funds for evaluation of this correctional options program;

—$1,000,000 for continued funding for the National Judicial College;

—$1,500,000 to SEARCH Group, Inc. to continue and expand the National Technical Assistance Program, which provides support to State and local criminal justice agencies to improve their use of computers and information technology;

—$3,150,000 for the National Motor Vehicle Title Information System, authorized by the Anti-Car Theft Improvement Act;

—$500,000 for continuation of the Santee-Lynches Regional Council of Governments Local Law Enforcement Program;

—$1,000,000 for the National Neighborhood Crime and Drug Abuse Prevention Program;

—$925,000 to allow the Utah State Olympic Public Safety Command to continue to develop and support a public safety master plan for the games;

—$4,500,000 for the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center;

—$3,000,000 for the Community Law Enforcement and Recovery (CLEAR) program, in which city and county law enforcement agencies collaborate with community agencies to target gang leadership and hard-core gang members to remove them from the community;

—$3,500,000 for Consolidated Advanced Technologies for the Law Enforcement Program at the University of New Hampshire and the New Hampshire Department of Safety;

—$2,000,000 for a one-time grant to Tools for Tolerance for training for law enforcement officers;

—$1,500,000 for the New Hampshire Department of Safety for Operation Streetsweeper;

—$500,000 for the community security program of the Local Initiatives Support Corporation;

—$1,000,000 for the Ben Clark Public Safety Training program; and

—$1,000,000 for a Rural Crime Prevention and Prosecution program.

Within the available resources for Byrne discretionary grants, BJA is urged to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: demonstration and evaluation of the programs of Haymarket House; Chicago's Family Violence Intervention Program; the National Night Out Program; National Training and Information Center; Lincoln-Lancaster Mediation Center; Trauma Reduction Initiative; National Fraud Information Center; Stop the Violence Program; Light of Life Ministries; Westcare; South Florida Corrections options; Straight and Narrow; Public Safety Training Institute in Missouri; and for necessary trial security expenses for Jasper County, Texas.

Byrne Formula Grants.—The conference agreement provides $505,000,000 for the Byrne Formula Grant program, as proposed in both the House and Senate bills, from direct appropriations. The conference agreement includes language, as proposed in the House bill, which makes drug testing programs an allowable use of grants provided to States under this program.

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

Local Law Enforcement Block Grant.— The conference agreement includes $523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of $500,000,000 as proposed in the Senate bill, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided, the conference agreement includes language providing $40,000,000 of these funds to the Boys and Girls Clubs of America. In addition, the conference agreement includes language as proposed in the House bill that defines the Commonwealth of Puerto Rico as a unit of local government and includes language from the Senate bill, which designates parish sheriffs as the recipient of block grant funds in Louisiana. There is an awareness of the unique law enforcement system that exists in the State of Louisiana whereby the constitution of the State of Louisiana establishes independent and wholly autonomous parish sheriffs and names the sheriff as the chief law enforcement officer of the constitutionally established law enforcement districts. In addition, the conference agreement extends the set aside for law enforcement technology for which an authorization had expired, as proposed in the Senate bill.

Juvenile Accountability Block Grant.—The conference agreement provides $250,000,000 for a Juvenile Accountability Incentive Block Grant program to address the growing problem of juvenile crime, as proposed in the House bill and instead of the $100,000,000 as proposed in the Senate bill. The conference agreement includes language that continues by reference the terms and conditions for the administration of the Block Grant contained in the fiscal year 1998 appropriations bill, instead of listing those terms and conditions. The conference report does not include a set aside for discretionary grants, as proposed in the Senate bill. It has been brought to the attention of the conferees the special needs of San Bernardino, California, Douglas County, Oregon, Missoula, Montana, Billings, Montana, Montrose, Colorado, the Montrose Juvenile Probation Officers, and the North Dakota Youth Crisis Center.

Drug Courts.—The conference agreement includes $40,000,000 for drug courts as proposed in the Senate bill, instead of $43,000,000 as proposed in the House bill. The conferees note that localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant and the Juvenile Accountability Block Grant.

Upgrade Criminal History Records (Brady Bill).—The conference agreement provides $45,000,000, as proposed in both the House and Senate bills, for States to upgrade criminal history records as required under the Brady Bill.

State Prison Grants.—The conference agreement provides $720,500,000 for State Prison Grants, instead of $730,500,000 as proposed in the House bill and $711,000,000 as proposed in the Senate bill. Of the amount provided, $496,500,000 is available to States to build and expand prisons, $165,000,000 is available to States for the reimbursement cost of incarceration of criminal aliens and $25,000,000 is for the Cooperative Agreement Program. The conference agreement includes $34,000,000 for construction of jails on Indian reservations and adopts House language providing for the new construction of jails and detention facilities and not for repair and maintenance costs of existing facilities, as proposed in the Senate. There is an awareness of the special detention needs at the Barrow Correctional Facility and the Fort Berthold Indian reservation.

OJP is expected to follow the same priority for funding that exists under the current Bureau of Indian Affairs (BIA) priority list when determining the order in which tribes are allocated funding for detention facility construction projects in Indian Country, if appropriate. The BIA has expended considerable resources to establish these priorities, and it would be a duplication of these efforts to repeat the process.

State Criminal Alien Assistance Program.—The conference agreement provides a total of $585,000,000 for the State Criminal Alien Assistance Program for reimbursement to States for the costs of incarceration of criminal aliens, as proposed in the House bill, instead of $500,000,000 as proposed in the Senate bill. Of the total amount, the conference agreement includes $420,000,000 under this account for the State Criminal Alien Assistance Program as proposed in the House bill, instead of $350,000,000 as proposed in the Senate bill and $165,000,000 for this purpose under the State Prison Grants program, as proposed by the House bill, instead of $150,000,000 as proposed by the Senate bill.

The conference agreement includes concerns that OJP has been unable, for various reasons, some beyond their control, to distribute funds within the fiscal year in which they are appropriated. Based on discussions with BJA, State, and localities, OJP–BJA is instructed to use the 1998 data collection and verification process as the basis for 1999 awards, as well as 1998 awards, and to make the 1999 awards by September 30, 1999. Announcement of the 1999 program should be made to all eligible States and jurisdictions and any that did not apply in 1998 but desire to apply in 1999 shall be allowed to do so. OJP is directed to report back to the Committees by December 31, 1999, regarding the results of this approach.

If SCAAP funds are not disbursed by August 31 of the fiscal year for which the funds were appropriated, BJA is directed to immediately disburse to all jurisdictions whose prior fiscal year SCAAP award was equal to, or greater than 0.5% of total prior year SCAAP awards an amount equal to 50% of such jurisdiction's prior year award. Such jurisdictions shall be credited for partial disbursements when remaining SCAAP funds are disbursed.

Violence Against Women Act Programs.—The conference agreement includes $282,750,000 for grants to support the Violence Against Women Act, as proposed in the Senate bill, instead of $279,750,000 as proposed in the House bill. Grants provided under this account are for the following programs:

General Grants	$206,750,000
Civil Legal Assistance	(23,000,000)
National Institute of Justice	(5,200,000)
D.C. Superior Court Domestic Violence	(1,196,000)
OJJDP-Safe Start Program	(10,000,000)
Violence on College Campuses	(10,000,000)
Victims of Child Abuse Programs:	
Court-Appointed Special Advocates	9,000,000
Training for Judicial Personnel	2,000,000
Grants for Televised Testimony	1,000,000
Grants to Encourage Arrest Policies	34,000,000
Rural Domestic Violence	25,000,000
Training Programs	5,000,000
Total	$282,750,000

Within the amount provided for General Grants, the conference agreement includes $23,000,000 exclusively for the purpose of augmenting civil legal assistance programs to address domestic violence, $5,200,000 for research and evaluation of domestic violence programs, $1,196,000 to support an enhanced domestic prosecution unit within the District of Columbia, $10,000,000 for the Safe Start program which provides direct intervention and treatment to youth who are victims, witnesses or perpetrators of violent crimes in order to attempt early treatment, and $10,000,000 to combat violent crime against women on college campuses, the latter as proposed in the Senate report. Within the amounts provided, the Office of Justice Programs should consider the needs of the Aberdeen, SD CASA program.

The conference agreement includes $10,000,000 within General Grants to expand a project which provides direct intervention and treatment to youth who are victims, witnesses or perpetrators of violent crimes in order to attempt early treatment.

Substance Abuse Treatment for State Prisoners.—The conference agreement includes $63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House and Senate bills.

Indian Tribal Courts.—The conference agreement includes $5,000,000 to assist tribal governments in the development, enhancement, and continuing operation of tribal judicial systems, as described in the Senate report. These grants should be competitive, based upon the extent and urgency of the need of each applicant. OJP should consider the needs of the Waka Sica Historical Society of South Dakota ,and the Winnebago Tribe of Nebraska. OJP should report back to the Committees with its proposal as to how the program may be administered before approving any grants.

DNA Identification State Grants.—The conference agreement includes $15,000,000 for DNA Identification State Grants, as proposed by both the House and Senate bills. Within the amount made available under this program, it is expected that the OJP and the FBI review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding a $2,000,000 grant to the Marshall University Forensic Science Program, and a $1,000,000 grant to the West Virginia University Forensic Identification Program, and a $3,000,000 grant to the South Carolina Law Enforcement Division's forensic laboratory. Within the amount made available under this program, the OJP and the FBI should also review the following proposals, and provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: a forensic science partnership between the Oregon State Police and Western Oregon University; the Southeast Missouri Crime Laboratory; and the National Center for Forensic Science at the University of Central Florida Forensic Center.

Law Enforcement Family Support Programs.—The conference agreement includes $1,500,000 for law enforcement family support programs, as proposed by the House bill, instead of $2,000,000 as proposed by the Senate bill.

Senior Citizens Against Marketing Scams.—The conference agreement includes $2,000,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, as proposed by both the House and Senate bills, and including program sessions to be held at the National Advocacy Center, as proposed in the Senate report.

Motor Vehicle Theft Prevention.—The conference agreement includes $1,300,000 for grants to combat motor vehicle theft, instead of $750,000 as proposed in the House bill and instead of $2,000,000 as proposed in the Senate bill.

Safe Return Program.—The conference agreement includes $900,000 for the Missing Alzheimer's Patient Program, as proposed in both the House and Senate bills and includes the proposal in the Senate report.

WEED AND SEED PROGRAM

The conference agreement includes a direct appropriation of $33,500,000 for the Weed and Seed program, as proposed by the House bill instead of $40,000,000 as proposed by the Senate bill. The conference agreement includes the expectation that $6,500,000 will be made available from the Asset Forfeiture Super Surplus Fund, as proposed in the House bill.

Community Oriented Policing Services

VIOLENT CRIME REDUCTION PROGRAMS

The conference agreement includes $1,430,000,000 for the Community Oriented Policing Services (COPS) program, instead of $1,420,000,000 as proposed by the House and $1,440,000,000 as proposed by the Senate bill. This statement of managers reflects the conference agreement on how funds provided for all programs under the Community Oriented Policing Services program in this conference report are to be spent.

Police Corps.—Within the total amount provided, the conference agreement provides $30,000,000 for the Police Corps program, instead of $20,000,000 as proposed by the House bill and $40,000,000 as proposed by the Senate bill. The conference agreement includes the acceptance of a possible move of the Police Corps program from this account to the Office of Justice Programs.

Management and Administration.—The conference agreement also includes a provision that provides that not to exceed 266 positions, 266 workyears, and $32,023,000 shall be expended for management and administration of the program, as proposed in the House bill, instead of 266 positions, 266 workyears, and $34,023,000, as proposed in the Senate bill. A request for reprogramming or transfer of funds, pursuant to section 605 of this Act, would be entertained to increase this amount by up to $2,000,000.

Police Hiring Initiatives.—Funds have been provided since fiscal year 1994 to support grants for the hiring of 88,000 police officers. The conference agreement includes funding for an additional 17,000 officer grants, bringing the total number of new police officer grants under this program to 105,000, which will exceed the goals of the program before the year 2000. The conference agreement includes the expectation that hiring grants will include grants under the COPS Universal Hiring Program and the COPS MORE program in order to accomplish this goal.

Safe schools initiative[SSI].—The conference agreement includes $167,500,000 for a safe schools initiative which will provide funding to police departments and sheriff's offices in partnerships with schools and other community-based organizations to develop programs to improve the safety of elementary and secondary school children and educators in and around schools and for hiring school resource officers, as proposed in the Senate report. Officers hired under this initiative could be counted toward the COPS office hiring goal of 100,000 officers by the year 2000.

Indian Country.—The conference agreement includes $35,000,000 to improve law enforcement capabilities on Indian lands, both for hiring uniformed officers and for the purchase of equipment and training for new and existing officers, as proposed by the Senate. Officers hired under this initiative are to be counted toward the COPS office hiring goal of 100,000 officers by the year 2000.

Special note is made of the need for additional police officers in Jackson, Mississippi.

Non-Hiring Initiatives.—The conferees understand that the COPS program expects to fund 88,000 officers by the end of the fiscal year 1998, well above the 82,667 officers projected in the fiscal year 1999 President's Budget. The conferees recognize that this is largely due to COPS' determined efforts to streamline its hiring program's grant application and obligation processes. With significant progress being made toward hiring goals of the program, the conferees want to ensure there is adequate infrastructure for the new police officers, similar to the focus that has been provided Federal law enforcement over the past several years. The conferees believe this approach will enable police officers to work more efficiently, equipped with the protection, tools, and technology they need; address crime in and around schools, provide law enforcement technology for local law enforcement, combat the emergence of methamphetamine in new areas and provide policing of "hot spots" of drug market activity, provide model initiatives for addressing domestic violence and community prosecutor programs, provide bullet proof and stab proof vests for local law enforcement officers and correctional officers, and provide additional probation and parole officers for the District of Columbia, a new federal responsibility.

Because the hiring program is ahead of schedule, the conferees understand there are sufficient budgetary resources within the program to support these initiatives and still keep the program on track to hire 100,000 officers by the end of fiscal year 2000. Specifically, the conferees direct the program to use $180,000,000, to be made available from a combination of unobligated carryover balances and the new monies appropriated in this Act for COPS to fund initiatives that will result in more effective policing. The conferees believe that these funds should be used to address these critical law enforcement requirements and direct the program to establish the following non-hiring grant programs:

1. COPS Technology Program.—The conference agreement includes the direction of $80,000,000 to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, there is a recognition of the importance of the sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conference agreement includes the expectation that the office will award grants for the following technology proposals:

—$9,000,000 for the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of this technology network between all State and local law enforcement agencies in the four southwest border states—California, Arizona, New Mexico, and Texas-to provide information sharing of drug trafficking along the U.S.-Mexico border, by linking criminal and intelligence databases of these States, the El Paso Intelligence Center, and certain components of the Regional Information Sharing System;

—$5,000,000 to expand the Regional Information Sharing System (RISS) by providing access to law enforcement member agencies to the RISS Secure Intranet to increase their ability to share and retrieve criminal intelligence information on a real-time basis;

—$10,000,000 for the North Carolina Criminal Justice Information System, to complete development of phase II of a network to integrate data from various criminal justice agencies to meet North Carolina's public safety needs;

—$7,000,000 to the New Hampshire Department of Public Safety for the development of a pilot intergovernmental VHF trunked digital radio system, including $2,000,000 for phase 1 of development of an interoperable law enforcement communications system;

—$3,000,000 for the I–85 police technology initiative in Anderson, Greenville, and Spartanburg Counties, SC, for computer enhancements and policing equipment upgrades;

—$1,500,000 for the Alaska juvenile offender management system;

—$1,100,000 for the Jackson, Mississippi, public safety automated systems and technologies;

—$100,000 each for establishment of a 911 emergency system in Marshall County and in Moody County, South Dakota;

—$400,000 for the Fairbanks, Alaska Police Department for computer enhancements and policing equipment upgrades;

—$2,400,000 for the Anchorage, AK Mobile Data Terminals;

—$650,000 for Alaskan Village Public Safety Program for technology, equipment, and training programs;

—$1,000,000 for Utica, New York and surrounding areas for modernizing their equipment;

—$1,500,000 for Indianapolis, Indiana sheriff's office for modernizing their equipment;

—$1,500,000 for a demonstration project enabling local law enforcement officers to field-test a portable hand-held digital fingerprint and photo device which would be compatible with NCIC 2000;

—$50,000 for Riverside, California computer upgrades;

—$1,000,000 for Allegheny County, Pennsylvania for computer upgrades;

—$100,000 for Conshohocken, Pennsylvania for computer upgrades;

—$50,000 for Rockledge, Pennsylvania for computer upgrades;

—$3,000,000 for videoteleconferencing equipment necessary to assist State and local law enforcement in contacting the Immigration and Naturalization Service to allow them to confirm the identification of illegal and criminal aliens in their custody;

—$1,000,000 for Gainesville, Florida for computer upgrades;

—up to $7,000,000, if warranted, for a juvenile justice information system for the Missouri Office of the State Courts Administrator;

—more than the amount provided in the current fiscal year for the Law Enforcement On-Line system, to add State and local users to a secure national interactive computer communications network currently being developed with the FBI;

—more than the amount provided in the current fiscal year for the Jefferson Parish, Louisiana Sheriff Department for software development and network capability to enhance radio communications and to develop a model for interconnectivity and interoperability;

—funding at least at the current year level for Utah Communications Agency Network (UCAN) for enhancements and upgrades of security and communications infrastructure to assist with the law enforcement needs arising from the 2002 Winter Olympics;

—grants for technology to police and sheriff departments in communities that are in need of modernizing their equipment and for which alternative sources of funding are not available, including, if contacted, the communities of Compton, California; Missoula, Montana; Rural Emergency 911 Project of New Mexico; Lake County, California; Alhambra, California; and the New Jersey State Police; and, within available resources, for

—grants for the following programs for which alternative sources of funding are not available, if contacted: the Upgrade of the Criminal History Records Program for crime information and identification systems and for forensic laboratories.

In addition, the conference agreement includes support for the development of new technologies which enhance the ability of State and local law enforcement to respond to 911 calls. Recent developments with the use of the 311 non-emergency number has shown promising results and the conference agreement supports the use of these funds for this purpose.

2. COPS Methamphetamine/Drug "Hot Spots" Program.—The conference agreement includes the direction of $35,000,000 to be used for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The monies may also be used for policing initiatives in "hot spots" of drug market activity. There is an awareness that the production, trafficking, and usage of methamphetamine, an extremely destructive and addictive synthetic drug, is a growing national problem, particularly in California, the Southwest, and the Midwest. Within the amount provided for this program, the office is expected to award grants for the following methamphetamine or drug programs:

—$18,200,000 to the California Bureau of Narcotics Enforcement's Methamphetamine Strategy, as proposed in the House report;

—$1,200,000 for the Tri-State (Iowa/Nebraska/South Dakota) Methamphetamine Training program, as proposed in the House report;

—$4,000,000 for the Midwest Methamphetamine Initiative, as proposed in the Senate report;

—$1,000,000 for the Arizona Methamphetamine Initiative, as proposed in the Senate report;

—$1,000,000 for the Rocky Mountain Methamphetamine Initiative, as proposed in the Senate report;

—$5,000,000 for DEA support for lab and disposal of clandestine methamphetamine laboratories, as proposed in the Senate report; and

—$1,000,000 for the Northern Utah Methamphetamine Initiative, as proposed in the Senate report.

The conference agreement also includes the expectation that the office consider funding a proposal by the Drug Abuse Resistance Education (DARE AMERICA) for pilot programs in middle schools particularly at risk to test the recently agreed upon strategies resulting from consultations between the DARE program and prevention experts to improve the effectiveness of this program. The office is directed to work directly with the OJP, which is familiar with DARE, on this grant proposal.

3. COPS Safe School Initiative[SSI]/School Violence Initiatives.—The conference agreement includes direction that $17,500,000 be used to provide grants to policing agencies and schools to provide resources for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs, and drug activities, as proposed in the House report.

Within the overall amounts recommended for this program, the conference agreement includes the expectation that the COPS office examine each of the following proposals, to provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

—$250,000 for a grant to Stop Violence in Youth program to teach elementary school children through role-playing about alternatives to violence;

—$500,000 for a grant to the Home Run Program to place probation officers in school districts to assist elementary and secondary schools with children beginning to engage in delinquent behavior; and

—$1,500,000 for a grant to support the Juvenile Anti-Violence Demonstration Project of Future Homemakers of America for peer education program on alternatives to violence and crime.

4. COPS Bullet-proof vests initiative.—The conference agreement includes the direction that $25,000,000 be used to provide State and local law enforcement officers with bullet proof vests, in accordance with Public Law 105–181, recently enacted into law. The conference agreement includes the awareness of the new Internet-based approach which the Office of Justice Program's Bureau of Justice Assistance anticipates taking to administer this program. The conference agreement includes support of both the use of technology to save administrative funds and to get vests to applicants faster and more efficiently. In support of this effort, the conference agreement supports OJP's use of up to $1,200,000 for implementation and operation of this new system.

5. COPS Community Policing to Combat Domestic Violence Program.—The conference agreement includes direction that $12,500,000 be used for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

6. COPS Community Prosecutors.—The conference agreement includes direction that $5,000,000 be used for pilot community prosecutor programs to be administered by the Office of Justice Programs.

7. COPS D.C. Offender Services.—The conference agreement includes direction that $5,000,000 be used for hiring additional community supervision officers for probation, parole and pre-trial supervision activities and related program support for the District of Columbia Offender Supervision, Defender, and Court Services Agency. Within the amount, $1,250,000 is available for case management information systems.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $284,597,000 for Juvenile Justice programs, as proposed in the Senate bill, instead of $282,950,000 as proposed in the House bill. The conference agreement includes the understanding that changes to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization process of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conference agreement provides funding consistent with the current Juvenile Justice and Delinquency Prevention Act. In addition, the conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted.

Juvenile Justice and Delinquency Prevention.—Of the total amount provided, $267,597,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. $6,847,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. $89,000,000 for Formula Grants for assistance to State and local programs (Part B).

3. $42,750,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C).

Within the amount provided for Part C discretionary grants, OJJDP is directed to review the following proposals, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

—$3,000,000 for a grant for Parents Anonymous, which develops partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency;

—$1,500,000 for a grant for the continuation of the Center for Research on Crimes Against Children which focuses on improving the handling of child crime victims by the justice system;

—$1,300,000 for a grant for the Suffolk University Center for Juvenile Justice, dedicated to representing children in criminal cases in juvenile court and children and parents in civil matters as well as gang related and abuse cases;

—$2,000,000 for a grant for L.A. Best youth programs;

—$2,000,000 for a grant for Intensive Services Program for Juveniles and Families;

—$1,250,000 for a grant for the Teens, Crime and the Community program;

—$750,000 for a grant for the Delancy Street Foundation;

—$650,000 for a grant to develop local juvenile justice programs in rural Alaska;

—$383,000 for a grant for the National Association of State Fire Marshals for implementing national juvenile fire setter intervention mobilization plan, as in the Senate report;

—$250,000 for a grant for the Juvenile Offender Transition Program, a public/private partnership to reduce the rate of recidivism among juvenile offenders by partnering certain offenders with a local college or university student in a mentoring-protege program;

—$250,000 for a grant for the Syracuse-Onodaga County Drug and Alcohol Abuse Commission;

—more than the current year level for a grant for the National Law-Related Education program, if warranted;

—more than the current year level of funding for a grant for the Hamilton Fish National Institute for School/Community Violence; and

—more than the current year level of funding for a grant to continue and expand the National Council of Juvenile and Family Courts which provides continuing legal education in family and juvenile law.

In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: a grant to the Low Country Children's Center; a grant to Project O.A.S.I.S; a grant to the Consortium on Children, Families, and Law; an increased grant to the Center for Prevention of Juvenile Crime and Delinquency at Prairie View University; a grant to the Women of Vision program for youthful female offenders; a grant for the Violence Institute of New Jersey; a grant for L.A. Bridges youth programs; a grant to the Compton Youth Intervention Center for after school programs; a grant to the Kids with a Promise program; a grant for Operation Quality Time; a grant for the Achievable Dream program; a grant for the Secure School pilot program; a grant for the Youth Advocates program; a grant for the Camden Urban Science Enrichment program; a grant for the Juvenile Crime Reduction Strategies pilot program; a grant for the School Security Technology Center; a grant for the New Mexico Cooperative Service Extension 4–H Youth Development program; a grant for the Adolescent Residential Treatment Program; a grant for the Coalition for Drug Free Lanai; a grant for Youth Courts in Alaska; a grant for the Sioux Falls, SD School District for youth programs; a grant for the South Dakota Unified Judicial System; a grant for the Nebraska Commission for Law Enforcement for youth programs; a grant for the Chicago Public Schools Substance Abuse program; a grant for the Minnehaha, SD County Sheriff's office for youth programs; a grant for the Essex Teen Center and other Vermont Coalition for Teen Center's members; a grant for the Comprehensive Juvenile Justice Crime Prevention initiative in Gainesville; a grant for the Multistate Youth Violence Prevention Network; a grant to the State of Hawaii to combat teen prostitution; and a grant for Safe Places for Kids.

The conference agreement urges the Office of Juvenile Justice and Delinquency Prevention to work with the Head Start Bureau and other Federal agencies to coordinate an effort to increase public/private partnerships, such as Free to Grow, aimed at strengthening families and communities in their efforts to reduce the negative effect of substance abuse and use on the development of young children.

4. $12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes. In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: $100,000 for the Metro Denver Gang Coalition; a grant to Operation Clean Break; a grant for the Fairbanks, AK Gang Task Force; and a grant for the Sisseton, SD Gang Task Force.

5. $10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. $12,000,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk

youth through the use of mentors by bringing together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. Within the amount provided OJJDP is directed to provide a grant in an amount greater than the current year level for the Big Brothers Big Sisters of America program.

7. $95,000,000 for Incentive Grants for Local Delinquency Prevention Programs (Title V), to units of general local government for delinquency prevention programs and other activities for at-risk youth. The Title V program provides funding on a formula basis to States, to be distributed by the State for use by local units of government and locally-based public and private agencies and organizations. Administration of these funds on a formula basis ensures fairness in the distribution process.

Safe School Initiative[SSI].—The conference agreement includes $15,000,000 within the Title V grants for the Safe School initiative as proposed in the Senate report.

Tribal Youth Program.—The conference agreement includes $10,000,000 within the Title V grants for programs to reduce, control and prevent crime, as proposed in the Senate report.

Enforcing the Underage Drinking Laws Program.—The conference agreement includes $25,000,000 within the Title V grants for programs to assist States in enforcing underage drinking laws, as proposed in the Senate report, which may include, if warranted, breath alcohol testing mobiles for the Vermont Department of Public Service. Projects funded may include: Statewide task forces of State and local law enforcement and prosecutorial agencies to target establishments suspected of a pattern of violations of State laws governing the sale and consumption of alcohol by minors; public advertising programs to educate establishments about statutory prohibitions and sanctions; and innovative programs to prevent and combat underage drinking.

Drug Prevention Program. While crime is on the decline in certain parts of America, a dangerous precursor to crime, namely teenage drug use, is on the rise and may soon reach a 20-year high. The conference agreement includes $10,000,000, as proposed in the House bill, to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, and unattractive.

Victims of Child Abuse Act.—The conference agreement includes $7,000,000 for the various programs authorized under the Victims of Child Abuse Act (VOCA), as proposed in the House bill. The following programs are included in the agreement:

—$1,000,000 to establish Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

—$4,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

—$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

—$500,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes $31,809,000, as proposed by the Senate, instead of $32,309,000, as proposed by the House, in direct appropriations and assumes $4,250,000 in carryover which will fully fund anticipated payments.

In addition, the conference agreement assumes $3,200,000 in carryover balances for lump-sum payments to public safety officers who are permanently disabled in the line of duty, and $1,050,000 in carryover balances to pay for higher education to dependants of Federal, State and local public safety officers who are killed or permanently disabled in the line of duty.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 101.—The conference agreement includes section 101 as proposed by both the House and Senate bills, which makes up to $45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Sec. 102.—The conference agreement includes section 102 as proposed in the House bill, which continues certain authorities for the Justice Department in fiscal year 1999 that were contained in the Department of Justice Authorization Act, fiscal year 1980.

Sec. 103.—The conference agreement includes section 103 as proposed by both the House and Senate bills, which prohibits the use of funds to perform abortions in the Federal Prison System.

Sec. 104.—The conference agreement includes section 104 as proposed by both the House and Senate bills, which prohibits use of the funds to require any person to perform, or facilitate the performance of, an abortion.

Sec. 105.—The conference agreement includes section 105 as proposed by both the House and Senate bills, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Sec. 106.—The conference agreement includes section 106 as proposed by both the House and Senate bills, which allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed $2,000,000 per reward.

Sec. 107.—The conference agreement includes section 107 as proposed by both the House and Senate bills, which allows the Department of Justice, subject to reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation.

Sec. 108.—The conference agreement includes section 108 as proposed in the Senate bill, and similar to language in the House bill, that allows the Bureau of Prisons to make expenditures from the Commissary Fund for an Inmate Telephone System and for other purposes.

Sec. 109.—The conference agreement includes section 109, as proposed in the House bill, which replaces injury and death-related benefits for INS officers with the same humanitarian expenses given to Federal Bureau of Investigation and Drug Enforcement Administration employees. The Senate bill had no similar provision.

Sec. 110.—The conference agreement includes section 110, as proposed in the House and Senate bills, which merges the Legalization Account into the Examinations Fee Account.

Sec. 111.—The conference agreement includes section 111, as proposed in the House bill, which requires the Bureau of Prisons to report on privately operated prison security issues. The Senate bill had no similar provision.

Sec. 112.—The conference agreement includes section 112 , as proposed in the Senate bill, to authorize the Assistant Attorney General for the Office of Justice Programs (OJP) to have final authority over all grants, contracts, and cooperative agreements for OJP and its component organizations. The House had no similar provision.

Sec. 113.—The conference agreement includes section 113, as proposed by the Senate bill, which clarifies the term "tribal" for the purpose of making grant awards under programs funded in this title so that certain Indian tribes in Alaska may receive funds. The House bill had no similar provision.

Sec. 114.—The conference agreement includes section 114, as proposed by the Senate, which expands the exemption of cruise ship passengers from inspection fees to include ships which originate from a State but go into international waters or ports. The House bill had no similar provision.

Sec. 115.—The conference agreement includes a new provision, modified from the Senate bill, authorizing the Attorney General to waive certain Federal acquisition rules and regulations in certain instances related to counterterrorism, national security, or computer crime investigations and prosecutions. The House bill did not address this matter.

Sec. 116.—The conference agreement includes section 116, modified from the provision in the Senate bill, which changes the implementation date of Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act at the land and sea ports of entry to March 30, 2001, and adds that the system will not significantly disrupt legitimate cross-border traffic, instead of repealing the requirement.

Sec. 117.—The conference agreement includes a new provision, amending the Controlled Substances Act, to change the legal standard for civil violations of recordkeeping requirements for control of licit drugs to a "negligence" standard, and reduce the maximum civil penalty to $10,000. The Senate bill proposed changing the standard to "knowing" standard, and limiting civil penalties to $500. The House bill did not address this matter.

The conference agreement provides a balanced approach with respect to record keeping violations with regard to legitimate law enforcement needs and the need to provide relief from enforcement policies which impose relatively high financial penalties for record keeping violations. In assessing whether to pursue civil penalties and determining the appropriate amount of the fine to be assessed associated with record keeping violations, the Attorney General should take into account the following: whether diversion actually occurred or if the record keeping violations are of such a nature that it cannot be determined whether diversion occurred; whether actual or potential harm to the public resulted; whether the violations were intentional or negligent in nature; whether the violations were a first time offense; time intervals between inspections where no or any serious violations were found; whether the violations were multiple occurrences of the same type of violation; whether and to what extent the defendant profited from the illegal activity; and the financial capacity of the defendant to pay the fine assessed. In addition, the Attorney General may take into account whether the violator has taken immediate and effective corrective actions. In appropriate situations, the Attorney General shall act through informal procedures such as warning letters. The civil penalty limit of $10,000 per violation is a ceiling and the Attorney General has the discretion to request and the courts the discretion to waive or impose amounts less than this limit as the circumstances warrant.

Sec. 118.—The conference agreement includes section 118, as proposed in the Senate bill, directing the General Accounting Office to monitor and report to the Committees on Judiciary and Appropriations about the compliance of the Department of Justice and all U.S. Attorneys with the "Guidance on the Use of the False Claims Act in Civil Health Care Matters" issued by the Department of Justice on June 3, 1998, including any revisions to that guidance. These reports shall be submitted to Congress no later than February 1, 1999, and August 2, 1999. The reports shall be prepared in a manner that does not impede the ongoing investigations of the Department of Justice and its preparation shall be consistent with longstanding DOJ and GAO protocols. It is recommended that the Department of Justice, the Department of Health and Human Services Office of Inspector General, and the Health Care Financing Administration communicate and consult with the health-care-provider community on accurate billing practices, national initiatives, and present and future guidelines.

Sec. 119.—The conference agreement includes section 119, as proposed by the Senate, which amends Title 18 to expand the definition of firearms safety devices and to require gun dealers to certify that they have made available for sale secure gun storage or safety devices. The House bill had no similar provision.

Sec. 120.—The conference agreement includes section 120, as proposed by the Senate, which permits the use of Byrne Discretionary Grant funding for firearm safety education programs for criminal justice personnel and the general public. The House bill had no similar provision.

Sec. 121.—The conference agreement includes section 121, as proposed by the Senate, which amends Title 18 to expand the restrictions on non-citizens purchasing firearms. The House had no similar provision.

Sec. 122.—The conference agreement includes section 122, as proposed by the Senate, which amends a provision in the criminal code to expand the Attorney General's administrative subpoena authority involving a federal health care offense to also include activities involving federal offenses relating to the sexual exploitation of children. The House bill had no similar provision.

Sec. 123.—The conference agreement includes section 123 , as proposed by the Senate, which contains technical corrections to a provision which establishes criminal penalties for convicted sexual offenders who are required to register in a State program and fail to do so. The House bill had no similar provision.

Sec. *124.*—The conference agreement includes a provision, modified from the Senate bill, to authorize nursing facilities and home health care agencies to submit requests for fingerprint background checks to the FBI. The House bill contained no similar provision.

Sec. 125.—The conference agreement includes a new provision to allow the payment of certain relocation expenses for employees of the Departments of Justice and Treasury assigned to Puerto Rico and other U.S. Territories. Neither the House nor Senate bills addressed this matter.

Sec. *126.*—The conference agreement includes a new provision reducing the amounts appropriated under this title by $20,038,000, with reductions to specific accounts in accordance with the chart on Year 2000 compliance funding dated September 17, 1998, provided to Congress by the Department of Justice. It is expected that such Year 2000 compliance requirements can be met by accessing a U.S. government-wide fund for Y2K compliance. Neither the House nor Senate bills addressed this matter.

Sec. *127.*—The conference agreement includes section 127, as proposed by the Senate, which prohibits the disclosure of financial records and identifying information of any corrections officer in an action brought by a prisoner. The House had no similar provision.

Sec. *128.*—The conference agreement includes section 128, as proposed by the Senate, which exempts from a numerical limitation the adjustment of status to that of permanent residence pursuant to immigration laws for certain Iraqi nationals moved to Guam by the U.S. government. The agreement does not include the waiver of the filing fee. The House bill had no similar provision.

Sec. *129.*—The conference agreement includes section 129 to amend the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for a uniform definition of the term "unit of local government".

Sec. *130.*—The conference agreement includes section 130, that appropriates such sums as may be necessary to the Federal Savings and Loan Insurance Corporation Resolution Fund (FRF) for payments of judgments against the United States and compromise settlements of claims in suits against the United States and compromise settlements of claims in suits against the United States arising from the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) and its implementation. In addition, this section acknowledges the existing authority for the Federal Deposit Insurance Corporation to transfer funds from the FRF to the Department of Justice to support litigation expenses associated with FIRREA cases, and that funds provided in this Act may not be used for such litigation expenses.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $24,200,000 for the salaries and expenses of the Office of the United States Trade Representative, instead of $24,000,000 as proposed in the House bill, and $24,836,000 as proposed in the Senate bill, an increase of $750,000 above the fiscal year 1998 level.

The conference agreement provides the full request for inflationary adjustments and annualization costs for 14 additional personnel provided for in fiscal year 1998. The conference agreement does not provide $140,000 requested for two additional personnel in fiscal year 1999. In addition, $504,000 is not appropriated for Year 2000 compliance activities, and instead it is expected that such requirements can be met by accessing a U.S. Government-wide fund for Year 2000 compliance.

The conference agreement also includes bill language similar to a provision included in the Senate bill, allowing up to $1,000,000 to remain available until expended. The House bill did not provide such authority.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $44,495,000 for the salaries and expenses of the International Trade Commission (ITC) for fiscal year 1999, instead of $44,200,000 as proposed in the House bill and $45,500,000 as proposed in the Senate bill. The amount provided includes full funding to maintain operations and staffing at the current level of 396 full-time equivalents (FTE), and includes funds for an additional 24 FTE for activities related to sunset reviews required under the Uruguay Round Agreements Act, including litigation and rulemaking support.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $286,264,000 in new budgetary resources for the operations and administration of the International Trade Administration for fiscal year 1999, of which $1,600,000 is derived from fee collections, instead of $283,123,000 as proposed by the House bill, and $309,314,000 as recommended in the Senate bill. In addition to this amount, the conference agreement assumes $6,000,000 in prior year carryover and $10,493,000 from excess revenues available from prior years for trade activities, resulting in a total fiscal year 1999 availability of $302,757,000.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development	$59,280,000
Market Access and Compliance	17,779,000
Import Administration	31,047,000
U.S. & F.C.S.	182,736,000
Executive Direction and Administration	11,915,000
Fee Collections	(1,600,000)
Carryover/Trade Show Revenue	(16,493,000)
Total, ITA	284,664,000

ITA is directed to follow the direction included in the House report regarding submission of a spending plan, as well as guidance regarding changes in the funding distribution provided for this under this account.

Trade Development (TD).—The conference agreement provides $59,280,000 for this activity. Of the amounts provided, $47,325,000 is for the TD base program, the full amount requested, and $1,200,000 is for a new trade statistics improvement initiative as described in the House report. In addition, within the amounts provided, $7,500,000 is for the National Textile Consortium, and $2,500,000 is provided for the Textile/Clothing Technology Corporation. Further, the conference agreement includes continued funding for the Access Mexico program at the level recommended in the Senate report, and provides $500,000 for continuation of the international global competitiveness initiative recommended in the House report.

Market Access and Compliance (MAC).—The conference agreement includes a total of $17,779,000 for this activity, the full amount requested for the base program. The conferees have not provided additional funds for specialized activities previously supported by the Agency for International Development (AID). Should ITA wish to integrate these specialized activities into its regular programs, a reprogramming should be submitted in accordance with section 605 of this Act.

Import Administration.—The conference agreement provides $31,047,000 for the Import Administration. ITA is directed to submit a report to the Committees on Appropriations on related party importers no later than February 1, 1999 in accordance with the direction included in both the House and Senate reports.

U.S. and Foreign Commercial Service (U.S. & FCS).—The conference agreement includes $182,736,000 for the programs of the U.S. & FCS, an increase of $11,666,000 over the fiscal year 1998 funding level. Within the increase provided, $7,666,000 is for requested adjustments to base, and $3,000,000 is for increased staffing at domestic and overseas field offices. The amounts provided are to be used to support no less than 1,256 full-time equivalents (FTE) for the U.S. & FCS in fiscal year 1999, an increase of 7 FTE above the request, and ITA is directed to submit a plan for the allocation of these resources no later than December 15, 1998, in accordance with the direction included in the House report. In addition, within the amounts provided, $1,000,000 is for continuation of the Rural Export Initiative at its current level.

Executive Direction and Administration.—The conference agreement includes $11,915,000 for the administrative and policy functions of the ITA. Further, ITA is expected to follow the direction included in the House report regarding support for Departmental trade activities.

ITA should also follow the direction included in the House report regarding trade missions, and the direction in the Senate report regarding the establishment of a foreign currency exchange rate account.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $52,331,000 for the Bureau of Export Administration (BXA), instead of $47,777,000 as proposed in the House bill, and $45,496,000 as proposed in the Senate bill. The conference agreement assumes $2,000,000 will be available from prior year carryover, resulting in total availability of $48,331,000. Of this amount, $23,646,000 is for Export Administration; $21,505,000 is for Export Enforcement; and $3,180,000 is for Management and Policy Coordination.

The conferees note that over the last two years, BXA has received $1,800,000 in increased funding for additional responsibilities resulting from the transfer of certain export control functions from the Department of State. The conferees understand that the National Defense Authorization Act of 1999 transfers these responsibilities back to the Department of State, thus eliminating these additional duties. Therefore, while the conference agreement does not include $1,729,000 for requested program increases for Export Enforcement, BXA is expected to submit a reprogramming in accordance with section 605 of this Act reallocating resources to the highest priority enforcement activities within BXA.

In addition, the conference agreement provides $2,650,000 for Chemical Weapons Convention implementation activities, instead of $3,503,000 as requested, due to continued delays in the enactment of implementation legislation.

The conference agreement also includes bill language, as proposed in the House bill, requiring congressional notification prior to the processing of licenses for the export of satellites systems to the People's Republic of China. The conferees expect such notifications to be made jointly with the Department of State.

Presidential Decision Directive 63 (PDD–63) recommended that BXA assume responsibility for the Critical Infrastructure Assurance Office (CIAO) in fiscal year 1999. The CIAO provides the policy and coordination support for the President's Critical Infrastructure Protection Initiative. While the budget requested that the CIAO be funded through the Department of Justice Counterterrorism Fund, the conference agreement does not allow for the expansion of this Fund to pay for the operational costs of other Federal agencies participating in this government-wide initiative. Instead, the conference agreement includes $6,000,000 for the CIAO within the Department of Commerce. However, protection of our nation's critical infrastructure should be a priority for all Federal agencies, and as such, should be reflected within each agency's budget. Therefore, while the conference agreement includes additional funds to pay the costs for all agencies' participation in the CIAO, future budget requests shall be consistent with the recommendations of PDD–63 which requires each agency to provide support to the CIAO on a non-reimbursable basis.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $368,379,000 for the Economic Development Administration grant programs as proposed in the House bill, instead of $279,934,000 as proposed in the Senate bill. EDA is expected to allocate this funding in accordance with the distribution and direction included in the House report.

SALARIES AND EXPENSES

The conference agreement includes $24,000,000 for salaries and expenses for the EDA, instead of $25,000,000 as proposed in the House bill, and $21,761,000 included in the Senate bill. In addition, the conference agreement assumes EDA will have up to $3,500,000 in prior year carryover available under this account, resulting in a total availability of $27,500,000. The conference agreement does not include funds to allow EDA to hire Brownfields technicians and trade specialists. Instead, the funds provided are to be used to support the traditional EDA programs, with priority given to ensuring a fully staffed field component.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $27,000,000 for the programs of the Minority Business Development Agency (MBDA), instead of $25,276,000 included in the House bill and $25,196,000 included in the Senate bill. The conference agreement assumes that MBDA will continue its support for the Entrepreneurial Technology Apprenticeship Program at the current level, as directed in the House report.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conferees have provided $48,490,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of $48,000,000 as proposed in the House bill and $48,981,000 included in the Senate bill. The conference agreement adopts the directive included in the House report regarding the Integrated Environmental-Economic Accounting or "Green GDP" initiative.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The conference agreement does not include language, contained in the Senate bill, providing authority for the operation and financing of this Fund, as such authority has been made permanent.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

The conference agreement includes $136,147,000 for the Bureau of the Census Salaries and Expenses account, instead of $140,147,000 as proposed in the House bill, and $141,259,000 as proposed in the Senate bill. The conference agreement does not include $10,000,000 for base requirements related to Year 2000 compliance, and instead assumes this requirement will be met by accessing funds that are expected to be provided separately through a U.S. Government-wide Year 2000 compliance fund. Therefore, within the amounts provided, $4,346,000 is appropriated for continued implementation of the North American Industry Classification System, as proposed in the House bill. Due to overall funding constraints, the conference agreement does not provide additional program increases for an initiative recommended in the House bill to improve data collection for Gross Domestic Product estimates. However, the conferees are supportive of this initiative and look forward to working with the Bureau in the future to address this matter.

The Bureau is expected to follow the direction included in both the House and Senate reports regarding full reimbursement for any non-core survey requested by any other Federal agency or private organization, as well as the guidance included in the House report regarding the Single Audit Clearinghouse database.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides $1,186,902,000 for the Census Bureau's Periodic Censuses and Programs account, instead of $1,111,887,000 as proposed in the House bill, $998,626,000 as recommended in the Senate bill, and $1,027,784,000 as requested in the budget.

Decennial Census.—The recommendation includes $1,026,936,000 as a separate appropriation under this account for fiscal year 1999 for decennial census programs, instead of $951,936,000 as recommended in House bill, $845,246,000 as provided in the Senate bill, and $848,503,000 as requested in the budget. The conference agreement does not include $10,900,000 for base requirements related to Year 2000 compliance, and instead assumes this requirement will be met by accessing funds that are expected to be provided separately through a U.S. Government-wide Year 2000 compliance fund. Therefore, the conference agreement provides a total of $189,333,000 above the request to ensure that the Census Bureau is fully prepared to implement the 2000 decennial census. The conference agreement provides funds in accordance with the distribution in the House report, with the following additions above the House allowance: (1) an additional $23,000,000 for the cost associated with staffing all Census offices in fiscal year 1999; (2) an additional $17,000,000 for the costs associated with promotion, marketing, and outreach activities; and (3) $35,000,000 for the costs associated with modifying the census questionnaire and related data capture systems to accommodate a six person questionnaire.

The conference agreement also appropriates $4,000,000 for the bipartisan Census Monitoring Board in accordance with section 210 of Public Law 105–119, as included in the House bill. The Senate bill did not recommend funding for the Board.

Other Periodic Programs.—The conference agreement includes $155,966,000 for non-decennial census periodic programs, instead of $155,951,000 as proposed in the House bill, and $153,955,000 as proposed in the Senate bill, as follows:

Economic Censuses	$50,546,000
Census of governments	3,735,000
Intercensal Demographic estimates	5,260,000
Continuous measurement	20,000,000
Sample redesign	4,478,000
Electronic Information Collection	7,457,000
Geographic support	41,742,000
Data processing systems	22,748,000
Total	155,966,000

Economic Statistic Programs.—The conference agreement provides $54,281,000 for Economic Censuses and the Census of Governments. Should additional funds be required for these activities, a reprogramming should be submitted in accordance with section 605 of this Act.

Continuous Measurement.—The Bureau is expected to address the concerns expressed in both the House and Senate reports regarding this program, and is directed to comply with the direction included in both reports on this matter.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $10,940,000 for the National Telecommunications and Information Administration (NTIA) salaries and expenses as proposed in the House bill, instead of $10,898,000 as proposed in the Senate bill. In addition, the conference agreement assumes that NTIA will receive an additional $19,271,000 through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services to those agencies.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $21,000,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program as proposed in the House bill, instead of $20,889,000 as proposed in the Senate bill. NTIA is expected to use this funding for the existing equipment and facilities replacement program, and to maintain an acceptable balance between traditional grants and those to stations converting to digital broadcasting.

The conference agreement allows up to $1,800,000 of this amount to be used for program administration, as provided in the House bill, instead of $1,500,000 recommended in the Senate bill. The conference agreement contains language, similar to a provision carried in fiscal year 1998, making the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) program eligible to compete for funding under this account. Neither the House nor Senate bills included this provision.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes $18,000,000 for NTIA's Information Infrastructure Grant program, instead of $16,000,000 as recommended in the House bill, and $19,989,000 as recommended in the Senate bill.

The Senate bill increased funds for this account through an across-the-board reduction in other accounts in this title which has not been adopted in the conference agreement. It is anticipated that implementation of the universal service funds requirements of the Telecommunications Act of 1996 will reduce the funding requirements under this account. The conference agreement also contains bill language, as proposed in Section 215 of the Senate bill, to prohibit funds under this account from being used to support activities for which funding is provided through other programs. The House bill did not address this matter.

Bill language is also included, as proposed in the House bill, as follows: (1) allowing funds to be used for certain purposes; (2) designating $3,000,000 for program administration; and (3) allowing not to exceed five percent of the total amount provided to be used for certain telecommunications research activities. The Senate bill did not address these matters.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement provides a total funding level of $785,526,000 for the Patent and Trademark Office (PTO) in fiscal year 1999, as proposed in the House bill, instead of $782,523,000 as recommended in the Senate bill. Of this amount, $745,026,000 is to be derived from fiscal year 1999 offsetting fee collections, and $40,500,000 is to be derived from carryover of prior year fee collections. This amount represents an increase of $80,623,000, or 11%, above the fiscal year 1998 operating level of the PTO. Bill language is included, similar to that contained in the House bill, providing for the collection and expenditure of fees pursuant to current statutory authority. In addition, new language is included to extend the current patent fee schedule in fiscal year 1999, until such time as legislation is enacted to establish a new fee schedule. This language is required because of the delay in enactment of necessary authorization legislation to reestablish a fee structure to provide for PTO's operational needs.

The conference agreement does not include language, as proposed in the Senate bill, concerning build-out and relocation costs associated with the consolidation of PTO's headquarters. The House bill contained no similar provisions. In fiscal year 1999, the PTO is expected to enter into a lease agreement to consolidate their offices. This relocation is to be completed in 2001. Concerns have been raised about the potential cost of finishing and furnishing this new facility. However, the request for funds for these purposes is not anticipated to begin until fiscal year 2001. Therefore, the conference agreement does not address this issue, and instead consideration of such limitations has been deferred until such time as the funds are requested by the agency and such needs can be analyzed.

The PTO is expected to follow the direction included in the House report concerning its partnership with the National Inventor's Hall of Fame and Inventure Place, as well as the direction included in the Senate report regarding the establishment of an intellectual property database.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes $9,495,000 for the Technology Administration (TA), instead of $9,000,000 as proposed in the House bill, and $9,955,000 as proposed in the Senate bill. Of this amount, $2,300,000 is for the Experimental Program to Stimulate Competitive Technology (EPSCoT), and bill language is included making a portion of these funds available for two years. As recommended in the Senate report, TA is expected to allow New Hampshire to compete for funding under the EPSCoT program. In addition, TA is expected to continue its efforts to implement its plan for the program. In addition, TA is directed to follow the direction included in the House regarding support for foreign policy initiatives.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $280,136,000 for the internal (core) research account of the National Institute of Standards and Technology, instead of $280,470,000 as proposed in the House bill, and $290,482,000 as proposed in the Senate bill.

The conference agreement provides funds for the core research programs of NIST as follows:

Electronics and Electrical Engineering	$38,427,000
Manufacturing Engineering	19,368,000
Chemical Science and Technology	32,493,000
Physics	28,434,000
Material Sciences and Engineering	51,335,000
Building and Fire Research	14,898,000
Computer Science and Applied Mathematics	43,943,000
Technology Assistance	17,131,000
Baldrige Quality Awards	4,870,000
Research Support	29,237,000
Total, STRS	280,136,000

The conference agreement includes full funding for all base activities for the internal research programs of NIST, and includes selected program increases for the highest priority programs, as follows: (1) $1,800,000 for semiconductor metrology; (2) $1,200,000 to continue the disaster research program on effects of windstorms on protective structures and other technologies begun in fiscal year 1998; (3) $2,500,000 for increased support for international standards activities; and (4) $1,800,000 to expand the Malcolm Baldrige Quality Awards program to health care and education. NIST is directed to follow the guidance included in the House report regarding the placement of NIST personnel overseas.

The conference agreement includes bill language allowing up to $1,625,000 of amounts available under this account to be transferred to the NIST Working Capital Fund, as proposed in the Senate bill, instead of $1,800,000 as recommended in the House bill.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $310,300,000 for the NIST external research account instead of $287,000,000 as proposed in the House bill and $299,142,000 as proposed in the Senate bill.

Manufacturing Extension Partnership Program.—The conference agreement includes $106,800,000 for the Manufacturing Extension Partnership Program (MEP) as proposed in both the House and Senate bills, the full amount requested, to be distributed in accordance with the direction included in the House report. NIST is directed to comply with the direction included in the Senate report regarding an independent evaluation of the MEP program.

As recommended in the House bill, language is included waiving the statutory six-year limitation on Federal funding for each MEP Regional Center, subject to certain conditions, as requested in the budget. The Senate bill contained a similar waiver provision. Language is not included allowing up to $300,000 of the funds provided to the MEP program to be transferred to the NIST Working Capital Fund, as proposed in the Senate bill.

Advanced Technology Program.—The conference agreement includes $203,500,000 for the Advanced Technology Program (ATP), as recommended in the Senate bill, instead of $180,200,000 as proposed in the House bill. The recommendation provides the following: (1) $120,200,000 for continued funding requirements for awards made in fiscal years 1996, 1997, and 1998 to be derived from $96,400,000 in fiscal year 1999 funding and $23,800,000 from excess balances available from prior years; (2) $66,000,000 for new awards in fiscal year 1999; and (3) $41,100,000 for administration, internal NIST lab support and Small Business Innovation Research requirements. NIST is expected to comply with the direction included in the House report regarding reprogramming requirements and review of the current mortgage estimation formula, as well as the direction included in the Senate report regarding an outside assessment of this program. In addition, language is included in the bill designating the amounts available for new ATP awards, similar to language included in both the House and Senate bills.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides $56,714,000 for construction, renovation and maintenance of NIST facilities, as proposed in the House bill, instead of $56,684,000 included in the Senate bill. NIST is expected to follow the direction included in both the House and Senate reports regarding construction of the Advanced Metrology Laboratory. In addition, bill language is included making $40,000,000 of the funds provided in this account available upon submission of a spending plan in accordance with Section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding of $2,166,001,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of $2,009,861,000 as proposed by the House, and $2,201,167,000 as proposed by the Senate. Of these amounts, the conferees have included $1,579,844,000 in the Operations, Research, and Facilities (ORF) account, $584,677,000 in the Procurement, Acquisition and Construction (PAC) account, and $1,480,000 in other NOAA accounts.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes $1,579,844,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of $1,470,042,000 as proposed by the House and $1,612,027,000 as proposed in the Senate bill.

In addition to the new budget authority provided, the conference agreement allows a transfer of $63,381,000 from balances in the account titled "Promote and Develop Fishery Products and Research Related to American Fisheries," as proposed in the House bill, instead of $63,073,000 as proposed by the Senate. This amount will support an estimated $4,177,000 Saltonstall-Kennedy grant program. The total amount provided also includes a transfer of $4,714,000 from the Damage Assessment Revolving Fund, as included in the budget request. In addition, the conference agreement reflects prior year deobligations totaling $33,000,000.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA line offices. The Senate bill contained no similar provision. Language is not included as proposed by the House designating amounts available for certain administrative support functions and common services, as well as language regarding the use of deobligations. The Senate bill did not address this matter. Instead, NOAA is expected to work with the Committees on Appropriations to address these matters in the context of complying with the direction included in the House report regarding the development of a revised budget structure for NOAA. Further, NOAA is expected to comply with the direction included in the House report to rectify financial and budgetary management deficiencies.

The conference agreement includes modified language limiting administrative charges levied against certain activities assigned in the conference report to only the direct costs associated with administering these activities. It has become apparent that certain administrative charges and assessments have been applied against activities assigned in previous House, Senate and conference reports, and this language is included to eliminate the practice of applying nonspecific charges against these assigned activities. While there are legitimate administrative expenses such as accounting, audit and travel costs associated with administering such activities, NOAA is directed to diligently monitor these expenses. Further, such expenses are limited to no more than five percent. In addition, NOAA is directed to report to the Committees on Appropriations no later than December 15, 1998, the list of these assigned activities and the anticipated direct charges to be applied. This language and direction is intended to ensure that congressional intent is carried out while recognizing the legitimate expenses of the agency in carrying out these assigned activities. This language is not intended to affect assessments charged to NOAA line organizations for centrally administered common services and administrative support discussed in the previous paragraph.

The conference agreement does not include $22,281,000 in controversial new fisheries and navigation safety fees, as proposed in the budget request. While fees are appropriate to support certain activities within NOAA, such proposals will only be accepted if they are carefully developed with input from all interested and affected parties, and in consultation with the Congress.

NOAA Commissioned Corps.—The conference agreement includes language setting the ceiling on the number of commissioned corps officers in fiscal year 1999 at not more than 250 by September 30, 1998, instead of a ceiling of 240 officers as included in the House bill. The Senate bill did not include a similar provision. On June 17, 1998, the Administration took action to resolve the uncertainty regarding the future of the NOAA Corps by announcing its decision to continue the NOAA Corps. As part of this decision, NOAA proposed a series of management changes to realign the NOAA Corps staffing structure to emphasize ship and aircraft services and support; and to conduct periodic reviews of Corps staffing needs as ships and aircraft are decommissioned and mission requirements change. NOAA is encouraged to implement its proposal, as well as to begin recruiting new Corps officers to resolve current imbalances in the complement of NOAA Corps officers, and to report back to the Committees on Appropriations by December 15, 1998 on the status of these efforts.

Except for the additional funding described under the heading "Other" at the end of this account, the following table reflects the distribution of the funds provided in this conference agreement:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1999

	Fiscal year—				
	1998 enacted	1999 request	1999 House	1999 Senate	1999 conference
NATIONAL OCEAN SERVICE					
Navigation Services:					
Mapping and Charting	30,100	30,100	31,000	32,000	34,260
Address Survey Backlog	13,900	8,500	16,000	8,500	14,000
Subtotal	44,000	38,600	47,000	40,500	48,260
Geodesy	20,700	19,159	19,159	20,659	19,659
Tide and Current Data	11,350	11,000	12,000	11,000	12,000
Acquisition of Data	14,546	14,546	14,546	14,546	14,546
Total, Navigation Services	90,596	83,305	92,705	86,705	94,465
Ocean Resources Conservation Assessment:					
Estuarine and Coastal Assessment	2,674	2,674	2,674	2,674	
Ocean Assessment Program	35,300	35,311	33,861	42,201	40,611
GLERL		6,025		6,825	
Beaufort/Oxford Lab				2,236	
Damage Assessment	3,000	4,500	4,000		
Transfer from Damage Assessment Fund	6,700	5,683	5,683	5,683	5,683
Oil Pollution Act of 1990	1,000	1,000	1,000		
Ocean Services	2,500				

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1999—Continued

	Fiscal year—				
	1998 enacted	1999 request	1999 House	1999 Senate	1999 conference
Response and Restoration				9,174	8,774
Oceanic and Coastal Research	7,910	7,410	7,410	7,410	7,410
Subtotal—Estuarine & Coastal Assessment	59,084	62,603	54,628	76,203	62,478
Coastal Ocean Program	17,200	17,800	19,000	17,800	18,400
(South Florida Ecosystems)	1,300	1,300	1,300	1,300	1,300
Total, Ocean Resources Conservation & Assessment	76,284	80,403	73,628	94,003	80,878
Ocean and Coastal Management:					
Coastal Management:					
CZM Grants	49,700	49,700	52,700	49,700	52,700
CZM 309 Grants	—	6,000	—	6,000	—
Estuarine Research Reserve System	5,650	4,300	5,300	10,500	4,300
Nonpoint Pollution Control	1,000	6,000	2,000	2,113	2,000
Program Administration	4,500	4,500	4,500	4,500	4,500
Subtotal, Coastal Management	60,850	70,500	64,500	72,813	63,500
Marine Sanctuary Program	14,000	13,200	15,000	14,250	14,350
Total, Ocean Resources Conservation & Assessment	74,850	83,700	79,500	87,063	77,850
Total, Nos	241,730	247,408	245,833	267,771	253,193
NATIONAL MARINE FISHERIES SERVICE					
Information Collection and Analysis:					
Resource Information	99,300	92,714	94,741	106,419	106,675
Antarctic Research	1,200	1,200	1,200	1,200	1,200
Chesapeake Bay Studies	1,890	1,500	1,890	1,890	1,890
Right Whale Research	400	200	250	200	350
MARFIN	3,500	3,000	3,000	3,000	3,000
SEAMAP	1,200	1,200	1,200	1,200	1,200
Alaskan Groundfish Surveys	950	661	661	961	900
Bering Sea Pollock Research	945	945	945	945	945
West Coast Groundfish	780	780	780	900	800
New England Stock Depletion	1,000	1,000	1,000	1,000	1,000
Hawaii Stock Management Plan	500	—	—	500	500
Yukon River Chinook Salmon	700	700	700	1,075	700
Atlantic Salmon Research	710	710	710	710	710
Gulf of Maine Groundfish Survey	567	567	567	567	567
Dolphin/Yellowfin Tuna Research	250	250	250	250	250
Habitat Research/Evaluation (Beaufort Lab)	450				
Pacific Salmon Treaty Program	5,587	5,587	5,587	7,471	7,444
Hawaiian Monk Seals	550	500	550	1,000	700
Steller Sea Lion Recovery Plan	2,770	1,440	1,770	4,770	2,520
Hawaiian Sea Turtles	248	248	248	300	275
Bluefish/Striped Bass	800		1,000		1,000
Halibut/Sablefish	1,200	1,200	1,200	1,200	1,200
Shrimp Pathogens				500	
Lobster Sampling				100	
Subtotal	125,497	114,402	118,249	136,158	133,826
Fishery Industry Information:					
Fish Statistics	13,000	14,500	13,000	14,500	13,000
Alaska Groundfish Monitoring	5,500	5,200	5,200	6,100	5,500
PACFIN/Catch Effort Data	4,700	3,000	4,700	4,700	4,700
Recreational Fishery Harvest Monitoring	3,900	3,100	3,900	3,900	3,900
GULF FIN Data Collection Effort			3,000		3,000
Subtotal	27,100	25,800	29,800	29,200	30,100
Information Analyses and Dissemination	20,900	20,900	20,900	20,900	20,900
Computer Hardware and Software	4,000	4,000	4,000	4,000	4,000
Subtotal	24,900	24,900	24,900	24,900	24,900
Acquisition of Data	25,098	25,098	25,098	25,098	25,098
Total, Information, Collection, and Analyses	202,595	190,200	198,047	215,356	213,924
Conservation and Management Operations:					
Fisheries Management Programs	27,250	34,400	25,450	34,400	29,900
Columbia River Hatcheries	12,055	10,300	10,300	15,395	13,600
Columbia River Endangered Species	288	288	288	288	288
Salmon Marking				1,800	
Regional Councils	11,900	12,800	12,800	13,200	13,000
International Fisheries Commissions	400	400	400	400	400
Management of George's Bank	478	478	478	478	478
Beluga Whale Committee	200	200	200		
Pacific Tuna Management	2,300	1,250	1,250	2,900	2,300
Subtotal, Fisheries Mgmt Programs	54,871	60,116	51,166	68,861	59,966
Protected Species Management	6,200	6,200	6,200	6,950	6,200
Driftnet Act Implementation	3,278	3,278	3,278	3,428	3,378
Marine Mammal Protection Act	9,500	9,500	9,500	7,583	7,583
Endangered Species Act Recovery Plan	20,200	30,450	20,200	30,200	23,000
Dolphin Encirclement		3,300	3,300	3,300	3,300
Native Marine Mammals				800	750
Southeastern Sea Turtles				400	
Observers/Training				2,650	2,650
Fishery Observer Training Ctr	417		417		
East Coast Observers	350	350	350		
Subtotal	39,945	53,078	43,245	55,311	46,861
Habitat Conservation	8,500	10,700	8,400	10,700	9,000
Enforcement & Surveillance	17,600	18,500	17,600	18,500	17,775
Total, Conservation, Management & Operations	120,916	142,394	120,411	153,372	133,602

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1999—Continued

	Fiscal year—				
	1998 enacted	1999 request	1999 House	1999 Senate	1999 conference
State and Industry Assistance Programs:					
Interjurisdictional Fisheries Grants	2,600	2,600	2,600	3,500	2,600
Anadromous Grants	2,100	2,100	2,100	3,000	2,100
Anadromous Fishery Project		258			
Interstate Fish Commissions	6,750	4,000	6,750	8,500	7,750
Subtotal	11,450	8,958	11,450	15,000	12,450
Fisheries Development Program:					
Product Quality and Safety/Seafood Inspection	10,524	9,824	9,824	9,974	9,824
Hawaiian Fisheries Development	750			750	750
Subtotal	11,274	9,824	9,824	10,724	10,574
Total, State and Industry Programs	22,724	18,782	21,274	25,724	23,024
Total, NMFS	346,235	351,376	339,732	394,452	370,550
OCEANIC AND ATMOSPHERIC RESEARCH					
Climate and Air Quality Research:					
Interannual & Seasonal	12,900	12,900	12,900	15,900	14,900
Climate & Global Change Research	60,000	62,000	60,000	67,000	63,000
GLOBE	5,000	6,000		5,000	2,500
Subtotal	77,900	80,900	72,900	87,900	80,400
Long-term Climate & Air Quality Research	29,402	30,387	29,757	30,387	30,000
High Performance Computing	7,500	12,500	9,000	12,500	12,000
Subtotal	36,902	42,887	38,757	42,887	42,000
Total, Climate and Air Quality Research	114,802	123,787	111,657	130,787	122,400
Atmospheric Programs:					
Weather Research	37,213	34,613	34,613	36,613	36,100
Wind Profiler	4,350	4,350	4,350	4,350	4,350
Subtotal	41,563	38,963	38,963	40,963	40,450
Solar/Geomagnetic Research	5,700	6,000	6,000	6,000	6,000
Total, Atmospheric Programs	47,263	44,963	44,963	46,963	46,450
Ocean and Great Lakes Programs:					
Marine Research Prediction	22,976	15,251	19,501	23,401	26,801
GLERL	6,000		6,825		6,825
Sea Grant Program	56,000	50,182	59,000	56,000	57,500
National Undersea Research Program	15,500	4,150		15,800	14,550
Total, Ocean and Great Lakes Programs	100,476	69,583	85,326	95,201	105,676
Acquisition of Data	15,000	12,884	12,884	12,884	12,884
Total OAR	277,541	251,217	254,830	285,835	287,410
NATIONAL WEATHER SERVICE					
Operations and Research:					
Local Warnings and Forecasts	324,000	354,851	352,650	359,250	357,034
MARDI	73,674	64,036	64,036	64,036	64,036
Advanced Hydrological Prediction System		4,200		4,000	
Radiosonde Replacement	910	4,340	2,000	910	2,000
Susquehanna River Basin flood system	1,120	619	1,250	1,000	1,250
Aviation forecasts	35,596	35,596	35,596	35,596	35,596
Subtotal	435,300	463,642	455,532	464,792	459,916
Central Forecast Guidance	29,543	35,574	31,000	35,574	35,574
Atmospheric and Hydrological Research	2,489	2,964	2,964	2,964	2,964
Total, Operations and Research	467,332	502,180	489,496	503,330	498,454
Systems Acquisition:					
Public Warnings and Forecast Systems:					
NEXRAD	39,591	38,346	38,346	38,346	38,346
ASOS	5,351	7,116	7,116	7,116	7,116
AWIPS/NOAA Port		12,189	12,189	12,189	12,189
Computer Facilities Upgrades	8,000	4,600	4,600	4,600	4,600
Total, Systems Acquisition	52,932	62,251	62,251	62,251	62,251
Total, NWS	520,264	564,431	551,747	565,581	560,705
NATIONAL ENVIRONMENT SATELLITE DATA INFORMATION SERVICE					
Satellite Observing Systems:					
Polar Convergence/IPO	34,000				
Geostationary Spacecraft and Launching					
Ocean Remote Sensing	4,000	4,000	1,500	4,000	4,000
Environmental Observing Systems	50,347	51,486	50,347	54,486	53,300
Total, Satellite Observing Systems	88,347	55,486	51,847	58,486	57,300
Environmental Data Management Systems	27,500	28,550	33,550	27,500	33,550
Data and Information Services	16,335	16,335	16,335	16,335	16,335
Regional Climate Centers	2,500		2,500	3,000	2,750
Total, EDMS	46,335	44,885	52,385	46,835	52,635
Total, NESDIS	134,682	100,371	104,232	105,321	109,935

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1999—Continued

	Fiscal year—				
	1998 enacted	1999 request	1999 House	1999 Senate	1999 conference
PROGRAM SUPPORT					
Administration and Services:					
Executive Direction and Administration	19,200	19,200	19,200	19,200	19,200
Systems Acquisition Office	1,420	....	....	700	700
Subtotal	20,620	19,200	19,200	19,900	19,900
Central Administrative Support	31,850	31,850	31,850	31,850	31,850
Retired Pay Commissioned Officers	8,000	7,000	7,000	7,000	7,000
Total, Administration and Services	60,470	58,050	58,050	58,750	58,750
Aircraft Services	10,400	10,500	10,500	10,500	10,500
Rent Savings	(4,656)	....	(4,656)	....	....
Total, Program Support	66,214	68,550	63,894	69,250	69,250
Fleet planning and maintenance	13,500	9,600	6,300	11,600	11,600
Facilities:					
NOAA Facilities Maintenance	1,800	1,800	1,800	1,800	1,800
NOAA-wide Space Planning	....	735	....	735	....
Sandy Hook Lease	2,000	2,000	2,000	2,000	2,000
Environmental Compliance	2,000	2,000	2,000	2,000	2,000
WFO Maintenance	1,000	5,400	3,000	5,400	3,000
Columbia River Facilities	4,465	4,465	4,465	4,465	4,465
Total, Facilities	11,265	16,400	13,265	16,400	13,265
Direct Obligations	1,611,431	1,609,353	1,579,833	1,716,210	1,675,908
Reimbursable Obligations	317,015	195,767	195,767	195,767	195,767
Offsetting Collections (data sales)	2,400	3,600	3,600	....	3,600
New Offsetting Collections (fish fees/IFQ CDQ)	....	....	....	....	4,000
Anticipated Offsetting Collections (aerocharts)	3,000	....	....	....	....
Subtotal Reimbursables	322,416	199,367	199,367	195,767	203,367
Total, Obligations	1,933,846	1,808,720	1,779,200	1,911,977	1,879,275
Financing:					
Deobligations	(24,000)	(28,527)	(31,327)	(28,527)	(33,000)
Unobligated Balance transferred, net	(1,500)	(969)	(969)	(969)	(969)
Federal Ship Financing Fund	(1,700)	....	(1,700)	....	....
Coastal Zone Management Fund	(7,800)	(4,000)	(7,800)	(4,000)	(4,000)
Offsetting Collections (data sales)	(2,400)	(3,600)	(3,600)	....	(3,600)
Anticipated Offsetting Collections (aerocharts)	(3,000)	....	....	....	....
New Offsetting Collections (fish fees)	....	(19,781)	....	(3,000)	(4,000)
New Offsetting Collections (navigation fees)	....	(2,500)	....	....	....
Federal Funds	(172,000)	(134,927)	(134,927)	(134,927)	(134,927)
Non-federal Funds	(145,015)	(60,840)	(60,840)	(60,840)	(60,840)
Subtotal, Financing	(357,415)	(255,144)	(241,163)	(232,263)	(241,336)
Budget authority	1,576,431	1,553,576	1,538,037	1,679,714	1,637,939
Financing from:					
Promote and Develop American Fisheries	(62,381)	(62,381)	(63,381)	(63,073)	(63,381)
Damage Assess. & Restor. Revolving Fund	(5,000)	(4,714)	(4,714)	(4,714)	(4,714)
Appropriation, ORF	1,509,050	1,486,481	1,469,942	1,611,927	1,569,844

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of $253,193,000 under this account for the activities of the National Ocean Service, instead of $245,833,000 as recommended by the House, and $267,771,000 recommended by the Senate.

Mapping and Charting.—The conference agreement provides $48,260,000 for NOAA's mapping and charting programs, reflecting continued commitment to the navigation safety programs of NOS, and concerns for the ability of the NOS to continue to meet its mission requirements over the long term. Of this amount, $32,100,000 is provided for the base mapping and charting program, an increase of $2,000,000 above the request for data compilation activities. NOAA is expected to request sufficient funds within the NOS base program in fiscal year 2000 to fully support this activity. In addition, NOS is expected to increase its shoreline mapping activities in fiscal year 1999, and is requested to provide a report to the Committees on Appropriations by December 15, 1998 which indicates the amount of shoreline mapping conducted in fiscal year 1998 and planned activities for fiscal year 1999. Within the total funding provided under Mapping and Charting, the conference agreement includes $2,160,000 to establish a joint hydrographic center and to provide for stream quality monitoring in accordance with the Senate report.

Concerns remain that NOAA has not taken sufficient steps to plan for its long-term mission requirements. It is clear that the future of NOAA's hydrographic program lies in increased outsourcing to meet its nautical charting needs. While the need is understood for NOAA to ensure the quality, standards and specifications for nautical charts, NOAA must take vigorous steps to make this transition to outsourcing as an alternative method of meeting its needs. Therefore, the conference agreement also includes $14,000,000 under the line item Address Survey Backlog/Contracts exclusively for contracting out with the private sector for data acquisition needs. Further, the conferees direct NOAA to follow the direction included in the House report requiring submission of a plan to the Committees for increased outsourcing by fiscal year 2000.

Tide and Current Data.—The conference agreement includes $12,000,000 for this activity as detailed in the House report.

Ocean Assessment Program.—The conference agreement includes $40,611,000 for this activity. Within the amounts provided for ocean assessment, the conference agreement includes the following: $13,750,000 for NOAA's Coastal Services Center; $5,800,000 to continue the Cooperative Institute for Coastal and Estuarine Environmental Technology; $900,000 for the South Florida Ecosystem Restoration program; $1,000,000 to support coral reef studies in the Pacific and Southeast as described in the Senate report; $2,925,000 for pfisteria and other harmful algal bloom research and monitoring, of which $500,000 is for research on the impact of pfisteria at North Carolina State University; $1,200,000 for one-time assistance for a citizen-based clean-water task force, including the State Coastal Resource program and local governments, to address issues related to the estuaries and waterways in Beaufort County, South Carolina; and $2,436,000 for the NOAA Beaufort/Oxford Laboratory, reflecting the transfer of funding and management of this activity from the National Marine Fisheries Service and the Office of Oceanic and Atmospheric Research. In addition, the conference agreement also includes an additional $5,200,000 under Ocean and Coastal Research and the Coastal Ocean Program for research on pfisteria, hypoxia and other harmful algal blooms.

Office of Response and Restoration.—The conference agreement includes $8,774,000 for a new line item under Ocean Resources Conservation and Assessment which represents the consolidation of the following line items previously provided for separately: $2,674,000 for Estuarine and Coastal Assessment, $5,100,000 for Damage Assessment and $1,000,000 in accordance with the Oil Pollution Act of 1990.

Ocean and Coastal Research.—The conference agreement includes $7,410,000 for this activity, and includes funding at the fiscal year 1998 level for marine forensics and Southeast fisheries law enforcement, in accordance with the direction included in the Senate report.

The conference agreement does not include the proposed transfer of the Great Lakes Environmental Research Laboratory (GLERL) from the Office of Oceanic and Atmospheric Research to NOS. While consolidation of ocean and coastal research and assessment programs into a single line organization would ensure greater coordination and guard against duplication, NOAA's proposal did not meet this goal. The transfer of GLERL can be reconsidered in the context of a reorganization proposal to more fully consolidate all related programs into NOS, and NOAA is encouraged to consult with the Committees prior to the submission of a reorganization proposal.

Coastal Ocean Program.—The conference agreement provides $18,400,000 for the Coastal Ocean Program, of which $4,200,000 is provided for research related to hypoxia, pfisteria, and other harmful algal blooms. The conference agreement adopts the recommendations included in the House report regarding hypoxia research in the Gulf of Mexico and Lake Ponchartrain, and expects a portion of the increase to be provided to support these activities. The managers of COP are directed to follow the direction included in the House report regarding the Brown Tide Research Initiative, as well as the direction included in the Senate report concerning research on small high-salinity estuaries. The conference agreement also assumes continued funding at the current level for restoration of the South Florida ecosystem. Further, concerns have been expressed regarding the COP's delay in funding of a Memorandum of Understanding (MOU) for the 1995 competitively approved land use-coastal ecosystem study. The COP is directed to fully fund, from within base resources, this prior multi-year commitment at the agreed upon levels beginning with $1,200,000 for fiscal year 1999. Further, NOAA is directed to provide a report to the Committees, no later than February 1, 1999, on the projects and programs supported under COP in fiscal years 1997 and 1998.

Coastal Zone Management.—The conference agreement includes $54,700,000 for grants under sections 306, 306A, 309, and 6217 of the Coastal Zone Management Act (CZMA), an increase of $4,000,000 over fiscal year 1998. A separate appropriation for section 309 grants is not provided because such action would be inconsistent with current law. Under the CZMA, NOAA is authorized to set aside up to 20% of the funds appropriated under sections 306 and 306A for activities authorized under section 309. Therefore, increased funding has been provided under sections 306 and 306A to enable NOAA to make up to $10,540,000 available for activities authorized under section 309. In addition, the conference agreement includes $2,000,000 for the Non-Point Pollution program authorized under section 6217 of the CZMA. The conferees direct NOAA to provide a report on this program in accordance with the direction included in the House report. The conference agreement also includes $4,300,000 for the National Estuarine Research Reserve program to support the existing program, as assumed in the House bill.

Marine Sanctuary Program.—The conference agreement includes $14,350,000 for the National Marine Sanctuary Program. Of this amount, $350,000 is provided to support the activities of the Northwest Straits Citizens Advisory Commission as outlined in the House and Senate reports. In addition, a portion of the increase provided for the Marine Sanctuary Program may be used to support NOAA's on-going activities related to the U.S.S. Monitor in accordance with the House report.

Other.—Within the amounts provided for geodesy, the conference agreement includes $500,000 for continuation of geodetic survey work as described in the Senate report.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of $370,550,000 for the National Marine Fisheries Service, instead of $339,732,000 recommended by the House and $394,452,000 as recommended by the Senate. The conference agreement adopts the recommendations in the Senate report regarding the Community and Individual Fishery Quota programs.

Resource Information.—The conference agreement provides $106,675,000 for fisheries resource information. Within the funds provided for resource information, $91,750,000 is provided for the base programs, an increase of $8,836,000 over fiscal year 1998, of which $3,500,000 is for implementation of the Magnuson-Stevens Act in the North Pacific as directed in the Senate report, and of which $750,000 is for west coast groundfish research to supplement the base budget of the Northwest Fisheries Science Center. Therefore, NMFS is expected to provide not less than a total of $2,250,000 from Resource Information for this research at the Northwest Center. Such action is not intended to cause a shift in work currently performed by the Alaska and Southwest Fisheries Science Centers to the Northwest Center. In addition, within the total funds provided for resource information, the conference agreement adopts the recommendation included in the Senate report with respect to MARMAP. Under this line item, the conference agreement also includes funding for the following activities included in the Senate report: $1,500,000 for the Gulf of Mexico Stock Enhancement Consortium, $1,250,000 for research on Alaska near shore fisheries, $200,000 for an assessment of Atlantic herring and mackerel, $450,000 for Chesapeake Bay oyster research activities, $275,000 for research on the Charleston bump, $300,000 for research on shrimp pathogens, $100,000 for lobster sampling, and $300,000 for research on Southeastern sea turtles. In addition, within the amounts provided for Resource Information, $8,000,000 is included to continue the aquatic resources environmental initiative, and $1,250,000 is provided to continue the activities of the Gulf and South Atlantic Fisheries Development Foundation for data collection and analyses in the red snapper and shrimp fisheries in accordance with the House report. Further, $450,000 is also included within this line item for a study of the hard clam population in accordance with the House report.

There continue to be concerns regarding the timely implementation of the Magnuson-Stevens Act and current staffing distribution among headquarters and field offices to support this effort. Therefore, NOAA is directed to comply with the direction included in the Senate report on this matter, and to expand its report to also include the Endangered Species Act and the Sustainable Fisheries Act. Concerns have also been raised regarding implementation of the Magnuson-Stevens Act, particularly with respect to National Standards 2 and 8. Therefore, the conference agreement adopts the recommendation and direction included in the Senate report requesting the General Accounting Office to report on NMFS compliance with these standards. In addition, as described in the Senate report, concerns continue to exist regarding national coordination of commercial and recreational data collection efforts. NOAA is directed to submit a report to the Committees with its fiscal year 2000 budget request outlining the methodology used by NMFS to collect data on these fisheries and its efforts to integrate and improve data collection activities.

The conference agreement also provides funds for right whale research, including funds to continue gear modification research at the fiscal year 1998 level. The conferees expect NMFS to report to the Committees, no later than February 1, 1999, detailing gear modification research activities funded in fiscal year 1998 and its plans for fiscal year 1999. The conferees have also included funding for MARFIN and Alaskan groundfish surveys, including calibration studies, as described in the Senate report. Funding is also provided for bluefish and striped bass research in accordance with the House report.

Steller Sea Lion Recovery Plans.—The conference agreement includes $2,520,000 for this activity, including $750,000 for research as directed in the Senate report, with the remaining funds to be allocated at the fiscal year 1998 level for work by the State of Alaska, the North Pacific Universities Marine Mammal Consortium, and NMFS.

Fishery Industry Information.—Within the funds provided for Fishery Industry Information, the conference agreement provides $3,900,000 for recreational fishery harvest monitoring to be expended in accordance with the direction included in the Senate report. Funds are also appropriated under this activity for the Pacific Fisheries Information Network/Alaska Fisheries Information Network in accordance with the direction included in the Senate report. In addition, $3,000,000 is provided for a Gulf of Mexico Fisheries Information Network in accordance with the direction included in the House report. Funding is also provided to continue Alaska groundfish monitoring activities at the fiscal year 1998 level, including the final year of support for the Bering Sea Fisherman's Association Community Development Quota program.

Fisheries Management Programs.—The conference agreement includes $29,900,000 for this activity, including $350,000 to continue ongoing sea turtle recovery efforts at Rancho Nuevo and loggerhead nesting and research programs as described in the House report. Within these amounts, $230,000 is also provided for the Pacific Coral Reef fisheries management plan, as described in the Senate report, and $300,000 is for implementation of a program to prevent the importation of Atlantic swordfish which have not been harvested in a manner consistent with the recommendations under the International Convention for the Conservation of Atlantic Tuna. Such a program should restrict the importation of Atlantic swordfish that are below the United States minimum size. The conference agreement also reduces funding for the base program by $400,000 to reflect the transfer of funding for the Alaska Eskimo Whaling Commission to the new Native Marine Mammals Commission line item.

The conference agreement appropriates a total of $18,353,000 for NOAA support of Columbia River hatcheries programs, including $13,600,000 under the NMFS. Within the amount provided under the line item Columbia River hatcheries, NMFS is expected to support hatchery operations at the fiscal year 1998 level of $11,400,000, and to use the additional funding to support salmon marking activities as described in the Senate report.

Protected Species Management.—Within the funds provided for protected species management, $500,000 is for continuation of a study on the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem.

Endangered Species Recovery Plans.—A total of $23,000,000 is provided for this activity. Of these amounts, $1,000,000 is for technical support for Washington State salmon recovery efforts, and $1,000,000 is for Northwest Indian Fisheries Commission activities, as described in the Senate report. In addition, $850,000 is provided to support NMFS work on Steller sea lions in the North Pacific, and $250,000 is to be made available for the State of Alaska for technical support to analyze proposed salmon recovery plans.

Native Marine Mammal Commissions.—The conference agreement adopts the recommendation of the Senate to consolidate support for these commissions, previously provided for elsewhere within NMFS, and recommends funding be distributed as follows: (1) $400,000 for the Alaska Eskimo Whaling Commission; (2) $100,000 for the Alaska Harbor Seal Commission; (3) $200,000 for the Beluga Whale Committee; and (4) $50,000 for the Bristol Bay Native Association.

Observers and Training.—The conference agreement adopts the recommendation included in the Senate report to consolidate fishery observer and observer training programs into a single line item, and distributes funding as follows: (1) $425,000 for the North Pacific Fishery Observer Training Program; (2) $1,875,000 for North Pacific marine resource observers, which was previously funded within the Marine Mammal Protection Act line item; and (3) $350,000 for east coast observers.

Interstate Fish Commissions.—The conference agreement includes $7,750,000 for this activity, of which $750,000 is to be equally divided among the three commissions, and $7,000,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

Sea Turtle Protection and By-catch Reduction.—The conference agreement adopts the recommendations and direction included in the House report regarding the development or implementation of any new or revised biological opinions regarding shrimp fishing and turtle interaction, as well as the guidance provided regarding by-catch reduction devices.

Other.—In addition, within the funds available for the Saltonstall-Kennedy grants program, the conferees direct that $150,000 be provided to the Alaska Fisheries Development Foundation to be used in accordance with the direction included in the Senate report, and funds be provided pursuant to the direction included in both the House and Senate reports to support ongoing efforts related to Vibrio vulnificus. Further, NOAA is expected to comply with the direction included in the House report regarding the bluefin tuna fishery off the coast of Long Island.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of $287,410,000 for Oceanic and Atmospheric Research activities, instead of $254,830,000 as recommended by the House and $285,835,000 as recommended by the Senate.

Interannual and Seasonal Climate Research.—The conferees have provided $14,900,000 for interannual and seasonal climate research. Within this amount, the conference agreement provides $2,000,000 to support climate and air quality monitoring and climatological modeling activites as described in the Senate report. Further, within the amounts available to OAR, NOAA is expected to carry out its Memorandum of Understanding with the International Hurricane Center.

Climate and Global Change Research.—The conference agreement includes $63,000,000 for the Climate and Global Change research program, an increase of $3,000,000 above the amounts provided in fiscal year 1998. Of this amount, $15,000,000 is provided to support the International Research Institute and related regional application centers and activities. This increase is provided to enable the regional applications centers program to expand to the Midwest and other areas. OAR is encouraged to work with and utilize existing university resources, including the University of Northern Iowa, in its expansion of this program.

Long-term Climate and Air Quality Research.—The conference agreement provides $30,000,000 for this activity, instead of $29,757,000 as proposed by the House, and $30,387,000 as proposed by the Senate.

GLOBE.—A total of $2,500,000 is provided for this program, instead of $5,000,000 as proposed by the Senate. The House bill did not include funding for this program. NOAA is expected to comply with the direction included in the Senate report regarding this program.

Atmospheric Programs.—The conference agreement provides $36,100,000 for this activity. Of this amount $1,500,000 is provided for research related to wind-profile data in accordance with the direction provided in the Senate report.

Marine Prediction Research.—The conference agreement includes $26,801,000 for marine prediction research. Within this amount, the following is provided: $1,650,000 for Arctic Research, as directed in the House report; $2,400,000 for the Open Ocean Aquaculture program as directed in the Senate report, of which $450,000 is for the Seacoast Science Center and $25,000 is for the Teel Cove Sea Farm; $2,300,000 for tsunami mitigation; $2,100,000 for the VENTS program; $4,000,000 to continue an initiative for the aquatic ecosystems, water quality, atmospheric research, and facilities construction at the Canaan Valley Institute; $1,650,000 for implementation of the National Invasive Species Act, of which $850,000 is for Ballast Water Demonstration as directed in the Senate report; $750,000 for South Atlantic marine monitoring and prediction as directed in the Senate report; $50,000 for the sediment control study recommended in the Senate bill; $1,000,000 for the marine ecosystem initiative at the Thayer School of Engineering; $500,000 for support for the Gulf of Maine Council; and $150,000 for Lake Champlain studies. Due to recently enacted changes in the National Sea Grant Program Authorization Act, future activities related to Lake Champlain are expected to be funded through the regular Sea Grant program.

GLERL.—Within the $6,825,000 provided for the Great Lakes Environmental Research Laboratory, the conference agreement assumes continued support for the Great Lakes nearshore research and zebra mussel research programs.

Sea Grant.—The conference agreement appropriates $57,500,000 for the National Sea Grant program, and expects NOAA to continue to fund the existing oyster disease research and zebra mussel research programs within these amounts. Of the amounts provided, $1,000,000 is for the Gulf of Mexico Oyster Disease Initiative. NOAA is also encouraged to use a portion of the increase provided to support and expand mariculture activities. Further, NOAA is encouraged to follow the guidance included in the House report regarding research related to the public health risks associated with ballast water discharges.

National Undersea Research Program (NURP).—The conference agreement provides $14,550,000 for the NURP, of which $1,750,000 is for continued support of the JASON program, and $300,000 is to continue support for the *Aquarius* undersea laboratory. The remaining $12,500,000 is provided for the existing nationwide undersea research centers, a $1,000,000 reduction from the current level. This reduction is to be distributed proportionately among each of the centers, as well as program administration.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of $560,705,000 for the National Weather Service (NWS), instead of $551,747,000 as proposed by the House, and $565,581,000 as proposed by the Senate. Further, an additional $3,000,000 is appropriated elsewhere in this account for NWS facilities maintenance, and $97,948,000 is provided within the NOAA Procurement, Acquisition and Construction (PAC) account for NWS systems acquisition and construction activities.

Local Warnings and Forecasts/Base Operations.—The amount provided includes $357,034,000 for this activity, an increase of $33,034,000 above the fiscal year 1998 level. The following increases are included: $9,053,000 is for pay-related inflationary costs; $9,266,000 is for full year costs associated with maintaining a total NWS personnel base of 4,788 full-time equivalents; and $7,681,000 is for non-labor increases. Within the total amount provided for Local Warnings and Forecasts, $1,200,000 is for NOAA weather radio transmitters to be distributed in accordance with the direction included in the House and Senate reports. An additional $400,000 is also provided to enable NWS to resolve weather radio coverage problems in South Dakota. The conference agreement also includes funding, as requested, for data buoys and coastal marine automated network stations.

In addition, a total of $3,784,000 is included to implement the mitigation activities required by the Secretary's report to Congress regarding the adequacy of NEXRAD coverage in certain areas. Language is included in the bill directing the Secretary of Commerce to implement the recommendations contained in this report. NOAA is expected to follow the recommendations contained in the November 21, 1997 Secretary's team report as well as those of any subsequent reports or applicable agreements. The NWS is also expected to follow the direction included in the Senate report regarding continued radar obstruction at the NEXRAD facility located in Jackson, Mississippi.

In addition, the NWS is encouraged to continue the National Severe Storms Laboratory's support for OK-FIRST, as well as to continue the activities of NOAA's Cooperative Institute for Regional Prediction related to the 2002 Winter Olympic games.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $109,935,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes $450,059,000 under the NOAA PAC account for satellite systems acquisition and related activities.

Environment Data Management.—The conferees have included $52,635,000 for EDMS activities. Under EDMS, the conference agreement includes $2,750,000 for the Regional Climate Centers, and adopts the recommendations included in the House report regarding funding to continue weather record rescue activities.

Environmental Observing Systems.—Within the amounts appropriated, $2,500,000 is provided to continue the wind demonstration pilot project as described in the Senate report.

PROGRAM SUPPORT

The conference agreement provides $69,250,000 for NOAA program support, the amount recommended in the Senate bill, instead of $63,894,000 as recommended in the House bill. Due to the concerns expressed in the House report regarding augmentation of headquarters and policy functions through assessments against NOAA programs, bill language is included, modified from the House bill, placing a limitation on funding and staffing available to Executive Direction and Administration functions in fiscal year 1999. An exception to the staffing limitation has been provided for the Office of the General Counsel to ensure that the necessary resources are available to support activities related to the National Marine Fisheries Service.

FLEET PLANNING AND MAINTENANCE

The conference agreement includes an appropriation of $11,600,000 for this activity, as recommended in the Senate bill, instead of $6,300,000 included in the House bill. This amount includes $2,000,000 for the NOAA Pascagoula facility to purchase property with reverter options, extend the present dock, conduct dredging, repair the existing dock, and purchase equipment for the support of the NOAA vessel *Relentless*.

FACILITIES

The conference agreement includes $13,265,000 for facilities maintenance, lease costs, and environmental compliance, as recommended in the House bill, instead of $16,400,000 included in the Senate bill. NOAA is expected to follow the direction in the House report regarding budgeting for lease costs for NOAA facilities.

Within the amounts available for Facilities Maintenance, NOAA is expected to use up to $150,000 to conduct a study of space requirements at the National Centers for Environmental Prediction facility in Norman, Oklahoma and options to meet those needs through a long-term lease, or other, alternative financing arrangements.

OTHER

In addition to amounts not otherwise provided for in the above tables and narrative, the conference agreement includes an additional $5,000,000 for activities related to the Clean Water Initiative under the National Ocean Service and an additional $5,000,000 for Endangered Species Act programs under the National Marine Fisheries Service.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of $584,677,000 in direct appropriations for the Procurement, Acquisition and Construction account, and assumes $4,000,000 in deobligations from this account. The following distribution reflects the fiscal year 1999 funding provided for activities within this account:

Systems Acquisition:	
AWIPS	$67,667,000
ASOS	3,855,000
NEXRAD	7,000,000
Computer Facilities Upgrades	9,900,000
Polar Spacecraft and Launching	199,917,000
Geostationary Spacecraft and Launching	265,142,000
Subtotal, Systems Acquisition	553,481,000
Construction:	
Boulder Lab Above Standard Costs	6,370,000
WFO Construction	9,526,000
Santa Cruz Fisheries Lab	4,200,000
NERRS Construction	7,300,000
Fort Johnson Lab	3,000,000
Outer Banks Community Foundation	750,000
Long Island Bay Shore Aquarium	1,000,000
Botanical Gardens	500,000
NCEP	850,000
Pribilof Island Cleanup	700,000
Subtotal, Construction	34,196,000

Systems Acquisition.—The conference agreement provides the full amount requested for AWIPS acquisition, and continues language as proposed in the House bill requiring the Secretary of Commerce to meet certain certification requirements prior to the obligation of these funds.

Construction.—The conference agreement includes $6,370,000 for above standard costs for the Boulder Laboratory, in accordance with the direction included in the House report.

The funds appropriated for National Estuarine Research Reserve construction are to be distributed as follows: $1,300,000 is for the Kasitsna Bay Lab and Kachenak Bay NERR; and $6,000,000 is for the Great Bay NERR, as recommended in the Senate report. In addition, $750,000 is provided for the Outer Banks Community Foundation subject to the conditions in the Senate report.

Other.—Further, within the total amounts provided in this account, $1,000,000 is expected to be provided for fishermen's health care. The Secretary of Commerce is to allocate the funds under the plan in New Hampshire, Rhode Island, Maine and Massachusetts according to the following criteria: (1) the number of fishermen who are eligible to receive health care benefits under the plan; and (2) the relative demand for benefits under the plan in each State among fishermen who are eligible to receive benefits under the plan. NOAA should not expect funds to be appropriated under this Act in the future for this purpose.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of $4,000,000, as provided in the Senate bill, instead of $7,800,000 recommended in the House bill. These amounts are reflected under the National Ocean Service within the Operations, Research, and Facilities account.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $953,000 for the Fishermen's Contingency Fund, as provided in the House, instead of $952,000 included in the Senate bill.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes $189,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in both the House and Senate bills.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides $338,000 in subsidy amounts for the Fisheries Finance Program Account, instead of $388,000 recommended in the Senate bill, and $238,000 recommended in the House bill. The agreement includes $100,000 above the House level to continue entry level and small vessel Individual Fishery Quota obligation guarantees in the halibut and sablefish fisheries as recommended in the Senate report.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $30,000,000 for the general administration of the Commerce Department, instead of $31,059,000 as proposed in the Senate bill and $28,900,000 as proposed in the House bill. The conference recommendation assumes a $720,000 transfer of funding and personnel from the NOAA Systems Acquisition Office (SAO) to the Department, instead of $1,420,000 recommended in the House bill and requested in the budget.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $21,000,000 for the Commerce Department Inspector General, instead of $21,400,000 as recommended in the House bill and $19,959,000 as recommended in Senate bill. An increase is provided to enable the Office of Inspector General to continue its efforts related to the 2000 decennial census.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(RESCISSION)

The conference agreement includes a $71,000,000 rescission from fee collections and prior year appropriations, instead of a $41,000,000 rescission recommended in the House bill, and a $116,342,000 rescission requested in the budget. The Senate bill did not recommend a rescission in this account.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

(RESCISSION)

The conference agreement does not include a rescission of $5,000,000 from prior year unobligated balances in NOAA satellite programs, as proposed by the House. The Senate bill did not contain this rescission.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Section 201.—The conference agreement includes section 201, included in both the House and Senate versions of the bill, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in both the House and Senate versions of the bill, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in both the House and Senate versions of the bill, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, identical in both the House and Senate versions of the bill, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers.

Sec. 205.—The conference agreement includes section 205, identical in both the House and Senate versions of the bill, regarding transfer authority between Commerce Department appropriation accounts.

Sec. 206.—The conference agreement includes section 206, providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce, as proposed in both House and Senate bills.

Sec. 207.—The conference agreement includes section 207, included in both the House and Senate bills, requiring that any costs related to personnel actions incurred by a Department or agency funded in title II of this Act, be absorbed within the total budgetary resources available to such Department or agency.

Sec. 208.—The conference agreement includes section 208, as proposed in the House, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act. The Senate bill did not address this matter.

Sec. 209.—The conference agreement includes language, as proposed in the House bill, allowing the Department of Commerce Franchise Fund to retain a portion of its earnings from services provided. The Senate contained no similar provision.

Sec. 210.—The conference agreement includes a provision, as proposed in the Senate bill, to place a one-year moratorium on the processing or registration of a trademark application for a mark identical to the official tribal insignia of any Federally recognized Indian tribe. The House bill did not address this matter.

Sec. 211.—The conference agreement includes new language, not in either the House or Senate bills, to prohibit enforcement and transactions related to the registration and renewal of trademarks that are substantially similar to those used in connection with assets which have been confiscated.

Sec. 212.—The conference agreement includes new language, not in either the House or Senate bills, to provide for the conveyance, at fair market value, of a parcel of land in Two Harbors, Minnesota.

Sec. 213.—The conference agreement includes new language, not in either the House or Senate bills, to authorize NOAA to enter into a land transfer arrangement to allow for the construction of the NMFS laboratory facility at Lena Point, Alaska.

Sec. 214.—The conference agreement includes new language, not in either the House or Senate bills, to authorize NOAA to enter into an agreement with the State of Alaska to construct a State-owned facility on Federal land, as well as provide for the development of joint facilities with NOAA.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $31,059,000 for the salaries and expenses of the Supreme Court, the same as the amount provided in the Senate bill, and $36,000 below the amount provided in the House bill.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $5,400,000 for the Supreme Court Care of the Building and Grounds account, as provided in the House bill, instead of $5,871,000 as provided in the Senate bill and as requested in the budget. This amount is $2,000,000 above the amount provided in fiscal year 1998. The reduction from the request is taken as a general reduction.

The conference agreement allows $2,364,000 of this appropriation to remain available until expended, as provided in the House bill, instead of the entire amount, as provided in the Senate bill.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $16,101,000 for the U.S. Court of Appeals for the Federal Circuit, instead of $16,143,000 as provided in the House bill and $15,631,000 as provided in the Senate bill.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $11,804,000 for the U.S. Court of International Trade, instead of $11,822,000 as provided in the House bill and $11,483,000 as provided in the Senate bill.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides $2,821,821,000 for the salaries and expenses of the federal judiciary, instead of $2,828,329,000 as provided in the House bill and $2,808,516,000 as provided in the Senate bill.

In addition, within the amount provided under the Violent Crime Reduction Trust Fund, addressed below, an additional $10,164,000 is available for this account, providing a total availability of appropriations of $2,831,985,000.

In addition to these appropriated resources, there is likely to be available at least $155,578,000 in fee carryover from prior years, $142,880,000 in current year fees, and $78,276,000 in other resources, for a total availability of resources of $3,208,719,000. Also, the judiciary has pending Year 2000 computer compliance requirements of $13,044,000, of which $10,214,000 is for needs in this account, and the balance is in the Court Security account, for which funding is expected to be made available from pending legislation to provide additional resources for fixing Year 2000 problems.

With respect to program increases requested in the budget, the conferees believe that probation/pre-trial services are a high priority, and that sufficient resources need to be provided to allow these services to keep up with the rapidly rising number of offenders under post-release supervision. In addition, the conferees expect that security surcharge payments will be made only for validated additional services.

The language in the House report relating to electronic courtrooms is adopted by reference.

The conference agreement also appropriates $2,515,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986, as provided in both the House and Senate bills.

The conference agreement does not include a general provision added by the Senate that would require the Judicial Conference to study whether Criminal Rule 6 should be amended to allow a witness appearing before a grand jury to have counsel present. The conferees understand that the Judicial Conference of the United States will address this specific issue at the October 1998 meeting of its Advisory Committee on Criminal rules. The conferees further understand that the Advisory Committee has received the views of the American Bar Association, the National Association of Criminal Defense Lawyers, and the Department of Justice on this issue, and will proceed in accordance with established procedure consistent with the Rules Enabling Act. The conferees direct the Judicial Conference to report their findings to the Committees on Appropriations not later than April 15, 1999.

VIOLENT CRIME REDUCTION PROGRAMS

The conference agreement includes an appropriation of $41,043,000 from the Violent Crime Reduction Trust Fund, instead of $60,000,000 as provided in the House bill, and no funds as provided in the Senate bill. These funds are intended to be used to offset workload requirements of the federal judiciary related to the Violent Crime Control and Law Enforcement Act of 1994 and the Anti-Terrorism and Effective Death Penalty Act of 1996. It is intended that $10,164,000 be utilized for workload requirements under Salaries and Expenses, and $30,879,000 be utilized for workload requirements under Defender Services.

DEFENDER SERVICES

The conference agreement includes $360,952,000 for the federal judiciary's Defender Services account, as requested in the budget and as provided in both the House and Senate bills. In addition, $30,879,000 is expected to be provided from funds made available under the Violent Crime Reduction Trust Fund, as requested in the budget and provided in the House bill, instead of no funds, as provided in the Senate bill. In addition, there is expected to be carryover of $3,882,000. As a result, total availability of resources for Defender Services is expected to be $395,713,000.

The judiciary is currently projecting a shortfall of approximately $14,000,000 in this account for fiscal year 1999, even though Congress has provided the full amount of requested resources. The judiciary should take every step available to assure that the budget for this account stays within appropriated resources. Because the cost of the existing program has been rising rapidly, and because of the possibility that funding requirements in fiscal year 1999 will exceed the budget request by a significant amount, the conferees have not provided for increases in the rate for panel attorneys or other program increases.

The reports that the judiciary is expected to provide are the three reports requested in the House report, as well as the report described in the following paragraph.

The conference agreement does not include a provision included in the Senate bill that would limit monthly payments to court-appointed counsel in federal capital cases to the salary received by the United States Attorney in that district. However, the conferees remain concerned about the cost of federal capital cases. The conferees direct the Administrative Office of the United States Courts to review defense costs in federal capital cases and report on the findings to the House and Senate Judiciary and Appropriations Committees by September 30, 1999.

The conferees further direct the Administrative Office of the United States Courts to pay particular attention to the following items in the compilation of this report: 1) the number of counsel who have been appointed to represent indigent defendants in federal capital cases in the previous four fiscal years; 2) the number of instances in the previous four fiscal years in which individual appointed counsel in federal capital cases have submitted invoices for legal representation for a calendar month that exceed the amount of salary (excluding health and other employee benefits) that the law of the United States authorized to be paid to the United States Attorney in that calendar month in the district in which the case was prosecuted; 3) the number of instances in the previous four fiscal years in which federal courts have granted waivers under 18 U.S.C. 3006A(d)(3), where the representations were deemed to be extended or complex, concerning the maximum amounts of attorney compensation; and 4) the number of instances in the previous four fiscal years in which federal courts have suspended trials or other proceedings due to inadequate compensation for appointed counsel.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $66,861,000 for Fees of Jurors and Commissioners, instead of $67,000,000 as proposed in the House bill and $68,721,000 as proposed in the Senate bill. The amount provided reflects the latest estimate from the judiciary of the requirements for this account.

COURT SECURITY

The conference agreement includes $174,569,000 for the federal judiciary's Court Security account, which is $469,000 over the amount in the House bill and $2,304,000 below the amount in the Senate bill. In addition, this account is assumed to have additional resources of $1,151,000 in carryover and $2,800,000 for Year 2000 computer compliance costs from other sources of funding.

The highest priority with respect to program increases is to provide the additional court security officers needed to meet the current applicable standards. This includes one additional court security officer for the U.S. Court of Appeals for the Federal Circuit. The Committees expect to be informed as to how this will be accomplished in reference to the court-by-court tracking system that has been developed at the insistence of the Committees. In addition, it is expected that the report requested in the House report will be provided.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $54,500,000 for the Administrative Office of the United States Courts, as proposed by the House, instead of $54,682,000 as proposed by the Senate. This level of funding is intended to allow the Administrative Office to operate at current services, but does not provide additional personnel over the fiscal year 1998 level. However, the judiciary can obtain an additional 6 workyears through reimbursable positions, as requested in the budget. In addition to the amount provided, there is expected to be $39,986,000 available from other sources, including fees, carryover, and reimbursements.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $17,716,000 for the fiscal year 1999 salaries and expenses of the Federal Judicial Center, as proposed in the Senate bill, instead of $18,000,000 as provided in the House bill.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO THE JUDICIARY TRUST FUNDS

The conference agreement includes $37,300,000 for payment to the various judicial retirement funds as provided in both the House and Senate bills.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $9,487,000 for the U.S. Sentencing Commission, instead of $9,600,000 as provided in the House bill, and $9,374,000 as provided in the Senate bill. There is substantial uncertainty as to the requirements for the Commission in fiscal year 1999 as well as to concerns about whether the Commission will be able to reach decisions given the number of Commissioner vacancies.

GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes section 301 as provided in both the House and Senate bills, with minor technical differences, allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes section 302, as included in the House bill, providing the Judiciary with the authority to transfer funds between appropriations accounts but limiting, with certain exceptions, any increase in an account to 10 percent, instead of the Senate provision which would have limited the increase to 20 percent.

Sec. 303.—The conference agreement includes section 303, included in both the House and Senate bills, with minor technical differences, allowing up to $10,000 of salaries and expenses funds provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States.

The conference agreement does not include a provision included in the Senate bill, which would have allowed a cost-of-living increase in judges' salaries.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATIVE OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of $1,644,300 for Diplomatic and Consular Programs, instead of $1,657,890,000 as included in the House bill $1,685,794,000 as included in the Senate bill. This amount includes a direct appropriation of $1,644,300,000 instead of $1,631,490,000 as provided in the House bill and $1,685,094,000 as provided in the Senate bill. In Title II of the Emergency Supplemental included in This bill, and $25,700,000, to remain available until expended, is provided for increased security overseas to continue the antiterrorism initiatives included in the fiscal year 1997 appropriations Act, instead of under this account, as provided in the House bill.

The conference agreement does not include any provision for expenditure of registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, even though $700,000 for the purpose was included in both House and Senate bills. The reason for this deletion is that the National Defense Authorization for Act for fiscal year 1999 contained a provision making those fees a permanent, indefinite appropriations, which means those fees will be available without separate appropriation action. Notes is taken of the statutory change in export licensing responsibility for commercial satellites from the Commerce Department administered Commerce Control List to the State Department administered U.S. Munitions List. The conference agreement provides $2,000,000 over fiscal year 1998 levels for the Office of Defense Trade Controls. That office is directed to apply increased resources to hiring additional senior personnel; (GS–13 through GS–15) and support staff to improve scrutiny of export license applications, enhance end-use monitoring, and strengthen compliance enforcement measures to ensure that U.S. technology is properly safeguarded when exported.

The conference report also includes a provision to collect and deposit as an offsetting collection to this account Machine Readable Visa fees in fiscal years 1999 and 2000 to recover authorized costs. The Senate bill included a similar provision but would have made it permanent. The House bill did not include a provision on this matter.

The conference report includes language making available $500,000 for the National Law Center for Inter-American Free Trade, as provided in the Senate bill. The House bill did not include a similar provision.

The conference agreement does not include a provision transferring $13,000,000 to the East-West Center, which was proposed in the Senate bill. The House bill did not include a similar provision.

The conference report contains a provision allowing not to exceed 20 percent of the amounts available under this account and the Salaries and Expenses accounts to be transferred between the two accounts, as provided in the House bill. The Senate bill did not contain a provision on this matter, but instead proposed changing the overall transfer authority for this Title under section 402.

The amount provided in the conference agreement is slightly above the current services requirement for the Department. Within this amount, and within any savings the Department identifies, the Department will have the ability to propose that these funds be used for needs not funded by the recommendation, including high priority program increases such as China 2000, through the normal reprogramming process. With respect to China 2000, it is expected that language training will be provided prior to personnel being sent to China.

The language in the House report under this heading is to be followed in expending fiscal year 1999 funds. In addition, this statement of managers adopts by reference the provisions in the Senate report addressing the Arctic Council, the Bering Straits Commission, and the Multi-lateral High Level Conference.

The Senate provision prohibiting the expenditure of funds on non-reimbursable details, details to non-government organizations, or details as faculty advisers until the Secretary certifies that embassy manning is at 100 percent of the requirements set by the overseas staffing model has not been adopted. Instead, the Department is directed to provide the Committees on Appropriations with a report justifying the aforementioned details not later than December 31, 1998. To the degree that non-reimbursable details can be eliminated or converted to reimbursable details, the resultant savings can be used to hire additional Foreign Service Officers.

SALARIES AND EXPENSES

The conference agreement includes a total of $355,000,000 for Salaries and Expenses, instead of $365,235,000 as proposed in the House bill and $349,474,000 as proposed in the Senate bill.

The conference agreement moves the cost of the renovation of the Main State Building from this account to the Security and Maintenance of U.S. Missions, as proposed in the Senate bill. Taking this into account, the amount provided for this account allows $7,813,000 of requested adjustments to base.

To the extent that savings are identified by the Department, they can be used to restore the remaining adjustments to base. The only program increase requested for this account was for the cost of the renovation of the Main State Building, which has been addressed in another account.

The conference agreement includes a provision transferring $813,333 to the Presidential Advisory Commission on Holocaust Assets in the United States, as proposed in the House bill. The Senate bill did not include a similar provision.

CAPITAL INVESTMENT FUND

The conference agreement includes $80,000,000 for the Capital Investment Fund, the amount included in the House bill, instead of $118,340,000 as proposed in the Senate bill. This represents the amount of the request not associated with year 2000 computer conversion costs. Year 2000 conversion costs of $38,340,000 included in the request and additional costs identified since the time of the budget request are anticipated to be addressed through funds that may be provided separately for U.S. Government-wide year 2000 compliance.

The provisions in the House report are adopted by reference.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $27,495,000 for the Office of Inspector General, which has jurisdiction over the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, as proposed in the Senate bill, instead of $28,000,000 as proposed in the House bill.

It is recommended that the Inspector General exercise appropriate oversight over the International Commissions funded under this title.

REPRESENTATION ALLOWANCES

The conference agreement includes $4,350,000 for Representation Allowances, instead of $4,200,000 as proposed in the House bill and $6,500,000 as proposed in the Senate bill. The Senate bill recommended the consolidation of representation funds, including those provided under the Emergencies in the Diplomatic and Consular Service, and included new bill language citations to implement that recommendation. The conference agreement retains the current structure.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $8,100,000 for Protection of Foreign Missions and Officials, as provided in the House bill, instead of $7,900.000 as provided in the Senate bill.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes $403,561,000 for this account, instead of $396,000,000 as proposed by the House, and $550,832,000 as proposed by the Senate. This amount includes $7,561,000 for the renovation of the Main State Building, as proposed in the Senate bill, instead of funding under the Salaries and Expenses account as recommended in the House bill. In addition, the budget request indicated a planned expenditure of $126,128,000 from proceeds of sale of surplus property for opportunity purchases and capital projects.

The Department is directed to submit, and receive approval for, a financial plan for the funding provided here under this account, whether from direct appropriations or proceeds of sales, prior to the obligation or expenditure of funds for capital and rehabilitation projects. The plan shall include project-level detail, and shall be provided to the Appropriations Committees not later than 30 days after the date of enactment of this Act. Any deviation from the plan after approval shall be treated as a reprogramming in the case of an addition greater than $500,000 or as a notification in the case of a deletion, a project cost overrun exceeding 25 percent, or a project schedule delay exceeding 6 months. Notification requirements also extend to the rebaselining of a given project's cost estimate, schedule, or scope of work.

As in the past, immediate notification is expected if there are facilities that the Department believes pose serious security risks.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $5,500,000 for Emergencies in the Diplomatic and Consular Service account, as provided in the House bill, instead of $3,500,000, as provided in the Senate bill.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of $1,200,000 for the Repatriation Loans Program account, as provided in the House bill, instead of $1,000,000 as provided in the Senate bill.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $14,750,000 for the Payment to the American Institute in Taiwan account, instead of $15,000,000 as proposed in the House bill, and $14,490,000 as proposed in the Senate bill.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $132,500,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House and Senate bills.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $922,000,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of $914,000,000 as proposed in the House bill, and $1,131,718,000 as proposed in the Senate bill, of which $877,718,000 was for current year assessments, and $254,000,000 was for payment of arrearages to the United Nations. The conference agreement includes all arrearage payments under a separate account.

The conference agreement includes language providing that none of the funds can be used for the U.S. share of interest costs for loans incurred after October 1, 1984 through external borrowings, as provided in the House bill. The Senate bill did not contain a similar provision.

The conference agreement contains a provision that $100,000,000 may be made available to the United Nations only on a semiannual basis pursuant to a certification that the U.N. has taken no action to cause the U.N. to exceed the expected 1998–1999 budget of $2,533,000,000, as provided in the House bill. The Senate bill contains no similar provision.

The conference agreement includes a provision that not to exceed $15,000,000 shall be transferred from this account to the International Conferences and Contingencies (ICC) account for United States contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission for specified purposes, as provided in the House bill. The Senate bill did not contain a provision on this matter. The first $385,000 of such transfer is to be spent on upgrading, operating, and maintaining international monitoring sites described in the Senate report under the Arms Control and Disarmament Agency. The State Department is expected to consult with the Committees on Appropriations prior to such a transfer.

The conference agreement also includes a provision permitting not to exceed $1,223,000 to be transferred to the ICC account for assessed contributions to new or provisional organizations or for travel expenses of official delegates to international conferences, subject to reprogramming requirements, as provided in the Senate bill. The House bill did not contain a provision on this matter.

The conference agreement includes $2,000,000 to establish an international center for response to chemical, biological and nuclear weapons, instead of $2,400,000 as proposed in the Senate bill. The House bill did not contain a provision on this matter.

The conference agreement does not contain a number of provisions in the Senate bill relating to payment of arrearages. Arrearages are addressed in a separate account.

The $922,000,000 provided by the conference agreement is expected to be sufficient to fully pay assessments to international organizations. In fiscal year 1998, the total required from fiscal year 1998 appropriations to fully pay assessments was $869,103,000. With excess fiscal year 1998 funds, the Department has prepaid $19,953,000 of the fiscal year 1999 assessment to the United Nations.

Within the request, there are a number of assessments that are not required, including the International Seabed Authority and the International Tribunal of the Law of the Sea. In addition, no funding is provided for the Inter-American Indian Institute, the Interparliamentary Union, and the Bureau of International Expositions. In addition, the Department is apparently contemplating for the first time not withholding funds that it believes constitute an overpayment to the tax equalization fund at the U.N., which, if current policies were continued, would save approximately $7,000,000.

To the extent that, due to unanticipated exchange rate changes, the amount is not sufficient to fully pay assessments, the conferees intend that funds be provided to the highest priority organizations as indicated in the House report.

The Statement of Managers does not adopt a Senate provision tying release of payments to international organizations to certification that the overhead costs of a given international organization account for no more than 15 percent of the total budget of that organization. Instead, the Department is directed to update its report on international organization overhead rates. The report should include a clear, consistent definition of overhead costs, and should be delivered to the Committees on Appropriations no later than March 13, 1999. To the degree that resources in this account fall short of needs, the Department should withhold payments from organizations with the highest overhead rates. The Department is expected to consult with the Committees on Appropriations should reductions become necessary.

The conference agreement intends that the funding provided under this account be for assessments for all international organizations. The Senate bill proposed to transfer funding for 7 commodity-based organizations to the Commerce Department and 3 justice-related organizations to the Justice Department.

The conference report includes a new provision, not included in either the House or Senate bill, which would ensure that the Department has the authority to pay for the full U.S. assessment to the civil budget of the North Atlantic Treaty Organization.

Provisions in the House report relating to a report on budget reductions and reforms in international organizations, Israel's acceptance into the Western Europe and Other Group regional bloc, the Pan American Health Organization, and no funding for worldwide conferences are adopted by reference.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $231,000,000 for Contributions for International Peacekeeping Activities, instead of $220,000,000, as proposed in the House bill, and $431,093,000 as proposed in the Senate bill, of which $210,093,000 was for payment of current year peacekeeping assessments and $221,000,000 was for payment of peacekeeping arrearages. The conference agreement addresses arrearages under a separate account.

The conference agreement includes a provision that prohibits obligation or expenditure of funds for new or expanded U.N. peacekeeping missions unless, at least 15 days prior to the Security Council vote, the appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and a reprogramming of funds is submitted setting forth the source of funds that will be used to pay for the cost of the new or expanded mission, as included in the House bill. The Senate bill did not contain a provision on this matter.

The conference agreement contains a provision requiring a certification that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for U.N. peacekeeping activities equal to those being given to foreign manufacturers and suppliers, as provided in the House bill. The Senate bill did not contain a provision on this matter.

In addition, the conference agreement includes a provision prohibiting funds from being used to pay the United States share of the cost of judicial monitoring that is part of any United Nations peacekeeping mission. Thus, if any current or future peacekeeping operation includes judicial monitoring as one of its functions, the U.S. will have to withhold its proportionate share of the cost of any court monitoring that is included in such a mission. This provision was not included in either the House or the Senate bill.

The conference agreement does not include several provisions relating to arrearages that were included in the Senate bill, as arrearages are addressed under a separate account.

This statement of managers adopts by reference language in the House report making it clear that the Department is expected to live within the appropriation; requiring reprogramming requirements for certain missions that may continue, but for which information has either not been provided or is under consideration; requiring a report on waste, fraud and abuse in peacekeeping operations, and to take all actions necessary to prevent conversion of loaned employees into permanent positions at the United Nations. This statement of managers adopts by reference language in the Senate report urging the Department to pursue cost-sharing arrangements on peacekeeping missions and directing the State Department to block any effort to convert Rapidly Deployable Mission Headquarters funding from voluntary to assessed contributions.

ARREARAGE PAYMENTS

The conference agreement includes $475,000,000 for arrearage payments, as proposed in the House bill under this account, instead of $254,000,000 and $221,000,000 as proposed in the Senate bill under Contributions to International Organizations and Contributions for International Peacekeeping, respectively. The conference agreement makes the expenditure of these funds contingent upon enactment of an authorization, and upon a reduction in the U.S. assessment rate for the U.N. regular budget to at least 22 percent, and for peacekeeping to at least 25 percent, as proposed in the House bill.

These conditions, including those conditions pending as part of the authorization, are intended to assure that real and substantial reforms are achieved at the U.N. prior to payment of arrearage funding, and to assure assessment reductions that will provide long-term savings to the American taxpayer.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

The conference agreement includes $19,551,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC), instead of $18,490,000 as proposed in the House bill, and $17,490,000 as proposed in the Senate bill. The total amount provided in the conference agreement for Salaries and Expenses and Construction is the same as was provided in the House bill. However, $1,061,000 has been moved from Construction to Salaries and Expenses to address a situation brought to the attention of the conferees by the Department. Costs for operation of the South Bay International Wastewater Treatment Plant are higher than budgeted due mainly to the requirement to monitor the ocean water after the new plant begins discharging treated wastewater. Appropriated and carryover funds are sufficient in the Construction account to address this additional need as well as to carry on planned construction activities, but the amount of funds required to be transferred to the Salaries and Expenses account exceeds the transfer authority available. Consequently, the adjustment was requested to be made a part of the conference report. Carryover funds from within the Construction account from the Tijuana Sanitation Project are to be used to make up the reduction in Construction funds caused by the switch.

The statement of managers adopts by reference language in the House report relating to the Nogales Wash.

CONSTRUCTION

The conference agreement includes $5,939,000 for the Construction account of the IBWC, instead of $7,000,000 as proposed in the House bill and $6,463,000 as proposed in the Senate bill. As explained under the previous account, $1,061,000 has been moved from the House amount for Construction to Salaries and Expenses to cover an unbudgeted need that could not be solved through a transfer of funds after enactment of this appropriation. However, carryover from the Tijuana Sanitation Project is available to allow the Construction account to carry out planned projects. It is intended that $2,000,000 be provided for the Rio Grande Canalization project.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $5,733,000 for the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission, instead of $5,490,000 as provided in both the House and Senate bills. The conference level will provide funding for the International Joint Commission at the request level, and the International Boundary Commission and the Border Environment Cooperation Commission at the fiscal year 1998 level.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $14,549,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed in the Senate bill, instead of $14,490,000 as proposed in the House bill. The distribution of funds is to be provided as requested in the budget.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $8,250,000 for the Payment to the Asia Foundation account, the amount provided in the House bill, instead of no funding, as provided in the Senate bill. The increase over the fiscal year 1998 level is to be used for the purposes described in the House report.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes $41,500,000 for the Arms Control and Disarmament Agency (ACDA), as proposed in the House bill, instead of $43,400,000 as proposed in the Senate bill. The Agency is directed to provide a detailed financial plan to the Committees within 30 days of enactment of this Act, setting forth how these funds will be distributed to fund basic operating expenses. Funding for activities other than basic operating expenses that are identified in the financial plan will be subject to the $500,000 reprogramming threshold in section 605 of this Act. Any variation from the plan that falls within the reprogramming criteria of section 605, including spending for activities that do not constitute operating expenses, shall be subject to reprogramming. If the Agency is contemplating changes to its financial plan, the Agency is expected to consult with the Committees to determine whether those changes fall within the reprogramming criteria prior to undertaking such action.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

The conference agreement includes $455,246,000 for International Information Programs of the United States Information Agency (USIA) instead of $457,146,000 as proposed in the House bill, and $427,097,000 as proposed in the Senate bill. It is expected that the program direction included in both the House and Senate reports shall be followed.

TECHNOLOGY FUND

The conference agreement includes no funding under the Technology Fund account as proposed in the House bill, instead of $5,050,000 as proposed in the Senate bill. It is expected that USIA will be able to meet its highest priority technology funding needs by using the available carryover funds in this account, and through other appropriations that may be available separately for Year 2000 compliance. In addition, under the Educational and Cultural Exchange Programs account, the conference agreement provides authority to transfer up to $2,000,000 to this account for technology requirements other than Year 2000 compliance.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $202,500,000 for Educational and Cultural Exchange Programs instead of $200,000,000 as proposed in the House bill and $205,024,000 as proposed in the Senate bill. The conference agreement also provides that not to exceed $800,000 may be credited to this appropriation from fees and other payments.

The availability of significant carryover and recovery funds in this account is noted, and USIA is directed to submit a proposal, no later than December 31, 1998, through the normal reprogramming process for the distribution of the total resources available in this account. Such a distribution shall include funding for the following programs at not less than the amounts designated. In addition, all programs specifically mentioned in the House and Senate reports, but not mentioned in the following list shall be supported to the maximum extent possible: Fulbright Academic Exchanges—$95,000,000; Educational Advising and Student Services—$3,100,000; English Language Programs—$2,479,000; Council of Overseas American Research Centers—$300,000; American Overseas Research Centers—$1,700,000; South Pacific Exchanges—$500,000; International Visitors Program—$41,270,000; Congress-Bundestag Youth Exchange—$2,400,000; Pepper Scholarships—$250,000; Executive Education Program for Central European Business and Professional Leaders—$275,000; Mike Mansfield Fellowships—$2,200,000; U.S./Mexico Conflict Resolution Center—$500,000; Institute for Representative Government—$400,000; National Youth Science Camp of the Americas—$100,000; Interparliamentary Exchanges with Korea and China—$150,000; 1999 Women's World Cup—$2,000,000 and Special Olympics—$1,250,000. In addition, the distribution of funds shall include funding, to the maximum extent possible, for the Disability Exchange Clearinghouse program.

It is intended that the amount provided for the Congress-Bundestag Youth Exchange will support 380 exchanges.

USIA is again encouraged to introduce more competition to improve the quality and lower the costs of exchange programs. USIA is expected to continue to consult with the Committees to ensure that the competition for the administration of the Fulbright senior scholar program will address the issue of competition on a regional basis so as to maximize the availability of competitor organizations.

The conference agreement includes bill language not proposed in either bill which allows the transfer of not to exceed $2,000,000 from the funds made available in this account to the Technology Fund account to provide for the costs of high priority technology requirements other than Year 2000 compliance.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Trust Fund in fiscal year 1999 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 1999 to be used for necessary expenses of the Israeli Arab Scholarship Program.

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $362,365,000 for International Broadcasting Operations, instead of $383,957,000 as proposed in the House bill, and instead of $332,915,000 as proposed in the Senate bill. The conference agreement adopts the approach proposed in the Senate bill for broadcasting to Cuba. No funds for broadcasting to Cuba are included under this account, as proposed by the House, but rather, all funding for broadcasting to Cuba is included under a separate account, as proposed by the Senate, consistent with the fiscal year 1998 appropriations Act.

The amount provided includes all requested adjustments to base. In addition, the conference agreement includes a program increase of $2,600,000 above the amount requested for Radio Free Asia (RFA). Total fiscal year 1999 funding of $22,000,000 for RFA provides the annualized costs of fiscal year 1998 program increases for expanded broadcasting to China, and additional resources to provide for 24 total broadcast hours per day to China in various languages.

The Agency and the Broadcasting Board of Governors are directed to submit to the House and Senate Committees on Appropriations, no later than December 31, 1998, a financial plan including a distribution of the total resources available under this account. In addition, The Broadcasting Board of Governors is directed to implement the development of Uighur and Macedonian broadcasting by Radio Free Asia and the Voice of America, respectively, and to submit details of this implementation to the Committees along with the financial plan no later than December 31, 1998.

Within the total amount provided for international broadcasting operations, $4,000,000 shall be for the costs of Radio Free Iran, a Farsi-language surrogate broadcasting service to Iran, which was initiated by Radio Free Europe/Radio Liberty with funding provided in 1998. The conference agreement does not include additional funding for Radio Free Europe/Radio Liberty to initiate and operate Radio Free Iraq, a new Arabic language broadcast service. Funding provided in the 1998 Supplemental Appropriations Act (P.L. 105–174) was sufficient to support the fiscal year 1998 and fiscal year 1999 costs of Radio Free Iraq. The conference agreement reflects continuing support for the contribution made by Radio Free Europe/Radio Liberty to United States national interests.

In recognition of language included in the Senate report, communications with the House and Senate Committees on Appropriations on the part of the various broadcasting entities, including the independent grantee organizations, shall be coordinated through the Broadcasting Board of Governors.

Within the total amount provided for the Voice of America, the conference agreement stipulates that the Voice of America may initiate expanded programming to Africa under a service entitled "Radio Democracy for Africa," subject to reprogramming, even if the funds provided are less than the thresholds established in section 402 and 605 of this Act. This service would expand VOA's reach into Africa by building on existing programs, adding more news, and increasing in-country reporting on a continent where only six of the 54 countries have a free press. USIA and the Broadcasting Board of Governors shall provide the Committees with a detailed plan justifying the specific amounts dedicated to Radio Democracy for Africa.

BROADCASTING TO CUBA

The conference agreement includes $22,095,000 for Broadcasting to Cuba under a separate account, as proposed in the Senate bill, instead of $21,992,000 within the total for International Broadcasting Operations, as proposed in the House bill.

RADIO CONSTRUCTION

The conference agreement includes $13,245,000 for Radio Construction, as proposed in the Senate bill, instead of $16,308,000 as proposed in the House bill. This account provides funding for the following activities: maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The conference agreement takes into account the availability of approximately $10,700,000 in carryover balances, and the transfer of $2,866,000 in fiscal year 1998 from the International Broadcasting Operations account to support the retrofitting of transmitters with solid state modulators, originally budgeted as a fiscal year 1999 cost.

The conference agreement acknowledges the presence once again of large carryover balances attributed to the Digital Project. The Broadcasting Board of Governors is directed to submit to the Committees quarterly reports on the status of the project, including information on planned and actual obligations.

EAST-WEST CENTER

The conference agreement includes $12,500,000 for operations of the East-West Center, instead of no funds, as proposed in the House bill, and $12,000,000, as proposed in the Senate bill. The conference agreement does not include a transfer of $13,000,000 from the Department of State, Diplomatic and Consular Programs account, as proposed in the Senate bill.

NORTH/SOUTH CENTER

The conference agreement includes $1,750,000 for operations of the North/South Center, instead of no funds, as proposed in the House bill, and $3,000,000, as proposed in the Senate bill.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $31,000,000 for the National Endowment for Democracy as proposed in the House bill, instead of $30,500,000 as proposed in the Senate bill.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

Section 401.—The conference agreement includes section 401, as provided in the Senate bill, permitting use of funds for allowances, differentials, and transportation. The House bill contained a similar provision, with minor technical changes.

Sec. 402.—The conference agreement includes section 402, as provided in the House bill, dealing with transfer authority. The Senate bill contained a similar provision, with minor technical changes.

Sec. 403.—The conference agreement includes a provision, as proposed in the House bill, to allow payment of a border equalization adjustment to approximately 20 employees of the Department of State and other agencies who are not members of the Foreign Service, live in the United States, but commute to work in locations in Mexico and Canada. This section will equalize pay for these employees based on the locality pay rates paid for service performed in the

United States within the locality pay areas closest to the employees' foreign duty station. The Senate bill did not include a provision on this matter.

Sec. 404.—The conference agreement includes section 404, as proposed in the House bill, permitting the Japan-U.S. Friendship Commission to interchange funds between its dollar and yen trust funds to maximize return on investments. The Senate had a similar provision as section 617 under Title VI, with minor technical differences. The Conference agreement does not include additional language, as proposed in the House bill, providing for the name of the Commission to be changed to the United States-Japan Commission.

Sec. 405.—The conference agreement includes section 405, as provided in the House bill, authorizing the Director of USIA to administer summer travel and work programs without regard to preplacement requirements. The Senate bill did not include a provision on this matter.

Sec. 406.—The conference agreement includes section 406, as provided in the House bill, extending privileges and immunities to the United Nations Industrial Development Organization to the same extent as would apply if the U.S. were a member of that organization. The Senate bill did not include a provision on this matter.

Sec. 407.—The conference agreement includes section 407, as provided in the House bill, extending law enforcement availability pay to diplomatic security agents of the Department of State. The Senate bill did not include a provision on this matter.

Sec. 408.—The conference agreement includes section 408, a modified version of a provision numbered section 403 in the Senate bill, prohibiting the use of funds by the Department of State or USIA to provide certain types of assistance to the Palestinian Broadcasting Corporation. The conference agreement does not include "training" among the types of assistance prohibited, and deletes the words "or similar organization" from the Senate provision. The House did not include a provision on this matter, but included report language under the USIA section. The conference agreement expects that neither the Department of State, nor USIA, shall provide assistance to the PBC, or any similar Palestinian media entity, which could enable the further restriction of press freedoms or the broadcast of inaccurate, inflammatory messages.

Sec. 409.—The conference agreement includes section 409, as proposed in the Senate bill, giving the Secretary of State permanent authority to pay tort claims arising in foreign countries in connection with the Department's overseas operations. The House bill did not contain a provision on this matter.

Sec. 410.—The conference agreement includes section 410, which is a modification of a provision in the Senate bill under Senate sections 116(b) and 409. This provision amends section 104 of the Illegal Immigration and Immigrant Responsibility Act of 1996 to extend the implementation date for the State Department to issue new counterfeit resistant border crossing cards by two years. In addition, it establishes a reduced fee for the issuance of a border crossing card from Mexico for children under 15, to be implemented 6 months from date of enactment, requiring the overall machine readable visa fee to be adjusted to recover the cost of this reduced fee, and requiring that processing of visa applications at certain locations in Mexico continue until a date certain. The House bill did not include a provision on this matter.

Sec. 411.—The conference agreement includes section 411, not included in either the House or Senate bill, waiving provisions of existing legislation that require authorizations to be in place for the State Department, the United States Information Agency, including International Broadcasting Operations, and the Arms Control and Disarmament Agency prior to the expenditure of any appropriated funds.

The conference agreement does not include a provision, as proposed in the Senate bill as section 410, requiring the Secretary of State to conduct a study on the processing of nonimmigrant visas. However, the Department is directed to undertake a study to determine the adequacy of staffing at United States consular posts, particularly during peak travel periods; the adequacy of service to international tourism; the adequacy of computer and technical support to consular posts; the appropriate standard to determine whether a country qualifies as a pilot program country under section 217 of the Immigration and Nationality Act; and steps that need to be taken and have been taken to implement standards governing the timely processing of applications for nonimmigrant visas at United States consular posts and to report back to the Committees by March 1, 1999.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes $89,650,000 for the Maritime Security Program instead of $97,650,000 as proposed in both the House and Senate bill. At least $8,000,000 in carryover funding is understood to be available, in addition to new appropriations, to provide full funding for the fiscal year 1999 requirements of the program. This program, funded under the allocation for national security programs, provides payments to maintain and preserve a U.S.-flag merchant fleet for the national security needs of the United States.

OPERATIONS AND TRAINING

The conference agreement includes $69,303,000 for the Maritime Administration Operations and Training account instead of $67,600,000 as proposed in the House bill and instead of $69,818,000 as proposed in the Senate bill. Within this amount, $32,000,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, and $6,750,000 shall be for the State Maritime Academies. Within the amount for State Maritime Academies, $1,200,000 shall be for student incentive payments, the same amount as provided in 1998. The Maritime Administration is urged to work with the Department of the Navy regarding the need to provide future funding in this account for student incentive payments.

In addition, MARAD is expected to comply with report language in both the House and Senate reports.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $6,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program as proposed in both the House and Senate bills. This amount will subsidize a program level of not more than $1,000,000,000 as proposed in both the House and Senate bills.

The conference agreement also included $3,725,000 for administrative expenses associated with the Maritime Guaranteed Loan Program as proposed in the House bill, instead of $4,000,000 as proposed in the Senate bill. The amount for administrative expenses may be transferred to and merged with amounts under the MARAD Operations and Training account.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions contained in both the House and Senate bills involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $265,000 for the Commission for the Preservation of America's Heritage Abroad, instead of $280,000 as proposed in the House bill and $250,000 as proposed in the Senate bill. The Commission is expected to comply with the program direction included in the Senate report.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,900,000 for the salaries and expenses of the Commission on Civil Rights as proposed in the Senate bill, instead of $8,740,000 as proposed in the House bill.

Concerns remain about the state of basic management controls at the Commission. The conference agreement is based on the expectation that the Commission will continue its efforts to establish accountability for resources, and improve management controls. The Commission shall submit a report not later than January 31, 1999, detailing the Commission's activities since last year's GAO report to improve resource and project management. In addition, the Commission shall submit, not later than January 31, 1999, a comprehensive financial plan for fiscal year 1999 accounting for total available resources by project and activity.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,170,000 for the Commission on Security and Cooperation in Europe as proposed in the House bill, and instead of $1,159,000 as proposed in the Senate bill.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $279,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission, instead of $260,500,000 as proposed in the House bill, and $253,580,000 as proposed in the Senate bill.

Within the total amount, the conference agreement includes $29,000,000 for payments to State and local Fair Employment Practices Agencies (FEPA's) for services to the Commission, instead of $28,000,000 as proposed in the House bill and $27,500,000 as proposed in the Senate bill. The additional funds provided above the request for this item shall be used to reimburse FEPA's for additional charge resolutions.

The conference agreement provides full funding for all adjustments to base, an increase of $1,500,000 for FEPA's, and additional funding for program increases, including $9,690,000 for necessary automation improvements at the EEOC. This increase includes requirements for Year 2000 compliance. Additional resources are provided for program increases to support improvements to the investigation and resolution of actual individual charges of discrimination. These resources will allow the EEOC to continue to reduce the backlog of pending private sector charges, and to significantly expand the use of alternative dispute resolution to resolve private sector charges. The EEOC is directed to submit to the Committees a distribution of the total amount of funds under this account, no later than December 15, 1998, including plans for the implementation of program increases, making reference to the specific direction included in the House and Senate reports. This distribution shall be considered by the Committees under the reprogramming guidelines in section 605 of this Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total of $192,000,000 for the salaries and expenses of the Federal Communications Commission (FCC) instead of $181,514,000 as proposed in the House bill, and $197,921,000 as proposed in the Senate bill. Of the amounts provided, $172,523,000 is to be derived from offsetting fee collections, as proposed in both the House and Senate bills, resulting in a net direct appropriation of $19,477,000, instead of $8,991,000 included in the House bill, and $25,398,000 included in the Senate bill.

The conference agreement includes language included in both the House and Senate bills, and included in previous appropriations Acts, allowing fees in excess of the amounts specified to remain available for expenditure in future years. In addition, language is also included, as recommended in the House bill and included in previous appropriations Acts, allowing funds provided for research and policy studies to remain available for two years. The Senate bill made such funds available for one year.

The FCC is directed to submit, no later than December 15, 1999, a financial plan proposing a distribution of all funds in this account, subject to the reprogramming requirements under section 605 of this Act.

The conference agreement does not include a requested funding increase for Year 2000 compliance requirements. The Commission is expected to be able to meet these requirements through funds that may be appropriated separately for that purpose.

The conference agreement does not include a provision, as proposed in the House bill, prohibiting the use of funds for rental of headquarters space at the Portals II building assessed by the General Services Administration, or for any relocation expenses, until such time as ongoing investigations by the Congress and the Department of Justice determine that the lease agreement was lawfully entered into by the parties involved.

It is noted that operators of public safety radio systems are concerned about interference on frequencies they use for emergency dispatch crews, and FCC is encouraged to consider measures to address this concern through prior coordination of radio systems.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $14,150,000 for the salaries and expenses of the Federal Maritime Commission, instead of $14,000,000 as proposed in the House bill and $14,300,000 as proposed in the Senate bill.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $116,679,000 for the Federal Trade Commission, instead of $111,867,000 as proposed in the Senate bill, and $110,490,000 as proposed in the House bill. The conference agreement assumes that of the amount provided, $76,500,000 will be derived from fees collected in fiscal year 1999 and $30,000,000 will be derived from estimated unobligated fee collections available from Fiscal Year 1998. These actions result in a final appropriated level of $10,179,000, instead of $3,990,000 as proposed in the House bill and $3,167,000 as proposed in the Senate bill.

Within the amount provided, the FTC shall institute a toll-free telephone number to make it easier for citizens to contact the U.S. Government with consumer complaints, and accelerate and expand the Consumer Sentinel consumer and internet fraud database. The conferees also agree to consider the use of any unobligated fee collections from 1998 above $30,000,000 for this and other consumer protection initiatives, subject to the reprogramming requirements outlined in section 605 of this Act.

The Commission is expected to follow the direction in the House report regarding the standard for "Made in U.S.A.".

It is noted that FTC regulation addressing funeral director and funeral service practices does not include cemeteries or other third-party merchandise sellers. In order to ensure consumers are afforded access to accurate, itemized price information and disclosure about burial or funeral goods, the FTC is encouraged to review the sales, marketing, price disclosure, and other consumer practices of all persons, partnerships, corporations, or nonprofit organizations that sell burial or funeral products to the public and are not covered by the regulation.

It is understood that the FTC is undertaking a study of self-regulatory activities of alcoholic beverage companies to address concerns about alcohol advertising and underage drinking, and that upon completion of the study, the results will be made available to the relevant Committees of Congress. Congress, upon review of the report, may have additional areas of inquiry for the Commission to investigate.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $300,000,000 for payment to the Legal Services Corporation, as proposed in the Senate bill, instead of $250,000,000 as proposed in the House bill.

The conference agreement provides $289,000,000 for grants to basic field programs and independent audits, $8,985,000 for management and administration, and $2,015,000 for the Office of the Inspector General. The conference agreement does not include language proposed in the Senate bill to designate $300,000 of funds provided under this account for litigation associated with Aguilar v. United States. The House bill did not address this matter.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The conference agreement contains language to continue the terms and conditions included under this section in the fiscal year 1998 Act, as proposed in the House bill. The Senate bill contained similar language, but did not propose to continue provisions regarding public disclosure of certain information and treatment of assets and income for certain clients.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,240,000 for the salaries and expenses of the Marine Mammal Commission as proposed in both the House and Senate bills.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

The conference agreement appropriates $3,500,000 for the Commission on Ocean Policy, as proposed in the Senate bill, subject to the enactment of the necessary authorization legislation to establish this Commission. The House bill did not address this matter.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $324,000,000 for the Securities and Exchange Commission as proposed in the House bill, instead of $341,098,000 as proposed in the Senate bill. The conference agreement includes bill language appropriating separately from offsetting fee collections in fiscal years 1998 and 1999, as proposed in the House bill. The conference agreement includes $23,000,000 in new direct appropriations, $87,000,000 in fees collected in fiscal year 1998, and $214,000,000 in fees to be collected in fiscal year 1999. In addition, out of any other resources available to the Commission, the conference agreement approves the use of an additional $6,000,000 from such funds to supplement the total funding available for fiscal year 1999.

The conference agreement does not include a provision in the Senate bill that the total amount appropriated from the General Fund for fiscal year 1999 shall be reduced as offsetting fees are deposited to this appropriation.

The conference agreement will provide for the Commission's adjustments to base and the requested program increases for additional staff and litigation support. The Commission is expected to consult with the relevant Committees prior to implementing any plan to expand the payment of retention allowances in fiscal year 1999.

No increased funding is provided for Year 2000 automation improvements. It is expected that the SEC will be able to meet its highest priority requirements through other appropriations that may be available separately for Year 2000 compliance.

It is intended that any offsetting fee collections in fiscal year 1999 in excess of $214,000,000 will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

The conference agreement includes the expectation that additional program direction contained in the House and Senate reports shall be followed.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $288,300,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of $249,000,000 as proposed in the House bill, and $265,000,000 as proposed in the Senate bill.

In addition to amounts made available under this heading, the conference agreement includes $94,000,000 for administrative expenses under the Business Loans Program Account and $116,000,000 for direct disaster loan making and servicing administrative expenses under the Disaster Loans Program account. These amounts are transferred to and merged with amounts available under Salaries and Expenses, resulting in total funding of $496,300,000 for SBA operating programs, noncredit and other initiatives.

The conference agreement provides a total of $141,300,000 for SBA's regular operating expenses under this account. This amount includes $2,000,000 for necessary expenses of the HUBZone program, and $8,000,000 for initiatives to continue the improvement of SBA's management and oversight of its loan portfolio. The SBA shall submit a plan, prior to the expenditure of resources for portfolio management, in accordance with section 605 of this Act.

In addition, the conference agreement includes language under the Business Loans Program Account allowing the transfer of up to $20,000,000 from funds previously made available for Delta Loan programs to be transferred to and merged with this account to supplement funding for operating expenses.

The conference agreement includes the following amounts for noncredit programs:

Small Business Development Centers	$82,000,000
7(j) Technical Assistance	2,600,000
Microloan Technical Assistance	16,300,000
SCORE	3,500,000
Business Information Centers	700,000
Women's Business Centers	8,000,000
Survey of Women-Owned Businesses	750,000
National Women's Business Council	600,000
EZ/EC One Stop Capital Shops	3,100,000
US Export Assistance Centers	3,100,000
Advocacy Research	800,000
Veterans Outreach	750,000
ProNet	500,000
SBIR Technical Assistance	1,000,000
Drug-free Workplace Grants	4,000,000
Regulatory Fairness Boards	500,000
Total	128,200,000

Small Business Development Centers (SBDC).—Of the amounts provided for SBDCs, the conference agreement includes $2,000,000 to continue the SBDC Defense transition program as directed in the House report; $1,000,000 to continue the Environmental Compliance Project as directed in the House report; $1,000,000 for the further development of the International Trade Data Network as described in the Senate report; and $500,000 for the Manchester Manufacturing Management Center to provide technical assistance to small manufacturers and industrial firms.

In addition, the conference agreement includes language, as proposed in both the House and Senate bills, making funds for the SBDC program available for two years.

Women's Business Centers.—The conference agreement includes funding for the Women's Business Centers program at $8,000,000, instead of $6,000,000 as proposed in the House bill and $9,000,000 as proposed in the Senate bill.

Microloan Technical Assistance.—The conference agreement provides a total availability of $19,400,000 for the Microloan Technical Assistance program in fiscal year 1999. Of this amount, $16,300,000 is provided in direct appropriations and $3,100,000 is to be derived from carryover balances from fiscal year 1998.

Business Information Centers.—The conference agreement provides $700,000 for Business Information Centers. This amount is intended to support the opening of 6 to 8 new centers, the maintenance and enhancement of 60 existing centers, and the establishment of a new center in southeastern Oklahoma.

Small Business Innovation Research.—The conference agreement includes $1,000,000 for technical assistance grants to States receiving the fewest small business innovation research awards, as described in the Senate report.

Drug-free Workplace Demonstration Grant Program.—The conference agreement includes $4,000,000 for a Drug-free Workplace Demonstration Program, as described in H.R. 3853, for the purpose of providing technical assistance to small business concerns seeking to start a drug-free workplace program.

The conference agreement adopts language included in the House report directing the SBA to continue activities assisting small businesses to adapt to a paperless procurement environment, as well as activities which assist small businesses in making the transition to meet both military and ISO 9000 quality systems requirements.

In addition, the conference agreement includes the following small business initiatives: $3,500,000 for continuation of an outreach program to assist small business development; $4,000,000 to develop a facility to increase small business opportunities and economic development; $2,000,000 for infrastructure to develop a technology and training center; $1,500,000 to develop a facility and operate an institute for small business and workforce development; $1,500,000 for infrastructure to develop a learning and resource center; $1,000,000 for a project to develop coal pulverization technologies; $1,000,000 for infrastructure for a marine science education center; $850,000 for infrastructure for a technology transfer center and small business incubator facility; $1,000,000 for an institute on applied software research; $500,000 for the development of an Internet-based information technology curriculum; $200,000 for infrastructure for an arts and tourism development facility; $300,000 for infrastructure improvements and enrichment projects; $200,000 for a community development foundation; $1,000,000 for the establishment of a training and technology center and associated infrastructure improvements; and $250,000 to establish a Year 2000 challenge grant program for small businesses.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $10,800,000 for the SBA Office of Inspector General, instead of $11,300,000 as proposed in the House bill and $10,500,000 recommended in the Senate bill.

Further, an additional $500,000 has been provided under the administrative expenses of the Disaster Loans Program to be made available to the Office of Inspector General for work associated with oversight of the disaster loans program.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $224,230,000 under the SBA Business Loans Program Account, instead of $228,540,000 as proposed in the House bill, and $240,816,000 as proposed in the Senate bill. Of these amounts, $45,000,000 is to remain available for two years, as proposed in the House bill.

Of this amount, $2,200,000 is provided for the costs of direct loans. This amount is provided for the Microloan Direct Loan Program. When combined with $1,600,000 in available carryover, this amount will provide for an estimated 1999 program level of $39,800,000.

The conference agreement includes $128,030,000 for the costs of guaranteed loans, including the following programs:

7(a) General Business Loans.—The conference agreement provides $107,750,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, instead of $119,400,000 as proposed in both the House and Senate bills. When combined with $31,250,000 in available carryover balances and recoveries, this amount will subsidize a 1999 program level of $10,000,000,000, assuming a subsidy rate of 1.39%. In addition, the conference agreement includes a provision, as proposed in both the House and Senate bills, requiring the SBA to notify the Committees on Appropriations in accordance with section 605 of this Act prior to providing a total program level greater than $10,000,000,000.

Small Business Investment Companies (SBIC).—The conference agreement provides $20,280,000 for the SBIC participating securities and debenture programs, instead of $20,230,000 as proposed in the House bill, and $23,600,000 as proposed in the Senate bill. Of these amounts, for the participating securities program, $16,620,000 is provided in subsidy appropriations which, when combined with $2,000,000 in prior year carryover, will result in a total program level of $850,228,000 in fiscal year 1999. In addition, for the debentures program, $3,660,000 is provided which, when combined with $3,900,000 in prior year carryover and $1,000,000 in available proceeds from stock buybacks will result in a total program level of $620,290,000 in fiscal year 1999.

Microloan Guaranty Programs.—The conference agreement does not include new appropriations for the Microloan Guaranty Program, as none was requested. Available carryover will provide for the subsidy costs of, at least, the requested 1999 program level of $11,995,000.

In addition, the conference agreement includes $94,000,000 for administrative expenses to carry out the direct and guaranteed loan programs, as proposed in the Senate bill, instead of $86,910,000 as proposed in the House bill, and makes such funds available to be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes a total of $192,329,000 for this account, of which $76,329,000 is for the subsidy costs for disaster loans, and $116,000,000 is for the direct administrative expenses associated with disaster loan making and servicing. The Senate bill provided $94,000,000 only for administrative expenses, while the House bill provided a total of $216,000,000 for both loan subsidy costs and associated administrative expenses.

For disaster loans, the conference agreement assumes that the $76,329,000 subsidy appropriation, when combined with $79,475,000 in carryover balances and $20,000,000 in recoveries, will provide a total disaster loan program level of $786,243,000. The conference agreement takes into account that the budget requested no funds for the disaster loan program, and included a proposal to increase the interest rate charged to disaster victims, a proposal which has been rejected previously by the Congress. The Administration is strongly urged to realistically assess the level of need for the disaster loans program and budget accordingly.

SBA is reminded that recoveries from loan programs, including the Disaster Loan program, are subject to the reprogramming procedures set forth in section 605 of this Act.

Of the amounts provided for administrative expenses, $500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the Disaster Loans program.

SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement provides $3,300,000 for additional capital for the SBA Surety Bond Guarantees Revolving Fund as proposed in both the House and Senate bills.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts, as provided in both the House and Senate bills.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $6,850,000 for the salaries and expenses of the State Justice Institute (SJI) as proposed in both the House and Senate bills. The conference agreement does not include the transfer of an additional $7,150,000 to this account from the Courts of Appeals, District Courts and Other Judicial Services account in Title III as proposed in the Senate bill.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Sec. 601.—The conference agreement includes section 601, identical in both the House and Senate versions of the bill, regarding the use of appropriations for publicity or propaganda purposes.

Sec. 602.—The conference agreement includes section 602, identical in both the House and Senate versions of the bill, regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603, identical in both the House and Senate versions of the bill, regarding the use of funds for consulting services.

Sec. 604.—The conference agreement includes section 604, identical in both the House and Senate versions of the bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Sec. 605.—The conference agreement includes section 605, as included in the House version of the bill, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

Sec. 606.—The conference agreement includes section 606, identical in both the House and Senate versions of the bill, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607.—The conference agreement includes section 607, identical in both the House and Senate versions of the bill, regarding the purchase of American-made products.

Sec. 608.—The conference agreement includes section 608, identical in both the House and Senate bills, which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October, 1993.

Sec. 609.—The conference agreement includes section 609, as proposed in the House bill, that prohibits use of funds to expand U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues. The Senate bill included a similar provision as section 404, with minor technical differences.

Sec. 610.—The conference agreement includes section 610, as proposed in the House bill, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 611.—The conference agreement includes section 611 which prohibits the use of funds to provide certain amenities for Federal prisoners, as provided for in both the House and Senate bills.

Sec. 612.—The conference agreement includes a modified version of section 612, as proposed in the House bill, restricting the use of funds provided under the National Oceanic and Atmospheric Administration for fleet modernization activities. The Senate bill did not include a provision on this matter.

Sec. 613.—The conference agreement includes section 613, as proposed in the House bill, which requires agencies and Departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or Department. The Senate bill included this same provision as section 610, with minor technical differences.

Sec. 614.—The conference agreement includes section 614, which prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material to a prisoner when it is made known that such information or material is sexually explicit or features nudity. Both the House and the Senate bills included this section, but the Senate bill included this as section 611.

Sec. 615.—The conference agreement includes section 615, as proposed in the House bill, which limits funding under the Local Law Enforcement Block Grant to 90 percent, to an entity that does not provide public safety officers injured in the line of duty and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty. The Senate bill included a similar section 612 with a minor technical difference.

Sec. 616.—The conference agreement includes section 616, proposed as section 613 in the Senate bill, which prohibits funds from being used to issue a visa to any alien involved in extrajudicial and political killings in Haiti. Specifically, the provision prohibits issuance of a visa to any person who (1) has been credibly alleged to have ordered, carried out, or assisted in extrajudicial and political killings of 16 named individuals; (2) was included in the list presented to former President Aristide by former National Security Advisor Anthony Lake; (3) was sought by the FBI in relation to political or extrajudicial killings; (4) was involved in the September 1991 coup or murders occurring between 1991 and 1994; or (5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH. The provision gives the Secretary of State authority to make exceptions on a case-by-case basis. The provision also includes several reporting requirements by the Secretary of State to the House International Relations and Appropriations Committees and the Senate Foreign Relations and Appropriations Committees. The House bill contained no similar provision.

Sec. 617.—The conference agreement includes section 617, proposed as section 616 in the House bill, which prohibits funds available in this Act from being used to issue or renew a fishing permit or authorization for any vessel more than 165 feet long or greater than 750 gross tons, and with more than 3,000 shaft horsepower to engage in fishing for Atlantic mackerel or herring. In addition, vessels above these thresholds are prohibited from engaging in the catching, taking, or harvesting of fish in any other fishery within the United States exclusive economic zone (EEZ) (except territories) unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such endorsement is still valid. In addition, language is included to nullify any fishing permit or authorization issued prior to enactment of this Act for vessels prohibited under this section from engaging in the fishing of Atlantic mackerel or herring, and prohibiting funds from being expended to issue a new permit or authorization to allow such a vessel whose Atlantic mackerel or herring permit has been nullified under this section from engaging in the catching, taking, or harvesting of fish in any other fishery within the U.S. EEZ. The Senate bill contained a similar provision as section 614.

Sec. 618.—The conference agreement includes a provision, Section 618, as proposed in the House bill, prohibiting funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones. The Senate bill did not contain a provision on this matter.

Sec. 619.—The conference agreement includes section 619, as proposed in both the House and Senate bills, prohibiting the use of funds to pay for the expenses of an election officer appointed by the court to oversee the election of any officer or trustee of the International Brotherhood of Teamsters.

Sec. 620.—The conference agreement includes section 620, a modified version of a provision numbered as section 616 in the Senate bill, which reduces the frequency of meetings of the Commission for the Preservation of America's Heritage Abroad to once every six months instead of once every three months. The conference agreement does not include language in the Senate provision reducing the number of commissioners. The House bill did not contain a provision on this matter.

Sec. 621.—The conference agreement includes section 621, a modified version of a provision numbered as section 620 in the Senate bill, to prohibit a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and to prohibit implementation of a background check system that does not require and result in destruction of certain information. The House bill did not include a provision on this matter.

Sec. 622.—The conference agreement includes section 622, proposed as section 628 in the Senate bill, which requires the United States Trade Representative (USTR) to make certain reporting requirements to the Congress regarding Korean steel subsidies. The House bill did not include a provision on this matter.

Sec. 623.—The conference agreement includes section 623, proposed as section 901 in the House bill, prohibiting the use of funds in this or any other Act to implement, administer, or enforce Executive Order No. 13083 on Federalism. The Senate bill included a provision numbered 623 on this matter expressing the Sense of the Senate that the President should repeal Executive Order No. 13083 and reissue two earlier Executive Orders on Federalism.

Sec. 624.—The conference agreement includes section 624, proposed as section 903 in the House bill, transferring Schuylkill, Pennsylvania from the Eastern Judicial District to the Middle Judicial District of Pennsylvania. The Senate bill had a similar provision.

Sec. 625. The conference agreement includes section 625, which modifies section 904 in the House bill, prohibiting funds from being used for the participation of United States delegates to the Standing Consultative Commission to implement a 1997 memorandum of understanding regarding the 1972 Anti-Ballistic Missile Treaty between the U.S. and the U.S.S.R. starting 60 days after enactment of this Act, unless the President submits a certification or the Senate ratifies the memorandum of understanding. The Senate bill did not include a provision on this matter.

Sec. 626. The conference agreement includes a provision making appropriations and funds made available and authority granted under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 available through June 15 1999. The appropriations and funds made available and the authority granted are to be apportioned in the manner established for funds provided by a continuing resolution.

The departments and agencies under the jurisdiction of this Act are directed to provide financial plans, including funding requirements by month, to the Committees on Appropriations as soon as available, but no later than 30 days after enactment of this Act. In addition, the Office of Management and Budget is expected to provide copies of all apportionments to the Committees. These requirements are in addition to all other requirements included in the conference agreement and statement of managers with respect to individual departments and agencies.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

General Administration

WORKING CAPITAL FUND

(RESCISSION)

The conference agreement includes a rescission of $99,000,000 from unobligated balances under this heading, instead of $45,326,000 as proposed in both the House and Senate bills.

Legal Activities

ASSET FORFEITURE FUND

(RESCISSION)

The conference agreement includes a rescission of $2,000,000 from unobligated balances under this heading. The House and Senate bills did not include a rescission under this heading.

Federal Bureau of Investigation

(RESCISSIONS)

The conference agreement includes a rescission of $12,700,000 from various accounts under this heading, a modified version of a rescission proposed in the Senate bill. The Senate bill recommended rescissions totaling $22,878,000. The conference agreement does not include the additional $10,178,000 in rescissions as such funds have already been obligated or have expired. The House bill did not include a rescission under this heading.

Immigration and Naturalization Service

IMMIGRATION EMERGENCY FUND

(RESCISSION)

The conference agreement includes a rescission of $5,000,000 from unobligated balances under this heading. The House and Senate bills did not include a rescission under this heading.

DEPARTMENT OF COMMERCE

(RESCISSIONS)

The conference agreement includes a rescission of $915,000 from the United States Travel and Tourism Administration, and $1,175,000 from the Endowment for Children's Educational TV, as proposed in the Senate bill. The House bill did not include rescissions under this heading.

National Institute of Standards and Technology

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

The conference agreement includes a rescission of $6,000,000 from excess unobligated balances under this heading. The House and Senate bills did not include a rescission under this heading.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

SHIP CONSTRUCTION

(RESCISSION)

The conference agreement includes a rescission of $17,000,000 from unobligated balances under this heading. The House and Senate bills did not include a rescission under this heading.

TITLE VIII

Sec. 801. The conference agreement includes a provision that modifies Title VIII, Citizens Protection, as included in the House bill. That provision sets forth ethical standards for attorneys for the Government and requires an attorney for the Government to be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State. The Attorney General is to make and amend rules of the Department of Justice to assure compliance with that requirement. This section takes effect 180 days after the date of enactment of this Act.

TITLE—NATIONAL WHALE CONSERVATION FUND ACT

The conference agreement includes Title—The National Whale Conservation Fund Act of 1998 as proposed in the Senate bill. This Act 1) includes findings that funding available for whale conservation is insufficient and that there is a need to facilitate the use of non-Federal funds for this purpose; 2) amends the National Fish and Wildlife Establishment Act to provide authority to the National Fish and Wildlife Foundation to establish a "national whale conservation fund" and receive funds for deposit; 3) establishes priorities for the use of the fund; and 4) requires the National Fish and Wildlife Foundation to consult with NOAA and the Marine Mammal Commission. The House bill did not contain any provisions on these matters. .

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimates, and the House and Senate bills for 1999 follow:

New budget (obligational) authority, fiscal year 1998	$32,123,907,000
Budget estimates of new (obligational) authority, fiscal year 1999	38,071,468,000
House bill, fiscal year 1999	33,977,221,000
Senate bill, fiscal year 1999	33,238,790,000
Conference agrement, fiscal year 1999	34,199,704,000
Conference agrement compared with:	
New budget (obligational) authority, fiscal year 1998	+2,075,797,000
Budget estimates of new (oligational authority, fiscal year 1999	−3,871,764,000
House bill, fiscal year 1999	+222,483,000
Senate bill, fiscal year 1999	+960,914,000

SECTION 101(c): DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

The conferees H.R. 4328 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions (H.R. 4380 and S. 2333 of the District of Columbia Appropriations Act, 1999, by members of the appropriations subcommittees of both the House and Senate with jurisdiction over H.R. 4380 S. 2333.

H.R. 4380 was passed by the House on August 6, 1998, and S.2333 was reported by the Senate Committee on Appropriations on July 21, 1998. The conference agreement with respect to fiscal year 1999 appropriations for the District of Columbia government incorporates some of the provisions of both the House and the Senate reports accompanying the respective bills. Report language and allocations set forth in either House Report 105–670 or Senate Report 105–254 which are not changed by the conference agreement are approved. The agreement described herein, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided. General provisions which are identical in the House passed version of H.R. 4380 and the Senate Appropriations Committee reported version of S.2333 are unchanged by the conference agreement and are approved unless provided to the contrary herein.

Federal Funds

METRORAIL IMPROVEMENTS AND EXPANSION

The conference agreement appropriates $25,000,000 as proposed by the House for metrorail improvements and expansion at the Mount Vernon Square Metrorail station located at the site of the proposed Washington Convention Center project. The Senate proposal would have given the D.C. Financial Responsibility and Management Assistance

Authority (hereafter referred to as "Authority") the discretion to make not more than $25,000,000 of the $75,000,000 appropriated for the infrastructure fund available for this purpose.

FEDERAL PAYMENT FOR MANAGEMENT REFORM

The conference agreement appropriates $25,000,000 as proposed by the Senate for continued management reform in the District and directs that these funds be used for projects that will enhance government efficiency and service delivery to District residents. The House passed bill had no appropriation for this program. A brief description of three projects to be funded in fiscal year 1999 follows:

Fire and Emergency Medical Services.—funding for 55 full-time equivalent positions necessary to place 5 additional EMS units in operation in fiscal year 1999.

Department of Health Toxicology Lab.—funding to re-open the Chief Medical Examiner's laboratory and obtain the necessary equipment.

Technology: District-wide Voice/Data Network.—funding to implement a high-speed, city-owned fiber network for providing voice and data services.

The conferees direct that none of the funds appropriated for management reform be expended on modification of the Department of Corrections pay plan.

The conferees direct that quarterly status reports on these and all management reform initiatives and projects underway in the District be submitted by the Authority and the Chief Management Officer within 15 days after the end of each quarter until all funds are disbursed. These management reform status reports may be incorporated in any performance accountability reports already required by law or otherwise submitted to Congress by the Authority.

FEDERAL PAYMENT FOR BOYS TOWN, U.S.A. OPERATIONS IN THE DISTRICT OF COLUMBIA

The conference agreement appropriates $7,100,000 and requires quarterly financial reports as proposed by the Senate instead of $4,000,000, which would be made available after being matched by private contributions of $3,100,000, as proposed by the House.

NATION'S CAPITAL INFRASTRUCTURE FUND

The conference agreement appropriates $18,778,000 instead of $21,000,000 as proposed by the House and $75,000,000, of which $25,000,000 could be used for metrorail improvements as proposed by the Senate. These funds are not to be used for studies or projects that restructure, realign, or reengineer various departments or functions or to place more employees on the District's payroll. Instead, the sole purpose of these funds is for infrastructure projects of a substantive nature that directly improve the physical condition of the District of Columbia. The conference agreement requires that the funds be disbursed by the Authority for the repair and maintenance of public safety facilities in the District. The conferees direct that the Authority and the Chief Management Officer submit quarterly status reports on each project within 15 days after the end of each quarter until all funds are disbursed. These status reports may be incorporated in any performance accountability reports already required by law or otherwise submitted to Congress by the Authority.

Subsequent to the passage of H.R. 4380 by the House of Representatives and S.2333 by the Senate Appropriations Committee, the District government was notified by the Federal Highway Administration (FHA) that $173,000,000 previously earmarked for the District's Barney Circle project is now available to the District's Department of Public Works. Of this sum, $98,000,000 may be used by the District on local streets. Both the House and Senate appropriations bills contain an appropriation for the repair and maintenance of roads, highways, bridges and transit in the District of Columbia. Based on the unanticipated availability of the transportation funds and the questionable ability of the District to spend additional funds during fiscal year 1999 on transit projects, the conferees direct the infrastructure funds appropriated in this conference agreement be used for the repair and maintenance of the District's public safety facilities. The District's new Chief of Police is undertaking a complete assessment of all Metropolitan Police Department (MPD) facilities. Preliminary estimates indicate that over $23,000,000 is needed for mechanical, electrical, plumbing, and fire/life safety systems in 70 percent of MPD facilities. In an effort to accelerate these massive infrastructure needs, the conference agreement directs that the total infrastructure appropriation be used for necessary capital improvements to MPD facilities.

ENVIRONMENTAL STUDY AND RELATED ACTIVITIES AT LORTON CORRECTIONAL COMPLEX

The conference agreement appropriates $7,000,000 as proposed by the House for an environmental study at the property on which the Lorton Correctional Complex is located. The Senate reported bill had no appropriation for this program.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

The conference agreement appropriates $184,800,000 as proposed by the House and the Senate and allocates $177,385,000 for inmate housing instead of $178,300,000 as proposed by the Senate, and $2,440,000 for administrative expenses instead of $1,525,000 as proposed by the Senate. These allocation changes were made at the request of the Corrections Trustee based on revised budget estimates. The House bill did not allocate the funds. The conference agreement also includes language that requires the appropriation to remain in the U.S. Treasury until needed by the Trustee to pay properly incurred obligations.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

The conference action appropriates $128,000,000 as proposed by the Senate instead of $142,000,000 as proposed by the House. The reduction of $14,000,000 below the House allowance is from the capital outlay program. The conference action includes language that allocates the funds by programs as proposed by the Senate. In addition, the conference agreement requires that payroll and financial services be provided on a contractual basis with the General Services Administration as proposed by the House instead of by the Department of Agriculture's National Finance Center as proposed by the Senate. The format of the monthly reports is discussed later in this statement.

Budget for court operations.—The operating budget for the courts for fiscal year 1999 totals $121,000,000 and reflects an increase of $18,000,000 or 14.9 percent above the $103,000,000 appropriated in fiscal year 1998. The increase of $18,000,000 or 14.9 percent for fiscal year 1999 should provide the courts with ample resources to properly manage their operations and pay all bills, including attorneys for indigents, on a current basis.

Attorneys for indigents.—The courts' failure to pay attorneys for indigents during fiscal year 1998 has caused considerable concern and raised questions about management at the courts. Information submitted by the courts showed that, of the $25,036,000 budgeted for the Criminal Justice Act program, $21,083,000 had been disbursed as of August 31, 1998, or roughly $2,000,000 for each of the eleven months. By that calculation, it appeared that the courts had a balance of $4,000,000, or twice as much as was needed, for the remaining month of September 1998. However, additional information supplied at the request of certain subcommittee members showed that the courts had reduced payments in July 1998 by two-thirds and had made no payments in August 1998. As a result, the courts owe more than $5,700,000 to attorneys for indigents as of September 30, 1998. Accordingly, to avoid a similar situation this year, the courts are directed to use the FY 1999 allocation of $31,936,000 for court appointed attorneys for that purpose and for that purpose only. The courts are further directed to pay immediately all obligations carried over from FY 1998 and prior years using other funds from their FY 1999 appropriation.

Reporting requirements.—The courts are directed to submit monthly reports, through the General Services Administration, to the House and Senate Committees on Appropriations, within 15 calendar days after the end of each month, on the status of obligations by object class and a monthly personnel summary by position, full-time equivalent positions (FTE's), and program/function. The obligation report should show, at a minimum, the original operating plan, current operating plan, obligations year to date, percent obligated, planned obligations year to date, percentage deviation from plan year to date, projected total obligations end of year, and projected surplus/deficit.

DISTRICT OF COLUMBIA OFFENDER SUPERVISION, DEFENDER, AND COURT SERVICES AGENCY

The conference action appropriates $59,400,000 as proposed by the House and the Senate and includes language proposed by the Senate to clarify that the allocation for Parole Revocation, Adult Probation and Offender Supervision includes funds to cover expenses relating to supervision of adults subject to protection orders or provision of services for or related to such programs. In addition, the conference agreement includes language that requires the appropriation to remain in the U.S. Treasury until needed by the Trustee to pay properly incurred obligations.

OFFENDER SUPERVISION, DEFENDER, AND COURT SERVICES AGENCY

The conference action deletes the appropriation of $4,000,000 proposed by the House for establishment of a residential sanctions center for drug testing, intervention, and treatment, and to implement recommendations of the D.C. Truth in Sentencing Commission.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

The conference action appropriates $1,200,000 as proposed by the House for the administration and operating costs of the Citizen Complaint Review Office.

FEDERAL PAYMENT FOR FIRE DEPARTMENT

The conference agreement appropriates $3,240,000 as proposed by the House for a 5.5 percent parity pay increase to be effective and paid to fire fighters beginning October 1, 1998.

FEDERAL PAYMENT TO THE GEORGETOWN WATERFRONT PARK FUND

The conference agreement appropriates $1,000,000 as proposed by the Senate for payment to the Georgetown Waterfront Park Fund on a dollar-for-dollar matching basis, in cash or in kind, for the construction and landscaping of property described on the D.C. Surveyor's Plat Number S.O. 84–230.

FEDERAL SUPPORT FOR ECONOMIC DEVELOPMENT IN THE DISTRICT OF COLUMBIA

The conference agreement deletes the appropriation of $500,000 proposed by the Senate to the D.C. Financial Responsibility and Management Assistance Authority to conduct a study and prepare a report on the feasibility of an economic development corporation for the District and the proviso that none of the funds in this or any other Act shall be used to capitalize the National Capital Revitalization Act of 1998 (D.C. Act 12–355).

FEDERAL PAYMENT TO HISTORICAL SOCIETY FOR CITY MUSEUM

The conference agreement appropriates $2,000,000 as proposed by the House for the establishment and operation of a Museum of the City of Washington, D.C. at the Carnegie Library at Mount Vernon Square instead of $500,000 as proposed by the Senate.

FEDERAL PAYMENT FOR A NATIONAL MUSEUM OF AMERICAN MUSIC AND FOR DOWNTOWN REVITALIZATION

The conference agreement changes the heading and appropriates $700,000 instead of $1,000,000 as proposed by the Senate and earmarks $300,000 for the Federal City Council to conduct a needs and design study for a National Museum of American Music as proposed by the Senate, $300,000 for the Washington Center Alliance to further and promote the objectives of the Interactive Downtown Task Force, and $100,000 for the New York Avenue Development Task Force instead of $1,000,000 as proposed by the Senate, of which $500,000 was for the Historical Society of Washington, D.C. for a needs and design study for a City Museum and Visitors Center and $500,000 was for the Federal City Council to conduct a needs and design study for a National Museum of American Music.

UNITED STATES PARK POLICE

The conference agreement appropriates $8,500,000 as proposed by the House to acquire, modify and operate a helicopter and to make necessary capital expenditures to the Park Police aviation unit base. The conference agreement requires the Chief of the Park Police to provide quarterly financial reports to Congress on the use of these funds.

FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS

The conference agreement appropriates $3,000,000 as proposed by the House to the D.C. Department of Housing and Community Development for a study and improvement in consultation with the U.S. Army Corps of Engineers for necessary improvements to the Southwest Waterfront in the District. The conference agreement amends the language proposed by the House to clarify the consultative role of the U.S. Army Corps of Engineers and the responsibility of the lessees at the Fish Wharf and Marina to secure private financing for improvements.

FEDERAL PAYMENT FOR MENTORING SERVICES

The conference agreement appropriates $200,000 as proposed by the House for the International Youth Service and Development Corps, Inc., for a mentoring program for at-risk children in the District.

FEDERAL PAYMENT FOR HOTLINE SERVICES

The conference agreement appropriates $50,000 as proposed by the House for the International Youth Service and Development Corps, Inc., for the operation of a resource hotline for low-income individuals in the District.

FEDERAL PAYMENT FOR PUBLIC EDUCATION

The conference agreement appropriates $15,622,000 as a Federal contribution to public charter schools in the District of Columbia instead of $20,391,000 as proposed by the House. The reduction of $4,769,000 reflects the actual enrollment count of 3,653 public charter school students in the District rather than the projected enrollment of 4,400 which was the basis for the House amount.

FEDERAL PAYMENT FOR MEDICARE COORDINATED CARE DEMONSTRATION PROJECT IN D.C.

The conference agreement appropriates $3,000,000 to continue a pilot Medicare program in the District as authorized under section 4016(e)(1)(A)(ii) of the Balanced Budget Act of 1997 (Public Law 105–33) to improve the medical treatment received by medically underserved Medicare patients living in the District.

FEDERAL PAYMENT FOR CHILDREN'S NATIONAL MEDICAL CENTER

The conference agreement appropriates $1,000,000 in Federal funds to the Children's National Medical Center for the Community Pediatric Health Initiative. Since 1967, the community health clinics of Children's Hospital have provided pediatric services to high risk children in medically underserved areas. Federal funding for this initiative ended in March 1995. This appropriation reestablishes this important public-private partnership for fiscal year 1999.

District of Columbia Funds

GOVERNMENTAL DIRECTION AND SUPPORT

The conference agreement appropriates $164,144,000, including $136,485,000 from local funds as proposed by the House instead of $164,717,000, including $137,058,000 from local funds as proposed by the Senate. The conference action also restores a proviso proposed by the House that requires all employees permanently assigned to work in the Office of the Mayor to be paid from funds allocated to the Office of the Mayor.

Advisory Neighborhood Commissions.—The conference agreement deletes funding of $573,000 as proposed by the House. The action to eliminate funding comes after several reports by the D.C. Auditor, including one dated as recently as September 28, 1998, that documents the fact that taxpayer funds are not being spent properly. The action of the conferees does not preclude the District from reprogramming funds for fiscal year 1999 or requesting funds for fiscal year 2000 for ANCs, so long as necessary management controls are enacted by the Council of the District of Columbia to assure that the funds are disbursed for previously reviewed and agreed upon purposes, consistent with the laws, rules and regulations of the District of Columbia.

Mayoral transition.—The conferees support a smooth transition of governmental powers from the incumbent Mayor to the incoming Mayor. This is paramount to the financial recovery of the District of Columbia and the return of home rule. Cooperation between the incoming Mayor, the Council of the District of Columbia, other elected officials and the D.C. Authority is essential for the well being of the District of Columbia and all those who live, work and visit in the Nation's Capital. It is extremely important that the Mayor-elect be provided with the necessary resources as soon as possible after the general election so that he or she will be able to carry out the duties and responsibilities of the office efficiently and effectively after being sworn in. Following the 1990 election, the Council of the District of Columbia approved emergency 90-day legislation (D.C. Act 8–290) "To promote the orderly transfer of executive duties and responsibilities upon expiration of the term of office of a Mayor and the assumption of duties and responsibilities of a new Mayor ..." which provided financial assistance to the new Mayor-elect. The conferees urge local officials to take whatever steps are necessary in a timely manner to ensure a smooth transition of governmental powers from the incumbent Mayor to the Mayor-elect.

ECONOMIC DEVELOPMENT AND REGULATION

The conference agreement appropriates $159,039,000 as proposed by the House instead of $156,039,000 as proposed by the Senate. The increase of $3,000,000 above the Senate allowance reflects the Federal contribution of $3,000,000 discussed earlier for improvements to the Southwest Waterfront in the District. The conference agreement also restores language proposed by the House concerning Business Improvement Districts with an amendment deleting the word "Federal" in identifying the U.S. General Services Administration.

PUBLIC SAFETY AND JUSTICE

The conference agreement appropriates $755,786,000, including $531,660,000 from local funds, $30,327,000 from Federal funds and $193,799,000 from other funds as proposed by the House instead of $751,346,000, including $513,160,000 from local funds, $25,887,000 from Federal funds, and $212,299,000 from other funds as proposed by the Senate. The increase of $4,430,000 above the Senate reflects additional Federal funds of $1,200,000 for the administration and operating costs of the Citizen Complaint Review Office in the Metropolitan Police Department and $3,240,000 for a 5.5 percent parity pay increase for the District's fire fighters. The conference action also restores the requirement for quarterly reports on the status of crime reduction in each of the 83 police service areas in the District as proposed by the House instead of semi-annual reports as proposed by the Senate.

Department of Corrections.—The conferees expect the Department of Corrections (DOC) annual budget to reflect planning for proposed downsizing, actual downsizing and continuing reform to assure the orderly transfer of sentenced felons to the Federal government by December 31, 2001, and to assure that all the necessary steps are taken each year to accomplish this transfer. The conferees request that within 120 days of the enactment of this Act, the District of Columbia Corrections Trustee ("Trustee"), in partnership with the DOC, submit a transition plan detailing what must be accomplished annually to complete transfer by December 31, 2001. Each annual budget submission shall contain a report, prepared by the Trustee and the DOC and based on fully shared information, that details actual progress made by the DOC in meeting the goals of the transition plan. To make full use of the Trustee's background and experience and to assure successful transfer of the District's sentenced felons, the Trustee should be operationally involved in all matters affecting the DOC and a full partner in decision-making regarding the DOC's budget, operations and functions now funded by the Federal government and transition planning. The conferees expect that the DOC should save significant funds in outside consulting fees and otherwise as a result of involving the Trustee in the operations and functions to be transferred and those that remain with the District.

PUBLIC EDUCATION SYSTEM

The conference agreement appropriates $788,956,000, including $125,869,000 from Federal funds, instead of $793,725,000, including $130,638,000 from Federal funds, as proposed by the House and $773,334,000, including $110,247,000 in Federal funds, as proposed by the Senate. The reduction of $4,769,000 below the House allowance reflects the actual enrollment count of 3,653 for public charter schools instead of the projected enrollment of 4,400 which was the basis for the House amount.

The conference agreement appropriates $27,857,000 for public charter schools, including $12,235,000 from local funds and $15,622,000 from Federal funds instead of $32,626,000, including $12,235,000 from local funds and $20,391,000 from Federal funds as proposed by the House and $12,235,000 from local funds as proposed by the Senate. The conference agreement restores a proviso proposed by the House which requires that unallocated funds for public charter schools be made available for new public charter schools on a per pupil basis. The conference agreement provides that $480,000 of the $27,857,000 for public charter schools be available to the D.C. Public Charter School Board for administrative costs as proposed by the House. The conference agreement does not include three provisos proposed by the House concerning the special revolving fund described in section 172 of last year's bill; a report to Congress on the capital needs of each public charter school; and a requirement that, pending submission of the capital needs report, the Emergency Transitional Education Board of Trustees take appropriate steps to provide public charter schools with assistance to meet capital expenses in a manner equitable to D.C. public schools. The conference agreement restores a proviso proposed by the House that requires the Emergency Transitional Education Board of Trustees to report to Congress by February 1, 1999 on the Board's implementation of its statutorily mandated policy to give preference to newly created public charter schools for surplus public school property.

The conferees are concerned with the disposition of assets purchased with taxpayer funds by charter schools whose charters are revoked or are not renewed. The conferees believe that any unencumbered funds and all equipment and property purchased with public funds must revert to the ownership of the eligible chartering authority that granted the charter or the District of Columbia government, subject to the rights of any party who would hold a security interest or lien in or with respect to the property of such charter school. The Chief Financial Officer, in consultation with District public school officials, eligible chartering authorities, and public charter schools shall establish procedures for reversion of unencumbered funds, equipment and property to the chartering authorities. The procedures for the recovery of equipment and property should include recoverable assets but not intangible or irrecoverable costs such as rental or leasing fees, normal maintenance and renovations. The conferees request a report by January 31, 1999, from the Chief Financial Officer and the other parties involved on the status of these procedures.

The conference agreement makes certain punctuation changes as proposed by the Senate and restores the title of Superintendent of Schools as proposed by the House instead of Chief Executive Officer/Superintendent of Schools as proposed by the Senate.

The conference agreement makes technical changes proposed by the Senate to a proviso proposed by the House concerning assistance by the U.S. Army Corps of Engineers to the school system for facility repairs and improvements and makes the language a general provision (section 132) as proposed by the Senate.

The conference agreement includes a proviso proposed by the House to reimburse the Boy Scouts of America $244,078 for services provided in fiscal year 1998 on behalf of 12,600 students at 39 public schools. The conference agreement deletes a proviso proposed by the House to expand the Boy Scout program in fiscal year 1999. The conferees urge the Superintendent of Schools to reevaluate the ability of the school system to negotiate an agreement with the National Capital Area Council of the Boy Scouts for the renewal of its program in selected schools.

The conference agreement restores a proviso proposed by the House that prohibits the use of funds in this Act to pay the salaries of any D.C. school teacher, principal, administrator, official, or employee who provides false enrollment or attendance information required under D.C. Code, sec. 31–401 et seq. but requires that the prohibition apply only if the designated personnel *knowingly* engage in such conduct as proposed by the Senate.

The conference agreement deletes language proposed by the House that would have prohibited the use of funds in this Act for pay raises to teachers in the D.C. Public School System (DCPS) who have not passed competency tests. The conferees are concerned that teachers in the DCPS system possess the necessary skills to perform their duties effectively. The conferees are aware that new teachers are required to pass exams testing their skills in reading, writing and mathematics, as well as their knowledge in specific content areas. However, in-service teachers are not required to pass competency tests. The conferees are pleased to learn that DCPS has adopted new teacher performance standards that are based on the work of the National Board for Professional Teaching Standards. The conferees are advised that these standards have been incorporated into a new evaluation system that includes objective, achievement-based measures of performance, mandatory professional development, and an expedited process for the removal of non-performing teachers consistent with procedures to ensure due process. The conferees urge DCPS to incorporate this new system into its teacher evaluation process to ensure that all DCPS teachers meet the established standards and targets for performance by September 2000.

The conference agreement restores a proviso proposed by the House that prohibits the use of any funds in this Act to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school unless the nonresident pays tuition to the District at a rate that covers 100 percent of the District's costs as determined by the Superintendent.

HUMAN SUPPORT SERVICES

The conference agreement makes technical changes proposed by the Senate to the citation for the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77).

Commission for Women.—The D.C. Commission for Women continues to provide outstanding service to the residents of the District of Columbia and particularly women. The Commission's programs in building private-public partnerships to train welfare recipients and assist in placing them in full-time jobs is commendable. Its initiatives with respect to health care education, public safety, and economic development continue to be priorities for the Commission and its all-volunteer Commissioners.

PUBLIC WORKS

D.C. Taxicabs.—The District of Columbia government should not make any changes affecting cab service between the District of Columbia and the Commonwealth of Virginia without consulting the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives.

WASHINGTON CONVENTION CENTER FUND
(TRANSFER PAYMENT)

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate and inserts the words "Enterprise Fund" to properly identify the fund as proposed by the Senate.

REPAYMENT OF LOANS AND INTEREST

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate.

PAYMENT OF INTEREST ON SHORT TERM BORROWING

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate and inserts "from local funds" as proposed by the Senate to indicate the source of the funds.

CERTIFICATES OF PARTICIPATION

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate and inserts "from local funds" as proposed by the Senate to indicate the source of the funds.

HUMAN RESOURCES DEVELOPMENT

The conference agreement provides a separate appropriation as proposed by the House instead of consolidating this account with several appropriations under "Financing and Other Uses" as proposed by the Senate and inserts a description of the purposes of this appropriation and the source of the funds as proposed by the Senate.

RECEIVERSHIP PROGRAMS

The conference agreement appropriates $318.879,000, including $189,154,000 from local funds, $96,691,000 from Federal funds, and $33,134,000 from other funds instead of $318,979,000, including $188,439,000 from local funds, $96,691,000 from Federal funds, and $33,849,000 as proposed by the House and the Senate. The conference agreement earmarks

$5,000,000 within the budget of the Commission on Mental Health Services as proposed by the Senate to finance capital improvements to community-based housing facilities for seriously and chronically mentally ill individuals in the District and clarifies that the funds appropriated under this paragraph are for all District agencies under court ordered receivership as proposed by the Senate.

D.C. FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

The conference agreement deletes the proviso proposed by the House that would have required the Executive Director and General Counsel of the Authority to repay certain compensation deemed by the Comptroller General to be in excess of the legal limit established in the Authority's enabling legislation (Public Law 104–8) as reported in GAO letter report B–279095.2. The conference agreement limits the salaries that may be paid to the two employees consistent with the statutory rate set forth in section 102 of Public Law 104–8.

The conference agreement deletes the proviso in the House bill that would have required the Authority to provide information on account balances no later than 5 days after the end of each month and inserts language under section 165 of the general provisions that addresses this issue. The conference agreement also deletes a proviso proposed by the House that would have prohibited the use of any funds in this or any other Act to pay the salary or expenses of any officer or employee of the Authority who failed to provide information on account balances.

ENTERPRISE FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

The conference agreement inserts a new heading "Enterprise Funds" as proposed by the Senate and earmarks $39,933,000 for the District's debt service fund as proposed by the House instead of $28,104,000 as proposed by the Senate.

LOTTERY AND CHARITABLE GAMES CONTROL BOARD

The conference agreement clarifies that this appropriation is to the Lottery and Charitable Games Enterprise Fund as proposed by the Senate instead of the Lottery and Charitable Games Control Board as proposed by the House.

CABLE TELEVISION ENTERPRISE FUND

The conference agreement provides that the source of this appropriation is local funds as proposed by the Senate instead of other funds as proposed by the House.

STARPLEX FUND

The conference agreement restores language proposed by the House concerning the use of quotation marks to delineate the title of an Act.

D.C. GENERAL HOSPITAL

The conference agreement deletes "Public Benefit Corporation" from the heading as proposed by the Senate.

PERSONNEL

The conference agreement inserts a new paragraph as proposed by the Senate that caps the number of FTE positions at 32,900, exclusive of intra-District positions, during fiscal year 1999.

CAPITAL OUTLAY (INCLUDING RESCISSIONS)

The conference agreement restores the heading "Including Rescissions" as proposed by the House.

GENERAL PROVISIONS

The conference agreement amends section 105 concerning travel expenses and payment of organizational dues by deleting reference to the D.C. Courts as an agency exempt from mayoral control as proposed by the Senate. The National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33) transferred the administration and financing of the D.C. Courts to the Federal government.

The conference agreement deletes the proviso in section 106 proposed by the House that directed the District government to refund by September 30, 1999, up to $17,800,000 of overpayments collected for parking ticket violations. The overpayments were reported by the D.C. Auditor in a report dated March 19, 1998. A news release issued August 4, 1998, by the Department of Public Works states that the department will notify these motorists by mail, newspaper advertisement and the Internet of their overpayments and how to obtain a refund. The Department of Public Works is requested to provide quarterly status reports to the House and Senate Committees on Appropriations within 15 days after the end of each quarter beginning October 1, 1998.

The conference agreement updates the statutory citation in section 107 for the Violent Crime Control and Law Enforcement Act of 1994 as proposed by the Senate.

The conference agreement replaces the reprogramming requirements in section 116 (section 155 of the Senate reported bill) as proposed by the Senate with certain modifications. The revised reprogramming requirements set forth certain criteria for reprogrammings and require the Senate and House Committees on Appropriations to be notified in writing 30 days in advance.

The conference agreement makes technical changes in sections 119 and 120 as proposed by the Senate.

The conference agreement in section 121 designates the Director of the Office of Property Management as the position to make certain determinations as proposed by the House instead of the Chief Financial Officer as proposed by the Senate.

The conference agreement in section 124 makes certain technical changes in the citation as proposed by the Senate.

The conference agreement in section 125 makes certain editorial changes in the proviso as proposed by the Senate.

The conference agreement in section 128 modifies the reporting requirements for the University of the District of Columbia as proposed by the Senate.

The conference agreement restores section number 129 as proposed by the House instead of changing the section number to 128 as proposed by the Senate.

The conference agreement includes language in section 130 proposed by the House and modified by the Senate to place a limit on the payment of fees to attorneys who prevail in administrative proceedings in special education cases instead of prohibiting the payment of such fees as proposed by the House.

The conference agreement restores section number 131 proposed by the House instead of section number 129 as proposed by the Senate.

The conference agreement inserts a new section 132 that allows the U.S. Army Corps of Engineers to assist in the repair and improvement of the District's public school facilities as proposed by the Senate instead of a proviso under the Public Education System appropriation as proposed by the House.

The conference agreement changes section numbers 132 of the House bill and 131 of the Senate bill to 133.

The conference agreement restores section 133 of the House bill which requires certain reports by the Emergency Transitional Education Board of Trustees and changes the section number to 134.

The conference agreement changes section number 134 of the House bill to 135 and restores language proposed by the House that requires the Emergency Transitional Education Board of Trustees and the University of the District of Columbia to compile accurate position and employee information annually.

The conference agreement changes section numbers 135 of the House bill and 132 of the Senate bill to section 136. The conference agreement also changes the due date for submission of the revised appropriated funds operating budget for the public school system and the University of the District of Columbia from 15 days after the date of enactment of this Act as proposed by the House to 30 days after the date of enactment of this Act as proposed by the Senate. The conference agreement also requires the Superintendent of Public Schools in the District to provide the reports as proposed by the Senate instead of the Emergency Transitional Education Board of Trustees as proposed by the House.

The conference agreement changes section numbers 136 of the House bill and 133 of the Senate bill to section 137. This section requires certain governing authorities to vote on and approve their budgets before submission to the Mayor and Council.

The conference agreement changes section number 137 of the House bill to 138 and restores language proposed by the House concerning the ceiling on total operating expenses. The conference agreement changes the ceiling from $5,216,689,000 to $5,211,920,000 to reflect the adjustment for public charter schools.

The conference agreement changes section number 135 of the Senate bill to section 139 and inserts language proposed by the Senate that permits endowment funds held by the University of the District of Columbia to be invested in equity-based securities if approved by the Chief Financial Officer.

The conference agreement changes section number 136 of the Senate bill to section 140 and inserts language proposed by the Senate that requires court-appointed receivers or other court-appointed officials to prepare and submit budgets to the Mayor for inclusion in the city's annual budget.

The conference agreement changes section number 137 of the Senate bill to 141 and restores language proposed by the Senate requiring District officials to submit a report to Congress by April 1, 1999, on measures necessary and steps to be taken to ensure that the District's public schools open on time to begin the 1999–2000 academic year.

The conference agreement deletes section 138 of the House bill concerning energy conservation measures.

The conference agreement changes section numbers 139 of the House bill and 138 of the Senate bill to section number 142. This section concerns the classification of education employees.

The conference agreement changes section number 140 of the House bill to 143 and restores language proposed by the House concerning restrictions on the use of official vehicles. The language is modified to provide the Chief of Police with the discretion to determine the use of official vehicles assigned to the department. This section was further modified at the request of the Chief to allow the department to purchase and donate a vehicle to an officer who was paralyzed after being shot accidentally by one of her fellow officers while she was attempting to arrest a robbery suspect.

The conference agreement changes section 140(b) of the House bill and section 139(a) of the Senate bill to section 144(a) and adds a subsection (b) extending for one year modifications in the District's reduction in force procedures as proposed by the Senate.

The conference agreement changes section number 140 of the Senate bill to 145 and inserts language proposed by the Senate extending the time limit from 50 days to 120 days for the DCPS system to assess and place students in special education programs.

The conference agreement changes section number 141 of the House bill to 146 and restores language proposed by the House concerning compliance with the Buy American Act.

The conference agreement changes section numbers 142 of the House bill and section 141 of the Senate bill to 147 and inserts language proposed by the Senate to make language carried in last year's bill permanent. The language requires the National Education Association to pay local real property taxes on its real property located within the District of Columbia.

The conference agreement changes section number 144 of the House bill to 148 and restores language proposed by the House that requires the annual audit of the District government's financial statements to be conducted by the D.C. Inspector General. The conference agreement modifies the House language to require that procurement of the audit be done pursuant to the D.C. Procurement Practices Act of 1985, as amended. The conference agreement also includes language proposed by the House that requires the annual audit to include a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

The financial plans reflecting those revenues and appropriations follow:

DISTRICT OF COLUMBIA GOVERNMENT—FISCAL YEAR 1999 FINANCIAL PLANS

[In thousands of dollars]

Revenues and expenditures	Local funds	Grants and other funds	Gross funds
Revenues:			
Local sources, current authority:			
Property taxes	674,500		674,500
Sales taxes	565,000		565,000
Income taxes	1,031,900		1,031,900
Other taxes	330,400		330,400
Licenses, permits	46,076		46,076
Fines, forfeitures	69,450		69,450
Services charges	38,745		38,745
Miscellaneous	62,351	297,050	359,401
Subtotal, local revenues	2,818,422	297,050	3,115,472
Federal sources:			
Federal payments	0	[1] 23,062	23,062
Grants	0	1,202,964	1,202,964
Subtotal, Federal sources	0	1,226,026	1,226,026
Other financing sources:			
Lottery transfer	69,000		69,000
Office of Tax and Revenue Initiatives	20,000		20,000
Total, general fund revenues	2,907,422	1,523,076	4,430,498
Expenditures:			
Governmental Direction and Support	136,485	27,659	164,144
Economic Development and Regulation	45,162	113,877	159,039
Public Safety and Justice	530,945	224,841	755,786
Public Education System	599,987	116,881	716,868
Human Support Services	567,844	900,072	1,467,916
Public Works	257,242	9,670	266,912
Receiverships	189,154	129,825	318,979
Other Financing and Uses:			
Principal and Interest	431,623		431,623
D.C. General Hospital Subsidy	46,835		
University of the District of Columbia Subsidy	40,148		40,148
Washington Convention Center	5,400		5,400
Certificates of Participation	7,926		7,926
Human Resource Development	6,674		6,674
Office of Cable Television	2,108		2,108
Banking and Financial Institutions	390	250	640
Financial Authority	7,840		7,840
Productivity Savings	(10,000)		(10,000)
Total, current operating	2,865,763	1,523,075	4,388,838
Surplus (deficit)	41,660		41,660
Enterprise Fund Revenues:			
Water and Sewer Administration		239,493	239,493
Washington Aqueduct		33,821	33,821
Lottery and Charitable Games		225,200	225,200
Public Service Commission		5,026	5,026
Office of the People's Counsel		2,501	2,501
Department of Insurance & Securities Regulation		7,001	7,001
D.C. General Hospital		66,764	66,764
University of the District of Columbia		31,940	31,940
Armory Board (Starplex)		8,751	8,751
Retirement Board		18,202	18,202
Correctional Industries		3,332	3,332
Washington Convention Center		48,139	48,139
Total, Enterprise Fund Revenues		690,170	690,170
Enterprise Fund Expenditures:			
Water and Sewer Administration		239,493	239,493
Washington Aqueduct		33,821	33,821
Lottery and Charitable Games		225,200	225,200
Public Service Commission		5,026	5,026
Office of the People's Counsel		2,501	2,501
Department of Insurance & Securities Regulation		7,001	7,001
D.C. General Hospital		66,764	66,764
University of the District of Columbia		31,940	31,940
Armory Board (Starplex)		8,751	8,751
Retirement Board		18,202	18,202
Correctional Industries		3,332	3,332
Washington Convention Center		48,139	48,139
Total, Enterprise Fund Revenues		690,170	690,170
Revenues versus Expenditures			
Total Operating Revenues	2,907,422	2,213,246	5,120,668
Total Operating Expenditures	2,865,763	2,213,245	5,079,008
Revenues Versus Expenditures	41,660		41,660

[1] Does not include appropriations of $25,000,000 for Management Reform, $18,778,000 for Nation's Capital Infrastructure Fund, $700,000 for a National Museum of American Music and for Downtown Revitalization, and $3,000,000 for a Medicare Coordinated Care Demonstration Project in the District of Columbia.

The conference agreement changes section numbers 145 of the House bill and 142 of the Senate bill to 149 and restores language proposed by the House concerning reference to an agency previously referred to in the paragraph.

The conference agreement changes section numbers 146 of the House bill and 143 of the Senate bill to section 150.

The conference agreement changes section numbers 147 of the House bill to 151 and restores language proposed by the House concerning voting representation issues.

The conference agreement changes section number 144 of the Senate bill to section 152 and inserts language as proposed by the Senate that requires the Authority to report to Congress on the status of any agreements between the District and nonprofit organizations.

The conference agreement changes section numbers 148 of the House bill and 145 of the Senate bill to 153. This provision repeals the District's residency requirement for District employment.

The conference agreement changes section number 150 of the House bill to 154 and restores language proposed by the House as modified by the Senate to change the effective date of the provision to April 1, 1999 to allow the Corrections Trustee a six month period to relocate inmates classified above the medium security level from the Youngstown, Ohio correctional facility to other facilities.

The conference agreement changes section number 146 of the Senate bill to 155 and inserts language proposed by the Senate requiring the establishment of a $150,000,000 reserve fund in the fiscal year 2000 budget.

The conference agreement deletes section 147 of the Senate bill that would have allowed the expenditure of funds that are not a part of the budget approved by the Congress.

The conference agreement changes section number 148 of the Senate bill to 156 and inserts language proposed by the Senate authorizing the Board of Trustees of the District of Columbia Public Library (DCPL) to hire a fund raiser to raise funds from private sources. The conferees support the efforts of the Library's Board of Trustees to raise additional revenues by fund raising. The conferees direct the Board of Trustees to set a reasonable salary for the fund raiser position and to provide the District's Chief Financial Officer with a complete annual accounting of the fund raiser's budget, including all expenses incurred in connection with fund raising activities.

The conference agreement changes section 149 of the Senate bill to section 157 and inserts language proposed by the Senate for the District of Columbia Adoption Improvement Act of 1998.

The conference agreement changes section number 150 of the Senate bill to 158 and inserts language as proposed by the Senate that clarifies and completes the transfer of legal authority and responsibility for adult offender supervision from the Social Services Division of the D.C. Superior Court to the new Offender Supervision Agency established by section 11233 of the Revitalization Act of 1997 (Public Law 105–33).

The conference agreement changes section number 151 of the Senate bill to 159 and inserts language as proposed by the Senate to ratify the Chief Management Officer's employment agreement. The conference agreement deletes language proposed by the Senate which would have authorized the Chief Management Officer, with the approval of the Authority chair, to appoint and fix the pay of additional personnel.

The conference agreement deletes sections 152, 153, and 157 of the Senate bill which would have allowed the Authority to set the annual salary for the Chief Financial Officer of the District, the D.C. Inspector General, and the Executive Director of the Authority.

The conference agreement changes section number 154 of the Senate bill to 160 and inserts language as proposed by the Senate to increase from 3 to 5 years the time limit on contracts between an independent auditor and the D.C. government for the District's annual financial audit.

The conference agreement changes section number 156 of the Senate bill to 161 and inserts language as proposed by the Senate that allows funds previously appropriated for management reform initiatives to remain available for such purposes through fiscal year 1999. The conference agreement limits the amount to $3,200,000.

The conference agreement inserts a new section 162 that requires the District of Columbia Courts to pay interest to individuals who do not receive prompt payment for goods provided and services rendered to the courts. The courts have failed to pay more than $5,000,000 owed to court appointed attorneys for indigents, and this provision is intended to discourage nonpayment in the future.

The conference agreement inserts a new section 163 that makes a technical change in section 147 of the Nation's Capital Bicentennial Designation Act.

The conference agreement inserts a new section 164 that allows a member of the Authority to serve until a successor has been appointed.

The conference agreement inserts a new section 165 that requires the quarterly financial reports from the Chief Financial Officer to include a statement of the balance of each account held by the Authority at the end of the quarter, together with a description of the activities within each such account during the quarter, based on information supplied by the Authority to the Chief Financial Officer.

The conference agreement inserts a new section 166 that prohibits the use of any funds to capitalize the National Capital Revitalization Corporation, or to implement any provisions of the National Capital Revitalization Act of 1998 (D.C. Act 12-355), until at least 30 days after the District of Columbia Financial Responsibility and Management Assistance Authority submits an economic development strategy to the appropriate committees of Congress.

The conference agreement inserts a new section 167 that requires the District government to maintain for fiscal year 1999 the same funding levels as provided in fiscal year 1997 for homeless services in the District and provides an additional $1,000,000 to be paid to The Doe Fund for its Ready, Willing & Able program.

The conference agreement inserts a new section 168 that requires the Chief Financial Officer to submit a revised appropriated funds operating budget for all agencies of the District government no later that November 1, 1998, or within 30 calendar days after the date of enactment of this Act, whichever occurs later.

The conference agreement inserts a new section 169 to waive the congressional review period for the Oyster Elementary School Construction and Revenue Bond Act of 1998.

The conference agreement changes section number 149 of the House bill to 170 and restores language as proposed by the House to prohibit the use of any funds to distribute needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

The conference agreement changes section number 151 of the House bill to 171 and restores language proposed by the House that prohibits the use of funds to conduct any ballot initiative which seeks to legalize or reduce the penalties for possession of certain controlled substances.

The conference agreement deletes section 152 of the House bill which would prohibits the use of funds to carry out any joint adoption of a child between individuals who are not related by blood or marriage.

The conference agreement deletes section 153 of the House bill which would have it unlawful for individuals under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia and imposing penalties for violations.

REPORTING REQUIREMENTS

The conferees are concerned by the numerous, sometimes duplicative and overlapping reporting requirements enacted each year and imposed on various District government entities. Some of the requirements have been submitted to Congress as part of the District's consensus budget, and others have been added during budget deliberations by both the House and Senate Appropriations Committees. Many of these requirements were triggered by the financial and managerial problems that have plagued the District government throughout the past decade. According to the Authority, the District government is subject to 34 reporting requirements pursuant to the fiscal year 1998 appropriations bill and accompanying reports. The DCPS system alone must respond to ten reporting deadlines. Reporting provisions are so numerous that compliance is difficult to monitor.

The Federal Payment Reauthorization Act of 1994 (Public Law 103–373) requires the development of both performance and financial accountability plans for the District government. The Chief Financial Officer has complied with the financial reporting requirements, which were designed to aid the District in eliminating any differences between expenditures from and revenues attributable to each fund of the District government. The District government has made substantial progress in closing the budget shortfalls and has estimated the fiscal year 1998 surplus to be $302,000,000.

While the District government is behind schedule on the implementation of the Act's performance reporting requirements, the Authority, under the direction of the District's new Chief Management Officer, submitted to Congress the final Performance Accountability Plan for fiscal year 1999 on September 30, 1998. The Plan will improve the District government's accountability through the specification of measurable performance goals and the reporting of actual results.

The combination of quarterly financial accountability reports and annual performance reports will provide Congress with an overview of the District's financial and managerial status, while simultaneously transforming the District government into a performance-based operation with measurable goals and objectives. These reporting requirements are consistent with the reporting standards for all Federal government agencies pursuant to the Government Performance and Results Act of 1993.

The conferees direct the Council of the District of Columbia, the Mayor and the Authority to review the various reporting regulations currently in effect and analyze any redundant or outdated reporting requirements in light of the standards of the Federal Payment Reauthorization Act of 1994. The conferees further direct the Authority to provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives by January 15, 1999, its recommendations for the consolidation and streamlining of reporting requirements contained in the annual District of Columbia appropriations bills.

CONFERENCE AGREEMENT

The following tables summarize the amounts, by Federal funds and by District funds for each office or agency, agreed to in this conference:

SUMMARY
FY 1999 D.C. APPROPRIATIONS BILL

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
TITLE I						
FEDERAL FUNDS						
Metrorail Improvements and Expansion	0	25,000,000	0	0	0	25,000,000
Federal Payment for Management Reform	0	0	0	25,000,000	0	25,000,000
Federal Payment for Boys Town U.S.A. Operations in the District of Columbia	0	4,000,000	0	7,100,000	0	7,100,000
Nation's Capital Infrastructure Fund	0	21,000,000	0	0	0	18,778,000
Environmental Study and Related Activities at Lorton Correctional Complex	0	7,000,000	0	0	0	7,000,000
Federal Payment to the District of Columbia Corrections Trustee Operations	0	184,800,000	0	184,800,000	0	184,800,000
Federal Payment to the District of Columbia Courts	0	142,000,000	0	128,000,000	0	120,000,000
District of Columbia Offender Supervision, Defender, and Court Services Agency	0	59,400,000	0	59,400,000	0	59,400,000
Offender Supervision, Defender, and Court Services Agency - establishment of a residential sanctions center and drug testing, intervention, and treatment	0	4,000,000	0	0	0	0
Federal Payment for Metropolitan Police Department	0	1,200,000	0	0	0	1,200,000
Federal Payment for the Fire Department	0	3,240,000	0	0	0	3,240,000
Federal Payment to the Georgetown Waterfront Park Fund	0	0	0	1,000,000	0	1,000,000
Federal Payment to Historical Society for City Museum	0	2,000,000	0	0	0	2,000,000
Federal Payment for a National Museum of American Music and for Downtown Revitalization	0	0	0	0	0	700,000
United States Park Police	0	8,500,000	0	0	0	8,500,000
Federal Payment for Waterfront Improvements	0	3,000,000	0	0	0	3,000,000
Federal Payment to the District of Columbia for the Nation's Capital Infrastructure Fund	0	0	0	75,000,000	0	0
Federal Support for Economic Development in the District of Columbia	0	0	0	500,000	0	0
Federal Payment for a National Museum of American Music and a City Museum	0	0	0	1,000,000	0	0
Federal Payment for Mentoring Services	0	200,000	0	0	0	200,000
Federal Payment for Hotline Services	0	50,000	0	0	0	50,000
Federal Payment for Public Education	0	20,381,000	0	0	0	15,622,000
Federal Payment for Medicare Coordinated Care Demonstration Project in the District of Columbia	0	0	0	0	0	3,000,000
Federal Payment for Children's National Medical Center	0	0	0	0	0	1,000,000
Total, Title I, Federal funds to the District of Columbia	0	485,781,000	0	481,800,000	0	494,580,000
TITLE II						
District of Columbia Scholarship Fund	0	5,400,000	0	0	0	0
Total, Federal Funds	0	491,181,000	0	481,800,000	0	494,580,000

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
DISTRICT OF COLUMBIA FUNDS						
Operating expenses:						
Governmental Direction and Support	2,405	164,144,000	2,405	164,717,000	2,405	164,144,000
Economic Development and Regulation	1,263	159,039,000	1,263	156,039,000	1,263	159,039,000
Public Safety and Justice	10,032	755,786,000	10,032	751,346,000	10,032	755,786,000
Public Education System	11,790	793,725,000	11,790	773,334,000	11,790	788,956,000
Human Support Services	3,594	1,514,751,000	3,594	1,514,751,000	3,594	1,514,751,000
Public Works	1,694	266,912,000	1,694	266,912,000	1,694	266,912,000
Financing and Other Uses	0	0	0	451,623,000	0	0
Washington Convention Center Fund Transfer	0	5,400,000	0	0	0	5,400,000
Repayment of Loans and Interest	0	382,170,000	0	0	0	382,170,000
Repayment of General Fund Recovery Debt	0	38,453,000	0	0	0	38,453,000
Payment of Interest on Short-Term Borrowing	0	11,000,000	0	0	0	11,000,000
Certificates of Participation	0	7,926,000	0	0	0	7,926,000
Human Resources Development	16	6,674,000	16	0	16	6,674,000
Productivity Savings	0	(10,000,000)	0	(10,000,000)	0	(10,000,000)
Receivership Programs	2,959	318,979,000	2,959	318,979,000	2,959	318,979,000
D.C. Financial Responsibility and Management Assistance Authority	0	7,840,000	0	7,840,000	0	7,840,000
Water and Sewer Enterprise Fund	0	273,314,000	0	273,314,000	0	273,314,000
Lottery and Charitable Games Enterprise Fund	100	225,200,000	100	225,200,000	100	225,200,000
Cable Television Enterprise Fund	8	2,108,000	8	2,108,000	8	2,108,000
Public Service Commission	58	5,026,000	58	5,026,000	58	5,026,000
Office of the People's Counsel	24	2,501,000	24	2,501,000	24	2,501,000
Department of Insurance and Securities Regulation	89	7,001,000	89	7,001,000	89	7,001,000
Office of Banking and Financial Institutions	0	640,000	0	640,000	0	640,000
Starplex Fund	0	8,751,000	0	8,751,000	0	8,751,000
D.C. General Hospital (Public Benefit Corporation)	0	66,764,000	0	66,764,000	0	66,764,000
D.C. Retirement Board	13	18,202,000	13	18,202,000	13	18,202,000
Correctional Industries Fund	124	3,332,000	124	3,332,000	124	3,332,000
Washington Convention Center Enterprise Fund	0	48,139,000	0	48,139,000	0	48,139,000
Total, operating expenses	34,169	5,083,777,000	34,169	5,056,519,000	34,169	5,079,008,000
Capital Outlay:						
General fund	0	1,711,160,737	0	1,711,160,737	0	1,711,160,737
Grand Total, District of Columbia Funds	34,169	6,794,937,737	34,169	6,767,679,737	34,169	6,790,168,737

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GOVERNMENTAL DIRECTION AND SUPPORT

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recommendation	Senate recommendation	Conference Allowance
Council of the District of Columbia	8,575,000	9,388,000	9,388,000	9,388,000	9,388,000
Office of the District of Columbia Auditor	919,000	1,048,000	1,048,000	1,048,000	1,048,000
Advisory Neighborhood Commissions	562,000	573,000	0	573,000	0
Office of the Mayor	1,392,000	2,256,000	2,256,000	2,256,000	2,256,000
Office of the Secretary	1,591,000	2,146,000	2,146,000	2,146,000	2,146,000
Office of Communications	90,000	350,000	350,000	350,000	350,000
Office of Intergovernmental Relations	670,000	1,271,000	1,271,000	1,271,000	1,271,000
Office of the City Administrator	3,722,000	926,000	926,000	926,000	926,000
Office of Personnel	9,118,000	8,963,000	8,963,000	8,963,000	8,963,000
Department of Administrative Services	7,921,000	0	0	0	0
Office of Contracts and Procurement	0	17,080,000	17,080,000	17,080,000	17,080,000
Office of the Chief Technology Officer	0	14,924,000	14,924,000	14,924,000	14,924,000
Office of Property Management	0	9,445,000	9,445,000	9,445,000	9,445,000
Contract Appeals Board	634,000	603,000	603,000	603,000	603,000
Tax Revision Commission	500,000	0	0	0	0
Board of Elections and Ethics	2,947,000	2,954,000	2,954,000	2,954,000	2,954,000
Office of Campaign Finance	808,000	920,000	920,000	920,000	920,000
Public Employee Relations Board	413,000	559,000	559,000	559,000	559,000
Office of Employee Appeals	1,139,000	1,213,000	1,213,000	1,213,000	1,213,000
Metropolitan Washington Council of Governments	374,000	374,000	374,000	374,000	374,000
Independent Agencies:					
Office of Inspector General	5,731,000	7,430,000	7,430,000	7,430,000	7,430,000
Office of the Chief Financial Officer:					
Office of the Chief Financial Officer	4,748,000	82,294,000	82,294,000	82,294,000	82,294,000
Office of Budget and Planning	2,001,000	0	0	0	0
Office of Grants Management and Development	14,013,000	0	0	0	0
Office of Finance and Treasury	6,353,000	0	0	0	0
Office of Financial Operations and Systems	12,442,000	0	0	0	0
Office of Tax and Revenue	18,514,000	0	0	0	0
Total, Governmental Direction and Support Appropriation	105,177,000	164,717,000	164,144,000	164,717,000	164,144,000
Plus Intra- District funds	22,755,000	39,796,000	39,796,000	39,796,000	39,796,000
Total	127,932,000	204,513,000	203,940,000	204,513,000	203,940,000

ECONOMIC DEVELOPMENT AND REGULATION

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recommendation	Senate recommendation	Conference Allowance
Business Services and Economic Development	46,400,000	18,640,000	18,640,000	18,640,000	18,640,000
Office of Zoning	855,000	956,000	956,000	956,000	956,000
Department of Housing and Community Development	0	52,509,000	55,509,000	52,509,000	55,509,000
Department of Public and Assisted Housing	2,080,000	2,080,000	2,080,000	2,080,000	2,080,000
Department of Employment Services	56,991,000	56,804,000	56,804,000	56,804,000	56,804,000
Board of Appeals and Review	153,000	203,000	203,000	203,000	203,000
Board of Real Property Assessments and Appeals	286,000	293,000	293,000	293,000	293,000
Department of Consumer and Regulatory Affairs	13,307,000	24,554,000	24,554,000	24,554,000	24,554,000
Total, Economic Development and Regulation Appropriation	120,072,000	156,039,000	159,039,000	156,039,000	159,039,000
Plus Intra-District funding	13,699,000	3,634,000	3,634,000	3,634,000	3,634,000
Total	133,771,000	159,673,000	162,673,000	159,673,000	162,673,000

PUBLIC SAFETY AND JUSTICE

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recom-mendation	Senate recom-mendation	Conference Allowance
Metropolitan Police Department	266,779,000	295,654,000	296,854,000	295,654,000	296,854,000
Fire and Emergency Medical Services Department	98,779,000	101,566,000	104,806,000	101,566,000	104,806,000
Police and Fire Retirement System	47,700,000	35,100,000	35,100,000	35,100,000	35,100,000
Office of the Corporation Counsel	12,616,000	39,835,000	39,835,000	39,835,000	39,835,000
Settlements and Judgments	14,800,000	19,700,000	19,700,000	19,700,000	19,700,000
Department of Corrections	85,167,000	254,857,000	254,857,000	254,857,000	254,857,000
National Guard	858,000	1,783,000	1,783,000	1,783,000	1,783,000
Office of Emergency Preparedness	2,837,000	2,627,000	2,627,000	2,627,000	2,627,000
Commission on Judicial Disabilities and Tenure	125,000	138,000	138,000	138,000	138,000
Judicial Nomination Commission	78,000	86,000	86,000	86,000	86,000
Total, Public Safety and Justice Appropriation	529,739,000	751,346,000	755,786,000	751,346,000	755,786,000
Plus Intra-District funding	10,478,000	10,500,000	10,500,000	10,500,000	10,500,000
Total	540,217,000	761,846,000	766,286,000	761,846,000	766,286,000

PUBLIC EDUCATION SYSTEM

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recommendation	Senate recommendation	Conference Allowance
Board of Education (Public Schools)	564,129,000	644,805,000	644,805,000	644,805,000	644,805,000
Public Charter Schools	1,235,000	12,235,000	32,626,000	12,235,000	27,857,000
Teachers' Retirement System	8,900,000	18,600,000	18,600,000	18,600,000	18,600,000
University of the District of Columbia	74,087,000	72,088,000	72,088,000	72,088,000	72,088,000
Public Library	22,036,000	23,419,000	23,419,000	23,419,000	23,419,000
Commission on the Arts and Humanities	2,057,000	2,187,000	2,187,000	2,187,000	2,187,000
Total, Public Education System Appropriation	672,444,000	773,334,000	793,725,000	773,334,000	788,956,000
Plus Intra-District Funding	10,970,000	12,791,000	12,791,000	12,791,000	12,791,000
Total	683,414,000	786,125,000	806,516,000	786,125,000	801,747,000

HUMAN SUPPORT SERVICES

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recommendation	Senate recommendation	Conference Allowance
Department of Human Development	634,669,000	391,416,000	391,416,000	391,416,000	391,416,000
Department of Health	961,128,000	996,080,000	996,080,000	996,080,000	996,080,000
Department of Recreation and Parks	22,889,000	24,119,000	24,119,000	24,119,000	24,119,000
Office on Aging	17,349,000	17,616,000	17,616,000	17,616,000	17,616,000
Public Benefit Corporation Subsidy	44,335,000	46,835,000	46,835,000	46,835,000	46,835,000
Unemployment Compensation Fund	10,678,000	10,678,000	10,678,000	10,678,000	10,678,000
Disability Compensation Fund	21,089,000	21,089,000	21,089,000	21,089,000	21,089,000
Department of Human Rights	927,000	1,044,000	1,044,000	1,044,000	1,044,000
Office on Latino Affairs	636,000	655,000	655,000	655,000	655,000
Commission for Women	20,000	0	0	0	0
D.C. Energy Office	5,219,000	5,219,000	5,219,000	5,219,000	5,219,000
Total, Human Support Services Appropriation	1,718,939,000	1,514,751,000	1,514,751,000	1,514,751,000	1,514,751,000
Plus Intra-District funding	5,224,000	7,232,000	7,232,000	7,232,000	7,232,000
Total	1,724,163,000	1,521,983,000	1,521,983,000	1,521,983,000	1,521,983,000

PUBLIC WORKS

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recommendation	Senate recommendation	Conference Allowance
Department of Public Works	110,315,000	118,281,000	118,281,000	118,281,000	118,281,000
Department of Motor Vehicles	0	12,065,000	12,065,000	12,065,000	12,065,000
Taxicab Commission	848,000	716,000	716,000	716,000	716,000
Washington Metropolitan Area Transit Commission	91,000	81,000	81,000	81,000	81,000
Washington Metropolitan Area Transit Authority (Metro)	127,230,000	132,319,000	132,319,000	132,319,000	132,319,000
School Transit Subsidy	3,450,000	3,450,000	3,450,000	3,450,000	3,450,000
Total, Public Works Appropriation	241,934,000	266,912,000	266,912,000	266,912,000	266,912,000
Plus Intra-District Funding	39,143,000	22,274,000	22,274,000	22,274,000	22,274,000
Total	281,077,000	289,186,000	289,186,000	289,186,000	289,186,000

FINANCING AND OTHER USES

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recommendation	Senate recommendation	Conference Allowance
Washington Convention Center Transfer Payment	5,400,000	5,400,000	5,400,000	5,400,000 1/	5,400,000
Repayment of Loans and Interest	384,430,000	382,170,000	382,170,000	382,170,000 1/	382,170,000
Repayment of General Fund Recovery Debt	39,020,000	38,453,000	38,453,000	38,453,000 1/	38,453,000
Interest on Short-Term Borrowing	12,000,000	11,000,000	11,000,000	11,000,000 1/	11,000,000
Certificate of Participation	7,923,000	7,926,000	7,926,000	7,926,000 1/	7,926,000
Inaugural Expenses	0	0	0	0	0
Human Resources Development	6,000,000	6,674,000	6,674,000	6,674,000 1/	6,674,000
Deficit Reduction and Revitalization	201,090,000	0	0	0	0
Total, Financing and Other Uses	655,863,000	451,623,000	451,623,000	451,623,000 1/	451,623,000
D.C. Financial Responsibility and Management Assistance Authority	3,220,000	7,840,000	7,840,000	7,840,000	7,840,000
Productivity Savings	0	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
Total, Financing and Other Uses	659,083,000	449,463,000	449,463,000	449,463,000	449,463,000

1/ Senate combined into one appropriation "Financing and Other Uses".

RECEIVERSHIP PROGRAM

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recommendation	Senate recommendation	Conference Allowance
Corrections Medical Receiver	0	13,300,000	13,300,000	13,300,000	13,300,000
Child and Family Service Receiver	0	107,131,000	107,131,000	107,131,000	107,131,000
Commission on Mental Health Receiver	0	198,548,000	198,548,000	198,548,000	198,548,000
Total, Receivership Programs	0	318,979,000	318,979,000	318,979,000	318,979,000

ENTERPRISE FUNDS

Agency/Activity	FY 1998 Approved	FY 1999 Request	House recommendation	Senate recommendation	Conference Allowance
Department of Public Works (Utility Administration)	263,425,000	239,493,000	239,493,000	239,493,000	239,493,000
Washington Aqueduct	33,885,000	33,821,000	33,821,000	33,821,000	33,821,000
Total, Water and Sewer Enterprise Fund	297,310,000	273,314,000	273,314,000	273,314,000	273,314,000
Lottery and Charitable Games	213,500,000	225,200,000	225,200,000	225,200,000	225,200,000
Cable Television	2,467,000	2,108,000	2,108,000	2,108,000	2,108,000
Public Service Commission	4,547,000	5,026,000	5,026,000	5,026,000	5,026,000
Office of People's Counsel	2,428,000	2,501,000	2,501,000	2,501,000	2,501,000
Department of Insurance and Securities Regulations	5,683,000	7,001,000	7,001,000	7,001,000	7,001,000
Office of Banking and Financial Institutions	600,000	640,000	640,000	640,000	640,000
Sports Commission (STARPLEX)	5,936,000	8,751,000	8,751,000	8,751,000	8,751,000
D.C. General Hospital	52,684,000	66,764,000	66,764,000	66,764,000	66,764,000
Retirement Board	16,762,000	18,202,000	18,202,000	18,202,000	18,202,000
Correctional Industries Fund	3,332,000	3,332,000	3,332,000	3,332,000	3,332,000
Washington Convention Center	41,000,000	48,139,000	48,139,000	48,139,000	48,139,000
Total, Enterprise Funds Appropriation	646,249,000	660,978,000	660,978,000	660,978,000	660,978,000
Plus Intra-District Funding	16,000,000	36,685,000	36,685,000	36,685,000	36,685,000
Total	662,249,000	697,663,000	697,663,000	697,663,000	697,663,000

[illegible]

DISTRICT OF COLUMBIA
Operating Expenses
FISCAL YEAR 1999 CONFERENCE AGREEMENT
(Amounts in Thousands)

	Fiscal Year 1999											
	Local Funds		Federal Grants		Private & Other		Subtotal FY 1999		Intra-District		FY 1999 Appropriation	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Governmental Direction and Support:												
Council of the District of Columbia (AB)	150	9,382	0	0	0	6	150	9,388	0	0	150	9,388
Office of the D.C. Auditor (AC)	12	1,048	0	0	0	0	12	1,048	0	0	12	1,048
Office of the Mayor (AA)	39	2,256	0	0	0	0	39	2,256	0	0	39	2,256
Office of the Secretary (BA)	31	2,067	0	0	2	79	33	2,146	0	0	33	2,146
Office of Communications (BB)	6	350	0	0	0	0	6	350	0	0	6	350
Office of Intergovernmental Relations (BP)	16	1,271	0	0	0	0	16	1,271	0	0	16	1,271
Office of the City Administrator(AE)	13	926	0	0	0	0	13	926	4	240	17	1,166
Office of Personnel (BE)	144	7,938	0	0	21	1,025	165	8,963	24	916	189	9,879
Office of the Chief Procurement Officer (PO)	176	14,601	64	2,286	4	194	234	17,080	30	1,724	264	18,804
Office of the Chief Technology Officer (TO)	52	14,924	0	0	0	0	52	14,924	18	2,974	70	17,898
Office of Real Property Management (AM)	76	7,972	0	0	2	1,473	78	9,445	318	26,825	396	36,270
Contract Appeals Board (AF)	6	603	0	0	0	0	6	603	0	0	6	603
Board of Elections and Ethics (DL)	50	2,954	0	0	0	0	50	2,954	0	0	50	2,954
Office of Campaign Finance (CJ)	15	920	0	0	0	0	15	920	0	0	15	920
Public Employee Relations Board (CG)	4	559	0	0	0	0	4	559	0	0	4	559
Office of Employee Appeals (CH)	15	1,213	0	0	0	0	15	1,213	0	0	15	1,213
Metro. Washington Council of Governments (EA)	0	374	0	0	0	0	0	374	0	0	0	374
Office of the Inspector General (AD)	60	7,430	0	0	0	0	60	7,430	0	0	60	7,430
Office of the Chief Financial Officer (AT)	876	59,697	13	11,670	65	10,927	954	82,294	109	7,117	1,063	89,411
Total, Governmental Direction and Support	1,741	136,485	67	13,955	94	13,704	1,902	164,144	503	39,796	2,405	203,940
Economic Development and Regulation:												
Business Services & Economic Development (EB)	46	6,640	0	0	0	12,000	46	18,640	34	2,106	80	20,746
Office of Zoning (BJ)	6	485	0	0	7	471	13	956	0	0	13	956
Dept. of Housing and Community Development (DB)	8	3,623	156	47,424	0	4,462	164	55,509	0	1,200	164	56,709
Department of Public and Assisted Housing (PH)	0	2,080	0	0	0	0	0	2,080	0	0	0	2,080
Department of Employment Services (CF)	71	8,258	403	35,571	175	12,975	649	56,804	6	328	655	57,132
Board of Appeals and Review (DK)	2	203	0	0	0	0	2	203	0	0	2	203
Board of Real Property Assessments & Appeals (DA)	3	293	0	0	0	0	3	293	0	0	3	293
Department of Consumer and Regulatory Affairs (CR)	339	23,580	4	370	3	604	346	24,554	0	0	346	24,554
Total, Economic Development and Regulation	475	45,162	563	83,365	185	30,512	1,223	159,039	40	3,634	1,263	162,673
Public Safety and Justice:												
Metropolitan Police Department (FA)	4,621	277,098	59	14,300	0	7,496	4,680	298,894	2	4,716	4,682	303,610
Fire and Emergency Medical Services Dept. (FB)	1,704	101,557	0	1,200	0	9	1,704	102,766	0	72	1,704	102,838
Police and Fire Retirement System (FD)	0	35,100	0	0	0	0	0	35,100	0	0	0	35,100
Office of the Corporation Counsel (CB)	298	23,332	180	12,319	4	4,184	482	39,835	21	3,554	503	43,389
Settlement and Judgments (ZH)	0	19,700	0	0	0	0	0	19,700	0	0	0	19,700
Department of Corrections (FL)	775	70,534	4	1,500	2,217	182,823	2,996	254,857	16	2,158	3,012	257,015
National Guard (FK)	30	1,783	0	0	0	0	30	1,783	0	0	30	1,783
Office of Emergency Preparedness (BN)	20	1,619	12	1,008	0	0	32	2,627	0	0	32	2,627
Commission on Judicial Disabilities and Tenure (DQ)	2	138	0	0	0	0	2	138	0	0	2	138
Judicial Nomination Commission (DV)	1	86	0	0	0	0	1	86	0	0	1	86
Total, Public Safety and Justice	7,517	530,945	255	30,327	2,221	194,514	9,993	755,786	39	10,500	10,032	766,286

	Fiscal Year 1999											
	Local Funds		Federal Grants		Private & Other		Subtotal FY 1999		Intra-District		FY 1999 Appropriation	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Public Education System:												
Public Schools (GA)	8,900	545,000	1,227	95,121	96	4,684	10,223	644,805	34	3,354	10,257	648,159
Teachers' Retirement System (GX)	0	18,600	0	0	0	0	0	18,600	0	0	0	18,600
Public Charter Schools (GC)	0	12,235	0	15,622	0	0	0	27,857	0	0	0	27,857
University of the District of Columbia (GF)	572	40,148	167	14,079	189	17,861	928	72,088	162	9,437	1,090	81,525
Public Library (CE)	422	22,326	10	686	2	407	434	23,419	0	0	434	23,419
Commission on the Arts and Humanities (BX)	2	1,826	7	361	0	0	9	2,187	0	0	9	2,187
Total, Public Education System	9,896	640,135	1,411	125,869	287	22,952	11,594	788,956	196	12,791	11,790	801,747
Human Support Services:												
Department of Human Development (JA)	799	188,840	1,126	197,705	7	4,871	1,932	391,416	27	1,653	1,959	393,069
Department of Health (HC)	359	311,377	667	678,850	56	5,853	1,082	996,080	16	1,702	1,098	997,782
Department of Recreation and Parks (HA)	366	21,952	0	34	19	2,133	385	24,119	93	3,199	478	27,318
Office on Aging (BY)	14	12,315	9	5,300	0	1	23	17,616	3	648	26	18,264
Public Benefit Corporation (JC)	0	46,835	0	0	0	0	0	46,835	0	0	0	46,835
Unemployment Compensation (BH)	0	10,678	0	0	0	0	0	10,678	0	0	0	10,678
Disability Compensation (BG)	0	21,089	0	0	0	0	0	21,089	0	0	0	21,089
Office of Human Rights (HM)	16	938	0	106	0	0	16	1,044	0	0	16	1,044
Office on Latino Affairs (BZ)	3	655	0	0	0	0	3	655	1	30	4	685
Energy Office (JF)	0	0	10	4,687	3	532	13	5,219	0	0	13	5,219
Total, Human Support Services	1,557	614,679	1,812	886,682	85	13,390	3,454	1,514,751	140	7,232	3,594	1,521,983
Public Works:												
Department of Public Works (KA)	1,075	110,143	48	3,124	68	5,014	1,191	118,281	265	21,416	1,456	139,697
Department of Motor Vehicles (KV)	198	10,944	3	92	7	1,029	208	12,065	21	858	229	12,923
Taxicab Commission (TC)	6	305	0	0	3	411	9	716	0	0	9	716
Wash. Metropolitan Area Transit Commission (KC)	0	81	0	0	0	0	0	81	0	0	0	81
Washington Metropolitan Area Transit Authority (Metro) (KE)	0	132,319	0	0	0	0	0	132,319	0	0	0	132,319
School Transit Subsidy (KD)	0	3,450	0	0	0	0	0	3,450	0	0	0	3,450
Total, Public Works	1,279	257,242	51	3,216	78	6,454	1,408	266,912	286	22,274	1,694	289,186
Financing and Other Uses:												
Wash. Convention Center Transfer Payment (ER)	0	5,400	0	0	0	0	0	5,400	0	0	0	5,400
Repayment of Loans and Interest (DS)	0	382,170	0	0	0	0	0	382,170	0	0	0	382,170
Repayment of General Fund Recovery Debt (ZD)	0	38,453	0	0	0	0	0	38,453	0	0	0	38,453
Short-Term Borrowing (ZA)	0	11,000	0	0	0	0	0	11,000	0	0	0	11,000
Certificate of Participation (CP)	0	7,926	0	0	0	0	0	7,926	0	0	0	7,926
Human Development (HD)	16	6,674	0	0	0	0	16	6,674	0	0	16	6,674
Total, Financing	16	451,623	0	0	0	0	16	451,623	0	0	16	451,623

	Fiscal Year 1999											
	Local Funds		Federal Grants		Private & Other		Subtotal FY 1999		Intra-District		FY 1999 Appropriation	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Receivership Programs:												
Corrections Medical (RR)	10	8,500	0	0	0	4,800	10	13,300	0	0	10	13,300
Child and Family Services Receiver (RL)	411	75,549	106	31,582	0	0	517	107,131	0	0	517	107,131
Mental Health Receiver (RM)	1,772	105,105	660	65,109	0	28,334	2,432	198,548	0	0	2,432	198,548
Total, Receivership Programs	2,193	189,154	766	96,691	0	33,134	2,959	318,979	0	0	2,959	318,979
Financial Authority (XB)	0	7,840	0	0	0	0	0	7,840	0	0	0	7,840
Productivity Savings	0	(10,000)	0	0	0	0	0	(10,000)	0	0	0	(10,000)
Total, General Fund - Operating Expenses	24,674	2,863,265	4,925	1,240,105	2,950	314,660	32,549	4,418,030	1,204	96,227	33,753	4,514,257
Enterprise Funds:												
Water and Sewer Enterprise Fund:												
Water and Sewer Utility Administration (LA)	0	0	0	0	0	239,493	0	239,493	0	0	0	239,493
Washington Aqueduct (LB)	0	0	0	0	0	33,821	0	33,821	0	0	0	33,821
Total, Water and Sewer Enterprise Fund	0	0	0	0	0	273,314	0	273,314	0	0	0	273,314
Lottery and Charitable Games Enterprise Fund (DC)	0	0	0	0	100	225,200	100	225,200	0	0	100	225,200
Office of Cable Television (CT)	8	2,108	0	0	0	0	8	2,108	0	736	8	2,844
Public Service Commission (DH)	0	0	2	252	56	4,774	58	5,026	0	0	58	5,026
Office of People's Counsel (DJ)	0	0	0	0	24	2,501	24	2,501	0	0	24	2,501
Department of Insurance & Securities Regulation (SR)	0	0	0	0	89	7,001	89	7,001	0	0	89	7,001
Office of Banking and Financial Institutions (BI)	0	390	0	0	0	250	0	640	0	0	0	640
Sports Commission (STARPLEX) (SC)	0	0	0	0	0	8,751	0	8,751	0	0	0	8,751
D.C. General Hospital (JB)	0	0	0	0	0	66,764	0	66,764	0	29,849	0	96,613
Retirement Board (DY)	0	0	0	0	13	18,202	13	18,202	0	0	13	18,202
Correctional Industries (FP)	0	0	0	0	50	3,332	50	3,332	74	6,100	124	9,432
Washington Convention Center (ES)	0	0	0	0	0	48,139	0	48,139	0	0	0	48,139
Total, Enterprise Funds	8	2,498	2	252	332	658,228	342	660,978	74	36,685	416	697,663
Total, Operating Expenses	24,682	2,865,763	4,927	1,240,357	3,282	972,888	32,891	5,079,008	1,278	132,912	34,169	5,211,920
Capital Outlay	0	628,256	0	1,082,905	0	0	0	1,711,161	0	0	0	1,711,161
Grand Total	24,682	3,494,019	4,927	2,323,262	3,282	972,888	32,891	6,790,169	1,278	132,912	34,169	6,923,081

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational authority) for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimates, and the House and Senate bills for 1999 follow:

Federal funds:	
New budget (obligational) authority, fiscal year 1998	$533,000,000
Budget estimates of new (obligational) authority, fiscal year 1999	486,200,000
House bill, fiscal year 1999	491,181,000
Senate bill, fiscal year 1999	481,800,000
Conference agreement, fiscal year 1999	494,590,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1998 ...	−38,410,000
Budget estimates of new (obligational) authority, fiscal year 1999	+8,390,000
House bill, fiscal year 1999	+3,409,000
Senate bill, fiscal year	+12,790,000
District of Columbia funds:	
New budget (obligational) authority, fiscal year 1998	*4,962,967,000*
Budget estimates of new (obligational) authority, fiscal year 1999	*6,767,679,737*
House bill, fiscal year 1999	*6,794,937,737*
Senate bill, fiscal year 1999	*6,767,679,737*
Conference agreement, fiscal year 1999	*6,790,168,737*
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1998	*+1,827,201,737*
Budget estimates of new (obligational) authority, fiscal year 1999	*+22,489,000*
House bill, fiscal year 1999	*−4,769,000*
Senate bill, fiscal year 1999	*+22,489,000*

SECTION 101(d)—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

The conferees on H.R. 4328 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the difference in the House and Senate versions of H.R. 4569, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, by members of the appropriations subcommittees of both the House and Senate with jurisdiction over H.R. 4569.

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

The conference agreement appropriates $765,000,000 for the subsidy appropriation of the Export-Import Bank instead of $745,500,000 as proposed by the House and $785,000,000 as proposed by the Senate. The appropriations are available for four years.

The conferees note that authority to transfer additional funds to this account from "Assistance for the New Independent States of the Former Soviet Union" is provided under that heading, as proposed by the Senate.

EXPORT-IMPORT BANK OF THE UNITED STATES

ADMINISTRATIVE EXPENSES

The conference agreement appropriates $50,000,000 for administrative expenses of the Export-Import Bank instead of $49,000,000 as proposed by the Senate and $50,277,000 as proposed by the House. It also delays the sunset provision of Section 117 of the Export Enhancement Act of 1992, relating to compensation of employees, until October 1, 1999, as proposed by the Senate. A ceiling of $22,500 is placed on official reception and representation expenses of the Board of Directors, instead of $20,000 as proposed by the House and $25,000 as proposed by the Senate.

OVERSEAS PRIVATE INVESTMENT CORPORATION NON-CREDIT ACCOUNT

The conference agreement appropriates $32,500,000 for administrative expenses of the Overseas Private Investment Corporation (OPIC) instead of $33,000,000 as proposed by the House and $32,000,000 as proposed by the Senate. Of this amount, $5,000,000 is withheld from obligation until OPIC provides certain reports relating to sector funds and activities in the southern Caucasus, instead of $16,500,000 as proposed by the Senate.

TRADE AND DEVELOPMENT AGENCY

The conference agreement appropriates $44,000,000 for the Trade and Development Agency instead of $43,000,000 as proposed by the Senate and $41,500,000 as proposed by the House.

The conferees concur with House report language on the Trade and Development Agency and OPIC as it relates to an East-West transport corridor and the Caspian Sea region. The managers also note discussion of the corridor and Turkmenistan in this Statement under the heading "Assistance for the New Independent States of the Former Soviet Union".

TITLE II—BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

The conference agreement appropriates $650,000,000 as proposed by the House. The Senate bill contained no provision on this matter, but included funds for these activities under "Development Assistance". The managers agree with the House report language regarding the use of the funds appropriated under this heading, including $105,000,000 for a grant to UNICEF and $25,000,000 for polio eradication. The grant for UNICEF does not preclude AID from providing additional funding for specific UNICEF projects as may be applicable.

The managers also concur with House and Senate report language on infectious diseases. At least $50,000,000 above the amount provided for HIV/AIDS is to be made available from funds under this heading to strengthen global surveillance and control of infectious diseases as proposed by the House. The Senate included similar bill language under "Development Assistance".

The total available to combat infectious diseases should be $215,000,000 in fiscal year 1999. In implementing programs, projects, and activities to combat infectious diseases, the conferees support AID's new strategy to address the global threat of infectious diseases, which focuses on activities to improve surveillance and response, and to combat anti-microbial resistance, malaria, and tuberculosis. They expect AID to continue to consult closely with the Appropriations Committees, the National Institute of Allergy and Infectious Diseases of the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), and other relevant agencies involved in international health issues.

The funding increase above the fiscal year 1998 level should be used for programs, projects, and activities for the prevention and control of such infectious diseases as drug-resistant tuberculosis.

As language in last year's Statement of Managers suggesting that Mexico be included among country programs funded by AID was ignored, the conferees direct that an effective program for Mexico be included in the 1999 allocation. To the greatest extent possible, a subsidy should be provided for the Mexican share of the binational approach that has been developed to protect residents on both sides of the Mexico/Texas border from the ravages of tuberculosis. In addition, the conferees support the regional tuberculosis control initiative proposed by the Gorgas Memorial Institute and recommend that up to $2,000,000 be made available for this activity in Latin America. The Committees expect to be fully consulted by AID before it finalizes its 1999 spending plan for tuberculosis.

The conference agreement includes $125,000,000 for both bilateral and multilateral HIV/AIDS prevention and control programs, as proposed by the House.

The conferees are aware that an estimated 600,000 women die from pregnancy-related causes annually, and that most of these lives could be saved with better healthcare and nutrition. The conferees encourage AID to provide as much as $50,000,000 for activities intended to improve the health and nutrition of pregnant women and mothers of newborn children. AID is requested to consult with WHO, the Global Health Council, and others in developing a strategy to address these problems.

The conference agreement includes not less than $12,000,000 for orphans, displaced, and blind children. An additional $3,000,000 should be made available for support of children in Russian and Ukrainian orphanages from this account and Assistance to the New Independent States.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $1,225,000,000 for "Development Assistance" instead of $1,174,000,000 as proposed by the House and $1,904,000,000 as proposed by the Senate. The Senate included funding for the "Child Survival and Disease Programs Fund" under its "Development Assistance" account.

The conference agreement includes language from the Senate amendment which inserts authority to obligate funds pursuant to title V of the International Security and Development Cooperation Act of 1980 (African Development Foundation), and section 401 of the Foreign Assistance Act of 1969 (Inter-American Foundation) under this heading. The conference agreement provides authority apportioning directly up to $20,000,000 for the Inter-American Foundation and up to $11,000,000 for the African Development Foundation. The Senate provided allocations for these two foundations at levels of $20,000,000 and $8,000,000, respectively. The House bill had provided separate appropriations accounts for the foundations at levels of $20,680,000 for the Inter-American Foundation and $13,160,000 for the African Development Foundation.

The conferees have agreed to an increase for this account in part to enable additional funding for Indonesia without adversely affecting other countries in the region, or countries in other regions.

The conferees support funding for the Latin America and the Caribbean region, under this account and "Economic Support Fund", at least at the level allocated for fiscal year 1998.

The conference agreement also includes House language allowing not to exceed $2,500,000 to be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD). The Senate amendment included similar language.

The conference agreement includes language that states that not less than $500,000 should be made available for support of the United States Telecommunications Training Institute. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement contains language similar to that in the House bill that withholds funds for the central Government of South Africa until the Secretary of State reports on the steps being taken by the United States to work with the Government of the Republic of South Africa to negotiate the repeal, suspension, or termination of section 15(c) of South Africa's Medicines and Related Control Amendment Act No. 90 of 1997. The Senate amendment did not contain a provision on this matter.

The conference agreement includes language from the Senate amendment not in the House bill that provides not to exceed $25,000, in addition to funds otherwise available for such purposes, to monitor and provide oversight for assistance programs for displaced and orphan children and victims of war.

The conference agreement includes language stating that not less than $1,500,000 should be made available for agriculture programs in Laos. The Senate amendment would have mandated not less than $2,000,000 for this purpose; the House bill did not address this matter.

The conference agreement includes language similar to a provision in the Senate amendment that requires that not less than 50 percent of the funds made available for the Microenterprise Initiative should be made available for loans of $300 or less for very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans. The House bill did not address this matter.

The conference agreement prohibits funds from being made available for any activity in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) as proposed by the House.

VOLUNTARY FAMILY PLANNING

The conference agreement includes language that states that voluntary family planning projects that are funded through this account meet certain requirements. The House bill included language with a similar intent. The Senate amendment did not address this matter.

The conference substitute states that project service providers or referral agents cannot implement or be subject to quotas or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning. The conference substitute deletes the word "goals" from the original amendment because it is redundant in light of the prohibition on quotas and numerical targets. If goals are applicable to a project and are implemented in a manner that, in fact, makes them quotas or other numerical targets, then it is the conferees' intention that such "goals" be considered as violations of this provision.

The conference substitute makes clear that projects may rely on quantitative estimates or "indicators", so long as such estimates or indicators are used only for budgeting and planning purposes and do not function as quotas or numerical targets.

AGRICULTURE

The conference agreement does not contain language from the Senate amendment regarding the minimum level of funding for agriculture programs. However, the conferees are concerned about the decline in funding for international agriculture. It is one of the keys to economic development, and significantly more than half of the world's developing population is engaged in agricultural production. If agricultural production is improved and increased, not only is there a positive economic impact, but more rural poor are able to overcome the rampant hunger and malnutrition experienced by many children, women and men in developing countries. International agricultural development is also supported by many important members of the U.S. agricultural industry, including agribusiness, farmers, ranchers, and universities, because of the long-term benefits of developing and expanding export markets for U.S. goods and services.

The conferees note that AID has included agricultural development as one of its major goals for the coming year, and strongly support agricultural programs in "Development Assistance" and in the other accounts administered by AID. The conferees recommend $305,000,000 for these activities in fiscal year 1999.

Prior to the submission of the report required by section 653 of the Foreign Assistance Act, AID is directed to consult with the Committees on Appropriations regarding the proposed allocation of sector resources, including those intended for agriculture.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

The conference agreement does not contain Senate language requiring that not less than $15,000,000 shall be available only for the American Schools and Hospitals Abroad (ASHA) program. However, the managers direct the Agency for International Development to fully uphold its commitment to the Appropriations Committees to obligate at least $15,000,000 for the American Schools and Hospitals Abroad program in fiscal year 1999.

The conferees believe that several institutions which have received funding under the ASHA program have distinguished records and deserve further support. They include:

—The American University of Beirut which has trained Middle Eastern leaders for 130 years in a strong liberal arts tradition encouraging freedom of expression, private initiative, and tolerance. Its academic quality and longstanding relationship with regional governments make the university a primary resource for regional development.

—The Lebanese American University (formerly Beirut University College) is the most rapidly growing institution of higher learning in Lebanon and is an increasingly important resource for regional development.

—The Hadassah Medical Organization has established an important record of outreach and service. Hadassah's programs are designed to train native populations to improve the health and welfare of their own people using American ideas and technology.

—The Johns Hopkins University's centers in Bologna, Italy, and Nanjing, China are vital national resources promoting democracy and international market economics in central and Eastern Europe and China. The conferees expect that $500,000 be provided for the Nanjing center.

—The Feinberg Graduate School [FGS] of the Weizmann Institute of Science in Israel has long served as a model of American scientific education for postgraduate students and scholars from around the world. ASHA funds have been used exclusively to purchase American-made scientific equipment from American suppliers.

In addition, the Bikur Cholim Hospital is one of the oldest medical institutions in Israel, and is today the only medical center in the heart of Jerusalem. There is an urgent need for renovation and expansion at Bikur Cholim to accommodate the emergency medical needs of all residents of Jerusalem. The managers recommend funding be provided for modernizing infrastructure and adding space, equipment and medical and nursing personnel at the Bikur Cholim Hospital.

The conferees note that University College, Dublin, is launching a Center of American Studies to provide educational programs in American culture, history and economics. The conferees recommend that AID seriously consider supporting the Center under the ASHA program.

MITCH MCCONNELL CONSERVATION FUND

While the conference agreement does not include language from the Senate amendment establishing the Mitch McConnell Conservation Fund, the conferees support the fund.

In April 1998, the Government of Ecuador passed landmark legislation promoting conservation of biodiversity and sustainable development of the Province of the Galapagos Islands. The conferees note that Ecuador does not have the resources to assure the laws can be fully and effectively implemented to protect this unique environment. To fulfill these requirements, the conferees direct that not less than $1,200,000 be provided for research, conservation, training and related activities. Of this sum, not less than $500,000 should be made available for activities conducted by the Charles Darwin Research Station and $200,000 should be made available to support training and conservation activities conducted by the Galapagos National Park Service. Finally, not less than $500,000 should be made as a contribution to an endowment for the Charles Darwin Research Station and Foundation.

PATRICK LEAHY WAR VICTIMS FUND

The conferees recommend $12,000,000 for medical, orthopedic, and related rehabilitative and preventive assistance for war victims, particularly those who have been severely disabled from landmines and other unexploded ordnance. Of this amount, up to $10,000,000 is to be funded from the "Development Assistance" account and the "Economic Support Fund". The balance should be funded from Office of Transition Initiatives resources, and with funds from the demining budget of the "Nonproliferation, anti-terrorism, demining and related programs" account, for example, to conduct surveys of the needs of landmine victims. Any such programs to assist war victims should be designed and implemented in consultation with AID's manager of the Leahy War Victims Fund.

Private and Voluntary Organizations

The conference agreement includes language from the Senate amendment providing that funds appropriated under title II of this Act should be made available to private and voluntary organizations (PVO's) at a level which is at least equivalent to the level provided in fiscal year 1995. The House bill included similar language.

Cyprus

The conference agreement includes Senate language providing that not less than $15,000,000 of the funds appropriated under "Development Assistance" and "Economic Support Fund" be made available for Cyprus, to be used only for scholarships, administrative support, bicommunal projects, and measures aimed at reunification of the island. The House bill contained no provision on this matter.

Burma

The conference agreement includes a total of $6,500,000 from "Development Assistance" and "Economic Support Fund" to support democracy and humanitarian programs related to Burma. Such funds may be made available notwithstanding any other provision of law and are subject to notification. The Senate amendment specified the uses for the funds beyond democracy and humanitarian assistance, and the funding source was limited to "Development Assistance". The House bill contained no provision on this matter.

The conference agreement appropriates $6,500,000 from "Development Assistance" and "Economic Support Fund" resources to promote the restoration of democracy in Burma and support humanitarian programs along Burma's borders and outside Burma. Of this amount, $3,500,000 should be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma, of which, not less than $500,000 should be made available for newspapers, media and publications promoting democracy in and related to Burma. Finally, $3,000,000 should be made available to support the provision of medical supplies and services, education and humanitarian assistance to displaced Burmese along the Burma borders.

The conferees are concerned by the lack of consultation with the legitimate government of Burma regarding the expenditure of such funds and directs that such consultations take place on the obligation of fiscal year 1999 funds. The conferees note the dramatic increase in repression in Burma during 1998. Credible reports indicate that more than 800 members of the National League for Democracy and its supporters have been detained, tortured or executed in the past several months. These abuses have occurred in an attempt by the State Peace and Development Council (SPCC) to prevent the National League of Democracy, the legitimate winners of the 1990 elections, from convening and seating a parliament.

The conferees continue to be concerned by the slow disbursement of funds made available for Burma in spite of the fact that there has been little change in the selected beneficiaries over the past three years. The conferees direct that 15 days after enactment of this Act, the committees on appropriations be provided with a report on the obligation of all funds in fiscal years 1997 and 1998 and thirty days thereafter an assessment of any changes anticipated in the administration of funds for fiscal year 1999.

Cambodia

The conference agreement includes language prohibiting funds for Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Cambodia has: (1) thoroughly and credibly resolved all election-related disputes and complaints filed by all political parties to the National Election Commission and the Constitutional Council; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; and (3) been formed through credible, democratic elections. This restriction does not apply to demining or activities administered by nongovernmental organizations, but any funds made available for such purposes are subject to notification. The House bill and Senate amendment contained similar provisions.

The conferees encourage representatives from the Secretary of State in consultation with respresentatives from the Director of the Federal Bureau of Investigation to meet with impacted parties, including victims, of the March 30, 1997, grenade attack in Phnom Phen to discuss the status of their report. The FBI's investigation and report are classified and the conferees believe that full disclosure of its fundings could be important to resolving outstanding concerns.

Indonesia

The conference agreement provides that of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $75,000,000 shall be made available for assistance for Indonesia. Of this amount, up to $25,000,000 may be derived from funds that are available for obligation pursuant to section 511 of this Act or any comparable provision of law. In addition, the language states that $15,000,000 of these funds should be administered by the Office of Transition Initiatives. The Senate amendment had provided not less than $100,000,000 for Indonesia from the funds appropriated under "Development Assistance", and specified the uses for the funds. The House bill did not address this matter.

The conferees have included the use of deobligation/reobligation authority for programs for Indonesia with the expectation that the authority will be fully utilized, and that the sources for use of this authority could be derived from projects from any region of the world.

International Disaster Assistance

The conference agreement appropriates $200,000,000 for "International Disaster Assistance" instead of $150,000,000 as proposed by the House.

The conferees note that an additional $15,000,000 for the Office of Transition Initiatives will be available for Indonesia from sources outside of this account.

The conference agreement does not include language proposed by the Senate that provided not less than $500,000 for a hydraulic drilling machine to provide potable drinking water in the region of the Nuba Mountains in Sudan. The House bill did not address this matter.

Urban and Environmental Credit Program Account

The conference agreement appropriates $1,500,000 for subsidy budget authority instead of $3,000,000 as proposed by the Senate. The House bill did not address this matter. In addition, the agreement appropriates $5,000,000 for administrative expenses instead of $5,500,000 as proposed by the House and $4,000,000 as proposed by the Senate.

Operating Expenses of the Agency for International Development

The conference agreement appropriates $479,950,000 instead of $460,000,000 as proposed by the House and $475,000,000 as proposed by the Senate. Also, the conference agreement does not include language proposed by the Senate to extend the availability of these funds until September 30, 2000.

Operating Expenses of the Agency for International Development Office of Inspector General

The conference agreement appropriates $30,750,000 for the Office of Inspector General instead of $31,500,000 as proposed by the House and $30,000,000 as proposed by the Senate. Funds provided in this account for security activities should be transferred to the account for operating expenses of the agency pursuant to section 587 of this Act.

Economic Support Fund

The conference agreement appropriates $2,367,000,000 instead of $2,305,600,000 as proposed by the Senate and $2,326,000,000 as proposed by the House.

THE MIDDLE EAST

The conference agreement inserts language proposed by the Senate which earmarks $1,080,000,000 for Israel and $775,000,000 for Egypt. The conference agreement inserts language that not less than $150,000,000 should be made available for Jordan.

ISRAEL

The conferees wish to commend Prime Minister Netanyahu and the Government of Israel for putting forward an historic proposal to eliminate Israel's economic aid over the course of the next decade. The Prime Minister's proposal recognized Israel's remarkable economic growth, technological advances and financial progress, and assumed Israel's ability to finance its own economic requirements in the future. At the same time, the Government of Israel noted that the security situation in the Middle East remains of great concern, particularly with respect to the proliferation of weapons of mass destruction, and therefore defense requirements to meet these challenges will increase in the future. The conferees note that media reports regarding the transfer of weapons of mass destruction from nations such as Russia, China and North Korea to countries in the region support Israel's concern that these transfers pose an ominous threat to Israel's future security.

After extensive discussions with the Administration, the conferees recommend the following modalities for aid to Israel. The conferees believe that a phased reduction in Israel's economic assistance, implemented in equal increments of $120,000,000 per year, extended over a period of not more than ten years, should begin this fiscal year. This phased reduction will result in the eventual elimination of "Economic Support Fund" assistance for Israel. The conferees also expect that as a result of this reduction plan, Israel will be absolved of current financial obligations it may have to support through direct contributions to the U.S. government any other neighboring Middle East nation.

The conferees are also convinced that the emerging security threats in the Middle East are significant and warrant transferring half of Israel's reduction in economic aid to military assistance thus enabling Israel to fully ensure fully its security. As a result, the conferees recommend increasing military assistance to Israel by $60,000,000 in fiscal year 1999 with a strong presumption that similar annual incremental increases will be required over the next decade. However, with respect to this recommended increase in military assistance, the conferees must be very clear that they cannot commit future Congresses to the future appropriation of funds. Therefore, future increases in military assistance will require the annual review of the Congress and will necessarily be based upon an assessment of the security situation at the time.

The conference agreement therefore provides that not less than $1,080,000,000 in Economic Support Funds shall be provided for Israel, which is $120,000,000 less than the fiscal year 1998 level and the amount requested by the President. The conference agreement also requires that these funds be provided to Israel as a cash grant within thirty days of the signing of this Act or by October 31, 1998, whichever is later.

EGYPT

As part of the Committees on Appropriations' ongoing review of Middle East aid levels, and as a result of budget constraints affecting the international affairs budget, there have been extensive discussions with the Government of Egypt and the Administration regarding appropriate future aid levels for Egypt. As a key friend and ally in the region, Egypt's critical role in the Middle East and essential contribution to the peace process cannot be overstated. The conferees note that Egypt's economic and security needs are unique and consequently distinctly different from other countries in the region. However, the conferees are convinced that Egypt's overall aid levels must be reduced to meet current budget requirements. Therefore, the conferees believe this reduction in overall funding levels must begin this year, be carried out in equal annual increments, and result in a reduction in economic assistance to half of the 1998 level in no more than ten years.

The conference agreement therefore recommends that not less than $775,000,000 in Economic Support Funds shall be provided for Egypt on a grant basis, which is $40,000,000 less than the fiscal year 1998 level. A cash transfer shall be provided with the understanding that Egypt will continue to implement significant economic reforms. The conferees strongly recommend that not less than $200,000,000 of the funds allocated for Egypt be used for Commodity Import Program assistance. The conferees also strongly encourage the Administration to work with the Government of Egypt to develop mechanisms in the economic, trade and investment areas which will make assistance to Egypt more flexible and effective. The conferees expect the Administration to consult with the Committees on Appropriations on the outcome of these discussions.

JORDAN

The conferees express their continued strong support for and appreciation of Jordan's constructive and critical role in the peace process and encourage the Administration, in close consultation and cooperation with the Congress, to continue its efforts to assist Jordan in both the economic and security areas. The conference agreement therefore recommends that not less than $150,000,000 should be made available for Jordan. The conferees also encourage Jordan to continue its ongoing economic reform program.

HOLOCAUST

The conference agreement includes language providing that not to exceed $10,000,000 may be used to support victims of the Holocaust. The Senate amendment included language that also authorized the use of funds for programs. The House bill did not address this matter.

WESTERN SAHARA

The conferees support former Secretary of State James Baker's efforts to ensure, as mandated by the Houston Agreement and the United Nations Settlement Plan, the prompt completion of a free, fair and transparent referendum on self-determination for the people of Western Sahara. The conferees regret the problems described in recent reports to the Security Council by United Nations Secretary General Kofi Annan, and urge the two parties to resolve these matters expeditiously by fully cooperating with Secretary Baker and the United Nations.

HAITI

The conference agreement strikes language proposed by the Senate earmarking not less than $500,000 for the Special Investigative Unit (SIU) of the Haiti National Police and providing that up to $250,000 may be made available to assist orphanages in Haiti. The managers concur with the Senate that a professional SIU, fully supported by its Government, is essential to the rule of law in Haiti and that programs to assist Haitian children in orphanages should be continued under the current dire economic conditions in Haiti. No later than 45 days after enactment of this Act, the Secretary of State is requested to report to the Committees on the proposed fiscal year allocation for these programs in Haiti.

PALESTINIAN-ISRAELI COOPERATION

The conferees recommend that $500,000 be made available to support the Palestinian-Israeli Cooperation Program to promote better understanding and mutual respect between Israelis and Palestinians at a time when the Middle East Peace process is threatened by violence and terrorist acts.

International Fund for Ireland

The conference agreement appropriates $19,600,000 as proposed by the House. The Senate amendment assumed funding for this activity under the "Economic Support Fund".

Assistance for Eastern Europe and the Baltic States

The conference agreement appropriates $430,000,000 instead of $450,000,000 as proposed by the House and $432,500,000 as proposed by the Senate.

The conference agreement includes House language deleted by the Senate that prohibits funds from being used for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to efforts of United States troops to promote peace in said country.

The agreement also includes House language that authorizes the President to withhold funds made available for economic revitalization for Bosnia and Herzegovina if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina is not in compliance with the Dayton agreement regarding the removal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian and Bosnian officials has not been terminated. This matter was not addressed in the Senate amendment.

The conference agreement includes language limiting the assistance for Bosnia and Herzegovina to $200,000,000. However, this limitation does not extend to funds from other accounts, as proposed by the Senate. The House bill contained a funding limitation of $225,000,000 for this purpose.

The conference agreement reflects a reduction of $12,500,000 associated with the proposal to initiate a new foundation for central Europe. In addition, the conferees endorse the House report language regarding a transfer of funds to the National Endowment for Democracy pursuant to section 632(a) of the Foreign Assistance Act.

ASSISTANCE TO LATVIA

Latvian law enforcement officials have identified transnational Russian organized crime groups with well-established ties to similar structures in neighboring countries such as Russia, and disturbing links between Russian criminal elements in Latvia and organized crime groups in the U.S. and Western Europe. The Latvian government and the Latvian State Police are committed to combating organized crime, but they are handicapped by lack of money to purchase necessary technical equipment needed to put the police on an even par with better financed and equipped criminal groups. The conferees support the provision of up to $500,000 from this account or from "International narcotics control and law enforcement", to be made available to the Latvian State Police Organized Crime Bureau in order to enable that body to purchase necessary technical equipment.

Assistance for the New Independent States of the Former Soviet Union

The conference agreement appropriates $801,000,000 instead of $590,000,000 as proposed by the House and $740,000,000 as proposed by the Senate. The conferees included language that allows for the transfer of funds to the Export-Import Bank as proposed by the Senate and a limitation on the percentage of funds that may be allocated for any single country in the region as proposed by the House.

The Coordinator for Assistance to the New Independent States is required by the conference agreement to inform the Committees on Appropriations prior to any obligation of funds to a national laboratory for nuclear safety activities if the estimated management costs exceed 9 percent of the overall cost of the activity.

The conferees recognize the critical importance to Russia and its relations with the United States of the 1999 Duma elections and the year 2000 presidential election. It would be beneficial to expose potential candidates in those elections and other Russian leaders to American democratic processes. The conferees are aware of Administration plans to bring 120 regional and other emerging local leaders to the United States during the period leading up to the elections. While the conferees support this proposal, a bolder course of action seems warranted. Therefore, the conferees recommend that no fewer than 500 regional and local leaders be brought to the United States. This goal could be achieved by coordinating to the greatest extent possible with existing interparliamentary exchanges and encouraging USIA to seek greater private sector support to expand this program through its International Visitor Program.

The conferees are also aware of the growing lack of resources available for orphanages in many areas of the Russian Federation. In some regions orphanages lack necessary medical facilities, housing, and vocational training. The conferees support assistance to alleviate these problems, as discussed under the heading "Child Survival and Disease Programs Fund".

RUSSIA-IRAN

The conference agreement continues the current restrictions, as proposed by the

House, on assistance to the Government of Russia as long as Russian enterprises and institutes continue to collaborate with Iran to increase Iranian capability to develop and deploy nuclear and ballistic missile technology. The Senate withheld all funds for Russia and did not include a waiver provision. The conferees concur with both Senate and House report language on the seriousness of this matter, and agree that partnerships between United States hospitals, universities, and environmental organizations and counterpart institutions in Russia should not be affected by subsection (c).

UKRAINE

The conference agreement earmarks $195,000,000 for Ukraine with the expectation that Ukraine will use its assistance to support economic reform. The conferees have withheld 50 percent of the funding for Ukraine for 120 days pending a report from the Secretary of State as proposed by the Senate. At that time, the withheld money will be released if the Secretary certifies that Ukraine has undertaken significant economic reforms that are additional to those which were undertaken in previous years. The economic reforms must include effective enforcement of reformed commercial and tax codes and continued progress on resolution of complaints by U.S. investors. In the event that the Secretary's certification cannot be made, the amount withheld from Ukraine would be made available for other purposes within the New Independent States instead of being returned to the Treasury as proposed by the Senate.

The conferees have exempted nuclear safety programs and law enforcement activities from the withholding provision. The managers expect that not less than $25,000,000 of the funds should be used to provide simulators, training, and safety analysis reports, and safety related equipment at nuclear reactors in Ukraine. Not less than $1,000,000 of the nuclear reactor safety program is to be used for personnel security initiatives at all nuclear installations in Ukraine.

SOUTHERN CAUCASUS REGION

The conference agreement provides for a Southern Caucasus Region funding account as proposed by the House. The managers seek to make the maximum use of American assistance as an incentive for the regional parties to cooperate with the Minsk Group and other international mediators seeking to bring peace to the South Caucasus. The managers are convinced that the ready availability of international reconstruction aid, including the potential U.S. initial contribution provided in this conference agreement, will encourage leaders to make peace. The managers intend that emphasis be placed on restoring transportation, telecommunications, and other infrastructure that promotes regional economic integration.

The conference agreement includes $228,000,000 for the Southern Caucasus region. It includes specific funding targets for three areas of United States national interest in the region: (1) $39,900,000 is initially reserved for post-conflict assistance to the region and could be used as seed money for a much larger international program of reconstruction assistance; (2) the amount of $84,360,000 is initially allocated for Georgia; and (3) the amount of $79,900,000 is initially allocated for Armenia. If after May 30, 1999, the Secretary of State finds that the funds reserved for regional reconstruction cannot be effectively used, the unobligated balance could be redistributed within the Southern Caucasus.

The conferees intend that fiscal year 1999 funds made available for the American University of Armenia endowment shall be a one-time United States contribution and shall be placed in a trust with the interest available for use by the university. The conference agreement does not include additional suballocations of funds provided for Armenia and Georgia, as proposed by the Senate.

The conferees agreed to provide five exemptions from the statutory restrictions on assistance to the Government of Azerbaijan, as proposed by the Senate, instead of three exemptions and a broader humanitarian waiver as proposed by the House.

RUSSIAN FAR EAST

The conferees again note the importance of the Russian Far East. The area continues to be recognized as vital to the future development of the Russian Federation's economy. Its rich natural resource base and proximity to the United States has won it the attention of increasing numbers of international industries and companies. However, attempts to coordinate trade promotional efforts have not yet reached their full potential.

The conferees note the emerging work of the Regional Investment Initiatives within the Russian Far East and look forward to the establishment of the fiscal year 1998 Development Credit Authority programs within the region during 1999. The role that these programs may play in this region is significant and the conferees direct that these programs be given priority by the relevant agencies.

The conferees further direct that upon the establishment of the Development Credit Authority, the funds available under that program be used to stimulate joint ventures between American firms with expertise in primary industries, including natural resource development, telecommunications and basic infrastructure, finance, and consumer goods. The program should be designed to minimize risk to enable American participation in light of the current economic uncertainties in Russia.

EAST-WEST CORRIDOR AND TURKMENISTAN

The conferees recommend up to $10,000,000 from funding made available under titles I and II to promote energy and infrastructure development in Turkmenistan. The conferees believe that the development of energy resources in the Caspian Sea region is important to the economic development of the countries involved, as well as regional stability. In addition, the conferees believe that it is important to facilitate the development of alternatives to a pipeline through Iran and support an east-west energy corridor to assist in developing the region's energy resources.

MONGOLIA

The conference agreement retains authority for funds provided under this heading to be used in Mongolia, a struggling democracy. Because of Mongolia's many links with the former Soviet Union and Central Europe, the conferees encourage the use of common assistance mechanisms from those regions. The amount provided for Mongolia from all accounts should be at a level which is no less than the fiscal year 1998 obligation level, as proposed by the House, instead of not less than $10,000,000 as proposed by the Senate. The more flexible conference language allows the Administration to respond to the rapidly changing climate for reform and democracy in Mongolia.

INDEPENDENT AGENCY

PEACE CORPS

The conference agreement appropriates $240,000,000 instead of $230,000,000 as proposed by the House and $221,000,000 as proposed by the Senate.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates $261,000,000 for "International Narcotics Control". The House bill proposed $275,000,000 for this account, while the Senate amendment contained an appropriation of $222,000,000.

The conference agreement provides sufficient funds to fully fund programs for Bolivia, Peru, and Colombia. In addition, up to $25,000,000 of funds under "Development Assistance" may be used for agriculture and crop substitution programs in those countries.

The conference agreement includes language from the House bill, not included by the Senate, that allows the State Department to use section 608 of the Foreign Assistance Act, without regard to its restrictions, to receive excess property from an agency of the U.S. government for use in a foreign country, subject to notification.

The conference agreement does not contain Senate language providing not less than $9,000,000 for law enforcement training and demand reduction. The House bill did not address this matter.

The conference agreement includes language stating that no funds may be made available to establish an International Law Enforcement Academy for the Western Hemisphere outside of the United States. In addition, the language states that the academy should be established at the deBremond Training Center in Roswell, New Mexico. The Senate amendment would have mandated that the academy be established at this site. The House bill did not address this matter.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement appropriates $640,000,000 as proposed by the House instead of $650,000,000 as proposed by the Senate. The conference agreement also includes Senate language, not in the House bill, that provides not less than $70,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

The conferees support the House report language regarding assistance to Tibetan refugees.

The managers are concerned by reports that textbooks and curricula used by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) may contain anti-Semitic material. The managers direct the Secretary of State to submit a report to the Committees on Appropriations, not later than 90 days after enactment of this Act, specifying whether the content of the textbooks and curricula used by UNRWA contains anti-Semitic material.

UNITED STATES EMERGENCY AND MIGRATION ASSISTANCE FUND

The conference agreement appropriates $30,000,000 as proposed by the House instead of $20,000,000 as proposed by the Senate.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $198,000,000 for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" instead of $170,000,000 as proposed by the Senate and $152,000,000 as proposed by the House.

DEMINING ACTIVITIES

The conference agreement includes a provision proposed by the Senate which provides that not less than $35,000,000 should be provided for humanitarian demining programs administered by the Department of State, of which not to exceed $500,000 may be used for related expenses. The conferees strongly support programs to locate and remove landmines and other unexploded ordnance, including mine awareness and education, mapping and marking, and training of deminers.

The conferees are aware that the United States, Canada, the United Nations, the UN Foundation, the Vietnam Veterans of America Foundation, and others are preparing to launch jointly landmine surveys in at least ten of the world's most seriously mine-affected countries. This two-year effort, which will plot the location and number of mines in each country, should significantly advance the United States' Demining 2010 Initiative. The conferees support this effort and recommend a first year contribution of $3,500,000 in fiscal year 1999 funds.

KEDO

The House bill included a general provision which prohibited the use of funds for the Korean Peninsula Energy Development Organization. The Senate included language which provided up to $35,000,000, subject to a certification by the President that certain specific conditions had been met. Section 582 of the conference agreements deals with this issue.

NONPROLIFERATION ACTIVITIES

The conference agreement recommends $15,000,000 for the Nonproliferation and Disarmament Fund. The conferees strongly support the core nonproliferation activities of the NDF which is designed to provide the Secretary of State with a flexible funding source to respond to urgent, unanticipated nonproliferation activities of immediate concern to the United States.

COMPREHENSIVE TEST BAN TREATY

The conference agreement provides authority for a United States contribution to the Comprehensive Test Ban Treaty Preparatory Commission as proposed by the House and the Senate. The conference agreement further provides that twenty days prior to the of funds for this purpose, the Secretary of State shall inform the Committees on Appropriations of her intent to obligate these funds. The conferees note that this language is a not a reprogramming notification. However the conferees understand and expect that the Administration will treat this process, with respect to the Committees on Appropriations, in the same manner as a reprogramming notification. The Senate had proposed that the obligation of funds for this purpose be made subject to the regular notification procedures of the Committees on Appropriations.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

The conference agreement appropriates $33,000,000 instead of $36,000,000 as proposed by the House and $25,000,000 as proposed by the Senate.

The conference agreement includes House language authorizing concessional debt relief for sub-Saharan Africa; providing authority of up to $2,900,000 for implementation of the foreign credit reporting system; and specifying that sub-Saharan debt relief should be extended to "IDA-only" countries. In addition, language has been included to implement the debt swap provisions of section 808(a)(3) of part V of the Foreign Assistance Act, as amended, which involve no cost to the Treasury.

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement appropriates $1,500,000 instead of $3,000,000 as proposed by the Senate. The House bill did not address this matter. The authorization for this program is contained in section 589.

UNITED STATES COMMUNITY ADJUSTMENT AND INVESTMENT PROGRAM

The conference agreement appropriates $10,000,000 for the United States Community Adjustment and Investment Program which is authorized by section 543 of the North American Free Trade Agreement Implementation Act.

TITLE III—MILITARY ASSISTANCE

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement appropriates $50,000,000 as proposed by the House and the Senate.

SCHOOL OF THE AMERICAS

The conference agreement includes language proposed by the House which makes the obligation of funds under this heading to support IMET training at the School of the Americas contingent upon a certification by the Secretary of Defense that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel.

The conference agreement includes a general provision (Sec. 577) requiring a detailed report to the Congress on all military training provided to foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, which would include training conducted at the School of the Americas.

GUATEMALA AND INDONESIA

The conference agreement includes language proposed by the House which limits Indonesia and Guatemala to expanded IMET only. The Senate proposed the same limitation for Guatemala only. The conference agreement includes a provision proposed by the House which would make the obligation of funds for Guatemala subject to the regular notification procedures of the Committees on Appropriations.

EAST TIMOR

The conferees continue to support a peaceful resolution of the situation in East Timor. The conferees remain convinced that human rights and democratic pluralism in Indonesia must be awarded greater respect and protection by the Indonesian Government and every effort must be made by the Government to ensure that human rights abuses, torture, political intimidation and harassment are completely curtailed not only in East Timor, but throughout Indonesia. It is the conferees' view that the current economic and political changes in Indonesia offer a rare opportunity for the Government of Indonesia to take bold and innovative steps to deal with the East Timor issue. In this regard, the conferees support an internationally supported referendum to determine a comprehensive settlement of the political status of East Timor.

MONGOLIA

The conferees commend the Department of Defense for the Department's implementation of the fiscal year 1998 IMET program in Mongolia and urge continued support for this important program in Mongolia, particularly in the expanded IMET area.

FOREIGN MILITARY FINANCING PROGRAM (GRANT PROGRAM)

The conference agreement appropriates $3,330,000,000 instead of $3,322,910,000 as proposed by the Senate and $3,335,910,000 as proposed by the House.

THE MIDDLE EAST

The conference agreement inserts earmarks for Israel and Egypt which provide that not less than $1,860,000,000 shall be available for grants only for Israel and not less than $1,300,000,000 shall be available for grants only for Egypt.

The conference agreement provides that not less than $45,000,000 should be available for grants only for Jordan. The conference agreement provides additional security support for Jordan by directing the President to draw down not less than $25,000,000 in defense equipment and services for Jordan.

ISRAEL

The conferees have included specific bill language increasing military assistance for Israel as a result of the broad dialogue on Israel's aid levels initiated by Israeli Prime Minister Netanyahu following his address to a joint session of the Congress on July 10, 1996. As noted in the section of the statement of managers entitled "Israel" under the heading "Economic Support Fund", it is the conferee's view that while Israel's economy has improved significantly in recent years, the security situation in the Middle East, particularly with respect to weapons of mass destruction, has worsened. The conferees are extremely concerned that Israel's technological military edge could erode as a result of the unrestrained sales of advanced military equipment, including nuclear and ballistic missile technology, to Israel's potential adversaries by nations such as Russia, China and North Korea. Media reports as recently as the spring of this year suggest that Russia, China and North Korea were the sources of dangerous weapons of mass destruction transfers to the region. Therefore, the conferees are convinced the United States must make every effort to carry out its long-standing policy of ensuring that Israel's technological edge is maintained. As a result, the conference agreement provides an increase of $60,000,000 above the President's request for Israel in fiscal year 1999. The conferees also believe that a sustained military improvement program will be required over the next decade, at an annual incremental rate of approximately $60,000,000, to assist Israel in responding to these emerging security challenges. However, with respect to this recommended increase in military assistance, the conferees must be very clear that they cannot commit future Congresses to the future appropriation of funds. Therefore, future increases in military assistance will require the annual review of the Congress and will necessarily be based upon an assessment of the security situation at the time.

The conferees also recommend that to the extent that the Government of Israel requests that FMF grant funds for Israel be used for such purposes, and as agreed by Israel and the United States, funds may be made available for advanced weapons systems of which not less than $490,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development. This represents a $15,000,000 increase over prior year levels and reflects a recognition by the conferees of Israel's need for increased flexibility in meeting the emerging security challenges in the Middle East over the next decade.

EGYPT

The conference agreement recommends a total Foreign Military Financing Program for Egypt of not less than $1,300,000,000 in Foreign Military Financing grants. The conferees fully appreciate Egypt's strategic location, its immediate proximity to Libya and Sudan both of which actively support international terrorism, its critical contribution during the Gulf War in resisting Iraqi aggression, and its essential role in the Middle East peace process. The conferees are convinced that continued military cooperation between Egypt and the United States remains in the national security interests of both countries.

The conferees also encourage the Government of Egypt to give strong consideration to the purchase of an American short range air defense system which is also being fielded by Army National Guard units.

JORDAN

The conferees are convinced that Jordan is a critical ally and friend of the United States in the Middle East with significant security requirements. Jordan is also an invaluable and constructive participant in the Middle East peace process. The conferees strongly support this strategic alliance and as a result direct the Administration to provide not less than the full request of $45,000,000 for Jordan, as well as direct the President to provide an additional $25,000,000 drawdown of defense articles and services.

TUNISIA

The conference agreement provides that not less than $7,000,000 shall be made available for Tunisia, of which not less than $5,000,000 shall be provided as a drawdown of defense articles and services and shall count against the overall earmark. The conferees note the strong relationship which exists between Tunisia and the United States and therefore urge the administration to review further the military assistance program for Tunisia to determine if it can be made more effective, particularly in the areas of excess defense articles, IMET and FMF funds.

POLAND, HUNGARY AND THE CZECH REPUBLIC

The conferees direct the Administration to provide not less than $30,000,000 in funds made available for FMF grants and FMF loans for Poland, Hungary, and the Czech Republic to facilitate the integration of these nations into NATO. The conferees remain convinced that this assistance is critical and they reiterate Congress' commitment to assisting these nations in their efforts to integrate fully into NATO and to meet their new military and security obligations as NATO members.

THE BALTIC STATES

In recognition of the continued strong relations which exist between the Baltic states and the United States, the conferees direct the administration to provide not less than $15,300,000 for Estonia, Latvia and Lithuania. These funds are provided to enhance programs aimed at improving the military capabilities of these nations and to strengthen their interoperability and standardization with NATO, including the development of a regional airspace control system. Given progress in economic reform and meeting military guidelines for prospective NATO members, the conferees continue to believe the Baltic States will make an important contribution to enhancing stability and peace in Europe and are strong candidates for NATO membership.

The conference agreement retains House language which provides that the obligation of funds for any non-NATO country participating in the Partnership for Peace shall be subject to notification.

GEORGIA

The conferees welcome the provision of increased Foreign Military Financing assistance to the Government of Georgia in fiscal year 1998 in order to support the transfer of UH-1H helicopters to that country. The conferees believe sufficient funds should be made available in fiscal year 1999 in order to complete the transfer of the helicopters while not negatively affecting the other identified priorities for the United States FMF program in Georgia.

MONGOLIA

The conferees are concerned by problems facing the government of Mongolia in maintaining and upgrading their civilian and military air traffic control systems. Without U.S. assistance the Mongolian government will be forced to rely on Russia to supply spare parts to its aging Russian-origin systems. The conferees encourage the Department of Defense to review means of assisting Mongolia in upgrading its existing Soviet era air traffic control system.

ENHANCED PEACEKEEPING INITIATIVE

The conferees are concerned that the Administration was unable to identify in its fiscal year 1999 Congressional presentation unique activities for the future use of the Enhanced Peacekeeping Initiative resources or potential recipients, other than those already substantially supported by the African Crisis Response Initiative. Justification materials suggest the resources are to be made available for U.N. standby arrangements, activities with little congressional support. The conferees direct that none of these funds shall be made available until the Department of State provides a report to the Committees on Appropriations detailing the Enhanced Peacekeeping Initiative's unique functions and expected beneficiaries.

FMF LOAN PROGRAM

The conference agreement appropriates $20,000,000 as proposed by the House and Senate for the subsidy cost of direct loans. The conference agreement provides that these funds are available to support not to exceed $167,000,000 in direct loans as proposed by the House and the Senate.

PEACEKEEPING OPERATIONS

The conference agreement provides $76,500,000 for peacekeeping operations instead of $62,250,000 as proposed by the House and $75,000,000 as proposed by the Senate. The conference agreement deletes a provision proposed by the Senate regarding the former Director General of the Sinai Multilateral Force and Observers. The conferees expect that the former Director General of the MFO will not be retained in any capacity by the organization.

AFRICAN CRISIS RESPONSE INITIATIVE

The conferees support the full fiscal year 1999 request for the African Crisis Response Initiative. The conferees remain convinced that these funds should be utilized to foster the growth of democracy and the protection of human rights in Africa and should not be directed to undemocratic governments with a history of human rights abuses by their militaries.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

GLOBAL ENVIRONMENT FACILITY

The conference agreement appropriates $192,500,000 $47,500,000 as proposed by the Senate instead of and $42,500,000 as proposed by the House. All these funds are for contributions previously due.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement provides that no funds may be obligated for the International Development Association until the Comptroller General has been provided access to certain records, as proposed by the Senate. Such obligation shall also be subject to notification as proposed by the Senate.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement appropriates $210,000,000 for the Asian Development Fund as proposed by the House instead of $187,000,000 as proposed by the Senate. Of this amount, $187,000,000 is for contributions previously due.

The reduction from the Administration's request for the Seventh Replenishment of the Fund was made solely for budgetary reasons, and does not indicate any lack of Congressional support for ADF VII.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement appropriates $128,000,000 for the African Development Fund as proposed by the House instead of $5,000,000 as proposed by the Senate. Of this amount, $88,300,000 is for contributions previously due.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement appropriates $187,000,000 instead of $157,250,000 as proposed by the House and $170,000,000 as proposed by the Senate.

The conference agreement includes House language on the United Nations Population Fund (UNFPA) that prohibits funding for that organization. The Senate amendment did not address this matter.

The conference agreement includes language indicating that $5,000,000 should be made available for the World Food Program, but does not mandate a minimum funding level as proposed in the Senate amendment. The House bill contained no provision on this matter.

The conference agreement contains Senate language prohibiting the obligation of funds to the Climate Stabilization Fund until 15 days after the State Department provides a report detailing the number of Fund employees and associated salaries and details on the 1998 and 1999 budget for the Fund.

The conferees strongly support the programs of the United Nations Development Program and recognize the need to preserve U.S. leadership in the organization through a strong U.S. investment.

TITLE V—GENERAL PROVISIONS

SEC. 502. PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

The conference agreement deletes the words "as amended" after "Foreign Assistance Act of 1961," as proposed by the Senate. This is a technical amendment.

SEC. 512. LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

The conference agreement includes waivers for Brazil and Liberia from the requirements of section 620(q) of the Foreign Assistance Act as proposed by the House. However, the waiver exemption does not apply to the Democratic Republic of Congo as proposed by the House. The Senate amendment had deleted references to all three countries.

SEC. 514. SURPLUS COMMODITIES

The conference agreement includes language similar to that of the Senate amendment that states the Secretary of the Treasury should direct U.S. executive directors to international financial institutions to use the voice and vote of the United States to support the purchase of American produced agricultural commodities. The House bill did not address this issue.

SEC. 515. NOTIFICATION REQUIREMENTS

The conference agreement makes "Child Survival and Disease Programs Fund", as proposed by the House, subject to the notification requirements of this section. The Senate amendment had deleted the reference to this account and had included the account "Debt restructuring".

SEC. 516. LIMITATION OF AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement includes Senate language that amends section 307(a) of the Foreign Assistance Act to include in the section's restrictions, at the discretion of the President, Communist countries listed in section 620(f) of that Act. The House bill contained a funding limitation on this matter.

SEC. 517. NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

This section includes routine language formerly included under the heading "Assistance to the New Independent States of the Former Soviet Union". The conference agreement expands the current investment pre-conditions on assistance to the Government of Russia to all governments in the region, as proposed by the Senate. It also includes two technical adjustments, as proposed by the Senate, relating to a redundant reference to disaster assistance and to use of interest earned by enterprise funds.

SEC. 519. EXCESS DEFENSE ARTICLES FOR CENTRAL EUROPEAN COUNTRIES

The conference agreement includes House language (that was also in section 569 of the Senate amendment) that amends section 105 of Public Law 104–164 by striking "1996 and 1997" and inserting "1999 and 2000".

SEC. 520. SPECIAL NOTIFICATION REQUIREMENTS

The conference agreement adds "Honduras" as proposed by the House to the list of countries subject to the special notification requirements of this section. Language from the House bill that included "Panama" and "Peru" is not incorporated in the conference agreement, nor is language from the Senate amendment that included "India".

SEC. 522. CHILD SURVIVAL, AIDS AND OTHER ACTIVITIES

The conference agreement includes language extending the authorities under this section to disease programs. The House and Senate had similar language. In addition, the conference agreement includes House language that provides that funds appropriated under title II may be made available pursuant to section 301 of the Foreign Assistance Act if a primary purpose is child survival and related programs. The Senate amendment did not address this matter.

SEC. 524. RECIPROCAL LEASING

The conference agreement includes Senate language which makes the authorities under this section operative for the "current fiscal year". The House bill had referred specifically to fiscal year 1999. This is a technical amendment.

SEC. 527. DEMOCRACY IN CHINA

The conference agreement contains House language providing authority to utilize the Economic Support Fund to support nongovernmental organizations located outside China to foster democracy in China. The Senate included no such provision.

Funds should support a broad range of internal and external activities, including, but not limited to, dissident and opposition programs, legislative reforms, and democratic reform of village committee elections. Funding should also include general support for foundations and nongovernmental organizations as well as support for specific democracy activities through nongovernmental organizations. The conferees also support funding for the training and education of Tibetans as proposed in the House report. The conferees believe that this section will not preclude the ongoing programs conducted by nongovernmental organizations in the People's Republic of China. However, this provision is not intended to be used to support the China Rule of Law program as proposed in the budget request.

SEC. 528. PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

The conference agreement includes Senate language that prohibits funds in this Act from being made available for any country that the President determines grants sanctuary to a terrorist individual or group or otherwise supports international terrorism. The House bill did not address this matter.

SEC. 533. SEPARATE ACCOUNTS

The conference agreement includes Senate language that amends permanent law to clarify the treatment of separate accounts for local currencies which are generated by grants from the United States. The House bill waived current law.

SEC. 537. AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION, THE AFRICAN DEVELOPMENT FOUNDATION AND THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

The conference agreement includes Senate language that exempts the International Fund for Agricultural Development (IFAD) from certain restrictions on the use of funds contained in "International Organizations and Programs" in this and prior Acts. The House bill did not address this matter.

SEC. 539. SERBIA-MONTENEGRO AND KOSOVA

The conference agreement includes language that prohibits the use of funds in this or any other Act from modifying or removing any sanction, prohibition or requirement with respect to Serbia-Montenegro unless the President submits to the Congress a certification described below. The agreement also includes language from section 594 of the Senate amendment that requires the Secretary of the Treasury to instruct executive directors of international financial institutions to use the voice and vote of the United States to oppose assistance to Serbia-Montenegro, unless such certification is submitted.

The required certification would state that: (1) there is substantial improvement in the human rights situation in Kosova; (2) international human rights observers are allowed to return to Kosova; (3) Serbian, Serbian-Montenegrin federal government officials, and representatives of the ethnic Albanian community in Kosova have agreed on and begun implementation of a negotiated settlement on the future status of Kosova; and (4) Serbia-Montenegro is in full compliance with the Dayton Accords, including the provisions on war criminals.

The President is provided the authority to waive the restrictions of this section, in whole or in part, if he certifies in writing that the waiver is necessary to meet emergency humanitarian needs or to advance negotiations toward a peaceful settlement of the conflict in Kosova that is acceptable to the parties. In addition, Montenegro is exempt from the restrictions of this section.

The conference agreement contains language from both sections 539 and 594 of the Senate amendment on Serbia-Montenegro. Both of those provisions would have mandated the continuation of sanctions on Serbia-Montenegro, with specified exemptions and certifications required before the sanctions could be removed. The House bill did not address this matter.

SEC. 540. SPECIAL AUTHORITIES

The conference agreement includes House language exempting funds under titles I and II for Montenegro from any other provision of law, but does not include language in the House bill that was deleted by the Senate exempting humanitarian assistance for the peoples of Bosnia and Herzegovina and Croatia from any other provision of law.

The conference agreement includes Senate language that makes funds available for tropical forestry activities notwithstanding any other provision of law and, subject to notification, energy programs aimed at reducing greenhouse gas emissions. The House bill did not address these issues.

The conference agreement includes language proposed by the House in subsection (d) which enables the President to waive section 1003 of Public Law 100–204, relating to prohibitions regarding the Palestinian Liberation Organization, if the President determines that it is important to the national security interests of the United States.

SEC. 541. POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

The conference agreement includes language proposed by the House which deals with the decision in 1997 by the Arab League to reinstate the boycott of Israel and encourages the President to take certain specific steps in response to this decision. The Senate amendment included similar language.

SEC. 542. ANTI-NARCOTICS ACTIVITIES

The conference agreement contains House language that waives certain provisions of section 534 of the Foreign Assistance Act to allow for administration of justice programs in Latin America and the Caribbean. The Senate amendment would have repealed the provisions that are waived in the conference agreement.

SEC. 543. ELIGIBILITY FOR ASSISTANCE

The conference agreement includes Senate language regarding exemptions from restrictions on certain assistance if carried out by nongovernmental organizations from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States". The House bill did not address this matter.

SEC. 546. PROHIBITION ON PUBLICITY OR PROPAGANDA

The conference agreement includes language limiting to $750,000 the amount that may be made available to carry out the provisions of section 316 of Public Law 96–533 relating to hunger and development education. The House bill included a limitation of $950,000 for this purpose. The Senate bill did not include a limitation.

SEC. 547. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

The conference agreement includes Senate language that provides that federal agencies to the maximum extent practicable use funds in this Act to purchase American agricultural commodities. The House referred to American-made goods and services, but did not include the additional requirement of the Senate amendment.

The Senate amendment included a provision requiring the Secretary of the Treasury to report on the efforts of all federal agencies and international financial institutions to comply with the requirements of this section. The House bill did not address this matter. The conferees direct that the Office of Management and Budget prepare an annual report on compliance with this section.

SEC. 551. PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

The conference agreement provides that the prohibition on assistance applies with respect to a contract entered into after "October 1, 1997" as proposed by the House instead of "after the date of enactment of this Act" as provided by the Senate.

SEC. 554. WAR CRIME TRIBUNALS DRAWDOWN

The conference agreement includes the Senate proposal to increase the drawdown limitation from the House level of $25,000,000 to $30,000,000. It also exempts the tribunals for the former Yugoslavia and Rwanda from notification procedures. The conference agreement includes language from the Senate amendment that discusses the establishment of any standing or permanent international criminal tribunal or court, and states that the authorities provided herein do not constitute an endorsement of such a tribunal or court.

SEC. 555. LANDMINES

The conference agreement retains language proposed by the House. The Senate amendment included a similar provision, with additional language addressing United States policy regarding the global landmine convention.

SEC. 558. EQUITABLE ALLOCATION OF RESOURCES

The conference agreement inserts language providing that not more than 17 percent of the funds appropriated to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act that are made available for Latin America and the Caribbean region may be made available, through bilateral and regional programs, to provide assistance to any one country in such region. The House bill contained a limitation of 18 percent. The Senate amendment did not address this matter.

SEC. 561. LIMITATION ON ASSISTANCE TO HAITI

The conference agreement inserts a substitute provision limiting assistance to the central Government of Haiti. The House bill was similar to the Senate amendment, but the conference substitute includes a waiver, as proposed by the House, allowing the Secretary of State at any time after 150 days to waive certain limitations if one of the three required major public entities has been completely privatized.

The conference agreement also includes "civic groups" instead of "grass roots civic organizations" as proposed by the Senate. The House bill made no provision for civic groups. With respect to any Congressional notification relating to the development or support of civic groups, the conferees intend that such funding will be limited to groups that are engaged in activities to promote or support a multiparty democratic process and institutions in Haiti.

The limitations on aid to the Government of Haiti in subsection (a) do not apply to provision of urgent humanitarian aid as proposed by the House, instead of all humanitarian and education assistance as proposed by the Senate.

SEC. 564. BURMA LABOR REPORT

The conference agreement contains Senate language, not addressed in the House bill, that requires a report ninety days after enactment on labor practices in Burma and specifies the scope of the report. The conferees note that a report required in the fiscal year 1998 Act that was due 90 days after enactment had not been transmitted by the time the House and Senate took action on this Act for fiscal year 1999.

SEC. 565. HAITI

The conference agreement includes Senate language that provides authority for Haiti to purchase defense articles and services. The House bill did not address this matter.

SEC. 567. LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

The conference agreement includes language proposed by the House that bars use of funds made available to the Government of Croatia in title II to relocate the remains of Croatian Ustashe soldiers to the site of the World War II concentration camp as Jasenovac, Croatia. The Senate amendment did not address this matter.

SEC. 568. LIMITATION ON ASSISTANCE TO SECURITY FORCES

The conference agreement includes House language which prohibits funds in this Act from being provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring responsible members of the security forces to justice. The language also provides that nothing in this section shall be construed to withhold funds from any unit not credibly alleged to be involved in gross violations of human rights. In addition, if funds are withheld pursuant to this section, the Secretary is directed to promptly provide to the foreign government the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

By "credible evidence" the conferees do not intend that the evidence must be admissible in a court of law. As in past years, by "taking effective measures to bring responsible members of the security forces to justice", the conferees intend that the government carry out a credible investigation and that the individuals involved face appropriate disciplinary action or impartial prosecution in accordance with local law.

SEC. 569. LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

The conference agreement includes language proposed by the House. The Senate amendment included nearly identical language, deleting the language referring to Indonesia's inherent right to self-defense which was included in the House bill.

SEC. 570. RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

The conference agreement includes language prohibiting bilateral assistance, and the support of the United States for certain multilateral assistance, for countries and entities not in compliance with the war crimes provisions of the Dayton peace accords for the former Yugoslavia. The House bill and the Senate amendment contained similar language.

SEC. 571. ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

The conference agreement includes language proposed by the Senate which in subsection (a) amends section 514(b)(2)(A) of the Foreign Assistance Act by authorizing additions to defense stockpiles for foreign countries of $340,000,000 for fiscal year 1999. Subsection (b) amends section 514(b)(2)(B) of the same Act to authorize, for fiscal year 1999, not more than $320,000,000 for stockpiles in the Republic of Korea and not more than $20,000,000 for stockpiles in Thailand. The House bill contained a similar provision on this matter.

SEC. 572. TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

The conference agreement includes language proposed by the Senate. The House bill did not address this matter.

SEC. 573. GREENHOUSE GAS EMISSIONS

The conference agreement includes language requiring the President to report on federal expenditures for climate and global change programs and activities. The report is required as part of the President's budget submission for the year 2000. The House bill and Senate amendment contained similar language.

In addition, funds made available to promote country participation in the Kyoto Protocol to the Framework Convention on Climate Change shall be subject to the regular notification procedures of the Committees on Appropriations. The House bill did not address this matter. The Senate amendment would have extended the notification requirement to climate change activities in the energy, industry, urban, and land use sectors.

The conferees understand that the intent of the remaining notification requirement is not to prevent funding for these activities, but rather to ensure that information requested by the Committees relating to the use of these funds is provided on a timely basis.

SEC. 575. AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

The conference agreement modifies House and Senate language regarding assistance to the Democratic Republic of Congo. It would prohibit assistance to the central government of the Democratic Republic of Congo until the President reports that said government is: (1) investigating and prosecuting those responsible for human rights violations committed in the Democratic Republic of Congo; and (2) implementing a credible democratic transition program. The restrictions of this section would not apply to assistance to promote democracy and the rule of law as part of a plan to implement a credible democratic transition program.

SEC. 576. ASSISTANCE FOR THE MIDDLE EAST

The conference agreement includes House language that provides for a total ceiling on bilateral assistance from specified accounts for assistance for the Middle East of $5,402,850,000, but allows for a national security waiver of the cap. The Senate amendment did not address this matter.

SEC. 577. ENTERPRISE FUND RESTRICTIONS

The conference agreement includes House language that requires that, prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit a plan for the distribution of the assets of the Enterprise Fund to the Committees on Appropriations in accordance with regular notification procedures. The Senate amendment did not address this matter.

SEC. 578. CAMBODIA

The conference agreement includes House language stating the Secretary of the Treasury should instruct the United States executive directors of international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia. That portion of the House language that restricts bilateral assistance is addressed under title II.

SEC. 580. AUTHORIZATION FOR POPULATION PLANNING

The conference agreement includes language that provides a limitation of $385,000,000 from funds appropriated in title II of this Act for population planning activities or other population assistance. In addition, such funds may be apportioned only on a monthly basis at a rate of not to exceed 8.34 percent per month. The House bill contained the first provision. The Senate amendment contained language under "Development Assistance" that provided for not less than $435,000,000 for such activities.

SEC. 581. REPORT ON ALL UNITED STATES MILITARY TRAINING PROVIDED TO FOREIGN MILITARY PERSONNEL

The conference agreement includes language proposed by the House and Senate, modified to apply the requirement for a joint Secretary of State and Secretary of Defense report on all military training provided to U.S. military personnel under programs administered by the Department of Defense and the Department of State during 1998 and 1999. The report is to be delivered to the Committees on Appropriations, the Foreign Relations Committee of the Senate, and the International Relations Committee of the House by January 31, 1999.

SEC. 582. KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

The conference agreement provides that not to exceed $35,000,000 of the funds made available under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs" may be available for the Korean Peninsula Energy Development Organization (KEDO), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework. The House bill prohibited funding to KEDO and the Senate amendment provided $35,000,000 subject to presidential certification.

The conference agreement provides that none of these funds may be made available until March 1, 1999.

The conference agreement further provides that of the funds made available for KEDO , up to $15,000,000 may be made available prior to June 1, 1999, if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that:

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula, progress is being made on the implementation of the North-South dialogue, and North Korea is complying with all provisions of the Agreed Framework and with the Confidential Minute between North Korea and the United States;

(2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors; .

(3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended; and

(4) The United States is fully engaged in efforts to impede North Korea's development and export of ballistic missiles

The conference agreement also provides that of the funds made available for KEDO, up to $20,000,000 may be made available on or after June 1, 1999, if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that:

(1) The United States has initiated meaningful discussions with North Korea on implementation of the Joint Declaration on the Denuclearization of Korean Peninsula;

(2) The United States has reached agreement with North Korea on the means for satisfying United States concerns regarding suspect underground construction; and,

(3) The United States is making significant progress in negotiations with North Korea on reducing and eliminating the North Korean ballistic missile threat, including its ballistic missile exports.

The President may waive the certification requirements of subsections (b) and (c) if the President determines that it is vital to the national security interests of the United States and provides written policy justification to the appropriate congressional committees prior to his exercise of such waiver. The conference agreement also provides that no funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

The conferees agree that a very senior presidential envoy is now necessary to help restore confidence in the Administration's North Korea policy, as well to engage the North Korean government at the most senior levels. Therefore, the conference agreement provides that no later than January 1, 1999, the President shall name a "North Korea Policy Coordinator", who shall conduct a full and complete interagency review of United States policy toward North Korea, shall provide policy direction for negotiations with North Korea related to nuclear weapons, ballistic missiles, and other security related issues, and shall also provide leadership for United States participation in KEDO.

In addition, the conference agreement requires the Secretary of State to submit to the appropriate congressional committees an annual report providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO as well as other important financial aspects of KEDO activities.

The conference agreement also provides that the Secretary of Defense shall submit to the appropriate congressional committees an annual report on the degree to which KEDO's mission and the Agreed Framework continue to promote important United States national security interests, contribute to delaying North Korean indigenous development of nuclear weapons-related technology, and contribute to a reduction of tensions on the Korean Peninsula.

SEC. 583. NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

The conference agreement includes Senate language that waives current law affecting the annual report required by section 1701(a) of the International Financial Institutions Act that mandates certain issues to be addressed in that report. It also waives the requirements of various laws governing the contents of said report.

SEC. 584. PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

The conference agreement includes language proposed by the Senate that prohibits assistance to the Palestinian Broadcasting Corporation. The reference in the Senate provision to "training" and "any similar organization" was deleted.

SEC. 585. REPORT ON IRAQI DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION

The conference agreement contains language similar to that in the Senate amendment that expresses the sense of the Congress regarding the need for the United Nations to maintain vigorous inspection within Iraq and requiring a report by the President assessing Iraq's nuclear and other weapons of mass destruction programs. The House bill did not address this matter.

SEC. 586. SENSE OF CONGRESS REGARDING IRAN

The conference agreement includes Senate language expressing the Sense of the Congress regarding United States policy toward Iran. The House bill did not address this matter.

SEC. 587. AID OFFICE OF SECURITY

The conference agreement includes language similar to that proposed by the Senate that transfers security functions at the Agency for International Development from the Office of Inspector General to a new Office of Security reporting to the Administrator. The House bill did not address this matter. The conferees expect funds made available to this office through the Office of Inspector General will be made available to the account for the operating expenses of the Agency for International Development, and that the head of the new office will report directly to the Administrator.

SEC. 588. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEVELOPMENT BY NORTH KOREA

The conference agreement includes Senate language that expresses the Sense of the Congress that North Korea should be forcefully condemned for its recent missile test and that certain actions should be taken by the United States, including acceleration of cooperative theater missile defense programs with Japan.

SEC. 589. TECHNICAL ASSISTANCE TO FOREIGN GOVERNMENTS

The conference agreement includes language that amends the Foreign Assistance Act of 1961 to authorize the Department of the Treasury to establish and operate a technical assistance program overseas with developing and transitional countries. Funding for this program is contained under title II.

SEC. 590. IRAQ OPPOSITION

The conference agreement includes a provision proposed by the Senate that, notwithstanding any other provision of law, of the funds made available in this Act and any prior Acts making appropriations for foreign operations, not less than $8,000,000 shall be made available for assistance to the Iraqi democratic opposition. Of this amount, not less than $3,000,000 should be made available as a grant for the Iraqi National Congress.

The conferees also direct the Administration to provide not less than $3,000,000 as a grant to the Iraqi Campaign to Indict Iraqi War Criminals to be used to compile information to support the indictment of Iraqi officials for war crimes. The conferees direct the Administration to provide not less than $2,000,000 for the conduct of activities by the Iraqi democratic opposition inside Iraq. The conferees also direct the Secretary of State to submit a detailed report to the Committees on Appropriations thirty days after the enactment of this Act on the implementation of these activities.

SEC. 591. NATIONAL COMMISSION ON TERRORISM

The conference agreement includes a provision proposed by the House establishing a 10 member National Commission on Terrorism to review national counterterrorism policies and make recommendations to the Congress and the President on combating international terrorism. The Commission will consist of experts in the field of terrorism and may include members of Congress. Three members will be appointed by the Speaker, three by the Senate Majority Leader, two by the Minority Leader in the House, and two by the Minority Leader in the Senate. The Commission will issue its final report within six months of its initial meeting.

Members of this Commission will require appropriate security clearances to carry out the duties of the Commission and the conferees encourage the executive branch to consider Commission requests for security clearances on a priority basis and in a manner fully consistent with all national security requirements.

SEC. 592. SPECIAL AUTHORITIES AMENDMENT

The conference agreement modifies language proposed by the House and provides that the authority of section 614 of the Foreign Assistance Act of 1961, as amended, may not be used during fiscal year 1999 for the Korean Peninsula Energy Development Organization to authorize the use of more than $35,000,000 of funds made available for the use under the Act or the Arms Export Control Act. Language in the House bill that would have repealed section 451 of the Foreign Assistance Act is not included. The Senate amendment did not address this matter.

The conferees remind the Administration that the section 614 waiver authority is an exceptional provision of law provided to the Administration to enable the President, after prior consultation with the Congress, to waive certain provisions of law because of unexpected contingencies. For some time, the conferees have been concerned by the overuse of this authority. More recently, the conferees are extremely concerned by the administration's use of the 614 provision to waive certain provisions of law over the strong formal objections of two committees of the House and Senate.

The conferees believe the extraordinary 614 waiver should only be utilized when both Congress and the President agree that the application of a specific provision of law, because of unusual or unanticipated circumstances, would be contrary to the national security interests of the United States. However, when any one of the four relevant committees formally expresses its written opposition to the use of the 614 waiver, then the President should not proceed further unless the President is able to convince an objecting committee to withdraw its objection.

The conferees would note that in 1974 this section of law was nearly repealed at the request of Senator Symington who stated at the time that "Congress has given Presidents entirely too much power to use its foreign aid funds. Repeal of section 614 will be a significant step toward restoring Congress' power over the foreign aid purse-strings." The conferees have not taken that step this year, but the failure of the President to respect the consensual nature of this special authority could jeopardize the availability of section 614 in future years.

SEC. 593. SUPPORT FOR PEACEFUL ECONOMIC AND POLITICAL TRANSITION IN INDONESIA

The conference agreement includes language expressing support for a peaceful economic and political transition in Indonesia that is derived from provisions contained in sections 584 and 585 of the Senate amendment. The House bill did not address this matter.

The conferees support an expansion of current efforts by the Administration to contribute to humanitarian, economic and political programs which will help restore stability and economic growth in Indonesia. The conferees have increased U.S. assistance under title II and note the need to support efforts which offer humanitarian relief, accelerate political institution building, strengthen the rule of law, reform the financial and banking sectors and protect human rights particularly of ethnic Chinese. The conferees are concerned by continued reports of ethnic violence targeting the Indonesian Chinese community and urge the Government of Indonesia to take all necessary actions to investigate abuses and attacks and prevent further violence.

The conferees direct the Administrator of the Agency for International Development to submit a report within forty-five days evaluating the food, medical and related needs of Indonesia and proposed Administration plans to assist in meeting those requirements.

SEC. 594. NOTIFICATIONS ON DEFENSE SALES

The conference agreement includes language proposed by the Senate which requires prior notification of certain sales of defense articles and services when the prospective recipient government is identified in section 521, or is ineligible, in whole or in part, to receive military assistance. The conferees' intent is to ensure that any such sales be consistent with the Congress' intent in limiting assistance to such governments.

SEC. 595. SENSE OF CONGRESS CONCERNING THE MURDER OF FOUR AMERICAN CHURCHWOMEN IN EL SALVADOR

The conference agreement includes Senate language expressing the Sense of Congress regarding the murder of four American churchwomen in El Salvador. The House bill did not address this matter.

SEC. 596. SENSE OF CONGRESS REGARDING THE TRIAL IN THE NETHERLANDS OF THE SUSPECTS INDICTED IN THE BOMBING OF PAN AM FLIGHT 103

The conference agreement includes Senate language expressing the Sense of Congress regarding the trial in the Netherlands of the suspects indicted in the bombing of Pan Am Flight 103. The House bill did not address this matter.

SEC. 597. SENSE OF THE CONGRESS REGARDING INTERNATIONAL COOPERATION IN RECOVERING CHILDREN ABDUCTED IN THE UNITED STATES AND TAKEN TO OTHER COUNTRIES

The conference agreement includes Senate language expressing the Sense of the Congress regarding international cooperation in recovering children abducted in the United States and taken to other countries. The House bill did not address this matter.

PROVISIONS NOT ADOPTED BY THE CONFEREES

NORTH KOREA NARCOTICS REPORT

The conference agreement does not include language from the Senate amendment that required an annual report on the cultivation, production, and transshipment of opium by North Korea, as well as a report not later than 3 months after the date of enactment of this Act. The House bill did not address this matter.

The conferees direct the President to include in the annual International Control Strategy Report required by section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(h)) information regarding the cultivation, production, and transshipment of opium by North Korea. The report shall be based upon all available information.

PUBLICATION OF CERTAIN NOTIFICATION

The conference agreement deletes a Senate provision amending section 516(f) of the Foreign Assistance Act to require publication in the Federal Register of the notices required by the subsection relating to transfers of excess defense articles.

The conferees understand that in fiscal year 1999 the Defense Security Assistance Agency plans to post this same information on its internet Web page so it will be easily accessible to the general public. The conferees direct DSAA to provide the Committees on Appropriations with a progress report on this matter by April 1, 1999.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

The conference agreement does not include House language deleted by the Senate that authorized the President to withhold funds for countries harboring war criminals as described in this section. The issue of war criminals in the former Yugoslavia is addressed in section 570.

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS; FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA

The conference agreement does not include language from section 518A of the House bill regarding this matter. The conference agreement does not include language from section 519 of the Senate amendment, regarding eligibility of assistance for funds made available pursuant to section 104 of the Foreign Assistance Act.

REIMBURSEMENT REQUIREMENTS FOR FOREIGN STUDENTS

The conference agreement does not include Senate language that would have amended section 214 of the Immigration and Nationality Act to allow for a waiver of certain limitations on the ability of an alien to study at a public school. The House bill did not address this matter.

ECONOMIC SUPPORT FUND FOR ISRAEL

The conference agreement deletes Senate language which declared that, subject to the availability of appropriations, it is the policy of the United States that the annual appropriations for ESF for Israel shall not be less than the annual debt repayment of Israel to the United States. The conferees note that this provision is no longer necessary in light of the recent agreement between the Government of Israel and the Administration and the Congress to begin a phased ten year reduction in Israel's economic assistance.

SENSE OF THE SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISON IN PERU

The conference agreement does not include language that expressed the Sense of the

Senate regarding U.S. citizens being held in prison in Peru. The House bill did not address this matter.

TRAFFICKING IN WOMEN AND CHILDREN

The conference agreement does not include Senate language that would have required the Secretary of State, in consultation with the Attorney General, to develop training for consular officers on the international trafficking in women and children and to develop and disseminate to aliens seeking to obtain visas written materials describing the potential risks of trafficking. The House bill did not contain a provision on this matter.

DEVELOPMENT ASSISTANCE IN NIGERIA

The conference agreement does not include language proposed by the Senate that made a number of findings on the need for development assistance in Nigeria; recommended a new strategy for such assistance; and required a report on such strategy. The House bill did not address this matter.

COUNTERTERRORISM COOPERATION CERTIFICATION

The conference agreement does not include language proposed by the Senate to amend section 40A of the Arms Export Control Act with respect to counterterrorism cooperation by other nations. This extensive legislation properly belongs in the jurisdiction of the appropriate authorization committees in the House and the Senate.

EQUALITY FOR ISRAEL IN THE UNITED NATIONS

The conference agreement did not include a provision proposed by the Senate expressing the Sense of the Congress regarding efforts by the United States to promote full equality for Israel at the United Nations. The conferees strongly support Israel's full acceptance into the Western Europe and Others Group (WEOG) regional bloc. The conferees therefore direct the Secretary of State, not later than 60 days after the date of enactment of this Act, to submit a report to the appropriate committees which includes the following information in a classified or unclassified form as necessary: (a) actions taken by representatives of the United States to encourage the nations of WEOG to accept Israel into their regional bloc; (b) efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body; (c) specific responses by WEOG nations on their position concerning Israel's acceptance into WEOG; and (d) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

FUNDING FOR THE COMPREHENSIVE NUCLEAR TEST BAN TREATY PREPARATORY COMMISSION

The conference agreement does not include a provision proposed by the Senate earmarking $26,900,000 for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission and making the availability of these funds subject to the regular notification procedures of the Committees on Appropriations. This matter was addressed in title II of this Act under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs."

JOINT UNITED STATES-CANADA COMMISSION ON CATTLE, BEEF, AND DAIRY PRODUCTS

The conference agreement does not contain language from the Senate amendment that was not in the House bill that would have established a United States-Canada Commission on Cattle, Beef, and Dairy Products. This matter should be addressed by the committee of jurisdiction.

SENSE OF THE SENATE CONCERNING THE OPERATION OF AGRICULTURAL COMMODITY FOREIGN ASSISTANCE PROGRAMS

The conference agreement does not contain language from the Senate amendment that was not in the House bill expressing the Sense of the Senate on agricultural commodity foreign assistance programs.

FUNDING FOR THE CLAIBORNE PELL INSTITUTE FOR INTERNATIONAL RELATIONS AND PUBLIC POLICY

The conference agreement does not contain Senate language that required not to exceed $750,000 in prior year funds to be made available for the Claiborne Pell Institute for International Relations and Public Policy at Salve Regina University. The House bill did not address this matter.

However, the conferees request that the State Department and the Agency for International Development provide up to $1,500,000 of such funds for this purpose.

SENSE OF THE SENATE REGARDING THE DEVELOPMENT BY THE INTERNATIONAL TELECOMMUNICATIONS UNION OF WORLD STANDARDS FOR WIRELESS TELECOMMUNICATIONS SERVICES

The conference agreement does not contain language from the Senate amendment that was not in the House bill expressing the Sense of the Senate regarding development of wireless telecommunications services by the International Telecommunications Union.

ASSISTANCE FOR SUB-SAHARAN AFRICA

The conference agreement does not contain language from title VII of the Senate amendment that was not in the House bill which would have authorized an African Food Security Initiative to be administered by the Agency for International Development.

TITLE VI—INTERNATIONAL FINANCIAL PROGRAMS AND REFORM

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MONETARY PROGRAMS

UNITED STATES QUOTA IN THE INTERNATIONAL MONETARY FUND

The conference agreement appropriates the dollar equivalent of 10,622,500,000 Special Drawing Rights (estimated at the time of the request to be $14,500,000,000) as proposed by the Senate. The House bill did not address this matter.

LOANS TO THE INTERNATIONAL MONETARY FUND—NEW ARRANGEMENTS TO BORROW

Both the House bill and the Senate amendment appropriated the dollar equivalent of 2,462,000,000 Special Drawing Rights (estimated at the time of the request to be $3,361,000,000) for the proposed New Arrangements to Borrow, a supplemental source of funding for the International Monetary Fund. The conference agreement reflects House language instead of the similar Senate amendment. This is a technical difference.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. CONDITIONS FOR THE USE OF APPROPRIATED FUNDS FOR THE INTERNATIONAL MONETARY FUND

The conference agreement inserts a substitute that contains elements proposed by both the House and the Senate, including a requirement that prior to the obligation of any funds appropriated in this title for the International Monetary Fund, the Secretary of the Treasury must inform Congress that the major shareholders of the Fund have publicly agreed to certain conditions. The conference substitute requires that the Chairman of the Board of Governors of the Federal Reserve System jointly notify the appropriate committees of Congress when these conditions have been met, as proposed by the House. The Senate would have required a certification by the Secretary of the Treasury alone. The conference agreement also requires the major shareholders to "act to implement" certain policies, instead of seek to implement, as proposed by the Senate.

The conference agreement includes 4 conditions that must be met prior to the appropriated funds being made available to the IMF, all of which were included in similar form in the House or the Senate amendment.

POLICY REFORMS IN BORROWING COUNTRIES

The first condition requires that Fund arrangements with borrowing countries, in addition to appropriate monetary policy conditions, provide a schedule for: (a) reducing restrictions on trade in goods and services; (b) eliminating the systemic practice of government directed lending on non-commercial terms; and (c) providing a legal basis for nondiscriminatory treatment between domestic and foreign creditors in bankruptcy proceedings.

TRANSPARENCY IN THE IMF

The second and third conditions seek to accelerate the efforts by management to increase transparency within the International Monetary Fund. A full written summary of most meetings of the Fund's Executive Board would be made public within 3 months, with certain information redated. Within 3 months of discussion by the Board, specified Fund documents would be made available, with certain information redacted, as a matter of Fund policy. It should be noted that many of these documents have been made public voluntarily by Fund members within the past year.

INTEREST RATES AND REPAYMENT SCHEDULES

The fourth condition applies to a growing percentage of recent Fund loan arrangements that are made when a country is experiencing balance of payments difficulties resulting from a sudden and disruptive loss of market confidence. Such short term financing needs, as opposed to longer term structural challenges, will be charged a premium above traditional fund interest charges, not less than 300 basis points above the average of the market-based short-term cost of financing of the Fund's major shareholders. Such loans must be repaid within 1 to 2½ years of disbursement.

SEC. 602 REPORTS ON FINANCIAL STABILIZATION PROGRAMS IN THE REPUBLIC OF KOREA

The conference agreement contains the key provisions of section 606 of the Senate amendment relating to use of Fund resources to assist the semiconductor, steel, automobile, shipbuilding, and textile and apparel industries. The conference substitute requires the United States Executive Director at the Fund to oppose further disbursements in the absence of current certifications by the Secretary of the Treasury. Other changes from the Senate language include: narrowing the application of the section from its prior global application to the country of greatest concern, the Republic of Korea; use of the term "financial assistance" in lieu of the term "support" in the first condition; and deletion of the Department of Commerce trade data team provision.

This section addresses specific practices initiated under previous governments of the Republic of Korea. The conferees seek the rapid recovery of the Korean economy and a speedy end to the hardships endured by many people in Korea. There is no intent to diminish in any way the long-standing ties of friendship and blood that link the peoples of the Republic of Korea and the United States.

SEC. 603. ADVISORY COMMISSION

The conference agreement provides for the establishment of a temporary International Financial Institution Advisory Commission, as proposed by both the Senate and the House. The conference substitute requires the Secretary of Treasury to establish a commission composed of 11 members meeting specified qualifications to be appointed by Congress. The members shall meet with the Secretary and Deputy Secretary of the Treasury, hold hearings, and examine other matters relevant to its mandate. The Commission is to advise and report within 6 months of its appointment to Congress and the Secretary of the Treasury on the future role and responsibilities of the international financial institutions, the World Trade Organization, and the Bank for International Settlements. Following receipt of the Commission's report, the Executive branch is required to report to Congress on the steps taken, if any, to implement the recommendations of the Commission. The separate, 2-year Advisory Committee on the International Monetary Fund is discussed under Section 610.

SEC. 604. INTERNATIONAL ADVISORY COMMITTEE

As proposed by the House, the conference agreement includes a requirement that the Secretary of the Treasury instruct the U.S. Executive Director at the Fund to seek the establishment of a permanent advisory committee to the Interim Committee of the Fund. The new advisory committee would consist of elected members of national legislatures, and have the same access to Fund documents as is afforded to Executive Board members. The Senate did not address this matter.

SEC. 605. STRENGTHENING PROCEDURES FOR MONITORING USE OF IMF RESOURCES

The conference agreement includes an original provision intended to strengthen Fund procedures for tracing the use of Fund resources and ensuring that they are used in a manner consistent with the agreement between the Fund and a borrowing country. A report on progress toward achieving the objectives of this section is required within 6 months, and Congress is authorized access, through the U.S. Executive Director, to certain data from the Fund. In addition, reports on the implementation of section 601(4) are required on a quarterly basis.

SEC. 606. PROGRESS REPORTS TO CONGRESS ON UNITED STATES INITIATIVES TO UPDATE THE ARCHITECTURE OF THE INTERNATIONAL MONETARY SYSTEM

The conference agreement includes a Senate provision requiring reports by the Secretary of the Treasury not later than July 1999 and July 2000 on the progress of efforts to reform the architecture of the international monetary system. The Home bill included a dissimilar provision requiring reports on reform of the architecture of the international financial system.

SEC. 607. DEFINITIONS

The conference agreement includes a House provision defining the term "appropriate committees" to include the Committees on Appropriations, Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate and the Committees on Appropriations and Banking and Financial Services of the House of Representatives. The conference agreement does not include the Committee on Finance as proposed by the Senate.

SEC. 608. PARTICIPATION IN QUOTA INCREASE

The conference agreement includes language amending the Bretton Woods Agreements Act, as proposed by the House, to grant the Secretary of the Treasury legal authority to sign the necessary legal documents that enable the IMF quota increase to become effective. The Senate did not address this matter.

SEC. 609. NEW ARRANGEMENTS TO BORROW

The conference agreement includes House language amending the Bretton Woods Agreements Act to incorporate the proposed New Arrangements to Borrow, and to allow broader use of prior year funds made available to the existing General Arrangements to Borrow.

SEC. 610. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND

The conference agreement includes House language from section 301 of H.R. 3114 as reported by the Committee on Banking and Financial Services. Changes relative to section 607 of the House bill are limited to two matters: the substitution of "establishing an independent monetary authority * * *" in lieu of "appropriate liberalization of pricing, trade, investment, and exchange rate regimes * * *" as a United States policy objective in the Fund; and the abbreviation of language relating to an Advisory Committee on IMF Policy. The conference agreement includes House language relating to the maintenance and improvement of core labor standards. The Senate amendment addressed only the matter of the Advisory Committee.

SEC. 611. REDUCTION OF BARRIERS TO AGRICULTURAL TRADE

The conference agreement includes Senate language aimed at encouraging the opening of markets for agricultural commodities. The House bill did not address this matter in a separate section.

SEC. 612. SEMIANNUAL REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND

The conference agreement includes House language from section 401 of H.R. 3114 as reported by the Committee on Banking and Financial Services.

SEC. 613. ANNUAL REPORT AND TESTIMONY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENT

The conference agreement includes House bill language from section 403 of H.R. 3114 as reported by the Committee on Banking and Financial Services. The dates of the required annual reports and testimony have been changed to October 1 and March 1.

SEC. 614. AUDITS OF THE INTERNATIONAL MONETARY FUND

The conference agreement includes House bill language from section 404 of H.R. 3114 as reported by the Committee on Banking and Financial Services. The conference agreements adds the Committees on Appropriations to the list of committees receiving annual reports from the Comptroller General.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimates, and the House and Senate bills for 1999 follow:

New budget (obligational) authority, fiscal year 1998	$13,190,968,080
Budget estimates of new (obligational) authority, fiscal year 1999	31,985,044,098
House bill, fiscal year 1999	16,228,941,980
Senate bill, fiscal year 1999	30,790,824,980
Conference agreement, fiscal year 1999	31,308,114,980
Conference agreement compared with:	
New budget (obligations) authority, fiscal year 1998	+18,117,146,900
Budget estimates of new (obligational) authority, fiscal year 1999	−676,930,000
House bill, fiscal year 1999	+15,079,173,000
Senate bill, fiscal year 1999	+517,290,000

SECTION 101(e)—THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The conferees on H.R. 4328 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions (H.R. 4193 and S. 2337) of the Department of the Interior and Related Agencies Appropriations Act, 1999, by members of the appropriations subcommittees of both the House and Senate with jurisdiction over H.R. 4193 and S. 2337.

The conference agreement with respect to fiscal year 1999 appropriations for the Department of the Interior and Related Agencies incorporates some of the provisions of House Report 105-609 and Senate Report 105-227. Report language and allocations set forth in either of those reports, which are not changed by the conference agreement, are approved. The agreement described herein, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided. Administrative provisions and general provisions which are identical in the House passed version of H.R. 4193 and the Senate Appropriations Committee reported version of S. 2237 are unchanged by the conference agreement and are approved unless provided to the contrary herein.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $619,311,000 for management of lands and resources instead of $596,425,000 as proposed by the House and $633,058,000 as proposed by the Senate.

Increases above the House include $50,000 for the Sloan Petroglyphs, $350,000 for erosion control structures for the Rio Puerco, $500,000 for the Pacific Northwest range study, $583,000 for the wild horse and burro program, $106,000 in uncontrollable costs for wildlife and fisheries, $58,000 in uncontrollable costs for the threatened and endangered species program, $369,000 in uncontrollable costs for energy and minerals, $500,000 in Alaska minerals for the minerals at risk program, $500,000 for the Alaska airborne survey, $2,334,000 for Alaska conveyance, $750,000 for the Montana mapping program, $409,000 in uncontrollable costs for workforce and organizational support for resource protection and maintenance, $2,715,000 for facilities maintenance, $829,000 in uncontrollable costs, and $50,000 to restore a program transfer in workforce and organizational support.

In addition to the increases stated above, the Committees have provided the following additional funds for clean water and fixed costs: (1) $6,000,000 in soil, water, and air for the mine lands program, (2) $3,000,000 for riparian management, (3) $1,000,000 for the fisheries program, and (4) $5,000,000 in undistributed fixed costs.

Decreases below the House include $1,000,000 for the mine land program, $500,000 for riparian management, $475,000 for wildlife management, and $242,000 in uncontrollable costs for realty ownership and management.

The Committees do not concur with the Senate language regarding the Red Rocks National Conservation Area; however, the Committees emphasize that funds collected at the site should be used to enhance operations, reduce backlog maintenance, and provide an improved visitor experience.

The Committees do not concur with the Senate language that proposed an earmark of $750,000 for the Coeur d'Alene Basin Commission. Although the Committees agree that cleanup of mining-related damage within the Coeur d'Alene Basin is needed, such efforts are not appropriate to fund through the Interior and Related Agencies Appropriations Bill.

The Committees have approved the collocation of the Bureau of Land Management and the Forest Service in the Robert Duncan Plaza in Portland, OR and direct the Bureau to undertake this collocation as soon as possible.

The $750,000 provided for the Montana mapping project represents a significant Federal contribution to this project. The Committees expect substantial effort to minimize future Federal contributions through major participation by State, local and private cooperators.

The Committees feel so strongly about the land management agencies maintaining their infrastructure, that even in the face of declining budgetary resources, the Committees have provided the Bureau with an additional $6.5 million over the fiscal year 1998 enacted level to address its backlog maintenance needs.

The Committees agree to clarify the dates for which reports analyzing the fee program are due. January 31 of each year the program is in existence, the affected agencies should provide a consolidated report on annual accomplishments for the preceding fiscal year and any recommended improvements to the program. At such time as the program is terminated, the final report should also include a comprehensive evaluation of the entirety of the program.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $286,895,000 for wildland fire management as proposed by the House instead of $288,975,000 as proposed by the Senate.

The Committees do not concur with the Senate earmark that would have provided for a new Alaska hotshot crew.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $10,000,000 for the central hazardous materials fund as proposed by the House instead of $9,000,000 as proposed by the Senate.

CONSTRUCTION

The conference agreement provides $10,997,000 for construction instead of $6,975,000 as proposed by the House and $8,197,000 as proposed by the Senate.

Increases above the House include $1,000,000 for the Escalante National Monument visitor facility, $2,000,000 for the Pompeys Pillar visitor facility, and $1,022,000 for the Coldfoot multiagency visitor facility.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $125,000,000 for payments in lieu of taxes as proposed by the Senate instead of $140,000,000 as proposed by the House.

LAND ACQUISITION

The conference agreement provides $14,600,000 for land acquisition instead of $10,000,000 as proposed by the House and $15,650,000 as proposed by the Senate.

The Committees agree to the following distribution of funds:

State and Project	*Amount*
MT—Beaverhead River	$750,000
CA—Cache Creek	500,000
CO—Grand Mesa Slopes	700,000
CO—Gunnison Basin	800,000
ID—Idaho Lands Project	700,000
CA—King Range NCA	1,000,000
WA—Lopez Island	1,000,000
CA—Otay Mts./Kuchamaa	1,850,000
CA—Santa Rosa Mts. NSA	1,000,000
ID—Upper Snake/S. Fork Snake River	750,000
UT—Washington Co. HCP	1,000,000
OR—West Eugene Wetlands	750,000
Subtotal	10,800,000
Emergency/Hardships/Inholdings	800,000
Acquisition Management	3,000,000
Total	14,600,000

The Committees are modifying the reprogramming guidelines regarding land exchanges. The agencies must submit proposed land exchanges in excess of $500,000 to the Committees on Appropriations for a 30 day period of review.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $97,037,000 for Oregon and California grant lands instead of $98,407,000 as proposed by the House and $94,791,000 as proposed by the Senate.

Decreases below the House include $627,000 for uncontrollable costs, $645,000 for resources management, $87,000 for information systems, and $11,000 for construction.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by the House and Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures which is estimated to be $8,055,000 as proposed by the House instead of $7,226,000 as proposed by the Senate.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $8,800,000 for miscellaneous trust funds as proposed by the House and Senate.

ADMINISTRATIVE PROVISIONS

The Committees have reauthorized the hard rock mining holding fee through fiscal year 2001 and have included new language that provides for a 60 day period to correct any defects to small miner waiver applications.

United States Fish and Wildlife Service

RESOURCE MANAGEMENT

The conference agreement provides $661,136,000 for resource management instead of $607,106,000 as proposed by the House and $624,019,000 as proposed by the Senate. Changes to the House recommended level for the endangered species program include an increase of $400,000 for Alabama sturgeon and a decrease of $400,000 for ESA reform in candidate conservation; a decrease of $500,000 for program activities in listing; an increase of $50,000 for program activities in consultation; increases of $500,000 for the Bruneau hot springs snail in Idaho, $25,000 for program activities, $20,000,000 for salmon and steelhead recovery in the State of Washington and $5,000,000 for the ESA landowner incentive program; and a decrease of $400,000 for ESA reform in recovery. In habitat conservation changes to the House include: (1) for the partners for fish and wildlife program, increases of $300,000 for program activities associated with the clean water initiative, $300,000 for Washington salmon enhancement and $250,000 for Hawaii ESA community conservation and a decrease of $100,000 for program activities and (2) for project planning, an increase of $100,000 for the Middle Rio Grande Bosque Consortium and a decrease of $400,000 for FERC relicensing activities. Other program changes to the House include an increase of $55,000 for Mason Valley, NV water quality monitoring in the environmental contaminants program; a decrease of $500,000 for the refuge operations backlog and an increase of $500,000 for the refuge maintenance backlog in refuge operations and maintenance; increases of $400,000 for implementing the U.S./Canada migratory bird treaty, $1,000,000 for a National program to address Canada goose depredation and $100,000 for rural Alaska workshops and lead shot exchange programs in migratory bird management; an increase of $50,000 for fresh water mussels in hatchery operations and maintenance; and increases of $800,000 for fish passage facilities, $600,000 for a prototype machine to mark hatchery reared salmon at the Washington Department of Fish and Wildlife and $200,000 for the National fish health survey in fish and wildlife management. In general administration changes to the House include an increase of $750,000 for the National Conservation Training Center and an increase of $250,000 for the Russia initiative in the international affairs program of which $50,000 is for the State of Alaska. The Committees have not agreed to the transfer of funds to the construction account for major bridge and road maintenance as proposed by the House.

The conference agreement includes bill language earmarking the Endangered Species Act listing program at $5,756,000 instead of $6,256,000 as proposed by the House and $5,156,000 as proposed by the Senate.

The Committees agree to the following:

1. The funding included in the candidate conservation account for activities associated with the Prebles meadow jumping mouse may be reprogrammed, as appropriate, to the recovery program.

2. There is no specific increase for the Clark County, NV habitat conservation plan in the consultation program. The Committees expect the Service to continue to work with communities like Clark County, NV and El Dorado County, CA to support endangered species efforts.

3. Within the base budget there is $100,000 for wolf monitoring in Yellowstone NP and the Frank Church River of No Return Wilderness.

4. The funds provided for salmon and steelhead recovery efforts in Washington State are to be administered by the Salmon Recovery Office in the Office of the Governor. That office will provide allocations to

local governments for salmon and steelhead projects and activities that contribute to the recovery of these species. Funds should be divided as follows: $2,800,000 for the Puget Sound North Sub-region, $8,800,000 for the Central Puget Sound Sub-region, $2,500,000 for the Southwest Puget Sound Sub-region; $2,800,000 for the Lower Columbia River Recovery Region, $300,000 for the Southwest Washington Recovery Region, $800,000 for the Upper Columbia River Recovery Region, $800,000 for the Middle Columbia River Recovery Region and $950,000 for the Snake River Recovery Region. Up to one percent of the total may be used by the State for administrative costs. The State shall also commit to a minimum of 25 percent in matching funds.

5. Of the $250,000 provided in habitat conservation for Hawaii community conservation programs, $100,000 is for palila bird recovery in conjunction with the Saddle Road project on the Island of Hawaii.

6. The $100,000 increase in habitat conservation for the Middle Rio Grande Bosque program restores the fiscal year 1998 base level of $550,000 and provides for a one-time grant of $50,000 to the State consortium.

7. In establishing priorities for the distribution of the $1,000,000 increase provided in migratory bird management for Canada goose depredation, the Service should consider the problems associated with dusky Canada geese in Washington and Oregon.

8. The increase in hatchery operations and maintenance for fresh water mussels is to support hatchery activities related to the growth, preservation and reintroduction of fresh water mussels and the involvement of hatchery expertise in regional ecosystem teams.

9. Within the increase provided for fish passage facilities in fish and wildlife management, there is no earmark for any specific program. The Service should consider the Tahuya River in establishing priorities for the distribution of these funds.

10. Within available funds, the Service should conduct a feasibility study on the removal of fish passage barriers on Icicle Creek near the Leavenworth National Fish Hatchery, WA. The cost of this study should not exceed $30,000.

11. The $750,000 increase provided for the National Conservation Training Center is for start-up and partial year operating costs for a third dormitory at the Center. These funds are needed because dormitory construction is ahead of schedule, and it is expected to open in fiscal year 1999. The Service should request the funds necessary for full year operations in the fiscal year 2000 budget request.

12. The earmark for the Hood Canal Salmon Enhancement Group is $100,000.

13. There are no specific earmarks for a study of sea otter decline in the Aleutian chain or for an education campaign on the Yukon River Salmon Treaty. The Service should consider these needs in the context of its overall priorities.

14. Within the funds provided, the Service may pursue its planned wildlife inventory projects in the Kenai NWR, Innoko NWR, Yukon Flats NWR and Nowitna NWR, AK.

15. The Alaska Nanuuq Commission, the Alaska Sea Otter Commission and the Eskimo Walrus Commission should be funded at the fiscal year 1998 level for cooperative activities authorized under section 119 of the Marine Mammal Protection Act.

16. The budget includes continued support for the Nevada biodiversity research and conservation initiative in the partners for fish and wildlife program.

17. By January 31 of each year the recreation fee demonstration program is in effect, the Service should provide a consolidated report on annual accomplishments for the preceding fiscal year and any recommended improvements to the program. At such time as the program is terminated, the final report should include a comprehensive evaluation of the entirety of the program.

18. The Committees are pleased that the Administration has endorsed the Congressionally-initiated backlog maintenance reduction program and note that, in addition to the large funding increase provided for backlog maintenance reduction in this Act, the Committees recently earmarked $20,000,000 in Title V funding from the fiscal year 1998 appropriation to be used to address the Service's maintenance backlog.

CONSTRUCTION

The conference agreement provides $50,453,000 for construction instead of $66,100,000 as proposed by the House and $48,734,000 as proposed by the Senate. Funds are to be distributed as follows:

Location or activity	Description	Amount
ACE Basin NWR, SC	Parking, bathrooms & kiosks	$250,000
Alaska Maritime NWR, AK	Design and construction	860,000
Alligator River NWR, NC	Milltail Bridge	498,000
Atchafalaya NWR, LA	Big Al #2 Bridge	500,000
Bear River NWR, UT	Dikes, grassland habitat, education center	2,000,000
Bitter Lake NWR, NM	Replace 2 bridges	253,000
Carolina Sandhills NWR, SC	Replace 2 bridges	536,000
Catahoula NWR, LA	Shop building	300,000
Columbia NWR, WA	Potholes Canal Bridge	450,000
Craig Brook NFH, ME	Rehabilitation	3,300,000
Creston NFH, MT	Jessup Mill Dam	2,200,000
Deep Fork NWR, OK	Public access and trails	185,000
Dexter NFH, NM	Phase III construction	2,683,000
Discovery Center, MO	Education & conservation program	500,000
Erie NWR, PA	Erie Dam No. 9	1,100,000
Hanalei NWR, HI	Water supply for taro fields	250,000
Hatchie NWR, TN	Log Landing Slough Bridge	66,000
Hatchie NWR, TN	Windrow Loop/Bear Creek Bridge	83,000
Iron River NFH, WI	Storage building	825,000
Kenai NWR, AK	Roads/intersections	250,000
Klamath Basin NWR, CA	Water facilities	3,600,000
Lacassine NWR, LA	Shop building	750,000
Laguna Atascosa NWR, TX	Bridge rehabilitation	55,000
Lower Rio Grande Valley NWR, TX	Bridge rehab. & replacement	270,000
Madison WMD, SD	Heating system, office rehabilitation	500,000
Makah NFH, WA	Salmon spawning structure	2,570,000
Mammoth Spring NFH, AR	Pond structures	450,000
McKinney Lake NFH, NC	McKinney Lake Dam	700,000
Mingo NWR, MO	Replace bridges	702,000
Mississquoi NWR, VT	HQ planning & construction	2,000,000
National Blackfooted Ferret Conservation Center, CO	Construction	1,800,000
North Attleboro NFH, MA	Reconstruction (generator replacement)	325,000
Okefenokee NWR, GA	Visitors center renovation	1,000,000
Orangeburg NFH, SC	Orangeburg Substation Dam	700,000
Ridgefield NWR, WA	Shop building	450,000
Sabine NWR, LA	Boathouse	550,000
Sequoyah NWR, OK	Bridge rehabilitation	160,000
Sequoyah NWR, OK	Repairs and roads	575,000
Sherburne NWR, MN	Shop buildings	945,000
Silvio Conte NWR	Colebrook interp ctr in NH	250,000
Southeast Louisiana Refuges	Building repairs	1,000,000
Tern Island NWR, Pacific	Replace/repair seawall	1,000,000
Togiak NWR, AK	Fourplex residence	1,216,000
Welaka NFH, FL	Ponds & cache basins	530,000
White River NWR, AR	Administrative building w/visitor contact	1,000,000
White Sulphur Springs NFH, WV	Rehabilitation	150,000
Wichita Mountains NWR, OK	Bridge rehab. & replacement	220,000
Wichita Mountains NWR, OK	Gramma Lake & Comanche Dams	1,100,000
Wichita Mountains NWR, OK	Roads	1,564,000
Servicewide bridge safety inspections		495,000
Servicewide dam safety inspections		495,000
Construction Management		6,242,000
Total		50,453,000

The Committees agree to the following:

1. The funding provided for the Alaska Maritime NWR, AK is to complete design of an administrative building with a visitor contact area. No funds are to be used for design of additional support buildings or facilities. The total cost of the project should not exceed $10,000,000, and within that amount, the cost of exhibits, furnishings and any outdoor interpretation aids associated with the visitor contact portion of the building should be paid for with non-Federal funds.

2. The funding for the Dexter NFH, NM completes the construction at that hatchery and no further Federal construction funding will be required for the project.

3. The funding for the Hanalei NWR, HI completes the water delivery facilities for that refuge, and no further Federal funding will be required for the project.

4. The funding for the Colebrook interpretive center in NH is provided on a one-time only basis. This facility is not located on property within the Silvio Conte NWR.

5. The funding provided for the White River NWR, AR is for construction of an Administrative building with a visitor contact area at the refuge. The cost of exhibits, furnishings and any outdoor interpretation aids associated with the visitor contact portion of the building should be paid for with non-Federal funds.

6. The Service should work with the Navy Seabees to develop a cooperative effort for the repair/replacement of the seawall at Tern Island in the Pacific. The total cost of this project, assuming cooperation with the Navy on the transport of materials, should be reported to the Committees no later than January 15, 1999. The fiscal year 2000 budget request should include a status report on the project including a proposed plan to implement the seawall replacement on a phased funding basis.

7. Funding for major safety repairs to bridges and roads has not been transferred to the construction account from the resource management account as proposed by the House.

8. The fiscal year 2000 budget should address the feasibility of constructing a cost-shared indoor eagle viewing and educational facility at the National Eagle Center in MN within the context of overall Service priorities.

9. No funding is provided for constructing a biocontainment facility in MT, as proposed by the Senate, for research on contagious diseases that can impact domestic livestock. The lead agency for such a project should be the U.S. Department of Agriculture. There is no objection to the Service serving in a consultative role for this project.

10. The Service is strongly urged to use local hires to the maximum extent practicable in constructing the fourplex residence at the Togiak NWR, AK.

LAND ACQUISITION

The conference agreement provides $48,024,000 for land acquisition instead of $30,000,000 as proposed by the House and $62,120,000 as proposed by the Senate. The Committees agree to the following distribution of funds:

State and Project	*Amount*
LA—Atchafalaya River Bsn. (LA Black Bear)	$1,000,000
TX—Attwater Prairie Chicken NWR	1,000,000
VA—Back Bay NWR	1,000,000
CA—Bair Island (Don Edwards NWR)	1,500,000
TX—Balcones Canyonlands NWR	1,500,000
WA—Black River (Nisqually NWR)	750,000
AL—Bon Secour NWR	1,000,000
PR—Cabo Rojo Salt Flats NWR	1,000,000
WV—Canaan Valley NWR ..	1,200,000
NJ—Cape May NWR	1,000,000
KY—Clarks River NWR	500,000
NJ—E.B. Forsythe NWR	750,000
AL—Grand Bay NWR	750,000
MA—Great Meadows NWR	1,750,000
OR—Klamath Forest Marsh NWR	100,000
NH—Lake Umbagog NWR	1,800,000
FL—Lake Wales Ridge NWR	1,000,000
TX—Lower Rio Grande NWR	2,000,000
WV—Ohio River Islands NWR	250,000
OH—Ottawa NWR	1,000,000
IN—Patoka River NWR	250,000
ME—Petit Manan NWR	375,000
ME—Rachel Carson NWR ..	375,000
VA—Rappahannock River Valley NWR	1,000,000
RI—Rhode Island Refuge Complex	500,000
CA—San Diego NWR	3,000,000
LA—SE Louisiana Refuges	1,000,000
VT/CT/NH/MA—Silvio O. Conte NWR	3,174,000
CT—Stewart McKinney NWR (Ram Isld)	1,600,000
LA—Tensas River NWR	750,000
TX—Trinity River NWR	500,000
SC—Waccamaw NWR	1,750,000
NJ—Wallkill NWR	1,000,000
WI—Whittlesey Creek NWR	650,000
Subtotal	36,774,000
Emergencies/hardships	1,000,000
Inholdings	750,000
Exchanges	1,000,000
Acquisition management ..	8,500,000
Total	48,024,000

The Committees have provided a total of $2,000,000 for acquisition of timberlands within the Bailey Tract located in the proposed Atchafalaya National Wildlife Refuge. $1,000,000 was recently provided from fiscal year 1998 Title V money and $1,000,000 is contained in this bill. The Committees strongly urge the Service to conduct public hearings and solicit input from the local communities on the creation of this refuge. It is the intent of the Committees that any funds appropriated for this refuge will not have an adverse impact on commercial activities pending the approval and release of a final report.

The conference agreement earmarks $1,500,000 for the Bair Island acquisition in the Don Edwards NWR. It is the Committees' clear intent that the existing public trail which runs along the levy, parallel to Bay Shore Freeway, remains open.

The Committees have provided a total of $2,000,000 for the Cabo Rojo acquisition, $1,000,000 of which was recently provided from fiscal year 1998 Title V money and $1,000,000 is contained in this bill. It is the Committees' intention to complete this project before December 31, 1998, from within the balance of Title V funds.

The Committees have not included funds for the Texas Chenier Plain which includes four National Wildlife Refuges in three counties in Texas. The Service is directed not to provide any funds for these areas.

The Committees have provided $1,000,000 to purchase the Howard property near the Ottawa National Wildlife Refuge in Ohio. These funds are contingent on an equal match with State or private funds.

The Committees are modifying the reprogramming guidelines regarding land exchanges. The agencies must submit proposed land exchanges in excess of $500,000 to the Committees on Appropriations for a 30 day period of review.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $14,000,000 for the cooperative endangered species conservation fund instead of $15,000,000 as proposed by the House and $34,000,000 as proposed by the Senate. The change to the House recommended level is a decrease of $1,000,000 for habitat conservation plan land acquisition. The $20,000,000 proposed by the Senate for grants to the State of Washington for salmon and steelhead recovery is addressed in the Resource Management account.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $10,779,000 for the National wildlife refuge fund as proposed by both the House and the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $15,000,000 for the North American wetlands conservation fund instead of $12,700,000 as proposed by the House and $15,000,000 as proposed by the Senate. Increases above the House include $2,210,000 in habitat management and $90,000 in administration.

WILDLIFE CONSERVATION AND APPRECIATION FUND

The conference agreement provides $800,000 for the wildlife conservation and appreciation fund as proposed by both the House and the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $2,000,000 for the multinational species conservation fund instead of $2,400,000 as proposed by the House and $1,900,000 as proposed by the Senate. Funds should be distributed as follows:

African elephants	$1,000,000
Rhinoceros and tigers	500,000
Asian elephants	500,000
Total	2,000,000

The conference agreement makes minor technical corrections to the appropriations language to clarify that donations and penalties deposited in the fund are available without further appropriation.

ADMINISTRATIVE PROVISIONS

The conference agreement makes two technical corrections to administrative provisions. The first involves using the term "inserting" as proposed by the House instead of "adding" as proposed by the Senate in language dealing with amending the Marine Mammal Protection Act. The second specifies that the current reprogramming guidelines are contained in Senate Report 105–56.

TECHNICAL CORRECTIONS

The conference agreement includes a modification to technical corrections as proposed by the House to remove certain properties in Florida and South Carolina from the Coastal Barrier Resources System. These properties include 25 acres in Pumpkin Key, FL, 12 acres in Ocean Reef, FL and 18 acres in Huntington Beach, SC. The modification corrects the reference date for the relevant map for the Florida property. Other removals from the system are addressed under General Provisions—Department of the Interior and under Title III—General Provisions.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,285,604,000 for operation of the National park system instead of $1,333,328,000 as proposed by the House and $1,288,903,000 as proposed by the Senate. The agreement provides $228,819,000 for Resource Stewardship instead of $228,790,000 as proposed by the House and $229,818,000 as proposed by the Senate. Changes to the House level include increases of $1,279,000 for special need parks and $750,000 for Vanishing Treasures and a decrease of $2,000,000 for Inventory and Monitoring. Within available funds, $400,000 is for additional continuing support for Heritage Preservation public education and training.

The conference agreement provides $301,238,000 for Visitor Services instead of $301,663,000 as proposed by the House and $302,538,000 as proposed by the Senate. Changes to the House level include increases of $475,000 for special need parks and $500,000 for the park police and decreases of $200,000 for the overflights initiative and $1,200,000 for risk assessments.

The conference agreement provides $411,930,000 for maintenance instead of $447,159,000 as proposed by the House and $401,930,000 as proposed by the Senate. Changes to the House level include an increase of $771,000 for special need parks and a decrease of $36,000,000 for maintenance. The Committee directs the Service to do the following maintenance projects within available funds: $300,000 for Central High School, AR, $200,000 for Fort Sumter, SC, and $390,000 for San Antonio Missions, TX.

The Committees are pleased that the Administration has finally endorsed the congressionally initiated program to reduce backlog maintenance in the parks. The Committees continue to place a high priority on this initiative and the Congress has provided nearly $1 billion for this purpose since fiscal year 1996. In addition, the Committees created a Recreational Fee Demonstration Program which will provide over $450,000,000 to the National Park Service over the life of the five-year program. Also, the Committees provided $20,000,000 for backlog projects on September 5, 1998, from the fiscal year 1998 Title V funds. The Committees note that the reduction from the House level for maintenance is more than offset by the release of Title V funding and the extension of the Recreational Fee Demonstration Program and encourage the Service and the Administration to work with them to implement this many-faceted approach to addressing a serious problem. The answer to the problem cannot be appropriations alone. Management and financial accountability improvements in the Service are desperately needed to achieve the goal of a realistic and manageable maintenance backlog.

The conference agreement provides $238,929,000 for Park support instead of $238,128,000 as proposed by the House and $239,929,000 as proposed by the Senate. Changes to the House level include increases of $326,000 for special need parks and $475,000 for the Lewis and Clark Trail. This $475,000 includes $175,000 for challenge cost-share grants, $140,000 for a partnership agreement and $160,000 for technical assistance and planning.

The conference agreement has deleted the $12,500,000 for the Denver Service Center base funding as proposed by the House from the operations account and provided funds under Park Service construction. The conference agreement also deletes the $10,000,000 across the board increase proposed by the Senate.

The conference agreement provides $104,688,000 for External Administrative costs as proposed by the Senate instead of $105,088,000 as proposed by the House. The change to the House level is a reduction of $400,000 for FTS 2000.

The Committees recognize that Yosemite National Park has a serious bear management problem and that current funding has not been sufficient to deal with the estimated 600 bears in the park and the 4 million people who visit the park annually. Therefore, the conference agreement earmarks $500,000 within available funds for the bear management program in Yosemite National Park.

The Committees agree to clarify the dates for which reports analyzing the fee program are due. By January 31 of each year the program is in existence, the Service should provide a consolidated report on annual accomplishments for the preceding fiscal year and any recommended improvements to the program. At such time as the program is terminated, the final report should also include a comprehensive evaluation of the entirety of the program.

The Committees are concerned about the findings of a recent GAO report that raises several concerns about the new fee program. While finding the Recreational Fee Demonstration Program a success with the general public, the report criticized the Service for generating the greatest revenue yet expending only 17 percent from the period October 1, 1996 to March 31, 1998. The study recommends that the Secretary of the Interior look for further opportunities to experiment and innovate with new and existing fees and work more closely with the Secretary of Agriculture to improve services for visitors by better coordinating their fee activities. The Committees strongly urge the Service to improve greatly the rate at which fee monies are put to work on the ground in the parks and to take very seriously the Committees' long-standing directive to place signage in the parks which thanks the public and describes how their fees are being used. The Committees were disappointed that this directive was, to a large extent, ignored this past summer, particularly in the larger parks.

The Committees continue to express concern over the unsafe conditions at the intersection of Routes 29 and 234 in the Manassas National Battlefield Park, Prince William County, Virginia which remain hazardous to local residents and visitors of the park traveling through the intersection. However, the Committees are aware and encouraged that an "intersection task force" was convened in April 1998 to develop a compromise resolution to the problem of safety and traffic capacity at the intersection.

The task force consists of representatives from the Virginia Department of Transportation (VDOT), the Federal Highway Administration (FHWA), the National Park Service, the American Automobile Association, Prince William County officials, and local citizens. The Committees have been advised that the task force is in the process of developing a memorandum of understanding (MOU) in a three-phased approach to resolve the problems at the intersection.

Phase one calls for traffic signal improvements; clearing vegetation from intersection approaches; relocating the existing Stone House parking lot; improving the traffic enforcement; developing safe pull-off areas for law enforcement; reducing speed limits; providing grooved surfaces and signs at the park entrance to alert visitors they are entering the park and to alert travelers of the approaching intersection.

Phase two will be initiated only after an objective determination that phase one improvements have failed to address the problem. The intersection will be monitored regularly, and it is expected that the task force will reconvene to evaluate phase one. Phase two will consist of some regrading of Route 234, widening of both approaches of Route 29, and the consideration of accommodating additional turn lanes.

Phase three calls for the Service to seek funding and work with VDOT, FHWA, and Prince William County towards the closure of Routes 29 and 234 and to provide alternative routes for traffic now traveling through the Park as called for in Public Law 100–647. The Committees recognize that safety concerns at the Routes 29 and 234 intersection have been a long-standing problem for the park and surrounding community.

The Committees strongly encourage the Service and VDOT to continue to work together to finalize and approve an MOU, adhere to the terms of the agreement and implement the actions as outlined. The Service should conduct a bypass study as called for in Public Law 100–647.

The Committees direct the Service to expand its official budget justification for fiscal year 2000 to include a new park summary section which lists the units of the system by the nineteen National Park System designations. This new summary should begin with the National Parks.

The conference agreement includes language in Title I-General Provisions which ensures that property owners included within the boundaries of the Indiana Dunes National Lakeshore at the time of the 1992 Act that expanded the park are afforded the same opportunities to obtain fixed-term Reservations of Use and Occupancy as homeowners that were incorporated in previous expansions.

The Committees have deleted language requiring the Service to consider options for establishing a jet-capable runway near the entrance to Denali National Park and Preserve, but note the proximity of jetports to the entrance of other National parks, such as Wrangell-St.Elias NP&P at Glenallen, Alaska and Katmai NP&P at King Salmon, Alaska, where the National Park Service keeps administrative offices.

The Committees have once again provided $600,000 in base funding for new mineral examiners at the Mojave National Preserve. This same amount and direction was included in Public Law 105–83. The Committees have learned that the Service did not comply with the clear congressional intent and used the funding for other units as well as for the Denver-based Geological Resources Division. The Service has informed the Committees that there are over 2,000 mining claims within or in close proximity to the Mojave National Preserve. The Service explained that mineral examiners are needed on site to process these claims and establish valid existing rights. Service officials expressed to the Committees that this was the most challenging issue confronting the newly established unit. The Congress responded but the Service chose to not comply with congressional direction. Therefore, the Committees have included statutory language to ensure that this pressing need is addressed in fiscal year 1999.

The Committees expect that when or if the National Park Service completes the work on design alternatives for improvements to Pennsylvania Avenue in front of the White House, the Department will submit a reprogramming proposal to the House and Senate Committees on Appropriations through the normal process to do planning on such proposed improvements. Before taking any action on the reprogramming proposal, the Committees expect full and open consultations from the Administration on the preferred alternative including the goal, justification and cost effectiveness of the improvements.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $46,225,000 for the National recreation and preservation program instead of $43,939,000 as proposed by the House and $48,800,000 as proposed by the Senate.

The conference agreement provides $515,000 for recreation programs as proposed by the Senate instead of $506,000 as proposed by the House. The change to the House level consists of an increase of $9,000 for fixed costs. The conference agreement provides $9,088,000 for Natural programs instead of $8,984,000 as proposed by the House and $10,188,000 as proposed by the Senate. The change to the House level is an increase of $104,000 for fixed costs. Within available funds, $375,000 is provided for the restoration of Ravenna Creek by means of surface reconnection in cooperation with the Ravenna Creek Alliance. Consideration should be given to the Lake Champlain project and the Vermont/New Hampshire River Commissions. The Committees have agreed not to continue to earmark funds for the Chesapeake Bay initiative. The Committees appropriated $400,000 for fiscal years 1997 and 1998 for grants to local communities to help implement heritage protection plans.

The conference agreement provides $19,056,000 for Cultural Programs instead of $18,899,000 as proposed by the House and $19,431,000 as proposed by the Senate. The changes to the House level are an increase of $157,000 for fixed costs. Within available funds, $250,000 is provided to initiate a Revolutionary War Study.

The conference agreement provides $1,671,000 for International park affairs as proposed by the Senate instead of $1,658,000 as proposed by the House. The changes to the House are an increase of $13,000 for fixed costs. The conference agreement provides $358,000 for environmental and compliance review as proposed by the Senate instead of $350,000 as proposed by the House. The change to the House level is an increase of $8,000 for fixed costs. The conference agreement provides $1,751,000 for Grant Administration as proposed by the Senate instead of $1,715,000 as proposed by the House. The change to the House level is an increase of $36,000 for fixed costs.

The conference agreement provides $5,000,000 for Heritage Commissions and grants instead of $4,500,000 as proposed by the House and $5,500,000 as proposed by the Senate. Within this amount, $1,000,000 each is earmarked for the Essex National Recreation Area, the Ohio and Erie Canal National Heritage Corridor, and the Steel Industry Heritage Corridor. Also earmarked is a total of $500,000 each for the South Carolina National Heritage Corridor and the Augusta Canal National Heritage Area. The remaining $1,000,000 is to be distributed to the remaining four areas. The Committees intend that these funds be allocated to the heritage areas and that the Service be limited to no more than two FTEs and no other part-time or detailed staff may be used for this program. The Service is reminded that it only has Congressional authorization to work on the areas specified in the Omnibus Parks Act of 1996. Technical support for this program is funded at $859,000 as proposed by the Senate instead of $850,000 as proposed by the House.

The conference agreement provides $7,927,000 for Statutory or Contractual Aid instead of $4,477,000 as proposed by the House and $8,527,000 as proposed by the Senate. Funds are to be distributed as follows:

Alaska Native Cultural Center	$750,000
Aleutian World War II National Historic Area	100,000
Blackstone River Corridor Heritage Commission	324,000
Brown Foundation	102,000
Dayton Aviation Heritage Commission	48,000
Delaware and Lehigh Navigation Canal	329,000
Ice Age National Scientific Reserve	806,000
Illinois and Michigan Canal National Heritage Corridor Commission	239,000
Johnstown Area Heritage Association	50,000
Lackawanna Heritage	450,000
Mandan On-a-Slant Village	250,000
Martin Luther King, Jr. Center	534,000
National Constitution Center	500,000
National Underground RR	500,000
Native Hawaiian culture and arts program	750,000
New Orleans Jazz Commission	67,000
Quinebaug-Shetucket National Heritage Corridor Commission	200,000
Roosevelt Campobello International Park Commission	670,000
National First Ladies Library	300,000
Southwestern Penn. Heritage Preservation Commission	158,000
Vancouver National Historic Reserve	400,000
Wheeling National Heritage Area	400,000

The funds provided for the Alaska Native Cultural Center begin a three-year phaseout of this project. The Committees understand that $500,000 will be provided in fiscal year 2000 and a final $250,000 for fiscal year 2001. The $500,000 for the Sewall-Belmont House is provided in the new Millennium Program instead of in Statutory and Contractual Aid as proposed by the Senate.

The Committee have included $300,000 for Technical Assistance and support for the Saxton McKinley House and National First Ladies' Library in Canton, Ohio. Further guidance regarding this program is contained in the "Construction" account under general management plans.

The conference agreement has not provided the $2,000,000 as proposed by the House for urban park grants. The Committees have determined that this effort cannot be accommodated with the limited resources available this year.

HISTORIC PRESERVATION FUND

The conference agreement provides $72,412,000 for the Historic Preservation Fund instead of $40,812,000 as proposed by the House and $55,612,000 as proposed by the Senate.

The conference agreement provides $42,412,000 for Grants-in-aid instead of $40,812,000 as proposed by the House and $45,612,000 as proposed by the Senate. The changes to the House level include a decrease of $700,000 for Historically Black Colleges and Universities, an increase of $2,000,000 for State grants and an increase of $300,000 for Tribes. Within the funds for HBCUs, $200,000 is earmarked for an assessment of all buildings eligible for funding under the 1996 Omnibus Parks Bill. The Committees intend that HBCU funds be allocated based on completed assessments and that no HBCU be given more than $1,000,000 in this fiscal year. Given this increase, the new base for HBCUs is $7,000,000. The additional funds provided for grants-to-States are for preservation projects and other purposes consistent with the Historic Preservation Act, and may be allocated by individual States according to State priorities.

The conference agreement provides $30,000,000 for a new two-year Millennium Program as proposed by the Senate. The Committees intend that these individual grants be matched on a 60 percent non-Federal to 40 percent Federal basis. Projects are limited to items traditionally funded in the Interior and Related Agencies Appropriations Act and the National Archives Projects under the jurisdiction of other Federal agencies will not be funded and no funds may be allocated to the States. Most States have budget surpluses and should be able to support their own programs. The agencies should work together to establish specific criteria for proposing Millennium projects which consider national significance, meet the matching requirement, have an educational component, and will not require additional funds in future years. The National Park Service in cooperation with the Smithsonian Institution and any other eligible agency should submit the criteria and the project list to the House and Senate Appropriations Committees for final approval. Within these funds $3,000,000 is for the Star Spangled Banner restoration and $500,000 is for the Sewall-Belmont House, and funds necessary to completely restore the Declaration of Independence and the U.S. Constitution located in the National Archieves.

CONSTRUCTION

The conference agreement provides $226,058,000 for construction instead of $149,000,000 as proposed by the House and $210,116,000 as proposed by the Senate. The Committees agree to the following distribution of funds:

Project	*Amount*
Accokeek Foundation, MD (rehab)	$300,000
Adams NHS, MA (repair/rehab.)	1,724,000
Antietam NB, MD (restore structures)	1,190,000
Black Archives, (FL A&M Univ. const.)	1,000,000
Blackstone River Valley, RI/MA (exhibits)	750,000
Blue Ridge Parkway, VA (repair)	200,000
Boston African-American NHS, MD (rehab)	1,398,000
Brown v. Board of Education NHS, KS (rehab)	4,000,000
C&O Canal MD (relocate visitor center)	1,200,000
Canaveral NS, FL (Seminole Rest)	500,000

Project	Amount
Cape Hatteras NS, NC (reloc. Light station)	9,800,000
Charleston School Dist., AR (exhibits)	200,000
Chickasaw NRA, OK (Campground)	1,270,000
Congaree Swamp NM, SC (access road)	2,300,000
Cuyahoga Valley NRA, OH (repair/rehab)	4,470,000
Dayton Aviation NHP, OH (comp. Hoover)	1,305,000
Delaware Water Gap NRA, PA (repaired dams)	840,000
Delaware Water Gap NRA, PA (trail)	3,500,000
Delaware Water Gap NRA, (Zimmermann House)	750,000
Edison NHS, NJ (rehab)	507,000
Eisenhower NHS, PA (fire protection)	1,310,000
Ellis Island NJ-NY (stabilization)	2,000,000
Everglades NP, FL (water system)	14,000,000
FDR Home/Vanderbilt NHS, NY (rehab)	1,000,000
Field Museum, IL (rehab)	2,000,000
Fort McHenry NM & HS, MD (rehab)	900,000
Fort Necessity NB, PA (VC)	3,400,000
Fort Point NHS, CA (repair)	2,158,000
Fort Smith NHS, AR (rehab)	1,550,000
Fort Stanwix NM, NY (rehab)	500,000
Gateway NRA, NY (rehab)	5,690,000
Gateway NRA, NJ (rehab lighthouse)	884,000
George Washington Mem. Parkway, VA	300,000
Glacier Bay NP&P, AK (rehab)	3,988,000
Glen Canyon NRA, AZ (improve Lake Powell)	2,040,000
Golden Gate NRA, CA (rehab Alcatraz)	5,580,000
Great Smoky Mts. NP, TN-NC (trails)	970,000
Harpers Ferry NHP, WV (stabilization)	1,200,000
Hecksher Museum, NY (renovation)	500,000
Hispanic Cultural Center, NM (arts center)	3,000,000
Independence NHP, PA (redevelopment)	3,500,000
Jean Lafitte NHP&P, LA (rehab)	2,000,000
Jimmy Carter NHS, GA (restore home site)	1,435,000
Katmai NP&P, AK (visitor facilities)	3,000,000
Kendall Co. Courthouse, IL (restoration)	1,500,000
Lake Mead NRA, NV (replace water treat)	8,550,000
Lake Mead NRA, NV (replace water treat)	1,342,000
Lewis & Clark NHT, IL (VC)	4,000,000
Longfellow NHS, MA (rehab structures)	1,645,000
Mammoth Cave NP, KY (rehab)	1,120,000
Minute Man NHP, MA (safe visitor access)	1,200,000
Natchez NHP, MS (restore houses)	876,000
National Constitution Center, PA	10,000,000
New Jersey Coastal Heritage Trail, NJ	411,000
New River Gorge NR, WV (rehab)	525,000
Olympic NP, WA (Quinault VC)	525,000
Perry's Victory & IPM, OH (rehab.)	2,200,000
Sequoia NP, CA (restore Giant Forest)	6,000,000
Shenandoah NP, VA (rehab utility systems)	4,980,000
Shiloh NMP, TN (stop riverbank erosion)	2,000,000
Sitka NHS, AK (rehab bldgs)	1,120,000
Sotterly Plantation, MD (restoration)	600,000
Southwest Penn Heritage Comm. (rehab)	2,000,000
Stones River NB, TN (exhibits)	300,000
Susan B. Anthony House, NY (rehab)	550,000
Tuskegee Airman NHS, AL (emergency stabilization)	2,100,000
U-505, IL (rehab)	1,000,000
Ulysses S. Grant NHS Hist. Site, MO (rehab)	968,000
Vicksburg NMP, MS (restore bldgs.)	1,200,000
Virginia City, MT (restoration)	1,000,000
Wheeling, WV (restoration)	600,000
Women's Rights NHP, NY (trail study)	100,000
Wrangell St. Elias NP&P, AK (VC)	8,600,000
Yellowstone NP, WY (sewer replacement)	500,000
Zion NP, UT (visitor transport system)	3,640,000
Project Total	171,561,000
Emergency/unscheduled housing	15,000,000
Planning	16,370,000
Equipment Replacement	15,402,000
General Management Plans	7,725,000
Grand Total	226,058,000

The Committees have agreed to provide $16,370,000 for construction planning. Within this amount are specific construction planning funds as follows: (1) $164,000 for construction planning at Chickasaw NRA, (2) $265,000 for construction planning at Congaree Swamp NM, (3) $295,000 for construction planning at the Dayton Aviation NHP, (4) $120,000 for construction planning for the Zimmermann House in the Delaware Water Gap NRA, (5) $100,000 for construction planning at the FDR Home NHS, (6) $162,000 for construction planning of the water system at Guadalupe Mts. NP, (7) $200,000 for construction planning at Jean Lafitte NHP&P, (8) $25,000 for construction planning of the Quinault Visitor Center in Olympic NP, (9) $100,000 for construction planning at Sitka NHS, and (10) $100,000 for construction planning at Hovenweep NM.

The Committees continue to have strong concerns regarding the construction program of the National Park Service. The review directed by the Committees and conducted by the National Academy of Public Administration (NAPA) during fiscal year 1998 recommended significant changes in the way the Service manages its construction program. Both the House and Senate took significant steps towards a restructuring of the program consistent with the NAPA recommendations. The Service also responded favorably to the NAPA recommendations and presented the Committees with an implementation plan identifying actions the Service will take to ensure compliance with the NAPA recommendations. The Service should proceed diligently with execution of the plan so that the NAPA reforms are implemented by the end of fiscal year 1999.

The Committees remain committed to reforms in the construction program that will ensure more cost-effective projects, less expensive program oversight, and greater use of external rather than in-house capabilities, particularly in the areas of planning, design, and project management. The Committees emphasize that the reforms included in the NAPA report apply to the entirety of the Service line-item construction program, not just those projects managed by the Denver Service Center.

The Committees expect the Service to keep them informed on a regular basis regarding the downsizing of the Denver Service Center and the transition to a new organizational structure that will be capable of executing the reforms outlined in the NAPA report and in the Service implementation plan. In order to assist with the downsizing, the Committees have included bill language which provides buyout authority for employees at the Denver Service Center, as well as the Presidio and Golden Gate National Recreation Area, where a similar downsizing need exists.

Consistent with the NAPA recommendations and the Service implementation plan, the Committees recommend the following amounts within the construction appropriation for conducting the construction program in fiscal year 1999: Base operations for Denver Service Center, $16,100,000; program oversight within the office of the Associate Director for Professional Services, $1,000,000; planning, 10 percent of net construction; and centrally administered funds for pre-design and special studies of proposed line-item construction projects, $4,500,000. In fiscal year 1999, funding for these activities shall not exceed the specified amount, and will be paid for from savings resulting from application of the NAPA recommended planning, oversight, and contingency percentages to the line-item projects that are managed by the Service and funded in this Act. Starting with the fiscal year 2000 budget, NPS should identify and justify each of these elements as a separate line item in the construction budget. Funding for the one-time transition costs associated with the downsizing to 260 FTEs is to come from unobligated construction balances and application of the NAPA percentages to unstarted prior year construction projects. Should additional costs be identified as implementation proceeds, the Service should submit a reprogramming request for the Committees' consideration.

Further, with regard to the construction program, the Committees agree to the following:

1. Once the savings are identified by project, the Denver Service Center may not charge or assess any cost to the fiscal year 1999 line-item activity or the subactivity for planning and design;

2. The planning and predesign funds are for activities associated with outyear projects, consistent with the five-year plan, with an emphasis on projects expected to be pursued in the first two or three years;

3. The Service shall provide the Committees with a report on the proposed allocation, by project and purpose, of the funds provided for both planning and predesign;

4. General management plans will continue to be funded in the same manner as proposed in the budget; however, the Committees reiterate their strong admonition to all levels of

the Service that these documents must become more realistic and programmatic in the expectations they identify;

5. The Service must establish an effective method for tracking project costs using the new practices stemming from the NAPA report. This system must be used by all parties participating in the line-item program (including parks and regions) and must ensure that project costs are accounted for by line-item and fiscal year; and

6. Any exceptions to the NAPA recommended percentage of projects to be planned in-house must be presented to the Committees for approval.

The Committees have not included the $3,300,000 requested for water and sewer lines at Acadia National Park because the project will be completed with maintenance funding provided in Title V of the fiscal year 1998 bill.

The Committees have agreed to provide $300,000 to the Accokeek Foundation and $600,000 for the Sotterly Plantation in Maryland subject to matching non-Federal funds. These funds complete the Federal contribution to both projects.

The conference agreement provides $4,000,000 to begin restoration of the Brown v. Board of Education facility in Kansas. The Committees note that the Administration did not request these funds in fiscal year 1999 and encourage the Department to include the final phase of funding in the fiscal year 2000 budget request. The Committees are concerned over the estimated cost to complete the visitor center portion of the project and urge the Park Service to reduce considerably the total and to consider private cost sharing.

Funds provided for the Canaveral National Seashore Seminole Rest project should complete the projects described in the House report—specifically some trails, exhibits, parking and modest restroom facilities. By providing the $800,000, the Committees have not committed to additional projects outlined in the Development Concept Plan. None of these funds should be used for additional planning and design beyond the work specified above. If these funds are not enough to complete this work, then the project should be scaled back.

An amount of $2,000,000 is provided on a one-time basis for the completion of the Sidney R. and Addie Yates Exhibition Center at the Field Museum in Chicago, Illinois. The $500,000 for renovations at the Hecksher Museum in New York is also provided on a one-time basis. Funds provided for the Kendall County Courthouse are on a one-time basis.

Of the construction funds provided for Fort Smith NHS, up to $50,000 shall be available for the Secretary of the Interior to study the feasibility of including the historic Hot Springs High School within the Hot Springs National Park in Arkansas.

Funds provided for the Fort Necessity and Lewis and Clark Visitor Centers will complete the Federal share of these projects. Funds provided for the Hovenweep National Monument are for design of a visitor center to replace the current administrative/visitor contact building. The existing structure is a deteriorating cabin that lacks appropriate space and access, and which is a safety hazard due to structural deficiencies and rodent infestation. The Committees understand that the funds provided are the amount that can be obligated by the Service in fiscal year 1999.

The Committees intend that $300,000 of the $2,000,000 provided to the Southwest Pennsylvania Heritage Commission is to be used for the rehabilitation of the historic Bedford Springs Hotel in Pennsylvania.

The $10,000,000 provided for the National Constitution Center does not commit the Congress to additional funds for this project. The Committees, while supportive of the concept, encourage the Center to consider downscaling the size of the facility and to ensure that all components are consistent with the park's general management plan. The Committees further understand that the National Constitution Center will be entirely self-sustaining and that no Service funds will ever be required for operation of the facility. Further, the Committees urge the city of Philadelphia to enter into a binding legal agreement with the Center to take responsibility for the Center should operating funds be insufficient to manage the site in the future.

The Committees have included $1,000,000 for rehabilitation of the U–505 submarine in Illinois and $1,000,000 for Virginia City, MT restoration. Each of these projects are funded on a one-time only basis.

No funding is provided for constructing a biocontainment facility in Montana as proposed by the Senate for research on contagious diseases that can impact domestic livestock. The lead agency for such a project and any future Federal funding should be the responsibility of the U.S. Department of Agriculture. The Service may serve in a consultative role for this project.

Bill language is provided in Title III General Provisions which directs that the remaining $250,000 appropriated as part of Public Law 105–83 in the National Park Service construction account for fiscal year 1998 for an environmental impact statement of a site for an interpretive center along the Blue Ridge Parkway near Roanoke, Virginia, may be used for the construction of an interpretive center outside the boundaries of the Blue Ridge Parkway. This completes the Federal share of the project.

The Committees have included $3,000,000 to initiate planning, design and construction for improved visitor use facilities at the Brooks River area at Katmai National Park and Preserve. These funds will assist with providing improved day use and overnight accommodations, platforms and boardwalks to enhance bear viewing, provision of access and safety for boats and floatplanes, visitor orientation and contact, and other visitor amenities.

The Committees direct the Service to use funds provided in fiscal year 1998 for the Seward Interagency Center for its designated purpose, notwithstanding the absence of a lease-back agreement with the City of Seward. The Committees direct the Service to explore cost-sharing with State and local entities and to report back to the Senate and House Appropriations Committees on cost estimates for this facility in Seward.

The funds provided for the proposed Tuskegee NHS are for emergency stabilization costs only. Specifically, the funds are for hangar number one, the control tower, the Administration/locker building, all ranks club, three sheds, a preliminary archeological survey and some oral history documentation. The Committees understand that these projects can be completed with these funds. This amount does not commit the Committees to any additional work mentioned in the Tuskegee Airmen Special Resource Study prepared by the Park Service's Atlanta Regional Office.

These funds may not be used to initiate any additional planning or design beyond the $2,100,000. Any future funds for this site will be subject to matching requirements. These funds are subject to authorization of the site.

A total of $1,200,000 is provided for the relocation of the visitor center at the C&O Canal in Cumberland, MD. This completes the project.

Within the funds provided for general management plans and special resource studies, the National Park Service shall conduct a feasibility study regarding the Saxton McKinley House and the National First Ladies' Library in Canton, OH for possible inclusion in the system, or for other possible affiliation that will allow for NPS support and assistance to this worthwhile project. The National Park Service should consider various alternatives for providing ongoing assistance to the Saxton McKinley House and National First Ladies' Library, including possible satellite affiliation with Cuyahoga Valley National Recreation Area, establishment of an endowment, or a technical assistance program involving cooperative agreements and grants. The Saxton McKinley House is owned by the National Park Service, and the National First Ladies' Library is the first ever facility dedicated to documenting the lives and accomplishments of America's 41 first ladies and other important American women in history.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The conference agreement rescinds the contract authority provided for fiscal year 1999 by 16 U.S.C. 4601–10a.

LAND ACQUISITION AND STATE ASSISTANCE

The conference agreement provides $147,925,000 for land acquisition instead of $69,000,000 as proposed by the House and $88,100,000 as proposed by the Senate. The Committees agree to the following distribution of funds:

State and Project	*Amount*
ME—Acadia NP	$1,000,000
MD—Antietam NB	1,900,000
Multi—Appalachian Trail	8,100,000
NM—Aztec Ruins	600,000
NM—Bandelier NM	300,000
CO—Black Canyon of the Gunnison NM	200,000
NC—Blue Ridge Parkway (Grandmother Mt.)	500,000
GA—Chattahoochee River NRA	15,000,000
MD—Cheasapeake and Ohio Canal NHP	250,000
OH—Cuyahoga Valley NRA	1,000,000
WA—Ebey's Landing NH Res	1,500,000
FL—Everglades NP	20,000,000
WV—Gauley River NRA	500,000
VA—George Washington Birthplace NM (Ferry Farm)	2,000,000
PA—Gettysburg NMP	1,000,000
FL—Grant to State of FL	60,000,000
IN—Indiana Dunes	750,000
LA—Jean Lafitte NHP	1,000,000
AK—Katmai NP&P	4,400,000
MI—Keweenaw NHP	200,000
NJ—Morristown NHP	925,000
MS—Natchez NHP/Ft. Rosalie Property	350,000
WV—New River Gorge NR	750,000
MT—Nez Perce NHP	500,000
TX—Palo Alto Battlefield NHS	1,000,000
VA—Petersburg NB	900,000
NM—Petroglyphs NP	3,000,000
VA—Prince William Forest Park	500,000
CO—Rocky Mountain NP (Kemp Property)	250,000

State and Project	*Amount*
AZ—Saguaro NP	2,000,000
CA—Santa Monica NRA	2,000,000
MI—Sleeping Bear Dunes NL	800,000
TN—Stones River NB	750,000
MS—Vicksburg NMP	500,000
Subtotal	134,425,000
Emergencies/hardships	3,000,000
Inholdings and Exchanges	1,500,000
Acq. Management	8,500,000
State Grants Administration	500,000
Total	$147,925,000

The conference agreement includes bill language which makes the $60,000,000 appropriated for Everglades State grants subject to an equal match of State funds provided during fiscal year 1999. The State may not use funds for land acquisition which were previously provided in another fiscal year as the match.

The conference agreement contains bill language in General Provisions, Department of the Interior, which permits the Service to purchase property within the boundaries of the Chickamauga and Chattanooga National Military Park with appropriated funds or through donation or exchange. Also included is language which directs that settlement funds for the acquisition of the Gherini Ranch in California be derived from the Claims and Judgments account within the Department of Justice.

The $500,000 provided for Santa Monica Mountains is to be used exclusively for the backbone trail and must be matched with non-Federal dollars.

The Committees are modifying the reprogramming guidelines regarding land exchanges. The agencies must submit proposed land exchanges in excess of $2,000,000 to the Committees on Appropriations for a 30 day period of review.

ADMINISTRATIVE PROVISIONS

The conference agreement prohibits the closure of the Mount McKinley airstrip in Alaska as proposed by the Senate. The House had no similar provision.

The Committees further note that the Secretary has provided assurances that the McKinley airstrip will not be closed during 1999, and that no such action will be taken without further consultation with the Committees. The Committees strongly encourage the Park Service to work closely with the aviation community and other interested parties to ensure that adequate air access to the Park is maintained.

United States Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $797,896,000 for surveys, investigations, and research instead of $774,838,000 as proposed by the House and $772,115,000 as proposed by the Senate.

Increases above the House include $500,000 for Eros Data Center data archiving, $2,000,000 for the minerals at risk program, $250,000 for the Hawaii Volcanoes Observatory, $100,000 for a water monitoring well in Hawaii, $250,000 for endocrine disruption studies, $500,000 for aquatic systems research, $1,000,000 for Federal lands research, $250,000 for a heating and cooling system at the Leetown Science Center, and $1,000,000 for clean water and watershed restoration.

Decreases below the House include $1,921,000 for the national mapping program as part of the reinventing government initiative, $1,219,000 for the water resources program as part of the reinventing government initiative, $750,000 for the national water quality assessment program, and $500,000 for the Federal/State cooperative program.

The Committees have earmarked $160,221,000 for biological research instead of $150,871,000 as proposed by the House and $154,581,000 as proposed by the Senate. Within the amount, the Committees have provided $6,600,000 for research activities in the North Pacific Ocean by way of a grant to the University of Alaska. These funds are in lieu of funds proposed to be provided to the National Oceanic and Atmospheric Administration under Title VI of the Senate bill.

Other increases above the House mark for the biological research program include $500,000 for fish passage research; $1,000,000 for research on watershed restoration and related issues including fish health in the Chesapeake Bay, the role of contaminants in restoration of habitats suitable for self-sustaining fisheries, and restoration of acid mine drainage water; and $250,000 to plan and design a new heating and cooling system for the National Fish Health Research Laboratory at the Leetown Science Center. The Committees understand that the maintenance needs of the Survey are being included as part of the Department's 5-year maintenance planning effort and encourage the Survey to reflect these needs in future budget requests.

In addition to the increases stated above, the Committees have provided the following additional funds for clean water and fixed costs: (1) $5,500,000 for the national water quality assessment program, (2) $2,000,000 for the Federal/State cooperative program, (3) $1,500,000 for hydrologic network and analysis, (4) $1,000,000 for biological research and monitoring, and (5) $5,000,000 in undistributed fixed costs.

The Committees have provided additional funds for the cooperative research units and direct the Survey to use this money to fill as many personnel vacancies as possible.

The Committees are concerned with reports they have received that suggest USGS is providing or seeking to provide a variety of commercial services to Federal and non-Federal entities in direct competition with the private sector. The Senate Committee on Governmental Affairs is attempting to address this issue on a broader scale as part of a government reform package being negotiated with the Administration. In the meantime, the Committees encourage the Survey to use the services of the private sector in the conduct of its activities wherever feasible, cost effective, and consistent with the principles pertaining to the effective performance of governmental functions. The Survey should share with the House and Senate Committees on Appropriations information regarding its past, present, and future efforts to pursue opportunities to use the capabilities of the private sector.

ADMINISTRATIVE PROVISIONS

The Committees have included bill language clarifying the status of official travel for student employees.

Minerals Management Service

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $117,902,000 for royalty and offshore minerals management instead of $116,402,000 as proposed by the House and $117,275,000 as proposed by the Senate.

Increases above the House include $600,000 for the Mississippi Marine Mineral Resource Center and $900,000 to the Offshore Technology Resource Center.

The Committees have provided $900,000 to the Offshore Technology Resource Center at Texas A&M University for high-priority offshore research associated with deepwater development. While the Committees support these research efforts, they have provided these funds with the understanding the total Federal contribution to this cooperative effort among the Federal government, industry, and the University will be kept to a minimum.

The Committees encourage MMS to maintain its current financial terms for deepwater leases for the remainder of the incentive period.

Language has been included under General Provisions, Department of the Interior, providing that royalty payments made by small refiners under the small refiner royalty-in-kind program represent payment in full and are a refiner's total obligation to the United States.

OIL SPILL RESEARCH

The conference agreement provides $6,118,000 for oil spill research as proposed by both the House and the Senate.

Office of Surface Mining Reclamation and Enforcement

REGULATION AND TECHNOLOGY

The conference agreement provides a total of $93,353,000 for regulation and technology instead of $93,349,000 as proposed by the House and $92,909,000 as proposed by the Senate. Funding adheres to the House proposal except that the Senate proposed funding level prevails for the environmental restoration activity.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $185,416,000 for the abandoned mine reclamation fund as proposed by the House instead of $183,057,000 as proposed by the Senate. Funding for the activities should adhere to the House report. The conference agreement provides $7,000,000 for the Appalachian Clean Streams Initiative as proposed by the House and no funds are provided for a new western mine lands initiative. The Appalachian Clean Streams program has had initial success, but it is premature to dilute this effort and the limited resources available for a nation-wide program when the problems in Appalachia remain so substantial.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,584,124,000 for the operation of Indian programs instead of $1,558,425,000 as proposed by the House and $1,544,695,000 as proposed by the Senate.

Increases above the House include $1,584,000 for ISEP formula funds, $500,000 for ISEP adjustments, $1,831,000 for student transportation, $1,000,000 for tribally controlled community colleges, $2,000,000 for probate backlog, $1,273,000 for environmental cleanup, $2,500,000 for ADP central program management, $700,000 for land records improvement, $500,000 for the United Tribes Technical College, $1,045,000 for uncontrollable costs in special programs and pooled overhead, $70,732,000 for the law enforcement program is transferred from tribal priority allocations to special programs and pooled overhead; $10,000,000 for the law enforcement initiative, and $7,000,000 in undistributed fixed costs.

Decreases below the House include $1,359,000 for uncontrollable costs in tribal priority allocations, $2,000,000 for welfare assistance, $70,288,000 for the transfer of law enforcement activities to special programs and pooled overhead, $250,000 for fishing access sites, $54,000 for uncontrollable costs in non-recurring programs, $427,000 for Gila River Farms, $91,000 for uncontrollable costs in area office operations, and $500,000 for GSA rentals. In addition, no new funds have been provided for small and needy tribes.

The Committees have earmarked $100,000 within available funds for the Indian Arts and Crafts Board to address enforcement issues mandated in the Indian Arts and Crafts Act of 1990.

The Committees have agreed not to include bill language or funding for adult care institutions.

The Committees are concerned that certain funds appropriated to support trust system improvements will be used for other purposes by tribal entities or BIA agency offices. Consequently, the Committees direct that no funding for non-recurring programs, probate backlog reductions, and for area office operations, land records improvements, be transferred into the base budget of any tribe.

The Committees are also concerned that funds in tribal priority allocations, trust services, real estate services and real estate appraisals could be moved to other TPA programs under current reprogramming guidelines. This action would frustrate the intention to support trust system improvements. Therefore, real estate services and real estate appraisals funding are not to be reprogrammed for other purposes without Committee approval, including funds within self-governance compacts and the consolidated tribal government program budget elements.

The Committees have agreed to consolidate all law enforcement activities in the amount of $94,234,000 under special programs and pooled overhead. The Committees further direct the BIA not to transfer or reprogram any of these funds without the express approval of the Committees.

The Committees have included language that allows the Bureau of Indian Affairs to deal with the United Keetoowah Band of Cherokees and the Delaware Band of Indians on issues of funding, but prevents these tribes from establishing trust holdings within the Cherokee's original boundaries without Cherokee consultation.

The Committees are concerned with the lack of progress made by the Bureau and the Department in the assessment of Indian agriculture and therefore direct the Bureau to complete by no later than February 1, 1999 the study of Indian agriculture through the implementation of the American Indian Agriculture Resource Management Act.

The Committees have included bill language under Title I General Provisions requiring the Bureau of Indian Affairs to submit a report to Congress by April 1, 1999 that includes recommendations and alternatives to fund tribal priority allocations (TPA) in future years. In developing its recommendations, the Bureau is to consider relative tribal need and tribal revenues, excluding certain payments made by the Federal government and certain other income. The Bureau is also directed to consider the financial obligations of a tribe, its compliance with the Single Audit Act and the Indian Gaming Regulatory Act, and its compact with its state. The report should contain proposed methods to acquire data necessary to the development of TPA funding recommendations that may not be available to the Bureau currently. Any tribe's voluntary return of appropriations for distribution to other tribes will not alter the relationship that exists between the tribe and the Federal government or any obligation between the two. The Committees have provided $250,000 for the TPA work group to help develop this new distribution methodology.

CONSTRUCTION

The conference agreement provides $123,421,000 for construction as proposed by the Senate instead of $121,695,000 as proposed by the House.

Changes to the House include an increase of $1,821,000 for education facilities improvement and repair, and a decrease of $95,000 for uncontrollable costs.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides $28,882,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the Senate instead of $28,396,000 as proposed by the House.

Changes to the House include an increase of $500,000 for Aleutian Pribilof repairs, and a decrease of $14,000 for uncontrollable costs.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $5,001,000 for the Indian guaranteed loan program as proposed by both the House and Senate.

INDIAN LAND CONSOLIDATION PILOT

The Committees have provided $5,000,000 to establish a pilot program to address the serious trust problems associated with fractionated ownership of Indian lands. The goal of this pilot program is to consolidate ownership of fractionated lands, maximize the economic benefits and utilization of these lands, and to improve the Federal governments ability to administer and manage trust lands.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $66,175,000 for assistance to territories instead of $64,175,000 as proposed by the House and $66,045,000 as proposed by the Senate. The conference agreement funding adheres to the House proposal except it does not include the $2,000,000 general reduction. There is no reduction to the Northern Marianas covenant grant mandatory funding, which remains at $27,720,000 as proposed by both the House and the Senate. The conference agreement concurs with the Senate language regarding the withholding of American Samoa construction funds in the amount of $2,000,000 until issues associated with unpaid off-island medical bills are resolved. The conference agreement does not concur with the Senate language which provides that these funds may ultimately be used to make payment toward satisfying the unpaid medical bills. In addition, the Committees direct the General Accounting Office to complete analyses and reports concerning the CNMI. These reports should be submitted to the Congress by August 30, 1999. The conference agreement concurs with Senate direction that a portion of the CNMI immigration initiative funds be used to establish an ombudsman office, and the agreement further directs that this office be operated in an independent, impartial manner.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $20,930,000 for the Compact of Free Association instead of $20,545,000 as proposed by the House and $20,830,000 proposed by the Senate. Funding follows the Senate recommendation except that the supplemental food program for Enewetak support is $25,000 below the House proposed level.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $64,686,000 for Departmental Management instead of $58,286,000 as proposed by the House and $60,496,000 as proposed by the Senate. The Committees agree to the following distribution of funds:

Departmental direction	$11,579,000
Management and coordination	21,598,000
Hearings and appeals	7,213,000
Central services	18,485,000
Bureau of Mines workers compensation/unemployment	811,000
Glacier Bay Fishing Buyout	5,000,000

The Committees do not agree that the Department of the Interior should reduce by two the number of special assistants to the Secretary positions.

The Committees have included bill language in Title I General Provisions which permit refunds or rebates received on an on-going basis from a credit card service provider under the Department of the Interior's charge card program to be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. Sec. 1467 and used to fund management initiatives of general benefit to the Interior's bureaus and offices as determined by the Secretary or his designee.

The Committes have provided $5,000,000 for fishing buyouts in Glasis Bay National Park.

Also included in Title I General Provisions is language which clarifies Congress' intent regarding receipts from all surplus property sales in Florida, which should be deposited into the Everglades Restoration Account for the purposes of conducting ecosystem restoration activities in South Florida.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $36,784,000 for the Office of the Solicitor instead of $37,304,000 as proposed by the House and $36,464,000 as proposed by the Senate. The difference is a reduction of $520,000 from the House level for general administration.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $25,486,000 for the Office of Inspector General as proposed by the Senate instead of $24,499,000 as proposed by the House.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $39,499,000 for Federal trust programs as proposed by the House instead of $38,000,000 as proposed by the Senate.

The Committees have included bill language proposed by the Senate and preferred by the Administration, modifying House language by requiring annual statements for small account holders.

The Committees have provided bill language under Title I General Provisions that would provide increased flexibility to meet potential unfunded trust management improvement needs. The language would authorize the use of current year and prior year unobligated funds available under all BIA and OST appropriations accounts for Indian trust management improvements pursuant to the Trust Management Project High Level Implementation Plan. The Department will be required to follow Committee reprogramming procedures. Adherence to such reprogramming procedures is required to ensure the allocation of funding by the Committees is preserved, while allowing any available OST and BIA funds to be reprogrammed from areas where they may be no longer necessary or of lower priority due to changed circumstances.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $4,492,000 for the natural resource damage assessment fund as proposed by the House instead of $5,228,000 as proposed by the Senate. The conference agreement also corrects an error in the House bill as proposed by the Senate to change the word "obligated" to "unobligated".

MANAGEMENT OF FEDERAL LANDS FOR SUBSISTENCE USES

SUBSISTENCE MANAGEMENT, DEPARTMENT OF THE INTERIOR

The conference agreement provides $8,000,000 for subsistence management, Department of the Interior. Neither the House nor the Senate provided funding for this purpose. This new account and a similar account in the Forest Service provide funds to implement and enforce certain Federal regulations dealing with preference for subsistence uses, including those dealing with fish and wildlife, on navigable rivers in Alaska that are subject to Federal reserved water rights. The conditions associated with the availability and use of these funds are contained in section 339 of this Act.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Sections 101 through 114 included in the conference agreement are identical to those contained in both the House and Senate bills.

Section 115 prohibits the National Park Service from reducing recreation fees for non-local travel through any park unit as proposed by the House. The Senate had no similar provision.

Section 116 modifies language proposed by the House and the Senate providing limited authority for voluntary separation incentive payments to employees of the National Park Service's Denver Service Center. The modification extends this authority to employees of the Presidio and Golden Gate National Recreation Area, CA as well.

Section 117 provides authority to the Secretary to lease space to non-Federal entities and to collect and retain fees for the working capital fund as proposed by both the House and the Senate.

Section 118 retains House language designating the main trail in the Delaware Water Gap National Recreation Area as the Joseph M. McDade Trail. The Senate had no similar provision.

Section 119 provides for the protection of the Huron Cemetery in Kansas for religious and cultural uses and as a burial ground as proposed by the Senate. The House had no similar provision.

Section 120 modifies a Senate provision limiting the issuance of regulations dealing with hardrock mining to reduce the term of a study to be accomplished by the National Academy of Sciences. Under the modified language the report will be due by July 31, 1999. Provisions requiring consultation have been eliminated from the Senate language. The Committees expect the National Academy of Sciences to assure that consultation occurs with relevant state and Federal authorities in the process of conducting the study. Additional changes have been made in the provision to eliminate the requirement for an interim report. The provision has been further modified to specify that no promulgation of final regulations may occur prior to September 30, 1999.

Section 121 limits overhead charges for the United States Fish and Wildlife Service on funds transferred from the Bureau of Reclamation for implementation of the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Program to no more than 50 percent of the biennially determined full indirect cost recovery rate. The Senate proposed a three per cent limitation on the total amounts transferred. The House had no similar provision.

Section 122 modifies a Senate provision requiring the Bureau of Land Management to conduct a section 3(e) determination under the Alaska Native Claims Settlement Act to establish proper disposition of a Nome, Alaska property. The land will be conveyed to Kawerak, Inc. as proposed by the Senate if and only if BLM's determination concludes that the Sitnasuak Native Corporation is not entitled to the land in question. The House had no similar provision.

Section 123 modifies Senate provision imposing a moratorium on new regulations affecting commercial and subsistence fishing in Glacier Bay National Park, AK.

The Committees have agreed to modify language proposed by the Senate regarding commercial and subsistence fishing in Glacier Bay National Park. The Service is directed to extend the comment period on the pending regulations (62 Fed. Reg. 18,547) (April 16, 1997) until January 15, 1999, modify the draft regulations to conform to the fiscal year 1999 Interior Appropriations Bill language and publish the changes in the final regulations. Regulations may be required to implement the compensation plan under subsection (b) of this provision. Finally, it is expected that local residents in close proximity to the park (e.g. Hoonah) will continue to be allowed to fish for personal use (not barter or sale).

Section 124 allows for the continuation of grazing permits until National Environmental Policy Act work is completed as proposed by the Senate. The House had no similar provision.

Section 125 provides for the conveyance of specified land to the town of Pahrump, Nevada for public use as proposed in Senate floor action. The House had no similar provision.

The Committees have modified language dealing with a land exchange in the Izembek National Wildlife Refuge to delete the easement for a road through the refuge. This issue is addressed in section 353.

Section 126 specifies that Special Federal Aviation Regulation No. 78, regarding commerical air tour operators in the vicinity of the Rocky Mountain National Park, as published in the Federal Register on January 8, 1997, shall remain in effect until otherwise provided by an Act of Congress.

Section 127 retains Senate language prohibiting the Secretary of the Interior from purchasing land in Alaska without first attempting to acquire such lands through exchange of unreserved public lands. The House had no similar provision.

Section 128 retains Senate language establishing the Charleston National Commemorative Site in Arkansas. The House had no similar provision.

Section 129 modifies Senate language requiring the Bureau of Indian Affairs to provide alternative recommendations on the distribution of tribal priority allocations funding that takes into account both tribal needs and tribal revenues. The modification was adopted in Senate floor action.

Section 130 modifies a provision proposed by the Senate to prohibit the Department of the Interior from issuing regulations relating to the valuation of crude oil for royalty purposes in fiscal year 1999. The modification extends the moratorium until June 1, 1999.

Section 131 modifies a provision proposed in Senate floor action to authorize funds for matching grants to States for the acquisition of Civil War battlefields. The conference agreement authorizes up to $8,000,000 for such grants, and requires that funds appropriated for this purpose be matched on a two to one basis. The House had no similar provision.

Section 132 makes a technical correction allowing two parcels of land in Wyoming to be available for leasing for oil and gas development and exploration as proposed in Senate floor action. The House had no similar provision.

Section 133 amends the Tribal Self-Governance Act to require repayment of misused self-governance funds thereby providing consistency between self-governance compacts and self-determination contracts.

Section 134 makes a technical correction as proposed in Senate floor action to remove Edisto Island in South Carolina from the Coastal Barrier Resources System. Other removals from the system are addressed under the United States Fish and Wildlife Service and Title III—General Provisions.

Section 135 provides for a land exchange for Katmai National Park in Alaska as proposed in Senate floor action.

Section 136 permits the Bureau of Land Management to enter into watershed restoration agreements with both public and private interests.

Section 137 prohibits the Department of the Interior from issuing regulations relating to Indian gaming prior to March 31, 1999.

Section 138 permits the National Park Service to purchase property within the boundaries of the Chickamauga and Chattanooga National Military Park with appropriated funds or through donation or exchange.

Section 139 provides that royalty payments made by small refiners under the small refiner royalty-in-kind program represent payment in full and are the refiner's total obligation to the United States.

Section 140 permits the remaining $250,000 appropriated as part of Public Law 105–83 for an environmental study of a site for an interpretive center along the Blue Ridge Parkway near Roanoke, Virginia to be used for the construction of an interpretive center outside the boundaries of the Blue Ridge Parkway.

Section 141 includes language ensuring that property owners included within the boundaries of the Indiana Dunes National Lakeshore at the time of the 1992 Act that expanded the park, are afforded the same opportunities to obtain fixed-term Reservations of Use and Occupancy as homeowners that were incorporated in previous expansions.

Section 142 directs that payments for the purchase of the Gherini Ranch within the Channel Islands National Park be allocated from the Justice Department's Claims and Judgments account.

Section 143 renames the Marsh-Billings National Historic Park as the Marsh-Billings-Rockefeller National Historic Park.

Section 144 includes language which permits refunds or rebates received from a credit card services provider under the Department of the Interior's charge card program to be deposited to and retained without fiscal year limitation in the Department's Working Capital Fund to finance initiatives of general benefit to the bureaus.

Section 145 names the visitor center at Santa Monica Mountains National Recreation Area, CA the "Anthony C. Beilenson Visitor Center".

Section 146 renames the Redwood Information Center in Orick, CA as the "Thomas H. Kuchel Visitor Center".

Section 147 authorizes the transfer of current year and prior year balances between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians to meet unfunded trust management improvement needs.

Section 148 clarifies Congressional intent regarding the use of receipts from surplus property sales in Florida for conducting ecosystem restoration activities in South Florida.

Section 149 provides an easement to the City and Borough of Juneau and the National Marine Fisheries Service across a 60-acre parcel of land owned by the National Park Service near Juneau, Alaska. The National Part Service shall retain a right to use the easement to access its lands.

Section 150 exempts all properties administered by the Park Service at Fort Baker, Golden Gate NRA from certain taxes and special assessments of any kind by the State of California and its political subdivisions, including the County of Marin and the city of Sausalito. This provision does not apply to sales taxes.

Section 151 authorizes the Secretary of the Interior to negotiate and enter into agreements and leases with entities for property within the Fort Baker site which is part of the Golden Gate NRA. The proceeds of the agreements and leases shall be retained by the Secretary and made available, without further appropriations, for the preservation and operation of the site.

Section 152 deems the holder of a certain concession contract at Katmai NP as being engaged in adequately providing visitor services pursuant to section 1307(a) of the Alaska National Interest Lands Conservation Act.

The conference agreement deletes section 121 of the Senate bill relating to the establishment of a hotshot crew in southern Alaska.

The conference agreement deletes section 122 included in the Senate bill. The Committees are very concerned that any drilling activities off the coast of North Carolina occur only after thorough assessment and compliance with all State and Federal permitting requirements, including all State coastal consistency determinations pursuant to the Coastal Zone Management Act. The Committees expect the Minerals Management Service to closely monitor lease activity in this area during fiscal year 1999 and provide a report to the Committees periodically should permitting activities occur.

The conference agreement does not include bill language proposed by the Senate prohibiting the Bureau of Indian Affairs and the Department of the Interior from using funds provided under this Act to transfer land in Scott County, Minnesota, into trust. The Committees agreed not to include this language only with the assertion from the Bureau of Indian Affairs and the Department that a decision on any trust application on the land at issue would not be made in fiscal year 1999. With the understanding that land in Scott County, Minnesota will not be transferred into trust in fiscal year 1999, the Committees urge the State, tribe, local government, and Department to work out an agreement regarding the trust application and use of the land.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $197,444,000 for forest and rangeland research as proposed by the House instead of $212,927,000 as proposed by the Senate. The agreement does not include funding for general administration as proposed by the Senate; this funding remains in the national forest system appropriation as in past years. Program changes to the House recommended funding include increases of $500,000 for wildland ecosystem health restoration in the southwest; $500,000 for CROP type research in those areas where it would be most usefully implemented; $300,000 for the Fairbanks, AK laboratory; $300,000 for the streamside studies, landscape ecology project in the state of Washington as described in the Senate report; $215,000 for termiticide research in MS; and $200,000 for spartina grass research in Puget Sound. Reductions from the House proposed funding include $1,000,000 for Forest Inventory and Analysis and $1,015,000 for fixed cost support. The Committees note that the overall funding for Forest Inventory and Analysis is $6,000,000 above the 1998 funding level. This large increase should be used as directed in the House and Senate reports and focused on increasing the FIA program's ability to conduct annualized inventories. The Committees direct that funding for the Bent Creek and Coweeta, NC, research follow the budget request.

The conference agreement concurs with the Senate language directing the Forest Service to place no less than five full time employees in Sitka, AK to establish and operate a harvesting and wood utilization laboratory. The Committees further direct the agency not to reduce ongoing activities at the Forest Products Laboratory in Madison as a result of establishment of the facility in Alaska. The conference agreement does not include the language proposed by the Senate to reduce programs not directly related to enhancing forest and rangeland productivity by $10,000,000. However, the Committees expect the Forest Service to diligently monitor project selection and ongoing programs to ensure that efforts are directly related to the Forest Service mission, yield maximum benefits for costs involved, and result in practical applications. The Committees are concerned about the agency's process of funding an important monitoring and study project in the Pacific Northwest to develop old-growth characteristics in mature second-growth stands. Although the Committees have expressed concern about the need for these funds to be included in the forest and rangeland research appropriation in the annual budget request, this did not occur in fiscal year 1998 nor was it reflected in the fiscal year 1999 budget request. The Committees direct the Forest Service to assure that the fiscal year 2000 budget request includes these funds within the forest and rangeland research appropriation.

STATE AND PRIVATE FORESTRY

The conference agreement provides $170,722,000 for State and private forestry instead of $156,167,000 as proposed by the House and $165,091,000 as proposed by the Senate. The agreement does not include funding for general administration as proposed by the Senate; this funding remains in the national forest system appropriation as in past years. Funding for forest health management and cooperative fire protection adheres to the House recommended levels except that an increase of $150,000 for the Vermont forest cooperative is included in the cooperative lands forest health management activity. The Forest Service is encouraged to consider assisting the Vermont fire task force work with rural communities to install dry hydrants. Funding for urban and community forestry and forest stewardship adheres to the House proposed program levels with the addition of $100,000 for the Chesapeake Bay program as proposed by the Senate and $500,000 for Asian Longhorn Beetle Eradication. The conference agreement increases the House proposed funding for the forest legacy program by $5,000,000. The conference agreement concurs with the House action to provide no funding for the stewardship incentives program. The limited funding resources available have been directed to the forest stewardship and forest legacy programs. The Committees note that benefits accomplished through the forest stewardship program adequately address the interests represented by the stewardship incentives program. Given the shortage of Federal resources for forestry activities, the Committees encourage the Federal cooperative role to focus on professional forestry technical assistance rather than direct payments for small field projects which should be a local or State responsibility.

The conference agreement concurs with the House direction to create a new allocation method for the urban and community forestry program; the new allocation criteria should focus on program needs and past program accomplishments, and shall not include equal base funding for all individual states or territories. The conference agreement does not concur with the House direction to exclude territories from base funding calculations. The Committees expect the Forest Service to work with the Animal and Plant Health Inspection Service, the State of Illinois and the City of Chicago to survey and help eradicate the Asian longhorn beetle in the Chicago area, and to assist in replanting lost trees.

The Committees agree that the Forest Service may allocate remaining fiscal year 1998 funds directed for the Alaska spruce beetle task force assessment so long as the funds are used for the highest priority, on-the-ground projects throughout the State aimed at treating fire danger and vegetation mapping. However, prior to such release, the Committees direct the Forest Service to submit a proposal in accordance with reprogramming guidelines which specifically identifies the projects to be undertaken and the estimated costs of such projects. The Committees do not want these funds to be used for bureaucratic efforts such as brochures, public education, or the establishment of any long-term coordinator positions.

Funds should be distributed as follows for the economic action program and Pacific Northwest assistance:

Economic recovery	$3,925,000
Rural development through forestry	5,000,000
Forest product conservation & recycling	950,000
Wood in transportation	1,200,000
Columbia River Gorge county payments	280,000

Hawaii forestry workers training	250,000
Skamania County, WA land exchange assistance	200,000
Ketchikan, AK veneer study	2,000,000
Taos NM erosion control	1,000,000
Princeton WV hardwood technology center	2,500,000
Total economic action programs	$17,305,000
Gray's Harbor, WA PNW assistance	3,000,000
Other Pacific Northwest assistance	6,000,000

The economic recovery program funding includes $500,000 for the Four Corners Sustainable forestry initiative as proposed by the House. The Committees have provided $5,000,000 for the rural development through forestry program, the same level as was provided in fiscal year 1998. The Committees agree with the Senate language concerning the preparation of reports by the Forest Service regarding its actions to restructure the Hardwoods Technology Center in Princeton, WV, except that such reports shall be provided on an annual basis.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,298,570,000 for the national forest system instead of $1,231,421,000 as proposed by the House and $1,129,098,000 as proposed by the Senate. The conference agreement does not spread funding for general administration among the programs as proposed by the Senate; this funding remains a separate activity within the national forest system appropriation as in past years. Further direction concerning general administration and indirect expenses is provided under administrative provisions. The conference agreement includes all of the program specific earmarks for the Monongahela National Forest, WV as proposed by the Senate.

The conference agreement provides $10,500,000 for the Alaska Region, in addition to the normal base program, in Forestland Management funds. This increase is for expenses directly related to timber sale preparation to facilitate a reliable federal timber supply, and transition to value added processing for the forest products industry in southeast Alaska, consistent with all applicable environmental laws. The Committees encourage the Secretary to proceed with discussions with State and local government officials, industry and other groups to explore potential actions the Department can take to support local development such as through a veneer plant and value-added facilities in Ketchikan and other parts of southeast Alaska. In addition, $2,000,000 is also provided in the reconstruction and construction account above the normal base program for these efforts.

Funds should be distributed as follows:

Land management planning	$40,000,000
Inventory and monitoring	80,714,000
Recreation management	144,953,000
Wilderness management	29,584,000
Heritage resources	13,050,000
Wildlife habitat management	32,097,000
Inland fish habitat management	19,017,000
Anadromous fish habitat management	22,714,000
TE&S species habitat management	26,548,000
Grazing management	28,517,000
Rangeland vegetation management	28,533,000
Timber sales management	226,900,000
Forestland vegetation management	58,300,000
Soil, water and air operations	25,932,000
Watershed improvements	30,165,000
Minerals and geology management	37,050,000
Real estate management	46,133,000
Land line location	15,006,000
Facility maintenance, non-recreation	27,654,000
Facility maintenance, recreation	24,570,000
Trail maintenance	18,445,000
Law enforcement operations	66,288,000
General administration	256,400,000
Total, NFS	1,298,570,000

The Committees agree to the following:

1. Land management planning funding includes $2,000,000 as described by the House to complete the environmental impact statement (EIS) for the Sierra Nevada framework for conservation and collaboration by July 31, 1999. The Committees strongly encourage the Forest Service to offer the State of California an opportunity to participate in development of the EIS as a co-lead agency so long as this does not expand the scope of the EIS as it has been defined by the Forest Service. No specific funding level is provided for the Committee of Scientists planning effort or the White Mountain NF planning effort as was suggested by the Senate, but the Committees stress the need for the Administration to establish rapidly planning regulations and proceed with forest planning. This issue is further addressed in title III. Although the Committees agree that participation by the State of Alaska in monitoring implementation of the Tongass Land Management Plan can be worthwhile, the conference agreement does not concur with the Senate language directing the Forest Service to provide $550,000 to the State to fund this participation.

2. Recreation management funding includes the Cradle of Forestry, NC project and national scenic and historic trails operations as proposed by the House but does not include the increase to the eastern region base funding proposed by the Senate. The Committees have included $600,000 in the recreation management activity for Midewin National Tallgrass Prairie planning and design which was included in the construction appropriation by the House and, in addition, the Committees agree that the overall funding for operations at the Midewin NTP should remain at the 1998 level.

3. In order to clarify the dates for which reports analyzing the recreation fee demonstration program are due, the Committees suggest that by January 31 of each year the program is in existence the affected agencies should provide a consolidated report on the annual accomplishments for the preceding fiscal year and any recommended improvements to the program. At such time as the demonstration is terminated, the final report should also include a comprehensive evaluation of the entirety of the program.

4. The Forest Service review of wilderness recreation policies should consider both the need to minimize, restore and contain recreation impacts, particularly in high usage areas, and the need to minimize impacts in more remote and less used areas, including maintenance of solitude as well as mitigation of adverse impacts on vegetation, soil and water, and wildlife in these areas.

5. Rangeland vegetation management includes the House proposed funding level for the noxious and exotic plant program which includes $400,000 for activities at the Okanogan and Colville National Forests as described in the Senate report.

6. Forestland management includes $5,000,000 to implement the Quincy Library Group legislation.

7. Timber sales management includes $2,000,000 for the aspen program on Colorado national forests. The Committees do not concur with the Senate language which specifies that these funds are to be used to attain the full allowable sale quantity on these national forests.

8. The conference agreement concurs with House language directing the agency to offer 3.6 billion board feet, instead of Senate language directing that 3.6 billion board feet be sold. However, the Committees understand that unit costs are lower in regions where accomplishment reporting is based on volume sold rather than offered. Accordingly, the Committees direct the agency to provide a report to the Committees, no later than June 30, 1999 which examines unit costs based on accomplishment reporting for volume sold rather than offered. The agency is to include recommendations in the report for future reporting of timber sale volume accomplishment.

9. With regard to timber scaling, the Committees agree that the Forest Service should continue its efforts to have its regions determine the best mix of timber measurement methods to be used in each region based on cost effectiveness and protection of Federal interests. The Committees expect that this direction will not change the use of tree measurement where already implemented unless there is documentation that scaling would improve cost effectiveness and protection of Federal resources and assets. The Committees also understand that the Forest Service believes it is preferable to use premeasured sales to determine payments for small diameter material, however the agency is encouraged to use sample weight scaling where cost effective.

10. Law enforcement operations funding includes increases above base funding levels, as follows: $500,000 for counter drug operations on the Daniel Boone National Forest, KY and $250,000 for border control assistance in California.

11. The Committees remain concerned about the lack of public service and responsiveness to community needs in Region 3 and the Coronado National Forest. This was exemplified by the closure, without adequate notice or offer for suitable replacement, of the target range in Sabino Canyon. Such incidents have influenced the Committees to see the need to maintain tight control of administrative expenses and indirect costs.

12. Bill language is included as proposed by the Senate concerning use of NFS funds for minor facility reconstruction or construction, but the individual project limit has been increased to $150,000.

13. New bill language is included which allows transfer of unobligated NFS road maintenance funds to the construction appropriation for road maintenance since the road maintenance activity has been transferred out of the NFS appropriation.

14. Bill language is included in Title III which conveys portions of the Wind River Nursery to Skamania County, WA in exchange for county lands in the Columbia River Gorge National Scenic Area and the Gifford Pinchot National Forest. The Forest Service is directed to work in collaboration

with the county in maintenance and restoration of the Pacific Crest Trail corridor associated with the Wind River nursery properties. The corridor should be managed to ensure that its use is compatible with objectives for the management of the Pacific Crest Trail and that the value of the associated site being transferred is not diminished. This collaborative effort should enhance both the value of the trail and that of associated private lands. The Committees also encourage the Forest Service and Skamania County to work together toward the development of a business plan for the sites affected by this conveyance. Through early collaboration, both the Forest Service and the county should be able to capitalize on the resources and expertise each brings to the development of these properties, ensuring uses compatible with the adjacent Federal lands, protecting the important research value of the Wind River Experimental Forest and the T. T. Munger Research Natural Area, and enhancing the economic value of these lands to Skamania County.

15. The conference agreement does not include funds proposed by the House for the Land Between the Lakes National Recreational Area. Funds proposed by the House have been redistributed in the conference agreement as follows: (1) $5,400,000 to cover fixed cost increases is provided in general administration, (2) $1,300,000 for clean water activities in road maintenance, and (3) $300,000 is provided for increased fire operations.

16. The conference agreement provides increases to support clear water activities which includes $4,000,000 for rangeland vegetation management, and $3,000,000 for watershed improvements.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $662,176,000 for wildland fire management instead of $631,737,000 as proposed by the House and $689,885,000 as proposed by the Senate. The agreement includes $102,000,000 in emergency contingent funds and $235,300,000 in other fire operations funds as proposed by the Senate (exclusive of general administration). The agreement includes $324,876,000 for wildland fire preparedness instead of $329,437,000 as proposed by the House and $338,878,000 as proposed by the Senate. The agreement does not include funding for general administration as proposed by the Senate; this funding remains in the national forest system appropriation as in past years. The funding agreement includes $500,000 for the native American fire cadre on the Black Hills National Forest, SD as proposed by the Senate. Hazardous fuel funding includes at least $12,000,000 for California, including at least $2,000,000 for priority treatments near Lake Tahoe and $3,000,000 to implement the Quincy Library Group legislation.

The Committees are concerned that the Forest Service may be wasting valuable forest products when conducting prescribed burns in some locations. Accordingly, rather than provide bill language in Title III as proposed by the Senate, the Committees direct that responsible line officers see to it that prescribed burns on lands classified in the national forest land management plan as timber base will not consume commercial wood products that could be removed in a commercially viable manner. The public should be given a chance to comment on prescribed burn plans in such situations; this stipulation does not apply to any incidental commercial product other than wood fiber or trees that should be retained as part of the prescription for the area.

RECONSTRUCTION AND CONSTRUCTION

The conference agreement provides $297,352,000 for reconstruction and construction instead of $271,444,000 as proposed by the House and $353,840,000 as proposed by the Senate. The agreement does not include funding for general administration as proposed by the Senate; this funding remains in the national forest system appropriation as in past years.

Funds should be distributed as follows:

Project	*Amount*
Research facilities:	
Auburn University research facility (AL)	$6,000,000
Institute of Pacific Island Forestry	1,000,000
Admin. requested projects	5,010,000
Subtotal, research facilities	12,010,000
Fire, administrative, and other facilities:	
Grey Towers National Historic Site (PA)	4,900,000
Rapid City Air Tanker Base (SD)	347,000
Admin. requested projects	19,699,000
Subtotal, Fire, administrative and other	24,946,000
Recreation facilities:	
Badin Lake Campground (NC)	1,000,000
Bead Lake, Colville NF, boat launch (WA)	20,000
Cradle of Forestry (NC) ..	559,000
Franklin County Dam (MS)	2,000,000
Ouachita NF toilet facilities (AR)	320,000
Pikes Peak Summit House (CO)	200,000
Pisgah RD (NC)	505,000
Spring Mountains NRA (water system) (NV)	200,000
Winding Stair Mt. NRWA (OK)	125,000
Winter Olympic games 2002 (UT)	1,300,000
Admin. requested projects	20,720,000
Presidential initiative, clean water projects	3,000,000
Backlog maintenance & minor repair	3,000,000
Subtotal, recreation facilities	32,949,000
Road reconstruction and construction:	
Midewin NTP (IL)	500,000
Other projects	97,509,000
Subtotal, road re/construction	98,009,000
Road maintenance and decommissioning	99,884,000
Trail reconstruction and construction:	
Bonneville Shoreline Trail (UT)	300,000
Continental Divide Trail (various)	500,000
Florida National Scenic Trail (FL)	250,000
Ketchikan, AK area trails	1,000,000
Routt National Forest (CO)	275,000
Sawtooth NRA Harriman Trail (ID)	270,000
Taft Tunnel (ID)	500,000
Tahoe Rim Trail and Trailhead (NV, CA)	183,000
Winding Stair Mt. NRWA (OK)	76,000
Admin. requested projects	13,200,000
Other trail reconstruction	13,000,000
Subtotal, trail re/construction	29,554,000
Grand Total Construction	297,352,000

Funds provided in this Act and the financial and technical assistance funds referenced in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, are intended to be used for the Franklin County Lake construction project in Mississippi.

The conference agreement retains the Senate bill language on the use of road maintenance funds for decommissioning roads, including unauthorized roads, but the limit is raised to $15,000,000. The agreement includes bill language, altering that proposed by the Senate, which requires notice and an opportunity for public comment before roads are decommissioned. The conference agreement does not include the Senate proposal to limit funds for decommissioning roads until certification is provided that all unauthorized roads are either decommissioned or reconstructed to national forest system standards. The Committees understand there are pending administrative appeals specific to road closures and road density issues on the April 15, 1997, Record of Decisions accompanying the Targhee National Forest Land and Resource Management Plan. The Committees urge the agency not to decommission system roads on the Targhee National Forest until appeals which are pending as of the date of this Act are resolved.

The conference agreement provides an increase of $4,300,000 in road maintenance for clean water activities. The Committees have provided $2,000,000 in the reconstruction and construction account for engineering support for timber sale preparation in southeast Alaska. For a more detailed explanation refer to the discussion under the national forest system account.

The Committees have included funds as directed in the Senate report for access to blowdown timber on the Routt National Forest, CO, for the Talimena scenic byway in Oklahoma, and for erosion work on the Monongahela National Forest, WV; funds are not provided for road reconstruction in support of the Gallatin II land exchange or for relocating the eastern regional office. The Ketchikan, AK area trails funds may be used for associated recreational structures. The $3,000,000 provided within the recreation facilities reconstruction and construction activity for backlog maintenance and minor repair may be used for any high priority project and should not be limited to recreation needs. The Committees direct the Forest Service to follow the Senate report instructions regarding engineering overhead and program management for road construction and to include a clear exposition of the engineering infrastructure, including detached units, in the next budget justification.

LAND ACQUISITION

The conference agreement provides $117,918,000 for land acquisition instead of $30,000,000 as proposed by the House and $67,022,000 as proposed by the Senate. The Committees agree to the following distribution of funds:

State and Project	*Amount*
Multi—Appalachian Trail	$7,000,000
NM—Baca	40,000,000
CA—Big Sur Ecosystem	1,900,000
UT—Bonneville Shoreline Trail	250,000
Multi—Chattooga Watershed	1,000,000
TN—Cherokee NF (Starr Mnt.)	683,000
OR—Chetco River/Kalmiopsis Wild	1,200,000
CO—Cimarron & Comanche NG	475,000
AZ—Coconino NF (Bar-T-Bar Ranch)	3,000,000
OR/WA—Columbia River Gorge NSA	2,000,000
MI—Consum. Power	2,250,000
KY—Daniel Boone NF	500,000
SC—Francis Marion NF	1,500,000
VT—Green Mtn. NF/Taconic Creek	1,500,000
CO—Gunnison NF (Poverty Gulch)	125,000
IN—Hoosier NF	750,000
SC—Lake Jocassee (Sumter NF)	1,000,000
NV/CA—Lake Tahoe Basin	1,000,000
MT—Lindbergh Lake	8,000,000
WA—Mtns. To Sound GRNW	10,000,000
AR—Ozark NF	500,000
OR—Pacific NW Streams	750,000
NC—Pisgah NF (mineral rights)	350,000
CA—Rutherford Ranch (Cleveland NF)	750,000
MT—Royal Teton	6,500,000
CA—San Bernardino NF	1,000,000
NM—Santa Fe NF (Tres Pistoles)	1,400,000
ID—Sawtooth NRA	1,500,000
MS—Univ. of Mississippi	5,000,000
CO—White River NF (Conundrum Creek)	4,200,000
WA—White Salmon WSR	335,000
Subtotal	106,418,000
Acquisition Management	8,000,000
Cash Equalization	1,500,000
Emergency Acquisitions	1,500,000
Wilderness Protection	500,000
Total	$117,918,000

Funds provided in fiscal year 1998 for Wisconsin Wild Waterways are for the acquisition of the Burke property in the Chequamegon National Forest, which shall be managed in a manner that prohibits: (a) timber harvesting except for the protection of public health and safety or as necessary in the event of fire, disease or insect infestation; (b) road construction or development; (c) motorized vehicle use except on existing roads; and (d) recreational facility construction or other development activities. In order to protect the ecological, historic, scenic and botanical resources of the Burke property, the Forest Service shall designate special management areas as depicted on a map titled "Forest Lodge (Burke) Special Management Area" and dated October 1, 1997.

Bill language is included in Title III General Provisions which details the specific conditions under which Federal funds may be used to purchase the Baca property in New Mexico. The funds are subject to an independent appraisal which conforms with the Uniform Appraisal Standards for Federal Land Acquisitions and is subject to specific authorization legislation being signed into Public Law.

The Committees are modifying the reprogramming guidelines regarding land exchanges. The agencies must submit proposed land exchanges in excess of $500,000 to the Committee on Appropriations for a 30 day period of review.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as proposed by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $210,000 for acquisition of lands to complete land exchanges.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $3,300,000 for range betterment.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

Management of Federal Lands for Subsistence Uses

SUBSISTENCE MANAGEMENT, FOREST SERVICE

The conference agreement provides $3,000,000 for subsistence management, Forest Service. Neither the House nor the Senate provided funding for this purpose. This new account and a similar account in the Department of the Interior provide funds to implement and enforce certain Federal regulations dealing with preference for subsistence uses, including those dealing with fish and wildlife, on navigable rivers in Alaska that are subject to Federal reserved water rights. The conditions associated with the availability and use of these funds are contained in section 339 of this Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The conference agreement concurs with the House language allowing use of up to $3,500,000 for International Forestry activities, as authorized. The agreement includes bill language as proposed by the House limiting funds for administrative expenses of the National Forest Foundation to $400,000. The Committees note with concern the recent Inspector General's evaluation of management practices at the National Forest Foundation, and therefore the Forest Service is urged to use existing authorities to implement fully the Inspector General's recommendations concerning the Foundation. The conference agreement allows $2,650,000 to be used for matching grants by the National Fish and Wildlife Foundation. Bill language corrects a technical error concerning the number of operable airplanes allowed in the wildland firefighting fleet.

The conference agreement has deleted the language proposed by the House concerning use of the salvage sale fund and the Knutson-Vandenberg reforestation fund for administrative and indirect support activities. Rather, the conference agreement revises language proposed by the Senate concerning exposition of indirect expenses throughout all Forest Service appropriations, and the agreement limits indirect expenses charged to some trust funds and cooperative work funds during fiscal year 2000.

The conference agreement concurs with the Senate position that the general administration line item as currently funded does not adequately represent the total cost of indirect expenses incurred by the agency. However, due to the immediate impact of eliminating this budget line item, the agreement provides for continuing general administration during fiscal year 1999. The Committees direct the agency to eliminate the general administration line item in fiscal year 2000 as part of proposals to revise the budget structure. The new budget structure proposal should clearly display in some manner all indirect expenditures and administrative needs. The Committees caution the Forest Service that changes in budget structure must be fully coordinated with Congress prior to submission of the fiscal year 2000 budget justification as required in the House Report 105–163 accompanying Public Law 105–83. The Committees emphasize that consideration of significant budget structure changes will be fully contingent on significant progress by the agency in improving financial and program accountability and accomplishment. It is further noted that budget structure changes must be fully compatible with the Government Performance and Results Act, and accurately reflect all multiple use activities of the agency.

The conference agreement concurs with Senate language concerning management of indirect costs and reporting indirect expenditures. The Committees have changed the language to clarify the Senate's intent and to address management of indirect expenses for several permanent and trust funds. The revised bill language clarifies that proposed definitions for indirect expenses are to be consistent with the Federal Accounting Standards Advisory Board and are to be submitted to the Committees no later than 90 days after the date of enactment of this Act. The conference agreement eliminates language regarding quantification of indirect expenses to the ranger district level. The Committees expect the agency to display all indirect costs in the fiscal year 2000 budget justification to the regional level. However the display of regional costs should be computed based on costs at the ranger district level. The revised language specifies that indirect expenses for the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds shall not exceed 20 percent beginning in fiscal year 2000. The Committees further expect that progress will be made to reduce indirect expenses toward this goal during fiscal year 1999.

The Committees are concerned about the improper expenditure of Forest Service funds where projects are jointly funded by more than one appropriation. The Committees support integrated land management but expect the agency to maintain fidelity to appropriations intent for each funding activity when executing multi-funded projects.

Department of Energy

CLEAN COAL TECHNOLOGY

The conference agreement provides for the deferral of $40,000,000 in previously appropriated funds for the clean coal technology program as proposed by the Senate. The House did not propose to defer funding. The Committees agree that $14,900,000 may be used for administration of the clean coal technology program.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement provides $384,056,000 for fossil energy research and development instead of $315,558,000 as proposed by the House and $376,431,000 as proposed by the Senate.

Changes to the House recommended level for coal research include increases of $750,000 in coal preparation for removal of mercury, $350,000 for direct liquefaction; $500,000 for indirect fired cycle; $2,000,000 for Vision 21 in high efficiency integrated gasified combined cycle; $2,750,000 for PM 2.5 monitoring and research in fine particulate control/air toxics and $4,000,000 for CO_2 sequestration research both in advanced research and environmental technology; and $100,000 in advanced research and technology development for international program support; and decreases of $112,000 in high efficiency integrated gasified combined cycle for technical and program support, $1,000,000 in coal utilization for Vision 21 and $40,000 in advanced research and technology development for undergraduate internships.

Changes to the House for natural gas and fuel cell research include increases of $44,500,000 for advanced turbine systems (the House had proposed to transfer this program to the energy conservation account); $1,500,000 for gas to liquids, $500,000 for coal mine methane and $250,000 for Alaska coal bed methane all in emerging process technology; and $5,000,000 for fuel cell systems development; and a decrease of $100,000 in effective environmental protection for outreach and technology transfer.

Changes to the House in oil technology research include increases of $250,000 in reservoir characterization for the northern midcontinent digital atlas and $300,000 in effective environmental protection for State, tribal and Federal regulations.

Changes to the House in other program areas include an increase in cooperative research and development of $1,000,000, an increase of $1,000,000 for energy technology center program direction and an increase of $5,000,000 which negates the general reduction to the fossil energy program as a whole.

The Committees agree to the following:

1. The funding provided for PM 2.5 monitoring and research is for data monitoring and development of cost effective control technologies or source production science. The Department is urged to cooperate with the Southern Research Institute to the extent that monitoring stations are established in the southeast.

2. It is critical to the continuation of the low emissions boiler program that the State of Illinois provide its full cost share of $25 million. The Department should report to the Committees by January 31, 1999 on the status of the low emissions boiler program including whether or not the full cost share has been received from the State of Illinois, the extent to which the project is feasible from the standpoint of bids received from contractors for project construction and the extent to which power purchase agreements have been arranged.

3. The increase provided for the gas to liquids program is to continue a cost-shared, public-private university research program involving the Massachusetts Institute of Technology, the University of Illinois, the University of Houston and the University of Alaska.

4. As requested in the budget request, $500,000 is provided for the coal mine methane program, but the Committees remain concerned about the potential out-year costs and long-term expectations for this program. The Committees strongly encourage the Department of Energy to (1) down-select the number of coal mine methane projects from 5 down to 2, (2) establish a reasonable and supportable total cap on Federal funding for the program and (3) require a minimum of 50% cost-share for any future program phases.

5. Funding for an Alaska coal bed methane program is provided on a one-time basis and should be used to work with the Alaska Division of Geological and Geophysical Surveys to determine whether coal bed methane is a viable fuel source in rural Alaska. Should coal bed methane be determined to be commercially viable, the State should seek alternative sources of funding to develop the project further.

6. There is no earmark in the natural gas exploration and production program to promote research on computational tools that incorporate rock properties.

7. There is no mandate to down-select from three to two contracts in the existing fuel cell program but the Department should consider that option.

8. No study is required on the feasibility of an integrated management system for oil and gas production that incorporates state-of-the-art modeling, sensing and computational technologies.

9. There are sufficient unobligated balances from previous fiscal years to continue the gypsy field project in fiscal year 1999. The fiscal year 2000 budget should include a request for any additional funds needed to continue this project in that fiscal year.

10. Cooperative research and development funding should be distributed as in past years with a percentage of funds used for the base research program and the balance used for jointly sponsored research.

11. Funding has been provided to support programs that improve energy efficiency and reduce emissions. These programs are justified by goals and objectives independent of implementation of the Kyoto protocol. No funds are to be used to implement actions called for solely under the Kyoto protocol prior to its ratification.

12. The $750,000 provided in coal preparation for pre-combustion removal of mercury using dry magnetic separation is to fund phase II of an existing technology development program. These funds will be used to scale up and test technologies that reduce ash, sulfur and trace-element emissions while lowering the bus-bar cost of electricity generated from bituminous coal from the Northern Appalachian region. The technology will be tested at a power plant in Clearfield County, Pennsylvania using a dry magnetic separator retrofitted to an existing dry pulverizer.

ALTERNATIVE FUELS PRODUCTION
(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides for the deposit of investment income earned as of October 1, 1998 on principal amounts in a trust fund established as part of the sale of the Great Plains Gasification Plant in Beulah, ND, and immediate transfer of the funds to the General Fund of the Treasury. The amount available as of October 1, 1998 is estimated to be $1,300,000.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides $14,000,000 for the Naval petroleum and oil shale reserves as proposed by the House instead of $14,056,000 as proposed by the Senate. Funds should be distributed as follows:

Naval Petroleum Reserves Nos. 1 and 2	$3,594,000
Naval Petroleum Reserve No. 3	10,180,000
Naval Oil Shale Reserves	0
Program Direction	6,876,000
Use of Prior Year Funds	−6,650,000
Total	14,000,000

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides $36,000,000 for the Elk Hills school lands fund for payment to the State of California for the State Teachers' Retirement Funds. Neither the House nor the Senate included funding for this purpose under the assumption that this claim would be paid directly from revenue from the sale of the Elk Hills Naval Petroleum Reserve. Because that option did not materialize, funds are provided in this Act. The Committees encourage the Department to work with the legislative committees of jurisdiction to continue to pursue a legislative remedy so that the balance of these payments may be made directly from the sale proceeds.

ENERGY CONSERVATION

The conference agreement includes $691,701,000 for energy conservation instead of $632,250,000 (excluding $43,000,000 for the Fossil Energy turbine program) as proposed by the House and $646,701,000 (after factoring in the statutory offset of $31,000,000 in unobligated balances) as proposed by the Senate.

Changes to the House recommended level for buildings technology include increases of $1,200,000 for building America, $1,535,000 for home energy rating systems, $400,000 for rebuild America, $2,500,000 for technology roadmaps, $900,000 for heat pumps, $250,000 for desiccants and chillers, $250,000 for fuel cells for buildings, $500,000 for demonstrations of modular fuel cells at DOE facilities, $500,000 for emerging technology demonstrations, $500,000 for consumer education, $4,000,000 for building envelope research, $600,000 for building energy codes, $3,600,000 for lighting and appliance standards, $6,400,000 due to elimination of the requirement to use prior year funds, and $250,000 in management and planning for analytical studies and planning, and decreases of $100,000 for residential energy efficiency and $9,000 in management and planning for technology and sector data. There is also an increase of $4,000,000 for weatherization and $1,000,000 for State grants.

Changes to the House for the Federal energy management program include an increase of $1,000,000 for project financing and decreases of $250,000 for technical and financial assistance and $100,000 for program direction.

Changes to the House for industry sector programs include increases of $2,000,000 each for the mining vision (aluminum industries of the future program) and for the agriculture/biobased fuels vision (chemicals industries of the future program), $500,000 for the combined heat and power initiative, $2,600,000 for motor challenge, $1,000,000 to correct an error in the House report dealing with the climate-wise program, $200,000 for program direction, 19,000,000 to accelerate the advanced turbine program and $8,300,000 due to elimination of reduction in the requirement to use prior year funds, and a decrease of $43,000,000 which negates the House proposed transfer of the turbine program from the fossil energy account.

Changes to the House for transportation sector programs include increases of $1,000,000 for C–1 chemistry, $1,300,000 for fuels for advanced engines, $2,000,000 for advanced power electronics, $4,500,000 for fuel cell research and development, $1,000,000 for advanced combustion research, $1,500,000 for cooperative automotive research for advanced technologies, $3,000,000 for high efficiency engine research, $500.000 for heavy vehicle systems technologies, $4,000,000 for lightweight materials, $1,200,000 for high strength weight reduction materials, $200,000 for the clean cities voluntary deployment program, $500,000 for vehicle field testing/evaluation, $75,000 for program direction and $10,100,000 due to elimination of the requirement to use prior year funds and a decrease of $2,000,000 in hybrid propulsion systems.

Other changes to the House include an increase of $250,000 for headquarters contract services and decreases of $200,000 for headquarters salaries and related expenses and $34,000,000 in undistributed increases.

The Committees agree to the following:

1. This is the final year of funding for home energy rating systems.

2. With regard to energy measurement techniques, nothing in the House or Senate reports should be construed as an attempt to circumvent or contradict the National Appliance Efficiency Conservation Act or any other relevant statute.

3. With regard to the Federal energy management program, the Secretary may, in establishing charges for services rendered to other Federal agencies, recover such program costs as the Secretary deems appropriate including, but not limited to, start-up costs (including those incurred in fiscal year 1998), Department of Energy program operating expenses and contractor costs. The Secretary should make every effort to recover, over the life of the program, all costs associated with start-up, execution and support to other Federal agencies. To reduce the administrative burden on the program, the Secretary may establish an annual fixed pricing structure.

4. There are no specific earmarks for any entity within the industries of the future (specific) program. The Department should use the expertise at the National laboratories, the Federal Energy Technology Center and the Intermountain Center for Mining Research and Technology to the extent that such organizations are able to provide quality work, which is consistent with program and industry priorities.

5. The Department should work with Alfred University to explore how that institution's expertise in glass and ceramics engineering and other technologies relevant to the Department's programs might be used to benefit those programs.

6. Natural gas vehicle research should be funded following the priorities established in the five-year Comprehensive Plan for Natural Gas Vehicle Research. The budget for fiscal year 1999 is $10,000.000 of which $2,000,000 in alternative fuels/systems optimization is for engine, fuel storage system and fueling infrastructure and $8,000,000 in heavy vehicles research is for engine vehicle system, safety/systems integration and fueling infrastructure. This research must be related to vehicles powered directly by compressed or liquefied natural gas and should be allocated based on priorities developed in close coordination with industry.

7. Funding has been provided to support programs that improve energy efficiency and reduce emissions. These programs are justified by goals and objectives independent of implementation of the Kyoto protocol. No funds are to be used to implement actions called for solely under the Kyoto protocol prior to its ratification.

ECONOMIC REGULATION

The conference agreement provides $1,801,000 for economic regulation as proposed by both the House and the Senate. These funds are for the Office of Hearings and Appeals.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $160,120,000 for the strategic petroleum reserve as proposed by the House instead of $155,120,000 as proposed by the Senate.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $70,500,000 as proposed in the budget request for the energy information administration instead of $68,000,000 as proposed by both the House and the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $1,950,322,000 for Indian health services instead of $1,932,953,000 as proposed by the House and $1,888,602,000 as proposed by the Senate. Changes to the House recommended level include increases in hospitals and health clinics of $4,000,000 for an Alaska Federal health care partnership for telemedicine and $19,000,000 which the House had proposed to transfer to the facilities account for facilities management and an increase of $9,000,000 for contract support costs. These increases are partially offset by decreases for fixed costs of $6,844,000 in hospitals and health clinics, $980,000 in dental health, $297,000 in mental health, $641,000 in alcohol and substance abuse, $2,722,000 in contract care, $215,000 in public health nursing, $50,000 in health education, $307,000 in community health representatives, $9,000 in Alaska immunization, $187,000 in urban health, $214,000 in Indian health professions, $9,000 in tribal management, $500,000 in direct operations and $66,000 in self-governance. Other program decreases below the House include $750,000 in mental health for suicide prevention and $840,000 in contract care for new tribes funding.

The conference agreement includes an earmark of $373,801,000 for contract medical care, exclusive of the Indian Catastrophic Health Emergency Fund, instead of $377,363,000 as proposed by the House and $364,792,000 as proposed by the Senate; and an earmark of $203,781,000 for contract support costs instead of $194,781,000 as proposed by the House and $170,190,000 as proposed by the Senate.

The conference agreement includes a provision that allows the Ponca Tribe of Nebraska to use previously appropriated funds to obtain approved clinical space. This language is included with the express understanding that there will be no operational funding increases associated with this new space.

The Committees agree to the following:

1. Fixed costs are funded at 75% of need with the exception of contract support costs. A total increase of $35,079,000 above the budget request is provided for contract support costs and is to be used to minimize negative impacts on current contracts and compacts of the pro rata distribution of funding for this activity beginning in fiscal year 1999.

2. Of the funds available to the IHS for diabetes programs, the Service should fund cooperative efforts with the Joslin Diabetes Clinic in Boston to non-invasively screen for undiagnosed diabetes and diabetic retinopathy in Indian communities. The Committees understand that such a program would be similar to programs the Joslin Clinic is conducting with the Department of Defense and the Veterans Administration and that the managers of existing diabetes programs within IHS have expressed an interest in working with Joslin.

3. The Service should provide a status report on the Alaska telemedicine project in its fiscal year 2000 budget request and include the appropriate level of funding needed to continue the project in that budget.

4. The IHS should work with the tribe and the private sector to develop a cost-effective approach for providing emergency services at the IHS facility in Wagner, SD, including the possibility of shared emergency services with the local community which could lower emergency service costs and raise the quality of service for the community while providing additional revenue for the IHS facility in Wagner.

5. The Pascua Yaqui Tribe in AZ continues to experience funding problems in its Health Maintenance Organization because of increases in enrollment. The IHS should make every effort to account for this increase to ensure that existing health benefits are maintained for longer-term members as well as for newly enrolled members.

6. The IHS should continue to work with and provide funding support to the University of Washington's fetal alcohol syndrome research program.

The conference agreement does not include statutory language mandating a prorata distribution of contract support costs across all Service self-determination contracts and self-governance compacts. This language was included in both the House and Senate bills but has been dropped because of concerns expressed by tribal organizations and many individual tribes. The Committees remain convinced that the current distribution methodology employed by the Service for contract support costs is inequitable and fiscally unsound. The Committees' proposal for a prorata distribution, in combination with a one-year moratorium on new contacts and compacts and additional funding for existing contracts and compacts, would have provided a permanent solution to the problem.

The Committees have added more than $35 million to the Administration's budget request to address the inequity in the distribution of contract support cost funding in fiscal year 1999. The Committees direct the Service, in cooperation with the tribes, to remedy this inequity in the fiscal year 2000 budget request. The remedy cannot be a large infusion of additional funding for contract support costs at the expense of either critical health programs or critical construction needs of the Service. Further, the Committees note that the one-year moratorium on new contracts and compacts cannot be extended indefinitely. The Committees believe strongly that an acceptable permanent solution to the contract support cost distribution inequity must be a part of the fiscal year 2000 budget request from the Administration.

INDIAN HEALTH FACILITIES

The conference agreement provides $289,465,000 for Indian health facilities instead of $313,175,000 as proposed by the House and $263,516,000 as proposed by the Senate. Changes to the House include decreases of $1,189,000 in maintenance and improvement of which $189,000 is for fixed costs and $1,000,000 is for unmet needs, $72,000 for fixed costs in sanitation facilities, $2,500,000 in hospital and clinic construction for the Parker, AZ health center, $886,000 for fixed costs in facilities and environmental health support, $63,000 for fixed costs in the equipment account, and $19,000,000 in transfers from the hospital and clinics account for facilities management.

The Committees agree that the funding provided for a pilot project on the Spokane reservation at the Wellpinit, WA facility is contingent on non-Federal matching funds from the tribe and that there will be no operational funding increase associated with this project.

Other Related Agencies

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides $13,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the House instead of $15,000,000 as proposed by the Senate.

Institute of American Indian and Alaska Native Culture and Arts Development

PAYMENT TO THE INSTITUTE

The conference agreement provides $4,250,000 for payment to the institute instead of no funding as proposed by the House and $3,188,000 as proposed by the Senate.

The Committees direct that within the funds provided to the Institute $500,000 is subject to at least a one-to-one cash match from non-Federal contributors.

Smithsonian Institution

SALARIES AND EXPENSES

The conference agreement provides $347,154,000 for salaries and expenses instead of $346,449,000 as proposed by the House and $352,154,000 as proposed by the Senate.

Increases above the House level include $1,911,000 for the National Museum of the American Indian Suitland facility and $150,000 for additional costs resulting from implementation of the Panama Canal Treaty at the Tropical Research Institute. Decreases from the House level include $856,000 for Facilities Services (utilities) and $500,000 for the National Museum of Natural History East Court/West Court project. An amount of $3,000,000 required by the National Museum of American History for restoration of the Star-Spangled Banner has not been included in this account because the Committees have provided funding for this project as part of the Save America's Treasures initiative funded through the U.S. Department of the Interior.

In order to provide the Cultural Resources Center (CRC) with the flexibility necessary for addressing its initial operational needs most efficiently, the Committees have not allocated CRC's funding increase to specific subactivities, but expect the Center to use these funds for its highest priority requirements.

The Committees direct the Smithsonian to provide $250,000 to the National Museum of American Art for additional continuing support for Heritage Preservation efforts to promote the conservation of public sculpture and other art through private-public partnership and education programs.

The Committees commend the Smithsonian for its continued commitment to raise private funds to support its activities. The Committees assure the Smithsonian that supplementary private support will not be viewed as a substitute for Federal appropriations.

The Committees have included language in Title III General Provisions to transfer title of the Indian Arts and Crafts Board collection located in the U.S. Department of the Interior, Washington D.C. headquarters to the National Museum of the American Indian. Preferential consideration should be given to requests from the Indian Arts and Crafts Board and the Institute of Indian Arts in Santa Fe, New Mexico, for loans of the collection by the National Museum of the American Indian. The Committees understand that the transfer of this collection will not result in any request for additional funds from the National Museum of the American Indian and that the costs for its conservation will be absorbed internally by the Smithsonian Institution.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

The conference agreement provides $4,400,000 for construction and improvements at the National Zoological Park as proposed by the Senate instead of $4,500,000 as proposed by the House. The decrease of $100,000 reflects the amount designated in the budget request for the Holt House.

REPAIR AND RESTORATION OF BUILDINGS

The conference agreement provides $40,000,000 for major repair and restoration instead of $44,500,000 as proposed by the House and $32,000,000 as proposed by the Senate. Within this amount, the Committees designate $2,000,000 for security system modernization.

CONSTRUCTION

The conference agreement provides $16,000,000 for construction as proposed by the Senate instead of $2,000,000 as proposed by the House. The entire amount is for the National Museum of the American Indian mall facility.

The conference agreement retains the Senate provision allowing a single procurement for the full scope of the National Museum of the American Indian mall project.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

The conference agreement modifies House language prohibiting the use of funds for new or expanded facilities without prior approval from the Appropriations Committees by eliminating the word "planning".

The conference agreement deletes House language regarding the payment of any judgment related to the complaint filed in the U.S. Court of Federal Claims by Geddes, Brecher, Qualls and Cunningham against the Smithsonian Institution.

The Committees have agreed to language which authorizes modifications to certain boards and commissions under Title III General Provisions.

National Gallery of Art

SALARIES AND EXPENSES

The conference agreement provides $57,938,000 for salaries and expenses of the National Gallery of Art as proposed by both the House and the Senate.

Language is not included, as proposed by the House, that would specify that the National Gallery of Art is a Federal entity under the Inspector General Act of 1978.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $6,311,000 for repair, restoration and renovation of buildings as proposed by both the House and the Senate.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

The conference agreement provides $12,187,000 for operations and maintenance as proposed by the House instead of $13,000,000 as proposed by the Senate.

CONSTRUCTION

The conference agreement provides $20,000,000 for construction as proposed by the Senate instead of $9,000,000 as proposed by the House.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

The conference agreement provides $5,840,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars as proposed by both the House and the Senate. Funds should be distributed as follows:

Fellowship program	$947,000
Scholar support	674,000
Public service	1,752,000
General administration	1,256,000
Smithsonian fee	205,000
Conference planning	956,000
Space	50,000
Total	$5,840,000

The conference agreement does not retain House language prohibiting the use of Federal funds for relocation of the Center to the Ronald Reagan Building. The Senate had no similar provision.

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

The conference agreement provides $83,500,000 for grants and administration instead of $81,240,000 as proposed by the House and $85,560,000 as proposed by the Senate. Increases above the House level include $1,762,000 for program grants, $977,000 for program support, and $131,000 for administration. Decreases from the House level include $440,000 for policy planning and research and $170,000 for computer replacement. The foregoing realignment of funds reflects the revised administrative structure proposed by the Endowment in response to last year's recommendation by the Committees that NEA should develop a more accurate display of the full scope of activities funded with administrative dollars.

The conference agreement includes a technical correction to reference section 5(g) of the National Foundation on the Arts and Humanities Act as proposed by the Senate. The House bill does not include this reference.

MATCHING GRANTS

The conference agreement provides $14,500,000 for matching grants as proposed by the Senate instead of $16,760,000 as proposed by the House.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

The conference agreement provides $96,800,000 for grants and administration as proposed by both the House and the Senate.

MATCHING GRANTS

The conference agreement provides $13,900,000 for matching grants as proposed by both the House and the Senate. The Committees agree to provide authority for the Endowment to use up to $5,000,000 in challenge grant funds for the regional centers initiative as proposed in the Senate report. No such provision was included by the House. As previously indicated, this authority does not ensure future support for this new program, which has a total estimated cost of $55,000,000 over a six-year period. Consequently, the Endowment should proceed carefully with its plans and not design a program that is based on the expectation of additional Federal funding in the future. Further, the Committees restate the concern that support for the Endowment's ongoing core programs should not be sacrificed in any manner in order to accommodate the regional centers proposal.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

The conference agreement provides $23,405,000 for the Office of Museum Services as proposed by the House instead of $23,280,000 as proposed by the Senate. Last year IMLS initiated a program of National Leadership Grants for model collaborative projects developed by museums and libraries. Funding for this grant category has been maintained for fiscal year 1999 in order for the Office of Museum Services to continue its support of the most exemplary projects of national significance selected through the competitive process of peer review.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

The conference agreement provides $898,000 for the Commission of Fine Arts as proposed by both the House and the Senate.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The conference agreement provides $7,000,000 for National Capital Arts and Cultural Affairs as proposed by both the House and the Senate. The criteria for consideration of new applicants should follow the direction in the House report.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

The conference agreement provides $2,800,000 as proposed by both the House and the Senate.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $5,954,000 as proposed by both the House and the Senate. The Commission should follow the direction provided in both the House and Senate reports.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

The conference agreement provides $32,107,000 for the Holocaust Memorial Council instead of $31,707,000 as proposed by the House and $32,607,000 as proposed by the Senate. The increase of $400,000 above the House level includes an increase of $809,000 for fixed costs and decreases of $220,000 for forced attrition, $95,000 in collections acquisition and $94,000 for museum outreach activities as presented in the fiscal year 1999 budget.

PRESIDIO TRUST

PRESIDIO TRUST FUND

The conference agreement provides $34,913,000 for the Presidio Trust instead of $39,913,000 as proposed by the House and $29,913,000 as proposed by the Senate. The Agreement authorizes the trust to borrow up to $20,000,000 from the U.S. Treasury.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301 through 316 which are identical in the House and Senate bills. The conference agreement deletes House section 317 which would have prohibited the use of funds in Sleeping Bear Dunes National Lakeshore to require landlords to vacate real property.

Section 317 retains identical language in section 318 in the House bill and section 317 in the Senate bill concerning prohibitions on Biosphere Reserves.

Section 318 retains House section 319 regarding prohibitions for Cape Canaveral National Seashore. The Senate had no similar provision.

Section 319 retains the text of section 319 as proposed by the Senate and section 320 as proposed by the House prohibiting grants for seasonal support, most individual grants, and most subgranting by the National Endowment for the Arts.

Section 320 retains the text of Senate section 320 and House section 321 providing the NEA and the NEH with the authority to solicit funds and to invest such funds in interest-bearing accounts.

Section 321 alters slightly the language proposed by the Senate concerning funding limitation on national forest land management planning. The conference agreement allows funding for those national forests which are legally mandated to have their plans updated before or during calendar year 2000. The Committees understand that there are 11 forest units in this category. The Committees remain very concerned about the lack of cooperation displayed by the Administration at getting new planning rules in place. This language, as in fiscal year 1998, allows the funding moratorium to vanish as soon as at least interim planning rules are published in final form. The Administration continues to take a slow and unwieldy approach to updating the planning rules. The Committees expect that a new planning rule could easily be put into place in short order. The new rule should be closely tied to the authorizing legislation rather than attempt to administratively implement new law governing national forest land management planning. Further, the Committees have eliminated a related Senate provision included under section 329 of the Senate bill which continues forest plans after the fifteen year mandatory revision date.

Section 322 includes language proposed by the Senate prohibiting the use of funds to issue a five year program under the Forest and Rangeland Renewable Resources Planning Act. The Committees recognize that the Government Performance and Results Act requires strategic plans and performance measures which should provide the public with sufficient information formerly provided in the RPA program.

Section 323 retains modifications made by the Senate to House language included under section 322 regarding watershed restoration and enhancement agreements however, the authority has been extended through fiscal year 2001. The Committees extend the authority in order to provide more certainty and continuity in establishing these local citizen-government partnerships.

Section 324 retains the text of section 323 as proposed by the House instructing the NEA to give priority to rural and underserved populations; to establish a grant category for projects of national significance; to ensure that grants to any one state not exceed 15% ; and to encourage the use of grants to improve and support community-based music performance and education. The Senate included a similar provision in section 324.

Section 325 retains House section 324 which restricts the use of funds to make certain improvements to Pennsylvania Avenue in front of the White House.

The conference agreement deletes section 325 prohibiting the use of funds by the Woodrow Wilson Center to relocate their offices as proposed by the House.

The conference agreement does not include language proposed in section 327 of the House bill requiring the Secretary of Agriculture to grant an easement for a road to the Chugach Alaska Corporation.

Section 326 extends the legislative authority for construction of an international memorial to honor the victims of communism until December 17, 2007.

Section 327 retains the text of section 328 as proposed by the House extending the recreation fee demonstration program through fiscal year 2001. The Senate had no similar provision.

Section 328 modifies language in section 329 of the House bill placing a moratorium on new and expanded Indian self-determination and self-governance contracts and compacts. The modification includes an exemption for essential health and safety repairs in Bureau of Indian Affairs schools and an exemption for implementation of section 325 in the fiscal year 1998 Interior Appropriations Act.

The conference agreement does not include language proposed under section 328 of the Senate bill regarding the forest service general accounting ledger.

Section 329 includes technical modifications to the language proposed by the House under section 330 and the Senate under section 339 concerning elimination of the purchaser road credit system for forest service timber sales.

Section 330 retains the text of section 331 as proposed by the House and section 325 as proposed by the Senate making a technical correction to provide authority for the Senate Majority Leader to make two appointments to the National Council on the Arts.

The conference agreement does not include language contained in either the Senate or House bill regarding the Interior Columbia Basin Ecosystem Management Project (ICBEMP) and does not concur with limitations contained in the House report on expenditures of funds for ICBEMP. The Committees note Administration acknowledgment that the current direction of this study shows little prospect of successfully resolving important environmental and economic issues. The Committees believe it is necessary to develop a new approach and understand that the Administration estimates this will lengthen the overall project effort by approximately 12 months. The Committees encourage the Administration to include affected state and county governments in this process as cooperating agencies. The Committees intend to closely monitor progress of the study during fiscal year 1999 and emphasize that it will be difficult to secure funding in the future to implement results that are not widely supported by interests within the region.

Section 331 amends section 401(f) of Public Law 105–83 to extend by one year the sunset date by which funds must be appropriated from the Environmental Improvement and Restoration Fund.

Section 332 includes language proposed in section 334 of the House bill providing additional authority to use the roads and trails funds for priority forest health related management. The Committees recognize that there is a huge backlog in important road, trail and bridge work throughout the national forest system just as there is a huge backlog in needed management related to forest health. The Committees urge the Forest Service to work with the Committees to use the road and trail fund exclusively for reducing these priority backlogs and not to replace ordinary appropriations as the Administration proposed for the trails construction budget in the fiscal year 1999 proposal.

The conference agreement does not include House proposed bill language included under section 332 to transfer the Land Between the Lakes National Recreation Area to the Forest Service from the Tennessee Valley Authority. This issue is addressed herein in a later title.

The conference agreement does not include Senate proposed bill language included under section 332 regarding prescribed burns, but direction concerning this matter is found in the Forest Service wildland fire management account.

Section 333 retains language proposed in section 333 of the House bill regarding the Arts and Artifacts Indemnity Act to increase the limits for insuring international exhibitions. The Senate had no similar provision.

Section 334 retains the text of section 334 of the House bill regarding a land transfer to the City of Tulare, California from the Bureau of Land Management. The Senate had no similar provision.

Section 335 retains the text of section 337 as proposed by the House to remove certain properties in Florida from the Coastal Barrier Resources System. Specifically, 75 acres are removed from the system, 32 acres in a State park are added to the system and seven private acres are added to the system. Other removals from the system are addressed under the United States Fish and Wildlife Service and under General Provisions—Department of the Interior.

Section 336 retains the text of section 338 as proposed by the House to extend the pilot program in the Indian Health Service dealing with billings for medicaid and medicare. The Senate had no similar provision.

Section 337 retains the text of section 337 as proposed by the House to amend the Petroleum Overcharge Distribution and Restitution Act of 1986 to permit the use of excess receipts to offset energy conservation programs. The Senate agreed to this language in floor action.

Section 338 includes the text of section 340 as proposed by the House, which amends the fiscal year 1998 Interior and Related Agencies Appropriations Act with regard to the National Indian Gaming Commission by deleting the phrase "self-regulated tribes such as".

Section 339 delays until September 30, 1999, the expenditure of funds to implement and enforce certain Federal regulations dealing with preference for subsistence uses, including those dealing with fish and wildlife, on navigable rivers in Alaska that are subject to Federal reserved water rights. The issuance of such regulations is not delayed. If the Alaska legislature passes a resolution which, if approved by Alaskan voters, would enable the implementation of State statutes that are consistent with, and provide for the preference generally outlined in, sections 803, 804 and 805 of the Alaska National Interest Lands Conservation Act, funds appropriated to the Department of the Interior and the Department of Agriculture for Federal subsistence management in this Act shall be granted to the State on September 30, 1999. If, by June 1, 1999, the Secretary of the Interior finds that the State Legislature has not yet passed such a measure, a portion of the funds will be available to prepare for implementation and enforcement of such Federal regulations.

Section 340 retains the text of section 342 as proposed by the House to prohibit the use of funds for establishing a Kankakee National Wildlife Refuge in Indiana and Illinois. The Senate had no similar provision.

Section 341 modifies section 326 as proposed by the Senate regarding the conveyance of portions of the Wind River Nursery that are no longer needed by the government to Skamania County, WA. Further direction regarding this transfer is included under the Forest Service heading elsewhere in this statement.

Section 342 retains language proposed in section 327 of the Senate bill making boundary and administrative jurisdiction transfers of Federal lands in the State of Washington.

Section 343 includes language proposed in section 330 of the Senate bill providing for the establishment of the hardwood technology center in Princeton, WV.

Section 344 provides authorization for the Army Corps of Engineers to enter into an agreement stipulating that the local cost share for a dam reconstruction project at Beach City Lake, Muskingum River Basin, Ohio will not exceed $141,000.

Section 345 modifies the text of section 333 as proposed by the Senate prohibiting concerning recreational residence fee increases in the Sawtooth National Forest. The modification limits increases in these fees to 25 percent of the current value.

Section 346 modifies language proposed in section 334 by the Senate providing additional flexibility to use the Granger-Thye Act permit fees in the Forest Service. The modification deletes the word "administer" from the provision.

Section 347 modifies language in section 335 as proposed by the Senate concerning the use of stewardship contracts in forest management.

The conference agreement modifies Senate bill language to provide that up to 28 contracts may be executed by the Forest Service to accomplish end result contracting objectives specified in the provision. The provision is modified to delete the Senate reference to national forests in Idaho and Montana, and incorporates 22 projects originally planned by the Administration. In addition, the provision provides that a total of nine such contracts may be executed in Region One of the Forest Service which includes three projects previously planned by the Administration and six additional projects to be independently developed by Region One. The Committees expect Region One to maximize collaboration with state and private interests to develop projects which improve forest health and promote local consensus in determining outcomes to be accomplished through end result contracting.

Section 348 retains provision included in section 336 of the Senate bill earmarking funds for the construction of the Trappers Loop Road.

Section 349 contains a new provision concerning the rights to coalbed methane. A recent court decision has put the ownership rights of thousands of private landowners to coalbed methane production in jeopardy, this section provides that the United States recognizes the rights of landowners to coalbed methane in existing leases and contracts on lands where the United State is the owner of the coal. This section does not affect leases or contracts on lands where other parties have succeeded the United States as owners of the coal, or where the coal is owned by a State or private party. Nor does this section apply to leases for coalbed methane production on lands conveyed, restored or transferred to Indian tribes.

Section 350 modifies section 340 as proposed by the Senate involving the domestic processing of western red cedar. The provision has been modified to delete references to the residual value appraisal system and clarify the payment rates under which western red cedar will be made available to domestic processors in the contiguous 48 United States.

Section 351 modifies section 341 as proposed by the Senate precluding additional contracts or compacts to new Alaska Native regional health entities. The modification involves a three year moratorium on new contracts rather than a permanent limitation.

Section 352 modifies language proposed by the Senate limiting the introduction of Grizzly bears in the Selway-Bitterroot area of Idaho and Montana. The modification allows the United States Fish and Wildlife Service to release the final environmental impact statement and record of decision for this program but does not permit any introduction of bears in fiscal year 1999.

Section 353 provides $20,000,000 to the Aleutians East Borough for the construction of an unpaved road and related facilities on corporation lands not in a designated wilderness area, $15,000,000 to the State of Alaska for improvements to the airstrip at King Cove, Alaska and $2,500,000 to the Indian Health Service for the cost of new construction or improvements to the existing clinic in King Cove, Alaska and telemedicine and other medical equipment. The Committees have agreed to these funds as an alternative to an easement for a road through the Izembek National Wildlife Refuge wilderness area as proposed in section 126 of the Senate bill to address critical health and safety needs.

The conference agreement deletes the provision in section 343 of the Senate bill dealing with dams on the Columbia and Snake Rivers.

Section 354 makes boundary adjustments to the Columbia River Gorge National Recreation Area in Washington State.

Section 355 provides authority for the Smithsonian Institution to alter the size of some of its boards and commissions.

Section 356 approves the transfer of the Indian Arts and Crafts Board collection at the U.S. Department of the Interior to the Smithsonian Institution's National Museum of the American Indian.

Section 357 includes conditions under which the Baca property in New Mexico may be purchased including specific authorization and independent appraisal which conforms with the Uniform Appraisal Standards for Federal land acquisitions.

Section 358 designates the Federal building located at 15013 Denver West Parkway, Golden, Colorado, and known as the National Renewable Energy Laboratory Visitors Center as the "Dan Schaefer Federal Building."

Section 359 designates the new Federal building under construction at 325 Broadway in Boulder, Colorado as the "David Skaggs Federal Building".

Section 360 designates the Federal building located at 201 14th Street, S.W. in Washington, D.C. as the "Sidney R. Yates Federal Building". The House bill included a similar provision in section 326.

Section 361 rescinds the Title V funds totaling $190,865,000 if the Administration does not issue the agency apportionments and make these funds available for immediate obligation within 5 days after enactment of this Act.

The Congress provided $699,000,000 for priority land acquisitions, exchanges and high priority maintenance projects in the fiscal year 1998 Interior and Related Agencies Appropriations Act. On September 3, 1998, the Congress released $190,865,000, slightly more than half of the remaining balance for specific acquisition projects and backlog maintenance needs of the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service and the Forest Service. The Committees have been informed that the Office of Management and Budget has not released these funds to the agencies, defying Congressional intent.

Section 362 repeals Section 219 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, Pub.L. 103-354, 7 U.S.C. §6919.

The Committees agree that the Secretary of the Interior and the Secretary of Agriculture should provide comprehensive training to land managers on the history and provisions of statutes affecting land and natural resource management in Alaska, including but not limited to Revised Statute 2477, the Act of May 17, 1906 (34 Stat. 197), the Alaska Statehood Act, the Mineral Leasing Act of 1920, the White Act, the Alaska National Interest Lands Conservation Act, the Alaska Native Claims Settlement Act, and the Magnuson-Stevens Fishery Conservation and Management Act. This training should also be provided to those employees who manage programs in Alaska and to employees whose job entail knowledge of one or more of the laws described above. Each such employee should complete the training within one year of the date of enactment of this Act, except a covered employee hired after 10 months of the date of enactment of this Act should complete the training within 60 days of that employee's appointment.

The Secretary of the Interior and the Secretary of Agriculture are encouraged to enter into an agreement with and provide funding to Alaska Pacific University, in conjunction with University of Washington School of Law and Northwestern School of Law, Lewis and Clark College, to develop and conduct training.

TITLE IV

The conference agreement includes new language in Title IV, the Herger-Feinstein Quincy Library Group Forest Recovery Act. This Act represents a locally-developed, consensus-based resource management program for Federal lands in a portion of the Sierra Nevada ecosystem. The Committees are concerned over long-standing controversies in the region that have hampered effective management of Federal lands. In order to resolve these differences, the Act provides for an alliance between elected officials, industry representatives, local environmentalists, union representatives, and local citizens. A more complete description of the Act may be found in Senate Report 105-183.

The conference agreement deletes language proposed in Title IV of the Senate bill limiting the source of funds available for operation of the Glines Canyon Dam.

TITLE V—LAND BETWEEN THE LAKES PROTECTION ACT

The Committees are concerned about future funding for the Land Between the Lakes National Recreation Area (LBL) in Kentucky and Tennessee, managed by the Tennessee Valley Authority (TVA). Accordingly, the Committees have included bill language in Title V that creates a safety net to provide for continued Federal operation of this area. In the event that LBL doesn't receive at least $6 million in Federal funding in any fiscal year, management responsibility for this facility will automatically be transferred to the Secretary of Agriculture with the expectation that it will be managed as part of the national forest system for recreation in a manner consistent with the multiple use mandate of the Forest Service.

LBL was first established in the early 1960s by executive directive. However, no statute was ever enacted governing land management policies at LBL. This legislation codifies the 1972 mission statement and requires the Forest Service to manage LBL for optimum yield of outdoor recreation and environmental education for the American people should this transfer occur.

In the event that LBL is transferred, the Committees believe that all fees collected for the use of designated sites and activities at LBL should be retained by the Forest Service to help offset operating expenses. However, the legislation prohibits the Forest Service from charging a general entrance fee. This is identical to existing TVA policy. The legislation contains explicit language guaranteeing payments to counties by TVA at the prevailing rate, and makes these counties eligible for funds under the payments-in-lieu of taxes program administered by the Bureau of Land Management. In addition, there are over 220 cemeteries at LBL, many of which are the burial plots of some of the 800 families who were forcibly removed from their property when LBL was first created. The Act guarantees maintenance of a complete inventory and access to those cemeteries.

The Committees recognize the tremendous responsibility borne by the Forest Service and TVA to implement the transfer of LBL if necessary. It is incumbent upon TVA/LBL staff to make every effort to minimize the disruption caused by the transition on employees, the public, and LBL's resources and offer full cooperation to the Forest Service transition team in implementing this transfer. In addition, the Committees encourage TVA to avoid moving equipment and facilities out of the National Recreation Area that are vital for its management.

In the event of a transfer, the Committees have included a provision allowing the Forest Service to adopt the TVA National Resource Management Plan to minimize any disruption caused by the transition. This management plan, as developed by TVA, is in full compliance with environmental laws. While operating under the TVA management plan, the Committees expect the Forest Service to begin the process of preparing its own land and resource management plan within one year of the effective date of the transfer and consistent with the multi-purpose mission mandated in the legislation.

Currently, law enforcement actions taken by TVA police officers operating within the boundaries of LBL are authorized under peace officer commissions granted by both the States of Kentucky and Tennessee. While existing Federal laws and regulations do apply to National Recreation Area lands, it will take approximately six months to one year to establish Forest Service law enforcement procedures in the two Federal judicial districts which cover these lands. Therefore, the legislation provides that, during a transition period not to exceed one year, there will be cross-designation of law enforcement authority between the agencies to ensure that there is no interruption in public safety services.

Finally, the Committees are extremely concerned about the impact of the transition on the permanent employees of TVA who work at LBL. The legislation guarantees a minimum of five-months employment by TVA following a transfer. All LBL permanent employees should be given first notice of, and first consideration for, any jobs available with the Forest Service. Those employees who remain at LBL as employees of the Forest Service should experience no interruption in coverage for any retirement, health, leave, or other employee benefits with TVA continuing to fund any difference between Forest Service and TVA benefits. Years of service as a TVA employee will be transferred to the Forest Service for all purposes relating to Federal retirement. For those persons not retained by TVA or hired by the Forest Service, the bill provides a compensation/severance package, including buyout packages, similar to those provided to other TVA employees in previous downsizing situations. TVA shall finance the costs associated with the severance/compensation packages and the Director of TVA shall report to the House and Senate Committees on Appropriations on the funding sources to be used to finance these activities.

TITLE VI

Title VI provides legislative authority for land exchanges in the State of Washington as described in detail below.

SECTION 601. SHORT TITLE

Section 601 entitles this section of the Conference Agreement the "Interstate 90 Land Exchange Act of 1998."

SECTION 602. FINDINGS AND PURPOSE

Section 602 contains findings as to why the land exchange is in the public interest, and states that it is the purpose of the conference agreement to authorize, direct, facilitate and expedite the exchange.

The offered and selected lands directed for exchange are based substantially on those recommended for exchange by the Forest Service pursuant to the NEPA process for the I-90 land exchange, including the public comments and participation therein. Such lands are also addressed substantially in the legislative history to accompany S. 2136, including public hearing records of the Senate Committee on Energy and Natural Resources.

Issues which can only be addressed in statute by Congress, including assignment of mineral rights, establishment of Wilderness Study and Special Management areas, and recommendations on future exchanges, have been added to the legislation as a result of both the administrative and legislative records. The managers expect the legislation will be implemented consistent with such records, and the public interest. Therefore, the legislation contains no so-called "sufficiency" language.

SECTION 603. DEFINITIONS

Section 603 contains standard definitions of certain terms used in the legislation. The definition of the "offered lands" Plum Creek will convey to the Forest Service specifies that the offered lands will include both surface and subsurface (mineral) interests. In the event Plum Creek is unable to acquire all the mineral interests from third party owners prior to consummation of the exchange, subsection 604(c) of the conference agreement sets forth a procedure to convey land to the United States in lieu of certain subsurface interests. Likewise, the definition of the "selected lands" that Plum Creek will acquire from the Forest Service requires conveyance of both surface and subsurface interests by the Forest Service unless Plum Creek agrees otherwise.

SECTION 604. LAND EXCHANGE

Subsection 604(a) states that the exchange will be consummated if Plum Creek conveys title acceptable to the Secretary in its 1) identified "offered" lands; 2) a 320 acre tract of land to be donated to the United States or 3) if necessary, the two subsection 604(c) tracts of lands in lieu of certain subsurface interests, within 270 days of enactment of the conference agreement.

Subsection 604(a) also identifies the approximate 62,384 acres of "offered" lands Plum Creek will convey to the United States in the exchange. The offered lands comprise

Plum Creek checkerboard in holdings within either the Mt. Baker-Snoqualmie or Wenatchee National Forests, and include sensitive lands in the upper Cle Elum River drainage (Scatter Creek), the West Fork Teenaway drainage, the Silver Creek area between Kachess and Cle Elum Lakes, Kelly Butte, lands along the Yakima River near Easton, North Ridge, Taneum Ridge, Mt. Clifty and Little Creek. Many of the offered lands are roadless and contain late successional forest deemed important for preservation and connectivity of habitat by the Northwest forest Plan. The consolidation will also bring approximately 14 miles of the route of the Pacific Crest Trail into public ownership. The offered land acreage has been increased slightly since the committee bill with the addition of lands on the west side of Sawmill Creek in the Kelly Butte area.

Subsection 604(b) identifies approximately 16,495 acres of Forest Service "selected" lands to be conveyed to Plum Creek in the exchange, and provides for their conveyance simultaneous with receipt of the Plum Creek offered lands. (Simultaneous conveyances are standard Federal land exchange practice pursuant to Section 3(a) of the Federal Land Exchange Facilitation Act of 1988 (43 U.S.C. 1716(e)). The selected lands are mostly intermingled with existing Plum Creek lands and are generally located in less environmentally sensitive areas than the Plum Creek offered lands the Forest Service will acquire. The selected land total has been decreased slightly since the Committee bill with the deletion of lands in Sawmill Creek drainage in the Kelly Butte area. It is the intent of section 604(b) of this part of the conference agreement which states "that subject to existing valid rights", to include Indian treaty rights and means that nothing in this Act, or the land exchange authorized herein, is intended to, nor shall it, diminish, modify, abrogate or otherwise affect any Indian reserved treaty right or the ability of Treaty Indians to exercise such rights under applicable federal law without regard to the land exchange. It is not the intent of this conference agreement to either expand or contract existing treaty rights.

Subsection 604(c) states that if Plum Creek is unable to convey the full estate in the offered lands, it must compensate the United States by offering in lieu thereof two tracts of land on Cle Elum and Lost Lakes totaling approximately 524 acres. This compensation provision is made in recognition of the fact that Plum Creek may not be able to acquire all mineral interests in the offered lands because they belong to third parties. If the provision of subsection (c) is triggered, the two additional tracts of land will be full compensation for any lacking mineral interests, and the appraisals required for the exchange will not have to be redone to reflect the addition of the Cle Elum and Lost Lake lands.

Subsection 604(d) recognizes that Plum Creek has agreed to a voluntary donation of 320 acres of land near Mt. Margaret to the United States. This voluntary conveyance is to be considered a donation for all purposes of law, including its deductibility as a gift for tax purposes. It is the intention of the conference agreement, if the Secretary determines that a portion of the donated land qualifies for addition to the Alpine Lakes Wilderness Area, it be added to the Wilderness by the Secretary utilizing the Secretary's authority to do so under section 6(a) of the Wilderness Act. Unlike other wilderness designations and additions, which must be legislated by Congress, section 6(a) of the Wilderness Act gives the Secretary authority to make additions on his own in the case of donated lands lying adjacent to already designated wilderness.

SECTION 605. EXCHANGE VALUATION, APPRAISALS AND EQUALIZATION

Subsection 605(a) contains the standard Federal land exchange requirement that the values of the lands to be exchanged must be equal, as determined through traditional Federal appraisal procedures. If the values are not equal, they may be equalized by cash equalization payments subject to the standard 25% limitation of the Federal Land Policy and Management Act of 1976, as amended.

Subsection 605(a)(2) recognizes that many of the lands to be exchanged lie within areas designated as critical habitat for threatened or endangered species, and that uncertainties accompanying such designations can make traditional appraisals difficult. In order to insure the equitable and uniform appraisal of the exchange lands, the bill provides that all lands will be appraised by determining highest and best use for both the offered and selected lands in accordance with the Washington State Forest Practices Act. This will insure that the Federal selected lands will not be undervalued for appraisal purposes if they are located in areas where current Federal law or land use plans might limit timber harvest, or create future harvest uncertainties that would reduce the land's appraised value for purposes of the exchange.

Subsection 605(a)(4) also specifies all timber harvest on the offered lands will cease not later than November 30, 1998, except for post-harvest work, and that a copy of the final appraisal will be made available for public inspection in the Wenatchee Forest Supervisor's office 30-45 days before exchange consummation.

Subsection 605(b) provides that once the appraised values of the offered and selected lands have been approved by the Forest Service, they need not be reappraised or updated prior to completion of the exchange, except for adjustments for timber harvest which may occur before November 30, 1998, or for cultural and historic resources under subsection 606(g).

Subsection 605(c) provides that if the final appraised value of the Plum Creek offered lands exceeds the value of the Forest Service selected lands, certain identified and prioritized offered lands will be deleted from the exchange by Plum Creek. The deletions, if necessary, are to be made in the precise order listed and directed by Congress until the values are approximately equalized.

Subsection 605(d) provides that if the value of the Forest Service selected lands to be conveyed to Plum Creek exceeds the value of the Plum Creek offered lands, the Forest Service will delete identified and prioritized selected lands from the exchange until the values are approximately equalized.

Subsection 605(e) provides for traditional cash equalization payments to cover any balance due either Plum Creek or the Secretary once any mandated deletions under subsections 605(c) or (d) have been made. However, it is anticipated that any such cash payments will be relatively small, because subsections (c) and (d) should take care of any major value equalization that is needed. If the listed deletion parcels for either the offered or selected lands are insufficient to cover the equalization needed, cash payments to either the Secretary or Plum Creek will make up any difference.

Subsection 605(f) provides that any cash equalization payments received by the United States will be retained by the Secretary and used to purchase lands in the State of Washington from willing sellers for addition to the National Forest System.

SECTION 606—MISCELLANEOUS PROVISIONS

Subsection 606(a) provides that lands acquired by the Forest Service in the exchange will be managed as National Forest System lands in accordance with applicable laws, rules and regulations. The acquired lands will have the status of Weeks Law lands. Lands acquired by Plum Creek will become private lands for all purposes of law unless the deed of transfer from the United States contains a specific reservation.

Subsection 606(b) pertains to post-exchange access to the lands Plum Creek and the Forest Service will acquire. Congress finds that both parties should have adequate and timely access to the lands they acquire and recognizes that most of this access will be over already existing primary, secondary or other roads.

Subsection 606(b)(2) states the intention of Congress that Plum Creek have access to all lands it acquires and when such access requires the construction of new roads, that it be granted in compliance with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA) and their implementing regulations.

Within Cost Share Construction and Use Agreement Areas, road access to the lands Plum Creek and the Forest Service will acquire will be granted at no cost to either party upon consummation of the exchange in accordance with the appropriate terms and procedures of the applicable Agreements. Because most of such access will be over already existing roads, it is not anticipated that significant work will be required by either party to grant the access directed.

Outside of Cost Share Construction and Use Agreement Areas, Plum Creek will be granted access at no cost in accordance with Forest Service Handbook 2709.12,35. In the case of new road construction, such access easements shall conform to the Secretary's rules and regulations 36 CFR 251, subpart B, including mitigation under existing law. Most of this access will be over already existing roads. However, Congress is aware of at least two situations where Plum Creek will need two short stretches of new roads for access to lands near Watch Lake in the Gifford Pinchot National Forest. These two new road stretches, and any other new road needs of which Congress is not currently aware, will require such analysis as may be required pursuant to EPA and the ESA.

Subsection 606(c) requires Plum Creek to grant access to the Forest Service at no cost outside Cost Share Construction and Use Agreement Areas on locations identified by the Secretary and in a format acceptable to the Secretary.

Subsection (d) states the intention of Congress that the land exchange be completed no later than 270 days after enactment of the I–90 exchange legislation. Both parties are, however, encouraged to make every effort to consummate the exchange at the earliest possible date that proves feasible under the timetables set out in the legislation. However, the language allows the deadline to be extended by mutual agreement of Plum Creek and the Secretary. Its intent is to allow flexibility in the event, as sometimes happens with land exchanges, that unanticipated title, deed or other complications with the land transfer arise prior to consummation.

Subsection 606(e) withdraws the lands to be conveyed to Plum Creek from the operation of the mining, mineral leasing and other public land entry laws if they have not previously been segregated or withdrawn.

This will prevent any staking of any mining claims, or creation of other encumbrances on title to the selected lands prior to their transfer to Plum Creek.

Subsection 606(f) permanently withdraws lands acquired by the Secretary in two Townships north of Cle Elum Lake from the operation of the mining, mineral leasing and geothermal leasing laws. These sensitive lands lie along the upper Cle Elum River and near Cle Elum Lake and/or the Alpine Lakes Wilderness Area, and the withdrawal is intended to prevent any future mineral activity on these particularly sensitive lands.

Subsection 606(g) establishes a specific procedure for Plum Creek to request and obtain the deletion of small tracts of selected land from the final conveyance if Plum Creek determines that deed restrictions or mitigation requirements on some of the land it is scheduled to acquire will constitute an unacceptable encumbrance on the land. The language will require full compliance with the provisions of the National Historic Preservation Act (NHPA), but will insure that all inventories, consultation and other requirements of the NHPA are performed in a time frame that will allow Plum Creek and other consulting parties to review any proposed protection deed restrictions or mitigation requirements, and request any deletions, well in advance of exchange consummation. If lands are deleted from the conveyance to Plum Creek under subsection 606(g), they will remain in Forest Service ownership.

Subsection 606(h) states that the Secretary shall not grant any road easements to Plum Creek that would access the offered lands listed in subsection 604(a) prior to consummation of the exchange. However, this provision will not apply if either party withdraws from the exchange. Plum Creek currently has access permits requested over adjacent national forest lands for roads into many of the offered lands, but these requests will, obviously, become unnecessary if the offered lands are transferred to the Secretary. Thus the pending access requests will be suspended unless or until either party withdraws from the exchange or a parcel or parcels of offered land are dropped from the exchange. It is noted that subsection 606(h) applies only to access requests to the Plum Creek offered lands identified for transfer to the United States. Plum Creek requests for access to its lands that are not involved in the exchange are not covered or affected by the access limitation of subsection 606(h).

SECTION 607—LAND PURCHASE

Section 607 finds that Plum Creek has indicated its willingness to consider selling certain lands to the United States that are not included in the exchange. It directs the Secretary to consult with Plum Creek on the lands it is willing to sell, and states Congress' intention that such lands be purchased from Plum Creek, subject to the future availability of funds. It is the intention that such lands be purchased using Land and Water Conservation Fund moneys, which must be appropriated by Congress in future years. Subsection 607(c) also clarifies that nothing in the legislation will be construed limiting the Secretary's authority to enter additional agreements or contracts to acquire Plum Creek lands in Washington or any other state.

SECTION 608—TIETON RIVER STUDY

In addition to lands along the I–90 corridor, Plum Creek owns checkerboard lands in Township 14 North, Range 15 East, Willamette Meridian. These lands are located along the Tieton River in Yakima County, Washington, and the lands along the river corridor itself have been suggested for Federal acquisition by many conservation groups. Section 608 directs the Secretary to consult with Plum Creek concerning opportunities for the United States to acquire such lands by purchase or exchange.

The Secretary's findings on the area will be included in the report to Congress mandated by Section 609.

SECTION 609—FUTURE LAND EXCHANGE OPPORTUNITY

Section 609 directs the Secretary to consult with Plum Creek and study future land exchange opportunities for the United States to acquire Plum Creek lands not included in the legislated exchange. Specific areas for study include Plum Creek lands in and around the Carbon River near Mt. Rainier National Park, the Yakima River, the Pacific Crest Trail, Goat and Watch Mountains on the Gifford Pinchot National Forest, the Green River, and the Manashtash lake successional reserve. This study, and the report thereon to Congress are mandated because Plum Creek, the Forest Service, conservation groups and others have suggested a follow-up land exchange. In addition, if Plum Creek lands are deleted from the legislated exchange under subsection 605(c) in order to achieve value equalization, both Plum Creek and the Forest Service have indicated their desire to have them evaluated for future exchange.

The Forest Service is, therefore, directed to study the follow-up exchange opportunity and to report its findings thereon no later than 18 months after enactment of the legislation. The report will include the Secretary's recommendations as to the most urgent future purchase or exchange priorities. It is noted that Ski Lifts, Inc., which operates 4 ski areas in the vicinity of Snoqualmie Pass, owns significant private lands near the Pacific Crest Trail. The Crest Trail is one of the areas which Section 609 specifically identifies for future land exchange consideration. As the Ski Lifts, Inc. lands in the area are heavily intermingled with the Forest Service and Plum Creek lands to be considered for a future exchange, and as Ski Lifts, Inc. may want to exchange its lands with the Forest Service, or acquire land from Plum Creek to exchange to the Forest Service in return for certain national forest lands in or near its ski area base or permit areas, the Forest Service should include an analysis of the Ski Lifts, Inc. exchange opportunities in its report to Congress.

SECTION 610 WILDERNESS STUDY AREA

Section 610 designates a 15,000 acre Alpine Lakes Wilderness Study Area along the south side of the existing Alpine Lakes Wilderness Area if the land exchange is consummated. The WSA contains lands which will be acquired from Plum Creek in the exchange as well as adjacent national forest lands. The language directs the Secretary to study the area as to its suitability for addition to the Alpine Lakes Wilderness and report his findings to the President. The President will then, within three years of enactment of this legislation, report his recommendation concerning wilderness designation of the area to Congress.

As with most WSA's that have been designated by Congress in the past, the Secretary is directed to manage the WSA to maintain its wilderness character existing as of the date of enactment of the legislation and potential for inclusion in the National Wilderness Preservation System for the duration of the study. This means that no development, commercial timber harvest or other land disturbance that would change the area's wilderness nature as it exists on the date of enactment of the legislation will be allowed. In addition, no activities which are incompatible with wilderness, such as motorized recreation, should be allowed or expanded into areas of the WSA where they are not already occurring. However, existing motorized and non-motorized uses shall be allowed to continue at their present levels and shall not be terminated unless Congress passes legislation designating areas where such uses exist as wilderness areas.

At the conclusion of the study, the 15,000 acres will continue to be maintained in its existing wilderness character unless Congress has enacted legislation stating otherwise or until December 31, 2003 at which time the area will be managed as it was immediately prior to the study period. Section 610 also withdraws the WSA from mining and mineral leasing subject to valid existing rights.

SECTION 611—KELLY BUTTE SPECIAL MANAGEMENT AREA

Section 611 designates a 5,642 acre Kelly Butte Special Management Area in and around Kelly Butte in the upper Green River drainage in the Mt. Baker-Snoqualmie National Forest. The protected area encompasses the core Kelly Butte area in which lands are exchanged under the legislation and runs from West of Rock Creek to the center of Sawmill Creek. A detailed map of the protected area, with special notes on the location of the eastern boundary at the Center of Sawmill Creek, accompanies the bill.

The Special Management Area designation is made in recognition of the area's interesting mix of geology, mid and late successional forest, diverse flora and fauna, outdoor recreational opportunities and other values. In addition, the Kelly Butte area designated for protection is mostly roadless, receives traditional use by native American peoples, and produces high quality water flows into the Green River, which is the drinking water supply for the City of Tacoma.

Section 611 specifies that the area be managed to preserve and enhance its many natural values and prohibits commercial timber harvest, and the use of motorized vehicles in the area, except for administrative purposes or in emergencies. It also withdraws the areas from mining and mineral leasing subject to valid existing rights.

Subsection 611(c) states Congress' intention that the designation of the Special Management Area will not lead to the creation of protected perimeters or buffer zones around the Area. This means that activities or land uses on lands outside the Area which are not compatible with the Area (such as timber harvesting) can occur up to the boundary of the Area and will not be restricted by their proximity to the Area of the fact that they can be seen or heard from within the Area.

SECTION 612—EFFECT ON COUNTY REVENUES

Section 612 recognizes that certain countries, and particularly Kittitas County, Washington, will lose certain revenues (timber severance taxes etc.) that they currently derive from the Plum Creek lands that will be transferred to the Forest Service. Although some of these revenue losses may be offset by Federal payment in lieu of taxes (PILT) money, Kittitas and other counties may experience a net revenue loss from the exchange.

Section 612, therefore, directs the Secretary to consult with the appropriate Committees of Congress and elected officials of the counties in which the offered lands are located regarding options to minimize the adverse affect of county revenues.

LEGISLATIVE HISTORY

Legislation to authorize and direct the 1-90 land exchange was introduced in the Senate on June 6, 1998 as S. 2136. On July 22, 1998, the Subcommittee on Forests and Public Land Management held a hearing on S. 2136 at which testimony was received from the U.S. Forest Service, the Plum Creek Timber Company, the Sierra Club, the Mountaineers, the Alpine Lakes Protection Society and the Western Land Exchange Project. Written testimony for the hearing record was also received from Ski Lifts, Inc and the Muckleshoot tribe. On September 23, 1998, S. 2316 was ordered favorably reported by the Committee on Energy and Natural Resources after adoption of an amendment in the nature of substitute. The conference agreement as worked out by Senators Gorton and Murray, the Senate Energy and Natural Resources Committee, Congressman Doc Hastings, representatives of the Forest Service, Plum Creek and others represents a refinement of the September 23, 1998 Committee bill.

The conference agreement includes language in Title VII that involves tort liability insurance for Indian tribal governments as a system of redress for persons injured by official actions of these governments. During Senate hearings on this subject, insurance experts testified that it is necessary to look at the interaction between Federal Tort Claims Act coverage and the private liability insurance that many tribes have bought in order to determine what insurance gaps currently exist.

The Committees direct the Secretary of the Interior, in consultation with the Secretary of Health and Human Services and the tribes, to conduct a survey of the degree, type, and adequacy of liability insurance coverage of Indian tribes. It is intended that the survey would determine where the gaps are in either the Federal Tort Claims Act or private insurance coverage, or both, and in turn make recommendation to the Committees on how such gaps can be filled. The Secretary is required to submit the findings of the survey and specific recommendations in a report to he Committees no later than June 1, 1999.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budet (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimates, and the House and Senate bills for 1999 follow:

New budget (obligational) authority, fiscal year 1998	$14,109,493,000
Budget estimates of new (obligational) authority, fiscal year 1999	14,268,257,000
House bill, fiscal year 1999	13,489,504,000
Senate bill, fiscal year 1999	13,657,706,000
Conference agreement, fiscal year 1999	14,105,651,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1998	−3,842,000
Budget estimates of new (obligational) authority, fiscal year 1999	−162,606,000
House bill, fiscal year 1999	+616,147,000
Senate bill, fiscal year 1999	+447,945,000

SECTION 101(f): DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The conferees on H.R. 4328 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions (H.R. 4274 and S. 2400) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 4274 and S. 2440.

In implementing this agreement, the Departments and agencies should comply with the language and instructions set forth in House Report 105-635 and Senate Report 105-300. In the case where the language and instructions specifically address the allocation of funds, the Departments and agencies are to follow the funding levels specified in the Congressional budget justifications accompanying the fiscal year 1999 budget or the underlying authorizing statute and should give full consideration to all items, including items allocating specific funding included in the House and Senate reports. With respect to the provisions in the House and Senate reports that specifically allocate funds, each has been reviewed and those which are jointly concurred in have been included in this joint statement.

The Departments of Labor, Health and Human Services and Education, and Related Agencies Appropriations Act, FY 1999, put in place by this bill, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement appropriates $5,272,324,000, instead of $4,000,873,000 as proposed by the House and $5,409,375,000 as proposed by the Senate.

The agreement includes language inserting a legal citation to the Workforce Investment Act of 1998 as proposed by the Senate to fund a specific project authorized by the new law. It also includes language proposed by the Senate modified to identify funds for youth job training activities, making the funds available for the period April 1, 1999 through June 30, 2000, and specifying an amount and a legal citation for youth opportunity grants. It includes language proposed by the Senate providing that job training funds may be used for transition to, and implementation of, the provisions of the Workforce Investment Act of 1998. The House had no similar provisions.

The agreement also includes language authorizing the use of demonstration funds under title III of the Job Training Partnership Act (dislocated workers) for projects that provide assistance to new entrants in the workforce and incumbent workers as proposed by the Senate. It also includes language proposed by the Senate allowing service delivery areas to transfer funding between the youth job training and summer youth programs with the approval of the Governor. The House had no similar provisions.

The conference agreement does not include an advance appropriation of $250,000,000 for fiscal year 2000 proposed by the Senate for youth opportunity grants. This new program was funded at $250,000,000 for fiscal year 1999 only, instead of $125,000,000 as proposed by the Senate and no funding as proposed by the House. Funding for fiscal year 2000 will be addressed in the fiscal year 2000 appropriations bill.

The Labor Department is encouraged to make available funds and provide technical assistance to the Role Models America Academy Demonstration Program.

The conference agreement includes the following amounts for the following projects and activities:

Dislocated Workers

—$5,000,000 for Special Olympics–1999

—$1,500,000 for Special Olympics–2001

—$500,000 for a high-technology training initiative on the Island of Maui in Hawaii

—$500,000 for the Bethel Native Corporation in Bethel, Alaska to provide high technology computer-based training to Alaska Natives

—$1,000,000 for U. of Texas, Brownsville, for model worker retraining

—$1,000,000 for the Iowa Training Opportunities Program

—$1,000,000 for Twin Cities Community Development Center Worklink to plastics employment initiative

—$1,000,000 for the York Skill Center, York, PA

—$1,000,000 to continue funding of the JOBLINKS program

—$300,000 ($900,000 over three years contingent upon adequate performance), for a dislocated/incumbent worker project at the University of Wisconsin-Superior at its Transportation/Logistics Studies Center.

Native Americans

—$4,000,000 for co-location construction in Hawaii under the Workforce Investment Act of 1998.

Pilots and Demonstrations

—$3,000,000 for Samoan/Asian Pacific job training in Hawaii

—$675,000 for the Southwest Pennsylvania Employment Plus Job Training Program

—$2,500,000 for training and educational opportunities for adults in Hawaii

—$1,250,000 for Ilisaquik College in Barrow, Alaska

—$250,000 for Koahnic Broadcasting, Inc. in Anchorage, Alaska

—$1,000,000 for Kawerak, Inc. in Nome, Alaska for continuation or initiation of vocational job training programs for Alaska Natives

—$1,000,000 for the Alaska Federation of Natives Foundation, consistent with the goals of section 13 of the bylaws of that organization, to develop and train highly skilled Alaska Native workers for year-round employment within the petroleum industry in Alaska

—$2,000,000 for the Guadalupe Center in Kansas City, MO for culinary and cultural arts

—$1,000,000 for Center Point, Marin County, CA, employment for recovering addicts

—$500,000 for Project Horizons for New Opportunities, Berkshire County, MA, adult prisoner project

—$250,000 for SER Jobs for Progress (HEP program), Del Rio and Laredo, TX

—$250,000 for Motivation Education and Training, Inc., Laredo, TX

—$500,000 for the State of Vermont for a high skills training consortia for the healthcare information systems and support industry.

The agreement also provides $4,000,000 to fund the child care apprenticeship initiative requested in the President's budget and $5,000,000 to fund the seasonal farmworker youth activities requested in the President's budget. It is recommended that the funds for the latter initiative be transferred to the migrant and seasonal farmworker program to be administered in conjunction with the adult program.

The conference agreement sets aside certain amounts of money to be utilized for competitive awards under the dislocated workers program and under pilots and demonstrations as discussed in the following paragraphs. In administering these competitions, the Department is to give full and fair consideration, consistent with current practices and policies, to applications submitted by the institutions and entities identified in the Senate Report.

Under dislocated workers, the conference agreement includes $7,200,000 for competitions for grants or contracts for creation of projects and/or industry-led consortia for the purpose of upgrading current workers, designing or adapting training curricula in skills shortage occupational areas or in regionally important business/industry areas, including manufacturing and machining, and specialized industrial areas such as plastics, telecommunications and the environment, and to recruit/retrain workers in these occupations. The dislocated and/or incumbent workers who will be assisted by these efforts include specific groups such as agricultural workers, low-skilled workers, and those needing assistance in overcoming barriers to employment. These barriers to employment may be caused by living in rural communities, having limited options for transportation to work, having inadequate or obsolete skills or having skills in declining occupations. The focus of these efforts will be on skills training in skills shortage occupations including welding and metals, new and growing occupations in technological fields including information technology, telecommunications, and other fields in which technology skills are critical parts of the jobs emerging in their regional labor markets. Any consortia established as a result of these competitions would also be expected to enhance the strategic planning and policy efforts of local boards under the Workforce Investment Act in these areas. The Department will establish ranges for these competitive awards.

Under pilots and demonstrations, the conference agreement includes $9,000,000 for competitions to award grants that provide job training and related services aimed at high-risk youth and adults, including displaced homemakers and older workers, and those adults or youth who are under the supervision of the criminal justice or penal systems, or who are living in foster care, homeless facilities, and public or assisted housing. Barriers to employment faced by these individuals include homelessness, addiction recovery, criminal records or reentry from prison or other justice-related or social service-related institutions. In setting aside these funds, the conferees want to provide quality job training (including basic skills and pre-apprenticeship as appropriate) and related services, including follow-up services, tailored to the interests and aptitudes of the client population that facilitates at-risk youth and adults returning to their communities. These services should link human, educational, workforce development, and transportation services and build connections to local workforce investment systems. One key focus of these efforts will be on skills training in new and growing occupations in technological fields including information technology, telecommunications, and other fields in which technology skills are critical parts of the jobs emerging in their regional labor markets. The Department will establish ranges for these competitive awards.

Also under pilots and demonstrations, the conference agreement includes $9,000,000 for competitions for the creation of regional consortia for the purpose of assessing employer skills needs to upgrade current workers, assessing the need for closing the gaps between the skills needed by business/industry and the skills held by regional workers, designing or adapting training curricula in skills shortage occupational areas or in regionally important business/industry areas including manufacturing and machining, and specialized industrial areas such as plastics, telecommunications, and the environment, and recruit/retrain workers for these occupations and other emerging occupations related to technology. These regional consortia would also be expected to enhance the strategic planning and policy efforts of local boards under the Workforce Investment Act in these areas. These regional consortia would consist of a range of interested organizations including employers, labor unions, technical centers, community colleges and other community organizations addressing the needs of specific cultures and other committed private and governmental organizations. The Department will establish ranges for these competitive awards.

The Department is strongly encouraged to make an award out of the discretionary funds available in Fiscal Year 1999 for competitive welfare-to-work grants, up to $5,000,000 to the Center for Workforce Preparation. These funds are to be used in the private sector to develop best practices, model programs, and networks to exchange information among local and state Chambers of Commerce and employers regarding welfare recipients seeking employment.

The Department is encouraged to give careful consideration to a welfare-to-work proposal submitted by Opportunity America which assists teenage mothers to break the cycle of welfare by continuing their education and obtaining employment.

For discretionary grants being provided for the Philadelphia Naval Shipyard IV Project encouraged in last year's appropriation to the Labor Department, the Department should use the following in determining eligibility:

Incumbent Workers—Workers who are currently employed on a full or part time basis, a majority of whom are expected to have been impacted by a mass lay-off or closure in the shipbuilding industry (in southeastern Pennsylvania) as referenced in the statement of managers within House Report 105–390; and are also in need of employment and training services to upgrade their job-related skills and competencies in order to facilitate their return to high quality training and jobs being created in the shipbuilding industry; without regard to any education, training or readjustment services they may have been provided at any point in the past from federal, state, or local funds.

State Unemployment Insurance and Employment Service Operations

The conference agreement appropriates $3,294,173,000, instead of $3,274,573,000 as proposed by the House and $3,239,573,000 as proposed by the Senate.

The conference agreement does not include a rescission of $40,000,000 of fiscal year 1999 funds, as proposed by the Senate, for Year 2000 computer conversion costs which were provided as an advance appropriation in the fiscal year 1998 appropriations bill. The House had no similar provision. The agreement includes $36,300,000 for the alien labor certification program as proposed by the Senate instead of $31,300,000 as proposed by the House. For unemployment insurance contingency costs, the agreement includes $180,933,000, instead of $196,333,000 as proposed by the House and $186,333,000 as proposed by the Senate. And for the Learning Anytime/Anywhere initiative, the agreement includes $10,000,000 as proposed by the Senate.

The agreement includes $2,135,125,000 for base State allocations for unemployment insurance administration. This is $20,000,000 more than the House and Senate bills. The increase of $20,000,000 is for integrity and other activities that States determine are essential in the administration of the unemployment insurance program. The Department shall allocate these funds in the following manner: each State shall receive an additional 0.8 percent of its base allocation. In addition, each State shall receive an additional $340,000 if its productivity factors are among the five lowest in at least two of the six productivity categories. Furthermore, States that meet this criterion and have one of the ten lowest combined personal services and personnel benefits rates shall receive a prorata share of the balance.

It has been learned that the Labor Department is interpreting section 3304(a)(15) of the Federal Unemployment Tax Act (FUTA) with regard to senior actors, writers, and other workers in the entertainment industry in a manner that appears to be contrary to the intent of Congress when it passed that Act. The section was meant to apply only to employees that worked for one company, then return to work for the identical company, and subsequently qualify for unemployment compensation. Section 3304(a)(15) is currently being interpreted by the Department, however, to require that entertainment industry professionals' unemployment benefits be offset by the total amount of their pension plan compensation because the employee receives pension distributions from the same multi-employer plan, even when the employee goes to work for a different company. Such an interpretation penalizes the actor or other industry professional for accepting an entertainment industry job to supplement his or her fixed income. The Department is urged to determine whether it can devise an administrative remedy to exempt this group of individuals from this section or whether clarifying legislation will be needed and to report back on its findings and actions to the Committees of jurisdiction by January 15, 1999.

Pension and Welfare Benefits Administration

SALARIES AND EXPENSES

The conference agreement appropriates $90,000,000, instead of $86,159,000 as proposed by the House and $88,076,000 as proposed by the Senate.

Employment Standards Administration

SALARIES AND EXPENSES

The conference agreement appropriates $314,000,000, instead of $312,333,000 as proposed by the House and $311,333,000 as proposed by the Senate. The agreement includes $1,000,000 in the Office of Labor-Management Standards to continue the development of a system for the electronic filing of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959 and for a computer database of the information for all submissions by whatever means that is indexed and easily searchable by the public through the Internet. The conference report fully funds the domestic child labor initiative requested in the budget.

The Department of Labor's Office of Workers' Compensation Programs (OWCP) is encouraged to continue working with the U.S. Postal Service and other Federal agencies to reduce medical costs under the Federal Employees' Compensation Act (FECA) without detracting from the quality of medical care provided to injured workers. OWCP should give careful consideration to incorporating private sector concepts into management of medical costs of the FECA program where such approaches will improve overall efficiency and are consistent with injured workers' right of first choice of physician and other statutory objectives.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $353,000,000, instead of $348,983,000 as proposed by the Senate and $336,678,000 as proposed by the House. The agreement contains the House amount of $40,943,000 for State consultation grants. It also includes $133,896,000 for Federal enforcement, instead of $123,316,000 as proposed by the House and $133,182,000 as proposed by the Senate.

The agreement does not include an earmark of not less than $300,000 for peer review of safety and health standards as proposed by the House. The Senate had no similar provision.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $211,165,000 as proposed by the Senate instead of $203,397,000 as proposed by the House. The detailed table at the end of this section of the joint statement of the managers reflects the allocation of funds agreed upon.

Safety training for workers continues to be a high priority for the mining industry and MSHA. The industry (the Coalition for Effective Miner Training) and MSHA both acknowledge that the current training regulations do not address the needs of the industry or of miners in the most effective manner and have agreed to work together to improve safety training. MSHA is directed to work with the affected industries, mine operators, workers, labor organizations, and other affected and interested parties to promulgate final training regulations for the affected industries by September 30, 1999. It is understood that these regulations are to be based on a draft submitted to MSHA by the Coalition no later than February 1, 1999. Furthermore, MSHA is expected to submit a report prior to its appropriations hearing on the FY 2000 budget outlining the progress that has been made and the Coalition is encouraged to submit a similar report prior to the close of the public rulemaking comment period. In addition, MSHA is directed to work with industry representatives and labor representatives during a transition period prior to the effective date of the regulations to ensure that mine operators and miners have sufficient opportunity to become aware of and familiar with the revised training rules. The conference agreement contains a technical amendment to the existing provision to allow MSHA to expend funds to propose and promulgate final training regulations for the workers at the mines affected by the prohibition.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

The conference agreement appropriates $398,870,000 as proposed by the House instead of $390,889,000 as proposed by the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement appropriates $191,131,000, instead of $163,770,000 as proposed by the House and $188,762,000 as proposed by the Senate. The conference agreement includes technical changes proposed by the Senate with respect to appeals of decisions made by the Benefits Review Board under the Longshore and Harbor Workers' Compensation Act.

Of this amount, up to $1,000,000 is for the purpose of awarding grants to one or more private, non-profit organizations for the purpose of developing and publicizing factual information about the use of child labor, creating innovative partnerships to address child labor, and organizing a public dialogue about best-practice solutions to the problem of child labor worldwide.

It is the intent of the conference agreement that the Department of Labor continue its work to establish a methodology and format for reporting regularly on the use of sweatshops in the production of apparel for import into the United States. It is now appropriate for the Department to conduct a pilot study to apply its methodology to working conditions in the apparel industry in a limited number of apparel-exporting countries, based on any indicators that have been developed by the Department.

The agreement includes $500,000 for the funding of the Twenty-First Century Workforce Commission as authorized by the Workforce Investment Act of 1998. This Commission is to conduct a study of the information technology workforce in the United States.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

The conference agreement includes two additional legal citations to title 38 of the United States Code as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $47,500,000, instead of $46,272,000 as proposed by the House and $48,500,000 as proposed by the Senate.

GENERAL PROVISIONS

JOB CORPS PAY CAP

The conference agreement includes a general provision limiting the use of Job Corps funds to pay the compensation of an individual at a rate in excess of Level III of the Executive Schedule, instead of $125,000 as proposed by the House. The Senate bill had no pay cap.

WELFARE-TO-WORK

The conference agreement includes a general provision as proposed by the Senate that has the effect of rescinding certain formula grant funds under the welfare-to-work program where States have not claimed the funds by the end of the fiscal year. The House had no similar provision.

OSHA PEER REVIEW

The conference agreement does not include a general provision proposed by the House that would have required the Occupational Safety and Health Administration to establish peer review panels to review the scientific and economic data which form the basis for any new safety or health standard. The Senate had no similar provision.

BLACK LUNG REGULATIONS

The conference agreement does not include a general provision proposed by the House that would have prohibited any final revisions to the black lung program regulations until the Office of Advocacy of the SBA and the Office of Information and Regulatory Affairs of the OMB have certified to the Congress that the revisions comply with the Small Business Regulatory Enforcement Fairness Act (SBREFA) and the Regulatory Flexibility Act. The Senate had no similar provision.

It is understood that procedural errors have occurred during the initial proposal process on these regulations and that the Department is currently addressing these. The Department is directed to be in full compliance with the Small Business Regulatory Enforcement Fairness Act (SBREFA) and the Regulatory Flexibility Act prior to finalizing these regulations. In addition, the Department is directed to provide advance notification to the Committees of any publication in the Federal Register having to do with these regulations.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes $4,108,040,000 for Health Resources and Services instead of $3,888,522,000 as proposed by the House and $3,885,900,000 as proposed by the Senate.

The conference agreement includes bill language identifying $65,345,000 for the construction and renovation of health care and other facilities instead of $30,000,000 as proposed by the Senate. The House bill contained no similar provision. These funds are to be used for the following projects: University of Pennsylvania School of Dental Medicine; Magee-Womens Hospital of Pittsburgh, PA; Philadelphia College of Osteopathic Medicine; Fulton County Medical Center in PA; Mercy Health System of Philadelphia; Heflin Human Genetics Center at University of Alabama; Montefiore Hospital in the Bronx, NY; Eastern Band of Cherokee Indians in NC; University of Colorado Health Sciences Center; Delta Health Center of Mound Bayou, MS; Jackson-Hinds Comprehensive Health Center, Jackson, MS; Alaska Family Practice Residency Program; repair and construction of health centers in Iowa; Lawton and Rhea Chiles Center for Healthy Mothers and Babies at University of South Florida in Tampa; University of South Carolina; National Jewish Hospital in Denver, CO; the National Center for Nanofabrication and Molecular Self-Assembly at Northwestern University, Evanston, IL; Northwestern Memorial Hospital; the Center for Research on Aging at Rush-Presbyterian-St. Luke's Medical Center in Chicago, IL; the Park DuValle Community Health Center in Louisville, KY; Memorial Hospital Southwest in Houston, TX; Little Flowers Children's Services, Wading River, NY; Englewood Hospital and Medical Center, Englewood, NJ; Bowman Gray School of Medicine in Winston-Salem, NC; Clearwater Free Clinic in FL; Residential Treatment Center in Hamburg, NY; Wilberforce University in Ohio; Central State University in Ohio; Children's Hospital in Washington, DC; Dickstein Cancer Treatment Center, White Plains Hospital, White Plains, NY; University of NC at Chapel Hill; Great Brook Valley Community Health Center in Mass; Worcester City Campus Corp. in Mass;

Tuskegee University in Alabama; University of Missouri—Columbia; and Oregon Health Sciences University.

The conference agreement includes bill language identifying $215,000,000 for the family planning program as proposed by the Senate instead of $202,903,000 as proposed by the House.

The conference agreement includes bill language identifying $461,000,000 for the Ryan White Title II State AIDS drug assistance programs. The House bill identified $385,500,000 and the Senate bill identified $311,000,000 to be available in fiscal year 1999 and $150,000,000 to be available in fiscal year 2000. Total funding for the Ryan White programs has been increased by $261,788,000 from the fiscal year 1998 level to a total of $1,411,300,000.

The agency is urged to use the increase provided for Title IV of the Ryan White CARE Act to expand services at existing Title IV projects to prevent perinatal HIV transmission and target services for women and youth. It is expected that training and technical assistance activities related to youth, women, and families affected by HIV will be increased for Title IV projects and Titles I–III according to the terms specified in an existing agreement between HRSA and the AIDS Policy Center for Children, Youth and Families.

The conference agreement provides $12,000,000 in additional funding to be targeted to addressing treatment outcome disparities in communities of color, and will complement existing and previously planned targeted HIV/AIDS minority activities. In allocating these funds, consideration should be given to the territories, such as in the Virgin Islands, where, for example, the HIV/AIDS case rate is more than twice the national case rate of 24.1 per 100,000. The conference agreement designates $5,000,000 in Title I supplemental funding and directs that these funds be allocated to eligible metropolitan areas that have 30% or more African American and Latino HIV/AIDS cases in an effort to improve the quality of care and health outcomes for African Americans living with HIV/AIDS; $3,000,000 in Title III to be used for targeted planning grants designed to build the HIV primary care capacity of indigenous organizations serving African American communities highly impacted by HIV/AIDS; $2,000,000 in Title IV to address the prevalence of HIV and AIDS among African American children; and $2,000,000 for subcontracts awarded through in AIDS Education and Training Centers to the Historically Black Colleges and Universities for the education of health care providers serving African American communities on the Guidelines for the Use of Antiretroviral Agents in HIV-Infected Adults and Adolescents as developed by the Department of Health and Human Services.

The conference agreement includes bill language designating $107,434,000 of the funds provided for the Maternal and Child Health block grant for special projects of regional and national significance (SPRANS) instead of $105,863,000 as proposed by the Senate and $103,863,000 as proposed by the House. This designation provides $5,000,000 more for SPRANS activities than would otherwise be the case under the statutory formula. It is intended that this amount be used for the continuation of the traumatic brain injury State demonstration projects as authorized by title XII of the Public Health Service Act. It is also expected that the agency will allocate $500,000 of the SPRANS set-aside for the third and final year of the fluoridation program begun in fiscal year 1997 in States with fluoridation levels below 25 percent.

The conference agreement includes bill language designating $2,000,000 for the Center for Sustainable Health Outreach at the University of Southern Mississippi in affiliation with Harrison Institute at Georgetown University for the establishment of demonstration programs that create model health access programs, health-related jobs and sustainability of community-based providers of health services in rural and urban communities and $1,250,000 for the American Federation for Negro Affairs Education and Research Fund.

There are concerns about reports that HRSA may make participation in the Section 340B drug pricing program a requirement for hemophilia treatment centers (HTCs) to receive grants from the Maternal and Child Health program. It is viewed that HTCs that choose to distribute clotting factor to their patients should purchase factor under the 340B program to obtain the lowest possible price; however, HTCs should not be required to distribute clotting factor as a condition of their MCH block grant. In addition, there is concern that some HTCs that distribute clotting factor may be excessively marking-up the cost of the factor to patients and public and private insurers. The Secretary is requested to provide a report within six months which would assess this issue.

The conference agreement provides $925,000,000 for consolidated health centers as proposed by the Senate instead of $924,883,000 as proposed by the House. Existing health centers are showing severe strains due to the growth in the number of uninsured seeking their care and the fact that the majority of centers have not had an increase in their grant funds in the past eight years. The increase provided would alleviate the problem and the Department is expected to allocate a substantial proportion of the increase to existing health centers.

From within the increase provided, HRSA is encouraged to increase its support for an existing demonstration, which is evaluating the benefits of linking the primary care services of community health centers with substance abuse treatment.

It is intended that $10,000,000 of the funding available for consolidated health centers will be made available for grants to assist health centers in meeting the necessary startup expenses for planning and organizing managed care networks and plans as proposed by the House instead of $6,000,000 as proposed by the Senate.

The conference agreement has deferred taking action on the recommendation contained in the Senate report regarding the new interstate nurse licensure compact, pending the resolution of several important issues concerning the compact. It is understood that several States have not endorsed the compact and some State Boards of Nursing and other nursing organizations have raised reservations about the compact.

It is intended that the agency may use up to $3,000,000 of the funding provided for the National Health Services Corps for State offices of rural health.

The conference agreement provides $304,265,000 for health professions instead of $303,818,000 as proposed by the House and $208,000,000 as proposed by the Senate. It is recognized that one of the barriers to meeting the health care needs of underserved and minority populations in urban areas is the inability to fill critical entry level positions in allied health. Many of these positions could be filled by participants in the Welfare to Work program. The conference agreement includes $1,000,000 within Allied Health Special Projects for the Illinois Community College Board (ICCB) to support a program to train and place welfare recipients in the greater Chicago urban area in the allied health fields using distance technology. It is expected that the ICCB will coordinate its efforts with the Illinois Department of Human Services. The conference agreement also includes $200,000 to support the demonstration proposal by the Utah Medical Education Council and Utah Area Health Education Centers.

The conference agreement provides $38,892,000 for rural health outreach grants instead of $32,592,000 as proposed by both the House and the Senate. Within the total provided, it is intended that funds be allocated for the following: $3,000,000 to continue the Southwest Alabama Network for Education and Telemedicine project; $500,000 for a proposal by the Children's Health Fund to implement a rural health initiative that would expand the availability and accessibility of comprehensive primary pediatric care to underserved rural communities, especially in rural areas of Mississippi, West Virginia, south Florida, and Arkansas; $250,000 for a project by the Low Country Health Care Systems; $1,000,000 for a proposal by the Louisiana State University Medical Center that would link a school of medicine, a biomedical research center, hospitals, rural clinics, and a strong telecommunications network to provide urgently needed health services, health education regarding genetic diseases, and vital research into hereditary neurodegenerative disorders such as Friedreich's ataxia and Usher syndrome which occur in the rural, medically underserved Acadian population of Louisiana at rates two and a half times the national average; $2,000,000 for a telemedicine proposal by the San Bernardino County Medical Center; $100,000 to allow Southeast Community College to wire and equip a state-of-the-art telelcommunications center on its Cumberland, Kentucky campus; $1,000,000 for the Marshfield Clinic to expand women's health services in rural areas through a mobile health clinic and database network; and $2,000,000 for the Center for Sustainable Health Outreach at the University of Southern Mississippi in affiliation with Harrison Institute at Georgetown University.

The conference agreement provides $21,670,000 for Hansen's Disease Services instead of $18,670,000 as proposed by both the House and the Senate. Within the total provided, $3,000,000 is to implement and evaluate Diabetes Lower Extremity Amputation Prevention programs in areas served by community health centers in the States of Louisiana, Alabama, Georgia, and Mississippi that also have high incidences of diabetes that result in lower extremity amputations and to include pilot programs in conjunction with the Louisiana State University School of Medicine, the University of South Alabama, and the Roosevelt Warm Springs Institute for Rehabilitation.

The conference agreement provides $25,000,000 to fully fund the Medicare Rural Hospital Flexibility Grants Program authorized in the Balanced Budget Act of 1997. This program will provide grants to States to help them improve access to essential health care services in rural communities by: (1) developing and implementing a rural health plan; (2) developing networks; (3) designating Critical Access Hospitals (CAHs); and (4) improving rural emergency medical services and other activities. It will provide support for local citizens, employers, and health care providers to conduct the community development activities that are necessary to identify their health care needs and design a local system of care to address them. For hospitals and other providers, this program will provide technical assistance and support to: (1) develop integrated networks of care; (2) examine the conversion to CAHs; and (3) improve information systems, quality assurance programs, and other activities. The conference agreement would provide for the operation of this program as a new activity by HRSA. This activity was included within the Health Care Financing Administration in the Senate bill. The House bill contained no similar provision. The agency is urged to provide assistance to the Bennett County Community Hospital in Martin, South Dakota, in developing innovative ways to improve health care access and outcomes for underserved rural populations, particularly Native Americans.

The conference agreement provides $119,000,000 for program management instead of $114,059,000 as proposed by the House and $120,000,000 as proposed by the Senate. Within the total provided, it is intended that $1,250,000 will be allocated to continue the efforts of the American Federation for Negro Affairs national education and research fund of Philadelphia and $250,000 is for the University of Northern Iowa Global Health Corps project.

VACCINE INJURY COMPENSATION

The conference agreement includes $100,000,000 for Vaccine Injury Compensation, as proposed by the Senate, for compensation of vaccine-related injuries associated with vaccines administered before October 1, 1988. The House bill contained no similar provision.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes $2,609,520,000 for disease control, research, and training instead of $2,591,433,000 as proposed by the House and $2,366,644,000 as proposed by the Senate.

The conference agreement includes bill language identifying $17,800,000 for Centers for Disease Control and Prevention (CDC) buildings and facilities instead of $12,800,000 as proposed by the House and $6,800,000 as proposed by the Senate. Included in this amount is $11,000,000 for Phase II of the infectious disease laboratory. The conference agreement also includes bill language not proposed in either House or Senate bills to allow the General Services Administration to enter into a single contract or related contracts for the full scope of this laboratory and that the solicitation and contract shall contain the clause "availability of funds" found in the Code of Federal Regulations.

The conference agreement includes a total of $94,573,000 for the National Center for Health Statistics instead of $84,573,000 as proposed by both the House and Senate. The conference agreement also includes bill language designating $67,793,000 of the total to be available to the Center under the Public Health Service one percent evaluation setaside instead of $59,232,000 as proposed by the House and $84,573,000 as proposed by the Senate.

The conference agreement does not include bill language designating $51,000,000 for a civilian stockpile of antidotes, antibiotics, and vaccines as proposed by the House. Funding for this activity is included in the Public Health Emergency Fund as proposed by the Senate.

The conference agreement includes bill language designating $51,000,000 for violence against women programs financed from the Violent Crime Reduction Trust Fund as proposed by the House instead of $43,000,000 as proposed by the Senate. The conference agreement includes funding for the Metropolitan Family Services' Coordinated Community Response to Violence project.

The conference agreement includes bill language not proposed by either House to allow CDC to incur obligations related to agreements with non-Federal entities without receipt of advance payment.

The table accompanying the conference agreement includes a breakout of program costs and salaries and expenses by program as proposed by the House. The Senate report did not include this breakout. Salaries and expenses activities encompass all non-extramural activities with the exception of program support services, centrally managed services, buildings and facilities, and the Office of the Director. It is intended that designated amounts for salaries and expenses are ceilings. The agency may allocate administrative funds for extramural program activities according to its judgment. Funds should be apportioned and allocated consistent with the table, and any changes in funding are subject to the normal notification procedures.

The conference agreement provides $13,500,000 for prevention centers instead of $12,000,000 as proposed by the House and $9,080,000 as proposed by the Senate. It is expected that the agency will fund all previously existing centers and provide them with a modest increase in funding. The conference agreement also provides $1,000,000 within this amount to establish a tobacco prevention research network.

The conference agreement disapproves the plan of the Department to require States to purchase vaccines for the Vaccines for Children Program with section 317 discretionary funds. All Vaccines for Children vaccines should be purchased with mandatory funding provided in the Omnibus Budget Reconciliation Act of 1993 for that purpose.

CDC is urged to continue working with State and local health agencies to determine the incidence and prevalence of traumatic brain injury and to establish education and prevention programs relating to traumatic brain injury. The conference agreement also supports a study on the cost-effectiveness of trauma systems as described in the House and Senate reports.

CDC is encouraged to collaborate with comprehensive, community based health-related organizations that have successfully developed systems of urban community health care to develop outreach and prevention models which address the needs of disadvantaged and minority populations.

There is support for the efforts by CDC and HRSA to assist in establishing a nationwide toll-free telephone number linking certified poison control centers with a nationwide databank. CDC is encouraged to support an ongoing public service media campaign to familiarize the public with the toll-free number and its services.

There is support for the agencies commitment to improving the health status of minority and disadvantaged individuals. CDC is urged to continue the innovative program being undertaken at Haymarket Center involving the coordination of preventative care with substance abuse treatment.

There is support for the establishment of a CFIDS patient registry at CDC to identify patients for follow-up laboratory and longitudinal studies and to track patterns of morbidity and mortality in this illness.

The conference agreement concurs in language contained in the Senate report regarding promising research on plant-delivered oral vaccines being undertaken at the Thomas Jefferson University Center for Biomedical Research. It is noted that there is other promising research being conducted at the Center involving the treatment and diagnosis of hepatitis B and C viruses and glycoprocessing inhibitors and CDC is encouraged to give consideration to supporting these important areas of research.

The conference agreement includes $30,821,000 over the Administration request for the following chronic and environmental disease prevention program priorities: environmental health lab; radiation; asthma; birth defects; cardiovascular disease; oral health; arthritis; cancer registries; research to the classroom; and chronic fatigue syndrome. Sufficient funds are also included to: continue the community-based diabetes intervention program for the Navajo and other native Americans located at the Indian Diabetes Center in Gallup, New Mexico; provide Marshall University's Autism Training Center an increase of $400,000 to expand services to families with autism; implement the recommendations of the evaluation of the C. Everett Koop Community Health Information Center, to strengthen the center and to disseminate the results of its evaluation to professional medical societies throughout the country; and fully fund the request for prevention and cessation activities related to smoking.

The total amount provided for chronic and environmental disease prevention also includes $25,000,000 for CDC to carry out the American Stop Smoking Intervention Study (ASSIST) as proposed by the House. The Senate report had specified that funds be transferred from the National Cancer Institute to CDC.

Sufficient funds are included within breast and cervical cancer screening to provide $200,000 for the Women Reaching for Wellness: Promoting Breast Health for American Indian Women in Montana and Northern Wyoming program at Saint Vincent Hospital in Billings, Montana and $250,000 for screening activities at the Montgomery County, Pennsylvania Health Department.

Sufficient funds are included within the National Institute for Occupational Safety and Health to expand efforts to implement the national occupational research agenda, fully fund the intramural research program at the Morgantown, WV facility, and provide $1,000,000 to augment activities of the Colorado School of Mines.

The conference agreement provides $15,000,000 for prevention research instead of $10,000,000 as proposed by the House. The Senate bill contained no similar provision.

The conference agreement provides $10,000,000 for health disparities demonstrations as proposed by the Senate. The House bill contained no similar provision. The conference agreement also provides additional funding for health disparities activities in existing programs throughout the Department. It is expected that the Secretary will provide the House and Senate Appropriations Committees with a detailed proposal of how these funds will be coordinated and expended to reduce health disparities in minority populations.

The conference agreement includes $18,000,000 in additional funding to be targeted to addressing urgent HIV prevention needs in the African American community. In allocating the funds, consideration should be given to the territories, such as in the Virgin Islands, where, for example, the HIV/AIDS case rate is more than twice the national case rate of 24.1 per 100,000. These funds will compliment existing and previously planned targeted HIV/AIDS minority activities, and are to be allocated on the following basis:

—$10,000,000 is included for the Directly Funded Minority Community Based Organization Program to fund grant applications from indigenous organizations with a history of providing services to the African American community to target the high risk populations of women, youth and men;

—$4,000,000 is included for the creation of new community development grants to 20 African American communities highly impacted by HIV/AIDS. The funding will support needs assessments and planning processes to integrate HIV, STD, TB, substance abuse prevention, treatment and care;

—$2,500,000 is for technical assistance to grantees under the Directly Funded Minority Community Based Organizations, to be provided by national, regional, and local minority organizations; and

—$1,500,000 is included for CDC Faith-Based Initiative program to develop HIV and substance abuse prevention training grants and curriculum at the divinity schools of the Historically Black Colleges and Universities; capacity building grants for Faith centered direct service programs; and provide coordination for community planning leadership, and program, development.

The CDC is urged to insitute program guidance and oversight mechanisms to ensure that the Prevention Community Planning Groups priorities are accurately reflected in the state or local plan submitted for grant awards to the CDC, and that the funding awarded corresponds to the demographics of the local epidemic and the identified needs.

The conference agreement provides $10,000,000 for CDC to implement section 2625 of the Public Health Service Act, CDC Guidelines for Pregnant Women. It is noted that the implementation of voluntary testing and treatment of pregnant women is working exceptionally well and that the vast majority of women agree to be tested on a voluntary basis. In the last three years, the number of newly reported pediatric AIDS cases related to perinatal HIV transmission fell 55 percent. It is believed that priority for funding should be placed on outreach, counseling, and voluntary testing of pregnant women rather than mandatory testing of newborns.

The conference agreement endorses Congress' intent to invest in HIV prevention programs and interventions to stem the tide of new HIV infections. CDC is directed to allocate a significant proportion of the HIV/AIDS program for grants and cooperative agreements for HIV prevention programs.

Knowledge of HIV status is essential because it allows individuals to make informed decisions about treatment and prevention of further transmission. Therefore, CDC is encouraged to undertake activities, in consultation with academic researchers and community groups, that will encourage individuals at risk to be tested. CDC is further encouraged to carefully review any policies that may deter individuals, particularly individuals and groups at highest risk, from knowing their HIV status. Similarly, CDC is urged to undertake activities to improve referral from publicly funded testing sites to primary care.

It is agreed that there is a need for demonstration projects to evaluate the effectiveness of CDC's model death scene protocol for Sudden Infant Death Syndrome.

Between 1985 and 1991, 82 percent of Salmonella outbreaks were traced to contaminated shell eggs. It is understood that a new pasteurization technology has been developed employing heat and water which achieves the established FDA standards for the destruction of all strains of Salmonella commonly found in shell eggs. The technology preserves egg quality during extended refrigerated storage without materially changing either the aesthetics or the physical characteristics from those of a fresh raw egg. CDC is urged to work with other Federal agencies to assess various methods to improve egg safety.

NIOSH is to be commended on its commitment to ongoing partnership with the occupational safety and health broader researcher community, public and private. Partnership structures, which are key to the development of NORA, are no less important in the implementation phase. NIOSH is urged to work with its partners to augment resources available to the Institute for NORA research. In particular, NIOSH is encouraged to continue partnering with the NIH to co-sponsor and fund extramural research in relevant NORA priority areas.

NATIONAL INSTITUTES OF HEALTH

National Cancer Institute

The conference agreement includes $2,927,187,000 for the National Cancer Institute as proposed by the Senate instead of $2,787,830,000 as proposed by the House.

The conference agreement deletes without prejudice the Senate bill language specifying $175,000,000 for prostate cancer research at the National Institutes of Health. The House bill contained no similar provision. It is agreed that spending for prostate cancer research over the years has not kept sufficient pace with the scientific opportunities and the proportion of the male population who are afflicted with this disease. This has resulted in significant gaps in scientific and clinical knowledge that contribute to the ongoing morbidity and mortality directly attributable to prostate cancer.

To address this shortcoming, NIH is strongly urged to make prostate cancer a top priority in allocating funding increases. The agency is expected to accelerate spending on prostate cancer, taking into account the recommendation contained in the Senate report and bill. It is further expected that NIH will consult closely with the research community, clinicians, patient advocacy groups, and the Congress to identify promising new avenues of basic and clinical research. The agency is directed to develop a report to be presented to the House and Senate Committees on Appropriations within six months outlining the professional judgment for prostate cancer research for the next five years. The Secretary and the Director should also be prepared to discuss actions taken in planning, funding, and implementing the agency's prostate cancer research portfolio for fiscal years 1999 and 2000.

Despite impressive NIH progress in the area of brain cancer research and development, there are still concerns with the growth rate of such tumors and NCI should continue to place a high priority on brain tumor research. The conference agreement supports the approach of using centers of excellence to conduct basic, translational, and clinical research to determine the cause, mechanisms of development, and better methods of treatment and prevention of primary and secondary brain tumors.

The conference agreement concurs with Senate report language regarding the need for a comprehensive initiative designed to assist in minority cancer control, prevention, and treatment and notes that the Early Detection Breast Cancer Program consortium in south Florida is currently addressing the needs of the minority population with a concentrated and coordinated research and treatment effort. NCI is encouraged to provide increased funding for a breast cancer research initiative designed to assist in minority cancer control, prevention, and treatment.

The Institute is urged to work with NIOSH to enhance extramural research in relevant NORA priority areas such as cancer research methods, special populations at risk, mixed exposures, risk assessment methods, and exposure assessment methods.

National Heart, Lung and Blood Institute

The conference agreement includes $1,793,697,000 for the National Heart, Lung and Blood Institute as proposed by the Senate instead of $1,720,344,000 as proposed by the House.

The conference agreement concurs with language in the House and Senate reports concerning the importance of the Institute establishing a network of collaborative clinical centers for research into Cooley's anemia.

The conference agreement supports research in the areas of ischemic injury, perioperative medicine, and preventative measures to reduce cardiovascular disease and further support collaborative efforts to expand a comprehensive national cardiopulmonary disease prevention program with particular emphasis on risk assessment, promotion of healthy behavior, and independent quality control and evaluation.

The Institute is urged to enhance research on sleep disorders and continue its support for sleep education programs targeted at elementary and secondary school students.

National Institute of Dental and Craniofacial Research

The conference agreement includes $234,338,000 for the National Institute of Dental and Craniofacial Research instead of $228,961,000 as proposed by the House and $233,588,000 as proposed by the Senate.

National Institute of Diabetes and Digestive and Kidney Diseases

The conference agreement includes $994,218,000 for the National Institute of Diabetes and Digestive and Kidney Diseases as proposed by the Senate instead of $951,203,000 as proposed by the House.

The conference agreement concurs with Senate report language regarding the need for expanded research into Type I, or juvenile, diabetes. NIDDK and other NIH Institutes with an interest in diabetes are encouraged to focus additional resources in this critically important area.

The conference agreement provides sufficient funding for NIDDK to expand its efforts into funding special initiatives focusing on higher-risk, innovative research in high priority areas.

National Institute of Neurological Disorders and Stroke

The conference agreement includes $903,278,000 for the National Institute of Neurological Disorders and Stroke as proposed by the Senate instead of $851,066,000 as proposed by the House.

The Institute is encouraged to expand efforts in the area of epilepsy research, specifically for intractable or uncontrolled epilepsy.

Progressive supranuclear palsy is a rare but distinct neurodegenerative disease affecting approximately 10,000 or more patients. The Institute is urged to support research in this area through all available mechanisms including the testing of neurotrophic factors that delay disease progression.

National Institute of Allergy and Infectious Diseases

The conference agreement includes $1,570,102,000 for the National Institute of Allergy and Infectious Diseases instead of $1,540,102,000 as proposed by the Senate and $1,470,460,000 as proposed by the House.

Autoimmune diseases such as multiple sclerosis, rheumatoid arthritis, diabetes, and lupus affect millions of Americans and disproportionately affect women and minorities. It is believed that enhanced research in this area holds the potential to cure and prevent many diseases. In addition, more needs to be known about the specific environmental agents that are causing the onset of the diseases, genetic susceptibility, and how the body regulates the autoimmune response. Therefore, NIAID is strongly urged to expand its research efforts to capitalize on recent discoveries of autoimmune reactions and newly developed treatments that can suppress immune responses without toxic side effects. It is understood that the NIH Autoimmune Diseases Coordinating Committee should provide greater coordination and renewed focus for autoimmunity research on the NIH campus.

National Institute of General Medical Sciences

The conference agreement includes $1,197,825,000 for the National Institute of General Medical Sciences as proposed by the Senate instead of $1,150,840,000 as proposed by the House.

National Institute of Child Health and Human Development

The conference agreement includes $750,982,000 for the National Institute of Child Health and Human Development instead of $728,817,000 as proposed by the House and $748,482,000 as proposed by the Senate.

The conference agreement concurs with language contained in the House report relating to reading disabilities.

National Eye Institute

The conference agreement includes $395,857,000 for the National Eye Institute instead of $383,447,000 as proposed by the House and $395,261,000 as proposed by the Senate.

National Institute of Environmental Health Sciences

The conference agreement includes $375,743,000 for the National Institute of Environmental Health Sciences as proposed by the Senate instead of $356,047,000 as proposed by the House.

The Institute and the Office of Research on Minority Health are cooperating to address environmental health effects in underserved and minority populations. NIEHS is urged to enhance support for previously selected environmental health effects/minority health centers. Special emphasis should be given to developing improved capabilities in clinical environmental health and community outreach in the areas of human health and environmental medicine.

The Institute is urged to work with NIOSH to enhance extramural research in relevant NORA priority areas such as indoor environment, fertility and pregnancy abnormalities, hearing loss, mixed exposures, emerging technologies, cancer research methods, exposure assessment methods, and risk assessment methods.

National Institute on Aging

The conference agreement includes $596,521,000 for the National Institute on Aging as proposed by the Senate instead of $565,574,000 as proposed by the House.

The Institute, working in collaboration with NINDS and NIMH, is urged to launch a full-scale prevention initiative aimed at stopping Alzheimer's disease among those who may not exhibit symptoms for several years.

It is noted that there has been a significant growth of research on osteoporosis, Paget's disease, and related bone diseases. The Institute is encouraged to further expand and intensify its research programs on these bone diseases.

The Institute is urged to work with NIOSH to enhance extramural research in relevant NORA priority areas such as special populations at risk, hearing loss, low back disorders, traumatic injuries, asthma and chronic obstructive pulmonary disease, musculoskeletal disorders of the upper extremities, and organization of work.

National Institute of Arthritis and Musculoskeletal and Skin Diseases

The conference agreement includes $308,164,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases instead of $296,668,000 as proposed by the House and $304,320,000 as proposed by the Senate.

Osteogenesis Imperfecta (OI), more commonly known as Brittle Bone Disease, is a rare genetic disorder for which there is presently no cure. NIH is encouraged to expand its support for research into the causes, diagnosis, treatment, prevention, and eventual cure of OI and to coordinate public research efforts on OI with those supported by the private sector.

National Institute on Deafness and Other Communication Disorders

The conference agreement includes $229,887,000 for the National Institute on Deafness and Other Communication Disorders as proposed by the Senate instead of $216,995,000 as proposed by the House.

National Institute of Nursing Research

The conference agreement includes $69,834,000 for the National Institute of Nursing Research as proposed by the Senate instead of $68,198,000 as proposed by the House.

National Institute of Alcohol Abuse and Alcoholism

The conference agreement includes $259,747,000 for the National Institute of Alcohol Abuse and Alcoholism as proposed by the Senate instead of $248,778,000 as proposed by the House.

National Institute on Drug Abuse

The conference agreement includes $603,274,000 for the National Institute on Drug Abuse as proposed by the Senate instead of $575,426,000 as proposed by the House.

National Institute of Mental Health

The conference agreement includes $861,208,000 for the National Institute of Mental Health as proposed by the Senate instead of $815,707,000 as proposed by the House.

National Human Genome Research Institute

The conference agreement includes $264,892,000 for the National Human Genome Research Institute instead of $246,111,000 as proposed by the House and $249,891,000 as proposed by the Senate.

National Center for Research Resources

The conference agreement includes $554,819,000 for the National Center for Research Resources as proposed by the Senate instead of $513,948,000 as proposed by the House. The conference agreement also includes bill language designating $30,000,000 for extramural facilities construction grants as proposed by the Senate instead of $20,000,000 as proposed by the House.

The possible use of non-destructive evaluation methods to improve diagnostic capabilities in medicine is encouraging. Research in the area of developing computer simulations, virtual imaging environment, and quantitative characterization for radiology, CT, ultrasound and magnetic resonance and others should be investigated. The Director is encouraged to support research in the area of non-destructive evaluation techniques and medical diagnostics.

John E. Fogarty International Center

The conference agreement includes $35,426,000 for the John E. Fogarty International Center as proposed by the Senate instead of $30,367,000 as proposed by the House.

National Library of Medicine

The conference agreement includes $181,309,000 for the National Library of Medicine as proposed by the Senate instead of $176,492,000 as proposed by the House.

Office of the Director

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $306,559,000 for the Office of the Director instead of $254,145,000 as proposed by the House and $302,947,000 as proposed by the Senate.

The conference agreement includes a designation in bill language of $43,493,000 for the operations of the Office of AIDS Research as proposed by the Senate instead of $41,752,000 as proposed by the House. It is understood that within the total funding for NIH provided in the conference agreement, NIH would intend to spend $1,792,916,000 on AIDS research. It is also understood that this total may be modified depending on changing scientific opportunities and the recommendations of various advisory bodies.

The conference agreement includes a designation in bill language of $50,000,000 for the Center for Complementary and Alternative Medicine as proposed by the Senate. The conference agreement also includes language providing that not less than $20,000,000 of the funding made available for the Center shall be for peer reviewed complementary and alternative medicine research grants and contracts that respond to program announcements and requests for proposals issued by the Center as proposed by the Senate. The House bill contained no similar provisions.

The Office of Rare Diseases (ORD) is to be commended for its leadership in the development and implementation of databases to match patients with ongoing or planned clinical research projects and in the convening of scientific workshops and symposia to identify and stimulate research on rare diseases. ORD is encouraged to expand initiatives to equip the NIH to respond to inquiries of patients, care givers, research investigators, and health care providers about genetic and rare disorders and to stimulate rare disorders research. ORD is also encouraged, with the assistance of the research Institutes and centers of the NIH, to review the existing infrastructure of biological samples, human cell, and tissue banks supported by the NIH and develop an information program to publicize the availability of these resources and the methods to contribute or gain access to these samples for research purposes. The conference agreement notes the fact that the Report from the Special Emphasis Panel on the Coordination of Research on Rare Diseases is near completion and endorses the collaboration with the Food and Drug Administration to provide support for toxicity studies for gene vectors for rare disorders.

The Office of Dietary Supplements (ODS) is encouraged to continue its research into the bioavailability of dietary supplements as it affects the efficacy of these products. In conjunction, it is recommended that ODS ensure this research includes studying the comparative disintegration of such products in the digestive system as a prerequisite for their bioavailability. ODS is also urged to enhance efforts in the areas of chromium supplementation and diabetes and the development of a botanical research initiative.

The conference agreement supports the fiscal year 1999 funding level proposed in NIH budget documents for Parkinson's disease. Consistent with the enactment of the Morris K. Udall Parkinson's Research Act of 1997, NIH is expected to utilize resources for research focused on Parkinson's disease such as where the principal focus of the research is the cause, pathogenesis, and/or potential therapies or treatment for Parkinson's disease.

Stress contributes to a host of medical conditions confronted by health care practitioners. In addition to pharmaceutical and surgical approaches used to treat stress-related illnesses, mind/body approaches such as the relaxation response have been used to successfully treat these disorders. The agency is urged to use all available mechanisms, including establishing two to five mind/body centers, to make more visible the benefits of mind/body medicine. It is also noted that existing centers have expertise to accelerate work in this field, and the Director is encouraged to establish partnerships between new and existing centers to expand the scientific base in the field of mind/body medicine and teach and train health care professionals in these approaches.

There are limited options at the present time for the treatment of multiple sclerosis. A number of investigators and companies are conducting promising research on T-cell receptor vaccines that could be used as therapy for multiple sclerosis and other autoimmune diseases such as rheumatoid arthritis, myasthenia gravis, and psoriasis. The NIH is encouraged to enhance research in this area through all available mechanisms, including clinical trials.

NIH is encouraged to increase funding for Behcet's Syndrome, which is a rare chronic relapsing inflammatory disorder characterized by recurrent mouth ulcers, inflammation of the eyes, genital ulcers, rashes, and/or other symptoms.

From within the total funding provided for the various Institutes, centers and divisions, it is anticipated that funding for the pediatric research initiative will be increased above last year's level. These funds are made available directly to the Institutes through the NIH Areas of Special Emphasis, which target those areas of research opportunity most likely to yield greater returns on the Federal investment in biomedical research. The Director is expected to provide overall leadership for and coordination of these extramural research activities devoted to children's illnesses and conditions.

The conference agreement concurs with House report language regarding the use of contractor assistance in the implementation of the administrative structure and costs report. It is believed that the implementation of the reports recommendations are critical to ensuring that NIH has the capacity to absorb the resources provided efficiently and effectively.

The Director is urged to provide funding to the Office of Research on Minority Health (ORMH) in addition to existing and previously planned activities for the purpose of increasing the number of African American principal investigators funded to conduct HIV behavioral and clinical research targeting the links between substance abuse, sexual behaviors and the extraordinary HIV infection rates in African Americans. Special emphasis should be placed on research into ways of breaking this linkage. Research designed to build a culturally competent community knowledge base in areas hardest hit by HIV/AIDS is also a priority. The ORMH is urged to expand support to non-traditional organizations in the Black Faith community, in particular those which are able to play a critical role in outreach to individuals who live in areas hardest hit by HIV/AIDS would also be a priority. This is an effort to improve the quality of care and health outcomes for African Americans and other minorities that are at risk for and living with HIV/AIDS. In allocating these funds, consideration should be given to the territories, such as in the Virgin Islands, where, for example, the HIV/AIDS case rate is more than twice the national case rate of 24.1 per 100,000.

The Director is urged to expand and strengthen population based research to more effectively target at-risk persons, address community norms and support the adoption of HIV risk reduction behaviors and sustain behavioral change among high risk populations. Such activities should specifically consider targeting: pregnant and parenting teenagers and their sexually active partners; African American heterosexual men in age specific populations; African American women in age specific populations ranging within the child bearing ages of 15 to 44; and provide for risk reduction for crack cocaine abusing youth who participate in the sex for drugs trade that is associated with such drug use.

The Director is urged to cooperate in completing the Institute of Medicine study on cancer among minorities and the medically undeserved, and to provide timely access to requested data to enable the IOM to complete the study in an expeditiou fashion. The Director is expected to report on the study's progress during the hearings on the fiscal year 2000 budget request.

BUILDINGS AND FACILITIES

The conference agreement includes $237,519,000 instead of $224,599,000 as proposed by the House and $263,822,000 as proposed by the Senate. The conference agreement provides for $90,000,000 for the Clinical Research Center in fiscal year 1999 and $40,000,000 in fiscal year 2000 as proposed by the Senate. The House bill included funding for the Clinical Research Center only for fiscal year 1999.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

The conference agreement provides a program level of $2,488,005,000 for substance abuse and mental health services instead of $2,458,005,000 as proposed by the House and $2,151,643,000 as proposed by the Senate.

The conference agreement does not include bill language proposed by the House that identified $10,000,000 for grants to rural and Native American projects. The Senate bill contained no similar provision. The conference agreement concurs with Senate report language regarding the CSAP and CSAT grants reserved for rural and native communities.

The conference agreement includes bill language identifying $300,000 for the Philadelphia City-wide Improvement and Planning Agency for a youth mentoring program.

The conference agreement includes a general provision to allow funds allocated to the States for the substance abuse block grant and the mental health block grant to be allocated according to current law which would incorporate the Secretary's decision to change the wage proxy to the use of non-manufacturing wages. In doing so, it is agreed that, for the substance abuse block grants, each State will receive no less than 30.65 percent of the percentage increase of the overall block grant amount. It is also agreed that small States will receive a minimal allotment of .375 percent of the appropriation for the substance abuse block grant except that no small State's allotment shall be increased in 1999 more than 300 percent of the percentage increase in the overall funding for the block grants. The Senate bill contained language that required each State to receive the same allotment in fiscal year 1999 as it did in fiscal year 1997. The House bill contained no similar provision. The conference agreement includes $40,000,000 within the Center for Mental Health KDA program to improve mental health services for children with emotional and behavioral disorders who are at-risk of violent behavior. There are concerns about the recent outbreaks of violence in our Nation's schools and it is believed that one important tool to address this problem is to improve children's mental health services. This additional funding will assist schools in identifying and addressing the mental health needs of children and preventing aggressive behaviors. Schools are an ideal location for children's mental health activities because they facilitate peer-based programs, comprehensive approaches, and access to professionals in a familiar environment where many of the problem behaviors occur. It is intended that SAMHSA will collaborate with the Department of Education to develop a coordinated approach.

The conference agreement provides $2,000,000 from the Center for Mental Health Services KDA program and $3,000,000 from the Center for Substance Abuse Treatment KDA program for a joint award to fund the development of an integrated service delivery system in the State of Alaska to provide both mental health and substance abuse treatment services.

The conference agreement provides $1,000,000 for assistance to rural areas in Alaska to support the expansion of services for women and children as part of the Targeted Capacity Expansion Program.

The conference agreement includes sufficient funds for a national mental health self-help information resource center and recommends that the agency provide funds to support such a center.

The conference agreement supports the initiative to collect State-level substance abuse data, but has not provided separate, line item funding. Instead, consistent with the fiscal year 1998 conference agreement, the agency is expected to fund this project from the five percent set-aside in the substance abuse block grant.

The conference agreement provides $22,000,000 in additional, targeted funding to compliment existing and previously planned targeted HIV/AIDS minority activities to strengthen abuse treatment and prevention programs that include an HIV component. These funds should also be used to address the HIV epidemic in the territories, such as in the Virgin Islands where, for example, the HIV/AIDS case rate is more than twice the national case rate of 24.1 per 100,000.

Within the total amount provided, $16,000,000 is for the Center for Substance Abuse Treatment, of which $9,000,000 shall be used for comprehensive residential treatment for women and their children, and $7,000,000 shall be dedicated to treatment programs serving youth and men; and $6,000,000 is for the Center for Substance Abuse Prevention to be targeted to prevention services for African American Youth.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

The conference agreement includes $100,408,000 in appropriated funds as proposed by the House instead of $50,000,000 as proposed by the Senate.

The conference agreement designates $70,647,000 to be available to the Agency for Health Care Policy and Research under the Public Health Service one percent evaluation set-aside as proposed by the House instead of $121,055,000 as proposed by the Senate.

The Henry Ford Health System has a proposal to develop a collaborative, interdepartmental effort focused on the advanced use of patient demographic and clinical data. The agency is encouraged to review the proposal's merits.

The Community Health Assessment and Development Program has a proposal to develop an urban improvement program involving integrated data and outcome measures to health care providers in the northeast Ohio area. The agency is encouraged to review the proposal's merits.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

The conference agreement makes available $1,946,500,000 for program management instead of $1,942,500,000 as proposed by the House and $1,685,550,000 as proposed by the Senate. The Senate bill assumed that the Administration's user fee proposal would be enacted prior to conference. Included within this amount is $4,000,000 to improve the survey and certification and enforcement process to insure that nursing home residents receive the quality of care required by the Nursing Home Reform Act of 1987. An additional appropriation of $560,000,000 has been provided for this account in the Health Insurance Portability and Accountability Act of 1996.

The conference agreement includes bill language identifying $1,000,000 for the National Bipartisan Commission on the Future of Medicare instead of $600,000 as proposed in both House and Senate bills. The conference agreement also deletes language contained in both bills, but is no longer needed, that directs the Commission to examine the impact health research has on Medicare costs as well as the potential for coordinating Medicare with cost-effective long-term care services.

The conference agreement includes bill language identifying $45,000,000 for the transition to a single Part A and Part B processing system and Year 2000 century conversion requirements of external contractor systems. The House and Senate bills provided $45,000,000 and $25,000,000, respectively, only for transition to a single Part A and Part B processing system.

The conference agreement includes bill language identifying $2,000,000 of the funds available for research, demonstration, and evaluation activities to continue demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensure maximum control by the consumer to select and manage their attendant care services. The House bill contained no similar provision.

The conference agreement provides for the Medicare rural hospital flexibility grants program under the Health Resources and Services Administration instead of HCFA as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes $2,000,000 to support research conducted by the Sinclair School's Tiger Place to develop a comprehensive elderly health care delivery model evaluation.

The conference agreement includes $2,000,000 within research to conduct a demonstration of residential treatment facilities at the AIDS Healthcare Foundation in Los Angeles.

The agency is encouraged to give strong consideration to reclassifying Iredell County, North Carolina to the large urban area of Charlotte-Gastonia-Rock Hill, North Carolina for the purposes of Medicare hospital reimbursement.

The agency is urged to extend the chronic ventilator-dependent unit demonstration at Temple University Hospital for one additional year. It is expected that this project will be permanently authorized after next year and this extension will no longer be needed.

The conference agreement recommends the Secretary base retaining or changing the current requirement of physician supervision of anesthesia services in Medicare on scientifically valid outcomes data. Concern has been expressed regarding HCFA's proposed elimination of this requirement which has been in effect since the inception of the Medicare program. The conference agreement further suggests that the Secretary request the Agency for Health Care Policy and Research to work with HCFA in a design and implementation of an outcome approach that would examine, utilizing existing Medicare operating room anesthesia data, mortality and adverse outcome rates by different anesthesia providers, adjusted to patient acuity, and other relevant scientific variables. This methodology should be developed after consultation with the relevant national professional organizations. Nothing in this report shall be construed as encouraging, discouraging, or delaying HCFA from removing or retaining the current physician supervision requirement.

The conference agreement concurs with language contained in the House report and includes funds to demonstrate and evaluate family and community responses to the care of the elderly.

The Secretary is urged to consider a demonstration program to evaluate the potential savings to the Federal government and the level of quality improvement attainable by using managed care techniques in Federal health care programs relating to clinical laboratory services, including the use of preferred provider networks and selective contracting.

There is concern about the large disparity between the costs incurred by clinical laboratories to provide manual screening Pap tests and the amount currently paid by Medicare. Data from laboratories nationwide that provide service indicates that the cost of providing the test averages $13.00 to $17.00, with the costs in some areas being higher, yet Medicare currently pays $7.15. It is believed that adequate payment is a necessary component of ensuring women's access to quality Pap smears. The agency is urged to act as soon as possible to increase the Medicare payment for the screening Pap smear.

The agency is further urged to provide for a commensurate increase in the payment rate for new cervical cancer screening technologies that have been approved by the Food and Drug Administration as significantly more effective than the conventional pap smear. It is recognized that access to the best cervical cancer screening techniques is particularly important to low-income, minority, and elderly women covered by Medicare who in too many cases do not receive regular preventive screenings.

The agency is urged to carry out an outreach campaign to increase utilization of pneumococcal and flu vaccines for Medicare beneficiaries as authorized by the Balanced Budget Act of 1997.

HCFA should be commended for its efforts in California and elsewhere to develop and disseminate culturally and linguistically appropriate HIV/AIDS-related education models for minority women of childbearing age and health care providers. HCFA is encouraged to continue its efforts to coordinate the broader development and dissemination of multimedia education materials needed to reach this population, including managed care organizations, community health centers, States and community-based organizations.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

The conference agreement includes bill language proposed by the Senate to allow reimbursement payments to States under the old Aid to Families with Dependent Children program, subject to the limitations in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The House had no similar provision.

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

The conference agreement does not include the rescission of the fiscal year 1999 appropriation that was contained in the House bill. The Senate bill contained no rescission of these funds which were appropriated in the fiscal year 1998 appropriations bill. The agreement also includes an emergency appropriation for fiscal year 1999 of $300,000,000 as proposed by the Senate. The House bill included no emergency appropriation. The agreement also includes an advance appropriation for fiscal year 2000 in the amount of $1,100,000,000 as contained in both the House and Senate bills.

The conference agreement provides that in both fiscal years 1999 and 2000 up to $27,500,000 is to be used for the leveraging incentive fund.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes $415,000,000 as proposed by the Senate instead of $415,165,000 as proposed by the House. It is understood that approximately $20,000,000 will be available in 1999 from 1997 carryover funds; these funds shall be used under social services to increase educational support to schools with a significant proportion of refugee children and for the development of alternative cash assistance programs that involve case management approaches to improve resettlement outcomes. Such support should include intensive English language training and cultural assimilation programs.

The conference agreement provides $220,698,000 for transitional and medical services, a decrease of $10,000,000 below the House and Senate bills. This reduction reflects lower estimates of 1998 program costs that are continued into 1999. The funding level for transitional and medical services is sufficient to continue the policy of providing eight months of assistance to new arrivals.

The conference agreement provides $139,990,000 for social services, an increase of $5,000,000 over the House and $10,000,000 over the Senate. The conference agreement includes $26,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance, and $14,000,000 to address the needs of refugees and communities impacted by the recent changes in Federal assistance programs relating to welfare reform. The agreement includes $19,000,000 for assistance to communities impacted by Cuban and Haitian entrants and refugees whose arrivals in recent years have increased.

The conference agreement includes $4,835,000 for preventive health as proposed by the Senate. The House bill consolidated this activity into social services.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

The conference agreement appropriates $1,182,672,000 as an advance appropriation for fiscal year 2000 as proposed by the Senate, instead of $1,000,000,000 as proposed by the House. The agreement further provides that $19,120,000 shall be for child care resource and referral and school-aged child care activities as proposed by the Senate. The House had no similar provision. The agreement includes language proposed by the Senate modified to require the States to utilize $50,000,000 above the amount required by section 658G of the basic law for activities that improve the quality of infant and toddler child care for fiscal year 1999. The House had no similar provision. The agreement includes language to require the States to utilize $222,672,000 above the amount required by the basic law for activities that improve the quality of child care for fiscal year 2000, including $50,000,000 specifically for infant and toddler child care. The Senate bill specified $50,000,000 for that purpose. The basic law requires that not less than four percent of the appropriation be used for such activities. Finally, the agreement includes $10,000,000 for the Secretary to carry out research, demonstration and evaluation projects in fiscal year 2000.

SOCIAL SERVICES BLOCK GRANT

The conference agreement includes $1,909,000,000 as proposed by the Senate instead of $2,299,000,000 as proposed by the House. The agreement modifies a provision included in both bills that limits the ability of States to transfer TANF funds to the Social Services Block Grant. The transfer percentage allowed in fiscal years 1999 and 2000 will be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

The conference agreement appropriates $6,137,087,000, instead of $5,946,820,000 as proposed by the House and $6,113,784,000 as proposed by the Senate. In addition, the agreement rescinds $21,000,000 from permanent appropriations as proposed by both the House and Senate.

The agreement does not include an advance appropriation of $1,365,000,000 for Head Start for fiscal year 2000 proposed by the Senate. All Head Start funds in the conference agreement are fiscal year 1999 appropriations.

The agreement appropriates $105,000,000 from the Violent Crime Reduction Trust Fund as proposed by the House instead of $101,000,000 as proposed by the Senate.

The agreement includes language proposed by the Senate providing that $10,000,000 shall be available for establishing Individual Development Accounts, contingent upon the enactment of authorizing legislation. The House had no similar provision. Also included is an additional citation to the Social Security Act as proposed by the Senate.

Within the amount provided for child abuse discretionary activities, $1,000,000 is available for carrying out activities authorized by section 105(a)(2) of the Child Abuse Prevention and Treatment Act and $2,000,000 is provided to fund a child abuse prevention resource center for the Southeastern region of the United States to be coordinated by the children's trust fund of Alabama.

Sufficient funds are included to enable the Department to give full and fair consideration to a proposal under the Child Abuse Prevention and Treatment Act for a national network to increase the safety of children. The Public Children Services Association of Ohio would be especially suited as a model for such a network.

Sufficient funds are available within the runaway and homeless youth activities to fund the Center County Youth Services of State College and Three Rivers Youth of Pittsburgh at the fiscal year 1998 funding level.

The conference agreement concurs with the Senate report language calling for a pilot study to carefully examine information systems issues confronting States as a result of welfare reform, such as data collection and reporting requirements, case management systems, and the integration of multiple systems.

The conference agreement provides $4,000,000 to the Administration on Developmental Disabilities to award competitive grants to conduct training and technical assistance and other national activities designed to address the problems which impede the self-sufficiency of families of children with disabilities.

The conference agreement provides $1,000,000 for Community Legal Services, Inc., of Philadelphia, PA, to continue providing legal services for the poor.

The conference agreement provides that $130,000 is to be used for colleges and universities that have enrolled American Indian and/or Alaska Natives in masters degree programs in social work for purposes of providing 20 field practicum placements of masters degree candidates in Indian reservation and rural Indian community settings.

The conference agreement concurs in the Senate Report language concerning the job creation demonstration authorized under section 505 of the Family Support Act of 1988.

The Head Start Bureau is encouraged to coordinate an effort with other agencies aimed at strengthening families and communities in their efforts to reduce the negative effect of substance abuse on the development of young children.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

The conference agreement appropriates $3,764,000,000 as proposed by the House instead of $3,964,000,000 as proposed by the Senate. The agreement does not include a $200,000,000 reserve fund proposed by the Senate.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement appropriates $882,020,000, instead of $861,020,000 as proposed by the House and $876,050,000 as proposed by the Senate. The agreement includes legal citations as proposed by the House with respect to the Alzheimer's initiative. The agreement funds this initiative in the Administration on Aging as proposed by the House.

The conference agreement provides funding for the Senior Outreach Program as described in the Senate Committee Report.

The conference agreement includes the following amounts under aging research and training:

—$1,000,000 for Family Friends

—$750,000 for a project to monitor and report incidents of elderly abuse and neglect as described in the Senate Committee Report

—$750,000 for using telemedicine and video conferencing to improve the health of rural elderly Americans and to educate health care personnel in rural areas as described in the Senate Committee Report

—$1,000,000 for an outcomes evaluation needed for the Government Performance and Results Act

—$7,000,000 to test different models designed to train retirees in local communities in detection and reporting of Medicare waste and abuse

—$200,000 for a pilot project to coordinate, manage and assure the provision of supportive services, home health, physical therapy, nursing home, and other health care for the elderly and mentally and physically disabled at North Central Community Services of Wausau, Wisconsin.

It is recommended that the Administration on Aging allocate research and training funds equitably to national minority aging organizations with a proven track record in delivering services to low income minority persons.

It is recognized that there is a lack of aging-related service capacity in Native American communities. The Department is urged to review the cooperative agreements with the two previously funded national resource centers at the University of Colorado and the University of North Dakota which are currently serving Native American elders. Further, each center is strongly encouraged to consult with Title VI Directors to assure that each center is providing training and technical support.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement appropriates $185,902,000, instead of $172,513,000 as proposed by the House and $174,160,000 as proposed by the Senate. The agreement includes a legal citation proposed by the Senate for the United States-Mexico Border Health Commission.

The conference agreement includes language proposed by the House that earmarks $890,000 for a contract with the National Academy of Sciences to conduct a study of available scientific literature on repetitive tasks in the workplace and musculoskeletal disorders. This study is to be conducted in accordance with the instructions contained in the House Committee Report.

The conference agreement contains an increase of $4,000,000 over the President's budget request for traditional departmental management activities. These funds are not intended to be used for any other activity.

Should the Secretary decide to use any part of these funds for a different purpose, she must first submit a reprogramming request to the Appropriations Committees.

The conference agreement includes $1,000,000, to be derived from the one-percent evaluation setaside in ASPE, to fund, through a contract with the National Academy of Sciences, the establishment and coordination of a national task force on alcohol-related birth defects. This task force, which will include representation from within, and outside of, the Federal government, shall be charged with developing a national strategy for the prevention of alcohol-related birth defects, including Fetal Alcohol Syndrome and Fetal Alcohol Effect, and for the provision and coordination of appropriate interventions for affected individuals and their families.

The conference agreement concurs with the Senate Report language concerning the human services transportation technical assistance program.

The conference agreement includes $1,000,000 to support the activities of the United States-Mexico Border Health Commission as authorized by Public Law 103–400.

The conference agreement includes $6,400,000 in the Office of Minority Health for the minority male initiative as described in the House Committee Report. Also included for that Office is funding for the three projects at the amounts specified in the Senate Committee Report. In addition, the agreement includes $1,000,000 for the University of Arkansas at Pine Bluff, an historically black institution, for the purpose of upgrading health-related facilities and equipment.

The conference agreement includes $8,000,000 for the Office of Minority Health to strengthen the role of the OMH in HIV health care promotion and prevention at the state and local level. These funds will complement existing and previously planned targeted HIV/AIDS minority activities. These funds will allow OMH to: initiate an educational campaign to improve knowledge and awareness among HIV-infected racial and ethnic minorities, and the health care providers serving these populations, of the importance of state-of-the-art therapy for HIV/AIDS in improving the length and quality of life; cooperative agreement grantees to work with states to strengthen and monitor state, local and territorial plan for providing HIV services to minorities; collaborate with SAMHSA to fund programs aimed at coordination of services for HIV, drug treatment and metal health; fund state and territory offices of minority health for demonstration projects to improve minority access to information and services and HIV/AIDS treatment; and collaborate with NIH and CDC to fund prevention research studies on HIV-related behaviors.

The OMH is urged to make community development and coordination grants to indigenous organizations with a history of supporting community development efforts in health promotion and disease prevention that would support the development of leadership coalitions to conduct needs assessments and planning processes for the purpose of integrating HIV, STD, TB, substance abuse prevention, treatment and care services. These funds also be used to address the HIV epidemic in the territories, such as in the Virgin Islands where, for example, the HIV/AIDS case rate is more than twice the national case rate of 24.1 per 100,000.

The conference agreement expects HHS to maintain the current level of support for Meharry Medical College to continue a cooperative agreement to support the development of an integrated health delivery system in a historically underserved community, and that the Office of Minority Health should provide no more than $1,000,000 of the total amount provided for the effort. The remainder shall be provided by other agencies of HHS. the conference agreement includes funds within the Office of Minority Health to continue a study on managed care and historically minority health professions schools.

The Secretary is encouraged to work with Greater Southeast Medical Center in Southeast, Washington, DC to develop a telemedicine network designed to provide access to modern health information systems.

The conference agreement concurs with the Senate Committee Report language in the Office on Women's Health concerning the national public education campaign on osteoporosis.

The Office on Women's Health, the intelligence community and the National Information Display Laboratory (NIDL) are to be commended for their innovative, cooperative technology transfer program begun in 1994. The results of this experimental initial effort have exceeded expectations. Computer-aided diagnoses of mammograms have shown a factor of two improvement in detection of breast microcalcifications. The conference agreement wishes to build upon the success of the initial program, and the Office on Women's Health is strongly urged to continue the technology transfer effort with the NIDL to improve breast cancer detection, conduct clinical evaluations of promising technologies, conduct medical research on topics that show promise for future benefit in breast cancer detection and expand the technology transfer to other priority medical problems.

The Department is expected, with Department of Energy and Nuclear Regulatory Commission consultation and review, to develop and implement an independent scientific and management review and audit of the thyroid and leukemia studies being conducted by the United States and the governments of Belarus and Ukraine. The audit and review should be conducted with input and participation from the Advisory Committee on Energy-Related Epidemiologic Research and other non-governmental organizations.

The Department is expected to provide to Congress plans and recommendations for the development and implementation of guidelines and policies governing the conduct of radiation health effects studies.

With the ongoing development of new therapies for HIV infection, the definition of appropriate treatment of the disease is continually changing. There is concern that many health care practitioners and patients may not have ready access to updated information on treatment of HIV disease. The Secretary is requested to submit to the Appropriations Committees a detailed plan, no later than six months following passage of this bill, which addresses, (1) the role of various Departmental entities in training health care providers and patients in the treatment of HIV disease, and (2) methods by which the Department's HIV treatment guidelines will be integrated into health care services provided through HRSA and HCFA. It is expected that the Department's Office of HIV/AIDS Policy will play a central role in coordinating efforts in this area across Departmental agencies.

There is concern with findings in the HIV Costs, Services and Utilization Study that indicate many individuals with HIV infection are not receiving treatment for the disease consistent with guidelines issued by the Department. It is understood that a comprehensive system of primary care and support services is needed in order to provide individuals with HIV disease appropriate care and treatment. The Secretary is requested to prepare a report, no later than one year after the passage of this bill, on the accessibility and utilization of recommended HIV-related treatments and prophylactic therapies by people with HIV disease who are served by HRSA and HCFA programs. The report should suggest any program and structural improvements needed in order to improve these rates. The report should also suggest approaches which can encourage Departmental grantees to provide the standard of HIV care outlined in the Department's HIV treatment guidelines.

The Secretary is encouraged to develop mechanisms for timely dissemination of written information related to emerging standards of care for HIV treatment and clinical guidelines for providers and grantee recipients of Federal funds. These mechanisms should be developed in a timely and expedient manner while maintaining standards of appropriate Departmental review and publication.

Over the past decade there have been numerous studies on the possible link between the environment and breast cancer rates. The Secretary of Health and Human Services is encouraged to consult with the National Academy of Sciences to assess the current scientific knowledge on the potential environmental causes of breast cancer, and to identify research needs, establish research priorities, and make recommendations about the implementation of the research plan identified. The consultation should include scientists, outside agencies, and community advocates.

It is recommended that the Aberdeen Area office of the Indian Health Service continue to work with the Bennett County hospital in South Dakota to engage in a comprehensive review of bills for health services provided to Indian people, especially for the period between 1994 and 1998, to ensure that the hospital receives appropriate reimbursement from IHS.

It is expected that the Office of Inspector General will review the indirect provider exclusion rule and report to the House and Senate Appropriations Committees no later than March 31, 1999 its rationale for excluding indirect providers.

The conference agreement includes $5,000,000 in the Policy Research account in the Office of the Secretary to continue research on the outcomes of welfare reform. It is recommended that this research involve state-specific surveys and data sets, survey data on the impacts of state waiver programs, and administrative data such as Food Stamp, Social Security and Internal Revenue Service records. The research should measure outcomes in both low and high economic growth areas of the country. The Department is urged to continue to involve the National Academy of Sciences to provide guidance on research design and to recommend further research. An interim report is to be submitted to the Appropriations Committees within six months.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes an emergency allocation of $216,922,000 within the Public Health and Social Services Emergency Fund, to be made available only to the extent that an official budget request for $216,922,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985. The Senate bill identified $300,000,000 for these activities as emergency funding and the House bill identified $51,000,000 in the Centers for Disease Control only for the pharmaceutical stockpile activity. The fund addresses the Administration request for bioterrorism and related activities as well as for bolstering public health infrastructure, conducting studies regarding health and national security, and combating certain infectious diseases. The conference agreement also includes a provision that would require the Department of Health and Human Services to submit, prior to the obligation of funds, an operating plan to the House and Senate Committees on Appropriations.

The amount provided includes $154,750,000 for the Centers for Disease Control and Prevention for the following activities: $1,000,000 for the development of an overall preparedness plan; $1,000,000 to enhance technical capabilities to identify certain biological agents; $1,750,000 for conducting independent studies of health and bioterrorism threats specified in the Senate report; $2,000,000 to assist States in developing emergency preparedness and response plans; $2,000,000 to expand the CDC Epidemic Intelligence Service; $2,000,000 for regional laboratories for measuring chemical exposures; $5,000,000 to better identify potential biological and chemical terrorism agents; $5,000,000 to develop new sources and methods for surveillance; $5,000,000 to develop rapid toxic screening; $5,000,000 for the environmental health laboratory; $7,000,000 to strengthen State and local epidemiological and surveillance capacity; $11,000,000 for regional laboratories for detecting and measuring biological and chemical agents; $28,000,000 to establish a national health alert network; $20,000,000 for polio eradication activities; and $8,000,000 for measles eradication activities. The amount also includes bill language designating $51,000,000 to remain available until expended for the CDC to establish a pharmaceutical and vaccine stockpile for civilian populations. The House bill provided for this activity at CDC as non-emergency funding. The Senate bill provided for this activity at the Office of Emergency Preparedness.

The amount provided also includes $12,172,000 for the Office of the Secretary for the following activities: $2,500,000 for the Office of Emergency Preparedness for a national disaster medical system; $1,500,000 for developing national response capabilities; $3,000,000 for metropolitan medical response systems; $1,850,000 for a nuclear weapons radiation study described in the Senate report; and $3,000,000 in bill language for the renovation and modernization of Fort McClellan's Noble Army Hospital in Alabama for bioterrorism training activities. The conference agreement also includes $322,000 in bill language to be provided to Calhoun County, Michigan for reimbursement of certain expenses related to food-borne illnesses.

The conference agreement assumes that within the overall increase provided for NIH, $10,000,000 will be allocated for vaccine research and development activities in support of the bioterrorism initiative.

Public Health data indicates that African Americans and other minorities are disproportionately and more severely impacted by HIV/AIDS and experience significantly higher morbidity and mortality rates than do other populations in the United States. The conference agreement includes an additional $50,000,000 to address the HIV/AIDS crisis facing the African American community and other racial and ethnic minority communities due to the changing demographics of the disease. These funds are to be available to address prevention and treatment needs of minority communities that are heavily impacted by HIV/AIDS, and should compliment existing and previously planned targeted HIV/AIDS minority activities. These funds are available for the Secretary of the Department of Health and Human Services to transfer to other agencies to: expand and improve access to state-of-the-art HIV/AIDS therapies; strengthen and expand targeted HIV/AIDS effective prevention and intervention activities; support HIV/AIDS substance abuse activities; provide critical technical assistance in high risk communities; and build and sustain HIV/AIDS infrastructure. In allocating these funds, consideration should be given to the territories, such as in the Virgin Islands, where, for example, the HIV/AIDS case rate is more than twice the national case rate of 24.1 per 100,000.

GENERAL PROVISIONS

NIH and SAMHSA Salary Cap

The conference agreement includes a provision (section 204) limiting the use of the National Institutes of Health and the Substance Abuse and Mental Health Services Administration funds to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Level III of the Executive Schedule instead of $125,000 as proposed by both the House and Senate.

Advisory Boards

The conference agreement makes permanent a provision (section 206) contained in both the House and Senate bills that prohibits the expenditure of funds for the Federal Council on Aging and for the Advisory Board on Child Abuse and Neglect.

NIH Transit Subsidies

The conference agreement makes permanent a provision (section 210) contained in both the House and Senate bills that allows the use of funds by the National Institutes of Health for transit subsidies for non-FTE bearing positions including trainees, visiting fellows and volunteers.

Parental Participation in Family Planning Services

The conference agreement includes a provision (section 211) contained in the House bill prohibiting the funding of family planning grantees unless the grantee certifies that it encourages family participation in the decision of a minor to seek family planning services and that it provides counseling to minors on resisting attempts to coerce them into engaging in sexual activities. The Senate bill contained no similar provision.

National Institute of Dental and Craniofacial Research

The conference agreement includes a provision (section 212) contained in both the House and Senate bills that renames the National Institute of Dental Research as the National Institute of Dental and Craniofacial Research.

Organ Transplantation

The conference agreement includes amended House bill language (section 213) which: (1) prohibits the April 2, 1998 Organ Procurement and Transplantation Network (OPTN) final rule from becoming effective for a year; (2) provides a review of existing policies and the April 2, 1998 final rule by the Institute of Medicine (IOM), under contract and subject to review by the Comptroller General; and (3) provides for data collection and analysis activities. The conference agreement directs that professional staff with appropriate expertise, who have not been involved in this regulatory issues, should undertake this work for the IOM.

Hospital Notification of Deaths for Organ Procurement

The conference agreement does not include a provision contained in the House bill that suspends HCFA regulations requiring, as a condition of participation in Medicare, that hospitals notify local organ procurement networks of all deaths occurring in the hospital. The Senate bill contained no similar provision.

Louis Stokes Laboratory

The conference agreement includes a provision contained in the House bill to name the Consolidated Laboratory Building (Building 50) at NIH the Louis Stokes Laboratories. The Senate bill contained no similar provision.

Medicaid Funding for Viagra

The conference agreement does not include sections 218 and 219 of the House bill. The Senate bill contained no similar provisions. There are concerns about clinical and financial abuse of these drugs that could endanger the health of patients and undermine the public support for the Medicaid program that often cannot adequately provide basic health care for all needy individuals. Therefore, HCFA is encouraged to establish a rigorous system to review utilization of these drugs by working with States, clinicians, consumer advocates, and others to assure consistent collection of data necessary to make the exclusion determination under section 1927(d)(3) if the drug is subject to clinical abuse or inappropriate use.

Title X Compliance With State Laws and Requirements for Parental Consent

The conference agreement does not include a provision contained in the House bill that requires title X clinics to comply with State laws relating to notification or reporting of child abuse, child molestation, sexual abuse, rape or incest and also requires clinics to notify a parent or guardian prior to the provision of contraceptive drugs or devices to minors. The Senate bill contained no similar provision.

Medicare+Choice

The conference agreement includes a provision contained in both House and Senate bills that assures Medicare+Choice plans are not required to provide abortion services but that such services must be available to beneficiaries outside the plan.

Dale and Betty Bumpers Vaccine Research Facility

The conference agreement includes a provision contained in the Senate bill to name the Vaccine Research Facility (Building 40) at NIH the Dale and Betty Bumpers Vaccine Research Facility. The House bill contained no similar provision.

Prostate Cancer Research

The conference agreement deletes without prejudice a provision contained in the Senate bill that earmarks $175,000,000 for prostate cancer research at NIH. The House bill contained no similar provision.

Substance Abuse and Mental Health Block Grant Formula

The conference agreement includes a provision not contained in either the House or

Senate bills that allows funds allocated to the States for the substance abuse block grant and the mental health block grant to be allocated according to current law which would incorporate the Secretary's decision to change the wage proxy to the use of nonmanufacturing wages.

TITLE X COMPLIANCE WITH STATE LAWS

The conference agreement includes a provision contained in the House bill that requires Title X clinics to comply with State laws relating to notification or reporting of child abuse, child molestation, sexual abuse, rape or incest. The Senate bill contained no similar provision.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

The conference agreement includes $1,314,100,000 for Education Reform, instead of the $861,500,000 proposed by the House and $1,244,500,000 as proposed by the Senate.

Goals 2000

The conference agreement provides $491,000,000 instead of $496,000,000 provided by the Senate and $245,500,000 provided by the House. This amount includes $461,000,000 for state grants instead of $466,000,000 as proposed by the Senate and $220,500,000 as proposed by the House. For parental assistance, the conference agreement includes $30,000,000, the same level as in the Senate bill instead of $25,000,000 in the House.

Education Technology

For education technology, the conference agreement provides $698,100,000 instead of the $623,500,000 proposed by the Senate and the $541,000,000 provided by the House.

Technology Literacy Challenge Fund

For the Technology Literacy Challenge Fund, the conference agreement includes $425,000,000, as proposed by both the House and Senate.

Technology Innovation Challenge Grants

For the Technology Innovation Challenge Grants, the conference agreement provides $115,100,000 instead of $106,000,000 as proposed by the House and the $126,000,000 proposed by the Senate. Within the amount provided for Technology Innovation Challenge Grants, the conference report specifies funding for the following activities:

$500,000 for a state-of-the-art demonstration of information technology systems to be carried out by Mansfield University, Mansfield, Pennsylvania;

$2,500,000 to allow Rutgers, The State University of New Jersey to carry out the RUNet 2000 project that will establish a comprehensive, integrated voice-video-data communications network;

$1,000,000 for the Krell Institute in Ames, Iowa to help meet the need for a technology-capable workforce through professional development for technology training and summer programs for teachers;

$850,000 for the State of Alaska Department of Education to develop an Internet-based curriculum and to provide professional development to elementary and secondary school teachers;

$2,000,000 for Hawaii Department of Education's "Magnet E-School" technology training and curriculum initiative;

$250,000 for the "Passport to Chicago Community Network" technology training project in Chicago, Illinois;

$600,000 for the technology in the classroom pilot program for the Green Bay Public School System in Green Bay, Wisconsin to assist four middle schools in enhancing technology access and teacher training;

$1,200,000 for LEARN North Carolina and the University of North Carolina at Chapel Hill; and $1,500,000 for the Iowa Department of Education for grants to Community Colleges to provide technical assistance to low-income school districts for technology.

Within the amount provided for Technology Innovation Challenge Grants, the conference agreement also sets aside $22,000,000 for a broad based competition on promoting the use of advanced technology to improve education for all students and teachers. In administering this initiative, the conference agreement provides that full and fair consideration, consistent with current practices and policies will be given to applications submitted by the institutions identified in the House Report (105–635) and the Senate Report (105–300) and applications submitted by institutions identified under this heading in this statement of managers.

The conference agreement encourages the Department to provide $2,500,000 for a demonstration project on information technology that integrates computer and media technologies with traditional scholastic disciplines for grades K–16. The University of Colorado would be especially suited for such a program and should be given full and fair consideration for an award.

The conference agreement encourages the Department to provide $200,000 for an innovative project to assist parents in technology-based instruction. The Alhambra School District in California would be especially suited for such a program and should be given full and fair consideration for an award.

The conference agreement contemplates an innovative effort to establish a multi-state demonstration program to guide the development of statewide technology-rich education and learning systems in the United States. The State of Washington, in consortium with Arkansas, Illinois, California and Pennsylvania, would be especially suited for this program and should be given full and fair consideration for funding.

The conference agreement encourages the Department to provide $360,000 for an innovative project designed to engage students in language arts projects using technology as an instruction tool. The Alhambra School District in California would be especially suited for such a program and should be given full and fair consideration for an award.

The conference agreement contemplates a collaborative teacher development initiative in Minnesota that would include KTCA, a community-based public television station; the Green Institute for Teaching and Learning; and the Minnesota Department of Children, Families and Learning. The conference agreement encourages the Department to provide $1,400,000 to this initiative which would demonstrate the potential integrated use of digital television, online computer services and community resources to teachers as both training and educational tools.

The conference agreement urges the Secretary, when awarding educational technology grants, to give consideration to school districts around the country that exemplify: (1) high concentrations of at-risk youth; (2) empowerment zones and enhanced enterprise communities; and (3) significant investment to establish infrastructure with aggressive plans to utilize educational technology. The Houston Independent School District in Houston, Texas is an example of such a school that has made a substantial effort in this area.

Regional technology in education consortia

For Regional technology in education consortia, the conference agreement includes $10,000,000, as proposed by both the House and Senate.

National Activities

The conference agreement includes $87,000,000 for three new national education technology initiatives: $75,000,000 for teacher training in technology, $10,000,000 to establish computer learning centers in low-income communities, and $2,000,000 for national technology leadership activities. The House bill and the Senate bill contained no similar provisions.

Star Schools

For Star Schools, the conference agreement provides $45,000,000, instead of the $46,500,000 in the Senate bill. The House bill provided no funding for this program.

Within the conference agreement, $800,000 shall be provided to the School of Agriculture and Land Resources Management of the University of Alaska, Fairbanks. These funds are to be used to implement a demonstration project to enhance the distance delivery of natural resources management courses, including soils and forestry, to students in rural areas.

Within the conference agreement, $8,000,000 shall be provided to continue and expand the Iowa Communications Network statewide fiber optic demonstration project and $350,000 for multimedia classrooms for the rural education technology center at Western Montana College in Dillon, Montana.

Within the amount provided for Star Schools, the conference agreement also sets aside $9,850,000 for a broad based competition on utilizing distance education to improve instruction. In administering this initiative, the conference agreement provides that full and fair consideration, consistent with current practices and policies will be given to applications submitted by the institutions identified in House Report 105–635 and Senate Report 105–300 and applications submitted by the institutions identified under this heading in this statement of managers.

The conference agreement encourages the Department to provide $120,000 for a program to bring interactive video network and high-speed data communications to rural schools. The schools in Floyd and Craig Counties in southwestern Virginia would be especially suited for such a program and should be given full and fair consideration for an award.

Ready To Learn Television

The conference agreement provides $11,000,000 as proposed by the Senate. No funds were proposed by the House.

Telecommunications demonstration project for mathematics

The conference agreement provides $5,000,000 for telecommunications demonstration project for mathematics as proposed by the Senate. No funds were proposed by the House.

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $8,370,520,000 for Education for the Disadvantaged instead of the $8,334,781,000 proposed by the Senate and $8,056,132,000 proposed by the House.

For Grants to Local Education Agencies (LEAs) the agreement provides $7,796,020,000 the same level as provided in the Senate bill. The House bill included $7,495,232,000. Of the funds made available for basic and concentration grants, $6,148,386,000 becomes available on October 1, 1999 for the academic year 1999–00.

The agreement includes $6,574,000,000 for basic state grants and $1,102,020,000 for concentration grants. The conference agreement provides no funding for the targeted grants program. The House bill provided $300,000,000 for this purpose. The Senate bill contained no similar provision.

The conference agreement includes $120,000,000 under Title I (and $25,000,000 under the Office of Educational Research and Improvement) for continuation grants to local educational agencies for the Comprehensive School Reform Demonstration Program. The conference agreement recognizes that small schools may have greater opportunities to implement comprehensive school reform efforts through working in collaboration with other small schools. In order to ensure the maximum opportunity for the participation of small schools in the Comprehensive School Reform Demonstration Program, the conference agreement clarifies that the minimum award amount applies to individual schools, or to school consortia serving a maximum of 500 students.

IMPACT AID

The conference agreement provides $864,000,000 for the Impact Aid programs instead of $848,000,000 as proposed by the House and $810,000,000 as proposed by the Senate.

The conference agreement also includes a legislative provision relating to payments for heavily impacted school districts (section 8003(f)) which changes the method by which payments made under this section are allocated to provide supplemental payments for federally connected students only. It is understood that this provision will result in greater budget stability for school districts that are heavily impacted by the presence of federally connected children. It is further understood that the change has been agreed upon by all school districts that would be affected. No subsequent adjustments will be made for school districts that experience funding shortfalls or losses as a result of this provision. The Department of Education shall report to the Appropriations Committees of both the House and Senate no later than March 1, 1999 on the implementation of this provision.

The conference agreement also includes the following language provisions: eligibility for the Webster School District, Day County, South Dakota; payment calculations for Stanley County, South Dakota; timely filing of applications by the Delaware Valley, Pennsylvania, local educational agency, and Prince Georges County, Maryland; payments for San Diego, California, Centennial, Pennsylvania, and Hatboro-Horsham, Pennsylvania LEAs and Randolph Field Independent School District, Texas; and computing payments for Travis Unified School District in California. Neither the House nor Senate bills contained similar provisions.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement provides $2,811,134,000 for School Improvement Programs, instead of $1,542,334,000 as proposed by the House and $1,655,188,000 as proposed by the Senate. For the Eisenhower professional development activities, the agreement provides $335,000,000 the same level as in the Senate bill. The House provided $285,000,000.

For innovative education program strategies, title VI of the Elementary and Secondary Education Act of 1965, the agreement provides $375,000,000. The House provided $400,000,000 and the Senate bill included $350,000,000.

The conference agreement includes an additional $1,200,000,000 under the title VI for an initiative to reduce class size. Funding for this activity was included in neither the House nor Senate bills.

The conference agreement recognizes impressive research studies showing improvements in academic achievement and reduction in discipline problem among students attending smaller classes with well-prepared teachers in the early grades. Class-size reduction can be particularly beneficial in those early grades because students in those grades are learning to read and to master the basics in math and other subjects. Accordingly, the conference agreement includes $1,200,000,000 for state formula grants under title VI of the Elementary and Secondary Education Act of 1965 to assist states to reduce class size in their classrooms, particularly in grades 1–3.

The bill provides that the allocation of funds under section 307 to the states shall be based on the proportional share that each state received from the fiscal year 1998 appropriation under the Title 1 program or the Eisenhower Program, whichever is greater. States would allocate their grant funds among local educational agencies based on a formula that reflects both their relative numbers of children in low-income families and their school enrollments. Local educational agencies would use these funds to recruit, hire, and train new teachers, as well as to provide professional development to existing teachers. A local educational agency that has already reduced class size in its regular classrooms in the early grades could use its funds to make further reductions in grades 1–3, reduce class size in kindergarten or other grades, or carry out activities to improve teacher quality, including professional development. In order to provide for effective accountability to parents and the public, the conference agreement provides that individual schools or the local educational agency will provide an annual report card, in easily understandable language, on class size and student achievement.

The conference agreement also includes $566,000,000 for the Safe and Drug Free Schools and Communities Act. Both the House and Senate bills provided $556,000,000.

Included within this amount is $441,000,000 for state grants, instead of $531,000,000 as proposed by the House and $381,000,000 as proposed by the Senate. The conference agreement also includes $125,000,000 for a new school violence prevention initiative under the Safe and Drug Free Schools program, instead of $25,000,000 proposed for national discretionary activities by the House and $175,000,000 proposed by the Senate for national school violence and national discretionary activities.

There is great concern about the frequent occurrence of violence in our nation's schools. The conference agreement provides that the Secretary shall use $90,000,000 under national programs to support activities that promote safe learning environments for students. Such activities should include targeted assistance, through competitive grants, to local educational agencies for developing community-wide approaches to creating safe and drug-free schools; providing alternative education settings for students expelled for disciplinary reasons; improving the assessment of student behavior as a part of the disciplinary process; enhancing the capacity of schools to provide mental health services to troubled youth; providing training for teachers, counselors, school security officers, and other school personnel to identify early warning signs of violent behavior; and responding to disruptive and violent behavior by students.

Further, the conference agreement includes $35,000,000 under national programs for a new Safe and Drug Free Schools coordinator initiative. Funds would be used for competitive grants to local educational agencies to fund the recruitment, training and employment of drug and school safety program coordinators at those middle schools with the worst drug, discipline and violence problems. In addition to these new school violence prevention initiatives under the Safe and Drug Free Schools Program, the conference agreement also includes $40,000,000 to improve children's mental health services under the Substance Abuse and Mental Health Administration (SAMHSA) in the Department of Health and Human Services (HHS), for a total of $165,000,000 for new efforts aimed at drug and violence prevention in schools. The conferees encourage the Department to coordinate its school violence initiatives with those at SAMHSA in HHS.

The conference agreement includes $20,000,000 for the Education of Native Hawaiians instead of no funding included in the House bill or the $22,000,000 in the Senate bill. The conference agreement assumes that when allocating these funds, the Secretary of Education fund the following activities as described in more detail in the Report of the Senate Committee (Senate Report No. 105-300):

Curricula development, teacher training, and recruitment programs	$5,000,000
Community Based Learning Centers	1,000,000
Hawaiian Higher Education Programs	2,500,000
Gifted and Talented programs	2,000,000
Special Education	2,000,000
Native Hawaiian Education Councils	300,000
Family-Based Education Centers	5,200,000
Preschool Education of Native Hawaiian Children ...	2,000,000

The conference agreement includes $100,000,000 for Charter Schools, the same as proposed by the House. The Senate proposed $80,000,000.

For Arts in Education, the conference agreement provides $10,500,000, the same amount provided by the Senate bill and the House bill. The amount recommended will support two awards: $5,746,000 for a grant to Very Special Arts and $4,754,000 for a grant to the John F. Kennedy Center for the Performing Arts.

READING EXCELLENCE

The conference agreement includes $260,000,000 for activities authorized under the Reading Excellence Act. Neither the House nor the Senate provided funding for this activity. The agreement also includes, as a separate title, the text of the Reading Excellence Act, which also was included in neither the House nor Senate reported bills. This title amends Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) to create a two-year competitive grant program to States to assist children having difficulty with reading.

BILINGUAL AND IMMIGRANT EDUCATION

The conference agreement includes $380,000,000 for Bilingual and Immigrant Education programs. Both the House and Senate bills included $354,000,000. For Instructional Services, the agreement includes $160,000,000, the same level as the House and Senate bills. For Support Services, the agreement provides $14,000,000, the same level as in the

House and Senate bills. For Professional Development, the agreement provides $50,000,000, $25,000,000 above the level provided in both the House and Senate bills. For immigrant education, the agreement provides $150,000,000, the same level as in the House and Senate bills. The agreement also provides $6,000,000 for foreign language assistance. Both the House and Senate bills provide $5,000,000.

The Waterloo Community School District in Iowa is faced with an unanticipated influx of immigrants into the community, primarily from Bosnia. The Waterloo community schools are committed to transformations that will effectively address the challenge of educating a new and different growing student population. The Department of Education is encouraged to give full consideration to a proposal from the Waterloo school district.

Special Education

The conference agreement includes $5,124,146,000 for Special Education, instead of the $5,104,146,000 proposed by the House and $5,112,946,000 as proposed by the Senate. Included in these funds is $4,100,700,000 for Grants to the States, the same as the House level. The Senate provided $4,090,000,000. Including funding from prior years, the total available for state grants is $4,310,700,000, an increase of $509,700,000 over fiscal year 1998.

The conference agreement includes $1,500,000 to be used in connection with the Special Olympics World Summer Games in 1999 to support a symposium and local community based activities in support of the games and $1,500,000 for the preparation and planning for the Special Olympics World Winter Games in 2001. The conference agreement also includes $600,000 for the second year of the Easter Seal Society's Early Childhood Development Project for the Mississippi River Delta Region.

Included in the conference agreement is $33,023,000 for technology and media services, as proposed by the House, instead of the $32,523,000 as proposed by the Senate bill. The conference agreement includes $6,500,000 for Recordings for the Blind and Dyslexic as described in the House and Senate Reports. The FY 1999 budget justification materials submitted by the Department of Education indicated that a continuation award of $6,000,000 would be made in 1999 to the Recordings for the Blind & Dyslexic under the President's proposed budget. The conference agreement increases the amount of this continuation award for RFB&D to $6,500,000 in order for it to serve more blind and print disabled students and to continue development and use of user-friendly digital-audio technology on behalf of these students. The conference agreement contemplates that these funds be distributed to RFB&D as early in the fiscal year as possible.

REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes $2,652,584,000 for Rehabilitation Services and Disability Research, instead of $2,646,640,000 as proposed by the House and $2,645,266,000 proposed by the Senate.

For Vocational Rehabilitation State Grants, the agreement provides $2,304,411,000, the same as the House level. The Senate provided $2,298,467,000.

The conference agreement also includes $39,629,000 for training personnel to provide rehabilitation services to persons with disabilities. This level is the same as in the Senate bill while the House provided $33,685,000.

The conference agreement also provides $10,894,000 for Protection and Advocacy of Individual Rights, the same level as in the House bill. The Senate provided $9,894,000.

The conference agreement provides $8,550,000 for the Helen Keller National Center for Deaf-Blind Youth and Adults, the same level as in the House bill. The Senate provided $8,176,000.

Within the amount provided for the National Institute on Disability and Rehabilitation Research, the conference agreement contemplates that the Department will give full and fair consideration, consistent with current practices and policies, to applications submitted by the institutions identified in the House Report (105–635), and the Senate Report (105–300) and applications submitted by the institutions identified in this statement of managers. In addition, the conference agreement contemplates similar consideration for applications from the George Mason University's Krasnow Institute for Advanced Studies for a $750,000 grant to support cutting-edge research to treat problems in neurological wiring that slow an affected individual's ability to process sounds and information.

The conference agreement encourages the Department of Education to demonstrate a technology-based approach to preparing researchers to work with the visually impaired, cognitively impaired, speech impaired and severely disabled. The conference agreement contemplates that the Dominican College of Blauvelt would be well suited to administer such a project because of its outstanding accomplishment and expertise in the field of special education.

The conference agreement strongly encourages the Department of Education to consider an application from the California State University, Northridge to construct and equip an adaptive aquatic facility for disabled adults.

The conference agreement strongly encourages the Department of Education to consider an application from the Skating Association for the Blind and Handicapped, Inc. to expand their program to assist people with disabilities succeed at the sport of ice skating.

Special Institutions for Persons With Disabilities

National Technical Institute for The Deaf

The conference agreement provides $45,500,000 for the National Technical Institute for the Deaf as proposed by the Senate instead of $44,791,000 as proposed by the House.

Vocational and Adult Education

The conference agreement includes $1,539,247,000 for Vocational and Adult Education instead of the $1,532,247,000 as proposed by the House and $1,502,478,000 as proposed by the Senate. $1,030,650,000 is included in the agreement for Vocational Education basic state grants, the same level as proposed by the House. The Senate proposed $1,027,550,000.

For Adult Education the agreement provides $385,000,000, instead of the $378,000,000 provided in the House bill and $355,828,000 in the Senate bill. The conference agreement also provides $20,000,000 for Adult Education National Programs instead of the $13,000,000 provided in the House bill and $10,489,000 provided in the Senate bill.

Student Financial Assistance

The conference agreement provides $9,348,000,000 for Student Financial Assistance instead of $9,672,654,000 as proposed by the House and $10,172,551,000 as proposed by the Senate. The conference agreement sets the maximum Pell Grant at $3,125 and provides a program level of $7,704,000,000 for current law Pell Grants.

Federal Family Education Loan Program Account

The conference agreement provides $46,482,000 for the Federal Family Education Loan Program Account as proposed by the Senate instead of $48,482,000 as proposed by the House.

Higher Education

The conference agreement provides $1,307,846,000 for Higher Education instead of $944,198,000 as proposed by the House and $1,138,944,000 as proposed by the Senate. Within this amount, the conference agreement sets aside $9,500,000 under the Fund for the Improvement of Postsecondary Education for a broad based competition to reform or improve postsecondary education opportunities. The competition shall be administered in a manner consistent with the requirements applicable in authorizing statutes and the Department's General Administrative Manual. In administering this competition, the Secretary shall give full and fair consideration to applications submitted by the institutions identified in the House Report (105–635) and the Senate Report (105–300). In addition, the Secretary shall give similar consideration to applications from the following:

A project to encourage underrepresented groups to enter careers in technology and business operated by the Center for the Development of Urban Entrepreneurs at Peirce College;

A project to endow a Contracts Chair-of-Excellence program to be administered in cooperation with a consortium of Historically Black Colleges and Universities and Hispanic-Serving Institutions with environmental science and engineering capabilities;

A demonstration to establish a state-of-the-art science and technology program that will explore the application of novel electronic materials that are used in the development of high temperature supercomputers; and

Enhanced distance education and teacher training activities at the Technology Enhancement Initiative at Elmira College in New York.

The conference agreement includes $3,000,000 for American Indian Tribally Controlled Colleges and Universities, recently authorized under Title III of the Higher Education Act, and $5,000,000 for demonstration project to ensure students with disabilities receive a quality education, recently authorized under part D of title VII. The conference agreement includes $3,000,000 for Native Alaskan and Native Hawaiian-Serving Institutions, recently authorized under Title III of the Higher Education Amendments of 1998.

The conference agreement includes $120,000,000 for the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), recently authorized under Chapter 2 of subpart 2 of Part A of Title IV of the Higher Education Amendments of 1998. The conference agreement includes $10,000,000 for the Learning Anytime Anywhere Partnerships, recently authorized under Subpart 8 of part A of Title IV of the Higher Education Amendments of 1998.

The conference agreement includes $75,000,000 for Teacher Quality Enhancement Grants, recently authorized under Title II of the Higher Education Amendments of 1998. The conference agreement includes $5,000,000 for Child Care Access Means Parents in School, recently authorized under subpart 7 of Part A of Title IV of the Higher Education Act, and $5,000,000 for demonstration projects to ensure students with disabilities receive a quality education, recently authorized under Part D of title VII. The conference agreement provides $450,000 for a Web-Based Education Commission, recently authorized under part J of Title VIII of the Higher Education Amendments of 1998. The Commission shall conduct a thorough study to assess the educational software available in retail markets for secondary and post-secondary students who choose to use such software.

The conference agreement also includes $1,750,000 for the Underground Railroad Educational and Cultural Program, recently authorized under part H of Title VIII of the Higher Education Amendments of 1998.

The conference agreement includes $5,000,000 for the St. Petersburg Junior College for a demonstration of a national method for increasing access to four year degrees and workforce training for students attending community colleges. The conference agreement also includes $2,000,000 for a demonstration project in using high-technology equipment to increase educational achievement at the Technology Assisted Learning Campus in New Rochelle, New York.

The conference agreement includes $250,000 for a demonstration that promotes cooperative educational activities at the Center for Urban Research and Learning at Loyola University of Chicago. The conference agreement also includes $1,150,000 for Southeast Community College in Letcher, Kentucky for the acquisition of telecommunications and networking equipment.

The conference agreement includes $3,000,000 for the Oregon State University Distance Education Alliance. The conference agreement also includes $1,000,000 for the Appalachian Center for Economic Networks in Athens, Ohio to implement a technology training program.

The conference agreement includes $6,000,000 for the Robert J. Dole Institute for Public Service and Public Policy on the University of Kansas campus in Lawrence, Kansas. The conference agreement includes $1,000,000 for the Oregon Institute of Public Service and Constitutional Studies at the Mark O. Hatfield School of Government at Portland State University. The conference agreement includes $2,150,000 for technology-enhanced leatning at the College of Natural Resources, University of Wisconsin at Stevens Point.

The conference agreement includes $1,500,000 for Touro Law Center in Central Islip, New York for the use of technology to bridge the gap between legal education and the actual practice of law. The conference agreement includes $1,000,000 for the International Center for Educational Technology and Distance Learning at Empire State College for design, development, production and dissemination of instructional materials to faculty and students worldwide.

The conference agreement includes $500,000 for a national model of adaptive technologies at the National Institute of Technology for Inclusive Education at the University of Northern Iowa. The conference agreement also includes $500,000 for a demonstration project to expand the successful college student preparation and retention programs for academically at-risk students at Prairie View A&M University.

The conference agreement also includes $750,000 for a demonstration project to identify and provide models of alcohol and drug abuse prevention and education programs in higher education at the college level. The conference agreement also includes $1,000,000 for the Paul Simon Public Policy Institute. The conference agreement includes $500,000 for a teacher training program in experiential learning to be administered by the Department of Language Teacher Education, School for International Training, Brattleboro, Vermont.

The conference agreement also includes $4,800,000,000 under Title III, for Salem State College in Salem, Massachusetts to integrate computer technology into an institutional facility to create a smart building.

The Secretary is encouraged to include funding for a demonstration project to fund expansion of a Computer Science and Information Processing Center for undergraduate and graduate degree programs. Montana State University in Billings, Montana would be especially suited for such a project.

The conference agreement includes $4,637,000 for Urban Community Service. This funding will complete the grant cycle for noncompeting project continuations. No further funding will be provided for the Urban Community Service program.

HOWARD UNIVERSITY

The conference agreement provides $214,489,000 for Howard University as proposed by the House instead of $210,000,000 as proposed by the Senate. The agreement includes a provision proposed by the Senate that designates for the endowment and makes available until expended not less than $3,530,000. The House bill permitted Howard University to allocate funds for the endowment as authorized by law.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The conference agreement provides $96,000 for the Historically Black College and University Capital Financing Program Account as proposed by the Senate instead of $196,000 as proposed by the House.

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

The conference agreement includes $669,867,000 for Education Research, Statistics and Improvement, instead of the $447,667,000 as proposed by the House and $479,338,000 as proposed in the Senate.

Research

The conference agreement provides $82,567,000 for research, instead of $72,567,000 as proposed by both the House and Senate. Within this amount, the conference agreement includes $10,000,000 for the research institutes to support well-designed, rigorous field studies of the student achievement effects of various comprehensive school reform models, and design competition(s) for the development of new models for comprehensive school reform, particularly at the middle and high school levels.

The conference agreement recommends that the Department of Education use the First in the World Consortium as a model to conduct further research on the Consortium's TIMSS data in grades 4, 8 and 12.

Statistics

The conference agreement provides $68,000,000 as proposed by the House, instead of $59,000,000 proposed by the Senate.

Regional Education Laboratories

The conference agreement includes $61,000,000 for the regional education laboratories, instead of $56,000,000 as proposed in both the House and Senate bills. The conference agreement provides that $5,000,000 of this amount shall be used to strengthen and expand the capacity of the laboratories to provide technical assistance to states, school districts and schools on implementing comprehensive school reform. Such assistance shall include a focus on helping school districts develop strategies to remove institutional barriers to school-wide reform, reallocate and coordinate resources to support comprehensive school reform, and share "lessons learned" among districts. Further, the conference agreement provides that the regional laboratory governing boards set the research and development priorities to guide the work funded and the funds be obligated and distributed in accordance with the fiscal year 1998 allocations by December 1, 1998.

Fund for the Improvement of Education

For the fund for the improvement of education (FIE), the conference agreement provides $147,000,000 instead of the $90,000,000 as proposed by the House and $115,000,000 as proposed by the Senate.

Within the funds provided, the conference agreement includes $15,000,000 to improve the national dissemination of information on comprehensive school reform, including the establishment of a national clearinghouse, and to ensure that all schools, particularly rural schools, can effectively implement the comprehensive school reform approach of their choice. Of this amount, not less than $12,000,000 shall be used to expand the supply of high quality technical assistance providers through a variety of mechanisms that may include forming partnerships with states, regional service centers, regional education laboratories and consortia of local educational agencies; providing matching funds to technical assistance providers to enable them to serve more schools; and using technology or distance learning approaches to reach rural schools. The conference agreement also provides $25,000,000 for continuation grants for schools in their second year of implementing comprehensive school reform.

The conference agreement includes $2,000,000 for a demonstration of full-service community school sites in Charles County, Maryland, Westchester County, New York, Cranston, Rhode Island, and Skagit County, Washington.

The conference agreement also includes $2,000,000 for the First Book program that makes new books available to local literacy programs and $1,750,000 for the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania to be used for the teaching of science through the arts.

The agreement also includes $350,000 to be awarded to the University of Montana and the Montana Board of Crime Control for community-based initiatives to promote non-violent behavior in schools. Also included is $1,000,000 for NetDay, to assist in connecting K–12 classrooms to the internet and $1,000,000 for the National Museum of Women in the Arts.

The agreement also includes $1,000,000 for Youth Friends of Kansas City to improve attendance and academic performance, $750,000 for the Thornberry Center for Youth and Families in Kansas City, MO to assist at-risk children and $400,000 for the Bay Shore, New York Literacy Education and Assessment Partnerships.

The agreement also includes $1,150,000 to provide technology assistance for the operation of a math/science learning center in Perry County, Kentucky and $1,000,000 for the Hechkscher Museum of Art, Long Island, New York for incorporating arts into education.

The agreement also includes $1,200,000 for a demonstration project to improve learning among students at all levels of education at the Southeastern Pennsylvania Consortium of Higher Education.

The agreement also includes $1,000,000 for the Dowling College Global Learning Center at the former LaSalle Academy for a master teacher training and education center to improve teacher capabilities in applying technology.

The agreement also includes $100,000 for state-of-the-art library materials and equipment that focus on innovative approaches to learning at the Presidio School District in Texas.

Within FIE, the agreement specifically endorses the language contained in the House report (105-635) relating to the Jump Start program and the Model Youth program and has provided $225,000 for the National Student and Parent Mock Elections.

The conference agreement supports school-based, physician led health education programs as well as a maritime history training project.

The conference agreement also encourages the extension of the Mentoring for School-Age children study. The conference agreement also supports the expanding of the National Crime Prevention Council's violence prevention program in schools and communities.

The conference agreement sets aside $16,000,000 for a broad based competition on innovative programs in education. In administering this competition, the conference agreement contemplates that the Department of Education will provide full and fair consideration, consistent with current practices and policies to applications submitted by the institutions identified in the House Report (105-635) and the Senate Report (105-300). In addition the conference agreement contemplates that similar consideration will be given to applications submitted by the following institutions:

The conference agreement urges the Department to provide $250,000 for a community center program that offers various on-site services, including educational tutoring and parental outreach, consistent with underlying statutes. Yolo and Solano Counties in California would be especially suited for such a program and should be given full and fair consideration for an award.

The conference agreement encourages the Department to provide $600,000 for a program that integrates standards, curricula and assessment development, consistent with underlying statutes. United Teachers-Los Angeles Academy for Integrating Standards, Curricula and Assessments would be especially suited for such a program and should be given full and fair consideration for an award.

The conference agreement encourages the Department to provide $1,000,000 for a pilot program for at-risk and economically disadvantaged youth, consistent with underlying statutes. "An Achievable Dream" project in Newport News, Virginia would be especially suited for such a program and should be given full and fair consideration for an award.

The conference agreement encourages the Department to support a non-profit organization with a proven track record as an authority in quality teacher training programs to undertake a comprehensive review of research-based educational programs. The purpose of the review is to identify, assess, synthesize and catalogue educational tools and strategies that have been proven effective through research at teaching students with learning deficits.

Within the funds provided for FIE, there is included $10,000,000 for continuing a demonstration of public school facilities repair and construction administered by the Iowa Department of Education and $10,000,000 for the District of Columbia Public Schools education reform initiative.

International Education

The conference agreement includes $7,000,000 the same as the Senate bill, rather than $5,000,000 included in the House bill. Included within this amount is $1,000,000 to implement cooperative education programs in both the Republic of Ireland and Northern Ireland and $500,000 to increase support for activities in Bosnia-Herzegovina.

Civics Education

For Civics Education, the agreement provides $7,500,000 the same level as in the Senate, rather than the $6,300,000 included in the House bill. The conference agreement concurs with the Senate report language which includes $1,000,000 for a new violence prevention initiative.

Within the amounts provided, the conference agreement includes $50,000 for a feasibility study and initial planning and design by the Center for Educational Technologies of an effective CD ROM product that would enliven the U.S. Constitution and bring knowledge of that esteemed document to the young people of the nation. Such a product should be unique and not duplicative, and should complement the book "We the People: The Citizen and the Constitution" which has been authorized by Congress and produced by the Center for Civic Education.

21st Century Learning Centers

The conference agreement includes $200,000,000 for the 21st Century Learning Centers, compared to $60,000,000 in the House bill and $75,000,000 in the Senate bill. The conference agreement is based on the understanding that the Department received applications in fiscal year 1998 far in excess of available funds. Additional funds have been provided to establish new after school learning centers in approximately 1,600 schools. The conference agreement contemplates that these funds will be targeted to high-need rural communities, urban communities and small cities that have low achieving students and lack resources to establish after school centers to ensure the greatest benefit from this federal investment. The conference agreement contemplates that communities with high rates of juvenile crime, school violence, and student drug abuse should also receive a priority for funding. Further, the Secretary is encouraged to consider applications that involve community-based partnerships with business and other agencies that can collaborate to meet the needs of students and other community members.

The conference agreement contemplates that the Secretary will, to the extent practicable, assure that these districts have available to them the technical and other assistance needed to prepare competitive applications. For those that receive grants, the agreement also contemplates that support from the broad array of assistance and information resources will be made available to assure the successful implementation of the after school centers program at the local level.

The conference agreement contemplates that federal funds should be expended for after school programs that are aligned with state and local academic standards, document student progress and utilize trained instructors.

The conference agreement includes $500,000 to provide 3 years of support for the Chippewa Falls Area Unified School System, Wisconsin after school program, $400,000 to provide 3 years of support for the Wausau School System, Wisconsin after school program; $350,000 for the New Rochelle School System after school program; $100,000 for the New York Hall of Science, Queens, New York, after school program; $300,000 for the Bay Shore Community Learning Wellness and Fitness Center for Drug Free Lifestyles in Bay Shore, New York; $400,000 for the Green Bay Public School System, Wisconsin after school program; $2,500,000 for an after school anti-drug pilot program in the Chicago Public Schools; $25,000 for the Louisville Central Community Centers Youth Education Program to support after-school programming; and $25,000 for Canaan's Community Development Corporation in Louisville, Kentucky for the Village Learning Center after school program.

DEPARTMENTAL MANAGEMENT

The conference agreement includes $459,242,000 for Departmental Management, instead of the $453,742,000 as proposed by the House and $456,742,000 as proposed by the Senate. Within this amount, the agreement provides $66,000,000 for the Office of Civil Rights and $31,242,000 for the Office of Inspector General.

The conference agreement recognizes that Public Service Recognition Week has educated America as to the value of the career workforce that carries out the day-to-day operations of government. This program, which has existed for over ten years, plays an important role in educating our nation's youth and providing them with timely information about their government. The agreement contemplates that the Secretary will support the elementary and secondary education projects of Public Service Recognition Week.

GENERAL PROVISIONS

VOLUNTARY NATIONAL TESTS

The conference agreement includes a provision not contained in either the House or the Senate bills. The House bill prohibited the development, planning, implementation (including pilot testing or field testing) or administration of any national test without specific and explicit statutory authority.

The Senate bill prohibited field testing, implementation and administration of national tests, but would allow pilot testing to go forward in FY 1999. The Senate bill also continued to grant authority to the National Assessment Governing Board (NAGB), as opposed to the Department of Education, to oversee limited test development activities.

The conference agreement permits the National Assessment Governing Board to proceed with very limited test development activities, but specifically prohibits any pilot testing, field testing, administration or distribution of individualized national tests that are not specifically and explicitly provided for in authorizing legislation enacted into law. At the present time, there is no specific and explicit authority in Federal law for individualized national tests.

From the initial announcement of the proposed voluntary national tests until the present, there has been no clear articulation of the purpose of the proposed voluntary national tests. The conference agreement requires NAGB to determine and clearly articulate the purpose and intended use of the proposed national tests, and to report to Congress and the White House no later than September 30, 1999.

Further, the conference agreement requires NAGB to determine and report to Congress and the White House no later than September 30, 1999 on the meaning of the word "voluntary" in the context of proposed national tests.

Response to National Academy of Sciences (NAS) Report "Grading the Nation's Report Card: Evaluating NAEP and Transforming the Assessment of Educational Progress"

On September 24, 1998, the National Academy of Sciences released a report entitled "Grading the Nation's Report Card: Evaluating NAEP and Transforming the Assessment of Educational Progress." The report, conducted under the authority of section 411(f) of the National Education Statistics Act, concluded, in part, that the NAEP achievement level-setting procedures remain fundamentally flawed. Because the achievement levels for the proposed national tests are to be modeled upon the NAEP achievement levels, the report's findings have direct implications for national tests.

The conference agreement requires NAGB to develop and submit to Congress and the White House a report which responds to the findings of the NAS on this matter. NAGB shall report to Congress and the White House no later than September 30, 1999.

National Academy of Sciences (NAS) Technical Feasibility Study

The conference agreement authorizes the NAS to conduct a study of the technical feasibility, validity, and reliability of imbedding test items from NAEP or other tests in state and district assessments in fourth grade reading and eighth grade mathematics.

The conference agreement recognizes that including items from one test in another test for the purpose of providing a common measure of individual student performance is, effectively, a form of linking. Therefore, NAS should issue a report not only on the practicality, but also the validity and reliability of interpretations based upon reported scores from the inclusion of test items from NAEP or other tests in state and district assessments.

In looking at the validity and reliability of imbedding test items and the reporting of test results on such items, the NAS should determine whether linking state and district assessments to the NAEP or another national performance standard or scale through the method of imbedded items will result in valid measures of student achievement within states and districts, and in terms of national performance standards or scales.

Further, NAS should consider the issues presented in its report to Congress dated September 3, 1998 and entitled "Uncommon Measures: Equivalence and Linkage Among Educational Tests," and those issues raised by the General Accounting Office report "Student Testing: Issues Related to Voluntary National Mathematics and Reading Tests" dated June 1998. The NAS study should take into consideration the validity and reliability of content and standards-based score descriptions of different measurements, comparison of a matrix-sample test to an individual student achievement test, differences in test purposes, stakes and motivation, and the stability of results over time.

The NAS informal progress report (due no later than June 30, 1999), the NAS final report (due no later than September 30, 1999), and the Administration's views on national testing will be considered during the authorization process of the National Assessment of Educational Progress and the Elementary and Secondary Education Act in the 106th Congress.

STATE FUNDS FOR INNOVATIVE PROGRAMS

The conference agreement deletes a House provision that would have allowed States to use funds under the Goals 2000 and the Eisenhower professional development programs for activities under title VI of the Elementary and Secondary Education Act of 1965.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

The House bill included language amending the Individuals with Disabilities Education Act (IDEA) to give local educational agencies (LEAs) flexibility to move a child with a disability to an alternative educational setting in situations where a child exhibits intentional violent behavior. The conference agreement deletes the House provision. The Senate had no similar provision.

In order to gain a greater understanding of the difficulties associated with disciplining violent, disabled children, the conference agreement recommends that a General Accounting Office (GAO) study be conducted. The purpose of the study is to determine how IDEA affects the ability of LEAs to maintain safe school environments conducive to learning. The study should address the following issues: 1.) Whether students with disabilities who exhibit violent behavior, carry weapons, and knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance while at school or at a school function are being disciplined differently than children without disabilities. 2.) The extent to which IDEA affects the ability of LEAs to properly discipline students who exhibit violent behavior, carry weapons, and knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance while at school or at a school function. 3.) The impact of incidents of serious misconduct committed by children with disabilities in elementary and secondary schools on schools, students, parents, and teachers. 4.) The situations in which LEAs believe they are unable to provide for a safe and orderly environment because of IDEA requirements. GAO is to submit an interim report to the Chairman and ranking member of the House and Senate Appropriations Committees no later than March 1, 1999. The study is to be submitted to the Chairman and ranking member of the House and Senate Appropriations Committees no later than July 30, 1999.

There is grave concern that the Department of Education has not published regulations on the Individuals with Disabilities Act Amendments of 1997. The Secretary of Education shall promulgate, in final form, regulations to implement the Individuals with Disabilities Education Act Amendments of 1997 not later than December 1, 1998.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

The conference agreement deletes a House provision that would have clarified penalties for States that fail to serve adult prisoners under the Individuals with Disabilities Education Act. The Senate had no similar provision.

BILINGUAL EDUCATION

The conference agreement deletes a House provision that would have removed the 25 percent cap on special alternative instruction projects, limited student participation in federally-funded bilingual education programs to two years with two additional one-year extensions and required the Secretary to give priority for funding multi-year grants to proposals focusing on the most rapid transition to English. The Senate bill contained no similar provision.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

The conference agreement includes a provision proposed by the Senate which permits the Armed Forces Retirement Home to contract for planned renovation activities specified in the budget request. The conference agreement also includes a provision proposed by the Senate which would permit construction and renovation funds to remain available until expended.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The conference agreement provides $276,039,000 for the Domestic Volunteer Service programs instead of $275,039,000 as proposed by the Senate and $251,369,000 as proposed by the House. The Corporation for National and Community Service shall comply with the directive that the use of funding increases in Foster Grandparents Program, Retired Senior Volunteer Program and VISTA not be restricted to America Reads activities.

The conference agreement provides $1,080,000 for senior demonstration activities, which may be used for both new and existing demonstration projects. The conference agreement directs that expenditures of all regular FGP, SCP, and RSVP funds for demonstration activities be limited to no more than levels expended in fiscal year 1998 or $1,000,000, whichever is less. None of the increases provided for FGP, SCP, or RSVP in fiscal year 1999 may be used for demonstration activities. The agreement further directs that all future demonstration activities must be funded through allocations made through part E of the Domestic Volunteer Service Act. In addition, the agreement expresses concern over using funds for any demonstration activity which involves paying non-taxable, non-income stipends to people not meeting income guidelines established by Congress.

The conference agreement provides that funds remaining in the Foster Grandparent, Retired and Senior Volunteer and Senior Companion programs above the administrative cost increases of 3 percent shall be used to begin new programs in geographic areas currently unserved.

The conference agreement includes an additional $1,000,000 for program administration above the amount provided in both the House and Senate bills. Recent increases in funding for the VISTA program have resulted in increased workload in state offices. Technological solutions are available which could help alleviate this situation as well as provide significant improvements to the communication among state offices and grantees. The Corporation for National and Community Service shall use this additional $1,000,000 to improve state office program administration throughout the Nation, including improving state office technological support to enhance state office communication with grantees.

Funds appropriated for fiscal year 1999 may not be used to implement or support service collaboration agreements or any other changes in the administration and/or governance of national service programs prior to passage of a bill by the authorizing committees of jurisdiction specifying such changes.

Corporation for Public Broadcasting

The conference agreement includes language proposed by the Senate providing an additional $15,000,000 for digitalization, if specifically authorized by subsequent legislation by September 30, 1999. The Federal Communications Commission (FCC) has mandated that all public television stations be converted from analog to digital transmissions by May 2003. Public broadcasting stations face substantial financial obstacles in meeting this schedule. Digital conversion will cause extreme hardship on small rural stations and the conference agreement encourages that funds provided be targeted to those stations with the most financial need.

Federal Mediation and Conciliation Service

The conference agreement includes language proposed by the Senate regarding the authority of the Director to accept and use gifts.

Institute of Museum and Library Services

The conference agreement provides $166,175,000 for the Institute of Museum and Library Services instead of $146,340,000 as proposed by the House and $156,340,000 as proposed by the Senate. Within this amount, the conference agreement sets aside $25,000,000 for national leadership projects, including $4,000,000 for a broad-based competition on improving the quality of library and museum services. This competition shall be administered in a manner consistent with the requirements applicable in authorizing statutes and the Institute's General Administrative Manual. In administering this competition, the Director shall give full and fair consideration to applications submitted by the institutions identified in the Senate Report (105–300) and in this statement of the managers. The Metropolitan Museum of Art has undertaken an innovative project to record and library digital photographs of a substantial portion of its collection, which is the largest collection in the Western Hemisphere. In order to assist the Museum make its collection available to students and library patrons throughout the Nation, the Director is encouraged to provide $500,000 for this project. In addition, the Director is encouraged to continue a National Leadership grant award to an historic medical library.

The conference agreement includes $10,000,000 for the National Constitution Center for exhibition design, program planning, and operation of the Center to engage all citizens in understanding the Constitution and its history. The conference agreement includes $750,000 for the Digital Geospatial and Numerical Data Library at the University of Idaho. The conference agreement includes $1,250,000 for the Franklin Institute in Philadelphia, PA to maintain and enhance the oldest scientific journal in the United States, to manage an extensive international program and to provide an innovative science education program in the library setting.

The conference agreement also includes $2,000,000 for the New York Public Library to enhance digitization efforts to improve online access to library collections. The conference agreement includes $35,000 for the Children's Museum in Manhattan. The conference agreement includes $300,000 for completing transcription, indexing, cataloging, and microfilming of approximately 1,200 oral history interviews relating to Iowa labor and unions and to process and catalog approximately 800 shelf feet of labor history archival material in order to make the entire collection accessible to researchers and to the public. The conference agreement includes $1,100,000 for the Museum of Science and Industry in Chicago, Illinois for a nautical exhibition.

National Labor Relations Board

The conference agreement provides $184,451,000 for the National Labor Relations Board as proposed by the Senate instead of $174,661,000 as proposed by the House.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

The conference agreement provides $189,000,000 for dual benefits payments as proposed by the Senate instead of $191,000,000 as proposed by the House.

LIMITATION ON ADMINISTRATION

The conference agreement includes a limitation on transfers from the railroad trust funds of $90,000,000 for administrative expenses as proposed by the Senate instead of $86,000,000 as proposed by the House.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

The conference agreement includes a limitation on transfers from the railroad trust funds of $5,600,000 for the Office of Inspector General as proposed by the Senate instead of $5,400,000 as proposed by the House. The conference agreement includes a provision by the House prohibiting the use of funds for any audit, investigation or review of the Medicare program. The conference agreement makes this prohibition a permanent change in law.

Social Security Administration

SUPPLEMENTAL SECURITY INCOME PROGRAM

The conference agreement includes $21,552,000,000 for the Supplemental Security Income Program instead of $21,495,000,000 as proposed by the House and $21,538,000,000 as proposed by the Senate. The conference agreement includes language authorizing the Commissioner of Social Security to use $6,000,000 for Federal-State partnerships to evaluate ways to promote Medicare buy-in programs targeted to elderly and disabled individuals. The conference agreement includes $1,000,000 to be used to conduct policy research to support the goals of the Presidential Task Force on Employment of Adults with Disabilities. In designing and implementing research on the barriers to employment for persons with disabilities, the Social Security Administration shall consult fully with the Presidential Task Force.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of $5,996,000,000 on transfers from the Social Security and Medicare trust funds and Supplemental Security Income program for administrative activities instead of $5,949,000,000 as proposed by the House and $5,982,000,000 as proposed by the Senate.

The Social Security Administration operates a unique cooperative training program with the Association of Administrative Law Judges, Inc., which is recognized by State bar associations for continuing legal education credits. It is believed that this unique program will improve SSA's ability to meet its performance goals and SSA is encouraged to continue and expand its support of this program, including reimbursement of conference registration fees for the Association of Administrative Law Judges, Inc. annual training conference, to increase ALJ participation.

Office of Inspector General

The conference agreement provides $56,000,000 for the Office of Inspector General through a combination of general revenues and limitations on trust fund transfers as proposed by the House instead of $50,212,000 as proposed by the Senate.

United States Institute of Peace

The conference agreement provides $12,160,000 for the United States Institute of Peace instead of $11,160,000 as proposed by the House and $11,495,000 as proposed by the Senate. Funding provided above the President's request level shall be used for the Bosnia initiative described in the Congressional budget justification accompanying the fiscal year 1999 budget request.

TITLE V—GENERAL PROVISIONS

Distribution of Sterile Needles

Both the House and Senate bills contain prohibitions on the use of Federal funds for the distribution of sterile needles for the injection of any illegal drug (section 505). The Senate language allows the Secretary to waive the prohibition to allow a needle exchange program if she determines that such program is effective in preventing the spread of HIV and does not encourage the use of illegal drugs and that the program is operated in accordance with criteria established by the Secretary to ensure those conditions are met. The House bill includes a strict prohibition with no waiver authority. The conference agreement is the same as the House language.

Abortion Restriction

Both the House and Senate bills contain the Hyde amendment that was revised in the fiscal year 1998 appropriations Act. However, the House bill includes additional clarifying language to ensure that the Hyde amendment applies to all trust fund programs funded in the bill. The conference agreement is the same as the House language.

Fund Transfer Prohibition

Both the House and Senate bills contain a provision that prohibits transfers of funds from an appropriation account in the Departments of Labor, health and Human Services and Education except as authorized in this or any subsequent appropriations Act or in the Act establishing the program for which funds are contained in this Act. The conference agreement makes this provision permanent.

Teamsters Election

The conference agreement includes a general provision proposed by the House that prohibits the use of funds in this Act for the election of officers of the International Brotherhood of Teamsters. The Senate bill had no similar provision.

Unobligated Salaries and Expenses

The conference agreement includes a general provision proposed by the House that would allow salaries and expenses funds in the bill that are unobligated at the end of fiscal year 1999 to remain available for three additional months, provided that the Appropriations Committees are notified before the funds are obligated. The Senate bill had no similar provision.

National Labor Relations Act

The conference agreement does not include a general provision proposed by the House that would have amended the National Labor Relations Act to require the National Labor Relations Board to adjust its jurisdictional threshold amounts for the inflation that has occurred since the adoption of the current thresholds an August 1, 1959. The Senate bill had no similar provision.

Health Identifier

The conference agreement includes a general provision proposed by the Senate modified to provide that none of the funds in this

Act may be used to adopt a final standard providing for a unique health identifier for an individual until legislation is enacted specifically approving the standard. The House bill had no similar provision.

SALARIES AND EXPENSES REDUCTION

The conference agreement deletes section 515 of the Senate bill that would have reduced salaries and expenses appropriations for all agencies in the bill by a total of $33,000,000 to be allocated by the Office of Management and Budget. The House had no similar provision.

TITLE VI—NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

The conference agreement includes a legislative provision proposed by the Senate that amends title IV of the Public Health Service Act to create a national center for complementary and alternative medicine at the National Institutes of Health. The House bill had no similar provision.

TITLE VII—MISCELLANEOUS PROVISIONS

CHILD PROTECTION ACT

The conference agreement does not include a new Child Protection Act of 1998 proposed by the House. This would have required any elementary or secondary school or public library that has received any Federal funds for the acquisition or operation of any computer that is accessible to minors and that has access to the Internet to install software on such computer designed to prevent minors from obtaining access to any obscene information using that computer and to ensure that such software is operational whenever that computer is used by minors. The Senate had no similar provision.

PUBLIC BROADCASTING PAY CAP

The conference agreement includes language that was not in either the House or Senate bills that amends title 47 of the U.S. Code to remove the current statutory pay cap for officers and employees of the Public Broadcasting System and National Public Radio and to conform the cap to the limits on compensation set by Congress in 1996 for all other nonprofit organizations.

REFUGEE PROVISION

The conference agreement includes language that was not contained in either the House and Senate bills that amends the Foreign Operations Appropriations Act, 1990 (Public Law 101-167) to extend certain existing adjudication provisions related to qualifying for refugee status once an applicant has proven that he or she is a member of a religious minority group that has historically endured discrimination. This does not determine the number of refugees to be admitted to the United States in a given year. That decision is made separately.

RAILROAD RETIREMENT SPOUSES

The conference agreement includes language that was not contained in either the House or Senate bills that amends the Railroad Retirement Act to restore monthly railroad pension payments to a very small number of surviving divorced spouses of former railroad workers. These divorced widows had their monthly payments mistakenly cut off through an administrative error by the Railroad Retirement Board.

PUERTO RICO CHILDREN'S HEALTH INSURANCE PROGRAM

The conference agreement includes language that was not in either the House or Senate bills that appropriates an additional $32,000,000 for fiscal year 1999 for the Children's Health Insurance Program in Puerto Rico.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

The conference agreement includes language that was not in either the House or Senate bills that inserts a technical correction to the formula set forth in the Balanced Budget Act of 1997 for the allocation of funds among the States under the State children's health insurance program (SCHIP). This formula relies on the Current Population Survey, in which the data can vary significantly from year to year due to small sample sizes. To prevent wide, unpredictable funding fluctuations in the allocation among the States this year, the same data used to allocate SCHIP funds in FY 1998 will be used again in FY 1999. Each State's share or percentage of the total amount available in FY 1998 will be the same share or percentage of the total amount available in FY 1999 as authorized under Balanced Budget Act.

MEDICAID DSH PAYMENTS

The conference agreement includes language that was not in either the House or Senate bills correcting an error in the Balanced Budget Act of 1997 which displayed incorrect information about the level of Medicaid disproportionate share hospital payments for the States of Minnesota, New Mexico and Wyoming. The bill corrects these errors only for fiscal year 1999. There is no intention to include this correction in future appropriations bills. It is expected that the authorizing committees will enact the correction on a permanent basis.

COMMISSION ON WEAPONS OF MASS DESTRUCTION

The conference agreement includes language that was not in either the House or Senate bills that extends the reporting deadline for the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction, enlarges the membership of the commission and restricts certain activities of the commission.

PACE PROGRAM

The conference agreement includes a provision not contained in either the House or Senate bills which makes a technical correction to title XIX of the Social Security Act.

ACCESS TO OBSTETRICAL AND GYNECOLOGICAL SERVICES

The conference agreement deletes section 701 of the House bill which would have provided that any group health plan or health insurer, including managed care plans, must allow obstetricians and gynecologists to be designated by a female enrollee as her primary care physician. The House provision amended several underlying statutes. The Senate had no similar provision.

CIGARETTE LABELING

The conference agreement deletes section 702 of the House bill which would have required additional warning labels for cigarettes with respect to African-Americans. The House provision amended the Federal Cigarette Labeling and Advertising Act. The Senate had no similar provision.

TITLE VIII—READING EXCELLENCE ACT

The conference agreement includes a new title VIII of the bill which was not included in either the House or Senate bills. This title amends Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) to create a two-year competitive grant program to States to assist children having difficulty with reading.

TITLE IX—WOMEN'S HEALTH AND CANCER RIGHTS

The conference agreement includes a provision not contained in either the House or Senate bills which would require health insurers to provide coverage of reconstruction of the breast on which mastectomies have been performed and prostheses and complications of mastectomies including lymphedemas.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparison:

	FY 1998	FY 1999				Conference vs			Mand
	Comparable	Request	House	Senate	Conference	FY 1998	House	Senate	Disc
TITLE I - DEPARTMENT OF LABOR									
EMPLOYMENT AND TRAINING ADMINISTRATION									
TRAINING AND EMPLOYMENT SERVICES (1)									
Grants to States:									
Adult Training	955,000	1,000,000	955,000	950,000	955,000	---	---	+5,000	D
Youth Training	129,965	129,965	129,965	129,965	129,965	---	---	---	D
Summer Youth Program (2)	871,000	871,000	---	871,000	871,000	---	+871,000	---	D
Dislocated Worker Assistance	1,350,510	1,450,510	1,350,510	1,405,510	1,405,510	+55,000	+55,000	---	D
Federally administered programs:									
Native Americans	53,815	53,815	53,815	59,315	57,815	+4,000	+4,000	-1,500	D
Migrant and Seasonal Farmworkers	71,017	71,017	71,017	71,517	71,517	+500	+500	---	D
Job Corps:									
Operations	1,127,726	1,157,047	1,157,047	1,150,000	1,157,047	+29,321	---	+7,047	D
Construction and Renovation (3)	118,491	150,572	150,572	150,572	150,572	+32,081	---	---	D
Subtotal, Job Corps	1,246,217	1,307,619	1,307,619	1,300,572	1,307,619	+61,402	---	+7,047	
Veterans' employment	7,300	7,300	7,300	7,300	7,300	---	---	---	D

(1) Forward funded except where noted.

(2) Current funded.

(3) Three year forward funded availability.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
National activities:									
Pilots and Demonstrations	65,717	32,000	25,000	85,000	62,500	-3,217	+37,500	-22,500	D
Research, Demos, evaluation	8,196	10,000	10,000	8,196	9,098	+902	-902	+902	D
Opportunity Areas for Youth									
Advance from prior year (NA)	---	(250,000)	(250,000)	(250,000)	(250,000)	(+250,000)	---	---	NA
Adjustment	---	---	-250,000	-125,000	---	---	+250,000	+125,000	D
Advance for subsequent year	250,000	250,000	---	250,000	---	-250,000	---	-250,000	D
Other	12,000	5,000	5,000	10,000	9,000	-3,000	+4,000	-1,000	D
Subtotal, National activities	335,913	297,000	-210,000	228,196	80,598	-255,315	+290,598	-147,598	
Current Year: FY98/99	(85,913)	(47,000)	(-210,000)	(-21,804)	(80,598)	(-5,315)	(+290,598)	(+102,402)	
FY99/00	(250,000)	(250,000)	---	(250,000)	---	(-250,000)	---	(-250,000)	
Subtotal, Federal activities	1,714,262	1,736,751	1,229,751	1,666,900	1,524,849	-189,413	+295,098	-142,051	
Current Year: FY98/99	(1,464,262)	(1,486,751)	(1,229,751)	(1,416,900)	(1,524,849)	(+60,587)	(+295,098)	(+107,949)	
FY99/00	(250,000)	(250,000)	---	(250,000)	---	(-250,000)	---	(-250,000)	
Total, Job Training Partnership Act	5,020,737	5,188,226	3,665,226	5,023,375	4,886,324	-134,413	+1,221,098	-137,051	
Current Year: FY98/99	(4,770,737)	(4,938,226)	(3,665,226)	(4,773,375)	(4,886,324)	(+115,587)	(+1,221,098)	(+112,949)	
FY99/00	(250,000)	(250,000)	---	(250,000)	---	(-250,000)	---	(-250,000)	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Women in Apprenticeship (1)	1,000	647	647	1,000	1,000	---	+353	---	D
Skills Standards	8,000	7,000	7,000	7,000	7,000	-1,000	---	---	D
Subtotal, National activities, TES	344,913	304,647	-202,353	236,196	88,598	-256,315	+290,951	-147,598	
Current Year: FY98/99	(9,000)	(7,647)	(7,647)	(8,000)	(8,000)	(-1,000)	(+353)	---	
FY99/00	(250,000)	(250,000)	---	(250,000)	---	(-250,000)	---	(-250,000)	
School-to-Work (2)	200,000	125,000	75,000	125,000	125,000	-75,000	+50,000	---	D
Homeless Veterans (1)	3,000	2,500	3,000	3,000	3,000	---	---	---	D
Total, Training and Employment Services	5,232,737	5,323,373	3,750,873	5,159,375	5,022,324	-210,413	+1,271,451	-137,051	
Current Year: FY98/99	(4,982,737)	(5,073,373)	(3,750,873)	(4,909,375)	(5,022,324)	(+39,587)	(+1,271,451)	(+112,949)	
FY99/00	(250,000)	(250,000)	---	(250,000)	---	(-250,000)	---	(-250,000)	
Welfare-to-work rescission	---	---	---	-137,000	-137,000	-137,000	-137,000	---	D
Community Serv. Employment Older Americans (3)	440,200	440,200	440,200	440,200	440,200	---	---	---	D
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES									
Trade Adjustment	304,700	312,300	312,300	312,300	312,300	+7,600	---	---	M
NAFTA Activities	44,300	48,400	48,400	48,400	48,400	+4,100	---	---	M
Proposed Legislation -- NAFTA	---	(138,300)	(138,300)	(138,300)	(138,300)	(+138,300)	---	---	NA
Total	349,000	360,700	360,700	360,700	360,700	+11,700	---	---	

(1) Current funded.

(2) 15-month forward funded availability.

(3) The request earmarks $91 million for integrity activities.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS									
Unemployment Compensation (Trust Funds):									
State Operations	(2,114,125)	(2,214,125)	(2,115,125)	(2,115,125)	(2,135,125)	(+21,000)	(+20,000)	(+20,000)	TF
National Activities	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	---	---	---	TF
Year 2000 Computer conversion									
Advance from prior year	---	(40,000)	(40,000)	(40,000)	(40,000)	(+40,000)	---	---	NA
Adjustment	(160,000)	---	---	(-40,000)	---	(-160,000)	---	(+40,000)	TF
Subtotal, current year	(160,000)	(40,000)	(40,000)	---	(40,000)	(-120,000)	---	(+40,000)	
Advance (FY99/00)	(40,000)	---	---	---	---	(-40,000)	---	---	TF
Contingency	(196,333)	(180,933)	(196,333)	(186,333)	(180,933)	(-15,400)	(-15,400)	(-5,400)	TF
Subtotal, Unemployment Comp (trust funds)	(2,520,458)	(2,405,058)	(2,321,458)	(2,271,458)	(2,326,058)	(-194,400)	(+4,600)	(+54,600)	
Current Year: FY98/99	(2,480,458)	(2,405,058)	(2,321,458)	(2,271,458)	(2,326,058)	(-154,400)	(+4,600)	(+54,600)	
FY99/00	(40,000)	---	---	---	---	(-40,000)	---	---	
Employment Service:									
Allotments to States:									
Federal Funds	23,452	23,452	23,452	23,452	23,452	---	---	---	D
Trust Funds	(738,283)	(738,283)	(738,283)	(738,283)	(738,283)	---	---	---	TF
Subtotal	761,735	761,735	761,735	761,735	761,735	---	---	---	
National Activities:									
Trust Funds (1)	(54,880)	(54,880)	(54,880)	(59,880)	(59,880)	(+5,000)	(+5,000)	---	TF
Subtotal, Employment Service	816,615	816,615	816,615	821,615	821,615	+5,000	+5,000	---	
Federal funds	23,452	23,452	23,452	23,452	23,452	---	---	---	
Trust funds	(793,163)	(793,163)	(793,163)	(798,163)	(798,163)	(+5,000)	(+5,000)	---	

(1) Figures include $20 million related to the Work Opportunity Tax Credit which is unauthorized for FY98 and FY99.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
One Stop Career Centers									
Federal Funds	163,344	138,645	128,645	138,645	138,645	-24,699	+10,000	---	D
Trust Funds	---	(7,855)	(7,855)	(7,855)	(7,855)	(+7,855)	---	---	TF
Total, One stop centers	163,344	146,500	136,500	146,500	146,500	-16,844	+10,000	---	
Total, State Unemployment	3,500,417	3,368,173	3,274,573	3,239,573	3,294,173	-206,244	+19,600	+54,600	
Federal Funds	186,796	162,097	152,097	162,097	162,097	-24,699	+10,000	---	
Trust Funds	(3,313,621)	(3,206,076)	(3,122,476)	(3,077,476)	(3,132,076)	(-181,545)	(+9,600)	(+54,600)	
Current year	(3,273,621)	(3,206,076)	(3,122,476)	(3,077,476)	(3,132,076)	(-141,545)	(+9,600)	(+54,600)	
FY99/00	(40,000)	---	---	---	---	(-40,000)	---	---	
Advances to the UI and Other Trust Funds (1)	392,000	357,000	357,000	357,000	357,000	-35,000	---	---	M

(1) Two year availability.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
PROGRAM ADMINISTRATION									
Adult Employment and Training	26,121	28,103	27,688	27,688	28,103	+1,982	+415	+415	D
Trust Funds	(2,259)	(3,129)	(2,395)	(2,395)	(2,395)	(+136)	---	---	TF
Youth Employment and Training	29,925	32,854	31,721	31,721	31,721	+1,796	---	---	D
Employment Security	6,174	4,718	4,718	4,718	4,718	-1,456	---	---	D
Trust Funds	(37,697)	(41,704)	(39,956)	(39,956)	(39,956)	(+2,259)	---	---	TF
Apprenticeship Services	16,448	18,365	17,435	17,435	17,435	+987	---	---	D
Executive Direction	5,729	6,822	6,073	6,073	6,073	+344	---	---	D
Trust Funds	(1,329)	(1,365)	(1,365)	(1,365)	(1,365)	(+36)	---	---	TF
Welfare to Work	5,700	6,400	6,360	6,360	6,360	+660	---	---	D
Subtotal, Program Administration	131,382	143,460	137,711	137,711	138,126	+6,744	+415	+415	
Federal funds	90,097	97,262	93,995	93,995	94,410	+4,313	+415	+415	
Trust funds	(41,285)	(46,198)	(43,716)	(43,716)	(43,716)	(+2,431)	---	---	
Subtotal, Employment & Training Administration	10,045,736	9,992,906	8,321,057	9,557,559	9,475,523	-570,213	+1,154,466	-82,036	
Federal funds	6,690,830	6,740,632	5,154,865	6,436,367	6,299,731	-391,099	+1,144,866	-136,636	
Current Year: FY98/99	(6,440,830)	(6,490,632)	(5,154,865)	(6,186,367)	(6,299,731)	(-141,099)	(+1,144,866)	(+113,364)	
FY99/00	(250,000)	(250,000)	---	(250,000)	---	(-250,000)	---	(-250,000)	
Trust funds	(3,354,906)	(3,252,274)	(3,166,192)	(3,121,192)	(3,175,792)	(-179,114)	(+9,600)	(+54,600)	
Current Year: FY98/99	(3,314,906)	(3,252,274)	(3,166,192)	(3,121,192)	(3,175,792)	(-139,114)	(+9,600)	(+54,600)	
FY99/00	(40,000)	---	---	---	---	(-40,000)	---	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
PENSION AND WELFARE BENEFITS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement and Compliance	66,146	71,660	69,111	69,840	71,106	+4,960	+1,995	+1,266	D
Policy, Regulation and Public Service	12,289	15,555	13,289	14,477	15,216	+2,927	+1,927	+739	D
Program Oversight	3,621	3,759	3,759	3,759	3,678	+57	-81	-81	D
Subtotal, PWBA	82,056	90,974	86,159	88,076	90,000	+7,944	+3,841	+1,924	
PENSION BENEFIT GUARANTY CORPORATION									
Program Administration subject to limitation (TF)	(10,433)	(10,958)	(10,958)	(10,958)	(10,958)	(+525)	---	---	TF
Termination services not subject to limitation (NA)	(137,376)	(147,724)	(147,724)	(147,724)	(147,724)	(+10,348)	---	---	NA
Subtotal, PBGC new BA	(10,433)	(10,958)	(10,958)	(10,958)	(10,958)	(+525)	---	---	
Subtotal, PBGC (Program level)	(147,809)	(158,682)	(158,682)	(158,682)	(158,682)	(+10,873)	---	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
EMPLOYMENT STANDARDS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement of Wage and Hour Standards	121,347	129,897	127,414	127,414	129,581	+8,234	+2,167	+2,167	D
Office of Labor-Management Standards	26,735	27,648	28,648	27,648	28,148	+1,413	-500	+500	D
Federal Contractor EEO Standards Enforcement	62,344	67,836	65,461	65,461	65,461	+3,117	---	---	D
Federal Programs for Workers' Compensation	77,906	76,759	76,759	76,759	76,759	-1,147	---	---	D
Trust Funds	(993)	(1,924)	(1,924)	(1,924)	(1,924)	(+931)	---	---	TF
Program Direction and Support	11,695	12,127	12,127	12,127	12,127	+432	---	---	D
Subtotal, ESA salaries and expenses	301,020	316,191	312,333	311,333	314,000	+12,980	+1,667	+2,667	
Federal funds	300,027	314,267	310,409	309,409	312,076	+12,049	+1,667	+2,667	
Trust funds	(993)	(1,924)	(1,924)	(1,924)	(1,924)	(+931)	---	---	
SPECIAL BENEFITS (1)									
Federal employees compensation benefits	197,000	175,000	175,000	175,000	175,000	-22,000	---	---	M
Longshore and harbor workers' benefits	4,000	4,000	4,000	4,000	4,000	---	---	---	M
Subtotal, Special Benefits	201,000	179,000	179,000	179,000	179,000	-22,000	---	---	

(1) The request and the bill include four earmarks totalling $40.5 million.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
BLACK LUNG DISABILITY TRUST FUND (1)									
Benefit payments and interest on advances............	960,650	969,725	969,725	969,725	969,725	+9,075	---	---	M
Employment Standards Adm. S&E........................	26,147	30,191	30,191	30,191	30,191	+4,044	---	---	M
Departmental Management S&E..........................	19,551	20,422	20,422	20,422	20,422	+871	---	---	M
Departmental Management, Inspector General...........	296	306	306	306	306	+10	---	---	M
Subtotal, Black Lung Disablty. Trust Fund, apprn	1,006,644	1,020,644	1,020,644	1,020,644	1,020,644	+14,000	---	---	
Treasury Adm. Costs (Indefinite).....................	356	356	356	356	356	---	---	---	M
Total, Black Lung Disability Trust Fund.........	1,007,000	1,021,000	1,021,000	1,021,000	1,021,000	+14,000	---	---	
Total, Employment Standards Administration......	1,509,020	1,516,191	1,512,333	1,511,333	1,514,000	+4,980	+1,667	+2,667	
Federal funds................................	1,508,027	1,514,267	1,510,409	1,509,409	1,512,076	+4,049	+1,667	+2,667	
Trust funds..................................	(993)	(1,924)	(1,924)	(1,924)	(1,924)	(+931)	---	---	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Safety and Health Standards..........................	12,091	12,437	12,091	12,323	12,323	+232	+232	---	D
Federal Enforcement..................................	128,886	135,298	123,316	133,182	133,896	+5,010	+10,580	+714	D
State Programs.......................................	77,941	81,140	77,941	80,084	80,084	+2,143	+2,143	---	D
Technical Support....................................	17,591	18,504	17,591	18,203	18,203	+612	+612	---	D
Compliance Assistance:									
Federal Assistance...............................	43,927	46,529	43,927	45,670	45,670	+1,743	+1,743	---	D
State Consultation Grants........................	35,373	38,757	40,943	37,640	40,943	+5,570	---	+3,303	D
Safety and Health Statistics.........................	14,283	15,610	14,283	15,172	15,172	+889	+889	---	D
Executive Direction and Administration...............	6,586	6,770	6,586	6,709	6,709	+123	+123	---	D
Total, OSHA....................................	336,678	355,045	336,678	348,983	353,000	+16,322	+16,322	+4,017	

(1) The request proposes an indefinite appropriation for this account.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
MINE SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Coal Enforcement	105,271	109,851	105,271	109,851	105,489	+218	+218	-4,362	D
Metal/Non-Metal Enforcement	43,363	44,550	43,363	44,550	43,886	+523	+523	-664	D
Standards Development	1,290	1,509	1,290	1,509	1,509	+219	+219	---	D
Assessments	3,556	3,896	3,556	3,896	3,896	+340	+340	---	D
Educational Policy and Development	17,352	15,838	17,352	15,838	20,864	+3,512	+3,512	+5,026	D
Technical Support	23,747	25,312	23,747	25,312	25,312	+1,565	+1,565	---	D
Program Administration	8,818	10,209	8,818	10,209	10,209	+1,391	+1,391	---	D
Total, Mine Safety and Health Administration	203,397	211,165	203,397	211,165	211,165	+7,768	+7,768	---	
BUREAU OF LABOR STATISTICS									
SALARIES AND EXPENSES									
Employment and Unemployment Statistics	110,975	115,828	115,828	114,227	115,828	+4,853	---	+1,601	D
Labor Market Information (Trust Funds)	(52,848)	(54,146)	(54,146)	(53,718)	(54,146)	(+1,298)	---	(+428)	TF
Prices and Cost of Living	107,059	120,179	120,179	115,849	120,179	+13,120	---	+4,330	D
Compensation and Working Conditions	58,934	61,029	61,029	60,337	61,029	+2,095	---	+692	D
Productivity and Technology	7,251	7,526	7,526	7,435	7,526	+275	---	+91	D
Economic Growth and Employment Projections	4,729	4,905	4,905	4,847	4,905	+176	---	+58	D
Executive Direction and Staff Services	23,317	24,098	24,098	23,317	24,098	+781	---	+781	D
Consumer Price Index Revision (1)	15,430	11,159	11,159	11,159	11,159	-4,271	---	---	D
Total, Bureau of Labor Statistics	380,543	398,870	398,870	390,889	398,870	+18,327	---	+7,981	
Federal Funds	327,695	344,724	344,724	337,171	344,724	+17,029	---	+7,553	
Trust Funds	(52,848)	(54,146)	(54,146)	(53,718)	(54,146)	(+1,298)	---	(+428)	

(1) Two year availability.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
DEPARTMENTAL MANAGEMENT									
SALARIES AND EXPENSES									
Executive Direction	18,004	20,193	19,193	20,193	20,193	+2,189	+1,000	---	D
Legal Services	65,147	66,219	66,219	66,219	66,219	+1,072	---	---	D
Trust Funds	(282)	(299)	(299)	(299)	(299)	(+17)	---	---	TF
International Labor Affairs	12,095	39,385	15,095	40,385	40,385	+28,290	+25,290	---	D
Administration and Management	15,151	15,774	15,774	15,774	15,774	+623	---	---	D
Adjudication	20,688	21,842	21,842	21,842	21,842	+1,154	---	---	D
Promoting Employment of People with Disabilities	4,421	4,679	4,679	4,750	6,750	+2,329	+2,071	+2,000	D
Women's Bureau	7,762	7,802	7,802	7,802	7,802	+40	---	---	D
Civil Rights Activities	4,580	4,929	4,929	4,929	4,929	+349	---	---	D
Chief Financial Officer	4,800	5,538	5,538	5,169	5,538	+738	---	+369	D
Task Force/Employment people w/disabilities	---	2,400	2,400	1,400	1,400	+1,400	-1,000	---	D
Total, Salaries and expenses	152,930	189,060	163,770	188,762	191,131	+38,201	+27,361	+2,369	
Federal funds	152,648	188,761	163,471	188,463	190,832	+38,184	+27,361	+2,369	
Trust funds	(282)	(299)	(299)	(299)	(299)	(+17)	---	---	
VETERANS EMPLOYMENT AND TRAINING									
State Administration:									
Disabled Veterans Outreach Program	(80,040)	(80,040)	(80,040)	(80,040)	(80,040)	---	---	---	TF
Local Veterans Employment Program	(77,078)	(77,078)	(77,078)	(77,078)	(77,078)	---	---	---	TF
Subtotal, State Administration	(157,118)	(157,118)	(157,118)	(157,118)	(157,118)	---	---	---	
Federal Administration	(24,861)	(25,601)	(25,601)	(25,601)	(25,601)	(+740)	---	---	TF
Total, Veterans Employment & Training (TF)	(181,979)	(182,719)	(182,719)	(182,719)	(182,719)	(+740)	---	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE INSPECTOR GENERAL									
Program Activities	36,854	40,043	36,854	39,185	38,377	+1,523	+1,523	-808	D
Trust Funds	(3,645)	(3,772)	(3,645)	(3,725)	(3,648)	(+3)	(+3)	(-77)	TF
Executive Direction and Management	5,773	5,990	5,773	5,590	5,475	-298	-298	-115	D
Total, Office of the Inspector General	46,272	49,805	46,272	48,500	47,500	+1,228	+1,228	-1,000	
Federal funds	42,627	46,033	42,627	44,775	43,852	+1,225	+1,225	-923	
Trust funds	(3,645)	(3,772)	(3,645)	(3,725)	(3,648)	(+3)	(+3)	(-77)	
Total, Departmental Management	381,101	421,584	392,761	419,981	421,350	+40,169	+28,589	+1,369	
Federal funds	195,275	234,794	206,098	233,238	234,684	+39,409	+28,586	+1,446	
Trust funds	(185,906)	(186,790)	(186,663)	(186,743)	(186,666)	(+760)	(+3)	(-77)	
Total, Labor Department	12,949,044	12,997,693	11,262,213	12,538,944	12,474,866	-474,178	+1,212,653	-64,078	
Federal funds	9,343,958	9,491,601	7,842,330	9,164,409	9,045,380	-298,578	+1,203,050	-119,029	
Current Year: FY98/99	(9,093,958)	(9,241,601)	(7,842,330)	(8,914,409)	(9,045,380)	(-48,578)	(+1,203,050)	(+130,971)	
FY99/00	(250,000)	(250,000)	---	(250,000)	---	(-250,000)	---	(-250,000)	
Trust funds	(3,605,086)	(3,506,092)	(3,419,883)	(3,374,535)	(3,429,486)	(-175,600)	(+9,603)	(+54,951)	
Current Year: FY98/99	(3,565,086)	(3,506,092)	(3,419,883)	(3,374,535)	(3,429,486)	(-135,600)	(+9,603)	(+54,951)	
FY99/00	(40,000)	---	---	---	---	(-40,000)	---	---	

	FY 1998	FY 1999				Conference vs			Mand
	Comparable	Request	House	Senate	Conference	FY 1998	House	Senate	Disc
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES									
HEALTH RESOURCES AND SERVICES ADMINISTRATION									
HEALTH RESOURCES AND SERVICES									
Consolidated health centers (1)	824,883	839,468	924,883	925,000	925,000	+100,117	+117	---	D
National Health Service Corps:									
Field placements	37,213	37,175	37,244	37.244	37,244	+31	---	---	D
Recruitment	77,857	78,022	78,166	78,166	78,166	+309	---	---	D
Subtotal, National Health Service Corps	115,070	115.197	115,410	115.410	115,410	+340	---	---	
Health Professions									
Grants to Communities for Scholarships	531	---	553	---	---	-531	-553	---	D
Health Professions data systems	236	237	246	---	246	+10	---	+246	D
Research on Health Professions Issues	450	451	468	---	468	+18	---	+468	D
Nurse loan repayment for shortage area service	2,199	---	2,279	---	2,279	+80	---	+2,279	D
Centers of excellence	24,679	24,757	25,642	---	25,642	+963	---	+25,642	D
Health careers opportunity program	26,742	26,825	27,799	---	27,799	+1,057	---	+27,799	D
Exceptional financial need scholarships	11,371	11,352	11,758	---	11,758	+387	---	+11,758	D
Faculty loan repayment	1,060	1,063	1,100	---	1,100	+40	---	+1,100	D
Fin. Assistance for disadvantaged HP students	6,741	6.730	6,957	---	6,957	+216	---	+6,957	D
Scholarships for disadvantaged students	18,647	---	19,384	---	19,384	+737	---	+19,384	D
Family medicine training/departments	49,194	49.342	51,102	---	51,102	+1,908	---	+51,102	D
General internal medicine and pediatrics	17.597	17.649	18,290	---	18,290	+693	---	+18,290	D

(1) Includes $6 million previously allocated for loan guaranty subsidies.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Physician assistants	6,368	6,387	6,623	---	6,623	+255	---	+6,623	D
Public health and preventive medicine	7,986	8,012	8,294	---	8,294	+308	---	+8,294	D
Health administration traineeships/projects	1,094	1,097	1,136	---	1,136	+42	---	+1,136	D
Area health education centers	28,451	28,539	29,561	---	29,561	+1,110	---	+29,561	D
Border health training centers	3,747	3,759	3,889	---	3,889	+142	---	+3,889	D
General dentistry residencies	3,780	3,792	3,919	---	3,919	+139	---	+3,919	D
Allied health special projects	3,505	3,839	3,980	---	4,980	+1,475	+1,000	+4,980	D
Geriatric education centers and training	8,869	8,896	9,206	---	9,206	+337	---	+9,206	D
Rural interdisciplinary traineeships	4,470	4,160	4,314	---	4,314	-156	---	+4,314	D
Podiatric Medicine	675	678	702	---	702	+27	---	+702	D
Chiropractic demonstration grants	1,024	1,027	1,040	---	1,040	+16	---	+1,040	D
Advanced Nurse Education	12,450	12,489	12,943	---	12,943	+493	---	+12,943	D
Nurse practitioners/nurse midwives	17,564	17,617	18,259	---	18,259	+695	---	+18,259	D
Special projects	10,549	10,582	10,968	---	10,968	+419	---	+10,968	D
Nurse disadvantaged assistance	3,860	3,872	4,010	---	4,010	+150	---	+4,010	D
Professional nurse traineeships	15,918	15,968	16,528	---	16,528	+610	---	+16,528	D
Nurse anesthetists	2,761	2,769	2,868	---	2,868	+107	---	+2,868	D
Loans for Disadvantaged Students	---	18,706	---	---	---	---	---	---	D
Consolidated Title VIII programs	---	---	---	208,000	---	---	---	-208,000	D
Subtotal, Health professions	292,518	290,595	303,818	208,000	304,265	+11,747	+447	+96,265	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Other HRSA Programs:									
Hansen's Disease Services (1)......................	17,094	17,020	18,670	18,670	21,670	+4,576	+3,000	+3,000	D
Maternal & Child Health Block Grant..............	681,079	681,740	700,000	683,000	700,000	+18,921	---	+17,000	D
Healthy Start.....................................	95,526	95,805	95,526	105,000	105,000	+9,474	+9,474	---	D
Organ Transplantation.............................	2,778	4,111	4,116	10,000	10,000	+7,222	+5,884	---	D
Health Teaching Facilities Interest Subsidies.....	224	150	150	150	150	-74	---	---	D
Bone Marrow Program...............................	15,270	15,270	18,000	15,270	18,000	+2,730	---	+2,730	D
Rural outreach grants.............................	32,436	32,532	32,592	32,592	38,892	+6,456	+6,300	+6,300	D
Emergency medical services for children...........	12,941	10,976	13,000	15,000	15,000	+2,059	+2,000	---	D
Black lung clinics................................	4,976	5,000	5,000	5,000	5,000	+24	---	---	D
Alzheimer's demonstration grants (2)..............	---	---	---	6,000	---	---	---	-6,000	D
Payment to Hawaii, treatment of Hansen's..........	2,045	2,045	2,045	2,045	2,045	---	---	---	D
Subtotal, Other HRSA programs.....................	864,369	864,649	889,099	892,727	915,757	+51,388	+26,658	+23,030	

(1) Proposed for consolidation.

(2) House bill transfers funding to Admin on Aging.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Ryan White AIDS Programs:									
Emergency Assistance	464,736	488,974	500,200	478,000	505,200	+40,464	+5,000	+27,200	D
Comprehensive Care Programs	542,783	668,870	670,000	588,000	738,000	+195,217	+68,000	+150,000	D
AIDS Drug Assistance Program (ADAP) (NA)	(285,500)	(385,500)	(385,500)	(311,000)	(461,000)	(+175,500)	(+75,500)	(+150,000)	NA
Advance Funding ADAP 99/00	---	---	---	150,000	---	---	---	-150,000	D
Subtotal, ADAP	285,500	385,500	385,500	461,000	461,000	+175,500	+75,500	---	
Early Intervention Program	76,211	86,154	91,300	82,000	94,300	+18,089	+3,000	+12,300	D
Pediatric Demonstrations	40,803	43,926	44,000	44,000	46,000	+5,197	+2,000	+2,000	D
AIDS Dental Services	7,763	7,787	7,800	7,800	7,800	+37	---	---	D
Education and Training Centers	17,216	17,271	17,300	18,000	20,000	+2,784	+2,700	+2,000	D
Subtotal, Ryan White AIDS programs	1,149,512	1,312,982	1,330,600	1,367,800	1,411,300	+261,788	+80,700	+43,500	
Family Planning	202,903	218,077	202,903	215,000	215,000	+12,097	+12,097	---	D
Rural Health Research	11,656	11,691	7,500	11,713	11,713	+57	+4,213	---	D
Health Care and Other Facilities	27,957	---	---	30,000	65,345	+37,388	+65,345	+35,345	D
Buildings and Facilities	2,498	250	250	250	250	-2,248	---	---	D
Rural Hospital Flexibility Grants	---	---	---	---	25,000	+25,000	+25,000	+25,000	D
National Practitioner Data Bank	8,000	12,000	12,000	12,000	12,000	+4,000	---	---	D
User Fees	-8,000	-12,000	-12,000	-12,000	-12,000	-4,000	---	---	D
Program Management	114,059	114,059	114,059	120,000	119,000	+4,941	+4,941	-1,000	D
Total, Health resources and services	3,605,425	3,766,968	3,888,522	3,885,900	4,108,040	+502,615	+219,518	+222,140	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:									
Interest subsidy program	6,000	1,000	1,000	1,000	1,000	-5,000	---	---	M
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):									
New loan subsidies	1,020	---	---	---	---	-1,020	---	---	M
Liquidating account (NA)	(29,566)	(37,000)	(37,000)	(37,000)	(37,000)	(+7,434)	---	---	NA
HEAL loan limitation (NA)	(85,000)	---	---	---	---	(-85,000)	---	---	NA
Program management (1)	3,675	3,688	3,688	3,688	3,688	+13	---	---	D
Total, HEAL	4,695	3,688	3,688	3,688	3,688	-1,007	---	---	
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:									
Post-FY88 claims (TF)	42,600	51,600	51,600	51,600	51,600	+9,000	---	---	M
HRSA administration (TF)	3,000	3,000	3,000	3,000	3,000	---	---	---	M
Subtotal, Vaccine injury compensation trust fund	45,600	54,600	54,600	54,600	54,600	+9,000	---	---	
VACCINE INJURY COMPENSATION:									
Pre-FY89 claims (appropriation)	---	---	---	100,000	100,000	+100,000	+100,000	---	M
Total, Vaccine inquiry	45,600	54,600	54,600	154,600	154,600	+109,000	+100,000	---	
Total, Health Resources & Services Admin	3,661,720	3,826,256	3,947,810	4,045,188	4,267,328	+605,608	+319,518	+222,140	

(1) The FY98 APT displayed an appropriation for this appropriation of $2.688 million and a $1 million scorekeeping adjustment.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
CENTERS FOR DISEASE CONTROL AND PREVENTION									
DISEASE CONTROL, RESEARCH AND TRAINING									
Preventive Health Services Block Grant									
Program	147,362	146,566	152,132	120,000	147,753	+391	-4,379	+27,753	D
Salaries and Expenses	1,730	2,247	2,247	---	2,247	+517	---	+2,247	D
Subtotal, Preventive Health Services Block Grant	149,092	148,813	154,379	120,000	150,000	+908	-4,379	+30,000	
Prevention Centers									
Program	7,730	7,872	11,836	9,080	13,000	+5,270	+1,164	+3,920	D
Salaries and Expenses	321	164	164	---	500	+179	+336	+500	D
Subtotal, Prevention Centers	8,051	8,036	12,000	9,080	13,500	+5,449	+1,500	+4,420	
Bioterrorism Stockpile	---	---	51,000	---	---	---	-51,000	---	D
CDC/HCFA vaccine program:									
Childhood immunization									
Program	361,983	350,659	372,568	405,900	372,568	+10,585	---	-33,332	D
Salaries and Expenses	48,175	48,909	48,909	---	48,909	+734	---	+48,909	D
Subtotal, Childhood immunization	410,158	399,568	421,477	405,900	421,477	+11,319	---	+15,577	
HCFA vaccine purchase (NA)	437,104	566,278	566,278	566,278	566,278	+129,174	---	---	NA
Subtotal, CDC/HCFA vaccine program level	847,262	965,846	987,755	972,178	987,755	+140,493	---	+15,577	
Communicable Diseases									
AIDS									
Program	505,080	497,497	505,080	631,779	534,964	+29,884	+29,884	-96,815	D
Salaries and Expenses	119,864	124,727	120,406	---	122,036	+2,172	+1,630	+122,036	D
Subtotal, HIV/AIDS	624,944	622,224	625,486	631,779	657,000	+32,056	+31,514	+25,221	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Tuberculosis									
Program	113,316	112,912	115,224	119,236	114,777	+1,461	-447	-4,459	D
Salaries and Expenses	4,655	4,738	4,738	---	5,185	+530	+447	+5,185	D
Subtotal, Tuberculosis	117,971	117,650	119,962	119,236	119,962	+1,991	---	+726	
Sexually Transmitted Diseases									
Program	99,694	108,904	111,076	113,671	110,656	+10,962	-420	-3,015	D
Salaries and Expenses	12,423	12,677	12,677	---	13,097	+674	+420	+13,097	D
Subtotal, Sexually Transmitted Diseases	112,117	121,581	123,753	113,671	123,753	+11,636	---	+10,082	
Chronic Diseases									
Chronic and Environmental Disease Prevention									
Program	160,249	211,694	230,505	258,568	236,378	+76,129	+5,873	-22,190	D
Salaries and Expenses	51,728	51,874	51,874	---	58,011	+6,283	+6,137	+58,011	D
Subtotal, Chronic and Environmental Disease	211,977	263,568	282,379	258,568	294,389	+82,412	+12,010	+35,821	
Breast and Cervical Cancer Screening									
Program	135,306	135,064	150,650	145,000	149,091	+13,785	-1,559	+4,091	D
Salaries and Expenses	7,473	8,421	8,421	---	9,980	+2,507	+1,559	+9,980	D
Subtotal, Breast & Cervical Cancer Screening	142,779	143,485	159,071	145,000	159,071	+16,292	---	+14,071	
Infectious Diseases									
Program	54,742	95,179	70,300	115,215	70,300	+15,558	---	-44,915	D
Salaries and Expenses	58,115	67,336	67,336	---	67,336	+9,221	---	+67,336	D
Subtotal, Infectious diseases	112,857	162,515	137,636	115,215	137,636	+24,779	---	+22,421	
Lead Poisoning Prevention									
Program	31,324	31,212	31,212	38,205	31,457	+133	+245	-6,748	D
Salaries and Expenses	6,540	6,686	6,686	---	6,748	+208	+62	+6,748	D
Subtotal, Lead Poisoning Prevention	37,864	37,898	37,898	38,205	38,205	+341	+307	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1998	House	Senate	
Injury Control									
Program	36,994	33,711	48,772	50,765	38,756	+1,762	-10,016	-12,009	D
Salaries and Expenses	12,770	15,625	15,625	---	18,825	+6,055	+3,200	+18,825	D
Subtotal, Injury Control	49,764	49,336	64,397	50,765	57,581	+7,817	-6,816	+6,816	
Occupational Safety and Health (NIOSH) (1)									
Program	72,823	65,610	65,838	200,000	78,744	+5,921	+12,906	-121,256	D
Salaries and Expenses	114,390	119,954	119,954	---	121,256	+6,866	+1,302	+121,256	D
Subtotal, Occupational Safety and Health	187,213	185,564	185,792	200,000	200,000	+12,787	+14,208	---	
Epidemic Services									
Program	14,767	39,432	30,432	69,844	30,432	+15,665	---	-39,412	D
Salaries and Expenses	52,578	55,484	55,484	---	55,484	+2,906	---	+55,484	D
Subtotal, Epidemic Services	67,345	94,916	85,916	69,844	85,916	+18,571	---	+16,072	
Office of the Director									
Budget Authority	32,964	29,581	29,707	21,581	30,450	-2,514	+743	+8,869	D
1% Set Aside	(697)	(1,439)	(1,439)	(1,439)	(696)	(-1)	(-743)	(-743)	NA
Office of the Director, program level	(33,661)	(31,020)	(31,146)	(23,020)	(31,146)	(-2,515)	---	(+8,126)	
National Center for Health Statistics									
Program Operations									
Budget Authority	10,020	---	10,762	---	9,523	-497	-1,239	+9,523	D
1% Set Aside	---	(9,323)	---	---	---	---	---	---	NA
Administration									
Budget Authority	16,018	---	16,018	---	17,257	+1,239	+1,239	+17,257	D
1% evaluation funds (NA)	(58,535)	(75,250)	(57,793)	(84,573)	(67,793)	(+9,258)	(+10,000)	(-16,780)	NA
Subtotal, Health Statistics program level	(84,573)	(84,573)	(84,573)	(84,573)	(94,573)	(+10,000)	(+10,000)	(+10,000)	

(1) Includes Mine Safety and Health.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Buildings and Facilities	41,504	6,792	12,800	6,800	17,800	-23,704	+5,000	+11,000	D
Prevention research Program	---	24,969	10,000	---	12,000	+12,000	+2,000	+12,000	D
Salaries and Expenses	---	---	---	---	3,000	+3,000	+3,000	+3,000	D
Subtotal, Prevention research	---	24,969	10,000	---	15,000	+15,000	+5,000	+15,000	
Health disparities demonstration Program	---	29,963	---	10,000	9,400	+9,400	+9,400	-600	D
Salaries and Expenses	---	---	---	---	600	+600	+600	+600	D
Subtotal, Health disparities demonstration	---	29,963	---	10,000	10,000	+10,000	+10,000	---	
Crime activities not funded from Crime Trust Fund	---	8,000	---	---	---	---	---	---	D
Subtotal, Centers for Disease Control	2,332,638	2,454,459	2,540,433	2,315,644	2,558,520	+225,882	+18,087	+242,876	
Crime Bill Activities:									
Crime Trust Fund									
Rape Prevention and Education	45,000	36,945	45,000	37,000	45,000	---	---	+8,000	D
Domestic Violence Community Demonstrations	6,000	5,993	6,000	6,000	6,000	---	---	---	D
Subtotal, Crime bill activities	51,000	42,938	51,000	43,000	51,000	---	---	+8,000	
Rape Prevention -- General Revenue	---	---	---	8,000	---	---	---	-8,000	D
Subtotal, rape prevention	45,000	36,945	45,000	45,000	45,000	---	---	---	
Total, Crime activities incl general revenue	51,000	50,938	51,000	51,000	51,000	---	---	---	
Total, Disease Control	2,383,638	2,497,397	2,591,433	2,366,644	2,609,520	+225,882	+18,087	+242,876	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	2,542,559	2,528,760	2,787,830	2,927,187	2,927,187	+384,628	+139,357	---	D
AIDS (NA)	---	(239,454)	---	---	---	---	---	---	NA
Subtotal, NCI	(2,542,559)	(2,768,214)	(2,787,830)	(2,927,187)	(2,927,187)	(+384,628)	(+139,357)	---	
National Heart, Lung, and Blood Institute	1,582,924	1,641,524	1,720,344	1,793,697	1,793,697	+210,773	+73,353	---	D
AIDS (NA)	---	(67,804)	---	---	---	---	---	---	NA
Subtotal, NHLBI	(1,582,924)	(1,709,328)	(1,720,344)	(1,793,697)	(1,793,697)	(+210,773)	(+73,353)	---	
National Institute of Dental and Craniofacial Research	209,026	213,969	228,961	233,588	234,338	+25,312	+5,377	+750	D
AIDS (NA)	---	(14,898)	---	---	---	---	---	---	NA
Subtotal, NIDR	(209,026)	(228,867)	(228,961)	(233,588)	(234,338)	(+25,312)	(+5,377)	(+750)	
National Institute of Diabetes and Digestive and Kidney Diseases	872,231	924,702	951,203	994,218	994,218	+121,987	+43,015	---	D
AIDS (NA)	---	(16,792)	---	---	---	---	---	---	NA
Subtotal, NIDDK	(872,231)	(941,494)	(951,203)	(994,218)	(994,218)	(+121,987)	(+43,015)	---	
National Institute of Neurological Disorders & Stroke	779,257	813,192	851,066	903,278	903,278	+124,021	+52,212	---	D
AIDS (NA)	---	(28,547)	---	---	---	---	---	---	NA
Subtotal, NINDS	(779,257)	(841,739)	(851,066)	(903,278)	(903,278)	(+124,021)	(+52,212)	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
National Institute of Allergy and Infectious Diseases.	1.349.135	703.723	1.470.460	1.540.102	1,570.102	+220.967	+99.642	+30,000	D
AIDS (NA)..	---	(766.217)	---	---	---	---	---	---	NA
Subtotal, NIAID..................................	(1.349.135)	(1.469,940)	(1.470.460)	(1.540.102)	(1,570.102)	(+220,967)	(+99.642)	(+30,000)	
National Institute of General Medical Sciences........	1.063,959	1.111.439	1.150.840	1.197.825	1.197,825	+133,866	+46,985	---	D
AIDS (NA)..	---	(30.555)	---	---	---	---	---	---	NA
Subtotal, NIGMS..................................	(1.063,959)	(1.141.994)	(1.150,840)	(1.197.825)	(1.197,825)	(+133,866)	(+46.985)	---	
National Institute of Child Health & Human Development	673.509	654,248	728,817	748.482	750,982	+77,473	+22,165	+2,500	D
AIDS (NA)..	---	(72,042)	---	---	---	---	---	---	NA
Subtotal, NICHD..................................	(673.509)	(726,290)	(728.817)	(748.482)	(750.982)	(+77,473)	(+22.165)	(+2,500)	
National Eye Institute................................	355,026	373.198	383.447	395,261	395,857	+40,831	+12.410	+596	D
AIDS (NA)..	---	(9,945)	---	---	---	---	---	---	NA
Subtotal, NEI....................................	(355.026)	(383.143)	(383.447)	(395,261)	(395,857)	(+40,831)	(+12,410)	(+596)	
National Institute of Environmental Health Sciences...	329,492	349,021	356,047	375,743	375,743	+46,251	+19,696	---	D
AIDS (NA)..	---	(6.749)	---	---	---	---	---	---	NA
Subtotal, NIEHS..................................	(329.492)	(355.770)	(356.047)	(375.743)	(375.743)	(+46,251)	(+19,696)	---	
National Institute on Aging...........................	518.312	554.391	565,574	596,521	596,521	+78,209	+30,947	---	D
AIDS (NA)..	---	(1,967)	---	---	---	---	---	---	NA
Subtotal, NIA....................................	(518.312)	(556.358)	(565.574)	(596.521)	(596.521)	(+78,209)	(+30,947)	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
National Institute of Arthritis and Musculoskeletal and Skin Diseases	274,248	290,176	296,668	304,320	308,164	+33,916	+11,496	+3,844	D
AIDS (NA)	---	(4,509)	---	---	---	---	---	---	NA
Subtotal, NIAMS	(274,248)	(294,685)	(296,668)	(304,320)	(308,164)	(+33,916)	(+11,496)	(+3,844)	
National Institute on Deafness and Other Communication Disorders	200,321	213,184	216,995	229,887	229,887	+29,566	+12,892	---	D
AIDS (NA)	---	(1,893)	---	---	---	---	---	---	NA
Subtotal, NIDCD	(200,321)	(215,077)	(216,995)	(229,887)	(229,887)	(+29,566)	(+12,892)	---	
National Institute of Nursing Research	63,478	62,229	68,198	69,834	69,834	+6,356	+1,636	---	D
AIDS (NA)	---	(5,903)	---	---	---	---	---	---	NA
Subtotal, NINR	(63,478)	(68,132)	(68,198)	(69,834)	(69,834)	(+6,356)	(+1,636)	---	
National Institute on Alcohol Abuse and Alcoholism	226,752	229,551	248,778	259,747	259,747	+32,995	+10,969	---	D
AIDS (NA)	---	(15,440)	---	---	---	---	---	---	NA
Subtotal, NIAAA	(226,752)	(244,991)	(248,778)	(259,747)	(259,747)	(+32,995)	(+10,969)	---	
National Institute on Drug Abuse	526,192	393,934	575,426	603,274	603,274	+77,082	+27,848	---	D
AIDS (NA)	---	(180,633)	---	---	---	---	---	---	NA
Subtotal, NIDA	(526,192)	(574,567)	(575,426)	(603,274)	(603,274)	(+77,082)	(+27,848)	---	
National Institute of Mental Health	748,841	699,679	815,707	861,208	861,208	+112,367	+45,501	---	D
AIDS (NA)	---	(107,579)	---	---	---	---	---	---	NA
Subtotal, NIMH	(748,841)	(807,258)	(815,707)	(861,208)	(861,208)	(+112,367)	(+45,501)	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
National Human Genome Research Institute	217,297	236,275	246,111	249,891	264,892	+47,595	+18,781	+15,001	D
AIDS (NA)	---	(3,138)	---	---	---	---	---	---	NA
Subtotal, NHGRI	(217,297)	(239,413)	(246,111)	(249,891)	(264,892)	(+47,595)	(+18,781)	(+15,001)	
National Center for Research Resources	453,035	421,721	513,948	554,819	554,819	+101,784	+40,871	---	D
AIDS (NA)	---	(91,572)	---	---	---	---	---	---	NA
Subtotal, NCRR	(453,035)	(513,293)	(513,948)	(554,819)	(554,819)	(+101,784)	(+40,871)	---	
John E. Fogarty International Center	28,236	19,045	30,367	35,426	35,426	+7,190	+5,059	---	D
AIDS (NA)	---	(11,271)	---	---	---	---	---	---	NA
Subtotal, FIC	(28,236)	(30,316)	(30,367)	(35,426)	(35,426)	(+7,190)	(+5,059)	---	
National Library of Medicine	160,885	170,738	176,492	181,309	181,309	+20,424	+4,817	---	D
AIDS (NA)	---	(3,462)	---	---	---	---	---	---	NA
Subtotal, NLM	(160,885)	(174,200)	(176,492)	(181,309)	(181,309)	(+20,424)	(+4,817)	---	
Office of the Director	241,101	212,306	254,145	302,947	306,559	+65,458	+52,414	+3,612	D
AIDS (NA)	---	(41,629)	---	---	---	---	---	---	NA
Subtotal, OD	(241,101)	(253,935)	(254,145)	(302,947)	(306,559)	(+65,458)	(+52,414)	(+3,612)	
Buildings and facilities:									
Current year	206,570	218,209	224,599	223,822	197,519	-9,051	-27,080	-26,303	D
Advance	---	40,000	---	40,000	40,000	+40,000	+40,000	---	D
Office of AIDS Research	---	1,728,099	---	---	---	---	---	---	D
Total N.I.H.:									
Current Year: FY98/99	13,622,386	14,763,313	14,862,023	15,582,386	15,612,386	+1,990,000	+750,363	+30,000	
FY99/00	---	40,000	---	40,000	40,000	+40,000	+40,000	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION									
Mental Health:									
Knowledge development and application	57,964	57,964	57,964	57,964	97,964	+40,000	+40,000	+40,000	D
Mental Health Performance Partnership	275,420	275,420	288,816	275,420	288,816	+13,396	---	+13,396	D
Children's Mental Health	72,927	72,927	78,000	72,927	78,000	+5,073	---	+5,073	D
Grants to States for the Homeless (PATH)	23,000	23,000	26,000	25,000	26,000	+3,000	---	+1,000	D
Protection and Advocacy	21,957	21,957	21,957	22,957	22,957	+1,000	+1,000	---	D
Additional Knowledge Development and Application	---	---	40,000	---	---	---	-40,000	---	D
Subtotal, mental health	451,268	451,268	512,737	454,268	513,737	+62,469	+1,000	+59,469	
Substance Abuse Treatment:									
Knowledge Development and Application	155,868	115,427	155,868	155,868	171,868	+16,000	+16,000	+16,000	D
Substance Abuse Performance Partnership	1,310,107	1,505,107	1,585,000	1,310,107	1,585,000	+274,893	---	+274,893	D
Subtotal, Substance Abuse Treatment (BA)	1,465,975	1,620,534	1,740,868	1,465,975	1,756,868	+290,893	+16,000	+290,893	
Substance Abuse Prevention:									
Knowledge Development and Application	151,000	117,441	151,000	151,000	157,000	+6,000	+6,000	+6,000	D
High Risk Youth Grants	6,000	10,000	---	7,000	7,000	+1,000	+7,000	---	D
Subtotal, Substance abuse prevention	157,000	127,441	151,000	158,000	164,000	+7,000	+13,000	+6,000	
Program Management and Buildings and Facilities	54,913	53,400	53,400	55,400	53,400	-1,513	---	-2,000	D
Data Collection	18,000	22,000	---	18,000	---	-18,000	---	-18,000	D
Total, Substance Abuse and Mental Health	2,147,156	2,274,643	2,458,005	2,151,643	2,488,005	+340,849	+30,000	+336,362	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS									
Retirement payments	149,217	159,251	159,251	159,251	159,251	+10,034	---	---	M
Survivors benefits	11,643	11,531	11,531	11,531	11,531	-112	---	---	M
Dependents' medical care	27,470	28,541	28,541	28,541	28,541	+1,071	---	---	M
Military services credits	2,409	2,312	2,312	2,312	2,312	-97	---	---	M
Total, Retirement pay and medical benefits	190,739	201,635	201,635	201,635	201,635	+10,896	---	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
AGENCY FOR HEALTH CARE POLICY AND RESEARCH									
Research on Health Care Systems Cost and Access: Federal Funds	88,074	98,067	98,067	47,659	98,067	+9,993	---	+50,408	D
1% evaluation funding (NA)	(19,906)	(42,847)	(42,847)	(93,255)	(42,847)	(+22,941)	---	(-50,408)	NA
Subtotal	(107,980)	(140,914)	(140,914)	(140,914)	(140,914)	(+32,934)	---	---	
Health insurance and expenditure surveys 1% evaluation funding (NA)	(36,300)	(27,800)	(27,800)	(27,800)	(27,800)	(-8,500)	---	---	NA
Program Support	2,230	2,341	2,341	2,341	2,341	+111	---	---	D
Total, AHCPR	146,510	171,055	171,055	171,055	171,055	+24,545	---	---	
Federal Funds	90,304	100,408	100,408	50,000	100,408	+10,104	---	+50,408	
1% evaluation funding (non-add)	(56,206)	(70,647)	(70,647)	(121,055)	(70,647)	(+14,441)	---	(-50,408)	
Total, Public Health Service	22,095,943	23,703,652	24,161,314	24,437,496	25,319,282	+3,223,339	+1,157,968	+881,786	
Current Year: FY98/99	(22,095,943)	(23,663,652)	(24,161,314)	(24,247,496)	(25,279,282)	(+3,183,339)	(+1,117,968)	(+1,031,786)	
FY99/00	---	(40,000)	---	(190,000)	(40,000)	(+40,000)	(+40,000)	(-150,000)	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
HEALTH CARE FINANCING ADMINISTRATION									
GRANTS TO STATES FOR MEDICAID									
Medicaid current law benefits	95,263,000	101,710,700	101,710,700	101,710,700	101,710,700	+6,447,700	---	---	M
State and local administration	5,209,314	5,639,666	5,639,666	5,639,666	5,639,666	+430,352	---	---	M
Vaccines for Children	487,245	566,278	566,278	566,278	566,278	+79,033	---	---	M
Subtotal, Medicaid program level, FY 1998 / 1999	100,959,559	107,916,644	107,916,644	107,916,644	107,916,644	+6,957,085	---	---	
Carryover balance	-6,890,359	-5,522,222	-5,522,222	-5,522,222	-5,522,222	+1,368,137	---	---	M
Less funds advanced in prior year	-27,988,993	-27,800,689	-27,800,689	-27,800,689	-27,800,689	+188,304	---	---	M
Total, request, FY 1998 / 1999	66,080,207	74,593,733	74,593,733	74,593,733	74,593,733	+8,513,526	---	---	
New advance 1st quarter, FY 99/00	27,800,689	28,733,605	28,733,605	28,733,605	28,733,605	+932,916	---	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS									
Supplemental medical insurance	60,739,000	62,171,000	62,171,000	62,171,000	62,171,000	+1,432,000	---	---	M
Hospital insurance for the uninsured	-52,000	555,000	555,000	555,000	555,000	+607,000	---	---	M
Federal uninsured payment	86,000	97,000	97,000	97,000	97,000	+11,000	---	---	M
Program management	131,000	130,000	130,000	130,000	130,000	-1,000	---	---	M
Total, Payments to Trust Funds, current law	60,904,000	62,953,000	62,953,000	62,953,000	62,953,000	+2,049,000	---	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
PROGRAM MANAGEMENT									
Research, demonstration, and evaluation:									
Regular Program	(51,500)	(50,000)	(50,000)	(75,000)	(50,000)	(-1,500)	---	(-25,000)	TF
Medicare Contractors	(1,216,141)	(1,104,200)	(1,269,700)	(1,081,700)	(1,269,700)	(+53,559)	---	(+188,000)	TF
User Fee legislative proposal	---	165,500	---	---	---	---	---	---	TF
H.R. 3103 funding (NA)	(500,000)	(560,000)	(560,000)	(560,000)	(560,000)	(+60,000)	---	---	NA
(Year 2000 conversion)	---	---	---	(22,500)	---	---	---	(-22,500)	NA
Subtotal, Medicare Contractors limit'n on new BA	(1,216,141)	(1,269,700)	(1,269,700)	(1,081,700)	(1,269,700)	(+53,559)	---	(+188,000)	
Subtotal, Contractors program level	(1,716,141)	(1,829,700)	(1,829,700)	(1,664,200)	(1,829,700)	(+113,559)	---	(+165,500)	
State Survey and Certification	(154,000)	(104,700)	(167,000)	(124,700)	(171,000)	(+17,000)	(+4,000)	(+46,300)	TF
User fee legislative proposal	---	(62,300)	---	---	---	---	---	---	TF
Federal Administration (Year 2000 conversion)	---	---	---	(15,000)	---	---	---	(-15,000)	NA
Federal Administration	(369,200)	(421,084)	(457,784)	(406,084)	(457,784)	(+88,584)	---	(+51,700)	TF
User Fees	(-1,934)	(-1,984)	(-1,984)	(-1,934)	(-1,984)	(-50)	---	(-50)	TF
User fee legislative proposal	---	(36,700)	---	---	---	---	---	---	TF
Subtotal, Federal Administration	(367,266)	(455,800)	(455,800)	(404,150)	(455,800)	(+88,534)	---	(+51,650)	
Total, Program management	(1,788,907)	(1,942,500)	(1,942,500)	(1,685,550)	(1,946,500)	(+157,593)	(+4,000)	(+260,950)	
Total, current law	(1,788,907)	(1,942,500)	(1,942,500)	(1,685,550)	(1,946,500)	(+157,593)	(+4,000)	(+260,950)	
Total, user fee legislative proposals	(500,000)	(560,000)	(560,000)	(597,500)	(560,000)	(+60,000)	---	(-37,500)	
Total, Program Management limitation on new BA	(2,288,907)	(2,502,500)	(2,502,500)	(2,283,050)	(2,506,500)	(+217,593)	(+4,000)	(+223,450)	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Medicare Trust Fund Activity:									
Hospital Insurance TF (1)	(-7,700,000)	(-6,800,000)	(-6,800,000)	(-6,800,000)	(-6,800,000)	(+900,000)	---	---	NA
Supplemental Medical Ins. TF (2)	(-2,000,000)	(-300,000)	(-300,000)	(-300,000)	(-300,000)	(+1,700,000)	---	---	NA
Total, Health Care Financing Administration	156,573,803	168,222,838	168,222,838	167,965,888	168,226,838	+11,653,035	+4,000	+260,950	
Federal funds	154,784,896	166,280,338	166,280,338	166,280,338	166,280,338	+11,495,442	---	---	
Current year, FY 1998 / 1999	(126,984,207)	(137,546,733)	(137,546,733)	(137,546,733)	(137,546,733)	(+10,562,526)	---	---	
New advance, 1st quarter, FY 1999 / 2000	(27,800,689)	(28,733,605)	(28,733,605)	(28,733,605)	(28,733,605)	(+932,916)	---	---	
Trust funds	(1,788,907)	(1,942,500)	(1,942,500)	(1,685,550)	(1,946,500)	(+157,593)	(+4,000)	(+260,950)	

(1) Intermediate estimates: Page 40 of the 1998 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund.

(2) Intermediate estimates: Page 39 of the 1998 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
ADMINISTRATION FOR CHILDREN AND FAMILIES									
FAMILY SUPPORT PAYMENTS TO STATES									
Aid to Families with Dependent Children (AFDC)........	---	35,000	---	35,000	35,000	+35,000	+35,000	---	M
Quality control liabilities..........................	---	-25,000	---	-25,000	-25,000	-25,000	-25,000	---	M
Payments to territories.............................	---	21,000	21,000	21,000	21,000	+21,000	---	---	M
Emergency assistance................................	---	65,000	---	65,000	65,000	+65,000	+65,000	---	M
Repatriation..	---	1,000	1,000	1,000	1,000	+1,000	---	---	M
Subtotal, Welfare payments......................	---	97,000	22,000	97,000	97,000	+97,000	+75,000	---	
Child Support Enforcement:									
State and local administration..................	---	2,073,000	2,073,000	2,073,000	2,073,000	+2,073,000	---	---	M
Federal incentive payments......................	---	469,000	469,000	469,000	469,000	+469,000	---	---	M
Access and visitation...........................	---	10,000	10,000	10,000	10,000	+10,000	---	---	M
Subtotal, Welfare payments......................	---	2,552,000	2,552,000	2,552,000	2,552,000	+2,552,000	---	---	
Total, Payments, FY 1998 / 1999 program level...	---	2,649,000	2,574,000	2,649,000	2,649,000	+2,649,000	+75,000	---	
Less funds advanced in previous years.........	---	-660,000	-660,000	-660,000	-660,000	-660,000	---	---	M
Total, payments, current request, FY98/99...	---	1,989,000	1,914,000	1,989,000	1,989,000	+1,989,000	+75,000	---	
New advance, 1st quarter, FY99/00..........	660,000	750,000	750,000	750,000	750,000	+90,000	---	---	M

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM									
Advance from prior year (NA)	(1,000,000)	(1,100,000)	(1,100,000)	(1,100,000)	(1,100,000)	(+100,000)	---	---	NA
Adjustment	---	---	-1,100,000	---	---	---	+1,100,000	---	D
FY 1998 / 1999 program level	(1,000,000)	(1,100,000)	---	(1,100,000)	(1,100,000)	(+100,000)	(+1,100,000)	---	
New Emergency Allocation (NA)	(300,000)	(300,000)	---	(300,000)	(300,000)	---	(+300,000)	---	NA
Emergency Release	(150,000)	---	---	---	---	(-150,000)	---	---	NA
Advance funding (FY99/00)	1,100,000	1,087,000	1,100,000	1,100,000	1,100,000	---	---	---	D
REFUGEE AND ENTRANT ASSISTANCE (1)									
Transitional and Medical Services	230,698	230,698	230,698	230,698	220,698	-10,000	-10,000	-10,000	D
Social Services	129,990	129,990	134,990	129,990	139,990	+10,000	+5,000	+10,000	D
Preventive Health	4,835	4,835	---	4,835	4,835	---	+4,835	---	D
Targeted Assistance	49,477	49,477	49,477	49,477	49,477	---	---	---	D
Total, Refugee and entrant assistance (BA)	415,000	415,000	415,165	415,000	415,000	---	-165	---	
CHILD CARE AND DEVELOPMENT BLOCK GRANT:									
Advance funding from prior year (NA)	(937,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+63,000)	---	---	NA
Adjustment (current funding) (2)	65,672	176,672	---	---	---	-65,672	---	---	D
Current year program level (FY98/99)	(1,002,672)	(1,176,672)	(1,000,000)	(1,000,000)	(1,000,000)	(-2,672)	---	---	
Advance funding FY2000	1,000,000	1,182,672	1,000,000	1,182,672	1,182,672	+182,672	+182,672	---	D
Social Services Block Grant (Title XX)	2,299,000	1,909,000	2,299,000	1,909,000	1,909,000	-390,000	-390,000	---	M

(1) The request does not include traditional bill language permitting the use of carryover funds in FY98 and FY99.

(2) The request includes a $180 million legislative proposal for later transmittal.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
CHILDREN AND FAMILIES SERVICES PROGRAMS									
Programs for Children, Youth, and Families:									
Head Start	4,347,433	4,660,000	4,500,000	3,295,000	4,660,000	+312,567	+160,000	+1,365,000	D
Advance funding (FY99/00)	---	---	---	1,365,000	---	---	---	-1,365,000	D
Subtotal, Head start	4,347,433	4,660,000	4,500,000	4,660,000	4,660,000	+312,567	+160,000	---	
Runaway and Homeless Youth	43,574	43,653	43,574	44,653	43,653	+79	+79	-1,000	D
Runaway Youth -- Transitional Living	14,922	14,949	14,922	14,949	14,949	+27	+27	---	D
Subtotal, runaway	58,496	58,602	58,496	59,602	58,602	+106	+106	-1,000	
Child Abuse State Grants	20,988	21,026	25,000	21,026	21,026	+38	-3,974	---	D
Child Abuse Discretionary Activities	14,128	14,154	---	14,154	14,154	+26	+14,154	---	D
Abandoned Infants Assistance	12,229	12,251	12,229	12,251	12,251	+22	+22	---	D
Child Welfare Services	291,458	291,989	291,458	291,989	291,989	+531	+531	---	D
Child Welfare Training	5,989	6,000	5,989	8,000	7,000	+1,011	+1,011	-1,000	D
Adoption Opportunities	22,958	27,363	27,363	25,000	25,000	+2,042	-2,363	---	D
Adoption Incentive	---	20,000	20,000	20,000	20,000	+20,000	---	---	D
Family Violence	9,982	---	---	---	---	-9,982	---	---	D
Social Services and Income Maintenance Research	25,953	10,000	26,000	21,000	27,000	+1,047	+1,000	+6,000	D
Community Based Resource Centers	32,775	32,835	32,775	32,835	32,835	+60	+60	---	D

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Developmental disabilities program:									
State Councils	64.803	64,575	64,803	64,803	64,803	---	---	---	D
Protection and Advocacy	26,718	26,624	26,718	26,718	26,718	---	---	---	D
Developmental Disabilities Special Projects	5,042	5,232	5,042	5,250	10,250	+5,208	+5,208	+5,000	D
Developmental Disabilities University Affiliated	17.461	17,399	17,461	17,461	17,461	---	---	---	D
State support system (1)	---	4.982	---	6,000	---	---	---	-6,000	D
Subtotal, Developmental disabilities	114.024	118,812	114,024	120,232	119,232	+5,208	+5,208	-1,000	
Native American Programs	34,869	34,933	34,869	34,933	34,933	+64	+64	---	D
Community services:									
Grants to States for Community Services	489.685	489,100	500,000	490,600	500,000	+10,315	---	+9,400	D
Community initiative program:									
Economic Development	30,009	---	30,009	30,065	30,065	+56	+56	---	D
Individual Development Account Initiative (2)	---	---	---	---	10,000	+10,000	+10,000	+10,000	D
Rural Community Facilities	3,493	---	3,493	3,500	3,500	+7	+7	---	D
Subtotal, discretionary funds	33.502	---	33,502	33,565	43,565	+10,063	+10,063	+10,000	
National Youth Sports	14,000	---	15,000	14,000	15,000	+1,000	---	+1,000	D
Community Food and Nutrition	3,993	---	---	6,000	5,000	+1,007	+5,000	-1,000	D
Subtotal, Community services	541,180	489,100	548,502	544,165	563,565	+22,385	+15,063	+19,400	
Program Direction	143,597	145,115	145,115	143,597	144,500	+903	-615	+903	D
Total, Children and Families Services Programs	5,676,059	5,942,180	5,841,820	6,008,784	6,032,087	+356,028	+190,267	+23,303	

(1) P.L. 105-17 repeals this program effective October 1, 1998.

(2) Funds are provided subject to authorization.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
VIOLENT CRIME REDUCTION PROGRAMS:									
Crime Trust Funds									
Runaway Youth Prevention......................	14,973	11,000	15,000	11,000	15,000	+27	---	+4,000	D
Domestic Violence Hotline.....................	1,198	1,200	1,200	1,200	1,200	+2	---	---	D
Battered Women's Shelters.....................	76,660	88,800	88,800	88,800	88,800	+12,140	---	---	D
Total: Crime Trust Fund.....................	92,831	101,000	105,000	101,000	105,000	+12,169	---	+4,000	
Runaway Youth Prevention -- General Revenues......	---	4,000	---	4,000	---	---	---	-4,000	D
Total, Violent crime reduction programs.........	92,831	105,000	105,000	105,000	105,000	+12,169	---	---	
Rescission of permanent appropriations................	-21,000	---	-21,000	-21,000	-21,000	---	---	---	D
Family Support and Preservation.......................	255,000	275,000	275,000	275,000	275,000	+20,000	---	---	M

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1998	House	Senate	
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE									
Foster Care	3,540,300	3,982,700	3,982,700	3,982,700	3,982,700	+442,400	---	---	M
Adoption Assistance	700,700	868,800	868,800	868,800	868,800	+168,100	---	---	M
Independent living	70,000	70,000	70,000	70,000	70,000	---	---	---	M
Unspecified request (1)	---	20,000	---	---	---	---	---	---	M
Adoption Assistance unspecified proposal	---	200,000	---	200,000	---	---	---	-200,000	M
Total, Program level: Payments to States	4,311,000	5,141,500	4,921,500	5,121,500	4,921,500	+610,500	---	-200,000	
Less Advances from Prior Year	-1,111,000	-1,157,500	-1,157,500	-1,157,500	-1,157,500	-46,500	---	---	M
Total, request, FY 1998 / 1999	3,200,000	3,984,000	3,764,000	3,964,000	3,764,000	+564,000	---	-200,000	
New Advance, 1st quarter, FY 1999/2000	1,157,500	1,355,000	1,355,000	1,355,000	1,355,000	+197,500	---	---	M
Total, Administration for Children and Families	15,900,062	19,170,524	17,697,985	19,032,456	18,855,759	+2,955,697	+1,157,774	-176,697	
Current year, FY 1998 / 1999	(11,982,562)	(14,795,852)	(13,492,985)	(13,279,784)	(14,468,087)	(+2,485,525)	(+975,102)	(+1,188,303)	
FY 1999 / 2000	(3,917,500)	(4,374,672)	(4,205,000)	(5,752,672)	(4,387,672)	(+470,172)	(+182,672)	(-1,365,000)	

(1) The budget justification indicates a request of $3,964,000,000. The President's actual budget request is $3,984,000,000 (see p. 428 Appendix).

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
ADMINISTRATION ON AGING									
Grants to States:									
Supportive Services and Centers....................	309,500	300,319	300,319	300,319	300,319	-9,181	---	---	D
Preventive Health..................................	16,123	16,123	16,123	16,123	16,123	---	---	---	D
Title VII / ombudsman..........................	---	9,181	9,181	12,181	12,181	+12,181	+3,000	---	D
Nutrition:									
Congregate Meals................................	374,412	374,412	374,412	374,412	374,412	---	---	---	D
Home Delivered Meals............................	112,000	112,000	112,000	112,000	112,000	---	---	---	D
Frail Elderly In-Home Services.........................	9,763	9,763	9,763	9,763	9,763	---	---	---	D
Grants to Indians......................................	18,457	18,457	18,457	18,457	18,457	---	---	---	D
Aging Research, Training and Special Projects..........	10,000	10,000	---	18,000	18,000	+8,000	+18,000	---	D
Alzheimer's Initiative (1).............................	5,970	6,000	5,970	---	5,970	---	---	+5,970	D
Program Administration.................................	14,795	14,795	14,795	14,795	14,795	---	---	---	D
Total, Administration on Aging..................	871,020	871,050	861,020	876,050	882,020	+11,000	+21,000	+5,970	

(1) Senate bill provides funding in the HRSA account.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE SECRETARY									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal Funds	102,123	100,761	100,419	101,000	107,351	+5,228	+6,932	+6,351	D
Trust Funds	(5,851)	(5,851)	(5,851)	(5,851)	(5,851)	---	---	---	TF
1% Evaluation funds (ASPE) (NA)	(20,552)	(20,552)	(20,552)	(20,552)	(20,552)	---	---	---	NA
Subtotal	(128,526)	(127,164)	(126,822)	(127,403)	(133,754)	(+5,228)	(+6,932)	(+6,351)	
Adolescent Family Life (Title XX)	16,671	4,709	16,671	16,709	17,700	+1,029	+1,029	+991	D
Physical Fitness and Sports	996	1,005	1,005	1,005	1,005	+9	---	---	D
Minority health	29,034	23,100	29,100	24,500	36,000	+6,966	+6,900	+11,500	D
Office of women's health	12,467	12,517	12,467	15,495	15,495	+3,028	+3,028	---	D
Anti-Terrorism	9,977	70,000	7,000	9,600	10,500	+523	+3,500	+900	D
Total, General Departmental Management	177,119	217,943	172,513	174,160	193,902	+16,783	+21,389	+19,742	
Federal funds	171,268	212,092	166,662	168,309	188,051	+16,783	+21,389	+19,742	
Trust funds	(5,851)	(5,851)	(5,851)	(5,851)	(5,851)	---	---	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE INSPECTOR GENERAL:									
Federal Funds	31,855	29,000	29,000	29,000	29,000	-2,855	---	---	D
H.R. 3103 funding (NA)	(84,650)	(97,350)	(97,350)	(97,350)	(97,350)	(+12,700)	---	---	NA
Total, Inpsector General (BA)	31,855	29,000	29,000	29,000	29,000	-2,855	---	---	
Total, Inpsector General program level	(116,505)	(126,350)	(126,350)	(126,350)	(126,350)	(+9,845)	---	---	
OFFICE FOR CIVIL RIGHTS:									
Federal Funds	16,345	17,345	17,345	17,345	17,345	+1,000	---	---	D
Trust Funds	(3,314)	(3,314)	(3,314)	(3,314)	(3,314)	---	---	---	TF
Total, Office for Civil Rights	19,659	20,659	20,659	20,659	20,659	+1,000	---	---	
Federal funds	16,345	17,345	17,345	17,345	17,345	+1,000	---	---	
Trust funds	(3,314)	(3,314)	(3,314)	(3,314)	(3,314)	---	---	---	
Policy Research	13,974	14,000	14,000	14,000	14,000	+26	---	---	D
Public Health and Social Service Emergency fund	---	---	---	(300,000)	(216,922)	(+216,922)	(+216,922)	(-83,078)	NA
Total, Office of the Secretary	242,607	281,602	236,172	237,819	257,561	+14,954	+21,389	+19,742	
Federal funds	233,442	272,437	227,007	228,654	248,396	+14,954	+21,389	+19,742	
Trust funds	(9,165)	(9,165)	(9,165)	(9,165)	(9,165)	---	---	---	
Total, Department of Health and Human Services	195,683,435	212,249,666	211,179,329	212,549,709	213,541,460	+17,858,025	+2,362,131	+991,751	
Federal Funds	193,885,363	210,298,001	209,227,664	210,854,994	211,585,795	+17,700,432	+2,358,131	+730,801	
Current year, FY 1998 / 1999	(162,167,174)	(177,149,724)	(176,289,059)	(176,178,717)	(178,424,518)	(+16,257,344)	(+2,135,459)	(+2,245,801)	
FY 1999 / 2000	(31,718,189)	(33,148,277)	(32,938,605)	(34,676,277)	(33,161,277)	(+1,443,088)	(+222,672)	(-1,515,000)	
Trust funds	(1,798,072)	(1,951,665)	(1,951,665)	(1,694,715)	(1,955,665)	(+157,593)	(+4,000)	(+260,950)	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
TITLE III - DEPARTMENT OF EDUCATION (1)									
EDUCATION REFORM (2)									
Goals 2000: Educate America Act:									
State Grants forward funded	464,500	474,000	219,000	464,500	459,500	-5,000	+240,500	-5,000	D
State Grants current funded	1,500	2,000	1,500	1,500	1,500	---	---	---	D
Parental Assistance (3)	25,000	25,000	25,000	30,000	30,000	+5,000	+5,000	---	D
Subtotal, Goals 2000	491,000	501,000	245,500	496,000	491,000	---	+245,500	-5,000	
School-to-Work Opportunities	200,000	125,000	75,000	125,000	125,000	-75,000	+50,000	---	D
Education Technology: (3)									
Technology for Education	541,000	591,000	541,000	561,000	550,100	+9,100	+9,100	-10,900	D
National Activities									
Technology Leadership Activities	---	2,000	---	---	2,000	+2,000	+2,000	+2,000	D
Preservice Teacher Training	---	75,000	---	---	75,000	+75,000	+75,000	+75,000	D
Community-Based Technology	---	10,000	---	---	10,000	+10,000	+10,000	+10,000	D
Subtotal	541,000	678,000	541,000	561,000	637,100	+96,100	+96,100	+76,100	
Star Schools	34,000	34,000	---	46,500	45,000	+11,000	+45,000	-1,500	D
Ready to Learn Television	7,000	7,000	---	11,000	11,000	+4,000	+11,000	---	D
Telcom Demo Project for Mathematics	2,035	2,000	---	5,000	5,000	+2,965	+5,000	---	D
Subtotal, Education technology	584,035	721,000	541,000	623,500	698,100	+114,065	+157,100	+74,600	
Total	1,275,035	1,347,000	861,500	1,244,500	1,314,100	+39,065	+452,600	+69,600	
Subtotal, Forward funded	(664,500)	(599,000)	(294,000)	(589,500)	(584,500)	(-80,000)	(+290,500)	(-5,000)	

(1) FY98 library funding was provided through the Department of Education. Comparable figures are now displayed in the Institute for Museum and Library Services account.

(2) Forward funded except where noted.

(3) Current funded.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1998	House	Senate	
EDUCATION FOR THE DISADVANTAGED (1)									
Grants to Local Education Agencies (LEAs):									
Basic Grants									
Advance from prior year	(1,298,386)	(1,448,386)	(1,448,386)	(1,448,386)	(1,448,386)	(+150,000)	---	---	NA
Forward funded	4,821,326	4,822,114	4,498,094	4,070,500	422,114	-4,399,212	-4,075,980	-3,648,386	D
Current funded	3,500	3,500	3,500	3,500	3,500	---	---	---	D
Subtotal, Basic grants	6,123,212	6,274,000	5,949,980	5,522,386	1,874,000	-4,249,212	-4,075,980	-3,648,386	
Advance FY99/2000 (3)	1,448,386	1,448,386	1,448,386	2,500,000	6,148,386	+4,700,000	+4,700,000	+3,648,386	D
Concentration Grants	1,102,020	1,200,000	1,125,252	1,102,020	1,102,020	---	-23,232	---	D
Targeted Grants	---	293,000	300,000	---	---	---	-300,000	---	D
Comprehensive School Reform	120,000	150,000	120,000	120,000	120,000	---	---	---	D
Subtotal, Grants to LEAs	7,495,232	7,917,000	7,495,232	7,796,020	7,796,020	+300,788	+300,788	---	
Capital Expenses for Private School Children	41,119	10,000	10,000	35,000	24,000	-17,119	+14,000	-11,000	D
Even Start	124,000	114,992	135,000	124,000	135,000	+11,000	---	+11,000	D
State agency programs:									
Migrant	305,473	354,689	354,689	320,473	354,689	+49,216	---	+34,216	D
Neglected and Delinquent/High Risk Youth	39,311	40,311	40,311	40,311	40,311	+1,000	---	---	D
Evaluation (2)	6,977	8,900	8,900	6,977	7,500	+523	-1,400	+523	D
Transition to School Demonstrations (2)	---	35,000	---	---	---	---	---	---	D
Total, ESEA	8,012,112	8,480,892	8,044,132	8,322,781	8,357,520	+345,408	+313,388	+34,739	

(1) Forward funded except where noted.

(2) Current funded.

(3) Advance applies to Basic and Concentration Grants.

	FY 1998	FY 1999				Conference vs			Mand
	Comparable	Request	House	Senate	Conference	FY 1998	House	Senate	Disc
Migrant education:									
High School Equivalency Program (1)	7,634	10,000	9,000	8,000	9,000	+1,366	---	+1,000	D
College Assistance Migrant Program (1)	2,081	5,000	3,000	4,000	4,000	+1,919	+1,000	---	D
Subtotal, migrant education	9,715	15,000	12,000	12,000	13,000	+3,285	+1,000	+1,000	
Total, Compensatory education programs	8,021,827	8,495,892	8,056,132	8,334,781	8,370,520	+348,693	+314,388	+35,739	
Current Year FY98/99	(6,573,441)	(7,047,506)	(6,607,746)	(5,834,781)	(2,222,134)	(-4,351,307)	(-4,385,612)	(-3,612,647)	
FY99/00	(1,448,386)	(1,448,386)	(1,448,386)	(2,500,000)	(6,148,386)	(+4,700,000)	(+4,700,000)	(+3,648,386)	
Subtotal, forward funded	(6,553,249)	(6,985,106)	(6,583,346)	(5,812,304)	(2,198,134)	(-4,355,115)	(-4,385,212)	(-3,614,170)	
IMPACT AID									
Basic Support Payments	662,000	626,000	704,000	662,000	704,000	+42,000	---	+42,000	D
Payments for Children with Disabilities	50,000	40,000	50,000	50,000	50,000	---	---	---	D
Payments for Heavily Impacted Districts (Sec. f)	62,000	20,000	70,000	62,000	70,000	+8,000	---	+8,000	D
Subtotal	774,000	686,000	824,000	774,000	824,000	+50,000	---	+50,000	
Facilities Maintenance (Sec. 8008)	3,000	10,000	---	5,000	5,000	+2,000	+5,000	---	D
Construction (Sec. 8007)	7,000	---	---	7,000	7,000	---	+7,000	---	D
Payments for Federal Property (Sec. 8002)	24,000	---	24,000	24,000	28,000	+4,000	+4,000	+4,000	D
Total, Impact aid	808,000	696,000	848,000	810,000	864,000	+56,000	+16,000	+54,000	

(1) Current funded.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
SCHOOL IMPROVEMENT PROGRAMS									
Professional development (1)	335,000	335,000	285,000	335,000	335,000	---	+50,000	---	D
Program innovation (1)	350,000	---	400,000	350,000	375,000	+25,000	-25,000	+25,000	D
Class size reduction (1)	---	---	---	---	1,200,000	+1,200,000	+1,200,000	+1,200,000	D
Safe and drug-free schools: State Grants (1)	531,000	526,000	531,000	381,000	441,000	-90,000	-90,000	+60,000	D
National Programs	25,000	30,000	25,000	175,000	90,000	+65,000	+65,000	-85,000	D
Coordinator Initiative	---	50,000	---	---	35,000	+35,000	+35,000	+35,000	D
Subtotal, Safe and drug-free schools	556,000	606,000	556,000	556,000	566,000	+10,000	+10,000	+10,000	
Inexpensive Book Distribution (RIF)	12,000	13,000	18,000	14,000	18,000	+6,000	---	+4,000	D
Arts in Education	10,500	10,500	10,500	10,500	10,500	---	---	---	D
Other school improvement programs: Magnet Schools Assistance	101,000	101,000	101,000	104,000	104,000	+3,000	+3,000	---	D
Education for Homeless Children & Youth (1)	28,800	30,000	30,000	28,800	28,800	---	-1,200	---	D
Women's Education Equity	3,000	3,000	3,000	3,000	3,000	---	---	---	D
Training and Advisory Services (Civil Rights)	7,334	8,300	7,334	7,334	7,334	---	---	---	D
Ellender Fellowships/Close Up (1)	1,500	---	1,500	1,500	1,500	---	---	---	D
Education for Native Hawaiians	18,000	18,000	---	22,000	20,000	+2,000	+20,000	-2,000	D
Alaska Native Education Equity	8,000	8,000	---	12,000	10,000	+2,000	+10,000	-2,000	D
Charter Schools	80,000	100,000	100,000	80,000	100,000	+20,000	---	+20,000	D
Subtotal, other school improvement programs	247,634	268,300	242,834	258,634	274,634	+27,000	+31,800	+16,000	

(1) Forward funded.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Comprehensive Regional Assistance Centers.............	27,054	40,000	30,000	27,054	28,000	+946	-2,000	+946	D
Advanced Placement Fees..............................	3,000	3,000	---	4,000	4,000	+1,000	+4,000	---	D
Education Opportunity Zones (proposed legislation)....	---	200,000	---	---	---	---	---	---	D
Education Infrastructure.............................	---	---	---	100,000	---	---	---	-100,000	D
Total, School improvement programs..............	1,541,188	1,475,800	1,542,334	1,655,188	2,811,134	+1,269,946	+1,268,800	+1,155,946	
Subtotal, forward funded........................	(1,246,300)	(891,000)	(1,247,500)	(1,096,300)	(2,381,300)	(+1,135,000)	(+1,133,800)	(+1,285,000)	
READING EXCELLENCE									
Advance from prior year (1)..........................	---	(210,000)	---	---	---	---	---	---	NA
Adjustment, forward funded...........................	---	50,000	---	---	260,000	+260,000	+260,000	+260,000	D
Total...	---	260,000	---	---	260,000	+260,000	+260,000	+260,000	

(1) Reflects transfer of $210 million to Special Education enacted in the FY98 bill. The President proposes to retain the funding in this account.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
INDIAN EDUCATION									
Grants to Local Educational Agencies	59,750	62,000	62,000	62,000	62,000	+2,250	---	---	D
Special Programs for Indian Children	---	3,265	3,265	3,265	3,265	+3,265	---	---	D
National Activities	---	735	735	735	735	+735	---	---	D
Total, Indian Education	59,750	66,000	66,000	66,000	66,000	+6,250	---	---	
BILINGUAL AND IMMIGRANT EDUCATION									
Bilingual education:									
Instructional Services	160,000	168,000	160,000	160,000	160,000	---	---	---	D
Support Services	14,000	14,000	14,000	14,000	14,000	---	---	---	D
Professional Development	25,000	50,000	25,000	25,000	50,000	+25,000	+25,000	+25,000	D
Immigrant Education	150,000	150,000	150,000	150,000	150,000	---	---	---	D
Foreign Language Assistance	5,000	5,000	5,000	5,000	6,000	+1,000	+1,000	+1,000	D
Total, Bilingual and Immigrant Education	354,000	387,000	354,000	354,000	380,000	+26,000	+26,000	+26,000	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
SPECIAL EDUCATION (1)									
State grants:									
Advance from prior year	---	---	(210,000)	(210,000)	(210,000)	(+210,000)	---	---	NA
Grants to States Part B	3,801,000	3,810,700	4,100,700	4,090,000	4,100,700	+299,700	---	+10,700	D
Preschool Grants	373,985	373,985	373,985	373,985	373,985	---	---	---	D
Grants for Infants and Families	350,000	370,000	350,000	370,000	370,000	+20,000	+20,000	---	D
Evaluation forward funded	5,000	---	---	---	---	-5,000	---	---	D
Evaluation current funded (2)	1,700	---	---	---	---	-1,700	---	---	D
Subtotal, State grants program level	(4,531,685)	(4,554,685)	(5,034,685)	(5,043,985)	(5,054,685)	(+523,000)	(+20,000)	(+10,700)	
IDEA National Programs (P.L. 105-17):									
State Program Improvement Grants	35,200	45,200	35,200	35,200	35,200	---	---	---	D
Research and Innovation to Improve Services (2)	64,508	64,508	64,508	64,508	64,508	---	---	---	D
Technical Assistance and Dissemination (2)	44,556	44,556	44,556	44,556	44,556	---	---	---	D
Personnel Preparation (2)	82,139	82,139	82,139	82,139	82,139	---	---	---	D
Parent Information Centers (2)	18,535	20,535	18,535	18,535	18,535	---	---	---	D
Technology and Media Services (2)	32,523	34,023	33,023	32,523	33,023	+500	---	+500	D
Public Telecom Info/Training Dissemination (2)	1,500	---	1,500	1,500	1,500	---	---	---	D
Subtotal, IDEA special programs reauthorization	278,961	290,961	279,461	278,961	279,461	+500	---	+500	
Total, Special education	4,810,646	4,845,646	5,104,146	5,112,946	5,124,146	+313,500	+20,000	+11,200	
Subtotal, Forward funded	(4,565,185)	(4,599,885)	(4,859,885)	(4,869,185)	(4,879,885)	(+314,700)	(+20,000)	(+10,700)	

(1) Forward funded except where noted.

(2) Current funded.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
REHABILITATION SERVICES AND DISABILITY RESEARCH									
Vocational Rehabilitation State Grants	2,246,888	2,304,411	2,304,411	2,298,467	2,304,411	+57,523	---	+5,944	M
Client Assistance State grants	10,714	10,928	10,928	10,928	10,928	+214	---	---	M
Training	39,629	33,685	33,685	39,629	39,629	---	+5,944	---	M
Special demonstration programs	15,942	18,942	18,942	18,942	18,942	+3,000	---	---	M
Migratory workers	2,350	2,350	2,350	2,350	2,350	---	---	---	M
Recreational programs	2,596	2,596	2,596	2,596	2,596	---	---	---	M
Protection and advocacy of individual rights (PAIR)	9,894	9,894	10,894	9,894	10,894	+1,000	---	+1,000	M
Projects with industry	22,071	22,071	22,071	22,071	22,071	---	---	---	M
Supported employment State grants	38,152	38,152	38,152	38,152	38,152	---	---	---	M
Independent living:									
State grants	21,859	22,296	22,296	22,296	22,296	+437	---	---	M
Centers	45,205	46,109	46,109	46,109	46,109	+904	---	---	M
Services for older blind individuals	10,950	11,169	11,169	11,169	11,169	+219	---	---	M
Subtotal, Independent living	78,014	79,574	79,574	79,574	79,574	+1,560	---	---	
Program Improvement	2,900	1,900	1,900	1,900	1,900	-1,000	---	---	M
Evaluation	1,587	1,587	1,587	1,587	1,587	---	---	---	M
Helen Keller National Center for Deaf-Blind Youths & Adults	7,549	8,176	8,550	8,176	8,550	+1,001	---	+374	M
National Institute for Disability and Rehabilitation Research (NIDRR)	76,800	81,000	81,000	81,000	81,000	+4,200	---	---	M
Subtotal, mandatory programs	2,555,086	2,615,266	2,616,640	2,615,266	2,622,584	+67,498	+5,944	+7,318	
Assistive Technology	36,109	30,000	30,000	30,000	30,000	-6,109	---	---	D
Total, Rehabilitation services	2,591,195	2,645,266	2,646,640	2,645,266	2,652,584	+61,389	+5,944	+7,318	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES									
AMERICAN PRINTING HOUSE FOR THE BLIND.................	8,186	8,256	8,661	8,661	8,661	+475	---	---	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.............	44,141	44,791	44,791	45,500	45,500	+1,359	+709	---	D
GALLAUDET UNIVERSITY..................................	81,000	83,480	83,480	83,480	83,480	+2,480	---	---	D
Total, Special Inst for Persons with Disabilities.	133,327	136,527	136,932	137,641	137,641	+4,314	+709	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1998	House	Senate	
VOCATIONAL AND ADULT EDUCATION (1)									
Vocational education:									
Basic State Grants	1,027,550	1,030,650	1,030,650	1,027,550	1,030,650	+3,100	---	+3,100	D
Tech-Prep Education	103,000	106,000	106,000	103,000	106,000	+3,000	---	+3,000	D
Tribally Controlled Postsecondary Vocational Institutions (2)	3,100	---	4,100	4,100	4,100	+1,000	---	---	D
National Progams: Research	13,497	13,497	13,497	12,000	13,497	---	---	+1,497	D
Subtotal, Vocational education	1,147,147	1,150,147	1,154,247	1,146,650	1,154,247	+7,100	---	+7,597	
Adult education:									
State Programs	345,339	361,000	365,000	345,339	365,000	+19,661	---	+19,661	D
National programs:									
Evaluation and Technical Assistance	4,998	27,000	7,000	4,998	14,000	+9,002	+7,000	+9,002	D
National Institute for Literacy	5,491	6,000	6,000	5,491	6,000	+509	---	+509	D
Subtotal, National programs	10,489	33,000	13,000	10,489	20,000	+9,511	+7,000	+9,511	
Literacy Programs for Prisoners	4,723	---	---	---	---	-4,723	---	---	D
Subtotal, adult education	360,551	394,000	378,000	355,828	385,000	+24,449	+7,000	+29,172	
Total, Vocational and adult education	1,507,698	1,544,147	1,532,247	1,502,478	1,539,247	+31,549	+7,000	+36,769	
Subtotal, forward funded	(1,504,598)	(1,544,147)	(1,528,147)	(1,498,378)	(1,535,147)	(+30,549)	(+7,000)	(+36,769)	

(1) Forward funded except where noted.

(2) Current funded.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
STUDENT FINANCIAL ASSISTANCE									
Pell Grant -- maximum grant (NA)	(3,000)	(3,100)	(3,150)	(3,100)	(3,125)	(+125)	(-25)	(+25)	NA
Pell Grants -- Regular Program	7,344,934	7,594,000	8,178,654	8,527,551	7,704,000	+359,066	-474,654	-823,551	D
Federal Supplemental Educational Opportunity Grants	614,000	619,000	614,000	619,000	619,000	+5,000	+5,000	---	D
Federal Work Study	830,000	900,000	850,000	900,000	870,000	+40,000	+20,000	-30,000	D
Federal Perkins loans:									
Capital Contributions	135,000	60,000	---	60,000	100,000	-35,000	+100,000	+40,000	D
Loan Cancellations	30,000	30,000	30,000	30,000	30,000	---	---	---	D
Subtotal, Federal Perkins loans	165,000	90,000	30,000	90,000	130,000	-35,000	+100,000	+40,000	
State Student Incentive Grants (LEAP)	25,000	---	---	36,000	25,000	---	+25,000	-11,000	D
Total, Student financial assistance	8,978,934	9,203,000	9,672,654	10,172,551	9,348,000	+369,066	-324,654	-824,551	
FEDERAL FAMILY EDUCATION LOAN PROGRAM									
Federal Administration	46,482	48,482	48,482	46,482	46,482	---	-2,000	---	D

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
HIGHER EDUCATION									
Aid for institutional development:									
Strengthening Institutions	55,450	60,000	55,450	55,450	60,250	+4,800	+4,800	+4,800	D
Hispanic Serving Institutions	12,000	28,000	16,000	17,000	28,000	+16,000	+12,000	+11,000	D
Strengthening Historically Black Colleges (HBCUs)	118,495	134,500	130,000	122,495	134,500	+16,005	+4,500	+12,005	D
Strengthening historically black graduate insts	25,000	25,000	30,000	30,000	30,000	+5,000	---	---	D
Strengthening Alaska / Native Hawaiian Instit	---	---	---	---	3,000	+3,000	+3,000	+3,000	D
Strengthening Tribal Colleges	---	5,000	---	---	3,000	+3,000	+3,000	+3,000	D
Subtotal, Institutional development	210,945	252,500	231,450	224,945	258,750	+47,805	+27,300	+33,805	
Program development:									
Fund for the Improvement of Postsec. Ed. (FIPSE)	25,200	22,500	22,500	22,500	50,000	+24,800	+27,500	+27,500	D
Minority Teacher Recruitment (1)	2,212	67,000	2,212	2,212	2,212	---	---	---	D
Minority Science Improvement	5,255	7,500	7,500	5,255	7,500	+2,245	---	+2,245	D
International educ & foreign language studies:									
Domestic Programs	53,581	53,581	60,000	53,581	60,000	+6,419	---	+6,419	D
Overseas Programs	5,770	6,536	6,536	6,536	6,536	+766	---	---	D
Institute for International Public Policy	1,000	1,000	1,000	1,000	1,000	---	---	---	D
Subtotal, International education	60,351	61,117	67,536	61,117	67,536	+7,185	---	+6,419	
Urban Community Service	4,900	---	---	4,637	4,637	-263	+4,637	---	D
Subtotal, Program development	97,918	158,117	99,748	95,721	131,885	+33,967	+32,137	+36,164	

(1) The purposes for which the additional funding is requested for this program have never been specifically authorized in law.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Interest Subsidy Grants for Prior Year Construction...	13,700	13,000	13,000	13,000	13,000	-700	---	---	D
Special grants:									
Mary McLeod Bethune Memorial Fine Arts Center.....	6,620	---	---	---	---	-6,620	---	---	D
Federal TRIO Programs............................	529,667	583,000	600,000	554,667	600,000	+70,333	---	+45,333	D
National Early Intervention Scholarships and Partn	3,600	---	---	3,600	---	-3,600	---	-3,600	D
GEAR UP...	---	140,000	---	75,000	120,000	+120,000	+120,000	+45,000	D
Scholarships:									
Byrd Honors Scholarships.........................	39,288	39,288	---	39,288	39,288	---	+39,288	---	D
Graduate fellowships:									
Graduate Assistance in Areas of National Need.....	30,000	37,500	---	31,000	31,000	+1,000	+31,000	---	D
Youth Offender Grants...............................	12,000	---	---	16,723	16,723	+4,723	+16,723	---	D
Early Awareness Information.........................	---	15,000	---	---	---	---	---	---	D
Learning Anytime Anywhere Partnerships...............	---	30,000	---	10,000	10,000	+10,000	+10,000	---	D
Access and Retention Studies.........................	---	20,000	---	---	---	---	---	---	D
Improving Teacher Quality:									
Teacher Quality Enhancement Grants...............	---	---	---	37,500	75,000	+75,000	+75,000	+37,500	D
Teacher training partnership grants (1)..........	---	---	---	37,500	---	---	---	-37,500	D
Child Care Access Means Parents in School.........	---	---	---	---	5,000	+5,000	+5,000	+5,000	D
Demonstration in Disabilities / Higher Education..	---	---	---	---	5,000	+5,000	+5,000	+5,000	D
Web Based Education Commission....................	---	---	---	---	450	+450	+450	+450	D
Underground Railroad Program......................	---	---	---	---	1,750	+1,750	+1,750	+1,750	D
Total, Higher education.........................	943,738	1,288,405	944,198	1,138,944	1,307,846	+364,108	+363,648	+168,902	

(1) The Higher Education Act Amendments of 1998 specify that this program will receive 45% of Teacher Quailty Enhancement Grants.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
HOWARD UNIVERSITY									
Academic Program	180,511	176,981	185,000	176,981	181,470	+959	-3,530	+4,489	D
Endowment Program	---	3,530	---	3,530	3,530	+3,530	+3,530	---	D
Howard University Hospital	29,489	29,489	29,489	29,489	29,489	---	---	---	D
Total, Howard University	210,000	210,000	214,489	210,000	214,489	+4,489	---	+4,489	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM: Federal Administration	698	698	698	698	698	---	---	---	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT									
Federal Administration	104	96	196	96	96	-8	-100	---	D

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT									
Research and statistics:									
Research	72,567	72,567	72,567	72,567	82,567	+10,000	+10,000	+10,000	D
Regional Education Laboratories	56,000	56,000	56,000	56,000	61,000	+5,000	+5,000	+5,000	D
Statistics	59,000	68,000	68,000	59,000	68,000	+9,000	---	+9,000	D
Interagency Research Initiative	---	50,000	---	---	---	---	---	---	D
Assessment:									
National Assessment	32,000	36,000	36,000	32,000	36,000	+4,000	---	+4,000	D
National Assessment Governing Board	3,471	4,000	4,000	3,471	4,000	+529	---	+529	D
Subtotal, Assessment	35,471	40,000	40,000	35,471	40,000	+4,529	---	+4,529	
Subtotal, Research and statistics	223,038	286,567	236,567	223,038	251,567	+28,529	+15,000	+28,529	
Fund for the Improvement of Education	108,100	105,000	90,000	115,000	147,000	+38,900	+57,000	+32,000	D
International Education Exchange	5,000	5,000	5,000	7,000	7,000	+2,000	+2,000	---	D
21st Century Community Learning Centers	40,000	200,000	60,000	75,000	200,000	+160,000	+140,000	+125,000	D
Civics Education	5,500	6,300	6,300	7,500	7,500	+2,000	+1,200	---	D
Eisenhower Professional Dvp. National Activities	23,300	50,000	23,300	23,300	23,300	---	---	---	D
Eisenhower Regional Math & Science Ed. Consortia	15,000	25,000	15,000	15,000	15,000	---	---	---	D
Javits Gifted and Talented Education	6,500	6,500	6,500	6,500	6,500	---	---	---	D
National Writing Project	5,000	5,000	5,000	7,000	7,000	+2,000	+2,000	---	D
Total, ERSI	431,438	689,367	447,667	479,338	664,867	+233,429	+217,200	+185,529	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
DEPARTMENTAL MANAGEMENT									
PROGRAM ADMINISTRATION	343.914	362,000	362,000	362,000	362,000	+18,086	---	---	D
OFFICE FOR CIVIL RIGHTS	61,500	68,000	61,500	63,500	66,000	+4,500	+4,500	+2,500	D
OFFICE OF THE INSPECTOR GENERAL	30,242	31,242	30,242	31,242	31,242	+1,000	+1,000	---	D
Total, Departmental management	435,656	461,242	453,742	456,742	459,242	+23,586	+5,500	+2,500	
STUDENTAnnual Loan Volume (including consolidation):									
Federal Family Education Loans (FFEL)	(20,461,000)	(21,932,000)	(21,932,000)	(21,932,000)	(21,932,000)	(+1,471,000)	---	---	NA
Federal Direct Student Loans (FDSL)	(11,204,000)	(12,002,000)	(12,002,000)	(12,002,000)	(12,002,000)	(+798,000)	---	---	NA
Total Outstanding Loan Volume:									
Federal Family Education Loans (FFEL)	(119,189,182)	(126,602,699)	(126,602,699)	(126,602,699)	(126,602,699)	(+7,413,517)	---	---	NA
Federal Direct Student Loans (FDSL)	(33,565,504)	(45,363,630)	(45,363,630)	(45,363,630)	(45,363,630)	(+11,798,126)	---	---	NA
Total, Department of Education	32,149,716	33,590,568	32,930,057	34,367,651	35,561,092	+3,411,376	+2,631,035	+1,193,441	
Current year FY98/99	(30,701,330)	(32,142,182)	(31,481,671)	(31,867,651)	(29,412,706)	(-1,288,624)	(-2,068,965)	(-2,454,945)	
FY99/FY00	(1,448,386)	(1,448,386)	(1,448,386)	(2,500,000)	(6,148,386)	(+4,700,000)	(+4,700,000)	(+3,648,386)	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
TITLE IV - RELATED AGENCIES									
ARMED FORCES RETIREMENT HOME									
Operations and Maintenance: TF	55,452	55,028	55,028	55,028	55,028	-424	---	---	D
Capital Program: TF	13,217	15,717	15,717	15,717	15,717	+2,500	---	---	D
Total, AFRH	68,669	70,745	70,745	70,745	70,745	+2,076	---	---	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (1)									
Domestic Volunteer Service Programs:									
Volunteers in Service to America (VISTA)	65,235	73,000	60,000	73,000	73,000	+7,765	+13,000	---	D
National Senior Volunteer Corps:									
Foster Grandparents Program	87,593	94,162	87,593	94,162	93,256	+5,663	+5,663	-906	D
Senior Companion Program	35,368	35,368	35,368	35,368	36,573	+1,205	+1,205	+1,205	D
Retired Senior Volunteer Program	40,279	43,300	40,279	43,300	43,001	+2,722	+2,722	-299	D
Senior Demonstration Program	---	1,080	---	1,080	1,080	+1,080	+1,080	---	D
Subtotal, Senior Volunteers	163,240	173,910	163,240	173,910	173,910	+10,670	+10,670	---	
Program Administration	28,129	31,512	28,129	28,129	29,129	+1,000	+1,000	+1,000	D
Total, Domestic Volunteer Service Programs	256,604	278,422	251,369	275,039	276,039	+19,435	+24,670	+1,000	
Corporation for Public Broadcasting:									
FY01 (current request) with FY00 comparable	300,000	340,000	340,000	340,000	340,000	+40,000	---	---	D
FY00 advance with FY99 comparable (NA)	(250,000)	(300,000)	(300,000)	(300,000)	(300,000)	(+50,000)	---	---	NA
FY99 advance with FY98 comparable (NA)	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	---	---	---	NA
Digitalization program (2)	---	50,000	---	15,000	15,000	+15,000	+15,000	---	D
Subtotal, FY99 appropriation	250,000	300,000	250,000	265,000	265,000	+15,000	+15,000	---	

(1) The request earmarks $59.573 million for America Reads. Appropriations for Americorps are provided in VA-HUD bill.

(2) Unauthorized. Funding is subject to enactment of authorization by Sept. 30, 1999.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Federal Mediation and Conciliation Service	33,481	34,620	34,620	34,620	34,620	+1,139	---	---	D
Federal Mine Safety and Health Review Commission	6,060	6,060	6,060	6,060	6,060	---	---	---	D
Institute of Museum and Library Services (1)	146,340	146,340	146,340	156,340	166,175	+19,835	+19,835	+9,835	D
Medicare Payment Advisory Commission (TF)	(7,015)	(7,015)	(7,015)	(7,015)	(7,015)	---	---	---	TF
National Commission on Libraries and Info Science	1,000	1,000	1,000	1,000	1,000	---	---	---	D
National Council on Disability	1,793	2,344	2,344	2,344	2,344	+551	---	---	D
National Education Goals Panel	2,000	2,100	2,100	2,100	2,100	+100	---	---	D
National Labor Relations Board	174,661	184,451	174,661	184,451	184,451	+9,790	+9,790	---	D
National Mediation Board	8,600	8,400	8,400	8,400	8,400	-200	---	---	D
Occupational Safety and Health Review Commission	7,900	8,050	8,100	8,100	8,100	+200	---	---	D
RAILROAD RETIREMENT BOARD									
Dual Benefits Payments Account	205,500	191,000	191,000	189,000	189,000	-16,500	-2,000	---	D
Less Income Tax Receipts on Dual Benefits	-12,000	-11,000	-11,000	-11,000	-11,000	+1,000	---	---	D
Subtotal, Dual Benefits	193,500	180,000	180,000	178,000	178,000	-15,500	-2,000	---	
Federal Payment to the RR Retirement Accounts	50	150	150	150	150	+100	---	---	M
Limitation on administration:									
Administative expenses	(87,228)	(86,000)	(86,000)	(90,000)	(90,000)	(+2,772)	(+4,000)	---	TF
Inspector General	(5,794)	(5,400)	(5,400)	(5,600)	(5,600)	(-194)	(+200)	---	TF

(1) FY98 library funding was provided in the Department of Education. Comparable figures are displayed here for purposes of comparison.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
SOCIAL SECURITY ADMINISTRATION									
Payments to Social Security Trust Funds..............	20,308	19,689	19,689	19,689	19,689	-619	---	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS									
Benefit payments......................................	581,470	538,183	538,183	538,183	538,183	-43,287	---	---	M
Administration..	4,620	4,620	4,620	4,620	4,620	---	---	---	M
Subtotal, Black Lung, FY98/99 program level.....	586,090	542,803	542,803	542,803	542,803	-43,287	---	---	
Less funds advanced in prior year...............	-160,000	-160,000	-160,000	-160,000	-160,000	---	---	---	M
Total, Black Lung, current request, FY98/99.....	426,090	382,803	382,803	382,803	382,803	-43,287	---	---	
New advances, 1st quarter FY99/00.............	160,000	141,000	141,000	141,000	141,000	-19,000	---	---	M

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
SUPPLEMENTAL SECURITY INCOME									
Federal benefit payments	23,710,300	28,020,000	28,020,000	28,020,000	28,020,000	+4,309,700	---	---	M
Beneficiary services	46,000	61,000	61,000	61,000	61,000	+15,000	---	---	M
Research and demonstration	16,700	30,000	30,000	37,000	37,000	+20,300	+7,000	---	M
Administration	2,027,000	2,064,000	2,064,000	2,100,000	2,114,000	+87,000	+50,000	+14,000	D
Automation investment initiative	50,000	---	---	---	---	-50,000	---	---	D
Subtotal, SSI FY98/99 program level	25,850,000	30,175,000	30,175,000	30,218,000	30,232,000	+4,382,000	+57,000	+14,000	
Less funds advanced in prior year	-9,690,000	-8,680,000	-8,680,000	-8,680,000	-8,680,000	+1,010,000	---	---	M
Subtotal, regular SSI current year, FY 1998 / 1999	16,160,000	21,495,000	21,495,000	21,538,000	21,552,000	+5,392,000	+57,000	+14,000	
Additional CDR funding (1)	75,000	177,000	177,000	227,000	177,000	+102,000	---	-50,000	D
User Fee Activities	35,000	75,000	75,000	75,000	75,000	+40,000	---	---	D
Non-disability redeterminations (1)	---	50,000	---	---	---	---	---	---	D
SSI reforms (welfare) (1)	100,000	---	---	---	---	-100,000	---	---	D
Total, SSI, current request, FY 1998 / 1999	16,370,000	21,797,000	21,747,000	21,840,000	21,804,000	+5,434,000	+57,000	-36,000	
New advance, 1st quarter, FY99/00	8,680,000	9,550,000	9,550,000	9,550,000	9,550,000	+870,000	---	---	M

(1) Two year availability.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
LIMITATION ON ADMINISTRATIVE EXPENSES									
OASDI Trust Funds	(2,899,640)	(2,931,400)	(2,931,400)	(2,928,400)	(2,928,400)	(+28,760)	(-3,000)	---	TF
HI/SMI Trust Funds	(965,000)	(952,000)	(952,000)	(952,000)	(952,000)	(-13,000)	---	---	TF
Social Security Advisory Board	(1,600)	(1,600)	(1,600)	(1,600)	(1,600)	---	---	---	TF
SSI	(2,027,000)	(2,064,000)	(2,064,000)	(2,100,000)	(2,114,000)	(+87,000)	(+50,000)	(+14,000)	TF
Subtotal, regular LAE	(5,893,240)	(5,949,000)	(5,949,000)	(5,982,000)	(5,996,000)	(+102,760)	(+47,000)	(+14,000)	
User Fee Activities	(35,000)	(75,000)	(75,000)	(75,000)	(75,000)	(+40,000)	---	---	TF
SSI non-disability redeterminations (1)	---	(50,000)	---	---	---	---	---	---	TF
Claimant representative payments	---	(19,000)	---	---	---	---	---	---	TF
Automation Initiative (1)									
OASDI Automation	(140,000)	---	---	---	---	(-140,000)	---	---	TF
SSI Automation	(50,000)	---	---	---	---	(-50,000)	---	---	TF
Subtotal, automation initative	(190,000)	---	---	---	---	(-190,000)	---	---	
TOTAL, REGULAR LAE	(6,118,240)	(6,093,000)	(6,024,000)	(6,057,000)	(6,071,000)	(-47,240)	(+47,000)	(+14,000)	
Additional CDR funding (1)									
OASDI	(115,000)	(178,000)	(178,000)	(178,000)	(178,000)	(+63,000)	---	---	TF
SSI	(75,000)	(177,000)	(177,000)	(227,000)	(177,000)	(+102,000)	---	(-50,000)	TF
Subtotal, CDR funding	(190,000)	(355,000)	(355,000)	(405,000)	(355,000)	(+165,000)	---	(-50,000)	
SSI reforms (welfare) (1)	(100,000)	---	---	---	---	(-100,000)	---	---	TF
TOTAL, LAE	(6,408,240)	(6,448,000)	(6,379,000)	(6,462,000)	(6,426,000)	(+17,760)	(+47,000)	(-36,000)	

(1) Two year availability.

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF INSPECTOR GENERAL									
Federal Funds	10,164	12,000	12,000	11,082	12,000	+1,836	---	+918	D
Trust Funds	(39,060)	(40,000)	(44,000)	(39,130)	(44,000)	(+4,940)	---	(+4,870)	TF
Total, Office of the Inspector General	49,224	52,000	56,000	50,212	56,000	+6,776	---	+5,788	
Adjustment: Trust fund transfers from general revenues	(-2,287,000)	(-2,366,000)	(-2,316,000)	(-2,402,000)	(-2,366,000)	(-79,000)	(-50,000)	(+36,000)	TF
Total, Social Security Administration	29,826,862	36,024,492	35,959,492	36,043,704	36,013,492	+6,186,630	+54,000	-30,212	
Federal funds	25,666,562	31,902,492	31,852,492	31,944,574	31,909,492	+6,242,930	+57,000	-35,082	
Current year FY 1998 / 1999	(16,826,562)	(22,211,492)	(22,161,492)	(22,253,574)	(22,218,492)	(+5,391,930)	(+57,000)	(-35,082)	
New advances, 1st quarter FY 1999 / 2000	(8,840,000)	(9,691,000)	(9,691,000)	(9,691,000)	(9,691,000)	(+851,000)	---	---	
Trust funds	(4,160,300)	(4,122,000)	(4,107,000)	(4,099,130)	(4,104,000)	(-56,300)	(-3,000)	(+4,870)	
United States Institute of Peace	11,160	11,495	11,160	11,495	12,160	+1,000	+1,000	+665	D
Total, Title IV, Related Agencies	31,138,717	37,447,084	37,294,956	37,440,163	37,421,451	+6,282,734	+126,495	-18,712	
Federal Funds (all years)	26,878,380	33,226,669	33,089,541	33,238,418	33,214,836	+6,336,456	+125,295	-23,582	
Current year, FY 1998 / 1999	(17,738,380)	(23,195,669)	(23,058,541)	(23,207,418)	(23,183,836)	(+5,445,456)	(+125,295)	(-23,582)	
FY 1999 / 2000	(8,840,000)	(9,691,000)	(9,691,000)	(9,691,000)	(9,691,000)	(+851,000)	---	---	
FY 2000 / 2001	(300,000)	(340,000)	(340,000)	(340,000)	(340,000)	(+40,000)	---	---	
Trust funds	(4,260,337)	(4,220,415)	(4,205,415)	(4,201,745)	(4,206,615)	(-53,722)	(+1,200)	(+4,870)	

	FY 1998	FY 1999				Conference vs			Mand
	Comparable	Request	House	Senate	Conference	FY 1998	House	Senate	Disc
SUMMARY									
Title I - Department of Labor:									
Federal Funds	9,343,958	9,491,601	7,842,330	9,164,409	9,045,380	-298,578	+1,203,050	-119,029	
Current year	(9,093,958)	(9,241,601)	(7,842,330)	(8,914,409)	(9,045,380)	(-48,578)	(+1,203,050)	(+130,971)	
2000 advance	(250,000)	(250,000)	---	(250,000)	---	(-250,000)	---	(-250,000)	
Trust Funds	(3,605,086)	(3,506,092)	(3,419,883)	(3,374,535)	(3,429,486)	(-175,600)	(+9,603)	(+54,951)	
Current year	(3,565,086)	(3,506,092)	(3,419,883)	(3,374,535)	(3,429,486)	(-135,600)	(+9,603)	(+54,951)	
2000 advance	(40,000)	---	---	---	---	(-40,000)	---	---	
Title II - Department of Health and Human Services:									
Federal Funds	193,885,363	210,298,001	209,227,664	210,854,994	211,585,795	+17,700,432	+2,358,131	+730,801	
Current year	(162,167,174)	(177,149,724)	(176,289,059)	(176,178,717)	(178,424,518)	(+16,257,344)	(+2,135,459)	(+2,245,801)	
2000 advance	(31,718,189)	(33,148,277)	(32,938,605)	(34,676,277)	(33,161,277)	(+1,443,088)	(+222,672)	(-1,515,000)	
Trust Funds	(1,798,072)	(1,951,665)	(1,951,665)	(1,694,715)	(1,955,665)	(+157,593)	(+4,000)	(+260,950)	
Title III - Department of Education:									
Federal Funds	32,149,716	33,590,568	32,930,057	34,367,651	35,561,092	+3,411,376	+2,631,035	+1,193,441	
Current year	(30,701,330)	(32,142,182)	(31,481,671)	(31,867,651)	(29,412,706)	(-1,288,624)	(-2,068,965)	(-2,454,945)	
2000 advance	(1,448,386)	(1,448,386)	(1,448,386)	(2,500,000)	(6,148,386)	(+4,700,000)	(+4,700,000)	(+3,648,386)	
Title IV - Related Agencies:									
Federal Funds	26,878,380	33,226,669	33,089,541	33,238,418	33,214,836	+6,336,456	+125,295	-23,582	
Current year	(17,738,380)	(23,195,669)	(23,058,541)	(23,207,418)	(23,183,836)	(+5,445,456)	(+125,295)	(-23,582)	
2000 advance	(8,840,000)	(9,691,000)	(9,691,000)	(9,691,000)	(9,691,000)	(+851,000)	---	---	
2001 advance	(300,000)	(340,000)	(340,000)	(340,000)	(340,000)	(+40,000)	---	---	
Trust Funds	(4,260,337)	(4,220,415)	(4,205,415)	(4,201,745)	(4,206,615)	(-53,722)	(+1,200)	(+4,870)	
Administrative offset	---	---	---	-33,000	---	---	---	+33,000	
	==========	==========	==========	==========	==========	==========	==========	==========	
Total, all titles:									
Federal Funds	262,257,417	286,606,839	283,089,592	287,592,472	289,407,103	+27,149,686	+6,317,511	+1,814,631	
Current year	(219,700,842)	(241,729,176)	(238,671,601)	(240,135,195)	(240,066,440)	(+20,365,598)	(+1,394,839)	(-68,755)	
2000 advance	(42,256,575)	(44,537,663)	(44,077,991)	(47,117,277)	(49,000,663)	(+6,744,088)	(+4,922,672)	(+1,883,386)	
2001 advance	(300,000)	(340,000)	(340,000)	(340,000)	(340,000)	(+40,000)	---	---	
Trust Funds	(9,663,495)	(9,678,172)	(9,576,963)	(9,270,995)	(9,591,766)	(-71,729)	(+14,803)	(+320,771)	
Current year	(9,623,495)	(9,678,172)	(9,576,963)	(9,270,995)	(9,591,766)	(-31,729)	(+14,803)	(+320,771)	
2000 advance	(40,000)	---	---	---	---	(-40,000)	---	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
BUDGET ENFORCEMENT ACT RECAP									
Federal Funds (all years)	262,257,417	286,606,839	283,089,592	287,592,472	289,407,103	+27,149,686	+6,317,511	+1,814,631	
Mandatory, total in bill	190,473,289	210,857,181	210,953,555	210,944,181	210,751,499	+20,278,210	-202,056	-192,682	
Less advances for subsequent years	-38,458,189	-40,529,605	-40,529,605	-40,529,605	-40,529,605	-2,071,416	---	---	
Plus advances provided in prior years	38,458,189	38,458,189	38,458,189	38,458,189	38,458,189	---	---	---	
NAFTA activities	---	---	---	---	-44,000	-44,000	-44,000	-44,000	
Total, mandatory, current year	190,473,289	208,785,765	208,882,139	208,872,765	208,636,083	+18,162,794	-246,056	-236,682	
Discretionary, total in bill	71,784,128	75,749,658	72,136,037	76,648,291	78,655,604	+6,871,476	+6,519,567	+2,007,313	
Less advances for subsequent years	-4,098,386	-4,348,058	-3,888,386	-6,927,672	-8,811,058	-4,712,672	-4,922,672	-1,883,386	
Plus advances provided in prior years	4,258,386	4,258,386	4,258,386	4,258,386	4,258,386	---	---	---	
Scorekeeping adjustments:									
Trust funds considered budget authority	9,663,495	9,678,172	9,576,963	9,270,995	9,591,766	-71,729	+14,803	+320,771	
Less TF advances for subsequent years	-40,000	---	---	---	---	+40,000	---	---	
Plus TF advances provided in prior years	---	40,000	40,000	40,000	40,000	+40,000	---	---	
Adjustment to balance with 1998 bill	-522	---	---	---	---	+522	---	---	
Childcare welfare reform rescission	-3,000	---	---	---	---	+3,000	---	---	
Adjustment for leg cap on Title XX SSBGs	-81,000	-471,000	-81,000	-471,000	-471,000	-390,000	-390,000	---	
SSA User Fee Collection	-35,000	-75,000	-75,000	-75,000	-75,000	-40,000	---	---	
MN/WY Disproportionate Share Hospitals	8,000	---	---	---	---	-8,000	---	---	
NIH Foundation	1,000	---	---	---	---	-1,000	---	---	
Guaranty Reserve Recapture	-280,000	---	---	---	---	+280,000	---	---	
Student Aid Income Protection Allowance	10,000	---	---	---	---	-10,000	---	---	

	FY 1998 Comparable	FY 1999 Request	House	Senate	Conference	Conference vs FY 1998	Conference vs House	Conference vs Senate	Mand Disc
Social Security claimant representative offset	---	-19,000	---	---	---	---	---	---	
Projected HCFA user fee collections...........	---	-264,500	---	---	---	---	---	---	
Viagra limitation............................	---	---	-40,000	---	---	---	+40,000	---	
NAFTA activities.............................	---	---	---	---	44,000	+44,000	+44,000	+44,000	
Total, discretionary, current year........	81,187,101	84,548,658	81,927,000	82,744,000	83,232,698	+2,045,597	+1,305,698	+488,698	
Crime trust fund.......................	143,831	143,938	156,000	144,000	156,000	+12,169	---	+12,000	
General purposes.......................	81,043,270	84,404,720	81,771,000	82,600,000	83,076,698	+2,033,428	+1,305,698	+476,698	
Grand total, current year.................	271,660,390	293,334,423	290,809,139	291,616,765	291,868,781	+20,208,391	+1,059,642	+252,016	

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimate, and the House and Senate bills for 1999 follow:

New budget (obligational) authority, fiscal year 1998	$262,257,417,000
Budget estimates of new (obligational) authority, fiscal year 1999	286,606,839,000
House bill, fiscal year 1999	283,089,592,000
Senate bill, fiscal year 1999	287,592,472,000
Conference agreement, fiscal year 1999	289,403,103,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1998	+27,145,686,000
Budget estimates of new (obligational) authority, fiscal year 1999	+2,796,264,000
House bill, fiscal year 1999	+6,313,511,000
Senate bill, fiscal year 1999	+1,810,631,000

SECTION 101(g): DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The conferees on H.R. 4328 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of H.R. 4328, the Department of Transportation and related agencies Appropriations Act, 1999, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 4328.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

Executive Branch propensities cannot substitute for Congress' own statements concerning the best evidence of Congressional intentions; that is, the official reports of the Congress. Report language included by the House (House Report 105-648) or the Senate (Senate Report 105-249 accompanying the companion measure S. 2307) that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 1999, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, with respect to funds provided for the Department of Transportation and related agencies, the terms "program, project, and activity" shall mean any item for which a dollar amount is contained in an appropriations Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. In addition, the reductions made pursuant to any sequestration order to funds appropriated for "Federal Aviation Administration, Facilities and equipment" and for "Coast Guard, Acquisition, construction, and improvements" shall be applied equally to each "budget item" that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriations Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference. Adjustments to the above allocations may be required due to changing program requirements or priorities. Such adjustments, if required, are expected to be accomplished only through the normal reprogramming process.

Staffing Increases Provided by Congress

The Department of Transportation is directed to fill expeditiously any positions added in this bill, without regard to agency-specific staffing targets which may have been previously established to meet the mandated government-wide staffing reductions. Staffing reductions have been made in the bill which more than offset staffing increases provided for a small number of specific activities.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

The conference agreement provides a total program level of $60,490,000 for the salaries and expenses of the various offices comprising the Office of the Secretary. The department has indicated that this aggregate funding level shall be sufficient to avoid any personnel reductions in fiscal year 1999. A consolidated appropriations request for these various offices has not been approved, rather individual appropriations have been provided for each of the offices within the Office of the Secretary, as proposed by both the House and the Senate.

The conference agreement includes a provision (sec. 361) which authorizes the Secretary to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary, provided that no appropriation shall be increased or decreased by more than twelve percent by all such transfers and that any such transfers shall be submitted for approval to the House and Senate Committees on Appropriations. None of the funds provided in this Act for any office within the Office of the Secretary shall be available for any new position not specifically requested in the budget and approved by the House and Senate Committees on Appropriations.

IMMEDIATE OFFICE OF THE SECRETARY

The conference agreement provides $1,624,000 for expenses of the Immediate Office of the Secretary, instead of $1,623,800 as proposed by the House and $1,768,600 as proposed by the Senate.

The conference agreement deletes a provision proposed by the Senate that would permit the crediting of up to $1,000,000 in funds received from user fees. The House bill contained no similar provision.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

The conference agreement provides $585,000 for expenses of the Immediate Office of the Deputy Secretary as proposed by the House instead of $554,700 as proposed by the Senate.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $8,750,000 for expenses of the Office of the General Counsel instead of $8,895,000 as proposed by the House and $8,645,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

The conference agreement provides $2,808,000 for expenses of the Office of the Assistant Secretary for Policy instead of $2,667,200 as proposed by the House and $2,479,500 as proposed by the Senate.

The department is encouraged to exercise its authority under the National Service Act to enter into contracts and cooperative agreements with qualified urban youth corps to perform appropriate service projects. The department is further encouraged to report back to the House and Senate Committees on Appropriations on its activities in this area in its budget justifications in support of the fiscal year 2000 request.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

The conference agreement provides $7,650,300 for expenses of the Office of the Assistant Secretary for Aviation and International Affairs instead of $7,002,200 as proposed by the House and $6,686,300 as proposed by the Senate.

The conference agreement includes a provision that permits the crediting to this appropriation of $1,000,000 received in user fees as proposed by the House. The Senate bill contained no similar provision.

The conference agreement deletes the Senate provision that would prohibit the use of funds to maintain custody of airline tariffs that are already available for public and departmental access at no cost; to secure them against detection, alteration, or tampering; and to open them to inspection by the department. The House bill contained no similar provision.

Aviation competition guidelines.—The department is encouraged to consider a process in which the department, upon receiving a complaint, would consider within a specified time period whether alleged activity should be referred to the Department of Justice or whether it was a permissible competitive activity. Further, the department is encouraged to implement existing laws, regulations and enforcement practices to protect the economy from anti-competitive conduct by the airlines, and to monitor the dynamics of the airline ticketing industry.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

The conference agreement provides $6,349,000 for the Office of the Assistant Secretary for Budget and Programs instead of $6,069,300 as proposed by the House and $5,687,800 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

The conference agreement provides $1,940,600 for expenses of the Office of the Assistant Secretary for Governmental Affairs instead of $1,672,000 as proposed by the House and $1,600,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The conference agreement provides $19,721,600 for expenses of the Office of the Assistant Secretary for Administration instead of $19,147,100 as proposed by the House and $19,570,200 as proposed by the Senate. The conferees have deleted funds for the office of acquisition. While the House and Senate Committees on Appropriations once supported the department's intended aggressive initiative to improve acquisition oversight at the departmental level, there is little, if any, value added by limited, informal secretarial reviews.

OFFICE OF PUBLIC AFFAIRS

The conference agreement provides $1,565,500 for expenses of the Office of Public Affairs instead of $1,377,600 as proposed by the House and $1,656,600 as proposed by the Senate.

EXECUTIVE SECRETARIAT

The conference agreement provides $1,046,900 for expenses of the Executive Secretariat as proposed by the House instead of $1,088,500 as proposed by the Senate.

BOARD OF CONTRACT APPEALS

The conference agreement provides $561,100 for expenses of the Board of Contract Appeals instead of $675,500 as proposed by the House and $460,000 as proposed by the Senate.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

The conference agreement provides $1,020,400 for expenses of the Office of Small and Disadvantaged Business Utilization instead of $839,200 as proposed by the House and $1,000,000 as proposed by the Senate.

The department is encouraged to increase opportunities and participation in small, minority, and women-owned businesses in DOT-related procurements.

OFFICE OF INTELLIGENCE AND SECURITY

The conference agreement provides $1,036,100 for expenses of the Office of Intelligence and Security instead of $961,000 as proposed by the House and $935,000 as proposed by the Senate.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides $4,874,600 for expenses of the Office of the Chief Information Officer instead of $4,400,000 as proposed by the House and $4,652,700 as proposed by the Senate.

The position of the chief information officer has been vacant for more than one year and a half and there has not been a permanent incumbent in the position since the office was established. The need for such an office under these circumstances is questionable. Elimination of the office shall be considered in fiscal year 2000 if the position is not filled permanently by May 1, 1999.

OFFICE OF INTERMODALISM

The conference agreement provides $956,900 for expenses of the Office of Intermodalism instead of $1,018,000 as proposed by the House and $1,000,000 as proposed by the Senate.

OFFICE OF CIVIL RIGHTS

The conference agreement provides $6,966,000 for expenses of the Office of Civil Rights as proposed by the House instead of $5,562,000 as proposed by the Senate.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

The conference agreement provides $9,000,000 for transportation planning, research, and development instead of $3,035,000 as proposed by the House and $8,328,400 as proposed by the Senate. The conference agreement includes funding for the following activities:

1909 Special Olympics World Summer Games planning and assistance	$1,000,000
2001 Special Olympics World Summer Games planning and assistance	900,000
2002 Winter Olympics security and training and assistance	1,000,000
Drexel University intelligent transportation institute	500,000
Freight mobility study, Puget Sound area, Washington	40,000
Flood project alternatives research, I–5, Centralia/Chehalis, Washington	250,000
New Jersey State Police enforcement equipment	1,275,000

The conference agreement also includes funding for a collaboration of industry, education, and government activities to develop a skilled workforce for the transportation industry within the amounts appropriated, provided that total federal government support for this activity not exceed $1,000,000 in total.

The department is encouraged to submit a report by January 1, 1999 to the House and Senate Committees on Appropriations detailing how the department could develop a multimedia acoustic noise model that encompasses all transportation related noise sources by incorporating propagation phenomena that affect community noise, such as atmospheric effects.

The department is encouraged to work with the National Center for Missing and Exploited Children and the transportation industry to identify and implement initiatives to increase the involvement of the transportation industry in the effort to locate missing children, and to report to the House and Senate Committees on Appropriations no later than March 31, 1999 on the initiatives and actions taken to implement these efforts.

New Jersey State Police video camera equipment.—The conference agreement includes $1,275,000 to enable the Secretary to make a grant to the New Jersey State Police for the procurement of video camera equipment for police vehicles. Such equipment shall be used for law enforcement purposes including the prosecution of drunk drivers.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

The conference agreement includes a limitation on activities financed through the transportation administrative service center at $124,124,000 instead of $109,124,000 as proposed by the House and $158,468,000 as proposed by the Senate. Language is included in the conference agreement that stipulates that the limitation shall not apply to non-DOT entities and that services provided by the transportation administrative service center to entities within the department shall be provided on a competitive basis. In addition, the conference agreement includes two language provisions, as proposed by both the House and Senate. The first provision limits activities transferred to the transportation administrative service center to only those approved by the agency modal administrator; the second limits special assessments or reimbursable agreements levied against those assessments or reimbursable agreements presented to and approved by the House and Senate Committees on Appropriations. Lastly, the conference agreement includes a provision that exempts from the obligation limitation departmental activities related to Year 2000 conversion activities.

The department shall submit with the annual department's Congressional budget submission an approved annual operating plan of the transportation administrative service center and provide quarterly reports for the Committees' review. Quarterly reports and approvals of the Secretary's management council shall also be provided to the House and Senate Committees on Appropriations in a timely manner.

The transportation administrative service center management is directed to establish a mechanism that ensures that the transportation administrative service center's budget corresponds to the budget of each of the modes responsible for paying transportation administrative service center bills, guaranteeing that transportation administrative service center charges to the modes are reduced to correspond to Congressional reductions.

Transportation computer center.—The conference agreement restores funding necessary to continue operations of the transportation computer center (TCC) within the transportation administrative service center in fiscal year 1999. The House had proposed to eliminate the transportation computer center based upon findings of the Inspector General. The Inspector General's report, upon which the House based its recommendations, may have been based on an out-dated independent analysis of the TCC's utility and cost-effectiveness. In restoring the reduction proposed by the House, the director of the transportation administrative service center is directed to contract out for an independent analysis to determine whether the transportation computer center is currently capable of operating at levels that OMB considers cost-effective. In addition, the Inspector General is directed to review the center's cost effectiveness, utility and value added to the department, as well as to provide an assessment of departmental users that have indicated an interest in obtaining data processing services elsewhere. Both the independent analysis and the Inspector General's updated audit shall be provided to the House and Senate Committees on Appropriations by March 1, 1999.

National Oceanic and Atmospheric Administration's Office of Aeronautical Charting and Cartography.—The conference agreement disallows the proposed transfer of the National Oceanic and Atmospheric Administration's Office of Aeronautical Charting and Cartography to the transportation administrative service center, as proposed by the House. The conference agreement provides funding for this activity within the Federal Aviation Administration.

MINORITY BUSINESS RESOURCE CENTER

The conference agreement includes a limitation on direct loans of $13,775,000 and provides subsidy and administrative costs totaling $1,900,000, as proposed by both the House and the Senate.

MINORITY BUSINESS OUTREACH

The conference agreement provides $2,900,000 for minority business outreach activities, as proposed by both the House and the Senate.

AMTRAK REFORM COUNCIL

The conference agreement deletes an appropriation of $450,000 for the Amtrak Reform Council proposed by both the House and the Senate. The conferees have agreed to provide an appropriation of $450,000 directly to the Amtrak Reform Council in section 349 of this Act.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $2,700,000,000 for Coast Guard operating expenses as proposed by the House instead of $2,761,603,000 as proposed by the Senate. The conference agreement assumes that an additional $71,705,000 will be provided for fiscal year 1999 in order to improve the Coast Guard's readiness posture. The agreement specifies that $300,000,000 of the total is available only for "defense-related" activities, as proposed by the House. The Senate proposed a similar amount for "national security" activities. The agreement accepts the House and Senate language regarding new user fees, and deletes Senate language allocating funds for enhanced counter-drug operations around Hispaniola.

Caribbean support tender.—The conference agreement deletes House language allocating funds for a Caribbean support tender.

Flexibility provision.—The agreement modifies the Senate proposal to allow the transfer of funding from FAA's operating account to augment Coast Guard drug interdiction operations. The agreement allows the transfer of up to $71,705,000 instead of $60,000,000 as proposed by the Senate. This is the difference between the level contained in this bill and the President's budget request.

The following table compares the House and Senate bills and the conference agreement for items in conference:

COAST GUARD—OPERATING EXPENSES

[Fiscal Year 1999: Conference Agreement]

	House bill	Senate bill	Conference agreement
Personnel Resources:			
Budget estimate	$1,762,471,000	$1,762,471,000	$1,762,471,000
Adjustments to budget estimate:			
Eliminate new officer billets	−5,736,000	0	−5,736,000
Restore FY 1998 FTE savings	−15,000,000	0	−15,000,000
College fund recruiting	−545,000	0	0
Headquarters staffing	−1,000,000	0	−1,000,000
PCS reassignment moves	−1,370,000	0	−1,370,000
Overseas billet eliminations	−560,000	0	−560,000
Military pay and benefits	−10,000,000	−2,377,000	−10,000,000
Civilian pay and benefits	0	−3,077,000	−3,075,000
Health care	0	−2,036,000	0
PCS moves	0	−2,308,000	0
Amount recommended	1,728,260,000	1,752,673,000	1,725,730,000
Operating Funds & Unit Level Maintenance:			
Budget estimate	619,593,000	619,593,000	619,593,000
Adjustments to budget estimate:			
GSA rent for OSC	−1,448,000	0	0
17th district—FY98 level	0	+888,000	+1,768,000
Headquarters directorates	0	−1,156,000	−1,156,000
Other activities—FY98 level	0	−36,000	0
Amount recommended	618,145,000	619,289,000	620,205,000
Depot Level Maintenance:			
Budget estimate	389,641,000	389,641,000	389,641,000
Adjustments to budget estimate	0	0	
Amount recommended	389,641,000	389,641,000	389,641,000
Account-Wide Adjustments:			
Departmental initiatives	−498,000	0	−498,000
Non-pay inflation	−10,000,000	0	−10,000,000
Non-operational travel	−2,500,000	0	−2,500,000
Advisory/assistance services	−2,000,000	0	−2,000,000
Capitalizable projects	−8,000,000	0	−8,000,000
User fee/reimbursable program	−3,500,000	0	−3,500,000
WLB PCAF	−548,000	0	−78,000
Defense OPTEMPO	−9,000,000	0	−9,000,000
Amount recommended	−36,046,000	0	−35,576,000
Total appropriation	2,700,000,000	2,761,603,000	2,700,000,000

Nationwide ballast water management program.—The conferees agree that the Coast Guard should allocate not less than $3,000,000 to the nationwide ballast water management program.

Concord, CA marine safety detachment.—The conference agreement accepts the House's concern about the Coast Guard's planned closure of the marine safety detachment in Concord, California and its impact on the protection of the local marine environment from significant oil and chemical traffic and on timely and efficient response to oil and chemical accidents in the sensitive and busy waterways of the Carquinez Strait and other Bay and Delta waterways. The conference agreement agrees with the House's direction that the Coast Guard shall not obligate any funds to begin the closure or termination of this unit until: (1) the Coast Guard enters into discussions with Contra Costa County officials concerning the impact of the closure; (2) the Coast Guard submits a report to the House and Senate Committees on Appropriations that explains how the Coast Guard will assure the timely and efficient response to oil and chemical accidents in the area and continue to perform other critical oversight functions concerning oil and chemical traffic in these waterways; and (3) the House and Senate Committees on Appropriations have had thirty legislative days to review the Coast Guard report.

Nationwide differential global positioning system.—Within the "Acquisition, construction, and improvements" account, the conferees have provided $7,500,000 for differential global positioning system (DGPS) equipment, of which $5,500,000 is for electronic equipment costs, site preparation and construction work, and installation of conversion software at Air Force ground wave emergency network transmitter sites throughout the continental United States under the nationwide DGPS program. The conference agreement directs that, of funds made available under Coast Guard "Operating expenses", sufficient operating funds be made available to support this NDGPS activity. The agreement notes that, in the future, these sites may be operated by other DOT personnel through a memorandum of agreement between the Coast Guard and the Federal Railroad Administration or the Federal Highway Administration.

Distribution of funds.—The conferees do not agree with the House proposal to reduce funds for polar icebreaking and fisheries enforcement missions in order to finance additional drug interdiction activities. After development of the House bill, the Coast Guard raised its estimated fiscal year 1999 funding for drug interdiction activities from $372,000,000 to $440,000,000—an increase of $68,000,000 (18 percent) since submission of the President's budget. The Coast Guard believes this increased level can be accomplished without lowering performance in other mission areas. With this development, the conferees agree that it is no longer necessary to reallocate funding from other missions.

Channel marking, Timbalier and Terrebonne Bays, LA.—The conferees direct the Coast Guard to provide adequate navigational markings in the east-west channel from the Houma Navigational Canal to the Havoline Canal in the vicinity of Timbalier and Terrebonne bays, Louisiana to ensure the safe and efficient navigation of maritime vessels. The conferees understand that the existing buoy and lights placed by the Coast Guard in this channel are insufficient. In addition, the conferees expect the Coast Guard to work with the Army Corps of Engineers to address the feasibility of upgrading the channel over the long term.

Container inspection program.—The DOT Inspector General recently reported that the Coast Guard container inspection program was failing to uniformly and aggressively utilize its own targeting system to prioritize and select hazardous material containers for inspection. The IG audit of ten shipping terminals found that fully 68 percent of the containers selected for inspection would have been identified as low risk under the Coast Guard targeting system and should not have been chosen for inspection. Indeed, the audit revealed that Coast Guard inspectors regularly used alternative methods that did not identify containers posing the highest risks to human life, the safety of port areas, or the environment. The conferees are concerned that the Coast Guard's failure to abide by its own targeting criteria has undermined the effectiveness of the container inspection program and potentially compromised the safety of U.S. ports. Accordingly, the conferees concur in the directive of the Senate Committee regarding staffing of the container inspection program and expect this action will serve to rejuvenate this program. Toward that end, the conferees direct the Commandant to submit a report to the House and Senate Committees on Appropriations detailing the measures he has taken to address the deficiencies cited in the IG audit. This report shall also identify the location and rank of each Coast Guard container inspector.

Military health care.—The conferees are concerned about the structure of the current health care delivery system for service personnel and their dependents in remote or isolated communities with higher than average health care costs. The Coast Guard should explore additional means of assuring that health care services are accessible for Coast Guard personnel and their dependents at an out-of-pocket cost not substantially in excess of that paid by Coast Guard personnel and their dependents stationed in larger communities which have health care costs closer to system-wide average medical costs.

Seasonal search and rescue facility, Southern Lake Michigan.—The conference agreement directs the Commandant to establish an additional seasonal search and rescue facility on Southern Lake Michigan, to better serve the Chicago metropolitan area and the surrounding environment. The conferees understand that this will require the Coast Guard to make arrangements to acquire, refurbish, or otherwise obtain additional helicopter assets for this purpose. The conferees understand that the Coast Guard has two damaged HH-65 helicopters which could potentially be refurbished to serve this mission. The conference agreement directs the Coast Guard not to close or downsize any other facility to accommodate this additional seasonal capability. The Coast Guard is further directed to study Illinois sites in the Chicago metropolitan area, including Waukegan, Illinois, and to submit a report to the Congress recommending a site from within these options before proceeding.

Reductions.—While some of the reductions in this bill are due largely to budget constraints, others are due to programmatic objections to the levels of funding proposed by the Coast Guard for specific activities. This bill assumes that additional funding for Coast Guard operations will be provided for fiscal year 1999. None of these additional funds may be used to augment funding in this bill for the following items which are being reduced in this conference report:

Activity	*Reduction*
Eliminate new officer billets	−$5,736,000
Non-operational travel	−2,500,000

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $395,465,000 for acquisition, construction, and improvement programs of the Coast Guard instead of $389,000,000 proposed by the House and $426,173,000 proposed by the Senate. Consistent with past years and the House and Senate bills, the conference agreement distributes funds in the bill by budget activity.

The bill assumes offsetting collections of $1,000,000 from sale or lease of real property as proposed by the Senate instead of $3,000,000 as proposed by the House.

The bill includes the provision proposed by the Senate which authorizes the Secretary to enter into a long-term agreement with the City of Homer, Alaska for dedicated pier space on the municipal dock for Coast Guard vessels.

Roles and missions study.—The conferees agree to allow funding for the operation of an advisory council on Coast Guard roles and missions in fiscal year 1999, but direct that those obligations be limited to not more than $1,000,000. The House bill provided a like amount for a blue-ribbon panel; the Senate bill deferred funding for any such panel until a future fiscal year. The conferees are concerned about the long-term affordability of recapitalizing the Coast Guard, given the current and projected budget environment and the current array of Coast Guard missions. The administration's proposal to finance a portion of those capital improvements with specific user fees this year was strongly denied by both the House and Senate. This roles and missions process should not be used to delay the deepwater capability replacement program, which is only in the concept exploration and design phase.

A table showing the distribution of this appropriation by project as included in the fiscal year 1999 budget estimate, House bill, Senate bill, and the conference agreement follows:

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS FISCAL YEAR 1999

Program name	Fiscal year 1999—			Conference agreement
	Estimate	House	Senate	
Vessels	$269,573,000	$227,913,000	$234,553,000	$219,923,000
Survey and design—cutters and boats	500,000	500,000	500,000	500,000
Seagoing buoy tender (WLB) replacement	105,000,000	81,790,000	45,000,000	72,600,000
Coastal buoy tender (WLM) replacement	31,000,000	27,000,000	31,000,000	27,000,000
47-foot motor lifeboat (MLB) replacement project	20,800,000	20,800,000	20,800,000	20,800,000
Buoy boat replacement project (BUSL)	11,773,000	7,073,000	11,773,000	11,773,000
Polar icebreaker replacement follow-on	2,100,000	2,100,000	2,100,000	2,100,000
Configuration management	3,800,000	3,800,000	3,800,000	3,800,000
Surface search radar replacement project	12,900,000	8,450,000	12,900,000	8,450,000
Polar class icebreaker reliability improvement program	6,100,000	0	4,000,000	0
Barracuda coastal patrol boat (CPB)	37,600,000	47,600,000	37,600,000	37,600,000
Mackinaw replacement	0	6,000,000	4,000,000	5,300,000
Deepwater capability concept exploration	28,000,000	20,000,000	28,000,000	20,000,000
ATS–1 conversion	10,000,000	2,000,000	14,000,000	10,000,000
Reactivate 2 T–AGOS vessels	0	9,900,000	0	0
Unobligated balance transfer	0	−9,100,000	0	0
Drug interdiction assets	0	0	19,080,000	0
Aircraft	37,131,000	39,400,000	55,131,000	35,700,000
HC–130 engine conversion	9,941,000	4,100,000	9,941,000	4,100,000
HH–65A helicopter kapton rewiring	4,500,000	4,500,000	4,500,000	4,500,000
HH–65A helicopter mission computer replacement	3,000,000	3,000,000	3,000,000	3,000,000
HH–65A engine control program	0	0	9,000,000	6,000,000
Long range search aircraft capability preservation	1,590,000	0	1,590,000	0
HC–130 aircraft sensor upgrade	11,000,000	11,000,000	11,000,000	11,000,000
HU–25SLAR radar upgrade	2,500,000	2,500,000	2,500,000	2,500,000
HU–25 A avionics improvements	3,500,000	3,500,000	3,500,000	3,500,000
HH–60J navigation upgrade	1,100,000	1,100,000	1,100,000	1,100,000
HU–25 engine overhaul	0	9,100,000	0	0
Low signature aircraft	0	2,000,000	0	0
Unobligated balance transfer (TCAS)	0	−1,400,000	0	0
Drug interdiction assets	0	0	9,000,000	00
Other Equipment	33,969,000	30,314,000	44,789,000	36,569,000
Fleet logistics system	4,669,000	4,669,000	4,669,000	4,669,000
Ports and waterways safety system (PAWSS)	6,600,000	6,600,000	6,600,000	6,600,000
Marine information for safety and law enforcement (MISLE)	6,100,000	4,100,000	4,000,000	4,100,000
Aviation logistics management information system (ALMIS)	1,000,000	0	1,000,000	1,000,000
National distress system modernization	3,000,000	3,000,000	2,000,000	3,000,000
Communication systems 2000	2,000,000	2,000,000	1,000,000	2,000,000
Personnel MIS/Jt uniform military pay system	1,900,000	1,900,000	1,900,000	1,900,000
Local notice to manners automation	1,300,000	1,300,000	1,000,000	1,000,000
Defense message system implementation	800,000	800,000	800,000	800,000
Differential GPS	2,600,000	0	9,520,000	7,500,000
Commercial satellite communications	4,000,000	4,000,000	4,000,000	4,000,000
Drug interdiction sensors, cutter or aircraft	0	9,000,000	0	0
Unobligated balance transfer	0	−7,055,000	0	0
Drug interdiction assets	0	0	9,400,000	0
Shore Facilities and Aids to Navigation	53,650,000	42,923,000	43,250,000	54,823,000
Survey and design—shore projects	5,000,000	5,000,000	5,000,000	5,000,000
Minor AC&I shore construction projects	6,000,000	6,000,000	6,000,000	6,000,000
Public family quarters	18,600,000	2,300,000	5,000,000	9,000,000
Waterways ATON projects	5,000,000	4,073,000	5,000,000	4,073,000
Group/Station New Orleans, LA—relocation	0	4,000,000	0	4,000,000
Air Station Cape Cod, MA-replace electric distribution system	1,500,000	1,500,000	1,500,000	1,500,000
Air Station Miami, FL-renovate fixed wing hanger	7,100,000	3,600,000	7,100,000	3,600,000
ISC Boston, MA-waterfront rehabilitation	2,100,000	2,100,000	2,100,000	2,100,000
Station Oswego-47' MLB improvements	1,450,000	1,450,000	1,450,000	1,450,000
Station Neah Bay-waterfront renovation	3,000,000	3,000,000	3,000,000	3,000,000
Station Cape Disappointment-47' MLB improvements	1,700,000	1,700,000	1,700,000	1,700,000
Coast Guard training infrastructure-optimize	2,200,000	2,200,000	2,200,000	2,200,000
Capitalizable projects	0	8,000,000	0	8,000,000
Asset sales	0	−2,000,000	0	0

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS FISCAL YEAR 1999—Continued

Program name	Fiscal year 1999— Estimate	Fiscal year 1999— House	Fiscal year 1999— Senate	Conference agreement
Station Dauphin Island	0	0	3,200,000	3,200,000
Personnel and Related Support	48,450,000	48,450,000	48,450,000	48,450,000
Personnel and related support.				
Direct personnel costs	47,700,000	47,700,000	47,700,000	47,700,000
Core acquisition costs	750,000	750,000	750,000	750,000
Total gross appropriation	442,773,000	389,000,000	426,173,000	395,465,000

Seagoing buoy tender.—The conference agreement provides $72,600,000 for construction of two new seagoing buoy tenders (WLBs) and standardization of prior vessels, which includes a reduction of $1,000,000 in Coast Guard administrative costs. The WLB program has been subject to vascillating vessel cost. Therefore, the Coast Guard is directed to aggressively manage this program to take full advantage of the new procurement award. The conferees anticipate that, due to the maturity of the program, there should be few—if any—change orders for the balance of the vessel procurement.

Group/Station New Orleans.—The conferees agree to provide $4,000,000 for this project, as proposed by the House. Of these funds, the conferees direct that $2,500,000 is only to improve the condition of the waterway adjoining the relocation site.

Mackinaw replacement program.—The conferees agree that the Congressionally directed study on this program is to be submitted by January 1, 1999, as proposed by the House.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement includes $21,000,000 for environmental compliance, as proposed by both the House and the Senate.

ALTERATION OF BRIDGES

The conference agreement includes $14,000,000 for alteration of bridges instead of $12,000,000 proposed by the House and $20,000,000 proposed by the Senate. The conference agreement distributes these funds as follows:

Bridge and location:	Conference agreement
New Orleans, LA, Florida Avenue RR/HW Bridge	$7,000,000
Brunswick, GA, Sidney Lanier HW Bridge	5,000,000
Charleston, SC, Limehouse Bridge	1,000,000
Boston, MA, Chelsea Street Bridge	1,000,000
Total	14,000,000

Florida Avenue Bridge.—The conferees agree to provide $7,000,000 for this project, and direct that $300,000 of this funding shall be made available to the Port of New Orleans to cover the federal portion of a study of the feasibility of development of the Millennium Port in south Louisiana.

RETIRED PAY

The conference agreement includes $684,000,000 for Coast Guard retired pay, as recommended by both the House and the Senate.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $69,000,000 for reserve training as proposed by the House instead of $67,000,000 as proposed by the Senate. The agreement also includes a provision restricting the assessment of direct charges on the reserves, as proposed by the House.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conference agreement provides $12,000,000 for Coast Guard research, development, test, and evaluation as proposed by the House instead of $17,461,000 as proposed by the Senate. The agreement includes language proposed by the House stipulating that funds received from non-federal sources may be credited to "and used for the purposes of" this appropriation. The conference agreement assumes that an additional $5,000,000 will be provided for fiscal year 1999.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

The conference agreement provides $5,562,558,000 for operating expenses of the Federal Aviation Administration instead of $5,532,558,000 as proposed by the House and $5,538,259,000 as proposed by the Senate. These funds are in addition to amounts made available as a mandatory appropriation of user fees in the Federal Aviation Administration Reauthorization Act of 1996 (Public Law 104-264). However, due to agency delays in addressing legal concerns over the proposed fees, the FAA is not expected to realize any income from this source during fiscal year 1999. Of the total amount provided, $4,112,174,000 is to be derived from the airport and airway trust fund.

Contract tower cost-sharing program.—The conferees agree to the proposal of the Senate which allocates $6,000,000 for the contract tower cost-sharing program.

Transportation administrative service center limitation.—The conference agreement includes the limit of $28,600,000 on FAA's fiscal year 1999 contribution to the transportation administrative service center (TASC) proposed by the House.

Multiyear leases.—The conference agreement includes, with modification, a provision proposed by the House which provides certain restrictions on multiyear leases signed by the FAA. The final bill restricts funds for leases five years or longer in term; the House bill had proposed such restrictions on leases three years or longer.

Contribution to essential air service program.—The conference agreement deletes language proposed by the House which would have prohibited the FAA from transferring funds to the essential air service (EAS) and rural airport program from the agency's operating account in the event of a shortfall in overflight user fee collections. Current law stipulates that the FAA must pay these costs if a shortfall in collections would cause funding to drop below $50,000,000 for the EAS program.

Satellite leases.—The conference agreement includes language proposed by the House requiring a certification from the FAA Administrator before signing a lease for satellite services for the wide area augmentation system.

The following table compares the conference agreement to the levels proposed in the House and Senate bills by budget activity:

FAA OPERATIONS FISCAL YEAR 1999 CONFERENCE AGREEMENT

	House	Senate	Conference
Air Traffic Services:			
Budget estimate	$4,380,866,000	4,380,866,000	$4,380,966,000
Adjustments to budget estimate:			
Air traffic-NAS handoff	−4,600,000	0	−4,600,000
Air traffic-aeronautical charting	0	−2,500,000	
Air traffic-annualize FY98 hires	−5,000,000	0	−5,000,000
Air traffic—MARC	+1,700,000	0	+1,700,000
Systems maintenance	+12,584,000	−10,000,000	+5,000,000
Leased telecomm—reduction	−5,000,000	0	−5,000,000
Leased telecomm—WAAS	−22,700,000	0	−22,700,000
Leased telecomm—LAAS	−675,000	0	−675,000
General reduction	0	−62,100,000	0
Contract tower cost sharing	0	+6,000,000	+6,000,000
Technical noise assistance grant	0	+100,000	+100,000
National airspace redesign	0	+11,000,000	0
Amount recommended	4,352,175,000	4,325,866,000	4,353,191,000
Aviation Regulation/Certification:			
Budget estimate	636,027,000	636,027,000	636,027,000
Adjustments to budget estimate:			
Flight stds—new staffing	−425,000	0	−425,000
Flight stds—av. safety pgm	+500,000	0	+500,000
Rulemaking—FY98 level	−684,000	0	−684,000

FAA OPERATIONS FISCAL YEAR 1999 CONFERENCE AGREEMENT—Continued

	House	Senate	Conference
General reduction	0	−11,148,000	−5,000,000
Amount recommended	635,418,000	624,879,000	630,418,000
Aviation Security:			
Budget estimate	128,821,000	128,821,000	128,821,000
Adjustments to budget estimate:			
Provide smaller increase	0	−17,392,000	−6,180,000
Amount recommended	128,821,000	111,429,000	122,641,000
Research and Acquisition:			
Budget estimate	94,202,000	94,202,000	94,202,000
Adjustments to budget estimate			
Hold to FY98 level	−1,862,000	−1,862,000	−1,862,000
Amount recommended	92,340,000	92,340,000	92,340,000
Administration of Airports:			
Budget estimate	49,854,000	49,954,000	49,854,000
Adjustment to budget estimate:			
DOT-wide grants mgmt syst	−300,000	0	−300,000
Hold to FY98 level	0	−1,963,000	−1,000,000
Amount recommended	49,554,000	47,891,000	48,554,000
Comm. Space Transportation:			
Budget estimate	6,275,000	6,275,000	6,275,000
Adjustments to budget estimate:			
Hold to FY98 level	0	−107,000	−107,000
Amount recommended	6,275,000	6,168,000	6,168,000
Administration:			
Budget estimate	259,014,000	259,014,000	259,014,000
Adjustments to budget estimate:			
Washington flight program	−649,000	0	0
Hold to FY98 level	0	−2,521,000	−1,500,000
Amount recommended	258,365,000	256,493,000	257,514,000
Staff Offices:			
Budget estimate	76,071,000	76,071,000	76,071,000
Adjustments to budget estimate:			
Office of safety assessment	+1,000,000	0	+1,000,000
Hold to FY98 level	0	−2,878,000	−878,000
Amount recommended	77,071,000	73,193,000	76,193,000
Account-Wide Adjustments:			
Advisory and assistance svs	−179,000	0	−179,000
TASC	−2,000,000	0	−2,000,000
Contractual studies	−1,000,000	0	−1,000,000
Acquisition staffing	−17,440,000	0	−17,440,000
Offset, misc user fees	−3,842,000	0	−3,842,000
Amount recommended	−24,461,000	0	−24,461,000
Total appropriation	5,575,558,000	5,538,259,000	5,562,558,000
(Appropriation in this bill)	(5,532,558,000)	(5,538,259,000)	(5,562,558,000)
(Mandatory user fees)	(43,000,000)	....	....

Aircraft firefighting training.—The conferees do not agree with Senate direction allocating $1,500,000 for aircraft firefighting training at the Rocky Mountain Emergency Services Training Center.

Technical noise assistance.—The conference agreement directs that the $100,000 provided to a local citizens group to retain the services of a technical expert in order to facilitate the involvement of local citizens during the FAA's airspace redesign effort shall go to the New Jersey Citizens for Environmental Research.

Contract tower program.—The conferees do not agree with Senate direction requiring the establishment of an air traffic control tower in Salisbury, Maryland. However, it is the conferees' understanding that the contract towers listed in the Senate report, including Salisbury, Maryland, are eligible for the existing contract tower program or for the new cost-sharing element of this program and should receive consideration for funding. In addition, the conferees understand that Phoenix Goodyear Airport in Arizona, Waukesha County Airport in Wisconsin, and Sugarland Airport in Texas are eligible for these programs and should also receive consideration for funding.

The conferees note that the FAA contract tower program was recently validated by the DOT Inspector General as a cost-effective way to enhance aviation safety. The conferees direct the FAA to fully fund the base contract tower program at the level requested. Furthermore, the FAA is directed to conduct a study of extending the contract tower program to existing air traffic control towers without radar capability. The study should identify potential cost savings and other benefits, including the positive impact on controller staffing at busier FAA air traffic facilities. The FAA Administrator should provide this study to the House and Senate Committees on Appropriations within 90 days after enactment of this Act. This study should include a plan and timeline for expanding the contract tower program to these facilities by the year 2000.

Air traffic controller training.—The conference agreement includes $40,438,000 for air traffic controller training, including $15,500,000 for the controller training contract and $24,938,000 for technical training at the FAA Academy in Oklahoma. The FAA is directed not to reprogram any of these funds without prior Congressional approval.

Airspace redesign.—The conference agreement includes $3,000,000 specifically for the redesign of the New York/New Jersey metropolitan airspace. The agreement also concurs in the directive of the Senate concerning quarterly reports on initiatives to minimize delays at Newark International Airport.

Fort Sill/Lawton, OK air traffic control tower.—The conferees note that the Army has announced its intention to discontinue operation of the Fort Sill ARAC at Henry Post Army Airfield in Lawton, Oklahoma. Funding is provided within the recommended level to continue the operation of the Fort Sill ARAC until such time as the staff study to determine the most cost-effective method of continuing air traffic services is concluded. The Administrator should consult with the House and Senate Committees on Appropriations on alternatives for continuing the necessary air traffic services provided by the Fort Sill ARAC before implementing any modifications to the current operations.

Secret Service.—The conferees reiterate the concern expressed in the Senate report about the relative treatment of Secret Service agents in the pending policy guidelines regarding the authority of law enforcement officials to carry weapons aboard aircraft. Special agents and officers of the Secret Service should be included among those law enforcement officers with the most unrestricted access within any guidelines in this regard. The FAA has recently indicated that the proposed policy guidelines have been revised consistent with the guidance provided in the Senate report.

MARC.—The conferees direct the FAA to continue the current contractual relationship with the Mid-America Aviation Resource Consortium, as proposed by the House. In addition, funding of $1,700,000 is provided in the bill, as proposed by the House.

University-based center for training.—The conferees do not agree with Senate direction requiring the establishment of a university-based center for training, academics and research.

New York/New Jersey controller pay.—The conference agreement recognizes that an agreement has been reached between the FAA and the National Air Traffic Controllers Association to re-classify the compensation structure for air traffic controllers nationwide. However, the agreement as currently structured will create a pay gap between controllers serving the three major towers in the New York/New Jersey metropolitan region—Newark International Airport, Kennedy Airport, and LaGuardia Airport—and the New York TRACON and the New York en route center. Controllers could rapidly leave the towers seeking higher wages at the TRACON and the center. Indeed, history has shown that such controller migration is a recurring problem in the region. The FAA may not be able to attract and retain the most qualified and seasoned controllers to serve the towers in this busy region. The conference agreement directs the Administrator to submit a report by April 1, 1999, proposing a plan to minimize this pay disparity using financial incentives and other tools as well as exploring other options, including those within the existing pay agreement, to ensure that there will be adequate staffing of well experienced controllers at the towers. In preparing this plan, the Administrator must consult with the air traffic controllers serving the New York/New Jersey metropolitan region.

FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $1,900,000,000 for facilities and equipment instead of $2,000,000,000 as proposed by the House and $2,044,683,269 as proposed by the Senate. The bill provides that funds for programs in budget activities one through four have an obligational availability of three years and funds for programs in budget activity five are available for two years, as proposed by the House. The Senate bill made the entire appropriation available for three years. The conference agreement assumes that an additional $100,000,000 will be provided for fiscal year 1999.

Explosive detection systems.—The agreement modifies language proposed by the House prohibiting the obligation of funds for explosive detection systems until thirty days after the FAA Administrator makes certain certifications regarding the use of, and funding for, these systems. The modification covers funds provided in this Act or any other appropriations Act for fiscal year 1999.

Instrument landing system, Louisville Standiford Field.—The agreement deletes language proposed by the House which would have reimbursed the sponsor of Louisville Standiford Field for costs relating to acquisition of an instrument landing system. The conferees understand that FAA has now reimbursed the sponsor out of other available funds.

Outlay cap.—The conference agreement deletes the provisions proposed by the Senate which would have limited outlays under this account during fiscal year 1999, specified penalties for violations of such cap, and required monthly reports on compliance.

Wide area augmentation system.—The conference agreement modifies language proposed by the Senate on the GPS wide area augmentation system (WAAS). The proponents of this system have argued vigorously that restrictions imposed in the Senate bill would cause the termination of this development program—an outcome not desired at this time by either the House or Senate. Therefore, the conference agreement provides total funding of $85,000,000 to continue the WAAS program.

However, those proponents have not been able to provide compelling assurances that this program will be cost-effective beyond the initial phase, which is expected to become operational early next year. The serious and persistent technical concerns expressed in both the House and Senate reports await resolution by the FAA at an unknown cost and in an unknown timeframe. Because of these concerns, and the need to fund other critical FAA programs in the near term, the agreement includes a provision which prohibits the use of funds under the "Next generation navigation systems" program for any WAAS activities beyond phase I. The conferees intend for FAA to take a "time out" at this point to reassess the justification for the program beyond phase one. The FAA has also expressed some interest in taking a "time out" before proceeding to further phases in this program.

FAA has not appropriately or fairly considered all technology combinations for next generation navigation and landing systems. The extant WAAS benefit-cost study assumes costs for competing systems which may no longer be valid, while benefits for WAAS technology may be overstated. Congress will be unable to adequately judge the need for future appropriations for the wide-area and local-area augmentation systems (WAAS and LAAS, respectively) until FAA completes an up-to-date alternatives analysis which looks at various combinations of existing and new, ground-based and satellite-based technologies.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

FACILITIES AND EQUIPMENT—FISCAL YEAR 1999

[In thousands of dollars]

Title	FY 1999 estimate	House bill	Senate bill	Conference agreement
Engineering development, test and evaluation:				
Advanced technology development and prototyping	[135,857,000]	45,857.0		52,566.0
Subtotal—ADV Dev/prototyping	[135,857,000]	45,857.0		52,566.0
Aviation weather services improvements	26,300.0	26,300.0	26,300.0	26,300.0
En route automation	118,000.0		113,000.0	
Oceanic automation system	13,700.0		3,237.0	
Aeronautical data link (ADL) applications	16,500.0		23,000.0	39,000.0
Next generation VHF A/G communication system	500.0		4,706.0	
Air traffic management (ATM)	47,800.0		64,300.0	51,200.0
Conflict probe	[46,000.0]			41,000.0
Host replacement	[72,000.0]			20,000.0
Traffic flow management			3,287.0	
Subtotal—En Route Programs	222,800.0	26,300.0	237,830.0	177,500.0
Terminal digital radar (ASR–11)				
Terminal automation (START)	74,700.0	74,700.0	74,700.0	99,200.0
Free flight phase I	39,200.0	168,200.0		
Runway incursion reduction			9,168.0	
Airport technology			5,000.0	
Subtotal—Terminal Programs	113,900.0	242,900.0	88,868.0	99,200.0
Local area augmentation system for GPS (LAAS)	6,500.0		6,500.0	
Wide area augmentation system (WAAS)	101,500.0		117,500.0	
Next generation navigation systems		129,875.0		92,000.0
Next generation landing systems				34,175.0
Navigation and surveillance			13,285.0	
Loran-C upgrades			10,000.0	
Subtotal—Landing/NAVAIDS	108,000.0	129,875.0	147,285.0	126,175.0
FAA technical center facility—building lease	5,290.0	5,290.0	5,290.0	5,290.0
NAS improvement of system support laboratory	2,000.0	2,000.0	2,000.0	2,000.0
Technical center facilities	7,000.0	7,000.0	7,000.0	7,000.0
Independent operational test support	3,500.0	3,500.0	3,500.0	3,500.0
Subtotal—RDT and E Equipment and Facilities	17,790.0	17,790.0	17,790.0	17,790.0

FACILITIES AND EQUIPMENT—FISCAL YEAR 1999—Continued

[In thousands of dollars]

Title	FY 1999 estimate	House bill	Senate bill	Conference agreement
Total Activity 1	462,490.0	462,722.0	491,773.0	473,231.0
Air traffic control facilities and equipment:				
Long range radar (LRR) program—replace/establish	5,700.0	5,700.0	5,700.0	5,700.0
En route automation	195,300.0	166,700.0	196,400.0	194,692.4
Next generation weather radar (NEXRAD)	4,900.0	4,900.0	4,900.0	4,900.0
Air traffic operations management	1,000.0	1,000.0	1,000.0	1,000.0
Weather and radar processor (WARP)	20,000.0	....	22,200.0	20,000.0
Aeronautical data link (ADL) applications	600.0	600.0	600.0	600.0
ARTCC building improvements/plant improvements	63,931.6	49,800.0	63,931.6	54,000.0
Voice switching and control system (VSCS)	14,500.0	7,500.0	12,500.0	10,000.0
Air traffic management	44,600.0	29,403.3	47,600.0	35,000.0
Critical communications support	1,850.0	1,850.0	1,850.0	1,850.0
DOD base closure—facility transfer	1,000.0	1,000.0	1,000.0	1,000.0
Back-up emergency communications (BUEC)	8,500.0	8,500.0	8,500.0	8,500.0
Air/ground communication RFI elimination	1,600.0	1,600.0	1,600.0	1,600.0
Volcano monitor	....	....	2,000.0	2,000.0
ATC beacon interrogator (ATCBI) replacement	14,800.0	14,800.0	14,800.0	14,800.0
ATC en route radar facilities	4,100.0	4,100.0	5,300.0	4,100.0
En route comms and control facilities improvement	3,126.7	3,126.7	2,000.0	2,000.0
Subtotal—En route programs	385,508.3	300,580.0	391,881.6	361,742.4
Terminal Doppler weather radar (TDWR)—provide	4,300.0	4,300.0	1,800.0	4,300.0
Terminal automation	135,300.0	121,600.0	135,300.0	100,000.0
Terminal air traffic control facilities—replace	82,300.0	58,725.0	82,300.0	63,625.0
Control tower/tracon facilities—improve	17,722.3	17,722.2	22,722.3	17,722.2
Terminal voice switch replacement (TVSR)/ETVS	11,500.0	9,000.0	10,300.0	10,300.0
Employee safety/OSHA and environmental compliances	22,000.0	22,000.0	22,000.0	22,000.0
Chicago Metroplex	500.0	....	500.0	....
New Austin Airport at Bergstrom	2,500.0	2,500.0	2,500.0	2,500.0
Potomac Metroplex	11,900.0	11,900.0	....	....
Denver Metroplex	....	....	....	....
Northern California Metroplex	27,600.0	21,700.0	17,900.0	17,900.0
Atlanta Metroplex	18,200.0	18,200.0	12,200.0	15,000.0
NAS infrastructure management system (NIMS)	22,000.0	18,000.0	22,000.0	20,000.0
Airport surveillance radar (ASR–9)	6,300.0	2,500.0	6,300.0	5,000.0
Airport surface detection equipment (ASDE–3)	5,600.0	5,600.0	5,600.0	5,600.0
Airport movement area safety system (AMASS)	9,800.0	9,800.0	9,800.0	9,800.0
Voice Recorder Replacement Program	3,000.0	3,000.0	3,000.0	3,000.0
Terminal facilities integration	5,600.0	....	....	....
Terminal digital radar (ASR–11)	66,100.0	62,200.0	76,100.0	62,200.0
Weather systems processor	16,100.0	13,200.0	11,900.0	11,900.0
DOD/FAA ATC facilities transfer	3,600.0	3,600.0	1,000.0	1,000.0
Precision runway monitors	3,300.0	3,300.0	3,300.0	3,300.0
Terminal radar (ASR)—improve	2,773.4	2,773.4	2,773.4	2,773.4
Terminal communications improvements	1,119.8	1,119.8	1,119.8	1,119.8
Subtotal—terminal programs	479,115.5	412,740.4	450,415.5	379,040.4
Automated surface observing system (ASOS)	9,900.0	9,900.0	20,977.0	9,900.0
Oasis	25,500.0	22,500.0	16,000.0	19,250.0
Flight service facilities improvement	1,364.4	1,364.4	1,364.4	1,364.4
Flight service station modernization	1,000.0	2,000.0	1,000.0	2,000.0
Subtotal—flight service programs	37,764.4	35,764.4	39,341.4	32,514.4
VOR/DME/TACAN network plan	1,000.0	4,700.0	1,000.0	4,700.0
Instrument landing system (ILS)—Establish/upgrade	8,000.0	16,500.0	18,000.0	....
ILS—replace Mark 1A, 1B, and 1C	2,100.0	2,100.0	2,100.0	2,100.0
Low level windshear alert system (LLWAS)	3,000.0	3,000.0	3,000.0	3,000.0
Runway visual range (RVR)	2,000.0	2,000.0	2,000.0	2,000.0
Gulf of Mexico Offshore Program	2,400.0	2,400.0	2,400.0	2,400.0
Wide area augmentation system (WAAS)	16,000.0	....	....	....
NDB sustain	1,000.0	1,000.0	1,000.0	1,000.0
Navigational and landing aids—improve	2,761.8	2,000.0	8,761.8	2,761.8
Approach lighting system improvement (ALSIP)	1,000.0	6,000.0	2,500.0	5,000.0
Precision approach path indicators (PAPI)	....	3,000.0	....	2,500.0
Distance measuring equipment	1,200.0	1,200.0	1,200.0	1,200.0
Visual NAVAIDS	400.0	400.0	400.0	400.0
Tactical landing systems	....	....	3,000.0	3,000.0
Subtotal—Landing and navigational aids	40,861.8	44,300.0	45,361.8	30,061.8
Alaskan NAS interfacility comm system (ANICS)	3,500.0	3,500.0	6,000.0	3,500.0
Fuel storage tank replacement and monitoring	10,600.0	10,600.0	10,600.0	10,600.0
FAA buildings and equipment—improve/modernize	5,000.0	5,000.0	4,000.0	4,000.0
Electrical power systems—sustain/support	20,400.0	20,400.0	15,000.0	17,500.0
Air NAVAIDS and ATC facilities (local projects)	2,000.0	2,000.0	2,000.0	2,000.0
Aircraft related equipment program	3,900.0	3,900.0	2,000.0	2,000.0
Computer aided eng graphics (CAEG) replacement	1,000.0	1,000.0	1,000.0	1,000.0
Subtotal—other ATC facilities	46,400.0	46,400.0	40,600.0	40,600.0
Total activity 2	989,650.0	837,784.8	967,600.3	843,959.0
Non-ATC facilities and equipment:				
NAS Management Automation Program (NASMAP)	800.0	800.0	800.0	800.0
Hazardous materials management	17,000.0	17,000.0	17,000.0	17,000.0
Aviation safety analysis system (ASAS)	11,600.0	11,600.0	11,600.0	11,600.0
Operational data management system (ODMS)	1,200.0	1,200.0	1,000.0	1,000.0
FAA employee housing—provide	8,000.0	8,000.0	8,000.0	8,000.0
Logistics support system and facilities	2,300.0	2,300.0	2,300.0	2,300.0
Test equipment—maintenance support	500.0	500.0	500.0	500.0
Integrated flight quality assurance	3,000.0	3,000.0	3,000.0	3,000.0
Safety performance analysis subsystem (SPAS)	3,500.0	3,500.0	3,500.0	3,500.0
National aviation safety data center	1,800.0	1,800.0	1,800.0	1,800.0
Performance enhancement system	9,700.0	9,700.0	9,700.0	9,700.0
Explosive detection systems	100,000.0	100,000.0	....	....
Facility security risk management	1,000.0	1,000.0	1,000.0	1,000.0
Information security	2,000.0	7,000.0	2,000.0	4,000.0
Subtotal—support equipment	162,400.0	167,400.0	62,200.0	64,200.0

FACILITIES AND EQUIPMENT—FISCAL YEAR 1999—Continued

[In thousands of dollars]

Title	FY 1999 estimate	House bill	Senate bill	Conference agreement
Aeronautical center training and support facilities	12,000.0	12,000.0	12,000.0	12,000.0
National airspace system (NAS) training facilities	400.0	400.0	400.0	400.0
DSR training simulator (MARC)		4,000.0		4,000.0
Subtotal—training equipment and facilities	12,400.0	16,400.0	12,400.0	16,400.0
Total activity 3	174,800.0	183,800.0	74,600.0	80,600.0
Mission support:				
System engineering and development support	29,800.0	29,800.0	28,960.0	28,960.0
Program support leases	29,100.0	29,100.0	27,500.0	27,500.0
Logistics support services	5,600.0	5,600.0	5,600.0	5,600.0
Mike Monroney Aeronautical Center—lease	14,800.0	14,800.0	14,800.0	14,800.0
In-plant NAS contract support services	2,000.0	2,000.0	2,000.0	2,000.0
Transition engineering support	41,800.0	41,800.0	41,800.0	41,800.0
Frequency and spectrum engineering—provide	2,700.0	2,700.0	1,500.0	1,500.0
Permanent change of station moves	3,500.0	3,500.0	2,500.0	2,500.0
FAA system architecture	1,000.0	1,000.0	2,000.0	1,000.0
Technical services support contract (TSSC)	47,550.0	47,550.0	47,550.0	47,550.0
Resource tracking program	500.0	1,000.0	500.0	500.0
Center for advanced aviation system dev. (MITRE)	57,000.0	64,093.2	57,000.0	57,000.0
Y2K computer issues	36,000.0	21,600.0	36,000.0	25,000.0
Support contracts—general	−1,500.0	−1,500.0		−1,500.0
NAS modernization integration			8,000.0	
Total activity 4	269,850.0	263,043.2	275,710.0	254,210.0
Personnel and related expenses:				
Personnel and related expenses	233,210.0	250,650.0	235,000.0	248,000.0
Total activity 5	233,210.0	250,550.0	235,000.0	248,000.0
Total	2,130,000.0	2,000,000.0	2,044,683.3	1,900,000.0

Advanced technology development and prototyping.—The conference agreement includes $52,566,000 for advanced technology development and prototyping, to be distributed as follows:

Project	Budget estimate	House bill	Senate bill	Conference agreement
Capacity and ATM technology:				
Air traffic management technology	3,287,000	3,287,000	3,287,000	3,287,000
Oceanic automation program	3,237,000	3,237,000	3,237,000	3,237,000
Runway incursion reduction	3,168,000	3,168,000	9,168,000	3,168,000
System capacity, planning & imps.	4,044,000	4,044,000	7,000,000	3,000,000
Cockpit technology	1,642,000	1,642,000	1,000,000	1,000,000
General aviation/vertical flt tech.	2,902,000	2,902,000	2,902,000	2,902,000
Flight 2000	90,000,000			
Operations concept validation	6,818,000	6,818,000	6,818,000	6,818,000
Software engineering R&D	1,605,000	1,605,000	1,000,000	1,000,000
Communications, navigation and surveillance:				
Communications	5,869,000	5,869,000	5,869,000	5,869,000
Navigation	8,995,000	8,995,000	8,995,000	12,995,000
Surveillance	4,290,000	4,290,000	4,290,000	4,290,000
Airport technology	7,383,000	7,215,000	5,000,000	5,000,000
Total	143,240,000	53,072,000	58,566,000	52,566,000

Navigation.—The conference agreement includes $8,995,000 as requested by the administration and $4,000,000 for low-cost, next generation precision gyroscope technology proposed by the Senate.

Aeronautical datalink applications.—The conference agreement provides $39,000,000 for development of aeronautical datalink applications. This includes $23,000,000 as requested by the administration, $11,000,000 for the Capstone Initiative in the State of Alaska, and $5,000,000 for prototype testing and demonstration of automatic dependent surveillance—broadcast (ADS–B) systems involving the use of cargo aircraft in the Ohio Valley.

Host replacement.—The conferees agree to provide $20,000,000 for replacement of the host computer system. The conference agreement assumes that, if necessary, the balance of the $72,000,000 required can be made available by the Office of Management and Budget from emergency supplemental funds for Year 2000 (Y2K) programs. If these funds are not forthcoming from OMB, the conferees expect FAA to submit a reprogramming request for any additional funding needs. Since submission of the budget request in January 1998, the FAA has concluded that the host computer system is no longer expected to be vulnerable to year 2000 problems.

Runway incursion reduction.—The conference agreement provides the $3,168,000 requested by the administration and included in the House bill, instead of $9,168,000 as proposed by the Senate. The conferees are concerned that the FAA move expeditiously to develop and deploy advanced technologies to prevent runway incursions. For this reason, the conferees direct the FAA to give funding priority to advancing runway incursion technologies to the pre-production phase.

Next generation navigation systems.—The conference agreement provides $92,000,000 for next generation navigation systems, which includes $85,000,000 for further development of the GPS wide area augmentation system (WAAS) and $7,000,000 for further development of the LORAN–C navigation system. The FAA is directed not to reprogram any of the LORAN–C funding to the WAAS program. Further discussion of the conference agreement on WAAS is provided in an earlier section of this report.

Next generation landing systems.—The conference agreement provides $34,175,000 for next generation landing systems, to be distributed as follows:

Project	*Amount*
LAAS research & development	$6,500,000
LAAS telecommunications costs	675,000
Instrument landing systems (ILS)	24,000,000
Transponder landing systems (TLS)	3,000,000
Total	34,175,000

Instrument landing systems.—Funding provided for instrument landing systems (ILS) shall be distributed as follows:

Project	*Amount*
Installation of previously procured systems	$7,800,000
Fresno, CA: upgrade cat I to cat II	3,000,000
Stanly County, NC: obstruction zone	1,000,000
Everett-Stewart, TN: ILS & DME	200,000
Zanesville, OH: ILS	300,000
March Airfield, CA: upgrade cat I to II	3,700,000
Burlington Alamance, NC	1,750,000
North Las Vegas, NV	500,000
McCarran International, NV	1,000,000
Bessemer Airport, AL	1,750,000
Clovis Airport, NM	500,000
Olive Branch Airport, MS	1,500,000
Hays Municipal Airport, KS	500,000
Stennis International Airport, MS	500,000
Total	24,000,000

Transponder landing systems.—The conference agreement provides $3,000,000 for transponder landing systems (TLS) as proposed by the Senate instead of $5,000,000 as proposed by the House. The FAA should give priority consideration to those locations cited in the Senate report and also to Central Wisconsin Airport in Mosinee, Wisconsin.

Volcano monitor.—The conferees agree to provide $2,000,000 for this program as proposed by the Senate.

ANICS.—The conference agreement provides $3,500,000 for the ANICS program. The FAA is directed to explore alternative means of providing the phase II capabilities of the ANICS program prior to the obligation of any fiscal year 1999 funding. If more cost effective means of realizing the same capabilities as envisioned in phase II exist, the conferees will consider a reprogramming of the funds. The FAA should report to the House and Senate Committees on Appropriations about alternatives to FAA construction and ownership of phase II ANICS facilities by March 31, 1999 and should not obligate any additional funding for phase II prior to consultation with the House and Senate Appropriations Committees after delivering the report.

Terminal air traffic control facilities replacement.—The conference agreement includes $63,625,000 for replacement of air traffic control towers and other terminal facilities. The agreement includes the following adjustments to the budget estimate:

Location	*Amount*
Port Columbus, OH	+$700,000
LaGuardia, NY	−10,000,000
Lambert-St. Louis, MO	+1,900,000
Paine Field, WA	+1,000,000
Logan International, MT	+1,000,000
North Las Vegas, NV	+1,000,000

In addition, the agreement deletes $14,275,000 in requested funding for a tower which received a similar amount of funds in fiscal year 1998. These funds are no longer necessary at that location during fiscal year 1999.

The conferees do not agree to Senate language requiring FAA to initiate replacement of the control tower at Martin State Airport in Maryland.

Terminal digital radar.—The conferees do not agree with Senate direction requiring site surveys for the terminal digital radar (ASR-11). Instead, the conferees direct FAA to submit a report to the House and Senate Committees on Appropriations no later than January 31, 1999, demonstrating the requirements and benefit-cost ratios for each of the sites listed in the Senate report and proposing a schedule for the site surveys for those sites meeting the benefit-cost threshold.

Advanced surface observing system.—The conference agreement includes $9,900,000 for this program as proposed by the House instead of $20,977,000 as proposed by the Senate. These funds were included in the budget request, and are only for the commissioning of previously-acquired systems, not to acquire new systems.

Visual navigation aids.—The conference agreement includes $2,000,000 for preliminary work necessary for the installation of two localizer directional aids and a precision runway monitor at Newark International Airport, as proposed by the Senate.

Air traffic management.—The conference agreement concurs in the directive of the Senate regarding the installation of the passive final approach spacing tool (FAST) at the New York TRACON.

Aircraft-related equipment.—The conferees are aware that the Federal Emergency Management Agency (FEMA) utilizes FAA aircraft in the execution of the FEMA mission. In several instances, the aircraft in the FAA inventory lack landing gear equipment that would allow the aircraft to land at smaller fields. The FAA should report to the House and Senate Committees on Appropriations by January 31, 1999 on landing gear and communication systems modifications which would enhance the ability of FAA aircraft to execute FEMA, NASA, and FAA missions.

Explosive detection systems.—The conference agreement includes no funding for explosive detection systems. The House bill contained $100,000,000 to continue this program. The Senate bill deleted funding, but made such programs eligible for grants under the Airport Improvement Program. The Senate received correspondence from the Vice President on September 15, 1998 which stated: "The terrorist attacks against our embassies in Kenya and Tanzania remind us of the global nature of terrorism . . . These events provide strong evidence of the need to recognize aviation security as a national security issue and to provide substantial federal funds for aviation security improvements as a major element of our overall national security counterintelligence policy". Consistent with this view, the conferees believe these activities are more appropriate to be funded in the diplomatic security supplemental. The conferees assume that $100,000,000 will be provided for airport security systems in that Act.

Y2K computer issues.—The conference agreement provides $25,000,000 for resolution of Year 2000 (Y2K) computer issues, instead of $21,600,000 as proposed by the House and $36,000,000 as proposed by the Senate. The conference agreement also assumes that additional funding will be made available by the Office of Management and Budget from emergency supplemental funding. If those funds are not forthcoming from OMB, the FAA should submit a reprogramming request for any additional required funding.

Personnel and related expenses.—The conference agreement provides $248,000,000, including the transfer of $17,440,000 in acquisition staffing from the "Operations" appropriation as proposed by the House.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $150,000,000 for FAA research, engineering, and development instead of $145,000,000 as proposed by the House and $173,627,000 as proposed by the Senate.

The following table shows the distribution of funds in the House and Senate bills and the conference agreement:

RESEARCH, ENGINEERING, AND DEVELOPMENT—CONFERENCE AGREEMENT

[Fiscal Year 1999]

Program name	Budget estimate	Fiscal Year 1999 House	Fiscal Year 1999 Senate	Conference agreement
System Development and Infrastructure	16,768,000	12,775,000	15,784,000	15,784,000
System planning & resource management	2,148,000	1,164,000	2,164,000	1,164,000
Technical laboratory facility	9,730,000	6,721,000	9,730,00	9,730,000
Center for Advanced Aviation System Development	4,890,000	4,890,000	4,890,000	4,890,000
Capacity and Air Traffic Management Technology	116,703,000	0	11,902,000	0
Air traffic management technology	3,287,000	0	0	0
Oceanic automation program	3,237,000	0	0	0
Runway incursion reduction	3,168,000	0	0	0
System capacity, planning and improvements	4,044,000	0	7,000,000	0
Cockpit technology	1,642,000	0	1,000,000	0
General aviation/vertical flight technology	2,902,000	0	2,902,000	0
Flight 2000	90,000,000	0	0	0
Operations concept validation	6,818,000	0	0	0
Software engineering R&D	1,605,000	0	1,000,000	0
Communications, Navigation & Surveillance	19,154,000	0	0	0
Communications	5,869,000	0	0	0
Navigation	8,995,000	0	0	
Surveillance	4,290,000	0	0	0
Weather	12,284,000	15,284,000	19,284,000	18,684,000
Airport Technology	7,383,000	7,215,000	0	0
Aircraft Safety Technology	34,886,000	34,886,000	46,114,000	34,886,000
Aircraft systems fire safety	4,750,000	4,750,000	4,750,000	4,750,000
Advanced materials/structural safety	1,734,000	1,734,000	1,734,000	1,734,000
Propulsion and fuel systems	2,831,000	2,831,000	5,000,000	2,831,000
Flight safety/atmospheric hazards research	2,619,000	2,619,000	2,619,000	2,619,000
Aging aircraft	14,694,000	14,694,000	21,540,000	14,694,000
Aircraft catastrophic failure prevention research	1,787,000	787,000	4,000,000	1,787,000
Aviation safety risk analysis	6,471,000	6,471,000	6,471,000	6,471,000
System Security Technology	54,872,000	44,225,000	53,423,000	51,690,000
Explosives and weapons detection	39,545,000	34,200,000	42,200,000	41,700,000
Airport security technology integration	5,396,000	2,485,000	3,941,000	2,708,000
Aviation security human factors	5,282,000	5,540,000	5,282,000	5,282,000
Aircraft hardening	4,649,000	2,000,000	2,000,000	2,000,000
Human Factors & Aviation Medicine	22,229,000	26,615,000	22,229,000	25,065,000
Flight deck/maintenance/system integration human factors	9,903,000	12,550,000	9,903,000	11,000,000
Air traffic control/airway facilities human factors	8,297,000	10,000,000	8,297,000	10,000,000
Aeromedical research	4,029,000	4,065,000	4,029,000	4,065,000
Environment and Energy	3,391,000	3,000,000	2,891,000	2,891,000

RESEARCH, ENGINEERING, AND DEVELOPMENT—CONFERENCE AGREEMENT—Continued

[Fiscal Year 1999]

Program name	Budget estimate	Fiscal Year 1999 House	Fiscal Year 1999 Senate	Conference agreement
Innovative/Cooperative Research	2,330,000	1,000,000	2,000,000	1,000,000
Total appropriation	200,000,000	145,000,000	173,627,000	150,000,000

Weather research.—The conferees agree to provide $18,684,000 for aviation weather research instead of $15,284,000 as proposed by the House and $19,284,000 as proposed by the Senate. The conferees direct that, of these funds, $9,118,000 is available for the national laboratory program, $3,000,000 is available to continue Project Socrates, and $3,600,000 is to continue the turbulence and windshear reseach project at Juneau, Alaska. The conferees also agree with the proposal of the House to create a weather research integrated product team under the FAA's communications, navigation, and surveillance organization.

Explosives and weapons detection.—The conference agreement includes $41,700,000 instead of $34,200,000 as proposed by the House and $42,200,000 as proposed by the Senate. Of this amount, $2,500,000 is for development of the pulsed fast neutron analysis (PFNA) cargo inspection system; $4,500,000 is for pulsed fast neutron transmission spectroscopy; and $500,000 is for research and development of explosives and chemical or biological agents currently being conducted by the Institute of Biological Detection Systems.

Human factors research.—The conferees agree with the proposal of the House to allocate $1,000,000 for an agency-wide comprehensive survey of air traffic controller personnel to evaluate the effects of fatigue, and up to $703,000 to continue and expand the work done at the Civil Aeromedical Institute regarding fatigue in the controller workforce.

Aging aircraft.—The conference agreement provides $14,694,000 for this program as proposed by the House instead of $21,540,000 as proposed by the Senate. The conferees do not agree with Senate direction to allocate a specific amount for the engine titanium inspection project, but do agree with the Senate's direction requiring FAA to assess options regarding the replacement or rehabilitation of the existing hanger for the Aging Aircraft Nondestructive Inspection Validation Center.

Blended winglet technology.—The conferees encourage the FAA to support flight testing of winglet technology. Blended winglet technology involves a special series of patented devices called blended winglets and spiroids. These relatively low cost devices can essentially be bolted onto the wingtips. A series of tests using this new type of winglet on two very different airplanes, including the newest large airliner, has shown gain in cruise and climb performance without adversely affecting controllability. Fuel consumption was also reduced by an average of seven percent during these flight tests. Preliminary tests show that the wake turbulence behind an aircraft may be reduced considerably by blended winglets, perhaps enough to safely reduce the spacing of aircraft. This could lead to significant enhancement in the ability of an airport to handle increased takeoffs and landings. The implications of this technology on system capacity could be considerable. Much more work is needed to evaluate the overall implications of this development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a liquidating cash appropriation of $1,600,000,000, as proposed by the House and the Senate.

Obligation limitation.—The conferees agree to an obligation limitation of $1,950,000,000 for the "Grants-in-aid for airports" program instead of $1,800,000,000 as proposed by the House and $2,100,000,000 as proposed by the Senate.

Caps on individual formula programs.—The conference agreement deletes the limitations on the noise planning and mitigation program and the military airport program proposed by the Senate. The conferees hope that the current imbalance will be addressed by the legislative committees of jurisdiction in the AIP reauthorization bill.

Discretionary grants award process.—Between November 1997 and May 1998, the General Accounting Office (GAO) issued two reports which raised questions about the project selection process for discretionary highway projects. The conferees direct the GAO to conduct a similar analysis for AIP discretionary grant awards over fiscal years 1996 through 1998, excluding awards made pursuant to letters of intent signed before that timeframe.

Regional airport.—The conference agreement directs the FAA to study the feasibility of establishing a gulf coast regional airport, working with the University of South Alabama for the research, the necessary demographic projections, and an assessment of the economic impact.

Priority consideration.—The conferees agree that the FAA should give priority consideration to grant applications for the projects listed in the House or Senate reports, or in this statement of the managers, in the categories of discretionary grants for which they are eligible. In addition to those airports and projects listed in the House and Senate reports, the conferees agree to the following:

Cleveland Hopkins International Airport, OH.—The conferees do not agree with the House language to give priority consideration for site and engineering studies for a proposed runway expansion at the Cleveland Hopkins International Airport in Ohio. Rather, the conferees agree that priority consideration should be given to a request for discretionary funding for site and engineering studies at this airport.

Greater St. Tammany Regional Airport, LA.—The conferees agree that the FAA should give priority consideration to capital development projects at Greater St. Tammany Regional Airport in Abita Springs, Louisiana.

New Orleans International Airport, LA—The conferees concur in the House language regarding major capacity enhancement projects and priority consideration to the purchase of property in priority six as part of the noise mitigation buyout program at this airport. The conferees expect the FAA to allow the use, as a first priority, of a navigational easement as a voluntary option to residents as an alternative to soundproofing. The conferees direct that, except for safety reasons, the FAA shall enforce compliance with existing, informal noise policies, to ensure noise abatement over the City of Kenner during late evening and early morning hours.

Letters of intent.—The conferees urge the FAA to award letters of intent for multiyear capital projects at the following airports:

Location: Salt Lake City International, UT; Orlando International, FL; New Orleans International, LA; Southwest Florida International, FL; and Miami International, FL.

Southwest Florida International Airport, FL—The conferees commend the FAA for initiating funding for the expansion program at Southwest Florida International Airport. The airport continues to exceed all passenger projections and is the third-fastest growing airport in terms of passengers, according to the FAA. The conferees understand that an application for multiyear funding is pending for capital expansion of this airport. The conferees urge the FAA to give priority consideration to awarding a letter of intent for this project.

AVIATION INSURANCE REVOLVING FUND

The conference agreement includes language authorizing the expenditure of funds for aviation insurance activities as proposed in the House and Senate bills. This legislative language has been carried in appropriations Acts for many years, and is expected to result in no budget authority or outlays during fiscal year 1999.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The conference agreement prohibits funds in this Act from being used for the Aircraft Purchase Loan Guarantee Program during fiscal year 1999, as proposed by both the House and Senate.

ADMINISTRATIVE SERVICES FRANCHISE FUND

The conference agreement deletes a limitation proposed by the House which would have terminated operations of FAA's administrative services franchise fund in fiscal year 1999. The conferees will continue to monitor the management of this activity to help achieve cost savings wherever possible.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

The conference agreement limits general operating expenses of the Federal Highway Administration (FHWA) to $327,413,000, instead of $318,733,000 as proposed by the House and $320,413,000 as proposed by the Senate.

The recommended distribution by program and activity of the funding provided for general operating expenses is as follows:

FHWA administrative expenses (excluding OMC) ..	$267,038,000
National Parks transportation needs study	2,000,000
Advanced vehicle technology consortia program	5,000,000
Subtotal, FHWA administrative expenses	274,038,000

Motor carrier administrative expenses	53,375,000
Total	327,413,000

Office of Motor Carriers.—Within the funds provided for the administrative expenses of the office of motor carriers, the conference agreement provides $375,000 for Operation Respond. These funds are intended to increase the efficiency of and ensure greater safety for law enforcement officers, firefighters, and emergency medical personnel responding to hazardous materials incidents and passenger rail accidents.

Transportation needs in the national parks.—The conference agreement includes $2,000,000 to carry out section 3039 of the Transportation Equity Act for the 21st Century (TEA21). Within the funds provided, the Secretary is directed to undertake a comprehensive study of alternative transportation needs in the national parks and related public lands managed by federal land management agencies, and to implement activities and contracts associated with the memorandum of understanding between the departments of Interior and Transportation. FHWA and the Federal Transit Administration shall review the transportation alternatives considered by the National Park Service in the Grand Canyon and Yosemite national parks to determine if all necessary and appropriate transportation planning, development, environmental and alternative analyses have been conducted to support the alternatives selected by the National Park Service. The results of the assessment are to be provided to the House and Senate Committees on Appropriations by April 1, 1999.

Administrative expenses for the Appalachian Regional Commission.—The conference agreement does not provide additional resources for administrative expenses associated with the Appalachian development highway system program. Should additional funding requirements occur in fiscal year 1999, the FHWA may be permitted to transfer from the FHWA's administrative takedown authorized by section 104(a) of title 23 after justification of those requirements and approval by the House and Senate Committees on Appropriations.

Audit cost reimbursement.—The conference agreement provides $750,000 for Inspector General audit cost reimbursements. These funds are to be transferred from the FHWA's administrative takedown as authorized under section 104(a) of title 23 to the Office of Inspector General.

Advanced vehicle technology consortia program.—The conference agreement includes $5,000,000 for the advanced vehicle technology consortia program. The House bill included an appropriation within the Research and Special Programs Administration. No similar appropriation was included in the Senate bill. These funds shall be available to support a public/private partnership to design, develop, and deploy alternative fuel and propulsion systems focusing on medium and heavy vehicles.

LIMITATION ON TRANSPORTATION RESEARCH

The conference agreement deletes the limitation on transportation research of $409,150,000 proposed by the House. The Senate bill contained no similar limitation under this heading. Funding for transportation research programs and activities is included within the overall limitation on federal-aid highways, as proposed by the Senate.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

The conference agreement deletes the appropriation of $200,000,000 for Appalachian development highway system proposed by the Senate. The House bill contained no similar appropriation.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the federal-aid highways program to $25,511,000,000 as proposed by both the House and Senate. The conference agreement also includes the following limitations within the overall limitation on obligations for the federal-aid highways program as proposed by the Senate: $200,000,000 for intelligent transportation systems; $178,150,000 for transportation research; $38,000,000 for the ferry boat and ferry terminal facility program; $15,000,000 for the magnetic levitation transportation technology deployment program; and $31,000,000 for the Bureau of Transportation Statistics. The House bill contained no similar sub-limitations.

The conference agreement deletes the provision proposed by the Senate providing $700,000 for the United States Army Corps of Engineers to study rural access issues in Alaska and $1,500,000 for improvements to the Crooked Creek access road in the Charles M. Russell National Wildlife Refuge, Montana, from funds provided in fiscal year 1999 for refuge roads. The House bill contained no similar provision. The conference agreement addresses these set-asides under the federal lands highway program.

The conference agreement includes a provision proposed by the Senate that transfers $4,000,000 of the amounts made available as contract authority under section 1221(e) of Public Law 105–178 to carry out section 5113 of that Act, relating to commercial remote sensing products and spatial information technologies. The House bill contained no similar provision.

SURFACE TRANSPORTATION RESEARCH

Within the funds provided for surface transportation research, the conference agreement includes $65,000,000 for highway research and development for the following activities:

Safety	$12,535,000
Pavements	13,150,000
Structures	16,100,000
Environment	5,300,000
Real estate services	365,000
Policy	5,400,000
Planning	4,000,000
Motor carrier	6,400,000
Advanced research	1,000,000
Highway operations	750,000
Total	65,000,000

Within the funds provided for highway research and development, the FHWA is encouraged to provide sufficient resources to continue the air quality study in southern California and to support ongoing university intelligent transportation systems research.

Safety.—Within the funds provided for safety, the FHWA is encouraged to support efforts to educate new drivers on the dangers of road construction work zones by developing appropriate driver training programs.

Pavements.—Within the funds provided for pavements, the FHWA is encouraged to support research into geosynthetic material, the use of polymer additives for pavements, lithium-based technologies, and composite bridge systems. The FHWA is also encouraged to develop second generation composite bridge deck systems and technologies that may lead to better-constructed and longer-lasting pavements. In addition, the Administrator of the FHWA is encouraged to evaluate and promote the benefits of using silica fume high performance concrete and to report on such findings to the House and Senate Committees on Appropriations not later than September 30, 2001.

Structures.—Within the funds provided for structures, the FHWA is encouraged to explore new technologies in advanced composite materials, including wood composites, and to support research into high performance materials; bridge systems; the cleaning of existing structures of paints and other coatings or corrosion and the application of metal coatings to cleaned structures; and appraisals of nondestructive evaluations of bridges.

Unique opportunities exist at this time to conduct research and detailed analyses into load capacities of deteriorated bridge structures, seismic retrofitting, and new nondestructive evaluation techniques, as extensive interstate reconstruction projects are planned and underway, particularly in the state of Utah. FHWA is encouraged to work with appropriate federal, state and local officials to make use of these unique research opportunities while major interstate projects are under construction.

Environment.—Within the funds provided for environment research, the FHWA is encouraged to support regional noise level and air studies.

Policy.—Sufficient funds are provided for policy research to support ongoing activities associated with the national personal transportation survey. Within the funds provided for policy research, the FHWA is encouraged to report to the House and Senate Committees on Appropriations not later than March 31, 1999, on the viability of existing fuel tagging technologies developed through research at the national energy laboratories.

Planning.—Within the funds provided for planning research, sufficient funds are provided to modify the transportation simulation model for intelligent transportation purposes. None of the funds made available in the surface transportation research subaccount shall be used to conduct research related to sustainability and its role in transportation planning. The conferees assert that contract funds provided under section 1221 of TEA21 can be used to support research pertaining to the role of transportation in community and system preservation, including research on the interface between transportation and sustainability, and are sufficient to support research in community preservation and sustainability.

Motor carrier.—The conference agreement provides $6,400,000 for motor carrier research. The office of motor carriers is directed to report to the House and Senate Committees on Appropriations not later than December 1, 1998, documenting the potential safety advantages of a federal rule to require a uniform national display policy for inspection stickers on commercial motor vehicles.

Technology and assessment.—Within the funds provided for technology assessment and deployment activities, the FHWA is encouraged to support university transportation management programs. Sufficient funds are included for key safety initiatives, as requested in the budget.

INTELLIGENT TRANSPORTATION SYSTEMS

The conference agreement provides a total of $200,000,000 for intelligent transportation systems (ITS), of which $105,000,000 is available for ITS deployment and $95,000,000 for ITS research and development. Within the funds made available for intelligent transportation systems, the conference agreement provides that not less than the following sums shall be available for intelligent transportation projects in these specified areas:

Amherst, Massachusetts ...	$1,000,000
Arlington County, Virginia	750,000
Atlanta, Georgia	2,000,000
Brandon, Vermont	375,000
Buffalo, New York	500,000
Centre Valley, Pennsylvania	500,000
Cleveland, Ohio	1,000,000
Columbus, Ohio	1,000,000
Corpus Christi, Texas	900,000
Dade County, Florida	1,000,000
Del Rio, Texas	1,000,000
Delaware River, Pennsylvania	1,000,000
Fairfield, California	1,000,000
Fitchburg, Massachusetts	500,000
Greater metropolitan capital region, DC	5,000,000
Hammond, Louisiana	4,000,000
Houston, Texas	2,000,000
Huntington Beach, California	1,000,000
Huntsville, Alabama	1,000,000
Inglewood, California	1,500,000
Jackson, Mississippi	1,000,000
Kansas City, Missouri	500,000
Laredo, Texas	1,000,000
Middlesboro, Kentucky	3,000,000
Mission Viejo, California ...	1,000,000
Mobile, Alabama	2,500,000
Monroe County, New York	400,000
Montgomery, Alabama	1,250,000
Nashville, Tennessee	500,000
New Orleans, Louisiana	1,500,000
New York City, New York	2,500,000
New York/Long Island, New York	2,300,000
Oakland County, Michigan	1,000,000
Onandaga County, New York	400,000
Port Angeles, Washington	500,000
Raleigh-Wake County, North Carolina	2,000,000
Riverside, California	1,000,000
San Francisco, California ..	1,500,000
Scranton, Pennsylvania	1,000,000
Silicon Valley, California ..	1,500,000
Spokane, Washington	450,000
Springfield, Virginia	500,000
St. Louis, Missouri	750,000
State of Alaska	1,500,000
State of Idaho	1,000,000
State of Maryland	2,500,000
State of Minnesota	7,100,000
State of Mississippi	1,000,000
State of Missouri	500,000
State of Montana	700,000
State of Nevada	575,000
State of New Jersey	3,000,000
State of New Mexico	1,000,000
State of New York	2,500,000
State of North Dakota	1,450,000
Commonwealth of Pennsylvania	14,000,000
State of Texas	1,000,000
State of Utah	3,600,000
State of Washington	2,000,000
State of Wisconsin	1,500,000
Temucula, California	250,000
Tucson, Arizona	1,000,000
Volusia County, Florida	1,000,000
Warren County, Virginia ...	250,000
Wausau-Stevens Point-Wisconsin Rapids, Wisconsin	1,000,000
Westchester and Putnam Counties, New York	500,000
White Plains, New York	1,000,000

Projects selected for funding shall contribute to the integration and interoperability of intelligent transportation systems, consistent with the criteria set forth in TEA21.

The conference agreement provides $95,000,000 for intelligent transportation systems (ITS) research and development activities, to be distributed by activity as follows:

Research and development	$38,000,000
Operational tests	17,000,000
Evaluation	6,500,000
Architecture and standards	18,000,000
Mainstreaming	6,000,000
Program support	9,500,000
Total	95,000,000

Research and development.—The conference agreement supports the plans of the department to allocate most of the IVI funds to advance crash avoidance technologies that promote the safety of passenger vehicles. Consistent with that objective, the department is encouraged to complete performance criteria and safety evaluations of various crash avoidance technologies for passenger vehicles, to conduct various operational tests in passenger vehicles, and to advance human factors research related to the interactions of multiple crash avoidance technologies installed in passenger vehicles. The department is encouraged not to dilute funds reserved for the IVI among lower priority objectives, especially those that offer minimal potential safety benefits. Before June 1, 1999, the Director of the Joint Program Office shall submit to the House and Senate Committees on Appropriations a five-year agenda outlining the future direction and projected timelines for IVI research and testing, paying particular attention to delineating activities regarding the light vehicle platform.

The Administrator and the Director of the JPO are encouraged to work with George Washington University and Louisiana State University in its research into crash avoidance and to utilize the strengths of the University of Alabama's Transportation Research Institute in carrying out ITS and other highway research.

Operational tests.—Within the funding provided for ITS operational tests, the conference agreement includes ample funds for operational testing of intelligent passenger vehicles, and limited funds for IVI work on commercial vehicles.

Evaluation.—Within the funding provided for ITS evaluations, the conference agreement includes limited funds for policy assessments.

The Joint Program Office (JPO) is directed to have final budgetary authority over the allocation of ITS funds among the various modes and projects and not less than seventeen positions are to be allocated to the JPO in fiscal year 1999.

National advanced driving simulator.—Within the funds provided for ITS research and development and other surface transportation research contract authority programs, sufficient funds are included for ongoing activities of the national advanced driving simulator.

Reprogramming guidelines.—The FHWA is fully expected to adhere to the funding allocations provided in this Act for specific surface transportation research activities, such as highway research and development and intelligent transportation systems activities. Any deviations from the allocations provided in this Act shall be consistent with the established reprogramming guidelines and may require the approval of the House and Senate Committees on Appropriations before execution.

DISCRETIONARY GRANT PROGRAMS

The conference agreement deletes the Senate references of priority designations and set-asides within the Federal Highway Administration's discretionary grant programs and the Bureau of Transportation Statistics, except as specifically provided in this conference report.

MAGNETIC LEVITATION TECHNOLOGY DEPLOYMENT PROGRAM

The conference agreement provides $15,000,000 for the magnetic levitation technology deployment program, of which not more than $500,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance. Within the funds made available under this heading, the conference agreement provides $5,000,000 for a high-speed intercity magnetic levitation project between Philadelphia and Pittsburgh, Pennsylvania and $2,000,000 for a magnetic levitation project in Blacksburg, Virginia. Funding allocated to the Blacksburg project shall be conditioned upon the financial participation of the Commonwealth of Virginia.

FEDERAL LANDS PROGRAM

Funds provided for the federal lands program in fiscal year 1999 shall be available for the following activities:

Improvements to roadways on the Kenai Peninsula, Alaska	$3,500,000
Restoration of the Columbia River Highway in Oregon	500,000
Highway improvements in Hanalei National Wildlife Refuge, Haleakala and Hawaii National Parks ...	3,000,000
Lake Camp Road, Valley Road, and Beaver Pond Terrace Road, near the Brooks River area, Arkansas	1,000,000
U.S. Army Corps of Engineers study of rural access in Alaska	700,000
Charles M. Russell National Wildlife Refuge, Montana	1,000,000
Construction of Highway 323 between Alzada and Ekalaka, Montana	2,000,000
Glacier National Park, Going-to-the-Sun Road engineering study, Montana	1,000,000
Routes 25 and 58, Cumberland Gap National Park	3,000,000
Route 80, Daniel Boone National Forest	2,000,000
Baltimore-Washington Parkway	4,000,000
Manassas National Battlefield Park Improvements, Virginia	2,000,000

Glacier National Park, Going-to-the-Sun Road.—The conference agreement provides $1,000,000 for engineering studies on Going-to-the-Sun Road in Glacier National Park. Funds will be used to conduct and support an independent engineering study assessing the best available technology to reduce costs and mitigate impacts; an updated economic analysis taking into account the economic impact of the road on the park and the surrounding communities; and a citizen advisory committee with which the National Park Service and the Federal Highway Administration would consult in making recommendations regarding the reconstruction of Going-to-the-Sun Road.

Highway 93, Montana.—The Conferees concur with the direction of the Senate regarding Highway 9 in Montana.

Manassas National Battlefield Park, Virginia.—The conference agreement includes $2,000,000 for improvements to the U.S. Route 29 and State Route 234 intersection in the Manassas National Battlefield Park, Prince William County, Virginia. In April 1998, a task force of federal, state and local participants was created to address the unsafe conditions associated with this intersection which is used by local residents and park visitors. As a result of several task force meetings, a memorandum of understanding is being developed outlining improvements which improve safety and preserve the historical integrity of the battlefield. The funds provided in this Act shall be made available to implement improvements to the intersection consistent with the memorandum of understanding.

PROGRAM ADMINISTRATION

Proceeds from the sale or lease of real property.—The language in section 156 of title 23 of the United States Code, relating to the proceeds from the sale or lease of real property, can be applied to providing parking for the Louisiana Stadium and Exposition District.

DeSoto County, Mississippi.—For the purposes of constructing an underpass to improve access and to enhance highway/rail safety and economic development along Star Landing Road in DeSoto County, Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancements program, provided that the state would otherwise be unable to use the funds for transportation enhancement projects consistent with current law.

Georgia I–285.—The revised concept for the East-West Connector, Phase V and I–285 Interchange in Cobb County, Georgia (submitted on April 15, 1998 to the Georgia Department of Transportation, which in turn submitted it to the Federal Highway Administration on May 22, 1998) improves the level of service and operations of the interchange without increasing the capacity of this segment of I–285. The revised concept for the interchange will dramatically improve access to the communities adjoining the interchange without adversely affecting air quality in the Atlanta region. Therefore, FHWA is encouraged to approve the revised concept and allow preliminary design on the interchange to continue.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $24,000,000,000 for the federal-aid highways program, as proposed by both the House and the Senate.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement includes a liquidating cash appropriation of $100,000,000 for motor carrier safety grants as proposed by the Senate. The House included a liquidating cash appropriation of $100,000,000 for motor carrier safety grants within the National Highway Traffic Safety Administration.

MOTOR CARRIER SAFETY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement includes the limitation on obligations of $100,000,000 for motor carrier safety grants proposed by the Senate. The House bill included a limitation on obligations of $100,000,000 for motor carrier safety grants is within the National Highway Traffic Safety Administration.

This agreement allocates the funding in the following manner:

Basic grants to states	$80,000,000
Border assistance	4,500,000
Priority initiatives	4,500,000
Administrative costs	1,000,000
Information systems and planning	10,000,000
Total	100,000,000

Border assistance.—The conference agreement has provided $4,500,000 for border assistance, as proposed by the House. Funding has not been provided to the second tier states because Mexican commercial motor vehicles cannot operate beyond Arizona, California, New Mexico, and Texas until the year 2000.

Information systems and planning.—Of the $10,000,000 provided for information systems and strategic planning, $3,000,000 shall be provided to states to improve information systems and computer and evaluation capabilities; $1,000,000 shall be for driver safety activities to improve the commercial drivers license programs or judicial outreach of the various states; and $5,000,000 shall be for the PRISM project to increase the number of states participating in this program.

Transfer of OMC to NHTSA.—The conference agreement does not include the transfer of the office of motor carriers (OMC) from the Federal Highway Administration to the National Highway Traffic Safety Administration (NHTSA) proposed by the House. In proposing this transfer, the House believed that moving motor carriers under NHTSA's umbrella would strengthen and consolidate the department's vehicle safety programs. A single modal administration could provide a more consistent and synchronous safety program and agenda by focusing on reducing all highway accidents instead of having two organizations focusing on reducing components (passenger vehicles and commercial motor vehicles) of the 42,000 annual highway fatalities. The House intends to further review the possible consolidation of the office of motor carriers within NHTSA during its fiscal year 2000 budget hearings.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

The conference agreement provides $159,400,000 from the Highway Trust Fund for operations and research. The Senate provided $161,400,000 for operations and research and the National Driver Register from the Highway Trust Fund. The House provided $72,000,000 for operations and research from the Highway Trust Fund and $87,400,000 from the general fund. Of the total, $58,558,000 shall remain available until September 30, 2001 as proposed by both the House and the Senate.

To comply with the levels authorized under TEA21, the conference agreement includes the following adjustments to the budget estimate:

Do not fund 10 new staff positions	−$780,000
Do not fund new consumer information program	−814,000
Hold NCAP testing to 1998 level	−2,226,000
Delete funding for fuel economy program	−60,000
Slight reduction in vehicle safety compliance	−40,000
Reduce funding for defects investigation	−360,000
Delete funding for the safe communities program	−2,800,000
Delete funding for prelicensure demonstration project	−600,000
Slight reduction in EMS research	−40,000
Slight reduction in records and licensing	−73,000
Head injury management prevention project	+1,000,000
Hold PNGV to 1998 level	−1,004,000
Reduce increase for biomechanics simulation and analysis	−225,000
Reduce increase for crash avoidance research	−340,000
Fund occupant protection survey under Grant Administration	−300,000
Slight reduction in Office of the Administrator	−331,000
Increase Grant Administration reimbursement	−4,509,000

Aggressive driving.—NHTSA, in conjunction with the International Association of Chiefs of Police, should conduct a 2-year pilot project to utilize and demonstrate the effectiveness of enforcement devices, such as speed management and imaging devices, in reducing aggressive driving. The project should take place within one or more federal jurisdictions that have experienced high profile crashes, such as the George Washington Memorial Parkway.

Emergency medical services.—Within the emergency medical services program, $250,000 shall be used to complete the second phase of the head injury prehospital protocols with Aitken Neuroscience Center. The conference agreement also includes $1,000,000 for a head injury prevention project at the University of Alabama at Birmingham. The initial focus of this effort will be on the prehospital aspect of trauma research involving causative factors of the injury.

Older driver research.—NHTSA should continue demonstrating technologies and practices to improve the driving performance of older drivers and other special groups. Ongoing work at Pennsylvania State University in this area is recognized.

Red light running initiative.—Failure to obey traffic signals is one of the leading causes of urban crashes. NHTSA should evaluate an innovative program initiated by Jefferson Parish Sheriff's Office in Jefferson County, Louisiana, to combat this problem and determine if this program could be deployed nationwide.

Prelicensure demonstration project.—For the same reasons detailed last year, the conference agreement deletes funds for the prelicensure demonstration project.

Bill language is included that prohibits NHTSA from obligating or expending funds to plan, finalize, or implement any rulemaking that would add requirements pertaining to tire grading standards that are different from those standards already in effect. This language was contained in both the House and Senate bills.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

The conference agreement provides $2,000,000 for the National Driver Register as proposed by the House. The Senate provided $2,000,000 for this program within NHTSA's operations and research account. Within the total amount appropriated, up to $250,000 can be used to begin the technology assessment authorized under section 2006 of TEA21.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $200,000,000 to liquidate contract authorizations for highway traffic safety grants, as proposed by both the House and the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for highway traffic safety grants to $200,000,000 as proposed by both the House and Senate. A total of $9,943,000 has been provided for administration of the grant programs as proposed by the House instead of $5,334,000 as proposed by the Senate. New bill language is included to specify that not more than $7,500,000 of the funds made available for section 402, not more than $500,000 of the funds made available for section 405, not more than $1,750,000 of the funds made available for section 410, and not more than $193,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23. This language is necessary to insure that each grant program does not contribute more than five percent of the total administrative costs.

The conference agreement retains bill language, proposed by both the House and Senate, that limits technical assistance to states from section 410 to $500,000.

The conference agreement prohibits the use of funds for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures, as proposed by both the House and Senate.

The bill includes separate obligation limitations with the following funding allocations:

State and community grants	$150,000,000
Occupant protection incentive grants	10,000,000
State highway safety data grants	5,000,000
Alcohol incentive grants	35,000,000

Occupant protection.—The effectiveness of the occupant protection grant on improving safety, saving lives, and preventing injuries along the Route 2 corridor between Gardner and Greenfield, Massachusetts is recognized, and the conference agreement encourages continued funding of this initiative.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

The conference agreement appropriates $21,215,000 for the Office of the Administrator instead of $21,367,000 as proposed by the House and $21,020,000 as proposed by the Senate. Of the total amount, $1,784,000 shall remain available until expended, as proposed by the House instead of $1,389,000 as proposed by the Senate.

The following adjustments were made to the budget estimate:

Delete funding for electronic grant management	–$200,000
Delete funding for acquisition management training	–6,000
Reduce travel increase	–52,000
Reduce increase in vendor inflation	–100,000
Net reduction to budget estimate	–358,000

Funding for the light rail density pilot project is not included in the Office of the Administrator, as proposed by the Senate. The House bill contained no similar appropriation.

Valley trains and trails.—Within the funds appropriated to the Office of the Administrator, FRA should work with the Norfolk Southern Railroad, Valley Trains and Trails, and the Commonwealth of Virginia to help develop a scenic passenger train service plan in Shenandoah County, Virginia. This study is contingent upon participation by Norfolk Southern.

Bill language is included that authorizes the Secretary to receive payments from the Union Station Redevelopment Corporation, credit them to the first deed of trust, and make payments on the first deed of trust. These funds may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration and must be reimbursed from payments received by the Union Station Redevelopment Corporation. Both the House and Senate bills contained these provisions.

RAILROAD SAFETY

The conference agreement provides $61,488,000 for railroad safety instead of $60,948,000 as proposed by the House and $61,876,000 as proposed by the Senate. Of the total amount, $3,825,000 shall remain available until expended. The following adjustments were made to the budget estimate:

Hire 24 instead of 32 new inspectors	–$420,000
Provide 5 percent increase in travel	–351,000
Increase funding for Operation Lifesaver	+300,000
Net adjustment	–471,000

Bill language is included in this conference report that permits the reimbursement of out-of-state travel and per diem costs incurred by employees of State governments directly supporting the Federal railroad safety program, including regulatory development and compliance-related activities. Both the House and Senate bills contained this provision.

RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides $22,364,000 for railroad research and development instead of $20,477,000 as proposed by the House and $25,760,000 as proposed by the Senate and includes the following adjustments to the budget estimate:

Delete funding for assessment of current magnetic levitation systems	–$150,000
Delete funding for Transportation Test Center site facilities	–130,000
Fund full-scale crash test of rail passenger equipment	+2,000,000
Half-year funding for track specialist	–117,000
Net adjustment to budget estimate	+1,607,000

Track and vehicle-track interaction.—Within funding allocated for track and vehicle-track interaction, $500,000 shall be used to develop an automatic traffic control and monitoring system and $500,000 shall be used to evaluate carbon composites in railroad bridges, as specified by the Senate. The GAO recently reported on the safety risk posed by the deteriorating structural integrity of the nation's 100,700 rail bridges. Aging rail bridges are increasingly being required to handle heavier axial loads and higher train speeds. To better address this safety risk, funding has been provided to develop, demonstrate, and evaluate the use of carbon composites for strengthening aging steel railroad bridges. These funds shall be made available to a constructed facilities center with extensive experience in this area.

New full-time employees.—The conference agreement provides half-year funding for the new track specialist position because the Administration has made a convincing case for this position. No funding is provided for the new communications position.

Bill language is included that allows FRA to sell old aluminum reaction rail currently located at the Transportation Test Center (TTC) and use any proceeds for physical improvements at TTC as proposed by both the House and Senate.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The conference agreement modifies bill language included in the House bill specifying that no new direct loans or loan guarantee commitments can be made using federal funds for the payment of any credit premium amount during fiscal year 1999. The Senate bill did not have any bill language for this program.

NEXT GENERATION HIGH-SPEED RAIL

The conference agreement provides $20,494,000 for the next generation high-speed rail program instead of $15,294,000 as proposed by the House and $28,494,000 as proposed by the Senate. The following table summarizes the conference agreement by budget activity:

	Conference
Train control systems	$4,300,000
Illinois positive train control demonstration	(1,300,000)
Alaska railroad	(3,000,000)
Non-electric locomotives	9,800,000
ALPS	(2,800,000)
Prototype locomotive	(7,000,000)
Grade crossings and innovative technologies	4,600,000
Sealed corridor	(1,000,000)
Mitigating hazards	(2,500,000)
Low-cost HSR crossing	(1,100,000)
Track and structures	1,200,000
Administration	594,000
Total	20,494,000

Positive train control.—A total of $4,300,000 has been provided for positive train control activities in Illinois and Alaska. Funding has not been provided for a positive train control study recommended by the Senate because the goals of this study are being undertaken in the Illinois positive train control demonstration. It is anticipated that the system engineer for the joint AAR, Illinois DOT and FRA project on the Chicago to St. Louis corridor will decisively characterize the common elements required for interoperability, in order to develop an open system architecture. An open architecture is necessary to ensure that different positive train control technologies can communicate and interact effectively with one another.

FRA and the AAR have entered into a cooperative program to develop, test, and demonstrate positive train control capabilities between Springfield and Chicago, Illinois. This project is estimated to cost approximately $60,000,000 over a four-year period. AAR has committed $20,000,000 to the project. The conference agreement provides $1,300,000 to this project in fiscal year 1999 to continue federal support.

The conference agreement provides $3,000,000 for Alaska Railroad to continue its ongoing efforts to implement a collision avoidance positive train control system over the entire system. These funds will help fund a GPS satellite-based communications and tracking system that will provide positive train separation for all locomotives and track vehicles, and precision train control with movement-pass planning capabilities.

In conjunction with FRA, eastern railroads are developing positive train control, capable of operating with present and future technologies to adapt to the various types of railroad infrastructure. As the first step, interoperable locomotive platform prototypes are being built at the present time. As the next step, the wayside portion of the positive train separation pilot will be developed and tested on the rail line between Manassas, Virginia through Hagerstown, Maryland to Harrisburg, Pennsylvania. This project, funded jointly by FRA and the railroads, was begun two years ago. FRA should continue funding this pilot project.

Rail-highway crossing hazard eliminations.—Under section 1103 of TEA21, an automatic set-aside of $5,250,000 a year is made available for the elimination of rail-highway crossing hazards. A limited number of rail corridors are eligible for these funds. Of these set-aside funds: $1,000,000 shall be used to mitigate grade crossing hazards on the Gulf Coast corridor; $1,000,000 shall be used along North Carolina's sealed corridor; $250,000 shall be used between Kalamazoo and Grand Beach, Michigan; and $250,000 shall be used between Milwaukee and the Wisconsin-Illinois border.

ALASKA RAILROAD REHABILITATION

The conference agreement provides $10,000,000 for the Alaska Railroad as proposed by the Senate. The House bill contained no similar appropriation.

RHODE ISLAND RAIL DEVELOPMENT

Total funding for the Rhode Island rail development project is $5,000,000 instead of $2,000,000 as proposed by the House and $7,500,000 as proposed by the Senate. The conference agreement deletes Senate bill language that requires, as a condition of accepting such funds, the Providence and Worcester Railroad to reimburse Amtrak and/or the Federal Railroad Administration, on a dollar-for-dollar basis, up to the first $28,000,000, if damages occur in vertical clearances in excess of those required for present freight operations. The House bill contained no similar provision.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $609,230,000 for Capital grants to the National Railroad Passenger Corporation (Amtrak) as proposed by the House instead of $555,000,000 as proposed by the Senate. All funding is to remain available until expended as proposed by the House.

The conference agreement deletes a number of language provisions included in either the House or the Senate bills. These include: (1) language that allocates not less than $200,000,000 for the Northeast Corridor Improvement Program and $355,000,000 for capital grants as proposed by the Senate; (2) language that limits the availability of funding for the Northeast Corridor Improvement Program to September 30, 2001 as proposed by the Senate; (3) language proposed by the House that requires the House and Senate Committees on Appropriations to approve Amtrak's capital plan priof to the release of this capital appropriation and funding made available from section 977 of the Taxpayer Relief Act; (4) language proposed by the Senate which identifies those activities on which capital grants may be expended; and (5) language proposed by the Senate that prohibits Amtrak from obligating more than $222,000,000 prior to September 30, 1999.

Northeast Corridor improvement program.—The conference agreement does not provide a specific earmark for the Northeast Corridor Improvement Program. Amtrak has the flexibility to allocate whatever amount it believes is necessary for this project in fiscal year 1999.

Amtrak shall work closely with the Northeast Corridor communities, as well as state transit officials and owners of the track, to identify danger spots and install perimeter fencing along the Corridor, wherever it is needed. In particular, Amtrak should focus on increased community coordination in urbanized areas where there have been problems or where community concerns have been expressed, such as Attleboro, Foxboro, Mansfield, and Sharon, Massachusetts.

Capital definition.—The conference agreement considered, but rejected as too broad, the expanded capital definition. However, Amtrak should be permitted to expend its fiscal year 1999 appropriated capital grant on maintenance of existing equipment as well as for capital improvements. Amtrak is already authorized to expend funds received under section 977 of the Taxpayer Relief Act for maintenance of equipment. Since this authority was already granted in a previous Act, there is a legislative precedent for Amtrak to expend its appropriated capital grants for equipment maintenance.

Rail signalization upgrade in Vermont.—Signaling on the main rail line between Brattleboro and White River Junction, Vermont needs to be upgraded. Amtrak is currently negotiating with the State of Vermont and the New England Central Railroad to upgrade the pole line signal system to an electronic control system. The entire system is estimated to cost $500,000. Amtrak is urged to continue negotiating with the affected parties. However, these costs should be shared among the users of the system and the state, and not be borne solely by Amtrak.

Erie, Pennsylvania station improvements.—Amtrak currently leases a small portion of a train station in Erie, Pennsylvania to provide service for the Lake Shore Limited. This station is in need of repairs to the platforms, canopies, and lights and requires better access to the tracks to comply with the Americans with Disabilities Act. This work is not currently included within Amtrak's capital plan; however, Amtrak has a set-aside of $15,000,000 for leveraging state and local partnerships. Amtrak is strongly encouraged to consider funding rehabilitation and renovations at the Erie, Pennsylvania station when selecting projects for state and local partnerships in fiscal year 1999.

High-speed rail improvements outside the Northeast Corridor.—Amtrak has been working with the Commonwealth of Virginia to identify improvements necessary on track between Washington, D.C. and Richmond, Virginia so that passenger trains could operate at higher speeds. Amtrak is directed to report its findings and the estimated costs to do this work to the House and Senate Committees on Appropriations by March 1, 1999.

Las Vegas to Los Angeles service.—Amtrak has been working with the freight railroads, and the states of California and Nevada to begin passenger rail service between Las Vegas and Los Angeles early in 1999. The conferees are supportive of this project and expect that the number of capitalization issues surrounding necessary infrastructure upgrades for Amtrak to operate on this route will be quickly resolved.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides $54,000,000 for administrative expenses of the Federal Transit Administration as proposed by both the House and the Senate. Within this total, the conference agreement appropriates $10,800,000 from the general fund and $43,200,000 from the Highway Trust Fund, as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

The agreement includes a provision that transfers $800,000 from funds made available for project management oversight activities to the Inspector General to reimburse costs associated with audit and financial reviews of major transit projects, instead of $750,000 as proposed by the House and $1,000,000 as proposed by the Senate.

Full-time equivalent (FTE) staff years.—The conference agreement provides that the FTE level in fiscal year 1999 shall not rise in excess of 485 FTE. This level shall be sufficient to cover the additional administrative requirements imposed upon the Federal Transit Administration by TEA21. The House and Senate Committees on Appropriations will consider personnel increases above this level on an annual basis.

Project management oversight.—Within the funds provided for section 23, the FTA shall increase its financial management oversight activities and perform financial capacity reviews to identify critical funding deficiencies or inadequate financing plans before such funding deficiencies materialize. In addition, the FTA shall more fully utilize new and existing management tools, like the triennial review information system and the oversight tracking system; identify and monitor regional office performance of grant management and that of individual grantees; and report to the House and Senate Committees on Appropriations by December 1, 1999 the steps taken to comply with the directives contained in the House report.

The conference agreement includes sufficient funds for the continued development of the electronic grant making and management system.

FORMULA GRANTS

The conference agreement provides a total program level of $2,850,000,000 for transit formula grants, as proposed by both the House and the Senate. Within this total, the conference agreement appropriates $570,000,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

The conference agreement deletes language proposed by the Senate that would have made available up to $10,000,000 of funds provided for the clean fuel formula grant program for projects that include payments for incremental costs of biodiesel fuels, and that such incremental costs shall be limited to the cost difference between the cost of alternative fuels and their petroleum-based alternatives. The House bill contained no similar provisions.

The conference agreement provides that funding made available for the clean fuel formula grant program under this heading shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

The FTA, when evaluating the local financial commitment of new rail extension or busway projects, shall consider the extent to which the projects' sponsors have used the appreciable increases in the formula grants apportionments for alternative analyses and preliminary engineering activities of such systems.

Los Angeles County Metropolitan Transportation Authority.—Of the funds apportioned to Los Angeles, California, $25,000,000 is expected to be expended in the most cost effective manner for the purchase of new and reliable clean fuel vehicles (as defined in 49 U.S.C. 5308(a)(1)) to comply with the bus consent decree.

San Francisco, California and the Presidio.—The City of San Francisco and the municipal transportation authority is expected to ensure that necessary and ample public transportation services are available to the Presidio, its visitors and workers, and the surrounding community.

Coordination between public transit agencies and human service agencies.—The Secretary of Transportation, working with the Secretary of Health and Human Services through the DOT/HHS Coordinating Council, should work to advance joint efforts to create State and regional planning guidelines which promote transportation coordination between public transit agencies and human service transportation providers. The joint planning guidelines taskforce is encouraged to work with Madison METRO and the coalition for paratransit solutions to ensure timely public transit agency input and dissemination of planning guidelines.

University Transportation Research

The conference agreement provides a total program level of $6,000,000 for university transportation research as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $1,200,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

Transit Planning and Research

The conference agreement provides a total program level of $98,000,000 for transit planning and research as proposed by the House and the Senate. Within the total, the conference agreement appropriates $10,800,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

Within the funds appropriated for transit planning and research, $5,250,000 is provided for rural transportation assistance; $4,000,000 is provided for the National Transit Institute; $8,250,000 is provided for transit cooperative research; $43,841,600 is provided for metropolitan planning; $9,158,400 is provided for state planning and research; and $27,500,000 is provided for national planning and research.

Within the funding level provided for national planning and research, the Federal Transit Administration shall make available the following amounts for the programs and activities listed below:

City of Branson, Missouri congestion study	$450,000
Skagit County, Washington North Sound connecting communities project, Skagit County Council of Governments	50,000
Desert air quality comprehensive analysis, Las Vegas, Neveda	1,000,000
Vegetation control on rail rights-of-way survey	250,000
Zinc-air battery bus technology demonstration	1,500,000
North Orange-South Seminole County, Florida fixed guideway technology	750,000
Galveston, Texas fixed guideway activities	750,000
Washoe County, Nevada transit technology	1,250,000
MBTA, Massachusetts advanced electric transit buses and related infrastructure	1,500,000
Palm Springs, California fuel cell buses	1,000,000
Gloucester, Massachusetts intermodal technology center	1,500,000
SEPTA, Philadelphia, Pennsylvania advanced propulsion control system	2,000,000
Project ACTION	3,000,000
Advanced transportation and alternative fueled vehicle technology consortium (CALSTART)	2,000,000
Rural transportation assistance program	750,000
JOBLINKS	1,000,000
Fleet operations, including bus rapid transit	1,500,000
Northern tier community transportation, Massachusetts	500,000
Hennepin County community transportation, Minnesota	1,000,000
Seattle, Washington livable city	200,000

Fuel cell bus and bus facilities program.—None of the funds available under this heading shall supplement funding provided under section 3015(b) of Public Law 105–178 for the fuel cell bus and bus facilities program.

Advanced transportation and alternative fueled vehicle technology consortium (CALSTART).—Of the funds made available for the advanced transportation and alternative fueled vehicle technology program (CALSTART), not less than $500,000 shall be available to the Santa Barbara electric transportation institute.

The conference agreement provides sufficient funding for developmental work for the electronic grants making and management system and critical safety programs.

Trust Fund Share of Expenses

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $4,251,800,000 in liquidating cash for the trust fund share of transit expenses instead of $2,446,200,000 as proposed by both the House and the Senate. This amount provides liquidating cash for new TEA 21 programs.

Capital Investment Grants

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total program level of $2,257,000,000 for capital investment grants, as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $451,400,000 from the general fund as proposed by both the House and Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

Within the total program level, $902,800,000 is provided for fixed guideway modernization; $451,400,000 is provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities; and $902,800,000 is provided for new fixed guideway systems, as proposed by both the House and the Senate. Funds derived from the formula grants program totaling $50,000,000 are to be transferred and merged with funds provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under this heading.

The conference agreement deletes language proposed by the Senate that would have required the Administrator of the Federal Transit Administration, not later than sixty days after the enactment of this Act, to individually submit to the congressional transit appropriations and authorization committees the recommended grant funding levels for the respective bus and bus-related facilities projects listed in the Senate bill. The House bill contained no similar provision.

The conference agreement includes a provision that makes funds provided in the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act for the Strawberry Hill/Diamond Branch rail project available for the Laurel rail line project in Lackawanna County, Pennsylvania. The Senate bill contained no similar provision.

Three-year availability of section 5309 discretionary funds.—The FTA shall not reallocate funds provided in the fiscal years 1995 or 1996 Department of Transportation and Related Agencies Appropriations Acts for the Whitehall ferry terminal, or funds provided in fiscal year 1996 for the Memphis, Tennessee medical extension project, the Burlington-Gloucester commuter rail project, or the New Orleans Canal Street corridor project.

Further, should additional funds from previous appropriations Acts be available for reallocation, the FTA is directed to reprogram these funds after notification to and approval of the House and Senate Committees on Appropriations and only to the extent that those projects are able to fully obligate additional resources in the course of fiscal year 1999. With respect to reallocation of discretionary bus funds, the FTA is directed to reallocate funds only to those projects identified in the Department of Transportation and Related Agencies Appropriations Act, 1999, after notification to and approval of the House and Senate Committees on Appropriations.

Reprogrammings.—The conference agreement approves the department's request to reprogram fiscal year 1997 section 5309 bus funds originally provided for Reston, Virginia's internal bus system and to make them available for continued construction of the western regional park and ride lot in Loudoun County, Virginia. The conference agreement also approves the department's request to reprogram fiscal year 1989 rail modernization funds originally provided for the University City Station in Philadelphia to the Eastwick Intermodal Center project.

Bus and bus-related facilities.—The conference agreement provides $451,400,000, together with $50,000,000 transferred from

"Federal Transit Administration, Formula grants" and merged with funding provided under this heading for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities, to be distributed as follows:

Bus and Bus Facilities Project Designations for Fiscal Year 1999

State and Project	*Conference*
Alaska:	
Anchorage Ship Creek intermodal facility	$4,300,000
Fairbanks intermodal rail/bus transfer facility	2,000,000
North Slope Borough buses	500,000
Whittier intermodal facility and pedestrian overpass	700,000
Alabama:	
Birmingham intermodal facility	2,000,000
Birmingham-Jefferson County, buses	1,250,000
Dothan Wiregrass Transit Authority demand response shuttle vehicles and transit facility	500,000
Huntsville, intermodal space centers	5,000,000
Huntsville, transit facility	1,000,000
Jasper buses	50,000
Lee-Russell Council buses	790,000
Mobile, GM&O building	5,000,000
Montgomery Union Station intermodal center and buses	5,000,000
Pritchard, bus transfer facility	500,000
Tuscaloosa, intermodal center	1,950,000
University of North Alabama pedestrian walkways	800,000
Arkansas:	
Arkansas Highway and Transit Department buses	200,000
Fayetteville, University of Arkansas Transit System buses	500,000
Hot Springs, transportation depot and plaza	560,000
Little Rock, Central Arkansas Transit buses	300,000
Statewide bus needs	1,500,000
Arizona:	
Phoenix bus and bus facilities	4,000,000
Tucson alternatively fueled buses	2,000,000
Tucson intermodal facility	1,000,000
California:	
Central Contra Costa County transit vans	200,000
Culver City, CityBus buses	1,250,000
Davis, Unitrans transit maintenance facility	625,000
Davis/Sacramento area hydrogen bus technology program	950,000
Folsom multimodal facility	1,000,000
Healdsburg, intermodal facility	1,000,000
Humboldt, intermodal facility	1,000,000
Huntington Beach buses	200,000
I–5 corridor intermodal transit centers	2,500,000
Lake Tahoe intermodal transit center	500,000
Livermore automatic vehicle locator program	1,000,000
Los Angeles County Metropolitan transportation authority buses	3,000,000
Los Angeles Foothills Transit maintenance facility	1,000,000
Los Angeles municipal transit operators consortium	2,500,000
Los Angeles, Union Station Gateway Intermodal Transit Center	1,250,000
Modesto, bus maintenance facility	1,355,000
Monterey, Monterey-Salinas buses	625,000
Morongo Basin, Transit Authority bus facility	650,000
North San Diego County transit district buses	1,750,000
Perris, bus maintenance facility	1,250,000
Riverside Transit Agency buses and facilities and ITS applications	1,000,000
Sacramento, CNG buses	1,250,000
San Bernardino buses	1,000,000
San Diego City College multimodal center (12th Avenue/College Station)	1,000,000
San Fernando Valley smart shuttle buses	300,000
San Francisco, Islais Creek maintenance facility	1,250,000
San Joaquin (Stockton) buses and bus facilities	1,000,000
Santa Clara Valley Transportation Authority buses and bus facilities	1,000,000
Santa Clarita transit maintenance facility	2,250,000
Santa Cruz metropolitan bus facilities	625,000
Santa Cruz transit facility	1,000,000
Santa Rosa/Cotati, and Rohnert Park facilities	750,000
Santa Rosa/Cotati, intermodal transportation facilities	750,000
Solano Links intercity transit consortium	1,000,000
Ukiah Transit Center	500,000
Windsor, Intermodal Facility	750,000
Woodland Hills, Warner Center Transportation Hub	325,000
Yolo County, bus facility	1,200,000
Colorado:	
Boulder/Denver, RTD buses	625,000
Colorado buses and bus facilities	6,800,000
Denver, Stapleton Intermodal Center	1,250,000
Connecticut:	
Hartford, Transportation Access Project	800,000
New Haven, bus facility	2,250,000
Norwich, buses	2,250,000
Waterbury, bus facility	2,250,000
District/Columbia:	
Fuel cell bus and bus facilities program (section 3015(b))	4,850,000
Washington, D.C. Intermodal Transportation Center	2,500,000
Delaware:	
Delaware statewide buses	1,000,000
Florida:	
Broward County, buses	1,000,000
Clearwater multimodal facility	2,500,000
Daytona Beach, Intermodal Center	2,500,000
Gainesville buses and equipment	1,500,000
Jacksonville buses and bus facilities	1,000,000
Lakeland, Citrus Connection transit vehicles and related equipment	1,250,000
Lynx buses and bus facilities	1,000,000
Miami, bus security and surveillance	1,000,000
Miami Beach multimodal transit center	1,000,000
Miami Beach, Electric Shuttle Service	750,000
Miami-Dade, buses	2,250,000
Orlando, Intermodal Facility	2,500,000
Tampa Hartline buses	1,250,000
Georgia:	
Atlanta, MARTA buses	12,000,000
Savannah/Chatham Area transit bus transfer centers and buses	3,500,000
Hawaii:	
Honolulu, bus facility and buses	3,250,000
Illinois:	
Illinois statewide buses and bus-related equipment	6,800,000
Rock Island, buses	2,500,000
Indiana:	
City of East Chicago buses	200,000
Gary, Transit Consortium buses	1,250,000
Indianapolis, buses	5,000,000
South Bend, Urban Intermodal Transportation Facility	1,250,000
Iowa:	
Fort Dodge, Intermodal Facility (Phase II)	885,000
Iowa statewide buses and bus facilities	3,000,000
Iowa/Illinois Transit Consortium bus safety and security	1,000,000
Sioux City park and ride bus facility	1,800,000
Kansas:	2,000,000
Johnson County bus maintenance/operations facility	
Kentucky:	
Louisville, Kentucky University of Louisville and River City buses	3,000,000
Northern Kentucky Area Development District senior citizen buses	100,000
Owensboro buses	200,000
Southern and eastern Kentucky buses and bus facilities	2,000,000

Bus and Bus Facilities Project Designations for Fiscal Year 1999—Continued

State and Project	*Conference*
Louisiana:	
Statewide buses and bus-related facilities	11,000,000
Massachusetts:	
Essex and Middlesex buses	3,128,000
New Bedford/Fall River Mobile Access to health care	250,000
Pittsfield intermodal center	4,600,000
Springfield, Union Station	1,250,000
Westfield intermodal center	2,000,000
Worcester, Union Station Intermodal Transportation Center	2,500,000
Maryland:	
Maryland statewide bus facilities and buses	10,000,000
Michigan:	
Lansing, CATA bus technology improvements	600,000
Michigan statewide buses	10,000,000
Minnesota:	
Duluth, Transit Authority community circulation vehicles	1,000,000
Duluth, Transit Authority intelligent transportation systems	500,000
Duluth, Transit Authority Transit Hub	500,000
Northstar Corridor, Intermodal Facilities and buses	6,000,000
Twin Cities area metro transit buses and bus facilities	9,500,000
Missouri:	
Kansas City Union Station redevelopment	2,500,000
OATS Transit	2,500,000
Southwest Missouri State University park and ride facility	1,000,000
St. Louis, Bi-state Intermodal Center	1,250,000
Statewide bus and bus facilities	4,500,000
Mississippi:	
Harrison County multimodal center/hybrid electric shuttle buses	1,900,000
High Street, Jackson intermodal center	2,000,000
Jackson buses and facilities	1,600,000
Montana:	
Butte bus replacements	1,500,000
Nevada:	
Clark County Regional Transportation Commission buses and bus facilities	2,615,000
Reno, RTC transit passenger and facility security improvements	1,250,000
Washoe County, transit improvements	2,250,000
New Hampshire:	
Berlin Tri-County Community Action transit garage	120,000
Carroll County transportation alliance buses	200,000
Concord Area Transit buses	750,000
Greater Laconia Transit Agency buses	450,000
Keene HCS community care buses and equipment	100,000
Lebanon advance transit buses	150,000
Statewide transit systems	1,000,000
New Jersey:	
New Jersey Transit jitney shuttle buses	1,750,000
Newark, Morris & Essex Station access and buses	1,250,000
South Amboy, Regional Intermodal Transportation Initiative	1,250,000
Statewide alternatively fueled vehicles	7,500,000
New Mexico:	
Albuquerque, buses, paratransit vehicles, and bus facility	3,750,000
Northern New Mexico park and ride facilities	2,000,000
New York:	
Babylon, Intermodal Center	1,250,000
Brookhaven Town, elderly and disabled buses and vans	225,000
Brooklyn-Staten Island, Mobility Enhancement buses	800,000
Broome County buses and fare collection equipment	900,000
Buffalo, Auditorium Intermodal Center	3,000,000
Dutchess County, Loop System buses	521,000
East Hampton, elderly and disabled buses and vans	100,000
Ithaca, TCAT bus technology improvements	1,250,000
Long Beach central bus facility	750,000
Long Island, CNG transit vehicles and facilities and bus replacement	1,250,000
Mineola/Hicksville, LIRR Intermodal Centers	1,250,000
Nassau County CNG buses	1,000,000
New York City Midtown West Ferry Terminal	1,500,000
New York, West 72nd St. Intermodal Station	1,750,000
Niagara Frontier Transportation Authority Hublink	500,000
Rensselaer intermodal bus facility	1,000,000
Riverhead, elderly and disabled buses and vans	125,000
Rochester central bus facility	1,000,000
Rome, Intermodal Center	400,000
Shelter Island, elderly and disabled buses and vans	100,000
Smithtown, elderly and disabled buses and vans	125,000
Southhampton, elderly and disabled buses and vans	125,000
Southold, elderly and disabled buses and vans	100,000
Suffolk County, elderly and disabled buses and vans	100,000
Syracuse CNG buses and facilities	2,000,000
Ulster County bus facilities and equipment	1,000,000
Utica and Rome, bus facilities and buses	500,000
Utica, Union Station	2,100,000
Westchester County, Bee-Line transit system fareboxes	979,000
Westchester County, Bee-Line transit system shuttle buses	1,000,000
Westchester County, DOT articulated buses	1,250,000
North Carolina:	
Greensboro, Multimodal Center	3,340,000
Greensboro, Transit Authority buses	1,500,000
Greensboro, Transit Authority small buses and vans	321,000
Statewide buses and bus facilities	5,000,000
North Dakota:	
Statewide buses and bus-related facilities	2,000,000
Ohio:	
Cleveland, Triskett Garage bus maintenance facility	625,000
Dayton, Multimodal Transportation Center	625,000
Statewide buses and bus facilities	12,000,000
Toledo Mud Hens transit center study	200,000
Oklahoma:	
Oklahoma statewide bus facilities and buses	5,000,000
Oregon:	
Lane County, Bus Rapid Transit	4,400,000
Portland, Tri-Met buses	1,750,000
Rogue Valley transit district bus purchase	1,000,000
Salem area mass transit system buses	1,000,000
Wilsonville, buses and shelters	400,000
Pennsylvania:	
Altoona bus testing facility (section 3009)	3,000,000
Altoona, Metro Transit Authority buses and transit system improvements	842,000
Altoona, Metro Transit Authority Logan Valley Mall Suburban Transfer Center	80,000
Altoona, Metro Transit Authority Transit Center improvements	424,000
Altoona, pedestrian crossover	800,000
Armstrong County-Mid County, 'PA bus facilities and buses	150,000
Beaver County bus facility	1,000,000
Bradford County, Endless Mountain Transportation Authority buses	1,000,000
Cambria County, bus facilities and buses	575,000
Centre Area, Transportation Authority buses	1,250,000
Chambersburg, Transit Authority buses	300,000

Bus and Bus Facilities Project Designations for Fiscal Year 1999—Continued

State and Project	*Conference*
Chambersburg, Transit Authority Intermodal Center	1,000,000
Chester County, Paoli Transportation Center	1,000,000
Crawford Area, Transportation buses	500,000
Erie, Metropolitan Transit Authority buses	1,000,000
Fayette County, Intermodal Facilities and buses	1,270,000
Lackawanna County, Transit System buses	600,000
Mercer County, buses	750,000
Monroe County, Transit Authority buses	1,000,000
Philadelphia, Frankford Transportation Center	5,000,000
Philadelphia, Intermodal 30th Street Station	1,250,000
Philadelphia, Regional Transportation System for Elderly and Disabled	750,000
Reading, BARTA Intermodal Transportation Facility	1,750,000
Red rose, Transit Bus Terminal	1,000,000
Robinson, Towne Center Intermodal Facility	1,500,000
Schuylkill County buses	220,000
Somerset County, bus facilities and buses	175,000
Towamencin Township, Intermodal Bus Transportation Center	1,500,000
Washington County, Intermodal Facilities	630,000
Westmoreland County, Intermodal Facility	200,000
Wilkes-Barre, Intermodal Facility	1,250,000
Williamsport, Bus Facility	1,200,000
Puerto Rico:	
San Juan Intermodal access	950,000
Rhode Island:	
Providence, buses and bus maintenance facility	2,250,000
Rhode Island Public Transit Authority buses	3,200,000
South Carolina:	
Columbia Bus replacement	1,100,000
Pee Dee buses and facilities	1,250,000
South Carolina statewide Virtual Transit Enterprise	1,220,000
Spartanburg buses and facilities	1,000,000
South Dakota:	
Computerized bus dispatch system, radios, money boxes, and lift replacements	800,000
Sioux Falls buses	1,000,000
South Dakota statewide bus facilities and buses	3,500,000
Tennessee:	
Statewide buses and bus facilities	2,000,000
Texas:	
Austin, buses	2,250,000
Brazos Transit Authority buses and facilities	1,500,000
Corpus Christi transit authority buses and facilities	1,000,000
Dallas Area Rapid transit buses	2,750,000
Fort Worth bus and paratransit vehicle project	2,500,000
Galveston buses and bus facilities	1,000,000
Texas statewide small urban and rural buses	6,000,000
Utah:	
Ogden, Intermodal Center	800,000
Utah Hybrid electric vehicle bus purchase	1,500,000
Utah Transit Authority, Intermodal Facilities	1,500,000
Utah Transit Authority/Park City Transit, buses	6,500,000
Vermont:	
Brattleboro Union Station multimodal center	2,500,000
Burlington intermodal center	1,000,000
Deerfield Valley Transit authority	500,000
Virginia:	
Alexandria, bus maintenance facility and Crystal City canopy project	1,000,000
Alexandria, King Street Station access	1,100,000
Harrisonburg, buses	200,000
Lynchburg, buses	200,000
Richmond, GRTC bus maintenance facility	1,250,000
Roanoke, buses	200,000
Statewide buses and bus facilities	10,000,000
Washington:	
Anacortes ferry terminal information system	500,000
Ben Franklin transit operating facility	1,000,000
Bremerton transportation center	1,000,000
Central Puget Sound Seattle bus program	8,000,000
Chelan-Douglas multimodal center	900,000
Everett, Multimodal Transportation Center	1,950,000
Grant County, buses and vans	600,000
Mount Vernon, Multimodal Center	1,750,000
Port Angeles center	1,000,000
Seattle, Intermodal Transportation Terminal	1,250,000
Snohomish County, Community transit buses	1,000,000
Tacoma Dome, buses and bus facilities	1,750,000
Thurston County intercity buses	1,000,000
Vancouver, Clark County (C-Tran) bus facilities	1,000,000
Wisconsin:	
Milwaukee County, buses	4,000,000
Wisconsin statewide bus facilities and buses	12,875,000
West Virginia:	
Huntington, Intermodal Facility	8,000,000
West Virginia statewide Intermodal Facility and buses	6,500,000

Alexandria, Virginia, bus maintenance facility and Crystal City canopy project.—The relocation of the bus depots in Arlington and Alexandria is required to serve more efficiently the changing employment and population locations within Northern Virginia. Several depot sites have been identified for design and construction analysis and the Crystal City canopy project has been selected for construction to provide enhanced intermodal transfer opportunities and greater transit access to and integration with existing and reconfigured bus routes to benefit transit patrons in surrounding communities. The $1,000,000 provided in this Act for the Alexandria bus maintenance facility shall be used to analyze depot sites and related bus route configurations, as well as the canopy project.

Buffalo, New York.—Funds provided in the fiscal years 1995, 1996 and 1997 Department of Transportation and Related Agencies Appropriations Acts for the Crossroads Intermodal Station shall be available for the Buffalo Auditorium Intermodal Center.

State of Colorado.—Of the amount provided for buses and bus facilities in the State of Colorado, no more than $1,250,000 shall be available for the Denver Stapleton intermodal center, and no more than $625,000 shall be available for Boulder/Denver RTD buses.

Fuel cell bus and bus facilities program.—Funds provided in this Act for the fuel cell bus and bus facilities program shall be available only for research and development of fuel cell buses and directly related support facilities and equipment in accordance with FTA policy and regulation.

Galveston, Texas.—The $2,000,000 provided in the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act for alternatively fueled vehicles for Galveston, Texas shall also be available for alternative fueling stations, standard paratransit vehicles, the downtown multimodal transportation terminal and eligible costs of contracting out of private sector transportation providers.

Honolulu, Hawaii.—The FTA is directed to make available funding provided in the fiscal year 1996 Department of Transportation and Related Agencies Appropriations Act for the Kuakini medical facility parking garage in Honolulu, Hawaii to the City of Honolulu for buses and bus facilities.

Lackawanna, Pennsylvania.—Funds provided in the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act for Lackawanna, Pennsylvania paratransit vans shall be available for an intermodal bus facility in Lackawanna, Pennsylvania.

State of Louisiana.—The conference agreement includes $11,000,000 for buses and bus-related facilities for the State of Louisiana to be distributed as follows: Baton Rouge, $200,000; Jefferson Parish, $350,000; Lafayette, $425,000; Louisiana DOTD, including the purchase of vans, $650,000; Monroe, $450,000; New Orleans, $8,075,000; Shreveport, $400,000; state infrastructure bank, transit account, $350,000; and St. Tammany Parish, $100,000.

Nashville, Tennessee.—Funds provided in the fiscal year 1996 Department of Transportation and Related Agencies Appropriations Act for electric buses in Nashville, Tennessee shall be available for the purchase of alternatively fueled buses or bus-related facilities.

Saint Barnard Parish, Louisiana.—The FTA is directed not to reprogram funds provided in the fiscal year 1996 Department of Transportation and Related Agencies Appropriations Act for an intermodal facility in Saint Barnard Parish, Louisiana. The conference agreement provides that this project shall be eligible for funding under section 5309(m)(1)(c) of title 49 U.S.C.

State of Tennessee.—Of the funds allocated to the State of Tennessee, $1,000,000 shall be for the City of Chattanooga for alternatively fueled buses.

Commonwealth of Virginia.—The conference agreement includes $10,000,000 for the Commonwealth of Virginia for buses and bus facilities of which $5,955,000 shall be distributed as follows: Falls Church electric bus and bus facilities, $400,000; Franconia-Springfield bus and bus facilities, $650,000; Manassas Transit Depot park and ride lot expansion, $280,000; Potomac and Rappahannock Transportation Commission fleet replacement, $1,600,000; Richmond Main Street Station, $2,000,000; Stringfellow Road/Interstate 66 park and ride lot improvements, $1,000,000; and Warrenton Circuit Rider, $25,000.

State of Wisconsin.—The conference agreement includes $12,875,000 for the State of Wisconsin, of which $4,875,000 shall be distributed as follows: $2,075,000 for the Appleton, Green Bay, Shawano, Menominee Tribe and Oneida Tribe; $1,000,000 for the LaCross, Onalaska, Prairie DuChien, Rice Lake, Viroqua and Ho Chuck Nation; $300,000 for Ashland, Chippewa Falls, Eau Claire, Ladysmith, Marchfield, Rhinelander, Rusk County, Stevens Point, Wausau and Wisconsin Rapids; $1,000,000 for the Milwaukee intermodal facility rehabilitation; and $500,000 for the Waukesha transit center. In addition, $4,000,000 is provided for Milwaukee County.

New fixed guideway systems.—The conference agreement provides for the following distribution of the recommended funding for new fixed guideway systems as follows:

Project	*Conference*
Alaska or Hawaii ferry projects	$10,400,000
Albuquerque light rail project	5,000,000
Atlanta-North Springs project	52,110,000
Austin Capital metro project	1,000,000
Baltimore central downtown transit alternatives major investment study	500,000
Baltimore light rail double track project	1,000,000
Birmingham, Alabama alternatives analysis study and preliminary engineering	1,000,000
Boston North-South rail link project	500,000
Boston urban ring project	750,000
Burlington-Essex, Vermont commuter rail project	2,000,000
Canton-Akron-Cleveland commuter rail project	2,200,000
Charleston, South Carolina monobeam rail project	2,200,000
Charlotte, North Carolina south-North corridor transitway project	3,000,000
Chicago Meta commuter rail extensions and upgrades project	6,000,000
Chicago Transit Authority Ravenswood and Douglas branch lines project	3,000,000
Cincinnati Northeast/Northern Kentucky rail line project	1,800,000
Clark County, Nevada fixed guideway project	4,000,000
Cleveland Berea Red Line extension to the Hopkins International Airport project	1,000,000
Cleveland Euclid corridor improvement project	2,000,000
Colorado-North Front Range corridor feasibility study	500,000
Dallas-Fort Worth RAILTRAN project	12,000,000
DART North Central light rail extension project	16,000,000
Dayton, Ohio light rail study	1,000,000
Denver Southwest Corridor project	40,000,000
Denver Southeast Corridor multimodal corridor	500,000
Dulles corridor project	17,000,000
Fort Lauderdale, Florida Tri-County commuter rail project	4,000,000
Harrisburg, Pennsylvania capital area transit/corridor one project	1,000,000
Hartford, Connecticut light rail project	1,500,000
Honolulu, Hawaii major investment analysis of transit alternatives	3,000,000
Houston advanced regional transit program	2,000,000
Houston regional bus project	2,000,000
Johnson County; Kansas I-35 commuter rail project	1,000,000
Kansas City, Missouri commuter rail study	500,000
Kenosha-Racine-Milwaukee, Wisconsin commuter rail project	500,000
King County, Washington Elliot Bay water taxi	250,000
Knoxville, Tennessee electric transit project	1,500,000
Largo, Maryland Metro Blue Line extension project	1,000,000
Long Island Railroad East Side access project, New York	24,000,000
Little Rock, Arkansas Arkansas River rail project	1,000,000
Los Angeles MOS-3 project	38,000,000
Massachusetts North Shore corridor project	1,000,000
MARC commuter rail project	17,041,000
Maryland Route 5 corridor	1,000,000
Memphis, Tennessee Medical Center rail extension project	2,200,000
Miami Metro-Dade Transit east-west corridor project	3,000,000
Miami Metro-Dade North 27th Avenue corridor project	3,000,000
Mid-City and East Side projects, Los Angeles	8,000,000
Morgantown, West Virginia fixed guideway modernization	4,000,000
Nashville, Tennessee regional commuter rail project	1,000,000
New Jersey urban core Hudson-Bergen LRT project	70,000,000
New Jersey urban core Newark-Elizabeth rail link project	6,000,000
New London, Connecticut waterfront access project	500,000
New Orleans Canal Street corridor project	22,000,000
New Orleans Desire Streetcar project	2,000,000
Norfolk-Virginia Beach regional rail project	8,000,000
Northeast Ohio commuter rail study, Phase 2	500,000
Northern Indiana South Shore commuter rail project	3,000,000
Oceanside-Escondido passenger rail project	3,000,000
Old Saybrook-Hartford, Connecticut project	500,000
Omaha, Nebraska trolley system	1,000,000
Orange County, California transitway project	2,500,000
Orlando Lynx light rail project	17,500,000
Philadelphia-Reading SEPTA Schuykill Valley Metro project	3,000,000
Philadelphia SEPTA Cross County Metro project	1,000,000
Phoenix metropolitan area transit project	5,000,000
Pittsburgh Allegheny County Stage II light rail project	4,000,000
Pittsburgh North Shore central business district transit options MIS	1,000,000
Portland-Westside/Hillsboro project	25,718,000
Puget Sound RTA Link light rail project	5,000,000
Puget Sound RTA Sounder commuter rail project	41,000,000
Raleigh-Durham-Chapel Hill Triangle Transit project	10,000,000
Sacramento south corridor LRT project	23,480,000
Salt Lake City South LRT project	70,000,000
Salt Lake City/Airport to University (West-East) light rail project	5,000,000
San Bernardino Metrolink extension project	1,000,000
San Diego Mid-Coast corridor project	2,000,000
San Diego Mission Valley East light rail transit project	1,500,000
San Francisco BART extension to the airport project	40,000,000
San Jacinto-Branch Line (Riverside County) project	500,000
San Jose Tasman LRT project	27,000,000
San Juan Tren Urbano	20,000,000
Savannah, Georgia water taxi	500,000
Sioux City micro rail trolley system	250,000
South Boston Piers MOS-2 project	53,983,000
South Dekalb-Lindburgh corridor LRT project	1,000,000
Southeast Michigan commuter rail viability project	200,000
Spokane, Washington light rail project	1,000,000
St. Louis-Jefferson City-Kansas City, Missouri commuter rail project	500,000
St. Louis-St. Clair LRT extension project	35,000,000
Stamford, Connecticut fixed guideway connector	1,000,000
Tampa Bay regional rail project	1,000,000

Project	*Conference*
Twin Cities Transitways project	17,000,000
Virginia Rail Express Woodbridge station improvements project	2,000,000
West Trenton, New Jersey rail project	1,000,000

Birmingham, Alabama transit project.—The conference agreement provides $1,000,000 for an alternatives analysis study and preliminary engineering in Birmingham, Alabama. Birmingham is the most congested city in the state and has been declared an EPA nonattainment area.

Charlotte, North Carolina South-North corridor transitway project.—The conference agreement includes $3,000,000 for the Charlotte, North Carolina South-North corridor transitway project, which extends 36.4 miles from Davidson, North Carolina to Interstate 485 near Pineville, North Carolina.

Chicago Transit Authority Ravenswood and Douglas Branch lines.—The conferees have provided $3,000,000 for the Chicago Transit Authority's (CTA) Ravenswood and Douglas Branch lines. Funds are to be allocated to the individual projects at the discretion of the CTA. The conference agreement provides that, because of the nature of these projects, of the requirements of 49 U.S.C. Sec. 5309(e), only sections 5309(e)(1)(C) and 5309(e)(4) shall apply.

Los Angeles MOS-3.—For fiscal year 1999, the conference agreement provides new appropriations of $38,000,000 for the North Hollywood segment, together with the $24,000,000 provided in the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act. In total, $62,000,000 shall be available for North Hollywood construction in fiscal year 1999. In the conference report accompanying the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act, the conferees then directed that the funds appropriated for the Los Angeles Metro Rail project be made available only after the LACMTA satisfied certain conditions, including the development of a financially constrained rail recovery plan. The LACMTA has satisfied the relevant conditions, and in particular the FTA has accepted the MTA's recovery (restructuring) plan, the DOT Inspector General has concurred in that decision, and both the Inspector General and the GAO have commented favorably on the MTA's progress.

The LACMTA is expected to provide quarterly reports during fiscal year 1999 to the FTA, the General Accounting Office, the Inspector General, and the House and Senate Committees on Appropriations that document the MTA's progress in implementing the recovery (restructuring) plan, and that specifically address: (1) the status, cost and funding sources for completing the North Hollywood extension of the MOS-3; (2) the status, cost and funding sources of current and planned activities (e.g., bus purchases) designed to comply with the bus consent decree; (3) the cost and funding sources for other capital and operating activities described in the plan, including the identification of any potential capital or operating shortfalls and strategies for addressing these shortfalls; and (4) the progress of the MTA's efforts to develop transportation alternatives for the Mid-City and East Side corridors.

The recovery (restructuring) plan identifies federal, state, and local funding for the North Hollywood project, the bus consent decree, the Alameda Corridor, and other major capital and operating projects, but the plan also reflects capital and operating shortfalls over the six year period covered by the plan. The LACMTA is expected to adhere to the budgets and funding schedules established in the plan for the funding of major capital activities, particularly the North Hollywood project and the bus consent decree. If financial shortfalls occur in the future, it is expected that those shortfalls will be addressed in the context of other MTA capital projects. It is also expected that the MTA will, to the maximum extent feasible, implement the business plans identified in its fiscal year 1998–99 budget.

Miami Metro-Dade Transit Agency Metrorail Palmetto extension project.—The FTA is directed to reprogram excess funds from the Miami Metromover Stage 1 project to the Palmetto extension project.

Mid-City and East Side corridor projects, Los Angeles.—The conference agreement provides $8,000,000 for continued development of transportation alternatives in the Mid-City and East Side corridors. None of the funds provided in this Act may be expended for construction of heavy rail subway envisioned in parts 1B and 1C of the full funding grant agreement.

New Orleans Desire Streetcar project.—The conference agreement includes $2,000,000 for the New Orleans Desire Streetcar project. Within the funds appropriated, up to $500,000 shall be available for preliminary engineering and environmental assessments for an upriver extension of the New Orleans Riverfront Streetcar project.

Portland-Westside/Hillsboro project.—The conference agreement includes $25,718,000 for the Portland-Westside/Hillsboro project. Not more than $3,000,000 may be used for ongoing activities of the South-North light rail project.

Salt Lake City/Airport to University (West-East) project.—The conference agreement includes language that provides that, for purposes of determining the local share for funding provided in this Act for the Salt Lake City/Airport to University (West-East) project, this project shall be considered to be a program of interrelated projects. The Senate proposed that funds provided in this Act and in the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act for the Salt Lake City South LRT project and the Salt Lake City/Airport to University (West-East) project shall be considered to be a program of interrelated projects. The House bill contained no similar provision.

San Bernardino, California MetroLink project.—The conference agreement provides $1,000,000 for the San Bernardino MetroLink project. Funds may be used to extend the MetroLink track one mile from the San Bernardino train station to a point opposite the San Bernardino stadium as well as for the Fontana siding project. Funding shall be allocated solely at the discretion of the Southern California Regional Rail Authority.

The FTA is directed to make available funding provided for the San Bernardino MetroLink project in the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act for activities related to track extensions from the San Bernardino train station.

South Transitway project, Houston, Texas.—The FTA is directed to make funds in excess of the full funding grant agreement for Houston's South Transitway available for construction and related activities of segment five of the South Transitway.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $2,000,000,000 in liquidating cash for mass transit capital programs, instead of $1,805,600,000 as proposed by both the House and the Senate. The liquidating cash in the Mass Transit Capital Fund will be used to pay previous obligations in the trust-funded Discretionary Grants account.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND, MASS TRANSIT ACCOUNT)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes under separate title the rescission of $392,000,000 in contract authorization as proposed by the Senate. The House proposed no similar rescission.

JOB ACCESS AND REVERSE COMMUTE GRANTS

The conference agreement includes a total program level of $75,000,000 for job access and reverse commute grants. Within this total, the conference agreement appropriates $35,000,000 from the general fund. The conference agreement provides that the general fund appropriation shall be available until expended.

The conference agreement deletes the Senate references of set-asides within the FTA's job access and reverse commute grants program. However, the conferees are concerned about the lack of transportation access in many rural areas for welfare recipients and persons with lower incomes. According to a recent Community Transportation Association of America survey, two of every five rural counties have no public transportation whatsoever. Another 25 percent of the rural counties had service equal to one trip per month. Therefore, within the $10,000,000 allocated for non-urban areas in section 3037(l)(3)(C) of Public Law 105–178, the conferees direct that the FTA shall give high priority to applications that address the transportation access needs of counties that are not served or are underserved by public transportation systems. The FTA shall take into consideration factors identified in the program's authorization, including: the percentage of population that are welfare recipients; the need for transportation services to move people from their homes to employment centers; and coordination with existing transportation providers and other agencies providing transportation assistance.

The Chicago area transportation system is directed to work with the Regional Transportation Authority, Metra, the Chicago Transit Authority, the Northeastern Illinois Regional Planning Commission and members of the public to study and report on the feasibility, costs, and benefits of building additional Metra stops at the points Metra tracks either cross or are near Chicago Transit Authority tracks and where Metra stations can be better connected to each other or to urban passengers.

The FTA is directed to publish in the Federal Register by February 28, 1999 its selection of Job Access and Reverse Commute applications in each authorized award category and within each award category. In this award announcement, FTA shall specify the amounts awarded applicants that represent general reverse commute grant projects. The FTA shall also specify which awards reflect applications where proposed services are located in counties which are without public transportation services or which are significantly underserved.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The conference agreement provides $50,000,000 to complete the construction of the Washington, D.C. Metrorail system as proposed by both the House and the Senate. This appropriation concludes the federal share of the costs to construct the Metrorail system.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement appropriates $11,496,000 for operations and maintenance of the Saint Lawrence Seaway Development Corporation as proposed by both the House and the Senate. The only specified reduction from the budget estimate is a decrease in the annual pilotage function costs, which was included in both the House and Senate bills.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

The conference agreement appropriates $29,280,000 for research and special programs instead of $34,379,000 as proposed by the House and $29,000,000 as proposed by the Senate. Within this total, $3,460,000 is available until September 30, 2001, as proposed by the Senate instead of $8,460,000 as proposed by the House. The House bill provided $5,000,000 for the advanced vehicle technologies program. This funding is included elsewhere in the conference agreement. The following adjustments were made to the budget estimate:

Increase funding for hazardous materials research and development	+$200,000
Slight reduction in research and technology program	−175,000
Delete funding for Garrett Morgan program	−200,000
Slight reduction IRM contract support	−75,000
Delete funding for electronic grants project	−100,000
Delete funding for acquisition training resources	−25,000
Net adjustment to budget estimate	−$375,000

Bill language is retained that permits up to $1,200,000 in fees be collected and deposited in the general fund of the Treasury as offsetting receipts. Also, bill language is included that permits funds received from States, counties, municipalities, other public authorities and private sources for expenses incurred for training, reports publication and dissemination, and travel expenses incurred in the performance of hazardous materials exemptions and approval functions. Both of these provisions were contained in the House and Senate bills.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides total funding of $33,248,000 for the pipeline safety program, instead of $33,448,000 as proposed by the House and $32,500,000 as proposed by the Senate. Within this total, $16,219,000 is available until September 30, 2001 instead of $16,919,000 as proposed by both the House and the Senate.

In addition, $1,400,000 has been provided from the reserve fund for one-call notification, public education and damage control activities, instead of $1,300,000 for one-call, public education and emergency notification activities as proposed by the House and $1,659,000 for one-call activities and some contract programs as proposed by the Senate. The following table reflects the total allocation for pipeline safety in fiscal year 1999:

Budget activity	Pipeline Safety Fund	Oil Spill Liability Trust Fund	Reserve fund[1]	Total
Personnel, compensation, and benefits	$7,947,000	$260,000		$8,207,000
Operating expenses	3,613,000	45,000		3,658,000
Information systems	800,000	400,000		1,200,000
Risk assessment and technical studies	800,000	400,000		1,200,000
Compliance	200,000	100,000		300,000
Training and information dissemination	821,000	100,000		921,000
Emergency notification	100,000			100,000
Public education and damage control			($400,000)	(400,000)
Oil Pollution Act		2,443,000		2,443,000
Research and development	1,719,000			1,719,000
State grants	12,500,000	500,000		13,000,000
Risk management	500,000			500,000
One-call notification			(1,000,000)	(1,000,000)
Total	29,000,000	4,248,000	(1,400,000)	34,648,000

[1] Funding derived from the reserve fund is not included in the subtotal because it is not directly appropriated.

Budget submissions for fiscal year 2000.—For the past two years, the department has submitted a budget estimate that, in total, is below the authorized levels but exceeds the authorized levels for fees. The department is directed to submit a fiscal year 2000 budget estimate that falls within the authorized levels, both in their components (Pipeline Safety Fund, Oil Spill Liability Trust Fund, and reserve account) and in total.

Recently enacted legislation authorizing appropriations for improving one-call notification systems (section 6107 of title 49) prohibits the use of interstate pipeline user fees to fund this promising new program. Future budgets submitted by the department shall allocate funding for this program from general revenues.

Public education.—The conference agreement has increased funding for public education to $400,000. The additional funds shall be used for two purposes: (1) to provide funds that will be used to leverage private sector funds to advance the national one-call campaign and (2) to conduct a new joint public meeting with the NTSB on one-call systems.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

The conference agreement provides $200,000 for emergency preparedness grants as proposed by both the House and the Senate. Also, bill language is included that limits obligations for emergency preparedness to $11,000,000 as proposed by the Senate instead of $9,600,000 as proposed by the House.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $43,495,000 for the office of inspector general as proposed by the House instead of $42,720,000 as proposed by the Senate. The conference agreement directs the Inspector General not to initiate new audits or analyses which are expected to exceed $750,000 in cost without prior notification to the House and Senate Committees on Appropriations.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $16,000,000 for salaries and expenses of the Surface Transportation Board as proposed by the House instead of $13,853,000 as proposed by the Senate. In addition, the conference agreement includes language proposed by the House that allows the Board to offset $2,600,000 of its appropriation from fees collected during the fiscal year. The Senate bill allowed the Board to collect $2,000,000 in fees to augment its appropriation. Any fees received in excess of $2,600,000 in fiscal year 1999 shall not be available for obligation until October 1, 1999, as proposed by the House. The Senate bill proposed that fees in excess of $2,000,000 shall not be available until October 1, 1999.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $3,847,000 for expenses of the Architectural and Transportation Barriers Compliance Board as proposed by both the House and Senate.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $53,473,000 for salaries and expenses of the National Transportation Safety Board as proposed by the Senate instead of $53,300,000 as proposed by the House. Per diem rates are authorized at the GS–15 level as proposed by the House instead of at the GS–18 level as proposed by the Senate.

TWA flight 800 accident investigation.—To further assist and support the State of New York with the costs incurred during the investigation of the TWA flight 800 accident, the conferees require the NTSB to issue its draft report and allow the state and localities an opportunity to address the cost issues.

EMERGENCY FUND

The conference agreement provides $1,000,000 to the National Transportation Safety Board's emergency fund, as proposed by both the House and the Senate. Language proposed by the Senate to expand the emergency fund to include costs associated with family assistance activities is not included. Per diem rates are authorized at the GS–15 level as proposed by the House instead of at the GS–18 level as proposed by the Senate.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Sec. 301 allows funds for aircraft; motor vehicles; liability insurance, uniforms, or allowances, as authorized by law as proposed by both the House and Senate.

Sec. 302 requires pay raises to be funded within appropriated levels in this Act or previous appropriations Acts as proposed by both the House and Senate.

Sec. 303 allows funds for expenditures for primary and secondary schools and transportation for dependents of Federal Aviation Administration personnel stationed outside the continental United States as proposed by both the House and Senate.

Sec. 304 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an executive level IV as proposed by both the House and Senate.

Sec. 305 prohibits funds in this Act for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation instead of 91 political and Presidential appointees as proposed by the Senate and 88 political and Presidential appointees as proposed by the House. Sec. 305 also includes a provision as proposed by both the Senate and House that prohibits political and Presidential personnel to be assigned on temporary detail outside the Department of Transportation.

Sec. 306 prohibits pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act as proposed by both the House and Senate.

Sec. 307 prohibits obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein as proposed by both the House and Senate.

Sec. 308 allows the Secretary of the Department of Transportation to enter into grants, cooperative agreements, and other transactions involving the Technology Reinvestment Project as proposed by both the House and Senate.

Sec. 309 limits consulting service expenditures of public record in procurement contracts as proposed by both the House and Senate.

Sec. 310 pertains to the distribution of the Federal-aid highways obligation authority as proposed by the Senate. The House proposed no similar provision.

Sec. 311 exempts previously made transit obligations from limitations on obligations as proposed by the Senate. The House proposed exempting previously made transit obligations under the discretionary grants program from limitations on obligations.

Sec. 312 prohibits funds for the National Highway Safety Advisory Commission as proposed by both the House and Senate.

Sec. 313 prohibits funds to establish a vessel traffic safety fairway less than five miles wide between Santa Barbara and San Francisco traffic separation schemes as proposed by both the House and Senate.

Sec. 314 allows airports to transfer to the Federal Aviation Administration instrument landing systems as proposed by both the House and Senate.

Sec. 315 deletes the word "or" before "(2) includes" proposed by the Senate. Sec. 315 prohibits funds to award multiyear contracts for production end items that include certain specified provisions as proposed by both the House and Senate.

Sec. 316 allows the State of Alaska to utilize allocated highway funds for projects of international origin or implications as proposed by the Senate. The House proposed no similar provision.

Sec. 317 allows funds for discretionary grants of the Federal Transit Administration for specific projects, except for fixed guideway modernization projects, not obligated by September 30, 2001, and other recoveries to be used for other projects under 49 U.S.C. 5309 as proposed by the Senate instead of allowing funds for discretionary grants not obligated by September 30, 2001, as proposed by the House.

Sec. 318 allows transit funds appropriated before October 1, 1998, and that remain available for expenditure to be transferred as proposed by both the House and Senate.

Sec. 319 prohibits funds to compensate in excess of 350 technical staff-years under the federally funded research and development contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development as proposed by both the House and Senate.

Sec. 320 reduces funding by $15,000,000 for activities of the transportation administrative service center of the Department of Transportation and limits obligation authority of the center to $109,124,000. The House proposed reducing funding by $20,000,000 for activities of the center and limiting obligation authority to $89,124,000. The Senate proposed reducing funding by $17,247,000 for activities of the center and limiting obligation authority to $165,215,000.

Sec. 321 allows funds received by the Federal Highway Administration, Federal Transit Administration, and the Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training to be credited to each agency's respective accounts as proposed by the House. The Senate proposed allowing funds received by only the Federal Highway Administration and the Federal Railroad Administration.

Sec. 322 prohibits funds to be used to prepare, propose, or promulgate any regulation pursuant to title V of the Motor Vehicle Information and Cost Savings Act prescribing corporate average fuel economy standards for automobiles as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section as proposed by the House. The Senate proposed no similar provision.

Sec. 323 conveys Coast Guard lights in Tangipahoa Parish and Madisonville in Louisiana to non-federal parties as proposed by the House. the Senate proposed no similar provision.

Sec. 324 prohibits the use of funds to promulgate or enforce any regulation that has the effect of requiring two attendants during unloading of liquefied compressed gases as proposed by the Senate. The House proposed no similar provision.

Sec. 325 allows funds received by the Bureau of Transportation Statistics to be subject to the obligation limitation for Federal-aid highways and highway safety construction as proposed by the House instead of such funds not being subject to the obligation limitation as proposed by the Senate.

Sec. 326 prohibits the use of funds for any type of training which: (1) does not meet needs for knowledge, skills, and abilities bearing directly on the performance of official duties; (2) could be highly stressful or emotional to the students; (3) does not provide prior notification of content and methods to be used during the training; (4) contains any religious concepts or ideas; (5) attempts to modify a person's values or lifestyle; or (6) is for AIDS awareness training, except for raising awareness of medical ramifications of AIDS and workplace rights as proposed by the House. The Senate proposed no similar provision.

Sec. 327 prohibits the use of funds in this Act for activities designed to influence Congress on legislation or appropriations except through proper, official channels as proposed by both the House and Senate.

Sec. 328 limits necessary expenses of advisory committees to $1,000,000 of the funds provided in this Act to the Department of Transportation as proposed by both the House and Senate. The conference agreement also includes a new provision that excludes advisory committees established for conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act or the Coast Guard's advisory council on roles and missions from the limitation.

Sec. 329 provides authority to mitigate leaking aboveground storage tanks in Alaska as proposed by the Senate. The House proposed no similar provision.

Sec. 330 prohibits funds to be used for conducting the activities of the Surface Transportation Board other than those appropriated or from fees collected by the Board as proposed by both the House and Senate.

Sec. 331 requires compliance with the Buy American Act as proposed by both the House and Senate.

Sec. 332 allows receipts collected from users of Department of Transportation fitness centers to be available to support operation and maintenance of those facilities as proposed by both the House and Senate.

Sec. 333 prohibits funds to implement or enforce regulations that would result in slot allocations of international operations to any carrier at O'Hare International Airport in excess of the number of slots allocated to and scheduled by that carrier as of October 31, 1993, if that slot is withdrawn from an air carrier under existing regulations as proposed by the House. The Senate proposed no similar provision.

Sec. 334 limits the number of communities that receive essential air service funding by excluding points in the 48 contiguous United States that are located 70 highway miles from the nearest large or medium hub airport, or that require a subsidy in excess of $200 per passenger, unless such a point is more than 210 miles from the nearest large or medium hub airport as proposed by both the House and Senate.

Sec. 335 credits to appropriations of the Department of Transportation rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources as proposed by both the House and Senate. Such funds received shall be available until December 31, 1999.

Sec. 336 authorizes the Secretary of Transportation to allow issuers of any preferred stock to redeem or repurchase preferred stock sold to the Department of Transportation as proposed by the House. The Senate proposed no similar provision.

Sec. 337 rescinds unobligated balances of funds made available in previous appropriations Acts for the National Civil Aviation Review Commission and for Urban Mass Transportation Administration's "Urban discretionary grants" as proposed by the House. The Senate proposed no similar provision.

Sec. 338 conveys land from the former Coast Guard reserve training facility in Jacksonville, Florida, to non-federal parties as proposed by the House. The Senate proposed no similar provision.

Sec. 339 provides $250,000 for activities and operations of a Centennial of Flight Commission as proposed by the House. The Senate proposed no similar provision.

Sec. 340 requires the Secretary to waive repayment of any federal-aid highway funds expended on the construction of high occupancy lanes or auxiliary lanes on I–287 in the State of New Jersey. Similar but differing provisions were proposed by the House and Senate.

Sec. 341 authorizes the conveyance of Coast Guard Station Ocracoke in North Carolina to the State of North Carolina as proposed by the Senate. The House proposed no similar provision.

Sec. 342 allows funds appropriated in this or any other Act intended for highway demonstration projects, railroad-highway crossing demonstration projects or railroad relocation projects in Augusta, Georgia, to be available for other projects in Augusta, Georgia, as proposed by the Senate. The House proposed that only previously appropriated funds for a railroad-highway crossing project in Augusta, Georgia, be available for other projects in Augusta, Georgia.

Sec. 343 prohibits the Coast Guard from enforcing regulations regarding animal fats and vegetable oils as proposed by both the House and Senate.

Sec. 344 makes emergency railroad rehabilitation and repair funding available for natural disasters occurring from September 1996 through July 10, 1998 as proposed by the House. The Senate proposed no similar provision.

Sec. 345 requires the Administrator of the Federal Highway Administration and other participating federal agencies to consider certain alternatives in evaluating environmental impacts of the toll road in Orange and San Diego counties, California. The provision also requires the Administrator of the Federal Highway Administration to retain and exercise all authority regarding the environmental impact statement and record of decision regarding the toll road. The House proposed requiring only the Administrator of the Federal Highway Administration to consider certain alternatives in evaluating environmental impacts of the toll road in Orange and San Diego counties, California. The Senate proposed no similar provision. This provision is necessary given the unique nature of this project.

Sec. 346 provides for the conveyance of a decommissioned Coast Guard vessel to the University of South Alabama that is determined to be appropriate by the Commandant and the University as proposed by the House. The Senate proposed no similar provision.

Sec. 347 amends item 1132 of Public Law 105–178 by striking "Pirate Cove" and inserting "Pirates' Cove and 4-lane connector to Mississippi Highway 468" as proposed by both the House and Senate.

Sec. 348 conveys the Coast Guard Long Branch Rear Range Light in Jacksonville, Florida, to Jacksonville University as proposed by the House. The Senate proposed no similar provision.

Sec. 349 appropriates $450,000 for necessary expenses of the Amtrak Reform Council, to remain available until September 30, 2000, as proposed by both the House and Senate. Both the House and Senate proposed funding through the Office of the Secretary; however, consistent with the Amtrak Reform and Accountability Act authorization (Public Law 105–134), the conference agreement provides these funds as a separate appropriation. The duties of the Amtrak Reform Council are expanded in the provision, as proposed by the Senate, to include the identification of Amtrak routes which are candidates for closure or realignment in the Council's annual report to Congress, which is required in section 203(h) of Public Law 105–134. The Department of Transportation is expected to provide the ARC with administrative support, consisting of space, telecommunications, computers, and supplies. This support shall be provided without cost to the ARC. Sec. 349 also prohibits the use of funds for payment to outside consultants as proposed by both the House and Senate.

Sec. 350 provides a complete waiver from the application of all federal statutes for any project to construct new entrances and exits between existing exits 57 and 58 on Interstate 495 in Suffolk County, New York. The scope of the waiver in the provision, which states that "the Secretary shall approve and the State of New York is authorized to proceed with final design, engineering, and construction", means that notwithstanding all federal statutes not otherwise determined in the provision to apply, the state may proceed with all remaining phases of the project. No other federal agency approval or permit is required unless such approval or permit is specified in the provision. The phrase "the Secretary shall approve" means that the Secretary of Transportation may only approve the plans, specifications and engineering for the project and release funding for the project. The phrase was included to ensure that the Secretary would approve any application for releasing a request for funding for the project since he has a unique responsibility among all federal agencies with respect to a highway project to approve funding. It should not be read to give other federal agencies authority over the project indirectly by any authority they might otherwise have with respect to decisions of the Secretary, nor should the phrase in any way be construed to permit other federal agencies authority over the project since their involvement in the project is waived unless specifically reserved. The provision specifically permits the Secretary to review any final design of such project. This is intended to ensure that the project meets design and geometric criteria for the Interstate system. The New York State Department of Transportation will be the agency responsible for the planning, design and construction of the project. All State laws shall still apply. The Senate proposed a similar provision. The House proposed no similar provision. This provision is necessary given the unique nature of this project.

Sec. 351 provides that bumper standards are within the National Highway Traffic Safety Administration's exemption discretion for case-by-case determinations as proposed by the Senate. The House proposed no similar provision.

Sec. 352 provides funds for the Transportation Research Institute at the University of Alabama in Tuscaloosa, Alabama. The House and Senate proposed no similar provision.

Sec. 353 allows discretionary bus funds in this Act and funds previously made available for the Virtual Transit Enterprise integration of information project in South Carolina to be used for any aspect of the project instead of allowing only discretionary bus funds previously made available as proposed by the Senate. The House proposed no similar provision.

Sec. 354 amends Public Law 105–178 to allow the State of Vermont to utilize the State's transit formula funds for Amtrak capital investment and operating support as proposed by the Senate. The House proposed no similar provision.

Sec. 355 clarifies the Delaware River Port Authority toll collection authority as proposed by the Senate. The House proposed no similar provision.

Sec. 356 amends Public Law 105–178 to provide the states of Idaho, Alaska, and West Virginia highway project funding flexibility within the state instead of providing the states of West Virginia and Idaho highway project funding flexibility as proposed by the Senate. The House proposed no similar provision.

Sec. 357 allows Economic Development Administration funds obligated and awarded in fiscal year 1994 to the City of Pittsburg, Kansas to be disbursed to the City in accordance with the project description in the award documents. The House and Senate proposed no similar provision.

Sec. 358 allows funding provided in a previous appropriations Act to be used for the Saint Barnard Parish intermodal facility in Louisiana. The House and Senate proposed no similar provision.

Sec. 359 authorizes the Secretary of Transportation to transfer appropriations among the offices of the Office of the Secretary. The House and Senate proposed no similar provision.

Sec. 360 amends section 3027 of Public Law 105–178 to allow transit providers of services to the elderly and disabled that operate 20 or fewer vehicles and are located in urbanized areas with a population of at least 200,000 to use federal funds to finance up to $1,000,000 of the operating costs of equipment and facilities annually. The House and Senate proposed no similar provision.

Sec. 361 provides the Commonwealth of Virginia with exclusive authority to determine the high-occupancy vehicle restrictions on Interstate Highway 66 in Virginia. In the coming years, commuters in Northern Virginia will see additional congestion associated with improvements to Interstate 66, the Woodrow Wilson Bridge and the Interstate 95 and Capital Beltway "Mixing Bowl" interchange. As a result, the Commonwealth will require the flexibility to determine high-occupancy vehicle requirements on Interstate Highway 66. The House and Senate proposed no similar provision.

Sec. 362 prohibits funds to be used to issue a final standard under docket number NHTSA 98–3945 (relating to section 656(b) of the Illegal Immigration Reform and Responsibility Act of 1996). The House and Senate proposed no similar provision.

Sec. 363 amends section 1602 of Public Law 105–178 relating to construction of a multimodal transportation corridor along GA 400 in Georgia. The House and Senate proposed no similar provision.

Sec. 364 allows the State of Georgia to use federal transportation funds to retrofit sound barriers along Interstate 20 in Atlanta, Georgia. The House and Senate proposed no similar provision.

Sec. 365 provides a complete waiver from the application of federal environmental statutes to the specified project for the East Foley corridor highway project between Baldwin County Highway 20 and State Highway 59 in the State of Alabama. The scope of the waiver in the provision, which states that "the Secretary shall approve and the State of Alabama is authorized to proceed with construction", means notwithstanding all federal statutes not otherwise determined in the provision to apply, the state may proceed with all remaining phases of the project. No other federal agency approval or permit is required unless such approval or permit is specified in the provision. In this provision, all federal requirements which do not relate to federal environmental laws, such as disadvantaged business enterprise requirements or the Davis-Bacon Act, are reserved and shall still apply to the project. The phrase "the Secretary shall approve" means that the Secretary of Transportation may only determine if all other federal non-environmental statutes are being complied with. If he makes such a determination, then the Secretary shall approve the plans, specifications and engineering for the project and release funding for the project. The phrase was included to ensure that the Secretary would approve any application for releasing a request for funding for the project since he has a unique responsibility among all federal agencies with respect to a highway project to approve funding. It should not be read to give other federal agencies authority over the project indirectly by an authority they might otherwise have with respect to decisions of the Secretary, nor should the phrase in any way be construed to permit other federal agencies authority over the project since their involvement in the project is waived unless specifically reserved. Finally, the provision provides that environmental reviews already performed by the Alabama Department of Environmental Management and the Mobile District of the U.S. Army Corps of Engineers satisfy all federal environmental laws. Any analysis and mitigation measures provided in those reviews, but no others, must remain in effect. The House and Senate proposed no similar provision. This provision is necessary given the unique nature of this project.

Sec. 366 amends high priority project number 1083 of Public Law 105–178 related to the Winters Freeway in Abilene, Texas. The House and Senate proposed no similar provision.

Sec. 367 allows the State of Minnesota to obligate funds apportioned pursuant to section 117 of title 23, United States Code, for highway projects in St. Paul, Minnesota. The House and Senate proposed no similar provision.

Sec. 368 amends item number 577 in section 1602 of Public Law 105–178 to provide funds to improve marine dry dock and facilities in Ketchikan, Alaska. The House and Senate proposed no similar provision.

Sec. 369 amends section 5117(b)(6) of Public Law 105–178 to provide grants to the Commonwealth of Pennsylvania to establish an advanced traffic monitoring and response center. The House and Senate proposed no similar provision.

Sec. 370 amends Public Law 105–178 regarding intelligent transportation system projects in the Commonwealth of Pennsylvania. The House and Senate proposed no similar provision.

Sec. 371 conveys land held by the United States Coast Guard to the town of New Castle, New Hampshire, while retaining such easements and rights-of-way as the Commandant considers necessary to protect the interests of the United States. The House and Senate proposed no similar provision.

Sec. 372 prohibits the Department of Transportation from creating "peanut-free" zones aboard domestic aircraft or otherwise implementing its interpretation of regulations governing this matter until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft. The Department is also directed to study the impact of all allergens which air passengers may come into contact with during flights and to develop alternative methodologies to mitigate the potential impact of allergens on susceptible, or "at-risk", air travelers, including requiring supervision of small children with life-threatening allergies. The conferees are concerned with the Department's recent interpretation of the Air Carrier Access Act, pursuant to 14 CFR Part 382. The Department has taken the position that in certain circumstances, airlines should be required to provide "peanut-free" buffer zones on certain flights, despite the fact that, out of the hundreds of millions of air travelers each year, there has not been a single confirmed report of a peanut allergy-related incident on a domestic air carrier. The Department's actions place an undue burden on the airline industry, unnecessarily restrict the rights of air travelers, and pose serious economic consequences to American workers employed in the domestic peanut industry. The conferees are concerned that the Department has taken this action without any scientific justification to support its position. Nothing in this provision should be interpreted to limit efforts by air carriers to protect passengers with severe allergies through self-directed means. If, upon the submission of the above-mentioned study, the Secretary determines that further advisory or regulatory action is warranted, the conferees expect the Secretary to consult extensively with air carriers, the peanut industry, medical specialists, and concerned citizen groups before taking such action.

Sec. 373 amends Public Law 105–178 to require consultation with local government officials in Wisconsin on an interstate substitution project in Milwaukee, Wisconsin. The House proposed no similar provision.

The conference agreement deletes the House provision that establishes a blue-ribbon panel to study the future capital requirements, roles, and missions of the Coast Guard. The Senate proposed no similar provision.

The conference agreement deletes the House provision that prohibits funds for improvements to the Miller Highway in New York City except for funds resulting from obligations pursuant to sections 1601 and 1602 of Public Law 105–178. The conference agreement also deletes the Senate provision that provides that the funds within Public Law 105–178 for Miller Highway in New York City shall be available to the State of New York subject to the State and local planning and environmental review process.

The conference agreement deletes the Senate provision that requires Amtrak to publish the national average per passenger loss on each ticket sold; requires commercial airlines to display on each ticket sold a per passenger subsidy rate based on the general treasury funds appropriated to the Federal Aviation Administration and number of seats sold in fiscal year 1997; and requires the Federal Highway Administration to ensure the placement of signs on federal-aid highways that display the total general fund appropriation provided by the federal government for State and local highway construction and maintenance in fiscal year 1997. The House proposed no similar provision.

The conference agreement deletes the Senate provision that provides that the Secretary of Transportation shall enter into agreements with the New York State Department of Transportation that would allow automotive service stations or other commercial establishments for serving motor vehicle users to be sited and constructed in the vicinity of exit 51 and either exit 66, 67, or 68 of the Long Island Expressway (Interstate 495) in Suffolk County. The House proposed no similar provision.

The conference agreement deletes the Senate provision that provides that of the funds made available for capital investment grants $20,000,000 is provided for the Norfolk-Virginia Beach corridor project; $1,500,000 is provided for the Massachusetts North Shore Corridor project; $5,000,000 is provided for the San Diego Mission Valley and Mid-Coast corridor projects; $3,300,000 is provided for the Hartford, Connecticut light rail project; $200,000 is provided for the Southeast Michigan commuter rail viability study; $2,000,000 is provided for major investment analysis of Honolulu transit alternatives; $2,700,000 is provided for the Stamford, Connecticut fixed guideway connector; $3,500,000 is provided for the Providence-Boston commuter rail project; and $500,000 is provided for the Old Saybrook-Hartford rail extension project. The House proposed no similar provision.

The conference agreement deletes the Senate provision that amends Public Law 96–487 to permit the use of helicopters in Alaskan wilderness areas. The House proposed no similar provision.

The conference agreement deletes without prejudice the Senate provision clarifying that the Reno Transportation Corridor project is eligible for assistance under the Transportation Infrastructure Finance and Innovation (TIFIA) program under section 1503 of Public Law 105–178. The Federal Highway Administrator has confirmed through correspondence that this project is eligible for such assistance. This meritorious project and other rail-highway crossing mitigation projects should be considered for loan financing under the TIFIA program. The House proposed no similar provision.

The conference agreement deletes the Senate provision that prohibits smoking on scheduled domestic and foreign airline flight segments taking off from or landing in the United States. The House proposed no similar provision.

The conference agreement deletes the Senate provision that allows for intra-state transportation of agricultural production materials under State hazardous material transportation laws that are inconsistent with federal hazardous material transportation laws in fiscal year 1999 only. The House proposed no similar provision.

The conference agreement deletes the Senate provision that requires the National Transportation Safety Board to reimburse the State of New York and local counties in New York for certain costs associated with the crash of TWA flight 800. The House proposed no similar provision.

The conference agreement deletes the Senate provision that requires the Secretary of Transportation to ensure that there is sufficient signage directing visitors to cemeteries of the National Cemetery System. The House proposed no similar provision.

The conference agreement deletes the Senate provision that provides for the expedited judicial review to ensure constitutionality of the disadvantaged business enterprise program in Public Law 105–178. The House proposed no similar provision.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the

1999 budget estimates, and the House and Senate bills for 1999 follow:

New budget (obligational) authority, fiscal year 1998	$12,725,298,766
Budget estimates of new (obligational) authority, fiscal year 1999	13,415,171,000
House bill, fiscal year 1999	13,739,599,900
Senate bill, fiscal year 1999	13,721,823,569
Conference agreement, fiscal year 1999	13,736,889,000
Conference agreement compared less with:	
New budget (obligational) authority, fiscal year 1998	+1,011,590,234
Budget estimates of new (obligational) authority, fiscal year 1999	+321,718,000
House bill, fiscal year 1999	−2,710,900
Senate bill, fiscal year 1999	+15,065,431

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	61,000,000	61,930,000				-61,000,000
Immediate Office of the Secretary			1,623,800	1,768,800	1,624,000	+1,624,000
Immediate Office of the Deputy Secretary			585,000	554,700	585,000	+585,000
Office of the General Counsel			8,695,000	8,645,000	8,750,000	+8,750,000
Office of the Assistant Secretary for Policy			2,667,200	2,479,500	2,808,000	+2,808,000
Office of the Assistant Secretary for Aviation and International Affairs			7,002,200	6,686,300	7,650,300	+7,650,300
Office of the Assistant Secretary for Budget and Programs			6,069,300	5,887,800	6,349,000	+6,349,000
Office of the Assistant Secretary for Governmental Affairs			1,872,000	1,600,000	1,940,600	+1,940,600
Office of the Assistant Secretary for Administration			19,147,100	19,570,200	19,721,600	+19,721,600
Office of Public Affairs			1,377,600	1,656,600	1,565,500	+1,565,500
Executive Secretariat			1,046,900	1,088,500	1,046,900	+1,046,900
Board of Contract Appeals			675,500	460,000	561,100	+561,100
Office of Small and Disadvantaged Business Utilization			839,200	1,000,000	1,020,400	+1,020,400
Office of Intelligence and Security			961,100	935,000	1,036,100	+1,036,100
Office of the Chief Information Officer			4,400,000	4,852,700	4,874,600	+4,874,600
Office of Intermodalism			1,018,000	1,000,000	956,900	+956,900
Subtotal	61,000,000	61,930,000	57,979,900	57,784,900	60,490,000	-510,000
Office of civil rights	5,574,000	6,986,000	6,966,000	5,562,000	6,956,000	+1,382,000
Transportation planning, research, and development	4,400,000	4,710,000	3,035,000	8,326,400	9,000,000	+4,600,000
Transportation Administrative Service Center	(121,800,000)		(109,124,000)	(158,468,000)	(124,124,000)	(+2,324,000)
Payments to Air Carriers (rescission)	(-2,500,000)					(+2,500,000)
Payments to air carriers (Airport and Airway Trust Fund):						
Rescission of contract authorization	(-41,600,000)					(+41,600,000)
Minority business resource center program	1,900,000	1,900,000	1,900,000	1,900,000	1,900,000	
(Limitation on direct loans)	(15,000,000)	(13,775,000)	(13,775,000)	(13,775,000)	(13,775,000)	(-1,225,000)
Minority business outreach	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	
Amtrak Reform Council	2,450,000		450,000	450,000		-2,450,000
Total, Office of the Secretary	78,224,000	78,406,000	73,230,900	76,925,300	81,256,000	+3,032,000

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(TRCONF.DOC October 16 3:13 P. 1)

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Coast Guard						
Operating expenses	2,415,400,000	2,462,705,000	2,400,000,000	2,461,603,000	2,400,000,000	-15,400,000
Defense function (050)	300,000,000	309,000,000	300,000,000	300,000,000	300,000,000	....
Acquisition, construction, and improvements:						
Offsetting collections	-9,000,000	-1,000,000	....	....	....	+9,000,000
Vessels	212,100,000	234,573,000	227,913,000	234,553,000	219,923,000	+7,823,000
Aircraft	25,800,000	37,131,000	39,400,000	55,131,000	35,700,000	+9,900,000
Other equipment	44,650,000	33,969,000	30,314,000	44,789,000	36,569,000	-8,081,000
Shore facilities & aids to navigation facilities	68,300,000	53,650,000	42,923,000	43,250,000	54,823,000	-13,477,000
Personnel and related support	47,000,000	48,450,000	48,450,000	48,450,000	48,450,000	+1,450,000
Subtotal, A C & I appropriations	388,850,000	406,773,000	389,000,000	426,173,000	395,465,000	+6,615,000
Environmental compliance and restoration	21,000,000	21,000,000	21,000,000	21,000,000	21,000,000	....
Alteration of bridges	17,000,000	....	12,000,000	20,000,000	14,000,000	-3,000,000
Retired pay	653,196,000	684,000,000	684,000,000	684,000,000	684,000,000	+30,804,000
Reserve training	67,000,000	67,000,000	69,000,000	67,000,000	69,000,000	+2,000,000
Research, development, test, and evaluation	19,000,000	18,300,000	12,000,000	17,461,000	12,000,000	-7,000,000
Boat safety (Aquatic Resources Trust Fund)	35,000,000	....	....	....	....	-35,000,000
Total, Coast Guard	3,916,446,000	3,968,778,000	3,887,000,000	3,997,237,000	3,895,465,000	-20,981,000
Federal Aviation Administration						
Operations	5,301,934,000	5,586,130,000	5,532,558,000	5,538,259,000	5,562,558,000	+260,624,000
Facilities and equipment (Airport and Airway Trust Fund)	1,900,477,000	2,130,000,000	2,000,000,000	2,044,683,269	1,900,000,000	-477,000
Research, engineering, & development (Airport & Airway Trust Fund)	199,183,000	290,000,000	145,000,000	173,627,000	150,000,000	-49,183,000
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,600,000,000)	(1,600,000,000)	(1,600,000,000)	(1,600,000,000)	(1,600,000,000)	....
(Limitation on obligations)	(1,700,000,000)	(1,700,000,000)	(1,800,000,000)	(2,100,000,000)	(1,950,000,000)	(+250,000,000)
Rescission of contract authorization	(-707,000,000)	....	....	....	....	(+707,000,000)
Facilities, equipment and development (rescission)	(-500,000)	....	....	....	....	(+500,000)
Total, Federal Aviation Administration	7,401,594,000	8,006,130,000	7,677,558,000	7,756,569,269	7,612,558,000	+210,964,000
(Limitations on obligations)	(1,700,000,000)	(1,700,000,000)	(1,800,000,000)	(2,100,000,000)	(1,950,000,000)	(+250,000,000)
Total budgetary resources	(9,101,594,000)	(9,706,130,000)	(9,477,558,000)	(9,856,569,269)	(9,562,558,000)	(+460,964,000)

(NOTE TO PRINTER: PHOTOCOPY BROAD PAGE-FOR-PAGE WITH NO REDUCTION (TRCONF.DOC October 16 3:09 P. 2)

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Highway Administration						
Limitation on general operating expenses	(552,266,000)	(521,883,000)	(318,733,000)	(320,413,000)	(327,413,000)	(-224,853,000)
Limitation on transportation research			(409,150,000)			
Appalachian Development Highway system	300,000,000			200,000,000		-300,000,000
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(21,500,000,000)	(21,500,000,000)	(25,511,000,000)	(25,511,000,000)	(25,511,000,000)	(+4,011,000,000)
(Exempt obligations)	(1,597,000,000)	(1,265,000,000)	(1,211,614,000)	(1,207,903,000)	(1,211,614,000)	(-385,386,000)
(Liquidation of contract authorization)	(20,800,000,000)	(23,000,000,000)	(24,000,000,000)	(24,000,000,000)	(24,000,000,000)	(+3,200,000,000)
Emergency relief program (emergency funding)	(259,000,000)					(-259,000,000)
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(85,000,000)	(100,000,000)		(100,000,000)	(100,000,000)	(+15,000,000)
(Limitation on obligations)	(84,825,000)	(100,000,000)		(100,000,000)	(100,000,000)	(+15,175,000)
State infrastructure banks (Highway Trust Fund)		150,000,000				
Transportation infrastructure credit enhancement program (Highway Trust Fund)		100,000,000				
Total, Federal Highway Administration	300,000,000	250,000,000		200,000,000		-300,000,000
(Limitations on obligations)	(21,584,825,000)	(21,600,000,000)	(25,511,000,000)	(25,611,000,000)	(25,611,000,000)	(+4,026,175,000)
(Exempt obligations)	(1,597,000,000)	(1,265,000,000)	(1,211,614,000)	(1,207,903,000)	(1,211,614,000)	(-385,386,000)
Total budgetary resources	(23,481,825,000)	(23,115,000,000)	(26,722,614,000)	(27,018,903,000)	(26,822,614,000)	(+3,340,789,000)
National Highway Traffic Safety Administration						
Operations and research (general fund)	74,901,000		87,400,000			-74,901,000
Operations and research (Highway Trust Fund)				87,400,000	87,400,000	+87,400,000
Subtotal	74,901,000		87,400,000	87,400,000	87,400,000	+12,499,000
Operations and research (highway trust fund):						
(Limitation on obligations)	(72,061,000)	(172,902,000)	(72,000,000)	(72,000,000)	(72,000,000)	(-61,000)
(Liquidation of contract authorization)			(72,000,000)		(72,000,000)	(+72,000,000)
National Driver Register (highway trust fund)			2,000,000	2,000,000	2,000,000	+2,000,000
Subtotal, Operations and research	(146,962,000)	(172,902,000)	(161,400,000)	(161,400,000)	(161,400,000)	(+14,438,000)

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	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(186,000,000)	(197,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+14,000,000)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(149,700,000)	(186,700,000)	(150,000,000)	(150,000,000)	(150,000,000)	(+300,000)
National Driver Register (Sec. 402)	2,300,000	2,300,000				-2,300,000
Occupant protection incentive grants (Sec. 405)		(20,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(+10,000,000)
Drugged driving incentive grants		(5,000,000)				
Alcohol-impaired driving countermeasures grants (Sec. 410)	(34,500,000)	(39,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(+500,000)
State Highway safety data grants (Sec. 411)			(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)			(100,000,000)			
(Limitation on obligations)			(100,000,000)			
Total, National Highway Traffic Safety Administration	77,201,000	2,300,000	89,400,000	89,400,000	89,400,000	+12,199,000
(Limitations on obligations)	(256,261,000)	(403,602,000)	(372,000,000)	(272,000,000)	(272,000,000)	(+15,739,000)
Total budgetary resources	(333,462,000)	(405,902,000)	(461,400,000)	(361,400,000)	(361,400,000)	(+27,938,000)
Federal Railroad Administration						
Office of the Administrator	20,290,000	21,573,000	21,367,000	21,020,000	21,215,000	+925,000
Railroad safety	57,067,000	61,959,000	60,948,000	61,876,000	61,488,000	+4,421,000
Nationwide differential global positioning system		3,000,000				
Railroad research and development	20,758,000	20,757,000	20,477,000	25,760,000	22,364,000	+1,606,000
Northeast corridor improvement program	250,000,000					-250,000,000
(Pennsylvania Station Redevelopment Project)	(12,000,000)					(-12,000,000)
Next generation high-speed rail	20,395,000	12,594,000	15,294,000	28,494,000	20,494,000	+99,000
Alaska Railroad rehabilitation	15,280,000			10,000,000	10,000,000	-5,280,000
Rhode Island Rail Development	10,000,000	10,000,000	2,000,000	7,500,000	5,000,000	-5,000,000
Grants to the National Railroad Passenger Corporation:						
Operations	344,000,000					-344,000,000
Capital	199,000,000			555,000,000		-199,000,000

(NOTE TO PRINTER: PHOTOCOPY BROAD PAGE-FOR-PAGE WITH NO REDUCTION (TRCONF.DOC October 18 3:15 P. 4)

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Capital grants to the National Railroad Passenger Corporation	....	....	609,230,000	....	609,230,000	+609,230,000
Highway Trust Fund	....	621,476,000	....	....	....	....
(Northeast corridor improvements)	....	(200,000,000)	....	....	....	....
(Pennsylvania Station Redevelopment Project)	....	(11,748,530)	....	....	....	....
Subtotal, Grants to Amtrak	543,000,000	621,476,000	609,230,000	555,000,000	609,230,000	+66,230,000
Emergency railroad rehab & repair (emergency funding)	(9,800,000)	....	....	....	....	(-9,800,000)
Conrail Labor protection (rescission)	(-506,234)	....	....	....	....	(+506,234)
Total, Federal Railroad Administration	936,790,000	751,359,000	729,316,000	709,650,000	749,791,000	-186,999,000
Federal Transit Administration						
Administrative expenses (general fund)	45,738,000	....	10,800,000	10,800,000	10,800,000	-34,938,000
Administrative expenses (Highway Trust Fund, Mass Transit Account)	....	48,142,000	....	....	....	....
(Limitation on obligations)	....	....	(43,200,000)	(43,200,000)	(43,200,000)	(+43,200,000)
Subtotal, Administrative expenses	(45,738,000)	(48,142,000)	(54,000,000)	(54,000,000)	(54,000,000)	(+8,262,000)
Formula grants (general fund)	240,000,000	....	570,000,000	570,000,000	570,000,000	+330,000,000
Formula grants (Highway Trust Fund):						
(Limitation on obligations)	(2,280,000,000)	....	(2,280,000,000)	(2,280,000,000)	(2,280,000,000)	(+20,000,000)
Operating assistance grants	(150,000,000)	....	....	....	....	(-150,000,000)
Subtotal, Formula grants	(2,500,000,000)	....	(2,850,000,000)	(2,850,000,000)	(2,850,000,000)	(+350,000,000)
Formula programs (Highway Trust Fund, Mass Transit Account):						
(Limitation on obligations)	....	(3,709,235,000)	....	....	....	....
(Liquidation of contract authorization)	....	(1,500,000,000)	....	....	....	....
University transportation research (general fund)	6,000,000	....	1,200,000	1,200,000	1,200,000	-4,800,000
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	....	....	(4,800,000)	(4,800,000)	(4,800,000)	(+4,800,000)
Subtotal, University transportation research	(6,000,000)	....	(6,000,000)	(6,000,000)	(6,000,000)	....

(NOTE TO PRINTER: PHOTOCOPY BROAD PAGE-FOR-PAGE WITH NO REDUCTION (TRCONF.DOC October 16 3:09 P. 5)

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Transit planning and research (general fund)	92,000,000		19,800,000	19,800,000	19,800,000	-72,200,000
Transit planning and research (Highway Trust Fund, Mass Transit Account)		91,900,000				
(Limitation on obligations)			(78,200,000)	(78,200,000)	(78,200,000)	(+78,200,000)
Subtotal, Transit planning and research	(92,000,000)	(91,900,000)	(98,000,000)	(98,000,000)	(98,000,000)	(+6,000,000)
Rural transportation assistance	(4,500,000)	(6,000,000)	(5,250,000)	(5,250,000)	(5,250,000)	(+750,000)
National transit institute	(3,000,000)	(3,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(+1,000,000)
Transit cooperative research		(8,250,000)	(8,250,000)	(8,250,000)	(8,250,000)	(+8,250,000)
Metropolitan planning	(39,500,000)	(39,500,000)	(43,841,600)	(43,841,600)	(43,841,600)	(+4,341,600)
State planning and research	(8,250,000)	(8,250,000)	(9,158,400)	(9,158,400)	(9,158,400)	(+908,400)
National planning and research	(36,750,000)	(26,900,000)	(27,500,000)	(27,500,000)	(27,500,000)	(-9,250,000)
Subtotal	(92,000,000)	(91,900,000)	(98,000,000)	(98,000,000)	(98,000,000)	(+6,000,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(2,210,000,000)		(2,446,200,000)	(2,446,200,000)	(4,251,800,000)	(+2,041,800,000)
Capital investment grants (general fund)			451,400,000	451,400,000	451,400,000	+451,400,000
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(2,000,000,000)	(876,114,857)	(1,805,600,000)	(1,805,600,000)	(1,805,600,000)	(-194,400,000)
Subtotal, Capital investment grants	(2,000,000,000)	(876,114,857)	(2,257,000,000)	(2,257,000,000)	(2,257,000,000)	(+257,000,000)
(Fixed guideway modernization)	(800,000,000)		(902,800,000)	(902,800,000)	(902,800,000)	(+102,800,000)
(Buses and bus-related facilities)	(400,000,000)		(451,400,000)	(451,400,000)	(451,400,000)	(+51,400,000)
(New starts)	(800,000,000)	(876,114,857)	(902,800,000)	(902,800,000)	(902,800,000)	(+102,800,000)
Subtotal	(2,000,000,000)	(876,114,857)	(2,257,000,000)	(2,257,000,000)	(2,257,000,000)	(+257,000,000)
Major capital investments (Highway Trust Fund, Mass Transit Account) (liquidation of contract authority)		(1,900,000,000)				
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,350,000,000)		(1,805,600,000)	(1,805,600,000)	(2,000,000,000)	(-350,000,000)
Discretionary grants (Highway Trust Fund, Mass Transit Account) (rescission of contract authorization)				-392,000,000		

(NOTE TO PRINTER: PHOTOCOPY BROAD PAGE-FOR-PAGE WITH NO REDUCTION (TRCONF.DOC October 16 3:09 P. 6)

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Job access and reverse commute grants (general fund)	....	....	10,000,000	10,000,000	35,000,000	+35,000,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	....	....	(40,000,000)	(40,000,000)	(40,000,000)	(+40,000,000)
Subtotal, Job access and reverse commute grants	....	....	(50,000,000)	(50,000,000)	(75,000,000)	(+75,000,000)
Washington Metropolitan Area Transit Authority (general fund)	200,000,000	....	50,000,000	50,000,000	50,000,000	-150,000,000
Washington Metropolitan Area Transit Authority (Highway Trust Fund, Mass Transit Account)	....	50,300,000	....	....	....	....
Total, Federal Transit Administration	583,738,000	190,342,000	1,113,200,000	1,113,200,000	1,138,200,000	+554,462,000
(Limitations on obligations)	(4,260,000,000)	(4,585,349,857)	(4,251,800,000)	(4,251,800,000)	(4,251,800,000)	(-8,200,000)
Total budgetary resources	(4,843,738,000)	(4,775,691,857)	(5,365,000,000)	(5,365,000,000)	(5,390,000,000)	(+546,262,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	11,200,000	....	11,498,000	11,498,000	11,498,000	+298,000
Research and Special Programs Administration						
Research and special programs:						
Hazardous materials safety	15,342,000	15,863,000	15,863,000	15,863,000	16,063,000	+721,000
Emergency transportation	2,443,000	997,000	997,000	997,000	997,000	-1,446,000
Research and technology	3,446,000	3,851,000	3,700,000	3,651,000	3,676,000	+230,000
Program and administrative support	8,219,000	8,944,000	8,819,000	8,489,000	8,544,000	+325,000
Advanced vehicle technology consortia	....	....	5,000,000	....	....	....
Subtotal, research and special programs	29,450,000	29,655,000	34,379,000	29,000,000	29,280,000	-170,000
Pipeline safety:						
Pipeline Safety Fund	28,000,000	32,163,000	28,973,000	29,000,000	29,000,000	+1,000,000
Oil Spill Liability Trust Fund	3,300,000	3,300,000	4,475,000	3,500,000	4,248,000	+948,000
Pipeline safety reserve	(1,465,000)	....	(1,300,000)	(1,859,000)	(1,400,000)	(-65,000)
Subtotal, Pipeline safety	31,300,000	35,463,000	33,448,000	32,500,000	33,248,000	+1,948,000

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Emergency preparedness grants:						
Emergency preparedness fund	200,000	200,000	200,000	200,000	200,000	
(Limitation on obligations)			(9,600,000)		(11,000,000)	(+11,000,000)
Total, Research and Special Programs Administration	60,950,000	65,318,000	68,027,000	61,700,000	62,728,000	+1,778,000
(Limitations on obligations)			(9,600,000)		(11,000,000)	(+11,000,000)
Total budgetary resources	(60,950,000)	(65,318,000)	(77,627,000)	(61,700,000)	(73,728,000)	(+12,778,000)
Office of Inspector General						
Salaries and expenses	42,000,000	42,491,000	43,495,000	42,720,000	43,495,000	+1,495,000
Surface Transportation Board						
Salaries and expenses	13,853,000	16,000,000	16,000,000	13,853,000	16,000,000	+2,147,000
Offsetting collections		-16,000,000	-2,600,000		-2,600,000	-2,600,000
General Provisions						
Transportation Administrative Service Center reduction	-3,000,000		-20,000,000	-17,247,000	-15,000,000	-12,000,000
National Aviation Review Commission (rescission)			-752,000		-752,000	-752,000
Amtrak Reform Council					450,000	+450,000
Urban discretionary grants (rescission)			-3,918,000		-3,918,000	-3,918,000
Net total, title I, Department of Transportation	12,666,887,766	13,367,124,000	13,681,452,900	13,663,503,569	13,678,569,000	+1,011,681,234
Appropriations	(13,418,996,000)	(13,367,124,000)	(13,686,122,900)	(14,055,503,569)	(13,683,239,000)	(+264,243,000)
Rescissions	(-752,108,234)		(-4,670,000)	(-392,000,000)	(-4,670,000)	(+747,438,234)
(Limitations on obligations)	(27,801,086,000)	(28,288,951,857)	(31,944,400,000)	(32,234,800,000)	(32,095,800,000)	(+4,294,714,000)
(Exempt obligations)	(1,597,000,000)	(1,255,000,000)	(1,211,614,000)	(1,207,903,000)	(1,211,614,000)	(-385,386,000)
Net total budgetary resources	(42,064,973,766)	(42,911,075,857)	(46,837,466,900)	(47,106,206,569)	(46,985,983,000)	(+4,921,009,234)

(NOTE TO PRINTER: PHOTOCOPY BROAD PAGE-FOR-PAGE WITH NO REDUCTION (TRCONF.DOC October 16 3:09 P. 8)

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,640,000	3,847,000	3,847,000	3,847,000	3,847,000	+207,000
National Transportation Safety Board						
Salaries and expenses	53,771,000	47,200,000	53,300,000	53,473,000	53,473,000	-298,000
Appropriation of user fees		6,000,000				
Emergency fund	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Total, National Transportation Safety Board	54,771,000	54,200,000	54,300,000	54,473,000	54,473,000	-298,000
Total, title II, Related Agencies	58,411,000	58,047,000	58,147,000	58,320,000	58,320,000	-91,000
Net total appropriations	12,725,298,766	13,415,171,000	13,739,599,900	13,721,823,569	13,736,889,000	+1,011,590,234
Scorekeeping adjustments:						
Pipeline safety (OSLTF)	1,000,000		1,300,000	1,659,000	1,400,000	+400,000
Coast Guard adjustment		1,000,000				
FAA adjustment		43,000,000				
General Provision (sec. 326)				4,000,000	4,000,000	+4,000,000
Total, adjustments	1,000,000	44,000,000	1,300,000	5,659,000	5,400,000	+4,400,000
Net grand total	12,726,298,766	13,459,171,000	13,740,899,900	13,727,482,569	13,742,289,000	+1,015,990,234
Appropriations	(13,478,407,000)	(13,459,171,000)	(13,745,569,900)	(14,119,482,569)	(13,746,959,000)	(+268,552,000)
Rescissions	(-752,108,234)		(-4,670,000)	(-392,000,000)	(-4,670,000)	(+747,438,234)
(Limitations on obligations)	(27,801,086,000)	(28,288,951,857)	(31,944,400,000)	(32,234,800,000)	(32,095,800,000)	(+4,294,714,000)
(Exempt obligations)	(1,597,000,000)	(1,265,000,000)	(1,211,614,000)	(1,207,903,000)	(1,211,614,000)	(-385,386,000)
Net grand total budgetary resources	(42,124,384,766)	(43,013,122,857)	(46,896,913,900)	(47,170,185,569)	(47,049,703,000)	(+4,925,318,234)

(NOTE TO PRINTER: PHOTOCOPY BROAD PAGE-FOR-PAGE WITH NO REDUCTION (TRCONF.DOC October 16 3:09 P. 8)

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
RECAP						
Total mandatory and discretionary	12,726,298,766	13,459,171,000	13,740,899,900	13,727,482,569	13,742,289,000	+1,015,990,234
Mandatory	653,196,000	684,000,000	684,000,000	684,000,000	684,000,000	+30,804,000
Discretionary:						
Highway category:						
(Limitation on obligations)	(21,841,086,000)	(21,998,602,000)	(25,883,000,000)	(25,883,000,000)	(25,883,000,000)	(+4,041,914,000)
Mass Transit category	583,738,000	140,042,000	1,113,200,000	1,113,200,000	1,113,200,000	+529,462,000
(Limitation on obligations)	(4,260,000,000)	(876,114,857)	(4,251,800,000)	(4,251,800,000)	(4,251,800,000)	(-8,200,000)
Total, Mass Transit category	4,843,738,000	1,016,156,857	5,365,000,000	5,365,000,000	5,365,000,000	+521,262,000
Budget scoring	583,738,000	140,042,000	1,113,200,000	1,113,200,000	1,113,200,000	+529,462,000
General purposes:						
Defense (050)	300,000,000	309,000,000	300,000,000	300,000,000	300,000,000	
Nondefense	11,189,364,766	12,326,129,000	11,643,699,900	11,630,282,569	11,645,089,000	+455,724,234
Total, Discretionary	12,073,102,766	12,775,171,000	13,056,899,900	13,043,482,569	13,058,289,000	+985,186,234

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SECTION 101(h): TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The conferees on H.R. 4328 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of H.R. 4104, the Department of Treasury and General Government Appropriations Act, 1999, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 4104.

The conference agreement on the Treasury and General Government Appropriations Act, 1999, incorporates some of the language and allocations set forth in House Report 105–592 and Senate Report 105–251. The language in these reports should be complied with unless specifically addressed in the accompanying statement of managers.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances the managers are referring to the House Subcommittee on Treasury, Postal Service, and General Government and the Senate Subcommittee on Treasury and General Government.

REPROGRAMMING AND TRANSFER OF FUNDS GUIDELINES

Due to continuing issues associated with agency requests for reprogramming and transfer of funds and use of unobligated balances, the conferees have agreed to reprogramming guidelines included in House Report 105–592. Those guidelines shall be complied with by all agencies funded by the Treasury and General Government Appropriations Act, 1999:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or a transfer of funds, or use of unobligated balances, which are submitted after the close of the third quarter of the fiscal year, June 30;
2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;
3. For agencies, departments, or offices receiving appropriations in excess of $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;
4. For agencies, departments, or offices receiving appropriations less than $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $50,000, or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;
5. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;
6. For any action which would result in a major change to the program or item which is different than that presented to and approved by either of the Committees, or the Congress, a reprogramming shall be submitted;
7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted; and,
8. For any action where funds earmarked by either of the Committees for a specific activity are in excess of the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conference agreement appropriates $123,151,000 for Departmental Offices instead of $122,889,000 as proposed by the House and $120,671,000 as proposed by the Senate. The amount appropriated includes: $3,704,000 for mandatory cost increases; an additional $470,000 for the Office of Tax Policy; an additional $255,000 for the Office of Economic Policy; an additional $499,000 for International Affairs Policies and Programs; an additional $801,000 for Enforcement Policies and Programs; an additional $866,000 for the Office of Foreign Assets Control; an additional $239,000 for Fiscal and Financial Policies and Programs; and an additional $300,000 for Treasury-wide management policies and practices. The conferees are aware that additional funds in the amount of $1,238,000 are required in fiscal year 1999 for Year 2000 compliance. The conference agreement also includes funding to allow the Department to provide no more than $500,000 in contract awards to the National Law Center for Inter-American Free Trade as proposed by the House.

The conferees have agreed to provide an additional $1,200,000 within this account for the Under Secretary of Enforcement to continue the operations of the Office of Professional Responsibility, should he so desire, as proposed by the Senate.

The conference agreement includes language which provides that the Office of Foreign Assets Control shall be funded at no less than $6,560,800 as proposed by the Senate instead of $5,517,000 as proposed by the House. The conferees have included language authorizing the Department to charge both direct and indirect costs to the Office of Foreign Assets Control in the implementation of this floor.

The Senate bill included language in this and a number of other accounts which provides that funds appropriated in this Act may be used for Year 2000 computer conversion costs pending the availability of funding for that purpose in a separate appropriation. The conferees have deleted that language in each instance in which it occurs and have instead included a new general provision (Section 513) to permit the use of funds provided in this Act to initiate or continue projects or activities to the extent necessary to achieve Year 2000 computer conversion until such time as supplemental appropriations are provided for those activities.

The conference agreement deletes language proposed by the House which provides compensation for losses incurred due to the denial of entry into the United States of certain firearms. The conferees have included language in Title VI (Section 646) of the bill to provide for this relief through the use of the Judgement Fund, as proposed by the Senate.

TREASURY LAW ENFORCEMENT VEHICLES

No later than 90 days after enactment of this Act, the Department shall submit to the Committees on Appropriations directives to implement the management of law enforcement vehicle usage in the Department. These directives shall include: development of a Department-wide vehicle management system to ensure adequate oversight of vehicle usage; standards and procedures for full compliance with home-to-work regulations on vehicle use; verifiable determination that vehicle use throughout the Department is in support of law enforcement purposes only; and implementation of a log tracking system by activity and specific use of law enforcement vehicles.

UNDER SECRETARY FOR ENFORCEMENT

The conferees direct the Department of the Treasury to submit, with its fiscal year 2000 budget request, detailed budget justification materials for the Office of the Under Secretary for Enforcement.

OFFICE OF PROFESSIONAL RESPONSIBILITY

SALARIES AND EXPENSES

The conferees agree to provide no separate funding for the Office of Professional Responsibility (OPR) in fiscal year 1999 as proposed by the Senate, but instead have provided adequate funding within the Departmental Offices appropriations for the Under Secretary for Enforcement to continue the work of this office should he so desire. The conferees expect that the Department also will use approximately $350,000 in reprogramming authority, the anticipated share of the unobligated balance of funds at the end of fiscal year 1998, to augment this appropriation.

In fiscal year 1998, the Under Secretary for Enforcement was charged with tasking OPR to conduct a comprehensive review of integrity issues and other matters related to the potential vulnerability of the United States Customs Service to corruption, to include examination of charges of professional misconduct and corruption as well as analysis of the efficacy of departmental and bureau internal affairs systems. The conferees expect that this work will continue, and that it will be in conjunction with related efforts funded through the Customs Integrity Awareness Program.

AUTOMATION ENHANCEMENT

The conferees agree to provide $28,690,000 for Automation Enhancement instead of $31,190,000 as proposed by the House and $28,990,000 as proposed by the Senate. The amount provided shall be transferred as follows:

Customs Service.—$8,000,000 for the Automated Commercial Environment.

Bureau of Alcohol, Tobacco, and Firearms.—$3,700,000 for a human resources system re-engineering pilot program.

Departmental Offices.—$16,990,000, of which $5,400,000 is for the International Trade Data System, of which $6,577,000 is for Department-wide human resources re-engineering program management and implementation, of which $3,813,000 is for Departmental Offices productivity enhancement, of which $1,000,000 is for the Treasury Vehicle Management System, and of which $200,000 is for Department-wide implementation of the Treasury Information System Architecture Framework.

The conferees agree that the funds provided shall remain available until September 30, 2000, as proposed by the House rather than remain available until expended as proposed by the Senate.

The conferees are aware that additional funds in the amount of $2,762,000 are required in fiscal year 1999 for Year 2000 compliance.

AUTOMATED COMMERCIAL ENVIRONMENT

The conferees agree to provide $8,000,000 for the Customs Service ACE project, with the proviso that $6,000,000 shall not be available for obligation until the Treasury's Chief Information Officer, through the Treasury Investment Review Board, concurs on the plan and milestone schedule for the deployment of the system. Furthermore, $6,000,000 shall not be obligated until the Commissioner of Customs provides to the Committees on Appropriations an Enterprise Information Systems Architecture (EISA) for Customs that covers all Customs' areas of business—not just trade compliance. For the EISA to be acceptable, it must comply with the Treasury Information Systems Architecture Framework, include measures to enforce compliance, and be approved by the Treasury Investment Review Board.

The conferees are pleased with the efforts made by the Treasury Department to exercise some management responsibility for the ACE project, which represents an enormous information technology investment for the Department and Customs. Clear benefits are already being seen in the quality of analysis applied to investment decisions, and coordination with other information technology projects such as the International Trade Data System (ITDS). The conferees support the continued exercise of strong oversight by the Treasury Department over this project.

FINANCIAL CRIMES ENFORCEMENT NETWORK

The conferees agree to provide $24,000,000 as proposed by the House instead of $23,670,000 as proposed by the Senate. In addition, the conferees agree that the funds shall be available with no earmark for the GATEWAY program, as had been proposed by the Senate.

TREASURY FORFEITURE FUND

The conferees expect that the super surplus for the Treasury Forfeiture Fund will continue to be large in fiscal year 1999, and direct the Department to provide the Committees its plan for intended use of these resources in a timely fashion, as well as in its presentation of the fiscal year 2000 budget request.

The conferees support the use of the super surplus to further advance Treasury Department law enforcement programs, and acknowledge the Department's plan to use its surplus for a variety of activities. The conferees direct the Department to use $11,012,000 as follows: $5,512,000 for the construction of a P-3 hangar in Corpus Christi, Texas, for the United States Customs Service; $4,000,000 for the CEASEFIRE/IBIS program, and $1,500,000 for the Global Transpark Customs Information Project. The conferees also agree that super surplus funds may be used for replacement of law enforcement vehicles, instead of the prohibition proposed by the Senate.

VIOLENT CRIME REDUCTION PROGRAMS

The conferees agree to provide $132,000,000 as proposed by the House and Senate. This amount is to be used as follows:

Bureau of Alcohol, Tobacco and Firearms:	
GREAT administration/training	$3,000,000
GREAT Program Grants	13,000,000
Customs Service:	
Narcotics detection technology	54,000,000
Passenger processing initiative	9,500,000
Canopy construction	972,000
Child pornography investigation	1,000,000
Subtotal, Customs Service	65,472,000
Secret Service:	
Counterfeiting investigations	5,000,000
Forensic technology and assistance	2,000,000
NCMEC assistance	1,196,000
2000 campaign protection	7,732,000
Vehicle replacement	6,700,000
Subtotal, Secret Service	22,628,000
Financial Crimes Enforcement Network:	
Cyberpayment studies	800,000
Suspicious Activity Report analysis	300,000
Support for State & local GATEWAY	200,000
Money laundering regulations	100,000
Subtotal, FinCEN	1,400,000
Interagency Crime and Drug Enforcement	24,000,000
Office of National Drug Control Policy:	
Model State Drug Law Conferences	1,000,000
High Intensity Drug Trafficking Areas	1,500,000
Subtotal, ONDCP	2,500,000

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

The conferees agree to provide $3,000,000 to ATF for the management of the GREAT program as proposed by the House rather than in the ATF Salaries and Expenses appropriation as proposed by the Senate. The funding proposed by the Senate for laboratory and investigative support is funded under ATF's Salaries and Expenses appropriation.

GANG RESISTANCE EDUCATION AND TRAINING

The conferees agree to provide $13,000,000 to ATF, instead of $10,000,000 as proposed by the House and $13,239,000 as proposed by the Senate for grants to local law enforcement organizations for the Gang Resistance Education and Training (GREAT) program. The GREAT program has been enthusiastically endorsed by communities in Colorado, North Carolina and Wisconsin. The conferees direct that qualified law enforcement and prevention organizations from these areas be funded under GREAT.

The conferees are aware of concerns about the lack of a long-term evaluation of the impact of this program. Therefore, the conferees urge ATF to contract with the National Academy of Sciences, Committee on Law and Justice, to conduct an independent evaluation of the GREAT program.

CUSTOMS SERVICE

The conferees agree to provide $65,472,000, instead of $66,472,000 as proposed by the House and $54,000,000 as proposed by the Senate. Within these funds, the conferees include $54,000,000 for narcotics detection technology, $9,500,000 for passenger processing, $972,000 for canopy construction, and $1,000,000 for additional technologies associated with the child pornography cyber-smuggling initiative. The conferees agree that $2,400,000 of the Customs Salaries and Expenses account should be used for the cybersmuggling initiative, as proposed by the Senate.

SECRET SERVICE

The conferees agree to provide $22,628,000, instead of $14,528,000 as proposed by the House and $15,403,000 as proposed by the Senate. Within these funds, the conferees include $5,000,000 for counterfeiting investigations, $7,732,000 for campaign protection activities, $6,700,000 for vehicle replacement, and $3,196,000 for forensic and related support of investigations of missing and exploited children. Of the amounts provided for missing and exploited children, the conferees agree to provide $1,196,000 for the continued operations of the Child Exploitation Unit at the National Center for Missing and Exploited Children.

FINANCIAL CRIMES ENFORCEMENT NETWORK

The conferees agree to provide $1,400,000 for FinCEN as proposed by the Senate, instead of no funding as proposed by the House. Within these funds, the conferees include $800,000 for cyberpayment studies; $300,000 for Suspicious Activity Report analysis; $200,000 for training and support for State and local GATEWAY participation; and $100,000 for money laundering regulations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

The conferees agree to provide no VCRTF funding for FLETC as proposed by the House, instead of $1,158,000 as proposed by the Senate. The affected programs—rural law enforcement training and equipment replacement—are funded in FLETC's Salaries and Expenses appropriation.

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conferees agree to provide $24,000,000 for ICDE as proposed by the House, instead of $45,000,000 as proposed by the Senate. An additional $51,900,000 is provided in the Interagency Law Enforcement account. The total of $75,900,000 fully funds the President's request.

OFFICE OF NATIONAL DRUG CONTROL POLICY

The conferees agree to provide $2,500,000 for ONDCP, instead of $14,000,000 as proposed by the House and no funding as proposed by the Senate. $1,000,000 of this funding would cover the costs of continuing support for Model State Drug Law Conferences, as proposed by the House. $13,000,000 proposed by the House for continued funding for the technology transfer program run by the Counterdrug Technology Assessment Center will instead be funded in the ONDCP Salaries and Expenses account, as proposed by the Senate.

HIGH INTENSITY DRUG TRAFFICKING AREAS

The conferees agree to provide $1,500,000 in additional funding for the Milwaukee, Wisconsin HIDTA.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide $71,923,000 as proposed by the House instead of $66,251,000 as proposed by the Senate, including up to $13,843,000 to be used for materials and support costs. The conferees agree to language proposed by the Senate to permit funding for travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center. The conferees also agree to maintain existing statutory language affecting the authority to provide funding for student athletics and student interns, as proposed by the Senate.

GREAT TRAINING

The conferees agree to include new language, as proposed by the Senate, to authorize the Center to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with ATF.

FIREARMS TRAINING SYSTEMS

The conferees direct the Federal Law Enforcement Training Center, in consultation with their interested client law enforcement agencies, to examine and evaluate all available firearms training technologies for systems providing the greatest cost effective multi-application benefit for firearms training of law enforcement personnel. The conferees are aware of current technologies, such as the BEAMHIT targeting system and plastic cased ammunition, which appear to offer cost benefits and systems flexibility for multiple training activities and greater sensitivity for environmental protection.

Acquisition, Construction, Improvements, and Related Expenses

The conferees agree to provide $34,760,000, instead of $28,360,000 as proposed by the House and $15,360,000 as proposed by the Senate. This amount includes $6,400,000 for construction of new facilities at Artesia, New Mexico, required to meet the Center's basic training requirements.

Interagency Law Enforcement

Interagency Crime and Drug Enforcement

The conferees agree to provide $51,900,000 for ICDE as proposed by the House. An additional $24,000,000 is provided in the Violent Crime Reduction Programs account. The total of $75,900,000 fully funds the President's request.

Financial Management Service

SALARIES AND EXPENSES

The conference agreement appropriates $196,490,000 for the Financial Management Service (FMS) as proposed by the Senate instead of $198,510,000 as proposed by the House.

The conferees have agreed with the proposal of the Senate on the funding level for the FMS, which reflects a reduction of $6,000,000 for Year 2000 conversion costs which will be available for FMS from a separate appropriation. The conferees received conflicting information from the Department of the Treasury about what the FMS's needs are for this purpose. Therefore, the conferees have assumed the higher number. The conferees understand and fully appreciate the need for FMS equipment to be Year 2000 compliant and note that the Department does have authority to transfer funding to FMS from other accounts within the Department under Section 114 of this Act should that become necessary.

The conference agreement deletes language proposed by the Senate delaying the availability of $4,500,000 for postage costs until September 30, 1999, and language proposed by the Senate stating that funds shall continue to be provided to the United States Postal Service for postage due.

DEBT COLLECTION IMPROVEMENT ACCOUNT

The conferees have agreed to delete funding for the Debt Collection Improvement Account proposed by the Senate. The House bill contained no similar provision.

Federal Financing Bank

The conference agreement provides $3,317,960,000 for the liquidation of debts by the Federal Financing Bank instead of $3,317,690,000 as proposed by the Senate. The House bill contained no similar provision.

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

The conferees agree to provide $541,574,000, instead of $530,624,000 as proposed by the House and $529,489,000 as proposed by the Senate. This includes $2,000,000 for the Violent Crime Coordinators program and $4,500,000 for expansion of the National Tracing Center, as proposed by the Senate. The conferees agree that $2,206,000 of this funding will not be available for obligation until September 30, 1999, as proposed by the House.

The conferees are aware that additional funds in the amount of $5,000,000 are required in fiscal year 1999 for Year 2000 compliance.

The conferees agree to increase the limit for purchase of police-type vehicles to 812, as proposed by the House. The conferees direct the Under Secretary for Enforcement to exercise strong oversight with regard to any additional purchases in keeping with Department-wide efforts (addressed under Departmental Offices, above) to manage the use, allocation and acquisition of law enforcement vehicles. While neither the House nor Senate provided funding for this purpose, the conferees agree to provide $3,700,000 for vehicle replacement as the Administration had requested.

The conferees agree to authorize up to $15,000 for official reception and representation expenses, instead of $20,000 as proposed by the House and $12,500 proposed by the Senate.

The conferees agree to retain the limitation of $1,000,000 in authority to fund the equipping of vessels, vehicles or aircraft available for official use by a State or local law enforcement agency for use in joint law enforcement operations with ATF and for the payment of overtime salaries, travel, fuel and other costs for State and local law enforcement personnel, including sworn officers and support personnel, as proposed by the House. The conferees note that, while this maintains a limitation, unlike the Senate proposal, it allows such funding to be used for law enforcement operations other than drug-related ones, and clarifies that it encompasses support personnel as well as sworn law enforcement officers.

The conferees agree that per diem and/or subsistence allowances may be paid to employees for extensive overtime required when an employee is assigned to a National Response Team during the investigation of a bombing or arson incident, as proposed by the Senate, rather than simply for a major investigative assignment, as proposed by the House.

YOUTH CRIME GUN INTERDICTION INITIATIVE

The conferees strongly support ATF's efforts to stop illegal trafficking of crime weapons to young people and its statistical analysis in "The Crime Gun Trace Analysis Reports: The Illegal Youth Firearms Markets in 17 Communities", published in July 1997. However, the conferees believe that the proposed increase in funding must be supported by evidence of a significant reduction in youth crime, gun trafficking and availability. The conferees would like to see additional evidence linking the Youth Crime Gun Interdiction Initiative (YCGII) to a corresponding decrease in gun trafficking among youths and minors. Therefore, the conferees direct ATF to report no later than February 1, 1999, on the performance of YCGII.

The conferees further believe that an investment in experienced trafficking agents to conduct investigations arising out of leads obtained through this regional initiative is likely to have a significant impact on the number of prosecutions for illegal firearms trafficking. As a result, the conferees direct that, of the $27,000,000 to be provided for YCGII efforts, $16,000,000 be used to hire 81 experienced trafficking agents to expand the YCGII efforts in the 27 pilot cities. As part of the expansion, the conferees recommend that not less than $2,400,000 be used for the addition of 12 experienced trafficking agents, including 3 in Milwaukee, Wisconsin, to implement a multifaceted regional enforcement strategy within the Midwest region. The conferees request that ATF give strong consideration to Aurora, CO, Denver, CO, and Omaha, NE, as it determines new locations for YCGII.

CEASEFIRE

The conferees agree to provide $2,000,000 for continued expansion of the CEASEFIRE/IBIS program, and expect that this will be used to meet requests for new equipment and related installation costs. The conferees also direct the Secretary of the Treasury to provide $4,000,000 to ATF from the Treasury Forfeiture Fund to allow ATF to provide CEASEFIRE technology to eligible State and local law enforcement organizations who have requested this equipment.

Collection and Maintenance of Federal Firearms Licensee Records

The conferees agree that there does not appear to be a written policy regarding the collection and maintenance of records on the acquisition and disposition of firearms by Federal firearms licensees for use in criminal or civil enforcement or firearms trace systems, in particular with regard to the length of time such records are kept. Therefore, the conferees direct ATF to develop such a written policy and provide a copy of that written policy to the Committees on Appropriations no later than March 31, 1999. This is in lieu of the direction by the House to provide the House Committee with a report on efforts to improve its practices within 90 days after enactment of this bill.

Contraband Cigarettes

The conferees direct ATF to continue to fully fund its investigations of diversion and trafficking of contraband cigarettes, particularly on Indian lands. The conferees are pleased to see that recent investigations have borne fruit in a number of arrests in Oklahoma and Kansas. The conferees understand that the current investigation in Oklahoma and Kansas is estimated to cost up to $2,000,000 and that nationwide investigation will cost approximately $8,000,000.

United States Customs Service

SALARIES AND EXPENSES

The conferees agree to provide $1,642,565,000, instead of $1,638,065,000 as proposed by the House and $1,630,273,000 as proposed by the Senate. $9,500,000 is delayed for obligation, instead of the delays proposed by the House and the Senate.

The conferees agree to restrict purchase of vehicles to 550 for replacement only, as proposed by the House, rather than 985, as proposed by the Senate. The conferees direct the Under Secretary for Enforcement to exercise strong oversight over any purchases of new vehicles in keeping with Department-wide efforts (addressed under Departmental Offices, above) to manage the use, allocation and acquisition of law enforcement vehicles. The conferees also agree that $500,000 of the appropriation should be used to fund expansion of services at the Vermont World Trade Office, as proposed by the Senate. The conferees also agree to increase the limitation on representation funding to $40,000, instead of $30,000 as proposed by the House and Senate.

The conferees agree to provide $2,500,000 to remain available until expended for the costs of relocation of the New Orleans Air Branch from Belle Chase, Louisiana, to Hammond, Louisiana.

CUSTOMS INTEGRITY AWARENESS PROGRAM

The conferees agree to provide $6,000,000 to the Customs Service, fully funding the new Customs Integrity Awareness Program (CIAP), as proposed by the House, instead of $4,200,000 as proposed by the Senate. The conferees direct the Secretary of the Treasury to be fully engaged in CIAP, providing necessary oversight and assistance to the Customs Service Office of Internal Affairs in order to achieve program goals.

CHILD PORNOGRAPHY

The conferees strongly support Customs leadership in stopping the vile traffic in child pornography and are pleased with its recent successful takedown of a major international pornography organization. To continue this success, the conferees agree to set aside $2,400,000 of the Customs appropriation to double the staffing and resources for the child pornography cyber-smuggling initiative, as proposed by the Senate, instead of $2,000,000 proposed by the House to be funded through the Violent Crime Reduction Trust Fund. In addition, the conferees agree to include $1,000,000 in the Violent Crime Reduction Trust Fund for technology support for this initiative.

CUSTOMS INSPECTION SERVICES FOR INTERNATIONAL AIR CARGO

The conferees are concerned about the availability of Customs Service personnel to provide inspection services for airports that are seeing increased traffic or project such increases as part of regional development patterns. In many locations Customs has been asked to initiate or expand the level and availability of such services. The conferees understand that decisions to allocate inspection personnel must be based on availability of staff and funding, and should also be a function of the level of current or expected traffic, as well as concerns about enforcing trade laws and countering smuggling threats. At the same time, the conferees recognize that some airports, such as Dulles International Airport, Miami International Airport, and Fort Lauderdale International Airport, are experiencing growth and may have good cases for initiating or increasing cargo traffic operations, which are dependent on the availability of specific Customs inspection services. The conferees therefore urge the Customs Service, as it undertakes to establish a comprehensive model for assessing and allocating its inspection and investigative staff, to work closely with the airport authorities and the trade community to ensure that it will meet requirements for new and expanded service. The aim of such a process should be allocation of staff and resources that is in the best interest of regional economic interests, trade, and the mission of the Customs Service.

OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

The conferees agree to provide $113,688,000, instead of $100,688,000 as proposed by the House and $113,488,000 as proposed by the Senate. No funding for this account would be delayed, as had been proposed by the Senate, and there is no earmark for activities in South Florida and the Caribbean, as had been proposed by the Senate. This number includes an additional $1,000,000 for increased support for operations and upgrades for equipment for the marine enforcement program and $14,200,000 for Black Hawk helicopter program support.

BLACK HAWK HELICOPTERS

The conferees have included $14,200,000 to restore three off line Black Hawk helicopters to an operational readiness condition and provide for increased operation and maintenance requirements for Customs' helicopter component. The conferees understand that this funding will permit Customs to increase Black Hawk flying hours from 18 to 30 hours per month. The conferees direct the Customs Service to maximize the mission operability of all sixteen Black Hawk helicopters assigned to the Air Interdiction Program.

CUSTOMS MARINE PROGRAM

The conferees include an additional $1,000,000 to augment the $5,200,000 requested for the marine program.

CUSTOMS AIR AND MARINE INTERDICTION PROGRAMS

The conferees continue to be impressed with the successes associated with the Customs Air and Marine Interdiction programs and are aware of the growing operational commitments associated with this success. The conferees encourage the Customs Service to examine the benefits of a consolidated air maintenance system and take actions to improve operational coordination of its air assets to meet our national drug enforcement priorities. The conferees, in the interest of maintaining viable and effective air and marine interdiction programs, direct the Customs Service to develop two comprehensive modernization plans for the air interdiction and marine enforcement programs, respectively. These plans shall be submitted with the President's fiscal year 2000 budget and should include the projected lifespans and project a replacement schedule, as well as the current status, of each aircraft or vessel; associated operations and maintenance activities for these craft; and any costs for fleet extension or modernization. These modernization plans should be living documents that the Customs Service continually reevaluates and utilizes in its effort to maximize its operational effectiveness.

SPECIAL OPERATIONS

The conferees agree that the special operations requirements of the Customs Service Air and Marine Interdiction Programs demand special tactical and logistical operations considerations due to the high threat nature of these activities. The conferees direct the Customs Service to review its utilization of these special operations assets with the goal of improving management, coordination, training and utilization of equipment and personnel. The Customs Service should consider all options to achieve the greatest efficiency and productivity for our coastal and border interdiction efforts.

BUREAU OF ENGRAVING AND PRINTING

DOLLAR BILL REDESIGN

To combat international counterfeiting threats to the United States, the Department of the Treasury is continuing to redesign Federal Reserve Notes. By the end of 1999, newly designed $100, $50, and $20 Federal Reserve Notes will be in circulation.

The conferees remain concerned about the cost associated with producing special anti-counterfeiting properties for the estimated 6 billion circulating $1 Federal Reserve Notes. As a result, the conferees do not believe the Bureau of Engraving and Printing should undertake cost prohibitive anti-counterfeiting changes to the $1 note. However, the conferees do believe it is important to update the currency, such as making minor modifications to assist the visually impaired.

Therefore, the conferees direct the Department of the Treasury and the Bureau of Engraving and Printing not to pursue redesign of the $1 Federal Reserve Note to combat international counterfeiting threats, but to only make minor design enhancements to the $1 note for the visually impaired and elderly population, provided it has no effect on the use of $1 Federal Reserve Notes with existing bill accepting machinery.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

The conference agreement appropriates $172,100,000 for the Bureau of the Public Debt as proposed by the House and the Senate.

The conference agreement also provides that $2,000,000 of the funds provided shall be available until September 30, 2001, for information systems modernization initiatives as proposed by the House instead of $1,000,000 as proposed by the Senate.

The conferees are aware that additional funds in the amount of $1,000,000 are required in fiscal year 1999 for Year 2000 compliance.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

The conference agreement appropriates $3,086,208,000 for Processing, Assistance, and Management instead of $3,025,013,000 as proposed by the House and $3,077,353,000 as proposed by the Senate. The amount provided includes $90,650,000 for mandatory cost increases and $70,279,000 for base realignments from the Tax Law Enforcement account. The conferees have agreed not to transfer funding for the TIMIS personnel/payroll system from the Information Systems appropriation to this account as proposed by the Senate.

The budget request for Processing, Assistance, and Management included $58,325,000 for customer service initiatives. Funding for these initiatives has been included in the Information Systems account as proposed by the House. The Senate had proposed to provide $18,145,000 for customer service initiatives in this account.

The conferees want to express strong support for the Commissioner's proposal for organizational modernization. The recently enacted Internal Revenue Service Restructuring and Reform Act of 1998 will allow the Commissioner to make significant operational improvements through organizational modernization and reorganization. Therefore, the conference agreement also includes $25,000,000 for organizational modernization and restructuring of the Internal Revenue Service, the total amount requested by the Administration for that purpose. However, because the restructuring legislation has only recently been enacted and the Commissioner has not yet been able to provide a detailed plan and cost estimate for the restructuring effort, the conferees have included language in the bill which delays these funds for obligation until September 30, 1999.

The conferees have also provided $2,000,000 for low income taxpayer clinics. These funds will be used to award matching grants to develop, expand, or continue qualifying low income taxpayer clinics as authorized in Section 3601 of the Internal Revenue Service Restructuring and Reform Act of 1998.

The conference agreement includes language proposed by the Senate delaying the availability of $105,000,000 for postage costs until September 30, 1999, and language proposed by the Senate stating that funds shall continue to be provided to the United States Postal Service for postage due.

TAXPAYER EDUCATION

The conferees agree that the Internal Revenue Service needs to be more proactive in educating our citizens. Therefore, the conferees believe that the IRS should consider the feasibility of a taxpayer education initiative which encourages IRS employees to visit schools to talk about the history of our tax system as well as taxpayer rights and responsibilities. Further, the conferees believe that the IRS should provide no less than $750,000 to create an educational program, such as the project currently under development at the University of Florida, covering matters of current interest to those involved in administering, advising, teaching, and studying the technical aspects of Federal taxation. Therefore, the conferees request that the IRS provide an analysis of these proposals, and steps they would take to implement these proposals, to the Committees on Appropriations by March 1, 1999.

TAX LAW ENFORCEMENT

The conference agreement appropriates $3,164,189,000 for Tax Law Enforcement as proposed by the House instead of $3,164,399,000 as proposed by the Senate. The conference agreement does not delay the availability of $175,000,000 of the funds appropriated until September 30, 1999, proposed by the Senate.

The budget request included $2,645,000 for customer service initiatives. Funding for these initiatives has been included in the Information Systems account as proposed by the House. The Senate had proposed to fund $210,000 for customer service initiatives in this account.

TAX STANDARDS FOR TAX-EXEMPT HEALTH CLUBS

The conferees are aware that there has been significant growth in health club and fitness services. Intensified competition has developed a market for for-profit and tax-exempt health clubs. With certain tax-exempt organizations moving away from their core purpose, questions arise as to whether they are engaging in commercial competition with the for-profit sector. The conferees understand that the IRS has developed appropriate standards based on broad community accessibility for determining whether fitness activities are substantially related to the charitable mission of community organizations, such as YMCAs, YWCAs, and JCCs, organizations with a variety of programs based on community needs, including health and fitness for people of all ages, incomes, and abilities. Accordingly, changes in the standards that apply to such organizations are not the conferees' concern. Rather, the conferees direct that the IRS review the standards it applies to fitness activities operated by educational and health-care organizations. The conferees further request that the Department of the Treasury report to Congress by April 1, 1999, on the statutory and regulatory changes that may be needed to assure that the health and fitness activities of these organizations substantially further the purposes for which the organization was granted tax exemption and do not constitute unfair competition with private sector, taxable organizations.

TRANSFER PRICING

The conferees are concerned about the Nation's loss of revenue as a result of foreign corporations employing transfer pricing. Transfer pricing, utilized by State Trading Enterprises, reallocates items of income and deduction among entities under common control. Reallocation of the income and deduction results in minimizing the U.S. tax of foreign corporations' U.S. affiliates. Since the foreign parent corporations do not normally do business in the United States, their income is completely free from U.S. tax.

To ensure the Internal Revenue Service is vigorously administering section 482 of the Internal Revenue Code, which empowers the Secretary of the Treasury to distribute, apportion, and allocate items of gross income and deduction between the parent corporations and their U.S. affiliates, the conferees direct the Internal Revenue Service to review and report to Congress, no later than six months after enactment of this Act, on the following issues: IRS's loss of revenue as a result of transfer pricing; detailed information on IRS's administration of section 482 to distribute, apportion, and allocate items of gross income and deduction; and recommendations on how to improve the collection of revenue from trading enterprises.

INFORMATION SYSTEMS

The conference agreement appropriates $1,265,456,000 for Information Systems instead of $1,224,032,000 as proposed by the House and $1,329,486,000 as proposed by the Senate. The amount provided includes $43,939,000 for mandatory cost increases; however, the conferees have agreed not to transfer funding for the TIMIS personnel/payroll system from this appropriation to the Processing, Assistance, and Management account. In addition, the conference agreement includes an increase of $32,900,000 for operational information systems as proposed by the House and the Senate and $68,700,000 for the modernization program infrastructure as proposed by the Senate instead of $34,350,000 as proposed by the House.

The conferees have agreed to include language in the bill which provides that $103,000,000 of the funds appropriated in this account shall only be available for improvements to customer service. This is the full amount requested by the Administration for customer service initiatives within the Internal Revenue Service.

The conferees are aware that additional funds in the amount of $359,000,000 are required in fiscal year 1999 for Year 2000 compliance. Included in that total is: $8,700,000 for the submissions processing investment program, $4,000,000 for compliance research information systems, $33,300,000 for examination laptop computers, $60,700,000 to complete the rollout of the Integrated Collection System, $4,300,000 for the Inventory Delivery System, and $14,000,000 for the Integrated Personnel System.

The conference agreement deletes language proposed by the Senate which delayed the availability of $68,700,000 of the funds appropriated until September 30, 1999.

INFORMATION TECHNOLOGY INVESTMENTS

The conference agreement appropriates $211,000,000 for Information Technology Investments instead of $210,000,000 as proposed by the House and $137,569,000 as proposed by the Senate. These funds are not available for obligation until September 30, 1999. The conference agreement also provides that the funds shall remain available until September 30, 2002, as proposed by the Senate instead of remaining available until expended as proposed by the House.

The conference agreement includes language proposed by the House which specifies the contents of an expenditure plan that the Internal Revenue Service and the Department of the Treasury are required to submit before the funds appropriated may be obligated.

The conferees are concerned that the IRS's efforts to modernize its information systems could divert its attention from the more pressing matter of assuring that all of its existing systems will be Year 2000 compliant. The conferees expect that IRS will continue to view Year 2000 compliance as its highest priority and direct that the IRS not divert any resources from its Year 2000 efforts to the information systems modernization program.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Section 101. The conference agreement includes a provision proposed by the House and the Senate which allows the transfer of 5 percent of any appropriation made available to the IRS to any other IRS appropriation subject to Congressional approval.

Section 102. The conference agreement includes a provision proposed by the House and the Senate which requires the IRS to maintain a training program in taxpayer's rights, dealing courteously with taxpayers, and cross cultural relations.

Section 103. The conference agreement includes a provision proposed by the House and the Senate which requires the IRS to maintain taxpayer services at not less than fiscal year 1995 levels.

Section 104. The conference agreement includes a provision proposed by the House and the Senate which prohibits the expenditure of funds for the collection of taxes unless the conduct of officers and employees of the IRS complies with the Fair Debt Collection Practices Act.

Section 105. The conference agreement includes a provision proposed by the House and the Senate which requires the IRS to institute policies and practices which will safeguard the confidentiality of taxpayer information.

Section 106. The conference agreement includes a provision proposed by the House and the Senate which directs that funds shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line telephone assistance.

Section 107. The conference agreement includes a provision proposed by the Senate which provides that no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation Division will result in a reduction in the number of criminal investigators in Wisconsin and South Dakota from the 1996 level.

The conference agreement deletes a Sense of the Senate provision regarding the use of random selection of returns for examination by the Internal Revenue Service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $600,302,000 instead of $594,657,000 as proposed by the House and $584,902,000 as proposed by the Senate. This includes an additional $18,000,000 for the costs of protective travel. The conferees agree that $1,623,000 required for fixed site security will be included in the Acquisition, Construction, Improvement, and Related Expenses account, as proposed by the Senate. The conferees also agree that the limitation for new vehicle purchases shall be 739, as proposed by the House, rather than 705, as proposed by the Senate. The conferees direct the Under Secretary for Enforcement to exercise strong oversight over any purchases of new vehicles in keeping with Department-wide efforts (addressed under Departmental Offices, above) to manage the use, allocation and acquisition of law enforcement vehicles. The conferees agree that $5,000,000 shall not be available for obligation until September 30, 1999.

The conferees are aware that additional funds in the amount of $3,000,000 are required in fiscal year 1999 for Year 2000 compliance.

PROTECTIVE TRAVEL

The conferees continue to be concerned about shortfalls in the United States Secret Service protective travel activity. Therefore the conferees direct the Service to develop an accurate financial plan for predicting protective travel needs, and report regularly to the Committees on Appropriations on their progress. As part of the financial plan the conferees expect the funds for this activity will be apportioned separately. The Service should consult with the Office of Management and Budget about the level of detail required in the financial plan. The conferees agree to provide additional funding of $18,000,000 for protective travel, which is made available for two fiscal years.

ARMORED PRIMARY LIMOUSINES

The conferees understand the need to provide the President of the United States safe and secure ground transportation both locally and around the world. The conferees are, however, concerned with the Secret Service's projected cost to acquire primary limousines for this purpose. As a result, the conferees direct the Secret Service to report to the Committees on Appropriations on the major differences and costs between the proposed project and armored vehicles previously acquired by the Service prior to the obligation of funds for this project.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

The conferees agree to provide $8,068,000 as proposed by the Senate, instead of $6,445,000 as proposed by the House, which includes $1,623,000 for fixed site security.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

Section 110. The conference agreement includes a provision which requires the Secretary of the Treasury to comply with certain reprogramming guidelines when obligating or expending funds for law enforcement activities from unobligated balances available on September 30, 1999, as proposed by the Senate instead of September 30, 1998, as proposed by the House.

Section 111. The conference agreement includes a provision proposed by the House and the Senate which allows the Department of the Treasury to purchase uniforms, insurance, and motor vehicles without regard to the general purchase price limitation, and enter into contracts with the State Department for health and medical services for Treasury employees in overseas locations.

Section 112. The conference agreement includes a provision proposed by the House and the Senate which requires the expenditure of funds so as not to diminish efforts under section 105 of the Federal Alcohol Administration Act.

Section 113. The conference agreement includes a provision proposed by the House and the Senate which authorizes transfers, up to 2 percent, between law enforcement appropriations under certain circumstances.

Section 114. The conference agreement includes a provision proposed by the House and the Senate which authorizes transfers, up to 2 percent, between the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt appropriations under certain circumstances.

Section 115. The conference agreement includes a provision proposed by the Senate which amends 18 U.S.C. 921(a) by broadening the definition of explosives and redefining the term "antique firearm."

Section 116. The conference agreement includes a provision regarding the purchase of law enforcement vehicles.

Section 117. The conferees have agreed to the provision contained in Section 117 of the Senate bill regarding the execution of property upon judgements against foreign state violators of international law. The conferees have included additional language giving the President the authority to waive the requirements of this provision in the interest of national security.

ELECTRONIC FILING

The conferees have agreed to delete language requested by the Administration and contained in Section 115 of the House and Senate bills regarding the electronic filing of tax returns since this matter has been addressed in a comprehensive fashion in the Internal Revenue Service Restructuring and Reform Act of 1998. In undertaking any electronic tax administration programs, the conferees expect the Internal Revenue Service to assure the security of all electronic transmissions and provide for the full protection of the privacy of taxpayer data.

CURRENCY PAPER

The House and Senate passed bills each contained a provision (Section 116 of both bills) regarding the acquisition of currency paper by the Bureau of Engraving and Printing. The conferees have agreed to include no language in the bill regarding this issue. The conferees are aware of attempts made by the Bureau of Engraving and Printing (BEP) to address concerns regarding the need to make it easier for all United States paper companies to compete for currency paper contracts. However, the conferees expect the BEP to continue to enhance the process for procuring currency paper to the extent permitted under Federal law. In carrying out its currency paper procurement responsibilities, the conferees expect BEP to secure the best overall value for the government, giving equal consideration to all cost factors. Based on the General Accounting Office's (GAO) inability to reach any concrete conclusions with respect to competition and pricing, the conferees understand this issue is very complicated and, therefore, direct the Department of the Treasury and the Bureau of Engraving and Printing to report to the Committees on Appropriations how they plan to address GAO's recommendations to the Secretary of the Treasury. Further, it is the conferees' understanding that the authorizing committees in both the House and Senate will closely examine the GAO report, hold hearings on this matter, and develop legislation, if necessary, to ensure that the Federal government will have adequate competition and fair pricing.

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

The conferees agree to provide $71,195,000 as proposed by the House and the Senate. The conferees defer the obligation of these funds until October 1, 1999, as proposed by the Senate.

NON-POSTAL COMMERCIAL ACTIVITIES

The conferees are aware that the Postal Service is initiating a wide range of new commercial activities. These activities include, but are not limited to, volume retail photocopying, packaging services, bankwire services, the sale of office supplies and novelty items, and new e-commerce or Internet related technologies.

The conferees recognize the Postal Service's need to generate new sources of revenue to offset its operating costs. However, many of the Postal Service's new commercial activities may result in unfair competition with a number of private sector enterprises, thus raising significant policy issues about the Postal Service's present and future commercial role.

Therefore, the conferees request the Postal Service submit, within 6 months of enactment of this Act, a report on its ongoing and planned commercial services, including policy justifications, the costs of development and implementation, revenues earned, and revenues lost. As part of the report, the conferees are interested in packaging services ("Pack and Send") and specifically direct the Postal Service to describe how packaging services will meet "customer demand" in all geographic regions, especially rural areas, before such service is initiated. The conferees believe these issues deserve consideration by the authorizing committees.

AVONDALE-GOODYEAR, ARIZONA

The conferees urge the Postal Service, before awarding any contract to purchase or lease property for the Main Post Office in Avondale-Goodyear, Arizona, to do an analysis of the population presently in this area to be used in assisting the Postal Service in making a selection which will be most accessible for the current and future population of the area. The Postal Service shall report to the Committees prior to awarding any contract for sale or lease, but in no event later than October 14, 1998.

GILPIN COUNTY, COLORADO

The conferees urge the Postal Service to seriously consider providing a separate ZIP Code for Gilpin County, Colorado.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

The conferees agree to provide $52,344,000 for White House Office Salaries and Expenses, as proposed by the House and the Senate. The conferees provide $10,100,000 for reimbursements to the White House Communications Agency as a specific line item, as proposed by the House.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

The conferees provide $8,061,000, as proposed by the House instead of $8,691,000, as proposed by the Senate and prohibit the use of these funds for domestic staff overtime. As a separate provision, the conferees include $630,000 for domestic staff overtime and make these funds available upon the Comptroller General notifying the Committees that the Executive Office of the President (EOP) has received, reviewed and commented on the draft report of the General Accounting Office (GAO) with respect to Executive Residence operations and that the GAO is in receipt of the EOP's comments.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

The conferees agree to provide $28,350,000 for the Office of Administration as proposed by the House instead of $29,140,000 as proposed by the Senate.

The conferees are aware that additional funds of $12,200,000 for Year 2000 compliance within the Executive Office of the President are required for fiscal year 1999.

Office of Management and Budget

SALARIES AND EXPENSES

The conferees agree to provide $60,617,000 for the Office of Management and Budget as proposed by the Senate instead of $59,017,000 as proposed by the House. The conferees agree to delete the earmark and the fence on the use of funds for the Office of Information and Regulatory Affairs, as proposed by the Senate, and include two provisos regarding the review of transcripts of the Committees on Veterans' Affairs and agricultural marketing orders, as proposed by the House. The conferees have included new language to amend Section ___.36 of OMB Circular A–110 to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act.

Including technical modifications, the conferees agree to include bill language requiring OMB to report on government wide paperwork reduction and the implementation of the Congressional Review Act, as proposed by the Senate.

Performance of Statutory Responsibilities

The conferees have agreed to delete the earmark of $5,229,000 for the Office of Information and Regulatory Affairs (OIRA) and a fence of $1,200,000 for OIRA. The conferees have been assured that OMB will strictly adhere to the statutory requirements included in the bill on Paperwork Reduction and the Congressional Review Act. The conferees will monitor OMB's compliance with these requirements carefully.

Federal Employees' Pay Comparability Act

The conferees question the validity of the Administration's use of the "serious economic conditions" exception in the Federal Employees', Pay Comparability Act (FEPCA) to put forth an alternative pay plan for 1999. Press reports have indicated that members of the Administration may have concerns regarding the pay setting methodology established by FEPCA. In an effort to see that FEPCA is either fully implemented or perfected, the conferees direct the President's Pay Agent to provide the Committees with any pay setting methodology concerns it has with regard to FEPCA by May 1, 1999.

Century Date Conversion

The conferees remain concerned that with little more than a year to go before the new millennium, many critical government information systems are still in jeopardy of not meeting the January 1, 2000, deadline for date conversion. The conferees further believe that the Administration has failed to adequately champion the Y2K issue, not only to its own departments, but has also not provided the critical national leadership and coordination to our local, state and international partners in both the public and private sectors. Information systems experts have reported that the Y2K fix is rooted in management and oversight, not in the lack of technology available to address the problem. Unfortunately, valuable time has been lost waiting for management to embrace the magnitude and consequences of this issue. Only recently, has organizational management finally recognized the potential for shut down of critical information systems associated with entitlement payments, revenue collection, air traffic control, defense systems, telecommunications, mass transit, supply inventories, elevator function, medical equipment, to mention a few. Many agencies at all levels of government still do not have a complete grasp of the problem and are now at the greatest risk for systems failure.

The conferees direct the Administration to focus all of its attention and resources on the management and oversight of the most critical date sensitive information and infrastructure systems, prioritizing systems renovations, repair and replacement to those that can meet the January 1, 2000, deadline. The conferees further direct the Administration to accelerate the development of contingency plans for those critical systems that cannot meet the Y2K deadline, in order to maintain functional systems operations, until patent date conversion repairs can be completed.

The conferees strongly encourage the new Y2K Czar to take a high profile national leadership position, to aggressively promote century date change awareness for both information technology systems and sensitive infrastructure applications. The Y2K Czar should monitor, coordinate and provide oversight over the progress of all government-wide century date change conversion initiatives, with the primary goal of maintaining critical systems operations into the new millennium. Finally, the Y2K Czar should have Administration standing to directly access and take control of any critical agency system that is in jeopardy of not meeting the January 1, 2000, deadline because of ineffective management action.

OMB is directed to include in its quarterly Y2K report submissions an assessment of those critical information systems that will not meet the Y2K deadline and the problems that can be anticipated. In addition, the report should include the status of operational contingency plans for those systems identified as being in jeopardy.

Violent Crime Reduction Programs

The conferees expect the President's budget submissions for the Department of the Treasury's funding from the Violent Crime Reduction Trust Fund be reflected for the Department as a whole and not separately within each bureau's request.

Office of National Drug Control Policy

SALARIES AND EXPENSES

The conferees agree to provide $48,042,000 for the Office of National Drug Control Policy (ONDCP) as proposed by the Senate, instead of $36,442,000 as proposed by the House. This includes $13,000,000 to continue the technology transfer pilot program managed by the Counterdrug Technology Assessment Center (CTAC). It also includes $17,942,000 for ONDCP operations, as proposed by the Senate, $16,000,000 for the basic CTAC program, and $1,100,000 for policy research of which $100,000 is to be used for evaluating the Drug-Free Communities Act, as proposed by the Senate. The conferees agree to modify language governing the authority of ONDCP to accept and use gifts.

The conference agreement separately funds $1,000,000 for Model State Drug Law Conferences through the Violent Crime Reduction Trust Fund.

ONDCP Staffing

The conferees are concerned about requests by ONDCP to reprogram monies from the Salaries and Expenses account to fund other initiatives. The conferees in the past have fully supported and funded the full time equivalent staffing level requested by ONDCP and are concerned that ONDCP is not filling those vacancies but is instead requesting to use those funds for other purposes. The conferees believe that ONDCP needs to maintain its staffing at the authorized level in order to maximize the agency's effectiveness. The conferees therefore direct ONDCP to review its staffing requirements and report back to the Committees on Appropriations by December 15, 1998, on the steps it is taking to fill the vacancies or, if not, what changes it is making in its staffing plan.

Performance Measures of Effectiveness

The conferees strongly urge ONDCP to work within the Administration to ensure that the Performance Measures of Effectiveness (PMEs) it developed are embraced and employed by all federal agencies for future budgetary and planning work. The conferees direct ONDCP to apply the same standard to its own internal management and organization, and to include such measures with each new budget submission.

Research and Analysis Initiatives

The conferees recognize that ONDCP has proposed some initiatives for research that, owing to lack of resources, cannot be funded in this appropriation. Nonetheless, the conferees strongly urge ONDCP to continue to press through its interagency leadership to coordinate research in such areas as improving R&D coordination, developing a government-wide intelligence architecture, and mapping out drug trafficking flows.

Protective Security Assessment

The conferees have included a new general provision, Section 643, as proposed by the Senate which directs the U.S. Marshals Service to conduct a threat assessment on the Director of the Office of National Drug Control Policy on a quarterly basis. The level of security is to be provided to ONDCP on a reimbursable basis by the U.S. Marshals Service and will be based on this quarterly threat assessment.

Rural Drug Conferences

The conferees are concerned about the spread of drugs and drug-related crimes to rural areas and whether or not rural law enforcement can sufficiently address these new trends. Therefore, the conferees encourage the Director to consider convening a national conference on rural drug crime, to include regional conferences in rural areas, such as Luna County, NM, and similar counties in Colorado, in order to assess the needs of rural law enforcement and the impact that drug-related crimes have on rural communities as they cope with these issues.

The conferees believe that ONDCP can combine its knowledge and experience working with larger communities in this area and translate effective drug fighting practices to rural law enforcement, while taking into consideration their unique needs. Should ONDCP convene this event, the conference is requested to report to the Committees on Appropriations and the Director of ONDCP on its findings.

Shout

The conferees have provided $50,000 to continue the work of SHOUT, an outreach organization that works with minors, as defined by 21 CFR 897.14. This early intervention program focuses on shaping the attitudes of minors in order to discourage the use of illegal substances.

Counterdrug Technology Assessment Center

The conferees expect the multiagency research and development programs to be coordinated by the Counterdrug Technology Assessment Center (CTAC) in order to prevent duplication of effort and to assure that, whenever possible, those efforts provide capabilities that transcend the need of any single Federal agency. Prior to obligation of these funds, the conferees expect to be notified by the chief scientist on how these funds will be spent. The conferees also expect to receive periodic reports from the chief scientist on the priority counterdrug enforcement research and development requirements identified by the Center and on the status of projects funded by CTAC.

Federal Drug Control Programs

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

The conferees provide $182,477,000, instead of $162,007,000 as proposed by the House and $183,977,000 as proposed by the Senate. The conferees agree to fund all existing High Intensity Drug Trafficking Areas (HIDTAs) at the fiscal year 1998 level. This funding level shall be based on direct fiscal year 1998 appropriations for HIDTAs contained in the HIDTA and Violent Crime Reduction Trust Fund accounts. The conferees also agree that not less than fifty-one percent of this amount shall be transferred to State and local entities for drug control activities.

Within the amount appropriated, the conferees include $20,477,000 to supplement or expand existing HIDTAs, or provide for the creation of new HIDTAs. The conferees have been informed that unmet needs for funding exist in: the Arizona HIDTA for completion of an intelligence center and unmet programmatic needs for methamphetamine and border initiatives; the New Mexico HIDTA for unmet programmatic needs; the Southwest HIDTA for its wiretapping initiative; the Cascade HIDTA for unmet programmatic needs; the expansion of the Midwest HIDTA to include the State of North Dakota; the Rocky Mountain HIDTA for expansion of its methamphetamine initiative; the Chicago HIDTA for unmet programmatic needs; and the Central Florida HIDTA for unmet programmatic needs. Additionally, the conferees are aware of interest in the designation of new HIDTAs in the New England states, East Texas, Ohio, and Hawaii.

While the conferees are obviously supportive of the HIDTA program, it is critical to the continued support and the health of all HIDTAs and the program in general that decisions about funding be founded on clear, concrete measures of performance. The conferees also believe that ONDCP must have the flexibility to allocate resources to those HIDTAs that will have the greatest impact on our drug problems. In making these decisions, ONDCP must focus on the performance of HIDTAs, existing or proposed, and their significant impact on drug trafficking, use, and associated crime. This means that ONDCP must assess which HIDTAs are the top performers and document the factors it uses to make this determination. At the same time, ONDCP must determine where the impact will be greatest based on the combined effect of HIDTA performance and the nature and severity of drug problems that exist in the areas where HIDTAs currently operate or are proposed—whether measured by use, associated crime, or volume of trafficking in drugs or money. The conferees therefore direct ONDCP to submit its fiscal year 2000 budget for HIDTAs based on applying both ONDCP's own performance measures of effectiveness and the priorities dictated by changing threats.

SPECIAL FORFEITURE FUND

The conferees agree to provide $214,500,000, instead of $215,000,000 as proposed by the House and $200,000,000 as proposed by the Senate. This includes $185,000,000 for the youth media campaign, $20,000,000 for implementation of the Drug-Free Community Act, $5,000,000 for the chronic users study, and $4,500,000 for a transfer to the Agricultural Research Service for anti-drug research and related matters.

YOUTH MEDIA CAMPAIGN

The conferees recommend a funding level of $185,000,000 for the National Media Campaign. In fiscal year 1998, ONDCP proposed a 5-year media campaign at a total cost to the Federal government of $875,000,000. The initial request was based on a $175,000,000 annual funding level for five years of the program. The conferees continue to be fully supportive of this program and believe that this national media campaign, if properly executed, has the potential to produce concrete results. The conferees look forward to working with ONDCP on this effort to produce demonstrable results as the campaign matures.

The conferees have included new language calling for ONDCP to report on its efforts to achieve corporate sponsorship beyond the matching requirement for participation in the media campaign; clarifies the pro bono requirement; and limits the possible use of funding for creative development efforts. The conferees agree that 75% of the funds will become available when ONDCP submits to the Committees the results of Phase I of the campaign and the remainder will become available when ONDCP submits the results of Phase II.

The Committees will closely track this national media campaign, and its contribution to achieving a drug-free America. Therefore, the conferees direct ONDCP to submit quarterly reports on the obligation of funds as well as the specific parameters of the pilot campaign. The conferees anticipate that future funding will be based upon results. ONDCP is directed to report to the Committees on Appropriations by January 15, 1999 on the effectiveness of the national media campaign. In addition, ONDCP is to report to the Committees within 6 months of enactment of this Act on State and local prevention and treatment facilities infrastructure and their capacity to handle the increased demands of communities as a result of the national media campaign. ONDCP is to continue to report on the effectiveness and implementation status of the guidelines set out in the fiscal year 1998 appropriations bill.

The conferees direct the General Accounting Office to conduct a financial audit and review of the financial transactions relating to the media campaign. The conferees request that the scope of the review include how monies have been obligated and the effectiveness of the campaign and report to the Committees on Appropriations. As part of this review, GAO shall determine the definition, acquisition, and utilization of matching contributions sought by ONDCP relating to the media campaign. In addition, the conferees direct GAO to review Phase I, the 12 city test pilot, and report its findings to the Committees. This review is to examine the development of the test market plan for Phase I, determine the viability of extrapolating Phase I results to the national level, and determine the success of Phase I in the 12 city pilot.

CHRONIC USERS STUDY

The Administration's budget estimate includes a request of $10,000,000 to expand a preliminary user study conducted in Cook County, IL. The Cook County study developed a methodology for estimating the number of hardcore drug users in the United States. Accurately identifying this population is important since they consume a massive amount of the drugs available in the United States, create a large proportion of the demand for illegal drug markets, and are responsible for a great deal of criminal activity. The accurate identification of this population will provide communities a base for estimating the type and number of drug treatment and prevention programs required.

The conferees congratulate ONDCP on conducting this study and continue to support this effort. The conferees provide $5,000,000 to expand the study to regional areas. Although this is less than the request, the conferees understand that ONDCP may be able to use this level of funding to complete a study that can serve as an accurate basis for a national estimate of the size and location of chronic user populations. The conferees encourage ONDCP to work with the Department of Health and Human Services to identify additional funding sources, if necessary and available, and encourage ONDCP to promote utilization of the Cook County study that contributes to reductions in the population of hardcore drug users.

UNANTICIPATED NEEDS

The conferees agree to provide $1,000,000 as requested by the Administration for unanticipated needs.

INFORMATION TECHNOLOGY SYSTEMS AND RELATED EXPENSES

The conferees have not included language contained in the Senate bill to provide $3,250,000,000 in contingent emergency funding for Year 2000 computer conversion costs. On September 2, 1998, the President transmitted to Congress a request for this level of funding in fiscal year 1998. The conferees expect that this issue will be resolved as part of a supplemental appropriation.

Title IV—Independent Agencies

Federal Election Commission

SALARIES AND EXPENSES

The conferees agree to provide $36,500,000 as proposed by the House and the Senate. This level of funding will support a base appropriation of $32,580,000, an additional $2,800,000 for enhanced enforcement efforts, as proposed by the House and Senate, and an additional $1,120,000 for other initiatives, as proposed by the House. The conferees fence $1,120,000, pending the submission of a plan for the obligation of these funds and provide that not less than $4,402,500 shall be available for internal automated data processing systems. The conferees strongly recommend that the FEC target the additional $1,120,000 in fenced appropriations to the improvement of enforcement procedures and preventing the unnecessary dismissal of appropriate enforcement actions; the conferees specifically recommend that FEC expedite automated data processing improvements as they relate to enforcement. The conferees assume that full time employment will not exceed 347 FTE in fiscal year 1999.

General Services Administration

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The conference agreement provides $5,605,018,000 in new obligational authority for the General Services Administration's Federal Buildings Fund instead of $5,624,128,000 as proposed by the House and $5,648,680,000 as proposed by the Senate. In order to provide the resources necessary to carry out that program, the conferees have recommended an appropriation of $450,018,000 into the Fund instead of $479,300,000 as proposed by the House and $508,752,000 as proposed by the Senate.

The conferees have provided $492,190,000 for the construction and acquisition of new projects instead of $527,100,000 as proposed by the House and $538,652,000 as proposed by the Senate. The conferees have included funding for the following projects:

Arkansas: Little Rock, U.S. Courthouse	$3,436,000
California:	
San Diego, U.S. Courthouse	15,400,000
San Jose, U.S. Courthouse	10,800,000
Colorado: Denver, U.S. Courthouse	83,959,000
District of Columbia: Southeast Federal Center Remediation	10,000,000
Florida:	
Jacksonville, U.S. Courthouse	86,010,000
Orlando, U.S. Courthouse	1,930,000
Massachusetts: Springfield, U.S. Courthouse	5,563,000
Michigan: Sault Sainte Marie, Border Station	572,000
Mississippi: Biloxi—Gulfport, U.S. Courthouse	7,543,000
Missouri: Cape Girardeau, U.S. Courthouse	2,196,000
Montana: Babb, Piegan Border Station	6,165,000
New York:	
Brooklyn, U.S. Courthouse	152,626,000
New York, U.S. Mission to the United Nations	3,163,000
Oregon: Eugene, U.S. Courthouse	7,190,000
Tennessee: Greenville, U.S. Courthouse	28,229,000
Texas: Laredo, U.S. Courthouse	28,105,000
West Virginia: Wheeling, U.S. Courthouse	29,303,000
Nationwide: Non-prospectus construction projects	10,000,000

The conferees have not provided funds for the Savannah, Georgia, U.S. Courthouse Annex project. The conferees are aware that at a recent meeting to consider the authorization of new courthouse construction projects, the Public Buildings and Economic Development Subcommittee of the House Committee on Transportation and Infrastructure deferred action on this project pending further review. The conferees further understand that that action was taken primarily because of the significant increase in estimated project cost that has occurred since the approval of funds for site acquisition and design, even though the size of the building has been reduced. The conferees share those concerns and, have, therefore, elected to defer funding for the project pending resolution of the issues that have been raised by the authorizing committee.

The conferees recognize the efforts of the General Services Administration and the Judiciary to reduce the cost of courthouse construction and encourage the continuation of these efforts. The conferees are pleased that the Administrative Office of the U.S. Courts' recent draft utilization study answers some questions about the utilization rates of existing and proposed courthouses. The conferees are aware of the Judiciary's needs to have court space available to conduct business and understand their position that a courtroom's existence may result in moving a case to settlement. However, the conferees continue to be concerned that the courts are not fully examining information that is key to the development of a utilization planning model. As a result, the conferees request the Administrative Office of the U.S. Courts to revise the utilization study to include the assumptions used to develop the planning model. Additionally, the conferees direct the General Services Administration to provide the utilization rates of existing and proposed courtrooms with any request for new construction, replacement, or expansion of court space.

The conference agreement includes language proposed by the Senate authorizing the General Services Administration to reacquire the parcel of land on Block 111, East Denver, Denver, Colorado, which was sold at public auction by the Federal government to the present owner of the property.

The conference agreement includes language proposed by the Senate which provides that funds provided in fiscal year 1993 for the Hilo, Hawaii, federal building shall be expended for the planning and design of the Mauna Kea Astronomy Educational Center.

The conference agreement deletes language proposed by the Senate regarding funding for the design of the Department of Transportation headquarters building and landing rights at Denver International Airport.

The conference agreement includes language included in the House reported bill which provides that of the funds provided for non-prospectus construction projects, $2,100,000 shall be available for acquisition, lease, construction, and equipping of flexiplace telecommuting centers.

The conferees have also agreed to include language in the bill permitting the General Services Administration to purchase, at the appropriate price, real estate essential to meet security interests related to the successful completion of the new courthouse in Scranton, Pennsylvania.

The conferees have provided $668,031,000 for repairs and alterations as proposed by the Senate instead of $655,031,000 as proposed by the House. The conference agreement provides that $161,500,000 of the funds shall not be available for obligation until September 30, 1999, instead of $19,000,000 as proposed by the House and $323,800,000 as proposed by the Senate.

The amount provided includes $25,000,000 for the chlorofluorocarbons program and $25,000,000 for the energy program as proposed by the Senate instead of $18,500,000 for each program as proposed by the House.

The conferees have agreed to list in the bill the amounts provided for each of the projects and activities to be undertaken under Repairs and Alterations as proposed by the Senate. Accordingly, there is no need for GSA to submit the plan for program execution called for in the House report.

The conference agreement includes the language contained in the Senate bill regarding the use of funds for security improvements.

The conference agreement includes language proposed by the House which provides that funds provided in Public Law 103-329 for the IRS Service Center in Holtsville, New York, shall remain available until September 30, 1999.

The conference agreement includes language proposed by the Senate which provides that $100,000 shall be used to address lighting issues at the Byrne-Green Federal Courthouse in Philadelphia, Pennsylvania; provides that $1,600,000 shall be used to complete alterations at the Milwaukee, Wisconsin, Courthouse; and provides that $1,100,000 may be used to provide a new fence for the Suitland Federal Complex in Suitland, Maryland.

The conferees have provided $215,764,000 for installment acquisition payments as proposed by the House and the Senate.

The conferees have provided $2,583,261,000 for rental of space as proposed by the Senate instead of $2,580,461,000 as proposed by the House. The conference agreement provides that $15,000,000 of the funds provided shall not be available for obligation until September 30, 1999, instead of $51,667,000 as proposed by the Senate.

The conferees have provided $1,554,772,000 for building operations as proposed by the House and the Senate. The conference agreement provides that $68,000,000 of the funds provided shall not be available for obligation until September 30, 1999, instead of $223,000,000 as proposed by the House and $31,095,000 as proposed by the Senate.

The conference agreement provides that $475,000 shall be available for the 1999 Women's World Cup soccer event and that $600,000 shall be available for the 1999 World Alpine Ski Championships.

PUBLIC SERVICE RECOGNITION WEEK

The conferees recognize that Public Service Recognition Week, a program of the Public Employees Roundtable, has educated America about the value of the career workforce which carries out the daily operations of government. This program, which has existed for over ten years, plays an important role in educating our nation's youth and providing them with timely information about their government. The conferees urge the General Services Administration to support the mission of the Public Employees Roundtable and provide administrative and logistical assistance equaling $100,000 for carrying out its Public Service Recognition Week activities.

LOS ANGELES, CALIFORNIA, CIVIC CENTER TRUST

The conferees are aware that the U.S. Courthouse in Los Angeles, California, will be serving as the cornerstone for an economic revitalization of the Civic Center neighborhood, where currently more than 50 public and private projects are in various stages of development. The Los Angeles City Civic Center Trust, established by Project Restore, a nonprofit organization, will facilitate and coordinate this revitalization. The conferees urge the General Services Administration to continue its current work and support the mission of the Los Angeles Civic Center Trust by providing planning, administrative, and logistical support for its activities.

RONALD REAGAN COURTHOUSE—SANTA ANA, CALIFORNIA

The conferees understand that none of the artwork acquired for the Ronald Reagan Courthouse in Santa Ana, California, recognizes President Reagan. The conferees urge the General Services Administration to acquire and display artwork that appropriately commemorates President Reagan. Further, the conferees urge the General Services Administration to work with the Ronald Reagan Presidential Library and Museum to determine the feasibility of maintaining a rotating exhibit at the Ronald Reagan Courthouse.

PRESIDENT HARRY S TRUMAN

The conferees note that there is no major recognition of President Harry S Truman in the Nation's Capital. The conferees request that the General Services Administration review such proposals as may exist and report to the Committees on Appropriations no later than June 1, 1999.

POLICY AND OPERATIONS

The conference agreement appropriates $109,594,000 for Policy and Operations instead of $108,494,000 as proposed by the House and $106,494,000 as proposed by the Senate. The conferees direct that $2,000,000 be provided for the pilot project in digital learning technologies as described in the House report and that $1,000,000 be used to initiate a digital education project.

The conferees have also included language in the bill that provides that $100,000 of the funds appropriated shall be provided to the Property Disposal activity of this account. This amount represents the estimated fair market value of the property to be conveyed to the City of Racine, Wisconsin, as described in section 409 of the bill.

The conferees have modified language proposed by the Senate regarding the Old Post Office at 1100 Pennsylvania Avenue in Washington, D.C., to make the language applicable only for fiscal year 1999 and to require that the comprehensive plan for use of the property also be approved by the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure.

SURPLUS EQUIPMENT TO SCHOOLS AND EDUCATIONAL INSTITUTIONS

The conferees urge the General Services Administration, in line with its responsibilities for the disposal of excess and surplus Federal personal property, to promote and foster the transfer of excess and surplus computer equipment directly to schools and to appropriate nonprofit, community-based educational organizations. The GSA should communicate with other Federal agencies to heighten their ongoing awareness of the existing opportunities at both the national and local levels to meet the needs of the schools for such equipment.

All Federal agencies are required, to the extent permitted by law and after determining that the equipment is excess to their needs, to give highest preference to schools and nonprofit organizations in the transfer of educationally useful Federal computer equipment. Agencies are required to inventory all computer equipment and identify in their inventories their excess and surplus equipment. Federal agencies are also required to report to GSA the transfer of any personal property, including computer equipment, made to nongovernmental entities such as schools.

The conferees commend GSA and the Office of Science and Technology Policy (OSTP) for the progress that has been made simplifying and improving the Federal Surplus Computer Donation Program. One remaining hurdle for schools interested in participating in the program is the lack of operating systems on many donated computers. The conferees urge GSA and OSTP to work together with operating system providers to develop a partnership with those providers similar to the partnership that has already been formed with van lines to assist in transporting donated computers. The goal of this partnership would be to provide operating systems to schools which receive computers through the donation program.

FEDERAL OFFICE BUILDING IN COLORADO SPRINGS, COLORADO

The Federal building located at 1520 Willamette Ave. in Colorado Springs, Colorado, is owned by GSA and is currently leased to the U.S. Air Force Space Command. It is the conferees' understanding that the Space Command is moving ahead with options to vacate the facility. In the event that Space Command does not renew its lease and the facility becomes vacant and is deemed surplus, the conferees urge GSA to strongly consider the U.S. Olympic Committee's (USOC) need for additional space and to give priority to the USOC's request to gain title or acquire the property.

General Provisions—General Services Administration

Section 401. The conference agreement includes a provision proposed by the Senate which provides that accounts available to GSA shall be credited with certain funds received from government corporations. The provision was also included in the House reported bill.

Section 402. The conference agreement includes a provision proposed by the Senate which provides that funds available to GSA shall be available for the hire of passenger motor vehicles. The provision was also included in the House reported bill.

Section 403. The conference agreement includes a provision proposed by the Senate which authorizes GSA to transfer funds within the Federal Buildings Fund to meet program requirements. A similar provision was included in the House reported bill.

Section 404. The conference agreement includes a provision proposed by the Senate which prohibits the use of funds to submit a fiscal year 2000 budget request for courthouse construction projects that do not meet design guide criteria, do not reflect the priorities of the Judicial Conference of the United States, and are not accompanied by a standardized courtroom utilization study. A similar provision was included in the House reported bill.

Section 405. The conference agreement includes a provision proposed by the Senate which provides that no funds may be used to increase the amount of occupiable square feet or provide cleaning services, security enhancements, or any other service usually provided, to any agency which does not pay the requested rental rates. The provision was also included in the House reported bill.

Section 406. The conference agreement includes a provision proposed by the Senate which provides that funds provided by the Information Technology Fund for pilot information technology projects may be repaid to the Fund. The provision was also included in the House reported bill.

Section 407. The conference agreement includes a provision proposed by the Senate which permits GSA to pay claims of up to $250,000 arising from construction projects and the acquisition of buildings. The provision was also included in the House reported bill.

Section 408. The conference agreement includes a provision proposed by the Senate providing $5,000,000 for the demolition, cleanup, and conveyance of the property at block 35, and lot 2 of block 36 in Anchorage, Alaska. The House bill contained no similar provision.

Section 409. The conference agreement includes a provision proposed by the Senate authorizing GSA to convey the property which contains the U.S. Army Reserve Center in Racine, Wisconsin, to the City of Racine. The Senate language has been amended by deleting the phrase "without consideration." The House reported bill contained a similar provision.

Section 410. The conference agreement includes language proposed by the Senate directing the General Services Administration to enter into an operating lease to acquire space for the Department of Transportation headquarters. The House bill contained no similar provision.

Section 411. The conference agreement includes a provision proposed by the House regarding the fees charged by GSA for the use of telecommuting centers by Federal agencies. The Senate bill contained no similar provision.

Section 412. The conference agreement includes a provision proposed by the Senate authorizing GSA to transfer property in Dade County, Florida, to the University of Miami. The Senate language has been amended to allow a land exchange. The House reported bill contained a similar provision.

Section 413. The conference agreement includes a provision directing GSA to reincorporate the elements of the original proposed design for the facade of the United States Courthouse project in London, Kentucky, into the revised design of the building. This will ensure that the construction of the new courthouse is compatible with the architectural character of the historic existing U.S. courthouse. The construction of the project should in no way be diminished in order to achieve this goal. This provision was included in the House reported bill.

The conference agreement deletes language contained in section 411 of the Senate bill which appropriates $14,105,000 for costs associated with the security of the Capitol complex. The conferees recognize the importance of Capitol security and have consulted with and deferred to the jurisdiction of the Legislative Branch Appropriations Subcommittee to coordinate those requirements.

Environmental Dispute Resolution Fund

The conference agreement appropriates $4,250,000 for capitalization of the Environmental Dispute Resolution Fund and operation of the United States Institute for Environmental Conflict Resolution as proposed by the House. The Senate did not include funds for this activity.

Merit Systems Protection Board

The conferees understand that an agreement has been reached between MSPB and its administrative judges regarding the establishment of a special pay classification for the administrative judges. The conferees are encouraged by this progress and urge MSPB to work with the proper House and Senate authorizing committees and the Office of Management and Budget so this agreement can be addressed in the fiscal year 2000 budget submission and through appropriate legislative action.

National Archives and Records Administration

OPERATING EXPENSES

The conference agreement appropriates $224,614,000 for operating expenses of the National Archives and Records Administration instead of $216,753,000 as proposed by the House and $221,030,000 as proposed by the Senate. The conferees have included language delaying the availability of $7,861,000 of the funds appropriated until September 30, 1999, instead of $4,277,000 as proposed by the Senate.

The conferees are aware that additional funds in the amount of $5,411,000 are required in fiscal year 1999 for Year 2000 compliance.

NATIONAL PERSONNEL RECORDS CENTER

The conferees are aware that in many instances veterans are experiencing significant delays, often as long as six months, when attempting to gain access to records they need to obtain medical assistance or other benefits from the National Personnel Records Center in St. Louis, Missouri. The conferees believe that this is unacceptable. The conferees are also aware that the National Archives and Records Administration (NARA) has initiated a business process re-engineering project at the center to address concerns about the timeliness of responses to veterans' requests. The implementation of this project will take about five years at a total cost of approximately $6,000,000. The goal of the program is to achieve case cycle time of 10 days or less. For fiscal year 1999, the NARA will be conducting a pilot test of the business process re-engineering program to validate the processes and methods that have been recommended. The conferees have been informed by NARA that this pilot test can be funded from within existing resources. The conferees further understand that the Archives plans to begin implementation of this program in fiscal year 2000. The conferees are very supportive of this extremely important effort and expect NARA to request the funds it needs to begin implementation of the program in the fiscal year 2000 budget.

REPAIRS AND RESTORATION

The conference agreement appropriates $11,325,000 for repairs and restoration of Archives facilities as proposed by the Senate instead of $10,450,000 as proposed by the House. The conferees have not included language proposed by the Senate delaying the availability of $2,000,000 of the funds until September 30, 1999.

The conference agreement includes language proposed by the Senate providing $875,000 for a requirements study and design of a facility in Anchorage, Alaska.

National Historical Publications and Records Commission

GRANTS PROGRAM

The conference agreement appropriates $10,000,000 for the Grants Program of the National Historical Publications and Records Commission instead of $6,000,000 as proposed by the House and $11,000,000 as proposed by the Senate.

The conferees have included language delaying the availability of $4,000,000 of the funds until September 30, 1999, instead of $5,500,000 as proposed by the Senate.

The conferees have agreed to provide $4,000,000 for a grant to the Center for Jewish History instead of $5,000,000 as proposed by the Senate. The conferees note, however, that a single grant of this size is far beyond the scope of activities normally undertaken by the National Historical Publications and Records Commission. For example, the Commission expects to fund, in whole or in part, 103 proposals with the $5,500,000 provided in fiscal year 1998. Therefore, the conferees agree that the funds provided for the Center for Jewish History represent the total to be provided from this account.

United States Tax Court

SALARIES AND EXPENSES

The conference agreement appropriates $32,765,000 for the United States Tax Court as proposed by the Senate instead of $34,490,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

This Act

Sec. 501. The conferees agree to continue to limit the expenditure of appropriated funds to the current year, unless otherwise designated.

Sec. 502. The conferees agree to continue to limit funding for consulting services.

Sec. 503. The conferees agree to continue to prohibit the use of funds prohibiting the enforcement of Sec. 307 of the 1930 Tariff Act. (Sec. 307 bans imported goods produced by slave/forced labor).

Sec. 504. The conferees agree to continue the prohibition on transfer of control over FLETC.

Sec. 505. The conferees agree to continue to protect civilian employee rights following assignment with the Armed Forces.

Sec. 506. The conferees agree to continue the requirements on "Buy American Act" compliance.

Sec. 507. The conferees agree to continue "Sense of Congress" language regarding purchase of American made equipment and products.

Sec. 508. The conferees agree to continue to prohibit contract eligibility where fraudulent intent has been proven in affixing "Made in America" labels.

Sec. 509. The conferees agree to a provision proposed by the House which prohibits funds to pay for an abortion or any administrative expenses for FEHBP plans that provide benefits or coverage for abortions.

Sec. 510. The conferees agree to a provision proposed by the Senate in Title VI of this bill providing that Sec. 509 shall not apply if the life of the mother is in danger or the pregnancy is the result of an act of rape or incest.

Sec. 511. The conferees agree to a provision proposed by the Senate which authorizes the use of unobligated balances for certain purposes, providing that such requests be made in compliance with reprogramming guidelines.

Sec. 512. The conferees agree to include a provision as proposed by both the House and Senate which prohibits the use of funds for the White House to request official background reports without the written consent of the individual who is the subject of the report.

Sec. 513. The conferees have included language which provides that funds provided in this Act may be used to initiate or continue projects or activities, to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) conversion to ensure adequate funding until such time as supplemental appropriations are made available for that purpose. The language also includes a provision which requires agencies that use funds appropriated in this Act for Y2K conversion activities to restore funds to the program, project, or activity from which the funds were obligated when supplemental appropriations for Y2K conversion activities are made available.

Sec. 515. The conferees agree to include a provision authorizing the payment of attorneys' fees, costs and sanctions by the Federal government in the case *Association of American Physicians and Surgeons, Inc.* v. *Clinton* from the White House Office Salaries and Expenses account, as proposed by the House in the House-reported bill.

Sec. 516. The conferees agree to include a new provision authorizing the use of fifty percent of the fiscal year 1997 unobligated balances available to the White House Salaries and Expenses account for the purposes of partially satisfying the conditions of Section 515.

Sec. 517. The conferees have agreed to include language which makes technical corrections to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992.

Sec. 518. The conferees have agreed to include a new provision regarding cost accounting standards to contracts under the FEHBP.

The conferees delete a provision which provides for the appointment and reappointment of Staff Director and General Counsel of the Federal Election Commission.

TITLE VI—GENERAL PROVISIONS

Departments, Agencies, and Corporations

Sec. 601. The conferees agree to continue a provision authorizing agencies to pay costs of travel to the United States for the immediate families of Federal employees assigned to foreign duty in the event of a death or a life threatening illness of the employee.

Sec. 602. The conferees agree to continue a provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Sec. 603. The conferees agree to continue a provision authorizing reimbursement for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of child care services to Federal employees.

Sec. 604. The conferees agree to continue a provision regarding price limitations on vehicles to be purchased by the Federal government.

Sec. 605. The conferees agree to continue a provision allowing funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Sec. 606. The conferees agree to continue a provision prohibiting the Government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental U.S.

Sec. 607. The conferees agree to continue a provision authorizing agencies to use funds to pay GSA bills for renovations and other services.

Sec. 608. The conferees agree to continue a provision allowing agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Sec. 609. The conferees agree to continue a provision providing that funds may be used to pay rent and other service costs in the District of Columbia.

Sec. 610. The conferees agree to continue a provision prohibiting the use of appropriated funds to pay the salary of any nominee after the Senate voted not to approve the nomination.

Sec. 611. The conferees agree to continue a provision precluding the financing of groups by more than one Federal agency absent prior and specific statutory approval.

Sec. 612. The conferees agree to continue a provision authorizing the Postal Service to employ guards and give them the same special police powers as GSA guards.

Sec. 613. The conferees agree to continue a provision prohibiting the use of funds for enforcing regulations disapproved in accordance with the applicable law of the U.S.

Sec. 614. The conferees agree to continue a provision limiting the pay increases of certain prevailing rate employees.

Sec. 615. The conferees agree to continue a provision limiting the amount of funds that can be used for redecoration of offices under certain circumstances.

Sec. 616. The conferees agree to modify a provision prohibiting the expenditure of funds for the acquisition of additional law enforcement training facilities.

Sec. 617. The conferees agree to continue a provision to allow for interagency funding of national security and emergency telecommunications initiatives.

Sec. 618. The conferees agree to continue a provision requiring agencies to certify that a

Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Sec. 619. The conferees agree to continue a provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment.

Sec. 620. The conferees agree to continue a provision prohibiting the use of funds for travel expenses not directly related to official governmental duties.

Sec. 621. The conferees agree to a new provision providing that no adjustment shall take effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems under section 5303 of title 5, United States Code.

Sec. 622. The conferees agree to continue a provision which prohibits the use of appropriated funds in this or any other Act to acquire information technology which does not comply with part 39.106 (Year 2000 compliance) of the Federal acquisition regulations.

Sec. 623. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Sec. 624. The conferees agree to modify a provision which prohibits the use of funds for Sunday premium pay to an employee unless the work was actually performed.

Sec. 625. The conferees agree to continue a provision which prohibits the use of funds to prevent Federal employees from communicating with Congress or to take disciplinary or personnel actions against employees for such communication.

Sec. 626. The conferees agree to a new provision that provides additional flexibility relating to the FTS 2000 contract.

Sec. 627. The conferees agree to a new provision to protect Federal law enforcement officers who intervene in certain situations.

Sec. 628. The conferees agree to a new provision reforming Federal firefighters overtime pay.

Sec. 629. The conferees agree to a new provision requiring a joint review by the Department of the Treasury, the Department of Justice, and the Office of National Drug Control Policy on the coordination of Southwest border counter drug activities.

Sec. 630. The conferees agree to a new provision that provides that for fiscal year 1999 and each fiscal year thereafter, each executive agency of the Federal government shall make available at a minimum $50,000 for expenses necessary to carry out a flexiplace work telecommuting program.

Sec. 631. The conferees agree to a new provision to amend permanent law to make Senior Executive Service Presidential Awards based upon base salary percentages of 20 percent (for "Meritorious Awards") and 35 percent (for "Distinguished Awards") rather than the current dollar amounts.

Sec. 632. The conferees agree to a new provision to increase the formula used to calculate the aggregate amount available for performance awards to 10 percent of the Senior Executive Service pool or 20 percent of the average of annual rates of basic pay.

Sec. 633. The conferees agree to a new provision regarding U.S. Government participation in the Universal Postal Union.

Sec. 634. The conferees agree to continue a provision requiring the President to certify that no persons responsible for administering the Drug Free Workplace Program are themselves the subject of random drug testing.

Sec. 635. The conferees agree to modify a provision prohibiting Federal training not directly related to the performance of official duties.

Sec. 636. The conferees agree to continue a provision prohibiting expenditure of funds for implementation of agreements in nondisclosure policies, without "Whistleblower" protection clauses.

Sec. 637. The conferees agree to continue a provision which prohibits executive branch agencies from the use of appropriated funds for publicity or propaganda purposes to support or defeat legislation pending before Congress.

Sec. 638. The conferees agree to a new provision requiring the OMB to do an accounting statement and associated report on the cumulative costs and benefits of Federal regulatory programs, as proposed by the Senate and make this provision applicable for one year only.

Sec. 639. The conferees agree to continue a provision providing that no funds may be expended to provide an employee's home address to a labor organization except when the employee has authorized such a disclosure or such disclosure has been ordered by a court of competent jurisdiction.

Sec. 640. The conferees agree to continue a provision authorizing the Secretary of the Treasury to establish scientific certification standards for explosives detection canines.

Sec. 641. The conferees agree to continue a provision prohibiting the use of appropriated funds to provide nonpublic information such as mailing or telephone lists to any person or organization outside of the Government.

Sec. 642. The conferees agree to continue a provision prohibiting funding for publicity or propaganda purposes not authorized by Congress.

Sec. 643. The conferees agree to a new provision that directs the U.S. Marshals Service to conduct a quarterly threat assessment on the Director of the Office of National Drug Control Policy upon which the Director's security needs will be based.

Sec. 644. The conferees agree to a new provision to expand section 636 of the Treasury, Postal Service and General Government Appropriations Act, 1997 (Public Law 104–208) to include the judicial branch.

Sec. 645. The conferees agree to a new provision directing employees to use "official time" in an honest effort to perform official duties. The conferees agree that this section does not affect the rights and responsibilities under chapter 71 of title 5, United States Code.

Sec. 646. The conferees agree to a new provision providing monetary relief to importers whose legally purchased goods were denied entry upon arrival because of changes in official policy.

Sec. 647. The conferees agree to a new provision regarding pay for Federal employees. The conferees anticipate that the President will issue an Executive Order allocating the 3.6 percent pay increase between an increase in rates of basic pay for the statutory pay systems under section 5303 of title 5, United States Code, and increases in comparability-based locality payments for General Schedule employees under section 5304. The conferees have not made the language more specific so that the President may exercise his discretion to distribute any amount allocated for comparability-based locality payments in the most appropriate fashion among the pay localities established by the President's Pay Agent.

Sec. 648. The conferees agree to a new provision requiring the Postal Rate Commission to submit an annual report to Congress regarding international mail rates.

Sec. 649. The conferees agree to a new provision to extend the sunset date for Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) from 10 to 15 years.

Sec. 650. The conferees agree to a new provision to direct the Customs Service, in consultation with the U.S. Trade Representative and the Department of Commerce, to report on the importation of certain grains.

Sec. 651. The conferees agree to a new provision to designate the Eugene J. McCarthy Post Office Building.

Sec. 652. The conferees agree to a new provision authorizing the use of credit card rebates to support the Joint Financial Management Improvement Program.

Sec. 653. The conferees agree to a new provision addressing use of accrued leave as it applies to Senior Executive Service reduction in force actions.

Sec. 654. The conferees agree to a new provision directing agencies to assess the impact of Federal regulations and policies on families.

Sec. 655. The conferees include a new provision relating to the application of 18 U.S.C., Section 922(t).

Section 656. The conferees agree to a new provision addressing contraceptive coverage in health plans participating in the FEHB program.

The conferees delete a provision included by the House prohibiting the use of appropriated funds for new nonpostal commercial activities or pack and send services.

The conferees delete a provision included by the Senate prohibiting the acquisition of products produced by forced or indentured child labor.

The conferees delete a provision included by the Senate authorizing agencies to provide child care in federal or leased facilities.

The conferees delete a provision included by the Senate expressing a sense of Congress that a postal stamp be created to commemorate Oskar Schindler.

The conferees delete a provision included by the Senate prohibiting the use of any funds in this Act to pay for abortions or administrative expenses of any FEHBP plans which provide abortion benefits. This provision is addressed in Section 509.

The conferees delete a provision included by the Senate authorizing the expenditure of funds for abortions under the FEHBP if the life of the mother is in danger or the pregnancy is the result of an act of rape or incest. This provision is addressed in Section 510.

The conferees delete a provision included by the Senate requiring any Senate or House bill or joint resolution of a public character to include a detailed analysis of the potential impact of such legislation on family well-being and on children.

The conferees delete a provision included by the Senate authorizing $420,000,000 in emergency funding for the Strategic Petroleum Reserve.

The conferees delete a provision included by the Senate expressing the sense of Congress that a postal stamp be created to honor the 150th Anniversary of Irish immigrants to the United States.

The conferees delete a provision included by the Senate authorizing the Community and Postal Participation Act of 1998.

The conferees delete a provision included by the Senate waiving Section 611 of this title to permit interagency funding of the National Bioethics Advisory Commission.

The conferees delete a provision included by the Senate to permit the interagency funding of the National Science and Technology Council.

The conferees delete a provision included by the Senate allowing amounts appropriated in this Act to be transferred to the FLETC ACIRE account. The conferees address this appropriation in Title I of this Act.

The conferees delete a provision dealing with child care in Federal facilities, proposed by the Senate.

TITLE VIII—TECHNICAL AND CLARIFYING AMENDMENTS

The conferees delete a new title authorizing the Office of National Drug Control Policy proposed by the Senate and instead insert a new title regarding administration of the DC Retirement Trust Fund.

TITLE IX—HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998

The conference agreement includes a new Title, the Haitian Refugee Immigration Fairness Act of 1998, as proposed in the Senate bill, which provides certain Haitians who were paroled into the United States before December 31, 1995 and who applied for asylum by that date, and certain unaccompanied minors, to apply for adjustment of status. The House had no similar provision.

In addition, the conference agreement adds a seciton requiring detailed reports from the Comptroller General on the numbers of aliens who apply for and receive status adjustment under this Act.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimates, and the House and Senate bills for 1999 follow:

New budget (obligational) authority, fiscal year 1998	$25,325,767,500
Budget estimates of new (obligational) authority, fiscal year 1999	26,839,489,000
House bill, fiscal year 1999	26,614,669,000
Senate bill, fiscal year 1999	29,923,612,000
Conference agreement, fiscal year 1999	26,772,527,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1998	+1,446,759,500
Budget estimates of new (obligational) authority, fiscal year 1999	−66,962,000
House bill, fiscal year 1999	+157,858,000
Senate bill, fiscal year 1999	−3,151,085,000

ADDITIONAL PROVISIONS (DIVISION A)

SECTIONS 102–134

The conference agreement includes $50,000,000 in final year funding for the nonpower programs of the Tennessee Valley Authority. Within this amount, $7,000,000 is provided for Land Between the Lakes.

The conference agreement includes language permitting the Tennessee Valley Authority (TVA) to repurchase bonds issued by the Federal Financing Bank (FFB) without prepayment penalty. This provision will permit TVA to prepay its loans at less than their full contractual value, resulting in a savings to TVA of approximately $810,000,000 over ten years. The FFB, however, retains its contractual obligation to repay its corresponding loan from the Treasury at the full market value of the TVA loan. This will require additional appropriations to the FFB.

The conference agreement repeals section 312 of the Energy and Water Development Appropriations Act, 1999. Section 312 delayed until September 30, 1999, the obligation of $57,000,000 in the Atomic Energy Defense Activities, Weapons Activities appropriation account.

The conference agreement provides $35,000,000 for the Columbia River Fish Mitigation, Washington, Oregon and Idaho, project of the U.S. Army Corps of Engineers.

The conference agreement provides: $1,500,000 of previously appropriated funds to initiate construction of the Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, project; $400,000 of previously appropriated funds to initiate a comprehensive aquatic ecosystem restoration study in the Upper Susquehanna-Lackawanna Watershed; and $340,000 of previously appropriated funds to initiate construction of the Pierre, South Dakota, flood mitigation project, subject to authorization. The agreement also includes $1,500,000 of previously appropriated funds for water-related environmental infrastructure and resource protection and development projects in Allegheny County, Pennsylvania. Of this amount, $500,000 is for water resource projects in Scott Township, $500,000 is for projects in Shaler Township, and $500,000 is for projects in the municipality of Penn Hills.

The conference agreement includes authorization and $750,000 for repair of the Archusa Water Park Dam, Quitman, Mississippi.

The conference agreement includes $60,000,000 for solar and renewable programs in the energy supply account in addition to the amount provided for fiscal year 1999 in the Energy and Water Development Appropriations Act, 1999 (P.L. 105-245). Of this amount, $42,000,000 has been provided to reduce the $50,000,000 general reduction in the energy supply account that otherwise would have been applied to solar and renewable programs. The remaining $18,000,000 has been provided for high-priority solar and renewable research and development activities. The Department is directed to submit a proposal for approval by the Committees on Appropriations within thirty days of enactment of this bill which includes the Department's plan to direct this additional amount to high-priority programs. The entire $60,000,000 is to remain available through September 30, 2000.

The conference agreement includes $15,000,000 for the Department of Energy to participate in the Next Generation Internet program. The Department is directed to award funds under this program using full and open competitive procedures.

The conference agreement includes language prohibiting the use of funds appropriated for fiscal year 1999 to study, or implement any plan for, the drainage of Lake Powell or the decommissioning of Glen Canyon Dam.

The conference agreement provides $100,000,000 for construction of and improvements to surface transportation projects located in the Commonwealth of Massachusetts.

The conference agreement provides $100,000,000 for construction of and improvements to Corridor X of the Appalachian development highway system within the State of Alabama.

The conference agreement provides $32,000,000 for construction of and improvements to the Appalachian development highway system in West Virginia.

The conference agreement provides $100,000,000 for construction of and improvements to highway projects designated by section 1105(c)(18)(C)(ii) of the Intermodel Surface Transportation Efficiency Act of 1991, as amended by section 1211(i) of the Transportation Equity Act for the 21st Century.

The conference agreement includes an appropriation of $28,000,000, to remain available until expended, to enable the Secretary of Transportation to make grants to the state-owned Alaska Railroad. These funds are to be utilized for planning, design, administration and construction costs associated with the Anchorage International Airport-rail passenger station.

The conference agreement rescinds $392,000,000 in excess contract authority from the Federal Transit Administration's discretionary grants program. A similar rescission was proposed by the Senate as part of the fiscal year 1999 Department of Transportation and Related Agencies Appropriations Act.

The conference agreement includes a provision that provides within funding provided in the Department of Transportation and Related Agencies Appropriations Act, 1999, for discretionary grants under the obligation limitation for Federal Aviation Administration, "Grants-in-Aid for Airports" in fiscal year 1999, not less than $11,250,000 shall be made available for capital improvement projects at the Wilkes-Barre/Scranton International Airport. These projects are in the FAA-approved airport layout plan, and include construction of a new terminal building, relocation of the FAA air traffic control tower, and relocation of the airport rescue and firefighting facility. The conference agreement includes an understanding that the airport authority is supportive of renaming this airport after Congressman Joseph M. McDade, who has served that area of Pennsylvania faithfully and diligently for 36 years. The conferees are strongly supportive of the airport's efforts in this regard.

The conference agreement includes a provision that provides within funding provided in the Department of Transportation and Related Agencies Appropriations Act, 1999, for discretionary grants under the obligation limitation for Federal Aviation Administration, "Grants-in-Aid for Airports" in fiscal year 1999, not less than $7,000,000 shall be made available for capital improvement projects at the Minneapolis/St. Paul International Airport.

The conference agreement amends the appropriating paragraph for the Joint Committee on Printing in the Conference Report on the Legislative Branch Appropriations, 1999 (H.R.4112) to provide that the $150,000 made available, subject to certain conditions, to the Committee on House Oversight shall be disbursed by the Chief Administrative Officer of the House of Representatives.

The conference agreement includes a provision to appropriate $30,000,000 for the purpose of carrying out the provisions of the American Fisheries Act, which is included in Division C, title II of this Act, as follows: (1) $750,000 for the cost of a direct loan under section 207(a); (2) $20,000,000 for direct payments under section 207(d); (3) $250,000 for the cost of the direct loans under section 211(e); (4) $1,000,000 for the cost of direct loans in the Bering Sea and Aleutian Island crab fishery; and (5) $8,000,000 for administrative expenses associated with implementation of this title. Neither the House nor Senate bills addressed this matter.

The conference agreement inserts a new general provision, which includes the following amounts in addition to the amounts provided in the conference report (H. Rept. 105-769) accompanying H.R. 4194:

(1) $10,000,000 for the housing opportunities for persons with AIDS account. This amount is an increase above the $215,000,000 provided for this program in the Fiscal Year 1999 Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act;

(2) $45,000,000 for grants of $3,000,000 to each urban empowerment zone designated by HUD under the Taxpayer Relief Act of 1997 for economic development activities consistent with the strategic plan of each empowerment zone;

(3) $20,000,000 for "State and tribal assistance grants" for wastewater infrastructure needs in Boston, Massachusetts. This additional funding brings the fiscal year 1999 appropriation for Boston's wastewater infrastructure project to $50,000,000;

(4) $10,000,000 for AmeriCorps grants. This amount is an increase above the earmarking of not more than $227,000,000 for such grants provided in the Fiscal year 1999 Departments of Veterans Affairs and Housing and urban Development, and Independent Agencies Appropriations Act;

(5) $10,000,000 for "Science and technology" to conduct additional research pursuant to the Climate Change Technology Initiative. For fiscal year 1999, $37,000,000 has been provided for such research in this account;

(6) $15,000,000 for the "Community development financial institutions fund program account", bringing the total fiscal year 1999 funding level to $95,000,000; and

(7) $5,000,000 of the community development block grant funds provided in the 1999 appropriations shall be for a grant to Cayuga County, New York, to repair and rehabilitate the seawalls at the Owasco Lake outlet.

The conference agreement inserts a new general provision repealing Sec. 202 regarding GSE Default Loss Protection in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999.

The conference agreement inserts a new general provision making a technical correction to targeting language in the Quality Housing and Work Responsibility Act of 1998.

The conference agreement inserts a new general provision clarifying the use of funds provided to Oklahoma City, Oklahoma through the Community Development Block Grants program in the fiscal year 1999 appropriations Act.

The conference agreement inserts a new general provision making technical modifications to a 1999 economic development initiative grant for Hawaii.

The conference agreement inserts a new general provision making technical modifications to the reappointment authority of the VA's Under Secretary for Health.

The conference agreement includes new language establishing a Trade Deficit Review Commission to study the nature, causes and consequences of the United State merchandise trade and current account deficits and report its findings to the President and the Congress. The conference agreement also includes language under this section appropriating $2,000,000 for the expenses of this Commission. Neither the House nor Senate bills addressed this matter.

Sec. 130. The conference agreement includes a new section as proposed by the Administration that directs the Secretary of the Treasury to invest, or direct the Trustee to invest, the assets of the District of Columbia Pension Fund for Police Officers, Fire Fighters, and Teachers, in public debt securities not later than September 30, 1999. The intended results of this action, according to the Administration, is to increase Federal receipts by an estimated $2.414 billion in fiscal year 1999 and reduce receipts in subsequent years.

Sec. 131. The conference agreement appropriates $25,000,000 as proposed by the Administration for economic development planning, project development, capital investments, loans, grants, administrative expenses and other purposes included in authorizing legislation enacted by the Council of the District of Columbia. The conference agreement directs that none of these funds be obligated or expended until at least 30 days after the District of Columbia Financial Responsibility and Management Assistance Authority submits a spending plan to Congress.

Sec. 132. The conference agreement appropriates $30,000,000 as proposed by the Administration for special education costs in the District of Columbia.

Sec. 133. The conference agreement appropriates $20,000,000 as proposed by the Administration for Year 2000 information technology and related chip replacement projects in the District of Columbia. The conference agreement directs that none of these funds be obligated or expended until at least 30 days after the District of Columbia Financial Responsibility and Management Assistance Authority submits a spending plan to Congress.

Sec. 134. The conference agreement appropriates $50,000,000 as proposed by the Administration for the repair and maintenance of roads, highways, bridges and transit in the District of Columbia and other economic development projects and planning in the District of Columbia. The conference agreement directs that none of these funds be obligated or expended until at least 30 days after the District of Columbia Financial Responsibility and Management Assistance Authority submits a spending plan to Congress.

DIVISION B—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

TITLE I—MILITARY READINESS AND OVERSEAS CONTINGENCY OPERATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

Chapter 1 of this title includes a total of $5,958,053,000 in emergency supplemental appropriations for the Department of Defense. The conference agreement includes: $1,301,000,000 for urgent personnel and readiness requirements of the armed forces; $1,858,600,000, the amount requested by the President for overseas contingency operations; and $259,853,000 for costs resulting from damage incurred at U.S. military installations in the United States and South Korea due to natural disasters (chapter 3 of this title includes related military construction funding). Additional funding is provided in this chapter for Ballistic Missile Defense enhancements, defense counter-drug and drug interdiction activities, and certain classified activities.

The following table provides details of the emergency supplemental appropriations in this chapter for military readiness, overseas contingency operations, and damages resulting from natural disasters.

SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF DEFENSE

[In thousands of dollars]

	Readiness enhancements	Contingency operations	Facilities repair
Military Personnel:			
Army	10,000	310,600	0
Navy	33,300	9,275	0
Marine Corps	8,900	2,748	232
Air Force	0	17,000	0
Army Reserve	0	0	343
Navy Reserve	10,000	2,295	100
Total, Military Personnel	62,200	341,918	675
Operation and Maintenance:			
Army	314,500	0	139,056
Navy	232,600	0	57,179
Marine Corps	52,400	0	8,470
Air Force	303,000	0	34,254
Army Reserve	3,000	0	853
Navy Reserve	0	0	5,058
Marine Corps Reserve	3,300	0	0
Air Force Reserve	9,000	0	0
Army National Guard	50,000	0	5,750
Air National Guard	21,000	0	4,355
Overseas Contingency Operations Transfer Fund	0	1,516,682	0
Morale, Welfare and Recreation and Personnel Support	50,000	0	0
Total, Operation and Maintenance	1,038,800	1,516,682	254,975
Other Department of Defense Programs:			
Navy Working Capital Fund	0	0	2,083
Defense Health Program	200,000	0	2,120
Total, Other Department of Defense Programs	200,000	0	4,203
Grand Total	1,301,000	1,858,600	259,853

READINESS ENHANCEMENTS

The conference agreement includes a total of $1,301,000,000 to enhance personnel- and readiness-related programs supporting the armed forces, in the following categories:

Personnel Recruiting and Retention Initiatives:	
Military Personnel, Army	$10,000,000
Military Personnel, Navy	23,300,000
Military Personnel, Marine Corps	8,900,000
Operation and Maintenance, Navy	38,600,000
Operation and Maintenance, Marine Corps	13,500,000
Operation and Maintenance, Air Force	10,000,000
Operation and Maintenance, Army Reserve	3,000,000
Operation and Maintenance, Air Force Reserve	3,000,000
Operation and Maintenance, Air National Guard	3,000,000
Subtotal	113,300,000
PPERSTEMPO Relief Initiatives:	
Military Personnel, Navy	10,000,000
Reserve Personnel, Navy	10,000,000
Operation and Maintenance, Marine Corps	5,500,000
Subtotal	25,500,000
MWR and Personnel Support	50,000,000

Flying Hours/Spare Parts:	
Operation and Maintenance, Navy	45,000,000
Operation and Maintenance, Air Force	170,000,000
Operation and Maintenance, Air Force Reserve	6,000,000
Operation and Maintenance, Air National Guard	18,000,000
Subtotal	239,000,000
Depot Maintenance	
Operation and Maintenance, Army	30,000,000
Operation and Maintenance, Navy (Aviation)	75,000,000
Operation and Maintenance, Navy (Ships)	74,000,000
Operation and Maintenance, Air Force	123,000,000
Subtotal	302,000,000
Operating Forces Support:	
Operation and Maintenance, Army	284,500,000
Operation and Maintenance, Marine Corps	12,700,000
Operation and Maintenance, Army National Guard	50,000,000
Subtotal	347,200,000
Individual Combat Equipment:	
Operation and Maintenance, Marine Corps	20,700,000
Operation and Maintenance, Marine Corps Reserve	3,300,000
Subtotal	24,000,000
Defense Health Program	200,000,000

OVERSEAS CONTINGENCY OPERATIONS

The conference agreement includes $1,858,600,000, the amount requested by the President, for the costs of ongoing overseas contingency operations.

FACILITIES REPAIR

The conference agreement includes a total of $259,853,000 to conduct repairs to U.S. military facilities both within the United States and overseas due to storm damage and other natural disasters. This funding is distributed as follows:

Korea Flooding:	
Operation and Maintenance, Army	$134,056,000
Operation and Maintenance, Air Force	1,700,000
Subtotal	135,756,000
Hurricane Bonnie:	
Operation and Maintenance, Navy	7,300,000
Operation and Maintenance, Marine Corps	8,200,000
Operation and Maintenance, Navy Reserve	408,000
Navy Working Capital Fund	1,758,000
Subtotal	17,666,000
Hurricane Earl:	
Operation and Maintenance, Army	2,184,000
Operation and Maintenance, Navy	100,000
Subtotal	2,284,000
Hurricane Georges:	
Military Personnel, Marine Corps	232,000
Reserve Personnel, Army	343,000
Reserve Personnel, Navy	100,000
Operation and Maintenance, Army	2,816,000
Operation and Maintenance, Navy	49,779,000
Operation and Maintenance, Marine Corps	270,000
Operation and Maintenance, Air Force	32,554,000
Operation and Maintenance, Army Reserve	853,000
Operation and Maintenance, Navy Reserve	4,650,000
Operation and Maintenance, Army National Guard	5,750,000
Operation and Maintenance, Air National Guard	4,355,000
Navy Working Capital Fund	325,000
Defense Health Program	2,120,000
Subtotal	$104,147,000

CLASSIFIED PROGRAMS

Adjustments to classified programs are addressed in a classified annex accompanying this conference agreement.

DEFENSE HEALTH PROGRAM

The conference agreement includes $200,000,000 in emergency supplemental appropriations for the Defense Health Program, to address funding shortfalls and other requirements which have emerged since submissions of the fiscal year 1999 budget request. These funds shall be used, as required, to address the operation and maintenance program level adjustments directed in the conference report accompanying the Department of Defense Appropriations Act, 1999; new mission requirements, including implementation of automated clinical guidelines and outcome management; and backlogs in real property maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement includes $42,000,000 in emergency supplemental appropriations for the following high-priority requirements:

National Guard General Support	$20,000,000
Observation/Spray Aircraft	8,000,000
Caribbean/Eastern Pacific Surface Interdiction	8,000,000
Operation CAPER FOCUS	6,000,000

GENERAL PROVISIONS—THIS CHAPTER

Division B, Title I of the conference agreement includes section 101, which provides authorization for intelligence activities in this Act.

The conference agreement includes section 102, which provides $1,000,000,000 in emergency supplemental appropriations for Ballistic Missile Defense program enhancements.

Recent launches of longer range and increased payload rockets by Iran and North Korea have highlighted the growing threat posed by ballistic missiles. Despite significant investment and strong congressional support, this nation has achieved only limited improvements in its ability to defeat theater ballistic missiles since facing this threat during Operation Desert Storm. Further, as highlighted by the recent report of the commission to Assess the Ballistic Missile Threat to the United States, more and more nations have within the grasp access to intercontinental ballistic missiles (ICBM) and ICBM technology. The United States must respond now. To enable this response, the conference agreement includes an emergency supplemental appropriation of $1,000,000,000 for ballistic missile defense program enhancements.

The funds are for the sole purpose of enhancing our ability to confidently and expeditiously develop and deliver ballistic missile defense capability, and shall be available only for allocation by the Secretary of Defense. The Secretary shall use these funds only to accelerate development and enhance testing of theater and national ballistic missile defense programs, and shall also give consideration to allocating these funds to program and infrastructure activities which accelerate this nation's efforts to field theater and national ballistic missile defense capability. The Secretary of Defense shall provide written notification to the congressional defense committees 30 days before allocating any of the available funds to a specific ballistic missile defense program.

The conference agreement includes section 103, which provides $259,853,000 in emergency supplemental appropriations only emergency expenses incurred at U.S. military facilities or installations as a result damage or other natural disasters.

The conference agreement includes section 104, which provides $2,000,000 in supplemental appropriations only for the construction of additional "Fisher Houses", which are used by military families for temporary lodging when confronted with the illness or hospitalization of service members or their dependents.

The conference agreement includes section 105, which amends section 8136 of the Department of Defense Appropriations Act, 1999.

CHAPTER 2

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

The conference agreement includes $200,000,000 for expenditures in the Russian Federation to implement a United States/Russian accord for the disposition of excess weapons plutonium. None of these funds may be obligated until the Department of Energy submits a detailed budget justification to Congress, and the House and Senate Committees on Appropriations have approved the proposal.

The conference agreement includes $325,000,000 for the purchase of natural uranium associated with the 1997 and 1998 deliveries under the United States-Russian Highly Enriched Uranium (HEU) Purchase Agreement.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

The conference agreement provides a total of $209,492,000, of which $118,000,000 is designated as an emergency, as requested, for damage related to monsoons in the Republic of Korea, and $91,492,000 is provided as a contingency for storm related damage. Authorization for these projects, including planning and design, is provided in 10 U.S.C. 2854 and 10 U.S.C. 2803.

MILITARY CONSTRUCTION, ARMY

The bill includes $118,000,000, as requested, for planning and design and to replace facilities destroyed by monsoons in the Republic of Korea during August of 1998, as follows:

Location/Facility	*Cost*
Camp Casey:	
Whole Barracks Complex Renewal	$29,000,000
Bachelor Officer Quarters	6,500,000
Warehouses	7,700,000
Administrative Facility	10,600,000
Vehicle Maintenance Shop	7,500,000
Subtotal, Camp Casey	61,300,000
Camp Hovey:	
Whole Barracks Complex Renewal	20,000,000
Bachelor Officer Quarters	6,400,000
Subtotal, Camp Hovey	26,400,000
Camp Red Cloud:	
Consolidated Administrative Facility	6,900,000
Bachelor Officer Quarters	12,400,000
Subtotal, Camp Red Cloud	19,300,000
Camp Howze:	
Community Service Center	1,750,000
Company Operations Building	2,650,000
Subtotal, Camp Howze	4,400,000
Planning and Design	6,600,000
Grand Total	118,000,000

In a number of instances, these construction projects include consolidation of activities that were previously conducted in a number of facilities that have been destroyed. All projects, for which funds are appropriated, including such consolidations and planning and design, are authorized by 10 U.S.C. 2854. Language is also included, as requested, authorizing the Secretary of the Army to acquire property and carry out a military construction project at Camp Casey, Korea in the amount of $12,016,000.

MILITARY CONSTRUCTION, NAVY

The conference agreement provides a total of $5,860,000 as a contingent emergency appropriation due to storm damage for the following projects:

Mississippi—Gulfport Naval Construction Training Center:	
Consolidated equipment operator training facility	$860,000
Puerto Rico—Naval Station Roosevelt Roads:	
CPO Club	1,000,000
Pier replacement	4,000,000

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement provides a total of $29,200,000, as a contingent emergency appropriation due to storm damage and for force protection which are authorized under 10 U.S.C. 2803 and 10 U.S.C. 2854 for the following project:

Mississippi—Keesler AFB:	
Electrical Distribution System	$27,000,000
Turkey—Incirlik AB:	
Base Main Gate Complex	2,200,000

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement provides $2,500,000 as a contingent emergency appropriation due to storm damage for a bridge replacement at Camp Santiago, Puerto Rico. Authority is provided for the Army National Guard to procure targetry systems in support of military construction projects as specified in Senate Report 105–213.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement provides $15,900,000 as a contingent emergency appropriation due to storm damage for the following projects:

Mississippi—Gulfport Air National Guard Base:	
Replace fire station	2,600,000
Replace hangar 69	7,100,000
Replace dormitory	6,200,000

FAMILY HOUSING, ARMY

The conference agreement provides $5,200,000 as a contingent emergency appropriation due to storm damage of family housing units and whole house improvements for rehabilitation of family housing units referred to in section 8142 of the Department of Defense Appropriations Act, 1999 at Ft. Buchanan, Puerto Rico.

FAMILY HOUSING, NAVY AND MARINE CORPS

The conference agreement provides $10,599,000 as a contingent emergency appropriation due to storm damage for repair and replacement of family housing units and necessary debris removal and clean-up at the following locations:

Florida—Key West Naval Air Station	1,547,000
Florida—Pensacola Naval Station	650,000
Mississippi—Gulfport Construction Battalion Center	2,802,000
North Carolina—Camp Lejeune	2,000,000
North Carolina—Cherry Point	500,000
Puerto Rico—Roosevelt Roads	3,100,000

Repairing damage caused by Hurricane Georges to one Navy general or flag officer quarters at Naval Station Roosevelt Roads, Puerto Rico may exceed the maintenance and repair threshold of $25,000. The report required by House Report 105–578 may be submitted after these repairs are completed.

FAMILY HOUSING, AIR FORCE

The conference agreement provides a total of $22,233,000 as a contingent emergency appropriation due to storm damage for repair and replacement of necessary family housing units, supporting facilities, electrical distribution, and necessary debris removal and clean-up at the following locations:

Florida—Hurlburt Field	113,000
Florida—Eglin AFB	120,000
Mississippi—Kessler AFB	22,000,000

GENERAL PROVISIONS

A general provision is included which makes a technical correction to Section 2304(c)(2) of the Strom Thurmond National Defense Authorization Act for fiscal year 1999.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

COAST GUARD

In total, this chapter of the bill includes $210,000,000 for support of the U.S. Coast Guard. Of this amount, $72,000,000 is to maintain the Coast Guard's operational readiness, and $138,000,000 is for the Coast Guard to play an expanded role in drug interdiction activities. The entire amount is designated as an emergency requirement and made contingent on the President's request and designation of such as an emergency.

OPERATING EXPENSES

The bill includes $100,000,000 for additional necessary operating expenses of the Coast Guard, $28,000,000 of which is only available for expenses related to expansion of drug interdiction activities. The balance of funding is provided to maintain the Coast Guard's operational readiness across all mission areas. The entire amount is designated as an emergency requirement and made contingent on the President's request and designation of such as an emergency.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The bill includes $100,000,000 for additional necessary expenses for capital acquisition, construction, renovation and improvement programs of the Coast Guard. This funding is included to expand the Coast Guard's drug interdiction capabilities. The entire amount is designated as an emergency requirement and made contingent on the President's request and designation of such as an emergency. The bill specifies that the funds are available only to purchase specific assets for increasing drug interdiction capabilities, as follows:

Program	*Amount*
Barracuda-class coastal patrol boats	$33,000,000
Cutter sensors & communication systems	13,000,000
Reactivation of HU–25 jets	7,500,000
Operational test, use of force from aircraft	2,500,000
Aircraft sensors & C–130 engine upgrade	44,000,000
Total	100,000,000

RESERVE TRAINING

The bill includes $5,000,000 for additional necessary expenses for reserve training and stipulates that the highest priority for use of these funds is enhancement of drug interdiction activities conducted by the Coast Guard reserves. The bill designates the entire amount as an emergency requirement, and restricts the Coast Guard from transferring any of these funds to the service's operating account. The funding is made contingent on the President's request and designation of such as an emergency requirement.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The bill includes $5,000,000 for additional necessary expenses for research, development, test, and evaluation activities of the Coast Guard. The bill specifies that drug interdiction technologies and related operations research shall receive the highest priority for the use of these funds. The entire amount is designated as an emergency requirement and made contingent on the President's request and designation of such as an emergency.

TITLE II—ANTITERRORISM

CHAPTER 1

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $21,680,000, as requested, to remain available until expended as an emergency appropriation to provide additional funds for staff and equipment to increase the capacity and capability of the Federal Bureau of Investigation to respond to acts of terrorism. These funds, when combined with existing resources, will enable the FBI to establish a total of five rapid deployment teams.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $773,700,000, to remain available until expended, as an emergency appropriation. Of this amount, $748,000,000 is to provide funds for reconstitution of embassy activities in Nairobi, Kenya and Dar es Salaam, Tanzania, and for security improvements for overseas facilities, as requested. In addition, $25,700,000, which is provided above the request, and release of which is contingent upon a Presidential emergency declaration, is to continue funding for antiterrorism requirements overseas initiated in the fiscal year 1997 Appropriations Act. The provision includes language permitting the Secretary of State to procure services and equipment overseas necessary to improve worldwide security and reconstitute embassy operations in Kenya and Tanzania on behalf of any other agency. The Department is expected to consult with the relevant Committees on plans for expenditure of funds to assure that the Committees are in agreement on all planned uses of these funds. The Department is expected to report annually to the relevant Committees on the expenditure of funds made available in this emergency supplemental, to provide Congress a clear accounting of the progress in implementing this package of enhancements.

SALARIES AND EXPENSES

The conference agreement includes $12,000,000 in emergency funding, as requested, to remain available until expended, to provide funds for security improvements and for a security review panel.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $1,000,000 in emergency funding, as requested, to remain available until expended, to provide funds to enable the Inspector General to carry out additional security oversight and construction inspections at U.S. diplomatic posts abroad.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes $627,000,000 in emergency funding, as requested, to remain available until expended. This is to provide funds for reconstruction of embassy facilities in Nairobi, Kenya and Dar es Salaam, Tanzania, for reconstitution of embassy activities in interim facilities, and for other activities that improve the security of overseas facilities of the State Department and other Federal agencies. Of the $627,000,000, $56,000,000 is for security projects, relocations, and security projects, relocations, and security equipment on behalf of missions of other U.S. Government agencies. In addition, $185,000,000 of this amount is for capital improvements or relocation of office and residential facilities to improve security, which can only be made available 15 days after notice to the Committees on Appropriations.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $10,000,000 in emergency funding, as requested, to remain available until expended, to provide funds for emergency expenditures resulting from the bombing of embassy facilities in Nairobi, Kenya and Dar es Salaam, Tanzania, including expenses related to evacuations, rewards, and the medical and other needs of employees and their families.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement includes $358,427,000 in emergency supplemental appropriations for Operation and Maintenance, Defense-Wide for counter-terrorism programs, security enhancements, and other programs.

CLASSIFIED PROGRAMS

Adjustments to classified programs are addressed in a classified annex accompanying this conference agreement.

DOMESTIC PREPAREDNESS AGAINST WEAPONS OF MASS DESTRUCTION

The conference agreement includes $50,000,000 in emergency supplemental appropriations to initiate and expand activities of the Department of Defense to prevent, prepare for, and respond to a potential terrorist attack in the United States involving weapons of mass destruction (WMD). The National Guard, with its dual status as both a federal and state force, has great potential to enhance the nationwide WMD response capability. The Department of Defense has invested billions of dollars in WMD detection, warning, protection, and decontamination and possesses much knowledge and technology that can be transferred to civil authorities. The National Guard is the logical entity to act as a conduit between the Department of Defense and state and local civil authorities to avoid duplication of effort, and to explain the needs of civil authorities to Department of Defense planners.

The conference agreement provides funds for the following activities:

National Guard Personnel, Army:	
WMD training and support	$4,000,000
National Guard Personnel, Air Force:	
WMD training and support	1,000,000
O&M, Army National Guard:	
Consequence management	20,000,000
O&M, Army:	
Consequence management	2,000,000
Procurement, Defense-Wide:	
Consequence management	8,000,000
RDT&E, Army:	
Consequence management	15,000,000

The expanded training initiatives developed with research, development, test and evaluation funds are to be fully coordinated and integrated with efforts being planned by other agencies under the new federal framework that has been developed. The Department of Defense training program shall be focused on: (a) transferring military knowledge, expertise, and technology regarding the detection, warning, protection, and decontamination of weapons of mass destruction to appropriate federal, state and local personnel; and (b) promoting the interoperability between designated WMD emergency response units of the National Guard and counterpart federal, state, and local first responder units. Emphasis will be given to developing a comprehensive and sustainable training curriculum to include operational training and refresher courses as well as basic classroom coursework. Implementation of this training program shall use existing infrastructure to the fullest possible extent with emphasis on the use of distributive training technology (e.g., RCAS, Warrior Network, and the collaborative virtual workspace initiative) at National Guard and Reserve Component armories, air bases, schools, and other appropriate facilities.

In addition to the activities identified in House Report 105–591, funds are to be used to provide assistance to civil authorities in conducting detailed equipment needs assessments and procuring or loaning basis and essential equipment to those communities; procure equipment for RAID Elements to include mobile analytical laboratory systems, unified communications suites and other essential operational and communications/computer equipment; establish and equip small organizations in each of the 44 states not receiving an initial RAID Element in 1999 to provide limited chemical/biological response capabilities; develop joint doctrine and training plans; and test/evaluate the new system through a comprehensive joint exercise program.

GENERAL PROVISIONS—THIS CHAPTER

Division B, Title II of the conference agreement includes section 201, as proposed in the supplemental budget request, which amends Section 374 of title 10, United States Code, in order to foster better coordination between the Department of Defense and other Federal agencies with regard to counter-terrorism activities.

The conference agreement includes section 202, which provides $50,000,000 in emergency supplemental appropriations for Domestic Preparedness programs of the Department of Defense against Weapons of Mass Destruction.

The conference agreement includes section 203, which provides $120,500,000 in emergency supplemental appropriations for the provision of crisis response aviation support.

CHAPTER 3

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL SECURITY ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement appropriates $50,000,000 for an additional amount for "Economic Support Fund" for assistance for Kenya and Tanzania, to remain available until September 30, 2000. These funds are designated an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to the President's request.

In addition, the conference agreement provides for the transfers of $2,500,000 to "Operating Expenses of the Agency for International Development" and $1,269,000 to "Peace Corps" for security and related expenses, and funds are authorized to be made available for administrative costs associated with assistance provided under this heading. Funds appropriated under this heading are subject to the regular notification procedures of the Committee on Appropriations.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $20,000,000 for an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for antiterrorism assistance. These funds are designated an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to the President's request.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

An additional $2,320,000 is provided for operation of the national park system to address emergency, security-related expenses. This amount is designated by the Congress as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

An additional $3,680,0000 is provided for construction to address emergency, security-related expenses. This amount is designated by the Congress as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

ARCHITECT OF THE CAPITOL

CAPITOL VISITOR CENTER

The conference agreement provides $100,000,000 to the Architect of the Capitol for planning, engineering, design, and construction of a Capitol visitor center, a facility that will provide greater security for all persons working in or visiting the United States Capitol and a more convenient place in which to learn of the work of the Congress. Each of the above-named milestones will require the approval of the appropriate authorizing and appropriations committees as the project progresses. The language of the bill also provides that appropriated funds for this purpose be supplemented by private funds. In this way, all citizens may share in both the services that will be provided by a visitor center as well as an opportunity to help defray the costs of construction.

The Architect of the Capitol completed an earlier design of a proposed center in 1995. The planning that supported that design needs a thorough review and a more current endorsement from the committees of jurisdiction. The Capitol Preservation Commission is considering a proposal to have the General Accounting Office undertake an analysis of all ancillary costs and operational impacts of a visitor center. It is appropriate that this study go forward during the planning phase and be incorporated into the analysis that underpins the revised plan.

The funding for the visitor center will remain available until expended and the language provides that section 3709 of the revised statutes shall not apply to these expenditures. The latter provision is standard on such projects and allows negotiated bidding as well as a competitive process. The Architect of the Capitol is directed not to expend any funds for this project without an obligation plan approved by the House and Senate Committees on Appropriations which shall specify the purpose and amount of anticipated obligations. The authorizing committees will oversee these activities in the normal manner.

JOINT ITEMS

CAPITOL POLICE BOARD

SECURITY ENHANCEMENTS

The conference agreement provides $106,782,000 to the Capitol Police Board for security enhancements to the United States Capitol complex and the Library of Congress buildings and grounds. These funds will remain available until expended. Language has also been included to allow the transfer of funds to either the Architect of the Capitol or the Library of Congress, based upon plans approved by the Committee on House Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, and the House and Senate Committees on Appropriations. The Capitol Police Board, Architect of the Capitol, and the Library of Congress are directed not to expend any funds for these security enhancements without an obligation plan approved by the House and Senate Committees on Appropriations which shall specify the purpose and amount of anticipated obligations. The authorizing committees will oversee these activities in the normal manner.

The Capitol Police Board is directed to secure approval of any plans necessary to carry out these security enhancements from the above-named committees. In carrying out this task, the police board will be expected to consult with the Architect of the Capitol and the Library of Congress. Those agencies, in turn, are directed to make all such requests through the police board for resource allocations from the funds available. The Committees on Appropriations will not approve obligations or transfers of funds until the authorizing and appropriations committees of the respective body have approved the appropriate plans.

Due to the recent tragic shootings at the Capitol, together with other threats identified by Congressional security experts, the Capitol police have undertaken a broad review of the existing security program and needs for improvement or updating. This review, aided by other Federal security agencies and private consultants, has developed a number of proposals. Several hearings and discussions with the leadership and the committees of jurisdiction have resulted in a priority list that are included within this conference agreement.

The conference agreement provides funding for the following:

Capitol, House and Senate office buildings:	
1. Command center equipment	$2,265,000
2. Intrusion detection systems	11,852,000
3. Closed circuit television	8,656,000
4. Communications	2,789,000
5. Screening equipment	12,458,000
6. Access control	4,456,000
7. Training	1,250,000
8. Officer—issued equipment	9,778,000
9. Operational capabilities	2,640,000
10. Physical upgrades	2,417,000
11. Personnel and overtime increase	25,260,000
12. Capital improvements	3,586,000
Subtotal, Capitol, House and Senate office buildings	87,407,000
Library of Congress:	
13. Consolidate command centers	$2,500,000
14. Intrusion detection systems	2,500,000
15. Closed circuit television	210,000
16. Screening equipment	391,000
17. Access control	4,950,000
18. Training	55,000
19. Officer equipment	63,000
20. Physical upgrades	3,864,000
21. Studies and analyses	200,000
22. LC police staffing increase	2,242,000
Subtotal, Library of Congress	16,975,000
24. Contingency	$ 2,400,000
Total, Capitol, House and Senate office buildings, and Library of Congress	$106,782,000

For capital improvements, certain funds have been provided for further analysis of the need for training and off-site delivery facilities (including the Library of Congress). As the police master plan funded in the FY1999 Legislative Branch Appropriations Act is being conducted, the police board is directed to review and study alternatives for such facilities. If it is determined that new construction is needed, the police board is instructed to seek authority from the appropriate authorizing committees *before making any further funding requests in the appropriations process*. The appropriate authorization committees are identified in the House and Senate rules and, if there is any question, the police board should refer to those official authorities.

A contingency has been provided for items such as a mobile command center, decontamination trailers, studies, and a strategic plan. All of these are subject to further justification and approval as is the entire funding program.

For the Capitol police, funds are provided for additional police staffing sufficient for 260 sworn officers, operational and administrative personnel over a two-year period, assuming a steady recruitment ramp up pattern. This will allow the Capitol police to schedule approximately twice the ordinary number of attendees at the Federal Law Enforcement Training Center. The police board has assured the committees that FLETC is capable of handling this increase. The administrative personnel are provided for the added infrastructure support that will be necessary. In addition to salary funds, $12,000,000 is provided for overtime over the two-year period that will augment the amounts in the base budgets for both years that are customarily provided for overtime. The police are directed to maintain the current high standards for recruitment and deployment of the additional personnel.

For the Library of Congress, two-year funding is provided for 46 additional police and 5 support personnel, assuming a steady ramp up pattern. An additional $525,000 is provided for overtime expenses.

It should be noted that these are not hard and fast allocations. As estimates become more precise, further analysis may reveal the necessity to adjust these allocations. In particular, the amounts provided for the Library of Congress items may undergo change due to the transfer of design, installation, and maintenance of LOC physical security systems from the Architect of the Capitol to the Capitol Police Board. The police board and the other agencies, therefore, may have to request changes in these amounts as they present the specific plans for subsequent approval as required by the appropriating legislation. The amounts are identified herein because they are based on the amounts presented to the committees in the justifications given by the police board and the other agencies, as adjusted in the priority list.

GENERAL PROVISION, THIS CHAPTER

The conference agreement transfers the responsibility for the design, installation and maintenance of physical security systems for the Library of Congress buildings and grounds from the Architect of the Capitol to the Capitol Police Board. This transfer of responsibility is in keeping with recent efforts to establish a reasoned and uniform approach to security within the Capitol complex. The Capitol Police Board is directed to apply the appropriate standards of security to Library of Congress buildings and grounds.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The bill includes $100,000,000 for necessary expenses for acquisition, installation, and related activities supporting the deployment of bulk and trace explosive detection systems and other advanced security equipment at U.S. airports. The Senate received correspondence from the Vice President on September 15, 1998 which stated: "The terrorist attacks against our embassies in Kenya and Tanzania remind us of the global nature of terrorism. . .These events provide strong evidence of the need to recognize aviation security as a national security issue and to provide substantial federal funds for aviation security improvements as a major element of our overall national security counterintelligence policy". Consistent with this view, the bill includes $100,000,000 for advanced airport security systems. The entire amount is designated as an emergency requirement. The conference agreement distributes funds as follows:

Activity	*Amount*
Acquisition of additional bulk or trace EDS systems	$50,000,000
TIP-ready, operator-assist x-ray units	24,600,000
Integration costs—EDS systems	20,000,000
Trace detection document scanners	3,400,000
Trace detection passenger portals	$2,000,000
Total	100,000,000

Compared to original budget estimates, this bill provides more funding for system integration costs based on information that lack of such funding has contributed to the delay in commissioning the security equipment which has been procured thus far. The FAA, airlines, and airport officials all acknowledge that integrating these systems into airline and airport operating systems has been a greater than anticipated challenge. Furthermore, since the certification of second generation bulk EDS systems has been delayed, the conference agreement reallocates some funding to other items which will have a stronger impact on security in the near-term. It is hoped that one or more second generation systems will meet the certification standards over the coming year, and that viable competition in this program can be developed.

CHAPTER 7

DEPARTMENT OF THE TREASURY

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide $3,548,000, instead of $4,043,000, as requested by the President. This reflects the actual costs of additional instructors at the Center, as well as training, meals, lodging, and related operational costs associated with basic training for Secret Service and State Department students being hired to respond to threats of domestic and foreign terrorism.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $80,808,000, instead of $86,317,000, as requested by the President. The difference between the requested and funded levels is equal to the amount that the President made available for obligation from the Treasury Counter-Terrorism Fund subsequent to the original request. This funding is to cover costs of additional personnel required to increase the number of protective details for Secret Service protectees, enhanced protective capabilities, and protective operations, equipment and services. The conferees remind the Director of the United States Secret Service that funding for vehicle acquisition will not be available for obligation until the Secretary of the Treasury determines that such acquisitions are consistent with Departmental vehicle management policy.

TITLE III

YEAR 2000 CONVERSION OF FEDERAL INFORMATION TECHNOLOGY SYSTEMS

FUNDS APPROPRIATED TO THE PRESIDENT

The conferees have provided $2,250,000 for emergency expenses related to Year 2000 conversion of Federal information technology systems for all federal Departments and agencies except the Department of Defense. Of these funds, the conferees agree to provide $16,873,000 for Legislative Branch Year 2000 conversion efforts and $13,044,000 for the conversion of Judicial Branch information technology and security systems. Additional funds for the Department of Defense are provided elsewhere in this Title.

The conference agreement transfers $16,873,000 to the Legislative branch of the funds appropriated to the President for expenses related to Year 2000 conversion of Federal information technology systems. Of this amount, $5,500,000 is provided to the Senate Sergeant at Arms for Senate computer systems. As requested by the Senate, the Senate Sergeant at Arms is directed to secure approval from the Senate Committees on Appropriations and Rules and Administration. For the House of Representatives, $6,373,000 is provided to the Chief Administrative Officer of the House for activities necessary to complete the year 2000 conversion of systems maintained for the House. The CAO is directed to obtain approval of the plan for carrying out these activities from the Committee on House Oversight. In addition, $5,000,000 is transferred to the General Accounting Office to be available to emergency Year 2000 conversion efforts in other agencies of the Legislative branch. Before making any request for an allocation of these funds, the legislative agency should inform the appropriate oversight committees.

DEPARTMENT OF DEFENSE—MILITARY

INFORMATION TECHNOLOGY SYSTEMS AND SECURITY

The conference agreement includes $1,100,000,000 in emergency supplemental appropriations for the Department of Defense, for expenses relating to year 2000 conversion of information technology and national security systems, for information technology and infrastructure protection to include computer security/information assurance programs, and for related expenses.

TITLE IV—OTHER EMERGENCIES

CHAPTER 1

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $5,000,000 for disaster assistance for persons or entities in the Northeast multispecies fishery who have incurred losses from a commercial fishing failure under section 308(b) of the Interjurisdictional Fisheries Act of 1986. Language is included making the entire amount contingent upon the President submitting a budget request designating the entire amount as an emergency requirement.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

In addition to amounts provided elsewhere in this Act, the conference agreement provides an additional $71,000,000 in emergency fiscal year 1999 subsidy appropriations for disaster loans for recovery efforts related to Hurricane Georges and other natural disasters.

In addition to amounts provided elsewhere in this Act, the conference agreement includes an additional $30,000,000 in emergency fiscal year 1999 appropriations for administrative expenses necessary to carry out the disaster loan program for Hurricane Georges and other natural disasters.

Language is included designating these amounts as an emergency requirement, and making these amounts available only to the extent that an official budget request is submitted requesting that these specific amounts be designated as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement includes $2,500,000 for emergency repair and dredging requirements associated with Hurricane Georges and other storms.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement includes $99,700,000 for emergency repair and dredging requirements associated with Hurricane Georges and other storms.

CHAPTER 3

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAM FUND

The conference agreement includes a supplemental appropriation of $50,000,000 for "Child Survival and Disease Program Fund", to remain available until expended. The entire amount is available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement under the Budget Act is transmitted by the President to the Congress. The entire amount is designated by the Congress as an emergency.

The conferees intend that most of these funds be used for child survival activities. The conferees further expect AID to use some of these additional funds for activities to address the needs of children affected by the global AIDS epidemic.

OTHER BILATERAL ECONOMIC ASSISTANCE

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference agreement includes a supplemental appropriation of $46,000,000 for "Assistance for the New Independent States of the Former Soviet Union", to remain available until September 30, 2000. The entire amount is available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement under the Budget Act is transmitted by the President to the Congress. The entire amount is designated by the Congress as an emergency.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

An additional $25,000,000 in emergency appropriations is provided for construction to repair damage due to hurricanes, floods and other acts of nature. This amount is contingent upon receipt of a budget request that includes a Presidential designation of the amount requested as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

An additional $10,000,000 is provided for construction to repair damage due to hurricanes, floods and other acts of nature. This amount is contingent upon receipt of a budget request that includes a Presidential designation of the amount requested as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

An additional $1,000,000 is provided for surveys, investigations, and research to repair damage due to hurricanes, floods and other acts of nature. This amount is contingent upon receipt of a budget request that includes a Presidential designation of the amount requested as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes $7,000,000 as recently requested by the President for the migrant and seasonal farmworker program under the Job Training Partnership Act. These funds will be used to provide supportive services to migrant and seasonal farmworkers experiencing a loss of income because of crop failures related to drought and other weather-related difficulties in the South and Southwest. This would include temporary shelter, meals, health care, transportation and other emergency assistance as authorized by the Act.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The bill includes an appropriation of $12,600,000 to address the damage to Coast Guard facilities in Alabama, Florida, Louisiana, and Puerto Rico arising from Hurricane Georges. These funds remain available until expended, are designated as an emergency requirement by the Congress, and are available only after submission by the President of an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement.

CHAPTER 7

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

The agreement provides $250,000,000 for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal years 1998 and 1999. The amount provided is available only to the extent that an official budget request for a specific amount, which includes designation of the entire amount of the request as an emergency, is transmitted by the President to the Congress.

Concerns remain about use of the CDBG program for disaster relief. The program was not designed for that purpose and the authorizing statute provides no clear guidance regarding the role of CDBG grants in assisting with disaster relief and recovery. Given these concerns, the conference agreement directs HUD, prior to allocating funds, to provide an explanation of the purpose for which funds are requested and how the activity or program was impacted by the disaster.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The conference agreement includes an additional $906,000,000 for disaster relief costs associated with Hurricane Georges and other natural disasters. The amount provided is available only to the extent that an official budget request for a specific amount, which includes designation of the entire amount of the request as an emergency, is transmitted by the President to the Congress.

FEMA is directed, in carrying out disaster relief activities, to work with the Secretary of Housing and Urban Development to give particular attention to assessing and meeting the needs of Puerto Rico and the United States Virgin Islands following Hurricane Georges. All necessary steps should be taken to help the territories recover from the hurricane and restore their economies.

In addition, FEMA is directed to take all appropriate steps to help the cities of Del Rio and Laredo, Texas recover from damages sustained by tropical storm Charlie in August, 1998. It is noted that FEMA has the discretion under law to adjust the cost share for components of disaster assistance. Given the extreme economic devastation of tropical storm Charlie, FEMA is urged to exercise its discretion in this area.

Additionally, FEMA is requested to review the emergency needs of Kelso, Washington, resulting from the landslide at that location.

Finally FEMA is directed to accept the Notice of Interest from Santa Marta Hospital in East Los Angeles and to review the damages to determine eligibility for disaster assistance.

TITLE V—COUNTER-DRUG ACTIVITIES AND INTERDICTION

CHAPTER 1

DEPARTMENT OF AGRICULTURE

AGRICULTURE RESEARCH SERVICE

The conference agreement provides an additional $23,000,000 for the Agriculture Research Service for counterdrug research and development activities. The conference provides that these funds be used as follows:

Narcotic crop eradication technologies	$5,000,000
Narcotic plant identification and biotechnology ...	2,000,000
Worldwide narcotic crop identification	1,000,000
Alternate crop research and development	5,000,000
Herbicide product research and development	10,000,000

CHAPTER 2

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

In addition to amounts provided elsewhere in this Act for the Drug Enforcement Administration, the conference agreement provides an additional $10,200,000 in emergency fiscal year 1999 funding as follows: $1,000,000 for additional surveillance and electronic intercept equipment in source countries and transit zones; $1,000,000 for continued development and implementation of automation systems to support intelligence and investigative requirements; and $8,200,000 to complete the implementation of the MERLIN and FIREBIRD systems for all offices in Mexico, the Caribbean, Central and South America.

Language is included designating these amounts as an emergency requirement, and making these amounts available only to the extent that an official budget request is submitted requesting these specific amounts to be designated as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

In addition to amounts provided elsewhere in this Act for the Immigration and Naturalization Service, the conference agreement provides for an additional $10,000,000 for Integrated Surveillance Information Systems, including sensors, motion detectors, remote video surveillance cameras, and infrared optics.

Language is included designating this amount as an emergency requirement, and making this amount available only to the extent that an official budget request is submitted requesting this amount to be designated as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates $232,600,000 for "International Narcotics Control and Law Enforcement". These funds are available contingent on designation by the President of the entire amount as an emergency under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The Congress designates these funds as an emergency under said Act. In addition, the obligation of these funds is subject to the regular notification procedures of the Committees on Appropriations.

The funds should be made available for the following purposes:

Alternative economic development for Colombia, Peru, and Bolivia	$10,000,000
Procurement and upgrade of UH-1H/1N helicopters for Colombian National Police (CNP)	40,000,000
Procurement of 6 UH-60 helicopters for CNP	96,000,000
Operations and support for CNP air wing	6,000,000
Procurement of DC-3 transport for CNP air wing	2,000,000
Procurement of minigun system for CNP air wing	6,000,000

Reconstruction of Miraflores counter-narcotics base	2,000,000
Base and force security for forward CNP counterdrug Bases	6,000,000
Enhancements to CNP prison security systems	1,200,000
Support of Bolivian air, riverine and eradication Operations	9,000,000
Support of Peruvian air, riverine and eradication Operations	6,000,000
Implement A-37 extended life program (Peru/Colombia)	24,900,000
Podded radar initiative for aircraft	10,000,000
Procure 3 additional observation aircraft	13,500,000
Total	232,600,000

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

COAST GUARD

This chapter of the bill includes $133,700,000 for additional expenses to expand the Coast Guard's counter-drug activities as part of the broader counter-drug initiative in this bill. The funding is designated as an emergency requirement and made contingent on the President's request and designation of such as an emergency.

OPERATING EXPENSES

The bill includes $16,300,000 for additional operating expenses of the Coast Guard, for expenses related to the expansion of drug interdiction activities. The funding is designated as an emergency requirement and made contingent on the President's request and designation of such as an emergency. The bill specifies that, of the total funds provided, $4,000,000 shall be used for establishment and operation of a Caribbean international support tender, to train and support foreign coast guards in the Caribbean region.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The bill includes $117,400,000 for additional expenses for capital acquisition, construction, renovation and improvement programs of the Coast Guard, to expand the service's drug interdiction capabilities. The entire amount is designated as an emergency requirement and made contingent on the President's request and designation of such as an emergency. The conferees expect the funds the be allocated in the following manner:

Program	*Amount*
Maritime patrol aircraft acquisition	$44,500,000
Acquisition or conversion of up to two vessels to be used as support or command and control platforms	20,000,000
Deployable pursuit boat acquisition	3,500,000
Barracuda-class coastal patrol boats	33,100,000
Cutter sensors & communication systems	16,300,000
Total	117,400,000

CHAPTER 5

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conference agreement provides an additional $1,500,000, which may be transferred to the National Foreign Intelligence Program, as a contingent emergency appropriation for enhanced money laundering intelligence.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

The conference agreement provides an additional $106,300,000 as a contingent emergency appropriation for counterdrug initiatives, as follows: $80,000,000 for non-intrusive inspection technology (which will augment $54,000,000 in funding provided elsewhere in this Act for a total of $134,000,000 in such technology); $15,000,000 for personnel support for aircrews for additional P-3 and Citation aircraft; $1,300,000 to meet immediate P-3 aircrew support requirements; and $10,000,000 for a port integrity initiative.

OPERATIONS, MAINTENANCE, AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

The conference agreement provides $162,700,000 as a contingent emergency appropriation for counterdrug initiatives, as follows: $93,000,000 for procurement and conversion of two P-3B AEW Aircraft for use in drug surveillance and interdiction in the source and transit zones; $60,000,000 for procurement and conversion of four P-3B Slick aircraft for surveillance and interdiction in the source and transit zones; $5,000,000 for P-3 deployment to the source zone; and $4,700,000 for four tracker aircraft for surveillance and interdiction in the source and transit zones.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

The conference agreement provides $7,000,000 as a contingent emergency appropriation to construct and furnish an additional support facility for Customs P-3 aircraft.

INCORPORATION OF EMERGENCY FUNDING FOR AIR INTERDICTION PROGRAMS INTO CUSTOMS MODERNIZATION PLAN

The U.S. Customs Service is directed to address all contingent emergency funding provided in this bill for staffing, procurement, operations, and facilities for Customs air interdiction in its Air Interdiction Modernization Plan, which is to be submitted with the President's fiscal year 2000 budget.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

The conference agreement provides $1,200,000 as a contingent emergency appropriation for ONDCP Salaries and Expenses.

SPECIAL FORFEITURE FUND

The conference agreement provides $2,000,000 to be available for transfer to the Office of Justice Programs to support the Drug Court Institute.

DIVISION C—OTHER MATTERS

TITLE I—OTHER MATTERS

Sec. 101. The conference agreement includes a provision which allows for appointment of an Acting Treasury Inspector General for Tax Administration to make interim arrangements for administrative support of the office, establish interim positions for personnel transferred for the function, appoint acting personnel as necessary on an interim basis, and to provide input for the fiscal year 2000 budget process.

Sec. 102. The conferees agree to include language amending Section 122 of Public Law 105-119 to permit the Secretary of the Treasury to establish, over a three year period, a new system of pay, classification, and personnel management for up to 950 employees who fill critical scientific, technical, engineering, intelligence analyst, language translator and medical positions in the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, and the United States Secret Service.

Sec. 103. The conference agreement includes a section that would give the Secretary of State the authority to reemploy Foreign Service annuitants on a temporary basis, but only if and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances. This authority exists under current law for Civil Service employees. This authority is intended to be used to reemploy annuitants to work on the stand up of the Nairobi, Kenya, and Dar es Salaam, Tanzania embassies and related world-wide security issues.

Sec. 104. The conference agreement includes a provision amending the Diplomatic Security and Antiterrorism Act of 1986 to enable the Bureau of Diplomatic Security of the Department of State to employ individuals or organizations by contract to carry out the provisions of that Act. This authority will enable the Bureau to recruit on short notice engineers and technicians with skills specific to such security fields as alarm installations, perimeter security detection systems, and explosives detection systems. This authority will permit an immediate response to increased security requirements and emergency upgrades at diplomatic posts throughout the world.

The conference agreement includes a provision relating to intrastate bus transportation in the State of Hawaii.

The conference agreement includes a provision that waives the per-state, per-disaster cap for the State of California for projects resulting from flooding in January and March 1995.

The conference agreement includes a provision that pertains to the registration of container chassis.

The conference agreement includes a provision that extends the authorization of the grants-in-aid for airports program through March 31, 1999.

Sec. 111. The conference agreement includes a provision expressing the Sense of the Congress regarding the increase of steel imports into the United States, and urges the President to take several actions to address this issue and report to Congress by January 5, 1999, with a comprehensive plan for responding to the program.

Provides for the inclusion of Spirit Mound, South Dakota, as part of the Lewis and Clark National Historic Trail and authorizes the Secretary of the Interior to acquire this property.

Sec. 113–Sec. 133. The conferees agree to include new provisions naming several post office buildings in various locations throughout the country.

Sec. 134. The conference agreement inserts a new section requested by District officials that enacts certain provisions of the Omnibus Personnel Reform Amendment Act of 1998 approved by the Council of the District of Columbia and signed by the Mayor on April 1, 1998.

Sec. 135. The conference agreement inserts a new section that transfers any right, title, or interest of the United States in certain property in Anne Arundel County, Maryland, that was formerly the site of Cedar Knoll School, a juvenile detention center operated by the District of Columbia.

The conference agreement includes language authorizing the Flood Mitigation Near

Pierre, South Dakota, project of the U.S. Army Corps of Engineers.

The conference agreement includes language authorizing the Grand Forks, North Dakota, and East Grand Forks, Minnesota, project of the U.S. Army corps of Engineers.

Sec. 138 The conference agreement includes an authorization for the Police Corps for the years 1999 through 2002 and makes certain change in the training session requirements.

Sec. 139. The conferees include a new provision authorizing national medals for the "Little Rock Nine" and for Gerald and Betty Ford.

Sec. 140. The conference agreement includes language which provides for the transfer, by negotiated sale, of approximately 200 acres of property in San Joaquin County, California currently under the jurisdiction of the Federal Bureau of Persons of Department of Justice to the City of Tracy, California.

Sec. 141. The conferees agree to include a new provision transferring control of any property on which the Lorton Correctional Complex is located to the General Services Administration.

The conference agreement inserts a new section in Division C of the bill than amends and updates that Act that establishes the U.S. Olympic Committee and the framework for Olympic and amateur sports in the United States. This was not included in either the House or Senate bills. Among other improvements, the section would incorporate the Paralympics under the umbrella of U.S. Olympic Committee responsibilities and would ensure that disabled amateur athletes. The section includes a number of other amendments developed by consensus over a four-year period.

The conference agreement includes a general provision which amends section 8106(a) of the Department of Defense Appropriations Act, 1997.

The conference agreement includes a general provision which makes a technical correction to section 8120 of the Department of Defense Appropriations Act, 1999.

The conference agreement includes a general provision which amends section 1043 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

The conference agreement includes a general provision which amends section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

The conference agreement includes a general provision which requires the Secretary of the Navy, in conjunction with the Commandant of the Marine Corps, to review F/A–18 requirements and production capability and permits the reprogramming of funds to sustain F/A–18 production capability.

The Marine Corps has a stated requirement for additional F/A–18 aircraft to meet requirements due to anticipated attrition of current inventory aircraft. While it may be possible to purchase these aircraft in the future if international sales sustain the production line, the Congress recognizes the risk of this strategy because of the uncertainty of potential foreign sales. Following the review by the Secretary of the Navy and the Commandment of the Marine Corps regarding F/A–18 requirements and production capability, the Congress expects the submission of a reprogramming action or future budget request, if needed, to ensure that the Marine Corps has adequate attack aircraft to meet force structure requirements.

The conference agreement includes a general provision which amends section 8135 of the Department of Defense Appropriations, Act, 1992.

FUTURE OPERATIONAL CONCEPTS

The Department of Defense is currently examining a number of alternative operational concepts for the military forces of the future. These include potential doctrinal changes and experimentation by the individual military services as well as joint warfighting initiatives, including those under consideration as part of Joint Vision 2010. The Congress has supported these steps, and believes it imperative that innovative concepts such as "Rapid Dominance" be fully considered and refined and if possible be evaluated in conjunction with a targeted research and development program coupled with "proof-of-concept" field testing and evaluation. The Secretary of Defense is directed to review such programs to ensure they are being adequately supported in the budget process. The Secretary is encouraged to reprogram or request funds to ensure these important efforts are fully supported.

ENTRY LEVEL COMMISSION FOR MILITARY NURSE CORPS OFFICERS

The Administrative is examining whether it should allow individuals with Associate degrees to enter the Nurse Corps as officers. The conferees believe that the responsibilities of Nurse Corps officers necessitate that they should be required to have baccalaureate degrees.

This provision extends the 1998–1999 duck hunting season in the State of Mississippi.

TITLE II—AMERICAN FISHERIES ACT

The conference agreement includes a new title which: (1) amends current law regarding the ownership requirements for eligibility of a vessel to receive a fishery endorsement to operate in certain fisheries and under certain terms and conditions; and sets forth procedures for implementation and penalties for noncompliance; (2) establishes allocations regarding the total allowable catch in the Bering Sea pollock fishery; (3) authorizes a buyout program of certain catcher/processors operating in the Bering Sea pollock fishery, to be financed through $20,000,000 in Federal payments, and $75,000,000 in direct loans to be repaid through a fee on pollock harvested in the fishery; (4) authorizes a direct loan program for the western Alaska community development quota program for the purchase of certain vessels and shoreside processors in the pollock fishery; and (5) sets forth certain requirements for protection and conservation measures for other fisheries in the North Pacific. Neither the House nor Senate bill addressed this matter.

TITLE IV—AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

The conference agreement includes a new title which will increase the annual quota of temporary visas for foreign professionals through 2001, will increase protections for American professional workers, and will fund job training and scholarship programs for American students and workers in computer science and other scientific fields.

TITLE V

The conference agreement includes language authorizing and directing the Bureau of Reclamation to conduct feasibility studies for the restoration and reclamation of the Salton Sea in California.

TITLE VI

The conference agreement includes the text of S. 1341, the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Mitigation Act of 1997.

TITLE X

The conference agreement includes language establishing the terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain properties around Canyon Ferry Reservoir, Montana.

TITLE XI—MORATORIUM ON CERTAIN TAXES

The conference agreement includes Title XI, The Internet Tax Freedom Act, which establishes a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and a three-year moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet.

TITLE XII—OTHER PROVISIONS

The conference agreement includes Title XII, Other Provisions, which contains several provisions related to the Internet, including declarations that the Internet should be free of taxes, tariffs, and trade barriers.

TITLE XIII—CHILDREN'S ONLINE PRIVACY PROTECTION

The conference agreement includes Title XIII, the Children's Online Privacy Protection Act of 1998, which establishes a framework for the regulation of unfair and deceptive acts and practices in connection with the collection and use of personal information from and about children on the Internet.

TITLE XIV—CHILD ONLINE PROTECTION ACT

The conference agreement includes Title XIV, The Child Online Protection Act, which amends the Communications Act of 1934 to require commercial distributors of material through the World Wide Web that is harmful to minors to restrict access to such material by minors. This title also establishes a temporary Commission on Online Child Protection, which is required to produce a report within one year, and to terminate 30 days after producing the report.

TITLE XV

VACCINE INJURY COMPENSATION

The conference agreement includes a new title in Division C that was not included in either the House or Senate bills. This title inserts the Vaccine Injury Compensation Program Modification Act which amends the Public Health Service Act and the Internal Revenue Code with respect to vaccine injury compensation.

TITLE XVI—SERVICE CONNECTION FOR PERSIAN GULF WAR ILLNESSES

The conference agreement inserts a new title regarding benefits for Persian Gulf War veterans.

TITLE XVII—GOVERNMENT PAPERWORK ELIMINATION ACT

The conference agreement includes Title XVII, the Government Paperwork Elimination Act, which requires the development of procedures for the use and acceptance of electronic signatures by Executive agencies of the U.S. Government.

DIVISION G, FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998

The conference agreement includes Division G, the Foreign Affairs Reform and Restructuring Act of 1998. That Act consists of two subdivisions. Subdivision A consolidates foreign affairs agencies, by requiring that (1) the Arms Control and Disarmament Agency merge with the State Department by April 1, 1999; (2) the United States Information Agency merge with the State Department by October 1, 1999; and (3) the authorities of the

United States International Development Cooperation Agency are to be brought under the State Department by April 1, 1999. Subdivision B provides authorizations of appropriations for the State Department, United States Information Agency, the Arms Control and Disarmament Agency and other related agencies, and makes a number of changes in the statutory authorities of these agencies.

DIVISION J

TITLE I. EXTENSION AND MODIFICATION OF CERTAIN EXPIRING PROVISIONS

SUBTITLE A—TAX PROVISIONS

A. EXTENSION OF RESEARCH TAX CREDIT

(SEC. 101 OF THE HOUSE BILL,[1] SEC. 101 OF S. 2622, AND SEC. 41 OF THE CODE)

Present law

Section 41 provides for a research tax credit equal to 20 percent of the amount by which a taxpayer's qualified research expenditures for a taxable year exceeded its base amount for that year. The research tax credit expired and generally does not apply to amounts paid or incurred after June 30, 1998.

Except for certain university basic research payments made by corporations, the research tax credit applies only to the extent that the taxpayer's qualified research expenditures for the current taxable year exceed its base amount. The base amount for the current year generally is computed by multiplying the taxpayer's "fixed-base percentage" by the average amount of the taxpayer's gross receipts for the four preceding years. If a taxpayer both incurred qualified research expenditures and had gross receipts during each of at least three years from 1984 through 1988, then its "fixed-base percentage" is the ratio that its total qualified research expenditures for the 1984–1988 period bears to its total gross receipts for that period (subject to a maximum ratio of .16). All other taxpayers (so-called "start-up firms") are assigned a fixed-base percentage of 3 percent.

Taxpayers are allowed to elect an alternative incremental research credit regime. If a taxpayer elects to be subject to this alternative regime, the taxpayer is assigned a three-tiered fixed-base percentage (that is lower than the fixed-base percentage otherwise applicable under present law) and the credit rate likewise is reduced. Under the alternative credit regime, a credit rate of 1.65 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 1 percent (i.e., the base amount equals 1 percent of the taxpayer's average gross receipts for the four preceding years) but do not exceed a base amount computed by using a fixed-base percentage of 1.5 percent. A credit rate of 2.2 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 1.5 percent but do not exceed a base amount computed by using a fixed-base percentage of 2 percent. A credit rate of 2.75 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 2 percent. An election to be subject to this alternative incremental credit regime may be made for any taxable year beginning after June 30, 1996, and such an election applies to that taxable year and all subsequent years (in the event that the credit subsequently is extended by Congress) unless revoked with the consent of the Secretary of the Treasury.

House Bill

The House bill extends the research tax credit for 18 months—i.e., generally, for the period July 1, 1998, through December 31, 1999.

Effective date.—The extension of the research credit is effective for qualified research expenditures paid or incurred during the period July 1, 1998, through December 31, 1999.

Senate Amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, contains a provision that is similar to the provision contained in the House bill. S. 2622 extends the research tax credit for 12 months—i.e., generally, for the period July 1, 1998, through June 30, 1999.

Effective date.—The extension of the research credit is effective for qualified research expenditures paid or incurred during the period July 1, 1998, through June 30, 1999.

Conference Agreement

The conference agreement follows S. 2622 and extends the research credit for 12 months—i.e., generally, for the period July 1, 1998, through June 30, 1999.

In extending the credit, the conferees wish to reaffirm the scope of the term "qualified research." Section 41 targets the credit to research which is undertaken for the purpose of discovering information which is technological in nature and the application of which is intended to be useful in the development of a new or improved business component of the taxpayer. However, eligibility for the credit does not require that the research be successful—i.e., the research need not achieve its desired result. Moreover, evolutionary research activities intended to improve functionality, performance, reliability, or quality are eligible for the credit, as are research activities intended to achieve a result that has already been achieved by other persons but is not yet within the common knowledge (e.g., freely available to the general public) of the field (provided that the research otherwise meets the requirements of section 41, including not being excluded by subsection (d)(4)).

Activities constitute a process of experimentation, as required for credit eligibility, if they involve evaluation of more than one alternative to achieve a result where the means of achieving the result are uncertain at the outset, even if the taxpayer knows at the outset that it may be technically possible to achieve the result. Thus, even though a researcher may know of a particular method of achieving an outcome, the use of the process of experimentation to effect a new or better method of achieving that outcome may be eligible for the credit (provided that the research otherwise meets the requirements of section 41, including not being excluded by subsection (d)(4)).

Lastly, the conferees observe the lack of clarity in the interpretation of the distinction between internal-use software, the costs of which may be eligible for the credit if additional tests are met, and other software. The conferees emphasize that application of the definition of internal-use software should fully reflect Congressional intent.

Effective date.—The extension of the research credit is effective for qualified research expenditures paid or incurred during the period July 1, 1998, through June 30, 1999.

B. EXTENSION OF THE WORK OPPORTUNITY TAX CREDIT

(SEC. 102 OF THE HOUSE BILL, SEC. 102 OF S. 2622, AND SEC. 51 OF THE CODE)

Present Law

In general

The work opportunity tax credit ("WOTC"), which expired on June 30, 1998, was available on an elective basis for employers hiring individuals from one or more of eight targeted groups. The credit equals 40 percent (25 percent for employment of 400 hours or less) of qualified wages. Qualified wages are wages attributable to service rendered by a member of a targeted group during the one-year period beginning with the day the individual began work for the employer. For a vocational rehabilitation referral, however, the period begins on the day the individual began work for the employer on or after the beginning of the individual's vocational rehabilitation plan.

The maximum credit per employee is $2,400 (40% of the first $6,000 of qualified first-year wages). With respect to qualified summer youth employees, the maximum credit is $1,200 (40 percent of the first $3,000 of qualified first-year wages).

The employer's deduction for wages is reduced by the amount of the credit.

Targeted groups eligible for the credit

The eight targeted groups are: (1) families eligible to receive benefits under the Temporary Assistance for Needy Families (TANF) Program; (2) high-risk youth; (3) qualified ex-felons; (4) vocational rehabilitation referrals; (5) qualified summer youth employees; (6) qualified veterans; (7) families receiving food stamps; and (8) persons receiving certain Supplemental Security Income (SSI) benefits.

Minimum employment period

No credit is allowed for wages paid to employees who work less than 120 hours in the first year of employment.

Expiration date

The credit is effective for wages paid or incurred to a qualified individual who began work for an employer before July 1, 1998.

House Bill

The House bill extends the work opportunity tax credit for 18 months (through December 31, 1999).

Effective date.—The provision is effective for wages paid or incurred to qualified individuals who begin work for the employer on or after July 1, 1998, and before January 1, 2000.

Senate amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, contains a provision that is similar to the provision contained in the House bill. S. 2622 extends the work opportunity tax credit for 12 months (through June 30, 1999).

Effective date.—The provision is effective for wages paid or incurred to qualified individuals who begin work for the employer on or after July 1, 1998, and before July 1, 1999.

Conference agreement

The conference agreement follows S. 2622.

C. EXTENSION OF THE WELFARE-TO-WORK TAX CREDIT

(SEC. 103 OF S. 2622 AND SEC. 51A OF THE CODE)

Present law

The Code provides to employers a tax credit on the first $20,000 of eligible wages paid to qualified long-term family assistance (AFDC or its successor program) recipients during the first two years of employment. The credit is 35 percent of the first $10,000 of eligible wages in the first year of employment and 50 percent of the first $10,000 of eligible wages in the second year of employment. The maximum credit is $8,500 per qualified employee.

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[1] All references to the "House bill" are to H.R. 4738, as passed by the House of Representatives on October 12, 1998.

Qualified long-term family assistance recipients are: (1) members of a family that has received family assistance for at least 18 consecutive months ending on the hiring date; (2) members of a family that has received family assistance for a total of at least 18 months (whether or not consecutive) after the date of enactment of this credit if they are hired within two years after the date that the 18–month total is reached; and (3) members of a family who are no longer eligible for family assistance because of either Federal or State time limits, if they are hired within two years after the Federal or State time limits made the family ineligible for family assistance.

Eligible wages include cash wages paid to an employee plus amounts paid by the employer for the following: (1) educational assistance excludable under a section 127 program (or that would be excludable but for the expiration of sec. 127); (2) health plan coverage for the employee, but not more than the applicable premium defined under section 4980B(f)(4); and (3) dependent care assistance excludable under section 129.

The welfare to work credit is effective for wages paid or incurred to a qualified individual who begins work for an employer on or after January 1, 1998, and before May 1, 1999.

House bill

No provision.

Senate amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, extends the welfare-to-work tax credit for two months.

Effective date.—The provision extends the welfare-to-work credit effective for wages paid or incurred to a qualified individual who begins work for an employer on or after May 1, 1999, and before July 1, 1999.

Conference agreement

The conference agreement follows S. 2622.

D. EXTEND THE DEDUCTION PROVIDED FOR CONTRIBUTIONS OF APPRECIATED STOCK TO PRIVATE FOUNDATIONS; PUBLIC INSPECTION OF PRIVATE FOUNDATION ANNUAL RETURNS

1. EXTEND THE DEDUCTION PROVIDED FOR CONTRIBUTIONS OF APPRECIATED STOCK TO PRIVATE FOUNDATIONS (SEC. 104(A) OF THE HOUSE BILL, SEC. 104 OF S. 2622, AND SEC. 170(E)(5) OF THE CODE)

Present law

In computing taxable income, a taxpayer who itemizes deductions generally is allowed to deduct the fair market value of property contributed to a charitable organization.[2] However, in the case of a charitable contribution of short-term gain, inventory, or other ordinary income property, the amount of the deduction generally is limited to the taxpayer's basis in the property. In the case of a charitable contribution of tangible personal property, the deduction is limited to the taxpayer's basis in such property if the use by the recipient charitable organization is unrelated to the organization's tax-exempt purpose.

In cases involving contributions to a private foundation (other than certain private operating foundations), the amount of the deduction is limited to the taxpayer's basis in the property. However, under a special rule contained in section 170(e)(5), taxpayers are allowed a deduction equal to the fair market value of "qualified appreciated stock" contributed to a private foundation prior to July 1, 1998. Qualified appreciated stock is defined as publicly traded stock which is capital gain property. The fair-market-value deduction for qualified appreciated stock donations applies only to the extent that total donations made by the donor to private foundations of stock in a particular corporation did not exceed 10 percent of the outstanding stock of that corporation. For this purpose, an individual is treated as making all contributions that were made by any member of the individual's family.

House bill

The House bill extends permanently the special rule contained in section 170(e)(5).

Effective date.—The provision is effective for contributions of qualified appreciated stock to private foundations made on or after July 1, 1998.

Senate amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, contains a provision that is similar to the provision contained in the House bill. The provision in S. 2622 extends the special rule contained in section 170(e)(5) for one year—for contributions of qualified appreciated stock made to private foundations during the period July 1, 1998, through June 30, 1999.

Conference agreement

The conference agreement follows the House bill.

2. PUBLIC INSPECTION OF PRIVATE FOUNDATION ANNUAL RETURNS (SEC. 104(B) OF THE HOUSE BILL AND SECS. 6104(D) AND (E) OF THE CODE)

Present law

Tax-exempt organizations (other than churches and certain small organizations) are required to file an annual information return (Form 990) with the Internal Revenue Service ("IRS"), setting forth the organization's items of gross income and expenses attributable to such income, disbursements for tax-exempt purposes, plus certain other information for the taxable year.

Private foundations are required to make the current year's annual information return (Form 990–PF) available for public inspection at the foundation's principal office during regular business hours (sec. 6104(d)). Such return must be made available for inspection by any citizen on request made within 180 days after the date of publication of notice of its availability. Notice must be published, not later than the day the return is required to be filed, in a newspaper having general circulation in the county in which the principal office of the foundation is located. The notice must state that the annual return is available for public inspection by any citizen who requests it, and must state the address and telephone number of the private foundation's principal office and the name of its principal manager.

Tax-exempt organizations (other than private foundations) that are required to file a Form 990, including public charities, are required to allow public inspection at the organization's principal office (and certain regional or district offices) of their Forms 990 for the three most recent taxable years (sec. 6104(e)).

The Taxpayer Bill of Rights 2 imposed additional public inspection requirements on tax-exempt organizations. All tax-exempt organizations, except private foundations, will be required to comply with requests made in person or in writing by individuals who seek a copy of the organization's Form 990 for any of the organization's three most recent taxable years. Upon such a request, the organization is required to supply copies without charge other than a reasonable fee for reproduction and mailing costs. If the request for copies is made in person, then the organization must immediately provide such copies. If the request for copies is made in writing, then copies must be provided within 30 days. In addition, all tax-exempt organizations, including private foundations, will be required to comply in the same manner with requests made in person or in writing by individuals who seek a copy of the organization's application for recognition of tax-exempt status and certain related documents. However, an organization may be relieved of its obligation to provide copies if, in accordance with regulations to be promulgated by the Secretary of Treasury, (1) the organization has made the requested documents widely available or (2) the Secretary of the Treasury determined, upon application by the organization, that the organization was subject to a harassment campaign such that a waiver of the obligation to provide copies would be in the public interest. These additional public inspection provisions apply to requests made no earlier than 60 days after the date on which the Treasury Department publishes regulations defining when requested documents have been made widely available or when a request is part of a harassment campaign.[3] While proposed regulations have been issued, final regulations have not been published; therefore, the provision is not yet in effect.[4]

Upon written request to the IRS, members of the general public also are permitted to inspect annual information returns of tax-exempt organizations and applications for recognition of tax-exempt status (and related documents) at the National Office of the IRS in Washington, D.C. A person making such a written request is notified by the IRS when the material is available for inspection at the National Office, where notes may be taken of the material open for inspection, photographs taken with the person's own equipment, or copies of such material obtained from the IRS for a fee (Treas. Reg. secs. 301.6104(a)–6 and 301.6104(b)–1).

House bill

Under the House bill, private foundations are subject to the public inspection requirements that currently apply to public charities and all other tax-exempt organizations that file annual information returns. Accordingly, private foundations will be required to comply with requests from individuals who seek a copy of the foundation's annual information return for any of the foundation's three most recent taxable years. Private foundations are no longer subject to the publication requirements of section 6104(d).[5]

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[2] The amount of the deduction allowable for a taxable year where respect to a charitable contribution may be reduced depending on the type of property contributed, the type of charitable organization to which the property is contributed, and the income of the taxpayer (sec. 170(b) and 170(e)).

[3] However, the legislative history of the provision indicates that Congress expected that organizations will comply voluntarily with the public inspection provisions prior to the issuance of such final regulations.

[4] Prop. Treas. Reg. sec. 301.6104(e)–1.

[5] As set forth in the legistive history of the provision, the House Committee on Ways and Means noted that the length of annual information returns filed by certain private foundations may make duplication and mailing of the return expensive and

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Effective date.—The additional public inspection provisions apply to requests made after the later of: (1) the date which is 60 days after the date on which the Treasury Department publishes regulations defining when requested documents have been made widely available or when a request is part of a harassment campaign, or (2) December 31, 1998. The repeal of the present-law publication requirement shall apply only to those returns the due date for filing of which is on or after the date the public inspection requirements become effective.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

E. EXCEPTIONS UNDER SUBPART F FOR CERTAIN ACTIVE FINANCING INCOME

(SEC. 105 OF THE HOUSE BILL, SEC. 105 OF S. 2622, AND SECS. 953 AND 954 OF THE CODE)

Present law

In general

Under the subpart F rules, certain U.S. shareholders of a controlled foreign corporation ("CFC") are subject to U.S. tax currently on certain income earned by the CFC, whether or not such income is distributed to the shareholders. The income subject to current inclusion under the subpart F rules includes, among other things, "foreign personal holding company income" and insurance income. The U.S. 10-percent shareholders of a CFC also are subject to current inclusion with respect to their shares of the CFC's foreign base company services income (i.e., income derived from services performed for a related person outside the country in which the CFC is organized).

Foreign personal holding company income generally consists of the following: (1) dividends, interest, royalties, rents and annuities; (2) net gains from the sale or exchange of (a) property that gives rise to the preceding types of income, (b) property that does not give rise to income, and (c) interests in trusts, partnerships, and REMICs; (3) net gains from commodities transactions; (4) net gains from foreign currency transactions; (5) income that is equivalent to interest; (6) income from notional principal contracts; and (7) payments in lieu of dividends.

Insurance income subject to current inclusion under the subpart F rules includes any income of a CFC attributable to the issuing or reinsuring of any insurance or annuity contract in connection with risks located in a country other than the CFC's country of organization. Subpart F insurance income also includes income attributable to an insurance contract in connection with risks located within the CFC's country of organization, as the result of an arrangement under which another corporation receives a substantially equal amount of consideration for insurance of other-country risks. Investment income of a CFC that is allocable to any insurance or annuity contract related to risks located outside the CFC's country of organization is taxable as subpart F insurance income (Prop. Treas. Reg. sec. 1.953-1(a)).

Temporary exceptions from foreign personal holding company income and foreign base company services income apply for subpart F purposes for certain income that is derived in the active conduct of a banking, financing, insurance, or similar business.[6] These exceptions (described below) are applicable only for taxable years beginning in 1998.

Income from the active conduct of a banking, financing, or similar business

A temporary exception from foreign personal holding company income applies to income that is derived in the active conduct of a banking, financing, or similar business by a CFC that is predominantly engaged in the active conduct of such business. For this purpose, income derived in the active conduct of a banking, financing, or similar business generally is determined under the principles applicable in determining financial services income for foreign tax credit limitation purposes. However, in the case of a corporation that is engaged in the active conduct of a banking or securities business, the income that is eligible for this exception is determined under the principles applicable in determining the income which is treated as nonpassive income for purposes of the passive foreign investment company provisions. In this regard, the income of a corporation engaged in the active conduct of a banking or securities business that is eligible for this exception is the income that is treated as nonpassive under the regulations proposed under section 1296(b) (as in effect prior to the enactment of the Taxpayer Relief Act of 1997). See Prop. Treas. Reg. secs. 1.1296-4 and 1.1296-6. The Secretary of the Treasury is directed to prescribe regulations applying look-through treatment in characterizing for this purpose dividends, interest, income equivalent to interest, rents and royalties from related persons.

For purposes of the temporary exception, a corporation is considered to be predominantly engaged in the active conduct of a banking, financing, or similar business if it is engaged in the active conduct of a banking or securities business or is a qualified bank affiliate or qualified securities affiliate. In this regard, a corporation is considered to be engaged in the active conduct of a banking or securities business if the corporation would be treated as so engaged under the regulations proposed under prior law section 1296(b) (as in effect prior to the enactment of the Taxpayer Relief Act of 1997); qualified bank affiliates and qualified securities affiliates are as determined under such proposed regulations. See Prop. Treas. Reg. secs. 1.1296-4 and 1.1296-6.

Alternatively, a corporation is considered to be engaged in the active conduct of a banking, financing, or similar business if more than 70 percent of its gross income is derived from such business from transactions with unrelated persons located within the country under the laws of which the corporation is created or organized. For this purpose, income derived by a qualified business unit ("QBU") of a corporation from transactions with unrelated persons located in the country in which the QBU maintains its principal office and conducts substantial business activity is treated as derived by the corporation from transactions with unrelated persons located within the country in which the corporation is created or organized. A person other than a natural person is considered to be located within the country in which it maintains an office through which it engages in a trade or business and by which the transaction is effected. A natural person is treated as located within the country in which such person is physically located when such person enters into the transaction.

Income from the active conduct of an insurance business

A temporary exception from foreign personal holding company income applies for certain investment income of a qualifying insurance company with respect to risks located within the CFC's country of creation or organization. These rules differ from the rules of section 953 of the Code, which determines the subpart F inclusions of a U.S. shareholder relating to insurance income of a CFC. Such insurance income under section 953 generally is computed in accordance with the rules of subchapter L of the Code.

A temporary exception applies for income (received from a person other than a related person) from investments made by a qualifying insurance company of its reserves or 80 percent of its unearned premiums. For this purpose, in the case of contracts regulated in the country in which sold as property, casualty or health insurance contracts, unearned premiums and reserves are defined as unearned premiums and reserves for losses incurred determined using the methods and interest rates that would be used if the qualifying insurance company were subject to tax under subchapter L of the Code. Thus, for this purpose, unearned premiums are determined in accordance with section 832(b)(4), and reserves for losses incurred are determined in accordance with section 832(b)(5) and 846 of the Code (as well as any other rules applicable to a U.S. property and casualty insurance company with respect to such amounts).

In the case of a contract regulated in the country in which sold as a life insurance or annuity contract, the following three alternative rules for determining reserves apply. Any one of the three rules can be elected with respect to a particular line of business.

First, reserves for such contracts can be determined generally under the rules applicable to domestic life insurance companies under subchapter L of the Code, using the methods there specified, but substituting for the interest rates in Code section 807(d)(2)(B) an interest rate determined for the country in which the qualifying insurance company was created or organized, calculated in the same manner as the mid-term applicable Federal interest rate ("AFR") (within the meaning of section 1274(d)).

Second, the reserves for such contracts can be determined using a preliminary term foreign reserve method, except that the interest rate to be used is the interest rate determined for the country in which the qualifying insurance company was created or organized, calculated in the same manner as the mid-term AFR. If a qualifying insurance company uses such a preliminary term method with respect to contracts insuring risks located in the country in which the company is created or organized, then such method is the method that applies for purposes of this election.

Third, reserves for such contracts can be determined to be equal to the net surrender value of the contract (as defined in section 807(e)(1)(A)).

In no event can the reserve for any contract at any time exceed the foreign statement reserve for the contract, reduced by any catastrophe or deficiency reserve. This

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administratively burdensome. The Committee expressed its expectation that the Treasury Department will publish regulations to address this issue (e.g., by permitting perons to request a copy of portions of the return).

[6] The President canceled these exceptions in 1997 pursuant to the Line Item Veto Act. On June 25, 1998, the U.S. Supreme Court held that the cancellation procedures set forth in the Line Item Veto Act are unconstitutional. *Clinton* v. *City of New York*, 118 S. Ct. 2091 (June 25, 1998).

rule applies whether the contract is regulated as a property, casualty, health, life insurance, annuity or any other type of contract.

A temporary exception from foreign personal holding company income also applies for income from investment of assets equal to: (1) one-third of premiums earned during the taxable year on insurance contracts regulated in the country in which sold as property, casualty, or health insurance contracts; and (2) the greater of 10 percent of reserves, or, in the case of a qualifying insurance company that is a startup company, $10 million. For this purpose, a startup company is a company (including any predecessor) that has not been engaged in the active conduct of an insurance business for more than 5 years. In general, the 5-year period commences when the foreign company first is engaged in the active conduct of an insurance business. If the foreign company was formed before being acquired by the U.S. shareholder, the 5-year period commences when the acquired company first was engaged in the active conduct of an insurance business. In the event of the acquisition of a book of business from another company through an assumption or indemnity reinsurance transaction, the 5-year period commences when the acquiring company first engaged in the active conduct of an insurance business, except that if more than a substantial part (e.g., 80 percent) of the business of the ceding company is acquired, then the 5-year period commences when the ceding company first engaged in the active conduct of an insurance business. Reinsurance transactions among related persons may not be used to multiply the number of 5-year periods.

Under rules prescribed by the Secretary, income is allocated to contracts as follows. In the case of contracts that are separate account-type contracts (including variable contracts not meeting the requirements of sec. 817), only the income specifically allocable to such contracts is taken into account. In the case of other contracts, income not specifically allocable is allocated ratably among such contracts.

A qualifying insurance company is defined as any entity which: (1) is regulated as an insurance company under the laws of the country in which it is incorporated; (2) derives at least 50 percent of its net written premiums from the insurance or reinsurance of risks situated within its country of incorporation; and (3) is engaged in the active conduct of an insurance business and would be subject to tax under subchapter L if it were a domestic corporation.

The temporary exceptions do not apply to investment income (includable in the income of a U.S. shareholder of a CFC pursuant to sec. 953) allocable to contracts that insure related party risks or risks located in a country other than the country in which the qualifying insurance company is created or organized.

Anti-abuse rule

An anti-abuse rule applies for purposes of these temporary exceptions. For purposes of applying these exceptions, items with respect to a transaction or series of transactions are disregarded if one of the principal purposes of the transaction or transactions is to qualify income or gain for these exceptions, including any change in the method of computing reserves or any other transaction or transactions one of the principal purposes of which is the acceleration or deferral of any item in order to claim the benefits of these exceptions.

Foreign base company services income

A temporary exception from foreign base company services income applies for income derived from services performed in connection with the active conduct of a banking, financing, insurance or similar business by a CFC that is predominantly engaged in the active conduct of such business or is a qualifying insurance company.

House Bill

In general

The House bill extends and modifies the present-law temporary exceptions from subpart F for income that is derived in the active conduct of a banking, financing, or similar business or in the conduct of an insurance business. These exceptions (as modified) are applicable only for taxable years beginning in 1999.

With respect to income derived in the active conduct of a banking, financing, or similar business, the House bill differs from the present-law temporary exceptions in the following significant respects. First, the House bill requires a CFC to conduct substantial activity with respect to its business in order to qualify for the exceptions. Second, the House bill adds certain nexus requirements which require that income which is derived by a CFC or QBU from transactions with customers is eligible for the exceptions if, among other things, substantially all of the activities in connection with such transactions are conducted directly by the CFC or QBU in its home country, and such income is treated as earned by the CFC or QBU in its home country for purposes of such country's tax laws. Third, the House bill modifies the tests for determining whether a CFC is predominantly engaged in the active conduct of a banking, financing, or similar business, including modifications for income derived from a lending or finance business. Fourth, the House bill extends the exceptions to income derived from certain cross border transactions, provided that certain requirements are met. Fifth, the determination of where a customer is treated as located is made under rules prescribed by the Secretary of the Treasury. Finally, the look-through rule that was included in the present-law provision for purposes of determining the income eligible for the exceptions is eliminated.

In the case of insurance, the House bill differs from present law in the following significant respects. In addition to the exception for certain income of a qualifying insurance company with respect to risks located within the CFC's country of creation or organization that is provided under present law, the House bill provides additional exceptions. First, the House bill provides temporary exceptions from insurance income and from foreign personal holding company income for certain income of a qualifying branch of a qualifying insurance company with respect to risks located within the home country of the branch, provided certain requirements are met under each of the exceptions. Further, the House bill adds additional temporary exceptions from insurance income and from foreign personal holding company income for certain income of certain CFCs or branches with respect to risks located in any country other than the United States, provided that the requirements for these exceptions are met.

Income from the active conduct of a banking, financing, or similar business

Substantial activity requirement.—The House bill modifies the exceptions from subpart F for income derived in the active conduct of a banking, financing, or similar business by, among other things, incorporating a substantial activity requirement. Under the House bill, the subpart F exceptions apply to a CFC that is an eligible controlled foreign corporation (an "eligible CFC"). An eligible CFC is defined as a CFC which is predominantly engaged in the active conduct of a banking, financing, or similar business, but only if it conducts substantial activity with respect to such business.

Whether a CFC is considered to conduct substantial activity with respect to a banking, financing, or similar business is determined under all the facts and circumstances. It is intended that as part of this facts and circumstances analysis in determining whether the activities conducted by the CFC are substantial, all relevant factors are taken into account, including the overall size of the CFC, the amount of its revenues and expenses, the number of its employees, the ratio of its revenues per employee, the amount of property it owns, and the nature, size, and relative significance of the applicable activities conducted by the CFC. Under the House bill, the Treasury Secretary is granted the authority to prescribe regulations to carry out the purposes of these exceptions. It is intended that such authority includes the authority to prescribe rules relating to whether a CFC (or, as relevant, a QBU) is considered to conduct substantial activity.

It also is intended that as part of this facts and circumstances analysis, a CFC is required to conduct substantially all of the activities necessary for the generation of income with respect to the business, which generally include the following: initial solicitation of customers (including vendors); advising customers on financial needs, including funding and financial products; providing financial and technical advice to customers; designing or tailoring financial products to customers' needs; negotiating terms with customers; performing credit analysis on customers and evaluating noncredit risks; providing related services to customers; making loans, entering into leases, extending credit or entering into other transactions with customers that generate income that would be considered derived in the active conduct of a banking, financing, or similar business; collecting from customers; performing remarketing activities (including sales) following termination of transactions with customers; responding to customers' failure to satisfy their obligations under transactions, including enforcement or renegotiation of terms, liquidation of collateral, foreclosure, and/or institution of litigation; and holding collateral for transactions with customers.

It is intended that the performance of back-office functions (including accounting for income or loss, recordkeeping, and routine communicating with customers) not be taken into account in determining whether the substantial activity requirement is satisfied. It also is intended that the relevant activities of the business may be modified by Treasury regulation to take into account future changes in the operations of these businesses.

In general, the substantial activity requirement is applied based on the activities of the CFC as a whole, including the activities of any QBUs of the CFC. In determining whether the substantial activity requirement is satisfied, activities performed in the country in which the CFC is incorporated (or in the country in which the QBU has its principal office) by employees of a related person of the CFC are taken into account, but only to the extent that the related person is compensated on an arm's-length basis for the services of such employees and such compensation is includible in the related person's income in such country for purposes of such country's income tax laws. For this purpose, a related person has the meaning provided in section 954(d)(3), substituting "at least 80 percent" for "more than 50 percent." It is intended that the activities of such a related person are not again taken into account in determining whether another CFC or QBU (e.g., the related person) satisfies the substantial activity requirement.

Predominantly engaged requirement

The House bill also modifies the rules for determining whether a CFC is predominantly engaged in the active conduct of a banking, financing, or similar business. Alternative rules apply for this purpose.

Banking or securities business.—The House bill modifies the present-law application of the banking or securities business tests for determining whether a CFC is predominantly engaged in the active conduct of a banking, financing, or similar business. Under the House bill, a CFC is considered to be predominantly engaged in the active conduct of a banking, financing, or similar business if it is engaged in the active conduct of a banking business and is an institution licensed to do business as a bank in the United States (or is any other corporation not so licensed which is specified in regulations). In addition, a CFC is considered to be predominantly engaged in the active conduct of a banking, financing, or similar business if it is engaged in the active conduct of a securities business and is registered as a securities broker or dealer under applicable U.S. securities laws (or is any other corporation not so registered which is specified in regulations). It generally is intended that these requirements for the active conduct of a banking or securities business be interpreted in the manner provided in the regulations proposed under prior law section 1296(b) (as in effect prior to the enactment of the Taxpayer Relief Act of 1997). See Prop. Treas. Reg. secs. 1.1296-4 and 1.1296-6. Specifically, it is intended that these requirements include the requirements for foreign banks under Prop. Treas. Reg. sec. 1.1296-4 as currently drafted. However, it is not intended that these requirements be considered to be satisfied by a CFC merely because it is a qualified bank affiliate or a qualified securities affiliate within the meaning of the proposed regulations under former section 1296(b).

Lending or finance business.—The House bill modifies the present-law 70-percent test for determining whether a CFC is predominantly engaged in the active conduct of a banking, financing, or similar business. Under the House bill, a CFC is considered to be predominantly engaged in the active conduct of such business if more than 70 percent of its gross income is derived directly from the active and regular conduct of a lending or finance business from transactions with customers which are unrelated persons. For this purpose, it is intended that transactions with customers located in the United States not be taken into account in determining whether the 70-percent test is satisfied.

For this purpose, a CFC is considered to be engaged in a lending or finance business if it is engaged in the business of: (1) making loans; (2) purchasing or discounting accounts receivable, notes (including loans), or installment obligations; (3) engaging in leasing (including entering into leases and purchasing, servicing and disposing of leases and leased assets); (4) issuing letters of credit and providing guarantees; (5) providing charge and credit card services; or (6) rendering services or making facilities available in connection with the foregoing activities carried on by the corporation rendering such services or facilities, or by another corporation which is a member of the same affiliated group.

For this purpose, whether two corporations are affiliated is determined by reference to section 1504 with one modification: the exclusion for foreign corporations is disregarded.

Whether any portion of a CFC's gross income is derived directly from the active and regular conduct of a lending or finance business is determined under all the facts and circumstances. Under the House bill, the Treasury Secretary is granted the authority to prescribe regulations to carry out the purposes of these exceptions. It is intended that such authority includes the authority to prescribe rules relating to this determination.

Qualified banking or financing income exempt from subpart F

In general.—If a CFC is treated as an eligible CFC (i.e., it satisfies the substantial activity and predominantly engaged requirements), the subpart F exceptions apply to qualified banking or financing income of such corporation. Qualified banking or financing income is defined as income which is derived in the active conduct of a banking, financing, or similar business by an eligible CFC or a QBU of such CFC if: (1) the income is derived from transactions with customers not located in the United States, (2) substantially all of the activities in connection with such transactions are conducted directly by the corporation or unit in its home country, and (3) the income is treated as earned by such corporation or unit in its home country for purposes of such country's tax laws. For this purpose, income is considered to be earned by a CFC or a QBU in its home country if such income is sourced and allocable to such CFC or QBU in its home country for purposes of such country's tax laws. In addition, for this purpose, activities are considered to be conducted by a CFC or QBU if such activities are performed by employees of the CFC or QBU. Except as provided by regulations, a CFC's home country is defined as its country of creation or organization, and a QBU's home country is defined as the country in which the unit maintains its principal office. Moreover, income derived from transactions with customers apply only to transactions with customers acting in their capacity as such.

For this purpose, it is intended that income derived by an eligible CFC or QBU of such CFC from the following types of activities be considered to be income derived in the active conduct of a banking, financing, or similar business (provided that the other requirements for these exceptions are satisfied):

(1) regularly making personal, mortgage, industrial, or other loans in the ordinary course of the corporation's trade or business;

(2) factoring evidences of indebtedness for customers;

(3) purchasing, selling, discounting, or negotiating for customers notes, drafts, checks, bills of exchange, acceptances, or other evidences of indebtedness;

(4) issuing letters of credit and negotiating drafts drawn thereunder for customers;

(5) performing trust services, including as a fiduciary, agent, or custodian, for customers, provided such trust activities are not performed in connection with services provided by a dealer in stock, securities or similar financial instruments;

(6) arranging foreign exchange transactions (including any section 988 transaction within the meaning of section 988(c)(1)) for, or engaging in foreign exchange transactions with, customers;

(7) arranging interest rate or currency futures, forwards, options or notional principal contracts for, or entering into such transactions with, customers;

(8) underwriting issues of stock, debt instruments or other securities under best efforts or firm commitment agreements for customers;

(9) engaging in leasing (including entering into leases and purchasing, servicing and disposing of leases and leased assets);

(10) providing charge and credit card services for customers or factoring receivables obtained in the course of providing such services;

(11) providing traveler's check and money order services for customers;

(12) providing correspondent bank services for customers;

(13) providing paying agency and collection agency services for customers;

(14) maintaining restricted reserves (including money or securities) in a segregated account in order to satisfy a capital or reserve requirement imposed by a local banking or securities regulatory authority;

(15) engaging in hedging activities directly related to another activity described herein;

(16) repackaging mortgages and other financial assets into securities and servicing activities with respect to such assets (including the accrual of interest incidental to such activity);

(17) engaging in financing activities typically provided in the ordinary course by an investment bank, such as project financing provided in connection with construction projects, structured finance (including the extension of a loan and the sale of participations or interests in the loan to other financial institutions or investors), and leasing activities to the extent incidental to such financing activities;

(18) providing financial or investment advisory services, investment management services, fiduciary services, or custodial services;

(19) purchasing or selling stock, debt instruments, interest rate or currency futures or other securities or derivative financial products (including notional principal contracts) from or to customers and holding stock, debt instruments and other securities as inventory for sale to customers, unless the relevant securities or derivative financial products are not held in a dealer capacity;

(20) effecting transactions in securities for customers as a securities broker; and

(21) any other activity that the Secretary of the Treasury determines to be a financing activity conducted by active corporations in the ordinary course of their business.

Qualified banking or financing income of an eligible CFC or QBU of such CFC is determined separately for the CFC and each QBU, taking into account, in the case of an eligible CFC, only items of income, gain, deduction, loss or other items, as well as activities, of such CFC that are not properly allocable to any QBUs. Similarly, in the case of a QBU, qualified banking or financing income is determined by taking into account such applicable items (e.g., income and activities) that are properly allocable to such QBU. Under the House bill, the Treasury Secretary is granted the authority to prescribe regulations to carry out the purposes of these exceptions. It is intended that such authority includes the authority to prescribe rules for properly allocating items and activities among branches or units of a CFC, and between the CFC and its branches or units.

Income from local customer transactions.—If the requirements above are satisfied, the exceptions apply to income that is derived from transactions with customers located in the CFC's home country. In addition, the exceptions apply to income that is derived by a QBU of an eligible CFC from transactions with customers located in the QBU's home country.

For example, assume that a CFC is incorporated in the United Kingdom and has operations in France that constitute a QBU. Also assume that the activities of the U.K. CFC's head office together with the activities of the French QBU satisfy the substantial activity requirement. Under the House bill, income derived by the U.K. CFC from transactions with customers in the United Kingdom is eligible for the exceptions if substantially all of the activities in connection with the transaction are performed in the United Kingdom by employees of the U.K. CFC, and the income is treated as earned by the U.K. CFC in the United Kingdom for U.K. income tax purposes. In addition, income derived by the French QBU from transactions with customers in France is eligible for the exceptions if substantially all of the activities in connection with the transactions are performed in France by employees of the French QBU, and the income is treated as earned by the French QBU in France for French income tax purposes.

Income from cross border transactions.—If the requirements above are satisfied, the exceptions also apply to income from certain cross border transactions, but only if a higher standard with respect to the substantial activity requirement is satisfied. Under the House bill, income derived by a CFC from transactions with customers not located in the CFC's home country or the United States is eligible for the exceptions if the CFC conducts substantial activity with respect to a banking, financing, or similar business in its home country. In addition, income derived by a QBU of an eligible CFC from transactions with customers not located in the QBU's home country or the United States is eligible for the exceptions, but only if the QBU conducts substantial activity with respect to such a business in its home country. For this purpose, the substantial activity requirement is applied by looking only at the activities of the applicable CFC or QBU on a stand-alone basis. Thus, income derived by a QBU from transactions with customers not located in its home country (or in the United States) is eligible for the exceptions if the activities of the QBU itself constitute substantial activities (provided that the other requirements are satisfied).

Consider again the U.K. CFC and the French QBU. If the head office of the U.K. CFC derives income from a transaction with a customer in Germany, the income is eligible for the exceptions if the activities of the CFC itself (without regard to those of the French QBU) satisfy the substantial activity requirement. Alternatively, if the French QBU derives income from a transaction with a German customer, the income is eligible for the exceptions if the activities of the French QBU itself satisfy the substantial activity requirement.

Home country requirement for income earned with respect to a lending or finance business.—In the case of a lending or finance business, in addition to the requirements described above, the House bill includes an additional requirement to qualify for the exceptions in the case of income earned by a CFC which qualifies as an eligible CFC by satisfying the predominantly engaged requirement for an active lending or finance business. For such an eligible CFC, income derived by such CFC is eligible for the exceptions only if such CFC derives more than 30 percent of its gross income directly from the active and regular conduct of a lending or finance business from transactions with customers that are unrelated persons and that are located within the CFC's home country (the "home country" requirement). In addition, income derived by a QBU of such an eligible CFC is eligible for the exceptions only if such QBU derives more than 30 percent of its gross income directly from the active and regular conduct of a lending or finance business from transactions with customers that are unrelated persons and that are located within the QBU's home country. For this purpose, it is intended that transactions with customers located in the United States not be taken into account.

The home country requirement is applied on a stand-alone basis to the particular CFC or QBU. Thus, the 30-percent gross income test takes into account only the gross income of a particular CFC (without regard to the income of its QBUs) from transactions with its home-country unrelated customers. Similarly, in the case of a QBU, there is taken into account the gross income of the particular QBU (without regard to the income of the CFC or other QBUs) from transactions with its home-country unrelated customers. Accordingly, if more than 70 percent of the CFC's gross income is derived directly from the active and regular conduct of a lending or finance business from transactions with unrelated customers, and one of the CFC's QBUs satisfies the home country requirement but another QBU does not satisfy such requirement, income derived by the QBU that satisfies the home country requirement is eligible for the exceptions from subpart F (provided that the other requirements are satisfied), but income derived by the other QBU is not eligible for the exceptions.

Coordination with other rules.—The House bill provides that the exceptions under section 954(h) for income derived in the active conduct of a banking, financing, or similar business do not apply to income described in the dealer exception under section 954(c)(2)(C)(ii) (described below) for a dealer in securities which is an eligible CFC that satisfies the predominantly engaged requirement for a securities business.

In addition, it is expected that the Treasury Department and the Internal Revenue Service will issue timely guidance to make currently effective conforming changes to existing regulations in order to reflect the exceptions under section 954(h), including conforming changes to the regulations under section 954(c)(3).

Exception for securities dealers

The House bill provides an additional exception from foreign personal holding company income for certain income derived by a securities dealer within the meaning of section 475 (the so-called "dealer exception"). The dealer exception applies to interest or dividends (or equivalent amounts described in sec. 954(c)(1)(E) or (G)) from any transaction (including a hedging transaction or a transaction consisting of a deposit of collateral or margin described in sec. 956(c)(2)(J)) entered into in the ordinary course of the dealer's trade or business as such a securities dealer, but only if the income is attributable to activities of the dealer in the country in which the dealer is created or organized (or, in the case of a QBU of the dealer, is attributable to activities of the QBU in the country in which the QBU both maintains its principal office and conducts substantial business activity). For this purpose, income is considered to be attributable to activities of the dealer in its country of incorporation (or to a QBU in the country in which the QBU both maintains its principal office and conducts substantial business activity), if such income is attributable to activities performed in such country by employees of the dealer (or QBU), and such income is treated as earned in such country by the dealer (or QBU) for purposes of such country's tax laws. For this purpose, income is considered to be earned in the country in which the dealer is created or organized (or, in the case of a QBU, in the country in which the QBU both maintains its principal office and conducts substantial business activity), if such income is sourced and allocable to such dealer (or QBU) in such country for purposes of such country's tax laws. It is intended that the dealer exception not apply to income from transactions with persons located in the United States with respect to U.S. securities. This reflects the understanding that the exception from current inclusion under subpart F for income earned by dealers in securities does not apply to activities that would otherwise be conducted in the United States. In addition, it is intended that the dealer exception will apply to interest paid by customers to the dealer on margin loans in connection with sales of securities (provided that the other requirements of the provision are satisfied).

Insurance income

In general.—The House bill provides a temporary exception to insurance income under section 953. For purposes of the exception to insurance income, reserves for an exempt insurance or annuity contract are determined in the same manner as under the temporary exception, described below, for foreign personal holding company income relating to certain insurance contracts (sec. 954(i), as added by the House bill). For purposes of these provisions, reserves are intended to include discounted unpaid losses or losses incurred, as appropriate, for property and casualty contracts.

Operation of the exception.—The House bill provides an exception from insurance income for income derived by a qualifying insurance company that is attributable to the issuing (or reinsuring) of an exempt contract by the qualifying insurance company or a qualifying insurance company branch of such a company, and that is treated as earned by the company or branch in that company's, or branch's, home country for purposes of that country's tax laws. The exception from insurance income does not apply to income attributable to the issuing (or reinsuring) of an exempt contract as the result of any arrangement whereby another corporation receives a substantially equal amount of premiums or other consideration in respect of issuing (or reinsuring a contract that is not an exempt contract). An exempt contract is an insurance or annuity contract issued or reinsured by a qualifying insurance company or qualified insurance company branch in connection with property in, liability arising out of activity in, or the lives or health of residents of, a country other than the United States.

No contract is treated as an exempt contract unless the qualifying insurance company or branch derives more than 30 percent of its net written premiums from exempt contracts (determined without regard to this sentence) covering applicable home country risks, and with respect to which no policyholder, insured, annuitant, or beneficiary is a related person (within the meaning of sec. 954(d)(3)). Applicable home country risks are risks in connection with property in, liability arising out of activity in, or the lives or health of residents of, the home country of the qualifying insurance company or branch, as the case may be. In all cases, the 30-percent test is applied on a unit-by-unit basis. Accordingly, income derived by a qualifying insurance company branch of a CFC qualifies only if such branch alone satisfies the 30-percent test (without regard to the net written premiums of any other branch). Income derived by the CFC qualifies only if the CFC alone satisfies the 30-percent test without regard to the net written premiums of any other unit or branch of the CFC.

When determinations under the House bill are made separately with respect to a qualifying insurance company and its qualifying insurance company branch or branches, then in the case of the qualifying insurance company, only income, gain, or loss and activities of the company not properly allocable or attributable to any qualifying insurance company branch are taken into account. In the case of a qualifying insurance company branch, only income, gain, or loss and activities of the branch that are properly allocable or attributable to it are taken into account. Under the House bill, the Treasury Secretary is granted the authority to carry out the purposes of these exceptions. It is intended that such authority includes the authority to prescribe rules for properly allocating items and activities among branches or units of a CFC, and among the CFC and its branches or units.

The home country of a CFC is the country in which the CFC is created or organized. The home country of a qualified business unit that is a qualifying insurance company branch of a qualifying insurance company means the country in which the principal office of such unit is located and in which such unit is licensed, authorized, or regulated by the applicable insurance regulatory body to sell insurance, reinsurance or annuity contracts to persons other than related persons (within the meaning of sec. 954(d)(3)) in that country.

Qualifying, insurance company.—A qualifying insurance company is a CFC that meets the following requirements, which are intended to distinguish firms that have a real business nexus with a foreign country or countries from firms that do not. The first requirement is that the CFC be subject to regulation as an insurance (or reinsurance) company by its home country, and that the CFC be licensed, authorized, or regulated by the applicable insurance regulatory body for its home country to sell insurance, reinsurance, or annuity contracts to persons other than related persons (within the meaning of section 954(d)(3)) in its home country.

The second requirement is that the CFC derive more than 50 percent of its aggregate net written premiums from the insurance or reinsurance by the CFC (on an aggregate basis, including qualifying insurance company branches) covering applicable home country risks (as described above) of the CFC or branch, as the case may be. For purposes of this rule, if a policyholder, insured, annuitant, or beneficiary is a related person, then the contract is treated as not covering home country risks. A related person has the meaning set forth in section 954(d)(3). In the case of a qualifying insurance company branch, premiums are taken into account under this second requirement only to the extent that the premiums are treated as earned by the branch in its home country for purposes of that country's tax laws.

The 50-percent test applies on an aggregate basis. For example, assume that a German CFC has a branch in France and a branch in Italy. Assume that $50 of net written premiums are properly allocable to the Italian branch, $100 of net written premiums are properly allocable to the French branch, and $100 of net written premiums are properly allocable to the CFC in Germany. For the Italian branch, assume $20 of the $50, or 40 percent, is from home country risks. For the French branch, assume that $80 of the $100, or 80 percent, is from home country risks. For the CFC in Germany, assume that $60 of the $100, or 60 percent, is from home country risks. Taking into account the respective amounts and percentages, the CFC has 64 percent of its net written premiums from home country risks on an aggregate basis.

The third requirement is that the CFC be engaged in the insurance business and that it would be subject to tax under subchapter L if it were a domestic corporation. A CFC is considered to be engaged in the insurance business, within the meaning of this provision of the House bill, if it operates in a manner[4] consistent with the operation of other bona fide commercial insurance companies that sell insurance products to unrelated parties in its home country, and conducts managerial activities in that country with respect to the major functions of the insurance business. A factor, among others, that could be considered in determining whether it conducts managerial activities in its home country with respect to the major functions of the insurance business may be whether in its home country it exercises key decision making in determining business strategy with respect to the major functions of the insurance business. For purposes of the requirement that the CFC be engaged in the insurance business, activities performed in the home country of the CFC by employees of the CFC and of a related person are taken into account, to the extent that the related person is compensated on an arm's-length basis for the services of such employees and such compensation is includible in the related person's income in such country for purposes of that country's tax laws. For this purpose, a related person has the meaning provided in section 954(d)(3), substituting "at least 80 percent" for "more than 50 percent." In determining whether a CFC is engaged in the insurance business, for example, an entity that is not engaged in regular and continuous transactions with persons that are not related persons (as described in the anti-abuse rules) is not considered as engaged in the insurance business.

Qualifying insurance company branch—A qualifying insurance company branch is a qualified business unit of a CFC that meets two requirements. A qualified business unit means any separate and clearly identified unit of a trade or business of a taxpayer which maintains separate books and records (within the meaning of sec. 989(a)). The first requirement is that the unit be licensed, authorized, or regulated by the applicable insurance regulatory body for its home country to sell insurance, reinsurance or annuity contracts to persons other than related persons (within the meaning of sec. 954(d)(3)) in that country. It is intended that the applicable insurance regulatory body be the regulatory body that has the authority to license, authorize, or regulate with respect to the insurance business in the country where the branch is located and a branch that is regulated by such a body be considered to be regulated in the country where the branch is located. The second requirement is that the CFC (of which the branch is a unit) be a qualifying insurance company, taking the unit into account for purposes of the applicable tests (above) as if it were a qualifying insurance company branch.

Additional requirements in the case of cross border risks

The House bill imposes additional requirements with respect to any contract that covers cross border risks (that is, risks other than applicable home country risks), due to the increased concern about mobility of income in cross border business. A contract issued by a qualifying insurance company or qualifying insurance company branch that covers risks other than applicable home country risks is not treated as an exempt contract unless such company or branch, as the case may be, (1) conducts substantial activity in its home country with respect to the insurance business, and (2) performs in its home country substantially all of the activities necessary to give rise to the income generated by the contract.

Whether a CFC or unit thereof is considered to perform in its home country substantial activities with respect to the insurance business is determined under all the facts and circumstances. It is intended that as part of this facts and circumstances analysis in determining whether the activities conducted by the CFC or unit are substantial, all relevant factors are taken into account, including the overall size of the CFC or unit, the amount of its revenues and expenses, the number of its employees, the ratio of its revenues per employee, the amount of property it owns, and the nature, size and relative significance of the applicable activities conducted by the CFC or unit. Under the House bill, the Treasury Secretary is granted the authority to carry out the purposes of these exceptions. It is intended that such authority includes the authority to prescribe regulations relating to whether a CFC or unit is considered to conduct substantial activity.

It also is intended that as part of this facts and circumstances analysis, a CFC or unit is required to conduct substantially all of the activities necessary for the generation of income with respect to the insurance business. Such activities of an insurance business generally depend on the line of business, and could include: designing or tailoring insurance products to meet market or customer requirements; performing actuarial analysis with respect to insurance products; determining investment options for separate account-type products; performing underwriting functions with respect to insurance products; performing analysis for purposes of risk assessment; performing analysis for purposes of setting premium rates; performing analysis for purposes of calculating reserves; performing claims management and adjustment functions; developing marketing strategies, advertising and other public image activities; making (or arranging for) sales to customers; maintaining reserves and surplus (other than excess surplus); making (or arranging for) investments; and collecting from customers.

It further is intended that the performance of back-office functions (including accounting for income or loss, recordkeeping, and routine communicating with customers) not be taken into account in determining whether the substantial activity requirement is satisfied. It also is intended that the relevant activities of the business may be modified by Treasury regulation to take into account the actual operation of lines of insurance business and future changes in the operation of lines of insurance business.

It further is intended that activities performed in the CFC's or unit's home country by employees of a related person (within the meaning of sec. 954(d)(3), substituting "at least 80 percent" for "more than 50 percent") be taken into account, to the extent that the related person is compensated on an arm's-length basis for the services of such employees and such compensation is includible in the related person's income in that country for purposes of such country's tax laws. It also is intended that the activities of such a related person are not again taken into account in determining whether another CFC or unit (e.g., the related person) satisfies the substantial activity requirement.

In addition, with respect to a contract issued by a qualifying insurance company or qualifying insurance company branch that covers risks other than applicable home country risks, the qualifying insurance company or qualifying insurance company branch is required to perform in its home country substantially all of the activities necessary to give rise to the income generated by the contract.

Foreign personal holding company income with respect to insurance

The House bill provides a temporary exception from foreign personal holding company income for certain investment income derived by a qualifying insurance company and by certain qualifying insurance company branches.

The exception applies to income (received from a person other than a related person) from investments made by a qualifying insurance company or qualifying insurance company branch of its reserves allocable to exempt contracts or 80 percent of its unearned premiums from exempt contracts. For this purpose, an exempt contract has the meaning provided under the House bill.

In the case of exempt contracts that are property, casualty, or health insurance contracts, unearned premiums and reserves mean unearned premiums and reserves for losses incurred determined using the methods and interest rates that would be used if the qualifying insurance company or qualifying insurance company branch were subject to tax under subchapter L of the Code, with certain modifications. For this purpose, unearned premiums and losses incurred are determined in accordance with section 832(b) and 846 of the Code (as well as any other rules applicable to a U.S. property and casualty insurance company with respect to such amounts). However, in applying these rules, there is substituted for the applicable Federal interest rate the interest rate determined for the functional currency of the company or branch and which (except as provided by the Treasury Secretary) is calculated in the same manner as the Federal mid-term rate under section 1274(d). In addition, there is substituted for the loss payment pattern under section 846 the appropriate foreign loss payment pattern determined by the Treasury Secretary for the line of business. In the case of health insurance contracts, it is intended that appropriate foreign mortality and morbidity tables be used for this purpose. In the case of disability contracts (other than credit disability) which are subject to section 846(f)(6)(A), it is intended that mortality and morbidity tables reasonably reflect appropriate experience and foreign mortality and morbidity factors.

In the case of an exempt contract that is a life insurance or annuity contract, reserves for such contracts are determined as follows. The reserves equal the greater of: (1) the net surrender value of the contract (as defined in section 807(e)(1)(A)), including in the case of pension plan contracts; or (2) the amount determined by applying the tax reserve method that would apply if the qualifying insurance company were subject to tax under Subchapter L of the Code, with the following modifications. First, there is substituted for the applicable Federal interest rate an interest rate determined for the functional currency of the qualifying insurance company's home country, calculated (except as provided by the Treasury Secretary in order to address insufficient data and similar problems) in the same manner as the mid-term applicable Federal interest rate ("AFR") (within the meaning of section 1274(d)). Second, there is substituted for the prevailing State assumed rate the highest assumed interest rate permitted to be used for purposes of determining statement reserves in the foreign country for the contract. Third, in lieu of U.S. mortality and morbidity tables, there is applied mortality and morbidity tables that reasonably reflect the current mortality and morbidity risks in the foreign country. Fourth, the Treasury Secretary may provide that the interest rate and mortality and morbidity tables of a qualifying insurance company may be used for one or more of its branches when appropriate.

In no event may the reserve for any contract at any time exceed the foreign statement reserve for the contract, reduced by any catastrophe, equalization, or deficiency reserve or any similar reserve. In the case of a contract that is a property, casualty, or health insurance contract, it is intended that this limitation applies with respect to unpaid losses by line of business (similar to sec. 846(a)(3)). These rules apply whether the contract is regulated as a property, casualty, health, life insurance, annuity, or any other type of contract.

The House bill also provides an exception from foreign personal holding company income for income from investment of assets equal to (1) one-third of premiums earned during the taxable year on exempt contracts regulated in the country in which sold as property, casualty, or health insurance contracts, and (2) 10 percent of reserves (determined for purposes of the provision) for contracts regulated in the country in which sold as life insurance or annuity contracts. In no event does the exception from foreign personal holding company income apply to investment income with respect to excess surplus.

To prevent the shifting of relatively high-yielding assets to generate investment income that qualifies under this temporary exception, the House bill provides that, except as provided by the Treasury Secretary, income is allocated to contracts as follows. In the case of a separate account-type contract (including a variable contract not meeting the requirements of section 817), the income credited under the contract is allocable only to that contract. Income not so allocated generally is allocated ratably among all contracts that are not separate account-type contracts, subject to the anti-abuse rules (described below).

Other definitions and anti-abuse rules relating to insurance

The House bill provides that the present-law statutory definition of a life insurance contract (under secs. 7702 or 101(f)), as well as the distribution on death requirement of section 72(s) and the diversification requirement of section 817(h), do not apply for purposes of determining reserves for a life insurance or annuity contract under sections 953 and 954 of the Code, provided that neither the policyholders, the insureds or annuitants, nor the beneficiaries with respect to the contract are U.S. persons.

The House bill provides a rule coordinating the exception to insurance income with the present-law special rule for certain captive insurance companies (sec. 953(c)). Under the coordination rule, the scope of the present-law rule that related party insurance income is treated as subpart F income is retained. The exception under the House bill from the definition of insurance income does not include income derived from exempt contracts that cover risks other than applicable home country risks, for purposes of the rules of section 953(c).

The anti-abuse rules applicable under the subpart F exceptions provided in section 954(h) (other than sec. 954(h)(7)(B)) (as added by the House bill) apply to these exceptions for insurance. In addition, the House bill provides anti-abuse rules applicable under the exceptions from subpart F income relating to insurance.

The House bill provides that there shall be disregarded any item of income, gain, loss, or deduction of, or derived from, an entity which is not engaged in regular and continuous transactions with persons that are not related persons. This rule is intended, for example, to address the use of fronting companies or similar entities (that are not engaged in regular and continuous transactions with persons that are not related persons) to reinsure risks in a manner to cause a CFC or branch to qualify as a qualifying insurance company or qualifying insurance company branch by meeting percentage requirements with respect to home country risks that it would not otherwise meet.

The House bill provides that there shall be disregarded any change in the method of computing reserves or any other transaction or transactions one of the principal purposes of which is the acceleration or deferral of any item in order to claim the benefits of these exceptions.

The House bill also provides that a contract is not treated as an exempt contract (as described above), if any policyholder, insured or annuitant, or beneficiary is a resident of the United States, the contract was marketed to the U.S. resident, and was written to cover a risk outside the United States.

The House bill also provides that a contract is not treated as an exempt contract, if the contract covers risks located both within and outside the United States, and the qualifying insurance company or branch does not maintain such records, and file such reports, with respect to the contract as the Treasury Secretary requires. It is intended that documentation that is contemporaneous with the issuance of the contract be maintained by the qualifying insurance company or branch.

The House bill also provides that the Treasury Secretary may prescribe rules for the allocation of contracts (and income from contracts) among two or more qualifying insurance company branches of a qualifying insurance company in order to clearly reflect the income of such branches.

The House bill also provides that premiums from a contract are treated as not covering home country risks (and are treated as covering risks other than home country risks) for purposes of the tests for 30 percent and 50 percent, respectively, of net written premiums if the contract reinsures a contract issued or reinsured by a related person (within the meaning of sec. 954(d)(3)).

The House bill also provides that the Treasury Secretary may prescribe regulations as may be necessary or appropriate to carry out the purposes of the exceptions from insurance income and foreign personal holding company income provided under sections 953(e) and 954(i) (as added by the House bill).

Other anti-abuse rules

The House bill generally includes the anti-abuse rules of the present-law provision, with certain further refinements. Under the House bill, the anti-abuse rules provide that items with respect to a transaction or series of transactions are disregarded if one of the principal purposes of the transaction or transactions is to qualify income or gain for these exceptions, including any transaction or a series of transactions a principal purpose of which is the acceleration or deferral of any item in order to claim the benefits of these exceptions. In addition, the anti-abuse rules provide that items of an entity which is not engaged in regular and continuous transactions with customers which are not related persons are disregarded. Moreover, items with respect to a transaction or series of transactions are disregarded if one of the principal purposes of the transaction or transactions is to qualify income or gain for these exceptions, including utilizing or doing business with: (1) one or more entities in order to satisfy any home country requirement, or (2) a special purpose entity or arrangement, including a securitization or financing arrangement or any similar entity or arrangement. Finally, the anti-abuse rules provide that a related person, officer, director, or employee with respect to any CFC (or QBU) which otherwise would be treated as a customer of such corporation or unit with respect to any transaction is not treated as a customer, if a principal purpose of such transaction is to satisfy any requirement for these exceptions.

Sale of assets of an active financing business

The House bill includes a modification to address the treatment of sales of assets of an active financing business. In general, foreign personal holding company income includes net gains from the sale or exchange of property that gives rise to dividends, interest, royalties, rents, or annuities. The House bill provides an exception from this rule for income that qualifies for the exception from subpart F for income derived in the active conduct of a banking, financing, or similar business. Under the House bill, foreign personal holding company income does not include net gains from the sale or exchange of property that gives rise to dividends, interest, royalties, rents, or annuities if such property gives rise to income not treated as foreign personal holding company income for the taxable year by reason of the exceptions under section 954(h) or (i) (as added by the House bill) for income derived in the active conduct of a banking, financing, or similar business or in the conduct of an insurance business. It is intended that this exception applies only to the extent that, prior to its disposition, the property was held to generate or generated income which qualifies for the exceptions under section 954(h) or (i) (and such property was not so held for a principal purpose of taking advantage of such exception).

Exceptions from foreign base company services income

The present-law provision includes a corresponding exception from foreign base company services income for income derived by a CFC from the performance of services that are directly related to a transaction entered into by the CFC that gives rise to income that is eligible for these exceptions from subpart F. Under the House bill, foreign base company services income does not include income that is not treated as foreign personal holding company income by reason of the exceptions under section 954(h) or 954(i) or the securities dealer exception under section 954(c)(2)(C)(ii), or treated as exempt insurance income by reason of section 953(e) (as added by the House bill).

Other matters

Nothing in this provision is intended to alter the Treasury Department's agreement, as reflected in Notice 98–35, not to finalize regulations regarding so-called hybrid entities prior to January 1, 2000, in order to allow Congress the opportunity to fully consider the tax policy issues involved.

Effective date

The provision applies only to taxable years of foreign corporations beginning in 1999, and to taxable years of U.S. shareholders with or within which such taxable years of foreign corporations end.

Senate Amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, contains a provision that extends for one year the present-law temporary exceptions from foreign personal holding company income and foreign base company services income for income that is derived in the active conduct of a banking, financing, insurance or similar business.

Effective date.—The provision applies only to the first full taxable year of a foreign corporation beginning in 1998 and to the taxable year of such corporation immediately following such first full taxable year, and to taxable years of U.S. shareholders with or within which such taxable years of such foreign corporation end. If a foreign corporation does not have such a first full taxable year beginning in 1998, the provision applies only to the first taxable year of the foreign corporation beginning in 1999, and to taxable years of U.S. shareholders with or within which such taxable year of such foreign corporation ends.

Conference Agreement

The conference agreement follows the House bill.

F. Disclosure of Return Information to Department of Education in Connection with Income Contingent Loans

(SEC. 106 OF THE HOUSE BILL, SEC. 107 OF S. 2622, AND SEC. 6103(L)(13) OF THE CODE)

Present Law

Under section 6103(l)(13) of the Code, the Secretary of Treasury was authorized to disclose to the Department of Education certain return information with respect to any taxpayer who has received an "applicable student loan." An "applicable student loan" is any loan made under (1) part D of title IV of the Higher Education Act of 1965 or (2) parts B or E of title IV of the Higher Education Act of 1965 which is in default and has been assigned to the Department of Education, if the loan repayment amounts are based in whole or in part on the taxpayer's income. The Secretary is permitted to disclose only taxpayer identity information and the adjusted gross income of the taxpayer. The Department of Education may use the information only to establish the appropriate income contingent repayment amount for an applicable student loan.

The disclosure authority under section 6103(l)(13) terminated with respect to requests made after September 30, 1998.

House Bill

The House bill reinstates the disclosure authority under section 6103(l)(13) with respect to requests made after the date of enactment and before October 1, 2003.

Effective date.—The disclosure authority under section 6103(l)(13) applies to requests made after the date of enactment and before October 1, 2003.

Senate Amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, contains a provision that is similar to the provision contained in the House bill. S. 2622 reinstates the disclosure authority under section 6103(l)(13) with respect to requests made after the date of enactment and before October 1, 2004.

Conference Agreement

The conference agreement follows the House bill.

Subtitle B—Trade Provisions

A. Extension of the Generalized System of Preferences

(SEC. 111 OF THE HOUSE BILL AND S. 2622)

Present Law

Title V of the Trade Act of 1974, as amended, grants authority to the President to provide duty-free treatment on imports of certain articles from beneficiary developing countries subject to certain conditions and limitations. To qualify for GSP privileges, each beneficiary country is subject to various mandatory and discretionary eligibility criteria. Import sensitive products are ineligible for GSP. The GSP program, which is designed to promote development through trade rather than traditional aid programs, expired after June 30, 1998.

House Bill

The House bill reauthorizes the GSP program to terminate after December 31, 1999. Refunds are authorized, upon request of the importer, for duties paid between July 1, 1998, and the date of enactment of the bill.

Effective date.—The House bill provision is effective for duties paid on or after July 1, 1998, and before January 1, 2000.

Senate Amendment

No provision. However, a provision contained in S. 2622, as introduced by Senators Roth and Moynihan, is the same as the House bill.

Conference Agreement

The conference agreement is the same as the House bill and S. 2622, except that it reauthorizes the GSP program through June 30, 1999.

Effective date.—The provision is effective for duties paid on or after July 1, 1998, and before July 1, 1999.

B. Extension of the Trade Adjustment Assistance Program

(SEC. 112 OF S. 2622)

Present Law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by the reduction of barriers to foreign trade. Those programs include—

(1) The general TAA program for workers provides training and income support for workers adversely affected by import competition.

(2) The TAA program for firms provides technical assistance to qualifying firms.

(3) The third program, the North American Free Trade Agreement ("NAFTA") program for workers (established by the North American Free Trade Agreement Implementation Act of 1993) provides training and income support for workers adversely affected by trade with or production shifts to Canada and/or Mexico.

All three TAA programs expired on September 30, 1998. The TAA program for firms is also subject to annual appropriations.

House Bill

No provision.

Senate Amendment

No provision. However, a provision of S. 2622, as introduced by Senators Roth and Moynihan, reauthorizes each of the three TAA programs through June 30, 1999.

Effective date.—The provision is effective on the date of enactment.

Conference Agreement

The conference agreement reauthorizes the three TAA programs through June 30, 1999.

Effective date.—The provision is effective on the date of enactment.

TITLE II. OTHER PROVISIONS

SUBTITLE A—PROVISIONS RELATING TO INDIVIDUALS

A. PERSONAL CREDITS FULLY ALLOWED AGAINST REGULAR TAX LIABILITY DURING 1998

(SEC. 204 OF S. 2622 AND SEC. 26 OF THE CODE)

Present Law

Present law provides for certain nonrefundable personal tax credits (i.e., the dependent care credit, the credit for the elderly and disabled, the adoption credit, the child tax credit, the credit for interest on certain home mortgages, the HOPE Scholarship and Lifetime Learning credits, and the D.C. homebuyer's credit). Generally, these credits are allowed only to the extent that the individual's regular income tax liability exceeds the individual's tentative minimum tax (determined without regard to the AMT foreign tax credit).

The tentative minimum tax is an amount equal to (1) 26 percent of the first $175,000 ($87,500 in the case of a married individual filing a separate return) of alternative minimum taxable income ("AMTI") in excess of a phased-out exemption amount and (2) 28 percent of the remaining AMTI. The maximum tax rates on net capital gain used in computing the tentative minimum tax are the same as under the regular tax. AMTI is the individual's taxable income adjusted to take account of specified preferences and adjustments. The exemption amounts are: (1) $45,000 in the case of married individuals filing a joint return and surviving spouses; (2) $33,750 in the case of other unmarried individuals; and (3) $22,500 in the case of married individuals filing a separate return, estates and trusts. The exemption amounts are phased out by an amount equal to 25 percent of the amount by which the individual's AMTI exceeds (1) $150,000 in the case of married individuals filing a joint return and surviving spouses, (2) $112,500 in the case of other unmarried individuals, and (3) $75,000 in the case of married individuals filing separate returns or an estate or a trust. These amounts are not indexed for inflation.

For families with three or more qualifying children, an additional child credit is provided which may offset the liability for social security taxes to the extent that tax liability exceeds the amount of the earned income credit. The additional child credit is reduced by the amount of the individual's minimum tax liability (i.e., the amount by which the tentative minimum tax exceeds the regular tax liability).

House Bill

No provision.

Senate Amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, contains a provision that allows the nonrefundable personal credits to offset the individual's regular tax in full for taxable years beginning in 1998 (as opposed to only the amount by which the regular tax exceeds the tentative minimum tax, as under present law).

In addition, the provision of present law that reduces the additional child credit by the amount of an individual's AMT does not apply for taxable years beginning in 1998.

Effective date.—The provisions apply to taxable years beginning in 1998.

Conference Agreement

The conference agreement contains the provisions in S. 2622.

B. INCREASE DEDUCTION FOR HEALTH INSURANCE EXPENSES OF SELF-EMPLOYED INDIVIDUALS

(SEC. 203 OF THE HOUSE BILL, SEC. 201 OF S. 2622, AND SEC. 162(L)(1) OF THE CODE)

Present law

Under present law, self-employed individuals are entitled to deduct a portion of the amount paid for health insurance for the self-employed individual and the individual's spouse and dependents. The deduction for health insurance expenses of self-employed individuals is not available for any month in which the taxpayer is eligible to participate in a subsidized health plan maintained by the employer of the taxpayer or the taxpayer's spouse. The deduction is available in the case of self insurance as well as commercial insurance. The self-insured plan must in fact be insurance (e.g., there must be appropriate risk shifting) and not merely a reimbursement arrangement.

The portion of health insurance expenses of self-employed individuals that is deductible is 45 percent for taxable years beginning in 1998 and 1999, 50 percent for taxable years beginning in 2000 and 2001, 60 percent for taxable years beginning in 2002, 80 percent for taxable years beginning in 2003, 2004, and 2005, 90 percent for taxable years beginning in 2006, and 100 percent for taxable years beginning in 2007 and thereafter.

Under present law, employees can exclude from income 100 percent of employer-provided health insurance.

House bill

The House bill increases the deduction for health insurance expenses of self-employed individuals to 100 percent for taxable years beginning in 2003 and later.

Effective date.—The House bill provision is effective for taxable years beginning after December 31, 2002.

Senate amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, increases the deduction for health insurance of self-employed individuals to 70 percent for taxable years beginning in 2001 and to 100 percent for taxable years beginning in 2002 and thereafter.

Effective date.—The provision in S. 2622 is effective for taxable years beginning after December 31, 2000.

Conference agreement

The conference agreement increases the deduction for health insurance expenses of self-employed individuals to 60 percent for taxable years beginning in 1999 through 2001, to 70 percent for taxable years beginning in 2002, and to 100 percent for taxable years beginning in 2003 and thereafter.

Effective date.—The provision is effective for taxable years beginning after December 31, 1998.

C. MODIFICATION OF INDIVIDUAL ESTIMATED TAX SAFE HARBORS

(SEC. 205 OF THE HOUSE BILL AND SEC. 6654 OF THE CODE)

Present law

Under present law, an individual taxpayer generally is subject to an addition to tax for any underpayment of estimated tax. An individual generally does not have an underpayment of estimated tax if he or she makes timely estimated tax payments at least equal to: (1) 100 percent of the tax shown on the return of the individual for the preceding year (the "100 percent of last year's liability safe harbor") or (2) 90 percent of the tax shown on the return for the current year. The 100 percent of last year's liability safe harbor is generally modified to be a 110 percent of last year's liability safe harbor for any individual with an AGI of more than $150,000 as shown on the return for the preceding taxable year, except that it is 105 percent of last year's liability for taxable years beginning in 1999, 2000, and 2001, and 112 percent of last year's liability for taxable years beginning in 2002. If a married individual files a separate return for the year for which an estimated tax installment payment was due, the $150,000 amount becomes $75,000.

House bill

For taxable years beginning in 2000 and 2001, the 105 percent of last year's liability safe harbor for any individual with an AGI of more than $150,000 as shown on the return for the preceding taxable year is modified to be a 106 percent of last year's liability safe harbor.

Effective date.—The provision is effective for taxable years beginning in 2000 and 2001.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

SUBTITLE B—PROVISIONS RELATING TO FARMERS

A. PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS

(SEC. 103 OF THE HOUSE BILL, SEC. 203 OF S. 2622, AND SEC. 1301 OF THE CODE)

Present law

An individual engaged in a farming business may elect to compute his or her current year tax liability by averaging, over the prior three-year period, all or a portion of the taxable income that is attributable to the farming business.

In general, an individual who makes the election (1) designates all or a portion of his or her taxable income attributable to any farming business from the current year as "elected farm income;"[7] (2) allocates one-third of the elected farm income to each of the three prior taxable years; and (3) determines the current year section 1 tax liability by combining (a) his or her current year section 1 tax liability excluding the elected farm income allocated to the three prior taxable years, plus (b) the increases in the section 1 tax liability for each of the three prior taxable years caused by including one-third of the elected farm income in each such year. Any allocation of elected farm income pursuant to the election applies for purposes of any election in a subsequent taxable year.

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[7] The amount of elected farm income of a taxpayer for a taxable year may not exceed the taxable income attributable to any farming business for the year.

The provision does not apply for employment tax purposes, or to an estate or a trust. The provision also does not apply for purposes of the alternative minimum tax. The provision is effective for taxable years beginning after December 31, 1997, and before January 1, 2001.

House bill

The provision permanently extends the income averaging provision for farmers.

Effective date.-The provision is effective for taxable years beginning after December 31, 2000.

Senate amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, contains a provision that is the same as the provision contained in the House bill.

Conference agreement

The conference agreement follows the House bill.

B. FARM PRODUCTION FLEXIBILITY CONTRACT PAYMENTS

(SEC. 202 OF THE HOUSE BILL AND S. 2622)

Present law

A taxpayer generally is required to include an item in income no later than the time of its actual or constructive receipt, unless such amount properly is accounted for in a different period under the taxpayer's method of accounting. If a taxpayer has an unrestricted right to demand the payment of an amount, the taxpayer is in constructive receipt of that amount whether or not the taxpayer makes the demand and actually receives the payment.

The Federal Agriculture Improvement and Reform Act of 1996 (the "FAIR Act") provides for production flexibility contracts between certain eligible owners and producers and the Secretary of Agriculture. These contracts generally cover crop years from 1996 through 2002. Annual payments are made under such contracts at specific times during the Federal government's fiscal year. Section 112(d)(2) of the FAIR Act provides that one-half of each annual payment is to be made on either December 15 or January 15 of the fiscal year, at the option of the recipient.[8] This option to receive the payment on December 15 potentially results in the constructive receipt (and thus potential inclusion in income) of one-half of the annual payment at that time, even if the option to receive the amount on January 15 is elected.

The remaining one-half of the annual payment must be made no later than September 30 of the fiscal year. The Emergency Farm Financial Relief Act of 1998 added section 112(d)(3) to the FAIR Act which provides that all payments for fiscal year 1999 are to be paid at such time or times during fiscal year 1999 as the recipient may specify. Thus, the one-half of the annual amount that would otherwise be required to be paid no later than September 30, 1999, can be specified for payment in calendar year 1998. This potentially results in the constructive receipt (and thus required inclusion in taxable income) of such amounts in calendar year 1998, whether or not the amounts actually are received or the right to their receipt is fixed.

House bill

The time a production flexibility contract payment under the FAIR Act properly is includible in income would be determined without regard to the options granted by section 112(d)(2) (allowing receipt of one-half of the annual payment on either December 15 or January 15 of the fiscal year) or section 112(d)(3) (allowing the acceleration of all payments for fiscal year 1999) of that Act.

Effective date.—The provision is effective for production flexibility contract payments made under the FAIR Act in taxable years ending after December 31, 1995.

Senate amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, contains a provision that is the same as the provision contained in the House bill.

Conference agreement

The conference agreement follows the House bill.

C. EXTEND THE NET OPERATING LOSS CARRYBACK PERIOD FOR FARMERS

(SEC. 212 OF H.R. 4579 AND SEC. 172 OF THE CODE)

Present law

A net operating loss ("NOL") is, generally, the amount by which business deductions of a taxpayer exceed business gross income. An NOL may be carried back two years and carried forward 20 years to offset taxable income in such years. A taxpayer may elect to forgo the carryback of an NOL. In the case of an NOL (1) arising from casualty or theft losses of individual taxpayers, or (2) attributable to Presidentially declared disasters for taxpayers engaged in a farming business or a small business, the NOL can be carried back three years. A farming business includes the trade or business of farming, as well as the trade or business of operating a nursery or sod farm, or the raising or harvesting of certain trees.[9] Special rules apply to real estate investment trusts (no carrybacks), specified liability losses (10-year carryback), and excess interest losses (no carrybacks).

A carry back of an NOL will result in the refund of Federal income tax for the carryback year. A carry forward of an NOL will reduce Federal income tax for the carryforward year.

House bill

No provision. However, H.R. 4579, as passed by the House of Representatives, contains a provision that provides a special five-year carryback period for a farming loss, regardless of whether the loss was incurred in a Presidentially declared disaster area. The carryforward period remains at 20 years. A "farming loss" is defined as the amount of any net operating loss attributable to the income and deductions of a farming business (as defined in section 263A(e)(4)). A farming loss cannot exceed the taxpayer's NOL for the taxable year. In calculating the amount of a taxpayer's NOL carrybacks, the portion of the NOL that is attributable to a farming loss is treated as a separate NOL and is taken into account after the remaining portion of the NOL for the taxable year.

A taxpayer can elect to forgo the five-year carryback period for a farming loss. The election to forgo the five-year carryback period is made in the manner prescribed by the Secretary of the Treasury and must be made by the due date of the return (including extensions) for the year of the loss. The election is irrevocable. If a taxpayer elects to forgo the five-year carryback period, then the farming losses are subject to the rules that otherwise would have applied under section 172 absent the five-year rule. The three-year carryback period continues to apply to an NOL incurred in a Presidentially declared disaster area if such NOL is not eligible for the five-year carryback period.

Effective date.—The provision is effective for NOLs arising in taxable years beginning after December 31, 1997.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the provision in H.R. 4579.

SUBTITLE C—MISCELLANEOUS PROVISIONS

A. INCREASE STATE VOLUME LIMITS ON PRIVATE ACTIVITY TAX-EXEMPT BONDS

(SEC. 204 OF THE HOUSE BILL AND SEC. 146 OF THE CODE)

Present Law

Interest on bonds issued by States and local governments is excluded from income if the proceeds of the bonds are used to finance activities conducted and paid for by the governmental units (Code sec. 103). Interest on bonds issued by these governmental units to finance activities carried out and paid for by private persons ("private activity bonds") is taxable unless the activities are specified in the Internal Revenue Code. Private activity bonds on which interest may be tax-exempt include bonds for privately operated transportation facilities (e.g., airports, docks and wharves, mass transit, and high speed rail facilities), privately owned and/or provided municipal services (e.g., water, sewer, solid waste disposal, and certain electric and heating facilities), economic development (e.g., small manufacturing facilities and redevelopment in economically depressed areas), and certain social programs (e.g., low-income rental housing, qualified mortgage bonds, student loan bonds, and exempt activities of charitable organizations described in Code sec. 501(c)(3)).

The volume of tax-exempt private activity bonds that States and local governments may issue for most of these purposes in each calendar year is limited by State-wide volume limits. The current annual volume limit for any State is $50 per resident of the State or $150 million if greater. The volume limits do not apply to private activity bonds to finance airports, docks and wharves, certain governmentally owned, but privately operated solid waste disposal facilities, certain high speed rail facilities, and to certain types of private activity tax-exempt bonds that are subject to other limits on their volume (qualified veterans' mortgage bonds and certain "new" empowerment zone and enterprise community bonds).

House Bill

The House bill increases the present-law annual State private activity bond volume limits to $75 per resident of each State or $225 million (if greater) beginning in calendar year 2007. The increase is phased-in as follows, beginning in calendar year 2003:

Volume limit:

	Calendar year
$55 per resident ($165 million if greater)	2003

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[8] This rule applies to fiscal years after 1996. For fiscal year 1996, this payment was to be made not later than 30 days after the production flexibility contract was entered into.

[9] For this purpose, the term "farming business" is defined as in sec. 263A(e)(4).

	Calendar year
$60 per resident ($180 million if greater)	2004
$65 per resident ($195 million if greater)	2005
$70 per resident ($210 million if greater)	2006

Effective date.—The provision is effective beginning in calendar year 2003.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House bill.

B. Comprehensive Study of Recovery Periods and Depreciation Methods Under Section 168

(SEC. 201 OF THE HOUSE BILL)

Present Law

A taxpayer is allowed to deduct a reasonable allowance for the exhaustion, wear and tear, and obsolescence of property that is used in a trade or business or is held for the production of income. For most tangible personal and real property placed in service after 1986, the amount of the deductible allowance is determined under section 168 using the applicable recovery period, the applicable depreciation method, and the applicable convention specified in section 168.

For some types of assets, the applicable recovery period of an asset is provided in section 168. In other cases, the recovery period of an asset is determined by reference to its class life. The class life of an asset may be provided by section 168, or may be determined with regard to the list of class lives provided by the Treasury that was in effect on January 1, 1986. The Treasury Department is required to monitor and analyze actual experience with respect to all depreciable assets.

The applicable depreciation method determines the rate at which the cost of the property is recovered. In general, the applicable depreciation method specified in section 168 varies with the recovery period of the property. For property with a recovery period of 10 years or less, the applicable method is the 200 percent declining balance method, switching to straight-line in the first year in which that method yields a larger allowance. The 150 percent declining balance, (switching to straight-line) is the applicable method for property with a recovery period of 15 or 20 years, as well as for all property used in the trade or business of farming. The straight-line method must be used for property with a longer recovery period, as well as for certain specified types of property.

The applicable convention determines the point of time during the year that the property is considered placed in service. Applicable conventions specified in section 168 include the mid-year, the mid-quarter and the mid-month conventions.

House Bill

The Secretary of the Treasury (or his delegate) is directed to conduct a comprehensive study of the recovery periods and depreciation methods under section 168 of the Code, and to provide recommendations for determining such periods and methods in a more rational manner. The Secretary of the Treasury (or his delegate) is directed to submit the results of the study and recommendations to the House Ways and Means and Senate Finance Committees by March 31, 2000.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House bill.

C. State Election to Exempt Student Employees From Social Security

(SEC. 206 OF THE HOUSE BILL)

Present law

The Social Security Amendments of 1972 provided an opportunity for States to obtain exemptions from Social Security coverage for student employees of public schools, colleges, and universities. States choosing to opt out had to do so prior to January 1, 1974. Most States did. Student employees in these States do not have to pay FICA taxes on their wages, allowing them to keep more of their earnings.

House bill

The House bill allows a limited window of time (January 1 through March 31, 1999) for States to modify existing State agreements to exempt students (including graduate assistants) from Social Security coverage who are employed by a public school, university, or college in a nonexempted State.

Effective date.—The provision permitting States to modify existing agreement is effective with respect to services performed after June 30, 2000.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

TITLE III.—REVENUE OFFSET PROVISIONS

A. Treatment of Certain Deductible Liquidating Distributions of Regulated Investment Companies and Real Estate Investment Trusts

(SEC. 301 OF THE HOUSE BILL, SEC. 301 OF S. 2622, AND SECS. 332 AND 334 OF THE CODE)

Present law

Regulated investment companies ("RICs") and real estate investment trusts ("REITs") are allowed a deduction for dividends paid to their shareholders. The deduction for dividends paid includes amounts distributed in liquidation which are properly chargeable to earnings and profits, as well as, in the case of a complete liquidation occurring within 24 months after the adoption of a plan of complete liquidation, any distribution made pursuant to such plan to the extent of earnings and profits. Rules that govern the receipt of dividends from RICs and REITs generally provide for including the amount of the dividend in the income of the shareholder receiving the dividend that was deducted by the RIC or REIT. Generally, any shareholder realizing gain from a liquidating distribution of a RIC or REIT includes the amount of gain in the shareholder's income. However, in the case of a liquidating distribution to a corporation owning 80-percent of the stock of the distributing corporation, a separate rule generally provides that the distribution is tax-free to the parent corporation. The parent corporation succeeds to the tax attributes, including the adjusted basis of assets, of the distributing corporation. Under these rules, a liquidating RIC or REIT might be allowed a deduction for amounts paid to its parent corporation, without a corresponding inclusion in the income of the parent corporation, resulting in income being subject to no tax.

A RIC or REIT may designate a portion of a dividend as a capital gain dividend to the extent the RIC or REIT itself has a net capital gain, and a RIC may designate a portion of the dividend paid to a corporate shareholder as eligible for the 70-percent dividends-received deduction to the extent the RIC itself received dividends from other corporations. If certain conditions are satisfied, a RIC also is permitted to pass through to its shareholders the tax-exempt character of the RIC's net income from tax-exempt obligations through the payment of "exempt interest dividends," though no deduction is allowed for such dividends.

House bill

Any amount which a liquidating RIC or REIT may take as a deduction for dividends paid with respect to an otherwise tax-free liquidating distribution to an 80-percent corporate owner is includible in the income of the recipient corporation. The includible amount is treated as a dividend received from the RIC or REIT. The liquidating corporation may designate the amount distributed as a capital gain dividend or, in the case of a RIC, a dividend eligible for the 70-percent dividends received deduction or an exempt interest dividend, to the extent provided by the RIC or REIT provisions of the Code.

The provision does not otherwise change the tax treatment of the distribution to the parent corporation or to the RIC or REIT. Thus, for example, the liquidating corporation will not recognize gain (if any) on the liquidating distribution and the recipient corporation will hold the assets at a carryover basis, even where the amount received is treated as a dividend.

Effective date.—The provision is effective for distributions on or after May 22, 1998, regardless of when the plan of liquidation was adopted. No inference is intended regarding the treatment of such transactions under present law.

Senate amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, contains a provision that is the same as the provision contained in the House bill.

Conference agreement

The conference agreement follows the House bill.

B. Add Vaccines Against Rotavirus Gastroenteritis to the List of Taxable Vaccines

(SEC. 302 OF THE HOUSE BILL, SEC. 4 OF S. 2616, AND SEC. 4132 OF THE CODE)

Present law

A manufacturer's excise tax is imposed at the rate of 75 cents per dose on the following vaccines routinely recommended for administration to children: diphtheria, pertussis, tetanus, measles, mumps, rubella, polio, HIB (haemophilus influenza type B), hepatitis B, and varicella (chicken pox). Amounts equal to net revenues from this excise tax are deposited in the Vaccine Injury Compensation Trust Fund.

House bill

The House bill adds any vaccine against rotavirus gastroenteritis to the list of taxable vaccines.

Effective date.—The provision is effective for vaccines sold by a manufacturer or importer after the date of enactment.

Senate amendment

No provision. However, S. 2616 (the Medicare Home Health Fair Payment Act), as introduced by Senators Roth and Moynihan, contains a provision that is the same as the provision contained in the House bill.

Conference agreement

The conference agreement follows the House bill.

C. CLARIFY AND EXPAND MATHEMATICAL ERROR PROCEDURES

(SEC. 303 OF THE HOUSE BILL, SEC. 3 OF S. 2616, AND SEC. 6213 OF THE CODE)

Present law

Taxpayer identification numbers ("TINs")

The IRS may deny a personal exemption for a taxpayer, the taxpayer's spouse or the taxpayer's dependents if the taxpayer fails to provide a correct TIN for each person for whom the taxpayer claims an exemption. This TIN requirement also indirectly effects other tax benefits currently conditioned on a taxpayer being able to claim a personal exemption for a dependent (e.g., head-of-household filing status and the dependent care credit). Other tax benefits, including the adoption credit, the child tax credit, the Hope Scholarship credit and Lifetime Learning credit, and the earned income credit also have TIN requirements. For most individuals, their TIN is their Social Security Number ("SSN"). The mathematical and clerical error procedure currently applies to the omission of a correct TIN for purposes of personal exemptions and all of the credits listed above except for the adoption credit.

Mathematical or clerical errors

The IRS may summarily assess additional tax due as a result of a mathematical or clerical error without sending the taxpayer a notice of deficiency and giving the taxpayer an opportunity to petition the Tax Court. Where the IRS uses the summary assessment procedure for mathematical or clerical errors, the taxpayer must be given an explanation of the asserted error and a period of 60 days to request that the IRS abate its assessment. The IRS may not proceed to collect the amount of the assessment until the taxpayer has agreed to it or has allowed the 60-day period for objecting to expire. If the taxpayer files a request for abatement of the assessment specified in the notice, the IRS must abate the assessment. Any reassessment of the abated amount is subject to the ordinary deficiency procedures. The request for abatement of the assessment is the only procedure a taxpayer may use prior to paying the assessed amount in order to contest an assessment arising out of a mathematical or clerical error. Once the assessment is satisfied, however, the taxpayer may file a claim for refund if he or she believes the assessment was made in error.

House bill

The House bill provides in the application of the mathematical and clerical error procedure that a correct TIN is a TIN that was assigned by the Social Security Administration (or in certain limited cases, the IRS) to the individual identified on the return. For this purpose, the IRS is authorized to determine that the individual identified on the tax return corresponds in every aspect (including, name, age, date of birth, and SSN) to the individual to whom the TIN is issued. The IRS also is authorized to use the mathematical and clerical error procedure to deny eligibility for the dependent care tax credit, the child tax credit, and the earned income credit even though a correct TIN has been supplied if the IRS determines that the statutory age restrictions for eligibility for any of the respective credits is not satisfied (e.g., the TIN issued for the child claimed as the basis of the child tax credit identifies the child as over the age of 17 at the end of the taxable year).

Effective date.—The provision is effective for taxable years ending after the date of enactment.

Senate amendment

No provision. However, S. 2616 (the Medicare Home Health Fair Payment Act), as introduced by Senators Roth and Moynihan, contains a provision that is the same as the provision contained in the House bill.

Conference agreement

The conference agreement follows the House bill.

D. RESTRICT 10-YEAR NET OPERATING LOSS CARRYBACK RULES FOR SPECIFIED LIABILITY LOSSES

(SEC. 304 OF THE HOUSE BILL, SEC. 5 OF S. 2616, AND SEC. 172(F) OF THE CODE)

Present law

Under present law, that portion of a net operating loss that qualifies as a "specified liability loss" may be carried back 10 years rather than being limited to the general two-year carryback period. A specified liability loss includes amounts allowable as a deduction with respect to product liability, and also certain liabilities that arise under Federal or State law or out of any tort of the taxpayer. In the case of a liability arising out of a Federal or State law, the act (or failure to act) giving rise to the liability must occur at least 3 years before the beginning of the taxable year. In the case of a liability arising out of a tort, the liability must arise out of a series of actions (or failures to act) over an extended period of time a substantial portion of which occurred at least three years before the beginning of the taxable year. A specified liability loss cannot exceed the amount of the net operating loss, and is only available to taxpayers that used an accrual method of accounting throughout the period that the acts (or failures to act) occurred.

House bill

Under the provision, specified liability losses are limited to product liability losses and amounts allowable as a deduction (other than a deduction under sec. 468(a)(1) or sec. 468A(a)) that are in satisfaction of a liability under a Federal or State law requiring the reclamation of land, decommissioning of a nuclear power plant (or any unit thereof), dismantlement of a drilling platform, remediation of environmental contamination, or a payment under any workers compensation act (within the meaning of sec. 461(h)(2)(C)(i)), if the act (or failure to act) giving rise to such liability occurs at least 3 years before the beginning of the taxable year. As under present law, the specified liability loss (as redefined) cannot exceed the amount of the net operating loss and is only available to taxpayers that used an accrual method of accounting throughout the period that the act (or failure to act) giving rise to the liability occurred. No inference regarding the interpretation of the specified liability loss carryback rules under present law is intended.

Effective date.—The provision is effective for net operating losses arising in taxable years ending after the date of enactment.

Senate amendment

No provision. However, S. 2616 (the Medicare Home Health Fair Payment Act), as introduced by Senators Roth and Moynihan, contains a provision that is the same as the provision contained in the House bill.

Conference agreement

The conference agreement follows the House bill.

TITLE IV. TECHNICAL CORRECTIONS PROVISIONS

House bill

The House bill contains technical, clerical, and conforming amendments to the Internal Revenue Service Restructuring and Reform Act of 1998, the Taxpayer Relief Act of 1997, and other tax legislation.

Senate amendment

No provision. However, S. 2622, as introduced by Senators Roth and Moynihan, contains the same provisions as the House bill. In addition, S. 2622 also includes a perfecting amendment related to voluntary income tax withholding from Social Security benefits.

Conference agreement

The conference agreement generally follows the House bill and S. 2622. The conference agreement includes the provision related to voluntary income tax withholding from Social Security benefits included in S. 2622.

SUBTITLE VI—MEDICARE-RELATED PROVISIONS

SUBTITLE A—HOME HEALTH

SEC. 6101.—INCREASE IN PER BENEFICIARY LIMITS AND PER VISIT LIMITS FOR PAYMENT FOR HOME HEALTH SERVICES

Present law

Section 4602 of the Balanced Budget Act established interim payments for Medicare home health care agencies until the implementation of a new prospective payment system on October 1, 1999. Also scheduled to go into effect on October 1, 1999, is an across-the-board reduction in payments to home health agencies. Under the interim payment system (IPS), agencies are currently paid the lesser of either their actual costs, a per visit limit, or an annual per beneficiary limit. The first limit—the per visit limit—is based on the mix of visits an agency provided to Medicare patients during the year. The per visit limits are based on 105 percent of the wage adjusted median cost for each of the six categories of service. The second limit—the per beneficiary limit—is based 75 percent on an agency's historical cost per beneficiary and 25 percent on the average per beneficiary historical costs for the region in which the agency is located (minus 2 percent), and is adjusted by the home health market basket. Agencies whose first full year cost report began after October 1, 1993 receive the national median of the per beneficiary limits.

House bill

H.R. 4567, the "Medicare Home Health Care and Veterans Health Care Improvement Act," as passed by the House of Representatives on October 12, 1998, makes changes to the payment system for Medicare's home health care benefit as defined in the Balanced Budget Act of 1997 (P.L. 105-33). Under the bill, the per beneficiary limit is increased for older agencies below the national median. In addition, the bill increases payments to new agencies and establishes payments for agencies that would receive Medicare payments until implementation of the new prospective system. The bill excludes these costs from the calculation of the beneficiary monthly premium. The bill requires the Secretary of Health and Human Services to report back to Congress with alternatives to the 15 percent across-the-board reduction in payments that is scheduled for October 1, 1999. In addition, several reports on the prospective payment system summarizing research conducted by the Secretary of Health and Human Services are to be submitted to the Congress so that implementation of the new payment system is not further delayed. The policies contained in the bill were carefully designed to meet administrative restrictions relating to the Year 2000.

Effective date.—The provision is effective upon enactment.

Senate amendment

S. 2616, the "Medicare Home Health Fair Payment Act of 1998," as introduced in the Senate, makes changes to the payment system for Medicare's home health care benefit as defined in the Balanced Budget Act of 1997 (P.L. 105–33). Under the bill, the transition period for payment changes to the prospective payment system (PPS) is lengthened by providing all agencies a longer transition period in which to adjust to changed payment limits. Both the 15 percent across-the-board reduction and the PPS are delayed for 12 months. A budget-neutral blend establishes greater equity among agencies by increasing the per beneficiary limits for low cost agencies and reducing the high cost per beneficiary limits. In the legislation, greater fairness is achieved by eliminating the 2% discount applicable to new agencies, and raising the per visit limits for all agencies from 105% to 110% of the national median. No distinction in payment limit is made for "brand new" agencies.

In order to offset the cost of the payment changes, the home health care annual market basket (MB) is reduced in the following manner: for fiscal year 2000 it is MB minus 0.5 percentage point; for FY 2001 it is MB minus 0.5 percentage point; for FY 2002 and FY 2003 it is full MB; and in FY 2004 it is MB plus 1.0 percentage point.

Effective date.—The provision is effective upon enactment.

Division J

Division J includes a provision that makes changes to the payment system for Medicare's home health care benefit as defined in the Balanced Budget Act of 1997 (P.L. 105–33). The provision delays the implementation of the prospective payment system until October 1, 2000 and delays an across-the-board 15 percent reduction in payments to home health agencies until that date. The provision would also allow for periodic interim payments until implementation of the prospective payment system. The provision is expected to provide equity to those agencies which have low-cost, low-utilization practices relative to other agencies, by increasing the per beneficiary limits. Those agencies below the national median per beneficiary limit will have their limit increased by 1/3 of the difference between their limit and the national median. In addition, the provision increases payments to "new" agencies whose first full year cost report began after October 1, 1993 by two percent, and establishes that agencies opening after October 1, 1998 will have per beneficiary limits equal to 75 percent of the wage adjusted national median (calculated with a two percent reduction).

The provision also reduces the home health market basket update for fiscal years 2000, 2001, 2002, and 2003, by 1.1 percentage points. Despite the increase in Medicare part B expenditures, the provision excludes these costs from the calculation of the beneficiary monthly premium until the prospective payment system is implemented. Finally, the provision requires several reports on the prospective payment system summarizing research conducted by the Secretary of Health and Human Services to be submitted to the Congress so that implementation of the new payment system is not further delayed. The policies contained in the bill were carefully designed to meet administrative restrictions relating to the Year 2000.

Effective date.—The provision is effective upon enactment.

SUBTITLE B—OTHER MEDICARE-RELATED PROVISIONS

SEC. 6201.—AUTHORIZATION OF ADDITIONAL EXCEPTIONS TO IMPOSITION OF PENALTIES FOR PROVIDING INDUCEMENTS TO BENEFICIARIES

Present law

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) had the effect of prohibiting medical facilities from offering patient financial assistance programs. HIPAA contained a number of provisions designed to toughen fraud and abuse enforcement. One provision—Section 231(h)(1)(C)(5) of HIPAA—prohibited medical facilities from offering patients any kind of inducement to receive services from any particular medical provider. This provision was designed to prevent kickbacks which the Inspector General reported was occurring in some circumstances.

Prior to the enactment of HIPAA, specialized medical facilities, such as dialysis centers, operated programs to help their patients afford medical treatment. Examples of these programs included paying patients' Medicare Part B premiums; giving patients free eye-glasses and other services designed to assist patients. The effect of the HIPAA fraud and abuse provision was to discourage medical facilities from offering programs to help patients lest these programs be seen as inducements for patients to receive services from the particular medical facility.

House bill

H.R. 4567, the "Medicare Home Health Care and Veterans Health Care Improvement Act," as passed by the House of Representatives on October 12, 1998, contained provisions which would allow the Inspector General to develop criteria for making limited exceptions to the current fraud and abuse laws.

H.R. 4567's provisions would amend HIPAA in several ways: First, the Inspector General of the Health and Human Services Department could create exceptions—known as "safe harbors" to the fraud and abuse rules so as to exclude specific payment practices from the HIPAA provisions. Second, H.R. 3511 would allow medical facilities to obtain advisory opinions from the Inspector General. These opinions would provide legal and regulatory guidance to medical facilities as to whether payment of coinsurance or other premiums violates HIPAA's fraud and abuse provisions. Finally, H.R. 3511 would also give the Secretary of HHS interim final rulemaking authority which would speed up the process whereby these safe harbors and advisory opinions become effective.

Effective date.—The provision is effective upon enactment.

Senate amendment

The Senate bill had no similar provision.

DIVISION J

Division J provides authority for the Inspector General to promulgate a rule authorizing exceptions to the fraud and abuse provisions. The provision places limits on the Inspector General's safe harbor authority relating to providers or health care facilities providing Medicare supplemental coverage to end-stage renal disease beneficiaries. The duration of the safe harbor authority for this particular issue will be limited to a two year period which commences on the date that the rule is promulgated. The provision also stipulates that the Comptroller General shall conduct a study that compares any disproportionate impact on specific issuers of the purchase of Medicare supplemental policies for end stage renal disease patients. The provision also requires the Comptroller General to submit recommendations on whether the Inspector General's authority to issue such exceptions should be extended.

SEC. 6202.—EXPANSION OF MEMBERSHIP OF MEDPAC TO 17

Present law

The Balanced Budget Act of 1997, Public Law 105–33, established the Medicare Payment Advisory Commission (MedPAC) as a result of merging two commissions, the Prospective Payment Advisory Commission and the Physician Payment Review Commission. MedPAC, like its predecessors, is a nonpartisan commission which advises Congress and makes recommendations regarding Medicare payment policies. MedPAC commissioners are appointed by the Comptroller General and serve terms of three years. The Balanced Budget Act authorizes the Commission to have fifteen commissioners.

Section 4022 of the Balanced Budget Act detailed the criteria for membership on the Commission: The membership of the Commission shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, allopathic and osteopathic medicine, and other related fields of health care delivery and services, who provide a mix of different professionals, broad and geographic representation, and a balance between urban and rural representatives.

House bill

H.R. 4567, the "Medicare Home Health Care and Veterans Health Care Improvement Act," as passed by the House of Representatives on October 12, 1998, contained provisions which would increase the number of commissioners appointed to MedPAC to seventeen. The addition of two commissioners would enable the commission to reflect more fully the diversity of backgrounds and interests in the health policy community.

Effective date.—The provision is effective on May 1, 1999.

Senate amendment

The Senate bill had no similar provision.

DIVISION J

Division J contains provisions which would increase the number of commissioners appointed to MedPAC to seventeen. The addition of two members would enable the Commission to reflect more fully the diversity of backgrounds and interests in the health policy community.

Effective date.—The provision is effective on May 1, 1999.

REVENUE OFFSETS FOR MEDICARE HOME HEALTH PROVISIONS

TAX TREATMENT OF PRIZES AND AWARDS

Present law

A taxpayer generally is required to include an item in income no later than the time of its actual or constructive receipt, unless the item properly is accounted for in a different period under the taxpayer's method of accounting. If a taxpayer has an unrestricted right to demand the payment of an amount, the taxpayer is in constructive receipt of that amount whether or not the taxpayer makes the demand and actually receives the payment. Under the principle of constructive receipt, the winner of a contest who is given the option of receiving either a lump-sum distribution or an annuity is required to include the value of the award in gross income, even if the annuity option is exercised.

House bill

No provision.

Senate amendment

No provision.

DIVISION J

The existence of a "qualified prize option" is disregarded in determining the taxable year for which any portion of a qualified prize is to be included in income. A qualified prize option is an option that entitles a person to receive a single cash payment in lieu of a qualified prize (or portion thereof), provided such option is exercisable not later than 60 days after the prize winner becomes entitled to the prize. Thus, a qualified prize winner who is provided the option to choose either cash or an annuity not later than 60 days after becoming entitled to the prize is not required to include amounts in gross income immediately if the annuity option is exercised merely by reason of having the option. This provision applies with respect to any qualified prize to which a person first becomes entitled after the date of enactment.

In addition, the provision also applies to any qualified prize to which a person became entitled on or before the date of enactment if the person has an option to receive a lump-sum cash payment only during some portion of the 18-month period beginning on July 1, 1999. This is intended to give previous prize winners a one-time option to alter previous payment arrangements.

Qualified prizes are prizes or awards from contests, lotteries, jackpots, games or similar arrangements that provide a series of payments over a period of at least 10 years, provided that the prize or award does not relate to any past services performed by the recipient and does not require the recipient to perform any substantial[1] future service. The provision applies to individuals on the cash receipts and disbursements method of accounting. Income and deductions resulting from this provision retain their character as ordinary, not capital. In addition, the Secretary is to provide for the application of this provision in the case of a partnership or other pass-through entity consisting entirely of individuals on the cash receipts and disbursements method of accounting.

Any offer of a qualified prize option must include disclosure of the methodology used to compute the single cash payment, including the discount rate that makes equivalent the present values of the prize to which the prize winner is entitled (or relevant portion thereof) and the single cash payment offered. Any offer of a qualified prize option must also clearly indicate that the prize winner is under no obligation to accept any offer of a single cash payment and may continue to receive the payments to which he or she is entitled under the terms of the qualified prize.

Effective date.—The provision applies with respect to any qualified prize to which a person first becomes entitled after the date of enactment. In addition, the provision also applies to any qualified prize to which a person became entitled on or before the date of enactment if the person has an option to receive a lump-sum payment only during some portion of the 18-month period beginning on July 1, 1999.

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[1] Appearing in advertising relating to the prize or award is not (in and of itself) substantial.

#98-0 225 R1

ESTIMATED BUDGET EFFECTS OF TAX AND TRADE PROVISIONS OF H.R. 4328, THE "OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999"

'Fiscal Years 1999 - 2007

[Millions of Dollars]

Provision	Effective	1999	2000	2001	2002	2003	2004	2005	2006	2007	1999-02	2003-07	1999-07
I. Extension of Expiring Tax Provisions													
A. Extend the R&E Credit (through 6/30/99)	7/1/98	-1,126	-505	-258	-184	-94	-20	---	---	---	-2,073	-114	-2,187
B. Extend Work Opportunity Tax Credit (through 6/30/99)	wpoifibwa 6/30/98	-191	-140	-73	-29	-10	-2	---	---	---	-434	-11	-445
C. Extend Welfare-to-Work Tax Credit (through 6/30/99)	wpoifibwa 4/30/99	-4	-10	-7	-3	-1	---	---	---	---	-24	-1	-25
D. Permanently Extend Contributions of Appreciated Stock to Private Foundations; Public Inspection of Private Foundation Annual Returns	7/1/98 [1]	-23	-56	-71	-83	-91	-95	-100	-104	-109	-233	-499	-732
E. 1-Year Modified Extension of Exemption from Subpart F for Active Financing Income	tybi 1999	-117	-378	---	---	---	---	---	---	---	-495	---	-495
F. Extension of Tax Information Reporting for Income Contingent Student Loan Program (through 9/30/03) [2]	10/1/98	*Negligible Budget Effect*											
Subtotal of Extension of Expiring Tax Provisions		-1,461	-1,089	-409	-299	-196	-117	-100	-104	-109	-3,259	-625	-3,884
II. Extension of Expiring Trade Provisions													
A. Extend the Generalized System of Preferences (through 6/30/99) [2]	dpo/a 7/1/98	-310	---	---	---	---	---	---	---	---	-310	---	-310
B. Extend Trade Adjustment Assistance (through 6/30/99) [2]	DOE	-34	-15	-1	---	---	---	---	---	---	-50	---	-50
Subtotal of Extension of Expiring Trade Provisions		-344	-15	-1	---	---	---	---	---	---	-360	---	-360
III. Other Tax Provisions													
A. Treatment of Nonrefundable Personal Credits (child credit, adoption credit, HOPE and Lifetime Learning credits, etc.) Under the Alternative Individual Minimum Tax (for 1998 only)	tyba 12/31/97	-474	---	---	---	---	---	---	---	---	-474	---	-474
B. Self-Employed Health Insurance Deduction - 60% in 1999 through 2001, 70% in 2002, and 100% in 2003 and thereafter [3]	tyba 12/31/98	-105	-289	-235	-251	-384	-637	-680	-602	-257	-880	-2,559	-3,439
C. Prior Year Estimated Tax Safe Harbor for Individuals With AGI over $150,000 (106% in 2000 and 2001)	tyba 12/31/99	---	525	---	-525	---	---	---	---	---	---	---	---
D. Increase Private Activity Bond Volume Cap to the Greater of $55 Per Capita or $165 Million Starting in 2003; Phased In Ratably to the Greater of $75 Per Capita or $225 Million in 2007	1/1/03	---	---	---	---	-11	-44	-111	-177	-252	---	-595	-595
E. Treasury Study on Depreciation (due 3/31/00)	---	---	---	---	---	---	---	---	---	---	---	---	---
F. State Election to Exempt Student Employees From Social Security [2]	ea 6/30/00	---	-5	-47	-49	-51	-52	-54	-56	-58	-101	-271	-372
Subtotal of Other Tax Provisions		-579	231	-282	-825	-446	-733	-845	-835	-567	-1,455	-3,425	-4,880

Provision	Effective	1999	2000	2001	2002	2003	2004	2005	2006	2007	1999-02	2003-07	1999-07
IV. Revenue Offset Provisions													
A. Change the Treatment of Certain Deductible Liquidating Distributions of RICs and REITs	dma 5/21/98	2,425	1,109	723	640	672	705	741	778	817	4,897	3,713	8,610
B. Add Vaccines Against Rotavirus Gastroenteritis to the List of Taxable Vaccines ($0.75 per dose)	vpa DOE	.1	2	3	4	5	6	6	6	7	11	31	42
C. Clarify and Expand Math Error Procedures	tyea DOE	12	25	26	27	28	29	30	31	32	90	150	240
D. Restrict Special Net Operating Loss Carryback Rules for Specified Liability Losses	NOLgi tyea DOE	14	21	29	39	42	40	40	40	42	103	204	308
Subtotal of Revenue Offset Provisions		**2,452**	**1,157**	**781**	**710**	**747**	**780**	**817**	**855**	**898**	**5,101**	**4,098**	**9,200**
V. Tax Technical Corrections Provisions		*No Revenue Effect*											
NET TOTAL		**68**	**284**	**89**	**-414**	**105**	**-70**	**-128**	**-84**	**222**	**27**	**48**	**76**
VI. Emergency Tax Relief for Farmers													
A. Permanent Extension of Income Averaging for Farmers	tyba 12/31/00	---	---	-2	-21	-22	-22	-23	-24	-24	-23	-115	-138
B. Production Flexibility Contract Payments to Farmers Not Included in Income Prior to Receipt	tyea 12/31/95	*Negligible Revenue Effect*											
C. Extend the Net Operating Loss Carryback Period for Farmer Losses	NOLgi tyba 12/31/97	-73	-66	-60	-55	-50	-46	-42	-39	-36	-254	-214	-468
Total of Emergency Tax Relief for Farmers		**-73**	**-66**	**-62**	**-76**	**-72**	**-68**	**-65**	**-63**	**-60**	**-277**	**-329**	**-606**
VII. Medicare Home Health Provisions													
A. Medicare Provisions (home health care and exceptions to impositions of penalties) [2] [4]	various	-150	-2,000	1,100	50	200	250	250	300	300	-1,000	1,300	300
B. Provide Special Rule for Cash Options for Receipt of Qualified Prizes by Individuals	[5]	170	1,618	-99	-348	-397	-384	-367	-346	-321	1,341	-1,815	-474
Total of Medicare Home Health Provisions		**20**	**-382**	**1,001**	**-298**	**-197**	**-134**	**-117**	**-46**	**-21**	**341**	**-515**	**-174**

Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding.

Legend for "Effective" column:

dma = distributions made after
DOE = date of enactment
dpo/a = duties paid on or after
ea = earnings after
NOLgi = net operating losses generated in
tyba = taxable years beginning after
tybi = taxable years beginning in
tyea = taxable years ending after
vpa = vaccines purchased after
wpoiibwa = wages paid or incurred for individuals beginning work after

[1] Effective for requests made after the later of the date which is 60 days after the date on which the Treasury Department publishes regulations or 12/31/98.

[2] Estimate provided by the Congressional Budget Office.

[3] Under present law, the self-employed health insurance deduction rates are 45% in 1998 and 1999, 50% in 2000 and 2001, 60% in 2002, 80% in 2003 through 2005, 90% in 2006, and 100% in 2007 and thereafter.

[4] Negative numbers indicate an increase in Federal outlays, and positive numbers indicate a decrease in Federal outlays.

[5] The provision applies with respect to any qualified prize to which a person first becomes entitled after the date of enactment. In addition, the provision also applies to any qualified prize to which a person became entitled on or before the date of enactment if the person has an option to receive a lump-sum payment only during some portion of the 18-month period beginning on 7/1/99.

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999

(DISCRETIONARY BUDGET AUTHORITY, IN BILLIONS OF DOLLARS)

Division A—Omnibus Appropriations:	
Agriculture	13.7
Agriculture emergency funding	5.9
Commerce, Justice, State	33.1
District of Columbia	0.5
Foreign Operations [1]	31.2
Interior	13.9
Labor, HHS, Education	83.2
Transportation	13.1
Treasury, Postal Service	13.4
Miscellaneous appropriations	0.8
Offsets	−2.8
Subtotal, Division A	206.1
Division B—Emergency Supplemental Appropriations:	
Military readiness and overseas contingency operations	6.8
Antiterrorism	2.4
Year 2000 conversion	3.4
Other emergencies	1.5
Counter-drug activities and interdiction	0.7
Subtotal, Division B	14.9
Recap:	
Total, regular appropriations	203.0
Total, emergency agriculture and supplemental appropriations	20.8
Total, offsets	−2.8
Total, funding	221.0
Appropriations subject to allocation [2]	219.9
Remaining allocation [3]	220.1
Appropriations vs. allocation	−0.2

[1] Includes $17.9 billion for the International Monetary Fund.

[2] Excludes $1.1 billion in transportation budget authority for transit programs, which is scored as obligation limitations for Congressional Budget Act purposes.

[3] Allocation available after scoring of all other bills. Includes all adjustments to allocations permitted by the Congressional Budget Act.

TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
RON PACKARD,
S. CALLAHAN,
TODD TIAHRT,
ROBERT ADERHOLT,
BOB LIVINGSTON,
MARTIN OLAV SABO,
ESTEBAN E. TORRES,
JOHN W. OLVER,
ED PASTOR,
BUD CRAMER,
DAVE OBEY,
Managers on the Part of the House.

RICHARD SHELBY,
PETE V. DOMENICI,
ROBERT F. BENNETT,
TED STEVENS,
FRANK R. LAUTENBERG,
ROBERT C. BYRD
(with the exception of certain leadership legislative riders),
HARRY REID,
PATTY MURRAY,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 137) making further continuing appropriations for fiscal year 1999, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The text of the joint resolution is as follows:

H.J. RES. 137

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 105–240 is further amended by striking "October 20, 1998" and inserting in lieu thereof "October 21, 1998".

The SPEAKER pro tempore. Without objection, the joint resolution is passed.

There was no objection.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. tomorrow for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER, Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 19, 1998 at 1:00 p.m. and said to contain a message from the President whereby he submits a Notice on the continuation of the national emergency with respect to significant narcotics traffickers centered in Colombia.

With warm regards,

ROBIN H. CARLE,
Clerk.

CONTINUATION OF EMERGENCY WITH RESPECT TO NARCOTICS TRAFFICKERS IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–326)

The SPEAKER pro tempore laid before the House the following communication from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 1998.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 19, 1998.*

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. PEASE.

H.R. 624. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

H.R. 678. An act to require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.

H.R. 700. An act to remove the restriction on the distribution of certain revenue from the Mineral Springs parcel to certain members of the Agua Calients Band of Cahuilla Indians.

H.R. 1021. An act to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado.

H.R. 1197. An act to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

H.R. 1274. An act to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

H.R. 1702. An act to encourage the development of a commercial space industry in the United States, and for other purposes.

H.R. 1756. An act to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

H.R. 1853. An act to amend the Carl D. Perkins Vocational and Applied Technology Education Act.

H.R. 2000. An act to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

H.R. 2186. An act to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming.

H.R. 2281. An act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

H.R. 2327. An act to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

H.R. 2370. An act to amend the Organic Act of Guam to clarify local executive and legislative provisions in such Act, and for other purposes.

H.R. 2616. An act to amend title VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

H.R. 2795, An Act to extend certain contracts between the Bureau of Reclamation and irrigation contractors in Wyoming and Nebraska that receive water from Chendo Reservoir.

H.R. 2675. An act to provide for the Office of Personnel Management to conduct a study and submit a report to Congress on the provision of certain options for universal life insurance coverage and additional death and dismemberment insurance under chapter 87 of title 5, United States Code, to improve the administration of such chapter, and for other purposes.

H.R. 2807. An act to clarify restrictions under the Migratory Bird Treaty Act on baiting and to facilitate acquisition of migratory bird habitat, and for other purposes.

H.R. 3055. An act to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

H.R. 3069. An act to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council.

H.R. 3332. An act to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advice concerning the development and implementation of the Next Generation Internet program and to report to the President and the Congress on its activities, and for other purposes.

H.R. 3494. An act to amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes.

H.R. 3528. An act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.

H.R. 3687. An act to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas.

H.R. 3830. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 3874. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

H.R. 3903. An act to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

H.R. 4079. An act to authorize the construction of temperature control devices at Folsom Dam in California.

H.R. 4151. An act to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

H.R. 4166. An act to amend the Idaho Admission Act regarding the sale or lease of school land.

H.R. 4259. An act to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes.

H.R. 4293. An act to establish a cultural training program for disadvantaged individuals to assist the Irish peace process.

H.R. 4309. An act to provide a comprehensive program of support for victims of torture.

H.R. 4326. An act to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

H.R. 4337. An act to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

H.R. 4558. An act to make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits.

H.R. 4566. An act to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.

H.R. 4655. An act to establish a program to support a transition to democracy in Iraq.

H.R. 4660. An act to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

H.R. 4679 An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such Act, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. PEASE, announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 890. An act to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

S. 1021. An act to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1298. An act to designate a Federal building located in Florence, Alabama, as the "Justice John McKinley Federal Building."

S. 1333. An act to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges.

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

S. 2106. An act to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes.

S. 2193. An act to implement the provisions of the Trademark Law Treaty.

S. 2232. An act to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes.

S. 2240. An act to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

S. 2246. An act to amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary, and for other purposes.

S. 2285. An act to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women.

S. 2413. An act prohibiting the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or is authorized by an Act of Congress.

S. 2427. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

S. 2468. An act to designate the Biscayne National Park Visitor Center as the Dante Fascell Visitor Center.

S. 2505. An act to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho.

S. 2561. An act to amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.

S.J. 51. A joint resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

S.J. 58. A joint resolution recognizing the accomplishments of Inspectors General since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 16, 1998:

H.R. 2431. To express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted in foreign countries on account of religion; to authorize United States actions in response to violations of religious freedom in foreign countries; to establish an Ambassador at Large for International Religious Freedom within the Department of State, a Commission on International Religious Freedom, and a Special Advisor on International Religious Freedom within the National Security Council; and for other purposes.

H.R. 4112. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes.

H.J. Res. 136. Making further continuing appropriations for the fiscal year 1999, and for other purposes.

ADJOURNMENT

Mr. LIVINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 20, 1998, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11684. A letter from the the Acting Comptroller General, the General Accounting Office, transmitting a review of the President's third special impoundment message for fiscal year 1998, pursuant to 2 U.S.C. 685; (H. Doc. No. 105-325); to the Committee on Appropriations and ordered to be printed.

11685. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting a report on the Department of Defense pharmacy programs to identify opportunities and obstacles for improving the cost-effectiveness, accessibility, and quality of pharmacy services for beneficiaries of the Uniformed Services; to the Committee on National Security.

11686. A letter from the Secretary of Health and Human Services, transmitting the consolidated annual report for Fiscal Years 1991—1994 for completed projects funded under Section 681(b)(A) of the Community Services Block Grant (CSBG) Act; to the Committee on Education and the Workforce.

11687. A letter from the Secretary of Health and Human Services, transmitting the 1998 report of Health, United States, compiled by the National Center for Health Statistics, and the Centers for Disease Control and Prevention, pursuant to 42 U.S.C. 242m(a)(2)(D); to the Committee on Commerce.

11688. A letter from the Secretary, Secretary of the Treasury, transmitting an annual report to the President and to the Congress on the audit of the Telecommunications Development Fund, pursuant to 47 U.S.C. 614; to the Committee on Commerce.

11689. A letter from the Inspector General, Department of Defense, transmitting Audit Report, FY 1997 DOD Superfund Financial Transactions (Report Number 98-200); to the Committee on Commerce.

11690. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Olney, Archer, Denison-Sherman and Azle, Texas; and Lawton, Oklahoma) [MM Docket No. 97-225; RM-9173; RM-9254] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11691. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Department's final rule—Amendment of Section 73.202(b), Table of Allotments, Table of Allotments, FM Broadcast Station. (Arcadia, Ellington, & Marble Hill, Missouri, Carbondale & Steeleville, Illinois, and Tiptonville, Tennessee [MM Docket No. 97-168 RM-9103 RM-9182] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11692. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Eastland and Baird, Texas) [MM Docket No. 97-242 RM-9192] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11693. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Laramie and Rock River, Wyoming) [MM Docket No. 96-255 RM-8960 RM-9044] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11694. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Freeport and Cedarville, Illinois) [MM Docket No. 97-67 RM-8996 RM-9079] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11695. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Missoula, Montana) [MM Docket No. 98-106 RM-9277] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11696. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Station. (Macon, Hampton and Roswell, Georgia) [MM Docket No. 98-18 RM-9204 RM-9326] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11697. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Minor Revision of Design Basis Accident Dose Limits for Independent Spent Fuel Storage and Monitored Retrievable Storage Installations (RIN: 3150-AF84) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11698. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Investment Adviser Year 2000 Reports [Release No. IA-1769; IC-23476; File No. S7-20-98] (RIN: 32335-AH45) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11699. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece [Transmittal No. DTC 69-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11700. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract to the Singapore Ministry of Defense Army [Transmittal No. DTC 130-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11701. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 116-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11702. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Greece [Transmittal No. DTC 91-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11703. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Singapore [Transmittal No. DTC 129-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11704. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 143–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11705. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Turkey [Transmittal No. DTC 88–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11706. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 137–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11707. A letter from the Acting Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in August 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

11708. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received October 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11709. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna; Closure [I.D. 092398B] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11710. A letter from the Secretary of the Interior, transmitting a report to Congress: Operations of Glen Canyon Dam, pursuant to Pub. L 102–575; to the Committee on Resources.

11711. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President has authorized the admission of up to 78,000 refugees to the United States during FY 1999 [Presidential Determination No. 98–39], pursuant to 22 U.S.C. 2601(c)(3); to the Committee on the Judiciary.

11712. A letter from the Director, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers [BOP–1087–F] (RIN: 1120–AA82) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11713. A letter from the Director, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Non-Discrimination Toward Inmates [BOP–1077–F] (RIN: 1120–AA73) received October 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11714. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a report entitled, "Report on Citizenship of Certain Legalized Aliens"; to the Committee on the Judiciary.

11715. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—VISAS: Regulations Regarding Public Charge Requirements under the Immigration and Nationality Act, as Amended [Public Notice 2903] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11716. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of State waters for private aids to navigation in Wisconsin and Alabama [USCG–1998–3604] (RIN: 2115–AF50) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11717. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Elizabeth River, South Branch, Portsmouth-Chesapeake, Virginia [CGD05–98–014] (RIN: 2115–AE47) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11718. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Storrow Drive Connector Bridge (Central Artery Tunnel Project), Charles River, Boston, MA [CGD01–98–140] (RIN: 2115–AA97) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11719. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Port of Guanica, Guanica, Puerto Rico [COTP San Juan 98–065] (RIN: 2115–AA97) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11720. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt and Whitney Canada PW100 Series Turboprop Engines [Docket No. 97–ANE–33–AD; Amendment 39–10636; AD 98–14–02] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11721. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–59–AD; Amendment 39–10827; AD 98–21–18] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11722. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29357; Amdt. No. 1893] (RIN: 2120–AA65) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11723. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98–CE–32–AD; Amendment 39–10822; AD 98–21–13] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11724. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98–CE–33–AD; Amendment 39–10823; AD 98–21–14] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11725. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 98–NM–190–AD; Amendment 39–10828; AD 98–21–19] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11726. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt & Whitney Model JT9D–70 Engines [Docket No. 97–NM–185–AD; Amendment 39–10826; AD 98–21–17] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11727. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29358; Amdt. No. 1894] (RIN: 2120–AA65) received October 15, 1998], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11728. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Twin Commander Aircraft Corporation 500,680, 690, and 695 Series Airplanes [Docket No. 96–CE–54–AD; Amendment 39–10821; AD 98–08–25 R1] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11729. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Denison, IA; Correction [Airspace Docket No. 98–ACE–29] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11730. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Repeat Intoxicated Driver Laws [Docket No. NHTSA–98–4537] (RIN: 2127–AH47) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11731. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Buffalo Bayou, TX [CGD08–98–066] (RIN: 2115–AE47) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11732. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Lafourche Bayou, LA [CGD08–98–064] (RIN: 2115–AE47) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11733. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; New Jersey Intracoastal Waterway; Grassy Sound Channel [CGD05–98–083] (RIN: 2115–AE47) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11734. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Delaware River

Safety Zone and Anchorage Regulations [CGD05–98–084] (RIN: 2115–AA98) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11735. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Time of Designation for Restricted Area R–2908, Pensacola, FL [Airspace Docket No. 97–ASO–9] (RIN: 2120–AA66) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11736. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of Colored Federal Airway; AK [Airspace Docket No. 98–AAL–6] (RIN: 2120–AA66) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11737. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–700 and -800 Series Airplanes [Docket No. 98–NM–272–AD; Amendment 39–10819; AD 98–21–11] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11738. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada PW530A Series Turbofan Engines [Docket No. 98–ANE–58–AD; Amendment 39–10817; AD 98–17–10] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11739. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42–200 and -300 Series Airplanes [Docket No. 97–NM–266–AD; Amendment 39–10818; AD 98–21–10] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11740. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 Rough Field Version (RFV) Series Airplanes [Docket No. 98–NM–92–AD; Amendment 39–10810; AD 98–21–02] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11741. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 98–NM–168–AD; Amendment 39–10811; AD 98–21–03] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11742. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–173–AD; Amendment 39–10812; AD 98–21–04] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11743. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA-Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 98–CE–58–AD; Amendment 39–10824; AD 98–21–15] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11744. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–30, SD3–60, SD3–60 SHERPA, and SD3 SHERPA Series Airplanes [Docket No. 98–NM–203–AD; Amendment 39–10813; AD 98–21–05] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146–100A, -200A, and -300A Series Airplanes [Docket No. 98–NM–214–AD; Amendment 39–10814; AD 98–21–06] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Meade, KS [Airspace Docket No. 98–ACE–43] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model Avro 146–RJ85A and RJ100A Series Airplanes [Docket No. 98–NM–235–AD; Amendment 39–10815; AD 98–21–07] (RIN: 2120–AA64) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ottumwa, IA [Airspace Docket No. 98–ACE–27] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11749. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Clinton, IA [Airspace Docket No. 98–ACE–26] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11750. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Magnetic Levitation Transportation Technology Deployment Program [FRA–98–4545] (RIN: 2130–AB29) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11751. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Use of Brokerage Firms as Depositories under the Capital Construction Fund Program [Docket No. MARAD–98–4433] (RIN: 2133–AB35) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11752. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—National Highway Traffic Safety Administration [Docket No. NHTSA–98–4532] (RIN: 2127–AH43) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11753. A letter from the Secretary of Transportation, transmitting a report to Congress covering the training grants program administered by the Research and Special Programs Administration (RSPA) for the fiscal years 1993–1996; to the Committee on Transportation and Infrastructure.

11754. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Classification of Certain Transactions Involving Computer Programs [TD 8785] (RIN: 1545–AU70) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11755. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to reform enforcement provisions of the Housing Act of 1949; jointly to the Committees on Banking and Financial Services and the Judiciary.

11756. A letter from the Chairperson, Commission On Civil Rights, transmitting the reports, "Helping Employers Comply with the ADA," pursuant to Public Law 103–419, also a companion report, "Helping State and Local Governments Comply with the ADA"; jointly to the Committees on Education and the Workforce and the Judiciary.

11757. A letter from the Secretary of Health and Human Services, transmitting a report of the effectiveness of providing disease prevention and health promotion services to Medicare beneficiaries; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Mr. LIVINGSTON: Committee of conference. Conference report on H.R. 4328. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–825). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MENENDEZ:

H.R. 4851. A bill to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes; to the Committee on International Relations.

By Mr. ARCHER:

H.R. 4852. A bill to amend the Internal Revenue Code of 1986 to provide that the transfer of property subject to a liability shall be treated in the same manner as the transfer of property involving an assumption of liability; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 4853. A bill to modify retroactively the residence requirement for transmission of citizenship to certain individuals born abroad before 1953 to one citizen parent and one alien parent; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 4854. A bill to declare certain Amerasians to be citizens of the United States; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts:

H.R. 4855. A bill to amend title XVIII of the Social Security Act to reinstate certain bonus and capital payment levels for rehabilitation hospital services under part A of the Medicare Program; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.J. Res. 137. A joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes; to the Committee on Appropriations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 902: Mr. ISTOOK.

H.R. 2598: Mr. HINCHEY.

H.R. 2821: Mr. BARRETT of Wisconsin.

H.R. 3915: Ms. KILPATRICK.

H.R. 4031: Mr. MALONEY of Connecticut.

H.R. 4127: Mr. ACKERMAN and Mr. FORD.

H.R. 4449: Mr. KLINK.

H.R. 4684: Mr. BACHUS.

H.R. 4843: Mr. KENNEDY of Massachusetts, Mr. WAXMAN, and Mr. SERRANO.

H Con. 328: Mr. MCGOVERN.

H Res. 483: Ms. MILLENDER-MCDONALD.

H. Res. 595: Mr. MILLER of California and Mr. SABO.

EXTENSIONS OF REMARKS

CLINTON AFFAIR WITH LEWINSKY NOT SUBJECT TO IMPEACHMENT

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 19, 1998

Mr. FATTAH. Mr. Speaker, I submit the following speech for the RECORD.

CLINTON AFFAIR WITH LEWINSKY NOT SUBJECT TO IMPEACHMENT

(By Burton Caine)[1]

Debate on the meaning of impeachable offenses must start with the wording of Article II, Section 4 of the Constitution, which provides:

"The President, Vice President and all Civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

The word "other" before "high Crimes and Misdemeanors"—often overlooked—is important, for it serves to define impeachable offenses: first, by listing treason and bribery as primary illustrations. Secondly, by demonstrating that only serious derelictions of comparable gravity in the performance of the duties of office are grounds for impeachment. Treason, obviously, is the ultimate betrayal of official duty. And bribery has been condemned as least as far back as the Biblical injunction against judicial bribe-taking in Deuteronomy, Chapter 16:19.

Article I, Section 3, of the Constitution provides that upon conviction, removal from office is the sole remedy, and there is no immunity from subsequent criminal punishment. Reading the two impeachment clauses together, it is clear that their only purpose is to protect the nation, not to punish the offender.

For this reason, articles of impeachment against President Nixon all related to grave and corrupt misuse of the powers of government, including conspiracies to deprive individuals of their civil rights guaranteed under the Constitution. In contrast, the House Judiciary Committee refused to impeach Nixon for fraudulent evasion of $576,000 in income taxes, unlawfully using government funds to renovate private residences, and even lying to Congress about bombing Cambodia.

The assertion of then Representative Gerald Ford, and now Senator Trent Lott, that an impeachable offense is whatever the House of Representatives says it is, is contradicted by the debates at the Constitutional Convention which made clear that Congressional disapproval of the President could not serve as the basis for impeachment. Ford and Lott seem to be confusing the standard for impeachment with the lesser standard of "disorderly Behaviour" for which a member of Congress may be expelled, as provided in Article I, Sec. 5. There is no trial and a two-thirds vote is required. The House attempted to exclude Adam Clayton Powell on grounds of misconduct but the Supreme Court reversed on grounds that he met the qualifications of age and residency, the Constitutional criteria. One wonders whether the result would be the same had the House admitted Powell, then expelled him for "disorderly Behaviour."

Kenneth Starr's view of impeachment also contradicts the language of the Constitution. In arguing before the Supreme Court in the impeachment of federal Judge Walter Nixon, Starr told the justices that one could even be impeached for poisoning the neighbor's cat, advice the Supreme Court ignored.

From Starr's chamber also came the preposterous claim that the President could be impeached for asserting executive privilege later rejected by lower courts. On that basis, Starr himself could be impeached for asserting in court that the lawyer-client privilege of Vincent Foster expired upon the death of the client. That claim was rejected by the Supreme Court. More serious grounds of impeachment against Starr arise from his official conduct as so-called Independent Counsel, a badly disguised campaign to remove President Clinton and reverse the process of election by the people in two national elections. Most egregiously, perhaps, is his wiring Linda Tripp to record Monica Lewinsky in violation of the law of Maryland. This was precisely what Justice Louis Brandeis condemned in his historic rebuke of the overzealous prosecutor:

"Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. . . . If the government becomes a lawbreaker, it breeds contempt for law, it invites every man to become a law unto himself; it invites anarchy."

At best, the notion that anything can be an impeachable offense and that Congress can act as outrageously as politics permits, is idle talk based upon the prediction that the Supreme Court could never review a Congressional impeachment or conviction. Since the issue has never come up, one is free to wonder. The only President who was impeached was Andrew Johnson. Since he was not convicted, there could be no judicial ruling on whether it was an impeachable offense to disobey a law of Congress the President believed was unconstitutional. Judges have been convicted upon impeachment, but never for personal misconduct unrelated to the conduct of their offices.

The last impeachment case to come before the Supreme Court involved Judge Walter Nixon who complained that the Senate did not "try" him, as required by the Constitution, because it delegated the gathering of evidence to a committee of senators, upon which the Senate convicted him. He lost on the ground that that was all the trial the Constitution required. Some cite the case for the proposition that the Senate is free to conduct any type of trial it wants. That is doubtful because the Court considered the trial fair. Justice Souter made it clear that the Senate had no right to decide "upon a coin-toss" or a summary determination that defendant "was simply 'a bad guy'"

Those who would rely upon the Walter Nixon Case for the proposition that Congress can impeach for any reason at all are really contending that Congress may totally and blatantly ignore their sworn oath to obey the Constitution.

Never in the history of the republic, has Congress ever dared to take that route. In the case of President Richard Nixon, all articles of impeachment related to substantial and corrupt misuse of the powers of government, including conspiracies to deprive individuals of their rights guaranteed under the Constitution. The House Judiciary Committee refused to impeach Nixon for evading $576,000 in federal income taxes, unlawfully using government funds to renovate private residences and even lying to Congress about the bombing of Cambodia.

There was no move to impeach President Reagan for violating an act of Congress and then lying about it both to Congress and the public in the Iran-Contra affair. And no President—Thomas Jefferson, Franklin Roosevelt, Warren Harding, and John Kennedy, included—has been impeached for adultery in office. Nor was Alexander Hamilton, President George Washington's Secretary of the Treasury, impeached by the Founding Fathers themselves for carrying on an adulterous affair with the wife of a convicted securities swindler and making secret payments to cover it up. The matter was deemed private.

There is a mischievous irony in the zealous pursuit by Congressional leaders to impeach the President. Even under the relaxed standard of "disorderly Behaviour" for expelling members of Congress—far less demanding than "high Crimes and Misdemeanors"—admitted adulterers, including Rep. Henry J. Hyde, Chair of the Judiciary Committee, and fellow Republicans critical of the President's marital infidelity, have not been expelled, or rebuked, or punished in any way

And in the case of Newt Gingrich, Speaker of the House and third in line for the presidency, lying to Congress and the American people on matters of official duties, and ethical transgressions, did not prompt the House to expel, or even demote him from leadership. A fine with extended payment terms was considered enough. Nor does history record the expulsion of a single member of Congress for extra-marital sex, even with the prevarioation that goes with concealment.

Kenneth Starr himself, as a "Civil Officer of the United States," is also subject to impeachment for numerous acts—in addition to illegal wiretapping. Under the Ford-Trent Lott standard of impeaching for whatever displeases Congress, why has not Starr been impeached, for example, for the many leaks of grand jury testimony for which he was admonished by the district court? Or issuing a subpoena to a book seller to ascertain what books Monica Lewinsky purchased. This evidences a contempt for First Amendment liberties of the people reminiscent of Richard Nixon, and for which that President faced impeachment.

The devastation that Starr has inflicted upon our Constitutional democracy is in marked contrast to Clinton's private sexual trysts with all the lying that marked the cover-up. None of our rights under the Charter of Liberty were eviscerated.

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[1] Professor of Law, Temple Law School, and Past President American Civil Liberties Union, Greater Philadelphia Chapter.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Constitution, history, and common sense teach the same lesson. Impeachable offenses are limited to the serious corrupt misuse of the powers of government, that is, grave derelictions of official duty. That excludes private adulterous affairs even if the President lies about them and urges others to do likewise. Punishment for sin—and even crime—belongs elsewhere, and are not subject to impeachment under the Constitution of the United States.

INTRODUCTION OF BILL TO REINSTATE INCENTIVE AND CAPITAL PAYMENTS TO PPS-EXEMPT HOSPITALS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 19, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to introduce the Reinstatement of Medicare Bonus and Capital Payments for Rehabilitation Act of 1998. This bill would restore the full incentive payment percentages for PPS-exempt rehabilitation hospitals and units that were repealed in Section 4415 of the Balanced Budget Act of 1997 (BBA). The restored percentages would remain in effect only until the new prospective payment system (PPS) for inpatient rehabilitation services in fully phased in by October 1, 2002.

The bill would also change the provision in the BBA that reduced capital payments for PPS-exempt hospitals and units by 15 percent for FY 1999–2002.

Prior to the BBA, qualifying PPS-exempt hospitals were eligible to obtain an incentive payment for keeping their costs below their TEFRA limits. That payment was the lesser of 50 percent of the difference between their costs and the TEFRA limit, or 5 percent of the limit. This system encourages these facilities to incorporate efficiencies without compromising service or quality for their patients. The BBA reduced the applicable percentages to 15 percent and 2 percent, respectively. This modification for paying PPS-exempt (TERFA) hospitals dramatically reduces incentive payments that were designed to reward efficient facilities that are able to keep costs below their TEFRA limits.

The earlier formula actually worked as it was intended. It provided an incentive for PPS-exempt hospitals to keep costs below TEFRA limits while still retaining high quality care. This is evidenced by the fact that patient outcomes have remained the same, despite a decrease in average lengths of stay in PPS-exempt hospitals.

The BBA provision reduces incentive payments so significantly the payments are unlikely to motivate facilities to further reduce lengths of stay. And there could easily be additional negative ramifications to this misguided policy.

First, absent incentives to hold down costs, many facilities may increase lengths of stay if it is more economically feasible to do so. The end result will be increased costs to the Medicare program. In fact, a one-day increase in average Medicare length of stay in rehabilition facilities would result in increase payments of about $200 million. This is substantially more than the amount "saved" by the BBA's new formula.

Second, incentive payments should be retained to hold costs down and motivate efficiencies since payments under the new PPS system will be set to total 98 percent of what would have been paid absent the PPS system. That is why it is particularly important that Congress offer providers incentives to hold down costs in the interim. However, under the bill, the restored incentive payments would be retained only until the new PPS for inpatient rehabilitation services, also authorized by the BBA, is fully implemented.

Third, increased lengths of stay may negatively impact patient outcomes if providing necessary rehabilition services is postponed to lengthen a patient's stay. This could lead to another negative—a shortage of beds. It follows that longer lengths of stay will also mean that fewer beds will be available for new patients who require access to rehabilitation services.

Fourth, a shortage of rehabilitation beds could also negatively effect hospitals' costs. Hospitals could end up keeping patients, who otherwise would have been discharged, for longer periods. This would increase their costs.

Finally, many facilities have used incentive payments in the past to help fund building programs for persons with disabilities. These programs also will likely suffer under the revised BBA incentive payment scheme.

My bill would also change the provision in the BBA which imposed a 15-percent reduction in capital payments for PPA-exempt hospitals and units for FY 1999–2002. This provision is very problematic.

Rehabilitation facilities and others are paid on a cost basis, not on a prospective payment basis as other hospitals and providers. They were exempted from capital cuts in the past because of this difference.

The argument for full reimbursement of capital is that a provider under cost reimbursement has no opportunity to make up the loss of capital payments through operating efficiencies. If operating costs go down, so does reimbursement, and the provider is stuck with payment below cost. The provider does not have any incentives to become more efficient, thus the rationale for the incentive bonus payment. This argument is still valid. However, the incentive payment has also been seriously reduced.

A 15-percent cut in capital reimbursement will cost PPS-exempt providers at least $79 million. Total incentive payments are likely to be far less than the aggregate loss from the 15-percent cut in capital reimbursement. Few rehabilitation providers can cover capital cuts with incentive payments. This means that almost all rehabilitation providers will be paid below cost.

Compounding this situation is the fact that a rehabilitation provider does not have the same opportunity as other providers to shift costs to other payers. Because rehabilitation hospitals are heavily dependent on Medicare, they have few non-Medicare patients on whom they can shift costs. That is because 70 percent of admissions and 65 percent of days in rehabilitation are covered by Medicare fee for service. This rate of Medicare utilization is unique among provider groups.

Until the PPS system authorized by the BBA is fully implemented, capital cuts should not be imposed on PPS-exempt rehabilitation hospitals and units. Full payment of capital should continue under the cost-based system because, unlike providers in a PPS system, PPS-exempt providers have no opportunity to make up the loss of capital payments through operating efficiencies. If operating costs go down, so do reimbursements.

For the rehabilitation entities, that leaves the only other way to generate revenue from Medicare—cover the shortfall on capital reimbursement through incentive payments—which the BBA also reduced. For this reason, almost all rehabilitation providers will be paid below cost under the BBA.

That is why I am introducing my bill today. We need to enact this legislation which will repeal Section 4415 and restore the former 50/50 incentive payment formula until a PPS for inpatient rehabilitation services is fully implemented. It also removes the provision that reduces capital reimbursement for rehabilitation hospitals and units for FY 1999–2002. I appreciate your support and look forward to working with all of you on this very important issue.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H.R. 4757, legislation renaming the North/South Center at the University of Miami after our former House colleague, the former Chairman of the Foreign Affairs Committee, the Honorable Dante B. Fascell.

Dante Fascell served in the House of Representatives, from 1954–1992; I was privileged to serve with him on the Foreign Affairs Committee and witness, first-hand, his tireless efforts on behalf of the North/South Center. Given his commitment and his role as a driving force behind the creation and development of the North/South Center, H.R. 4757 is a fitting and long-overdue tribute for Dante Fascell's great work in this regard.

Mr. Speaker, most of us know that the North/South Center is an independent research and educational organization that promotes policy initiatives aimed at resolving the most critical issues facing the nations of the Western Hemisphere. The Center's research, publications, and training efforts have focused on furthering freedom and democracy, and economic development. To date, the Center's programs have benefited citizens of the Western Hemisphere by supplying significant knowledge and expertise relevant to an inter-American agenda which has grown more complex and more critical each year.

In its first eight years, the North/South Center has embraced and fostered the ideals that Dante Fascell outlined when he first envisioned the program, especially the importance of offering academic interchanges—the free exchange of views to promote understanding and cooperation—as a means to promote democracy. The Center has also proven that it is uniquely capable of assessing the increasing interdependence of the two hemispheres, the North and the South, and developing cross border policies that stress the similarities and also bridge the gaps of the countries of the Western Hemisphere. The academic and intellectual dialogues promoted by the Center have helped advance democratic ideals especially in those Western Hemisphere countries where democracy has not yet taken hold.

The North/South Center at the University of Miami has lived up to Dante's hopes and dreams, becoming a major player in helping to determine the conduct of the U.S. in our public policy for the two hemispheres. It is well respected and provides an invaluable source of research, public outreach, cooperative study, and programs of education and training on a large variety of Western Hemisphere issues.

Mr. Speaker, in 1990 the gentleman from Florida, Chairman Dante Fascell, put forth a democracy-promoting concept that today stands as a great tribute to his foresight, commitment and leadership. I am pleased to have had the privilege of serving with Mr. Fascell in this chamber and delighted to participate in honoring his accomplishments in this way. His alma mater, the University of Miami, is to be congratulated for its continued contributions through the North/South Center and for the recommendation to rename the North/South Center in Dante's behalf. It is a well-deserved recognition, and one which will make him, and all of us who served with him here in the House, very proud.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1998

SPEECH OF

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. GOODLATTE. Mr. Speaker, I rise today in strong support of this important legislation to address the growing problem of telephone slamming. As the sponsor of an earlier version of anti-slamming legislation with Congressman BASS of New Hampshire, I was pleased to work with the gentleman from Louisiana, Mr. TAUZIN, to move this bill through the Congress.

As we are all aware, the problem of slamming has become an epidemic that has affected millions of American consumers. According to the Federal Communications Commission, tens of thousands of Americans are slammed each year. Among telephone users, this is by far their number one complaint. For many folks, telephones and e-mail are more than just communications devices. They can be the only links between a parent and a child halfway across the globe, or a way for old friends separated by the miles to relive old times. Many of our nation's seniors also rely on the telephone as a window to the world around them. It can be a vital connection that enables them to celebrate life with family and friends.

Telephone slammers don't just rob these folks of their hard-earned dollars. They rob them of a source of happiness, a lifetime to family and friends, and replace it with a feeling of anger and frustration at being swindled. The unsavory characters who commit this crime deserve swift and strong punishment. Consumers are in need of stronger protections from these criminals. The passage of H.R. 3888 will help law enforcement put an end to the crime of long distance slamming and e-mail spamming.

Congress gave the FCC significant authority to eliminate slamming as part of the Telecommunications Act of 1996. Unfortunately, little action was taken by the FCC to exercise this new authority. The legislation we are considering today will remove a significant portion of the flexbility originally given to the FCC. Instead, the bill outlines a more detailed and instructive plan for eliminating the practice of slamming.

The bill gives telephone carriers two choices. The first option is for carriers to regulate themselves. The carriers have said that they want to eliminate slamming, and we will see if they can live up to their word.

For those carriers that cannot responsibly regulate themselves, they will be subject to the heavy hand of FCC enforcement. I join my colleagues in expressing optimism that carriers will be able to agree on regulations for themselves and stop slamming on their own. I strongly support giving the industry an opportunity to lead on this issue, having long opposed the imposition of burdensome regulations that raise the cost of doing business and serve as a barrier for competition.

For those companies that choose to violate the law, H.R. 3888 provides for significant penalties, including fines as high as $150,000 for repeat offenders. In addition, slammers will be forced to reimburse their victims for any extra charges incurred as a result of the slamming. This will achieve a balance between the need to give companies the ability to standardize their business practices and the need to allow State officials to enforce State statutes against consumer fraud.

The bill also addresses the growing problem of "spamming," which is the mass distribution of unsolicited commercial E-mail messages to private computers. This annoying practice, which has become more widely used as the use of E-mail grows, is not only disruptive but highly intrusive. H.R. 3888 expresses the sense of the Congress that the private sector should promptly adopt, implement, and enforce measures to deter and prevent the improper use of unsolicated commercial electronic mail.

The characters who commit the crime of telephone slamming are striking at one of our most basic human freedoms—communication. Our ability to communicate with others, free from interruption and through our choice of services, must be protected. H.R. 3888 gives law enforcement the ammunication they need to defend consumers against telephone slammers, and will help bring an end to this private pervasive crime. I want to thank the hard work of the Chairman of the Subcommittee on Telecommunications, the gentleman from Louisiana (Mr. TAUZIN), and also my colleague from New Hampshire (Mr. BASS), who has long taken an interest in this important issue. I urge my colleagues to support this important legislation.

STATEMENT ON K-12 EDUCATION INITIATIVES

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 19, 1998

Mr. SALMON. Mr. Speaker, the results of the Third International Mathematics and Science Study (TIMSS) released earlier this year, which revealed that U.S. 12th graders scored next to last in advanced math and dead last in physics, are a stunning rebuke to the aggressive efforts of the U.S. Department of Education to centralize the American education system. The Department of Education, which promised that the United States would lead the world in math and science by the year 2000, can't even claim bragging rights over war-torn Slovenia. As to reading, which was not measured by TIMSS, 40 percent of fourth graders can't read. Yet, in response to these epic failures, the education establishment in Washington has come back with demands for more power, more central control, more of the same—although with some new packaging. This is almost the equivalent of exhuming the Kremlin to institute democratic reforms in Russia.

The answer to our educational woes cannot be found in Washington. Washington has spent 30 years and untold billions on a top-down approach to education with little if any success. Spending for education has increased on an annual basis. In fact, according to a report that I commissioned the Congressional Research Service to prepare on a variety of comparative statistics on education in the United States versus other nations participating in the TIMSS assessment, the United States is on the upper end of countries in terms of expenditures per pupil, expenditures per capita, and for average salaries for elementary school teachers. Clearly, our education woes are not for a lack of funding. To improve the educational performance of our children, I believe that we must open the education monopoly at both the federal and state levels, spend education resources more wisely, and return power to parents and communities.

When it comes to returning power to parents and injecting competition and accountability into the public school system, Arizona is at the front of the class. Charter schools—innovative public schools financed by tax dollars but free of most regulations—have flourished. Arizona, which has two percent of the nation's population, is home to one-quarter of the charter schools in existence. (Congress just passed a bill that is designed to increase the number of charter schools.) These schools have fundamentally altered the Arizona education system; traditional public schools now compete with charters for students. The charter school movement has begun the process of having education dollars literally follow the student from school to school. The Arizona legislature also enacted education tax credits last year, which can be used by parents to cover a wide array of education expenses associated with primary and secondary education. The Arizona legislature also enacted education tax credits last year, which can be used by parents to cover a wide array of education expenses associated with primary and secondary education. The education reforms enacted in Arizona are designed to increase parental choice over their children's education and improve education quality. In Arizona, education reform is no longer a spectator sport.

I have introduced two bills with Senator JON KYL that will compliment the new reforms in place in my state and should provide other states with similar opportunities for innovation. One bill, the "K–12 Community Participation Education Act," was inspired by the new Arizona education tax credit and would encourage Americans to get involved personally and to participate in efforts to improve K–12 education. The other proposal, the "Dollars Follow the Student Education Block Grant Act" would block grant certain federal education dollars and permit states to distribute the funds in such a way that money would literally "follow the child" from school to school, which is the manner in which charter schools are funded in Arizona.

K–12 COMMUNITY PARTICIPATION EDUCATION ACT

The "K–12 Community Participation Act" calls on parents, other members of the community, and businesses to invest in education. Phased in over four years, the legislation offers every family and business a tax credit of up to $500 for any K–12 education-related expense or activity.

The tax credit could be used for expenses incurred at any public (including charter), private, or parochial institution. The credit could also be applied for home schooling. Permissible expenses include: books, tuition, fees, supplies, computers, tutors, or equipment required for courses of instruction. Additionally, the credit would be available for extracurricular activities. Moreover, the tax credit could be contributed to "school tuition organizations"—charitable organizations that allocate at least ninety percent of their annual revenue for educational scholarships or tuition grants to children to allow them to attend any qualified school of their parents' choice.

Imagine the possibilities. For example, concerned businesses in a particular community could band together, and direct tax credit contributions to a school tuition organization that provides scholarships to low income children in malfunctioning school districts. Rather than wait for governmental assistance, individuals and businesses would be deputized to act immediately to save children in dangerous or academically under-achieving schools.

Unlike the big government proposals being pushed by the President, under the K–12 tax credit bill families control the expenditure of education dollars, not centralized bureaucrats. Additionally, the community participation tax credit would direct immediate assistance to our faltering K–12 system.

DOLLARS FOLLOW THE STUDENT EDUCATION BLOCK GRANT ACT

According to a report released by the Heritage Foundation, at least 20 percent of education tax dollars spent from Washington are lost to administrative costs. Moreover, the House Committee on Education and the Workforce report, Education at the Crossroads, disclosed this staggering statistic: The federal government accounts for only seven percent of the funding for K–12 education, but 50 percent of the paperwork burden for schools. Several important initiatives have been introduced in this Congress to ensure that more federal education dollars reach the classroom, without the staggering administrative burdens that currently accompany these funds.

The Dollars Follow the Student Education Block Grant Act would give states the opportunity to have nearly all of a $13 billion pot of federal education dollars go directly to parents of children. The block grant is modeled after a proposal that has already passed in the House and Senate, but was stripped from an appropriations bill last year at the President's insistence. That proposal would have consolidated most federally funded K through 12 education programs, except for special education, and would have given states the ability to have federal funds sent directly to local school districts or to the state education authority minus federal regulations. States also would have been allowed to reject the block grant approach if they preferred to maintain the current system of allocating funds directly into specific programs, with very little flexibility.

The bill I have introduced would permit each state opting to have a block grant to have the money "follow the child." The states would be permitted to decide to allow parents of children in public schools (including charter), private schools, and parents of "home schooled" kids, to receive their "per capita" amount directly, rather than indirectly through the school district and school, thus creating an incentive for schools to provide quality education by competing for children. All schools would have an incentive to improve its overall performance, since if parents weren't satisfied, they could move their child to another school—along with the dollars that accompany their children.

The proposal provides that if federal funding falls below the levels agreed to in the 1997 budget agreement, it will revert back to the current system of funding under federally-designated categories. My bill also requires that states adjust block grants to ensure that poorer districts receive an adequate level of funding.

In a recent article, "First, Do No Harm: The Federal Role in Education Reform," featured in American Outlook, former U.S. Assistant Secretary of Education Chester E. Finn identified as part of a new paradigm for education, child-centered funding:

"[U]ncle Sam should replace today's hundreds of separate "categorical" programs with a couple of block grants or voucher-style programs. When a child is deemed eligible for federal aid, for whatever reason, that aid should follow him to the school (or other vendor) of his and his family's choice. . . . Washington should also quit subsidizing state and local education bureaucracies."

Under a child-centered approach, Dr. Finn argued that: "No school will be guaranteed its budget (or jobs). No school will own its students. It will have to 'earn' its revenue by doing what it is supposed to."

CONCLUSION

We need the courage to stand up to the powerful education bureaucrats and say you have failed our children and we will tolerate it no longer. No more five or ten year plans to nowhere. It's time to give the fabric of America, our families and communities, new tools to improve student performance. My hope is that Congress has the wisdom to follow the lead of the Arizona legislature, and pass a K–12 education tax credit bill, and the Dollars Follow the Student Education Block Grant Act.

INTRODUCTION OF H.R. 4852

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 19, 1998

Mr. ARCHER. Mr. Speaker, today, in coordination with the Treasury Department, I am introducing H.R. 4852, a bill to clarify the tax treatment of certain transfers of assets and liabilities to a corporation.

In general, when a shareholder transfers assets to a corporation it controls and receives stock in return, the shareholder does not have gain from the exchange. The shareholder may have gain, however, if the corporation assumes a liability of the shareholder, or receives assets from the shareholder that secure a liability. If the shareholder has gain, the corporation's basis in the assets is received is increased by the gain.

The tax treatment under present law is unclear in situations involving the transfer of liabilities, and some taxpayers are structuring transactions to take advantage of the uncertainty. For example, where more than one asset secures a single liability, some taxpayers take the position that, on a transfer of the assets to different subsidiaries, each subsidiary counts the liability in determining the basis of the asset. This interpretation arguably could result in assets having a tax basis in excess of their value and excessive depreciation deductions—results that are clearly inconsistent with fundamental tax policy.

The legislation I am introducing today is intended to eliminate the uncertainty and to focus on the underlying economics of these corporate transfers. Under the legislation, a corporation is treated as assuming a liability if, based on the facts and circumstances, the corporation has agreed and is expected to satisfy the liability. In addition, in determining the corporation's basis in property it receives as part of these transfers, the corporation's basis cannot exceed the fair market value of the property. Special rules apply with respect to nonrecourse liabilities.

The House of Representatives and the Senate passed substantially identical legislation earlier this year which did not become law at the time originally anticipated. To discourage continued use of corporate transaction structuring that the Congress and the Administration believe is inappropriate, I am introducing the legislation today, and it applies to transfers on or after today. I anticipate including this proposal in tax legislation next year.

A Joint Committee on Taxation explanation of the bill follows.

TECHNICAL EXPLANATION

Under the bill, the distinction between the assumption of a liability and the acquisition of an asset subject to a liability is generally eliminated. First, except as provided in regulations, a recourse liability or any portion thereof is treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed and is expected to satisfy the liability or portion thereof (whether or not the transferor has been relieved of the liability). Thus, where more than one person agrees to satisfy a liability or portion thereof, only one will be treated as expected to satisfy such liability or portion thereof. Second, except as provided in regulations, a nonrecourse liability is treated as having been assumed by the transferee of any asset subject to the liability with a limitation. The amount treated as assumed shall be reduced by the amount of the liability which an owner of other assets not transferred to the transferee and also subject to such liability has agreed with the transferee to, and is expected to satisfy, up to the fair market value of such other assets (determined without regard to section 7701(g)).

In determining whether any person has agreed to and is expected to satisfy a liability, all facts and circumstances are to be considered. In any case where the transferee does agree to satisfy a liability, the transferee will be treated as expected to satisfy the liability in the absence of facts indicating the contrary.

In determining any increase to the basis of property transferred to the transferee as a result of gain recognized because of the assumption of liabilities under section 357, the increase cannot cause the basis to exceed the fair market value of the property (determined without regard to sec. 7701(g)). In addition, if gain is recognized to the transferor as the result of an assumption by a corporation of a nonrecourse liability that is also secured by property not transferred to the corporation, and if no person is subject to tax under the Internal Revenue Code on such gain, then for purposes of determining the basis of assets transferred, the amount of gain so treated as recognized shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of the liability, based on the relative fair market values (determined without regard to sec. 7701(g)) of all assets subject to such nonrecourse liability.

The Treasury Department has authority to prescribe any regulations which may be necessary to carry out the purposes of the provision. Where appropriate, the Treasury Department may also prescribe regulations which provide that the manner in which a liability is treated as assumed under the provision is applied elsewhere in the Code.

The bill would be effective for transfers on or after October 19, 1998. No inference regarding the tax treatment under present law is intended.

TRIBUTE TO RICHARD W. NUTTER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 19, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor a man who has, by his record of service to the agriculture industry, raised the standard for the profession. On July 27, 1998, Richard W. Nutter retired from 28 years of unparalleled service as Monterey County's Agricultural Commissioner and I wish to respectfully honor his deeds.

Under Mr. Nutter's leadership, the Monterey County Agriculture Commissioner's Office has developed into one of the highest qualify work performance organizations in the Nation. The "Salad Bowl of the Nation" harvests eighty percent of all head lettuce during peak months and leads the Nation in the production of several other vegetables and strawberries. Recent statistics show that the county grows well over two billion dollars of crops annually including exports.

Through Mr. Nutter's vision he lead the vanguard for farm worker safety, raised standards of quality for fruits and vegetables, and developed superior pesticide control programs that are recognized world-wide as innovative and effective. He fully assisted in the development of the California Organic Food Act, the registration of farm labor contractors, agricultural chemical recycling, field safety posting requirements and the functional equivalent of an Environmental Impact Report for pesticide application to protect applicators and the public alike.

He initiated projects during his service to protect and promote agriculture, the environment, and the public welfare which is meant to assure consumer and business confidence in the marketplace. Those endeavors involved food safety, water use and conservation, land use, voluntary agricultural land conservation, farm worker pesticide exposure monitoring and he established standards to maintain the quality of products intended for export and international trade.

By his record of accomplishments, Mr. Nutter has distinguished himself as a factual, logical, visionary resource to members of the agriculture community and is a reference to local, state and federal legislators. His long-term record of volunteer service to the community enhances his professional role and enriches those who benefit from his commitment.

When I observe Mr. Nutter's accomplishments, I acknowledge a man of integrity and principle. He is an admirable public servant, and I am pleased to note, a personal friend. He is an ally of agriculture who never dodged his responsibility to those who nurture the corps that feed us and certainly not to those who depend on it's wholesomeness for sustenance.

It is not at his retirement alone that he is honored, but rather for his tireless service to assure that his responsibilities were discharged with informed authority and with the intelligent dignity of a man so well suited to this important position of public trust.

REGARDING STEEL IMPORTS

SPEECH OF

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. COLLINS. Mr. Speaker, I strongly support H. Res. 598 introduced by the gentleman from Ohio. There are dramatic changes that are occurring in our domestic industries affected by increases in steel imports. That impact is affecting all levels of U.S. business and their employees—from the small scrap dealers all the way up the industry chain to the large manufacturers who have a high production demand for steel.

The steel market is extremely reactive to supply and demand. Consequently it is one of the strongest indicators of the economic strength of our domestic manufacturing industries. Even the chairman of the Federal Reserve has stated that he closely watches steel market indicators in evaluating the progress of our national economy.

While steel industry prices have grown relatively steadily over the past ten years in the last 10 months there has been a dramatic drop. The change indicates that something unusual is currently going on in the market place.

According to American Metal Market Weekly Steel Scrap Price Composites, between January and October of 1998, the price per gross ton for heavy melt steel scrap has dropped from $140 to $83.67.

In addition, the gross ton price for shredded scrap metal has dropped form approximately $146 in January of this year to the current price of $94.84.

Mr. Speaker, opponents of H. Res. 598 argue that this is a consumer issue—that a higher presence of foreign steel makes end-stage manufacturing cheaper and ultimately the final price to consumers lower. However, it is more than simply cheaper steel prices because final manufacturing is not the only line of business affected by an increase in steel imports. There are broader implications for our economy. The failure to enforce the terms of existing trade laws, which essentially sanctions the dumping of foreign products in this country, hurts U.S. businesses that supply scrap steel to end-stage manufacturers. Cutting off the demand for domestic steel means the elimination of their business and ultimately a reduction in U.S. jobs.

I have small business scrap metal suppliers in my district who sell their scrap metal to U.S. manufacturers. They have told me that there is so much foreign metal pouring into this country through southern ports it is having a real impact on their business. In fact there are at least 2 steel mills in the southeast who, as a result of the increase in imports, have not purchased any U.S.-sourced scrap metal in the past 2 months. That means U.S. suppliers are losing business—and that means another nail in the coffin for businesses that supply domestic manufacturers.

The resolution before us today simply states that the Administration should make studying the recent shift in the domestic market a priority. At minimum, the President should focus on whether violations of current trade laws and agreements are being committed to the detriment of U.S. business and the loss of U.S. jobs. Cheaper steel attributable to increased imports may mean cheaper prices for consumers, but in the end it may mean fewer jobs for Americans and that possibility is worthy of our attention. I urge support for H. Res. 598.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 19, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to official business in the 30th Congressional District, I was unable to record my vote on S. 1733, a bill to "Require the Commissioner of Social Security and Food Stamp State Agencies to Take Certain Actions to Ensure that Food Stamp Coupons are Not Issued for Deceased Individuals." In addition, I was unable to record my vote on S. 2133, a "To Preserve the Cultural Resources of Route 66 Corridor and to Authorize the Secretary of the Interior to Provide Assistance," S. 1132, the "Bandelier National Monument Administrative Improvement and Watershed Protection Act" and H. Res. 598, regarding "Foreign Imports of Steel."

Had I been present, I would have voted "aye" on all these items.

SALUTING THE INNOVATION AND CREATIVITY OF JESSICA FERRETTI

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. ROGAN. Mr. Speaker, every year, the National Women's Business Council sponsors the National Business Plan Competition. Drawing from a nationwide pool of contestants, the Women's Business Council honors a select group of young women from across the country. This year I am pleased to announce that one of my constituents has been chosen for this great honor. I am proud to salute the accomplishments of all the participants. Their efforts are a vote of confidence in our future.

Mr. Speaker, I would like to recognize a recipient from my hometown, Jessica Ferretti. Jessica has proven that the key to success is hard work, determination, and innovation. As a contestant in the National business Plan Competition, she developed a business plan for a company that would serve the needs of the community and the needs of her family. After watching her mother hunt endlessly for day care facilities for a family friend, Jessica notices a market niche and developed a plan to fill this void.

Every family has different day care needs. And finding a facility that meets these needs can be a full time job in itself. Jessica hopes to capitalize on this growing need by proposing a company to locate day care facilities for families. Her proposal also includes an aggressive marketing campaign teaming her firm with local newspaper and Internet advertisers.

Mr. Speaker, our nation was founded by confident individuals following their hearts and making their dreams a reality. That tradition is alive with America's youth today. Jessica Ferretti developed an innovative business plan that will meet her financial needs and also those of her community. For her innovative spirit and her desire to benefit her community, I ask my colleagues to join me here today in saluting the commitment and dedication of Jessica Ferretti.

TRIBUTE TO MRS. MILDRED BOND

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 19, 1998

Mr. POSHARD. Mr. Speaker, I rise today to proudly recognize Mrs. Mildred Bond on her nomination for the Teacher of Excellence Award in the Decatur Public Schools, District 61. As a former teacher, I understand the challenges and rewards associated with this most noble profession and I have the deepest admiration for Mildred's accomplishments. She is a strong proponent of education as demonstrated by her dedicated work within the school system, with the students, and among her community and church. Her efforts to ensure the future of our nation by educating our children are an inspiration and model for the entire country.

Mildred Bond has been an educator for 35 years with a majority of them being at Roosevelt Middle School in Decatur. She served as the mathematics department chair at Roosevelt for ten years, and is active in district task forces. Mildred takes a genuine interest in her students both inside and outside the classroom. Through her work in Student Council, The Alternative II program for troubled youths, the School Store, and cheerleading she encourages her students to participate and to succeed. Mildred also reaches out to her community and is active in the Trinity CME Church as the director of Christian Education and Sunday school teacher. She also devotes countless hours as an advisor for Peer Counselors for Future Collegians.

Mr. Speaker, we have spent a great deal of time in this Congress discussing the importance of education. I have worked toward the goals of reducing class size and modernizing aging school buildings, for at the heart of this effort is the premise that the education of our children is the most important investment we can make for our country. It is imperative that we recognize and celebrate our educators and constantly strive to improve the quality of education in this nation. Mildred has made education her life's work, which has earned her the respect of parents and colleagues and made her beloved by students. She has received other outstanding educator awards for her achievements and dedication to teaching, such as the Golden Apple Award from Springfield and the Talented Tenths Award as a role model for African American youth. Mildred Bond is a source of motivation and inspiration to those around her. I commend her commitment to education and young people. It has been an honor to represent her in the 105th Congress.

BUST CREATED TO HONOR THE MEMORY OF THE LATE REPRESENTATIVE BILL EMERSON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 19, 1998

Mr. WOLF. Mr. Speaker, on June 24, 1998, Members of Congress, friends, colleagues, and family came together to witness the unveiling of a bust created in loving memory of the late Representative Bill Emerson of Missouri. The event was attended by over 300 people who crowded into the Capitol's Statuary Hall to be part of this tribute.

This extremely generous effort was made possible due to the dedication and loyalty of the many friends of Bill Emerson. However, one individual stands out as giving his unlimited personal time and determination to make this project a reality. Former staff member and close friend Bill Coffield set up the Bill Emerson Memorial Foundation in 1997 with its sole charter being to build a lasting memorial to the late Congressman. Once established, Mr. Coffield, with the help of others, set out to solicit private donations and corporate contributions to fund the creation of the bust. Thanks in large part to the significant generosity of The Doe Run Company, Sabreliner Corporation, The Pillsbury Company, TRW Inc., Hill International, Inc., SBC Communications, American Sugar Alliance, ASARCO, National Mining Association, Noranda Aluminum, Inc., The Jefferson Group, Inc., and Sharp and Lankford, the Foundation had the financial support to move forward in commissioning a sculptor. Renowned sculptor Michael Curtis of Alexandria, Virginia, was commissioned and began by reviewing numerous photographs spanning several years of Bill's life.

I was honored to take part in this event, which began with an invocation by the House Chaplain, followed by personal tributes drom several Members including the Speaker of the House NEWT GINGRICH, Senator PAT ROBERTS and other distinguished colleagues from the House including Reps. KANJORSKI and SKELTON, and Bill's widow, Rep. JO ANN EMERSON, Mr. Curtis unveiled the bust for all to see.

The finished product is truly a work of art. A remarkable and life-like bust of our colleague and friend will now reside at the entrance of the Page School in the Library of Congress. The location could not be more fitting—appropriately named Emerson Hall—since Bill's political career started in the 1950's as a page himself, and he was past chairman of the House Page Board. We can all be proud knowing that the likeness of our beloved late friend, Bill Emerson, will forever smile upon the enthusiastic young men and women who come to Washington as pages—like Bill did—to invest in themselves and of themselves in the service of their country. I know in my heart that Bill will watch over these fine young men and women with the love and respect he shared for his family, friends, colleagues and the proud people of southern Missouri he so capably represented.

SENATE—*Tuesday, October 20, 1998*

(Legislative day of Friday, October 2, 1998)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, our loving Father, three liberating assurances capture our thinking, calm our nerves, change our moods, and lift our spirits: You are on our side; You are by our side; You give us peace inside. It is wonderful to know that You are for us and not against us. Night and day, You are seeking to bless us. Even Your judgments are meant to bring us closer to You. We are never alone. Your presence gives us hope. You remind us that You are in charge, and that we can trust You. Thank You for the profound peace that results in our hearts. We realize that this artesian peace flows from Your indwelling Spirit. Suddenly, we feel something we know we cannot produce on our own. We are given the gift of patience with ourselves, others, and the processes of government. Thank You for setting us free to live each hour strengthened by Your power. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, the distinguished Senator from Montana, is recognized.

Mr. BURNS. I thank the Chair. It always helps the day to open the Senate under the gavel of our distinguished friend from South Carolina.

SCHEDULE

Mr. BURNS. Mr. President, today the Senate will begin a period of morning business until 11 a.m. Following morning business, the Senate is expected to begin debate in relation to the omnibus appropriations bill while awaiting House action on the measure early this evening.

There will be no rollcall votes during today's session of the Senate. The next rollcall vote, assuming one is still required on passage of the omnibus bill, is expected to occur at 9:30 a.m. on Wednesday, October 21st. All Members will be immediately notified when the exact voting schedule becomes available.

I thank my colleagues for their attention.

UNANIMOUS-CONSENT AGREEMENT—H.J. RES. 137

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate receives H.J. Res. 137, the 1-day continuing resolution, the resolution be considered read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CORRECTION OFFICERS HEALTH AND SAFETY ACT OF 1998

Mr. BURNS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2070, and the Senate then proceed to its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2070) to amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3832

(Purpose: To provide a complete substitute)

Mr. BURNS. Senator HATCH has a substitute amendment at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. HATCH, proposes an amendment numbered 3832.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Correction Officers Health and Safety Act of 1998".

SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL.—Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

"§ 4014. Testing for human immunodeficiency virus

"(a) The Attorney General shall cause each individual convicted of a Federal offense who is sentenced to incarceration for a period of 6 months or more to be tested for the presence of the human immunodeficiency virus, as appropriate, after the commencement of that incarceration, if such individual is determined to be at risk for infection with such virus in accordance with the guidelines issued by the Bureau of Prisons relating to infectious disease management.

"(b) If the Attorney General has a well-founded reason to believe that a person sentenced to a term of imprisonment for a Federal offense, or ordered detained before trial under section 3142(e), may have intentionally or unintentionally transmitted the human immunodeficiency virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there, the Attorney General shall—

"(1) cause the person who may have transmitted the virus to be tested promptly for the presence of such virus and communicate the test results to the person tested; and

"(2) consistent with the guidelines issued by the Bureau of Prisons relating to infectious disease management, inform any person (in, as appropriate, confidential consultation with the person's physician) who may have been exposed to such virus, of the potential risk involved and, if warranted by the circumstances, that prophylactic or other treatment should be considered.

"(c) If the results of a test under subsection (a) or (b) indicate the presence of the human immunodeficiency virus, the Attorney General shall provide appropriate access for counselling, health care, and support services to the affected officer, employee, or other person, and to the person tested.

"(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

"(e) Not later than 1 year after the date of enactment of this section, the Attorney General shall issue rules to implement this section. Such rules shall require that the results of any test are communicated only to the person tested, and, if the results of the test indicate the presence of the virus, to correctional facility personnel consistent with guidelines issued by the Bureau of Prisons. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of title 18, United States Code, is amended by adding at the end the following new item:

"4014. Testing for human immunodeficiency virus.".

(c) GUIDELINES FOR STATES.—Not later than 1 year after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at this point in the RECORD.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3832) was agreed to.

The bill (H.R. 2070), as amended, was considered read the third time and passed.

AFRICA: SEEDS OF HOPE ACT OF 1998

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4283, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4283) to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3833

(Purpose: To provide a substitute)

Mr. BURNS. Senator DEWINE has an amendment at the desk, and I ask for its consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. DEWINE, proposes an amendment numbered 3833.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3833) was agreed to.

The bill (H.R. 4283), as amended, was considered read the third time and passed.

CONTROLLED SUBSTANCES TRAFFICKING PROHIBITION ACT

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 3633, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3633) to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, H.R. 3633, "The Controlled Substances Trafficking Prohibition Act," addresses a gap in our controlled substances laws. At present, people entering the United States from Mexico may bring up to a ninety-day supply of drug products into the country without a prescription, under the so-called "personal use" exemption. Many of these drug products are then illegally distributed within the United States.

Such abuses have increased dramatically in recent years, and there is a need to address this problem now. H.R. 3633 does this by limiting the personal use exemption in certain circumstances to 50 dosage units. But this is only a stopgap measure. What constitutes "personal use" is a complicated issue that will turn on a number of circumstances, including the nature of the controlled substance and the medical needs of the individual. It is the sort of issue that should be addressed not through single-standard legislation but through measures regulations passed by an agency with expertise in the matter. For this reason, I believe that we will have to take this issue up again next year, to direct the Department of Justice to study the problems at our borders and to pass regulations that are more finely-tuned to address those problems. In the meantime, H.R. 3633 will help to stem the tide of illegal importations of controlled drugs, which pose dangers to Americans when illegally distributed and used.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 3633) was considered read the third time and passed.

AMENDING THE FOREIGN SERVICE ACT OF 1980

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 633, which was received from the House.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 633) to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 633) was considered read the third time and passed.

REQUIRING A STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4501, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4501) a bill to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4501) was considered read the third time and passed.

TECHNICAL CORRECTION OF H.R. 3910

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 129, which was submitted by Senator MURKOWSKI.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A current resolution (S. Con. Res. 129) to correct a technical error in the enrollment of H.R. 3910.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Con. Res. 129) was agreed to as follows:

S. CON. RES. 129

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 3910 the Clerk of the House shall, in title IV, section 406, strike "5 years after the date of enactment of the Omnibus National Parks and Public Lands Act of 1998" and insert "5 years after the date of enactment of this Act".

MORNING BUSINESS

Mr. BURNS. Mr. President, we now enter a time for morning business, and I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Virginia, Senator WARNER.

(Mr. BURNS assumed the Chair.)

THE PRESIDENT PRO TEMPORE

Mr. WARNER. Mr. President, I thank the distinguished President pro tempore. I think it should be noted from time to time, particularly on this, presumably one of the last 2 days of the Congress, that this distinguished President pro tempore has reported every morning the Senate has convened, so far as I know, to open the Senate. It is a responsibility he has taken unto himself with great dignity as he carries out his duties to the credit of this memorable institution, and we express our great appreciation to the President pro tempore. To the best of my knowledge, he has not missed a single day of this Congress in opening up the Senate, which is another record to add to the many, many records of our distinguished President pro tempore.

Mr. THURMOND. I thank the able Senator very much for his kind remarks.

Mr. WARNER. I thank the distinguished Senator.

I rise to address two subjects today, and I ask unanimous consent to use such time as I may require, although I will yield to others as they appear in the Chamber seeking recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

UNITED STATES-CUBA RELATIONS

Mr. WARNER. Mr. President, I have great concerns about our Nation's policy towards Cuba. Castro remains, in the mind of this Senator and the minds of most, as an individual who has brought great harm to that nation, and it persists to this day. The human suffering there is incalculable.

Some months ago, I joined with my distinguished friend and colleague, the senior Senator from Connecticut, Mr. DODD, who has had considerable experience in this region of our hemisphere, in trying to seek legislation to allow the sale of U.S. food, medicine and medical equipment to Cuba.

Regrettably, that has not been done in its totality. There have been some efforts, but nevertheless that continues to present itself as an example of how I believe—and others share my belief—that the overall policy between the United States of America and Cuba should be thoroughly, pragmatically and objectively reviewed. With that purpose in mind, I and other Senators—I think some 15 in number—have written the President of the United States requesting that he, hopefully jointly with the Congress, establish a commission to make such a study. In short, we wrote President Clinton recommending "the establishment of a national bipartisan commission to review our current U.S.-Cuba policy."

My reason for making this recommendation is simple and straightforward. The current United States-Cuba policy in effect for nearly 40 years—that is astonishing, 40 years—has yet to achieve its goal of a peaceful transition to democracy in Cuba. Of course, Castro remains the single most formidable obstacle to achieving that goal.

Now the time has come, in our judgment, for a thoughtful, rational and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. I am not alone in putting forward this proposal. As I have previously stated, I was joined in this recommendation to the President by a distinguished and bipartisan group of Senate colleagues. In addition, a world-respected group of former senior Government officials of our United States have written to me—I asked for that letter and obtained it—in strong support of the establishment of the commission.

That distinguished group includes Howard Baker, Jr., former Senate majority leader; Frank Carlucci, former Secretary of Defense; Lawrence Eagleburger, former Secretary State; Henry Kissinger, former Secretary of State; William D. Rogers, former Under Secretary of State; Harry W. Shalaudeman, former Assistant Secretary of State and Malcolm Wallop, former U.S. Senator. Further, I am informed that former Secretary of State George Shultz supports our efforts.

Mr. President, it is my hope that President Clinton will act to implement our recommendation. Should he choose to do so, the analysis and recommendations that are put forth will provide both the Congress and the Administration with the means to shape and strengthen our future relationship with Cuba.

The recommendation that we have for this commission is parallel to one that was set up by a past President in response to the need to look at the overall hemisphere. It was known as the Kissinger Commission. It has, I think, the customary provisions in it whereby the President makes certain appointments and the Congress will make certain appointments. I think there will be a wealth of talent ready, able, and willing to step forward at the call of the Executive branch and the Legislative branch to take up the responsibility of a very serious challenge, to establish a revised policy between our Nation and Cuba.

Mr. President, I ask unanimous consent my letter to President Clinton, the letter sent to me by Lawrence Eagleburger, and an October 16, 1998, Washington Post editorial on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 13, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of the National Bipartisan Commission on Central America, (the "Kissinger Commission"), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 6, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, of billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risk of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John Paul II for the opening of Cuba by the world, have not been broadly reviewed by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, our allies, and the Cuban people to review these issues.

We therefore recommend that a "National Bipartisan Commission on Cuba" be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. This analysis would in turn help us shape and strengthen our future relationship with Cuba.

We recommend that the members of this Commission be selected, like the "Kissinger Commission", from a bipartisan list of distinguished Americans who are experienced in the field of international relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community. A bipartisan group of eight Members of Congress would be appointed by the Congressional Leadership to serve as counselors to the Commission.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of (1) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in international terrorism and illegal drugs, (2) the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba, and (3) the domestic and international impacts of the 36-year-old U.S.-Cuba economic, trade and travel embargo on: (a) U.S. international relations with our foreign allies; (b) the political strength of Cuba's leader; (c) the condition of human rights, religious freedom, freedom of the press in Cuba; (d) the health and welfare of the Cuban people; (e) the Cuban economy; (f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We have enclosed a letter from former Secretary of State Lawrence Eagleburger outlining his and other former top officials support for the creation of such a commission. Thank you in advance for your thoughtful consideration.

Sincerely,
John Warner, Chuck Hagel, Rod Grams, James M. Jeffords, Michael B. Enzi, Bob Kerrey, Rick Santorum, Dirk Kempthorne, Kit Bond, John Chafee, Craig Thomas, Dale Bumpers, Chris Dodd, Pat Roberts.

BAKER, DONELSON, BEARMAN
& CALDWELL,
Washington, DC, September 30, 1998.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: As Americans who have been engaged in the conduct of foreign relations in various positions over the past three decades, we believe that it is timely to conduct a review of United States policy toward Cuba. We therefore encourage you and your colleagues to support the establishment of a National Bipartisan Commission on Cuba.

I am privileged to be joined in this request by: Howard H. Baker, Jr., Former Majority Leader, U.S. Senate; William D. Rogers, Former Under Secretary of State; Frank Carlucci, Former Secretary of Defense; Harry W. Shalaudeman, Former Assistant Secretary of State; Henry A. Kissinger, Former Secretary of State; and Malcolm Wallop, Former Member, U.S. Senate.

We recommend that the President consider the president and the procedures of the National Bipartisan Commission on Central America chaired by former Secretary of State Henry A. Kissinger, which President Reagan established in 1983. As you know, the Kissinger Commission helped significantly to clarify the difficult issues inherent in U.S. Policy in Central America and to forge a new consensus on many of them.

We believe that such a Commission would serve the national interest in this instance as well. It could provide the Administration, the Congress, and the American people with objective analysis and useful policy recommendations for dealing with the complexities of our relationship with Cuba, and in doing so advance the cause of freedom and democracy in the Hemisphere.

Sincerely,
LAWRENCE S. EAGLEBURGER.

A GOOD IDEA ON CUBA

By chance, a record 157 countries voted in the U.N. General Assembly against the American embargo of Cuba just as a proposal for a high-powered national bipartisan commission to review the United States' whole Cuba policy was emerging from the Senate. In the Assembly, only Israel supported Washington in defense of an embargo that has been the centerpiece of American policy for 36 years and that has not been soberly reviewed since the Cold War ended. Sen. John Warner (R-Va.) is author of the review proposal. He has gotten heavy-duty legislators and former foreign policy officials to sign on.

So much has changed over the four decades of Cuban-American collision. The Cold War is over, terminating Cuban security threats to the United States. Cuba, by its own totalitarian rule and economic mismanagement, and not just by the embargo, has entirely lost luster as a model for modernizing states. The embargo has punished the Cuban economy, though it is slowly recovering, and also the Cuban people. The embargo has embellished the nationalist credentials of Communist ruler Fidel Castro. It has puzzled America's best friends, who do not understand why the United States treats Cuba as though the Cold War were still on.

The official answer is that the embargo is a lever to force the democratization of Cuba and, by American law, the termination of Fidel Castro's rule. But the limited changes in this regard are owed less to official American isolation than to such regulated openings as the permissions for calls, emigration, humanitarian gifts and family trips and the historic visit of Pope John Paul II.

The American debate on Cuba has come to be an intense unproductive contest between the Miami exile right and its liberal critics. The Warner proposal promises to widen both the terms of the debate and the constituencies participating in it. A broad bipartisan review of Cuba policy is an idea whose time has come.

KOSOVO

Mr. WARNER. Mr. President, I have repeatedly taken the floor to speak about my great concern regarding the people who are suffering today in Kosovo. As I stated in my remarks on previous days, I visited Kosovo some weeks ago in the company of the KDOM—which is a most unusual organization—but it has the permission by which to take unarmed missions into the countryside around Pristina and elsewhere, to see the ravages of that tragic conflict.

Regrettably, even though we have now in place an agreement with Milosevic, the fighting and the strife continues. We have recently executed an agreement. I say "we." Primarily, the United Nations and NATO have entered into an agreement with the Yugoslav Government, and President Milosevic signed it.

There have been some changes in the status of forces of the Yugoslav Army and the like, but it is a very fluid situation. We hear one day units are moving out and then today there are reports that other Yugoslav Army units are being redeployed. The suffering, however, continues and the winter is coming. The whole world is standing by to witness what is, I think, one of the greatest recent tragedies.

Weather is as cruel as weapons. I saw, for my own eyes, these people huddled in the hills, helpless, homeless, without food, without medicine; tens of thousands—we do not know with any specific accuracy how many there are, but it certainly is in excess of 100,000 human beings—innocent victims, by and large, of the conflicts, political and military, in this region of Kosovo.

I have had the opportunity to get briefed by the Central Intelligence Agency, briefed by the Department of Defense; I try to remain as current as I can on this issue. The bottom line of what I am saying today is it is time that we look with great seriousness at the need to constitute a force which will have sufficient arms to go into that region and provide the stability necessary—I repeat, the stability necessary for the nongovernmental institutions and others to bring in the food, the medicine and the shelter that is required to support these people. It is as simple as that. They will simply perish by the tens of thousands without this sort of help.

The agreement provides for the OSCE to come in. This is the first time in the history of that organization that they have ever undertaken a challenge of this magnitude. They are not organized, really, to work to provide security which requires force of arms, but some attempt will be made along that line. The bottom line, I think, is someone has to stand up—and I am prepared to do it—and say that NATO is the only force constituted that can come in, in a short period of days, literally days, to give that degree of stability so these emergency supplies can come in. It is my grave concern that unless that is done and done promptly, the world will witness human suffering of a magnitude we have not seen, certainly, in a long time. I think only NATO can step in to do this.

I know the deep concern here in the Senate and elsewhere in the United States about employing any U.S. ground troops in the region of Kosovo. We went through those debates with regard to Bosnia. I personally was never in favor of it. But once we make a decision, as we have now made, and we have the agreements in place, there is absolutely no alternative but to faithfully try and execute our responsibility, together with NATO and the United Nations, to provide the environment in which, in the few weeks to come, we can save the lives of tens of thousands of innocent people. That can only be done by putting in place uniformed, organized, well-trained troops. Their presence could well be the deterrent to stop the fighting.

In my judgment, there are no clean hands in this situation. The preponderance of the atrocities obviously have been committed by the Serbian forces under the direction, either indirectly or directly, of Slobodan Milosevic. There is no doubt about that. But there also are some attacks being perpetrated by the KLA, which is that disparate group, relatively undefined, whose leadership changes from time to time, whose organization has very little coordination between the various bands of the KLA, but nevertheless they have perpetrated atrocities and, apparently, there are reports that some atrocities are continuing to be perpetrated by the KLA.

Only an absolutely neutral independence force, as constituted by the United Nations, together with NATO, can provide the security necessary to bring in the needed food and medicine.

In looking over the agreement, and in consultation with the Department of Defense, I have learned of one very interesting development. I have not, as yet, seen it in the open press, but I have obtained the authority of the Department of Defense to mention this, because I think it is a positive goal. There are certain positive goals that have been achieved by this agreement. This one will be severely criticized. I certainly have some criticism of it. But there are some positive results of the agreement that have recently been executed between the United Nations, NATO and the Yugoslav Government.

One of them, for example, is as follows:

> Under the agreement, Milosevic has been required to accept a continuing presence of NATO reconnaissance aircraft over his sovereign airspace in order to monitor its compliance with the terms of the accord.

Under that, we have today—and this is most important—six NATO military officers in Belgrade inside the Serbian air defense headquarters to act as liaison with NATO. We expect Yugoslav air defense personnel to report to the Combined Air Operation Center in Italy today to perform the same function.

That eliminates a lot of uncertainty that could spark a response by the Yugoslav air defense operations against our monitoring aircraft, and that must be avoided.

We expect this military-to-military coordination to eliminate any possibility of miscommunication on the implementation of the air verification regime.

I wish to say I find that to be a very positive part of this agreement. I just hope we will come to the realization that a second very positive step must be taken immediately, and that is placing security forces—and I think only NATO is able to do this within the few days that is required for those forces—to enable the food and medicine to reach those in need.

Unquestionably, Milosevic bears the primary responsibility for finding an acceptable political solution that grants the people of Kosovo some degree of autonomy. We know not that level at this time. A degree of self-governance has to come about and, most importantly, freedom from the oppression we have witnessed in the past months and, indeed, throughout the past decade when Milosevic removed from Kosovo its degree of autonomy and self-governance that it had some years ago.

Also, the ethnic Albanians bear responsibility for making this agreement a success as well. That primarily falls on the KLA. The political leadership of Kosovo and the Kosovo Liberation Army, or the UCK, as it is called, must refrain from violence and set up some establishment where they can have representatives at the negotiating table and negotiate in good faith and support the OSCE verification regime on the ground.

Mr. President, I will continue to monitor this. Of course, I will not have an opportunity to do so here on the floor of the Senate, but I will by other means, because I personally am gravely concerned about the plight of these homeless, helpless people who only ask for the opportunity to live in peace and quiet in their countryside and in their small homes, which I have seen in great numbers, but regrettably most that I saw had been blown up and devastated.

My prayers, and I think the prayers of the people of this country, are with those helpless people. I hope we come to the quick realization of the steps that must be taken to resolve this tragic conflict.

I yield the floor.

TRIBUTE TO WORKING WOMEN

Mr. LOTT. Mr. President, I would like to take this opportunity to recognize the Greenwood Business and Professional Club of Greenwood, Mississippi, and the working women who comprise its membership. The club was established on November 20, 1931, and will be holding its annual Women of Achievement Banquet on Thursday, October 22, 1998. It is my privilege to note that my daughter, Tyler Lott, a working woman in her own right, will provide the banquet's keynote address.

For nearly 67 years, the Greenwood Business and Professional Club has been a shining example of women helping women through countless programs and projects. More importantly, the members of this club are representative of working women across America who make invaluable sacrifices every day to strengthen the economy and fiber of our families, communities, states and nation.

Working women are found in virtually every profession, trade and vocation, and constitute well over 62 million members of the United States workforce. In fact, women-owned businesses account for approximately one-third of domestic firms and employ over 13 million people. Moreover, we should always remember that, in addition to women working in traditional businesses, women may be found working in homes throughout America making significant contributions each day through their occupation as homemakers.

As working women continue their service to America through professional, civic and cultural endeavors, it is fitting that we recognize their growing numbers, and congratulate these women who labor so tirelessly and effectively both inside and outside the home. Whether in business, industry, a profession, or as a homemaker, today's working women are vital role models for young women coast-to-coast who will help mold the future of this country.

I am honored to have this opportunity to commend our nation's working women, and to extend my most sincere thanks to the members of the Greenwood Business and Professional Club for its 67 years of achievement and service.

PASSAGE OF THE GOVERNMENT PAPERWORK ELIMINATION ACT

Mr. ABRAHAM. Mr. President, the Omnibus Appropriations bill that the Senate is about to consider contains the full text of S. 2107, the Government Paperwork Elimination Act, a bill I introduced in April along with Senators WYDEN, MCCAIN and REED. I want to thank Senators MCCAIN, LOTT, WYDEN, and HOLLINGS for taking the time and effort to work with me in advancing this legislation. Without their active support and participation, this bill would not have progressed as far as it has.

Senators WYDEN, MCCAIN and REED joined me in introducing the Government Paperwork Elimination Act in May of this year. On July 15, 1998, I chaired a hearing on this legislation before the full Commerce Committee. Two weeks later, S. 2107 was marked up in the Committee with several modifications. On a voice vote, the bill as amended was ordered to be reported.

When the Senate returned to session after the August recess, a unanimous consent agreement was propounded on S. 2107. This unanimous consent request brought the bill to the attention of Senator THOMPSON, the Chairman of the Government Affairs Committee. Senator THOMPSON had concerns with the bill because of the extent to which it dealt with Federal agencies.

Despite the time constraints—the session was expected to end in two weeks—Senator THOMPSON generously offered to work with me to address some of his committee's concerns and ensure that the bill as offered did not conflict with current mandates on the Executive. Over the course of the last week in September, Senator THOMPSON and I modified S. 2107 to address the concerns raised in his committee. On Tuesday, October 7, S. 2107 as amended was added as an amendment to S. 442 by unanimous consent.

The Internet Tax Freedom Bill passed the Senate on October 8 and was sent to the House for consideration. However, because the House did not agree with some of the language contained in the bill, House Members proposed adding the text of the House passed Internet Tax Freedom Bill to the omnibus rather than passing S. 442 as amended.

On October 15th, the Senate passed S. 2107 independent of other vehicles. On the same day, the text of S. 2107 was included in the omnibus appropriations bill. The next day, October 16th, the Omnibus Appropriations bill was passed by Congress with the text of the Government Paperwork Elimination Act included therein.

This legislation amends the Paperwork Reduction Act of 1980 to allow for the use of electronic submission of Federal forms to the Federal government with the use of an electronic signature within five years from the date of enactment. It is intended to bring the federal government into the electronic age, in the process saving American individuals and companies millions of dollars and hundreds of hours currently wasted on government paperwork.

In order to protect the private sector and ensure a level playing field for companies competing in the development of electronic signature technologies, this legislation mandates that regulations promulgated by the Office of Management and Budget and the National Telecommunications and Information Administration be compatible with standards and technologies used commercially in order to ensure that no one industry or technology receives favorable consideration. It also requires Federal agencies to accept multiple methods of electronic submission if the agency expects to receive 50,000 or more electronic submittals of a particular form. This requirement will ensure that no single electronic signature technology is permitted to unfairly dominate the market.

This legislation also takes several steps to help the public feel more secure in the use of electronic signatures. If the public is going to send money or share private information with the government, people must be secure in the knowledge that their information and finances are adequately protected. For this reason, my bill requires that electronic signatures be as reliable as necessary for the transaction. If a person is requesting information of a public nature, a secure electronic signature will not be necessary. If, however, an individual is submitting forms which contain personal, medical or financial information, adequate security is imperative and will be available.

This is not the only provision providing for personal security, however. Senator LEAHY joined me to help establish a threshold for privacy protection in this bill. The language developed by Senator LEAHY and I will ensure that information submitted by an individual can only be used to facilitate the electronic transfer of information or with the prior consent of the individual. Also included is legislation which establishes legal standing for electronically submitted documents. Such legal authority is necessary to attach the same importance to electronically signed documents as is attached to physically signed documents. Without it, electronic submission of sensitive documents would be impossible. Finally, the Government Paperwork Elimination Act requires that Federal agencies to send an individual an electronic acknowledgement of their submission when it is received. Such acknowledgements are standard when conducting commerce online. A similar acknowledgement by Federal agencies will provide piece-of-mind for individuals who conduct business with the government electronically.

As much as individuals will benefit from this bill, so too will American businesses. By providing companies with the option of electronic filing and storage, this bill will reduce the paperwork burden imposed by government on commerce and the American economy. It will allow businesses to move from printed forms they must fill out using typewriters or handwriting to digitally-based forms that can be filled out using a word processor. The savings in time, storage and postage will be enormous. One company, computer maker Hewlett-Packard, estimates that the section of this bill permitting companies to download copies of regulatory forms to be filed and stored digitally rather than physically will, by itself, save that company $1–2 billion per year.

Efficiency in the federal government itself will also be enhanced by this legislation. By forcing government bureaucracies to enter the digital information age we will force them to streamline their procedures and enhance their ability to maintain accurate, accessible records. This should result in significant cost savings for the federal government as well as increased efficiency and enhanced customer service.

Each and every year, Mr. President, Americans spend in excess of $6 billion hours simply filling out, documenting and handling government paperwork. This huge loss of time and money constitutes a significant drain on our economy and we must bring it under control. The easier and more convenient we make it for American businesses to comply with paperwork and reporting requirements, the better job they will do of meeting these requirements, and the better job they will do of creating jobs and wealth for our country. That is why we need this legislation.

The information age is no longer new, Mr. President. We are in the midst of a revolution in the way people do business and maintain records. This legislation will force Washington to catch up with these developments, and release our businesses from the drag of an obsolete bureaucracy as they pursue further innovations. The result will be a nation and a people that is more prosperous, more free and more able to spend time on more rewarding pursuits.

I want to thank my colleagues in the Senate for their support and urge the House to support this important legislation. I ask unanimous consent that a statement of intent for the Government Paperwork Elimination Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF INTENT ON THE GOVERNMENT PAPERWORK ELIMINATION ACT—SENATOR ABRAHAM, Senator WYDEN, Senator MCCAIN

I. PURPOSE OF THE GOVERNMENT PAPERWORK ELIMINATION ACT

The Act, as reported, would require Federal agencies to make electronic versions of their forms available online and would allow individuals and businesses to use electronic signatures to file these forms electronically. The intent of the bill is to provide a framework for reliable and secure electronic transactions with the Federal government, while remaining "technology neutral" and not inappropriately favoring one industry over another.

II. BACKGROUND AND NEEDS

The widespread use and world-wide accessibility of the Internet provides the opportunity for enhanced electronic commerce and substantial paperwork reduction. State governments, industry, and private citizens have already embraced the electronic medium to conduct public and private business. Allowing businesses and individuals to conduct their affairs with the Federal government within a stable legal framework would save financial resources by eliminating burdensome paperwork and bureaucracy.

The widespread use of electronic forms can greatly improve the efficiency and speed of government services. Such efforts as people traveling to government offices for forms would no longer be required. If implemented, the bill would save the government million of dollars in cost associated with such things as copying, mailing, filing and storing forms.

Electronic signatures can offer greater assurances that documents are authentic and unaltered. They minimize the chances of forgeries or people claiming to have had their signatures forged.

An electronic signature is a method of indicating that a particular person has originated and approved the contents of an electronic document. There are a wide array of electronic signature technologies currently available, which range from simply typing one's name on an electronic document or e-mail, to scanning a handwritten signature as a bitmap and copying it onto an electronic document. More technologically complex versions of electronic signatures involve the analysis of physical characteristics (biometrics) such as fingerprints, retina scans, and the biometrics of an actual signature to digitally verify the signer's identity. The widely referred-to "digital signature" is slightly different, and is merely one type of electronic signature which often, although not always, involves the use of trusted third parties.

Security levels for all electronic signatures vary according to the technology used. Simply typing a name on a document offers no security protection, and cannot be verified as unique to the originator. Bitmaps, which are digital versions of handwritten signatures, require large amounts of memory, are vulnerable to copying or pasting, and cannot be used to accurately tie the document to the signature. Electronic signature technologies which use biometric analysis offer a higher level of security. Digital signatures and the use of licensed third parties also yield a higher degree of security.

Several states have enacted electronic signature legislation with varying scopes and legal requirements. Some states have chosen to limit the scope of the law to transactions with state or public entities, or even to more specific purposes such as court documents, medical records, and state treasurer checks and drafts. Other states have applied their statutes to private as well as public transactions. State statues also have varying technology requirements which highlight the potential for future compatibility and interoperability problems.

III. SUMMARY OF MAJOR PROVISIONS

As reported, the Government Paperwork Elimination Act would provide a legal framework and time line for electronic transactions between individuals and businesses and the Federal government. Major provisions of the Act, as reported, include:

1. Each Federal agency would be required to make electronic versions of their forms available for electronic submission. Such electronic submission would be supported by guidelines issued by the Director of Office of Management and Budget (OMB) and the National Telecommunications Information Administration.

2. The bill establishes the following time lines:

(1) At 18 months, the Secretary of Commerce will report on the bill's effect on electronic commerce and individual privacy, agencies will make electronic forms available for downloading and printing, agencies will permit employers to store Federal forms electronically, and agencies will establish policies and procedures for implementation of this Act.

(2) At 60 months, final implementation deadline.

3. The bill provides definitions of key terms, and specifies under what circumstances, and in what special cases, an agency is not required to provide for the electronic submission of forms.

IV. LEGISLATIVE HISTORY

The Government Paperwork Elimination Act, S. 2107, was introduced by Senator ABRAHAM on May 21, 1998. The bill was cosponsored by Senator WYDEN, Senator MCCAIN, and Senator REED. In June 1998, Senator LOTT, Senator COCHRAN, and Senator BURNS were added as co-sponsors to the bill. On July 15, 1998 the Commerce Committee held a hearing on digital signatures at which time testimony was heard from Mr. Andrew Pincus, General Counsel, Department of Commerce; Mr. Scott Cooper, Manager, Technology Policy, Hewlett Packard; Mr. Kirk LeCompte, Vice President, Product Marketing, PenOp Inc.; and Mr. Dan Greenwood, Deputy General Counsel, Information Technology Division, The Commonwealth of Massachusetts.

On July 29, 1998 the Committee met in executive session and, by a voice vote, ordered the bill, as amended, to be reported.

On September 17, 1998 the bill was reported to the Senate with an amendment in the nature of a substitute by the Senate Committee on Commerce, Science and Transportation and placed on the Senate Legislative.

On October 7, 1998, the bill was added as amendment # 3678 to S. 442, the Internet Tax Freedom Act by unanimous consent.

On October 8, 1998, the Internet Tax Freedom Act was passed by the Senate and sent to the House of Representatives.

On October 15, 1998, S. 2107 was passed in the Senate by unanimous consent.

On October 21, the bill passed the Senate as part of the Omnibus Appropriations Act.

V. PRIVACY

This legislation will not have an adverse impact on the privacy of individuals. The Director of the Office of Management and Budget, in cooperation with the Administrator of the National Telecommunications Information Administration will conduct an ongoing study of the Act's impact on individual privacy.

VI. PAPERWORK

This legislation will not increase the paperwork requirement for private individuals or businesses. The legislation would require two reports: (1) the Secretary of Commerce would be required to submit to Congress a report on the Act's effect on electronic commerce and individual privacy; and (2) the General Accounting Office would be required to submit to Congress a report on agencies' policies, procedures, and timeliness for the implementation of this Act.

VII. SECTION-BY-SECTION ANALYSIS OF THE GOVERNMENT PAPERWORK ELIMINATION ACT

TITLE XVII GOVERNMENT PAPERWORK ELIMINATION ACT

Section 1. This section would permit the bill to be cited as the "Government Paperwork Elimination Act."

Section 2. Authority of OMB to Provide For Acquisition And Use Of Alternative Information Technologies By Executive Agencies. Amends current law to provide for the availability of electronic submission as a substitute for paper and for the use and acceptance of electronic signatures.

Section 3. Procedures For Use And Acceptance Of Electronic Signatures By Executive Agencies. Subsection (1) would require the Office of Management and Budget, in consultation with the National Telecommunications Information Administration to develop procedures for the use and acceptance of electronic signatures by Executive agencies.

Subsection (2) establishes the requirements for these procedures. Paragraph (i) would ensure that these procedures would be compatible with those used in the commercial and State government sectors. Paragraph (ii) would require that these procedures would not inappropriately favor one industry or technology. The intent of the bill is for the government to remain "technology neutral." And, so as not to prescribe one electronic signature security level for all documents, paragraph (iii) would allow the security level to be commensurate with the document's sensitivity. Paragraph (iv) would require agencies to electronically acknowledge the submission of electronic forms. Paragraph (v) would require agencies to ensure multiple methods of electronic submission when it expects to receive 50,000 electronic submittal of a particular form, paragraph E would require the agency to make multiple electronic signature formats available for submitting the forms. To further ensure technology neutrality, "multiple methods" are required when a form is submitted in substantial enough volume so that the government does not favor a particular technology provider by accepting only one electronic signature technology.

The intent of the bill is not to mandate the use of a particular technology. Rather, the bill is intended to be technology neutral leaving open the possibility that a wide variety of existing technologies or technologies that will be developed in the future may be used by the Federal government in satisfying the requirements of this bill.

Section 4. Deadline For Implementation By Executive Agencies Of Procedures For Use And Acceptance Of Electronic Signatures. Requires that, when practicable, Federal forms must be available for electronic submission, with electronic signatures within 60 months after enactment.

Section 5. Electronic Storage And Filing Of Employment Forms. After 18 months from enactment, the Office of Management and Budget shall develop procedures to permit employers that are required by law to collect, file and store Federal forms concerning their employees, to collect, file and store the same forms electronically.

Section 6. Study On Use Of Electronic Signatures. This section would require the Director of the Office of Management and Budget, in cooperation with the National Telecommunications Information Administration to conduct an ongoing study on how this bill affects electronic commerce and individual privacy. A periodic report describing the results shall be submitted to the Congress.

Section 7. Enforceability and Legal Effect of Electronic Records.

This section stipulates that electronic records, or electronic signatures or other forms of electronic authentication, submitted in accordance with agency procedures, will not be denied legal effect, validity or enforceability because they are in electronic form. This provision is intended to preclude agencies or courts from systematically treating electronic documents and signatures less favorably than their paper counterparts.

Section 8. Disclosure Of Information. This section is intended to protect the privacy of individuals who submit information electronically to Federal agencies. Information submitted by individuals may only be used to facilitate electronic communications between that individual and the agency and may not be disclosed by agency employees without the affirmative consent of that individual. This section is not intended to supersede current law in this area.

Section 9. Application With Other Laws. This section would exempt the Internal Revenue Service (IRS) and the Department of the Treasury from the provisions in this Act, when in conflict with the administration of internal revenue laws or conflicts the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986. The IRS collection process should also be exempted from this Act.

Section 10. Definitions. This section would provide the definitions of several key terms used throughout this bill.

CHARITABLE CHOICE

Mr. ASHCROFT. Mr. President, recently, both the House and Senate voted unanimously to pass the conference report on S. 2206, the "Coats Human Services Reauthorization Act of 1998." During House debate on the conference report, some members expressed concerns regarding bill language described as the "charitable choice" provision, which is similar to language I drafted for the welfare reform law passed in the 104th Congress and signed by the President in August of 1996.

As I have said in a previous floor statement, the charitable choice provision will expand the opportunities for private, charitable, and religious organizations to serve their communities with Community Services Block Grant (CSBG) funds. This provision expresses the judgment of Congress that these organizations can play a crucial role in helping people out of poverty through the CSBG program.

I am confident that the charitable choice language in the Community Services Block Grant reauthorization is constitutional and represents sound public policy. However, I want to respond to the comments made regarding this provision, as critics of the provision seem to overlook recent case law of the Supreme Court regarding this issue, and even mischaracterize certain sections of the charitable choice provision.

First, most of the concerns expressed by certain House members are based upon case law that does not represent the current jurisprudence of the Supreme Court. In recent years, the general trajectory of the Supreme Court's Establishment Clause cases has been in the direction of what constitutional scholars describe as "neutrality theory." Under this theory, private organizations are eligible to provide government-funded services to beneficiaries through contracts, grants, or vouchers without regard to religious character. Moreover, there are serious constitutional problems when the government screens potential service providers based upon religious beliefs and practices—which is what the critics of charitable choice want to do.

The charitable choice provision in the 1996 welfare reform law and the Child Care Development Block Grant Program of 1990 conform to the principle of religious neutrality. Under the first legislation, charitable and faith-based organizations are eligible, on the same basis as all other non-governmental organizations, to receive federal funds to provide services to welfare recipients. Similarly, the child care law allows low-income parents to choose among an array of private providers—including religious ones—in obtaining federally funded day care services.

The test the Supreme Court has used over the years to analyze Establishment Clause cases has been the "Lemon test," which has the two-fold requirement that the government action in question must have a valid secular legislative purpose, and a primary effect that neither enhances nor inhibits religion. (In the recent case of Agostini v. Felton, the Court took the third prong, the "entanglement" analysis, and folded it into the second prong of the test). The first prong, requiring a valid secular purpose, is usually not subject to much controversy, as the Court has been highly deferential to the legislature's action. In its review of the Adolescent Family Life Act (AFLA), for example, the Court noted that the "provisions of the statute reflect at most Congress' considered judgment that religious organizations can help solve the problems to which the AFLA is addressed. Nothing in our previous cases prevents Congress from making such a judgment or from recognizing the important part that religion or religious organizations may play in resolving certain secular problems."

The serious debate generally concerns the second prong of the Lemon test, namely, whether the "primary effect" of these social welfare initiatives is to advance religion. In neutrality theory, Lemon's primary-effect inquiry is accomplished by examining how a service provider actually spends the program monies. Obviously, the test is whether funds are being spent in accordance with the valid secular purposes set out in the governing statute, and as expressed in the service contract or grant at issue. These purposes necessarily exclude use of the monies for inherently religious programming.

On the other hand, critics of charitable choice would argue that the primary-effect inquiry should focus on whether a service provider is religious in character, and if so, how religious. An organization found "too religious" is dubbed "pervasively sectarian," thereby disqualifying the organization as a provider of government-funded services.

In recent years, the Supreme Court has been moving away from this "too religious" versus "secular enough" inquiry, and toward the neutrality approach. Two of the Court's most recent pronouncements on this issue are Agostini v. Felton and Rosenberger v. Rector and Visitors of the University of Virginia. Although the Court did not embrace the neutrality principle in these cases without certain qualifications, the law today is far closer to neutrality than to the "no-aid separationism" of the 1970s and mid-1980s espoused by critics of charitable choice.

In Agostini, decided in 1997, the Court held that remedial education for disadvantaged students could be provided on the premises of K through 12 religious schools—the only entities the Court has declared in the past to be "pervasively sectarian." The Court was no longer willing to assume that direct assistance would be diverted to the inculcation of religion by authorities at Roman Catholic elementary and secondary schools.

In the 1995 Rosenberger case, the Court held that a state university could not deny student activity fund money, which was generally available to all students groups for student publications, to a certain student group based upon the religious content of its publication. The Court warned that the government's attempt to draw distinctions regarding religious content would require the government—and ultimately the courts—"to inquire into the significance of words and practices to different religious faiths, and in varying circumstances by the same faith. Such inquiries would tend inevitably to entangle the State with religion in a manner forbidden by our cases." The critics would ignore this warning in order to apply their "too religious" test.

Several prominent constitutional law scholars have recognized the Court's movement toward neutrality, including Professor Douglas Laycock of the University of Texas, Professor John Garvey of Notre Dame, Professor Michael McConnell of the University of Utah, Professor Michael Paulsen of the University of Minnesota, and finally, Professor Carl H. Esbeck of the University of Missouri. Professor Esbeck worked closely with my staff to draft the charitable choice provision of the welfare law, as well as my Charitable Choice Expansion Act, which I introduced earlier this year.

The consequences of relying upon the view propounded by critics of the charitable choice concept go beyond ignoring recent constitutional jurisprudence. They also result in bad public policy. Demanding that religious ministries "secularize" in order to qualify to be a government-funded provider of services hurts intended beneficiaries of social services, as it eliminates a fuller range of provider choices for the poor and needy, frustrating those beneficiaries with spiritual interests.

In examining a neutral program that includes both religious and secular providers, what matters is how the government money is actually spent, not the ideological character of the provider. Strict adherence to the "too religious" distinction perpetuated by the critics could actually eliminate current successful providers from eligibility to receive government funds.

Congress should continue to find ways to encourage successful charitable and faith-based organizations to unleash their effective good works upon society. The charitable choice provision is one such way to accomplish this goal.

In their discussion of the charitable choice provisions in the CSBG reauthorization bill, critics fail to acknowledge a valid distinction made by the Supreme Court: the difference between direct and indirect funding of government programs. When a program is administered through the use of certificates or vouchers given to beneficiaries, the religious nature of the organization at which the beneficiary redeems the voucher is irrelevant.

The Supreme Court has consistently held that government may confer a benefit on individuals, who exercise personal choice in the use of their benefit at similarly situated institutions, whether public, private nonsectarian, or religious, even if the benefit indirectly advances religion. The Court has made these rulings in Zobrest v. Catalina Foothills School District (1993), a case holding that the provision of special education services to a Catholic high student was not prohibited by Establishment Clause; in Mueller v. Allen (1983), where it upheld a state income tax deduction for parents paying religious school tuition; and in Witters v. Washington Department of Services for the Blind (1986), where the Court upheld a state vocational rehabilitation grant to disabled student choosing to use his grant for training as a cleric.

Moreover, the Child Care and Development Block Grant program, which has been in existence since 1990, allows parents to send their children to day care centers that are unquestionably "pervasively sectarian" in nature. This program has never been challenged as being violative of the Establishment Clause.

Should a community wish to set up a Community Services Block Grant program that gives individual beneficiaries vouchers or certificates to redeem at the location of their choice, there is no constitutional concern as to the religious nature of the organization providing services to that beneficiary.

There were also concerns expressed on the House floor that individuals would be directed by the government to religious organizations to receive Community Services Block Grant Services and forced to participate in religious activities. These concerns indicate that some members may not fully understand how the Community Services Block Grant program operates. Under this program, beneficiaries choose where they want to receive CSBG services—the government does not force certain individuals into certain programs.

CSBG services are not federal entitlements. This program was designed in the 1960s to provide flexible federal funding to communities to identify problems and needs in the community, and to then fashion and design a local solution. This is not a federally-directed solution. Rather, the CSBG program allows the community to find the most appropriate organizations in the community to offer different types of services to individuals.

Community Services Block Grant services are offered voluntarily to individuals in the community. People are not directed into these programs by the government. In fact, there are most likely existing government programs in the community, offering similar types of services, such as job training, basic education courses, and housing services. The Community Services Block Grant program maximizes individual choice at the local level by providing services to those who are fighting their way out of poverty.

Therefore, those who say that the charitable choice provision in the CSBG program is going to force individuals into religious programs and provide no alternatives misunderstand how the CSBG program operates.

The critics are also wrong when they say that a faith-based provider can compel a beneficiary to go to worship services or to submit to an attempt of proselytization. The argument fails to acknowledge that the charitable choice provision contains language stating that "[n]o funds provided directly to organizations shall be expended for sectarian worship, instruction, or proselytization." Thus, CSBG funds must not be used to carry out inherently religious purposes. Rather, the funds are for the secular public purposes of the legislation, which include reducing poverty, revitalizing low-income communities, and empowering low-income families and individuals in rural and urban areas to become fully self-sufficient, especially those families who are attempting to transition off of welfare.

Therefore, the structure of the Community Services Block Grant program, along with the clearly spelled-out uses of and prohibitions on CSBG funding, ensure that beneficiaries will have maximized choices of where to receive services to help them escape poverty and reach self-sufficiency.

One argument was made that the charitable choice provision could result in the government having to provide financial audits of churches and other religious organizations who might be eligible for funds under a charitable choice program.

This statement appears to express a concern that a religious organization would subject itself to government intrusion by its receipt of CSBG funds. I share this concern, and for that reason, I included in the charitable choice provision language protecting a religious organization from such intrusion. This language requires a religious organization to segregate government funds from funds received from non-government sources. Additionally, the provision states explicitly that only government funds are subject to government audit.

Therefore, the charitable choice provision protects participating religious organizations from unwarranted governmental oversight, while also holding such organizations financially accountable in the same way as all other non-governmental providers receiving government funding.

There was also a statement made on the House floor that the charitable choice provision "would seek to enact exemptions from the religious discrimination clauses of the Civil Rights Act of 1964." This is a misstatement of what the provision says. Charitable choice does not create an exemption from the Civil Rights Act of 1964. Rather, it states that it preserves the exemption in the law allowing religious organizations to make employment decisions based on religion. The Supreme Court affirmed the constitutionality of this provision in Corporation of the Presiding Bishop v. Amos (1987). Receiving government funds for a secular purpose does not, of course, result in a waiver of this exemption. See, e.g., Siegel v. Truett-McConnell College, 1994 WL 932771 (N.D. Ga. 1994).

If a religious nonprofit organization must hire persons in open disagreement with the religious background and mission of the organization, its religious autonomy would be severely infringed. In fact, many successful faith-based organizations have stated that they would not take government funding if it would require them to hire employees who did not hold the same religious beliefs of the organization. For example, the International Union of Gospel Missions conducted a survey of their missions and found that some of these missions refused government funding if it required them to hire non-Christians.

The Charitable Choice makes clear that a religious organization maintains its Title VII exemption when it receives government funds to provide social services.

There was also an argument made that the charitable choice provision would require the government to consider using fringe religious groups to provide CSBG services. Although I find this to be more of a scare tactic than a legitimate argument, I think it is obvious that the charitable choice provision will not require the government to blindly select any non-governmental organization that applies for CSBG funds. The government may require legitimate, neutral criteria to all who apply. No organization, religious or otherwise, can become a provider unless it can deliver on its grant or contract.

Finally, there was an argument that the charitable choice provision could override the constitutional language of states prohibiting public funds from going to religious organizations. I would simply respond that the charitable choice provisions are in federal law dealing with federal dollars. We do not tell the states how to spend their own state tax funds.

In conclusion, the opponents of the charitable choice concept have not taken into account the latest Establishment Clause jurisprudence. If there is a comprehensive, religiously neutral program, the question is not whether an organization is of a religious character, but how it spends the government funds.

To reject charitable choice is to jeopardize Congress' ability to encourage proven, effective religious organizations to provide social services to our nation's needy with government funds. For years, these organizations have been transforming broken lives by addressing the deeper needs of individuals—by instilling hope and values that help change behavior and attitudes. By contrast, government-run programs have often failed in moving people from dependency and despair to independence. We must continue to find ways to allow private, charitable, and religious organizations to help administer the cultural remedy that our society so desperately needs. The charitable choice provision in the "Coats Human Services Reauthorization Act of 1998" is one way of accomplishing this goal.

THE LEGENDARY FRANK YANKOVIC

Mr. DEWINE. Mr. President, I rise today to pay tribute to one of the greatest musicmakers in the history of the Buckeye State, the legenday "Polka King," Frank Yankovic, who died yesterday at age 83.

Frank Yankovic was from Cleveland, OH, but he had fans not just in Ohio but all over America. He brought joy to millions with his lighthearted polka hits—songs whose very titles can occasion a smile—songs like and "Champagne Taste and a Beer Bankroll" and "In Heaven There Is No Beer."

Frank Yankovic won a Grammy Award, and was nominated for three more. With his passing, the world of music, and indeed all Americans who believe that music is supposed to be fun, have lost a true friend.

The voice of Frank Yankovic resounds through the decades, asking the question that most everyone in northeast Ohio grew up with: "Who stole the kishkes?"

Mr. President, it is my hope and strong belief that St. Peter is even now answering this question for Frank Yankovic—as he welcomes him to the polka band that used to be known as the heavenly choir.

On behalf of the people of Ohio, let me say thank you to this great Ohioan—for a lifetime of entertainment.

TRIBUTE TO MARIAN BERTRAM

Mr. DASCHLE. Mr. President, as the 105th Congress comes to a close, I take this opportunity to express my appreciation, and I think the appreciation of all Members on our side of the aisle, and particularly the staff of the Democratic Policy Committee, to an individual who has dedicated 27 years to public service and the United States Senate. Marian Bertram, the personable and talented Chief Clerk of the Democratic Policy Committee, is leaving the Senate at the end of this year.

Marian, who began her work at the Democratic Policy Committee in 1971, has served four Democratic Leaders—Mike Mansfield, ROBERT BYRD, George Mitchell and myself. She has an unparalleled knowledge of the legislative process. Since its inception and for many years thereafter, she had the major responsibility of reaching and writing one of the Committee's most popular publications, the Legislative Bulletin. Equally important, she has the vital and demanding responsibility for the production of Voting Records and vote analyses provided to all Democratic members.

In addition to her legislative work, Marian assumed the job of Chief Clerk of the Policy Committee in 1989. Through her competence and dedication and command of every detail of the Committee's operation and budget, she makes a major contribution to the smooth running of the Policy Committee.

Marian handles this broad range of responsibilities with professional skill, equanimity, and unfailing good humor. She will be dearly missed by her friends and colleagues in the Senate.

All of us offer Marian our sincere thanks and every good wish for her continued success. Thank you, Marian Bertram.

NOMINATION OF DR. JANE HENNEY TO THE FDA

Mr. NICKLES. Mr. President, I wish to speak on the nomination of Dr. Jane Henney to be Commissioner of FDA.

Mr. President, the nomination of the FDA commissioner is one of the most important nominations the Senate has considered this year. The FDA regulates products comprising twenty-five cents of every dollar spent by consumers in this country. It deals with literally life and death issues on a daily basis. Given the significant impact the FDA has on the life of every American, it is important that the Senate exercise caution to ensure the next Commissioner is qualified and capable of leading the Agency.

I have let Dr. Henney know, and I let Secretary Shalala know, that I had some concern with FDA as it has been administered for the last few years. The FDA should be a non-partisan science based Agency which focuses solely on its mission to ensure the safety of food and to expeditiously review drugs and medical devices which are intended to save and extend lives. And for this reason I felt I needed personal assurance from Dr. Henney that under her leadership the FDA would focus on its Congressionally mandated mission.

FDA is supposed to be an agency that works to improve our health, that works to make sure that drugs and other medical devices are safe and effective. What we have found, under Dr. Kessler's regime, particularly during the Clinton administration, was that the FDA was involved in a lot of political activity. Under the leadership of David Kessler, the Agency too often became a tool of the Administration to push its liberal political agenda. One area where this was particularly offensive was the FDA's attempt to regulate tobacco.

Let me give an example of where I believe they exceeded their authority. In my State, just recently—I tell my colleagues, this is going to happen in every State—an FDA talking paper announced that "FDA Partners With Oklahoma To Protect Children From Tobacco."

> The Food and Drug Administration has contracted with the Oklahoma State Dept. of Health to enforce the FDA's new regulation that prohibits retailers from selling cigarettes and smokeless tobacco to children under 18.

I will go on:

> Under the contract, the State of Oklahoma will receive [$312,000] to conduct approximately 4,500 unannounced retail compliance checks over the next 12 months.

It goes on:

> The FDA will seek a fine of $250 for the second violation, $1,500 for the third [violation], $5,000 for the fourth, and $10,000 for the fifth.

So, if a convenience store doesn't comply and they don't check IDs—and they have to check IDs up to age 27. In Oklahoma, it is legal to smoke when you are 18—but if a youngster, who is maybe 19, working in a convenience store, doesn't check somebody's identification who might be 26 or 27 years old, they can be fined up to $10,000. Somebody might say, "Where is this idea originating? It is legal for them to smoke, but if they don't check IDs of somebody up to age 27 they can be fined $10,000?"

This is implementing FDA's regulation. FDA's regulation, in my opinion, is unconstitutional. They don't have the authority to write the law.

The Constitution says in article I, section 1:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Where did this regulation come from? It came from FDA, and it came from the FDA Administrator, working with the Clinton administration, to basically implement a very, I think, political agenda. I might mention that the regulations are being contested in court, and most of those regulations are being thrown out. In fact, on August 14, 1998, the Fourth Circuit Court of Appeals ruled that Congress did not intend to give the U.S. Food and Drug Administration (FDA) the authority to regulate tobacco. In a 2–1 decision the Appeals Court tossed out a 1997 federal district court ruling that gave FDA only limited power to regulate tobacco. "The FDA has exceeded the authority granted to it by Congress." So said Circuit Judge H. Emory Widener Jr., on behalf of the three-member panel.

I happen to favor regulation on tobacco, but I think Congress needs to act on it. The FDA does not have the authority to create it out of whole cloth, which is certainly what they did. I favor some decent regulations. I don't favor the idea of having a team of people making 4,500 unannounced retail compliance checks all over my State and the Federal Government spending over $300,000 implementing this type of plan, or having the regs be so ridiculous we are going to be checking IDs up to age 27. I don t support regulations that allow the FDA to fine people and businesses who don't comply, up to $10,000 per violation, basically, fining them out of existence. That doesn't make sense.

Mr. President, I ask unanimous consent that at the conclusion of my statement, an FDA talking paper, which announces this implementing regulation which has the force and effect of fines up to $10,000, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NICKLES. Mr. President, another area where I have seen FDA become very involved in the political arena deals with the abortion drug RU-486. I have a press release that is dated May 16, 1994. The headline is: "Roussel Uclaf Donates U.S. Patent Rights for RU–486 to Population Council."

The first paragraph says:

> HHS Secretary Donna E. Shalala announced today that French pharmaceutical company Roussel Uclaf, at the encouragement of the Clinton administration, is donating, without remuneration, its United States patent rights for mifepristone (RU-486) to the Population Council, Inc., a not-for-profit corporation.

Then further in the press release it says:

> "FDA will do all it can to quickly evaluate mifepristone," said Shalala.

I ask unanimous consent that this press release be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. NICKLES. Mr. President, this is an administration that had FDA go out and recruit a company that manufactures RU–486, a French company, to donate its patent rights to a group which is an abortion proponent in the United States and then was doing everything they could to expedite the process.

RU–486 is an abortion pill which terminates the life of a human embryo between FOUR weeks and NINE weeks. It is NOT a contraceptive as some would have us believe. It is a drug which will stop the beating heart of an unborn child.

In January 1993, President Clinton issued a memo to Sec. Shalala directing her to promptly "assess initiatives by which HHS can promote the testing and manufacturing of RU–486 in the US."

Thereafter, the FDA engaged in negotiations with Roussel Uclaf, French manufacturer and holder of US Patent rights, regarding the testing and marketing of RU–486 in the U.S.

> In May 1994, Shalala issued this press release, I mentioned, announcing the deal and promising FDA would do everything it could to "quickly evaluate the drug." FDA pushed the drug through the review process in a fraction of time required for most drugs.

FDA's Center for Drug Evaluation and Research reported that the median total review time for new drug applications in 1996 was 14.8 months. FDA review time for RU–486 was only 6 months.

At a time when the agency was struggling to approve drugs which cure diseases and save lives, the Agency was focusing a great deal of time and effort on a political agenda which would end the life of an unborn child.

I am offended by that, and I asked Dr. Henney:

Are you going to be promoting an abortion drug? Is that what an FDA Commissioner is supposed to do? Is that their purpose?

I thought the purpose of FDA was to make sure drugs were safe and effective and that medical devices are safe and effective so people can have some confidence in these products. I didn't know it was the purpose of FDA to recruit companies to bring abortion drugs to into this country. That is clearly not their purpose.

After talking with Dr. Henney, she assured me that wasn't her intention. She gave me a letter, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. NICKLES. Mr. President, the concluding sentence of her letter says:

> If I am confirmed as Commissioner, I would not solicit a manufacturer for RU–486.

She also says:

> As a general matter, I believe the Agency should only solicit product applications in extraordinary circumstances in which there is a clear public health need.

Certainly trying to recruit a manufacturer and provider of abortion drugs doesn't fit in that category, and I appreciate her statement she will not solicit a manufacturer of RU–486.

It bothers me that the Secretary of Health and Human Services and this Clinton administration have done so much to circumvent the process, to use FDA in the process. I think it is politicizing an agency that is supposed to be focused on its mission to protect the public health and to expeditiously review drugs and medical devices that will save and extend life.

Mr. President, I also met with Secretary Shalala a couple of times and wanted assurances from her that the Department of Health and Human Services would interpret the law as written, would enforce the law as written and not try to rewrite it.

Unfortunately, we found out that the Department of Health and Human Services was trying to redefine the Hyde amendment which Congress defined. They were trying to redefine it to broaden the exceptions.

The Hyde amendment, as most of my colleagues know, says we will not have Federal funding for abortion except for in cases of rape, incest or to save the life of the mother. There is not a mental health exemption in that. Many people have tried to put it in. The administration has. But we clearly defined it, Congress defined it as the Hyde amendment, no mental health exception.

I have a letter from Secretary Shalala that says this activity will cease and they will interpret the Hyde amendment as written.

We also found, Mr. President, that under the Kidcare Program HHS had misinterpreted the abortion language. We made it very clear in three different sections in that law that abortion was not going to be a fringe benefit which we were going to provide for teenagers. We made the language very, very clear.

Much to my consternation, we were contacted by officials of the State of Virginia who said HHS was trying to mandate that they have abortion services covered even though it was certainly their wish and option that they didn't want that to be the case.

After meeting with Secretary Shalala, and after an exchange of several letters, she finally assured me that wasn't the case. I will insert her letters and mine and Representative BLILEY's letter into the RECORD. But we now have assurances from Secretary Shalala. I will read the last part of her letter sent to me on October 15:

> States are not required to provide abortion services, including abortion services for which coverage is permissible under title XXI of the Social Security Act, under any of the S-CHIP—

That is the State Children's Health Insurance Program—

> benefit package options in section 2103. No State will be denied approval of its S-CHIP plan because its benefit package under section 2103 does not include coverage of abortion services, including abortion services for which coverage is permissible under title XXI.
>
> Thank you for your interest in this matter.

I am pleased that Secretary Shalala agreed with us that she would interpret the law as written, and that includes both the Hyde language and language in the Kidcare program dealing with abortion. I am pleased that I have assurances from Dr. Henney that if she is confirmed Commissioner of FDA, she will not recruit manufacturers and providers for an abortion drug, including RU–486.

Mr. President, I ask unanimous consent that this entire set of letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. NICKLES. Mr. President, it is my intent to support the nomination of Dr. Henney. After meeting with her a couple of times, and having discussions on these and other issues, I am confident that she will be a very able administrator who will not play politics. In my opinion, she doesn't have a political agenda, and I believe she will try to administer the Food and Drug Administration as a professional organization to make sure that drugs and medical devices are safe and effective for America's population, and that she won't try to implement legislation through regulation.

Mr. President, I wasn't the only Senator who had reservations about this nominee. I had reservations until we could get certain clarifications. I received those. I have asked they be printed in the RECORD to substantiate the progress that was made, and I urge my colleagues to support her nomination.

I yield the floor.

EXHIBIT 1

[From FDA Talk Paper, Oct. 2, 1998]

FDA PARTNERS WITH OKLAHOMA TO PROTECT CHILDREN FROM TOBACCO

The Food and Drug Administration (FDA) has contracted with the Oklahoma State Dept. of Health to enforce FDA's new regulation that prohibits retailers from selling cigarettes and smokeless tobacco products to children under 18.

Under the contract, the State of Oklahoma will receive $312,386.75 to conduct approximately 4,500 unannounced retail compliance checks over the next 12 months. Minors in typical dress, accompanied by an adult, will attempt to purchase cigarettes or spit tobacco in retail stores throughout the State of Oklahoma.

Information about the compliance checks will be sent to FDA, which will issue a warning for the first violation to retailers found selling to the adolescents. These retailers will be subject to repeat inspections. FDA will seek a fine of $250 for the second violation, $1,500 for the third, $5,000 for the fourth, and $10,000 for the fifth.

The first provisions of FDA's final rule to protect children from tobacco took effect Feb. 28, 1997, making age 18 the national minimum age to purchase tobacco products and requiring retailers to check photo IDs of anyone under age 27. These measures are part of a comprehensive program designed to reduce by half the number of young people who smoke in the next seven years. FDA published the final rule Aug. 28, 1996, with provisions that limit access by children and adolescents to tobacco products and reduce the appeal these products have for underage smokers.

Children and adolescents have long had easy access to tobacco products. In 13 studies reviewed by the Surgeon General, minors were successfully able to buy cigarettes 67 percent of the time.

In fact, 3,000 children and adolescents become regular smokers every day, and nearly 1,000 will die prematurely from a smoking-related disease.

On Aug. 14, 1998, a majority of a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit in Richmond, Va., ruled that FDA lacks the jurisdiction to regulate tobacco products, reversing the decision of the U.S. District Court for the Middle District of North Carolina. However, the Department of Justice is seeking review of this decision by the full Fourth Circuit. Under the court of appeals' rules, unless otherwise directed by the Fourth Circuit, the effect of the decision is automatically stayed, meaning the status quo is maintained until the Court has the opportunity to rule on the government's rehearing request. This means, pending the Court's review, the parts of the FDA tobacco program that have been in effect since February 1997 will remain in effect and that state contracts such as this one with Oklahoma continue to be awarded and implemented.

This case involves an appeal of an April 25, 1997, decision from Judge William Osteen of the U.S. District Court in Greensboro, N.C. He ruled that FDA has jurisdiction under the Food, Drug and Cosmetic Act to regulate nicotine-containing cigarettes and smokeless tobacco. The court upheld all restrictions involving youth access and labeling, including the two provisions that went into effect Feb. 28.

The State of Oklahoma is one of 53 states and territories that are eligible to contract with FDA. FDA will use a portion of the $34 million it has budgeted this year to assist states in enforcing the regulation and to educate retailers and the general public on the new provisions that went into effect in last February. President Clinton has requested $134 million for tobacco regulation in his FY 1999 budget submission to Congress.

EXHIBIT 2

[From Eagle Forum, Oct. 9, 1998]

ROUSSEL UCLAF DONATES U.S. PATENT RIGHTS FOR RU–486 TO POPULATION COUNCIL

HHS Secretary Donna E. Shalala announced today that French pharmaceutical company Roussel Uclaf, at the encouragement of the Clinton administration, is donating, without remuneration, its United States patent rights for mifepristone (RU-486) to the Population Council, Inc., a not-for-profit corporation.

RU–486 has been marketed for non-surgical termination of pregnancies in France, the United Kingdom and Sweden. The drug is also under study for labor induction, contraception, Cushing's syndrome, endometriosis, meningioma and breast cancer.

"We strongly believe that women in America should have access to the full range of safe and effective alternatives to surgical abortion," Shalala said. "The donation announced today is a big step in that direction."

On Jan. 22, 1993, President Clinton signed a Presidential Memorandum directing the Department of Health and Human Services to assess initiatives to promote the testing and licensing of RU–486 in the United States.

Shalala commended Roussel Uclaf and the Population Council for coming to closure after months of complex negotiations amid repeated urging from the Clinton administration.

Shalala emphasized, however, that the donation does not mean RU–486 has been approved for use in the United States. The Population Council must conduct clinical trials, identify a manufacturer and submit a new drug application to the Food and Drug Administration.

"The FDA will do all it can to quickly evaluate mifepristone," said Shalala. "FDA's decision will be based solely on the scientific and medical evidence as to the safety and efficacy of the drug. That is our responsibility to the women of America."

HHS FACT SHEET

MIFEPRISTONE (RU–486). BRIEF OVERVIEW, MAY 16, 1994

On Jan. 22, 1993, in one of his first official acts, President Clinton issued a memorandum directing HHS Secretary Donna E. Shalala to assess initiatives to promote the testing and licensing of mifepristone (RU-486) in the United States.

During early 1993, Secretary Shalala and FDA Commissioner David Kessler communicated with senior Roussel Uclaf officials to begin efforts to pave the way for bringing RU–486 into the American marketplace.

In April 1993, representatives of FDA, Roussel Uclaf and the Population Council, a not-for-profit organization, met to discuss U.S. clinical trials and licensing of RU–486. Over the last year, the parties continued their negotiations, culminating in the donation announced today. Roussel Uclaf will transfer, without remuneration, its United States patient rights to mifepristone to the Population Council. In turn, the Population Council will take the necessary steps to bring RU–486 to the American market.

Mifepristone was developed by the French firm Roussel Uclaf. The drug has been marketed for use to non-surgically terminate pregnancy in France, the United Kingdom and Sweden. There are several investigative trials underway with FDA for other uses of the drug, including contraception, labor induction, Cushing's syndrome, endometriosis, meningioma and breast cancer.

It must be recognized that termination of a pregnancy is not a simple medical procedure, whether it is done surgically or through a medical regimen. In France, the United Kingdom and Sweden, where RU–486 has been administered to approximately 150,000 women, the procedure requires several visits to the medical facility, a precise dosing scheme using two different drugs, and close monitoring to care for women who may experience excessive bleeding or other complications. Any use of mifepristone in the United States would have to follow the same type of strict distribution and use conditions.

EXHIBIT 3

OCTOBER 14, 1998.

Hon. DON NICKLES,
Assistant Majority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: Thank you for meeting with me and Secretary Shalala concerning my nomination to be Commissioner of the Food and Drug Administration (FDA). I appreciate the time and consideration that you have given to my nomination.

I want to take this opportunity to restate that during my earlier service at FDA (1992–1994) I was not involved either in the solicitation or the review of the RU–486 application. As a general matter, I believe the Agency should only solicit product applications in extraordinary circumstances in which there is a clear public health need.

If I am confirmed as Commissioner, I would not solicit a manufacturer for RU–486.

Thank you again for considering my nomination.

Sincerely,

JANE E. HENNEY, M.D.

EXHIBIT 4

CONGRESS OF THE UNITED STATES,
Washington, DC, October 7, 1998.

Hon. DONNA E. SHALALA,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR MADAM SECRETARY: Last July, the Health Care Financing Administration (HCFA) sent to state Medicaid directors a note correctly interpreting the Hyde Amendment as it was enacted in your Department's appropriations bill for FY 1998.

"The recently enacted Appropriations Act contained new requirements for federally funded abortions. One of those requirements is that, in order to receive federal funding, a physician must certify that a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed."

That directive forecloses any possible consideration concerning mental health. Yet it now appears that a HCFA departmental meeting has been scheduled to discuss whether some mental problems that have a physical origin might make a patient eligible for a taxpayer-funded abortion. This is the worst kind of bureaucratic loophole-knitting. It must stop.

We, therefore, call upon you to take immediate action to investigate and stop any activities that may be taken by officials at HCFA in an effort to circumvent the Hyde Amendment. We also request that you report back to us, by November 1, 1998, your findings regarding this investigation and the action taken by you to halt these activities.

Sincerely,

DON NICKLES,
Assistant Majority Leader, U.S. Senate.
HENRY J. HYDE,
Chairman, Committee on the Judiciary, U.S. House of Representatives.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Washington, DC, October 12, 1998.

Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: Thank you for the letter from you and Chairman Hyde concerning the Department's interpretation of the Hyde amendment as it affects federally funded abortions. As you know, I take very seriously the Department's obligation to fully implement the law as enacted by the Congress, Nancy Ann DeParle, the Administrator of the Health Care Financing Administration (HCFA), shares this commitment.

Let me assure you that in order for federal funds to be used to cover abortion, a physician must certify that a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed.

We have no intention to instruct states on this issue other than to reiterate the statutory obligation that must be met to utilize federal funds for legally permissible abortions.

I trust this addresses your concerns. Please let me know if I can be of further assistance in this matter. An identical letter has been sent to Chairman Hyde.

Sincerely,

DONNA E. SHALALA.

U.S. SENATE, OFFICE OF ASSISTANT MAJORITY LEADER,
Washington, DC, October 7, 1998.

Hon. DONNA E. SHALALA,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR MADAM SECRETARY: It has come to our attention that the Health Care Financing Administration (HCFA) is wrongly interpreting provisions included in the Balanced Budget Act of 1997 (BBA) regarding Title XXI of the Social Security Act. Despite the clarity of the law, your agency is seeking to compel States to cover abortions under their State Children's Health Insurance Program (S–CHIP) plans HCFA's actions are in direct contravention of the Balanced Budget Act of 1997.

As you are aware, Congress codified the Hyde language in the new Title XXI language establishing the S–CHIP program (See sections 2105(c)(1), 2105(c)(7) and 2110(a)(16)). This language prohibits the use of funds under this program to pay for any abortion or to assist in the purchase, in whole or in part, of health benefit coverage that includes coverage of abortion except where the abortion is necessary to save the life of the mother or if the pregnancy is the result of an act of rape or incest.

Of particular relevance to the current dispute is the fact that in each of the aforementioned sections, even this limited scope of permissible abortion payment or coverage is triggered by the extent (if any) to which a State elects to include abortion payment or coverage in its S–CHIP State plan. As a result, there exists no requirement that States cover abortions in the case of rape, incest, or life endangerment. Rather, these are the only instances in which a State which chooses to pay for abortions or abortion coverage may do so.

In addition to codifying the Hyde amendment, Congress explicitly distinguished in BBA between abortion and medically necessary services under Title XIX of the Social Security Act (See section 4707(e)(1)). By citing abortion as an exception to the standard of medical necessity, Congress removed the basis upon which Medicaid coverage of abortion was previously required.

Based on these provisions of law, HCFA has no authority to require any State to provide abortion coverage as part of their Title XXI program. As a result, any disapproval of a State plan on these grounds is contrary to law. We request your immediate written assurance that HCFA will no longer require States to cover abortions under their S–CHIP plans.

Sincerely,

DON NICKLES,
Assistant Majority Leader.
TOM BLILEY,
Chairman, Committee on Commerce.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Washington, DC, October 3, 1998.

Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: Thank you for the letter from you and Chairman Bliley concerning abortion coverage under the Title XXI State Children's Health Insurance Program (S–CHIP). As explained in greater detail below, states do have the discretion to determine whether to provide coverage for permissible abortion services in their S–CHIP programs.

First, let me say that we have gone to great lengths to ensure that the Department's implementation of the S–CHIP program is consistent with congressional intent and flexible to meet the needs and circumstances of individual states. We have consulted frequently with Members of Congress and staff on a bipartisan basis, and have worked with state officials to facilitate the implementation of their programs. To date, we have approved 42 state plans under the Title XXI program.

In addition to the Title XXI Medicaid expansion option, states have three options for insurance coverage under the S–CHIP program, Benchmark, Benchmark-Equivalent, or Secretary-Approved Coverage. States are free to exclude coverage for permissible abortion services in their Benchmark (provided a state's Benchmark plans does not cover abortions) or Benchmark-Equivalent options.

To ensure as much consistency as possible in our approval process, we have limited the exercise of our discretion under the third option, Secretary-Approved Coverage, to cases in which the benefits offered under a state's S–CHIP program are the same as under its Medicaid plan. This provided state with the flexibility to use their existing Medicaid programs and structures without have to extend an entitlement to new S–CHIP enrollees. Given the substantial flexibility in design their benefit packages that states enjoy under the Benchmark and Benchmark-Equivalent options, this limited approach to Secretary-Approved Coverage does not unduly constrain the benefits options available to states.

Please let me know if I can be of further assistance on these issues. An identical letter has been sent to Chairman Bliley.

Sincerely,

DONNA E. SHALALA.

U.S. SENATE, OFFICE OF ASSISTANT
MAJORITY LEADER,
Washington, DC, October 13, 1998.
Hon. DONNA E. SHALALA,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR MADAM SECRETARY: Thank you for your recent letter. While I appreciate your timely response, I would like specific answers to the concerns that were raised in my earlier letter. On behalf of chairman Bliley and me, I request your direct response to the following questions:

(1) On the basis of your letter dated October 13, 1998, is it the Department's view that the Hyde language contained in the S–CHIP program does not require states to provide abortion coverage in the circumstances where the abortion is necessary to save the life of the mother or if the pregnancy is the result of an act of rape or incest (See section 2105(c)(1), 2105(c)(7), and 2110(a)(16))?

(2) Is it your contention that a state which covers elective abortions under Medicaid and which opts to offer "Secretary-approved coverage" under S–CHIP must cover elective abortions for teenage girls under its S–CHIP program?

(3) In light of your letter, is it your contention that abortion is no longer considered a "medically necessary" service under the Medicaid program (See section 4707(e)(1)?

(4) In what manner do you view abortion as "appropriate coverage for the population of targeted low-income children proposed to be provided such coverage" by Virginia or any other state which submits an application for Secretary-approved coverage (See section 2103(a)(4))?

Again, I request your immediate written response to the questions above. Thank you in advance for your cooperation.

Sincerely,

DON NICKLES,
Assistant Majority Leader.

DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
Washington, DC, October 14, 1998.
Hon. DON NICKLES,
Assistant Majority leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: Thank you for your most recent letter and the opportunity to clarify our October 13, 1998 response concerning coverage of abortion services under the Title XXI State Children's Health Insurance Program (CHIP).

I would like to clarify my response to you concerning the conditions under which I would approve CHIP benefit packages for Title XXI non-Medicaid state programs (S–CHIP). In general, our policy has been that a state must provide a benefit package that is equal to, or better than, Benchmark or Benchmark-Equivalent Coverage. In my letter to you yesterday, I stated that we have limited the exercise of our discretion under the Secretary-Approved Coverage option to cases in which the benefits offered under a state's S–CHIP program are the same as under its Medicaid plan. Indeed, we decided as a matter of policy in devising our S–CHIP implementation process that this approach provided an important benefit option that states might not otherwise have.

However, after asking staff to review our records yesterday, it appears that in addition to Medicaid plans, we may have considered as Secretary-Approved Coverage other benefit packages. This occurred in instances in which a state provided benefits in excess of the statutorily defined Benchmarks. Apparently, there was discussion in the Department that it might be desirable to use the Secretary-Approved Coverage option for states that want to provide more benefits than required by law without requiring them to submit a formal actuarial estimate.

As a result of this review of our records and staff deliberations, I have decided that as long as a state proposed to provide benefits in excess of Benchmark Coverage, states will not be required to cover permissible abortion services under the Secretary-Approved Coverage option. We have already informed you that states are free to exclude coverage for permissible abortion services in their Benchmark (provided a state's Benchmark plan does not cover abortions) or Benchmark-Equivalent options.

I would like to address the specific questions you raised in your October 13, 1998 letter.

(1) On the basis of your letter dated October 13, 1998, is it the Department's view that the Hyde language contained in the S-CHIP program does not require states to provide abortion coverage in the circumstances where the abortion is necessary to save the life of the mother or if the pregnancy is the result of an act of rape or incest (See Section 2105 (c)(1), 2105 (c)(7), 2110 (a)(16))?

As discussed above, states are not required to provide permissible abortion services under any of the three S-CHIP program options. However, to the extent that a state chooses a package that covers abortion services under the Benchmark option, they must provide these services to the extent they are allowed under the CHIP statute.

(2) Is it your contention that a state which covers elective abortions under Medicaid and which opts to offer "Secretary-approved coverage" under S-CHIP must cover elective abortions for teenage girls under its S-CHIP program?

As discussed above, states are not required to cover permissible abortion services in order to receive Secretary-Approved Coverage. States do, however, have to offer at least the scope of benefits provided in their Benchmark plan.

(3) In light of your letter, is it your contention that abortion is no longer considered a "medically necessary" service under the Medicaid program (See section 4707(e)(1))?

We do not believe that Section 4707(e)(1) affects whether abortion services are medically necessary services under Medicaid. As a general matter, this section of the law describes the intermediate sanction regime a state must put in place in implementing the law. It does not affect the scope of benefits required under a state plan. Specifically, Section (e)(1)(A) permits states to provide for sanctions against any Medicaid managed care organization contracting with a state if that organization fails substantially to provide medically necessary items and services under the law or the organization's contract. Accordingly, if a managed care entity has agreed by contract to provide those services and does not do so, it may be sanctioned by operation of this section of the law. Notwithstanding that provision, Section (e)(1)(B) instructs that there shall not be any sanction imposed on a managed care entity that has contracted with a state and that fails or refuses to provide abortion services, so long as the contract itself reflects no obligation to provide such services. Moreover, the inclusion of these provisions strongly indicates that abortion services are medically necessary services under the Medicaid program, otherwise an exception to the general rule would not have been included.

(4) In what manner do you view abortion as "appropriate coverage for the population of targeted low-income children proposed to be provided such coverage" by Virginia or any other state which submits an application for Secretary-approved coverage (See Section 2103(a)(4))?

Abortion services may be covered under Section 2103(a)(4) to the extent that a state chooses to include coverage for permissible abortion services in its otherwise qualified plan. Limited abortion services qualify as covered services under Section 2110(a)(16) of the CHIP law.

I hope this information addresses your concerns. Please let me know if you would like to discuss this matter further.

Sincerely,

DONNA E. SHALALA.

U.S. SENATE, OFFICE OF ASSISTANT
MAJORITY LEADER,
Washington, DC, October 15, 1998.
Hon. DONNAL E. SHALALA,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR MADAM SECRETARY: Thank you for your letter of October 14. Chairman Bliley and I have analyzed your responses to the questions posed in the October 13 letter and continue to have grave concerns about the manner in which the Department interprets the plain legislative language of Title XXI of the Social Security Act. In particular, your most recent response states, in part, that "to the extent that a state chooses a package that covers abortion services under the Benchmark option, they *must* provide these services to the extent they are allowed under the CHIP [*sic*] statute." (emphasis added)

This interpretation has no basis in the statutory language of the State Children's Health Insurance Program (SCHIP). Section 2103 defines the various options that states have in crafting the benefits package offered through their SCHIP plan. In every instance, states are given the full discretion to establish the specific benefits to be offered to children covered under the state's SCHIP plan. We call your attention to the explicit use of the terms "equivalent" in Section 2103(a)(1) relating to Benchmark Coverage and Section 2103(a)(2) relating to Benchmark-Equivalent Coverage. We also call your attention to the ability of states to "modify" the benefits package offered through Section 2103(a)(3), as provided in 2103(d)(2).

We appreciate your recognition, as stated in your October 14 response, that "states are not required to provide permissible abortion services under any of the three S–CHIP program options." We also appreciate your recognition, as stated in the same letter, that states are not required to provide abortion coverage under the Secretary-Approved Coverage option (Section 2103(a)(4).

However, your continuing assertion that any requirement exists in Title XXI of the Social Security Act compelling states to provide abortion coverage or services is unacceptable and contrary to public law.

Once again, we request your immediate written response to the concerns stated above. In addition, I invite your staff to meet with our staff as soon as possible to explain the legal basis for the interpretation presented to us in your October 14 letter. Thank you in advance for your cooperation.

Sincerely,

DON NICKLES,
Assistant Majority Leader.

DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
Washington, DC, October 15, 1998.

Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: I wanted to provide further information with respect to issues discussed in our recent correspondence.

States are not required to provide coverage of abortion services, including abortion services for which coverage is permissible under Title XI of the Social Security Act, under any of the S–CHIP benefit package options in section 2103. No state will be denied approval of its S–CHIP plan because its benefit package under section 2103 does not include coverage of abortion services, including abortion services for which coverage is permissible under Title XXI.

Thank you for your interest in this matter.

Sincerely,

DONNA E. SHALALA.

TRIBUTE TO SENATOR KEMPTHORNE

Mr. ABRAHAM. Mr. President, I rise to pay tribute to the Junior Senator from Idaho, Mr. KEMPTHORNE. My wife, Jane, and I got to know DIRK and his wife, Pat, soon after I came to Washington, and they have been good friends. Pat and DIRK are simply wonderful people, whose warmth and civility make the Senate a better place.

DIRK KEMPTHORNE has brought his energy and goodwill with him to the Senate every day, making it a better place in which to work and, I am sure, improving our ability to work together to pass constructive legislation. In addition, he has brought tremendous insight and common sense to the legislative process. I am proud to have worked with him in passing Unfunded Mandates legislation in 1995. This bill, which Senator KEMPTHORNE managed on the floor, is an important step forward for American small business and its passage could not have been secured without his able leadership.

Whether as a key member of the Small Business Committee, as Chairman of the Drinking Water, Fisheries, and Wildlife subcommittee of the Environment and Public Works Committee, or as Chairman of the Personnel Subcommittee of the Armed Services Committee, DIRK has brought strong leadership and reasoned argument to our public policy debates. He was instrumental in initiating the Congressional Commission on Military Training. He laid the groundwork for long overdue reforms to the Endangered Species Act; reforms that will protect our wildlife without unduly tampering with America's traditional commitment to private property rights.

DIRK has decided, in the interests of his family, to leave Washington and return to Idaho. While I am certain all of us here will miss him, he leaves a weighty record of achievement and will continue to serve as a model of Senatorial conduct for years to come. I know the people of Idaho will benefit greatly from his coming service as Governor and wish him, his wife and children, all the best in their return home.

ORGAN TRANSPLANT REGULATIONS

Mr. HATCH. Mr. President, I rise to speak on a patient care issue of enormous importance: regulations being promulgated by the Secretary of Health and Human Services (HHS) with respect to organ transplantation.

I have long championed the need for our country to bring the innovations of medical science to the forefront of patient treatment, be it through pharmaceutical development, gene mapping, or artificial organ development. Nowhere has this been more necessary than in the realm of organ transplantation.

Over 14 years ago, with the passage of the National Organ Transplant Act (NOTA), Congress intervened to advance medical science at a time when our health care system was not keeping pace with the tremendous advances medicine had to offer. As a result, we examined the role of the private sector and the Federal government in organ transplantation to formulate an equitable policy for individuals throughout this country to have access to organ transplantation when appropriate and necessary.

We needed a better system than that which existed at the time, and that is what NOTA established. As the author of the National Organ Transplant Act (NOTA) in 1984, which was cosponsored by our colleagues Sentors NICKLES, THURMOND, GRASSLEY and ROTH, I am proud of our accomplishment, and I continue to maintain a very keen interest in our country establishing and operating a viable, effective organ transplant network.

There is no question that passage of NOTA has allowed us to save thousands of lives. The medical community has been transplanting over 4,000 livers each year. We have seen valuable transplant technology and services spread from only a handful of research institutions to hospitals in rural America.

In my home State of Utah, LDS Hospital has been able to increase its liver transplant volume over 15-fold since its inception only 13 years ago. We have aspired to promote a system which allows medical science to reach the people it was meant to serve, and I believe we are in large part achieving that goal, in great measure due to enactment of NOTA.

Today, I stand before the the Senate to urge that we not precipitously reverse that work by allowing implementation of a new system which could threaten to undermine many of the successful organ transplant centers who are doing so much good in this Nation. Utah's own successful transplant center comes to mind, although centers in several other States such as Alabama, Louisiana, and South Carolina would also be jeopardized if this regulation goes into effect.

While we in America are fortunate to enjoy the best health care in the world, we also have concerns about the availability of life saving care should an organ fail. Advances in medicine have made once rare transplants commonplace. Yet, there is a scarcity of organs, despite the hard work of local organ procurement agencies, transplant centers, and, indeed, developers of artificial technology such as the work being done on artificial hearts at the University of Utah.

Added to this concern about the availability of organs is a growing anxiety about the impact of HHS's proposed transplant allocation rules. A large source of this concern is within the hard-working transplant community. In fact, the Department of Health and Human Services has indicated that more than 85% of the almost 18,000 comments received oppose the organ procurement transplant network final rule.

In particular, we are seeing a rising concern about variations in the availability of organs from region to region. The HHS response, which is to, in effect, nationalize distribution, seems logical at first, but upon further reflection is a flawed policy with potentially devastating near-term effects on many transplant centers. By diverting resources from relatively "organ-rich" to relatively "organ-poor" regions, the HHS rules penalize communities which have worked to build up successful programs, including those which have done so much to improve the harvesting rates of much-needed organs.

I commend Secretary Shalala for bringing the need to further improve the organ transplant system to the forefront. One positive step is the recent rule requiring all 5,200 U.S. acute care hospitals to notify an organ procurement organization of every death as a condition of Medicare participation. Health Care Financing Administrator Nancy Ann Min-Deparle estimates that this step alone will increase organ donations by up to 20 percent.

While this was a widely supported step, the proposed rules governing the Organ Procurement and Transplant Network have not enjoyed the same enthusiasm.

In January, I joined 41 other Senators who wrote to Secretary Shalaha expressing concern that the proposed final rule could be used as vehicle to turn organ allocation into a political process. Her response did not alleviate my concerns, nor those of the transplant community.

We cannot damage the public trust in the organ network, nor in the decisions of health professionals who operate the transplant system. While it will never be an easy task to allocate such a critical scarce resource—organs—we cannot let this become nothing more than a turf war between large and small transplant centers.

Large centers play an important role by being at the heart of the innovations which have brought us the technical advances making current liver transplant possible. Smaller centers also make many contributions including making such technology more accessible to Americans. This allows the patient to be closer to family and loved ones during this stressful time.

We must find a way to increase the organs and reduce the perceived inequities in the current system. We need the facts to address the problem.

For this reason, I support the provision, which I understand will be contained in the omnibus appropriations bill, that will place a one-year moratorium on the implementation of the HHS rules. This moratorium will allow us to learn the facts necessary to improve the availability of transplantation.

Mr. President, what we have at stake is not just the amelioration of a flawed organ transplant procurement and allocation system, but the future of allocating scare health care resources of all types. It behooves us to proceed carefully on this matter of utmost concern.

ADDRESS OF PRESIDENT MARY MCALEESE OF IRELAND AT THE KENNEDY LIBRARY

Mr. KENNEDY. Mr. President, last Thursday, Mary McAleese, the President of Ireland, visited Boston and delivered an important address at President Kennedy's Library. In her address, she paid tribute to President Kennedy and to the long-standing ties between Ireland and the United States, and she spoke eloquently of the peace process in Northern Ireland and Ireland, and the people's hopes for lasting peace and a permanent end to the violence.

I believe that President McAleese's remarks will be of interest to all of us who care about these issues, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

REMARKS BY THE PRESIDENT OF IRELAND, MARY MCALEESE AT A DINNER HOSTED BY THE KENNEDY LIBRARY FOUNDATION AT THE JOHN F. KENNEDY PRESIDENTIAL LIBRARY BOSTON, MASSACHUSETTS, OCTOBER 15, 1998

Senator and Mrs. KENNEDY, Mayor Menino and Distinguished Guests.

On behalf of Martin and myself, as well as our delegation, I want to thank you for your wonderful welcome and hospitality this evening. I would also like to acknowledge the presence here this evening of representatives of the Irish Times, who will be our cohosts at the Institute of Politics at Harvard tomorrow.

It is truly a special moment for me to visit this remarkable Library and Museum, to join the members of your family who are here, and to share this occasion with so many friends of Ireland who are present.

Since its foundation the Library has represented the ideals of President Kennedy through a range of research and activities which is truly admirable. I wish to pay tribute to that achievement to you, Senator, to the Library's President Caroline Kennedy Schlossberg, to all of your family, as well as the dedicated Board and Staff who have worked so effectively to achieve this and of course to honour also the memory of Senator Robert Kennedy, particularly this year.

Just two years ago, as a private citizen, I came to visit here. As for thousands of other Irish visitors to Boston, we feel this is instinctively where we want to come. I was profoundly moved. The Library and Museum must surely be the most outstanding living testimony of its kind. For my generation, growing up in the 1960's, we were of course irrevocably shaped and motivated by that extraordinary time. It means a great deal to me, at a personal level, that my first official event in Boston as President of Ireland should be at the Kennedy Library—I can think of nowhere more appropriate.

When we visit here, we are of course sharply reminded of what we lost, butI would prefer to reflect on what we found, on the legacy which we have and the ideals which we must protect. The Kennedy Library is as much about our future as our past.

President Kennedy's Irish roots have never been forgotten. His election in 1960 was, for Irish people everywhere, a source of inspiration and joy. None of us will forget the impact of his visit to Ireland at a time of dramatic change and challenge in our own country. As he said in his address to our Parliament in 1963, "our two nations, divided by distance, have been united by history." Those four days which President Kennedy spent in Ireland were unforgettable for all involved. His impact was total, for young and old alike. The words of Ralph Waldo Emerson, another son of New England, perhaps reflect the mood of that time.

> He spoke and words more soft than rain
> Brought the age of gold again:
> His action won such reverence sweet
> As hid all measure of the feet.

I am pleased to think that in just a few months time, next May, the Dunbrody ship from the President's own County Wexford will sail into this harbour, offering a powerful symbol of the Irish emigrant story and reminding us in particular of the arrival of the Kennedy family in the United States. The emigrant story is part of us all—for many of you here in this room who bear Irish names and constantly acknowledge and celebrate your Irish heritage.

One of the great achievements of this Library is the fact that it has established such an important place in the lives of the children of Massachusetts and beyond. Our future is in their hands, as it is also in Northern Ireland.

When Mrs. Hillary Clinton visited Northern Ireland last month, she addressed the Vital Voices Conference. She observed then that in Belfast today, a playground is being built with the advice of children on both sides of the community. They will be, literally, architects of their own environment. Since the Good Friday agreement reached last April, and the subsequent elections held in Northern Ireland this summer, all the people living in Northern Ireland have the chance to design and shape their own future. I know that all of you here shared the great joy of that time.

The day of the Agreement, however Senator George Mitchell, who did so much to bring the Agreement about, noted that this would not yet put an end to violence and unfortunately this proved to be true. However, despite the awful event in Omagh and other recent tragedies, the Agreement does represent the best opportunity yet for a new beginning, for new structures, for real democracy and equality and for lasting peace. The referendums of this summer have put beyond all doubt that the Agreement is the democratic mandate of the people to their political leaders. A great deal of progress has been made already in forging new partnerships at political, economic and social levels. Difficult work and challenges lie ahead in all of these areas, but, with your help, we are now firmly established on the road to a peaceful future.

Tomorrow morning, I look forward to paying tribute to an important and tragic part of that heritage when I visit the Famine Memorial in Boston with Mayor Menino and Tom Flatley. That Memorial, on your Freedom Trail, is a sombre and important reminder of the devastation of that time and of Boston's central place in that story.

But we know too that the story of the Irish in Massachusetts in this century is one of overcoming adversity, endeavour, courage and success. Few of us would have dared to dream of how far that success could eventually reach, in 1998, in terms of political achievement and economic prosperity. The United States, President Clinton, and outstanding leaders such as Senator Kennedy, have played a central role in both.

To Jean, I want to offer our gratitude, affection, and highest respect. Jean, to borrow the Senator's phrase, came back in the springtime. She not only made thousands of friends in Ireland, she became a pivotal figure in our quest for peace. We will miss her very much. She leaves, however, with the satisfaction of knowing that her legacy will remain and that her good work will continue at the American Embassy in Dublin.

The tour which we have just enjoyed serves as a powerful reminder both of President Kennedy's life and work but also of the challenges which face us all and particularly those dedicated to public service. This institution reminds us of the challenges of public service and of the obligation which we all share to improve the lives of all, while cherishing the ideals of equality, justice and mutual tolerance. The values inherent in good public service are eloquently represented in this Library. We all need to reinforce those principles constantly in our lives and above all through political leadership.

I want to particularly acknowledge the exceptional support from Massachusetts and the city of Boston for their sustained efforts over the years to promote economic development in Northern Ireland. Many of you will be familiar with the tireless work of John Hume, the SDLP leader, with Boston-Derry Ventures to bring much needed jobs to the Derry area. Northern Ireland today continues to rely on your economic assistance. In that regard, I too would like to pay tribute to the generosity and leadership shown by figures such as John Cullinane, present here tonight—and the "Friends of Belfast" who are supporting the economic regeneration there, which is so necessary to underpin the Agreement and the peace process. Indeed, I know that here in the Kennedy Library on Tuesday there was a major event to promote economic investment in Northern Ireland.

I would also like to acknowledge the tremendous support that John Cullinane is giving to the creation of a National Military Museum at the National Museum of Ireland—which will recognise the enormous contribution of Irish nationals serving in many armies and in many countries over the past 250 years—including those who served with distinction in the Armed Forces of the United States—and of course the two hundred thousand from all parts of Ireland, who were proud to serve in the British Army during the First World War—so many of whom paid the ultimate price.

The hopes and ideals which we all share for Northern Ireland are represented and cherished under this roof each and every day. As I conclude, I can do no better than to quote from the Library's own words, that in leaving here, we come away with new insights—we are all inspired by President Kennedys vision that one person can make a difference and that every person should try.

MILITARY READINESS AND THE DEFENSE BUDGET

Mr. THURMOND. Mr. President, over the past several weeks, the Senate Armed Services Committee held a series of hearings to review the status of our armed forces. I scheduled these hearings because I have been concerned for some time that the Administration's defense budget was inadequate to maintain readiness and because members and staff were bringing back anecdotal information indicating the readiness of our armed forces was declining.

On September 29, the committee heard from General Shelton, the Chairman of the Joint Chiefs of Staff, and other members of the Joint Chiefs, General Reimer, Admiral Johnson, General Ryan, and General Krulak. The hearing has been described by the media as adversarial, however, I would describe it as open, candid and productive. It was not surprising that the Chiefs acknowledged the U.S. military is falling into a readiness crisis and faces the danger of becoming a "hollow" force if appropriate measures are not taken. They specifically indicated the need for additional resources now and in the out years. Most illustrative of the testimony is the following quote by General Shelton:

> I must admit up front that our forces are showing increasing signs of serious wear. Anecdotal and now measurable evidence indicates that our current readiness is fraying and that the long-term health of the Total Force is in jeopardy.

Mr. President, on October 6, the committee followed up the hearing with the Joint Chiefs of Staff, with a hearing at which Secretary of Defense Cohen and General Shelton testified. Although the focus of the hearing was to be primarily on world trouble spots, the readiness status of our forces also became a subject of intense debate. Secretary Cohen reiterated the concerns of the service chiefs and indicated that he would seek additional funds in the fiscal year 2000 budget.

Mr. President, the indicators that most concerned the service chiefs and brought them to the realization that readiness was clearly declining included downturns in recruiting and retention, a shortfall in unit training, and widespread equipment breakdowns and spare parts shortages. These are basic indicators whose impact is felt throughout the ranks, in units throughout all the services and affect operations, training, morale and esprit de corps.

Mr. President, when pressed to explain the reasons for the decline in readiness, Secretary Cohen and the Joint Chiefs of Staff attributed the cause primarily to the high operational tempo and the under funding of the defense budgets. General Reimer encapsulated the problem in this way during the September 29 hearing:

> Soldiers are asking, "When is it going to stop? When will the downsizing end? When will our leaders stop asking us to do more with less?" Our soldiers are smart, hard working, and dedicated. They are also very tired.

For many of us, the acknowledged shortfall in defense spending is not a surprise. Last year, during the Senate debate on the budget resolution, I expressed my concerns that funding levels for defense considered in the budget agreement would not provide sufficient funds to adequately sustain over time the personnel, quality of life, readiness and modernization programs critical to our military services. Regretfully, my concerns have become a reality sooner than expected and we must now take measures to resolve these problems and reverse the decline in the readiness of our military services.

Mr. President, as long as the administration continues to pursue a foreign policy that requires the U.S. military to be a global police force, our troops will be challenged by an operational tempo higher than that of the cold war. If the administration persists in this endeavor, we must ensure that our armed forces have the funds to carry out these operations while maintaining a force structure that withstands the impact of the high operational and personnel tempos associated with our current aggressive foreign policy.

More importantly, we have the responsibility to correct those quality of life and modernization shortfalls identified during our hearings. General Shelton recommended the following:

> My recommendation is to apply additional funding to two very real, very pressing concerns. First, we need to fix the so-called REDUX retirement system and return the bulk of our force to the program that covers our more senior members—that is, a retirement program that provides 50 percent of average base pay upon completion of twenty years of service. Second, we must begin to close the substantial gap between what we pay our men and women in uniform and what their civilian counterparts with similar skills, training, and education are earning.

General Reimer described the modernization problem as follows:

> In order to preserve future readiness, we must begin today to increase our modernization accounts and to develop the equipment, force structures, professional development systems, training, and doctrine we will need to prepare for the future. And we must develop all these capabilities together.

Mr. President, during the October 29 hearing, Secretary Cohen assured us that he would address these problems in the fiscal year 2000 budget request. In my judgement, it would require a substantial increase in the defense budget to alleviate the problems recently acknowledged by the Joint Chiefs of Staff. During the hearings, the service chiefs testified they needed approximately $17.5 billion additional annually to correct the near and long term readiness problems. This amount does not include a pay increase nor does it include the funding necessary to change the retirement program.

With respect to the retirement issue, the Armed Services Committee will consider carefully the recommendations of the Secretary of Defense in his fiscal year 2000 budget request and will address this issue in the Defense authorization bill. Senator LEVIN and I wrote the Secretary of Defense on October 8 indicating that we believe he should conduct appropriate analyses to determine the greatest readiness payoff among the measures under consideration to improve recruiting and retention, including pay, retirement, housing, health care, personnel tempo, and morale and recreation programs and facilities. These analyses will be crucial to making the difficult funding decisions we will face next year. I ask unanimous consent that our letter of October 8 be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, the Joint Chiefs described alarming indicators of declining readiness. I strongly believe that if there is an actual emergency that should be addressed in this omnibus supplemental bill, it should be military readiness. The Joint Chiefs testified that while the $1 billion readiness supplemental requested by the Department of Defense would be helpful, it is inadequate to maintain the readiness of our military forces. I believe that, as the highest priority, the Congress should have provided an emergency supplemental for military readiness of at least $2 billion. Mr. President, while I appreciate and commend the Chairman of the Appropriations Committee and the majority leader for negotiating this agreement under difficult circumstances, I regret that the final agreement provides only half that amount which I believe is required now to shore up our military readiness.

Mr. President, next year, we are going to have to face up to the serious fiscal problems our military services are experiencing in addition to already existing outlay problems. The Secretary of Defense is conferring now with the Office of Management and Budget to determine how additional funds can be provided for defense next year and in the out years. I do not believe the administration will request the additional $20 billion or so which the Joint Chiefs indicated will be required annually over the next 5 years to address personnel, readiness, and modernization deficiencies.

The Congress will have to come to grips with these funding realities or consider significantly scaling back our worldwide commitments. We cannot continue to have it both ways. It is unfair to our men and women in uniform and cannot be sustained over time.

Mr. President, our hearings have substantiated the readiness and funding problem facing our armed forces. The solution to these problems will require the close cooperation between the Congress and the administration. It will require the Congress to relook the balanced budget agreement and will require challenging decisions by all parties. We have no choice but to make careful and deliberate decisions. The future of our Nation and the lives of our soldiers, sailors, airmen, and marines depend on it.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, October 8, 1998.

Hon. WILLIAM S. COHEN,
Secretary of Defense,
Washington, DC.

DEAR MR. SECRETARY: In light of your recent testimony and the testimony of the Joint Chiefs of Staff before the Committee, it is obvious that maintaining the delicate balance among the key components of personnel and quality of life, readiness and modernization in the FY2000–2005 Future Years Defense Plan will be difficult. The current discussions of "catch-up" pay raises, returning to a richer military retirement system, funding modernization programs, providing adequate training funds and controlling high personnel and operational tempos make your task of setting priorities a significant challenge.

As you develop the defense budget request for fiscal year 2000, it is imperative that the Department thoroughly analyze any proposals to address the pay gap or return to the pre-August 1986 military retirement system. We are totally committed, as we are sure you are, to taking care of our military personnel and their families. However, before enacting any proposals in this area with significant long-term costs, the Department of Defense and the Congress must have a clear view of the likely impact of the proposals on recruiting, retention, and military readiness.

During our hearing on October 6, 1998, you testified that you would address the issues of military pay and retirement in your fiscal year 2000 budget. As you and the Chiefs testified, there are a number of programs that combine to make up Quality of Life for our military personnel and their families, including pay, retirement, housing, health care, personnel tempo and morale and recreation programs and facilities. We believe that recommendations included in your budget request for the areas indicated above must be fully supported by careful analyses justifying the costs and providing assurance of measurable increases in recruiting, retention and military readiness.

We look forward to reviewing your recommendations in the FY 2000 budget request.

Sincerely,

CARL LEVIN,
Ranking Member.
STROM THURMOND,
Chairman.

NEWMAN POSTAL SITUATION

Mr. COVERDELL. Mr. President, it is with great concern that I rise to address a recurring problem in my state with the United States Postal Service. It seems that we are continually faced with situations where the Postal Service has created controversy by indicating—in some cases—that they will move existing post offices from downtown areas. In Georgia, as in many states, these post offices have been main street fixtures for residents, creating a meeting place for shoppers, business people and officials. The idea of moving these post offices is particularly worrisome for rural areas where local merchants have long relied upon this common bond. It is a problem that Congress should examine in order to work with the Postál Service to promote a better understanding and working relationship with the affected communities.

We currently have a particular case in Newnan, Georgia which illustrates the problem. After receiving word from the community that the post office was moving out of the downtown area, we began contact with the Postal Service to determine whether or not these rumors were true. We gained assurances from the Postal Service that they did not intend to move from the downtown area because there was "overwhelming community support" for keeping it there. Since that time, we have received another report from the Postal Service that, because of security requirements, they indeed may have to move to an alternate location. I am concerned by the lack of clarity in the reports my office has received on this matter and am working to get a clarification from the Postal Service. I would like to reiterate for the record my commitment to maintaining a full service postal facility in downtown Newnan. I would welcome the opportunity to work with local officials and businesses in Newnan and the Postal Service to meet this goal.

As I mentioned, Mr. President, this matter in Newnan is a reflection of the work we have ahead to avoid these controversies between smaller communities and the post office. It is a problem I hope we rectify favorably for the citizens of Newnan in this case, and for people all over America in the future.

RECESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Montana, seeing no other Senators desiring to speak, asks unanimous consent that the Senate stand in recess until 1:30 p.m. this afternoon.

There being no objection, at 10:24 a.m., the Senate recessed until 1:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BURNS).

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be 3 hours equally divided for debate today on the conference report to accompany H.R. 4328, the omnibus appropriations bill for 1999, notwithstanding the receipt of the papers, and that when the Senate receives the conference report, it be considered as having been read with no action other than debate occurring and the vote to occur at 9 a.m. on Wednesday, without any intervening action, debate or motion, and that paragraph 4 of rule XII and all points of order be waived.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

Mr. STEVENS. Mr. President, I further ask unanimous consent that 15 minutes of the time under my control as manager of the bill on our side be under the control of Senator GREGG, and that following the vote Senator SPECTER be recognized for up to 15 minutes for general debate, to be followed by Senator ASHCROFT for 30 minutes of general debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is with some regret that it is my job to bring before the Senate the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999. Throughout the year, I have urged that we find a way to move on the individual appropriations bills so that we would avoid a repetition of what took place 2 years ago. Unfortunately, that request was not followed, despite the urging of the distinguished majority leader and minority leader to work with the Appropriations Committee.

We were unable to finish the bills within the normal timeframe this year.

We had an extremely difficult calendar because of the fact that Labor Day—the first Monday was the 7th of September. We then had the Jewish holidays which we were in recess for. We were just unable to finish in time. We had to get first one and then another and then another and now another continuing resolution in order to try and finish our work. I deeply regret the process that we are going through now.

It is my task to present to the Senate, I think, the largest appropriations bill in a decade. Mr. President, it contains a grand total of $486.8 billion in appropriations. The regular appropriations bills are a total of $203 billion; the balance are in the supplemental and emergency appropriations.

It has been a very difficult process to go through. We have had a series of meetings with representatives of the President and with our leaders. I thank the distinguished chairman of the House committee, Congressman LIVINGSTON, and his colleague, the ranking member there, Congressman OBEY, as well as my colleague and great friend here in the Senate, the Senator from West Virginia, Senator BYRD.

We have worked many long hours now. And I really think our staffs deserve a great deal of credit, because we worked a lot of long hours, but they worked through the night after we had worked long hours and were there again the next morning when we started our negotiations once again.

These negotiations have gone on now almost 3 weeks, and the product is the bill that was filed in the House last night. That bill, Mr. President, contains 11 divisions.

Division A contains 8 of the 13 annual appropriations bills for the fiscal year 1999; for the Departments of Agriculture, Commerce-Justice-State, the District of Columbia, Foreign Operations, Interior, Labor, Health and Human Services-Education, Transportation, and Treasury-General Government.

This division also contains the emergency agricultural assistance package and supplemental appropriations under Energy and Water Development and VA-HUD. It also contains the spending offsets that were presented to us by the administration.

I might state that those were checked out by our Budget Committees and by the Congressional Budget Office. We believe that we are under the caps as were set by the budget agreement with the President.

The division B contains emergency appropriations for military readiness and overseas contingency operations, storm damage to defense facilities, antiterrorism, the year 2000 conversions—the so-called Y2K problem—and counterdrug activities.

Divisions C through K are various authorizing measures that were added to the bill. I hasten to point out that while many of them come from authorization committees, it is the Appropriations Committees that must put our names on these bills as they are presented to the House and Senate. We have done our very best to check through these bills. And I might state that our staffs have read them through not just once but twice to make certain that each one of them is as it was represented to us as these measures were brought to us.

Division C is in fact a potpourri of measures, including the FAA reauthorization extension, post office namings, the Olympic and Amateur Sports Act amendments, Internet legislation, the American Fisheries Act, Persian Gulf veterans health, and others.

Division D is the Drug Demand Reduction Act.

Division E covers methamphetamine trafficking. It is another drug bill.

Division F covers the marijuana for medical purposes.

Division G is the State Department reauthorization bill.

Division H is the new provisions concerning Sallie Mae.

Division I covers the chemical weapons convention.

Division J covers tax extenders and home health care provisions.

Division K contains pay-as-you-go provisions to maintain the separation of mandatory and discretionary spending as outlined in last year's balanced budget agreement.

Let me just take a few minutes of the Senate, Mr. President, to provide some highlights of the bill under the Appropriations Committee's jurisdiction; that is divisions A and B.

The total discretionary spending in division A is $206 billion. This includes $2.8 billion in offsets.

The agriculture portion of the conference includes the conference report on the agricultural appropriations bill that was vetoed by the President with some modifications. It contains an additional $1.64 billion in emergency crop and market loss assistance for farmers and ranchers. This brings the total agricultural emergency assistance funding for this year to $5.9 billion.

There are also increases for food safety and rural empowerment zones and enterprise communities. The Commerce-State-Justice portion of this bill contains funding through June 15. It supports crime fighting and antidrug activities, counterterrorism, and border patrols.

The Census Bureau will receive the funding it needs to continue to prepare for the decennial census. The National Oceanic and Atmospheric Administration, National Weather Service, and Science programs are, in my judgment, adequately funded. The State Department would receive funds for international programs and U.N. arrearages subject to authorization.

The District of Columbia provisions would largely ratify the District's own consensus budget and continue ongoing management reforms.

The Foreign Operations portion contains funding for export promotion and economic aid, as well as the funding for the International Monetary Fund, IMF, with conditions for reform. I might say, I am personally very gratified that this is finally being sent to the President for approval.

The Department of the Interior would receive increases for park operations and much-needed maintenance, funding for the Everglades restoration effort, and other public land needs. Full funding for many cultural and historical preservation programs are also included in that portion of the bill.

The Labor, Health and Human Services, and Education bill provides funds for worker assistance, increases funding for medical research at the National Institutes of Health by $2 billion, and fully funds the Low Income Home Energy Assistance Program, LIHEAP. Increases were provided for child care block grants, special education, and to reduce class size.

The Transportation portion of the bill contains the highest limitation in history on obligations in the highway trust fund—$4 billion above last year's level. Adequate funds for the Coast Guard and the Federal Aviation Administration and our mass transportation programs are included.

The Treasury-General Government portion contains funding to increase drug control programs and improve IRS customer relations.

Two bills already passed by the Congress and signed by the President were, in fact, reopened by the final negotiations and additional materials are available for those bills.

Division A contains additional appropriations under Energy and Water Development, including funds for the Tennessee Valley Authority, and authorization to refinance its debts, and funds for the Department of Energy's energy supply programs.

The VA-HUD bill is also augmented by additional spending for urban empowerment zones, the Boston Harbor cleanup, climate change, and the Corporation for National and Community Service.

As I said, division B contains the emergency supplemental spending in the omnibus bill, with the exception of agriculture assistance, which is in division A.

The total discretionary spending in division B is $14.9 billion. It includes $6.8 billion to improve military readiness and to fund ongoing overseas contingency operations such as Bosnia.

Mr. President, $2.4 billion is included to protect our embassies around the world and to fund our continuing fight against terrorism worldwide. And $3.4 billion is provided to address the Y2K problem—the year 2000 problem—throughout the Federal Government as a whole. This is provided in emergency appropriations subject to the President's approval.

Mr. President, $700 million is included for a package of counterdrug activities. Another $1.5 billion is provided to address the damage caused by Hurricane Georges and Hurricane Bonnie.

Mr. President, as I indicated, this is a very complicated bill.

Mr. President, I want to take a moment to talk about two of the provisions that are in the bill that are legislative items. They were bills that I presented to the Senate. One is the American Fisheries Act. It is a culmination of the negotiations that were undertaken with my colleagues from the State of Washington after I had introduced Senate bill 1221.

We reached the agreement to include this American Fisheries Act in the legislation that is being considered. It is title II of division C of the bill. This act will not only complete the process begun in 1976 to give the U.S. interests a priority in the harvest of U.S. fishery resources, but will also significantly decapitalized the Bering Sea pollock fishery.

The 1976 act was, in fact, the Magnuson Act, that extended our jurisdiction to the 200-mile limit. The Bering Sea pollock fishery is the largest, and its present state of overcapacity is the result of mistakes in, and misinterpretations of, the 1987 Commercial Fishing Industry Vessel Anti-Reflagging Act, which is generally known as the Anti-Reflagging Act.

In 1986, as the last of the foreign-flag fishing vessels in the U.S. fleet were being replaced by U.S.-flag vessels, we discovered that Federal law did not prevent U.S.-flag vessels from being entirely owned by foreign interests. We also discovered that Federal law did not require U.S. fishing vessels to carry U.S. crew members, and that U.S. fishing vessels could essentially be built in foreign shipyards under the existing regulatory definition of the word "rebuild."

The goals of the 1987 Anti-Reflagging Act were to, one, require the U.S. control of fishing vessels that fly the U.S. flag; two, stop the foreign construction of the U.S.-flag vessels under the "rebuild" loophole; and, three, to require the U.S.-flag fishing vessels to carry U.S. crews. Of these three goals, only the U.S. crew requirement was achieved by the 1987 act.

The Anti-Reflagging Act did not stop foreign interests from owning and controlling U.S.-flag fishing vessels. About 30,000 of the 33,000 existing U.S.-flag fishing vessels are not subject to any U.S. controlling interest requirement.

The Anti-Reflagging Act also failed to stop the massive foreign rebuilding programs between 1987 and 1990 that brought almost 20 of the largest fishing vessels ever built in the world into our fisheries as "rebuilt" vessels.

Today, half of the Nation's largest fishery—which is the Bering Sea pollock—continues to be harvested by foreign interests on foreign-built vessels that are not subject to any U.S.-controlling interest standard.

On September 25, 1997, I introduced the American Fisheries Act, S. 1221, to try to fix these mistakes. Senators from almost every fishing region of the country joined me in supporting that effort, including Senators BREAUX, HOLLINGS, GREGG, WYDEN and MURKOWSKI.

As introduced, the bill had three primary objectives: requiring the owners of all U.S.-flag fishing vessels to comply with a 75-percent U.S.-controlling interest standard, similar to the standard for other commercial U.S.-flag vessels that operate in U.S. waters; two, to remove from U.S. fisheries at least one-half of the foreign-built factory trawlers that entered the fisheries through the Anti-Reflagging Act foreign rebuild grandfather loophole and that continued to be foreign-owned as of September 25, 1997; and, third, to prohibit the entry of any new fishing vessels above 165 feet, 750 tons, or with engines producing greater than 3,000 horsepower in the North Pacific fisheries fleet.

I am pleased to report that the package we are submitting to the Senate today accomplishes all three of these main objectives of S. 1221 as introduced. I thank Senator GORTON and his colleague from Washington, Senator MURRAY, for their efforts, particularly Senator GORTON for his tremendous effort in finally reaching an agreement on this bill. For almost a decade now, he and I have had various disagreements on the Bering Sea pollock fishery and issues related to the Anti-Flagging Act.

At the Commerce Committee hearing in March of this year, and later at an Appropriations Committee markup in July, Senator GORTON plainly expressed his concerns with my bill, S. 1221. In August, he spent considerable time with representatives from the Bering Sea pollock fishery and by sheer will managed to develop a framework upon which we could agree. After he presented the framework to me, we convened meetings of fishery representatives in September that literally went around the clock for 5 days. Those meetings included Bering Sea pollock fishery industry representatives, industry representatives from other North Pacific fisheries, the State of Alaska, North Pacific council members, National Marine Fisheries, the Coast Guard, the Maritime Administration, environmental representatives and staff for various Members of Congress and the Senate and House committees that have jurisdiction over this.

At the end of those meetings, a consensus had been achieved among Bering Sea fishing representatives on an agreement to reduce capacity in the Bering Sea pollock fishery. For the next 3 weeks, we drafted legislation. We have spent considerable time with the fishing industry from other fisheries that were concerned about the possible impacts of the changes in the Bering Sea pollock fishery upon their areas in offshore fisheries.

The legislation we are passing today includes many safeguards for those other fisheries and for the participants in those fisheries. By delaying implementation of some of the measures until January 1, 2000, it also provides the North Pacific Council and the Secretary of Commerce with sufficient time to develop safeguards for those other fisheries.

This legislation is unprecedented in the 23 years since the enactment of what is now known as the Magnuson-Stevens Act. With the council system, congressional action of this type is not needed in Federal fisheries anymore. However, the mistakes in the Anti-Reflagging Act and the way it was interpreted created unique problems in the Bering Sea pollock fishery that only Congress can fix. The North Pacific Council does not have the authority to turn back the clock by removing fishery endorsements, to provide the funds required under the Federal Credit Reform Act to allow for the $75 million loan to remove the overcapacity in the area, and to strengthen the U.S.-control requirements for fishing vessels, to restrict Federal loans on large fishing vessels, and to do many other things we have agreed to do in this legislation.

While S. 1221 as introduced was more modest in scope, I believe the measures in this agreement are fully justified as a one-time corrective measure for the negative effects of the Anti-Reflagging Act that I have mentioned before.

There is also in this bill the Olympic and Amateur Sports Act Amendments of 1998. This legislation includes that bill, a bill that Senator CAMPBELL joined me in cosponsoring to update the Federal charter for the U.S. Olympic Committee and the framework for Olympic and amateur sports in the United States. This framework is known as the Amateur Sports Act because most of its provisions were added by the Amateur Sports Act of 1978.

The act gives the U.S. Olympic Committee certain trademark protections to raise money—and does not provide reappropriations—therefore, it does not come up for routine reauthorization.

The Amateur Sports Act has not been amended since its comprehensive revision in 1978 which provided the foundation for the modern Olympic movement in the United States. The bill we are considering does not fundamentally change that act. Our review showed us it is fundamentally sound.

We believe the modest changes that we ask the Senate and the Congress to make will ensure that the act serves the United States well into the 21st century. The significant changes which have occurred in the world of Olympic and amateur sports since 1978 warrant what I call fine-tuning of this act.

Some of the developments of the past 20 years include, first, that the schedule for the Olympics and Winter Olympics has been alternated so games are held every 2 years instead of every 4—significantly increasing the workload of the U.S. Olympic Committee; second, that sports have begun to allow professional athletes to compete in some Olympic events; third, that even sports still considered "amateur" have athletes who with greater financial opportunities and professional responsibilities now compete more than we ever considered in 1978; four, that the Paralympics—the Olympics for disabled amateur athletes—have grown significantly in size and prestige.

These and other changes led me to call for a comprehensive review of the Amateur Sports Act in 1994.

The Commerce Committee has held three hearings since then.

At the first and second—on August 11, 1994 and October 18, 1995—witnesses identified where the Amateur Sports Act was showing signs of strain.

We postponed our work until after the 1996 Summer Olympics in Atlanta, but on April 21, 1997, held a third hearing at the Olympic Training Center in Colorado Springs to discuss solutions to the problems which had been identified.

By January 1998, we'd refined the proposals into possible amendments to the Amateur Sports Act, which we discussed at length at an informal working session on January 26, 1998, in the Commerce Committee hearing room.

The bill that Senator CAMPBELL and I introduced in May reflected the comments received in January, and excluded proposals for which consensus appeared unachievable.

With the help of the U.S. Olympic Committee, the Athletes Advisory Council, the National Governing Bodies' Council, numerous disabled sports organizations, and many others, we continued to fine tune the bill until it was approved by the Commerce Committee in July.

I will include a longer summary of the bill for the RECORD, but will briefly explain its primary components:: (1) The bill would change the title of the underlying law to the "Olympic and Amateur Sports Act" to reflect that more than strictly amateurs are involved now, but without lessening the amateur and grass roots focus reflected in the title of the 1978 Act; (2) the bill would add a number of measures to strengthen the provisions which protect athletes' rights to compete; (3) it would add measures to improve the ability of the USOC to resolve disputes—particularly close the Olympics, Paralympics, or Pan-American Games—and reduce the legal costs and administrative burdens of the USOC; (4) it would add measures to fully incorporate the Paralympics into the Amateur Sports Act, and update the existing provisions affecting disabled athletes; (5) it would improve the notification requirements when an NGB has been put on probation or is being challenged; (6) it would increase the reporting requirements of the USOC and NGB with respect to sports opportunities for women, minorities, and disabled individuals; and (7) it would require the USOC to report back to Congress in 5 years with any additional changes that maybe needed to the act.

Mr. President, I am the only Senator from President Ford's Commission on Amateur Sports who is still serving.

It has therefore been very helpful to have Senator CAMPBELL—an Olympian himself in 1964—involved in this process. He is a good friend.

Over my objection, he attempted to have this package named after me—an honor that I have declined.

There are many others who deserve recognition for their work to bring about the 1978 Act, and that continues to be the case. Specifically, I refer to my friend from Colorado, who has done a tremendous amount of work on this.

I ask unanimous consent that my summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998

(1) Incorporates Paralympics into Amateur Sports Act; clearly reflects equal status between able-bodied and disabled athletes; continues original focus of Act to integrate disabled sports with able-bodied National Governing Bodies (NGB's), but allows USOC to recognize paralympic sports organizations if integration does not serve best interest or if NGB objects to integration; officially recognizes U.S. Olympic Committee (USOC) as the national Paralympic committee.

(2) Allows USOC to remove certain lawsuits against it to federal court.

(3) Statutorily requires the creation of an Athletes' Advisory Council and National Governing Bodies' Council to advise the USOC.

(4) Adds requirement that USOC Board be 20 percent active athletes (USOC already does this, but original Act only required 20 percent on NGB Boards).

(5) Gives USOC trademark protection for the Pan-American Games, Paralympics, and symbols associated with each.

(6) Requires USOC to keep agent for service of process only in CO, rather than all 50 States.

(7) Requires USOC to report to Congress only once every four years, instead of annually.

(8) Requires the USOC report to Congress to include data on the participation of women, disabled individuals, and minorities.

(9) Protects the USOC against court injunction in selecting athletes to serve on the Olympic, Paralympic, or Pan-American teams within 21 days of those games if the USOC's constitution and bylaws cannot provide a resolution before the games are to begin.

(10) Requires USOC to hire an ombudsman for athletes nominated by the Athletes' Advisory Council to provide advice to athletes about the Act, relevant constitution and bylaws of the USOC and NGBs, rules of international sports federations and IOC/IPC, and to assist in mediating certain disputes involving the opportunity to an amateur athlete to compete.

(11) Allows USOC/NGBs not to send to the Olympics, Pan-American Games, or Paralympics athletes who have not met the eligibility criteria of the USOC and appropriate NGB, even if not sending those athletes will result in an incomplete team.

(12) Requires improved notification and hearing requirements by USOC when an NGB is being challenged to be replaced or put on probation.

(13) Clarifies that NGBs must agree to submit to binding arbitration at request of athletes under the Commercial Rules of the American Arbitration Association (as in existing USOC constitution and bylaws), but gives USOC authority to alter the rules with the concurrence of the Athletes' Advisory Council and National Governing Bodies Council, or by a ⅔'s vote of the USOC Board of Directors.

(14) Allows NGBs to establish criteria on a sport-by-sport basis for the "active athletes" that must comprise at least 20 percent of their boards of directors and such other governing boards; the USOC, AAC, and NGB Council would set guidelines, but an NGB would have authority to seek exceptions to the guidelines from the USOC.

(15) Requires NGBs to disseminate and distribute to athletes, coaches, trainers, etc., all applicable rules and any changes of the NGB, USOC, international sports federation, IOC, International Paralympic Committee and Pan-American Sports Organization.

(16) Requires special report to Congress at end of five years on implementation of the provisions and any additional changes USOC thinks needed to Act.

Mr. BREAUX. Senator STEVENS, I want to take this opportunity, if I may, to thank you and your staff for your hard work and dedication to the passage of these much needed amendments to the Amateur Sports Act. I have just a few questions on how these amendments would work with respect to the requirement of 20 percent athlete representation on the boards of national governing bodies [NGBs].

The act currently requires that 20 percent of an NGB's board be comprised of "individuals who are actively engaged in amateur athletic competition . . . or who have represented the United States in international amateur athletic competition within the preceding 10 years." Am I correct in my understanding that the amendments are intended to provide NGBs with greater flexibility in establishing the criteria and election procedures for active athletes to serve on their boards?

Mr. STEVENS. Yes, the language in the bill amending that provision of the act is intended to take into account the different characteristics of various NGB boards and athletes in different sports, and to provide flexibility on a sport-by-sport basis.

Specifically, the amendments require the USOC, Athletes' Advisory Council, and the National Governing Bodies' Council to develop guidelines, but then allows the USOC to grant exceptions to the guidelines to individual national governing bodies in order to take into account the unique characteristics of various sports and the participants in those sports.

Mr. BREAUX. I want to thank my colleague for taking that approach, and to reiterate the great importance of this flexibility. As you are aware, the national governing body for tennis is in a unique situation. Unlike many other NGBs, the national governing body for tennis does not solely sponsor teams to the Olympic and Pan American games. Tennis runs a "cradle to grave" program to promote tennis from the grassroots level to the U.S. Open. It has historically promoted senior and disabled competition and sponsored such teams in international competitions.

In addition, if one were to look only at athletes that have participated in the Olympic and Pan Am games and the Davis/Fed Cup competitions within the past 10 years, what some might call the "elite" athletes in tennis, this pool is extremely small—somewhere between 50 and 60 athletes. Of those, only 19 have retired and have enough time to perform the duties that accompany board membership. The rest of the athletes in that pool are still competing full time. Moreover, in tennis, unlike in most other sports, these elite active athletes are professionals who are represented by management companies and agents who do not have the time to devote to governance of the sport. As a result of these unique circumstances, it becomes very difficult for tennis to fulfill the statutory 20 percent requirement of athlete representatives if the athlete representatives may only come from this elite pool.

During the Commerce Committee's markup of this bill, you had indicated your willingness to include a "carve-out" of sorts for tennis so that any guidelines approved by the corporation, the Athletes' Advisory Council, and the National Governing Bodies Council will not preclude senior and disabled tennis athletes from qualifying as "athletes' representatives" to meet the 20 percent requirement on the board. I wonder if you could clarify how tennis's unique situation is addressed in the bill.

Mr. STEVENS. Yes, Senator BREAUX. S. 2119 will provide the opportunity for tennis to address the unique situation and difficulty that it encounters with its small pool of professional athletes and its historical sponsorship of senior and disabled athletes in international competition. The bill will allow tennis to seek a "carve-out" from the requirement that its criteria for athlete definition meet the guidelines established by the corporation, the Athletes' Advisory Council, and the National Governing Bodies Council, to allow senior and disabled athletes to qualify as athletes that meet the 20 percent requirement.

Mr. BREAUX. I thank the Senator from Alaska for that important clarification. I would also mention another unique aspect of the national governing body for tennis, and that is that it is an organization comprised of over 500,000 individual members and 5,000 organizational members. With such a large membership, the by-laws of the national governing body for tennis provides that members of the board of directors be elected pursuant to an orderly nominating procedure. Because of this large membership and the fact that tennis athletes are professionals, it is my understanding that neither S. 2119 nor the guidelines approved by the corporation will preclude tennis from using its orderly nominating process to nominate athlete representatives to the board, such as by having a nominating committee nominate the athlete representatives to be voted on by athletes.

Mr. STEVENS. Yes; as with the criteria for athletes, tennis will be able to seek an exception for the process of selecting athletes as well.

Mr. BREAUX. I thank my colleague, and again congratulate him on the fine work he has done.

Mr. STEVENS. Mr. President, let me mention one final section in the bill. We have had a lot of contention in conferences over the small fishing village of King Cove, which lies at the tip of the Alaskan peninsula, 625 miles southwest of Anchorage. It is exposed to the Pacific Ocean and the Bering Sea, and this community is often ravaged by 80-mile-per-hour winds, or more, and by driving sea winds. This extreme weather often shuts down access into or out of King Cove for days at a time.

In an effort to improve King Cove's access to emergency medical facilities, I added language to the Interior appropriations bill that would grant a right-of-way from King Cove to the giant airport at Cold Bay. Mr. President, that road would have gone through a portion of the old army military base that is now known as Izembek Wildlife Refuge. This 30-mile road would have provided the cheapest and most reliable means of access to my constituents who live at King Cove.

However, the administration raised environmental considerations regarding the wildlife refuge and refused to accept the provision that would authorize the road.

After much discussion on a series of options being offered to us by the administration, we have crafted a compromise that provides for the health and safety of the Alaskan Native people of King Cove and still protects the refuge, as it was indicated that the administration believed that was its highest priority.

This provision now provides King Cove Natives with the money to build a road from King Cove to a small lagoon some 20 miles away. There they will build a dock and use a small vessel to cross over the lagoon to property that they own adjacent to the runway at Cold Bay. The provision also provides funding to improve the airstrip at King Cove and for improvements to the health clinic at King Cove; namely, to put in state-of-the-art medical facilities and telemedicine capability there to protect our people until these transportation facilities are constructed.

Mr. President, I will have other comments to make about this bill later. I have taken too long already.

Mr. BYRD. Mr. President, we are about to take up the conference report on the so-called omnibus appropriation measure, which contains funding for Fiscal Year 1999 for the departments and agencies under the jurisdiction of eight Appropriations Subcommittees: Agriculture, Commerce/Justice/State/The Judiciary, the District of Columbia, Foreign Operations, Interior, Labor/Health and Human Services and Education, Transportation, and Treasury and General Government. In addition, this omnibus package contains some $20 billion, which has been designated as an emergency, in a supplemental package for such things as: agriculture disaster assistance—$6 billion; defense, including military readiness, $6.8 billion; hardening of embassies and other security matters—$2 billion; Y2K—$3.25 billion, of which $1.1 billion is for the Department of Defense; war on drugs—$690 million; and various disaster assistance programs, such as FEMA, Community Development Block Grants, and other programs which aid those who have suffered from natural disasters in the past months, such as Hurricane Georges—$1.4 billion. Also included are a substantial number of legislative riders that have been recommended by various members of the House and Senate and have been approved by not only the Appropriations Committees but also the joint leadership and the administration. As if that were not enough, this conference report also includes a $9.2 billion tax package.

This omnibus conference report is massive. It numbers thousands of pages. I haven't seen it yet, but that is what I am told. It provides funding totaling nearly $500 billion, or close to one-third of the entire Federal budget. If you don't think that is a lot of money—$500 billion—that is $500 for every minute since Jesus Christ was born. Let me say that again. That $500 billion is $500 for every 60 seconds since Jesus Christ was born. It is virtually beyond comprehension when we talk about funding of that size. Webster's Dictionary does not contain words enough to allow me to appropriately express my disappointment and my regret that we have reached the point we have, to present this colossal monstrosity to the United States Senate.

All too often in recent years, we have faced similar situations where Congress has failed to enact its 13 separate annual appropriation bills in a timely manner and, in many cases, we have failed to enact them at all, except in an omnibus package. Just 2 years ago, under the chairmanship in the Senate of the distinguished Senator from Oregon, Mr. Hatfield, the Senate was placed in a similar position. It wasn't Mr. Hatfield's fault, but the Senate was placed in a similar position of having to vote on an omnibus appropriation bill that contained six of the annual appropriation bills in one conference report.

Then, as today, Members were asked to vote on those appropriation bills in their entirety, plus hundreds of other provisions, sight unseen, a pig in a poke, without satisfactory opportunities to understand those provisions and virtually without opportunity to amend the omnibus bill.

In 1996, I joined Chairman Hatfield and our present chairman, Senator STEVENS, in expressing my regret that the Senate was put into that difficult position. Senator STEVENS indicated that he hoped the Senate would never have to appropriate by way of an omnibus bill again. Last year, Chairman STEVENS and his counterpart, the distinguished chairman of the House Appropriations Committee, Representative LIVINGSTON, with the support of the ranking members on each of the subcommittees, were able to complete action on all 13 appropriation bills without the need for omnibus legislation. That was last year, and that is the way the process ought to work every year.

It is very, very costly to the U.S. taxpayers to have to govern through a series of continuing resolutions. Departments and agencies have to curtail their operations and alter their plans in many cases because they are not certain as to what their appropriation will be for the full fiscal year. We have now had five continuing resolutions in relation to the fiscal year 1999 appropriation bills. Five continuing resolutions!

As Members are aware, we have only enacted into law three fiscal year 1999 regular appropriation bills—defense, military construction and energy and water. Furthermore, the Senate never took up the District of Columbia, or the Labor-HHS appropriation bills, and although it was taken up on the Senate floor, action was never completed on the Interior appropriation bill. Yet, here we are today faced with having to vote not only on those three appropriations bills, but also on five more in this conference report, plus many authorization measures and a tax bill.

The process that has brought us to this point is deplorable. It is manifestly preposterous in that no Member of the House or Senate could possibly know, much less understand, all of the provisions that are contained in this conference report. It is absolutely inexcusable. It ranks, as far as the legislative lexicon is concerned, with the unpardonable sin in the spiritual realm—the unpardonable sin. It is absolutely unpardonable for Members of the Senate and the House to put themselves into this kind of situation. It should be difficult for every one of us to face the voters of this country. If the voters really understood what we are doing here, they would probably feel like voting us all out of office. Thank God, only one-third of the Senators have to go before the voters each 2 years. By failing to enact our regular appropriation bills on time, we have brought this situation upon ourselves. There is nobody here but us; there is nobody to blame but us. We are to blame for this. We brought this situation on ourselves.

Senators are being asked to vote on this massive piece of legislation that provides funding of nearly one-half trillion dollars—approximately one-third of the entire Federal budget—without an adequate opportunity to consider it or amend it. Senators cannot amend this conference report—in spite of the Constitution, which says, with reference to revenue-raising bills, that they shall originate in the House of Representatives, but that the Senate may propose amendments to revenue-raising bills, as on all other measures, as on all other legislation. The Constitution didn't foresee this kind of a monstrosity—eight appropriations bills wrapped into one conference report, one tax bill, and a supplemental appropriation bill—right? Right. Eight. What a monstrosity, what a gargantuan monstrosity!

Do I know what is in the measure? Are we kidding? No. I don't know what is in this measure. I know a few things that are in it, but only God knows everything that is in this monstrosity. Only God knows what is in this conference report. And very few people, relatively speaking, are on speaking terms with Him.

Nobody in this Government—not one person in this Government—understands every jot and tittle that are in this measure; not one.

We have no opportunity to amend it. In other words, the representatives of the people are being denied by the rules the opportunity to offer an amendment on behalf of one's constituencies. No Senator can offer any amendments to this conference report. And, yet, we have seen in the last several days daily press conferences where both sides—both sides, out in the Rose Garden they appeared, and out here somewhere near the Capitol—both sides were patting themselves on the backs, patting each other on the backs, and congratulating themselves and each other. For what? For finally putting together a massive gargantuan monstrosity referred to as "the conference report" containing the bills that we should have passed long months ago.

We put off acting on these bills for months, and then, finally, when we get beyond the beginning of the new fiscal year, we finally bring in a massive piece of legislation. We don't know what is in it. Nobody in here knows everything that is in it. Certain Members know certain things about it. And then we pat ourselves on the back. What a great victory—it was proclaimed down in the Rose Garden—what a victory for the American people! What a shame. Webster wouldn't define that as a victory.

I was invited to go down to the White House. I didn't go. I didn't consider that a victory. I am not going to be a prop, a backup prop, for that kind of victory. Why is it a victory? Several months late we all gather in the Rose Garden and pat ourselves on the back for having finally gotten around to doing the work that we should have done months ago? Is that a victory?

Mr. President, although I strenuously object to the process, I will vote for this monstrous measure in the form of a conference report for the same reason that many other Senators will vote for it—and that is to keep the Government running.

All that I have said is not to say that this huge legislation does not have some good things in it. There are some good things in it that we know about—good things for the Nation—and we do have to pass appropriations bills to keep the Government running. If Congress does nothing else in an entire year, it must pass appropriations measures to keep the Government running. But it is not a vote which I relish casting.

I would be less than honest if I did not state here and now that I do not know—as I have stated already—a great deal about what is in this legislation. In that, I am not alone. This conference report is a creation, without a mother or a father—rather more like a Frankenstein creature, a being of some sort that has been patched together from old legislative body parts that do not quite fit. And just as Dr. Frankenstein was quite surprised by the results of his creation, so may we be startled by the result of ours.

So we all gather down in the Rose Garden to proclaim what a victory this Frankenstein monster is for the American people! Hail, hail the victory for the American people.

Hastily drafted legislation, as Senators in this body well know, often has strange and unintended consequences. I don't fault the chairman of the Appropriations Committee. Senator STEVENS and the Appropriations Committee worked hard and reported the appropriations bills. We could long ago have acted upon these bills in the Senate and sent them down to the White House. We could have long ago done it. The Appropriations Committee didn't hold up the bills. I fault the entire Congress for repeatedly failing to do its work, and for bringing us to the brink all too often.

Thirteen appropriations bills, Mr. President, and several supplemental bills comprise the sum total of what this Congress actually has to accomplish each year. Those 13 bills, and any supplementals which may be needed, make up our basic work requirement each year before we can go home. Yet, how often we have to cobble together continuing resolutions or horrific omnibus bills like this one because we will not do our work in a timely way. Out there in the real world when you don't do your work you are fired. On the real job site, colleagues, we would be gone! We would have been gone, out there on the real job site! That is us, the delayers.

What results when we get to the end of a session and go through these agonies is Government at its worst. Someone said that making legislation was like making sausage. Don't kid yourselves. I have made sausage. It is nothing like making this piece of goods. I have made sausage. I can tell you that what we did this year in gobbling together this appropriations conference report is significantly more sloppy, more messy than making sausage.

Congress did not even pass a budget resolution this year. How about that. The Senate passed a budget resolution. The House passed one. But they never got together in conference, so Congress never passed a budget resolution this year.

I believe that this is probably the first time since 1974, when we enacted the Congressional Budget Act, that we have gone ahead and written appropriations bills without the discipline of a budget resolution.

It is rather like writing checks when you have no idea how much money is in your bank account. No sane, responsible citizen would do that. But that is what we have done with the Federal budget in this unfortunate year. We have prostituted the legislative process. We have prostituted the appropriations process. Aha, what a victory!

But the worst part about this year-end charade we so often play with appropriations bills, and especially this year's belly dance with the White House, is the way that we have flaunted the Constitution—flaunted the Constitution!

Mr. President, I do not like to be tedious about these things, but the Constitution is not a rough draft.

Article I, Section 1, of the U.S. Constitution says:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Earlier this year, I filed an amicus brief before the Supreme Court of the United States along with Senators MOYNIHAN and LEVIN with the aim of bringing down a gross aberration of the framers' intent called the line-item veto.

One of the major agreements made in support of our case against the line-item veto was that the President is not empowered to legislate, and the Supreme Court upheld that. The President is supposed to faithfully execute the law, not write it. And so we argued that when the President can completely alter an appropriations bill by lining out portions of it, by repealing it, by canceling it, canceling portions of it, thus creating an entirely different bill—one that has never passed either House of Congress—he, the President, has become not just a legislator but a superlegislator. The Court agreed. God save the Supreme Court of the United States! The Court agreed. They wisely struck down this unwise and dangerous statute.

But now look, just look now at what we have done. Look at what we have done now to the framers' handiwork at the close of the 105th Congress. We invited—we, the Congress invited—the executive branch to legislate. We said, "We can't do it. You come on in." We invited them to legislate. Shame, shame on us! We eagerly offered the executive branch a seat at the legislative table. They are, in fact, in every way co-architects of this giant piece of legislation.

We have allowed—not only allowed, we have invited—this White House to participate in this process, just as if, under the Constitution, the executive branch were legislators. So we have invited the executive branch to be coauthors of this giant, hybrid measure in the form of a conference report. It contains both legislation and appropriations bills about which most Members of Congress, especially on this side of the aisle, know very little.

Why do I say "especially on this side of the aisle" we know very little about it? I will tell you why. We had two or three levels of conferences going on, all at the same time. The appropriators, Senator STEVENS, Representative LIVINGSTON, the chairmen of the two appropriations committees, respectively, and Mr. OBEY of the other body and I, as ranking members of the two appropriations committees, met. We met all day Saturday; we met all day on the Sabbath; we met all day Monday, Columbus Day, and we hammered out item after item after item. On the other side of the table were the executive branch people. Can you imagine that. We invited them by our having delayed action on the appropriations bills.

Then on another level there was Speaker GINGRICH and the majority leader of the Senate, Mr. LOTT, both Republicans, a great political party—I have nothing against that; I have nothing against those two men, but there was the majority, the Speaker of the House, and the majority leader of the Senate. Where were the Democratic legislators at that level? There weren't any. No Democrats from the Senate or House were there to represent the minority in those negotiations.

Who represented the minority? The executive branch—the executive branch represented the minority in the Senate and House because the minority in the Senate and House wasn't at the table. We weren't at the table. The minority in the Congress had been blacked out of the picture because our seat at the legislating table was occupied, by whom? By the President's men. I don't think the President attended any of the meetings. But he was represented. He had his representatives from the White House at the table.

On one side of the table were the representatives of the President; on the other side of the table were the Speaker and the majority leader of the Senate representing the majority. We in the minority in the Senate and in the House were not at that table. If Banquo's ghost would have appeared there, I wouldn't have seen him.

I deplore this process. We have run roughshod over the Constitution of the United States of America. Through this process, we have, in effect, circumvented the supreme law of the land because we have circumvented the Constitution, Section 9 of Article I and Section 1 of Article I.

We have blurred and we have blended the very clear lines of the separation of powers set out in our national charter, and instead we have cooked up this unsavory soup which will be force fed to the American people in order to avoid a completely avoidable, but for partisan games, Government shutdown. This time there is no Supreme Court to save us from ourselves. We are quite randomly doing violence to the Constitution, and justifying it because of political expediency. Not only are we justifying it, we are claiming that it is the "second coming." "Hallelujah, what a victory for the American people. Come one, come all. Come down to the Rose Garden! Hallelujah, what a great victory for the American people!"

What a shame! Call that a victory!

I extend my thanks to the distinguished chairman of the Senate Appropriations Committee, Mr. STEVENS. He has worked hard. He has done a masterful job in bringing the bills to the floor. He has worked zealously, assiduously, and effectively. I have never seen a finer chairman of the Appropriations Committee. I take my hat off to him. And I do the same with respect to his counterpart in the House, Mr. LIVINGSTON. I commend them both and I thank them both for their hard work in bringing this measure to the floor under very difficult circumstances. And I also commend the ranking member of the House Appropriations Committee, Mr. OBEY. Moreover, I appreciate the tireless efforts of the subcommittee chairmen and the ranking members of the subcommittees. I thank the staffs that have been hard at work, far into the nights. Our staffs on both sides worked far into the nights to cobble together these webs, fragments, and pieces of legislation. Each chairman and ranking member, and their staffs, on a bipartisan basis, have worked many long hours and weekends in order to complete this piece of legislation.

While I do sincerely appreciate all their efforts, I hope that they will join me in my belief that this has to stop. How long, how long are we going to have to deprive our constituents of the opportunity of having their Representatives offer amendments to legislation on the Senate floor? I will never vote for another such monstrosity as long as I am privileged to hold this office. And I hope I never see another such monstrosity. I will never again support such a convolution of the legislative process as the one we have seen this year. And I hope that others will agree that this process is just as silly and as sad and as ridiculous and as disgraceful as I think it is. I hope they will join me in an effort to prevent it in the future.

I again thank the chairman of the committee. I am sure that he does not think any more of this process than I do. Under the Constitution, the legislative branch is to appropriate. The legislative branch has control over the purse, and the legislative branch should never so conduct itself as to essentially invite the executive branch to participate in the writing of appropriations bills.

The President has his right under the Constitution to veto a bill, but I say we ought to appropriate. We ought to pass the bills. We ought to be able to have them called up here, be able to offer amendments on both sides of the aisle—and on another day I will talk about that part of the process that is partly to blame for this situation we are in. But we ought to send the President the bills. Send them on time. If he wants to veto them, fine; he has that right under the Constitution. And the Senate and the House can try to override if they can. If they cannot, then they just cannot. But we ought not, ought not be a party to inviting the executive branch to participate in legislating appropriations bills and then gather on the White House lawn and here at the Capitol to proclaim that it is a victory for the American people.

Shame on us!

Mr. President, I ask unanimous consent that 15 minutes of my time be reserved for Mr. DORGAN.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. WELLSTONE have 15 minutes of time, later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I see the Senator from Nebraska here. I will yield him such time as he wishes on the bill.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I wish to thank my friend, the distinguished chairman of the Senate Appropriations Committee, for the time. I also wish to acknowledge, with a great amount of respect, the work that he has done on the Omnibus appropriations bill. He has done this work after being placed in an almost impossible situation, being placed in a situation not of his making. Nonetheless, the quality of his effort and leadership is recognized in this Capitol, as it has been for many years. I, too, wish to recognize that.

With that said, I rise today to oppose the omnibus appropriations bill. In my opinion, this bill is the irresponsible product of a dishonest process. It is wrong for America, and I will vote against it.

For the first time in a generation, this Congress balanced the Federal budget. We had a chance to deliver—deliver real tax relief for the second year in a row. Instead, we began to drift early this year by failing to pass an annual budget resolution—the first year without a budget resolution since the Budget Act became law in 1974. Now we have this unaccountable bill that gives away much of our hard-fought budget success.

It is humanly impossible for any of us in this Congress to know all that is in this bill. Some parts were still changing as recently as yesterday, and the full text of the bill was not available even to most U.S. Senators until almost noon today. It will take months for us to study the more than 3,000 pages of text and learn what is in it. Yet, we are asked to vote on this package, up or down, no amendments, with a couple of hours of debate. Take it or leave it.

Mr. President, that is irresponsible. That is irresponsible. We cannot forget that the American people are watching. We have to take a step back from all of this, from the swirl of negotiations and the deal-making—oh, yes, there has been a lot of deal-making—and remember who pays the bills. Whose money is it? We seem to forget whose money we are dealing with. We talk about a billion here, and a billion there—$100 billion. Now we are up to over $500 billion in this bill. This money comes from the pockets of the American taxpayer. It is their money. It is not the Congress' money. And they are watching. The American taxpayers are watching. They are watching how we spend their hard-earned money.

We don't have very good answers, certainly not in this bill. None of us knows, or could possibly know everything that the money is going for—the taxpayers' money is going for—in this bill, or how many millions of dollars have been tucked away for special projects for individual Members thrown in at the last minute behind the curtain deals. Can anyone possibly believe that this mindless process gives the American people any confidence that Congress knows what is going on, or Congress knows what it is doing, or Congress knows or cares about how we spend the taxpayers' money? The American people look at this process, and they turn away in disgust, as they should.

I want to share with this body, Mr. President, a couple of comments from letters and e-mail I have received from constituents in Nebraska in the last 48 hours.

This one comes from Mr. Lee Hamann of Elkhorn, NE. He writes:

> Absolutely incredible. The 100,000-teacher item is another hoax, just like the 100,000-police-officer scam a few years ago—that the Congress and President Clinton pulled on America. Where do the local governmental bodies get the money to continue to pay these new positions after the Federal money runs out? And who says we need 100,000 new teachers?

Who invented that number?

> One of the biggest problems in funding education is that the majority of the money is not being spent on teachers; it's going to administration. Compliance with Federal mandates [and regulations] and a whole host of other politically correct nonsense that has nothing to do with teaching our children and maintaining good discipline in schools. If Congress wants to do something positive for education, then give us a realistic school voucher system and allow parents to deduct tuition to private schools [church or secular].

This comes from a constituent, a taxpayer.

Another one from Mr. Michael J. Snyder from Edison, NE. He writes:

> I would like to have seen a tax cut for the family. Not everybody in Nebraska farms.

Not everybody is going to get some of the extra money.

> There are some of us who would like to see a cut in our income tax so that we would be able to keep more of our own money to use for our own purposes. I think we can find better ways to use it than the Federal Government.

Another one from David Begley from Omaha, NE. He says:

> Why do all the appropriations bills get done at the last minute and then the President threatens to shut down the Government and blame the Republicans?

Who is in charge back there?

Good question.

Mr. President, I understand very well that our democracy requires compromise. There is much room for honorable give and take in negotiations—honest, open, honorable negotiations. I am well aware that our negotiators had to face a President who pushed again and again and again for irresponsible new spending programs. I did not expect this bill to be absolutely pure and free from all blemishes. None of us did. But there must be a limit. This bill gave up too much. This bill busts the budget. This bill busts the budget by more than $20 billion.

I don't believe the Founding Fathers of this country ever intended for a few Members and staff to make more than one-half of a trillion dollars worth of arbitrary, closed-door decisions for the rest of us, for America—almost one-third of the Federal budget—and then present them to all other Senators and Representatives, men and women elected by the people of this country, by the taxpayers, and then say take it or leave it, an up-or-down vote. No debate, no amendments. This process, Mr. President, is not worthy of the U.S. Senate.

Instead of cutting taxes, paying down the national debt, or even "saving Social Security," this bill squanders the first budget surplus in almost three decades. Almost one-third of the projected surplus is going to more than $20 billion of new spending not paid for by offsetting it, by cutting any other spending. Instead of reflecting the priorities of the American people, this bill reflects on the priorities of the minority in Congress, such as $1.2 billion in new Federal money to pacify the National Education Association.

Instead of less regulation, this bill gives us more government.

It includes a provision that will hamstring Federal prosecutors by subjecting them to a patchwork of State ethical guidelines. On its merits, this provision never would have survived the U.S. Senate.

It includes $192.5 million for the Global Environmental Facility, even though, Mr. President, the Senate and the House had rejected this level of funding. We had actually rejected it. And this is to advance a treaty, the Global Warming Treaty, that the administration does not have the guts to send to this body to debate. They don't have the guts to do it, because they know it would be defeated. But, yet, through back-door spending—and what we have given up after the House and the Senate said we weren't—but yet this is now put in this bill. We are allowing this administration to get away with it. How did something like this get into this bill?

Of course, this bill also includes much that is good, much that I support and fought for, along with Chairman STEVENS and others. I worked hard, like many of us, to win full funding and reforms for the International Monetary Fund.

I strongly support the agricultural relief provisions and many provisions of this bill. But we should have the guts to stand up and say these and other important programs are priorities. And we should have the courage—we should have the courage—to tell the American public how we are going to pay for it. We shouldn't use budget gimmicks to hide what we have spent.

This bill includes a full range of spending by the Federal Government, and it should have been subject to the full range and full scrutiny of honest, open debate. It should have been subject to debate and amendment—the most powerful, the most powerful and important tools available for the U.S. Senators to carry out their constitutional responsibilities. But, instead, this bill is presented to us without opportunity for amendment or opportunity to really know what is in this bill. Over 3,000 pages make up this bill.

This "omnibus" bill also includes several authorization bills—policy bills—that should have risen or fallen on their own merits, not by finding their way into this unamendable tome. Congress should set new government policy when ideas are fully debated. Congress should set new government policies when ideas are amended and considered, and defined and voted for—not when a small group of negotiators decides that idea or this idea has merit. But this "omnibus" bill includes entire policy bills included in this one-half-trillion-dollar, over-3,000-page document.

Many of these policy bills have been slipped in from overhauls of immigration policy to regulation of the Internet. Seven separate antidrug authorization bills were slipped into this "omnibus" bill. And we can't amend any of it. We can't shape it, change it, influence it, delete it. We can't do our jobs as representatives of the American people.

Mr. President, this is not how the U.S. Senate should operate. The American people deserve better, and until recently they got better.

Throughout the 1980s—let's go back to the 1980s—Congress did business by passing "omnibus" bills, or "continuing resolutions" very much like this one. These were unaccountable, pork-laden bills that ran thousands of pages like this bill. They made a mockery of accountability of our democratic process. And then in 1988, many of you will remember that President Reagan stood up against what he described as ". . . monstrous continuing resolutions that pack hundreds of billions of dollars worth of spending into one bill. . . ."

In his very memorable State of the Union Address, he stacked 3,296 pages of budget bills weighing 43 pounds at the podium in the House of Representatives and implored Congress, "Let's change all this."

President Reagan called on Congress to pass spending bills the right way—the right way—one at a time, and he pledged to veto any future continuing resolutions. For 8 years, from 1988 through 1996, Congress did its work, as it should, as the American people expected, and passed individual appropriations bills in full and open debate.

Then Congress started slipping into an old pattern. The omnibus bill that year, in 1996, rolled six of the 13 annual appropriations bills into one. This year is worse, one of the worst ever, including eight of the annual appropriations bills, plus authorization bills, in this omnibus appropriations bill.

It is time for us to stand up before this old process takes new root. It is time once more to look at ourselves and declare: Let's change this. I will vote against this bill because I believe it is wrong and the process is wrong. I believe the right thing to do is to kill this bill and for Congress to keep working for the rest of this year, if it takes that, until we do this right.

I believe we should worry less about the elections and polls and government by calculation and more about doing our jobs, the jobs the American people sent us here to do. But more importantly, I believe we will all work hard—I will—to prevent this unaccountable process from ever happening again.

A top priority for this new Congress, the 106th Congress, that will be seated in January of next year must be, must be, to make the necessary changes and reforms to keep the budget process on track. Perhaps we should enact biennial budgeting and appropriations. The distinguished chairman of the Senate Budget Committee, Senator DOMENICI, has talked of this; Senator STEVENS has talked of this. Or we make other changes to ensure that we will put an end to this moonlight madness. This must stop.

Mr. President, this is not Halloween. This isn't trick-or-treat time. This is serious business. I am prepared to work with the Senate's bipartisan leadership, with all my colleagues, to make these changes occur. The American taxpayers expect and deserve better. We owe it to the people who pay the bills.

My colleagues, we can change this nonsense. We must change this nonsense.

I yield the floor, and I thank my friend, the distinguished chairman of the Senate Appropriations Committee.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Alaska has 39 minutes.

Mr. STEVENS. And Senator BYRD?

The PRESIDING OFFICER. Forty-one minutes.

Mr. STEVENS. It is my understanding I had reserved 15 minutes for the Senator from New Hampshire. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Does my time that the Chair just announced include Senator GREGG's 15 minutes?

The PRESIDING OFFICER. Yes, it does.

Mr. STEVENS. It does.

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I thank the Chair.

How much time does the Senator from Montana wish, Mr. President?

Mr. BURNS. I thank the Senator. No more than probably 5 or 6 minutes.

Mr. STEVENS. I yield the Senator such time as he wishes to use.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, one does not have to reiterate the complexity of going through this process of appropriations. I rise on this floor of the Senate with mixed emotions this afternoon as we consider the omnibus appropriations bill for 1999. I, as the speaker before me, know and understand what the chairman of the Appropriations Committee has gone through to bring this process to this point. I shall vote yea on this bill, but anybody who tells me that they have a handle on this bill would be just like their local weather forecaster—they are either a fool or a newcomer.

The framers of our Constitution did not envision the process which was the design of an administration that was irresponsible and reckless in both actions and words with the Congress and the people of this country. Being forced into a situation where the will of Americans is denied in the spending of their hard-earned money, that is not my idea of representative government. The same Americans were even denied debate on issues that would become the law of the land. I think it was THOMAS Jefferson who said that the Constitution should be flexible; it should be subject to change with the times to reflect the will of the people and not to the master politician. I believe the American people have fallen prey to those who have mastered their craft very well.

The process, as all appropriations processes, started as it should have; subcommittees, working with the administration, held hearings with the different Departments of the Federal Government, which is the administration. After being completed at that level, the consideration moved to the full Appropriations Committee. All members of that committee debated and passed on to the full Senate the appropriations bill that was started at the subcommittee level some 6 or 7 months ago.

Where were all the voices that we hear now when the work was being done at the grassroots level? Now we hear them as we come to the close of the 105th Congress. Did we not know then that a well-orchestrated delaying action was taking shape? The answer is a resounding yes. There was not one, not one who as a Member of Congress representing their respective States, was not aware, did not know where we were heading. Attempts by this administration were made to shortcut or shortcircuit the process. So when the 105th Congress closes its work, it will be the responsibility of the 106th Congress to ensure that this will never happen again. The American people deserve no less.

Now, as to the bill itself, to those critics who say there is not good in this bill, I say you are wrong. To those who say there is no tax relief in this bill, I say you are wrong—small as is might seem. And to say that tax relief is not for the proper segment of our Nation's economy, I say you are also wrong. To those who would say we have saved, saved I say, Social Security and the financial foundation of our Nation, I say you are wrong again.

It is disingenuous to ask that money be spent from the Nation's Treasury for domestic social programs under emergency conditions knowing of the surplus of funds that now exists and knowing the appropriations would not be subject to budget caps that were agreed to over a year ago. The only absolute condition—Social Security can be saved and reformed—is when Congress has created and saved, saved those surplus funds to ensure its solvency. Spending some of the surplus weakens our ability to reform and ensure the solvency of any entitlement deemed by this Congress or the administration.

The most important ingredient to make our system work for all Americans is trust and integrity. The framers of the Constitution warned us that there are weaknesses and pitfalls and certain dangers in self-government. In fact, the self-governed, who have the power to vote themselves bread with not one drop of sweat falling from their brows, are not absolved from the responsibility that they have at the ballot box. We, every American, all share this duty.

For this system to survive depends on the degree of national responsibility that is found in their elected Representatives. This 105th Congress has addressed crises that fell on our ability to produce food and fiber for this Nation. We addressed the crisis that has befallen our rural communities as a result.

We have attempted to address education by using money alone. Again, I fear that we will be disappointed with the results. In this body, we make most of our decisions based on history. The key has always been the past. Communities of this Nation should have, and have had, the power and the wisdom to say "what, why, and how" they should educate the next generation.

The stakes are high, as the very freedoms we all hold dear and above all else are at issue. The price of freedom is too dear to change the very basic foundation. The Nation has always drawn its power from local communities and their ability to solve not just local problems, but most of the problems of the Nation's interests. To abandon that premise would be dangerous and unwise.

It is unfortunate that we have to pass a measure of this magnitude, of this size, but that is the way it was forced upon this Congress this year. Were bad decisions made early on? Yes. But we can make some good decisions now. We must always keep in mind: We only have a surplus in our Nation's Treasury as a result of a strong economy. You could say the taxpayer really overpaid us. If they did, they are also telling us that we should not keep the change.

I yield the floor.

MODIFYING SECTION 110 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

Mr. ABRAHAM. Mr. President, I would like to take a moment to comment on a provision included in the omnibus appropriations measure that would modify section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Section 110 would have required the INS to establish, by September 30, 1998, an automated entry and exit control system to document the arrival and departure of every alien entering the United States. This particular language in the Illegal Immigration Reform Act was adopted only in conference and had the unintended and unforeseen consequence of requiring the INS to implement automated entry and exit control at land borders and at seaports, rather than simply at airports.

I learned of this market early this Congress and realized that extremely grave consequences would result to trade, commerce, tourism, and legitimate cross-border traffic if it were implemented anywhere other than at airports. My home State of Michigan would be hard-hit. More United States-Canada trade crosses the Michigan border than in any other State. The American automobile industry in particular would be devastated. That industry alone conducts over $300 million of trade with Canada every single day, and relies on new "just-in-time" delivery methods that make United States-Canada border crossings an integral part of American automobile manufacturing. A delivery of parts delayed by as little as twenty minutes can cause expensive assembly line shutdowns.

Unfortunately, testimony at the two Immigration Subcommittee hearings I chaired on this topic indicated that delays at the border could immediately exceed 24 hours. Implementation of entry and exit control at the land borders would effectively shut the border and effectively shut down the auto and many other industries. It would also involve untold expenditures in the billions of dollars for new infrastructure and personnel.

I would like to thank my colleagues for appreciating the seriousness and urgency of this problem. The Senate spoke with one voice on this issue when it granted unanimous consent to the legislation I introduced. Senate bill 1360, that removed any requirement to implement entry and exit control at the land borders and instead provided for a feasibility study on implementing section 110 at the land borders. Last week, the Senate granted unanimous consent to a stopgap measure I introduced to ensure that implementation would not be required pending our resolving this on a longer-term basis.

My colleague from New Hampshire, Senator GREGG, who is the chairman of the Commerce, Justice, State Appropriations Subcommittee, also appreciated the importance and urgency of this issue when he ensured that a provision concerning section 110 was included in the Senate Commerce, Justice, State appropriations bill.

Mr. GREGG. I thank the Senator from Michigan for pointing that out. We included a repeal of section 110 in the CJS appropriations bill. Section 110 would require a tremendous amount of appropriations for what would be, in my view, almost no tangible benefit. We should be responsible with our appropriations and ensure that federal monies are spent on immigration enforcement efforts that really will be effective, rather than on unintended, untried, and untested systems.

Mr. ABRAHAM. Is my understanding correct that the current appropriations legislation before the Congress does not include any funding for implementing entry and exit control at the land borders?

Mr. GREGG. That is correct.

Mr. ABRAHAM. I would hope that the appropriators will ensure in the future that no money is appropriated for this system until it is certain that the system will cause no additional delays at the land borders and will not harm American trade, tourism, or other legitimate cross-border traffic in any way. Do you agree?

Mr. GREGG. I agree with you entirely on that.

Mr. GORTON. Let me just add, both as a member of the Appropriations Committee and as a Senator from the State of Washington, that I agree that no money should be spent on implementing any such system at the land borders or seaports until we are assured that no adverse consequences will result. I am convinced that the consequences would be disastrous. I would also like to ask the distinguished Majority Leader for his support.

Mr. LOTT. I thank my colleagues. I agree that we have no idea at this point what sort of system would be implemented at land borders and seaports or how much it would cost. Under the compromise worked out with the House and included in the omnibus legislation, there will be no implementation at the land borders or seaports for 2½ years. I hope that will give us enough time to figure out what to do with this.

Let me assure my colleagues that if it becomes clear that such a system will not be able to be implemented without adverse effects on our border communities, on trade, or on tourism, I will work with them on authorizing legislation to remedy any problems and will work with them to ensure that no appropriations go toward implementing any system that will not be acceptable to them and supported in their States.

Mr. ABRAHAM. I thank the distinguished Majority Leader for his concern and his support. I would also like to note that the compromise language provides that the system to be developed by the INS must "not significantly disrupt trade, tourism, or other legitimate cross-border traffic at land border points of entry."

As I have noted, delays of even 20 minutes or less could cause very significant disruptions in the auto industry in Michigan. I am sure the many other industries and States affected will face similar devastating consequences from increases in waiting time at the land borders. Disruptions must be considered all along the chain of production and trade and in the widest possible context, not simply in terms of what actually occurs at the border, in determining whether or not they are significant. Do my colleagues agree?

Mr. LOTT. I agree.

Mr. GORTON. I agree.

Mr. GREGG. I agree.

Mr. ABRAHAM. I thank my colleagues and appreciate their support.

I will be working to ensure that such a system never harms our borders and our trade, and will also be working on providing that this issue is properly studied before it is implemented.

Mr. DURBIN. Mr. President, I would like to commend the distinguished Senator from Michigan for all of his hard work on the H1B visa program. I voted against passage of this measure in the Senate in the spring but today am happy to have it included in the omnibus. This is due to the incredible efforts of Senator ABRAHAM. This is a well-balanced measure that addresses the needs of the business community while protecting the well-being of American workers. One of the most impressive accomplishments in this proposal is that it attempts to meet a short-term labor shortfall while instituting a program to ensure a long-term labor supply. The bill creates a new program of grants to provide technical skills training for workers.

This bill contains provisions to ensure that Americans will not be harmed by this legislation. A $500 fee paid by businesses wishing to participate in the H1B program will raise approximately $75 million annually to be split between a scholarship program for underprivileged high school students studying mathematics, computer science, or engineering and funding for job training programs which focus on information technology.

One project that I hope would be supported under this new program is the DePaul University High-Tech Workforce Pilot Program in Chicago. It was developed in conjunction with Chicago companies and local government with the goal of preparing America's workforce to compete in the dynamic high-tech industry. It has also been developed to be a model that can be replicated by other universities and cities. I believe that DePaul's training, retraining and education program will expand America's skilled labor force.

Let me again congratulate, Senator ABRAHAM for his success and hard work.

Mr. ABRAHAM. Mr. President, I thank the Senator from Illinois. As he pointed out, the American Competitiveness and Workplace Improvement Act, includes a provision to provide math, engineering and computer science scholarships to needy students and a provision to provide additional worker training programs. There are a number of pilot programs being developed around the country to provide high-tech training to American workers. As Senator DURBIN mentioned, DePaul University has developed just such a pilot program to address the shortage of qualified U.S. high-tech workers that might well serve as a good model for other programs across the country. Programs like the one developed by DePaul University are what we had in mind when the training provisions were drafted.

NATIONAL SECURITY

Mr. MACK. Mr. President, I understand that language has been added to section 117 of the FY99 Treasury-Postal appropriations bill since that bill was passed by the Senate. It is also my understanding that this bill will be included in the omnibus spending bill. I would like clarification from my colleague from North Carolina who attended the conference on this legislation.

Mr. GRAHAM. I join my colleague from Florida in making this inquiry. Since enactment of the provision by the Senate, I have noted that a new section (d) has been added in conference, which provides that the President may waive the "requirements" of this section in the national security. I note that the term "requirements" may require clarification. As I understand the import of this language, it does not allow the President to waive the section as a whole, but only those part that relate to "requirements" on the Secretaries of Treasury and State. Is that the understanding of the Senator from North Carolina?

Mr. FAIRCLOTH. Yes, that is my understanding, and that is confirmed by the Report of the Conference Managers, which distinguishes between the term "provision" and the term "requirements of this provision." And it is further my understanding that, to the extent that the section 117 establishes any "requirements" within this so-called waiver provision, those requirements are contained only in new section (2)(A).

Mr. LAUTENBERG. As the author of the original provision, Mr. President, I can assure my colleagues that it was my intention that state sponsors of terrorist acts against Americans pay the price for their deeds set by U.S. courts. I did not include a waiver because I don't believe countries which sponsor terrorism should be shielded from these judgements. On the interpretation of the waiver added in conference, I would have to rely on the Senator from North Carolina and the chairman of the Appropriations Committee.

DEPARTMENT OF ENERGY'S WINDOWS PROGRAM

Mr. MACK. Mr. President, I would like to engage Senator GRAHAM in a colloquy concerning the Department of Energy's energy saving windows program. I would first like to thank Senator GORTON for his past efforts in assisting the State of Florida's development of electrochromic technology. We support the Department of Energy's continued support of the State of Florida's electrochromic program.

Mr. GRAHAM. Electrochromic technology provides a flexible means of controlling the amount of heat and light that pass through a glass surface providing significant energy conservation opportunities. I understand the Department of Energy estimates that placing this technology on all commercial building windows in the United States would produce yearly energy savings equivalent to the amount of oil that passes through the Alaskan pipeline each year.

Mr. MACK. I have been told the State of Florida has provided over $1.2 million toward the advancement of plasma enhanced chemical vapor deposition (PECVD) techniques for electrochromic applications. The program is being undertaken in conjunction with the University of South Florida and utilizes the expertise and patented technology of the National Renewable Energy Laboratory in Colorado.

Mr. GRAHAM. This program is an excellent example of successful technology transfer from a national laboratory as well as an example of a successful public/private partnership. I understand the program is consistent with industry priorities and the goals of the Department of Energy's energy saving windows program.We hope that the Department of Energy will provide no less than $1 million of Fiscal Year 1999 funding for electrochromics to further the State of Florida's development of PECVD techniques for electrochromic technology.

Mr. MACK. I understand that the State of Florida's development of plasma enhanced chemical vapor deposition (PECVD) for electrochromic applications is consistent with the priorities of the industry within the United States and the goals of the Department of Energy's windows program?

Mr. GRAHAM. Senator you are correct. I would also like to voice my concern regarding Fiscal Year 1998 funding that has not been provided by the Department of Energy to assist the State of Florida's program.

Mr. MACK. I agree with you Senator. I hope the Department of Energy will move quickly to release Fiscal Year 1998 funding in an effort to maintain domestic superiority in this important energy conservation technology.

FISCAL YEAR 1999 TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS—MIDWEST HIDTA

Mr. HARKIN. Mr. President, I would like to thank Chairman CAMPBELL for his hard work, commitment, and dedication to increasing the funding level for the high-intensity drug trafficking areas in the fiscal year 1999 Treasury and General Government appropriations bill. When the Senate version of this legislation was being debated on the floor, Chairman CAMPBELL and I worked together to increase funding for several of these areas, including an additional $3.5 million for the Midwest HIDTA.

Mr. President, in the last three years, the Midwest has experienced a phenomenal increase in the importation, distribution, and clandestine manufacturing of methamphetamine. The region's central location, variety of interstate highway systems, along with its air and rail hubs enhance, its popularity as a market for Mexican methamphetamine trafficking operating out of the Southwest border areas. The Midwest HIDTA is integral to the strategy employed by each state to reduce methamphetamine importation, distribution, manufacturing, and related criminal activity.

Although the conference report for the fiscal year 1999 Treasury and General Government appropriations bill did not include specific funding for each HIDTA, the conferees did include a significant increase in HIDTA funding.

Therefore, I would like to ask the Chairman of the Treasury and General Government Appropriations Subcommittee if it was the intent of the conferees that a large portion of the increase in HIDTA funding should go to the areas which were specifically listed in S. 2312 as passed by the Senate. These areas include the current Midwest HIDTA, an expansion of the Midwest HIDTA to include the State of North Dakota, the Central Florida HIDTA, the Cascade HIDTA, and the Southwest Border HIDTA.

Mr. CAMPBELL. I thank my colleague from Iowa for raising this issue. The Senator from Iowa is correct that the conferees did not include a specific increase in funding for the individual HIDTA's. However, it is my hope that the Office of National Drug Control Policy will use these extra resources to fund an increase in those HIDTA's which demonstrates the greatest need. Consideration should be given to those HIDTA's cited in the amendment described by the Senator from Iowa.

Mr. HARKIN. I thank my colleague from Colorado for his assistance in this matter, and for his efforts to increase the safety of our citizens by substantially reducing drug-related crime and violence.

ENERGY EFFICIENCY

Mr. MURKOWSKI. Mr. President, I rise today to further clarify that the language in the legislative report that accompanied S. 2237 with respect to energy efficiency codes and standards was not intended to conflict with existing laws. This issue was debated thoroughly when the Congress passed the Energy Policy and Conservation Act in 1975, and again in the debate over the 1992 Energy Policy Act. I ask unanimous consent to have printed in the RECORD a letter from seven of my colleagues expressing concern over this language.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 3, 1998.

Senator FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN. We are deeply concerned over language in the legislative report that accompanies S. 2237, The Department of the Interior and Related Agencies appropriations bill. Several sentences in the Energy Conservation section of the report (pp. 100–101) reverse nearly a quarter-century of federal policy and ignore the clear statutory direction given in the Energy Policy and Conservation Act 1975 ("EPCA").

EPCA is where the Department of Energy's appliance efficiency program began and it clearly says (at 42 U.S.C. 6291) that DOE should measure "the quantity of energy directly consumed by a consumer product at its point of use." Then and now, others believe that DOE's standards should be based upon a more expansive definition of energy use, one that included exogenous factors like "total fuel cycle" costs, emissions and externalities.

Congress and the President wisely rejected such an approach both in 1975 and in succeeding debates in recognition that determining the energy use of an appliance at its point-of-use is a measurement, while attempting to factor in various exogenous factors is an attempt to estimate that which cannot be measured, projected, quantified or extrapolated with any real accuracy. It is a case of comparing hard, objective measurements with soft, subjective estimates.

This approach was clearly seen as unworkable in 1975. Nothing that has happened in the intervening twenty-three years makes it any more workable toady. No two people could agree on which exogenous factors should be quantified, let alone how they might be quantified. The resulting numbers would be useless, reflecting politics rather than good science, engineering or mathematics.

This report language, which directs the Department to drop the current "point of use" standard in favor of this expansive "source based" standard, was inserted with no hearings, no debate and no attempt to involve the committee of jurisdiction, which you chair. In addition, DOE's recently formed Advisory Committee on Appliance Standards was completely ignored by the "source energy" advocates, who are themselves members of the Advisory Committee.

We urge you, as Chairman of the Energy Committee, to assert your committee's jurisdiction over this statute and program. A program that has provided America's consumers with accurate and useful information for the past twenty-three deserves thorough review before changes of this magnitude.

Sincerely,

TOM HARKIN.
CHUCK GRASSLEY.
CRAIG THOMAS.
MICHAEL B. ENZI.
LARRY E. CRAIG.
JOHN GLENN.
JAN KYL.

Mr. MURKOWSKI. During past consideration of this issue, the majority of Congress determined that energy consumed at the point of use can be measured, projected and extrapolated with greater accuracy than data based on subjective estimates of externalities, such as emissions, and "source energy." This determination is clearly reflected in the authorizing statute, 42 USCS Section 6291, which defines "energy use" as "the quantity of energy directly consumed by a consumer product at point of use, determined in accordance with test procedures under section 323 (42USCS Sec. 6293)." Any substantive change in existing law and policy should only be undertaken after careful consideration by the authorizing committee of jurisdiction, the Committee on Energy and Natural Resources.

With respect to the Federal Energy Management Program, another program potentially affected by this language, 42 USCS 8253 and Executive Orders 12759 and 12902, which relate to improvement in energy efficiency in federal buildings, stating that "each agency shall apply energy conservation measures to, and shall improve the design for the construction of, its Federal buildings in use during the fiscal year 1995 is at least 10 percent less that the energy consumption per gross square foot of its Federal buildings in use during the fiscal year 1985. . . ."

The June 1996 policy statement of the Federal Intergency Energy Policy Committee interprets these authorities as encouraging cost-effective energy projects that results in "operational cost savings," regardless of whether that consumption is measured on a site basis or a source basis. While this allows the goal of reduced energy consumption to be demonstrated by source or site analysis, saving taxpayer dollars is retained as its primary criteria for projects. A change to consideration of externalities and "source energy efficiency" over direct cost savings would be a major change that should also be undertaken only after thorough analysis of its impact by the authorizing committee.

I understand the concern that the Department could improve the analytical methods that are used to calculate "source" energy efficiency, which would give consideration to the full panoply of costs involved in using various appliances and making other energy efficiency decisions. Under the authorizing statute, the Department may make an effort to reduce the subjectivity involved in making the estimates necessary to make "source energy" calculations.

This work can be taken into account as the appropriate authorizing committees consider changes in our existing national policy. Until that time, the existing statutes are the law of the land.

THE AMERICAN FISHERIES ACT

Mrs. MURRAY. Mr. President, the Omnibus Appropriations measure before us contains an important provision regarding foreign ownership and control of United States fishing vessels as well as a resolution of disputes regarding the North Pacific pollock fishery. More than one year ago, Senator STEVENS introduced S. 1221, the American Fisheries Act. A major purpose of this legislation, and a goal I strongly support, was to further increase the level of ownership of U.S. fishing vessels. The Americanization of the U.S. fishing industry began in 1976 with the passage of the Magnuson Fishery Conservation and Management Act which established a 200 mile Exclusive Economic Zone (EEZ) and prioritized access to fishery resources within the EEZ to American citizens. This legislation is an historic milestone in international marine policy and set a precedent that all coastal nations have followed. It was an important step in securing American control of the vast fishery resources off our coastlines.

Eleven years later, another step was taken to further Americanize U.S. fisheries. The 1987 Anti-Reflagging Act required U.S. citizens to own and control at least 51% of any U.S.-flag fishing vessels. This Act also included grandfather provisions that, because of drafting errors, allowed any current U.S. flag fishing vessels that did not meet the new standard to be exempt from the new ownership standard and allowed vessels under contract to be rebuilt into fishing vessels in foreign shipyards to retain their U.S. fishing privileges. The two grandfather provisions allowed a far greater degree of foreign owned and controlled fishing vessels to remain is U.S. fisheries than had been intended. Although the United States Coast Guard correctly interpreted these grandfather provisions in a legal sense, there has been ongoing controversy regarding Congressional intent with these grandfather provisions and their application by the Coast Guard.

Eleven years later, the American Fisheries Act will finally resolve this issue. It requires a real, effective, and enforceable U.S. ownership threshold for U.S. flag fishing vessels. Under this Act, U.S. citizens must own and control 75 percent of the ownership interest in any U.S. flag fishing vessel. I strongly support these provisions as an important step in our ongoing efforts to Americanize the fisheries of the United States EEZ. It is time to more fully ensure that the vast fishery resources of the United States are harvested by Americans. These provisions will go a long way to making that the case.

In addition to the further Americanization of U.S. fisheries, the Title included in the Omnibus Appropriations measure also resolves the long-standing allocation battles surrounding the North Pacific pollock fishery. When S.1221 was introduced by Senator STEVENS in September 1997, one of the goals in addition to Americanizing the U.S. fishing fleet was to phase out a number of Seattle-based catcher processors that had used the grandfather provisions of the 1987 Anti-Reflagging Act to enter the pollock fishery. Senator SLADE GORTON and I strongly opposed the original legislation because of the devastating impact this phase out would have had on Washington state jobs andthe Puget Sound economy. However, there were a number of Washington state constituencies who strongly supported the legislation and the phase out of these catcher processors.

In the interest of resolving this issue, Senator GORTON convened a meeting in August 1998 of all the major participants in the North Pacific pollock fishery to explore the possibility of reaching a settlement of the dispute. My good colleague from Washington state established a number of principles which all the parties agreed to and guided the discussion of potential solutions. Those discussions led to the conclusion that 4 key issues needed to be addressed: Americanization, decapitalization, rationalization, and reallocation. This meeting led to a series of intense negotiations among the major North Pacific pollock fishery participants, led by Senator STEVENS office.

that provided the framework for the legislation before us.

While my colleagues from Alaska and Washington have provided a much more detailed outline of the provisions of the American Fisheries Act, I would like to summarize some of the key aspects.

This bill includes a substantial reallocation of the North Pacific fishery resource, one of the most valuable fishery resources in the world. The 1.2 million metric ton fishery is worth approximately $250 million annually. For the last 6 years, there has been tremendous allocation disputes regarding this resource before the North Pacific Fishery Management Council. Prior to 1992, the offshore component of the fishery harvested approximately 85% of the resource. In 1992, the North Pacific Fishery Management Council reduced this harvest level by allocating 35% of the resource to the onshore component of the fishery, that is, catcher boats delivering to onshore processing plants. Recently, the Council recommended to the Secretary of Commerce increasing this percentage to 39%. This bill provides 50% of the resource to the onshore sector, 10% to the mothership sector, and 40% to the offshore sector, permanently resolving the long-standing allocation battles over this valuable resource. With each percentage point of the total allowable catch valued at approximately $5 million, this shift in harvest opportunity represents anywhere from a $55 million to $75 million reallocation.

To offset this massive move of fish, the legislation includes a substantial reduction in the excess fishing capacity in the offshore sector. Overcapitalization has been an ongoing problem in all North Pacific fisheries and is the source of the allocation battles that ensue over these fisheries. This act will permanently remove nine pollock factory trawlers from the pollock fishery, in fact, from the U.S. EEZ entirely. Eight of these vessels will be scrapped, preventing them from being used in any fishery in the world. In exchange for retiring these vessels and transferring the pollock catch history associated with them to the onshore sector, the owners of these vessels will be paid $90 million. An additional $5 million will be paid to the remaining participants in the offshore sector of the fishery for the additional reduction in the offshore allocation. $20 million will be provided by the federal government as it bears responsibility for the failure of the 1987 Anti-Reflagging Act to effectively keep foreign fishing vessels out of the U.S. EEZ. The remaining $75 million will be paid by the onshore sector through a federally-guaranteed loan.

Replacement of the capacity represented by these removed vessels is prevented by statutorily establishing either through explicit listing of the vessels or specific criteria for participation, the factory trawlers, motherships, catcher boats, and onshore processors that can continue to participate in the North Pacific pollock fishery. This listing of the eligible fishery participants is essential to preventing recapitalization of the fishery and ensuring that steps toward rationalizing the fishery can proceed. It has not been done without controversy, however. There has been a great deal of concern among the fishing industry in Washington state and Alaska about the exclusive listing of onshore processors. Many fishery participants have made a distinction between addressing overcapitalization on the water and on the land. Many have argued that the exclusive listing of onshore processors will deny fishermen competitive markets for their fish. Others are concerned that it locks in substantial foreign investment in the processing sector of the fishery while at the same time the bill seeks to further Americanize the harvesting of fish in the U.S. EEZ. I share these concerns. However, the need to rationalize this fishery necessitates this action. In the absence of this provision, the ability to proceed with the formation of fishery cooperatives as a means to end the race for fish could not be successful. In the end, I feel the potential benefits such rationalization could provide for both the resource and the industry dependent upon it justify this action. Nonetheless, I think it imperative that both the Council and the Congress closely monitor the impacts of this provision to ensure it achieves our goal of improving the situation for fishermen. If not, additional measures may need to be taken.

This bill relies in great measure on the ability and willingness of the North Pacific pollock fishery sectors to form fishery cooperatives. Fishery cooperatives, authorized under current law, are a privately negotiated allocation on a company-by-company or vessel-by-vessel basis of a portion of the total allowable catch. Similar to an individual fishing quota program, cooperatives provide fishery participants with the certainty they need to stop the race for fish, and harvest and process the fish on a more flexible schedule with greater attention to bycatch, efficiency, and safety. The existing fishery cooperative in the offshore sector of the Pacific Whiting fishery has shown tremendous benefits in these regards and has helped rationalize the fishery. It is hoped that cooperatives can do the same in the pollock fishery.

In the interest of ensuring that small, independent fishermen are the true beneficiaries of fishery cooperatives, the bill includes a number of requirements for fishery cooperatives in all three sectors which are designed to provide these small, independent fishermen with sufficient leverage in the negotiations to protect their interests.

In addition, the bill attempts to ensure adequate protections for other fisheries in the North Pacific and Pacific from any potential adverse impacts resulting from the formation of fishery cooperatives in the pollock fishery. The formation of fishery cooperatives will undoubtedly free up harvesting and processing capacity that can be used in new or expanded ways in other fisheries. Although many of these vessels and processors have legitimate, historic participation in these other fisheries, they should not be empowered by this legislation to gain a competitive advantage in these other fisheries to the detriment of participants who have not benefitted from the resolution of the pollock fishery problems.

While we have attempted to include at least a minimum level of protections for these other fisheries, it is clear to many of us that unintended consequences are likely. It is therefore imperative that the fishery management councils not perceive the protections provided in this bill as a statement by Congress that these are the only protections needed. In fact, the opposite is true. Although the protections provided for the head and gut groundfish offshore sector from the pollock offshore sector are more highly developed and articulated in the bill, the protections for other fisheries are largely left for the Councils to recommend. Those of us involved intimately in the development of this legislation strongly urge the Councils to monitor the formation of fishery cooperatives closely and ensure that other fisheries are held harmless to the maximum extent possible.

In particular, the legislation directs the North Pacific Council to address the issue of latent capacity in the Bering Sea crab fishery. I am deeply concerned by the recent failure of the North Pacific Council to address this issue in response to this legislation. The relatively minor level of protection provided in the bill for the Bering Sea crab fishery should in no way be construed by the Council as sufficient to protect the crab fishery from potential adverse impacts of pollock fishery cooperatives nor should it be deemed sufficient to address the issue of overcapitalization of the crab fishery and the need to remove latent capacity. I strongly urge the Council to take measures to further reduce latent capacity in the crab fishery beyond that which the License Limitation Program addressed and to avoid rewarding speculative participation in anticipation of the developing industry-funded capacity reduction program being developed by the crab industry. At the same time, the Council should ensure that true historic participants in the crab fishery who have made legitimate investments to harvest crab are not eliminated.

The American Fisheries Act title in this Omnibus Appropriations measure is an important next step in our efforts to Americanize U.S. fisheries and ensure their long-term sustainable use. I support this provision and will work with my colleagues to ensure that is effectively and fairly implemented. In closing, I want to thank Senator STEVENS, GORTON, and MURKOWSKI for their hard work on this legislation. I would also like to acknowledge the hard work of Trevor McCabe, Jeanne Bumpus, Bill Woolf, Martin Kodis, and my own staff, Justin LeBlanc. Without their dedication and perseverance, we would not have put this legislation together.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding there is some time remaining on this issue, is that correct?

The PRESIDING OFFICER. There is indeed. There are 41 minutes under the order; 30 of those minutes have been allocated so there remains 11 minutes.

Mr. DURBIN. Mr. President, I rise to address this piece of legislation which is being talked about on the floor. Millions of people come to Washington, DC, every year to see the sights of Washington. One of the most impressive is a trip to the Archives. Go to the Archives and see the glass cases. In those cases you will find the Constitution of the United States in its original form and the Declaration of Independence. Schoolchildren remember that for a lifetime. They have seen a document that is historic.

I might say to my colleagues in the Senate, I have just seen a document that is historic. Not 50 feet away from where I stand, in room 224, sits a document of 4,000 pages; some 25 pounds of paper that comprise this omnibus legislation we are talking about, a measure rarely seen by anyone.

Is it important? A third of the Federal budget is in that document in that room, and most of the Members of the Senate, aside from a glance walking through, will not see anything else in the document. If we are quizzed as to what is in the measure, we are hoping that our staff or someone else has read it because, frankly, we have not.

How did we get in this predicament? How are we here, on October 20, at the tail end of a misspent life, wondering why this Senate and this Congress were so unproductive during the 105th Congress? Some want to blame the President. But I remind those who do to take a look at the Constitution, because the Constitution has established three branches of Government, each with a responsibility. In this case, our responsibility was, on April 15, to pass a budget resolution, a resolution which was to be basically a blueprint for all spending by the Appropriations Committee.

I see the Senator from Alaska, the chairman of the Appropriations Committee, here. I have served on the House Appropriations Committee, and I know that budget resolution is your guide, your roadmap, for determining how much each department can be given in money. Does the President write the budget resolution? No. It is passed by the House, then the Senate. It is enacted by them as a resolution and not a law. The President doesn't even sign it.

What happened this year? We never passed a budget resolution. For the first time in 25 years we failed to pass a budget resolution. Was it the President's fault? Not at all. It was the fault of the House and the Senate. You see, the Senate passed its version of the budget resolution. When it went over to the House, they said, "We think the surplus is so invigorating we want to give away $800 billion in tax cuts." Luckily, some Republican Senators—Democrats as well—said that is irresponsible and stopped it in its tracks, and that was the end of the discussion.

Then everything started piling up. We did not pass a budget resolution. We did not pass seven appropriations bills. In fact, you would need a bloodhound and a flashlight to find anything that we have done in the past year that we have been in session—with the exception of renaming Washington National Airport after President Reagan.

Here we are, 3 weeks into this new fiscal year, without a budget resolution trying to play catchup. We are fearful of another Government shutdown, because Congress has failed to meet its responsibility, and we are moving to try, in one vote in the House today and the Senate tomorrow, to correct the mistakes of a year with one bill: 4,000 pages, 25 pounds of documentation.

This Congress has failed to pass campaign finance reform, a bipartisan measure supported by the President—killed on the floor of the U.S. Senate. This Congress has failed to pass any effort to stop the tobacco companies from luring our children into addiction—another bipartisan effort, killed on the floor of the Senate. This Congress has failed to pass a Patients' Bill of Rights, reform of managed care so that all of us as patients have some rights to quality care when we go to see a doctor or to a hospital—killed on the floor of the Senate. We have failed to do anything to preserve the Social Security system beyond the year 2030, even though we have the wherewithal in this surplus to start speaking in specific terms about doing that. We have failed to pass the legislation proposed by my colleague, Senator CAROL MOSELEY-BRAUN of Illinois, to invest in 5,000 new and repaired schools across America to try to address the onslaught of children who will be coming into school, increasing the school population of our Nation and making certain that current schools have the technology to be able to teach our children as they should. We did not address that, either.

Literally in the closing days of negotiations, President Clinton came to the negotiators, to the Republican leaders, and said: This Congress will not leave town without doing at least one thing, one thing for education, but an important thing—reducing, on a nationwide basis, class size in grades kindergarten through 3 to no more than 18 students in a classroom. That is what the 100,000 teachers are about, so we have enough teachers so kids have the kind of attention they need at the earliest time in their educational development.

I happen to think that is one of the most important things we could do in our Nation. My wife and I raised three children. We are watching a little grandson grow up right now. You come to realize what early childhood development means. The biggest growth industry in America today is the construction of prisons. How many of those prisoners might have had a different life if they got off to a better start?

That better start could have been a better classroom experience, a better education.

When I asked the warden of a prison in Illinois recently about how many of the inmates there came to prison even close to any level of competency in education, he said fewer than half. Most people who show up in prison have little or no educational skills. It is part of their frustration. I won't make that as an excuse for committing a crime, but certainly you can understand the frustration and waste involved when we don't use education well.

President Clinton said to the negotiators, "You won't leave town, you won't put together this bill unless and until you include at least one initiative for education in America." He pushed hard for it. He achieved it.

I am happy there is more money for Head Start. That is an excellent investment.

There is more money as well for the National Institutes of Health. On a bipartisan basis, we are increasing medical research by 14 percent—a smart thing to do.

The health insurance deduction for the self-employed is accelerated so they can be treated fairly, so small businesses and farmers get a fair share.

And there is agriculture relief which, to those of us in the Midwest, means a lot. In Illinois, the Dakotas, Minnesota, all across the Midwest, we face a crisis. Luckily, with the President's leadership, we increase the money in this bill to take care of it.

There are other things as well—food safety initiatives, which I support, and funding the IMF.

But there are things we failed to do. Can you believe we are still in a deadbeat status, the United States of America, when it comes to paying our

United Nations dues? We were a few million dollars away from being disqualified in voting in the Security Council because we continue to stiff the United Nations year after year after year, an agency which we turn to, as President Bush did with the Persian Gulf war, as we do on a frequent basis, to try to promote peace in the world and to promote the goals of our foreign policy.

This Congress refuses to pay our dues. It is an embarrassment. We are a nation which calls on the world to meet its moral responsibilities, and yet we don't meet our moral responsibility in paying these dues. That is a disgrace, as far as I am concerned.

There are going to be things in this 4,000-page bill—I just learned of one. My friend, Senator BARBARA BOXER, got on the floor with me—and Senator WELLSTONE remembers the debate —and we talked about all the oil companies drilling for oil on publicly owned land, land owned by the taxpayers, and refusing to pay us a fair rental based on the cost of the oil.

We basically said to the Department of the Interior: Adjust that rate; make sure the taxpayers don't get cheated on this oil.

Guess what? A provision in this 4,000-page bill will cost the taxpayers 60 million bucks a year so these oil companies can continue to drill on our land that we own as a nation and refuse to pay a fair amount for drilling for that oil. Sound like welfare to anybody? Sounds like welfare to me, and it is in this bill. It is corporate welfare for a handful of the biggest oil companies, and it is shameful.

There are people who take the television stage and go on the shows and talk about, Where is the sense of outrage in America? Good question. They want to address that question as to one person. I want to address it as to one bill of 4,000 pages. There should be a sense of outrage that this bill was promulgated in darkness, behind closed doors that literally no one has read, that includes gifts like the $60-million-a-year gift to the oil industry, and God knows what else. And here we are.

I said to the chairman of the Senate Budget Committee, "If we don't need a budget resolution, why do we need a Budget Committee?" Maybe we can start by saving money in the 106th Congress by eliminating the Budget Committee. We didn't need it this year because whatever we did certainly wasn't useful. It didn't produce a budget resolution which was so important for all of us.

There are provisions in here as well that touch people where they live: the whole question, for example, of home health care interim payments. There is a lot of concern, because so many seniors and disabled people rely on home health care. The current system needs to be changed. I will tell you, the so-called "fix" in this bill is no fix at all. We will have to revisit it. It is another failure of the 105th Congress, and that is troublesome to me and, I hope, to a lot of others.

Then, of course, we have this doomsday scenario in the bill which cuts off the spending for the Commerce Department, the State Department, the Justice Department and the judicial branch of Government as of June 15 of next year. So even with the 4,000-page bill, we are not appropriating enough money to fund those agencies for a year.

We are postponing, again, facing the reality of what needs to be done in this Nation. All of us who are elected to the House and Senate are entrusted with the responsibility to enforce and live by the Constitution and to meet the obligations of this country. This 105th Congress has failed to do that. The fact that we are even here on October 20, the fact that we are considering this mystery bill of 4,000 pages, still unread by most, the fact that we don't know what is included, we don't know what favors have been given to special interest groups or individuals and the fact that we are going to vote on this almost blindly within the next 24 hours is testimony to the fact that this Congress has accomplished little or nothing.

When the American people are asked, What did this Congress do this year, what did it achieve? they are at a loss for words.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I virtually am at the same loss today. I regret that. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me just thank my colleague, Senator DURBIN, for his remarks. I think they were important. I hope we can translate what the Senator from Illinois had to say about this bill—not into action tomorrow because this is a conference report, there are no amendments, it is voted up or down—I hope it leads to some important changes in this legislative process.

I listened to my colleague from Illinois, and there are two points that he made that I want to build on. The first has to do with the way this was done. I really think it is not just a question of the people in the country, whether they be in Illinois, whether they be in Minnesota, whether they be in Idaho, Alaska or any other State. It is not just a question of people in this country saying, "Listen, we want to have campaigns, not auctions; is there a way we can get this big money out of politics?" But we didn't do anything in this Congress.

It is not just a question of people saying we are one of 43.5 million people with no health insurance, or we are elderly people who are paying a quarter of our budget for prescription drugs, or I am one of too many examples in the country where I was turned down for care that I needed by a kind of bottom-line medicine with insurance companies too much in control; isn't there any protection for me?

It is not just bad enough we didn't respond to any of that. It is not enough that this Congress did absolutely nothing, in spite of all of the hype and too many of the speeches that were given for children in America. I am convinced that the ultimate indictment of the failure of this Congress to do hardly anything positive for people in our country is the way in which we continue to abandon too many children in the country and devalue the work of too many adults who work with those children. For all the families that said to us, Is there some way that you can make child care more affordable for us; is there some way that we can make sure that when both of us have to work, there is good child care for our children, child care that we can afford? —our response was to do nothing.

It is not enough, Mr. President, that when it comes to the issue of living-wage jobs—which I think is going to become a bigger and bigger issue. Sometimes I fault my own party for continuing to talk about the number of jobs and the relatively low level of unemployment. But boy, I will tell you, when you add to the equation people who are only working part time because they can't find the full-time jobs, or when you add to the equation people who are working full time, 52 weeks a year, 40 hours a week and are still poor in America and still look for a raise for themselves, a decent wage, again, the response of our Congress was to do nothing.

I don't think that is the real issue that we are faced with here. I want to count myself as someone who is in profound disagreement with a Congress that basically has been a do-nothing Congress. I think that in the last several months out here on the floor, as a Senator who really believes in coming out here with amendments and trying to respond to people and really do something for people, it has been a little frustrating to have a process that is just not open and you are able to do that. I also understand the majority leader and some of what he has had to deal with.

Now we have a bill before us—I heard my colleague from Illinois say, I think, 25 pounds. I heard it weighs 40 pounds. Somebody will have to weigh it. It is 2 feet tall. That is a third of my height, if you want to believe that. Actually, not quite. I guess I can't get away with that. But it is 2 feet tall, roughly 40 pounds, and we haven't even seen it.

We have had staff that are now trying to evaluate it. Can you imagine?

You have eight appropriations bills put into this piece of what Senator BYRD called "this monstrosity," weighs close to 40 pounds, 2 feet tall, and we have hardly had a chance to look at it. And we are going to vote on it tomorrow.

And in all due respect to my colleague from Alaska, I want to be clear about it. At least in the time I have been here—and I am not just trying to make friends because, boy, if Senator STEVENS does not agree with you, he is out on the floor and he makes it clear what his position is—he is probably the best there is at getting things done here. It is amazing what he can put together. So I do not think it is a question of my colleague from Alaska.

But looking at this overall process, it is no wonder that people lose confidence in us. We have to do better. It is just unbelievable. It is not true that process does not matter. If this just looks like a bunch of behind-the-scenes deal making, with very few people kind of deciding what is in and what is out of a bill that is—how many pages?

Mr. DURBIN. Four thousand.

Mr. WELLSTONE. Four thousand pages. If ordinary citizens—which I mean not in a pejorative way, but in a positive way—have not the faintest clue of what is going on, and those of us supposed to be representing people have not been in a position to know what kind of decisions have been made, then it is no wonder that people say we do not believe in this.

I tell you, between what has happened with this bill and anonymous holds—which is another feature of this process that I really think we have to confront to take on where somebody can just put a hold on something or an individual judge, or whatever; and it is anonymous; and you never find out who it is—between that and conference committees where even if you pass an amendment in both bodies, the conference committee can take it out or something can be put in, I think we do have to do a lot better in this process. I think that should be at the top of the agenda in the next Congress.

Mr. President, I think that this bill—and as I speak, I do not even know how I will vote on it. On one hand, it is like Fiddler on the Roof. It is certainly better than a Government shutdown. On the other hand, there are some important provisions in this bill. There are some things that are important that have been done. My colleague from Illinois talked about the strong position the President took and the strong leadership the President took on making sure that there are more teachers and how we can reduce class size in grades K through 3—critically important.

On the other hand, I do not really know all that is in this bill. I guess that puts you in a position of not necessarily voting—it is hard to vote for or against a bill if you do not really know what is in it. But I will tell you, some things I heard my colleague talk about—special deals for the oil industry, corporate welfare for the oil industry, and gosh knows what else has been put in this piece of legislation—makes me wonder, makes me wonder.

I say this, I think this bill—25 pounds, 40 pounds, 2 feet tall, several thousand pages—that we have not had a chance to review sort of represents our failure to deal with these appropriations bills, deal with this budget, have an open debate, have an accountable political process. And I think this bill that we are supposed to vote up or down on tomorrow—a conference report—represents the profound failure of this Congress to do well for people in Minnesota and people in the country. I think that is really what it is all about.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I have been on the floor for all of about 15 minutes. And I have heard——

The PRESIDING OFFICER. Does the floor manager yield time?

Mr. STEVENS. How much time does the Senator seek?

Mr. CRAIG. Ten minutes.

Mr. STEVENS. I yield the Senator 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. CRAIG. Let me thank the chairman of the Appropriations Committee for yielding time. I think he has probably been here on the floor, as I have, for the last few minutes to watch, at least by rhetoric, a very large piece of appropriations grow well beyond the dimension of reality, more into the dimension of hyperbole.

Let us talk about reality for a few moments, because I suspect that there is no Senator on this floor who will today or tomorrow express a great appreciation for the process under which we are now concluding this Congress—by the bringing together under an omnibus appropriations bill a variety of appropriations bills that should have been dealt with, one by one, on an individual basis.

That would have been the desire of every Senator on this floor. It would have also been the desire of every Senator on this floor, if we had not had 128 filed cloture motions in the last 4 years—cloture motions that were the result of the other side denying or filibustering given provisions of the process that ate up phenomenal amounts of time. That is not an excuse for anything. That is an expression that there is enough blame to go around for any of the process that gets criticized today by any Member who comes to this floor. It takes 60 votes in the Senate—if someone does not want the process to go forward, for that process to be denied to them—to require then the action on any given piece of legislation.

Time and time again, we were faced with the reality of having to file cloture. That is substantially more than was ever filed by Democrats because Republicans forced them to do that. It is the character of the difference—or should I say it is the character of the intensity of concern as it relates to the issues that came to the floor of the 105th Congress. I do not deny that. Those are facts. That is the reality of it.

I also say, if the measurement is a "do-nothing Congress," you are darn right. We cannot take HMOs and turn the world of medicine upside down, as some of our colleagues on the other side wanted us to do.

We did not raise hundreds of billions of dollars of new taxes on middle America through a tobacco provision, as some of the folks on the other side of the aisle wanted us to do. And we did not take the right of free speech away from the average American in campaign finance reform, as most of our colleagues on the other side of the aisle wanted us to do.

If we did nothing on those things, we did a heck of a lot for the freedom of the average citizen in this country. And that is what ought to be the responsibility of this Congress: to make darn sure that we do not trample on the constitutional rights of our citizens. And that we did not do, over the loud cry and protest of our colleagues on the other side of the aisle.

Now, what did we do? Because the American public has the right to know what the 105th Congress did. Did we balance the budget? You bet we did.

In 1981, I introduced one of the first constitutional amendments to require a balanced budget on the floor of the U.S. House of Representatives. And the old dogs and the pundits at the time laughed and said, "Freshman Congressman, not in your lifetime will you ever see a balanced budget. Deficit spending is the way we stimulate the economy of this great country. It's the way we give out pork. It is the way we buy political favor. And it won't happen in your lifetime, Congressman CRAIG"—at that time. "You'll not see a balanced budget."

Well, in 1994, the American people spoke. And they spoke in a way they had never before. And that was to change the Congress from Democrat and liberal to Republican and conservative. And not in 10 years, and not in my lifetime—but in 4 years the budget is balanced. And what we are debating here is an appropriations process that balances the Federal budget and still leaves $60 billion, or near that, in surplus, to deal with the strengthening and saving of Social Security, and also to deal with some of the emergency expenditures that the White House said were absolutely necessary and that most of us agreed with.

So criticize, if you will—and in any bill this big there is a world of criticism, if you want to be selective—but if you want to look at the biggest picture of all, and that is a fiscal policy in our country and a monetary policy that have meshed to bring one of the strongest economies in the history of the world together into the robust character that it is, then you ought to look at that. And that is called a balanced budget, that is called denying this President his $150 billion tax increase, and leaving more money in the pockets of the average citizens in our country, and especially the lower middle income working Americans. And that was not a Democrat Congress that did it; it was a Republican Congress.

I am proud of that. If the Democrats want to call that a do-nothing Congress, then please call it what you think it is, but tell the truth. We don't get it from the White House; we don't get it from the President.

We understand the reality of the work we do. The reality of the work we do—whether we like the process at hand —is that the budget is balanced, our Nation is in surplus, we will strengthen Social Security, and we didn't raise taxes on the backs of the American people. There isn't an economist in the world today who doesn't say if it wasn't for the U.S. economy, the world would be in a major recession, but it is because of the strength of our fiscal policy and our monetary policy combined that drives this great economic engine that has more Americans working than at nearly any time in modern history.

What about the problems in the farmlands of America in agriculture? Many of my colleagues went home in August, like I did, to talk to our farmers, and found our farmers not in recession but in depression. Nearly every commodity price was at or below break even, and many of them were well below break even. We had tried to respond in June and July in a very bipartisan way. We came back in August, dedicated to responding more, and we did. Democrat and Republican joined alike.

Now, we had a difference in philosophy. But in the end, we came together with tremendous benefit for production agriculture —both short term, cash-in-the-pocket to the farmer to pay his banker and to pay for his seed and fertilizer costs and, hopefully, to put food on the table for his family and to get ready to farm for next year.

We also did something else. We said what we are doing is short term; let's do some long-term good. Let's do what we promised American agriculture we would do when we passed the 1996 farm policy known as Freedom to Farm. Let's give them some permanent management tools to assure that they can strengthen their economic well-being. We did that in this bill, in this bill that some of our colleagues say they will want to vote against because they haven't read the fine print.

Permanent income averaging, accelerated 100-percent reduction for self-employed health care insurance premiums for both agriculture and small business—the same thing that big business has to write off their health care costs. Good management, good business. You are darn right it is. We offered it to them. We have also allowed them to reach back and pick up losses to carry forward, a tremendous help to production agriculture. I am proud of that. I think we ought to be because it was a promise made and a promise kept.

We also dropped a couple of sanctions that were denying us the ability to sell some of our product in world markets, with the pledge from our chairman of the Senate Agriculture Committee that will do even more of that next year. That was all done in a bipartisan way. We can pick around the edges and we can criticize the process, and my guess is there is lots of room for that.

As a conservative, I am as much a critic of that as anyone. But I am also a realist. I am proud of a balanced budget and I am proud we have a surplus. I am excited that the surplus goes to strengthen Social Security and pay down our debt. And I am pleased that in a real sense we were able to address the problems of American agriculture. I am pleased that in a real sense we were able to address the problems of people who had lived in a crisis because of Mother Nature, and we responded to that.

I also recognize that my colleagues on the other side of the aisle had a lot of heavy lifting to do when it came to trying to represent this White House. They wanted to talk about saving Social Security, yet the President never sent up one bill to address the Social Security problem. They wanted to rail on about taxes and teenage smoking, yet the President did not send up one bill to deal with it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. I ask unanimous consent that the time allocated to Senator GREGG be vitiated, and I yield the Senator from Idaho the time reserved for Senator GREGG.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. I thank my chairman for yielding.

What I have talked about is the reality of the 105th Congress. Will it go down as a do-nothing Congress? Not if you read the facts. If you get caught in the political rhetoric and listen to it, you might be swayed a bit. But if you like balanced budgets, if you don't like to pay more taxes, if you don't want the Federal Government telling you what to do in a variety of areas—including health care—if you want to make sure that we develop and strengthen Social Security and provide for the future of our young people, if you want to assure us that you will work with us as taxpayers to keep the American food supply whole, then you would say that this Congress did something.

Now, let me, for just a moment, talk about some of what we ought to do when we get back. There will be a new Congress. It will convene in January. It will be called the 106th. There is no question in my mind that we ought to address change. The rules of the Senate that we operate under today were not written by this Senator. They were, in large part, by Senators from the other side of the aisle. I, and other Senators on this side of the aisle, have not had the votes to change those rules. Some of those rules ought to change. Why should we take 60 votes to lower taxes? Why should we penalize ourselves for wanting to return money to the American people? We shouldn't. It only takes 51 votes to spend money; why should it take more than that to deny Congress the right to spend? Those are some changes that we ought to make.

What we saw in this process in the last couple of weeks is something that I don't enjoy. The legislative and the executive branches are coequal branches of Government, but our budget and our appropriations process didn't work the way we wanted it to work. We could never engage the White House until they chose to be engaged. You heard on this floor, and it was a fact of life, that our President spent most of the year out of town. I am confident it wasn't too comfortable in the Oval Office because he spent most of his time out of town either in foreign countries or raising money for his colleagues. It wasn't until the last 3 weeks that we finally got his attention. It was only in the last 2 weeks that the White House finally came to the Hill to negotiate. That isn't the way it ought to be but that is the way it was.

Did the President get some of what he wanted? Yes, he did. Did he get all of what he wanted? Absolutely not. In fact, he got little of what he wanted.

All you hear about the President's gains are 100,000 teachers. I don't mind spending money for 100,000 teachers as long as it is under a formula where 30 percent of it doesn't stay in Washington to fund the Department of Education; in this instance it doesn't. It is block granted, in large part, back to the States and the local educational units. I don't think that is a Democrat idea. I think that is a Republican idea. I am proud of that. I think most of our colleagues, when they look at it, will be.

We did something else that this President did not want. We put more money into defense. In 1986, after 6 years of voting for every defense budget from 1981 forward, I quit voting for defense and started voting against it because I thought we spent too much money. Four years ago, I, once again, started voting for defense appropriations at a time when our President wouldn't own up to the fact that he was sending our troops everywhere around the world and pulling that defense money from current operating budgets and depleting our readiness and denying our soldiers the kind of environment and lifestyle that I think they all deserve.

Finally, this Congress and this negotiation process in the last 2 weeks said, "Mr. President, we are going to stop it whether you want to or not. We cannot deny our military its readiness if you are going to use it as a police force running all around the world." And we put in more money.

That process shouldn't have happened in a small room with a few negotiators, but it did. By the way, it wasn't in the dark of night; and by the way, the room wasn't closed. But by the character of where this White House caused us to go, that is ultimately how the process got conducted, with fewer than the whole process and fewer than all of those who should have been there.

We have our work to do in the coming year, and I hope we can make some reforms. I am one that would like to see us streamline this process a good deal more and change some of the rules that allow for a more predictable outcome. But in the end, I am not going to be one standing on the street corner trying to beckon attention to the fact that the 105th Congress was some Congress that did nothing. We didn't do a lot of what some of our liberal colleagues wanted, and that is probably why they yell out today. We did not address the White House agenda in so many areas; we did not tax middle America; we did not take away flexibility from health care recipients; nor did we handcuff the provided.

Most importantly, we balanced the budget. We left a surplus. We are directing it at Social Security. I believe that is a hallmark, and I think the 105th Congress can be credited with doing more for the American economy and more for the working people of our country by keeping them employed in good, high-paying jobs and not taking more out of their pocket than any other Congress in history. That is a record I will stand by. That is a record I think most of our colleagues will want to stand by. If you believe as I do, then I think you ought to vote "yes" tomorrow—"yes" on an appropriations process that is finalized, with all of those hallmarks of accomplishment and success and a balanced budget, and an economy that is strong, and a work force in America that is working, and a sense of security and well-being that has not been felt in decades. I am proud of that, and I credit the 105th Congress for delivering it.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, am I to be recognized for 15 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, the 105th Congress is limping to a close, and I listened to my colleague from Idaho who, incidentally, I think is a good legislator and does good work in this Chamber. He is someone with whom I am pleased to work on a wide range of issues, including agricultural issues.

But I must say that I have a different view of the 105th Congress. Abraham Lincoln once said, "Die when I may. Let it be said by those who know me best that I always picked a thistle and planted a flower where I thought a flower would grow."

Let me talk for a minute about thistles and flowers. There is apparently a 4,000 page bill lying in state—Lord knows in what room; I guess it's over here in 224. I heard the previous speaker from Minnesota say it was 40 pounds. I expect that is a guess because he probably didn't weigh it. I guess that the Presiding Officer, the Senator from Minnesota, and most other Senators here have not read it. It is a process that results in a lot of concern here in the Congress. There are 4,000 pages on display.

The whole country is moving toward miniaturization and we are going in exactly the opposite direction. On the final day of the legislative session, we are going to have a 4,000-page bill—a third of the Federal budget—presented in the Senate, and we are told to vote up or down on this. "We assume you have read it, even though we know you just got back into town."

Let me talk about a thistle for just a minute. In this piece of legislation is a provision called section 1005 of the Revenues and Medicare part of the Omnibus Bill, which contains the so-called Subpart F Active Financing Provisions. Now, there might be a couple of Americans who are intimately familiar with Subpart F of the Tax Code and its Active Financing Provisions—but not many. These provisions were added at a time when I spent a lot of time on this floor trying to get some money for the construction of Indian schools, for the Ojibwa School that is falling apart. Kids are walking between trailers in the winter with howling winds blowing and are going back and forth to trailers. These are conditions that every study says are unsafe, but you can't get money to improve these conditions; there's not enough money. Or the Cannonball School, where a little girl named Rosie said to me, "Mr. Senator, will you buy us a new school?" There are 150 kids there, and there's only one water fountain and two bathrooms. One of the rooms those kids study music in stinks of sewer gas once or twice a week and they have to vacate the room. Half of the school has been condemned. But there's no money for that little girl and her classmates. We just can't afford it.

But let me tell you what we could afford. Stuck somewhere in the 4,000 pages, deep in the bowels of that carcass, are lucrative Subpart F Active Financing Provisions. This means $495 million of revenue loss to our Government, and an enormous tax windfall to a select group of large multinational financial service businesses. It says to them, in effect, that we provide an incentive in our Tax Code for them to take their businesses—and the jobs they provide—overseas. This bill not only extends this misguided incentive for one additional year at a cost of $260 million; it also makes matters worse by expanding it by another $235 million, despite strong opposition from the Treasury Department. It is now a $495 million gift to say to the financial services industry of this country: Move overseas, hire foreign workers, take your business and jobs elsewhere and we will give you a large tax cut for doing it. What a terrible thing to do, at a time when we don't have money to do the important things here. We are told, gee, there is plenty of money for somebody to slip somewhere in the middle of those 4,000 pages for a special little deal for some very big taxpayers who want to do business elsewhere and get paid for it. Bob Wills of the Texas Playboys talked about this in the 1930s: "The little bee sucks the blossom and the big bee gets the honey; the little guy picks the cotton and the big guy gets the money."

Why is it that every time you turn around here and reach into 4,000 pages, you find something like this? This is just one example. You talk about absurdity at a time when we're told that our priorities aren't affordable. You can't invest in the Cannonball or Ojibwa School; there's not enough money. But there is plenty of money for the big shots.

Let me talk for just a minute about how we got to this point. The Senator from Idaho talked about it at some length. While I disagree with some of his conclusions, I think most people would view this process—coming to the end stage of this Congress with 4,000 pages to be voted on in one vote, with a third of the Federal budget appropriated in one large piece of legislation—as a terrible legislative practice. Does anybody think that makes sense? Instead of passing the bills as they should be passed by Congress, where they can be debated and amended, you put them all in a big package at the end so that you just have one vote. It is just a lot more convenient. That way you don't have to amend and debate all these things.

Does anybody think that is a good idea? I don't. I think it is a terrible idea. How did this start? On April 15, the law requires that Congress pass a budget. That is what the law requires. It says Congress must pass a budget. This Congress said, no, we have decided not to pass a budget. We have a bunch of folks that are feuding, so we will decide not to pass a budget at all. Then they decided that because we can't agree on a budget, we just won't pass all of our appropriations bills. So they stagger to the end of the 105th Congress, having no budget, few completed appropriations bills, and they create this 4,000-page mountain. Then you have a bunch of folks who say: If there is going to be a pile here, let me stick something in the pile. So the pile grows.

And here we are. I don't happen to think that this is just one party's fault. I agree with the Senator from Idaho on that point, although I reject his implication that somehow the Democratic Members were hindering the business of the Senate and therefore, cloture motions had to be filed. That is not true at all.

In fact, I can tell you example after example after example when a bill is brought to the floor, and before there is any debate—and certainly before there are any amendments—cloture motions are filed at the desk to say, "No, we haven't had any amendments yet, but we want to foreclose amendments; we want to shut off debate."

What kind of practice is that? That doesn't make any sense. That is impeding work of the Senate. That is saying we want to have a legislative body in which there is supposed to be debate, and we want to cut off debate. We don't want debate. We don't want you to offer your amendments. We think our legislation is so good that no one can improve it, and, by the way, you have no right to offer amendments. That is what these cloture motions are about.

With respect to the question of where we are and the balanced budget that was mentioned by one of the previous speakers, there is no question that both parties contributed to a better fiscal policy. But it started in 1993 with a piece of legislation proposed by this President that was unpopular. I voted for it. The easiest thing would have been to vote no. It passed by one vote here in the Senate and one vote in the House and became law. It began the long trail towards stable fiscal policy and getting rid of the Federal budget deficit.

When we cast that vote, the expectation that year was a $290 billion Federal budget deficit; completely out of balance. We were told by some on the other side of the aisle, if you do this, you are going to wreck this country's economy; if you do this, you are going to throw this country into a recession; if you do this, you will kill jobs. You will throw this country into a depression, we were told. Well, we did it, because the American people understood the fiscal policy we were on. They understood that the road we were traveling was destructive to this country's interest. They wanted us to make the tough choices. And we did.

Guess what? We have wrestled that budget deficit to the ground. We now have a budget that is very close to being in balance. We now have an economy that is growing. Inflation is almost gone. Home ownership is the highest in 30 years. Unemployment is down, down—way down. Things are better in this country.

Starting in 1993, when the American people saw that Congress was willing to make tough choices, we did it alone. There was not one vote from the other side of the aisle. But I will say this: The Republican Party has helped after that 1993 vote. They also provided some assistance with a fiscal policy that is better for this country, and we ought to have more of that. We ought to have more bipartisanship and more cooperation to do the right things for this country's future.

The difference is, it seems to me, that a product of debate ought not be about aggregate fiscal policy, but rather about priorities. What represents the priorities for our country's future? What should we do that is important?

Again, I think where I would disagree with some previous speakers is that doing nothing ought not be a badge of honor when the agenda of this country cries out to do something to address critical needs. We should have done something on managed care reform. We should have said to HMOs in this country, you must tell patients all of their medical options for treatment—not just the cheapest. You must do that. You must provide reimbursement for emergency care when someone shows up at an emergency room.

I told the story—there are stories that go on forever—of a woman who broke her neck, comes to an emergency room unconscious, and is told later, "We will not reimburse you for the emergency room stay because you didn't have prior approval."

Those are the kinds of things that have been going on in managed care in the name of saving money, but actually degrade and diminish health care standards. This Congress certainly should have addressed this issue. Doing nothing is not a badge of honor on this issue of managed care reform.

Certainly, it is not a badge of honor that we weren't able to pass FAA reform. We should have done that. That piece of legislation included an amendment of mine that would have substantially changed the way the major airlines have to connect with regional jet carriers. And we would have more regional jet carriers in this country, more competition and lower prices for airfares had we passed that piece of legislation. I regret that it was not done.

Let me also mention the issue of family farmers and the farm crisis in our part of the country. I know there is a difference of philosophy about this. But there ought not be.

If this country wants family farmers in its future, it ought to decide that when prices collapse it is going to have to help build a bridge across those price valleys, because, if not, the family farmers won't get across the valley. They will just wash out and be gone. And we will have corporate farmers farming America from the west coast to the east coast, and we will still have crops growing. There will just be no people living out on the land. And this country will have lost something important.

We did something at the end of this session. We reached some bipartisan agreement on an emergency package. But it wasn't enough. It was nearly $2 billion short of what the President requested, nearly $3 billion short of what the commissioners of agriculture and the Farm Belt said was necessary to address this farm crisis. We will be right back in this set of circumstances in January, February and March as farmers begin to consider spring planting.

With respect to the agriculture package, we did get nearly $1 3/4 billion more because we fought and because we did accept the admonition of some to take what they are willing to give you and quit. There was $100 million more for the family farmers of my State. Is that important? Yes. Some will survive. Some who would not have survived without it will survive to be able to continue farming in the future.

I have mentioned a couple of times the letter from a young boy named Wyatt in North Dakota, a sophomore in high school, the son of a family farmer who wrote to me, and said, "Mr. Senator, my dad can feed 180 people, and he can't feed his family." This young boy wanted to know what kind of a system allows that to happen. This country needs to do better by family farmers.

I was impressed that we could work together on a bipartisan basis toward the end of this session. I hope we can do the same at the start of the next session to address many of these issues.

Let me complete my comments.

There are so many issues in this omnibus appropriations bill. One of them is an issue that I have worked on with the Senator from Alaska, Senator STEVENS, and Senator BYRD, that will create a trade deficit review commission. The reason I mention this is because today the new trade deficit numbers were released for this month. It shows a $2 billion increase, the largest trade deficit in the history of this country, the largest trade deficit in the history of human kind. We have wrestled the fiscal policy budget deficit to the ground, and our trade deficit is swelling and growing, and we need to do something about it. This omnibus package will include a requirement that a trade deficit review commission be established, and that recommendations will be made to Congress on how to deal with those issues. I hope the Congress will be able to take some steps early in the next session of Congress to respond to that issue.

Mr. President, let me conclude by saying that I hope we will never again be confronted with this circumstance at the end of a Congress. I understand that at the end of Congress there is wrap-up. Sometimes a bill or two doesn't get passed. Sometimes you wrap one or two bills into a package. But this is not a good way to legislate.

It is, in my judgment, subverting the legislative process—the regular order of bringing bills to the floor so we have open debate and amendments, when at the end all of these things are put into one large package, and we are told to just read it, think about it, and then vote on it.

I don't think that is the best that this Congress can offer the American people. I hope this will be the last chapter of this kind of congressional action, or lack of it.

Mr. President, finally, the chairman of the full Appropriations Committee is on the floor. I thank him for his work.

I have not been complimentary of the process, but I know Senator STEVENS and Senator BYRD and their staffs, and many others, have spent an enormous amount of time trying to put this package together simply because the Congress did not get its work done during the year. I compliment them for their work to try to do that. I know, especially from a staff standpoint, what kind of effort and time was required to get this to this point.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator for his comments concerning Senator BYRD and myself. I do want to emphasize just a few things as we close.

In this year, the Appropriations Committee has tried very hard to move forward as quickly as possible to get bills before the Senate as early as possible so that this would not happen.

I wish to place in the RECORD a status of appropriations bills in the second session of this 105th Congress. It shows, and I have circled—and I hope in the RECORD they will highlight those dates circled—the days that the Appropriations Committee first brought to the Senate's attention its work product of the 13 subcommittees that deal with appropriations measures. They were all in June and July, with the exception of one bill, Labor, Health and Human Services, which was brought first to the Senate's attention on September 1 when we held the full committee meeting and reported the bill to the Senate on September 3. This was because of the illness of one of our colleagues. But all of these bills were available for the Senate to act on and for the Congress to act on very early.

This also shows the action by the House committee under Chairman LIVINGSTON—probably one of the earliest periods in history when all of the bills were completed, except one to bring before the House, and the delay has not been the delay of the appropriations process; but it has been caused by the process of handling those bills once they were reported to the House and Senate.

I decry the process also, as so many people have here today, but I am not ashamed of the work product. I have signed my name to the work product, as Chairman LIVINGSTON has, and a majority of both of our committees has endorsed these bills to be reported to the House and Senate.

We are still the largest military power in the world, the last superpower in the world. We have added $7.5 billion so the men and women who serve us in uniform can be fully equipped, they can be assured we are trying to get them the best systems available, and we are doing our best to restore the lifestyle we believe a person should be able to lead in the uniform of the U.S. military.

We have not been able to handle one basic problem, and that is the problem over the pension system. I hope that the Armed Services Committee early next year will address that problem and that we can present in the first bills brought out to the floor by the Appropriations Committees money to fund the restoration of a pension system that is adequate and is an incentive to people to stay in uniform and particularly to use the skills they have developed as members of the armed services in our defense.

Mr. President, this is a good bill. I know a lot of people are going to vote against it for one reason or another, but I hope that the public understands, while this is the largest bill to ever be presented, it is large because it contains eight separate bills plus three supplemental appropriations bills. It contains really 11 appropriations bills. The total adds up to almost $1/2 trillion. It is large in the sense of spending, but we do spend a lot of money as a large Government, and we have kept these bills to the minimum in terms of the appropriations process. These negotiations that we have been talking about added $20 billion to that total–plus $20 billion.

I do believe that the bill is a good one, and I urge our colleagues tomorrow to vote for it.

I ask unanimous consent that the "Status of Appropriations" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATUS OF APPROPRIATIONS MEASURES, SECOND SESSION, ONE HUNDRED FIFTH CONGRESS

[As of October 17, 1998]

Measure of subcommittee	Bill and report(s)	Report filed	House			Senate			Conference report	Law approved	Public Law
			Subcommittee	Full committee	Floor	Subcommittee	Full committee	Floor			
Veto override of a bill disapproving the military construction cancellations.	H.R. 2631[1]				Feb 5			Feb 25			105-159
1998 supplemental emergency appropriations.	H.R. 3579			Mar 24	Mar 31			Mar 31[2]	Apr 30 H: Apr 30 S: Apr 30	May 1	105-174
	H. Rpt. 105-469	Mar 27									
1998 supplemental appropriations.	H.R. 3580			Mar 24							
	H. Rpt. 105-470	Mar 27									
1998 supplemental appropriations for natural disasters and peacekeeping.	S. 1768						Mar 17	(3)			
	S. Rpt. 105-168	Mar 17									
1998 International Monetary Fund	S. 1769						Mar 17	(4)			
	S. Rpt. 105-169	Mar 17									
Agriculture and Rural Development 1999.	S. 2159					Jun 9	Jun 11				
	S. Rpt. 105-212	Jun 11									
	H.R. 4101		Jun 10	Jun 16	Jun 24			Jul 16[5]	Oct 2 H: Oct 2 S: Oct 6	Vetoed[6] Oct 8	
	H. Rpt. 105-588	Jun 19									
	H. Rpt. 105-763	Oct 2									
Commerce, Justice, State, and Judiciary 1999.	S. 2260					Jun 23	Jun 25	Jul 23			
	S. Rpt. 105-235	Jul 2									
	H.R. 4276		Jun 24	Jul 15	Aug 6			Aug 31[7]			
	H. Rpt. 105-636	Jul 20									

STATUS OF APPROPRIATIONS MEASURES, SECOND SESSION, ONE HUNDRED FIFTH CONGRESS—Continued

[As of October 17, 1998]

Measure of subcommittee	Bill and report(s)	Report filed	House			Senate			Conference report	Law approved	Public Law
			Subcommittee	Full committee	Floor	Subcommittee	Full committee	Floor			
Defense 1999	S. 2132					Jun 2	Jun 4				
	S. Rpt. 105–200	Jun 4									
	H.R. 4103		Jun 5	Jun 17	Jun 24			Jul 30[8]	Sep 23	Oct 17	
	H. Rpt. 105–591	Jun 22							H: Sep 28		
	H. Rpt. 105–746	Sep 25							S: Sep 29		
District of Columbia 1999.	S. 2333						Jul 21				
	S. Rpt. 105–254	Jul 21									
	H.R. 4380		Jul 24	Jul 30	Aug 7						
	H. Rpt. 105–670	Aug 3									
Energy and Water Development 1999	S. 2138					Jun 2	Jun 4	Jun 18			
	S. Rpt. 105–206	Jun 5									
	H.R. 4060		Jun 10	Jun 16	Jun 22			Jun 23[9]	Sep 24	Oct 7	105–245
	H. Rpt. 105–581	Jun 16							H: Sep 28		
	H. Rpt. 105–749	Sep 25							S: Sep 29		
Foreign Operations 1999	S. 2334						Jul 21	Sep 2			
	S. Rpt. 105–255	Jul 21									
	H.R. 4569		Jul 15	Sep 10	Sep 17						
	H. Rpt. 105–719	Sep 15									
Interior 1999	S. 2237					Jun 23	Jun 25				
	S. Rpt. 105–227	Jun 26									
	H.R. 4193		Jun 18	Jun 25	Jul 23						
	H. Rpt. 105–609	Jul 8									
Labor, HHS, Education 1999	S. 2440					Sep 1	Sep 3				
	S. Rpt. 105–300	Sep 8									
	H.R. 4274		Jun 23	Jul 14							
	H. Rpt. 105–635	Jul 20									
Legislative Branch 1999	S. 2137						Jun 4				
	S. Rpt. 105–204	Jun 5									
	H.R. 4112		Jun 10	Jun 18	Jun 25			Jul 21	Sep 18		
	H. Rpt. 105–595	Jun 23							H: Sep 24		
	H. Rpt. 105–734	Sep 22							S: Sep 25		
Military Construction 1999	S. 2160						Jun 11				
	S. Rpt. 105–213	Jun 11									
	H.R. 4059		Jun 10	Jun 16	Jun 22			Jun 25[10]	Jul 23	Sep 20	105–237
	H. Rpt. 105–578	Jun 16							H: Jul 29		
	H. Rpt. 105–647	Jul 24							S: Sep 1		
Transportation 1999	S. 2307					Jul 8	Jul 14	Jul 24			
	S. Rpt. 105–249	Jul 15									
	H.R. 4328		Jul 16	Jul 22	Jul 30			Jul 30[11]			
	H. Rpt. 105–648	Jul 24									
Treasury and General Government 1999	S. 2312						Jul 14				
	S. Rpt. 105–251	Jul 15									
	H.R. 4104		Jun 11	Jun 17	Jul 16			Sep 3[12]	Oct 1		
	H. Rpt. 105–592	Jun 22							(13)		
	H. Rpt. 105–760	Oct 1							Oct. 7		
	H. Rpt. 105–789	Oct 7							H: Oct 7		
VA, HUD, and Independent Agencies 1999	S. 2168					Jun 9	Jun 11	Jul 17			
	S. Rpt. 105–216	Jun 12									
	H.R. 4194		Jun 18	Jun 25	Jul 29			Jul 30[14]	Oct 1		
	H. Rpt. 105–610	Jul 8							H: Oct 6		
	H. Rpt. 105–769	Oct 5							S: Oct 8		
Continuing Resolution 1999 (to October 9)	H.J. Res. 128				Sep 17			Sep 17	(15)	Sep 25	105–240
Further Continuing Resolution (to October 12).	H.J. Res. 133				Oct 9			Oct 9	(15)	Oct 9	105–249
Further Continuing Resolution (to October 14).	H.J. Res. 134				Oct 12			Oct 12	(15)	Oct 12	105–254
Further Continuing Resolution (to October 16).	H.J. Res. 135				Oct 14			Oct 14	(15)	Oct 14	105–257
Further Continuing Resolution (to October 20).	H.J. Res. 136				Oct 16			Oct 16	(15)	Oct 16	105–
Fiscal year 1998 revised 302(b)	S. Rpt. 105–271	Jul 28									
Fiscal year 1999 302(b)	S. Rpt. 105–191	May 14									
Fiscal year 1999 latest 302(b)	S. Rpt. 105–382	Oct 8									

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[1] H.R. 2631 was vetoed on November 13, 1997.

[2] Senate passed H.R. 3579 after substituting the text of S. 1768 as read a third time on March 26.

[3] On March 26, S. 1768 read a third time, text was subsequently incorporated in H.R. 3579.

[4] Substance of S. 1769, as reported, was incorporated in modified form in S. 1768. On March 26, a unanimous consent agreement was entered that when the Senate receives the House companion measure making supplemental appropriations for the International Monetary Fund (IMF), that all after the enacting clause be stricken and the text of the IMF title of S. 1768 be substituted and the bill pass.

[5] Senate passed H.R. 4101 after substituting the text of S. 2159 as read a third time on July 16.

[6] Veto message (H. Doc. 105–321) referred to House Committee on Appropriations on October 8.

[7] Senate passed H.R. 4276 after substituting the text of S. 2260 as passed.

[8] Senate passed H.R. 4103 after substituting the text of S. 2132 as read a third time on July 30.

[9] Senate passed H.R. 4060 after substituting the text of S. 2138 as passed.

[10] Senate passed H.R. 4059 after substituting the text of S. 2160 as read a third time on June 25.

[11] Senate passed H.R. 4328 after substituting the text of S. 2307 as passed.

[12] Senate passed H.R. 4104 after substituting the text of S. 2312 as read a third time on September 3.

[13] House recommitted conference report on October 5.

[14] Senate passed H.R. 4194 after substituting the text of S. 2138 as passed.

[15] Passed Senate without amendment.

Mr. STEVENS. I ask unanimous consent it be in order to ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask for the yeas and nays on this bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I yield back the remainder of the time that has been allocated to the Senator from West Virginia and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, that closes debate on this bill.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 164

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 19, 1998, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for 1 year beyond October 21, 1998.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property subject to the jurisdiction of the United States and by depriving them of access to the United States market and financial system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 19, 1998.*

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 16, 1998, during the recess from the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1773. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in federal means-tested public assistance programs, and for other purposes.

S. 2241. An act to provide for the acquisition of lands formerly occupied by the Franklin D.Roosevelt family at Hyde Park, New York, and for other purposes.

S. 2272. An act to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

The message further announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 83. Concurrent resolution remembering the life of George Washington and his contributions to the Nation.

S. Con. Res. 120. Concurrent resolution to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the "Eney, Chestnut, Gibson, Memorial Building."

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 700) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

The message further announced that pursuant to the provisions of section 168(b) of Public Law 102–138 and clause 8 of rule I, the Speaker appoints the following Members of the House to the British-American Interparliamentary Group: Mr. BEREUTER, Mr. REGULA, Mr. BOEHLERT, Mr. BATEMAN, Mr. GILLMOR, Mrs. ROUKEMA, Mr. BALLENGER, Mr. BLUNT, Mr. SISISKY, Mr. PICKETT, Mr. WISE, and Mr. TANNER.

The message also announced that the House has agreed to the resolution (H. Res. 601) that the bill of the Senate (S. 361) entitled the "Rhinoceros and Tiger Conservation Act of 1998," in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bills and enrolled joint resolution:

H.R. 2431. An act to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted in foreign countries on account of religion; to authorize United States actions in response to violations of religious freedom in foreign countries; to establish an Ambassador at Large for International Religious Freedom within the Department of State, a Commission on International Religious Freedom, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1976. An act to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

S. 1892. An act to provide that a person closely related to a judge of a court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court, and for other purposes.

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills and joint resolution were signed subsequently on October 16, 1998, during the recess of the Senate, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 10:01 a.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1467. An act to provide for the continuance of oil and gas operations pursuant to certain existing leases in the Wayne National Forest.

H.R. 3972. An act to amend the Outer Continental Shelf Lands Act to prohibit the Secretary of the Interior from charging State and local government agencies for certain uses of the sand, gravel, and shell resources of the Outer Continental Shelf.

H.R. 4572. An act to classify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income.

H.R. 4821. An act to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

H.R. 4829. An act to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center, and for other purposes.

H.R. 4831. An act to temporarily reenact chapter 12 of title 11 of the United States Code.

H.J. Res. 137. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 351. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3910.

H. Con. Res. 352. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of a bill.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1756) to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

H.R. 2204. An act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, with an amendment.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 137. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 20, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 624. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

H.R. 678. An act to require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.

H.R. 700. An act to remove the restriction on the distribution of certain revenue from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

H.R. 1197. An act to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

H.R. 1274. An act to authorize appropriations for the National Institutes of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

H.R. 1702. An act to encourage the development of a commercial space industry in the United States and for other purposes.

H.R. 1756. An act to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

H.R. 1853. An act to amend the Carl D. Perkins Vocational and Applied Technology Education Act.

H.R. 2000. An act to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

H.R. 2186. An act to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming.

H.R. 2281. An act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

H.R. 2370. An act to amend the Organic Act to Guam to clarify local executive and legislative provisions in such act, and for other purposes.

H.R. 2327. An act to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

H.R. 2616. An act to amend title VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

H.R. 2675. An act to provide for the Office of Personnel Management to conduct a study and submit a report to Congress on the provision of certain options for universal life insurance coverage and additional death and dismemberment insurance under chapter 87 of title 5, United States Code, to improve the administration of such chapter, and for other purposes.

H.R. 2795. An act to extend certain contracts between the Bureau of Reclamation and irrigation contracts in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 2807. An act to clarify restrictions under the Migratory Bird Treaty Act on baiting and to facilitate acquisition of migratory bird habitat, and for other purposes.

H.R. 3055. An act to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

H.R. 3069. An act to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council.

H.R. 3332. An act to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advise concerning the development and implementation of the Next Generation Internet program and to report to the President and the Congress on its activities, and for other purposes.

H.R. 3494. An act to amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes.

H.R. 3528. An act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.

H.R. 3687. An act to authorize repayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas.

H.R. 3830. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 3874. An act to amend the National School Lunch Act and Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

H.R. 3903. An act to provide for an exchange of lands near Gustavus, Alaska, and for other purposes.

H.R. 4079. An act to authorize the construction of temperature control devices at Folsom Dam in California.

H.R. 4151. An act to amend chapter 47 and title 18, United States Code, relating to identity fraud, and for other purposes.

H.R. 4166. An act to amend the Idaho Admission Act regarding the sale or lease of school land.

H.R. 4259. An act to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes.

H.R. 4293. An act to establish a cultural training program for disadvantaged individuals to assist the Irish peace process.

H.R. 4309. An act to provide a comprehensive program of support for victims of torture.

H.R. 4326. An act to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

H.R. 4337. An act to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

H.R. 4558. An act to make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits.

H.R. 4566. An act to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.

H.R. 4655. An act to establish a program to support a transition to democracy in Iraq.

H.R. 4660. An act to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

H.R. 4679. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstance in which a substance is considered to be a pesticide chemical for purposes of such Act, and for other purposes.

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 890. An act to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

S. 1021. An act to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1298. An act to designate a Federal building located in Florence, Alabama, as the "Justice John McKinley Federal Building."

S. 1333. An act to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges.

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

S. 2106. An act to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes.

S. 2193. An act to implement the provisions of the Trademark Law Treaty.

S. 2232. An act to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes.

S. 2240. An act to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

S. 2246. An act to amend the act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary and for other purposes.

S. 2285. An act to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women.

S. 2413. An act prohibiting the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made top the town of Pinetop-Lakeside or is authorized by act of Congress.

S. 2427. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

S. 2468. An act to designate the Biscayne National Park visitor center as the Dante Fascell Visitor Center.

S. 2505. An act to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho.

S. 2561. An act to amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.

S.J. Res. 51. Joint resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

S.J. Res. 58. Joint resolution recognizing the accomplishments of Inspector General since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills and joint resolutions were signed subsequently on October 20, 1998, during the recess of the Senate, by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED ON OCTOBER 16, 1998

The Secretary of the Senate reported that on October 16, 1998, he had presented to the President of the United States, the following enrolled bills:

S. 1892. An act to provide that a person closely related to a judge of court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court, and for other purposes.

S. 1976. An act to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problems, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

ENROLLED BILLS PRESENTED ON OCTOBER 20, 1998

The Secretary of the Senate reported that on October 20, 1998, he had presented to the President of the United States, the following enrolled bills:

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 890. An act to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

S. 1021. An act to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1298. An act to designate a Federal building located in Florence, Alabama, as the "Justice John McKinley Federal Building."

S. 1333. An act to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges.

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

S. 2106. An act to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes.

S. 2193. An act to implement the provisions of the Trademark Law Treaty.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7536. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of five rules: "Suspension of Community Eligibility" (Docket FEMA-7696), "List of Communities Eligible for the Sale of Flood Insurance" (Docket FEMA-7695), "Changes in Flood Elevation Determinations" (2 rules), and "Final Flood Elevation Determination" received on October 15, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7537. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of a proposed refund of offshore lease revenues under the Outer Continental Shelf Lands Act; to the Committee on Energy and Natural Resources.

EC–7538. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the Foundation's report under the Federal Managers' Financial Integrity Act and the Inspector General Act for fiscal year 1997; to the Committee on Governmental Affairs.

EC–7539. A communication from the Director of the United States Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program; Improving Carrier Performance; Conforming Changes" (RIN3206–AI16) received on October 15, 1998; to the Committee on Governmental Affairs.

EC–7540. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Withdrawal of Final Rule" (FRL6178–2) received on October 15, 1998; to the Committee on Environment and Public Works.

EC–7541. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Texas: Recodification of Regulations to Control Lead Emissions from Stationary Sources" (FRL 6160–2) received on October 15, 1998; to the Committee on Environment and Public Works.

EC–7542. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lead; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors; Withdrawal of Final Rule" (FRL 6040–1) received on October 15, 1998; to the Committee on Environment and Public Works.

EC–7543. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA-Groupe AEROSPATIALE Model TBM 700 Airplanes" (Docket 98–CE–58–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7544. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Meade, KS" (Docket 98–ACE–43) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7545. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Ottumwa, IA" (Docket 98–ACE–27) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7546. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class

E Airspace; Clinton, IA" (Docket 98–ACE–26) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7547. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Denison, IA; Correction" (Docket 98–ACE–29) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7548. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Twin Commander Aircraft Corporation 500, 680, 690, and 695 Series Airplanes" (Docket 96–CE–54–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7549. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada PW100 Series Turboprop Engines" (Docket 97–ANE–33–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7550. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments—No. 1894" (Docket 29358) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7551. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments—No. 1893" (Docket 29357) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7552. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes" (Docket 98–NM–59–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7553. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt and Whitney Model JT9D–70 Engines" (Docket 97–NM–185–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7554. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes" (Docket 98–NM–190–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7555. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes" (Docket 98–CE–33–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7556. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes" (Docket 98–CE–32–AD) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7557. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Abatement of State Waters for Private Aids to Navigation in Wisconsin and Alabama" (RIN2115–AF50) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7558. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Elizabeth River, South Branch, Portsmouth-Chesapeake, Virginia" (RIN2115–AE47) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7559. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Storrow Drive Connector Bridge (Central Artery Tunnel Project), Charles River, Boston, MA" (RIN2115–AE97) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7560. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations: Port of Guanica, Puerto Rico" (RIN2115–AA97) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7561. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Repeat Intoxicated Driver Laws" (RIN2127–AH47) received on October 15, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7562. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Rural Housing Enforcement Improvement Act"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7563. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Salary Offset" (RIN1510–AA70) received on October 14, 1998; to the Committee on Governmental Affairs.

EC–7564. A communication from the Secretary of the Treasury, transmitting, a draft of proposed legislation regarding the treatment of bonds issued to finance electrical output facilities; to the Committee on Finance.

EC–7565. A communication from the Acting Assistant Secretary of Defense for Force Management Policy, transmitting, pursuant to law, the Department's interim report on the payment of claims to certain persons captured and interned by North Vietnam; to the Committee on Armed Services.

EC–7566. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Interim Procedures for Certain Health Care Workers" (RIN1115–AE73) received on October 14, 1998; to the Committee on the Judiciary.

EC–7567. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Florida" (FRL6167–4) received on October 16, 1998; to the Committee on Environment and Public Works.

EC–7568. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated October 15, 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Energy and Natural Resources.

EC–7569. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations; Addition of Regulated Area" (Docket 98–082–2) received on October 19, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7570. A communication from the Secretary of Defense, transmitting, notice of a routine military retirement; to the Committee on Armed Services.

EC–7571. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Administration's report entitled "Management of the Supplemental Security Income Program: Today and in the Future"; to the Committee on Finance.

EC–7572. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of U2 Self-Propelled Howitzers to Singapore (DTC 130–98); to the Committee on Foreign Relations.

EC–7573. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Attorney General's reports to Congress on the Administration of the Foreign Agents Registration Act for calendar year 1997; to the Committee on Foreign Relations.

EC–7574. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Subtitle D Regulated Facilities; State Permit Program Determination of Adequacy; State Implementation Rule" (FRL6178–8) received on October 19, 1998; to the Committee on Environment and Public Works.

EC–7575. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities; Post-Closure Permit Requirement; Closure" (FRL6178–7) received on October 19, 1998; to the Committee on Environment and Public Works.

EC–7576. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule regarding dose limits for certain spent fuel storage installations (RIN3150–AF84) received on October 19, 1998; to the Committee on Environment and Public Works.

EC–7577. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Metric Conversion" (RIN2127–AG55) received on October 19, 1998;

to the Committee on Commerce, Science, and Transportation.

EC–7578. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Two Harbors, MN" (Docket 98–AGL–43) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7579. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Granite Falls, MN" (Docket 98–AGL–46) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7580. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Orr, MN" (Docket 98–AGL–47) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7581. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Menomonie, MN" (Docket 98–AGL–45) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7582. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Park Falls, WI" (Docket 98–AGL–44) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7583. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes" (Docket 98–NM–74–AD) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7584. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3101 and 3201 Airplanes" (Docket 98–CE–28–AD) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7585. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mooney Aircraft Corporation Model M20J, M20K, M20M, and M20R Airplanes" (Docket 98–CE–47–AD) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7586. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bob Fields Aerocessories Inflatable Door Seals" (Docket 98–CE–88–AD) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7587. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes" (Docket 98–CE–63–AD) received on October 19, 1998; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CAMPBELL:

S. 2641. A bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, relitigation of, precedents established in the Federal judicial courts; to the Committee on the Judiciary.

By Mr. ASHCROFT (for himself and Mr. DASCHLE):

S. 2642. A bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2643. A bill to provide increased funding to combat drug offenses, and for other purposes; to the Committee on the Judiciary.

S. 2644. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payment amounts from income; to the Committee on Finance.

By Mr. THOMAS:

S. 2645. A bill to create an official parliamentary station in the United States fully to participate in the Global Legal Information Network; to the Committee on Rules and Administration.

By Mr. McCAIN:

S. 2646. A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 2647. A bill to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Res. 311. A resolution expressing the sense of the Senate that the Secretary of the Interior should support the establishment of a memorial to Thomas Paine on the National Park Service property in Constitution Gardens within the 1700 block of Constitution Avenue, N.W., in the District of Columbia, and that the memorial should specifically include the structure known as the "Canal House"; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI:

S. Con. Res. 129. A concurrent resolution to correct a technical error in the enrollment of H.R. 3910; considered and agreed to.

By Mr. REED:

S. Con. Res. 130. A concurrent resolution to correct the enrollment of H.R. 4328; to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 2641. A bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in relitigation of precedents established in the Federal judicial courts; to the Committee on the Judiciary.

THE FEDERAL AGENCY COMPLIANCE ACT

Mr. CAMPBELL. Mr. President, today I introduce the Federal Agency Compliance Act. This legislation is the redraft of prior legislation that I introduced, S. 1166, the Federal Agency Compliance Act, which was the subject of a hearing on June 15, 1998 before the Senate Judiciary Subcommittee on Administrative Oversight and the Courts, chaired by Senator GRASSLEY.

At the June 15 hearing, Lynn Conforti from Denver, CO, testified on behalf of the thousands of Social Security disability claimants, who are denied their claims not on the basis of Federal circuit court opinions but on the basis of agency policy that is contrary to Federal law. In November 1996, Ms. Conforti was forced to quit work because of severe pain due to failed surgery on her back to correct corvature of the spine, scoliosis. Until that time, Ms. Conforti had been employed her entire life since she was 19 years old and paid her FICA taxes into the Social Security Disability Program for 27 years. At the hearing, she described her 32-month struggle with the Social Security Administration that had twice denied her benefits, because they did not give due weight to the medical opinion of her treating physicians or the severity of her pain, contrary to Federal court decisions. Ms. Conforti described her physical ordeal, having two back surgeries, removing 10 discs, two sets of surgical rods and screws, 38 days in the hospital, 334 physical therapy visits, 128 physician visits, and 16 months of chronic pain. Despite her disability, Ms. Conforti hopes to be able to return to work in the future, but she needs the disability resources to continue rehabilitation efforts.

Finally, in July 1998, Ms. Conforti was awarded her disability benefits by an administrative law judge (ALJ) in an on-the-record determination. The ALJ, unlike lower level decisionmakers at SSA, was able to apply Federal court decisions to her case. For this reason, the bill I am introducing today contains a provision included in a similar bill, H.R. 1544, that states that agency employees and ALJ's shall adhere to court of appeals precedent within the circuit, insuring that Ms. Conforti and thousands of other claimants will no longer be victims of agency intracircuit nonacquiescence with the passage of this legislation.

I want to thank my colleagues, Senator SESSIONS and Senator DURBIN, for their support for this important legislation and for their assistance in revising the legislation that I introduce today. Through the effort of Senator SESSIONS, the bill clarifies that adherence by agencies to court of appeals precedent shall be in civil cases and there is no prohibition on an agency relitigating a matter in more than three circuits if such relitigation is necessary. Also, Senator DURBIN clarified that certain agencies, such as the National Labor Relations Board [NLRB], are not bound by adherence to court of appeals precedent when it is not certain that the court of appeals that established the NLRB precedent has exclusive jurisdiction over the matter or by another circuit. Again, I want to thank my colleagues for these clarifications and for their support of the bill I introduce today.

Intracircuit agency nonacquiescence to appellate precedent is not limited to the Social Security Administration, which was described at our hearing, but has been a long-term problem with all agencies and one that the Congress has struggled with since the early 1980's. Finally, we have a consensus on legislation that will solve this problem and return us to the rule of law that we expect and that citizens deserve. I ask my colleagues to support this legislation to ensure Federal agencies follow the law.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITING INTRACIRCUIT AGENCY NON-ACQUIESCENCE IN APPELLATE PRECEDENT.

(a) SHORT TITLE.—This Act may be cited as the "Federal Agency Compliance Act".

(b) IN GENERAL.—Chapter 7 of title 5, United States Code, is amended by adding at the end the following:

"§ 707. Adherence to court of appeals precedent

"(a) Except as provided in subsection (b), an agency (as defined in section 701(b)(1) of this title) shall in civil cases, in administering a statute, rule, regulation, program, or policy within a judicial circuit, adhere to the existing precedent respecting the interpretation and application of such statute, rule, regulation, program, or policy, as established by the decisions of the United States court of appeals for that circuit. All officers and employees of an agency, including administrative law judges, shall adhere to such precedent.

"(b) An agency is not precluded under subsection (a) from taking a position, either in administrative or litigation, that is at variance with precedent established by a United States court of appeals if—

"(1) it is not certain whether the administration of the statute, rule, regulation, program, or policy will be subject to review exclusively by the court of appeals that established that precedent or a court of appeals for another circuit;

"(2) the Government did not seek further review of the case in which that precedent was first established, in that court of appeals or the United States Supreme Court, because—

"(A) neither the United States nor any agency or officer thereof was a party to the case; or

"(B) the decision establishing that precedent was otherwise substantially favorable to the Government; or

"(3) it is reasonable to question the continued validity of that precedent in light of a subsequent decision of that court of appeals or the United States Supreme Court, a subsequent change in any pertinent statute or regulation, or any other subsequent change in the public policy or circumstances on which that precedent was based.".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 5, United States Code, is amended by adding at the end the following new item:

"707. Adherence to court of appeals precedent.".

By Mr. THOMAS:

S. 2645. A bill to create an official parliamentary station in the United States fully to participate in the Global Legal Information Network; to the Committee on Rules and Administration.

GLOBAL LEGAL INFORMATION NETWORK PARTICIPATION ACT OF 1998

Mr. THOMAS. Mr. President, as the world is catapulted into the electronic information age, the United States has a rare opportunity not only to participate in a truly international legal database but also to sustain a leadership role in setting the highest standard for the creation and maintenance of such a database. It is also a fortuitous moment for the Congress to encourage and support an effort that will inure to the direct benefit of the Congress in its legislative functions by having access to foreign laws contemporaneously with or shortly after publication in the country of origin. This effort, conceived and developed by our own Law Library of Congress, is the Global Legal Information Network, popularly referred to as "GLIN."

GLIN is an international, cooperative, non-commercial database of legal information contributed to by governments of member nations in Africa, Asia, Europe, and the Americas. As a mission-driven project, GLIN was developed by the Law Library as a way to organize and gain access to legal information so that the Law Library could respond to requests from Congress in a timely, efficient manner since the Law Library is responsible for doing research and analysis on the laws of other nations, comparative law, and international law. This continues to be the goal of the Law Library's participation in GLIN.

The database comprises abstracts of legal material, full texts of laws and regulations, and a legal thesaurus. The GLIN database is structured so that the full range of legal material including constitutions, laws and regulations, judicial decisions, parliamentary debates, scholarly writings, and legal miscellanea can be added to the database over time as countries are able to make these contributions.

Since 1995, GLIN has become a truly "global" legal information network and the Law Library has trained technical and legal teams from numerous countries plus a team from the United Nations. These countries are at various stages of compliance with the GLIN standards for organizational, technical, and telecommunications capabilities.

GLIN is the centerpiece of the Law Library's transition from a paper-based library to one that effectively exploits the advantages of electronic sources of information. The amount of time and resources needed to acquire, process, and store foreign legal material make GLIN a top priority for the Law Library, and as the United States station for the network it has also undertaken the task of putting United States law into the database using the same high standards demanded of other nations. To date, the Law Library has not received appropriated funds for work on GLIN.

What other Parliaments around the world are doing concerning many of the issues we face is vital for our legislative functions. A 1886 treaty, still in force today, recognized the important need for the exchange of official journals, parliamentary annals, and documents. Congress needs access to the most reliable, current legal information available. GLIN can provide this information, but only if it is developed and maintained properly. With limited resources, and using the only technology and technological support available from an already strapped technology support staff in the Library of Congress which is consumed by other Library programs, participation by the Law Library in GLIN is at a critical point. The system now requires urgent updating and upgrading to enhance the performance of the Network and to attract additional countries, particularly those that are of interest to Congress. To best serve Congress, it is essential that the Law Library retain a leadership role technologically and content-wise. To facilitate such participation, the Law Library needs a special appropriation to bolster its staff and technological infrastructure on its own without being dependent or in competition with other Library of Congress programs.

Besides affording the Law Library the ability to bolster resources to meet this important growing initiative, this special appropriation will permit the Law Library through development and training to fulfill its natural role as the largest law library in the world to set the highest of standards for the form and content of legal information to be exchanged between nations to ensure that such material is accurate and complete, and thereby totally reliable. It also fosters interparliamentary cooperation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

The Act may cited as the "Global Legal Information Network Participation Act of 1998."

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATIONS OF PURPOSE.

The Congress makes the following findings and declarations:

(1) It is the policy of the United States to promote the reasonable, timely and authentic exchange of official legal information between parliaments of nations of the world as originally expressed in the 1886 Convention for the Immediate Exchange of the Official Journals, Parliamentary Annals, and Documents:

(2) participation by the United States in an international, cooperative, noncommercial legal database contributed to by governments of member nations, the "Global Legal Information Network" (GLIN), which would be available over the Internet, contributes to the promotion of security and international understanding through the exchange of legal information and promotes the rule of law, and therefore is in the interests of the United States;

(3) the timely and accurate availability of laws and regulations of the United States and other legislatures around the world is of the utmost importance to the Congress, both in its own work as well as in the interests of developing and nurturing interparliamentary cooperation; and

(4) the centralization of the function and control of participation by the United States in such an international legal database will assist in establishing uniformity for the electronic exchange and retrieval of legal information.

SEC. 3. THE UNITED STATES GLIN STATION.

In order to carry out the purposes of this Act,

(a) the United States station for the Global Legal Information Network shall be the Law Library of Congress in the Library of Congress;

(b) The Director of the United States GLIN station shall be the Law Librarian of Congress.

By Mr. MCCAIN:

S. 2646. A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes; to the Committee on Energy and Natural Resources.

TO AUTHORIZE A DISABLED VETERANS MEMORIAL IN WASHINGTON, DC

Mr. MCCAIN. Mr. President, I rise to offer legislation to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial on Federal land in the District of Columbia to honor all disabled American veterans. This legislation is not controversial, costs nothing, and deserves immediate consideration and passage as the 105th Congress prepares to adjourn for the year.

As a nation, we owe a debt of gratitude to all Americans who have worn their country's uniform in the defense of her core ideals and interests. We honor their service with holidays, like Veterans Day and Memorial Day, and with memorials, including the Vietnam Wall and the Iwo Jima Memorial. But nowhere in Washington can be found a material tribute to those veterans whose physical or psychological health was forever lost to a sniper's bullet, a landmine, a mortar round, or the pure terror of modern warfare.

To these individuals we owe a measure of devotion not accorded those who served honorably but without permanent damage to limb or spirit. For these individuals, a memorial in Washington, DC, would stand as testament to the sum of their sacrifices, and as proof that the country they served values their contribution to its cause.

We cannot restore the health of those Americans who incurred a disability as a result of their military service. It is within our power, however, to authorize a memorial that would clearly signal the nation's gratitude to all whose disabilities serve as a living reminder of the toll war takes on its victims.

Under the terms of this legislation, the Disabled Veterans' LIFE Memorial Foundation would be solely responsible for raising the necessary funding. Our bill explicitly requires that no Federal funds be used to pay any expense for the memorial's establishment.

I urge my colleagues to join me and Senators CLELAND, COVERDELL, and KERREY in support of this legislation. America's disabled veterans, of whom Senator CLELAND himself is one of our most distinguished, deserve a lasting tribute to their sacrifice. They honored us with their service; let us honor them with our support today.

Mr. KERREY. Mr. President, I rise as a proud original cosponsor of legislation to establish a national Disabled Veterans Memorial here in Washington, DC.

I am honored to join my fellow colleagues, veterans and friends Senators MCCAIN and CLELAND in establishing a memorial to the brave men and women who have served our Nation with honor and dignity, but have paid a grave price.

I look forward to working with my colleagues in the Senate to establish and construct a memorial that is not only a tribute to our veterans, but will also serve the residents of the District as a place of civic and national pride.

I will insist on an open and fair process as we move forward, and will be diligent in representing the best interests of the veterans, the District, the Nation, and the American people.

By Mr. HATCH:

S. 2647. A bill to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs; to the Committee on Labor and Human Resources.

DRUG DEMAND REDUCTION ACT

Mr. HATCH. Mr. President, I rise today to introduce the "Drug Demand Reduction Act," a bill that improves demand reduction efforts by focusing on the anti-drug media campaign, drug-free jails, and drug-free schools. The bill also contains several congressional resolutions aimed at encouraging community involvement, rejecting efforts to legalize illegal drugs, and streamlining prevention and treatment programs.

This legislation is supported by General Barry McCaffrey, Director of the Office of National Drug Control Policy. The original companion bill was introduced in the House of Representatives by Congressman PORTMAN and Congressman BARRETT on September 16, 1998, and passed with overwhelming bipartisan support, 396-9. I commend them for their leadership and thank them for their efforts.

As many of you know, I worked hand in hand with my colleagues in the House on this issue, I held hearings in the Senate Committee on the Judiciary concerning these issues, and more recently, I worked with the Leadership to include this bill into the legislative package of anti-drug bills that is being incorporated into the Omnibus Appropriations bill for Fiscal 1999. This bill represents a substantial step toward reducing the rates of drug abuse in our country.

According to the respected Monitoring the Future from 1991 to 1997, the lifetime use of marijuana—the gateway to harder drugs—has increased among school-age youth. The lifetime use of marijuana by 8th graders—that is those 8th graders who have ever used marijuana—increased by 122% from 1991 to 1997. For 10th graders, marijuana use increased by 81% and for 12th graders, 35%.

Cocaine use among our youth has also seen staggering increases. From 1991 to 1997, the lifetime use of cocaine increased by 91% for 8th graders. The lifetime use of cocaine by 10th graders increased by 73% during the same time period. The number of 8th graders who have used cocaine within the past year increased by 154% from 1991 to 1997.

Heroin use has also exploded since 1991. The reported lifetime use of heroin for both 8th and 10th graders increased by 75%. For 12th graders, heroin use increased by 133%. The number of 8th graders who have used heroin within the past year has increased by 86% from 1991 to 1997. For 10th and 12th graders, heroin use increased by 180% and 120%, respectively.

These figures are staggering when you consider that each percentage point represents thousands of teens who are much more likely to become bigger problems for society as they become adults.

The drug abuse situation in our country is an issue about which I care deeply. In June of this year, the Judiciary Committee held a hearing on the growing national crisis of drug abuse among our children. I think it is clear from all the available information and from the testimony heard at the hearing that youth drug abuse is not stable, but is instead rising sharply. Several of the witnesses who testified described how accessible drugs were to our young people.

For example, Chris who works as an undercover investigator in high schools in Dayton, Ohio, described to the Committee how easy it was to get drugs in today's high schools. "Within the first investigation, I was approached within three weeks, by someone offering to sell to me. The second investigation, I was approached in a week-and-a-half by someone again wanting to sell to me. In high schools, you don't have to do a lot of seeking, you know. . . . Pretty much, they are going to come to you."

What is the reason behind this surge in teen drug consumption? I believe several things. First, there has been a decline in anti-drug messages from elected leaders—like President Clinton and similar messages in homes, schools, and—until recently with the airing of anti-drug messages developed for the Youth Media Campaign—the media. Second, the debate over the legalization of marijuana and the glorification of drugs in popular culture has caused confusion in our young people. Third, disapproval of drugs and perception of risk has declined among young people. The percent of 8th, 10th and 12th graders who "disapproved" or "strongly disapproved" of use of various drugs declined steadily from 1991 to 1995. In 1992, 92% of 8th graders, 90% of 10th graders, and 89% of 12th graders disapproved of people who smoked marijuana regularly. By 1996, however, those figures had dropped significantly.

We must change tactics and find a way to do something to stop this epidemic from continuing and destroying the future of our children. This bill, which I expect will be enacted as part of the Omnibus Appropriation bill, will begin to address these problems and offer incentives to help schools, and communities to reinforce the message that drugs are dangerous. I urge all of my colleagues to support this bill. I ask consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Drug Demand Reduction Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TARGETED SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Subtitle A—National Youth Anti-Drug Media Campaign

Sec. 101. Short title.
Sec. 102. Requirement to conduct national media campaign.
Sec. 103. Use of funds.
Sec. 104. Reports to Congress.
Sec. 105. Authorization of appropriations.

Subtitle B—Drug-Free Prisons and Jails

Sec. 111. Short title.
Sec. 112. Purpose.
Sec. 113. Program authorization.
Sec. 114. Grant application.
Sec. 115. Uses of funds.
Sec. 116. Evaluation and recommendation report to Congress.
Sec. 117. Definitions.
Sec. 118. Authorization of appropriations.

Subtitle C—Drug-Free Schools Quality Assurance

Sec. 121. Short title.
Sec. 122. Amendment to Safe and Drug-Free Schools and Communities Act.

TITLE II—STATEMENT OF NATIONAL ANTIDRUG POLICY

Subtitle A—Congressional Leadership in Community Coalitions

Sec. 201. Sense of Congress.

Subtitle B—Rejection of Legalization of Drugs

Sec. 211. Sense of Congress.

Subtitle C—Report on Streamlining Federal Prevention and Treatment Efforts

Sec. 221. Report on streamlining Federal prevention and treatment efforts.

TITLE I—TARGETED SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Subtitle A—National Youth Anti-Drug Media Campaign

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Media Campaign Act of 1998".

SEC. 102. REQUIREMENT TO CONDUCT NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy (in this subtitle referred to as the "Director") shall conduct a national media campaign in accordance with this subtitle for the purpose of reducing and preventing drug abuse among young people in the United States.

(b) LOCAL TARGET REQUIREMENT.—The Director shall, to the maximum extent feasible, use amounts made available to carry out this subtitle under section 105 for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

SEC. 103. USE OF FUNDS.

(a) AUTHORIZED USES.—

(1) IN GENERAL.—Amounts made available to carry out this subtitle for the support of the national media campaign may only be used for—

(A) the purchase of media time and space;

(B) talent reuse payments;

(C) out-of-pocket advertising production costs;

(D) testing and evaluation of advertising;

(E) evaluation of the effectiveness of the media campaign;

(F) the negotiated fees for the winning bidder on request for proposals issued by the Office of National Drug Control Policy;

(G) partnerships with community, civic, and professional groups, and government organizations related to the media campaign; and

(H) entertainment industry collaborations to fashion antidrug messages in motion pictures, television programing, popular music, interactive (Internet and new) media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(2) ADVERTISING.—In carrying out this subtitle, the Director shall devote sufficient funds to the advertising portion of the national media campaign to meet the stated reach and frequency goals of the campaign.

(b) PROHIBITIONS.—None of the amounts made available under section 105 may be obligated or expended—

(1) to supplant current antidrug community based coalitions;

(2) to supplant current pro bono public service time donated by national and local broadcasting networks;

(3) for partisan political purposes; or

(4) to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations, unless the Director provides advance notice to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives and the Committee on the Judiciary of the Senate.

(c) MATCHING REQUIREMENT.—Amounts made available under section 105 should be matched by an equal amount of non-Federal funds for the national media campaign, or be matched with in-kind contributions to the campaign of the same value.

SEC. 104. REPORTS TO CONGRESS.

The Director shall—

(1) submit to Congress on an annual basis a report on the activities for which amounts made available under section 105 have been obligated during the preceding year, including information for each quarter of such year, and on the specific parameters of the national media campaign; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report on the effectiveness of the national media campaign based on measurable outcomes provided to Congress previously.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this subtitle $195,000,000 for each of fiscal years 1999 through 2002.

Subtitle B—Drug-Free Prisons and Jails

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Prisons and Jails Act of 1998".

SEC. 112. PURPOSE.

The purpose of this subtitle is to provide for the establishment of model programs for comprehensive treatment of substance-involved offenders in the criminal justice system to reduce drug abuse and drug-related crime, and reduce the costs of the criminal justice system, that can be successfully replicated by States and local units of government through a comprehensive evaluation.

SEC. 113. PROGRAM AUTHORIZATION.

(a) ESTABLISHMENT.—The Director of the Bureau of Justice Assistance shall establish a model substance abuse treatment program for substance-involved offenders by—

(1) providing financial assistance to grant recipients selected in accordance with section 114(b); and

(2) evaluating the success of programs conducted pursuant to this subtitle.

(b) Grant Awards.—The Director may award not more than 5 grants to units of local government and not more than 5 grants to States.

(c) Administrative Costs.—Not more than 5 percent of a grant award made pursuant to this subtitle may be used for administrative costs.

SEC. 114. GRANT APPLICATION.

(a) Contents.—An application submitted by a unit of local government or a State for a grant award under this subtitle shall include each of the following:

(1) Strategy.—A strategy to coordinate programs and services for substance-involved offenders provided by the unit of local government or the State, as the case may be, developed in consultation with representatives from all components of the criminal justice system within the jurisdiction, including judges, law enforcement personnel, prosecutors, corrections personnel, probation personnel, parole personnel, substance abuse treatment personnel, and substance abuse prevention personnel.

(2) Certification.—A certification that—

(A) Federal funds made available under this subtitle will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities; and

(B) the programs developed pursuant to this subtitle meet all requirements of this subtitle.

(b) Review and Approval.—Subject to section 113(b), the Director shall approve applications and make grant awards to units of local governments and States that show the most promise for accomplishing the purposes of this subtitle consistent with the provisions of section 115.

SEC. 115. USES OF FUNDS.

A unit of local government or State that receives a grant award under this subtitle shall use such funds to provide comprehensive treatment programs to inmates in prisons or jails, including not less than 3 of the following:

(1) Tailored treatment programs to meet the special needs of different types of substance-involved offenders.

(2) Random and frequent drug testing, including a system of sanctions.

(3) Training and assistance for corrections officers and personnel to assist substance-involved offenders in correctional facilities.

(4) Clinical assessment of incoming substance-involved offenders.

(5) Availability of religious and spiritual activity and counseling to provide an environment that encourages recovery from substance involvement in correctional facilities.

(6) Education and vocational training.

(7) A substance-free correctional facility policy.

SEC. 116. EVALUATION AND RECOMMENDATION REPORT TO CONGRESS.

(a) Evaluation.—

(1) In general.—The Director shall enter into a contract, with an evaluating agency that has demonstrated experience in the evaluation of substance abuse treatment, to conduct an evaluation that incorporates the criteria described in paragraph (2).

(2) Evaluation criteria.—The Director, in consultation with the Directors of the appropriate National Institutes of Health, shall establish minimum criteria for evaluating each program. Such criteria shall include—

(A) reducing substance abuse among participants;

(B) reducing recidivism among participants;

(C) cost effectiveness of providing services to participants; and

(D) a data collection system that will produce data comparable to that used by the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration and the Bureau of Justice Statistics of the Office of Justice Programs.

(b) Report.—The Director shall submit to the appropriate committees, at the same time as the President's budget for fiscal year 2001 is submitted, a report that—

(1) describes the activities funded by grant awards under this subtitle;

(2) includes the evaluation submitted pursuant to subsection (a); and

(3) makes recommendations regarding revisions to the authorization of the program, including extension, expansion, application requirements, reduction, and termination.

SEC. 117. DEFINITIONS.

In this subtitle:

(1) Appropriate committees.—The term "appropriate committees" means the Committees on the Judiciary and the Committees on Appropriations of the House of Representatives and the Senate.

(2) Director.—The term "Director" means the Director of the Bureau of Justice Assistance.

(3) Substance-involved offender.—The term "substance-involved offender" means an individual under the supervision of a State or local criminal justice system, awaiting trial or serving a sentence imposed by the criminal justice system, who—

(A) violated or has been arrested for violating a drug or alcohol law;

(B) was under the influence of alcohol or an illegal drug at the time the crime was committed;

(C) stole property to buy illegal drugs; or

(D) has a history of substance abuse and addiction.

(4) Unit of local government.—The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior and any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia, and the Trust Territory of the Pacific Islands.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund as authorized by title 31 of the Violent Crime and Control and Law Enforcement Act of 1994 (42 U.S.C. 14211)—

(1) for fiscal year 1999, $30,000,000; and

(2) for fiscal year 2000, $20,000,000.

(b) Reservation.—The Director may reserve each fiscal year not more than 20 percent of the funds appropriated pursuant to subsection (a) for activities required under section 116.

Subtitle C—Drug-Free Schools Quality Assurance

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Schools Quality Assurance Act".

SEC. 122. AMENDMENT TO SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT.

Subpart 3 of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7141 et seq.) is amended by adding at the end the following:

"SEC. 4134. QUALITY RATING.

"(a) In General.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

"(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

"(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

"(b) Criteria.—The standard referred to in subsection (a) shall address, at a minimum—

"(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

"(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

"(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

"(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

"(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

"(c) Request for Quality Program School Designation.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

"(d) Public Notification.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.".

TITLE II—STATEMENT OF NATIONAL ANTIDRUG POLICY

Subtitle A—Congressional Leadership in Community Coalitions

SEC. 201. SENSE OF CONGRESS.

(a) Findings.—Congress finds the following:

(1) Illegal drug use is dangerous to the physical well-being of the Nation's youth.

(2) Illegal drug use can destroy the lives of the Nation's youth by diminishing their sense of morality and with it everything in life that is important and worthwhile.

(3) According to recently released national surveys, drug use among the Nation's youth remains at alarmingly high levels.

(4) National leadership is critical to conveying to the Nation's youth the message that drug use is dangerous and wrong.

(5) National leadership can help mobilize every sector of the community to support the implementation of comprehensive, sustainable, and effective programs to reduce drug abuse.

(6) As of September 1, 1998, 76 Members of the House of Representatives were establishing community-based antidrug coalitions in their congressional districts or were actively supporting such coalitions that already existed.

(7) The individual Members of the House of Representatives can best help their constituents prevent drug use among the Nation's

youth by establishing community-based antidrug coalitions in their congressional districts or by actively supporting such coalitions that already exist.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the individual Members of the House of Representatives, including the Delegates and the Resident Commissioner, should establish community-based antidrug coalitions in their congressional districts or should actively support any such coalitions that have been established.

Subtitle B—Rejection of Legalization of Drugs

SEC. 211. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Illegal drug use is harmful and wrong.

(2) Illegal drug use can kill the individuals involved or cause the individuals to hurt or kill others, and such use strips the individuals of their moral sense.

(3) The greatest threat presented by such use is to the youth of the United States, who are illegally using drugs in increasingly greater numbers.

(4) The people of the United States are more concerned about illegal drug use and crimes associated with such use than with any other current social problem.

(5) Efforts to legalize or otherwise legitimize drug use present a message to the youth of the United States that drug use is acceptable.

(6) Article VI, clause 2 of the Constitution of the United States states that "[t]his Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.".

(7) The courts of the United States have repeatedly found that any State law that conflicts with a Federal law or treaty is preempted by such law or treaty.

(8) The Controlled Substances Act (21 U.S.C. 801 et seq.) strictly regulates the use and possession of drugs.

(9) The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotrophic Substances Treaty similarly regulates the use and possession of drugs.

(10) Any attempt to authorize under State law an activity prohibited under such Treaty or the Controlled Substances Act would conflict with that Treaty or Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the several States, and the citizens of such States, should reject the legalization of drugs through legislation, ballot proposition, constitutional amendment, or any other means; and

(2) each State should make efforts to be a drug-free State.

Subtitle C—Report on Streamlining Federal Prevention and Treatment Efforts

SEC. 221. REPORT ON STREAMLINING FEDERAL PREVENTION AND TREATMENT EFFORTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the efforts of the Federal Government to reduce the demand for illegal drugs in the United States are frustrated by the fragmentation of those efforts across multiple departments and agencies; and

(2) improvement of those efforts can best be achieved through consolidation and coordination.

(b) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall prepare and submit to the appropriate committees a report evaluating options for increasing the efficacy of drug prevention and treatment programs and activities by the Federal Government. Such option shall include the merits of a consolidation of programs into a single agency, transferring programs from 1 agency to another, and improving coordinating mechanisms and authorities. The report shall also include a thorough review of the activities and potential consolidation of existing Federal drug information clearinghouses.

(2) RECOMMENDATION AND EXPLANATORY STATEMENT.—The study submitted under paragraph (1) shall identify options that are determined by the Director to have merit, and an explanation which options should be implemented.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this subsection $1,000,000 for contracting, policy research, and related costs.

(c) APPROPRIATE COMMITTEES DEFINED.—In this section, the term "appropriate committees" means the Committee on Appropriations, the Committee on Commerce, and the Committee on Education and the Workforce of the House of Representatives, and the Committee on Appropriations, and Committee on Labor and Human Resources of the Senate.

ADDITIONAL COSPONSORS

S. 597

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 597, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 1326

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1326, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 1525

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1525, a bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 2353

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2353, a bill to redesignate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 2623

At the request of Mr. GLENN, his name was added as a cosponsor of S. 2623, a bill to increase the efficiency and effectiveness of the Federal Government, and for other purposes.

S. 2640

At the request of Mr. D'AMATO, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2640, a bill to extend the authorization for the Upper Deleware Citizens Advisory Council.

SENATE RESOLUTION 199

At the request of Mr. TORRICELLI, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of Senate Resolution 199, a resolution designating the last week of April of each calendar year as "National Youth Fitness Week."

SENATE CONCURRENT RESOLUTION 129—TO CORRECT A TECHNICAL ERROR IN THE ENROLLMENT OF H.R. 3910

Mr. MURKOWSKI submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 129

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 3910 the Clerk of the House shall, in title IV, section 406, strike "5 years after the date of enactment of the Omnibus National Parks and Public Lands Act of 1998" and insert "5 years after the date of enactment of this Act."

SENATE CONCURRENT RESOLUTION 130—TO CORRECT THE ENROLLMENT OF H.R. 4328

Mr. REED submitted the following concurrent resolution; which was referred to the Committee on Appropriations:

S. CON. RES. 130

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 4328, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, the Clerk of the House of Representatives shall make the following correction: Strike section 103 of division A.

SENATE RESOLUTION 311—EXPRESSING THE SENSE OF THE SENATE THAT THE SECRETARY OF THE INTERIOR SHOULD SUPPORT THE ESTABLISHMENT OF A MEMORIAL TO THOMAS PAINE

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 311

Resolved,

SECTION 1. THOMAS PAINE MEMORIAL.

It is the sense of the Senate that the Secretary of the Interior should support the establishment of a memorial to Thomas Paine in the District of Columbia, as authorized by Public Law 102–407 (40 U.S.C. 1003 note).

SEC. 2. LOCATION OF MEMORIAL.

The memorial described in section 1 should—

(1) be established on the National Park Service property in Constitution Gardens within the 1700 block of Constitution Avenue, N.W., in the District of Columbia; and

(2) specifically include the structure known as the "Canal House", to be used by the Thomas Paine National Historical Association U.S.A. Memorial Foundation as an integral part of the memorial, in a manner determined by the National Park Service and the Thomas Paine National Historical Association U.S.A. Memorial Foundation.

AMENDMENTS SUBMITTED

CORRECTION OFFICERS HEALTH AND SAFETY ACT OF 1998

HATCH AMENDMENT NO. 3832

Mr. BURNS (for Mr. HATCH) proposed an amendment to the bill (H.R. 2070) to amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Correction Officers Health and Safety Act of 1998".

SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL.—Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

"§ 4014. Testing for human immunodeficiency virus

"(a) The Attorney General shall cause each individual convicted of a Federal offense who is sentenced to incarceration for a period of 6 months or more to be tested for the presence of the human immunodeficiency virus, as appropriate, after the commencement of that incarceration, if such individual is determined to be at risk for infection with such virus in accordance with the guidelines issued by the Bureau of Prisons relating to infectious disease management.

"(b) If the Attorney General has a well-founded reason to believe that a person sentenced to a term of imprisonment for a Federal offense, or ordered detained before trial under section 3142(e), may have intentionally or unintentionally transmitted the human immunodeficiency virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there, the Attorney General shall—

"(1) cause the person who may have transmitted the virus to be tested promptly for the presence of such virus and communicate the test results to the person tested; and

"(2) consistent with the guidelines issued by the Bureau of Prisons relating to infectious disease management, inform any person (in, as appropriate, confidential consultation with the person's physician) who may have been exposed to such virus, of the potential risk involved and, if warranted by the circumstances, that prophylactic or other treatment should be considered.

"(c) If the results of a test under subsection (a) or (b) indicate the presence of the human immunodeficiency virus, the Attorney General shall provide appropriate access for counselling, health care, and support services to the affected officer, employee, or other person, and to the person tested.

"(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

"(e) Not later than 1 year after the date of enactment of this section, the Attorney General shall issue rules to implement this section. Such rules shall require that the results of any test are communicated only to the person tested, and, if the results of the test indicate the presence of the virus, to correctional facility personnel consistent with guidelines issued by the Bureau of Prisons. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of title 18, United States Code, is amended by adding at the end the following new item:

"4014. Testing for human immunodeficiency virus.".

(c) GUIDELINES FOR STATES.—Not later than 1 year after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.

AFRICA: SEEDS OF HOPE ACT OF 1998

DEWINE AMENDMENT NO. 3833

Mr. BURNS (for Mr. DEWINE) proposed an amendment to the bill (H.R. 4283) to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Africa: Seeds of Hope Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and declaration of policy.

TITLE I—ASSISTANCE FOR SUB-SAHARAN AFRICA

Sec. 101. Africa Food Security Initiative.
Sec. 102. Microenterprise assistance.
Sec. 103. Support for producer-owned cooperative marketing associations.
Sec. 104. Agricultural and rural development activities of the Overseas Private Investment Corporation.
Sec. 105. Agricultural research and extension activities.

TITLE II—WORLDWIDE FOOD ASSISTANCE AND AGRICULTURAL PROGRAMS

Subtitle A—Nonemergency Food Assistance Programs

Sec. 201. Nonemergency food assistance programs.

Subtitle B—Bill Emerson Humanitarian Trust Act of 1998

Sec. 211. Short title.
Sec. 212. Amendments to the Food Security Commodity Reserve Act of 1996.

Subtitle C—International Fund for Agricultural Development

Sec. 221. Review of the International Fund for Agricultural Development.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Report.

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The economic, security, and humanitarian interests of the United States and the nations of sub-Saharan Africa would be enhanced by sustainable, broad-based agricultural and rural development in each of the African nations.

(2) According to the Food and Agriculture Organization, the number of undernourished people in Africa has more than doubled, from approximately 100,000,000 in the late 1960s to 215,000,000 in 1998, and is projected to increase to 265,000,000 by the year 2010. According to the Food and Agriculture Organization, the term "under nutrition" means inadequate consumption of nutrients, often adversely affecting children's physical and mental development, undermining their future as productive and creative members of their communities.

(3) Currently, agricultural production in Africa employs about two-thirds of the workforce but produces less than one-fourth of the gross domestic product in sub-Saharan Africa, according to the World Bank Group.

(4) African women produce up to 80 percent of the total food supply in Africa according to the International Food Policy Research Institute.

(5) An effective way to improve conditions of the poor is to increase the productivity of the agricultural sector. Productivity increases can be fostered by increasing research and education in agriculture and rural development.

(6) In November 1996, the World Food Summit set a goal of reducing hunger worldwide by 50 percent by the year 2015 and encouraged national governments to develop domestic food plans and to support international aid efforts.

(7) Although the World Bank Group recently has launched a major initiative to support agricultural and rural development, only 10 percent, or $1,200,000,000, of its total lending to sub-Saharan Africa for fiscal years 1993 to 1997 was devoted to agriculture.

(8)(A) United States food processing and agricultural sectors benefit greatly from the liberalization of global trade and increased exports.

(B) Africa represents a growing market for United States food and agricultural products. Africa's food imports are projected to rise from less than 8,000,000 metric tons in 1990 to more than 25,000,000 metric tons by the 2020.

(9)(A) Increased private sector investment in African countries and expanded trade between the United States and Africa can greatly help African countries achieve food self-sufficiency and graduate from dependency on international assistance.

(B) Development assistance, technical assistance, and training can facilitate and encourage commercial development in Africa, such as improving rural roads, agricultural research and extension, and providing access to credit and other resources.

(10)(A) Several United States private voluntary organizations have demonstrated success in empowering Africans through direct business ownership and helping African agricultural producers more efficiently and directly market their products.

(B) Rural business associations, owned and controlled by farmer shareholders, also greatly help agricultural producers to increase their household incomes.

(b) DECLARATION OF POLICY.—It is the policy of the United States, consistent with title XII of part I of the Foreign Assistance Act of 1961, to support governments of sub-Saharan African countries, United States and African nongovernmental organizations, universities, businesses, and international agencies, to help ensure the availability of basic nutrition and economic opportunities for individuals in sub-Saharan Africa, through sustainable agriculture and rural development.

TITLE I—ASSISTANCE FOR SUB-SAHARAN AFRICA

SEC. 101. AFRICA FOOD SECURITY INITIATIVE.

(a) ADDITIONAL REQUIREMENTS IN CARRYING OUT THE INITIATIVE.—In providing development assistance under the Africa Food Security Initiative, or any comparable or successor program, the Administrator of the United States Agency for International Development—

(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects;

(3) shall favor countries that are implementing reforms of their trade and investment laws and regulations in order to enhance free market development in the food processing and agricultural sectors; and

(4) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, if there is an increase in funding for sub-Saharan programs, the Administrator of the United States Agency for International Development should proportionately increase resources to the Africa Food Security Initiative, or any comparable or successor program, for fiscal year 2000 and subsequent fiscal years in order to meet the needs of the countries participating in such Initiative.

SEC. 102. MICROENTERPRISE ASSISTANCE.

(a) BILATERAL ASSISTANCE.—In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should use the applied research and technical assistance capabilities of United States land-grant universities.

(b) MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall continue to work with other countries, international organizations (including multilateral development institutions), and entities assisting microenterprises and shall develop a comprehensive and coordinated strategy for providing microenterprise assistance for sub-Saharan Africa.

(2) ADDITIONAL REQUIREMENT.—In carrying out paragraph (1), the Administrator should encourage the World Bank Consultative Group to Assist the Poorest to coordinate the strategy described in such paragraph.

SEC. 103. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

(a) PURPOSES.—The purposes of this section are—

(1) to support producer-owned cooperative purchasing and marketing associations in sub-Saharan Africa;

(2) to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to promote rural development in sub-Saharan Africa;

(3) to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, technical expertise; and

(4) to support small businesses in sub-Saharan Africa as they grow beyond microenterprises.

(b) SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.—

(1) ACTIVITIES.—

(A) IN GENERAL.—The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders.

(B) ADDITIONAL REQUIREMENTS.—In carrying out subparagraph (A), the Administrator—

(i) shall take into account small-scale farmers, small rural entrepreneurs, and rural workers and communities; and

(ii) shall take into account the local-level perspectives of the rural and urban poor through close consultation with these groups, consistent with section 496(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(e)(1)).

(2) OTHER ACTIVITIES.—In addition to carrying out paragraph (1), the Administrator is encouraged—

(A) to cooperate with governments of foreign countries, including governments of political subdivisions of such countries, their agricultural research universities, and particularly with United States nongovernmental organizations and United States land-grant universities, that have demonstrated expertise in the development and promotion of successful private producer-owned cooperative marketing associations; and

(B) to facilitate partnerships between United States and African cooperatives and private businesses to enhance the capacity and technical and marketing expertise of business associations in sub-Saharan Africa.

SEC. 104. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) PURPOSE.—The purpose of this section is to encourage the Overseas Private Investment Corporation to work with United States businesses and other United States entities to invest in rural sub-Saharan Africa, particularly in ways that will develop the capacities of small-scale farmers and small rural entrepreneurs, including women, in sub-Saharan Africa.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Overseas Private Investment Corporation should exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guaranties, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

(A) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

(B) have a clear track-record of support for sound business management practices; and

(C) have demonstrated experience with participatory development methods; and

(2) the Overseas Private Investment Corporation should utilize existing equity funds, loan and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

SEC. 105. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

(a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

(b) ADDITIONAL REQUIREMENTS.—Such plan shall seek to ensure that—

(1) research and extension activities will respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa;

(2) sustainable agricultural methods of farming will be considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa; and

(3) research and extension efforts will focus on sustainable agricultural practices and will be adapted to widely varying climates within sub-Saharan Africa.

TITLE II—WORLDWIDE FOOD ASSISTANCE AND AGRICULTURAL PROGRAMS

Subtitle A—Nonemergency Food Assistance Programs

SEC. 201. NONEMERGENCY FOOD ASSISTANCE PROGRAMS.

(a) IN GENERAL.—In providing nonemergency assistance under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), the Administrator of the United States Agency for International Development shall ensure that—

(1) in planning, decisionmaking, and implementation in providing such assistance, the Administrator takes into consideration local input and participation directly and through United States and indigenous private and voluntary organizations;

(2) each of the nonemergency activities described in paragraphs (2) through (6) of section 201 of such Act (7 U.S.C. 1721), including programs that provide assistance to people of any age group who are otherwise unable to meet their basic food needs (including feeding programs for the disabled, orphaned, elderly, sick and dying), are carried out; and

(3) greater flexibility is provided for program and evaluation plans so that such assistance may be developed to meet local needs, as provided for in section 202(f) of such Act (7 U.S.C. 1722(f)).

(b) Other Requirements.—In providing assistance under the Agriculture Trade Development and Assistance Act of 1954, the Secretary of Agriculture and the Administrator of United States Agency for International Development shall ensure that commodities are provided in a manner that is consistent with sections 403 (a) and (b) of such Act (7 U.S.C. 1733 (a) and (b)).

Subtitle B—Bill Emerson Humanitarian Trust Act of 1998

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Bill Emerson Humanitarian Trust Act of 1998".

SEC. 212. BILL EMERSON HUMANITARIAN TRUST ACT.

(a) In General.—Section 302 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting "OR Funds" after "Commodities";

(B) in paragraph (1)—

(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) funds made available under paragraph (2)(B) which shall be used solely to replenish commodities in the trust."; and

(C) in paragraph (2),

(i) by striking subparagraph (B) and inserting the following:

"(B) Funds.—Any funds used to acquire eligible commodities through purchases from producers or in the market to replenish the trust shall be derived—

"(i) with respect to fiscal years 2000 through 2002 from funds made available to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) that are used to repay or reimburse the Commodity Credit Corporation for the release of eligible commodities under subsections (c)(2) and (f)(2), except that, of such funds, not more than $20,000,000 may be expended for this purpose in each of the fiscal years 2000 through 2002; and

"(ii) from funds authorized for that use by an appropriations Act.";

(2) in subsection (c)(2)—

(A) by striking "ASSISTANCE.—Notwithstanding" and inserting the following: "ASSISTANCE.—

"(A) In GENERAL.—Notwithstanding"; and

(B) by adding at the end the following:

"(B) Limitation.—The Secretary may release eligible commodities under subparagraph (A) only to the extent such release is consistent with maintaining the long-term value of the trust.";

(3) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) subject to the need for release of commodities from the trust under subsection (c)(1), for the management of the trust to preserve the value of the trust through acquisitions under subsection (b)(2)."; and

(4) in subsection (f)—

(A) in paragraph (2), by inserting "OF THE TRUST" after "Reimbursement" in the heading; and

(B) in paragraph (2)(A), by inserting "and the funds shall be available to replenish the trust under subsection (b)" before the end period.

(b) Conforming Amendments.—

(1) Title III of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 et seq.) is amended by striking the title heading and inserting the following:

"TITLE III—BILL EMERSON HUMANITARIAN TRUST".

(2) Section 301 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 note) is amended to read as follows:

"SEC. 301. SHORT TITLE.

"This title may be cited as the 'Bill Emerson Humanitarian Trust Act'.".

(3) Section 302 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1) is amended—

(A) in the section heading, by striking "**RESERVE**" and inserting "**TRUST**";

(B) by striking "reserve" each place it appears (other than in subparagraphs (A) and (B) of subsection (b)(1)) and inserting "trust";

(C) in subsection (b)—

(i) in the subsection heading, by striking "Reserve" and inserting "Trust";

(ii) in paragraph (1)(B), by striking "reserve," and inserting "trust,"; and

(iii) in the paragraph heading of paragraph (2), by striking "RESERVE" and inserting "TRUST"; and

(D) in the subsection heading of subsection (e), by striking "Reserve" and inserting "Trust".

(4) Section 208(d)(2) of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4001(d)(2)) is amended by striking "Food Security Commodity Reserve Act of 1996" and inserting "Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.)".

(5) Section 901b(b)(3) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f(b)(3)), is amended by striking "Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f–1)" and inserting "Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.)".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REPORT.

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on how the Agency plans to implement sections 101, 102, 103, 105, and 201 of this Act, the steps that have been taken toward such implementation, and an estimate of all amounts expended or to be expended on related activities during the current and previous 4 fiscal years.

ADDITIONAL STATEMENTS

WORLD POPULATION AWARENESS WEEK

• Mr. KERREY. Mr. President, I rise today to acknowledge October 24–31 as the 13th annual observation of World Population Week. In particular, I draw to the attention of my colleagues the proclamation of World Population Awareness Week by the Governor of Nebraska, Ben Nelson. I ask that the full text of this proclamation be printed in the Record.

The text follows:

Whereas world population stands today at more than 5.9 billion and increases by more than 80 million per year, with virtually all of this growth in the least developed countries;

Whereas the consequences of rapid population growth are not limited to the developing world but extend to all nations and to all people, including every citizen of the State of Nebraska concerned for human dignity, freedom and democracy, as well as for the impact on the global economy;

Whereas 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one US dollar or less a day;

Whereas 1.5 billion people—nearly one-quarter of the world population—lack an adequate supply of clean drinking water or sanitation;

Whereas more than 840 million people—one-fifth of the entire population of the developing world—are hungry or mal-nourished;

Whereas this unmet demand for family planning is projected to result in 1.2 billion unintended births;

Whereas the 1994 International Conference on Population and Development determined that political and appropriate programs aimed at providing universal access to voluntary family planning, information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more;

Now, therefore, I, E. Benjamin Nelson, Governor of the State of Nebraska, do hereby proclaim the week of October 25–31, 1998 as World Population Awareness Week, and urge citizens of the State to take cognizance of this event and to participate appropriately in its observance.

Mr. President, I ask my colleagues to join me in recognizing World Population Awareness Week.•

BREAST CANCER RESEARCHERS

• Mr. D'AMATO. Mr. President, I rise today to acknowledge the outstanding dedication and commitment of two New Yorkers and the staff of a statewide breast cancer hotline. Lorraine Pace, a breast cancer survivor, and Dr. Wende Logan-Young, a Rochester-area physician were awarded New York's "Innovation in Breast Cancer Early Detection and Research Awards."

Lorraine Pace, Breast Cancer Education Specialist at the University Hospital at Stony Brook, was recognized in the "Consumer" category as a compassionate and effective advocate for women with breast cancer.

Dr. Logan-Young is the founder and director of the Elizabeth Wende Breast Clinic in Rochester. She was recognized in the "Professional" category for her outstanding work with the Women's Health Partnership and her contribution to the advances in mammography screening technology.

I commend and admire the service of Lorraine Pace and Dr. Wende Logan-Young in helping New York's women lead healthier, longer, and more productive lives.●

THE DEATH OF MATTHEW SHEPARD

● Mr. KERRY. Mr. President, Americans from every region in the country, from all walks of life—Americans straight and gay—have spent the past week expressing our sense of shock and outrage for what happened on a dark road in Wyoming. We have also expressed our passionate conviction and knowledge that there is no room in our country for the kind of vicious, terrible, pathetic, ignorant hate that took the life of Matthew Shepard.

We are a better country than that and, Mr. President, I know that Wyoming is filled with good people who share our shock tonight.

But the question, here in this city of monuments, is what will we do about it as a country? Is there a lesson that can become a monument to Matthew Shepard and so many others who suffer because of other people's limitations?

The reason we are here is to guarantee that lesson and to make certain that there will be no period of indifference, as there was initially when the country ignored the burning of black churches or overlooked the spray-painted swastikas in synagogues; or suggested that the undiluted hatred which killed this young man is someone else's problem, some other community's responsibility.

We must all accept national responsibility for the killing in Wyoming, and commit—each of us in our words, in our hearts, and in our actions—to insure that the lesson of Matthew Shepard is not forgotten.

To my friends in the Congress, I say let us pass the Hate Crimes Prevention Act. And, let the so-called leaders in this country stop their immature and nonsensical rhetoric which encourages, or justifies, these barbaric acts. Look to the 58 high schools in my own beautiful state of Massachusetts where 22 percent of gay students say they skip school because they feel unsafe there and fully 31 percent of gay students had been threatened or actually physically attacked for being gay. Matthew Shepard is not the exception to the rule, Mr. President; his tragic death rather is the extreme example of what happens on a daily basis in our schools, on our streets and in our communities. And that's why we have an obligation to pass laws that make clear our determination to root out this hatred. We hear a lot from Congress today how we are a country of laws, not men. Let them make good on those words and pass hate crime legislation.

To all Americans, I encourage you tonight to stare down those who want you to live in fear and declare boldly that you will not live in a country where private prejudice undermines public law.

Each of us has the power to make this happen, and in a small way change misperception and reverse prejudice. Our belief in the strength of human justice can overcome the hatred in our society—by confronting it.

So we must confront it as Martin Luther King did when he preached in Birmingham and Memphis and all over this country, when he thundered his protest and assuaged those who feared his dreams. He taught us how to look hatred in the face and overcome it.

We should face it as Nelson Mandela did the day he left prison in South Africa, knowing that if his heart was filled only with hatred, he could never be free. Nelson Mandela destroyed systemic hatred, faced the fear—and today sets an example to the world about moving away from ignorance.

We need to challenge it as Harvey Milk did in San Francisco, when he brushed aside hatred, suspicion, fear and death threats to serve his city. Even as he foretold his own assassination, Harvey prayed that "if a bullet should enter my brain, let that bullet destroy every closet door." He knew that true citizenship belongs only to an enlightened people, undeterred by passion or prejudice—and it exists in a country which recognizes no one particular aspect of humanity before another.

Today, the challenge is to face our fears and root out hatred wherever we find it—whether on Laramie Road in Wyoming, or on the back roads of Jasper, Texas, or in the Shenandoah National Park.

The Declaration of Independence framed it all for us and everything we try to be is based on the promise of certain inalienable rights; life, liberty and the pursuit of happiness.

Mr. President, those two young high school dropouts threaten each and every one of us when they stole Matthew's rights and life itself.

That kind of hate is the real enemy of our civilization—and we come here to call on all people of good conscience to pass the laws that help us protect every citizen and we ask all Americans to make the personal commitment to live their lives each day in a way that brings us together.●

TRIBUTE TO MATTHEW SHEPARD AND HIS FAMILY

● Mrs. MURRAY. Mr. President, I rise today to remember a young man who was wrongly, viciously struck down in the prime of his life. Matthew Shepard was an innocent, kind, young man pursuing his education and enjoying the life of a college student. Tragically, he is now a reminder of what happens when we do not stand up to hate and bigotry.

On Monday night in Seattle and Spokane, Washington, hundreds of people from all walks of life came together to remember Matthew and to call for action to end hate crimes. Many people in Washington were outraged and shared in our Nation's sorrow. I was touched by this response and join with so many others in expressing my own deep sense of hopelessness. I know that this was not just an isolated incident. Hate crimes are a real threat. We cannot be silent any longer.

A week ago today, I joined many of my colleagues down at the White House in celebration of the signing of the Higher Education Reauthorization Act. I was proud to be there to call attention to the importance of this act. I was proud that the legislation increased opportunities for young students and improved access to quality education for all students. I thought about how important it was for us to be focused on the needs of young Americans and their families striving to achieve a higher education.

I thought of the many college students and high school students I have met who would benefit from these opportunities. I thought about my own college age children and the opportunities they would have. I knew this was a big accomplishment.

Today, my thoughts are with another young college student who will never experience the opportunities and improvements we worked so hard to achieve. My thoughts have gone from improving opportunities to how to prevent the terrible heartache that Matthew Shepard's family and friends are now experiencing.

When I first heard of this horrible crime I immediately felt deep sympathy for Matthew's parents. How frightening it must have been for them to fly half way around the world to be with their child who was almost unrecognizable because of the violent attack he suffered. I can't imagine the pain they must be experiencing. There are simply no words that I could offer in comfort.

I then felt deep sorrow for the community and the University. To know that those who committed this violent and hateful crime are part of their community must be unbearable. This community will never be the same.

I now feel sorry for our Nation. What we have lost? A young man with so much potential. What might Matthew Shepard have become? We know that he was interested in political science and very interested in this field of study. Could Matthew have become a U.S. Senator?

I think now that maybe Matthew can teach us all. We need to use this tragic and despicable crime to attack hate as we attack any other disease that kills. We must treat hate crimes as the deadly threat that they are and do more to prevent them. Hate is nothing more than a cancer that needs to be stopped.

S. 1529, Hate Crimes Prevention Act, offers us that opportunity. I am pleased to have joined with many of my colleagues in cosponsoring this important legislation. The bill would expand the definition of a hate crime and improve prosecution of those who act out their hate with violence. No one beats a person to death and leaves them to die without being motivated by a deep sense of hate. This was no robbery. The motive was hate.

The immediate response of local law enforcement officials illustrates why we need to strengthen Federal Hate Crimes laws and why the Federal Government must take a greater role in ending this violence.

I urge all of my colleagues to think about the many Matthew Shepards, we have all met. Kind and hard working young adults. Let us act now to prevent any more senseless violence and deaths.

It is often said that from tragedy we can learn. Let us learn from this tragic event and make a commitment that we will act on Hate Crimes Prevention legislation. Let our actions serve as a comfort to Matthew's parents and the hundreds of other parents who fear for their children.

There are so many tragedies that we cannot prevent. Another senseless, brutal attack like the one experienced by Matthew is a tragedy that we can prevent. We spend millions of dollars a year seeking cures for deadly diseases that strike the young and old. We simply cannot accept a disease that strikes without warning and takes the life of a precious vulnerable child. We need to treat hate the same. It cannot and will not be tolerated.•

HOUSE DELAY IN PASSAGE OF THE DIGITAL MILLENNIUM COPYRIGHT ACT, H.R. 2281

• Mr. LEAHY. Mr. President, I am glad that the House Republican leadership relented and after several days' delay allowed the House to consider and adopt the conference report on the landmark Digital Millennium Copyright Act, H.R. 2281.

Just two weeks ago, the Senate unanimously passed the Conference Report on the Digital Millennium Copyright Act, H.R. 2281. This important legislation is based on the implementing legislation recommended by the Administration and introduced last year by Senators HATCH, THOMPSON, KOHL and me, to implement the new World Intellectual Property Organization (WIPO) copyright treaties. The bill provides the protection necessary to encourage copyright owners to make their works available over the Internet and in other digital formats. This legislation sets a standard for other nations who must also implement these treaties.

The Senate bill was reported unanimously by the Senate Judiciary Committee and passed the Senate without opposition. The House-Senate conference over the last several weeks also led to all conferees signing the conference report and supporting the final version of the legislation. As the only Senate Democratic conferee I was pleased to serve on this conference and participate in working out agreements with House Republican and Democratic conferees.

With the approval of the chairmen and ranking Democrats on both the House Judiciary Committee and the House Commerce Committee, this landmark legislation—which Senator HATCH has called the most important bill we will pass this year—seemed to have finally cleared the last hurdle and be ready to be sent to the President for enactment. On Thursday, October 8, Senator HATCH and I were both present on the Senate floor for Senate final passage and had been informed that the House leadership had determined to take up and pass the bill that very day.

Surprisingly, the bill was not taken up in the House on Thursday or Friday or Saturday or Sunday. There was a threat that it would not be brought up by the House leadership at all, and I think that the Senate and the American people are entitled to an explanation.

It turns out that the House Republican leadership had decided to hold this critical legislation hostage to petty partisan politics. According to reports in Roll Call on October 8 and 12, Reuters on October 10 and the Washington Post on October 14 and 15, House Republicans were mad that a pal of theirs was not hired to head the Electronic Industries Alliance. The hold on this legislation is to "send a message."

Apparently, in the world of NEWT GINGRICH and DICK ARMEY and TOM DELAY, trade associations better hire their Republican friends or there will be retribution, including stalling action of important bipartisan legislation that promotes the national interest. This is childish behavior beneath the dignity of those who hold leadership positions in a House of Congress. The Digital Millennium Copyright Act, a good bill on which so many of us have worked so hard and cooperated so closely across the aisle, was finally allowed to be considered by the House and did pass. I thank the House Republican leaders for ending their pout in time for this landmark legislation to be adopted.

This bill should help create jobs and economic opportunities to America's leading copyright-based industries. We all recognize that because the U.S. is the world-wide leader in intellectual property, the U.S. will be the main beneficiary if Congress enacts this legislation.

Protecting and encouraging the intellectual creations of our citizens has always been a fundamental priority for our country and a responsibility of our national government. Our creative industries produce the material that makes the global information infrastructure something worth having. I want to ensure that the creators of movies and television and cable programming and recordings and books and computer software and interactive media continue to create, that their creativity is rewarded, that their creations are not stolen or pirated, and that those basic tenets are followed in all the world's markets.

The 1998 report of the International Intellectual Property Alliance confirms the importance of copyright-based industries to our American economy and our economic future. The report demonstrates, for the seventh straight year, that the U.S. copyright industries continue to be one of the largest and fastest growing segments of the U.S. economy. These industries are leading this country into the digital age and the 21st century. Thanks goodness cooler heads finally prevailed and Congress was allowed to complete work on the Digital Millennium Copyright Act.•

JACK HECHLER: DECADE OF SERVICE TO CONGRESSIONAL EXCHANGE PROGRAM

• Mr. LIEBERMAN. Mr. President, it gives me great pleasure today to recognize the dedication of Mr. Jack Hechler, who for the past decade has served as an interpreter and escort for an annual Congressional exchange program; the U.S. Congress/Bundestag Staff Exchange.

This highly successful program has been in existence since 1983 and serves as a guideline to staff exchanges around the world. For the past ten years, Mr. Hechler has been the contract interpreter and escort for the German staff delegation which arrives each summer for a three week program in the United States. Born and raised in Germany, Mr. Hechler graduated from American University in Washington, DC, served in Korea with the U.S. Armed Forces and for more than 37 years was an active Civil Service employee who, prior to retirement was the Director of Policy, Plans and Evaluation at the General Service Administration. Now retired, Mr. Hechler has been devoted to the U.S. Congress—Bundestag Staff Exchange Program.

Jack Hechler has been invaluable to the U.S. Congress-Bundestag Staff Exchange program by providing continuity to a program which relies heavily on alumni volunteers. The ten member German delegations and the network of American alumni have counted on his insight and discussions to add to this annual program. A recipient of the Order of Merit from the Federal Republic of Germany for his work with this exchange program, he has provided a tremendous service and I offer my most sincere thanks to Jack for his efforts on behalf of the U.S. Congress-Bundestag Staff Exchange program. For a decade of service, vielen dank.•

THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business yesterday, Monday, October 19, 1998, the federal debt stood at $5,541,765,173,290.62 (Five trillion, five hundred forty-one billion, seven hundred sixty-five million, one hundred seventy-three thousand, two hundred ninety dollars and sixty-two cents).

Five years ago, October 19, 1993, the federal debt stood at $4,403,899,000,000 (Four trillion, four hundred three billion, eight hundred ninety-nine million).

Ten years ago, October 19, 1988, the federal debt stood at $2,620,577,000,000 (Two trillion, six hundred twenty billion, five hundred seventy-seven million).

Fifteen years ago, October 19, 1983, the federal debt stood at $1,382,541,000,000 (One trillion, three hundred eighty-two billion, five hundred forty-one million).

Twenty-five years ago, October 19, 1973, the federal debt stood at $461,462,000,000 (Four hundred sixty-one billion, four hundred sixty-two million) which reflects a debt increase of more than $5 trillion—$5,080,303,173,290.62 (Five trillion, eighty billion, three hundred three million, one hundred seventy-three thousand, two hundred ninety dollars and sixty-two cents) during the past 25 years.•

REAUTHORIZATION OF THE SURFACE TRANSPORTATION BOARD

• Mr. HOLLINGS. Mr. President, I rise today in support of S. 1802, the reauthorization of the Surface Transportation Board (Board). I have spoken out in favor of the Board on many occasions. I want to reemphasize today my commitment to seeing that the Board will be in business for a long time and will be given the resources that it needs to continue its vital work.

The Board is the independent economic regulatory agency that oversees the Nation's rail and surface transportation industries. A healthy transportation system is critical to sustaining a vibrant and growing economy. Under the able and forward-looking leadership of Linda Morgan, the Board's Chairman, who was with us on the Commerce Committee for many years, the Board has worked to ensure that the transportation system is both healthy and responsive. Although it was established to be principally an adjudicatory body, the Board has reached out to the transportation community in an unprecedented way. It has handled the crisis in the West appropriately, letting the private sector work it out where possible, but intervening when necessary. It has initiated proceedings at the request of Senator McCAIN and Senator HUTCHISON to review the status of access and competition in the railroad industry, and its actions have produced a mix of government action and private-sector solutions. With its staff of 135, it puts out more work than much larger agencies, issuing well-reasoned, thoughtful, and balanced decisions in tough, contentious cases. Just recently, in the Conrail acquisition case, the Board issued one such decision that is good for my State, and for the Nation.

But the Board is stretched thin. It needs to train new people to replace the many employees who are likely to retire soon. And next year, it will continue to expend resources monitoring the implementation of the Conrail acquisition and the rest of the rail network. The Board needs adequate resources to do the hard work that we expect it to do.

Because we need the Board, and because the Board has done a fine job, I am here today supporting a clean reauthorization bill. I supported the Staggers Act when it was passed, and I think in large part it has been a success.

I know that there is some concern about how our transportation system ought to look, and that there are many important issues on the table right now. Several of those issues are being handled by the Board, in connection with its competition and access hearings. I am confident that the Board will do the right thing with the issues before it.

However, some of the tougher issues that have not yet been resolved—for example, the substantially more open access that some shippers want—are not for the Board. They are for us, and they are real. But the fact that the railroads and those who use the system have a lot of ground to cover on these legislative issues should not hold up the Board's reauthorization. Legislative change is our job. The Board, working with the law we gave it, has done its job. I want to thank the Board in general, and Chairman Morgan in particular, who has my unqualified support, for a job well done. The Nation needs agencies like the Board and public servants like Chairman Morgan.•

THE RETIREMENT OF REPRESENTATIVE LEE H. HAMILTON OF INDIANA

• Mr. MOYNIHAN. Mr. President, I rise today humbled by the considerable accomplishments of a great friend and colleague, LEE HAMILTON of Indiana. After 17 terms, he will leave the House of Representatives at year's end. What a profound loss for us all.

Not surprisingly, LEE HAMILTON continues to be recognized for his achievements. Last Tuesday's New York Times quotes Congressman HAMILTON as "feeling pretty good about the job" he has held for 34 years. "I have more confidence in the institutions of government and the Congress than most of my constituents. The process is often untidy, but it works." David S. Broder wrote in a column entitled "Lee Hamilton's Mark," ". . . no one will be more missed by his colleagues of both parties than LEE HAMILTON of Indiana . . . (h)e is an exemplar of the commonsense, instinctively moderate model of legislator that used to be common in Congress but is increasingly rare today."

I had the honor of serving with Representative HAMILTON on the Commission on Protecting and Reducing Government Secrecy (1995–1997). Our Commission recommended unanimously that legislation should be adopted to govern the system of classifying and declassifying information, which for a half century has been left to executive regulation. The Congressional members of the Commission introduced such legislation in the House and Senate and one of my largest regrets for the 105th Congress is that we could not get this legislation adopted in honor of LEE HAMILTON's retirement. This will take some time, but eventually, surely, we will pass such a bill.

As the former Chairman of the Committee on Foreign Affairs, the Joint Committee on the Organization of Congress, the Select Committee to Investigate Covert Arms Transactions with Iran, and the Permanent Select Committee on Intelligence, LEE HAMILTON has showed an extraordinary capacity to lead our country through difficult times. Last year, LEE received the Edmund S. Muskie Distinguished Public Service Award from the Center for National Policy and, just last month, the Hubert Humphrey Award from the American Political Science Association.

I might note here that Hubert Humphrey was the first Chairman of the Board of Trustees of the Woodrow Wilson International Center for Scholars here in Washington. To our great benefit, LEE HAMILTON has just recently agreed to head the Wilson Center. He will assume his new post in January, succeeding the Center's distinguished director, Charles Blitzer. Dr. Blitzer's tremendous achievement—the building of a permanent home for the Wilson

Center at the now complete Federal Triangle—fulfills the commitment to President Wilson's living memorial as established in its 1968 founding statute. That statute required that the Center be located on Pennsylvania Avenue. Today the Wilson Center can be found at One Woodrow Wilson Plaza on Pennsylvania Avenue where it maintains architectural and functional autonomy from its neighbor, the Ronald Reagan Building and International Trade Center.

It is of enormous comfort to this Senator to know that LEE HAMILTON will remain close at hand and continue to engage us all in matters of great import.

I ask that David Broder's column "Lee Hamilton's Mark" from The Washington Post and the article, "A Life Reflected in a House Transformed," by Melinda Henneberger in The New York Times be printed in the RECORD.

The article follows:

[From the Washington Post, October 11, 1998]

LEE HAMILTON'S MARK

(By David S. Broder)

He's not the oldest or longest-serving of the 21 House members who are retiring this year and not running for other offices. Those distinctions belong to two other Democrats, Illinois' Sidney Yates, the ardent defender of arts funding, and Texas's Henry Gonzalez, the populist scourge of bankers and other big shots.

He may not have had the political impact of a much more junior Republican retiree, New York's Bill Paxon, who led the 1994 campaign that ended 40 years of Democratic control of the House and who appeared to be on track to a future speakership until he fell out last year with his former ally Newt Gingrich.

But my hunch is that no one will be more missed by his colleagues of both parties than Lee Hamilton of Indiana, who is ending a notable 34-year career in the House with the adjournment of this Congress.

Hamilton is a throwback to the old days of the House—and not just because he still has the crew cut he wore when he came to Washington as a small-town Hoosier lawyer in the Democratic landslide of 1964. He is an exemplar of the common-sense, instinctively moderate model of legislator that used to be common in Congress but is increasingly rare today.

Hamilton has made his mark in two areas unlikely to produce public acclaim. Like his mentor and friend, former representative Morris Udall of Arizona, he has struggled with modest results to improve the internal organization and operations of the House and the way its members pay for their campaigns. More notably, he has been the Democrats' leader on international policy, serving as chairman of the Foreign Affairs Committee when his party had the majority. In both arenas, he has consistently placed principle above partisanship and worked comfortably with like-minded Republicans.

He first attracted attention in 1965 when, as chairman of the big freshman Democratic class, he wrote President Lyndon Johnson urging "a pause" in the breakneck pace of Great Society legislation, the first clear signal that Johnson has pushed the mandate of his election sweep beyond safe political limits. Johnson came to Indiana to help Hamilton with his first—and hardest—reelection campaign in 1966, but the following year, Hamilton again demonstrated his independence—and his prescience—by sponsoring one of the first (but unsuccessful) amendments to scale back American military operations in Vietnam.

As Hamilton recalled in a speech last November, Johnson had been a friend as well as his ally. "He had the freshman class in the Cabinet Room and told us, 'Buy your home.' He said, 'If you're like most politicians, it'll be the only decent investment you'll ever make.' I did, and it was."

But after the Vietnam amendment, Johnson called him in. "I will never forget his eyes when he asked me, 'How could you do that to me, Lee?'" Hamilton recalled. "I have served with eight presidents and 11 secretaries of state, and I have sympathized with the burdens and pressures all of them have faced." But he has operated on the principle that if Congress is to meet its responsibilities, it must offer its best and most candid counsel to an administration. "Our great fault," he told me, "is timidity. We don't like to stick our necks out."

That has not been true of Lee Hamilton. He has given his best judgment freely and plainly, usually supportive of the president, but has never been reluctant to dissent.

In his final months in office, Hamilton received the Edmund S. Muskie Distinguished Public Service Award from the Center for National Policy and the Hubert Humphrey Award from the American Political Science Association. Accepting the first award, he said, "Politics and politicians may be unpopular, but they're also indispensable. . . . Representative democracy, for all its faults, enables us to live together peacefully and productively. It works through a process of deliberation, negotiation and compromise—in a word, the process of politics. At its best, representative democracy gives us a system where all of us have a voice in the process and a stake in the product."

Hamilton understands that "when healthy skepticism about government turns to cynicism, it becomes the great enemy of democracy." So his new career will position him to battle for understanding of politics and against corrosive distrust. He will head the Woodrow Wilson International Center for Scholars in Washington, where academics from other nations gather with Americans to think and write about contemporary public policy problems. He will also lead a newly formed Center on Congress at Indiana University, an interdisciplinary program aimed at making the legislative branch less mysterious and suspicious. He is the right man for both jobs.

[From the New York Times, Oct. 13, 1998]

A LIFE REFLECTED IN A HOUSE TRANSFORMED

(By Melinda Henneberger)

WASHINGTON, Oct. 12.—As he waits for the last votes of his 34-year Congressional career, Democratic Representative Lee Hamilton runs one hand through his crew cut and thinks out loud, in his right-down-the-middle way, about why the House is both meaner and cleaner, more hard-working and less thoughtful, than when he arrived here from Columbus, Ind., in 1965.

In those days, he recalls, members of Congress palled around, played cards and made a good-faith effort to be on the golf course by 1 P.M. Now they barely have time to get to know one another, let alone contemplate the meaning of legislative life, in the press of 24-hour news cycles and three-day work weeks bracketed by rush-rush trips home.

Back then, you could legally accept fancy gifts and pocket leftover campaign money when you retired. Even if you managed to get into trouble, there was no House ethics committee until 1978. Then again, neither was there any need to work full time raising money. Mr. Hamilton is nostalgic about the $30,000 he spent as a small-town lawyer on his first race in 1964, the year of Lyndon B. Johnson's landslide. He spent $1 million on his last race in 1996.

In his office, the Congressman's papers are already being packed up, and the mail marked "return to sender." Settling in for a leisurely interview, the 67-year-old Indiana Basketball Hall of Famer drapes his large frame over a straight wooden chair in a room adorned with paintings of his dogs, Tawny and Buffy.

The politically moderate son of a Methodist minister from Evansville, Ind., he has been a major force on foreign policy and led opposition to aid for the Nicaraguan contra guerrillas. He was House chairman of the panel that investigated Reagan Administration support for the contras with the proceeds of illegal arms sales to Iran, and also chaired the Foreign Affairs and Intelligence Committees. The Presidential nominees Michael S. Dukakis and Bill Clinton seriously considered him as a running mate.

Yet when invited to linger for a moment over some favorite accomplishment, he mentions, not very grandly, that he was proud simply to have been among those who voted for the creation of Medicare, even if he did not write the bill.

Despite his talk about 1960's sociability on the Hill, Mr. Hamilton seems always to have put in long hours. A 1966 profile in The Washington Star noted that, "Hamilton gets to the office every morning at about 6:30, reads all the mail, answers nearly all the roll calls, and has missed going back home on weekends only a couple of times since he took office. He doesn't drink and he doesn't smoke and he works hard."

He has been enormously popular in the Ninth District in southeastern Indiana. (He is also popular among his staff in a workplace in which aides are often treated casually. Behind his back, staff members are misty about his retirement.)

"I've been going to a lot of retirement dinners back in Indiana," he said, "and the things people remember are the simple things, that I've tried to be accessible and honest and tried to make government work. When I drive through my district and see a sewage system or a library or a school I've had something to do with, that gives me a lot of satisfaction."

And most likely, this unwillingness to trumpet his career and contributions would have set him apart at any moment in the history of the big, noisy institution he clearly loves.

On the other side of the ledger, Mr. Hamilton said, "You don't walk away from a 34-year career without some regrets, and I leave very disappointed that we haven't done something on campaign finance or affordable health care."

Not surprisingly, his most immediate regret is what he sees as the necessity of an inquiry into the possible grounds for impeaching the President, a man he has praised on policy and excoriated for the private conduct that got him into trouble.

"It's a depressing way to end a career, on the note of impeachment," he said, removing his glasses, fiddling with them, putting them back on. "I'm distressed with the ending, but you don't control these things."

Still, living through Watergate and Iran-contra, Mr. Hamilton said, has given him some perspective on the current situation: "We look back now and say the system worked in Watergate but in the middle of it, it was messy and partisan. And something like that is happening now, in my view."

How does he answer those in his own party who respond to criticism of Mr. Clinton's behavior by saying essentially that President Reagan did far worse and survived? "In Iran-contra you were looking at a President abusing the powers of the Presidency"—as opposed to the personal conduct under discussion in the Clinton case, in his view. "But though a lot of people on the left were disappointed we didn't hang him, the evidence didn't point to that."

Mr. Hamilton was among the 31 Democrats who broke party ranks and voted for an open-ended impeachment inquiry. He thought it only right to continue the process, he said, though he has concluded that the President's wrongdoing does not meet the constitutional standard of an impeachable offense and believes Mr. Clinton will finish his term.

And as Mr. Hamilton leaves office, he wants to spend some time thinking about how the President might be rehabilitated to assure that America is not weakened, particularly on the international stage.

Mr. Hamilton's future includes two new jobs, as director of the Woodrow Wilson Center in Washington, a Government-sponsored institution that promotes research as well as exchanges between scholars and policymakers, and of a new center for the study of Congress at Indiana University. He and his wife, Nancy, will stay on here, in their home in Alexandria, Va.

Not only Congress, he said, but political life in general is a different game now than it was in 1960, when Mr. Hamilton was unable to turn out a respectable crowd to greet Senator John F. Kennedy in Columbus.

"I called everybody I knew and couldn't get 40 people to come out to the Old City Hall to see him just a few months before he got the nomination" for the Presidency, he said, laughing at the innocence of the time. "Now you start running for President four years ahead of time and the voters are so well informed, you do something and get back to the office and the phones are already ringing."

Not all of that sophistication is progress, he said. He dared to say what no candidate would: that today's elected officials pay too much attention to constituents, tracking every hiccup in public opinion.

In some ways, he feels he is leaving on the same note he came in on: "We're still fighting about Medicare 30 years later." But there has been positive change, he said, in that the workings of Congress are much more open now, and the body more truly representative, with many more women and members of minority groups in office. If he has learned anything, he said, it is the difficulty of making representative government work.

He has for some time now missed the collegiality of his early years in Washington, when a senior Republican corrected a glaring parliamentary error Mr. Hamilton had made on a bill the man opposed—an act of generosity that he said would be unimaginable today.

He will miss his colleagues, too. And if he has not fully focused on his feelings about leaving, because there has not been time, Mr. Hamilton exits feeling pretty good about the job: "I don't leave as a pessimist. I'm not gloomy because I have more confidence in the institutions of government and the Congress than most of my constituents. The process is often untidy, but it works."•

ERIN POPOVICH

• Mr. BAUCUS. Mr. President, Butte, Montana has a long history of excellence in sports and the cultivation of champions. On Sunday, October 11, 1998 in Christchurch, New Zealand, a young champion from Butte won a gold medal in the 200-meter individual medley at the Paralympic World Swimming Championships. At age 13, Erin Popovich obtained a gold medal with her personal best time of 3:32.45, shattering her previous mark of 3:37.18 which had been a world record.

On Thursday, October 15 Erin significantly added to her trophy case by winning gold medals in the 50-meter freestyle and 50-meter butterfly races. The Butte Central Junior High 8th Grader improved on her United States record time in the 50-meter butterfly with a time of 45.63. She also recorded a personal best in her 50-meter freestyle with a time of 37.54. In the freestyle Erin was in second place until the final 4 meters when she went on to win the gold. Erin also won a bronze medal in the 100-meter freestyle and helped win a gold for the women's 200-meter team freestyle relay.

The most amazing aspect of this is that Erin only started competitively swimming 10 months ago when she joined the Butte Tarpons Swim Club, under the direction of Swim Coach Marie Cook and Assistant Coach Bill Sever. She is a natural athlete, but her true strength lies in her dedication. "Her determination is her strength," Coach Cook says. "Her mental attitude is just tough." Erin's focus provides an excellent example for her teammates, Coach Cook says. "The kids on this team don't think of her as disabled . . . when she gets on the blocks with taller kids you can see it—she's such an inspiration to everyone."

Erin, who is the daughter of Dr. Keith and Barbara Popovich, is only one of 30 swimmers to qualify for the United States Disabled Team. The Paralympics features 585 swimmers from 55 countries.

I want to join with her family and friends and all the Butte Tarpon Swimmers in congratulating Erin on her tremendous success. Erin has proven herself as a World Champion and as one of Butte, Montana's finest.•

TRIBUTE TO REGINA WOODWARD NICKLES

• Mr. McCONNELL. Mr. President, Kentucky suffered a grievous loss last week when law enforcement officer Regina Nickles of Harrodsburg, Kentucky was shot and killed, in the line of duty, early Wednesday morning as Officer Nickles and her partner were responding to a call reporting a man sneaking around the parking lot of a Harrodsburg factory. She was 45 years old.

Born in Cincinnati, Ohio, Regina Woodward Nickles grew up in Boyle County in Central Kentucky. She went to high school in Danville and then attended Eastern Kentucky University. In 1983, at the age of 29, Officer Nickles became the first—and remains the only—woman to ever serve on the Harrodsburg Police force. When she was profiled in the local newspaper in 1983, she said, "I want to do the best job that I can, and I still feel like I have to prove myself because I'm a woman. I don't want to let these men down who had enough confidence in me to hire me."

In a town as small as Harrodsburg—population 8000—all the officers are well known. And Officer Nickles was particularly well regarded. She was known in the community as a peacemaker, an officer with a special talent for resolving disputes before they became violent. She is remembered as kind and caring, known for pulling over motorists, giving them a stern warning and sending them on their way. But she could also be tough when called for, and had the respect of the community and all of her fellow officers.

Reflecting the the goodwill that she had built up in Harrodsburg over her career, Officer Nickles was recently nominated as the Republican candidate for sheriff in the November elections. A remarkable reflection of the rapport she had with the community is the fact that several people who had once been arrested and jailed by Officer Nickles have said that they still intended to vote for her because of the way she had treated them.

The murder of Officer Nickles has left the Harrodsburg community in a state of shock. Much like our small Capitol Hill community was devastated by the murders of Officer J.J. Chestnut and Detective John Gibson, the residents of Harrodsburg are asking how this could happen in their small town. As we are painfully aware, no community is immune from such heinous acts.

Mr. President, Officer Regina Woodward Nickles leaves behind an extended family that must now cope with an unimaginably horrific loss. Officer Nickles will also be mourned by the tight-knit Harrodsburg community in which she was such a valued participant.

When Officer Nickles announced her candidacy for Sheriff, she elaborated on her motivation for pursuing the position. "I want to do more than wear a badge and a gun," she observed. "I want to touch people's lives." Officer Nickles didn't need to be elected sheriff to do that. It is abundantly clear that she had touched many people during her too-brief life, and she will be sorely missed.•

REPUBLICAN OBSTRUCTION OF PATENT REFORM LEGISLATION

• Mr. LEAHY. Mr. President, I have long been involved in high technology issues and those affecting American industry that relies on intellectual property at its core. Over a decade ago, I helped establish and chaired a Judiciary Committee Subcommittee on Technology and the Law. This year, we have successfully completed work on legislation to address the impending millennium bug with the Senate and House adopting the Hatch-Leahy substitute for S. 2392, the Year 2000 Information and Readiness Disclosure Act.

I have also worked closely with Senator HATCH on a number of other intellectual property measure including the Digital Millennium Copyright Act, H.R. 2281, the Trademark Law Treaty Implementation Act, S. 2193, and the United States Patent and Trademark Office Reauthorization Act, H.R. 3723. Working with Senators DASCHLE, BINGAMAN, BOXER, HARKIN, KOHL and others, we have been able to put the interests of the nation and the nation's economic future first and enact significant legislation with respect to both copyright and trademark matters this year. Unfortunately, we have not made the progress that we should have on patent matters.

A critical matter from the intellectual property agenda, important to the nation's economic future, is reform of our patent laws. I have been working diligently along with Senators DASCHLE, BINGAMAN, CLELAND, BOXER, HARKIN and LIEBERMAN to get the Omnibus Patent Act, S. 507, considered and passed by the Senate. It is an important measure to America's future. Working in tandem with Senator HATCH, we developed a good bill that was reported to the Senate by a vote of 17 to one over a year ago.

We have been seeking Senate consideration and a vote for more than a year, but Republican objections have prevented its passage. Last month, I signed on to offer our patent bill as an amendment to the bankruptcy bill. I felt strongly that it was long past time for the Senate to consider this patent reform legislation. Unfortunately, Republican opposition, again, prevented Senate consideration and prevented the amendment from even being offered.

I deeply regret that Republican objections succeeded in preventing Senator HATCH from even offering our amendment, in spite of the amendment spot that we had reserved for that purpose. I know that there is strong support for this measure and I know that no Senate Democrat has been preventing or objecting to its consideration.

Anonymous Senate Republican have prevented the patent bill from being given the opportunity to be debated. This is not the way for the Senate to act. Republican objections killed patent reform silently, without fingerprints, and without debate.

I want to thank Secretary Daley and the Administration for their unfailing support of effective patent reform. Our patent bill would be good for Vermont, good for American innovators of all sizes, and good for America. Unfortunately, some secret minority of Senate Republicans will not allow patent reform to proceed.

The patent bill would reform the U.S. patent system in important ways. It would reduce legal fees that are paid by inventors and companies; eliminate duplication of research efforts and accelerate research into new areas; increase the value of patents to inventors and companies; and facilitate U.S. inventors and companies' research, development, and commercialization of inventions.

Republican and Democratic Administrations alike, reaching back to the Johnson Administration, have supported these reforms. Last year, five former Patent Commissioners sent a letter to the President and to the members of the Senate supporting the patent reform bill.

Senator HATCH and I agreed to incorporate suggestions from the White House Conference on Small Businesses and I am pleased to report that as a result, the White House Conference on Small Businesses, the National Association of Women Business Owners, the National Venture Capital Association, National Small Business United, and the Small Business Technology Coalition concluded that the bill would be of great benefit to small businesses.

Unfortunately, because of Republican opposition to this bipartisan bill, the Senate will have no opportunity to consider this legislation to assist U.S. inventors small and large. I find this particularly unfortunate since our patent bill was geared toward improving the operational efficiency at the PTO and making government smaller and leaner.

Today's inventors and creators can be much like those of THOMAS Jefferson's day—individuals in a shop, garage or home lab. They can also be teams of scientists working in our largest corporations or at our colleges and universities. Our nation's patent laws should be fair to American innovators of all kinds—independent inventors, small businesses, venture capitalists and larger corporations. To maintain America's preeminence in the realm of technology we need to modernize our patent system and patent office. Our inventors know this and that is why they support this legislation.

I have received many letters of endorsements for S. 507, some of which I placed into the CONGRESSIONAL RECORD on June 23, July 10 and July 16, from the following coalitions and companies: the White House Conference on Small Businesses, the National Association of Women Business Owners, the Small Business Technology Coalition, National Small Business United, the National Venture Capital Association, the 21st Century Patent Coalition, the Chamber of Commerce of the United States of America, the Pharmaceutical Research and Manufactures of American (PhRMA), the American Automobile Manufacturers Association, the Software Publishers Association, the Semiconductor Industry Association, the Business Software Alliance, the American Electronics Association, the Institute of Electrical and Electronics Engineers, Inc., the Biotechnology Industry Organization, the International Trademark Association, IBM, 3M, Intel, Caterpillar, AMP, and Hewlett-Packard. In addition, I have letters of support from the National Association of Manufacturers, TSM/Rockwell International, Obsidian, and Allied Signal.

I am deeply disappointed that the Senate is being prevented from considering this important legislation by Republican recalcitrance. American inventors deserve better and America's future is being short changed.•

IMMIGRANT NOBEL PRIZE WINNERS

• Mr. ABRAHAM. Mr. President, I would like to bring to the attention of my colleagues a recent article in the Washington Times dealing with the large proportion of Nobel Prize winners in the United States who are immigrants. As reported in this article, while only approximately 8 percent of the American population was foreign-born as of 1990, approximately one third of American winners of the Nobel Prize have been immigrants.

The Times also reports that, according to the National Research Council, "immigrants have won 32 percent of the U.S. Nobel Prizes for physics, 31 percent of the medicine and economics prizes, and 26 percent of the chemistry prizes." This year, Austrian-born American Walter Kohn won the Nobel Prize for Medicine and Daniel Tsui, born in China, won the Nobel Prize in Physics as a naturalized American.

Mr. President, I believe every American should take great pride in these gentlemen's accomplishments. By keeping American society free and open we attracted them to our borders. Through our willingness to seek out and hire the most talented people available we gave them the opportunity to excel. By rising above considerations of national origin and family background all of us have benefitted from the discoveries, the intelligence and the hard work of literally millions of immigrants—from my own grandparents to the ancestors of our Founding Fathers to the latest immigrant, intent on making a better life for himself and his family.

I ask that the full text of the article from the Washington Times be printed in the RECORD.

The article follows:

[From the Washington Times, Oct. 17, 1998]

IMMIGRANTS HELP U.S. BRING HOME NOBEL BACON

(By Ruth Larson)

This week's announcement of the Nobel Prizes for science continued America's longstanding dominance of the prestigious awards, thanks in large part to a wealth of foreign-born talent.

A National Research Council report last year found that about a third of all U.S. Nobel Prizes were won by scientists born overseas. Immigrants have won 32 percent of the U.S. Nobel Prizes for physics, 31 percent of the medicine and economics prizes, and 26 percent of the chemistry prizes.

Although the report does not state where the immigrants were born, the last 16 winners since 1987 have come from places like Austria, Germany, Switzerland, Hungary, Canada, Mexico and Korea.

"There's no doubt about it: Immigrants represent a very high proportion of Nobel Prize winners," said Cato Institute economist Stephen Moore.

The number of foreign-born Nobel Prize winners is all the more striking, given that the U.S. foreign-born population reached just 8 percent in 1990, the report said.

The Nobel Prizes, considered the ultimate symbols of scientific achievement, show how America in the 1990s has become a high-tech melting pot, recruiting science and engineering talent from around the world to fuel the growth of industries from computers and electronics to pharmaceuticals and biotechnology.

In 1993, 23 percent of those holding science and engineering doctorates were born overseas, according to the National Science Foundation's latest figures.

Shirley Malcom of the American Association for the Advancement of Science, said, "The best and the brightest come here because there has been a tremendous research establishment built up in this country."

Mr. Moore agreed: "If you're one of the world's top scientists, you want to be at Stanford or Harvard or MIT, where they have some of the bsst academic research facilities.

History has helped, too. Obviously, World War II played a major role, with many of the more repressive regimes discriminating against scientists of a particular heritage or background," Ms. Malcom said.

"In many cases, scientists had no choice but to leave. They came to the U.S. because they were offered opportunities to pursue their life's work without regard to those extraneous issues."

Roald Hoffman, a 1981 winner of the Nobel Prize for chemistry, fled with his family in 1949 from their native Poland.

"I was one of the last generations of Hitler's gifts to America," he said.

A wave of Central European scientists, including physicists Albert Einstein and Enrico Fermi, fled the rise of Nazism and anti-Semitism and came to America.

The scientific research structure established after World War II flourished, with the help of a strong economy and generous government funding from agencies like the National Science Foundation and the National Institutes of Health, he said.

"The freedom to do the scientific research you want . . . is tremendous, as is the ease of interaction with other scientists," Mr. Hoffman said. Success then breeds success: "Once you have built up a good reputation in a particular area, it attracts other scientists, as we've seen in the biomedical field."

Ms. Malcom predicted that a similar influx of scientists fleeing the former Soviet Union would be reflected in future Nobel winners. "Not just because of the Cold War, either," she said. "They've lost much of the infrastructure needed for research and development, as well."

But wars and repressive regimes cannot account for the success of immigrants once they arrive on American soil.

"We're getting people with the motivation and ambition that leads to high achievement," Mr. Moore said. "There's a certain amount of risk-taking associated with success."•

ENACTMENT OF THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT

• Mr. BRYAN. Mr. President, it is with great pleasure that I rise today to announce the enactment of the Southern Nevada Public Land Management Act. This historic legislation passed the Senate on October 8th and President Clinton signed it into law on October 19, 1998.

Mr. President, this legislation has its roots in the Southern Nevada Public Lands Task Force. The Task Force was originally established in the summer of 1994 by Congressman Jim Bilbray to provide an open forum in which public land issues affecting the Las Vegas Valley could be discussed among federal, state, local, and private entities. It is comprised of representatives from the State of Nevada, Clark County, the cities of Las Vegas, North Las Vegas, and Henderson, the Bureau of Land Management, the Forest Service, the National Park Service, the Fish and Wildlife Service, the Southern Nevada Water Authority, the Regional Flood Control District, the Clark County School District, and representatives of the development and environmental communities.

At its inception, the Task Force set two primary goals for itself: (1) to establish and maintain a better working relationship between the BLM and local governmental planning agencies; and (2) to develop a "master plan" for the Las Vegas Valley that identified those BLM lands which should be transferred to private ownership and those which should be retained for public purposes.

In the summer of 1995, Senator REID and I reconvened the Task Force to build on the goal of developing a "master plan" for the Las Vegas Valley. We worked closely with the Task Force in our efforts to develop a legislative proposal that sought to improve the current BLM land disposal policy in the Las Vegas Valley; this proposal eventually became the Southern Nevada Public Land Management Act, which Senator REID and I introduced in the Senate on March 19, 1996. Congressman ENSIGN then introduced a companion bill in the House, and I have enjoyed working with him in a bipartisan fashion over the last several years to fine tune this legislation and shepherd it through the Congress.

The Southern Nevada Public Land Management Act is a response to perhaps the greatest challenge facing Southern Nevada—the need to promote responsible, orderly growth in the Las Vegas Valley while protecting the surrounding environment and enhancing the recreational opportunities that exist in Southern Nevada. In the broadest sense, the legislation reflects a partnership between federal, state, and local entities to enhance the quality of life in the Las Vegas Valley and throughout the State of Nevada.

As many of my colleagues are aware, the Las Vegas valley is the fastest growing metropolitan area in the country. Since the beginning of this decade, nearly five thousand people each month, on average, have chosen to make Las Vegas their new home. Last year alone, nearly 20,000 new homes were built in the Las Vegas valley to accommodate this explosive growth. And while the majority of Southern Nevadans have welcomed the benefits of an expanding, robust economy, there is a realization within the community that a long-term, strategic plan must be developed to deal with growth related problems.

Both State and local elected officials are currently grappling with different ideas as to how best to meet the infrastructure needs and quality of life expectations of current and future generations of southern Nevadans. Local officials estimate that new infrastructure development over the next ten years will cost between three and eight billion dollars for such things as school construction and water, sewer and transit systems. To give you an idea of the magnitude of the situation, the Clark County School District needs the equivalent of a new elementary school every 30 days for the next five years to keep pace with the twelve thousand new students entering the school system every year.

Mr. President, this legislation is a critical component of Southern Nevada's long term plan to manage growth in the Las Vegas valley. Each time the BLM transfers land into private ownership it has important repercussions for the local governmental entity that must provide infrastructure and services to that land. The Bureau of Land Management (BLM) controls in excess of 20,000 acres of land throughout the Las Vegas valley. Consequently, unlike most communities, land use planning decisions are not made solely at the local level; the BLM is an important player in the local land use planning process. This legislation would strengthen the partnership between the BLM and local government and improve upon the current land use planning process.

The BLM's primary method of disposing of land in the Las Vegas valley, through land exchanges, has been the subject of much attention over the past several years. I happen to believe that land exchanges serve a valuable public purpose—the Federal Government disposes of land it no longer needs in exchange for land that is worthy of public ownership. In the Las Vegas valley, however, the real estate market is such that it does not lend itself well to appraisal-driven land exchanges. Disagreements between the BLM and exchange proponents over appraisal methodology and value determinations are often the cause of protracted delays in the land exchange process. Because of the dynamic nature of the real estate market in the Las Vegas valley, any delay in the exchange process can cause the appraisals to become outdated before the transaction is closed.

Mr. President, the legislation before us today would make two significant improvements over the current land exchange process: (1) it would allow local land managers to take a more pro-active role in federal land disposal decisions; and (2) it would institute a competitive bidding procedure to ensure that the disposal of BLM land yields the highest return, or true "fair market value." There are currently over twenty-five land exchange proposals pending in the BLM's Las Vegas office—some are clearly in the public interest, others are not. The vast majority of these proposals are intra-state exchanges, meaning the BLM has the authority to process them without Congressional action. This legislation would open the process to allow anyone who wishes to bid on BLM land to do so in a competitive sale, and it would eliminate the need to enter into protracted appraisal negotiations over selected BLM land that so often bog down the already cumbersome exchange process. The legislation stands for the same proposition as the current land exchange process—the sale of federal land in the Las Vegas Valley should be used as a means of protecting environmentally sensitive land throughout the State of Nevada and of enhancing the use of public land recreational areas in Southern Nevada.

At the conceptual level, the legislation represents a synthesis of two previously enacted public land bills that specifically address public land management issues in Southern Nevada—the Santini-Burton Act and the Apex land transfer legislation. You may recall that the Santini-Burton Act, which was enacted in 1980, authorized the sale of BLM land in Las Vegas to fund the acquisition of environmentally sensitive land in the Lake Tahoe basin. Our legislation embodies a similar proposition—the sale of federal land in the Las Vegas Valley should be used as means of protecting environmentally sensitive land throughout the State of Nevada and of enhancing the use of public recreational areas in Southern Nevada. With nearly 5,000 new residents moving into the valley each month, it is imperative that we protect our open spaces around the valley from development and expand recreational opportunities for the public in order to maintain the quality of life we have come to expect in Southern Nevada.

Also in keeping with Santini-Burton, our legislation recognizes that land use planning decisions are best made at the local level, so our proposal gives local government an equal voice in deciding when and where federal land sales should occur in the valley. The map referenced in section 4 of the bill would establish a boundary for future BLM land sales and exchanges in the Las Vegas Valley, and combined with other components of the bill, it would serve as the blueprint to assist us in designing public land policy for the 21st century. The map essentially represents the maximum build-out boundary for the valley; it was generated in close consultation with local governmental planning agencies and other members of the Task Force to reflect their vision for future growth and development in the valley. It is important to note that virtually all of the BLM land recommended for sale or exchange under this bill has already been identified for disposal by the BLM under the existing Management Framework Plan for the Las Vegas Valley. In fact, our legislation would reduce the overall amount of land available for disposal in the valley.

The Apex land transfer legislation, enacted in 1989, transferred over 20,000 acres of BLM land just outside the Las Vegas Valley to Clark County for the development of a heavy-use industrial site. When the land is improved and eventually sold by Clark County to a private entity, the revenue sharing provisions of the act allow Clark County recover the value of the infrastructure improvements it has made to the land before providing the federal government with its share of the proceeds from the sale. The legislation before us today recognizes the same principle—that the presence or proximity of local governmental services and infrastructure increases the value of federal land. Consequently, our legislation would direct a portion of the proceeds of federal land sales to local government to assist with local infrastructure development and to the state for the benefit of the general education program.

Another important component of this legislation that I want to highlight today is involves affordable housing. This legislation will also make BLM land available throughout the State of Nevada to local public housing authorities for the purpose of developing affordable housing. There is currently a tremendous need in Los Vegas and Reno, and also in other communities throughout the state, for raw land to develop affordable housing projects. The BLM will now be able to assist each of these communities in meeting this important need.

In closing, Mr. President, I want to acknowledge those members of the Public Land Task Force that played such an important role in the development of this legislation. Thanks go to Mike Dwyer of the BLM, Jim Tallerico and Alan Pinkerton of the Forest Service, Alan O'Neill and Bill Dickensen of the Park Service, and Ken Voget of the Fish and Wildlife Service. Thanks also go to State Senator Dina Titus, Pam Wilcox of the State Land Use Planning Agency, Rick Holmes, Jeff Harris, and Ron Gregory of Clark County, Pat Mulroy of the Las Vegas Valley Water District, Robert Baggs of the City of Las Vegas, Steve Baxter of the City of North Las Vegas, John Rinaldi of the City of Henderson, Gale Fraser of the Flood Control District, Dusty Dickens of the School District, Randy Walker and Jacob Snow with the Clark County Department of Aviation, and also Bob Broadbent, the former Director of the Aviation Department. A number of citizens representing the environmental community provided invaluable assistance; they include Jeff Van Ee, Lois Sagel, John Hiatt, Bob Maichle, and Steve Hobbs. From the development community thanks go to Robert Lewis, Bob Campbell, Scott Higginson, Mark Brown, and Jeff Rhoads. And finally, I want to thank Marcus Faust for all of his hard work on behalf of Clark County.

Finally, Mr. President, I want to thank two members of my staff, Brent Heberlee and Sara Besser, for all of their work related to this legislation.

I believe this legislation will make great strides toward improving public land management policy in Southern Nevada, and I look forward to continue working with all interested parties as this legislation is implemented.•

LIEUTENANT WILLIAM JAMES LENAGHAN II RETIRES FROM CANTON TOWNSHIP POLICE DEPARTMENT

• Mr. ABRAHAM. Mr. President, I rise today to honor Lieutenant William James Lenaghan, II, who is retiring from the Canton Township Police Department in the state of Michigan after 20 years of dedicated service.

Lieutenant Lenaghan joined the Canton Township Police Department after serving in various governmental jobs. He started his career in 1962, when he joined the United States Navy. He was stationed at the Naval Air Station in Grosse, IL, where he was assigned as a Fire Fighter Instructor. After serving in the military, he began his police officer career as a patrolman. He served in this capacity as well as Special Investigator, Arson Investigator, a member of the Tactical Response Team, Narcotics/Intelligence Team Commander and Instructor for five years in the Michigan cities of West Bloomfield and Redford Township. Next, he became a Special Agent in the United States Treasury Department Bureau of Alcohol Tobacco and Firearms (BATF) where he fulfilled the duties of Instructor and Arson Explosives Team Member. As the burden of traveling with three small children at home became too much, he left his position at the BATF and went to work for Bloomfield Township Police/Tri Cities Fire Department. Here, he continued to expand his experience by becoming Fire Marshal, Tactical Team Officer and Arson Team Member. Longing to once again work for the United States Government, he went to work for the United States Department Bureau of Customs in Detroit, Michigan. Among the many duties that he partook in, he was a Patrol Supervisor and Intelligence Liaison with DEA. In 1978, he began his final expedition as a sergeant for the Canton Township Police Department. Beginning his career as a patrolman, he climbed the ranks to eventually become Senior Lieutenant. While advancing his record as a civil servant, he also took on the responsibilities of shift commander, Emergency Preparedness Director and Community Policing Coordinator.

Throughout his career, Lieutenant Lenaghan has received a great deal of recognition for his excellent service. One example that did not go unrecognized was an event occurring on June 23, 1984. While attending to his own responsibilities, he extended much needed aid to help out a fellow officer who was struggling with a mentally deranged person. Responding to the scene, he assisted by providing physical support bringing the subject under control. His actions undoubtedly prevented further injury to his fellow officer and prevented further danger to the citizens in the area. His decisions ad judgements were certainly a credit to himself and his department. This brave act is only one example of the many citations he has received over his career.

With over 30 years' experience in public safety and law enforcement at the local and federal levels, Lieutenant Lenaghan has provided quality leadership in public safety management. His extensive training in police, emergency, fire protection, and supervision enabled him to perform multi-level tasks essential to the efficient operation of public safety and police department duties.

On behalf of his wife Lois of 31 years, his seven children, his seven grandchildren, the State of Michigan and myself, I would like to take this opportunity to acknowledge his excellent service, dedication, winning personality and commitment to those with whom he worked. Again, I extend my warmest congratulations to him on his retirement.•

TRIBUTE TO JESSIE TRICE

• Mr. GRAHAM. Mr. President, I rise today to salute one of Florida's most dedicated health care service providers. On October 17, 1998, the Economic Opportunity Family Health Center of Miami both honored and said farewell to their President and CEO, Ms. Jessie Trice. Ms. Trice's retirement concludes a career of more than thirty years devoted to the improvement of health care services in under privileged communities throughout both Florida and the nation. She is a true humanitarian, and has been locally and nationally recognized for her tireless advocacy on behalf of the affordable and accessible services primary care centers provide vulnerable populations. Because of her efforts, these centers have garnered support at all levels of government, and they remain a vitally important force in the health care continuum of needy communities.

Jessie Trice is both a community leader and policy maker. Her distinguished resume includes positions as Public Health Nurse Supervisor and Chief of Nursing Services at the Dade County Department of Public Health, Executive Director of the Visiting Nurses Association, and Assistant County Nursing Director of the Children and Youth Project. Her service as the Chairwoman of the Health Choice Network, Inc., the Screening Committee of the National Association of Community Health Care Centers, and the Legislative Committee of the Florida Council of Primary Care Centers, as well as her membership on the Board of Directors of the Primary Care Centers, Inc., are a testament to her superb leadership abilities.

In 1970, President Richard Nixon recognized Ms. Trice's outstanding contributions and proven expertise in this field by appointing her to serve as a delegate to the White House Conference of Children. She was named Florida Nurse of the Year in both 1972 and 1984, and made Distinguished Honoree by the Academy of Black Women in the Health Professions. She has been named to the lists of "Who's Who" for Health Care Professionals, American Women, and American Business Leaders.

Mr. President, the list of those who support and admire the work of Jessie Trice is long and distinguished. I am grateful for the work she has done on behalf of the state of Florida, and I ask my colleagues to join me in extending my congratulations for her thirty years of service in the field of health care services. May her examples of dedication and hard work continue to be of inspiration to others.•

NATIONAL BLUE RIBBON SCHOOL

• Mr. ABRAHAM. Mr. President, I rise today to honor a tremendous accomplishment. Middle School South in Harrison Township, Michigan, has been selected as a Michigan Exemplary School and a National Blue Ribbon School for 1997–98.

Middle School South of the L'Anse Creuse Public Schools, was one of two schools in the State of Michigan bestowed the honor of National Blue Ribbon School by the U.S. Department of Education. This selection is a tribute to the time and effort that the parents, administrators, teachers and students have put into building an excellent learning environment. This prestigious award demonstrates what hard work and commitment can produce.

Again, congratulations to all the teachers and students at South Middle School and the entire L'Anse Creuse Public School District. This is a distinguished award, and they deserve it. I wish them continued prosperity, and many more years of success.•

CONFERENCE REPORT FOR S. 1260, THE SECURITIES LITIGATION UNIFORM STANDARDS ACT

• Mr. LEAHY. Mr. President, the House has now passed the Securities Litigation Uniform Standards Act of 1998. The premise for this federal law is a workable and protective federal standard. Throughout the legislative process, we have been careful to ensure that the pleading standard rules developed by the United States Court of Appeals for the Second Circuit would continue to govern. The Administration, the Securities and Exchange Commission and Congress, which have worked together on this legislation, have all agreed on that standard. As the Conference Report and Statement of Managers makes clear, the recklessness standard and Second Circuit pleading rules continue in force. Indeed, the managers reiterated that the 1995 Private Securities Litigation Reform Act reinforced these standards, which continue to govern under the 1998 Act, as well. As a member of the Judiciary Committee and serving now as its ranking member, I am well aware that artificially high pleading standards could create unwanted and unneeded barriers to legitimate cases. That is not the intent of this legislation and should not be its effect.•

COMMENDATION TO THE CURATOR OF THE CAPITOL, BARBARA WOLANIN

• Mr. BROWNBACK. Mr. President, I rise to recognize the tremendous work accomplished by Barbara Wolanin, the Curator of the Capitol, in preparing the excellent book on the art in the Capitol created by Constantino Brumidi. The

Curator did a magnificent job writing and editing the many articles and photographs which depict the works of the Italian artist, Constantino Brumidi, who was the principal artist of the Capitol. The book was compiled under the direction of the Architect of the Capitol, and Dr. Wolanin had the assistance of many of her colleagues and fellow employees in the Curator's office. So I would like to commend them all on the excellent quality of this book which will enable many to read about the numerous and exquisite works of painting, sculpture and architecture which Constantino Brumidi created to cover the walls and ceilings of the Capitol.

I would also like to recommend this excellent artistic book to all of my colleagues and to the many others who will visit the Capitol. The book is available at the Senate and U.S. Capitol Historical Society gift shops.

The new congressional publication, Constantino Brumidi: Artist of the Capitol, was authorized by the 103rd Congress (S. Con. Res. 40) as part of the celebration of the bicentennial of the construction of the Capitol. The book, prepared under the direction of Architect George M. White and completed under Architect Alan M. Hantman, has taken a number of years to research, write, illustrate, edit, and design. The book is richly illustrated, primarily with photographs taken by the Architect of the Capitol Photography Branch. It is intended to be valuable to those visiting and working in the Capitol as well as to specialists, and it should enhance the appreciation and understanding of the building's mural decoration for years to come.

Brumidi painted murals in the Capitol between 1855 and 1880, contributing greatly to the beauty and unique symbolic character of the Rotunda and of many rooms and corridors. Brumidi had great skill in making the figures he painted on a flat surface look three dimensional; he created rooms where the decoration goes from floor to ceiling. He was also a master in using rich and vibrant color. His murals pay tribute to American history, technological achievements, and values.

Brumidi's Capitol murals, including the canopy and the frieze, the House and Senate Appropriations Committee Rooms, the President's Room, the Senate Reception Room, and the Brumidi Corridors, are the major focus. The book also gives an overview of his career, including his training and work in Rome. It was primarily envisioned and written by Dr. Barbara Wolanin, Curator for the Architect of the Capitol, who has overseen the conservation of Brumidi's murals. The book would not have been possible without the assistance of many on her staff, especially photographer Wayne Firth. The book includes chapters by a number of other experts, including the Architectural Historian for the Architect, William Allen, historian Pellegrino Nazzaro, art historian Francis V. O'Connor, and conservators Bernard Rabin, Constance Silver, Christiana Cunningham-Adams and George W. Adams, to provide additional perspectives. The book includes information about other painters working with Brumidi, a chronology of Brumidi's life and work, and a list of known works by him. The Government Printing Office is to be commended for the special care it took in the design and printing.•

REAUTHORIZATION OF THE SURFACE TRANSPORTATION BOARD

• Mr. JOHNSON. Mr. President, the Surface Transportation Board (STB) was established in 1996 by act of Congress as a quasi-independent body within the Department of Transportation. The STB adjudicates disputes and regulates interstate surface transportation including the restructuring of railroad lines.

Although the authorization of the STB expired this year, a reauthorization bill has not been scheduled. It was my intention to offer an amendment to the reauthorization relating to railroad lines, or at least engage in a colloquy with the manager of the bill. However, because no amendments, or even colloquies, will be agreed to by the managers of the reauthorization of the STB, I offer these comments for the record.

It is my understanding that under section 10901 of title 49 of the U.S. Code, relating to the construction and operation of railroad lines, the STB is required to issue a certificate authorizing the construction or extension of a railroad line, unless it finds that such activity is "inconsistent with the public convenience and necessity."

Because the construction of railroad lines can cause significant adverse environmental impacts such as noise, safety and quality of life on local communities, my amendment would have sought to direct the STB to require applicants for the construction or extension of railroad lines to use all reasonable means to route them away from population centers in compliance with the above provision.

Although I am disappointed that I will not be able to offer my amendment, I have been assured by the Chairman of the Surface Transportation Board that "regardless of whether or not language is inserted into our reauthorization bill, the Board must, and will, consider local interests in assessing the DM&E construction case."

Mr. President, I appreciate Chairman Morgan's assurances, and I look forward to working with the STB on this and other issues in the next Congress.•

THE OCEANS ACT OF 1998

• Mr. McCAIN. Mr. President, I rise in support of the Oceans Act of 1998 and several other fisheries issues included in the legislation. In addition to the Oceans Act, this bill approves the Governing International Fishery Agreements between the government of the United States and the governments of the Republics of Lithuania and Estonia. These agreements will permit large processing vessels from these countries to enter the United States Exclusive Economic Zone and process fish caught by U.S. fishermen in fisheries where American processors have insufficient capacity. These privileges have been authorized this year for vessels of Poland and Latvia as well. I support these agreements because they provide needed markets for American fishermen to sell their catch. However, I believe we have inadvertently worked an injustice upon a large U.S. vessel, the *Atlantic Star*.

The *Atlantic Star* is a U.S.-owned, U.S. flag fishing vessel that was refitted last year for the herring and mackerel fisheries off the East Coast. The vessel had received all necessary permits to enter these fisheries. Because the Regional Fishery Management Councils had not then developed plans or plan amendments addressing the entry of large vessels into these fisheries, Congress enacted an appropriations rider which voided the permits for this specific vessels and imposed a one-year moratorium on the entry of the *Atlantic Star* into any U.S. fishery in order to give the Councils time to examine the issue. Meanwhile, the vessel has had to leave the United States in order to operate at all.

The Councils held hearings and carefully reviewed the issues. Recently, the Mid-Atlantic Council recommended size limitations on large harvesting vessels engaged in the mackerel fishery, but has not decided to extend similar limitations to processing vessels. This would allow U.S. flag vessels, such as the *Atlantic Star* to process fish caught by U.S. fishermen, just as the foreign flag vessels we are allowing in today will be able to do. By providing another market for U.S. fishermen it would also provide employment and economic benefits to the region. Moreover, unlike foreign vessels, U.S. flag processing vessels must pay U.S. income taxes, employ Americans and are subject to U.S. labor and environmental laws, requirements that benefit all Americans.

Unfortunately, during deliberations on the Commerce-Justice-State Appropriations Act of 1999, which will be included in the Omnibus Appropriations bill for 1999, the Senate accepted language creating a blanket exclusion of the *Atlantic Star*. We are now in the awkward position of authorizing the entry of foreign vessels to process U.S.-caught fish, while excluding our own

U.S. processing vessels. Ironically, if the *Atlantic Star* were to give up her U.S. flag and operate under Lithuanian or Estonian flag, she could come into the United States and operate as a processing vessel in these U.S. fisheries, free from U.S. income tax, employing all foreign crew and exempt from other U.S. laws.

I support the development of our American fishing industry, while ensuring the long-term health and management of the resource. The principles of the Magnuson-Stevens Act—the primary fisheries law of the land—long ago established the priority to be afforded American vessels to harvest and process fish inside the U.S. Exclusive Economic Zone. Excluding U.S. processing vessels in the face of the Council's contrary judgment and while allowing foreign processing vessels into the same fishery does a disservice, not only to American catcher-vessel fishermen who seek markets for the fish and to the crew and owners of the *Atlantic Star*, but to all Americans. Frankly, it is a policy that simply makes no sense. I hope my colleagues will join me in revisiting this issue early in the new Congress.•

THE DAMAGE OF HURRICANE GEORGES IN PUERTO RICO

• Mr. CRAIG. Mr. President, as you know, hurricane Georges recently caused great damage to the island of Puerto Rico. I would like to take this opportunity to personally express my sympathies to those who suffered loss due to this natural disaster. I would also like to clear up some confusion regarding the Federal Emergency Management Agency (FEMA), the federal agency currently working to alleviate the pain and suffering caused by the hurricane.

I recently learned that erroneous reports regarding the funding of FEMA have been circulating in Puerto Rico. A few elected officials in the commonwealth have stated to the press that funding for the FEMA program is obtained from local taxes and user fees within Puerto Rico. These reports are simply not true.

On the contrary, the Appropriations Subcommittee on VA, HUD and Independent Agencies has sole jurisdiction over the funding of FEMA, and the funds appropriated by the committee come from the general fund. The general fund is composed of the collection of federal taxes and user fees from taxpaying citizens of the United States.

The United States Congress is committed to continuing our efforts to aid our fellow American citizens in Puerto Rico in their time of need. We will continue to seek additional emergency disaster relief funding for FEMA before Congress adjourns.•

SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

• Mr. D'AMATO. Mr. President, I strongly supported Senate passage of the conference report on S. 1260, the Securities Litigation Uniform Standards Act of 1998. This bill extends the efforts which we undertook in 1995 to curb abusive securities class action litigation when we passed the Private Securities Litigation Reform Act of 1995 (PSLRA).

This bill makes the standard we adopted in the Reform Act the national standard for securities fraud lawsuits. In particular, the Reform Act adopted a heightened pleading requirement. That heightened uniform pleading standard is the standard applied by the Second Circuit Court of Appeals. At the time we adopted the Reform Act, the Second Circuit pleading standard was the highest standard in the country. Neither the Managers of Reform Act nor the Managers of this bill (and I was a Manager of both) intended to raise the pleading standard above the Second Circuit standard, as some have suggested. The Statement of Managers for this bill makes this clear when it states: "It was the intent of Congress, as was expressly stated during the legislative debate on the PSLRA, and particularly during the debate on overriding the President's veto, that the PSLRA establish a heightened uniform federal standard based upon the pleading standard applied by the Second Circuit Court of Appeals." This language is substantially identical to language contained in the Report on S. 1260 by the Senate Banking Committee, which I chair.

The references in the Statement of Managers to the "legislative debate on the PSLRA, and particularly . . . the debate on overriding the President's veto," are statements clarifying Congress's intent to adopt the Second Circuit pleading standard. The President vetoed the Reform Act because he feared that the Reform Act adopted a pleading standard higher than the Second Circuit's. We overrode that veto because, as the post-veto legislative debate makes clear, the President was wrong. The Reform Act did not adopt a standard higher than the Second Circuit standard; it adopted the Second Circuit standard. And that is the standard that we have adopted for this bill as well.

The Statement of Managers also makes explicit that nothing in the Reform Act or this bill alters the liability standards in securities fraud lawsuits. Prior to adoption of the Reform Act, every Federal court of appeals in the Nation to have considered the issue—ten in number—concluded that the scienter requirement could be met by proof of recklessness. It is clear then that under the national standard we create by this bill, investors can continue to recover for losses created by reckless misconduct.•

THE COAST GUARD REAUTHORIZATION ACT

• Mr. MCCAIN. Mr. President, I rise in support of the Coast Guard Reauthorization Act. The House recently passed an amended version of the Senate Coast Guard bill. While I support the overall reauthorization of the Coast Guard, I want to comment on several provisions contained in the House passed bill.

There is currently an administrative process in place to convey excess Federal government property. I believe that legislation which mandates the transfer or disposal of Federal property under terms which circumvent the established administrative procedures is inappropriate. Consequently, the Senate bill used discretionary language to address certain conveyances requested by individual Senators. However, the House bill includes mandatory legislative conveyances. In this case only, I am accepting the mandatory language because I am satisfied that the Coast Guard is willing and prepared to make each of these particular conveyances.

Another important difference between the House and Senate passed bills relates to drug interdiction. I sponsored an amendment in the Senate bill which would have established criminal sanctions for the knowing failure to obey an order to land an airplane. As a former pilot, let me clearly state that this provision was not designed to put any pilot at risk of an arbitrary or random forced landing. Arbitrary or random forced landings are impermissible under the Senate provision. As with all aviation legislation in which I have been involved, safety is a top priority. Under current law, if a Federal law enforcement officer who is enforcing drug smuggling or money laundering laws witnesses a person loading tons of cocaine onto a plane in Mexico, sees the plane take off and enter the United States, he may issue an order to land, and if the pilot knowingly disobeys that order, there is currently no criminal penalty associated with such a failure to obey the order.

The criminal sanctions contained in the Senate bill would only be applied to a person who knowingly disobeyed an order to land issued by a Federal law enforcement agent who is enforcing drug smuggling or money laundering laws. The bill would also require the Federal Aviation Administration (FAA) to write regulations defining the means by and circumstances under which it would be appropriate to order an aircraft to land. One of the FAA's essential missions is aviation safety. Accordingly, the FAA would be required to ensure that any such order is clearly communicated in accordance with international standards. Moreover, the FAA would be further required to specify when an order to land may be issued based on observed conduct, prior information, or other circumstances. Therefore, orders to land would have to be justifiable, not arbitrary or random. Orders to land would only be issued in cases where the authorized federal law enforcement agent has observed conduct or possesses reliable information which provides sufficient evidence of a violation of Federal drug smuggling or money laundering laws. If enacted, I would take every step possible to ensure that this provision does not diminish safety in any way.

Last year, 430 metric tons of cocaine entered the United States from Mexico. In 1995, drugs cost taxpayers an estimated $109 billion. The average convicted drug smuggler was sentenced to only 4.3 years in jail, and is expected to serve less than half of that sentence. It is incumbent on all of us to fight the war on drugs with every responsible and safe measure at our disposal. The provision in the Senate bill would help those men and women who fight the war on drugs at our borders by providing an additional penalty for those who knowingly disobey the law.

A provision included in both the House and Senate bill relates to the International Safety Management Code (ISM Code). On July 1, 1998, the owners and operators of passenger vessels, tankers and bulk carriers were required to have in place safety management systems which meet the requirements of the ISM Code. On July 1, 2002, all other large cargo ships and self-propelled mobile offshore drilling units will have to comply. Companies and vessels not ISM Code-certified are not permitted to enter U.S. waters.

Shipowners required to comply with the ISM Code have raised concerns that the ISM Code may be misused. The IBM code requires a system of internal audits and reporting systems which are intended to encourage compliance with applicable environmental and vessel safety standards. However, the documents produced as a result of the ISM Code would also provide indications of past non-conformities. Obviously, for this information to be useful in rectifying environmental and safety concerns, it must be candid and complete. However, this information, prepared by shipowners or operators, may be used in enforcement actions against a shipowner or operator, crews and shoreside personnel by governmental agencies and may be subject to discovery in civil litigation.

The provision in both the Senate and House bills would require the Secretary to conduct a study to examine the operation of the ISM Code, taking into account the effectiveness of internal audits and reports. After completion of the study, the Secretary is required to develop a policy to achieve full compliance with and effective implementation of the ISM Code. Under the provision, the public shall be given the opportunity to participate in and comment on the study. In addition, it may be appropriate for the Secretary to form a working group of affected private parties to assist in the development of the study and the issuance of the required policy and any resulting legislative recommendations. Any private citizen who is a member of any such working group cannot receive any form of government funds, reimbursement or travel expenses for participation in, or while a member of, the working group.•

(On page 26254 of the Wednesday, October 14, 1998, edition of the RECORD, Mr. REID's statement was erroneously attributed to Mr. DASCHLE. The permanent RECORD will be corrected to reflect the following:)

TRIBUTE TO DANA TASCHNER

• Mr. REID. Mr. President, I rise today to call attention to the outstanding achievements of a Nevadan who has dedicated himself to helping individuals who often lack the means to help themselves. Dana Taschner has achieved national recognition as a champion for victims of domestic violence and civil rights abuses. He is a 38 year-old lawyer from Reno who chooses cases that are relatively small-scale, but representative of many of the problems facing Americans. Time and again, Mr. Taschner has had the courage and initiative to take on cases that more prominent firms are hesitant to handle for political or monetary reasons. Dana Taschner truly brings honor to his profession.

Mr. Taschner's devotion to fighting oppression recently earned him the American Bar Association's Lawyer of the Year award. He was chosen from a pool of approximately 245,000 other lawyers in North America, competing with litigators with much higher profiles and greater wealth. In 1993, Mr. Taschner took on the Los Angeles Police Department and succeeded in forcing them to change their policy regarding police officers who commit domestic violence. In this case, he represented 3 orphans whose father, an L.A. police officer, murdered their mother and then took his own life. Taschner was able to overcome his own painful childhood memories of domestic abuse and secure the orphans a settlement. He argued that the department should not have returned the officer's gun after he had beaten his wife and threatened to kill her. He also forced the department to treat these matters as criminal cases, rather than internal affairs.

In this era of cynicism and self-promotion, I believe we must take steps to encourage and reward sincerity. Dana Taschner's unwavering dedication to his clients can be seen in his personal relationships with them, relationships that often outlive the outcome of the case. As an attorney myself, I have seen firsthand how much our country needs people in my field who care enough about their clients to commit themselves personally, as well as professionally. Many litigators find it much easier to take the cases that bring financial gain, rather than attempting to help the true victims of injustice.

I am proud that his colleagues have lavished accolades upon Mr. Taschner, but I believe it is a much greater sign of his success that his clients put their faith in him. Dana Taschner, whose integrity and selfless devotion to fairness truly embody our American justice system, is a role model for us all.•

ORDERS FOR WEDNESDAY, OCTOBER 21, 1998

Mr. STEVENS. I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on tomorrow, Wednesday, October 21. And I further ask unanimous consent that the time for the two leaders be reserved at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, for the information of all Senators, the Senate will reconvene tomorrow, Wednesday, at 9 a.m. and immediately proceed to a rollcall vote on the passage of the omnibus appropriations bill. Following that vote, several Members will be recognized to speak in relation to the omnibus bill. At the conclusion of those remarks, the Senate may consider any legislative or executive items that may be cleared for action at that time.

RECESS UNTIL 9 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:33 p.m., recessed until Wednesday, October 21, 1998, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 20, 1998:

FEDERAL HOUSING FINANCE BOARD

DOUGLAS L. MILLER, OF SOUTH DAKOTA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2002, VICE LAWRENCE U. COSTIGLIO, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. KENNETH L. FARMER, JR., 7072

HOUSE OF REPRESENTATIVES—*Tuesday, October 20, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. HEFLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 20, 1998.

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. CHRISTENSEN) for 5 minutes.

DISAPPOINTMENT OVER OMNIBUS SPENDING PACKAGE

Mr. CHRISTENSEN. Mr. Speaker, I come to the floor today to express my disappointment in the bill that we are going to be voting on. The omnibus bill that will be brought up on the floor later today has over 4,000 pages in it and over 2,500 pages of actual budgets that are going to be hopefully debated a little bit today.

But, you know, it is now 12:30 p.m. Washington, DC, time. We will be taking up this debate sometime around 4 or 5 o'clock and probably make the vote around 6:30 or 7 o'clock Eastern Standard Time, and this Member of Congress has not seen the report yet. I have called a number of my other colleagues and they have not seen the report yet. The report is not out.

We are going to vote on a $500 billion omnibus spending package, something that we have worked a year on, some have worked longer than that, and we have not even seen the work product yet.

The Republican cloakroom has put out the spin and the Republican Conference has put out our spin on why this is a great win for the American people. Well, I do not think it is too hard to figure out that when the Democrats, the President, the Vice President, the party, is gloating about their great win, and then we come and say that we won also, something just does not figure.

When I came here in 1994, we came here as part of a group of people that believed in fiscal restraint; believed that the government had spent too much of our money. We believed that Congress had gone awry of what the American people had sent it to do.

We promised a number of things. You will remember back in the Contract with America we promised to balance the budget, which we have done; we promised to overhaul the welfare system, which we have done; we went through that Contract with America, and the American people were proud of what was accomplished.

I just returned back from Omaha today, and I have to tell you that the people in my district, the Second Congressional District of Nebraska, are very disappointed. They are very disappointed with the Congress, with the leadership. They are disappointed with the fact that we could not pass a budget bill that stayed within the caps. This bill is $20 billion over the budget caps.

There are a number of measures in this bill that are now called "emergency funded," emergency spending priority items. I talked with my staff and said, why do we not just declare the whole budget emergency, because that is basically what it is. Things have been thrown in at the last moment, items that nobody in this Congress has seen yet. I think when it comes out into the full light, we are going to be very disappointed with a lot of projects that have been thrown in at the very last moment.

The main paper in my district, the Omaha World-Herald, ran an editorial cartoon on Sunday which I thought was quite amusing. It is a picture of an elephant. It has the GOP leadership on that elephant. It is in a chiropractor's office, and the chiropractor is saying, "I believe I have discovered the problem with your spine—you don't have one."

Folks, that is what has happened to the conservative movement back here, when we pass a bill that is $20 billion over the caps that has projected spending programs in there that the 1994 class would not have agreed to. And I do not know where we get off on the idea that we can come in here, pass a $500 billion-plus spending program, not have an opportunity to look at the bill, not have an opportunity to examine all the various programs that have been thrown in there, and say to the American people at a 4 o'clock rally today, "This is a great product. You should be proud of this product, because we have passed it for you, the American people." That is not what this Congressman came to Washington to do.

I know there is a lot of compromise that must go on between the leadership, between the Senate and the House, the majority and minority leaders. But at a time when we are dealing with a weakened President, at a time when the American people have said enough of overspending the taxpayers' money, you would think that our leadership, who professed to be the conservatives leading this revolution, could stand tough within that budget cap and stay true to the commitment that we came to and came here for in 1994. We have failed in this process.

COMMUNIST VIETNAM RELEASES 80-YEAR-OLD BUDDHIST MONK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California (Ms. SANCHEZ) is recognized during morning hour debates for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, this year I joined the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from California (Ms. LOFGREN) in establishing the formation of the "Adopt a Voice of Conscience in Vietnam Campaign" in this House of Representatives.

We established this task force to bring attention to the human rights violations in Vietnam and to generate pressure for the release of all prisoners who have been in house arrest, in prison or in other forms of detention. As Members of Congress, it is our responsibility to highlight what is going on in Vietnam against religion and freedom of speech.

We need to focus the public attention on Vietnam's repression against freedom of expression so that it becomes a part of the United States policy towards communist Vietnam. With Members of Congress adopting prisoners, we can successfully advocate for religious prisoners suffering persecution at the hands of this Vietnamese government.

Well, Mr. Speaker, we now have evidence that our efforts are working. On

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

September 2, the Government of Vietnam released over 5,000 political and religious prisoners. Included in the release was Mr. Tran Huu Duyen, a Buddhist monk who is a member of the Hoa Hao Buddhist Church located in my district. I have been notified that he is now at home in Vietnam with his family, but in very poor health.

Well, what crimes did he commit to have spent the last two decades in prison? After the communist takeover, Mr. Huu was arrested and charged with plotting to overthrow the People's Government and for participating in a political party that was affiliated with his church. Despite his 78 years of age, he was forced to do hard labor eight hours a day.

By adopting these prisoners, Members of Congress can generate constant pressure on the Vietnamese authorities to release those who really have been detained for no reason, just because they choose to speak up against this government or just because they want to practice their religion.

This is an important date for all American-Vietnamese citizens, and it represents another major step in the fight to provide liberty to all political prisoners around the world. I urge my colleagues to join us in this effort.

REMARKS ON THE OMNIBUS BUDGET COMPROMISE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Mississippi (Mr. TAYLOR) is recognized during morning hour debates for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to begin by commending the gentleman from Nebraska (Mr. CHRISTENSEN) for his remarks. As a member of the other political party, I would like to join him in really condemning what the leadership on both the minority and majority side are trying to do to the 435 elected representatives of the people.

Mr. Speaker, all across our country, people hire tax accountants to help them make sure that they are not violating any laws. You can imagine how aghast they would be if when it came time to submit that form, the accountant told them they had never actually looked at the information that they had given them.

People hire lawyers from time to time to help them with contracts, and, again, you can imagine walking into negotiations and at the last minute your lawyer saying well, he has not quite bothered to read it; or having a purchasing agent who works for you who on a daily basis is signing forms for tens of thousands of dollars or hundreds of thousands of dollars, but who never bothered to see what he was really signing for and spending your money on.

Starting Friday at 9:30, the great young people who help me in my Congressional office started calling and asking for copies of this 4,000-page document that is going to spend over one-half of a trillion, that is $500 billion, of the citizens' hard-earned money. They have been calling about every hour since then.

As of right now, 20 minutes to 1, a copy of this document is still not available. Yet the Democratic leadership and the Republican leadership are going to tell us to trust them, just go ahead and vote for it.

One of the people who is asking us to trust them is now being studied to see if he committed perjury. Another of the people who says "trust us" admitted lying to the Committee on Standards of Official Conduct. That is not a very good place to start.

Every Member of this body was elected. Not one of us was given this job. We had to go out and ask for it. Most of us went out and begged for it. We mortgaged our houses, we sold those things we really did not need and put ourselves in financial jeopardy because we wanted to come here and make things better.

But now we are being given the option of either taking a half a trillion dollars worth of spending that does some good things, but we do not know what else it does.

My friend from Nebraska mentioned the Welfare Reform Act. There is no one that can tell me with great certainty that this bill does not repeal it. We do not know if it establishes all new criteria for gun control. We do not know if it says on a permanent basis that we are going to have troops in Haiti or Bosnia forever. We do not know what kind of trade pacts are buried in there, because, quite frankly, there is not one copy of this bill that 435 Congressmen are being asked to vote on available for any of us to read.

Mr. Speaker, I take my job very seriously. I begged for it. When we get through with this, I am going to go back home and beg for it again. I am not going to give my responsibility away. I am going to vote no. Until there is a copy of that bill that is available for the Members to study and have some idea and some certainty as to what we are doing to and for the American people, I am going to continue to vote no.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 44 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

At a time when there is so much that must be accomplished, we take this moment for prayer and reflection, for thanksgiving and praise. We are grateful, O God, for the blessings that have come to us and to our land. Through days of celebration and achievement and at times of challenge and struggle, You have encouraged us to live our lives in grateful response to Your gifts by doing those good deeds that honor You and serve people with justice and mercy.

The Lord bless us and keep us, the Lord make His face shine upon us and be gracious unto us, the Lord lift up His countenance upon us and give us peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. SOLOMON) come forward and lead the House in the Pledge of Allegiance.

Mr. Solomon led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 633. An act to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.

H.R. 3633. An act to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

H.R. 4501. An act to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2070. An act to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

H.R. 4283. An act to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 129. Concurrent resolution to correct a technical error in the enrollment of H.R. 3910.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Tuesday, October 20, 1998 at 10:30 a.m. "that the Senate Passed without amendment, H.J. Res. 137".

With warm regards,
ROBIN H. CARLE,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following joint resolution on Tuesday, October 20, 1998:

H.J. Res. 137, making further continuing appropriations for the fiscal year 1999 and for other purposes.

DISPENSING WITH CALL OF PRIVATE CALENDAR TODAY

Mr. REDMOND. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

PROVIDING FOR CONSIDERATION OF S. 1132, BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT OF 1998 AND S. 2133, PRESERVATION OF THE ROUTE 66 CORRIDOR

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 604 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 604

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 1132) to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 2133) an act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield half our time, 30 minutes, to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this resolution is a straightforward rule providing for the consideration of two Senate bills that are pending now before the House.

First, the resolution provides for consideration in the House, without intervention of any point of order, of S. 1132, the Bandelier National Monument Administrative Improvement and Watershed Protection Act of 1998.

The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, and the rule also provides for one motion to recommit on this bill.

Secondly, the rule provides for the consideration in the House, again without intervention of any point of order, of S. 2133, the Preservation of the Route 66 Corridor.

The rule also provides 2 hours of debate on that bill equally divided and controlled by the chairman and ranking member of the Committee on Resources.

Finally, the rule provides one motion to recommit on the second bill as well.

Mr. Speaker, S. 1132, Bandelier National Monument Administrative Improvement and Watershed Protection Act of 1998, was introduced by Senator BINGAMAN on July 31, 1997, was reported by the Senate Committee on Energy and Natural Resources on April 19 of this year, and was adopted by the Senate on July 17, 1998.

Likewise, S. 2133, the Preservation of the Route 66 Corridor, was introduced by Senator DOMENICI on June 4 of this year, was reported by the Senate Committee on Energy and Natural Resources on September 25, last month, and passed the Senate on October 9, just a couple of weeks ago.

Mr. Speaker, both these Senate bills were considered by the House last week under the suspension of the rules procedure. That is a procedure where we bring noncontroversial legislation to the floor and, instead of requiring a majority vote of 50 percent plus one, it requires two-thirds to pass, because it is being brought under a special procedure. However, both of these bills, which have bipartisan support in both Chambers, failed to achieve the necessary two-thirds support of the House required under that procedure. There were some 50 Members missing on that particular day.

Nevertheless, both these bills did receive the support of a majority of the House. Consequently, this rule allows the House to consider these bills under a regular order procedure that will most efficiently get them to the President's desk for signature in the waning days of this Congress, and might I say the waning day of this House of Representatives. This should be the last day that we are going to be meeting on legislation.

Mr. Speaker, considering Senate bills in an expeditious manner at the end of a session of Congress is a common House practice. This rule will help the 105th Congress to expeditiously conclude its work, and I urge adoption by the House of both the rule and the two bills that it does make in order.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I wish to thank the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, for yielding me this time.

Mr. Speaker, this is a closed rule. It will allow for consideration of two resolutions, one is S. 1132, the Bandelier National Monument Administration

Improvement and Watershed Protection Act of 1998, and S. 2133, which is called the Route 66 Preservation Act.

As my colleague from New York has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member on the Committee on Resources. No amendments will be in order under this very closed rule.

Mr. Speaker, on the last day the House will be in session in the 105th Congress, once again we are asked to vote on measures for which there have been no House hearings, no committee reports, and without any opportunity to perfect these bills on the House floor.

My objection to this rule is more on process than substance. The Route 66 Corridor bill is controversial, should not be coming up under a closed rule without House hearings or committee markup or committee report. There are several uncontroversial bills that the Committee on Resources has considered and approved and these bills are not being brought to the House floor. The two bills we are taking up today, including one which is controversial, should not be given this special treatment.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume to say that there is no one I have greater respect for than the gentleman from Ohio, but I would just say that I think he protests too much.

These bills do have committee reports. There were hearings held in the Senate. They are relatively noncontroversial and, as everyone knows, in the waning days of any session that I have been here for, for the last 20 years, legislation like this passes back and forth between the two Houses, and that is what is happening here today. It is absolutely regular order.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. REDMOND), an outstanding relatively new Member of this body, but he has certainly left his mark in such a short time and we admire him.

Mr. REDMOND. Mr. Speaker, I thank the gentleman from New York for yielding to me this time to speak in favor of this rule.

I rise in support of the rule for S. 1132, the Bandelier National Monument Administration Improvement and Watershed Protection Act, and I urge the support of my colleagues on this legislation.

The Bandelier National Monument was established by the President on February 11, 1916 to preserve the archeological resources of a vanished people, with as much land as may be necessary for the proper protection thereof. At various times since the establishment of the monument, the Congress and the President have adjusted the boundaries and purpose of the monument to further preservation of the archeological and natural resources within the monument.

S. 1132 was introduced by Senator BINGAMAN in the Senate. This bill will expand the boundaries of Bandelier National Monument, located in northern New Mexico, next to the Santa Fe National Forest.

With passage of S. 1132, the State of New Mexico will see approximately 900 acres of expansion of the Bandelier National Monument, one of the oldest national monuments in the United States. The National Park Service will be able to fulfill a long-time goal to acquire the Alamo Headwaters and to protect the watershed from any upstream contamination.

S. 1132 expands Bandelier National Monument to include the lands often known as Elk Meadows within the headwaters of the upper Alamo Watershed which drains into the Monument, but which are not currently within the jurisdiction of the Federal Land Management Agency because they currently reside on privately owned land.

This bill has both bipartisan and bicameral support. The Senate support of S. 1132 was the result of efforts of both Senator DOMENICI and Senator BINGAMAN. S. 1132 passed the Senate with unanimous consent.

S. 1132 will authorize the National Park Service to purchase approximately 900 acres from a willing seller located adjacent to Bandelier. This land is an inholding within the Santa Fe National Forest. It makes sense to add it to the Federal inventory of property.

There is no doubt in my mind that if the Federal Government does not purchase this land at this time, it will be developed and the protection of the monument watershed will be lost forever. If this bill does not pass this year, then the National Park Service will not be able to use the money appropriated in the omnibus bill that Congress will pass later this week. This is money for the purchase of the land called Elk Meadows.

S. 1132 will allow the National Park Service to readjust the boundaries of the Bandelier around Elk Meadows, and to take in the watershed north of the Monument for protective purposes.

This bill should be noncontroversial. The National Park Service fully supports this. Members on the other side of the aisle should support this bill introduced by a Senator from their own party. The residents of the region are very supportive of this bill.

Currently, Bandelier's boundaries tend to ignore the natural geographic features, particularly on the western side that cuts across the mid-watershed of the Alamo Canyon.

In March 1997, the Sandoval County Commission approved a subdivision on Elk Meadows of an approximately 90 private acre parcel that straddles the headwaters. That development will be inevitable if this bill does not pass. Development in what may be considered to be an environmentally and ecologically sensitive area would permanently seriously disturb the Bandelier Wilderness Area.

□ 1415

The National Park Service's recommendations for fixing these problems are two. One, expand the Bandelier boundary to include the Alamo headwaters and, two, acquire the title to the land to include the adjacent boundary.

Under current law, the U.S. Forest Service has blanket authority to purchase lands outside the Forest Service boundaries in every state except New Mexico and Arizona. That is why the boundaries are needed to be changed legislatively before the purchase can take place. S. 1132 would make the necessary boundary adjustment and authorize the purchase of land.

Mr. Speaker, I would also like to speak in favor of the Route 66 component of this rule. I think it is important for us to understand that Route 66 is very important to the culture of America. Long before the information superhighway came about, there was an American superhighway. It was called Route 66. Just mentioning its name invoked the restless American spirit of exploration and adventure and yet it linked America together.

I cannot help but think of Route 66 without thinking of the words to the song from Woodie Guthrie as he states, "I roamed and rambled and followed my footsteps through the sparkling sands of her diamond desert, and all around me the voice kept saying 'this land was made for you and me.'"

Route 66 is that land that was described by John Steinbeck in the novel "The Grapes of Wrath." Truly, Route 66 has deep roots in American culture and protection of this is very important.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. MILLER), who is the ranking minority member on the Committee on Resources.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule because, once again, the Republican majority is misusing the procedures of this House to deny the Democratic Members an opportunity to participate fully in the legislative process, which is our right.

Last week the House voted down two resources bills that are now back before us today. These bills have only been recently introduced. They have never had hearings. They have never been subjected to review by the Committee on Resources, and they have never been debated or marked up.

So this House is being called upon to vote to spend nearly $20 million on projects that we have never reviewed. They may be good. They may be wasteful. We do not know.

The proponents of these bills never asked for a hearing. Or if they did, they never got them. They certainly did not make a case for these bills. Now, at the last hour, we are told we have to pass them, without full debate, without any amendment, without questions being answered. Why? Because everyone in this Chamber knows, for election reasons, pure and simple.

Once again, the Republican leadership of the Committee on Resources and the House is demanding that only Republican-sponsored bills be allowed to come to the House floor. When they tried this tactic two weeks ago, the House overwhelmingly defeated their Omnibus Parks bill. And then we did what we should have done in the first place. We negotiated out an agreement where an equitable number of Democratic and Republican bills were passed.

Now the Republican leadership is desperate to enhance the image of the vulnerable Members with terrible environmental voting records who did not do their jobs to get these bills considered in the normal procedure. These rules let them steamroll this House into passing legislation that was never considered by any subcommittee or committee of the House.

And what of the promises of fair treatment? Request after request for consideration of Democratic sponsored bills, bills that have passed the committee, that have passed the Senate, just like the two we are presenting here today, are ignored. We are told the Democratic bills we have requested cannot be considered. Not the bill of the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN), not the bill of the gentleman from Texas (Mr. REYES), not the bill of the gentleman from Texas (Mr. RODRIGUEZ), not the bill of Senator DASCHLE, not the bill of Senator LANDRIEU. None of them. Just Republican bills for vulnerable incumbents. Does anyone doubt that politics is at work here?

Let us look at the bill of the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN), a bill that affects only her district that was approved unanimously by the Committee on Resources, a bill without any known controversy. I have asked no fewer than five times that this noncontroversial bill be brought before the House and each time I am told that it cannot be considered, that it is out of our hands at the Committee on Resources. Whose hands is it in? We do not know. No one will say.

Lo and behold, yesterday a story appears in the Virgin Islands Daily News quoting a Republican staffer of the Committee on Resources who denies that there has been any effort to block consideration of the bill of the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN). He claims delays are common at the end of session. He conveniently ignored that our committee passed over 30 bills last week, many of them having received less consideration than the committee-approved bill of the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

What we are seeing is a stealth effort to kill Democratic bills while trying to pass unknown and expensive legislation simply to benefit marginal Republican Members. This House should not do that.

We should oppose these rules because they are designed simply to silence the minority, deliver election year favors to vulnerable Republicans. We should oppose these rules because they are an attempt to misuse the rules of this House to prevent full consideration of this legislation at last hour and to prevent any Member of this House from offering an amendment to approve these bills. We should oppose these rules because they disenfranchise the entire Democratic Caucus of this House.

This action does not suspend the rules, as they tried last week, but it does bend the rules to play partisan politics with taxpayers' money. We should vote no on the rules and we should vote no on the bills.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I am going to retire at the end of this year, after 20 years in this House, and the one thing I will not miss about this body, although I will miss almost everything else, is statements like my good friend and nextdoor neighbor in the second floor of Rayburn, when he stands up here and he criticizes Republicans for bringing these bills up in a political way on the last day of the session. He says we are doing it to help marginal Republicans.

Well, first of all, Senator BINGAMAN, last I knew, was not a Republican. He is a Democrat. He is not marginal. And he wants this bill. He has asked for it. Senator DOMENICI is a Republican in the other body. He certainly is not marginal. And he is an outstanding Member and he wants this bill.

We are doing exactly what the Democrats did for 40 years on the last days of the session. Only this time we are bringing two bills before the House that did pass the House with a majority vote, not with two-thirds as required under suspension, because 50-some Members were missing that day. And now we are bringing the bills up and that is the way it should be, and I am very proud to have done it.

Over here we have two outstanding Members, one I spoke of, the gentleman from New Mexico (Mr. REDMOND) and how he is one of the most highly respected Members. He replaced a good friend of mine, Bill Richardson. Bill Richardson and I served together for many years. He was the UN ambassador. And although he and I did not agree philosophically on a number of things, he was a good Member. And he is replaced by an equally good Member.

And we all remember Steve Schiff. Steve Schiff, serving on the Committee on the Judiciary, was respected on both sides of the aisle. He was a member of the Committee on Ethics. And every Member of this body praised him. And he died of cancer not too long ago and he was replaced by the gentlewoman from New Mexico (Mrs. WILSON). And in this short time, I would just say to her, I have never seen any Member come to this body and take hold and be able to carry out her duties like she has done. And I just greatly admire and respect her.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON). Then I would ask my colleagues to tell me if they think this is a political act.

Mrs. WILSON. Mr. Speaker, I rise in support today of this rule and in support also of Senate bill 2133. The fact is that this bill had a hearing on the Senate side and was marked up in the Senate and passed the committee by unanimous voice vote.

It passed the Senate floor under unanimous consent and came over here to the House. It is important to my district, but not in a partisan political way. It is an important part of Americana and it is something that my predecessors and Senator BINGAMAN and Senator DOMENICI and others who live along this historic route have been working on for 5 years now. Something that is as simple as this little bill that does not appropriate a dime, it merely authorizes expenditures over 10 years and recognizes this historic route, should not be lost in the waning days of this session.

It is supported by the National Parks and Conservation Association, which endorses this bill, and by the National Park Service, and enjoys bipartisan support in both the House and the Senate.

Route 66 is 2,448 miles long. It crosses 8 States and three time zones, stretching from Chicago all the way down to Los Angeles, and it is firmly rooted in Americana.

Almost every child in America who studies English in high school reads "The Grapes of Wrath," where John Steinbeck writes Highway 66 is the migrant road; 66, the long concrete path across the country, weaving gently up and down on the map from the Mississippi to Bakersfield, over the red lands and the gray lands, twisting up into the mountains crossing the divide and down into the bright and terrible desert, and across the desert to the mountains again and into the rich California valleys. 66 is the path of a people in flight, refugees from dust and shrinking land, from the thunder of tractors and shrinking ownership, from the desert's slow northward invasion, from the twisting winds that howl up out of Texas, from the floods that bring no richness to the land and steal what little richness is there.

From all of these, the people are in flight and they come into 66. From the tributary side roads, from the wagon tracks and the rutted country roads, 66 is the mother road, the road of flight. 250,000 people over the road. 50,000 old cars wounded, steaming wrecks along the road, abandoned. Well, what happened to them? What happened to the folks in that car? Did they walk? Where are they? Where does the courage come from? Where does the terrible faith come from?

Here is a story we can hardly believe, but it is true and it is funny and it is beautiful. There was a family of 12 and they were forced off the land. They had no car. They built a trailer out of junk and loaded it with their possessions. They pulled it to the side of 66 and waited, and pretty soon a sedan picked them up. Five of them rode in the sedan and seven on the trailer and a dog on the trailer. They got to California in two jumps. The man who pulled them fed them, and that is true.

How can such courage be and such faith in their own species? Very few things would teach such faith.

The people in flight from the terror behind, strange things happened to them, some bitterly cruel and some so beautiful that the faith is refired forever.

Route 66 is a part of our history and a part of our literature and a part of our lives, and it continues to be part of our lives from Chicago all the way down to L.A.

There is a little elementary school in Moriarty, New Mexico, the east mountains of my district. It is called Route 66 Elementary School. I showed last week the hubcap that they gave to me, and one of their teachers there wrote me a letter, and some of the children did, too, about their school and how it is designed around the Route 66 theme.

There is one of them that I wanted to read, or at least read a part of it, from Kelsey Byrne in Ms. Trujillo's fourth grade class. It says,

> Honorable Congressman Wilson, our principal told us about the hubcap. It is an honor to have had you show it on television. I am very glad to get part of my education here at Route 66. It is historical, you know. I believe that this school will go on for generations. I think a good education is very important, especially if you want to be something, like a computer technician, a teacher or an astronaut. People use their school education all the time, even us kids. That is why I think everyone deserves a good education. Route 66 is very important to me. It is old, but it is in very good shape. I would like to thank you for supporting us and good luck.

Unlike today's interstate highways, Route 66 is a collection of roads, tied together by highway signs. It is a means to an end and a bona fide destination in itself. It is now decommissioned but it remains a preferred means of travel for those who want to get a little bit off the beaten path. Remember Phillips 66? It used to be the Phillips Petroleum Company. It changed its name near Tulsa, Oklahoma, on Route 66.

Many of us have gotten our kicks on Route 66, and much of our culture surrounds this great migration westward on Route 66.

When America entered World War II, traffic on Route 66 slowed to a trickle because of gas rationing. Military convoys began to travel across the highways with men and machines renewing the need for a fast, complete corridor from the heart of the country to the coast. Chicago mobsters like John Dillinger, Al Capone, Bugsy Moran used Route 66 as their getaway route.

Route 66, the start of it moved to Chicago in 1933 when the World's Fair reclaimed land that was previously a swamp.

There are many sites along that great route: The Chain of Rocks Bridge in Missouri; the Jessie James Wax Museum also in Missouri; in Kansas, and Galena, Kansas, the home of the 1935 United Mine Workers strike that erupted into violence; the Will Rogers Museum in Oklahoma; and on into Texas, and the art deco Conoco Service Station there in Shamrock.

□ 1430

There is, of course, Cadillac Ranch where Stanley Marsh is buried in cement, rear end upward, 10 famous tailfin Cadillacs built from 1948 to 1964. And then, of course, New Mexico through Tucumcari and Santa Rosa to Moriarty, the home of Route 66 Elementary School, and into Albuquerque, my hometown, where Route 66 is now central, and one can drive it from one end to the other looking at the old motor courts and the curio shops, most of which still operate, and have lunch at the Route 66 diner. In Arizona, the Petrified National Forest and the Painted Desert, the Meteor Crater and the gateway to the Grand Canyon National Park. And finally on into California, the home of Ray Crock's first McDonald's in San Bernardino, and then on down in Pasadena along the route of the Tournament of Roses Parade.

Route 66 is truly America's Main Street. This is a simple bill that recognizes that, promotes tourism along it and will help those small businesses that are a part of our heritage.

ROUTE 66 ELEMENTARY,
Edgewood, NM.

Dear Representative HEATHER WILSON: Greetings from Route 66 Elementary. Thank you for your interest in our area. Although our school building is new, it has a lot of history around it and within it. In many ways our school is like one of the original Route 66 Main Street communities.

Our school is located near the site of Old Barton, one of the many Route 66 filling stations between Tucumcari and Albuquerque, New Mexico. Old Barton is now only a broken-down building and windmill. Where the school stands was a cow pasture. Just down Barton road is the grave of a man who claimed to be Billy the Kid.

The design of our school includes many features related to Route 66. When you walk in the front doors you find yourself on a "walking map" beginning at Chicago. To get to our room, follow the map down the hall, and take a left immediately after you cross the Arizona border into California. Our signs in the halls are replicas of the old highway signs. The front of our school bears up a huge neon "Route 66" sign. There is a time capsule buried in the walls of our building, with things the students chose to include. Many of our building's features were generated by the students during the planning phase of our permanent structure. Our student council raises money by selling the states on the walking map and, as you well know, cool old hubcaps.

The folks around here call our part of the historic roadway "Old 66", never "New Mexico 333" as the people from the State have renamed it. Although Interstate 40 runs alongside 66 and is much faster, many of our families prefer to take the more leisurely drive into Albuquerque on 66. Several families of the students in our class own their own businesses on or near Route 66, and many others are second, third, fourth or even fifth generation in this community. We have strong ties here.

Our school is so small that we have to have combination classes, and barely have enough students to put together a sixth grade traveling basketball team, but the students, families, teachers . . . all of us pitch in to make our school the best it can be.

Sincerely,
Mr. Tyrrell's 5th/6th grade combination class.

OCTOBER 16, 1998.

Honorable Congresswoman WILSON: It was wonderful for you to present the hubcap on television that we gave to you. As you know, our school is located near the Historic Route 66 road. That is why our school's name is Route 66 Elementary.

I heard that you were invited to the Grand Opening but couldn't make it.

I really think that education is very important. I believe that everyone needs an education. I think staying in school is the coolest thing anyone could ever do.

Route 66 Elementary is a very important place to me. One thing I know about the Historic Route 66 is that it is very old.

Thanks again!!

Sincerely Yours,
REBECCA RASBECK,
Mrs. Trujillo's 4th Grade,
Route 66 Elementary.

P.S. Good luck in the next election!

OCTOBER 16, 1998.

Honorable Congresswoman WILSON: Thank you for showing the hubcap we gave to you on Cable Television. I'm very honored to be writing this letter to you. I'm also honored to be in a "famous school." I feel education is important to our future life, because I think it helps us do whatever career we get. For example if I become an engineer, I would need to know about spelling, mathematics, social studies, and science.

Route 66 road goes from the Atlantic Ocean to the Pacific Ocean. I don't know very much about Route 66, but I do know it's very old. Route 66 is important to me. Good luck on the election! Oh! Thanks again for making our school famous.

Sincerely,

NICOLE AURAND,
Mrs. Trujillo's 4th Grade.
Route 66 Elementary School.

OCTOBER 16, 1998.

Honorable Congresswoman WILSON: Our principal told us about the hubcap. It is an honor to have had you show it on television! I am very glad to get part of my education here at Route 66. It is historical you know. I believe that this school will go on for generations!

I think a good education is very important. Especially if you want to be something like a computer technician, a teacher, or an astronaut.

People use their school education all the time. Even us kids do! That's why I think everyone deserves a good education.

Route 66 is very important to me. It is old but is in very good shape. I would like to thank you for supporting us. Good luck at the election!

Sincerely yours,

KELSEY BYRNE,
Mrs. Trujillo's 4th grade.

OCTOBER 16, 1998.

Honorable Congresswoman WILSON: I think education means helping children with there lifes. Route 66 elementary gets kids to do better with education. We sent you your hubcap because we are good citizens. Route 66 was built from the east to west in the 50's.

Sincerely yours,

STEVEN CHRISTENSEN,
Route 66,
Mrs. Trujillo's 4th grade.

OCTOBER 16, 1998.

Honorable Congresswoman WILSON: Thank you for showing the hubcap that we gave to you on television. I really appreciate you doing that!

My principle Mr. Marshall said for me to write this letter. It is about our school.

I will tell you about it. Route 66 starts at the Pacific and ends at the Alantic Ocean. As you know our school is on it. I will also tell you about the history about it. Route 66 is a very old road.

Now I will tell you about education. It means a lot to me. You get a job from education and a lot more. The most thing I like about education is knowing that you learning something.

Sincerely,

JENNIFER HUNT,
From Mrs. Trujillo's class.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

As my colleagues know, that to me was so reminiscing. I enjoyed it immensely. But I would like to just point out to the Members that the gentlewoman from New Mexico (Mrs. WILSON) not only is a mother of two, and she is serving here in this body, but she also is the first woman graduate of the United States Air Force Academy ever to be elected to Congress. I wish we had more like her. I wish we had more veterans serving in this body. I am going to have more to say about that when we bring up the omnibus bill in just a few minutes and about how we ought to be defending the defenders of our Nation, and I thank the gentlewoman.

Mr. Speaker, I yield such time as he might consume to the gentleman from New Mexico (Mr. REDMOND).

Mr. REDMOND. Mr. Speaker, again I would like to stand in support of the rule on this bill for both the Bandelier National Monument expansion and also the Route 66 designation.

And, Mr. Speaker, you are aware that in America there are a number of symbols in our Nation that unite us as a people. We have the Statue of Liberty, we have the monuments here in Washington, D.C., but there is a symbol that the gentlewoman from New Mexico (Mrs. WILSON) has identified for us, the symbol of Route 66 that stretches from my hometown, Chicago, through my new home state, New Mexico, and on into California, and again during the years of the Depression and many times strong relationships and ties were built during that era for our people, and part of our national heritage is identified by that defining point in our history. And, as I stated earlier, the song by Woody Guthrie talks about this land is your land, this land is my land, from California to the New York islands, from the redwood forests, to the Gulf stream waters, this land is made for you and me. And the Route 66 embodies that symbol and unites all Americans. Mr. Guthrie goes on in his song, and I believe that he was describing Route 66 when he wrote: "As I was walking that ribbon of highway, I looked above me, the endless skyway, I saw below me the golden valley, this land was made for you and me."

I would respectfully ask that my colleagues on both sides of the aisle support the Route 66 and also the Bandelier expansion because both these are symbolic of who we are as Americans and how we are united as a people.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield back the balance of my time, I would just simply say that we in the minority will probably, almost 100 percent, be against this rule and for a variety of reasons. Number one, it is a closed rule. Number two, the bill itself really has not had any hearings in the House of Representatives, and in this particular rule there is not really a chance to change it, so it is up or down. We do not have a choice because it says in the rule that we cannot make amendments. There has been no committee report. It has been said by papers that I have here by the ranking minority member that one of the bills that is up before us is somewhat controversial, and if we put all those things together, one is enough for us to oppose the bill. The majority really does not give us much of a choice.

So, for that reason we will oppose the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL), and in closing let me just repeat one more time these are two noncontroversial bills. The people that have been on the floor listening, the people that have been back in their offices listening and certainly the viewing audience, I think they have made up their mind there is nothing controversial about these bills. They were brought to the floor under regular order. I have here a whole list of Members who were not here for the vote on these two bills, 50 some Members and an awful lot of Democrats. I do not know where they were:

The gentleman from New York (Mr. ACKERMAN), the gentleman from Maine (Mr. ALLEN), the gentleman from California (Mr. BERMAN), the gentleman from California (Mr. BROWN), the gentleman from Texas (Mr. EDWARDS), the gentleman from Massachusetts (Mr. FRANK), the gentleman from Texas (Mr. FROST), the gentlewoman from Oregon (Ms. FURSE), the gentleman from Texas (Mr. GREEN), the gentleman from North Carolina (Mr. HEFNER), the gentleman from Wisconsin (Mr. JOHNSON), the gentlewoman from Connecticut (Mrs. KENNELLY), the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from North Carolina (Mr. MCINTYRE), the gentleman from Massachusetts (Mr. MEEHAN), and it goes on, and on, and on.

They ought to have a chance to vote on this. I urge support of the rule.

In closing, let me point out to anyone who has any question about either one of these bills: Because of the changes that I and the Committee on Rules made when we took control here 4 years ago, the minority party always has the right to a motion to recommit, and that means they can offer their alternative. They have an alternative; now is their time to offer it.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise in objection to S. 2133 which is being brought to the floor today without having undergone review by the House Resources Committee.

First of all, the program will, if enacted, divert $10 million from underfunded and backlogged projects, possibly even in the National Park system in my own district, the U.S. Virgin Islands. Today, my constituents have been asked to pay a fee, despite the fact that when the property was deeded to the Park Service it was with the stipulation that residents especially on the Island of St. John where over 60% of the land is park, would never be charged for use. This would not be necessary if we were funded adequately, and so I object to this bill.

But even more insulting to our territory is what happened in the case of my bill, H.R. 4313, which is similar to provision passed for

Guam, and which was submitted upon a resolution passed by the local representatives in the Virgin Islands. Our legislature asked to be given the authority to reduce the size of our legislature even though it was passed unanimously out of committee, it still has not come to the floor for passage.

This is similar to the fate of several of the Democratic bills that are languishing and apparently about to die as we close out this Congress.

This is no way to do the people's business, Mr. Speaker. I urge my colleagues in the interest of fairness to vote no on the rule and on these bills.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken after debate has concluded on the motion to suspend the rules, but not before 5 p.m. today.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1998

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4856) to make miscellaneous and technical changes to various trade laws, and for other purposes.

The Clerk read as follows:

H. R. 4856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

Sec. 1001. Clerical amendments.
Sec. 1002. Obsolete references to GATT.
Sec. 1003. Tariff classification of 13-inch televisions.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—REFERENCE

Sec. 2001. Reference.

CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

Sec. 2101. Diiodomethyl-*p*-tolylsulfone.
Sec. 2102. Racemic dl-menthol.
Sec. 2103. 2,4-Dichloro-5-hydrazinophenolmonohydrochloride.
Sec. 2104. Tab.
Sec. 2105. Certain snowboard boots.
Sec. 2106. Ethofumesate singularly or in mixture with application adjuvants.
Sec. 2107. 3-Methoxycarbonylaminophenyl 3'-methyl-carbanilate (phenmedipham).
Sec. 2108. 3-Ethoxycarbonyl-amino-phenyl-n-phenyl-carbamate (desmedipham).
Sec. 2109. 2-Amino-4-(4-aminobenzoyl amino)-benzene-sulfonic acid, sodium salt.
Sec. 2110. 5-Amino-n-(2-hydroxyethyl)-2,3-xylenesul- fonamide.
Sec. 2111. 3-Amino-2'-(sulfatoethylsulfonyl) ethyl benzamide.
Sec. 2112. 4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt.
Sec. 2113. 2-Amino-5-nitrothiazole.
Sec. 2114. 4-Chloro-3-nitrobenzenesulfonic acid.
Sec. 2115. 6-Amino-1,3-naphthalenedisulfonic acid.
Sec. 2116. 4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt.
Sec. 2117. 2-Methyl-5-nitrobenzenesulfonic acid.
Sec. 2118. 6-Amino-1,3-naphthalenedisulfonic acid, disodium salt.
Sec. 2119. 2-Amino-p-cresol.
Sec. 2120. 6-Bromo-2,4-dinitroaniline.
Sec. 2121. 7-Acetylamino-4-hydroxy-2-naphthalene-sulfonic acid, monosodium salt.
Sec. 2122. Tannic acid.
Sec. 2123. 2-Amino-5-nitrobenzenesulfonic acid, monosodium salt.
Sec. 2124. 2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt.
Sec. 2125. 2-Amino-5-nitrobenzenesulfonic acid.
Sec. 2126. 3-(4,5-Dihydro-3-methyl-5-oxo-1h-pyrazol-1-yl)benzenesulfonic acid.
Sec. 2127. 4-Benzoylamino-5-hydroxy-2,7-naphtha- lenedisulfonic acid.
Sec. 2128. 4-Benzoylamino-5-hydroxy-2,7-naphtha- lenedisulfonic acid, monosodium salt.
Sec. 2129. Pigment Yellow 151.
Sec. 2130. Pigment Yellow 181.
Sec. 2131. Pigment Yellow 154.
Sec. 2132. Pigment Yellow 175.
Sec. 2133. Pigment Yellow 180.
Sec. 2134. Pigment Yellow 191.
Sec. 2135. Pigment Red 187.
Sec. 2136. Pigment Red 247.
Sec. 2137. Pigment Orange 72.
Sec. 2138. Pigment Yellow 16.
Sec. 2139. Pigment Red 185.
Sec. 2140. Pigment Red 208.
Sec. 2141. Pigment Red 188.
Sec. 2142. 2,6-Dimethyl-m-dioxan-4-ol acetate.
Sec. 2143. β-Bromo-β-nitrostyrene.
Sec. 2144. Textile machinery.
Sec. 2145. Deltamethrin.
Sec. 2146. Diclofop-methyl.
Sec. 2147. Resmethrin.
Sec. 2148. N-phenyl-n'-1,2,3-thiadiazol-5-ylurea.
Sec. 2149. (1R,3S)3[(1'RS)(1',2',2',2',-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)-α-cyano-3-phenoxybenzyl ester.
Sec. 2150. Pigment Yellow 109.
Sec. 2151. Pigment Yellow 110.
Sec. 2152. Pigment Red 177.
Sec. 2153. Textile printing machinery.
Sec. 2154. Substrates of synthetic quartz or synthetic fused silica.
Sec. 2155. 2-Methyl-4,6-bis[(octylthio)methyl]phenol.
Sec. 2156. 2-Methyl-4,6-bis[(octylthio)methyl]phenol; epoxidized triglyceride.
Sec. 2157. 4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino] -2,6-bis(1,1-dimethylethyl)phenol.
Sec. 2158. (2-Benzothiazolylthio)butanedioic acid.
Sec. 2159. Calcium bis[monoethyl (3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate].
Sec. 2160. 4-Methyl-γ-oxo-benzenebutanoic acid compd. with 4-ethylmorpholine (2:1).
Sec. 2161. Weaving machines.
Sec. 2162. Textile doubling or twisting machines.
Sec. 2163. Certain weaving machines.
Sec. 2164. DEMT.
Sec. 2165. Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl-.
Sec. 2166. 2H-3,1-Benzoxazin-2-one, 6-chloro-4-(cyclo-propylethynyl)-1,4-dihydro-4-(trifluoromethyl)-.
Sec. 2167. Tebufenozide.
Sec. 2168. Halofenozide.
Sec. 2169. Certain organic pigments and dyes.
Sec. 2170. 4-Hexylresorcinol.
Sec. 2171. Certain sensitizing dyes.
Sec. 2172. Skating boots for use in the manufacture of in-line roller skates.
Sec. 2173. Dibutylnaphthalenesulfonic acid, sodium salt.
Sec. 2174. O-(6-chloro-3-phenyl-4-pyridazinyl)-s-octyl-carbonothioate.
Sec. 2175. 4-Cyclopropyl-6-methyl-2-phenylaminopy-rimidine.
Sec. 2176. O,O-dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadi-azol-3(2H)-yl-methyl]-dithiophosphate.
Sec. 2177. Ethyl [2-(4-phenoxyphenoxy) ethyl] carbamate.
Sec. 2178. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-chloro-phenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyl]-1H-1,2,4-triazole.
Sec. 2179. 2,4-Dichloro-3,5-dinitrobenzotrifluoride.
Sec. 2180. 2-Chloro-n-[2,6-dinitro-4-(trifluoromethyl) phenyl]-n-ethyl-6-fluorobenzenemethanamine.
Sec. 2181. Chloroacetone.
Sec. 2182. Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester.
Sec. 2183. Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester.
Sec. 2184. Mucochloric acid.
Sec. 2185. Certain rocket engines.

Sec. 2186. Pigment Red 144.
Sec. 2187. Pigment Orange 64.
Sec. 2188. Pigment Yellow 95.
Sec. 2189. Pigment Yellow 93.
Sec. 2190. (S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b] [1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-l-glutamic acid, diethyl ester.
Sec. 2191. 4-Chloropyridine hydrochloride.
Sec. 2192. 4-Phenoxypyridine.
Sec. 2193. (3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid.
Sec. 2194. 2-Amino-5-bromo-6-methyl-4(1H)-quinazoli-none.
Sec. 2195. 2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone.
Sec. 2196. (S)-N-[[5-[2-(2-amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-l-glutamic acid.
Sec. 2197. 2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone dihydrochloride.
Sec. 2198. 3-(Acetyloxy)-2-methylbenzoic acid.
Sec. 2199. [R-(R*,R*)]-1,2,3,4-butanetetrol-1,4-dimeth- anesulfonate.
Sec. 2200. 9-[2-[[Bis [(pivaloyloxy)-methoxy] phos- phinyl]methoxy] ethyl]adenine (also known as Adefovir Dipivoxil).
Sec. 2201. 9-[2-(R)-[[Bis[(isopropoxy-carbonyl)oxy- methoxy]-phosphinoyl]methoxy]-propyl]-adenine fumarate (1:1).
Sec. 2202. (R)-9-(2-Phosphono-methoxypropyl)ade- nine.
Sec. 2203. (R)-1,3-Dioxolan-2-one, 4-methyl-.
Sec. 2204. 9-(2-Hydroxyethyl)adenine.
Sec. 2205. (R)-9H-Purine-9-ethanol, 6-amino-α-methyl-.
Sec. 2206. Chloromethyl-2-propyl carbonate.
Sec. 2207. (R)-1,2-Propanediol, 3-chloro-.
Sec. 2208. Oxirane, (S)-((triphenylmethoxy)methyl)-.
Sec. 2209. Chloromethyl pivalate.
Sec. 2210. Diethyl (((p-toluenesulfonyl)oxy)-methyl)phosphonate.
Sec. 2211. (R)-9-(2-Hydroxypropyl)adenine.
Sec. 2212. Beta hydroxyalkylamide.
Sec. 2213. Grilamid tr90.
Sec. 2214. IN–W4280.
Sec. 2215. KL540.
Sec. 2216. Methyl thioglycolate.
Sec. 2217. DPX–E6758.
Sec. 2218. Ethylene, tetrafluoro copolymer with ethylene (ETFE).
Sec. 2219. 3-Mercapto-D-valine.
Sec. 2220. p-Ethylphenol.
Sec. 2221. Pantera.
Sec. 2222. p-Nitrobenzoic acid.
Sec. 2223. p-Toluenesulfonamide.
Sec. 2224. Polymers of tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride.
Sec. 2225. Methyl 2-[[[[[4-(dimethylamino)-6-(2,2,2- tri- fluoroethoxy)-1,3,5-triazin-2-yl]- amino]- carbonyl]amino]sulfonyl]-3-methyl- benzoate (triflusulfuron methyl).
Sec. 2226. Certain manufacturing equipment.
Sec. 2227. Textured rolled glass sheets.
Sec. 2228. Certain HIV drug substances.
Sec. 2229. Rimsulfuron.
Sec. 2230. Carbamic acid (V–9069).
Sec. 2231. DPX–E9260.
Sec. 2232. Ziram.
Sec. 2233. Ferroboron.
Sec. 2234. Acetic acid, [[2-chloro-4-fluoro-5-[(tetra- hydro-3-oxo-1h,3h-[1,3,4] thiadiazolo[3,4-a]pyridazin-1-ylidene)amino]phenyl]- thio]-, methyl ester.
Sec. 2235. Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-di- carboximido)-4-fluorophenoxy]acetate.
Sec. 2236. Bentazon (3-isopropyl)-1h-2,1,3-benzo-thiadiazin-4(3h)-one-2,2-dioxide).
Sec. 2237. Certain high-performance loudspeakers not mounted in their enclosures.
Sec. 2238. Parts for use in the manufacture of certain high-performance loudspeakers.
Sec. 2239. 5-tertiary butyl-isophthalic acid.
Sec. 2240. Certain polymer.
Sec. 2241. 2, (4-chlorophenol)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt.

Chapter 3—Effective Date

Sec. 2301. Effective date.

Subtitle B—Trade Provisions

Sec. 2401. Extension of United States insular possession program.
Sec. 2402. Tariff treatment for certain components of scientific instruments and apparatus.
Sec. 2403. Liquidation or reliquidation of certain entries.
Sec. 2404. Drawback and refund on packaging material.
Sec. 2405. Inclusion of commercial importation data from foreign-trade zones under the National Customs Automation Program.
Sec. 2406. Large yachts imported for sale at United States boat shows.
Sec. 2407. Review of protests against decisions of Customs Service.
Sec. 2408. Entries of NAFTA-origin goods.
Sec. 2409. Treatment of international travel merchandise held at customs-approved storage rooms.
Sec. 2410. Exception to 5-year reviews of countervailing duty or antidumping duty orders.
Sec. 2411. Water resistant wool trousers.
Sec. 2412. Reimportation of certain goods.
Sec. 2413. Treatment of personal effects of participants in certain world athletic events.
Sec. 2414. Reliquidation of certain entries of thermal transfer multifunction machines.
Sec. 2415. Reliquidation of certain drawback entries and refund of drawback payments.
Sec. 2416. Clarification of additional U.S. note 4 to chapter 91 of the Harmonized Tariff Schedule of the United States.
Sec. 2417. Duty-free sales enterprises.
Sec. 2418. Customs user fees.
Sec. 2419. Duty drawback for methyl tertiary-butyl ether ("MTBE").
Sec. 2420. Substitution of finished petroleum derivatives.
Sec. 2421. Duty on certain importations of mueslix cereals.
Sec. 2422. Expansion of Foreign Trade Zone No. 143.
Sec. 2423. Marking of certain silk products and containers.
Sec. 2424. Extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Mongolia.
Sec. 2425. Enhanced cargo inspection pilot program.
Sec. 2426. Payment of education costs of dependents of certain Customs Service personnel.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

Sec. 3001. Property subject to a liability treated in same manner as assumption of liability.

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

SEC. 1001. CLERICAL AMENDMENTS.

(a) Trade Act of 1974.—(1) Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(A) by aligning the text of paragraph (2) that precedes subparagraph (A) with the text of paragraph (1); and

(B) by aligning the text of subparagraphs (A) and (B) of paragraph (2) with the text of subparagraphs (A) and (B) of paragraph (3).

(2) Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

(A) in paragraph (3) by striking "LIMITATION ON APPOINTMENTS.—"; and

(B) by aligning the text of paragraph (3) with the text of paragraph (2).

(3) The item relating to section 410 in the table of contents for the Trade Act of 1974 is repealed.

(4) Section 411 of the Trade Act of 1974 (19 U.S.C. 2441), and the item relating to section 411 in the table of contents for that Act, are repealed.

(5) Section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)) is amended by striking "For purposes of" and all that follows through "90-day period" and inserting "For purposes of sections 203(c) and 407(c)(2), the 90-day period".

(6) Section 406(e)(2) of the Trade Act of 1974 (19 U.S.C. 2436(e)(2)) is amended by moving subparagraphs (B) and (C) 2 ems to the left.

(7) Section 503(a)(2)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)(A)(ii)) is amended by striking subclause (II) and inserting the following:

"(II) the direct costs of processing operations performed in such beneficiary developing country or such member countries,

is not less than 35 percent of the appraised value of such article at the time it is entered.".

(8) Section 802(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2492(b)(1)(A)) is amended—

(A) by striking "481(e)" and inserting "489"; and

(B) by inserting "(22 U.S.C. 2291h)" after "1961".

(9) Section 804 of the Trade Act of 1974 (19 U.S.C. 2494) is amended by striking "481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1))" and inserting "489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h)".

(10) Section 805(2) of the Trade Act of 1974 (19 U.S.C. 2495(2)) is amended by striking "and" after the semicolon.

(11) The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

"TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

"Sec. 801. Short title.
"Sec. 802. Tariff treatment of products of uncooperative major drug producing or drug-transit countries.
"Sec. 803. Sugar quota.
"Sec. 804. Progress reports.
"Sec. 805. Definitions.".

(b) Other Trade Laws.—(1) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(A) in subsection (e) by aligning the text of paragraph (1) with the text of paragraph (2); and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(ii) by striking "subsection (a)(1) through (a)(8)" and inserting "paragraphs (1) through (8) of subsection (a)"; and

(ii) in subparagraph (C)(ii)(I) by striking "paragraph (A)(i)" and inserting "subparagraph (A)(i)".

(2) Section 3(a) of the Act of June 18, 1934 (commonly referred to as the "Foreign Trade Zones Act") (19 U.S.C. 81c(a)) is amended by striking the second period at the end of the last sentence.

(3) Section 9 of the Act of June 18, 1934 (commonly referred to as the "Foreign Trade Zones Act") (19 U.S.C. 81i) is amended by striking "Post Office Department, the Public Health Service, the Bureau of Immigration" and inserting "United States Postal Service, the Public Health Service, the Immigration and Naturalization Service".

(4) The table of contents for the Trade Agreements Act of 1979 is amended—

(A) in the item relating to section 411 by striking "Special Representative" and inserting "Trade Representative"; and

(B) by inserting after the items relating to subtitle D of title IV the following:

"Subtitle E—Standards and Measures Under the North American Free Trade Agreement

"CHAPTER 1—SANITARY AND PHYTOSANITARY MEASURES

"Sec. 461. General.
"Sec. 462. Inquiry point.
"Sec. 463. Chapter definitions.

"CHAPTER 2—STANDARDS-RELATED MEASURES

"Sec. 471. General.
"Sec. 472. Inquiry point.
"Sec. 473. Chapter definitions.

"CHAPTER 3—SUBTITLE DEFINITIONS

"Sec. 481. Definitions.

"Subtitle F—International Standard-Setting Activities

"Sec. 491. Notice of United States participation in international standard-setting activities.
"Sec. 492. Equivalence determinations.
"Sec. 493. Definitions.".

(5)(A) Section 3(a)(9) of the Miscellaneous Trade and Technical Corrections Act of 1996 is amended by striking "631(a)" and "1631(a)" and inserting "631" and "1631", respectively.

(B) Section 50(c)(2) of such Act is amended by striking "applied to entry" and inserting "applied to such entry".

(6) Section 8 of the Act of August 5, 1935 (19 U.S.C. 1708) is repealed.

(7) Section 584(a) of the Tariff Act of 1930 (19 U.S.C. 1584(a)) is amended—

(A) in the last sentence of paragraph (2), by striking "102(17) and 102(15), respectively, of the Controlled Substances Act" and inserting "102(18) and 102(16), respectively, of the Controlled Substances Act (21 U.S.C. 802(18) and 802(16))"; and

(B) in paragraph (3)—

(i) by striking "or which consists of any spirits," and all that follows through "be not shown,"; and

(ii) by striking ", and, if any manifested merchandise" and all that follows through the end and inserting a period.

(8) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act, as amended by section 21(d)(12) of the Miscellaneous Trade and Technical Amendments Act of 1996, is amended by striking "disclosure within 30 days" and inserting "disclosure, or within 30 days".

(9) Section 558(b) of the Tariff Act of 1930 (19 U.S.C. 1558(b)) is amended by striking "(c)" each place it appears and inserting "(h)".

(10) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking paragraph (6).

(11) General note 3(a)(ii) to the Harmonized Tariff Schedule of the United States is amended by striking "general most-favored-nation (MFN)" and by inserting in lieu thereof "general or normal trade relations (NTR)".

SEC. 1002. OBSOLETE REFERENCES TO GATT.

(a) FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT OF 1990.—(1) Section 488(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620(b)) is amended—

(A) in paragraph (3) by striking "General Agreement on Tariffs and Trade" and inserting "GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act)" ; and

(B) in paragraph (5) by striking "General Agreement on Tariffs and Trade" and inserting "WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)".

(2) Section 491(g) of that Act (16 U.S.C. 620c(g)) is amended by striking "Contracting Parties to the General Agreement on Tariffs and Trade" and inserting "Dispute Settlement Body of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)".

(b) INTERNATIONAL FINANCIAL INSTITUTIONS ACT.—Section 1403(b) of the International Financial Institutions Act (22 U.S.C. 262n–2(b)) is amended—

(1) in paragraph (1)(A) by striking "General Agreement on Tariffs and Trade or Article 10" and all that follows through "Trade" and inserting "GATT 1994 as defined in section 2(1)(B) of the Uruguay Round Agreements Act, or Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of that Act"; and

(2) in paragraph (2)(B) by striking "Article 6" and all that follows through "Trade" and inserting "Article 15 of the Agreement on Subsidies and Countervailing Measures referred to in subparagraph (A)".

(c) BRETTON WOODS AGREEMENTS ACT.—Section 49(a)(3) of the Bretton Woods Agreements Act (22 U.S.C. 286gg(a)(3)) is amended by striking "GATT Secretariat" and inserting "Secretariat of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)".

(d) FISHERMEN'S PROTECTIVE ACT OF 1967.—Section 8(a)(4) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)(4)) is amended by striking "General Agreement on Tariffs and Trade" and inserting "World Trade Organization (as defined in section 2(8) of the Uruguay Round Agreements Act) or the multilateral trade agreements (as defined in section 2(4) of that Act)".

(e) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5712(3)) is amended—

(1) by striking "contracting party to the General Agreement on Tariffs and Trade" and inserting "WTO member country (as defined in section 2(10) of the Uruguay Round Agreements Act)"; and

(2) by striking "latter organization" and inserting "World Trade Organization (as defined in section 2(8) of that Act)".

(f) NOAA FLEET MODERNIZATION ACT.—Section 607(b)(8) of the NOAA Fleet Modernization Act (33 U.S.C. 891e(b)(8)) is amended by striking "Agreement on Interpretation" and all that follows through "trade negotiations" and inserting "Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act, or any other export subsidy prohibited by that agreement".

(g) ENERGY POLICY ACT OF 1992.—(1) Section 1011(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296b(b)) is amended—

(A) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)"; and

(B) by striking "United States-Canada Free Trade Agreement" and inserting "North American Free Trade Agreement".

(2) Section 1017(c) of such Act (42 U.S.C. 2296b–6(c)) is amended—

(A) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)"; and

(B) by striking "United States-Canada Free Trade Agreement" and inserting "North American Free Trade Agreement".

(h) ENERGY POLICY CONSERVATION ACT.—Section 400AA(a)(3) of the Energy Policy Conservation Act (42 U.S.C. 6374(a)(3)) is amended in subparagraphs (F) and (G) by striking "General Agreement on Tariffs and Trade" each place it appears and inserting "multilateral trade agreements as defined in section 2(4) of the Uruguay Round Agreements Act".

(i) TITLE 49, UNITED STATES CODE.—Section 50103 of title 49, United States Code, is amended in subsections (c)(2) and (e)(2) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)".

SEC. 1003. TARIFF CLASSIFICATION OF 13-INCH TELEVISIONS.

(a) IN GENERAL.—Each of the following subheadings of the Harmonized Tariff Schedule of the United States is amended by striking "33.02 cm" in the article description and inserting "34.29 cm":

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service not later than 180 days after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in a subheading listed in paragraphs (1) through (16) of subsection (a)—

(A) that was made on or after January 1, 1995, and before the date that is 15 days after the date of enactment of this Act,

(B) with respect to which there would have been no duty or a lesser duty if the amendments made by subsection (a) applied to such entry, and

(C) that is—

(i) unliquidated,

(ii) under protest, or

(iii) otherwise not final,

shall be liquidated or reliquidated as though such amendment applied to such entry.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—REFERENCE

SEC. 2001. REFERENCE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

SEC. 2101. DIIODOMETHYL-P-TOLYLSULFONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.90	Diiodomethyl-*p*-tolylsulfone (CAS No. 20018–09–1) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2102. RACEMIC dl-MENTHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.06	Racemic dl-menthol (intermediate (E) for use in producing menthol) (CAS No. 15356–70–4) (provided for in subheading 2906.11.00)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2103. 2,4-DICHLORO-5-HYDRAZINOPHENOLMONOHY- DROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.28	2,4-Dichloro-5-hydrazinophenolmonohydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2104. TAB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.95	Phosphinic acid, [3-(acetyloxy)-3-cyanopropyl]methyl-, butyl ester (CAS No. 167004–78–6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2105. CERTAIN SNOWBOARD BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.64.04	Snowboard boots with uppers of textile materials (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2106. ETHOFUMESATE SINGULARLY OR IN MIXTURE WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.12	2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl-methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225–79–6) (provided for in subheading 2932.99.08 or 3808.30.15)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2107. 3-METHOXYCARBONYLAMINOPHENYL 3′-METHYL-CARBANILATE (PHENMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.13	3-Methoxycarbonylamino-phenyl 3′-methylcarbanilate (phenmedipham) (CAS No. 13684–63–4) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2108. 3-ETHOXYCARBONYL-AMINO-PHENYL-N-PHENYL-CARBAMATE (DESMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.14	3-Ethoxycarbonyl-amino-phenyl-N-phenylcarbamate (desmedipham) (CAS No. 13684–56–5) (provided for in subheading 2924.29.41)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2109. 2-AMINO-4-(4-AMINOBENZOYL AMINO)-BENZENE-SULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.91	2-Amino-4-(4-aminobenzoyl amino)-benzenesulfonic acid, sodium salt (CAS No. 167614–37–1) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2110. 5-AMINO-N-(2-HYDROXYETHYL)-2,3-XYLENESUL- FONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.31	5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide (CAS No. 25797–78–8) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2111. 3-AMINO-2′-(SULFATOETHYLSULFONYL) ETHYL BENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.90	3-Amino-2′-(sulfatoethylsulfonyl) ethyl benzamide (CAS No. 121315–20–6) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2112. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.92	4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt (CAS No. 6671–49–4) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2113. 2-AMINO-5-NITROTHIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.46	2-Amino-5-nitrothiazole (CAS No. 121–66–4) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2114. 4-CHLORO-3-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.04	4-Chloro-3-nitrobenzenesulfonic acid (CAS No. 121–18–6) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2115. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.21	6-Amino-1,3-naphthalenedisulfonic acid (CAS No. 118–33–2) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2116. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.24	4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt (CAS No. 17691–19–9) (provided for in subheading 2904.90.40)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2117. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.23	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.90.20)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2118. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.45	6-Amino-1,3-naphthalenedisulfonic acid, disodium salt (CAS No. 50976–35–7) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2119. 2-AMINO-P-CRESOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.20	2-Amino-p-cresol (CAS No. 95–84–1) (provided for in subheading 2922.29.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2120. 6-BROMO-2,4-DINITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.43	6-Bromo-2,4-dinitroaniline (CAS No. 1817–73–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2121. 7-ACETYLAMINO-4-HYDROXY-2-NAPHTHALENE-SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.29	7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt (CAS No. 42360–29–2) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2122. TANNIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.01	Tannic acid (CAS No. 1401–55–4) (provided for in subheading 3201.90.10)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2123. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.53	2-Amino-5-nitrobenzenesulfonic acid, monosodium salt (CAS No. 30693–53–9) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2124. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOAMMONIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.44	2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt (CAS No. 4346–51–4) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2125. 2-AMINO-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.54	2-Amino-5-nitrobenzenesulfonic acid (CAS No. 96–75–3) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2126. 3-(4,5-DIHYDRO-3-METHYL-5-OXO-1H-PYRAZOL-1-YL)BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.19	3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid (CAS No. 119–17–5) (provided for in subheading 2933.19.43)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2127. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA- LENEDISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.65	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid (CAS No. 117–46–4) (provided for in subheading 2924.29.75)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2128. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA- LENEDISULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.72	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (CAS No. 79873–39–5) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2129. PIGMENT YELLOW 151.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.04	Pigment Yellow 151 (CAS No. 031837–42–0) (provided for in subheading 3204.17.90)	6.4%	No change	No change	On or before 12/31/2001	”.

SEC. 2130. PIGMENT YELLOW 181.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.17	Pigment Yellow 181 (CAS No. 074441–05–7) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2131. PIGMENT YELLOW 154.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.18	Pigment Yellow 154 (CAS No. 068134–22–5) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2132. PIGMENT YELLOW 175.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.19	Pigment Yellow 175 (CAS No. 035636–63–6) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2133. PIGMENT YELLOW 180.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.20	Pigment Yellow 180 (CAS No. 77804–81–0) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2134. PIGMENT YELLOW 191.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.21	Pigment Yellow 191 (CAS No. 129423–54–7) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2135. PIGMENT RED 187.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

“	9902.32.22	Pigment Red 187 (CAS No. 59487–23–9) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2136. PIGMENT RED 247.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.23	Pigment Red 247 (CAS No. 43035-18-3) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2137. PIGMENT ORANGE 72.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.24	Pigment Orange 72 (CAS No. 78245–94–0) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2138. PIGMENT YELLOW 16.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.25	Pigment Yellow 16 (CAS No. 5979–28–2) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2139. PIGMENT RED 185.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

“	9902.32.26	Pigment Red 185 (CAS No. 51920–12–8) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2140. PIGMENT RED 208.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.27	Pigment Red 208 (CAS No. 31778–10–6) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2141. PIGMENT RED 188.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.28	Pigment Red 188 (CAS No. 61847–48–1) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2142. 2,6-DIMETHYL-M-DIOXAN-4-OL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.94	2,6-Dimethyl-m-dioxan-4-ol acetate (CAS No. 000828–00–2) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2143. β-BROMO-β-NITROSTYRENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.92	β-Bromo-β-nitrostyrene (CAS No. 7166–19–0) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2144. TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.43	Ink-jet textile printing machinery (provided for in subheading 8443.51.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2145. DELTAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.18	(S)-α-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (deltamethrin) in bulk or in forms or packings for retail sale (CAS No. 52918–63–5) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2146. DICLOFOP-METHYL.

Heading 9902.30.16 is amended by striking "12/31/98" and inserting "12/31/2001".

SEC. 2147. RESMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.29	([5-(Phenylmethyl)-3-furanyl] methyl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (resmethrin) (CAS No. 10453–86–8) (provided for in subheading 2932.19.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2148. N-PHENYL-N'-1,2,3-THIADIAZOL-5-YLUREA.

(a) IN GENERAL.—Heading 9902.30.17 is amended by striking "12/31/98" and inserting "12/31/2001".

(b) CONFORMING AMENDMENT.—

Heading 9902.30.17 is amended by striking the chemical number and inserting the following: "N-Phenyl-N' -1,2,3-thiadiazol-5-ylurea".

SEC. 2149. (1R,3S)3[(1'RS)(1',2',2',2',-TETRABROMOETHYL)]-2,2-DIMETHYLCYCLOPROPANECARBOXYLIC ACID, (S)-α-CYANO-3-PHENOXYBENZYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.19	(1R,3S)3[(1'RS)(1',2',2',2',-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid (S)-α-cyano-3-phenoxybenzyl ester in bulk or in forms or packages for retail sale (CAS No. 66841–25–6) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2150. PIGMENT YELLOW 109.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.00	Pigment Yellow 109 (CAS No. 106276–79–3) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2151. PIGMENT YELLOW 110.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.05	Pigment Yellow 110 (CAS No. 106276–80–6) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2152. PIGMENT RED 177.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.58	Pigment Red 177 (CAS No. 4051–63–2) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2153. TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.20	Textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2154. SUBSTRATES OF SYNTHETIC QUARTZ OR SYNTHETIC FUSED SILICA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.70.06	Substrates of synthetic quartz or synthetic fused silica imported in bulk or in forms or packages for retail sale (provided for in subheading 7006.00.40)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2155. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.14	2-Methyl-4,6- bis[(octylthio)methyl] phenol (CAS No. 110553-27-0) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2156. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL; EPOXIDIZED TRIGLYCERIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.12	2-Methyl-4,6- bis[(octylthio) methyl]phenol; epoxidized triglyceride (provided for in subheading 3812.30.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2157. 4-[[4,6-BIS(OCTYLTHIO)-1,3,5-TRIAZIN-2-YL]AMINO] -2,6-BIS(1,1-DIMETHYLETHYL)PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.30	4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol (CAS No. 991-84-4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2158. (2-BENZOTHIAZOLYLTHIO)BUTANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.31	(2-Benzothiazolylthio)butane-dioic acid (CAS No. 95154-01-1) (provided for in subheading 2934.20.40)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2159. CALCIUM BIS[MONOETHYL (3,5-DI-TERT-BUTYL-4-HYDROXYBENZYL) PHOSPHONATE].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.16	Calcium bis[monoethyl (3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate] (CAS No. 65140-91-2) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2160. 4-METHYL-γ-OXO-BENZENEBUTANOIC ACID COMPD. WITH 4-ETHYLMORPHOLINE (2:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.26	4-Methyl-γ-oxo-benzenebutanoic acid compd. with 4-ethylmorpholine (2:1) (CAS No. 171054-89-0) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2161. WEAVING MACHINES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.46	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m (provided for in subheading 8446.30.50), entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams	3.5%	No change	No change	On or before 12/31/98	”.

(b) ADJUSTMENT AFTER 1998.—Heading 9902.84.46, as added by subsection (a), is amended—

(1) by striking “3.5%” and inserting “3.3%”; and

(2) by striking “12/31/98” and inserting “12/31/2001”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act and before January 1, 1999.

(2) RATE ADJUSTMENT.—The amendment made by subsection (b) applies to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 1999.

SEC. 2162. TEXTILE DOUBLING OR TWISTING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.45	Textile doubling or twisting machines (provided for in subheading 8445.30.00)	Free	No change	No change	On or before 12/31/98	”.

SEC. 2163. CERTAIN WEAVING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.10	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9m (provided for in subheading 8446.21.50), if entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames or beams	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2164. DEMT.

Heading 9902.32.12 is amended by striking “12/31/98” and inserting “12/31/2001”.

SEC. 2165. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.57	Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80–54–6) (provided for in subheading 2912.29.60)	6%	No change	No change	On or before 12/31/2001	”.

SEC. 2166. 2H-3,1-BENZOXAZIN-2-ONE, 6-CHLORO-4-(CYCLO-PROPYLETHYNYL)-1,4-DIHYDRO-4-(TRIFLUOROMETHYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.56	2H-3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)- (CAS No. 154598–52–4) (provided for in subheading 2934.90.30)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2167. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.32	N-tert-Butyl-N'-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410-23-8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2168. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.36	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (Halofenozide) (CAS No. 112226-61-6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2169. CERTAIN ORGANIC PIGMENTS AND DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.07	Organic luminescent pigments and dyes for security applications excluding daylight fluorescent pigments and dyes (provided for in subheading 3204.90.00)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2170. 4-HEXYLRESORCINOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.07	4-Hexylresorcinol (CAS No. 136–77–6) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2171. CERTAIN SENSITIZING DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.37	Polymethine photo-sensitizing dyes (provided for in subheadings 2933.19.30, 2933.19.90, 2933.90.24, 2934.10.90, 2934.20.40, 2934.90.20, and 2934.90.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2172. SKATING BOOTS FOR USE IN THE MANUFACTURE OF IN-LINE ROLLER SKATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.64.05	Boots for use in the manufacture of in-line roller skates (provided for in subheadings 6402.19.90, 6403.19.40, 6403.19.70, and 6404.11.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2173. DIBUTYLNAPHTHALENESULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.34.02	Surface active preparation containing 30 percent or more by weight of dibutylnaphthalenesulfonic acid, sodium salt (CAS No. 25638–17–9) (provided for in subheading 3402.90.30)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2174. O-(6-CHLORO-3-PHENYL-4-PYRIDAZINYL)-S-OCTYL-CARBONOTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.08	O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate (CAS No. 55512–33–9) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2175. 4-CYCLOPROPYL-6-METHYL-2-PHENYLAMINOPY-RIMIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.50	4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine (CAS No. 121552–61–2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2176. O,O-DIMETHYL-S-[5-METHOXY-2-OXO-1,3,4-THIADI-AZOL-3(2H)-YL-METHYL]-DITHIOPHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.51	O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]-dithiophosphate (CAS No. 950–37–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2177. ETHYL [2-(4-PHENOXYPHENOXY) ETHYL] CARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.52	Ethyl [2-(4-phenoxyphenoxy) ethyl] carbamate (CAS No. 79127–80–3) (provided for in subheading 2924.10.80)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2178. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-CHLORO-PHENOXY)-2-CHLOROPHENYL]-4-METHYL-1,3-DIOXOLAN-2-YL-METHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.74	[(2S,4R)/(2R,4S)]/[(2R,4R)/ (2S,4S)]-1-[2-[4-(4-Chloro- phenoxy)-2-chlorophenyl]-4- methyl-1,3-dioxolan-2-yl- methyl]-1H-1,2,4-triazole (CAS No. 119446-68-3) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2179. 2,4-DICHLORO-3,5-DINITROBENZOTRIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.12	2,4-Dichloro-3,5-dinitrobenzotrifluoride (CAS No. 29091–09–6) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2180. 2-CHLORO-N-[2,6-DINITRO-4-(TRIFLUOROMETHYL) PHENYL]-N-ETHYL-6-FLUOROBENZENEMETHANAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.15	2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl) phenyl]-N-ethyl-6-fluorobenzenemethanamine (CAS No. 62924–70–3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2181. CHLOROACETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.11	Chloroacetone (CAS No. 78–95–5) (provided for in subheading 2914.19.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2182. ACETIC ACID, [(5-CHLORO-8-QUINOLINYL)OXY]-, 1-METHYLHEXYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.60	Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607–70–2) (provided for in subheading 2933.40.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2183. PROPANOIC ACID, 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]PHENOXY]-, 2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.19	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2184. MUCOCHLORIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.18	Mucochloric acid (CAS No. 87–56–9) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2185. CERTAIN ROCKET ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.12	Dual thrust chamber rocket engines each having a maximum static sea level thrust exceeding 3,550 kN and nozzle exit diameter exceeding 127 cm (provided for in subheading 8412.10.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2186. PIGMENT RED 144.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.11	Pigment Red 144 (CAS No. 5280–78–4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2187. PIGMENT ORANGE 64.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.09	Pigment Orange 64 (CAS No. 72102–84–2) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2188. PIGMENT YELLOW 95.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.08	Pigment Yellow 95 (CAS No. 5280–80–8) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2189. PIGMENT YELLOW 93.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.13	Pigment Yellow 93 (CAS No. 5580–57–4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2190. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B] [1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID, DIETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.33	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b] [1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid, diethyl ester (CAS No. 177575–19–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2191. 4-CHLOROPYRIDINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.34	4-Chloropyridine hydrochloride (CAS No. 7379–35–3) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2192. 4-PHENOXYPYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.35	4-Phenoxypyridine (CAS No. 4783–86–2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2193. (3S)-2,2-DIMETHYL-3-THIOMORPHOLINE CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.36	(3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 84915–43–5) (provided for in subheading 2934.90.90)	Free	No Change	No Change	On or before 12/31/2001	".

SEC. 2194. 2-AMINO-5-BROMO-6-METHYL-4(1H)-QUINAZOLI-NONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.37	2-Amino-5-bromo-6-methyl-4(1H)-quinazolinone (CAS No. 147149–89–1) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/2001	".

SEC. 2195. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4(1H)-QUINAZOLINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.38	2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone (CAS No. 147149–76–6) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/2001	".

SEC. 2196. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B][1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.39	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid (CAS No. 177575–17–6) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2197. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4(1H)-QUINAZOLINONE DIHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.40	2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone dihydrochloride (CAS No. 152946–68–4) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2198. 3-(ACETYLOXY)-2-METHYLBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.41	3-(Acetyloxy)-2-methylbenzoic acid (CAS No. 168899–58–9) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2199. [R-(R*,R*)]-1,2,3,4-BUTANETETROL-1,4-DIMETH- ANESULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.42	[R-(R*,R*)]-1,2,3,4-Butanetetrol-1,4-dimethanesulfonate (CAS No. 1947–62–2) (provided for in subheading 2905.49.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2200. 9-[2-[[BIS [(PIVALOYLOXY)-METHOXY] PHOS- PHINYL]METHOXY] ETHYL]ADENINE (ALSO KNOWN AS ADEFOVIR DIPIVOXIL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.01	9-[2-[[Bis [(pivaloyloxy)-methoxy] phosphinyl]- methoxy] ethyl]adenine (also known as Adefovir Dipivoxil) (CAS No. 142340–99–6) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2201. 9-[2-(R)-[[BIS[(ISOPROPOXY-CARBONYL)OXY- METHOXY]-PHOSPHINOYL]METHOXY]-PROPYL]- ADENINE FUMARATE (1:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.02	9-[2-(R)-[[Bis[(isopropoxy-carbonyl)oxymethoxy]-phosphinoyl]methoxy]- propyl]adenine fumarate (1:1) (CAS No. 202138-50-9) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2202. (R)-9-(2-PHOSPHONO-METHOXYPROPYL)ADE- NINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.03	(R)-9-(2-Phosphono- methoxypropyl)adenine (CAS No. 147127–20–6) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2203. (R)-1,3-DIOXOLAN-2-ONE, 4-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.04	(R)-1,3-Dioxolan-2-one, 4-methyl- (CAS No. 16606–55–6) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2204. 9-(2-HYDROXYETHYL)ADENINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.05	9-(2-Hydroxyethyl)adenine (CAS No. 707–99–3) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2205. (R)-9H-PURINE-9-ETHANOL, 6-AMINO-α-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.06	(R)-9H-Purine-9-ethanol, 6-amino-α-methyl- (CAS No. 14047–28–0) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2206. CHLOROMETHYL-2-PROPYL CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.07	Chloromethyl-2-propyl carbonate (CAS No. 35180–01–9) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2207. (R)-1,2-PROPANEDIOL, 3-CHLORO-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.08	(R)-1,2-Propanediol, 3-chloro- (CAS No. 57090–45–6) (provided for in subheading 2905.50.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2208. OXIRANE, (S)-((TRIPHENYLMETHOXY)METHYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.09	Oxirane, (S)-((triphenylmethoxy)methyl)- (CAS No. 129940–50–7) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2209. CHLOROMETHYL PIVALATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.10	Chloromethyl pivalate (CAS No. 18997–19–8) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2210. DIETHYL (((P-TOLUENESULFONYL)OXY)-METHYL)PHOSPHONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.11	Diethyl (((p-toluenesulfonyl)oxy)- methyl)phosphonate (CAS No. 31618–90–3) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2211. (R)-9-(2-HYDROXYPROPYL)ADENINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.14	(R)-9-(2-Hydroxypropyl)adenine (CAS No. 14047–28–0) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2212. BETA HYDROXYALKYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.25	N,N,N',N'-Tetrakis-(2-hydroxyethyl)-hexane diamide (beta hydroxyalkylamide) (CAS No. 6334–25–4) (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2213. GRILAMID TR90.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.12	Dodecanedioic acid, polymer with 4,4^{1}-methylenebis (2-methylcyclohexanamine) (CAS No. 163800–66–6) (provided for in subheading 3908.90.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2214. IN-W4280.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.51	2,4-Dichloro-5-hydroxy-phenylhydrazine (CAS No. 39807–21–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2215. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.54	Methyl 4-trifluoromethoxyphenyl-N- (chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2216. METHYL THIOGLYCOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.55	Methyl thioglycolate (CAS No. 2365-48-2) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2217. DPX-E6758.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.59	Phenyl (4, 6-dimethoxy-pyrimidin-2-yl) carbamate (CAS No. 89392-03-0) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2218. ETHYLENE, TETRAFLUORO COPOLYMER WITH ETHYLENE (ETFE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.68	Ethylene-tetrafluoro ethylene copolymer (ETFE) (provided for in subheading 3904.69.50)	3.3%	No change	No change	On or before 12/31/2001	".

SEC. 2219. 3-MERCAPTO-D-VALINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.66	3-Mercapto-D-valine (CAS No. 52-67-5) (provided for in subheading 2930.90.45)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2220. P-ETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.21	p-Ethylphenol (CAS No. 123-07-9) (provided for in subheading 2907.19.20)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2221. PANTERA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.09	(+/−)- Tetrahydrofurfuryl (R)-2-[4-(6-chloroquinoxalin-2-yloxy) phenoxy] propanoate (CAS No. 119738-06-6) (provided for in subheading 2909.30.40) and any mixtures containing such compound (provided for in subheading 3808.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2222. P-NITROBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.70	p-Nitrobenzoic acid (CAS No. 62-23-7) (provided for in subheading 2916.39.45)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2223. P-TOLUENESULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.95	p-Toluenesulfonamide (CAS No. 70-55-3) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2224. POLYMERS OF TETRAFLUOROETHYLENE, HEXAFLUOROPROPYLENE, AND VINYLIDENE FLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.04	Polymers of tetrafluoroethylene (provided for in subheading 3904.61.00), hexafluoropropylene and vinylidene fluoride (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2225. METHYL 2-[[[[4-(DIMETHYLAMINO)-6-(2,2,2- TRI- FLUOROETHOXY)-1,3,5-TRIAZIN-2-YL]- AMINO]- CARBONYL]AMINO]SULFONYL]-3-METHYL- BENZOATE (TRIFLUSULFURON METHYL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.11	Methyl 2-[[[[[4- (dimethylamino)-6-(2,2,2- trifluoroethoxy)- 1,3,5-triazin-2-yl]- amino]carbonyl]- amino]sulfonyl]-3-methylbenzoate (triflusulfuron methyl) in mixture with application adjuvants. (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2226. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.84.79	Calendaring or other rolling machines for rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8420.10.90, 8420.91.90 or 8420.99.90) and material holding devices or similar attachments thereto	Free	No change	No change	On or before 12/31/2001	
	9902.84.81	Shearing machines to be used to cut metallic tissue for use in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or subheading 8466.94.85)	Free	No change	No change	On or before 12/31/2001	
	9902.84.83	Machine tools for working wire of iron or steel to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2001	
	9902.84.85	Extruders to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2001	
	9902.84.87	Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2001	
	9902.84.89	Sector mold press machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or subheading 8477.90.85)	Free	No change	No change	On or before 12/31/2001	
	9902.84.91	Sawing machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or subheading 8466.92.50)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2227. TEXTURED ROLLED GLASS SHEETS.

Heading 9902.70.03 is amended by striking “12/31/98” and inserting “12/31/2001”.

SEC. 2228. CERTAIN HIV DRUG SUBSTANCES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.32.43	(S)-N-tert-butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide hydrochloride salt (CAS No. 149057–17–0)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99
	9902.32.44	(S)-N-tert-butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide sulfate salt (CAS No. 186537–30–4)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99

9902.32.45	(3S)-1,2,3,4-tetrahydroisoquinoline-3-carboxylic acid (CAS No. 74163-81-8)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99	".

SEC. 2229. RIMSULFURON.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.60	N-[[(4,6-Dimethoxy-2-pyrimidinyl)amino] carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 122931-48-0) (provided for in subheading 2935.00.75)	8%	No change	No change	On or before 12/31/98	".

(b) RATE ADJUSTMENTS.—

(1) RATE FOR 1999.—Heading 9902.33.60, as added by subsection (a), is amended—

(A) by striking "8%" and inserting "7.3%"; and

(B) by striking "12/31/98" and inserting "12/31/99".

(2) RATE FOR 2000.—Heading 9902.33.60, as added by subsection (a), is amended—

(A) by striking "7.3%" and inserting "Free"; and

(B) by striking "12/31/99" and inserting "12/31/2000".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

(2) ADJUSTMENTS.—

(A) RATE FOR 1999.—The amendments made by subsection (b)(1) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1998.

(B) RATE FOR 2000.—The amendments made by subsection (b)(2) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2230. CARBAMIC ACID (V-9069).

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.61	((3-((Dimethylamino)carbonyl)-2-pyridinyl)sulfonyl) carbamic acid, phenyl ester (CAS No. 112006-94-7) (provided for in subheading 2935.00.75)	9%	No change	No change	On or before 12/31/98	".

(b) RATE ADJUSTMENTS.—

(1) RATE FOR 1999.—Heading 9902.33.61, as added by subsection (a), is amended—

(A) by striking "9%" and inserting "8.3%"; and

(B) by striking "12/31/98" and inserting "12/31/99".

(2) RATE FOR 2000.—Heading 9902.33.61, as added by subsection (a), is amended—

(A) by striking "8.3%" and inserting "7.6%"; and

(B) by striking "12/31/99" and inserting "12/31/2000".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

(2) ADJUSTMENTS.—

(A) RATE FOR 1999.—The amendments made by subsection (b)(1) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1998.

(B) RATE FOR 2000.—The amendments made by subsection (b)(2) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2231. DPX-E9260.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.63	3-(Ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671-01-9) (provided for in subheading 2935.00.75)	6%	No change	No change	On or before 12/31/99	".

(b) RATE ADJUSTMENT.—Heading 9902.33.63, as added by subsection (a), is amended—

(1) by striking "6%" and inserting "5.3%"; and

(2) by striking "12/31/99" and inserting "12/31/2000".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

(2) ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2232. ZIRAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.28	Ziram (provided for in subheading 3808.20.28)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2233. FERROBORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.72.02	Ferroboron to be used for manufacturing amorphous metal strip (provided for in subheading 7202.99.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2234. ACETIC ACID, [[2-CHLORO-4-FLUORO-5-[(TETRA- HYDRO-3-OXO-1H,3H-[1,3,4] THIADIAZOLO[3,4-A]PYRIDAZIN-1-YLIDENE)AMINO]PHENYL]- THIO]-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.65	Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4] thiadiazolo- [3,4-A]pyridazin-1-ylidene)amino]phenyl]thio]-, methyl ester (CAS No. 117337–19–6) (provided for in subheading 2934.90.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2235. PENTYL[2-CHLORO-5-(CYCLOHEX-1-ENE-1,2-DI- CARBOXIMIDO)-4-FLUOROPHENOXY]ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.66	Pentyl[2-chloro-5- (cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (CAS No.87546-18-7) (provided for in subheading 2925.19.40)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2236. BENTAZON (3-ISOPROPYL)-1H-2,1,3-BENZO-THIADIAZIN-4(3H)-ONE-2,2-DIOXIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.67	Bentazon (3-Isopropyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide) (CAS No. 50723–80–3) (provided for in subheading 2934.90.11)	5.0%	No change	No change	On or before 12/31/2001	".

SEC. 2237. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS NOT MOUNTED IN THEIR ENCLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.20	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2001	".

SEC. 2238. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.21	Parts for use in the manufacture of loudspeakers of a type described in subheading 9902.85.20 (provided for in subheading 8518.90.80)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2239. 5-TERTIARY BUTYL-ISOPHTHALIC ACID.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.12	5-tertiary butyl-isophthalic acid (CAS No. 2359–09–3) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2240. CERTAIN POLYMER.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.07	A polymer of the following monomers: 1,4-benzenedicarboxylic acid, dimethyl ester (dimethyl terephthalate) (CAS No. 120-61-6); 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt (sodium dimethyl sulfoisophthalate) (CAS No. 3965-55-7); 1,2-ethanediol (ethylene glycol) (CAS No. 107-21-1); and 1,2-propanediol (propylene glycol) (CAS No. 57-55-6); with terminal units from 2-(2-hydroxyethoxy) ethanesulfonic acid, sodium salt (CAS No. 53211-00-0) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2241. 2, (4-CHLOROPHENOL)-3-ETHYL-2, 5-DIHYDRO-5-OXO-4-PYRIDAZINE CARBOXYLIC ACID, POTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.16	2, (4-chlorophenol)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt (CAS No. 82697–71–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2001	".

CHAPTER 3—EFFECTIVE DATE

SEC. 2301. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, the amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

Subtitle B—Other Trade Provisions

SEC. 2401. EXTENSION OF UNITED STATES INSULAR POSSESSION PROGRAM.

(a) IN GENERAL.—The additional U.S. notes to chapter 71 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following new note:

"3.(a) Notwithstanding any provision in additional U.S. note 5 to chapter 91, any article of jewelry provided for in heading 7113 which is the product of the Virgin Islands, Guam, or American Samoa (including any such article which contains any foreign component) shall be eligible for the benefits provided in paragraph (h) of additional U.S. note 5 to chapter 91, subject to the provisions and limitations of that note and of paragraphs (b), (c), and (d) of this note.

"(b) Nothing in this note shall result in an increase or a decrease in the aggregate amount referred to in paragraph (h)(iii) of, or the quantitative limitation otherwise established pursuant to the requirements of, additional U.S. note 5 to chapter 91.

"(c) Nothing in this note shall be construed to permit a reduction in the amount available to watch producers under paragraph (h)(iv) of additional U.S. note 5 to chapter 91.

"(d) The Secretary of Commerce and the Secretary of the Interior shall issue such regulations, not inconsistent with the provisions of this note and additional U.S. note 5 to chapter 91, as the Secretaries determine necessary to carry out their respective duties under this note. Such regulations shall not be inconsistent with substantial transformation requirements but may define the circumstances under which articles of jewelry shall be deemed to be 'units' for purposes of the benefits, provisions, and limitations of additional U.S. note 5 to chapter 91.

"(e) Notwithstanding any other provision of law, during the 2-year period beginning on January 1, 1999, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule.".

(b) CONFORMING AMENDMENT.—General Note 3(a)(iv)(A) of the Harmonized Tariff Schedule of the United States is amended by inserting "and additional U.S. note 3(e) of chapter 71," after "Tax Reform Act of 1986,".

(c) EFFECTIVE DATE.—The amendments made by this section take effect January 1, 1999.

SEC. 2402. TARIFF TREATMENT FOR CERTAIN COMPONENTS OF SCIENTIFIC INSTRUMENTS AND APPARATUS.

(a) IN GENERAL.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended in subdivision (a) by adding at the end the following new sentence: "The term 'instruments and apparatus' under subheading 9810.00.60 includes separable components of an instrument or apparatus listed in this subdivision that are imported for assembly in the United States in such instrument or apparatus where the instrument or apparatus, due to its size, cannot be feasibly imported in its assembled state.".

(b) APPLICATION OF DOMESTIC EQUIVALENCY TEST TO COMPONENTS.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating subdivisions (d) through (f) as subdivisions (e) through (g), respectively; and

(2) by inserting after subdivision (c) the following:

"(d)(i) If the Secretary of Commerce determines under this U.S. note that an instrument or apparatus is being manufactured in the United States that is of equivalent scientific value to a foreign-origin instrument or apparatus for which application is made (but which, due to its size, cannot be feasibly imported in its assembled state), the Secretary shall report the findings to the Secretary of the Treasury and to the applicant institution, and all components of such foreign-origin instrument or apparatus shall remain dutiable.

"(ii) If the Secretary of Commerce determines that the instrument or apparatus for which application is made is not being manufactured in the United States, the Secretary is authorized to determine further whether any component of such instrument or apparatus of a type that may be purchased, obtained, or imported separately is being manufactured in the United States and shall report the findings to the Secretary of the Treasury and to the applicant institution, and any component found to be domestically available shall remain dutiable.

"(iii) Any decision by the Secretary of the Treasury which allows for duty-free entry of a component of an instrument or apparatus which, due to its size cannot be feasibly imported in its assembled state, shall be effective for a specified maximum period, to be determined in consultation with the Secretary of Commerce, taking into account both the scientific needs of the importing institution and the potential for development of comparable domestic manufacturing capacity.".

(c) MODIFICATIONS OF REGULATIONS.—The Secretary of the Treasury and the Secretary of Commerce shall make such modifications to their joint regulations as are necessary to carry out the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 120 days after the date of the enactment of this Act.

SEC. 2403. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at Los Angeles, California, and New Orleans, Louisiana, which are listed in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce for shipments entered between October 1, 1984, and December 14, 1987 (case number A–274–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
322 00298563	12/11/86	Los Angeles, California
0322 00300567	12/11/86	Los Angeles, California
86–2909242	9/2/86	New Orleans, Louisiana
87–05457388	1/9/87	New Orleans, Louisiana

SEC. 2404. DRAWBACK AND REFUND ON PACKAGING MATERIAL.

(a) IN GENERAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is further amended—

(1) by striking "Packaging material" and inserting the following:

"(1) IN GENERAL.—Packaging material"; and

(2) by adding at the end the following:

"(2) ADDITIONAL ELIGIBILITY.—Packaging material produced in the United States, which is used by the manufacturer or any other person on or for articles which are exported or destroyed under subsection (a) or (b), shall be eligible under such subsection for refund, as drawback, of 99 percent of any duty, tax, or fee imposed on the importation of such material used to manufacture or produce the packaging material.".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2405. INCLUSION OF COMMERCIAL IMPORTATION DATA FROM FOREIGN-TRADE ZONES UNDER THE NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

"(c) FOREIGN-TRADE ZONES.—Not later than January 1, 2000, the Secretary shall provide for the inclusion of commercial importation data from foreign-trade zones under the Program.".

SEC. 2406. LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended by inserting after section 484a the following:

"SEC. 484b. DEFERRAL OF DUTY ON LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, any vessel meeting the definition of a large yacht as provided in subsection (b) and which is otherwise dutiable may be imported without the payment of duty if imported with the intention to offer for sale at a boat show in the United States. Payment of duty shall be deferred, in accordance with this section, until such large yacht is sold.

"(b) DEFINITION.—As used in this section, the term 'large yacht' means a vessel that exceeds 79 feet in length, is used primarily for recreation or pleasure, and has been previously sold by a manufacturer or dealer to a retail consumer.

"(c) DEFERRAL OF DUTY.—At the time of importation of any large yacht, if such large yacht is imported for sale at a boat show in the United States and is otherwise dutiable, duties shall not be assessed and collected if the importer of record—

"(1) certifies to the Customs Service that the large yacht is imported pursuant to this section for sale at a boat show in the United States; and

"(2) posts a bond, which shall have a duration of 6 months after the date of importation, in an amount equal to twice the amount of duty on the large yacht that would otherwise be imposed under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States.

"(d) PROCEDURES UPON SALE.—

"(1) DEPOSIT OF DUTY.—If any large yacht (which has been imported for sale at a boat show in the United States with the deferral of duties as provided in this section) is sold within the 6-month period after importation—

"(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

"(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

"(e) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

"(1) IN GENERAL.—If the large yacht entered with deferral of duties is neither sold nor exported within the 6-month period after importation—

"(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

"(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

"(2) ADDITIONAL REQUIREMENTS.—No extensions of the bond period shall be allowed. Any large yacht exported in compliance with the bond period may not be reentered for purposes of sale at a boat show in the United States (in order to receive duty deferral benefits) for a period of 3 months after such exportation.

"(f) REGULATIONS.—The Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any large yacht imported into the United States after the date that is 15 days after the date of the enactment of this Act.

SEC. 2407. REVIEW OF PROTESTS AGAINST DECISIONS OF CUSTOMS SERVICE.

Section 515(a) of the Tariff Act of 1930 (19 U.S.C. 1515(a)) is amended by inserting after the third sentence the following: "Within 30 days from the date an application for further review is filed, the appropriate customs officer shall allow or deny the application and, if allowed, the protest shall be forwarded to the customs officer who will be conducting the further review.".

SEC. 2408. ENTRIES OF NAFTA-ORIGIN GOODS.

(a) REFUND OF MERCHANDISE PROCESSING FEES.—Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1) by inserting "(including any merchandise processing fees)" after "excess duties".

(b) PROTEST AGAINST DECISION OF CUSTOMS SERVICE RELATING TO NAFTA CLAIMS.—Section 514(a)(7) of such Act (19 U.S.C. 1514(a)(7)) is amended by striking "section 520(c)" and inserting "subsection (c) or (d) of section 520".

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2409. TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE HELD AT CUSTOMS-APPROVED STORAGE ROOMS.

Section 557(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1557(a)(1)) is amended in the first sentence by inserting "(including international travel merchandise)" after "Any merchandise subject to duty".

SEC. 2410. EXCEPTION TO 5-YEAR REVIEWS OF COUNTERVAILING DUTY OR ANTIDUMPING DUTY ORDERS.

Section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) is amended by adding at the end the following:

"(7) EXCLUSIONS FROM COMPUTATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), there shall be excluded from the computation of the 5-year period described in paragraph (1) and the periods described in paragraph (6) any period during which the importation of the subject merchandise is prohibited on account of the imposition, under the International Emergency Economic Powers Act or other provision of law, of sanctions by the United States against the country in which the subject merchandise originates.

"(B) APPLICATION OF EXCLUSION.—Subparagraph (A) shall apply only with respect to subject merchandise which originates in a country that is not a WTO member.".

SEC. 2411. WATER RESISTANT WOOL TROUSERS.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service within 180 days after the date of enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) that was made after December 31, 1988, and before January 1, 1995; and

(2) that would have been classifiable under subheading 6203.41.05 or 6204.61.10 of the Harmonized Tariff Schedule of the United States and would have had a lower rate of duty, if such entry or withdrawal had been made on January 1, 1995,

shall be liquidated or reliquidated as if such entry or withdrawal had been made on January 1, 1995.

SEC. 2412. REIMPORTATION OF CERTAIN GOODS.

(a) IN GENERAL.—Subchapter I of chapter 98 is amended by inserting in numerical sequence the following new heading:

"	9801.00.26	Articles, previously imported, with respect to which the duty was paid upon such previous importation, if (1) exported within 3 years after the date of such previous importation, (2) sold for exportation and exported to individuals for personal use, (3) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, (4) reimported as personal returns from those individuals, whether or not consolidated with other personal returns prior to reimportation, and (5) reimported by or for the account of the person who exported them from the United States within 1 year of such exportation	Free		Free	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods described in heading 9801.00.26 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that are reimported into the United States on or after the date that is 15 days after the date of enactment of this Act.

SEC. 2413. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.98.08	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1999 International Special Olympics, the 1999 Women's World Cup Soccer, the 2001 International Special Olympics, the 2002 Salt Lake City Winter Olympics, and the 2002 Winter Paralympic Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing events by or on behalf of the foregoing persons or the organizing committees of such events; articles to be used in exhibitions depicting the culture of a country participating in any such event; and, if consistent with the foregoing, such other articles as the Secretary of Treasury may allow	Free	No change	Free	On or before 12/31/2002	".

(b) TAXES AND FEES NOT TO APPLY.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) NO EXEMPTION FROM CUSTOMS INSPECTIONS.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.

(d) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse, for consumption on or after October 1, 1998.

SEC. 2414. RELIQUIDATION OF CERTAIN ENTRIES OF THERMAL TRANSFER MULTIFUNCTION MACHINES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.21.00 of the Harmonized Tariff Schedule of the United States (relating to indirect electrostatic copiers) or subheading 9009.12.00 of such Schedule (relating to indirect electrostatic copiers), at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8471.60.65 of the Harmonized Tariff Schedule of the United States (relating to other automated data processing (ADP) thermal transfer printer units) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Liquidation date
01/17/97	112-9638417-3	02/21/97
01/10/97	112-9637684-9	03/07/97
01/03/97	112-9636723-6	04/18/97
01/07/97	112-9637561-9	04/25/97
01/10/97	112-9637686-4	03/07/97
02/21/97	112-9642157-9	09/12/97
02/14/97	112-9641619-9	06/06/97
02/14/97	112-9641693-4	06/06/97
02/21/97	112-9642156-1	09/12/97
02/28/97	112-9643326-9	09/12/97
03/18/97	112-9645336-6	09/19/97
03/21/97	112-9645682-3	09/19/97
03/21/97	112-9645681-5	09/19/97
03/21/97	112-9645698-9	09/19/97
03/14/97	112-9645026-3	09/19/97
03/14/97	112-9645041-2	09/19/97
03/20/97	112-9646075-9	09/19/97
03/14/97	112-9645026-3	09/19/97
04/04/97	112-9647309-1	09/19/97
04/04/97	112-9647312-5	09/19/97
04/04/97	112-9647316-6	09/19/97
04/11/97	112-9300151-5	10/31/97
04/11/97	112-9300287-7	09/26/97
04/11/97	112-9300308-1	02/20/98
04/10/97	112-9300356-0	09/26/97
04/16/97	112-9301387-4	09/25/97
04/22/97	112-9301602-6	09/26/97
04/18/97	112-9301627-3	09/26/97
04/21/97	112-9301615-8	09/26/97
04/25/97	112-9302445-9	10/31/97
04/25/97	112-9302298-2	09/26/97
04/25/97	112-9302205-7	09/26/97
04/04/97	112-9302371-7	09/26/97
05/26/97	112-9305730-1	09/26/97
05/21/97	112-9305527-1	09/26/97
05/30/97	112-9306718-5	09/26/97
05/19/97	112-9304958-9	09/26/97
05/16/97	112-9305030-6	09/26/97
05/07/97	112-9303702-2	09/26/97
05/09/97	112-9303707-1	09/26/97
05/10/97	112-9304256-8	09/26/97
05/31/97	112-9306470-3	09/26/97
05/02/97	112-9302717-1	09/19/97
06/20/97	112-9308793-6	09/26/97
06/18/97	112-9308717-5	09/26/97
06/16/97	112-9308538-5	09/26/97
06/09/97	112-9307568-3	09/26/97
06/06/97	112-9307144-3	09/26/97

SEC. 2415. RELIQUIDATION OF CERTAIN DRAWBACK ENTRIES AND REFUND OF DRAWBACK PAYMENTS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 or any other provision of law, the Customs Service shall, not later than 180 days after the date of enactment of this Act, liquidate or reliquidate the entries described in subsection (b) and any amounts owed by the United States pursuant to the liquidation or reliquidation shall be refunded with interest, subject to the provisions of Treasury Decision 86-126(M) and Customs Service Ruling No. 224697, dated November 17, 1994.

(b) ENTRIES DESCRIBED.—The entries described in this subsection are the following:

Entry number:	Date of entry:
855218319	July 18, 1985
855218429	August 15, 1985
855218649	September 13, 1985
866000134	October 4, 1985
866000257	November 14, 1985
866000299	December 9, 1985
866000451	January 14, 1986
866001052	February 13, 1986
866001133	March 7, 1986
866001269	April 9, 1986
866001366	May 9, 1986
866001463	June 6, 1986
866001573	July 7, 1986
866001586	July 7, 1986
866001599	July 7, 1986
866001913	August 8, 1986
866002255	September 10, 1986
866002297	September 23, 1986
03200000010	October 3, 1986
03200000028	November 13, 1986
03200000036	November 26, 1986.

SEC. 2416. CLARIFICATION OF ADDITIONAL U.S. NOTE 4 TO CHAPTER 91 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

Additional U.S. note 4 of chapter 91 of the Harmonized Tariff Schedule of the United States is amended in the matter preceding subdivision (a), by striking the comma after "stamping" and inserting "(including by means of indelible ink),".

SEC. 2417. DUTY-FREE SALES ENTERPRISES.

Section 555(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(2)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following new subparagraph:

"(C) a port of entry, as established under section 1 of the Act of August 24, 1912 (37 Stat. 434) or 25 statute miles of a staffed port of entry if reasonable assurance can be provided that duty-free merchandise sold by the enterprise will be exported by individuals departing from the customs territory through an international airport located within the customs territory.".

SEC. 2418. CUSTOMS USER FEES.

(a) ADDITIONAL PRECLEARANCE ACTIVITIES.—Section 13031(f)(3)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)(iii)) is amended to read as follows:

"(iii) to the extent funds remain available after making reimbursements under clause (ii), in providing salaries for up to 50 full-time equivalent inspectional positions to provide preclearance services.".

(b) COLLECTION OF FEES FOR PASSENGERS ABOARD COMMERCIAL VESSELS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(1) in subsection (a), by amending paragraph (5) to read as follows:

"(5)(A) Subject to subparagraph (B), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States (other than a place referred to in subsection (b)(1)(A)(i) of this section), $5.

"(B) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i) of this section, $1.75"; and

(2) in subsection (b)(1)(A), by striking "(A) No fee" and inserting "(A) Except as provided in subsection (a)(5)(B) of this section, no fee".

(c) USE OF MERCHANDISE PROCESSING FEES FOR AUTOMATED COMMERCIAL SYSTEMS.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended by adding at the end the following:

"(6) Of the amounts collected in fiscal year 1999 under paragraphs (9) and (10) of subsection (a), $50,000,000 shall be available to the Customs Service, subject to appropriations Acts, for automated commercial systems. Amounts made available under this paragraph shall remain available until expended.".

(d) ADVISORY COMMITTEE.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

"(k) ADVISORY COMMITTEE.—The Commissioner of Customs shall establish an advisory committee whose membership shall consist of representatives from the airline, cruise ship, and other transportation industries who may be subject to fees under subsection (a). The advisory committee shall not be subject to termination under section 14 of the Federal Advisory Committee Act. The advisory committee shall meet on a periodic basis and shall advise the Commissioner on issues related to the performance of the inspectional services of the United States Customs Service. Such advice shall include, but not be limited to, such issues as the time periods during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee. The Commissioner shall give consideration to the views of the advisory committee in the exercise of his or her duties.".

(e) NATIONAL CUSTOMS AUTOMATION TEST REGARDING RECONCILIATION.—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by adding at the end the following: "For the period beginning on October 1, 1998, and ending on the date on which the 'Revised National Customs Automation Test Regarding Reconciliation' of the Customs Service is terminated, or October 1, 2000, whichever occurs earlier, the Secretary may prescribe an alternative mid-point interest accounting methodology, which may be employed by the importer, based upon aggregate data in lieu of accounting for such interest from each deposit data provided in this subsection.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

SEC. 2419. DUTY DRAWBACK FOR METHYL TERTIARY-BUTYL ETHER ("MTBE").

(a) IN GENERAL.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended by striking "and 2902" and inserting "2902, and 2909.19.14".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, and shall apply to drawback claims filed on and after such date.

SEC. 2420. SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.

(a) IN GENERAL.—Section 313(p)(1) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(1)) is amended in the matter following subparagraph (C) by striking "the amount of the duties paid on, or attributable to, such qualified article shall be refunded as drawback to the drawback claimant." and inserting "drawback shall be allowed as described in paragraph (4).".

(b) REQUIREMENTS.—Section 313(p)(2) of such Act (19 U.S.C. 1313(p)(2)) is amended—

(1) in subparagraph (A)—

(A) in clauses (i), (ii), and (iii), by striking "the qualified article" each place it appears and inserting "a qualified article"; and

(B) in clause (iv), by striking "an imported' and inserting "a"; and

(2) in subparagraph (G), by inserting "transferor," after "importer,".

(c) QUALIFIED ARTICLE DEFINED, ETC.—Section 313(p)(3) of such Act (19 U.S.C. 1313(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking "liquids, pastes, powders, granules, and flakes" and inserting "the primary forms provided under Note 6 to chapter 39 of the Harmonized Tariff Schedule of the United States"; and

(B) in clause (ii)—

(i) in subclause (I) by striking "or" at the end;

(ii) in subclause (II) by striking the period and inserting ", or"; and

(iii) by adding after subclause (II) the following:

"(III) an article of the same kind and quality as described in subparagraph (B), or any combination thereof, that is transferred, as so certified in a certificate of delivery or certificate of manufacture and delivery in a quantity not greater than the quantity of articles purchased or exchanged.

The transferred merchandise described in subclause (III), regardless of its origin, so designated on the certificate of delivery or certificate of manufacture and delivery shall be the qualified article for purposes of this section. A party who issues a certificate of delivery, or certificate of manufacture and delivery, shall also certify to the Commissioner of Customs that it has not, and will not, issue such certificates for a quantity greater than the amount eligible for drawback and that appropriate records will be maintained to demonstrate that fact.";

(2) in subparagraph (B), by striking "exported article" and inserting "article, including an imported, manufactured, substituted, or exported article,"; and

(3) in the first sentence of subparagraph (C), by striking "such article." and inserting "either the qualified article or the exported article.".

(d) LIMITATION ON DRAWBACK.—Section 313(p)(4)(B) of such Act (19 U.S.C. 1313(p)(4)(B)) is amended by inserting before the period at the end the following: "had the claim qualified for drawback under subsection (j)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 632(a)(6) of the North American Free Trade Agreement Implementation Act. For purposes of section 632(b) of that Act, the 3-year requirement set forth in section 313(r) of the Tariff Act of 1930 shall not apply to any drawback claim filed within 6 months after the date of the enactment of this Act for which that 3-year period would have expired.

SEC. 2421. DUTY ON CERTAIN IMPORTATIONS OF MUESLIX CEREALS.

(a) BEFORE JANUARY 1, 1996.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1991, and before January 1, 1996, of mueslix cereal, which was classified under the special column rate applicable for Canada in subheading 2008.92.10 of the Harmonized Tariff Schedule of the United States—

(1) shall be liquidated or reliquidated as if the special column rate applicable for Canada in subheading 1904.10.00 of such Schedule applied at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

(b) AFTER DECEMBER 31, 1995.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1995, and before January 1, 1998, of mueslix cereal, which was classified under the special column rate applicable for Canada in subheading 1904.20.10 of the Harmonized Tariff Schedule of the United States—

(1) shall be liquidated or reliquidated as if the special column rate applicable for Canada in subheading 1904.10.00 of such Schedule applied at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

SEC. 2422. EXPANSION OF FOREIGN TRADE ZONE NO. 143.

(a) EXPANSION OF FOREIGN TRADE ZONE.—The Foreign Trade Zones Board shall expand Foreign Trade Zone No. 143 to include areas in the vicinity of the Chico Municipal Airport in accordance with the application submitted by the Sacramento-Yolo Port District of Sacramento, California, to the Board on March 11, 1997.

(b) OTHER REQUIREMENTS NOT AFFECTED.—The expansion of Foreign Trade Zone No. 143 under subsection (a) shall not relieve the Port of Sacramento of any requirement under the Foreign Trade Zones Act, or under regulations of the Foreign Trade Zones Board, relating to such expansion.

SEC. 2423. MARKING OF CERTAIN SILK PRODUCTS AND CONTAINERS.

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (h), (i), (j), and (k) as subsections (i), (j), (k), and (l), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h) MARKING OF CERTAIN SILK PRODUCTS.—The marking requirements of subsections (a) and (b) shall not apply either to—

"(1) articles provided for in subheading 6214.10.10 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1997; or

"(2) goods provided for in heading 5007 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1997.".

(b) CONFORMING AMENDMENT.—Section 304(j) of such Act, as redesignated by subsection (a)(1) of this section, is amended by striking "subsection (h)" and inserting "subsection (i)".

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

SEC. 2424. EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF MONGOLIA.

(a) FINDINGS.—The Congress finds that Mongolia—

(1) has received normal trade relations treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974;

(2) has emerged from nearly 70 years of communism and dependence on the former Soviet Union, approving a new constitution in 1992 which has established a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and an independent judiciary;

(3) has held 4 national elections under the new constitution, 2 presidential and 2 parliamentary, thereby solidifying the nation's transition to democracy;

(4) has undertaken significant market-based economic reforms, including privatization, the reduction of government subsidies, the elimination of most price controls and virtually all import tariffs, and the closing of insolvent banks;

(5) has concluded a bilateral trade treaty with the United States in 1991, and a bilateral investment treaty in 1994;

(6) has acceded to the Agreement Establishing the World Trade Organization, and extension of unconditional normal trade relations treatment to the products of Mongolia would enable the United States to avail itself of all rights under the World Trade Organization with respect to Mongolia; and

(7) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO MONGOLIA.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Mongolia; and

(B) after making a determination under subparagraph (A) with respect to Mongolia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Mongolia, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 2425. ENHANCED CARGO INSPECTION PILOT PROGRAM.

(a) IN GENERAL.—The Commissioner of the Customs Service is authorized to establish a 1-year pilot program for fiscal year 1999 to provide 24-hour cargo inspection service on a fee-for-service basis at an international airport described in subsection (b). The Commissioner may extend the pilot program for fiscal years after fiscal year 1999 if the Commissioner determines that the extension is warranted.

(b) AIRPORT DESCRIBED.—The international airport described in this subsection is a multi-modal international airport that—

(1) is located adjacent to a seaport; and

(2) serviced more than 185,000 tons of air cargo in 1997.

SEC. 2426. PAYMENT OF EDUCATION COSTS OF DEPENDENTS OF CERTAIN CUSTOMS SERVICE PERSONNEL.

Notwithstanding section 2164 of title 10, United States Code, the Department of Defense shall permit the dependent children of deceased United States Customs Aviation Group Supervisor Pedro J. Rodriquez attending the Antilles Consolidated School System at Ford Buchanan, Puerto Rico, to complete their primary and secondary education at this school system without cost to such children or any parent, relative, or guardian of such children. The United States Customs Service shall reimburse the Department of Defense for reasonable education expenses to cover these costs.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 3001. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.

(a) REPEAL OF PROPERTY SUBJECT TO A LIABILITY TEST.—

(1) SECTION 357.—Section 357(a)(2) of the Internal Revenue Code of 1986 (relating to assumption of liability) is amended by striking ", or acquires from the taxpayer property subject to a liability".

(2) SECTION 358.—Section 358(d)(1) of such Code (relating to assumption of liability) is amended by striking "or acquired from the taxpayer property subject to a liability".

(3) SECTION 368.—

(A) Section 368(a)(1)(C) of such Code is amended by striking ", or the fact that property acquired is subject to a liability,".

(B) The last sentence of section 368(a)(2)(B) of such Code is amended by striking ", and the amount of any liability to which any property acquired from the acquiring corporation is subject,".

(b) CLARIFICATION OF ASSUMPTION OF LIABILITY.—

(1) IN GENERAL.—Section 357 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—

"(1) IN GENERAL.—For purposes of this section, section 358(d), section 362(d), section 368(a)(1)(C), and section 368(a)(2)(B), except as provided in regulations—

"(A) a recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to, satisfy such liability (or portion), whether or not the transferor has been relieved of such liability; and

"(B) except to the extent provided in paragraph (2), a nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

"(2) EXCEPTION FOR NONRECOURSE LIABILITY.—The amount of the nonrecourse liability treated as described in paragraph (1)(B) shall be reduced by the lesser of—

"(A) the amount of such liability which an owner of other assets not transferred to the transferee and also subject to such liability has agreed with the transferee to, and is expected to, satisfy, or

"(B) the fair market value of such other assets (determined without regard to section 7701(g)).

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title."

(2) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—Section 362 of such Code is amended by adding at the end the following new subsection:

"(d) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—

"(1) IN GENERAL.—In no event shall the basis of any property be increased under subsection (a) or (b) above the fair market value of such property (determined without regard to section 7701(g)) by reason of any gain recognized to the transferor as a result of the assumption of a liability.

"(2) TREATMENT OF GAIN NOT SUBJECT TO TAX.—Except as provided in regulations, if—

"(A) gain is recognized to the transferor as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets not transferred to such transferee; and

"(B) no person is subject to tax under this title on such gain,

then, for purposes of determining basis under subsections (a) and (b), the amount of gain recognized by the transferor as a result of the assumption of the liability shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of such liability determined on the basis of the relative fair market values (determined without regard to section 7701(g)) of all of the assets subject to such liability.".

(c) APPLICATION TO PROVISIONS OTHER THAN SUBCHAPTER C.—

(1) SECTION 584.—Section 584(h)(3) of the Internal Revenue Code of 1986 is amended—

(A) by striking ", and the fact that any property transferred by the common trust fund is subject to a liability," in subparagraph (A); and

(B) by striking clause (ii) of subparagraph (B) and inserting:

"(ii) ASSUMED LIABILITIES.—For purposes of clause (i), the term 'assumed liabilities' means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

"(C) ASSUMPTION.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply."

(2) SECTION 1031.—The last sentence of section 1031(d) of such Code is amended—

(A) by striking "assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability" and inserting "assumed (as determined under section 357(d)) a liability of the taxpayer"; and

(B) by striking "or acquisition (in the amount of the liability)".

(d) CONFORMING AMENDMENTS.—

(1) Section 351(h)(1) of the Internal Revenue Code of 1986 is amended by striking ", or acquires property subject to a liability,".

(2) Section 357 of such Code is amended by striking "or acquisition" each place it appears in subsection (a) or (b).

(3) Section 357(b)(1) of such Code is amended by striking "or acquired".

(4) Section 357(c)(1) of such Code is amended by striking ", plus the amount of the liabilities to which the property is subject,".

(5) Section 357(c)(3) of such Code is amended by striking "or to which the property transferred is subject".

(6) Section 358(d)(1) of such Code is amended by striking "or acquisition (in the amount of the liability)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after October 18, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4856.

The SPEAKER pro tempore. Is there objection to the request of the gentleman Illinois?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 4856. This legislation consists of a number of noncontroversial provisions which have been under review by the Committee on Ways and Means for the past 2 years. Each of these items enjoys bipartisan support, and many have been passed by the House in other pieces of legislation.

The first section of the bill contains several technical corrections and miscellaneous amendments to trade laws, each of which have been reviewed by the administration as well as interested parties in the private sector. In addition to clerical corrections to trade statutes, these provisions contain various tariff suspensions and reductions, many of which apply to anti-HIV/AIDS and anti-cancer drugs as well as environmentally friendly chemical substitutes.

The second category of provisions in the bill enables the U.S. Customs Service to provide enhanced service to air and sea passengers entering the United States. Specifically, the bill provides the necessary resources to allow Customs to continue to dedicate inspectors at airports in Canada, Bermuda and the Bahamas to facilitate the transit of U.S. bound air passengers before they reach the United States. The bill also provides the necessary resources to allow Customs to continue to dedicate inspectors to facilitate the transit of vessel passengers arriving at our seaports. These enhanced services will be provided out of the surplus in a specifically dedicated Customs user fee account. In addition, the bill assesses a $1.75 user fee on affected cruise ship passengers who currently pay nothing to the user fee account to offset the cost of providing dedicated cruise ship passenger service.

The third section of the bill authorizes the President to determine that title IV of the Trade Act of 1974, commonly known as the Jackson-Vanik Amendment, should no longer apply to Mongolia and to extend unconditional normal trade relations to that country. The committee requested public comment on this proposal and received no negative comments. The United States first extended normal trade relations to Mongolia in 1991 under a presidential waiver from the Jackson-Vanik Freedom of Immigration criteria. In 1996, the President found Mongolia to be in full compliance with the Jackson-Vanik requirements. Two years ago Mongolia became a member of the World Trade Organization. Authorizing the President to determine that Jackson-Vanik should no longer apply to Mongolia is necessary for the United States to benefit from our rights under the WTO with respect to Mongolia.

I would also like to note that the substance of the provision on Mongolia is identical to a bill, H.R. 36, that our colleague the gentleman from Nebraska (Mr. BEREUTER) introduced on this issue earlier this year. I commend the gentleman from Nebraska for his contribution and leadership in raising this as an important matter in the 105th Congress.

Finally, the legislation before us contains a revenue offset introduced yesterday by the gentleman from Texas (Mr. ARCHER) in coordination with the Treasury Department. It clarifies the tax treatment of certain transfers of assets and liabilities to corporations. The tax treatment of these transfers is unclear in situations involving the transfer of liabilities, and some taxpayers are structuring transactions to take advantage of the uncertainty. The provision in the bill before us is intended to eliminate this uncertainty and to focus on the underlying economics of these corporate transfers. This provision has already passed both the House and the Senate in substantially identical form earlier this year. It enjoys bipartisan support, and it is strongly supported by the administration.

Mr. Speaker, overall I believe that the provisions in this bill represent our ongoing efforts to make government work better and be more responsive to the public, and I encourage my colleagues to support this bipartisan package.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to reiterate some of the comments made by the gentleman from Illinois as the subcommittee chair of the Subcommittee on International Trade of the Committee on Ways and Means. This is essentially four noncontroversial bills. They all had either hearings, markups in the full committee or subcommittee, and some of the bills actually passed the House of Representatives. The first piece of legislation under the title is the Customs Pre-clearance and User Fee Act, and essentially this allows the Customs Service to use a Customs Service pre-clearance account for the purpose of pre-clearing passengers that arrive from Mexico, the Caribbean or Canada. It also establishes a $1.75 user fee on those passengers that enter into the United States through cruise ships.

The second item is the silk scarf marketing bill. The United States and the European Community entered into an agreement that silks from China that are assembled and/or hand crafted in Europe can have the designation of the country of origin from Europe itself. This would be in compliance obviously with the WTO ruling.

The third item, as the gentleman from Illinois (Mr. CRANE) said, is the Miscellaneous Technical Tariff and Duty Provision Act. This has 170 tariff reductions or eliminations to it. It will allow products such as drugs that treat AIDS and HIV patients, it has anticancer drugs that can be allowed into the United States that are not available in this country and other noncontroversial items that have been signed off by both the administration, various industry groups and all of the affected parties.

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The fourth and last item is having normal trade relations with the country of Mongolia. Up until 1990, Mongolia was a communist country and thereby under the Jackson-Vanik provisions. Since that time they have had five elections, two presidential and three parliamentary, all of them without any problems whatsoever. They were free and fair elections.

They have had most-favored-nation status now, normal trade relation status, since 1991. They have complied with the WTO and now are part of the WTO, and, as a result of that, it would only be appropriate to give them permanent normal trade relation status.

These four pieces of legislation do have some revenue aspects to them, but, as the gentleman from Illinois (Mr. CRANE) said, we do have some noncontroversial provisions that would offset it by way of the Tax Code basically in corporate restructuring. As the gentleman from Illinois (Mr. CRANE) mentioned, it creates some ambiguity and some have been taking advantage of these provisions.

It is a bipartisan bill, supported on both sides of the aisle, obviously, and supported by the administration. We recommend support of this legislation.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank my distinguished colleague for yielding me time and also for his support on this and other measures which have come to this subcommittee.

Mr. Speaker, amid the disappointment for us that may come about in the budget bill which is to be passed shortly, this bill provides a beacon of light and hope to my constituents, the people of the U.S. Virgin Islands.

Contained in these miscellaneous and technical amendments of the trade law is a measure which would extend the provision enjoyed by our watch factories to include fine jewelry. While this is a small issue here, it is a very important one to these companies which are based in several states and on my home island of St. Croix, and it is extremely important, of course, to the employees and their families. Ten years ago, these companies provided close to 1,000 jobs. Today, there may just be over 200. Without this bill, even those will not be secure.

I want to take this opportunity to thank the gentleman from Illinois (Chairman CRANE) and the ranking member, the gentleman from California (Mr. MATSUI) for bringing this to the floor today. In doing so, they are helping to revitalize an industry that has provided meaningful employment and a sound livelihood to my constituents, and, with the vote of Members, it will continue to do so.

I also want to thank my other colleagues, the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. JEFFERSON) and many others for cosponsoring my bill, H.R. 2498, which is included in this measure, and for their support. I urge its passage, and I ask my colleagues to vote yes on this measure.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding back the balance of my time, I would like to thank Jim Terpstra, Legislative Fellow, who has worked with us on the Subcommittee on Trade and who will be departing. We appreciate all of his efforts.

Mr. BEREUTER. Mr. Speaker, this Member strongly supports H.R. 4856, which includes authorization of the extension of nondiscriminatory treatment or normal trade relations to the products of Mongolia. This Member introduced the original legislation authorizing this designation, H.R. 36, on January 7, 1997, the first day of this Congress.

In 1952, the United States denied Mongolia and twenty other communist countries or territories under communist rule normal trade relations. Normal Trade Relations with Mongolia were restored in November 1991, when the President waived the provisions of the Jackson-Vanik trade legislation. In 1996, the President of the United States made the first determination that Mongolia was in full-compliance with the human rights objectives of the Jackson-Vanik trade legislation and the President has renewed that determination each year since, and most recently on July 1, 1998.

Since 1990, there have been five free and fair elections in Mongolia which have coincided with significant reforms of the government and the economy. Approximately one year ago, the Economist magazine heralded Mongolia's dramatic economic reforms of the last several years by calling Mongolians "those free-trading Mongolians." Unfortunately however, these dramatic economic and political reforms in Mongolia have recently begun to suffer from factional fighting in that country and the emergence of the Mongolian People's Revolutionary Party (MPRP). Most recently, the MPRP has begun to attack the ambitious privatization and private sector development plans of the Democratic coalition in Mongolia and a high level Ministry official was recently assassinated.

The World Bank estimates that Mongolia must have a 5% growth rate to create new jobs for its entrants into the work force. Yet with the Asian Financial Crisis to its east and Russia's collapse on its west, Mongolia will find it very difficult to meet its economic goals and stay on its reform path. The United States can play a fundamental, helpful role by granting Mongolia normal trade relations and therefore reasonable access to our markets. The

United States currently provides a modest amount of aid to Mongolia that will be necessary in the short term. However, by granting Mongolia reasonable access to our markets and promoting trade with our two countries, this legislation is building the foundation so we can hopefully graduate Mongolia from U.S. assistance in the future.

In light of the very difficult political and economic challenges for the people of Mongolia, passage of this legislation comes at a critical time. This legislation sends a very important signal to the people of Mongolia that they will be rewarded for maintaining their brave steps toward economic and trade liberalization. This Member only regrets that this legislation was not approved earlier to bolster the standing of those in Mongolia who have already bravely fought for economic and political reform here.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 4856, a bill making Miscellaneous Technical Corrections to Trade Law.

Mr. Speaker, while H.R. 4856 contains many worthy provisions, I am especially pleased that the text of H.R. 4819, the Passenger Services Enhancement Act was included in this legislation. I introduced H.R. 4819 earlier this month, and its passage today is crucial to the economic well-being of my home state of Florida.

As my colleagues may recall, last year the Customs user fee expired, and thereby caused a possible diminution in Customs inspectors at Florida ports where the fee was being collected. To avoid disruptions in the cruise ship industry, Congress passed a bill I introduced (H.R. 3034) which preserved Customs inspectors in Florida for fiscal year 1998 only. That bill passed on the final day of the first session of the 105th Congress. Now that we are in a new fiscal year, Customs inspectors serving Florida cruise ships are again in jeopardy. Passage of the Passenger Services Enhancement Act will ensure that Customs inspectors at Florida ports are preserved, and it will also allow the cruise ship industry to schedule new cruises without being impeded by a shortage of manpower at Customs.

While this legislation is good news for Florida, I am especially pleased that an agreement was reached to reduce the price of the Customs user fee to $1.75. My colleagues may recall that at one time, this fee was as high as $6.50. At this new level, few can consider the Customs user fee burdensome or unreasonable. I will however, be requesting a GAO study to verify that this amount, which was recommended to me by Customs, is the true cost of processing a cruise ship passenger.

The cruise ship business is an important component of Florida's largest industry, which is tourism. If Florida were to lose Custom inspectors, it would cause grievous harm to my state's economy. Enactment of the Passenger Services Enhancement Act will prevent job layoffs, disruptions, and financial losses to this vital industry.

Mr. Speaker, I am also pleased that the amended text of H.R. 2770, a bill I introduced last year, was included in this bill. This provision would defer the duty on large yachts imported for sale at boat shows in the United States. Boat shows, be they in New York, Chicago, Miami, or Fort Lauderdale are important generators of economic activity, and this legislation will promote greater commerce in the yachting industry. For my constituents, it is a pleasant coincidence that this legislation will hopefully be signed into law when the Fort Lauderdale Boat Show starts later this month.

Mr. Speaker, I urge my colleagues to support H.R. 4856.

Mr. RAMSTAD. Mr. Speaker, I rise in support of this bill before us today, which includes provisions to provide for the continuation of preclearance activities for air transit passengers.

I want to thank Mr. CRANE and Mr. SHAW for working with me on these important provisions to help facilitate the services Customs provides to process the massive amounts of people and products entering and exiting our country.

These provisions, which are similar to legislation Mr. CRANE and I introduced last April, would allow the Customs Service to access funds in the User Fee Accounts and enhance inspector staffing and equipment at preclearance service locations in foriegn countries.

This is significant because if U.S. Customs eliminates these positions, preclearance for passengers to the U.S. will slow, travel will be disrupted, and the tourism industry in many states will suffer. Allowing the preclearance services to continue means a great deal to many employers in my district, like Northwest Airlines and all those affiliated with the Mall of America—which attracts more visitors each year than Disneyworld, Graceland and the Grand Canyon combined.

The Customs Service has said there are insufficient resources in its salaries and expenses account to fund the enhanced preclearance positions. This bill gives access to excess funds in the User Fee Account, without any additional cost to taxpayers. Acting-Commissioner Banks testified before our Ways and Means Committee in support of our earlier version of the legislation, and the airline industry supports it as well.

I appreciate how quickly the House has recognized the merits of these provisions, as well as the other important elements of the bill to reduce tariffs on various products, and allowed us to bring it to the floor today. I urge my colleagues to join me in support of this critical bill.

Mr. GILMAN. Mr. Speaker, I would like to express my strong support for H.R. 4856, the "Miscellaneous Trade and Technical Correction Act of 1998" which will strengthen our trade and economic relationship with Mongolia through the extension of normal trading relations with that emerging democracy in central Asia.

Mongolia has undertaken significant market-based economic reforms, including the reduction of government subsidies, the elimination of most price controls and the closing of insolvent banks. In many respects, this country's economic track record is a model for many other countries in the region and in Asia as a whole.

I would also like to express my thanks to the author of this legislation, Chairman Archer, for this willingness to include six duty suspension requests in this legislation that will provide small but important benefits for a leading company in my district, the Ciba Specialty Chemicals Corporation.

Mr. MATSUI. Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 4856.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1625

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 4 o'clock and 25 minutes p.m.

PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR ADJOURNMENT OF SECOND SESSION SINE DIE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that House Resolution 594, as modified by striking "November 18, 1998," in section 2 and inserting "November 13, 1998," be considered as adopted.

The text of House Resolution 594 is as follows:

H. RES. 594

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House a joint resolution appointing the day for the convening of the first session of the One Hundred Sixth Congress. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to commit.

SEC. 2. A resolution providing that any organizational caucus or conference in the House of Representatives for the One Hundred Sixth Congress may begin on or after November 13, 1998, is hereby adopted.

SEC. 3. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Sixth Congress as a House document, and for the printing and binding of three thousand additional copies for the use of the House, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House, is hereby adopted.

SEC. 4. A resolution providing that a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them, is hereby adopted.

SEC. 5. The Speaker, the Majority Leader, and the Minority Leader may accept resignations and make appointments to commissions, boards, and committees following the adjournment of the second session sine die as authorized by law or by the House.

SEC. 6. The chairman and ranking minority member of each standing committee and subcommittee may extend their remarks in the Congressional Record and include a summary of the work of their committee or subcommittee.

The SPEAKER pro tempore. Without objection, the resolution is adopted and amended.

There was no objection.

A motion to reconsider was laid on the table.

APPOINTING DAY FOR CONVENING OF FIRST SESSION OF ONE HUNDRED SIXTH CONGRESS

Mr. SOLOMON. Mr. Speaker, I offer a joint resolution (H. J. Res. 138) appointing the day for the convening of the first session of the One Hundred Sixth Congress, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of House Joint Resolution 138 is as follows:

H.J. RES. 138

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the One Hundred Sixth Congress shall begin at noon on Wednesday, January 6, 1999.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–826) on the resolution (H. Res. 605) waiving points of order against the conference report to accompany the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SETTING DATES FOR ORGANIZATIONAL CAUCUS OR CONFERENCE FOR ONE HUNDRED SIXTH CONGRESS

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 594, House Resolution 606 is adopted.

The text of House Resolution 606 is as follows:

H. RES. 606

Resolved, That any organizational caucus or conference in the House of Representatives for the One Hundred Sixth Congress may begin on or after November 13, 1998.

SEC. 2. As used in this resolution, the term "organizational caucus or conference" means a party caucus or conference authorized to be called under section 202(a) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)).

AUTHORIZING PRINTING OF REVISED EDITION OF RULES AND MANUAL OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 594, House Resolution 607 is adopted.

The text of House Resolution 607 is as follows:

H. RES. 607

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Sixth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 594, House Resolution 608 is adopted.

The text of House Resolution 608 is as follows:

H. RES. 608

Resolved, That a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them.

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 594, the Chair appoints the following Members of the House to the committee to notify the President:

The gentleman from Texas, Mr. ARMEY.

The gentleman from Missouri, Mr. GEPHARDT.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 605 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 605

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for one hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield one-half my time to the gentleman from Massachusetts (Mr. MOAKLEY), my great friend, pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for purposes of debate only.

Mr. Speaker, passage of this rule will enable us to complete the outstanding work for the 105th Congress and adjourn for the remainder of the year. This rule is traditional for conference reports. It waives all points of order against the conference report and against its consideration. Further, it provides for the conference report to be considered as read.

Mr. Speaker, the conference report to accompany H.R. 4328, the Transportation and Related Agencies Appropriation Bill for Fiscal Year 1999, is serving as the vehicle for an omnibus appropriations package for fiscal year 1999. That is the bill that we have before us.

Mr. Speaker, the conference report before the House contains the following general appropriation bills for fiscal year 1999: Transportation; Agriculture; Labor-HHS and Education; Commerce, Justice, State, and the Judiciary; Foreign Operations; District of Columbia; Treasury-Postal Service; and the Interior appropriations bills.

Mr. Speaker, all of the spending bills in this general appropriation bill are within the discretionary spending caps and are fully paid for. This conference report also contains a number of provisions making supplemental appropriations.

A significant portion of the package, and I think it is important for Members to note, is an $8.4 billion Department of Defense component including funds for missile defense and additional funds for military readiness, so badly needed. This funding is critical to protect the lives of our soldiers and our military personnel who serve overseas in uniform.

I have warned my colleagues many times that we are returning to the very hollow force of the 1970's in our national defense posture. There was a time, that I often recall, when we had hostages being held in a place called Iran. And when we attempted to rescue those hostages being held, we had to cannibalize 14 helicopter gunships just to get 8 that would work, and 3 of those failed, and so did the rescue operation. That was the condition of our military back in the late seventies.

Mr. Speaker, our Nation's Armed Forces are facing the same kind of critical shortages in a number of areas right now.

In terms of personnel, we have lost military personnel. We have commissioned officers and noncommissioned officers who are choosing not to stay in the military. Many of them are being furloughed because of lack of funds. There are shortages of equipment and spare parts, and even ammunition.

Mr. Speaker, all of these indicators of a declining readiness rate are not academic statistics. All of these things contribute to the ability of our Armed Forces to respond rapidly and effectively to a threat from overseas in the manner in which we responded to Saddam Hussein in 1990 and 1991, and today we cannot do that. We do not have the military capability to mount that kind of an operation now. Also these items which are in short supply lead to a greater propensity for training accidents or aircraft crashes, and you see it almost every week now in some part of the world.

Mr. Speaker, the lives of our young men and women who serve in the military are constantly at risk from foreign threats. We should not compound that risk by leaving them in the field with aging or broken or outdated equipment.

Mr. Speaker, the world is a dangerous place, and there are nations and forces who are hostile to the United States and American interests all over this globe. The House should lend its support to our men and women in uniform around the globe who put their lives on the line for the national interests of this country by voting for this package today. I intend to vote for it myself, even though I am a fiscal conservative and do not share all of the purposes of everything in this massive bill.

Mr. Speaker, the United States lives under the constant threat of attack from ballistic missiles launched from China or North Korea or other renegade regimes around this world. It is inconceivable to me that we have not developed a system that would stop incoming ballistic missiles from landing on American cities. Several regimes have a startling missile capability and, when coupled with biological and chemical warheads, these regimes and their devices pose an incredible threat not only to American servicemen serving overseas, but also a direct threat right here to the United States of America.

We all know that the People's Republic of China, which is a hostile nation to this country by their own words, have no less than 13 intercontinental ballistic missiles aimed at American cities right today, yet we are not equipped to do anything about that.

Mr. Speaker, if investing $1 billion for missile defense in this package is not an emergency, I do not know what an emergency is. This funding is absolutely critical.

Mr. Speaker, the conference agreement also contains funds to combat terrorism, including at our American embassies overseas. For those who have traveled there, you know that many of our embassy personnel are in grave danger right today, and we saw that happen just in the last several months. The Congress must support efforts to counter international terror and the cowards who would employ such methods around the world.

Mr. Speaker, this spending agreement also includes important funding for intelligence activities which are critical so that we can know in advance when terrorists are planning to attack America's infrastructure, such as the World Trade Center, bridges, tunnels or American embassies overseas.

Mr. Speaker, this package also contains funding to address the Year 2000 computer problem, or Y2K, a significant portion of which is defense-related. We must ensure that our defense computers are technically capable to meet the challenges of the new century.

□ 1640

Mr. Speaker, this omnibus appropriation package contains something even more important than all the things I have just mentioned, and that is crucial funds for the anti-drug efforts as well as legislative language to encourage drug interdiction efforts. A vote for this package is a vote to rededicate ourselves to the fight to stop all aspects of the illegal drug trade, supply, use and demand. And I would also note on that subject, Mr. Speaker, that the conference report before us maintains language which passed the House prohibiting Federal or District of Columbia funds for free needles for drug addicts, a program which has not worked in any part of the country, and, Mr. Speaker, it is so terribly, terribly important to set an example for our young people that there is nothing hip, that there is nothing cool, about heroin use or any kind of drug use. Illegal drug use can only lead to a life of failure and misery and even death. Rather than promote desolation and despair, Mr. Speaker, we should promote hope and opportunity for this young generation coming on board now.

And, Mr. Speaker, this conference agreement also contains important funding to assist our Nation's farmers who have faced numerous natural disasters this year. The conference report includes language relating to something terribly important to myself and the gentleman from Louisiana, the chairman of the Committee on Appropriations sitting next to me here, and that is called milk marketing orders, which will prohibit the Department of Agriculture from changing the rules until we have gone through both a legislative process and an appropriation process cycle for next year. That would give the incoming Congress time to hold hearings and to deal with this life threatening issue as far as the dairy farmers of this Nation are concerned. The Federal Dairy Program is so very important to the livelihood of my particular district and certainly many of the others throughout this country.

And, Mr. Speaker, it is important that we adjourn this Congress in order that Members have a chance to discuss with their constituents the fact that we have produced the first balanced budget in 30 years. We are now cutting rather than increasing spending. We have produced a historic budget surplus for the American people, and, Mr. Speaker, Ronald Reagan's vision has been achieved by our actions. The growth of the federal spending has been slowed to 3 percent a year. I never thought 5 or 6 or 10 years ago that we would be able to accomplish that, but we have, and we should commend both the Committee on Appropriations and the Committee on the Budget and the other committees of this Congress for having bit the bullet and dealing with this very critical issue.

We have reformed welfare and made a dramatic difference in the lives of so many Americans encouraging the personal responsibility and dignity that are a part of decent jobs. In New York State alone more than 500,000 people have been taken off the welfare rolls. Those people are now taxpaying citizens, they are good citizens that are contributing to society.

And, Mr. Speaker, we took on the dreaded IRS and brought about long overdue reform to that agency.

Now the conference agreement is not perfect; we all know that. It is a compromise among the House and the Senate and the President of the United States. All Members did not get all the provisions we were seeking, nor did we knock out all the provisions that we wanted to knock out. Nor did the President get all of his legislative agenda in this package. But the spirit of compromise, which is what Ronald Reagan spent a great deal of his time trying to teach me, is that you cannot always have it your own way. One of the most difficult lessons that I have learned in Washington is the fact that we have to compromise. And that is why I urge every Member to come over here regardless of their philosophy, whether they are liberal, conservative or somewhere in-between.

This is a bill we ought to vote for the American people. I urge my colleagues to support it, support the rule and then vote for the omnibus package when it comes before the House.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON), my dear friend, my colleague, the chairman of the Committee on Rules, for yielding me the customary half hour.

Mr. Speaker, at long last we are preparing to vote on this omnibus appropriation bill. This is the bill that contains the eight unfinished appropriations bills and hundreds of extra provisions all the way from duck hunting to stomach viruses, all lumped together in a document that weighs over 40 pounds, stands 16 inches high and has to be brought over here in a box that resembles a Budweiser case. I mean this is a first. I hope that all the people who are listening in will really pay attention to this. This is the largest bill that I can recall lumping all these appropriation bills together in an end of the season rush to get out of here.

Mr. Speaker, we all know the reason the Congress is passing this one enormous bill instead of the individual bills is because the Republicans just could not get their act together, they could not finish their work in time for the new fiscal year. But it turns out that the good news for the Democrats is this bill contains a lot more Democratic provisions than we could have gotten under the regular legislative procedure if that legislative procedure had taken place in its orderly fashion. By sticking together and insisting on our priorities we won very many major victories for the American families of America.

Democrats won 100,000 new teachers for our classrooms, which means, Mr. Speaker, classrooms all over the country will average 18 students fewer per classroom. Children will get more individual attention. It will be easier to discipline and to teach these children. Mr. Speaker, thanks to Democrats, my home State, the Commonwealth of Massachusetts, will get $22 million more to reduce our class sizes.

Democrats fought off Republican attempts to raid the Social Security surplus to pay for tax cuts. Democrats won a 14-percent increase in health research in diabetes, cancer, genetic medicine and to develop an AIDS vaccine.

Mr. Speaker, Democrats won the funding for 17,000 new community police officers, and we also won the removal of Republican provisions letting polluters get off the hook scot-free and the addition of investments in cleaner environment.

Mr. Speaker, Democrats and Republicans combined saved the LIHEAP program, which provides energy assistance for the 5.5 million elderly and working people during very cold winters and very hot summers.

But, Mr. Speaker, there is still a lot to do. Our schools are still falling apart. One out of every three American schools needs extensive repair or replacement, and about the same number were built before World War II.

Mr. Speaker, American children should be taught in classrooms and not trailers, and they should not have to eat lunch at 10 o'clock in the morning because the cafeteria just does not have enough tables to feed them all at the same time. But my Republican colleagues refused even to meet on the school construction bill.

Americans enrolled in managed care plans still do not have the protection against the abuses. We need to pass a Patient Bill of Rights. But my Republican colleagues refuse to take it up.

My Republican colleagues buried efforts to reform our campaign system, reduce teen smoking and raise the minimum wage.

Still, Mr. Speaker, despite our small numbers the Democrats have done pretty well. We stopped the Republican attempt to destroy Medicaid back in 1995. We stopped the Republican attempt to use the Social Security surplus for tax cuts, we stopped their efforts to let polluters off the hook, and we kept them from dismantling public education.

So I congratulate my Democrat colleagues for really insisting education be made a priority, and I urge my colleagues to support the rule and support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I begin to recognize our next speaker, I have to call attention to the fact that I will be leaving this body at the end of this year and after 20 years. More important is the gentleman sitting next to me. He is not a Member of Congress, but he is probably more important than any Member of Congress because he is the Chief Counsel of the Committee on Rules. Bill Crosby has been with this body for 27 years. He came here directly out of the United States Navy, and he has served under former members of the Committee on Rules, Representative H. Allen Smith of Glendale, CA, Representative Dave Martin of Nebraska, and of course our old good friend Jim Quillen, who was a Member of this body for 30 some years from Tennessee. We are certainly going to miss Bill. He was my valuable right arm for 10 years on the Committee on Rules, and we wish him well.

Mr. Speaker, having said that, I yield such time as he may consume to the gentleman from Claremont, California (Mr. DREIER), the vice chairman and the man I will be turning the gavel over to as chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my very good friend from Glens Falls (Mr. SOLOMON) for yielding me this time, and while we have all engaged in what is clearly a long good-bye, I would like to, as this is the last issue that we are going to be considering in the 105th Congress, join in saying once again how sorely we will miss the gentleman from New York (Mr. SOLOMON) when he will not be a Member of the 106th Congress and to also join in saying to our good friend, Bill Crosby, "Thank you very much for nearly three decades of great service to this institution." I am particularly honored that he was first hired here by H. Allen Smith, as Mr. SOLOMON has just said, who was the ranking Republican on the Committee on Rules at that time and a fellow Californian, and we were saddened with his passing just within the past several months. But Bill will be sorely missed, and we certainly wish him well in his future endeavors.

Mr. Speaker, 2 years ago the American people gave a Republican Congress and a Democratic President a mandate to do a number of things to balance the federal budget, provide tax relief for working families, create incentives for private sector jobs and job creation, preserve the Medicare program and to promote quality educational opportunities for all children. The 105th Congress accomplished each of these important goals by sticking to fundamental principles while making compromises that reflected the political realities of a divided Federal Government.

The Fiscal Year 1999 Omnibus Appropriations conference report which we are addressing here today does look at many of those very important national needs. In particular, I would like to applaud the negotiators for the $7 billion included to overcome the rapid diminishment and the readiness of our military forces. It also provides new funding to protect American cities from a limited nuclear missile strike, to fight terrorism, avoid the Year 2000 computer problems in government and to help victims of national disasters.

While this final budget package is worthy of support, make no mistake. We all have acknowledged that it does have real shortcomings. The President, his supporters in Congress have proven extraordinarily resilient in treating every federal spending program as a sacred cow, and unfortunately opposing tax cuts at every turn, using the very specious argument that this poses a threat to the solvency of the Social Security system.

Now, Mr. Speaker, I believe that more should be done to provide tax relief to working families and to ferret out wasteful federal spending and out-of-date government programs. I look forward to the next Congress including more Members who are committed to those policies that represent these values of hard-working Americans.

With that I thank my friend for having yielded this time to me, and I urge support of both the rule and the conference report.

□ 1645

Mr. MOAKLEY. Mr. Speaker, it is my pleasure to yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, who has labored so diligently on this massive, massive piece of legislation.

Mr. OBEY. Mr. Speaker, this bill is here because of a massive institutional failure on the part of the Congress.

Now, it is true that there are some major victories for the President and for my party in this package. In my judgment, those major victories are here because we had a large portion of the Republican Caucus, known as the CATs, who early on this year indicated that they did not like the way the Congress handled appropriations bills the year before when we had a relatively bipartisan approach, and they decided they wanted a much more partisan approach; they wanted the bills to be written only on the Republican side of the aisle. They did not want the minority party included; they did not want to hear what our views were; they wanted to bring their agenda to the floor, so they did.

They cut $1 billion out of the President's education program. They eliminated the Low-Income Heating Assistance Program. They eliminated the Summer Jobs Program. They laced the appropriation bills through with antienvironmental riders. They proposed all kinds of measures which they thought they could impose on what they perceived to be a weakened President, and then something happened. What happened is that the moderate Republicans decided they could not support that package, and the Senate Republicans also decided that some of these bills were so extreme that they would not vote for them. And so we wound up in a colossal end-of-the-year, after-the-deadline negotiation on more than half of the budget.

Now, as a result of that process, a lot of the decisions that were made were made by four people. They were made by the gentleman from Louisiana (Mr. LIVINGSTON), the chairman of the committee, my good friend; by me; by Senator STEVENS, who represents the majority party in the Senate, and by Senator BYRD, who represents the minority party in the Senate. We made hundreds of decisions on the specific appropriation items. But then a laundry list of other items were kicked upstairs and there judgments were made by only one person in this House so far as I know, that being the Speaker, and they were made on the other end of the avenue by representatives of the President.

We are in this mess because this Congress did not do its job. We are in this mess because the Congress passed only a tiny number of the 13 appropriation bills that we were required to pass by the end of the year. And now we have this god awful mess on the floor, which while it contains a number of, I think, needed victories for us on education and on other items, still represents an incredibly outrageous way to do the country's business.

So we have as a result of this process some 70 extraneous provisions laced through this bill. We do have a bill which is now $2.6 billion above where the House was on education, and for that the President deserves credit and so do the minority party negotiators. We did restore fuel assistance, we did restore summer jobs, we did protect the National Labor Relations Board, we did keep the full IMF funding, and we did get a number of other victories. We did get $1.6 billion additional funds to help our farmers. We did get language which extends contraceptive coverage under Federal health benefits for women. We stopped the punitive action that the majority party wanted to take against the Federal Elections Commission. But in the process, an awful lot of garbage stuck to this bill.

The most outrageous action taken of all was action that was insisted upon by the Committee on Ways and Means. There was a provision in this bill which would have allowed the brother of the Unabomber to get the full reward that was promised for solving that crime without being taxed. He wanted to give the full amount of that reward to the victims of the Unabomber, but because of jurisdictional dumb Hill considerations, the Committee on Ways and Means decided they would not allow that money to be provided to the victims of that crime tax-free.

I have never seen a more disgraceful action on the part of anyone in this Congress than that action in denying those funds to the victims of the Unabomber, and yet that is one of the pieces of garbage that we had to swallow in this bill in order to get the bill that would be supported by the majority.

We have a number of other items on tax legislation that were added to this. We have $4 billion added to the defense budget without a dime of that $4 billion going into readiness. It goes into a lot of the Speaker's pet projects, into a lot of third-tier, third-rate intelligence activities, (one good one), and yet none of the funds go directly to military readiness. It is really a lousy way to prioritize national needs.

So I am going to ask Members to do the only thing we can under these circumstances, because the country does need a budget. I will ask them to vote for the bill when we finally get to it, because thanks to the incredible mismanagement that we have seen in this Congress all year long, we have no other choice. But that does not mean I am proud of the product.

I think this product, at least the process by which we got here, is a national disgrace, and I think the House ought to be ashamed of itself for all of the decisions that led to this ridiculous process. I want to make clear in my criticism that I make no criticism of the majority party on the Committee on Appropriations. They did everything possible to work under these ridiculous circumstances to bring a decent bill to the House. But I have to tell my colleagues, wait until you see the stories that the press will write for weeks and weeks on some of the provisions that are in this bill, and more importantly, some of them that are not, and we will get a clear idea of just how low this Congress has sunk.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

The other night my wife was up in our home in the Adirondack Mountains, she was watching C-SPAN, and my next speaker was on the floor. He was telling it like it is, and as soon as he finished she called me and she says, my goodness, he sounds just like you. I do not know whether she was being critical or heaping praise.

Mr. Speaker, I yield 6 minutes to the gentleman from Metairie, Louisiana (Mr. LIVINGSTON). He is truly one of the commendable Members in this body. In the last 4 years, he is one of the reasons that we have a balanced budget here and we have gotten our fiscal House in order.

Mr. LIVINGSTON. Mr. Speaker, I want to thank my friend from York (Mr. SOLOMON), the very distinguished chairman of the Committee on Rules, the very distinguished, outgoing chairman of the Committee on Rules. He is my friend. He is a gentleman with whom I have enjoyed working with throughout the time that I have had the opportunity and the honor and privilege to serve the American people in the United States Congress. I do not think that there have been any better served than those served by the gentleman from New York who is leaving. This is his last presentation of a rule not only before the 105th Congress, but before the Congress as a whole. I just want to take this opportunity to wish him and his lovely wife, Freda, many, many years of happy retirement, although I know he is not planning on retiring, he is simply leaving Congress. We will be able to see him in other roles, and we wish him lots of success and happiness. Likewise, I would like to wish lots of success and happiness to his sidekick, Bill Crosby, who has done a remarkable job for the Congress over the last 27 years as a public servant, plus his time in the Navy. So we wish him well and thank him for his dedicated service over the years.

Mr. Speaker, I am not going to stand here and defend the process, because I think it has been ugly, but I will say that we are ahead of the game when we look at the last 15 years. We are actually completing our business ahead of the schedule of all but 5 of those last 15 years. In 10 other instances we have gone later in the calendar year, longer in the legislative season than we are today. So even though we have a 40-pound pack of paper sitting there before us comprised of some 8 bills and 4 emergency sections, the fact is we are completing our business. If the good Members of this House have the wisdom and good judgment to vote as a majority for this package, we will go home, complete the campaign season, and have a victorious time on behalf of the majority, I hope, in November.

□ 1700

That being said, let me say that we have comprised a great deal in this package. We not only include eight regular appropriations bills, but we address the Y2K emergency problem that threatens Government computers and virtually all computers of this country in every walk of life as we change into the next millennium.

We address the needs for increasing the safety for our diplomats and their staff in embassies and consulates all around the globe to provide some protection against terrorism.

We include money for agricultural emergencies reaped by natural and other disasters around this country, and we provide much needed funding that replenishes the readiness accounts and the needs for our Defense Department to provide defense against incoming missiles to this country through a viable missile defense system and various other priorities that are so extraordinarily important to the armed forces and the men and women that serve in them.

I might say that we do all of that, eight appropriations bills, including the agriculture appropriations bill, which was passed by the Congress and vetoed by the President and redrawn in this package, within the caps provided us by the Committee on the Budget.

There may be some criticism about how we get there, but the fact is the Congressional Budget Office, notwithstanding current press reports, the Congressional Budget Office has proclaimed that we are under the caps allotted to us which agrees with the budget process as agreed to in last year's budget agreement. So nobody can say that this package is out of kilter in terms of overall spending.

Finally, I would say that it is a fair rule which allows us to debate this issue. We have an hour not only on the rule, but an hour to debate the entire package. While there will not be any amendments allowed, we are satisfied that the rule is appropriate and should be adopted. We are hopeful that the Members of the body will come and vote as a majority for the entire package, because they should not concentrate on the process. They should concentrate on the substance.

The fact is that the House of Representatives using the normal appropriations process passed all but one of our bills before the end of the fiscal year. The Labor-HHS-Education bill was not passed in the House or the Senate, but it was conferenced informally between our Members of both bodies. We worked our way through the process.

Mr. Speaker, all I would say is that whether Members like this process or not, the fact is that we have had a chance to finish all of the individual bill packages in their entirety, bundle them together in that very large bundle, and submit them to the membership so they can vote on it.

Once they vote on it, it will be virtually the last vote they cast for this Congress, and we will go home knowing that we have achieved the first balanced budget in 30 years.

Last year we passed the first tax cut in 16 years. We have virtually frozen the cost of government across the board, stopped the growth of government in all of the departments, agencies, and programs. We have saved about $125 billion under what the President projected we would have spent some 4 years ago at this time. So we can take confidence in the fact that we have restored fiscal integrity to the United States Treasury for the first time in a generation. I think that is no small accomplishment. I urge the Members to vote for this, and go home with great pride.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I just flew over 3,000 miles from the central coast of California to support this important bill. This budget bill is a victory for the American people. It is a victory over mindless partisanship, and it is a terrific victory for education.

Providing our local school districts with additional qualified teachers is an important step in the right direction. Next year we must come back and help our local communities to build new classrooms and to modernize their schools.

This budget is a victory in the fight against disease. As a nurse, I am thrilled that Congress is giving vigorous support to critical research on Parkinson's, Alzheimer's, diabetes, and ALS. Next year we must come back, take on the HMOs, and pass a strong patient's bill of rights.

This is a good bill. I urge my colleagues to pass it.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO.)

Mr. DEFAZIO. Mr. Speaker, the do-nothing Congress is limping to a pathetic end, one final $500 billion bill. Just to my left there is a copy bound with twine 2 feet tall. It weighs 40 pounds. Who among the rank and file Members of the House can say they have read and understood the entire package? Half the Members here could not even lift it, let alone read it.

The chairman of the Committee on Rules said it was about readiness. For once we are in vague agreement. This bill is about readiness, campaign readiness. It is stuffed to the gills with election-year goodies. The gentleman meant military readiness, but from the quarter of a million dollars that the Pentagon is going to be forced to spend to study the effect of stay-awake gum on the troops, to the C–130J airplanes that they are going to be forced to buy that will be built in the Speaker's district, and they will have to retire other good planes 10 years early to accommodate them, it is much more of an assault on the orderly readiness of our troops than it is a help.

Of the $7.5 billion stuffed into the Pentagon budget in this bill, perhaps $1.1 billion, 14 percent, can be said to truly be going to the readiness needs of our men and women in uniform. Is $1 billion more for the Star Wars fantasy that has wasted $50 billion, so far with no successful experiments, is that the readiness that our troops need? I think not.

Is $2 billion more for intelligence agencies what they need? Just 3 years ago the National Security Agency lost $4 billion in its budget. That is right, it misplaced $4 billion, because it was trying to hide it from our enemies, and they had a bunch of different bank accounts around. They forgot they had the money until a new auditor came in and found it, and they need another $2 billion? I do not think so.

The gentleman spoke about fiscal responsibility. This bill is financed with $20 billion out of the future social security trust fund, the so-called surplus in emergency spending. That is not fiscal responsibility.

Mr. SOLOMON. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, let me tell the gentleman that we received this bill up in the Committee on Rules at 9:30 last night. I was there. It was ready for any Democrat to come upstairs and see it. I will tell the gentleman, if he would have come up at 9:30 last night, he would have found that the State of Oregon is the real beneficiary, and so is the gentleman's district. He ought to be here praising this bill.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will probably not have this opportunity again to congratulate my friend, the gentleman from New York (Mr. SOLOMON) for the work he has done as the chairman of the Committee on Rules in representing his party's way. He and I, although we have disagreed probably on 90 percent of the matters that came before us, we never disagreed about our friendship. I hold him to be a very dear friend of mine.

Also, Mr. Crosby has been a great, great person, never butting into things, but always there as a font of information any time we needed some information, even though he represented the majority and we were in the minority. So I wish him well on his new endeavors.

Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong opposition to the Republican leadership's process which has brought us to the vote we cast today, a vote which merges eight separate appropriations bills into one huge 4,000-page omnibus bill which will spend some $500 billion with one vote.

Within this huge bill there are some excellent and important provisions which are good for my State of Vermont and which are good for this country, but there are some awful provisions and wasteful provisions which are going to cost taxpayers billions and billions of dollars. It is a travesty and an insult to the democratic process that Members have not been able to vote separately on these provisions to maintain what is good, to get out what is bad, and to end up with the best legislation that would serve the interests of the American people.

I would hope that regardless of our political point of view or the party we may be in, that we will work together to make sure that a process like this does not take place again.

Within the positive aspects of this bill, there is some real help for dairy farmers in the State of Vermont and throughout this country in terms of the extension of the Northeast Dairy Compact. There are some very important provisions for our Gulf War veterans, who have never gotten the kind of treatment that they need, and this bill will provide them with some real help now and in the future.

There is some good help for those home health care agencies in Vermont and throughout this country who have suffered severe cuts as a result of the balanced budget agreement last year. There is good legislation extending the Cancer Registry Act, helping those people who are victims or hurting from cancer. There are some good provisions, but the process has not been good.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I appreciate the chairman of the Committee on Rules for bringing this rule to the floor today. I believe it is long overdue for us to do our jobs to make sure that the government remains open and the American people are taken care of. Let me thank the appropriators for long and hard work.

Needless to say, I would have preferred a deliberate study of each individual appropriations bill, but frankly, I want to say to the American people, we want their business done. I am grateful that those who are on waiting lists across this Nation, waiting on Section 8 housing, these are the working poor, will now have over a 2-year period and 100,000 extra vouchers for people to live throughout the country and continue working.

I am very pleased that AmeriCorps, that has helped educate any number of our young people, has now been funded. They go into communities and help senior citizens and help preschool children and help rebuild communities, and yet then have funding to go to college.

Frankly, I am delighted that we recognize that the Census is one of the most important tasks that we have, and therefore, we will extend the time for sampling, as well as the other form that is now being utilized by the Census agency so we can get the most accurate count.

I am very pleased, as rains pour in Texas, that we have 12 million for the Simms Bayou in my district and other districts to make sure that we provide for those taxpayers who send money to this government.

But most of all, I am proud for the incremental increase in helping children suffering from mental disabilities, moving up $5 million, so we can go into communities and draw in their families and the children, and begin to rebuild lives of children who are suffering from mental illnesses.

I am not pleased, however, in helping seniors who are homebound and those home health care agencies. Yes, the IPS will be delayed now from 1999 to 2000, but I wanted to give retroactive help. Though we are boosting the payments, Mr. Speaker, I think we can do more. My commitment is we will do more to help those seniors and those home health care agencies.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I thank the ranking member of the Committee on Rules for yielding time to me.

Mr. Speaker, I rise in support of this bill. I intend to vote for it, but I think that never, in all my life, in a long legislative career, have I ever done anything so much on faith as signing this conference report.

For the people who are wondering, this is a conference report on the transportation bill. I think that is probably less than 10 percent of the bill, but the conferees who have signed it are those of us on that particular bill. So I put my signature on that conference report, and 90 percent of it is something that I am taking on faith. I know there are some good things in it, but I am really not taking responsibility for everything that is in it. It is sort of what one would call an institutional obligation, to move the process on.

Mr. Speaker, within the transportation bill I commend my friend, the gentleman from Virginia (Mr. WOLF). I think we have produced a good bill within the restraints of the budget deal and with the fundamental transportation problems in this country.

□ 1715

I also have to say, Mr. Speaker, I guess this is it, this big pile of paper representing all of these bills that have been combined in a process such as I have never seen, really with very minimal involvement of many of the Members who were involved in writing the specific bills. We have this huge bill now before us. Clearly, it is hard to ask somebody to vote for it. That I cannot do.

But, Mr. Speaker, I think we have no other choice at this time but simply to vote "yes" and move this bill forward.

Mr. MOAKLEY. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Massachusetts (Mr. MOAKLEY) has 8 minutes remaining, and the gentleman from New York (Mr. SOLOMON) has 8½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to one of outstanding Members from Morris, Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

First, I want to salute the distinguished chairman of the Committee on Rules and thank him for his leadership. I realize tonight is his last official vote in the House of Representatives, and I want to thank him for his friendship and wish him well.

I rise in support of this rule, and I rise in support of the bill. As I look back over the last 2 years, I look back at a Congress that has accomplished a lot of things. I remember when we were sworn in 2 years ago, there were a lot of the naysayers that said this Congress could not accomplish what we wanted to do. They said we could not balance the budget. They said we could not provide tax relief for middle-class families. They said we could not reform the welfare system. They said we could not restructure and retain the IRS. Well, we did.

As I look back over the last 2 years, we did all those things we were told we could not do. We balanced the budget for the first time in 28 years. We cut taxes for the middle class for the first time in 16 years. We reformed welfare for the first time in a generation. We tamed the tax collector for the first time ever.

Tonight we are in the final hours of this session of Congress. Now there is this omnibus bill before us. It is a bipartisan compromise. There are things in it some of us do not like. There are things in it some of us do like. But it is a good bill, in general, and it helps fight against drugs, puts more money into the classroom, helps family farmers with disaster relief, helps small businesses by quicker phase-in of the 100 percent deduction for self-employed for health insurance, provides flood relief to the Chicago south suburbs.

Mr. Speaker, there is something very important that is missing. I have often stood in the well of this House and I have often asked a very simple question: Is it right, is it fair that under our tax code a married working couple with two incomes pays more in taxes than an identical couple, identical income living together outside of marriage? It is wrong that our tax code punishes marriage with higher taxes.

Earlier this fall, the House of Representatives passed a tax cut providing marriage tax relief for 28 million married working couples; $243 a year they would have received. Unfortunately, they have been left at the altar.

Mr. Speaker, let us make elimination of the marriage tax penalty a number one priority of next year's tax provisions.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in objection to the rule.

As many speakers have said before me, this is a horrible process. It was just a year ago that this House, in a bipartisan vote, passed the Balanced Budget Act of 1997. Now, as we head into a time of surplus, which we do not know how much it is going to be, we have already started to spend that surplus without planning for the future. Earlier this year we passed a highway bill that was at least $20 billion over the Balanced Budget Act. This bill, while there is some emergency spending in it, which I think would qualify as emergency spending and I agree with the concept, I am afraid may well set a precedent going forward where everything we cannot get under the spending caps we are just going to call an emergency and do.

I know parts of Texas have agricultural emergencies and we need to fund that. I know there is a readiness problem. But I have some concerns about funding more for this Star Wars project.

The bill has some good things in it, the increase in NIH, which I support, and there are offsets for that. It has some things that are very important to my State. But overall the bill sets a very bad precedent. It shows the failure of this Congress.

Mr. SOLOMON. Mr. Speaker, I yield myself 30 seconds.

I just do not understand the protest here. The gentleman has not been around here very long. Back in 1983, we had 7 appropriation bills rolled into the continuing resolution. That was under Democrat leadership. In 1985, we had 8 rolled into one bill. In 1986, we had 7. And guess what happened in 1987 and 1988? All 13 were rolled into one continuing resolution. Let us stop kidding ourselves and come over here and vote for the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from the Virgin Islands, (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, it is with mixed feelings and some disappointment that today I nevertheless support H.R. 4328, although I do have some reservations about the rule.

While many hail it as an example of what can be accomplished when both political parties put their personal agendas aside to reach compromise, and rightly so, the final outcome of this bill is a bittersweet victory for the people of the Virgin Islands. While no bill is perfect and there are winners and losers in every compromise, the failure to even extend the rum rebate at its current level will deal a hard blow to the treasury of the Virgin Islands.

This being said, I still join my colleagues in applauding President Clinton and the Democratic leadership in this Congress for fighting and winning vital new investments for the children of America. I want to thank also President Clinton, his staff and the Democratic leadership and my colleagues, many of them, who helped in securing an increase in children's health care funding for the children of the territories, and Senator CAROL MOSELEY-BRAUN for introducing a companion bill to mine which will breathe new life into a fledgling watch industry.

Before I close, let me just say I also ask for support to continue to work on those taxes for the territories.

Mr. Speaker, it is with mixed feelings and a great deal of disappointment that I rise today to nevertheless support H.R. 4328. While many hail it as an example of what can be accomplished when both political parties put their personal agendas aside to reach compromise, and rightly so, the final outcome of this bill is a bittersweet victory for the people of the Virgin Islands.

While no bill is perfect, and there are winners and losers in every compromise, the failure to even extend the rum revenue rebate at its current level has dealt a hard blow to the treasury of the Virgin Islands.

While we did achieve some of our goals, this very important measure met with such unexpected, inexplicable and adamant opposition, that important capital projects, and programs needed to spur our lagging economy will now go undone.

The hard working people of my district who have served this country in large numbers as far back as the revolutionary war, and who have made their contributions to this country in other ways are deeply disappointed, but it is an issue that we will continue to pursue because it is a very necessary part of our economy's revitalization.

That being said, I must still join my colleagues in applauding President Clinton and the Democratic Leadership in Congress, for fighting for and winning vital new investments for the children of America.

The President's proposal to hire 100,000 new teachers will help to reduce class sizes in the early grades thereby enhancing individual attention and increase student learning. And by so doing, we will also be preventing more kids from getting in trouble.

The President and Congressional Democrats also secured very important investments in child literacy, college mentoring, after-school programs and summer jobs in this bill.

And finally green cards will be made available to Haitian refugees. Like the majority, while Democrats made strides, we did not get everything.

In addition to being saddened by what we see as a major but only temporary setback on V.I. produced rum, we feel similarly about the loss this year of the school construction initiative, of the "Patients Bill of Rights" bill as well as an increase in the minimum wage for working families, and last but not least, the killing of the comprehensive anti-Tobacco legislation which would have saved millions of young Americans from early and avoidable deaths.

In closing I want to thank President Clinton and his staff, the Democratic Leadership, and my colleagues, Appropriations Committee Ranking Democrat DAVE OBEY, my friend from Maryland, STENY HOYER, Congresswoman ROSA DELAURO, Congressman LOUIS STOKES, my Chairwoman MAXINE WATERS, Senator GRAHAM of Florida and all those too numerous to mention who helped in securing an increase in Children's Health Insurance funding for the children of the territories.

This additional funding will mean that the Children of our territories will have the same opportunities for better Health Care as their family and friends on the mainland.

I also want to especially thank Senator CAROL MOSELY-BRAUN for introducing a companion bill to mine which would breathe new life in a fledging industry in my district by instantly creating approximately 400 new jobs on St. Croix. For this effort as well, I must thank Ways and Means Committee Chairman BILL ARCHER and Ranking Democrat CHARLIE RANGEL. Also Trade Subcommittee Chair, PHIL CRANE and Ranking Democrat BOB MATSUI for their help in getting this bill passed today.

And I also ask for your support as we continue to work for the return of funds to Puerto Rico and the Virgin Islands as the law provides.

And last but not least, Finance Committee Chair BILL ROTH and Ranking Democrat PATRICK MOYNIHAN for their support of the proposal also.

My colleagues, while not have all we might have wanted, this bill deserves our support. I urge all to put aside narrow partisan interest and vote in favor of this good bill for America.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I wonder how many of my colleagues would sign a $100,000 mortgage without reading it. I wonder how many of them would take out a $10,000 business loan without reading the terms. I wonder how many of my colleagues would profess to tell their constituents that they know what is in these 4000 pages.

I can tell them there is a $100 million visitors center for here, the Capitol. There is another $104 million for our protection. But I cannot also tell them there is a buyout program for the Pollack industry that I do not know why we need to buy those vessels. That costs us about $50 million.

This spends 500 billion of the taxpayers' money, not our money. And no one in this room can tell us everything that is in it. We have been here all year. I think we can wait a few more days to see to it that Members have the opportunity to study this. If we are not given the opportunity to study this, then I think the only businesslike and responsible thing for the Members to do is to vote against it.

Mr. SOLOMON. Mr. Speaker, I was in my office at 9:30 last night, right up there, when this bill was delivered. No Democrat came up to pick it up until after 9:30 this morning. I would say to the previous speaker, where was he for 12 hours when the bill was up there ready to be read?

Mr. MOAKLEY. Mr. Speaker, the reason that nobody came and picked it up is because they could not find a hand truck big enough to handle the bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), our Democratic leader.

Mr. GEPHARDT. Mr. Speaker, Ronald Reagan stood in this Chamber nearly a decade ago and attacked the Congress for sending him a massive last-minute appropriation bill. Well, here we go again.

This bill is 4,000 pages long and weighs over 40 pounds. And at that time Ronald Reagan said, Congress should not send another one of these and, if you do, he said, I will not sign it.

Well, here they go again. This bill is a symbol of the wasted time and misguided priorities of a Republican Congress whose leadership consumed our agenda with investigations instead of legislation. Thanks to the Republican leadership, we have worked the fewest days and passed the fewest bills in decades. We did not even pass a budget resolution in this House of Representatives, the first time since the Budget Act passed 24 years ago.

For the last year Republicans in Congress have tried to focus the debate on anything except what is really significant to our future. They have had far more enthusiasm for subpoenas than for schools, and they would rather talk about the FBI than the IMF.

We were able to convince a reluctant and unwilling Republican majority to include funding for 100,000 new teachers in this bill, teachers that will help reduce class size and improve the quality of our children's education. While Democrats may not be satisfied with what was not included in this bill today, we will come back and fight again and again for a Patients' Bill of Rights, anti-teen smoking initiatives and an increase in the minimum wage. And a Democratic majority will hopefully enact the reforms to guarantee the future of Social Security and save the surplus for Social Security, which the Republican majority tried to spend before it could be saved, to save that program.

Ronald Reagan was right. It was a bad way to do business in 1988, and it is a bad way to do business in 1998.

Mr. Speaker, it is time for a change. It is time for a Congress that works full time to help meet the challenges of our future instead of skipping town with unfilled promises and unmet priorities, and one that fulfills its constitutional role to produce a budget in a manner befitting of us all.

If we want to change the agenda, it should be very clear. We have to change the leadership of this Congress. I believe the American people will do that, and I hope for the sake of the people they do.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I do not want the minority leader to take this wrong, but he has been standing up here emulating my great hero, Ronald Reagan. Let me just say to the gentleman, I know Ronald Reagan. He is a friend of mine. And the minority leader is a great guy and a great friend of mine but he isn't quite the same as Ronald Reagan.

Mr. Speaker, the gentleman from Missouri (Mr. GEPHARDT) was just complaining about being opposed to the bill. I am looking at the conferees here. Every Democrat conferee signed this bill: SABO, TORRES, OLVER, PASTOR, CRAMER. And the President of the United States is for the bill. I do not understand the protest here.

☐ 1730

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Sanibel, Florida (Mr. PORTER GOSS), a very valuable member of the Committee on Rules. He is also the chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I urge support for this rule, the last rule of the year. The last rule of this Congress. This is a fair rule, it is an appropriate rule and, under the circumstances, it is about the only rule we could come up with, and I think we all know it.

This is a debate about the rule, but we are getting into process. Many people have talked about budget process tonight. I want everyone, all the Members, to understand that we have developed a bill, a bipartisan bill, with some very innovative new ideas for budget process reform. I say this not because we are all proud of the process that we have just seen and we are experiencing tonight, but that we think we can do better. More important than that, there is an opportunity for Members to take that bill and read it, and I would suggest that Members do that because there are some good ideas and we should discuss them in the next Congress.

I would also like to point out the obvious. There is much in this bill. There is much I like, there is much that others like, and there is much that some of us are not so sure about at this point. That is the way it is because we have, right now, a situation of shared power in this country. That is what the voters have dealt us. We also have a separation of powers. That is what the Constitution has given us. And we have certainly something here that is a product where we should not be worried about winners or losers on a partisan basis, we should be worried about whether America wins.

I suggest America is going to win in a number of ways with this piece of legislation. Certainly in education, as we have heard. Certainly in intelligence, as we have not heard. We are reinvesting in the future, so some of the tragedies that were witnessed around the globe this year hopefully will not catch us by surprise or happen again. Certainly in defense. Certainly in the war on drugs. Certainly in a number of other areas that will be of interest to all Americans in their quality of life and in their pocketbook.

So I think this is a good piece of work, even though I would admit the process has been a little unusual.

The final thing I want to do is to pay my public respects to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules. I have followed the gentleman, who has been a great mentor and a great leader. He lead while we were in the minority, as a ranking member, when we were badly outnumbered. He has led in the majority, as the majority leader and chairman of the Committee on Rules, when we are also badly outnumbered on many occasions. I want to thank him, share my respects, and to the gentleman from Massachusetts (Mr. MOAKLEY) as well.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Massachusetts (Mr. MOAKLEY) has 2 minutes remaining. The minority leader yielded back 2 minutes to the gentleman. The gentleman from New York (Mr. SOLOMON) has 3 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time just to briefly say that there is nothing unusual about considering a group of appropriation bills in an omnibus bill. The Democrats controlled this body for 40 years. All during the 1980s they lumped in 7 bills, 3 bills, 8 bills, 7 bills; and then, in 1987 and 1988, they lumped in all 13 of the appropriation bills. So there is nothing unusual about doing this. We have to compromise, we have to govern.

Upstairs earlier I posed the question, why would a fiscal conservative like myself support this kind of measure when it does have a lot of excess spending that I do not agree with? And I pointed out there are three reasons:

Number one is that the growth of Federal spending has been slowed to 3 percent. That is something that we fiscal conservatives have been fighting for for years, and we finally have succeeded in this bill that is before us today.

The second reason is that the bill raises the overall spending for our military preparedness, something that is so terribly, terribly needed today. That is the reason I am going to vote for the bill.

And, finally, it increases both the level of spending and gives legislative clout to programs to deal with the most important issue facing this Nation today, and that is the illegal drug war that is taking away a whole new generation of Americans. We have to do something about it. This bill does it.

That is why we should all come over here and vote for the rule, and then we should vote for the omnibus bill.

I salute the chairman of the Committee on Appropriations, the gentleman from Louisiana (Mr. BOB LIVINGSTON), for an outstanding job on bringing this to the floor today, and I urge support for the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to address some concerns on the Rule in H.R. 4328, the Omnibus Appropriations for the FY 99 Conference Report.

Although many of us are satisfied with the bill, we are very unhappy with the process that got us here. This bill contains over half of the appropriations necessary to keep this country going next year, including the funding for the Departments of Labor, Health and Human Services, Commerce, Justice, State, Agriculture, and Interior. It represents the most vital programs for our elderly, our disabled, our impoverished, and most importantly, our children. We simply cannot afford to play partisan politics with these people's lives, and hope that next year we will have a Democratic Congress so that we do not have to play these games.

Throughout this 105th Congress women's concerns have been repeatedly ignored. The Republican leadership has with one exception voted to reduce women's choices for adequate health care and has attempted to disempower us. It should be no surprise that once again women Federal prisoners are once again denied the right to choose an abortion. Women who discover they are pregnant after incarceration, have no option but to have a child which they will not have custody to, during their prison term.

The option to choose abortion, is one that is not available to them, and this is wrong and unfair.

In addition, here in the District of Columbia, the use of local and Federal funding for needle exchange programs in the District have been banned. Needle exchange programs which reduce the spread of HIV and hepatitis, can help to save lives, to cut this funding will exacerbate an already desperate situation for many D.C. residents. Not surprisingly, here in D.C. the use of Federal and D.C. funds used to provide women with access to abortion services are also denied, except in cases where the life of the mother is threatened, or in cases of rape or incest.

It should also be no surprise that gays and lesbians were denied important freedoms under the D.C. appropriations bill. In light of the hateful and violent crime against Matthew Shepard during this pat month, it should be clear to all of us, that our gay and lesbian constituents deserve the same equal rights as all of us.

I am also dismayed that a crucial provision of the foreign appropriations bill reduces funds for international family planning assistance. The elimination of funding by the United States for the U.N. Population Fund will deprive several hundred thousand women of effective contraception and put many of these women at risk for life threatening illnesses and injuries during an unwanted to unplanned pregnancy. More than 1,000 women will die as a result of these cuts. This simply is not acceptable.

Under the Labor HHS bill, this Congress has voted not to cover Federal funding for needle exchange programs, prohibit the use of Federal funds for embryo research, and expand the Hyde language to cover Medicare funding, meaning that women dependent on Medicare will not be able to access abortions. All of these decisions are harmful to women and to our less powerful members of society. Those who cannot fend for themselves should find protection through our Government. Yet, to refuse poor women on Medicare the choice to an abortion, and to vote not to provide our sick citizens with access to clean needles is shameful.

The Treasury Postal appropriations bill provision continues a prohibition on the use of funds for abortion in connection with any health plan under the Federal employees health benefit program, except where the life of the mother is threatened or where the woman is a victim of rape or incest. Under Supreme Court decisions, women have been allowed the choice for abortion and reproductive freedom, yet the leadership in this Congress has done everything within its power to erode these import rights.

Furthermore, this bill has come to the floor without adequate time for review. The bill itself, along with the conference report total well over 1,000 pages.

The way that this bill comes to the floor; however, should not surprise any of us. This is the same majority that passed a "martial law" resolution last week, which allows them to bring a bill to the floor without notice, without preparation, and without adequate time for deliberation. This is the same majority that brought the Labor-HHS appropriations bill to the floor for debate on just one issue, family planning, to appease their supporters on the far-right. This is the same majority that did not include Democratic representatives in their Conference Committee meetings. Having seen how the majority has handled this appropriations process, should we be surprised by the manner this bill has come to the floor? No. Are we outraged? Yes!

I urge all of you to vote against this rule, to reaffirm our commitment to the Democratic process.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Without objection, the Chair will reduce to 5 minutes the time for any electronic vote on H. Res. 604 after this vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 333, nays 88, not voting 13, as follows:

[Roll No. 536]

YEAS—333

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher

Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Clay
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kilpatrick
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lowey
Lucas
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—88

Allen
Andrews
Barrett (WI)
Bentsen
Bonior
Borski
Brown (CA)
Cardin
Carson
Christensen
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Davis (FL)
Davis (IL)
DeFazio
DeGette
Deutsch
Doggett
Edwards
Ensign
Etheridge
Filner
Ford
Frank (MA)
Furse
Gordon
Green
Gutierrez
Hastings (FL)
Hilliard
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kildee
Kind (WI)
Kleczka
Klink
LaFalce
Lee
Lipinski
Lofgren
Luther
Maloney (CT)
Martinez
McCarthy (MO)
McDermott
McHale
McKinney
Menendez
Miller (CA)
Minge
Nadler
Neal
Olver
Owens
Payne
Peterson (MN)
Rahall
Rivers
Rush
Salmon
Sanchez
Sanders
Scarborough
Shays
Sherman
Skaggs
Stupak
Taylor (MS)
Thompson
Thurman
Tiahrt
Towns
Vento
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Woolsey
Yates

NOT VOTING—13

Becerra
Fazio
Hansen
Kennedy (RI)
Meehan
Mollohan
Oberstar
Poshard
Pryce (OH)
Smith (NJ)
Stark
Tauscher
Weygand

□ 1753

Messrs. WEXLER, VENTO and OLVER changed their vote from "yea" to "nay."

Messrs. STUMP, HINOJOSA and PORTMAN changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 1132, BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT OF 1998 AND S. 2133, PRESERVATION OF THE ROUTE 66 CORRIDOR

The SPEAKER pro tempore (Mr. THORNBERRY). The pending business is the question of agreeing to House Resolution 604, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 189, not voting 16, as follows:

[Roll No. 537]

YEAS—229

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Capps
Cardin
Carson
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost

Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—16

Becerra
Brown (OH)
Clayton
Fazio
Hansen
Kennedy (RI)
Meehan
Mollohan
Northup
Poshard
Pryce (OH)
Slaughter
Stark
Tauscher
Velázquez
Weygand

☐ 1804

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 345

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 345. My name was added to this bill in error.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1757) "An Act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes."

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 605, I call up the conference report on the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 605, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, October 19, 1998.)

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

PARLIAMENTARY INQUIRY

Mr. NEUMANN. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NEUMANN. Mr. Speaker, may I inquire if the gentleman from Wisconsin (Mr. OBEY) is in opposition to the bill?

The SPEAKER pro tempore. The Chair will inquire of the gentleman from Wisconsin (Mr. OBEY) if he supports or opposes the conference report.

Mr. OBEY. I support the conference report, Mr. Speaker.

Mr. NEUMANN. Mr. Speaker, I believe under House rule XXVIII, clause 2, that it is permitted in the House for a Member in opposition to rise and claim one-third of the time in the event both Members support the bill.

The SPEAKER pro tempore. Does the gentleman from Wisconsin (Mr. NEUMANN) oppose the conference report?

Mr. NEUMANN. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman qualifies.

Under the rules of the House, the gentleman from Louisiana (Mr. LIVINGSTON) will be recognized for 20 minutes, the gentleman from Wisconsin (Mr. OBEY) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. NEUMANN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.R. 4328.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, this is the conference report to accompany the Transportation Appropriations Act, H.R. 4328, for the consideration of the House. The historians will refer to this bill as the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999. Mr. Speaker, the title of the Transportation Appropriations Act is amended in this conference report.

Mr. Speaker, this bill includes eight regular Fiscal Year 1999 appropriation bills wrapped up in a bundle—Treasury, Transportation, Foreign Operations, Commerce-Justice, District of Columbia, Labor-HHS-Education, Interior, and the once vetoed Agriculture bill. Total discretionary amount included in this bill is roughly $221 billion. It also includes a $20 billion emergency supplemental appropriation that funds our troops in Bosnia, addresses the Y2K problem, and fully funds, indeed exceeds, the administration's request for diplomatic security around the world as well as addressing security concerns here at the Capitol. It also makes an $8 billion long overdue commitment to address the readiness needs of the United States military along with Bosnia funding which was not originally requested by the President in his initial budget request.

This conference report includes emergency agriculture funding to the tune of nearly $6 billion. It also includes $1.5 billion not requested by the Clinton administration to address the ravages of Hurricane Georges, and it provides $700 million for various drug interdiction related activities.

Mr. Speaker, because this bill has become a vehicle to clean out the remainder of the legislative schedule, it also contains several items on which authorizers could come to agreement such as the Chemical Weapons Convention Implementation Act, an agreed upon list of tax extenders, a 6-month extension of the airport improvement program, the H1B extension of temporary visas for certain professional workers, a 3-year moratorium on Internet taxation, and a framework to address the difficult but important issue of Internet pornography and the State

Department reorganization bill, although the U.N. reform provisions are not included.

There are other provisions that were resolved under the framework of the appropriations process that I would like to highlight at this point. The bill contains a provision that concluded the year-long debate over increasing the quota share of the IMF. The final product bears a remarkable resemblance to the reforms proposed earlier this year by the gentleman from Alabama (Mr. CALLAHAN) and myself.

□ 1815

These reforms should assure Members that there will be reform of the IMF procedures prior to its receiving additional funds.

The Mexico City language that has been of such interest to many Members on this side of the aisle remains in the same authorizing legislation that contains the UN reforms. This legislation has passed Congress, and I am told will be sent to the President for his disposition.

The census along with the rest of the Commerce-Justice section of this bill have restrictions on the funding after June 15th, 1999. Hopefully, we will have a final court decision on the future of statistical sampling on the census. I might add that such sampling has, for the moment, been ruled to be illegal. I want to point out that when this issue is resolved, we will have to make arrangements in the spring to assure these agencies are not shut down because of this restriction. I do anticipate that census sampling will remain illegal.

There is money in this bill for the Korean Energy Development Program, popularly known as KEDO, but such funds are contingent on the President assuring Congress that there is real, and I mean real, progress in the effort to get the North Koreans to end their missile programs.

There is language important to many Members that allows certain Haitian refugees to receive green cards.

The effort to fund 100,000 teachers is begun in this bill.

I want to make two points here. First, for my friends on this side of the aisle who believe strongly as I do that money and power needs to be directed to the state and local school districts through block grants, this bill does exactly that. There is $7.7 billion in educational block grants earmarked for local governments. This is nearly $500 million more than last year.

This provision gets lost in the flurry of rhetoric about education, but it is a fact. We are doing what the American people want done, turning back money and decision making power into the classrooms and away from the bureaucrats in the Federal triangle.

I want to note the contributions here of one of our retiring Members. The entire 100,000 teachers concept began with my friend, the gentleman from New York (Mr. PAXON). He was advocating this program long before anyone else. I am proud to have been a prime cosponsor of that initiative. When the gentleman from New York (Mr. PAXON) retires, this will be one more way for us to remember his very dedicated public service.

Mr. Speaker, there is much else in this bill, the 40 pounds of documents that are in front of you. There are undoubtedly things many Members can embrace; likewise, there may be things that some Members did not get as requested.

But, personally, I long for the day when we can break free of this omnibus concept. Its greatest virtue is its greatest vice. It must be swallowed whole to complete our business. It must be swallowed whole, so the good goes down with the bad, and that can easily be avoided.

We on the Committee on Appropriations are not happy doing our business that way. We are' prepared to work with anyone willing to restore the integrity of the process. But I might remind Members that by adopting this bill, we can show that we can govern, that we have balanced the budget and achieved the first surplus in 30 years. We have in this Congress provided the first tax cut in 16 years, and that it is important to vote for this bill and go home to our districts to explain why we should come back in the majority in the 106th Congress.

Mr. Speaker, I urge the adoption of this conference report.

Mr. Speaker, I include the following for the RECORD.

Mr. Speaker, some have inquired whether the Government of Israel has agreed to make-up the shortage in its annual commitment to purchase and ship, on U.S.-flag vessels, American grain.

Many of us have been concerned, specifically my good friend from California, Congressman LANTOS, that the Government of Israel has in recent years been late in achieving its commitment to purchase and ship, on U.S.-flag vessels, American grain. In response to our concerns, the Israeli Ambassador, Zalman Shoval, has forcefully renewed the Government of Israel's commitment and agreed that the Government of Israel would make up any shortfall immediately. I am pleased with his response. I would like to submit for the record a letter from the Ambassador to Congressman LANTOS and me and our response thereto.

In addition, I expect to receive very shortly the Government of Israel's Fiscal Year 1999 "Side Letter." The Ambassador has assured me that this letter will include a statement that the Government of Israel will ensure that private grain purchasers and importers will charter qualified privately owned U.S.-flag commercial vessels to carry grain from the U.S. to Israel.

EMBASSY OF ISRAEL,
Washington, DC, October 1, 1998.

Hon. ROBERT L. LIVINGSTON,
Chairman, Appropriations Committee, House of Representatives, Washington, DC.
Hon. TOM LANTOS,
Member of Congress, House of Representatives, Washington, DC.

DEAR CONGRESSMEN LIVINGSTON AND LANTOS: The GOI has previously written to you concerning its commitment to cause the employment of U.S.-flag dry bulk carriers for the carriage of approximately 800,000 tons of grain for the period, October 1, 1997 through September 30, 1998. To the extent that extraordinary circumstances may lead to a shortfall in fullfilling this commitment in that period, the shortfall will be made up in the next succeeding fiscal year without diminution in the full commitment.

Accordingly, this will confirm our commitment to cause to be shipped, as provided in the Cargo Preference Act, in FY 1999 the approximately 350,000 MT of grain on such carriers, that constitutes the shortfall from FY 1998, in addition to the commitment for FY 1999.

Sincerely,

ZALMAN SHOVAL,
Ambassador.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 13, 1998.

Hon. ZALMAN SHOVAL,
Ambassador to the United States, Embassy of Israel, Washington, DC.

DEAR AMBASSADOR SHOVAL: Thank you for your letter dated October 1, 1998, regarding the Government of Israel's (GOI) grain purchase and shipment commitments.

We consider the GOI's grain purchase and shipment commitment embodied in the annual "Side Letter" issued by the GOI to be the utmost importance to the United States. We hereby acknowledge receipt of the GOI's fiscal year 1999 renewal of its annual commitment to purchase at least 1.6 million metric tons of grain in the United States and to ship at least half of that quantity, 800,000 metric tons, on qualified, privately owned, commercial U.S.-flag vessels.

Moreover, we acknowledge receipt of GOI's further commitment to make up the fiscal year 1998 shortfall of 350,000 metric tons by shipping this amount of grain on qualified, privately owned, commercial U.S.-flag vessels. This amount of grain will be in addition to the GOI's 800,000 ton fiscal year 1999 commitment.

Again, thank you for your response. We appreciate your efforts and assistance with this matter.

Sincerely,

BOB LIVINGSTON,
Member of Congress.
TOM LANTOS,
Member of Congress.

Mr. Speaker, at this point in this RECORD, I would like to insert several tables containing summaries of the appropriations in this conference report.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	3,379,000	2,941,000	2,941,000	2,836,000	2,836,000	-543,000
Executive Operations:						
Chief Economist	5,048,000	5,823,000	5,973,000	5,048,000	5,620,000	+572,000
Commission on 21st Century Production Agriculture	....	350,000	....	....	....	....
National Appeals Division	11,718,000	13,297,000	12,204,000	11,718,000	11,718,000	....
Office of Budget and Program Analysis	5,986,000	6,045,000	6,120,000	5,986,000	6,120,000	+134,000
Office of the Chief Information Officer	4,773,000	7,222,000	5,551,000	5,551,000	5,551,000	+778,000
Total, Executive Operations	27,525,000	32,737,000	29,848,000	28,303,000	29,009,000	+1,484,000
Office of the Chief Financial Officer	4,283,000	4,562,000	4,283,000	4,283,000	4,283,000	....
Office of the Assistant Secretary for Administration	613,000	636,000	636,000	613,000	613,000	....
Agriculture buildings and facilities and rental payments	131,085,000	147,889,000	137,184,000	137,184,000	137,184,000	+6,099,000
Payments to GSA	(98,600,000)	(108,057,000)	(108,057,000)	(108,057,000)	(108,057,000)	(+9,457,000)
Building operations and maintenance	(24,785,000)	(24,127,000)	(24,127,000)	(24,127,000)	(24,127,000)	(-658,000)
Repairs, renovations, and construction	(5,000,000)	(15,505,000)	(5,000,000)	(5,000,000)	(5,000,000)	....
Relocation expenses	(2,700,000)	....	....	....	....	(-2,700,000)
Hazardous waste management	15,700,000	15,700,000	15,700,000	15,700,000	15,700,000	....
Departmental administration	29,231,000	32,168,000	32,168,000	27,034,000	32,168,000	+2,937,000
Outreach for socially disadvantaged farmers	3,000,000	10,000,000	3,000,000	3,000,000	3,000,000	....
Office of the Assistant Secretary for Congressional Relations	3,668,000	3,814,000	3,668,000	3,668,000	3,668,000	....
Office of Communications	8,138,000	8,319,000	8,138,000	8,138,000	8,138,000	....
Office of the Inspector General	63,128,000	67,669,000	67,178,000	63,128,000	65,128,000	+2,000,000
Office of the General Counsel	28,759,000	30,446,000	30,386,000	28,759,000	29,194,000	+435,000
Office of the Under Secretary for Research, Education and Economics	540,000	560,000	560,000	540,000	540,000	....
Economic Research Service	71,604,000	55,839,000	67,262,000	53,109,000	65,757,000	-5,847,000
National Agricultural Statistics Service	118,048,000	107,190,000	105,082,000	103,964,000	103,964,000	-14,084,000
Census of Agriculture	(36,327,000)	(23,741,000)	(23,141,000)	(23,599,000)	(23,599,000)	(-12,728,000)
Agricultural Research Service	744,382,000	776,828,000	755,816,000	768,221,000	785,518,000	+41,136,000
Buildings and facilities	80,630,000	35,900,000	61,380,000	31,930,000	56,437,000	-24,193,000
Total, Agricultural Research Service	825,012,000	812,728,000	817,196,000	800,151,000	841,955,000	+16,943,000
Cooperative State Research, Education, and Extension Service:						
Research and education activities	431,410,000	412,589,000	431,125,000	432,982,000	481,216,000	+49,806,000
Native American Institutions Endowment Fund	(4,600,000)	(4,600,000)	(4,600,000)	(4,600,000)	(4,600,000)	....
Extension activities	423,376,000	418,651,000	416,789,000	432,181,000	437,987,000	+14,611,000
Total, Cooperative State Research, Education, and Extension Service	854,786,000	831,240,000	847,914,000	865,163,000	919,203,000	+64,417,000
Office of the Assistant Secretary for Marketing and Regulatory Programs	618,000	642,000	642,000	618,000	618,000	....
Animal and Plant Health Inspection Service:						
Salaries and expenses	425,932,000	417,752,000	424,500,000	419,473,000	425,803,000	-129,000
AQI user fees	(88,000,000)	(100,000,000)	(88,000,000)	(88,000,000)	(88,000,000)	....
Buildings and facilities	4,200,000	5,200,000	5,200,000	4,200,000	7,700,000	+3,500,000
Total, Animal and Plant Health Inspection Service	430,132,000	422,952,000	429,700,000	423,673,000	433,503,000	+3,371,000
Agricultural Marketing Service:						
Marketing Services	46,567,000	58,469,000	46,567,000	45,567,000	48,831,000	+2,264,000
New user fees	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	....
(Limitation on administrative expenses, from fees collected)	(59,521,000)	(60,730,000)	(60,730,000)	(59,521,000)	(60,730,000)	(+1,209,000)
Funds for strengthening markets, income, and supply (transfer from section 32)	10,690,000	10,998,000	10,998,000	10,998,000	10,998,000	+308,000
Payments to states and possessions	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	....
Total, Agricultural Marketing Service	58,457,000	70,667,000	58,765,000	57,765,000	61,029,000	+2,572,000
Grain Inspection, Packers and Stockyards Administration	25,390,000	11,797,000	27,542,000	26,390,000	26,787,000	+1,397,000
Inspection and Weighing Services (limitation on administrative expenses, from fees collected)	(43,092,000)	(42,557,000)	(42,557,000)	(42,557,000)	(42,557,000)	(-535,000)
Office of the Under Secretary for Food Safety	446,000	598,000	....	446,000	446,000	....
Food Safety and Inspection Service	588,761,000	149,586,000	609,250,000	605,149,000	616,986,000	+28,225,000
Lab accreditation fees 1/	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	....
Total, Production, Processing, and Marketing	3,292,303,000	2,840,480,000	3,299,073,000	3,259,614,000	3,401,709,000	+109,406,000
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	572,000	597,000	597,000	572,000	572,000	....

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Farm Service Agency:						
Salaries and expenses	699,579,000	723,478,000	724,499,000	710,842,000	714,499,000	+14,920,000
(Transfer from export loans)	(589,000)	(672,000)	(589,000)	(589,000)	(589,000)	
(Transfer from P.L. 480)	(815,000)	(845,000)	(815,000)	(815,000)	(815,000)	
(Transfer from ACIF)	(209,861,000)	(227,673,000)	(209,861,000)	(209,861,000)	(209,861,000)	
Total, salaries and expenses	(910,844,000)	(952,668,000)	(935,764,000)	(922,107,000)	(925,764,000)	(+14,920,000)
State mediation grants	2,000,000	4,000,000	2,000,000	2,000,000	2,000,000	
Dairy indemnity program	550,000	450,000	450,000	450,000	450,000	-100,000
Total, Farm Service Agency	702,129,000	727,928,000	726,949,000	713,292,000	716,949,000	+14,820,000
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(78,320,000)	(85,000,000)	(75,000,000)	(85,649,000)	(85,651,000)	(+7,331,000)
Guaranteed	(425,000,000)	(425,031,000)	(425,031,000)	(425,000,000)	(425,031,000)	(+31,000)
Subtotal	(503,320,000)	(510,031,000)	(500,031,000)	(510,649,000)	(510,682,000)	(+7,362,000)
Farm operating loans:						
Direct	(565,000,000)	(500,000,000)	(500,000,000)	(560,472,000)	(500,000,000)	(-65,000,000)
Guaranteed unsubsidized	(992,906,000)	(1,700,000,000)	(1,276,000,000)	(992,906,000)	(848,276,000)	(-44,630,000)
Guaranteed subsidized	(235,000,000)	(200,000,000)	(200,000,000)	(235,000,000)	(200,000,000)	(-35,000,000)
Subtotal	(1,792,906,000)	(2,400,000,000)	(1,976,000,000)	(1,788,378,000)	(1,648,276,000)	(-144,630,000)
Indian tribe land acquisition loans	(1,000,000)	(1,003,000)	(1,000,000)	(1,000,000)	(1,000,000)	
Emergency disaster loans	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	
Boll weevil eradication loans	(53,467,000)	(30,000,000)	(100,000,000)	(40,000,000)	(100,000,000)	(+46,533,000)
Credit sales of acquired property	(25,000,000)	(25,000,000)	(25,000,000)			(-25,000,000)
Total, Loan authorizations	(2,400,693,000)	(2,991,034,000)	(2,627,031,000)	(2,365,027,000)	(2,284,958,000)	(-115,735,000)
Loan subsidies:						
Farm ownership loans:						
Direct	8,329,000	12,725,000	11,228,000	12,822,000	12,822,000	+4,493,000
Guaranteed	16,407,000	6,758,000	6,758,000	6,758,000	6,758,000	-9,649,000
Subtotal	24,736,000	19,483,000	17,986,000	19,580,000	19,580,000	-5,156,000
Farm operating loans:						
Direct	36,823,000	34,150,000	34,150,000	38,280,000	34,150,000	-2,673,000
Guaranteed unsubsidized	11,617,000	19,720,000	11,000,000	11,518,000	11,000,000	-617,000
Guaranteed subsidized	22,654,000	17,480,000	17,480,000	20,539,000	17,480,000	-5,174,000
Subtotal	71,094,000	71,350,000	62,630,000	70,337,000	62,630,000	-8,464,000
Indian tribe land acquisition	132,000	153,000	153,000	153,000	153,000	+21,000
Emergency disaster loans	6,008,000	5,900,000	5,900,000	5,900,000	5,900,000	-108,000
Boll weevil loans subsidy	472,000	432,000	1,440,000	576,000	1,440,000	+968,000
Credit sales of acquired property	3,255,000	3,260,000	3,260,000			-3,255,000
Total, Loan subsidies	105,697,000	100,578,000	91,369,000	96,546,000	89,703,000	-15,994,000
ACIF expenses:						
Salaries and expense (transfer to FSA)	209,861,000	227,673,000	209,861,000	209,861,000	209,861,000	
Administrative expenses	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	
Total, ACIF expenses	219,861,000	237,673,000	219,861,000	219,861,000	219,861,000	
Total, Agricultural Credit Insurance Fund	325,558,000	338,251,000	311,230,000	316,407,000	309,564,000	-15,994,000
(Loan authorization)	(2,400,693,000)	(2,991,034,000)	(2,627,031,000)	(2,365,027,000)	(2,284,958,000)	(-115,735,000)
Total, Farm Service Agency	1,027,687,000	1,066,179,000	1,038,179,000	1,029,699,000	1,026,513,000	-1,174,000
Risk Management Agency:						
Administrative and operating expenses	64,000,000	66,000,000	64,000,000	64,000,000	64,000,000	
Sales commission of agents	188,571,000					-188,571,000
Total, Risk Management Agency	252,571,000	66,000,000	64,000,000	64,000,000	64,000,000	-188,571,000
Total, Farm Assistance Programs	1,280,830,000	1,132,776,000	1,102,776,000	1,094,271,000	1,091,065,000	-189,745,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	1,584,135,000	1,504,036,000	1,504,036,000	1,504,036,000	1,504,036,000	-80,099,000
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses	783,507,000	8,439,000,000	8,439,000,000	8,439,000,000	8,439,000,000	+7,655,493,000
Operations and maintenance for hazardous waste management (limitation on administrative expenses)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	....
Total, Corporations	2,367,642,000	9,943,036,000	9,943,036,000	9,943,036,000	9,943,036,000	+7,575,394,000
Total, title I, Agricultural Programs	6,940,775,000	13,916,292,000	14,344,886,000	14,296,921,000	14,436,830,000	+7,496,055,000
(By transfer)	(211,265,000)	(229,190,000)	(211,265,000)	(211,265,000)	(211,265,000)	....
(Loan authorization)	(2,400,693,000)	(2,891,034,000)	(2,827,031,000)	(2,365,027,000)	(2,284,958,000)	(-115,735,000)
(Limitation on administrative expenses)	(107,613,000)	(108,287,000)	(108,287,000)	(107,078,000)	(108,287,000)	(+674,000)
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	693,000	719,000	719,000	693,000	693,000	....
Natural Resources Conservation Service:						
Conservation operations	632,853,000	742,231,000	641,243,000	638,664,000	641,243,000	+8,390,000
Watershed surveys and planning 2/	11,190,000	....	9,545,000	11,190,000	10,368,000	-822,000
Watershed and flood prevention operations 3/	101,036,000	49,000,000	97,850,000	101,036,000	99,443,000	-1,593,000
Resource conservation and development	34,377,000	34,377,000	35,000,000	34,377,000	35,000,000	+623,000
Forestry incentives program	6,325,000	....	....	6,325,000	6,325,000	....
Total, Natural Resources Conservation Service	785,781,000	825,608,000	783,638,000	791,592,000	792,379,000	+6,598,000
Total, title II, Conservation Programs	786,474,000	826,327,000	784,357,000	792,285,000	793,072,000	+6,598,000
TITLE III - RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	588,000	611,000	611,000	588,000	588,000	....
Rural community advancement program	652,197,000	715,172,000	745,172,000	702,601,000	722,686,000	+70,489,000
Delta region economic development program	....	28,000,000	....	....	....	....
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family (sec. 502)	(1,000,000,000)	(1,000,000,000)	(930,600,000)	(1,000,000,000)	(965,313,000)	(-34,687,000)
Unsubsidized guaranteed	(3,000,000,000)	(3,000,000,000)	(3,000,000,000)	(3,000,000,000)	(3,000,000,000)	....
Housing repair (sec. 504)	(30,000,000)	(25,001,000)	(25,001,000)	(30,000,000)	(25,001,000)	(-4,999,000)
Farm labor (sec. 514)	(15,000,000)	(32,108,000)	(20,000,000)	(15,758,000)	(20,000,000)	(+5,000,000)
Rental housing (sec. 515)	(128,640,000)	(100,000,000)	(100,000,000)	(128,640,000)	(114,321,000)	(-14,319,000)
Multifamily housing guarantees (sec. 538)	(19,700,000)	(150,000,000)	(125,000,000)	(75,000,000)	(100,000,000)	(+80,300,000)
Site loans (sec. 524)	(600,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,152,000)	(+4,552,000)
Credit sales of acquired property	(25,000,000)	(30,007,000)	(25,000,000)	(25,000,000)	(18,930,000)	(-6,070,000)
Self-help housing land development fund	(587,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+4,413,000)
Total, Loan authorizations	(4,219,527,000)	(4,347,116,000)	(4,235,601,000)	(4,284,398,000)	(4,251,717,000)	(+32,190,000)
Loan subsidies:						
Single family (sec. 502)	128,100,000	118,200,000	110,000,000	118,200,000	114,100,000	-14,000,000
Unsubsidized guaranteed	6,900,000	2,700,000	2,700,000	2,700,000	2,700,000	-4,200,000
Housing repair (sec. 504)	10,300,000	8,808,000	8,808,000	10,569,000	8,808,000	-1,492,000
Multifamily housing guarantees (sec. 538)	1,200,000	3,440,000	2,900,000	1,740,000	2,320,000	+1,120,000
Farm labor (sec. 514)	7,388,000	18,708,000	10,406,000	8,199,000	10,406,000	+3,018,000
Rental housing (sec. 515)	68,745,000	48,250,000	48,250,000	62,089,000	55,180,000	-13,565,000
Site loans (sec. 524)	....	17,000	17,000	16,000	17,000	+17,000
Credit sales of acquired property	3,492,000	4,572,000	3,492,000	3,826,000	3,492,000	....
Self-help housing land development fund	17,000	282,000	282,000	282,000	282,000	+265,000
Total, Loan subsidies	226,142,000	203,115,000	186,855,000	207,601,000	197,285,000	-28,857,000
RHIF administrative expenses (transfer to RHS)	354,785,000	367,857,000	354,785,000	360,785,000	360,785,000	+6,000,000
Rental assistance program:						
(Sec. 521)	535,497,000	577,497,000	577,497,000	577,497,000	577,497,000	+42,000,000
(Sec. 502(c)(5)(D))	5,900,000	5,900,000	5,900,000	5,900,000	5,900,000	....
Total, Rental assistance program	541,397,000	583,397,000	583,397,000	583,397,000	583,397,000	+42,000,000
Total, Rural Housing Insurance Fund	1,122,324,000	1,154,369,000	1,125,037,000	1,151,783,000	1,141,467,000	+19,143,000
(Loan authorization)	(4,219,527,000)	(4,347,116,000)	(4,235,601,000)	(4,284,398,000)	(4,251,717,000)	(+32,190,000)
Mutual and self-help housing grants	26,000,000	26,000,000	26,000,000	26,000,000	26,000,000	....
Rural community fire protection grants	2,000,000	....	....	....	....	-2,000,000
Rural housing assistance grants	45,720,000	46,900,000	41,000,000	45,720,000	41,000,000	-4,720,000
Subtotal, grants and payments	73,720,000	72,900,000	67,000,000	71,720,000	67,000,000	-6,720,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
RHS expenses:						
Salaries and expenses	57,958,000	60,978,000	57,958,000	60,978,000	60,978,000	+3,020,000
(Transfer from RHIF)	(354,785,000)	(367,857,000)	(354,785,000)	(360,785,000)	(360,785,000)	(+6,000,000)
Total, RHS expenses	(412,743,000)	(428,835,000)	(412,743,000)	(421,763,000)	(421,763,000)	(+9,020,000)
Total, Rural Housing Service	1,254,002,000	1,288,247,000	1,249,895,000	1,264,481,000	1,269,445,000	+15,443,000
(Loan authorization)	(4,219,527,000)	(4,347,116,000)	(4,235,801,000)	(4,264,396,000)	(4,251,717,000)	(+32,190,000)
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(35,000,000)	(35,000,000)	(35,000,000)	(33,000,000)	(33,000,000)	(-2,000,000)
Loan subsidy	16,888,000	17,622,000	17,622,000	16,615,000	16,615,000	-273,000
Administrative expenses (transfer to RBCS)	3,482,000	3,547,000	3,499,000	3,482,000	3,482,000	....
Total, Rural Development Loan Fund	20,370,000	21,169,000	21,121,000	20,097,000	20,097,000	-273,000
Rural Economic Development Loans Program Account:						
(Loan authorization)	(25,000,000)	(15,000,000)	(15,000,000)	(23,000,000)	(15,000,000)	(-10,000,000)
Direct subsidy	5,978,000	3,783,000	3,783,000	5,801,000	3,783,000	-2,195,000
Alternative Agricultural Research and Commercialization Revolving Fund	7,000,000	10,000,000	....	7,000,000	3,500,000	-3,500,000
Rural cooperative development grants	3,000,000	5,700,000	3,300,000	3,000,000	3,300,000	+300,000
RBCS expenses:						
Salaries and expenses	25,680,000	26,396,000	25,680,000	25,680,000	25,680,000	....
(Transfer from RDLFP)	(3,482,000)	(3,547,000)	(3,499,000)	(3,482,000)	(3,482,000)	....
Total, RBCS expenses	(29,162,000)	(29,943,000)	(29,179,000)	(29,162,000)	(29,162,000)	....
Total, Rural Business-Cooperative Service	62,028,000	67,048,000	53,884,000	61,578,000	56,360,000	-5,668,000
(By transfer)	(3,482,000)	(3,547,000)	(3,499,000)	(3,482,000)	(3,482,000)	....
(Loan authorization)	(60,000,000)	(50,000,000)	(50,000,000)	(56,000,000)	(48,000,000)	(-12,000,000)
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Direct loans:						
Electric 5%	(125,000,000)	(55,000,000)	(71,500,000)	(71,500,000)	(71,500,000)	(-53,500,000)
Telecommunications 5%	(75,000,000)	(50,000,000)	(75,000,000)	(75,000,000)	(75,000,000)	....
Subtotal	(200,000,000)	(105,000,000)	(146,500,000)	(146,500,000)	(146,500,000)	(-53,500,000)
Treasury rates: Telecommunications	(300,000,000)	(300,000,000)	(300,000,000)	(250,000,000)	(300,000,000)	....
Muni-rate: Electric	(500,000,000)	(250,000,000)	(295,000,000)	(295,000,000)	(295,000,000)	(-205,000,000)
FFB loans:						
Electric, regular	(300,000,000)	(300,000,000)	(700,000,000)	(700,000,000)	(700,000,000)	(+400,000,000)
Telecommunications	(120,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	....
Subtotal	(420,000,000)	(420,000,000)	(820,000,000)	(820,000,000)	(820,000,000)	(+400,000,000)
Total, Loan authorizations	(1,420,000,000)	(1,075,000,000)	(1,561,500,000)	(1,511,500,000)	(1,561,500,000)	(+141,500,000)
Loan subsidies:						
Direct loans:						
Electric 5%	9,325,000	7,172,000	9,325,000	9,325,000	9,325,000	....
Telecommunications 5%	2,940,000	4,895,000	7,342,000	7,342,000	7,342,000	+4,402,000
Subtotal	12,265,000	12,067,000	16,667,000	16,667,000	16,667,000	+4,402,000
Treasury rates: Telecommunications	60,000	810,000	810,000	675,000	810,000	+750,000
Muni-rate: Electric	21,100,000	21,900,000	25,842,000	25,842,000	25,842,000	+4,742,000
FFB loans: Electric, regular	2,760,000	....	....	....	....	-2,760,000
Total, Loan subsidies	36,185,000	34,777,000	43,319,000	43,184,000	43,319,000	+7,134,000
RETLP administrative expenses (transfer to RUS)	29,982,000	32,000,000	29,982,000	29,982,000	29,982,000	....
Total, Rural Electrification and Telecommunications Loans Program Account	66,167,000	66,777,000	73,301,000	73,166,000	73,301,000	+7,134,000
(Loan authorization)	(1,420,000,000)	(1,075,000,000)	(1,561,500,000)	(1,511,500,000)	(1,561,500,000)	(+141,500,000)
Rural Telephone Bank Program Account:						
(Loan authorization)	(175,000,000)	(175,000,000)	(175,000,000)	(140,000,000)	(157,509,000)	(-17,491,000)
Direct loan subsidy	3,710,000	4,636,000	4,636,000	3,710,000	4,174,000	+464,000
RTP administrative expenses (transfer to RUS)	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	....
Total	6,710,000	7,636,000	7,636,000	6,710,000	7,174,000	+464,000
Distance learning and telemedicine program:						

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Distance learning and telemedicine program:						
(Loan authorization)	(150,000,000)	(150,000,000)	(150,000,000)	(150,000,000)	(150,000,000)	
Direct loan subsidy	30,000	180,000	180,000	180,000	180,000	+150,000
Grants	12,500,000	15,000,000	10,000,000	12,500,000	12,500,000	
Total	12,530,000	15,180,000	10,180,000	12,680,000	12,680,000	+150,000
RUS expenses:						
Salaries and expenses	33,000,000	33,445,000	33,000,000	33,000,000	33,000,000	
(Transfer from RETLP)	(29,982,000)	(32,000,000)	(29,982,000)	(29,982,000)	(29,982,000)	
(Transfer from RTP)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	
Total, RUS expenses	(65,982,000)	(68,445,000)	(65,982,000)	(65,982,000)	(65,982,000)	
Total, Rural Utilities Service	118,407,000	123,040,000	124,119,000	125,556,000	126,155,000	+7,748,000
(By transfer)	(32,982,000)	(35,000,000)	(32,982,000)	(32,982,000)	(32,982,000)	
(Loan authorization)	(1,745,000,000)	(1,400,000,000)	(1,886,500,000)	(1,801,500,000)	(1,869,008,000)	(+124,008,000)
Total, title III, Rural Economic and Community Development Programs	2,087,222,000	2,220,118,000	2,173,781,000	2,174,804,000	2,175,234,000	+88,012,000
(By transfer)	(391,249,000)	(408,404,000)	(391,266,000)	(397,249,000)	(397,249,000)	(+6,000,000)
(Loan authorization)	(8,024,527,000)	(5,797,116,000)	(8,172,101,000)	(8,141,898,000)	(8,168,726,000)	(+144,199,000)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services	554,000	573,000		554,000	554,000	
Food and Consumer Service:						
Child nutrition programs	2,612,675,000	3,887,703,000	4,166,747,000	4,171,747,000	4,128,747,000	+1,516,072,000
Discretionary spending	3,750,000	10,000,000	3,750,000			-3,750,000
Transfer from section 32	5,151,391,000	5,332,194,000	5,048,150,000	5,048,150,000	5,048,150,000	-103,241,000
Total, Child nutrition programs	7,767,816,000	9,229,897,000	9,218,647,000	9,219,897,000	9,176,897,000	+1,409,081,000
Special supplemental nutrition program for women, infants, and children (WIC)	3,924,000,000	4,061,000,000	3,924,000,000	3,948,000,000	3,924,000,000	
Reserve		(20,000,000)				
Food stamp program:						
Expenses	23,736,479,000	22,365,808,000	21,165,808,000	22,365,808,000	21,159,106,000	-2,577,373,000
Reserve	100,000,000	1,000,000,000	100,000,000	100,000,000	100,000,000	
Nutrition assistance for Puerto Rico	1,204,000,000	1,236,000,000	1,236,000,000	1,236,000,000	1,236,000,000	+32,000,000
The emergency food assistance program	100,000,000	100,000,000	90,000,000	80,000,000	90,000,000	-10,000,000
Total, Food stamp program	25,140,479,000	24,701,808,000	22,591,808,000	23,781,808,000	22,585,106,000	-2,555,373,000
Commodity assistance program	141,000,000	317,081,000	141,000,000	141,000,000	131,000,000	-10,000,000
Food donations programs for selected groups:						
Needy family program	1,165,000		1,081,000	1,081,000	1,081,000	-84,000
Elderly feeding program	140,000,000		140,000,000	140,000,000	140,000,000	
Total, Food donations programs 4/	141,165,000		141,081,000	141,081,000	141,081,000	-84,000
Food program administration	107,505,000	111,846,000	108,311,000	109,069,000	108,561,000	+1,056,000
Total, Food and Consumer Service	37,221,965,000	38,441,632,000	36,124,845,000	37,340,853,000	36,066,645,000	-1,155,320,000
Total, title IV, Domestic Food Programs	37,222,519,000	38,442,205,000	36,124,845,000	37,341,407,000	36,067,199,000	-1,155,320,000
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service and General Sales Manager:						
Direct appropriation	131,295,000	141,087,000	131,295,000	131,795,000	136,203,000	+4,908,000
(Transfer from export loans)	(3,231,000)	(3,413,000)	(3,231,000)	(3,231,000)	(3,231,000)	
(Transfer from P.L. 480)	(1,035,000)	(1,083,000)	(1,035,000)	(1,035,000)	(1,035,000)	
Total, Program level	(135,561,000)	(145,583,000)	(135,561,000)	(136,061,000)	(140,469,000)	(+4,908,000)
Public Law 480 Program and Grant Accounts:						
Title I - Credit sales:						
Program level	(244,508,000)	(111,558,000)	(197,514,000)	(221,083,000)	(219,724,000)	(-24,784,000)
Direct loans	(226,900,000)	(102,163,000)	(182,624,000)	(203,475,000)	(203,475,000)	(-23,425,000)
Ocean freight differential	17,608,000	9,395,000	14,890,000	17,608,000	16,249,000	-1,359,000
Title II - Commodities for disposition abroad:						
Program level	(837,000,000)	(837,000,000)	(837,000,000)	(837,000,000)	(837,000,000)	
Appropriation	837,000,000	837,000,000	837,000,000	837,000,000	837,000,000	
Title III - Commodity grants:						
Program level	(30,000,000)	(30,000,000)	(25,000,000)	(30,000,000)	(25,000,000)	(-5,000,000)
Appropriation	30,000,000	30,000,000	25,000,000	30,000,000	25,000,000	-5,000,000
Loan subsidies	178,596,000	88,987,000	158,499,000	178,596,000	178,596,000	

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Salaries and expenses:						
General Sales Manager (transfer to FAS)	1,035,000	1,093,000	1,035,000	1,035,000	1,035,000	
Farm Service Agency (transfer to FSA)	815,000	845,000	815,000	815,000	815,000	
Subtotal	1,850,000	1,938,000	1,850,000	1,850,000	1,850,000	
Total, Public Law 480:						
Program level	(1,111,508,000)	(978,568,000)	(1,059,514,000)	(1,088,083,000)	(1,081,724,000)	(-29,784,000)
Appropriation	1,063,054,000	867,000,000	1,037,239,000	1,063,054,000	1,054,685,000	-8,369,000
CCC Export Loans Program Account:						
Export credit: Loan subsidy	407,830,000	253,000,000	252,500,000			-407,830,000
(Loan authorization)	(5,500,000,000)	(4,615,000,000)	(4,615,000,000)			(-5,500,000,000)
Emerging markets export credit	(200,000,000)					(-200,000,000)
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS)	3,231,000	3,413,000	3,231,000	3,231,000	3,231,000	
Farm Service Agency (transfer to FSA)	589,000	672,000	589,000	589,000	589,000	
Total, CCC Export Loans Program Account	411,450,000	257,085,000	256,320,000	3,820,000	3,820,000	-407,830,000
Total, title V, Foreign Assistance and Related Programs	1,605,779,000	1,365,172,000	1,424,854,000	1,196,869,000	1,196,718,000	-409,061,000
(By transfer)	(4,266,000)	(4,506,000)	(4,266,000)	(4,266,000)	(4,266,000)	
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation	857,501,000	878,884,000	871,499,000	940,367,000	970,867,000	+113,366,000
Prescription drug user fee act	(117,122,000)	(126,845,000)	(126,845,000)	(132,273,000)	(132,273,000)	(+15,151,000)
Mammography clinics user fee	(13,966,000)	(14,385,000)	(14,385,000)	(14,385,000)	(14,385,000)	(+419,000)
Subtotal, program level	(988,589,000)	(1,020,114,000)	(1,012,729,000)	(1,087,025,000)	(1,117,525,000)	(+128,936,000)
Buildings and facilities	21,350,000	8,350,000	11,350,000	12,350,000	11,350,000	-10,000,000
Rental payments (FDA)	46,294,000	82,866,000	82,866,000			-46,294,000
By transfer from PDUFA		(5,428,000)	(5,428,000)			
Subtotal, program level	(46,294,000)	(88,294,000)	(88,294,000)			(-46,294,000)
Total, Food and Drug Administration	925,145,000	970,100,000	965,715,000	952,717,000	982,217,000	+57,072,000
DEPARTMENT OF THE TREASURY						
Financial Management Service: Payments to the Farm Credit System Financial Assistance Corporation	7,728,000	2,565,000	2,565,000	2,565,000	2,565,000	-5,163,000
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	58,101,000	63,360,000	62,140,000	61,000,000	61,000,000	+2,899,000
Farm Credit Administration (limitation on administrative expenses)	(34,423,000)	(35,800,000)	(35,800,000)		(35,800,000)	(+1,377,000)
Total, title VI, Related Agencies and Food and Drug Administration	990,974,000	1,036,025,000	1,030,420,000	1,016,282,000	1,045,782,000	+54,808,000
TITLE VII - EMERGENCY APPROPRIATIONS						
DEPARTMENT OF AGRICULTURE						
Farm Service Agency						
Emergency conservation program	34,000,000					-34,000,000
Tree assistance program	14,000,000					-14,000,000
Agricultural Credit Insurance Fund Program Account:						
Emergency insured loans:						
Loan subsidy	21,000,000					-21,000,000
(Loan authorization)	(87,400,000)					(-87,400,000)
Total, Farm Service Agency	69,000,000					-69,000,000
Commodity Credit Corporation						
Livestock disaster assistance fund	4,000,000					-4,000,000
Dairy production indemnity assistance program	6,800,000					-6,800,000
Total, Commodity Credit Corporation	10,800,000					-10,800,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Natural Resources Conservation Service						
Watershed and flood prevention operations	80,000,000					-80,000,000
Total, title VII, Emergency appropriations	159,800,000					-159,800,000
TITLE XI - EMERGENCY APPROPRIATIONS						
DEPARTMENT OF AGRICULTURE						
Office of the Secretary (cotton warehouse) (contingent emergency appropriations)					5,000,000	+5,000,000
Pilot livestock price reporting study (contingent emergency appropriations)					250,000	+250,000
Federal Crop Insurance Corporation						
Federal crop insurance corporation fund (emergency appropriations)		1,545,000,000				
Purchase requirement (contingent emergency appropriations)					66,000,000	+66,000,000
Raisins (contingent emergency appropriations)					3,000,000	+3,000,000
Commodity Credit Corporation						
Natural disasters (contingent emergency appropriations)					1,500,000,000	+1,500,000,000
Multi-year losses (contingent emergency appropriations)					875,000,000	+875,000,000
Livestock disaster assistance fund (emergency appropriations)		85,000,000				
Contingent emergency appropriations					200,000,000	+200,000,000
Multi-year flooding (emergency appropriations)		50,000,000				
Market loss (contingent emergency appropriations)					3,057,000,000	+3,057,000,000
Economic loss (Alaska) (contingent emergency appropriations)					50,000,000	+50,000,000
Honey (contingent emergency appropriations)					1,000,000	+1,000,000
Mohair fiber (contingent emergency appropriations)					27,000,000	+27,000,000
Total, Commodity Credit Corporation		135,000,000			5,778,000,000	+5,778,000,000
Foreign Agricultural Service and General Sales Manager						
Food for progress (contingent emergency appropriations)					25,000,000	+25,000,000
Total, title XI, emergency appropriations		1,680,000,000			5,809,250,000	+5,809,250,000
Emergency appropriations		(1,680,000,000)				
Contingent emergency appropriations					(5,809,250,000)	(+5,809,250,000)
TITLE XII - EMERGENCY APPROPRIATIONS						
DEPARTMENT OF AGRICULTURE						
Farm Service Agency						
Salaries and expenses (emergency appropriations)		40,000,000			40,000,000	+40,000,000
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm operating loans:						
Direct					(133,806,000)	(+133,806,000)
Guaranteed unsubsidized					(150,000,000)	(+150,000,000)
Guaranteed subsidized					(156,704,000)	(+156,704,000)
Total, Loan authorizations					(440,510,000)	(+440,510,000)
Loan subsidies:						
Farm operating loans (emergency appropriations):						
Direct		15,969,000			15,969,000	+15,969,000
Guaranteed unsubsidized		1,740,000			1,740,000	+1,740,000
Guaranteed subsidized		13,696,000			13,696,000	+13,696,000
Total, Agricultural Credit Insurance Fund		31,405,000			31,405,000	+31,405,000
(Loan authorization)					(440,510,000)	(+440,510,000)
Total, Farm Service Agency		71,405,000			71,405,000	+71,405,000
Commodity Credit Corporation						
Dairy production disaster assistance program (contingent emergency appropriations)					3,000,000	+3,000,000
Natural Resources Conservation Service						
Forestry incentives program (contingent emergency appropriations)					10,000,000	+10,000,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Forest Service						
State and private forestry (emergency appropriations)	....	10,000,000	....	....	....	....
Total, title XIII, emergency appropriations	....	81,405,000	....	....	84,405,000	+84,405,000
Emergency appropriations	....	(81,405,000)	....	....	(71,405,000)	(+71,405,000)
Contingent emergency appropriations	....	....	....	....	(13,000,000)	(+13,000,000)
Scorekeeping adjustments	-243,408,000	-1,505,188,000	3,717,000	354,217,000	-5,669,438,000	-5,426,030,000
Grand total:						
New budget (obligational) authority	49,550,155,000	58,062,356,000	55,886,659,000	57,174,585,000	55,938,052,000	+6,387,897,000
Appropriations	(49,390,355,000)	(56,300,951,000)	(55,886,659,000)	(57,174,585,000)	(50,044,397,000)	(+654,042,000)
Emergency appropriations	....	(1,781,405,000)	....	....	(71,405,000)	(+71,405,000)
Contingent emergency appropriations	(159,800,000)	....	....	....	(5,822,250,000)	(+5,662,450,000)
(By transfer)	(606,780,000)	(640,100,000)	(606,797,000)	(612,780,000)	(612,780,000)	(+6,000,000)
(Loan authorization)	(14,012,620,000)	(13,403,150,000)	(13,414,132,000)	(8,506,925,000)	(8,894,194,000)	(-5,118,426,000)
(Limitation on administrative expenses)	(142,036,000)	(144,087,000)	(144,087,000)	(107,078,000)	(144,087,000)	(+2,051,000)

1/ In addition to appropriation.

2/ Budget proposes to fund this account under Conservation Operations.

3/ Budget proposes to fund technical assistance for WFPO under Conservation Operations.

4/ Budget proposes to include funding for these programs under the Commodity Assistance Program in FY 1998.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	76,199,000	89,488,000	79,488,000	76,199,000	79,448,000	+3,249,000
Joint automated booking system				10,000,000		
Narrowband communications (crime trust fund)		85,894,000				
Counterterrorism fund	52,700,000	61,703,000	89,200,000	19,999,000	10,000,000	-42,700,000
1st Responder grants				174,000,000	135,000,000	+135,000,000
Telecommunications carrier compliance fund		50,000,000				
Defense function		50,000,000				
Administrative review and appeals:						
Direct appropriation	70,007,000	79,685,000	75,312,000	41,858,000	75,312,000	+5,305,000
Crime trust fund	59,251,000	65,178,000	59,251,000		59,251,000	
Total, Administrative review and appeals	129,258,000	144,863,000	134,563,000	41,858,000	134,563,000	+5,305,000
Office of Inspector General	33,211,000	34,610,000	36,610,000	33,211,000	35,610,000	+2,399,000
Total, General administration	291,368,000	516,558,000	339,861,000	355,267,000	394,621,000	+103,253,000
Appropriations	(232,117,000)	(365,486,000)	(280,610,000)	(355,267,000)	(335,370,000)	(+103,253,000)
Crime trust fund	(59,251,000)	(151,072,000)	(59,251,000)		(59,251,000)	
United States Parole Commission						
Salaries and expenses	5,009,000	7,621,000	7,400,000	7,989,000	7,400,000	+2,391,000
Legal Activities						
General legal activities:						
Direct appropriation	444,200,000	477,328,000	462,265,000	485,511,000	466,840,000	+22,640,000
Crime trust fund	7,969,000	8,183,000	8,160,000		8,160,000	+191,000
Total, General legal activities	452,169,000	485,511,000	470,425,000	485,511,000	475,000,000	+22,831,000
Vaccine injury compensation trust fund (permanent)	4,028,000	4,028,000	4,028,000	4,028,000	4,028,000	
Independent counsel (permanent, indefinite)	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000	
Antitrust Division	93,495,000	97,588,000	98,275,000	98,275,000	98,275,000	+4,780,000
Offsetting fee collections - carryover	-18,000,000	-11,000,000	-30,000,000	-11,687,000	-30,000,000	-12,000,000
Offsetting fee collections - current year	-70,000,000		-68,275,000	-86,588,000	-68,275,000	+1,725,000
Direct appropriation	5,495,000	86,588,000				-5,495,000
United States Attorneys:						
Direct appropriation	972,460,000	1,052,993,000	1,039,147,000	1,083,842,000	1,009,680,000	+37,220,000
Crime trust fund	62,828,000	54,000,000	51,231,000		80,698,000	+17,870,000
Total, United States Attorneys	1,035,288,000	1,106,993,000	1,090,378,000	1,083,842,000	1,090,378,000	+55,090,000
United States trustee system fund	114,248,000	130,437,000	114,248,000	108,248,000	114,248,000	
Offsetting fee collections	-114,248,000		-114,248,000	-100,000,000	-114,248,000	
Direct appropriation		130,437,000		8,248,000		
Foreign Claims Settlement Commission	1,226,000	1,335,000	1,335,000	1,227,000	1,227,000	+1,000
United States Marshals Service:						
Direct appropriation	467,833,000	486,436,000	477,611,000	501,752,000	477,056,000	+9,223,000
Crime trust fund	25,553,000	26,407,000	25,553,000		25,553,000	
Construction 1/		6,300,000		4,000,000	4,600,000	+4,600,000
Justice prisoner and alien transportation system fund		10,000,000		10,000,000		
Total, United States Marshals Service	493,386,000	529,143,000	503,164,000	515,752,000	507,209,000	+13,823,000
Federal Prisoner Detention	405,262,000	450,848,000	425,000,000	407,018,000	425,000,000	+19,738,000
Fees and expenses of witnesses	75,000,000	95,000,000	95,000,000	95,000,000	95,000,000	+20,000,000
Community Relations Service	5,319,000	8,899,000	7,199,000	5,319,000	7,199,000	+1,880,000
Assets forfeiture fund	23,000,000	23,000,000	23,000,000	23,000,000	23,000,000	
Total, Legal activities	2,509,673,000	2,931,282,000	2,629,029,000	2,638,245,000	2,637,541,000	+127,868,000
Appropriations	(2,413,323,000)	(2,842,692,000)	(2,544,085,000)	(2,638,245,000)	(2,523,130,000)	(+109,807,000)
Crime trust fund	(96,350,000)	(88,590,000)	(84,944,000)		(114,411,000)	(+18,061,000)
Radiation Exposure Compensation						
Administrative expenses	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	
Payment to radiation exposure compensation trust fund	4,381,000	11,717,000				-4,381,000
Total, Radiation Exposure Compensation	6,381,000	13,717,000	2,000,000	2,000,000	2,000,000	-4,381,000
Interagency Law Enforcement						
Interagency crime and drug enforcement	294,967,000	304,014,000	304,014,000	294,967,000	304,014,000	+9,047,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Bureau of Investigation						
Salaries and expenses	2,445,471,000	2,584,885,000	2,420,342,000	2,240,777,000	2,406,532,000	-38,939,000
Counterintelligence and national security	221,050,000	170,283,000	282,473,000	233,473,000	292,473,000	+71,423,000
FBI Fingerprint identification	84,400,000	47,800,000	47,800,000	47,800,000	47,800,000	-36,600,000
Subtotal	2,750,921,000	2,802,968,000	2,750,615,000	2,522,050,000	2,746,805,000	-4,116,000
Crime trust fund	179,121,000	215,356,000	215,356,000	433,124,000	223,356,000	+44,235,000
Construction	44,506,000	14,146,000	11,287,000	1,287,000	1,287,000	-43,219,000
Total, Federal Bureau of Investigation	2,974,548,000	3,032,470,000	2,977,258,000	2,956,461,000	2,971,448,000	-3,100,000
Appropriations	(2,795,427,000)	(2,817,114,000)	(2,761,902,000)	(2,523,337,000)	(2,748,092,000)	(-47,335,000)
Crime trust fund	(179,121,000)	(215,356,000)	(215,356,000)	(433,124,000)	(223,356,000)	(+44,235,000)
Drug Enforcement Administration						
Salaries and expenses	782,109,000	841,970,000	873,000,000	863,764,000	877,490,000	+95,381,000
Diversion control fund	-58,268,000	-76,710,000	-76,710,000	-61,710,000	-76,710,000	-18,442,000
Direct appropriation	723,841,000	765,260,000	796,290,000	802,054,000	800,780,000	+76,939,000
Crime trust fund	403,537,000	405,000,000	405,000,000	407,000,000	405,000,000	+1,463,000
Construction	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	
Total, Drug Enforcement Administration	1,135,378,000	1,178,260,000	1,209,290,000	1,217,054,000	1,213,780,000	+78,402,000
Appropriations	(731,841,000)	(773,260,000)	(804,290,000)	(810,054,000)	(808,780,000)	(+76,939,000)
Crime trust fund	(403,537,000)	(405,000,000)	(405,000,000)	(407,000,000)	(405,000,000)	(+1,463,000)
Immigration and Naturalization Service						
Salaries and expenses	1,657,886,000	1,867,353,000	1,619,514,000	1,169,317,000	1,621,837,000	-36,049,000
Enforcement and border affairs			(1,096,431,000)		(1,069,754,000)	(+1,069,754,000)
Citizenship and benefits, immigration support and program direction			(523,083,000)		(552,083,000)	(+552,083,000)
Crime trust fund	608,206,000	738,000,000	866,490,000	1,099,667,000	842,490,000	+234,284,000
Subtotal, Direct and crime trust fund	2,266,092,000	2,605,353,000	2,486,004,000	2,268,984,000	2,464,327,000	+198,235,000
Fee accounts:						
Immigration legalization fund	(1,259,000)	(998,000)	(998,000)	(998,000)		(-1,259,000)
Immigration user fee	(426,622,000)	(486,071,000)	(486,071,000)	(444,290,000)	(486,071,000)	(+59,449,000)
Land border inspection fund	(3,043,000)	(3,275,000)	(3,275,000)	(3,275,000)	(3,275,000)	(+232,000)
Immigration examinations fund	(785,342,000)	(826,402,000)	(906,000,000)	(905,700,000)	(635,700,000)	(-149,642,000)
Breached bond fund	(235,272,000)	(144,870,000)	(169,870,000)	(201,995,000)	(176,950,000)	(-58,322,000)
Immigration enforcement fines	(3,800,000)	(3,800,000)	(3,800,000)	(4,050,000)	(4,050,000)	(+250,000)
Subtotal, Fee accounts	(1,455,338,000)	(1,465,416,000)	(1,570,014,000)	(1,560,308,000)	(1,306,046,000)	(-149,292,000)
Construction	75,959,000	118,170,000	81,570,000	110,251,000	90,000,000	+14,041,000
Asylees in Guam, Loss of offsetting receipts (3301)				1,000,000		
Total, Immigration and Naturalization Service	(3,797,389,000)	(4,188,939,000)	(4,137,588,000)	(3,940,543,000)	(3,860,373,000)	(+62,984,000)
Appropriations	(1,733,845,000)	(1,985,523,000)	(1,701,084,000)	(1,280,568,000)	(1,711,837,000)	(-22,008,000)
Crime trust fund	(608,206,000)	(738,000,000)	(866,490,000)	(1,099,667,000)	(842,490,000)	(+234,284,000)
(Fee accounts)	(1,455,338,000)	(1,465,416,000)	(1,570,014,000)	(1,560,308,000)	(1,306,046,000)	(-149,292,000)
Federal Prison System						
Salaries and expenses	2,911,642,000	3,006,494,000	2,952,354,000	2,999,956,000	2,952,354,000	+40,712,000
Prior year carryover	-90,000,000	-90,000,000	-90,000,000	-90,000,000	-90,000,000	
Direct appropriation	2,821,642,000	2,916,494,000	2,862,354,000	2,909,956,000	2,862,354,000	+40,712,000
Crime trust fund	26,135,000	26,559,000	26,499,000	9,559,000	26,499,000	+364,000
Subtotal, Salaries and expenses	2,847,777,000	2,943,053,000	2,888,853,000	2,919,515,000	2,888,853,000	+41,076,000
Buildings and facilities	255,133,000	413,997,000	413,997,000	379,197,000	410,997,000	+155,864,000
Transfer from D.C. bill (P.L. 105-100)	302,000,000					-302,000,000
Subtotal, Buildings and facilities	557,133,000	413,997,000	413,997,000	379,197,000	410,997,000	-146,136,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,266,000)	(3,266,000)	(3,266,000)	(3,266,000)	(3,266,000)	
Total, Federal Prison System	3,404,910,000	3,357,050,000	3,302,850,000	3,298,712,000	3,299,850,000	-105,060,000
Office of Justice Programs						
Justice assistance	173,600,000	307,711,000	195,000,000	170,151,000	147,151,000	-26,449,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	46,500,000		47,750,000	47,000,000	47,000,000	+500,000
Byrne grants (formula)	462,500,000		505,000,000	505,000,000	505,000,000	+42,500,000
Subtotal, Direct appropriations	509,000,000		552,750,000	552,000,000	552,000,000	+43,000,000
Crime trust fund:						
Byrne grants (discretionary)		47,750,000				
Byrne grants (formula)	42,500,000	505,000,000				-42,500,000
Local law enforcement block grant	523,000,000		523,000,000	500,000,000	523,000,000	
Boys and Girls clubs (earmark)	(20,000,000)		(20,000,000)	(40,000,000)	(40,000,000)	(+20,000,000)
Juvenile crime block grant	250,000,000		250,000,000	100,000,000	250,000,000	
Youth violence courts		50,000,000				
Juvenile prosecutor program		100,000,000				
Community prosecutors program		50,000,000				
Drug intervention treatment program		85,000,000				
Indian tribal courts program		10,000,000		10,000,000	5,000,000	+5,000,000
Juvenile drug prevention program 2/		5,000,000				
Drug courts	30,000,000	30,000,000	43,000,000	40,000,000	40,000,000	+10,000,000
Upgrade criminal history records	45,000,000	45,000,000	45,000,000	45,000,000	45,000,000	
State prison grants	720,500,000	711,000,000	730,500,000	711,000,000	720,500,000	
State criminal alien assistance program	420,000,000	350,000,000	420,000,000	350,000,000	420,000,000	
Violence Against Women grants	270,750,000	270,750,000	279,750,000	282,750,000	282,750,000	+12,000,000
State prison drug treatment	63,000,000	72,000,000	63,000,000	63,000,000	63,000,000	
DNA identification grants	12,500,000	15,000,000	15,000,000	15,000,000	15,000,000	+2,500,000
Counterterrorism technologies 3/		10,000,000				
Grants to firefighters 3/		5,000,000				
Other crime control programs	5,150,000	7,900,000	5,150,000	7,900,000	5,700,000	+550,000
Subtotal, Crime trust fund	2,382,400,000	2,369,400,000	2,374,400,000	2,124,850,000	2,369,950,000	-12,450,000
Total, State and local law enforcement	2,891,400,000	2,369,400,000	2,927,150,000	2,676,850,000	2,921,950,000	+30,550,000
Weed and seed program fund	33,500,000		33,500,000	40,000,000	33,500,000	
Crime trust fund		40,000,000				
Community oriented policing services (crime trust fund)	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	
Police corps (crime trust fund)	30,000,000	20,000,000	20,000,000	40,000,000	30,000,000	
Total, Community oriented policing services	1,430,000,000	1,420,000,000	1,420,000,000	1,440,000,000	1,430,000,000	
Juvenile justice programs	238,672,000	277,950,000	262,950,000	284,597,000	284,597,000	+45,925,000
Public safety officers benefits program:						
Death benefits	31,003,000	32,059,000	32,059,000	31,809,000	31,809,000	+806,000
Federal law enforcement dependents assistance	2,000,000	250,000	250,000			-2,000,000
Total, Public safety officers benefits program	33,003,000	32,309,000	32,309,000	31,809,000	31,809,000	-1,194,000
Total, Office of Justice Programs	4,800,175,000	4,447,370,000	4,890,909,000	4,643,207,000	4,849,007,000	+48,832,000
Appropriations	(987,775,000)	(817,970,000)	(1,096,509,000)	(1,078,557,000)	(1,049,057,000)	(+61,282,000)
Crime trust fund	(3,812,400,000)	(3,629,400,000)	(3,794,400,000)	(3,564,650,000)	(3,799,950,000)	(-12,450,000)
General Provisions						
Trustee system fund interest				6,000,000		
Year 2000 compliance (sec. 126)					-20,038,000	-20,038,000
Total, title I, Department of Justice	17,764,460,000	18,511,565,000	18,230,185,000	17,800,117,000	18,213,950,000	+449,490,000
Appropriations	(12,579,460,000)	(13,057,588,000)	(12,778,245,000)	(12,286,117,000)	(12,742,993,000)	(+163,533,000)
Crime trust fund	(5,185,000,000)	(5,453,977,000)	(5,451,940,000)	(5,514,000,000)	(5,470,957,000)	(+285,957,000)
(Limitation on administrative expenses)	(3,266,000)	(3,266,000)	(3,266,000)	(3,266,000)	(3,266,000)	
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	23,450,000	24,836,000	24,000,000	24,836,000	24,200,000	+750,000
International Trade Commission						
Salaries and expenses	41,200,000	45,500,000	44,200,000	45,500,000	44,495,000	+3,295,000
Total, Related agencies	64,650,000	70,336,000	68,200,000	70,336,000	68,695,000	+4,045,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	283,086,000	292,452,000	283,123,000	309,314,000	286,284,000	+3,198,000
Offsetting fee collections		-6,000,000	-1,600,000	-6,000,000	-1,600,000	-1,600,000
Direct appropriation	283,086,000	286,452,000	281,523,000	303,314,000	284,684,000	+1,598,000
Export Administration						
Operations and administration	42,000,000	48,356,000	43,900,000	43,619,000	50,454,000	+8,454,000
CWC enforcement	1,900,000	3,877,000	3,877,000	1,877,000	1,877,000	-23,000
Total, Export Administration	43,900,000	52,233,000	47,777,000	45,496,000	52,331,000	+8,431,000
Economic Development Administration						
Economic development assistance programs	340,000,000	368,379,000	368,379,000	279,934,000	368,379,000	+28,379,000
Salaries and expenses	21,028,000	29,590,000	25,000,000	21,761,000	24,000,000	+2,972,000
Total, Economic Development Administration	361,028,000	397,969,000	393,379,000	301,695,000	392,379,000	+31,351,000
Minority Business Development Agency						
Minority business development	25,000,000	28,067,000	25,276,000	25,196,000	27,000,000	+2,000,000
Total, Trade and Infrastructure Development	777,644,000	835,077,000	816,155,000	746,037,000	825,069,000	+47,425,000
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	47,499,000	53,701,000	48,000,000	48,981,000	48,490,000	+991,000
Bureau of the Census						
Salaries and expenses	137,278,000	160,102,000	140,147,000	141,259,000	136,147,000	-1,131,000
Periodic censuses and programs	555,813,000	1,027,784,000	1,111,887,000	998,626,000	1,186,902,000	+631,089,000
Total, Bureau of the Census	693,091,000	1,187,886,000	1,252,034,000	1,139,885,000	1,323,049,000	+629,958,000
National Telecommunications and Information Administration						
Salaries and expenses	16,550,000	10,940,000	10,940,000	10,898,000	10,940,000	-5,610,000
Public telecommunications facilities, planning and construction	21,000,000	15,000,000	21,000,000	20,889,000	21,000,000	
Information infrastructure grants	20,000,000	22,000,000	16,000,000	19,989,000	18,000,000	-2,000,000
Total, National Telecommunications and Information Administration	57,550,000	47,940,000	47,940,000	51,776,000	49,940,000	-7,610,000
Patent and Trademark Office						
Salaries and expenses	27,000,000			782,523,000		-27,000,000
(Fees collected - current year)	(664,000,000)					(-664,000,000)
Current year fee funding		653,526,000	653,526,000		643,026,000	+643,026,000
Prior year fee funding		65,868,000	71,000,000		71,000,000	+71,000,000
(Prior year carryover)	(25,000,000)				(40,500,000)	(+15,500,000)
Rescission		-116,342,000	-41,000,000		-71,000,000	-71,000,000
Subtotal	(716,000,000)	(603,052,000)	(683,526,000)	(782,523,000)	(683,526,000)	(-32,474,000)
Legislative proposal fees		182,000,000	102,000,000		102,000,000	+102,000,000
Total, Patent and Trademark Office	(716,000,000)	(785,052,000)	(785,526,000)	(782,523,000)	(785,526,000)	(+69,526,000)
Offsetting fee collections		-653,526,000	-653,526,000	-785,526,000	-643,026,000	-643,026,000
Offsetting fee collections - legis. proposal		-182,000,000	-102,000,000		-102,000,000	-102,000,000
Total, PTO offsetting fee collections		-835,526,000	-755,526,000	-785,526,000	-745,026,000	-745,026,000
Total, Economic and Information Infrastructure	825,140,000	1,239,053,000	1,377,974,000	1,237,639,000	1,421,479,000	+596,339,000
SCIENCE AND TECHNOLOGY						
Technology Administration						
Under Secretary for Technology/ Office of Technology Policy						
Salaries and expenses	8,500,000	9,983,000	9,000,000	9,955,000	9,495,000	+995,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
National Institute of Standards and Technology						
Scientific and technical research and services	276,852,000	291,636,000	280,470,000	290,482,000	280,136,000	+3,284,000
Industrial technology services	306,000,000	366,691,000	287,000,000	299,142,000	310,300,000	+4,300,000
Construction of research facilities	95,000,000	56,714,000	56,714,000	56,684,000	56,714,000	-38,286,000
Advance appropriations, FY 2000 - 2002		115,000,000				
Total, National Institute of Standards and Technology	677,852,000	830,041,000	624,184,000	646,308,000	647,150,000	-30,702,000
Appropriations	(677,852,000)	(715,041,000)	(624,184,000)	(646,308,000)	(647,150,000)	(-30,702,000)
Advance appropriations		(115,000,000)				
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	1,512,050,000	1,508,762,000	1,470,042,000	1,611,027,000	1,579,844,000	+67,794,000
New offsetting collections - fisheries fees		-19,781,000				
New offsetting collections - navigation fees		-2,500,000				
Offsetting collections - fees	-3,000,000					+3,000,000
Limited access system administrative fund		-3,000,000		-3,000,000		
IFQ/CDQ offsetting receipts		4,000,000		4,000,000		
Direct appropriation	1,509,050,000	1,487,481,000	1,470,042,000	1,612,027,000	1,579,844,000	+70,794,000
(By transfer from Promote and Develop Fund)	(62,381,000)	(62,381,000)	(63,381,000)	(63,073,000)	(63,381,000)	(+1,000,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	5,000,000	5,000,000	5,000,000	4,713,000	5,000,000	
(Damage assessment and restoration revolving fund)	-5,000,000	-5,000,000	-5,000,000	-4,713,000	-5,000,000	
Total, Operations, research and facilities	1,509,050,000	1,487,481,000	1,470,042,000	1,612,027,000	1,579,844,000	+70,794,000
Procurement, acquisition and construction	491,609,000	621,595,000	538,439,000	587,611,000	584,677,000	+93,068,000
Advance appropriations, FY 2000 - 2011		2,797,815,000				
Coastal zone management fund	7,800,000	4,000,000	7,800,000	4,000,000	4,000,000	-3,800,000
Mandatory offset	-7,800,000	-4,000,000	-7,800,000	-4,000,000	-4,000,000	+3,800,000
Fishermen's contingency fund	953,000	953,000	953,000	952,000	953,000	
Foreign fishing observer fund	189,000	189,000	189,000	189,000	189,000	
Fisheries finance program account	338,000	238,000	238,000	388,000	338,000	
Total, National Oceanic and Atmospheric Administration	2,002,139,000	4,908,271,000	2,009,861,000	2,201,167,000	2,166,001,000	+163,862,000
Appropriations	(2,002,139,000)	(2,110,456,000)	(2,009,861,000)	(2,201,167,000)	(2,166,001,000)	(+163,862,000)
Advance appropriations		(2,797,815,000)				
Total, Science and Technology	2,688,491,000	5,748,305,000	2,643,045,000	2,857,430,000	2,822,646,000	+134,156,000
General Administration						
Salaries and expenses	27,490,000	32,187,000	28,900,000	31,059,000	30,000,000	+2,510,000
Office of Inspector General	20,140,000	21,662,000	21,400,000	19,959,000	21,000,000	+860,000
Total, General administration	47,630,000	53,849,000	50,300,000	51,018,000	51,000,000	+3,370,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities (rescission)	-20,500,000					+20,500,000
Procurement, acquisition and construction (rescission)			-5,000,000			
United States Travel and Tourism Administration						
Salaries and expenses (rescission)	-3,000,000					+3,000,000
Total, Department of Commerce	4,250,755,000	7,805,948,000	4,814,274,000	4,821,788,000	5,051,499,000	+800,744,000
Total, title II, Department of Commerce and related agencies	4,315,405,000	7,876,284,000	4,882,474,000	4,892,124,000	5,120,194,000	+804,789,000
Appropriations	(4,338,905,000)	(5,079,811,000)	(4,928,474,000)	(4,892,124,000)	(5,191,194,000)	(+852,289,000)
Rescissions	(-23,500,000)	(-116,342,000)	(-46,000,000)		(-71,000,000)	(-47,500,000)
Advance appropriations		(2,912,815,000)				
(By transfer)	(62,381,000)	(62,381,000)	(63,381,000)	(63,073,000)	(63,381,000)	(+1,000,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,654,000	1,690,000	1,690,000	1,654,000	1,690,000	+36,000
Other salaries and expenses	27,591,000	29,405,000	29,405,000	29,405,000	29,369,000	+1,778,000
Total, Salaries and expenses	29,245,000	31,095,000	31,095,000	31,059,000	31,059,000	+1,814,000
Care of the building and grounds	3,400,000	5,871,000	5,400,000	5,871,000	5,400,000	+2,000,000
Total, Supreme Court of the United States	32,645,000	36,966,000	36,495,000	36,930,000	36,459,000	+3,814,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999—continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,887,000	1,943,000	1,943,000	1,901,000	1,943,000	+56,000
Other salaries and expenses	13,688,000	14,885,000	14,200,000	13,730,000	14,158,000	+470,000
Total, Salaries and expenses	15,575,000	16,828,000	16,143,000	15,631,000	16,101,000	+526,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,463,000	1,506,000	1,506,000	1,488,000	1,506,000	+23,000
Other salaries and expenses	9,986,000	10,316,000	10,316,000	9,995,000	10,298,000	+332,000
Total, Salaries and expenses	11,449,000	11,822,000	11,822,000	11,483,000	11,804,000	+355,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	227,674,000	238,329,000	238,329,000	231,532,000	238,329,000	+10,655,000
Other salaries and expenses	2,454,726,000	2,710,394,000	2,590,000,000	2,576,984,000	2,583,492,000	+128,766,000
Direct appropriation	2,682,400,000	2,948,723,000	2,828,329,000	2,808,516,000	2,821,821,000	+139,421,000
Crime trust fund	40,000,000	60,000,000	60,000,000	....	41,043,000	+1,043,000
Total, Salaries and expenses	2,722,400,000	3,008,723,000	2,888,329,000	2,808,516,000	2,862,864,000	+140,464,000
Vaccine Injury Compensation Trust Fund	2,450,000	2,515,000	2,515,000	2,515,000	2,515,000	+65,000
Defender services	329,529,000	360,952,000	360,952,000	360,952,000	360,952,000	+31,423,000
Fees of jurors and commissioners	64,438,000	68,173,000	67,000,000	66,721,000	66,861,000	+2,423,000
Court security	167,214,000	179,055,000	174,100,000	176,873,000	174,569,000	+7,355,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	3,286,031,000	3,619,418,000	3,492,896,000	3,417,577,000	3,467,761,000	+181,730,000
Administrative Office of the United States Courts						
Salaries and expenses	52,000,000	56,156,000	54,500,000	54,882,000	54,500,000	+2,500,000
Federal Judicial Center						
Salaries and expenses	17,495,000	18,470,000	18,000,000	17,716,000	17,716,000	+221,000
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	34,200,000	37,300,000	37,300,000	37,300,000	37,300,000	+3,100,000
United States Sentencing Commission						
Salaries and expenses	9,240,000	9,900,000	9,600,000	9,374,000	9,487,000	+247,000
General Provisions						
Judges' pay raise	5,000,000	....	....	6,893,000	....	-5,000,000
Total, title III, the Judiciary	3,463,635,000	3,806,860,000	3,676,756,000	3,607,586,000	3,651,128,000	+187,493,000
Appropriations	(3,423,635,000)	(3,746,860,000)	(3,616,756,000)	(3,607,586,000)	(3,610,085,000)	(+186,450,000)
Crime trust fund	(40,000,000)	(60,000,000)	(60,000,000)	....	(41,043,000)	(+1,043,000)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	1,705,600,000	1,664,882,000	1,631,490,000	1,685,094,000	1,644,300,000	-61,300,000
(Transfer out)	....	....	....	(-13,000,000)	....	....
Registration fees	700,000	700,000	700,000	700,000	....	-700,000
Security	23,700,000	25,700,000	25,700,000	....	....	-23,700,000
Total, Diplomatic and consular programs	1,730,000,000	1,691,282,000	1,657,890,000	1,685,794,000	1,644,300,000	-85,700,000
Salaries and expenses	383,513,000	367,778,000	365,235,000	349,474,000	355,000,000	-28,513,000
Capital investment fund	86,000,000	118,340,000	80,000,000	118,340,000	80,000,000	-6,000,000
Office of Inspector General	27,495,000	28,717,000	28,000,000	27,495,000	27,495,000	....
Representation allowances	4,200,000	4,300,000	4,200,000	6,500,000	4,350,000	+150,000
Protection of foreign missions and officials	7,900,000	8,100,000	8,100,000	7,900,000	8,100,000	+200,000
Security and maintenance of United States missions	404,000,000	640,800,000	398,000,000	550,832,000	403,561,000	-439,000
Emergencies in the diplomatic and consular service	5,500,000	5,500,000	5,500,000	3,500,000	5,500,000	....
(By transfer)	....	....	(4,000,000)	(4,000,000)	(4,000,000)	(+4,000,000)
Commission on Holocaust Assets in U.S. (by transfer)	....	....	(2,000,000)	....	(2,000,000)	(+2,000,000)
Repatriation Loans Program Account:						
Direct loans subsidy	593,000	593,000	593,000	543,000	593,000	....
Administrative expenses	607,000	607,000	607,000	457,000	607,000	....
(By transfer)	....	....	(1,000,000)	....	(1,000,000)	(+1,000,000)
Total, Repatriation loans program account	1,200,000	1,200,000	1,200,000	1,000,000	1,200,000	....

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Payment to the American Institute in Taiwan	14,000,000	16,426,000	15,000,000	14,490,000	14,750,000	+750,000
Payment to the Foreign Service Retirement and Disability Fund	129,935,000	132,500,000	132,500,000	132,500,000	132,500,000	+2,565,000
Total, Administration of Foreign Affairs	2,773,743,000	3,014,943,000	2,693,825,000	2,897,825,000	2,676,756,000	-96,987,000
International Organizations and Conferences						
Contributions to international organizations, current year assessment	901,515,000	930,773,000	914,000,000	877,718,000	922,000,000	+20,485,000
Prior year assessment	54,000,000			254,000,000		-54,000,000
Subtotal	955,515,000	930,773,000	914,000,000	1,131,718,000	922,000,000	-33,515,000
Contributions for international peacekeeping activities, current year	210,000,000	231,000,000	220,000,000	210,093,000	231,000,000	+21,000,000
Prior year assessment	46,000,000			221,000,000		-46,000,000
Subtotal	256,000,000	231,000,000	220,000,000	431,093,000	231,000,000	-25,000,000
Arrearage payments		475,000,000	475,000,000		475,000,000	+475,000,000
International conferences and contingencies		1,223,000				
(By transfer)			(15,000,000)	(1,223,000)	(16,223,000)	(+16,223,000)
Total, International Organizations and Conferences	1,211,515,000	1,637,996,000	1,609,000,000	1,562,811,000	1,628,000,000	+416,485,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	17,490,000	19,179,000	18,490,000	17,490,000	19,551,000	+2,061,000
Construction	6,463,000	7,125,000	7,000,000	6,463,000	5,939,000	-524,000
American sections, international commissions	5,490,000	5,867,000	5,490,000	5,490,000	5,733,000	+243,000
International fisheries commissions	14,549,000	14,549,000	14,490,000	14,549,000	14,549,000	
Total, international commissions	43,992,000	46,720,000	45,470,000	43,992,000	45,772,000	+1,780,000
Other						
Payment to the Asia Foundation	8,000,000	15,000,000	8,250,000		8,250,000	+250,000
Total, Department of State	4,037,250,000	4,714,659,000	4,356,345,000	4,504,628,000	4,358,778,000	+321,528,000
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	41,500,000	43,400,000	41,500,000	43,400,000	41,500,000	
United States Information Agency						
International information programs	427,097,000	461,728,000	457,146,000	427,097,000	455,246,000	+28,149,000
(By transfer)					(2,000,000)	(+2,000,000)
Technology fund	5,050,000	5,050,000		5,050,000		-5,050,000
Educational and cultural exchange programs	197,731,000	199,024,000	200,000,000	205,024,000	202,500,000	+4,769,000
Eisenhower Exchange Fellowship Program, trust fund	570,000	800,000	800,000	525,000	525,000	-45,000
Israeli Arab scholarship program	400,000	400,000	400,000	350,000	350,000	-50,000
International Broadcasting Operations	364,415,000	388,890,000	363,967,000	332,915,000	362,365,000	-2,050,000
Emergency appropriations (P.L. 105-174)	5,000,000					-5,000,000
Broadcasting to Cuba (direct)	22,095,000			22,095,000	22,095,000	
Radio construction	40,000,000	25,308,000	16,308,000	13,245,000	13,245,000	-26,755,000
East-West Center	12,000,000	5,000,000		12,000,000	12,500,000	+500,000
(By transfer)				(13,000,000)		
North/South Center	1,500,000	2,500,000		3,000,000	1,750,000	+250,000
National Endowment for Democracy	30,000,000	31,000,000	31,000,000	30,500,000	31,000,000	+1,000,000
Total, United States Information Agency	1,105,858,000	1,119,300,000	1,089,411,000	1,051,801,000	1,101,576,000	-4,282,000
Arms Control and Disarmament Agency						
Arms control and disarmament activities (rescission)	-700,000					+700,000
Total, related agencies	1,146,658,000	1,162,700,000	1,130,911,000	1,095,201,000	1,143,076,000	-3,582,000
Total, title IV, Department of State	5,183,908,000	5,877,359,000	5,487,256,000	5,599,829,000	5,501,854,000	+317,946,000
Appropriations	(5,179,608,000)	(5,877,359,000)	(5,487,256,000)	(5,599,829,000)	(5,501,854,000)	(+322,246,000)
Emergency appropriations	(5,000,000)					(-5,000,000)
Rescissions	(-700,000)					(+700,000)
(By transfer)			(22,000,000)	(16,223,000)	(25,223,000)	(+25,223,000)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(51,030,000)					(-51,030,000)
Maritime Security Program	35,500,000	97,650,000	97,650,000	97,650,000	89,650,000	+54,150,000
Operations and training	67,600,000	70,553,000	67,600,000	69,818,000	69,303,000	+1,703,000
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy	32,000,000	6,000,000	6,000,000	6,000,000	6,000,000	-26,000,000
Administrative expenses	3,725,000	4,000,000	3,725,000	4,000,000	3,725,000	
Total, Maritime guaranteed loan program account	35,725,000	10,000,000	9,725,000	10,000,000	9,725,000	-26,000,000
Total, Maritime Administration	138,825,000	178,203,000	174,975,000	177,468,000	168,678,000	+29,853,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	250,000	260,000	280,000	250,000	265,000	+15,000
Commission on Civil Rights						
Salaries and expenses	8,740,000	11,000,000	8,740,000	8,900,000	8,900,000	+160,000
Commission on Immigration Reform						
Salaries and expenses	459,000					-459,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,090,000	1,090,000	1,170,000	1,159,000	1,170,000	+80,000
Equal Employment Opportunity Commission						
Salaries and expenses	242,000,000	279,000,000	260,500,000	253,580,000	279,000,000	+37,000,000
Federal Communications Commission						
Salaries and expenses	186,514,000	212,977,000	181,514,000	197,921,000	192,000,000	+5,486,000
Offsetting fee collections - current year	-162,523,000		-172,523,000	-172,523,000	-172,523,000	-10,000,000
Direct appropriation	23,991,000	212,977,000	8,991,000	25,398,000	19,477,000	-4,514,000
Offsetting fee collections		-172,523,000				
Federal Maritime Commission						
Salaries and expenses	14,000,000	14,500,000	14,000,000	14,300,000	14,150,000	+150,000
Federal Trade Commission						
Salaries and expenses	106,500,000	112,867,000	110,490,000	111,867,000	116,679,000	+10,179,000
Offsetting fee collections - carryover	-18,000,000	-11,700,000	-30,000,000	-18,700,000	-30,000,000	-12,000,000
Offsetting fee collections - current year	-70,000,000		-76,500,000	-90,000,000	-76,500,000	-6,500,000
Direct appropriation	18,500,000	101,167,000	3,990,000	3,167,000	10,179,000	-8,321,000
Gambling Impact Study Commission						
Salaries and expenses	1,000,000					-1,000,000
Legal Services Corporation						
Payment to the Legal Services Corporation	283,000,000	340,000,000	250,000,000	300,000,000	300,000,000	+17,000,000
Marine Mammal Commission						
Salaries and expenses	1,185,000	1,240,000	1,240,000	1,240,000	1,240,000	+55,000
Ocean Policy Commission						
Salaries and expenses				3,500,000	3,500,000	+3,500,000
Securities and Exchange Commission						
Salaries and expenses	315,000,000	118,098,000	23,000,000	341,098,000	23,000,000	-292,000,000
Current year fees		205,000,000	214,000,000		214,000,000	+214,000,000
1998 fees		18,000,000	87,000,000		87,000,000	+87,000,000
Subtotal	315,000,000	341,098,000	324,000,000	341,098,000	324,000,000	+9,000,000
Offsetting fee collections	-249,523,000			-341,098,000		+249,523,000
Offsetting fee collections - carryover	-32,000,000					+32,000,000
Direct appropriation	33,477,000	341,098,000	324,000,000		324,000,000	+290,523,000
Small Business Administration						
Salaries and expenses	254,200,000	281,100,000	249,000,000	265,000,000	288,300,000	+34,100,000
Office of Inspector General	10,000,000	11,300,000	11,300,000	10,500,000	10,800,000	+800,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Business Loans Program Account:						
Direct loans subsidy		5,724,000	2,000,000	3,816,000	2,200,000	+2,200,000
Guaranteed loans subsidy	181,232,000	163,000,000	139,630,000	143,000,000	128,030,000	-53,202,000
Administrative expenses	94,000,000	94,000,000	86,910,000	94,000,000	94,000,000	
Total, Business loans program account	275,232,000	262,724,000	229,540,000	240,816,000	224,230,000	-51,002,000
Disaster Loans Program Account:						
Direct loans subsidy	23,200,000		100,000,000		76,329,000	+53,129,000
Administrative expenses	150,000,000	168,000,000	118,000,000	94,000,000	116,000,000	-34,000,000
Total, Disaster loans program account	173,200,000	168,000,000	218,000,000	94,000,000	192,329,000	+19,129,000
Surety bond guarantees revolving fund	3,500,000	3,300,000	3,300,000	3,300,000	3,300,000	-200,000
Total, Small Business Administration	716,132,000	724,424,000	708,140,000	613,616,000	718,959,000	+2,827,000
State Justice Institute						
Salaries and expenses 4/	6,850,000	12,000,000	6,850,000	6,850,000	6,850,000	
Total, title V, Related agencies	1,489,499,000	2,044,426,000	1,762,876,000	1,409,428,000	1,856,368,000	+366,869,000
Appropriations	(1,489,499,000)	(2,044,426,000)	(1,762,876,000)	(1,409,428,000)	(1,856,368,000)	(+366,869,000)
(Liquidation of contract authority)	(51,030,000)					(-51,030,000)
TITLE VI - GENERAL PROVISIONS						
GOVERNMENT-WIDE						
Defense function (by transfer)	(33,169,000)					(-33,169,000)
International function (by transfer)	(45,432,000)					(-45,432,000)
Domestic function (by transfer)	(31,061,000)					(-31,061,000)
Total, title VI, general provisions						
(By transfer)	(109,662,000)					(-109,662,000)
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)	-100,000,000	-45,326,000	-45,326,000	-45,326,000	-99,000,000	+1,000,000
Legal Activities						
United States trustee system fund (rescission)			-17,000,000			
Assets forfeiture fund (rescission)					-2,000,000	-2,000,000
Federal Bureau of Investigation						
FY 1998 FBI Legal Attache (rescission)				-4,178,000		
FY 1998 FBI construction (rescission)				-6,000,000		
FY 1998 FBI construction (rescission)				-4,000,000	-4,000,000	-4,000,000
No Year FBI salaries and expenses (rescission)				-6,400,000	-6,400,000	-6,400,000
FY 1996 VCRP (rescission)				-2,000,000	-2,000,000	-2,000,000
FY 1997 VCRP (rescission)				-300,000	-300,000	-300,000
Total, Federal Bureau of Investigation				-22,878,000	-12,700,000	-12,700,000
Immigration and Naturalization Service						
Immigration emergency fund (rescission)					-5,000,000	-5,000,000
DEPARTMENT OF COMMERCE						
FY 1998 Commerce (rescission)				-2,090,000	-2,090,000	-2,090,000
National Institute of Standards and Technology						
Industrial technology services (rescission)					-6,000,000	-6,000,000
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Ship construction fund (rescission)					-17,000,000	-17,000,000
Total, title VII, Rescissions	-100,000,000	-45,326,000	-62,326,000	-70,294,000	-143,790,000	-43,790,000
TITLE VIII - EMERGENCY SUPPLEMENTAL APPROPRIATIONS						
National Oceanic and Atmospheric Administration						
Operations, research and facilities	7,000,000					-7,000,000
Scorekeeping adjustments	-38,000,000	-3,827,706,000	-504,002,000	-78,376,000	-506,428,000	-468,428,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Grand total:						
New budget (obligational) authority	32,085,907,000	34,443,760,000	33,473,219,000	33,162,414,000	33,693,276,000	+1,607,369,000
Appropriations	(26,980,107,000)	(26,178,636,000)	(28,069,605,000)	(27,716,618,000)	(28,376,976,000)	(+1,396,869,000)
Emergency appropriations	(5,000,000)					(-5,000,000)
Advance appropriations		(2,912,815,000)				
Rescissions	(-124,200,000)	(-161,668,000)	(-108,326,000)	(-68,204,000)	(-195,700,000)	(-71,500,000)
Crime trust fund	(5,225,000,000)	(5,513,977,000)	(5,511,940,000)	(5,514,000,000)	(5,512,000,000)	(+287,000,000)
(By transfer)	(172,043,000)	(82,381,000)	(85,361,000)	(81,296,000)	(88,604,000)	(-83,439,000)
(Limitation on administrative expenses)	(3,266,000)	(3,266,000)	(3,266,000)	(3,266,000)	(3,266,000)	
(Liquidation of contract authority)	(51,030,000)					(-51,030,000)

1/ Funded under Federal Prison System.

2/ Funded under Juvenile Justice.

3/ Funded under Counterterrorism Fund.

4/ President's budget proposed $6,000,000 for State Justice Institute.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 1999

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
FEDERAL FUNDS						
Metrorail improvements and expansion			25,000,000		25,000,000	+25,000,000
Federal payment for management reform	8,000,000			25,000,000	25,000,000	+17,000,000
Federal payment for Boys Town U.S.A			4,000,000	7,100,000	7,100,000	+7,100,000
Federal contribution to the operations of the Nation's Capital	190,000,000					-190,000,000
D.C. National Capital Revitalization Corporation		50,000,000				
Federal support for economic development		25,000,000		500,000		
Management Reforms to improve the District of Columbia's Economic Development Infrastructure		25,000,000				
Nation's Capital Infrastructure Fund 1/		(254,000,000)	21,000,000	75,000,000	18,578,000	+18,578,000
Environmental Study and Related Activities at Lorton Correctional Complex			7,000,000		7,000,000	+7,000,000
Offender Supervision, Defender, and Court Services Agency			4,000,000			
Federal payment to the District of Columbia corrections trustee operations	169,000,000	184,800,000	184,800,000	184,800,000	184,800,000	+15,800,000
Corrections Trustee for Correctional Facilities, construction and repair 2/	(302,000,000)					(-302,000,000)
Federal payment to the District of Columbia Criminal Justice System	108,000,000					-108,000,000
Federal payment to the District of Columbia Courts		142,000,000	142,000,000	128,000,000	128,000,000	+128,000,000
District of Columbus Offender Supervision, Defender, and Court Services Agency	43,000,000	59,400,000	59,400,000	59,400,000	59,400,000	+16,400,000
U.S. Park Police (Sec. 141)	12,000,000					-12,000,000
Federal payment for Metropolitan Police Department			1,200,000		1,200,000	+1,200,000
Federal payment for Fire Department			3,240,000		3,240,000	+3,240,000
Federal payment for Georgetown Waterfront Park Fund				1,000,000	1,000,000	+1,000,000
Federal payment to Historical Society for City Museum			2,000,000		2,000,000	+2,000,000
Federal payment for a National Museum of American Music and for downtown revitalization				1,000,000	700,000	+700,000
United States Park Police			8,500,000		8,500,000	+8,500,000
Federal payment for waterfront improvements			3,000,000		3,000,000	+3,000,000
Federal payment for mentoring services			200,000		200,000	+200,000
Federal payment for hotline services			50,000		50,000	+50,000
Federal payment for public education			20,391,000		15,822,000	+15,822,000
Federal payment for Children's National Medical Center					1,000,000	+1,000,000
Medicare Coordinated Care Demonstration Project (Sec. 160)	3,000,000				3,000,000	
Federal payment to District of Columbia Scholarship Fund			5,400,000			
Total, Federal funds to the District of Columbia	533,000,000	486,200,000	491,181,000	481,800,000	494,590,000	-38,410,000
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
Governmental direction and support	(105,177,000)	(164,717,000)	(164,144,000)	(164,717,000)	(164,144,000)	(+58,967,000)
Economic development and regulation	(120,072,000)	(156,039,000)	(156,039,000)	(156,039,000)	(159,039,000)	(+38,967,000)
Public safety and justice	(529,739,000)	(751,346,000)	(755,786,000)	(751,346,000)	(755,786,000)	(+226,047,000)
Public education system	(672,444,000)	(773,334,000)	(793,725,000)	(773,334,000)	(788,956,000)	(+116,512,000)
Human support services	(1,718,939,000)	(1,514,751,000)	(1,514,751,000)	(1,514,751,000)	(1,514,751,000)	(-204,188,000)
Public works	(241,934,000)	(266,912,000)	(266,912,000)	(266,912,000)	(266,912,000)	(+24,978,000)
Financing and other				(451,623,000)		
Washington Convention Center Transfer Payment	(5,400,000)	(5,400,000)	(5,400,000)		(5,400,000)	
Repayment of Loans and Interest	(384,430,000)	(382,170,000)	(382,170,000)		(382,170,000)	(-2,260,000)
Repayment of General Fund Recovery Debt	(39,020,000)	(38,453,000)	(38,453,000)		(38,453,000)	(-567,000)
Payment of Interest on Short-Term Borrowing	(12,000,000)	(11,000,000)	(11,000,000)		(11,000,000)	(-1,000,000)
Certificates of Participation	(7,923,000)	(7,926,000)	(7,926,000)		(7,926,000)	(+3,000)
Human Resources Development	(6,000,000)	(6,674,000)	(6,674,000)		(6,674,000)	(+674,000)
Productivity Savings		(-10,000,000)	(-10,000,000)	(-10,000,000)	(-10,000,000)	(-10,000,000)
Receivership Programs		(318,979,000)	(318,979,000)	(318,979,000)	(318,979,000)	(+318,979,000)
Deficit reduction and revitalization	(201,090,000)					(-201,090,000)
District of Columbia Financial Responsibility and Management Assistance Authority	(3,220,000)	(7,840,000)	(7,840,000)	(7,840,000)	(7,840,000)	(+4,620,000)
Total, operating expenses, general fund	(4,047,388,000)	(4,395,541,000)	(4,422,799,000)	(4,395,541,000)	(4,418,030,000)	(+370,642,000)
Enterprise Funds						
Water and Sewer Authority and the Washington Aqueduct	(297,310,000)	(273,314,000)	(273,314,000)	(273,314,000)	(273,314,000)	(-23,996,000)
Lottery and Charitable Games Control Board	(213,500,000)	(225,200,000)	(225,200,000)	(225,200,000)	(225,200,000)	(+11,700,000)
Cable Television Enterprise Fund	(2,467,000)	(2,108,000)	(2,108,000)	(2,108,000)	(2,108,000)	(-359,000)
Public Service Commission	(4,547,000)	(5,026,000)	(5,026,000)	(5,026,000)	(5,026,000)	(+479,000)
Office of People's Counsel	(2,428,000)	(2,501,000)	(2,501,000)	(2,501,000)	(2,501,000)	(+73,000)
Department of Insurance and Securities Regulation	(5,683,000)	(7,001,000)	(7,001,000)	(7,001,000)	(7,001,000)	(+1,318,000)
Office of Banking and Financial Institutions	(800,000)	(840,000)	(840,000)	(840,000)	(840,000)	(+40,000)
Starplex Fund	(5,936,000)	(8,751,000)	(8,751,000)	(8,751,000)	(8,751,000)	(+2,815,000)
D.C. General Hospital (Public Benefit Corporation)	(52,684,000)	(66,764,000)	(66,764,000)	(66,764,000)	(66,764,000)	(+14,080,000)
D.C. Retirement Board	(16,762,000)	(18,202,000)	(18,202,000)	(18,202,000)	(18,202,000)	(+1,440,000)
Correctional Industries Fund	(3,332,000)	(3,332,000)	(3,332,000)	(3,332,000)	(3,332,000)	
Washington Convention Center Enterprise Fund	(41,000,000)	(48,139,000)	(48,139,000)	(48,139,000)	(48,139,000)	(+7,139,000)
Total, Enterprise Funds	(646,249,000)	(660,978,000)	(660,978,000)	(660,978,000)	(660,978,000)	(+14,729,000)
Total, operating expenses	(4,693,637,000)	(5,056,519,000)	(5,083,777,000)	(5,056,519,000)	(5,079,008,000)	(+385,371,000)

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 1999 —continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Capital Outlay						
General fund	(269,330,000)	(1,711,160,737)	(1,711,160,737)	(1,711,160,737)	(1,711,160,737)	(+1,441,830,737)
Total, District of Columbia funds	(4,962,967,000)	(6,767,679,737)	(6,794,937,737)	(6,787,679,737)	(6,790,168,737)	(+1,827,201,737)
Total:						
Federal Funds to the District of Columbia	533,000,000	486,200,000	491,181,000	481,800,000	494,590,000	-38,410,000
District of Columbia funds	(4,962,967,000)	(6,767,679,737)	(6,794,937,737)	(6,787,679,737)	(6,790,168,737)	(+1,827,201,737)

1/ Requested by District, but not in President's budget request.

2/ FY 1999 request included in Commerce Justice Bill.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1999

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Limitation on Program Activity:						
Subsidy appropriation	683,000,000	808,000,000	745,500,000	785,000,000	765,000,000	+82,000,000
(Direct loan authorization)	(1,330,000,000)	(1,325,000,000)	(1,325,000,000)	(1,325,000,000)	(1,325,000,000)	(-5,000,000)
(Guaranteed loan authorization)	(11,300,000,000)	(15,401,000,000)	(15,401,000,000)	(15,401,000,000)	(15,401,000,000)	(+4,101,000,000)
Administrative expenses	48,614,000	51,940,000	50,277,000	48,000,000	50,000,000	+1,386,000
Negative subsidy	-51,000,000	-25,000,000	-25,000,000	-25,000,000	-25,000,000	+26,000,000
Total, Export-Import Bank of the United States	680,614,000	834,940,000	770,777,000	809,000,000	790,000,000	+109,386,000
INTERNATIONAL ASSISTANCE PROGRAMS						
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Noncredit account:						
Administrative expenses	32,000,000	34,000,000	33,000,000	32,000,000	32,500,000	+500,000
Insurance fees and other offsetting collections	-251,000,000	-260,000,000	-260,000,000	-260,000,000	-260,000,000	-9,000,000
Direct loans:						
Loan subsidy	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	
(Loan authorization)	(133,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+67,000,000)
Guaranteed loans:						
Loan subsidy	56,000,000	46,000,000	46,000,000	46,000,000	46,000,000	-10,000,000
(Loan authorization)	(1,800,000,000)	(2,600,000,000)	(2,600,000,000)	(2,600,000,000)	(2,600,000,000)	(+800,000,000)
Total, Overseas Private Investment Corporation	-159,000,000	-176,000,000	-177,000,000	-178,000,000	-177,500,000	-18,500,000
TRADE AND DEVELOPMENT AGENCY						
Trade and development agency	41,500,000	50,000,000	41,500,000	43,000,000	44,000,000	+2,500,000
Total, title I, Export and investment assistance	563,114,000	708,940,000	635,277,000	674,000,000	656,500,000	+93,386,000
(Loan authorizations)	(14,563,000,000)	(19,526,000,000)	(19,526,000,000)	(19,526,000,000)	(19,526,000,000)	(+4,963,000,000)
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
INTERNATIONAL ASSISTANCE PROGRAMS						
Agency for International Development						
Child survival and disease programs fund	650,000,000	502,838,000	650,000,000		650,000,000	
Development assistance	1,210,000,000	1,265,796,000	1,174,000,000	1,904,000,000	1,225,000,000	+15,000,000
International disaster assistance	190,000,000	205,000,000	150,000,000	200,000,000	200,000,000	+10,000,000
Micro & Small Enterprise Development program account:						
Subsidy appropriations	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	
(Direct loan authorization)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	
(Guaranteed loan authorization)	(48,000,000)	(48,000,000)	(48,000,000)	(48,000,000)	(48,000,000)	
Administrative expenses	500,000	500,000	500,000	500,000	500,000	
Urban and environmental credit program account:						
Subsidy appropriations	3,000,000	6,000,000		3,000,000	1,500,000	-1,500,000
(Guaranteed loan authorization)	(46,000,000)	(68,000,000)		(68,000,000)	(68,000,000)	(+22,000,000)
Administrative expenses	6,000,000	6,053,000	5,500,000	4,000,000	5,000,000	-1,000,000
Development credit authority program account (by transfer)		(15,000,000)				
Subtotal, development assistance	2,061,000,000	1,987,687,000	1,981,500,000	2,113,000,000	2,083,500,000	+22,500,000
Payment to the Foreign Service Retirement and Disability Fund	44,208,000	44,552,000	44,552,000	44,552,000	44,552,000	+344,000
Operating expenses of the Agency for International Development	473,000,000	483,858,000	460,000,000	475,000,000	479,950,000	+6,950,000
Operating expenses of the Agency for International Development Office of Inspector General	29,047,000	33,000,000	31,500,000	30,000,000	30,750,000	+1,703,000
Total, Agency for International Development	2,607,255,000	2,549,097,000	2,517,552,000	2,662,552,000	2,638,752,000	+31,497,000
Other Bilateral Economic Assistance						
Economic support fund:						
Camp David countries	2,015,000,000	2,015,000,000	1,855,000,000	1,855,000,000	1,855,000,000	-160,000,000
Other	385,000,000	498,600,000	471,000,000	450,600,000	512,000,000	+127,000,000
Subtotal, Economic support fund	2,400,000,000	2,513,600,000	2,326,000,000	2,305,600,000	2,367,000,000	-33,000,000
International fund for Ireland	19,600,000		19,600,000		19,600,000	
Assistance for Eastern Europe and the Baltic States	485,000,000	464,500,000	450,000,000	432,500,000	430,000,000	-55,000,000
Assistance for the New Independent States of the former Soviet Union	770,000,000	925,000,000	590,000,000	740,000,000	801,000,000	+31,000,000
Total, Other Bilateral Economic Assistance	3,674,600,000	3,903,100,000	3,385,600,000	3,478,100,000	3,617,600,000	-57,000,000

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
INDEPENDENT AGENCIES						
Inter-American Foundation						
Appropriations	....	22,000,000	20,860,000	....	....	....
(By transfer)	(22,000,000)	....	....	(20,000,000)	(20,000,000)	(-2,000,000)
African Development Foundation						
Appropriations	....	14,000,000	13,160,000	....	....	....
(By transfer)	(14,000,000)	....	....	(11,000,000)	(11,000,000)	(-3,000,000)
Peace Corps						
Appropriations	222,000,000	270,335,000	230,000,000	221,000,000	240,000,000	+18,000,000
Department of State						
International narcotics control	215,000,000	275,000,000	275,000,000	222,000,000	261,000,000	+46,000,000
Narcotics interdiction	15,000,000	....	....	....	....	-15,000,000
Migration and refugee assistance	650,000,000	650,000,000	640,000,000	650,000,000	640,000,000	-10,000,000
Refugee resettlement assistance	5,000,000	....	....	....	....	-5,000,000
United States Emergency Refugee and Migration Assistance Fund	50,000,000	20,000,000	30,000,000	20,000,000	30,000,000	-20,000,000
Nonproliferation, anti-terrorism, demining and related programs	133,000,000	215,900,000	152,000,000	170,000,000	198,000,000	+65,000,000
Total, Department of State	1,068,000,000	1,160,900,000	1,097,000,000	1,062,000,000	1,129,000,000	+61,000,000
Department of the Treasury						
Debt restructuring	27,000,000	72,000,000	36,000,000	25,000,000	33,000,000	+6,000,000
International affairs technical assistance	....	5,000,000	....	3,000,000	1,500,000	+1,500,000
United States community adjustment and investment program	....	37,000,000	....	....	10,000,000	+10,000,000
Subtotal, Department of the Treasury	27,000,000	114,000,000	36,000,000	28,000,000	44,500,000	+17,500,000
Total, title II, Bilateral economic assistance	7,598,855,000	8,033,432,000	7,299,982,000	7,451,862,000	7,669,852,000	+70,997,000
(By transfer)	(36,000,000)	(15,000,000)	....	(31,000,000)	(31,000,000)	(-5,000,000)
(Loan authorizations)	(95,000,000)	(117,000,000)	(49,000,000)	(117,000,000)	(117,000,000)	(+22,000,000)
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	....
Foreign Military Financing Program:						
Grants:						
Camp David countries	3,100,000,000	3,100,000,000	3,160,000,000	3,160,000,000	3,160,000,000	+60,000,000
Other	196,550,000	175,910,000	175,910,000	162,910,000	170,000,000	-26,550,000
Subtotal, grants	3,296,550,000	3,275,910,000	3,335,910,000	3,322,910,000	3,330,000,000	+33,450,000
(Limitation on administrative expenses)	(23,250,000)	(29,910,000)	(29,910,000)	(29,910,000)	(29,910,000)	(+6,660,000)
Direct concessional loans:						
Subsidy appropriation	60,000,000	20,000,000	20,000,000	20,000,000	20,000,000	-40,000,000
(Loan authorization)	(657,000,000)	(167,000,000)	(167,000,000)	(167,000,000)	(167,000,000)	(-490,000,000)
FMF program level	(3,953,550,000)	(3,442,910,000)	(3,502,910,000)	(3,489,910,000)	(3,497,000,000)	(-456,550,000)
Total, Foreign military assistance	3,356,550,000	3,295,910,000	3,355,910,000	3,342,910,000	3,350,000,000	-6,550,000
Special Defense Acquisition Fund:						
Offsetting collections	-106,000,000	-19,000,000	-19,000,000	-19,000,000	-19,000,000	+87,000,000
Peacekeeping operations	77,500,000	83,000,000	82,250,000	75,000,000	76,500,000	-1,000,000
Total, title III, Military assistance	3,378,050,000	3,409,910,000	3,449,160,000	3,448,910,000	3,457,500,000	+79,450,000
(Limitation on administrative expenses)	(23,250,000)	(29,910,000)	(29,910,000)	(29,910,000)	(29,910,000)	(+6,660,000)
(Loan authorization)	(657,000,000)	(167,000,000)	(167,000,000)	(167,000,000)	(167,000,000)	(-490,000,000)
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development:						
Contribution to the Global Environment Facility 1/	47,500,000	300,000,000	42,500,000	47,500,000	192,500,000	+145,000,000
Contribution to the International Development Association	1,034,503,100	800,000,000	800,000,000	800,000,000	800,000,000	-234,503,100
Total, World Bank Group	1,082,003,100	1,100,000,000	842,500,000	847,500,000	992,500,000	-89,503,100

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Contribution to the Inter-American Development Bank:						
Paid-in capital	25,610,667	25,610,667	25,610,667	25,610,667	25,610,667	
(Limitation on callable capital subscriptions)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	
Fund for special operations 1/	20,835,000	21,152,000	21,152,000	21,152,000	21,152,000	+317,000
Contribution to the Enterprise for the Americas Multilateral Investment Fund 1/	30,000,000	50,000,000	50,000,000	50,000,000	50,000,000	+20,000,000
Total, contribution to the Inter-American Development Bank	76,445,667	96,762,667	96,762,667	96,762,667	96,762,667	+20,317,000
Contribution to the Asian Development Bank:						
Paid-in capital	13,221,596	13,221,596	13,221,596	13,221,596	13,221,596	
(Limitation on callable capital subscriptions)	(647,858,204)	(647,858,204)	(647,858,204)	(647,858,204)	(647,858,204)	
Contribution to the Asian Development fund 1/	150,000,000	250,000,000	210,000,000	187,000,000	210,000,000	+60,000,000
Total, contribution to the Asian Development Bank	163,221,596	263,221,596	223,221,596	200,221,596	223,221,596	+60,000,000
Contribution to the African Development Fund 1/	45,000,000	186,000,000	128,000,000	5,000,000	128,000,000	+83,000,000
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	35,778,717	35,778,717	35,778,717	35,778,717	35,778,717	
(Limitation on callable capital subscriptions)	(123,237,803)	(123,237,803)	(123,237,803)	(123,237,803)	(123,237,803)	
North American Development Bank:						
Paid-in capital	56,500,000					-56,500,000
(Limitation on callable capital subscriptions)	(318,750,000)					(-318,750,000)
International Monetary Fund						
Contribution to the enhanced structural adjustment facility		7,000,000				
Total, International Financial Institutions	1,458,949,080	1,657,762,980	1,326,262,980	1,185,262,980	1,476,262,980	+17,313,900
(Limitation on callable capital subscript)	(2,593,564,917)	(2,274,814,917)	(2,274,814,917)	(2,274,814,917)	(2,274,814,917)	(-318,750,000)
International Organizations and Programs						
International organizations and programs	192,000,000	314,000,000	157,250,000	170,000,000	187,000,000	-5,000,000
(By transfer)	(2,500,000)	(2,500,000)	(2,500,000)	(2,500,000)	(2,500,000)	
Total, title IV, Multilateral economic assistance	1,650,949,080	1,971,762,980	1,483,512,980	1,355,262,980	1,663,262,980	+12,313,900
(By transfer)	(2,500,000)	(2,500,000)	(2,500,000)	(2,500,000)	(2,500,000)	
(Limitation on callable capital subscript)	(2,593,564,917)	(2,274,814,917)	(2,274,814,917)	(2,274,814,917)	(2,274,814,917)	(-318,750,000)
TITLE VI						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Monetary Programs						
Loans to International Monetary Fund 2/		3,361,000,000	3,361,000,000	3,361,000,000	3,361,000,000	+3,361,000,000
United States Quota, International Monetary Fund 2/		14,500,000,000		14,500,000,000	14,500,000,000	+14,500,000,000
Total, International Monetary Programs		17,861,000,000	3,361,000,000	17,861,000,000	17,861,000,000	+17,861,000,000
Grand total	13,190,968,080	31,985,044,980	16,228,941,980	30,790,824,980	31,308,114,980	+18,117,146,900
(By transfer)	(38,500,000)	(17,500,000)	(2,500,000)	(33,500,000)	(33,500,000)	(-5,000,000)
(Limitation on administrative expenses)	(23,250,000)	(29,910,000)	(29,910,000)	(29,910,000)	(29,910,000)	(+6,660,000)
(Limitation on callable capital subscript)	(2,593,564,917)	(2,274,814,917)	(2,274,814,917)	(2,274,814,917)	(2,274,814,917)	(-318,750,000)
(Loan authorizations)	(15,315,000,000)	(19,810,000,000)	(19,742,000,000)	(19,810,000,000)	(19,810,000,000)	(+4,495,000,000)
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustment: SDAF offsetting collections					-37,000,000	-37,000,000
Total mandatory and discretionary	13,190,968,080	31,985,044,980	16,228,941,980	30,790,824,980	31,271,114,980	+18,080,146,900
Mandatory	44,208,000	44,552,000	44,552,000	44,552,000	44,552,000	+344,000
Discretionary including arrearages & IMF	13,146,760,080	31,940,492,980	16,184,389,980	30,746,272,980	31,226,562,980	+18,079,802,900
Arrearages	-359,753,100	-502,485,334	-361,952,000	-310,652,000	-538,952,000	-179,198,900
IMF		-17,861,000,000	-3,361,000,000	-17,861,000,000	-17,861,000,000	-17,861,000,000
Discretionary excluding arrearages & IMF	12,787,006,980	13,577,007,646	12,461,437,980	12,574,620,980	12,826,610,980	+39,604,000

1/ The amounts shown for the Senate are provided as an FY 1998 supplemental.

2/ The amounts shown for the President's request were requested as an FY 1998 supplemental; the amounts shown for the Senate are provided as an FY 1998 supplemental.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1999

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	582,082,000	660,310,000	596,425,000	653,058,000	619,311,000	+37,229,000
Wildland fire management	280,103,000	298,353,000	286,895,000	268,975,000	286,895,000	+6,792,000
Central hazardous materials fund	12,000,000	10,000,000	10,000,000	9,000,000	10,000,000	-2,000,000
Construction	5,091,000	4,175,000	6,975,000	8,197,000	10,997,000	+5,906,000
Payments in lieu of taxes	120,000,000	120,000,000	140,000,000	125,000,000	125,000,000	+5,000,000
Land acquisition	11,200,000	15,000,000	10,000,000	15,850,000	14,600,000	+3,400,000
Oregon and California grant lands	98,906,000	98,966,000	98,407,000	94,791,000	97,037,000	-1,869,000
Range improvements (indefinite)	9,113,000	10,000,000	10,000,000	10,000,000	10,000,000	+887,000
Service charges, deposits, and forfeitures (indefinite)	8,706,000	8,055,000	8,055,000	7,226,000	8,055,000	-651,000
Miscellaneous trust funds (indefinite)	8,800,000	8,800,000	8,800,000	8,800,000	8,800,000	....
Total, Bureau of Land Management	1,136,001,000	1,233,659,000	1,175,557,000	1,200,897,000	1,190,695,000	+54,694,000
United States Fish and Wildlife Service						
Resource management	594,592,000	675,828,000	607,106,000	624,019,000	661,136,000	+66,544,000
Construction	76,636,000	37,000,000	66,100,000	48,734,000	50,453,000	-26,183,000
Land acquisition	62,632,000	60,500,000	30,000,000	62,120,000	48,024,000	-14,608,000
Cooperative endangered species conservation fund	14,000,000	17,000,000	15,000,000	34,000,000	14,000,000	....
National wildlife refuge fund	10,779,000	10,000,000	10,779,000	10,779,000	10,779,000	....
North American wetlands conservation fund	11,700,000	14,700,000	12,700,000	15,000,000	15,000,000	+3,300,000
Wildlife conservation and appreciation fund	800,000	800,000	800,000	800,000	800,000	....
Multinational species conservation fund	1,400,000	2,400,000	2,400,000	1,900,000	2,000,000	+600,000
Total, United States Fish and Wildlife Service	772,539,000	818,228,000	744,885,000	797,352,000	802,192,000	+29,653,000
National Park Service						
Operation of the national park system	1,234,004,000	1,320,828,000	1,333,328,000	1,288,903,000	1,285,604,000	+51,600,000
National recreation and preservation	44,259,000	46,575,000	43,939,000	48,800,000	46,225,000	+1,966,000
Historic preservation fund	40,812,000	100,612,000	40,812,000	55,612,000	72,412,000	+31,600,000
Construction	222,769,000	175,000,000	149,000,000	210,116,000	226,058,000	+3,289,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	....
Land acquisition and state assistance	143,290,000	138,087,000	69,000,000	88,100,000	147,925,000	+4,635,000
Urban park and recreation fund	....	2,000,000	....	....	....	....
Total, National Park Service (net)	1,655,134,000	1,753,102,000	1,606,079,000	1,661,531,000	1,748,224,000	+93,090,000
United States Geological Survey						
Surveys, investigations, and research	760,358,000	806,883,000	774,838,000	772,115,000	797,896,000	+37,538,000
Minerals Management Service						
Royalty and offshore minerals management	144,196,000	222,402,000	216,402,000	217,275,000	217,902,000	+73,706,000
Additions to receipts	....	-100,000,000	-100,000,000	-100,000,000	-100,000,000	-100,000,000
Oil spill research	6,118,000	6,118,000	6,118,000	6,118,000	6,118,000	....
Total, Minerals Management Service	150,314,000	128,520,000	122,520,000	123,393,000	124,020,000	-26,294,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	94,937,000	93,265,000	93,074,000	92,634,000	93,078,000	-1,859,000
Receipts from performance bond forfeitures (indefinite)	500,000	275,000	275,000	275,000	275,000	-225,000
Subtotal	95,437,000	93,540,000	93,349,000	92,909,000	93,353,000	-2,084,000
Abandoned mine reclamation fund (definite, trust fund)	177,624,000	183,416,000	185,416,000	183,057,000	185,416,000	+7,792,000
(By transfer)	(3,163,000)	....	....	....	....	(-3,163,000)
Total, Office of Surface Mining Reclamation and Enforcement	273,061,000	276,956,000	278,765,000	275,966,000	278,769,000	+5,708,000
Bureau of Indian Affairs						
Operation of Indian programs	1,529,638,000	1,638,681,000	1,558,425,000	1,544,695,000	1,584,124,000	+54,486,000
Construction	125,279,000	152,054,000	121,695,000	123,421,000	123,421,000	-1,858,000
Indian land and water claim settlements and miscellaneous payments to Indians	43,352,000	38,396,000	28,396,000	28,882,000	28,882,000	-14,470,000
Indian guaranteed loan program account	5,000,000	5,005,000	5,001,000	5,001,000	5,001,000	+1,000
(Limitation on guaranteed loans)	(34,615,000)	(59,682,000)	(59,682,000)	....	(59,682,000)	(+25,067,000)
Indian land consolidation pilot	....	10,000,000	....	....	5,000,000	+5,000,000
Total, Bureau of Indian Affairs	1,703,269,000	1,844,136,000	1,713,517,000	1,701,999,000	1,746,428,000	+43,159,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Departmental Offices						
Insular Affairs:						
Assistance to Territories	39,794,000	38,555,000	36,455,000	38,325,000	38,455,000	-1,339,000
Northern Marianas Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	
Subtotal, Assistance to Territories	67,514,000	66,275,000	64,175,000	66,045,000	66,175,000	-1,339,000
Compact of Free Association	8,545,000	8,445,000	8,545,000	8,830,000	8,930,000	+385,000
Mandatory payments	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	
Subtotal, Compact of Free Association	20,545,000	20,445,000	20,545,000	20,830,000	20,930,000	+385,000
Total, Insular Affairs	88,059,000	86,720,000	84,720,000	86,875,000	87,105,000	-954,000
Departmental management	58,286,000	60,571,000	58,286,000	60,496,000	64,686,000	+6,400,000
Office of the Solicitor	35,443,000	37,304,000	37,304,000	36,484,000	36,784,000	+1,341,000
Office of Inspector General	24,500,000	25,884,000	24,499,000	25,466,000	25,466,000	+966,000
National Indian Gaming Commission	1,000,000					-1,000,000
Office of Special Trustee for American Indians	38,557,000	42,000,000	39,499,000	38,000,000	39,499,000	+942,000
Natural resource damage assessment fund	4,228,000	8,100,000	4,492,000	5,228,000	4,492,000	+264,000
Management of Federal lands for subsistence uses					8,000,000	+8,000,000
Total, Departmental Offices	250,073,000	260,579,000	248,800,000	252,549,000	266,052,000	+15,979,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,700,749,000	7,122,163,000	6,664,961,000	6,785,602,000	6,954,276,000	+253,527,000
Appropriations	(6,730,749,000)	(7,152,163,000)	(6,694,961,000)	(6,815,602,000)	(6,984,276,000)	(+253,527,000)
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
(Limitation on guaranteed loans)	(34,615,000)	(59,682,000)	(59,682,000)		(59,682,000)	(+25,067,000)
(By transfer)	(3,163,000)					(-3,163,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	187,796,000	198,122,000	197,444,000	212,927,000	197,444,000	+9,648,000
State and private forestry	209,178,000	162,900,000	156,187,000	165,091,000	170,722,000	-38,456,000
National forest system	1,357,744,000	1,417,708,000	1,231,421,000	1,129,096,000	1,298,570,000	-59,174,000
Wildland fire management	586,559,000	554,437,000	631,737,000	567,885,000	560,176,000	-26,383,000
Emergency appropriations		102,000,000		102,000,000	102,000,000	+102,000,000
Reconstruction and construction	166,015,000	160,914,000	271,444,000	353,840,000	297,352,000	+131,337,000
Land acquisition	52,976,000	56,057,000	30,000,000	67,022,000	117,918,000	+64,942,000
Acquisition of lands for national forests special acts	1,069,000	1,069,000	1,069,000	1,069,000	1,069,000	
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	210,000	
Range betterment fund (indefinite)	3,811,000	3,300,000	3,300,000	3,300,000	3,300,000	-511,000
Gifts, donations and bequests for forest and rangeland research	92,000	92,000	92,000	92,000	92,000	
Midewin national tallgrass prairie restoration fund	100,000					-100,000
Management of Federal lands for subsistence uses					3,000,000	+3,000,000
Total, Forest Service	2,565,550,000	2,656,809,000	2,522,884,000	2,622,534,000	2,751,853,000	+186,303,000
DEPARTMENT OF ENERGY						
Clean coal technology:						
Rescission	-101,000,000					+101,000,000
Deferral		-40,000,000		-40,000,000	-40,000,000	-40,000,000
Subtotal	-101,000,000	-40,000,000		-40,000,000	-40,000,000	+61,000,000
Fossil energy research and development	362,403,000	383,408,000	315,558,000	376,431,000	384,056,000	+21,653,000
Alternative fuels production (indefinite)	-1,500,000	-1,300,000	-1,300,000	-1,300,000	-1,300,000	+200,000
Naval petroleum and oil shale reserves	107,000,000	22,500,000	14,000,000	14,056,000	14,000,000	-93,000,000
Energy conservation	611,723,000	808,500,000	675,250,000	677,701,000	691,701,000	+79,978,000
Economic regulation	2,725,000	1,801,000	1,801,000	1,801,000	1,801,000	-924,000
Strategic petroleum reserve	207,500,000	160,120,000	160,120,000	155,120,000	160,120,000	-47,380,000
(By transfer)	(207,500,000)					(-207,500,000)
Energy Information Administration	66,800,000	70,500,000	68,000,000	68,000,000	70,500,000	+3,700,000
Elk Hills school lands fund		36,000,000			36,000,000	+36,000,000
Total, Department of Energy:						
New budget (obligational) authority (net)	1,255,651,000	1,441,529,000	1,233,429,000	1,251,809,000	1,316,878,000	+61,227,000
Appropriations	(1,356,651,000)	(1,481,529,000)	(1,233,429,000)	(1,291,809,000)	(1,356,878,000)	(+227,000)
Rescission	(-101,000,000)					(+101,000,000)
Deferral		(-40,000,000)		(-40,000,000)	(-40,000,000)	(-40,000,000)
(By transfer)	(207,500,000)					(-207,500,000)

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,841,174,000	1,843,873,000	1,932,953,000	1,888,602,000	1,950,322,000	+109,148,000
Indian health facilities	257,538,000	274,476,000	313,175,000	263,516,000	289,465,000	+31,927,000
Total, Indian Health Service	2,098,712,000	2,118,349,000	2,246,128,000	2,152,118,000	2,239,787,000	+141,075,000
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	15,000,000	15,000,000	13,000,000	15,000,000	13,000,000	-2,000,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	4,250,000	3,188,000	....	3,188,000	4,250,000	....
Smithsonian Institution						
Salaries and expenses	333,408,000	357,300,000	346,449,000	352,154,000	347,154,000	+13,746,000
Construction and improvements, National Zoological Park	3,850,000	4,500,000	4,500,000	4,400,000	4,400,000	+550,000
Repair and restoration of buildings	32,000,000	40,000,000	44,500,000	32,000,000	40,000,000	+8,000,000
Construction	33,000,000	18,000,000	2,000,000	16,000,000	16,000,000	-17,000,000
Total, Smithsonian Institution	402,258,000	419,800,000	397,449,000	404,554,000	407,554,000	+5,296,000
National Gallery of Art						
Salaries and expenses	55,837,000	57,938,000	57,938,000	57,938,000	57,938,000	+2,101,000
Repair, restoration and renovation of buildings	6,192,000	6,311,000	6,311,000	6,311,000	6,311,000	+119,000
Total, National Gallery of Art	62,029,000	64,249,000	64,249,000	64,249,000	64,249,000	+2,220,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	11,375,000	13,000,000	12,187,000	13,000,000	12,187,000	+812,000
Construction	9,000,000	20,000,000	9,000,000	20,000,000	20,000,000	+11,000,000
Total, John F. Kennedy Center for the Performing Arts	20,375,000	33,000,000	21,187,000	33,000,000	32,187,000	+11,812,000
Woodrow Wilson International Center for Scholars						
Salaries and expenses	5,840,000	6,040,000	5,840,000	5,840,000	5,840,000	....
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	81,240,000	120,500,000	81,240,000	85,560,000	83,500,000	+2,260,000
Matching grants	16,760,000	15,500,000	16,760,000	14,500,000	14,500,000	-2,260,000
Total, National Endowment for the Arts	98,000,000	136,000,000	98,000,000	100,060,000	98,000,000	....
National Endowment for the Humanities						
Grants and administration	96,800,000	122,000,000	96,800,000	96,800,000	96,800,000	....
Matching grants	13,900,000	14,000,000	13,900,000	13,900,000	13,900,000	....
Total, National Endowment for the Humanities	110,700,000	136,000,000	110,700,000	110,700,000	110,700,000	....
Institute of Museum and Library Services/ Office of Museum Services						
Grants and administration	23,280,000	26,000,000	23,405,000	23,280,000	23,405,000	+125,000
Total, National Foundation on the Arts and the Humanities	231,980,000	298,000,000	232,105,000	234,040,000	232,105,000	+125,000
Commission of Fine Arts						
Salaries and expenses	907,000	898,000	898,000	898,000	898,000	-9,000
National Capital Arts and Cultural Affairs						
Grants	7,000,000	7,500,000	7,000,000	7,000,000	7,000,000	....
Advisory Council on Historic Preservation						
Salaries and expenses	2,745,000	3,000,000	2,800,000	2,800,000	2,800,000	+55,000
National Capital Planning Commission						
Salaries and expenses	5,740,000	6,212,000	5,954,000	5,954,000	5,954,000	+214,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	31,707,000	32,607,000	31,707,000	32,607,000	32,107,000	+400,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Presidio Trust						
Presidio trust fund	....	39,913,000	39,913,000	29,913,000	34,913,000	+34,913,000
Total, title II, related agencies:						
New budget (obligational) authority (net)	6,709,744,000	7,148,094,000	6,824,543,000	6,865,504,000	7,151,375,000	+441,631,000
Appropriations	(6,810,744,000)	(7,086,094,000)	(6,824,543,000)	(6,803,504,000)	(7,089,375,000)	(+278,631,000)
Emergency appropriations	....	(102,000,000)	....	(102,000,000)	(102,000,000)	(+102,000,000)
Rescission	(-101,000,000)	....	....	....	....	(+101,000,000)
Deferral	....	(-40,000,000)	....	(-40,000,000)	(-40,000,000)	(-40,000,000)
(By transfer)	(207,500,000)	....	....	....	....	(-207,500,000)
TITLE V - PRIORITY FEDERAL LAND ACQUISITIONS AND EXCHANGES						
Priority land acquisitions and exchanges	699,000,000	....	....	....	....	-699,000,000
TITLE VI - DEPARTMENT OF COMMERCE						
National Oceanic and Atmospheric Administration	....	....	....	6,600,000	....	....
Scorekeeping adjustments	-255,665,000	-146,000,000	-61,000,000	-195,000,000	-120,500,000	+135,165,000
Grand total:						
New budget (obligational) authority (net)	13,853,828,000	14,123,257,000	13,428,504,000	13,462,708,000	13,985,151,000	+131,323,000
Appropriations	(13,984,828,000)	(14,091,257,000)	(13,458,504,000)	(13,430,708,000)	(13,953,151,000)	(-31,677,000)
Emergency appropriations	....	(102,000,000)	....	(102,000,000)	(102,000,000)	(+102,000,000)
Rescissions	(-131,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(+101,000,000)
Deferral	....	(-40,000,000)	....	(-40,000,000)	(-40,000,000)	(-40,000,000)
(Limitation on guaranteed loans)	(34,615,000)	(59,682,000)	(59,682,000)	....	(59,682,000)	(+25,067,000)
(By transfer)	(210,663,000)	....	....	....	....	(-210,663,000)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,136,001,000	1,233,659,000	1,175,557,000	1,200,697,000	1,190,695,000	+54,694,000
United States Fish and Wildlife Service	772,539,000	816,228,000	744,885,000	797,352,000	802,192,000	+29,653,000
National Park Service	1,655,134,000	1,753,102,000	1,606,079,000	1,661,531,000	1,748,224,000	+93,090,000
United States Geological Survey	760,358,000	806,863,000	774,838,000	772,115,000	797,896,000	+37,538,000
Minerals Management Service	150,314,000	128,520,000	122,520,000	123,393,000	124,020,000	-26,294,000
Office of Surface Mining Reclamation and Enforcement	273,061,000	278,956,000	276,765,000	275,966,000	278,769,000	+5,708,000
Bureau of Indian Affairs	1,703,269,000	1,844,136,000	1,713,517,000	1,701,999,000	1,746,428,000	+43,159,000
Departmental Offices	250,073,000	260,679,000	248,900,000	252,549,000	266,052,000	+15,979,000
Total, Title I - Department of the Interior	6,700,749,000	7,122,163,000	6,664,961,000	6,785,602,000	6,954,276,000	+253,527,000
TITLE II - RELATED AGENCIES						
Forest Service	2,565,550,000	2,656,809,000	2,522,884,000	2,622,534,000	2,751,853,000	+186,303,000
Department of Energy	1,255,651,000	1,441,529,000	1,233,429,000	1,251,609,000	1,316,878,000	+61,227,000
Indian Health Service	2,098,712,000	2,118,349,000	2,246,128,000	2,152,118,000	2,239,787,000	+141,075,000
Office of Navajo and Hopi Indian Relocation	15,000,000	15,000,000	13,000,000	15,000,000	13,000,000	-2,000,000
Institute of American Indian and Alaska Native Culture and Arts Development	4,250,000	3,166,000	....	5,186,000	4,250,000	....
Smithsonian Institution	402,258,000	419,800,000	397,449,000	404,554,000	407,554,000	+5,296,000
National Gallery of Art	62,029,000	64,249,000	64,249,000	64,249,000	64,249,000	+2,220,000
John F. Kennedy Center for the Performing Arts	20,375,000	33,000,000	21,187,000	33,000,000	32,187,000	+11,812,000
Woodrow Wilson International Center for Scholars	5,840,000	6,040,000	5,840,000	5,840,000	5,840,000	....
National Endowment for the Arts	98,000,000	136,000,000	98,000,000	100,060,000	98,000,000	....
National Endowment for the Humanities	110,700,000	136,000,000	110,700,000	110,700,000	110,700,000	....
Institute of Museum and Library Services	23,280,000	26,000,000	23,405,000	23,280,000	23,405,000	+125,000
Commission of Fine Arts	907,000	898,000	898,000	898,000	898,000	-9,000
National Capital Arts and Cultural Affairs	7,000,000	7,500,000	7,000,000	7,000,000	7,000,000	....
Advisory Council on Historic Preservation	2,745,000	3,000,000	2,800,000	2,800,000	2,800,000	+55,000
National Capital Planning Commission	5,740,000	6,212,000	5,954,000	5,954,000	5,954,000	+214,000
Holocaust Memorial Council	31,707,000	32,607,000	31,707,000	32,607,000	32,107,000	+400,000
Presidio Trust	....	39,913,000	39,913,000	29,913,000	34,913,000	+34,913,000
Total, Title II - Related Agencies	6,709,744,000	7,148,094,000	6,824,543,000	6,865,504,000	7,151,375,000	+441,631,000
TITLE V - PRIORITY FEDERAL LAND ACQUISITIONS AND EXCHANGES						
Priority land acquisitions and exchanges	699,000,000	....	....	....	....	-699,000,000
TITLE VI - DEPARTMENT OF COMMERCE						
National Oceanic and Atmospheric Administration	....	....	....	6,600,000	....	....
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments	-255,665,000	-146,000,000	-61,000,000	-195,000,000	-120,500,000	+135,165,000
Grand total	13,853,828,000	14,123,257,000	13,428,504,000	13,462,708,000	13,985,151,000	+131,323,000

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF LABOR						
Employment and Training Administration						
Training and employment services	4,982,737,000	5,073,373,000	3,750,873,000	4,772,375,000	4,885,324,000	-97,413,000
Advance appropriation, FY 1999/2000	250,000,000	250,000,000		250,000,000		-250,000,000
Community service employment for older Americans	440,200,000	440,200,000	440,200,000	440,200,000	440,200,000	
Federal unemployment benefits and allowances (indefinite)	349,000,000	360,700,000	360,700,000	360,700,000	360,700,000	+11,700,000
State unemployment insurance and employment service operations	186,796,000	162,097,000	152,097,000	162,097,000	162,097,000	-24,699,000
(Limitation on trust fund transfer)	(3,313,621,000)	(3,206,076,000)	(3,122,476,000)	(3,077,476,000)	(3,132,076,000)	(-181,545,000)
Advances to the Unemployment Trust Fund and other funds	392,000,000	357,000,000	357,000,000	357,000,000	357,000,000	-35,000,000
Program administration	90,397,000	97,282,000	93,995,000	93,995,000	94,410,000	+4,013,000
(Limitation on trust fund transfer)	(41,285,000)	(46,196,000)	(43,716,000)	(43,716,000)	(43,716,000)	(+2,431,000)
Total, Employment and Training Administration	6,691,130,000	6,740,652,000	5,154,865,000	6,436,367,000	6,299,731,000	-391,399,000
Pension and Welfare Benefits Administration						
Salaries and expenses	82,056,000	90,974,000	86,159,000	88,070,000	90,000,000	+7,944,000
Pension Benefit Guaranty Corporation						
Pension Benefit Guaranty Corporation fund: (Limitation of trust funds)	(10,433,000)	(10,958,000)	(10,958,000)	(10,958,000)	(10,958,000)	(+525,000)
Employment Standards Administration						
Salaries and expenses	300,027,000	314,267,000	310,409,000	309,409,000	312,076,000	+12,049,000
(Limitation on trust fund transfer)	(993,000)	(1,924,000)	(1,924,000)	(1,924,000)	(1,924,000)	(+931,000)
Special benefits	201,000,000	179,000,000	179,000,000	179,000,000	179,000,000	-22,000,000
Black Lung Disability Trust Fund:						
Definite	1,006,644,000	1,020,644,000	1,020,644,000	1,020,644,000	1,020,644,000	+14,000,000
Indefinite	356,000	356,000	356,000	356,000	356,000	
Total	1,007,000,000	1,021,000,000	1,021,000,000	1,021,000,000	1,021,000,000	+14,000,000
Total, Employment Standards Administration	1,508,027,000	1,514,267,000	1,510,409,000	1,509,409,000	1,512,076,000	+4,049,000
Occupational Safety and Health Administration						
Salaries and expenses	336,678,000	355,045,000	336,678,000	348,983,000	353,000,000	+16,322,000
Mine Safety and Health Administration						
Salaries and expenses	203,397,000	211,165,000	203,397,000	211,165,000	211,165,000	+7,768,000
Bureau of Labor Statistics						
Salaries and expenses	327,695,000	344,724,000	344,724,000	337,171,000	344,724,000	+17,029,000
(Limitation on trust fund transfer)	(52,848,000)	(54,146,000)	(54,146,000)	(53,718,000)	(54,146,000)	(+1,298,000)
Departmental Management						
Salaries and expenses	152,348,000	186,761,000	163,471,000	188,463,000	190,832,000	+38,484,000
(Limitation on trust fund transfer)	(282,000)	(299,000)	(299,000)	(299,000)	(299,000)	(+17,000)
Assistant Secretary for Veterans Employment and Training (limitation on trust fund transfer)	(181,979,000)	(182,719,000)	(182,719,000)	(182,719,000)	(182,719,000)	(+740,000)
Office of Inspector General	42,627,000	48,033,000	42,627,000	44,775,000	43,852,000	+1,225,000
(Limitation on trust fund transfer)	(3,645,000)	(3,772,000)	(3,645,000)	(3,725,000)	(3,648,000)	(+3,000)
Total	194,975,000	234,794,000	206,098,000	233,238,000	234,684,000	+39,709,000
Total, title I, Department of Labor	9,343,958,000	9,491,801,000	7,842,330,000	9,164,409,000	9,045,360,000	-298,598,000
Appropriations, fiscal year 1999	(9,093,958,000)	(9,241,801,000)	(7,842,330,000)	(8,914,409,000)	(9,045,360,000)	(-48,598,000)
Advance appropriations, FY 2000	(250,000,000)	(250,000,000)		(250,000,000)		(-250,000,000)
(Limitation on trust funds)	(3,605,086,000)	(3,506,082,000)	(3,419,883,000)	(3,374,535,000)	(3,429,486,000)	(-175,600,000)
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Health Resources and Services Administration						
Health resources and services	3,605,425,000	3,766,968,000	3,888,522,000	3,735,900,000	4,108,040,000	+502,615,000
Advance appropriation, FY 1999 / FY 2000				150,000,000		
Medical facilities guarantee and loan fund:						
Federal interest subsidies for medical facilities	6,000,000	1,000,000	1,000,000	1,000,000	1,000,000	-5,000,000
Health education assistance loans program	1,020,000					-1,020,000
(Limitation on guaranteed loans)	(85,000,000)					(-85,000,000)
Administrative expenses	3,675,000	3,688,000	3,688,000	3,688,000	3,688,000	+13,000
Total	4,695,000	3,688,000	3,688,000	3,688,000	3,688,000	-1,007,000
Vaccine injury compensation program trust fund	45,600,000	54,600,000	54,600,000	54,600,000	54,600,000	+9,000,000
Vaccine injury compensation Pre-FY89 claims				100,000,000	100,000,000	+100,000,000
Total, Health Resources and Services Administration	3,661,720,000	3,826,256,000	3,947,810,000	4,045,188,000	4,267,328,000	+605,608,000

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Centers for Disease Control and Prevention						
Disease control, research, and training	2,332,838,000	2,454,459,000	2,540,433,000	2,323,644,000	2,558,520,000	+225,682,000
Violent crime reduction trust fund	51,000,000	42,938,000	51,000,000	43,000,000	51,000,000	
Total, CDCP	2,383,838,000	2,497,397,000	2,591,433,000	2,366,644,000	2,609,520,000	+225,682,000
National Institutes of Health						
National Cancer Institute	2,542,569,000	2,528,760,000	2,787,830,000	2,927,187,000	2,927,187,000	+384,618,000
National Heart, Lung, and Blood Institute	1,582,924,000	1,641,524,000	1,720,344,000	1,793,697,000	1,793,697,000	+210,773,000
National Institute of Dental and Craniofacial Research	209,026,000	213,969,000	228,961,000	233,568,000	234,338,000	+25,312,000
National Institute of Diabetes and Digestive and Kidney Diseases	872,231,000	824,702,000	951,203,000	994,218,000	994,218,000	+121,987,000
National Institute of Neurological Disorders and Stroke	779,257,000	813,192,000	831,085,000	903,278,000	903,278,000	+124,021,000
National Institute of Allergy and Infectious Diseases	1,349,135,000	703,723,000	1,470,460,000	1,540,102,000	1,570,102,000	+220,967,000
National Institute of General Medical Sciences	1,063,959,000	1,111,439,000	1,150,840,000	1,197,825,000	1,197,825,000	+133,866,000
National Institute of Child Health and Human Development	673,509,000	654,248,000	728,817,000	748,462,000	750,982,000	+77,473,000
National Eye Institute	355,026,000	373,196,000	383,447,000	395,281,000	395,557,000	+40,531,000
National Institute of Environmental Health Sciences	329,492,000	349,021,000	358,047,000	375,743,000	375,743,000	+46,251,000
National Institute on Aging	518,312,000	554,381,000	585,574,000	596,521,000	596,521,000	+78,209,000
National Institute of Arthritis and Musculoskeletal and Skin Diseases	274,248,000	290,178,000	296,888,000	304,320,000	308,164,000	+33,916,000
National Institute on Deafness and Other Communication Disorders	200,321,000	213,184,000	218,985,000	229,887,000	229,887,000	+29,566,000
National Center for Nursing Research	63,478,000	62,229,000	68,198,000	69,834,000	69,834,000	+6,356,000
National Institute on Alcohol Abuse and Alcoholism	226,752,000	228,561,000	246,778,000	259,747,000	259,747,000	+32,995,000
National Institute on Drug Abuse	526,192,000	393,934,000	575,428,000	603,274,000	603,274,000	+77,082,000
National Institute of Mental Health	748,841,000	699,679,000	815,707,000	861,208,000	861,208,000	+112,367,000
National Human Genome Research Institute	217,297,000	236,275,000	246,111,000	249,861,000	264,892,000	+47,595,000
National Center for Research Resources	453,035,000	421,721,000	513,946,000	554,819,000	554,819,000	+101,784,000
John E. Fogarty International Center	28,236,000	18,045,000	30,367,000	35,426,000	35,426,000	+7,190,000
National Library of Medicine	160,885,000	170,736,000	176,492,000	181,309,000	181,309,000	+20,424,000
Office of the Director	241,101,000	212,306,000	264,145,000	302,947,000	306,559,000	+65,458,000
Buildings and facilities	206,570,000	218,209,000	224,589,000	223,822,000	197,519,000	-9,051,000
Advance appropriation, FY 2000		40,000,000		40,000,000	40,000,000	+40,000,000
Office of AIDS Research		1,726,099,000				
Total, N.I.H.	13,622,366,000	14,763,313,000	14,862,023,000	15,582,366,000	15,612,366,000	+1,990,000,000
Advance appropriations, FY 2000		40,000,000		40,000,000	40,000,000	+40,000,000
Substance Abuse and Mental Health Services Administration						
Substance abuse and mental health services	2,147,156,000	2,274,643,000	2,488,005,000	2,151,643,000	2,488,005,000	+340,849,000
Retirement Pay and Medical Benefits for Commissioned Officers						
Expenses (indefinite)	190,739,000	201,635,000	201,635,000	201,635,000	201,635,000	+10,896,000
Agency for Health Care Policy and Research						
Health care policy and research	90,304,000	100,408,000	100,408,000	50,000,000	100,408,000	+10,104,000
1% evaluation funding (non-add)	(56,206,000)	(70,647,000)	(70,647,000)	(121,065,000)	(70,647,000)	(+14,441,000)
Total, Public Health Service	22,095,943,000	23,883,652,000	24,181,314,000	24,247,498,000	25,279,282,000	+3,183,339,000
Advance appropriations, FY 2000		40,000,000		40,000,000	40,000,000	+40,000,000
Health Care Financing Administration						
Grants to States for Medicaid	100,959,559,000	107,916,644,000	107,916,644,000	107,916,644,000	107,916,644,000	+6,957,085,000
Carryover balance	-6,890,359,000	-5,522,222,000	-5,522,222,000	-5,522,222,000	-5,522,222,000	+1,368,137,000
Appropriation available from prior year advance	-27,988,993,000	-27,800,689,000	-27,800,689,000	-27,800,689,000	-27,800,689,000	+188,304,000
Total, adjusted appropriation	66,080,207,000	74,593,733,000	74,593,733,000	74,593,733,000	74,593,733,000	+8,513,526,000
New advance, 1st quarter, FY 2000	27,800,689,000	28,733,605,000	28,733,605,000	28,733,605,000	28,733,605,000	+932,916,000
Total, grants to States for Medicaid	93,880,896,000	103,327,338,000	103,327,338,000	103,327,338,000	103,327,338,000	+9,446,442,000
Payments to health care trust funds	60,904,000,000	62,953,000,000	62,953,000,000	62,953,000,000	62,953,000,000	+2,049,000,000
Program management (limitation on trust fund transfer)	(1,788,907,000)	(1,942,500,000)	(1,942,500,000)	(1,885,560,000)	(1,946,500,000)	(+157,593,000)
Total, Health Care Financing Administration	154,784,896,000	166,280,338,000	166,280,338,000	166,280,338,000	166,280,338,000	+11,495,442,000
Appropriations, fiscal year 1999	(126,984,207,000)	(137,546,733,000)	(137,546,733,000)	(137,546,733,000)	(137,546,733,000)	(+10,562,526,000)
Advance appropriations, FY 2000	(27,800,689,000)	(28,733,605,000)	(28,733,605,000)	(28,733,605,000)	(28,733,605,000)	(+932,916,000)
(Limitation on trust funds)	(1,788,907,000)	(1,942,500,000)	(1,942,500,000)	(1,885,560,000)	(1,946,500,000)	(+157,593,000)
Administration for Children and Families						
Family support payments to States:						
Payments		2,649,000,000	2,574,000,000	2,649,000,000	2,649,000,000	+2,649,000,000
Less funds advanced in previous years		-660,000,000	-660,000,000	-660,000,000	-660,000,000	-660,000,000
Total, adjusted appropriation		1,989,000,000	1,914,000,000	1,989,000,000	1,989,000,000	+1,989,000,000
New advance, 1st quarter, FY 2000	660,000,000	750,000,000	750,000,000	750,000,000	750,000,000	+90,000,000
Total, family support payments	660,000,000	2,739,000,000	2,664,000,000	2,739,000,000	2,739,000,000	+2,079,000,000

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Low income home energy assistance program:						
Contingent emergency funding	(300,000,000)	(300,000,000)		(300,000,000)	(300,000,000)	
Adjustment			-1,100,000,000			
Advance appropriation, FY 1999 / FY 2000	1,100,000,000	1,087,000,000	1,100,000,000	1,100,000,000	1,100,000,000	
Total	1,100,000,000	1,087,000,000		1,100,000,000	1,100,000,000	
Refugee and entrant assistance	415,000,000	415,000,000	415,185,000	415,000,000	415,000,000	
Child care and development block grant	65,672,000	176,672,000				-65,672,000
Advance appropriation, FY 2000	1,000,000,000	1,182,672,000	1,000,000,000	1,182,672,000	1,182,672,000	+182,672,000
Social Services Block Grant	2,299,000,000	1,909,000,000	2,299,000,000	1,909,000,000	1,909,000,000	-390,000,000
Children and families service programs	5,676,059,000	5,946,180,000	5,841,820,000	4,647,784,000	6,032,087,000	+356,028,000
Violent crime reduction trust fund	92,831,000	101,000,000	105,000,000	101,000,000	105,000,000	+12,169,000
Rescission of permanent appropriations	-21,000,000		-21,000,000	-21,000,000	-21,000,000	
Advance appropriation, FY 1999 / FY 2000				1,365,000,000		
Total	5,747,890,000	6,047,180,000	5,925,820,000	6,092,784,000	6,116,087,000	+368,197,000
Family preservation and support	255,000,000	275,000,000	275,000,000	275,000,000	275,000,000	+20,000,000
Payments to States for foster care and adoption assistance	4,311,000,000	5,141,500,000	4,921,500,000	5,121,500,000	4,921,500,000	+610,500,000
Less funds advanced in previous years	-1,111,000,000	-1,157,500,000	-1,157,500,000	-1,157,500,000	-1,157,500,000	-46,500,000
Total, adjusted appropriation	3,200,000,000	3,984,000,000	3,764,000,000	3,964,000,000	3,764,000,000	+564,000,000
New advance, 1st quarter, FY 2000	1,157,500,000	1,355,000,000	1,355,000,000	1,355,000,000	1,355,000,000	+197,500,000
Total, payments to States for foster care	4,357,500,000	5,339,000,000	5,119,000,000	5,319,000,000	5,119,000,000	+761,500,000
Total, Administration for Children and Families	15,900,062,000	18,170,524,000	17,697,985,000	19,032,456,000	18,855,759,000	+2,955,697,000
Administration on aging	871,020,000	871,050,000	881,020,000	876,050,000	882,020,000	+11,000,000
Office of the Secretary						
General departmental management	171,268,000	212,092,000	166,662,000	168,309,000	188,051,000	+16,783,000
(Limitation on trust fund transfer)	(5,851,000)	(5,851,000)	(5,851,000)	(5,851,000)	(5,851,000)	
Office of the Inspector General	31,855,000	29,000,000	29,000,000	29,000,000	29,000,000	-2,855,000
Office for Civil Rights	16,345,000	17,345,000	17,345,000	17,345,000	17,345,000	+1,000,000
(Limitation on trust fund transfer)	(3,314,000)	(3,314,000)	(3,314,000)	(3,314,000)	(3,314,000)	
Policy research	13,974,000	14,000,000	14,000,000	14,000,000	14,000,000	+26,000
Public Health and Social Services Emergency Fund:						
Contingent emergency funding				(300,000,000)	(216,922,000)	(+216,922,000)
Total, Office of the Secretary	233,442,000	272,437,000	227,007,000	228,654,000	248,396,000	+14,954,000
(Limitation on trust funds)	(9,165,000)	(9,165,000)	(9,165,000)	(9,165,000)	(9,165,000)	
Net total, title II, Department of Health and Human Services	193,885,363,000	210,296,001,000	209,227,864,000	210,854,994,000	211,585,795,000	+17,700,432,000
Appropriations, fiscal year 1999	(162,167,174,000)	(177,149,724,000)	(176,289,059,000)	(176,178,717,000)	(178,424,518,000)	(+16,257,344,000)
Advance appropriations, FY 2000	(31,718,189,000)	(33,146,277,000)	(32,938,805,000)	(34,676,277,000)	(33,161,277,000)	(+1,443,088,000)
(Limitation on trust funds)	(1,798,072,000)	(1,951,665,000)	(1,951,665,000)	(1,694,715,000)	(1,955,665,000)	(+157,593,000)
TITLE III - DEPARTMENT OF EDUCATION						
Education reform	1,275,035,000	1,347,000,000	861,500,000	1,244,500,000	1,314,100,000	+39,065,000
Education for the disadvantaged	6,573,441,000	7,047,506,000	6,607,746,000	5,834,781,000	2,222,134,000	-4,351,307,000
Advance appropriation, FY 1999/2000	1,448,386,000	1,448,386,000	1,448,386,000	2,500,000,000	6,148,386,000	+4,700,000,000
Total	8,021,827,000	8,495,892,000	8,056,132,000	8,334,781,000	8,370,520,000	+348,693,000
Impact aid	808,000,000	696,000,000	846,000,000	810,000,000	864,000,000	+56,000,000
School improvement programs	1,541,188,000	1,475,600,000	1,542,334,000	1,655,188,000	2,811,134,000	+1,269,946,000
Reading excellence		50,000,000			260,000,000	+260,000,000
Indian education	59,750,000	66,000,000	66,000,000	66,000,000	66,000,000	+6,250,000
Bilingual and immigrant education	354,000,000	387,000,000	354,000,000	354,000,000	380,000,000	+26,000,000
Special education	4,810,646,000	4,845,646,000	5,104,146,000	5,112,946,000	5,124,146,000	+313,500,000
Rehabilitation services and disability research	2,555,086,000	2,615,266,000	2,616,640,000	2,615,266,000	2,622,584,000	+67,498,000
Assistive technology	36,109,000	30,000,000	30,000,000	30,000,000	30,000,000	-6,109,000
Total	2,591,195,000	2,645,266,000	2,646,640,000	2,645,266,000	2,652,584,000	+61,389,000
Special Institutions for Persons With Disabilities:						
American Printing House for the Blind	8,186,000	8,256,000	8,661,000	8,661,000	8,661,000	+475,000
National Technical Institute for the Deaf	44,141,000	44,791,000	44,791,000	45,500,000	45,500,000	+1,359,000
Gallaudet University	81,000,000	83,480,000	83,480,000	83,480,000	83,480,000	+2,480,000
Total	133,327,000	136,527,000	136,932,000	137,641,000	137,641,000	+4,314,000
Vocational and adult education	1,507,698,000	1,544,147,000	1,532,247,000	1,502,475,000	1,539,247,000	+31,549,000
Student financial assistance	8,978,934,000	9,203,000,000	9,672,854,000	10,172,551,000	9,348,000,000	+369,066,000
Federal family education loan program account	46,482,000	46,482,000	46,482,000	46,482,000	46,482,000	
Higher education	943,738,000	1,265,405,000	944,196,000	1,138,944,000	1,307,846,000	+364,108,000

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Howard University	210,000,000	210,000,000	214,489,000	210,000,000	214,489,000	+4,489,000
College housing and academic facilities loans program	698,000	698,000	698,000	698,000	698,000	
Historically Black College and University capital financing, program account	104,000	98,000	198,000	98,000	98,000	-6,000
Education research, statistics, and improvement	431,438,000	680,367,000	447,867,000	479,336,000	664,867,000	+233,429,000
Departmental Management:						
Program administration	343,914,000	362,000,000	362,000,000	362,000,000	362,000,000	+18,086,000
Office for Civil Rights	61,500,000	66,000,000	61,500,000	63,500,000	66,000,000	+4,500,000
Office of the Inspector General	30,242,000	31,242,000	30,242,000	31,242,000	31,242,000	+1,000,000
Total	435,656,000	459,242,000	453,742,000	456,742,000	459,242,000	+23,586,000
Total, title III, Department of Education	32,149,716,000	33,590,568,000	32,930,057,000	34,367,651,000	35,561,092,000	+3,411,376,000
Appropriations, fiscal year 1999	(30,701,330,000)	(32,142,182,000)	(31,481,671,000)	(31,867,651,000)	(29,412,706,000)	(-1,288,624,000)
Advance appropriations, FY 2000	(1,448,386,000)	(1,448,386,000)	(1,448,386,000)	(2,500,000,000)	(6,148,386,000)	(+4,700,000,000)
TITLE IV - RELATED AGENCIES						
Armed Forces Retirement Home:						
Operation and maintenance (trust fund limitation)	55,452,000	55,028,000	55,028,000	55,028,000	55,028,000	-424,000
Capital program (trust fund limitation)	13,217,000	15,717,000	15,717,000	15,717,000	15,717,000	+2,500,000
Total, AFRH	68,669,000	70,745,000	70,745,000	70,745,000	70,745,000	+2,076,000
Corporation for National and Community Service:						
Domestic Volunteer Service Programs, operating expenses	258,604,000	278,422,000	251,369,000	275,039,000	278,039,000	+19,435,000
Corporation for Public Broadcasting:						
Advance appropriation, fiscal year 2001	300,000,000	340,000,000	340,000,000	340,000,000	340,000,000	+40,000,000
Unauthorized capital program, FY 1999		50,000,000		15,000,000	15,000,000	+15,000,000
Federal Mediation and Conciliation Service	33,481,000	34,620,000	34,620,000	34,620,000	34,620,000	+1,139,000
Federal Mine Safety and Health Review Commission	6,060,000	6,060,000	6,060,000	6,060,000	6,060,000	
Institute of Museum and Library Services	146,340,000	146,340,000	146,340,000	156,340,000	166,175,000	+19,835,000
Medicare payment advisory commission (trust funds)	(7,015,000)	(7,015,000)	(7,015,000)	(7,015,000)	(7,015,000)	
National Commission on Libraries & Information Science	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
National Council on Disability	1,793,000	2,344,000	2,344,000	2,344,000	2,344,000	+551,000
National Education Goals Panel	2,000,000	2,100,000	2,100,000	2,100,000	2,100,000	+100,000
National Labor Relations Board	174,661,000	184,451,000	174,661,000	184,451,000	184,451,000	+9,790,000
National Mediation Board	8,600,000	8,400,000	8,400,000	8,400,000	8,400,000	-200,000
Occupational Safety and Health Review Commission	7,900,000	8,050,000	8,100,000	8,100,000	8,100,000	+200,000
Railroad Retirement Board:						
Dual benefits payments account	193,500,000	180,000,000	180,000,000	175,000,000	178,000,000	-15,500,000
Federal payments to Railroad Retirement Accounts	50,000	150,000	150,000	150,000	150,000	+100,000
Limitation on trust funds:						
Administrative expenses	(87,228,000)	(88,000,000)	(88,000,000)	(90,000,000)	(90,000,000)	(+2,772,000)
Office of Inspector General	(5,794,000)	(5,400,000)	(5,400,000)	(5,600,000)	(5,600,000)	(-194,000)
Total	193,550,000	180,150,000	180,150,000	175,150,000	178,150,000	-15,400,000
Social Security Administration						
Payments to social security trust funds	20,308,000	19,689,000	19,689,000	19,689,000	19,689,000	-619,000
Special benefits for disabled coal miners:						
Direct appropriation	586,090,000	542,803,000	542,803,000	542,803,000	542,803,000	-43,287,000
Appropriation available from prior year advance	-160,000,000	-160,000,000	-160,000,000	-160,000,000	-160,000,000	
Total, fiscal year 1999 appropriation	426,090,000	382,803,000	382,803,000	382,803,000	382,803,000	-43,287,000
New advance, 1st quarter, FY 2000	160,000,000	141,000,000	141,000,000	141,000,000	141,000,000	-19,000,000
Total, special benefits for disabled coal miners	586,090,000	523,803,000	523,803,000	523,803,000	523,803,000	-62,287,000
Supplemental security income program:						
Mandatory	23,773,000,000	28,111,000,000	28,111,000,000	28,118,000,000	28,118,000,000	+4,345,000,000
Discretionary	2,027,000,000	2,064,000,000	2,064,000,000	2,100,000,000	2,114,000,000	+87,000,000
Investment proposals	50,000,000					-50,000,000
Subtotal	25,850,000,000	30,175,000,000	30,175,000,000	30,218,000,000	30,232,000,000	+4,382,000,000
Appropriation available from prior year advance	-9,690,000,000	-8,680,000,000	-8,680,000,000	-8,680,000,000	-8,680,000,000	+1,010,000,000
Total, fiscal year 1999 appropriation	16,160,000,000	21,495,000,000	21,495,000,000	21,538,000,000	21,552,000,000	+5,392,000,000
Additional CDR funding	75,000,000	177,000,000	177,000,000	227,000,000	177,000,000	+102,000,000
User fee activities	35,000,000	75,000,000	75,000,000	75,000,000	75,000,000	+40,000,000
Non-disability redeterminations		50,000,000				
SSI reforms (welfare)	100,000,000					-100,000,000
New advance, 1st quarter, FY 2000	8,680,000,000	9,550,000,000	9,550,000,000	9,550,000,000	9,550,000,000	+870,000,000
Total, supplemental security income program	25,050,000,000	31,347,000,000	31,297,000,000	31,390,000,000	31,354,000,000	+6,304,000,000

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Limitation on administrative expenses: Trust funds	(6,409,040,000)	(6,446,000,000)	(6,379,000,000)	(6,462,000,000)	(6,426,000,000)	(+16,960,000)
Office of the Inspector General	10,164,000	12,000,000	12,000,000	11,082,000	12,000,000	+1,836,000
(Limitation on trust fund transfer)	(38,260,000)	(40,000,000)	(44,000,000)	(39,130,000)	(44,000,000)	(+5,740,000)
Adjustment: Trust fund transfers from general revenues	(-2,287,000,000)	(-2,366,000,000)	(-2,316,000,000)	(-2,402,000,000)	(-2,366,000,000)	(-79,000,000)
Total, Social Security Administration	25,666,562,000	31,902,492,000	31,852,492,000	31,944,574,000	31,909,492,000	+6,242,930,000
Appropriations, fiscal year 1999	(16,826,562,000)	(22,211,492,000)	(22,161,492,000)	(22,253,574,000)	(22,218,492,000)	(+5,391,930,000)
Advance appropriations, FY 2000	(8,840,000,000)	(9,691,000,000)	(9,691,000,000)	(9,691,000,000)	(9,691,000,000)	(+851,000,000)
(Limitation on trust funds)	(4,160,300,000)	(4,122,000,000)	(4,107,000,000)	(4,099,130,000)	(4,104,000,000)	(-56,300,000)
United States Institute of Peace: Operating expenses	11,160,000	11,495,000	11,160,000	11,495,000	12,160,000	+1,000,000
Total, title IV, Related agencies	26,878,380,000	33,226,669,000	33,089,541,000	33,238,418,000	33,214,836,000	+6,336,456,000
Appropriations, fiscal year 1999	(17,738,380,000)	(23,195,669,000)	(23,058,541,000)	(23,207,418,000)	(23,183,836,000)	(+5,445,456,000)
Advance appropriations, FY 2000	(8,840,000,000)	(9,691,000,000)	(9,691,000,000)	(9,691,000,000)	(9,691,000,000)	(+851,000,000)
Advance appropriations, FY 2001	(300,000,000)	(340,000,000)	(340,000,000)	(340,000,000)	(340,000,000)	(+40,000,000)
(Limitation on trust funds)	(4,260,337,000)	(4,220,415,000)	(4,205,415,000)	(4,201,745,000)	(4,206,615,000)	(-53,722,000)
Administrative offset	....	....	....	-33,000,000	....	....
Net grand total	262,257,417,000	286,606,839,000	283,089,592,000	287,592,472,000	289,407,103,000	+27,149,686,000
Appropriations, fiscal year 1999	(219,700,842,000)	(241,729,176,000)	(238,671,601,000)	(240,135,195,000)	(240,066,440,000)	(+20,365,598,000)
Advance appropriations, FY 2000	(42,256,575,000)	(44,537,663,000)	(44,077,991,000)	(47,117,277,000)	(49,000,663,000)	(+6,744,088,000)
Advance appropriations, FY 2001	(300,000,000)	(340,000,000)	(340,000,000)	(340,000,000)	(340,000,000)	(+40,000,000)
Emergency funding (not incl in grand total)	(300,000,000)	(300,000,000)	....	(600,000,000)	(518,922,000)	(+218,922,000)
(Limitation on trust funds)	(9,663,495,000)	(9,678,172,000)	(9,576,963,000)	(9,270,995,000)	(9,591,766,000)	(-71,729,000)
CONGRESSIONAL BUDGET RECAP						
Total appropriations in bill	262,257,417,000	286,606,839,000	283,089,592,000	287,592,472,000	289,407,103,000	+27,149,686,000
Mandatory, total in bill	190,473,289,000	210,857,181,000	210,953,555,000	210,944,181,000	210,751,499,000	+20,278,210,000
Less advances for subsequent years	-38,458,189,000	-40,529,605,000	-40,529,605,000	-40,529,605,000	-40,529,605,000	-2,071,416,000
Plus advances provided in prior years	38,949,993,000	38,458,189,000	38,458,189,000	38,458,189,000	38,458,189,000	-491,804,000
NAFTA Activities	....	....	....	....	-44,000,000	-44,000,000
* TOTAL MANDATORY	190,965,093,000	208,785,765,000	208,882,139,000	208,872,765,000	208,636,083,000	+17,670,990,000
Discretionary, total in bill	71,784,128,000	75,749,658,000	72,136,037,000	76,648,291,000	78,655,604,000	+6,871,476,000
Less advances for subsequent years	-4,098,386,000	-4,348,058,000	-3,888,386,000	-6,927,672,000	-8,811,058,000	-4,712,672,000
Plus advances provided in prior years	3,485,386,000	4,258,386,000	4,258,386,000	4,258,386,000	4,258,386,000	+773,000,000
Scorekeeping adjustments:						
Trust funds considered budget authority	9,663,495,000	9,678,172,000	9,576,963,000	9,270,995,000	9,591,766,000	-71,729,000
Trust fund advances for subsequent years	-40,000,000	40,000,000	40,000,000	40,000,000	40,000,000	+80,000,000
Adjustment for FY98	-522,000	....	....	....	....	+522,000
Child care welfare reform rescission	-3,000,000	....	....	....	....	+3,000,000
Adjustment for leg cap Title XX SSBGs	-81,000,000	-471,000,000	-81,000,000	-471,000,000	-471,000,000	-390,000,000
SSI receipts	-35,000,000	-75,000,000	-75,000,000	-75,000,000	-75,000,000	-40,000,000
MN & WY disproportionate share hospitals	8,000,000	....	....	....	....	-8,000,000
NIH foundation	1,000,000	....	....	....	....	-1,000,000
Guaranty reserve recapture	-280,000,000	....	....	....	....	+280,000,000
Federal student direct loans	10,000,000	....	....	....	....	-10,000,000
Social security claimant representative offset	....	-19,000,000	....	....	....	....
Projected HCFA user fee collections	....	-264,500,000	....	....	....	....
Viagra limitation	....	....	-40,000,000	....	....	....
NAFTA Activities	....	....	....	....	44,000,000	+44,000,000
* TOTAL DISCRETIONARY	80,414,101,000	84,548,658,000	81,927,000,000	82,744,000,000	83,232,698,000	+2,818,597,000

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1999

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	61,000,000	61,930,000				-61,000,000
Immediate Office of the Secretary			1,823,800	1,768,800	1,624,000	+1,624,000
Immediate Office of the Deputy Secretary			585,000	554,700	585,000	+585,000
Office of the General Counsel			8,895,000	8,645,000	8,750,000	+8,750,000
Office of the Assistant Secretary for Policy			2,667,200	2,479,500	2,808,000	+2,808,000
Office of the Assistant Secretary for Aviation and International Affairs			7,002,200	6,686,300	7,650,300	+7,650,300
Office of the Assistant Secretary for Budget and Programs			6,069,300	5,687,800	6,349,000	+6,349,000
Office of the Assistant Secretary for Governmental Affairs			1,672,000	1,600,000	1,940,800	+1,940,800
Office of the Assistant Secretary for Administration			19,147,100	19,570,200	19,721,800	+19,721,800
Office of Public Affairs			1,377,600	1,656,600	1,565,500	+1,565,500
Executive Secretariat			1,046,900	1,068,500	1,046,900	+1,046,900
Board of Contract Appeals			675,500	480,000	561,100	+561,100
Office of Small and Disadvantaged Business Utilization			809,200	1,000,000	1,020,400	+1,020,400
Office of Intelligence and Security			961,100	935,000	1,036,100	+1,036,100
Office of the Chief Information Officer			4,400,000	4,652,700	4,874,800	+4,874,800
Office of Intermodalism			1,018,000	1,000,000	958,900	+958,900
Subtotal	61,000,000	61,930,000	57,979,900	57,784,900	60,490,000	-510,000
Office of civil rights	5,574,000	6,968,000	6,966,000	5,562,000	6,966,000	+1,392,000
Transportation planning, research, and development	4,400,000	4,710,000	3,035,000	8,328,400	9,000,000	+4,600,000
Transportation Administrative Service Center	(121,800,000)		(109,124,000)	(158,468,000)	(124,124,000)	(+2,324,000)
Payments to Air Carriers (rescission)	(-2,500,000)					(+2,500,000)
Payments to air carriers (Airport and Airway Trust Fund):						
Rescission of contract authorization	(-41,600,000)					(+41,600,000)
Minority business resource center program	1,900,000	1,900,000	1,900,000	1,900,000	1,900,000	
(Limitation on direct loans)	(15,000,000)	(13,775,000)	(13,775,000)	(13,775,000)	(13,775,000)	(-1,225,000)
Minority business outreach	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	
Amtrak Reform Council	2,450,000		450,000	450,000		-2,450,000
Total, Office of the Secretary	78,224,000	78,408,000	73,230,900	76,925,300	81,256,000	+3,032,000
Coast Guard						
Operating expenses	2,415,400,000	2,462,705,000	2,400,000,000	2,461,603,000	2,400,000,000	-15,400,000
Defense function (050)	300,000,000	309,000,000	300,000,000	300,000,000	300,000,000	
Acquisition, construction, and improvements:						
Offsetting collections	-9,000,000	-1,000,000				+9,000,000
Vessels	212,100,000	234,573,000	227,913,000	234,553,000	219,923,000	+7,823,000
Aircraft	26,800,000	37,131,000	39,400,000	55,131,000	36,700,000	+9,900,000
Other equipment	44,650,000	33,969,000	30,314,000	44,789,000	36,569,000	-8,081,000
Shore facilities & aids to navigation facilities	68,300,000	53,650,000	42,923,000	43,250,000	54,823,000	-13,477,000
Personnel and related support	47,000,000	48,450,000	48,450,000	48,450,000	48,450,000	+1,450,000
Subtotal, A C & I appropriations	389,850,000	406,773,000	389,000,000	426,173,000	396,465,000	+6,615,000
Environmental compliance and restoration	21,000,000	21,000,000	21,000,000	21,000,000	21,000,000	
Alteration of bridges	17,000,000		12,000,000	20,000,000	14,000,000	-3,000,000
Retired pay	653,196,000	684,000,000	684,000,000	684,000,000	684,000,000	+30,804,000
Reserve training	67,000,000	67,000,000	69,000,000	67,000,000	69,000,000	+2,000,000
Research, development, test, and evaluation	19,000,000	18,300,000	12,000,000	17,461,000	12,000,000	-7,000,000
Boat safety (Aquatic Resources Trust Fund)	35,000,000					-35,000,000
Total, Coast Guard	3,916,446,000	3,968,778,000	3,887,000,000	3,997,237,000	3,896,465,000	-20,961,000
Federal Aviation Administration						
Operations	5,301,934,000	5,586,130,000	5,532,558,000	5,538,259,000	5,562,558,000	+260,624,000
Facilities and equipment (Airport and Airway Trust Fund)	1,900,477,000	2,130,000,000	2,000,000,000	2,044,683,269	1,900,000,000	-477,000
Research, engineering, and development (Airport and Airway Trust Fund)	199,183,000	290,000,000	145,000,000	173,627,000	150,000,000	-49,183,000
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,600,000,000)	(1,600,000,000)	(1,600,000,000)	(1,600,000,000)	(1,600,000,000)	
(Limitation on obligations)	(1,700,000,000)	(1,700,000,000)	(1,800,000,000)	(2,100,000,000)	(1,950,000,000)	(+250,000,000)
Rescission of contract authorization	(-707,000,000)					(+707,000,000)
Facilities, equipment and development (rescission)	(-500,000)					(+500,000)
Total, Federal Aviation Administration	7,401,594,000	8,006,130,000	7,677,558,000	7,756,569,269	7,612,558,000	+210,964,000
(Limitations on obligations)	(1,700,000,000)	(1,700,000,000)	(1,800,000,000)	(2,100,000,000)	(1,950,000,000)	(+250,000,000)
Total budgetary resources	(9,101,594,000)	(9,706,130,000)	(9,477,558,000)	(9,856,569,269)	(9,562,558,000)	(+460,964,000)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Highway Administration						
Limitation on general operating expenses	(552,266,000)	(521,883,000)	(318,733,000)	(320,413,000)	(327,413,000)	(-224,853,000)
Limitation on transportation research			(409,150,000)			
Appalachian Development Highway system	300,000,000			200,000,000		-300,000,000
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(21,500,000,000)	(21,500,000,000)	(25,511,000,000)	(25,511,000,000)	(25,511,000,000)	(+4,011,000,000)
(Exempt obligations)	(1,597,000,000)	(1,265,000,000)	(1,211,614,000)	(1,207,903,000)	(1,211,614,000)	(-385,386,000)
(Liquidation of contract authorization)	(20,800,000,000)	(23,000,000,000)	(24,000,000,000)	(24,000,000,000)	(24,000,000,000)	(+3,200,000,000)
Emergency relief program (emergency funding)	(259,000,000)					(-259,000,000)
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(85,000,000)	(100,000,000)		(100,000,000)		(-85,000,000)
(Limitation on obligations)	(84,825,000)	(100,000,000)		(100,000,000)		(-84,825,000)
State infrastructure banks (Highway Trust Fund)		150,000,000				
Transportation infrastructure credit enhancement program (Highway Trust Fund)		100,000,000				
Total, Federal Highway Administration	300,000,000	250,000,000		200,000,000		-300,000,000
(Limitations on obligations)	(21,584,825,000)	(21,600,000,000)	(25,511,000,000)	(25,611,000,000)	(25,511,000,000)	(+3,926,175,000)
(Exempt obligations)	(1,597,000,000)	(1,265,000,000)	(1,211,614,000)	(1,207,903,000)	(1,211,614,000)	(-385,386,000)
Total budgetary resources	(23,481,825,000)	(23,115,000,000)	(26,722,614,000)	(27,018,903,000)	(26,722,614,000)	(+3,240,789,000)
National Highway Traffic Safety Administration						
Operations and research (general fund)	74,901,000		87,400,000			-74,901,000
Operations and research (Highway Trust Fund)				87,400,000	87,400,000	+87,400,000
Subtotal	74,901,000		87,400,000	87,400,000	87,400,000	+12,499,000
Operations and research (highway trust fund):						
(Limitation on obligations)	(72,061,000)	(172,902,000)	(72,000,000)	(72,000,000)	(72,000,000)	(-61,000)
(Liquidation of contract authorization)			(72,000,000)		(72,000,000)	(+72,000,000)
National Driver Register (highway trust fund)			2,000,000	2,000,000	2,000,000	+2,000,000
Subtotal, Operations and research	(146,962,000)	(172,902,000)	(161,400,000)	(161,400,000)	(161,400,000)	(+14,438,000)
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(186,000,000)	(197,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+14,000,000)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(149,700,000)	(166,700,000)	(150,000,000)	(150,000,000)	(150,000,000)	(+300,000)
National Driver Register (Sec. 402)	2,300,000	2,300,000				-2,300,000
Occupant protection incentive grants (Sec. 405)		(20,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(+10,000,000)
Drugged driving incentive grants		(5,000,000)				
Alcohol-impaired driving countermeasures grants (Sec. 410)	(34,500,000)	(39,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(+500,000)
State Highway safety data grants (Sec. 411)			(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)			(100,000,000)		(100,000,000)	(+100,000,000)
(Limitation on obligations)			(100,000,000)		(100,000,000)	(+100,000,000)
Total, National Highway Traffic Safety Administration	77,201,000	2,300,000	89,400,000	89,400,000	89,400,000	+12,199,000
(Limitations on obligations)	(256,261,000)	(403,602,000)	(372,000,000)	(272,000,000)	(372,000,000)	(+115,739,000)
Total budgetary resources	(333,462,000)	(405,902,000)	(461,400,000)	(361,400,000)	(461,400,000)	(+127,938,000)
Federal Railroad Administration						
Office of the Administrator	20,290,000	21,573,000	21,367,000	21,020,000	21,215,000	+925,000
Railroad safety	57,047,000	61,959,000	60,948,000	61,876,000	61,468,000	+4,421,000
Nationwide differential global positioning system		3,000,000				
Railroad research and development	20,756,000	20,757,000	20,477,000	25,760,000	22,364,000	+1,608,000
Northeast corridor improvement program	250,000,000					-250,000,000
(Pennsylvania Station Redevelopment Project)	(12,000,000)					(-12,000,000)
Next generation high-speed rail	20,395,000	12,594,000	15,294,000	28,494,000	20,494,000	+99,000
Alaska Railroad rehabilitation	15,280,000			10,000,000	10,000,000	-5,280,000
Rhode Island Rail Development	10,000,000	10,000,000	2,000,000	7,500,000	5,000,000	-5,000,000
Grants to the National Railroad Passenger Corporation:						
Operations	344,000,000					-344,000,000
Capital	199,000,000			555,000,000		-199,000,000
Capital grants to the National Railroad Passenger Corporation			609,230,000		609,230,000	+609,230,000
Highway Trust Fund		621,478,000				
(Northeast corridor improvements)		(200,000,000)				
(Pennsylvania Station Redevelopment Project)		(11,746,530)				
Subtotal, Grants to Amtrak	543,000,000	621,478,000	609,230,000	555,000,000	609,230,000	+66,230,000
Emergency railroad rehab & repair (emergency funding)	(9,800,000)					(-9,800,000)
Conrail Labor protection (rescission)	(-508,234)					(+508,234)
Total, Federal Railroad Administration	938,790,000	751,359,000	729,316,000	709,650,000	749,791,000	-188,999,000

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1999—continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Transit Administration						
Administrative expenses (general fund)	45,738,000	....	10,800,000	10,800,000	10,800,000	-34,938,000
Administrative expenses (Highway Trust Fund, Mass Transit Account)	....	48,142,000	....	....	....	....
(Limitation on obligations)	....	....	(43,200,000)	(43,200,000)	(43,200,000)	(+43,200,000)
Subtotal, Administrative expenses	(45,738,000)	(48,142,000)	(54,000,000)	(54,000,000)	(54,000,000)	(+8,262,000)
Formula grants (general fund)	240,000,000	....	570,000,000	570,000,000	570,000,000	+330,000,000
Formula grants (Highway Trust Fund):						
(Limitation on obligations)	(2,280,000,000)	....	(2,280,000,000)	(2,280,000,000)	(2,280,000,000)	(+20,000,000)
Operating assistance grants	(150,000,000)	....	....	....	....	(-150,000,000)
Subtotal, Formula grants	(2,500,000,000)	....	(2,850,000,000)	(2,850,000,000)	(2,850,000,000)	(+350,000,000)
Formula programs (Highway Trust Fund, Mass Transit Account):						
(Limitation on obligations)	....	(3,709,235,000)	....	....	....	....
(Liquidation of contract authorization)	....	(1,500,000,000)	....	....	....	....
University transportation research (general fund)	6,000,000	....	1,200,000	1,200,000	1,200,000	-4,800,000
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	....	....	(4,800,000)	(4,800,000)	(4,800,000)	(+4,800,000)
Subtotal, University transportation research	(6,000,000)	....	(6,000,000)	(6,000,000)	(6,000,000)	....
Transit planning and research (general fund)	92,000,000	....	19,800,000	19,800,000	19,800,000	-72,200,000
Transit planning and research (Highway Trust Fund, Mass Transit Account)	....	91,900,000	....	....	....	....
(Limitation on obligations)	....	....	(78,200,000)	(78,200,000)	(78,200,000)	(+78,200,000)
Subtotal, Transit planning and research	(92,000,000)	(91,900,000)	(98,000,000)	(98,000,000)	(98,000,000)	(+6,000,000)
Rural transportation assistance	(4,500,000)	(6,000,000)	(5,250,000)	(5,250,000)	(5,250,000)	(+750,000)
National transit institute	(3,000,000)	(3,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(+1,000,000)
Transit cooperative research	....	(8,250,000)	(8,250,000)	(8,250,000)	(8,250,000)	(+8,250,000)
Metropolitan planning	(39,500,000)	(39,500,000)	(43,841,600)	(43,841,600)	(43,841,600)	(+4,341,600)
State planning and research	(8,250,000)	(8,250,000)	(9,158,400)	(9,158,400)	(9,158,400)	(+908,400)
National planning and research	(36,750,000)	(26,900,000)	(27,500,000)	(27,500,000)	(27,500,000)	(-9,250,000)
Subtotal	(92,000,000)	(91,900,000)	(98,000,000)	(98,000,000)	(98,000,000)	(+6,000,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(2,210,000,000)	....	(2,446,200,000)	(2,446,200,000)	(4,251,800,000)	(+2,041,800,000)
Capital investment grants (general fund)	....	....	451,400,000	451,400,000	451,400,000	+451,400,000
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(2,000,000,000)	(876,114,857)	(1,805,600,000)	(1,805,600,000)	(1,805,600,000)	(-194,400,000)
Subtotal, Capital investment grants	(2,000,000,000)	(876,114,857)	(2,257,000,000)	(2,257,000,000)	(2,257,000,000)	(+257,000,000)
(Fixed guideway modernization)	(800,000,000)	....	(902,800,000)	(902,800,000)	(902,800,000)	(+102,800,000)
(Buses and bus-related facilities)	(400,000,000)	....	(451,400,000)	(451,400,000)	(451,400,000)	(+51,400,000)
(New starts)	(800,000,000)	(876,114,857)	(902,800,000)	(902,800,000)	(902,800,000)	(+102,800,000)
Subtotal	(2,000,000,000)	(876,114,857)	(2,257,000,000)	(2,257,000,000)	(2,257,000,000)	(+257,000,000)
Major capital investments (Highway Trust Fund, Mass Transit Account) (liquidation of contract authority)	....	(1,900,000,000)	....	....	....	....
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,350,000,000)	....	(1,805,600,000)	(1,805,600,000)	(2,000,000,000)	(-350,000,000)
Discretionary grants (Highway Trust Fund, Mass Transit Account) (rescission of contract authorization)	....	....	....	-392,000,000	....	....
Job access and reverse commute grants (general fund)	....	....	10,000,000	10,000,000	35,000,000	+35,000,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	....	....	(40,000,000)	(40,000,000)	(40,000,000)	(+40,000,000)
Subtotal, Job access and reverse commute grants	....	....	(50,000,000)	(50,000,000)	(75,000,000)	(+75,000,000)
Washington Metropolitan Area Transit Authority (general fund)	200,000,000	....	50,000,000	50,000,000	50,000,000	-150,000,000
Washington Metropolitan Area Transit Authority (Highway Trust Fund, Mass Transit Account)	....	50,300,000	....	....	....	....
Total, Federal Transit Administration	583,738,000	190,342,000	1,113,200,000	1,113,200,000	1,138,200,000	+554,462,000
(Limitations on obligations)	(4,260,000,000)	(4,585,349,857)	(4,251,800,000)	(4,251,800,000)	(4,251,800,000)	(-8,200,000)
Total budgetary resources	(4,843,738,000)	(4,775,691,857)	(5,365,000,000)	(5,365,000,000)	(5,390,000,000)	(+546,262,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	11,200,000	....	11,496,000	11,496,000	11,496,000	+296,000

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Research and Special Programs Administration						
Research and special programs:						
Hazardous materials safety	15,342,000	15,863,000	15,863,000	15,863,000	16,063,000	+721,000
Emergency transportation	2,443,000	997,000	997,000	997,000	997,000	-1,446,000
Research and technology	3,446,000	3,651,000	3,700,000	3,651,000	3,676,000	+230,000
Program and administrative support	8,219,000	8,944,000	8,819,000	8,489,000	8,544,000	+325,000
Advanced vehicle technology consortia			5,000,000			
Subtotal, research and special programs	29,450,000	29,655,000	34,379,000	29,000,000	29,280,000	-170,000
Pipeline safety:						
Pipeline Safety Fund	28,000,000	32,163,000	28,973,000	29,000,000	29,000,000	+1,000,000
Oil Spill Liability Trust Fund	3,300,000	3,300,000	4,475,000	3,500,000	4,248,000	+948,000
Pipeline safety reserve	(1,465,000)		(1,300,000)	(1,659,000)	(1,400,000)	(-65,000)
Subtotal, Pipeline safety	31,300,000	35,463,000	33,448,000	32,500,000	33,248,000	+1,948,000
Emergency preparedness grants:						
Emergency preparedness fund	200,000	200,000	200,000	200,000	200,000	
(Limitation on obligations)			(9,600,000)		(11,000,000)	(+11,000,000)
Total, Research and Special Programs Administration	60,950,000	65,318,000	68,027,000	61,700,000	62,728,000	+1,778,000
(Limitations on obligations)			(9,600,000)		(11,000,000)	(+11,000,000)
Total budgetary resources	(60,950,000)	(65,318,000)	(77,627,000)	(61,700,000)	(73,728,000)	(+12,778,000)
Office of Inspector General						
Salaries and expenses	42,000,000	42,491,000	43,495,000	42,720,000	43,495,000	+1,495,000
Surface Transportation Board						
Salaries and expenses	13,853,000	16,000,000	16,000,000	13,853,000	16,000,000	+2,147,000
Offsetting collections		-16,000,000	-2,600,000		-2,600,000	-2,600,000
General Provisions						
Transportation Administrative Service Center reduction	-3,000,000		-20,000,000	-17,247,000	-15,000,000	-12,000,000
National Aviation Review Commission (rescission)			-752,000		-752,000	-752,000
Amtrak Reform Council					450,000	+450,000
Urban discretionary grants (rescission)			-3,918,000		-3,918,000	-3,918,000
Net total, title I, Department of Transportation	12,666,887,766	13,357,124,000	13,681,452,900	13,663,503,569	13,678,569,000	+1,011,681,234
Appropriations	(13,418,996,000)	(13,357,124,000)	(13,686,122,900)	(14,055,503,569)	(13,683,239,000)	(+264,243,000)
Rescissions	(-752,108,234)		(-4,670,000)	(-392,000,000)	(-4,670,000)	(+747,438,234)
(Limitations on obligations)	(27,801,086,000)	(28,288,951,857)	(31,944,400,000)	(32,234,800,000)	(32,095,800,000)	(+4,294,714,000)
(Exempt obligations)	(1,597,000,000)	(1,265,000,000)	(1,211,614,000)	(1,207,903,000)	(1,211,614,000)	(-385,386,000)
Net total budgetary resources	(42,064,973,766)	(42,911,075,857)	(46,837,466,900)	(47,106,206,569)	(46,985,983,000)	(+4,921,009,234)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,640,000	3,847,000	3,847,000	3,847,000	3,847,000	+207,000
National Transportation Safety Board						
Salaries and expenses	53,771,000	47,200,000	53,300,000	53,473,000	53,473,000	-298,000
Appropriation of user fees		6,000,000				
Emergency fund	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Total, National Transportation Safety Board	54,771,000	54,200,000	54,300,000	54,473,000	54,473,000	-298,000
Total, title II, Related Agencies	58,411,000	58,047,000	58,147,000	58,320,000	58,320,000	-91,000
Net total appropriations	12,725,298,766	13,415,171,000	13,739,599,900	13,721,823,569	13,736,889,000	+1,011,590,234
Scorekeeping adjustments:						
Pipeline safety (OSLTF)	1,000,000		1,300,000	1,659,000	1,400,000	+400,000
Coast Guard adjustment		1,000,000				
FAA adjustment		43,000,000				
General Provision (sec. 326)				4,000,000	4,000,000	+4,000,000
Total, adjustments	1,000,000	44,000,000	1,300,000	5,659,000	5,400,000	+4,400,000
Net grand total	12,726,298,766	13,459,171,000	13,740,899,900	13,727,482,569	13,742,289,000	+1,015,990,234
Appropriations	(13,478,407,000)	(13,459,171,000)	(13,745,569,900)	(14,119,482,569)	(13,746,959,000)	(+268,552,000)
Rescissions	(-752,108,234)		(-4,670,000)	(-392,000,000)	(-4,670,000)	(+747,438,234)
(Limitations on obligations)	(27,801,086,000)	(28,288,951,857)	(31,944,400,000)	(32,234,800,000)	(32,095,800,000)	(+4,294,714,000)
(Exempt obligations)	(1,597,000,000)	(1,265,000,000)	(1,211,614,000)	(1,207,903,000)	(1,211,614,000)	(-385,386,000)
Net grand total budgetary resources	(42,124,384,766)	(43,013,122,857)	(46,896,913,900)	(47,170,185,569)	(47,049,703,000)	(+4,925,318,234)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1999— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
RECAP						
Total mandatory and discretionary	12,726,298,766	13,459,171,000	13,740,899,900	13,727,482,569	13,742,289,000	+1,015,990,234
Mandatory	653,196,000	684,000,000	684,000,000	684,000,000	684,000,000	+30,804,000
Discretionary:						
Highway category:						
(Limitation on obligations)	(21,841,086,000)	(21,998,802,000)	(25,883,000,000)	(25,883,000,000)	(25,883,000,000)	(+4,041,914,000)
Mass Transit category	583,738,000	140,042,000	1,113,200,000	1,113,200,000	1,113,200,000	+529,462,000
(Limitation on obligations)	(4,260,000,000)	(876,114,857)	(4,251,800,000)	(4,251,800,000)	(4,251,800,000)	(-8,200,000)
Total, Mass Transit category	4,843,738,000	1,016,156,857	5,365,000,000	5,365,000,000	5,365,000,000	+521,262,000
Budget scoring	583,738,000	140,042,000	1,113,200,000	1,113,200,000	1,113,200,000	+529,462,000
General purposes:						
Defense (050)	300,000,000	309,000,000	300,000,000	300,000,000	300,000,000	....
Nondefense	11,189,364,766	12,326,129,000	11,643,699,900	11,630,282,569	11,645,089,000	+455,724,234
Total, Discretionary	12,073,102,766	12,775,171,000	13,056,899,900	13,043,482,569	13,058,289,000	+985,186,234

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1999

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	114,771,000	123,846,000	122,889,000	120,671,000	123,151,000	+8,380,000
Automation Enhancement	61,389,000	33,952,000	31,190,000	28,990,000	28,690,000	-32,699,000
(Delay in obligation)				(-8,000,000)		
Transfer to Customs Service		(-8,000,000)				
Transfer to ATF		(-3,700,000)				
Office of Inspector General	29,719,000	30,678,000	30,678,000	30,678,000	30,678,000	+959,000
Office of Professional Responsibility	1,250,000	1,854,000	1,250,000			-1,250,000
Treasury Buildings and Annex Repair and Restoration	10,484,000	27,000,000	27,000,000	27,000,000	27,000,000	+16,516,000
(Delay in obligation)			(-27,000,000)	(-27,000,000)	(-27,000,000)	(-27,000,000)
Financial Crimes Enforcement Network	22,835,000	24,000,000	24,000,000	23,670,000	24,000,000	+1,165,000
Violent Crime Reduction Programs:						
Bureau of Alcohol, Tobacco and Firearms	19,421,000		3,000,000	1,800,000	3,000,000	-16,421,000
Financial Crimes Enforcement Network	1,000,000	1,000,000		1,400,000	1,400,000	+400,000
Interagency crime and drug enforcement		45,000,000	24,000,000	45,000,000	24,000,000	+24,000,000
United States Secret Service	15,731,000	11,700,000	14,528,000	15,403,000	22,628,000	+6,897,000
(Delay in obligation)			(-928,000)			
ONDCP	23,200,000		14,000,000		2,500,000	-20,700,000
Gang Resistance Education and Training: Grants	10,000,000	10,000,000	10,000,000	13,239,000	13,000,000	+3,000,000
Federal Law Enforcement Training Center	1,000,000			1,158,000		-1,000,000
United States Customs Service	60,648,000	64,472,000	66,472,000	54,000,000	65,472,000	+4,824,000
Total, Violent Crime Reduction Programs	131,000,000	132,172,000	132,000,000	132,000,000	132,000,000	+1,000,000
Federal Law Enforcement Training Center:						
Salaries and Expenses	64,663,000	71,923,000	71,923,000	66,251,000	71,923,000	+7,260,000
Acquisition, Construction, Improvements, and Related Expenses	32,548,000	28,360,000	28,360,000	15,360,000	34,760,000	+2,212,000
Total, Federal Law Enforcement Training Center	97,211,000	100,283,000	100,283,000	81,611,000	106,683,000	+9,472,000
Interagency Law Enforcement:						
Interagency crime and drug enforcement	73,794,000	30,900,000	51,900,000		51,900,000	-21,894,000
Financial Management Service	207,790,000	202,510,000	198,510,000	196,490,000	196,490,000	-11,300,000
(Delay in obligation)				(-4,500,000)		
Debt collection improvement account		3,000,000		3,000,000		
Federal Financing Bank (debt liquidation)		(2,854,000,000)		(3,317,690,000)	(3,317,960,000)	(+3,317,960,000)
Bureau of Alcohol, Tobacco and Firearms:						
Salaries and Expenses	478,934,000	544,324,000	530,824,000	529,489,000	541,574,000	+62,640,000
Transfer from Automation Enhancement		(3,700,000)				
(Delay in obligation)			(-2,206,000)		(-2,206,000)	(-2,206,000)
Laboratory facilities and headquarters	55,022,000	32,000,000				-55,022,000
Total, Bureau of Alcohol, Tobacco and Firearms	533,956,000	576,324,000	530,824,000	529,489,000	541,574,000	+7,618,000
United States Customs Service:						
Salaries and Expenses	1,522,165,000	1,638,065,000	1,638,065,000	1,630,273,000	1,642,565,000	+120,400,000
(Delay in obligation)			(-7,000,000)	(-28,480,000)	(-9,500,000)	(-9,500,000)
Transfer from Automation Enhancement		(8,000,000)				
Rescission	-6,000,000					+6,000,000
Subtotal	1,516,165,000	1,638,065,000	1,638,065,000	1,630,273,000	1,642,565,000	+126,400,000
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	92,758,000	98,488,000	100,688,000	113,488,000	113,688,000	+20,930,000
(Delay in obligation)				(-20,100,000)		
Rescission	-4,470,000					+4,470,000
Subtotal	88,288,000	98,488,000	100,688,000	113,488,000	113,688,000	+25,400,000
Customs Services at Small Airports (to be derived from fees collected)	2,406,000	2,000,000	2,000,000	2,000,000	2,000,000	-406,000
Harbor Maintenance Fee Collection	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	
Total, United States Customs Service	1,609,859,000	1,741,553,000	1,743,753,000	1,748,761,000	1,761,253,000	+151,394,000
Bureau of the Public Debt	169,426,000	173,100,000	172,100,000	172,100,000	172,100,000	+2,674,000
Internal Revenue Service:						
Processing, Assistance, and Management	2,925,874,000	3,162,430,000	3,025,013,000	3,077,353,000	3,086,208,000	+160,334,000
(Delay in obligation)				(-105,000,000)	(-130,000,000)	(-130,000,000)
Tax Law Enforcement	3,142,822,000	3,169,539,000	3,164,189,000	3,164,399,000	3,164,189,000	+21,367,000
(Delay in obligation)				(-175,000,000)		
Rescission	-32,000,000					+32,000,000
Subtotal	3,110,822,000	3,169,539,000	3,164,189,000	3,164,399,000	3,164,189,000	+53,367,000
Earned Income Tax Credit Compliance Initiative	138,000,000	143,000,000	143,000,000	143,000,000	143,000,000	+5,000,000
Information Systems	1,272,487,000	1,540,884,000	1,224,032,000	1,329,488,000	1,265,456,000	-7,031,000
(Delay in obligation)				(-66,700,000)		

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Information technology investments	325,000,000	323,000,000	210,000,000	137,569,000	211,000,000	-114,000,000
(Delay in obligation)				(-137,569,000)	(-211,000,000)	(-211,000,000)
Rescission	-30,330,000					+30,330,000
Subtotal	294,670,000	323,000,000	210,000,000	137,569,000	211,000,000	-83,670,000
Net total, Internal Revenue Service	7,741,853,000	8,336,853,000	7,766,234,000	7,851,807,000	7,869,853,000	+128,000,000
United States Secret Service:						
Salaries and Expenses	564,348,000	594,657,000	594,657,000	584,902,000	600,302,000	+35,954,000
(Delay in obligation)				(-13,860,000)	(-5,000,000)	(-5,000,000)
Acquisition, Construction, Improvement, & Related Expenses	8,799,000	6,445,000	6,445,000	8,068,000	8,068,000	-731,000
Total, United States Secret Service	573,147,000	601,102,000	601,102,000	592,970,000	608,370,000	+35,223,000
Payment for the joint financial management improvement program		3,000,000				
Net total, title I, Department of the Treasury	11,378,484,000	12,143,927,000	11,533,513,000	11,539,237,000	11,673,742,000	+295,258,000
(Debt liquidation)		(2,854,000,000)		(3,317,980,000)	(3,317,980,000)	(+3,317,980,000)
TITLE II - POSTAL SERVICE						
Payments to the Postal Service						
Payments to the Postal Service Fund	86,274,000	100,195,000	71,195,000	71,195,000	71,195,000	-15,079,000
(Delay in obligation)				(-71,195,000)	(-71,195,000)	(-71,195,000)
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	
Salaries and Expenses	51,199,000	52,344,000	52,344,000	52,344,000	52,344,000	+1,145,000
Executive Residence at the White House:						
Operating Expenses	8,045,000	8,891,000	8,081,000	8,891,000	8,891,000	+846,000
White House Repair and Restoration	200,000					-200,000
Special Assistance to the President and the Official Residence of the Vice President:						
Salaries and Expenses	3,378,000	3,512,000	3,512,000	3,512,000	3,512,000	+134,000
Operating expenses	334,000	334,000	334,000	334,000	334,000	
Council of Economic Advisers	3,542,000	3,666,000	3,666,000	3,666,000	3,666,000	+124,000
Office of Policy Development	3,983,000	4,032,000	4,032,000	4,032,000	4,032,000	+49,000
National Security Council	6,648,000	6,806,000	6,806,000	6,806,000	6,806,000	+158,000
Office of Administration	28,883,000	40,550,000	28,350,000	29,140,000	28,350,000	-533,000
Office of Management and Budget	57,440,000	60,617,000	59,017,000	60,617,000	60,617,000	+3,177,000
Office of National Drug Control Policy	35,016,000	38,442,000	38,442,000	48,042,000	48,042,000	+13,026,000
Unanticipated Needs		1,000,000			1,000,000	+1,000,000
Federal Drug Control Programs: High Intensity Drug Trafficking Areas Program	159,007,000	162,007,000	162,007,000	183,977,000	182,477,000	+23,470,000
Special forfeiture fund	211,000,000	251,000,000	215,000,000	200,000,000	214,500,000	+3,500,000
Information technology systems and related expenses (contingent emergency)				3,250,000,000		
Total, title III, Executive Office of the President and Funds Appropriated to the President	568,625,000	631,251,000	579,621,000	601,411,000	614,521,000	+45,896,000
Emergency funding				3,250,000,000		
TITLE IV - INDEPENDENT AGENCIES						
Committee for Purchase from People Who Are Blind or Severely Disabled	1,940,000	2,464,000	2,464,000	2,464,000	2,464,000	+524,000
Federal Election Commission	31,650,000	36,504,000	36,500,000	36,500,000	36,500,000	+4,850,000
Federal Labor Relations Authority	22,039,000	22,586,000	22,586,000	22,586,000	22,586,000	+547,000
General Services Administration:						
Federal Buildings Fund:						
Appropriation			478,300,000	508,752,000	450,018,000	+450,018,000
Limitations on availability of revenue:						
Construction and acquisition of facilities		(44,005,000)	(527,100,000)	(538,652,000)	(482,180,000)	(+482,180,000)
Repairs and alterations	(300,000,000)	(668,031,000)	(655,031,000)	(666,031,000)	(666,031,000)	(+366,031,000)
(Delay in obligation)			(-19,000,000)	(-323,800,000)	(-161,500,000)	(-161,500,000)
Installment acquisition payments	(142,542,000)	(215,764,000)	(215,764,000)	(215,764,000)	(215,764,000)	(+73,222,000)
Rental of space	(2,275,340,000)	(2,583,261,000)	(2,580,461,000)	(2,583,261,000)	(2,583,261,000)	(+307,921,000)
(Delay in obligation)				(-51,667,000)	(-15,000,000)	(-15,000,000)
Building Operations	(1,331,789,000)	(1,554,772,000)	(1,554,772,000)	(1,554,772,000)	(1,554,772,000)	(+222,983,000)
(Delay in obligation)			(-223,000,000)	(-31,095,000)	(-68,000,000)	(-68,000,000)
Repayment of Debt	(105,720,000)	(91,000,000)	(91,000,000)	(91,000,000)	(91,000,000)	(-14,720,000)
Previously appropriated activities	(680,543,000)					(-680,543,000)
Unspecified reduction to limitations				(-2,800,000)		
Total, Federal Buildings Fund			478,300,000	508,752,000	450,018,000	+450,018,000
(Limitations)	(4,835,934,000)	(5,158,833,000)	(5,624,128,000)	(5,848,690,000)	(5,605,018,000)	(+769,084,000)

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Policy and Operations	107,487,000	106,494,000	106,494,000	106,494,000	109,594,000	+2,107,000
Office of Inspector General	33,670,000	32,000,000	32,000,000	32,000,000	32,000,000	-1,670,000
Allowances and Office Staff for Former Presidents	2,208,000	2,241,000	2,241,000	2,241,000	2,241,000	+33,000
Total, General Services Administration	143,565,000	140,735,000	622,035,000	649,487,000	593,853,000	+450,288,000
John F. Kennedy Assassination Record Review Board	1,800,000					-1,800,000
Merit Systems Protection Board:						
Salaries and Expenses	25,290,000	25,805,000	25,805,000	25,805,000	25,805,000	+515,000
(Limitation on administrative expenses)	(2,430,000)	(2,430,000)	(2,430,000)	(2,430,000)	(2,430,000)	
Morris K. Udall scholarship and excellence in national environmental policy foundation	1,750,000	2,000,000				-1,750,000
Environmental Dispute Resolution Fund		4,250,000	4,250,000		4,250,000	+4,250,000
National Archives and Records Administration:						
Operating expenses	205,166,500	230,025,000	216,753,000	221,030,000	224,614,000	+19,447,500
(Delay in obligation)				(-4,277,000)	(-7,881,000)	(-7,881,000)
Reduction of debt	-4,012,000	-4,012,000	-4,012,000	-4,012,000	-4,012,000	
Repairs and Restoration	14,650,000	10,450,000	10,450,000	11,325,000	11,325,000	-3,325,000
(Delay in obligation)				(-2,000,000)		
National Historical Publications and Records Commission:						
Grants program	5,500,000	6,000,000	6,000,000	11,000,000	10,000,000	+4,500,000
(Delay in obligation)				(-5,500,000)	(-4,000,000)	(-4,000,000)
Total, National Archives and Records Administration	221,304,500	242,463,000	229,191,000	239,343,000	241,927,000	+20,622,500
Office of Government Ethics	8,265,000	8,492,000	8,492,000	8,492,000	8,492,000	+227,000
Office of Personnel Management:						
Salaries and Expenses	85,350,000	85,350,000	85,350,000	85,350,000	85,350,000	
(Limitation on administrative expenses)	(91,236,000)	(91,236,000)	(91,236,000)	(91,236,000)	(91,236,000)	
Office of Inspector General	960,000	960,000	960,000	960,000	960,000	
(Limitation on administrative expenses)	(8,645,000)	(9,145,000)	(9,145,000)	(9,145,000)	(9,145,000)	(+500,000)
Government Payment for Annuitants, Employees Health Benefits	4,338,000,000	4,632,000,000	4,632,000,000	4,632,000,000	4,632,000,000	+294,000,000
Government Payment for Annuitants, Employee Life Insurance	32,000,000	35,000,000	35,000,000	35,000,000	35,000,000	+3,000,000
Payment to Civil Service Retirement and Disability Fund	8,336,000,000	8,682,297,000	8,682,297,000	8,682,297,000	8,682,297,000	+346,297,000
Total, Office of Personnel Management	12,792,310,000	13,435,607,000	13,435,607,000	13,435,607,000	13,435,607,000	+643,297,000
Office of Special Counsel	8,450,000	8,720,000	8,720,000	8,720,000	8,720,000	+270,000
United States Tax Court	33,921,000	34,490,000	34,490,000	32,765,000	32,765,000	-1,156,000
Total, title IV, Independent Agencies	13,292,084,500	13,964,116,000	14,430,140,000	14,461,769,000	14,412,969,000	+1,120,884,500
(Limitation on administrative expenses)	(4,938,245,000)	(5,259,644,000)	(5,726,939,000)	(5,751,491,000)	(5,707,829,000)	(+769,584,000)
Net grand total	25,325,767,500	26,839,489,000	26,614,689,000	29,923,612,000	26,772,527,000	+1,446,759,500
Appropriations	(25,398,567,500)	(26,839,489,000)	(26,614,689,000)	(26,673,612,000)	(26,772,527,000)	(+1,373,959,500)
Rescissions	(-72,800,000)					(+72,800,000)
Emergency funding				(3,250,000,000)		
(Debt liquidation)		(2,854,000,000)		(3,317,680,000)	(3,317,960,000)	(+3,317,960,000)
(Limitations)	(4,938,245,000)	(5,259,644,000)	(5,726,939,000)	(5,751,491,000)	(5,707,829,000)	(+769,584,000)
Scorekeeping adjustments:						
Bureau of The Public Debt (Permanent)	144,000,000	138,000,000	138,000,000	138,000,000	138,000,000	-6,000,000
Federal Reserve Bank reimbursement fund		126,000,000	126,000,000	126,000,000	126,000,000	+126,000,000
Federal Savings & Loan Insurance Corp. (sec. 636)	34,000,000					-34,000,000
Trust fund budget authority	102,311,000	102,000,000	102,000,000	102,000,000	102,000,000	-311,000
US Mint revolving fund	30,000,000	15,000,000	15,000,000	15,000,000	15,000,000	-15,000,000
Sallie Mae	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Federal buildings fund	-50,000,000	-28,000,000	-40,000,000	-45,000,000	-30,000,000	+20,000,000
Postal service advance appropriation				-71,195,000	-71,195,000	-71,195,000
Retirement open season (sec. 642)	-2,000,000					+2,000,000
General provision (sec. 408)				5,000,000	5,000,000	+5,000,000
Security of the Capitol Complex (sec. 411)				14,105,000		
Strategic petroleum reserve (sec. 655) (emergency)				420,000,000		
Ethics Reform Act adjustment			-2,000,000	-2,000,000	-2,000,000	-2,000,000
Contingent emergencies				-3,670,000,000		
Total, scorekeeping adjustments	259,311,000	354,000,000	340,000,000	-2,967,090,000	283,805,000	+24,494,000
Total mandatory and discretionary	25,585,078,500	27,193,489,000	26,954,689,000	26,956,522,000	27,056,332,000	+1,471,253,500
Mandatory	12,850,250,000	13,613,547,000	13,613,547,000	13,613,547,000	13,613,547,000	+763,297,000
Discretionary:						
Crime trust fund	131,000,000	132,172,000	132,000,000	132,000,000	132,000,000	+1,000,000
General purposes	12,603,828,500	13,447,770,000	13,209,122,000	13,210,975,000	13,310,785,000	+706,956,500
Total, Discretionary	12,734,828,500	13,579,942,000	13,341,122,000	13,342,975,000	13,442,785,000	+707,956,500

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999

	Conference
DIVISION A - ADDITIONAL PROVISIONS	
Tennessee Valley Authority:	
Nonpower programs (sec. 102)	50,000,000
Loan prepayment penalty (sec. 103)	16,000,000
Corps of Engineers: Construction, general (sec. 105)	35,000,000
Department of Energy:	
Energy supply: Solar renewables (sec. 108)	60,000,000
Science: Next generation internet (sec. 109)	15,000,000
Surface tranportation projects, Massachusetts (sec. 111)	100,000,000
Appalachian development highway system:	
Alabama (sec. 112)	100,000,000
West Virginia (sec. 113)	32,000,000
Surface transportation projects, Arkansas (sec. 114)	100,000,000
Alaska railroad (sec. 115)	28,000,000
Transit discretionary grants rescission (contract authority) (sec. 116)	-392,000,000
Direct loans for fisheries (sec. 120)	30,000,000
Community Planning and Development (sec. 121):	
Housing opportunities for persons with AIDS	10,000,000
Empowerment zones and enterprise communities	45,000,000
Environmental Protection Agency (sec. 121):	
State and tribal assistance grants: Boston Harbor	20,000,000
Science and technology: Climate change	10,000,000
Corporation for National and Community Service (sec. 121)	10,000,000
Community development financial institutions (sec. 121)	15,000,000
Trade Deficit Review Commission (sec. 127)	2,000,000
District of Columbia pension system (offset) (sec. 130)	-2,414,000,000
District of Columbia:	
National Capital Revitalization Corporation (sec. 131)	25,000,000
Public schools special education program (sec. 132)	30,000,000
Year 2000 compliance (sec. 133)	20,000,000
Nation's Capital infrastructure fund (sec. 134)	50,000,000
Total, title I:	
New budget (obligational) authority	-2,003,000,000
Appropriations	(803,000,000)
Rescissions	(-392,000,000)
Offsets	(-2,414,000,000)

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999

	Conference
DIVISION B - SUPPLEMENTAL APPROPRIATIONS	
TITLE I - MILITARY READINESS AND OVERSEAS CONTINGENCY OPERATIONS	
CHAPTER 1	
DEPARTMENT OF DEFENSE - MILITARY	
Military Personnel	
Military personnel, Army (contingent emergency appropriations)	10,000,000
(By transfer) (emergency appropriations)	(310,600,000)
Military personnel, Navy (contingent emergency appropriations)	33,300,000
(By transfer) (emergency appropriations)	(9,275,000)
Military personnel, Marine Corps (contingent emergency appropriations)	8,900,000
(By transfer) (emergency appropriations)	(2,748,000)
Military personnel, Air Force (by transfer) (emergency appropriations)	(17,000,000)
Reserve personnel, Navy (contingent emergency appropriations)	10,000,000
(By transfer) (emergency appropriations)	(2,295,000)
Total, Military personnel	62,200,000
(By transfer) (emergency appropriations)	(341,918,000)
Operation and Maintenance	
Operation and maintenance, Army (contingent emergency appropriations)	314,500,000
Operation and maintenance, Navy (contingent emergency appropriations)	232,800,000
Operation and maintenance, Marine Corps (contingent emergency appropriations)	52,400,000
Operation and maintenance, Air Force (contingent emergency appropriations)	303,000,000
Operation and maintenance, Defense-wide (contingent emergency appropriations)	1,496,800,000
Operation and maintenance, Army Reserve (contingent emergency appropriations)	3,000,000
Operation and maintenance, Marine Corps Reserve (contingent emergency appropriations)	3,300,000
Operation and maintenance, Air Force Reserve (contingent emergency appropriations)	9,000,000
Operation and maintenance, Army National Guard (contingent emergency appropriations)	50,000,000
Operation and maintenance, Air National Guard (contingent emergency appropriations)	21,000,000
Overseas contingency operations transfer fund (emergency appropriations)	1,858,600,000
Morale, welfare and recreation and personnel support for contingency deployments (contingent emergency appropriations)	50,000,000
Total, Operation and maintenance	4,394,000,000
Other Department of Defense Programs	
Defense health program: Operation and maintenance (contingent emergency appropriations)	200,000,000
Drug interdiction and counterdrug activities, Defense (contingent emergency appropriations)	42,000,000
Total, other Department of Defense programs	242,000,000
General Provisions	
Ballistic missile defense, RDT&E, Defense-wide (sec. 102) (contingent emergency appropriations)	1,000,000,000
Natural disasters (sec. 103) (emergency appropriations)	106,302,000
Contingent emergency appropriations	153,551,000
Defense health program (Fisher houses) (sec. 104)	2,000,000
General reduction (H.R. 4103) (sec. 105)	-67,000,000
Total, Chapter 1:	
New budget (obligational) authority	5,893,053,000
Appropriations	(2,000,000)
Emergency appropriations	(1,964,902,000)
Contingent emergency appropriations	(3,993,151,000)
Rescissions	(-67,000,000)
(By transfer) (emergency appropriations)	(341,918,000)
CHAPTER 2	
DEPARTMENT OF ENERGY	
Atomic Energy Defense Activities	
Other defense activities (contingent emergency appropriations)	525,000,000
CHAPTER 3	
DEPARTMENT OF DEFENSE - MILITARY	
Military construction, Army (emergency appropriations)	118,000,000
Military construction, Navy (contingent emergency appropriations)	5,860,000
Military construction, Air Force (contingent emergency appropriations)	29,200,000
Military construction, Army National Guard (contingent emergency appropriations)	2,500,000
Military construction, Air National Guard (contingent emergency appropriations)	15,900,000
Total, Military construction	171,460,000

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999— continued

	Conference
Family housing, Army (contingent emergency appropriations)	5,200,000
Family housing, Navy and Marine Corps (contingent emergency appropriations)	10,599,000
Family housing, Air Force (contingent emergency appropriations)	22,233,000
Total, Family housing	38,032,000
Total, Chapter 3:	
New budget (obligational) authority	209,492,000
Emergency appropriations	(118,000,000)
Contingent emergency appropriations	(91,492,000)
CHAPTER 4	
DEPARTMENT OF TRANSPORTATION	
Coast Guard	
Operating expenses (contingent emergency appropriations)	100,000,000
Acquisition, construction, and improvements (contingent emergency appropriations)	100,000,000
Reserve training (contingent emergency appropriations)	5,000,000
Research, development, test, and evaluation (contingent emergency appropriations)	5,000,000
Total, Chapter 4:	
New budget (obligational) authority	210,000,000
Total, title I:	
New budget (obligational) authority	6,837,545,000
Appropriations	(2,000,000)
Emergency appropriations	(2,082,902,000)
Contingent emergency appropriations	(4,819,643,000)
Rescissions	(-67,000,000)
(By transfer) (emergency appropriations)	(341,918,000)
TITLE II - ANTITERRORISM	
CHAPTER 1	
DEPARTMENT OF JUSTICE	
Federal Bureau of Investigation	
Salaries and expenses (emergency appropriations)	21,680,000
DEPARTMENT OF STATE	
Administration of Foreign Affairs	
Diplomatic and consular programs (emergency appropriations)	748,000,000
Contingent emergency appropriations	25,700,000
Salaries and expenses (emergency appropriations)	12,000,000
Office of Inspector General (emergency appropriations)	1,000,000
Security and maintenance of United States missions (emergency appropriations)	627,000,000
Emergencies in the diplomatic and consular service (emergency appropriations)	10,000,000
Total, Department of State	1,423,700,000
Total, Chapter 1:	
New budget (obligational) authority	1,445,380,000
Emergency appropriations	(1,419,680,000)
Contingent emergency appropriations	(25,700,000)
CHAPTER 2	
DEPARTMENT OF DEFENSE - MILITARY	
Operation and Maintenance	
Operation and maintenance, Defense-wide (contingent emergency appropriations)	358,427,000
General Provisions	
Domestic preparedness (sec. 202) (contingent emergency appropriations)	50,000,000
Crisis response aviation support (sec. 203) (contingent emergency appropriations)	120,500,000
Total, Chapter 2:	
New budget (obligational) authority	528,927,000
CHAPTER 3	
FUNDS APPROPRIATED TO THE PRESIDENT	
Agency for International Development	
Operating expenses of the Agency for International Development (by transfer) (emergency appropriations)	(2,500,000)

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999— continued

	Conference
International Security Assistance	
Economic support fund (emergency appropriations)	50,000,000
Peace Corps	
Appropriations (by transfer) (emergency appropriations)	(1,269,000)
Department of State	
Nonproliferation, antiterrorism, demining and related programs (emergency appropriations)	20,000,000
Total, Chapter 3:	
New budget (obligational) authority	70,000,000
(By transfer) (emergency appropriations)	(3,769,000)
CHAPTER 4	
DEPARTMENT OF THE INTERIOR	
National Park Service	
Operation of the national park system (emergency appropriations)	2,320,000
Construction (emergency appropriations)	3,680,000
Total, Chapter 4:	
New budget (obligational) authority	6,000,000
CHAPTER 5	
LEGISLATIVE BRANCH	
ARCHITECT OF THE CAPITOL	
Capitol visitor center (emergency appropriations)	100,000,000
CAPITOL POLICE BOARD	
Security enhancements (emergency appropriations)	108,782,000
Total, Chapter 5:	
New budget (obligational) authority	208,782,000
CHAPTER 6	
DEPARTMENT OF TRANSPORTATION	
Federal Aviation Administration	
Facilities and equipment (Airport and Airway Trust Fund) (contingent emergency appropriations)	100,000,000
CHAPTER 7	
DEPARTMENT OF THE TREASURY	
Federal Law Enforcement Training Center	
Salaries and expenses (emergency appropriations)	3,548,000
United States Secret Service	
Salaries and expenses (emergency appropriations)	80,808,000
Total, Chapter 7:	
New budget (obligational) authority	84,356,000
Total, title II:	
New budget (obligational) authority	2,441,445,000
Emergency appropriations	(1,786,818,000)
Contingent emergency appropriations	(654,627,000)
(By transfer) (emergency appropriations)	(3,769,000)
TITLE III - YEAR 2000 CONVERSION OF FEDERAL INFORMATION TECHNOLOGY SYSTEMS	
FUNDS APPROPRIATED TO THE PRESIDENT	
Information technology systems and related expenses (emergency appropriations)	29,917,000
Contingent emergency appropriations	2,220,083,000
LEGISLATIVE BRANCH	
SENATE	
Contingent Expenses of the Senate	
Sergeant at Arms and Doorkeeper of the Senate (by transfer) (emergency appropriations)	(5,500,000)
HOUSE OF REPRESENTATIVES	
Salaries and Expenses	
Salaries, officers and employees (by transfer) (emergency appropriations)	(6,373,000)
GENERAL ACCOUNTING OFFICE	
Information technology systems and related expenses (by transfer) (emergency appropriations)	(5,000,000)

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999— continued

	Conference
THE JUDICIARY	
Judicial information technology fund (by transfer) (emergency appropriations)	(13,044,000)
DEPARTMENT OF DEFENSE - MILITARY	
INFORMATION SYSTEMS TECHNOLOGY AND SECURITY	
Operation and Maintenance	
Information systems technology and security (contingent emergency appropriations)	1,100,000,000
Total, title III:	
New budget (obligational) authority	3,350,000,000
Emergency appropriations	(29,917,000)
Contingent emergency appropriations	(3,320,083,000)
(By transfer) (emergency appropriations)	(29,917,000)
TITLE IV - OTHER EMERGENCIES	
CHAPTER 1	
DEPARTMENT OF COMMERCE	
National Oceanic and Atmospheric Administration	
Operations, research, and facilities (contingent emergency appropriations)	5,000,000
RELATED AGENCY	
Small Business Administration	
Disaster Loans Program Account:	
Direct loans subsidy (contingent emergency appropriations)	71,000,000
Administrative expenses (contingent emergency appropriations)	30,000,000
Total, Small Business Administration	101,000,000
Total, Chapter 1:	
New budget (obligational) authority	106,000,000
CHAPTER 2	
DEPARTMENT OF DEFENSE - CIVIL	
DEPARTMENT OF THE ARMY	
Corps of Engineers - Civil	
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee (contingent emergency appropriations)	2,500,000
Operations and maintenance, general (contingent emergency appropriations)	99,700,000
Total, Chapter 2:	
New budget (obligational) authority	102,200,000
CHAPTER 3	
FUNDS APPROPRIATED TO THE PRESIDENT	
Child survival and disease programs fund (contingent emergency appropriations)	50,000,000
Assistance for the New Independent States of the former Soviet Union (contingent emergency appropriations)	48,000,000
Unanticipated needs (contingent emergency appropriations)	30,000,000
Total, Chapter 3:	
New budget (obligational) authority	128,000,000
CHAPTER 4	
DEPARTMENT OF THE INTERIOR	
United States Fish and Wildlife Service	
Construction (contingent emergency appropriations)	25,000,000
National Park Service	
Construction (contingent emergency appropriations)	10,000,000
United States Geological Survey	
Surveys, investigations, and research (contingent emergency appropriations)	1,000,000
Total, Chapter 4:	
New budget (obligational) authority	36,000,000

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999— continued

	Conference
CHAPTER 5	
DEPARTMENT OF LABOR	
Employment and Training Administration	
Training and employment services (emergency appropriations)	7,000,000
CHAPTER 6	
DEPARTMENT OF TRANSPORTATION	
Coast Guard	
Acquisition, construction and improvements (contingent emergency appropriations)	12,800,000
CHAPTER 7	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
Community Planning and Development	
Community Development Block Grant fund (contingent emergency appropriations)	250,000,000
INDEPENDENT AGENCY	
Federal Emergency Management Agency	
Disaster relief (contingent emergency appropriations)	906,000,000
Total, Chapter 8:	
New budget (obligational) authority	1,156,000,000
Total, title IV:	
New budget (obligational) authority	1,545,800,000
Emergency appropriations	(7,000,000)
Contingent emergency appropriations	(1,538,800,000)
TITLE V - COUNTERDRUG ACTIVITIES AND INTERDICTION	
CHAPTER 1	
DEPARTMENT OF AGRICULTURE	
Agricultural Research Service (contingent emergency appropriations)	23,000,000
CHAPTER 2	
DEPARTMENT OF JUSTICE	
Drug Enforcement Administration	
Salaries and expenses (contingent emergency appropriations)	10,200,000
Immigration and Naturalization Service	
Salaries and expenses (enforcement and border affairs) (contingent emergency appropriations)	10,000,000
Total, Chapter 2:	
New budget (obligational) authority	20,200,000
CHAPTER 3	
BILATERAL ECONOMIC ASSISTANCE	
Department of State	
International narcotics control (contingent emergency appropriations)	232,600,000
CHAPTER 4	
DEPARTMENT OF TRANSPORTATION	
Coast Guard	
Operating expenses (contingent emergency appropriations)	16,300,000
Acquisition, construction, and improvements (contingent emergency appropriations)	117,400,000
Total, Chapter 4:	
New budget (obligational) authority	133,700,000
CHAPTER 5	
DEPARTMENT OF THE TREASURY	
Departmental offices (contingent emergency appropriations)	1,500,000
United States Customs Service	
Salaries and expenses (contingent emergency appropriations)	106,300,000
Operations, maintenance and procurement, air and marine interdiction programs (contingent emergency appropriations)	162,700,000
Customs facilities, construction, improvements and related expenses (contingent emergency appropriations)	7,000,000
Total, United States Customs Service	276,000,000
Total, Department of the Treasury	277,500,000

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999— continued

	Conference
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT	
Office of National Drug Control Policy (contingent emergency appropriations)	1,200,000
Special forfeiture fund (contingent emergency appropriations)	2,000,000
Total, Chapter 5:	
New budget (obligational) authority	280,700,000
Total, title V:	
New budget (obligational) authority	690,200,000
Grand total:	
New budget (obligational) authority	14,864,990,000
Appropriations	(2,000,000)
Emergency appropriations	(3,906,637,000)
Contingent emergency appropriations	(11,023,353,000)
Rescissions	(-67,000,000)
(By transfer) (emergency appropriations)	(375,604,000)

Mr. OBEY. Mr. Speaker, I yield two minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time and for his extraordinary leadership in guiding us to a bill that many of us can now support on the floor.

As ranking member on the Subcommittee on Foreign Operations of the Committee on Appropriations, I unfortunately had to oppose my own subcommittee legislation when it came to the floor. I am pleased to say, Mr. Speaker, that under the leadership of the gentleman from Wisconsin (Mr. OBEY), working with our subcommittee chair, the gentleman from Alabama (Mr. CALLAHAN), although Mr. CALLAHAN is not fully supportive of some of the increases in the bill that we have, we are able to have a product on the floor today that I can support.

The conference for the foreign operations bill has a total funding of $13.5 billion for ongoing programs and happily and at long last $18 billion for the International Monetary Fund. With the International Monetary Fund, the full $18 billion is included. The bill includes language taken in large part from the bipartisan bill reported out of the Committee on Banking and Financial Services calling upon the administration to seek and obtain important policy changes at the IMF in areas such as labor rights, environmental protection, changing investor expectations about official rescues the moral hazard argument, opening markets and taking social conditions into account in loan programs.

The inclusion of the IMF funding in the bill ends a yearlong effort by the House Republican leadership linking this funding to international family planning. That international family planning linkage is still there for UN arrears. It took an international financial crisis to end the linkage between IMF funding and the prohibitions that our Republican colleagues want to include in this bill on international family planning. What will it take at the UN? Will we lose our vote before the Republicans will agree to de-link the international family planning prohibitions from the UN arrears?

The additional funding in this bill will help a number of vital programs—$200 million has been added for the New Independent States and increased funding for other areas. The bill fully funds UN arrears, I am pleased to say, for the global environmental facilities.

All in all, I am pleased with the bill, and I will support it.

Mr. NEUMANN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, four years ago, 73 new Members came to the House of Representatives. We came here facing Medicare on the verge of bankruptcy, we came here facing $200 billion a year deficits, and we said we were going to be different in the House now. We said we are going to get us to a balanced budget by controlling wasteful government spending. We rejected the plans of the past that raised taxes to try and balance the budget, it is the wrong solution. We said we were going to get government spending under control, and then we passed the legislation that had budget caps in place that would actually bring that about.

So what is happening here tonight? Well, four years later we have gotten to a point where we have a balanced budget. In fact, for the first time since 1969, for the last 12 months running, this government spent less money than they had in their checkbook.

The Members of Congress that brought us to this point where we actually have a balanced budget, and we got there by controlling spending rather than by raising more taxes from the American people, that is an accomplishment that they should be proud of. It is something that this whole Congress and the whole Nation should be proud, that we got to this point.

But now look what is going on. Two weeks ago, the Republicans brought a plan to the floor of the House of Representatives to lower taxes, and the Members on the other side, myself included, we said "No, we can't do tax cuts if it is going to use money from the Social Security surplus."

Now here it is two weeks later. Where are all those people complaining two weeks ago that we could not do tax cuts with part of this surplus? Where are they tonight? Because tonight what is about to happen is we are about to reach into that Social Security surplus, that money that is supposed to be set aside to preserve and protect Social Security for our seniors, and what is about to happen here tonight is we are going to reach right into that surplus and we are going to spend $20 billion that belongs to be set aside for our seniors and Social Security, and that is wrong.

Let me just say something: The idea of using Social Security money for tax cuts, I oppose that. The idea of using Social Security money for new government spending, I adamantly oppose that. That is much more wrong than what was being proposed two weeks ago.

Frankly, both sides are wrong on this thing. Social Security money, this surplus that we are looking at today, Social Security money should be used for Social Security, period.

I rise in strong opposition to this bill tonight. It is not fair to the seniors of this Nation that we take money that is supposed to be set aside for Social Security and we go and spend it on new government spending programs. Lest there be anyone in this chamber that misses what is going on in this bill, the spending caps, yes, they are being honored. But there is $20 billion under a classification called "emergency spending" that is spending outside the budget caps.

So make no mistake about it. If this bill passes, $20 billion of that surplus that we worked so hard to bring to the American people is going to disappear this evening as we cast final vote of this House of Representatives for this term.

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield two minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, aside from reversing our military's decline, boasting our missile defense efforts, directing scarce education dollars to the classroom, this bill gives us a more responsible international economic policy by reforming the IMF.

When the President first asked Congress to provide money for the International Monetary Fund, many in this town expected us to give it away with no-questions-asked and no-strings-attached. But this House said "Wait a minute."

By allowing time for deliberation, we have furthered a debate that I believe will transform our policies in the world economy. Because of our decision, the IMF is now a thoroughly chastised institution and everyone from Henry Kissinger to Tony Blair to Milton Friedman and George Shultz now agree it must be radically changed. This bill is a first step.

The IMF reforms in this bill, while much less than I would have preferred, are significant. For the first time, the IMF will be required to open its books to the public and expose itself to taxpayer accountability. For the first time, not only the IMF, but also the major governments that control it, will publicly endorse prudent lending reforms to address the moral hazard problem. The IMF must move away from its lend cheap lending policies that have inflamed moral hazard, encouraged reckless investment and led to the instability that plagues much of the world today.

For the record, let me be clear about one point: We expect that the lending reforms, that is, the interest rate and maturity reforms, will be broadly applied. This includes situations in which a country is experiencing a balance of payments problem that is related to larger structural deficiencies. For example, the IMF assistance of the type provided to Indonesia, Russia, Thailand and in the future perhaps Brazil and other countries with liquidity as well as other problems would be subject to this reform. A narrow application of these reform provisions would not be justified.

Mr. Speaker, if 1929 taught us anything, it taught us that a wrong-headed response to a financial setback can turn a crisis into a calamity. I remain very much concerned that that could happen to the United States and to the world today.

Through this IMF debate and by these IMF reforms we have put the administration on notice. Congress intends to help shape our international economic policies, and to help put the world back on a course of continued economic growth.

Mr. NEUMANN. Mr. Speaker, it is my privilege to yield two minutes to the gentleman from Nevada (Mr. ENSIGN), a classmate of mine who I have been proud to serve with in Congress.

Mr. ENSIGN. Mr. Speaker, I want to thank my classmate for yielding me time.

Mr. Speaker, this is a bill that weighs almost 40 pounds that we received at 4 o'clock this afternoon. Two years ago at the end of the Congress, I stood up in the Republican Conference and protested the process, because the Republican leadership was bringing us a bill at the very end that they did not give us the time to go through. Republicans criticized Democrats for this same kind of a process, and, frankly, they were right to criticize. But here we are in the same institution doing the same thing that the Democrats did.

How can anybody rightfully vote for a bill that you have no chance to go through and to find out whether there are dangerous provisions for your district, for your state or for the country? There is no way it is possible, it is physically impossible, for you and your staff to go through this bill from 4 o'clock this afternoon, between that time and the vote at 7 o'clock tonight.

Not only that, I have several other problems with the bill. As the gentleman from Wisconsin (Mr. NEUMANN) said, we are borrowing from the Social Security trust fund, and it is not for tax cuts. This is just purely for spending, with a lot of that spending going overseas.

There are some very laudable projects, including transportation, including military spending, antidrug programs and education programs, which, by the way, are offset, and I support those programs. But, Mr. Speaker, when we go into emergency spending, that is against everything that we came to Congress to stop.

It is time to pay down the national debt. It is time to protect Social Security by actually putting real assets into the Social Security trust fund.

Mr. Speaker, I came here to change the way that we did business in Washington, but, unfortunately, this is business as usual.

☐ 1830

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I am most reluctantly going to vote yes for this bill, because in contrast to the Republican bill which gutted the President's education budget, this bill is $2.6 billion above the President's education budget. This bill restores the fuel assistance program. This bill restores the summer jobs program. It funds to some degree our international responsibilities, and I think, therefore, that unless we want to tie up the government for another month, we have no choice but to vote yes on this bill.

I have already made quite clear in my previous statement on the bill why I think, or what I see in this bill that I believe is wrong. And I have also made quite clear what should be in this bill that is not.

Having said that, let me simply say that I do not find it surprising that a majority party which would say no to campaign reform, a majority party which would say no to HMO reform, would, in the end, be reduced to bragging about the fact that they have killed the plan to provide better schools for many children in this country who go to schools which, if they were prisons, would be closed by Federal judges because they are in such a mess. I know that there are many other items that we would like to see in this bill that are not. We will simply have to take that debate to the American people.

I make no apology for the effort that those of us on the Democratic side of the aisle have made to try to restore key funding in this bill for education, for health, for job training and the like. I think the differences between the two parties is pretty well summed up by something I heard Studs Terkel say a while back. He said the following:

> Cursed be the Nation where all play to win and too much is made of the color of the skin, or we do not see each other as sister and brother, but as being threats to each other.
>
> Blessed be the Nation that keeps its waters clean, where an end to pollution is not just a dream.
>
> Cursed be the Nation without equal education, where good schools are something that we ration, or the wealthiest get the best that is able, and the poor are left with crumbs from the table.
>
> Blessed be the Nation with health care for all where there is a helping hand to all who fall, where compassion is in fashion every year, and people, not profits, is what we hold dear.

I really believe that that, in the end, sums up the differences in budget priorities between those of us on this side of the aisle who have fought for education and health care and environmental cleanup, and those on the other side of the aisle who have fought on most occasions for tax cuts that primarily benefit the wealthiest 5 percent of people in this society, for defense expenditures that go more to reward military contractors than to improve military preparedness, and we will just have to take these issues into the campaign.

Let me say that I once again think that the process by which this bill has been produced is an abomination. It represents an absolute, total institutional failure. We should not be here in this position, but we are, and we have to make some hard choices, given the only choices before us. That is why I will reluctantly urge a yes vote on this proposal.

Mr. LIVINGSTON. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Louisiana (Mr. LIVINGSTON) has 12 minutes remaining; the gentleman from Wisconsin (Mr. OBEY) has 14 minutes remaining; and the gentleman from Wisconsin (Mr. NEUMANN) has 15 minutes remaining.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. NEUMANN. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Nebraska (Mr. CHRISTENSEN), another classmate of mine.

Mr. CHRISTENSEN. Mr. Speaker, I rise because of the process of this bill more than anything.

As my colleagues heard earlier today, at about 4 o'clock we got this bill, 40 pounds, 4,000 pages, $500 billion, and nobody, nobody has read this bill. Maybe a few staff people, maybe a couple of people behind closed doors have read this bill. But the American people are going to find out through the news media over the next week what is in this bill, because we sure do not know what is in this bill, but we have heard a lot of things that are in this bill, but by golly, we are going to find out a whole lot more over the next few weeks of what is in this bill. That is the way this process has been done.

Mr. Speaker, I came here 4 years ago talking about tax cuts, smaller government, doing the right thing. Well, I am not running for reelection, I am done, but this is not the way that I came to Washington, and this is not what I came to do, to vote for a bill that is $20 billion over, has very little tax cuts in it, is not what we told the American people we would do. This is an embarrassment. This is an embarrassment for the American people that this process, the process has been done this way.

There are a lot of good projects in here, but no Member of Congress should be able to sleep with themselves tonight knowing that they voted for a bill they have no idea what is in here. They do not know what is tucked in here.

As my friend from Mississippi said earlier today, we do not know what kind of provisions are in here for the Balkans; we do not know what kind of provisions are in here for issues that are important to social conservatives, to liberals, to fiscal conservatives. This is a sham. It is an embarrassment, and we should vote no on this ugly bill.

Mr. LIVINGSTON. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Ohio (Mr. REGULA), the great distinguished chairman of the Subcommittee of Interior and Related Agencies of the Committee on Appropriations.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time.

I would just point out in discussing the Interior section of this bill that it is very environmentally friendly, but it is also very fiscally sound. The total spending of the Interior bill is the same as 1998, no increase. That is because we developed some good management techniques in working with our public lands. At the same time, the spending for parks is up $99 billion.

In terms of the forests, we eliminate purchaser credit, we emphasize forest health, recognizing that as we talk about global warming, one of the great ways to reduce CO2s is to increase our forestry sources, the best possible converters of CO2 to oxygen.

We reduced the forest cut to $3.6 billion board feet, while at the same time we are growing 20 billion board-feet in our national forests. The bill includes $340 million for clean water programs to work with the States. Everglades restoration, $140 million to restore the treasures of the Everglades.

The Appalachian Trail will be finished. The funds in this bill will allow the Appalachian Trail to be totally in public ownership for the first time in history. We fund the millennium program. This is new, and is in recognition of this important landmark time in our Nation's history. The money will be used to restore the Nation's treasures.

Indian health, we were concerned. We put $141 million extra over the President's request for Indian health.

The cultural treasures of this Nation, the Smithsonian, the National Gallery, the Kennedy Center, the Holocaust Museum, all with increased funding. Energy efficiency and conservation, about $1 billion, in recognition that as a Nation we are dependent on energy, but also a recognition that we have to develop ways to burn it more efficiently and in a cleaner way.

The bill protects our wilderness areas. Lastly I would point out that over the past 4 years we have decreased spending by $2.2 billion less than requested by the President.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, I rise in support of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies component of the fiscal year 1999 Omnibus Appropriations Act. First, I want to express my appreciation for the hard work done on this component of the bill by the distinguished chairman, the gentleman from Illinois (Mr. PORTER) and the distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY). Both of them deserve credit for their leadership in crafting this bill.

In its initial form, this funding measure would have threatened the quality of life and the hopes, dreams and aspirations of the most vulnerable among us.

The omnibus measure that we will vote on here today restores $871 million in funding for the summer jobs program. As such, 530,000 young people will benefit from the education training that this program provides. The restoration of more than $1 billion in funding for the low-income home energy assistance program means that needy families and seniors will not be forced to choose between paying utility bills and putting food on the table, or buying medicine. An estimated 5.5 million LIHEAP households, two-thirds of which urge less than $8,000 a year, will benefit from this investment.

The restoration of $250 million in funding for the opportunity areas for youth programs means that our Nation's hardest-to-reach young people will have access to the employment training and skill readiness services that they need to prepare them to participate in our Nation's robust economy in the global market.

The restoration of funds for the school-to-work program, will further State and local efforts to create pathways to future careers for more than 1 million students in over 3,000 high schools. These students will now have access to the courses recruiting, training, and counseling that they need to facilitate their entry in the workforce. I am especially pleased that the bill includes $110 million to address the HIV-AIDS epidemic in the African-American community.

Mr. Speaker, this is a good bill. I urge the Members to vote "yes" on the bill.

Mr. NEUMANN. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR), a Democrat from the other side of the aisle who also is in opposition to this bill.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to thank the gentleman for yielding me this time.

Mr. Speaker, we keep hearing about all of the money for defense in this bill. Let me remind my colleagues that less than 2 percent of the $507 billion that goes into this bill is for defense. That is a pretty sorry trade-off. Less than 2 percent of all that is spent.

What do we spend more money on? We spend $12.5 billion on foreign aid. We spend $19.4 billion on international financial institutions. There is a $94 million program to buy out the Bering Sea pollock fleet, as if that was of great national importance. There is $100 million for a new visitor's center right out front, and $103 million for our protection, not for our citizens' protection, but for additional protection for Members of Congress.

As bad as what we know about the bill is, it is what we do not know that troubles me. Mr. Speaker, 4,000 pages of documents that the average Member of Congress has had less than 3 hours to study. And it is what we do not know that scares me to death. We know it creates new commissions, we know it repeals things like the commercial fishing industry, Vessel Anti-Reflagging Act, but it is the great unknown.

I ask the American citizens, would you go to a lawyer and present him a contract for his advice and his guidance and when it comes time for you to sign it he says, but by the way, I did not read it. Would you go to a tax accountant and turn over all your records to him and he fills out your forms but as you are signing it and sending it off to the IRS, he says, but by the way, I never took a look at the information you gave me.

Mr. Speaker, we have already given away our constitutionally mandated authority to declare war between nations. More often than not we have given away our constitutionally mandated authority to regulate commerce between nations. The last thing that stands between this body being a body that does something and nothing but a debating society, is our ability to decide where money is spent, and if my colleagues vote for that, they have given that away as well.

□ 1845

Mr. LIVINGSTON. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I have heard a few arguments against this bill. Certainly, I am not going to defend the process, because I hate the process. As the chairman of the Committee on Appropriations, I think it is terrible that forces within the Congress militated against the final passage of all of our bills before the end of the fiscal year.

The fact is that we passed 12 of the 13 bills before the end of the fiscal year in the House of Representatives. I think we exceeded the record of the other body. We did not get them all enacted separately, so we are puting these in a remaining package. But, all of those have passed the House, and they make up components of this bill.

If the gentleman does not know what is in the bill, he could have looked at the reports from the various committees. He would see 90 percent of this bill in the various committee component parts that passed this House months ago.

Is social security jeopardized? Of course not. The minority party neglected worrying about social security from 1967, when Lyndon Johnson changed the rules and allowed us to take off social security funds in order to mask the cost of the Vietnam War, and they did not worry about it for 30 years.

We came along and brought fiscal integrity to the government. We are balancing the budget for the first time in 30 years. We are going to take care of social security. There is not an argument there. Are we way behind where we should be? No. We are ahead of the schedule of 10 of the last 15 years. We are behind in 5 of them in terms of the appropriations process.

Is there emergency spending in here? Yes, there are really emergency needs. The Budget Act calls for recognition that if there are real emergency needs, like helping defend diplomats from getting blown up by terrorists, that we could attend to those and not have them count against us by worthless budget finagling that really does not mean anything. We have needs. We have to provide for them.

Finally, on the issue of defense that the gentleman raised, let me simply say that yes, the $8 billion we are putting into defense here, may be only 2 percent of the package, but we already passed the defense bill. It is enacted into law. That is $260 billion. This is $8 billion on top of that. We are doing our part to address the defense needs of this country.

In terms of, doing our part for education, 30 years ago the Federal Government never got involved in education. Today we pay about 5 percent of the education bill. The States and localities and communities pay 95 percent of the tab. We have $32 billion in this bill for education. We are doing our part. We are doing it well. We might not have done it pretty, but we are doing our job and the job of the people of the United States.

Mr. NEUMANN. Mr. Speaker, it is my privilege to yield 2 minutes to my good friend, the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, a bad bipartisan bill is still a bad bill. I appreciate the efforts of Republican leaders to get extra money that was vitally needed for national defense. The defense spending is badly needed, as well as emergency relief for farmers and hurricane victims, but those do not justify the rest of this bill. This bill raises Federal spending several billion dollars higher than even President Clinton requested several months ago.

We should celebrate balancing the budget, but not with a spending spree. We should be lowering taxes and paying off the national debt, not using the surplus as the latest of many excuses to spend more money.

A great many Members of Congress worked long and hard this year to hold the line on spending. I am glad that our chairman of the Committee on Appropriations, the gentleman from Louisiana (Mr. LIVINGSTON) fought so hard to control spending, and I know that he did. Unfortunately, at the end of the process the most liberal Democrats in Congress had the leverage to get the President to back their demands, their insistence, for more spending.

The President knows his future hinges on the support of liberals in Congress, who do not care what he may have done as long as he fights for their big government programs, because his future depends upon their support. He made it clear he would veto anything that did not give the most liberal of the Democrats whatever they wanted in exchange. This made it difficult, if not impossible, to negotiate for anything different.

The root problem remains that problem of trust. A year ago the President agreed to a limit on this year's spending in exchange for extra spending which he received last year. Earlier this year he pretended that he opposed tax cuts because he said he wanted to preserve the entire surplus for social security. Now he wants to spend almost one-third of that surplus. His word is in doubt. This is protection money, and that is wrong. It is wrong for anyone to turn a blind eye toward the President's conduct, so long as he delivers our tax money to pay for the big government that they want.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I think the last speaker's comments did not add to this debate. They were representative of some of the unfortunate kind of rhetoric that has put this Congress in a position where it is at this last minute, at this last gasp, trying to redeem itself. It is hard to do that because we have done so little up to this point.

I will vote for this bill, like the ranking member of the committee will vote for this bill. I, like others, have worked hard on much of this bill. But those speakers who have carried this bill, this 40-pound bill, to the floor and indicated that this was not the process that should be followed are absolutely correct.

The Committee on Appropriations was made late in its work because the budget resolution did not pass. It did not pass, not because there were any Democrats that opposed it or the President could have vetoed it, because he could not. He does not involve himself in the budget process.

It did not pass because the chairman of the Committee on the Budget in the Senate who is a Republican said that the House Resolution is dead on arrival. The chairman of the Senate Committee on Appropriations said the House Resolution is dead on arrival. We could not work under this resolution. So the majority party in the House and the majority party in the Senate could not agree, so we deferred and deferred and deferred. The labor-health bill, which is one of the most important, I think, in this bill, was not even brought to this floor except to make a point, a political point in the last days of this session.

This is an unfortunate process, but we have little alternative at this point in time but to fund the government. I want to say to my good friend, the gentleman from Florida (Mr. BILL YOUNG), I am pleased that we put some more money for defense. We need to look at the defense budget. We are underfunding it. So I will reluctantly vote for this bill, but this bill is a demonstration of failure.

Mr. NEUMANN. Mr. Speaker, it is my privilege to yield 2½ minutes to my good friend, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, this is not about process, it is about substance. Sure, there are good things in this bill. This bill has 4,000 pages. There are bound to be good things in this bill. It weighs over 40 pounds. It is bound to have good things in here. But this bill represents everything I fought against as a fiscal conservative in this House, and I fought as a Republican who wanted to change this process and this place.

Republicans got more money for defense. They did not look at closing bases, they did not look at ending needless weapons systems, they did not look at burdensharing. Democrats wanted more money for social programs. Instead of paying for it, we are taking it out of the surplus. Both won, so it is a big celebration. It is bipartisan. But that is what we have done since 1969. That is how we got in the mess we are in. We are right back into it. What bothers me is it is happening under my watch and our watch.

There is $21 billion over the budget caps. We can call it emergency spending. It is over the budget caps. It is front-loaded. Now, are we going to cut it out next year and the year after? No, we are talking about $100 billion above the caps over 5 years. There is $3.5 billion in the year 2000 budget, in this budget that we are voting on. Then there is the D.C. pension fund, $2.4 billion, of revenue? What about the unfunded liability? We are putting it on budget, so we are counting this liability as revenue? We are doing it under our watch?

Then there is $100 million for a Capitol visitor's center. I do not mind that, I think we need it. But we are putting it in as an emergency expenditure under the antiterrorism position? Mr. Speaker, this is a bad bill. It should not be voted out of this House.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, the other day I did not have but 20 seconds, and I did not finish what I wanted to say in the 20 seconds.

First of all, I would like to say to every Member of this House that I have worked with over the years, if I have done anything during that time in the heat of debate that would offend anybody, I would like to apologize and ask their forgiveness.

The thing that bothers me about this, and I am not going to talk about the budget, but I will talk about the political process. Having been here for 24 years, I have seen in the last few years the political arguments and the debates have become so vicious. We can turn on the television, look at the talking heads, and they are all screaming. They are all preaching hatred.

To me, that is not good for politics, and that is what, in my view, is keeping people from going to the polls and voting, because they get fed up with us. They get fed up with all the negative things that they hear. We do not talk a lot about the issues, neither party. It is "gotcha."

In the next few years what worries me, the most important person in our campaigns is going to be the opposition research guy. If Members have ever done anything in the past 20 years that they are not proud of, they had better not run for office, because they are going to bring it up.

It is so sad, because we live in a Nation where people are forgiven and people are courteous, but all they see when they show the campaign ads on television, they are so vicious. They are not true. Nobody is as bad as they are painted on television. To me, this is a tragedy for our process.

I will cherish the 24 years that I served in this body. I have made some great friendships here and hopefully have been able to do some good things for the State of North Carolina and the Eighth District. I hope, for all Members, that some day we can see some way to do the campaign reform to where we will not have to be so vicious in our campaigning.

I hope that all of the Members live as long as they want, and never want as long as they live. God bless you.

Mr. LIVINGSTON. Mr. Speaker, I am pleased to yield 2 minutes to the very distinguished gentleman from Florida (Mr. YOUNG), chairman of the Subcommittee on National Security.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, 2 minutes is not anywhere near enough to discuss even the defense part of this bill, but I will give it a quick try.

First of all, let me say that everyone that has spoken here this evening so far is correct. It is a good bill, it is a terrible bill; the process is unacceptable, it just does not work; but it was the only way to get here where we are tonight to keep the government functioning for the balance of the fiscal year.

When we are dealing with 435 people in this House, 100 people in the other House at the end of the hall, and at the White House, that is 536 people that had to come together, and 536 people are never going to agree on a perfect bill.

It has been suggested that some of the defense money was under the emergency proclamation. That is true. The largest single part of the defense bill, however, is $1.9 billion for the deployment of U.S. troops to Bosnia. Other large portions of the bill go to intelligence.

When we just remember Kenya and Tanzania, where our embassies were bombed, with much loss of life and much injury, more intelligence against terrorism, more intelligence against military threats to our own interests, are important. Yes, there is a substantial amount of money for intelligence here.

Another large portion of this bill is missile defense. The Chinese have developed tremendous missile capability, using much of the technology developed by American industries that was allowed to go overseas to China.

□ 1900

The North Koreans not only developed weapons of mass destruction, but also the missiles with the ability to carry them to wherever, to Hawaii, to Alaska. The last North Korean missile shot, some of the debris fell near the Aleutian Islands. The Aleutian Islands are part of the United States of America. In addition, we increased the President's request for readiness funding in this bill by 30 percent. We recognized the need for more investment in readiness and for troop morale.

Mr. NEUMANN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Mrs. LINDA SMITH), another classmate.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I reluctantly stand here in opposition to this bill because it breaks the balanced budget deal and spends an additional $20 billion out of Social Security, the trust fund that says you can trust us to put your long-term security money in and we will spend that money for your long-term security.

This bill has a lot of pork. And no, I have not read the 4000 pages. I do not think most Members have. But I know it saps $20 billion out of Social Security. But worst yet, it charges to my kids and grandkids a bill that they are either going to pay with a loss of Social Security or they are going to pay it with higher taxes, because we do not have the discipline now to say no to pork barrel spending.

Worse yet, I just believe it breaks our promise, the promise the President made, the promise we made to save Social Security first. We did not put it first. We did not even put it second in this bill. I am not sure what place it takes, but it certainly is not first or second.

Just three weeks ago, we faced the issue of whether we would take money out of Social Security for tax breaks for the American people, and some Members on this floor were so smart, they said, if we do not give tax breaks, the liberals and the President will want to spend that on additional programs, and today we stand with them wanting to spend it on additional programs.

I have here a part of the budget spreadsheet that we have been using. It showed we were going to take $37 billion out of Social Security in the last balanced budget, and this takes it to $57 billion out of Social Security, leaving nary a few dollars left for the long-term security of the people in this country.

I guess what I ask Members is this: Please do not vote for this unless they have read it. Please reconsider whether we rob the Social Security trust fund. Let us keep our commitment to the American people.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I would simply say to those Members on the other side of the aisle, if you do not like the process that produced this bill, I would simply point out that your party runs this place. It was your party that set the schedule that provided more days off than we were in session in the past year so that the Committee on Appropriations could not finish its work. It is your party that could not pass a budget for the first time since 1974. It is your party that allowed its own caucus to be governed by the CATs, the conservative Members of your caucus, that decided that you wanted to produce partisan bills rather than bipartisan bills and, as a result of that, wound up with legislation that could not pass this House and legislation that your Republican friends in the Senate would not even buy.

If you do not like the length, if you do not like the weight, if you do not like the height of this bill, I would suggest that you simply look in the mirror, because your party and the way it ran this House produced it.

With respect to the supplemental, I would simply note the President, bad as it is, the President asked for $14 billion in the supplemental. This bill now contains 20.8 in the supplemental. And all but about half a billion dollars was added at the insistence of your leadership, not ours. So, again, if you do not like most of the added emergency spending that was added in this bill by the Congress above the President's request, look in the mirror because your party demanded it.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Louisiana (Mr. LIVINGSTON) has 5½ minutes remaining, the gentleman from Wisconsin (Mr. NEUMANN) has 5 minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 6½ minutes remaining.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I rise in support of this important but imperfect bill. I rise in particular to make note of some reforms that are being made in conjunction with $18 billion that is in this bill for the International Monetary Fund.

Mr. Speaker, the IMF has gone around the world, from Mexico to Thailand to South Korea to Indonesia to Russia making loans which have averaged 4.7 percent interest. This interest rate has gone to provide perverse incentives to investors who make risky investments, and this has added to the need for even more IMF funding.

This reform package will stop that and is a positive improvement in international economic policy, as noted today in the lead editorial of the Washington Times. As an advocate for the comprehensive long-term reform of the IMF, I believe the new congressional reforms will move the IMF in the right direction. Much more remains to be done, but we must seize the opportunity for improving the IMF operations, and this bill moves in that direction.

Mr. NEUMANN. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. MCINTOSH), chairman of the CATs organization.

Mr. McINTOSH. Mr. Speaker, 11 years ago in 1987, a Democrat Congress sent President Reagan a massive omnibus bill. It weighed about 24 pounds, had about 2100 pages. And in his State of the Union address the next year, President Reagan took that bill, slammed it on the table and said, Congress should not send another one of these. If you do, I will not sign it.

Today we have the reverse. A Democrat President is forcing this Congress to pass a massive omnibus bill on a veto threat that if we spend anything less, he will veto it and shut down the government.

Ten years ago that omnibus bill cost the taxpayers $604 billion. This year's omnibus bill costs them $577 billion. Ten years ago the omnibus bill totaled 2100 pages. This year, it is 4800 pages, more than twice as long, and weighs 40 pounds.

The bottom line, President Clinton has effectively denied the American people a tax cut for the middle class, for the families, and he did so saying that we cannot spend that surplus, we have to spend it on Social Security next year. But for two weeks, Bill Clinton sent up one demand after another, give me a billion here, a billion here, a billion here, all to be spent in Washington.

Now the taxpayers know the truth about Bill Clinton. He is all too willing to raid that Social Security trust fund to satisfy his demands for more Washington spending. How low we have sunk in the White House in 10 years.

Taxpayers need someone like Ronald Reagan with integrity in the White House and perhaps even more importantly, more conservatives in Congress who will save Social Security first, who will cut taxes for the American family, who will cut taxes for workers in this country, who will get back on track with a balanced budget and cut spending in Washington, who will spend more on a strong national defense to protect our shores, and who will help small businesses thrive by cutting through red tape rather than adding 40 pounds worth of legislation and all the rules and regulations that go with it.

Speaking for myself tonight, this bill fails on three out of four of those tests. I will not vote for it. But I do ask the American people, send us more conservatives, send us more Republicans. Next year we will not have to go through this process, and you will not have to see your taxes go up to pay for it.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER) for the purpose of a colloquy.

Mr. HOYER. Mr. Speaker, I wish to engage the gentleman from Arizona in a colloquy.

I would like to take a moment to clarify a provision included in this bill. There has been confusion as to the scope of subsection (d) of section 117. It was my understanding when subsection (d) was added in conference, that it applies to the entire section, to both the new subsection (f)(1) and (2) of section 1610 of title 28. Is that the gentleman's understanding as well?

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I would say, yes, it was the understanding of the conferees that the waiver provision in subsection (d) of section 117 applies to the entire section 117.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Michigan (Mr. BONIOR), Democratic whip.

Mr. BONIOR. Mr. Speaker, 9 months ago the President of the United States stood in this Chamber behind me and he set out a vision for a stronger America, better schools, HMO reform that puts patients first, a cleaner environment, a commitment to save Social Security. But for 9 long months, this Congress has done nothing, nothing but investigate, nothing but kill off reform, nothing but answer to the special interests.

There has been such a blatant direct link between special interest money and the Republican agenda that we might as well hang a sign on the front of this Capitol saying, "Congress for rent."

That is why they have killed off campaign finance reform. We had a bipartisan bill, bipartisan support to clean up our campaign finance system and force the special interests to quit hiding behind their nasty attack ads. But the Republicans said no.

This Congress had the opportunity to pass bipartisan legislation that would have forced big tobacco companies to stop peddling their cigarettes to children. But the tobacco companies said no.

The American people demanded HMO reform to put medical decisions back in the hands of doctors and nurses and patients, not the insurance companies, but the insurance companies said no.

And when it came time to raise the minimum wage, the special interests weighed in again. They dredged up their old arguments and they opened their wallets wide, and the Republicans said no.

We even had an opportunity to modernize America's schools. But the Republicans said no.

This Republican Congress, controlled by special interests and afroth with partisan frenzy, has ignored this country's working men and women for far too long. School construction, HMO reform, raising the minimum wage, strengthening Social Security, cleaning up political campaigns, to all of these the Republicans have had just one answer: no.

But this Republican Congress did have one big initiative, a blatant attempt to raid the Social Security trust fund. They tried to grab 177 billion from Social Security to squander on election year tax breaks, $177 billion. It seems like every chance he gets, Speaker GINGRICH sticks his hand in the Social Security cookie jar, looking for an early snack.

The next Congress is going to have the responsibility to strengthen Social Security for future generations.

□ 1915

And the American people have a right to a Congress that is committed to saving Social Security first.

So, then, what is the defining achievement of this Republican Congress? They voted to launch an impeachment inquiry that is so unlimited and so out of control that they will never get around to building those schools or reforming HMOs or saving Social Security.

If this Republican Congress is reelected, the next 2 years will just add up to more of the same: Do little, delay, and deluge the American people with more political muck, and we will never get on with the issues the country really cares about.

Democrats have fought hard and we have won some victories. We are in the minority. We do not have the votes, but we were successful in this bill in getting 100,000 new teachers hired so we can reduce class size, instill discipline and give more attention to our young people. We were successful in protecting the environment against environmental riders by the Republicans, and we were successful in stopping the raid on Social Security. And, Mr. Speaker, when we come back in January, when we get a chance to lead this Congress, we will get on with the job that the American people sent us here to do.

Mr. NEUMANN. Mr. Speaker, I yield myself the balance of my time.

I have been here for 4 years. We have come a long ways over those 4 years. We have gotten to a balanced budget for the first time in 30 years. We have restored Medicare, not by raising taxes, as was done in the past. We provided the first family and education tax relief in 16 years. We have come a long ways. We got a lot of things done that a lot of people said could not happen.

I want everyone in this Chamber to know it has been an honor and a privilege to serve here with my colleagues. But as evidenced by what I have here in my hands, that was provided for us this afternoon, we still have a long ways to go in restoring this great Nation that we have here tonight. We have 4,000 pages here in this bill that has not been read by a single Member of this Congress. I guarantee not a single one has read the entire bill.

I just heard the minority whip up here criticizing the Republicans for proposing a tax cut that uses Social Security money, and in the next breath he talks about passing a bill that will use $20 billion out of the Social Security surplus for new government spending. Somehow it is all right for Washington to spend that money but it is not all right for the American people to have it.

Frankly, they are both wrong, if my colleagues really want to know. They are both wrong. Social Security money should be saved for Social Security, period. And that is what this is all about tonight. We have a long ways to go here. We have a long ways to go in this Chamber to get to a point where we actually start doing what is right for the future of this great Nation that we live in here.

I have heard a lot of discussion about good programs. I heard my chairman from the defense subcommittee talk about the need for a missile defense system. He is absolutely right. We are underspending in the military. But when we underspend and we need to reprioritize spending, we should go after government waste and redirect those dollars to where they are more needed, including things like defense and a missile defense system. But, for goodness sakes, let us not pile it full of pork and spend on defense and spend on everything else that we can think of, and effectively wind up taking $20 billion out of the Social Security Trust Fund.

I urge my colleagues tonight to stand up and say "no". Send this bill back to the drawing boards and send a message to the American people that we are actually serious about putting real money into the Social Security Trust Fund and that we are serious about staying within the budget caps that we all have agreed to. That is what is best for the future of this great Nation.

Mr. LIVINGSTON. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia (Mr. GINGRICH), the very distinguished Speaker of the House, for the last official speech of the 105th Congress and to finish this bill.

Mr. GINGRICH. Mr. Speaker, I thank the distinguished chairman for yielding me this time, and I want to say to both he and the gentleman from Wisconsin (Mr. OBEY) that I suspect most of us share with them a sense of gratitude that this is done, and we appreciate how many hours they spent doing it.

I would say for just a minute, if I might, to my friends who were asking for a "no" vote, the perfectionist caucus, "And then what would you do under our constitution?" It is easy to get up and say vote "no", but then what would they do?

The fact is, under our Constitution, 435 Members of the House, each elected by a constituency based on population, work with 100 Members of the Senate, two from each State, then we work with the President of the United States. And surely those of us who have grown up and matured in this process understand after the last 4 years that we have to work together on big issues. And if we do not work together on big issues, nothing gets done.

The fact is there is a liberal Democrat in the White House, and he legitimately represents the views of the party which nominated him. And there are things he wants in order to sign a bill, and that is legitimate and a part of precisely what the Founding Fathers established: A balance of power. And the fact is conservative Republicans control the House and Senate, much, I might say, to the discomfort of my good friend from Michigan, the Democratic whip, who seemed unhappy at his having to vote "yes" tonight. But that is the nature of reality.

So the question is: Can we craft a bill which is a win for the American people because it is a win for the President and a win for the Congress? Because if we cannot find a way to have all three winning, we do not have a bill worthy of being passed.

Now, my fine friends who are perfectionists, each in their own world where they are petty dictators could write a perfect bill. And it would not be 4,000 pages, it would be about 2,200 of their particular projects and their particular interests and their particular goodies taking care of their particular States. But that is not the way life works in a free society. In a free society we have to have give and take. We have to be able to work.

I think of my good friends who are retiring. The gentleman from Illinois (Mr. YATES), on the Democratic side; the gentleman from Pennsylvania (Mr. JOE MCDADE), on the Republican side, who served on this committee for so long. They know and learned the hard way. If we cannot work together, if we cannot produce a bill that can pass muster, if we cannot get 218 votes over here, if we cannot close down a filibuster or get agreement to pass a bill in the Senate, if we cannot get the President's signature, what are we going to do?

The fact is we can be very proud of this Congress. This Congress balanced the budget for the first time since 1969, and we will have a balanced budget again in 1999 with the bill we are passing tonight. This bill does not stop a balanced budget, contrary to the allegations of some people.

We save Medicare without raising taxes. We passed the first tax cut in 16 years. We went from a January 1995 projection of $3.1 billion in deficit to a projection today of $1.6 billion in surplus, and I am proud of the team that worked to get that done. The President signed the bill, the Republican House and Senate leadership authored the bill, and the fact is it was a team effort for the American people.

So I would say to each and every Member of this House, unless they have a plan that they think can get 218 votes over here, can pass through without a filibuster in the Senate and get signed, there is no responsible vote except "yes".

I would say to my conservative friends that they have a bill which reforms the International Monetary Fund in precisely the way the majority leader, the gentleman from Texas (Mr. Dick Armey), wanted to do it. We have a bill which stops needle exchanges by the Federal Government. We have the strongest antidrug legislation that has ever been written in this Congress. We have a child online protection act that stops pornography on the internet. We block national testing so that there will not be any kind of national education program.

The teachers program the gentleman from Michigan is so proud of has been rewritten so that all the money goes to local school boards. All the money is controlled by local school boards. And those school boards can hire special education teachers and special needs teachers of any grade level as well as general education teachers. And that, frankly, is Dollars for the Classroom, a program we passed in this body 2 or 3 weeks ago.

People say we should not pass emergency money. Well, my colleagues should go and look at the two bombed embassies and tell me they do not think that is an emergency. Look at the year 2000 problem and tell me that is not going to be an emergency. And then they can be the Members to stand up and explain to their constituents that the air traffic control system does not work or why the Social Security check is not sent out. That is a genuine emergency. Those Members can go out and tell the farmers in Texas or in south Georgia that their drought problem is not an emergency. They can go tell the farmers in Iowa the problem of the collapse of Indonesian prices and the collapse in the price of corn and wheat is not an emergency.

Yes, this is the first Congress to increase defense spending in peacetime since 1985, but, by George, precisely like Ronald Reagan, I would say to my perfectionist friends, Ronald Reagan said protecting our young men and women in uniform was more important than the deficit. And he, in fact, opted specifically for strengthening our defenses.

So I would say to my Republican friends, when we look at $700 million for national missile defense, when we look at blocking the national ID system, when we look at local control over education spending, we, in fact, produced a win-win bill. Yes, our liberal friends get a few things. And in a free society, where we are sharing power between the legislative and executive branch, that is precisely the outcome we should expect to get.

This is a good bill. It deserves a "yes" vote by every Member, and it is, in fact, precisely how the American system operates.

Mr. STARK. Mr. Speaker, the omnibus appropriations agreement will pass the Congress with ease this week and Members of Congress will exchange accolades about what a wonderful bill it is.

Baloney!

For the first time since the budget process was established in 1974, Congress failed to pass a budget resolution—a roadmap for spending your tax dollars. Without a roadmap, you run amuck. That's exactly what is happening in Washington this week.

This omnibus appropriation bill rolls eight separate appropriations bills together and includes special interest provisions designed to buy votes for final passage. The resulting bill is an abomination.

The big picture is that any semblance of budget discipline has disintegrated. The last minute horse trading spent $20.8 billion in funds that were "surplus" only by government accounting semantics. The so-called surplus funds are really attributable to a temporary surplus in the Social Security trust funds. The trust funds need this entire surplus—and much more—to fund payments to the Baby Boomers when they retire. This bill spends an extra $20.8 billion because the negotiators were more interested in saving face than saving money. The taxpayers will pay the multi-billion dollar price for this "one-for-me and one-for-you" final agreement.

The fine print isn't any prettier: another $1 billion for a star wars-like missile defense system that won't work; $6.8 billion in supplemental defense spending on top of the $271 billion already appropriated through the regular process; the repeal of the tax-exempt status of the National Education Association to get even with teachers who have been supportive of Democratic priorities on education; an increase in the number of H–1B visas so that high tech companies can import cheap labor rather than train US workers; a ban on needle exchange programs in the District of Columbia in spite of all the studies showing that such programs save lives; a moratorium on federal regulations designed to allocate organs fairly in contrast to today's gerrymandered allocation system that needlessly costs lives.

I can count noses and see that this bill will pass. However, I won't be a party to this charade.

Mr. EVANS. Mr. Speaker, this budget plan addresses the needs of working Americans. Today we are taking important steps that will help insure that we save the budget surplus for Social Security, invest in sound education initiatives for our children and provide important relief to our nation's farmers.

We have reached an agreement that goes a long way toward fulfilling our responsibility to the American people. It is a victory for Democrats, as many of the priorities that were headed for the chopping block were saved as a result of our efforts. This budget upholds the values that are important to Illinois' families and that will help build a solid foundation to continue economic growth. We have taken important steps, such as investing in public education, tackling the farm crisis and building and improving roads and bridges and empowering our communities—all without squandering the budget surplus.

I am especially pleased that we are doing right by our nation's children. This bill take important steps to improve the quality of education in our public schools. By funding more teachers, we can have smaller classes that allow teachers to give attention to individual students. I am proud that we are helping communities to hire and keep qualified teachers in order to reduce class size in grades 1 through 3, years so crucial to the development of reading and math skills.

Agriculture has long been a cornerstone of our rural communities and I am proud today that we are providing $5.9 billion to assist farmers suffering from record-low crop prices and severe weather. The package also includes an additional $1 billion in tax relief to protect our farmers as they struggle with unstable foreign markets.

There is much more work to be done. We have many challenges ahead of us. The Republican Congress blocked Democratic efforts to provide simple, yet extensive relief to working families. As a result, we will not provide Americans this year with a livable wage; accountants instead of doctors will be making health care decisions for too many Americans; the influence of special interests will continue to go unchecked in campaigns and too many of our children will be taught in old and dilapidated schoolrooms. Americans deserve a minimum wage and a "Patient's Bill of Rights", comprehensive campaign finance reform, and modern, up to date schools for our children.

Let's pledge to build upon the progress made today so that we can bring prosperity to all Americans in the future. Our working families are counting on it.

Mr. ALLEN. Mr. Speaker, I rise in support of the omnibus appropriations bill, as it provides funs for eight Federal departments and key education priorities such as class size reduction and Head Start, as well as the summer jobs program, LIHEAP, IMF, home health care, and hurricane and farm relief.

However, I have great concerns about the national security aspects of the bill, and the way it was put together. Specifically, I take issue with the bill's inclusion of $1 billion in "emergency" spending for ballistic missile defense. This money could have gone to pay back our debts to the United Nations. The $1 billion could have been used to finance bonds for construction and repair needs for 1,500 schools, or to pay the fiscal year 2000 costs of improving retirement benefits to encourage retention of military personnel.

Congress had the entire year to review the nation's defense needs. It approved the fiscal year 1999 Defense authorization and appropriations bills after agreeing to the President's overall funding level and, generally, to the Pentagon's priorities. In the omnibus bill, Congress also agreed to the valid requests to fund our Bosnia mission and the Federal Government's year 2000 computer problem.

The extra $1 billion for ballistic missile defense, however, was a last-minute stealth insertion into the omnibus appropriations bill, and not reviewed by the authorizing or appropriations committees. For a Congress that has balanced the budget for the first time in three decades, and for a Republican leadership that rails against wasteful spending, this is wrong.

There is little disagreement that theater missile defenses are prudent, realistic, and help protect our troops deployed overseas. But throwing money at these programs won't make them work better or deploy faster. Deputy Secretary of Defense John Hamre testified on October 2 that "This is as close as the Department of Defense can get to the Manhattan Project. We are moving as fast as possible." The Pentagon is doing its best to make it work. But you just can't legislate physics.

Regrettably, it appears that this $1 billion was promoted by those who see national missile defense as the answer to all our security threats, regardless of cost, treaty implications or whether it actually works. National missile defense is an exceedingly complex endeavor. The system relies on "hit-to-kill" technology—hitting a bullet with a bullet—whose success rate is only 22 percent in 18 tests. The technology is unproven. Faith and money in themselves cannot guarantee success.

Earlier this year, a panel of missile defense experts issued a report (the "Welch report") that reviewed the national missile defense (NMD) program. It concluded that the effort to rush deployment had caused test failures, program slippage and increased risk—in short, they called it a "rush to failure." GAO confirmed that this acceleration had greatly increased risk in the NMD program.

Our Nation's senior military leaders agree with these assessments. The Chairman of the Joint Chiefs of Staff, Gen. Hugh Shelton, said before the Senate Armed Services Committee on September 29 that "putting more money into it [NMD] won't produce a product any sooner," and that "money will not help solve the engineering and integration challenges that are being faced by the Ballistic Missile Defense Organization right now."

The GOP has joined the Service Chiefs in complaining about readiness shortfalls. But when it came time to fund readiness in the supplemental bill, the GOP leadership siphoned off $1 billion for missile defense. They also rejected an Administration request to change military pensions sought to keep quality people in the service. The $1 billion for missile defense could have paid for most of the fiscal year 2000 cost for these changes. At the end of the day, it appears that GOP leadership cared more about Ronald Reagan's "star wars" legacy than about the men and women who put their lives on the line for our country.

On balance, the omnibus appropriations bill is worthy of support. But not every provision is wise. As we consider the wide-ranging programs in this bill, Members should know that this $1 billion add-on for missile defense was not requested by the administration and not reviewed by any congressional defense committee. Missile defense is too important and too technologically challenging to be driven by partisan politics.

Mr. BERRY. Mr. Speaker, it is with great satisfaction that I rise today because a resolution that I feel very important has been included in the omnibus spending legislation that passed the House tonight. This resolution expresses the sense of the Congress that the international community must work together to resolve cases where kidnaped children are taken abroad.

Too many children like Machael Al Omary, who was illegally kidnaped by her non-custodial father from my district of Jonesboro, or Hatam Al-Shabrami, who was abducted by his non-custodial father and last seen in Saudi Arabia, have been illegally kidnaped. With their children in other countries, their mothers have no right to legal recourse.

Unfortunately, there are thousands of children like Machael and Hatam who have been illegally taken to another country. If the country is not a signatory to the Hague Agreement, the parents are left totally helpless. In many cases, when the country is a signatory, justice is often difficult to obtain, and comes at a high price.

Our legal system makes decisions involving the custody of children based on what is in the best interest of the child. Once such arrangements are made no one should ever be rewarded for the illegal abduction of a child from our country by being able to keep the child and thumb their nose at authority.

This resolution sends a strong message of this country's support for the rights of our children and I am glad it was included in the legislation.

Mr. DICKS. Mr. Speaker, I rise today in strong support of the omnibus appropriations bill now under consideration. In my judgment, this legislation will address the important national priorities of military readiness, environmental protection, transportation, education, and foreign policy—priorities that I believe put our nation on the right path heading into the 20th century. However, I also have a number of concerns that are not addressed by these appropriations that I believe must be considered during the fiscal year 2000 budget and appropriations cycle.

I strongly support the supplemental funding in the omnibus package that will be directed to military readiness and overseas operations. For quite some time I have been concerned about our troop readiness levels as well as the chronic shortages in spare parts, equipment overhauls, facility repairs, recruiting, and routine base operations. In fact, I have had several conversations recently with the base commanders at Ft. Lewis Army base near my district, and am told that readiness and training dollars are so scarce that soliders are mowing lawns and performing other civilian duties instead of training for combat.

This is absolutely unacceptable. We have already cut defense by roughly one-third since the peak of the Reagan budget, yet our operational tempo—including the rate at which our soldiers, sailors and airmen are being deployed overseas—has not followed that downward trend. In fact, current OPTEMPO rates are at near-record highs for the 20th century. The additional funding included by the Congress in this legislation will help mitigate these problems in the near term. However, additional funding will be required in fiscal year 2000 and beyond in order to ensure a long-term solution to the serious readiness problems plaguing all branches of our Armed Forces.

I am equally worried about the inadequacy of funding included for the modernization of our future fighting equipment. The Joint Chiefs have stated consistently over the past couple of years that the procumbent portion of the defense budget needs to be increased to roughly $60 billion annually in order to provide our troops with the weapons and equipment needed to address the military challenges of the next century. The procurement budget currently stands at just over $48 billion. The supplemental package does not include much funding for procurement—the exception being an additional $1 billion for missile defense. This is far short of what is needed to ensure that our fighting forces remain the best equipped in the world. I will continue to work with the administration and with my colleagues to ensure that additional monies are allocated for this priority.

I also applaud the willingness of Congress to step forward and provide the necessary funding for the NATO-led stabilization force in Bosnia and for increasing funding for anti-terrorism activities including embassy security and reconstruction in response to the tragic events at United States embassies in Tanzania and Kenya last August. Finally, as the ranking member on the House Permanent Select Committee on Intelligence, I also am strongly supportive of the additional funding included in this package for U.S. intelligence activities.

This omnibus appropriations bill also contains important funding for environmental priorities that are critical to my state and district. To address the critical need of Washington State in confronting with the proposed listing of salmon and steelhead species under the federal Endangered Species Act, the appropriations for the Interior Department contains $20 million in aid. This federal appropriation adds to monies already appropriated by the state legislature to go directly to the Salmon Recovery Office of the Governor. By providing direct grants to tribes, local governments, and community groups, Washington can begin the important work of restoration and recovery activities to revive dwindling fish runs.

The transportation provisions included in this omnibus appropriations bill will fund many important projects in Washington State, all of which have widespread support among our state congressional delegation. I am very pleased with the $54 million in funding for the Puget Sound region's ambitious mass transit program, called Sound Transit. Most of this total is for commuter rail, which will begin service between Tacoma and Seattle at the end of next year. Traffic jams have become far too commonplace in the Puget Sound region, and this investment will provide substantial relief from this problem. I also am very pleased with the continued funding for three important transportation projects in the district I represent: the Tacoma Dome Station, Bremerton's Transportation Center and the International Gateway Center in Port Angeles. These projects are critical to economic development in these areas which all suffer from a myriad of problems, including high unemployment and poverty.

I do not think that anyone can discuss this bill without mentioning the important provisions regarding the education of our children. This legislation contains $1.2 billion for an important new program proposed by the President and congressional Democrats to help school districts hire and train 100,000 new teachers over the next seven years. Washington will receive almost $20 million. We all have read the studies that show that kids learn better in small classes. I am very pleased that Congress is finally taking steps to help local school districts—especially the poorest in our country—to begin to make this happen.

Many of my colleagues know how important the Impact Aid Program is to me and to the many men and women in my district that serve in our country's armed forces. This program, which provides federal dollars directly to school districts that serve the children of our uniformed service personnel, is needed to bring these districts up to the same funding level per student as non-impacted schools. I am happy that the agreement provides an additional $56 million for this program. Although the $864 million does not reach the authorized level of funding, it does provide the minimum need for each participating school district—the first time this has been done in many years.

There is one noticeable omission from this bill; there are no funds included for school construction. I frequently visit the school districts in my congressional district when we are not in session. Some of them are very nice. Many, however, are in shameful states of disrepair, without adequate lights, heat, plumbing, and wiring. At the same time, enrollments are rapidly increasing. I believe that this bill should have included funds to help school districts to address these problems, and I am disappointed that the majority party refused to accept sensible provisions in this regard during this negotiations. Next year, I hope to work with my colleagues to ensure that Congress does not ignore this critical need.

My district and the entire State of Washington are heavily dependent on trade. In fact, one in every four jobs in my state are dependent on trade—especially with Pacific Rim countries like Japan, China, South Korea, and Taiwan. The financial crisis that these Asian nations are undergoing has already had a serious effect on the economy of my state through reduced exports, and this trend threatens to continue unless we work with these countries and relevant international organizations to lessen its effect.

Because of these concerns, I support the inclusion of credit in this bill to replenish the International Monetary Fund so that it may continue its work to help these Asian nations resolve their economic problems and to continue to buy American goods. I am also glad that strong language was adopted requiring the IMF to make necessary reforms with regard to fairness, transparency, and to the conditions that the IMF places on nations that seek to borrow funds.

Finally, Mr. Speaker, I am pleased that the bill includes a small but important clarification in law that was related to a provision adopted in the Defense authorization bill earlier this year. Though it was not the intention of Congress to complicate the export of commercial aircraft and spare parts, the language of a broad prohibition on the export of missile-related technology to China contained sufficient ambiguity that it could have jeopardized the sale of Boeing aircraft to one of America's largest export markets. With the passage of this omnibus appropriations act an important clarification will eliminate this ambiguity and assure that one of the top United States exporters, employing more than 200,000 United States workers, will be able to compete on equal footing in the Chinese market with other worldwide aircraft manufacturers.

Mr. Speaker, let me conclude by stating that I recognize that this bill does not have the answers to all of the problems that currently face our country. But it is, in my judgment, a good-faith effort to solve many of them, and because of this, I urge my colleagues to support it.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today with mixed emotions about this bill—not just because it is the last bill moving through the House that I will see during my 17-year career here. Rather, it is because I think the process yielded good results in many areas, patched over problems that have to be addressed again next year, and made some poor decisions in other areas.

The biggest achievement of this negotiated settlement is, of course, the fact that the government will be funded for next year, with one large exception that is keyed to a looming Supreme Court decision. Perhaps the next biggest achievement is the start of the President's program to put 100,000 new teachers in the classroom. I was an original cosponsor of this legislation, and argued for it throughout the year.

This legislation constitutes a common sense approach to improving our public schools and the performance of our children in the early years. This is a program we must continue to fund until we get the student/teacher ratio well below 20 to 1, and then we must expand the program to keep these gains going throughout elementary and middle schools. The federal government must also enact legislation to help our states and local governments build new classrooms. I find it hard to believe that a political party counts as a "win" its ability to make sure that no help goes to relieving overcrowding in public schools. That is a mark of shame, not a badge of honor. The education of our children is our future, not simply another spending item.

I am also very pleased with the tax provisions that have been incorporated into this bill. The most important of these changes, besides the tax extenders, is the one year relief for middle income American families from being thrown into the alternative minimum tax simply because they use the dependent care credit, the adoption credit, or the child tax credit. I argued strongly through the development of the 1997 tax bill that these credits should be excluded from the alternative minimum tax, but the offsetting revenue to do this was needed by the other side to achieve their objectives in that bill. I subsequently introduced legislation to remove these items from the AMT, and I am pleased that this bill removes these credits for 1998. In a small bill like this, a one year exclusion is the best that can be done. While I would have preferred to fix this permanently before I left Congress, it is more important that the principle has been established that these credits should be excluded, and I am confident that the committee will find a means of accomplishing this during the 106th Congress.

The other tax items I am very pleased with is the increase in the private activity bond cap which has not been adjusted since 1986. State and local governments issue tax-free bonds primarily to fund important economic development projects and to make it easier for people to buy homes. In Connecticut, for example, increasing the volume cap will mean an additional $82 million for first-time home buyers or economic development projects. The legislation I introduced to increase the cap had widespread bipartisan support; in fact only one other bill in the 105th Congress had more cosponsors. I cannot think of a better way to end my congressional career than by enacting this type of legislation, and I very much appreciate the help I received from the chairman of the Ways and Means Committee, Mr. ARCHER, and the ranking minority member, Mr. RANGEL. I have very much enjoyed working with both of them throughout the years, as well as the other members of the committee and the staff, who represent the best Washington has to offer.

Mr. Speaker, I support this bill and hope it will be approved by an overwhelming margin.

Mr. LEVIN. Mr. Speaker, this budget agreement can be summed up in four words: Bad process, good result.

There is an old saying about how people with weak stomachs should never watch sausage or laws being made. The process we are following today gives sausage makers a bad name.

The process by which we arrive at today's budget agreement is indefensible. This year—for the first time in the 24-year history of the Budget Act—the House and Senate failed to agree on a budget resolution. More than half of the thirteen regular appropriation bills were never completed.

The majority dragged its feet all year on scores of other important matters. Whether it's providing emergency funding to deal with the year 2000 computer problem and natural disasters, or recapitalizing the IMF, or extending critical tax provisions like the research and development tax credit, the country's business shouldn't have to wait until the 11th hour.

The breakdown in the budget process rests squarely on the shoulders of the majority and its leadership. The result is that we are considering a $500 billion, 4,000-page, catch-all bill, with no amendments allowed. This is no way to legislate.

No thanks to the process, on balance, the budget agreement before us contains many of the priorities I have been fighting for this year. The agreement contains funding to begin hiring 100,000 new teachers to reduce class size in schools across America. It expands Head Start and provides for after school and child literacy programs.

The agreement is true to our commitment to save Social Security first. it rejects Republican efforts to raid $80 billion of the Social Security surplus. The agreement provides critically needed funding for the IMF so it can respond to the financial turmoil abroad that, left unchecked, threatens to undermine our own economy.

The agreement provides funding to help solve the serious Year 2000 computer problem. It increases funding for the National Institutes of Health to combat diabetes, cancer and other diseases. It funds the COPS Program to put more police on our streets. It makes necessary improvements to Medicare's home health care rules. Finally, this agreement strips out dozens of special interest, anti-environmental riders that had been inserted into the appropriation bills.

Unfortunately, other important goals were not achieved. The majority succeeded in blocking comprehensive campaign finance reform, blocked action on a meaningful Patients' Bill of Rights, and prevented the President's school construction initiative.

While the process was seriously flawed, and the bill before us does not address all concerns, I will vote for the budget agreement. I urge my colleagues to support it as well.

Mr. HINCHEY. Mr. Speaker, earlier this year, I joined with my colleague from Oklahoma, Mr. WATKINS, to introduce the Rural Enterprise Communities Act. Tucked away in this monster of an omnibus is a small provision that contains the heart of our bill—the authority for the Secretary of Agriculture to designate 20 new enterprise communities in rural areas.

Mr. WATKINS and I believed that this legislation was absolutely necessary to address the problems facing rural America. It is easy to forget that nearly 800 non-metropolitan counties have high poverty rates. Much of the nation's substandard housing is located outside of urban areas, and the distances between places and the lack of public transportation magnify the economic problems in rural communities.

The rural empowerment zone and enterprise community program is an example of an economic development program that works. Since 1993, these communities have created or saved nearly 10,000 jobs, and provided job training to more than 14,000 people. They have used their federal funds in partnership with private resources to build or upgrade health care facilities, schools, computer learning centers, and housing.

A key factor in enterprise communities' success is their ability to work closely with local governments, regional planning authorities, and the private sector to leverage the maximum benefit from their funding. The money we appropriated for this program accounted for a little less than 10 percent of the economic development dollars spent in the rural ECs. The vast majority of the money for the projects I described came from other competitive federal grants, state and local funds, and the private sector.

When the EZ/EC program was reauthorized last year, it provided for only five new rural enterprise communities. More than 200 applicants are competing for these designations, proving that our communities are starved for effective economic development programs. This is why we believed it was so important that these 20 additional designations be included in the omnibus appropriations bill.

When Mr. WATKINS and I introduced our bill, we wanted to make sure that the Department of Agriculture had the flexibility to consider factors other than poverty that contribute to rural distress. These included criteria such as outmigration, underemployment, and sudden and severe economic distress of the type that might be caused by the closure of a military base or a factory. We hoped that the Secretary of Agriculture will take these sorts of things into account when he is considering which communities qualify for the rural enterprise community designation.

As I conclude my remarks, I wish to thank all of my cosponsors from both sides of the aisle for insisting that the Rural Enterprise Communities Act be included in the omnibus appropriations legislation. It was your support—and the very vocal efforts of our communities back home—that convinced the administration that this program was worth fighting for.

Mr. BARR of Georgia. Mr. Speaker, I rise today to speak about a very important provision in the omnibus appropriations conference report, H.R. 4328. This issue is extremely important to my constituents and to many other Americans concerned with their second amendment rights. This issue deals with the implementation of the so-called Brady Act relating to gun purchases. The implementation of the Brady Act is primarily the responsibility of the Federal Bureau of Investigation (FBI), which is funded by this bill through the Department of Justice. This appropriation bill contains a number of relevant provisions which will continue the original congressional intent with respect to the implementation of this law.

First, I would like to examine some of the history of the Brady Act. The expressed purpose of the Brady Act is to provide for background checks on gun buyers, and it does that in two ways. First, there is an interim "waiting period" provision under which persons buying handguns must wait five days before taking delivery. During that time, a report of the sale is to be sent to local law enforcement officials, who are supposed to conduct a background check of the buyer to determine that the buyer is not disqualified from owning firearms. However, the provision mandating that local officials perform the background check has been found unconstitutional by the Supreme Court. That is why the Congress also mandated that as of November 30, 1998—a full 5 years after the passage of the Brady Act—the waiting period would sunset and be replaced by a computerized national instant background check system operated by the FBI. The 103d Congress believed, as the majority of us in the 105th Congress believe, that the instant check would be an effective system that would be less intrusive on the rights of gun owners.

Although I was not a Member of this body at the time, the operation of the instant check system was believed to be a national responsibility that would be paid for nationally, rather than by a retroactive "gun tax" levied on individual buyers. In fact, the Brady Act itself authorized $200 million to be made available to the States for the upgrading of their criminal history record systems. Over the past 5 years, nearly that sum has been made available to the states through the Department of Justice grants from appropriated funds, and the FBI has additionally spent funds to create the necessary infrastructure for the instant check system.

However, Mr. Speaker, there has been a series of proposed rulemakings by the FBI in which it proposed a "user fee," or more accurately termed, a "gun tax," in the neighborhood of $14 (or more) on each firearms transaction checked by the instant check system, supposedly to cover the costs of the system. Due to the outcry from my constituents, and the constituents of many other Members, I introduced a bill, H.R. 3949, which would prevent the FBI from charging such a fee. Likewise in the other body, Senator BOB SMITH of New Hampshire introduced a similar amendment on the Commerce-Justice-State appropriations bill which would prevent the FBI from charging such a fee. The Smith amendment passed the Senate by a vote of 69 to 31, attesting to the support such an undertaking has.

As a result of the efforts by Members of the House, Senator SMITH, Senator CRAIG, and other colleagues in the other body, this omnibus appropriations bill includes a provision banning the FBI from charging a gun tax. In addition, the bill includes more than $40 million in funding for the operation of the instant check system to carry out its mission.

I now turn to another extremely important, related issue. In 1993, during the debate on the Brady Act, the Congress expressed concern with preserving the privacy of gun buyers, and not allowing the instant check system to turn into a national computerized gun registration system. The establishment of a gun registration system would obviously be of great concern to gun owners. Gun registration systems have been used in many foreign countries, and in United States jurisdictions including California and New York City, to confiscate firearms from citizens.

To address those concerns, the Brady Act contained explicit language, codified as 18 U.S. Code, Sec. 922(t)(2), which provided that once a firearms transaction is approved, the system shall "destroy all records of the system with respect to the call (other than the identifying [transaction] number and the date the number was assigned) and all records of the system relating to the person or the transfer." This was intended to prevent the FBI or any other agency from using the system to keep a listing of everyone approved by the system to buy a firearm.

Another relevant provision is Sec. 103(l) of the Brady Act itself as a non-codified law, which establishes a "Prohibition Relating to Establishment of Registration Systems With Respect to Firearms" and provides that "No department, agency, officer, or employee of the United States" may use the instant check system "to establish any system for the registration of firearms, firearm owners, or firearms transactions or dispositions" except regarding persons prohibited from receiving firearms.

The gun registration issue has been a great concern to this body in the past. For instance, for a number of years, the appropriations bills for the Department of the Treasury have contained a prohibition on expending appropriated funds for centralizing records of acquisitions and dispositions of firearms by licensed dealers. Language codifying that position of a prohibition is concluded in H.R. 4328 as well.

The Congress also acted on this issue in the Firearms Owners' Protection At of 1986, when it forbade agencies from issuing rules or regulations requiring the centralization of records of firearms licensees, or requiring the creation of systems of "registration of firearms, firearms owners, or firearms transactions or dispositions."

The FBI has proposed regulations on instant check implementation included in its recently released proposal to keep records of firearms purchasers' personal identifying information for a period of 18 months, in its so-called "Audit Log." It is my opinion, and the opinion of many of my colleagues here today, that a regulatory proposal to maintain records of approved firearms purchasers' personally identifying information would violate the letter and spirit of these provisions we have discussed, both in the Brady Act and the Firearms Owners' Protection Act.

For the purpose of enforcing those provisions, both H.R. 3949, and Senator BOB SMITH's amendment prohibited the FBI from maintaining records of approved purchases. Mr. Speaker, I am very pleased to report that H.R. 4328 includes a very important provision forbidding the use of appropriated funds to create any instant check system that does not "require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm." This language is carefully crafted to ensure the FBI complies with all the provisions of the Brady Act and the Firearms Owners' Protection Act which prevent this system from turning into a gun registration scheme to restrict the second amendment rights of law-abiding Americans.

Mr. Speaker, I want to thank Chairmen LIVINGSTON, ROGERS, and STEVENS for including this very important language in this appropriation bill. I look forward to revisiting this issue at a later time through the oversight process to ensure that the FBI obeys this law.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, notwithstanding the important and needed transportation funding included in the measure, I stand in firm opposition to certain provisions included in the omnibus appropriations bill, H.R. 4328. In particular, I am opposed to the provision that would effectively allow states to veto projects specifically provided for by TEA–21 and included in this appropriations bill. When I and my fellow colleagues on the Transportation and Infrastructure Committee drafted TEA–21, it was our intent that all monies devoted to "high-priority" projects would have to be spent on those projects or states would lose the allocations. There were many discussions and much testimony about this issue. In hearing after hearing, state governments consistently argued that they should be allowed to reallocate obligation limits for TEA–21 high-priority projects to other projects that they deem more important. The full Transportation Committee felt differently, and that is precisely why we drafted TEA–21 to mandate specific spending on specific high-priority projects.

For instance, southern Dallas, which comprises a large part of my district, is badly in need of road and infrastructure improvements. However, this area has been largely ignored by the Texas Department of Transportation in favor of other projects in more affluent areas of the state. The opinions of city and county elected officials as to the needs of their constituents have consistently been overridden by the Republican appointed and partisan Commissioners of the Texas Transportation Commission. In TEA–21, I was able to secure funding for this area long awaiting revitalization efforts with the understanding that, for once, the money would have to go there.

I am not alone in this struggle. Many of my colleagues have been in similar situations during which their districts were consistently passed over by their state governments when allocating road and infrastructure improvement dollars. TEA–21 was designed to change this diversion of resources and to finally bring improvements to under-served areas. TEA–21 represented a bipartisan attempt to improve the nation's transportation infrastructure, in large part by identifying projects that need to be completed and allocating money to be spent only on those projects.

While it is my understanding that the provision will be removed from the bill in the 106th Congress, I am troubled that the provision exists in the bill at all. It is an irresponsible contradiction of the intent and spirit of TEA–21 and the compromises reached by the members of the Transportation Committee. Southern Dallas, and other areas across the country like it, need and deserve the consideration that TEA–21 provides, not more of the same old treatment. I urge the Republican leadership to remove this provision so that these areas can finally receive that consideration.

Mr. ROGERS. Mr. Speaker, for the Departments of Commerce, Justice, and State, the judiciary, and related agencies, the conference agreement provides a total of $33.7 billion, which includes: $27.6 billion in discretionary funding, $5.5 billion in crime trust funds, and $600 million in mandatory funding.

As in the House-passed bill, aside from the ramp up for the 2000 census, the major increases are for the Department of Justice, to press forward on our number one domestic priority—fighting crime and drugs, strengthening our borders, and protecting against terrorism.

The conference agreement provides $18.2 billion for Justice, an increase of $450 million over fiscal year 1998.

The conference agreement retains the House priority on State and local law enforcement, by providing $4.85 billion including: full restoration of local law enforcement block grant at $523 million; full restoration of the juvenile accountability block grant at $250 million; a significant increase for juvenile crime prevention to $285 million, $47 million over fiscal year 1998; an $1.4 billion for the COPS Program, including $180 million for special initiatives.

Other items in the Justice Department include: An increase of $111 million over fiscal year 1998 for the war on drugs; $283 million for the Violence Against Women Act programs; $2.46 billion for the Immigration and Naturalization Service, under two new accounts, including a $40 million interior enforcement initiative, similar to what was included in the House bill; and $145 million in new funding for counterterrorism measures, including $125 million for equipment grants and training for state and local first responders.

For the Department of Commerce, the bill includes $5 billion, including $1,031 billion for the decennial census, $75 million over the House-passed level, to assure preparations for an actual enumeration.

For the Department of State, and related agencies, the conference agreement includes $5.5 billion, including $475 million for U.N. arrearages, subject to authorization.

For related agencies, the conference agreement includes $300 million for the Legal Services Corporation, and $76 million for SBA disaster loans, with additional funds for disasters provided elsewhere in the bill.

While the conference agreement includes full year appropriations for all agencies, it also includes a provision cutting off funding on June 15. This, in my view, is a very problematic provision. It was inserted as part of the current resolution of the census debate, and holds all agencies, not just the decennial census, hostage to future debate on the conduct of the 2000 census.

This, in my view, is a serious mistake. All of the programs in this bill, such as the Supreme Court, the rest of the Federal courts, the Department of Justice, the FBI, the INS, the DEA, the State Department embassies abroad, and loans to small businesses, could be shut down over a political dispute between the Congress and the administration over how to conduct the census. I cannot believe the administration insisted on this provision, and I cannot believe that the administration wants to hold open the possibility of shutting down these vital functions of government as leverage for its position on the census, that has been rejected by two district courts.

I believe this provision is not defensible, and the blame lays squarely on the shoulders of the White House.

The conference agreement also includes a provision that makes all Government attorneys subject to the ethics rules of State attorneys, effective 180 days after enactment of this bill.

The 180 day delay of the effective date is intended to allow the Department of Justice sufficient time to express any concerns it may have to the Congress about the application of the legislation. The Department of Justice has expressed a desire for the Congress to ask the Department to submit legislative language authorizing the Department to develop and enforce a code of ethics to cover the conduct of its own attorneys. Of course, the Department is free to submit such legislation to the House and Senate Judiciary Committees for their consideration.

In other parts of this omnibus bill, the conference agreement includes a number of provisions that relate to the programs covered by the Commerce, Justice, State, and judiciary appropriations bill. These include: $1.4 billion in emergency funding for the State Department and the FBI to respond to the recent terrorist embassy bombings in Africa, including major upgrades of security at U.S. missions around the world.

$101 million in emergency funding for SBA disaster loans and administrative expenses in response to increased requirements due to Hurricane Georges and other natural disasters.

$20.2 million for additional emergency funding for anti-drug programs of the DEA and INS; $30 million and authorization language for a pollock fishing buy out program; $5 million in emergency funding for the New England multi-species ground fishery; $2 million and authorization language for a Trade Deficit Review Commission; portions of the State Department reauthorization legislation, dealing with the merger of the Arms Control and Disarmament Agency and the United States Information Agency with the State Department, and providing authorizations and other changes in legislative authority with respect to these three agencies; the Chemical Weapons Convention Implementation Act, as passed by the Senate; the Internet Tax Freedom Act, the Child Online Protection Act; the American Competitiveness and Workforce Improvement Act, relating to temporary foreign professional workers; reauthorization of the Police Corps; and several authorizations relating to anti-drug programs.

Mr. MORAN of Kansas. Mr. Speaker, tonight Congress considers a spending bill that is troubling. It is the largest appropriation bill that I have ever voted on and I hope it will be the last time I am asked to vote on this amount of spending. At over $500 billion, it is nearly one-third the entire federal budget. This amount of money is beyond our grasp and the details of this legislation beyond our comprehension under today's time frame.

There are many provisions in this bill that I support, particularly those for agriculture, home health care and education. This bill includes tax reductions for farmers, ranchers, and small business owners. In addition, this bill is critical to the operation of many government functions such as Social Security and our national defense. However, I am certain that there are numerous provisions in this bill which I do not support. Even worse, there are also items in this bill that I cannot be aware of until after I am expected to make a decision and cast my vote. For these and other reasons, I am very critical of the process which brings this appropriations measure to the floor tonight.

I know I am not alone when I say I would appreciate the opportunity to vote on each of the individual provisions contained in this bill. Each provision should be debated on its own merit. Free and open debate is a principle upon which this country was founded and one that we as Members of Congress must work to protect.

That is not to say that I am naive enough to believe that every policy which I support will pass and those I oppose fail. In a democracy we are often forced to make difficult decisions.

While compromise is part of a democracy, we must not compromise the legislative process. We must work to maintain integrity in the process and restore the faith in the way we govern. We can, and must, do a better job in fulfilling our responsibilities as elected officials.

Mr. SERRANO. Mr. Speaker, I rise in decidedly unenthusiastic support for the conference report on H.R. 4328. This is nominally the Transportation appropriations bill for fiscal year 1999, but in reality it is a monstrous omnibus bill that encompasses eight unfinished appropriations bills, arguably more emergency spending than can be justified under the Budget Act, and numerous extraneous items, also the result of Committees failing to finish their work on time. This—thing—is more than 4,000 pages long, nearly two feet tall, and nearly 40 pounds.

Much of the conference agreement is the routine business of Congress that should have been done through the normal process and in a timely manner. Some of it represents bullets dodged—bad provisions from earlier versions of appropriations bills that have been removed or improved in the final negotiations. Some of it is Democratic victories on important programs, such as funding for the President's 100,000 teachers initiative, but the package also represents lost opportunities, including the President's school renovation and construction initiative. I will reluctantly vote for it, but I reserve the unfinished business of America for next year.

From the 100,000 teachers initiative, I am happy that New York will receive nearly $105 million over 6 years, and that the Bronx, of which I represent the southern part, will receive $14.6 million. This is a wise investment in the future of our children, but the lack of any funding for school renovations and construction leaves us wondering where these new teachers will meet their students! Next year, Mr. Speaker, we must address the school facilities issue.

I also intend in the next Congress to propose a program to hire 100,000 new paraprofessionals. Adding teacher aides to classrooms also permits more individualized attention and more discipline, but at lower cost than adding teachers, and beginning as a paraprofessional is a first step on a professional track for less-educated but equally dedicated adults. The two initiatives together will go a long way to prepare our children for self-sufficient, productive adulthood, and for healthier, happier lives.

Mr. Speaker, I would be remiss if I failed to mention three emergency items in the jurisdiction of the Legislative Branch Appropriations Subcommittee, of which I am the ranking Democrat:

The conference agreement includes $100 million for a Capitol Visitor Center, which will not only enhance the security of the Capitol Complex in the wake of the tragic shootings of Capitol Police Officers Chestnut and Gibson and the terrorist threats arising from events abroad, but also improve the experience of visitors to the Capitol by presenting exhibits to help them understand Congress and the Capitol and even by improving their access to restrooms and food service.

The conference agreement includes nearly $107 million for various other physical security enhancements to the Capitol Complex, including Library of Congress buildings and grounds. We do not want to wall the People's Branch off from the public, but there are measures we can take to keep the campus open while enhancing the security of all who work or visit here.

Finally, the conference agreement provides a total of $16.9 million to the House, the Senate, and, through the General Accounting Office, to the rest of the legislative branch, for Year 2000 conversion of information technology systems.

Mr. Speaker, I repeat that, while I will vote for this omnibus bill, it is without enthusiasm. I cannot urge my colleagues to vote one way or the other. But I will say that a great deal of the people's business remains undone. This Congress, under Republican leadership, has failed—has refused—to address abuses in our health care system, to reduce teen smoking, to reform the campaign finance system, and much more. We will be back next year to press ahead on the issues that the American people care about most.

Mr. YOUNG of Alaska. Mr. Speaker, section 06(a) requires the Secretary to allocate ten percent of the total allowable catch (TAC) of pollock in the Bering Sea and Aleutian Islands area as a target species to the western Alaska community development quota (CDQ) program, beginning on January 1, 1999. And, prior to allocating the remaining ninety percent of the TAC of pollock to catcher vessels and catcher/processors pursuant to paragraphs (1)–(3) of section 06(b), section 06(b) requires the Secretary to allocate to the CDQ program the amount of additional pollock that will be incidentally taken by vessels that harvest the directed fishing allowance of non-pollock groundfish species that has been allocated to the CDQ program.

During the 1998 fishing year, the Secretary has regulated the CDQ programs for Bering Sea and Aleutian Islands pollock and for Bering Sea and Aleutian Islands non-pollock groundfish species as two separate regulatory programs. To ensure that vessels that participate in the CDQ pollock fishery are afforded an opportunity to harvest the entire ten percent of the TAC of pollock that subsection (a) allocates to the CDQ program, section 06(a) and (b) collectively direct the Secretary to continue, for the purpose of catch accounting only, to regulate the CDQ fisheries for Bering Sea and Aleutian Islands pollock and for Bering Sea and Aleutian Islands non-pollock groundfish species as separate regulatory programs.

Separate accounting for the by-catch of non-pollock groundfish species in the directed CDQ pollock fishery and for the catch of non-pollock groundfish species in the directed CDQ non-pollock groundfish fishery will prevent the by-catch of non-pollock groundfish species in the directed CDQ pollock fishery from being deducted from the 7.5 percent of the TAC of non-pollock groundfish species that the Secretary has allocated to the CDQ program. This will allow vessels participating in the directed CDQ pollock fishery to collectively harvest as by-catch a small amount of non-pollock groundfish species in addition to the 7.5 percent of the TAC for such species that the Secretary has allocated to the CDQ program. However, the total harvest of non-pollock groundfish species—both as by-catch and in the directed fisheries for such species—shall not exceed the allowable biological catch for each species. And it continues to be the intent of Congress that the Secretary regulate the CDQ programs for Bering Sea and Aleutian Islands pollock and for Bering Sea and Aleutian Islands non-pollock groundfish species in a manner that continues to ensure that no species is subjected to overfishing.

Because they take effect on January 1, 1999, the Secretary must implement subsections (a) and (b) of section 06 by promulgating emergency regulations. However, as soon thereafter as practicable, the Secretary shall implement section 06(a) and (b) by promulgating regulations that have been recommended by the North Pacific Council to implement those subsections and other appropriate conservation and management measures.

Mr. KIND. Mr. Speaker, I rise today in opposition to the 1999 omnibus appropriations bill.

I do not cast this vote lightly. There are some good priorities in this bill—things that I have fought for these past 2 years including funding for improving education and job training, expanding rural health care, protecting the environment, and putting police on the streets. It also funds the International Monetary Fund which I believe is necessary to maintain global economic stability. Indeed, I support the programs which provide relief to America's farmers, summer jobs for teenagers, and higher health insurance deductions for the self-employed.

Furthermore, I am fully aware that it is not unusual for several appropriations bills to be rolled together and passed in this fashion. But this year's bill goes way beyond what may be the usual "rush to the finish" and sets a very bad precedent for future fiscal responsibility.

First, this is the first year since 1974 that Congress has not passed a budget resolution—the blueprint for annual spending. We had no official guidelines for spending this year and, consequently, we now do not know precisely how the spending caps were determined. There is no excuse for this irresponsible method of spending America's hard-earned tax dollars.

Second, many parts of this bill were never considered by any committee or by either chamber of Congress. In fact, some provisions actually reverse language that has already been passed. The largest appropriations bill in this omnibus package is the Labor/HHS and Education bill. It is worth $83.3 billion and it was never considered on the floor of the House of Representatives. Members, such as myself, who are not members of the Appropriations Committee, never had the opportunity to vote on any individual provisions of that bill, we must simply vote yea or nay on the entire bill.

Third, this bill contains $20 billion in so-called "emergency" spending. This money is very deceptive. It is money being spent completely outside of the budget caps established in last year's Balanced Budget Act. This spending is not paid for—and most of it is not crucial emergency spending. It includes spending for military readiness, ballistic missile defense, a U.S. Capitol Visitor Center, Y2K computer fixes, and efforts to prevent drug production and trafficking. These funds may be worthy, but they should be debated, determined to be priorities, and incorporated into the general spending bills.

Fourth, no one really knows what pork projects are contained in this bill. They are hidden deep within the 4,000 page document and there is no comprehensive list for all to see.

Finally, members were given just three hours to review this monstrosity of a spending bill. This bill is insulting to those of us who are deeply concerned about the future of this country and the astounding $5.5 trillion national debt that we are passing on to our children. By passing this bill, we are avoiding the tough decisions we need to make if we are to ever see a budget surplus and shore up Social Security—and if we are ever to lower the national debt.

Mr. Speaker, let me conclude by saying Christmas has come early this year. There's something for everyone's stocking in this bill—but, unfortunately, our children will pay the price.

Mr. BLUMENAUER. Mr. Speaker, investigations and impeachment proceedings have dominated news of the 105th Congress. The disappointing reality is that, by scheduling less legislative business than any Congress in a generation, the Republican leadership has provided little else for the press to cover. People on both sides of the aisle will admit as much with little or no prompting.

This year we have not even passed a budget resolution, the first time in 24 years that Congress has failed to provide this framework. When division and confusion arose in the Republican caucus, they chose to abdicate their responsibility rather than work with the Democrats to put together a budget compromise.

Over what issues did the Republicans allow the budget process to be held hostage? Conservative extremists brought fiscal planning to a halt for days to fight over such policies as whether federal health insurance recipients should be guaranteed contraception coverage. Somewhat ironic for people who claim to be against abortion.

Because of all the delays and infighting, I am now being asked to vote on one spending bill that encompasses a third of the entire federal budget. While we are still in the process of learning what is in the bill, what is known is alarming. This bill provide $7 billion in excess of last year's budget agreement and adds an additional $21 billion in so called emergency spending, stretching the definition of "emergency" to the breaking point. It also increases military spending by nearly $9 billion—too much, and for the wrong items. The Republicans chose to provide questionable funds for the "star wars" program, while ignoring the need for adequate compensation and retirement for military personnel.

I must reluctantly vote against this omnibus bill. I say "reluctantly" because there are a few very positive provisions in the bill. Democrats have managed to win additional funds for new teachers and a number of environmental programs and these gains should not be minimized. However, I cannot condone the process by which this legislation was created or its misplaced priorities.

I have searched for any rationale to justify this fundamental breakdown of Congress. There was, however, no national emergency, there was no physical crisis, and there was no attempt at bipartisan cooperation. Instead, inaction, special interest pressure, and members' desires to go home have allowed us to accept this unusual process.

Hopefully, something positive will come from this episode. Perhaps the American public will pay more attention to how their tax dollars are managed. Perhaps these issues will become an object of attention during the election process. Perhaps these developments will even inspire future fiscal cooperation, similar to the cooperation which has successfully fended off environmental attacks and continues to attempt to restore some degree of civility to congressional operations.

Every Member of Congress should be motivated to prevent a repeat of this failed budget process in the 106th Congress, regardless of which party is in charge. I am inspired to begin this conversation now, while the memories are still fresh. This bill be one of my highest priorities of the new year.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise this evening to express my extreme disappointment with the failure of this Congress to promote education for all American children. Providing quality education to our children is one of the most important responsibilities we have. As the only Member of Congress serving on the National Commission on Teaching and America's Future, I must speak about the lost opportunities for funding education in this Congress. The National Commission is comprised of governors, university presidents, state superintendents, superintendents of schools, principals, and educators from across the country. We have worked for years to evaluate the needs of students and have made recommendations that will improve the quality of education for all students. Our top recommendation is to improve the quality of our teachers by reducing class size and improving teacher training. I introduced legislation to implement these recommendations. In fact, there have been several good proposals to improve the quality of education, but unfortunately, the majority of this Congress has not seen the need to provide the infrastructure of education for our children.

That's just not fair to the public school children of America. Instead of working together to support the Democratic plan to reduce class size and modernize public schools, the majority of this Congress talks about school vouchers. The truth is that vouchers weaken public education. What will increase the quality of public education in this country is to pass the plan that the President proposed last January—let's reduce class size by adding 100,000 new, qualified teachers. Let's pass the plan to modernize our public schools so our children are in a safe and healthy environment to learn—not decrepit old buildings that are leaking and crumbling around them. Instead of supporting this proposal, the majority of this Congress tried to turn federal education aid into block grants with no accountability to ensure that funds will go where they are most needed, especially to poor and undeserved students.

Ninety percent of the nation's families send their children to public schools. The right to a quality public education for all children is part of the very foundation of our democracy. Whatever public resources we have available should be used to improve our public schools—not to fund private schools.

By directing more resources to public schools—instead of gimmick savings accounts—we can help parents, teachers, and administrators meet the important education challenges facing the vast majority of our children. As an educator and administrator in the Los Angeles Unified School District for many years, I can personally attest to the critical need to put more dollars into our public schools—not less. High technology and computers in every classroom do not leave any children behind.

That is one of the reasons I support full funding for the E-Rate program which will help provide needy public school students with better access to telecommunications technology, including the Internet and other educational media.

Congress should be working to reduce class size in the early grades and reduce class overcrowding. The average class size in the early grades ranges from 32 to 36 students—this is much too large for effective teaching and learning. Research demonstrates that reducing class size in the early grades will: (1) raise the level of student achievement in reading and math; (2) improve classroom discipline; and (3) better ensure that children are receiving the personal attention they deserve. That's why I support the President's initiative. This will help reduce class size in the early grades to 18 students across the country.

Congress should also be working to improve the quality of teachers teaching our children. We must have the best-trained teachers if we expect our children to be the best they can be. That is why I introduced teacher excellence legislation to change the way teachers are trained and to improve the quality of teaching in America's classrooms. We must provide every student in America with access to competent, qualified and dedicated teachers. We must provide a comprehensive approach to teacher training that provides professional development for veteran teachers. We must also provide mentoring for beginning teachers by veteran teachers who've spent years in the classroom and can share a wealth of experience with those just entering the profession. I believe that we must restore the stature and importance of the profession of teaching in our communities. There really is no higher professional calling than teaching and preparing our children for this new millennium.

These are just a few of the ways Congress can make a real and positive difference in the education of America's children. Education savings accounts and school vouchers will not do a thing to improve the quality of education for America's children except take precious dollars away from where it's needed the most—America's public schools.

It's not too late—I urge my colleagues to put the dollars where they are needed most—for educating America's children.

Mr. THORNBERRY. Mr. Speaker, in a bill this huge, there are obviously a number of good provisions and a number of provisions that are not so good. Each of us is called to weigh the good and the bad and to render our best judgment on the whole.

While this bill does continue funding for a number of important government programs, I am particularly interested in the assistance to farmers and ranchers hit hard by the worst year for agriculture in my lifetime. My district has been devastated by the most severe drought in 103 years. Those who did produce a crop found that they were offered extremely low prices while their costs of production only continue to rise. It is essential that we try to do something to offset the effects of drought and a world market which is neither free nor fair. The disaster assistance, market loss assistance, and tax provisions will be a significant help to producers in my district.

I am also very concerned about the state of our defenses, and the many years of real cuts in spending on our military. There are some additional resources for defense in this bill, and those are badly needed. The additional push for missile defense and the extra resources to compensate for readiness shortfalls are essential. Likewise, it is better to appropriate additional funds for the Bosnia operation than it would be to further reduce our readiness and modernization to pay for it.

But, as badly as these additional funds for our military and intelligence efforts are needed, no one should think that this bill solves all of our problems. We have a serious mismatch between policy and resources which must be resolved. We also have to make tough decisions to ensure that the country gets the maximum benefits of each dollar spent on defense. Those decisions cannot be put off much longer.

There are a number of other provisions in the bill which I favor, yet I am also very disappointed that there is no broad tax relief contained in this bill. Families are having a tough time making ends meet all around the country. We had an opportunity to let them keep more of the money they earn, but we have not taken advantage of it.

I am also disappointed that we have not done more to address the severe problems many of my constituents are experiencing with home health care. This administration has mishandled this issue at every turn, and innocent people are suffering because of their ineptitude. We should have done more to remedy the situation.

There are a number of other provisions which I would vote against if I had the opportunity to vote on each of them. Unfortunately, none of us has that opportunity. We must vote on the entire, forty pound, four thousand page document. So, I will reluctantly vote for this bill.

At the same time, I have to express deep regret at this process which yields a gigantic bill, containing much of the year's work, for a single up or down vote. While Members know the major provisions in this bill, none of us has had the opportunity to become familiar with all of the provisions. That is wrong. It is absolutely essential that we overhaul the budget and appropriations process to prevent a repeat of this kind of legislation.

Mr. CASTLE. Mr. Speaker, I must reluctantly oppose the omnibus appropriations bill. I do so with disappointment rather than anger, because a lot of hard work went into this giant legislation. But what was necessary to get agreement with the President on this bill undermines our hard-won commitment to fiscal responsibility and could threaten the balanced budget.

The omnibus bill increases spending to a level that is not sustainable in future years unless we abandon the 1997 Balanced Budget Agreement. There may be arguments for amending the Balanced Budget Act. We have reached a balanced budget much faster than anticipated and perhaps we should revisit the agreement. But not in this manner. This is a backdoor way to avoid the spending limits the President and Congress agreed to only one year ago.

Mr. Speaker, we must face facts. This bill is spending the surplus. It is spending the Social Security surplus. This bill will reduce the 1999 surplus by at least $20 billion. The President has been less than candid with the American people. He has said that he wants to save the surplus to save Social Security. What he really means is that he will save whatever is left of the surplus for Social Security after he gets all the additional spending he wants for other programs. He will not use the surplus for tax cuts, perhaps that is the right policy. But he should own up to the fact that he is spending the surplus on other Government programs. The amount available to strengthen Social Security will be reduced by at least $20 billion in this legislation.

Mr. Speaker, I know that negotiations between a Republican Congress and a Democratic President are never easy. There is no way this could be a perfect bill. I think Chairman LIVINGSTON and his subcommittee chairs have tried to get their work done. We also have to face the fact that there are real emergencies that require funding—the drought and income losses facing many American farmers and the damage from hurricanes and floods that affected areas of the Nation this year. However, the President has tried to take advantage of these legitimate emergencies and requested billions more in additional funding for programs that are important, but are not emergencies and should not be funded outside the budget agreement.

Putting a bill together to fund the eight remaining appropriations bills is a tremendous task, but frankly not many tough decisions were made in this omnibus bill. Instead, what was decided was to spend more money on everything. The President is the checkout clerk and we are buying our way out of town. The President clearly had the upper hand. He knew that it was the end of the session and Congress must adjourn, so he demanded funding for his priorities that he could not pay for within the budget agreement Congress was up against the wall, and the solution was to spend more money on the President's priorities and also spend more money on congressional priorities. That is no way to govern. We are setting a bad precedent and setting the stage for more increases in spending next year and the year after.

Mr. Speaker, I don't deny that much of what is in this bill is worthwhile. There is increased spending for medical research; for education; for anti-drug efforts and to improve readiness in our armed forces. If these things are needed, the President and Congress should tell the American people they are needed now and that we are going to use part of the surplus to pay for them. We should reopen the budget agreement and set new spending caps. But that is not what we are doing. We are designating $20 billion of this new spending as emergency spending to get around the budget caps. Thank goodness the surplus is projected to be at least $80 billion in 1999, because we are spending $20 billion of it right here.

The President has not told the American people the full story on what he wants to do with the surplus, but Congress is also to blame by delaying these eight bills until the end of the session and giving the President the opportunity to set up the most expensive exit toll in recent memory.

A better alternative to this omnibus bill would be to pass a continuing resolution for fiscal year 1999 that fund these programs at the 1998 levels. We could pass emergency appropriations for the most pressing needs of the farmers, other natural disasters and possible Bosnia operations at less than half the cost of the $20 billion in this bill. If more spending is needed for other priorities such as the year 2000 problem or Bosnia operation, there should be a legitimate effort to offset that spending with other reductions in lower priority programs. I helped put together a list of possible offsets. They were not perfect, but they did offer some options.

We should come back next year and craft a new budget agreement that saves Social Security, and then recognizes whatever is left of the revised surplus and uses that for a balanced plan of debt reduction, spending on other priorities like education, and affordable, fair tax reductions.

In addition, we should make emergency spending part of the budget and set aside funds each year for emergencies. A budget reserve account or rainy day fund is a better way to fund emergencies we know will occur each year.

This legislation is necessary to fund our government, but let's not pretend that it is a great victory. It is a bad compromise that relies totally on the surplus to hide an increase in spending that violates the budget agreement. It may be necessary to avoid a stalemate that causes a government shutdown, but it is no great policy victory. We have taken the first step down the slippery slope back toward irresponsible spending. I hope we learn a less from this flawed process, return to sound budget practices and protect the balanced budget.

Mr. SMITH of Oregon. Mr. Speaker, I rise in support of H.R. 4328, the omnibus appropriations conference report. This will be our last chance to provide the temporary crop and market loss assistance that our farmers need so desperately at this time. It is also an opportunity to make much needed changes to tax policy that will help producers remain competitive in the long term.

As I am sure you know, farm country is suffering this year. The conference agreement contains the provisions H.R. 4618, the Agriculture Disaster and Market Loss Assistance Act of 1998, which is critically needed at this time.

The upper Midwest is suffering as a result of devastating multi-year disease problems in their wheat crop. On top of that, their farmers and ranchers have been severely injured by flood and blizzard in recent seasons.

A dramatic drop in commodity prices for wheat, corn, livestock and other commodities have created tremendous economic pressure in farm country.

The price drops are a result of circumstances beyond farmers and ranchers control. These circumstances include economic dislocation such as the economic crisis in Asia and Russia and our own nation's unilateral trade sanctions.

Farmers also suffer from a failure of the government to pursue trade opportunities aggressively. The President refused to support passage of fast-track negotiating authority, a failure that will severely limit our ability to address trade problems and expand markets throughout the world.

President Clinton allowed the fiscal year end without utilizing $150 million in Export Enhancement Program funds necessary to protect our markets from unfair foreign competition. This is another lost opportunity to sell U.S. commodities.

And the President has done virtually nothing to resolve the ongoing trade disputes on wheat, cattle and barley with Canada that are of tremendous importance to our hard-pressed farmers and ranchers.

We also have wide areas of weather-related disaster this year. We watched all summer as drought conditions and excessive heat in Texas, Oklahoma, and throughout the South, destroyed crops and burned up pasture.

Adding insult to injury, a succession of hurricanes and tropical storms swept through Texas, Louisiana, Mississippi, Alabama, Florida, North Carolina, and Georgia adding to the crisis for our farmers and ranchers.

Today, we have the opportunity to enact a fair and responsive package to help relieve the complex problems in farm country.

This package was developed with the full cooperation and support of leadership in the House and Senate. Authorizers and appropriators on both sides of the hill worked together to craft a sound response that we can all take pride in.

The bill provides a total of $2.575 billion for disaster assistance and $3.057 for market loss assistance associated with trade disruptions. This bill will help farmers through this unprecedented combination of adverse market pressure and weather disaster.

Rather than seizing on the opportunity to create new programs needing endless funding, all the assistance in this bill is capped and limited to fiscal year 1998.

We have been fair to producers. This package gives the secretary broad flexibility to respond to all manner of crop disasters, ongoing disease problems, and livestock feed losses.

This approach is necessary for a number of reasons. First, since the growing season is not complete, there is an inability to fully define the extent and nature of the disaster at this time. Also, as a result of the intensity of the weather-related and economic distress, this will expedite the delivery of assistance to producers.

Giving the Secretary maximum flexibility will cut through red tape and allow assistance in a manner most beneficial to individual producers.

Finally, the bill takes steps to help improve the long term safety net for farmers and ranchers through improvements in our tax policy. The bill expands deduction of health care insurance premiums for self-employed individuals. This provision, which increases the deduction by one-third immediately, will help producers lower costs and thus remain competitive.

The package makes income averaging a permanent part of the tax code gives farmers and ranchers another tool to smooth out income spikes that are a part of every farm family's lives.

We have included 5-year net operating loss carryback. This tool works in reverse to income averaging: farm operators may carryback a net loss in its operations to prior years—up to five years back—when the operation paid federal income taxes. Taxpayers may receive a tax refund using the net operating loss carryback.

We need to press ahead with this conference report as quickly as possible so that we can deliver much-needed assistance to farmers and ranchers in dire need this year.

Mr. STUMP. Mr. Speaker, on October 10, the House passed the Veterans Programs Enhancement Act of 1998, H.R. 4110. Included as part of title I of that legislation was a comprehensive resolution of a number of issues concerning Persian Gulf veterans and the government's response to their health concerns. These provisions were derived from House-passed legislation (H.R. 3980) and a bill recently passed by the Senate (S. 2358). For the benefit of my colleagues, I am including a detailed comparison of S. 2358 and the compromise we reached that was included in H.R. 4110 as amended a week ago Saturday.

The other body has not taken up this compromise because of a dispute between one of the cosponsors of S. 2358 and the chairman and ranking minority member of the Senate Committee on Veterans' Affairs. Instead of recognizing that the legislative process requires a willingness to compromise, this particular Senator has insisted that the Committees on Veterans' Affairs accept the text of S. 2358 without change. Failing to obtain assent to his demand, this Senator has held up Senate consideration of H.R. 4110. Further, he has persuaded the authors of the bill before the House tonight, H.R. 4328, to include the language of S. 2358 in it.

In an effort to avoid the inevitable passage of legislation which supersedes the language contained in this omnibus package, H.R. 4328 includes a provision which purports to "repeal" inconsistent provisions of law, including the provisions of H.R. 4110, a bill still pending before the Senate. It is a creative but ultimately futile action. It is a well-settled principle of statutory construction that a later-enacted law supersedes and repeals by implication any inconsistent provisions contained in existing law, even if those provisions were enacted only days earlier. Recognizing the dilemma which he has created by holding up action on H.R. 4110, the author of this provision attempts to absolve the executive branch from its responsibility to carry out all laws enacted by the Congress by declaring that a contrary act "shall be treated as if never enacted, and shall have no force or effect." The clear intent is to avoid the effect of a later enactment. However, Congress is powerless to prohibit itself or a future Congress from changing its position on a particular issue and proposing a different authority or result. Even if one were to conclude that Congress presently has two positions on this issue, the later pronouncement is logically and legally the position which must be given effect, at least until Congress sees fit to clarify the matter further by subsequent action. Thus, the provision contained in this bill, H.R. 4328, is the one which will "have no force or effect" if Congress speaks in a contrary fashion on the same subject, and the President signs the statement into law on a later date.

Mr. Speaker, a casual reader might conclude that the provisions contained in the bill before the House this evening are so similar to the provisions contained in H.R. 4110 that the two bills should be read together and harmonized. However, a more careful reading should lead to the opposite conclusion. Fundamentally, the provision in H.R. 4328 takes a different view than the compromise in H.R. 4110 about the need for dispositive action on an issue of grave concern to the American people and current and past members of the Armed Forces of the United States.

The view taken by the authors of the provision contained in H.R. 4328, the bill we are now considering, is that Congress should have no role in deciding the future compensation policy for veterans. Instead, the provision seems to reflect the author's view that, despite the absence of any scientific evidence that illnesses experienced by Persian Gulf veterans are linked to exposure known to have occurred in the gulf—other than a small number of conditions such as leishmaniasis—we should leave it to the Secretary of Veterans Affairs to evaluate the evidence and arrive at conclusions that are essentially unreviewable. My colleagues will note the political irony of this position.

The compromise agreed to by the authors of the amendments to H.R. 4110 as it passed the Hose on October 10 takes a completely different view that cannot be reconciled with the language in H.R. 4328. We believe that the Congress has historically had, and should continue to have, the preeminent role in deciding which diseases or illnesses should qualify for veterans' disability compensation. Thus, the language in H.R. 4110 does not vest the Secretary of Veterans Affairs with authority to create new presumptions that illnesses are service-connected and thus compensable. Instead, it calls on the Secretary to review the available scientific evidence and the conclusions of the National Academy of Sciences and then to recommend to Congress what action if any should be taken by the Congress to authorize benefits. The laws authorizing disability benefits for veterans contain dozens of examples of actions by Congress in which it "presumed" that certain conditions must have been incurred while in military service, so that the United States has a responsibility to compensate for those illnesses. That has always been the role of Congress. The language of H.R. 4110 preserves that role, and cannot be reconciled with the language before the House today. By the fortune of good timing, the Congress' role will be preserved if the President signs H.R. 4110 after he signs this legislation. I urge him to do just that.

A COMPARISON OF S. 2358 AND THE HOUSE-SENATE COMPROMISE CONTAINED IN H.R. 4110

S. 2358	House-Senate Compromise Contained in H.R. 4110
1. Requires National Academy of Sciences (NAS) to review scientific evidence of association between exposures in Persian Gulf and veterans' illnesses.	1. Similar, but expanded to include review of evidence between service in the Persian Gulf and veterans' illnesses.
2. Extends authority for health care of Persian Gulf veterans through 2001	2. Same provision.
3. No comparable provision	3. Authorizes VA health care for veterans of future conflicts.
4. Requires VA and DOD to plan the creation of a computerized information data base to monitor health and service utilization by PGW veterans.	4. Asks NAS to advise whether it is feasible to monitor the effectiveness of VA treatment of PGW veterans and if it is feasible, require VA to do so.
5. Requires VA and DOD to report whether scientific studies recommended by NAS will be carried out	5. Similar provision.
6. Requires VA to inform veterans whether their exposure in the PGW created health risks and the services and benefits available to respond to those concerns.	6. Same provision.
7. Extends and improves VA program to evaluate the health status of spouses and children of PGW veterans	7. Similar provision.
8. Asks NAS whether an independent entity should be established to evaluate and monitor government response to post-deployment health concerns of members of the Armed Forces.	8. Similar provision.
9. Following the submission of one of the reports by NAS described in item 1, authorizes the Secretary of VA to award compensation for illnesses found by NAS to be associated with PGW exposures.	9. Not included. Instead, Secretary to make recommendations to Congress based on NAS report, and Congress to then decide whether compensation should be authorized.
10. No comparable provision	10. Establishes Public Advisory Committee to provide advice on government-funded research into PGW veteran health concerns.
11. No comparable provision	11. Requires NAS to develop a curriculum for training physicians and other health care professionals in treatment of illnesses of PGW veterans.
12. Asks NAS to review whether there are proven methods of treatment for illnesses which affect PGW veterans.	12. Same provision.
13. Requires outreach to PGW vets on health-related information	13. Similar provision.

NOTE.—OMB informally estimates that S. 2358 costs $500 million over five years and $6 billion over ten years in new entitlement spending. CBO's estimate is more modest ($40 million over five years and $540 million over ten years). The compromise embodied in H.R. 4110 has no new entitlement spending.

Mr. PACKARD. Mr. Speaker, I want to acknowledge the efforts of my Republican colleagues in insisting that we devote more resources toward our nation's defense. I am pleased that the omnibus appropriations measure includes critically needed funds for our service men and women.

A Republican Congress is offering much needed relief for our men and women in uniform who protect and serve our nation in the Armed Services. The omnibus appropriations bill has more than $9 billion worth of emergency spending for crucial defense and intelligence needs.

Included in the $9 billion of the omnibus appropriations Bill is $1 billion for the development of a missile defense system. These funds will help answer the emerging threat posed to the United States by the development and deployment of missiles around the world.

Mr. Speaker, the Chairman of the Joint Chiefs of Staff recently stated to Congress that "Without relief, we will see a continuation of our downward trend in readiness next year and an extensions of the problems that had become apparent in the second half of this fiscal year."

Mr. Speaker, we must address the deterioration of our military readiness. The provisions our Republican leadership insisted on in budget negotiations are an important first step.

Mr. BILIRAKIS. Mr. Speaker, I would like to provide additional background information on Congress' intent and understanding regarding section IX of the Labor, Health and Human Services, and Education provisions which may be cited as the "Women's Health and Cancer Rights Act of 1998."

Title IX of this legislation contains the "Women's Health and Cancer Rights Act of 1998." This legislation, which requires coverage for reconstructive surgery following mastectomies, creates two new Sections in the Public Health Service Act—section 2706 which applies the requirement to health insurance issuers providing insurance coverage in connection with group health plans; and section 2752 which applies the same requirement to health insurance coverage offered by a health insurance issuer in the individual market.

Section 2706 requires a health insurance insurer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy to include in their scope of coverage: (1) all stages of reconstruction of the breast on which the mastectomy has been performed; (2) surgery and reconstruction of the breast to produce a symmetrical appearance; and (3) prostheses and physical complication of mastectomy, including lymphedemas, in a manner determined under the terms of the plan or health insurance coverage in consultation with the attending physician and patient.

Section 2752 requires a health insurance insurer in the individual market that provides medical and surgical benefits with respect to a mastectomy to include in their scope of coverage: (1) all stages of reconstruction of the breast on which the mastectomy has been performed; (2) surgery and reconstruction of the breast to produce a symmetrical appearance; and (3) prostheses and physical complications of mastectomy, including lymphedemas, in a manner determined under the terms of the plan or health insurance coverage in consultation with the attending physician and patient.

Additionally, since the act is effective with respect to plan years beginning on or after the date of enactment, it is expected that the Departments administering the act shall follow procedures under which no enforcement action will be taken with respect to a violation of a requirement imposed by the act on a plan or health insurance issuer before the date of issuance of final regulations, if the plan or health insurance insurers has sought to comply with the act in good faith.

It is also the congressional intent that the agencies involved in issuing regulations will follow the same procedures under HIPPA as found in section 104 of the act.

Mr. HILLEARY. Mr. Speaker, I would like to announce my strong support for the Home Health provisions contained in H.R. 4328, the Medicare Home Health Care and Veteran Health Care Improvement Act.

First, I would like to extend thanks to Chairmen THOMAS, BLILEY, ARCHER, and BILIRAKIS and their staffs for their hard work and countless hours spent crafting this legislation.

Second, I would like to say how pleased I am to see that the 15 percent home health reduction scheduled for October 1, 1999, has been moved back a year.

When I wrote my bill, H.r. 4404, the HERO Act, I also made sure to address this problem. I know that without the delay of this draconian provision, the entire industry would likely go bankrupt. This delay now can give HCFA the necessary time to install an efficient prospective payment system.

Also, I would like to commend Chairman THOMAS on his willingness to stick to his guns on this issue and help the low cost states while at the same time not harming high cost states like mine. His per beneficiary formula does a commendable job in balancing the vast differences in the cost structures of different regions.

At the same time H.R. 4328 gives all regions a slight boost in the per visit formula. This is especially important to those who represent rural areas like myself.

Finally, I would like to thank members from both sides of the aisle who have worked tirelessly on this subject, especially Congressmen RAHALL, ADERHOLT, COBURN, PAPPAS, SANDERS, STABENOW, and WEYGAND. If not for their hard work and perseverance, we would not even have this bill before us today.

I do feel that our work is not yet finished for home health. There are many areas still in need of improvement, but this bill clearly takes us in the right direction.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to take this opportunity to speak on behalf of this bill, which sets the funding for almost half of the federal government programs and institutions for the next fiscal year.

For myself and my Democratic colleagues, this is a bittersweet day. While I applaud the efforts my colleagues here in the House and in the Senate put forth to get this deal done, the bill leaves a lot to be desired. Many programs that my constituents have grown to rely on have been unmercifully cut, and others, unceremoniously dumped. At the same time, many important Democratic initiatives, like the Patients Bill of Rights and campaign finance reform, were put off for another year.

Having said that, I applaud the efforts of the President and the Democratic Caucus to put 100,000 new teachers in our classrooms. Although this bill only presents a first step towards that goal, as it only provides for two new teachers for each school district—it is a much-needed first step that must be followed up with funding by Congress over the next couple of years so we can realize the benefits of this initiative.

Teachers are a much-needed resource, one that we ought to rely upon to help us grow productive new citizens. We cannot expect to grow as a society without good teachers to prepare our next generation for their difficult road ahead. I hope that these funds can be used to recruit new teachers that are skilled in the areas of math, science, and engineering—where we need the most help. Furthermore, I hope that the new teachers that we are able to bring aboard are ready to help prepare our children for the information age, and teach them the basic computer skills that all of our children need to progress in the future.

I am also happy to that the final budget contains $871 million in funding for the Summer Jobs Program. That program provides valuable employment services for over half a million disadvantaged youth, 41,000 of whom live in the State of Texas, and 5,000 of whom are from my home town of Houston. In fact, this program provides over 20% of all the jobs that African-American youth aged 16 or 17 hold nationwide. It also provides a slightly lower percentage (13%) of all the jobs held by Hispanic children in that same age group. However, I want to emphasize that Summer Jobs is a program that serves all of our youth, and I am happy to see that it is funded appropriately.

As the founder and Chair of the Congressional Childrens Caucus, I am also happy to report that this bill contains funding for other important programs aimed at helping our youth. Representative PORTER and I worked together to find an additional $5 million in funding to raise the amount for the Children's Mental Health Services Program from $73–$78 million. Goals 2000, which does tremendous work in my district, is set to receive $491 million under this bill, up $245 million from the amount originally set by the House Appropriations Committee. Head Start, another successful program, has received $160 million more under the final version of this bill, in relation to the version authored by the majority. Two other important programs, GEAR-UP and American Reads, which were nullified by the original version of the Labor-HHS bill, have been vindicated to the tune of a combined $1.46 billion. I am also happy to see the enactment of $524 million Hispanic Education Action Plan, which aims to decrease the high-school dropout rate amongst the Hispanic population, which is far too high. I am glad to see these amounts, because I know that this investment in our future, will pay high dividends.

I would also like to comment on the fact that we were not able to get the much-needed funds that would have been used for school modernization projects. Across the country, too many schools are beginning to show their age. They have leaky roofs and creaky floors. Other schools have grown too quickly, and now must conduct class in rooms that are not really classrooms—they are "portables," or even worse, multi-purpose rooms partitioned into pseudo-classrooms. In my district, there are schools that carry rotating lunch schedules simply because they do not have the space to let all of the children eat at lunchtime. I hope that next year, we can help remedy this directly, and return our national school system to the pinnacle of excellence that it has enjoyed in the past.

I am thankful that we here in the House and the administration could come to terms on the International Monetary Fund (IMF). Under this budget, we will be able to help stabilize the global economy that we are truly a part of. Just yesterday, we passed a House resolution that expressed our concerns about what our neighbors and trading partners have been doing to help them stay afloat during these turbulent times. That resolution was necessitated, not because of their plight, but because of the effects here at home. If we need another reminder, we only need to look at the stock market in the last few months, where we have seen a virtual roller-coaster ride develop in response to pronouncements made by our partners abroad. I hope that these funds will help start the healing that needs to happen to get ourselves and our allies back on the right track.

I would also like to note that this final budget fully funds President Clinton's Child Labor Initiative. This initiative includes a tenfold increase, from $3 million to $30 million, in our commitment to the International Program for the Elimination of Child Labor (IPEC) and includes a provision that works to make sure that our migrant youth are not taken advantage of by unscrupulous employers. I gladly endorse both of these plans, because the attempt to make sure that all children have the opportunity to be children, and are not forced to grow up before their time.

I am grateful that we were able to put together a $6 billion emergency spending package of farmers. In my home State of Texas, we have suffered a long and arduous drought that threatens the livelihoods of many farmers that have sown their fields for generations. This bill may not make them whole again, only the good graces of God and a wet winter can do that, but I think it will help them ride out this terrible weather.

Another program that has helped Texans ride out the horrible weather is the Low-Income Housing and Energy Assistance Program (LIHEAP), which is funded at $1.1 billion under this bill. That program truly proved its worth this summer in Harris County, Texas, when it provided $2.9 million for the purchase of air conditioners and fans for families desperately needing relief from the unrelenting heat. That summer heat claimed the lives of several people in the State of Texas this year, and who knows how many more it would have claimed without LIHEAP. Needless to say, I am very grateful that LIHEAP will be here for another year as a result of this bill.

Also of note, as a result of the bargain struck by the administration, we will continue to make progress towards an improved census until June of next year. Under the budget, the Bureau of the Census is allowed to continue their important work through June 15 of next year. I am relieved to know that during that time, the Bureau will be able to work using the same modern methods that are used throughout academic and private sectors—and I look forward to fighting for the use of sampling next session, when we engage in the debate over the use of modern science again. I look even more forward to a time when I can go home to my district and tell each of my constituents that we, here in Congress, pay as much attention to them as we do any other person, no matter where they live or no matter how much they make.

Mr. ARCHER. Mr. Speaker, the conference report on H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, includes a number of revenue and Medicare provisions contained in other legislation considered by the Committee on Ways and Means and recently passed by the House.

Specifically, it includes items from H.R. 4738, a bill to extend certain expiring provisions and provide tax relief for farmers and small businesses, as well as H.R. 4567, the Medicare Home Health Care Interim Payment System Refinement Act.

The tax plan included in the bill does three principal things. it extends a series of tax relief provisions to help businesses create jobs, it helps people coming off welfare as well as other hard-to-place workers to get jobs, and it includes three emergency provisions to help farmers and ranchers who have been hit by tough times so those farmers and ranchers can keep their jobs.

This plan gives farmers and other small business owners a 100 percent deduction for their health insurance costs in 2003—4 years earlier than under current law—and increases the deduction to 60 percent in 1999 through 2001, and to 70 percent in 2002.

I'm particularly pleased about three provisions dealing directly with the farm emergency. One provision lets farmers benefit from permanent income averaging. Another extends the net operating loss carryback period for farmer losses, providing immediate help this year when it is needed the most. The third item protects farmers from having to pay tax on farm program payments until the year in which those payments are actually received.

Due to the importance of this non-controversial package, the time sensitive nature of these proposals, and the unlikely prospect for separate action in the other body, I did not object to its inclusion in the omnibus bill. However, I want to make clear that this is a unique situation. I do not intend to permit consideration of tax proposals in this way in the future. While the outcome was necessary for the Congress to conclude its business, the process was clearly lacking. If nothing else, this experience has confirmed my longstanding belief that the proper method of dealing with tax and appropriations matters is in separate legislation originating from the respective committees of jurisdiction, following regular order. I'm confident that all involved with this legislation intend to return to that in the future.

With respect to Medicare, the Omnibus bill contains the provisions of H.R. 4567, the

Medicare Home Health Care Interim Payment System Refinement Act of 1998, along with a revenue offset.

This legislation is necessary to deal with the situation created by the administration's failure to implement the Medicare home health care prospective payment system on time. As a result, the Health Care Financing Administration is operating under an interim payment system for longer than was intended. The current system is simply unsatisfactory and causing real hardship for our nation's seniors and in the home health industry. Due to the time sensitive nature of the home health problem, I did not object to its inclusion in the omnibus bill.

Let me compliment Ways and Means Health Subcommittee Chairman BILL THOMAS for his tireless efforts to reach a solution to a most difficult situation that is both fair and equitable. I also thank our colleagues on the Commerce and Senate Finance Committees for bringing about this solution. The home health legislation enjoys bipartisan support in the Congress, and has been agreed to by the administration, and should become law.

Ms. DEGETTE. Mr. Speaker, today, I rise in opposition to H.R. 4328, the Omnibus Appropriations Act for fiscal year 1999. While there are a number of laudable items in this product, I am very concerned that we are cutting $20.8 billion or nearly one-third of our budget surplus to pay for it. The budget surplus should be dedicated to preserving the Social Security trust fund, not padding the Pentagon with $9 billion in extraneous spending that it did not request. A throughtful budget process would have allowed us to fund these programs within our spending caps.

Despite the egregious process and irresponsible budgeting that went into this bill, there are a number of important programs funded in it. My district will receive much needed transportation dollars to fund the continued improvements of the Mousetrap and Broadway Viaduct as well as money to build an annex to the Denver federal courthouse. It will receive money for important medical research at both the Colorado Health Sciences Center and National Jewish Medical Research Center. I am also encouraged to see the Congress making an important downpayment to hire 100,000 new teachers in our nation's secondary and elementary schools. I am, however, disappointed that the bill failed to include what I believe is an even more important effort in education—modernizing our schools. I am pleased that the looming Y2K crisis is finally being addressed by the Congress in this bill and after initially being cut by the Republicans, that the Low Income Housing Energy Assistance Program (LIHEAP) was fully funded.

But it is no surprise that in a 4,000 page, forty pound bill that there are some good items. Yet I cannot defend violating our budget agreements of last year and raiding the surplus to pay for last minute political handouts or pork programs. We made a commitment to our seniors to dedicate the budget surplus to preserve the Social Security trust fund. This bill breaks that commitment.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the rule, H. Res. 605, for consideration of the omnibus appropriations bill for fiscal year 1999. About a year ago, Congress passed a new law to balance the Federal budget for the first time in 30 years. Combined with earlier deficit reduction efforts and a strong economy, the Balanced Budget Act of 1997 yielded the first budget surplus in 30 years. Unfortunately, that progress may well be stopped cold by the passage of a highway bill and now the omnibus appropriations bill for fiscal year 1999 and, in particular, the emergency supplemental appropriations portion of the bill. Both are similar in that they are loaded with pork-barrel spending projects and rushed to passage by the House leadership bereft of other accomplishments and eager to adjourn for the year.

I want to note that even though our economy is fundamentally sound and there is a $70 billion budget surplus, we are still running a $5.5 trillion debt that forces us to pay nearly $250 billion per year in interest. We should be using most, if not all, of the surplus to pay down that debt. It is shameful that in a year in which Congress has failed to address many critical issues, including, until now, the world financial crisis, financial modernization here at home, and protection for patients in managed care plans, the only significant legislation that will pass represents a return to the fiscally irresponsible practices that for so long undermined our economy and public confidence in government.

I support the general appropriations portions of this bill. Increasing spending on the National Institutes of Health, education, Head Start, college loans and grants, as well as the long-overdue recapitalization of the IMF, are commendable and indeed critical to our economic health and are offset within the limits of the Balanced Budget Act of 1997. But, the abuse of the emergency spending process and the amount of pork barrel spending are deplorable. No hard choices were made in this budget. The only thing we did was say no to an outrageous tax cut, which would have mortgaged our economic future.

I support the concept and use of emergency spending outside the spending caps, but only for true emergencies. There can be little question in this instance that the emergency supplemental appropriations process was abused and loaded with billions of dollars of spending which do not meet the true test of an "emergency." Yes, there are legitimate emergencies, including agriculture relief and defense readiness. Embassy safety is an emergency. Natural disasters are emergencies.

But pure pork barrel spending is not an emergency. Our troops in Bosnia must be funded, but after 3 years, it is getting on a little long for annual operations in Bosnia to be considered an emergency. New cargo planes or a carrier helicopter the Pentagon did not ask for is not an emergency. One billion more for the strategic defense initiative (SDI), already funded in fiscal year 1999 Defense bill, is not an emergency. Categorizing any spending as 'emergency' spending permits the Congress to escape from making hard choices: do we want to invest in health care or provide tax relief? Do we want more teachers in our classrooms or more money for roads? The Congress will never have to make those choices, which is to say, we will never have to govern.

While the underlying annual appropriations bills are generally good and contain offsets to meet the spending caps, the process by which we are considering this bill may well set a dangerous precedent for using emergency spending as a vehicle to circumvent the budget caps. We may soon regret this. Thus I must oppose this rule. A better way would be to vote separately on the emergency supplemental appropriations bill containing the emergency spending.

I hope that my colleagues on the other side of the aisle have learned a lesson. When you govern, you can't forfeit the business of government to the right wing. The Democrats governed from 1974 to 1994 without once failing to pass a budget resolution and allowing the budget process to be hijacked by a committee other than the Budget and Appropriations Committee. Maybe the majority does not care if government fails. But the American people don't want government to fail and that is why, in the future, we should act more responsibly during the budget process.

Mr. COYNE. Mr. Speaker, I rise today in support of this "must-pass" legislation. This bill provides critically needed funding for health care, education, medical research, law enforcement, transportation, and other top priorities.

As is inevitable with any bill that is several thousand pages long, this legislation is not perfect. I regret that the Republican congressional leadership so mishandled the budget and appropriations process this year that such a massive bill was necessary. I would merely note that this is the first year since the Budget Act was passed in 1974 that Congress has failed to pass a budget resolution. I think that that is a very sad commentary indeed on the leadership—or lack thereof—in the House and Senate this year.

This is not the first year, of course, in which an omnibus bill has been passed. It has often been the case that the most contentious spending issues cannot be resolved until the end of a session, and that the only way that a resolution can be achieved is through a massive bill in which parties compromise and trade off concessions in one account for gains in another. That is, after all, one of the defining characteristics of a democratic form of government. In such cases, legislators must look at the bill in its totality and determine whether, on the whole, it merits their support.

In this case, I have decided that the many positive aspects of the bill outweigh its negatives. I will support it when the House votes on it today, and then, next year, I will work to change any provisions with which I do not agree. That, too, is a hallmark of the democratic form of government.

I am pleased by many of the provisions contained in the bill.

A number of important funding increases are included for federal education programs. The bill includes $1.2 billion to begin carrying out the President's plan of hiring 100,000 more teachers across the country. By hiring these teachers, we can reduce class sizes in first through third grades, where studies have shown that class size has a dramatic impact on learning. The bill also includes the $313 million increase in Head Start that the President requested. School-to-Work programs are increased by $25 million, and the Summer Youth Employment program, which introduces many young people to the world of work, is funded at $871 million—last year's level—despite Republican efforts to eliminate it. Finally, the bill increases the size of the maximum annual Pell Grant, which helps to make higher education more affordable for all Americans.

The Low Income Home Energy Assistance Program (LIHEAP), which provides much-needed help to low-income households in paying their utility bills, will receive $1.1 billion, the same level as last year—despite Republican efforts to eliminate this important program.

Also in this bill, the National Institutes of Health, which fund life-saving medical research, by nearly $2 billion in 1998.

The bill includes $1.4 billion for community policing and $283 million for implementation of the Violence Against Women Act, as well as an increase of $111 million for anti-drug programs.

This legislation also reauthorizes the three Trade Adjustment Assistance programs through June 30, 1999. I have been a consistent and long-standing supporter of these important programs.

In addition, the bill will accelerate the schedule for making health insurance premiums for self-employed individuals 100 percent deductible. Under this bill, 60 percent of such expenses will be deductible for 1999 through 2001, 70 percent will be deductible in 2002, and 100 percent will be deductible in 2003 and thereafter. Under current law, these expenses would not have been deductible until the year 2007.

I am, however, concerned that certain provisions were included in this legislation.

This Congress has failed the 55,000 critically ill patients waiting for organ transplants. Because of a legislative rider attached to this bill in violation of House rules, many of those people will have to wait longer for transplants. They will not have the security of knowing that UNOS, the independent contractor we pay to run the transplant system, is being held to any performance standards. Reliable estimates indicate that during the year of delay caused by this rider, over 200 people who could have been saved will die waiting for transplants.

In the current system, patients wait an average of 2 years in some parts of the country and 2 months in others. Wealthy patients, who can afford to travel to multiple centers to get on their waiting lists, are more likely to get transplants than poor patients. In addition, minority patients, who often require a larger donor pool to get a match, are seriously disadvantaged by a locally-based system.

Transplant patients deserve better. They deserve a system in which every patient has a fair chance to receive a life-saving organ transplant.

After years of study in which input was solicited from patients, medical experts, and the transplant community, the Department of Health and Human Services (HHS) issued regulations requiring UNOS to equalize waiting times by region and meet other basic performance standards. Their decision was supported by the largest transplant patient association. It was also endorsed by many respected, impartial observers, including the editorial boards of the New York Times, the Washington Post, the Pittsburgh Post-Gazette, and most other major newspapers.

Instead of working with patient groups and HHS to design a better system, UNOS launched what HHS Secretary Donna Shalala called "a misleading lobbying campaign," which they financed using the money sick patients pay to be on the organ transplant waiting list. I regret that their campaign was successful. This omnibus appropriations bill includes a legislative rider blocking HHS from implementing the new regulations—in blatant disregard of the public good and blocking a regulation which would have saved hundreds of lives. I strongly oppose this decision, and I will work to correct this mistake early next year.

I also have concerns about another health care issue. While Congress has included changes in the interim payment system (IPS) for home health care in this bill, it has failed to solve the serious problems with the IPS. This April, I joined several of my colleagues in introducing a bipartisan bill which would have corrected this formula. The bill, which has over 100 cosponsors, would have raised payments by an average of $1,000 per patient for home health agencies in my district—preserving access and quality of care for the Medicare recipients who depend on the program's home health care services. The relief provided to efficient home care agencies in this appropriations bill amounts to significantly less than that. Negotiators also failed to make the relief retroactive, something I supported in our bill and again in the Ways and Means Committee.

Democrats wanted to do more for home health care and the seniors who depend on it. During the final negotiations on this bill, the administration and Congressional Democrats proposed offsets for a more comprehensive relief package for home care. Their proposal was rejected by Republican leaders.

While I am disappointed that we were not able to do more, this package does provide some relief for efficient home health care agencies. Even more important, it delays an upcoming 15-percent across-the-board cut, a cut many home care agencies in Pennsylvania told me they could not survive. I believe that the package included in this bill is less than we could have done and less than we should do. But I will support it because I believe it is the best that can be enacted at this time. I plan to continue working to fix the IPS in the 106th Congress.

In conclusion, let me just reiterate that no one will be completely satisfied with this bill. But, on the whole, I believe that this is the best compromise that can be achieved at this time, and I intend to support when the House votes on it in a few minutes.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of the conference agreement. Mr. Speaker, this is not a perfect bill, but it has some very important provisions. I applaud the $1.2 billion downpayment for hiring 100,000 new teachers. This bill begins the task of reducing class size in the early grades to a national average of 18. This provision will help ensure that students receive more individual attention, build a solid foundation in the basics, and help maintain an orderly learning environment in the classroom. This initiative is especially important because the children of the baby boom generation are creating a demographic echo in the classroom. We need new teachers to relieve the crowding and provide the attention each student needs.

I regret that the President's school modernization proposal is not in the bill. This initiative could have leveraged $22 billion in bonds to build and renovate schools, which is sorely needed all over this country.

However, there are many other important education programs funded in this bill, including child literacy, after-school programs, college mentoring for middle school children, funds for education technology and teacher recruitment, Head Start, and charter schools.

Many of the most onerous provisions that had been in the individual appropriations bills have been deleted, including the many, but not all, of the anti-environmental protection riders in the Interior bill. But the bill provides critical funding for clean water, protecting endangered species, and fighting global warming.

The omnibus bill includes major increases in health and science research, with a 7-percent increase for the National Science Foundation, and a 14-percent increase in funding for the National Institute of Health to support greater research on diabetes, cancer, and the development of an AIDS vaccine. The bill's increased funding for the Centers for Disease Control will help us fight infectious disease, and improve prevention of leading killers like heart disease and diabetes.

Other important provisions include: a 10-fold increase in this country's commitment to fight abusive child labor by increasing the U.S. contribution to the International Programme for the Elimination of Child Labor; funding for 17,000 additional Community Oriented Police Services (COPS) police officers; and $79 million to expand food safety.

Finally, I am very pleased that funding was provided for the International Monetary Fund. This funding is essential to avoid letting the Asian financial crisis create a major recession here in the United States.

The bill has some flaws, but I think we got a good agreement, and I urge my colleagues to support it.

Mr. PORTER. Mr. Speaker, I rise, albeit reluctantly, to support H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.

I use the term reluctantly advisedly, since this bill contains many flaws. I will leave to others, at another time and in another place to judge the strategy that has brought us to this legislative and budgetary circumstance. For myself, I will only say that the bill raises profound concerns.

This bill contains within it the Labor-HHS bill—a bill that was considered by neither house of Congress. Surely, this failure is repugnant to the values of representative government imbedded in our Constitution, and should never be allowed to happen again;

The bill is expensive—very expensive, and make no mistake, its out-year impact on the budget will be profound;

This bill contains numerous authorizations, including major tax legislation and significant changes to social and other programs. Some of these provisions are fully conferenced, some passed only one house and some have never seen the light of day in either house. Again, a massive breach of our legislative responsibilities;

While we have increased funding for education, inevitably we also have increased the Federal role, a very troubling turn of events;

Staff is important, and we could not operate without them. However, in the end there are only 435 of us who run this place and in these large bills, the extraordinary volume of material and the highly compressed time schedules means staff plays far too great a role. There may be a few people who understand fully what is in this massive bill, but I doubt that among them are many Representatives elected by the people.

Most importantly, this huge spending and legislative package is the result of tolerance of a failed budgetary process. Not only was there no budget resolution adopted by the Congress this year, we were once again delayed by months by the budget process in starting appropriations mark-ups. The Budget Committee should either be abolished or, at least, should be made to do their work on time. Appropriators, next year, should proceed to mark-up on April 16 whether we have a budget resolution or not. Perhaps the threat of our proceeding will move the budgeteers to work more diligently.

Having said all that, Mr. Speaker, I still support the bill. First because defeating it would not make it better and second, as in many human endeavors, this bill contains many good provisions.

We have provided over a $2 billion increase for biomedical research—the first stop toward doubling NIH in 5 years. This level will accelerate the truly breathtaking advances in treatments and cures for diseases that plague humankind. Let me pause here to stress something about which I feel most strongly: Funding NIH is not an act that benefits one segment of society—not an economic group, not a racial group, not a group of institutions. Disease, it is said, knows no racial, no economic, no geographic boundaries. Successful treatments and cures of diseases that have been the scourge of humanity for centuries benefits us all.

The bill increases funding for other important programs such as Job Corps, Community Health Centers, CDC, drug treatment, youth violence prevention, impact aid, special education, and higher education.

Reforms that are important to many members are in the conference report. These include: Expanded Hyde language; a ban on Federal funding for needle exchange programs; the ergonomics study included in the House reported bill; an additional 1 year moratorium on regulations relating to organ procurements; a requirement that title X clinics report cases of rape or incest; and a ban on the administration's voluntary national test, including pilot testing.

As I indicated at the outset, this is a flawed document. However, given the circumstances in which we found ourselves as negotiators, it is the best we could do. I support it and urge my colleagues to do likewise.

Mr. VENTO. Mr. Speaker, I rise in bittersweet support of this colossal final budget package. This omnibus appropriations measure funds a total of $486.7 billion for fiscal year 1999. This represents the largest single legislative measure in recent history, compiling almost 8,000 pages of text and incorporating eight regular appropriations bills. over the past 2 weeks of budget negotiations that resulted from Democrats' insistence and pressure, this bill is a success in achieving some victories for the American people. These victories include the down payment in 1999 for a 100,000 teacher initiative that will reduce class size; increased funding for such programs as Head Start and After-School Learning Programs; increased investment for the EPA to achieve a cleaner environment; much needed emergency assistance to farmers; funds for the International Monetary Fund (IMF); and $475 million in U.S. debt payments to the United Nations, unfortunately with strings attached. This bill has provisions which move people from welfare to work and empowers communities, advances a strong health and technology research agenda and improves the public health of Minnesota and America. Despite these accomplishments, much work remains. In this bill, the GOP majority has demonstrated an overall record of failure and missed opportunities. This process has not accorded debate or public awareness of our decisions and the impact of this action.

I am pleased to see that this omnibus bill alleviates some of the problems within the original Labor-HHS-Education Appropriations bill. The Republican majority had proposed eliminating important programs which would have shortchanged the most needy and most vulnerable of our Nation's citizens. This version assists millions of America's families with the reallocation of funding for LIHEAP, provides money for crucial education programs and reinstates funding for the summer youth jobs program.

Our public schools face enormous challenges in the next several years, including record high numbers of students, increasing proportions of students with disabilities, billions of dollars in unmet infrastructure needs and the challenge of making education technology available to all students. While there is still much work to be done, this omnibus bill provides funding for critical programs in this fiscal year which will allow school districts to address these challenges. Most importantly, the measure provides funds to reduce average class size and the first wave of 100,000 new teachers, a major step in our work to increase student achievement and improve classroom discipline in grades first, second, and third. These years are critical when basic skills such as reading are attained which we take with us for the rest of our lives.

I also support this measure's funding for the Low-Income Housing Energy Assistance program, or LIHEAP. In the wake of tornadoes, floods, hurricanes, and other natural disasters, the Republican leadership had seized upon an opportunity to create a battle between underserved populations. The original Labor-HHS-Education bill justified taking money out of LIHEAP to pay for an increase in our Nation's medical research program. While I understand the importance of advancements in medical research, robbing Peter to pay Paul would not have alleviated the long-term health, nutrition, and safety problems caused by placing low-income individuals in between a rock and a hard place, forcing them to decide whether to heat, eat, or go without health care. Fortunately, this Omnibus Appropriations bill reflects a more responsible congressional commitment toward the struggles of low-income individuals tempered by a strong democratic administration backed up by the Democrats in Congress. It is my hope that we can strengthen this commitment in the 106th Congress by funding LIHEAP in a manner that reflects the changing economy and adjustments for inflation. I urge my colleagues to continue to express their commitment to a more preventive approach to meeting the needs of underserved populations. While this measure provides smaller classroom size numbers, it does not provide the decent classrooms that are the focal point of learning. Our commitment should match the needs and our rhetoric about the importance of education.

This agreement allocates an additional $15 million for the Community Development Financial Institutions Fund, bringing it closer to the President's request, but only to $95 million. This increase will help the Fund serve more CDFI's and banks in communities around the country. Other positive funds for housing and community development includes $10 million in additional funds for HOPWA (Housing for Persons with AIDS) and $45 million additional funds for new empowerment zones and enterprise communities.

Furthermore, this conference agreement will provide for a 6-month extension of Chapter 12 of the Bankruptcy Code for family farmers. As this Chapter expired at the end of September, its extension is crucial for our farmers who are struggling in a difficult world economy.

I am also very supportive of the inclusion to provide close to the President's request of $18 billion in funding authority that will finally recognize our obligations and responsibilities to replenish the International Monetary Fund (IMF). This credit is vital to serve and replenish the IMF funding base which has been severely depleted the financial crises in Mexico, Asia, Russia, and now spreading to South American countries. I and other members of the House Banking Committee fought for several reforms which were incorporated into the bill which include: the disclosure of IMF decision documents, encouraging the involvement of the private sector creditors in troubled countries and improving the input the IMF receives from the international community. Clearly, in the future this Congress and others will be examining the global financial architecture and its safety nets such as the IMF and the World Bank. The immediate concern, however, was to replenish the coffers of the IMF so that we can address the serious global economic turmoil right now. This funding will ultimately benefit American workers, businesses and farmers by protecting and bolstering our global economic strength.

Moreover, I am pleased that the GOP dropped its restrictive language aimed at foreign organizations who receive family planning assistance from using their own funds to seek to change laws in their own respective country. This important funding for preventive family planning leads to a decrease in unintended pregnancies, a decrease in maternal deaths, and a decrease in abortion.

While this GOP-led Congress has consistently attacked our Earth's natural resources, this agreement does invest in the end help move toward a cleaner environment. H.R. 4328 includes important new investments to protect national parks and forests, restore endangered species, and develop clean energy technologies. Specifically, this measure provides for $1.7 billion for the President's Clean Water Act Plan, $325 million to preserve precious public lands, a 23-percent increase to protect threatened endangered species and funds more than $1 billion, a 25-percent increase, to fight global warming. However, much environmental work still remains for the future because the Republican majority's indifference to reauthorizing and freeing the Superfund cleanup programs. The President called for a 40-percent increase to accelerate Superfund cleanups. While I strongly supported this initiative, the GOP simply refused these funds, threatening to delay cleanup at up to 171 sites in Minnesota and across the country. This is simply wrong. We must correct this as we move into the future.

In addition to the eight appropriations bills incorporated into this omnibus package, H.R. 4328 also provides an additional $20.8 billion in supplemental funds. It is no surprise that the largest category of supplemental funds is for the Pentagon. While I support additional funds for Bosnia peace operations and military readiness, the GOP's insistence on increasing defense spending by $6.8 billion are on top of the $271 billion already appropriated earlier this year which was filled with projects of questionable value. This seems to be important due to the fact of the district and State in which they were built.

Importantly for Minnesota, this agreement includes my legislation that designates a U.S. Post Office in my district of downtown St. Paul the "Eugene J. McCarthy Post Office Building." This bill passed the House in February of this year. I am proud that this historic Minnesotan will receive the honor and respect he has earned for his years of service to Minnesota and our Nation. In addition, an important provision was included for intermodal transportation improvements for the Minnesota Science Museum located in St. Paul. This will facilitate the utilization of resources that Congress has previously authorized.

Overall, this massive Appropriations agreement is a victory for the American people. This is pragmatically based upon the make up of this Congress. I would like this bill without the add-on changes. However, getting this bill passed held up Congress at a price. We have often ducked the serious long-term problems and expended on questionable policy. I have many concerns regarding the policy path to this success. This GOP-led majority has spent the first 9 months of 1998 investigating rather than legislating. For the first time in almost 30 years, we have no budget. The Republican leadership has turned its back on the American people in not addressing school construction initiatives, providing a real Health Patients Bill of Rights to deal with the HMO's, failing to make reforms to our campaign finance system, and ignoring our child by killing tobacco reform and settlement measures to reduce teen smoking. Thankfully, we were able to resist the damage to the Social Security Insurance program. This bill is not governing. This is the failure to govern. I think this points out the failure of the GOP-led House and Senate Congress. No longer have we passed separate policy and spending bills. Rather, all is crammed into one massive omnibus bill. Separate policy and spending measures passed neither the House nor the Senate. These spending measures were not even debated on the floor to Congress.

This Congress for the past 4 years has been bogged down with 50 investigations, 35 of which are still going on. Instead of investing in our people, the Republican majority has chosen to investigate their political opponents. It is the new cottage industry. The results of the Republican leadership's conduct is why we are where we are today. This is wrong and the people's agenda has suffered. It is my hope that the 106th Congress can get back to addressing the real business of the American people.

Ms. HOOLEY of Oregon. Mr. Speaker, when I watched the 104th Congress—the partisanship and the petty games—I was sickened.

I was frustrated by the willingness of a Congress to shut down the entire Federal Government for political gain; and I was frustrated by the proliferation of environmental riders that were attached to spending bills; and I was frustrated by the attacks of that Congress on public education.

Mr. Speaker, we started this Congress on a different note. I am proud of the bipartisan balanced budget that we passed last year, and I had hoped that we could do that again this year.

However, I am deeply disappointed by the process that has been provided for the consideration of this bill. We will vote shortly on a bill to fund over half of the Federal Government. It combines 8 funding bills into 1, and is over 4,000 pages long.

And it is a bill that few people, if anyone, has read entirely. In fact, most Members have been granted only a brief glimpse at the text and have gained most of their information second hand.

And we're at this point because this Congress failed to draft a budget document and to pass the customary 13 appropriations bills.

But while the process has been fundamentally flawed, I will support the passage of this bill today.

To my constituents, it is critical that we maintain the operations of the Federal Government; * * * that we keep channeling the money to our schools, to our farmers, to health care research, and to building transportation systems.

And there are some positive aspects to this bill:

It finally provides the funding for 100 thousand new public school teachers that we've been fighting for throughout the last two years; it expands after-school programs, Head Start, Summer Jobs, and it funds a substantial increase in the maximum Pell grant award; and it provides the funds to put an additional 17,000 police officers on the streets.

Despite shortcomings in this bill and the flawed process of the past few weeks, I think it's critical that we vote today to make this funding available.

Mr. DINGELL. Mr. Speaker, the bizarre process forced upon us by the House's failure to complete its work on time has produced an adequate legislative product in the form of the omnibus appropriations bill. If but a fraction of the time, energy and resources devoted to political investigations went instead toward passing legislation, the 105th Congress might have compiled a substantial record of achievement.

Many of the ill-advised provisions that appeared in earlier versions of this legislation have wisely been dropped. The omnibus appropriations bill is not as bad as it could have been, and even has some provisions to recommend it.

The legislation provides temporary relief to home health agencies that were hurt as a result of cuts required by the balanced budget agreement. The underlying health policy is not perfect, but that is to be expected in a complex issue, and the gimmicks used to pay for the policy leave much to be desired because what is given to home health care now will be taken away later in reductions. Nevertheless, home health plays an important role in caring for the elderly and disabled who depend on Medicare for their health care, and these changes will not adversely affect the access and quality of care that beneficiaries receive.

The Congress may still need to address home health prior to the implementation of a prospective payment system that will provide proper incentives for agencies, but for the moment, we have averted a potential crisis for beneficiaries.

I am also pleased that we were able to help women with breast cancer by including a provision from a bill introduced by my colleague, Ms. ESHOO, that requires insurance companies who cover breast cancer to provide coverage for reconstructive surgery.

Another valuable provision makes available additional funding for the Substance Abuse and Mental Health Services Act's ("SAMHSA") block grant program. My home state of Michigan was slated for a cut of nearly twenty percent in these funds because of a formula change. Under the bill, Michigan will receive a five percent increase.

In the area of trade policy, this legislation contains important monitoring and enforcement requirements designed to ensure that Korea and other recipients of International Monetary Fund (IMF) assistance fully implement their commitments to cease government interference in the private economy. Among other things, these requirements are designed to ensure that the government of Korea does not extend government loans or subsidies to individual corporations, particularly in the auto, steel, semiconductor, and paper industries. In addition, this legislation requires Korea to fulfill all of its IMF commitments "according to an explicit timetable for completion." These requirements are similar to legislation I introduced, H.R. 3573, with Congressman MURTHA and Congressman REGULA.

Despite its claims, Korea has not fully implemented its commitments to the IMF. Our government must exercise strict and aggressive monitoring of how every penny of the IMF assistance is used and what Korea is doing to implement its IMF commitments and to fulfill its trade obligations to the world community. The American taxpayer should not be forced to finance the operation of non-viable, bankrupt Korean auto, steel, and other firms that dump cheap imports in our market and undermine otherwise competitive products made by American workers and American firms.

We need much more than vague Administration statement about being "encouraged" by the progress of Korea's economic reform. Korea has institutions and policies that enable the government to intervene in commercial lending and corporate governance. American workers and American firms have a right to know what Korea is doing to restructure those institutions and to change those policies, so that government intervention in the private economy is minimized, and Korean markets are open to U.S. and other foreign competitors.

Despite these worthwhile provisions, this legislation is not without flaws.

The omnibus appropriations bill includes language conferring a substantial and unwarranted financial advantage to the Tennessee Valley Authority (TVA). The language forgives the prepayment penalty TVA would otherwise be obligated to pay to refinance a taxpayer-funded loan from the Federal Financing Bank. This continues the longstanding tradition of allowing TVA to have the best of both worlds.

We have heard much lately from TVA about its effort to "reinvent" itself as a more market-oriented, business like entity. It even has petitioned Congress to allow it to sell federally-subsidized electricity on the open market. But TVA has several advantages which the non-federal entities it wants to compete against do not enjoy. The most disturbing of these is forgiveness of the prepayment penalty, totaling a billion dollars otherwise due the taxpayer. According to news reports, TVA plans to use these "savings" to help pay down its massive $27 billion debt. This would indeed enable it to better "compete" against other utilities, who are relegated to commercial financing and whose stranded costs will not be shed so painlessly.

This unjustified windfall is an insult to the taxpayer, a misuse of federal funds, and a further obstacle to creating anything remotely resembling a level playing field in the electricity industry. It reminds Congress to cast a dubious eye on future claims that all TVA wants is a fair shot at joining a restructured electricity market on an equal footing with other competitors.

It is also, and finally, worth noting what this legislation and this Congress failed to do.

This Congress did not enact the Patients Bill of Rights to protect consumers in managed care plans from the abuses and excesses of certain bad actors in the health insurance industry. The House instead passed a fatuous bill that would make matters worse for Americans by undermining current law.

This Congress did not improve access to health care for the near elderly. The House was denied the opportunity to vote on the "Medicare Buy-In" proposal which would have provided access to health insurance for Americans age 55 to 64 who, because of termination or reduction of retiree benefits, cannot get private insurance.

This Congress did not help the disabled make a transition back to work by allowing them easier access to health insurance.

This Congress failed to reauthorize the National Institutes of Health, legislation badly needed to set our research priorities.

This Congress failed to enact comprehensive imported food safety legislation.

This Congress failed to enact tobacco legislation to assure full Food and Drug Administration authority to implement teen smoking cessation and prevention programs. Nor did this Congress provide FDA with the resources it needs to perform its existing, and essential, functions.

These and other tasks will await the 106th Congress in January, and do not reflect credit on the 105th Congress.

Mr. CLAY. Mr. Speaker, I am pleased that, due to President Clinton's strong leadership, this bill includes one of the most critical Democratic initiatives, a plan to hire 100,000 new teachers. This measure, which I introduced in the House in May, will help reduce class sizes in the early grades to 18. It is shameful that the Republican majority spent the whole Congress stonewalling critical education initiatives such as this, despite overwhelming public support.

Their refusal to tackle critical educational priorities is the shame of the Congress. The Republican policy toward education is based on the contemptuous premise that education is not the province of the Federal Government. This deathbed conversion on class size reduction demonstrates that the Republicans will do as little as possible on education, and take action only when forced. Today, Republicans continue their staunch opposition to replace dilapidated and overcrowded school houses with new buildings. Where do they think these 100,000 new teachers are going to teach? The broom closets and hallways have already been converted to classrooms in many schools.

Mr. Speaker, Republicans have failed our school children, failed their parents, failed our public school teachers, and failed their responsibility to give leadership in the area of great national concern. They spent almost the entire Congress undermining the Federal role in education. Their scheme to enact school vouchers would have diverted hundreds of millions of Federal dollars earmarked for public school reform to private and parochial schools. Mr. Speaker, the Republican majority tried to repeal affirmative action programs for disadvantaged youth and tried to destroy bilingual education. They tried to block grant key education programs, with the goal of eliminating Federal funding.

But Mr. Speaker, perhaps the Republicans most sinister, most cynical perversion was the attempt to kill the Head Start Program by loading it down with non-germane killer amendments like Head Start vouchers.

Mr. Speaker, Democrats promised we would fight for new teachers and we won. Next year we will lead this Congress and take action to enact legislation to modernize our decrepit, rundown public schools. Unlike many in the Republican party, we will not shortchange America's school children by turning our backs on the public education.

Mr. BUNNING. Mr. Speaker, I rise in support of the bill. It's not perfect, but most of it is good and it deserves our support.

This bill helps our farmers who in the past year have had to cope with natural disasters, drought and falling markets around the globe. The $6 billion in tax relief and disaster aid in this bill is the least we can do for them and represents a victory for rural America.

One of the best parts of this legislation is the $8 billion it allocates for our national defense. None of us wants to return to the "Hollow Force" era of the 1970's when our military was beginning to crumble, and the extra money in the bill before us today will help turn things around. I think that's a victory for the security of all Americans.

There has been a lot of talk about the education provisions in this bill, and the extra spending for teachers. Let's be frank. The $1 billion earmarked in this legislation will only pay for about 30,000 new teachers. But, most importantly, the legislation maintains local control of education. It doesn't mandate national testing, and local school boards get to decide what sort of teachers to hire with this new money—special education teachers, elementary instructors, or whoever will help the children most. That's a victory for the American taxpayer of which we should be proud.

Congress also protected our Constitution on the census issue. The bill funds the Commerce Department and the Census Bureau through next June, giving the Supreme Court a chance to rule on the question of sampling. The Clinton administration has been pushing this untested, unreliable method of counting our citizens, and the bill we are going to pass today puts the brakes on this end-run around the Constitution until the Supreme Court has had a chance to weigh in. I believe that's a victory for all Americans and our constitutional legacy.

For those concerned about economic conditions around the world, the bill appropriates almost $18 billion in funds for the International Monetary Fund to help stabilize the world economy. Even better, the legislation mandates that the IMF adopt meaningful reforms that will help open the doors to that agency and further unleash the powerful force of the free market. I believe that represents a victory for American businesses and consumers.

Notably, the legislation strengthens law enforcement's hand in the war on drugs. Funding for the Drug Enforcement Administration was increased, Federal sentences for certain hard drugs were toughened, and the legislation will reinvigorate the National Drug Czar's office and established anti-drug programs like the Drug-Free Communities Act, and the Drug-Free Schools Program. That's a victory for American children who are threatened by drug dealers and thugs.

As I said at the beginning, Mr. speaker, this bill isn't perfect. No one—Republicans, Democrats, or the President—got everything they wanted. But, in the end, in the spirit of compromise, I believe our leaders crafted a package that we should support. After 4 years of Republican control of Congress, we understand that we can not pass everything we want because of the President' veto power. Likewise, the President can not get everything he wants because his party is in the minority in Congress. This leads us to where we are today: voting on a bill that is the byproduct of negotiation and legislative give-and-take, a bill that represents not a complete win for any one party as much as it represents a win for the American people.

I urge support for this legislation.

Mr. TOWNS. Mr. Speaker, I rise today in support of the omnibus appropriations bill H.R. 4328. Amongst the many important elements in this legislation, including tremendous civil rights victories for Haitian refugees, black farmers, and gulf war veterans, there are two in particular that I want to highlight. The nationwide poison control centers network and the Work Opportunity Tax Credit Program, have proven their effectiveness and necessity.

Poison control centers provide a unique and valuable resource. They are an integral part of a nationwide public health system to decrease accidental deaths. Four million calls, last year alone, were fielded by the centers, ranging from minor to life threatening. Imagine the potential loss of life if each one of those individuals had been forced to rely solely on accessing the 911 system instead. I remain hopeful that the President's budget for FY 2000 will recognize the shortfall in federal funding for the centers. In the interim, we have the opportunity to immediately support poison control centers by passing this Appropriations bill with the $222 million dollar increase in public health initiatives. I am aware that CDC has a number of public health initiatives it would like to fund with these dollars. I implore them to devote significant resources from the increase to the poison control centers network. I believe that there is nothing more important than decreasing accidental deaths due to poisonings.

Another issue I would like to highlight also deals with the needs of America's families who are trying to get a fresh start. As the second generation of welfare recipients affected by "welfare reform" come off the welfare roles it is important that there be employment opportunities. The Work Opportunity Tax Credit program encourages the private sector to partner with the public sector to aid in the welfare to work movement. In just twenty-one months, nearly 450,000 people have been hired through the program, earning a tax credit for their employees. In less than two years almost a half million tax dependents have become tax contributors. This, my colleagues, is a much-welcomed outcome of the program. The tax credit encourages private sector employees to hire welfare recipients and it works.

Unfortunately, the tax credit expired on June 30, of this year. The omnibus bill extends the program for twelve months, and it is now up to Congress to pass this vital legislation. Failure to renew the WOTC program would have a devastating impact on welfare recipients needing to find work. This action would occur just as many welfare recipients are being forced off the welfare rolls as a result of the welfare-reform bill. The WOTC program is a way for at least some of those forced off of public assistance to become employed.

Mr. Speaker, the poison control centers network and the Work Opportunity Tax Credit Program are needed for the well being of America's families. I urge my colleagues on both sides of the aisle to join me in passing this legislation.

Mr. MARTINEZ. Mr. Speaker, there are two provisions in the omnibus appropriations bill which I believe need further clarification. The first issue dealt with an amendment in the House bill to the Individuals with Disabilities Education Act, or IDEA, that would have given school officials expanded authorities to remove children with disabilities from school. I opposed the inclusion of that amendment, because it would have removed critical civil rights protections for children with disabilities.

A little more than a year ago, after years of negotiation, Congress enacted the 1997 amendments to IDEA. These amendments made a number of important changes to the law, including provisions governing the discipline of children with disabilities. The '97 amendments give schools new tools for addressing the behavior of children with disabilities, including more flexible authorities for removing children with disabilities engaged in misconduct involving weapons, drugs, or behavior substantially likely to result in injury. More information is needed on the implementation of these amendments before any additional changes to the law are considered by the Congress.

I therefore support the recommendation of the conferees for a GAO study on the discipline of children with disabilities in lieu of making any changes to the authorizing legislation itself. The conference agreement charges GAO with obtaining information on how the '97 amendments have affected the ability of schools to maintain safe school environments conducive to learning. In order to enable the Congress to differentiate between the need for amendments as opposed to better implementation of the law, it is critical that GAO look at the extent to which school personnel understand the provisions in the IDEA and make use of the options available under the law. In the past, there has been considerable confusion and misunderstanding regarding the options available to school districts in disciplining children with disabilities. In order to determine whether further amendments are needed, GAO should determine whether schools are using the authorities currently available for removing children. These include: removing a child for up to 10 school days per incident; placing the child in an interim alternative educational setting; extending a child's placement in an interim alternative educational setting; suspending and expelling a child for behavior that is not a manifestation of the child's disability; seeking removal of the child through injunctive relief; and proposing a change in the child's placement.

In addition, the law now explicitly requires schools to consider the need for behavioral strategies for children with behavior problems. I continue to believe that the incidence of misconduct by children with disabilities is closely related to how well these children are served, including whether they have appropriate individualized education plans, with behavioral interventions where necessary. Again, to enable the Congress to interpret information on the effect of the IDEA on dealing with misconduct, this GAO report should provide information on the extent to which the schools are appropriately addressing the needs of students engaged in this misconduct. I would be opposed to giving school officials expanded authority for removing children who engage in misconduct, if such misconduct could be ameliorated by giving these children the services to which they are entitled. We need information on the effect of appropriate implementation of the IDEA on the ability of schools to provide for safe and orderly environments, and that is what the GAO study should evaluate.

Finally, I want to emphasize that the provisions in the IDEA for removing children are only needed in those cases in which parents and school officials disagree about a proposed disciplinary action. Therefore, it is important that the GAO study also provides us information on the extent to which parents are requesting due process hearings on discipline-related matters and the outcomes of those hearings.

The second issue dealt with a provision in title VII of this bill, the section authorizing the creation of the Reading Excellence Act. Specifically, I am concerned that this new program may contain a provision placing an unfair burden on local school districts. The Reading Excellence Act requires school districts which are eligible to receive the programs' tutorial assistance grants to notify all eligible tutorial assistance providers and parents about this program, despite the fact that they may not receive program funding.

I hope that the implementation of this provision is accomplished with a modicum of paperwork and that States work to ensure that as little burden as possible falls on the school district. It should be our collective goal to ensure that unnecessary paperwork and burdens on our local schools are reduced so that resources can be focused on students. Clearly, this new provision must be remedied before the program begins and I will work with the chairman and other colleagues when Congress returns to find a workable solution for all concerned parties.

Mr. CONDIT. Mr. Speaker, tonight the House of Representatives is going to pass a $500 billion omnibus spending bill which has been agreed to by the President and congressional leaders. This mammoth bill contains overdue funding for eight of thirteen annual appropriations bills and an additional $20 billion in emergency supplemental spending.

As with any bill of this magnitude, there are many worthwhile initiatives, programs and changes in policy which considered individually would stand on their own merit. On the other side of the ledge, however, there are programs and initiatives that would certainly fail if they were not considered collectively.

Unfortunately, Members of Congress will not have the opportunity to vote on any of the various initiatives contained in this 3,800 page document. I am very troubled that we have arrived at this point as a result of procrastination.

The great hazard of this was realized last week while negotiations between the administration and congressional leaders circumvented the parliamentary and committee process. The process alone was appalling. The result is even worse. Because of that, I will oppose this bill for several reasons.

Chief among my concerns is treatment of the first surplus this nation has realized since man walked on the moon. This bill squanders nearly one-third of that surplus while breaking faith with the American people.

For nine months we in the Congress—both Democrats and Republicans alike—have insisted that any budget surpluses should be invested in shoring up the Social Security trust fund, a tax cut or some combination of the two. It's unconscionable that as we close the 105th Congress both sides have largely abandoned those principles.

We didn't keep our word to the American people. We violated their trust. It's as simple as that.

We're raiding $20 billion from the Social Security trust fund for spending which for the most part doesn't constitute genuine emergencies. Instead of sticking to solid fiscal policy, we are using gimmickry to get around spending caps because we couldn't figure out a way to fund projects and programs without appropriate offsets.

We are voting to bail out the International Monetary Fund. It's no secret that the IMF doesn't work. Yet here we are ready to spend $18 billion with no guarantee that we will fix the problems that has landed the IMF where it is in the first place. If we are sincere about fixing the IMF we must put corrective actions into place first. Hollow promises mean nothing once the check is cashed, Mr. Speaker.

In my district in California's Central Valley we are telling agricultural workers that they don't deserve H1B visa waivers while just across the foothills in the Silicon Valley high tech workers do? That's a terrible double standard.

While I applaud providing funding to hire 100,000 new teachers in America, this bill doesn't have enough money to build the class rooms for these new teachers. It just doesn't make sense and neither does this bill.

Mr. Speaker, this bill doesn't deserve to pass this House. Yet because we are pushed up against a wall we're willing to sell out the American people. I urge my colleagues to defeat this omnibus spending bill.

Mr. KLINK. Mr. Speaker, while I applaud what this budget bill does for education and the environment. I am appalled at what the appropriators have done to destroy the organ transplant allocation policy.

This is a matter of life and death, and as one who believes in the sanctity of life I cannot believe that the appropriators would knowingly kill an effort that would save people's lives.

What I am talking about is that deep within this bill is a legislative rider that will sentence people to a death that could be avoided.

I am talking about the rider that would stop the Department of Health and Human Services from implementing their regulation to make our organ allocation system more fair so more people can live.

The current organ allocation system is patently unfair because it gives higher priority to geography over the health of the patient. To illustrate this, let me point out the attached article from the New Orleans Times-Picayune about Jordan Rosebar, a little girl from Washington, DC. A little girl who died needlessly waiting for a liver and an intestine at the University of Pittsburgh Medical Center (UPMC).

Jordan was only on the UPMC list because UPMC is one of the only centers in the country capable of doing the procedure she needed. What is especially sad about her story is that even though she was by far the sickest patient in the Eastern half of the United States, instead of going to her, the organs she needed went to a healthier patient on a list in Atlanta.

When that set of organs became available in New Orleans, they should have been offered to the person in the greatest need. They could have easily been sent to Pittsburgh. But, instead of saving Jordan, they went to a healthier patient in Atlanta because our antiquated system favors geography over medical need.

This is wrong. Both children could be alive today if we weren't so rigidly tied to the geographical boundaries established long ago and used some common sense. We can and should do better.

Regrettably, there has been more misinformation than good information about what this regulation actually says. Let me explain how we got to this distressing situation and why this rider is such a travesty.

In 1984 Congress gave responsibility for the organ allocation system to the Department of Health and Human Services. Originally developed when there were only sixteen transplant centers, the story of Jordan Rosebar demonstrates how unfair this system has become and how badly these organ allocation policies need to be updated.

The liver is one of the most difficult organs to transplant. Pioneered at the University of Pittsburgh, upwards of 90% of all the liver transplant surgeons today were either trained at Pittsburgh or by doctors who trained there. Yet facilities like Pittsburgh, Mt. Sinai, Cedars-Sinai, and Stanford and other highly regarded transplant centers which take on the most difficult and riskiest transplant patients, are struggling with the longest waiting times in the country.

The real travesty is that, as with Jordan, many of the patients waiting for organs at the larger centers go there, not because of their reputations, but because it is their last resort. There is strong evidence to suggest that many smaller transplant centers avoid the riskier transplants and the sicker patients because they are more difficult and would adversely impact their reputations should they not be successful. The fact is that many patients, like Jordan, only end up at centers like the University of Pittsburgh after having been turned down by their local center.

Currently there are patients from at least 31 states awaiting organs at the University of Pittsburgh, all of whom are dependent on an organ becoming available in Western Pennsylvania or West Virginia. Is it any wonder that our waiting lists are longer than almost anywhere else in the country. Obviously, this is not an issue that impacts people in one particular geographical region, but it affects everyone who is waiting for an organ no matter with state or congressional district they come from.

The fact is that the current system discriminates against people who live near the highly regarded centers with the longer waiting lists. It's not their fault that their local center is one of the few that will take the harder and sicker patients when other centers avoid the harder patients in favor of patients who may be still able to work, go to school, or even play golf.

This isn't right. Whether you live or die should not depend on where you live. Organs do not and should not belong to any geographical or political entity. But, under the current system, depending on where the organ was harvested, it could be given to someone with years to live—while someone, like Jordan, in the next across the wrong border dies waiting for a transplant.

No, this debate is not about pitting big transplant centers against small ones, or about pitting one region against another. It is about making sure that the gift of life goes to the person who needs it the most rather than someone who happens to have the good fortune to live in the right city, or be on the right list. This is about helping at least 300 people each year to continue to live.

All HHS wants to do is: (1) require UNOS to develop policies that would standardize its criteria for listing patients and for determining their medical status, and (2) ensure that medical urgency, not geography, is the main determinant for allocating organs. Sadly, the organization that is under contract with HHS to run the national organ procurement transplant network, the United Network for Organ Sharing (UNOS), is the biggest opponent of any change and is spending upwards of $1 million of patient fees to lobby against HHS making the system more fair.

Mr. Speaker, now is the time for us to set our parochial interests aside and let HHS implement the changes we know we can save lives. The longer we delay the more lives are at risk. In this day of modern air travel and communications there is no good reason for an organ to stop at the border. There is no good reason why if I pass away while attending the Superbowl in New Orleans that my liver should go to a golfer in Louisiana when I may have a loved one who is in desperate need of a transplant at home.

People are dying because they happen to live in the wrong zip code and because states do not want to share their organs. Nowhere else in society would we allow a monopoly like this to continue. We must put an end to this craziness. There is no room in this country for politics to affect who lives and who dies. The patients who need the organs the most should get them. Period.

[From the Times-Picayune, Oct. 11, 1998]

LA. FAVORS GEOGRAPHIC SYSTEM

(By Bill Walsh)

As Jordan Elizabeth Rosebar lay in a hospital bed in Pittsburgh, her insides collapsing, the organs that could save her life were ready and waiting in a New Orleans area hospital.

It was a stroke of luck that the liver and small intestine the 18-month-old girl needed were available at all, given that the donor had to be a biological match and, like her, a small child. Incredibly, two other child donors would be found in other parts of the country that day in early June, offering hope far beyond what Jordan's family and doctors had dared imagine.

But Jordan never got the organs she so desperately needed. She died waiting for the transplant when chemicals, machines and prayers could no longer sustain her.

Louisiana doctors sent the organs to Atlanta under the current rules that give regional preference to who get organs. Later, a flicker of hope from doctors in Alabama faded when the set of the organs they had were given to someone else. In a final, frantic race to a nearby Pennsylvania hospital, a transplant team returned to the operating room too late.

The final day of Jordan's life demonstrates the complexities of a national organ disbursement procedure that is guided first by geography and second by the critical needs of the patient. It unmasks the cruel difficulties inherent in trying to apply objective standards to decisions about who lives and who dies. It also reveals a distrust among transplant surgeons in different parts of the country who have found themselves pitted against one another as they vie for a limited supply of organs.

There is no escaping the fact that the shortage of donated organs has forced medical officials to make painful life-and-death decisions within a somewhat awkward system. The emotional debate over how that system should operate recently came to a head as the Clinton administration prepared to issue rules this month that many believe will lead to a nationwide policy that provides organs to the "sickest first" and minimizes geographic considerations.

* * * The state wants to keep locally donated organs close to home, arguing that because its residents donate more generously than those in other states, they also deserve to reap the benefits. A lawsuit filed by the state to block the rules will be heard Wednesday in Baton Rouge by a federal court judge. The court has ordered the new rules put on hold pending the outcome of the hearing.

Also at stake in the battle is money. Large regional transplant centers such as the one on Pittsburgh have seen their business plummet in recent years as smaller hospitals have gotten into the transplant game. The larger centers are pushing the new national guidelines, while the smaller centers are fighting to retain the business they've gotten under the current rules.

With millions of dollars in profits at stake, the issue is about more than life and death, and the case of Jordan Rosebar reveals the complex medical, ethical and political contours of the coming debate.

A losing battle.

From the start of her young life, it was apparent that Jordan could not live with the organs she started life with. She was born in Maryland three months premature and was "so small she could fit in the palm of my hand," said her father, Marcus Rosebar.

She also was born without a usable intestine, and doctors had little choice but to remove most of it. She spent the first six months of her life in Children's Hospital in Washington, D.C., sustained with nutrients and medication pumped through her body. Unfortunately, the same treatment that kept her alive wreaked havoc on her liver. Over time, it began to deteriorate.

"We knew right at the beginning," Rosebar said. "The doctors told us that eventually she would need a transplant to live a normal life."

Rosebar knows better than most that "normal" is often relative when it comes to organ transplants. As a kidney transplant patient himself, the 72-year-old Washington native receives dialysis treatments twice a week. He knew that his daughter, the only child he has had with his high school sweetheart, Devona Watkins, would forever be in need of intense medical attention.

But for now, they were eager just to have her home, away from the sterile hospital environment. In May 1997, they got their wish. Jordan was sent home fitted with a special portable unit to pump fluids through her body 20 hours a day. She was fed with a tube fixed to her nose. It was cumbersome for the infant, but she didn't seem to mind.

"She was happy. That's all she ever knew," Rosebar said recently from the living room of his northwest Washington home, where the end tables are crowded with framed portraits of his daughter.

"She could sure brighten up your world," he said.

A sad situation.

* * * Doctors at Children's Hospital suggested the couple seek treatment for their daughter at the University of Pittsburgh Medical Center, one of the few transplant centers that performed the liver-small intestine operation.

In January, Jordan was entered on a national computer database as a patient at the University of Pittsburgh.

That meant that whenever a suitable organ became available in the six-state region around Pennsylvania, Jordan could get it unless there were sicker children on the list ahead of her. That's the cornerstone of the organ disbursement system: Organs are first offered within the region in which they are donated and then nationally if there are no takers.

For months, nothing happened.

Then on May 31, Jordan's parents got a call that organs were available. Jordan and her mother flew to Pittsburgh and Jordan's father took a bus to stand vigil with his family.

The operation went well, but there was a problem with the organs. They had been damaged and weren't working correctly. Jordan was in a perilous condition.

Out of desperation, her surgeon, Dr. Kareem Abu-Elmagd, called a former colleague at the University of Miami. The Pittsburgh hospital had recently helped surgeons in Miami find a set of organs for a 13-year-old boy and Abu-Elmagd asked if they would return the favor: Would they list Jordan as a transplant candidate at their hospital?

The tactic, known as "double listing," increases a patient's chances of getting an organ. Double-listing is frowned upon by some in the transplant community as underhanded, but it's not forbidden. The United Network for Organ Sharing, the organization that administers national organ policy, reports that more than 3,000 patients are listed at two hospitals. Some are listed at three.

"It's kind of a courtesy," Abu-Elmagd said. "We did it for them the day before."

Abu-Elmagd requested that Jordan be listed at Miami as "Status 1," the most dire condition, reserved for patients who will die within seven days without a transplant. The designation puts them near the head of the line for new organs.

Once again, Jordan seemed blessed with good fortune. Within hours, doctors in Miami got word that a liver and small intestine were available at West Jefferson Medical Center in Marrero.

Under Louisiana law, organs donated in-state must first be offered to local residents. In this case, no one in Louisiana needed them, so a search went out for the neediest children in the six-state southeastern region stretching from Louisiana to Florida. The University of Miami transplant center was at the top of the list.

What happened next is in dispute. While it is clear that the Louisiana Organ Procurement Agency refused to release the organs to Pittsburgh doctors, the reasons for the refusal differ.

Doctors in Pittsburgh say they were turned down because of the rivalry between the two states over organ transplantation policy. The University of Pittsburgh Medical Center, one of the largest transplant hospitals in the country, has led the charge for a "sickest first" national standard.

"Just because it was Pittsburgh, all of a sudden there was a problem," said Abu-Elmagd.

Louisiana officials disagree. They say that Jordan was not listed as a patient in Miami at the time the organs became available in Louisiana, meaning they would have to violate their policies in order to send the organs to Pittsburgh.

In fact, the most serious patient in Miami was a youngster listed as a "Status 2," serious, but not at the most critical level. Under the national guidelines, that patient was entitled to first crack at the organs. But as if to underscore the capriciousness of the process of deciding who gets what, Miami didn't have enough available surgeons to perform the operation, so they passed.

The liver specialist in Miami who took the call from Louisiana said she had entered Jordan's name on the computer database that same day, June 3. Perhaps the Louisiana list wasn't current, she said. Would they "rerun the list," she asked, by downloading the most current version to the state's computer? That way, Jordan's case would show up.

"It just had to do with timing," said Lesli Kravetz, the Miami official.

But according to Louisiana officials, the issue wasn't timing, it was fairness. That's because Louisiana's policy is to download the list each time organs become available. That way, state officials say, the organs are matched to the person most needy at the instant the organs became available. Any other system, they contend, promotes favoritism and allows for manipulation of the system, for example, by allowing patients not on the list to be placed on it once they learn organs are available. For example, it isn't even clear that at the time Jordan's doctors were desperately seeking organs for her, she was the only Status 1 patient in the country. Other regions may have had Status 1 patients, but they would not have been alerted to Louisiana's organs unless they had double-listed their patients in Louisiana's region, as Jordan's doctors had done.

After 90 minutes, Louisiana officials called Miami and said no, they would not violate their policy by rerunning the list.

"There were no Status 1 patients (when we ran the list)," said Louise Jacobbi, the director of the Louisiana Organ Procurement Agency. "They wanted us to break policy and put the kid on (the list). That's gaming the system."

Jacobbi said the patient database, which ranks patients according to the seriousness of their condition, is the only objective guidepost organ centers have in making life-or-death decisions.

"What I was doing was playing by the rules they agreed to play by," Jacobbi said.

Bob Spieldenner, a spokesman for the United Network for Organ Sharing, said there are no rules about rerunning patient lists. He said each state organ procurement organization, or OPO, sets its own standard.

"It's up to them," he said, "Some OPOs will do it, some won't. New Orleans is pretty rigid in what they do."

Dr. Gazi Zibari, the medical director of the Louisiana organ agency, said he had other concerns about releasing the organs to Pittsburgh. He said he doesn't always trust his fellow transplant surgeons when they say their patients are Status 1.

Zibari said that doctors will sometimes exaggerate the seriousness of the condition to get an organ faster. By the time it's checked, he said, a patient may already have gotten the transplant.

"It is well recognized that there is no system in place to monitor whether these patients are Status 1," Zibari said. "There is mistrust in the transplant community, which is very sad."

Pittsburgh doctors angry.

The decision by the Louisiana organ agency angered the doctors in Pittsburgh who saw Jordan's life slipping away. In an afternoon phone call with Zibari, Abu-Elmagd lost his patience.

"I said she will die in 24 hours," Abu-Elmagd recalled telling him. "I said if you think we are stealing the organs, that is not the case."

When Miami declined the organs because they didn't have enough surgeons available to complete the transplant needed there, the organs went to the next patient on the list, at Emory University Hospital in Atlanta. Zibari suggested Pittsburgh call the Atlanta hospital and see if they would give them up.

The child in Atlanta who got the liver was listed as a Status 3 patient, but Jacobbi said doctors told her the youngster was getting worse.

"They said their child was extremely sick as well. Those kids can change in a matter of hours or minutes," she said.

Abu-Elmagd chose not to call Atlanta. By then, another liver and small intestine set became available, this one in Alabama. However, this time, the organs were already committed to another child. The Miami hospital was only being notified if it was needed as a backup. Ultimately, it wasn't. The other child got the organs and Jordan's doctors started over.

Chuck Patrick, doctor of the Alabama Organ Center, declined to discuss the case, so it's unclear if the child who got the transplant was in better condition than Jordan.

"I'm not going to get my organization in the middle of this war over where organs go," Patrick said.

The up-and-down ride wasn't over yet. Within hours, Pittsburgh got a call that suitable organs were available at a hospital in western Pennsylvania.

Abu-Elmagd hopped in a van and led a team to harvest the organs. Meanwhile, Jordan was getting worse. Her heart seized up and her blood pressure dropped. She was taken back to the emergency room, and doctors kept her alive with fluids and medication.

For a brief time, Jordan seemed to improve, but then she suffered multiple cardiac arrests. Her body was never that strong to begin with and all the stress was simply too much for her to take.

Jordan died early in the morning of June 4. Abu-Elmagd was about an hour away from the Pittsburgh hospital with the organs on ice when he got the word.

"It came down to a matter of hours," he said. "If I could have gotten the organs a couple of hours earlier, she could have survived."

Rosebar said he didn't know all this was happening while he and Jordan's mother waited in the Pittsburgh hospital for word on their daughter's condition.

To him, state and regional boundaries are meaningless when it comes to deciding who should have first claim to a life-saving organ.

"I would have gone to Russia if I had to, to save her life," he said. "I would have done anything."

Mr. FAWELL. Mr. Speaker, the Omnibus Appropriations Act, H.R. 4328, includes under the Labor/HHS portion of the legislation a title IX which may be cited as the Women's Health and Cancer Rights Act of 1998.

In general this act amends both ERISA and the Public Health Services Act (within the scope of coverage of such Acts as established in HIPAA) to require group health plans and health insurance issuers that cover medical and surgical benefits for mastectomy to also include in their scope of coverage: (1) all stages of reconstruction of the breast on which the mastectomy has been performed, (2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and (3) prostheses and physical complications of mastectomy, including lymphedemas, in a manner determined under the terms of the plan or heatlh insurance coverage in consultation with the attending physician and the patient.

The described coverage may be subject to annual deductibles and coinsurance as deemed appropriate and consistent with those established for other benefits under the plan or health insurance coverage under which an individual is enrolled.

Because the act is generally effective with respect to plan years beginning on or after the date of enactment, it is expected that the departments administering the act will follow procedures under which no enforcement action wil be taken with respect to a violation of a requirement imposed by the act on a plan or health insurance issuer before the date of issuance of final regulations, if the plan or issuer has sought to comply with the act in good faith.

The provision under new ERISA section 713(e)(2) which states that "Nothing in this section shall be construed to affect or modify the provisions of section 514 with respect to group health plans" is redundant and has the same effect as the identical provisions under current law, that is ERISA section 731(a)(2) and PHS sections 2723(a)(2) and 2762(b)(1).

It is also expected that the agencies involved in issuing regulations under the act will follow the same procedures applicable under HIPAA as found in section 104 of that act.

Mr. CHRISTENSEN. Mr. Speaker, In the 1998 Omnibus Appropriations bill I am pleased to acknowledge inclusion of the Internet Tax Moratorium Act. In the act Congress makes clear that a limited moratorium, accompanied by a careful review of all Internet and electronic commerce tax issues, will give Congress the opportunity to evaluate proper state and local government interstate taxation, Federal taxation and trade treatment of the Internet and electronic commerce. In so acting we will clarify that this Congress has not ratified or authorized any federal taxes on Internet Domain name registrations. We are aware that U.S. Federal Court in the Thomas et al. versus National Science Foundation et al case has declared that Sec. 8003–Ratification of Internet Fees—of the Emergency Supplemental Appropriations Act of FY 98 ratified what has been previously found to be a unconstitutional tax on Internet domain name registrations. Section 8003 was never intended to ratify a tax on the Internet and, indeed, addresses only a fee for the Intellectual Infrastructure Fund. To the extent that fee constitutes an unconstitutional tax, it was not ratified by Section 8003. I am pleased that this Congress has voted to approve the Internet Tax Moratorium Act and to affirm that this Congress has never ratified an unconstitutional tax on the Internet.

Mr. HYDE. Mr. Speaker, the issues surrounding implementation of the Communications Assistance for Law Enforcement Act of 1994 (CALEA), now nearly four years after enactment, have been especially vexing to law enforcement, the telecommunications industry, privacy groups, and to us, in Congress. Following passage of H.R. 3303, the DOJ authorization bill, in June, pressure was brought to bear on the Federal Communications Commission to extend the October 25, 1998 compliance date, mandated by CALEA, to at least June 30, 2000. Although, I am pleased that this date was extended, I am disappointed that the "grandfather date" for equipment cost reimbursements (January 1, 1995) will not be amended into law this year. H.R. 3303, as passed by the House, would have changed the "grandfather date" to October 1, 2000.

I am encouraged, though, that the conferees on the omnibus appropriations bill have included report language expressing the sincere view that the DOJ, industry and Congress should develop joint recommendations to accelerate the implementation of CALEA as soon as possible at the least cost to taxpayers and consumers and to ensure that law enforcement receives the capabilities it needs to protect our society. I would further suggest that the statutory January 1, 1995 "grandfather date" should be altered to be consistent with the revised compliance date as decided by the FCC in September of this year.

Mr. Speaker, I look forward to working with my House and Senate colleagues on the Judiciary and Appropriations Committees in the 106th Congress in order to make this vision a reality.

Mr. GILMAN. Mr. Speaker, I rise for the purpose of apprising the House and the public concerning the legislative history of Division G of H.R. 4328, the Omnibus Appropriations Act now under consideration.

Division G consists—with but minor changes—of Divisions A and B of the Conference Report on H.R. 1757 of the 105th Congress, House Report 105–432, as it passed the House on March 26, 1998 and the Senate on April 28, 1998.

Accordingly, as chairman of the Committee on International Relations, with jurisdiction over H.R. 1757, I can state that for the purposes of legislative history, the legislative history of Division G is the legislative history of H.R. 1757.

I am submitting, for the purposes of aiding in the interpretation of Division G, a table indicating the correspondence between provisions of Divisions A and B of the Conference Report on H.R. 1757 and the counterpart provisions of Division G of the bill under consideration.

Division G	H.R. 1757 Conference Report
1001	Sec. 1. Short title.
1002	Sec. 2. Organization of Act into divisions; table of contents.
	SUBDIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES
	TITLE I—GENERAL PROVISIONS
1101	Sec. 101. Short title.
1102	Sec. 102. Purposes.
1103	Sec. 103. Definitions.
1104	Sec. 104. Report on budgetary cost savings resulting from reorganization.
	TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
	CHAPTER 1—GENERAL PROVISIONS
1201	Sec. 201. Effective date.
	CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS
1211	Sec. 211. Abolition of United States Arms Control and Disarmament Agency.

Division G	H.R. 1757 Conference Report
1212	Sec. 212. Transfer of functions to Secretary of State.
1213	Sec. 213. Under Secretary for Arms Control and International Security.
	CHAPTER 3—CONFORMING AMENDMENTS
1221	Sec. 221. References.
1222	Sec. 222. Repeals.
1223	Sec. 223. Amendments to the Arms Control and Disarmament Act.
1224	Sec. 224. Compensation of officers.
1225	Sec. 225. Additional conforming amendments.
	TITLE III—UNITED STATES INFORMATION AGENCY
	CHAPTER 1—GENERAL PROVISIONS
1301	Sec. 301. Effective date.
	CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS
1311	Sec. 311. Abolition of United States Information Agency.
1312	Sec. 312. Transfer of functions.
1313	Sec. 313. Under Secretary of State for Public Diplomacy.
1314	Sec. 314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.
	CHAPTER 3—INTERNATIONAL BROADCASTING
1321	Sec. 321. Congressional findings and declaration of purpose.
1322	Sec. 322. Continued existence of Broadcasting Board of Governors.
1323	Sec. 323. Conforming amendments to the United States International Broadcasting Act of 1994.
1324	Sec. 324. Amendments to the Radio Broadcasting to Cuba Act.
1325	Sec. 325. Amendments to the Television Broadcasting to Cuba Act.
1326	Sec. 326. Transfer of broadcasting related funds, property, and personnel.
1327	Sec. 327. Savings provisions.
1328	Sec. 328. Report on the privatization of RFE/RL, Incorporated.
	CHAPTER 4—CONFORMING AMENDMENTS
1331	Sec. 331. References.
1332	Sec. 332. Amendments to title 5, United States Code.
1333	Sec. 333. Application of certain laws.
1334	Sec. 334. Abolition of United States Advisory Commission on Public Diplomacy.
1335	Sec. 335. Conforming amendments.
1336	Sec. 336. Repeals.
	TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
	CHAPTER 1—GENERAL PROVISIONS
1401	Sec. 401. Effective date.
	CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS
1411	Sec. 411. Abolition of United States International Development Cooperation Agency.
1412	Sec. 412. Transfer of functions and authorities.
1413	Sec. 413. Status of AID.
	CHAPTER 3—CONFORMING AMENDMENTS
1421	Sec. 421. References.
1422	Sec. 422. Conforming amendments.
	TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT
	CHAPTER 1—GENERAL PROVISIONS
1501	Sec. 501. Effective date.
	CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS
1511	Sec. 511. Reorganization of Agency for International Development.
	CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE
1521	Sec. 521. Definition of United States assistance.
1522	Sec. 522. Administrator of AID reporting to the Secretary of State.
1523	Sec. 523. Assistance programs coordination and oversight.
	TITLE VI—TRANSITION
	CHAPTER 1—REORGANIZATION PLAN
1601	Sec. 601. Reorganization plan and report.
	CHAPTER 2—REORGANIZATION AUTHORITY
1611	Sec. 611. Reorganization authority.
1612	Sec. 612. Transfer and allocation of appropriations.
1613	Sec. 613. Transfer, appointment, and assignment of personnel.
1614	Sec. 614. Incidental transfers.
1615	Sec. 615. Savings provisions.
1616	Sec. 616. Authority of Secretary of State to facilitate transition.
1617	Sec. 617. Final report.
	DIVISION B—FOREIGN RELATIONS AUTHORIZATION
	TITLE X—GENERAL PROVISIONS
2001	Sec. 1001. Short title.
2002	Sec. 1002. Definition of appropriate congressional committees.
	TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE
2101	Sec. 1101. Administration of foreign affairs.
2102	Sec. 1102. International commissions.
2103	Sec. 1103. Grants to The Asia Foundation.
2104	Sec. 1104. Voluntary contributions to international organizations.
2105	Sec. 1105. Voluntary contributions to peacekeeping operations.
2106	Sec. 1106. Limitation on United States voluntary contributions to United Nations Development Program.
2107	Sec. 1107. United Nations Population Fund.
	TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES
	CHAPTER 1—AUTHORITIES AND ACTIVITIES
2201	Sec. 1201. Reimbursement of Department of State for assistance to overseas educational facilities.
2202	Sec. 1202. Revision of Department of State rewards program.
2203	Sec. 1203. Retention of additional defense trade controls registration fees.
2204	Sec. 1204. Fees for commercial services.
2205	Sec. 1205. Pilot program for foreign affairs reimbursement.
2206	Sec. 1206. Fee for use of diplomatic reception rooms.
2207	Sec. 1207. Budget presentation documents.
2208	Sec. 1208. Office of the Inspector General.
2209	Sec. 1209. Capital Investment Fund.
2210	Sec. 1210. Contracting for local guards services overseas.
2211	Sec. 1211. Authority of the Foreign Claims Settlement Commission.
2212	Sec. 1212. Expenses relating to certain international claims and proceedings.
2213	Sec. 1213. Grants to remedy international abductions of children.
2214	Sec. 1214. Counterdrug and anticrime activities of the Department of State.
2215	Sec. 1215. Annual report on overseas surplus properties.
2216	Sec. 1216. Human rights reports.
2217	Sec. 1217. Reports and policy concerning diplomatic immunity.
2218	Sec. 1218. Reaffirming United States international telecommunications policy.
2219	Sec. 1219. Reduction of reporting.
	CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE
2221	Sec. 1221. Use of certain passport processing fees for enhanced passport services.
2222	Sec. 1223. Consular officers.
2223	Sec. 1224. Repeal of outdated consular receipt requirements.
2224	Sec. 1225. Elimination of duplicate Federal Register publication for travel advisories.
2225	Sec. 1226. Denial of visas to confiscators of American property.
2226	Sec. 1227. Inadmissibility of any alien supporting an international child abductor.
	CHAPTER 3—REFUGEES AND MIGRATION
	SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS
2231	Sec. 1231. Migration and refugee assistance.
	SUBCHAPTER B—AUTHORITIES
2241	Sec. 1241. United States policy regarding the involuntary return of refugees.
2242	Sec. 1242. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
2243	Sec. 1243. Reprogramming of migration and refugee assistance funds.
2244	Sec. 1244. Eligibility for refugee status.
2245	Sec. 1245. Reports to Congress concerning Cuban emigration policies.
	TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE
	CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE
2301	Sec. 1301. Coordinator for Counterterrorism.
2302	Sec. 1302. Elimination of Deputy Assistant Secretary of State for Burdensharing.
2303	Sec. 1303. Personnel management.
2304	Sec. 1304. Diplomatic security.
2305	Sec. 1305. Number of senior official positions authorized for the Department of State.
2306	Sec. 1306. Nomination of Under Secretaries and Assistant Secretaries of State.
	CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE
2311	Sec. 1311. Foreign Service reform.
2312	Sec. 1312. Retirement benefits for involuntary separation.
2313	Sec. 1313. Authority of Secretary to separate convicted felons from the Foreign Service.
2314	Sec. 1314. Career counseling.
2315	Sec. 1315. Limitations on management assignments.
2316	Sec. 1316. Availability pay for certain criminal investigators within the Diplomatic Security Service.
2317	Sec. 1317. Nonovertime differential pay.
2318	Sec. 1318. Report concerning minorities and the Foreign Service.
	TITLE XIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS
	CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS
2401	Sec. 1401. International information activities and educational and cultural exchange programs.
	CHAPTER 2—AUTHORITIES AND ACTIVITIES
2411	Sec. 1411. Retention of interest.
2412	Sec. 1412. Use of selected program fees.
2413	Sec. 1413. Muskie Fellowship Program.
2414	Sec. 1414. Working Group on United States Government-Sponsored International Exchanges and Training.
2415	Sec. 1415. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
2416	Sec. 1417. Surrogate broadcasting study.
2417	Sec. 1418. Radio broadcasting to Iran in the Farsi language.
2418	Sec. 1419. Authority to administer summer travel and work programs.
2419	Sec. 1420. Permanent administrative authorities regarding appropriations.
2420	Sec. 1421. Voice of America broadcasts.
	TITLE XV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS
2501	Sec. 1501. International conferences and contingencies.
2502	Sec. 1502. Restriction relating to United States accession to any new international criminal tribunal.
2503	Sec. 1503. United States membership in the Bureau of the Interparliamentary Union.
2504	Sec. 1504. Service in international organizations.
2505	Sec. 1505. Reports regarding foreign travel.
	TITLE XVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
2601	Sec. 1601. Authorization of appropriations.
2602	Sec. 1602. Statutory construction.
	TITLE XVII—EUROPEAN SECURITY ACT OF 1998
2701	Sec. 1701. Short title.
2702	Sec. 1702. Statement of policy.
2703	Sec. 1703. Authorities relating to NATO enlargement.
2704	Sec. 1704. Sense of Congress with respect to the Treaty on Conventional Armed Forces in Europe.
2705	Sec. 1705. Restrictions and requirements relating to ballistic missile defense.
	TITLE XVIII—OTHER FOREIGN POLICY PROVISIONS
2801	Sec. 1801. Reports on claims by United States firms against the Government of Saudi Arabia.
2802	Sec. 1802. Reports on determinations under title IV of the Libertad Act.
2803	Sec. 1803. Report on compliance with the Hague Convention on International Child Abduction.
2804	Sec. 1804. Sense of Congress relating to recognition of Ecumenical Patriarchate by the Government of Turkey
2805	Sec. 1805. Report on relations with Vietnam.
2806	Sec. 1806. Reports and policy concerning human rights violations in Laos.
2807	Sec. 1807. Report on an alliance against narcotics trafficking in the Western Hemisphere.
2808	Sec. 1808. Congressional statement regarding the accession of Taiwan to the World Trade Organization.
2809	Sec. 1809. Programs or projects of the International Atomic Energy Agency in Cuba.
2810	Sec. 1810. Limitation on assistance to countries aiding Cuba nuclear development.
2811	Sec. 1811. International Fund for Ireland.
2812	Sec. 1813. Support for democratic opposition in Iraq.
2813	Sec. 1814. Development of democracy in the Republic of Serbia

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 333, nays 95, not voting 7, as follows:

[Roll No. 538]

YEAS—333

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Combest
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich

Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kingston
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stenholm
Stokes
Strickland
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—95

Bachus
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Bilbray
Blumenauer
Boyd
Brady (TX)
Burr
Campbell
Cardin
Castle
Chabot
Christensen
Coble
Coburn
Collins
Condit
Costello
Crane
Deal
DeFazio
DeGette
Doggett
Duncan
Ehlers
Ensign
Filner
Frelinghuysen
Goode
Graham
Hefley
Hoekstra
Holden
Hostettler
Hyde
Inglis
Istook
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kind (WI)
King (NY)
Kleczka
Klink
Klug
LaHood
Largent
Lee
Luther
Manzullo
McDermott
McIntosh
Mica
Miller (CA)
Miller (FL)
Minge
Neumann
Pappas
Paul
Peterson (MN)
Petri
Portman
Riggs
Rivers
Rohrabacher
Roukema
Royce
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Shays
Skaggs
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Stearns
Stump
Stupak
Taylor (MS)
Thurman
Upton
Wamp
Weldon (FL)
Weldon (PA)
White
Wolf
Yates

NOT VOTING—7

Fazio
Hansen
Meehan
Mollohan
Poshard
Pryce (OH)
Stark

☐ 1945

Mr. BRADY of Texas changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. PRYCE of Ohio. Mr. Speaker, on October 20, 1998, I was absent due to an illness in my family. I received an official leave of absence from the Majority Leader in this regard.

However, had I been present, I would have voted in the following manner on the following legislation:

H. Res. 605—waiving points of order against the conference report to accompany the bill H.R. 4328 making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Roll Call No: 536): AYE.

H. Res. 604—providing for consideration of the bill (S. 1132) to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a federal land management agency, to authorize purchase or donation of those lands, and for other purposes, and for consideration of the bill (S. 2133) an act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance (Roll Call No. 537): AYE.

H.R. 4328—making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Roll Call No. 538): AYE.

PROVIDING FOR ADJOURNMENT SINE DIE OF THE CONGRESS ON WEDNESDAY, OCTOBER 21, 1998, OR THURSDAY, OCTOBER 22, 1998

Mr. SOLOMON. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 353) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 353

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, October 21, 1998, or Thursday, October 22, 1998, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, or until a time designated pursuant to section 3 of this resolution; and that when the Senate adjourns on Wednesday, October 21, 1998, or Thursday, October 22, 1998, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. During any adjournment of the House pursuant to this concurrent resolution, the Speaker, acting after consultation with the Minority Leader, may notify the Members of the House to reassemble whenever, in his opinion, the public interest shall warrant it. After reassembling pursuant to this section, when the House adjourns on any day on a motion offered pursuant to this section by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to House Resolution 604, I call up the Senate bill (S. 1132) to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of S. 1132 is as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bandelier National Monument Administrative Improvement and Watershed Protection Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that:

(1) Bandelier National Monument (hereinafter, the Monument) was established by Presidential proclamation on February 11, 1916, to preserve the archeological resources of a "vanished people, with as much land as may be necessary for the proper protection thereof . . ." (No. 1322; 39 Stat. 1746).

(2) At various times since its establishment, the Congress and the President have adjusted the Monument's boundaries and purpose to further preservation of archeological and natural resources within the Monument.

(A) On February 25, 1932, the Otowi Section of the Santa Fe National Forest (some 4,699 acres of land) was transferred to the Monument from the Santa Fe National Forest (Presidential Proclamation No. 1191; 17 Stat. 2503).

(B) In December of 1959, 3,600 acres of Frijoles Mesa were transferred to the National Park Service from the Atomic Energy Committee (hereinafter, AEC) and subsequently added to the Monument on January 9, 1991, because of "pueblo-type archeological ruins germane to those in the monument" (Presidential Proclamation No. 3388).

(C) On May 27, 1963, Upper Canyon, 2,882 acres of land previously administered by the AEC, was added to the Monument to preserve "their unusual scenic character together with geologic and topographic features, the preservation of which would implement the purposes" of the Monument (Presidential Proclamation No. 3539).

(D) In 1976, concerned about upstream land management activities that could result in flooding and erosion in the Monument, Congress included the headwaters of the Rito de los Frijoles and the Cañada de Cochiti Grant (a total of 7,310 acres) within the Monument's boundaries (Public Law 94–578; 90 Stat. 2732).

(E) In 1976, Congress created the Bandelier Wilderness, a 23,267 acres area that covers over 70 percent of the Monument.

(3) The Monument still has potential threats from flooding, erosion, and water quality deterioration because of the mixed ownership of the upper watersheds, along its western border, particularly in Alamo Canyon.

(b) Purpose.—The purpose of this Act is to modify the boundary of the Monument to allow for acquisition and enhanced protection of the lands within the Monument's upper watershed.

SEC. 3. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the Monument shall be modified to include approximately 935 acres of land comprised of the Elk Meadows subdivision, the Gardner parcel, the Clark parcel, and the Baca Land & Cattle Co. lands within the Upper Alamo watershed as depicted on the National Park Service map entitled "Proposed Boundary Expansion Map Bandlier National Monument" dated July, 1997. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

SEC. 4. LAND ACQUISITION.

(a) In General.—Except as provided in subsections (b) and (c), the Secretary of the Interior is authorized to acquire lands and interests therein within the boundaries of the area added to the Monument by this Act by donation, purchase with donated or appropriated funds, transfer with another Federal agency, or exchange: *Provided*, That no lands or interests therein may be acquired except with the consent of the owner thereof.

(b) State and Local Lands.—Lands or interests therein owned by the State of New Mexico or a political subdivision thereof may only be acquired by donation or exchange.

(c) Acquisition of Less Than Fee Interests in Land.—The Secretary may acquire less than fee interests in land only if the Secretary determines that such less than fee acquisition will adequately protect the Monument from flooding, erosion, and degradation of its drainage waters.

SEC. 5. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national Monument, including lands added to the Monument by this Act, in accordance with this Act and the provisions of law generally applicable to units of National Park System, including the Act of August 25, 1916, an Act to establish a National Park Service (39 Stat. 535; 16 U.S.C. 1 et seq.), and such specific legislation as heretofore has been enacted regarding the Monument.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purpose of this Act.

The SPEAKER pro tempore (Mr. Camp). Pursuant to House Resolution 604, the gentleman from Alaska (Mr. Young) and the gentleman from California (Mr. Miller) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support S. 1132.

Mr. Speaker, I rise in support of S. 1132 and urge my colleagues to pass this measure.

S. 1132 is a bill introduced by Senator Jeff Bingaman and has a companion bill, H.R. 3936 which was introduced by Congressman Bill Redmond, both from the State of New Mexico. Mr. Bingaman and Mr. Redmond have worked hard to develop a bill that will increase the size of Bandelier National Monument and protect its watershed.

Mr. Speaker, S. 1132 modifies the boundary to include lands within the upper watershed of the Bandelier National Monument which potentially can threaten the Monument with flooding, erosion, and water quality. The expansion will include approximately 935 acres of land and can only be acquired with the consent of the landowner. This boundary expansion will help enhance and protect the lands within the Bandelier National Monument.

I urge my colleagues to support S. 1132.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, earlier today I objected to the consideration of this legislation because I felt that the minority was being treated unfairly and that this was a political maneuver to pass this legislation and intended to hold this bill up. As a result of that I received a letter from Mr. Tom Udall who said that even though this may benefit his opponent he asked that we release this legislation so that it could be passed because of its importance to the State of New Mexico and to the Nation. It is an area that he is familiar with.

The letter referred to is as follows:

A MESSAGE FROM TOM UDALL TO HOUSE DEMOCRATS

October 20, 1998.

Dear Representative: I urge you to vote for S. 1132, the Bandelier National Monument Administrative Improvement and Watershed Protection Act of 1998 when it comes before the House of Representatives.

This important legislation, which was introduced and has been championed by my good friend, Sen. Jeff Bingaman, is essential in order to better protect Bandelier National Monument, one of the crown jewels of our marvelous National Park System. The bill authorizes a 955-acre expansion of Bandelier, a critical conservation purchase that will secure the last unprotected parcel of the park's headwaters. Protecting this parcel will prevent destruction of this pristine natural area by development and will prevent impacts to Bandelier's water quality, quantity, and archeological sites. The area also includes Alamo Spring, which is sacred to New Mexico's Indian pueblos and must be safeguarded. Funds to acquire these lands have already been set aside by Congress.

I know and cherish our state's natural heritage. I have hiked the canyons of Bandelier. These places must be protected for our families and children, and to preserve our quality of life. If I am elected to Congress in November, I shall be a strong voice for the balanced protection of the environment and the preservation of America's magnificent national parks and public lands.

I understand there is good reason for Democrats to hesitate on this bill. It was not introduced early enough to be heard by committees in the House, and many contend that it has not received an adequate review. Moreover, the Republicans have refused to give fair consideration to Democratic bills in the final days of the Congress.

Some may feel that passage of S. 1132 might benefit my opponent in the upcoming election. I believe that protecting Bandelier is not a partisan issue. More importantly, please believe me when I say that New Mexicans already know the truth about who should take credit for protecting Bandelier if S. 1132 passes Congress. My opponent has one of the worst anti-environmental voting records in the House of Representatives (he received a 8% score from the League of Conservation Voters). What may be achieved will be achieved in spite of him, not because of him, and the citizens of New Mexico know this.

Protecting Bandelier can't wait. Please vote for S. 1132.

Sincerely,

Tom Udall,
Candidate for the House of Representatives, 3rd Congressional District of New Mexico.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The Senate bill is considered read for amendment, and pursuant to House Resolution 604, the previous question is ordered.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes, with Senate amendments to the House amendments thereto, disagree to the Senate amendments numbered 2 through 6 and concur in the Senate amendment numbered 1 with an amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendments and the further House amendment as follows:

Senate amendments to House amendments:

Page 21 of the House engrossed amendments, strike out all after line 9 over to and including line 5 on page 26.

Page 26, line 6, of the House engrossed amendments, strike out "SEC. 6" and insert "SEC. 5".

Page 28 of the House engrossed amendments, strike out all after line 3, down to and including line 9.

Page 28, line 10, of the House engrossed amendments, strike out "(8) and insert "(7)".

Page 28, line 14 of the House engrossed amendments, strike out "(9)" and insert "(8)".

Page 28, line 19 of the House engrossed amendments, strike out "(10)" and insert "(9)".

House amendment to Senate amendments:

In lieu of the matter proposed to be stricken by such amendment strike line 8 on page 23 of the House engrossed amendments and all that follows through line 2 on page 25 and insert the following:

(c) EXTENSION OF LEGAL PROCESS.—

(1) IN GENERAL.—Except as required by international agreements to which the United States is a party, an international organization providing commercial communications services, its officials and employees, and its records shall not be accorded immunity from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States.

(2) NO EFFECT ON PERSONAL LIABILITY.—Paragraph (1) shall not affect any immunity from personal liability of any individual who is an official or employee of an international organization providing commercial communications services.

(3) EFFECTIVE DATE.—This subsection shall take effect on May 1, 1999.

(d) ELIMINATION OR LIMITATION OF EXCEPTIONS.—

(1) ACTION REQUIRED.—The President shall, in a manner that is consistent with requirements in international agreements to which the United States is a party, expeditiously take all appropriate actions necessary to eliminate or to reduce substantially all privileges and immunities that are accorded to an international organization described in subparagraph (A) or (B) of subsection (a)(1), its officials, its employees, or its records, and that are not eliminated pursuant to subsection (c).

(2) DESIGNATION OF AGREEMENTS.—The President shall designate which agreements constitute international agreements to which the United States is a party for purposes of this section.

Mr. BLILEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Virginia?

Mr. DINGELL. Mr. Speaker, reserving the right to object, I do not think I would object, but under my reservation, Mr. Speaker, I yield to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, with this unanimous-consent request the House is amending Senate amendments to the House passed version of S. 2375, the International Anti-Bribery Act of 1998. Under this unanimous-consent request we are disagreeing to five of the Senate amendments and agreeing to one Senate amendment with an amendment. This action reflects the compromise reached with the Senate and the administration regarding the elimination of privileges and immunities afforded in a governmental organization. The legislation before the House today contains several changes from the text of H.R. 4353 as passed by the House. The changes delete redundant language in the legislation with respect to the requirements contained in international agreements addressed by the legislation, clarify aspects of the President's role in implementing the legislation, does not include the Federal Communications Commission where it already has appropriate statutory authority and provides a transition period for the effective date of a provision eliminating certain immunities. While there will be no report filed with this amendment, the committee report of H.R. 4353 contains explanatory material which we intend to be considered as legislative history, and we supplement this with additional information in the RECORD, including explanation of the changes made.

Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. MARKEY) without whose help we would not be here tonight.

Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL) for having yielded to me for an explanation.

This legislation contains amendments to S. 2375 as amended by H.R. 4353, the International Anti-Bribery and Fair Competition Act of 1998. The House bill passed by voice vote on October 9, 1998. The Senate sent it back with some changes taking out provisions we believe are important. Working with the other body and the Administration we have reached an agreement which retains the House language with a few adjustments.

I urge members to support this legislation, which will help achieve a more equitable and transparent business environment by reducing both foreign bribery and unfair privileges and immunities. While no one should be above the law, unfortunately, in the international business environment, some are.

This legislation is designed to help level the playing field for American companies doing business overseas. One way it does this by implementing the O–E–C–D Convention on Combating Bribery of Foreign Public Officials. It does so by changing our domestic anti-bribery law, the Foreign Corrupt Practices Act of F–C–P–A. The FCPA is one of the world's strictest anti-bribery laws. Americans business believes this law puts them at a disadvantage since most of our trading partners do not have similarly strong laws against bribery of foreign officials. Some of our competitors have even made bribery tax deductible! I believe contracts should go to the best competitor, not the biggest briber.

The Convention has no binding mechanism to make other nations actually adopt their own anti-bribery laws in accordance with its requirements. To help address this potential problem we added a reporting requirement to the legislation.

Chairman OXLEY and I also added a section which helps level the playing field with respect to the intergovernmental satellite organizations, INTELSAT and Inmarsat. No one should be above the law, and this bill seeks to eliminate the unfair privileges and immunities of these organizations. Further, this legislation ensures the bribery of officials in these organizations will not escape from the coverage of the FCPA until they are pro-competitively privatized. The beneficiaries will not only be competing private American satellite companies and their workers, but also consumers who will see the lower prices that increased competition brings.

While there will be no report filed with this amendment, the Committee report for H.R. 4353 explains the sections that were not changed and the managers intend that it be considered as legislative history with respect to the House's views as to the background and purpose of this legislation and for those sections discussed in the report and not changed in this amendment. *See* House Rpt. 105–802 (October 8, 1998), for H.R. 4353 as passed by the House on October 9, 1998. The Committee held a legislative hearing September 10, 1998, on this bill which should also be considered as part of the legislative history for this legislation.

The legislation before the House today contains several changes from the text of H.R. 4353 as passed by the House. The managers also intend that the Committee report be considered legislative history with respect to the subsections which were modified, subsections 5(c) and 5(d), to the extent it is relevant, and we include here additional explanation such changes in order to provide a more complete legislative history for the legislation we are considering today.

First, subparagraph 5(c)(1) was modified to delete redundant terms. Thus the phrase "specifically and expressly required by mandatory obligations in international agreements" was replaced with the phrase "required by international agreements." We expect the requirements of such agreements to be narrowly construed and thus the additional language is not necessary. A new subparagraph 5(c)(3) was added to provide a transition period for the organizations described in subparagraph 5(a)(1) and their Signatories prior to the elimination of privileges and immunities under section 5(c). This is a transition in terms of effective date but should not be construed as providing any immunity for conduct occurring prior to the transition date.

Section 5(d) was also modified. First, subparagraph 5(c)(1) was modified to delete redundant terms. Thus the phrase "specifically and expressly required by mandatory obligations in international agreements" was replaced with the phrase "required by international agreements." We expect the requirements of such agreements to be narrowly construed and thus the additional language is not necessary. We intend that immunities in connection with such organizations activities in connection their capacity as providers, directly or indirectly, of commercial communication services, will be eliminated. Thus, for example they would not be immune for bribery of foreign officials to further their business activities, violations of antitrust laws or any other laws, subject to the qualifications in this subsection. Second, subparagraphs 5(d)(1) and 5(d)(2) of H.R. 4353 were combined into one subparagraph. All of the actions required of the Administration under 5(d)(1) (dealing with immunities for suit or legal process in connection with such organizations' capacity as a provider, directly or indirectly, of commercial telecommunications services) in H.R. 4353 were also covered also by 5(d)(2) in H.R. 4353 (which sought elimination or substantial reduction of all immunities not eliminated pursuant to subparagraph 5(d)(1)). These subsections were combined into a single 5(d)(1) which applies to all privileges and immunities. The managers intend that the President will vigorously and expeditiously pursue the elimination or substantial reduction of such privileges and immunities. The reference to the Federal Communications Commission was eliminated from this subsection because the Commission already has the authority under the Communications Act of 1934, as amended, and the Communications Satellite Act of 1962, as amended, to condition entry into the U.S. market on waiver of privileges or immunities. Such waivers should be required where the Commission determines that such immunities result in inappropriate or undesirable advantages in the U.S. market, or where doing so would otherwise facilitate the attainment of the policies and objectives in this legislation, the Communications Satellite Act of 1962 or the Telecommunications Act of 1934 or would otherwise serve the public interest. This includes but is not limited to conditioning entry by COMSAT and other Signatories into the U.S. domestic market on waiver of immunities. Conditioning such entry is consistent with existing Commission policy which has been implemented a number of times in the past as described in the background section of the report on H.R. 4353. The Commission also has the authority under the Communications Act of 1934 and the Communications Satellite Act of 1962 to condition entry to the U.S. market with respect to services of the organizations described in subparagraph 5(a)(1) (or their successors) in order to obtain the policy set by subparagraph 5(a)(2). Subparagraph 5(d)(2) permits the President to designate which agreements constitute international agreements for the purposes of this section. This is included for the purpose of allowing the President flexibility as the whether the INTELSAT Headquarters Agreement is an international agreement for the purposes of this section. Subparagraph 5(d)(2) was included because some raised a concern whether this agreement was an "international" agreement since it was an agreement between one nation and an international organization. We do not address this particular question but rather leave it to the President to determine and intend that his authority to make the determination as to whether the Headquarters Agreement constitutes an international agreement for the purposes of this section be ongoing. This subparagraph is not intended to cover any additional agreements which may be adopted subsequent to the enactment of this legislation.

This legislation we are considering today is particularly important because privileges and immunities are a competitive advantage of the intergovernmental satellite organizations which harms competition in the United States communications market.

Another important aspect of the legislation is that it also says that the Foreign Corrupt Practices Act (FCPA) will continue to apply to intergovernmental satellite organizations until they achieve a pro-competitive privatization. The legislation sets such pro-competitive privatization as U.S. government policy and says that in order for a privatization to be pro-competitive it must be consistent with "the United States policy of obtaining full and open competition to such organizations (or their successors), and non-discriminatory market access, in the provision of satellite service." See section 5(a)(2). Bribery of such organizations is subject to the FCPA until the President makes a certification pursuant to section 5(b)(1), that a pro-competitive privatization has been achieved. For the purposes of seciton 5(b)(1) the President is to make a determination under subparagraph 5(a)(2) as to whether such privatization is consistent with the policy described in that subparagraph.

Overall, this legislation is designed to reduce to the minimum possible level the privileges and immunities of the intergovernmental satellite organizations. To the extent such immunities can be eliminated without abrogating international agreements the legislation does so subject to the May 1, 1999 effective date. To the extent such immunities are not thus eliminated, the managers intend the United States to seek their elimination as quickly as possible using all appropriate measures necessary to do so.

I would like to thank Chairman OXLEY for cosponsoring this legislation, and for helping to move it through the Committee process by a voice vote. He has been a leader on international issues and this is one more example of his talents. I am also pleased to have the input of the Ranking Minority Member, Mr. DINGELL. His help made a good bill even better. I would like to thank as well the Ranking Minority Member on the subcommittee, Mr. MANTON for his co-sponsorship fine service to our Committee. I also wish to thank Mr. MARKEY, who was the first cosponsor joining Chairman OXLEY and I in moving this bill forward. He and I have worked closely on this issue and I greatly appreciate his advocacy and assistance. Finally, I would also like to thank Senator BURNS for his cooperation in reaching a final deal and Secretary Daley and his staff and other hardworking Administration officials for helping us move this important legislation forward.

Mr. DINGELL. Further reserving the right to object, Mr. Speaker, I support the position of the gentleman from Virginia (Mr. BLILEY).

Mr. Speaker, I want to make one thing clear: I firmly believe that it is in the vital interests of American workers and American business that this Congress pass legislation this year implementing the OECD anti-bribery convention.

I understand the proposal before us includes an extraneous matter involving satellites which represents a compromise with the Administration, Comsat, and at least one Senator. My concern is that this is all happening in the very last minutes of this Congress, and may jeopardize passage of this legislation. I have not heard any definitive commitment from the Leadership of the other body that it intends to consider this matter.

Let me explain the legislative situation we face. There has never been any controversy over the provisions in this bill implementing the OECD anti-bribery convention. The only issue in controversy has been the extraneous satellite provisions.

The Senate has now passed legislation ratifying and implementing the anti-bribery convention on two different occasions, and, both times they have passed it without the satellite provisions that my good friend Chairman BLILEY has put in the House bill. The most certain way to ensure enactment of the anti-bribery legislation would be for my Republican Colleagues to concur with the Senate amendment and send that bill to the President.

Mr. Speaker, I certainly hope that action on this matter can be completed, because if it's not, American workers and American firms that must compete in international markets where bribery is prevalent, will pay the price.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Virginia?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2375, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

GOVERNMENT WASTE, FRAUD, AND ERROR REDUCTION ACT OF 1998

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight and the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 4857) to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. WAXMAN. Mr. Speaker, reserving the right to object, and I will not object, but I wanted to take this time to commend my colleagues, the gentleman from Virginia (Mr. Davis) and the gentleman from California (Mr. Horn) for the work in crafting a bipartisan bill. I applaud their devotion to ensuring that Federal debts are fully paid. This bill is a revised version of H.R. 4243, and we will support this bill and urge our colleagues to do so.

I want to commend my colleague, the gentleman from California (Mr. HORN), chairman of the Subcommittee on Government Management for his recent efforts to craft a bipartisan bill. I applaud his devotion to ensuring that federal debts are fully paid.

This bill, H.R. 4857, is a revised version of H.R. 4243. Chairman HORN has been receptive to comments and suggestions raised by the Administration and our colleagues in the other body. In light of their recommendations, he has revised the bill and improved it in a variety of ways. I support this bill and urge my colleagues to do so also.

H.R. 4857 is intended to increase collections on delinquent nontax debt owed to the federal government; improve federal payment systems and travel management; and decrease high value nontax debt totaling over $1 million. This legislation will provide the federal government with new tools to collect nontax debt over $1 million. The bill would strengthen the federal government's ability to recover substantial amounts of taxpayer money. It also enhances the ability of the Department of Justice to pursue civil actions seeking monetary damages, fines, or penalties.

More specifically, this legislation will provide additional tools for the government to improve government operations:

First, the bill contains general management improvements. It will ensure that Congress continues to receive agency audited financial statements and repeals obsolete provisions of the law. The bill will improve travel management by requiring agencies to use, to the maximum extent possible, travel management centers and electronic reservation and payment systems in order to improve efficiency and economy. It will also insure that federal employees are not inappropriately charged taxes on travel expense.

Second, the bill makes improvement to the Federal Debt Collection Improvement Act of 1996. It clarifies that Social Security payments can be offset for the collection of child support debt owed to states. These debts, since they are being enforced by a State, were ineligible for offset, as State debts were specifically excluded from Social Security offset. With this correction, states will be able to move forward with implementation of this provision.

Third, I am pleased that Representative HORN has again agreed to add a provision that the minority requested that authorizes the Department of Justice to obtain the assistance of outside counsel in the Department's pursuit of monetary claims, including civil fines or penalties. Due to the growing complexity of litigation, many lawsuits now require highly specialized expertise. These cases range from intricate antitrust cases involving software companies to labyrinthine fraud cases involving home health care or other types of complex consumer fraud. Outside firms have acquired substantial expertise that the Department of Justice may lack. To address this concern, Section 201 of this bill amends section 3718 of Title 31 to allow the Department of Justice to retain outside counsel to assist the Department in litigation seeking monetary damages, fines, or penalties.

Fourth, this bill will authorize agencies to sell nontax debts owed to the U.S. in order to reduce delinquent nontax debts held by agencies. This will allow federal agencies to obtain the maximum value for loans and debt assets. In addition, this legislation will provide agencies with increased leverage to collect debt from certain self-employed professionals. Under the bill, agencies will have the authority to deny federal permits or licenses to delinquent federal debtors.

Fifth, this legislation will dictate greater disclosure of high value nontax debts by requiring annual reports to Congress. It will also authorize agencies to seize the assets of delinquent nontax debtors who owe the U.S. more than $1 million.

And finally, this legislation improves financial management by authorizing agencies to accept electronic payments to satisfy a nontax debt owed to the agency.

It is our goal in passing this legislation to improve the efficiency of our government and to protect the financial interest of the taxpayers by collecting what is rightfully owed. This bill makes constructive changes to improve the performance of the federal government. It makes good sense and is good government. I urge your support for this measure.

Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Waste, Fraud, and Error Reduction Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definition.
Sec. 4. Application of Act.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

Sec. 101. Improving financial management.
Sec. 102. Improving travel management.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

Sec. 201. Miscellaneous technical corrections to subchapter II of chapter 37 of title 31, United States Code.
Sec. 202. Barring delinquent Federal debtors from obtaining Federal benefits.
Sec. 203. Collection and compromise of nontax debts and claims.

TITLE III—SALE OF DEBTS OWED TO UNITED STATES

Sec. 301. Authority to sell debts.
Sec. 302. Requirement to sell certain debts.

TITLE IV—TREATMENT OF HIGH VALUE DEBTS

Sec. 401. Annual report on high value debts.
Sec. 402. Review by Inspectors General.
Sec. 403. Requirement to seek seizure and forfeiture of assets securing high value debt.

TITLE V—FEDERAL PAYMENTS

Sec. 501. Promoting electronic payments.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To reduce waste, fraud, and error in Federal benefit programs.

(2) To focus Federal agency management attention on high-risk programs.

(3) To better collect debts owed to the United States.

(4) To improve Federal payment systems.

(5) To improve reporting on Government operations.

SEC. 3. DEFINITION.

As used in this Act, the term "nontax debt" means any debt (within the meaning of that term as used in chapter 37 of title 31, United States Code) other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.

SEC. 4. APPLICATION OF ACT.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with the Internal Revenue Service Restructuring and Reform Act of 1998, the Internal Revenue Code of 1986, or the Tariff Act of 1930.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

SEC. 101. IMPROVING FINANCIAL MANAGEMENT.

(a) REPEAL.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "1997" and inserting "1999"; and

(B) by inserting "Congress and" after "submit to";

(2) by striking subsection (e); and

(3) by striking subsections (f), (g), and (h).

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) SECRETARY'S WAIVER AUTHORITY.—Subsection (a)(1) of this section shall take effect March 1, 1998.

SEC. 102. IMPROVING TRAVEL MANAGEMENT.

(a) LIMITED EXCLUSION FROM REQUIREMENT REGARDING OCCUPATION OF QUARTERS.—Section 5911(e) of title 5, United States Code, is amended by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to lodging provided under chapter 57 of this title.".

(b) USE OF TRAVEL MANAGEMENT CENTERS, AGENTS, AND ELECTRONIC PAYMENT SYSTEMS.—

(1) REQUIREMENT TO ENCOURAGE USE.—The head of each executive agency shall, with respect to travel by employees of the agency in the performance of the employment duties by the employee, require, to the extent practicable, the use by such employees of travel management centers, travel agents authorized for use by such employees, and electronic reservation and payment systems for the purpose of improving efficiency and economy regarding travel by employees of the agency.

(2) PLAN FOR IMPLEMENTATION.—(A) The Administrator of General Services shall develop a plan regarding the implementation of this subsection and shall, after consultation with the heads of executive agencies, submit to Congress a report describing such plan and the means by which such agency heads plan to ensure that employees use travel management centers, travel agents, and electronic reservation and payment systems as required by this subsection.

(B) The Administrator shall submit the plan required under subparagraph (A) not later than March 31, 1999.

(c) PAYMENT OF STATE AND LOCAL TAXES ON TRAVEL EXPENSES.—

(1) IN GENERAL.—The Administrator of General Services shall ensure that employees of executive agencies are not inappropriately charged State and local taxes on travel expenses, including transportation, lodging, automobile rental, and other miscellaneous travel expenses.

(2) REPORT.—Not later than March 31, 1999, the Administrator shall, after consultation with the heads of executive agencies, submit to Congress a report describing the steps taken, and proposed to be taken, to carry out this subsection.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

SEC. 201. MISCELLANEOUS TECHNICAL CORRECTIONS TO SUBCHAPTER II OF CHAPTER 37 OF TITLE 31, UNITED STATES CODE.

(a) CHILD SUPPORT ENFORCEMENT.—Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

"(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply.".

(b) DEBT SALES.—Section 3711 of title 31, United States Code, is amended by striking subsection (i).

(c) GAINSHARING.—Section 3720C(b)(2)(D) of title 31, United States Code, is amended by striking "delinquent loans" and inserting "debts".

(d) PROVISIONS RELATING TO PRIVATE COLLECTION CONTRACTORS.—

(1) COLLECTION BY SECRETARY OF THE TREASURY.—Section 3711(g) of title 31, United States Code, is further amended by adding at the end the following:

"(11) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the debtor's current employer, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(12)(A) The Secretary of the Treasury shall provide that any contract with a private collection contractor under this subsection shall include a provision that the contractor shall be subject to penalties under the contract—

"(i) if the contractor fails to comply with any restrictions under applicable law regarding the collection activities of debt collectors; or

"(ii) if the contractor engages in unreasonable or abusive debt collection practices in connection with the collection of debt under the contract.

"(B) Notwithstanding any other provision of law, a private collection contractor under this subsection shall not be subject to any liability or contract penalties in connection with efforts to collect a debt pursuant to a contract under this subsection by reason of actions that are required by the contract or by applicable law or regulations.

"(13) In evaluating the performance of a contractor under any contract entered into under this subsection, the Secretary of the Treasury shall consider the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The frequency of valid debtor complaints shall also be considered in the evaluation criteria.

"(14) In selecting contractors for performance of collection services, the Secretary of the Treasury shall evaluate bids received through a methodology that considers the bidder's prior performance in terms of net amounts collected under government collection contracts of similar size, if applicable. The frequency of valid debtor complaints shall also be considered in the evaluation criteria.".

(2) COLLECTION BY PROGRAM AGENCY.—Section 3718 of title 31, United States Code, is further amended by adding at the end the following:

"(h) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the current place of employment of the debtor, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(i)(1) The head of an executive, judicial, or legislative agency that contracts with a private collection contractor to collect a debt owed to the agency, or a guaranty agency or institution of higher education that contracts with a private collection contractor to collect a debt owed under any loan program authorized under title IV of the Higher Education Act of 1965, shall include a provision in the contract that the contractor—

"(A) shall be subject to penalties under the contract if the contractor fails to comply with any restrictions imposed under applicable law on the collection activities of debt collectors; and

"(B) shall be subject to penalties under the contract if the contractor engages in unreasonable or abusive debt collection practices in connection with the collection of debt under the contract.

"(2) Notwithstanding any other provision of law, a private collection contractor under this section shall not be subject to any liability or contract penalties in connection with efforts to collect a debt owed to an executive, judicial, or legislative agency, or owed under any loan program authorized under title IV of the Higher Education Act of 1965, by reason of actions required by the contract, or by applicable law or regulations.

"(j) In evaluating the performance of a contractor under any contract for the performance of debt collection services entered into by an executive, judicial, or legislative agency, the head of the agency shall consider the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The frequency of valid debtor complaints shall also be considered in the evaluation criteria.

"(k) In selecting contractors for performance of collection services, the head of an executive, judicial, or legislative agency shall evaluate bids received through a methodology that considers the bidder's prior performance in terms of net amounts collected under government collection contracts of similar size, if applicable. The frequency of valid debtor complaints shall also be considered in the evaluation criteria.".

(3) CONSTRUCTION.—None of the amendments made by this subsection shall be construed as altering or superseding the provisions in section 362 of title 11, United States Code or section 6103 of the Internal Revenue Code of 1986.

(e) CLERICAL AMENDMENT.—Section 3720A(h) of title 31, United States Code, is amended—

(1) beginning in paragraph (3), by striking the close quotation marks and all that follows through the matter preceding subsection (i); and

(2) by adding at the end the following:

"For purposes of this subsection, the disbursing official for the Department of the Treasury is the Secretary of the Treasury or his or her designee.".

(f) CORRECTION OF REFERENCES TO FEDERAL AGENCY.—(1) Sections 3716(c)(6) and 3720A(a), (b), (c), and (e) of title 31, United States Code, are each amended by striking "Federal agency" each place it appears and inserting "executive, judicial, or legislative agency".

(2) Section 3716(h)(2)(C), of title 31, United States Code, is amended by striking "a Federal agency" and inserting "an executive, judicial, or legislative agency".

(g) CLARIFICATION OF INAPPLICABILITY OF ACT TO CERTAIN AGENCIES.—Notwithstanding any other provision of law, no provision in this Act, the Debt Collection Improvement Act of 1996 (chapter 10 of title III of Public Law 104–134; 31 U.S.C. 3701 note), chapter 37 or subchapter II of chapter 33 of title 31, United States Code, or any amendments made by such Acts or any regulations issued thereunder, shall apply to activities carried out pursuant to a law enacted to protect, operate, and administer any deposit insurance funds, including the resolution and liquidation of failed or failing insured depository institutions.

(h) CONTRACTS FOR COLLECTION SERVICES.—Section 3718 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (b)(1)(A), by inserting ", or any monetary

claim, including any claims for civil fines or penalties, asserted by the Attorney General" before the period;

(2) in the third sentence of subsection (b)(1)(A)—

(A) by inserting "or in connection with other monetary claims" after "collection of claims of indebtedness";

(B) by inserting "or claim" after "the indebtedness"; and

(C) by inserting "or other person" after "the debtor"; and

(3) in subsection (d), by inserting "or any other monetary claim of" after "indebtedness owed".

SEC. 202. BARRING DELINQUENT FEDERAL DEBTORS FROM OBTAINING FEDERAL BENEFITS.

(a) In General.—Section 3720B of title 31, United States Code, is amended to read as follows:

"§3720B. Barring delinquent Federal debtors from obtaining Federal benefits

"(a)(1) A person shall not be eligible for the award or renewal of any Federal benefit described in paragraph (2) if the person has an outstanding nontax debt that is in a delinquent status with any executive, judicial, or legislative agency, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional Federal benefits described in paragraph (2) only after such delinquency is resolved in accordance with those standards.

"(2) The Federal benefits referred to in paragraph (1) are the following:

"(A) Financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee.

"(B) Any Federal permit or license otherwise required by law.

"(b) The Secretary of the Treasury may exempt any class of claims from the application of subsection (a) at the request of an executive, judicial, or legislative agency.

"(c)(1) The head of any executive, judicial, or legislative agency may waive the application of subsection (a) to any Federal benefit that is administered by the agency based on standards promulgated by the Secretary of the Treasury.

"(2) The head of an executive, judicial, or legislative agency may delegate the waiver authority under paragraph (1) to the chief financial officer of the agency.

"(3) The chief financial officer of an agency to whom waiver authority is delegated under paragraph (2) may redelegate that authority only to the deputy chief financial officer of the agency. The deputy chief financial officer may not redelegate such authority.

"(d) As used in this section, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 37 of title 31, United States Code, is amended by striking the item relating to section 3720B and inserting the following:

"3720B. Barring delinquent Federal debtors from obtaining Federal benefits.".

(c) Construction.—The amendment made by this section shall not be construed as altering or superseding the provisions in section 525 of title 11, United States Code.

SEC. 203. COLLECTION AND COMPROMISE OF NONTAX DEBTS AND CLAIMS.

(a) Use of Private Collection Contractors and Federal Debt Collection Centers.—Paragraph (5) of section 3711(g) of title 31, United States Code, is amended to read as follows:

"(5)(A) Nontax debts referred or transferred under this subsection shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities.

"(B) The head of each executive agency that operates a debt collection center may enter into an agreement with the Secretary of the Treasury to carry out the purposes of this subsection.

"(C) The Secretary of the Treasury shall—

"(i) maintain a schedule of private collection contractors and debt collection centers operated by agencies that are eligible for referral of claims under this subsection;

"(ii) maximize collections of delinquent nontax debts by referring delinquent nontax debts promptly;

"(iii) maintain competition between private collection contractors;

"(iv) ensure, to the maximum extent practicable, that a private collection contractor to which a nontax debt is referred is responsible for any administrative costs associated with the contract under which the referral is made.

"(D) As used in this paragraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) Limitation on Discharge Before Use of Private Collection Contractor or Debt Collection Center.—Paragraph (9) of section 3711(g) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii);

(2) by inserting "(A)" after "(9)";

(3) in subparagraph (A) (as designated by paragraph (2) of this subsection) in the matter preceding clause (i) (as designated by paragraph (1) of this subsection), by inserting "and subject to subparagraph (B)" after "as applicable"; and

(4) by adding at the end the following:

"(B)(i) The head of an executive, judicial, or legislative agency may not discharge a nontax debt or terminate collection action on a nontax debt unless the debt has been referred to a private collection contractor or a debt collection center, referred to the Attorney General for litigation, sold without recourse, administrative wage garnishment has been undertaken, or in the event of bankruptcy, death, or disability.

"(ii) The head of an executive, judicial, or legislative agency may waive the application of clause (i) to any nontax debt, or class of nontax debts if the head of the agency determines that the waiver is in the best interest of the United States.

"(iii) As used in this subparagraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

TITLE III—SALE OF NONTAX DEBTS OWED TO UNITED STATES

SEC. 301. AUTHORITY TO SELL NONTAX DEBTS.

(a) Purpose.—The purpose of this section is to provide that the head of each executive, judicial, or legislative agency shall establish a program of nontax debt sales in order to—

(1) minimize the loan and nontax debt portfolios of the agency;

(2) improve credit management while serving public needs;

(3) reduce delinquent nontax debts held by the agency;

(4) obtain the maximum value for loan and nontax debt assets; and

(5) obtain valid data on the amount of the Federal subsidy inherent in loan programs conducted pursuant to the Federal Credit Reform Act of 1990 (Public Law 93–344).

(b) Sales Authorized.—(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) and using competitive procedures, any nontax debt owed to the United States that is administered by the agency.

(2) Costs the agency incurs in selling nontax debt pursuant to this section may be deducted from the proceeds received from the sale. Such costs may include, but are not limited to—

(A) the costs of any contract for identification, billing, or collection services;

(B) the costs of contractors assisting in the sale of nontax debt;

(C) the fees of appraisers, auctioneers, and realty brokers;

(D) the costs of advertising and surveying; and

(E) other reasonable costs incurred by the agency.

(3) Sales of nontax debt under this section—

(A) shall be for—

(i) cash; or

(ii) cash and a residuary equity, joint venture, or profit participation, if the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the proceeds will be greater than the proceeds from a sale solely for cash;

(B) shall be without recourse against the United States, but may include the use of guarantees if otherwise authorized by law; and

(C) shall transfer to the purchaser all rights of the United States to demand payment of the nontax debt, other than with respect to a residuary equity, joint venture, or profit participation under subparagraph (A)(ii).

(c) Existing Authority Not Affected.—This section is not intended to limit existing statutory authority of the head of an executive, judicial, or legislative agency to sell loans, nontax debts, or other assets.

SEC. 302. REQUIREMENT TO SELL CERTAIN NONTAX DEBTS.

(a) Sale of Delinquent Loans.—The head of each executive, judicial, or legislative agency shall sell any nontax loan owed to the United States by the later of—

(1) the date on which the nontax debt becomes 24 months delinquent; or

(2) 24 months after referral of the nontax debt to the Secretary of the Treasury pursuant to section 3711(g)(1) of title 31, United States Code. Sales under this subsection shall be conducted under the authority in section 301.

(b) Sale of New Loans.—The head of each executive, judicial, or legislative agency shall sell each loan obligation arising from a program administered by the agency, not later than 6 months after the loan is disbursed, unless the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the loan was disbursed, or the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that a longer period is necessary to protect the financial interests of the United States. Such loan obligations shall be audited annually in accordance with generally accepted audit standards. Sales under this subsection shall be conducted under the authority in section 301.

(c) Sale of Nontax Debts After Termination of Collection Action.—After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of nontax debts owed to the United States unless the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the sale is not in the best financial interests of the United States. Such nontax debts shall be audited annually in accordance with generally accepted audit standards.

(d) LIMITATIONS.—(1) The head of an executive, judicial, or legislative agency shall not, without the approval of the Attorney General, sell any nontax debt that is the subject of an allegation of or investigation for fraud, or that has been referred to the Department of Justice for litigation.

(2) The head of an executive, judicial, or legislative agency may exempt from sale any class of nontax debts if the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the indebtedness was incurred.

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

SEC. 401. ANNUAL REPORT ON HIGH VALUE NONTAX DEBTS.

(a) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the head of each agency that administers a program that gives rise to a delinquent high value nontax debt shall submit a report to Congress that lists each such debt.

(b) CONTENT.—A report under this section shall, for each debt listed in the report, include the following:

(1) The name of each person liable for the debt, including, for a person that is a company, cooperative, or partnership, the names of the owners and principal officers.

(2) The amounts of principal, interest, and penalty comprising the debt.

(3) The actions the agency has taken to collect the debt, and prevent future losses.

(4) Specification of any portion of the debt that has been written-down administratively or due to a bankruptcy proceeding.

(5) An assessment of why the borrower defaulted.

(c) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" has the meaning that term has in chapter 37 of title 31, United States Code, as amended by this Act.

(2) HIGH VALUE NONTAX DEBT.—The term "high value nontax debt" means a nontax debt having an outstanding value (including principal, interest, and penalties) that exceeds $1,000,000.

SEC. 402. REVIEW BY INSPECTORS GENERAL.

The Inspector General of each agency shall review the annual report to Congress required in section 401 and make such recommendations as necessary to improve performance of the agency. Each Inspector General shall periodically review and report to Congress on the agency's nontax debt collection management practices. As part of such reviews, the Inspector General shall examine agency efforts to reduce the aggregate amount of high value nontax debts that are resolved in whole or in part by compromise, default, or bankruptcy.

SEC. 403. REQUIREMENT TO SEEK SEIZURE AND FORFEITURE OF ASSETS SECURING HIGH VALUE NONTAX DEBT.

The head of an agency authorized to collect a high value nontax debt that is delinquent shall, when appropriate, promptly seek seizure and forfeiture of assets pledged to the United States in any transaction giving rise to the nontax debt. When an agency determines that seizure or forfeiture is not appropriate, the agency shall include a justification for such determination in the report under section 401.

TITLE V—FEDERAL PAYMENTS

SEC. 501. PROMOTING ELECTRONIC PAYMENTS.

(a) EARLY RELEASE OF ELECTRONIC PAYMENTS.—Section 3903(a) of title 31, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) provide that the required payment date is—

"(A) the date payment is due under the contract for the item of property or service provided; or

"(B) no later than 30 days after a proper invoice for the amount due is received if a specific payment date is not established by contract;"; and

(2) by striking "and" after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting "; and", and by adding at the end the following:

"(10) provide that the Director of the Office of Management and Budget may waive the application of requirements under paragraph (1) to provide for early payment of vendors in cases where an agency will implement an electronic payment technology which improves agency cash management and business practice.".

(b) AUTHORITY TO ACCEPT ELECTRONIC PAYMENT.—

(1) IN GENERAL.—Subject to an agreement between the head of an executive agency and the applicable financial institution or institutions based on terms acceptable to the Director of the Office of Management and Budget, the head of such agency may accept an electronic payment, including debit and credit cards, to satisfy a nontax debt owed to the agency.

(2) GUIDELINES FOR AGREEMENTS REGARDING PAYMENT.—The Director of the Office of Management and Budget shall develop guidelines regarding agreements between agencies and financial institutions under paragraph (1).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DAVIS of Virginia:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Waste, Fraud, and Error Reduction Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definition.
Sec. 4. Application of Act.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

Sec. 101. Improving financial management.
Sec. 102. Improving travel management.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

Sec. 201. Miscellaneous technical corrections to subchapter II of chapter 37 of title 31, United States Code.
Sec. 202. Barring delinquent Federal debtors from obtaining Federal benefits.
Sec. 203. Collection and compromise of nontax debts and claims.

TITLE III—SALE OF NONTAX DEBTS OWED TO UNITED STATES

Sec. 301. Authority to sell nontax debts.
Sec. 302. Requirement to sell certain nontax debts.

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

Sec. 401. Annual report on high value nontax debts.
Sec. 402. Review by Inspectors General.
Sec. 403. Requirement to seek seizure and forfeiture of assets securing high value nontax debt.

TITLE V—FEDERAL PAYMENTS

Sec. 501. Promoting electronic payments.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To reduce waste, fraud, and error in Federal benefit programs.

(2) To focus Federal agency management attention on high-risk programs.

(3) To better collect debts owed to the United States.

(4) To improve Federal payment systems.

(5) To improve reporting on Government operations.

SEC. 3. DEFINITION.

As used in this Act, the term "nontax debt" means any debt (within the meaning of that term as used in chapter 37 of title 31, United States Code) other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.

SEC. 4. APPLICATION OF ACT.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with the Internal Revenue Service Restructuring and Reform Act of 1998, the Internal Revenue Code of 1986, or the Tariff Act of 1930.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

SEC. 101. IMPROVING FINANCIAL MANAGEMENT.

(a) REPEAL.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "1997" and inserting "1999"; and

(B) by inserting "Congress and" after "submit to";

(2) by striking subsection (e); and

(3) by striking subsections (f), (g), and (h).

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) SECRETARY'S WAIVER AUTHORITY.—Subsection (a)(1) of this section shall take effect March 1, 1998.

SEC. 102. IMPROVING TRAVEL MANAGEMENT.

(a) LIMITED EXCLUSION FROM REQUIREMENT REGARDING OCCUPATION OF QUARTERS.—Section 5911(e) of title 5, United States Code, is amended by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to lodging provided under chapter 57 of this title.".

(b) USE OF TRAVEL MANAGEMENT CENTERS, AGENTS, AND ELECTRONIC PAYMENT SYSTEMS.—

(1) REQUIREMENT TO ENCOURAGE USE.—The head of each executive agency shall, with respect to travel by employees of the agency in the performance of the employment duties by the employee, require, to the extent practicable, the use by such employees of travel

management centers, travel agents authorized for use by such employees, and electronic reservation and payment systems for the purpose of improving efficiency and economy regarding travel by employees of the agency.

(2) PLAN FOR IMPLEMENTATION.—(A) The Administrator of General Services shall develop a plan regarding the implementation of this subsection and shall, after consultation with the heads of executive agencies, submit to Congress a report describing such plan and the means by which such agency heads plan to ensure that employees use travel management centers, travel agents, and electronic reservation and payment systems as required by this subsection.

(B) The Administrator shall submit the plan required under subparagraph (A) not later than March 31, 1999.

(c) PAYMENT OF STATE AND LOCAL TAXES ON TRAVEL EXPENSES.—

(1) IN GENERAL.—The Administrator of General Services shall develop a mechanism to ensure that employees of executive agencies are not inappropriately charged State and local taxes on travel expenses, including transportation, lodging, automobile rental, and other miscellaneous travel expenses.

(2) REPORT.—Not later than March 31, 1999, the Administrator shall, after consultation with the heads of executive agencies, submit to Congress a report describing the steps taken, and proposed to be taken, to carry out this subsection.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

SEC. 201. MISCELLANEOUS TECHNICAL CORRECTIONS TO SUBCHAPTER II OF CHAPTER 37 OF TITLE 31, UNITED STATES CODE.

(a) CHILD SUPPORT ENFORCEMENT.—Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

"(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply.".

(b) DEBT SALES.—Section 3711 of title 31, United States Code, is amended by striking subsection (i).

(c) GAINSHARING.—Section 3720C(b)(2)(D) of title 31, United States Code, is amended by striking "delinquent loans" and inserting "debts".

(d) PROVISIONS RELATING TO PRIVATE COLLECTION CONTRACTORS.—

(1) COLLECTION BY SECRETARY OF THE TREASURY.—Section 3711(g) of title 31, United States Code, is further amended by adding at the end the following:

"(11) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the debtor's current employer, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(12)(A) The Secretary of the Treasury shall provide that any contract with a private collection contractor under this subsection shall include a provision that the contractor shall be subject to penalties under the contract—

"(i) if the contractor fails to comply with any restrictions under applicable law regarding the collection activities of debt collectors; or

"(ii) if the contractor engages in unreasonable or abusive debt collection practices in connection with the collection of debt under the contract.

"(B) Notwithstanding any other provision of law, a private collection contractor under this subsection shall not be subject to any liability or contract penalties in connection with efforts to collect a debt pursuant to a contract under this subsection by reason of actions that are required by the contract or by applicable law or regulations.

"(13) In evaluating the performance of a contractor under any contract entered into under this subsection, the Secretary of the Treasury shall consider the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The frequency of valid debtor complaints shall also be considered in the evaluation criteria.

"(14) In selecting contractors for performance of collection services, the Secretary of the Treasury shall evaluate bids received through a methodology that considers the bidder's prior performance in terms of net amounts collected under government collection contracts of similar size, if applicable. The frequency of valid debtor complaints shall also be considered in the evaluation criteria.".

(2) COLLECTION BY PROGRAM AGENCY.—Section 3718 of title 31, United States Code, is further amended by adding at the end the following:

"(h) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the current place of employment of the debtor, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(i)(1) The head of an executive, judicial, or legislative agency that contracts with a private collection contractor to collect a debt owed to the agency, or a guaranty agency or institution of higher education that contracts with a private collection contractor to collect a debt owed under any loan program authorized under title IV of the Higher Education Act of 1965, shall include a provision in the contract that the contractor—

"(A) shall be subject to penalties under the contract if the contractor fails to comply with any restrictions imposed under applicable law on the collection activities of debt collectors; and

"(B) shall be subject to penalties under the contract if the contractor engages in unreasonable or abusive debt collection practices in connection with the collection of debt under the contract.

"(2) Notwithstanding any other provision of law, a private collection contractor under this section shall not be subject to any liability or contract penalties in connection with efforts to collect a debt owed to an executive, judicial, or legislative agency, or owed under any loan program authorized under title IV of the Higher Education Act of 1965, by reason of actions required by the contract, or by applicable law or regulations.

"(j) In evaluating the performance of a contractor under any contract for the performance of debt collection services entered into by an executive, judicial, or legislative agency, the head of the agency shall consider the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The frequency of valid debtor complaints shall also be considered in the evaluation criteria.

"(k) In selecting contractors for performance of collection services, the head of an executive, judicial, or legislative agency shall evaluate bids received through a methodology that considers the bidder's prior performance in terms of net amounts collected under government collection contracts of similar size, if applicable. The frequency of valid debtor complaints shall also be considered in the evaluation criteria.".

(3) CONSTRUCTION.—None of the amendments made by this subsection shall be construed as altering or superseding the provisions of title 11, United States Code, or section 6103 of the Internal Revenue Code of 1986.

(e) CLERICAL AMENDMENT.—Section 3720A(h) of title 31, United States Code, is amended—

(1) beginning in paragraph (3), by striking the close quotation marks and all that follows through the matter preceding subsection (i); and

(2) by adding at the end the following:

"For purposes of this subsection, the disbursing official for the Department of the Treasury is the Secretary of the Treasury or his or her designee.".

(f) CORRECTION OF REFERENCES TO FEDERAL AGENCY.—(1) Sections 3716(c)(6) and 3720A(a), (b), (c), and (e) of title 31, United States Code, are each amended by striking "Federal agency" each place it appears and inserting "executive, judicial, or legislative agency".

(2) Section 3716(h)(2)(C), of title 31, United States Code, is amended by striking "a Federal agency" and inserting "an executive, judicial, or legislative agency".

(g) CLARIFICATION OF INAPPLICABILITY OF ACT TO CERTAIN AGENCIES.—Notwithstanding any other provision of law, no provision in this Act, the Debt Collection Improvement Act of 1996 (chapter 10 of title III of Public Law 104–134; 31 U.S.C. 3701 note), chapter 37 or subchapter II of chapter 33 of title 31, United States Code, or any amendments made by such Acts or any regulations issued thereunder, shall apply to activities carried out pursuant to a law enacted to protect, operate, and administer any deposit insurance funds, including the resolution and liquidation of failed or failing insured depository institutions.

(h) CONTRACTS FOR COLLECTION SERVICES.—Section 3718 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (b)(1)(A), by inserting ", or any monetary claim, including any claims for civil fines or penalties, asserted by the Attorney General" before the period;

(2) in the third sentence of subsection (b)(1)(A)—

(A) by inserting "or in connection with other monetary claims" after "collection of claims of indebtedness";

(B) by inserting "or claim" after "the indebtedness"; and

(C) by inserting "or other person" after "the debtor"; and

(3) in subsection (d), by inserting "or any other monetary claim of" after "indebtedness owed".

SEC. 202. BARRING DELINQUENT FEDERAL DEBTORS FROM OBTAINING FEDERAL BENEFITS.

(a) IN GENERAL.—Section 3720B of title 31, United States Code, is amended to read as follows:

"§3720B. Barring delinquent Federal debtors from obtaining Federal benefits

"(a)(1) A person shall not be eligible for the award or renewal of any Federal benefit described in paragraph (2) if the person has an outstanding nontax debt that is in a delinquent status with any executive, judicial, or legislative agency, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional Federal benefits described in paragraph (2) only after such delinquency is resolved in accordance with those standards.

"(2) The Federal benefits referred to in paragraph (1) are the following:

"(A) Financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee.

"(B) Any Federal permit or license otherwise required by law.

"(b) The Secretary of the Treasury may exempt any class of claims from the application of subsection (a) at the request of an executive, judicial, or legislative agency.

"(c)(1) The head of any executive, judicial, or legislative agency may waive the application of subsection (a) to any Federal benefit that is administered by the agency based on standards promulgated by the Secretary of the Treasury.

"(2) The head of an executive, judicial, or legislative agency may delegate the waiver authority under paragraph (1) to the chief financial officer of the agency.

"(3) The chief financial officer of an agency to whom waiver authority is delegated under paragraph (2) may redelegate that authority only to the deputy chief financial officer of the agency. The deputy chief financial officer may not redelegate such authority.

"(d) As used in this section, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 31, United States Code, is amended by striking the item relating to section 3720B and inserting the following:

"3720B. Barring delinquent Federal debtors from obtaining Federal benefits.".

(c) CONSTRUCTION.—The amendment made by this section shall not be construed as altering or superseding the provisions of title 11, United States Code.

SEC. 203. COLLECTION AND COMPROMISE OF NONTAX DEBTS AND CLAIMS.

(a) USE OF PRIVATE COLLECTION CONTRACTORS AND FEDERAL DEBT COLLECTION CENTERS.—Paragraph (5) of section 3711(g) of title 31, United States Code, is amended to read as follows:

"(5)(A) Nontax debts referred or transferred under this subsection shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities.

"(B) The head of each executive agency that operates a debt collection center may enter into an agreement with the Secretary of the Treasury to carry out the purposes of this subsection.

"(C) The Secretary of the Treasury shall—

"(i) maintain a schedule of private collection contractors and debt collection centers operated by agencies that are eligible for referral of claims under this subsection;

"(ii) maximize collections of delinquent nontax debts by referring delinquent nontax debts promptly;

"(iii) maintain competition between private collection contractors;

"(iv) ensure, to the maximum extent practicable, that a private collection contractor to which a nontax debt is referred is responsible for any administrative costs associated with the contract under which the referral is made.

"(D) As used in this paragraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) LIMITATION ON DISCHARGE BEFORE USE OF PRIVATE COLLECTION CONTRACTOR OR DEBT COLLECTION CENTER.—Paragraph (9) of section 3711(g) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii);

(2) by inserting "(A)" after "(9)";

(3) in subparagraph (A) (as designated by paragraph (2) of this subsection) in the matter preceding clause (i) (as designated by paragraph (1) of this subsection), by inserting "and subject to subparagraph (B)" after "as applicable"; and

(4) by adding at the end the following:

"(B)(i) The head of an executive, judicial, or legislative agency may not discharge a nontax debt or terminate collection action on a nontax debt unless the debt has been referred to a private collection contractor or a debt collection center, referred to the Attorney General for litigation, sold without recourse, administrative wage garnishment has been undertaken, or in the event of bankruptcy, death, or disability.

"(ii) The head of an executive, judicial, or legislative agency may waive the application of clause (i) to any nontax debt, or class of nontax debts if the head of the agency determines that the waiver is in the best interest of the United States.

"(iii) As used in this subparagraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

TITLE III—SALE OF NONTAX DEBTS OWED TO UNITED STATES

SEC. 301. AUTHORITY TO SELL NONTAX DEBTS.

(a) PURPOSE.—The purpose of this section is to provide that the head of each executive, judicial, or legislative agency shall establish a program of nontax debt sales in order to—

(1) minimize the loan and nontax debt portfolios of the agency;

(2) improve credit management while serving public needs;

(3) reduce delinquent nontax debts held by the agency;

(4) obtain the maximum value for loan and nontax debt assets; and

(5) obtain valid data on the amount of the Federal subsidy inherent in loan programs conducted pursuant to the Federal Credit Reform Act of 1990 (Public Law 93–344).

(b) SALES AUTHORIZED.—(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) and using competitive procedures, any nontax debt owed to the United States that is administered by the agency.

(2) Costs the agency incurs in selling nontax debt pursuant to this section may be deducted from the proceeds received from the sale. Such costs may include, but are not limited to—

(A) the costs of any contract for identification, billing, or collection services;

(B) the costs of contractors assisting in the sale of nontax debt;

(C) the fees of appraisers, auctioneers, and realty brokers;

(D) the costs of advertising and surveying; and

(E) other reasonable costs incurred by the agency.

(3) Sales of nontax debt under this section—

(A) shall be for—

(i) cash; or

(ii) cash and a residuary equity, joint venture, or profit participation, if the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the proceeds will be greater than the proceeds from a sale solely for cash;

(B) shall be without recourse against the United States, but may include the use of guarantees if otherwise authorized by law; and

(C) shall transfer to the purchaser all rights of the United States to demand payment of the nontax debt, other than with respect to a residuary equity, joint venture, or profit participation under subparagraph (A)(ii).

(c) EXISTING AUTHORITY NOT AFFECTED.—This section is not intended to limit existing statutory authority of the head of an executive, judicial, or legislative agency to sell loans, nontax debts, or other assets.

SEC. 302. REQUIREMENT TO SELL CERTAIN NONTAX DEBTS.

(a) SALE OF DELINQUENT LOANS.—The head of each executive, judicial, or legislative agency shall sell any nontax loan owed to the United States by the later of—

(1) the date on which the nontax debt becomes 24 months delinquent; or

(2) 24 months after referral of the nontax debt to the Secretary of the Treasury pursuant to section 3711(g)(1) of title 31, United States Code. Sales under this subsection shall be conducted under the authority in section 301.

(b) SALE OF NEW LOANS.—The head of each executive, judicial, or legislative agency shall sell each loan obligation arising from a program administered by the agency, not later than 6 months after the loan is disbursed, unless the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the loan was disbursed, or the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that a longer period is necessary to protect the financial interests of the United States. Such loan obligations shall be audited annually in accordance with generally accepted audit standards. Sales under this subsection shall be conducted under the authority in section 301.

(c) SALE OF NONTAX DEBTS AFTER TERMINATION OF COLLECTION ACTION.—After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of nontax debts owed to the United States unless the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the sale is not in the best financial interests of the United States. Such nontax debts shall be audited annually in accordance with generally accepted audit standards.

(d) LIMITATIONS.—(1) The head of an executive, judicial, or legislative agency shall not, without the approval of the Attorney General, sell any nontax debt that is the subject of an allegation of or investigation for fraud, or that has been referred to the Department of Justice for litigation.

(2) The head of an executive, judicial, or legislative agency may exempt from sale any

class of nontax debts if the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the indebtedness was incurred.

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

SEC. 401. ANNUAL REPORT ON HIGH VALUE NONTAX DEBTS.

(a) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the head of each agency that administers a program that gives rise to a delinquent high value nontax debt shall submit a report to Congress that lists each such debt.

(b) CONTENT.—A report under this section shall, for each debt listed in the report, include the following:

(1) The name of each person liable for the debt, including, for a person that is a company, cooperative, or partnership, the names of the owners and principal officers.

(2) The amounts of principal, interest, and penalty comprising the debt.

(3) The actions the agency has taken to collect the debt, and prevent future losses.

(4) Specification of any portion of the debt that has been written-down administratively or due to a bankruptcy proceeding.

(5) An assessment of why the borrower defaulted.

(c) DEFINITIONS.—In this title:

(1) AGENCY.—The term "agency" has the meaning that term has in chapter 37 of title 31, United States Code, as amended by this Act.

(2) HIGH VALUE NONTAX DEBT.—The term "high value nontax debt" means a nontax debt having an outstanding value (including principal, interest, and penalties) that exceeds $1,000,000.

SEC. 402. REVIEW BY INSPECTORS GENERAL.

The Inspector General of each agency shall review the annual report to Congress required in section 401 and make such recommendations as necessary to improve performance of the agency. Each Inspector General shall periodically review and report to Congress on the agency's nontax debt collection management practices. As part of such reviews, the Inspector General shall examine agency efforts to reduce the aggregate amount of high value nontax debts that are resolved in whole or in part by compromise, default, or bankruptcy.

SEC. 403. REQUIREMENT TO SEEK SEIZURE AND FORFEITURE OF ASSETS SECURING HIGH VALUE NONTAX DEBT.

The head of an agency authorized to collect a high value nontax debt that is delinquent shall, when appropriate, promptly seek seizure and forfeiture of assets pledged to the United States in any transaction giving rise to the nontax debt. When an agency determines that seizure or forfeiture is not appropriate, the agency shall include a justification for such determination in the report under section 401.

TITLE V—FEDERAL PAYMENTS

SEC. 501. PROMOTING ELECTRONIC PAYMENTS.

(a) EARLY RELEASE OF ELECTRONIC PAYMENTS.—Section 3903(a) of title 31, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) provide that the required payment date is—

"(A) the date payment is due under the contract for the item of property or service provided; or

"(B) no later than 30 days after a proper invoice for the amount due is received if a specific payment date is not established by contract;"; and

(2) by striking "and" after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting "; and", and by adding at the end the following:

"(10) provide that the Director of the Office of Management and Budget may waive the application of requirements under paragraph (1) to provide for early payment of vendors in cases where an agency will implement an electronic payment technology which improves agency cash management and business practice.".

(b) AUTHORITY TO ACCEPT ELECTRONIC PAYMENT.—

(1) IN GENERAL.—Subject to an agreement between the head of an executive agency and the applicable financial institution or institutions based on terms acceptable to the Secretary of the Treasury, the head of such agency may accept an electronic payment, including debit and credit cards, to satisfy a nontax debt owed to the agency.

(2) GUIDELINES FOR AGREEMENTS REGARDING PAYMENT.—The Secretary of the Treasury shall develop guidelines regarding agreements between agencies and financial institutions under paragraph (1).

Mr. DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Virginia. Mr. Speaker, this is a bipartisan piece of legislation that passed the House on the suspension calendar last week. The version before us now has been modified to reflect the views of the relevant Senate committees of jurisdiction as well as those of the administration. The bill is necessary as uncollected debt owed the Federal Government continues to be a major problem. According to the Department of Treasury, delinquent nontax debts owed to the Federal Government totaled $51 billion at the end of Fiscal Year 1997.

□ 2000

Of this amount, $47.2 billion was delinquent for more than 180 days.

This bill will prove improve the efficiency and economy of Federal debt collection practices. It builds on other debt collection initiatives and provides the Federal Government with important debt collection tools.

The bill requires agencies to report to Congress on uncollected delinquent non-tax debts over $1 million. The bill also authorizes agencies to sell non-tax loans and bar delinquent debtors from obtaining a Federal permit or license, Federal contract, or other award or renewal of a Federal benefit. H.R. 4857 contains these important provisions and many others designed to improve the efficiency and effectiveness of the debt collection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Virginia (Mr. DAVIS).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 3910, AUTOMOBILE NATIONAL HERITAGE AREA ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 129) to correct a technical error in the enrollment of H.R. 3910, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

The Chair has not received assurances of clearance from the minority at this time.

Mr. YOUNG of Alaska. Mr. Speaker, we have been assured of the clearance by the minority. There is minority on the floor. They agree with it.

The SPEAKER pro tempore. The request of the gentleman is withdrawn.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1998

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that the Committee on Science be discharged from further consideration of the bill (H.R. 4859) to improve the ability of Federal agencies to license federally owned inventions, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Transfer Commercialization Act of 1998".

SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting "or, subject to section 209 of title 35, United States Code, may grant a license to an invention which is federally owned, for which a patent application was filed before the granting of the license, and directly within the scope of the work under the agreement," after "under the agreement,".

SEC. 3. LICENSING FEDERALLY OWNED INVENTIONS.

(a) AMENDMENT.—Section 209 of title 35, United States Code, is amended to read as follows:

"§209. Licensing federally owned inventions

"(a) Authority.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention under section 207(a)(2) only if—

"(1) granting the license is a reasonable and necessary incentive to—

"(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

"(B) otherwise promote the invention's utilization by the public;

"(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical utilization, as proposed by the applicant, or otherwise to promote the invention's utilization by the public;

"(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time, which time may be extended by the agency upon the applicant's request and the applicant's demonstration that the refusal of such extension would be unreasonable;

"(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

"(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

"(b) Manufacture in United States.—A Federal agency shall normally grant a license under section 207(a)(2) to use or sell any federally owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c) Small Business.—First preference for the granting of any exclusive or partially exclusive licenses under section 207(a)(2) shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

"(d) Terms and Conditions.—Any licenses granted under section 207(a)(2) shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions shall include provisions—

"(1) retaining a nontransferrable, irrevocable, paid-up license for any Federal agency to practice the invention or have the invention practiced throughout the world by or on behalf of the Government of the United States;

"(2) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to determine whether the terms of the license are being complied with; and

"(3) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

"(A) the licensee is not executing its commitment to achieve practical utilization of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken, or can be expected to take within a reasonable time, effective steps to achieve practical utilization of the invention;

"(B) the licensee is in breach of an agreement described in subsection (b);

"(C) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

"(D) the licensee has been found by a court of competent jurisdiction to have violated the Federal antitrust laws in connection with its performance under the license agreement.

"(e) Public Notice.—No exclusive or partially exclusive license may be granted under section 207(a)(2) unless public notice of the intention to grant an exclusive or partially exclusive license on a federally owned invention has been provided in an appropriate manner at least 15 days before the license is granted, and the Federal agency has considered all comments received before the end of the comment period in response to that public notice. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

"(f) Plan.—No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development and/or marketing of the invention, except that any such plan may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.".

(b) Conforming Amendment.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

"209. Licensing federally owned inventions.".

SEC. 4. TECHNICAL AMENDMENTS TO BAYH-DOLE ACT.

Chapter 18 of title 35, United States Code (popularly known as the "Bayh-Dole Act"), is amended—

(1) by amending section 202(e) to read as follows:

"(e) In any case when a Federal employee is a coinventor of any invention made with a nonprofit organization or small business firm, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention and if it finds that it would expedite the development of the invention—

"(1) license or assign whatever rights it may acquire in the subject invention to the nonprofit organization or small business firm in accordance with the provisions of this chapter; or

"(2) acquire any rights in the subject invention from the nonprofit organization or small business firm, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction and no other transaction under this chapter is conditioned on such acquisition."; and

(2) in section 207(a)—

(A) by striking "patent applications, patents, or other forms of protection obtained" and inserting "inventions" in paragraph (2); and

(B) by inserting ", including acquiring rights for the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally owned invention" after "or through contract" in paragraph (3).

SEC. 5. TECHNICAL AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

The Stevenson-Wydler Technology Innovation Act of 1980 is amended—

(1) in section 4(4) (15 U.S.C. 3703(4)), by striking "section 6 or section 8" and inserting "section 7 or 9";

(2) in section 4(6) (15 U.S.C. 3703(6)), by striking "section 6 or section 8" and inserting "section 7 or 9";

(3) in section 5(c)(11) (15 U.S.C. 3704(c)(11)), by striking "State of local governments" and inserting "State or local governments";

(4) in section 9 (15 U.S.C. 3707), by—

(A) striking "section 6(a)" and inserting "section 7(a)";

(B) striking "section 6(b)" and inserting "section 7(b)"; and

(C) striking "section 6(c)(3)" and inserting "section 7(c)(3)";

(5) in section 11(e)(1) (15 U.S.C. 3710(e)(1)), by striking "in cooperation with Federal Laboratories" and inserting "in cooperation with Federal laboratories";

(6) in section 11(i) (15 U.S.C. 3710(i)), by striking "a gift under the section" and inserting "a gift under this section";

(7) in section 14 (15 U.S.C. 3710c)—

(A) in subsection (a)(1)(A)(i), by inserting ", if the inventor's or coinventor's rights are assigned to the United States" after "inventor or coinventors";

(B) in subsection (a)(1)(B), by striking "succeeding fiscal year" and inserting "2 succeeding fiscal years"; and

(C) in subsection (b)(2), by striking "inventon" and inserting "invention"; and

(8) in section 22 (15 U.S.C. 3714), by striking "sections 11, 12, and 13" and inserting "sections 12, 13, and 14".

SEC. 6. REVIEW OF COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT PROCEDURES.

(a) Review.—Within 90 days after the date of the enactment of this Act, each Federal agency with a Federally funded laboratory that has in effect on that date of enactment one or more cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) shall report to the Committee on National Security of the National Science and Technology Council and the Congress on the general policies and procedures used by that agency to gather and consider the views of other agencies on—

(1) joint work statements under section 12(c)(5)(C) or (D) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)(C) or (D)); or

(2) in the case of laboratories described in section 12(d)(2)(A) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)(A)), cooperative research and development agreements under such section 12,

with respect to major proposed cooperative research and development agreements that involve critical national security technology or may have a significant impact on domestic or international competitiveness.

(b) Procedures.—Within one year after the date of the enactment of this Act, the Committee on National Security of the National Science and Technology Council, in conjunction with relevant Federal agencies and national laboratories, shall—

(1) determine the adequacy of existing procedures and methods for interagency coordination and awareness with respect to cooperative research and development agreements described in subsection (a); and

(2) establish and distribute to appropriate Federal agencies—

(A) specific criteria to indicate the necessity for gathering and considering the views of other agencies on joint work statements or cooperative research and development agreements as described in subsection (a); and

(B) additional procedures, if any, for carrying out such gathering and considering of agency views with respect to cooperative research and development agreements described in subsection (a).

Procedures established under this subsection shall be designed to the extent possible to use or modify existing procedures, to minimize burdens on Federal agencies, to encourage industrial partnerships with national laboratories, and to minimize delay in the approval or disapproval of joint work statements and cooperative research and development agreements.

(c) Limitation.—Nothing in this Act, nor any procedures established under this section shall provide to the Office of Science and Technology Policy, the National Science and Technology Council, or any Federal agency the authority to disapprove a cooperative research and development agreement or joint work statement, under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), of another Federal agency.

SEC. 7. INCREASED FLEXIBILITY FOR FEDERAL LABORATORY PARTNERSHIP INTERMEDIARIES.

Section 23 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715) is amended—

(1) in subsection (a)(1) by inserting ", institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), or educational institutions within the meaning of section 2194 of title 10, United States Code" after "small business firms"; and

(2) in subsection (c) by inserting ", institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), or educational institutions within the meaning of section 2194 of title 10, United States Code," after "small business firms".

SEC. 8. STUDY AND REPORT ON BIOLOGICAL DEPOSITS IN SUPPORT OF BIOTECHNOLOGY PATENTS.

(a) In General.—Not later than 6 months after the date of the enactment of this Act, the General Accounting Office, in consultation with the United States Patent and Trademark Office, shall conduct a study and submit a report to Congress on the potential risks to the United States biotechnology industry relating to biological deposits in support of biotechnology patents.

(b) Contents.—The study conducted under this section shall include—

(1) an examination of the risk of export and the risk of third-party transfer of biological deposits, and the risks posed by the change to 18-month publication requirements;

(2) an analysis of comparative legal and regulatory regimes; and

(3) any related recommendations.

(c) Consideration of Report.—In drafting regulations affecting biological deposits (including any modification of 37 Code of Federal Regulations 1.801 et seq.), the United States Patent and Trademark Office shall consider the recommendations of the study conducted under this section.

SEC. 9. PROVISIONAL APPLICATIONS.

(a) Abandonment.—Section 111(b)(5) of title 35, United States Code, is amended to read as follows:

"(5) Abandonment.—Notwithstanding the absence of a claim, upon timely request and as prescribed by the Commissioner, a provisional application may be treated as an application filed under subsection (a). Subject to section 119(e)(3) of this title, if no such request is made, the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival thereafter.".

(b) Technical Amendment Relating to Weekends and Holidays.—Section 119(e) of title 35, United States Code, is amended by adding at the end the following:

"(3) If the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the period of pendency of the provisional application shall be extended to the next succeeding secular or business day.".

(c) Effective Date.—The amendments made by this section shall apply to a provisional application filed on or after June 8, 1995.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEWIS AND CLARK EXPEDITION BICENTENNIAL COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1560) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment, with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment as follows:

Senate amendment:

Page 10, after line 2 insert:

SEC. 11. CONGRESSIONAL GOLD MEDALS FOR THE "LITTLE ROCK NINE".

(a) Findings.—The Congress finds that—

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the "Little Rock Nine", voluntarily subjected themselves to the bitter stinging pains of racial bigotry;

(2) the Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country;

(3) the Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation;

(4) the Little Rock Nine sacrificed their innocence to protect the American principle that we are all "one nation, under God, indivisible";

(5) the Little Rock Nine have indelibly left their mark on the history of this Nation; and

(6) the Little Rock Nine have continued to work toward equality for all Americans.

(b) Presentation Authorized.—The President is authorized to present, on behalf of Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to the "Little Rock Nine", gold medals of appropriate design, in recognition of the selfless heroism that such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(c) Design and Striking.—For purposes of the presentation referred to in subsection (b) the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient.

(d) Authorization of Appropriation.—Effective October 1, 1998, there are authorized to be appropriated such sums as may be necessary to carry out this section.

(e) Duplicate Medals.—

(1) Striking and sale.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) Reimbursement of appropriation.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

SEC. 12. FORD CONGRESSIONAL GOLD MEDAL.

(a) Presentation Authorized.—The President is authorized to present, on behalf of the Congress, to Gerald R. and Betty Ford a gold medal of appropriate design—

(1) in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States; and

(2) in commemoration of the following occasions in 1998:

(A) The 85th anniversary of the birth of President Ford.

(B) The 80th anniversary of the birth of Mrs. Ford.

(C) The 50th wedding anniversary of President and Mrs. Ford.

(D) The 50th anniversary of the 1st election of Gerald R. Ford to the United States House of Representatives.

(E) The 25th anniversary of the approval of Gerald R. Ford by the Congress to become Vice President of the United States.

(b) Design and Striking.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) Authorization of Appropriation.—There are authorized to be appropriated not to exceed $20,000 to carry out this section.

(d) Duplicate Medals.—

(1) Striking and sale.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) Reimbursement of appropriation.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

(e) National Medals.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 13. 6-MONTH EXTENSION FOR CERTAIN SALES.

Notwithstanding section 101(7)(D) of the United States Commemorative Coin Act of 1996, *the Secretary of the Treasury may, at any time before January 1, 1999, make bulk sales at a reasonable discount to the Jackie Robinson Foundation of not less than 20 percent of any denomination of proof and uncirculated coins minted under section 101(7) of such Act which remained unissued as of July 1, 1998, except that the total number of coins of any such denomination which were issued under such section or this section may not exceed the amount of such denomination of coins which were authorized to be minted and issued under section 101(7)(A) of such Act.*

House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the Senate—

(1) insert after the enacting clause, the following new heading (and redesignate sections 1 through 10 as sections 101 through 110, respectively):

"TITLE I—LEWIS AND CLARK EXPEDITION BICENTENNIAL COIN"; and

(2) add at the end the following new title:

TITLE II—LEIF ERICSSON MILLENNIUM COMMEMORATIVE COIN

SEC. 201. SHORT TITLE.

This title may be cited as the "Leif Ericsson Millennium Commemorative Coin Act".

SEC. 202. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In conjunction with the simultaneous mining and issuance of commemorative coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericsson, the Secretary of the Treasury (hereafter in this title referred to as the "Secretary") shall mint and issue not more than 500,000 1 dollar coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 203. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this title from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 204. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this title shall be emblematic of the millennium of the discovery of the New World by Leif Ericsson.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2000"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this title shall be—

(1) selected by the Secretary after consultation with the Leifur Eiríksson Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 205. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this title beginning January 1, 2000.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this title after December 31, 2000.

SEC. 206. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this title shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—All surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary to the Leifur Eiríksson Foundation for the purpose of funding student exchanges between students of the United States and students of Iceland.

(c) AUDITS.—The Leifur Eiríksson Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation under subsection (b).

SEC. 207. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

Mr. CASTLE (during the reading). Mr. Speaker I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Delaware.

There was no objection.

A motion to reconsider was laid on the table.

DESIGNATION OF HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF SECOND SESSION OF ONE HUNDRED FIFTH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 20, 1998.

I hereby designate the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the second session of the One Hundred Fifth Congress.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is accepted.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that the business in order under Calendar Wednesday on tomorrow be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

EXPRESSING SENSE OF HOUSE REGARDING SALE OR DIVERSION OF GREAT LAKES WATER

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 566) expressing the sense of the House of Representatives that the President and the Senate should take the necessary actions to prevent the sale or diversion of Great Lakes water to foreign countries, businesses, corporations, and individuals until procedures are established to guarantee that any such sale is fully negotiated between and approved by the governments concerned, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution as follows:

H. RES. 566

Whereas the water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the Great Lakes States and the Canadian Provinces;

Whereas the Great Lakes need to be carefully managed and protected in order to meet current and future water needs within the Great Lakes Basin and the Canadian Provinces;

Whereas any new diversions of Great Lakes waters for use outside of the Great Lakes Basin will have significant adverse effects on the environment, economy, and welfare of the Great Lakes region;

Whereas the Province of Ontario, Canada, has authorized an Ontario company to divert water from the Great Lakes for sale to Asia;

Whereas 4 of the Great Lakes contain international waters, and are defined as "boundary waters" in the Boundary Waters Treaty of 1909 between the United States and Canada, and therefore any new diversion of Great Lakes water would affect the relations between the Government of the United States and the Government of Canada;

Whereas as trustees of the Great Lakes Basin's natural resources, the Great Lakes States and Provinces have a shared duty to protect, conserve, and manage the renewable but finite waters of the Great Lakes Basin for the use, benefit, and enjoyment of all their citizens, and future generations; and

Whereas the most effective means of protecting, conserving, and managing the water resources of the Great Lakes is through the joint pursuit of unified and cooperative principles, policies, and programs mutually agreed upon, enacted, and adhered to by each and every Great Lakes State and Province: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President and the Senate should act to prevent the sale or diversion of Great Lakes water to foreign countries, businesses, corporations, and individuals until procedures are established to guarantee that any such sale or diversion is fully negotiated and approved by representatives of the United States Government and the Government of Canada, in consultation with any Great Lakes State or Province that could be impacted by such a sale or diversion.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) is recognized for one hour.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to just note that this is a measure introduced by the gentleman from Michigan (Mr. STUPAK). The minority on our committee asked that committee consideration be waived so the resolution could be brought to the floor today. I am pleased to support the minority's request.

This resolution has the bipartisan cosponsorship of Members from Great Lakes states responding to a unilateral move by a Canadian province to authorize a private company to sell Great Lakes water to Asia.

I urge my colleagues to support this measure.

Mr. STUPAK. Mr. Speaker, H. Res. 566 is a resolution that is meant to send the message that we, the House of Representatives, are serious about protecting our Great Lakes and will not sit idly by and allow our Great Lakes water to be sold to foreign countries.

This resolution was originally introduced last spring after the Province of Ontario in Canada approved a permit that allows the Nova Group, an Ontario-based company, to divert three billion liters of water from Lake Superior over the next five years and sell it to Asia.

After considerable public outcry against this proposal, the Ministry of the Environment of Ontario announced that the permit issued to the Nova Group would be canceled.

Recently, however, the Nova Group asked the Ontario environmental appeal board to overturn the decision withdrawing the permit and to allow it to proceed with its bid to export fresh water to several Asian countries. Hearings are scheduled on the permit for this fall.

Allowing the diversion of billions of liters of water from the Great Lakes would create dangerous consequences for the Great Lakes region and the United States.

This permit could open the door for additional water diversion opportunities, putting the waters of all the Great Lakes on the world market.

This could lead to larger scale diversions of water in the future that could have adverse effects on the environment, economy, and welfare of the Great Lakes region.

H. Res. 566 calls on the President and the Senate to prevent the sale or diversion of Great Lakes water to foreign countries until it is possible to fully negotiate this proposal and its implications.

Mr. Speaker, we could literally be opening up Pandora's box with the sale of Great Lakes water to foreign countries. We cannot afford to turn our Great Lakes into a tradable commodity.

We must pass this legislation and send the message to Canada that our Great Lakes are not for sale to foreign countries.

I'd like to thank Chairman GILMAN, Mr. HAMILTON, Chairman GALLEGLY, and Mr. ACKERMAN for their help on this matter. I would especially like to thank Mr. LATOURETTE of Ohio and Mr. BONIOR of Michigan for their leadership on this issue.

I urge my colleagues to support this nonbinding resolution.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AFRICA: SEEDS OF HOPE ACT OF 1998

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4283) to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Africa: Seeds of Hope Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and declaration of policy.

TITLE I—ASSISTANCE FOR SUB-SAHARAN AFRICA

Sec. 101. Africa Food Security Initiative.
Sec. 102. Microenterprise assistance.
Sec. 103. Support for producer-owned cooperative marketing associations.
Sec. 104. Agricultural and rural development activities of the Overseas Private Investment Corporation.
Sec. 105. Agricultural research and extension activities.

TITLE II—WORLDWIDE FOOD ASSISTANCE AND AGRICULTURAL PROGRAMS

Subtitle A—Nonemergency Food Assistance Programs

Sec. 201. Nonemergency food assistance programs.

Subtitle B—Bill Emerson Humanitarian Trust Act of 1998

Sec. 211. Short title.
Sec. 212. Bill Emerson Humanitarian Trust Act.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Report.

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The economic, security, and humanitarian interests of the United States and the nations of sub-Saharan Africa would be enhanced by sustainable, broad-based agricultural and rural development in each of the African nations.

(2) According to the Food and Agriculture Organization, the number of undernourished people in Africa has more than doubled, from approximately 100,000,000 in the late 1960s to 215,000,000 in 1998, and is projected to increase to 265,000,000 by the year 2010. According to the Food and Agriculture Organization, the term "under nutrition" means inadequate consumption of nutrients, often adversely affecting children's physical and mental development, undermining their future as productive and creative members of their communities.

(3) Currently, agricultural production in Africa employs about two-thirds of the workforce but produces less than one-fourth of the gross domestic product in sub-Saharan Africa, according to the World Bank Group.

(4) African women produce up to 80 percent of the total food supply in Africa according to the International Food Policy Research Institute.

(5) An effective way to improve conditions of the poor is to increase the productivity of the agricultural sector. Productivity increases can be fostered by increasing research and education in agriculture and rural development.

(6) In November 1996, the World Food Summit set a goal of reducing hunger worldwide by 50 percent by the year 2015 and encouraged national governments to develop domestic food plans and to support international aid efforts.

(7) Although the World Bank Group recently has launched a major initiative to support agricultural and rural development, only 10 percent, or $1,200,000,000, of its total lending to sub-Saharan Africa for fiscal years 1993 to 1997 was devoted to agriculture.

(8)(A) United States food processing and agricultural sectors benefit greatly from the liberalization of global trade and increased exports.

(B) Africa represents a growing market for United States food and agricultural products. Africa's food imports are projected to rise from less than 8,000,000 metric tons in 1990 to more than 25,000,000 metric tons by the 2020.

(9)(A) Increased private sector investment in African countries and expanded trade between the United States and Africa can greatly help African countries achieve food self-sufficiency and graduate from dependency on international assistance.

(B) Development assistance, technical assistance, and training can facilitate and encourage commercial development in Africa, such as improving rural roads, agricultural research and extension, and providing access to credit and other resources.

(10)(A) Several United States private voluntary organizations have demonstrated success in empowering Africans through direct business ownership and helping African agricultural producers more efficiently and directly market their products.

(B) Rural business associations, owned and controlled by farmer shareholders, also greatly help agricultural producers to increase their household incomes.

(b) DECLARATION OF POLICY.—It is the policy of the United States, consistent with title XII of part I of the Foreign Assistance Act of 1961, to support governments of sub-Saharan African countries, United States and African nongovernmental organizations, universities, businesses, and international agencies, to help ensure the availability of basic nutrition and economic opportunities for individuals in sub-Saharan Africa, through sustainable agriculture and rural development.

TITLE I—ASSISTANCE FOR SUB-SAHARAN AFRICA

SEC. 101. AFRICA FOOD SECURITY INITIATIVE.

(a) ADDITIONAL REQUIREMENTS IN CARRYING OUT THE INITIATIVE.—In providing development

assistance under the Africa Food Security Initiative, or any comparable or successor program, the Administrator of the United States Agency for International Development—

(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects;

(3) shall favor countries that are implementing reforms of their trade and investment laws and regulations in order to enhance free market development in the food processing and agricultural sectors; and

(4) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

(b) Sense of Congress.—It is the sense of Congress that, if there is an increase in funding for sub-Saharan programs, the Administrator of the United States Agency for International Development should proportionately increase resources to the Africa Food Security Initiative, or any comparable or successor program, for fiscal year 2000 and subsequent fiscal years in order to meet the needs of the countries participating in such Initiative.

SEC. 102. MICROENTERPRISE ASSISTANCE.

(a) Bilateral Assistance.—In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should use the applied research and technical assistance capabilities of United States land-grant universities.

(b) Multilateral Assistance.—

(1) In general.—The Administrator of the United States Agency for International Development shall continue to work with other countries, international organizations (including multilateral development institutions), and entities assisting microenterprises and shall develop a comprehensive and coordinated strategy for providing microenterprise assistance for sub-Saharan Africa.

(2) Additional requirement.—In carrying out paragraph (1), the Administrator should encourage the World Bank Consultative Group to Assist the Poorest to coordinate the strategy described in such paragraph.

SEC. 103. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

(a) Purposes.—The purposes of this section are—

(1) to support producer-owned cooperative purchasing and marketing associations in sub-Saharan Africa;

(2) to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to promote rural development in sub-Saharan Africa;

(3) to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, technical expertise; and

(4) to support small businesses in sub-Saharan Africa as they grow beyond microenterprises.

(b) Support for Producer-Owned Cooperative Marketing Associations.—

(1) Activities.—

(A) In general.—The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders.

(B) Additional requirements.—In carrying out subparagraph (A), the Administrator—

(i) shall take into account small-scale farmers, small rural entrepreneurs, and rural workers and communities; and

(ii) shall take into account the local-level perspectives of the rural and urban poor through close consultation with these groups, consistent with section 496(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(e)(1)).

(2) Other activities.—In addition to carrying out paragraph (1), the Administrator is encouraged—

(A) to cooperate with governments of foreign countries, including governments of political subdivisions of such countries, their agricultural research universities, and particularly with United States nongovernmental organizations and United States land-grant universities, that have demonstrated expertise in the development and promotion of successful private producer-owned cooperative marketing associations; and

(B) to facilitate partnerships between United States and African cooperatives and private businesses to enhance the capacity and technical and marketing expertise of business associations in sub-Saharan Africa.

SEC. 104. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) Purpose.—The purpose of this section is to encourage the Overseas Private Investment Corporation to work with United States businesses and other United States entities to invest in rural sub-Saharan Africa, particularly in ways that will develop the capacities of small-scale farmers and small rural entrepreneurs, including women, in sub-Saharan Africa.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the Overseas Private Investment Corporation should exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guaranties, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

(A) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

(B) have a clear track-record of support for sound business management practices; and

(C) have demonstrated experience with participatory development methods; and

(2) the Overseas Private Investment Corporation should utilize existing equity funds, loan and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

SEC. 105. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

(a) Development of Plan.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

(b) Additional Requirements.—Such plan shall seek to ensure that—

(1) research and extension activities will respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa;

(2) sustainable agricultural methods of farming will be considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa; and

(3) research and extension efforts will focus on sustainable agricultural practices and will be adapted to widely varying climates within sub-Saharan Africa.

TITLE II—WORLDWIDE FOOD ASSISTANCE AND AGRICULTURAL PROGRAMS

Subtitle A—Nonemergency Food Assistance Programs

SEC. 201. NONEMERGENCY FOOD ASSISTANCE PROGRAMS.

(a) In General.—In providing nonemergency assistance under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), the Administrator of the United States Agency for International Development shall ensure that—

(1) in planning, decisionmaking, and implementation in providing such assistance, the Administrator takes into consideration local input and participation directly and through United States and indigenous private and voluntary organizations;

(2) each of the nonemergency activities described in paragraphs (2) through (6) of section 201 of such Act (7 U.S.C. 1721), including programs that provide assistance to people of any age group who are otherwise unable to meet their basic food needs (including feeding programs for the disabled, orphaned, elderly, sick and dying), are carried out; and

(3) greater flexibility is provided for program and evaluation plans so that such assistance may be developed to meet local needs, as provided for in section 202(f) of such Act (7 U.S.C. 1722(f)).

(b) Other Requirements.—In providing assistance under the Agriculture Trade Development and Assistance Act of 1954, the Secretary of Agriculture and the Administrator of United States Agency for International Development shall ensure that commodities are provided in a manner that is consistent with sections 403 (a) and (b) of such Act (7 U.S.C. 1733 (a) and (b)).

Subtitle B—Bill Emerson Humanitarian Trust Act of 1998

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Bill Emerson Humanitarian Trust Act of 1998".

SEC. 212. BILL EMERSON HUMANITARIAN TRUST ACT.

(a) In General.—Section 302 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting "Or Funds" after "Commodities";

(B) in paragraph (1)—

(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) funds made available under paragraph (2)(B) which shall be used solely to replenish commodities in the trust."; and

(C) in paragraph (2) by striking subparagraph (B) and inserting the following:

"(B) FUNDS.—Any funds used to acquire eligible commodities through purchases from producers or in the market to replenish the trust shall be derived—

"(i) with respect to fiscal years 2000 through 2002 from funds made available to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) that are used to repay or reimburse the Commodity Credit Corporation for the release of eligible commodities under subsections (c)(2) and (f)(2), except that, of such funds, not more than $20,000,000 may be expended for this purpose in each of the fiscal years 2000 through 2002; and

"(ii) from funds authorized for that use by an appropriations Act.";

(2) in subsection (c)(2)—

(A) by striking "ASSISTANCE.—Notwithstanding" and inserting the following: "ASSISTANCE.—

"(A) IN GENERAL.—Notwithstanding"; and

(B) by adding at the end the following:

"(B) LIMITATION.—The Secretary may release eligible commodities under subparagraph (A) only to the extent such release is consistent with maintaining the long-term value of the trust.";

(3) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) subject to the need for release of commodities from the trust under subsection (c)(1), for the management of the trust to preserve the value of the trust through acquisitions under subsection (b)(2)."; and

(4) in subsection (f)—

(A) in paragraph (2), by inserting "OF THE TRUST" after "REIMBURSEMENT" in the heading; and

(B) in paragraph (2)(A), by inserting "and the funds shall be available to replenish the trust under subsection (b)" before the end period.

(b) CONFORMING AMENDMENTS.—

(1) Title III of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 et seq.) is amended by striking the title heading and inserting the following:

"TITLE III—BILL EMERSON HUMANITARIAN TRUST".

(2) Section 301 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 note) is amended to read as follows:

"SEC. 301. SHORT TITLE.

"This title may be cited as the 'Bill Emerson Humanitarian Trust Act'.".

(3) Section 302 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1) is amended—

*(A) in the section heading, by striking "**reserve**" and inserting "**trust**";*

(B) by striking "reserve" each place it appears (other than in subparagraphs (A) and (B) of subsection (b)(1)) and inserting "trust";

(C) in subsection (b)—

(i) in the subsection heading, by striking "RESERVE" and inserting "TRUST";

(ii) in paragraph (1)(B), by striking "reserve," and inserting "trust,"; and

(iii) in the paragraph heading of paragraph (2), by striking "RESERVE" and inserting "TRUST"; and

(D) in the subsection heading of subsection (e), by striking "RESERVE" and inserting "TRUST".

(4) Section 208(d)(2) of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4001(d)(2)) is amended by striking "Food Security Commodity Reserve Act of 1996" and inserting "Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.)".

(5) Section 901b(b)(3) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f(b)(3)), is amended by striking "Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f–1)" and inserting "Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.)".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REPORT.

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on how the Agency plans to implement sections 101, 102, 103, 105, and 201 of this Act, the steps that have been taken toward such implementation, and an estimate of all amounts expended or to be expended on related activities during the current and previous 4 fiscal years.

Mr. GILMAN (during the reading). Mr. Speaker I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mr. MENENDEZ. Mr. Speaker, reserving the right to object, and I do not intend to object, but under my reservation, I yield to the distinguished gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this legislation. It is well-supported in both houses of Congress.

Mr. Speaker, the Africa Seeds of Hope Act (H.R. 4383 was originally sponsored by this Member with the support and assistance of the distinguished gentleman from Indiana (Mr. HAMILTON) and many other Members from both sides of the aisle, including Chairman BEN GILMAN. This legislation is non-controversial legislation with strong bipartisan support in the House and Senate, tremendous grassroots support throughout the nation, and support from the Administration including the United States Department of Agriculture. It previously passed the House on voice vote on September 28, 1998. The Senate passed it this morning with very modest changes, which have bipartisan support in the House. The changes include deletion of some findings clauses and a sunset provision for the Bill Emerson Humanitarian Trust. The sunset provision, added at the request of the Senate Budget Committee, insures that the operation and funding of this food aid trust will be revisited in the next farm bill.

Mr. Speaker, as the sponsor of this legislation, this Member would like to make clear that Section 212 of this legislation is a mechanism to enable USDA to fill the Bill Emerson Humanitarian Trust with funds or commodities that represent repayments to the Commodity Credit Corporation. The intent of this section is to enable USDA to use the $20 million annual limit in funds or commodities to fill the trust and use it in times of emergencies. Therefore, 212(a) is an annual limitation only on inflows to the trust (capped at $20 million annually) while outflows from the trust have no annual limitation and can equal the cumulative amount of the trust in any one year.

The Africa Seeds of Hope Act (H.R. 4283) was introduced by this Member on July 21, 1998, with the support of the distinguished gentleman from Indiana, the Ranking Democrat on the House International Relations Committee (Mr. HAMILTON). It is the successor bill to H.R. 3636, which was introduced on April 1, 1998. Because of some confusion regarding the two bills, this Member regrets that a few Members of Congress who wanted to be listed as a co-sponsor of H.R. 4283 were not added prior to the House passage of this legislation. Therefore, this Member would like to recognize that the distinguished gentleman from Massachusetts (Mr. DELAHUNT) strongly supported this legislation and would have liked to have been added as a co-sponsor.

This legislation was overwhelmingly passed by the House Committee on International Relations on July 22, 1998, and it was discharged by the House Committee on Agriculture on September 11, 1998.

The Africa Seeds of Hope Act helps U.S. agriculture while promoting sustainable development in Sub-Saharan Africa so Africans can be less dependent on U.S. humanitarian assistance in the future. That is why H.R. 4283 has the support of both agricultural and humanitarian organizations and the United States Department of Agriculture. This win-win combination of grass roots supporters has been the foundation of America's long-term, good-will building, humanitarian food aid efforts since World War II.

Mr. Speaker, the predominant organization responsible for stimulating the creation and support for this legislation is the organization Bread for the World, a nondenominational Christian organization led by Rev. David Beckmann.

The Africa Seeds of Hope Act has been endorsed by over 220 agricultural and humanitarian organizations including: the Association for International Agriculture and Rural Development (AIARD), the Coalition for Food Aid, numerous land grant colleges, InterAction and major U.S. private voluntary agencies such as CARE, World Vision, ACDI/VOCA, Catholic Relief Services, Technoserve, Africare, OXFAM, Islamic African Relief Agency USA, and the Mormon World Hunger Committee. In addition, this legislation has the support of most Christian denominations, Catholic religious communities, and mission groups. And, editorial pages from over twenty major newspapers across the country have endorsed H.R. 4283.

Mr. Speaker, a recent article in the Washington Post entitled "Africa's Agricultural Rebirth" quoted a Vice-Minister of Agriculture from Ethiopia as saying "You cannot detach economic development from food self-sufficiency." That profound truth is the essence of the Africa Seeds of Hope Act.

There may be some people who believe or give the impression they believe that an admittedly very important trade liberalization effort alone can remedy all of Africa's woes. And, equally wrongheaded are some in the nongovernmental organization community who initially expressed their opposition to trade liberalization, saying it would only hurt Africa's poor. The Africa Seeds of Hope Act bridges these disparate and unnecessarily conflicting ideological points of view with a reconciling view. That view is that liberalized trade plus targeted foreign assistance to Africa's small farmers, together, can best help Sub-Saharan Africa prosper.

Several months ago, with this Member's support, the House of Representatives passed the African Trade Growth and Opportunities Act. In doing so, the House took the very important step toward greater trade with a continent in desperate need of private-sector led economic growth. By focusing on sustainable agriculture, research, rural finance, and food security, the Africa Seeds of Hope Act is directly aimed at helping the 76 percent of the Sub-Sharan African people who are small farmers thus providing another important step towards increased African trade. Improving the efficiency of these farmers is crucial to ensuring that our overall trade strategy is successful. As a longtime supporter of aid to Africa through the creation of the Development Fund for Africa and other mechanisms, this Member will tell his colleagues that this Member believes H.R. 4283—in conjunction with any new Africa trade initiatives—will help coordinate and focus America's resources on both trade and aid in Africa.

If trade is to prosper in Sub-Saharan Africa, we need to better direct our scarce aid resources so that they stimulate private sector investment or help ease the suffering in those places either overlooked by the private sector or suffering from natural disasters. Our legislation attempts to refine our assistance programs for Sub-Saharan Africa and ensure that agriculture and rural development are not neglected. For example, this legislation requires the Agency for International Development (AID) to reverse its negative funding trend for international agricultural research and development. This will address the legitimate concern of U.S. land grant institutions that the Agency for International Development was increasingly ignoring sustainable agriculture in its development mandate. Also, the microenterprise program is recognized by this legislation and emphasized as an excellent tool to help remedy rural finance and investment shortcoming in Sub-Saharan Africa.

Moreover, H.R. 4283 attempts to better coordinate our international agricultural research programs with our domestic agricultural research so that farmers in Africa, as well as farmers in the United States, can benefit from AID funded agricultural research. The Africa Seeds of Hope Act refocuses our food assistance programs on long-term development assistance instead of being evaluated on the basis of short-term or immediate results that are often antithetical to their original purpose. This will enable non-governmental organizations and private voluntary organizations to design and implement food assistance programs that are cost-effective and ultimately succeed in graduating people and countries from those programs.

Finally, H.R. 4283 also establishes a Bill Emerson Humanitarian Trust in honor of the late, distinguished and much admired Congressman from Missouri who was a leader on America's food aid efforts. This important mechanism allows the United States Department of Agriculture to purchase surplus agricultural commodities when prices are low, isolate them from the market, and distribute them at times of international disasters and famines. This cost-effective mechanism is especially beneficial to U.S. farmers because it takes U.S. commodities off of the market when commodity prices are at their lowest, such as now. The Bill Emerson Humanitarian Trust is a worthy tribute to our late colleague, and this Member would like to thank the distinguished gentlewoman from Missouri (Mrs. EMERSON) for allowing us to further honor her late husband in this manner.

Finally, this Member would like to thank the distinguished gentlewoman from California (MAXINE WATERS), the distinguished gentlewoman from Georgia (CYNTHIA MCKINNEY) and the distinguished gentlewoman from North Carolina (EVA CLAYTON) for their special effort with the Congressional Black Caucus on behalf of the Africa Seeds of Hope Act. And this Member would like to thank the distinguished woman from Connecticut (NANCY JOHNSON) and the distinguished women from the District of Columbia (ELEANOR HOLMES NORTON) for their work with the Congressional Woman's Caucus on behalf of this legislation.

In conclusion Mr. Speaker, the Africa Seeds of Hope Act is legislation that benefits farmers in Africa as well as the United States.

Mr. MENENDEZ. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, this is a very significant measure. I rise in support of the measure, and I thank the gentleman from Nebraska (Mr. BEREUTER) for bringing it to the floor at this time.

Mr. MENENDEZ. Mr. Speaker, I would be happy to further add my voice of support.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

IRAN NUCLEAR PROLIFERATION PREVENTION ACT OF 1998

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the bill (H.R. 4851) to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. MENENDEZ. Mr. Speaker, reserving the right to object, and I do not intend to object, but I want to thank the distinguished chairman of the Committee on International Relations for assisting us in bringing this bill to the floor today, and also the gentleman from Indiana (Mr. HAMILTON) and the leadership of both parties for agreeing to bring this important bill to the floor by unanimous consent.

The bill sends a strong message to Iran about its efforts to develop nuclear weapons, but, most importantly, the bill keeps U.S. taxpayer dollars from being spent on Iranian nuclear power reactors whose completion is supported by the IAEA and one day could help Iran develop nuclear technology to make a nuclear weapon to be aimed at the U.S. or its allies.

Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to commend the gentleman from New Jersey, Mr. MENENDEZ, for his perseverance on this important legislation. This bill is similar to H.R. 3743, which was favorably reported by the Committee on International Relations, and then passed by the House on August 3, 1998, by a vote of 405–13.

Notwithstanding the overwhelming House vote, it is my understanding that the Senate opposed portions of H.R. 3743. This new bill modifies those portions of the bill and should now enjoy the support of the Senate.

This legislation amends current law to ensure that the U.S. does not provide funding for the completion of nuclear power reactors in Iran.

We all know that the Iranians have dedicated significant resources to completing at least 3 nuclear power plants by 2015 and are now working with Russian assistance to complete the Bushehr nuclear power plant. The U.S. has opposed the completion of the reactors at the Bushehr facility because the transfer of civilian nuclear technology and training could help to advance Iran's nuclear weapons program.

Between 1995 and 1999 it is expected that the International Atomic Energy Agency (IAEA) will have provided over $1.5 million for the Iranian nuclear power program through its Technical Assistance and Cooperation Fund. The U.S. provides annual voluntary contributions to this fund totally $16 million in 1996.

This bill does not halt our voluntary contribution to the IAEA. But it does require that none of our monies may be used to fund IAEA programs and projects in Iran unless the Secretary of State certifies that such projects are consistent with U.S. nuclear non-proliferation and safety goals and will not provide Iran with training or expertise relevant to the development of weapons.

This is exactly the right policy. The U.S. should not voluntarily provide funding which would help Iran complete nuclear power reactors that could assist them in developing their nuclear weapons program which could pose a threat to the U.S. or its allies.

The bill also establishes two reporting requirements. One will provide the Congress with a comprehensive report on IAEA assistance to Iran. The second requirement directs the Secretary of State to review IAEA programs and ensure that they are consistent with U.S. nuclear non-proliferation and safety goals. Based on that review, the Secretary shall direct the U.S. representative to the IAEA to oppose establishing any programs that is not consistent with U.S. policy.

Accordingly, I urge my colleagues to support this bill.

Mr. MENENDEZ. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Nuclear Proliferation Prevention Act of 1998".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Iran remains the world's leading sponsor of international terrorism and is on the Department of State's list of countries that provide support for acts of international terrorism.

(2) Iran has repeatedly called for the destruction of Israel and Iran supports organizations, such as Hizballah, Hamas, and the Palestine Islamic Jihad, which are responsible for terrorist attacks against Israel.

(3) Iranian officials have stated their intent to complete at least three nuclear power plants by 2015 and are currently working to complete the Bushehr nuclear power plant located on the Persian Gulf coast.

(4) The United States has publicly opposed the completion of reactors at the Bushehr nuclear power plant because the transfer of civilian nuclear technology and training could help to advance Iran's nuclear weapons program.

(5) In an April 1997 hearing before the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations of the Senate, the former Director of the Central Intelligence Agency, James Woolsey, stated that through the operation of the nuclear power reactor at the Bushehr nuclear power plant, Iran will develop substantial expertise relevant to the development of nuclear weapons.

(6) Construction of the Bushehr nuclear power plant was halted following the 1979 revolution in Iran because the former West Germany refused to assist in the completion the plant due to concerns that completion of the plant could provide Iran with expertise and technology which could advance Iran's nuclear weapons program.

(7) Iran is building up its offensive military capacity in other areas as evidenced by its recent testing of engines for ballistic missiles capable of carrying 2,200 pound warheads more than 800 miles, within range of strategic targets in Israel.

(8) In January 1995 Iran signed a $780,000,000 contract with the Russian Federation for Atomic Energy (MINATOM) to complete a VVER-1000 pressurized-light water reactor at the Bushehr nuclear power plant.

(9) In March of 1998, Russia confirmed its intention to complete work on the two reactors at the Bushehr nuclear power plant and agreed in principle to the construction of two more reactors at the Bushehr site.

(10) At least one reactor could be operational within a few years and it would subsequently provide Iran with substantial expertise to advance its nuclear weapons program.

(11) Iran ranks tenth among the 105 nations receiving assistance from the technical cooperation program of the International Atomic Energy Agency.

(12) Between 1995 and 1999, the International Atomic Energy Agency has provided and is expected to provide a total of $1,550,000 through its Technical Assistance and Cooperation Fund for the Iranian nuclear power program, including reactors at the Bushehr nuclear power plant.

(13) The United States provides annual contributions to the International Atomic Energy Agency which total more than 25 percent of the annual assessed budget of the Agency and the United States also provides annual voluntary contributions to the Technical Assistance and Cooperation Fund of the Agency which total approximately 32 percent ($16,000,000 in 1996) of the annual budget of the program.

(14) The United States should not voluntarily provide funding for the completion of nuclear power reactors which could provide Iran with substantial expertise to advance its nuclear weapons program and potentially pose a threat to the United States or its allies.

(15) Iran has no need for nuclear energy because of its immense oil and natural gas reserves which are equivalent to 9.3 percent of the world's reserves and Iran has 73,000,000,000 cubic feet of natural gas, an amount second only to the natural gas reserves of Russia.

SEC. 3. WITHHOLDING OF VOLUNTARY CONTRIBUTIONS TO THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR PROGRAMS AND PROJECTS IN IRAN.

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following:

"(d) Notwithstanding subsection (c), the limitations of subsection (a) shall apply to programs and projects of the International Atomic Energy Agency in Iran, unless the Secretary of State makes a determination in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate pursuant to section 4(a)(1) of the Iran Nuclear Proliferation Prevention Act of 1998, that such programs and projects are consistent with United States nuclear nonproliferation and safety goals and will not provide Iran with training or expertise relevant to the development of nuclear weapons.".

SEC. 4. ANNUAL REVIEW BY SECRETARY OF STATE OF PROGRAMS AND PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY; UNITED STATES OPPOSITION TO PROGRAMS AND PROJECTS OF THE AGENCY IN IRAN.

(a) ANNUAL REVIEW.—

(1) IN GENERAL.—The Secretary of State shall undertake a comprehensive annual review of all programs and projects of the International Atomic Energy Agency in the countries described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and shall determine if such programs and projects are consistent with United States nuclear nonproliferation and safety goals.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter for 5 years, the Secretary shall prepare and submit to the Congress a report containing the results of the review under paragraph (1).

(b) OPPOSITION TO CERTAIN PROGRAMS AND PROJECTS OF INTERNATIONAL ATOMIC ENERGY AGENCY.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose programs of the Agency that are determined by the Secretary under the review conducted under subsection (a)(1) to be inconsistent with nuclear nonproliferation and safety goals of the United States.

SEC. 5. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and on an annual basis thereafter for 5 years, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report that—

(1) describes the total amount of annual assistance to Iran from the International Atomic Energy Agency, a list of Iranian officials in leadership positions at the Agency, the expected timeframe for the completion of the nuclear power reactors at the Bushehr nuclear power plant, and a summary of the nuclear materials and technology transferred to Iran from the Agency in the preceding year which could assist in the development of Iran's nuclear weapons program; and

(2) contains a description of all programs and projects of the International Atomic Energy Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and any inconsistencies between the technical cooperation and assistance programs and projects of the Agency and United States nuclear nonproliferation and safety goals in these countries.

(b) ADDITIONAL REQUIREMENT.—The report required to be submitted under subsection (a) shall be submitted in an unclassified form, to the extent appropriate, but may include a classified annex.

SEC. 7. SENSE OF THE CONGRESS.

It is the sense of the Congress that the United States Government should pursue internal reforms at the International Atomic Energy Agency that will ensure that all programs and projects funded under the Technical Cooperation and Assistance Fund of the Agency are compatible with United States nuclear nonproliferation policy and international nuclear nonproliferation norms.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRIBUTE TO LEN SWINEHART AND KERRY KNOTT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I want to rise for just a moment to call the Members' attention to several members of the leadership staff who are leaving and to point out that when we look at the complexity of this institution, at how many different things have to work in order for us to be successful, that the very hard work of our staff members is a key part of how this institution works, whether it is our personal staff or committee staff or in the case of leadership, members of the leadership staff.

In my case, I am rising tonight to recognize Len Swinehart, who is celebrating today his 50th birthday and spent the last two weeks totally immersed in helping the appropriations process and finishing up the budget agreement with the President. Len has served here since 1976, when he came as a special assistant to Representative Harold Sawyer of Michigan. He went on from there to be administrative assistant to Vin Weber and then to become the deputy minority staff director on the House Committee on the Budget, and then became my floor assistant when I was the whip and finally floor assistant to me as Speaker. He has worked in particular on budget and appropriations matters.

Let me just say that Len has had a tremendous impact on this institution. I remember in particular working with him during the budget summit of 1990 as we tried to deal with issues that were very complex and where his background from the Committee on the Budget was invaluable. He has since played a major role both on budget and appropriations matters and in working with David Hobbs in trying to manage from the leadership's perspective what happens on the floor on a day-to-day basis. He has a tremendous record of service to the American people.

Because he came here a good while back, he is in a position to leave us and retire on his 50th birthday, and I just want him to know we are going to miss him and that we know that he is taking with him an institutional knowledge and awareness of this place that is truly quite remarkable.

□ 2015

I think it is particularly appropriate that he is having his 50th birthday today as we are passing a bill into which he poured so much time and effort and in which he worked with the appropriations staff in a very effective way.

So Len, we will miss you.

If I might take a moment of my time and yield to the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the Speaker for yielding.

Mr. Speaker, let me share the gentleman's sentiments about Len Swinehart. We have had the privilege of working with Len on so many very difficult, and sometimes it seems arcane, provisions of the rules. His knowledge, his experience, his understanding of the history of the institution and the precedence on which we could draw has always been invaluable to us in working out these complex problems, and we will truly miss Len.

In addition to that, Mr. Speaker, I would like to acknowledge the imminent departure from our leadership staff of my chief of staff, Kerry Knott. I first became acquainted with Kerry Knott in 1983. In 1983 he was a young idealist that wanted to be involved in politics and wanted to do it for the best of all reasons: to improve the quality of this Nation and to accede the government in service to the future of our children and our grandchildren. Through all of these years we have worked together, he has never changed.

I was laughing about that as I thought this morning, and I have said it many, many times, that there is always a danger when one comes to work in the government that one may come here as a young idealist and leave here as an old cynic. Kerry has defied the odds on both accounts. He came here as a young idealist and he leaves here as a young idealist. He will leave here I am sure satisfied in his own mind and heart, as I am, that each and every moment he spent in this town was a moment when service to his country was more important to him than any other consideration.

We see two fine young people who have done good service to this Nation leaving our ranks. We will miss them sorely, and if I may add on a very personal note, I will miss Kerry Knott not only as a working colleague, but as a personal friend. As he leaves me as a colleague, I hope to retain him as a friend.

Mr. GINGRICH. Mr. Speaker, reclaiming my time, let me also comment, because I had the opportunity to work with Kerry. He became in the years when we were in the minority our chief planner and he, working with Dan Meyer and Len Swinehart, developed the transition plan which was a multi-volume loose leaf document which enabled us to actually take over the House in 1995, and to move into the 100 days, 93 days, as he used to remind us, and pass the entire Contract With America, with one exception. Kerry did an outstanding job of planning. We are going to miss him. It may be a sad commentary in our years of experience that we regard Kerry Knott and Len Swinehart as young men, but I think we will work on that later on.

Anyway, I want to just say again, not just to these two fine members of the leadership staff, but sometimes when government courses are taught, people should realize that behind every Member there is a team, a staff that is working to serve their constituency; behind every issue there are staff members who specialize in that topic. For every committee there are professional staffs working all year-round; and for the leadership on either side, Democrat or Republican to function, there have to be leadership staff members who do an outstanding job.

Finally, sitting here in front of us and gathered all around us is the House staff which as an institution makes it possible for this very complex and remarkable institution to represent the will of 260 million Americans. So let me just say as we are closing out this particular Congress, I want to thank each and every member of every staff in both parties and the House institutional staff, for the dedication, the discipline, and the hours of professionalism they put in to serve their country, because they truly make it possible for the rest of us to do our jobs.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield for one final observation, Kerry, Len, look at the two of us. Before the Speaker and I met you, we did not have a gray hair between us. Thank you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CAMP). Pending possible further business, and by unanimous consent, the Chair will entertain 1 minutes.

DEFINING AN IMPEACHABLE OFFENSE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, over the last several weeks, the American people have rightly asked, what is an impeachable offense? When the framers used the term "high crimes and misdemeanors," they were using a 600-year-old term that did not appear in criminal law. A high crime and misdemeanor does not have to be a crime or a misdemeanor.

Impeachable offenses are not necessarily criminal acts. Supreme Court Justice Joseph Story wrote that offenses growing out of, "personal misconduct must be examined upon very broad and comprehensive principles of public policy and duty." In other words, misconduct can be an impeachable offense. An impeachable offense may be anything that is dishonorable, like abuse of power, obstructing justice or lying under oath.

In conclusion, Abraham Lincoln once made a statement. He said, "You can fool some of the people all of the time, you can even fool all of the people some of the time, but you can never fool all of the people all of the time."

He made that statement in a place called Clinton, Illinois.

TRIBUTE TO U.S. SENATOR DALE BUMPERS

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, I rise today to honor a man who has been a great leader and statesman for the State of Arkansas and for this country, United States Senator DALE BUMPERS.

Senator BUMPERS will retire this year after 24 years in the U.S. Senate. A native of Arkansas, Senator BUMPERS has been active in community affairs most of his life, serving as city attorney, school board president, and president of the Chamber of Commerce. His service defines the term, public servant.

Senator BUMPERS served the people of Arkansas from 1970 to 1974 as our governor. He trimmed the number of State agencies, doubled the number of State parks, launched an initiative to double the number of doctors trained at Arkansas' only medical school. He helped to build more and better State highways and improved our educational system.

There are so many good things in the State of Arkansas that would not be there if it were not for Senator DALE BUMPERS. The world is a better place because Senator BUMPERS has served. Arkansas and America are better places. With Senator BUMPERS' retirement comes the loss of one of Arkansas' finest public servants and a good friend to all those who have had the pleasure of work with him. I wish Senator BUMPERS and his wife, Betty, much health, happiness and success in the years to come.

ACCOMPLISHMENTS OF THE 105TH CONGRESS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as we end the 105th Congress, I think it is very important to understand that for the first time in a generation, Congress is about to adjourn with a budget surplus. When Republicans took control of this body, such an achievement would have seemed impossible. But for the first time in 16 years, this Congress gave the American people a tax cut. One could only wonder if tax cuts would have become a reality had the Republicans not taken control.

Through the Tax Code Termination Act, this Republican-led Congress gave a promise to the American public that we will develop a fair, simpler and more honest tax system. It was this Republican-led Congress that provided a more accountable Internal Revenue Service which now places the burden of proof on the IRS rather than on the taxpayer in tax disputes.

Furthermore, this body made a promise to our Nation's seniors, and we are working to save and secure Social Security well into the future. So when my colleagues on the other side of the aisle want to tell us that this is a do-nothing Congress, know that they are right. We did nothing to fulfill their agenda. We did not raise taxes, we did not increase budgetary red ink, and we did not ignore IRS abuses. Along with the American people I am proud that we did not follow the liberals and their 40-year controlled agenda of tax hikes and bigger government.

JUSTICE FOR PEDRO OREGON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I join my fellow elected officials in asking for an official investigation into the killing of Pedro Oregon. Pedro Oregon was a 22-year-old father of two young daughters. He had never been in trouble with the law, and Pedro was a dedicated landscaping employee who played on the local men's soccer team and even tutored those who wanted to learn soccer. He was killed by local law enforcement officers with 12 shots to the back. There were no drugs or alcohol found in Mr. Oregon, and as well, no search warrant was there. No gun of his was fired. I think it is important that we recognize the value of lives of Americans.

Mr. Oregon was an immigrant. He was part of the immigrant community, but he was a hard-working person, seeking to find his rightful place in America. This tragic and terrible situation has cast a blight on the harmonious community that we are trying to engage in in our neck of the woods.

Mr. Speaker, I would hope that the Attorney General would quickly investigate and determine whether the violations have occurred and violated Mr. Oregon's civil rights and find justice not only for his two young daughters, his wife, his mother, his sister, but all of the immigrant community in Houston, Texas.

NATIONAL SECURITY TOP CONCERN FOR 106TH CONGRESS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, not too many months ago this Congress created a commission to examine the threat of distribution of weapons of mass destruction, and specifically, the development of ballistic missile technology to rogue countries and to lesser developed countries. That commission, a bipartisan commission of some of the most distinguished Americans in the area of defense, security and intelligence, has unanimously made its recommendations to the Congress.

I know that Members will be busy the next several weeks, but I urge them to look at the executive summary or the full report which has been presented to their offices. I think this report is chillingly important. It suggests to us that our assumptions in the administration were very faulty when it comes to the amount of time, the difficulty that countries will have in securing ballistic missile systems and weapons of mass destruction. We have, they tell us, far underestimated the opportunity to buy or to acquire technology for that purpose.

Mr. Speaker, I urge Members to look at this report. It is one of the most important items of information being brought to our attention on national security for many years. It is up to my colleagues to examine this and to try to have an impact on the future Congress, the 106th Congress.

COMMENDING THE PEOPLE OF MOZAMBIQUE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 610) expressing the sense of the House of Representatives that the people of the Republic of Mozambique are to be commended for their commitment to rebuilding their nation after years of civil war, their willingness to live together harmoniously despite sharp political differences, and their ability to overcome poverty, health crises, and refugee outflows to build a growing economy and a positive future for their country, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Ms. MCKINNEY. Mr. Speaker, reserving the right to object, although I do not intend to object, I would like to thank the chairman, the gentleman from New York (Mr. GILMAN) and the gentleman from Georgia (Mr. GINGRICH) and the Democratic leadership for bringing this bill to the floor. This bill makes note of the positive relationship between our country and that of Mozambique and commends Mozambique for its progress in democratization and respect for human rights.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BEREUTER. Mr. Speaker, reserving the right to object, and I will not object, but I yield to the gentleman from New York (Mr. GILMAN), the chairman of the committee, for any comments that he might wish to make.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this measure for deserving Mozambique. The gentlewoman from Georgia (Ms. MCKINNEY), a member of our committee, has done us a service by bringing these issues before us. The people of Mozambique have overcome obstacles that many of us could never imagine. Thirty years of war, grinding poverty and continued disruption of normal life.

☐ 2030

According to the U.N., at least one-third of the 17 million people in Mozambique were forced to flee their homes as refugees or as internally eternally displaced persons.

In the best of times, Mr. Speaker, Mozambique is one of the poorest nations in the world. Estimates indicate a per capita income of $80 per year. Mozambique's civil war ended in 1992. In 1994 Mozambique held its first democratic elections, which were judged to be free and fair, and which benefited from the participation of the opposition.

Mr. Speaker, the people of Mozambique, like their neighbors in South Africa, stand as a model of political reconciliation. Other troubled regions of the world should look to the manner in which the Mozambique people have put away their political and other differences and have worked together to build a better future for their families.

Despite its many hurdles, Mozambique now boasts one of the world's fastest growing economies, having grown at 8 percent last year. Democracy is once again thriving in Mozambique, with both the government and the opposition working for a representative parliament and military.

Mr. Speaker, I want to thank the gentlewoman from Georgia (Ms. McKINNEY) for bringing this issue before us. I urge my colleagues to support the resolution. I thank the gentleman from Nebraska (Mr. BEREUTER) for his role in this.

Mr. BEREUTER. Mr. Speaker, under my reservation of objection, I want to thank the gentleman from New York (Mr. GILMAN) and the gentlewoman from Georgia (Ms. McKINNEY) for their support for this legislation. I announce my support for it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. CAMP). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 610

Whereas the Republic of Mozambique suffered from armed conflict for 30 years, first against Portuguese colonialism and then a brutal civil war between the FRELIMO government and RENAMO rebels;

Whereas up to one-third of Mozambique's 17,000,000 people were forced to flee their homes as refugees or internal displaced persons as a result of the civil war;

Whereas the two sides to the civil conflict reached a peace accord in 1992 and democratic elections were held in 1994 with the participation of all major political groups;

Whereas both the government of President Joachim Alberto Chissano and opposition parties have participated positively in Mozambique's representative democracy;

Whereas both the government and the opposition have made considerable strides in building a defense force that is representative of the Mozambican people;

Whereas Mozambique has rejected its communist economic policies, embraced free market principles, privatized many state enterprises, encouraged foreign investment and now enjoys one of Africa's highest economic growth rates at 8 percent per year; and

Whereas Mozambique is a fertile market for United States investment and trade: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements of the Mozambican people in overcoming political and economic obstacles to become a model of reconciliation and development;

(2) applauds those who have led Mozambique toward political reconciliation and away from armed conflict;

(3) commends the people of Mozambique for continuing to support democracy and democratic institutions;

(4) calls upon United States Government agencies to continue to work with their Mozambican counterparts in forging a close bilateral relationship;

(5) calls on the Government of Mozambique to continue to be a model of democracy, economic liberalization, and respect for human rights; and

(6) calls those nations in the world torn by civil strife to look toward the example of Mozambique for the benefits of political reconciliation and peaceful economic development.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHY WOULD THE PRESIDENT SHUT THE GOVERNMENT DOWN OVER A ROAD BYPASS IN SOUTHERN OHIO?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BURR) is recognized for 5 minutes.

Mr. BURR of North Carolina. Mr. Speaker, I knew the administration was throwing its weight around on the budget agreement, but I simply could not believe it when I read in yesterday's USA Today that the President of the United States was willing to shut the Federal Government down over a road bypass in the State of Ohio.

So I tried to find out what all the fuss was about. I learned that there was a provision in the Omnibus budget bill that would have helped southern Ohio leverage existing State and Federal dollars, and I stress, existing, to fund six high-priority Appalachian Ohio projects. Even better, the so-called highway redesignation did not cost one dime more. We are talking about no money involved in this provision.

Then I find out that this particular highway provision has the full support of the Ohio Governor, George Voinovich; the Ohio Department of Transportation; local elected officials in 30 community and business groups across southern Ohio. So I asked myself, why was the White House willing to shut the Federal Government down on a highway designation that helped southern Ohio?

Apparently, Mr. Speaker, the White House has a political reason for opposing this small highway provision and threatening a government shutdown. I have a copy here of the actual letter from Erskine Bowles, the Chief of Staff of the President, to our Speaker stating pointblank that the President would shut down the government over this one small Ohio highway provision.

Mr. Speaker, I just cannot understand why this White House is willing to play such high-stakes political hardball over a simple Ohio bypass.

SOME REAL VICTORIES IN THE OMNIBUS APPROPRIATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I have been told that budgets are about priorities, where the taxpayers' money should be spent, and where the goals and objectives which we hope to accomplish can be approached in an effort to meet them.

The $500 billion omnibus appropriation bill which we just passed and I voted for contains funding for many of our governmental agencies which provide a glimmer of hope for the poor, elderly, and disinherited of our society. While this bill is not picture perfect, it does in fact contain some real victories for many people throughout America.

The defense appropriation is too high, but we fought off attempts to cut the summer jobs program for disadvantaged youth. They now have hope again. We resisted attempts to cut low-income home energy assistance programs. Now seniors and others on fixed incomes will not have to choose between staying warm in the winter or buying food to eat. When the hawk comes to the windy city, to Chicago, and the wind off Lake Michigan drops temperatures to zero, 5, 10, and 15 degrees below, low-income people will have some help to try and keep warm.

We prevailed in getting $1.1 billion as a down payment for 100,000 new teachers, which means that we will be able to reduce class size. Unfortunately, we did not get the money needed for school construction, which absolutely makes no sense, because what is the use in having teachers if we do not have schools?

The bill contains a significant amount of money for health care, which pleases me greatly. The $100 million increase for federally qualified community health centers will go a long way toward serving the large number of uninsured Americans in rural and inner city communities.

It has $10.6 billion for the National Institutes of Health budget, which provides much needed money for medical research; $110 million to address HIV-AIDS in the African American community; $1.4 billion for the Ryan White AIDS program, and $105 million for the Healthy Start program.

This bill also contains needed funding for education: $1.2 billion as a down payment to reduce class size; $125 million for the school-to-work opportunities programs, which help ease the transition from school to work; $600 million for TRIO funding; $995 million for adult job training, which would fund about 386,000 participants.

But in reality, this bill is a testament to the will of the American people, who have indicated that they place substance over rhetoric, and that they appreciate real leadership.

I commend my colleagues, and I commend President Clinton for his political acumen and skill in orchestrating this compromise. It is good for my district, and it is good for America.

AMERICA'S VULNERABILITY TO BALLISTIC MISSILE ATTACK

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Nevada (Mr. GIBBONS) is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, I have come before this body over 150 times to talk to my colleagues and the American public about what I see are some of the important issues that this country faces.

Oftentimes my colleagues on the other side have repeatedly accused the Republicans of leading a "do-nothing" Congress. In one sense, I am very sorry to report that they are correct. This Congress has done nothing about our Nation's vulnerability to ballistic missile attack. Congress has failed to begin building a national missile defense system, a failure that is so inexcusable I will have to agree with my liberal Democratic colleagues, at least on this one point.

The United States has a policy of deliberately remaining vulnerable to a missile attack. Instead of building a national missile defense system, we place our faith in a piece of paper called the ABM Treaty. Our national security depends, therefore, on tyrants, dictators, and international thugs to respect that piece of paper.

Does anyone really believe that Saddam Hussein cares that we have signed an ABM treaty, a treaty with a country that no longer exists? Does anyone really believe that Mu'ammar Qadhafi will think twice about threatening the United States because we have signed the ABM treaty? Did Osama bin Laden reconsider his terrorist strikes against our embassies in Kenya and Tanzania because we are signatories to the ABM Treaty?

What good will the ABM treaty be against the Islamic bombs, weapons which will soon be in the hands of rogue nations whose citizens demonstrate against the great Satan by burning the American flag? Did North Korea step back from launching missiles into Japanese territory because America has signed an arms control agreement with a country that no longer exists?

Mr. Speaker, this policy of deliberate vulnerability is dangerous, it is foolish, and it is counterproductive. What is also strange is that we already have a technology to deploy a missile defense system. The U.S. Navy's Aegis cruisers are equipped with the technology that can be converted into a national missile defense system at a minimal expense. The Navy has already spent billions of dollars perfecting the state-of-the-art system, and it defies logic to prevent that system from being developed to end our vulnerability to a missile strike.

I do not understand why the other side refuses to take dangerous threats seriously. Must we always be surprised when the threat is upon us? How many times in history must we learn the hard way? How many more examples of rogue nations threatening the United States do we need to have before we wake up to the threats? Must the United States squander the technological edge that it has built up over the years with billions and billions of dollars for the sake of a meaningless arms control agreement?

Mr. Speaker, although we have, in the recently passed budget, approximately $1 billion for some antiballistic missile research and development, the American people expect more. They deserve more, and failure to do so is a violation of the public trust.

I might remind my friends on the other side of the aisle that the preamble to the Constitution declares to all the world that "We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, and provide for the common defense."

Let us stop there, and provide for the common defense of this Nation, Mr. Speaker. Failure to build a national missile defense system immediately is a failure to provide for the common defense of America. Every single person in America will know it, but will they know it far too late to take advantage of it?

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CLOSING THOUGHTS

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as Speaker Newt Gingrich made his remarks in discussing the omnibus budget that we just passed, he asked the question, what we would have done if we had not passed this legislation. Frankly, I agree with him that this was a must-do situation. But it was not a situation that could not have been done differently. And frankly, those of us who voted for this legislation clearly recognized that the process was faulty, that what might have been totally best for the American people was not concluded because of the haste in which we had to work.

I am, of course, concerned with many issues that impact my district. And frankly, we have made some progress on this omnibus bill. I am glad that homeless youth in Texas will have an additional $300,000 as given to Covenant House, Texas, and I am glad of the work of the appropriators with my offers to secure these dollars for that very worthy cause, to bring young homeless people into a clean and secure place in order to get them back on track.

I will be able to tell my housing authority, where some 25,000 people remain on a waiting list for housing, that over the two-year period we will be able to apply for some 100,000 section 8 vouchers that help most of all the working poor move throughout the community in stable neighborhoods, to raise their children with support from our housing authority. Mr. Speaker, that is good.

I heard my colleague mention the LIHEAP funds dealing with providing support for seniors who are in need of supplement for cold weather. But let me tell you how much we needed it in Texas when a heat wave of national disaster level plagued our State and killed over 100 people, many of whom were seniors. We were able to secure some $3 million also to assist in that crisis. And so we have restored, Democrats, the money that was gutted out of the labor, HHS. That is an important and needed resource for our seniors across this Nation.

Frankly, Mr. Speaker, we had a vigorous debate on the census. I believe that the results were positive for what this country will ultimately recognize that it needs, an accurate census count in the year 2000. The State of Texas lost 400,000 plus in the 1990 census because of an inaccurate count. We lost 65,000 in Houston alone. Those were predominantly minorities, Hispanics and African Americans. We now have the ability to use sampling, the statistical method until June of 1999. I hope that we will prevail on this process, for it is shameful that we would look not to count every single person within this Nation.

We just faced a terrible rain and flooding situation in Houston, and I am delighted that a project that we have been working on collectively as members of the Texas delegation and individually, in particular my district, the 18th congressional district, the Sims Bayou project will receive some $12 million. Work has already begun. But we will now see for the Army Corps of Engineers to move this along and move it along for the citizens along that bayou to live in their neighborhoods with a quality of life not in fear of every raindrop that comes our way. And I might say that Houston gets a lot of raindrops.

I am not happy, Mr. Speaker, however, with the constant fighting over the NEA funds although we did fund it. I am calling now for all of our arts associations and organizations across the Nation to be assured that we work for the fight to protect the NEA.

As I close, Mr. Speaker, let me say that I will continue to fight for our home health care agencies so that we will have them in our community, and children's mental health. I am most proud of the $5 million extra dollars that we have secured through our hard work to protect and help rehabilitate our children suffering from mental disabilities.

Mr. Speaker, we have a long way to go, but we did do what we needed to do today. We answered the Speaker's question, what would we do if we did not pass this bill. We passed it for America, but yet we are challenged to come back here and do more for education and do more for our seniors and do more for our children.

ACCOMPLISHMENTS OF THE 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to address my colleagues and to highlight the accomplishments of this 105th Congress.

For the first time since 1969, Mr. Speaker, we have a balanced budget, a balanced budget which means lower interest rates for all of our families, when it comes to their mortgage, when it comes to car expense and when it comes to student loans.

And what is the biggest dividend from a balanced budget, Mr. Speaker, has been the fact that we now have a budget surplus. After 40 years of excessive spending, we now have a budget surplus. This year alone we are talking about 71 billion. Over the next 10 years we are speaking about $1.6 trillion dollars. That is the American taxpayers' money, most of which, under the Republican-led plans, will go to shore up Social Security. A much lesser amount is actually needed, but this is to make sure that Social Security is secure for many years to come and also make sure the following takes place: We take Social Security off budget; we roll back the 1993 tax on Social Security; we increase the income that seniors can earn without deductions from Social Security from 30,000, under our proposal to $39,000 a year.

We have also taken important steps to save Medicare, the health care program for our seniors. Under this program we have done two major things, Mr. Speaker. One, we have increased the penalties for those who would abuse Medicare, health care fraud, whatever provider they may be. If they would, in fact, abuse Medicare, they would no longer be providers and would be subject to penalties. Beyond that, we have five new health care prevention programs for our senior citizens under Medicare. We have the annual mammograms, the annual Pap smears, the annual prostate cancer screening, the annual colorectal cancer screenings and as well osteoporosis screening and the diabetes screening.

On IRS reform, what grade strides we have made here. The Republican-led House and Senate have done the very thing that I was requesting in my legislation to shift the burden of proof. Instead of the IRS commissioner being presumed correct and we guilty as taxpayers, we have shifted it. It is now assumed that the taxpayer is presumed correct and the IRS commissioner has the burden of going forward to prove otherwise.

FDA reform, we have now speeded up the approval for life-saving drugs and medical devices signed into law by the President. I was proud to do my part to move this legislation forward to help people live longer and better while waiting for a cure or vaccine.

On education, the Republican-led Congress has given an additional $500 million over the President's amount for special ed. Increased funding for the Women, Infants and Children program, our school nutrition programs, increased funding for Head Start, for the vocational education program, for charter schools. But the most significant program was one that came from the gentleman from Pennsylvania (Mr. PITTS). This program says more dollars to the classroom and less money for bureaucrats; 95 percent of all dollars must go back to schools to use as they see fit, more teachers, new classrooms, maybe new computers, whatever each school district wants. This ensures that every every new school has an additional $90,000, even more funds for each school district.

It also would do something for higher ed. Our legislation says we are going to increase the loans and grants for college students, highest ever Pell grants and our lowest interest rate in 17 years.

Yes, America is on the move because of a bipartisan Congress, led by Republicans, to make sure we made a difference in people's lives for working families, for seniors and for our young people. We made a real positive difference.

I am looking forward to working together with my colleagues as we move forward to make sure America is stronger and American is better.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

The following Members (at the request of Mr. NORWOOD) to revise and extend their remarks and include extraneous material:

Mr. BURR of North Carolina, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 109. An act to provide Federal housing assistance to Native Hawaiians; to the Committee on Banking and Financial Services.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 538. An act to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.

S. 744. An act to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes.

S. 1260. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1722. An act to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 2364. An act to reauthorize and make reforms to programs authorized by the Public

Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

S. 2524. An act to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 55 minutes p.m.) the House adjourned until Wednesday, October 21, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11758. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mexican Fruit Fly Regulations; Addition of Regulated Area [Docket No. 98–082–2] received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11759. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Veterinary Diagnostic Services User Fees [Docket No. 94–115–2] (RIN: 0579–AA70) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11760. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Validated Brucellosis-Free States; South Carolina [Docket No. 98–101–1] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11761. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis in Cattle; State and Area Classifications; Mississippi [Docket No. 98–097–1] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11762. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Horses [Docket No. 95–054–3] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11763. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Fresh Bartlett Pears Grown in Oregon and Washington; Decreased Assessment Rate [Docket No. FV98–931–1 IFR] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11764. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate [Docket No. FV98–906–1 FIR] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11765. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Partial Exemption From the Handling Regulation for Producer Field-Packed Tomatoes [Docket No. FV98–966–2 IFR] received October 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11766. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Apricots Grown in Designated Counties in Washington; Change in Container Regulations [Docket No. FV98–922–1 FIR] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11767. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Decreased Assessment Rate [Docket No. FV98–948–1 FIR] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11768. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Domestic Dates Produced or Packed in Riverside County, CA; Increased Assessment Rate [Docket No. FV98–987–1 FR] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11769. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105—328); to the Committee on Appropriations and ordered to be printed.

11770. A letter from the Director, Washington Headquarters Services, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Balance Billing (RIN: 0720–AA46) received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

11771. A letter from the The Chairmen, Board of Governors of the Federal Reserve System, Securities and Exchange Commission, transmitting a Report to the Congress on the Markets for Small Business and Commercial Mortgage Related Securities; to the Committee on Banking and Financial Services.

11772. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States or any political subdivision thereof, on a reimbursable basis, and for other purposes; to the Committee on Banking and Financial Services.

11773. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7696] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11774. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Safety and Soundness Standards [Docket No. 98–13] (RIN: 1557–AB67) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11775. A letter from the Federal Register Liaison Officer Alternate, Office of Thrift Supervision, transmitting the Office's final rule—Transactions with Affiliates; Reverse Repurchase Agreements—received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11776. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness (RIN: 1550–AB27) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11777. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting Rehabilitation Training: Rehabilitation Long-Term Training, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

11778. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Rehabilitation Long-Term Training—received October 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11779. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Experienced Miner and Supervisor Training (RIN: 1219–AB13) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11780. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Technical Amendments of Rules Relating to Labor-Management Standards and Standards of Conduct for Federal Sector Labor Organizations; Correction (RIN: 1215–AB22) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11781. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11782. A letter from the Secretary of Education, transmitting the Department's final rule—Title I—Helping Disadvantaged Children Meet High Standards (RIN: 1810–AA89) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11783. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Radio Broadcasting Services; Arcadia & Ellington, MO, Carbondale, IL & Tiptonville, TN [MM Docket No. 97–168; RM–9103 and RM–9182] received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11784. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Florida [FL–065–9623a; FRL–6167–4] received October 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11785. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for South Dakota; Revisions to the Air Pollution Control Program [SD-001-0002a; FRL-6175-4] received October 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11786. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Time-limited Pesticide Tolerance [OPP-300744; FRL-6037-8] (RIN: 2070-AB78) received October 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11787. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Withdrawal of Final Rule [PA122-4078a; FRL-6178-2] received October 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11788. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan, Texas: Recodification of Regulations to Control Lead Emissions from Stationary Sources [TX90-1-7360a; FRL-6160-2] received October 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11789. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities Contractors; Withdrawal of Final Rule [OPPTS-62158B; FRL-6040-1] (RIN: 2070-AD11) received October 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11790. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Request for Delegation of the Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7): State of Florida [FRL-6166-9] received October 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11791. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Pleans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New Jersey [Region 2 Docket No. NJ32-183a, FRL-6174-5] received October 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11792. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Alaska: Partial Program Adequacy Final Determination of State Class I and II Municipal Solid Waste Landfill Permit Program—and Partial Program Adequacy Tentative Determination of State Class III Municipal Solid Waste Landfill Permit Program [FRL-6177-6] received October 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11793. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; 30-Day Notices and 135-Day PMA Supplement Review [Docket No. 98N-0168] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11794. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Industrial Radiography Licenses—received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11795. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed transfer of major defense equipment from the Government of the United Kingdom to the Government of Sri Lanka [Transmittal No. RSAT-4-98], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11796. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the President's determination that he has exercised the authority granted him under Section 451(a)(1) of the Foreign Assistance Act of 1961, as amended, to provide assistance to The Netherlands for the trial of suspects in the Pan Am 103 bombing case [PD 98-40], pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

11797. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to South Korea [Transmittal No. DTC 138-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11798. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Switzerland [Transmittal No. DTC 142-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11799. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 103-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11800. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copy of the President's Determination 98-37, that it is vital to U.S. national security interests to provide a supplementary contribution to the Korean Peninsula Energy Development Organization ("Kedo"), pursuant to 22 U.S.C. 2364(a)(2); to the Committee on International Relations.

11801. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Clarification of Reporting Requirements under the Wassenaar Arrangement [Docket No. 980814218-8218-01] (RIN: 0694-AB724) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11802. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Request for Comments on Effects of Foreign Policy-Based Export Controls [Docket No. 980922243-8243-01] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11803. A letter from the Interim District of Columbia Auditor, District of Columbia, transmitting a copy of a report entitled "Statutory Audit of the District's Depository Activities for Fiscal Years 1996 and 1997," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

11804. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Procurement List; Additions and Deletions—received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11805. A letter from the Chairman, Consumer Product Safety Commission, transmitting a copy the report of the Consumer Product Safety Commission in compliance with the Government in the Sunshine Act during the calendar year 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

11806. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Reform of Affirmative Action in Federal Procurement [FAC 97-08; FAR Case 97-004C] (RIN: 9000-AH59) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11807. A letter from the the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 1998, through September 30, 1998 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 105-327); to the Committee on House Oversight and ordered to be printed.

11808. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of offshore lease revenues where a refund or recoupment is appropriate, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

11809. A letter from the Assistant Secretary, Land and Mineral Management, Department of the Interior, transmitting the Department's final rule—Grazing Administration; Alaska; Reindeer; General [WO-420-1050-00-24] (RIN: 1004-AD06) received October 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11810. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category [I.D. 091198A] received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11811. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Swordfish Fishery; South Atlantic Quotas; Quota Adjustment Procedures [Docket No. 980527137-8237-02; I.D. 121597D] (RIN: 0648-AL24) received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11812. A letter from the Acting Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program [Docket No. 970703166-8209-04; I.D. 060997A3] (RIN: 0648-AH65) received October

15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11813. A letter from the Director, Office Of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Fishery; Inseason Adjustment; Closure [Docket No. 980320071–8128–02; I.D. 080698A] received October 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11814. A letter from the Assistant Administrator, NOS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Funds Availability for the Southeast Bering Sea Carrying Capacity (SEBSCC) Project [Docket No. 980805207–8207–01] (RIN: 0648–ZA47) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11815. A letter from the General Counsel, National Science Foundation, transmitting the Foundation's final rule—Conservation of Antarctic Animals and Plants (RIN: 3145–AA34) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11816. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 1997 and December 31, 1997, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

11817. A letter from the Acting Assistant Secretary, Assistant Secretary of Defense, transmitting a report on the payment of claims to certain persons captured and interned by North Vietnam; to the Committee on the Judiciary.

11818. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to assist law enforcement in the apprehension of fugitives from justice; to the Committee on the Judiciary.

11819. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Interim Procedures For Certain Health Care Workers [INS 1879–97] (RIN: 1115–AE73) received October 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11820. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Suspension of Deportation and Cancellation of Removal [EOIR No. 1241; AG Order No. 2182–98] (RIN: 1125–AA25) received October 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11821. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Salary Offset (RIN: 1510–AA70) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11822. A letter from the Chairman, United States Sentencing Commission, transmitting Telemarketing Fraud Offenses: Explanation of Recent Guideline Amendments; to the Committee on the Judiciary.

11823. A letter from the Secretary of Transportation, transmitting the annual report on the Status of the Public Ports of the United States for Calendar Years 1996–1997, pursuant to 49 U.S.C. 308(c); to the Committee on Transportation and Infrastructure.

11824. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Qualification of Drivers; Exemption Applications; Vision [FHWA Docket No. FHWA–98–3637] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11825. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98–CE–63–AD; Amendment 39–10836; AD 98–21–28] (RIN: 2120–AA64) received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11826. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bob Fields Aerocessories Inflatable Door Seals [Docket No. 98–CE–88–AD; Amendment 39–10844; AD 98–21–21] (RIN: 2120–AA64) received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11827. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mooney Aircraft Corporation Models M20J, M20K, M20M, and M20R Airplanes [Docket No. 98 CE–47–AD; Amendment 39–10834; AD 98–21–26] (RIN: 2120–AA64) received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11828. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Models 3101 and 3201 Airplanes [Docket No. 98–CE–28–AD; Amendment 39–10833; AD 98–21–25] (RIN: 2120–AA64) received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11829. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 98–NM–74–AD; Amendment 39–10838; AD 98–21–30] (RIN: 2120–AA64) received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11830. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Menomonie, WI [Airspace Docket No. 98–AGL–45] received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11831. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Orr, MN [Airspace Docket No. 98–AGL–47] received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11832. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Two Harbors, MN [Airspace Docket No. 98–AGL–43] received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11833. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Granite Falls, MN [Airspace Docket No. 98–AGL–46] received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11834. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Park Falls, WI [Airspace Docket No. 98–AGL–44] received October 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11835. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Source of Income From Sales of Inventory Partly From Sources Within a Possession of the United States; Also, Source of Income Derived From Certain Purchases From a Corporation Electing Section 936 [TD 8786] (RIN: 1545–AU79) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means. Q02

11836. A letter from the Secretary of the Treasury, transmitting a report on the taxation of Social Security and Railroad Retirement Benefits in calendar year 1993, pursuant to 42 U.S.C. 401 nt.; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 605. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–826). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER (for himself, Mr. Rangel, Mr. Crane, Mr. Matsui, Mr. Shaw, Mr. Ramstad, Mr. Deutsch, Mr. Hastings of Florida, Mrs. Thurman, and Mrs. Meek of Florida):

H.R. 4856. A bill to make miscellaneous and technical changes to various trade laws, and for other purposes; to the Committee on Ways and Means.

By Mr. HORN (for himself, Mr. Waxman, Mr. Sessions, Mr. Sununu, and Mr. Kanjorski):

H.R. 4857. A bill to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. Rangel, Mr. Cox of California, Mr. Hastert, Mr. Menendez, Mr. Dreier, Mr. Spence, Mr. Hyde, Mr. Burton of Indiana, and Mr. McCollum):

H.R. 4858. A bill to provide certain benefits to Panama if Panama agrees to permit the

United States to maintain military bases there after December 31, 1999; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself and Mr. BROWN of California):

H.R. 4859. A bill to improve the ability of Federal agencies to license federally owned inventions; to the Committee on Science, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAESLER:

H.R. 4860. A bill to amend the Violence Against Women Act of 1994 to establish a national domestic violence victim notification system; to the Committee on the Judiciary.

By Mr. BARR of Georgia:

H.R. 4861. A bill to nullify the effect of certain provisions of various Executive orders; to the Committee on International Relations.

By Mr. CARDIN:

H.R. 4862. A bill to amend title XVIII of the Social Security Act to guarantee that Medicare beneficiaries enrolled in Medicare+Choice plans offering prescription drug coverage have access to a Medigap policy that offers similar prescription drug coverage in the event the Medicare+Choice plan terminates service in the area in which the beneficiary resides; to the Committee on Commerce.

By Mr. CONDIT (for himself and Mr. JOHN):

H.R. 4863. A bill to ensure the incorporation of risk assessment and cost benefit analysis in the rulemaking process; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H.R. 4864. A bill to provide grants to local educational agencies to allow such agencies to promote certain education initiatives; to the Committee on Education and the Workforce.

By Mr. ENGEL (for himself, Mr. HALL of Texas, Mr. MANTON, Mr. TOWNS, Ms. FURSE, Mr. RODRIGUEZ, and Mr. LEWIS of Georgia):

H.R. 4865. A bill to allow taxpayers to designate contributions to charity on their return of tax and to establish the Checkoff for Charity Commission to ensure that such contributions are paid to the designated charities; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA:

H.R. 4866. A bill to require the Federal Aviation Administration to address the aircraft noise problems of Staten Island, New York; to the Committee on Transportation and Infrastructure.

By Mr. GIBBONS (for himself and Mr. ENSIGN):

H.R. 4867. A bill to direct the Secretary of the Interior to convey certain public lands to the Town of Pahrump, Nevada, for use for a recreation complex; to the Committee on Resources.

By Mr. LAZIO of New York:

H.R. 4868. A bill to amend title 18, United States Code, to provide penalties for certain crimes relating to day care providers in or affecting interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. LEACH:

H.R. 4869. A bill to amend the Federal Election Campaign Act of 1971 to prohibit all disbursements by foreign nationals in connection with campaigns for election for Federal, State, and local office, and for other purposes; to the Committee on House Oversight.

By Mr. LEACH (for himself, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. BAKER, Mr. LAZIO of New York, Mr. BACHUS, Mr. CASTLE, and Mr. SOLOMON):

H.R. 4870. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCRERY (for himself and Mr. JEFFERSON):

H.R. 4871. A bill to amend the Internal Revenue Code of 1986 to provide that interest on indebtedness used to finance the furnishing or sale of rate-regulated electric energy or natural gas in the United States shall be allocated solely to sources within the United States; to the Committee on Ways and Means.

By Mr. TOWNS (for himself, Mrs. MORELLA, Mr. MCDERMOTT, Mr. LOBIONDO, Mrs. LOWEY, Mr. CARDIN, Mr. LEVIN, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. KLINK, Mr. WYNN, Mr. SCHUMER, Mr. ABERCROMBIE, and Mrs. CAPPS):

H.R. 4872. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services, to provide for more equitable reimbursement rates for certified nurse-midwife services, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN:

H.R. 4873. A bill to amend the Public Health Service Act to establish an Office of Autoimmune Diseases at the National Institutes of Health, and for other purposes; to the Committee on Commerce.

By Mr. SOLOMON:

H.J. Res. 138. A joint resolution appointing the day for the convening of the first session of the One Hundred Sixth Congress; pursuant to H.Res. 594; considered as having been passed.

By Mr. SOLOMON:

H. Con. Res. 353. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Fifth Congress; considered and agreed to.

By Mr. FRELINGHUYSEN (for himself, Mr. FRANKS of New Jersey, Mr. MEEHAN, Mr. MILLER of Florida, Mr. QUINN, Mr. BARRETT of Wisconsin, Mr. SUNUNU, Mr. BOEHLERT, Mr. NEUMANN, Mr. PAPPAS, Mr. SHAYS, Mrs. ROUKEMA, and Mr. UPTON):

H. Con. Res. 354. Concurrent resolution to correct the enrollment of H.R. 4328; to the Committee on House Oversight.

By Mr. SOLOMON:

H. Res. 606. A resolution providing for an organizational caucus or conference in the House of Representatives for the One Hundred Sixth Congress; pursuant to H.Res. 594; considered as having been adopted.

By Mr. SOLOMON:

H. Res. 607. A resolution providing for a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Sixth Congress; pursuant to H.Res. 594; considered as having been adopted.

By Mr. SOLOMON:

H. Res. 608. A resolution providing for a committee of two Members to be appointed by the House to inform the President; pursuant to H.Res. 594; considered as having been adopted.

By Mr. GILMAN (for himself, Mr. HAMILTON, and Mr. LANTOS):

H. Res. 609. A resolution expressing concern over interference with freedom of the press and the independence of judicial and electoral institutions in Peru; to the Committee on International Relations.

By Ms. MCKINNEY:

H. Res. 610. A resolution expressing the sense of the House of Representatives that the people of the Republic of Mozambique are to be commended for their commitment to rebuilding their nation after years of civil war, their willingness to live together harmoniously despite sharp political differences, and their ability to overcome poverty, health crises, and refugee outflows to build a growing economy and a positive future for their country; to the Committee on International Relations. considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

402. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 78 memorializes the Congress of the United States to increase the amount of money being distributed to the states from the Leaking Underground Storage Tank Trust Fund; to the Committee on Commerce.

403. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution Number 41, memorializing the Congress of the United States to provide $5 million in federal funds for the next stage of project development, as noted hereinabove, for the Trans-Hudson/Midtown Corridor Management/Project Development Initiative in the report of the conference committee on House Resolution 2400, the reauthorization of the "Intermodal Surface Transportation Efficiency Act"; to the Committee on Transportation and Infrastructure.

404. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution 48 memorializing the President and the Congress of the United States to remove the limitation on the number of persons who may have a medical savings account to permit funds in a medical savings account to be used to pay premiums on any employee's health care medical plan or provide that those health care plan premiums be otherwise deductible; to the Committee on Ways and Means.

405. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution #526

memorializing the Congress of the United States to appropriate at least $1.3 billion for fiscal year 1999–2000 and an advance appropriation of at least $1.3 billion for fiscal year 2000–2001 for the Low-Income Home Energy Assistance Program; jointly to the Committees on Commerce and Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 4 of the rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. SCHUMER and Mr. RODRIGUEZ.

H.R. 74: Mr. FORD.

H.R. 616: Mr. SERRANO.

H.R. 880: Mr. JOHN.

H.R. 1061: Mrs. WILSON.

H.R. 1165: Mr. SERRANO.

H.R. 1299: Mr. BALLENGER.

H.R. 1378: Mr. LIVINGSTON.

H.R. 1441: Mr. RAMSTAD.

H.R. 1628: Mr. MCDERMOTT.

H.R. 1711: Mr. DELAY, Mr. MASCARA, and Mr. WISE.

H.R. 2273: Ms. HOOLEY of Oregon.

H.R. 2275: Mr. SHERMAN.

H.R. 2523: Mr. KILDEE.

H.R. 2704: Mr. FROST.

H.R. 2708: Mr. ROEMER.

H.R. 2758: Mr. DUNCAN, Mr. QUINN, and Mr. KANJORSKI.

H.R. 2914: Ms. DELAURO.

H.R. 3081: Mr. WALSH, Mr. FRANKS of New Jersey, and Mr. RODRIGUEZ.

H.R. 3134: Mr. CUMMINGS.

H.R. 3217: Mr. SMITH of New Jersey.

H.R. 3308: Mr. POMEROY.

H.R. 3568: Mr. SERRANO.

H.R. 3572: Mr. STRICKLAND.

H.R. 3667: Mr. WATT of North Carolina.

H.R. 3780: Mr. HAYWORTH and Ms. PELOSI.

H.R. 3794: Ms. SLAUGHTER.

H.R. 3802: Mr. RUSH.

H.R. 3814: Mr. LAFALCE.

H.R. 3835: Mr. STEARNS, Mr. HILL, Mr. HINOJOSA, Ms. KILPATRICK, Ms. DELAURO, and Mr. DIAZ-BALART.

H.R. 3870: Mrs. WILSON and Ms. HOOLEY of Oregon.

H.R. 3879: Mr. RAMSTAD and Mr. EVANS.

H.R. 3946: Mr. GILCHREST.

H.R. 3949: Mr. TAYLOR of Mississippi.

H.R. 3971: Ms. NORTON.

H.R. 4019: Mr. RODRIGUEZ.

H.R. 4035: Mr. BENTSEN and Mr. RUSH.

H.R. 4036: Mr. RUSH.

H.R. 4066: Mr. POSHARD, Mr. HILLIARD, Mrs. MINK of Hawaii, Mr. FRANK of Massachusetts, Mr. EVANS, Mr. SERRANO, Mr. MATSUI, and Ms. WOOLSEY.

H.R. 4135: Ms. JACKSON-LEE of Texas, Ms. CHRISTIAN-GREEN, Mr. SERRANO, Mr. CUMMINGS, and Mr. STOKES.

H.R. 4198: Ms. KAPTUR.

H.R. 4203: Mr. SKELTON.

H.R. 4291: Ms. LEE.

H.R. 4340: Mr. BARRETT of Wisconsin.

H.R. 4344: Mr. SISISKY, Mr. LAMPSON, and Mr. DOYLE.

H.R. 4362: Mr. BAESLER.

H.R. 4383: Mr. BOUCHER and Mr. SHADEGG.

H.R. 4467: Mr. MOAKLEY and Mr. FALEOMAVAEGA.

H.R. 4571: Mr. THOMPSON.

H.R. 4584: Mr. HILLIARD, Mr. STARK, and Mr. JACKSON of Illinois.

H.R. 4590: Mr. ROMERO-BARCELO and Mr. BOYD.

H.R. 4627: Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, and Mr. ACKERMAN.

H.R. 4634: Mr. TAUZIN.

H.R. 4653: Ms. BROWN of Florida.

H.R. 4663: Mr. SAM JOHNSON of Texas, Mr. HAYWORTH, and Mr. HERGER.

H.R. 4716: Mr. CAMPBELL, Mr. CUNNINGHAM, and Ms. ROYBAL-ALLARD.

H.R. 4717: Mr. CASTLE, Mr. NORWOOD, Mr. SESSIONS, Mr. DICKEY, Mr. ROEMER, Mr. RADANOVICH, Mr. BLUNT, and Mr. GILCHREST.

H.R. 4739: Mr. LEWIS of Georgia.

H.R. 4740. Mr. WELLER.

H.R. 4741. Mr. WELLER.

H.R. 4754. Mr. MCHUGH and Mr. WALSH.

H.R. 4762. Mr. FOX of Pennsylvania.

H.R. 4777. Mrs. MORELLA and Mr. MORAN of Virginia.

H.R. 4778: Mr. HAYWORTH and Mr. INGLIS of South Carolina.

H.R. 4804: Mr. STARK.

H.R. 4818: Mr. GUTIERREZ and Mr. SANDERS.

H.R. 4843: Ms. NORTON, Mr. DIXON, Mr. GUTIERREZ, Mr. THOMPSON, Mr. HINCHEY, Mr. BARRETT of Wisconsin, and Mr. CUMMINGS.

H. Con. Res. 52: Mr. TANNER.

H. Con. Res. 114: Mr. BUNNING of Kentucky.

H. Con. Res. 154: Ms. ESHOO.

H. Con. Res. 229: Mrs. CLAYTON.

H. Con. Res. 232: Mr. POSHARD.

H. Con. Res. 258: Mr. TALENT.

H. Con. Res. 347: Ms. HOOLEY of Oregon, Mr. BERMAN, and Ms. LEE.

H. Res. 359: Ms. ROYBAL-ALLARD.

H. Res. 483: Mr. VENTO and Ms. DELAURO.

H. Res. 603: Mr. GILMAN and Mr. SMITH of New Jersey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 345: Mr. ROHRABACHER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

83. The SPEAKER presented a petition of the city of San Jose, relative to a petition from the Mayor urging that the 1998 Water Resources Development Act (WRDA) be considered by the House of Representatives; to the Committee on Transportation and Infrastructure.

84. Also, a petition of the Legislative Research Commission, relative to the Balanced Budget Act of 1997 urging the United States Congress and the 42nd President of the United States, William Jefferson Clinton, to rescind provisions of the Balanced Budget Act of 1997 related to an interim payment system for Medicare home health services and to work jointly with the Health Care Financing Administration to develop any necessary amendments or changes in regulations in a manner which does not disrupt, interrupt or eliminate services to Medicare home health beneficiaries who are dependent on home health; jointly to the Committees on Ways and Means and Commerce.

EXTENSIONS OF REMARKS

THE NEED FOR A BETTER HEALTH CARE ACCREDITATION SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. STARK. Mr. Speaker, human rights violations are occurring every day in the United States—worse yet, the victims and the Federal Government are funding these atrocities. While many nursing homes do an excellent job, all too many nursing homes throughout the country are not providing adequate care for elderly patients. As the proportion of older Americans in the population continues to grow and the number of those requiring long term care also rises, we must find a better way to improve quality in nursing homes.

A Special Report on Nursing homes in the October 12, 1998 edition of USA Today profiles the devastating conditions in some Florida nursing homes. According to the article, the Brian Center in Tampa exemplifies the neglect which is all too frequent in the nursing home industry. More than a dozen "residents' rights" lawsuits, including a class-action claim, are pending against Brian Center of Tampa. These lawsuits accuse Brian Center and its succession of owners and management companies of systematic fraud, abuse and neglect orchestrated to inflate profits at the expense of vulnerable patients.

As the USA Today article describes, enforcement lawsuits against nursing home owners take up to four months to be heard in court, and an additional month to be decided. Fines are limited to $5,000 per violation. Nursing homes only need to prove that they have improved the conditions of the home by the time of the hearing to defeat the enforcement lawsuit.

There is no substantial punishment for nursing homes which fail to adequately care for their patients. Further increasing the likelihood of poor care, government and private authorities like the Joint Commission on Accrediting Health Care Organizations do not effectively inspect facilities to identify existing problems. The date of annual inspections are rarely varied by more than a week, allowing nursing homes to present a positive example for the inspectors and then return to a poor standard once the inspection was finished.

The Brian Center and similar examples point out the problems with the Joint Commission on Accrediting Health Care Organizations, the national organization responsible for approving hospitals and nursing homes for medicare coverage. The October 19, 1998 edition of The Wall Street Journal contains a succinct description of the problems with the current accreditation and ranking process for HMO's, "Who's on First?" by Nancy Ann Jeffery. Both JCAHO and National Committee for Quality Assurance accredit HMO's, but each uses a different standard. JCAHO itself provides multiple accreditation plans which allows each plan to measure their most positive indicators.

Using different standards for different accreditation renders the results of such accreditations useless. The rankings by JCAHO and NCQA are not standardized so comparing accreditation reports among provider groups is difficult and/or meaningless.

The Wall Street Journal article also identifies the key flaw in the JCAHO type of accreditation: conflict of interest.

> When it comes to policing health-care quality, some groups are afraid to bite the hand that feeds them. In 1994 the Joint Commission rolled out a set of standardized performance measures off hospitals, at a cost of more than $5 million, creating a much sought-after single yardstick for comparing one hospital with another.
>
> There was just one problem: Some hospitals would look bad. The hospitals balked. So the Joint Commission, with a board dominated by the hospital industry and medical associations, backed off the plan.[1]

The Federal Government needs to improve the oversight of accrediting organizations to ensure that they are protecting the consumer, and providing useful material.

A TRIBUTE TO ANGELA RAISH

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mrs. WILSON. Mr. Speaker, I rise today to recognize Angela Raish and to let this Congress know about a loss that we as a Congress will soon suffer. Ms. Raish has been the personal secretary and scheduler to New Mexico Senator PETE DOMENICI. She has served for 21 years as the Senator's "vero braccio destro" or right hand.

Her pleasant manner and dedication to the Senator and to the people of New Mexico is unparalleled. She worked selflessly to ensure everyone in the office did the best work possible for the Senator and the people of New Mexico. To give you an idea of what an impact she made, her retirement celebration was hosted by the Senator and Nancy Domenici as well as former Senate Majority Leader Howard Baker, former Senate Majority Leader Bob Dole and former Senator Sam Nunn, a Georgia Democrat.

Raish who grew up in South Dakota, joined DOMENICI's staff in 1977. Truth is, she probably knows more New Mexicans than the Senator does. And all of them adore Angela. Along the way she helped hundreds of people with her warm, caring manner. Dedicated, loyal public servants make up the majority of people working on Capitol Hill. But, Angela Raish has set the bar at the highest level to which others should aspire.

HONORING THREE OF LANSING'S UNSUNG HEROES—THE LANSING COMMUNITY ROLE MODEL CELEBRATION

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Ms. STABENOW. Mr. Speaker, on October 17, 1998, at our Lansing Community Role Model Celebration, I will be pleased to honor three of Lansing's unsung heroes. These women are true community volunteers, who, through their own dedication, commitment, and hard work have made our community a better place.

Mrs. Grace L. Demps, who has lived in Lansing since she was 6 years old, is a lifelong community volunteer. She has spent the last ten years making holidays dinners for hundreds of needy families. Mrs. Demps organizes and prepares these wonderful holiday feasts out of her own home. She solicits food donations and pays for the remainder of the supplies out of her own pocket.

Mrs. Demps has received the Sojourner Truth Award from the National Association of Negro & Professional Women's Club, and the Outstanding Community Service Award from the women of Union Baptist Church, Mother of the Year from her own Messiah Community Baptist Church, where her son, Rev. Lawrence Hinton presides. She is a member of the Greater Lansing Nurses Guild and the Lansing Association Women's Clubhouse.

Mrs. Demps recently retired as a 25-year employee from the City of Lansing Traffic Department. She is married to Willie Demps, and is the mother of 6 children, 35 grandchildren, 13 great-grandchildren, and 5 great-great-grandchildren.

Ms. Geri Roossien, who will be 66 on October 22nd, has used her own painful experiences with addiction to help many others through her job as a Substance Abuse Counselor at Cristo Rey Community Center, where she has been working since 1980. Although she retired on June 1st of this year, she is still involved in fundraisers and activities at the center.

Ms. Roossien is very close to her only daughter, Jannus, and her husband, Rob, and their two wonderful children.

Ms. Roossien served on the City of Lansing Human Resource Advisory Board from 1983 to 1996. She was also secretary for the Michigan Indian Benefit Association Board of Directors, a member of the Lansing Indian Center

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[1] Jeffery Nancy Ann, The Ratings Game: Who's on First? The Wall Street Journal. October 19, 1998 pg. R16.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Youth Advisory Committee, the Native American Community Group, the Ingham County Women's Commission, the C.I.R.C.L.E. group, and the Indian Children's Christmas Party Committee. She is an integral part of many local political campaigns and activities in the Lansing community.

Mrs. Georgia Brown has been one of Lansing's most dedicated and committed community activists. She is an Honorary Life Member of the National PTA, a Life Member of the NAACP, a life member of the National Council of Negro Women, a member of Lansing Association Women's Clubhouse, and Valiant Lady Church Women United. She is a long-time member of Trinity AME, and was a Sunday school teacher for many years, and worked with the Old Newsboys, an organization that raised money to give shoes and boots to hundreds of needy children. Mrs. Brown continues to volunteer at Sparrow Hospital's surgical wing where she has been a cheerful and dependable fixture for almost 15 years. And, Mrs. Brown, in all of her years of voting in public elections, has missed only 4 votes, and all of those were missed for family emergencies.

Mrs. Brown has been married to her husband Robert Brown for 68 years and is the mother of 8 children, 19 grandchildren, and 24 great-grandchildren.

Our community has been enriched by the contributions of these selfless volunteers. As we gather on Saturday, many generations of Lansing residents, we will celebrate our community role models, Mrs. Grace L. Demps, Mrs. Geri Roossien, and Mrs. Georgia Brown.

CONGRATULATIONS TO NAOMI LAUTER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. FARR of California. Mr. Speaker, a young nation with a long and honorable history, Israel has been a symbol of hope and a land of opportunity for millions of Jews throughout the world. Surviving six wars, constant terrorism, and severe economic boycotts, Israel's 600,000 citizens have shown the world what it means to be committed to one's homeland. And like Israel, Naomi Lauter's independence, determination and strength have helped to build AIPAC into the leading organization for Jewish concerns.

I would like to congratulate Naomi Lauter on 16 years of incredible leadership as the Western Regional Director of AIPAC. Naomi's commitment to AIPAC and her vision has been unwavering and inspiring for all those who have worked with her.

The Jewish community has been served well by Naomi's spirit, innovation and devotion to Israel and pro-Israel legislation. Naomi has helped build AIPAC into what it has become in the Pacific Northwest, focused, effective, and powerful. We are all grateful to her for the work she has accomplished during her years of involvement with AIPAC.

And we look forward to her involvement for years to come. While Naomi is leaving as the Regional Director, we should all be grateful that she is not leaving AIPAC altogether. Becoming its National Consultant, AIPAC is fortunate to be able to rely on her insight and institutional knowledge of this great organization.

Every Jewish American can take pride in her dedication to bringing together persons of any political persuasions to sit up and take notice for Jewish and pro-Jewish communities.

Thank you Naomi for your service to AIPAC. We are thankful for your work, and look forward to a continuing friendship and wish you a successful future.

AS GAMBLING SPREADS THROUGHOUT THE STATES SO DOES GAMBLING ADDICTION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. WOLF. Mr. Speaker, as the 105th Congress prepares to adjourn, I want to bring to the attention of our colleagues an important issue which, unfortunately, hasn't seemed to register with many of America's leaders. But it's one that needs our focused attention, and that's gambling.

Twenty years ago, if you wanted to gamble you had to go to Atlantic City or Las Vegas. But today, gambling has spread in one form or another to most of the 50 States. There are only two States which have completely banned gambling, and that's Utah and Hawaii.

One reason for the incredible rate at which gambling is spreading is through the proliferation of gambling casinos in many States. I certainly respect Native American Indians, but I'm really concerned about the number of gambling establishments on tribal lands.

For those of us who say we really care about Native Americans, we need to show our concern about what gambling is doing to them. A new University of Montana Bureau of Business and Economic Research study found that Native Americans in Montana have a compulsive gambling rate that is double the rate of other adults in the State. My point is that as gambling spreads throughout the States, so does gambling addiction. Montana is just one State that has a real battle on its hands. The Montana study found that 78 percent of Montanans gamble, and that figure is regardless of income, education, age, sex, and marital status. Compulsive gambling rates are on the increase, the study also said, up from 2.2 percent of the adult population six years ago to 3.6 percent now.

First, gambling is corrupting the political process. I have mentioned before my concern about the incredible amounts of money the gambling interests are pouring into the political process. Both sides are taking the money—Republicans and Democrats. And we are reading news reports more frequently than ever about one government official after another being investigated for gambling-related corruption, from an ex-governor and his son to even a member of the President's cabinet.

Second, it's hurting local businesses. People only have so many extra dollars to spend on food and entertainment. If they're spending their disposable income at the new casino in town, that's money that the local restaurant doesn't get, or the movie theater, or local retailers. Local business is being cannibalized by the casinos. Mom and pop restaurants can't compete with the discounted and even free meal deals at the gambling operations.

Another thing that happens when gambling comes to town is that crime goes up. The U.S. Treasury Department has been increasingly concerned at the way casinos attract criminal elements and suspicious activity, especially money-laundering and has proposed new regulations that would require casinos and card clubs to report to Treasury any suspicious transactions of $3,000 or more. Of course, the casinos are fighting these regulations tooth and nail. But the fact is, a cash-heavy criminal can find a safe haven in a casino. Drug dealers, armed robbers, embezzlers—these kind of people can walk in, buy a few thousand dollars worth of chips, then turn them in for a casino check later that night and can go relatively unnoticed.

Just a few months ago, four employees at some casinos in Atlantic City were arrested in a sting operation as they allowed undercover agents to launder more than $400,000 in what they allegedly believed was drug money. so the Treasury Department is concerned for good reason.

But crime is not the only issue. We are in a period of record bankruptcies all across the country, so much so that we had to appropriate money to pay for more bankruptcy judges. Studies have shown a significant link between gambling and bankruptcy, even geographically. Where there are more gambling facilities, there are more bankruptcies. This is an issue that must be addressed. It is out of control. Just the other day, a federal judge in Memphis said that because a woman had a gambling addiction problem, she didn't have to pay back the $8,200 in gambling debts she ran up on her credit card just before she filed for bankruptcy. Is there any doubt that the gambling issue must be addressed if we're talking about bankruptcy reform?

But not only bankruptcies increase when gambling comes in. Tragically, so do suicides, The American Association of Suicidology published the study "Elevated Suicide Levels Associated with Legalized Gambling" in the Winter 1997 issue of its journal Suicide and Life-Threatening Behavior. The study, which was conducted by Dr. David P. Phillips of the University of California at San Diego, found that there is a link between gambling and suicide.

> Las Vegas, the premier U.S. gambling setting, displays the highest levels of suicide in the nation, both for residents of Las Vegas and for visitors to that setting,

the study said.

> In general, visitors to and residents of major gaming communities experience significantly elevated suicide levels. In Atlantic City, abnormally high suicide levels for visitors and residents appeared only after gambling settings were opened. The findings do not seem to result merely because gaming settings attract suicidal individuals.

But how do people get to the point where they're ready to take their own lives? It can actually start at a very young age. We're seeing and hearing more and more these days about how gambling is hurting young people.

And by "young," I'm talking about small children. Some critics, including Ed Looney, executive director of the Council on Compulsive Gambling of New Jersey, say that amusement arcades teach children that gambling is okay, and that it opens the door for later problems.

According to an article last month in the Las Vegas Review-Journal, gambling cities such as Las Vegas have tried to fashion themselves into "family-friendly" entertainment by providing casino arcades. But most of the games in the arcades, the article says, are gambling devices. The biggest difference between what's happening to the parents on the casino floor and what's happening to the kids in the casino arcades, the article says, is that "the kids are ripped off even more than the adults."

"These are not pinball machines or video games to afford entertainment time for the money," the article says, but they are "virtual slot machines designed to turn money over quickly. One watches the children in the arcades with dismay. Many exhibit the same agitated and frustrated demeanor of gambling-addicted adults as they pump their coins into the machines."

Gambling proponents say they are concerned about unattended children in casinos. That new found concern may have been spurned by high-publicity cases like the one last year in a Primm, Nev., casino hotel. A 7-year-old girl from Los Angeles, a second-grader, had been playing in and around a casino arcade, left on her own, while her father gambled. She was raped and murdered.

Syndicated columnists Don Feder and William Safire have both written recent op-ed articles decrying the gambling industry's targeting of children. In a recent column, Feder reported that the Las Vegas Hilton spent $70 million on a ride called "Star Trek: The Experience." Young people waited for hours in line to get on the ride, and the line stretched through a gambling area. Hundreds of kids took the opportunity to play the slot machines, Feder reported. Something tells me the casino was not at all unhappy about this experience. If they are to exist in the future, they have to seduce the next generation of customers.

Consumer advocate Ralph Nader is saying the same thing these days. "The idea is that parents will feel less guilty if they are subjected to family entertainment, and that the next generation of gambling addictees must be given attention," Nader said at a recent speech in Washington, D.C. "The gambling industry is as brazen as the tobacco and alcohol industry," Nader said. "It is even more brazen."

More and more teens are finding themselves trapped in a web of gambling from which they can't break free. The New York Times printed a shocking front-page story about this a few months ago. The article cited a study by Harvard Medical School's Dr. Howard Shaffer, who published a recent study which found that young people are becoming addicted to gambling at a rate almost three times higher than that of adults. The article also cited a Louisiana State University study which found that one in seven 18- to 21-year-olds in Louisiana were problem gamblers. These are young people with a "chronic and progressive psychological disorder characterized by an emotional dependence on gambling and a loss of control over their gambling."

The 1996 New Mexico Survey of Gambling Behavior conducted a similar study and found that more than 85 percent of New Mexico's 18- to through 20-year-olds gamble. More than 66 percent said they had gambled in the previous month. Out of the 85 percent of young people who gamble, 37 percent said they were having gambling problems and 12 percent said they had a serious problem with gambling. The study also found a strong link between gambling behavior before the age of 21 and the development of serious gambling-related problems.

In New Jersey, gambling among teens is on the rise, according to the Council of Compulsive Gambling of New Jersey's Edward Looney. Looney says there is gambling in every high school in New Jersey, including gambling which is backed by organized crime. One survey of high school juniors and seniors reported that 30 percent gamble once a week at casinos, race tracks, on sports—including their own school's sports—on the lottery. According to the state's statistics, 91,754 juveniles were arrested or evicted from New Jersey casinos in 1997 alone. Out of this number, 329 were found gambling on slot machines and 114 at tables. There were 38,502 teens escorted from casinos last year, and 52,364 were turned away at the door when they tried to enter illegally.

But there's more. Not only is gambling hurting moms and dads and young people. But it's also hurting grandma and grandpa. According to a recent article in the Las Vegas Review-Journal, the spread of legalized gambling across America has led to financial ruin for many senior citizens. In Iowa, the article said, three years after riverboat gambling was introduced, bingo and casino gambling became the number-one pastime of choice for people over 65 years of age in the Omaha area.

Is that what each of us envisions for ourselves when we think about retiring? Spending our Golden Years addicted to gambling? I don't think so. But that's what's happening, all over America. The gambling industry says it's concerned about problem gambling among the elderly. But when you read their trade publications, ad after ad features grey-haired men and women beckoning seniors to "join in the fun."

Mr. Speaker, the fact of the matter is, many American people are starting to wise up to what's really going on here. As they are watching friends, neighbors and their own family members sinking in gambling's quicksand, they are speaking up and standing up against this blight on our nation. In state after state, voters are making their voices heard, loud and clear. They don't want it in their communities. Take casino gambling, for instance. Out of the last 21 efforts to bring in casinos nationwide, all have failed but one, and that one, in Detroit, Michigan, won only by a very slim margin. Even now, the citizens there are seeking to overturn that decision.

What is needed in our country is for our community leaders and elected officials to hear the voice of the American people on this issue, for they have indeed spoken. They have seen that gambling is bad for their families, bad for their communities, bad for their kids. It is destructive. It is dangerous.

I could go on and on for hours citing cases and studies. We have reports piled high in my office. But I think what I've shared with you today is enough of a taste—a bitter taste—of what gambling really means for a lot of people.

This is a problem that is national in scope. That's why we had to pass legislation which the President signed into law to establish the National Gambling Impact Study Commission. The commission is over half way through its two-year comprehensive evaluation of gambling's impact in America, including open meetings all across the country, and is expected to report its findings by next summer.

We need to wake up. It is wrong to allow government to become the predator of the people. Think about this the next time gambling's high-priced lobbyists show up at your door with a campaign contribution or an offer to put on a "high-dollar" fundraiser.

JOSE AND KATHY VILLEGAS RECEIVE THE APPLE PARENT INVOLVEMENT IN EDUCATION AWARD

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention an honor given to Jose and Kathy Villegas, residents of the great state of New Mexico. Jose and Kathy Villegas have received the 1998 Apple Parent Involvement in Education (PIE) Award.

Jose and Kathy Villegas received this award because their children Candace Marie, age 13 and Joseph, Jr. age 11 took the initiative to write a letter of nomination to Apple PIE Awards. Our most important job as parents is providing our children with values, teaching the difference between right and wrong and setting examples of respect for ourselves, others and our community. Jose and Kathy Villegas obviously have done this with their children. The nomination letter included a description of how their parents were instrumental in getting a classroom addition at their elementary school and a stop light at a busy intersection used by school children. Jose and Kathy Villegas are involved in many task forces working on issues important to children's education. The Villagas' story provides an excellent example of how parent involvement can make a positive difference in their children's lives, the local school and their community.

Jose and Kathy Villegas' story is part of a feature story in the November 1998 issue of Working Mother titled, "Classroom Champions". As the only individuals to receive this award in the United States, they stand as an example to all of us. Join me today in recognizing recipients of the 1998 Apple Parent Involvement in Education Award, Jose and Kathy Villegas.

CONFERENCE REPORT ON H.R. 4194, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT APPROPRIATIONS ACT, 1999

SPEECH OF

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. WICKER. Mr. Speaker, I am pleased that the VA–HUD–Independent Agencies Appropriations Act for Fiscal Year 1999 makes available significant funding for economic development grant assistance as part of the Community Development Block Grant program.

The Conference Report to accompany this legislation, House Report 105–769, on page 248, provides $750,000 to the City of Sardis, Mississippi, for the City's planned Water Resources Infrastructure Program, a portion of which includes construction of wastewater treatment facilities, as noted in the Conference Report.

I would like to take this opportunity to describe in specific detail how the City will use the FY 1999 CDBG economic development grant of $750,000.

The water and wastewater supply facilities in the project area are inadequate to support planned developments. Although the distribution of potable water and the collection of wastewater within such developments are expected to be funded and constructed as components of the private developments, these systems will rely upon public infrastructure for water supply, storage and transmission, and wastewater transportation and treatment.

For Phase I water supply, the Master Plan recommends construction of a 500,000 gallon elevated water storage tank and its accompanying water well and 3.5 miles of 12-inch transmission pipelines, at a cost of approximately $1.7 million. These facilities will provide up to 1.0 million gallons per day of water supply for the conference facility, hotel, and marina.

Wastewater service for the Phase I development will consist of the necessary sewer pump stations and their related transmission force mains to carry the wastewater to the western extremity of the Sardis Lake grounds, and gravity sewer main from there westerly to the City's existing wastewater treatment lagoon facility. The wastewater facilities will include 2 pumping stations with capacities of 1,000 gpm each, approximately 4.5 miles of 12-inch forcemain, 2.5 miles of 24-inch gravity sewer main, and an expansion of the City's existing wastewater treatment facility. The probable cost of the wastewater improvements is approximately $2.5 million.

The FY 1999 CDBG grant assistance of $750,000 will be applied to planning, engineering, environmental, land acquisition, and construction activities related to the Phase I elements of the Program outlined above. The City intends that funds remaining from the grant following completion of planning, engineering and environmental work will be applied for Phase I construction activities until the funds are exhausted.

I look forward to watching the City of Sardis continue its exciting development and I trust these remarks will provide sufficient guidance to the Department of Housing and Urban Development as to the legislative intent for the grant assistance provided to the City of Sardis in the Fiscal Year 1999 budget.

HU KOMPLIMENTA I PLANUN HAGÅTÑA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. UNDERWOOD. Mr. Speaker, today I wish to commend the efforts of the many citizens on Guam who organized an effort to recognize the history and development of Guam's capitol city of Hagåtña. This endeavor, properly named "Project Hagåtña," has been a tool to educate younger generations of Guam's historical past. The various activities produced by the team leading Project Hagåtña has brought younger generations closer to their Chamorro heritage and has instilled in them the common values shared as native Pacific islanders.

The birth of Project Hagåtña resulted from ideas between two local men tossing around ideas of how to celebrate the Centennial Commemoration of Guam's relationship with the United States. Historically, Guam's capitol city has always been a center point for activities and social gatherings of occupying countries. Though the early Chamorros had been subjected to their rule, they still managed to retain the dignity and spirit of their capitol city. Hagåtña remained one of the most populated areas on Guam and thus a focal point for passing on the traditions, stories and culture of the Chamorro people.

Upon approval by Guam's Centennial Task Force, Project Hagåtña's director, Mr. Peter Alexis Ada, set out to plan a grand celebration. Appropriately, Mr. Ada was born and raised in Hagåtña and has seen the transformation of Guam's capitol throughout his life. His experiences and memories, especially in the aftermath of World War II, have made the celebration of Hagåtña memorable and personable. Mr. Ada's recollections of his family and neighbor's everyday routines have helped to lay the groundwork for Project Hagåtña's role in the centennial commemoration.

In designing the various activities, it was decided that events hosted by Project Hagåtña would rely on the generosity and graciousness of individuals and Guam's private sector to make it happen. This spirit of cooperation existed in Hagåtña's history when families helped one another during times of hardship or celebration. Guam's present day contributors to the success of Project Hagåtña include; Lam Lam Tours, Coca Cola, Foremost Foods, Mid-Pac Distributors, Ambros, Jones and Guerrero K–57, McDonalds, Exxon Guam, Computerland, Marianas Electronics, ARROTECH, SGO Glass and Gifts and the Church of Jesus Christ of Latter Day Saints. Without their assistance and kindness the events of Project Hagåtña would have never happened.

Project Hagåtña incorporated a multi-faceted approach by sponsoring scores of events that built upon our cultural backgrounds and renewed our energy to learn our history. To inaugurate the creation of Project Hagåtña, a ceremony was held which honored and included the remaining residents of Hagåtña that remained in the capitol despite the pressures to move elsewhere by the post WWII reconstruction. Other celebrations include reliving the genre of music that existed in the 1930's and 40's, the baking of bread in antique beehive ovens, commemorating the signing of Guam's Organic Act in 1950, tracing the genealogy of Chamorro families, tracing the genealogy of Chamorro families with Japanese surnames, and participating in Guam's Liberation Day Parade.

I would like to commend the following individuals for their remarkable efforts in coordinating Project Hagåtña: Lourdes C.N. Ada, Benigno-Joseph Umagat, John San Nicolas, Annabelle Perez, Jeffrey Edubalad, Teresita N. Taitano, Robert J. Umagat, John Garica, Donna Paulino, Lelani Farrales, Lourdes Alonso, Kennedy Jim, Mayleen San Nicolas, Jesusa M. Hayes, Clotilde R. Peredo, Patrick S. Leddy, and Peter Alexis Ada.

My congratulations to the people of Guam on the success of Project Hagåtña, may its work continue through the rest of this year and serve to remind us of our unique cultural place in the world and strengthen our heritage.

HONORING THE GRAND OPENING OF THE BIXBY MARIONETTE EXHIBIT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Ms. STABENOW. Mr. Speaker, starting on Sunday, October 18th, the Bixby Marionette Exhibit opened its permanent home in Saline, Michigan at the Saline Culture and Commerce Center.

The exhibit will showcase more than 100 marionettes created by 89-year-old Meredith Bixby who is the founding member of the Puppeteers of America, and a member of the Detroit Puppeteers Guild.

As a lifelong resident of Saline, Mr. Bixby, who is known as the "Master of the Marionettes," traveled throughout the United States with the Meredith Marionettes Touring Company for more than 40 years, beginning his career during the darkest days of the depression and continuing until his retirement in 1982.

This exhibit came together through a partnership created by the Saline Area Chamber of Commerce, the Michigan Council for Arts and Cultural Affairs, and the City of Saline, who helped champion the Bixby project.

I am pleased to help showcase the work of this extraordinary man who helped bring joy, creativity, and entertainment to schools, theaters and community centers across the country. I wish him the very best in the future and thank all parties for helping to establish this important cultural project.

HONORING THE RETIREMENT OF FLORIDA STATE REPRESENTATIVE FRED LIPPMAN

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SHAW. Mr. Speaker, when the Florida State Legislature reconvenes in 1999, it will do so without one of its most valued leaders. State Representative Fred Lippman of Hollywood, Florida is retiring from the Florida House of Representatives after twenty years of dedicated public service to Broward County and our home state.

In the thirty years I have known Fred, our friendship has transcended party politics. We have joined forces in numerous community endeavors, including serving on the Broward County Charter Review Commission. I have enjoyed working alongside Fred in true, cooperative bipartisanship. His exemplary record and committed leadership have been invaluable to the community development of Broward County.

For two decades, Fred Lippman has been an advocate for children's health and the voice of the people of Broward County. His most notable legislative accomplishments include the design of the Healthy Kids statewide insurance program, revision of Florida's child abuse laws, and one of the country's first laws mandating the use of child-safety seats.

Although he is retiring from the Florida House of Representatives, I doubt that Fred will ever retire from public service. As a testimony to his tireless work in the community, a family center and a local shelter have both been named in his honor. He has received numerous awards from groups such as Florida's teachers, firefighters, children's advocates, and the American Lung Association. I am certain his dedication to the community will continue.

Mr. Speaker, I commend State Representative Fred Lippman for his twenty years of service in the Florida House of Representatives.

RETIREMENT OF JAMES N. WOODRUFF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to James N. Woodruff, who has recently retired after a distinguished career with the Office of Personnel Management and its predecessor, the Civil Service Commission.

It may seem unusual for the Congress to honor the service of a long-time Executive branch employee, but I can assure my colleagues that Jim served the Congress effectively for many years. The vast majority of Jim's tenure was devoted, either directly or in his supervisory capacity, to the drafting and analysis of measure addressing many of the most significant and complex Federal personnel issues. He contributed immeasurably to major initiatives such as the Federal Employees Pay Comparability Acts of 1970 and 1990, the Federal Employees' Retirement System Act of 1986, and the Civil Service Reform Act of 1978.

In addition, many members of personal and committee staffs have benefited from Jim's quick and able assistance over the years. Whether on the most arcane technical matters or the broadest constitutional concerns, Jim's expertise and counsel reflected sound judgment and were always readily available.

We would be remiss in allowing only the Executive branch to express regrets at Jim's departure. His career-long commitment to excellence is in the finest tradition of public service and we wish him well.

PERSONAL EXPLANATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mrs. WILSON. Mr. Speaker, on rollcall vote numbers 520, 531, 532, and 533, I was unavoidably detained. Had I been present, I would have voted 'aye' on each of these votes.

IN HONOR OF JACK HECHLER

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. REGULA. Mr. Speaker, I would like to bring to the Congress' attention an individual who has over the past decade made innumerable contributions promoting a better understanding of our institution and the federal government to visitors from around the world.

Jack Hechler, for the past ten years, has served as escort/interpreter for the well-regarded annual Congress-Bundestag/Bundesrat Staff Exchange Program. Begun in 1983, this exchange program has greatly contributed to improving the working relationship between the legislatures of the United States and Germany. Since 1988, Mr. Hechler has been the escort/interpreter for the German delegation which arrives each summer for a three week program in Washington and Members' districts.

Born and raised in Germany, Mr. Hechler graduated from American University in Washington, D.C., served in the U.S. Armed Forces, and for more than 37 years was an active Civil Service employee. Prior to his retirement, he served as Director of Policy, Plans, and Evaluation at the General Services Administration. Since his retirement, Mr. Hechler has provided escort and interpreting services for the Department of State and the U.S. Information Agency.

Mr. Hechler has been invaluable to the success of the Congress-Bundestag/Bundesrate Staff Exchange by providing continuity to the program which relies heavily on alumni volunteers. The ten member German delegations and the network of American alumni have come to depend on his insights, his wide breadth of knowledge of American history, and his composure. It is no wonder that the Federal Republic of Germany awarded him the Order of Merit for his work with this program.

Mr. Hechler has provided Congress with a great service for which I offer my appreciation and that of my colleagues.

PROVIDING FOR CONCURRENCE BY THE HOUSE, WITH AN AMENDMENT, IN SENATE AMENDMENT TO H.R. 2204, COAST GUARD AUTHORIZATION ACT OF 1997

SPEECH OF

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. JOHN. Mr. Speaker, I rise in support of House Resolution 602 and H.R. 2204, the Coast Guard Authorization Act of 1998. In general, the purpose of H.R. 2204 is to authorize approximately $4.1 billion in expenditures for the United States Coast Guard for fiscal year 1999. The U.S. Coast Guard is on the front lines every day, saving lives and preventing drugs from entering the country. They are the lead agency in the cleanup of oil spills and they help protect our nation's fisheries within our 200 mile exclusive economic zone. The funding authorized in this bill will enable them to continue to accomplish their important mission.

Mr. Speaker, I would like to devote the remainder of my time discussing the merits of Title VI of this bill. I rise strongly in support of Title VI because it is essentially H.R. 4235, the legislation that I introduced in July of this year. H.R. 4235 is entitled the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998. My bill, and Title VI of H.R. 2204, authorizes appropriations through the National Oceanic and Atmospheric Administration to conduct research, monitoring, education, and management activities for the prevention, reduction and control of Harmful Algal Blooms, hypoxia, pfiesteria and other aquatic toxins.

Mr. Speaker, as you are well aware, the problems associated with Harmful Algal Blooms (HABs) have been well documented. Recent occurrences of HABs include red tides in the Gulf of Mexico and the Southeast; brown tides in New York, New Jersey and Texas; ciguatera fish poisoning in Hawaii, Florida, Puerto Rico, and the U.S. Virgin Islands; and shell fish poisonings in the Gulf of Maine, the Pacific Northwest, and the Gulf of Alaska. In addition, the recent outbreak of *pfiesteria piscicida* in the Chesapeake Bay estuary is an example of how a naturally occurring species can explosively reproduce in our nation's coastal waters. Furthermore, according to NOAA, 53 percent of U.S. estuaries experience hypoxia—including a 7,000 square mile area in the Gulf of Mexico off Louisiana and Texas which creates a massive "dead zone" where little or no marine life exists.

Representing the western half of Louisiana's coastline, I am particularly sensitive to these problems as they affect not only the public health, but also my state's valuable fisheries resources. As I just relayed, however, these are not problems isolated to Louisiana or the Gulf of Mexico. Rather, it is a national problem that deserves a national approach.

Up to this point, research on the HAB problem has focused primarily on basic science, detection, and monitoring. One vital research need is a reliable technique for the rapid detection and identification of algal species and stages. Monitoring of water quality in order to forecast the onset or subsidence of algal blooms is another key research issue. Such monitoring also is important for understanding interactions between algal species and the environment and the relationship of algal species with other marine organisms.

The range of economic impacts from HAB outbreaks and the extent of those costs have spiraled. Economic losses have been documented from limited or restricted shellfish harvests, losses from reduced tourism and marine recreation due to aesthetically unpleasant areas, and panicked consumers who avoid purchasing seafood products. In addition, there are indirect costs associated with HABs, such as the medical costs of treating exposed people and diminished development of or investment in coastal resources.

The technical, legal, and managerial tools to address HABs may collectively exist within a variety of federal and state agencies. Currently, however, a structured and effective means to bring this expertise together to address HABs does not exist. The missions and goals of many agencies overlap in the coastal zone where HAB phenomena are pronounced. Although no single agency has the lead role for the federal government, NOAA and the Environmental Protection Agency (EPA) are coordinating the efforts of several agencies and departments. At present, the goal of these efforts is to more effectively direct resources toward minimizing future HAB outbreaks and supporting research and monitoring efforts.

Mr. Speaker, I introduced H.R. 4235 to address this problem. H.R. 4235 was structured to ensure that much needed federal resources are effectively used to address our nation's coastal communities environmental and public health concerns. Though the authorized funding level in Title VI is less than I proposed in H.R. 4235, I am pleased to see that the integrity of the structure of my bill was not breached.

Finally, I would like to briefly thank my staff, David Kay, for all his hard work and all the Members who were supportive of my proposal. I am confident that the broad-based support that we garnered in the form of cosponsors to H.R. 4235 was instrumental in the bill's eventual inclusion as Title VI of H.R. 2204.

Mr. Speaker, I urge that the House support H.R. 2204. I urge the Senate to quickly act to pass it as well and I urge our President to sign this bill into law.

SALUTING RON JAMES—INTREPID DEFENDER OF THE AMERICAN FLAG

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SOLOMON. Mr. Speaker, I would like to take this opportunity as we come to the close of the 105th Congress, to recognize a man who has been so instrumental in efforts to protect the eternal symbol of our great nation—the American Flag. That man is Ron James.

Those of us ingrained in the fight to enact the constitutional amendment prohibiting the physical desecration of the American Flag identify Ron James, who we also know as Ronald M. Sorenson, as a true patriot. Ron has devoted countless volunteer hours to promoting the amendment that will return the right of the American people to protect the American Flag—the perennial symbol of American ideals and the countless sacrifices that have been made in securing them. A former Marine, Ron has extended his service to his country well beyond his time in the armed services. His actions on behalf of all veterans and in support of protecting the American flag are truly commendable.

Mr. Speaker, I invite all Members to join me in paying tribute to Ron James, a true American patriot.

MULTIPLE CHEMICAL SENSITIVITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SANDERS. Mr. Speaker, I rise today to discuss the issue of Multiple Chemical Sensitivity as it relates to both our civilian population and our Gulf War veterans. I continue the submission for the RECORD the latest "Recognition of Multiple Chemical Sensitivity" newsletter which lists the U.S. federal, state and local government authorities, U.S. federal and state courts, U.S. workers' compensation boards, and independent organizations that have adopted policies, made statements, and/or published documents recognizing Multiple Chemical Sensitivity disorders for the benefit of my colleagues.

RECOGNITION OF MCS IN 8 U.S. FEDERAL COURT DECISIONS

In decisions affirming MCS (by this or another name) as a real illness, handicap or disability under:

Daubert: *Kannankeril* v. *Terminix Internationals Inc*. Third Circuit Court of Appeals (CA 3), No 96–5818 [17 Oct. 1997, 5 pages, R–148], overturning a lower court's summary judgement for the defendant (District of NJ, No 92–cv–03150) on a Daubert motion, saying it had "improperly exercised its gate keeping role by excluding" the plaintiff's medical expert, Dr. Benjamin Gerson, and his testimony on causation—specifically his view that the plaintiff developed MCS as a result of overexposure to chlorpyrifos. [Terminix had sprayed Dursban in the plaintiff's home 20 times in 17 months.] The court described MCS as becoming "sensitized to multiple other chemicals" and said "It is an acknowledged scientific fact that chlorpyrifos, the active ingredient in Dursban, is harmful to humans and can cause the very symptoms displayed by Dr. Kannankeril," which included headaches, fatigue, numbness, memory and concentration problems, sleeplessness, nausea, and skin rashes. Even though Dr. Gerson had not examined the plaintiff or written about the toxic effects of organophosphates, the court said his "opinion is not a novel scientific theory" and "is supported by widely accepted scientific knowledge of the harmful nature of organophosphates."

Fair Housing Act: *United States* v. *Association of Apartment Owners of Dominis West et al*, Case No. 92–00641 (D. Ha.) 25 August 1993 [19 pages, R–61], in which a consent order won by the Department of Justice's Housing and Civil Justice Enforcement Section requires the management of an apartment complex in Honolulu to take several steps to accommodate a tenant with MCS.

Rehabilitation Act: *Vickers* v. *Veterans Administration*, 549 F. Supp. 85, W.D. Wash. 1982 [4 pages, R–56], in which the plaintiff's sensitivity to tobacco smoke was recognized as handicap by the VA and the court, but his request for totally a smoke-free environment was denied on the grounds that the VA had already made sufficient reasonable efforts; *Rosiak* v. *Department of the Army*, 679 F. Supp. 444, M.D. Pa. 1987 [6 pages, R–57], in which the court, although finding the plaintiff "not otherwise qualified" to continue working, implicitly recognized his MCS disability, as did the Army, which the court found had made sufficient reasonable (albeit unsuccessful) efforts to accommodate the plaintiff's chemical sensitivity.

Social Security Disability Act: *Slocum* v. *Califano (Secretary, HEW)*, Civil No. 77–0298 (D. Haw.) 27 August 1979 [9 pages, R–60], in what is believed to be the earliest decision of any court recognizing MCS, the US District Court of Hawaii awarded disability benefits to a plaintiff whose *pro se* claim of "chemical hypersensitivity" dated from 1 May 1968; *Kornock* v. *Harris*, 648 F.2d 525, 9th Cir. 1980 [3 pages, R–59]; and *Kouril* v. *Bowen*, 912 F.2d 971, 974, 8th Cir. 1990 [7 pages, R–58]; *Creamer* v. *Callahan*, Civil No. 97–30040–KPN (D. Mass.), 5 November 1997, [7 pages, R–150] reversing and remanding the decision of the SSA Commissioner, who agreed that the administrative law judge's "analysis was flawed with respect to MCS." The court ordered the Commissioner to file a supplemental memorandum on SSA's "position with respect to MCS," which he did—specifically stipulating that SSA "recognizes multiple chemical sensitivity as a medically determinable impairment" (31 October 1997, 2 pages, R–164).

RECOGNITION OF MCS IN 21 U.S. STATE COURT DECISIONS

In decisions affirming MCS illness (by this or some other name) as a handicap or injury in cases regarding:

Housing Discrimination: *Lincoln Realty Management Co.* v. *Pennsylvania Human Relations Commission*, 598 A.2d 594, Pa. Commw. 1991 [47 pages, R–62].

Employment Discrimination: *County of Fresno* v. *Fair Employment and Housing Commission of the State of California*, 226 Cal. App. 3d 1541, 277 Cal. Rptr. 557 Cal App. 5th Dist. 1991 [11 pages, R–63]; and *Kallas Enterprises* v. *Ohio Civil Rights Commission*, 1990 Ohio App. 1683, Ohio Ct. App. May 2, 1990 [6 pages, R–64].

Health Services Discrimination: *Ruth, Barbara; June P. Hall; Cricket J. Buffalo; Susan*

Molloy; and Cathy Lent v. *Kenneth Kizer/Molly Coe, Director, CA. Department of Health Services*, No. 665629–8, 1989 [1 page, R–65], in which the plaintiffs won the right to receive oxygen treatments for MCS by successfully appealing to the CA Superior Court of Alameda County which overturned the prior ruling of an administrative law judge.

Negligence/Toxic Tort: *Melanie Marie Zanini* v. *Orkin Exterminating Company Inc. and Kenneth Johnston*, Broward County Circuit Court, No. 94011515 07, verdict of 7 December 1995 and final judgement of 28 December 1995 [4 pages, R–92], in which the jury ruled that the pesticide applicator's negligence in applying Dursban was the legal cause of damage to the plaintiff, who was awarded a total of $1,000,000 in damages by the jury. This was subsequently reduced to $632,500 in the final judgement.; *Ruth Elliott, et al.*, v. *San Joaquin County Public Facilities Financing Corp. et al.*, California Superior Court, San Joaquin County, No. 244601, 31 October 1996 [2 page verdict report, R–112] in which a public lease-back corporation was held responsible for 14 awards of partial to permanent disability based on MCS and various other health complaints that started after extensive renovations were inadequately ventilated (half the roof air conditioners did not work). Awards ranged from $15,000 to $900,000 each (total $4,183,528) *Linda Petersen and Eleni Wanken* v. *Polycap of California*, California Superior Court, Alameda County, No. H7276–0, 1 April 1988 [1 page verdict report, R–143], in which plaintiffs were awarded $250,000 and $13,000, respectively, for MCS they developed after a polyurethane roofing material was installed at two school buildings where they worked. These jury awards led to prompt settlement of a dozen other cases against the same defendant.

Tort of Outrage and "Deliberate Intention" Exception to Workers Compensation: *Birklid et al* v. *The Boeing Company*, Supreme Court of the State of Washington, 26 October 1995, No. 62530–1, in which the court issued an EN BANC ruling in response to a question it "certified" from the Ninth Circuit Court of Appeals. By unanimous 9–0 decision, the WA Supreme Court found sufficient evidence of Boeing's deliberate intent to harm its employees from chemical exposure that the 17 workers who claim they were physically and/or emotionally injured as a result (including those with MCS) can sue the company for civil damages in addition to their workers' compensation benefits. (This "deliberate intention" exception was last allowed by the court in 1922). The court also found that the chemically-injured workers had a claim under the Tort of Outrage for recovery of damages arising from Boeing's intentional infliction of emotional distress. The matter now returns to the U.S. District Court for the Western District of Washington for a jury trial. [25 page decision with a 2 page background paper from Randy Gordon, one of the plaintiffs' attorneys., R–66].

Workers' Compensation Appeals (State Courts only, others follow):

Arizona: *McCreary, Robert* v. *Industrial Commission of Arizona*, 835 P.2d 469, Arizona Court of Appeals 1992 [1 page, R–70];

California: *Kyles* v. *Workers' Compensation Appeals Board et al*, No. A037375, 240 Cal. Rptr. 886, California Court of Appeals 1987 [9 pages, R–68]; *Menedez* v. *Continental Ins. Co.*, 515 So.2d 525, La. App. 1 Cir. 1987 [6 pages, R–69];

Kansas: *Armstrong, Dan H*, v. *City of Wichita*, No. 73038, 907 P.2d 923, Kansas Court of Appeals [9 pages, R–185];

Nevada: *Harvey's Wagon Wheel, Inc. dba Harvey's Resort Hotel* v. *Joan Amann, et al*, No. 25155, order dated 25 January 1995, Nevada Supreme Court [4 pages, R–93], in an order dismissing the casino's appeal of a district court ruling that reversed the decision of an appeals officer in favor of a group of 23 claimants. The Supreme Court agreed with the lower court's finding that the officer had "overlooked substantial evidence offered by the [23] claimants that clearly supported a causal relation between their work place injuries [due to pesticide exposure] and their continuing disabilities."

New Hampshire: *Appeal of Denise Kehoe* (NH Dept. of Labor Compensation Appeals Board), No. 92–723, Supreme Court of New Hampshire 1994, 648 A.2d 472, which found that "MCS Syndrome" due to workplace exposure is an occupational disease compensable under NH's workers' compensation statute and remanded to the Compensation Appeals Board "for a determination of whether the claimant suffers from MCS and, if she does, whether the workplace caused or contributed to the disease" [3 pages, R–71, see also]; (2nd) *Appeal of Denise Kohoe* (NH Dept. of Labor Compensation Appeals Board), No. 95–316, Supreme Court of New Hampshire 13 November 1996, in which the Court again reversed the Compensation Appeals Board, finding both that the claimant had MCS (legal causation) and that "her work environment probably contributed to or aggravated her MCS" (medical causation) [5 pages, R–127];

Oregon: *Robinson* v. *Saif Corp*, 69 Or. App. 534; petition for review denied by 298 Ore. 238, 691 P.2d 482 [5 pages, R–67]; *Saif Corporation and General Tree* v. *Thomas F. Scott*, 824 P.2d 1188, Ore.App. 1992 [6 pages, R–89];

South Carolina: *Grayson* v. *Gulf Oil Co*, 357 S.E.2d 479, S.C. App. 1987 [6 pages, R–88];

West Virginia: *Arlene White* v. *Randolph County Board of Education*, No. 93–11878, 18 November 1994 decision of Administrative Law Judge Marshall Riley, Workers' Compensation Office of Judges, reversing denial of MCS claim for temporary total disability and medical payments by Workers' Compensation Division [7p, R–131]; *Julie Likens* v. *Randolph County Board of Education*, No. 93–14740, 4 April 1995 decision of Chief Administrative Law Judge Robert J. Smith, Workers' Compensation Office of Judges, reversing denial of MCS claim for temporary total and medical disability by Workers' Compensation Division [8p, R–132]; and *Barbara H. Trimboli* v. *Randolph County Board of Education*, No. 92–65342–OD, 10 June 1996 decision of Administrative Law Judge Terry Ridenour, Workers' Compensation Office of Judges, reversing denial of MCS claim for temporary total disability and medical payments by Workers' Compensation Division [5 pages, R–133].

RECOGNITION OF MCS IN 14 WORKERS' COMPENSATION BOARD DECISIONS

In decisions affirming MCS illness (by this or some other name) as a work-related injury or illness in:

Alaska: *Hoyt, Virginia* v. *Safeway Stores, Inc*, Case 9203051, Decision 95–0125, Alaska Workers' Compensation Board 1995 [21 pages, R–73].

Connecticut: *Sinnamon* v. *State of Connecticut, Dept. of Mental Health*, 1 October 1993 Decision of Nancy A. Brouillet, Compensation Commissioner, Acting for the First District, Conn. Workers' Compensation Commission. [10 pages, R–106]. The commissioner, citing testimony from Dr. Mark Cullen, among others, found "the great weight of medical evidence supports the diagnosis of MCS syndrome causally related to the Claimant's exposure while in the course of her employment" in state office buildings with poor indoor air quality. She ordered payment of temporary permanent disability benefits as well as payment "for all reasonable and necessary medical treatment of the Claimant's MCS syndrome."; *O'Donnell* v. *State of Connecticut, Judicial Department*, 22 May 1996 Decision of Robert Smith Tracy, Compensation Commissioner, Fourth District, Conn. Workers' Compensation Commission. [5 pages, including cover letter from plaintiff's attorney, R–107]. The commissioner recognized MCS "caused by numerous exposures to pesticides at work . . . and exacerbated by repeated exposure to other odors and irritants at work" in a Juvenile Court building. Because "this claimant has been given special accommodations since March 1992 when she was granted an isolated office and the stoppage of spraying of pesticides" that allowed her to continue working full-time, no monetary benefits were awarded.

Delaware: *Elizanne Shackle* v. *State of Delaware*, Hearing No. 967713, Delaware Industrial Accident Board in and for New Castle County, December 1993 [21 pages, R–142] awarding total temporary disability benefits and "one attorney's fee" based on the IAB's finding that the claimant's work exposure (in a state correctional facility built by prison labor) had "caused her present respiratory symptoms" and that this "has sensitized her to other odors."

Maryland: *Kinnear* v. *Board of Education Baltimore County*, No. B240480, Md. Workers' Compensation Commission, 28 June 1994 [1 page, R–75].

Massachusetts: *Sutherland, Karen* v. *Home Comfort Systems by Reidy and Fidelity & Casualty Insurance of New York*, Case No. 023589–91, 8 February 1995 decision of Mass. Department of Industrial Accidents [21 pages, R–74]; *Steven Martineau* v. *Fireman's Fund Insurance Co*, Case No. 9682387, 15 May 1990 decision of Administrative Judge James McGuinness, Jr., Mass. Industrial Accident Board, ordering that the employer pay for disability benefits as well as "all costs, including transportation, lodging and meals, incurred or to be incurred in the course of seeking and obtaining reasonable medical and related care . . . including treatment rendered by and at the Center for Environmental Medicine." [18 pages, R–125]; *Elaine Skeats* v. *Brigham & Women's Hospital*, Case No. 02698693, 24 October 1996, decision of Administrative Judge James McGuinness, Jr., Mass. Industrial Accident Board, ordering that the employee "compensate the employee for expenses incurred in the course of satisfying the historic and prospective prescriptions of Doctors . . . prompted by her industrial injury and relative to: intravenous therapy, vitamin and nutritional supplements, message therapy, air conditioning, air purification, air filtration, masking, water filtration, allergy bedding, laboratory testing and mileage travelled." [14 pages, R–126]

New Mexico: *Elliott, Erica* v. *Lovelace Health Systems and Cigna Associates Inc*, No. 93–17355, 8 November 1994, decision of Rosa Valencia, Workers' Compensation Judge, finding that MCS was triggered by glutaraldehyde and Sick Building Syndrome for which employer had been given timely notice. Also supported Elliott's refusal to return to work in the buildings that made her sick buildings as "reasonable under the circumstances." Decision granted 3 months of temporary total disability pay followed by permanent partial disability for "500 weeks or until further order of the Court" [15 pages, R–113]

New York: *Crook* v. *Camillus Central School District #1*, No. W998009, 11 May 1990, decision of Barbara Patton, Chairwoman, NY State Workers' Compensation Board specifies "modify accident, notice and causal relationship to multiple chemical sensitivity" and awarded continuing benefits of $143.70 per week [1 page, R–108].

Ohio: *Saks* v. *Chagrin Vly. Exterminating Co Inc.*, No. 97–310968, 18 September 1997 [2 pages, R–151], decision of District Hearing Officer Arthur Shantz, recognizing claim of chemical sensitivity; and *Kelvin* v. *Hewitt Soap Company*, No. 95–599131, 5 June 1996 [2 pages, R–152], decision of District Hearing Officer Steven Ward, recognizing claim of multiple chemical sensitivity as "occupational disease" contracted "in the course of and arising out of employment."

Washington: *Karen B. McDonnel* v. *Gordon Thomas Honeywell*, No. 95–5670, 22 October 1996 decision of Judge Stewart, WA State Board of Industrial Appeals, recognizing "toxic encephalopathy" as an acceptable diagnosis for MCS-induced permanent partial disability [2 p, R–118].

THE CAP ON MEDICARE THERAPY SERVICES MUST BE REMOVED

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. GALLEGLY. Mr. Speaker, It has come to my attention that a pending change to Medicare policy enacted as part of the 1997 Balanced Budget Act will curtail access to needed outpatient therapy services for persons with severe disabilities and chronic health conditions. Effective January 1, 1999, this change limits payments for Medicare outpatient occupational therapy and physical therapy/speech-language pathology services (combined) to $1,500 per beneficiary per year. This is an arbitrary limit that will cause thousands of Medicare beneficiaries with disabilities to forfeit necessary care in excess of the $1,500 level, force them to switch health care providers when the $1,500 cap is reached, or require them to struggle to pay for continuing services out-of-pocket. Individuals recovering from stroke, who have Alzheimer's Disease, or who have advanced multiple sclerosis are among the Medicare beneficiaries that often need therapy services beyond that available under the $1,500 cap. It is these individuals and their families who will be hurt by this pending provision.

I know that major national consumer, professional, and provider organizations are calling for the repeal of this provision or, at a minimum, for a delay in its implementation. For the past six months, these groups have explained that such limits on rehabilitation services are necessary, are not grounded in rational policy, and will carry harmful consequences for Medicare beneficiaries. Despite much discussion, it appears that this Congress will conclude its work without addressing the $1,500 Medicare cap issue.

I share the concern that many Medicare beneficiaries are at risk of losing access to need outpatient therapy services after January 1, 1999. I urge my colleagues to investigate the consequences of this pending change in Medicare payment and remedy the situation before it begins to cause serious harm to beneficiaries with disabilities and chronic health conditions and their families.

MISPRINT ON THE STATEMENT OF MANAGERS ON S. 1260

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. DINGELL. Mr. Speaker, as Ranking Member of the Committee on Commerce and one of the conferees appointed on behalf of the House (September 16, 1998, Congressional Record at 20591), I rise to bring to the attention of the House a matter involving the conference report on S. 1260, the Securities Litigation Uniform Standards Act of 1998, and to correct the record.

The circumstances surrounding the publication—first of an incomplete conference report, and then of a conference report appending extraneous material—may be just another mixup by the gang that couldn't shoot straight. On the other hand, worse.

To wit, the joint explanatory statement of the committee of conference on S. 1260, both as printed by the Government Printing Office (GPO) in Report No. 105–803 and as it appeared in the Congressional Record for Friday, October 9, 1998 at 24974, was incomplete. The final page mysteriously disappeared. Curiously, this page contained important language regarding scienter, recklessness, and the pleading standard applied by the Second Circuit Court of Appeals, language essential to the conference agreement. Even more mysterious, the official papers filed in the Senate on October 9th were complete and did contain the final page.

In order to clarify this situation, a star print of the complete conference report has been ordered from GPO. Also, during House consideration on October 13th, Commerce Committee Chairman Bliley asked unanimous consent to include in the Record "a complete copy of the conference report on S. 1260" and made the following remarks:

> When the conference report was filed in the House, a page from the statement of managers was inadvertently omitted. That page was included in the copy filed in the Senate, reflecting the agreement of the managers. We are considering today the entire report and statement of managers as agreed to by conferees and inserted in the Record.

Therefore, the complete joint explanatory statement of the committee of conference begins on page 26010 of the Congressional Record for October 13, 1998 and concludes on page 26011 where the names of the House and Senate Managers appear. The unidentified material that follows the names of the Managers, although erroneously printed in the same typeface as the conference report, an error that has been corrected by reprinting the material in the appropriate typeface and identifying its source in the October 15, 1998 Congressional Record at 26538, is not part of the conference report's joint explanatory statement and does not represent the views of the Managers. In point of fact, the phantom language directly contradicts the joint explanatory statement (the Statement of Managers).

In any event, it is the conference report itself, in particular the Statement of Managers, and not the dissenting views expressed by one or more Members, that reflects the agreement of both Senate and House conferees as to the bill's intended operation and consequences. The language of the Statement of Managers could not have been more clear and direct as to the bill's ratification of uniform pleading and liability standards:

> It is the clear understanding of the Managers that Congress did not, in adopting the Reform Act, intend to alter the standards of liability under the Exchange Act . . . Additionally, it was the intent of Congress, as was expressly stated during the legislative debate on the Reform Act, and particularly during the debate on overriding the President's veto, that the Reform Act establish a heightened uniform Federal standard on pleading requirements based upon the pleading standard applied by the Second Circuit Court of Appeals.

The Statement of Managers on S. 1260 clarified confusion arising from the Statement of Managers on the 1995 Securities Litigation Reform Act. The 1995 Statement of Managers noted that the language of the pleading standard was "based in part on the pleading standard of the Second Circuit." However, the 1995 Statement of Managers also contained some murky language which, as the gentleman from Massachusetts, Mr. Markey, has correctly noted was slipped into a footnote by a staffer at the last minute without our knowledge or concurrence (October 13, 1998 Congressional Record at 26018), to the effect that the conferees "chose not to include in the pleading standard certain language relating to motive, opportunity, and recklessness." Largely, as a result of this language, the President vetoed the 1995 Reform Act for fear that it might be construed to mean that Congress was adopting a pleading standard even higher than that of the Second Circuit. Congress overrode the President's veto. As is apparent from the post-veto debate in both the House and the Senate, Congress did so, not because Congress wanted a pleading standard higher than the Second Circuit's, but because the pleading standard adopted in the Reform Act was, in fact, the Second Circuit standard.

Nevertheless, uncertainty and confusion quickly emerged in various District Court cases, to the delight of those who sought to undermine what the majority of Congress had concluded the pleading standard should be, but to the grave disadvantage of investors. Because of this uncertainty, the Administration and the SEC insisted that Congress restate the applicable liability and pleading standards of the 1995 Reform Act in the legislative history of this bill. That restatement was necessary to the legislative history of this bill because the liability and pleading standards from the 1995 Reform Act will apply to the class actions that are covered by S. 1260. The White House wrote to Senators D'Amato, Gramm, and Dodd on April 28, 1998 that the Administration would support enactment of S. 1260 only "so long as amendments designed to address the SEC's concern are added to the legislation and the appropriate legislative history and floor statements of legislative intent are included in the legislative record," noting that "it is particularly important to the President that you be clear that the federal law to be applied includes recklessness as a basis for pleading and liability in securities fraud class actions." Only after the Managers clarified that the 1995 Reform Act had not altered the substantive liability standards that allow investors to recover for reckless misconduct and that the Reform Act had adopted the Second Circuit pleading standard did the SEC agree to support enactment of S. 1260. The SEC's letter of October 9, 1998 to Senators D'AMATO and SARBANES states:

> We support this bill based on important assurances in the Statement of Managers that investors will be protected. . . . The strong statement in the Statement of Mangers that neither this bill nor the Reform Act was intended to alter existing liability standards under the Securities Exchange Act of 1934 will provide important assurances for investors that the uniform national standards created by this bill continue to allow them to recover losses caused by reckless misconduct. The additional statement clarifying that the uniform pleading requirement in the Reform Act is the standard applied by the Second Circuit Court of Appeals will likewise benefit investors by helping to end confusion in the courts about the proper interpretation of that Act. Together, these statements will operate to assure that investors' rights will not be compromised in the pursuit of uniformity.

The Second Circuit standard allows plaintiffs to allege facts showing either (a) the defendant had a motive and opportunity to engage in the fraud, or (b) the defendant acted either recklessly or knowingly. Dissenters argue that Congress meant to eliminate allegations of motive, opportunity and recklessness. This is flat wrong. It is simply not logical or believable to argue that we adopted a pleading standard "based upon" the Second Circuit standard, but yet rejected allegations of motive, opportunity, and recklessness—core elements of that standard. Allegations of recklessness or motive and opportunity continue to suffice as a basis to plead fraud. This is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and honest securities markets.

TRANSFERRING THE OFFICE OF MOTOR CARRIERS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. WOLF. Mr. Speaker, I rise today to bring to the attention of the House an important development in the safety of our nation's highways: transferring the Office of Motor Carriers (OMC) from the Federal Highway Administration (FHWA) to the National Highway Traffic Safety Administration (NHTSA).

Mr. Speaker, as the members of the body know, the Office of Motor Carriers monitors an important component of our country's economy: the trucking industry. Not only does OMC monitor and enforce compliance with rules, regulations, and laws, it is expected to improve the safety of trucks that share the road with passenger vehicles.

After learning alarming statistics about truck safety violations and truck accident rates, the House transportation appropriations subcommittee included a provision in the FY 1999 Department of Transportation appropriations legislation to transfer OMC to NHTSA. Our Senate colleagues agreed. That office transfer, in my opinion, is not only bold, but necessary. It will save lives.

Now, we see, though, that the trucking industry lobby convinced some in Congress to strike the transfer provision from the omnibus appropriations legislation, which includes the transportation spending bill. I am extremely disappointed that the OMC provision has been dropped.

I understand that assurances have been given that comprehensive hearings to investigate truck safety will be held early next year on this critical safety issue in both the House and Senate authorizing committees. I pledge, too, that the House transportation appropriations subcommittee will not let this matter drop. We will also hold hearings on highway and truck safety and how the mission of OMC could be enhanced by transferring the office to NHTSA.

In addition, because the issue of truck safety is literally one of life and death, I have written the Inspector General at the Department of Transportation and the General Accounting Office asking that both investigate the truck safety issue. Copies of those letters are submitted for the record. I continue to believe that the Office of Motor Carriers should be transferred to the nation's top highway traffic safety office, and our colleagues should know that this matter will continue to be at the top of our agenda.

With regard to the trucking industry, there can be no higher priority than improving safety. However, it is not clear that the industry believes safety is its number one priority. Let me share some alarming statistics with you:

Commercial trucks represent just 3 percent of all registered vehicles in the United States, but they were involved in 13 percent of the total traffic fatalities in 1997.

Over the past ten years, the fatal accident rate for all vehicles has been declining. However, commercial motor vehicle accidents, fatalities, and fatality rates are increasing. Last year 5,335 people died on U.S. roads in accidents involving heavy trucks. The national figure reflects a 4.5-percent increase in truck-related deaths from the prior year and is this decade's highest one-year tally so far.

One out of eight traffic fatalities in 1997 resulted from a collision involving a large truck. Large trucks are more likely to be involved in fatal, multiple vehicle crashes.

Over the past eight years, the Department of Transportation's Federal Highway Administration has not been able to significantly reduce the number of commercial motor vehicles or drivers operating on our roadways that are not fit to be in service. One in five trucks is operating with mechanical defects so serious that the truck is legally not allowed to continue the trip until the problems are corrected. Eight percent of the drivers are placed out-of-service. Neither of these statistics has altered significantly since 1990.

In 1997, the Virginia State police conducted 42,256 motor carrier inspections. Of those trucks inspected, the state police found 25,221 defects (60 percent) and 19,861 drivers in violation (46 percent). I submit for the RECORD a report I received from the Virginia State Police with those alarming statistics.

The Department of Transportation's Inspector General (IG), in a review of the motor carrier safety program, concluded

> that FHWA's enforcement efforts were not effective in inducing prompt and sustained compliance with regulations and safe on-the-road performance. Seventy five percent of the carriers sampled did not sustain a satisfactory rating, and after a series of compliance reviews, 54 percent of the carriers had vehicle out-of-service rates from roadside inspections higher than the national average.

There is a growing concern that trucks are dangerous. I want to be clear, though, that I believe many in the trucking industry work hard to maintain safe trucks. To be sure, however, there are a number of trucks operating on the nation's highways which are unsafe and dangerous. This concern is worsened by the fact that most of the fatal injuries in trucking accidents are to the occupants of the other, typically smaller, vehicle. It is because of these concerns that I, as chairman of the House Appropriations Subcommittee on Transportation, recommended moving OMC from FHWA to NHTSA, because the functions of OMC are much more closely aligned with those of NHTSA. The National Highway Traffic Safety Administration as its name implies, is focused on safety.

Moving OMC to NHTSA would strengthen and consolidate the Department of Transportation vehicle safety programs. A single modal administration can provide a more consistent and synchronous safety program and agenda. An agency with a consolidated safety focus will see the entire safety picture rather than a system where one agency looks at truck safety and another looks at passenger care safety, as is currently in place. After all, trucks and cars share the same roads.

With the striking of the OMC transfer provision, I believe, safety will be diminished and lives will be lost. More accidents will occur like the one last month in Knoxville, Tennessee. According to the accident report, a tractor-trailer came upon traffic stopped because of construction several miles ahead. The truck, running at almost 70 miles per hour, ran into the back of a sport utility vehicle, knocking it into a concrete barrier; sideswiped another tractor trailer while swerving into the right hand lane; and smashed into the back of a van, pushing it into the trailer of a third truck in front. The van immediately exploded. The lone occupant of the sport utility vehicle and the lone occupant of the van were killed immediately. None of the truck drivers were injured. This is emblematic of the fears most Americans hold for heavy trucks every day they are on the Nation's highways.

Knowing that information about trucks on our highways just increases my disappointment that the office transfer will not occur this year. My view that such a move will save lives is also shared by The Washington Post, which said in a September 19, 1998, editorial:

> The office of motor carriers is responsible for truck safety requirements such as the length and weight of the vehicle and the time a trucker may drive; the logical home for this office is in the agency that deals with other vehicle safety issues.

The full editorial is submitted for the RECORD.

Our colleagues should also know I received a recent letter from an employee at OMC who said,

> I just want you to know that you have a great deal of support from the actual workers within the Office of Motor Carriers. *** [T]he average investigator completes 1 compliance review per month. Last year it was 2.5 compliance reviews per month and the year before it was more than five compliance reviews per month and so forth. *** I think OMC should get moved to NHTSA. Clearly, nobody at the top within the FHWA recognizes the importance of compliance and enforcement. According to the impact assessment model developed within OMC, compliance reviews save lives. Why aren't we doing enough of these? ***

Mr. Speaker, indeed, why aren't we doing enough? I pledge to our colleagues that we will focus our effort and energy next year to shining the spotlight on truck safety in America, and to finding the answer to that critical question.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, October 20, 1998.

Mr. KENNETH MEAD,
Inspector General, Department of Transportation, Washington, DC.

DEAR MR. MEAD: I am writing to request that the Inspector General (IG) update its 1997 audit report on the Motor Carrier Safety Program. On March 26, 1997, you concluded "that FHWA's enforcement efforts were not effective in inducing prompt and sustained compliance with regulations and safe on-the-road performance. Seventy five percent of the carriers sampled did not sustain a satisfactory rating, and after a series of compliance reviews, 54 percent of the carriers had vehicle out-of-service rates from roadside inspections higher than the national average".

I have received information from Federal Highway Administration (FHWA) employees who are concerned about the level of compliance and enforcement activities being conducted. This letter states that "[T]he average investigator completes 1 compliance review per month. Last year, it was 2.5 compliance reviews per month, and the year before it was more than 5 compliance reviews per month". Information our Subcommittee has obtained from the Federal Highway Administration confirms this decline. I am concerned that this is having a negative and growing impact on truck safety. Your investigation should address, but not be limited to, the following areas:

1. A review of the number of compliance reviews conducted by FHWA in fiscal years 1995, 1996, and 1997. As part of this investigation, the IG should determine whether or not FHWA has targeted poor performance carriers for these compliance reviews and what impact these reviews have had on the overall safety ratings of these carriers.

2. An analysis of the enforcement actions taken by FHWA to determine whether or not the enforcement program has been strengthened since your earlier audit.

3. A determination of the adequacy of the penalties assessed for continued noncompliance.

I would appreciate a briefing on this issue prior to our hearing on the Federal Highway Administration's 200 federal appropriations, which is tentatively scheduled for late February or early March, 1999. A report should follow shortly thereafter.

If you have any questions about this request, please contact Stephanie Gupta of the Subcommittee staff on (202) 225-2141.

Sincerely,
FRANK R. WOLF,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, October 20, 1998.

Acting Comptroller General JAMES HINCHMAN,
General Accounting Office,
Washington, DC

DEAR MR. HINCHMAN: There is a growing concern that trucks are dangerous. Currently, commercial trucks represent just 3 percent of all registered vehicles in the United States, but they are involved in 13 percent of the total traffic fatalities. Over the past ten years, the fatal accident rates for all vehicles have been declining; however, commercial motor vehicle accidents, fatalities, and fatality rates are increasing.

I am writing to request that the General Accounting Office conduct an investigation on the effectiveness of the Federal Highway Administration's motor carrier safety program in reducing truck accident and truck safety violations in the United States. This review should focus on trends since 1990.

I would appreciate a briefing on this issue prior to our hearing on the Federal Highway Administration's 2000 federal appropriations, which is tentatively scheduled for late February or early March. A report should be issued by June, 1999.

If you have any questions about this request, please contact Stephanie Gupta of the Subcommittee staff on (202) 225-2141

Sincerely,
FRANK R. WOLF,
Chairman.

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF STATE POLICE,
Fairfax Station, VA, August 28, 1998.

Hon. FRANK R. WOLF,
Herndon, VA.

DEAR CONGRESSMAN WOLF: On August 26, 1998, members of the Coalition for Safe Roads met with you at your Herndon office to discuss legislation relative to trucks with triple trailers using our highways. I was invited to attend, and spoke to you about the number of motor carrier checks our troopers had conducted during 1997.

During the meeting you expressed interest in the statistical information the Virginia Department of State Police had concerning motor carrier checks and the drivers and trucks/buses placed out-of-service. I have outlined below statistical information for both the entire State of Virginia during the calendar year of 1997:

Inspection summary	Statewide	NOVA
Inspections conducted	42,256	13,915
Drivers in violation	19,861	5,250
Defective vehicles	25,221	7,721
Drivers taken out-of-service	3,627	1,034
Vehicles taken out-of-service	8,982	3,117
Out-of-service violations	18,692	6,262
All other violations	90,269	24,660

The all other violations row above includes all deficiencies found, and an arrest, summons or warning was given.

I greatly appreciate the opportunity to speak with you about the issue of highway safety specifically as it relates to trucks and tractor-trailers. Your support for highway safety is most important in providing America's citizens a safe means of travel. If my staff or I can be of assistance to you, we may be contacted at 703-323-4500.

Thanks again.

Sincerely,
DONALD P. GARRETT,
Captain,
Division Seven Commander.

[From the Washington Post, Sept. 19, 1998]

ROAD SAFETY—AND HILL PITFALLS

A House-Senate Transportation appropriations conference is wrestling to resolve differences over two important highway safety issues that shouldn't even be in dispute: the identification of trucks carrying agricultural chemicals, and a proposal to consolidate federal highway safety responsibilities under a single agency best organized to do the job.

The battling over hazardous-materials warnings has to do with a federal requirement that, effective Oct. 1, trucks carrying agricultural chemicals such as fertilizer, pesticides, herbicides and insecticides must carry placards identifying the material on board and providing an emergency telephone number. Rep. Frank Wolf (R-Va.), chairman of the transportation appropriations subcommittee in the House, explains that the placards will provide emergency response teams with important information on the substances they are called upon to handle. For instance, a truck carrying topsoil should be handled quite differently from one transporting ammonium nitrate.

In the Senate bill, an exemption to the placard requirement has been granted for a number of states. Opponents claim the identification requirements burden farmers. It can't be much of a financial burden, through: Advocates for Highway and Auto Safety, which supports the requirement, calculates the cost of 58 cents a placard. The lack of a placard advising rescue teams of what is on board could cost lives. Dozens of national and local firefighting units oppose any weakening of the provisions.

The second proposal involves more than a mere shift of boxes on federal agency flow charts. It would relocate the Transportation Department's Office of Motor Carriers—which oversees trucking laws—from the Federal Highway Administration to the National Highway Traffic Safety Administration, which focuses on safety. The point: The office of motor carriers is responsible for truck safety requirements such as the length and weight of the vehicle and the time that a trucker may drive; the logical home for this office is in the agency that deals with other vehicle safety issues.

ON EDUCATION AND DRUGS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SOLOMON. Mr. Speaker, there is something missing from the recent education debate . . . and what is missing is President Clinton's record on illegal drugs and its effect on the America's education system.

The media seem to buy the Democrat's claim that they care more about education than do Republicans. What seems to be missing from this debate—or what the media seems willing ignore is the fact that illegal drug use by school age children has doubled since President Clinton took office. Studies show that illegal drug use—including marijuana—robs students of their motivation and self-esteem, leaving them unable to concentrate and indifferent to learning.

There is not a parent in America who sends their children off to school without worrying that they will become exposed to illegal drugs. And it's not just teenagers anymore.

Parents are now concerned about their 6th, 7th and 8th grade children getting involved with illegal drugs. Since 1992, marijuana use has jumped 150% among 12 and 13 year old students and 300% among high school students.

For the first time, more than half of all middle-school students report that illegal drugs are used, kept and sold at their schools.

During the Reagan/Bush years drug use dropped, from 24 million individuals using drugs in 1979 to 11 million in 1992. These hard fought gains were wasted by President Clinton.

The number one reason young people drop out of school is because of their involvement with illegal drugs. In a study conducted among a sample of 9th to 11th graders, more than half of the heavy drug users dropped out—twice the rate of those who are drug free.

Studies also show that students involved with drugs are four times more likely to receive poor grades than are drug free students. The rise in illegal drug use also correlates closely with rising school violence.

Today in America, one third of high school students smoke pot. The message we need to send America's parents and grandparents in the education debate is that President Clinton has earned a failing grade in keeping illegal drugs out of the hands of their school aged children and grandchildren.

You cannot claim to be an education President while ignoring rising illegal drug use in America's schools.

LATIN AMERICA: CHALLENGES TO STABILITY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. GALLEGLY. Mr. Speaker, as 1998 draws to a close, four countries in the Western Hemisphere bear close observation. Events taking shape in those nations could have a substantial impact on the region's stability, the pace of democratization and the success of economic reform. These nations worth watching include: Brazil, Colombia, Venezuela and Paraguay.

BRAZIL

As the contagion of the "Asian/Russian" financial crisis spreads into Latin America, the next three months could be critical to the economic and political stability of the hemisphere. All eyes are currently focused on Brazil and its attempts to stave off the effects of the Asian flu. A major financial downturn in Brazil, the region's third largest economy and the world's ninth largest could spell economic trouble throughout the entire region, including within the United States.

Brazil is by far the most important economy in South America. With a population of 157 million, Brazil's Gross Domestic Product (GDP) stood at approximately $806 billion in 1997. Brazil accounts for some 45 percent of all Latin America's GDP. U.S. banks have some $34 billion in outstanding loans to Brazil and over $100 billion in Latin America. U.S. private investment in Brazil stands at $25 billion and trade between the U.S. and Brazil ranges around $16 billion. Since August, however, Brazil's stock market has plunged 40 percent and its cash reserves have plummeted $30 billion.This, in turn, has forced interest rates up to 50 percent and has resulted in a budget deficit of 7 percent of GNP, twice what it was when Cardoso first took office. Deficit spending has led international and domestic short term investors to pull out of Brazil in record numbers. Finally, the nation's currency, the "Real", is considered overvalued but stable.

In the midst of all this turmoil, Brazil held elections on October 3rd for president and parliament. These elections marked a very significant transition for Brazil in that President Cardoso became the first civilian president since military rule both to take over from a civilian predecessor as well as to succeed himself in office. He won this election with roughly the same percentage of the vote as he did four years ago.

President Cardoso, a former university professor, is the inflation-taming engineer of the country's economic turnaround which has been faltering of late. The current economic crisis is due to effects from the Asian crisis, as well as from a still bloated state sector and a very generous pension system. The voters, however, chose not to blame him for the crisis, but rather the global economic circumstances. Mr. Cardoso has remained for the most part on message regarding Brazil's commitment to free market reforms and the IMF's and other lenders' demands for continued austerity and reform. His new economic plan calls for spending cuts of over $20 billion, some tax increases and a reform of the nation's pension system. The IMF has readied a $30 billion package of international credit.

Unfortunately, Cardoso's tenactity may not be matched by the same attitude in his legislature; the President still must negotiate with a parliament that has many reasons to oppose further reforms and austerity. Nevertheless, his job may have been made slightly easier with the recent elections for parliament. While his five-party coalition actually lost a few seats overall, the President's hand was strengthened in that his own party increased its representation within the coalition, and the more moderate leftists increased their representation among the opposition. In short, Mr. Cardoso should have greater control over his coalition, and the left might be more willing to cooperate. The wild cards are the fact that almost half of the new parliament, to be seated in February, will be freshman whose loyalties are not known, the role the powerful governors will play in securing local support for reform, and the fact that the most important measures, pension and civil service reform, require constitutional reform and thus three-fifths votes. To that end, the President is considering a proposal to hold a constituent assembly next year to permit changes to the constitution by a simple majority vote in the Parliament.

Brazil's economic fate will spell either relief or trouble for the rest of Latin America. If the Brazilian government can keep the economy from sliding further and can initiate major economic reforms, then as the situation stabilizes, international investors will return to Brazil, thus avoiding the dramatic consequences experienced by Asia and Russia.

COLOMBIA

On June 21, the Colombian people voted in record numbers and elected Andres Pastrana as their new President. The large turnout of voters was seen as an expression of support for a peaceful resolution of the conflict which has engulfed all of Colombia for the past four decades.

President Pastrana has taken over a country in which a guerrilla force of 20,000 armed solders has fought the government to a military standstill with neither side capable of securing a final battlefield victory. The guerrillas, who are financing their war effort largely from the narcotics trade, have grown stronger and inflicted serious defeats on the military in 1998. The Colombian army has been demoralized through its battlefield losses and is still regarded as ill equipped and ill-trained to continue to wage a prolonged war. U.S. assistance to the military, desperately needed, is restricted under a U.S. congressional mandate that allows aid to go only to units cleared of human rights violations. In addition to the guerrilla war in certain parts of the country the government has ceased to function and law and order has long since disappeared. The rise of paramilitary armies, which have waged an indiscriminate war against the civilian population in the name of fighting the guerrillas, and who also draw financial support from an involvement in the drug trade, have injected a new level of violence which can not seem to be controlled by the government.

Even before taking office, President-elect Pastrana, attempted to fulfill this principle campaign pledge of bringing an end to the 38 years of internal guerrilla war by meeting secretly with the leader of the largest guerrilla group, the FARC were they discussed the possibilities for peace. Upon taking office on August 7, 1998, President Pastrana announced that peace talks with the guerrillas would begin in November and that, as a prelude to those talks, he was embarking on a bold plan to turn a large swath of central Colombia into a temporary "demilitarized zone" in which peace talks with the two main guerrilla groups could commence.

To that end, on October 15, President Pastrana announced that some 4,000 Colombian soldiers would begin withdrawing from the "zones" which would be totally demilitarized by November 7. The demilitarization of these "zones" would last until February, depending upon the success of the talks. This plan has been both hailed as a bold gamble, which could lead to a substantial amount of good-will among the guerrilla leadership, as well as criticized as a guerrilla trick which would only serve to allow the guerrillas to use the "zones" and the time to rearm and retrain their forces for a major military push next year. And, while fighting within the "zones" will apparently cease, there is no general nationwide cease-fire which is expected to result in the guerrilla and Colombian military units continuing to battle in other parts of the nation even as this long peace process continues forward.

Internal reaction to President Pastrana's plan has been one of cautious optimism among the populace. Except for inside the "zones", which had been subject to considerable guerrilla influence anyway and where the population is nervous about living under de facto guerrilla control, the move is seen as a necessary gambit to test the intentions of the guerrillas to seek peace. Even the military, which has expressed its doubts, now realizes that it, too, can use the time to concentrate forces in other parts of the country or to rearm and retain their forces in the event these talks break down and fighting escalates.

U.S. reaction to the plan has been mixed. President Pastrana must be given the benefit of the doubt and supported in his attempts to carry out his mandate of peace in the manner he believes is best. However, concern has been expressed over his plan's impact on the counter narcotics program within the country. The Pastrana government insists that very little antinarcotics activity has been carried out by the police in the "zones." However, there has been a substantial amount of drug activity reported in those areas. Some in the United States have warned the Colombians not to allow the "zones" or the peace talks to interfere with the anti-drug campaign.

The peace talks are set to begin in early November. The U.S., and all of Latin America, will be watching the progress of these discussions very closely as well as the activities of the guerrilla forces outside the "zones."

VENEZUELA

Venezuela, suffering a severe economic crisis due to a crippling drop in world oil prices, faces perhaps its most severe political test since the attempted military coup of 1992, when it will hold legislative elections in Early November and a presidential election early in December. These elections represent a turning point for Venezuela, but this turning point contrasts sharply with that of Brazil. For the United States, the outcome could cause significant trouble since over 50 percent of our oil imports come from Venezuela.

Ironically, the 1992 coup leader, retired Lt. Col. Hugo Chavez, who was pardoned by current President, Caldera after spending two years in prison, is posed to win the December 6th Presidential elections. it is reported that he may have some ties to leftist guerrillas in Colombia as well as in his own country; and he has at various times vowed to "deep fry the heads" of his opponents. Even more problematic, he has, on occasion, vowed to cut off most of the nation's financial and trading relationships with other countries, including its lucrative oil industry contracts. Recently, as the election nears and his lead has slipped a bit and the United States grows more nervous, he has tried to soften his rhetoric by promising to maintain Venezuela's thriving, partially privatized oil industry. But critics are not impressed, especially when they consider his group of advisers: a group of extremists of both the left and the right.

Also worrisome is the fact that the military is divided over his candidacy. Many of the junior officers down to the rank and file see him as much of the country's poor see him: as a new generation politician. But the higher ranking officers regard him as the middle and upper classes of society see him: as a self-infatuated egoist bent on nationalizing what is left of Venezuela's economy and upsetting the country's tenuous social cohesion, regardless of whether or not he really wants to help the poor and root out the notorious corruption of Venezuelan politics.

The traditional parties, viewed from within a large part of Venezuelan society as extremely corrupt and discredited, are given little chance of defeating Chavez. The chances of the many other independent candidates for president (including a former beauty queen) of winning are almost non-existent. So far, the two major political parties, the AD and COPEI, as well as some of the smaller parties, have focused on the legislative and gubernatorial elections as a way to secure a power base.

This year the government separated the legislative and local elections from the presidential election so that they might, by virtue of a lower turnout and their very panicked and thus motivated base, hold onto power in the national legislature and at the regional and local level. It is too early to tell whether they will achieve this, but if they do it could well set the country up for a showdown between a victorious Chavez and all the rest of the country's governmental system.

U.S. observers see only one possible option: that after the November elections, all independent candidates for president will coalesce around one candidate, perhaps, the pro-business and pro-reform successful former governor, Henrique Salas Romer. He is currently second in the polls, but still not within striking distance. Moreover, this scenario is not without danger: if the lower classes perceive that the middle and upper classes are cooperating to defeat their candidate that may energize even more dedicated voters for Chavez and increase their resolve to turn out on election day. Worse, if Chavez loses after leading in the polls for so long and by so much, he has already said he will blame fraud and order his "troops" into the streets. Chavez has already accused the head of the army of plotting to deny the election to Chavez which in Chavez's words could "provoke civil war." This could set off a period of violent instability throughout the country.

PARAGUAY

On May 10, Paraguay held only its second democratic election for President since the end of the 35-year dictatorship of General Alfredo Stroessner. The election of Raul Cubas Grau represented the first civilian leader to succeed another as Paraguay's President. But the Administration of President Cubas, barely three months old, faces a potential constitutional crisis which threatens the struggling democracy. This crisis has been precipitated by the role of the real beneficiary of Paraguay's recent elections—former General Lino Oviedo.

In April 1996, after a brewing internal feud between then-President Juan Carlos Wasmosy and General Lino Ovieda, head of the Paraguayan armed forces, Ovieda was fired. Not willing to go quietly, General Ovieda retired to his barracks and staged what was described as a modest coup attempt against President Wasmosy, calling for the President to step down. However, the situation was considered serious enough that representatives of Paraguay's neighboring counties and the Secretary General of the OAS felt it necessary to intervene to convince General Ovieda to end his rebellion. As a result of the intervention, a compromise was reached in which General Ovieda would end his coup and retire, and would then be given the portfolio of Minister of Defense. Ovieda agreed and the rebellion ended. However, in the ensuing period, public opposition arose against the deal, and the General, leading President Wasmosy to void the agreement. General Ovieda left the capital vowing to run for President.

In 1997, in preparation for the upcoming elections, a split developed within the ruling Colorado political party, which had governed Paraguay for more than 50 years. The debate pitted sitting President Juan Carlos Wasmosy and his choice of a successor, Luis Argana, against the resurgent former General, Ovieda, who had formed his own party within the Colorado organization. In September of 1997, in a surprise which shocked everyone observing Paraguay, General Ovieda won the Colorado party nomination for President. He nominated Raul Cubas as his candidate for Vice-President and embarked on an ambitious and skillful campaign.

In December of 1997, President Wasmosy, not wishing to turn control of the government over to his arch enemy, General Ovieda, had Ovieda arrested on charges of sedition related to the 1996 attempted coup. In February, 1998, a Wasmosy-appointed military tribunal convicted Ovieda and sentenced him to ten years in prison. In mid-April the Supreme Court upheld the tribunal's sentence which automatically nullified Ovieda's candidacy and threw the Presidential campaign into disarray. The Colorado party then elevated Raul Cubas to be the Presidential candidate and appointed Luis Argana as Vice Presidential candidate. On May 10, Raul Cubas was elected President of Paraguay, but the vote was seen more as a vote for Ovieda than for Cubas.

After his election, Cubas indicated that one of the first things he would do would be to free ex-general Ovieda from jail. In reaction, the parliament passed a law limiting presidential pardons by stating that a prisoner had to serve at least half of his sentence before being granted a pardon.

Shortly after taking office on August 15, and despite the new law, President Cubas announced that he was commuting Ovieda's ten-year prison sentence and would release him from jail. This action has set off a chain reaction of events which has threatened the very foundation of Paraguay's politics and its democracy. Immediately after his decision to commute the sentence, a group of opposition lawmakers in the Parliament petitioned the Supreme Court to overrule the pardon and to order Ovieda back to prison. In addition, several lawmakers began searching for a way to have President Cubas impeached. And, several members of Cubas' cabinet, including the President's brother, the Commerce Minister, resigned in protest.

The Supreme Court is currently trying to decide whether to hear the petition to overrule the Presidential pardon. However, it is reported that Ovieda has threatened reprisals against anyone trying to uphold the Parliament's petition and is preparing to defend himself against any attempts to do so. It is unclear whether President Cubas would uphold the laws of the state and would permit the re-arrest of Ovieda should the Supreme Court rule that way. It is also reported that President Cubas may be threatening the four Supreme Court Justices who have not yet attained what would be considered lifetime tenure on the Court with those appointments.

This crisis between the executive, the legislature and the court has shaken the foundation of Paraguay's government and could set the stage for a possible military action if the issue is not resolved peacefully. It is incumbent upon the actors in this crisis to resolve their differences so that democracy is preserved, that the separation of powers among the three branches of government is upheld and that the rule of law prevails.

A TRIBUTE TO JANET BROWN

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to my Administrative Assistant, Janet Brown. In a few short weeks Janet will be leaving my office for the greener, or perhaps whiter, pastures of Minnesota. Janet and her fiance, Don Kitson, are planning a wedding next year and will soon start the construction of their own airplane. I am certain that Don and Janet have a wonderful future ahead of them—if she can survive five years of working for me, she can survive at least fifty-five years of marriage with Don.

We all recognize the importance of congressional staff. Unfortunately, far too many of them come and go on short notice. Fortunately for my office and the constituents of the Fourth Congressional District of Wisconsin, Janet has not simply come and gone. Instead, she has sacrificed herself for all of us, be it through long hours at the office, helpful advice to a colleague, or timely service for a constituent.

Janet has been a model of perseverance and dedication. In 1993, Janet came to work for me as a Staff Assistant and she leaves as my Administrative Assistant. In those five years, Janet has held nearly every position in my office. I am sure there were many times Janet went home, frustrated after a long day at the office, determined to move on to another job. To her credit, Janet always returned the next day with a smile on her face, eager to work.

Janet is also a breast cancer survivor. Instead of succumbing to this awful disease, Janet conquered it. She never doubted her ability to persevere, and she is stronger person for it. More important, Janet now lends her time to help other women who have been diagnosed with breast cancer.

Because so many of our staff come and go, we get into a habit of thinking that staff are interchangeable parts—if someone leaves, another will step in and take their place. Some staffers do not stay in one place long enough to make an impression, others are harder to replace because of their special qualities. And there are a select few like Janet Brown who are never truly replaced.

Because Janet has held nearly every position in my office and has faced such difficult challenges, the other members of my staff constantly turn to her in times of need. Persons new to the office look to her for advice, and veterans appreciate her unique ability to be both a colleague and friend. When Janet departs my staff in a few weeks, she will be leaving behind an office that is stronger because of her years of service.

Janet has also become a close friend of my family. Just as the other staff members rely on her for help, so do we. Our dog and office mascot Colby will miss the hours of undivided attention he received from Janet. My wife and I truly appreciate all the times Janet has helped us through the last-minute emergencies and scheduling changes that are inherent to a career in Congress. Because of those times Janet will always have a special place in my heart and on my auto insurance record.

Mr. Speaker, I and the entire staff are saying goodbye not only to a truly great professional, but a truly great friend as well. Janet, we wish you the best of luck and our deepest and most heartfelt thanks.

A TRIBUTE TO THE HON. DAN SCHAEFER

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SKEEN. Mr. Speaker, I rise to pay special recognition to the gentleman from Colorado (Mr. SCHAEFER) who is retiring from Congress at the end of the 105th Congressional session.

I am honored and pleased to have served with DAN SCHAEFER throughout my tenure in the House of Representatives. Working together, we have served as members of the minority and majority party in Congress and have always held principle over politics.

We are going to miss Mr. SCHAEFER next session. Throughout his distinguished career in the House, he has served his constituents from Colorado and the United States with honor and distinction.

DAN will be remembered here for many notable legislative accomplishments. Passing the Federal Facilities Compliance Act ensured that those of us with Federal facilities in our districts received the same level of environmental protection as everyone else in the country. He was and is a major player in helping us in New Mexico streamline the bureaucratic process to get the Waste Isolation Pilot Plant up and running—and while we're still not there yet, we're a lot closer today because of DAN SCHAEFER's efforts and I look forward to riding shotgun on that first truck with him.

Mr. SCHAEFER also helped spark the national debate on reforming our nation's tax code. His legislation to eliminate income tax raised a lot of eyebrows, but also raised the national awareness of the mess our tax system is in. I also recall that DAN was talking about a balanced budget long before the majority of our colleagues in Congress. His balanced budget legislation, introduced in the 103rd Congress, was the blueprint for many subsequent bills, and saw its fulfillment in the Balanced Budget Act passed by this Congress.

While I have just scratched the surface of DAN's distinguished career, it is a pretty impressive list of accomplishments. Just as impressive, though, has been DAN's non-legislative accomplishments. As manager of the Republican baseball team, he turned the event from a back-alley pepper game into a major-league success, to the point where the game now gets nationwide radio and TV coverage, and helps support a number of worthy charities in the Washington area. I know I've enjoyed his participation in the Western Caucus and the Wild Turkey Club, where Members facing similar problems and with similar constituencies are able to work through the difficult issues facing Congress in a sober and thought-provoking atmosphere. While Congress as an institution will certainly be poorer without DAN's presence, I also know that many Members will suffer a personal loss from his retirement as well.

In closing, I sincerely wish DAN SCHAEFER and his family all the best and look forward to the day the Colorado Rockies name him as their Manager. Good luck and God bless you DAN, we'll miss you around here.

RETIREMENT TRIBUTE TO BOB BOYER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BERMAN. Mr. Speaker, this election day Robert Kent Boyer will be retiring from government service. Bob has been a close friend and colleague to many members and staffers in the Congress. His career has been marked by a long commitment and deep dedication to America's place in the world.

Bob worked his way up from hardscrabble beginnings in Arkansas through perseverance and elbow grease. He served our nation in the United States Air Force before coming to the U.S. Congress as a staffer in 1968. Bob served on the staffs of Senator John McClellan and Representatives Allard, Lowenstein, WILLIAM ROTH and William Mailliard with distinction. In 1971, Representatives Thomas (Doc) Morgan, Chairman of the Committee on Foreign Affairs and Representative Mailliard, the Ranking Minority Member appointed Bob to the professional staff of the full Committee on Foreign Affairs, where he worked for more than 22 years.

During his tenure on the Hill, Bob oversaw some of this nation's most important international work in combating narcotics, improving diplomatic security, fighting terrorism and assisting refugees who were the innocent victims of conflict and disaster.

In 1993 Bob, was appointed as the Senior Deputy Assistant Administrator for Legislative and Public Affairs at the U.S. Agency for International Development, a post he still holds. Bob's sage counsel and abiding knowledge of international affairs has helped USAID make it through some of its most difficult times. I know Bob's colleagues at USAID will miss him every bit as much as we will.

In closing, let me just say that Bob Boyer is genuinely one of the kindest, most warm-hearted and talented people I have had the pleasure to work with. We will miss seeing him in his cowboy boots dispensing advice during the authorization and appropriations process. I wish he and his lovely wife, Sandy, and daughter, Vanessa, the very best in his retirement. He has served the country well and in the best tradition of government servants everywhere.

REGARDING STEEL IMPORTS

SPEECH OF

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. DOYLE. Mr. Speaker, I rise today to urge support for the resolution offered by my colleague from Ohio. Along with my friends from Indiana and Ohio, and many other Members of the House who have been working to get debate and a fair vote on this issue—I am deeply concerned about the current crisis in the U.S. steel industry. We are worried about this steel crisis and we want to send a strong message to the White House.

The U.S. steel industry and its workers are suffering tremendously from reduced orders, as a result of dumping by Asian and Russian producers. But the Administration has not acted to stop this illegal practice.

The Members of the European Union have been smart enough to protect their steel industry from dumping by erecting temporary barriers to steel imports during the financial crisis. Their steel industry will weather this storm.

American steel workers—the most efficient in the world—cannot continue to be besieged by foreign steel products while waiting indefinitely for trade cases to be settled. Damage to the American steel industry is extensive, severe, and rapidly growing.

I want to say that I do think there is a legitimate role for the United States, Japan, the European Union, and others to play, together, to help Russia and the newly industrialized Asian countries get through this economic crisis. But the American steel industry cannot and should not shoulder the burden alone.

Just recently, just in the Pittsburgh area, Riverview Steel in Glassport, and a number of other steel producers have been forced out of business by unfair imports. Steel has already been through tough times in our lifetimes—but the industry has come back more competitive than ever. The current steel crisis is an external, macroeconomic problem that is unfairly impacting American workers. We already have the laws in place to address this problem. We need to act now to stop another hollowing out of American industry, by acting to stop illegal dumping.

This House must act today to urge concrete measures on the Administration to stop the flow of dumped steel. The Traficant Resolution makes the strongly worded statement that needs to be made on this subject. Although it's non-binding, the Traficant Resolution would call on the Administration to investigate these low-priced steel imports for 10 days. If the Asians, former Soviet states, or anyone else is flouting international trade agreements, the President should impose a 1-year ban on steel imports from that country. By asking for these actions, the Traficant Resolution is making a real statement. This is not just some toothless piece of paper that would make this issue go away. Because this issue will not go away.

I urge my colleagues to think over this serious problem, and vote in favor of the Traficant Resolution.

HONORING REVEREND DR. ERIC R. FIGUEROA, SR. BISHOP-DESIGNATE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor Reverend Dr. Eric R. Figueroa, Sr. Bishop-Designate. A man of vision, devotion and tireless service to others in the spirit of God.

Reverend Dr. Eric R. Figueroa, Sr. was born on February 15, 1954 in New York, NY and is the oldest of three children born to Elder Ronald L. Figueroa and Mother Minnie M. Figueroa. He is the husband of Evangelist Doreen Figueroa for 23 years, and the father of three anointed and marvelously gifted children, Timiney, Anaysha and Eric Jr.

Reverend Dr. Figueroa is a graduate of Boys High School, Hunter College and Manhattan Bible Institute with honors. In his continued pursuit of academic and spiritual excellence, he received a Doctorate in Divinity from the National Theological Seminary of the Commonwealth University of St. Louis, Missouri and a Doctorate of Theology from the St. Paul Bible Institute.

As a child, Rev. Figueroa enjoyed the benefit of a spiritual nurturing environment—living in a household surrounded by Spirit filled believers. His spiritual renaissance occurred at the Institutional Church of God in Christ under the Pastorate of Bishop Carl E. Williams, Sr. While at Institutional, he worked in numerous positions serving the Savior and the church well.

Acknowledging his call to the ministry in August of 1976, the inevitable happened, he followed in the lineage of his grandfather, the late Reverend David A. Figueroa, Sr., Pastor of the Mount Zion Pentecostal Faith Church and his father, Reverend Ronald Figueroa, Assistant Pastor of the New Life Tabernacle, making him the third generation of preachers. In 1978 he was ordained as an Elder by Bishop Carl E. Williams, Pastor of the Institutional Church of God in Christ International.

The Reverend's unique and inclusionary character and ministry forged interdenominational relationships that transcended traditional religious barriers, walls and spiritual stereotypes in an effort to advance the Kingdom of God. His skillful presentation of the Gospel and his sense of civil and community duty has brought him to the attention and demand of many distinguished religious and political organizations who have benefited from his expertise.

In January 1998, the Presiding Prelate, his Eminence, Bishop Carl E. Williams Sr. and the Board of Bishops of the Church of God in Christ International, officially proclaimed Reverend Dr. Eric R. Figueroa Sr. as Bishop-Designate in the Lord's Church.

After several years of fruitful Evangelistic Ministry, Dr. Figueroa organized and founded the New Life Crusade Ministry in 1981. As this phase of ministry developed it was evident that God had higher heights destined for the ministry. In 1983 God gave Rev. Figueroa a vision for a church called New Life Tabernacle. On August 21, 1983 New Life Tabernacle was founded with seven members dedicated unto the Lord. Over the past 15 years New Life Tabernacle has grown in numbers, exceeding a membership of 400.

Mr. Speaker, I ask you and my colleagues from both sides of the aisle to join me in saluting Reverend Doctor Eric R. Figueroa, Sr. Bishop-Designate.

TRIBUTE TO STUDENTS OF ELDERTON HIGH SCHOOL

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to share with you and my colleagues a very uplifting story about an extraordinary group of young people in Elderton, Pennsylvania.

Two years ago, under the guidance of some very enthusiastic and involved high school teachers and the sponsorship of the Armstrong-Indiana County Intermediate Unit, a group of six high school students started a program called Applebee Pond. The program, which was created by the Mercer County Drug and Alcohol Commission, Inc., involves a puppet show performed by a group of high school kids for grade school children. However, this program is not merely an extracurricular activity—it is much more. That's because the purpose of the program is to teach very young children of grade school age the dangers of smoking.

The group of high school students, which now numbers over twenty students ranging in age from 14 to 18, travels to grade schools throughout the area putting on a variety of programs for a very attentive audience of children. The message of avoiding smoking is delivered to the younger children through puppet characters they enjoy and is positively reinforced through the older kids, who they look up to and who serve as powerful role models.

As priceless as is the lesson being taught to the youngsters, though, perhaps the most extraordinary thing about this program is the impact it has had on the high school students—both those participating in the program as well as their peers. Participation in the program is selective and competitive. The students must maintain good grades and promise not to drink, smoke, or be involved with any drugs.

Since the program started, the students associated with it have become so popular by setting an example of a healthy, athletic, positive lifestyle, that other students have actually quit smoking to be able to join. Parents praise the program and call to find out how their children can participate. Their brightly colored, easily recognized T-shirts are proudly-worn status symbols. They work well with their teachers and are well-known within their community. Some students who have graduated even come back to spend time helping out with the program.

At a time when young people are so often noticed only when they do something wrong, I am very proud to be able to share with you the story of these terrific teenagers and the wonderful gift they are giving to their classmates, their community, and to themselves. They are demonstrating what cool really is—being a leader, a good student, and living a healthy lifestyle.

TRIBUTE TO ADA HESS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. HUNTER. Mr. Speaker, today I rise to say goodbye to a dear friend, Ada Hess of El Centro, California. Ada passed away this past summer and I would like to take a moment to recognize the friendship given to me by such a good and beautiful person.

Ada was born in Buffalo Gap, Texas and after marrying John Hess in 1968, she moved to El Centro where she worked as the secretary/treasurer for their various geological businesses. With a lot of hard work and dedication, their businesses grew abroad and Ada and John soon became world travelers. Following John's death in 1987, Ada continued running these businesses as the sole proprietor for nine more years before selling them in 1996.

When I was a young lawyer starting out during the 1970's, I remember how John would always be willing to offer his engineering expertise to assist with my cases. My family and I always knew we could stay with Ada and John at their home in El Centro where we would often go on camping trips to the Colorado River and pan for gold. While my boys and I were trying to strike it rich, Ada would be making sure that everyone had their shovels, pails and a good lunch. After my election to Congress, I always treasured the times when John and Ada would visit me in Washington, D.C., somehow we would always end up exploring Northern Virginia.

John and Ada Hess were great advocates of conservative principles and the Republican party. At one function, I remember how proud John was to show me a bull-moose handkerchief that had been given to his grandfather by Teddy Roosevelt. At other times, Ada would often thank me for helping her with the opportunity to attend a presidential inaugural ball. When I think back upon our fun times together, I realize that I am the thankful one, for having John and Ada as friends.

COMMEMORATING THE 100TH ANNIVERSARY OF THE NATIONAL COMMUNITY PHARMACISTS ASSOCIATION

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BERRY. Mr. Speaker, I rise today to recognize the National Community Pharmacists Association (NCPA) on its 100th anniversary this month and to commend the organization for the work they do on behalf of independent pharmacies across the country. The NCPA represents the pharmacist owners, managers, and employees of nearly 30,000 independent community pharmacies. Independent pharmacists—more than 75,000 nationwide—dispense the majority of the nation's retail prescription drugs.

Independent pharmacists have a tremendous responsibility that is of increasing importance. Patients continue to rely more and more on their community pharmacist for good advice on which medication will help them. With many patients visiting the pharmacy more often than their doctor, community pharmacists continue to use their knowledge when telling consumers the pros and cons to these products. Ninety-eight percent of our community pharmacists make recommendations on over-the-counter drugs and general health care issues. Their expertise is imperative to the health of millions of people across this country and I commend them for a job well done.

Community pharmacists are truly working for the well-being of patients across the country and I am proud to work with them. The National Community Pharmacists continue to play a role in the lives of millions of Americans and I congratulate them on their 100th anniversary.

NEW REPORT EXPOSES GOVERNMENT'S SYSTEMATIC HUMAN-RIGHTS VIOLATIONS IN PUNJAB

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. TOWNS. Mr. Speaker, on October 1, Ram Narayan Kumar, the producer of the excellent video "Disappearances in Punjab", and Cynthia Mahmood, a professor at the University of Maine who has studied issues in Punjab, issued a detailed reported entitled "Disappearances in Punjab and the Impunity of the Indian State." It exposes the brutal tyranny that has been imposed on the Sikhs of Punjab, Khalistan by "the world's largest democracy."

The report exposes India's "war without quarter" against the Sikh Nation that has resulted in the extrajudicial murders of over 250,000 Sikhs since 1984. The authors describe this "war without quarter" as a "dirty water." The authors note that "the law in Punjab accommodated to, buttressed, and furthered the pattern of atrocities against Sikh citizens that had evolved against Sikh citizens. Minimal human rights were being abrogated in 'the world's largest democracy.'"

These abuses were carried out through mechanisms like the so-called "Terrorist and Disruptive Activities Act" (TADA), which permitted virtually unlimited detention of anyone without charge or trial. Even though this repressive law expired in March 1995, thousands of people continue to be held under it.

The report contains extensive discussion of the case of Jaswant Singh Khalra, who was kidnapped and murdered by the police after he exposed the Indian government's brutal masscremation policy in Punjab. After his report, the Tarn Taran police chief, Ajit Sandhu, told Mr. Khalra, "We can make one more body disappear." It appears that this promise has been kept. Now the police have filed false charges against Jaspal Singh Dhillon, who assisted and continued Mr. Khalra's work. The Indian Supreme Court described this policy as "worse than a genocide." It said that there have been "flagrant violation of human rights on a mass scale."

The report also demonstrates the weakness of India's National Human Rights Commission, which cannot investigate abuses by the security forces and cannot investigate cases over a year old. The Commission is essentially impotent.

As a result of these abuses, 18 human-rights organizations and 13 individuals who have been active in human-rights work formed the Coordination Committee on Disappearances in Panjab, which then appointed the Peoples Commission on Human Rights Violations in Punjab. This commission has issued 90 citations and taken over 3,000 more cases. The government has taken action to close down the commission and tried to prevent its first meeting from taking place. The report shows that the government has worked to silence human-rights groups through intimidation and violence.

Mr. Speaker, these events occurred in only one of India's 25 states. There are currently 17 freedom movements within India's borders. The United States is a bastion of freedom in the world. We should not be supporting such a repressive country. The sanctions we placed on India this spring must be maintained and we should also cut off its U.S. aid. It is now apparent that only when the people of Punjab, Khalistan and the other captive nations of the Indian subcontinent are allowed to claim their sovereignty will their people live in freedom, peace, prosperity, and stability. The United States Congress can help make that happen by declaring our support for free and fair plebiscites on independence in Punjab, Khalistan and in Kashmir. By these means we can help end these abuses and bring freedom to all the people of South Asia.

I thank Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for bringing this report to my attention and his continued effort to free his nation from the repression of the Indian government.

HONORING CLAUDE GANAYE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to World War II hero Claude Ganaye, who in September 1944, was a 16-year-old French national whose actions saved the lives of United States combat troops of the 29th Infantry Division. Veterans of that division gratefully recall his bravery.

Even though Claude Ganaye and his family had been driven from their home in Brest, France, by Nazi troops, young Claude had the presence of mind to note the location of German mines, snipers and gun emplacements. Claude Ganaye found a French-speaking GI, Philip Roy of Company L, 116th Infantry to whom he provided his detailed intelligence. Acting on this information, the 29th Infantry Division was able to avoid casualties while taking enemy positions and capturing 40 prisoners.

Twenty years ago, Mr. Ganaye moved to California where he became a naturalized citizen of the country whose troops he guided from harm's way. Mr. Ganaye resides with his family in the 6th Congressional District whose citizens thank him for the courage and composure he, as a teenager, demonstrated in the mind-numbing conditions that marked the heroic allied invasion of France. It is fitting too, as we honor our veterans, to join them in acknowledging Claude Ganaye's contribution to his adopted nation. Mr. Speaker, I ask my colleagues to join me in extending our heartfelt gratitude to Mr. Claude Ganaye.

PURPLE HEART AND POW MEDALS FOR JOSEPH LAJZER

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. RODRIGUEZ. Mr. Speaker, on September 18, 1998, National Prisoner of War/Missing In Action Recognition Day, our nation finally honored one of the few remaining heroes and survivors of the Bataan Death March. During the graduation of new air men and women from basic training at Lackland Air Force Base, Retired Army Air Corps World War II veteran Tech. Sgt. Joseph Lajzer was awarded the Purple Heart and POW medals for injuries sustained more than 56 years ago in the jungles of the Philippines.

Joseph Lajzer volunteered for the Army in 1941 at the age of twenty. He was trained as a tanker and his unit, B Company of the 192d Tank Battalion, was sent to Clark Field in the Philippines. Not long after the attack on Pearl Harbor, the Japanese attacked and landed in the Philippines. After many days of intense fighting and desperately short of medical supplies, food, and ammunition, Mr. Lajzer's unit was captured on April 8, 1942. The following day the tragic Battan Death March began.

The horrors of the six day march defy any description. Nearly 650 American soldiers along with thousands of Filipino soldiers died during the march. For the next three and one half years, Lajzer endured unspeakable pestilence, starvation, and brutality while in captivity. Joseph Lajzer was finally liberated on September 6, 1945, but had to endure additional months in military hospitals recovering from injuries inflicted by his Japanese captors.

Tech. Sgt. Lajzer's services to our nation didn't end after his release. He went on to serve for a total of 25 years, retiring from the United States Air Force in 1966. In spite of his extraordinary service in uniform, Lajzer was never formally recognized. He waited patiently for more than twenty years while administrative and other delays prevented the award of the Purple Heart and the POW medals to this deserving American. Finally, on September 18, 1998, our nation recognized and honored Tech. Sgt. Lajzer.

A SOLDIER BY AN UNKNOWN AUTHOR AT BATAAN/CORREGIDOR

A soldier is a nobody, we hear lots of people say. He is the outcast of the world and always in the way.
We admit there are bad ones from the Army to the Marines, but the majority you will find, the most worthy ever seen.
Most people condemn the soldier when he stops to take a drink or two, but does a soldier condemn you, when you stop to take a few.
Now don't scorn the soldier but clasp him by the hand, for the uniform he wears means protection to our land.
The government picks its soldier from the million far and wide, so please place him as your equal good buddies side by side.
When a soldier goes to battle you cheer him on the way, you say he is a hero when in the ground he lay.
But the hardest battle of the soldier is in the time of peace, when all mock and scorn him and treat him like a beast.
With these few lines we close sir, we hope we don't offend but when you meet a soldier just treat him like a friend.

TRIBUTE TO BONNIE KIBBEE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. HUNTER. Mr. Speaker, today I rise to recognize the outstanding life of a friend from my hometown, Bonnie Kibbee of Alpine, California. Bonnie passed away last month and I would like to take a moment to commend the dedication this exceptional person had for her community.

Born in New Hampshire, Bonnie came to San Diego with her family when she was a little girl. She was a small business owner, a real estate agent, a backcountry activist and an avid gardener whose own home garden became a popular fixture in the Alpine community. The Kibbee's, whose garden included various assortments of irises and day lilies, would set aside a day each spring to allow the public to come and visit.

Upset upon learning that the Internal Revenue Service was intending to confiscate the savings account of a child to pay off a parent's debt, Bonnie quickly established herself as a government watchdog and community patriot by protecting and standing up for the rights of private property owners. Through her positions on the Alpine Community Planning Group, Paul Gann's Citizen's Committee, the Christmas Calling Committee and as President of California Taxpayers Network, Inc., Bonnie dedicated herself towards community improvement, reducing crime and promoting law enforcement. Among her initiatives included raising funds for the Alpine Community Center, finding a new home for the Alpine Chamber of Commerce, assisting congressional efforts to oppose overzealous federal acquisition of private property and working to ensure that human beings were provided the same protections afforded to birds, fish and insects.

In a time when apathy is often chosen over public involvement, Bonnie Kibbee exhibited the true character of grassroots activism. As a Member of Congress, it is encouraging to see a private citizen who takes notice of what is taking place around them and works to change their community for the better. Thank you Bonnie for all your hard work. You were a natural leader, a great American and will be truly missed.

OREGON PUBLIC LANDS TRANSFER AND PROTECTION ACT OF 1998

SPEECH OF

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today in strong support of H.R. 4326 because I think that this is a noncontroversial package that will help address ongoing resources needs in Oregon ranging from wastewater treatment to land transfers.

I am particularly pleased that this package includes a measure to authorize the Willow Lake Natural Treatment System project which will reduce wintertime sewer system overflows to the Willamette River in Salem and local creeks.

This initiative will also provide a source of irrigation water for the farming community and improve the river habitat for fish.

Mr. Speaker, this is just one of the win-win initiatives in this important package.

This package also includes a common sense land transfer arrangement between O & C counties and the BLM, a land exchange between the BLM and the U.S. Fish and Wildlife Service at Hart Mountain in eastern Oregon, in addition to other measures that have widespread support.

I urge my colleagues to support this legislation.

ARKANSAS AMVET OF THE YEAR, WINSTON McGINNIS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BERRY. Mr. Speaker, I rise today to honor a man who has dedicated his time to working for Arkansas' veterans. For this reason, the AMVETS has awarded this great veteran, Winston "Mac" McGinnis who lives in my District in Melbourne Arkansas, the prestigious AMVET of the Year Award.

The AMVET of the Year Award was given to Mac for the many hours of volunteer work for all veterans and their families since his retirement from the U.S. Air Force in 1966. After an injury in Guam while serving in the Air Force, that resulted in a spinal cord injury, Mac was retired with 20 years of service. Since that time he has worked with other veterans and has volunteered in four different Veterans Hospitals. He has received a 100,000 mile award from the VA for the miles he has driven doing volunteer work and transporting veterans to and from VA hospitals.

Mac is the Executive Director of the AMVETS Department of Arkansas, Commander of Post #1 in Melbourne VAVS Representative at the Little Rock Medical Centers and National Executive Committeeman for Arkansas AMVETS. The Silver Helmet Award has over the past 40 years acquired a well-deserved reputation as the most prestigious of all the awards given by veterans organizations. I congratulate Mac for his award and his years of service working with the veterans in Arkansas. Mac, thanks for a job well done. I wish you well.

HONORING KATIE DAVIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor Katie Davis for her dedicated service to the Brooklyn community and to congratulate her as a recent recipient of an Institute for Community Living award.

Katie Davis, a graduate of Hunter College and Columbia University's Public Health Administration School, and a successful administrator at Kingsborough Psychiatric Center has made and continues to make a difference in the lives of young African Americans and Hispanics. Katie's involvement with youngsters in various aspects of their lives through a continuous process of mentoring, engagement in positive activities and community programs aimed at giving them hope for their future, has helped to mold their actions and to lead more productive lives. Many of these young adults have gone on to successfully occupy various positions, further their studies and give back to their communities by helping others.

Katie has made a tangible difference in the lives of countless young adults as well as in her own. She has worked incessantly on behalf of community residents who have special needs like her own daughter, Jacqueline, and continue to meet daily challenges for independence and dignity throughout their lives. It is in Jacqueline's memory that the Institute for Community Living's Emerson/Davis Family Development Center was dedicated. Katie has also been an advocate for children's education and for the improvement of housing for seniors and young low-income families.

Katie is an active member of the Board of Directors of the Vanguard Urban Improvement Association, which sponsors, the development and renovation of affordable housing for low-income families in Central Brooklyn. She is also chairperson of Medgar Evers College Community Council, where she works to improve the college's ability to connect with the community, and to enhance the academic status of this educational institution. One of Katie's greatest accomplishments, however, was her election by the grassroots community as a delegate to the 1984 Democratic Convention. Her election by the community was viewed as an acknowledgement of her tireless efforts in providing voter education workshops, and organizing and directing voter registration and participation campaigns. As an active member of the Antioch Baptist Church she has served on its Board of Trustees. Katie currently resides in Brooklyn with her husband, Hervin, and her daughter, Charlene.

Mr. Speaker, please join me in honoring Katie Davis for her invaluable contributions to the Institute for Community Living and the Brooklyn community.

TRIBUTE TO JOE KENNEDY

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. KINGSTON. Mr. Speaker, Evans County, Georgia certainly has its share of outstanding citizens.

Perhaps because in Evans County people still take very seriously things like God, patriotism, and civic responsibilities.

And so, among so many outstanding citizens, it gives me particular pleasure to pay tribute today to one of Evans County's own who never failed to live up to those standards—Joe Kennedy, loving father, devoted husband, political leader, .and outstanding Georgian.

Born and raised in Claxton, Joe spent his whole life dedicated to serving his fellow citizens in public life.

He was the kind of elected official people always felt was working for them, for Joe was a guy who, over a period of 40 years in public life, always seemed to be truly happy to help people in any way he could.

He seemed happy to help because he was.

He enjoyed serving people, and he was so very proud of his participation in a profession that he believed to be a noble. one.

If Joe were alive today, he would surely be astonished that some people are even asking the question of whether character matters.

What an absurd question, and he could not conceive of why anyone might even suggest that a man's integrity was not the most important consideration of all.

A veteran of the U.S. Army, Joe served with distinction in the Korean war and received numerous decorations for his service, including the Bronze Star, the Korean Service Medal, and the United Nations Medal with two battle stars in the Korean war.

After being honorably discharged in June 1953, with the rank of captain, he returned to his native Georgia and began to build a life for himself and his family.

In 1966, Joe was elected to the Georgia Legislature, serving District 4 in southeast Georgia.

He went on to represent that district for a total of 24 years, 24 years in a position where he set the standard for being responsive to his constituents.

Although fiercely proud of being a Democrat, and proud of his conservative credentials, Joe was not a partisan.

His loyalty was to a better Georgia for all citizens.

This came before party or politics.

He loved nothing more than finding a way to achieve his goals while obscuring the source of the credit.

But we must give credit where credit is due, and the state of Georgia is marked in many ways by his legacy of accomplishments.

The highway running through .Claxton to Interstate 16, a section of which now bears his name, was expanded to four lanes as a result of his efforts.

Joe was behind the construction of the Claxton Regional Youth Development Center, an activity employing 30 people.

The determined perseverance of Joe Kennedy was also behind the Southeast Detention/Probation Center, the Ogeechee Technical Institute, and the Claxton Seniors Citizens Park—institutions which provide a service to Georgians and which employ hundreds of our citizens.

And Georgia Southern University obtained its university status in great part as a result of Joe's persistent efforts to improve the higher education opportunities that would be available to southeastern Georgia students.

The list of his accomplishments is long, and they are, indeed, the visible reminders of his legacy.

But to the people who knew him, and who loved him, those are not the things that will bring a wistful smile to our faces when we recall his memory.

As a young man, Joe soon earned a reputation for being a man of his word.

As he rose in power and influence, that never changed.

To Joe, honesty was simply the way to do business, and he would never sacrifice the trust he had earned for some short-term advantage.

Joe did not win every election he entered, but he did win the hearts of the people who knew him best, and his performance during his race for lieutenant governor validated the high opinion we had of him.

Slick out-of-state consultants with briefcases full of dirty tricks never worked for Joe Kennedy.

He was straightforward to supporters and opponents.

After the polls closed, Joe accepted the decision of the voters with the same quiet dignity that has been characteristic of his rich, extraordinary life.

He still had his integrity and he still had a passion to serve his fellow Georgians.

Joe went on to occupy other high positions in the Georgia State government, and to his last days he did what he loved most: talking to people about public policy issues and finding out how best to solve the political problems that confront us all.

He brought that enthusiasm to his last position in government as a member of the Georgia Board of Regents.

How fitting it was to learn that on the day that God had decided was his time, Joe was speaking to the downtown Rotary Club of Statesboro.

He was doing what he loved right to the end.

He will be dearly, dearly missed.

God bless you, Joe Kennedy. To his beautiful wife Lalah, children Debra, Cliff, and Adam, to all of his in-laws, grandchildren, and relatives, thank you for sharing him with us.

TRIBUTE TO WESLEY E. BISGAARD

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. HUNTER. Mr. Speaker, on August 6th of this year the State of California and specifically the communities of Imperial County within my district suffered a great loss with the death of Mr. Wesley E. Bisgaard. Throughout his life, Wes was dedicated to his family, church and community. I rise today to recognize his remarkable dedication and contributions to all of us.

I met Wes in 1979 during my first campaign for Congress when he was serving as the Republican Party chair for Imperial County. I still remember the look in his eye when he first shook my hand, it was as if to say "this is what I have to work with?" From that day forward, he was always ready to lend me a hand and offer advice that he gleaned from years of working through the various systems of government, whether it was the State of California or the U.S. Congress. One thing about Wes, he never left you wondering what his opinion was.

Wes led a remarkable life that reads like a John Steinbeck novel. After the dust bowl the Bisgaard family moved from their farm in North Dakota to California where they eventually began a new life in Holtville, California, where they remain today. During World War II, while Wes worked for Douglas Aircraft, he met and married Mildred "Millie" Eppleman. In 1952, Wes and Millie, along with their two children, Karen and Christopher, moved to Imperial Valley to join his brother and once again take up his first love: farming. The Bisgaard Brothers farmed 1,000 acres of alfalfa, lettuce, cotton, sugar beets, barley, cabbage, and later wheat for seed.

Agriculture is the mainstay of not only Imperial Valley, but California as well and Wes played a very active role through his memberships on many local and state farming advisory boards and commissions. In fact, when he finally retired at the age of 79 he was the Manager of the Imperial County Farm Bureau, completing a 45 year career in the industry.

Wes and his wife Millie lived their lives with a strong work ethic, unimpeachable ethical standards, a central place for God in their lives, an abiding sense of charity towards others and a compelling degree of commitment to the wider community. Those of us lucky enough to know Wes will forever be grateful for that opportunity. Imperial County and the farmers there are better off today because of his dedication and commitment to his community: for that, all of us are grateful.

S. 505 VIOLATES U.S. INTERNATIONAL TREATY OBLIGATIONS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. TANNER. Mr. Speaker, recently, the House passed S. 505, the Sonny Bono Copyright Term Extension Act. Provisions were included in this legislation relating to fairness in music licensing. Some have expressed concerns over these provisions.

The Congress has been advised by the Secretary of Commerce that the fairness in music licensing reform legislation violates U.S. international treaty obligations. The United States Trade Representative, the Register of Copyrights, and the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks have all joined with the Secretary of Commerce in voicing concerns over these provisions. They believe that the exemptions included in Section 202 of Title II would "violate our obligations under the Berne Convention for the Protection of Literary and Artistic Works." As a consequence, it could result in the WTO finding that United States has violated its multilateral treaty obligations. Adequate attention was not given to these concerns.

WORLD POPULATION AWARENESS WEEK 1998

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. WYNN. Mr. Speaker, I rise today to call World Population Awareness Week 1998 to the attention of my colleagues. October 24–31 marks the annual celebration of World Population Awareness Week. More than 300 family planning, environmental, educational, community and service organizations in 61 countries are co-sponsoring the week in an effort to raise awareness of the need for universal voluntary family planning.

I call the Governor of Maryland's, the Honorable Paris Glendening, proclamation to the attention of my colleagues.

WORLD POPULATION AWARENESS WEEK PROCLAMATION—1998

Whereas world population stands today at more than 5.9 billion and increase by more than 80 million per year, with virtually all of this growth in the least developed countries;

Whereas the consequences of rapid population growth are not limited to the developing world but extend to all nations and to all people, including every citizen of the State of Maryland concerned for human dignity, freedom and democracy, as well as for the impact on the global economy;

Whereas 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one U.S. dollar or less a day;

Whereas 1.5 billion people—nearly one-quarter of the world population—lack an adequate supply of clean drinking water and sanitation;

Whereas more than 840 million people—one-fifth of the entire population of the developing world—are hungry or malnourished;

Whereas demographic studies and surveys indicate that at least 120 million married women in the developing world—and a large but undefined number of unmarried women—want more control over their fertility but lack access to family planning;

Whereas this unmet demand for family planning is projected to result in 1.2 billion unintended births;

Whereas the 1994 International Conference on Population and Development determined that political commitment and appropriate programs aimed at providing universal access to voluntary family planning information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more.

Now, therefore, I Paris Glendening, Governor of the State of Maryland, do hereby proclaim the week of October 25–31, 1998 as World Population Awareness Week, and urge citizens of the State to take cognizance of this event and to participate appropriately in this observance.

HONORING STEVEN H. KRONETHAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor Steven H. Kronethal for his dedicated service to the Brooklyn community and to congratulate him as a recipient of an Institute for Community Living award.

Steven H. Kronethal joined Integrated Planning Associates, Inc. as Vice President in 1991. Since 1995, Integrated Planning has been designing and implementing a variety of Employee Benefit programs for both the profit and non-profit communities. By working with the non-profit community, Integrated Planning has been able to help their clients provide comprehensive and cost effective benefits for their employees. Specializing in both health insurance and pension plans, Integrated Planning's goal is to help employers attract and keep the best employees available.

Steven is a graduate of Boston University's School of Management with a degree in finance. He also holds many industry awards and recognition. Steven and his wife, Andrea, just welcomed their first-born child, Brandon, in September.

Mr. Speaker, please join me in honoring Steven Kronethal for his invaluable contributions to the Institute for Community Living and the Brooklyn community.

IMPEACHMENT INQUIRY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Ms. HOOLEY of Oregon. Mr. Speaker, based on the evidence, I believe that we should proceed with an impeachment inquiry that has a clear time line, not an open ended inquiry that could drag on and on for the next two years.

The Republican proposal does not set any deadlines at all. If it were to pass, we could be debating this issue into the next millennium. One way or another I feel that we have to move forward with the impeachment process in a timely manner. In order to do that, I believe that it is crucial that we insist this inquiry be deliberate and focused.

The inquiry should also be limited to what the Starr report focuses on. Unfortunately, the Republican proposal is not limited in any fashion. According to the structure of the inquiry as outlined by the Republicans in the Judiciary Committee, it may include a re-investigation of Travelgate, Filegate, and campaign finance even though we have already spent four years and $40 million investigating these matters.

I voted for a motion that was forwarded by RICK BOUCHER to modify the Republican proposal. Mr. BOUCHER's motion would allow the House to proceed with an impeachment inquiry that focuses on the material that Mr. Starr referred to the Congress and his proposal would require Congress to complete this inquiry by the end of the year unless there were compelling reasons to continue it. This is the sort of common-sense, fair-minded inquiry that I believe will bring this issue to a timely and appropriate conclusion.

The sooner we resolve this issue the sooner we can begin to deal with issues that make a difference in America's everyday lives. I hope that soon we will move toward bringing the Lewinsky matter to an appropriate close so that we can begin to re-focus our energies on issues like saving Social Security, cracking down on gang violence, and providing tax relief for middle class families.

HONORING CHARLES RINKEVICH, DIRECTOR OF FLETC, GLYNCO, GA, RETIRED ON MARCH 14, 1998 AFTER 34 YEARS OF GOVERNMENT SERVICE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. KINGSTON. Mr. Speaker, today Congress will pass a number of appropriations bills.

While there are many important agencies funded by the legislation involved in these bills, one that all Members of Congress and people in south Georgia can take particular pride in is the Federal Law Enforcement Training Center (FLETC).

This, of course, is that important agency which trains our heroic Capitol police force.

I have the honor of representing FLETC, and had the pleasure of learning much about it through former director Charlie R. Rinkevich.

Today it is a special treat to recognize Charlie, who retired last March after 34 years of public service.

Thirty-four years of the kind of distinguished service that will be missed by the people he served, the people he worked with, and the people whose lives he touched in so many ways.

Although the expression "dedicated public servant" is used all the time, there is simply no other way to describe Charlie Rinkevich.

For 15 of those 34 years in government service, Charlie served as the director of FLETC, located in Glynn County, Georgia.

I think all my colleagues would agree, even those who, like me, are proud champions of limited government—I think everyone would agree that Charlie's job is a critically important one, and one that benefits the public to a degree that few realize.

In fact, law enforcement is one of the few things that all citizens expect and demand of their government.

In fact, it is the ultimate bipartisan public service—all citizens have the right to equality before the law, equal justice, and the rights to due process accorded by our Constitution.

Law enforcement is the bedrock of a civilized society; it is what distinguishes society which are governed by the rule of law and those which are governed by the whims and caprices of tyrannical leaders or petty bureaucrats.

Some societies—in fact, most societies do not trust their law enforcement agencies, for corruption is a way of life.

Americans expect more.

Americans expect their police force, their court system, and the Federal law enforcement officers to be honest and to serve the public whose rights they are sworn to uphold.

And for the most part, they can count on the people who make our system of justice work.

But to make our system of justice work, you need to have people like Charlie Rinkevich make it work.

Justice does not come from a piece of paper.

If it did, the Soviet Union would have been a paragon of justice.

Justice does not come from a sacred document, even one as wise and far-sighted as our Constitution.

If it did, Communist China would be a worker's paradise where everyone's rights and freedoms were respected.

No, justice comes from honest people who take part in a system they truly believe in, a system that, while never perfect, is the best one can hope for in an imperfect world.

Justice comes from honest people who teach honesty to others, who lead by example, and who care deeply about a country they are so, so proud to live in.

Justice comes from the work of honest people like Charlie Rinkevich.

The list of Charlie's Rinkevich's accomplishments is long and impressive.

But no professional achievement—no award, and no honor—can ever replace or compare with honesty and integrity.

Without honesty and integrity, professional achievements are meaningless and ultimately, unfulfilling.

Without honesty and integrity, no one's career, even one that lands you on the very top, is worth much.

Without honesty and integrity, you will never be a role model to your kids, your family, and your community.

Charlie Rinkevich IS a role model, not only for his life of professional achievements and accolades, but for his character as well.

Character is developed by toil, sacrifice, and struggle.

Hard-won, it is easily tarnished or destroyed. Charlie teaches the value of character in the law enforcement officials he trains.

It is the kind of thing that is often taught by people who take pride in their work, especially teachers, coaches, and members of the clergy.

From his start as a police patrolman in Michigan 34 years ago to his tour as director of FLETC, Charlie took pride in his work urged others to view public service with this work ethic.

The serious business of law enforcement thrives when people have this kind of attitude toward their job.

It gradually sinks into incompetence and disinterested malaise when they don't.

A positive attitude and a strong work ethic go hand in hand, and law enforcement officials everywhere immediately recognize what will happen to effectiveness when attitudes slip and the work ethic slides.

That's why Treasury Secretary George Schultz appointed Charlie to his position as head of FLETC in 1983.

FLETC is the largest law enforcement training organization in the United States.

Formed in 1970, FLETC's mission is to provide the highest quality of training at the lowest possible cost.

Seventy Federal law enforcement agencies in all levels of government now participate in consolidated training at FLETC, training which includes the international arena.

Last year, over 23,000 students graduated from basic, specialized, and management level training programs.

Quite simply, the quality of the training conducted at FLETC has a direct impact on the American people's attitude toward government.

We live in a time during which the public trust has been eroded.

Without a system of justice that is widely perceived as fair, honest, and free from corruption in the vast majority of cases, there can be no trust in government, and cynicism about our democratic system will undermine our faith in America.

On behalf of the citizens of the 1st District of Georgia, I would like to thank you, Charles Rinkevich, for undertaking the burden that positions of public trust require.

I commend you for the long years of loyal government service you have worked with such dedication and enthusiasm.

I am very proud to have the opportunity to recognize your achievements this day.

Thank you, and may others be inspired to follow your path in public service.

TRIBUTE TO DR. DANIEL VASELLA, RECIPIENT OF THE 1998 AMERICAN JEWISH CONGRESS HUMANITARIAN AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. LANTOS. Mr. Speaker, I would like to ask my colleagues to join me in recognizing the outstanding accomplishments of my friend Dr. Daniel Vasella, the recipient of the 1998 American Jewish Congress Humanitarian Award. Dr. Vasella is the President and Chief Executive Officer of Novartis AG, which is one of the most prestigious pharmaceutical companies in the world. He has a record of service that extends well beyond the business sphere, and his leadership in the areas of medical research and the pursuance of peace is a reflection of the decency and moral fiber of a truly remarkable human being.

As the recipient of the AJC's Humanitarian Award, Dr. Vasella joins some of the most outstanding men and women of the latter half of the twentieth century. The American Jewish Congress (AJC), which for the past eighty years has led the Jewish community in fighting for human rights and against all forms of discrimination, has bestowed its Humanitarian Award upon statesman and pioneers who have fought tirelessly to improve the quality of life of all the world's citizens. From Harry S. Truman to Coretta Scott King, from David Ben-Gurion to Robert F. Kennedy, the roster of recipients represents a Who's Who of the champions of humankind.

Mr. Speaker, Dr. Vasella's achievements more than merit this distinguished honor. Under his inspired leadership, Novartis has emerged at the forefront of the pharmaceutical industry in the area of "genomics," which involves research into "disease genes" as targets for new drugs. Related ventures have contributed to medical advances in a wide variety of vital areas, ranging from the treatment of Alzheimer's disease to Parkinson's disease to diabetes to cancer. In honor of Dr. Vasella's notable dedication to curing such afflictions, the AJC will use the proceeds of the 1998 Humanitarian Award Dinner (to be held on Thursday, October 22, at The Waldorf-Astoria in New York City) to further its significant work into the high genetic susceptibility of Ashkenazi Jewish women to breast and ovarian cancer, as well as for other medical projects involving the health and welfare of women.

In addition to his medical successes and his numerous philanthropic activities, Dr. Vasella has contributed enormously to efforts to further the cause of peace in the Middle East. He is an active member of the International Board of Governors of the Peres Center of Peace in Israel, an organization founded last year by former Prime Minister and Nobel Laureate Shimon Peres to further economic and other areas of cooperation between Israelis and Palestinians. Furthermore, Dr. Vasella and Novartis have provided guidance and substantial financial backing to Seeds of Peace, a foundation that creates conflict resolution and peacemaking programs for youth in the Middle East and other tumultuous regions around the world.

Mr. Speaker, I would like to ask my colleagues to join me in commending the AJC and its outstanding President, Jack Rosen, on their exceptional choice of Dr. Daniel Vasella as the recipient of the AJC's 1998 Humanitarian Award. I can think of no individual more deserving of this eminent honor.

TRIBUTE TO DR. MORRIS JOHNSON, EDUCATOR TO THE WORLD

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mrs. MEEK of Florida. Mr. Speaker, I rise to honor Dr. Morris Johnson, a professor of history at Miami-Dade Community College who has used his extensive knowledge of South Africa and the Caribbean to improve educational opportunities and promote international understanding in this country and abroad.

Over the past several years, Dr. Johnson has organized six trips to South Africa on which his students, other educators and members of our community have had the opportunity to learn first-hand about this important nation and to exchange ideas and information with its people.

But Dr. Johnson has not been content with learning about South Africa. He wants to forge closer ties between our nations. He also wants to make a positive impact on the lives of South Africa's young people, and he is not content to wait for the governments of our two nations to do the job.

For the past 4 years, Dr. Johnson has collected and shipped hundreds of pounds of school supplies to poor schools in South Africa, as well as Haiti, Jamaica, Trinidad, and the Dominican Republic. Each year, Miami-Dade school children donate notebooks, construction paper, textbooks, crayons, scissors, glue, chalk, and pencils. Dr. Johnson distributes these items on his visits to South Africa and ships them—often at his own expense—to school children in other countries as well.

Many children in these countries have never seen these kinds of school supplies, which we take for granted in this country. As Dr. Johnson said in a recent interview, "Ten years from now those kids will say the supplies made the difference. That's the reward."

Mr. Speaker, I think the real difference is Dr. Morris Johnson, a man of humanitarian vision, energy, and commitment. I know that the entire House joins me in honoring Dr. Johnson for the efforts he has made to make this world a nicer place in which to live.

HONORING MELVIN H. MARDEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor Melvin H. Marden for his dedicated service to the Brooklyn community and to congratulate him as a recipient of an Institute for Community Living award.

Melvin H. Marden, a graduate of Adelphi University and New York School of Interior Design, started his first business in the retail home improvement and design industry. For thirty years he gained a complete background in all aspects of interior construction and design. During the time he operated a retail business, Melvin also worked with non-profit agencies by furnishing the interior of many types of facilities. His primary focus was to establish a residential setting by using contract furniture, fabrics, window treatments, framed artworks, floorings, and many colors and textures suited to the individual needs of each residence.

Melvin now works solely in the contract and institutional field. His emphasis is in developing and constructing furniture, furnishings and environments to suit the needs of the various types of populations who are supported and housed by non-profit agencies.

Mr. Speaker, please join me in honoring Melvin H. Marden for his invaluable contributions to the Institute for Community Living and the Brooklyn community.

IN HONOR OF THE 188TH ANNIVERSARY OF THE PARK AVENUE CHRISTIAN CHURCH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Park Avenue Christian Church as it celebrates its 188th anniversary. The Church held a Homecoming Celebration on October 17 and 18.

The Christian church, which traces its roots back to the Scottish reformation, first emerged on the American Frontier in the early 1800's. On October 10, 1810, nine members of the Ebenezer Baptist Church of New York City formed themselves as "The Disciples of Christ." In 1945, the congregation moved to its present site at 1010 Park Avenue and renamed itself the Park Avenue Christian Church.

As the oldest congregation within the Christian Church, the Park Avenue Christian Church delivers a progressive, positive message as an international, interracial, and inclusive community.

Originally build as the old South Dutch Reformed Church in 1911, the sanctuary was inspired by La Sainte Chapelle in Paris. The Church is an impressive structure on Park Avenue with buttress-supports and Tiffany stained glass windows. In 1963, the Church built a new education building on the site of the original parish house; in 1982, a 56 rank organ was added to the Church.

In 1989, the Park Avenue Christian Church embarked on a massive renovation. This restoration not only ensured the preservation of the Church into its third century of existence, but also helped to revitalize the congregation's commitment to its mission to the world founded on freedom, diversity, and tradition.

The Park Avenue Christian Church plays an integral role in fostering a sense of community on the Upper East Side of Manhattan. The congregation is deeply rooted in social responsibility, which greatly benefits the Park Avenue community.

Mr. Speaker, I am honored to bring to your attention the Park Avenue Christian Church, as it celebrates its 188th anniversary. I would also like to pay tribute to Senior Minister Reverend John Wade Payne and Associate minister Reverend Allen V. Harris for their dedication to the Park Avenue Christian Church and the surrounding community.

STATEMENT ON MAYOR BARRY'S RETIREMENT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Ms. NORTON. Mr. Speaker, as many in the Congress know, Mayor Marion Barry has decided to leave office at the end of this year after 16 years of service as Mayor. I issued a statement when Mayor Barry announced his retirement in May. I ask for permission to include that statement in the CONGRESSIONAL RECORD.

> After a lifetime of public service and devotion to this city, my friend Marion Barry is leaving office with the city on the rebound. Sometimes controversial, always congenial, Marion leaves with his infectious optimism about the city he loves intact. The man who invented politics in D.C. was also its most skillful and resilient practitioner. He always called me his "warrior" on the Hill. I always knew that my old civil rights buddy would no more settle for second class citizenship here than he did in the movement. Whatever our differences, Marion Barry was my friend before he was Mayor, and he will be my friend when he is no longer Mayor. I wish him well.

RECOGNIZING THE CITY OF LA HABRA HEIGHTS, CA, ON THE OCCASION OF ITS 20TH ANNIVERSARY

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. ROYCE. Mr. Speaker, around 1920, a developer named Edwin G. Hart had a vision for about 3,500 acres nestled in the hills of my district. Since the early 1800's, this area had been known as "La Habra Rancho" and was home to ranchers, farmers, and settlers. Edwin Hart set out to develop this land into a remarkable avocado growing belt, divided into large 5-acre parcels and profitable for all his neighbors.

He called it "La Habra Heights."

Gradually, La Habra Heights evolved from an avocado producing area to a tranquil residential community. Today the city of just over 7 square miles has maintained its unique rural character amidst urban Los Angeles County. The residents of this pastoral area, including a large horse riding population, have long enjoyed a peaceful environment in the hills and valleys of their community. Scenic riding trails are connected throughout the heights and are maintained by the Highland Riders. A community-based volunteer fire department has provided protection to its residents for 50 years.

The city of La Habra Heights incorporated on December 4, 1978, and the city has continued to prosper for 20 years. I would like to extend my congratulations to the over 6,800 residents of this community on the occasion of their 20th anniversary as a city on December 4, 1998.

COMMUNITIES PULL TOGETHER AFTER FLOOD DEVASTATION

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. RODRIGUEZ. Mr. Speaker, this past weekend we in central and south Texas experienced extraordinary rain storms which dropped record amounts of rain in only a matter of hours. Some areas received nearly two feet of water in roughly 24 hours. Our normally calm rivers bursted over their banks, turning into a racing wall of water. Even now, communities in my district find themselves under water. Roads, houses, farms and ranches have turned into lakes.

Devastation is everywhere. Homes have been torn from their foundations. While lending a helping hand to others, one rescue worker and her husband watched in horror as their house floated down what was once a street. Many communities have no drinking water, and thousands are only now beginning to return to their homes. For many, all their worldly possessions are gone. Lives lost, businesses flooded, livestock killed, and people's prime investment, their homes, destroyed—that is the legacy of the floods of 1998.

The counties I represent include some of the hardest hit areas: Comal, Guadalupe, Bexar and Wilson Counties have not seen this level of destruction in more than a generation or more. In some areas, the Guadalupe River, normally 150 feet wide, stretches three miles across. It may take days or weeks to add up the value of lost property, but we know today already that some have experienced the greatest loss. At least 17 persons have died as a result of these storms, and a number of children remain missing and are feared lost. For the record, I have attached a list of these fatalities. Mr. Speaker, our hearts and prayers go out to these families at this tragic time.

I spent yesterday visiting flood-damaged communities. While the destruction was truly heart-wrenching, I was impressed with the professionalism exhibited by city leaders, law enforcement and emergency service crews. I admired neighborly spirit of the many volunteers who came out to help. In response to this crisis, people from all walks of life came together to battle the water and save lives. The next few days will be critical as the rebuilding begins. I know that, despite the challenges, the people of Texas will pull together and overcome.

HONORING JUDITH MARDEN INSTITUTE FOR COMMUNITY LIVING AWARDEE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor Judith Marden for service to the Brooklyn community, and congratulate her as a recipient of an Institute for Community Living award.

Judith Marden graduated from Adelphi University with a Bachelor of Science degree in Elementary Education. She received her Master of Science Degree in Elementary education from Hofstra University concentrating on courses in sociology and psychology.

After teaching for a number of years, she decided to join her husband Melvin in their contract and design business. At that time she attended the New York School of Interior Design.

For the last twenty-five years, she has taken her background in design, psychology and sociology and applied them to furnishing residences, group homes, and larger facilities. The emphasis has been on establishing a home-like environment to suit the different needs of the individuals living in them.

In her work, Judith has researched the living needs of the homeless, mentally ill, chemically addicted, developmentally disabled, individuals with AIDS, children in foster care, battered women, senior citizens, children and unwed mothers, while working with the agencies that care for and support these populations.

Mr. Speaker, I would like you and my colleagues from both sides of the aisle to join me in honoring Ms. Judith Marden for her invaluable service to the Institute for Community Living and the Brooklyn community.

REHABILITATION HOSPITALS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. TANNER. Mr. Speaker, I want to commend the gentleman from Massachusetts, Mr. NEAL, for taking the lead on an issue that affects rehabilitation hospitals and units. It is very important that we work with Mr. NEAL on this issue to correct some problems that were created by the passage of the Balanced Budget Act of 1997 (BBA).

Mr. NEAL's legislation restores incentive payments for PPS-exempt rehabilitation hospitals and units that were changed by the BBA. It also changes the provision in the BBA which imposed a 15% reduction in capital payments for PPS-exempt hospitals and units for FY1998–2002.

In our efforts to restore Medicare to financial stability last year, we may have approved cuts to rehabilitation hospitals and units that actually save Medicare dollars. I am afraid that these cuts may undermine patient care and force them to either stay in hospitals longer or to be discharged home prematurely, or worse, to a nursing home.

Studies confirm that early rehabilitation for stroke and traumatic brain injury leads to shorter overall hospitalizations, less mortality and fewer complications. This translates to both federal and state, as well as private dollars, saved. A few studies have shown that stroke patients who receive rehabilitation have better outcomes that those who do not.

These studies also indicate that stroke rehabilitation patients are more likely to be discharged to a home than to a nursing home. They confirm that comprehensive rehabilitation programs are effective in treating low back pain, and that pulmonary rehabilitation reduces expensive re-hospitilization and emergency room visits.

Rehabilitation also maximizes the restoration of functional capacity, and it helps people adapt to a more independent life. Rehabilitation can help older individuals avoid the services of a nurse or home health aide in many cases. All of this translates to savings to Medicare, Medicaid and the health care system.

While we obviously cannot move legislation this year, I am concerned about the impact that BBA is having on the payment for providing rehabilitation services to Medicare beneficiaries. I am afraid that, in our efforts to restore financial stability to the Medicare system, we may have implemented a policy which will actually increase Medicare spending.

While I am cautious about suggesting any legislation that may add additional costs to the Medicare system, I do not want us to be penny wise but pound foolish. I would hope that the Congress can examine this issue carefully in the future.

INTRODUCTION OF H.R. 4858—UNITED STATES-PANAMA PARTNERSHIP ACT OF 1998

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. GILMAN. Mr. Speaker, I have today introduced H.R. 4858, the United States-Panama Partnership Act of 1998.

The purpose of this legislation is to signal to the people of Panama the strong interest in the United States Congress in continuing into the next century the special relationship that has existed between our two peoples since 1903.

I am joined in sponsoring this measure by a very distinguished list of cosponsors, including CHARLIE RANGEL, Ranking Democratic Member of the Committee on Ways and Means; CHRIS COX, Chairman of the House Republican Policy Committee; DENNIS HASTERT, the Chief Deputy Majority Whip; BOB MENENDEZ, the Chief Deputy Democratic Whip; DAVID DREIER, the next Chairman of the Committee on Rules; FLOYD SPENCE, Chairman of the Committee on National Security; HENRY HYDE, Chairman of the Committee on the Judiciary; DAN BURTON, Chairman of the Committee on Government Reform and Oversight; and BILL MCCOLLUM, Chairman of the Subcommittee on Crime of the Committee on the Judiciary.

We are introducing this bill because Panama and the United States today stand at a crossroads in the special relationship between our two peoples that dates back to the beginning of this century. As this century draws to a close, our two nations must decide whether to end that relationship, or renew and reinvigorate it for the 21st century. We must decide, in other words, whether our nations should continue to drift apart, or draw closer together.

In the case of Canada and Mexico—the other two countries whose historical relationship with the United States most closely parallels Panama's—there has been a collective decision to draw our nations closer together. This decision, embodied in the North American Free Trade Agreement (NAFTA), was grounded in a recognition that, in today's world, our mutual interests are best served by increased cooperation and integration.

The legislation we are introducing today offers Panama the opportunity to join Canada and Mexico in forging a new, more mature, mutually beneficial relationship with the United States. In exchange, our legislation asks Panama to remain our partner in the war on drugs and other regional security matters by continuing to host a U.S. military presence after 1999.

Under the Panama Canal Treaties of 1977, the U.S. presence in Panama is scheduled to terminate at the end of next year. Panama will assume full control of the Panama Canal, and all U.S. military forces will be withdrawn.

A 1977 protocol to the Treaties provides that the United States and Panama may agree to extend the U.S. military presence in Panama beyond 1999, and for the last two years U.S. and Panamanian negotiators have sought to reach just such an agreement. Four weeks ago, however, it was announced that these negotiations had failed and that the U.S. military would withdraw from Panama as scheduled.

This is a regrettable turn of events for both of our countries. The United States and Panama both benefit in many ways from the traditional U.S. military presence in Panama. For the United States, that presence provides a forward platform from which to combat narcotrafficking and interdict the flow of drugs, which threatens all countries in this hemisphere.

For Panama, the U.S. presence adds an estimated $300 million per year to the local economy, fosters economic growth by contributing to a stable investment climate, and helps deter narcoterrorism from spilling over in Panama.

In retrospect, the Clinton Administration acted precipitously three years ago when it rejected Panama's offer to negotiate an extension of our traditional military presence in exchange for a package of benefits to be mutually agreed upon. In the wake of that decision, the effort to establish a Multinational Counternarcotics Center failed to gain broad support across Panama's political spectrum because it was an unfamiliar concept to most Panamanians.

Our legislation returns to, and builds upon, the concept proposed by Panama three years ago of extending the traditional U.S. military presence in Panama beyond 1999 in exchange for a package of benefits. Our legislation includes three specific provisions of benefit to Panama.

First, and most importantly, our bill offers to bring Panama into the first rank of U.S. trade partners by giving Panama the same preferential access to the U.S. market that Canada and Mexico currently enjoy. The economic value of this benefit for Panama is difficult to quantify today, but over time it should lead to significantly increased investment and employment there, which would directly benefit all Panamanians.

Second, it offers a scholarship program for deserving Panamanian students to study in the United States.

Third, it offers assistance in preparing for the construction of a new bridge across the Panama Canal.

Taken together, these specific provisions give substance to the larger promise of this legislation, which is to renew and reinvigorate the special relationship between our two peoples as we enter the 21st century, provided the people of Panama decide they want to remain our partner.

Obviously it is too later for us to seek to enact the United States-Panama Partnership Act this year. And obviously no purpose would be served by enacting this legislation if it emerges that there is little interest in Panama in renewing our special relationship along the lines proposed in this bill.

Our purpose at this stage is limited to laying out our proposal so that the people of Panama may consider it. We will introduce this bill again next year, and if by that time there have been expressions of serious interest in this proposal within Panama, we will work to move the bill forward through the legislative process.

Under Article I, section 7 of the U.S. Constitution, this bill can only originate in the House of Representatives. We are confident, however, that the Senate would join us in approving this measure, provided that the people of Panama indicate that they too wish to strengthen relations between our two countries along the lines proposed in our bill.

It is our sincere hope that Panama will accept this invitation to reinvigorate the special relationship between our two peoples. We recognize, however, that the right to make this choice rests with the people of Panama, and we will respect their decision.

Original cosponsors of United States-Panama Partnership Act of 1998: Mr. RANGEL, Mr. COX, Mr. HASTERT, Mr. MENENDEZ, Mr. DREIER, Mr. SPENCE, Mr. HYDE, Mr. BURTON, and Mr. MCCOLLUM.

H.R. 4858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States—Panama Partnership Act of 1998".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since Panama gained its independence in 1903, the United States and Panama have maintained extremely close relations, resting primarily on the shared interest of both countries in the smooth operation and defense of the Panama Canal.

(2) In order to defend the Panama Canal, the United States has maintained a military presence in Panama for over 90 years.

(3) In recent decades, the mission of United States military forces stationed in Panama

has evolved to include significant responsibilities for the conduct of counter narcotics operations in Latin America and the Caribbean, and for the provision of logistical support to such operations by other countries and other agencies of the United States Government.

(4) Under the terms of the Panama Canal Treaty of 1977, the United States is obligated to withdraw all United States military personnel from Panama no later than December 31, 1999, and turn over all United States military facilities to the Government of Panama.

(5) Under the terms of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal of 1977, the United States will retain responsibilities for the defense of the Panama Canal after December 31, 1999.

(6) A 1977 protocol to the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal provides that "Nothing in the treaty shall preclude the Republic of Panama and the United States from making . . . agreements or arrangements for the stationing of any United States military forces or the maintenance of defense sites after [December 31, 1999] in Panama that Panama and the United States may deem necessary or appropriate".

(7) Public opinion surveys in Panama in recent years consistently have shown that approximately 70 percent of the population of Panama favor a continuation of the United States military presence in Panama.

(8) On September 6, 1995, during an official visit of Panama's President Ernesto Perez Balladares to the United States, it was announced that Presidents Clinton and Perez Balladares had agreed to begin informal consultations on the possible extension beyond December 31, 1999, of the United States military presence in Panama.

(9) Early discussions pursuant to the announcement of September 6, 1995, were very encouraging, but the discussions foundered after the United States refused to consider providing any form of compensation to Panama in exchange for an extension of the United States military presence.

(10) After it became clear that no agreement could be reached on extending the United States military presence in Panama past 1999 in its customary form, Panama proposed negotiations on the establishment of a Multinational Counternarcotics Center (MCC), which would permit the continuation of a limited United States military presence in Panama past 1999 and for which no compensation would be expected.

(11) On December 24, 1997, the United States and Panama announced that preliminary agreement had been reached on establishment of the MCC, but the Government of Panama subsequently reopened a number of issues on which preliminary agreement had been reached.

(12) Following rejection by the voters of Panama on August 30, 1998, of a proposed constitutional amendment to permit President Perez Balladares to seek reelection, the United States and Panama announced on September 24, 1998, that the MCC negotiations had failed and would be terminated.

(13) Panama and the United States continue to have a strong shared interest in maintaining a United States military presence in Panama beyond 1999, and both countries should seek to agree on an appropriate package of benefits to facilitate such a presence.

SEC. 3. CERTIFICATION AND REPORT REGARDING AGREEMENT TO MAINTAIN UNITED STATES MILITARY BASES IN PANAMA AFTER DECEMBER 31, 1999.

(a) SUBMISSION OF CERTIFICATION AND REPORT.—At any time before December 31, 1999, the President may submit to the Congress the certification described in subsection (b) and the report described in subsection (c).

(b) CONTENT OF CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President that the United States and the Government of Panama have reached an agreement permitting the United States, for a period of not less than 15 years beginning on January 1, 2000, to maintain its military presence at Howard Air Force Base, Fort Kobbe, Rodman Naval Station, and Fort Sherman, under terms and conditions substantially similar to those that have applied since October 1, 1979, to these facilities with respect to—

(1) United States force levels;

(2) missions performed;

(3) command and control of United States elements;

(4) legal status of United States personnel;

(5) quality of life of United States personnel; and

(6) physical security of United States personnel.

(c) CONTENT OF REPORT.—The report referred to in subsection (a) is a report containing the following:

(1) The text of the agreement described in subsection (b) that has been reached between the United States and the Government of Panama.

(2) A detailed explanation of the manner in which the agreement ensures that the United States will be able to use the facilities subject to the agreement under terms and conditions substantially similar to those that have applied since October 1, 1979, to those facilities with respect to each of the items set forth in paragraphs (1) through (6) of subsection (b).

(3) If the agreement provides for a United States military presence at the facilities subject to the agreement for a period longer than 15 years, a statement of the date on which that presence expires under the agreement.

(d) SUBMISSION IN CLASSIFIED FORM.—To the degree necessary, the report under subsection (c) may be submitted in classified form.

SEC. 4. BENEFITS.

(a) IN GENERAL.—If the President submits the certification and report under section 3, then the provisions of subsections (b) through (g) apply.

(b) ASSISTANCE FOR BRIDGE PROJECT IN PANAMA.—

(1) ACTION BY TRADE AND DEVELOPMENT AGENCY.—The Director of the Trade and Development Agency shall approve a grant or grants to assist in the design, financial planning, and other preparatory steps for the construction of a new bridge across the Panama Canal.

(2) REPORTING REQUIREMENT.—Not later than one year after the date on which the President submits the certification and report under section 3, the Director of the Trade and Development Agency shall submit a report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the steps taken pursuant to paragraph (1) and the status of planning for construction of a new bridge across the Panama Canal.

(c) SCHOLARSHIP PROGRAM FOR PANAMA.—

(1) ACTION BY AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the Agency for International Development shall ensure that, for the duration of the agreement period, up to $2,000,000 of the funds made available each year to the Cooperative Association of States for Scholarships program shall be made available for scholarships for deserving students from Panama to study in the United States.

(2) REPORTING REQUIREMENT.—Not later than one year after the date on which the President submits the certification and report under section 3, the Administrator of the Agency for International Development shall submit a report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the steps taken pursuant to paragraph (1).

(d) TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

(1) EQUIVALENT TARIFF AND QUOTA TREATMENT.—During the transition period—

(A) the tariff treatment accorded at any time to any textile or apparel article that originates in Panama shall be identical to the tariff treatment that is accorded at such time under section 2 of the Annex to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States;

(B) duty-free treatment under the Caribbean Basin Economic Recovery Act shall apply to any textile or apparel article that is imported into the United States from Panama and that—

(i) is assembled in Panama, from fabrics wholly formed and cut in the United States from yarns formed in the United States, and is entered—

(I) under subheading 9802.00.80 of the HTS; or

(II) under chapter 61, 62, or 63 of the HTS if, after such assembly, the article would have qualified for treatment under subheading 9802.00.80 of the HTS, but for the fact the article was subjected to bleaching, garments dyeing, stone-washing, enzyme-washing, acid-washing, perma-pressing, oven-baking, or embroidery;

(ii) is knit-to-shape in Panama from yarns wholly formed in the United States;

(iii) is made in Panama from fabric knit in Panama from yarns wholly formed in the United States;

(iv) is cut and assembled in Panama from fabrics wholly formed in the United States from yarns wholly formed in the United States; or

(v) is identified under paragraph (3) as a handloomed, handmade, or folklore article of Panama and is certified as such by the competent authority of that country; and

(C) no quantitative restriction or consultation level may be applied to the importation into the United States of any textile or apparel article that—

(i) originates in the territory of Panama, or

(ii) qualifies for duty-free treatment under clause (i), (ii), (iii), (iv), or (v) of subparagraph (B).

(2) TREATMENT OF OTHER NONORIGINATING TEXTILE AND APPAREL ARTICLES.—

(A) PREFERENTIAL TARIFF TREATMENT.—Subject to subparagraph (B), the President may place in effect at any time during the transition period with respect to any textile or apparel article that—

(i) is a product of Panama, but

(ii) does not qualify as a good that originates in the territory of Panama or is eligible for benefits under paragraph (1)(B),

tariff treatment that is identical to the in-preference-level tariff treatment accorded at such time under Appendix 6.B of the Annex to an article described in the same 8-digit subheading of the HTS that is a product of Mexico and is imported into the United

States. For purposes of this subparagraph, the "in-preference-level tariff treatment" accorded to an article that is a product of Mexico is the rate of duty applied to that article when imported in quantities less than or equal to the quantities specified in Schedule 6.B.1, 6.B.2., or 6.B.3. of the Annex for imports of that article from Mexico into the United States.

(B) LIMITATIONS ON ALL ARTICLES.—Tariff treatment under subparagraph (A) may be extended, during any calendar year, to not more than 6,750,000 square meter equivalents of cotton or man-made fiber apparel, to not more than 225,000 square meter equivalents of wool apparel, and to not more than 3,750,000 square meter equivalents of goods entered under subheading 9802.00.80 of the HTS.

(C) PRIOR CONSULTATION.—The President may implement the preferential tariff treatment described in subparagraph (A) only after consultation with representatives of the United States textile and apparel industry and other interested parties regarding—

(i) the specific articles to which such treatment will be extended, and

(ii) the annual quantities of such articles that may be imported at the preferential duty rates described in subparagraph (A).

(3) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of paragraph (1), the United States Trade Representative shall consult with representatives of Panama for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) or Appendix 3.1.B.11 of the Annex.

(4) BILATERAL EMERGENCY ACTIONS.—(A) The President may take—

(i) bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any textile or apparel article imported from Panama if the application of tariff treatment under paragraph (1) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to an article described in the same 8-digit subheading of the HTS that is imported from Mexico; or

(ii) bilateral emergency quantitative restriction actions of a kind described in section 5 of the Annex with respect to imports of any textile or apparel article described in clauses (i) and (ii) of paragraph (2)(A) if the importation of such article into the United States results in conditions that would be cause for the taking of such actions under such section 5 with respect to a like article that is a product of Mexico.

(B) The requirement in paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not be deemed to apply to a bilateral emergency action taken under this paragraph.

(C) For purposes of applying bilateral emergency action under this paragraph—

(i) the term "transition period" in sections 4 and 5 of the Annex shall be deemed to be the period defined in subsection (g)(8); and

(ii) any requirements to consult specified in section 4 or 5 of the Annex are deemed to be satisfied if the President requests consultations with Panama and Panama does not agree to consult within the time period specified under such section 4 or 5, whichever is applicable.

(e) TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN PANAMA.—

(1) EQUIVALENT TARIFF TREATMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the tariff treatment accorded at any time during the transition period to any article referred to in any of paragraphs (2) through (5) of section 213(b) of the Caribbean Basin Economic Recovery Act that originates in Panama shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

(B) EXCEPTION.—Subparagraph (A) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

(2) RELATIONSHIP TO OTHER DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under paragraph (1)(A) in regard to such period) apply with respect to any article under section 213(h) of the Caribbean Basin Economic Recovery Act is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

(f) CUSTOMS PROCEDURES.—

(1) IN GENERAL.—

(A) REGULATIONS.—Any importer that claims preferential tariff treatment under subsection (d) or (e) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

(B) DETERMINATION.—In order to qualify for such preferential tariff treatment and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that Panama has implemented and follows, or is making substantial progress toward implementing and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

(2) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of paragraph (1) shall not be required in the case of an article imported under subsection (d) or (e) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

(3) PENALTIES FOR TRANSSHIPMENTS.—If the President determines, based on sufficient evidence, that an exporter has engaged in willful illegal transshipment or willful customs fraud with respect to textile or apparel articles for which preferential tariff treatment under paragraph (1) or (2) of subsection (d) is claimed, then the President shall deny all benefits under subsections (d) and (e) of this section to such exporter, and any successors of such exporter, for a period of 2 years.

(4) STUDY BY COMMISSIONER OF CUSTOMS ON COOPERATION CONCERNING CIRCUMVENTION.—The United States Commissioner of Customs shall conduct a study analyzing the extent to which Panama—

(A) has cooperated fully with the United States, consistent with its domestic laws and procedures, in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel goods, to establish necessary relevant facts in the places of import, export, and, where applicable, transshipment, including investigation of circumvention practices, exchanges of documents, correspondence, reports, and other relevant information, to the extent such information is available;

(B) has taken appropriate measures, consistent with its domestic laws and procedures, against exporters and importers involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

(C) has penalized the individuals and entities involved in any such circumvention, consistent with its domestic laws and procedures, and has worked closely to seek the cooperation of any third country to prevent such circumvention from taking place in that third country.

The Commissioner of Customs shall submit to the Congress, not later than October 1, 1999, a report on the study conducted under this paragraph.

(g) DEFINITIONS.—For purposes of this section—

(1) AGREEMENT PERIOD.—The term "agreement period" means the period that begins on January 1, 2000, and ends on December 31, 2014, or such later date as is reported to the Congress under section 3(c)(3).

(2) ANNEX.—The term "the Annex" means Annex 300–B of the NAFTA.

(3) ENTERED.—The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(4) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(5) NAFTA.—The term "NAFTA" means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(6) ORIGINATING.—An article shall be deemed as originating in the territory of Panama if the article meets the rules of origin for a good set forth in chapter 4 of the NAFTA, and, in the case of an article described in Appendix 6.A of the Annex, the requirements stated in such Appendix 6.A for such article to be treated as if it were an originating good. In applying such chapter 4 or Appendix 6.A with respect to Panama for purposes of this section—

(A) no countries other than the United States and Panama may be treated as being Parties to the NAFTA,

(B) references to trade between the United States and Mexico shall be deemed to refer to trade between the United States and Panama, and

(C) references to a Party shall be deemed to refer to the United States or Panama, and references to the Parties shall be deemed to refer to Panama and the United States.

(7) TEXTILE OR APPAREL ARTICLE.—The term "textile or apparel article" means any article referred to in paragraph (1)(A) that is a good listed in Appendix 1.1 of the Annex.

(8) TRANSITION PERIOD.—The term "transition period" means the period that begins on the date of the enactment of this Act and ends on the earlier of—

(A) the date that is 3 years after such date of enactment; or

(B) the date on which—

(i) the United States first applies the NAFTA to Panama upon its accession to the NAFTA; or

(ii) there enters into force with respect to the United States and Panama a free trade agreement comparable to the NAFTA that makes substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)), and that should remain in effect at least until the end of the agreement period.

SEC. 5. APPLICABILITY OF BENEFITS.

The tariff treatment under section 4 may be accorded to goods of Panama only during such periods as a designation of Panama as a beneficiary country under the Caribbean Basin Economic Recovery Act is in effect.

SEC. 6. CONFORMING AMENDMENT.

Section 213(a)(1) of the Caribbean Basin Economic Recovery Act is amended by inserting "and except as provided in section 4 of the Panama Relations Act of 1998," after "Tax Reform Act of 1986,".

IN TRIBUTE TO WILLIAM MORRIS, JR.

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to my friend Bill Morris, Jr., who was recently awarded the prestigious and rare 50 Years of Service plaque from Chevrolet Corp. He is the second of three generations to operate Chevrolet dealerships in Simi Valley-Moorpark, Fillmore and Santa Paula. He also has the distinction of being the second generation holder of a 50-year plaque; his father, Bill Sr., also earned one. His son Jeff is continuing the family business.

If service to motorists of all shapes, sizes and automotive tastes was all Bill Morris had accomplished in the past 50 years, it would be quite a feat. But service is a byword with Bill: service to his business, to his family, and to his community. It is an attitude that helped his business to thrive. Many of his customers are second-generation buyers who bring with them bits of memorabilia or family pictures when they arrive to buy their car.

Bill's father moved his family to Ventura County from the San Fernando Valley in 1929 to open a dealership in Fillmore. Soon thereafter, Bill Sr. opened a second dealership in Moorpark, which eventually moved to Simi Valley. A third location, in Santa Paula, was opened in 1939. The father passed to his son his business savvy and his belief that dedication to your family and community are the responsibilities of a successful man.

Bill Jr. learned that lesson well. He and wife Jean have seven children and 14 grandchildren. Son Jeff is the newest operator of Wm. L. Morris Chevrolet. Bill has been a tireless supporter of our community's youth as continuous sponsor of community Little League teams and, most significantly, through Bill's tremendous involvement with the YMCA. His dedication to the business community earned him the distinguished Simi Valley Chamber of Commerce Businessman of the Year award in 1988.

Bill raised his sons through the YMCA Indian Guide program. In 1984, he initiated the drive to start a YMCA in Simi Valley and served as the campaign chairman. In 1987, he served as Chairman of the Board for the Southeast Ventura County YMCA, which includes Simi Valley. As the years passed, the Simi Valley YMCA expanded from its initial leased classroom at a local church. The philanthropy now serves 400 children before and after school at 11 school sites, and 500 children and families in the YMCA's Indian program. Countless others participate in teen, Y-camper and grief support programs. When the board decided it needed a central facility, Bill once again stepped to the plate, taking on the chair of "The Time Is Now" capital campaign. Its aim is to build a $2 million, state-of-the-art, 23,000-square-foot facility with aquatics and fitness centers, a child-watch area, a multipurpose room, meeting rooms, offices and a park. With Bill at the helm, I have no doubt the dream will come true.

Bill was also instrumental in building equestrian trails in Simi Valley and throughout Ventura County. He is honorary Past President of the Ventura Taxpayers Association, a 50-year member of Rotary International and a Paul Harris Fellow of the Rotary Foundation.

His success as an entrepreneur and his willingness to share have helped to generate a successful community.

Mr. Speaker, I know my colleagues will join me in recognizing Bill Morris, Jr. for his many years of service to his community through his business and philanthropic prowess.

IN HONOR OF MR. HARRY OFFENHARTZ AND THE ELEANOR ROOSEVELT TRIBUTE CONCERT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Ms. LEE. Mr. Speaker, I rise to note a concert commemorating Eleanor Roosevelt's leadership in promoting the Universal Declaration of Human Rights, which will celebrate its 50th Anniversary on December 10, 1998. The tribute to Mrs. Roosevelt will feature the world premiere of a cello concerto commissioned especially for the event from the renowned composer Chen Yi and will be performed by the Women's Philharmonic Orchestra in San Francisco at the Herbst Theatre with cello soloist, Paul Tobias. It will be cosponsored by the New Heritage Music Foundation and Amnesty International. Mr. Harry Offenhartz, a good friend of mine, served as President of the New Heritage Music Foundation until his death last July at the age of 93. Mr. Offenhartz worked in the Roosevelt Administration and with Eleanor Roosevelt, and was a tireless advocate for human rights and the cause of the disadvantaged.

Mr. Speaker, it is my pleasure to share the upcoming concert with this body, and to thank and honor those who are working to commemorate Mrs. Roosevelt and the Anniversary of the Universal Declaration of Human Rights.

IN TRIBUTE TO GENERAL GEORGE OLMSTED

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mrs. FOWLER. Mr. Speaker, I rise today in tribute to a man who lived a long life which was spent wisely and in service to his country. General George Olmstead was 97 years of age when he passed away on October 8th at his home in Arlington, VA. Although I did not have the honor of knowing him personally, I am grateful that General Olmsted's grandson State Senator Locke Burt, a friend and constitute of mine, has brought his life to my attention.

General George Olmsted, was successful entrepreneur, an advocate of education, a decorated war hero, an activist in the Republican party and a leader in his community.

A life-long entrepreneur, George Olmsted's civilian time was spent in the banking and insurance industries. In 1955, he purchased control of International Bank of Washington and in 1959, he purchased Financial General Corporation, the 7th largest bank holding company in the country at the time. Headquarter in Washington, DC, Financial General Corporation controlled interests in 26 banks located in 7 States and the District of Columbia. He helped to bring availability and affordability of products and services to a market battered during the Great Depression and was a champion of the idea of better jobs and opportunities for all people.

As I read a recent Washington Post article about him, I found myself wishing that I had known this retired Army General who was originally from Iowa. A short, but true, story of General Olmsted's actions during World War II may illustrate my point:

At the end of World War II, some 30,000 allied prisoners were being held in Japanese POW camps in China. As the Japanese collapse appeared imminent, the Allies were concerned about the safety of the prisoners, one of which was General Johnathan Wainright, the hero of Bataan.

A resourceful man, General Olmsted went to his commanding officer and proposed a plan. It has been said that his superior told him it was the "craziest scheme" he'd ever heard in the Army and informed him that they were already readying court-martial charges against him if his plan failed.

But, because of the lack of troops to send in, or the planes to carry them out immediately, they went ahead with the General's plan. First they dropped leaflets by aircraft on each of the 11 camps immediately after the surrender. Then, a team of seven unarmed men were to parachute into each camp carrying with them letters stating that the war was over and that the allied powers know how many prisoners were in each camp and would hold each camp commander personally responsible for the safety of those prisoners.

Far from being court-martialied, General Olmsted's ideas saved the prisoner's lives and his valor did not go unnoticed. He not only received the Distinguished Service Medal, the Legion of Merit and the Bronze Star from the United States, but was awarded the Legion of Honor from France, was made an Honorary Commander of the Order of the British Empire by Great Britain, and was honored with the Order of the Sacred Tripod and the Special Order of Pao Ting from China. The General was also praised by President Harry Truman for his handling of surplus war equipment still in China after the war.

President Truman was not the first U.S. President to notice General Oldmsted's abilities. President Herbert Hoover noticed General Olmsted's abilities even as a young man, inviting him to the White House and asking him to direct the activities of the Young Republican Division of the party in the 1932 election. General Olmsted continued to be involved in politics and even attempted a run once for Governor of Iowa.

From a young age, Olmsted showed his leadership abilities as a cadet at West Point. He was President of his class, ranked second in his class academically, was the featherweight boxing champ of the Academy and second-string quarterback for the Army football team.

In later years, he did not forget his allegiance to West Point or his tenacity for learning. In 1959, he and his wife Carole established a foundation whose principal activity is The Olmstead Scholar Program.

As a member of the Naval Academy's Board of Visitors, I am proud to say that this program has made financial grants available to hundreds of graduates from three service academies and the ROTC. The graduates enroll as full-time resident students at a foreign university of their choice. They must conduct all their studies in the language of that country and are expected to travel extensively throughout the region to learn as much as they can about the local customs and history of the people there.

Since it founding, 293 officers have been selected as Olmsted Scholars, including one former Chief of Naval Operations. These scholars have attended over 100 different universities located in 37 countries.

General Olmsted was the American success story. He worked hard, enjoyed tremendous success, and shared his good fortune with others. His accomplishments are ones of which Americans can be proud and his patriotism should be an example to our children.

THE CERTIFIED NURSE MIDWIFERY MEDICARE SERVICES ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. TOWNS. Mr. Speaker, I am pleased to introduce "The Certified Nurse Midwifery Medicare Services Act". This legislation will correct several inequities in the nurse-midwives' ability to provide health care services to Medicare recipients. This bill specifically increases the reimbursement rate to 95 percent of physician payment as well as permitting free-standing birth centers to receive Medicare reimbursement.

Currently, under the Medicare program, nurse-midwives are reimbursed for only 65 percent of physician's payment for providing the same services. Fifty-six percent of women who are cared for by CNMs live in areas that are designated as underserved, within inner city or rural areas. In fact, 70 percent of women and newborns seen by nurse-midwives are considered vulnerable by virtue of age, socioeconomic status, education, ethnicity, or place of residence. As of 1996, over 50,000 women, in the Medicare program, had a primary diagnosis related to "pregnancy, childbirth and puerperium". While Medicare has provided for coverage of the professional services of CNMs since July 1, 1988, the low 65 percent reimbursement rate results in payments of $800 to $1,200 for nine to ten months of care for pregnancy, including deliveries. At this level, nurse-midwives can not afford to serve the Medicare population, a population which is clearly increasingly in need of access to health care providers.

The second major inequity corrected by this bill would allow free standing birth centers to be reimbursed. Currently, the Medicare program does not recognize free-standing birth centers. Birth centers have a 20 year history of providing quality services with excellent outcomes for mothers and babies. In fact, the first urban birth center was established in New York City in 1975. The excellent quality of care with great savings has been demonstrated in many research studies. The most recent data released by the Health Insurance Association of America and the National Association of Childbearing Centers showed that in 1995 there was a cost savings of over $3,000 per birth when comparing a birth center to a hospital birth. Medicare can realize considerable savings and improved outcomes for disabled women and their infants who use nurse-midwives and birth centers.

Mr. Chairman, while this legislation is being introduced in the last days of the 105th Congress, I am confident that this measure will receive serious consideration in the next Congress. We must continue to work to increase access to health care for underserved populations. All too often chronically disabled women have specialists as their primary care providers who neglect their obstetrical and gynecological needs. I look forward to working with my colleagues to improve the payment restrictions on access to nurse-midwifery services for Medicare recipients.

LET'S REMEMBER OUR FRIENDS AT GPO AS WE LEAVE FOR OUR DISTRICTS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. FROST. Mr. Speaker, as we close the 2nd Session of the 105th Congress, our ability to come to an orderly close is due, in great part, to the tireless efforts of our friends in the U.S. Government Printing Office.

The GPO recently performed a yeoman's task by printing all of the Kenneth Starr reports that were sent to them by the House Judiciary Committee. These massive reports were printed with great speed and professionalism.

Now, as we draw our Session to a close, these dedicated government employees are called on to print an incredible-sized piece of legislation, in addition to reprinting it in the CONGRESSIONAL RECORD, plus putting it online—and all with around-the-clock work schedules.

For over 137 years, the GPO has been a loyal, dedicated partner of the Congress.

Its critics have taken easy pot-shots at this valuable agency, but they have never provided any reliable means of producing congressional products that are as dependable as those from GPO.

As we leave Washington to return to our congressional districts, I would like to salute the men and women at the U.S. Government Printing Office for their steadfast efforts to make the operations of Congress run smoothly.

HOUSE OF REPRESENTATIVES—*Wednesday, October 21, 1998*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Let us pray using words from Psalm 29. Ascribe to the Lord, O heavenly beings, ascribe to the Lord glory and strength. Ascribe to the Lord the glory of His name; worship the Lord in holy array.

The Lord sits enthroned over the flood; the Lord sits enthroned as king forever. May the Lord give strength to His people. May the Lord bless His people with peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana (Mr. PEASE) come forward and lead the House in the Pledge of Allegiance.

Mr. PEASE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DESIGNATION OF HON. EDWARD A. PEASE TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH OCTOBER 22, 1998

The SPEAKER laid before the House the following communication:

WASHINGTON, DC,
October 21, 1998.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 22, 1998.

NEWT GINGRICH,
Speaker of the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I the Speaker signed the following enrolled bill earlier today:

H.R. 1757, to consolidate International Affairs Agencies to authorize appropriations for the Department of State and related agencies for fiscal year 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1744

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 5 o'clock and 44 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 21, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Tuesday, October 20, 1998 at 11:00 a.m.

That the Senate agreed to conference report H.R. 4328.

That the Senate passed without amendment H.J. Res. 138.

That the Senate passed without amendment H. Con. Res. 353.

With warm regards,

ROBIN H. CARLE,
Clerk.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

NOTICE

When the 105th Congress adjourns sine die on or before October 22, 1998, a final issue of the Congressional Record for the 105th Congress will be published on November 12, 1998, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 10. The final issue will be dated November 12, 1998, and will be delivered on Friday, November 13.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Reporters".

Members of the House of Representatives' statements may also be submitted electronically on a disk to accompany the signed statement and delivered to the Official Reporter's office in room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

JOHN W. WARNER, *Chairman.*

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills and concurrent resolutions of the House of the following titles:

H.R. 378. An act for the relief of Heraclio Tolley.

H.R. 379. An act for the relief of Larry Errol Pieterse.

H.R. 1023. An act to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated antihemophilic factor, and for other purposes.

H.R. 1794. An act for the relief of Mai Hoa "Jasmin" Salehi.

H.R. 1834. An act for the relief of Mercedes Del Carmen Quiroz Martinez Cruz.

H.R. 1949. An act for the relief of Nuratu Olarewaju Abeke Kadiri.

H.R. 2263. An act to authorize and request the President to award the Congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

H.R. 2744. An act for the relief of Chong Ho Kwak.

H.R. 3461. An act to approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes.

H.R. 4083. An act to make available to the Ukrainian Museum and Archives the USIA television program "Window on America".

H.R. 4821. An act to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration.

H. Con. Res. 224. Concurrent resolution urging international cooperation in recovering children abducted in the United States and taken to other countries.

H. Con. Res. 254. Concurrent resolution calling on the government of Cuba to return to the United States convicted felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba.

H. Con. Res. 277. Concurrent resolution concerning the New Tribes Mission hostage crisis.

H. Con. Res. 351. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3910.

H. Con. Res. 352. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of a bill.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2440. An act to make technical amendments to section 10 of title 9, United States Code.

H.R. 2513. An act to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives, and for other purposes.

H.R. 4164. An act to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2204) "An Act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 4110) "An Act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes."

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 122. Concurrent resolution expressing the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the former Soviet Union's repressive policies toward the Ukrainian people.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1364) "An Act to eliminate unnecessary and wasteful Federal reports" with an amendment.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2117) "An Act to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes" with amendments.

The message also announced that the Senate recedes from its amendments numbered 2 through 6 to the amendments of the House to the bill (S. 2375) "An Act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 1 to the amendments of the House to the above-entitled bill.

□ 1745

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill earlier today:

H.R. 4328, making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 1757, the "Foreign Affairs Reform and Restructuring Act of 1998".

I take this action for several reasons, most importantly, because the Congress has included in this legislation unacceptable restrictions on international family planning programs and threatened our leadership in the world community by tying our payment of dues to the United Nations and other international organizations to these unrelated family planning issues.

Current law, with which Administration policy is fully consistent, already prohibits the use of Federal funds to pay for abortion abroad and for lobbying on abortion issues. This bill would go beyond those limits. One provision would deny U.S. Government funding for family planning programs carried out by foreign nongovernmental organizations (NGOs) that use their own funds to perform abortions even though the overall result of these NGO family planning programs is to reduce the incidence of abortion. Although the bill allows the President to waive this restriction, use of the waiver would also cripple many programs by limiting annual spending for international family planning to $356 million, $44 million below the amount available for Fiscal Year 1998.

A second provision would attempt to restrict the free speech of foreign NGOs by prohibiting funding for those that use their own funds to engage in any activity intended to alter the laws of a foreign country either to promote or to deter abortion. The bill would even ban drafting and distributing material or public statements on abortion. The bill does not contain a waiver for this restriction.

These restrictions and the funding limit would severely jeopardize the ability of the United States to meet the growing demand for family planning and other critical health services in developing countries. By denying funding to organizations that offer a wide range of safe and effective family planning services, the bill would increase unwanted pregnancies and lead to more abortions than would otherwise be the case.

I am also deeply concerned that the Congress has effectively tied these unacceptable restrictions on international family planning to payment of legitimate U.S. arrears to the United Nations and other international organizations. A strong United Nations, with the United States playing a leadership role, is in our national interest. Payment of our dues to the United Nations is essential to our ability to lead. There are strongly held beliefs on both sides of the debate over international population policy. These issues ought to be considered separately on their own merits; they should not be permitted to hinder U.S. obligations to the world community.

The package authorizing arrears payments linked to UN reforms was the result of good-faith negotiations between my Administration and the Congress more than a year and a half ago. Unfortunately, due to the passage of time, some of these conditions are now outdated and are no longer achievable. In particular, the fact that the UN has concluded negotiations on assessment rates for the next 3 years has significantly decreased out ability to negotiate a limitation on the U.S. assessed share of the UN regular budget below 22 percent. Furthermore, the increase in contested arrears during this period requires that the United States have additional flexibility in obtaining a contested arrears account. While many of the UN reform benchmarks in the package remain acceptable, significant revisions are required, and I look forward to working with the Congress next year to secure the payment of our arrears and an achievable package of UN reforms.

The Bill contains important and carefully negotiated authority to reorganize the foreign affairs agencies and other basic authorities for these agencies. Many of these provisions were supported by my Administration, and I am pleased that they have been included in the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY 1999.

For the foregoing reasons, I am compelled to return H.R. 1757 without my approval.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 21, 1998.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal and, without objection, the veto message and bill will be printed as a House document.

There was no objection.

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that the veto message and the accompanying bill be referred to the Committee on International Relations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

PRESIDENT'S VETO OF H.R. 1757

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member deeply regrets that the President of the United States has jeopardized America's foreign policy leadership by vetoing this legislation, H.R. 1757.

The President has vetoed this legislation which would permit the United States to pay $926 million overall and $475 million this year in arrearages to the United Nations, simply because he apparently believes that U.S. tax dollars should be used by foreign nongovernmental organizations to lobby for abortion.

On the basis of past experience, one could conclude that the compromised Mexico City policy in this legislation would likely affect only one foreign, nongovernmental organization, the International Planned Parenthood Federation in London. According to the Congressional Research Service, that organization spends only $400,000, or less than 1 percent of its own budget, on abortion-related services.

Mr. Speaker, the President, uncompromisingly, is willing to put this extreme position, defending a tiny expenditure by a foreign nongovernmental organization, ahead of America's long-term interest in paying down our country's United Nations arrearages through the authorization bill he just vetoed.

FEDERAL REPORTS ELIMINATION ACT OF 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1364) to eliminate unnecessary and wasteful Federal reports, with a Senate amendment to the House amendment thereto and concur in the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment as follows:

Senate amendment to House amendment:

Page 37 of the House engrossed amendment, strike out all after line 2 down to and including line 10.

Mr. SOLOMON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

ENFORCEMENT OF CHILD CUSTODY AND VISITATION ORDERS

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4164) to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. CHILD CUSTODY.

(a) SECTION 1738A(a).—Section 1738A(a) of title 28, United States Code, is amended by striking "subsection (f) of this section, any child custody determination" and inserting "subsections (f), (g), and (h) of this section, any custody determination or visitation determination".

(b) SECTION 1738A(b)(2).—Section 1738A(b)(2) of title 28, United States Code, is amended by inserting "or grandparent" after "parent".

(c) SECTION 1738A(b)(3).—Section 1738A(b)(3) of title 28, United States Code, is amended by striking "or visitation" after "for the custody".

(d) SECTION 1738A(b)(5).—Section 1738A(b)(5) of title 28, United States Code, is amended by striking "custody determination" each place it occurs and inserting "custody or visitation determination".

(e) SECTION 1738A(b)(9).—Section 1738A(b) of title 28, United States Code, is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding after paragraph (8) the following:

"(9) 'visitation determination' means a judgment, decree, or other order of a court providing for the visitation of a child and includes permanent and temporary orders and initial orders and modifications.".

(f) SECTION 1738A(c).—Section 1738A(c) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(g) SECTION 1738A(c)(2)(D).—Section 1738A(c)(2)(D) of title 28, United States Code, is amended by adding "or visitation" after "determine the custody".

(h) SECTION 1738A(d).—Section 1738A(d) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(i) SECTION 1738A(e).—Section 1738A(e) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(j) SECTION 1738A(g).—Section 1738A(g) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(k) SECTION 1738A(h).—Section 1738A of title 28, United States Code, is amended by adding at the end the following:

"(h) A court of a State may not modify a visitation determination made by a court of another State unless the court of the other State no longer has jurisdiction to modify such determination or has declined to exercise jurisdiction to modify such determination.".

Mr. SOLOMON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

SALTON SEA RECLAMATION ACT OF 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Salton Sea Reclamation Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SALTON SEA FEASIBILITY STUDY

Sec. 101. Salton Sea Feasibility study authorization.
Sec. 102. Concurrent wildlife resources studies.
Sec. 103. Salton Sea National Wildlife Refuge renamed as Sonny Bono Salton Sea National Wildlife Refuge.

TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER

Sec. 201. Alamo River and New River irrigation drainage water.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Committees" means the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environmental and Public Works of the Senate.

(2) The term "Salton Sea Authority" means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993.

(3) The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE I—SALTON SEA FEASIBILITY STUDY

SEC. 101. SALTON SEA FEASIBILITY STUDY AUTHORIZATION.

(a) IN GENERAL.—No later than January 1, 2000, the Secretary, in accordance with this section, shall complete all feasibility studies and cost analyses for the options set forth in subsection (b)(2)(A) necessary for Congress to fully evaluate such options.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—

(A) The Secretary shall complete all studies, including, but not limited to environmental and other reviews, of the feasibility and benefit-cost of various options that permit the continued use of the Salton Sea as a reservoir for irrigation drainage and (i) reduce and stabilize the overall salinity of the Salton Sea, (ii) stabilize the surface elevation of the Salton Sea, (iii) reclaim, in the long term, healthy fish and wildlife resources and their habitats, and (iv) enhance the potential for recreational uses and economic development of the Salton Sea.

(B) Based solely on whatever information is available at the time of submission of the report, the Secretary shall (i) identify any options he deems economically feasible and cost effective, (ii) identify any additional information necessary to develop construction specifications, and (iii) submit any recommendations, along with the results of the study to the Committees no later than January 1, 2000.

(C)(i) The Secretary shall carry out the feasibility study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(ii) The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under subparagraph (2)(A), including criteria for determining benefit and the magnitude and practicability of costs of construction, operation, and maintenance of each option evaluated.

(2) OPTIONS TO BE CONSIDERED.—Options considered in the feasibility study—

(A) shall consist of, but need not be limited to—

(i) use of impoundments to segregate a portion of the waters of the Salton Sea in one or more evaporation ponds located in the Salton Sea basin;

(ii) pumping water out of the Salton Sea;

(iii) augmented flows of water into the Salton Sea;

(iv) a combination of the options referred to in clauses (i), (ii), and (iii); and

(v) any other economically feasible remediation option the Secretary considers appropriate and for which feasibility analyses and cost estimates can be completed by January 1, 2000;

(B) shall be limited to proven technologies; and

(C) shall not include any option that—

(i) relies on the importation of any new or additional water from the Colorado River; or

(ii) is inconsistent with the provisions of subsection (c).

(3) ASSUMPTIONS.—In evaluating options, the Secretary shall apply assumptions regarding water inflows into the Salton Sea Basin that encourage water conservation, account for transfers of water out of the Salton Sea Basin, and are based on a maximum likely reduction in inflows into the Salton Sea Basin which could be 800,000 acre-feet or less per year.

(4) CONSIDERATION OF COSTS.—In evaluating the feasibility of options, the Secretary shall consider the ability of Federal, tribal, State and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs and shall set forth the basis for any cost sharing allocations as well as anticipated repayment, if any, of Federal contributions.

(c) RELATIONSHIP TO OTHER LAW.—

(1) RECLAMATION LAWS.—Activities authorized by this Act shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.), and Acts amendatory thereof and supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable for purposes of those laws and shall not be considered to be a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(2) PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER.—This Act shall not be considered to supersede or otherwise affect any treaty, law, decree, contract, or agreement governing use of water from the Colorado River. All activities taken under this Act must be carried out in a manner consistent with rights and obligations of persons under those treaties, laws, decrees, contracts, and agreements.

SEC. 102. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—The Secretary shall provide for the conduct, concurrently with the feasibility study under section 101(b), of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) SELECTION OF TOPICS AND MANAGEMENT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall establish a committee to be known as the "Salton Sea Research Management Committee". The committee shall select the topics of studies under this section and manage those studies.

(2) MEMBERSHIP.—The committee shall consist of the following five members:

(A) The Secretary.

(B) The Governor of California.

(C) The Executive Director of the Salton Sea Authority.

(D) The Chairman of the Torres Martinez Desert Cahuilla Tribal Government.

(E) The Director of the California Water Resources Center.

(c) COORDINATION.—The Secretary shall require that studies under this section are coordinated through the Science Subcommittee which reports to the Salton Sea Research Management Committee. In addition to the membership provided for by the Science Subcommittee's charter, representatives shall be invited from the University of California, Riverside; the University of Redlands; San Diego State University; the Imperial Valley College; and Los Alamos National Laboratory.

(d) PEER REVIEW.—The Secretary shall require that studies under this section are subjected to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary, through accounts within the Fish and Wildlife Service Exclusively, $5,000,000.

(f) ADVISORY COMMITTEE ACT.—The committee, and its activities, are not subject to the Federal Advisory Commission Act (5 U.S.C. app.).

SEC. 103. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the "Sonny Bono Salton Sea National Wildlife Refuge".

(b) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER

SEC. 201. ALAMO RIVER AND NEW RIVER IRRIGATION DRAINAGE WATER.

(a) RIVER ENHANCEMENT.—

(1) IN GENERAL.—The Secretary is authorized and directed to promptly conduct research and construct river reclamation and wetlands projects to improve water quality in the Alamo River and New River, Imperial County, California, by treating water in those rivers and irrigation drainage water that flows into those rivers.

(2) ACQUISITIONS.—The Secretary may acquire equipment, real property from willing sellers,

and interests in real property (including site access) from willing sellers as needed to implement actions under this section if the State of California, a political subdivision of the State, or Desert Wildlife Unlimited has entered into an agreement with the Secretary under which the State, subdivision, or Desert Wildlife Unlimited, respectively, will, effective 1 year after the date that systems for which the acquisitions are made are operational and functional—

(A) accept all right, title, and interest in and to the equipment, property, or interests; and

(B) assume responsibility for operation and maintenance of the equipment, property, or interests.

(3) TRANSFER OF TITLE.—Not later than 1 year after the date a system developed under this section is operational and functional, the Secretary shall transfer all right, title, and interest of the United States in and to all equipment, property, and interests acquired for the system in accordance with the applicable agreement under paragraph (2).

(4) MONITORING AND OTHER ACTIONS.—The Secretary shall establish a long-term monitoring program to maximize the effectiveness of any wetlands developed under this title and may implement other actions to improve the efficacy of actions implemented pursuant to this section.

(b) COOPERATION.—The Secretary shall implement subsection (a) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, California, and other interested persons.

(c) FEDERAL WATER POLLUTION CONTROL.—Water withdrawn solely for the purpose of a wetlands project to improve water quality under subsection (a)(1), when returned to the Alamo River or New River, shall not be required to meet water quality standards under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(d) AUTHORIZATION OF APPROPRIATIONS.—For river reclamation and other irrigation drainage water treatment actions under this section, there are authorized to be appropriated to the Secretary $3,000,000.

Mr. SOLOMON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

ADDING MARTIN LUTHER KING, JR. HOLIDAY TO LIST OF DAYS ON WHICH FLAG SHOULD ESPECIALLY BE DISPLAYED

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 3216) to amend the Act commonly called the "Flag Code" to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(d) of the Act entitled "An Act to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", approved June 22, 1942 (36 U.S.C. 174(d)) is amended by inserting "Martin Luther King, Jr.'s birthday, the third Monday in January;" after "January 20;".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORRECTION OFFICERS HEALTH AND SAFETY ACT OF 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2070) to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Correction Officers Health and Safety Act of 1998".

SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL.—Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

"§4014. Testing for human immunodeficiency virus

"(a) The Attorney General shall cause each individual convicted of a Federal offense who is sentenced to incarceration for a period of 6 months or more to be tested for the presence of the human immunodeficiency virus, as appropriate, after the commencement of that incarceration, if such individual is determined to be at risk for infection with such virus in accordance with the guidelines issued by the Bureau of Prisons relating to infectious disease management.

"(b) If the Attorney General has a well-founded reason to believe that a person sentenced to a term of imprisonment for a Federal offense, or ordered detained before trial under section 3142(e), may have intentionally or unintentionally transmitted the human immunodeficiency virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there, the Attorney General shall—

"(1) cause the person who may have transmitted the virus to be tested promptly for the presence of such virus and communicate the test results to the person tested; and

"(2) consistent with the guidelines issued by the Bureau of Prisons relating to infectious disease management, inform any person (in, as appropriate, confidential consultation with the person's physician) who may have been exposed to such virus, of the potential risk involved and, if warranted by the circumstances, that prophylactic or other treatment should be considered.

"(c) If the results of a test under subsection (a) or (b) indicate the presence of the human immunodeficiency virus, the Attorney General shall provide appropriate access for counselling, health care, and support services to the affected officer, employee, or other person, and to the person tested.

"(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

"(e) Not later than 1 year after the date of enactment of this section, the Attorney General shall issue rules to implement this section. Such rules shall require that the results of any test are communicated only to the person tested, and, if the results of the test indicate the presence of the virus, to correctional facility personnel consistent with guidelines issued by the Bureau of Prisons. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of title 18, United States Code, is amended by adding at the end the following new item:

"4014. Testing for human immunodeficiency virus.".

(c) GUIDELINES FOR STATES.—Not later than 1 year after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.

Mr. SOLOMON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 308. An act to require the Secretary of the Interior to conduct a study concerning grazing use and open space of certain land within and adjacent to Grand Teton National Park Wyoming, and to extend temporarily certain grazing privileges; to the Committee on Resources.

S. 399. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes; to the Committee on Education and the Workforce.

S. 442. A bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes; to the Committee on Commerce, in addition, to the Committees on Government Reform and Oversight, Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 462. A bill to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes; to the Committee on Banking and Financial Services.

S. 495. A bill to provide criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical weapon or biological weapon, and to reduce the threat of acts of terrorism or armed aggression involving the use of any such weapon against the United States, its citizens, or Armed Forces, or those of any allied country, and for other purposes; to the Committee on International Relations, in addition to the Committees on Banking and Financial Services and Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

S. 522. A bill to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes; to the Committee on Ways and Means, in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

S. 797. A bill to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes; to the Committee on Transportation and Infrastructure.

S. 973. A bill to designate the United States Post Office building located at 551 Kingstown Road in Wakefield, Rhode Island, as the "David B. Champagne Post Office Building"; to the Committee on Government Reform and Oversight.

S. 1092. A bill to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cover, Alaska, and for other purposes; to the Committee on Resources.

S. 1104. A bill to direct the Secretary of the Interior to make corrections in maps relating to the Coastal Barrier Resources System; to the Committee on Resources.

S. 1158. A bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, and for other purposes; to the Committee on Resources.

S. 1159. A bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange, and for other purposes; to the Committee on Resources.

S. 1179. A bill to amend the National Flood Insurance Act of 1968 to reauthorize the National Flood Insurance Program; to the Committee on Banking and Financial Services.

S. 1222. A bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Resources, in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

S. 1279. A bill to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to emphasize the need for job creation on Indian reservations, and for other purposes; to the Committee on Resources, in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

S. 1398. A bill to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir; to the Committee on Resources.

S. 1454. A bill to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Transportation and Infrastructure.

S. 1517. A bill to extend the Visa Waiver Pilot Program; to the Committee on the Judiciary.

S. 1532. A bill to amend the Water Resources Development Act of 1996 to deauthorize the remainder of the project at East Boothbay Harbor, Maine; to the Committee on Transportation and Infrastructure.

S. 1609. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress in its activities, and for other purposes; to the Committee on Science.

S. 1700. A bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building"; the Committee on Transportation and Infrastructure.

S. 1719. An act to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co. and other entities; to the Committee on Agriculture.

S. 1898. A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building"; to the Committee on Transportation and Infrastructure.

S. 1990. A bill to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas; to the Committee on Resources.

S. 2057. An original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; to the Committee on National Security.

S. 2058. An original bill to authorize appropriations for fiscal year 1999 for defense activities of the Department of Energy, and for other purposes; to the Committee on National Security.

S. 2059. An original bill to authorize appropriations for the fiscal year 1999 for military construction, and for other purposes; to the Committee on National Security.

S. 2060. An original bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; to the Committee on National Security.

S. 2095. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Resources.

S. 2107. A bill to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communications, and for other purposes; to the Committee on Government Reform and Oversight.

S. 2131. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

S. 2171. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas; to the Committee on Commerce.

S. 2217. A bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes; to the Committee on Commerce, in addition to the Committees on National Security, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

S. 2238. A bill to reform unfair and anticompetitive practices in the professional boxing industry; to the Committee on Education and the Workforce, in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

S. 2253. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

S. 2257. A bill to reauthorize the National Historic Preservation Act; to the Committee on Resources.

S. 2275. A bill to make technical corrections to the Agricultural Research Extension and Education Reform Act of 1998; to the Committee on Agriculture.

S. 2458. A bill to amend the Act entitled "An Act to provide for the creation of the Morristown National Historical Park in the State of New Jersey, and for other purposes" to authorize the acquisition of property known as the "Warren Property"; to the Committee on Resources.

S. 2513. A bill to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon; to the Committee on Resources.

S. 2531. A bill to designate a portion of Interstate Route 70 in Missouri as "Mark McGwire Interstate Route 70"; to the Committee on Transportation and Infrastructure.

S. 2536. An original bill to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence; to the Committee on the Judiciary, in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

S. 2540. A bill to extend the date by which an automated entry-exit control system must be developed; to the Committee on the Judiciary.

S. Con. Res. 33. A concurrent resolution authorizing the use of the Capitol Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up; to the Committee on Transportation and Infrastructure.

S. Con. Res. 41. An original concurrent resolution calling for a United States initiative seeking a just and peaceful resolution of the situation on Cyprus; to the Committee on International Relations.

S. Con. Res. 48. A concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran; to the Committee on International Relations.

S. Con. Res. 50. A concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997; to the Committee on International Relations.

S. Con. Res. 60. A concurrent resolution expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes; to the Committee on International Relations.

S. Con. Res. 85. A concurrent resolution calling for an end to the violent repression of the people of Kosovo; to the Committee on International Relations, in addition to the Committee on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1757. An act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.

H.R. 4328. An act making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

H.J. Res. 138. Joint resolution appointing the day for the convening of the first session of the One Hundred Sixth Congress.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 20, 1998:

H.R. 624. To amend the Armored Car Industry Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

H.R. 678. To require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.

H.R. 700. To remove the restriction on the distribution of certain revenue from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

H.R. 1021. To provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado.

H.R. 1197. To amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

H.R. 1274. To authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

H.R. 1702. To encourage the development of a commercial space industry in the United States, and for other purposes.

H.R. 1756. To amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

H.R. 1853. To amend the Carl D. Perkins Vocational and Applied Technology Education Act.

H.R. 2000. To amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

H.R. 2186. To authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming.

H.R. 2281. To amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

H.R. 2327. To provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

H.R. 2370. To amend the Organic Act of Guam to clarify local executive and legislative provisions in such Act, and for other purposes.

H.R. 2616. To amend title VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

H.R. 2675. To provide for the Office of Personnel Management to conduct a study and submit a report to Congress on the provision of certain options for universal life insurance coverage and additional death and dismemberment insurance under chapter 87 of title 5, United States Code, to improve the administration of such chapter, and for other purposes.

H.R. 2795. To extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 2807. To clarify restrictions under the Migratory Bird Treaty Act on baiting and to facilitate acquisition of migratory bird habitat, and for other purposes.

H.R. 3055. To deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

H.R. 3069. To extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council.

H.R. 3332. To amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advice concerning the development and implementation of the Next Generation Internet program and to report to the President and the Congress on its activities, and for other purposes.

H.R. 3494. To amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes.

H.R. 3528. To amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.

H.R. 3687. To authorize payment of amounts due under a water reclamation project contract for the Canadian River Project, Texas.

H.R. 3830. To provide for the exchange of certain lands with the State of Utah.

H.R. 3874. To amend the National School Lunch Act and Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

H.R. 3903. To provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

H.R. 4079. To authorize the construction of temperature control devices at Folsom Dam in California.

H.R. 4151. To amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

H.R. 4166. To amend the Idaho Admission Act regarding the sale of lease of school land.

H.R. 4259. To allow Haskell Indian Nations University and the Southwestern Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes.

H.R. 4293. To establish a cultural training program for disadvantaged individuals to assist the Irish peace process.

H.R. 4309. To provide a comprehensive program of support for victims of torture.

H.R. 4326. To transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

H.R. 4337. To authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

H.R. 4566. To make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.

H.R. 4558. To make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits.

H.R. 4655. To establish a program to support a transition to democracy in Iraq.

H.R. 4660. To amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

H.R. 4679. To amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such Act, and for other purposes.

H.J. Res. 137. Making further continuing appropriations for the fiscal year 1999, and for other purposes.

On October 21, 1998:

H.R. 1757. To consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.

H.R. 4328. Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

SINE DIE ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, pursuant to House concurrent resolution 353 and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with the provisions of House Concurrent Resolution 353, the Chair declares the second session of the 105th Congress adjourned sine die.

Thereupon (at 5 o'clock and 56 minutes p.m.), pursuant to House Concurrent Resolution 353, the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11837. A letter from the Administrator, Marketing and Regulatory Programs, Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Basic Provisions; and Various Crop Insurance Provisions; Correction [7 CFR Part 457] received October 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11838. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Regulation of Fallglo Variety Tangerines [Docket No. FV98–905–5 FR] received October 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11839. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Tolerances and Exemptions from the Requirement of a Tolerance for Canceled Pesticide Active Ingredients [OPP–300735; FRL–6035–8] (RIN: 2070–AB78) received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11840. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Tolerances for Canceled Food Uses [OPP–300733; FRL–6035–6] (RIN: 2070–AB78) received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11841. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Interstate Land Sales Registration Fees; Change in Mailing Address and Authority to Make Electronic Payment [Docket No. FR–4365–F–01] (RIN: 2502–AH22) received October 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11842. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—International Banking Activities [Docket No. 98–16] (RIN: 1557–AB58) received October 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11843. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Student Assistance General Provisions (RIN: 1840–AC52) received October 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11844. A letter from the Secretary of Education, transmitting the Department's final rule—Student Assistance General Provisions (RIN: 1840–AC52) received October 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11845. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Guidelines for Implementation of the Drinking Water Infrastructure Grants Tribal Set-Aside Program [FRL–6179–1] received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11846. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance For Utilization Of Small Minority, And Women's Business Enterprises in Procurement Under Assistance Agreements—received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11847. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Arkansas; Revised Format for Materials Being Incorporated by Reference [ARK–6–1–7364; FRL–6176–9] received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11848. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—North Carolina; Final Authorization of Revisions to State Hazardous Waste Management Program [FRL–6166–5] received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11849. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Subtitle D Regulated Facilities; State Permit Program Determination of Adequacy; State Implementation Rule [FRL–6178–8] (RIN: 2050–AD03) received October 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11850. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities; Post-Closure Permit Requirement; Closure Process [FRL–6178–7] (RIN: 2050–AD55) received October 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11851. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Amendment to Rule 102(e) of the Commission's Rules of Practice [Release Nos. 33–7593; 34–40567; 35–26929; 39–2369; IA–1771; IC–23489; File No. S7–16–98] (RIN: 3235–AH47) received October 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11852. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11853. A letter from the Inspector General, Office of the Independent Counsel, transmitting the annual report for the period ending September 30, 1998 in accordance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

11854. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's annual report on the Program

Fraud Civil Remedies Act for fiscal year 1998, pursuant to 31 U.S.C. 3810; to the Committee on Government Reform and Oversight.

11855. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Coastal Services Center Broad Area Announcement [Docket No. 980911235–8235–01] (RIN: 0648–ZA49) received October 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11856. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting a report to Congress on the Status of Fisheries of the United States prepared by the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce; to the Committee on Resources.

11857. A letter from the Executive Director, Architectural and Transportation Barriers Compliance Board, transmitting the Board's final rule—Transportation for Individuals With Disabilities [Docket OST–98–3648] [RIN: 2105–AC00] received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11858. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Phased Acquisitions [48 CFR Parts 1817, 1834, and 1852] received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11859. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98–33] received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11860. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98–52] received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11861. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural and Miscellaneous Roth IRA Guidance [Notice 98–50] received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11862. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Notice 98–34] received October 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11863. A letter from the Secretary of the Interior, transmitting a report to Congress on the Department's fundamental goals to streamline its regulations and to reduce the burdens that they may impose; jointly to the Committees on the Judiciary and Government Reform and Oversight.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

[Omitted from the Record of October 20, 1998]

H.R. 1965. The Committees on Ways and Means and Commerce discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

H.R. 3511. The Committee on Commerce discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

H.R. 3828. The Committees on Veterans' Affairs and Commerce discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

H.R. 3829. The Committees on Government Reform and Oversight, the Judiciary, and National Security discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

H.R. 4377. The Committee on Commerce discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII,

> Mr. SMITH of New Jersey (for himself and Mr. EVANS) introduced a bill (H.R. 4874) to prohibit the provision of defense services and training under the Arms Export Control Act or any other Act to foreign countries that are prohibited from receiving international military education and training or any other military assistance or arms transfers; which was referred to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII,

406. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 58 memorializing the President and the Congress of the United States to enact legislation to permanently extend the research and tax credit, as proposed in H.R. 2819; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. LATOURETTE.

H.R. 453: Ms. LEE.

H.R. 619: Ms. LEE.

H.R. 1202: Ms. LEE and Mr. GREENWOOD.

H.R. 1525: Mr. WYNN.

H.R. 2468: Ms. LEE.

H.R. 2849: Ms. LEE.

H.R. 2953: Mr. CUMMINGS.

H.R. 3043: Mr. MCDERMOTT.

H.R. 3624: Ms. LEE.

H.R. 3627: Ms. RIVERS.

H.R. 3672: Ms. LEE.

H.R. 3837: Mr. SERRANO.

H.R. 3876: Mr. ETHERIDGE.

H.R. 3948: Ms. LEE.

H.R. 4028: Mr. GIBBONS.

H.R. 4070: Ms. LEE.

H.R. 4145: Mr. LANTOS, Mr. HILLIARD, Ms. PELOSI, Mr. WAXMAN, Mr. LAMPSON, Ms. LEE, Ms. SLAUGHTER, and Ms. JACKSON-LEE of Texas.

H.R. 4179: Ms. ROYBAL-ALLARD and Mr. GEJDENSON.

H.R. 4220: Ms. LEE.

H.R. 4311: Ms. LEE

H.R. 4374: Mr. THOMPSON and Ms. LEE.

H.R. 4718: Mr. FATTAH, Mr. STARK, and Mr. DEFAZIO.

H.R. 4787: Mr. COSTELLO, Mr. BLAGOJEVICH, Mr. LAHOOD, Mr. EVANS, and Mr. MANZULLO.

H. Con. Res. 41: Mr. FRANKS of New Jersey.

H. Con. Res. 286: Mr. BERMAN.

H. Con. Res. 345: Mr. LAZIO of New York.

H. Con. Res. 354: Mr. SMITH of New Jersey.

SENATE—*Wednesday, October 21, 1998*

(Legislative day of Friday, October 2, 1998)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, the only Source of lasting, authentic courage, this morning, we turn to the psalmist and to Jesus for the bracing truth about courage to see things through—not just to the end of the Congress but to the accomplishment of Your ends. David reminds us, "Be of good courage, and He shall strengthen your heart, all you who hope in the Lord."—Ps. 31:24. Jesus assures us, "You will have tribulation, but take courage."—John 16:33 NASB. We know we can take courage to press on because You have taken hold of us. You have called us to serve You because You have chosen to get Your work done through us. Bless the Senators as they confront the issues of the budget, consider creative compromises, and seek to bring this Congress to a conclusion. In this quiet moment, may they take courage and press on. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately proceed to a rollcall vote on adoption of the omnibus appropriations conference report. Following that vote, several Senators will be recognized to speak on or in relation to the omnibus spending measure, or to make any other concluding remarks they would like to offer today. After those remarks have been made, the Senate may consider any legislative or executive matters that can be cleared by unanimous consent.

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the clerk will report the conference report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4328), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 19, 1998.)

Mr. LOTT. Mr. President, if there is no objection, I would like to engage in a colloquy with the distinguished Chairman of the Appropriations Committee, the senior Senator from Alaska.

Mr. STEVENS. I would be happy to.

Mr. LOTT. I understand that this bill contains a provision which prohibits the FBI from charging a user fee or gun tax on all firearms purchases that take place once the national instant criminal background check system takes effect on November 30 of this year—Is that correct?

Mr. STEVENS. Yes. The Brady Act did not intend, nor did it authorize the Department of Justice to charge a tax or fee to law abiding citizens to exercise their Second Amendment right. The National Instant Check System (NICS) is a national criminal justice program which was designed to quickly screen prospective firearms purchasers—weeding out prohibited gun pruchases while ensuring that the sale of a firearm to a law-abiding citizen could go forth without significant delay. The NICS is a federal program of benefit to all citizens and therefore the cost should be and will be borne by the federal government in view of the absence of any enabling provision relating to assessment of a user fee to gun owners.

Mr. LOTT. I am pleased to hear that, since I supported the establishment and the creation of a national instant check program. It was certainly my understanding that this program was meant to facilitate gun purchases by law abiding Americans and not cause a chilling effect on our rights. We have provided millions of dollars—including $42 million in this bill—for the FBI to implement NICS pursuant to the law. As I also remember, NICS is specifically prohibited from becoming a repository of approved firearms transfer records and firearms owners? Is that correct?

Mr. STEVENS. Again the Senator is correct. The establishment of NICS contained important elements in the law designed to protect the privacy of individual law-abiding gun owners. One of the greatest concerns and legitimate fears of law abiding gun owners is that the federal government will create a federal gun owner registration system where law abiding gun owners exercise of their constitutional rights will be carefully monitored. This is why there are a number of provisions in law which prohibit such action by the government. One such law is the Firearms Owners Protection Act, passed in 1986, which specifically prohibits any record of firearms owners and firearms purchases from being maintained or recorded, for any period of time, in a facility owned, managed, or controlled by the United States government.

Mr. LOTT. I thank the Senator for making that point clear. Is it not also the case that the Brady law itself includes a prohibition on the centralization and creation of a federal gun registration system?

Mr. STEVENS. Yes, the Brady Act clearly states that upon approval of a firearm transaction, the instant check system shall "destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the transfer." 18 U.S.C. §922(t)(2). Additionally, Section 103 of the Brady Act prohibits the establishment of a firearms registration system to prevent any records generated by the instant check system from being transferred to a facility owned, managed or controlled by the United States government.

Mr. LOTT. Well, let me understand something. Does that mean that the FBI or the Department of Justice would be able to collect and maintain all personally identifying information on transactions relating to approved firearms transfers for one and one half years, or for any period of time?

Mr. STEVENS. The national instant criminal background check system clearly prohibits such action by the FBI. The centralization and retention of firearms transaction information and records on firearm owners would create a de facto system of firearms registration which has clearly not intended by the Brady Act or any other provision of federal law. In fact it was specifically prohibited.

Mr. LOTT. Specifically, though, is the NICS statute clear on this prohibition of maintaining an audit log or other repository of approved firearms transaction and personal information on firearms owners? Is there any doubt as to Congress' intent in this regard?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. STEVENS. I do not believe the law could be any clearer. The NICS statute is transparent and unambiguous on the point that the instant check system "shall destroy" such records. Subsection (t)(2) of 18 United States Code, Section 922, is clearly drafted so that destruction of an approved firearms transaction and personal identifying records shall occur contemporaneously upon the system's approval of the firearms transfer, the assignment of a unique identifying number, and upon the immediate voice or electronic conveyance of such approval and unique identifying number to the federal firearms dealer making the NICS inquiry.

Mr. LOTT. Is there any information that the FBI is permitted to maintain from an approved firearms transaction that goes through NICS?

Mr. STEVENS. The only information or records on approved firearms transfers that the FBI is permitted to maintain in a central registry is the "NICS Transaction Number" (NTN) and the date the transaction was requested. See, 18 U.S.C. §922(t)(2)(C).

Mr. LOTT. I would like to be sure that the rights of law abiding gun owners are not violated by FBI's operation of NICS. Do you have any suggestions in this regard, to ensure that the laws are being followed?

Mr. STEVENS. I suggest that a General Accounting Office (GAO) audit be conducted periodically to ensure Americans that the retention of information and records run through the NICS is not being maintained, for any purpose, unlawfully.

Mr. LOTT. I certainly would second that recommendation. This matter is too important to the American people to allow any opportunity for abuse.

Mr. DASCHLE. Mr. President, the statement of managers contains language concerning the proposed HCFA rule that would defer to state law on the issue of physician supervision of nurse anesthetists. As I understand it, this is non-statutory language, and nothing in the bill would prohibit HCFA from moving forward with the publication of the final rule on this issue. I would like to ask my colleague from North Dakota, who is a member of the Committee on Appropriations, is that his understanding of the language as well?

Mr. DORGAN. Mr. President, the language to which my colleague refers is only included in the statement of managers and does not have a binding effect on HCFA. As a matter of law, nothing in the bill or the report language would prohibit HCFA from moving forward with the final rule.

Mr. DASCHLE. Mr. President, then it would be correct that HCFA could base its final decision on data or information that is already available, rather than conducting any new studies. My concern here is to ensure that HCFA is neither discouraged from nor delayed in moving forward in publishing a final rule. It is my understanding that nothing in the report language of this year's Labor/HHS Appropriations bill would prevent HCFA from moving ahead and that any further review of data could follow HCFA's publication of a final rule.

Mr. DORGAN. Mr. President, the Senator is correct. The statement of managers does not mandate, as a matter of law, any further studies by HCFA on this issue. Nor would HCFA be impeded from moving forward with issuing a final rule regarding the physician supervision issue. In fact, the language clearly states it is not intended to discourage or delay HCFA from moving forward.

I know this issue is particularly important to some of us because nurse anesthetists are the sole anesthesia providers in 70% of rural hospitals. Finalizing this proposed rule is critical to rural America.

Mr. CONRAD. Mr. President, I appreciate the responses from my colleague from North Dakota, and I wish to briefly comment on this matter. As the sponsor in previous congresses of legislation that would require HCFA to defer to state law on this issue, I am pleased that HCFA has finally issued a proposed rule that would in fact defer to state law. This issue has been hanging over us for many years, and it seems that the only way to finally resolve it is for HCFA to publish its final rule based upon the proposed rule and let the states decide. As a member of the Senate Finance Committee, I would add that we included a provision in our Medicare package in 1995 that would defer to state law on the issue of physician supervision of nurse anesthetists. That provision was not included in the final package as a result of an agreement between the two associations to focus on a reimbursement issue instead. However, I want to emphasize earlier comments that HCFA should neither be discouraged nor delayed in moving forward in publishing a final rule.

Mr. DORGAN. Mr. President, I share my colleague from North Dakota's position on the nurse anesthetist issue and thank him for his comments. I believe that HCFA should move forward and issue a final rule removing the physician supervision requirement and defer to state law.

Mr. DASCHLE. Mr. President, I thank my colleagues for their comments regarding the statement of managers' language on nurse anesthetists, an issue important to all of us, and know we all will follow the issue closely in the months to come.

Mr. STEVENS. Mr. President, I would like to engage the distinguished Senator form New Mexico, the chairman of the Energy and Water Development Subcommittee, on the subject of funding which is provided in P.L. 105–245 for the existing joint U.S.-Russian program, for the development of gas reactor technology to dispose of excess weapons-derived plutonium.

As the chairman of the subcommittee knows, the purpose of this program is to develop a new reactor technology which is not only more efficient in burning weapons plutonium but is melt-down proof and more thermally efficient than existing reactors. Because of the promise of this technology, the Russians are very enthusiastic about it and the French nuclear company Framatome and the Japanese company Fuji Electric have been active participants. Further, because most of the technical work on this program is being performed by Russian nuclear scientists and engineers, program costs are reduced considerably the those same Russian scientist and engineers are engaged in stimulating non-nuclear weapons work.

It is my understanding that this unique and innovative U.S.-Russian program to destroy weapons plutonium is the result of the very considerable expense and efforts of a particular U.S. company over several years. Is this also the Subcommittee Chairman's understanding?

Mr. DOMENICI. Yes, it is.

Mr. STEVENS. Is it also the Senator's understanding that from all indications, this program has been well run and has an existing and effective management structure with both U.S. and Russian representation?

Mr. DOMENICI. Yes it certainly is. I would note that Secretary of Energy Pena noted and has appreciated the cooperation that has occurred in this area under the current partnership program. In a joint statement signed on March 11 of this year, Secretary Pena and Deputy Minister of Minatom Mr. Ryabev specified those areas in which further scientific research will be necessary; plutonium fuel, neutron physics, and materials. That joint statement was an important indicator of the success and purpose of the gas reactor partnership and future efforts should be consistent with that statement.

Mr. STEVENS. Then I would like to ask the Senator from New Mexico his understanding of language in the report that states that of the $5 million made available for this program in Fiscal Year 1999, $2 million is for "work to be performed in the United States by the Department of Energy and other U.S. contractors." Specifically, is it the Senator's understanding or intent that the Department of Energy should receive most of this money or impose a new management structure over this program that is working so well and is so well accepted by the Russians?

Mr. DOMENICI. I thank the Senator from Alaska for raising this key issue. I can assure the Senator it is my wish that the Department of Energy utilize the already established partnership that created this important program and has management it so well.

Mr. STEVENS. I thank the distinguished Senator from New Mexico for this clarification.

Mr. GRASSLEY. Mr. President, Otto von Bismarck, former Chancellor of Germany, once said, "Laws are like sausages. It is better not to see them being made." Yet even Bismarck would have gagged over how this bill evolved.

Several times in recent years, I have disparaged the process of eleventh-hour budgeting because it inevitably leads to one thing: a rising tide that lifts all spending. All the Republican programs get higher funding, all the Democrat programs get more funding. The budget busts apart at the seams. The taxpayers are the losers.

And it's not just the budget process. Bismarck would have croaked had he seen how the normal legislative process—bad as it is—was bypassed, becoming a free-for-all. It's as if the Clinton Administration and the Congress had a power outage, and the looters came from everywhere and picked the taxpayers' pockets clean. The legislative process was stripped of its integrity.

This isn't an "omnibus" bill; it's an "ominous" bill.

Many of us in this body have brought the good news home to our constituents. We have delivered the first balanced budget in a generation. We created surpluses as far as the eye can see. The debt is finally being paid down. Our children have a brighter future because of it. And Social Security will be saved for the Baby Boomer generation. This is the vision we had when we passed the bipartisan Balanced Budget Act of 1997.

I intend to vote against this bill. The reason is because it threatens that vision. A vision we committed to just one year ago. Specifically, there are three reasons I oppose it. First, it threatens what we accomplished last year. It compromises the Balanced Budget Act. This bill proves that the Clinton White House and Congress can never resist the temptation to spend money, even though we've promised to save the money for Social Security and to pay down the debt. That signifies a total lack of fiscal discipline.

Second, it squanders the surplus. It would soak up $21 billion of it in the coming year alone. This is just one month after the announcement of the nation's first surplus in 29 years. Both sides were patting each other on the back. Meanwhile, we couldn't wait to spend it. We could have and should have found offsets for this money. I predict that in coming years, this will be Congress' way around the budget agreement—Call any program an emergency and the budget agreement is bypassed.

Third, the bill, is a budget-buster. Maybe not technically, maybe not now. But in pushing $4.1 billion of spending decisions into next year, it's the first die cast in ensuring another rising tide of spending next year. In addition, it's not really clear what the budgetary impact is of all the legislative mushrooms we're passing in this budget. The funding for these programs is like fertilizer. And next year these mushrooms become BIG mushrooms. And that creates further budgetary pressures for more spending.

In short, Mr. President, this process shows we have reverted to the same attitude, the same mindset, the same practice, that brought us monumental debt levels in the first place.

Moreover, I deplore the intellectual dishonesty of the President of the United States. For nine months, I have been applauding his stated commitment to save the surplus to ensure the viability of Social Security. Then he pushes for a budget that spends $21 billion of that surplus in just one year. The following day, the President appears in the Rose Garden and announces we've agreed to a budget deal, and saved Social Security in the process.

Mr. President, this cynical statement by the President, and the precedent it sets, hasn't saved Social Security. It has threatened Social Security. It has opened up the flood gates. It ensures future raids on future surpluses. And the President now has no moral authority to use those surpluses exclusively for Social Security. He squandered that moral authority.

It is also intellectually dishonest of the President to oppose tax cuts, using the argument that tax cuts would jeopardize Social Security, yet assume that spending the surplus would not.

These reasons, Mr. President, constitute why I am seriously disappointed in this process, and in this budget. I regret my vote against it because there are many provisions in this bill that I fully support. Some of them I am even responsible for.

For instance, there is approximately $300 million for Iowa farmers in additional relief. The relief package includes AMTA payments, disaster assistance and new operating loans. In addition, there is tax relief for farmers, including Permanent Income Averaging, accelerated health insurance premium deductibility, and a 5-year net operating loss carry-back.

There are other provisions I fought for and support. Chief among them are:

Home health care funding; Education funding for new teachers; Head Start funding; IMF reforms and funding; Extension of Chapter 12 bankruptcy provisions for family farmers; LIHEAP funding at levels beyond the administration's request; Anti-drug funding; and, Roads and highways funding, at the highest levels in history.

These are all provisions that I worked hard for, supported and that I believe are essential. However, they could have been paid for without this revival of the practice of incrementally mortgaging the future.

The easy thing for me to do would be to vote for this bill. But when the process of governing breaks down and puts our commitments and our future at risk; when Congress's recent fiscal discipline falls apart; and, when our elected leadership abdicates its responsibilities of governing, it's time, in my view, to say "no."

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. FAIRCLOTH. Mr. President, I rise to make a few remarks concerning the conference report on the Columbia appropriations, fiscal year 1999. This conference report is the product of a productive debate between the Senate and House subcommittees. This is a good bill, a bipartisan bill, and I urge my colleagues to support it.

I want to thank my subcommittee members, Senator BOXER, the ranking member, and Senator HUTCHISON for their hard work and assistance in putting the Senate bill together. I would also like to thank the chairman of the Senate Appropriations Committee, Senator STEVENS, and the distinguished ranking member, Senator BYRD, for their guidance and support.

Mr. President, the conference report largely ratifies the consensus budget for local funds adopted by the Mayor, the Council, and the Financial Authority. The Congress created that budget process, and it has imposed some much needed fiscal discipline on the District's budget. Instead of drowning in red ink, the budget of the Nation's Capital is now solidly in the black, with a surplus of over $300,000,000 for fiscal year 1998.

The conference report appropriates over $372,000,000 for implementation of the National Capital Revitalization and Self-Government Improvement Act of 1997. With the exception of the capital budget for the District court system, the conference report supports the President's budget request for implementation of the act.

The conferees did not provide the $50,000,000 requested by the President to capitalize the National Capital Revitalization Corporation [NCRC]. The Congress has not been consulted as to either the composition of the Board of the NCRC, its duties, the scope of its activities, the relationship between the NCRC and other Federal or local agencies, the relationship between the NCRC and Congress, or the extent to which actions taken by the NCRC may conflict with previous economic incentives adopted by the Congress on behalf of the District. Despite these concerns, the President's nonemergency supplemental request included $25,000,000 to capitalize the NCRC.

The District of Columbia was recently named the worst city in the country to raise children. The children of our Nation's Capital deserve better. Our conference report provides $7,000,000 to pay for new facilities at the Boys Town operations in the District; over $15,000,000 for public charter schools; and $200,000 for mentoring services for at-risk children.

The conference report also provides funding for several nonprofit organizations located in the District of Columbia. These projects have broad bipartisan support and will bolster the District's downtown revitalization efforts.

The conference report provides over $75,000,000 in Federal funds to improve public safety and repair a crumbling infrastructure in the Nation's Capital. Included in this amount is over $18,000,000 for repairs to the District's public safety facilities, including badly needed capital improvements to Metropolitan Police Department [MPD] facilities. In addition, the conference report provides the United States Park Police with $8,500,000 for a new helicopter, which will assist the MPD in meeting the District's public safety needs. In addition, the conference report appropriates $25,000 to expand the subway station next to the planned Washington Convention Center.

Perhaps most important, the conference report includes $25,000,000 to continue the work of management reform. If there is one reason why the Nation's Capital has any hope of recovery, it is because District agencies which have been mismanaged for years are finally being reformed and restructured. The Financial Authority and the District's Chief Management Officer, Camille Barnett, are now midway through the process of cleaning up the largest agencies of the District government. While the District is making headway in reversing years of mismanagement, much work needs to be done to improve service delivery to District residents. The funds provided in this bill will go toward projects that will enhance government efficiency and service delivery, such as expanded emergency medical services and technology modernization.

The conference report prohibits the use of Federal and local funds for the implementation of a needle exchange program; for abortion; and for a ballot initiative to legalize controlled substances. It also provides badly needed adoption reforms for the District of Columbia.

This conference report would not have been possible without the hard work and cooperation of my friend, Congressman CHARLES TAYLOR, the chairman of the House Subcommittee on the District of Columbia. We are confident that this conference report will be supported by the Senate, the House of Representatives, and the President.

SECTION 139 OF INTERIOR TITLE

Mr. BINGAMAN. Mr. President, I would like to express my appreciation to the managers of the Interior title of the Omnibus Appropriations Act for including section 139, which ratifies payments made by small refiners under preexisting onshore and offshore royalty-in-kind programs. I was pleased to work with Senators ENZI, DOMENICI, THOMAS, JOHNSON, and LANDRIEU on this issue. My office served as the point of contact between the Minerals Management Service and the small refiners in negotiating the final text of this section, which was then included by the managers in the bill, so I would like to make two observations in relation to it. The purpose of this section is to relieve small refiners of potential additional financial obligations that they are not in a position to bear, and to avoid the likelihood that a number of small refiners who participated in a federal program to increase their access to crude oil for refining would be forced into bankruptcy over a question as to whether the amount invoiced by government for that crude oil was correct or not. I do not believe that anything in this section should be construed as expressing congressional intent on any question other than the one of whether small refiners should be relieved of this potential problem. In my opinion, this section does not constitute a congressional view for or against the use of posted prices for the valuation of crude oil produced from federal leases.

CWC IMPLEMENTATION ACT OF 1998

• Mr. HELMS. Mr. President, following Senate approval of the resolution of ratification for the Chemical Weapons Convention (CWC) and subsequent ratification of the treaty by the President, it became necessary for the United States to enact legislation to implement its various domestic obligations. The Foreign Relations and Judiciary Committees of the Senate immediately fulfilled their obligation to prepare implementing legislation once the treaty had been ratified. On May 23, 1997, the full Senate passed S. 610—"the Chemical Weapons Convention Implementation Act of 1997." Soon thereafter, on November 12, 1997, the House of Representatives passed the implementing legislation, together with sanctions on Russian firms that are assisting Iran's ballistic missile program.

I regret that it has taken so long to enact the implementing legislation into law, if for no other reason than that I expect numerous U.S. companies to challenge the constitutionality of the treaty and overturn it in the courts. Unfortunately, final resolution of the legal issues surrounding the CWC, as well as full U.S. compliance with the treaty, has been delayed this entire session of Congress because of President Clinton's opposition to the unrelated missile sanctions provisions of the bill. Indeed, the President sought to delay and derail CWC implementing legislation throughout the entire spring. The President alone is responsible for putting the United States into noncompliance by delaying and then ultimately vetoing the bill (on June 23, 1998).

It is important that those who are frustrated with the slow pace of U.S. implementation of the CWC understand that the Congress has discharged its obligation to provide implementing legislation for the President's signature not once—but twice. It is the President, not Congress, who has blocked speedy and complete adherence to the treaty.

For the record, I note that two trade associations were directly involved in the crafting of the CWC's implementing legislation. The President and CEO of the Chemical Manufacturers Association wrote to me on May 7, 1998, stating that S. 610 was "a reasonable approach to meet U.S. obligations under the CWC and protect industry's interests." The Vice President for Regulatory Affairs of the American Forest and Paper Association wrote to Senator HATCH on May 21, 1997, offering its support for S. 610 since the bill "contains a number of provisions that the forest products industry believes are crucial to ensuring that implementation of the CWC is reasonable and meets the stated purpose of the treaty."

I submit the following assessment which details the most significant provisions of the implementing legislation, together with an explanation of the Senate's rationale.

Section 3. Definitions. Section 3 specifically lists those chemical formulae (and a few biotoxins) falling under the terms: "Schedule 1 chemical agent"; "Schedule 2 chemical agent"; and "Schedule 3 chemical agent". Any chemical not listed in Section 3 as either a Schedule 1, 2, or 3 chemical agent is not subject to the any of the requirements under the legislation relating to such chemical agents (*e.g.* data declaration and routine inspections).

The Annex on Chemicals of the CWC excludes some chemicals which are capable of being used as chemical weapons precursors, but which also have wide commercial applications. As a result, verification measures are not applied under the Convention to those chemicals. For this reason, if the CWC were to be expanded in scope, the most likely candidates for addition to the Annex are dual-use chemicals which are produced in large commercial quantities for purposes not prohibited under the Convention. The addition of these chemicals to the Annex on Chemicals likely would increase the number of businesses affected by the Convention's verification regime, entailing additional reporting and data declarations from companies, and subjecting additional facilities to routine inspections.

Thus the implementing legislation is deliberately structured to ensure that a change in law will be required before any provision of the Verification Annex can be applied to any new chemical or biological substance added to the Annex on Chemicals. This will provide both the Congress and the American public sufficient opportunity to examine proposals by the executive branch to expand the CWC.

Indeed, depending upon the extent to which the addition of a chemical (or other type of substance) is judged to substantively increase the scope of application of the CWC, such a change also might require the advice and consent of the Senate.

The American Forest and Paper Association specifically supported the requirement that "additions or deletions from the list would only be permitted by legislative amendment, and not through the administrative regulatory process."

Section 102. No Abridgement of Constitutional Rights. This section makes clear that the Federal Government may not force anyone to waive any Constitutional right as a condition for entering into a contract with the federal government or as a condition for receiving any other form of benefits from the government. This provision works in conjunction with Section 308, which amends The Office of Federal Procurement Policy Act. Many of the companies subject to the reporting and inspection requirements of the CWC work under contract to the federal government. Sections 102 and 308 protect these companies by prohibiting the government from imposing, as a condition of a contract, the requirement that they must agree to warrantless searches under the CWC or forego any other Constitutional right (such as the right to challenge the constitutionality of the CWC). The same protections apply to individuals receiving benefits from the United States.

Section 103. Civil Liability of the United States. Section 103 is necessary to address Fifth Amendment problems which arise with respect to the CWC. The Convention requires that the United States provide foreign inspectors with intrusive access into numerous U.S. businesses; this, together with the mandatory data declaration requirements, holds at risk trade secrets and critical proprietary information. For instance, the authority of inspectors to collect data and take samples for analysis may constitute a form of illegal seizure and the taking of private property without compensation. But the CWC contains no provisions to ensure just compensation to those whose property has been taken.

Proprietary information is often the basis for a chemical company's competitive edge. As a practical matter, a wide variety of things are considered proprietary or sensitive. For instance, the following are often considered to be "trade secrets": (1) the formula of a new drug or specialty chemical; (2) a synthetic route that requires the fewest steps or the cheapest raw materials; (3) the form, source, composition, and purity of raw materials or solvents; (4) a new catalyst that improves the selectivity, efficiency, or yield of a reaction; (5) the precise order and timing with which chemicals are fed into a reactor; (6) subtle changes in pressure or temperature at key steps in a process; (7) isolation methods that give the highest yields consistent with good recycling of solvents and reagents; (8) expansion and marketing plans; (9) raw materials and suppliers; (10) manufacturing cost data; (11) prices and sales figures; (12) names of technical personnel working on a particular project; and (13) customer lists.

The theft of any one of these items could result in a loss of revenue and investment that could damage a large company, and drive a small one out of business. Because some trade secrets are not all that complex, even simple visual inspection could reveal proprietary information of great value to a competitor. During routine inspections, for example, companies will run the risk that a skilled chemical engineer equipped with knowledge of the target facility and a list of specific questions to be answered will learn a great deal about that business' activities.

The Fifth Amendment provides that no private property shall "be taken for public use without just compensation." As one noted constitutional scholar, Ronald Rotunda, warned the Foreign Relations Committee on March 31, 1997: "If the federal government would simply take this property, the Constitution requires that it pay just compensation. If the federal government sets up a legal structure that allows international inspectors to make off with intellectual property, there is a 'taking' for purposes of the just compensation clause."

The CWC, however, does not provide for just compensation in the event of misuse of treaty inspection rights. In the absence of a treaty-mandated remedy, the only means of guaranteeing Fifth Amendment protections is to hold the federal government liable for the legal structure it has created by ratifying the CWC. It is the federal government, after all, which approved a treaty giving foreign nationals access to U.S. facilities, thereby creating the potential for the taking of private property.

Section 103 provides U.S. companies and citizens with the right to bring a civil action for money damages against the United States for the actions of foreign inspectors and other OPCW employees (as well as U.S. government personnel) undertaken pursuant to, or under the color of the CWC or the implementing legislation. It precludes the federal government from raising sovereign immunity as a defense, and establishes a process whereby, once a prima facie case has been established that proprietary information has been divulged or taken, the burden to disprove the claim falls upon the United States. In so doing, Section 103 establishes a reasonable standard of evidence to be used in resolving this type of civil action, given the ambiguity that often surrounds suspicions of the theft of trade secrets.

Section 103 defers action on a civil claim for one year, providing a period of time for the United States to pursue diplomatic and other remedies to seek redress for the claim. However, once the claim moves forward, Section 103 establishes a clear policy and process by which the U.S. government shall pursue recoupment of all funds paid in satisfaction of any tort or taking for which the U.S. has been held liable. In particular, the United States will impose severe sanctions on all foreign entities (both governmental and private) involved in the theft of the trade secret in question. Sanctions against foreign governments can be waived by the President on a case-by-case basis, though sanctions against foreign persons are lifted only once the U.S. has received "full and complete compensation."

These provisions are designed to operate together with the requirements of Condition 16 of the resolution of ratification for the CWC. Pursuant to that condition, in the event that "persuasive information" becomes available indicating that a U.S. citizen has suffered financial losses or damages due to the unauthorized disclosure of confidential business information, the President is required to secure a waiver of immunity from jurisdiction for any foreign person responsible for financial losses or damages to a U.S. citizen, or to withhold half of the U.S. contribution to the OPCW until the situation has been resolved "in a manner satisfactory to the United States person who has suffered the damages. . ."

Section 302. Facility Agreements. Section 302 prohibits the United States from concluding facility agreements which would prohibit U.S. businesses from withholding consent to an inspection request for any reason or no reason (thereby triggering a requirement for a search warrant under Section 305). It also ensures that representatives from U.S. companies may participate in preparations for the negotiation of a facility agreement, and may observe such negotiations to the maximum extent practicable.

Section 303. Authority to Conduct Inspections. In addition to providing the legal basis by which U.S. companies may be inspected by foreign personnel, Section 303 ensures that at least one special agent of the Federal Bureau of Investigation shall accompany each inspection conducted under the Convention. This ensures a minimum of protection against the possible theft of trade secrets for U.S. companies.

Section 303 also prohibits OSHA or EPA employees from escorting or otherwise accompanying inspection teams, and requires that the number of U.S. government personnel be kept to the minimum number necessary. The Administration asserted, in response to a question for the record before the Senate Select Committee on Intelligence, that the U.S. Government would be permitted "to use information or materials obtained during inspections in regulatory, civil, or criminal proceedings conducted for the purpose of law enforcement, including those that are not directly related to enforcement of the CWC." This alarmed many companies.

The American Forest and Paper Association stated its support for Section 302(b)(2)(B), noting that "[t]he treaty should not be used as an omnibus vehicle for regulatory inspections unrelated to its intended purpose. We believe that it would be inappropriate to include such government officials [from OSHA and EPA] on an international inspection team formed for the purposes set out in the CWC and would merely serve to detract from the intent of the inspection."

By barring EPA and OSHA officials from participating in CWC inspections, Section 303 prevents the Administration from using the Convention to gain a degree of access to facilities which it otherwise is denied. As Professor Rotunda noted in his March 31, 1997, letter: "Searches that violate the Fourth Amendment are not cured of the violation by the simple expedient of a treaty ratification or an executive agreement."

Finally, Section 303 establishes a reasonable legal standard by which the President is expected to evaluate the risk posed by an individual inspector to the national security or economic well-being of the United States. The President has the right under the CWC to object to an individual serving as an inspector in the United States. Section 303 obligates him to give "great weight to his reasonable belief that . . . the participation of such an individual as a member of an inspection team would pose a risk to the national security or economic well-being of the United States."

As has been noted, the CWC provides inspectors from foreign countries unprecedented access to U.S. facilities—both commercial and government-related. The risk that trade secrets or national security secrets could be stolen during an inspection is very high. In particular, because chemicals covered by the CWC are used in a variety of aerospace activities—from the manufacture of advanced composites and ceramics to additives for paints and fuels—dozens of defense contractors are targeted for routine inspections under the CWC. Thus a threat to proprietary information often also will constitute a threat to national security information.

Certainly a number of countries intend to use CWC inspections for commercial espionage. Several incidents of concern have already occurred in this respect. For this reason, the Senate adopted a common-sense approach to the standard of evidence required by the President in exercising the right of inspector refusal. A decision to apply a higher evidentiary standard than "reasonable belief" would be inconsistent with Section 303.

Section 304. Procedures for Inspections. Section 304 contains a number of critical protections for U.S. companies. First, Section 304 (b)(3)(B) requires that notification of a challenge inspection pursuant to Article IX of the Convention "shall also include all appropriate evidence of reasons provided by the requesting state party to the Convention for seeking the inspection. The requirement for specific identification of the reasons for a challenge inspection will enable companies to formulate their own views on the extent to which "probable cause" exists for such an inspection. As the Committee's analysis of Sections 305 makes clear, the CWC does not require a foreign country to demonstrate "probable cause" when it initiates a challenge inspection of a commercial U.S. facility. For this reason, the Congress has adopted implementing legislation which specifically raises the question of the constitutionality of the CWC's challenge inspection regime and provides for expedited review by the courts (under Section 503). Many in the Senate expect the Supreme Court to rule against the constitutionality of the sweeping inspection rights under Article IX of the CWC.

Section 304(f) allows the U.S. company or person to be inspected to determine who shall take samples during an inspection. It also reiterates the requirement, imposed pursuant to the resolution of ratification of the CWC, that "[n]o sample collected in the United States may be transferred for analysis to any laboratory outside the territory of the United States." This provision mirrors the Presidential certification requirement contained in Condition 18 of the resolution of ratification for the CWC.

The CWC explicitly affords an inspection team the right to take samples on-site and, pursuant to Part II paragraph (E)(55) of the Verification Annex, "if it deems necessary, to transfer samples for analysis off-site at laboratories designated by the Organization." As Part II paragraph (E)(57) makes clear: "when off-site analysis is to be performed, samples shall be analysed in at least two designated laboratories."

In agreeing to both Condition 18 of the CWC's resolution of ratification and Section 304(f) of the implementing legislation, the Executive Branch acknowledged that the United States intends to field two OPCW-designated laboratories. Specifically, the Department of Defense intends to field a mobile laboratory which will be available to analyze samples taken in the United States. While sample residue left in the laboratory's equipment would preclude it from leaving U.S. territory, the lab is intended to serve as a counterpart to a second mobile laboratory operated by the OPCW (which could be deployed to countries unable to secure OPCW approval for a facility).

There is no treaty-requirement that analysis be done in laboratories operated by countries other than the one where a sample was taken. The United States may legally preclude the transfer of samples overseas while still meeting the CWC requirement that samples-analysis be conducted in two designated laboratories.

Some have argued that Section 304(f) sets a "dreadful example" prompting countries to deny foreign inspectors the ability to send chemical samples abroad for analysis at independent laboratories. Such arguments fail to recognize several key points. First, any country that succeeds in obtaining OPCW accreditation for two laboratories has the treaty-right to insist that samples be analyzed "in country," regardless of U.S. policy.

Second, opponents of sampling limitations overstate the scientific capacity and technical capability of proliferant countries to secure OPCW approval for two laboratories. To date, the OPCW has not given approval to any lab in any country; certainly no country has secured approval for two. Indeed, only a handful of western European countries, and perhaps Russia and China, have the ability to field two approved laboratories. The former countries pose no proliferation concern, and both Russia and China are capable of completely concealing their chemical warfare program from international inspectors (making sampling irrelevant). Thus the argument that U.S. strictures on sampling transfers will undo the CWC's verification regime are unsupportable.

Third, those who criticize Section 304(f) overstate the value of sampling analysis to U.S. nonproliferation efforts. On March 1, 1989, then-Director of Central Intelligence, Judge William Webster, pointed out the ease with which chemical weapons production can be concealed: ". . . within fewer than 24 hours, some say 8½ hours, it would be relatively easy for the Libyans to make the site [at Rabta] appear to be a pharmaceutical facility. All traces of chemical weapons production could be removed in that amount of time." Similarly, delays of just a few hours have undercut UNSCOM's efforts to prove Iraqi chemical and biological concealment activities.

In contrast, the CWC gives proliferant countries five days of advance warning to conceal their activities before a challenge inspection team must be allowed on-site. Very simple techniques, such as the production of pesticides on a line used to manufacture nerve agent (e.g. production of the pesticide methyl-parathion instead of the nerve agent sarin), will reduce or eliminate the utility of sampling analysis.

Fourth, the over-focus on analysis to be done by "independent" laboratories ignores UNSCOM's experience with Iraq's VX program. In the case of samples taken from warheads believed to be weaponized with VX, "independent" laboratories in France, Switzerland, and the United States have given contradictory and inconsistent analyses. This has only complicated U.S. efforts to prove to the international community that Saddam Hussein's nerve agent program is far more advanced than admitted by Iraq. This has occurred despite UNSCOM's relatively unfettered ability—at least in comparison with the CWC—to take samples when and where it pleases. Because the CWC's timeframes provide cheating nations with ample opportunity to mask chemical warfare signatures, analysis of samples at foreign laboratories is guaranteed to make U.S. efforts to prove noncompliance harder, not easier. This will be the case regardless of whether sampling analysis is done "in-country."

Fifth, in addition to overselling the value of sampling analysis to the CWC's verification regime, opponents of Section 304(f) persist in ignoring the threat that such procedures pose to legitimate commercial activities. A loss of proprietary information through sample analysis would bankrupt many chemical, pharmaceutical, and biotechnology industries. Moreover, chemical formulas, which are the type of proprietary information put at greatest risk by sampling, often are not patented. This is done to preserve competitive advantage and to prevent disclosure pursuant to Freedom of Information Act (FOIA) requests. But the lack of a patent also will make it harder for U.S. companies to prove that a trade secret has been stolen.

The Congressional Office of Technology Assessment estimated in August, 1993, that the U.S. chemical industry loses approximately $3-6 billion per year in counterfeited chemicals and chemical products. A U.S. pharmaceutical firm spends on average about $350 million to research and develop a new compound. Clearly, while it is difficult to assess the potential dollar losses associated with the CWC, information gleaned from sampling analysis could be worth millions of dollars to foreign competitors. Equally troubling is the fact that the CWC does not require the return of samples to the country from which they were taken, but instead gives the Technical Secretariat of the OPCW responsibility over final disposition. This further increases the possibility that proprietary information contained in the sample will be compromised.

As Kathleen Bailey, then-Senior Fellow at Lawrence Livermore Laboratories, warned in testimony before the Foreign Relations Committee: "Experts in my laboratory recently conducted experiments to determine whether or not there would be a remainder inside of the equipment that is used for sample analysis on-site. They found out that, indeed, there is residue remaining. And if the equipment were taken off-site, off of the Lawrence Livermore Laboratory site, or off of the site of a biotechnology firm, for example, and further analysis were done on those residues, you would be able to get classified and/or proprietary information."

Numerous other distinguished witnesses expressed concern regarding the threat to trade secrets posed by the CWC's intrusiveness, including Donald Rumsfeld, former Secretary of Defense and President and former Chairman and CEO of G.D. Searle and Company; James Schlesinger, former Secretary of Defense and former Director of Central Intelligence; Lieutenant General William Odom, former Director of the National Security Agency; Lieutenant General James Williams, former Director of the Defense Intelligence Agency; Edward J. O'Malley, former Assistant Director of Federal Bureau of Investigation, Chief of Counterintelligence; and Bruce Merrifield, former Assistant Secretary of Commerce for Technology. It was on the basis of the testimony of these individuals, and the concerns expressed by numerous companies and industries (ranging from members of the Chemical Manufacturers Association and the Aerospace Industries Association to other types of companies such as the one that manufactures special ink for the dollar bill) that the Congress chose to prohibit the transfer of samples overseas for analysis.

Section 305. Warrants. Section 305 builds upon Condition 28 of the resolution of ratification for the CWC, which required the President to certify to Congress that, for any challenge inspection where consent has been withheld, the United States "will first obtain a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the persons or things to be seized. . . ." Further, the President certified pursuant to Condition 28 that an administrative search warrant issued by a United States magistrate judge would be required for involuntary routine inspections.

Accordingly, Section 305 requires Administrative search warrants for routine inspections where consent has been withheld. It limits routine inspections to no more than one per year per plant site. Additionally, for Schedule 3 facilities and sites working with discrete organic chemicals, Section 305 requires the federal government to affirm in an affadavit, prior to obtaining an administrative search warrant, that a given routine inspection: (1) "will not cause the number of routine inspections in the United States to exceed 20 in a calendar year;" and (2) the facility to be inspected was selected randomly by the Technical Secretariat, taking into account equitable geographic distribution of inspections and other relevant information relating to the site in question. Finally, Section 305 requires that the federal government stipulate in its affadavit that the routine inspection will not exceed the time limits specified in the Convention unless the owner, operator, or agent in charge of the plant agrees.

Section 305 requires criminal search warrants for any challenge inspection where consent has been withheld. In seeking the warrant, the federal government is required to provide to the judge of the United States all appropriate evidence or reasons showing probable cause to believe that a violation of the implementing legislation (and thus the treaty) is occurring.

In the event that a frivolous challenge inspection is initiated against the United States, perhaps in retribution for a U.S.-initiated inspection, the federal government may prove unable to provide sufficient probable cause to obtain a criminal search warrant. Under the CWC, a country wishing to initiate a challenge inspection is not required to provide any supporting evidence. The request for an inspection simply is made; unless 31 of 41 members of the Executive Council of the OPCW vote against it proceeding within 12 hours of such a request, the challenge inspection will move forward. Thus the "screen" against frivolous or abusive inspections is of a political, rather than evidentiary, nature. Moreover, review under the CWC of whether the challenge inspection request was within the scope of the CWC, or whether the right to request a challenge inspection had been abused, is allowed only retroactively (following conclusion of the inspection). Therefore nothing in the Convention prevents a challenge inspection from being initiated against a U.S. company without "probable cause" having been demonstrated.

As will be discussed in connection with Section 503, the courts will ultimately serve as the final arbiter over questions of the CWC's constitutionality.

Section 307. National Security Exception. Section 307 allows the President to deny any inspection request that "may pose a threat to the national security interests of the United States." This simple provision is designed to protect the United States from frivolous inspections.

A recent Stimson Center report makes the claim that "[t]he national security exception negates the treaty obligation to accept a challenge inspection at any U.S. location." This statement incorrectly asserts that the United States has such an obligation. Condition 28 of the resolution of ratification clearly established that the United States will not agree to a broad treaty obligation to accept a challenge inspection at any U.S. location. Rather, the United States will agree to inspections under Article IX of the CWC only in those cases where either consent to an inspection has been given, or probable cause has been demonstrated and a criminal search warrant obtained. Under any other circumstances, no access will be given.

Thus the argument made against Section 307 is flawed on its face. Moreover, the CWC explicitly gives the United States the right, for instance, under paragraph 41 of Part X of the Verification Annex, to "take such measures as are necessary to protect national security." Indeed, as paragraph 38 makes clear, access to sensitive facilities must be negotiated between the inspection team and the inspected State Party; moreover, the inspection team is obligated to use of the least intrusive procedures possible. Under paragraph 42, should the United States provide "less than full access to places, activities, or information" the United States incurs the obligation to "make every reasonable effort to provide alternative means to clarify the possible non-compliance concern that generated the challenge inspection."

Section 307 clarifies the fact that the President has the right, both under the Constitution and pursuant to the treaty, to deny a potentially-damaging inspection. However, the exercise of such a denial must be made "consistent with the objective of eliminating chemical weapons." Thus the President is obligated to provide alternative means of clarifying non-compliance concerns, and must consider the implications of a denial for the operation of the CWC, and for U.S. nonproliferation efforts. The national security interests of the United States, however, must remain paramount.

Section 402. Prohibition Relating to Low Concentrations of Schedule 2 and Schedule 3 Chemicals. The CWC does not define the term "low concentration" as it relates to Schedule 2 and Schedule 3 chemicals. Section 402 establishes the intent of the United States to interpret this term to mean a 10 percent concentration of a Schedule 2 chemical and an 80 percent concentration of a Schedule 3 chemical (measured either by volume or total weight, whichever yields the lesser percent). In setting the percentages at these levels, Section 402 ensures that Schedule 2 chemicals, which are of direct concern for chemical weapons production, are captured in low concentrations. It also recognizes the broad range of commercial uses for Schedule 3 chemicals, and reduces the regulatory impact of the CWC on many industries.

No chemical is placed on Schedule 2 of the CWC unless it meets specific criteria: (1) it must be lethal enough that it could be used as a chemical weapon by itself; (2) it can serve as a precursor in the final stage of the manufacture of a chemical weapon, or otherwise is important to the production of a chemical weapon; and (3) is not produced "in large commercial quantities." Obviously, such chemicals should be tightly controlled even at relatively dilute levels.

Schedule 3, on the other hand, contains seventeen chemicals which are produced in large commercial quantities for use in production of various organic chemicals and agricultural products. Additionally, these chemicals are used to make gasoline additives, pharmaceuticals, detergents, flame retardant materials, and dyestuffs, among other things. There are 17 compounds on Schedule 3.

Schedule 3A (4), Chloropicrin, has important uses for the disinfection of cereals and grains, considerably increasing the potential storage life. It is also used as a soil insecticide to sterilize the soil before the planting of crops that are very sensitive to weed competition.

Schedule 3B (5), Phosphorous oxychloride, is used as an insecticide, as a chlorinating agent, flame retardant, gasoline additive, hydraulic fluid, organic synthesis, plasticizer, and as dopant for semiconductors.

Phosphorous trichloride, Schedule 3B (6), is used in dyestuffs, surfactants, plasticizers, gasoline additives, insecticides, and in organic synthesis.

Phosphorous pentachloride, Schedule 3B (7), is used as a pesticide, in plastics, and in organic synthesis.

Trimethyl phosphite, Schedule 3B (8), is used in insecticides, organic synthesis, veterinary drugs.

Triethyl phosphite, Schedule 3B (9), is used in insecticide synthesis, as a lubricant additive, in organic synthesis, and as a plasticizer.

Schedule 3B (10), Dimethyl phosphite, is used in insecticide production, as a lubricant additive, in organic synthesis, and as a veterinary drug.

Diethyl phosphite (Schedule 3B (11)) is used in the production of insecticides, as a gasoline additive, as a paint solvent, in the synthesis of pharmaceuticals, and in organic synthesis.

Sulfur monochloride (Schedule 3B (12)) is used extensively as an intermediate and chlorinating agent in the production of dyes and insecticides. It is also used for cold vulcanisation of rubber, in the treatment of vegetable oils and for hardening soft woods, in pharmaceuticals, organic synthesis, as a polymerization catalyst, and in the extraction of gold from ores.

Thionyl Chloride, Schedule 3B (14), is used in batteries, engineering plastics, pesticides, as a catalyst, surfactant, chlorinating agent, and in organic synthesis of herbicides, drugs, vitamins, and dyestuffs. Common agricultural products involving this chemical are: Fenvalerate, Endosulfan, Methidathion, Flucythrinate, Fluvalinate, Lethane, Diphenamit, Napromaide, Propamide, Tridiphane, Topan, and Pipertain.

Schedule 3B (17), Triethanolamine, is another chemical with a widespread use. Because of its surface active properties it is added to waxes and polishes and is used as a solvent for herbicides, shellac and various dyes. It is also used for producing emulsions of various oils, paraffins and waxes, as well as for breaking up emulsion. It is an important ingredient of the cutting oil used for metal shaping. Further uses include in detergents, cosmetics, corrosion inhibitors, as a plasticizer, rubber accelerator, and in organic synthesis.

As can be seen from this partial listing, the majority of these chemicals are used in agriculture, the automobile industry, and pharmaceuticals production. The vast majority are used as herbicides or insecticides/pesticides. A decision to lower the percentage associated with "low concentrations" of Schedule 3 chemicals would dramatically increase the number of agricultural companies and facilities subject to the CWC's onerous reporting and inspection requirements. The costs resulting from such a dramatic expansion of the CWC's scope would invariably be passed by such companies to the one consumer who can least afford an increase in operating costs at this time—the U.S. farmer.

Section 403. Prohibition Relating to Unscheduled Discrete Organic Chemicals and Coincidental Byproducts in Waste Streams. Section

403 exempts from reporting and inspection any "unscheduled discrete organic chemical" that is a "coincidental byproduct . . . that is not isolated or captured for use or sale . . . and is routed to, or escapes, from the waste stream of a stack, incinerator, or wastewater treatment system or any other waste stream."

The CWC does not list unscheduled discrete organic chemicals. Instead, it generally defines these substances as: "any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service registry number if assigned." This definition captures thousands of chemical compounds—so many that it is impossible to list them. The CWC's sweeping definition of a "discrete organic chemical" captures thousands of U.S. companies under its reporting and inspection obligations.

However, that number would expand exponentially without Section 403's exclusion of discrete organic chemicals which form as a byproduct in a variety of manufacturing processes. The declaration and inspections costs under the CWC would fall on a far broader number of U.S. companies. Moreover, the costs of compliance for these additional companies will be far greater. Companies must declare the aggregate tonnage of discrete organic chemicals produced. If "production" is defined as the formation of coincidental byproducts in a waste stream, however, many companies would find it costly, and perhaps impossible, to comply with the treaty.

The paper industry, in particular, has expressed concern over the "discrete organic chemical category," warning that various chemicals such as methanol, phenol, methyl ethyl ketone, and methyl mercaptan are formed in the process of paper manufacturing. The American Forest and Paper Association warned on May 25, 1994, that "pulp digester gases containing methanol are vented, and some methanol will also be lost as fugitive air emissions from the wastewater treatment system. Methanol is only one component of these streams; it is not isolated or captured for use or sale."

Without Section 403, numerous industries are at risk of being required to measure and report on countless chemical interactions in waste streams, and to undergo international inspection to verify the accuracy of their data. On May 21, 1997, the American Forest and Paper Association reiterated its concern over the broad scope of the CWC and stated its support for Section 403: "We strongly support the prohibition of requirements under the treaty for chemical byproducts that are coincidently manufactured. Due to the broad nature of the category of 'discrete organic chemicals,' as defined by the treaty, it is critical to recognize that inclusion of coincidental byproducts of manufacturing processes that are not captured or isolated for use or sale would exceed the stated purpose of the CWC."

Section 503. Expedited Judicial Review. Section 503 allows for U.S. citizens to challenge the constitutionality of any provision of the implementing legislation (and, therefore, the CWC). Such a challenge must be given priority in its disposition, and a prompt hearing by a full Court of Appeals sitting en banc must be given to a final order entered by a district court.

In reviewing the constitutionality of legislation, the courts often assume that Congress has exercised its independent judgment and that the legislation in question is constitutional. However, as the legislative history of the CWC makes clear, Congress expressed numerous misgivings about the constitutionality of the CWC (and thus about the implementing legislation required). These concerns were articulated in hearings before the Committees on Foreign Relations and Judiciary, and in correspondence between the Senate, Executive Branch, and U.S. businesses. As has been noted elsewhere, the Senate expressed some specific concerns over the constitutionality of the CWC as conditions in the resolution of ratification. The resolution also included Condition 12, which makes clear that nothing in the CWC authorizes or requires legislation, or any other action prohibited by the Constitution of the United States, as interpreted by the United States.

Many in the Congress are convinced that the Chemical Weapons Convention is incompatible with the Fourth and Fifth Amendment rights of Americans. It therefore is expected that the courts will hold that some, or all, of the CWC and its implementing legislation is unconstitutional and issue the appropriate injunctions.●

AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

Mr. ABRAHAM. Mr. President, as part of the omnibus appropriations bill the Senate today will pass the "American Competitiveness and Workforce Improvement Act." This legislation represents a bipartisan compromise resulting from tough negotiations between the House and the Senate, and between Congress and the White House. The bill will be included in this form rather than being adopted freestanding because of a last minute objection from Senator HARKIN that has prevented it from being brought to the floor on its own. Given the 78 to 20 vote for the American Competitiveness Act prior to the agreement with the White House, and the 288 to 133 vote in the bill's favor just a few weeks ago in the House of Representatives, it is clear the legislation would have passed with overwhelming support in the Senate had it been permitted to come to a separate vote.

I believe that the passage of the American Competitiveness and Workforce Improvement Act today is a great victory for American workers and for the businesses that employ them.

This legislation will protect the competitiveness of American business in the global marketplace and improve economic and career opportunities for American citizens.

Let me start by describing the history of this legislation. This past February, the Senate Judiciary Committee held a hearing at my request to examine high technology labor market needs. We heard from leaders at America's top high technology firms that they simply could not find enough qualified professionals to fill the jobs they needed filled. They also emphasized that many of the individuals they hired on H–1B temporary visas not only filled important jobs, but also typically created jobs for many Americans through their skills and innovations.

At that time, the 65,000 cap on H–1B visas was projected to be reached as early as June. Instead, it was reached the first week of May.

In March, I introduced S. 1723, the American Competitiveness Act, to increase the cap on H–1B visas for foreign born professionals. In April, that bill passed the Senate Judiciary Committee on a 12 to 6 bipartisan vote. Then in May, the bill passed on a 78 to 20 vote of the full Senate.

Some time after that, the House Judiciary Committee passed out an H–1B visa bill as well. However, many who supported the increase in principle found that the House version included so many conditions on the use of H–1B visas that they would have more than negated the benefits of raising the cap. Negotiations ensued between the House and Senate over these provisions, brokered by the leadership of both chambers. The hope was to find a compromise.

In the end, a compromise was reached that retained the core features of the Senate bill but also found common ground with the House by focusing increased attention and requirements on employers, more than 15% of whose workforce are in this country on H–1B visas. The compromise also imposed a fee to be paid by the employer on each visa, the proceeds of which would be used for job training and scholarships.

On account of this last provision, the compromise bill was required to originate in the House. Accordingly, it was incorporated into a proposed amendment, whose text was worked out by me and by House Immigration Subcommittee Chairman SMITH—a proposed amendment which Chairman SMITH was going to offer as a substitute to H.R. 3736, the bill that had passed out of House Judiciary.

As the House was preparing to take that bill up before the August recess, however, the White House issued a public veto threat and listed 15 changes it was seeking to the bill. At that point, I was deputized to attempt to negotiate the remaining issues with the Administration, in consultation with Chairman SMITH and the House and Senate leadership.

After several weeks of negotiations, we reached agreement at 7:00 p.m. on September 23. We and the Administration were able to reach an accommodation on most of the points it had raised. The Administration withdrew the remaining two points, points 6 and 7, that in our view could not be accommodated within the existing structure of the bill and the H–1B program. We instead agreed on a different approach with regard to the concerns underlying these two points, one that focused instead on clarifying current program requirements and toughening sanctions for willful violations of these requirements.

Because the bill was scheduled to be taken up on the House floor the following day, the results of the agreement had to be quickly incorporated into a new substitute amendment to H.R. 3736. The substitute had to be filed by Chairman SMITH that evening before the House went out at 8:30 p.m. so that it could be printed in the CONGRESSIONAL RECORD and be made available for Members to review the following morning. We met this deadline, the amendment was filed, and on September 24 the amendment was adopted and the bill passed by the House with the support of a majority of both the Republican and Democratic caucuses. That bill, with some technical corrections necessitated by a few omissions that resulted from the tight deadline under which the original version was produced, is now incorporated into Title IV of Division C of the Omnibus Appropriations Bill, titled The American Competitiveness and Workforce Improvement Act.

Let me now turn to the reasons why I believe this bill remains needed and indeed timely. Mr. President, throughout this session of Congress I have come to the floor repeatedly to urge that we address the growing shortage of skilled workers for certain positions in our high technology sector. I have done this because I believe that the continued competitiveness of our high-tech sector is crucial for our economic well being as a nation, and for increased economic opportunity for American workers.

The importance of high-tech for our economy is beyond doubt. The importance of high-tech for our economy is beyond doubt. According to the Department of Commerce's Bureau of Economic Analysis, high technology companies contributed over one-quarter of America's real economic growth between 1992 and 1997. Moreover, the declining prices of computers, software, and semiconductors have made a substantial contribution to our nation's low level of inflation, thereby improving the standard of living enjoyed by millions of Americans. Without IT industries to keep prices down, according to the Bureau of Economic Analysis, the inflation rate would have been much higher in 1997—3.1 percent versus the actual level of only 2.0.

But high technology firms are experiencing serious worker shortages. A study conducted by Virginia Tech estimates that right now we have more than 340,000 unfilled positions for highly skilled information technology workers. And, while Department of Labor figures project our economy will produce more than 1.3 million information technology jobs over the next 10 years, estimates are that our universities will not produce nearly that number of graduates in related fields. And this is not only what academic studies are telling us. Firms across the nation and across my home State of Michigan have been clamoring for people to fill these skilled positions.

Of course, this issue is not only about shortages, it is about opportunities for innovation and expansion, since people with valuable skills, whatever their national origin, will always benefit our nation by creating more jobs for everyone.

Mr. President, we want and need American companies to keep and expand major operations in this country. We do not want to see American jobs go overseas. But, if they are to keep their major operations in the United States, firms must find workers here who have the skills needed to fill important positions in their companies.

To make that happen in the long term, we must do more as a nation to encourage our young people to choose high technology fields for study and for their careers. In the long run this is the only way we can stay competitive and protect American jobs.

Through scholarships and job training, the American Competitiveness and Workforce Improvement Act will help us achieve this goal. It will provide money and training to low income students who choose to study subjects, including math, computer science and engineering, that are important to our high-tech economy. In this way the American Competitiveness and Workforce Improvement Act will help bridge the gap between current job skills and the requirements of high paying, important positions in our economy.

However, over the short term, until we are producing more qualified high technology graduates, we must also take other steps to bridge the gap between high technology needs and high technology skills.

We currently allow companies to hire a limited number of highly skilled foreign born professionals to fill essential roles. To do this they must go through a fairly onerous process to get one of the 65,000 "H–1B" temporary worker visas allotted by the INS. Unfortunately, last year our companies hit the 65,000 annual limit at the end of August. This year that limit was hit in May.

This bill, in addition to providing significant incentives for Americans to enter the high technology sector, will temporarily raise the number of H–1B visas available for the next three years. These additional visas will enable companies to find the workers they need to keep facilities and jobs in the United States, and keep our high-tech industry competitive in the global marketplace.

The legislation also includes a number of provisions ensuring that companies will not replace American workers with foreign born professionals, including increased penalties and oversight, as well as measures eliminating any economic incentive to hire a foreign born worker if there is an American available with the skills needed to fill the position.

I would like to thank the members of my staff who worked long hours negotiating this compromise. I would also especially like to express my personal gratitude to my colleagues for their support for this important legislation. I would like to thank in particular Majority Leader LOTT, Senator HATCH, Senator MCCAIN, Senator GRAMM, Senator GORTON, Senator LIEBERMAN, and Senator GRAHAM, as well as the many cosponsors of the bill, for their crucial support at key moments in this process. I am also grateful to Senator KOHL and Senator FEINSTEIN for their support for this legislation in Committee. Finally, I would like to thank the Subcommittee's Ranking Member, Senator KENNEDY, for the cooperation he showed in moving forward this piece of legislation despite disagreement with some aspects of the bill's content.

In the House, I would like to extend special thanks to Speaker GINGRICH, Majority Leader ARMEY, and Chairman SMITH for helping to reach a compromise that has achieved a true consensus on this issue. Representatives DAVID DREIER, JIM ROGAN and DAVID MCINTOSH also provided leadership and help at significant junctures in this process and I am also grateful for their important efforts.

Because much of this legislation was developed after the conclusion of the regular Committee process, I have also prepared an explanatory document that performs the function commonly performed by the Committee Report of describing the legislation and the purpose and interrelationship of its various provisions in detail. I ask unanimous consent that this document be printed in the RECORD, along with a few pages of other materials to which the document makes reference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998

SECTION 401. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT

This section specifies the short title, the "American Competitiveness and Workforce Improvement Act of 1998," the table of contents for the legislation, and the rule that unless otherwise specified, the legislation amends the Immigration and Nationality Act.

Subtitle A

Subtitle A contains the changes the legislation is making to current law regarding H-1B visas.

SECTION 411. TEMPORARY INCREASE IN ACCESS TO TEMPORARY SKILLED PERSONNEL UNDER H–1B PROGRAM

This section specifies the new ceilings for these visas: 115,000 in FY 1999 and 2000, 107,500 in FY 2001, and 65,000 thereafter.

SECTION 412. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS IN CASE OF H–1B DEPENDENT EMPLOYERS

This section adds new statements that must be included on certain H–1B applications and other provisions relating to these new statements and related aspects of the H–1B program.

Subsection 412(a) amends section 212(n)(1) of the Immigration and Nationality Act to add three new statements and provisions relating to these statements that must be included on applications for H–1B visas filed by certain employers on behalf of certain H–1B nonimmigrants. Subsection 412(b) contains various definitions relating to the new statement requirements. Given the close nexus between these two subsections, they are discussed here together, so as to allow the discussion of the substantive provisions to be illuminated by the discussion of the definitions.

1. The "non-displacement" attestation. Subsection (a)(1) first adds a new "non-displacement" attestation by amending section 212(n)(1) of the Immigration and Nationality Act to add a new subparagraph (E)(i). This provision requires a covered employer to state that its hiring of the H–1B worker is not displacing a U.S. worker. The term "displace" is defined in new subparagraph (4)(B) of section 212(n), added by section 412(b) of this legislation. That paragraph states that an employer "displaces" a U.S. worker to hire the H–1B if it lays off a U.S. worker with substantially the same qualifications and experience who was doing essentially the same job the H–1B worker is being brought in to do. This is a slight change from a similar definition used in a related context in an earlier version of this legislation passed by the Senate, which imposed heightened penalties for a willful violation of the prevailing wage attestation where the employer had "replace[d]" the U.S. worker with an H–1B nonimmigrant. In that context S. 1723 defined "replace" as employment of the H–1B nonimmigrant "at the specific place of employment and in the specific employment opportunity from which a United States worker with substantially equivalent qualifications and experience in the specific employment opportunity has been laid off."

The current definition defines "displace" as employment of the nonimmigrant in a job "that is essentially the equivalent of the job" from which the U.S. worker has been laid off. The reason for the change from the original Senate language is that it was thought desirable to include within the scope of this prohibition situations where an employer sought to evade this prohibition by laying off a U.S. worker, making a trivial change in the job responsibilities, and then hiring the H–1B worker for a "different" job. This language is designed to be broad enough to cover those situations as well. For similar reasons, especially given the nature of the jobs in question, the geographical reach of the prohibition was extended so as potentially to cover other worksites within normal commuting distance of the worksite where the H–1B is employed. This was to cover the eventuality that an employer might try to evade this prohibition by laying off a U.S. worker, hiring an H–1B worker to do that person's job, but assigning the H–1B worker to a different worksite very close by in order to conceal what was going on.

At the same time, however, the final version of this language is significantly narrower than the original language proposed by the House, which sought to prohibit not only one-to-one replacements of laid off U.S. workers with H–1Bs, but the hiring of any H–1B with similar qualifications to those of any recently laid off U.S. worker. As a result, the original definition of "displace" in the House did not contain the key phrase "from a job that is essentially the equivalent of the job for which the [H–1B worker] is being sought." That phrase was added to make clear that this provision is not intended to be a generalized prohibition on layoffs by covered employers seeking to bring in covered H–1Bs, but rather a prohibition on a covered employer's replacing a particular laid-off U.S. worker with a particular covered H–1B.

It should be noted that the language used here is deliberately different from that used in H.R. 2759, another piece of legislation that we may pass today. That legislation authorizes aliens to come in on temporary visas as nurses under certain circumstances. In order to bring an alien in on such a visa, a facility must attest that it has not laid off another registered nurse within the ninety days preceding or following the filing of the visa petition. That language was chosen there instead of the language used here because in that instance the sponsors of that legislation were interested in doing more than preventing the replacement of a particular U.S. nurse with a nurse holding such a visa. Rather in that instance the desire was to prevent the use of the visas by a facility that had laid off any registered nurses within the relevant time period. Hence the sponsors deliberately rejected the language used here forbidding only one-for-one displacement in favor of broader language.

The language in the final version of this bill does allow the Department of Labor to pursue instances where an employer has in fact laid off a U.S. worker and hired an H–1B worker to do the U.S. worker's job, but is attempting to conceal that fact with a slight change in job responsibilities or by placing the H–1B worker at a different worksite. It is not, however, intended to go beyond that. Hence, it does not empower the Department of Labor to find a violation of this clause unless an H–1B worker is being brought in to replace a particular laid-off U.S. worker and do that particular U.S. worker's job. It should also be noted that under new paragraph (E)(i), in order to qualify, the displacement has to have occurred within 90 days before or after filing the H–1B petition. This was viewed as the outer limit for how long an employer might leave open a job previously held by a U.S. worker whom the employer intended to replace with an H–1B worker, or how long the employer might retain the U.S. worker while also hiring the H–1B worker. In most instances, to constitute a genuine instance of replacement; the layoff and hiring would be expected to occur closer in time.

Finally, the definition of "lays off" set out in new subparagraph (3)(D) of 212(n) (added by section 412(b) of this legislation) hews closely to the language contained in the original Senate version of this legislation, with two minor changes. First, while continuing to exclude the expiration of a temporary employment contract from the definition, the final version clarifies that the expiration of such a contract will be treated as a layoff if an employer enters into such a contract with the specific intent of evading the anti-displacement attestations contained in new paragraphs (E) and (F) of subsection 212(n)(1). Second, the final version notes that its definition of layoff is not intended to supersede the rights employees may have under collective bargaining agreements or other employment contracts. By the same token, of course, the fact that an employee may have protection under a collective bargaining agreement or other employment contract against some of the grounds for termination listed as exceptions to the definition of "lays off" in this legislation has no consequence for purposes of determining whether an employer has violated the displacement attestation. Rather, the employee's remedies for breach of the agreement or contract remain as they were under the agreement, contract, and pre-existing law, and are neither expanded nor contracted by 212(n)(3)(D). In other words, whether a layoff does or does not violate such an agreement has no bearing on whether it is within or outside the definition set out in 212(n)(3)(D) (and hence has no bearing on whether it is actionable by the Secretary of Labor under her authorities to enforce the "no displacement" attestation). Conversely, the fact that a layoff is outside the definition set out in 212(n)(3)(D) has no bearing on whether it violates a collective bargaining agreement or other employment contract and hence on whether it is actionable by the employee using the remedies available under other laws for such violations.

In determining whether or not a U.S. worker has been offered a "similar employment opportunity" as an alternative to loss of employment, and hence has not been laid off, it is the intent of Congress that the determination of similarity take into account factors such as level of authority and responsibility to the previous job, level within the overall organization, and other similar factors, but that it not include the location of the job opportunity.

If an employer asserts that it should not be held liable for a violation of the displacement attestation because a U.S. worker lost his or her employment as the basis for an employee's loss of employment one of the listed exceptions, it is Congress's expectation that if the Secretary disputes that, she would have the burden of disproving the employer's assertion.

2. The "secondary non-displacement" attestation. Section 412(a) next adds a "secondary non-displacement" attestation by amending section 212(n)(1) of the Immigration and Nationality Act to include a new subparagraph (F). This attestation requires a covered employer to pledge to make certain inquiries before placing a covered H–1B worker with any other employer where the H–1B worker would essentially be functioning as an employee of the other employer. The requirement that there be "indicia of employment" between the employer with whom the covered employer is placing the covered H–1B worker and the H–1B worker is intended to operate similarly to the provisions in the Internal Revenue Code in determining whether or not an individual is an employee.

In particular, the covered employer must promise to inquire whether the other employer will be using the H–1B worker to displace a U.S. worker whom the other employer had laid off or intends to lay off within 90 days of the placement of the H–1B worker. The covered employer must also state that it has no knowledge that the other employer has done so or intends to do so.

Making the required inquiries will not insulate a covered employer from liability should the secondary employer with which the covered employer is placing the covered H–1B worker turn out to have displaced a U.S. worker from the job that it has contracted with the covered employer to have the H-1B worker fill. That is why subsection 412(a)(2) of this legislation adds a new requirement to section 212(n)(1) that the application contain a clear statement regarding the scope of a covered employer's liability with respect to a layoff by a secondary employer with whom the covered employer places a covered H-1B worker. If the covered employer does make the required inquiries and obtains no information that would lead it to believe that the secondary employer has used the H-1B worker to displace a U.S. worker, however, that should weigh heavily in favor of the covered employer's not having knowledge or reason to know of the secondary employer's actions for purposes of the penalty provisions associated with this attestation specified in new subparagraph (E) of section 212(n)(2) (added by section 413(c)).

This provision uses the same definitions of "displace," "lays off," and other definitions as those used by the primary non-displacement attestation.

3. The "recruitment" attestation. The last new required statement added by section 412(a) is the "recruitment" attestation, to be set out in new subparagraph (G) of section 212(n)(1). It requires a covered employer to state that it has taken good faith steps to recruit U.S. workers for the job for which it is seeking the H-1B worker, and has offered the job to any equally or better qualified U.S. worker.

This provision allows employers to use normal recruiting practices standard to similar employers in their industry in the United States; it is not meant to require employers to comply with any specific recruiting regimen or practice or to confer any authority on DOL to establish such regimens by regulation or guideline. Further, it is the intent of Congress that this provision not require an employer to set aside its normal standards for selection and recruitment of employees, including, but not limited to, legitimate objective criteria and legitimate subjective criteria such as past job performance, attitude, personal presentation or others, as long as the employer does not intentionally discriminate against any applicant based on that applicant's immigration status, citizenship status, or country of nationality in the course of applying these criteria.

This intention is further spelled out in section 412(a)(3) of this legislation. That section adds language at the end of section 212(n)(1) that states explicitly that the recruitment attestation is not to be construed to preclude an employer from using "legitimate selection criteria relevant to the job that are normal or customary to the type of job involved." The purpose of this language is to make clear that an employer may use ordinary selection criteria in evaluating the relative qualifications of an H-1B worker and a U.S. worker. It is intended to emphasize that the obligation to hire a U.S. worker who is "equally or better qualified" is not intended to substitute someone else's judgment for the employer's regarding the employer's hiring needs. Rather, the employer remains free to use ordinary hiring criteria, whether subjective or objective, in deciding who in the employer's view is the right person for the job. Moreover, its judgment as to what qualifications are relevant to a particular job is entitled to very significant deference.

At the same time, this rule of construction is intended to insure that U.S. workers are given a fair chance at any job, rather than being turned down as a result of prejudice a particular employer may have against U.S. workers. It is not intended to allow an employer to impose spurious hiring criteria with the intent of discriminating against U.S. applicants in favor of H-1Bs and thereby subvert employer obligations to hire an equally or better qualified U.S. worker.

The provision is, however, intended to insure that a properly deferential and latitudinous understanding of the notion of relevant qualifications is used in interpreting these provisions. In that regard, it is emphatically not Congress's intention to invite the kind of elaborate scrutiny of selection criteria and the accompanying "validation" machinery that has developed under "disparate impact" analysis of such criteria under Executive Order 11246 and Title VII of the Civil Rights Act of 1964. Given the absence of any kind of record that employers use hiring criteria as a covert mechanism for preferring non-U.S. workers, such an analysis would make no sense in this context. That is why the bill deliberately avoids terms like "job-related," "related to the job", or the "use" of selection criteria to discriminate.

Rather, what is intended is a commonsensical approach, under which an employer does not have to prove that ordinary selection criteria such as class rank, a degree from a superior school, people skills, recommendations from former employers, or qualities such as dependability are a legitimate basis on which to prefer one applicant over another. Likewise, the employer need not prove that a particular qualification or skill that it is looking for and that in a common-sense world would obviously be relevant, helpful, or useful to doing a job is necessary or indispensable in order to be able to consider that qualification or skill in its selection decisions. Additionally, business reasons such as the relative salary demands of competing candidates may also legitimately be considered, although only, of course, to the extent consistent with the employer's obligation under section 212(n)(1)(A) to pay the higher of prevailing or actual wage. For similar reasons, the intent is not to require employers to retain extensive documentation in order to be able retroactively to justify recruitment and hiring decisions, provided that the employer can give an articulable reason for the decisions that it actually made.

4. Employers and H-1B workers covered by the new statements. Section 412(a) of this legislation adds a new subparagraph (E)(ii) to section 212(n)(1) which specifies which employers have to include the new statements on their applications. There are two categories of covered employers: (1) "H-1B dependent" employers and (2) employers who, after enactment of the Act, have been found to have committed a willful failure to meet a condition set out in section 212(n)(1) or a willful misrepresentation of material fact on a labor condition attestation.

The first category, "H-1B dependent" employers, is defined in new paragraph (3)(A) of section 212(n), added by section 412(b) of this legislation. Under that definition, an employer is H-1B dependent if it has 51 or more full-time equivalent employees, 15% or more of whom are H-1B workers. Employers with 25 or fewer full-time equivalent employees are H-1B dependent if they have more than 7 H-1B employees, and employers with between 26 and 50 full-time equivalent employees are H-1B dependent if they have more than 12 H-1B employees.

The second category of covered employers is those who have been found to have committed a willful failure or a willful misrepresentation under 212(n)(2)(C) or 212(n)(5). These employers must include the new statements on their applications for five years after the finding of violation. Of course, in order to trigger coverage, the finding of willful violation must have been made in a manner consistent with the other procedural requirements in the Act, including the prohibition on the investigation of complaints or other information provided more than 12 months after the alleged violation, see 212(n)(2)(A) and 212(n)(2)(G)(v). Thus, this provision confers no superseding authority for DOL to take action with respect to violations outside that time period.

Under new subparagraph (E)(ii) of 212(n)(1), employers required to include the new statements on their applications are excused from doing so on applications that are filed only on behalf of "exempt" H-1B nonimmigrants. An "exempt" H-1B nonimmigrant is defined in new paragraph (3)(B) of section 212(n) (added by section 102(b) of this legislation) as one whose wages, including cash bonuses and other similar compensation, are equal to at least $60,000 or who has a master's or higher degree (or its equivalent). In determining whether an employer is H-1B dependent, under new paragraph (3)(C) (also added by section 412(b) of this legislation), these exempt H-1Bs are excluded from both the numerator and denominator in the calculation of the percentage (or, in the case of employers with 50 or fewer full-time equivalent employees, from the count of both total full-time equivalent employees and the count of H-1Bs) for the first six months after enactment, or until promulgation of final regulations, whichever is longer.

Finally, subparagraph (E)(ii) specifies that the requirement to include the new statements on applications applies only to applications filed before October 1, 2001.

Subsection 412(c) authorizes employers to post information relating to H-1Bs electronically. This provision is intended to allow employers a choice of methods for informing their employees of the sponsorship of an H-1B nonimmigrant. An employer may either post a physical notice in the traditional manner, or may post or transmit the identical information electronically in the same manner as it posts or transmits other company notices to employees. Therefore, use of electronic posting by employers should not be restricted by regulation.

Subsection 412(d) makes the new attestation requirements effective on the date of issuance of final regulations to carry them out, and the associated definitions and the new posting provision effective upon enactment.

Subsection 412(e) allows the Secretary of Labor and the Attorney General to reduce the period for public comment on proposed regulations to no less than 30 days.

SECTION 413. CHANGES IN ENFORCEMENT AND PENALTIES

This section specifies the penalty structure for failures to meet the new labor conditions added by section 412. It also raises penalties for willful failures to meet existing labor conditions, and imposes a special penalty for a willful violation of such a condition in the course of which an employer displaces a U.S. worker. It also clarifies that certain kinds of employer conduct constitute a violation of the prevailing wage attestation, and that other kinds of employer conduct are also prohibited in the context of the H-1B program. Finally, it grants certain new authorities to the Secretary of Labor and establishes a special enforcement mechanism administered by the Attorney General to address alleged violations of the selection portion of the recruitment attestation.

Subsection 413(a) sets out a new version of 212(n)(2)(C) of the Immigration and Nationality Act, the provision currently specifying the penalties for certain failures to meet labor conditions. In that subparagraph as amended, clause (i) specifies the penalties for a failure to meet a condition of paragraph (1)(B) (strike or lockout) or a substantial failure to meet a condition of paragraph (1)(C) (posting) or (1)(D) (contents of application), or a misrepresentation of material fact. These remain as they are under current law: administrative remedies including a $1000 fine per violation and a one-year debarment. The clause also specifies that these penalties also apply to a failure to meet a condition of new paragraphs (1)(E) or (1)(F) (the non-displacement attestations) and to a substantial failure to meet a condition of new paragraph (1)(G)(i)(I) (good faith recruitment). The Secretary should consider an employer's compliance with the H-1B program as a whole in determining whether a "substantial failure" has occurred.

New clause (ii) of section 212(n)(2)(C) sets out the new increased penalties for willful failures to meet any condition in paragraph (1), willful misrepresentations of material fact, or violations of new clause (iv) prohibiting retaliation against whistleblowers. These consist of administrative remedies including a $5000 civil fine per violation and a 2 year debarment.

New clause (iii) sets out a further enhanced penalty for willful failures to meet a condition of paragraph (1) or willful misrepresentations of material fact in the course of which failure or misrepresentation the employer displaced a U.S. worker within 90 days before or after the date of the filing of the visa petition for the H-1B worker by whom the U.S. worker was displaced. This penalty consists of administrative remedies including a $35,000 per violation civil fine and a three year debarment.

The rationale for this new penalty is that there have been expressions of concern that employers are bringing in H-1B workers to replace more expensive U.S. workers whom they are laying off. Current law, however, requires employers to pay the higher of the prevailing or the actual wage to an H-1B worker. Thus, the only way an employer could profitably be systematically doing what has been being suggested is by willfully violating this obligation. Otherwise, the employer would have no economic reason for preferring an H-1B worker to a U.S. worker as a potential replacement. Thus, the new penalty set out in new clause (iii) is designed to assure that there are adequate sanctions for (and hence adequate deterrence against) any such conduct by imposing a severe penalty on a willful violation of the existing wage-payment requirements in the course of which an employer "displaces" a U.S. worker with an H-1B worker.

At the same time, Congress chose not to make the layoff itself a violation. The reason for this is that there are many reasons completely unconnected to the hiring of H-1B workers why an employer may decide to lay off U.S. workers: for example, because it decides to discontinue a product line that is losing money, because it is inefficient to maintain an office in a particular location, or because it has decided to refocus on other aspects of its business. Congress did not want to turn these legitimate business decisions into investigable, let alone punishable events. Accordingly, it is important to understand that unlike the new attestation requirements imposed by the amendments to section 212(n)(1), clause (iii) of section 212(n)(2)(C) provides no new independent basis for DOL to investigate an employer's layoff decisions. The only point at which DOL can do so pursuant to clause (iii) is after it has already found that the employer has committed a willful violation of one of the pre-existing labor condition attestations.

Thus, just as was the case before enactment of clause (iii), to be actionable by DOL in the first instance, except where an employer has executed one of the new attestations added to section 212(n)(1), an allegation must provide reasonable cause to believe not that an employer has displaced a U.S. worker with an H-1B worker but that an employer has violated one of the pre-existing attestations (and, of course, the other procedural requirements for initiation of an investigation must be satisfied as well). Clause (iii) comes into play only after DOL has found that an employer has committed such a violation, and after it has been found to be willful. At that point, and not before, provided that there is reasonable cause to believe that an employer had also displaced a U.S. worker in the course of committing that violation, it would be proper for DOL to investigate, but only in order to ascertain what penalty should be imposed. The definitions concerning "displacement" and the like, set out in new 212(n)(3) and 212(n)(4) of the Immigration and Nationality Act, and discussed in the previous portion of this section-by-section analysis dealing with the amendments to that Act made by section 412 of this legislation, apply in this context as well.

The "administrative remedies" all these clauses refer to (as well as those referred to in new subparagraph 212(n)(5)(E) added by subsection 413(b) of this Act) are unchanged from the "administrative remedies" the current version of 212(n)(2)(C) makes available. It should be noted that these do not include an order to an employer to hire, reinstate, or give back pay to a U.S. worker as a result of any violation an employer may commit. In current law, the Secretary's authority to issue an order for back pay even with respect to H-1B workers who are not paid the prevailing wage does not come from the "administrative remedies" authority granted in 212(n)(2)(C) but from a separate provision, 212(n)(2)(D), specifically authorizing the issuance of "order[s] . . . for payment of such amounts of back pay as may be required to comply with the requirements of paragraph (1), whether or not a penalty under subparagraph (C) has been imposed." That subparagraph would have been worded quite differently if the authority it granted was already included in the "administrative remedies" authority granted under subparagraph (C).

This construction of the phrase is reinforced by the fact that suggestions from a number of quarters, including the Administration, that the Secretary should be granted the authority to issue orders of this type with respect to U.S. workers, were advanced and ultimately rejected in the final version of this legislation. In the course of negotiations leading to the bill currently before the Senate, the Administration ultimately was forced to accept the reality that authority of this type could not be conferred without radically transforming the way this program operates and indicated that acceptance by withdrawing its demand for this authority in favor of other concessions. The relevant documents from the Administration demonstrating this are submitted for the record following this statement. As can be seen, the initial document contains a point 7 seeking this authority, and that point 7 is crossed out in the later document. The reason suggestions for inclusion of this type of authority were ultimately rejected was the sense that they would end up transforming the traditional enforcement model used for the current program into something more resembling a new font of civil employment litigation.

New clause (iv) essentially codifies current Department of Labor regulations concerning whistleblowers. It is included not in order to change current standards concerning when a person has been the victim of retaliation, but because the source of statutory authority for the current regulations is somewhat unclear.

New clause (v) is intended to complement clause (iv) by directing the Secretary of Labor and the Attorney General to devise a process to make it easy for someone who has filed a complaint under clause (iv) to seek a new job. It is contemplated that this process would be expeditious and easy to use, so that the employee does not need to wait for a new employer to obtain approval for a new petition in order to change jobs in these circumstances.

New clause (vi)(I) prohibits employers from requiring H-1B workers to pay a penalty for leaving an employer's employ before a date agreed to between the employer and the worker. It directs that the Secretary is to decide the question whether a required payment is a prohibited penalty as opposed to a permissible liquidated damages clause under relevant State law (i.e. the State law whose application choice of law principles would dictate). Thus, this section does not itself create a new federal definition of "penalty", and it creates no authority for the Secretary to devise any kind of federal law on this issue, whether through regulations or enforcement actions. If the Secretary determines that a required payment is a prohibited penalty under governing State law, however, under this provision, it is also a violation of new clause (vi)(I), and the Secretary may take action under new subclause (vi)(III).

New clause (vi)(II) prohibits employers from requiring H-1B workers to reimburse or otherwise compensate employers for the new fee imposed under new section 214(c)(9), or to accept such reimbursement or compensation.

New clause (vi)(III) specifies that the penalty for violating subclauses (I) or (II) is a civil monetary penalty of $1,000 per violation and the return to the H-1B worker (or to the Treasury, if the H-1B worker cannot be located) of the required payment made by the worker to the employer.

New clause (vii) addresses an issue known colloquially as "benching." This issue involves a practice under which an employer brings over an H-1B worker on the promise that the worker will be paid a certain wage, but then pays the worker only a fraction of that wage because the employer does not have work for the H-1B worker to do. There is a shortage of evidence on the extent to which employers are engaging in this practice. The anecdotal information suggests that to the extent employers are engaging in it, they are likely principally to be contractors who hire out their employees to other employers for particular projects.

Subclause (I) clarifies that this practice of "benching" is a violation of the employer's obligation to pay the prevailing or actual wage. It is the intent and understanding of Congress that this includes an obligation to provide the full benefits package that the employer would provide to a U.S. worker as required under clause (viii) discussed below.

Subclause (II) further clarifies that in the case of an H–1B worker designated as a part-time employee on a visa petition, an employer commits this violation by failing to pay the H–1B worker for the number of hours, if any, the employer has designated on the petition at the rate of pay designated on the petition. Nothing in subclause (II) is intended to preclude H–1B employment on a part-time or as-needed basis, so long as that is the understanding on which the H–1B employee was hired, or to impose or authorize the Secretary of Labor or the Attorney General to impose any new requirement that the employer designate in advance the hours a part-time H–1B employee is expected to work. Additionally, nothing in subclauses (I) or (II) is intended to give the Department of Labor the authority to reclassify an employee designated as part-time as full-time based on the employee's actual workload after the employee begins employment. Finally, of course, nothing in clause (vii) is intended to prohibit an employer from terminating an H–1B worker's employment on account of lack of work or for any other reason.

Subclause (III) describes the manner in which the provisions of subclauses (I) and (II) apply to an employee who has not yet entered into employment with an employer. In such cases, the employer's obligation is to pay the H–1B worker the required wage beginning 30 days after the H–1B worker is first admitted, or in the case of a nonimmigrant already in the United States and working for a different employer, 60 days after the date the H–1B worker becomes eligible to work for the new employer. If a change of status or other formalities beyond approval of the petition are required in order for the latter nonimmigrant to be eligible to work for the employer, the 60 days begin to run on the date that the last formality necessary to make the H–1B worker eligible to work for the employer has been completed.

Subclause (IV) makes clear that an employer does not commit a violation of the prevailing/actual wage attestation by granting an H–1B worker a period of unpaid leave or reduced pay for reduced hours worked at the request of the H–1B worker. Thus, H–1B employees taking unpaid leave for other reasons, i.e. leave under the Family and Medical Leave Act or other corporate policies, annual plant shutdowns for holidays or retooling, summer recess or semester breaks, or personal days or vacations, should not be considered "benched." It is possible, of course, that the employer might violate some other law, either State or federal, by failing to pay an H–1B worker for leave time, if that law requires employers to pay workers for such leave periods. It is also possible that the employer might violate new clause (viii) of section 212(n)(2)(C), discussed below, if it would ordinarily offer similarly situated U.S. workers paid leave and is singling out the H–1B worker for denial of this benefit. Hence the inclusion of subclause (VI), which makes clear that the fact that a practice is within an exception covered by this subclause does not insulate it from challenge under clause (viii). If the leave is requested by the H–1B worker, however, it does not present a clause (vii) issue.

Subclause (V) is intended to make clear that a school or other educational institution that customarily pays employees an annual salary in disbursements over fewer than 12 months may pay an H–1B worker in the same manner without violating clause (vii), provided that the H–1B worker agrees to this payment schedule in advance. Because Congress is not aware of all the possible kinds of legitimate salary arrangements that employers may establish, the situation covered by subclause (V) may be merely illustrative of other kinds of legitimate salary arrangements under which an employee's rate of pay may vary. Accordingly, so long as an H–1B worker is not being singled out by such a salary arrangement, it is not Congress's intent that such a salary arrangement be treated as suspect under or violative of clause (vii) merely because there is no special provision like subclause (V) addressing it. To the contrary, if it is an arrangement that the employer routinely uses with U.S. employees as well as H–1B workers, it should be treated as presumptively not a violation of that clause.

Clause (viii) adds an additional clarification concerning an employer's obligations under the attestation set forth in 212(n)(1)(A). It states that it is a violation of those obligations for an employer to fail to offer benefits and eligibility for benefits to H–1B workers on the same basis, and in accordance with the same criteria, as the employer offers benefits and eligibility for benefits to U.S. workers. This obligation is only an obligation to make benefits available to an H–1B worker if an employer would make those benefits available to the H–1B worker if he or she were a U.S. worker. Thus, if an employer offers benefits to U.S. workers who hold certain positions, it must offer those same benefits to H–1B workers who hold those positions. Conversely, if an employer does not offer a particular benefit to U.S. workers who hold certain positions, it is not obligated to offer that benefit to an H–1B worker. Similarly, if an employer offers performance-based bonuses to certain categories of U.S. workers, it must give H–1B workers in the same categories the same opportunity to earn such a bonus, although it does not have to give the H–1B worker the actual bonus if the H–1B worker does not earn it. While this clause is not intended to require that H–1B workers be given access to more or better benefits than a U.S. worker who would be hired for the same position, it does not forbid an employer from doing so. For example, an employer might conclude that it will pay foreign relocation expenses for an H–1B worker whereas it will not pay such relocation expenses for a U.S. worker.

Clause (viii)'s phrasing of the employer's duty as an obligation to provide "benefits and eligibility for benefits", rather than just one or the other, was chosen to protect against two eventualities. On the one hand, it would not be proper for an employer to make an H–1B worker "eligible" for benefits on the same basis as its U.S. workers but then proceed to actually provide them to its U.S. workers but never provide them to the H–1B worker. While this construction of an obligation to make a person "eligible" for a benefit may seem a little strained, sufficient concerns were expressed about this possibility that it seemed worth eliminating any ambiguity on the point by including the first prong of the obligation. On the other hand, in order actually to receive many kinds of benefits, employees are frequently required to take some kind of action on their end, whether to select a plan, to provide partial payment for the benefits, to work for the employer for a certain period of time, or to perform at a high level. The actual provision of other kinds of benefits may also turn on other contingencies, such as, in the case of some kinds of bonuses and stock options, the company's year-end performance. Accordingly, the core obligation that makes sense with respect to many benefits is an obligation to make H–1B workers "eligible" for them. Finally, the obligation is to make the H–1B worker eligible "on the same basis, and in accordance with the same criteria" as U.S. workers. Thus, in determining whether an employer is meeting this obligation, care must be taken to find the right U.S. worker to whom to compare the H–1B worker in terms of access to benefits.

A few examples are useful in understanding this important principle. If a particular benefit is available only to an employer's professional staff, then it only need be made available to an H–1B filling a professional staff position. If an employer's practice is not to offer benefits to part-time or temporary U.S. workers, then it is not required to offer benefits to part-time H–1B workers or temporary H–1B workers employed for similar periods. If an employer's practice is to have its U.S. workers brought in on temporary assignment from a foreign affiliate of the employer remain on the foreign affiliate's benefits plan, then it must allow its H–1B workers brought in on similar assignments to do the same. Likewise, in that instance, it need not provide the H–1B workers with the benefits package it offers to its U.S. workers based in the U.S. Indeed, even if it does not have any U.S. workers stationed abroad whom it has brought in in this fashion, it should be allowed to keep the H–1B worker on its foreign payroll and have that employee continue to receive the benefits package that other workers stationed at its foreign office receive in order to allow the H–1B worker to maintain continuity of benefits. In that instance, the basis on which the worker is being disqualified from receiving U.S. benefits (that he or she is receiving a different benefits package from a foreign affiliate) is one that, if there were any U.S. workers who were similarly situated, would be applied in the same way to those workers. Hence the H-1B worker is being treated as eligible for benefits on the same basis and according to the same criteria as U.S. workers. It is just that the criterion that disqualifies him or her happens not to disqualify any U.S. workers. Or to put the point a little differently: the H–1B worker is being given different benefits from the U.S. workers not because of the worker's status as an H–1B worker but because of his or her status as a permanent employee of a foreign affiliate with a different benefits package.

This provision is not meant to supersede an employer's obligations under other provisions of the law, or its obligations to comply with international agreements governing social security benefits, taxes, retirement plans or other similar benefits. Finally, this provision does not require an employer to offer benefits or any particular category of benefits to its H–1B workers (or anyone else) if its practice is not to offer benefits or the particular category of benefits to its similarly situated U.S. workers.

Section 413(b) adds a new paragraph (5) at the end of 212(n) that sets out the exclusive remedial mechanism for alleged violations of the selection portion of the recruitment attestation set out in new paragraph 212(n)(1)(G)(i)(II) or any alleged misrepresentations relating to that attestation. It also contains a savings clause that states that it should not be construed to affect the Secretary or the Attorney General's authorities with respect to other violations. This was to address the possible case where evidence tending to establish a violation of the selection attestation also tends to establish a violation of some other attestation. This savings clause, however, is not meant to serve as a backdoor way around the exclusivity of the remedy set out in 212(n)(5) for a violation of the selection attestation itself. It should also be noted that by setting up separate mechanisms, one lodged at Labor concerning recruitment and one lodged at Justice concerning selection, this provision contemplates that the two different kinds of violations be handled differently. Thus, it does not contemplate, for example, recharacterizing a "failure to select" complaint as a "failure to recruit in good faith" and then using the enforcement regime for the latter category of violations to pursue what in fact is a "failure to select" complaint. Moreover, it is unlikely that evidence tending to establish a violation of the selection attestation would tend to establish a violation of the recruitment attestation, since such evidence, whatever else it would tend to prove, would tend to prove that the employer had made sufficient efforts to recruit that others applied for the job. Finally, it should be noted that nothing in this section should be construed to give the Attorney General or the Department of Labor any authority to write regulations or guidelines concerning permissible and impermissible selection criteria or mechanisms for determining when such selection criteria are permissible or impermissible.

Under the enforcement scheme set up by paragraph (5), any person aggrieved by an alleged violation of 212(n)(1)(G)(i)(II) or a related misrepresentation who has applied in a reasonable manner for the job at issue may file a complaint with the Attorney General within 12 months of the date of the violation or misrepresentation. The Attorney General is charged with establishing a mechanism for pre-screening such a complaint to determine whether it provides reasonable cause to believe that such a violation or misrepresentation has occurred. If the Attorney General does find reasonable cause, she is charged with initiating binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the Service's roster.

The arbitrator is to be selected in accordance with the procedures and rules of the Service. He or she should have experience with personnel decisions in the industry to which the employer belongs, unless for some reason this is not possible. The fees and expenses for the arbitrator are to be paid by the Attorney General.

The arbitrator is charged with deciding whether the alleged violation or misrepresentation occurred and whether, if it occurred, it was willful. The complainant has the burden of establishing such violation or misrepresentation by clear and convincing evidence. If the complainant alleges that the violation or misrepresentation was willful, the complainant also has the burden of establishing that allegation under the same standard. This standard was selected in order to avoid the risk that the arbitrator could otherwise end up simply substituting the arbitrator's judgment for the employer's concerning the relative qualifications of potential employees. The arbitrator's decision should likewise pay careful heed to the rule of construction set forth at the end of section 212(n)(1).

The arbitrator's decision is subject to review by the Attorney General only to the same extent as arbitration awards are subject to vacation or modification under 9 U.S.C. 10 or 11, and to judicial review only in an appropriate court of appeals on the grounds described in 5 U.S.C. 706(a)(2).

The remedies for violations resemble those established for the other violations of the labor condition attestations (administrative remedies including $1,000 fines per violation or $5,000 fines per willful violation and a potential debarment of one year, or two years for a willful violation).

The Attorney General is prohibited from delegating the responsibilities assigned her to anyone else unless she submits a plan for such a delegation 60 days before its implementation to the Committees on the Judiciary of each House of Congress. This is in order to assure that Congress has an adequate opportunity to be involved in the decision regarding where at the Department of Justice the Attorney General plans on lodging this function.

Section 413(c) adds a new section 212(n)(2)(E) describing the liability of an employer who has executed the "secondary non-displacement attestation" for placing a non-exempt H–1B worker with respect to whom it has filed an application containing such an attestation with another employer under the circumstances described in paragraph (1)(F). If the other employer has displaced a U.S. worker (under the definitions used in this legislation) during the 90 days before or after the placement, the attesting employer is liable as if it had violated the attestation. The sanction is a $1,000 civil penalty per violation and a possible debarment. The attesting employer can only receive a debarment, however, if it is found to have known or to have had reason to know of the displacement at the time of the placement with the other employer, or if the attesting employer was previously sanctioned under 212(n)(2)(E) for placing an H–1B nonimmigrant with the same employer. If an employer has conducted the inquiry that it is required to attest that it has conducted before any such placement, and (as that attestation requires) acquired no knowledge of displacement of a U.S. worker in the course of that inquiry, it should ordinarily be presumed not to have known or have reason to know of a displacement unless there is an affirmative showing that it did have such knowledge or reason to know. It should also be noted that an employer can be held liable for such a placement only if it filed an application that contained the "secondary non-displacement attestation," and only with respect to H–1B workers covered by such an application.

Subsection 413(d) adds a new section 212(n)(2)(F) granting the Secretary authority to conduct random investigations of employers found after enactment of this act to have committed a willful violation or willful misrepresentation for five years following the finding.

Subsection 413(e) grants the Secretary limited additional authority with respect to other employers to investigate certain kinds of allegations of failures to comply with labor condition attestations. The Secretary's authority under current law is limited to investigating complaints concerning such violations that come from aggrieved parties. Under the authority granted by new subparagraph (G) of 212(n)(2), added by paragraph (1) of subsection 413(e) of this Act, under certain circumstances the Secretary will also be authorized to investigate for 30 days allegations of willful failures to meet a condition of paragraph (1)(A), (1)(B), (1)(E), (1)(F), or (1)G)(i)(I), allegations of a pattern or practice by an employer of failures to meet such a condition, or allegations of a substantial failure to meet such a condition that affects multiple employees even if those allegations do not come from an aggrieved party.

The rationale for this grant of authority is to make sure that if DOL receives specific, credible information from someone outside the DOL that an employer is doing something seriously wrong but that information comes from someone who is not an aggrieved party, DOL can nevertheless pursue the lead.

In order for the Secretary to exercise the authority granted her under new subparagraph (G), the allegations will have to be based on specific credible information from a source who is likely to have knowledge of an employer's practices of employment conditions or an employer's compliance with the employer's labor condition application. Thus, this provision does not authorize "self-directed" or "self-initiated" investigations by the Secretary. Rather, as specified in clauses (ii) and (iii), an investigation can only be launched on the basis of a communication by a person outside the Department of Labor to the Secretary, or on the basis of information the Secretary acquires lawfully in the course of another investigation within the scope of one of her statutory investigative authorities. The source's identity must also be known to the Secretary. Thus, the Secretary may not rely on anonymous tips in exercising this authority, although she may withhold the source's identity from the employer or others. As clause (iv) states, information received from the employer that the employer is required to file in order to obtain an H–1B visa does not constitute the "receipt of information" under this subparagraph. This is meant to be illustrative rather than exclusive. The same principle would prevent other kinds of information filed by the employer in the course of seeking some other benefit from DOL, such as labor certification, for example, to constitute the "receipt of information" either.

In giving effect to the provisions specifying the kinds of alleged violations that may be investigated under this authority, the purpose of this authority should likewise be taken into account. Thus, for example, a "substantial failure to meet such a condition that affects multiple employees" should not be understood to mean an unintentional posting violation even if it affects many employees. Nor should it be understood to mean a more significant violation but one that affects only a handful of people. Rather, it should be understood to be a violation of a magnitude that warrants the unusual step of committing DOL's resources even though there is no aggrieved complaining party.

Subparagraph (G) also establishes several procedural safeguards to prevent this authority from being abused. First, under clause (i), there must be a finding of reasonable cause to believe that an employer is committing one of the covered violations. Second, the Secretary (or the Acting Secretary, in the case of the Secretary's absence of disability) must personally certify that this requirement and the other requirements of clause (i) have been met before an investigation may be launched. This authority cannot be delegated to anyone else in the Department. Third, as in current law regarding investigations of complaints, the investigation may only last 30 days. Fourth, rather than being a generalized grant of authority to investigate the employer, the Secretary's authority is limited to investigating only the alleged violation or violations. Fifth, under clause (ii), the information provided by the source must be put in writing, either by the source itself or by a DOL employee on behalf of the source. Sixth, under clause (v), the information may not concern a violation that took place longer ago than 12 months, so investigations may not be launched on the basis of stale information. Additionally, under clause (vi), the Secretary is directed to provide notice to an employer of the information that may lead to the launching of an investigation and an opportunity to respond to that information before an investigation is actually initiated.

This last requirement is waivable by the Secretary where the Secretary determines that complying with it will interfere with her efforts to secure compliance by the employer with the H–1B program requirements. That the decision whether to waive it is left to the Secretary's discretion does not mean that it should be made lightly, or that it should be the rule rather than the exception. Rather, it is Congress's expectation that the Secretary will provide the otherwise required notice unless she has a reasonable belief, based on credible evidence, that the employer can be expected to avoid compliance because of the notice. Past, proven willful violations could be such evidence. Congress's belief, however, is that most employers will correct a problem if brought to their attention and it cannot be assumed that simply because allegations have been made that the employer will not do so. The scant number of willful violations that DOL has found in the history of this program suggests that this is likely to be the rule rather than the exception. Thus, in many cases, notice will advance the twin ends of compliance (or a credible explanation demonstrating that the facts do not support the allegations and an investigation is not needed) and the ability to preserve the Secretary's enforcement resources so they can be used on other pressing matters.

Finally, clause (vii) makes clear that after completion of the 30-day investigation, if the Secretary finds that a reasonable basis exists to make a finding that a violation of the type described in clause (i) has occurred, the procedure follows the procedure in existing law, under which the employer is entitled to notice of the finding and an opportunity for a hearing within 60 days. After the hearing, the employer is entitled to a finding by the Secretary not more than 60 days later.

One last point should be noted in regard to this authority. Both this new grant of authority and existing authority to investigate complaints require that DOL have "reasonable cause to believe" that the employer is committing a violation (limited, in the case of the authority granted in new subparagraph (G), to certain kinds of violations). This requirement is meant to track that of the Fourth Amendment. Thus, if an employer believes that DOL does not have the "reasonable cause" required, it is free to refuse to give DOL access to the materials DOL is seeking and put DOL to the test on that point. In other words, Congress's view is that an employer does not waive any Fourth Amendment rights by applying for an H–1B visa or by filing any documents required to obtain one, and that DOL has no authority to use the occasion of the employer's filing such materials to compel such a waiver.

Paragraph (2) of subsection 413(e) sunsets the new DOL investigative authority granted by paragraph (1) on September 30, 2001.

Subsection 413(f) clarifies that none of the enforcement authorities granted in subsection 212(n)(2) as amended should be construed to supersede or preempt other enforcement-related authorities the Secretary of Labor or the Attorney General may have under the Immigration and Nationality Act or any other law.

SECTION 414. COLLECTION AND USE OF H–1B NONIMMIGRANT FEES FOR SCHOLARSHIPS FOR LOW-INCOME MATH, ENGINEERING AND COMPUTER SCIENCE STUDENTS AND JOB TRAINING OF UNITED STATES WORKER

Subsection 414(a) adds a new paragraph at the end of section 214(c) of the Immigration and Nationality Act imposing a $500 fee on employers filing petitions for H–1B nonimmigrants. This fee is to be collected by the Immigration and Naturalization Service. The statute requires that the fee be charged starting on December 1, 1998. INS has informed the Congress that this will give it sufficient time to establish a mechanism for collecting the fee that will not delay the processing of visa petitions. It is the Congress's hope and expectation that INS will establish that system as expeditiously as possible, and will have it in place on December 1. If, however, INS does not have a system up and running for collecting the fee at that time, it is not required or expected to stop accepting, processing, or approving visa petitions. To the contrary, it is expected that it will continue to accept, process, and approve visas without delay while also moving as quickly as possible to put the system for collecting the fee in place.

Under this provision, the fee will be paid by the employer in three circumstances: (1) upon initial application for the nonimmigrant to obtain H–1B status (through change from another status or by securing a visa from abroad); (2) the first time an employer files a petition for the purpose of extending the nonimmigrant's H–1B status; and (3) when a new employer is petitioning for an alien who is already in H–1B status whom the new employer wants to hire away from the H–1B's current employer.

The fee will apply to any petition filed by the same employer that has the effect of extending the nonimmigrant's status for the first time, whether that is its sole purpose or whether it is a dual-purpose petition that both, for example, advises the Immigration and Naturalization Service of a material change in the terms and/or conditions of the alien's employment and extends the alien's stay.

On the other hand, an employer will not have to pay the fee for any extension after a first extension petition filed by that employer. This section is meant to ensure that a single employer not be required to pay the $500 fee more than twice for a single H–1B nonimmigrant. In addition, petitions filed for such purposes as advising the Immigration and Naturalization Service of a material change in the terms and/or conditions of the alien's employment (an amended petition) or to advise the INS of a change in the circumstances of the employer (such as notification of a successor-in-interest following a corporate merger, acquisition or sale), or for assigning an H–1B worker to a new area of employment or to a different legal entity within the employer's corporate structure, will not ordinarily require payment of the fee. To repeat, the only circumstance in which an employer will have to pay the fee for a petition of this type is when the petition also has the effect of extending the alien's status and is the first petition that employer has filed to extend that alien's status.

In addition, even when a prior employer paid the fee, a new employer would be required to pay the fee when it hires an H–1B nonimmigrant who changes jobs or when an H–1B is hired to engage in concurrent employment.

Universities and nonprofit research institutes are exempted from the fee.

Subsection 414(b) amends section 286 of the Immigration and Nationality Act by adding a new subsection (s) requiring the establishment of an account for holding the fees assessed under section 214(c). The new subsection also specifies the distribution of the funds, to be divided among the Workforce Improvement Act (56.3%), a new program established by the Act setting up low-income university scholarships for mathematics, engineering, and computer science administered by the National Science Foundation (28.2%), grants for science and math development for those in kindergarten through 12th grade through existing programs administered by the National Science Foundation (8%), DOL processing and enforcement relating to the H–1B program (6% total), and INS processing of H–1B visas (1.5%).

With respect to the funding for DOL, although the funds are not equally divided by law between the processing and enforcement functions during the first fiscal year, the expectation is that they will be split 50–50 unless DOL determines that it needs to spend more funds on processing in order to get into compliance with the 7 day statutory deadline under which it is supposed to be either certifying an application or rejecting it for incompleteness or obvious inaccuracies. After the first fiscal year, the money is equally split by statute, except that none of the money can be spent on enforcement unless the Secretary certifies that the Department was in substantial compliance with the 7-day deadline during the previous calendar year. At present, DOL is routinely violating this obligation, taking up to a month and sometimes up to three months to certify an application, despite the fact that the task is essentially ministerial. It is time for that to end. Moreover, getting into compliance with this obligation should not be accomplished by diverting resources from labor certifications for the permanent employment program. These are presently routinely taking two years, which is far too long.

The INS funds are designed to enable INS to establish a mechanism for collecting the new fee, to facilitate its revision of its forms and computer systems so as to better enable it to collect the fee and improve its data collection capacity, and to speed up INS's processing time for petitions, which is presently taking up to 3 months. This function should be able to be performed in no more than a month.

Subsection 414(c) uses a portion of the funds deposited in the account established under subsection 104(b) for the Secretary of Labor to provide grants for demonstration projects and programs for technical skills training for both employed and unemployed workers. These projects and programs will be administered through local boards established under section 121 of the Workforce Investment Act of 1998 or regional consortia of local boards.

Through this provision, the Secretary will be able to award grants to innovative programs to train employees to meet the workforce shortage needs in the high-tech industry. By doing so, this legislation works to address our country's long-term employment needs by training American workers to fill these crucial jobs. In addition, the legislation addresses the issue of underemployment by allowing grants to go to training programs for both employed and unemployed workers. A regional consortium of local boards can also apply for grants that will encourage regions to work together to meet their area's unique employment needs and encourage business and community colleges to work together to train that region's workers. These grants will allow the Secretary to support innovative training programs that can serve as models for other training programs around the country to learn from their best practices.

Subsection 414(d) authorizes a low-income scholarship program to be administered by the National Science Foundation. This program would allow the Director of the National Science Foundation to award scholarships to low-income students pursuing an associate, undergraduate or graduate level degree in mathematics, engineering, or computer science. The scholarships will be funded through the account established under subsection 414(b). Like the previous subsection, this provision invests in the American workforce by providing scholarships for students interested in pursuing studies in high-tech fields. By making scholarships available to low-income students, this legislation provides incentive and opportunity for students to enter careers in the growing high-tech industry.

SECTION 415. COMPUTATION OF PREVAILING WAGE

Under current law an employer must attest on a Labor Condition Attestation that an individual on an H–1B will be paid the greater of the actual or prevailing wage paid to similarly employed U.S. workers.

Subsection 415(a) amends section 212 of the Immigration and Nationality Act by adding at the end a new subsection (p) that spells out how that wage is to be calculated in the context of both the H–1B program and the permanent employment program in two circumstances. Paragraph 212(p)(1) provides that the prevailing wage level at institutions of higher education and nonprofit research institutes shall take into account only employees at such institutions. The provision separates the prevailing wage calculations between academic and research institutions and other non-profit entities and those for for-profit businesses. Higher education institutions and nonprofit research institutes conduct scientific research projects, for the benefit of the public and frequently with federal funds, and recruit highly-trained researchers with strong academic qualifications to carry out their important missions. The bill establishes in statute that wages for employees at colleges, universities, nonprofit research institutes must be calculated separately from industry. Although this legislation does not explicitly require separate prevailing wage calculations in relation to for-profit and other non-profit entities that are not higher education institutions and nonprofit research institutes this is not meant to preclude the Department of Labor from making these same common-sense distinctions for other nonprofit entities.

New paragraph 212(p)(2) spells out the prevailing wage criteria for professional sports. Where there is a collective bargaining agreement (CBA), the minimum wage established therein constitutes the prevailing pay rate. Where no CBA exists, the prevailing wage is the minimum salary mandated by the professional sports league which teams must pay players—foreign nationals as well as U.S. workers. The system currently employed to determine the prevailing wage for minor league professional sports uses a "mean wage." Because salaries for professional athletes vary greatly (up to 20 times difference between lowest and highest paid players), using the mean wage to calculate prevailing wage actually encourages the leagues to pay approximately fifty percent of the U.S. athletes a lower salary than similarly situated foreign national athletes. This current system is a disincentive to increase U.S. workers' salaries.

Subsection 415(b) of this legislation makes these rules for prevailing wage calculations retroactive so that they may be applied to any still-open prevailing wage determinations. This will allow DOL to apply only a single set of rules, that set out in subsection 212(p), for making these calculations in these industries, starting on the date of enactment.

SECTION 416. IMPROVING OF COUNT OF H–1B AND H–2B NONIMMIGRANTS

Subsection 416(a) requires the Immigration and Naturalization Service to improve its counting of the number of actual individuals granted or admitted in H–1B status in each fiscal year, rather than counting approved petitions, which may or may not be used by an individual to obtain H–1B status after approval.

Subsection 416(b) requires the revision of the petition forms so as to assure that this can be done.

Subsection 416(c) requires the Attorney General to submit to the House and Senate Judiciary Committees (1) a quarterly count on the number of individuals issued visas or provided nonimmigrant status; and (2) beginning in FY 2000, on an annual basis, information on the countries of origin and occupations of, educational levels attained by, and compensation paid to, aliens issued H–1B visas. The first requirement is intended to provide an early warning system if the cap is coming close to being hit. The second requirement is intended to develop reliable information on how these visas are being used.

In collecting additional data regarding H–1B nonimmigrants, the agency should not have to impose additional or new paperwork burdens on employers. In fact, it is Congress's understanding that the data required to be furnished are currently being collected, but that they are not being entered into a database that would allow them to be used. As a result, the only information Congress has had made available to it on the use of the visas has come from DOL's compilation of information on applications, which, on account of multiple filings, does not accurately reflect who is really coming in. Finally, nothing in this provision should be construed to allow INS to delay or withhold approval or adjudication of petitions in order to comply with its obligations under this provision.

SECTION 417. REPORT ON OLDER WORKERS IN THE INFORMATION TECHNOLOGY FIELD

Subsection 417(a) directs the Director of the National Science Foundation to enter into a contract with the National Academy of Sciences to study the status of older workers in information technology field. This study is to focus on the best available data, rather than on anecdotal information.

Subsection 417(b) requires the results of that study to be supplied to the Committees on the Judiciary of each House of Congress no later than October 1, 2000.

SECTION 418. REPORT ON HIGH TECHNOLOGY LABOR MARKET NEEDS; REPORTS ON ECONOMIC IMPACT OF INCREASE IN H–1B NONIMMIGRANTS

Subsection 418(a) requires a study and report on high tech, U.S., and global issues for the next ten years overseen by the National Science Foundation and done by a panel to be transmitted to the Judiciary Committees of both Houses by October 1, 2000.

Subsection 418(b) directs that the Chairman of the Board of Governors of the Federal Reserve System, the Director of the Office of Management and Budget, the Chair of the Council of Economic Advisers, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, and any other member of the cabinet report to Congress on any reliable study that uses legitimate economic analysis that suggests that the increase in H–1B visas under this bill has had an impact on any national economic indicator, such as the level of inflation or unemployment, that warrants action by Congress.

Subtitle B

The content of this subtitle was added to S. 1723 on the Senate floor by an amendment offered by Senator Warner incorporating the text of H.R. 429, a bill to grant special immigrant status to certain NATO civilian employees.

SECTION 421. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO EMPLOYEES

This section amends Section 101(a)(27) of the Immigration and Nationality Act to add to the class of those eligible for special immigrant status certain NATO employees and their children on the same basis as employees of other qualifying international organizations.

Subtitle C

This subtitle makes an additional amendment to the Immigration and Nationality Act originally included in S. 1723 regarding permissible payments by universities to holders of visitors' visas.

SECTION 431. ACADEMIC HONORIA

This section amends section 212 of the Immigration and Nationality Act by adding at the end a new subsection (q) permitting universities and other nonprofit entities to pay honoraria and incidental expenses for a usual academic activity or activities to an alien admitted under section 101(a)(15)(B), so long as the alien has not received such payment or expenses from more than 5 institutions or organizations in the previous 6 month period.

PROPOSED ADMINISTRATION REVISIONS TO H.R. 3736 (THE JULY 29, 1998 VERSION):

1. Require either a $500 fee for each position for which an application is filed or a $1,000 fee for each nonimmigrant. Fee to fund training provided under JTPA Title IV. In addition, a small portion of these revenues should fund the administration of the H–1B visa program, including the cost of arbitration.

2. Define H–1B-dependent employers as:

a. For employers with fewer than 51 workers, that at least 20% of their workforce is H–1B; and

b. For employers with more than 50 workers, that at least 10% of their workforce is H–1B.

3. The recruitment and no lay-off attestations apply to: (1) H–1B dependent employers; and (2) any employer who, within the previous 5 years, has been found to have willfully violated its obligations under this law.

4. H–1B dependent employers attest they will not place an H–1B worker with another employer, under certain employment circumstances, where the other employer has displaced or intends to displace a U.S. worker (as defined in paragraph (4)) during the period beginning 90 days before and ending 90 days after the date the placement would begin.

5. DOL would have the authority to investigate compliance either: (1) pursuant to a complaint by an aggrieved party; or (2) based on other credible evidence indicating possible violations.

6. Establish an arbitration process for disputes involving the laying-off of any U.S. worker who has replaced by an H–1B worker, even of a non-H–1B dependent employer. This arbitration process would be largely similar to that laid out in H.R. 3736 except that it would be administered by the Secretary of Labor. The arbitrator must base his or her decision on a "preponderance of the evidence."

7. Reference in the bill to "administrative remedies" includes the authority to require back pay, the hiring of an individual, or reinstatement.

8. There must be appropriate sanctions for violations of "whistleblower" protections.

9. Close loopholes in the attestations:

a. Strike the provision that "[n]othing in the [recruitment attestation] shall be construed to prohibit an employer from using selection standards normal or customary to the type of job involved."

b. Clarify that job contractors can be sanctioned for placing an H–1B worker with an employer who subsequently lays off a U.S. worker within the 90 days following placement.

c. Do not exempt H–1B workers with at least a master's degree or the equivalent from calculations of the total number of H–1B employees.

d. Define lay-off based on termination for "cause or voluntary termination," but exclude cases where there has been an offer of continuing employment.

10. Consolidate the LCA approval and petition processes within DOL, rather than within INS.

11. Broaden the definition of U.S. workers to include aliens authorized to be employed by this act or by the Attorney General.

12. Include a provision that prohibits unconscionable contracts.

13. Include a "no benching" requirement that an H–1B nonimmigrant in "non-productive status" for reasons such as training, lack of license, lack of assigned work, or other such reason (not including when the employee is unavailable for work) be paid for a 40 hour week or a prorated portion of a 40 hour week during such time.

14. Increase the annual cap on H–1B visas to 95,000 in FY 1998, 105,000 in FY 1999, and 115,000 in FY 2000. After FY 2000, the visa cap shall return to 65,000.

15. Eliminate the 7500 cap on the number of non-physician health care workers admitted under the H–1B program to make the bill consistent with our obligations under the GATS agreement.

ADMINISTRATION PACKAGE—SEPTEMBER 14, 1998

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* * * * *

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11. Broaden the definition of U.S. workers to include aliens authorized to be employed by this act or by the Attorney General.

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13. Include a "no benching" requirement that an H–1B nonimmigrant in "non-productive status" for reasons such as training, lack of license, lack of assigned work, or other such reason (not including when the employee is unavailable for work) be paid for a 40 hour week or a prorated portion of a 40 hour week during such time.

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* * * * *

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 16, 1998.

HON. DORIS MEISSNER,
Commissioner, Immigration
and Naturalization Service,
Washington, DC.

DEAR COMMISSIONER MEISSNER: As I am sure you know, legislation raising the H–1B cap has been included in the Omnibus Appropriations bill. The final version is the result of hard work by all involved, including all of those who negotiated this compromise on behalf of the Administration.

There is one point on which I thought it would be useful to have a clear record of our shared understanding. The legislation creates a new $500 filing fee for most visa petitions, which the Attorney General is tasked with collecting, and which takes effect on December 1 of this year. I believe it is everyone's understanding that INS will be charged with devising the system for collecting this fee.

The point I wanted to confirm is that I also believe that it is everyone's understanding that if, as a result of unforeseen circumstances, it does not prove possible to have a system up and running by that time, our shared understanding is that the language in the bill concerning the fee will not result in a cessation of accepting, processing, or approving petitions on that account. Rather, I believe it is everyone's view that petitions should be continued to be accepted, processed, and approved in the interim, while INS continues to move as expeditiously as possible to finalize putting the fee-collection system in place.

Thank you for your attention to this matter.

Sincerely,

SPENCER ABRAHAM.

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, October 29, 1998.

HON. SPENCER ABRAHAM,
Chairman, Subcommittee on Immigration,
Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your October 16 letter concerning the implementation of the H–1B program. The Immigration and Naturalization Service (INS) has been working with your staff to identify and to address the management and administrative challenges associated with the proposed H–1B legislation that is now included in the Omnibus Appropriations Bill. These challenges include two sources of additional workload, those emanating from new requirements contained within the legislation, and those related to the increased volume of cases that must be processed.

The INS has already initiated efforts to meet the challenges posed for us, and fully expects to be able to implement the new fee provision proposed in the H–1B legislation by December 1. However, let me assure you that the INS will continue adjudicating H–1B applications, even if unforeseen circumstances cause a delay in establishing final procedures for fee collection and deposit.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

DORIS MEISSNER,
Commissioner.

DISTRICT OF COLUMBIA

Mr. BROWNBACK. Mr. President, I want to congratulate the bill managers for their hard work to reach an agreement on the bill before us today. I especially want to thank them for including the District of Columbia Adoption Improvement Act of 1998 in the omnibus appropriations bill.

As chairman of the Senate Oversight Subcommittee on Government Management, Restructuring, and the District of Columbia, improving adoption for foster care in the District is one of my highest priorities. For the past year, I, along with Senators DEWINE, GRASSLEY, CRAIG, and LANDRIEU, have been looking for ways to make it easier for children in the Nation's Capital to find an adoptive family.

Earlier this year, we hosted an Adoption Fair on Capitol Hill in which resulted in the adoption of five children to two families. We also held a hearing in the subcommittee to explore a solution that would shorten the time it takes for children in the District to be adopted.

Gordon Gosselink, age 13, testified before the subcommittee at this hearing about how he entered the District's foster care system at the age of two. For the next 10 years, he lived in several foster care homes and even endured physical abuse until he was finally adopted at the age of 13 by Robert and Mary Beth Gosselink. He said:

> Last year, I met Rob and Mary Beth Gosselink at a Christmas party. When my social worker told me that two people were hoping to adopt me, I was really excited. I knew that this was the one. I moved [in] with Rob and Mary Beth last year at Easter time, and now I am part of the Gosselink Family. Things are really great now. I like my neighborhood and I am doing well in school. Best of all, I am with a family who loves me forever. My parents now are adopting another boy named Ricardo who is 11 years old. I am looking forward to having a new brother. I know there are a lot of kids who are still waiting for a home. I hope they find homes, too, like me.

Some children are not as lucky as Gordon. Currently, there are 994 children in the District with the goal of adoption but only 50 percent have been referred to the District's adoption branch. Even worse, many children in the District grow up moving from foster care home to foster care home without finding an adoptive family by the age of 18. The most recent statistics indicate that 67 percent of the children who left the foster care system, left because they turned 18 years old. In other words, one of the only ways out of the system, is to grow-up to adulthood within the system. Once these children turn 18, they are released to the streets without a family or a home.

Allowing just one child to grow up without the love, attention, and commitment of a family is a tragedy. Allowing hundreds to languish in foster care is a disgrace.

The District Child and Family Services Agency has been under the leadership of Ernestine Jones, the Federal court appointed receiver for nearly one year now. I am hopeful that reforming the system will remain a priority and these discouraging realities will no longer haunt the children who need the system most.

We must also recognize foster care and adoptive parents for their contribution and their example of taking in these children when they need them most. As many of the Senators, who have adopted children, know, we need to make it easier, not more difficult, for parents to adopt.

I believe this can be done and systemic improvements can be made with positive results—as seen in my home state of Kansas. The Kansas reform model of the Child and Welfare Services Agency has shown some immediate signs of success. Within one year of implementing these reforms, Kansas increased the number of children placed in adoptive homes from 25 percent to 50 percent. Prior to these reforms, the average stay for a child in the Kansas foster care system was two years. Now, the average stay in 13 months.

Using the Kansas model, we drafted the D.C. adoption reform language and came to a bipartisan agreement which included the Federal court appointed receiver and the Federal court appointed monitor. I am pleased that this compromise language is included in the omnibus appropriations bill. First, the bill would require the D.C. Child and Family Services Agency (CFSA) to maintain an accurate database tracking all children found by the Family Division of the District of Columbia Superior Court to be abused or neglected and who is in the custody of the District of Columbia—including any child with the goal of adoption or who is legally free for adoption. Unfortunately, this basic step has been neglected in the past in CFSA. To meet the immediate demand of placing children in adoptive homes, the bill would also require CFSA to contract out some of its adoption functions which may include recruitment, homestudy, and placement services. Like the Kansas model, these contracts would be required to be performance-based contracts. Contractors would be compensated once specific goals, such as an adoption placement or finalization, are achieved. Finally, CFSA and contractors would be required to work together to identify and lift any barriers to timely adoptions.

I want to stress that in the end, we are talking about individual children who are in search of a permanent and secure home. Any improvement in the system translates into bringing each child closer to the fundamental need of having a loving, adoptive family.

THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT INCLUDED IN DIVISION C, TITLE IV

Mr. LIEBERMAN. Mr. President, I speak today in support of the American Competitiveness and Workforce Improvement Act, which is included in the Conference Report on H.R. 4328, the Omnibus Appropriations Act, under Division C, Title IV. The House passed this Act as H.R. 3736 on September 24. The Senate had passed the companion bill, S. 1723, on May 18. I cosponsored the Senate bill because I believe strongly that the U.S. Government's job is to make sure that U.S. industry has adequate access to the resources necessary to grow their business. Right now we have the lowest unemployment rate in 28 years. The high-tech sector, which has been the engine of growth in our economy—creating the most jobs—cannot find enough skilled workers. If U.S. industry needs more skilled workers than the U.S. labor force can provide, as the Department of Commerce has documented, then we must allow them to hire foreign skilled workers, and, as is more often the case, allow them to hire foreign graduate students educated here in the United States. These foreign workers create wealth and more jobs in this country. If we block these visas the research will go abroad.

The Semiconductor Research Corporation, founded by the U.S. semiconductor industry, supports approximately 800 graduate students each year with merit-based scholarships. Some of the students receiving grants are foreigners studying here in the United States. They told me that this year, for the first time, they have been unable to hire all of the graduate students whose research they funded, even though the students wished to remain in the United States, because they cannot get H-1B visas.

When I cosponsored S. 1723 in May, I believed it was a good bill because it not only temporarily increased the number of visas available for skilled workers, but it also set up education and training programs for Americans so that more U.S. workers will soon be eligible for these high-paying jobs in the high-tech sector. I am delighted to say that I believe the bill that emerged from the long and detailed negotiation between Senator ABRAHAM and the White House is now even better legislation. The American Competitiveness and Workforce Improvement Act increases the number of visas available for the next three years, includes funding to decrease processing time for visa applications, and funds education and training programs to increase the pool of skilled workers in the United States. For the benefit of workers, it includes substantial protections for U.S. workers, increases enforcement authority for the Department of Labor to protect workers rights, and creates additional protections for H1-B employees. These new protections will help eliminate real and/or perceived hiring practices that came under criticism and made this such a controversial visa program. Removing the opportunity for abuse of the program makes its a stronger program and broadens its base of support. This act is in the best interests of both U.S. and foreign workers and U.S. business.

The funding that is included in this act is vitally important. Too often, Congress passes legislation with the result that executive branch agencies or States are expected to provide more services and programs with less money. This act funds each of the programs it creates and the increased duties it requires of government agencies with a fee on each visa. It funds K–12 science programs. It funds scholarships in the math, science and engineering fields. And it funds training in high-tech skills.

I would like to speak in particular about the training program contained in the American Competitiveness and Workforce Improvement Act, Section 414 (c). As the chief sponsor of this provision, I want in these remarks to particularly address the intent and meaning of the provision. Section 414 (c) directs the Secretary of Labor to establish demonstration projects to provide technical skills training for workers. What makes this program unique is not just that it is targeted at technical skills, but that it will be open to both employed and unemployed workers.

Most Department of Labor training programs are solely for unemployed, displaced or disadvantaged workers. But in today's market, technology changes so quickly that no longer can people be trained in their twenties and expect to use those same skills throughout their career. American workers used to have one job for life. Now the average American will have five to ten jobs in a lifetime. Employees need to update their skills continually to remain competitive. Realistically, we must allow Department of Labor training programs to include workers who have jobs now, and want to upgrade and update their skills so they can qualify for the changing needs of industry, instead of waiting until they lose their job or become dislocated workers from a declining industry.

The United States is in the enviable situation at this time of having under 5% unemployment. The high-tech industry tells us it has as many as 190,000 unfilled jobs. This does not necessarily mean that we do not have the people to fill those jobs; it means we don't have the people who have the skills to fill those jobs. Nearly seven out of ten employers say that the high school graduates they see are not yet ready to succeed in the workplace.

The jobs in the high-tech sector pay more than other jobs. The average wage in the high-tech sector pays 73% more than the average wage in the private sector. The average high-tech manufacturing wage is 32% higher than the U.S. manufacturing average wage. We need to help our citizens get the training they need to get these higher paying jobs.

The reality is that we have a global economy and there is, more and more, a global workforce. If companies cannot find skilled workers in the United States, they will find them in another country. This training program will help U.S. workers get the skills they need to stay competitive.

I want to explain my intent for the program established under Section 414 (c). I intend this program to be used for innovative approaches to solving our labor skills shortage; specifically, consortia and community-based programs. I intend the program to be used as a catalyst to bring small and medium sized businesses together to set up cooperative programs of skills training. I believe the best results can be gained from industry-driven programs. To have industry involved in and leading the skills training will ensure that workers are being trained for jobs that actually exist.

Ninety-nine percent of the 23 million businesses in the United States are small businesses. But, small businesses often do not have the resources to operate training programs by themselves. By joining together in consortia of other small and medium sized businesses with similar labor needs, with the Local Workforce Investment Boards established by the Workforce Investment Partnership Act signed into law this year, with community colleges, or labor organizations, or with State or local governments, small and medium sized businesses can participate in training courses that will increase the labor pool of skilled workers needed in their region.

Companies, however, do not normally cooperate in training workers. That is why the government is needed to provide the catalyst to bring companies together to cooperate on training. It is expected that the fee from the visas will generate approximately $50 million annually for the training program. It is my hope that the Secretary of Labor will consider, as she establishes these programs, requiring matching funds from the consortia. Nothing in this act precludes such matching funds. Matching funds will help ensure that the companies take an active role in the training program. The Secretary of Labor has the discretion to undertake this implementation approach. Of course, available federal funds are meant only to start the process—federal funding would end over time after which the consortia would continue the cooperative training programs alone.

Mr. President, let me give some examples of the type of program I am discussing. In the last few years, a small number of regional and industry-based training alliances in the United States have emerged, usually in partnership with state and local governments and technical colleges, that exemplify the type of program on which this provision in the manager's amendment is modeled. In Rhode Island, with help from the state's Human Resource Investment Council, regional plastics firms developed a skills alliance which then worked with a local community college to create a polymer training laboratory linked to an apprenticeship program that guarantees jobs for graduates. The Wisconsin Regional Training Partnership, a consortium of metal-working firms in conjunction with the AFL–CIO, refitted an abandoned mill with state-of-the-art manufacturing equipment to teach workers essential metal-working skills. In Washington, DC, telecommunications firms donated computers and helped set up a program to train public high school students to be computer network administrators. They then hired graduates of the program at entry-level salaries of $25,000–$30,000.

Without some kind of support to create alliances, such as created by the new provision in this act, small and medium sized firms just don't have the time or resources to collaborate on training. In fact, almost all the existing regional skills alliances report that they would not have been able to get off the ground without an independent staff entity, such as a college or labor organization, to operate the alliance. Widespread and timely deployment of these kinds of partnerships is simply not likely to happen without the incentives established by a federal initiative, which is created by this act. The training provision in the American Competitiveness and Workforce Improvement Act can help create successful new training models and templates that others can replicate across the nation.

I want to thank Senator ABRAHAM and Lee Liberman Otis and Stuart Anderson of his staff who worked tirelessly to ensure that the American Competitiveness and Workforce Improvement Act would pass the 105th Congress. I also want to thank Laureen Daly of my staff for all her dedicated efforts on this essential legislation.

We have accomplished something important for our workforce needs and for training in this legislation.

CERTIFICATION REGARDING CERTAIN IMF ASSISTANCE

Mr. CRAIG. Mr. President, I rise to commend Chairman McCONNELL for the work he has done on the foreign operations portion of the Omnibus Appropriations bill.

The fiscal year 1999 foreign operations appropriations package is very different in size and character from the wasteful ones passed just a few years ago by liberal Congresses. It represents a sea change in the way Congress does business and a major victory for conservative, commonsense principles.

The U.S. Federal budget is now balanced—for the first time since 1969. This is the most positive economic policy development in the world today. There is room within that balanced budget for a limited, responsible program of foreign operations.

The chairman's work in this bill advances U.S. leadership and protects our national security, our economic interests, and American jobs, in a rapidly changing world.

For example, the way this bill deals with the International Monetary Fund is not the same old way of doing business.

This bill imposes new, tough standards of accountability and transparency on the IMF. If American taxpayers are going to invest in the IMF, hoping it will produce a more stable world economy, they should be able to see where their money is going.

I know that has been an important priority for Chairman McCONNELL, as it has been for me.

I want to thank the chairman in particular for his support and assistance in making sure the final version of this bill included a provision we have worked on since the beginning of this year.

This provision covers autos, textiles and apparel, steel, and shipbuilding, as well as semiconductors. It is of extreme importance to the thousands of workers at Micron, an Idaho company that manufactures computer chips and is a world leader in semiconductor technology. This provision will safeguard many American jobs and is the result of bipartisan efforts.

This provision directs the Secretary of the Treasury to instruct the U.S. Executive Director at the IMF to exert the influence of the United States to oppose further disbursement of funds to the Republic of Korea unless the Secretary has given a certification that IMF funds are not being used to subsidize industries with a history of committing unfair trade practices against American companies and workers.

It is my understanding that the use of the term, "exert the influence of the United States" places a very high obligation on our Secretary of the Treasury and Executive Director to use all the means necessary to oppose disbursement of funds unless such certification has been given.

This effort needs to be persistent and comprehensive, at all levels, in order to achieve the desired result. It includes the use of the voice and vote of the United States at the IMF. This language also constitutes a commitment by the Secretary of the Treasury to the Congress to see that the influence of the United States is exerted in all respects.

I've spoken with the Secretary about this matter. It's characteristic of administration agencies and officials to prefer having broad latitude and not being given such specific direction in legislation. However, I believe the substance of this provision is consistent with the Secretary's own intentions. The final language is the product of negotiation with the Administration.

Mr. McCONNELL. I would concur with the Senator's interpretation of the effect of this provision. This provision creates an ongoing and overarching commitment. Accompanying report language should reassure the people of South Korea that our friendship for them remains strong, and that we are simply seeking to promote honest, open markets and fair competition.

Mr. KYL. Mr. President, while many parts of this bill concern me, the part that I am very proud of is a provision known as the Drug-Free Workplace Act of 1998. It has been my pleasure to have worked with Senator COVERDELL and I commend him for guiding the drug-free workplace bill through the Small Business Committee with a unanimous bipartisan vote. I would also like to thank Representatives PORTMAN, BISHOP, and SOUDER for their work in passing this important anti-drug legislation out of the House.

The Drug-Free Workplace Act of 1998 is an excellent example of how the federal government can work to encourage drug-free workplaces without placing heavy-handed mandates on businesses. It fosters partnerships between small businesses and organizations which have at least two years experience in carrying out drug-free workplace programs. It also will educate and encourage small businesses about the advantages of implementing drug-free workplace programs.

Small businesses often feel they lack the money or the expertise to implement drug testing programs. That is why the drug-free workplace bill performs such a worthwhile function. Many small firms would like to start drug testing programs but don't have the ability to overcome the start up costs. This anti-drug measure provides resources to assist and educate employers who want the help in implementing drug-free workplace programs.

As we all know, the American workforce is the main catalyst behind the tremendous economy that we are enjoying today. It is absolutely integral to a country's economic well being that it have a competent, able workforce. Our ability to maintain the high achievements of this workforce hinges largely on our ability to keep drugs out of the workplace.

Drug use can take a tremendous toll. For example, 70% of drug users are employed. Employees who use drugs: Have greater absenteeism; have increased use of health services and insurance benefits; have increased risk of accidents; and have decreased productivity.

The costs of drug use are not only confined to the user, just consider these disturbing statistics: Nearly half of all industrial accidents in the United States are related to drugs or alcohol; and drug and alcohol abusers file five times as many workman's compensation claims as non-abusers, and require 300 percent greater medical benefits.

Businesses need help dealing with the problem of drug use—especially small businesses. Thomas Donohue of the U.S. Chamber of Commerce testified before the House Subcommittee on Empowerment that a large impediment in the implementation of drug programs is the perceived costs and problems with the actual initiation of the programs.

The Drug-Free Workplace Act is fair to everyone. It's fair for the workers who are put at risk by their colleagues' drug abuse. It's fair to businesses, because it gives them the tools they need, but only if they want them. it's also fair to society, which ultimately foots the costly bill that drug abuse brings.

Mr. KERRY. Mr. President, I would ask my distinguished colleague and Chairman of the Committee on Finance for his attention with regard to a matter of some concern to the Savings Bank Life Insurance (SBLI) organizations in Massachusetts, New York, and Connecticut, as well as their operations in New Hampshire and Rhode Island.

As the Chairman knows, we had hoped this year, after a long consideration of the matter, to act on a proposal that would clarify the tax consequences of a state-mandated consolidation of an SBLI organization in which required payments to policyholders are made over a period of years. Under the current Internal Revenue Service (IRS) interpretation, such payments would be non-deductible redemptions of equity. After considerable effort, we believe we have succeeded in demonstrating that such an interpretation is incorrect. Of necessity, however, it appears that a statutory clarification will be required, and, unfortunately, it does not appear possible this year to consider this kind of matter in a tax measure.

SBLI entities and policyholders retain unique, long-recognized characteristics regarding voting rights and rights to surplus which set them apart from other insurance companies and policyholders and which form the basis for the needed clarification. The provision we had hoped would be considered this year would clarify that the Internal Revenue Code should treat additional policyholder dividends as deductible when mandated by state law.

While only the Massachusetts SBLI is immediately affected, the sister entities in New York and Connecticut could be adversely affected if the appropriate clarification is not made. Unfortunately, if we are unable to accomplish our objective soon, SBLI and its policyholders throughout New York and the New England region will be subjected to a tax inequity which will be unnecessarily passed on to the consumer. It is important to note that the Treasury Department again this year reiterated that it does not oppose this clarification.

I would observe that several of my colleagues including Senators KENNEDY, MOYNIHAN, D'AMATO, DODD, LIEBERMAN, GREGG, SMITH, CHAFEE, and REED have indicated their support in correspondence with our distinguished Finance Committee Chairman.

I respectfully ask the Finance Committee to consider this important measure in the context of comprehensive tax legislation next year.

Mr. ROTH. I thank my colleague from Massachusetts. I am well aware of your interest in this amendment, as well as the continued interest of the Senators from New York, New Hampshire, Connecticut and Rhode Island. The Senator raises important issues with regard to the uniqueness of such state-mandated payments. Unfortunately, as you know, we were not able to take up such issues during the 105th Congress. It would be my intention, though, to address this and other tax matters at the next available opportunity.

Mr. CRAIG. Mr. President, I rise to commend the leadership and the members of the Appropriations Committee for their hard work on this bill. They had to make hard decisions about scarce resources and have labored to do so fairly. I also appreciate the efforts to make sure the taxpayers hard-earned dollars are spent effectively and efficiently. While there are several provisions within this bill which I wholeheartedly support, I do not agree with every provision of this bill.

As you all may be aware, section 315 of the Interior portion of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 authorized the Recreational Fee Demonstration program. The Recreational Fee Demonstration Program is currently scheduled to expire on September 30, 1999. Language from the House Fiscal Year 1999 Interior and Related Agencies Appropriations Act to extend this demonstration program an additional two years (to the year 2001) has been included in the FY1999 Omnibus Consolidated Appropriations Act. I worked to keep similar language out of the Senate Interior appropriations bill and was disappointed to see the House language prevail in the final omnibus bill.

The issue here is that the House action was premature. I am not totally opposed to a fee demonstration program. In fact, when Congress authorized the Recreation Fee Demonstration Program in 1996, I voted in support of this legislation and have been a proponent of user-based fees. I believe that the program, in concept, has merits. I envisioned this demonstration program as having the potential to improve the conditions and recreation services of public lands by making more financial resources available to areas that are used the most heavily, based on a modest fee allocated to those directly benefitting from the enjoyment of those lands. Recreation is important in Idaho. Because 63 percent of our state is managed by the federal government, a majority of this recreation must take place on the public lands. In some of our premier areas the resource is being loved to death. Appropriated budgets will not see future large increases in recreation programs even though these areas will undoubtedly continue to be a popular local, and tourist, attraction.

As a member of the Senate Committee on Energy and Natural Resources, the authorizing committee with legislative jurisdiction over the fee demonstration program, as well as the chairman of the subcommittee of jurisdiction, I am committed to thorough oversight of this program with an eye toward consideration of any appropriate legislation to improve, continue, or terminate it depending on the information we gather and the experiences of the agencies.

On June 11, 1998, the Energy and Natural Resources Committee held an oversight hearing on the program's first full year of implementation. Valuable information was gathered from the agencies administering the programs and the users of the resource. We will continue to monitor this program during the next two years. A thorough review of the program, with answers to some serious questions, must be completed before extending the recreation fee demonstration program. Then we can accurately assess the merits and problems and decide how to continue. However, considering this issue settled at this early date will only lessen the authorizing committee's responsibility to evaluate the program and make any improvements that are warranted. We should act after, not before, this demonstration program has had a chance to demonstrate.

While I voted in favor of this bill for continuing necessary programs, some provisions, such as a premature extension of the recreation demonstration program, are not something I agree with or support. If more time is needed to test the fee demonstration project, it would have been more appropriate to extend the program nearer the end of three-year period rather than after only the first full year of the program. However, I will continue aggressive oversight of this program in an effort to improve it and possibly end it in areas where it clearly is not working.

Mr. BIDEN. Mr. President, included within this omnibus appropriations bill are two important pieces of legislation related to foreign policy. The first, produced on a bipartisan basis in the Foreign Relations Committee, is the "Foreign Affairs Reform and Restructuring Act," which involves the institutional structure of, and funding for, the foreign affairs agencies of the U.S. government. The second bill is legislation necessary to implement the Chemical Weapons Convention, a treaty approved by the Senate in April 1997.

The Foreign Affairs Reform and Restructuring Act is not perfect, and unfortunately it differs in one critical respect from the original bill approved by the Senate 16 months ago. I say "unfortunately" because this bill does not contain a single dime for our UN arrears. Last year, Chairman HELMS and I agreed on a proposal to authorize the payment of $926 million in arrears to the United Nations, conditioned on a series of reforms in that body. The Senate approved the Helms-Biden legislation twice in 1997, first by a vote of 90-5 in June, then by a voice vote in November.

The obstacle to making good on our commitments to the United Nations? A small minority of members in the other body, who have insisted that our arrears payments to the United Nations should be held hostage to an unrelated issue regarding family planning. The specific provision—the so-called Mexico City amendment —would require the withholding of funds from foreign, non-governmental organizations which use their own funds to perform abortions or discuss the issue with foreign governments. The President has indicated on several occasions that he will veto any bill presented to him that contains the Mexico City language. Nonetheless, a handful of obstructionists in the other body march steadily ahead, determined to undermine U.S. foreign policy interests in order to advance their unrelated cause.

I deeply regret such irresponsible action by the other body, but it is emblematic of the reckless disregard that many in that body have for the important responsibilities the United States has as the world s leading superpower.

In the past few weeks, the Chairman and I attempted to include a $200 million down payment on our UN arrears, which would have been linked to certain of the conditions in the Helms-Biden legislation. But even this limited payment of our arrears proved to be too much for the members in the other body who have taken American foreign policy hostage.

It is essential that we find a way to repay our arrears next year. For better or for worse, the United Nations is a valuable means to advance our foreign policy and security interests around the world, by providing a forum for improved cooperation with other states and by allowing us, in some instances, to share the burdens and costs of world leadership.

Our status as a deadbeat is unquestionably hurting our interests, not only at the UN but with our leading allies—many of whom are owed money by the UN for peacekeeping operations they undertook, but for which we have not yet paid. The cost to our interests cannot be measured with precision, but the resentment against the United States for its failure to pay its back dues is having a corrosive effect on our agenda at the UN and elsewhere. It is bordering on scandalous that a big nation like ours, blessed with abundant wealth, has failed to pay its bills on time.

Next year, the President is expected to nominate Richard Holbrooke to be our representative to the United Nations. Ambassador Holbrooke's nomination offers us a chance for a fresh start in the negotiations on UN arrears and reforms. Mr. Holbrooke is one of the most creative diplomats and negotiators of our time, and I am confident he will bring fresh insights and endless energy to this important issue. I am also hopeful that the Chairman remains committed to trying to move legislation in the next Congress to repay the full amount agreed to last year in our negotiations.

Let me turn now to the provisions of the Foreign Affairs Reform and Restructuring Act that are contained in the omnibus bill. Much of the legislative history of bill is set forth in the conference report to H.R. 1757, which was approved by both houses last spring. But I would like to take a few minutes to summarize the bill and highlight several issues.

First, the legislation before us establishes a framework for the reorganization of the U.S. foreign policy agencies which is consistent with the plan announced by the President in April 1997. After several years of debate, last year the President agreed to the abolishment of two foreign affairs agencies, and their merger into the State Department. The first agency to be abolished will be the Arms Control and Disarmament Agency (ACDA), which will be merged into the State Department no later than April 1, 1999; the U.S. Information Agency (USIA) will follow no later than October 1, 1999. As with the President s plan, the Agency for International Development (AID) will remain a separate agency, but it will be placed under the direct authority of the Secretary of State. And, consistent with the President s proposal to seek improved coordination between the regional bureaus in the State Department and AID, the Secretary of State will have the authority to provide overall coordination of assistance policy.

The integration of ACDA and USIA into the State Department is not intended to signal the demise of the important functions now performed by these agencies. On the contrary, their merger into the Department is designed to ensure that the arms control and public diplomacy functions are key elements of American diplomacy.

In that regard, the bill establishes in law two new positions in the State Department, an Under Secretary of State for Arms Control and International Security, and an Under Secretary of State for Public Diplomacy. These senior officers will have primary responsibility for assisting the Secretary and Deputy Secretary of State in the formation and implementation of U.S. policy on these matters.

It is expected that the officials who will be named to these positions will be submitted to the Senate for advice and consent. The conference committee on H.R. 1757 rejected a proposal by the Executive Branch to seek authority to place officials who are now in analogous positions in these newly-created positions.

One issue of particular concern regarding ACDA in the reorganization is the need to maintain the highest standards of competence and objectivity in the analysis of compliance with arms control and non-proliferation agreements. As the Foreign Relations Committee stated in its report last year, it is vital "that the Under Secretary be able to call upon expert personnel in these areas who will not feel obligated to downplay verification or compliance issues because of any potential impact of such issues upon overall U.S. relations with another country." Chairman HELMS and I have urged the Secretary of State to find a way to make the official for compliance a Senate-confirmed, Presidential appointee.

The bill puts flesh on the bones of the President's plan with regard to international broadcasting. The President's proposal was virtually silent on this question, stating only that the "distinctiveness and editorial integrity of the Voice of America and the broadcasting agencies would be preserved." The bill upholds and protects that principle by maintaining the existing government structure established by Congress in 1994 in consolidating all U.S. government-sponsored broadcasting—the Voice of America, Radio and TV Marti, Radio Free Europe/Radio Liberty, Radio Free Asia, and Worldnet TV—under the supervision of one oversight board known as the Broadcasting Board of Governors. Importantly, however, the Board and the broadcasters below them will not be merged into the State Department, where their journalistic integrity would be greatly at risk. Instead, the Broadcasting Board will be an independent federal entity within the Executive Branch. The Secretary of State will have a seat on the board, just as the Director of the USIA does now.

Second, the bill authorizes important funding for our diplomatic readiness, which has been severely hampered in recent years by deep reductions in the foreign affairs budget. This Congress has stopped the hemorrhaging in the foreign affairs budget, but I believe that funding for international programs remains inadequate, given our responsibilities as a great power.

Although the Cold War has ended, the need for American leadership in world affairs has not. Our diplomats represent the front line of our national defense; with the downsizing of the U.S. military presence overseas, the maintenance of a robust and effective diplomatic capability has become all the more important. Despite the reduction in our military readiness abroad, the increased importance of diplomatic readiness to our nation s security has not been reflected in the federal budget.

Significantly, this omnibus appropriations bill contains the emergency funding requested by the Administration for embassy security. The bombings of the U.S. embassies in East Africa in August demonstrate that many of our missions overseas remain highly vulnerable to terrorist attack; it is imperative that we provide the State Department the resources necessary to protect our employees serving overseas. We should understand, however, that the urgent funding in this bill is just the beginning of a long-term program to enhance security at embassies around the globe.

I am especially pleased that the Chemical Weapons Convention Implementation Act is also incorporated in the omnibus spending bill. The Senate passed this legislation unanimously in May of 1997, and we have waited since then for the leadership of the other body to accept that complying with our international commitments is a requirement, rather than a political football. The enactment of this measure will enable the United States to file the comprehensive data declarations required by the Convention, and therefore to demand that other countries' declarations be complete. The United States will now be able to accept inspections of private facilities, and therefore to request challenge inspections of suspected illegal facilities in foreign countries. The United States will finally be able also to protect confidential business information, acquired in declarations or on-site inspections, from release under the Freedom of Information Act. After nearly 17 months of waiting, it is about time.

In closing, I want to pay tribute to Chairman HELMS for his continued good faith and cooperation throughout the last two years on these and other issues. He has been the driving force behind the legislation to reorganize the foreign affairs agencies, and I congratulate him for his achievement. I also want to thank our colleagues in the other body, particularly the ranking member of the Committee on International Relations, LEE HAMILTON, who is retiring this year after over three decades of noble service to his district in Indiana and to the American people. We wish him well as he moves on to new challenges.

Mr. President, I want to reiterate that we are leaving important unfinished business—the payment of our back dues to the United Nations. It must be at the top of our agenda in the next Congress. I look forward to working with the Chairman and the Secretary of State to find a way to finish the job.

ALTERNATIVE FUEL TAX CREDITS

Mr. BURNS. Mr. President, I would like to clarify the intent of Congress regarding tax incentives for alternative fuels. These incentives are important tools for our nation's long-term energy policy.

Starting with the energy crisis in the 1970s, Congress has acted on numerous occasions to provide tax credits intended to develop alternative fuels. Prior Congresses took these steps in recognition of the need to encourage the development and use of alternative fuels which promise that we as a nation will never be dependent on others for our energy resources. For example, Section 29, which expired earlier this year, and Section 45, which is due to expire next June, were both intended to encourage the development of nonconventional fuels.

Today, our nation not only needs to continue its efforts to develop alternative fuel resources, but given our ever growing energy requirements, we must consider the environmental impact that conventional and nonconventional fuels have on our environment, particularly in light of the Clean Air Act.

In order to maximize the most efficient use of our nation's resources, Congress needs to commit to the development of clean alternative fuels. We need also to use our nation's technologies to develop environmentally clean alternative liquid fuels from coal.

In Montana, we have vast coal reserves. There are technologies that can upgrade the coal from these reserves and reduce current difficulties associated with the development of these fields. However, these technologies are not likely to be developed, and therefore these vast natural resources are not likely to be used, unless Congress provides incentives to develop clean alternative fuels.

I am concerned that we have not been able to fully discuss the merits of such incentives in our budget debate this past month. For example, an extension of Section 29 was included in the Senate version of the tax extenders, but that provision was not included in the final package.

I would urge my colleagues to bring this debate to the floor in the 106th Congress to ensure that the issue of encouraging the development of clean alternative fuels is a priority in our nation's energy policy.

Mr. LOTT. I agree with my colleague from Montana. As our nation continues to seek ways to improve environmental quality and to reduce the need for imported energy, several new technologies run the risk of not being developed if Congress does not act to provide incentives to develop clean alternative fuels.

These technologies provide two significant benefits to our nation. First, the use of alternative fuels reduces our reliance on foreign energy sources. Second, the technologies provide cleaner results for our environment.

For these reasons, I want to assure my colleague from Montana that I will make a priority of addressing the need for tax incentives to produce clean alternative fuels.

Mr. GRASSLEY. I agree with my colleagues from Montana and Mississippi about this very important issue. The development and use of alternative fuels are important to this nation, and we must encourage their use and development.

Wind energy has long been recognized as an abundant potential source of electric power. A detailed analysis by the Department of Energy's Pacific Northwest Laboratory in 1991 estimated the energy potential of the U.S. wind resource at 10.8 trillion kilowatt hours annually, or more than three times total current U.S. electricity consumption. Wind energy is a clean resource that produces electricity with virtually no carbon dioxide emissions. There is nothing limited or controversial about this source of energy. Americans need only to make the necessary investments in order to capture it for power.

The Production Tax Credit, section 45 of the Internal Revenue Code was enacted as part of the Energy Policy Act of 1992. This tax credit is a sound low-cost investment in an emerging sector of the energy industry. I introduced the first bill that contained this tax credit, so you can be sure that I am sincere in my belief in the need to develop this resource. This tax credit currently provides a 1.5 cent per kilowatt hour credit for energy produced from a new facility brought on-line after December 31, 1993 and before July 1, 1999 for the first ten years of the facility's existence. Last Fall, I introduced a bill to extend this tax credit for five years. My legislation, S. 1459, currently has 22 cosponsors, including half of the Finance Committee. The House companion legislation, introduced by Congressman THOMAS, currently has 90 cosponsors, including over half of the Ways and Means Committee. These numbers are a strong testament to the importance of the section 45, and renewable fuels in general.

In addition, I plan to work to expand this tax credit to allow use of the closed-loop biomass portion of this tax credit. Switchgrass from my state and other Midwestern states, eucalyptus from the South, and other biomass, can be grown for the exclusive purpose of producing energy. This is a productive use of our land, and will be an important step in our use and development of alternative and renewable fuels.

I was very pleased to see that Congress expressed its understanding of the importance of alternative and renewable fuels by extending the ethanol tax credit in this year's T-2 legislation. These tax credits are a successful way of promoting alternative sources of energy. These tax credits are a cheap investment with high returns for ourselves, our children, our grandchildren and even their grandchildren. Congress needs to again pass this important legislation to ensure that these energy tax credits are extended into the next century.

Mr. MURKOWSKI. I concur with my colleagues. Implementation of the 1990 Clean Air Act amendments is creating a real need to develop clean alternative fuels.

For example, of the 64 remaining U.S. coke batteries, 58 are subject to closure as a result of the Clean Air Act. The steel industry can either use limited capital to build new clean coking facilities or they can choose to import coke from China, which uses 50 year old highly pollutant technologies. Restoring the Section 29 credit to encourage cleaner coker technologies will greatly reduce emissions and will slow our increasing dependence on foreign coke, at the same time creating jobs in the United States in both the steel and coal mining industries.

In addition, the United States has rich deposits of lignite and sub-bituminous coals. There are new technologies that can upgrade these coals to make them burn efficiently and economically, while at the same time significantly reducing air pollution.

This is proven technology, but to make the development of this technology throughout the nation feasible, the Congress needs to provide tax incentives.

Mr. ENZI. The people of Wyoming have always had very strong ties to our land. That is why the words "Livestock, Oil, Grain and Mines" appear on our state seal. Those words clearly reflect the importance of our natural resources to the people of my state, and our commitment to using our abundant natural resources wisely and for the benefit of current and future generations of Wyomingites and the people of this country.

Congress has determined the need to find newer and cleaner technologies. Wyoming is blessed with an abundance of clean burning coal reserves. It would seem to be a perfect match. We are eager to provide what is needed for our country's present and future fuel needs. But those reserves aren't likely to be developed unless we provide the incentives necessary to make it possible for the coal to be harvested in a safe and environmentally friendly manner.

Mr. ABRAHAM. I concur with my colleagues. The development and production of alternative fuels provides a real opportunity for the country to improve the environment while ensuring a constant, reasonably priced fuel supply. But recent efforts to provide such assurances have been hampered. For example, in the Small Business Job Protection Act of 1996, Congress extended the placed-in-service date for facilities producing synthetic fuels from coal, and gas from biomass for eighteen months.

However, progress in bringing certain facilities up to full production has been hampered by the Administration's 1997 proposal to shorten the placed-in-service date and because, in many cases, the technology used to produce the fuels is new. Such delays have created uncertainty regarding the facilities eligibility under the placed-in-service requirement of Section 29

While it is important that the Congress consider again this issue in the 106th Congress, I would also urge the Secretary to consider the facilities I mentioned qualified under Section 29 if they met the Service's criteria for placed-in-service by June 30, 1998 whether or not such facilities were consistently producing commercial quantities of marketable products on a daily basis.

Mr. CONRAD. I agree with my colleagues. Through the section 29 tax credit for nonconventional fuels, Congress has supported the development of environmentally friendly fuels from domestic biomass and coal resources. There are lignite resources in my state that could compete in the energy marketplace if we can find a reasonable incentive for the investment in the necessary technology. As soon as possible in the 106th Congress, I hope we will give this crucial subject the attention it deserves.

Mr. HATCH. I concur with my colleagues. This is a very important tax credit for alternative fuels. It is an issue of fairness, not one of corporate welfare.

Earlier this year I, along with 18 of my colleagues, introduced a bill that would extend for eight months the placed-in-service date for coal and biomass facilities. The need still exists to extend this date and I am very disappointed that this was not included.

Mr. BAUCUS. Mr. President, I want to join my colleagues in supporting tax incentives for alternative fuels. Our country has assumed a leadership role in the reduction of greenhouse gases because of the global importance of pollution reduction. As my colleagues have also pointed out, promotion of alternative fuels is not just an environmental issue, but an issue important to our domestic economy and independence as well. We cannot afford to slip back toward policies which will leave us dependent upon foreign sources of oil for our economic growth.

With the huge reserves of coal and lignite in the United States and around the world, as well as the tremendous potential for use of biomass, wind energy, and other alternatives, it is particularly important to our economy and the world's environment that new, more environmentally friendly fuels are brought to market here and in developing nations.

But bringing new technologies to market is financially risky. In particular, finding investors to take a new technology from the laboratory to the market is difficult because so many technical problems need full-scale testing and operations to resolve. Few investors are prepared to take on the risks associated with bringing a first-of-a-kind, full-sized alternative energy production facility on-line without some level of security provided by a partnership with the federal government.

Tax incentives represent our government's willingness to work with the private sector as a partner to bring new, clean energy technologies to the market. These incentives demonstrate our country's commitment to the future.

Mr. GRAHAM. There are two principle reasons I support extension of Section 29 and 45. First, in a period where America is continuing to increase its dependence on foreign oil, we need to develop alternative fuel technologies to prepare for the day when foreign supply of oil is reduced. These tax credits have spurred the production of fuel from sources as diverse as biomass, coal, and wind. America will desperately need fuel from these domestic sources when foreign producers reduce imports.

Second, the alternative fuels that earn these tax credits are clean fuels. For example, the capture and reuse of landfill methane prevents the methane from escaping into the atmosphere. I will support my colleagues in an effort next year to extend these provisions.

Mr. THURMOND. I join my colleagues in support of extending the tax credit for Fuel Production from Nonconventional Sources. Through this credit, Congress has emphasized the importance of establishing alternative energy sources, furthering economic development, and protecting the environment. The alternative fuels credit strikes a proper balance between each of these objectives. I support efforts to bring this issue to a satisfactory conclusion, early in the next Congress.

Mr. THOMAS. I strongly agree with my colleagues regarding the importance of the Section 29 tax credit. Wyoming has some of the nation's largest coal reserves and this tax credit gives producers an incentive to develop new and innovative technologies for the use of coal. I am disappointed that an extension of the Section 29 tax credit was not included in the Omnibus Appropriations package and urge my colleagues to make this matter a top priority during the 106th Congress.

Mr. ROTH. I understand my colleagues' concerns. For some time now I have been studying how to provide targeted incentives to develop clean alternative fuels. It is essential for Congress to develop sound tax policy for alternative energy to help protect our environment. Several weeks ago, I introduced legislation to provide such incentives for facilities that produce energy from poultry waste. I look forward to working with my colleagues on these issues early in the 106th Congress.

PERMANENT RESEARCH CREDIT

Mr. BINGAMAN. Mr. President, I would like to thank the distinguished chairman and ranking member of the Committee on Finance for their continuing work on the research and experimentation tax credit, which is extended through June of 1999 by this legislation. In my capacity as ranking member of the Joint Economic Committee, I have taken a strong personal interest in the research credit and how it can be made into an effective permanent incentive. It is potentially the most important incentive in our tax code for stimulating long-term economic growth, and I believe that we need to make every effort in the upcoming session of Congress to establish a permanent credit for research and development.

In the course of these efforts, we need to keep in mind the substantive issues that are intrinsic to the goal, shared by many of my colleagues, of a permanent effective R&D tax policy. Can we make the credit more equitable, to give all R&D-performing firms incentives to increase their R&D? Can it be made more effective for the industries that have historically invested heavily in research and development? Can it be made more accessible by small businesses, which are a growing sector of our nation's R&D and promise to be a leading source of high-wage job growth? And can it further encourage research partnerships—crossing the institutional boundaries of industry, universities, and public-benefit consortia—that lay the groundwork for our future technology and medicine through long-term R&D investments?

In the negotiations of the past few weeks, Congress came alarmingly close to not extending the credit at all. I am concerned that until we address the substantive issues outlined above, the R&D credit is likely to continue to teeter along in its current state of uncertainty, and that under its current structure it will perform less and less effectively, as an incentive and as an economic stimulus. I am joined in these concerns by economists who have studied the credit and by senior leaders of R&D-intensive corporations. As the distinguished chairman and ranking member know, I and other Senators have introduced legislation to address these issues in this Congress. Obviously, time does not permit us to address these issues at this point, but I would ask them whether they would be willing to have the Committee on Finance consider these issues in the next Congress, in preparation for further legislative action on the credit?

Mr. ROTH. I welcome the suggestion made by the Senator from New Mexico. I believe that the issues that the raises are important ones, and that his suggestions for comprehensive improvements are worthy of further consideration by the Committee. I am aware that several of our other colleagues, including Senators DOMENICI, HATCH, and BAUCUS, are also keenly interested in the future of the credit, and I look forward to working with all of our colleagues who are interested in these issues in the next Congress.

Mr. MOYNIHAN. I would agree with the chairman of the Committee that the issues raised by the Senator from New Mexico deserve further attention next year, and would also welcome the opportunity to work with him and with my other colleagues.

Mr. BINGAMAN. I thank the chairman and ranking member.

DEGRADATION OF SERVICE AT WILLISTON OFFICE NATIONAL WEATHER SERVICE

Mr. DORGAN. I would like to inquire of the distinguished Chairman of the Commerce, Justice, State Appropriations Subcommittee, Mr. GREGG, as to the intent of language in the FY99 conference report on National Weather Service operations at Williston, North Dakota.

Mr. GREGG. The conference report includes language which directs the Secretary of Commerce to ensure continuation of weather service coverage for the communities of Williston, North Dakota; Caribou, Maine; Erie, Pennsylvania; and Key West, Florida.

Further, the Conference provides full funding to the NWS for continued, effective operations at Williston and the other Weather Service offices mentioned.

Mr. DORGAN. I thank the Subcommittee Chairman for his commitment to this provision in the bill. The Commerce Secretary has agreed that closing the Williston weather station would amount to a degradation of weather service. It is critical, therefore, that Congress send a strong signal that the station at Williston be kept fully operational.

Mr. GREGG. I will tell the Senator from North Dakota that it is the intent of the conferees that the National Weather Service maintain operations at Williston and the other sites, and further that the NWS take no actions which would suggest an intent to close these offices. Any actions taken towards closure of these offices will signal to the Congress that there will be a resulting degradation of service.

Mr. DORGAN. Is it correct to say that the fact that specific funds are being provided to the National Weather Service to maintain operations at the offices which were identified in the 1995 Secretary's report signals that the Congress expects these offices to continue and that the NWS ought not to be taking any actions that would suggest that these offices will be closed?

Mr. GREGG. Yes, that is correct. We believe that with respect to these specific offices, including Williston, North Dakota, the NWS modernization plan has not sufficiently demonstrated that service will not be degraded without these offices. The Congress does not want the NWS to close these offices at this time and we are providing specific appropriations to ensure their continued operations. I would also add that we expect the NWS to use these additional funds to develop the appropriate systems to address the unique weather coverage shortfalls that exist for these specific communities.

I realize that the most difficult problem for Williston, North Dakota is the absence of local radar coverage at low altitudes. We expect that the NWS will use these funds and work cooperatively with the local residents in Williston to mitigate that concern.

REGISTRATION OF CONTAINER CHASSIS

Ms. SNOWE. Mr. President, I would like to explain section 109 of Division C regarding the registration of container chassis. This section addresses the application of registration fees to trailers used exclusively for the purpose of transporting ocean shipping containers, which the Section refers to as "container chassis."

The section provides that a State, such as California, that requires annual registration and apportioned fees for container chassis may not limit the operation, or require the registration in the State, of a container chassis registered in another State, if the container chassis is operating under a trip permit issued by the non-registration State. Further, the non-registration State may not impose fines or penalties on the operation of such a container chassis for being operated in the non-registration State without a registration issued by that State. For example, the Attorney General of California or any other person in California, may not seek to impose fines or penalties from companies operating container chassis in California, when the container chassis are registered in another state such as Maine or Tennessee.

Further, under this language, a State that requires annual registration of container chassis and apportionment of fees for such registration may not deny the use of trip permits for the operation in the State of a container chassis that is registered under the laws of another State. A trip permit provides for a daily use fee that is the prorated annual registration fees for the vehicle. Under the section, a trip permit is required only on days when the container chassis is actually operating on the State's roads and not, for example, when it remains at an ocean terminal for the entire day.

This section also provides that a State, political subdivision or person may not, with respect to a container chassis registered in another State, impose or collect any fee, penalty, fine, or other form of damages which is based in whole or in part on the nonpayment of a State's registration related fees attributable to a container chassis operated in the State before the date of enactment of this section unless it is shown by the State, political subdivision or person that the container chassis was operated in the State without a trip permit issued by the State.

This provision is intended to prevent the imposition of any liability on this basis for the current and past practice of many companies in the container shipping industry which register chassis in one State and operate them in another State under trip permits issued by the non-registration State. The provision is intended to ensure that past and current practices which are consistent with the objectives of this section will not be the basis for the imposition of fees, penalties, fines or other forms of damages on this segment of the Nation's intermodal transportation system.

Using the congressional power to regulate interstate commerce, this section is intended to facilitate movement of containerized cargo in interstate commerce and to remove an unreasonable impediment to interstate commerce. It simplifies and rationalizes registration requirements for this critically important segment of the Nation's interstate intermodal transportation system.

It is important to note that extensive discussion and consideration was given to this section. Members from the Senate Commerce Committee, Appropriations Committee, and the House Appropriations and the House Transportation and Infrastructure Committee worked on this language and came to the conclusion that it is necessary. It is clearly the intent of both Chambers of Congress that States, such as California and others, which want to limit the operation of chassis that are not registered in their State, are prohibited from doing so. Further, it is clearly the intent of both Chambers of Congress that States, such as California and others, are prohibited from collecting fines or penalties from companies which register chassis in another State and operate under a trip permit issued by the State where the chassis is operated.

Mr. LEVIN. Mr. President, Yogi Berra, explaining the difficulty of playing in the afternoon sun and shadows of Yankee Stadium's notorious left field is reported to have commented, "It gets late early." We have before the Senate a huge Omnibus Appropriations and Emergency Supplemental bill which spends more than $486 billion and legislates across a broad range of issues of great importance. We are faced now with this massive, sweeping legislation because the 105th Congress did not do its work. In the 105th Congress, it got late early.

From the very outset of this Congress, the majority leadership set a slow pace and avoided fully addressing the major issues before the Nation. The 105th Congress failed to reform our campaign finance laws, failed even to debate a patient's bill of rights, failed to act on legislation to reduce tobacco use by our young people, failed to even to take up serious regulatory reform, and failed to address the problems looming in the future of Social Security. In fact, this Congress, failed, this year to even meet its responsibility, under law, to pass a budget, the first time this has occurred. And, it failed to complete work on 8 of the 13 appropriations bills required to run the government. Two appropriations bills were never even debated by the Senate and a third was never passed. On top of that dozens of legislative proposals were added to this bill which were never debated and considered in the Senate.

The failure to pass the appropriations bills, as required, prior to end of the fiscal year on October 1, led directly to the process that confronts us with this monster Omnibus Appropriations bill today, a four thousand plus page bill which we were unable to even begin reading until yesterday.

The Founders of our Nation envisioned a careful contemplative legislative process which divided power and sought to assure that the people would be well represented. The process which we have recently witnessed was hardly that. It was a closed process, which greatly excluded Democrats in the House and Senate, enhancing the powers of the Republican leaders of the House and Senate and in an extra-Constitutional fashion bringing the President into a legislative role. Where the Congress was more fully represented, its representation was limited to the members and leaders of the Appropriations Committees of the House and Senate. This, despite the fact that legislation was included affecting the jurisdictions of many, if not all, of the authorizing committees. And then, the entire package was lumped together and dumped here on the Senate floor on a take it or leave it basis. Senators have no opportunity to attempt to amend this product, merely to vote yes or no. Never before in my memory have we been confronted with appropriations bills and legislative provisions on so massive a scale which have never even been considered in either the House or Senate.

The President, and Democrats in the Congress have won some important victories in this bill. However, even as we acknowledge and applaud those victories, we must be mindful of the precedents which we set when we accept this terrible process. Congress should not abdicate its responsibilities. That is why I joined with Senators BYRD and MOYNIHAN in fighting the line-item veto in the courts, a battle which was successful and that is why I am distressed by the process which creates the bill on the floor today, an ad-hoc process at best and a process which effectively disenfranchises many Americans by short-changing their representation, at worst. And that is why, although this legislation contains many provisions of which I approve, and although I applaud the work of the Administration and Democrats in Congress in winning important provisions in this bill, I do not support this wretched process and cannot in good conscience vote for this bill.

Among the most important positive aspects of this legislation is that the bill provides additional funding for education. The President and Democrats in the Congress put forward an education package early this year. This bill finally acts on key elements of that package, providing a $1.2 billion downpayment on reducing class size by hiring new teachers across the country. In addition, the bill includes $698 million for education technology, the $260 million that the President requested for child literacy, $871 million for summer jobs, a $301 million increase for title I, $491 million for Goals 2000, and a $313 million increase for Head Start.

Unfortunately, the bill excludes the President's school modernization initiative which would have leveraged nearly $22 billion in bonds to build and renovate schools. Hopefully, we can revisit this issue in the next Congress.

The bill includes $15.6 billion for National Institutes of Health, $2 billion more than FY'98 and $859 million more than the Administration request, $700 million for Maternal and Child Health Block grant, $9.4 million more than FY98, $105 million for Healthy Start to reduce infant mortality rates, $9.5 million more than FY98, $160 million for breast and cervical cancer screening, $16.2 million over FY98, and $2.5 billion for Substance Abuse and Mental Health Services, $341 million above FY98.

Also, I am pleased that the bill contains language which is a first step toward restructuring the home health care payment system. I have been concerned about this problem for some time now. I was an original co-sponsor of Senator COLLINS' Medicare Health Equity Act of 1998 I believe the provision in the Omnibus bill will create a payment system which is somewhat more equitable than the current system. Under our current system, health care providers in Michigan have too often been penalized for prudent efficient use of Medicare resources, and that is wrong.

In addition to the nearly six billion dollars in the bill for emergency assistance to farmers who have been hurt by low prices, drought and natural disasters, it contains important money for Michigan agriculture for research on subjects from fireblight to wood utilization. There is a provision to make apple growers in West Michigan, who suffered fireblight-related tree loss in disastrous storms, eligible for the Tree Assistance Program. The bill provides the President's request for an enhanced food safety incentive, plus an increase in the National Research Initiative of $7.4 million for nutrition, food quality and health. Some of these additional funds could and should be used by the Secretary to help develop safer substitutes for pesticides that might be discontinued in implementation of the Food Quality Protection Act. Also, the agreement includes $300,000 for a study of the WIC food package nutritional guidelines finally looking at the benefits of including dried fruit in WIC cereals.

I am pleased that the bill continues a moratorium on the use of funds to increase the CAFE standard for passenger cars and light-duty trucks. Given the low-price of gasoline and the continued high consumer demand for larger, safer vehicles, which are made most efficiently by U.S. manufacturers, increasing CAFE would only harm the U.S. economy and deprive consumers.

I am disappointed funding for the National Contaminated Sediments Task Force which I requested was not included in the bill. I am concerned that this will mean that the existing uncoordinated Federal approach will continue to fail in adequately cleaning up contaminated sediments and preventing further contamination.

There will be an additional $400,000 above the President's request split between operations and acquisition at Keweenaw National Historical Park. The bill includes $800,000 for land acquisition at Sleeping Bear Dunes National Lakeshore, and $2.25 million for the final phase for acquisition of lands from the Great Lakes Fishery Trust as part of the Consumers Energy Ludington settlement.

This agreement provides the budget request for the International Joint Commission so that negotiations with the Canadians can begin in earnest to prevent the export of Great Lakes water. The bill includes $6.825 million for the Great Lakes Environmental Research Laboratory in Ann Arbor. Funds ($50,000) for a study of the erosion problems in Grand Marais Harbor are also included. Unfortunately, the bill does not include the Senate's increase of $1 million above the budget request for the Great Lakes Fishery Commission to combat the sea lamprey in St. Mary's River.

Overall, the bill provides the highest level of funding for the Federal Highway Administration in history, at $25.5 billion. That is relatively good news, though, unfortunately, the negotiators have included over $300 million in new highway money to be handed to four different states in an apparent effort to bypass the allocation formulas in TEA-21 that were the subject of much debate earlier this year.

The bill does contain $10 million for new buses and bus facilities across facilities, and $600,000 for the Capital Area Transit Authority in Lansing. And, $200,000 for a study of the viability of commuter rail in Southeastern Michigan.

As a cosponsor of legislation to delay implementation of Section 110 of the 1996 Immigration Reform bill, which was scheduled to go into effect on September 30, 1998, requiring individuals entering the U.S. at the Canadian border to complete a visa card at the point of entry and register at the time of exit, I am pleased to note that this bill contains language delaying the provision for 30 months. However, it should be repealed, not just delayed.

I am pleased that the bill does not include the House version of the Auto Salvage Title bill since the House dropped the Levin amendment which I successfully attached to the Senate bill. The House version would have preempted state laws that provide tougher consumer protection.

I am also pleased that while the bill provides funding to replenish the IMF, it will push recipient countries to liberalize trade restrictions.

Mr. President, let me take a moment to comment on the national security provisions of the omnibus bill. First, I am pleased that this legislation includes the funding the President requested for United States participation in the NATO-led peacekeeping force in Bosnia.

If Congress had not provided this emergency funding, there would have been disastrous consequences for the readiness and the morale of our forces serving in, and in support of, Bosnia. We all regret that the implementation of the civilian aspects of the Dayton Accords has not gone as fast as we hoped it would, but Congress has done the right thing by providing the necessary funding to ensure the readiness of our forces.

This legislation provides a needed $1 billion in additional readiness funding that the President requested earlier this month for equipment maintenance, spare parts, and recruiting assistance.

This omnibus bill also contains the funds requested by the President for the Korean Peninsula Energy Development Organization, also known as KEDO. This funding is crucial to continuing the Agreed Framework between the United States and North Korea. That agreement is our best hope for denuclearizing North Korea and has provided tangible security benefits to our nation.

Previous legislation would have effectively prevented the funding of KEDO, and thus given North Korea an excuse for walking away from the Agreed Framework. That could have led North Korea to produce plutonium for nuclear weapons, which would cast the Korean Peninsula into an unnecessary and dangerous crisis. This outcome is the right one.

There are many positive aspects of this legislation for our national security, but I am disappointed that so much of the "emergency" funding in this bill for national security programs is not for readiness and not for emergencies, but for things the Defense Department and the administration never asked for, in particular the addition of $1 billion for ballistic missile defense. Of course, that $1 billion for ballistic missile defense cannot be spent unless the President submits an emergency request for these funds. I fully expect the Administration will exercise good judgement in deciding whether or not to request these funds as an emergency.

Not only is the money added to this bill for missile defense and intelligence programs going to fund programs that the administration did not request funding for on an emergency basis, again, these are programs for which the administration did not request funding at all.

Furthermore, with regard to missile defense, adding this funding is in direct contradiction to the testimony of the Secretary of Defense and other senior officials of the Department of Defense who told the Armed Services Committee that while there was one instance in which additional funds could accelerate a program, the Navy Upper Tier program, in general the Ballistic Missile Defense Organization is proceeding as fast as it can with all our missile defense programs and their development is constrained by technology, not funding availability.

In recent testimony to the Armed Services Committee, senior defense and military leaders told us that the National Missile Defense (NMD) program is going as fast as it can, and that adding more money will not make it go faster. Deputy Secretary of Defense John Hamre told the Committee: "As a practical matter, we are moving as fast as we can to develop the elements of an NMD system. Even with more money, we couldn't go any faster." He later emphasized that "this is as close as we can get in the Department of Defense to a Manhattan Project. We are pushing this very fast."

During that same hearing, General Joseph Ralston, the Vice Chairman of the Joint Chiefs of Staff, told the Committee that the NMD program enjoys a unique and privileged status within the Defense Department. He said: "I know of no other program in the Department of Defense that has had as many constraints removed in terms of oversight and reviews just so we can deploy it and develop it as quickly as possible."

On October 6th, Secretary of Defense William Cohen testified to the Armed Services Committee that the NMD program is being developed as fast as possible and additional money will not speed it up: "I have talked to the head of the Ballistic Missile Defense Organization and he has assured me that no amount of money will accelerate that timetable . . ." He went on to say that "I cannot accelerate it no matter what we do."

So, it is clear that the Defense Department is proceeding as fast as possible to develop a National Missile Defense system, and that more money will not make this go any faster. Furthermore, the Defense Department has told us that only one program could be accelerated with more money. I would note that Congress added $120 million to the Navy Upper Tier program this year to accelerate it, cut funds from other theater missile defense programs and made no attempt in the regular legislative process to add any money for National Missile Defense. So this unrequested missile defense money cannot speed up most of the programs that are now being developed. It is not clear what it would be for, but it is clear that the Defense Department never asked for it.

A few weeks ago, the members of the Joint Chiefs of Staff were criticized by some of my colleagues on the Armed Services Committee during our hearings with them for not speaking up soon enough or forcefully enough about concerns they had with aspects of our defense program.

Mr. President, it seems a little inconsistent to me for the Congress to criticize the Pentagon for not speaking up and then after they express themselves very clearly on the status of the missile defense program, we ignore their testimony and do the opposite of what they say.

I am also disappointed that this legislation perpetuates the practice of not fully funding our obligations to the United Nations. It is in the national security interest of the United States to have an effective United Nations and strong U.S. leadership within the United Nations. It is especially regrettable that this legislation moves us in the opposite direction in order to score political points on the abortion issue.

Mr. President, the bill that we are voting on today includes S. 2176, the Federal Vacancies Reform Act of 1998, with several amendments. This legislation clarifies and updates the current Vacancies Act, an 1868 law meant to encourage the Administration to make timely nominations to fill positions in the Executive Branch requiring the Senate's advice and consent.

First, the Vacancies Act provisions in this bill make it explicit that the Vacancies Act is the sole exclusive statutory authority for filling advice and consent positions on a temporary basis. It can no longer be argued that other general statutory authorities creating or organizing agencies supersede the Vacancies Act and authorize temporary officials, who have not been confirmed by the Senate, to serve indefinitely.

Second, the legislation updates the Vacancies Act in several significant respects to more accurately reflect the realities of today's nominations process. The clearance process for nominees requiring Senate confirmation has become much more complex than it was just a decade ago. Moreover, increasingly adversarial confirmation proceedings have required that background investigations and other steps in the vetting process be more thorough and lengthy. In recognition of this development, the legislation increases the time period that an individual can serve in an acting position from 120 days under current law to 210 days from the date of the vacancy. If a nomination is sent to the Senate during that 210 day period, an individual may serve in an acting capacity until the Senate has completed action on the nomination. Moreover, the legislation gives a new Administration an additional time period of 90 days to submit its nominations in the first year. The legislation allows first assistants, other Senate-confirmed officials, and other qualified high-level agency employees to serve as acting officials.

Finally, the legislation creates an action-enforcing mechanism to encourage our presidents to promptly submit nominations. Specifically, the legislation provides that if no nomination to fill a vacant position is submitted within the 210 day period, the position remains vacant and any duties assigned exclusively to the position by statute can be performed only by the agency head. As soon as a nomination is submitted, however, the legislation provides that an acting official can assume the job until the Senate acts on the nomination.

The legislation also includes an amendment I authored to address the problem of lengthy recesses or adjournments. The bill allows a person to serve in an acting capacity in a vacant position once a nomination is submitted, regardless of whether the nomination is submitted within or after the 210 day time period. This is a clarification the legislation makes to current law. However, there was no provision to allow a person to serve in an acting capacity after the 210 day time period if the nomination is made during a recess or adjournment of the Senate. My amendment, incorporated into the enacted legislation as section 3349d, provides that during such long recesses, the President's submission of a written notification that he or she intends to nominate a designated person promptly when the Senate reconvenes triggers the provision of the bill that allows a person to act in the position temporarily until the Senate acts on the nomination. This allows the President to fill a vacant position with an acting person during a long recess of the Senate provided the President has identified the person whose nomination will be submitted when the Senate returns.

Mr. President, I want to commend my colleagues Senator BYRD and Senator THURMOND for their leadership and sponsorship of legislation to amend the Vacancies Act. They identified a serious problem in the failure of Administrations past and present to comply with their responsibilities under the existing law to promptly nominate persons to fill advice and consent positions. They worked diligently to resolve the various conflicts over this legislation, and I am pleased we were able to bring this legislation to a responsible and timely conclusion.

As we adopt these reforms to the Vacancies Act, we should not forget that as Senators we have a corresponding duty to act promptly and responsibly on nominations once they are submitted by the Administration. We as the Senate rightfully want to protect our Constitutional prerogative to provide advice and consent on nominations. However, we must by the same token discharge these duties in a conscientious and timely manner.

Mr. President, I also want to mention one piece of legislation which the Congress failed to address this year and which was not folded into this Omnibus Appropriations bill in the final hours of this Congress. I am very disappointed that we were not able to enact legislation to improve the regulatory process this year. Senator THOMPSON and I sponsored S. 981, the Regulatory Improvement Act. We had two hearings on the bill and marked it up in the Governmental Affairs Committee back in March of this year. It was reported to the full Senate for consideration in May. The Administration signaled its support for the bill with certain agreed-to changes in July. And, we've been urging that the Majority Leader bring the bill to the floor since that time. The bill now has 17 Republican and 8 Democratic cosponsors.

S. 981 is a reasonable approach to improving the regulatory process by requiring cost-benefit analysis and risk assessment for our most significant regulations. It would bring meaningful reform to the way the federal government adopts its regulations, and it would make the rulemaking process far more open and interactive. We lost a great opportunity this year and invested a lot of hard work and effort.

FURTHER RESEARCH ON FIBER POLYMER ADDITIVES IN ASPHALT AND CONCRETE IN CONNECTION WITH THE TRANSPORTATION APPROPRIATIONS ACT

Mr. THURMOND. Mr. President, I rise to engage in a brief colloquy with my colleague, the Honorable Chairman of the Transportation Appropriations Subcommittee, Senator RICHARD SHELBY.

Included in the Senate Appropriations Committee Report accompanying the Transportation and Related Agencies Appropriations Act for fiscal year 1999, is a provision directing that additional research be conducted on a product that I believe could greatly improve highway pavement quality and maintenance. I am speaking of the use of fiber polymer additives—also known as "binders"—in asphalt and concrete, the use of which appears to yield significant results in pavement quality and longevity.

While only a limited amount of research has been completed on this product, the few applications tested under real world circumstances have shown very positive results. If this product is as good as it appears to be in initial test results, it would revolutionize the industry and save states and the Federal Government significant resources for use on other critical infrastructure needs.

Not only does this product appear to add significant longevity to pavement life, it also serves an environmental benefit. Mr. Chairman, as you know, recycling allows us to conserve our natural resources, it diverts additional material from our landfills, and saves energy. A company in my home state of South Carolina, Martin Color-Fi, Inc., has empirical data that shows substantially improved life expectancy for highways constructed with polymer additives in the pavement. Their success, and that of others in this area, is encouraging news for improving the quality and longevity of our Nation's highways.

I note that the Statement of Manager's language accompanying the Transportation title of the Omnibus Appropriations Act, unlike the Senate Committee report, does not specify the amount of funds in the Highway Research, Development and Technology Program for the Federal Highway Administration (FHWA) to conduct additional demonstrations of this technology. It is my understanding that Chairman SHELBY shares my commitment to this research. Further, it is my understanding that he and other members of the committee would join me in strongly encouraging FHWA to work with an academic institution, and give priority consideration to applying at least the amount of research funds specified in the Senate-passed Transportation Appropriations bill, in order to create an academic and industry-led consortium to demonstrate the application of polymer additives in pavement for civil engineering purposes.

Mr. SHELBY. Mr. President, it is my pleasure to stand shoulder-to-shoulder with my colleague from South Carolina, the distinguished President pro tempore, in this effort to increase funding for research into the use of polymer additives for asphalt and concrete pavement.

The Transportation Appropriations Subcommittee directed that $2 million be committed for further research into polymer additives. Limited resources prohibited us from committing additional resources to this effort.

The provision the Committee added to the Report was designed to respond to a shortfall in this area by directing federal research efforts into further study of the effects of polymer additives on pavement quality and performance.

I greatly appreciate the Senator from South Carolina's interest in this matter, and I look forward to working with him and the FHWA to ensure this research is completed and reported to the states and other interested parties in a timely fashion.

Mr. KERRY. There were legitimate reasons to vote against the omnibus appropriations bill. This process was an insult to the Congress. The Republic leadership has put the Congress in an untenable position by refusing to pass many appropriations bills in regular order. I chose to vote for this legislation because of the important things it does for Massachusetts and the nation, and because I do not believe it is useful to cast a protest vote. I am hopeful that in the 106th Congress we can engage in a true legislative process.

Today, the Senate will give final approval to legislation to preserve a balanced budget for the first time in more than a generation. A balanced federal budget has been a key objective for me since I came to the Senate in 1985.

The Federal government had run a deficit continuously for more than 30 years until last year. It soared to dangerous levels in the 1980s during the Reagan and Bush Administrations. As a result of these deficits, our national debt multiplied several times, exacting a heavy toll on our economy, increasing interest rates, squeezing federal spending and making debt service one of the largest expenditures in the Federal budget.

In 1993, following President Clinton's election, we began the long journey back from crushing deficits and toward fiscal responsibility by passing an enormously successful economic plan. The full power of our economy was unleashed: unemployment is at record low; interest rates are subdued; and economic growth continues to be strong. This path culminated in last years; agreement to balance the budget and provide substantial broad-based tax relief for working American families and small businesses.

This year's federal budget is a continuation along the path of fiscal responsibility. At the same time, it begins to address some of our most pressing problems in education.

I am pleased that the omnibus appropriations bill rejects the House Republican approach and expands spending on education. The bill includes funding to begin hiring one hundred thousand new teachers which will assist local school communities to reduce class size in the early grades to 18 students. One hundred thousand new teachers will allow more individual attention for students which will lead to better reading and math scores in the future.

The final bill also includes $75 million to recruit and prepare thousands of teachers to teach in high-poverty areas. It also includes $75 million to train new teachers in how to use technology so that they can better assist their students. This funding is focused on assisting the schools and teachers who need the most help.

We must do everything possible to increase the reading skills of our children so that they can compete in the global economy in the 21st century. This budget includes 260 million for the Child Literacy Initiative which will improve teachers' ability to teach reading, family literacy, and conduct tutor training to help children learn to read by the end of the third grade.

Five million children are locked into a school day that ends in the early afternoon and dumps them into empty apartments, homes or violent streets despite the fact that we know those post-school hours are when teen pregnancies occur, drug use begins, and juvenile crime flourishes. The budget agreement includes $200 million for after-school programs that will help keep 250,000 children of the streets and into learning.

We also must develop an educational system which prepares our children and young people for adulthood. Today, we are failing too many of our children with crumbling schools, overcrowded classrooms, and inadequately prepared teachers. The federal government provides a small amount of the total funding for public elementary and secondary education—less than seven percent of total public spending on K–12 education comes from the federal government, down from just under 10 percent in 1980. Reading scores show that of 2.6 million graduating high school students, one-third are below basic reading level, one-third are at basic, only one-third are proficient, and only 100,000 are at a world class reading level.

Mr. President, I am developing legislation for next year to help every school make a new start on their own. It will be built on challenge grants for schools to pursue comprehensive reform and adopt the proven best practices of any other school, funds to help every school become a charter school within the public school system, incentives to make choice and competition a hallmark of our school systems, and the resources to help schools fix their crumbling infrastructure, get serious about crime, restore a sense of community to our schools, and send children to school ready to learn.

However, increased spending on education is meaningless if there are no adequate school facilities to teach our children. I am disappointed that the Democrats' proposed tax credit to build and renovate our nation's schools was not included in the final budget agreement. Too many schools now operate in substandard facilities which in some cases are dangerous to our children. Any initiatives to support education must also include an investment to modernize our school buildings.

America's children especially need support during the formative, preschool years in order to thrive and grow to become contributing adults. Additionally, adequate child care is not affordable or even available for too many families. That is why I believe we must provide more help to working families to pay for critically needed, quality child care, an early learning fund to assist local communities in developing better child care programs, and sufficient funding to double the number of infants and toddlers in Early Head Start. President Clinton shares this view and included in his 1999 budget proposal my recommendations on this issue. I am pleased that the final budget will also include $182 million to increase the quality and affordability of child care to assist our working families.

Transportation funding is also crucial to maintain our aging national highway infrastructure. I am very pleased that the Omnibus Appropriations bill contains an additional $100 million in highway funds for Massachusetts as well as approximately $80 million for important transportation projects around the state.

The Commonwealth has reached a critical juncture in its efforts to both complete in Central Artery and Tunnel project and also to maintain and upgrade roads and bridges throughout the state. As many of my colleagues are aware, the ISTEA reauthorization bill contained an unacceptably low level of highway funding for Massachusetts. In order to secure commitment not to delay Senate consideration of the ISTEA bill, Majority Leader LOTT, Democratic Leader DASCHLE, Senators CHAFEE, and BAUCUS committed to me, among other things, that Massachusetts would receive an additional $100 million in highway funds. The inclusion of this money in the omnibus bill represents the fulfillment of this promise. I wish to express my sincere appreciation to them for following through on their commitment. I also wish to thank Senators BYRD and LAUTENBERG for their help in securing this funding.

As noted above, the omnibus bill also contains $80 million for critical transportation projects around the state. It will provide millions of dollars to assist in completing the revitalization of historic Union Station in Worcester and Union Station in Springfield. It will also provide millions to support the construction of intermodal centers in Pittsfield and Westfield. Finally, the bill contains funds to support work on the North-South Rail Link in downtown Boston. It is my hope that his project will continue to receive the funding that it is so sorely deserves.

Since 1995, when the conservative Republicans took control of this body and forced upon the Congress the "Contract-with-America," we continually have had to fight to retain existing environmental protections. This year, we were successful in deleting a number of provisions from the final budget that would have set back efforts to protect our Nation's natural resources—our forests, parklands, fisheries and wildlife.

The final budget supports our environment and improves the lives of the families around America by increasing funding for the clean water state revolving fund, the safe drinking water state revolving fund, protection of endangered species, preservation of precious lands, and the development of cleaner energy technologies. I also am very pleased that the final budget includes an additional $50 million for the cleanup of Boston Harbor to assist the 2.5 million ratepayers in 61 Boston area communities who will pay for the bonds which have primarily financed this project—$3.8 billion for the Boston Harbor sewage treatment project, and $2.8 billion required for combined sewer overflows (CSOs) and other water and wastewater infrastructure upgrades for the next 30 years.

I am pleased that Congress agreed to provide the full $17.9 billion the administration requested to replenish IMF capital funds. The IMF desperately needs this funding because financial crises in South Korea, Japan, and Indonesia greatly have depleted its resources. Without full funding, the IMF would be inhibited from continuing its support of economic recovery in these countries and others.

As the strongest political and economic power, the U.S. has a responsibility to step up to the plate and exercise its leadership in dealing with this problem. I agree that the IMF needs to make some reforms to achieve greater accountability and management of its programs. I believe that implementing the IMF reforms, as required under this bill, will be a strong step in the effort to achieve greater accountability and management of IMF programs. We must be assured that IMF rescue packages effectively will harness economic stability while relieving social and political tensions. The IMF must be a viable and demonstrable institution that can bring about real change for nations suffering under the strains of economic instability.

As ranking member of the Committee on Small Business, I must give the omnibus appropriations bill mixed marks with respect to showing Congress's support for SBA's small business assistance programs. I am pleased that the Omnibus Appropriations Act adequately funds SBA's disaster loan program and fully funds the agency's salaries and expenses. To do otherwise would have been irresponsible and detrimental to the nation's small businesses and victims of natural disasters. The bill takes positive steps with respect to women-owned and veteran-owned businesses. The funding for SBA's Women's Business Centers is doubled to $8 million, consistent with reauthorizing legislation enacted last year, and veteran outreach receives $750,000, the first funding for veteran-owned businesses since fiscal year 1995. The bill contains a modest increase for the Small Business Development Centers, which provide valuable business counseling and training to small businesses throughout the country. The SBA's venture capital program received significant increases in funding, and the cornerstone 7(a) loan guarantee program received substantial funding, although less than the administration requested for fiscal year 1999.

Unfortunately, although the omnibus appropriations bill contains some increased funding for SBA's successful Microloan program, I am disappointed that it fails to adopt the significant increases to the Microloan program, which the authorizing committees envisioned last year when Congress passed SBA's three-year reauthorization bill. That bill, which was reported out of the Committee on Small Business unanimously, made the Microloan program a permanent part of SBA's financial assistance portfolio and substantially increased authorization levels for both loans and technical assistance. Based on those legislative changes, the Administration requested that direct microloan be funded at the fully authorized level. During the appropriations process, Senator GRASSLEY and nine of our colleagues joined me in sending two letters to the Subcommittee leadership voicing our support for full funding of the Microloan program, including a specific request for increased and adequate technical assistance funding. In those letters we described the relationship between loans in the Microloan program and technical assistance. Simply put, adequate technical assistance funding is prerequisite to successful microlending. The microloan and technical assistance funding contained in this bill will allow only minimal, if any, growth in this program, which helps the nation's neediest borrowers.

I am also disappointed that the Economic Research arm of SBA's Office of Advocacy did not receive the $1.4 million, requested by the administration and passed by the Senate. The research performed by that office is highly respected and very valuable to work of the Committees on Small Business in both bodies and to other small business policy makers.

I support the omnibus appropriations bill because I believe it is an acceptable compromise which keeps the federal government on the path of fiscal responsibility while beginning to fund critically needed and long overdue initiatives to assist America's children. I look forward to building on this budget to address the unfinished business of the American people in the 106th Congress.

EXTENSION OF THE GENERALIZED SYSTEM OF PREFERENCES

Mr. GRASSLEY. Mr. President, I am pleased that Congress has once again extended the Generalized System of Preferences as part of the omnibus appropriations bill. The GSP is important for many reasons. For instance, from a foreign relations standpoint it allows the U.S. to assist developing countries without the use of direct foreign aid.

It is also of great importance to American businesses. Many American businesses import raw materials or other products. The expiration of the GSP has forced these companies to pay a duty, or a tax, on some of these products. That's what a duty is: an additional tax. By extending the GSP retroactively, these companies will not be required to pay this tax. This tax is significant and can cost U.S. businesses hundreds of millions of dollars. So, Mr. President, it is very important that the GSP be extended and it is very appropriate that the Senate consider it as part of this bill.

It is essential to remember, however, that since its inception in the Trade Act of 1974, the GSP program has provided for the exemption of "articles which the President determines to be import-sensitive." This is a very important directive and critical to our most import-effected industries. A clear example of an import-sensitive article which should not be subject to GSP and, thus, not subject to the annual petitions of foreign producers that can be filed under this program, is ceramic tile.

It is well documented that the U.S. ceramic tile market repeatedly has been recognized as extremely import-sensitive. During the past thirty-years, this U.S. industry has had to defend itself against a variety of unfair and illegal import practices carried out by some of our trading partners. Imports already dominate the U.S. ceramic tile market and have done so for the last decade. They currently provide approximately 60 percent of the largest and most important glazed tile sector according to 1995 year-end government figures.

Moreover, one of the guiding principles of the GSP program has been reciprocal market access. Currently, GSP eligible beneficiary countries supply almost one-fourth of the U.S. ceramic tile imports, and they are rapidly increasing their sales and market shares.

U.S. ceramic tile manufacturers, however, are still denied access to many of these foreign markets.

Also, previous abuses of the GSP eligible status with regard to some ceramic tile product lines have been well documented. In 1979, the USTR rejected various petitions for duty-free treatment of ceramic tile from certain GSP beneficiary countries. With the acquiescence of the U.S. industry, however, the USTR at that time created a duty-free exception for the then-minuscule category of irregular edged "specialty" mosaic tile. Immediately thereafter, I am told that foreign manufacturers from major GSP beneficiary countries either shifted their production to "specialty" mosaic tile or simply identified their existing products as "specialty" mosaic tile on custom invoices and stopped paying duties on these products. These actions flooded the U.S. market with duty-free ceramic tiles that apparently had been superficially restyled or mislabeled.

In light of these factors, the U.S. industry has been recognized by successive Congresses and Administrations as "import-sensitive" dating back to the Dillon and Kennedy Rounds of the General Agreement on Tariffs and Trade (GATT). Yet during this same period, the American ceramic tile industry has been forced to defend itself from over a dozen petitions filed by various designated GSP-eligible countries seeking duty-free treatment for their ceramic tile sent into this market.

The domestic ceramic tile industry has been fortunate, to date, because both the USTR and the International Trade Commission have recognized the "import-sensitivity" of the U.S. market and have denied these repeated petitions. If, however, just one petitioning nation ever succeeds in gaining GSP benefits for ceramic tile, then all GSP beneficiary countries will be entitled to similar treatment. This could eliminate many American tile jobs and devastate the domestic industry. Therefore it is my strong belief that a proven "import sensitive," and already import-dominated product, such as ceramic tile, should not continually be subjected to defending against repeated duty-free petitions, but should be exempted from the GSP program.

Mr. REED. Mr. President, it is a bittersweet task that brings us back to Washington for one last vote before the end of the 105th Congress. Today, we will complete our work on the fiscal year 1999 budget.

To be sure, there is much that I like about the Conference Report before us, but there are some provisions that I strongly disagree with. On balance, however, it is a budget that is worthy of support.

Like many of my colleagues, I must lament the process that has brought us to this point—20 days after the start of the fiscal year. The Conference Report that we are about to vote on is almost 4,000 pages long. We have been given only a few hours to examine it. None of us knows the complete contents of the legislation, and there has been no opportunity to debate or offer amendments.

Fortunately, we have avoided a budgetary train-wreck similar to the one that closed down the government in 1995. But, Mr. President, this year the train is extremely late, and to hear the debate in this chamber, nobody wants to take responsibility for driving the engine.

We have subverted the regular budgetary process, failing even to pass a Budget Resolution. The majority could not reconcile its own discordant priorities to pass this blueprint legislation, which is required by law.

On this side of the aisle, we had a definitive agenda: preserve the budget surplus to save Social Security, invest in education, pass health care reform legislation, pass campaign finance reform, and pass legislation to prevent the tobacco industry from preying on our youngsters.

The President made these goals clear in his State of the Union Address and later with his fiscal year 1999 budget proposal. Claims that the priorities on this side were hidden until the very end are false. We have been here all along, working toward goals that the American people recognize as important, and we have had some success in achieving these goals in this legislation. There are a few provisions of the Conference Report that I would like to highlight:

This legislation preserves the surplus to help save Social Security.

It includes $1.2 billion for efforts to reduce class-size, of which $5.6 million would be awarded to my home state of Rhode Island. The omnibus bill also allocates funding to improve teacher preparation and recruitment, a cause that I was actively involved with during the drafting of the Higher Education Act Amendments of 1998.

The budget bill also includes funding for critical reading legislation—$260 million to help address the serious declines in literacy levels that have left 40% of America's fourth graders without basic literacy skills. The newly created GEAR UP program would receive $120 million under the bill. This ambitious new initiative will help encourage youngsters living in high poverty areas to pursue their higher education goals.

Finally, this Conference Report contains $33 million for the construction of as many as five new Job Corps centers, including one in Rhode Island, which is one of only four states currently without a center.

On the negative side, $800 million in subsidies for the Tennessee Valley Authority (TVA) was slipped into this legislation. Neither House of Congress included this level of funding in its version of the Energy and Water Appropriations bill. The omnibus package also retains a poorly constructed rider that prevents the Occupation Safety and Health Administration (OSHA) from conducting inspections on small farms in response to fatal accidents involving minors. I am committed to addressing both of these issues next year.

This Conference Report is also bad for what it does not contain. In particular, it lacks funding for school construction, which is required to help meet the $121 billion need for new and refurbished schools, nor does it include an important bipartisan initiative authored by Senators JEFFORDS and KENNEDY to help individuals with disabilities join the workforce while maintaining their essential Medicare and Medicaid coverage.

Finally, it fails to adequately fund the Leveraging Educational Assistance Partnership (LEAP), a federal-state program that is a major source of higher education grant aid. I worked hard with the other authors of the Higher Education Act Amendments to reauthorize and improve this program, and I believe the failure to sufficiently fund LEAP is short-sighted.

Mr. President, there is much that could be done to improve this Conference Report, but we must pass it to keep the government open. It is unfortunate that we have been put in the position of having to vote up or down on this hefty omnibus package with no opportunity to offer amendments, no opportunity for a substantive debate, and little chance to review the measure itself. Fast-Track budgeting at the end of a Congress is no way to make up for time squandered at the beginning. I hope that this is the last time we follow this kind of eleventh-hour, gerry-rigged process.

RYAN WHITE AIDS FUNDING UNDER TITLE IV

Mr. LAUTENBERG. I would like to engage the Chairman and Ranking Member of the Labor-Health and Human Services (HHS) Appropriations Subcommittee in a brief colloquy concerning pediatric AIDS demonstrations funded under Title IV of the Ryan White CARE Act.

Mr. SPECTER. I would be pleased to engage in a colloquy.

Mr. HARKIN. I, too, would be pleased to engage in a colloquy with the Senator from New Jersey.

Mr. LAUTENBERG. I would first like to commend and thank the Chairman and Ranking Member for their work to ensure our Nation's continued strong commitment to our children and families tragically infected with HIV by providing support for Title IV of the Ryan White CARE Act. Title IV programs are designed to coordinate health care and assure that it is focused on families' needs and based in their communities. These programs are the providers of care to the majority of children, youth, and families with HIV/

AIDS in our country, ensuring these families have access to the comprehensive array of services they need. A portion of Title IV funds may be used to provide peer-based training and technical assistance through national organizations that collaborate with projects to ensure development of innovative models of family centered and youth centered care; advanced provider training for pediatric, adolescent, and family HIV providers; coordination with research programs, and other technical assistance activities.

The Senate report stated that the Committee intends for the Department to continue its Title IV support of the National Pediatric and Family HIV Resource Center located within the University of Medicine and Dentistry of New Jersey. The Title IV funding needed to support the Center's work is $1.1 million per year. Is it correct that the managers intend for the Department to continue to support the National Pediatric and Family HIV Resource Center?

Mr. SPECTER. Yes, the Senator from New Jersey is correct. The committee intends that the National Pediatric and Family HIV Resource Center should continue to receive adequate funding.

Mr. HARKIN. I concur with the Chairman.

Mr. LAUTENBERG. I thank the Chairman and Ranking Member for their support, and for their continued work in this very important component of our national HIV/AIDS strategy.

PARKINSON'S DISEASE FUNDING

Mr. COCHRAN. Mr. President, one year ago this body adopted, by a vote of 95 to 3, legislation increasing our nation's commitment to finding the cause and cure for a long overlooked, but truly devastating disorder: Parkinson's disease. I was proud to cosponsor and vote for the Morris K. Udall Parkinson's Disease Research Act, signed into law as part of the Fiscal 1998 Labor, Health and Human Services, Education and Related Agencies Appropriations Act. The Udall Act authorized $100 million in research focused on Parkinson's disease to be funded through the National Institutes of Health in fiscal year 1998, 1999 and beyond.

The passage of the Udall Act was a great accomplishment, particularly for the hundreds and thousands of victims, and their families and friends, who worked so diligently to bring this issue to the Congress and make us aware of the need for additional Parkinson's research funding. I would also like to commend the Senior Senator from Pennsylvania, one of the true champions of medical research, for his strong support of the Udall Act and Parkinson's research.

Mr. SPECTER. I appreciate the remarks of my friend from Mississippi. He is correct that Parkinson's disease is a very serious disability, but one for which medical science does hold great promise. In addition, I too would like to commend the efforts of the Parkinson's community who have worked tirelessly to achieve passage of the Udall Act and increase funding for Parkinson's research.

Mr. COCHRAN. Mr. President, I am concerned that the National Institutes of Health has implemented neither the letter nor the spirit of the Udall Act, and that funding for Parkinson's-focused research has not increased in a fashion consistent with Congressional intent. An independent analysis, conducted by Parkinson's researchers at institutions all around the country, of the grants NIH defined as its Parkinson's research portfolio for fiscal year 1997 indicates that a majority of the grants are in fact not focused on Parkinson's disease. Only 34 percent of the funding NIH claims is Parkinson's research is actually Parkinson's-focused research, as required by the Udall Act. As troubling as that is, the study also found that 38 percent of the funding has no relation whatsoever to finding a cause or cure for this terrible affliction.

It is my understanding from published NIH budgetary documents that $106 million is expected to be allocated to Parkinson's research in fiscal year 1999. My concern is that without more direction from Congress, the NIH will undermine the intent of the Udall Act by continuing to classify, as part of its Parkinson's portfolio, research that is not focused on Parkinson's disease and, in doing so, will allow meritorious and much-needed Parkinson's research projects to go unfunded. I propose that a hearing be held early in 1999 to address and clarify these matters.

Mr. SPECTER. The gentleman has brought up important issues, which warrant further discussion.

Mr. CRAIG. As a sponsor of the Udall Act and supporter of Parkinson's research funding, I appreciate the Chairman's interest in these matters. The NIH claimed to spend more than $89 million on Parkinson's research in 1997. The Congress set a baseline authorization of $100 million for Parkinson's research in the fiscal year 1998 bill making NIH appropriations and clearly stated in report language that Congressional intent was to increase the commitment of NIH resources to Parkinson's. Close review of NIH's Parkinson's funding practices indicates that most of the research funding they define as Parkinson's is, in fact, not focused on Parkinson's at all. The NIH claimed to spend more than $89 million on Parkinson's research, in FY 1997. In reality, we later discovered that less than $31 million—just more than one third—of that research was truly focused on Parkinson's. Obviously there seems to be some disconnect here. Congress needs to be as clear as possible when communicating our intent to NIH, and diligent when overseeing their funding practices with regard to Parkinson's. I agree with Senator COCHRAN that hearings should be held early next year to address these issues, and I look forward to working with him, the Chairman, and others to see this resolved.

Mr. SPECTER. I thank the gentleman from Idaho and look forward to future discussions on his suggestions. It is a pleasure to recognize the sponsor of the Udall Act, and someone who remains very close to Mo and the Udall family, the distinguished Senator from Arizona.

Mr. McCAIN. I thank my friend from Pennsylvania. The Senator is correct that this is an issue of personal importance to me, and I appreciate his support as we work to defeat this terrible disease. I would also like to acknowledge the tremendous efforts of the Parkinson's community—courageous individuals in my state and all across the country who have worked so hard to pass the Udall Act and continue to work to achieve its full funding.

There are an estimated one million Americans living with Parkinson's disease, and the nature of its symptoms are such that they impact heavily on families and loved ones as well. Add to these staggering human costs the fiscal burden of health care expenses and lost productivity, and it's easy to see that Parkinson's deserves to be a higher national priority. Parkinson's disease also represents a real research opportunity, where an investment of funds is likely to yield improved therapies sure to reduce both the personal and financial costs to our families and our nation.

To realize this opportunity, though, it is up to Congress and the NIH to ensure that these funds get allocated to research focused on Parkinson's. Chairman SPECTER and others in this body have worked hard to ensure that NIH has the overall funding it needs to aggressively pursue research opportunities like those relating to Parkinson's. I have received a letter dated May 21, 1998 from NIH Director, Dr. Harold Varmus, which includes a chart indicating that the NIH will spend over $106 million on Parkinson's research in fiscal year 1999. I look forward to working with my colleagues and the NIH to see that this funding goes for research principally focused on the cause, pathogenesis, and/or potential therapies or treatments for Parkinson's disease as mandated by the Udall Act.

Mr. SPECTER. I thank the gentleman for his remarks, and look forward to continuing to work with him on these matters. Now I would like to recognize the other Senate sponsor of the Udall Act, another Senator with a deep and sincere connection to Parkinson's disease, the gentleman from Minnesota, Senator WELLSTONE.

Mr. WELLSTONE. I thank the Senator, and commend him for his support on this very important issue. I also wish to thank my friend, Senator McCain, for joining me last year in sponsoring the Udall Act.

I believed when we passed the Udall Act last year we had begun to change a sad history of chronic underfunding of Parkinson's by the NIH. It was a very personal victory for me—and for all those who fought so hard to see the Udall Act enacted into law.

I am here today, along with my colleagues, in an effort to fulfill the promise of the Udall Act and the commitment we in Congress made to people with Parkinson's, their families and those researchers dedicated to curing this disease. I find it very disheartening to learn that so little of the research NIH claims to devote to Parkinson's is actually Parkinson's-focused as called for by the Utall Act. it was our intent and it is our obligation to ensure that at least $100 million in research specifically focused on Parkinson's is allocated. And if it takes stronger language, more oversight, or congressional hearings to guarantee it gets done, then that's what we must do.

Members of the Senate have expressed their interest in seeing the Udall Act fully funded in fiscal year 1999, and we have taken some positive steps this year to accomplish that goal. But our work is not done. The ultimate goal is not legislative accomplishments. It is not adding more dollars to this account or that one. The ultimate goal is to find a cure for this horrible, debilitating disease so that more people don't have to suffer the way my parents and our family did, or the way Mo Udall and his family does, or the way countless families do every day in this country. By passing the Udall Act we made a promise to put the necessary resources into the skilled hands of researchers dedicated to finding that cure. I intend, as I know my colleagues and those in the Parkinson's community intend, to do everything I can to fulfill that promise.

Mr. SPECTER. I thank the Senator from Minnesota and all of my colleagues for their remarks today about Parkinson's research funding through the NIH. I look forward to working closely to address the concerns expressed here today.

SPRINGFIELD, VT, WORKFORCE DEVELOPMENT CENTER

Mr. JEFFORDS. Mr. President, I would like to engage my good friend and colleague, the Chairman of the Subcommittee on Labor, Health and Human Services and Education Appropriations in a colloquy regarding a provision in this legislation that is of great importance to me.

Mr. SPECTER. I would be pleased to join my good friend and colleague in a colloquy.

Mr. JEFFORDS. The Springfield region of Vermont currently faces a crisis in the machine tool industries. Six major machine tool employers in the area indicate that more than 50 percent of their workforce will retire within the next five to seven years. This will create the need for highly skilled employees to fill more than 700 positions in machine technology. In addition, other employers in the areas of information technology, hospitality and travel, financial services and food services industries indicate that they have an urgent need for a responsive education delivery system designed to meet their growing demand for skilled labor. I understand that the conference report includes funds for the Springfield Workforce Development Center to implement innovative training and vocational education strategies to meet the education, workforce and economic development needs of the region.

Mr. SPECTER. The Senator is correct. The Appropriations Committee recommendation includes funding for the Springfield Workforce Development Center, and this recommendation is retained in the conference agreement on the omnibus bill.

MEDICAL UNIVERSITY OF SOUTH CAROLINA

Mr. HOLLINGS. May I enjoin the Senator from Pennsylvania in a colloquy?

Mr. SPECTER. I would be pleased to hear from the Senator from South Carolina.

Mr. HOLLINGS. I would like to clarify an item contained in the statement of the managers of the omnibus appropriations bill. In the health facilities section of the Health Resources and Services Administration, reference is made to a project intended for the Medical University of South Carolina. Inadvertently, the word "Medical" was not included in the statement of the managers; however, that word's inclusion was clearly the intent of the managers.

Mr. SPECTER. I thank the Senator for his clarifying statement.

HEPATITIS C FUNDING

Ms. MIKULSKI. Will the chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee yield for a question?

Mr. SPECTER. I will be pleased to yield to the Senator from Maryland.

Ms. MIKULSKI. As the chairman knows, hepatitis C is the most common blood-borne infection in the United States. The CDC estimates that there are 4 million Americans—or 2 percent of the population—that are infected. Each year there are 10,000 deaths due to hepatitis C and the death total will increase to 30,000 a year unless something is done to intervene with the progression of this disease in the United States. Unfortunately, the vast majority of people infected with hepatitis C are not even aware that they are infected because the disease is "silent" without symptoms sometimes for decades. Meanwhile these infected individuals may be passing the disease on, causing new infections to occur each year. We need to break this cycle by helping individuals learn they have hepatitis C and by getting them to seek counseling, testing, and treatment of their infection and begin to understand the seriousness of this epidemic.

Additional funds are needed to support both a targeted look back effort to reach the 300,000 Americans who have hepatitis C as a result of exposure to blood products prior to 1992, when blood was not adequately screened for hepatitis C and a general media campaign to alert other Americans infected by hepatitis C. These funds are needed to fund cooperative efforts of State and local health departments and national voluntary health agencies such as the American Liver Foundation to identify, educate, counsel, test and refer for treatment those infected. The efforts should be bolstered by a toll-free hotline to help provide information and counseling. In addition, since not everyone can afford private testing, some of these funds should be made available to public health agencies for clinic testing and other testing options, including FDA-approved telemedicine testing services.

The chairman and the committee have some very strong report language focused on this issue and the chairman is well aware of this problem. I compliment him for the guidance he has given to the CDC on this issue. I have been informed by the CDC that $48 million is needed and at a minimum $16 million is needed just to begin to address this epidemic in fiscal year 1999. Can this amount be found within the totals recommended by the conferees?

Mr. SPECTER. I thank the Senator for her question. I agree that more needs to be done by CDC to address the hepatitis C epidemic. The conferees have provided a substantial increase for Infectious Diseases at CDC and I will urge the CDC to allocate increased resources to this matter.

Ms. MIKULSKI. I thank the chairman of the Labor, Health and Human Services, and Education Appropriations subcommittee for his response. Again, I compliment him and the ranking member, Tom Harkin, for their hard work on the Labor/HHS appropriations bill.

DREXEL UNIVERSITY INTELLIGENT INFRASTRUCTURE INSTITUTE

Mr. SPECTER. Mr. President, I have sought recognition to thank the chairman of the Transportation Appropriations Subcommittee for having included in this legislation funding for the Drexel University Intelligent Infrastructure Institute. I have been pleased to have worked with Drexel for several years on obtaining funding to establish the institute, which will focus on the link between intelligent transportation systems and transportation infrastructure. Drexel has teamed up with the

Delaware River Port Authority to study that agency's infrastructure, which includes four major bridges that provide critical links in the east coast corridor. Congress has previously appropriated $750,000 toward this project and authorized establishment of the institute in the TEA-31 legislation enacted earlier this year.

It is my understanding that it is the intent of the managers for the Transportation Appropriations bill that the $500,000 provided for the institute shall be made available pursuant to the provisions of section 5118 of TEA-21, which specifically authorizes the establishment of the Institute.

Mr. SHELBY. I want to thank the Senator from Pennsylvania for his comments and to confirm his understanding with respect to the Drexel Institute. As noted in the Senate committee report, the funds allocated within the Statement of Managers are to be made available for the purposes expressed in section 5118 of TEA-21.

THE AMERICAN COMPETITIVENESS AND WORK FORCE IMPROVEMENT ACT

Mr. GRAMS. Mr. President, I rise in support of the compromise H-1B visa legislation included in the omnibus appropriations bill. I am pleased a compromise was achieved that has now passed the House by a vote of more than two to one.

With the demand in this country rising for this category of highly skilled workers currently in short supply in the U.S., I believe there is a need to temporarily increase this visa category. The engine now driving our successful economy is being fueled in large part by growth in the information technology industry. I am told these high tech industries account for about one-third of our real economic growth. According to the Information Technology Industry Data Book, 1998–2008, the domestic revenue from the U.S. information technology industry is projected to be $703 billion for the year 2000.

With this sudden surge in industry growth, the United States has found itself unprepared to supply the large numbers of math and engineering graduates necessary to support this growth. In fact, American schools are producing fewer math and engineering graduates than in the past.

We have been forced to address this current imbalance by temporarily allowing needed high-tech workers to work in our country. This is necessary until we can develop the expertise we need in the country.

This compromise bill will do just that. For the next 3 years, additional workers from foreign countries will be allowed to work here. During this time, Americans will be educated to fill these jobs through scholarships and job training financed by fees collected from employers petitioning for the current foreign workers. We must do more to ensure our work force meet the demands of a growing, more sophisticated economy—that we have the educated work force we need to continue to prosper and provide better jobs for Americans.

There are other important issues covered by the bill including increased penalties for violations of law by employers, random investigations of employers sponsoring H-1B visas by the Department of Labor and protection of "whistleblowing" employees. I think this compromise is something that will help us now and in the future. I urge its passage.

Mr. KOHL. Mr. President, I rise today in opposition to the Omnibus Consolidated and Emergency Supplemental Appropriations Act before us. This was not an easy decision because there are many parts of this legislation I support. But, on balance, I cannot support a bill that is in essence sloppy—both in the process by which it was constructed and in its content.

We are asked today to vote—up or down—on a bill that contains eight of thirteen appropriations bills that fund the government and almost $500 billion in government spending, nearly 30 percent of our budget. We have one vote, little debate, and no chance of amendment on what has been described as the largest piece of spending legislation in recent history. And beyond the spending sections of the bill, it also includes various pieces of authorizing legislation—seven different drug bills, home health care reform, and Internet tax moratorium, a tax cut that will cost $9.2 billion over the next nine years among other items.

This is a huge measure—a measure that the esteemed Senator BYRD has called a "monstrosity," and he is right. It is a measure that, in its entirety, few have seen and no one understands. Yet today, we are asked to say "yes" or "no" to it. How can we say "yes" to a budget that we have not read, have not participated in its drafting, have not even seen? To do so would be irresponsible and undemocratic.

In saying this, I mean no disrespect to those of my colleagues who have worked very hard to try to make this process fair. The negotiators were caught in a bind that all of Congress has a responsibility for creating: We let partisanship and politics get in the way of passing a thoughtful budget this year, and so now we are stuck slapping a budget together at the last minute.

I commend the negotiators for doing the best they could. All parties were as responsive as this terrible situation allowed. The Democratic leadership in the Senate and Representative OBEY were vigilant in trying to protect the interests of Wisconsin during negotiations, and they were successful in doing some good for our State and in avoiding a great deal of bad.

I also do not mean to suggest that there are no items in this legislation that I support. There are many good policies, provisions and priorities established here.

For the most part, I am pleased with the final form of the Treasury-General Government appropriations bill which I worked on as the Subcommittee's Ranking Member. Controversial language tampering with the Federal Election Commission's staff was dropped. Important language guaranteeing adequate contraceptive coverage to federal employees was retained. And many important law enforcement and financial agencies were funded at adequate levels. In addition, that bill allocated money for fighting the war on drugs in my State—an additional $1.5 million to expand the Milwaukee High Intensity Drug Trafficking Area (HIDTA) and additional funds for expanding the Youth Crime Gun Interdiction Imitative operating now in Milwaukee.

The Omnibus bill also makes a strong investment in the education of our children, starting from early childhood education and continuing through higher education. The bill increases funding for the Child Care and Development Block Grant to over $1.18 billion, an increase of $182 million. This includes a continuation of the $19.1 million set-aside for resource and referral programs, which help parents locate quality, affordable child care in their communities. In addition, we increased funding for Head Start by over $300 million, increased funding for Disadvantaged Students (Title I) by over $300 million, increased Special Education funding by over $500 million, and provided $1.1 billion to local school districts to help reduce class size in the early grades. We also provided over $300 million more for Student Aid, including an increase in the maximum Pell Grant to $3,125.

In addition to investing in our children, the bill also ensures that we take care of our nation's elderly. Despite the fact that the House eliminated funding for LIHEAP, we were able to restore that funding to its full amount of $1.1 billion, ensuring that the elderly will not have to choose between food and heat during the cold winter months. We also increased funding for the Administration on Aging, including a $3 million increase for the Ombudsman program, which serves as an advocate for the elderly in long-term care facilities.

This appropriations measure also includes vital funding for highways and transit at the historic levels approved by Congress as part of the Transportation Equity Act earlier this year and a strong level of investment in airport improvement. In addition, the transportation piece of the omnibus bill funds a number of Wisconsin specific items, including Wisconsin statewide bus programs that play a crucial role in our welfare to work efforts, the renovation of the Milwaukee Train Station, crash and congestion prevention technology funding for the State, commuter rail planning and grade crossing mitigation funds for Southeastern Wisconsin and funding for the Coast Guard's Great Lakes' icebreaker and Seagoing Buoy Tender replacement programs.

The transportation piece of the omnibus package includes an important authorization provision affecting Milwaukee, Wisconsin's East West Corridor project. In the ISTEA reauthorization debate, the future of this project fell victim to politics and backroom dealing. Specifically, a provision was attached to the reauthorization legislation, the Transportation Equity Act or so-called TEA–21 law, which sought to undermine the framework of local decision making created by the original ISTEA in 1991. Worse still, this TEA–21 provision had not been debated as part of either the House or Senate reauthorization bills, but was added to the final bill at the eleventh hour despite the objections of those Members of Congress most impacted.

As a member of the Transportation Appropriations Subcommittee, I attempted to mitigate the damage done by the TEA–21 provision by attaching an amendment to the Senate Transportation Appropriations bill for Fiscal Year 1999. My amendment reaffirms the right of local officials to decide what transportation projects best fit the needs of their community. It simply makes sure that all parties who deserve to be at the decision making table have an equal seat at that table. I am pleased that a compromise version of my amendment is included in the omnibus package. It is my sincere hope that State and local officials will now work together to move ahead expeditiously with the East West Corridor improvements. Fairness has won the day, now consensus and cooperation must yield progress on a project of vital importance to the economy and quality of life in Southeastern Wisconsin.

I also am pleased several provisions I worked for throughout the year have made it into the portion of the bill covering Commerce-Justice-State appropriations. Most importantly, the legislation includes more than a threefold increase in crime prevention spending through Title V, a juvenile crime prevention program I authored six years ago. The funding level was increased from $20 million to $70 million. This should provide WI with around $1 million in prevention spending next year, a big boost from the approximately $340,000 it received last year out of the lower funding level.

The bill also extends a limited number of important tax provisions in a fiscally responsible manner—meaning these provisions are paid for, but not at the expense of the social security surplus. In particular, I strongly support the acceleration of the increase in the deduction for health insurance of the self-employed and the permanent extension of income averaging. Both these measures will go a long way to ease the tax burdens of Wisconsin's farmers and small business people. When we return in the spring, it is my hope that we will approve the reforms necessary to preserve the long term viability of social security, as well as enact more additional targeted, fiscally sound tax relief measures, such as my Child Care Tax Credit.

Finally, I applaud the Administration for recognizing the financial crisis that is sweeping the agricultural sector of the Midwest this summer. The legislation also wisely adds more money for market losses and drought in the southern U.S.

In addition, this bill does more than recognize the current problems in rural America. Although modest, the bill provides more financial help to maintain the viability of Wisconsin agriculture by appropriating $17 million more for agricultural research than last year, allowing the University of Wisconsin to develop the new technologies that will soon be the new production practices used by farmers. Soil and Water Conservation programs spending will increase by $8 million, enhancing programs like the Environmental Quality Improvement Program (EQIP). An additional $23 million was added for the Administration's Food Safety Initiative which includes money to increase the surveillance, research and education relating to food-borne illnesses. And finally, Congress agreed to pay dairy farmers for the transitioning of the industry to a more market oriented system as ordered by the last farm bill. Dairy producers will receive an estimated $200 million for agreeing to end the price support system in 1999.

However, I still have significant concerns that Congress decided to postpone the consolidation of the milk marketing orders required by the 1996 Farm Bill and to extend the Northeast Dairy Compact. Our outdated, unfair pricing system must come to an end. It was wrong to use this bill to extend its life—and the life of a controversial regional price fixing scheme—both policies that hurt competitive Wisconsin family farmers.

Another major problem with this bill is the use of the budget surplus to fund over $20 billion "emergency" spending. Certainly, some of these funds will go to meet truly unanticipated and urgent needs—like military deployments, natural disaster recovery efforts, and a response to the farm crisis sweeping the center of the nation. These are one-time, compassionate and necessary expenditures that must be made regardless of budget rules.

Unfortunately, a significant portion of the so-called "emergency" money is not for true emergencies. For example, $1.3 billion is for military readiness—a worthy goal, but one that we ought to budget for as part of our annual budget process. I certainly hope it is not news to anyone that we expect our military to be ready to defend us. In addition, $50 million of that money is for "morale, welfare, and recreation." Again, I agree with the goal of keeping our troops fit and content—but doing so should be a priority in every year's budget, not an off-budget item described as an "unanticipated need."

Many of us have argued that we ought not to use the budget surplus as an excuse to abandon fiscal discipline. We still need to save—for the Social Security obligations and health care needs of an aging population, for the rainy day that world economic instability may bring about, for the trust of the American taxpayer who expect us to use their tax dollars wisely. We succeeded in balancing the budget; it makes no sense to celebrate by unbalancing it again.

I am also concerned about the pork that is the inevitable result of the haphazard and closed process that produced this legislation. I do not know what it is now, but I do know it will show up as we—and the public and the press—pore over the 8000 pages of this legislation over the next few weeks.

In the end, as with any vote, the final decision has to be a result of weighing the good and the bad. No bill is perfect; most are the result of compromise. But in this bill, the balance of good and bad is tipped by the undemocratic and irresponsible manner in which it was written. I will vote no this morning, and I urge my colleagues to join me.

Mr. KYL. Mr. President, for the better part of the last year, we have been considering what to do with projected budget surpluses should they ever materialize. Some people suggested setting aside the excess money to help save Social Security. Some wanted to use a portion for tax relief, or paying down the national debt. I believe there was merit in each of those ideas.

It did not take long, however, for all of the good ideas to be swept aside once the surplus actually materialized. Just three weeks after confirming that the federal government achieved its first budget surplus in a generation, we have a bill before the Senate that proposes to use a third of the surplus to increase spending on government programs other than Social Security, tax relief, or repayment of the national debt.

I am very disappointed that we find ourselves in this situation. President Clinton pledged in his State of the Union address to "save every penny of any surplus" for Social Security, yet he was the first in line with a long list of programs to be funded out of the budget surplus. And Congress appears willing to go along. I, for one, intend to vote against this raid on a surplus that should be saved for Social Security or tax relief.

Mr. President, the Congressional Budget Office tells my office that it has not yet determined the cost of the omnibus spending bill, and may not be able to do so for some time. However, if you total the figures included in the conference report, it appears that the cost will approach $520 billion—that is, if funding for the International Monetary Fund and emergency agriculture money is included. I am looking at Division A of the bill—for mandatory and discretionary programs.

That compares to $447 billion for the same programs only a year ago. In other words, we are being asked to approve a bill that proposes to increase spending 16 percent in a single year. That does not even take into account the extra spending—another $21 billion—that is to be financed out of the budget surplus.

That is just too much. To put things into perspective, the average increase provided by the FY99 spending bills I supported earlier in the year amounted to just 0.1 percent—a spending freeze, in effect. If we are to keep the budget balanced and preserve our options on how to use the budget surplus, we need to follow a more responsible path. This bill, with its raid on the budget surplus, represents a dangerous return to the old ways of budget-busting, bigger government.

Mr. President, let me say a few things about the process that spawned this bill. Eight of the regular appropriations bills are wrapped into this package. A so-called emergency spending bill is attached, bringing the total cost of the legislation to over a half-trillion dollars. It is massive. It is no way to do the people's business responsibly.

I recognize that our leadership had little choice but to make the best of a bad situation, given President Clinton's propensity to shut the government down if he does not get his way. Indeed, one of the President's representatives admitted as much to the Majority Leader a few weeks ago when he said the White House would shut down the government if it was in its political interest to do so. That is reprehensible.

Still, our leadership did manage to secure some very good things in this bill—things that I would support if they could be separated out and considered on their own merits. Important funding for our nation's defense, anti-drug efforts, and increased law enforcement in Indian country is included. There are resources for 1,000 new Border Patrol agents, provisions to alleviate problems in the implementation of new border-security systems, funding for the National Institutes of Health, and programs to help victims of domestic violence.

However, by failing to prioritize spending, the bill simply throws more money at bad programs as well as good ones. It is easy to please everyone by spending more and more money. Yet that is a sure prescription for a return to the customary budget deficits we worked so hard to eliminate.

The fact is, this bill was written by a handful of congressional Members and staff and the White House behind closed doors. Most Members of Congress have not had a chance to review it, debate it, or offer amendments. That means our constituents have been shut out of the process. This is a risky and dangerous precedent that I believe we will come to regret.

Mr. President, while there are a number of good items in this bill—items I support—on balance, I believe it blurs the difference between two competing philosophies of government and, as I said before, represents a dangerous return to the old ways of budget-busting, bigger Government, and less freedom.

I will vote no.

Mr. FAIRCLOTH. Mr. President, I rise in support of this legislation. There are many good things about this bill. It is not perfect—but we shouldn't let the perfect be the enemy of the good. In our constitutional process, the Republican majority cannot get everything it wants and with a very liberal White House, we are forced to compromise in order to keep the Government functioning.

The most important thing the American people need to know is that this year the Congress has balanced the budget for the first time in 30 years. Next year, in 1999, we will balance it again. Because we have stopped the growth of the Federal Government, we finally have stopped spending more than we collect, and giving the bill to our children and grandchildren to pay in the future.

Let me discuss the many positive provisions in this bill. First, we have increased defense spending for an anti-ballistic missile defense. This involves the very core of our national security. And I should note, this is the first Congress to increase defense spending since 1985.

We have included provisions to reduce the spread of obscene material over the Internet. Also, we have doubled the number of Customs agents to block child pornography coming in from overseas.

In an area that I have particularly been interested in, we have attached real reforms to the IMF funding, rather than giving funds to the IMF with no strings attached as the President would have liked us to.

We have provided funding for new teachers, but maintained local control over the hiring—and—we have prevented national Federal testing of students.

We have included seven major proposals to fight the war on drugs. Bill Clinton has mocked the seriousness of drug use and it has showed. Drug use among teens has been on the rise during the Clinton administration.

We are funding increases in health care research, particularly cancer research and breast cancer research. We kept our commitment from last year to dramatically increase spending in the fight against cancer. The bill also contains a requirement that requires insurance companies to cover breast reconstructive surgery for women afflicted with breast cancer.

On the tax side, we have extended the research and development tax credit, which is important to North Carolina.

Further, we are changing the tax laws to permit 100% deductibility of health insurance for self employed individuals.

And this is another important point that is often overlooked by the media. This is the first Congress to cut taxes in 16 years. And in this bill, we have again reduced taxes for the self employed.

This is in stark contrast to the Clinton tax increase of 1993, the largest in the history of the U.S.

For North Carolina specifically, there are a number of positive provisions. We have received money for a program called LEARN North Carolina, which will provide important curriculum information to our teachers and classrooms over the Internet throughout North Carolina.

The Congress again provided funding for the Reading Together program which has fifth graders tutoring second graders in reading—it is a truly remarkable program that has shown very positive results in increasing the reading skills of elementary students.

The bill provides funding for the North Carolina Center for the Prevention of School Violence, in order to reduce violence in schools.

We have provided money to save a national landmark, the Cape Hatteras Lighthouse.

The bill will provide additional funding for the North Carolina Criminal Justice Information Network, which will help our state troopers identify criminal suspects on the spot during traffic steps. It will save the lives of our police officers.

In order to stop crime before it happens, we have provided funding for gang resistance in troubled parts of North Carolina.

For transportation, we have secured $10 million for light rail in the Triangle. In Charlotte, we have $3 million for the planning of light rail in that booming area of the state.

For our farmers, unlike the White House proposal, we have made sure that North Carolina farmers can receive aid if they are hit by low prices. Also, in order to keep our farmers competitive in the global marketplace, we have provided millions in agriculture research for North Carolina.

These are just a few of the items that have been secured for our state.

As I said, Mr. President, this is not a perfect bill.

We are spending too much money under the guise of "emergency" spending. Under the banner of "emergency" spending, we have funds for the Bosnian mission, the Year 2000 compliance, farm aid and embassy security funds. While we can't desert our troops in Bosnia now, we can find other spending cuts to pay for this mission, if it continues. We need funds to fix the Year 2000 problem, but we can find other cuts to offset this spending. And, we need funds to make our foreign missions more secure. I am willing to vote for these new funds now, but I can vow that I will seek spending reductions in the next year to offset them.

For this reason, I am also introducing legislation today that would require the President to submit a budget next year identifying spending cuts so that we can pay for the twenty billion in "emergency" spending that we have spent in this bill. We must preserve the surplus for Social Security, and emergency or no emergency, we have to find cuts in government so that we do not fritter away the surplus.

In conclusion, this bill, on balance, is a bill for a better national defense, better schools and better health care. For that reason, I plan to support it.

OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998

Mr. STEVENS. Mr. President, this legislation includes the Olympic and Amateur Sports Act Amendments of 1998, a bill that Senator CAMPBELL joined me in cosponsoring to update the federal charter of the U.S. Olympic Committee and the frame-work for Olympic and amateur sports in the United States.

This framework is known as the "Amateur Sports Act," because most of its provisions were added by the Amateur Sports Act of 1978 (P.L. 95-606). The Act gives the U.S. Olympic Committee certain trademark protections to raise money—and does not provide recurring appropriations—so therefore does not come up for routine reauthorization.

The Amateur Sports Act has not been amended since the comprehensive revision of 1978—a revision which provided the foundation for the modern Olympic movement in the United States. The bill we will soon pass does not fundamentally change the Act because our review showed us that is still fundamentally sound. We believe the modest changes we will make will ensure that the Act serves the United States well in the 21st Century.

The significant changes which have occurred in the world of Olympic and amateur sports since 1978 warrant some fine-tuning of the Act. Some of the developments of the past 20 years include: (1) that the schedule for the Olympics and Winter Olympics has been alternated so that games are held every two years, instead of every four—significantly increasing the workload of the U.S. Olympic Committee; (2) that sports have begun to allow professional athletes to compete in some Olympic events; (3) that even sports still considered "amateur" have athletes who with greater financial opportunities and professional responsibilities than we ever considered in 1978; and (4) that the Paralympics—the Olympics for disabled amateur athletes—have grown significantly in size and prestige.

These and other changes led me to call for a comprehensive review of the Amateur Sports Act in 1994. The Commerce Committee has held three hearings since then. At the first and second—on August 11, 1994 and October 18, 1995—witnesses identified where the Amateur Sports Act was showing signs of strain. We postponed our work until after the 1996 Summer Olympics in Atlanta, but on April 21, 1997, held a third hearing at the Olympic Training Center in Colorado Springs to discuss solutions to the problems which had been identified.

By January, 1998, we'd refined the proposals into possible amendments to the Amateur Sports Act, which we discussed at length at an informal working session on January 26, 1998 in the Commerce Committee hearing room. The bill that Senator CAMPBELL and I introduced in May reflected the comments received in January, and excluded proposals for which consensus appeared unachievable. With the help of the U.S. Olympic Committee, the Athletes Advisory Council, the National Governing Bodies' Council, numerous disabled sports organizations, and many others, we continued to fine tune the bill until it was approved by the Commerce Committee in July.

I will include a longer summary of the bill for the RECORD, but will briefly explain its primary components: (1) the bill would change the title of the underlying law to the "Olympic and Amateur Sports Act" to reflect that more than strictly amateurs are involved now, but without lessening the amateur and grass roots focus reflected in the title of the 1978 Act; (2) the bill would add a number of measures to strengthen the provisions which protect athletes' rights to compete; (3) it would add measures to improve the ability of the USOC to resolve disputes—particularly close the Olympics, Paralympics, or Pan-American Games—and reduce the legal costs and administrative burdens of the USOC; (4) it would add measures to fully incorporate the Paralympics into the Amateur Sports Act, and update the existing provisions affecting disabled athletes; (5) it would improve the notification requirements when an NGB has been put on probation or is being challenged; (6) it would increase the reporting requirements of the USOC and NGB with respect to sports opportunities for women, minorities, and disabled individuals; and (7) it would require the USOC to report back to Congress in five years with any additional changes that may be needed to the Act.

Mr. President, I am the only Senator from President Ford's Commission on Amateur Sports who is still serving. It has therefore been very helpful to have Senator CAMPBELL—an Olympian himself in 1964—involved in this process. Over my objection he has included an amendment the package to name the Act after me. There are many others who deserve recognition for their work to bring about the 1978 Act, and since he has prevailed, I will accept this honor on their behalf. I ask unanimous consent that my summary of the major components of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROVISIONS OF SECTION 142, THE OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998

Section 142 of the omnibus bill is based on S. 2119, the Olympic and Amateur Sports Act Amendments of 1998, a bill introduced by Senators STEVENS and CAMPBELL on May 22, 1998 and approved by the Senate Commerce Committee in July of 1998. Summary of major provisions:

Olympic and Amateur Sports Act—The federal charter of the U.S. Olympic Committee (USOC) and framework for Olympic and amateur sports in the United States is commonly known as the "Amateur Sports Act" because most of its provisions were enacted as part of the Amateur Sports Act of 1978 (P.L. 95-606). Section 142 would officially rename the underlying Act as the "Olympic and Amateur Sports Act." An amendment by Senator CAMPBELL changed section 142 to rename the underlying Act as the "Ted Stevens Olympic and Amateur Sports Act."

Paralympics—Section 142 incorporates the Paralympics into the Olympic and Amateur Sports Act, so that the Act clearly reflects the equal status between able-bodied and disabled athletes. It continues the original focus of the Act to integrate disabled sports with able-bodied National Governing Bodies (NGB's), but allows the USOC to recognize paralympic sports organizations if integration does not serve the best interest of a sport or if the NGB for the sport objects to integration. The USOC is officially recognized as the national Paralympic committee.

Athletes—The amendments require the creation of an Athletes' Advisory Council and National Governing Bodies' Council to advise the USOC. The amendments also require that at least 20 percent of the USOC Board be comprised of active athletes. The USOC already carries out these provisions but is not required to do us under existing law. The amendments require the USOC to hire an ombudsman for athletes nominated by the Athletes' Advisory Council who will provide advice to athletes about the Olympic and Amateur Sports Act, the relevant constitution and bylaws of the USOC and NGBs, and the rules of international sports federations and the International Olympic Committee (IOC) and International Paralympic

Committee (IPC), and who will assist in mediating certain disputes involving the opportunity of amateur athletes to compete. The amendments also require the NGBs to disseminate and distribute to athletes, coaches, trainers, and others, all applicable rules and any changes to the rules of the NGB, USOC, international sports federation, IOC, IPC, and Pan-American Sports Organization. Section 142 clarifies that NGBs must agree to submit to binding arbitration with respect to opportunity-to-compete issues at the request of the affected athlete under the Commercial Rules of the American Arbitration Association, but gives USOC authority to alter the Commercial Rules with the concurrence of the Athletes' Advisory Council and National Governing Bodies Council, or by a two-thirds vote of the USOC Board of Directors;

USOC Administrative/Cost Saving—The amendments allow the USOC to remove certain lawsuits against it to federal court. The amendments require the USOC to keep an agent for service of process only in the State of Colorado, rather than all 50 States. Under the amendments, the USOC is required to report to Congress only every four years, instead of annually. The report, however, is required to include data on the participation of women, disabled individuals, and minorities. Section 142 protects the USOC against court injunction in selecting athletes to serve on the Olympic, Paralympic, or Pan-American teams within 21 days of those games if the USOC's constitution and bylaws cannot provide a resolution before the games are to begin.

National Governing Bodies—The amendments in section 142 allow the USOC/NGBs not to send to the Olympics, Pan-American Games, or Paralympics athletes who haven't met the eligibility criteria of the USOC and appropriate NGB, even if not sending those athletes will result in an incomplete team. The amendments allow NGBs to establish criteria on a sport-by-sport basis for the "active athletes" that must comprise at least 20 percent of their boards of directors and other governing boards. Under the amendments, the USOC, AAC, and NGB Council will set guidelines, but an NGB will be able to seek exceptions to the guidelines from the USOC. Section 142 includes improved notification and hearing requirements by the USOC when an NGB is being challenged to be replaced or being put on probation.

Trademark—The amendment gives USOC trademark protection for the Pan-American Games, Paralympics, and symbols associated with each. As passed, it does not grandfather entities which have previously used these words or symbols. However, the USOC is directed not to pursue any actions against entities which already used such words or symbols on the date of the enactment of section 142 until Congress has the opportunity to legislatively address this matter. Section 142 also includes a provision to minimize the effects of the trademark protections in the Olympic and Amateur Sports Act on certain businesses in Washington State.

Special Report—The amendments in section 142 require the USOC to submit a report to Congress at the end of five years on the implementation of the provisions of section 142 and any additional changes the USOC believes are needed to the Olympic and Amateur Sports Act.

THE AMERICAN FISHERIES ACT

Mr. STEVENS. Mr. President, we've reached agreement to include the American Fisheries Act in the legislation being passed today (as title II of division C of the bill). This Act will not only complete the process begun in 1976 to give U.S. interests a priority in the harvest of U.S. fishery resources, but will also significantly decapitalize the Bering Sea pollock fishery.

The Bering Sea pollock fishery is the nation's largest, and its present state of overcapacity is the result of mistakes in, and misinterpretations of, the 1987 Commercial Fishing Industry Vessel Anti-Reflagging Act (the "Anti-Reflagging Act"). In 1986, as the last of the foreign-flag fishing vessels in U.S. fisheries were being replaced by U.S.-flag vessels, we discovered that federal law did not prevent U.S. flag vessels from being entirely owned by foreign interests. We also discovered that federal law did not require U.S. fishing vessels to carry U.S. crew members, and that U.S. fishing vessels could essentially be built in foreign shipyards under the existing regulatory definition of "rebuild." The goals of the 1987 Anti-Reflagging Act therefore were to: (1) require the U.S.-control of fishing vessels that fly the U.S. flag; (2) stop the foreign construction of U.S. flag vessels under the "rebuild" loophole; and (3) require U.S.-flag fishing vessels to carry U.S. crews.

Of these three goals, only the U.S. crew requirement was achieved. The Anti-Reflagging Act did not stop foreign interests from owning and controlling U.S. flag fishing vessels. In fact, about 30,000 of the 33,000 existing U.S.-flag fishing vessels are not subject to any U.S. controlling interest requirement. The Anti-Reflagging Act also failed to stop the massive foreign shipbuilding programs between 1987 and 1990 that brought almost 20 of the largest fishing vessels ever built into our fisheries as "rebuilds." Today, half of the nation's largest fishery—Bering Sea pollock—continues to be harvested by foreign interests on foreign-built vessels that are not subject to any U.S.-controlling interest standard.

On September 25, 1997, I introduced the American Fisheries Act (S. 1221) to fix these mistakes. Senators from almost every fishing region of the country joined me in support of this effort, including Senator BREAUX, Senator HOLLINGS, Senator GREGG, Senator WYDEN, and Senator MURKOWSKI. As introduced, the bill had three primary objectives: (1) require the owners of all U.S.-flag fishing vessels to comply with a 75 percent U.S.-controlling interest standard (similar to the standard for other commercial U.S.-flag vessels that operate in U.S. waters); (2) remove from U.S. fisheries at least half of the foreign-built factory trawlers that entered the fisheries through the Anti-Reflagging Act foreign rebuild grandfather loophole and that continued to be foreign-owned on September 25, 1997; and (3) prohibit the entry of any new fishing vessels above 165 feet, 750 tons, or with engines that produce greater than 3,000 horsepower.

I am pleased to report that the package we are approving today accomplishes all three of the main objectives of S. 1221 as introduced.

I wish to thank Senator GORTON for his tremendous effort in this. For almost a decade now, he and I have had various disagreements about the Bering Sea pollock fishery and issues relating to the Anti-Reflagging Act. At the Commerce Committee hearing in March, and later, at an Appropriations Committee markup in July, Senator GORTON plainly expressed his concerns with S. 1221. In August, however, he spent considerable time with representatives from the Bering Sea pollock fishery and by sheer will managed to develop a framework upon which we could both agree. After he presented the framework to me, we convened meetings in September that went around the clock for five days. Those meetings included Bering Sea pollock fishery industry representatives, industry representatives from other North Pacific fisheries, the State of Alaska, North Pacific Council members, the National Marine Fisheries, the Coast Guard, the Maritime Administration, environmental representatives, and staff for various members of Congress and the Senate and House committees of jurisdiction.

At the end of those meetings, a consensus had been achieved among Bering Sea fishing representatives on an agreement to reduce capacity in the Bering Sea pollock fishery. For the next three weeks, we drafted the legislation to give effect to the agreement, and spent considerable time with the fishing industry from other fisheries who were concerned about the possible impacts of the changes in the Bering Sea pollock fishery. The legislation we are passing today includes many safeguards for other fisheries and the participants in those fisheries. By delaying implementation of some measures until January 1, 2000, it also provides the North Pacific Council and Secretary with sufficient time to develop safeguards for other fisheries.

This legislation is unprecedented in the 23 years since the enactment of the Magnuson-Stevens Act. With the council system, Congressional action of this type is not needed in the federal fisheries anymore. However, the mistakes in the Anti-Reflagging Act and the way it was interpreted created unique problems in the Bering Sea pollock fishery that only Congress can fix. The North Pacific Council simply does not have the authority to turn back the clock by removing fishery endorsements, to provide the funds required under the Federal Credit Reform Act to allow for the $75 million loan to remove capacity, to strengthen the U.S.-control requirements for fishing vessels, to restrict federal loans on large fishing vessels, or to do many other things in this legislation.

While S.1221 as introduced was more modest in scope, I believe the measures in this agreement are fully justified as a one-time corrective measure for the negative effects of Anti-Reflagging Act.

I ask unanimous consent that the section-by-section analysis I have prepared be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY

DIVISION A

Section 120.—Appropriation

Section 120 appropriates a total of $30 million for the American Fisheries Act and other purposes. Specifically, it provides: (1) $20 million for the federal contribution to the reduction of capacity in the Bering Sea/Aleutian Islands (BSAI) pollock fishery; (2) $750,000 for the cost under the Federal Credit Reform Act of providing a $75 million loan to the fishing industry for the reduction of capacity in the BSAI pollock fishery; (3) $250,000 for the cost under the Federal Credit Reform Act of providing loans totaling $25 million to communities that participate in the western Alaska community development quota program to enable those communities to increase their participation in BSAI and other North Pacific fisheries; (4) $1,000,000 for the cost under the Federal Credit Reform Act of providing a loan of up to $100 million to the BSAI crab industry if a fishing capacity reduction program is implemented in that fishery under section 312(b) of the Magnuson-Stevens Act; (5) $6 million to the Secretary of Commerce for the costs of implementing subtitle II of the American Fisheries Act; and (6) $2 million to the Secretary of Transportation, primarily to the Maritime Administration for the costs of implementing subtitle I.

DIVISION C—TITLE II

SUBTITLE I—FISHERY ENDORSEMENTS

Section 201.—Short Title

This section establishes the title of the legislation as the "American Fisheries Act." The provisions of title II of division C draw substantially from S. 1221 (also called the American Fisheries Act), which was introduced on September 25, 1997, and cosponsored by Senators Breaux, Murkowski, Hollings, Wyden, and Gregg. A hearing to review S. 1221 was held by the Senate Commerce Committee on March 26, 1998, and a related hearing was held by the House Resources Committee on June 4, 1998.

Section 202.—Standard for Fishery Endorsements

Subsection (a) of section 202 amends section 12102(c) of title 46, United States Code to require at least 75 percent of the interest in entities that own U.S.-flag vessels in the fishing industry (including fishing vessels, fish tender vessels and floating processors) to be owned and controlled by citizens of the United States. U.S.-flag vessels in the fishing industry that are owned by individuals must be owned by a citizen of the United States under the requirement of section 12102(a)(1) of title 46, which allows only an individual who is a citizen of the United States to own a vessel that is eligible for documentation. Section 12102(c) of title 46, as amended by subsection (a), would require section 2(c) of the Shipping Act, 1916 to be applied in determining whether an entity meets the 75 percent requirement. Section 2(c) of the Shipping Act, 1916 states the following:

"Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or (c) if, through any contract or understanding, it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever [emphasis added] control of any interest in the corporation in excess of 25 per centum is confered upon or permitted to be exercised by any person who is not a citizen of the United States."

The application of section 2(c) is intended to ensure that vessels with a fishery endorsement are truly controlled by citizens of the United States. The amendments made by subsection (a) make clear that the term 'corporation' as used in section 2(c) of the Shipping Act, 1916 means a corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity for the purposes of applying section 2(c) to section 12102(c) of title 46, United States Code.

Subsection (a) also amends section 12102(c) (by adding a new paragraph (2)) to statutorily prohibit some of the types of control which are impermissible under the standard. A new paragraph (3) would prohibit vessels with a fishery endorsement from being leased to a non-citizen of the United States for use as a fishing vessel (to harvest fish) even if the control requirements are satisfied. A new paragraph (4) would allow a person not eligible to own a vessel with a fishery endorsement to nevertheless have an interest greater than 25 percent in the vessel, if the interest is secured by a mortgage to a trustee who is eligible to own a vessel with a fishery endorsement and who complies with specific requirements in the law and other requirements prescribed by the Secretary, and if the arrangement does not violate the 75 percent control requirements.

Subsection (a) amends section 12102(c) with a new paragraph (paragraph (5)) that would exempt the following vessels from the 75 percent standard, provided the owners of the vessels continue to comply with the fishery endorsement law in effect on October 1, 1998: (1) vessels engaged in fisheries under the authority of the Western Pacific Fishery Management Council; and (2) purse seine vessels engaged in tuna fishing in the Pacific Ocean outside the exclusive economic zone or pursuant to the South Pacific Regional Fisheries Treaty. Fishery endorsements issued by the Secretary for these vessels would be valid only in those specific fisheries and the vessels would not be eligible to receive a fishery endorsement to participate in other fisheries unless the owner complied with the 75 percent standard.

Paragraph (6) of section 12102(c), as amended by subsection (a), would prevent new large fishing vessels from entering U.S. fisheries, including former U.S.-flag fishing vessels that have reflagged in recent years to fish in waters outside the U.S. exclusive economic zone. Specifically, it would prohibit the issuance of fishery endorsements to vessels greater than 165 feet in registered length, of more than 750 gross registered tons, or that have an engine or engines capable of producing a total of more than 3,000 shaft horsepower unless: (1) the vessel had a valid fishery endorsement on September 25, 1997 (the day that S. 1221 was introduced), is not placed under foreign registry after the date of the enactment of the American Fisheries Act, and, if the vessel's fishery endorsement is allowed to lapse or is invalidated after the date of the enactment of the American Fisheries Act, an application for a new fishery endorsement is submitted to the Secretary within 15 business days; or (2) the owner of the vessel demonstrates to the Secretary that a regional fishery management council has recommended and the Secretary of Commerce has approved specific measures after the date of the enactment of the American Fisheries Act to allow the vessel to be used in fisheries under that council's authority. The regional councils have the authority and are encouraged to submit for approval to the Secretary of Commerce measures to prohibit vessels that receive a fishery endorsement under section 12102(c)(6) from receiving any permit that would allow the vessel to participate in fisheries under their authority, so that a vessel cannot receive a fishery endorsement through measures recommended by one council, then enter the fisheries under the authority of another Council.

Subsection (b) amends section 31322(a) of title 46, United States Code, to require that a preferred mortgage with respect to a vessel with a fishery endorsement have as a mortgagee only: (1) a person that meets the 75 percent U.S.-controlling interest requirement; (2) a state- or federally-chartered financial institution that meets a majority (more than 50 percent) U.S.-controlling interest requirement; or (3) a person using a trustee under the authority of, and in compliance with, section 12102(c)(4) of title 46, as amended by this Act.

Section 203—Enforcement of Standard

Subsection (a) of section 203 specifies that amendments in section 202 take effect on October 1, 2001, roughly three years from the date of the expected enactment of the American Fisheries Act. As introduced, S. 1221 would have required compliance with the new standard 18 months after enactment. The extended implementation period is intended to provide additional time for the fishing industry to prepare for the new requirements, as well as time for the Secretary of Transportation to prepare to carry out the requirements.

Subsection (b) requires final regulations to implement subtitle I to be published in the Federal Register by April 1, 2000, 18 months before the new requirements go into effect, and requires that the regulations specifically identify: (1) impermissible transfers of ownership or control; (2) transactions that will require prior agency approval; and (3) transactions that will not require prior agency approval. Subsection (b) prohibits the Secretary of Transportation from issuing any letter rulings before publishing the final regulations. It is the intent of Congress that there be a full opportunity for the public to comment on the regulations implementing the new requirements before any decisions are made with respect to specific vessels or vessel owners. During the implementation of the 1987 Anti-Reflagging Act, numerous letter rulings were issued by the Coast Guard prior to the publication of final regulations to implement the U.S.-control requirements, which limited the Coast Guard's ability to address valid concerns about the regulations. The implementation process set out in subsection (b) will provide an 18 month period for the Secretary of Transportation to promulgate regulations and fully review public comments, followed by an 18 month period in which the fishing industry can obtain letter rulings before the new requirements take effect to avoid disruptions where possible. This framework allows time for the Secretary of Transportation to consult with Congress if the Secretary has concerns about Congressional intent or identifies any technical or other amendments needed to give full effect to the American Fisheries Act.

Subsection (c) requires the Maritime Administration (MarAd), rather than the Coast Guard, to administer the new U.S.-ownership and control requirements for vessels 100 feet in registered length and greater. MarAd will use a more thorough process than has been used in the past to ensure compliance with the new requirements. The process will be based on the process for federal loan guarantees and subsidies. The owners of vessels 100 feet and greater will be required to file an annual statement to demonstrate compliance with section 12102(c), based on an existing citizenship affidavit required to be filed under certain MarAd regulations. Paragraph (2) of subsection (c) directs MarAd to rigorously scrutinize transfers of ownership and control of vessels, and identifies specific areas in which MarAd should pay particular attention.

Subsection (d) directs the Secretary of Transportation to establish the requirements for the owners of vessels less than 100 feet to demonstrate compliance with the new requirements, and allows the Secretary to decide whether the Coast Guard or MarAd should be the implementing agency. Subsection (d) further directs the Secretary to minimize the administrative burden on individuals who own and operate vessels that measure less than 100 feet.

Subsection (e) directs the Secretary of Transportation to revoke the fishery endorsement of any vessel subject to section 12102(c) of title 46 whose owner does not meet the 75-percent ownership and control requirement or otherwise fails to comply with that section.

Subsection (f) increases the penalties for fishery endorsement violations. Specifically, it would make the owner of a vessel with a fishery endorsement liable for a civil penalty of up to $100,000 for each day the vessel is engaged in fishing if the owner has knowingly falsified or concealed a material fact or knowingly made a false statement or representation when applying for or renewing a fishery endorsement. This increased penalty is intended to discourage willful noncompliance with the new requirements.

Subsection (g) provides limited exemptions from the new U.S.-control and ownership requirements in section 12102(c) of title 46 for the owners of five vessels (the EXCELLENCE, GOLDEN ALASKA, OCEAN PHOENIX, NORTHERN TRAVELER, and NORTHERN VOYAGER) under certain conditions. It exempts the owners after October 1, 2001 only until more than 50 percent of the interest owned and controlled in the entity that owns the vessel changes. The exemption applies only to the present owners, and the subsection not only requires all subsequent owners to comply the 75 percent standard, but requires even the present owners to comply if more than 50 percent of the interest owned and controlled in that owner changes after October 1, 2001. The exemption also automatically terminates with respect to the NORTHERN TRAVELER or NORTHERN VOYAGER if the vessel is used in a fishery other than under the jurisdiction of the New England or Mid-Atlantic fishery management councils, and automatically terminates with respect to the EXCELLENCE, GOLDEN ALASKA, or OCEAN PHOENIX if the vessel is used to harvest fish.

Section 204—Repeal of Ownership Savings Clause

Section 204 would repeal the U.S.-ownership and control grandfather provision of the 1987 Anti-Reflagging Act, which was interpreted by the Coast Guard (and later upheld by the U.S. Court of Appeals for the D.C. Circuit, see 298 U.S. App. D.C. 331) to "run with the vessel," thereby exempting about 90 percent of the U.S.-flag fishing industry vessels in existence today from any U.S.-ownership and control requirements. The American Fisheries Act and provisions of section 204 require that the owners of all vessels comply with the new U.S.-ownership and control requirements when those requirements take effect on October 1, 2001 (except as provided in section 12102(c)(5) of title 46, as amended by the American Fisheries Act (Hawaii exemption), and in section 203(g) of the American Fisheries Act (five specific vessels)).

SUBTITLE II—BERING SEA POLLOCK FISHERY

Section 205—Definitions

Section 205 provides definitions for the following terms used in subtitle II: (1) Bering Sea and Aleutian Islands Management Area; (2) catcher/processor; (3) catcher vessel; (4) directed pollock fishery; (5) harvest; (6) inshore component; (7) Magnuson-Stevens Act; (8) mothership; (9) North Pacific Council; (10) offshore component; (11) Secretary; and (12) shoreside processor.

Section 206—Allocations

Section 206 establishes new allocations in the pollock fishery in the BSAI beginning in 1999. Subsection (a) requires 10 percent of the total allowable catch of pollock to be allocated as a directed fishing allowance to the western Alaska community development quota program. Subsection (b) requires an additional amount from the total allowable catch to be allocated for the incidental catch of pollock in other groundfish fisheries (including the portion of those fisheries harvested under the western Alaska CDQ program). Of the remainder, subsection (b) requires 50 percent to be allocated as a directed fishing allowance for catcher vessels that deliver to shoreside processors, 40 percent to be allocated as a directed fishing allowance for catcher/processors and catcher vessels that deliver to catcher/processors, and 10 percent to be allocated as a directed fishing allowance for catcher vessels that deliver to motherships. Section 206 clarifies that the 10 percent of pollock allocated to the western Alaska CDQ program is allocated as a target species, consistent with the present method of allocation and with Congressional intent with the respect to the target species allocations required under section 305(i) of the Magnuson-Stevens Act for the western Alaska CDQ program. The section is intended to ensure the continuation of the present system under which the bycatch in the pollock CDQ fishery and the bycatch in the non-pollock groundfish CDQ fisheries are not counted against the CDQ allocations.

Section 207—Buyout

Subsection (a) directs the Secretary of Commerce, using special authority added in 1996 to the title XI loan program, to provide a loan of $75 million to the shoreside processors and catcher vessels that deliver to the shoreside processors to remove fishing capacity from the BSAI pollock fishery. Subsection (b) sets out the terms for the repayment of the loan, requiring the shoreside processors and catcher vessels that deliver to those processors to pay on an equal basis six-tenths (0.6) of one cent per pound of pollock beginning in the year 2000 and continuing until the loan is fully repaid (probably for around 25 years). Subsection (c) authorizes appropriations of an additional $20 million for the removal of fishing capacity from the BSAI pollock fishery, for a total of $95 million.

Subsection (d) establishes the payment formula for the removal of fishing capacity. Paragraph (1) of subsection (d) requires $90 million to be paid by the Secretary to the owners of the nine catcher/processors (also called factory trawlers) listed in section 209, subject to the conditions that one of the vessels (the AMERICAN EMPRESS) not be used outside of the U.S. exclusive economic zone (EEZ) to harvest stocks that occur within the U.S. EEZ, and that eight of the vessels be scrapped by December 31, 2000. Paragraph (2) of subsection (d) requires the payment of $5 million to either the owners of certain catcher/processors listed in section 208(e), or to owners of catcher vessels eligible under section 208(b) and the 20 catcher/processors eligible under section 208(e), depending on whether or not a contract to implement a fishery cooperative has been filed by December 31, 1998. These payments totaling $95 million are for the removal of fishing capacity only, and are in no way intended as compensation for any allocation adjustments, nor should they be construed to create any right of compensation for any allocation adjustments or any right, title, or interest in or to any fish in any fishery. Subsection (d) authorizes the Secretary of Commerce to reduce the payments by any amount owed to the federal government which has not been satisfied by the owners of the vessels.

Subsection (e) allows the Secretary to suspend any or all of the federal fishing permits held by the owners who receive payments under subsection (d) if the vessel identified in paragraph (1) of section 209 is used outside of the U.S. exclusive economic zone (EEZ) to harvest stocks that occur within the U.S. EEZ, or if the other eight catcher/processors identified in section 209 are not scrapped by December 31, 2000.

Subsection (f) allows the repayment period for the $75 million loan to the shoreside processors and catcher vessels that deliver to the shoreside processors to be paid back over as many as 30 years. The general authority for fishing capacity reduction loans under the title XI program allows a repayment period of only up to 20 years.

Subsection (g) directs the Secretary of Commerce to publish proposed regulations to implement the fishing capacity reduction program under title XI and under the Magnuson-Stevens Act by October 15, 1998. This program was enacted on October 11, 1996 as part of the Sustainable Fisheries Act (P.L. 104–297), yet the proposed regulations to implement the program have not yet been published for review. Subsection (g) is intended to bring about the expeditious publication of the proposed regulations.

Section 208—Eligible Vessels and Processors

Subsection (a) of section 208 establishes the criteria for the catcher vessels that, beginning on January 1, 2000, will be eligible to harvest the pollock allocated under section 206(b)(1) for processing by the inshore component. To be eligible a vessel must: (1) have delivered at least 250 metric tons of pollock in the BSAI directed pollock fishery (or at least 40 metric tons if the vessel is less than 60 feet in length overall) to the inshore component in one of 1996 or 1997, or before September 1, 1998; (2) be eligible for a license under the license limitation program; and (3) not be eligible under subsection (b) to deliver pollock to catcher/processors. Any vessel which cannot meet these criteria will be ineligible as of January 1, 2000 to harvest the pollock allocated for processing by the inshore component.

Subsection (b) lists the particular catcher vessels and establishes criteria for other catcher vessels that, beginning on January 1, 1999, will be eligible to harvest pollock allocated under section 206(b)(2) for processing by catcher/processors. In addition to the seven listed vessels, any catcher vessel which (1) delivered at least 250 metric tons and at least 75 percent of the pollock it harvested in the BSAI directed pollock fishery to catcher processors in 1997, and (2) is eligible for a license under the license limitation program, will also be eligible as of January 1, 1999 to harvest pollock allocated for processing by catcher/processors. Any vessel which is not listed or cannot meet these criteria will be ineligible as of January 1, 1999 to harvest the pollock allocated for processing by catcher/processors.

Subsection (c) lists the particular catcher vessels and establishes criteria for other catcher vessels that, beginning on January 1, 2000, will be eligible to harvest pollock allocated under section 206(b)(3) for processing by motherships. In addition to the twenty listed vessels, any catcher vessel which (1) delivered at least 250 metric tons of pollock from the BSAI directed pollock fishery to motherships in one of 1996 or 1997, or before September 1, 1998, (2) is eligible for a license under the license limitation program, and (3) is not eligible under subsection (b) to deliver pollock to catcher/processors, will also be eligible as of January 1, 2000 to harvest pollock allocated for processing by motherships. Any vessel which is not listed or cannot meet these criteria will be ineligible as of January 1, 2000 to harvest the pollock allocated for processing by motherships.

Subsection (d) lists the three motherships that will be eligible beginning on January 1, 2000 to process the pollock allocated under section 206(b)(3). Any vessel which is not listed will be ineligible as of January 1, 2000 to process the pollock allocated for processing by motherships in the BSAI directed pollock fishery.

Subsection (e) lists the particular catcher/processors that, beginning on January 1, 2000, will be eligible to harvest pollock allocated under section 206(b)(2) for processing by catcher/processors. In addition to the twenty vessels listed, under paragraph (21) of subsection (e), any catcher/processor which harvested more than 2,000 metric tons of pollock in the BSAI directed pollock fishery in 1997, and is eligible for a license under the license limitation program, will be eligible to harvest a small portion of the pollock allocated under section 206(b)(2). The vessel or vessels eligible under paragraph (21) are prohibited from harvesting more than one-half percent in the aggregate of the pollock allocated under subsection 206(b)(2). This provision is intended to allow a small number of catcher/processors (perhaps as few as one) to continue to harvest the relatively small amount of pollock they harvested in the past while relying primarily on other fisheries. The last sentence of subsection (e) would allow the catcher/processors listed in paragraphs (1) through (20) to continue to be eligible for a fishery endorsement even if it is ultimately determined that the vessel did not satisfy the foreign rebuild grandfather provisions of the 1987 Anti-Reflagging Act—provided that the owner of the vessel complies with all other requirements for a fishery endorsement. The removal of nine catcher/processors in section 209 is intended to address the overcapacity concerns that resulted from the entry under the Anti-Reflagging Act of foreign built vessels contrary to Congressional intent.

Subsection (f) establishes the criteria for shoreside processors to which the catcher vessels eligible under section 208(a) may deliver pollock from the BSAI directed pollock fishery beginning on January 1, 2000. To be eligible, a shoreside processor (which may include moored vessels) must have processed more than 2,000 metric tons of pollock in the inshore component of the BSAI directed pollock fishery during each of 1996 and 1997. Any shoreside processor that processed pollock in the inshore component in 1996 or 1997, but processed less than 2,000 metric tons, would be allowed under paragraph (1)(B) to continue processing up to 2,000 metric tons per year after January 1, 2000. Paragraph (2) of subsection (f) would allow the North Pacific Council to recommend (and the Secretary to approve) the entry of additional shoreside processors to process the allocation under section 206(b)(1) if the total allowable catch for pollock increases by more than 10 percent above the 1997 total allowable catch, or if any of the shoreside processors eligible to process more than 2,000 metric tons is lost.

Subsection (g) establishes requirements for the replacement of any of the vessels eligible to harvest pollock under section 208 if the vessel is lost by an event other than the willful misconduct of the owner or agent of the owner.

Subsection (h) allows vessels and shoreside processors for which an application for eligibility under section 208 has been filed to be allowed to participate in the BSAI directed pollock fishery until the Secretary of Commerce can make a final determination about the eligible of the vessel or shoreside processor. This subsection is intended to minimize disruptions in the event the Secretary is unable to complete determinations for all vessels and processors prior to the effective dates of the eligible criteria.

Subsection (i) clarifies that eligibility under section 208 does not confer any right of compensation if the eligibility is subsequently revoked or limited, does not create any right to any fish in any fishery, and does not waive any provision of law otherwise applicable to an eligible vessel or shoreside processor. Section 208 simply prevents the participation of vessels and shoreside processors not listed or that do not meet the eligibility criteria, and ineligible vessels and shoreside processors similarly have no right of compensation or right to any fish of any kind.

Section 209—List of Ineligible Vessels

Section 209 identifies nine catcher/processors that, effective December 31, 1998, are permanently ineligible for fishery endorsements. Section 209 also extinguishes all claims associated with the vessels that could qualify the owners of the vessels for any limited access system permit.

Section 210—Fishery Cooperative Limitations

Subsection (a) of section 210 requires all contracts implementing a fishery cooperative in the BSAI directed pollock fishery and all material modifications to those contracts to be filed with the North Pacific Council and Secretary of Commerce, and requires information about the contracts to be made available to the public. With the limitations in section 208 on further entry into the BSAI directed pollock fishery, the American Fisheries Act increases the likelihood that fishery cooperatives will be formed under the 1934 Act (15 U.S.C. 521 et seq.) that allows fishermen to "act together . . . in collectively catching, producing, preparing for market, processing, handling, and marketing" fish and fish products without being subject to federal anti-trust laws. The 1934 Act does not require the public disclosure of the details from contracts implementing fishery cooperatives, nor does it include many of the other restrictions and limitations in section 210 that would apply to fishery cooperatives in the BSAI directed pollock fishery. Subsection (a) will require at a minimum the public disclosure of the parties to the contract, the vessels involved, the amount of fish each vessel is expected to harvest, and, after the fishing season, the amount of fish (including bycatch) each vessel actually harvested. In addition, the North Pacific Council and Secretary may require other information that they deem appropriate from participants in a fishery cooperative for public disclosure.

Subsection (b) allows the catcher vessels that deliver pollock to shoreside processors to form fishery cooperatives with fewer than the whole class of vessels eligible under section 208(a) so that they will be able to compete in the event that fishery cooperatives are formed in the other BSAI directed pollock fishery sectors which have fewer vessels. Paragraph (1) requires the Secretary to establish a separate allocation within the allocation under section 206(b)(1) if at least 80 percent of the catcher vessels that delivered most of their pollock in the previous year to a shoreside processor decide to form a fishery cooperative to deliver pollock to that shoreside processor and that processor has agreed to process the pollock. The allocation for those vessels would be equal to the average percentage those vessels caught in the aggregate in 1995, 1996, and 1997. If a fishery cooperative is formed, other catcher vessels that delivered most of the their catch to that shoreside processor would be required to be allowed to join the fishery cooperative under the same terms and conditions as other participants at any time before the calendar year in which fishing under the cooperative will begin. Vessels which participate in a fishery cooperative will not be allowed to harvest any of the pollock that remains in the "open access" portion of the allocation under section 206(b)(1). The "open access" portion will be equal to the average percentage that the vessels which do not elect to participate in fishery cooperatives caught in the aggregate in 1995, 1996, and 1997. The vessels eligible to harvest pollock allocated for processing by shoreside processors would continue to have the authority to form a fishery cooperative on a class-wide basis as well.

Subsection (c) requires at least 8.5 percent of the pollock allocated under section 206(b)(2) for processing by catcher/processors to be available for harvesting by the catcher vessels eligible under section 208(b). This requirement will help ensure that the traditional harvest of those catcher vessels will not be reduced. The catcher vessels may participate in a fishery cooperative with the 20 catcher/processors eligible under section 208(e), but may participate during 1999 only if the contract implementing the fishery cooperative includes penalties to prevent the catcher vessels from exceeding their traditional harvest levels in other fisheries. Under a fishery cooperative, vessel owners have more control over the time during which they will fish, and without these provisions in 1999, the catcher vessels could target other fisheries during the time they would traditionally be participating in the BSAI directed pollock fishery. By the year 2000, the North Pacific Council will have been able to recommend (and the Secretary to approve) any measures needed to protect other fisheries.

Subsection (d) extends the 1934 fishery cooperative authority to motherships for purposes of processing pollock if 80 percent of the catcher vessels eligible to harvest the pollock allocated for processing by motherships decide to form a fishery cooperative. The possible extension of this authority would not begin until January 1, 2000, and would remain in effect only for the duration of the contract implementing the fishery cooperative. If a fishery cooperative is formed, other catcher vessels eligible to harvest the pollock allocated for processing by motherships would be required to be allowed to join the fishery cooperative under the same terms and conditions as other participants at any time before the calendar year in which fishing under the cooperative will begin.

Subsection (e) prohibits any individual or any single entity from harvesting more than 17.5 percent of the pollock in the BSAI directed pollock fishery to ensure competion. Presently in that fishery, a single entity in that fishery harvests close to 30 percent of the pollock in the BSAI directed pollock fishery. In addition, paragraph (2) of subsection (e) directs the North Pacific Council to establish an excessive share cap for the processing of pollock in the BSAI directed pollock fishery. Paragraph (3) requires any individual or entity believed by the North Pacific Council or Secretary to have exceeded the harvesting or processing caps to submit information to MarAd, and requires MarAd make a determination as soon as possible. If an individual or entity owns 10 percent or more of another entity, they will be considered to be the same entity as that other entity for the purposes of the harvesting and processing caps.

Subsection (f) requires contracts that implement fishery cooperatives in the BSAI directed pollock fishery to include clauses under which the participants will pay landing taxes established under Alaska law for pollock that is not landed in the State of Alaska. The failure to include the clause or to pay the landing taxes results in the permanent revocation of the authority to form fishery cooperatives under the 1934 Act for the parties to the contract implement the fishery cooperative and the vessels involved in the fishery cooperative.

Subsection (g) specifies that the violation of any of the provisions of section 210 (fishery cooperative limitations) or section 211 (protections for other fisheries and conservation measures) constitutes a violation of the prohibited acts section of the Magnuson-Stevens Act and is subject to the civil penalties and permit sanctions under section 308 of the Magnuson-Stevens Act. In addition, subsection (g) specifies that any person found to have violated either of section 210 or 211 is subject to the forfeiture of any fish harvested or processed during the commission of the violation.

Section 211—Protections for Other Fisheries; Conservation Measures

Subsection (a) of section 211 directs the North Pacific Council to submit measures for the consideration and approval of the Secretary of Commerce to protect other fisheries under its authority and the participants in those fisheries from adverse impacts caused by the subtitle II of the American Fisheries Act or by fishery cooperatives in the BSAI directed pollock fishery. The Congress intends for the North Pacific Council to consider particularly any potential adverse effects on fishermen in other fisheries resulting from increased competition in those fisheries from vessels eligible to fish in the BSAI directed pollock fishery or in fisheries resulting from any decreased competition among processors.

Subsection (b) includes specific measures to restrict the participation in other fisheries of the catcher/processors eligible to participate in the BSAI directed pollock fishery (other than the vessel or vessels eligible under paragraph (21) of section 208(e)). While these types of limitations are appropriately for the North Pacific Council to develop, the catcher/processors eligible under section 208(e) may form a fishery cooperative for 1999 before the North Pacific Council can recommend (and the Secretary approve) necessary limitations. The restrictions in subsection (b) would therefore take effect on January 1, 1999 and remain in effect thereafter unless the North Pacific Council recommends and the Secretary approves measures that supercede the restrictions. Subparagraphs (A) and (B) of paragraph (2) prohibit the catcher/processors eligible to participate in the BSAI directed pollock fishery from exceeding the aggregate amounts of targeted species and bycatch in other fisheries that catcher/processors from the BSAI directed pollock fishery caught on average in 1995, 1996, and 1997. Subparagraph (C) prohibits those catcher/processors from fishing for Atka mackerel in the eastern area of the BSAI or from exceeding specific percentages in the central area or western area. The limitations in subparagraphs (A), (B), and (C) do not ensure that the BSAI pollock-eligible catcher/processors will be able to harvest any amount of fish, they simply establish additional caps after which those catcher/processors, as a class, will be prohibited from further fishing.

Paragraph (3) of section 211(b) prohibits the catcher/processors eligible to participate in the BSAI directed pollock fishery from processing any of the pollock allocated for processing by motherships or shoreside processors in the BSAI directed pollock fishery and from processing any species of crab harvested in the BSAI. Paragraph (4) prohibits the BSAI pollock-eligible catcher/processors from harvesting any fish in the Gulf of Alaska, from processing any groundfish harvested in area 630 of the Gulf of Alaska, from processing any pollock in the Gulf of Alaska other than as bycatch, and from processing in the aggregate a total of more than 10 percent of the cod harvested in areas 610, 620, and 640 of the Gulf of Alaska. Paragraph (5) prohibits BSAI-eligible catcher/processors and motherships from harvesting or processing fish in any fishery under the authority of another regional fishery management council unless the council authorizes their participation, with the exception of the Pacific whiting fishery under the Pacific Council's authority, where the catcher/processors and motherships are already participating.

Paragraph (6) of section 211(b) requires the BSAI pollock eligible catcher/processors to carry two observers on board and to install scales on board and weigh all fish harvested by the vessel while participating in pollock and other groundfish fisheries under the North Pacific Council's authority. The requirements of paragraph (6) take effect in 1999 for catcher/processors that will harvest pollock allocated to the western Alaska community development quota program, and in 2000 for the other BSAI pollock-eligible catcher/processors.

Subsection (c) of section 211 requires the North Pacific Council to submit measures by July 1, 1999 to prevent the expanded participation of BSAI pollock-eligible catcher vessels in other fisheries as a result of BSAI pollock fishery cooperatives and to protect processors in other fisheries from any adverse effects caused by subtitle II of the American Fisheries or by BSAI pollock fishery cooperatives. Paragraph (1) of subsection (c) allows the Secretary to restrict or change the BSAI pollock fishery cooperative authority for catcher vessels delivering to shoreside processors (including by allowing those vessels to deliver to shoreside processors other than those which are BSAI pollock-eligible) if the North Pacific Council does not recommend measures by July 1, 1999 or if the Secretary determines that those measures are not adequate.

Paragraph (2)(A) prohibits the BSAI pollock-eligible motherships and shoreside processors from processing in the aggregate more crab in fisheries under the North Pacific Council's authority than the percentage of crab those motherships and shoreside processed in the fishery in the aggregate and on average in 1995, 1996, and 1997. The intent of paragraph (2) is to protect processors that are not BSAI pollock-eligible from increased competition from the shoreside processors who may have a financial advantage as a result of the increased pollock allocation under the American Fisheries Act or by receiving pollock under a fishery cooperative. Paragraph (2)(B) directs the North Pacific Council to establish excessive share harvesting and processing caps in the BSAI crab and non-pollock groundfish fisheries for similar purposes.

Paragraph (3) of subsection (c) directs the Pacific Council to submit any measures that may be necessary to protect fisheries under its authority by July 1, 2000 and allows the Secretary of Commerce to implement measures if the Pacific Council does not submit measures or if the measures submitted are determined by the Secretary to be inadequate.

Subsection (d) give the North Pacific Council the authority with approval of the Secretary to publically disclose information on a vessel-by-vessel basis from any of the groundfish fisheries under the Council's authority that may be useful in carrying out the requirements of the Magnuson-Stevens Act which require the avoidance of bycatch. The North Pacific Council is directed to use this new authority to the maximum extent necessary to fully implement the bycatch measures added to the Magnuson-Stevens Act by the 1996 Sustainable Fisheries Act.

Subsection (e) creates a special federal loan program within the existing title XI loan program to allow communities eligible to participate in the western Alaska community development quota program to increase their participation in the Bering Sea pollock fishery by purchasing all or part of an ownership interest in vessels and shoreside processors.

Section 212—Restriction on Federal Loans

Section 212 amends the title XI loan program to prohibit federal loans for the construction or rebuilding of vessels that will be used to harvest fish and that are greater than 165 feet, of more than 750 tons, or that have an engine or engines capable of producing a total of more than 3,000 shaft horsepower. The prohibition does not apply to vessels to be used only in the menhaden fishery or a tuna purse seine fishery outside the U.S. EEZ or in the area of the South Pacific Regional Fisheries Treaty.

Section 213—Duration

Subsection (a) of section 213 explains that the provisions of the American Fisheries Act take effect upon its enactment, except where other effective dates are specified. The allocations in section 206, BSAI pollock eligibility criteria/lists of vessels in section 208, and fishery cooperative limitations in section 210 remain in effect only until December 31, 2004, and are repealed on that date except to the extent the North Pacific Council has recommended, and the Secretary has approved measures to give effect to those sections thereafter.

Subsection (b) clarifies that except as specifically provided, none of the provisions in subtitle II of the American Fisheries Act limit the authority of the North Pacific Council or the Secretary of Commerce under the Magnuson-Stevens Act. Subsection (c) sets out specific circumstances under which the North Pacific Council may submit measures to supersede provisions of subtitle II. The Council may submit measures to supersede any of the provisions of subtitle II, with the exception of the provisions of section 206 (BSAI pollock allocations) and section 208 (eligibility criteria/vessels), for conservation purposes, to mitigate adverse effects in other fisheries or in the BSAI pollock fishery, or to mitigate adverse effects on the participants in the BSAI directed pollock fishery that only own only one or two vessels. If the Council does submit such measures, the measures must take into account all factors affecting the fisheries and be imposed fairly and equitably to the extent practicable among and within the sectors in the BSAI directed pollock fishery. With respect to the allocations in section 206, the Council may submit measures to increase the allocation to the western Alaska community development quota program for the year 2002 and thereafter if the Council determines that the program has been adversely affected by any provision of subtitle II of the American Fisheries Act. To the extent of its authority under the Magnuson-Stevens Act, the Council has general authority to submit measures that affect or supersede the fishery cooperative limitations in section 210. Paragraph (3) of section 213(c) identifies the specific authority of the Council to submit different catch-year criteria for the calculation of the allocations for catcher vessels that deliver to shoreside processors and that form fishery cooperatives.

Subsection (d) requires the North Pacific Council to report to the Secretary of Commerce and to the Congress by October 1, 2000 on the implementation and effects of subtitle II of the American Fisheries Act.

Subsection (e) requires the General Accounting Office to submit a report to the North Pacific Council and the Secretary of Commerce by June 1, 2000 on whether subtitle II of the American Fisheries Act has negatively affected the market for fillet or fillet blocks, and requires the North Pacific Council to submit for Secretarial approval any measures it determines appropriate to mitigate any negative effects that have occurred.

Section (f) specifies that if any of the provisions of the American Fisheries Act are held to be unconstitutional, the remainder of the Act shall not be affected.

Section (g) specifies that in the event the new U.S. ownership and control requirements or preferred mortgage requirements of subtitle I of the American Fisheries Act are deemed to be inconsistent with an existing international agreement relating to foreign investment with respect to a specific owner or mortgagee on October 1, 2001 of a vessel with a fishery endorsement, that the provision shall not apply to that specific owner or mortgagee with respect to that particular vessel to the extent of the inconsistency. Section (g) does not exempt any subsequent owner or mortgagee of the vessel, and is therefore not an exemption that "runs with the vessel." In addition, the exemption in section (g) ceases to apply even to the owner on October 1, 2001 of the vessel if any ownership interest in that owner is acquired by a foreign individual or entity after October 1, 2001.

Customary international law and the United Nations Conference on the Law of the Sea (article 62) clearly protect the right of a coastal nation to harvest the living resources of its exclusive economic zone. Many of the bilateral treaties to which the United States is a party that might otherwise involve U.S. fisheries or investments in U.S. fisheries include specific exemptions for fishing vessels and for measures to protect the fishery resources. For example, the Treaty of Friendship, Commerce, and Consular Rights between the United States and the Kingdom of Norway (1932) provides that "[n]othing in this Treaty shall be construed to restrict the right of either [the United States or Norway] to impose, on such terms as it may see fit, prohibitions or restrictions designed to protect human, animal, or plant health or life" (emphasis added). The Treaty and Protocol between the United States and Japan Regarding Friendship, Commerce, and Navigation (1953) provides that "Notwithstanding any other provision of the present Treaty, each Party may reserve exclusive rights and privileges to its own vessels with respect to the coasting trade, national fisheries, and inland navigation" (Article XIX(6); emphasis added). Similarly, the Agreement between the United States and the Republic of Korea Regarding Friendship, Commerce, and Navigation (1957) provides that "each Party may reserve exclusive rights and privileges to its own vessels with respect to the coasting trade, inland navigation, and national fisheries" (Article XIX(3); emphasis added).

While Congress does not believe that any of the requirements of the American Fisheries Act violate any international agreements relating to foreign investment to which the United States is a party, subsection (g) is included as a precaution. If the citizenship or preferred mortgage requirements in subtitle I are deemed to be inconsistent with such an international agreement, only the current owner on October 1, 2001 to which the international agreement applies will be grandfathered, and to the extent that any interest in that owner/entity is sold, the interest must be sold to citizens of the United States until the owner/entity comes into compliance with the 75 standard.

Mr. HARKIN. Mr. President, the legislation that is pending provides funding for nearly all domestic discretionary programs for the upcoming year. As we know, it combines 8 of the 13 regular spending bills, as well as a large number of other unrelated legislative provisions.

It truly is a legislative behemoth, and is one which I have very mixed feelings about. One part I don't have any mixed feelings about is the process, particularly for the unrelated nonappropriation measures. It is the worst that I have witnessed in my years in Congress. Here we have a 40-pound, nearly 4,000-page bill which not only includes over half of the year's appropriations bills, but countless other unrelated measures, many of which were never debated and never brought to the floor of the Senate. Then we are given less than a day—just a matter of hours—to look it over.

That certainly is not any way to do the people's business. In fact, I say that the Republican leadership in the Senate and the House has shown a tremendous disrespect for the taxpayers' dollars.

This is really a cavalier treatment of taxpayers dollars when you think about the way this bill was put together. Nobody knows how much is in there. Billions of dollars are being spent, and a lot of it was never debated or shown the light of day in either the House or the Senate. The taxpayers deserve a little bit better treatment for their tax dollars than that.

Before I get into my other concerns, I want to speak about what I see as one of the true bright spots, which will lead me to vote in favor of the overall measure, even with all my misgivings about it, and that is the progress it makes toward improving the quality and affordability of education, health care and job training for American families.

As the ranking member on the Appropriations Subcommittee on the Department of Health and Human Services and Education, I want to focus my comments initially on that section of the bill.

First, I want to thank Senator SPECTER for his outstanding leadership on the legislation. He has worked tirelessly to put together a strong, bipartisan bill. I want to publicly thank Bettilou Taylor, Jim Sourwine, Jack Chow, Mary Deitrich, Mark Laisch and Jennifer Stiefel. I also thank those on my staff, on the minority side—Marsha Simon and Ellen Murray—for their long and hard work in taking care of all of the important details of the legislation. They literally have been here around the clock for the last several weeks putting the bill and report together.

I also extend my sincere appreciation to our colleagues in the House—Chairman PORTER and ranking member OBEY. There were many significant differences between our two bills and it required much work to bridge the gulf. I appreciate their willingness to work with us to craft a strong Labor-HHS-Education bill to send to the President.

The Labor-HHS-Education component of this bill is notable in a number of areas. It makes many vital investments in the human infrastructure of our Nation.

Mr. President, I am very pleased that the bill before us provides the biggest funding increase in history in our search for medical breakthroughs. Almost every day, the paper has a new story about one advance or another in medical research. New therapies, more effective intervention and treatment strategies—we are making great progress. We aren't suffering from a shortfall of ideas, but a shortfall of resources.

At the present time, the National Institutes of Health is able to fund only one-fourth of their peer-reviewed grant proposals. As a result, too many worthy projects never get off the ground. The tragedy is that the 3 of 4 unfunded grants could have led to a cure for breast cancer, or a more effective treatment for Parkinson's disease, or a way to reverse spinal chord injury.

This must change, and the pending legislation provides a generous 15 percent increase for the NIH and is the first step toward doubling the budget for biomedical research.

Another important victory for improved health is the inclusion of a proposal I authored to substantially improve research on complementary and alternative medicine. Consumers need and deserve reliable information about these promising therapies. And, if appropriately implemented, the new National Center for Complementary and Alternative Medicine at NIH will provide just that.

Mr. President, one of the great disappointments of the 105th Congress was the defeat by the Republican leadership of comprehensive legislation to protect children from tobacco. Their action is costly: Every day, more than 3,000 young people will start smoking, and one-third will die prematurely from tobacco-related diseases.

I am pleased, however, that the bill before us makes at least a very modest downpayment on fighting tobacco. It provides $46 million to fund antitobacco activities—the largest increase for preventing and treating the addiction, disease, and death caused by tobacco use. The CDC will receive additional funding to help communities keep tobacco products out of the hands of children, help smokers kick the habit, and combat the tobacco industry's daily multimillion dollar misinformation campaigns.

I want to be clear, however, that this is by no means a replacement for comprehensive reform. We should make reform of the tobacco scourge a major agenda item for the next Congress.

Another important drug problem—and tobacco is a drug problem—facing us in this Nation is the scourge of methamphetamine. It is ravaging my State and other States in the Midwest. So I am pleased that the bill before us includes my proposal to expand support for prevention and treatment of meth addiction. It also contains a significant increase to boost our law enforcement efforts to combat this problem. But I am extremely disappointed that the leadership blocked inclusion of my Comprehensive Methamphetamine Control Act. Their action, I think, is extremely shortsighted and is a defeat for our efforts to get tougher on methamphetamine.

The bill before us includes the important initiative to combat fraud, waste and abuse in Medicare. It would expand nationwide a program I started 2 years ago to train retired nurses, doctors, accountants, insurance writers, and other professionals to be expert resources in their local communities to help fellow seniors identify and report suspect cases of abuse. The Senior Waste Patrol, as it is known, has been a great success in Iowa and the 11 other States in which it now exists on a pilot program basis. This bill, as I said, will extend the Senior Waste Patrol to every State in the Nation. I believe it will be one of the keys that we will have in really cutting down on the waste, fraud and abuse that is so rampant in Medicare.

Mr. President, for the last several years, I have worked to eradicate abusive child labor around the world, and I am pleased that the legislation provides resources to help end this exploitative practice here at home and around the world.

The bill signals a strong commitment by the United States to ending this unconscionable practice of child labor by providing a $27 million increase, from $3 million to $30 million, to the International Programme for the Elimination of Child Labor, otherwise known as IPEC. In the past, IPEC initiatives have been instrumental in reaching agreements in Bangladesh for child garment workers, and in Pakistan for the children making soccer balls. As a result, thousands of these children in both countries have been moved from factories to schools. This increase for IPEC will ensure that we can do in those countries and in other countries to get child laborers out of factories and into schools.

However, if we intend to lead the world in ending this terrible practice of child labor, we must here lead by example. I am deeply concerned about the rising incidence of child labor in our own country. Although no official estimate exists, studies place the number of illegally employed children in the U.S. at between 300,000 a 800,000. To respond to the problem, this legislation has fully funded the President's child labor initiative by providing $15 million for migrant education and $5 million for at-risk youth in agriculture. Additionally, $4 million was added for 36 new investigators to enforce child labor laws. We must make eradication of child labor a top priority, and these resources will make that possible.

I do want to publicly thank and compliment Secretary of Labor Herman for her leadership in this area and for her focus and determination to crack down on the use of child labor in our country. She has taken great leadership on this. The additional funding we put in this bill will enable her to do her job even more effectively.

Mr. President, this legislation makes some significant investments in education, which are critical to the future of our country. The bill provides an additional $2.1 billion—that's $2.1 billion more than last year—to improve our Nation's schools and help them meet the needs of our schoolchildren.

There are many problems facing our nation's schools. 14 million students attend classes in schools that are literally crumbling around them; too many students are in classes that are too big; and too many children do not have a safe place to be in the hours after school. We can and must address these important matters.

The pending legislation provides us with a good foundation. The bill provides additional resources through the Title I program to reduce class size and it fully funds the President's after-school initiative.

However, I was disappointed that we could not hold on to the funds provided in the Senate bill to help modernize and repair our nation's crumbling schools.

I might add that I just came back, like so many Senators, last night from my home State to discover that in my State of Iowa over one-third—36 percent—of the elementary and secondary schools in Iowa don't even meet the fire and safety codes. I know that our State is very good. If it is that bad in Iowa, it has to be bad in other States, too.

That is why the money is needed so desperately from the Federal Government—to help rebuild the infrastructure of our schools, not just in meeting the fire and safety codes but to make sure that they are wired, that they get the technology that they need to hookup to the Internet, and to get the technology to our kids in elementary and secondary schools.

The legislation also makes other important investments in education. The bill provides a $500 million increase for special education and additional funds for Head Start to make sure that students are ready to start school.

Education must be our Nation's top priority and while I am pleased with the investments made in this legislation, we must recognize that this is just the first step forward. Our future depends on us to do even more next year and the year after.

The bill provides new funding to higher and train up to 100,000 new teachers, increases the maximum Pell grant to its highest level ever, $3,125, and provides additional resources for child care and eliminates cuts to worker protection programs.

Mr. President, I am also pleased that the final bill restored the massive cuts contained in the House bill for the Summer Jobs Program and the Low-Income Heat and Energy Assistance Program. These cuts in the House bill—not in the Senate bill—unfairly targeted some of our Nation's most needy citizens, and had to be reversed. I am glad it was reversed.

As has been the case in recent years, the appropriations committees was confronted with a number of legislative riders. This is a source of continuing frustration for our committee because we continue to believe there should be no authorizing legislation on appropriations bills.

The House bill included an amendment to the Individuals With Disabilities Education Act, or IDEA, that would have given school officials expanded authorities to remove children with disabilities from school. I vigorously opposed that amendment, because it would have removed critical civil rights protections for children with disabilities—this on the heels of just a little over a year ago, after years of negotiation, when Congress enacted the 1997 amendments to IDEA. These amendments made a number of important changes to the law, including provisions governing the discipline of children with disabilities. The '97 amendments give schools new tools for addressing the behavior of children with disabilities, including more flexible authorities for removing children with disabilities engaged in misconduct involving weapons, drugs, or behavior substantially likely to result in injury. More information is needed on the implementation of these amendments before any additional changes to the law are considered by the Congress.

For example, I keep hearing from some people that if a child with a disability brings a gun to school there is nothing they can do with them, but if a nondisabled kid brought a gun to school they could expel them. Nothing could be further from the truth. If any child, such as a child with disabilities, under IDEA brings a gun, a weapon, a drug to school, they can be immediately dismissed, expelled, for up to 10 days, and then placed in an alternative setting for 45 more days. Again, people can expel a child right away who brings a gun or a dangerous weapon to school.

I just say that as a way of pointing out that there is a lot of misinformation out there about the law, because the law was changed last year, and the rules and regulations have not yet been promulgated by the Department of Education. Hopefully, that will be done prior to the end of this year.

Again, I would like to close these remarks on this section of the bill by thanking Chairman SPECTER for his outstanding leadership throughout the process of putting this part of the bill together.

I therefore support the recommendation of the conferees for a GAO study on the discipline of children with disabilities in lieu of making any changes to the authorizing legislation itself. The conference agreement charges GAO with obtaining information on how the '97 amendments have affected the ability of schools to maintain safe school environments conducive to learning. In order to enable the Congress to differentiate between the need for amendments as opposed to better implementation of the law, it is critical that GAO look at the extent to which school personnel understand the provisions in the IDEA and make use of the options available under the law.

For example, in the past, there has been considerable confusion and misunderstanding regarding the options available to school districts in disciplining children with disabilities. The GAO should determine whether schools are using the authorities currently available for removing children. These include: removing a child for up to 10 school days per incident; placing the child in an interim alternative educational setting; extending a child's placement in an interim alternative educational setting; suspending and expelling a child for behavior that is not a manifestation of the child's disability; seeking removal of the child through injunctive relief; and proposing a change in the child's placement.

In addition, the law now explicitly requires schools to consider the need for behavioral strategies for children with behavior problems. I continue to believes that the incidence of misconduct by children with disabilities is closely related to how well these children are served, including whether they have appropriate individualized education plans, with behavioral interventions where necessary. Again, to enable the Congress to interpret information on the effect of the IDEA on dealing with misconduct, this GAO report should provide information on the extent to which the schools are appropriately addressing the needs of students engaged in this misconduct. I would be opposed to giving school officials expanded authority for removing children who engage in misconduct, if such misconduct could be ameliorated by giving these children the services to which they are entitled. We need information on the effect of appropriate implementation of the IDEA on the ability of schools to provide for safe and orderly environments, and that is what the GAO study should evaluate.

Finally on this matter, I want to emphasize that the provisions in the IDEA for removing children are only needed in those cases in which parents and school officials disagree about a proposed disciplinary action. Therefore, it is important that the GAO study also provides us information on the extent to which parents are requesting due process hearings on discipline-related matters and the outcomes of three hearings.

Turning to another important component of this bill, Mr. President, I'd like to talk for a few minutes about agriculture. Since early summer, I have been working, along with a number of my colleagues, to inform this body about the very serious economic crisis gripping our nation's agriculture sector and to develop an emergency assistance package. Farm families and rural communities are not currently sharing in the prosperity of our broader economy. With farm income down over 20 percent from just two years ago, our farm economy is suffering its worst downturn in over a decade.

There are ominous signs that unless we turn this situation around, we are on the path to a full-blown agricultural depression on a scale of the 1980s farm crisis. My State of Iowa simply cannot stand to go down that road again, nor can our nation.

So I am pleased that through our concerted efforts, this bill includes a substantial package of emergency assistance for America's farmers. President Clinton vetoed the first Agriculture appropriations bill. He was right to do so. It was woefully inadequate. So we brought it back. And that veto by the President set the stage for the extensive improvements that we now have in this bill.

This bill increases funding by about 85 percent above the amount that was in the vetoed bill for assistance to replace income lost because of low commodity prices—an 85-percent increase over the bill that was vetoed. This is a victory but a partial victory. While this bill will provide a good deal of assistance in the form of a one-time payment, it falls far short of what is needed for the future.

This bill really has been a "missed opportunity" in which we could have put underneath the so-called Freedom to Farm bill a farm income safety net, but did not. When the so-called Freedom to Farm bill was passed in 1996, commodity prices were high and the safety net was thrown out the window. But prices go down as well as go up.

Since 1996 farm commodity prices have plummeted across our country. Now it is clear that the 1996 farm bill has failed, and has failed drastically, in protecting against disastrous losses in farm income. The bill that is before us just plows more money right into the Freedom to Farm payment system, which has already proven itself incapable of responding to low commodity prices.

We proposed a better way. We proposed to focus assistance more carefully on farmers who really need it because of low prices. We proposed to direct the benefits towards actual farmers instead of toward landlords. We proposed to restore a farm income safety net responsive to commodity prices. And we proposed to link assistance to actual production to avoid windfalls for those choosing not to plant the supported crop. Lastly, we supported a measure of fiscal responsibility so that rising commodity prices would limit USDA farm program spending.

Despite all of these advantages, the Republican majority rejected any alternative to the Freedom to Farm payment scheme. So what is going to happen is farmers will get a payment this fall. Even farmers who chose not to plant a crop will get a payment for it. They will get a payment having no relationship to the market price—just a flat payment across the board—fairly generous for those commodities with relatively better prices, much too little for commodities suffering the worst price losses. Also, a good number of farmers who will not be farming next year will get payments this fall, and somehow that will all have to be sorted out.

With fixed cash payments, landlords are in a great position to put the pressure on and claim a lot of that money in the form of rent for next year. Again, farmers fortunate enough to produce a good crop and whose commodities already have high prices and who are not suffering will still get a payment. This scheme makes no sense whatsoever. And yet it is strictly the triumph of ideology over practicality. The Republican ideology is not to have any farm income safety net and if there is a crisis to throw money at it.

So what we have done for the farm crisis is we have just thrown a lot of money at it. Well, that will help for this year, but it still won't be as good as what we proposed. Equally important, this bill does nothing toward restoring a farm income safety net for the longer term. What we proposed would have provided more income support for farmers and done so in a way that helps farmers deal with the practical reality of commodity markets. But, no, the Republican majority's ideology said we are going to stick with Freedom to Farm no matter what. And yet we know that a majority of farmers, a majority, a huge majority of the farmers wanted to take the caps off of marketing loan rates and they wanted to have some storage payments. Why? So they could take the bumper crop we are having this year, store it, wait for the grain prices to go up and market it later on.

Well, this bill gives them nothing in this regard. Oh, they will get a payment this fall. But it will not be as much income protection as what we would have provided by taking the caps off of the marketing loan rates. Will it help? Sure, it will help. But it is a wasteful and fundamentally unsound way of helping our farmers.

Well, as I said, Republicans just decided to throw money at the problem—a triumph of ideology over practicality.

One last point. One of my biggest concerns about this bill is the $9 billion add-on to the Pentagon budget—$9 billion thrown in at the last minute. Despite the rhetoric from the Republican side, precious little of this fiscally irresponsible add-on is targeted at troop readiness and other emergencies in the military.

Congressional leadership talks a lot about shortages of spare parts and about troop pay problems. So where are the proposals to fix the Pentagon's antiquated supply system? Where are the proposals to increase pay for the troops? Not in this bill. But there is $1 billion for star wars. There are billions more in pork barrel projects not requested by the Pentagon. And at the same time that this bill piles on the Pentagon pork, it is shortchanging reform. The General Accounting Office and the Pentagon's own inspector general constantly report rampant waste and mismanagement in the military's purchasing and supply system, yet this bill lets the waste and mismangement continue unchecked, and throws in a few more gold-plated weapons systems to boot.

What a boondoggle. What a boondoggle. We talk about troop readiness, so where does this bill put the money? It puts it into star wars. It puts it into pork projects that the Pentagon doesn't want, some more gold-plated weapons systems, but precious little in fact, for troop readiness.

I have mixed feelings about this 40-pound, 4,000-page whopper that we have before us. It has some important provisions that we worked together on in a bipartisan fashion—to improve medical research, for example, and to improve education. A number of the components of this bill truly will improve the lives of hard-working American families, but the bill also has a number of awful provisions, add-ons, fiscally irresponsible giveaways.

In the end, I will vote for it because I believe the good does outweigh the bad, but I want to be clear that if this bill were in the many separate pieces of legislation as it should have been, a lot of them I would have voted against, and I don't think a lot of them would ever have gotten through this body.

As I have said earlier, and as many of my colleagues have said, this process which we just went through is bad for Americans. This is no way to do the Nation's business. The Republican leadership, as I said earlier, has treated our taxpayer dollars cavalierly. This is no way to flagrantly throw around the hard-earned tax dollars of the taxpayers of this country, to throw it away on boondoggles, to throw it away on items that were never debated or saw the light of day in the Senate or the House.

I can only hope that the next Congress will not go through this exercise again. I hope the leadership of the next Congress will get the appropriations bills through on time, will debate these matters openly so that we can have the opportunity to discuss them openly, so we will know what is in the bills before we vote on them. I think Senator ROBERT BYRD of West Virginia said it best—as I read in the newspaper. He said, "Only God knows what's in this bill."

Well, I don't know, Mr. President, I don't know if we will ever know what all is in this bill, but I am certain, certain as I am standing here, we are going to see inquiring reporters, investigative journalists who will begin looking at this bill. They will begin looking at all of those hidden items, and I bet you piece by piece, bit by bit, it is going to come out, maybe next month, maybe in January, maybe in March, all of the little hidden things that were in there. And I say, shame on this Congress, shame on the leadership for treating the American taxpayers this way. We have got to do better in the way we do the Nation's business.

Mr. President, I yield the floor.

OPPOSITION TO DELETION OF THE AGJOBS AMENDMENT

Mr. SMITH of Oregon. Mr. President, as we take up the Omnibus appropriations bill, I would like to take this opportunity to express my extreme disappointment that the Agricultural Job Opportunity Benefits and Security Act amendment, known as AgJOBS, was eliminated from the Omnibus bill.

The bipartisan AgJOBS amendment received a veto proof majority vote of 68–31 when it was added to the Commerce, Justice, State Appropriations bill earlier this year. We had a golden opportunity to reform the current bureaucratic H–2A immigrant visa program that has made fugitives out of farmworkers and felons out of farmers. The amendment would have created a workable system for recruiting farm workers domestically and preventing our American crops from rotting in the fields.

Unfortuantely, the Clinton Administration was content with the status quo and threatened to veto the Omnibus bill if the balanced AgJOBS amendment was included.

Mr. President, I find the Administration's veto threat quite troubling since the Omnibus appropriations bill contains a multi-billion dollar disaster relief package for traditional program-crop agriculture to help deal with losses sustained as a result of the world financial crisis.

The disaster relief goes to producers who already have a long history of reliance on federal assistance, yet the farm disaster bill does nothing to help producers of labor intensive commodities—fruits, vegetables, and horticultural specialties—who are not supported by the government and who are facing a crisis of nationwide labor shortages created by our own government. This crisis has been exacerbated by our current unworkable legal foreign worker program.

A farmworker shortage ultimately affects America's ability to compete in the world agriculture market. According to the United States Department of Agriculture data, about three off-farm jobs are sustained by each on-farm production job. Therefore, nearly three times as many U.S. workers will lose their U.S. jobs as the number of foreign farmworkers kept out of the United States increases.

Mr. President, I also cannot understand the inconsistency of the Administration enacting the H–1B high-tech worker bill and not enacting H–2A reform as embodied in our AgJOBS bill.

Our AgJOBS bill contains worker benefits far in excess of those provided by the H–1B high-tech worker bill. Our bill guarantees above-prevailing wages for lower wage occupations, free housing to both U.S. and foreign workers recruited from outside the local area, reimbursement of inbound and return transportation costs to both U.S. and foreign workers recruited from outside the local area, and penalties that include lifetime program debarment for violations. The H–1B requires only the prevailing wage without any housing or transportation benefits and provides a maximum penalty of a 3-year debarment.

Mr. President, we cannot continue to allow our farmers and farmworkers to be trapped in a system that rewards illegal labor practices and punishes the most vulnerable.

As we address reform of the H–2A immigrant visa program early next year, I hope my colleagues will work with me to finally safeguard basic human rights, provide a reliable documented work force for farmers, and reward legal conduct to both farmers and farmworkers.

QUINCY LIBRARY GROUP LEGISLATION

Mrs. FEINSTEIN. Mr. President, I am very pleased that the Quincy Library Group bill has been included in the omnibus appropriations bill. This legislation embodies the consensus proposal of the Quincy Library Group, a coalition of environmentalists, timber industry representatives, and local elected officials in Northern California, who came together to resolve their long-standing conflicts over timber management on the national forest lands in their area.

The Quincy Library Group legislation is a real victory for local consensus decision making. It proves that even some of the most intractable environmental issues can be resolved if people work together toward a common goal.

I first met the Quincy Library Group back in 1992 when I was running for the Senate, and was then very impressed with what they were trying to do.

The members of the Quincy Library Group had seen first hand the conflict between timber harvesting and jobs, environmental laws and protection of their communities and forests, and the devastation of massive forest fires. Their overriding concern was that a catastrophic fire could destroy both the natural environment and the potential for jobs and economic stability in their community. They were also concerned the ongoing stalemate over forest management was ultimately harming both the environment and their local economy.

The group got together and talked things out. They decided to meet in a quiet, non-confrontational environment—the main room of the Quincy Public Library. They began their dialogue in the recognition that they shared the common goal of fostering forest health, keeping ecological integrity, assuring an adequate timber supply for area mills, and providing economic stability for their community.

One of the best articles I have read about the Quincy Library Group process recently appeared in the Washington Post. Mr. President, I ask unanimous consent that this article be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, after dozens of meetings and a year and a half of negotiation, the Quincy Library Group developed an alternative management plan for the Lassen National Forest, Plumas National Forest, and the Sierraville Ranger District of the Tahoe National Forest.

In the last 5 years, the group has tried to persuade the U.S. Forest Service to administratively implement the plan they developed. While the Forest Service was interested in the plan developed, they were unwilling to fully implement it. Negotiations and discussions began in Congress. This legislation is the result.

THE QUINCY LIBRARY GROUP LEGISLATION

Specifically, the legislation directs the Secretary of Agriculture to implement the Quincy Library Group's forest management proposal on designated lands in the Plumas, Lassen and Tahoe National Forests for five years as a demonstration of community-based consensus forest management. I would like to thank Senators MURKOWSKI, BUMPERS, and CRAIG, Representatives HERGER and MILLER, as well as the Clinton Administration, for the thoughts they contributed to the development of the final bill.

The legislation establishes significant new environmental protections in the Quincy Library Group project area. It protects hundreds of thousands of acres of environmentally sensitive lands, including all California spotted owl habitat, as well as roadless areas. Placing these areas off limits to logging and road construction protects many areas that currently are not protected, including areas identified as old-growth and sensitive watersheds in the Sierra Nevada Ecosystem Project report.

However, in the event that any sensitive old growth is not already included in the legislation's off base areas, the Senate Energy and Natural Resources Committee provided report language when the legislation was reported last year, as I requested, directing the Forest Service to avoid conducting timber harvest activities or road construction in these late successful old-growth areas. The legislation also requires a program of riparian management, including wide protection zones and streamside restoration projects.

The bottom line is that the Quincy Library Group legislation will provide strong protections for the environment while preserving the job base in the Northern Sierra—not just in one single company, but across 35 area businesses, many of them small and family-owned.

The Quincy Library Group legislation is strongly supported by local environmentalists, labor unions, elected officials, the timber industry, and 27 California counties. The House approved the Quincy Library Group legislation by a vote of 429 to one last year. The Senate Energy Committee reported the legislation last October. The legislation has been the subject of Congressional hearings and the focus of nationwide public discussion.

I thank my colleagues for ensuring that this worthy pilot project has a chance.

EXHIBIT NO. 1

[From the Washington Post, Oct. 11, 1998]

GRASS-ROOTS SEEDS OF COMPROMISE

(By Charles C. Mann and Mark L. Plummer)

Every month since 1993, about 30 environmentalists, loggers, biologists, union representatives and local government officials have met the library of Quincy—a timber town in northern California that has been the site of a nasty 15-year battle over logging.

Out of these monthly meetings has emerged a plan to manage 2.4 million acres of the surrounding national forests. Instead of leaving the forests' ecological fate solely to Washington-based agencies and national interest groups, the once-bitter adversaries have tried to forge a compromise solution on the ground—a green version of Jeffersonian democracy. When the House of Representatives, notorious for its discord on environmental legislation, approved the plan 429-1 in July 1997, the Quincy Library Group became the symbol for a promising new means of resolving America's intractable environmental disputes.

The Quincy Library Group is one of scores of citizens' associations that in the past decade have brought together people who previously met only in court. Sometimes called "community-based conservation" groups, they include the Friends of the Cheat River, a West Virginia coalition working to restore a waterway damaged by mining runoff; the Applegate Partnership, which hopes to restore a watershed in southwestern Oregon while keeping timber jobs alive, and Envision Utah, which tries to foster consensus about how to manage growth in and around Salt Lake City.

Like many similar organizations, the Quincy Library Group was born of frustration. In the 1980s, Quincy-based environmental advocates, led by local attorney Michael B. Jackson, attempted with varying success to block more than a dozen U.S. Forest Service timber sales in the surrounding Plumas, Lassen and Tahoe national forests. The constant battles tied the federal agency in knots and almost shut down Sierra Pacific Industries, the biggest timber company there, imperiling many jobs. The atmosphere was "openly hostile, with agitators on both sides," says Linda Blum, a local activist who joined forces with Jackson in 1990 and aroused so much opprobrium that Quincy radio hosts denounced her on the air for taking food from the mouths of the town's children.

Worn down and dismayed by the hostility in his community, Jackson was ready to try something different. He got a chance to do so late in 1992, when Bill Coates, a Plumas County supervisor, invited the factions to talk to each other, face to face. Coates suggested that the group work from forest-management plans proposed by several local environmental organizations in the mid-1980s. By early 1993, they were meeting at the library and soon put together a new proposal. (The Forest Service eventually had to drop out because the Federal Advisory Committee Act, which places cumbersome requirements on groups who meet with federal agencies.) Under this proposal, timber companies could continue thinning and selectively logging in up to 70,000 acres per year, about the same area being logged in 1993 but drastically lower than the 1990 level. Riverbanks and roadless areas, almost half the area covered by the plan, would be off-limits.

The Quincy group asked the Forest Service to incorporate its proposal into the official plans for the three national forests, but never got a definite answer. Convinced that the agency was too dysfunctional to respond, in 1996 the group took its plan to their congressman, Wally Herger, a conservative Republican. Herger introduced the Quincy proposal in the House, hoping to instruct the agency to heed the wishes of local communities. It passed overwhelmingly—perhaps the only time that Reps. Helen Chenoweth (R-Idaho), a vehement property-rights advocate, and George Miller (D-Calif.) one of the greenest legislators on Capitol Hill, have agreed on an environmental law. Then the bill went to the Senate—and slammed into resistance from big environmental lobbies.

From the start, the Quincy group had kept in touch with the Wilderness Society, the Natural Resources Defense Council and the Sierra Club. The three organizations offered comments, and the Quincy group incorporated some. Still, the national groups continued to balk, instead submitting detailed criteria necessary to "merit" their support. When the Quincy plan became proposed legislation, the national groups stepped up their attacks. The Quincy approach, said Sierra Club legal director Debbie Sease, had a "basic underlying flaw" using a cooperative, local decision-making process to manage national assets. Jay Watson, regional director of the Wilderness Society, said: "Just because a group of local people can come to agreement doesn't mean that it is good public policy." And because such parochial efforts are inevitably ill-informed and always risk domination by rich, sophisticated industry representatives, the Audubon Society warned, they are "not necessarily equipped to view the bigger picture." Considering this bigger picture, it continued, "is the job of Congress, and of watchdog groups like the National Audubon Society."

Many local groups regard national organizations as more interested in protecting their turf than in achieving solutions that advance conservation. "It's interesting to me that it has to be top-down," said Jack Shipley, a member of the Applegate Partnership. "It's a power issue, a control issue." The big groups' insistence on veto power over local decision-making "sounds like the old rhetoric—either their way or no way," Shipley says. "No way" may be the fate of the Quincy bill. Pressured by environmental lobbies, Sen. Barbara Boxer (D-Calif.) placed a hold on it in the Senate.

Despite the group's setback, community-based conservation efforts like Quincy provide a glimpse of the future. Under the traditional approach to environmental management, decisions have been delegated to impartial bureaucracies—the Forest Service, for example, for national forests. Based on the scientific evaluations of ecologists and economists, the agencies then formulate the "right" policies, preventing what James Madison called "the mischief of faction."

But today, according to Mark Sagoff of the University of Maryland Institute for Philosophy and Public Policy, it is the bureaucrats who are beset by factions; big business and environmental lobbies. For these special-interest groups, he argues, "deliberating with others to resolve problems undermines the group's mission, which is to press its purpose or concern as far as it can in a zero-sum game with its political adversaries." The system "benefits the lawyers, lobbyists and expert witnesses who serve in various causes as mercenaries," he says, "but it produces no policy worth a damn."

In contrast, community-based conservation depends on all sides acknowledging the legitimacy of each other's values. Participants are not guaranteed to get exactly what they want; no one has the power to stand by and judge the "merit" of the results. Although ecology and economics play central roles, ecologists and economists have no special place. Like everyone else, they must sit at the table as citizens, striving to make their community and its environment a better place to live.

In short, Quincy's efforts and those like it represent a new type of environmentalism: republican environmentalism, with a small "r." This new approach cannot address global problems like climate change. Nor should it be routinely accepted if a local group decides on irrevocable changes in areas of paramount national interest—filling in the Grand Canyon, say. But even if some small town would be foolish enough to decide to do something destructive, there's a whole framework of national environment laws that would prevent it from happening. And, despite the resistance of the national organizations, the environmental movement should not reject this new approach out of hand. Efforts to protect the environment over the past 25 years have produced substantial gains, but have lately degenerated into a morass of litigation and lobbying. Community-based conservation has the potential to change things on the ground, where it matters most.

Mr. CRAIG. It is agreed that certain language added to the Quincy Library Group Forest Recovery and Economic Stability Act after the bill was proposed by Congressman WALLY HERGER related to grazing within the pilot project areas may have introduced ambiguities that could lead to adverse effects. Is there any intent for the Quincy Library Group legislation to negatively impact grazing in general?

Mrs. FEINSTEIN. No, neither the authors of the bill, nor the Quincy Library Group ever intended to negatively impact grazing generally.

Mr. CRAIG. What does "specific location" as referred to in subsection (c)(2)(C) of the legislation mean? Can the riparian management or SAT guidelines referred to by this legislation be applied to the entire pilot project area?

Mrs. FEINSTEIN. The only location where these guidelines would apply to grazing is where cattle are actually in the work area and at the same time a QLG activity is taking place. The QLG resource management activities include building defensible profile zones, single or group tree selection thinning, and riparian management projects.

Mr. CRAIG. Will the SAT riparian management guidelines referred to in this measure apply to riparian management projects outside of the pilot project area or to grazing activities within the pilot project area where no riparian management activities are taking place?

Mrs. FEINSTEIN. Under the terms of this bill the SAT guidelines affecting grazing will apply only to the specific work area location and only at the specific time that projects are conducted within the pilot project area. The applicability of these guidelines outside of the pilot project area is not addressed by this legislation.

CHILDREN'S ONLINE PRIVACY

Mr. BRYAN. Mr. President, the Children's Online Privacy Act was reported out of Committee by voice vote. Because of time constraints at the end of the session, we have been unable to file a Committee Report before offering it as an amendment on the Senate floor. Accordingly, I wish to take this opportunity to explain the purpose and some of the important features of the amendment.

In a matter of only a few months since Chairman MCCAIN and I introduced this bill last summer, we have been able to achieve a remarkable consensus. This is due in large part to the recognition by a wide range of constituencies that the issue is an important one that requires prompt attention by Congress. It is also due to revisions to our original bill that were worked out carefully with the participation of the marketing and online industries, the Federal Trade Commission, privacy groups, and First Amendment organizations.

The goals of this legislation are: (1) to enhance parental involvement in a child's online activities in order to protect the privacy of children in the online environment; (2) to enhance parental involvement to help protect the safety of children in online fora such as chatrooms, home pages, and pen-pal services in which children may make public postings of identifying information; (3) to maintain the security of personally identifiable information of children collected online; and (4) to protect children's privacy by limiting the collection of personal information from children without parental consent. The legislation accomplishes these goals in a manner that preserves the interactivity of children's experience on the Internet and preserves children's access to information in this rich and valuable medium.

I ask unanimous consent that a summary of the bill's provisions be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Sec. 1301. Short Title

This Act may be cited as the "Children's Online Privacy Protection Act of 1998."

Sec. 1302. Definitions

(1) *Child:* The amendment applies to information collected from children under the age of 13.

(2) *Operator:* The amendment applies to "operators." This term is defined as the person or entity who both operates an Internet website or online service and collects information on that site either directly or through a subcontractor. This definition is intended to hold responsible the entity that collects the information, as well as the entity on whose behalf the information is collected. This definition, however, would not apply to an online service to the extent that it does not collect or use the information.

The amendment exempts nonprofit entities that would not be subject to the FTC Act. The exception for a non-profit entity set forth in Section 202(2)(B) applies only to a true not-for-profit and would not apply to an entity that operates for its own profit or that operates in substantial part to provide profits to or enhance the profitability of its members.

(7) *Parent:* The term "parent" includes "legal guardian."

(8) *Personal Information:* This is an online children's privacy bill, and its reach is limited to information collected online from a child.

The amendment applies to individually identifying information collected online from a child. The definition covers the online collection of a first and last name, address including both street and city/town (unless the street address alone is provided in a forum, such as a city-specific site, from which the city or town is obvious), e-mail address or other online contact information, phone number, Social Security number, and other information that the website collects online from a child and combines with one of these identifiers that the website has also collected online. Thus, for example, the information "Andy from Las Vegas" would not fall within the amendment's definition of personal information. In addition, the amendment authorizes the FTC to determine through rulemaking whether this definition should include any other identifier that permits the physical or online contacting of a specific individual.

It is my understanding that "contact" of an individual online is not limited to e-mail, but also includes any other attempts to communicate directly with a specific, identifiable individual. Anonymous, aggregate information—information that cannot be linked by the operator to a specific individual—is not covered by this definition.

(9) *Verifiable Parental Consent:* The amendment establishes a general rule that "verifiable parental consent" is required before a web site or online service may collect information online from children, or use or disclose information that it has collected online from children. The amendment makes clear that parental consent need not be obtained for each instance of information collection, but may, with proper notice, be obtained by the operator for future information collection, use and disclosure. Where parental consent is required under the amendment, it means any reasonable effort, taking into consideration available technology, to provide the parent of a child with notice of the website's information practices and to ensure that the parent authorizes collection, use and disclosure, as applicable, of the personal information collected from that child.

The FTC will specify through rulemaking what is required for the notice and consent to be considered adequate in light of available technology. The term should be interpreted flexibly, encompassing "reasonable effort" and "taking into consideration available technology." Obtaining written parental consent is only one type of reasonable effort authorized by this legislation. "Available technology" can encompass other online and electronic methods of obtaining parental consent. Reasonable efforts other than obtaining written parental consent can satisfy the standard. For example, digital signatures hold significant promise for securing consent in the future, as does the World Wide Web Consortium's Platform for Privacy Preferences. In addition, I understand that the FTC will consider how schools, libraries and other public institutions that provide Internet access to children may accomplish the goals of this Act.

As the term "reasonable efforts" indicates, this is not a strict liability standard and looks to the reasonableness of the efforts made by the operator to contact the parent.

(10) *Website Directed to Children:* This definition encompasses a site, or that portion of a site or service, which is targeted to children under age 13. The subject matter, visual content, age of models, language, or other characteristics of the site or service, as well as off-line advertising promoting the website, are all relevant to this determination. For example, an online general interest bookstore or compact disc store will not be considered to be directed to children, even though children visit the site. However, if the operator knows that a particular visitor from whom it is collecting information is a child, then it must comply with the provisions of this amendment. In addition, if that site has a special area for children, then that portion of the site will be considered to be directed to children.

The amendment provides that sites or services that are not otherwise directed to children should not be considered directed to children solely because they refer or link users to different sites that are directed to children. Thus a site that is directed to a general audience, but that includes hyperlinks to different sites that are directed to children, would not be included in this definition but the child oriented linked sites would be. By contrast, a site that is a child-oriented directory would be considered directed to children under this standard. However, it would be responsible for its own information practices, not those of the sites or services to which it offers hyperlinks or references.

(12) *Online Contact Information:* This term means an e-mail address and other substantially similar identifiers enabling direct online contact with a person.

Sec. 1303. Regulation of Unfair and Deceptive Acts and Practices

This subsection directs the FTC to promulgate regulations within one year of the date of enactment prohibiting website or online service operators or any person acting on their behalf from violating the prohibitions of subsection (b). The regulations shall apply to any operator of a website or online service that collects personal information from children and is directed to children, or to any operator where that operator has actual knowledge that it is collecting personal information from a child.

The regulations shall require that these operators adhere to the statutory requirements set forth in Section 203(b)(1):

1. *Notice.*—Operators must provide notice on their sites of what personal information they are collecting online from children, how they are using that information, and their disclosure practices with regard to that information. Such notice should be clear, prominent and understandable. However, providing notice on the site alone is not sufficient to comply with the other provisions of Section 202 that require the operator to make reasonable efforts to provide notice in obtaining verifiable parental consent, or the provisions of Section 203 that require reasonable efforts to give parents notice and an opportunity to refuse further use or maintenance of the personal information collected from their child. These provisions require that the operator make reasonable efforts to ensure that a parent receives notice, taking into consideration available technology.

2. *Prior Parental Consent.*—As a general rule, operators must obtain verifiable parental consent for the collection, use or disclosure of personal information collected online from a child.

3. *Disclosure and Opt Out for a Parent Who Has Provided Consent.*—Subsection 203(b)(1)(B) creates a mechanism for a parent, upon supplying proper identification, to obtain: (1) disclosure of the specific types of personal information collected from the child by the operator; and (2) disclosure through a "means that is reasonable under the circumstances" of the actual personal information the operator has collected from that child. It would be inappropriate for operators to be liable under another source of law for disclosures made in a good faith effort to fulfill the disclosure obligation under this subsection. Accordingly, subsection 203(a)(2) provides that operators are immune from liability under either federal or state law for any disclosure made in good faith and following procedures that are reasonable. If the FTC has not issued regulations, I expect that such procedures would be judged by a court based upon their reasonableness.

Subsection 203(b)(1)(B) also gives that parent the ability to opt out of the operator's further use or maintenance in retrievable form, or future online collection of information from that child. The opt out of future collection operates as a revocation of consent that the parent has previously given. It does not prohibit the child from seeking to provide information to the operator in the future, nor the operator from responding to such a request by seeking (and obtaining) parental consent. In addition, the opt out requirement relates only to the online site or sites for which the information was collected and maintained, and does not apply to different sites which the operator separately maintains.

Subsection 203(b)(3) provides that if a parent opts out of use or maintenance in retrievable form, or future online collection of personal information, the operator of the site or service in question may terminate the service provided to that child.

4. *Curbing Inducements to Disclose Personal Information.*—Subsection 203(b)(1)(C) prohibits operators from inducing a child to disclose more personal information than reasonably necessary in order to participate in a game, win a prize, or engage in another activity.

5. *Security Procedures.*—Subsection 203(b)(1)(D) requires that an operator establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected online from children by that operator.

Exceptions to Parental Consent: Subsection 203(b)(2) is intended to ensure that children can obtain information they specifically request on the Internet but only if the operator follows certain specified steps to protect the child's privacy. This subsection permits an operator to collect online contact information from a child without prior parental consent in the following circumstances: (A) collecting a child's online contact information to respond on a one-time basis to a specific request of the child; (B) collecting a parent's or child's name and online contact information to seek parental consent or to provide parental notice; (C) collecting online contact information to respond directly more than once to a specific request of the child (e.g., subscription to an online magazine), when such information is not used to contact the child beyond the scope of that request; (D) the name and online contact information of the child to the extent reasonably necessary to protect the safety of a child participant in the site; and (E) collection, use, or dissemination of such information as necessary to protect the security or integrity of the site or service, to take precautions against liability, to respond to judicial process, or, to the extent permitted under other provisions of law, to provide information to law enforcement agencies or for an investigation related to public safety.

For each of these exceptions the amendment provides additional protections to ensure the privacy of the child. For a one-time contact, the online contact information collected may be used only to respond to the child and then must not be maintained in retrievable form. In cases where the site has collected the parents' online contact information in order to obtain parental consent, it must not maintain that information in retrievable form if the parent does not respond in a reasonable period of time. Finally, if the child's online contact information will be used, at the child's request, to contact the child more than once, the site must use reasonable means to notify parents and give them the opportunity to opt out.

In addition, subsection (C)(ii) also allows the FTC the flexibility to permit the site to recontact the child without notice to the parents, but only after the FTC takes into consideration the benefits to the child of access to online information and services and the risks to the security and privacy of the child associated with such access.

Paragraph (D) clarifies that websites and online services offering interactive services directed to children, such as monitored chatrooms and bulletin boards, that require registration but do not allow the child to post personally identifiable information, may request and retain the names and online contact information of children participating in such activities to the extent necessary to protect the safety of the child. However, the company may not use such information except in circumstances where the company believes that the safety of a child participating on that site is threatened, and the company must provide direct parental notification with the opportunity for the parent to opt out of retention of the information. For example, there have been instances in which children have threatened suicide or discussed family abuse in such fora. Under these circumstances, an operator may use the name and online contact information of the child in order to be able to get help for the child.

Throughout this section, the amendment uses the term "not maintained in retrievable form." It is my intent in using this language that information that is "not maintained in retrievable form" be deleted from the operator's database. This language simply recognizes the technical reality that some information that is "deleted" from a database may linger there in non-retrievable form.

Enforcement.—Subsection 203(c) provides that violations of the FTC's regulations issued under this amendment shall be treated as unfair or deceptive trade practices under the FTC Act. As discussed below, State Attorneys General may enforce violations of the FTC's rules. Under subsection 203(d), state and local governments may not, however, impose liability for activities or actions covered by the amendment if such requirements would be inconsistent with the requirements under this amendment or Commission regulations implementing this amendment.

Sec. 1304. Safe harbors

This section requires the FTC to provide incentives for industry self-regulation to implement the requirements of Section 203(b). Among these incentives is a safe harbor through which operators may satisfy the requirements of Section 203 by complying with self-regulatory guidelines that are approved by the Commission under this section.

This section requires the Commission to make a determination as to whether self-regulatory guidelines submitted to it for approval meet the requirements of Commission regulations issued under Section 203. The Commission will issue, through rulemaking, regulations setting forth procedures for the submission of self-regulatory guidelines for Commission approval. The regulations will require that such guidelines provide the privacy protections set forth in Section 203. The Commission will assess all elements of proposed self-regulatory guidelines, including enforcement mechanisms, in light of the circumstances attendant to the industry or sector that the guidelines are intended to govern.

The amendment provides that, once guidelines are approved by the Commission, compliance with such guidelines shall be deemed compliance with Section 203 and the regulations issued thereunder.

The amendment requires the Commission to act upon requests for approval of guidelines for safe harbor treatment within 180 days of the filing of such requests, including a period for public notice and comment, and to set forth its conclusions in writing. If the Commission denies a request for safe harbor treatment or fails to act on a request within 180 days, the amendment provides that the party that sought Commission approval may appeal to a United States district court as provided for in the Administrative Procedure Act, 5 U.S.C. §706.

Sec. 1305. Actions by States.

State Attorneys General may file suit on behalf of the citizens of their state in any U.S. district court of jurisdiction with regard to a practice that violates the FTC's regulations regarding online children's privacy practices. Relief may include enjoining the practice, enforcing compliance, obtaining compensation on behalf of residents of the state, and other relief that the court considers appropriate.

Before filing such an action, an attorney general must provide the FTC with written notice of the action and a copy of the complaint. However, if the attorney general determines that prior notice is not feasible, it shall provide notice and a copy of the complaint simultaneous to filing the action. In these actions, state attorneys general may exercise their power under state law to conduct investigations, take evidence, and compel the production of evidence or the appearance of witnesses.

After receiving notice, the FTC may intervene in the action, in which case it has the right to be heard and to file an appeal. Industry associations whose guidelines are relied upon as a defense by any defendant to the action may file as amicus curiae in proceedings under this section.

If the FTC has filed a pending action for violation of a regulation prescribed under Section 3, no state attorney general may file an action.

Sec. 1306. Administration and applicability

FTC Enforcement: Except as otherwise provided in the amendment, the FTC shall conduct enforcement proceedings. The FTC shall have the same jurisdiction and enforcement authority with respect to its rules under this amendment as in the case of a violation of the Federal Trade Commission Act, and the amendment shall not be construed to limit the authority of the Commission under any other provisions of law.

Enforcement by Other Agencies: In the case of certain categories of banks, enforcement shall be carried out by the Office of the Comptroller of the Currency; the Federal Reserve Board; the Board of Directors of the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Farm Credit Administration. The Secretary of Transportation shall have enforcement authority with regard to any domestic or foreign air carrier, and the Secretary of Agriculture where certain aspects of the Packers and Stockyards Act apply.

Sec. 1307. Review.

Within 5 years of the effective date for this amendment, the Commission shall conduct a review of the implementation of this amendment, and shall report to Congress.

Sec. 1308. Effective date

The enforcement provisions of this amendment shall take effect 18 months after the date of enactment, or the date on which the FTC rules on the first safe harbor application under section 204 if the FTC does not rule on the first such application filed within one year after the date of enactment, whichever is later. However, in no case shall the effective date be later than 30 months after the date of enactment of this Act.

SECTION 110

Mr. D'AMATO. Mr. President, I am pleased that this Omnibus Appropriations Bill will include a delay of the implementation of Section 110 of the

Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

The 1996 immigration law mandated the implementation of an exit-entry system at all U.S. borders by September 30, 1998. If implemented, the impact of this provision would be devastating, causing insufferable delays at the U.S.-Canadian border, particularly in my own state of New York. Trade, tourism and international relations would all suffer.

Last year, I joined with Senator SPENCER ABRAHAM and other colleagues to introduce the Border Improvement and Immigration Act of 1997 (S. 1360) which would maintain current cross-border traffic along the northern border and I testified at a Senate Subcommittee hearing on the repercussions of implementing Section 110 on New York. On April 23, 1998, the Senate Judiciary Committee considered and marked up the bill. The bill approved by the Committee allows land border and seaports to be exempt from the new system. The full Senate passed S. 1360 in July 1998 and also voted in support of a full repeal of Section 110.

However, as the date of implementation grew closer, Congress enacted a two and a half year delay, which is included in the Omnibus Consolidated and Emergency Supplemental Appropriation Act for Fiscal Year 1999. While we have some "breathing room", rest assured that I will continue to press for a full repeal of Section 110. I thank my colleagues for working with Senator ABRAHAM and I on this important provision.

Mrs. BOXER. Mr. President, I have decided to vote for the omnibus appropriations bill because it contains many things which are very beneficial to the people and the economy of my state of California, and it includes two of my top priorities—afterschool programs and the Salton Sea Restoration Act.

I want to make it clear, however, that the process that brought us this bill is severely flawed. While the Senate Appropriations Committee, on which I sit, did its work and reported each appropriations bill to the full Senate, the leaders of this Congress failed to do the appropriations work. This omnibus bill is not the right way to legislate.

I also want to say that I strongly object to the environmental riders in the bill, including legislation that will double the timber cut in several national forests in California. I realize that some of the riders were dropped from the final legislation and others were negotiated to have less impact, but the presence of any riders that harm our environment is unacceptable to me.

First, let me say what I like about the omnibus legislation:

EDUCATION

The most significant achievement of the bill is its emphasis on funding for public education, including:

$129 million to recruit, hire and train 3,500 teachers for California schools in order to reduce class size in the primary grades.

$20 million to expand afterschool programs for 25,000 children in California. This is a $16 million increase for California. I am particularly gratified by the outcome here because I believe it reflects my bill, the "Afterschool Education and Safety Act", and the amendment I successfully attached to the Senate Budget Resolution calling for more afterschool funding.

$77 million, a $12 million increase, for technology in schools programs, to help train teachers, and ensure computer literacy and access to Internet for California students.

$875 million to California schools, a $35 million increase over last year, for disadvantaged students under the Title I program. Senator FEINSTEIN and I worked very hard for this increase.

$550 million for California Head Start programs, to serve 3,280 more California children than last year for a total of more than 80,000.

$58 million, an increase of $3.6 million, through the Goals 2000 program to promote higher academic standards, increase student achievement, and help 12000 California schools implement school reforms.

$26 million for California through the "America Reads" program, to help children in grades K–3 improving reading skills—all new funds.

The largest Pell Grant ever to California: $920 million, an increase of $43 million over last year, to increase the maximum grant to college students to $3,125, 36% higher than maximum award last year.

HEALTH

The bill provides funding for several federal programs that are very important in my state, and the omnibus funding levels will result in great benefits to California:

$2.3 billion, a $300 million increase, for medical research grants to California universities and research institutions through the National Institutes of Health (est.)

$238 million , a $43 million increase, for the Ryan White Care Act for health care services to Californians with HIV and AIDS.

At least $13 million for HIV/AIDS prevention and treatment for minority communities.

An increase of between $11 and 21 million in funding for Housing Opportunities for Persons With Aids (HOPWA) who have limited financial resources.

In addition, the bill accelerates the implementation of the health insurance premium tax deduction for the self-employed. By 2003, the deduction will be 100 percent.

The omnibus legislation also requires federal health plans to provide coverage for contraceptive drugs and devices.

Finally, the bill increases funding for the Centers for Disease Control by $226 million over last year—even more than the president's request—and specifies funds for important priorities such as childhood immunization ($421 million), breast and cervical cancer screening ($159 million), and chronic and environmental disease ($294 million).

ECONOMY

The legislation extends provisions of current law that help California's economy, including:

The Research and Experimentation Tax Credit, which is of great importance to California's high tech and bio tech companies.

The Work Opportunity Tax Credit, which encourages businesses to hire disadvantaged workers.

The Trade Adjustment Assistance program, which helps workers and businesses adversely affected by free trade agreements.

The Generalized System of Preferences authority of the President, which allows him to extend duty-free treatment on imports from certain development countries.

There are a number of other funding provisions that are beneficial to my state's businesses and industries, and our economy, including:

$204 million for the Advanced Technology Program, an increase of $11 million over last year, to develop cutting edge technologies. California receives more than any other state.

$100 million for "Next Generation Internet", a federal program to connect universities to the Internet and to one another. Many California universities are part of this program: UCLA, Stanford, Berkeley, UC-Davis, UC-Irvine, UC-San Diego, Calif. Tech, and Cal State, and others.

A 3-year moratorium on new taxes on Internet activities.

Full funding for the international Monetary Fund.

About double the number of visas available to foreign high tech, high skilled workers under the H-1B program. The bill raises the annual cap from 65,000 to 115,000 for next 2 years.

An increase in the Federal Housing Administration's loan limit from $86,000 to $109,000, which will give more housing ownership opportunities to Californians.

$283 million nationally for 50,000 Welfare to Work Housing Vouchers for families trying to make transition to jobs. This new program will help them get housing closer to jobs.

AGRICULTURE

The bill includes a number of important funding and legislative provisions for California farm interests:

Extension of time for California citrus growers to conduct scientific review of whether Argentine citrus should be permitted into the U.S.

Continued affordability for California farmers for crop insurance.

$500,000 for pest control research that affects citrus fruit trees.

$90 million for the Market Access Program, which benefits California companies that sell product overseas.

In addition, the bill provides an increase of $75 million—to $633 million—for the Food Safety Initiative, to help implement improvements in surveillance of food borne illnesses, education about proper food handling, research, and inspection of imported and domestic foods.

ENVIRONMENT

The omnibus bill includes some good things for California, including:

Salton Sea legislation to require a Department of Interior study on options for restoring the Sea. The bill also provides $14.4 million to fund research and restoration activities.

$10,000 for an appraisal of the Bolsa Chica mesa.

$2 million for land acquisition in the Santa Monica Mountains National Recreation Area.

$273,000 for operations at the Manzanar National Historic Site

Continuation for the moratorium on new Outer Continental Shelf oil/mineral leases and drilling.

$1 million for land acquisition in the San Bernardino National Forest.

More generally, the bill provides a substantial increase for global climate change programs to more than $1 billion, a 25.6 percent increase over 1998. It also funds the President's Clean Water Action Plan at $1.7 billion—a 16.1 percent increase over 1998. This 5-year program helps communities and farmers clean up waterways which are currently deemed unswimmable and unfishable.

INFRASTRUCTURE

The bill provides a total of $293 million for California transportation projects, including $70 million for Los Angeles Metropolitan Transportation Authority Red Line, $40 million for the BART-to-San Francisco Airport line, and $17 million for the Santa Monica Bus Transitway for a dedicated highway express lane for buses.

Other major California projects that are funded include $50 million for Los Angeles River flood control, $52 million for Port of Los Angeles expansion, $6 million for Port of Long Beach expansion, and $1.5 million for Marina Del Rey dredging (Boxer request)

COMMUNITY DEVELOPMENT AND SERVICES

Allows LA City and County to use up to 25 percent of Los Angeles Community Development Block Grant for public services, such as job training, child care, crime and drug abuse prevention—federal cap normally is 15 percent. This gives LA more flexibility in deciding how to spend the CDBG funds.

Funds the Low Income Home Energy Assistance program at $1.1 billion nationally. Last year, the program benefited 300,000 low income families in California.

Summer Youth Employment program is funded at $871 million, same as last year, nationwide. Last year, California received $140.1 million, creating 70,510 jobs for economically disadvantaged youth.

CRIME

The omnibus appropriations bill funds the COPS program with an additional $1.4 billion nationwide. This will allow the hiring of an additional 1,700 new police in California. The bill also includes $2 million for the "Tools for Tolerance" program, a new grant under the Byrne Grant program for the Simon Wiesenthal Center in Los Angeles. This program helps police officers learn how they can reduce prejudice in their communities.

IMMIGRATION ASSISTANCE TO STATES

The legislation includes about $585 million to states as reimbursement for the cost of incarcerating illegal immigrants. California receives about half the national total. The bill also includes roughly $150 million to reduce backlog at INS in processing requests by legal immigrants to become U.S. citizens. Forty percent of the current backlog is in California.

These are all good provisions that will be of benefit to my state. However, I am very disappointed that the omnibus bill contains a number of harmful provisions, as well, including:

Legislation to allow doubling the cut of timber in 2½ national forests in California.

An 8-month delay of implementation of new oil valuation royalty rules, which deprives California schools of funds they are entitled to.

Zero funding for the U.N. Fund for Population Activities—international family planning assistance.

Continuation of the prohibition, except in cases of life endangerment, rape or incest, on the use of any federal funds for abortion services.

Continuaiton of the ban on federal employee health benefit plans for covering abortion services except in cases of life endangerment, rape or incest.

The bill provides about $8 million in "emergency" fiscal year 1999 spending for defense and national security. The Joint Chiefs of Staff have said there are billions in the defense budget for items not requested by them. I believe they are right and that some of the unrequested items could have been cut to offset needed additional defense funds included in the omnibus bill.

Mr. President, for the good that is in the bill, I will vote for it. However, it is my strong feeling that this "omnibus, consolidated, emergency, supplemental" bill is not a good way to put together the budget of the United States. Too many decisions—important decisions that affect millions of Americans—were left to the end of the year and made by just a handful of people, rather than being considered carefully and thoroughly over a period of months, in open committee and floor debates. I hope that this process will not be repeated in future years.

Overall, I remain strongly and deeply committed to a budget and legislative agenda that puts top priority on education for all American children, health research that will make life better for all Americans, technology development to keep America's economy the strongest in the world, and infrastructure that promotes safety, economic activity, and higher quality of life for all our people.

INTERNET MORATORIUM ACT

Mr. BREAUX. Mr. President, I am pleased that the Internet Moratorium Act is included in the 1998 omnibus appropriations bill. Present federal law neither authorizes, nor imposes, nor ratifies any excise, sales, or domain registration tax on Internet use for electronic interstate commerce, and only one fee for the Intellectual Infrastructure Fund. This temporary moratorium will prevent federal and state governments from implementing or enforcing taxes imposed on Internet commerce over the next three years. We would also like to clarify that this Congress has not ratified or authorized any federal taxes on Internet domain name registrations. The U.S. Federal Court has stated that Section 8003 ratifies what was previously declared to be an unconstitutional tax. However, it was never intended to ratify a tax on the Internet; it only speaks to a fee for the Intellectual Infrastructure Fund. Because the fee constitutes an unconstitutional tax, it was not ratified by section 8003. I am confident that this moratorium will enable Congress to develop a coherent national strategy of appropriate taxation of business transactions conducted over the Internet without hindering business opportunities and would also like to reiterate that this Congress has never ratified an unconstitutional tax on the Internet.

INCLUSION OF NORTH DAKOTA IN THE MIDWEST HIDTA

Mr. CONRAD. Mr. President, I rise today to thank the conferees who worked on the fiscal year 1999 omnibus appropriations bill for retention of my amendment calling for inclusion of North Dakota in the Midwest High Intensity Drug Trafficking Area, or HIDTA.

As North Dakota Attorney General Heidi Heitkamp and US Attorney John Schneider have pointed out, North Dakota—like other Midwestern states—has been inundated by a relentlessly rising tide of methamphetamine trafficking, production, and abuse. Unless action is taken swiftly, the Attorney General and US Attorney warn that North Dakota is at high risk to attract a meth manufacturing industry.

This is because my state's sparse population, great size, and abandoned buildings offer excellent locations for meth laboratories. Counter-drug operations in the southwestern US are also forcing this easily-relocated industry to find alternative production locations.

The numbers speak for themselves. There were no meth purchases by undercover agents in North Dakota in 1993. By 1997, there were 181 meth-related cases reported by state and federal law enforcement. In 1993, meth-related cases represented only 6 percent of the drug-related workload of the Office of the US Attorney. In five short years this number has skyrocketed to 75 percent. It is undeniable that increased production of meth in North Dakota along with associated trafficking has contributed to a spike of violent crime.

This unacceptable increase in meth-driven crime in North Dakota is placing a growing burden on North Dakota law enforcement, and represents a growing danger to the people of my state. It demands an immediate—and coordinated—federal response. Similar problems in the states of South Dakota, Iowa, Nebraska, Missouri, and Kansas were countered with the formation of the Midwest HIDTA.

North Dakota meets all the statutory criteria for inclusion in the Midwest HIDTA. In the words of Heitkamp and Schneider, joining the HIDTA will allow federal, state, and local law enforcement to "work together to disrupt, dismantle, and destroy street and mid-level elements of methamphetamine organizations and/or groups operating in North Dakota, the Midwest, and Canada."

During floor consideration of the Treasury-Postal appropriations bill, I was pleased to work on this matter with the distinguished leadership of the Treasury-Postal Appropriations Subcommittee, Senators CAMPBELL and KOHL. I greatly appreciate their good work in conference to retain my amendment. I am also pleased that the conference report includes additional funding for the new HIDTAs designated in this legislation, and I urge the Administration to consider favorably North Dakota's request for $1.97 million in fiscal year 1999 funding for integration of my state into the Midwest HIDTA.

Mr. President, passage of the omnibus bill is an important step in getting tough on methamphetamine in my state. It is simply imperative that there be coordinated federal, state, and local law enforcement response to North Dakota's drug crisis, and I again thank Senators CAMPBELL and KOHL for their assistance in making this a reality.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. ROBB. Mr. President, I rise to bring to the Senate's attention to a matter of concern to the government of the District of Columbia and to commuters in the capital area.

Each workday, about one thousand people a day use an informal carpool system to get in and out of the nation's capital. These commuters gather in "slug lines" at unofficial pick up points to catch rides with others driving into the District. At the end of the day, these "slugs" catch rides home.

Nearly everyone benefits from this system. The drivers get to work more quickly because they get to use the carpool lane. The "slugs" get a free ride. Other drivers benefit from reduce traffic. And all of us benefit from less pollution due to increased carpooling.

Not everyone is happy with the slugs however. The District of Columbia police have raised concerns that drivers picking up slugs will slow traffic or create a safety hazard. As reported in recent articles in the Washington Post, city police officers have ticketed these drivers and considered forcing the commuters to find a new pick up point. Fortunately, District Police Chief Ramsey has decided against his approach. Instead, he will study the traffic situation along 14th Street to see how we can improve the flow of traffic.

I welcome this approach. We may be able to address the District's concerns about safety and traffic congestion while preserving the slug lines. I've asked the managers of the legislation to consider this problem during conference, and if possible, to include language directing the Department of the Interior and the District of Columbia Department of Public Works to study the feasibility of providing commuter pick-up lanes to serve commuters in the busy 14th Street Corridor south of Constitution Avenue. The Interior Department and the District would report to the Appropriations Committees of the Senate and House of Representatives on their joint recommendations to address this matter. Even if conference report language could not be included, I believe the idea of the study, with recommendations would be helpful.

I would like to emphasize that many of these commuters are Federal employees, and so I think it's appropriate to get the federal government involved. I am certainly willing to work with the District Government to seek federal funds or easements to create commuter pick up lanes, and I hope the District will look closely at this option. I think it could be a triple play—a win with respect to the District's safety concerns, a win for drivers on our congested highways, and of course, a win for the slugs.

Mr. President, I would appreciate hearing the comments of the joint managers on this issue, and I yield the floor.

Mr. FAIRCLOTH. I think the Senator has a workable plan to move this toward a solution, and I urge the Department of the Interior and the District Government to study the matter and report back to us early next year.

Mrs. BOXER. I thank the Senator from Virginia for raising this issue. The commuter lane proposal sounds like an excellent compromise, and I hope Interior and the District will begin looking at this option immediately.

As the ranking Democrat of the D.C. I would like to thank Senator FAIRCLOTH for his efforts as Chairman of the D.C. Appropriations Subcommittee. He has worked hard to address the District's financial ills, and I am pleased that we have begun to make some progress for the District to resolve its serious financial problems.

In fact, the fiscal well being of the District has improved dramatically. The District ended fiscal year 1997 with a budget surplus of almost $186 million. The June, 1998 projections suggest that the District may have a surplus of $302 million for fiscal year 1998.

The fiscal year 1999 D.C. Appropriations includes $494.59 million in Federal Funds. This amount represents an increase of $8.39 million above the President's Budget request for the District of Columbia. It is $38.4 million below the FY 1998 level.

With regard to the District of Columbia Funds, the legislation largely reflects the consensus budget formulated by the Mayor, the City Council, and the Control Board.

It is important to note that because of abuses of taxpayer funds, there is no appropriation to the Advisory Neighborhood Commissions (ANCs) as provided for in the consensus budget. However, this deletion of funds does not preclude the District from including funds for the commissions in future budgets so long as there are sufficient safeguards to protect taxpayers' interests.

Mr. President, with respect to specific provisions of this bill, there are some good things, but there are also some bad provisions.

On the plus side, this bill includes a $25 million federal payment for management reform. Within these funds, special attention will be given to fire and emergency medical services, the reopening of the Chief Medical Officer's laboratory, and implementation of a high-speed city-owned fiber network for voice and data services.

The bill provides funds for the repair and maintenance of public safety facilities in the District. The Federal highway funds made available to the District include $98 million for local streets.

The bill includes a $25 million federal contribution to the Washington Metropolitan Area Transit Authority for improvements to the Metrorail station at the site of the proposed Washington Convention Center project.

I am pleased that the bill sets aside $5 million to address the chronic need for additional community-based housing facilities for seriously and chronically mentally ill individuals in the District.

The bill also provides an appropriation to the Children's National Medical Center for the Community Pediatric Health Initiative. This reestablishes an important public-private partnership to provide pediatric services to high risk children in medically under-served areas.

The bill requires the Control Board to report to Congress on the status of any agreements between the District and all non-profit organizations that provide medical and social services to the District's residents. This will ensure that the District re-evaluates the decisions to terminate support and where possible renew support for these critical programs, including those of Children's Hospital.

I am especially pleased that funding for homeless programs in the District will remain level for fiscal year 1999. In previous years, these programs were threatened with funding cuts and I am happy that these cuts are no longer being proposed.

Finally, I am pleased that this legislation does not divert any funds from the District of Columbia Public School system for private school vouchers as was included in the D.C. Appropriations bill passed by the House of Representatives.

Mr. President, unfortunately this legislation includes a number of objectionable provision which violate the principle of home rule and infringe on the rights of District residents.

Again this year, the bill includes a ban on the use of local funds for abortions, and a ban on the use of local funds to expand health care benefits to unmarried couples. I continue in my strong opposition to these provisions.

I also have serious concerns about the provision to cap the funds available to reimburse attorneys who represent children who obtain special education placements in hearing sunder the Individuals with Disabilities Education Act. This provision will seriously inhibit the ability of children with special needs to obtain their legal right to an education.

I am disappointed by the inclusion of a provision that prohibits the District from using funds to provide assistance to any civil action to require Congress to provide the District of Columbia with voting representation.

The bill also includes a repeal of a recently enacted residency requirement, a matter of some controversy.

I know that the Administration strongly objects to several provisions in the bill, including a ban on funds to organizations that participate in needle exchange programs.

All of these provisions are unnecessary and inappropriate intrusions into the District's own priorities and the rights of its citizens.

Overall, I support the proposed allocation of funds for the District of Columbia, but I am disappointed by the many inappropriate riders in this legislation. Without these provisions, this would have been a much better bill.

Again, I would like to recognize Chairman FAIRCLOTH, and to acknowledge the hard work of the staff for this bill: Mary Beth Nethercutt of the Majority Staff, Minority Deputy Staff Director, Terry Sauvain; Liz Blevins and Neyla Arnas of the Committee staff; and Danielle Drissel of my legislative staff.

I would especially like to express my appreciation to Senator BYRD, the Ranking Democrat of the Committee on Appropriations, for assigning his Deputy Staff Director, Terry Sauvain, to serve as Minority Clerk of the D.C. Appropriations Subcommittee. Terry is a long time appropriations staff member who is a consummate professional and a pleasure to work with, and I have really enjoyed and counted on his advice and council.

GLACIER BAY NATIONAL PARK AND PRESERVE COMMERCIAL FISHING

Mr. STEVENS. Mr. President, the omnibus package, H.R. 4328, includes a measure involving commercial fishing in Glacier Bay and Upper Dundas Bay within Glacier Bay National Park and Preserve. While working on this in the past weeks, a fisherman commented to my office that the choices presented are like choosing whether to cut off your finger, hand, or arm. In short, because the Department of the Interior has taken the position that commercial fishing in Glacier Bay and Dundas Bay should end, there simply has been no solution that Alaskans can fully support. In the omnibus bill we have chosen the lesser of evils.

Without Congressional action, the National Park Service would have gone forward with regulations to phase out fishing in the Bay over 15 years and eventually ban it altogether. The National Park Service would also have blocked Dungeness crab fishermen who fish in Upper Dundas Bay and the Beardslee Islands, the so-called wilderness waters, from continuing a fishery that has existed for nearly 20 years with no evidence of environmental damage. Whether the Service would have ever agreed to a fair plan to compensate these crabbers is doubtful. Discussions have been ongoing for three years without the Park Service putting a compensation plan on the table.

Without Congressional action, the Service might have proceeded with plans to shut down the scallop fishery, stop flounder fishing, close out crabbing, and block fisheries outside Glacier Bay itself, again relying on what it believes are its inherent powers to stop commercial activities in parks, the spirit and letter of the Alaska National Lands Conservation Act to the contrary. In my opinion and the opinion of the State of Alaska, the Service has no such authority because regulation of fisheries is a state prerogative in Alaska as well as the rest of the nation. Furthermore, the Alaska Department of Law maintains that the submerged land within Glacier Bay and, as a result, the water column above it, both fall under the jurisdiction of the State of Alaska under the Submerged Lands Act and the Alaska Statehood Act.

When this issue was brought before this Congress, I supported Senator MURKOWSKI's amendment to the Interior Appropriations bill to block the Park Service's planned regulations to give us more time to work out a solution. I also cosponsored Senator MURKOWSKI's bill to resolve this problem once and for all. Unfortunately, because of Administration opposition, the bill did not pass Congress, leaving us with the provision for a moratorium on regulations in the Interior bill.

As we approached the end of the fiscal year, the Administration became more vocally opposed to allowing traditional fisheries in Glacier Bay to continue even though there is no scientific evidence that either the fisheries or other resources which depend on them are in trouble. For example, whale counts are actually up in Glacier Bay, an indication that there is an abundance of fish upon which to feed. Secretary Babbitt threatened to recommend a veto of the bill if the provision blocking the Park Service's fishing ban was included in the spending bills.

At the same time, the Congressional leadership stepped up efforts to develop an omnibus spending package the President would sign. As much as they supported the Delegation's efforts in Glacier Bay, the Congressional leadership were not willing to give the President any excuse to veto bills and shut down the government to divert attention from other matters. I was asked to try to work out a solution that the President would accept. We worked for nearly a week to develop a plan; and after consultation with fishermen, crabbers, and the other members of the Delegation, I reluctantly concluded that this proposal was better than taking no action at all.

The plan we developed allows the fishermen who have historically operated in Glacier Bay to continue to fish for the rest of their lives. We had sought the right to allow fishermen to pass on their permits to their children or assignees, but that was rejected by the Interior Department. Had the regulations gone forward in their current form, all fishermen would have been banned from the Bay in 15 years.

The proposal also offers a compensation package to the five or six crabbers who will be forced out of designated wilderness areas in Glacier Bay and Upper Dundas Bay. It will compensate them for their permit and lost income for six years or $400,000, which ever is greater. In addition, if a fisherman chooses to be compensated for his or her permit and lost income, he or she may also sell to the Secretary his or her boat and gear for additional compensation. Each crabber will obviously have the option of keeping their boat and gear and fishing elsewhere. Lost income is net after expenses which should be calculated by taking gross receipts and subtracting the cost of insurance, crew, fuel, and bait. Paper losses such as depreciation used for Internal Revenue purposes only, should not be subtracted in calculating net income.

The crabbers will have until February 1st to file a claim and the Interior Department will then have six months to act on those claims. There will be an appeals process with a right to go to court if no agreement is reached on an acceptable compensation plan. The office of the Assistant Secretary for Parks and Wildlife has pledged to me to expedite this process so the Dungeness crabbers will be compensated as quickly as possible.

The compromise that was reached also maintains the State of Alaska's prerogatives with respect to state management of the state's fisheries. There will be a cooperative management plan developed jointly by the Interior Department and the State of Alaska. As that plan is developed, I have been assured by the Secretary's office that the Glacier Bay Working Group representing the fishing industry will be consulted. There will be a full public process including hearings, testimony, and an opportunity to comment on any proposed plan.

In addition, the legislation includes a savings clause to clarify that nothing in the Act undermines the power and authority of the State of Alaska to manage fisheries in the State. Finally, I want to make clear that unless explicitly provided in the Act, the legislation is not intended to amend the Alaska National Interest Lands Conservation Act which generally and specifically governs management of Glacier Bay National Park and Preserve as well as subsistence and commercial fishing.

With respect to subsistence fishing, while the Interior Department would not agree to explicitly allow subsistence activities, I was assured by the Secretary's office that personal use fisheries could continue, most notably for the people of Hoonah who have had a long running dispute with the Park Service on this issue. I was advised that the Park Service is authorized under National Park Service Organic Act to recognize a state-run personal use fishery.

Of critical importance is the status of the outer waters of Glacier Bay. The original proposal made by the Interior Department offered no assurance that commercial fishing could continue outside the Bay itself. Language was specifically included to address this shortcoming, making it clear that commercial fishing is authorized under law and will continue to be permitted in the outer waters. Although the Secretary, acting jointly in consort with the State of Alaska, through the cooperative management plan, may retain the right to protect park resources, that goal must be achieved through reasonable regulation. For example, an area around a seal rookery may be closed to salmon fishing to protect that specific location, but the rest of the outside waters must remain open to salmon fishing.

I view this compromise as an insurance policy, a safety net that offers better protection to Glacier Bay's fishermen than was offered by the draft Park Service regulations. But I do not view it as the end of the story. There are provisions I do not like.

Senator MURKOWSKI has already indicated his intention to introduce legislation on this issue and hold hearings in the Senate Energy Committee which he chairs. I also have indications that Congressman YOUNG, the Chairman of the House Resources Committee, has similar plans. The Secretary of the Interior agreed to extend the comment period on the pending agency regulations until January 15, 1999.

One issue that has not been addressed in this legislative compromise are the losses of local communities and fish processing companies. The Interior Department acknowledges that this is a shortcoming and has pledged to work with me and the rest of the Delegation to address this issue. I pledge to work with local communities and processors in the months ahead.

INTERNET SPEECH REGULATION

Mr. LEAHY. Mr. President, last week's Washington Post proclaimed in one headline, "High Tech is King of the Hill," citing the passage of several bills which I actively supported, including restricting Internet taxes, enhancing protection for copyrighted works online, and encouraging companies to share information to avoid Year 2000 computer failures. Yet, anyone familiar with the Internet proposals buried in the Omnibus Appropriations measure would be writing a different headline this week.

Certain provisions in this huge spending bill repeat the mistakes about regulating speech on the Internet that the last Congress made when it passed the Communications Decency Act, the "CDA-I." I opposed the CDA from the start as fatally flawed and flagrantly unconstitutional. I predicted that the CDA would not pass constitutional muster and, along with Senator FEINGOLD, sought to repeal the CDA so that we would not have to wait for the Supreme Court to fix our mistake.

We did not fix the mistake and so, as I predicted, the Supreme Court eventually did our work for us. All nine Justices agreed that the CDA was, at least in part, unconstitutional. Justice STEVENS, writing for seven members of the Court, called the CDA "patently invalid" and warned that it cast a "dark shadow over free speech" and "threaten[ed] to torch a large segment of the Internet community." *Reno* v. *ACLU*, 117 S.Ct. 2329, 2350 (1997). The Court's decision came as no surprise to me, and should have come as no surprise to the 84 members of the Senate who supported the legislation.

We had been warned by constitutional scholars and Internet experts that the approach we were taking in the CDA would not stand up in court and did not make sense for the Internet. In the end, three district court panels and the Supreme Court all ultimately agreed in striking down the CDA-I as an unconstitutional restriction on free expression.

Congress is about to make the same mistake again by including in the Omnibus Appropriations bill the "Child Online Protection Act," or "CDA-II." I have spoken before, on July 21, 1998, about my opposition to a version of this legislation that was included, without debate, on the annual funding bill for the Commerce, State and Justice Departments.

My opposition to these efforts to regulate Internet speech should not be misunderstood. I join with the sponsors of these measures in wanting to protect children from harm. I prosecuted child abusers as State's Attorney in Vermont, and have worked my entire professional life to protect children from those who would prey on them. In fact, earlier this month, the Congress passed the Hatch-Leahy-DeWine version of the "Protection of Children from Sexual Predator Act," H.R. 3494, to enhance our Federal laws outlawing child pornography. We should act whenever possible to protect our children, but we have a duty to ensure that the means we use to protect our children do not do more harm than good. As the Supreme Court made clear when it struck down CDA-I, laws that prohibit protected speech do not become constitutional merely because they were enacted for the important purpose of protecting children.

CDA-II makes a valiant effort to address many of the Supreme Court's technical objections to the CDA. Nevertheless, while narrower than its CDA-I predecessor, this legislation continues to suffer from substantial constitutional and practical defects. The core holding of the CDA-I case was that "the vast democratic fora of the Internet" deserves the highest level of protection from government intrusion—the highest level of First Amendment scrutiny. Courts will assess the constitutionality of laws that regulate speech over the Internet by the same demanding standards that have traditionally applied to laws affecting the press.

The CDA-II provisions included in the Omnibus Appropriations bill do not meet those standards.

CDA-II would penalize the posting “for commercial purposes” on the World Wide Web of any material that is “harmful to minors.” Penalties include fines of up to $50,000 per day of violation, up to 6 months' imprisonment and, under a separate section of the bill, forfeiture of eligibility for the Internet tax moratorium. Like the old CDA-I, this new provision creates an affirmative defense for those who restrict access by requiring use of a credit card, debit account, adult access code, adult personal identification number, a digital certificate verifying age, or other reasonable measures. This new criminal prohibition raises a number of constitutional and practical issues that have been entirely ignored by this Congress.

First, the scope of CDA-II is unclear. The prohibition applies to anyone “engaged in the business” of making any communication for commercial purposes by means of the World Wide Web. Vendors selling pornographic material from Web sites are clearly covered, but also many other unsuspecting persons and businesses operating Web sites will likely fall under this prohibition. Under new section 231(e)(2)(B) of title 47, U.S.C., “it is not necessary that the person make a profit” or that the Web site “be the person's sole or principal business or source of income.” Does CDA-II cover companies that offer free Web sites, but charge for their off-line services? If CDA-II does not apply in that circumstance, would the measure have the unintended effect of encouraging the posting of “harmful” materials on the Web for free? Does CDA-II apply to a business that merely advertises on the Web? Does CDA-II apply to public service postings sponsored by businesses on the Web?

In the face of this uncertainty, entrepreneurs, small businesses and other companies who maintain a Web site as a way to enhance their business may face criminal liability if they post material—for free, for advertising, or for a fee—which some community in this country may perceive to be “harmful to minors.”

Second, CDA-II adopts a “harmful to minors” standard that will likely be found unconstitutional. CDA-II defines “material that is harmful to minors” as what the “average person, applying contemporary community standards,” would find, taken as a whole and with respect to minors, is designed to appeal to the prurient interest, depicts in a manner patently offensive to minors actual or simulated sexual acts or contact, and lacks serious literary, artistic, political or scientific value. The provision further defines a “minor” to be “any person under 17 years of age.”

The “17 year old” age cutoff in CDA-II makes this measure significantly more restrictive than the “harmful to minors” statutes adopted in most states, including in my home state of Vermont. Most state “harmful to minors” statutes restrict materials that would be harmful to minors under the age of 18. These statutes are interpreted to prohibit only that material which would be harmful for the oldest minor. Thus, by setting the age at “under 17,” CDA-II would prohibit material on the Web that is inappropriate or harmful for 16 year olds. Consequently, CDA-II would impose more restrictions on the material that can be freely accessible on the World Wide Web than most states impose on materials available for sale in bookstores, news stands, and movie theaters within their borders.

Yet, unlike books, magazines, movies or even broadcasts, where the vendor can control the physical places to which the material is distributed, a person posting material on a Web site cannot restrict access to only Internet users from certain geographic regions. Indeed, Web site operators often cannot determine the region of the country, or the world, from which users are initiating their access.

As a consequence, Web site operators will have to tailor the material accessible on their sites to content that would pass muster in the most conservative community in the country for children 16 years old and younger. The standards of every other community would be discounted. Thus, the bill's core effect will be to set—for the first time—a single, national harmful to minors standard for material on the World Wide Web. Moreover, this standard will be more restrictive than those already in place in most states.

This result runs counter to existing “harmful to minors” law as articulated by the Supreme Court. The Supreme Court has never approved of a single, national obscenity standard, nor has it approved a “harmful to minors” statute based on a national, as opposed to local, standard. On the contrary, the Supreme Court in *Miller* v. *California*, 413 U.S. 15, 30–32 (1973), stated that:

> our Nation is simply too big and too diverse . . . to reasonably expect that such standards could be articulated for all 50 States in a single formulation. . . . It is neither realistic nor constitutionally sound to read the First Amendment as requiring that the people of Maine or Mississippi accept public depiction of conduct found tolerable in Las Vegas, or New York City.

Reducing the material available on the Web to that which only the most conservative community in the country deems to be appropriate for 16-year-olds, could very well remove material that is both constitutionally protected and socially valuable. The online publication of the Starr report, in whole or in part, Robert Mappelthorpe's pictures, or PG, PG–13, and certainly R-rated movies or TV shows would be suspect.

CDA-II provides an affirmative defense for online publishers of such material that demand credit card numbers or other adult identification. A similar defense did not save CDA-I, however, and remains insufficient to reduce the significant burden on protected speech that the new prohibition imposes. The Supreme Court noted in analyzing this defense in CDA-I, that such a requirement would “‘completely bar adults who do not have a credit card and lack the resources to obtain one from accessing any blocked material.’” 117 S.Ct at 2337.

In addition to burdening the speech rights of adults, the Supreme Court questioned the effectiveness of this defense in CDA-I to protect children, stating:

> . . . it is not economically feasible for most noncommercial speakers to employ such verification . . . Even with respect to commercial pornographers that would be protected by the defense, the Government failed to adduce any evidence that these verification techniques actually preclude minors from posing as adults. Given that the risk of criminal sanctions ‘hovers over each content provider, like the proverbial sword of Damocles,’ the District Court correctly refused to rely on unproven future technology to save the statute.” 117 S.Ct. at 2349–50.

The technology required to exercise the affirmative defense remains practically difficult and prohibitively expensive for many Web sites. As a result, just as the Supreme Court found with CDA-I, CDA-II would effectively chill the publication of a large amount of valuable, constitutionally-protected speech on popular commercial web sites such as CNN.com, amazon.com, or the New York Times online. As the Court restated in its decision on CDA-I, “‘[t]he level of discourse reaching a mailbox simply cannot be limited to that which would be suitable for a sandbox.’” 117 S.Ct. at 2346.

Third, CDA–II will be ineffective at protecting children. In evaluating whether the burdens that CDA–II will place on Web publishers are justified, we must take a realistic look at how well these new restrictions will work to protect children from harmful online materials. As the Supreme Court noted, adult identification or verification techniques can be falsely used by children to gain access to forbidden material.

In addition, CDA–II is limited to activity on the Web, presumably to capture the material that the Supreme Court believed was susceptible to use of verified credit cards. Those of us who use the Internet recognize that the Web is merely one of several Internet protocols, although the one most amenable to pictorial or graphic displays. Limiting the reach of this measure to the Web excludes newsgroups, FTP sites, e-mail, chat rooms, private electronic bulletin board systems (BBS), and gopher sites, where children may continue to access harmful materials.

Indeed, I am concerned that the unintended consequence of applying CDA-II's ill-considered speech restrictions on the Web will simply force Internet content providers and users to use or develop other protocols with which they would be able to exercise their First Amendment rights unfettered by the threat of criminal prosecution.

Those of us who use the Internet and the World Wide Web also recognize that this is a global medium, not just a network under United States control. Indeed, a large percentage of content on the Internet originates outside the United States, and is as accessible over the Web as material posted next door. Objectionable material is likely to come from outside the United States and be unreachable by American laws.

The Justice Department, in a letter dated October 5, 1998, on CDA-II that I would ask to be included in the record, stated, "the practical or legal difficulty in addressing these considerable alternative sources from which children can obtain pornography raises questions about the efficacy of the [CDA-II] and the advisability of expending scarce resources on its enforcement."

The warning by the Justice Department that this measure will detract from current efforts to stop the distribution of illegal child pornography has apparently gone unheeded by Congress. The Justice Department has made clear that CDA-II would "divert the resources that are used for important initiatives such as Innocent Images," a successful online undercover program to stop child predators and pornographers. The work that the Justice Department has done in going after the worst offenders, highlighted by the recent international crack down on child-pornography, should not be diluted by broadening their enforcement load to embrace an unconstitutional standard.

Fourth, Congress simply has not done its homework to consider alternative effective means to protect children from harmful online materials. The Senate is considering CDA-II, including its creation of a new Federal crime, as part of an omnibus spending measure. Until recently the Senate had rules and precedent against this kind of legislating on an appropriations bill. Under Republican leadership, that discipline has been lost and we are left to consider significant legislative proposals as part of annual appropriations. These matters are far-reaching. They deserve full debate and Senate consideration before good intentions lead the Senate to take another misstep in haste.

The Congress has not held hearings on the CDA-II provisions before us. The Senate Commerce Committee hearing in February, 1998, elicited only the testimony of this measure's primary sponsor about a prior version of the bill, and no other testimony about its constitutionality. The Congress has made only the most minimal efforts to determine whether technical tools or this measure would be the least restrictive means of protecting children. There has been no study, no discussion, and no comparison of the effectiveness of various approaches, their likely impact on speech, and their appropriateness for the Internet.

Ironically, CDA-II puts the proverbial cart-before-the-horse by enacting new speech restrictions at the same time the bill establishes a "Commission on Online Child Protection" to study the technical means available to protect children from harmful material. While the selection of the members of this Commission is left solely to Republican congressional leadership, we should at least hear from the Commission before legislating. As the letter from the Department of Justice advises, "Congress should wait until the Commission has completed its study and made its legislative recommendations before determining whether a criminal enactment would be necessary, and if so, how such a statute should be crafted," This approach would allow Congress to create a record on the most effective means to solve the problem instead of passing an ineffective law.

In striking the CDA-I as unconstitutional, the Supreme Court specifically cited "the absence of any detailed findings by the Congress, or even hearings addressing the special problems of the CDA" as grounds for its finding "that the CDA is not narrowly tailored if that requirement has any meaning at all." 117 S.Ct. at 2348. The Congress is repeating this mistake here, since it has again not established a record showing that the extraordinary restrictions on Internet expression proposed in the CDA-II are the least restrictive way to achieve our goal of protecting children online. Congress is required to establish such a record if it seeks to impose these sorts of burdens of the speech of our citizens.

Experts have told us that there are better ways to protect children that have less of an impact on constitutionally protected speech, including the use of blocking and filtering tools that give parents the ability to control access to harmful content both within and outside of the United States. Harvard Law School Professor Larry Lessig, who is an expert on both constitutional law and Internet law, has described at least one less restrictive alternative—the use of voluntary "kid certificates" online—that would have the same effect Congress is trying to achieve while placing far less of a burden on free speech. I ask that his letter be made part of the RECORD.

It is precisely because these less restrictive means exist, and because Congress has not shown otherwise, that the CDA-II is most likely to fail in the courts.

Finally, there are constructive steps that Congress can and should take. Although CDA-II would not solve the problems facing parents and educators on how to protect their children from harmful and inappropriate online material, there are several steps that Congress could take which would prove more effective.

We should hear from the Commission on Online Child Protection that is authorized in this bill to study the technical means available to protect children from harmful material.

We should do more to protect children's privacy. The Omnibus appropriations bill contains a provision authorizing the FTC to require parental consent from children to give out personal information to Web sites aimed at children or where the age of child has been collected. These privacy provisions have broad support and could be a way for Congress effectively and constitutionally to protect children online without detracting from the current mission of law enforcement.

We should not rush to legislate when non-legislative solutions may be more effective and consistent with our constitutional principles. Instead of trying to create a national harmful to minors standard, Congress should encourage companies and non-profit organizations who have responded to this problem with wide-ranging efforts to create child-friendly content collections, teach children about appropriate online behavior, and develop voluntary, user-controlled, technology tools that offer parents the ability to protect their own children from inappropriate material. Unlike legislative approaches, these bottom-up solutions are voluntary. They protect children and assist parents and care-takers regardless of whether the material to be avoided is on an American or foreign Web site. They respond to local and family concerns, and they avoid government decisions about content.

We can and must do better than CDA-II. This measure will do almost nothing to protect children from harmful material online, but will divert Federal enforcement resources, restrict constitutionally-protected free speech online and set a dangerous precedent for Federal regulation of the Internet. Perhaps worst of all, it will create the illusion of a solution. This Congress should not be in the business of lulling parents into a false sense of security while in fact doing nothing to protect children online.

Many members who have supported CDA-II are no doubt motivated by the same thing that motivates me in this area: a desire to protect children online. I am afraid, however, that we have not taken the time to craft a legislative solution that will actually help solve this problem. The Congress has been put on notice that our approach will not work, and will probably end up in court for yet another battle. We should not run another ambiguous speech regulation up the flagpole and expect the courts to salute. We owe it to the millions of Americans who use the Web not to make the same mistake a second time.

Now, Mr. President, I ask unanimous consent that a letter from Acting Attorney General Anthony Sutin from the Department of Justice and a letter from Harvard University Professor Lawrence Lessig in opposition to the Child Online Protection Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, October 5, 1998.

Hon. THOMAS BLILEY,
Chairman, Committee on Commerce,
House of Representatives, Washington, DC.

This letter sets forth the views of the Department of Justice on H.R. 3783, the "Child Online Protection Act" ("the COPA"), as ordered reported. We share the Committee's goal of empowering parents and teachers to protect minors from harmful material that is distributed commercially over the World Wide Web. However, we would like to bring to your attention certain serious concerns we have about the bill.

The principal provision of the COPA would establish a new federal crime under section 231 of Title 47 of the United States Code. Subsection 231(a)(1) would provide that:

"Whoever, in interstate or foreign commerce, by means of the World Wide Web, knowingly makes any communication for commercial purposes that includes any material that is harmful to minors without restricting access to such material by minors pursuant to subsection (c) shall be fined not more than $50,000, imprisoned not more than 6 months, or both."

Subsection 231(a)(2), in turn, would provide for additional criminal fines of $50,000 for "each day" that someone "intentionally violates" §231(a)(1); and §231(a)(3) would provide for additional civil fines of $50,000 for "each day" that a person violated §231(a)(1). Subsection 231(b) would exempt certain telecommunications carriers and other service providers from the operation of §231(a)(1). Subsection 231(c)(1) would establish what is denominated an "affirmative defense":

"(1) DEFENSE.—It is an affirmative defense to prosecution under this section that the defendant, in good faith, has restricted access by minors to material that is harmful to minors—

"(A) by requiring use of a credit card, debit account, adult access code, or adult personal identification number; or

"(B) by any other reasonable measures that are feasible under available technology."

Subsection 231(e) would define, *inter alia*, the following terms in the criminal prohibition: (i) "by means of the World Wide Web"; (ii) "commercial purposes"; (iii) "material that is harmful to minors," and "minor." *See* proposed §231(e) (1), (2), (6) & (7). In particular, "material that is harmful to minors" would be defined as:

". . . any communication, picture, image, graphic image file, article, recording, writing, or other matter of any kind that—

"(A) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, that such material is designed to appeal to or panders to the prurient interest;

"(B) depicts, describes, or represents, in a patently offensive way with respect to minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals or female breast; and

"(C) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors."

The Department's enforcement of a new criminal prohibition such as that proposed in the COPA could require an undesirable diversion of critical investigative and prosecutorial resources that the Department currently invests in combating traffickers in hard-core child pornography, in thwarting child predators, and in prosecuting large-scale and multidistrict commercial distributors of obscene materials. For example, presently the Department devotes a significant percentage of our resources in this area to the highly successful Innocent Images online undercover operations, begun in 1995 by the FBI. Through this initiative, FBI agents and task force officers go on-line, in an undercover capacity, to identify and investigate those individuals who are victimizing children through the Internet and on-line service providers. Fifty-five FBI field offices and a number of legal attaches are assisting and conducting investigations in direct support of the Innocent Images initiative. To ensure that the initiative remains viable and productive, the Bureau's efforts include the use of new technology and sophisticated investigative techniques, and the coordination of this national investigative effort with other federal agencies that have statutory investigative authority. We also have allocated significant resources for the training of state and local law enforcement agents who must become involved in our effort. To date, the Innocent Images national initiative has resulted in 196 indictments, 75 informations, 207 convictions, and 202 arrests. In addition, 456 evidentiary searches have been conducted.

We do not believe that it would be wise to divert the resources that are used for important initiatives such as Innocent Images to prosecutions of the kind contemplated under the COPA. Such a diversion would be particularly ill-advised in light of the uncertainty concerning whether the COPA would have a material effect in limiting minors' access to harmful materials. There are thousands of newsgroups and Internet relay chat channels on which anyone can access pornography; and children would still be able to obtain ready access to pornography from a myriad of overseas web sites. The COPA apparently would not attempt to address those sources of Internet pornography, and admittedly it would be difficult to do so because restrictions on newsgroups and chat channels could pose constitutional questions, and because any attempt to regulate overseas web sites would raise difficult questions regarding extraterritorial enforcement. The practical or legal difficulty in addressing these considerable alternative sources from which children can obtain pornography raises questions about the efficacy of the COPA and the advisability of expending scarce resources on its enforcement.

Second, such a provision would likely be challenged on constitutional grounds, since it would be a content-based restriction applicable to "the vast democratic fora of the Internet," a "new marketplace of ideas" that has enjoyed a "dramatic expansion" in the absence of significant content-based regulation. *Reno* v. *ACLU*, 117 S. Ct. 2329, 2343, 2351 (1997). As the Court in ACLU suggested, *id.* at 2341 (discussing *Ginsberg* v. *New York*, 390 U.S. 629 (1968)), it may be that Congress could, consistent with the First Amendment, enact an Internet version of a "variable obscenity," harmful-to-minors prohibition, analogous to state-law statutes prohibiting bookstores from displaying to minors certain materials that are obscene as to such minors. *See, e.g., American Booksellers* v. *Webb*, 919 F.2d 1493 (11th Cir. 1990), *cert denied*, 500 U.S. 942 (1991); *American Booksellers Ass'n* v. *Virginia*, 882 F.2d 125 (4th Cir. 1989), *cert denied*, 494 U.S. 1056 (1990), *Davis-Kidd Booksellers, Inc.* v. *McWherter*, 866 S.W.2d 520 (Tenn. 1993). However, it is not certain how the constitutional analysis might be affected by adaptation of such a scheme from the bookstore context in which it previously has been employed to the unique media of the Internet. Because it may be more difficult for Internet content providers to segregate minors from adults than it is for bookstore operators to do the same, and because the Internet is, in the Court's words, a "dynamic, multifaceted category of communication" that permits "any person with a phone line" to become "a town crier with a voice that resonates farther than it could from any soapbox," *ACLU*, 117 S. Ct. at 2344, the Court is likely to examine very carefully any content-based restrictions on the Internet.

The decision in ACLU suggests that the constitutionality of an Internet-based "harmful-to-minors" statute likely would depend, principally, on how difficult and expensive it would be for persons to comply with the statute without sacrificing their ability to convey protected expression to adults and to minors. And the answer to that question might depend largely on the ever-changing state of technology, the continuing progress that the private sector makes in empowering parents and teachers to protect minors from harmful material, and the scope and detail of the record before Congress. In this regard, it is notable that the COPA also would establish a Commission (see §6) to study the ways in which the problem could most effectively be addressed in a time of rapidly evolving technologies. In light of the difficult constitutional issues, we believe that Congress should wait until the Commission has completed its study and made its legislative recommendations before determining whether a criminal enactment would be necessary, and if so, how such a statute should be crafted.

Finally, the COPA as drafted contains numerous ambiguities concerning the scope of its coverage. Such ambiguities not only might complicate and hinder effective prosecution; they also might "render [the legislation] problematic for purposes of the First Amendment," by "undermin[ing] the likelihood that the [bill] has been carefully tailored to the congressional goal of protecting minors from potentially harmful materials." *ACLU*, 117 S. Ct. 2344. Among the more confusing or troubling ambiguities are the following:

"(a) While the COPA mentions that minors' access to materials on the Internet 'can frustrate parental supervision or control' over their children, §2(1), the only 'compelling interest' that the COPA would invoke as a justification for its prohibition is 'the protection of the physical and psychological well-being of minors by shielding them from materials that are harmful to them,' id. §2(2). The constitutionality of the bill would be enhanced if Congress were to identify as the principal compelling interest the facilitation of parents' control over their children's upbringing, in addition to the government's independent interest in keeping certain materials from minors regardless of their parents' views. *See, e.g., ACLU*, 117 S. Ct. at 2341 (noting that the statute in *Ginsberg* presented fewer constitutional problems than the Communications Decency Act because in the former, but not the latter, parents' consent to, or participation in, the communication would avoid application of the statute).

"(b) While the bill would not appear to apply to material posted to the Web from outside the United States, that question is not clear; and the extraterritoriality of the prohibition might affect the efficacy and constitutionality of the statute. *See ACLU*, 117 S. Ct. at 2347 n. 45.

"(c) It is unclear what difference is intended in separately prohibiting 'knowing' violations (proposed §231(a)(1)) and 'intentional' violations (proposed "§231(a)(2)); and there is no indication why the two distinct penalty provisions are necessary or desirable. Moreover, it is not clear, in subsection (a)(1), which elements are modified by the "knowingly" requirement. For example, must the government prove that the defendant knew that the communication contained the harmful-to-minors material? That the defendant knew the materials were, in fact, harmful to minors? Nor is it clear what it would mean, in the context of distribution of the targeted materials over the World Wide Web, to violate subsection (a)(1) "intentionally."

"(d) Proposed §231(a)(3) would provide for civil penalties; but that section does not indicate how such penalties are to be imposed and enforced—e.g., who would be responsible for bringing civil actions. In this regard, we should note that if Congress were to eliminate criminal penalties altogether, in favor of civil penalties, that would improve the likelihood that the statute eventually would be found constitutional. *See, e.g., ACLU*, 117 S. Ct. at 2342 (distinguishing the civil penalties upheld in the "indecency" statute at issue in *FCC* v. *Pacifica Foundation*, 438 U.S. 726 (1978), from the criminal penalties in the CDA).

"(e) The titles of §3 of the bill, and of proposed §231 of Title 47, refer to materials "sold by means of the World Wide Web"; and yet the prohibition itself does not appear to prohibit merely the "sale" of harmful material, although it is limited to communications "for commercial purposes."

"(f) One of the elements of the basic prohibition in proposed §231(a)(1) would be that the defendant made the communication "without restricting access to such material by minors pursuant to subsection (c)." Yet subsection (c) itself would provide that such a restriction of access is an affirmative defense. This dual status of the "restricting access' factor appears to create a redundancy; at the very least, it leaves unclear important questions regarding burdens of proof with respect to whether a defendant adequately restricted access.

"(g) The COPA definition of "materials that is harmful to minors" would be similar to the "variable obscenity" state-law definitions that courts have upheld in cases (cited above) involving restrictions on the display of certain material to minors in bookstores. Those state statutes have, in effect, adopted the "obscenity as to minors" criteria approved in *Ginsberg* as modified in accordance with the Supreme court's more recent obscenity standards announced in *Miller* v. *California*, 413 U.S. 15, 14 (19873). But the COPA's definition would, in several respects, be different from the definitions typically used in those state statutes, and the reasons for such divergence are not clear. Is the definition intended to be coterminous with, broader, or narrower than, the standards approved in the cases involving state-law display statutes? The breadth and clarity of the coverage of the COPA's "harmful to minors" standards could have a significant impact on the statute's constitutionality.

"(h) Particular ambiguity infects the first of the three criteria for "material that is harmful to minors," proposed §231(e)(6)(A). (i) The words "that such material" appear extraneous. (ii) It is unclear whether "is designed to" is supposed to modify "panders to," and, if not, whether the "panders to" standard is supposed to reflect the intended or the actual effect of the expression "with respect to minors." (iii) Which "contemporary community standards" would be dispositive? Those of the judicial district (or some other geographical "community") in which the expression is "posted"? Of the district or local community in which the jury sits? Of some "community" in cyberspace? Some other "community"? Resolution of this question might well affect the statute's constitutionality. *See ACLU*, 117 S. Ct. at 2345 n.39.

"(i) Must the material, taken as a whole, "lack serious literary, artistic, political, or scientific value" for all minors, for some minors, or for the "average" or "reasonable" 16-year-old minor? *See, e.g., American booksellers*, 919 F2d at 1504–05 (under a variable obscenity statute, "if any reasonable minor, including a seventeen-year-old, would find serious value, the material is not 'harmful to minors' "); *Davis-Kidd Booksellers*, 866 S.W. 2d at 528 (same); *American Booksellers Ass'n*, 882 F.2d at 127 (sustaining constitutionality of a state variable obscenity statute after state court had concluded that a book does not satisfy the third prong of the statute if it is "found to have a serious literary, artistic, political or scientific value for a legitimate minority of normal, older adolescents").

"(j) In the definition of "engaged in the business" (proposed §231(e)(2)(B)), it is not clear what is intended by the reference to "offering to make such communications." Also unclear is the effect of the modifier "knowingly" in that same definition's clarification that a person may be considered to be "engaged in the business of making, by means of the World Wide Web, communications for commercial purposes that include material that is harmful to minors only if the person knowingly causes the material that is harmful to minors to be posted on the World Wide Web or knowingly solicits such material to be posted on the World Wide Web." Must the person know that the material is posted on the Web? That the material is harmful to minors? That he or she "cause[d]" the material to be posted?"

In addition, we have concerns with certain facets of the proposed Commission on Online Child Protection, which would be established under §6 of the bill. The Commission would be composed of fourteen private persons engaged in business, appointed in equal measures by the Speaker of the House and the Majority Leader of the Senate, as well as three "ex officio" federal officials (or their designees): the Assistant Secretary of Commerce, the Attorney General and the Chairman of the Federal Trade Commission. The principal duty of the Commission, see §6(c)(1), would be:

". . . to conduct a study . . . to identify the technological or other methods to help reduce success by minors to material that is harmful to minors on the Internet, [and] which methods, if any—

"(A) that the Commission determines meet the requirements for use as affirmative defenses for purposes of section 231(a) . . . ; or

"(B) may be used in any other manner to help reduce such access."

If subsection (A) of this provision were construed to permit or to require the Commission to "determine," as a matter of law, which methods would satisfy the affirmative defense established in §23(c), it would violate the constitutional separation of powers because most of the Commission members would be appointed by congressional officials and would not be appointed in conformity with the Appointments Clause of the Constitution, article II, section 2, clause 2. Accordingly, we would urge deletion of the portion of §6(c)(1) that follows the word "Internet." For similar reasons, we urge deletion of §6(d)(4), which would require the Commission, as part of the report it submits to Congress, to describe "the technologies or methods identified by the study that may be used as affirmative defenses for purposes of section 231(c) . . ." (Even if such a delegation of responsibility to the proposed Commission were otherwise permissible, it would be unwise, in our view, as a matter of policy to permit the Commission—in essence—to make such determination about a criminal offense.)

Thank you for the opportunity to present our views on this matter. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

L. ANTHONY SUTIN,
Acting Assistant Attorney General.

HARVARD LAW SCHOOL,
Cambridge, MA, October 10, 1998.

Re H.R. 3783.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I note that the Senate passed a version of Congressman Oxley's H.R. 3783 earlier this year. On September 11, I testified before the Subcommittee on Telecommunications, Trade, and Consumer Protection, of the House Committee on Commerce, at a hearing devoted to various proposals for regulating access to material deemed "harmful to minors." Subsequent developments have convinced me that the approach presently being considered is unconstitutional.

My view at that time, with respect to H.R. 3783, was that while the idea of require adult IDs could in principle be constitutional, the existing ID technologies would be constitutionally too burdensome. Given other adult ID technologies, the requirement (predominate in the statute) that adult turn credit numbers over to pornographers in order to get access to constitutionally protected speech struck me as too great a burden.

Since my testimony, an argument by Professor Mark Lemley of The University of Texas Law School, has strengthened my view that there are serious constitutional problems with this approach. Lemley proposes that rather than requiring adult IDs, a less restrictive alternative would be a statute that facilitated the development of kid IDs—digital certificates that would be bound to a user's browser, but that would simply identify the user as a minor. A law could then require that servers with material deemed "harmful to minors" block access by users with such certificates. Such certificates, again, would reveal no information except that a user was a minor.

Such a proposal, in my view, would be seen by a court to be a clearly less restrictive alternative under First Amendment jurisprudence. If so, the proposal would then render the means proposed in H.R. 3783 unconstitutional.

While there are important details to be worked out in the "kid IDs" alternative, I will note one other feature that might be of interest. If kid IDs were generally available, then Congress could more easily require commercial sites not to gather data from kids. As it is, any rule that commercial sites not gather data from kids would be hard to enforce. But if such IDs became common, these other regulatory purposes would be more easily achieved.

If there is more information that I can provide, please let me know.

With kind regards,

LAWRENCE LESSIG.

Mr. HATCH. Mr. President, I suppose that it is appropriate that we are passing this bill just a week before Halloween. It seems as though we have spent the better part of five days trying to unmask its provisions. And, some of the sections have been like ghosts—first you see them, now you don't.

I confess that I share the frustration voiced by many of my colleagues yesterday from both sides of the aisle about this extremely unorthodox process. I suppose it is somewhat reassuring that Senators on both sides of the aisle are similarly put off by the process because perhaps then we will not inflict it on ourselves or the American people next year.

Let me start with the fact that, at least technically, it is out of order to authorize on an appropriations bill. We have from time to time bent that rule—sometimes quite liberally. But, today, we not only bent it, we smashed it to smithereens. I admit to having tried to amend appropriations bills with authorizations during my tenure in the Senate, but I am quickly coming around to the notion that we must get back to a stricter adherence to that particular rule of the Senate.

One of the reasons for this rule, in addition to being able to control the appropriations process, is to ensure that the authorizing committees are not circumvented. The authorizing committees of the Senate have developed expertise on the various policy issues we must consider and act upon, and I believe that we do not fully carry out our duty to citizens and taxpayers when we fail to vet thoroughly these proposed changes in law.

I am not talking only about the Judiciary Committee, although I do feel strongly that we could have provided constructive input. The authorizing committees play an important role in policy development.

And, I think it is essential that we assert right here and now that national policy is not just about money. While the appropriations aspects of Congress' job is certainly of utmost importance, the authorizing process shapes the programs and establishes the rules for the expenditure of federal funds. One function is as important as the other. I do hope that this major bypass of the authorizing committees will not become habit-forming.

Second, we should all be concerned about the perception that this backwards procedure—one in which we are considering conference reports on bills that have not even passed the Senate yet—will set a precedent for the future.

Mr. President, I hope my colleagues on both sides of the aisle will join me in a sweeping denunciation of this as anything other than a one-time event. We cannot consider this omnibus, catch-all, 11th hour approach to be a model for how to extract ourselves from the dangerous prospect of an imminent government shutdown.

And, by the term"we," I also include the President of the United States. I would like to send a message to President Clinton right now. Don't try playing this game of legislative chicken again. I may resolve much differently.

Third, while I appreciate the effort of Senators LOTT and STEVENS and others to ensure that this bill does not make permanent changes in the budget rules or lift the budget caps we so painstakingly negotiated in the Balanced Budget Act, the bill before us takes the unheard of step of designating tax breaks as "emergencies."

While I strongly support the idea of tax relief—indeed, I have strongly supported each one of the items in this tax package for farmers—I am not so sure that we should be starting down the steep and slippery slope of using the emergency designation in this way. I hope that we will all look at this as one-of-a-kind occurrence and not as a new procedural loophole that we continue to use in the future.

Fourth, Mr. President, I am also disappointed by the fact that we are using a portion of the surplus to pay for additional spending. I supported the pledge of saving the surplus for Social Security and thought that we should move toward that goal. This bill, however, breaks that promise.

Last January, one of the President's most memorable lines from his State of the Union speech was "Save Social Security first." In reality, however, he has supported, practically insisted, on using that same surplus for more government spending. I applaud Senator LOTT and Speaker GINGRICH for keeping this encroachment on the surplus and Social Security to a minimum.

I hope that during the next Congress, we can resurrect that bipartisan spirit of fiscal integrity and responsibility we shared to get the budget balanced in order to keep the budget balanced. If we continue to feed the voracious appetite of big government at the trough of the so-called surplus, we will not have that surplus for long.

If there is one thing that we should all be united in, it is maintaining a balanced budget. This is perhaps the most important thing that any Congress can do. It is critical for the future growth of the U.S. economy, increases in the standard of living for our workers, and, indeed, the very future of the country.

Mr. President, the unorthodox process is certainly one issue, but it is not the only or even the principal issue. There are substantive problems with this bill as well.

Let me begin with a provision that is under the jurisdiction of the Judiciary Committee. I must speak out against inclusion of Title One of the euphemistically entitled "Citizens Protection Act." This ill-advised provision passed the House as an amendment to the House Commerce, State, Justice Appropriations bill but it never passed the Senate. Indeed, it has been opposed by a bipartisan majority of the Senate Judiciary Committee. Under the guise of setting ethical standards for federal prosecutors and other attorneys for the government, it will severely hamper the ability of the Department of Justice to enforce federal law and cede authority to regulate the practice of law by federal prosecutors in our federal courts to more than fifty state bar associations. Indeed, this provision alone caused me to consider voting against this conference report.

The sponsor of this measure is Representative JOE MCDADE, a man who, by all accounts, was wrongly prosecuted by zealous federal prosecutors and who has been vindicated. I have great respect for Representative MCDADE and sympathy for the objectives he seeks to protect.

Many in Congress and citizens around the country have been, at one time or another, the subject of unfounded ethical or legal charges. No one wants more than I to ensure that all federal prosecutors are held to the highest ethical standards. That is why the Judiciary Committee staff met with Congressman MCDADE and his staff. That is why we proposed a more narrow, workable version of his ethics amendment. That is why I proposed that we establish a Commission to investigate alleged cases of wrongdoing by federal prosecutors and to make recommendations to Congress.

Unfortunately, the House Leadership and others did not accept my proposal. Instead, I fear that, in a understandable desire to redeem those who have been wronged by zealous prosecutors, we have included a provision which is far too broad.

In its most relevant part, the so-called McDade provision states that an "attorney for the government shall be subject to State laws and rules . . . governing attorneys in each state where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that state." This may sound innocuous, until one realizes why state laws and rules governing the conduct of attorneys exist in the first place—to protect the integrity of the civil and criminal legal systems in the state and govern the practice of law in the courts of that state. It is this very purpose which makes inappropriate the blanket application to federal attorneys in federal court of all state bar rules.

The federal government has a responsibility and the legitimate lead role in the investigation and prosecution of complex multistate terrorism, drug, fraud or organized crime conspiracies, or in rooting out and punishing fraud against federally funded programs such as Medicare, Medicaid, and Social Security. It is in these very cases that the McDade provision will have its most pernicious effect.

Federal attorneys investigating and prosecuting these cases, which frequently encompass three, four, or five states, will be subject to the differing state and local rules of each of those states, plus the District of Columbia, if they are based here. Their decisions will be subject to review by the bar and ethics review boards in each of these states at the whim of defense counsel, even if the federal attorney is not licensed in that state. Practices concerning contact with unrepresented persons or the conduct of matters before a grand jury, perfectly legal and acceptable in federal courts, will be subject to state bar review and, as a result, could put an end to some undercover, federal investigations. And the very integrity and success of sensitive investigations could be compromised by the release of information during the course of these reviews. This provision is also an open invitation to clever defense attorneys to stymie federal criminal or civil investigations by bringing frivolous state bar claims.

Mr. President, the McDade provision is opposed by Attorney General Reno and by the Administration. It is opposed by a bipartisan group of six former Attorneys General of the United States from the Nixon, Carter, Reagan and Bush administrations. It is opposed by the Director of the FBI, the Administrator of the Drug Enforcement Administration, and the Director of the Office of National Drug Control Policy. It is opposed by law enforcement organizations such as the Fraternal Order of Police, the National Sheriffs Association, the National District Attorneys Association and the Federal Criminal Investigators Association. The National Victims Center opposes it on behalf of the victims of crime. And this provision is vigorously opposed by an overwhelming bipartisan majority of the Senate Judiciary Committee, the committee with jurisdiction over this matter. The Committee's Ranking Member Senator LEAHY has opposed this provision. Former Committee Chairmen Senators KENNEDY and THURMOND, and Committee members Senators SESSIONS, KOHL, DEWINE, DURBIN, ABRAHAM, FEINGOLD, THOMPSON, and FEINSTEIN have also written in opposition.

I would note, however, that in response to our concerns, the Leadership has inserted a provision which will delay the implementation of this provision for six months. At the very least, this will give the Department of Justice and others the opportunity to educate the Congress as to the serious effect this blanket provision will have on law enforcement. It is my hope and expectation that, during the next six months, we will be able to develop a more workable and effective solution.

In addition, the so-called 100,000 Teachers program so trumpeted by President Clinton will do virtually nothing for Utah. As if the concept of this teacher hiring program would be any more effective than the 100,000 cops program, we are appropriating $1.2 billion at the insistence of President Clinton and under threat of government shutdown.

Well, Mr. President, Utah is continually disadvantaged by the use of the Title I funding formula, which is how this money will be predominantly allocated among the states. Under this formula, we are year after year punished for our demographics. We will be lucky to eke enough out of this grant to hire a handful of teachers per district. And, the irony is that Utah ranks among those states with the highest average class sizes. This program claims reduction of class size to be its raison d'etre. I think not.

Furthermore, Mr. President, the President had an opportunity to reward states that were taxing themselves heavily for education and that were addressing the needs of poorer and rural school districts with state funds. Did he support an appropriation for the effort and equity component of the Title I formula? No, he did not.

And, what happened to ed-flex, one of the more innovative, albeit common sense, educational reforms we have seen in recent years? We are told the President would have vetoed the bill with the ed-flex provisions in it. I find myself resentful that I am in the position of being grateful for the limited flexibility that has been incorporated into the Teacher program.

I do not mean to cast any aspersions on my colleagues, who I know worked very hard to keep some local control in this program and who support educational flexibility as much as I do.

But, I ask President Clinton: What is your problem with giving states and local school districts some authority to make decisions about resource allocation? Are you afraid that the state or the locally elected boards of education may have a different priority than you do?

I am most annoyed at this lost opportunity to give states and local school districts some unrestricted federal assistance. There is no question in my mind that Utah could stretch the impact of federal help much further if given the freedom to make these determinations and to pool resources more effectively.

In view of all of this, some have suggested that I vote against this bill. I will say that on the basis of a few of these provisions, I was tempted to do so.

But, there are also some very worthy provisions in the bill which mitigate its poorer aspects.

For example, I am pleased that the tax extenders package is included in this bill. Despite my dislike for the idea of inserting a tax bill in an appropriations bill, I am glad we are getting this done. These tax provisions should not be allowed to expire; in fact, we ought to be making them permanent so we would not have to face this annual expiration crisis.

I am particularly pleased that the bill accelerates the deduction for health insurance premiums for self-employed people. It is about time we gave entrepreneurs a break on this.

I support the funding of the empowerment zones. This program is a powerful tool for revitalizing our urban areas; and I appreciate the fact that much of it is private sector driven.

Of course, the Interior Department appropriation, which is contained in the Omnibus bill, is critical to Utah. It contains funds for Washington County's desert tortoise habitat conservation program; the Bonneville Shoreline Trail; program development and facility construction at the Grand Staircase-Escalante National Monument; and a prohibition on funds to study draining Lake Powell or decommissioning the Glen Canyon dam.

While I am critical of the Administration's educational priorities, I support the additional funds for IDEA and Impact Aid. Utah, because of our heavy concentration of federal installations, will benefit from this sizable boost in Impact Aid.

I am sincerely grateful to my colleagues on the Appropriations Committee and in the leadership for their attention to the pressing transportation needs in Utah as well as to the planning that is underway for security at the 2002 Winter Olympic Games.

Staging this event is going to require a state-of-the-art transportation system, including intermodel centers, light rail, an adequate fleet of buses, and intelligent transportation systems. This appropriation will give Utah the ability to move ahead in these areas.

Additonally, I am extremely worried about our defense. We have alarming reports that entire air squadrons are grounded for lack of spare parts to keep planes in the air. We are told that junior officers and experienced non-commissioned officers are packing up and leaving the service, creating manpower and staffing problems in every branch of the military.

Military readiness backs up diplomacy. The latter cannot succeed without the former. We simply must stop using the defense budget like a bank we can go to for spending offsets when we want them. We are risking our nation's strength and ability to influence outcomes throughout the world. And, what is more, if we do not properly maintain equipment, if we do not invest in new technologies, if we do not provide adequate housing and medical care, we do not honor our men and women in uniform.

This bill begins the process of recognizing the importance of reinvesting in defense. I support the supplemental spending in this bill for defense, particularly the emphasis on readiness and personnel.

Some defense funds are also directed toward drug interdiction efforts. This is one of several positive actions taken in this bill to fight the war on drugs. Drugs are poisoning our society, particularly our children. Drugs contribute to a variety of other crimes, including murders and robberies. We must not give up trying to eradicate this cancer from our communities, and I applaud the addition of these anti-drug measures to this bill.

I remember when, more than a year ago, Speaker GINGRICH, Congressman HASTERT, and I met to discuss how we might force this Administration to focus on the worsening drug problem. We decided that we needed to undertake a comprehensive, bicameral effort. And so we did. We met with the Administration, held numerous hearings, and worked in a cooperative manner, extending our hands across the Capitol in a united effort to do what's best for our children.

I am pleased to say that our efforts have led to some success. A number of these important provisions were produced and considered by the Senate Judiciary Committee. I want to express my pleasure with the decision to include my proposal to reauthorize the Office of National Drug Control Policy. As well, I am pleased that we were able to include the Drug Demand Reduction Act, a measure sponsored by Congressman PORTMAN in the House. I was pleased to work with Congressman PORTMAN on getting this measure considered and put in a form which would pass the Senate. In fact, I recently introduced the Senate companion measure. For all of those involved in the effort to include this important, comprehensive anti-drug package in the bill—Speaker GINGRICH; Senators COVERDELL, GRASSLEY, and DEWINE; and Congressmen HASTERT, MCCOLLUM, PORTMAN and others—I want to express my congratulations and thanks.

Mr. President, let me conclude by saying that although there are some very ligitimate things to complain about regarding the bill—and process is one of them—we must recognize as well as the bill is a compromise. And, a compromise by definition means that neither side gets everything it wants.

If I were king, would I have put forward this bill? Certainly not. But, I am not king, and neither is Senator LOTT nor Senator STEVENS. Neither is President Clinton nor Representative GEPHARDT.

The stakes in this negotiation were particularly high. We were in a situation in which we were faced with an imminent shutdown of the federal government and all of the confusion, disruption, and dislocation that entails. So, when asked by pundits why the Republicans did not hold firm on a key issue like redirecting $1.2 billion in educational assistance to states and local schools with fewer strings attached, the answer is not difficult. Because in our system of checks and balances, the President has the veto pen.

Had we engaged in a war of wills, we could have held out for a perfect version of this educational component—a more perfect version of the entire appropriation—but the result would not necessarily be good for the country. Maybe some day, the American people will reward Republicans for being better statesmen than they are politicians.

Instead we negotiated a bill that is, indeed, a compromise. There are beneficial elements to it. It is not all bad. I would like to commend the Majority Leader, Senator LOTT, and Speaker GINGRICH for their efforts on this bill. Faced with a situation in which we could not act on the regular appropriations bills individually, as we would all have preferred, he steered us through this negotiation in the best manner he could. He deserves great credit, and he deserves our support.

How we ended up in this situation has already been addressed by several members on this side of aisle. Suffice it to say that it should not be necessary to file cloture petitions on appropriations bill; it should not be necessary to debate nongermane amendments ad infinitem. But, regardless of how we ended up here, we have made the best of it, and, I believe, have finally delivered a reasonable appropriations package.

It is always easier to criticize a compromise than it is to carve one out of disparate views and agendas. I have had some experience in this. I have often been criticized for a result that was not viewed as perfect or politically advantageous, even if it was fair or worthwhile.

This omnibus appropriation is not perfect. I dare say the Majority Leader would not say it is perfect. But, it is fair, and it is worthwhile. It is worthwhile because of the components I believe merit support, some of which I have advocated for years. It is also worthwhile because it will relieve the American taxpayers of the dread and uncertainty that the government will shutdown and of their anger and frustration that their government still doesn't get it.

It is worthwhile, I believe, because it is time to put the country first—ahead of the "wag the dog" diversionary strategy and ahead of seeking partisan advantage on election day.

Therefore, I will vote for this omnibus appropriations bill.

WASHINGTON STATE'S USE OF THE WORD "OLYMPIC"

Mr. GORTON. Mr. President, a small but important element of the Omnibus appropriations measure is the Olympic and Amateur Sports Act Amendments of 1998, and more specifically, a provision within this Act that recognizes that Washington state's claim to the name "Olympic" is both first in time, and first in right over the claim of the United States Olympic Committee.

Vital geographic features that dominate and define the State of Washington, Mount Olympus in the Olympic Mountain range, within the Olympic National Forest on the massive Olympic Peninsula, were named long before Congress chartered the USOC and permitted it to use the word "Olympic" to raise money to support the Olympic games and encourage the USOC's activities. In an opinion interpreting the current statute, the United States Supreme Court noted that it was fair for Congress to allow the USOC to receive the benefit of its efforts to promote and distinguish the word "Olympic." In the same vein, however, where the use of the word "Olympic" has geographical significance that pre-dates and is independent of the USOC, it is only fair that the USOC not be able to interfere with this use.

Although there are relatively few instances in which the USOC, crying "mine, mine, mine," has gone after any of the thousands of businesses in Washington state that use the word "Olympic," the attitude that the USOC has displayed in these few instances demands correction. I would like to thank State Representative Jim Buck for bringing them to my attention. I am as much a sports enthusiast as the next person, and it has never been my intent to undermine the USOC's ability to raise money through licensing. The USOC remains a creature of Congress, however, and it is incumbent on us to prescribe reasonable limits—to remind the Committee that its privilege to the use of the word "Olympic" is not absolute, and is secondary, for example, to the rights of geographic reference on the part of Washington state businesses. The provision that I have included in the Amateur Sports Act serves as a statutory admonition that the USOC must share the word "Olympic".

The need for a reasonable restriction on the USOC, which I believe this bill contains, is widely recognized in Washington state. On September 25, The News Tribune wrote that we have "produced a reasonable and narrow compromise that will protect Washington businesses and protect the USOC's legitimate concerns." The Seattle Times concurred when it urged the Olympic Committee members to "get over their Olympic-sized egos and support this modest and sensible tweaking of the law."

Having just chastised the USOC for its past abuses, let me say that I am heartened by the assurances and commitments the Committee made during discussion of my amendment, assurances that the past abuses were anomalous and inconsistent with USOC policy, and commitments that the USOC will not abuse its privileges with respect to the use of the word "Olympic." I trust the Committee will live up to its promise to rein in its organizing committees and other affiliated entities' overzealous pursuit of businesses using the name "Olympic," even when there is no likelihood that such use will be confused with the Olympic games or activities of the USOC.

The language in the omnibus bill is narrower than what I had included in the bill that passed the Commerce Committee. The "safe harbor" created for Washington as a subterfuge to obtain immunity from USOC action, then quickly extend their business, goods, or services to other locations, such as Salt Lake City, the site of the next Winter Olympics, with the intent of capitalizing on the games.

To allay the USOC's concerns, the final language creates a clear safe harbor for businesses using the word "Olympic" when they operate and conduct most of their sales and marketing west of the Cascades. This safe harbor will remove the threat that hangs over the thousands of businesses in Western Washington—the threat that the USOC will deprive them of the ability to continue to use the word "Olympic."

Henceforth, Olympic Cleaners in Kirkland, Olympic Auto Sales in Kent, Olympic Golf Repair in Port Angeles, Olympic Ambulance in Sequim, as well as thousands of other businesses in Washington, can rest assured that a creature of the Federal government, the USOC, won't come knocking to collect, not only their taxes, but their name.

Finally, I point out that the language is silent about what happens if the business using the word "Olympic" substantially extends its operations, sales, and marketing beyond Western Washington. It certainly is not the intent of Congress to place Washington businesses using the word "Olympic," in a geographical cage that constrains their growth so long as the operations of these Washington businesses do not wrongfully capitalize on the work of the USOC by confusing people into making an association with the Olympic games, and not the Olympic Mountain range, Olympic Peninsula, or other geographic features. No court should infer that, in creating the safe harbor for businesses in Western Washington, Congress intended in any way to affect the current law with respect to businesses operating outside of this area. We did not.

THE NORTH PACIFIC POLLOCK FISHERY

Mr. GORTON. Mr. President, after threatening to filibuster an appropriations measure over provisions relating to S. 1221, the American Fisheries Act, I now want to emphasize my support of the substitute version of the American Fisheries Act that has been included in this mammoth bill.

It has been an unexpected privilege and a pleasure to work with, as opposed to against, the Senior Senator from Alaska and his staff on legislation affecting the allocation and management of pollock in the North Pacific. Together, we have crafted a substitute measure designed to achieve the goals of his original legislation, which aimed to Americanize and decapitalize the North Pacific pollock fishery. Not only is this substitute, in my view, fundamentally more fair than the original S. 1221, it is considerably better in that it allows for new methods of managing the largest fishery in the United States, methods that promise to end the race for fish and to ensure that the decapitalization is permanent.

Americanization, decapitalization, and rationalization. These were the three things most participants in the pollock fishery said that they wanted from legislation when I convened an industry meeting in Seattle during the August recess. To these goals, I added my own: no summary elimination of foreign-controlled vessels without compensation, and the protection of independent pollock harvesters and processors.

Due largely to the perseverance of Senator STEVENS, the consensus that eluded the pollock industry in August was reached a month later. The basic elements of the September accord called for increasing the U.S. ownership and control requirements for all fishing vessels; arranging for the buy out by the onshore sector of a significant portion of the pollock catch and of nine Norwegian-controlled vessels; limiting the amount of fish that any one company can harvest and process; and laying the groundwork for a new management scheme to eliminate the race for fish by limiting participants in the pollock fishery and permitting these participants to decide in advance how to divide the resource.

Translating the agreement-in-concept into legislation in the few weeks that remained in this Congress was a tremendous challenge. A myriad of questions arose, and we attempted to answer them as best we could with input from the participants in the pollock and other fisheries, state officials, North Pacific Fishery Management Council members, the National Marine Fisheries Service, the U.S. Coast Guard, the Maritime Administration, Community Development Quota representatives, and others.

As we progressed through various drafts of the legislation, we tried to anticipate and address issues like how to require and enforce greater U.S. ownership and control of fishing vessels without disrupting existing and future financing arrangements; the effects of the transfer of fish from the offshore sector on the product mix; ensuring that catcher vessels have sufficient input into the formation and conduct of fishery cooperatives; preventing the vessels being removed from the U.S. Exclusive Economic Zone from contributing to overcapacity in other fisheries; and many, many others.

One of the most difficult issues is how to protect participants in other fisheries from possible adverse effects of ending the race for pollock. Crabbers and other groundfish fishers are concerned that pollock fishers who participate in cooperatives will spend more time and effort in other, already overcapitalized, fisheries. After considering various legislative proposals to limit effort in other fisheries, I believe we made the right choice to leave this task to the regional councils. Because the measures to end the race for fish in the onshore and mothership sectors will not go into effect until 2000, we delegated to the North Pacific and the Pacific Fishery Management Councils the responsibility of ensuring that the new cooperative management regime provided for in this legislation does not decapitalize and rationalize the pollock fishery at the cost of further overcapitalizing other fisheries. For the offshore sector, which we anticipate will form cooperatives and stop racing for fish in 1999, before the regional management councils have an opportunity to impose restrictions on these vessels, we prescribed limits on participation in other fisheries.

One of the questions for which we could not get a definitive answer is whether we have appropriated enough money to cover the cost of the loan that will be used for the vessel buy out. A critical element of this bill is the purchase of nine pollock catcher processor vessels and their pollock fishing history. In exchange for being allocated significantly more fish, and permanently eliminating these nine vessels from all U.S. fisheries, the onshore pollock sector has agreed to pay $75 million to the vessel owners. This $75 million will be advanced as a loan by the federal government, and repaid to the federal government by the onshore sector over a long period of time. This $75 million payment from the onshore sector to the offshore sector is supplemented in this bill by a $20 million federal appropriation, so that the total payment to the offshore catcher processors is $95 million. Of this amount, $90 million is to be paid to the owners of the nine catcher processors being excluded. The additional $5 million is to be paid to the catcher processors whose allocation is reduced even though their vessels are not removed.

Because the nine vessels are to be excluded and the allocation to catcher processors to be reduced on January 1, 1999, we have provided that the buy out payments to the owners and the catcher processors be made before the end of 1998. To do this, we have appropriated the $20 million federal share of the buy out, and an additional $750,000 for the cost of the direct loan of $75 million. The $750,000 is one percent of the loan amount, and is the amount that both NMFS and the Office of Management and Budget believe is enough to cover the cost of the $75 million loan. Because this type loan is unprecedented, however, OMB has been unable to say with absolute certainty that $750,000 is the correct amount.

If OMB determines that $750,000 is insufficient to cover the cost of the $75 million loan, we expect OMB and NMFS to inform us of this immediately, and to immediately secure sufficient funds to cover the cost of a direct loan of $75 million so that $90 million can be paid to the owners of the nine excluded vessels before the end of this year. These funds can be secured by reprogramming part of the $6 million provided to NMFS to carry out the provisions of this Act.

Another question that has arisen recently involves the interpertation of the section that allows offshore catcher vessels to catch 8.5 percent of the pollock allocation reserved for these catcher boats and specified catcher processors. We included this section to ensure that the catcher boats delivering to catcher processors were not squeezed out of the sector. We anticipated that the fish caught by these catcher vessels would be delivered for processing only to the twenty catcher processors named in the bill as eligible to participate in the offshore pollock fishery and eligible to participate in a cooperative, and we did not intend for these catcher vessels to be able to increase the pollock processing capacity by delivering their catch to catcher processors other than the 20 listed vessels.

But just as we did not have a definitive answer to the question of the cost of the loan guarantee, we did not have answers to many of the questions that arose from this proposal that so dramatically changes the operation of the largest fishery in the United States: we will rely heavily on the expertise of the North Pacific Fishery Management Council and of NMFS, to flesh out many of the details of this truly revolutionary legislation. Even without all of the answers, however, I believe that we made the right decision to seize a unique opportunity to Americanize, decapitalize, and rationalize this fishery, and, at long last, bring peace to an industry whose internecine battles over the years have led to the inefficient operation of the pollock fishery and caused a rift between Washington and Alaska.

THE MONTANA FISH AND WILDLIFE CONSERVATION ACT OF 1998

Mr. BAUCUS. Mr. President, I rise to speak in support of Title X of the FY 1999 Omnibus Appropriations bill. I drafted this provision as a substitute amendment to S. 1913, the Montana Fish and Wildlife Conservation Act of 1998, a bill that I sponsored and Senator BURNS from Montana co-sponsored. I am pleased that this provision has been included in the Omnibus Appropriations bill.

As amended, the Montana Fish and Wildlife Conservation Act of 1998 (now Title X) creates an exciting opportunity to exchange lands at Canyon Ferry Reservoir for other lands in Montana to conserve fish and wildlife, enhance public hunting, fishing, and recreational opportunities, and improve public access to public lands.

Mr. President, I would like to take a moment to thank my good friends and colleagues from Montana—Senator BURNS and Congressman HILL. Together, we have worked long hours on this project. We certainly would not be where we are today if not for this team effort. I would also like to take a moment to thank their staffs as well—especially Leo Giacometto, Ric Molen and Ryan THOMAS from Senator BURNS' office and Mark Baker and Kiel Weaver from Congressman HILL's office. These staff members have logged long hours on this project and this accomplishment belongs as much to them as to anyone.

LEGISLATIVE HISTORY

So that there will be no question as to the origins of this provision, let me provide a brief history of this legislation. On April 2, 1998, I introduced S. 1913, the Montana Fish and Wildlife Conservation Act of 1998. Senator BURNS joined me as a co-sponsor of this legislation. This bill, like Title X of the Omnibus Appropriations bill, proposed to exchange 265 cabin sites at Canyon Ferry Reservoir for public lands elsewhere in the state. Like the adopted provision, S. 1913 proposed to accomplish this exchange through the use of a permanent trust that would hold the proceeds of the cabin site sale pending acquisition of other lands.

While S. 1913 actually created two trust funds (one for local land acquisitions and one for land acquisitions elsewhere in Montana), Title X to the Omnibus bill simplifies this arrangement by creating one land acquisition trust, but then specifying that no more than 50% of the proceeds from this trust can be used outside of the local area in any given year. This trust arrangement is set forth in Section 1007 of Title X.

On May 3, 1998, I held an Environment and Public Works Committee field hearing on S. 1913 in Helena, Montana. That hearing was attended by over 200 cabin owners and sportsmen—all of whom overwhelmingly supported the Montana Fish and Wildlife Conservation Act of 1998.

On May 22, 1998, Congressman HILL from Montana introduced a related piece of legislation in the House. Like S. 1913, H.R. 3963 established a mechanism for the sale of the 265 cabin sites. Unlike S. 1913, H.R. 3963 made no provision for the use of the proceeds from this sale.

Between May and August of 1998, these two bills received substantial attention in Montana. In early August, the Montana delegation sat down to craft a consensus bill. By mid-August, we had reached agreement in principle on a substitute amendment for S. 1913.

Under our agreement, we would use the land trust idea encompassed in S. 1913, but would add two provisions to provide additional benefits to Broadwater County, Montana. These provisions (sections 1005 and 1008 of Title X) are designed to improve recreational opportunities in Broadwater County, without diverting any of the cabin site revenues away from the land acquisition trust.

After drafting legislative language to encompass this agreement in principle, I then sat down with Administration officials to gain their support for this legislation. In response to concerns voiced by Department of Interior officials and others in the Administration, I made a number of substantive changes to this bill. One of these changes was to add section 1009 of Title X to clarify the Bureau of Reclamation's authority to improve public recreation and to conserve wildlife at Canyon Ferry Reservoir.

On October 10, 1998 after I revised the legislation to respond to the concerns of the Administration, Jack Lew, Director of the White House Office of Management and Budget, wrote to express the Administration's support for this new bill. Mr. Lew wrote: "as amended, S. 1913 creates a unique opportunity to exchange lands at Canyon Ferry Reservoir for other lands in the state to conserve fish and wildlife, enhance public hunting, fishing, and recreational opportunities, and improve public access to public lands." Mr. President, I ask that the entire text of the OMB letter of support be printed in the CONGRESSIONAL RECORD following this statement.

The PRESIDING OFFICER. Without objection, it is so ordered,

(See Exhibit 1.)

Mr. BAUCUS. Soon after reaching an agreement with the Administration on final bill language for a substitute to S. 1913, the House and Senate Appropriations Committees agreed to include this Act as Title X of the FY1999 Omnibus Appropriations bill.

PROVISIONS OF TITLE X

Title X grew out of a decision made by the Bureau of Reclamation in the late 1950s, soon after Canyon Ferry dam was completed near Helena, Montana. It was at that time that the Bureau decided to lease 265 cabin sites on the north end of Canyon Ferry Reservoir to local families. As conditions of their leases, the Bureau required the families to build and maintain cabins on these sites. In the intervening forty years, many of these cabins have been expanded into full fledged houses, with yards, driveways and carports.

Mr. President, there are many things that the federal government does well. I'm not sure that being a landlord is one of them. This intensive concentration of cabin sites has led to on-going conflicts between the Bureau and the cabin owners. Most recently, these conflicts escalated when the Bureau moved to raise rental rates for these cabin sites by as much as 300 percent. From the cabin owner's perspectives, this is an inequitable situation. They have invested time and money in these sites and yet live with the constant worry that their leases will be terminated and their cabin sites taken away.

To resolve these conflicts, Title X directs the Secretary of Interior to sell the 265 cabin sites at Canyon Ferry Reservoir in Montana in one transaction to the highest bidder. The minimum bid for this transaction is set at the fair market value of all 265 sites, appraised individually using standard federal appraisal procedures.

I would like to note that, while the appraisal process for rental rates has been a point of contention between the cabin owners and the Bureau of Reclamation in the past, recently these two parties reached an accord for completing a joint appraisal for the purposes of setting rental rates. I applaud this cooperation and expect that the Bureau will continue this agreement and this cooperation in appraising these sites for the purposes of this bill.

Title X contains protections to ensure that each cabin owner has an option to purchase their site from the highest bidder and to protect the existing lease rights of each cabin owner. At the same time, Title X contains ample protections to ensure that the public gets a fair deal too.

Mr. President, the Bureau of Reclamation, the U.S. Forest Service, and other federal agencies lease cabin sites across the West. I would not want to suggest that the solution contained in Title X is appropriate in each case where cabin owners have conflicts with the federal government. To the contrary, I believe that the Canyon Ferry situation is unique in a number of respects.

First, these are not isolated cabin sites around which the public and wildlife can move freely. At Canyon Ferry Reservoir, there are 265 cabin sites arranged in tight clusters. This is one of the largest concentrations of residences on public lands in the West. This tight pattern of development dramatically lowers the value of these sites to the general public and largely precludes the use of the area by wildlife.

Second, in this case, the lessees were required to make improvements to their property and, in many cases, have gone so far as to build houses on these sites. Many of these houses have now become primary residences for local families. Though the federal government leases cabin sites across the West, few are occupied by families living year-round in their homes.

Even under circumstances such as these, however, I do not believe that the federal government should support the sale of cabin sites. Mr. President, as a matter of principle, I am opposed to the sale of public lands. I believe that the sale of public lands threatens to establish a dangerous precedent that, over time, could erode our public lands heritage.

Let me be clear though—I am not opposed to trading lands with low value to the general public for lands that are important for fish and wildlife conservation or that are more accessible to the public.

Across the West, the federal government has recognized that land exchanges can be useful tools to allow the government to trade out of lands that have low values for the general public in order to acquire lands that are more accessible to the public or that are more important for fish and wildlife. Just this year, Congress approved S.1719 to complete the Gallatin Land Exchange near Bozeman. I was the primary sponsor of that bill in the Senate and can say first hand that legislation produced enormous benefits for the public.

I modeled the Montana Fish and Wildlife Conservation Act after this and other land exchanges to ensure that our public land heritage is not eroded and to try to improve our public lands holdings.

Because public lands are important to Montanans and, indeed, to all Americans. We take our children fishing on these lands. They're where we hunt, hike, and recreate. We take our families out for picnics at the local Forest Service campground and we ride our horses in the high alpine meadows. These lands serve as the backdrop for our homes and our communities. Mr. President, you might say that I'm a big fan of public lands, and that's why this bill is so important to me.

Title X directs the Secretary of Interior to sell 265 cabin sites at Canyon Ferry Reservoir in Montana. The proceeds from this sale are then placed into a new trust called "The Montana Fish and Wildlife Conservation Trust."

Title X very explicitly specifies the appropriate uses of the proceeds from this trust. The Act states that the trust is to "provide a permanent source of funding to acquire publicly accessible land and interests in land, including easements and conservation easements, in the State from willing sellers at fair market value to: a) restore and conserve fisheries habitat, including riparian habitat; b) restore and conserve wildlife habitat; c) enhance public hunting, fishing, and recreational opportunities; and d) improve public access to public lands."

Mr. President, these provisions are very important. First, this trust is dedicated to acquisition of land and interests in land in Montana. The land-for-land concept is a critical component of this Act. To reiterate, this bill has been modeled after other land exchanges. By using the intermediary step of a trust, however, we have created a new breed of land exchange known as a "bifurcated" or "land-trust" exchange. It is my belief that this tool, by functioning as a permanent source of funding, and by allowing for more targeted acquisitions over time, may have benefits not found in the traditional land exchange process.

In commenting on an early debate over this provision, the Helena Independent Record noted on July 9, 1998:

> The problem here is the ideological question of public land, of which they aren't making any more. While some feel that almost any public land would be more productive in private hands, backers of Baucus' bill believe that a public land value should be sold off only in return for an equal land value—not marinas or roads or other things that can, after all, be funded in other ways. Just as it is perfectly all right for the Forest Service to trade off checkerboard landholdings, as long as the public receives equal value, so selling the Canyon Ferry lease sites is acceptable—so long as equal value land values are received in return. . . . That's why it is the Senate version that should be enacted into law.

Mr. President, I agree with this statement and endorse very strongly the land-for-land concept embodied in this bill.

Second, it is important to note that the bill language makes clear that this land trust is dedicated to the conservation and public enjoyment of Montana's fish and wildlife resources. The title of S.1913 and the purposes of Title X emphasize that this trust is established to promote fish and wildlife conservation. Similarly, the title of the trust itself and the requirement in section 1007(c)(3)(B) that the members of the citizen advisory board have a dedicated commitment to fish and wildlife conservation should leave no question of the goals that we are trying to achieve with this legislation.

While the trust may be used to acquire land and interests in land to improve recreation and access to public lands, it is the intent of this bill that the recreation and access provisions should be complimentary to, not contradictory with, the purposes of fish and wildlife conservation. Toward that end, it is my expectation that the members of the citizen advisory board will recommend, and members of the federal-state agency board will request, expenditures from this trust that meet both the letter and spirit of this important bill. It is also the intent of this legislation that, under section 1007(e), lands acquired under this substitute amendment will be managed in a manner that promotes fish and wildlife conservation.

Because the land-for-land and conservation principles are so critical, this bill establishes a management framework for this trust designed to ensure that the trust is as effective as possible. The permanent trust is to be managed by a trust manager who is responsible for investing the corpus of the trust and for ensuring that the proceeds from the trust are dispersed only in accordance with the terms of the bill.

Requests for dispersal must be submitted by a five-member board consisting of representatives of the U.S. Forest Service, Bureau of Land Management, Bureau of Reclamation, U.S. Fish and Wildlife Service, and the Montana Department of Fish, Wildlife, and Parks. The federal-state agency board is directed to ensure that any requests for dispersal will meet the purposes of the trust. The bill intends that the federal-state agency board will base its decisions regarding expenditures from this trust on the trust plan compiled by a four-member citizen advisory board.

The citizen advisory board contains a representative from a Montana organization representing agricultural landowners, a Montana organization representing hunters, a Montana organization representing fishermen, and a Montana nonprofit land trust or environmental organization. Each of these members is to have a demonstrated commitment to improving public access to public lands and to fish and wildlife conservation.

Mr. President, this citizen advisory board is integral to the proper functioning of this legislation. It is my intent that this group of citizens should play a very active role in identifying critical properties for acquisition and in setting the priorities of this trust.

Because this trust is intended to supplement, not supplant, regular Land and Water Conservation Fund expenditures, I do not expect that the federal agencies' priority list for LWCF expenditures will govern the expenditures from this trust.

Rather, it is the intent of this legislation that the citizen advisory board will take an independent look at land acquisition needs in Montana as they craft and update the trust plan. The legislation intends that the federal-state agency board will rely heavily on direction set by the citizen group and the trust plan and contemplates that the two boards will work hand-in-hand together. The legislation also requires the trust manager to consult with the citizen advisory board to ensure that expenditures from the trust are strictly limited to those authorized by this legislation.

Mr. President, I would also like to take a moment to comment on a number of additional provisions in this substitute amendment. First, section 1004(b)(3)(C) provides that restrictive covenants will be placed on deeds to the cabin sites at the time of transfer to ensure the maintenance of both existing and adequate public access to and along the shoreline of Canyon Ferry Reservoir and to restrict future uses of these properties to the "type and intensity of uses in existence on the date of enactment of this Act, as limited by the prohibitions contained in the annual operating plan of the Bureau of Reclamation for the Reservoir in effect on October 1, 1998."

These provisions were very important to the Administration to ensure that the privatization of these sites does not diminish the values of adjacent public lands. It is important that lands acquired in an exchange have public values at least equal to those traded away. It is equally important to ensure that the lands that are traded out of the federal estate do not compromise the values of adjacent public or private lands. I would also like to note the distinction between protecting "existing" and ensuring "adequate" access. These provisions were added to ensure that the public continues to have access to and along the shore of Canyon Ferry Reservoir and, where access is not currently adequate, to ensure that such access is improved.

I want to note, however, that the historical use restriction is not intended to require cabin owners to remove or modify structures that were in existence on the date of this Act. As noted in the letter from OMB that I mentioned earlier, this provision ensures that subsequent owners of these properties will "preserve the existing character of this area." Quite simply, it is the intent of this bill that this area should not be turned into another Lake Tahoe Resort. However, it is also the intent of this bill that the historical use provision should not unduly burden the cabin owners by requiring new limitations on the type and intensity of uses that are allowed on these sites.

Second, section 1004(d)(2)(A) specifies that, if the Canyon Ferry Recreation Association ("CFRA") submits the highest bid for these cabin sites, the Secretary will sell a cabin site to a lessee, if he receives a purchase request from that lessee. Section 1004(d)(2)(D) provides that CFRA and the lessees must purchase at least 75 percent of the properties by August 1 of the year following the first sale of a cabin site. Section 1004(d)(2)(E) provides that the Secretary shall continue to lease the cabin sites to those lessees who have not purchased their sites by that time.

While this is a complex arrangement, the intent should be clear. It is the intent of this bill that every cabin owner have an opportunity to purchase their lot so long as they are leasing from the Bureau of Reclamation. This bill requires that, if CFRA submits the highest bid for these sites, CFRA will purchase at least 75% of the lots by August 1 of the year following the first sale of a cabin site. CFRA's obligation to purchase 75% of the lots is, of course, offset by sites that have been purchased by individual cabin owners by that time.

It is further the intent of this bill that the Bureau should continue to lease to remaining cabin owners who have not purchased by that time, and that the Bureau should continue to provide each lessee with the option of purchasing their site so long as they continue to lease their site from the Bureau. It is important to note that, once CFRA submits the highest bid, section 1004(d)(2)(g) requires that all rental revenue from the cabin sites will be distributed to the Fish and Wildlife Conservation Trust and to reduce the Pick-Sloan debt as set forth in section 1006 of the bill.

CONCLUSION

Mr. President, this bill is the result of exhaustive negotiations between local citizens, wildlife groups, county commissioners, the cabin owners, the Montana delegation and, most recently, the Administration. I am pleased that we have been able to reach a broad consensus on this matter and I support its inclusion as Title X of the Omnibus Appropriations bill.

Again, in closing, I would like to thank Senator BURNS and Congressman HILL for their work on this important effort—I look forward to working together on many more such collaborative efforts.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 10, 1998.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: I am writing to express the Administration's support for your substitute amendment to S. 1913, the Montana Fish and Wildlife Conservation Act. As amended, S. 1913 creates a unique opportunity to exchange lands at Canyon Ferry Reservoir for other lands in the state to conserve fish and wildlife, enhance public hunting, fishing, and recreational opportunities, and improve public access to public lands.

We would like to commend you for your leadership in vigorously pursuing legislation that promotes conservation and for the cooperation shown by you and your staff in working with us to address our concerns.

As you know, S. 1913 directs the Secretary of the Interior to sell the affected Federal properties around Canyon Ferry Reservoir as a single block. Although, as a general rule, we believe the Secretary of the Interior should have administrative discretion as to how such a transaction should occur, we believe that the procedures contained in the Baucus substitute amendment are acceptable given the unique situation of this property.

The substitute also includes a number of provisions that we feel are necessary for the Administration's support of this bill. First, it is our understanding that you have made the changes that we have requested to the bill's land appraisal procedures to ensure a fair and accurate appraisal of market value of the properties to be sold and to avoid creating opportunities for needless litigation. Second, the bill ensures that subsequent owners of these properties will maintain public access to Canyon Ferry Reservoir and preserve the existing character of this area. And, third, this substitute amendment preserves the ability of the Secretary to manage Canyon Ferry Reservoir for its Congressionally authorized purposes.

We believe that this legislation, with the changes noted above, will enhance public recreation and fish and wildlife opportunities for this area while protecting Federal interests in the operation and management of the Canyon Ferry Project.

Sincerely,

JACOB J. LEW,
Director.

Mr. FEINGOLD. Mr. President, I want to state my opposition to the omnibus appropriations bill, and outline some of my concerns with both the content of that measure, and with the process in which it was crafted.

First and foremost, Mr. President, this omnibus appropriations bill shreds the tough spending limits established by last year's bipartisan budget agreement. It does so through the expedient of declaring nearly 21 billion dollars in spending as a budget emergency, thus exempting that spending from the spending caps and budget discipline that was so central to last year's budget agreement.

Mr. President, as I have noted on the floor previously, the emergency exception to our budget rules was intended to allow Congress to act quickly to provide funding to assist victims of natural disasters or to help ensure an adequate and timely response to an international crisis. Sadly, that exception has now become the rule, and we now see emergency declarations attached to appropriations provisions not because those provisions were unexpected or urgent, but because doing so permitted Congress to duck its budget responsibilities.

That is a gross abuse of the emergency provisions incorporated in our budget rules, and it must stop.

Mr. President, of particular concern is the use of the emergency exception to add funds to an already bloated defense budget.

Mr. President, the only emergency in our defense readiness is the sorry state of posturing by Congress for more defense spending. Some Members insist Congress must throw more money into the Department of Defense, even when our military leaders say they don't need it.

But, Mr. President, the Pentagon does not need more money. The money going to the Pentagon needs to be spent more wisely. Unfortunately, too often Congress does everything in its power to make sure that does not happen.

Congress continues to spend billions of dollars on pork-barrel projects that the Pentagon does not need and does not want. Congress bars the closing of unnecessary bases, and refuses to address accounting fraud so destructive that Senator GRASSLEY recently stated that, "If we put adequate controls on the money we have, there should be no need for more defense spending."

Last week, Mr. President, the Washington Post reported there were at least 30 items that appeared for the first time in the fine print of the $250 billion defense spending bill. These included: $250,000 to study the potential uses of a caffeinated gum, reportedly slipped into the defense spending bill by a Member of the other body on behalf of the firm in his Illinois district that makes this gum; $2.4 million for a device called the American Underpressure System, reportedly another late addition to the defense spending bill pushed by the San Diego businessman who holds the patent on the device; and, $5 million to fund the purchase of electronic locks manufactured by a Kentucky firm, reportedly added by a member of that State's delegation to the defense spending bill during conference deliberations. The Washington Post story reported the Kentucky lockmaker was able to obtain still another earmark in the Energy Department spending bill for $2 million.

Mr. President, this practice is an outrage, but one many in both chambers choose to ignore, or, worse, perpetuate. If we cut the pork and allowed the Pentagon to close inefficient bases, we would not even need to discuss so-called emergency spending for defense.

Among the most abusive uses of the emergency exception in the defense budget is the proposed $1.9 billion in funding for U.S. troops in Bosnia.

Mr. President, I have always had serious questions about U.S. involvement in this mission. I was the only Democrat to vote against the deployment of U.S. troops back in 1995, in large part because I did not believe that the United States would be able to complete the mission in the time projected and for the price tag that was originally estimated. Unfortunately, I have been proven right, and I take no pleasure in it.

U.S. forces have now been in Bosnia for almost three years, much longer than the original one-year mandate, and I do not think anyone has a good idea how many more years we will be there. More significantly, the cost of our involvement in Bosnia has increased dramatically—easily more than quadrupling the original $2 billion estimate to more than $8 billion, not including the $1.9 billion now proposed to be added by the omnibus appropriations measure.

But beyond the strict policy concerns of our mission in Bosnia, Mr. President, is the troubling budget maneuvering that has been done to add still more funding to this questionable mission.

Mr. President, the funding for the Bosnia mission will not be forced to comply with our budget caps. The additional $1.9 billion provided in this bill is designated as emergency funding.

Mr. President, our Bosnia mission can hardly be characterized as an unexpected event, something deserving of emergency funding. Far from it. Our mission in Bosnia is a substantial, long-term commitment. It is something the United States has, for better or worse, decided to do for the long-term.

Webster's New Collegiate Dictionary defines the word "emergency" as follows: "an unforeseen combination of circumstances or the resulting state that calls for immediate action."

This definition clearly does not apply to the Bosnia mission. The Bosnia mission is an emergency only in the strange language of appropriations bills. The Bosnia "emergency" is a legislative fiction.

U.S. troops have been on the ground in Bosnia for nearly three years. In December of 1997 the President announced that he would forego imposing a deadline altogether, and opt instead for a policy of benchmarks whose definitions remain open to interpretation.

Given that policy, Mr. President, how can Congress and the President possibly argue to the American people that the additional costs for the Bosnia mission constitute an emergency? On the contrary, it has been clear for quite a while now that the cost of this mission would again rise substantially. Some would say it has been clear from the start.

Ironically, Congressional appropriators and our military leaders have planned for many months on obtaining these so-called emergency funds.

Mr. President, the mission in Bosnia does not represent an emergency that legitimately calls for us to depart from our established, vital budget rules.

Mr. President, as I noted, the Bosnia funding is only one example. What compounds this dangerous trend away from budget discipline is the reported evolution of much of the emergency spending. In particular, it has been reported that the negotiations surrounding the omnibus appropriations bill at one point centered on the insistence of some that for every emergency dollar added for one group of programs, another had to be added for a different set of programs. Essentially, the budget negotiation became a bidding contest in which deficit-financed spending was the currency.

This brings me to my second serious objection to the measure before us, namely the process by which it was crafted.

Mr. President, continuing resolutions and omnibus appropriations are fast becoming the standard process in Congress. Deliberate, careful, and open consideration of agency budgets, with the full participation of everyone's elected representatives in a public forum has been shunted aside, and instead we have a process of back room deals by a powerful few.

Mr. President, that is not democracy in action, and it rewards those well-funded, well-connected special interests that already distort the policy agenda of the Federal government.

We should not be surprised, then, when dozens of special interest earmarks and policy riders find their way into the omnibus measure with little or no public debate.

The normal appropriations process is already tainted to a great extent with this kind of influence. The closed door dealings in which this legislation was developed only make that problem worse.

A telling example of the policy that can result from this flawed process is the language delaying implementation of the most modest of reforms in our nation's dairy policy.

Language included in this omnibus measure extends USDA's rulemaking period on Federal Milk Marketing Order reform for six months. This extension will delay implementation of the new federal milk pricing system to October of 1999, instead of the original date of April, 1999 set in the Farm Bill. Mr. President, officials at USDA have assured me that they did not request this extension nor do they need it.

Mr. President, this dairy provision was included solely to intimidate and bully USDA and Secretary Glickman into an anti-Wisconsin dairy pricing reform. Instead of allowing USDA to do its job, some Members of Congress want to do it for them, and do it to benefit their own producers at the expense of dairy farmers in the Upper Midwest.

It is ridiculous that today, in times of advanced technologies, Wisconsin producers receive a Class I differential of $1.20 per hundredweight, while producers in Kansas City, Missouri receive $1.92, and our friends in Miami get $4.18. Dairy farmers in Miami make nearly $3.00 more per hundredweight than farmers in the Upper Midwest for the same product. The current system just does not make sense in today's world.

The extension of USDA's rulemaking had another intent as well. Extending the rulemaking period automatically extends the life of the Northeast Interstate Dairy Compact. The 1996 Farm Bill requires a sunset of the Compact when the new federal pricing system is implemented. At the rate Congress is going, tacking this issue onto appropriations bills, there is no telling when implementation will now occur.

The effects of the Compact on consumers within the region and producers outside of it are indisputable. Dairy compacts are harmful, unnecessary and a burden to this country's taxpayers.

The worst part of this entire sixty-five-year dairy fiasco is its effect on the producers in the Upper Midwest. The six-month extension puts an additional 900 Wisconsin producers at risk. Wisconsin loses approximately three dairy farmers a day. Producers cannot stand six more days of the current program, let alone six more months.

Mr. President, not only is legislating dairy policy on this bill inappropriate, it is bad precedent, it circumvents the appropriate committees, the Agriculture and Judiciary Committees, and circumvents USDA's authority. We ought to give USDA the opportunity to do the right thing for today's national dairy industry and put an end to the unfair Eau Claire system now, not six months from now.

Mr. President, once again I urge my colleagues to take a second look at this antiquated and harmful policy. Stand up for equity, fairness, and for what is best for America's dairy industry, our consumers and our taxpayers.

Mr. President, the omnibus measure is also the vehicle for a number of anti-environment riders. Here again, by burying these provisions in this mammoth appropriations bill, those promoting these anti-environmental provisions are able to avoid full and open debate of their proposals. They succeed in avoiding a separate vote on matters that are quite controversial.

That is the nature of this kind of bill and this kind of process, Mr. President. An unamendable, "must pass" bill inevitably will be a magnet for proposals that cannot stand up to the scrutiny of open debate.

Mr. President, some may blame the nature of the annual budget process for putting Congress in the position of having to pass an omnibus appropriations bill. Some might suggest the inability to pass all the appropriations bills in a timely manner is inherent in the annual budget process, and in this regard I am certainly willing to give the biennial budget process a try. I was pleased to cosponsor the measure offered by the Senator from New Mexico (Mr. DOMENICI) to move to a biennial process.

But the annual budget process is not the central problem. The central problem is the corrupting influences that permeate the entire policymaking environment, from our system of campaign finance, to the problems of revolving door hiring practices, to the inadequate lobbying and gift restrictions on Members.

And the incentives in such a corrupting environment all encourage just this kind of process—back room negotiations, among only a few powerful people, with little or no outside input or public scrutiny.

Mr. President, as this bill so graphically demonstrates, until the Senate and the other body do something to address that underlying problem, Congress cannot be trusted even to abide by the spending limits to which it agreed only a year ago.

Mr. KENNEDY. Mr. President, I support this legislation because it will help millions of families across the country. One of the most important provisions offers urgently needed aid to communities to improve their public schools. Democrats worked effectively to provide funds for more teachers and smaller classes, and these efforts were successful. The result is that assistance is on the way for this important aspect of school reform.

The bill provides $1.2 billion on the current fiscal year for this vital initiative to reduce class sizes in the nation's public schools. This is the first installment in an ongoing effort to help schools throughout the nation hire 100,000 more teachers, so that all students will get the attention they need in school to succeed in life.

The bill also contains a major literacy initiative that will provide $260 million to help children learn to read well by the end of the third grade. It's a strong response to President Clinton's America Reads Challenge, and it makes a significant additional victory for education reform.

In addition, the legislation includes $871 million for summer jobs for disadvantaged youth. For many of these youth, summer jobs are their first opportunity to work and their first step in learning the work ethic.

This legislation also fully funds the Youth Opportunity grants established by the Workforce Investment Act signed into law in August. This innovative new program will offer education and career opportunities for teenagers most at risk and living in the poorest communities.

The bill also contains the level of funding recommended by President Clinton for Head Start and after-school programs. These programs are vital to children across the country, and these funds are urgently needed.

Another key part of this bill provides much needed assistance for home health care for senior citizens and persons with disabilities under Medicare. In 1997 in Massachusetts, approximately 150 home health agencies cared for 125,000 Medicare beneficiaries. But the Balanced Budget Act of 1997 contained provisions that led to an unintended 15 percent reduction in reimbursement for the state's home health providers. That reduction translated into a $110 million cut this year for providers across the state. Ten home health agencies in Massachusetts have closed their doors since January 1—in part due to the unanticipated consequences of the 1997 Act.

Last February, Congressman JIM McGOVERN of Massachusetts and I introduced legislation to remedy this problem, and I am pleased that this bill achieves our goal. No senior citizens or persons with disabilities who depend on Medicare for home health services should have to worry that health care won't be available when they need it most.

By delaying a forthcoming reduction in payments and by improving the formula for reimbursements, this bill enables home health agencies to provide the medical care needed for patients to stay in their own homes and communities, and out of hospitals and nursing homes. All of us who are concerned about this issue welcome the progress we have made, and we will continue to do all we can to see that home health care is widely available to those who need it in our states.

The legislation also makes important changes in the immigration laws. It temporarily increases the number of visas available to skilled foreign workers to meet the demands of colleges, and the high-tech industry. It also contains a substantial investment to improve job training and educational opportunities for U.S. workers and students.

In addition, the bill ensures that the 49,000 Haitians who came to this country fleeing persecution will have the opportunity to apply for asylum to remain in the United States permanently. The bill also provides $171 million for naturalization activities. Without this support, the processing of naturalization applications would fall even farther behind.

The legislation also takes a major step toward more effective enforcement of the civil rights laws. For the first time in many years, the Equal Employment Opportunity Commission will receive the level of funds needed to fulfill its important mission.

In many other respects, this legislation also deserves support. I commend the bipartisan support it has received, and I urge the Senate to approve it.

However, in passing this important bill, this Congress leaves behind a number of key initiatives of great importance to working families. I know that my Democratic colleagues join me in pledging to renew our efforts early next year on behalf of the unfinished business of the current Congress.

First, we must act on the Patient's Bill of Rights, which will end the abuses of HMOs and guarantee the 161 million Americans who use HMOs that medical decisions affecting their families will be made by doctors and patients, not insurance company accountants.

Democrats will also give high priority to campaign finance reform next year. The greatest gift that Congress can give the American people is clean elections. This reform is important for our democracy, and it deserves to be enacted at the beginning of 1999, so that it will clearly apply to elections in the year 2000.

Our nations school buildings are crumbling, and many areas of the country do not have enough classrooms. The 105th Congress did not act on our proposal to give localities tax breaks for bond initiatives to pay for school construction. And we will pursue this proposal again next year.

We must also act in 1999 to reduce youth smoking and save millions of children from a lifetime of addiction and early death. Three thousand more children a day start smoking, and a thousand of them will die prematurely from tobacco-induced disease.

We need strong legislation to prevent tobacco companies from targeting young Americans. It is the only effective way to stop this tragedy.

Another top priority should be action on the minimum wage. At this time of extraordinary national prosperity, millions of minimum wage earners are working full time but still living in poverty. We proposed a modest increase of $1.00 an hour over two years to give a much-needed raise to 12 million Americans. The fight for this proposal—so important to working families across America—must be and will be renewed next year.

We had landmark, bi-partisan legislation to assist Americans with disabilities to obtain skills and go to work, rather than sit a home on public assistance. Disabled Americans want the dignity of work. But this bill, too, was not considered by this Congress.

The tragic deaths of James Byrd, an African American killed because of his race, and Matthew Shepard, a gay University of Wyoming student killed because of his sexual orientation, brought the issue of hate crimes to the forefront this year. Their deaths and other senseless acts of hate resulting in death or serious injury should be a catalyst for passage of the Hate Crimes Prevention Act. This bill ranks high among the unfinished business of the 105th Congress, and we will pursue it again next year.

All of us regret that this massive legislation is being considered under end-of-session restrictions that make sensible debate impossible. But overall, I believe the bill deserves to pass, and I look forward to renewing the debate next year about the nation's basic priorities.

MEDICARE HOME HEALTH CARE PROVISION

Mr. GRASSLEY. Mr. President, I wish to comment on the Medicare home health care provisions in the omnibus bill the Senate passed today over my dissenting vote. Along with a bipartisan group of my colleagues, I've worked since early this year to persuade the Senate to revisit home care. Now that we've done so, I have mixed feelings about the product. First, let me tell you what is good about it.

It is good that we listened to our constituents and took action on this issue. The Aging Committee held a hearing on this issue in March, and it was clear then that we had a major problem on our hands. From then to now, believe me, every step has been a struggle. As late as last Thursday, this issue was declared dead here in the Senate. But last minute calls from a number of us to the leadership led to the issue being taken up, and that's a good thing.

It is good that the bill delays the 15-percent across-the-board cut in home health payments that was slated to occur in October 1999 if HCFA missed the deadline for the new Prospective Payment System (PPS). It's HCFA's fault, not that of home health providers, that PPS won't be ready in time, so the cut would have been unfair. The bill delays the cut until October 2000, and PPS should be ready by then, meaning that the across-the-board cut will never occur. We will all need to monitor the development of PPS closely, but this delay buys us some important time.

The final good thing I can say about the bill is that it does provide modest relief to low-cost agencies, such as most Iowa providers. It moves them about one-third of the way up to the national median. That's all.

So what's wrong with it? In short, its increase in payment to low-cost agencies is far too small. The negotiators accepted the House view that all high-cost agencies should be held harmless. This tied up money which should have been used to provide more equity to low-cost agencies, the "good guys" who provide home care without unnecessarily burdening Medicare.

Because the bill provides so little relief to low-cost agencies, those agencies are still at risk of closure. If an agency can't stay in business for at least another year, the delay of the 15-percent cut scheduled for October 1999 will not help it. For me, saving those agencies—in order to preserve access to home care for those they serve—was the foremost reason to act this year. We did not do what we needed to do.

In a sense, the new law makes that bad situation even worse. If existing agencies must close their doors, especially in lightly populated rural areas, we could hope that new agencies would open to take on their patients. But the Senate receded to a House provision putting such new agencies at a marked payment disadvantage, making it unlikely that any will open. This should be a matter of grave concern to all of us.

The bill that I drafted with Senators BREAUX, BAUCUS, and ROCKEFELLER, S. 2323, was a hard-fought compromise among differently situated States. As evidence that it was a good compromise, it garnered a majority of Finance Committee members as cosponsors, including those from States with relatively high- and low-cost agencies. It also greatly simplified the Interim Payment System, providing for more uniform payment for agencies, and eliminating the distinction between old and new agencies. If anything, the provision in the omnibus bill makes our earlier bill look even more attractive, because today's bill further complicates home health payment, and makes payment even less uniform.

Finally, Mr. President, I cannot resist pointing out the flaws in the process by which this provision was developed. The process was profoundly undemocratic. After many months' discussion, a strong majority of the Finance Committee agreed on an approach to this issue. We were then told that, out of the whole Senate, only a single Senator from a State with a tremendous number of agencies, many with very high costs, would object to this consensus approach. Unlike other Senators from similar States, who recognized the need for some high-cost agencies to accept some reductions as part of a compromise, this Senator had not cosponsored any of the reasonable reform bills or otherwise contributed to the discussions during the course of the year. While that Senator cited fiscal responsibility as the reason for his objection, it was no secret that his constituents included so many of the highest-cost home health agencies—the defense of which would seem to be the antithesis of fiscal responsibility.

Precious days passed while no action was taken, and no explanation was offered. We Finance Committee members were essentially strung along, learning to our dismay each day that the bill had not been brought to the floor, where the objecting Senator would have to defend his position, if he dared. In the end, a deal was cut in a rushed, secret negotiation at the eleventh hour. Members who had labored for months to find a workable compromise were not invited to participate, while the alleged objector was. That Senator's State's high-cost agencies were thus given virtual veto power. It should be no wonder that we ended up with what we did.

Here in Congress, a good process does not guarantee a good result, but a bad process almost certainly guarantees a bad result. It pains me that the seniors and disabled who rely on the Medicare home health benefit will have to bear the consequences of the Senate's bad process.

While noting the errors of the Senate on this issue, I would be remiss not to note the responsibility of the home health industry and the Clinton Administration. The industry spent months pursuing unrealistic approaches and failing to unite behind reasonable reform. We'll never know how differently this debate might have turned out if they had been willing to make some hard choices earlier in the process, rather than do the impossible by attempting to please all their constituents. Similarly, we will never know how the issue would have played out if the Administration had participated as full partners. Throughout the year, they were willing only to provide technical assistance, never offering reform ideas of their own, no matter how much Members of Congress from both parties pleaded. I will never understand why they decided that home health care was Congress' problem and not theirs. I hope that the industry, the Administration, and Congress will all approach this issue differently next year.

The prospect of dealing with this issue again in 1999 is not one that many of us relish. But I'm afraid that we will have to do it. In fact, what I really fear is that our best, most efficient home health providers will not be around when we return to this issue. We simply did not do enough for them this year. Let's not kid ourselves that we did.

Mr. MOYNIHAN. Mr. President, the budget agreement reached on Thursday evening was celebrated by both parties in competing press conferences, and there may well be much to commend in the Omnibus Consolidated and Emergency Supplemental Appropriations Act. The trouble is, how would anyone know?

According to a wire service report on Friday, the bill was "expected to be more than one foot thick." In fact, it is closer to two feet thick, and contains some 4,000 pages. Will any Senator or Representative know what's in that monster bill when it is passed shortly—as is now inevitable?

Of course not. Yet in recent years we are given to feel that even to ask such a question is to reveal an embarrassing naivete.

Last year, as Ranking Member of the Committee on Finance, I was Floor Manager during Senate consideration of an 820-page bill somewhat unconvincingly entitled the "Taxpayer Relief Act of 1997." While it was pending before the Senate, the only copy of the bill present on the Senate floor was on the Democratic Manager's desk, having been obtained by our resourceful and learned Minority Chief Tax Counsel, Mr. Nick Giordano. A second copy provided to the majority Manager, Chairman ROTH, had been lent to the Budget Committee so that it could be inspected for violations of assorted rules.

During that debate, many Senators, having no other way to find out, came round to ask if I could ascertain whether this or that provision was in the bill. Sensing my opportunity, I would reply, "I could, but what will you pay me?"

This year's legislation is no different; we continue to discover items that mysteriously found their way into—or out of—the text long after the agreement was announced. And so as we reflect on the successes and failures of the 105th Congress now ending, I rise simply to sound a note of caution, if not alarm. Having served here for 22 years now—I looked up at the beginning of this Congress to find myself 9th in seniority among Senate Democrats, and 14th in the Senate overall—I am troubled that of late we are getting ominously careless with our procedures. This growing neglect of our rules is becoming increasingly hurtful to the institution of the United States Congress. Surely it is not how business ought to be conducted in the national legislature of the United States of America.

In an article yesterday headlined "Spending Deal Represents Failure, Not Success," the distinguished Vice President and columnist for the Associated Press, Walter Mears, recalls that

> A decade ago, President Reagan confronted Congress with the "43 pounds of paper" it passed in 1987 to finance the government in one catchall bill after failing to enact separate appropriations. Reagan told the Democratic Congress not to pass any more "behemoths" like that, and said he wouldn't sign one again.
>
> "The budget process has broken down," said Reagan, "It needs a drastic overhaul."

I do not assert that in some earlier, happier time, every Member of Congress read every word of every bill. That has never been possible. But only quite recently have the negotiations over, and contents of, our mammoth annual budget measures been kept secret from nearly everyone save the two Republican Leaders and the White House Chief of Staff. We are beginning to resemble a kind of bastard parliamentary system. Members loudly debate issues on the floor, but the real decisions are made in a closed room by three or four people.

This deterioration in the process has taken place over about the last half decade, or so I would reason. Such things would never have been attempted, or tolerated, when I arrived here. That was a time when the rules and prerogatives of this institution were still revered. One shudders to think how the current state of affairs would be viewed by men of the House such as Thomas P. O'Neill or Dan Rostenkowski, or by giants of the Senate like Howard H. Baker or Russell B. Long.

But the reality is that in recent years, a growing lack of respect for the institution of the Congress has begun to manifest itself in any number of damaging ways. To cite just a few other examples:

The budget process has broken down. This year, for the first time in 24 years, Congress failed to pass a budget resolution. And we have had great difficulty passing reconciliation bills. In fact, the last proper, complete reconciliation bill we were able to enact was the Omnibus Budget Reconciliation Act of 1993. Since Thursday night we have been busily congratulating ourselves over completion of the latest budget—as if the simple act of keeping the government open is a unique achievement.

Committees of Conference have been reduced to formalities. Meetings of conference committees are now rarely convened, and when they are, it is frequently done only to announce an outcome that has been predetermined—generally without participation by the minority. The appointment of conferees has sometimes been corrupted, with conference membership or party ratios within conferences subject to manipulation for partisan advantage.

Even the "scope of the conference" requirement of Rule 28 of the Standing Rules of the Senate, which prohibited consideration by conference committees of provisions not in the bill passed by either house, has been overturned. On October 3, 1996, the Senate casually did away with that rule by a vote of 56–39.

Likewise we no longer prohibit legislating on appropriations bills. This was a most useful rule that had existed since the adoption of the Standing Rules of the Senate in 1884; it helped prevent all manner of mischief in the annual appropriations process.

Yet on March 16, 1995, during consideration of a bill to provide emergency supplemental appropriations for the Department of Defense, we voted, in effect, to repeal the rule. An amendment was offered to impose a moratorium on listing of new endangered species by the Fish and Wildlife Service. The Chair promptly sustained a point of order that the amendment violated the rule against legislation on appropriations bills.

Without any thought given to the consequences, the ruling of the Chair was immediately appealed and then overturned, by a vote of 57–42. A new precedent had been set, and the rule was wiped out. Not one word was said on the floor, before or after the vote, about the terrible precedent we were creating.

I voted against both of those changes to our rules. I found it astonishing on both occasions that the Senate would so blithely disregard its own procedures.

The gigantic new Omnibus Appropriations Act, filled with hundreds of non-appropriations provisions never considered separately in either house, is the latest example of why those two little-noticed votes were big mistakes. Indeed, the distinction between appropriations measures and legislative changes is now so blurred that on Sunday, the House Appropriations Committee posted a press release on its website announcing "Significant Legislative Provisions in Appropriations Bills."

Parliamentary irregularities are creeping their way into acceptance. For instance, in several cases the Senate has, by unanimous consent, "deemed" bills passed before they are received from the House of Representatives. In 1997, a provision giving a $50 billion tax credit to the tobacco industry was slipped into a conference report after the conference committee had completed its work. (That provision was repealed soon after its existence was discovered.)

In another case in 1998, the routine right to modify a floor amendment was used for a different purpose altogether: to undo a compromise agreement on assistance to tobacco farmers, and to defeat without a vote a bipartisan measure reported by the Committee on Finance. Also of concern is the now common practice of filing "motions to bring to a close debate" under Rule 22—cloture motions—on bills before a single word of debate has been uttered on the floor.

This nonchalance about our procedures reached an extreme in 1995 and 1996 when we took up the Balanced Budget Amendment to the Constitution and the Line Item Veto Act. These measures, which were part of Item One in the "Contract with America," proposed to dramatically alter the procedures by which Congress, under Article I, Sections 7 and 8, of the Constitution, exercises the power of the purse.

We had the good sense to defeat the Balanced Budget Amendment, albeit narrowly. However, the Line Item Veto Act passed the Senate by a vote of 69–31 on March 27, 1996—notwithstanding the pleas of this Senator and others that the bill was unconstitutional. Ultimately, of course, that Act was declared unconstitutional by the Supreme Court on June 25, 1998 in the case of Clinton v. City of New York. But not before the Senator from New York, along with our revered leader Senator BYRD and Senators LEVIN and Hatfield, had to take the extraordinary step of becoming plaintiffs in one lawsuit, which was vacated due to lack of standing, and amici curiae in a second suit. Happily, as I say, we finally prevailed.

In his powerful concurring opinion concluding that the Line Item Veto Act violated the separation of powers, Justice Anthony M. Kennedy wrote that "Liberty is always at stake when one or more of the branches seek to transgress the separation of powers." Justice Kennedy went on to say this: "The citizen has a vital interest in the regularity of the exercise of governmental power."

I repeat: "The citizen has a vital interest in the regularity of the exercise of governmental power."

Surely this admonition applies to the regularity of the exercise of power in the United States Senate. We are not talking about mere technicalities or niceties to be observed or ignored at whim. The rules and procedures of the United States Congress matter. Just as the finely-wrought proscriptions in our Constitution matter. Article I, Section 5 of the Constitution provides that "Each House may determine the Rules of its Proceedings * * *" Those rules are meant to be, and must be, obeyed.

The Supreme Court held that the Line Item Veto Act threatened liberty by distorting the carefully designed constitutional procedure for passage and enactment of laws. In quite the same way, our failure to observe the rules and procedures of this institution threaten, ultimately, democratic representation of the American people in the Congress. Disregarding our rules erodes the power conferred by citizens on each elected Member of the Congress, undermining the integrity of our legislative process. And it therefore weakens the Congress as an institution and contributes to cynicism and a loss of confidence among the citizenry about our competence to govern. If we do not take better care, I fear we will find this institution in decline.

I know that my friend Senator ROBERT C. BYRD, whose knowledge of the Senate rules is unsurpassed, shares these concerns. Yesterday on the floor, he said this of the pending Omnibus Appropriations Act:

> I will never vote for another such monstrosity for as long as I am privileged to hold this office. I hope that I never see another such monstrosity. I will never again support such a convolution of the legislative process as the one we have seen this year, and I hope that others will agree that this process is just as silly and as sad and as ridiculous and as disgraceful as I think it is. I hope they will join me in an effort to prevent it in the future.

That is not the kind of statement that ROBERT C. BYRD, the Ranking Member of the Committee on Appropriations and our sometime President pro tempore, would make lightly. I hope Senators were listening.

Perhaps the Committee on Rules and Administration, on which Senator BYRD and I serve together, will see fit to take up this issue. And I do hope all Senators will recognize the importance of regular order and take greater care with the rules of this institution when the 106th Congress convenes in January of 1999.

In the meantime, on this measure, my vote is No.

Mr. LOTT. I believe the yeas and nays have been ordered, Mr. President. We are ready to proceed to the vote.

The PRESIDING OFFICER (Mr. INHOFE). The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 65, nays 29, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—65

Abraham
Akaka
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Campbell
Chafee
Cleland
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Faircloth
Feinstein
Ford
Frist
Gorton
Graham
Gregg
Harkin
Hatch
Hutchinson
Hutchison
Jeffords
Johnson
Kempthorne
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Mack
McConnell
Mikulski
Moseley-Braun
Murray
Reed
Robb
Roberts
Rockefeller
Roth
Sarbanes
Shelby
Smith (OR)
Stevens
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—29

Allard
Ashcroft
Baucus
Byrd
Coats
Collins
Enzi
Feingold
Gramm
Grams
Grassley
Hagel
Inhofe
Kerrey
Kohl
Kyl
Levin
Lugar
McCain
Moynihan
Nickles
Reid
Santorum
Sessions
Smith (NH)
Snowe
Specter
Thomas
Wellstone

NOT VOTING—6

Bumpers
Glenn
Helms
Hollings
Inouye
Murkowski

The conference report was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

HOUSE CONCURRENT RESOLUTION 353—ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. LOTT. Mr. President, I ask the Chair to lay before the Senate House Concurrent Resolution 353, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 353) providing for the sine die adjournment of the Second Session of the One Hundred Fifth Congress.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, which is nondebatable.

The concurrent resolution (H. Con. Res. 353) was agreed to as follows:

H. CON. RES. 353

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, October 21, 1998, or Thursday, October 22, 1998, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, or until a time designated pursuant to section 3 of this resolution; and that when the Senate adjourns on Wednesday, October 21, 1998, or Thursday, October 22, 1998, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. During any adjournment of the House pursuant to this concurrent resolution, the Speaker, acting after consultation with the Minority Leader, may notify the Members of the House to reassemble whenever, in his opinion, the public interest shall warrant it. After reassembling pursuant to this section, when the House adjourns on any day on a motion offered pursuant to this section by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

Several Senators addressed the Chair.

Mr. LOTT. Mr. President, will the Senator withhold one second, for one more unanimous consent request?

HOUSE JOINT RESOLUTION 138—PROVIDING FOR THE CONVENING OF THE FIRST SESSION OF THE 106TH CONGRESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to House Joint Resolution 138 received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 138) appointing the day for the convening of the First Session of the One Hundred Sixth Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 138) was considered read the third time and passed, as follows:

H.J. RES. 138

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the One Hundred Sixth Congress shall begin at noon on Wednesday, January 6, 1999.

Mr. LOTT. Mr. President, I can announce now that there will be no further votes in the 105th Congress. This resolution just adopted provides for the convening of the 106th Congress at 12 noon on January 6, 1999.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

COMMENDATION OF THE MAJORITY LEADER

Mr. THURMOND. Mr. President, we have accomplished a lot this year. I am very proud of what has been done here in the Senate. No one is due more credit for this than our able leader, Senator LOTT. I just want to commend him for his outstanding accomplishments and the fine cooperation he has given to all of us and for everything he has done for this country.

THANKING SENATOR THURMOND

Mr. LOTT. Mr. President, just briefly, I thank the distinguished President pro tempore for the job he has done and for his friendship and help. Truly, one of the most important accomplishments of this Congress was our armed services authorization bill, the Strom Thurmond authorization bill. It was a tough process, a long process, but we got it done largely because of his tenacity and the respect and reverence we all have for Senator Thurmond. And that led, of course, to the appropriations bill and its defense and military construction portions, and it contributed to the additional funds that were added in this omnibus appropriations bill for defense and intelligence for the future of our country.

Thank you, Senator THURMOND, for all you did.

Mr. THURMOND. I thank the able leader.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business.

Mr. SPECTER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Pennsylvania is recognized for 15 minutes.

Mr. SPECTER. I thank the Chair.

OMNIBUS APPROPRIATIONS CONFERENCE REPORT

Mr. SPECTER. Mr. President, I had hoped to make this floor statement in advance of the vote, but I could not be here yesterday. So, I have asked for time this morning to state my reasons for voting against the omnibus appropriations bill. And I do so with a conflict of my own views because I think this bill provides very substantial funding for very many important projects. However, I decided to vote against the bill because of the change from regular order and existing procedures in the appropriations process. The Constitution gives the authority to 100 Members of the Senate and 435 Members of the House, but as the appropriations process went forward the final decisions were made by only four Members.

Mr. ASHCROFT. Mr. President, the Senate is not in order. I would like to hear the Senator, if we could have order in the Senate.

The PRESIDING OFFICER. The Senate will come to order.

Mr. SPECTER. I thank my colleague, Senator ASHCROFT, for asking for order. I would like to hear myself and am having some difficulty.

As I was saying, Mr. President, notwithstanding the fact that this bill contains funding for many, many vital programs for America, I decided on balance to vote against it because it made such drastic changes in existing procedure where the Constitution gives to the Congress the authority to appropriate, 435 Members in the House and 100 Members in the Senate, and as the arrangements were finally worked out, critical decisions were made excluding the chairman of the Appropriations Committee, excluding the chairmen of the relevant subcommittees such as myself, with only the Speaker, the leader of the Democrats in the House, our distinguished majority leader, and the minority leader in the Senate. I think that is very, very problemsome.

During the time allotted to me this morning I intend to summarize my views.

Starting first with the accomplishments, it does provide for $83.3 billion in discretionary spending for the subcommittee which I chair which has jurisdiction over three major departments—the Department of Education, the Department of Health and Human Services, and the Department of Labor. There were some very important appropriations items included, such as a $2 billion increase for the National Institutes of Health. My distinguished colleague, Senator HARKIN, the ranking member, and I worked very closely on this bill with our staffs, and I learned a long time ago that if you want to get something done in the Congress and the Senate, you have to cross party lines to do it.

We added $2 billion to $13.6 billion in the National Institutes of Health budget, with a vision for the 21st century of conquering cancer, which takes the lives of 44,000 women a year from breast cancer, and the lives of many men from prostate cancer, conquering Alzheimer's, arthritis and Parkinson's. We appropriated $1.1 billion for LIHEAP, which is home energy assistance going principally to the poor, significantly to elderly people who only have the option of either heating or eating. We have $2.5 billion for substance abuse. We have appropriated $156 million to protect women from violence, an increase of $21 million over last year.

For education programs, the total budget is $32.9 billion, an increase of $3.5 billion over last year. For student aid, so vital for American competitiveness worldwide and to improve quality of life for individuals, we have $9.3 billion, an increase of $369 million over last year, and for Head Start a total of $4.6 billion, an increase of $313 million. We have increased special education program funding to $5.1 billion, and we have put up some $1.2 billion for classroom size reduction, an objective I agree with, although we didn't get there the right way procedurally.

The bill further provides for $1.7 billion for job training, very important; $1.3 billion for the Job Corps, $1.4 billion for dislocated workers, $564 million for mine safety, $871 million for summer youth jobs, a program which the House of Representatives had tried to totally eliminate.

And why in the face of these important expenditures did I vote against the bill? Because this bill never came to the Senate floor from the subcommittee on Labor, Health, Human Services and Education Appropriations. My staff and I worked on an expedited basis in August so that on our second day back, September 1, the subcommittee could vote it out. The full committee voted it out on September 3, but it never came up on the Senate floor. And similarly, the House of Representatives took only a small portion of the Labor, Health and Human Services and Education bill up.

As a result, when we did not follow the regular order and the customary process, we did not follow the constitutional direction and the direction which the Senate has adhered to for so many years. This was, I think, to the detriment of the bill, although so many important items have been funded, there could have been, I think, a better allocation had the people really responsible been involved throughout.

When the chairman of the subcommittee is excluded from the final negotiations and the chairman of the full appropriations committee is excluded, you lose the impact and the experience of the people who have worked most closely on the bill.

I would illustrate this point by noting what happened on October 9. The President had a press conference in the Rose Garden severely criticizing the Republican Congress on education, and I was asked to provide part of the response in a subsequent press conference. I did so by pointing out that the House-Senate conference had provided more money on education than the President had requested in his February budget. We had $31.8 billion, contrasted with the President's request for $31.2 billion, meaning that we put up $600 million more than the President asked for. Not unexpectedly, with the President's bully pulpit, his message carried the day and the congressional response was lost in the shuffle.

Then we had the issue of reducing average classroom size by hiring teachers, where the President had requested $1.2 billion. What was not ever understood publicly was that those funds were to be provided by moneys from the tobacco settlement. However, there never was a tobacco settlement. The President and his administration never provided any alternative source of funding. Senator HARKIN, my distinguished ranking member, and I and the rest of our subcommittee understood that, so we found $300 million for title I, which could have been used for reducing classroom size for next year. This was substantially more than that which could have been expended, and that, too, was lost in the shuffle.

What I think is especially disconcerting is the fact that when we Republicans control both the Senate and the House, we should have been able to come to terms in September before the fiscal year ended and submitted bills to the White House, to the President, in regular order where the President would either have to sign them or veto them. Had we done this in regular order, I think, with the public debate focusing on the education issue, for example, the chances were excellent the President would not veto it when it would be understood the Congress had provided more than he had requested and that we had complied with much of his initiative classroom size reduction.

But, when those bills were not presented until October and the only other option is closing up the Government, then the leverage is all with the President, and the Congress cannot really perform its appropriation and legislative function.

The bills were not presented in September because of very strong disagreements on so many substantive matters which should have been handled by the authorizing committees. There was endless debate on whether there would be student testing, endless debate on organ transplants, endless debate on ergonomics—and we Republicans should have concluded those matters. We should have excluded the legislation, by and large, although realistically you can never exclude it all. And while we should not legislate on appropriations bills, some of that is necessarily done, but should not be done in a quantity to defeat our process of presenting these bills.

In the conference we had on October 9, with representatives from the Office of Management and Budget, I raised the question about a disagreement in priorities of some $330 million out of the $32 billion bill—a relatively small part, about one percent. Was the President going to veto our bill over that amount of money, because of those differences in priorities? The Office of Management and Budget representatives said they did not know. I replied if they did not know, they ought not to be in the process, that we ought to be legislating.

It would have been a very different outcome had we presented these bills to the President in September and had we focused on precisely what the Congress had done and where the areas of disagreement were, and on the fact that at that stage we had provided more money than the President had requested by $600 million, and that we had taken care of the issue on reduction of classroom size.

We live in a society with many, many different views. What has been the strength of the institutions of the American Government has been the procedures which we have established for more than 200 years. Those procedures are for the subcommittee to report, the full committee to report, the matter to come to the floor of the Senate, for 100 Senators to be able to debate and offer amendments—and that was not done. And that was not done in the House. We did not have an actual House-Senate conference on our bill, although we met informally. The product is not what should have been done. We do not live in an oligarchy under the constitutional doctrine which governs our society.

But, where you have these decisions made on $500 billion in expenditures and many, many substantive issues at the very last minute, it is an oligarchy. Mr. President, 535 of us have surrendered our power and our authority to a group of 4, and that is not the way the American Government is supposed to run. That has given disproportionate power, enormously disproportionate power, to the President because of the experience we had at the end of 1995 and the beginning of 1996 when the Government was closed and the Congress got the blame.

What I have seen in the time I have been here is when there is blame, you can usually divide it 50/50, right down the middle, half to the Congress and half to the administration. If there is partisan blame, you can divide it right down the middle, half to the Republicans and half to the Democrats. I think the failure to follow regular order and our established procedures, the constitutional mandate and what we have developed as a matter of congressional practice, is very, very, very serious. I think it warrants a very, very strong protest vote, which I have cast.

I was interested to hear the comments of the distinguished senior Senator from West Virginia, Senator BYRD, who yesterday made a speech and, in more graphic terms than mine, called this a Frankenstein bill—it did not have a mother and a father—and said he was going to vote for it. A few minutes ago Senator BYRD approached me on the floor and said he decided to vote against it. I asked him why. He said he had persuaded himself. He went home last night, thought about his speech, decided he was right. He decided he was right on the Frankenstein part; he was wrong on the part to vote for the bill.

I said I was delighted to hear that because of the high regard I have for Senator BYRD, also the high regard I have for Senator SANTORUM, who is presiding at the moment, my colleague from Pennsylvania, who also voted against this bill. We discussed it and he did not quite have the oligarchy in mind, but he agreed with the principle that the 535 of us ought not to cede our power to 4.

It is not easy to get to the U.S. Senate. It is not easy to stay here. There is a lot of hard work that goes into what we have done. For example, Senator SANTORUM and I represent 12 million people and, in chairing the subcommittee on this $83 billion bill, I have given very, very serious consideration to all of these issues and I join him in thinking they should have been legislated in regular order.

I, again, compliment my distinguished colleague, Senator HARKIN, for his diligence and his work and his outstanding staff, Marsha Simon and Ellen Murray. My staff is second to none, with Mark Laisch, Jennifer Stiefel, Jack Chow, Mary Dietrich, Jim Sourwine. Most of all, "Senator" Bettilou Taylor—she is technically the clerk—who commented to me that she did not like my negative vote. Here she comes back on the floor. She heard her name mentioned. She thought it might have been interpreted that I was not for education and health care. I think my record is strong enough that my negative vote as a protest to the procedure will be understood in light of all the work we did on these education allocations and health care allocations. And Dan Renberg, who is my deputy chief of staff and legislative director, who is extraordinary in working with Bettilou in handling some 1,300 requests which come to our office, and about five times that many phone calls, and David Urban, my distinguished chief of staff, who also helps in making these legislative arrangements.

So, it is with mixed emotions that I vote no because procedures and format are still the most important; that we follow regular order because we don t know about the quality of the next oligarchy of four which may seek control of the appropriations process.

I now ask unanimous consent that my full statements on the Omnibus Appropriations bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS APPROPRIATIONS BILL: PROBLEMS WITH THE PROCESS

Mr. SPECTER. Mr. President, I want to express my strong objections to the procedures which were followed on the omnibus appropriations bill, which contains the text of eight individual appropriations and authorizing provisions totaling nearly $500 billion in spending.

The importance of this legislation stems from our Constitution, which provides in Article I, section 9 that, "no money shall be drawn from the Treasury, but in consequence of appropriations made by law."

The regular order is for the 435 House members and the 100 Senators to consider the appropriations bills in sequence with floor action, conference reconciliation and then final action by each body before presentation to the President. This process, too, stems from the Constitutional directive in Article I, section 7 that a bill which has passed the House and Senate shall be presented to the President, who may sign it into law, or veto the bill and return it accordingly to the Congress for their reconsideration.

This year, the final stages and key negotiations were carried on by only 4 elected members: the Majority Leader and Minority Leader in the Senate and the Speaker and Minority Leader of the Democrats in the House, with the participation of White House representatives.

I chair the Appropriations Subcommittee which has jurisdiction for the bill funding the Department of Labor, Department of Health and Human Services and the Department of Education. Our bill did not reach the Senate floor for consideration by the full Senate. And, except for a small portion, our bill did not receive consideration by the full House of Representatives. Thus, the Senate could never formally convene a full-fledged conference with the House on the Labor, HHS, Education bill. Recognizing that our bill would be wrapped into an omnibus spending bill, we held informal conferences involving the House and Senate Chairmen and ranking minority members, but we were not present when the final, key decisions were made.

In an early conference session on our bill, representatives of the Office of Management and Budget raised questions about approximately $330 million of the $32 billion designated for education programs in our bill. I asked these Administration officials whether that differnce, slightly more than 1 percent of the total, would produce a veto. The OMB representatives responded that they did not know the answer to my question. I then said if the difference would not produce a veto, then the matter really ought to be left to the House and Senate negotiators, who would reach their own conclusions as to the appropriate figures to be presented in the bill to the President.

With the Republicans in control of both the House and Senate, it is my strongly held view that we had a responsibility to conclude the appropriations bills in September before the end of the fiscal year for presentation to the President. That agreement was not reached because of many pending military ancillary issues such as school testing, organ transplants, ergonomics, etc. Had we finished Congressional action on the appropriations bill on Labor, Health and Human Services and Education, in September, for example, we could have then presented it to the President for his signature or veto with the issues crystallized. It is entirely possible that the President would not have vetoed the bill.

However, when the bills were not ready for final consideration until October, the White House emerged with the most leverage because a failure to agree meant the government would shut down.

On Friday, October 9, the President held an afternoon news conference in the Rose Garden criticizing the Republican Congress on education funding. I was asked to give a part of the Republican reply in a Capitol press conference, which I did, pointing out that the House-Senate subcommittee conferees had approved $31.8 billion for Fiscal Year 1999 discretionary education spending, which was $600 million over the President's budget request of $31.2 billion.

As expected with the force of the bully pulpit, the President carried the day in the media arena with no Congressional reply receiving any significant attention.

On the subject of adding teachers to reduce classroom size, earlier this year the President proposed paying for that $1.2 billion with proceeds from the tobacco settlement. Of course, there was no tobacco settlement legislation enacted and the Administration had no fallback proposal to cover the attendant shortfall in funding.

Notwithstanding the absence of a tobacco settlement, my ranking member, Senator HARKIN, and I had worked through the figures and allocated $300 million in additional federal funds for title one which could be used for school districts to hire new teachers and reduce the average number of children assigned to each classroom teacher. We were advised the budgetary outlays would be $50 million in the first year, which was more than enough for the first year's funding and could be afforded within the existing Subcommittee allocation.

Again, all of that was lost in the last minute shuffle with the President criticizing the Congress without a factual foundation.

Had these issues on education, for example, been handled in a timely fashion in September with presentment of a Labor, Health and Human Services, and Education appropriations bill to the President, he would have had to articulate his views in a public forum to justify a veto. The result likely would have been entirely different.

It is my hope that we will not repeat this year's process. I firmly believe that if the people of America are given the opportunity to understand precisely what is happening, they will demand that we follow regular order in the appropriations process as set forth in the Constitution and the long-established practices of congressional legislative action.

FISCAL YEAR 1999 LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT

Mr. President, this has been an unusual year for the Labor, Health and Human Services and Education Appropriations Subcommittee. While both the House and Senate subcommittees reported bills out of the full committee, neither House ever had the opportunity to fully debate its merits. I believe that a bill which constitutes the single largest investment in improving the health, educational standing and economic well-being of our nation, and in one way or another, affects the lives of every man, woman and child in this country should have had the opportunity to be fully debated by all 100 Senators.

The subcommittee received over 1,300 requests from colleagues seeking more funding, report language and special earmarks. We weighed each of those requests very carefully, and wherever possible we accommodated our colleagues.

I want to extend my sincerest appreciation to Senator HARKIN and his staff, Marsha Simon and Ellen Murray for their role in this effort. I also want to extend my thanks to each of the members of the subcommittee for their cooperation.

OVERVIEW

The Labor-HHS-Education appropriations bill totals $291.9 billion of which $83.3 billion is for discretionary spending for FY'99 and an additional $6.1 billion has been provided for education programs for FY'2000. The discretionary spending represents an increase of $8.9 billion over the FY'98 approriations level.

HIGHLIGHTS

This bill provides $10.8 billion for the Department of Labor. It contains $871 million for summer youth, $1.7 billion to provide much-needed job training and work experience for youth, including $871 million for summer employment and training programs that offer work experience and academic enrichment to economically disadvantaged youth.

The bill also contains $1.3 billion for Job Corps training; $1.4 billion to assist dislocated workers; and $564 million for the Mine Safety and Occupational Safety and Health Administrations to help safeguard the health and safety of workers.

COMMUNITY HEALTH CENTERS

There is perhaps no better example of the direct effect this bill has on the needy than the community health centers program. This bill contains $925 million for this program, an increase of $117 million over the fiscal 1998 level. Funds are used to provide comprehensive primary care services to the medically indigent in underserved rural and urban areas, including the homeless, migrants and those living in public housing.

CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC)

This bill includes $2.5 billion to maintain critical disease control and prevention activities carried out by the CDC. While we have made great strides in eradicating disease and illnesses that once plagued society, we cannot overlook some of the serious public health threats that remain, including hepatitis, tuberculosis, HIV infection, and lead poisoning.

NATIONAL INSTITUTES OF HEALTH

I thank all of my colleagues agree that few federal activities affect the lives of as many Americans as our investment in medical research. And few investments have such far-reaching effects on this nation's academic and economic standing throughout the world.

In my view, the National Institutes of Health represents the crown jewel of the Federal Government. For millions of cancer and heart disease survivors, it is the tap root of new drugs and surgical techniques that have added new years to life. It is in the frontline of new vaccines that save the lives of children who would have been considered hopeless cases only a few decades ago. And for the millions of baby boomers who are shouldering their way into old age, it offers the only source of hope against the devastating effects of Alzheimer's disease, arthritis, and Parkinson's.

Last year, many of my colleagues voted in favor of doubling research funding over the next 5 years. Earlier this year, I made a commitment to do all that I could to achieve that goal. The bill before the Senate includes $15.6 billion for NIH, an increase of $2 billion over last year's appropriation. That puts us squarely on the path to doubling NIH. More importantly, it signals a recognition that the progress we achieved in the past is not self-sustaining. Science is not an overnight proposition. What we do today will determine the life-saving breakthroughs of tomorrow.

This bill supports research across a wide array of diseases and afflictions, from breast and prostate cancer to diabetes and stroke.

HIV/AIDS

I want to note the fact that this legislation also includes nearly $3.8 billion for AIDS research, prevention and services. This includes $1.4 billion for Ryan White Programs that provide comprehensive care, early intervention and emergency services to those afflicted with AIDS. The bill also includes $657 million for AIDS prevention activities supported by CDC.

WOMEN'S HEALTH

Women's health continues to be a high priority under this bill. In addition to supporting expanded research on cancers affecting women, this bill contains another $159 million for breast and cervical cancer screening, as well as $15.5 million to advance the women's health initiative, including $3 million for a campaign to educate young adults about how to prevent osteoporosis.

BIOTERRORISM INITIATIVE

The 1995 nerve gas attack on the city of Tokyo killed 12 people and hospitalized thousands. This incident added a new and frightening word:—bioterrorism.

Earlier this year, the administration submitted an amended budget request for activities intended to counter bioterrorism. Should the President deem this an emergency, the bill would provide $154.7 million to combat this growing threat.

SUBSTANCE ABUSE

One of the most serious threats to the fabric of our society is substance abuse. The problem is no longer confined to inner cities, but has spread to every community in our country. To combat this threat, the bill contains $2.5 billion for substance abuse prevention and treatment, an increase of $213 million over the administration's budget request.

FAMILY PLANNING

For family planning activities, the bill recommends $215 million to support primary health care services at more than 4,000 clinics nationwide. This amount represents an increase of $12.1 million over the 1998 appropriation. Over 85 percent of family planning clients are women at or below 150 percent of the poverty level and these additional funds will help to ensure that these low-income women have access to quality health services.

ADOLESCENT FAMILY LIFE

The bill recommends $17.7 million, an increase of $13 million more than the amount recommended by the President for the only federal program focused directly on the issue of adolescent sexuality, pregnancy and parenting.

HEAD START

To enable all children to develop and function at their highest potential, the bill includes $4.6 billion for the Head Start Program, an increase of $313 million over last year's appropriation. This brings us closer to the goal of enrolling one million children in Head Start by the year 2002.

VIOLENCE AGAINST WOMEN

The bill includes $156 million to support the programs authorized by the Violence Against Women Act. This is an increase of $21 million for programs to provide assistance to women who have been victims of abuse and to initiate and expand prevention programs to begin to reduce the number of women who are forced to confront the horrors of abuse. Included is: $88.8 million for battered women's shelters; $45 million for rape prevention; $15 million for runaway youth prevention; $6 million for domestic violence community demonstrations; and $1.2 million for the domestic violence hotline.

LIHEAP

The bill maintains the $1.1 billion appropriated for the upcoming winter's Low Income Home Energy Assistance Program (LIHEAP). In addition, the recommendation provides an advance appropriation of $1.1 billion for the 1999/2000 LIHEAP Winter Program. The bill also provides additional emergency appropriations of $300 million. LIHEAP is a key program for low income families in Pennsylvania and other cold weather States in the northeast. This funding supports grants to States to deliver critical assistance to low income households to help families meet higher energy costs.

AGING PROGRAMS

For programs serving the elderly, the bill before the Senate recommends $2.1 billion, an increase of $105 million over the fiscal year 1998 appropriation. Included is: $440.2 million for the Community Service Employment Program which will provide more part-time employment opportunities for the low-income elderly; $300.3 million more for supportive services and senior centers; $486.4 million more for congregate and home-delivered nutrition services; and $173.9 million more for the National Senior Volunteer Corps.

EDUCATION

To enhance this nation's investment in education, the bill before the Senate contains $32.9 billion in discretionary education funds for the 1999/2000 school year, an increase of $3.5 billion over last year's funding level. Specifically, the Goals 2000 Programs is funded at $491 million to promote education reform initiatives and $698.1 million for the technology programs.

EDUCATION REFORM

For programs to educate disadvantaged children, the bill recommends nearly $8.4 billion, $345 million more than the amount appropriated in fiscal year 1998. These funds will provide services to approximately 7 million school children. The bill also includes $135 million for the Even Start Program, an increase of $20 million over the administration's request to provide educational services to low-income children and their families.

IMPACT AID

For impact aid programs, the bill includes $864 million, an increase of $168 million over the budget request. Included in the recommendations is: $50 million for payments for children with disabilities; $704 million for basic support payments; and $28 million for payments for federal property.

BILINGUAL EDUCATION

The bill provides $380 million to assist in the education of immigrant and limited-english proficient students. This recommendation is an increase of $26 million over the 1998 appropriation and will provide instructional services to approximately 60,000 children. Within the funds provided, $50 million has been included for professional development to improve teacher training programs.

SPECIAL EDUCATION

One of the largest increases recommended in this bill is the $5.1 billion for the special education programs to help local education agencies meet the requirement that all children with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services. The amount recommended will serve an estimated 4.95 million children at a cost of $662 per child.

CLASS SIZE INITIATIVE

The bill contains $1.2 billion to reduce class size in order to improve academic achievement and reduce discipline problems. These funds will be distributed among local educational agencies based on a formula that reflects both their relative number of children in low-income families and school enrollments. These funds would provide local school districts with the flexibility to hire more teachers and improve professional development for existing teachers.

STUDENT AID

For student aid programs, the bill provides $9.3 billion, an increase of $369 million over the 1998 appropriation. Pell Grants, the cornerstone of student financial aid, have been increased by $125 for a maximum grant of $3,125. The Supplemental Educational Opportunity

Grants Program has also been increased to $619 million, the Work Study Program is funded at $870 million and the Perkins Loans Program is funded at $130 million.

READING EXCELLENCE

The bill also provides $260 million for a child literacy initiative. The committee has provided these funds on an advanced funded basis. This will give the authorizing committees adequate time to work out the specifics of this new program.

SCHOOL VIOLENCE

The bill provides $165 million for a new initiative to address the violent behavior of students. Included is $40 million to assist schools in identifying and addressing the mental health needs of children and preventing aggressive behaviors, $90 million to support activities that promote safe learning environments, and $35 million for competitive grants to recruit, train and employ school safety coordinators.

Finally, the bill provides $184 million for the National Labor Relations Board, $9.8 million over the FY '98 appropriation.

CONCLUSION

Again, I want to thank Senator HARKIN and all of the other members of the subcommittee for their help in crafting this bill.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 30 minutes.

Mr. GRAMS. Will the Senator from Missouri yield for an unanimous consent request?

Mr. ASHCROFT. I will be happy to yield to my colleague from Minnesota.

Mr. GRAMS. I ask unanimous consent that following the remarks of the Senator from Missouri I be recognized to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Senator from Missouri.

Mr. ASHCROFT. Mr. President, We are very fortunate, Will Rogers once observed, that we've never gotten all the Government we've paid for. For most of this century, Mr. Rogers' words have stood the test of time. Unfortunately, I fear that with this omnibus appropriations bill, this 3,000-page, 40-pound, 2 foot high, $500 billion monster, we will be getting all the Government we have paid for and then some.

This omnibus legislation reflects the Federal budget process at its worst. This package was not the result of democratic votes, open discussion, and legislators reflecting the will of the people. With little debate and lots of backroom deals, 8 of the 13 annual appropriations bills have been tossed into one enormous heap of spending. This is wrong.

Who has read this pile of programs and pork? Not a single Senator has.

We didn't get a peek at a summary of this Government colossus until Monday afternoon, just 2 days ago. We won't see it in the CONGRESSIONAL RECORD until after the vote.

The truth of the matter is, no one knows what is in this colossal creation, and no one claims to be its father. It is said that victory has a thousand fathers, but defeat is an orphan. This forsaken monstrosity, which no one claims, nor has anyone read, deserved defeat today. We don't know much, but here is some of what we do know about this measure.

The Social Security trust fund has been raided for spending more on the programs and pork in this bill. Billions of dollars will be added to the national debt that our children will one day have to pay.

This legislation also breaks the much-heralded Balanced Budget Agreement.

And finally, we know that taxes, which are at record high levels, will not be cut. Washington thinks it needs the people s money more than the people need it.

When I came to the Senate in 1995, at the same time that the new Republican majority assumed control of Congress, I hoped that Congress would downsize the Federal Government and return money and power to the American people. After 40 years of Democratic control of one or both Houses, it was finally time for Congress to uphold its responsibility, to minimize the Federal Government's intrusion into our citizens' lives and pocketbooks, to lower taxes and to reduce the size of Government.

Unfortunately, President Clinton remains the chief obstacle to lower taxes and smaller Government, despite his claim in the 1996 State of the Union Address that "the era of big Government is over." That famous line from President Clinton is about as accurate as his pronouncement in January of 1998 that he wanted to save "every penny of any surplus" to preserve the Social Security system. Both are intentionally misleading and factually wrong.

But Congress also shares the blame. The 105th Congress has been either unable or unwilling to cut spending, has been, at best, reluctant to fight for tax cuts, and has now cut a budget deal that guarantees that Bill Clinton's vision of a costly and intrusive Federal Government survives for at least one more year.

The cost of the Federal Government is so staggering that numbers alone do not convey its enormity. We are spending more money today than our Founding Fathers ever thought possible. As Stephen Moore of the Cato Institute has indicated:

> Adjusted for inflation, the . . . [Federal] spending total of $7.5 trillion for 1998–2002 is more money than America spent to fight both world wars, the Civil War and the Revolutionary War [combined]. In fact, in today's dollars, it is more money than the U.S. Government spent on everything from 1787 to 1960.

In the fiscal year 1999 alone, the Federal Government will spend more than the entire Federal Government spent from our founding until 1920.

Without taking into account the $21 billion in new emergency spending contained in this omnibus legislation, the Congressional Budget Office estimates that Federal spending has increased $205 billion over the last 4 years. By comparison, in the previous 4 years, Federal spending increased only $192 billion.

Last year, the Congress passed, and the President signed, the Balanced Budget Act of 1997. There was much rejoicing, celebration and self-congratulations surrounding the passage of the bill, congratulations from the Halls of Congress and down Pennsylvania Avenue to the White House. The backers of the bill proclaimed fiscal discipline was being imposed on Washington.

Mr. President, I did not join in that celebration, nor share in Washington's enthusiasm. The 1997 budget deal spent too much, provided too little tax relief and was unenforceable. The bill contained no meaningful enforcement provisions, nothing to guarantee that future Congresses and administrations would limit spending or require the budget caps to be strictly enforced.

As a matter of fact, I proposed an amendment to impose the spending controls on the balanced budget agreement, and that amendment to that agreement was defeated. As a result, we have seen just today that the balanced budget agreement has been broken. Now promises made one year are ignored the next. Promises made last year for a balanced budget are ignored this year. This omnibus bill we have voted on today confirms my worst fears: It breaks the budget limits set just 1 year ago, spends the budget surpluses instead of saving it for Social Security, and keeps more money in Washington without returning it to the rightful owners—the families that work day and night to earn it.

Mr. President, Americans are working longer than ever before to pay their taxes. According to the nonpartisan Tax Foundation, the average American now works until May 10 to pay Federal, State and local taxes. In a typical workweek, the average American works until late Tuesday afternoon just to pay taxes. And the tax burden is getting worse, not better.

For the past 5 consecutive years, the growth in personal tax payments has outstripped that of wages and salaries. Americans deserve better than this tax burden and better than a spending bill for which no one is accountable.

America needs a real tax cut. The Federal Government has collected more taxes than the year before every year since 1983. We have been on an ascending, accelerating juggernaut of tax collections, and that means that the American people have not had a true tax cut in 15 years, while Washington has increased taxes twice in this decade, in 1990 and 1993. Those two tax hikes will take a combined $600 billion extra from the American people over the next 5 years.

It reminds me a bit of President Reagan's telling definition of a taxpayer. Reagan defined the taxpayer as "someone who works for the Federal Government but doesn't have to take a Civil Service exam."

During the debate on the Senate budget resolution last April, a number of fiscally conservative Senators and I announced that we were prepared to vote against the resolution because it planned to spend too much and cut taxes too little—only $30 billion over 5 years, or a whopping $1.83 per month in tax relief for every person in the country. We asked instead for a meaningful tax cut and the elimination of the marriage penalty which unfairly burdens 21 million couples simply because they are married.

In response to our concerns, the Senate leadership pledged to support the larger of the tax cuts contained in either the House- or Senate-passed budget resolution. The leadership also agreed to make repeal of the marriage penalty the Senate's top tax priority.

After the House adopted its budget resolution last May, the budget resolution process screeched to a halt. Why? The House budget resolution recommended cutting taxes $101 billion over 5 years. Given the agreement we had with the leadership, the Senate was to have pushed the House proposal. Unfortunately, many Senators would have rather seen the budget resolution die than have Congress pass even modest tax relief, equal about 1 percent of the revenue the Federal Government is projected to collect over the next 5 years.

For the first time since the process was established in 1974, Congress failed to produce a budget resolution and killed any chance for meaningful tax or spending cuts this year.

This unwillingness to cut taxes comes during a period in which we anticipate over $500 billion in surpluses over the next 5 years.

This unwillingness comes from President Clinton's misleading political promise to "protect" the surplus for Social Security. In his 1998 State of the Union Address, President Clinton proposed reserving, in his words, "100 percent of the surplus—that's every penny of any surplus—for Social Security."

Well, promises made, promises broken. The mantra here in Washington lives on: "You send it, we spend it."

Despite President Clinton's promise not to use the Social Security for anything but Social Security, the Administration has raided Social Security to fund a series of new spending initiatives—paid for by the same surplus he is purporting to save for Social Security.

While the 1997 balanced budget agreement limits discretionary spending through fiscal year 2002, this new spending has overridden these discretionary spending caps, shrinking the budget surplus and consuming money that could be used to "save" Social Security.

It took Congress and the White House only 1 year to breach the budget caps—1 year to break the promises made to the American people.

The Washington Post reported on Tuesday, October 20, that congressional aides have confessed that the omnibus bill not only contains $20.9 billion in "emergency" spending, but also busts the caps by another $7 billion in nonemergency discretionary spending. That is $7 billion in broken promises—$7 billion in spending that under the Balanced Budget Act of 1997 should not be allowed to occur.

It is not surprising that the President found a way around the spending limits so quickly. As I have said on many occasions, taxes and spending are the only things in Washington more addictive than nicotine. In fact, this bad habit of resorting to bogus "emergency" spending to circumvent the discretionary caps resembles the behavior of an addict trying to rationalize his inability to stay sober.

Since 1991, Congress has passed $53.7 billion in emergency spending; that is excluding Desert Shield and Desert Storm. Unfortunately, the President's "emergency" spending requests do not meet any emergency other than his inability to get all he wants to spend. There are no eleventh hour developments that have made Social Security solvency a secondary concern.

The President is proposing that the equivalent of at least 24 percent of this year's surplus be spent on a Bosnia deployment that is now 4 years old, Government computer repairs—we have known about these needs—increased embassy security, and a variety of other initiatives.

Now, many of these requests constitute real and important funding issues. But emergencies? Mr. President, the well-being of our elderly is too important for half-truths and doublespeak. Nothing but the President's unwillingness has prevented the Administration from offering $21 billion in emergency spending reductions out of the Federal Government's $1.7 trillion budget.

In other words, the President could have offered to reduce spending elsewhere to accommodate his emergencies. But apparently the President would rather see our seniors' Social Security checks shipped overseas in the form of foreign aid or squandered on more Washington bureaucrats than find savings amounting to less than 1 percent of the Federal budget.

Mr. President, as I am sure you know, the Congressional Budget Office projects the Federal Government will run a $137 billion on-budget deficit over the next 5 years—fiscal years 1999 to 2003. In other words, 21 percent of the $657 billion Social Security surplus over that period will be used to finance non-Social Security spending. Yet, the administration is strangely silent about this matter.

If the administration sincerely opposes using the surplus for anything but Social Security, it should call upon Congress—as I have—to reduce projected spending by $137 billion over the next 5 years in order to eliminate the on budget deficit. Of course, the President will not do this. He prefers to block tax cuts by scaremongering vulnerable older Americans on Social Security, while spending all the money he can through budget loopholes—like the designation of his needs or desires as "emergencies."

Mr. President, we are here today almost 3 weeks into the 1999 fiscal year. We voted on the omnibus appropriations package, one which I voted against, that will fund the Federal Government for the next 11 months. This omnibus bill contains eight complete appropriations bills; but it also contains increased funding for the other five appropriations bills that have either been signed by the President or await his signature. Every single one of the 13 appropriations bills was affected by the bill we passed today. It even increases spending in the bills already signed into law by the President. Several of the appropriations bills included in this humongous monstrosity were never even considered by the Senate—not at all, not even for 1 day.

Again, this massive pile of programs and pork, weighing 40 pounds, standing 2 feet high, over 3,000 pages long, was not available until mid-day yesterday. Then there was just one copy in the Cloakroom for all offices to share. This bill is so huge that the CONGRESSIONAL RECORD could not even print the bill until this morning, to be available after the Senate vote.

Although the President and congressional leaders announced they had reached an agreement last Thursday, a rough summary was not even available until Monday. We do not know everything that is in this bill. I do not know half of what is in this bill, and not a single Senator does, including the leadership and the appropriators.

There is something wrong when Congress passes one bill, one huge bill, that spends so much—all 13 appropriations bills are affected, even those already signed by the President—and there is only one copy to be shared. We should be held responsible for the decisions that we make—decisions to spend the people's money, to spend the Social Security surplus, to increase the debt that will be owed by our children and grandchildren.

Who is responsible here? Who can be accountable when they do not know for what they are accountable? Today, it feels like I was asked to be nothing more than a rubber stamp for a deal made by a handful of individuals who assume they had the power to speak for all of us.

I know what the press reports say, and what the Appropriations Committee says, and what the President has said, but the bottom line is this: This legislation has not been scored by CBO, the Congressional Budget Office. Nor has the Office of Management and Budget determined that all of the emergency spending requests will be categorized as budgetary "emergencies." Of course, with no office getting a copy of the bill before it was voted on, and with some 3,000 pages to review, weighing about 40 pounds, such an analysis was impossible.

So where does this leave the country? Congress has rejected calls for tax relief and has just passed a $500 billion omnibus spending bill that will cut the surplus and boost the size and the intrusiveness of Government.

The President says he wants to save Social Security, yet his every action has been designed to save a catchy campaign slogan —"Save Social Security First"—while he spends the Social Security surplus on new initiatives. The Government continues to grow, and a tax cut is nowhere in sight. Yes, I fear we may soon get all the Government we have paid for—and then some. But then Congress does not even know what we have just paid for. And we do not know what we have just passed.

We can do better, and we must do better. Our resolve must stiffen. The people of this country deserve better service from us, and we must provide it. It is with that in mind that I object to the passage of this measure today.

Mr. President, I thank the Chair and I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Minnesota.

Mr. GRAMS. Thank you very much.

Mr. President, I also rise this morning to discuss my opposition to the omnibus appropriations legislation that was before us this morning.

While I realize many of my colleagues would have preferred not to return for this vote, there are a number of us who believed that a vote was essential on a bill that appropriates a third of our spending priorities for fiscal year 1999. To shirk our responsibility to the taxpayers, to hide behind an unrecorded vote, was unconceivable.

I feel strongly that we are elected to represent the American people and to take care of the Nation's business. The people expect us to be responsible. They expect us to be accountable. They expect us to be here and do our job. In other words, when it is time to cast a vote of this magnitude, they expect us to be here, to stand up and to be counted.

The omnibus appropriation legislation includes $500 billion in funding for many essential Government programs and functions. It represents 8 out of 13 appropriations bills, or two-thirds of this year's entire appropriations work, one-third of our entire annual Federal spending. It is by far the most important piece of legislation we have before us this year.

This monster bill consists of more than 4,000 pages. We can hardly lift it, much less take time to review it before the vote. I venture to say that most Members of the Senate still have no idea what is in it. Even Evelyn Wood herself could not have made it through this volume in the few short hours we had to digest it. It would take days to get through it, but we are only allowed to review it in the Chamber, with no copies available for the individual review that is necessary. I don't believe they are available yet.

Just to approve it, we were told, and everyone would be free to go home and campaign. One Democratic House Member was quoted as saying, "We would be better off not knowing what is in the bill." He said, "Ignorance is bliss." Even the House appropriations chairman called this an "ominous" spending bill.

Shame on Congress. If that is truly what my colleagues really believe, and if they really do think so little of the taxpayers whose dollars fund every program, every agency, and every piece of pork tucked so carefully into this bill, I say to them, perhaps you have been in Washington too long. This is not how I look upon my own responsibilities to my Minnesota constituents and my constitutional duty to the Nation. The people of Minnesota didn't send me here to rubber stamp anything, and certainly not this bill.

What disgusts me most is the process that produced this omnibus appropriations legislation. The entire negotiations were secretive, arbitrary, conducted behind closed doors by only a handful of congressional leaders and White House staff. The special interests were well represented at that table, but the taxpayers clearly were not. Again, the special interests were well represented at the table, but the taxpayers clearly were not.

Is this the best deal we could get with this President? I guess it is. President Clinton was intent on spending more money, money from the surplus, money that he said, in fact, should be saved for Social Security. But President Clinton's thoughts on spending Social Security money must have been more important than evidently saving Social Security.

As soon as the bill emerged from that protective cloak, it was thrown at us and we were told to agree to it. No process of floor consideration, no debate, no amendments, no votes. I have to wonder whether this is truly a democracy. This isn't the way we do business in this great democracy. It is true Congress has behaved this way before and the secretive goings-on are nothing new. But this does not make it right.

As early at 1988, President Reagan stood up and asked Congress to change this practice. It is wrong because it destroys our democracy. It undermines our political institution of government through representation. It is wrong because it allows just a few to make policy without careful deliberation and to spend hundreds of billions of taxpayers' hard-earned money without the taxpayers being duly represented. We must stop this practice now.

Early in March, I reluctantly voted for the fiscal year 1999 budget resolution in the Budget Committee. I did so to help facilitate the process and offer a chance to improve the budget plan as it moved to the Senate floor. I later again voted for the budget resolution based on a breakthrough agreement reached with the Senate leadership.

Under this agreement, our leadership would pursue the larger tax relief number of either the Senate or House, and it would make the repeal of the marriage penalty our top priority. They committed to a tax bill this year protected by reconciliation legislation.

Unfortunately, these commitments were never honored. What did we end up with instead? Tax increases, not tax relief. More spending, not leaner, more efficient Government. And again we faced a President who threatened to veto a Government shutdown if we even dared to send him tax relief for the American people. President Clinton called Americans "selfish" if they want some of their surplus money back, their extra tax dollars.

Republicans have joined Democrats and the President to raise the higher spending levels added in the negotiations. It is beyond belief that, facing the first budget surplus in a quarter of a century, that this Congress could have joined with the President to produce this bill in this election year.

I have argued repeatedly before this Chamber that the surplus is generated directly by increased individual income tax payments and it has little—little—to do with Government policy. In other words, the credit for the surplus does not go to the President, to the Senate, or to the House, but the surplus goes to the productivity of the American business and the American worker.

Outside the money earmarked for Social Security, we owe it to the taxpayers to return at least some of that surplus to them. That would have been the moral and it would have been the fair thing to do.

I also warned repeatedly that if we don't return at least a portion of the surplus to the taxpayers, and soon, that Washington will spend it all, leaving nothing for tax relief or the vitally important task of preserving Social Security.

The omnibus appropriations legislation proves my point dramatically. This bill is nothing but a continuation of President Clinton's tax-and-spend policies. Again, the President's own words, "Save Social Security first," and I guess what he really meant was, "Let me spend the Social Security surplus first," and make sure that the taxpayer does not get their hands on the surplus.

Despite the rhetoric about fiscal discipline, Washington has broken the spending caps by using the budget surplus. The spending bill exceeds the caps by at least $20 billion, and the only reason there is any surplus still on the table is that Washington evidently ran out of time to spend it.

To mask its budget maneuvering, Washington has covered its tracks with budget gimmicks, including $4 billion in Social Security "forward funding" into the year 2000. How are we going to adapt this to lower spending next year? Will we keep on forward funding into the future, shrinking and shirking our budget responsibilities?

Another dishonest accounting measure was to label this additional spending as "emergency spending" in order to justify the breaking of the spending caps. Instead of fencing off the budget surplus to save Social Security first, as it claims it is doing, Washington has spent an additional $22 billion of the budget surplus—a third of the surplus—to fund non-Social Security programs—again, nearly one-third of the 1998 budget surplus. This is Washington hypocrisy of the highest degree.

In the past few months, I heard so much demagoguery in the Chamber about saving Social Security, and we have heard the President pledge repeatedly to the public that he wanted to use every penny of the surplus for Social Security. But to date, the administration is still denying they have, in fact, used the budget surplus. It appears this administration has a very unique way of interpreting the truth or admitting the obvious.

Few of the "emergency spending" items in this bill are truly emergency related. Many of these dollars could have been added early on in the appropriations process. But the maneuvering allowed the President to spend more, and I know President Clinton's biggest disappointment in this budget is he wasn't able to spend even more. The Y2K problem is not new. The need for Bosnia troops funds and the readiness funds is also not new. These should have been funded earlier. They should have been funded through the normal budget and appropriations process. But that allowed them to spend more of the regular budget so they could come back and dig deeper into the surplus to spend more money.

I only wish this Congress and the President could be as creative in finding ways to reduce taxes, cut spending and make the Government more efficient as they are in finding new and creative ways of spending money, especially the surplus, and making this Government even bigger.

It is ironic that my Republican colleagues are scared to death of using the budget surplus for tax relief, despite the fact that it is the taxpayers' money in the first place, but don't mind at all in helping the Democrats to spend it.

This bill is a Christmas tree that is loaded not with ornaments but with plenty of pork projects and backdoor spending. Here is one example: The bill includes $1 billion for global warming, a 26-percent increase from last year's funding level. The Senate and the House had previously rejected this level of funding—rejected it—but somehow somebody managed to just sneak it back into the bill. Yet the President hasn't even sent us the global warming treaty. So this funding basically just mocks the Hagel-Byrd resolution that we passed last year.

There are some good provisions that I support and worked hard to have included in this bill. There are many good things in here, such as the desperately needed relief for farmers, IMF funding, and 100 percent healthcare cost deductions.

Frankly, some of the provisions and funding will help my own state of Minnesota. But the reckless process and irresponsible spending overshadows these good provisions. It was against my conscience to vote for this legislation.

Mr. President, I am deeply disappointed by the inability of our own Republican leadership to keep its promise to working Americans. I am also deeply troubled that the Republican Party seems to have lost its courage to stand up to our principles. I expect compromises have to be made, but not compromises so heavily weighted in one direction, allowing heavy handed arm twisting, black mailing tactics of this White House to succeed.

When I first ran for Congress six years ago, I was very proud to be a Republican because we believed in our vision of a government that works for the people, and we believed government should be limited to only that amount needed for necessary services. The Democratic Party, on the other hand, has long believed that people should work for the government—or, at the very least, that the government has a right to spend every penny it can take from working Americans. Basically, Washington doesn't believe Americans are smart enough to take care of themselves. I don't know many Americans who believe they need Washington to hold their hand in spending their money or taking care of their families.

That is exactly why the American taxpayers ushered in an era of Republican congressional leadership in 1994—a new majority that pledged to provide fiscal discipline, individual freedom, personal responsibility, and prosperity for all people.

What changes have this new majority made four years after the 1994 Republican revolution? Well, the distinctions between the two political parties have all but disappeared; the taxes on working Americans are at an all-time high; the government is getting bigger, not smaller; federal spending has increased from $1.5 trillion in 1994 to $1.76 trillion today; and the national debt has grown from $4.9 trillion to $5.7 trillion, an $810 billion increase.

Mr. President, these are the differences for which this Republican-led Congress can take its share of the credit, or more honestly the blame!

Republicans failed not because our efforts have lost the support of the people, but because our party has lost its backbone. It has lost the courage to make a stand on principle and not abandon its moral compass at the first sign of resistance.

Mr. President, each time Congress makes a promise to the taxpayers—as it did in promising significant tax relief this year—and then deserts them, Congress comforts itself by saying it will come back next year and enact an even larger tax cut. I view this as an insult that flies in the face of Reality! This is self-deceiving at best. If we do not take a stand today, what is going to happen to make us more courageous a year from now? Besides, each year we wait, the government takes an ever-greater bite of the earnings of working Americans and the government gets bigger and becomes harder to trim in the future.

Mr. President, another big mistake we made that helped create the mess we find ourselves in today is that we failed to pass the "good government" legislation I proposed in 1997. I have repeatedly asked our leaders to honor the commitment they made during consideration of last year's disaster relief legislation to bring up legislation that provides an automatic CR at last year's funding level for remaining appropriations pending at end of the session. This would keep pressure on appropriators to complete their business and keep all of us in the process—not just a select few. It would also keep us free from political blackmail: "If you do not give me this, then I will shut down the government and blame you for being heartless and ineffective." It happened before, and Republicans were afraid it could happen again, and the recklessness of this White House for political purposes is a reality. Had we such a process in effect this year that would not allow the government to shut down, we would have completed the business of the nation on September 30, and not been forced back here to vote on October 20. This path, not the path we are currently on, would have been the responsible path to take.

Mr. President, I therefore was forced to cast a "no" vote on this legislation because I am deeply disappointed in this business-as-usual attitude, and deeply disgusted with the process the pork-laden, backdoor spending, and the budget gimmicks. Americans deserve better. And let us put Congress and this President on notice, we will use every Senate rule available not to let this happen again next year.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, unless less than 48 hours ago, only a few in this body had actually seen this nearly 4,000-page, 40-pound, non-amendable, budget-busting legislation that provides over half-a-trillion dollars to fund 10 Cabinet-level federal departments for the fiscal year that started 21 days ago. The bill exceeds the budget ceiling by $20 billion for what is euphemistically called emergency spending, much of which is really everyday, garden-variety, pork-barrel appropriations. The bill is loaded with locality-specific, special interest, pork-barrel spending projects, which are paid for by robbing billions from the budget surplus.

I cannot in good conscience support a bill that makes a mockery of the Congress' role in fiscal matters. This bill is a betrayal of our responsibility to spend the taxpayers' dollars wisely and enact laws and policies that reflect the best interests of all Americans, rather than the special interests of a few.

Most offensive and disturbing to me is the misallocation of more than $9 billion in so-called emergency defense funding in the bill. The decision to spend only slightly more than $1 billion on military readiness, when the Chairman of the Joint Chiefs of Staff and each of the Service Chiefs testified just last month about an impending readiness crisis, is a fundamental abandonment of the men and women who serve in our Armed Forces.

I recently released a comprehensive report on the state of military readiness that includes a lengthy compilation of material provided by the Chiefs detailing the myriad of problems the Armed Forces are facing as a result of inadequate resources to support the missions their civilian leaders have assigned them. In these documents and in their testimony to the Senate Armed Services Committee just last month, the Chiefs were unambiguous in pressing for additional funding to address several serious concerns.

Restoring military retirement benefits was the Chiefs' principal concern, and I and others introduced legislation to do so. The Chiefs cited the need to increase military pay for the 25,000 military families on food stamps. They asked for money to provide incentives to attract and retain qualified people in military service. They talked about the dire need for more training and maintenance funds.

Mr. President, the Chiefs are the highest ranking military officers in our nation. Their sole mission is to ensure that our Armed Forces can fight and win any future conflict. They are the ones whom we should heed when we are told how to avert a crisis in military readiness.

So what did the Congress decide to do to address the Chiefs' concerns? We put over $9 billion in so-called emergency defense funding in this bill. But we allocated only $1.1 billion to the Chiefs' priorities, and spent the other $8 billion on other programs that, while important, will not reverse the declining readiness trend in our military.

We did nothing to address the Chiefs' number-one concern—restoring military retirement benefits for 20-year veterans to a full 50 percent of their highest three salary years. General Hugh Shelton, Chairman of the Joint Chiefs of Staff, told the Congress very clearly that fixing the military retirement system is his top recommendation for restoring the readiness of our armed forces:

> The most critical element of both current and future readiness is the men and women we are privileged to have serving in uniform today. Our people are more important than hardware.

I concur whole-heartedly with the Chairman's remarks. Army Chief of Staff General Reimer has written to me that:

> . . . the retirement package we have offered our soldiers entering the Army since 1986 is inadequate. Having lost 25 percent of its lifetime value as a result of the 1980's reforms, military retirement is no longer our number one retention tool. Our soldiers and families deserve better. We need to send them a strong signal that we haven't forgotten them.

Mr. President, we did nothing to address this clearly stated, number-one concern.

Instead, we bought three Gulfstream executive passenger jets, bought helicopters for the Colombian anti-drug effort, and padded the budget to pay for burying utilities at Keesler Air Force Base. We gave another $210 million of defense money to the Coast Guard to pay for its drug interdiction mission.

We did give the Services $200 million for military health care, but that's less than a quarter of what's needed to ensure military personnel and their families receive the care they need. And we took care of other legitimate emergency costs, like ongoing operations in Bosnia and embassy security. But on the whole, the Congress ignored the clear warnings of our highest ranking military leaders and, once again, let their parochial priorities take precedence.

Obviously, the waste in this bill does not stop with defense spending.

Here is just a sampling of the egregious pork-barrel spending in this bill:

$250,000 to an Illinois firm to research caffeinated chewing gum;

$750,000 for grasshopper research in Alaska;

$1 million for peanut quality research in Georgia;

$1.1 million for manure handling and disposal in Starkville, Mississippi;

$5 million for a new International Law Enforcement Academy in Roswell, New Mexico;

$1 million for Kings College in Wilkes-Barre, Pennsylvania, for commercialization of pulverization technologies;

$250,000 for Hawaii Volcanoes Observatory;

$1.2 million for a C&O Canal visitors center in Cumberland, Maryland;

$250,000 for a lettuce geneticist in Salinas, California;

$500,000 for the U.S. Plant Stress and Water Conservation Lab in Lubbock, Texas;

$162,000 for research on peach tree short life in South Carolina;

$200,000 for research on turkey carnovirus in Indiana;

$64,000 for urban pest research in Georgia;

$100,000 for vidalia onion research in Georgia;

An additional $2.5 million for the Office of Cosmetics and Color; and

$200,000 for a grant to the Interstate Shellfish Sanitation Commission.

And there is much more wasteful spending in this 4,000-page document. I have here 52 pages of items that I have found in this bill that meet one or more of the criteria that I and others, such as Citizens Against Government Waste, the National Taxpayers Union, and other well-known pork-watchers have used for many years. I have no idea yet of the total amount of pork on this list, but I am sure it is in the billions of dollars.

Some of these earmarked projects may well prove meritorious and deserving of the priority given them in this bill. The problem is that none of these provisions went through the appropriate merit-based selection process, which is necessary to determine whether they are more or less a priority than thousands of other projects that are not funded in this bill. In addition, some of these provisions were never included in either the House or Senate version of any regular appropriations bill. They were simply added, behind closed doors, to this massive, non-amendable omnibus bill.

Mr. President, we are wasting the people's money when we fund these dubious proposals. We undermine the faith of our constituents—the taxpayers—when we continue the practice of earmarking and inappropriately designating funding for projects based on political interests rather than national priority and necessity. Unfortunately, that has occurred here. This bill is a shameful example of why the American public has become cynical and skeptical of government.

We seem to have forgotten that all these programs, whether meritorious or not, must be paid for. Designating spending as an "emergency" doesn't make it free; it still has to be paid for. And the Congress, blessed with the first budget surplus since 1969, has been unable to resist the temptation to dip into that $70 billion surplus and spend it on pork.

The President declares we must save Social Security first. Members of Congress declare we must save Social Security first. Yet, we spend billions from the surplus on everything but Social Security. We don't save Social Security. We don't pay down the debt. We don't return to taxpayers a little of their hard-earned money. But we can spend a little more on pork. I guess we can never have too much of that, Mr. President, surplus or no surplus.

Mr. President, we have lost track of our priorities. I am disheartened that Congress found the time and money to finance any number of pet projects, yet we failed to address the needs of over 7,000 children and families whose lives have been devastated by hemophilia-related AIDS, in part because of the government's failure to implement the appropriate safety precautions for the nation's blood supply in the 1980's. This is simply shameful.

Mr. President, we are supposed to follow a process in Congress for considering important legislation—a process that relies on openness, fairness, and public input. If we had adhered to that process in crafting this bill, many of these egregious provisions might have been eliminated and our priorities might have been compatible with the public's priorities.

The process by which this bill was created is deplorable. Negotiations were conducted behind closed doors, out of sight of the public as well as the vast majority of Members of Congress. Decisions were made, and then reversed without notice.

A case in point, Mr. President, is a provision to clarify the status of auctioned spectrum licenses if the purchaser declares bankruptcy. At 5:00 p.m. on Monday, just a few hours before the Omnibus Appropriations bill was filed in the House, I was told that this provision was included in the legislation. Yesterday morning, it had been dropped from the bill.

In addition, only after the bill was filed did I learn that several provisions which are clearly within the jurisdiction of the Commerce Committee, which I chair, were included in the bill. I know other authorizing chairmen share my frustration at never having been consulted or even advised about these matters.

Let me point to one example of an appropriation exceeding the amount authorized for a program. The Senate authorized $192 million for the Advanced Technology Program of the Commerce Department; the House approved $180 million. Yet this bill appropriates $203.5 million for the program. What is the purpose of authorizing funding levels, when the appropriators simply ignore it and alone decide how much money to appropriate?

Mr. President, I learned yesterday that the bill does not include a cost cap on the international space station, as I had earlier been assured—a cost cap that was included in the NASA reauthorization bill that was reported from the Commerce Committee and passed by the Senate. And I learned that the bill includes a provision for a $20 million, taxpayer-funded buyback of three boats to limit domestic competition in the fishing trade off Alaska—legislation that the Commerce Committee had not yet sent to the Senate.

Mr. President, speaking about the authorizing legislation in this bill, one of the greatest failures of the omnibus bill is its rejection of comprehensive legislation to improve aviation competition, safety, and security. Critical aviation programs were due to be reauthorized this year, and the Commerce Committee duly reported the Federal Aviation Administration Reauthorization bill to the Senate. It passed the Senate last month, on an overwhelming vote of 92 to 1.

In this bill, we had an opportunity to stimulate much-needed competition in the aviation industry and enact a host of other critical improvements in aviation policy. Frankly, because of the influence of the major airlines and other secondary interests, the legislation was blocked. But what we did see fit to do is place a hold on activities of the Department of Transportation to address anti-competitive behavior in the airline industry. Major airlines won; competition and consumers lost.

Mr. President, I am very disappointed to report that the major airlines have succeeded in dealing yet another setback to the nation's consumers. As many of my colleagues are aware, the major airlines were able to scuttle the Federal Aviation Administration reauthorization bill that passed the Senate last month by a vote of 92 to one. Some of the biggest players in the industry fought against it because the bill contained numerous provisions that would have enhanced airline competition, promoted new entry, and benefitted consumers. That is why the reauthorization bill was reduced to a mere six-month extension of the airport grant program.

To add insult to injury, the major carriers have now succeeded in hampering efforts by the Department of Transportation (DOT) to curtail illegal competitive behavior industry. Regrettably, the omnibus appropriations bill includes provisions that would needlessly delay the issuance of pro-consumer airline competition guidelines that have been proposed by the DOT. Once again, the major airlines have gotten their way in Congress when it comes to protecting their turf. Not satisfied with maintaining the status quo, these carriers have forced us to take a step backwards.

Last April, the DOT took the commendable step of proposing guidelines to curb unfair and anti-competitive pricing behavior in the airline industry. It didn't take long, however, for the major airlines to begin attacking the DOT for having the audacity to address this issue.

The DOT has already been taking its time reviewing public comments on its proposed guidelines, which I admit may be in need of improvement. The added delay provided in the omnibus budget bill only serves to aggravate the existing situation. The airlines readily admit that this extended delay gives them more time to kill the competition guidelines outright. That has been the airlines' goal from the start.

Shortly after the DOT proposed its guidelines, the Aviation Subcommittee held a hearing on airline competition, and the main focus was these guidelines. The DOT presented very compelling evidence that there have been instances of predatory behavior. But the major airlines merely shrug when confronted with very specific examples of a major carrier's driving a new entrant out of a market by irrationally cutting prices and increasing capacity.

Even though such conduct makes sense only if predatory behavior is the standard, the major airlines insist that they only respond in normal ways to new entrants.

Clearly, the DOT's effort to address this sort of behavior was too much for the major carriers to accept. They were able to exert enough influence on the budget negotiation process to put the competition guidelines on hold. The carriers were successful, despite that fact that no such provision passed either Chamber of Congress.

With respect to airline competition policy, as well as many other matters in the omnibus bill, this situation represents the triumph of special interests over the public interest. The losers here are not just the new airlines, but the consumers.

Despite this setback, I want to assure everyone that I will continue my fight for full and fair airline competition. Whether because of predatory behavior, or artificial barriers to entry such as slots and perimeter rules, the traveling public has yet to realize fully the benefits of deregulation. Fortunately, Congress will have an opportunity to take action again soon when the authorization for the Airport Improvement Program expires at the end of next March.

Mr. President, we must not let the major airlines dictate the terms of competition in their own industry. I am determined to see Congress do better by consumers next time.

Mr. President, I am also deeply disturbed that the House leadership has killed aviation competition legislation this session of Congress. Congress' record shows that it has done nothing to ensure a vibrant, competitive airline industry. Instead, the negotiators eliminated competition provisions such as new slot exemptions at capacity controlled airports, as well as efforts to loosen the perimeter rule at Reagan National Airport. Legislation to manage the environmental effects of flights over national parks also fell by the wayside because of this approach. Obviously the agenda of some is only to protect the big airlines against competition. Let's be clear, the big airlines have won. Consumers lost. That is a record about which nobody should be proud.

Most of my Senate colleagues know that the Commerce Committee worked hard this year to develop a bill to reauthorize the Federal Aviation Administration and the programs it oversees. Following a bipartisan, inclusive, and constructive process, we developed a package that among other things would authorize important airport construction grants. The legislation would institute a host of safety and security enhancements. It would provide the necessary spending to add more air traffic controllers in a congested system, and to make sure that the critical air traffic control systems are equipped to deal with the year 2000 problem. And, the bill would have established a widely-endorsed system for managing the environmental consequences of commercial air tour flights over national parks.

One of the key elements of the Senate FAA bill was the aviation competition title. It would have modestly enhanced the capacity at the four slot-controlled airports in the country—LaGuardia and JFK in New York, Chicago O'Hare, and Reagan National. The new entrant, low fare carriers have been effectively shut out of these key markets, which are critical to sustaining a healthy network and giving consumers new low cost choices.

Service to underserved markets in the country would have greatly benefited under the Senate bill. Rural America has suffered the most from the effects of hub dominance and the lack of airline competition. My colleagues from the Dakotas can tell you firsthand about the crippling effects of the recent Northwest Airline strike, for instance. Northwest dominates their region. When it shut down, they were literally cut off from the rest of the country. This is unconscionable.

There are other, clear "pockets of pain," according to the Department of Transportation and the General Accounting Office. These include communities in the Appalachian Region, such as Knoxville, Tennessee; communities in the southeast, such as Jackson, Mississippi; Des Moines, Iowa, in the midwest; Rochester, Syracuse and Albany in upstate New York. The citizens of these communities will continue to suffer from having to pay exorbitant air fares without any real kind of relief that could have been provided with the FAA bill's promotion of additional airline competition on existing routes, and additional access for these underserved communities in key business markets such as Washington and New York.

There are two reasons why the FAA reauthorization bill failed in the 105th Congress, along with its provisions to enhance competition in the domestic airline industry. The first reason is the utter intransigence on the part of the major airlines, and the unmitigated gall that they exhibit in defending the anti-competitive status quo. Their motives are dictated solely by increasing their profits with no concern for the free market. It's about blatant anti-competitiveness. At the same time that they herald industry consolidation and hoard capacity at their hubs, they continue to thwart efforts to respond to these changing dynamics in the industry.

Parochial interests on the part of members of Congress constitute the second reason that this bill failed.

Specifically, House lawmakers from Illinois and Virginia have taken down the entire FAA bill because of a few noise complaints from their districts. We have done everything possible to accommodate their constituents' noise concerns. We have minimized the impact of new flights by spreading them out so that there are only one or two new flights per hour. We have increased their noise mitigation funding. Further, the FAA continues to enforce Congressional aircraft noise requirements that have brought noise levels down in their neighborhoods significantly over the last decade.

Notwithstanding, these Members refused even to come to the table to acknowledge legitimate interests. Let us not forget, the FAA bill was approved freestanding by the Senate on a vote of 92 to one. However, the House refused to even conference with the Senate on the bill.

This is not an insignificant issue. As I noted earlier, just ask the people of North and South Dakota who were effectively paralyzed because of one airline. Competition is the principle upon which our free market economy is based. It is a complete, utter and wholesale abrogation of our responsibilities, not only to kill pro-competition and pro-consumer provisions of the FAA bill, but to stop any addressing of the issue by the proper authorities. The omnibus appropriations bill blocks pro-consumer airline competition guidelines, which were recently proposed by the Department of Transportation.

During these six months we will seize the momentum we developed this year to enact aviation competition legislation. We will also be examining additional pro-competition issues. It is too important to our country, to consumers and to the principles of our free market economy to look the other way.

Mr. President, as we work over the next six months to finish the job of reauthorizing federal aviation programs, I intend to use all means at my disposal to rectify this situation.

Mr. President, even today, there is confusion about what is in the bill and what is not, because the only copy that was available Tuesday to all Republican Senators was scattered in pieces around the Republican Cloakroom. There are no copies of this bill available to the public and only a few copies available in the Capitol. Most of what the public knows about this bill comes from media reports and the rumor mill. Members of Congress are only slightly better informed about the details of this bill, and we have had no opportunity to carefully review it.

And even if a Senator discovers that there is something in this bill that is highly objectionable to him, he cannot amend the bill. He can only vote for or against the entire package. It is all or nothing—take it or leave it. We are all held hostage to a process that protects pork-barrel spending at the expense of good policy.

Well, I, for one, will leave it. That is why I voted against the wanton fiscal irresponsibility this legislation represents.

Mr. President, we cannot continue to do business this way. We have an established process and we should follow it. I intend to work with like-minded Senators to develop needed reforms in that process to ensure that the Congress cannot so easily sidestep the checks and balances that are so clearly necessary to control wasteful spending and ensure responsible legislating, and that were intended by the Constitution.

Mr. President, I do want to take a moment to talk about some of the programs and provisions in this bill that are meritorious and which, in other circumstances, would have received my full support and my vote.

For example, the bill blocks the use of taxpayer-funded needle exchange programs for drug addicts, institutes new reforms to ensure accountability and market-based response measures within the International Monetary Fund (IMF), and extends important tax provisions, such as the work opportunity and research and development tax credit. Also, the bill contains $18 billion to replenish the International Monetary Funds depleted resources, which is critical to restoring confidence and economic stability in the global economy.

This bill funds many important programs directly benefitting American families and providing critical assistance to our children, including Child Care Block grants and Head Start. It increases funding for the Department of Education to almost $33 billion, including $8 billion for disadvantaged children and over $5 billion for children with special needs, but not at the expense of local control. The bill sends $1.1 billion directly to local classrooms ensuring schools have the flexibility to determine how to meet the unique educational needs of their students instead of Washington bureaucrats, and it prohibits federally funded national tests, leaving that decision to state and local authorities.

I am also pleased to see inclusion of the Internet Tax Freedom bill, introduced as S. 442, in the omnibus appropriations bill. This limited moratorium reflects the need for careful thought and analysis of the implications for taxing electronic commerce, and the proper roles for local, state and federal government in taxing the Internet. Present federal law neither authorizes, imposes, nor ratifies any excise, sales, or domain name registration tax on Internet use for electronic interstate commerce, and only one fee for the Intellectual Infrastructure Fund. I am confident that this moratorium will allow Congress to move forward in developing a national strategy for advancing electronic commerce and appropriate taxation of the Internet.

I am pleased to see that the provisions concerning Amtrak generally maintain the integrity of the Amtrak Reform and Accountability Act and continue the mandate for Amtrak to operate free of taxpayer subsidies by 2002. The bill also provides funding, though limited, directly to the Amtrak Reform Council instead of channeling such funds through the Secretary of Transportation. These are good decisions, ones which I support.

Also contained in this omnibus bill is legislation to increase the number of H-1B visas for skilled foreign professionals who wish to work temporarily in the United States in jobs unfilled by American workers. I cosponsored the original Senate legislation to raise the existing cap on H-1B visas. The provisions in this bill will allow dynamic American companies and research labs to hire more skilled foreign professionals. At the same time, we have incorporated safeguards to protect American workers and provide substantial funding to educate and train Americans to fill the lucrative high-tech jobs that are available across our country. American companies, American workers, and the American consumer will all benefit as a result.

The provisions I have just mentioned, and many others, are good for the American people. In fact, if these and many of the other policies and programs contained in the Omnibus Appropriations bill had been proposed and considered in the established process, I would have voted for them. Unfortunately, because the Congress has abandoned the normal process of legislating, my vote against this Omnibus Appropriations bill may also be construed, albeit wrongly, as a vote against these meritorious provisions. My vote against this precedent-setting legislation should be recognized for what it was—a vote against wasting taxpayer dollars and failing to ensure the readiness of our Armed Forces.

Responsible spending is the cornerstone of good governance. I look forward to the day when we can go before the American people with a budget that is both fiscally responsible and ends the practice of earmarking funds in the appropriations process.

Mr. President, those of my colleagues who support this legislation will say of us who oppose it that we are not practical politicians, that we ask for the impossible—legislation that is free of compromise, that we would let the perfect be the enemy of the good. That is a false charge, and it fails utterly as a defense of a legislative process that everyone agrees is terribly, terribly flawed.

We do not ask that a Republican majority produce legislation that reflects in every detail our priorities and dismisses completely the views of the President and the minority. We ask only that, on balance, any legislation—and surely legislation of this magnitude—reflect the principles upon which our majority was elected. We ask only that the Congress complete its work when it is supposed to complete it work, and in a manner that ensures fairness, openness, and inclusions. We ask only that we adhere to a little truth in advertising.

When we say we are going to save Social Security first, we ask only that we make some attempt to do so. When we call something an emergency, we should be able to say it with a straight face. When we promise to restore the resources necessary to provide for the common defense, we must pay just a little attention to the concerns of the military. When we promise to return to the people some percentage of the money they have sent to Washington, we ask only that we rank that pledge somewhat higher on our list of priorities than the usual cornucopia of parochial spending.

Those who voted against the omnibus appropriations bill would not let the perfect be the enemy of the good. We simply oppose letting back-room negotiations, business as usual, and pork-barrel politics be the enemy of principle.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll to determine the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I voted today for the omnibus appropriations bill that was pending before the Senate, in large part because, very frankly, of my great doubt that delaying what already has been an utterly abominable legislative process would, at this late point, improve the nature of the final product.

It should be abundantly clear to us all, to even the most casual observers, that the first and most fundamental mistake made by this 105th Congress was the unwillingness, or perhaps the inability, of the Republican leadership to craft a budget resolution acceptable to a majority of Members of both parties. But, amazingly, the Republican leadership was then unable or unwilling to put together a budget resolution that could even muster the majority support of its own party. As a result, for the very first time since the current Budget Act was enacted, Congress was forced to proceed on with the 13 separate appropriations bills without the benefit of the direction of a budget resolution at all.

In fairness, this body did pass its own version of a budget resolution, and much of the difficulty in reaching an agreement with the other body lies with the radical faction in the House, which was unwilling to support any measure unless it called for huge tax reductions funded out of a naked raid on the Social Security surplus. There were a few Members of this body as well who indicated they could not vote for a final resolution unless a tax cut/Social Security plunder plan was involved. So, April 15, the deadline for passage of a budget resolution, came and it went, and in the end no agreement was reached between the Senate and the other body and no serious effort at bipartisanship, frankly, was ever attempted. The budget process that has ensued, and we have witnessed its culmination today, is certainly a case of the Republican leadership having to reap what it sowed.

Without the discipline of a budget resolution, this Congress then proceeded to make an utter mockery of the appropriations process.

Rather than deliberate debate and careful consideration of the 13 separate appropriations bills needed to run the Federal Government, we wound up with an omnibus appropriations bill weighing some 40 pounds and going on for 3,825 pages as it compressed 8 of the appropriations bills, a supplemental appropriations bill, and miscellaneous matters all into one ill-considered mess. The bill we have had before us today is a consequence of massive, massive legislative mismanagement.

All this is not to say that the legislation that was before this body today did not have some redeeming strengths. There will be no Federal Government shutdown, and as the American people rightfully celebrate the first balanced unified Federal budget in 30 years, the omnibus bill does stay within the previously agreed upon budget caps. Thanks to President Clinton and his earlier veto, this legislation does provide for significant assistance for farmers and ranchers suffering through an economic crisis throughout much of rural America and, again, thanks to the President's tenacity, this bill will provide for the hiring of additional teachers and the expansion of some key educational programs, such as Head Start.

But even here, the omnibus bill is not as good as it ought to have been. The agricultural provisions failed to address the underlying problem of inadequate market prices for livestock and grain by neglecting to raise the marketing loan rates, and by eliminating price reporting and country of origin meat labeling, it does next to nothing for livestock producers.

The educational provisions are inadequate in several areas, but most noticeably, the Republican leadership refused to permit a Federal-State-local partnership which would have allowed the cost of school construction and renovation bonds to have been significantly reduced for local taxpayers.

To this Senator, it is simply outrageous for some on the far political right to claim, as they have, that this commonsense provision would have amounted to some sort of "federalization" of education. Clearly, the decisions as to whether to build or renovate a school would have remained at the local level, where such decisions belong, and the bulk of funding for such construction would likewise have remained appropriately enough with local taxpayers.

Mr. President, it is not federalization for the Federal Government to help local citizens reduce the cost of their education decisions, decisions that they make at the local level, by partially writing down interest rates on the bonds which these school districts would then have to issue.

There are some who are referring, with some justification, to the 105th Congress as the worst that has ever met in this Capitol Building. I don't know if that is true, but the mismanagement of this legislation, coupled with the refusal of the majority leader to even allow meaningful debate and progress on such issues as managed health care reform, campaign finance reform, and modernization of financial services, among others, ought to be a source of shame for this institution.

Again, Mr. President, while some have voted against the omnibus bill as a protest gesture, motivated by any number of concerns, I wanted to do the responsible thing, and I voted to pass this faulty but, frankly, at this point in time very necessary legislation. It is my hope, however, that never again will Congress proceed without a budget resolution and without an opportunity to debate and deliberate on individual appropriations bills in a timely manner.

FEDERAL VACANCIES REFORM ACT

Mr. THOMPSON. Mr. President, I am pleased that the essentials of S. 2176 have been incorporated into the Omnibus Appropriations bill, H.R. 4328. I appreciate the work of my colleagues, Senator BYRD in particular, in seeing that this bill becomes law.

Mr. President, I wish to address the changes that have been made to S. 2176 since it was reported out of the Governmental Affairs Committee. The legislative history of the bill is largely described in the Committee report, S. Rep. 105–250. However, this is the opportunity to discuss the subsequent changes made in the bill.

The term "first assistant to the office" is incorporated into 5 U.S.C. §3345(a)(1), rather than "first assistant to the officer." This change is made to "depersonalize" the first assistant. Questions have arisen concerning who might be the vacant officer's first assistant if the acting officer dies or if the acting officer resigns while a permanent nomination is pending. The term "first assistant to the officer" has been part of the Vacancies Act since 1868, however, and the change in wording is not intended to alter case law on the meaning of the term "first assistant."

A third category of "acting officer" is now permitted apart from first assistants and presidentially designated persons who have already received Senate-confirmation to hold another office. The President (and only the President) may also direct an officer or employee of the executive agency in which the vacancy arises to be the acting officer if that officer or employee served in that agency for 90 days preceding the vacancy caused by the departure of the prior Senate-confirmed officer and, the officer or employee has been paid at a rate at least equal to a GS–15. Concerns had been raised that, particularly early in a presidential administration, there will sometimes be vacancies in first assistant positions, and that there will not be a large number of Senate-confirmed officers in the government. In addition, concerns were raised about designating too many Senate-confirmed persons from other offices to serve as acting officers in additional positions.

The 180 day period in § 3345(b) governing the length of service prior to the onset of the vacancy that the first assistant must satisfy to be eligible to serve as the acting officer is reduced to 90 days. Under § 3345(b)(1), the revised reference to § 3345(a)(1) means that this subsection applies only when the acting officer is the first assistant, and not when the acting officer is designated by the President pursuant to §§3345(a)(2) or 3345(a)(3). The 90 day service requirement is inapplicable to a first assistant who has already received Senate confirmation to serve in that position.

New §3345(c) was added to address the special case of an executive department (not executive agency) officer who serves not at the pleasure of the President, but under a fixed term, and without a holdover provision that governs acting service in that office following expiration of the fixed term. In that situation, without passing judgment on the constitutionality of fixed term appointees within executive departments, if the person whose term expires is renominated without a break in service, that already Senate-confirmed officer may continue to serve in the position subject to the time limits contained in § 3346 until the Senate confirms or rejects that person's renomination, notwithstanding the adjournment of the Senate sine die. The subsection does not apply until the incumbent officeholder is renominated, or when a person other than the previously appointed officeholder is nominated.

In § 3346(a), an exception is added for "sickness," a narrower category than "unable to perform the functions and duties of the office." If the Senate-confirmed officer cannot serve because he is sick for more than 210 days, the acting officer may continue to serve during the sickness, and no nominee need be submitted to the Senate to avoid the vacant office provisions of § 3348. The office is not vacant if the Senate-confirmed officer is sick, and he may reclaim the office even after 210 days if he is no longer ill. However, the 210 day limit will apply if the Senate-confirmed officer is unable to perform the functions and duties of the office for other reasons. For instance, the Doolin court stated that the current language of the Vacancies Act does not apply when the officer is fired, and for similar reasons, it might not apply when the officer is in jail if he does not resign. To make the law cover all situations when the officer cannot perform his duties, the "unable to perform the functions and duties of the office" language was selected. Sickness is the only exception to the 210 day limit, since in other circumstances when the officer is unable to perform the functions and duties of the office, there is no reason to allow the officer to reclaim his duties sometime after 210 days.

The 150 day period adopted in the Governmental Affairs Committee was lengthened to 210 days in each place it appeared in § 3346 as an accommodation to the Administration in light of the increased time the vetting process now consumes.

The amendment's striking of "in the case of a rejection or withdrawal" in §3346(b)(2) is to ensure that an acting officer can serve for 210 days if a second nomination is made of a person whose first nomination was returned by the Senate.

The phrase "applicable to" is replaced by "the exclusive means for temporarily authorizing an acting official to perform the functions and duties of" in § 3347(a) to ensure that the Vacancies Act provides the sole means by which temporary officers may be appointed unless contrary statutory language as set forth by this legislation creates an explicit exception.

The phrase "statutorily vested in that agency head" is added to § 3347(b) to clarify that so-called "vesting and delegation" statutes that permit the agency head to delegate functions and duties to subordinates in the department whose positions lack defined statutory duties apart from assisting the agency head do not permit the agency head to appoint acting officials. Thus, the organic statutes of the Cabinet departments do not qualify as a statutory exception to this legislation's exclusivity in governing the appointment of temporary officers.

Changes were made to § 3348(b) to provide that the vacant office provisions of the legislation apply not only when an acting officer has served more than 210 days without a nomination for the office having been submitted to the Senate, but also prior to the 210 days after the vacancy occurs unless an officer of employee performs the functions of the vacant office in accordance with §§ 3345, 3346, and 3347 of this legislation.

The tolling period provided in §3348(c) when the 210th day falls on a day on which the Senate is not in session is extended from the first day that the Senate is next in session and receiving nominations to the second such day.

The changes clarify § 3348(d) to provide that actions taken by persons not acting under §§ 3345, 3346, or 3347 or as provided by § 3348(b) of any function of a vacant office to which §§ 3346, 3347, 3348, 3349, 3349a, 3349b, and 3349c apply shall have no force or effect.

Added to the list of positions in §3348(e) that are not subject to the vacant office provisions are any chief financial officer appointed by the President by and with the advice and consent of the Senate, since the head of the agency should not be permitted to execute the functions of such an official. The amendment also adds to the same list any other positions with duties that statutory provisions prohibit the agency head from performing.

The Comptroller General's duties under § 3349(b) are now to be performed "immediately" upon his or her determining that the 210 day period has been exceeded.

Section 3349b is changed to preserve all statutory holdover provisions in independent establishments, not merely those independent establishments headed by a single officer.

The list of excluded officers contained in § 3349c is expanded to include any judge appointed by the President by and with the advice of the Senate to an Article I court. This includes the Court of Federal Claims, but this exclusion does not apply to administrative law judges, since they are not appointed by the President by and with the advice and consent of the Senate. The list is also expanded to include members of the Surface Transportation Board, which, like the Federal Energy Regulatory Commission, is denominated an "independent establishment" despite its location in an Executive department.

New § 3349d addresses the situation when the 210 day service period for an acting officer expires without a nominee having been submitted to the Senate, and the 211th day occurs during a Senate recess or adjournment of more than 15 days. Rather than wait until the Senate reconvenes to avoid the vacant office provisions of § 3348 from taking effect, the President may submit to the Senate a written notification of intent to nominate a permanent officer for a particular office after the recess or adjournment. At that point, an acting officer qualified to serve as such by this law may begin to serve as the acting officer for that particular position. So long as the President actually submits the nomination of the person so designated in the written notification for that particular office within two days of the Senate's reconvening, the actions of the acting officer are valid from the date the acting officer begins service and so long as the nomination is pending. However, if the President does not actually nominate the person who was the subject of the written notification for the particular subject designated in the written notification within two days of the reconvening of the Senate, then the notification considered a nomination that permitted the acting officer's service shall be treated after the second day the Senate reconvenes as a withdrawn nomination is treated under this legislation.

The effective date of this portion of the bill is 30 days after the date of its enactment. For any vacant office as of the date of enactment, the time limitations under § 3346 apply as if the office became vacant as of the effective date of this section.

If the President nominates a person after the effective date of this section for an office to which that person had been nominated before the effective date, that second nomination will be treated as a first nomination under this section.

All other changes are intended to be purely technical.

Mr. BYRD. Mr. President, the United States Constitution contains two options providing for the appointment of the principal officers of our federal government. First, the Appointments Clause, found in Article II, section 2, clause 2, states that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint" such officers. Alternatively, should the Senate not be in session, Article II, section 2, clause 3, authorizes the President to unilaterally "fill up all Vacancies that may happen during the Recess of the Senate," subject only to the proviso that the recess appointment expires at the end of the next session of Congress.

As the Supreme Court pointedly observed in the 1997 case of Edmond v. United States, "the Appointments Clause of Article II is more than a matter of 'etiquette or protocol'; it is among the significant structural safeguards of the constitutional scheme."

With enactment of the Federal Vacancies Reform Act of 1998, an important step will have been taken toward securing the Senate's constitutional responsibility to render its advice and consent on presidential nominations. It is my hope that this legislation, which makes several substantive changes to the current Vacancies Act, will protect this vital constitutional "safeguard" by bringing to an end a quarter century of obfuscation, bureaucratic intransigence, and outright circumvention

Mr. President, because I am an original sponsor of the Federal Vacancies Reform Act, and because the Act as it is being enacted differs somewhat from the bill reported to the Senate by the Committee on Governmental Affairs on July 15, 1998, (S. Rpt. 105-250), I wish to offer my perspective on the Act's application, time limitations, exclusivity and exceptions, enforcement, reporting requirements, and effective date and application to current vacancies.

APPLICATION

Section 3345 states that the provisions of the Act will apply to any officer in any executive agency, other than the General Accounting Office, if that officer's appointment is made by the President, subject to the advice and consent of the Senate. Unlike current law, this change will make clear that the Vacancies Act, as amended by this legislation, applies to all executive branch officers whose appointment requires Senate confirmation, except for those officers described in Section 3349c.

Section 3345 applies when an officer dies, resigns, or is otherwise unable to perform the functions and duties of the office (the latter provision covers, inter alia, sickness or absence, which are listed in current law, or expiration of a term of office). Should one of these situations arise, the officer's position may then be filled temporarily by either: (1) the first assistant to the vacant office; (2) an executive officer who has been confirmed by the Senate for his current position; or (3) a career civil servant, paid at or above the GS-15 rate, who has served in the agency for at least 90 of the past 365 days. However, a person may not serve as an acting officer if: (1)(a) he is not the first assistant, or (b) he has been the first assistant for less than 90 of the past 365 days, and has not been confirmed for the position; and (2), the President nominates him to fill the vacant office.

TIME LIMITATION

Section 3346 places a strict time limit of 210 days upon how long an acting officer may serve. As the language of this section make abundantly clear, the time limit begins on the day the position becomes vacant, and not on any other date. The precise language that was used in the Act will correct the decision of the D.C. Circuit Court of Appeals in *Doolin Security Savings Bank* v. *Office of Thrift Supervision*, 139 F.3rd 203 (D.C. Cir. 1998). If, however, the President forwards to the Senate a first or second nomination to fill the vacant office, the acting official may continue to serve until 210 days after the nomination is rejected by the Senate, withdrawn, or returned to the President by the Senate.

With respect to this time limitation, section 3349d further provides that the vacant office may be temporarily filled beyond the 210-day time limit if, during a recess or adjournment of greater than 15 days, the President formally notifies the Senate of his intention to nominate a specified person for the vacant position, and, in fact, does submit to the Senate the nomination within two days of the end of the recess or adjournment. Should the President, for whatever reason, fail to forward the nomination, then any action taken by the acting official shall have no legal force or effect, nor shall that action be ratified. Moreover, such failure would render the position vacant as of the second day following the Senate's return.

Finally, on the issue of time, the Act, unlike current law, appropriately recognizes the difficulties faced by a new President following his initial inauguration. To address that situation, section 3349a provides that, with respect to any advice-and-consent position which becomes vacant during the first 60 days of the new President's term, the 210 day time limitation shall not begin until 90 days after the inauguration date, or 90 days after the date of the vacancy, whichever is later. Effectively, then, this provision will give a new President up to 300 days to forward nominations to the Senate.

EXCLUSIVITY AND EXCEPTIONS

Mr. President, turning now to the question of the exclusivity of the Act, I think it is a fair assessment of this entire issue to say that the matter of exclusivity is the bedrock point on which the executive and legislative branches have historically differed. Indeed, it is very likely that we would not be here today were it not for the differing interpretations as to the exclusivity of the Vacancies Act. And, without opening old wounds, suffice it to say that the problems that have heretofore been brought to the attention of Congress were not the fault of any one President, any one Attorney General, and certainly not the fault of any one political party. Accordingly, it is my fervent hope that the language of the Act will, once and for all, end this decades-long disagreement.

As the language of Section 3347 makes clear, unless other statutory provisions exist which explicitly authorize the temporary filling of vacancies in executive positions requiring Senate confirmation, or unless such provisions are enacted in the future, Sections 3345–3349d are to be the exclusive statutory means for filling vacant advice-and-consent positions in the executive branch.

Moreover, in an effort to squarely address past problems, the Act specifically prohibits the use of general, "housekeeping" statutes as a basis for circumventing the Vacancies Act. Provisions such as, but not limited to, 28 U.S.C. 509 and 510, which vest all functions of the Department of Justice in the Attorney General and allow the Attorney General to delegate responsibility for carrying out those functions, shall not be construed as providing an alternative means of filling vacancies.

Finally, Section 3349b makes clear that the Vacancies Act, as now amended, does not affect statutory holdover provisions. Nor does the Act, as explained in Section 3349c, apply to members of independent, multiple-member boards or commissions, to commissioners of the Federal Energy Regulatory Commission, to members of the Surface Transportation Board, or to any judge of any court constituted pursuant to Article I of the Constitution.

ENFORCEMENT

Mr. President, with enactment of this legislation, the Vacancies Act will, for the first time ever, contain an effective enforcement mechanism. As spelled out in Section 3348, failure to comply with Sections 3345, 3346, or 3347 shall result in a vacant office remaining vacant, and no-one, other than the agency head, may perform the functions or duties that are assigned by statute or regulation to that office exclusively. An action taken by an acting official who is not in compliance with Sections 3345, 3346, or 3347 shall have no force or effect and may not be subsequently ratified.

For those who are concerned with this provision, I would point out that, while this is an effective, and admittedly tough enforcement mechanism, it is not so stringent that it will result in governmental paralysis. On the contrary, not only is the head of the agency authorized to carry out the most essential functions of an office forced to remain vacant due to noncompliance, but the language of the legislation is crafted in such a way as to allow for the filling of a vacant office once the President submits a nomination to the Senate. In that respect, then, the enforcement mechanism should not be considered, nor is it intended to be, a form of punishment, but, rather, a means of providing incentive for the timely submission of nominations.

REPORTING REQUIREMENT

Because one of the keys to exacting compliance with the Vacancies Act is full and complete disclosure of information regarding vacant positions, Section 3349 establishes a provision for the regular reporting of information. Under this section, the head of each executive branch agency shall, at the appropriate time, submit to the Comptroller General and to each House of Congress the following information: Notification of any vacancy in an office subject to the Vacancies Act; the name of the person serving in an acting capacity and the date such service began; the name of any person nominated for the vacant position and the date such nomination was submitted to the Senate; and the date the nomination was withdrawn, rejected by the Senate or returned by the Senate. If the Comptroller General, once he has received the relevant information, determines that an individual is serving in an acting capacity beyond the 210-day time limitation in violation of the Vacancies Act, the Comptroller General is required to notify the Senate, the House of Representatives, various committees of the two Houses, the Office of Personnel Management and the President.

Mr. President, although these may seem to be rather routine procedures, in this case they are vitally important, because one of the great difficulties in crafting this legislation has been the absence of reliable information. However, with these reporting requirements, the Congress and the executive branch will be in a far better position to objectively evaluate the operation of the Vacancies Act, and, should this issue require further review, will be prepared to discuss the matter based on reliable data.

EFFECTIVE DATE AND APPLICATION TO CURRENT VACANCIES

Finally, let me address the matter of the Act's effective date and application. First, as the legislation makes clear, the Act will take effect 30 days after the date of enactment. Next, the Act, and all of its provisions, will fully apply to any position which becomes vacant after the effective date. Third, with respect to those positions that are vacant on the effective date, or those positions which are being filled by an acting official on the effective date, only the time limitations of section 3346 shall apply. None of the other provisions of the Act (including, but not limited to, the length of service requirements contained in section 3345), shall apply to those individuals currently serving in an acting capacity. Lastly, the Act makes clear that, notwithstanding the fact that an individual may have previously been nominated, the next nomination of that individual will be treated as a first nomination for purposes of the Vacancies Act, as amended.

Mr. President, that concludes my remarks on the meaning and intent of the various provisions of the Federal Vacancies Reform Act of 1998. However, I would like to take a moment to extend my congratulations and my sincere gratitude to Senator THOMPSON, the distinguished chairman of the Committee on Governmental Affairs, for all the time and effort he has put into this endeavor. I also wish to thank the Democratic members of the committee—in particular Senators GLENN, LEVIN, LIEBERMAN and DURBIN—for their willingness to see this legislation through to completion. It was not an easy task, and I commend them all for their hard work. Despite the difficulties, though, I hope they will agree that securing the rights of the Senate, and thus the integrity of the U.S. Constitution, is a task that bears doing no matter how demanding it may be.

WOMEN'S HEALTH CANCER RIGHTS ACT OF 1998

Mr. D'AMATO. Mr. President I rise today to applaud this body for passing perhaps one of the most critical pieces of legislation this Congress. Today, before the Senate, in the omnibus appropriations bill, is the Women's Health and Cancer Rights Act of 1998, or more appropriately, Janet's Law.

Mr. President, I first began the fight to pass this critical legislation on January 30, 1997 when I introduced this legislation along with Senator DIANE FEINSTEIN, Senator OLYMPIA SNOWE, Senators HOLLINGS, MOYNIHAN, DOMENICI, FAIRCLOTH, MOSELEY-BRAUN, BIDEN, INOUYE, MURKOWSKI, DODD, KERREY, HATCH, GREGG, SMITH, and FORD.

We faced an uphill fight, but we were persistent. We never gave up.

We couldn't—Mr. President, there was too much at stake. We took on this fight for the women of America—our mothers and daughters, sisters and wives, grandmothers and friends. We took on this fight because it was critical to the health of every woman in America.

Today, there are 2.6 million women living with breast cancer. In 1998 alone, more than 184,000 women will be diagnosed with breast cancer and, tragically, 44,000 women will die of this dreaded disease. Breast cancer is still the most common form of cancer in women; every 3 minutes another woman is diagnosed and every 11 minutes another woman dies of breast cancer.

I want to tell you, Mr. President, about one of those women, because the battle against breast cancer is not about statistics—it's about real women who are in the fight of their lives. Janet Franquet, a young woman, just 31 years old, from my home state of New York was recently denied reconstructive surgery following a mastectomy.

Janet Franquet was diagnosed with an extremely aggressive form of breast cancer on December 11, 1997. Mrs. Franquet required a mastectomy and a very intricate, involved reconstruction of the breast following her mastectomy. The wound site required her surgeon to perform a very extensive procedure, medically necessary due to the considerable wound site after the removal of her breast.

Mrs. Franquet's insurance provider, the National Organization of Industrial Trade Unions (NOITU) Insurance Trust Fund refused to cover the reconstruction of Mrs. Franquet's breast. Imagine the shock and horror of being told by your HMO that surgery following the removal of your breast is cosmetic. That is outrageous.

In fact, when the surgeon performing the reconstruction asked about coverage, the Medical Director of the insurance company told Mrs. Franquet's doctor that breast reconstruction was considered cosmetic surgery, and he would have to deny coverage.

So, Mr. President, I decided that I would give Mrs. Franquet's insurance company a call. When I spoke with the Medical Director for the insurance company, he told me that "replacement of a breast is not medically necessary and not covered under the plan. This is not a bodily function and therefore can not and should not be replaced."

Mrs. Franquet and her family, were left to pay for the procedure out of their own pocket. The procedure cost approximately $16,500. Luckily, her doctor, Dr. Todd Wider, agreed to forgo payment for this life saving surgery. But recently, the insurance fund agreed to pay for the surgery—only after a lengthy appeal before the Board of Directors with lawyers and doctors testifying as to the medical necessity of the surgery.

I ask you, Mr. President, how many other Janet Franquets are out there? Will they be lucky enough to have a Dr. Wider to take care of them, or will they be forced to forgo this lifesaving surgery so that insurance companies can cut costs and save money?

That is why, Mr. President, I began this fight in the Senate and made it my crusade every day, at every opportunity. The D'Amato legislation which we will enact into law today makes critically important changes in how breast cancer patients receive medical care.

This important reform legislation will significantly change the way insurance companies provide coverage for women diagnosed with breast cancer. This new law will ensure that breast cancer patients will have access to reconstructive surgery following mastectomies. Too many women have been denied reconstructive surgery following mastectomies because insurers have deemed the procedure cosmetic and not medically necessary. It is absolutely unacceptable and wrong that many insurers have decided that this essential surgery is "cosmetic."

I know that there are going to be those who say let the marketplace work, let free competition work. Well, that is simply naive. To say that by insisting on a minimum standard, insisting on basic commonsense minimums we are interfering with the free market system is preposterous. For the government to not live up to its most basic duty of protecting its citizenry, that is what is wrong.

There exists a very basic relationship between a doctor and a patient that no Member of Congress and no insurance bean counter can ever understand. That bond is so basic and so sacred that it is only the physician who is treating their patient who can truly understand it. It is only that physician who can truly determine the best course of action for their patient and knows how to save their life. Congress has a duty to protect that bond and ensure that the physician is able to practice medicine.

This legislation is crucial not only for the women of New York, where breast cancer ranks among the top in the Nation, but for the entire country as well. Our families have been ravaged by this horrible disease. Our grandmothers, mothers and daughters, sisters and wives, children and friends have been afflicted at rates that are unexplained and far too high.

We must continue to work together, on a bipartisan basis, to find a cure for breast cancer. But until a cure is found, we must ensure that women receive the treatment they deserve. This legislation protects women and the families and friends of women who have been diagnosed with breast cancer.

Mr. President, I ask unanimous consent that this bill be recognized as Janet's Law, after Janet Franquet, the woman who was the inspiration for this bill and who in fact serves as a heroine to many women who were denied reconstructive surgery prior to her. Thanks largely to Mrs. Franquet's efforts and determination in this issue, no woman will ever be denied reconstructive surgery again. Janet's case has served as an inspiration for me to keep fighting in the war against breast cancer and should be an inspiration to every Member of Congress.

I thank all my colleagues for helping me pass this critical legislation, and I thank the Chairman of the Appropriations Committee, chairman STEVENS and the majority leader, Senator LOTT for their hard work in ensuring the protection of American women who have been afflicted with breast cancer.

THE NEED TO TRACK FORMER TANF RECIPIENTS

Mr. WELLSTONE. Mr. President, today, I would like to call attention to a small but very important issue that was not addressed in the appropriations bill that was considered today. In short, Congress has not provided the necessary funding to HHS to track what happens to families who have been dropped from the welfare caseloads.

Back in April when the Senate passed the budget resolution, it included an amendment that I offered directing HHS to determine whether former welfare recipients are achieving "economic self-sufficiency" once they stop receiving benefits. But a budget resolution was never adopted by Congress. I ask all my colleagues, why don't we want to know what is happening to families after they leave welfare? Are we afraid of what we might find?

So many of my colleagues keep talking about the success of reform, citing the dramatic drop in the number of caseloads. But I ask you, do we know where those families are? Are they better off? Have they achieved economic self-sufficiency? Or are they more deeply enmeshed in poverty? Why are we not interested in finding answers to these questions? As policy makers it is our duty and our responsibility to make sure that the policies we enact for the good of the people actually are doing good for the people. But if we don't go and find out how they are actually affecting families, how will we know? We need to put in place the means to address these very critical questions, and directing HHS to set up a means of evaluating what happens to families is the most common sense way to approach this issue.

Evaluation is one of the key ingredients in good policy making and it does not take a degree in political science to realize what anyone with good common sense knows: if we want to try something new, we need to assess how that new program works. Now when Congress enacted welfare reform, the goals as I understood them were to move people off of welfare and dependency and into jobs and economic self-sufficiency. The dropping number of caseloads implies that we have met only part of the first goal—moving families off of welfare. But eliminating dependency and achieving economic self-sufficiency through a job that supports a family are effects that can only be determined over a longer period of time. As policy makers—regardless of ideological stripe—it is our role to ensure that the programs that Congress enacts to provide for American families' well-being are effective and produce the goals we intended them to. We need to know what is happening with the families who are affected by the new reform, whether it is in fact effectively helping low income mothers and their children build a path to economic self-sufficiency.

What we do know, what everyone knows is that the caseloads have dropped dramatically—1.3 million families have left welfare since August of 1996 alone, that is 4.5 million total recipients including mothers and their children. But what that number tells us is only a snapshot of the broader picture.

I want to take a moment to talk about this number and what it tells us. First of all, we have to recognize how naive it is to assume that all 1.3 million of those families are finding jobs and moving towards a life of economic self-sufficiency, because that number only tells us about families that have been dropped from the caseload—and families drop from the caseloads for many different reasons. A family may lose their benefits due to sanctions, or they may leave welfare on their own, for many reasons which we do not know. Even more troubling is that although the number of families receiving welfare has declined, indicators of poverty have not shown a similar or equal rate of decline, which means that many families who are eligible for assistance are not even applying.

Even among families where the parent has found a job—because without it they would not be receiving any assistance—we know very little. We do not know how long those jobs are lasting or whether they are the kind of jobs that will put families on a path to economic self-sufficiency. Just because a parent finds a job does not mean that the family is no longer poor. Getting a job that pays a family wage, that enables a mother to provide a life for her children that lifts them all out of poverty does not happen overnight. We need to know what happens to families 6 months, 12 months, even a couple of years down the road. And we do not know that.

No one seems to know, even those members of Congress who keep trumpeting the "victory" of welfare reform. Just a few weeks ago, in the Conference Committee for the Higher Ed. bill, I asked my colleagues if they knew of any research demonstrating that these 1.3 million families had indeed achieved economic self-sufficiency and no one had an answer for me. No one! Let me just say that accepting a very narrow measure of what has happened to 1.3 million families is no victory in my book.

Each family is more than a number, more than another tally mark to be added to that statistic of 1.3 million caseloads. Adding up that tally does not answer critical questions. Questions like why did that family stop receiving benefits? Was it due to an increased income from the mother's job? If yes, then what kind of wages is that mother now making? Does she have a job that is going to enable her to continue to provide for her family, or will the next crisis of a sick child, a broken down car, or some other unforeseen problem push her back to needing assistance? We have very little information about the situations of these 1.3 million families. We are in the dark because we turned off the lights.

Now, let me back up a minute and provide my colleagues with some background on this issue of asking the necessary questions about the impact of welfare reform. Requiring states to evaluate the impact of new welfare policies is not new. Not at all. In fact, prior to enacting the 1996 reform, all states that applied for a waiver to try an experiment with their AFDC program—and 43 out of 50 states had been granted waivers by 1996—were required under the regulations of the waiver to hire an outside contractor to evaluate the impact of their new program. For example, in Minnesota, two of the primary criteria for evaluating the programs were whether the program "helped families increased their income and self-sufficiency" and "supported families' movement toward self-support."

But when Congress enacted TANF, states were no longer required to continue those evaluations. In fact, 24 states stopped the evaluation process altogether, and only 19 have applied for funds to continue those evaluations. That means that over half of the states ended their project evaluations when Congress dropped the requirement to assess the impact of reform.

Of course these projects that I have just mentioned are not the only evaluations of the new reform. When states begin to apply to HHS for the $1 billion in bonus money for successfully moving families into self-sufficiency, they will be required to report on the status of both current and former recipients. Then, HHS will have some information about what is happening. But that information will not be available until at least the Fall of 1999.

Last year Congress considered this issue important, since we specifically earmarked $5 million in the FY98 Labor-HHS appropriations for HHS to give to states interested in doing their own tracking studies. And just a few weeks ago, HHS announced it had awarded grants to 13 state and county projects to track "leavers"—those who have been dropped from the caseloads due to increased earnings or sanctions, and those who have not even applied for assistance even though they are eligible. This is an example of responsible policy making, and I will be very interested in the outcomes of these evaluations. But in a year's time, these 13 projects will be cut off at the knees. These projects will be unable to complete their planned evaluations because they will not have the necessary funds. Why? Because Congress has failed to appropriate similar funds for FY99. I ask you again, what are we afraid of?

We do have some information, but it is not very helpful. You might not want to know about it, but I'm going to talk about it anyway, because I want to illustrate that what information we do have is very, very limited.

Recently released reports give us some idea of what is happening, but there are huge holes in what we do know. The good news is that many states—31 according to the National Conference of State Legislatures—are conducting various types of tracking studies on their own. The bad news is that these studies are wildly diverse in terms of who they track, how long they track recipients, and when their reports will be available to the public.

Let me just give you a snapshot of what this kind of tracking system looks like. The studies run the gamut from those examining all closed cases, to only sanctioned cases, to cases closed due to increased earnings, to families diverted from ever applying for assistance. And the time frames of the studies range from 6 months to five years and everything in between.

But the really frustrating thing about what appears to be a potential wealth of data is that there is no central clearinghouse for it. As I mentioned before, HHS received a special $5 million appropriation for FY98 to fund some tracking studies. But the funds were only to provide help to states to do their own tracking. It did not provide funds so that HHS could act as a central location for analyzing the results of these studies. So, while I was glad that Congress committed necessary resources to studying what happens to families after they leave welfare, that is only part of the job. We need an efficient means of analyzing the information that we do collect, and directing HHS to serve as a central clearinghouse would have been the best way of doing that.

There are other problems with this scatter-shot approach to tracking. One of them is that it does not allow us to trace what happens to families that get sanctioned. Do they get caught up in a "churning" cycle, getting sent to the end of the line, deepening the hardship of an already poor family? One study in Iowa of families that had been sanctioned found that only 30% were working 30 hours a week or more and almost half of them had experienced a dramatic decrease in their income (over $380 per month).

From several studies, in New Jersey, Iowa, and Tennessee, it seems that many families who are being dropped from welfare due to sanctions are turning to other family members for assistance. A study in New Jersey showed that almost 50% of the families that were sanctioned and lost their benefits turned to family for aid; in Tennessee, 71% sought help from other family members. While I understand the intent of welfare reform was to decrease families' dependency on welfare, I do not think—and I am confident that my colleagues agree—that it was Congress's intent to shift the burden of assistance to other low income families who are just keeping their own heads above water.

Families that get sanctioned are at least within the state's data base and are easier to track. The groups that we really know very little about are those families in need who never even make it onto the official welfare roles. Many families are discouraged from even applying for aid or get diverted by receiving a lump sum of 2 or 3 months of benefits. In New York City—in Brooklyn and Queens—the primary goal of city welfare offices, according to its official manual, is to discourage families from even applying for assistance by encouraging them to get a job or depend on relatives.

While this may initially save the state money and reduce its caseloads, shifting the need of mothers and their children to other family members spreads individual resources more thinly and risks expanding the number of families in poverty. More disturbing is that this phenomenon does not appear to be only happening in New York. I think this is a very troubling trend that seems to be attached to these groups, one that I want to bring to my colleagues' attention because I think it will have greater implications for all low-income working families.

As I have mentioned, very little research looks at the long term impact of reform, and most of the studies I have mentioned above are short-term studies. But a program in Oregon is often cited as one to emulate. I would like to take a moment here to tell my colleagues about this particular program, because I think this case shows us the importance of getting more information than just the number of recipients dropped from the caseloads.

Unlike other welfare to work programs that focused on recipients just getting a job—any job—the Portland program provided really strong support services to help families find a "good" job, a full-time job that paid above minimum wage, included medical benefits and the potential for advancement. The way that the Portland program did this was to take a "mixed services" approach. And what that translates into is what I would think would be a good job search program for anyone, whether they were on welfare or not.

First, staff assessed the skills and interests of recipients, and then they worked closely with individual recipients to help them plan a strategy for getting what they needed to find a good job. Those folks that needed educational or vocational training were sent to do that. Training also included programs that helped parents who needed some life skills training to improve their employability. And as recipients were participating in these programs, program staff worked closely with local companies and employers to match recipients with good jobs where they would succeed.

For many families, this approach worked to get them jobs that did pay higher than the minimum wage at the time ($4.15), and many were still at their jobs at the end of two years. But, there is a finer point that needs to be made about what appears to be good news in this study. The jobs that parents got were higher than minimum wage, but they were still only $6 an hour at the most. Well, that just isn't enough for a family of three—a mother and two children, which is what the average family on welfare consists of—to make ends meet. And the bigger downside is that although many families were able to leave welfare, 40% of families were still receiving cash assistance at the end of two years.

Even if we were to be optimistic about the potential for these $6 an hour jobs to translate into job advancement and greater earnings, what about the other 40% who still needed cash assistance? We cannot be celebrating welfare reform as a "success" when so many former recipients have jobs that only move them to just beyond the eligibility line for cash assistance but do not set them on that path to economic self-security. And, probably more importantly, we need to know more about the specific barriers that keep those 40% of families from getting a "good job" too. We just cannot walk away from them.

As I mentioned, the program in Portland is unusual compared to other welfare-to-work programs. On the other end of the spectrum are programs like Wisconsin Works, better known as W-2. With the W-2 program, the basic premise is that parents will not get cash assistance unless they are working. This kind of program moves parents into the work force very quickly, because they need that cash assistance. But what a recent study of Milwaukee families found was that even though parents are getting jobs quickly, 6 months later three quarters of them were no longer employed. And of those parents who did get jobs, only 14% were getting paid full time wages. That means that less than 2 out of 10 families had a parent who was working full time.

This is very disturbing information. What is happening to these families who are getting pushed into the work force so quickly that they are not given the opportunity or the training to find jobs that are more likely to translate into sustained, full-time employment. Based on this study, it is very clear to me that we as policy makers definitely need to know about how other "work first" approaches are affecting families. When less than 2 out of 10 families has a parent bringing home a full time wage, there are a lot of families who are not making ends meet, and that is not a success in my book.

Looking at the administrative side, we know that since the caseloads have dropped dramatically, states have more funds available to provide support services to families trying to find jobs. However, the 1.3 million drop in caseloads is only a drop in the number of families receiving cash assistance; many of those families are still receiving other support services such as subsidized child care, transportation, housing and medical care. When the labor market hits a downturn—which is the direction it appears to be heading—and many families are forced to return for cash assistance, what will happen to the states' ability to provide these support services necessary to put those mothers back in the workforce? There is much uncertainty about the future and we are doing little to reduce it.

Even those of my colleagues who supported the 1996 welfare reform bill must recognize Congress's important responsibility of finding out what is happening to those 1.3 million families who have been dropped from the roles. Reform is not a one-shot deal. Real reform involves long term oversight to insure that policies benefit all parties: states and poor mothers and their children.

I have always said, the true test of welfare reform will come in the austere economic times, when many more families will need it most. Will we wait until folks are again in dire straits before we begin to gather information about how to correct the programs that we have just reformed? Are we really going to allow ourselves to be so short-sighted? Or will we recognize that our responsibility to enact good policies that protect our most vulnerable populations such as poor mothers and their children is intrinsic to our duty as good and effective policy makers. Not until we are sure that this reform has accomplished all of its goals—eliminating dependency and helping families to establish and maintain economic self-sufficiency—can we truly claim that this reform is good and sound policy for all.

Mr. FRIST. Mr. President, I rise today to express my deep concern for some of the provisions in the omnibus measure that we have passed today. I voted for this bill because I believe that there are some very good provisions in it, and, on balance, I think it serves the American people well. It reenergizes our national drug control effort. It tries to boost the morale and readiness of our armed forces, rather than continuing the dangerous trend toward a hollow military. It helps protect citizens' second amendment rights. It prohibits Federal funding of needle exchanges. The bill retains language blocking Members of Congress, judges and members of the Federal executive service from receiving a cost-of-living increase. There is a one-year moratorium on Department of Education-sponsored national testing. I voted for this bill because I have been assured that we have stayed within the budget caps.

I am concerned, however, about the integrity of the budget and appropriations process and the classification of emergency spending that has prevailed in this omnibus measure. Other Senators have spoken here on the Senate floor about the dereliction of congressional duty in failing to pass 13 individual spending bills during this year's session of the Senate. Instead, because of partisan politics, we are here passing a massive spending bill that rolls eight appropriations bills into one large catch-all bill, which also includes dozens of extraneous matters. If that is not bad enough, we have also included "emergency" spending to the tune of more than $20 billion.

This spending is considered outside of the budget and therefore not subject to the budget caps. What this means, however, is that this $20 billion comes directly out of the budget surplus. It is sometimes necessary to appropriate funds for emergencies like hurricanes, floods or other natural disasters. I am disappointed, however, that we have appropriated billions of dollars for things that can hardly be considered emergencies. Our troops have been in Bosnia for three years—is this a surprise? The Year 2000 problem? With foresight, we could have planned for this through the regular appropriations process rather than designating it as an emergency. So instead of making room for these spending priorities, the President has declared them emergencies and instead of imposing fiscal discipline, he—and we—have used the surplus that the President demanded be saved for Social Security to pay for them.

As a member of the Senate Budget Committee, I think it should be our first priority next year to examine how we classify emergency spending. No longer should the Congress—or the President—be allowed to spend our budget surplus for matters that should be paid for through the regular appropriations process. Second, I would like to reiterate my support for Senator DOMENICI's biennial budgeting bill. It is at times like this that the need for biennial budgeting becomes even clearer.

Mr. President, as I said, this bill, though far from perfect, will work more good than mischief. There are real problems with this bill and the process that created it; however, we must sometimes accept that our system of government divides power between Congress and the President. The President's priorities differ from most of our priorities. In these circumstances, compromise must rule the day.

Mr. President, as a member of the Senate Budget Committee, I look forward to meeting our budgeting challenges when we return next year. I hope that we are able to continue on the course that we set last year when we enacted tight discretionary spending caps and charted a course toward a $1.5 trillion surplus. While I am concerned about the process that got us here today, I remain hopeful that we will take the necessary steps next year to keep us on our course toward fiscal responsibility and continued prosperity.

CHARITABLE GIVING INCENTIVE ACT

Mr. SMITH of Oregon. Mr. President, among the provisions included in the tax package we voted on today is a provision of great importance to the charitable giving community: an extension of the enhanced deduction for contributions of publicly-traded stock to private foundations. Although extending this deduction benefits many and is a useful tool for providing funds for charitable purposes, this deduction alone is not enough.

In this era of ever-tightening fiscal constraints, we have asked our communities to do more and more for those less fortunate. Charitable organizations in our communities have become an integral part of the safety net for the poor and homeless and significant sources of assistance for education, health care, child development and the arts.

To meet the increasing deficit in unmet social needs, the government cannot merely expect the private sector to fill the gap, but must provide the leadership for the use of private sector resources through changes in the Tax Code. One source of untapped resources for charitable purposes is the contribution of closely held corporate stock. Under current law, the tax cost of contributing closely held stock to a charity or foundation is prohibitive, and it discourages families and owners from disposing of their businesses in this manner.

Earlier this year, I was joined by Senators FEINSTEIN, WYDEN, BAUCUS, and GORTON in introducing legislation that would provide an incentive to business owners to use their corporate wealth for charitable causes. S. 1412, the Charitable Giving Incentive Act of 1998, would permit a closely-held business to transfer its assets into a 501(c)(3) charitable organization without paying the 35 percent corporate level tax. Thus, the recipient charity would receive the full benefit of the gift. Identical legislation has also been introduced in the House by Representatives DUNN, FURSE, NETHERCUTT, HOOLEY, PAUL, and SMITH of Oregon.

In addition to this bipartisan congressional support, we have garnered support from the charitable community. It is my intention to reintroduce this legislation in the 106th Congress, and I look forward to working with the Finance Committee Chairman ROTH, Ranking Member MOYNIHAN and my Senate colleagues to legislate changes that will make it easier for the citizens of this country to give to charitable causes.

Mr. President, I ask unanimous consent that a letter from organizations supporting the legislation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 9, 1998.

Senator WILLIAM ROTH,
Chairman, Senate Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

The undersigned organizations are all tax exempt 501(c)(3) charitable entities, or representatives thereof, whose efforts are dependent upon the charitable giving of concerned individuals. With the needs of our communities growing, and in some cases the financial support from government agencies diminishing, many endeavors are increasingly reliant upon a core group of concerned, consistent, and active givers. It is important to encourage and reward the selfless sharing by this group and to expand its membership.

Accordingly, we support legislation that has been introduced in this Congress to provide tax incentives for the donation of significant amounts of closely-held stock. H.R. 3029 and S. 1412, the Charitable Giving Incentive Act, would permit the tax-free liquidation of a closely-held corporation into a charity if at least 80 percent of the stock of the corporation were donated to a 501(c)(3) organization upon the death of a donor. Thus, the 35 percent corporate tax that would otherwise be paid is not imposed: all of the value of the contribution would go to charitable purposes. This is the same tax result as would occur if the business had been held in non-corporate form.

The current disincentive for substantial contributions of closely-held stock should be corrected at the earliest opportunity. We believe such a change would encourage additional transfers to charity because the donors will see more of the benefit going to the charity and not to taxes. We hope that appropriate tax incentives will encourage more families to devote significant portions of their businesses, and their wealth, to charitable purposes.

As a key member of Congress, we urge your active support for this effort to expand charitable giving by individuals and businesses. The needs are great. While government cannot do it all, it can provide leadership for others to do more by removing current impediments. Your support and assistance are needed. Thank you for your favorable consideration of this request.

Sincerely,

Council on Foundations; Council of Jewish Federations; The Children's Foundation; The National Federation of Nonprofits; and The National Community Action Foundation.

Mr. SMITH of New Hampshire. Mr. President, I voted against the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999. One of the principal reasons why I voted against the bill is that it does not include two critically important provisions of the Smith amendment to the Commerce, Justice, State appropriations bill that passed the Senate on July 21, 1998, by a vote of 69–31. The Smith amendment provided major protections of the rights of law-abiding gun owners under the second amendment to the Constitution of the United States.

As passed by the Senate last July, the Smith amendment included three major provisions. First, the Smith amendment prohibited the Federal Bureau of Investigation from charging a user fee or "gun tax" for the so-called Brady handgun National Instant Check System (NICS) that will go into effect later this year. Second, the Smith amendment required the "immediate destruction" of all records related to gun purchasers who are determined by the system to be legally entitled to buy a gun. Third, the Smith amendment created a private cause of action on the part of any individual gun purchaser who is the victim of a violation of either or both of the first two provisions of the amendment.

Unfortunately, Mr. President, only the first provision of the Smith amendment remains intact in the final version of the omnibus appropriations bill. Although I am pleased that the FBI's gun tax scheme is now dead, I am deeply disappointed that those who negotiated this bill with the administration have ignored the legislatively expressed will of 69 United States Senators by rendering all but meaningless the second, and eliminating altogether the third, provisions of the Smith amendment.

The omnibus appropriations bill replaces the Smith amendment's requirement for the "immediate destruction" of records on law-abiding gun owners with one that only requires "destruction" of such records. Thus, the bill leaves open to question just how long the FBI may lawfully retain such records.

Although the omnibus appropriations bill does not include the Smith amendment's language explicitly creating a private cause of action, I believe that the bill retains an implied cause of action. Assuming that the courts will interpret the new law in a manner that gives full effect to legislative intent, judges will recognize such an implied cause of action on the part of gun owners to sue in Federal court in order to protect their rights under the Smith amendment.

Mr. President, early in the 106th Congress next year, I will be introducing legislation encompassing all of the protections of the Smith amendment for which 69 Senators voted last July.

Mr. GORTON. Mr. President, I voted in favor of the omnibus appropriations bill this morning, but I did so with some reluctance. While I am marginally pleased with this bill's contribution to education and defense, my primary concern is the $20.9 billion in emergency spending included in this bill that further jeopardizes the Social Security trust fund.

In July, the Congressional Budget Office predicted the Federal Government will run a $63 billion surplus in 1998 if the Social Security trust fund is included in the budget calculations. We still run a $41 billion deficit, however, if the surplus in the Social Security trust fund is excluded. The Federal Government will not run a surplus without the inclusion of the Social Security trust fund until 2002, when CBO expects a $1 billion surplus. By 2008, the surplus will rise to $64 billion, without counting the Social Security trust fund.

However, the omnibus appropriations package includes $20.9 billion in emergency spending—spending outside of the caps established in last year's balanced budget agreement, spending that is not paid for with offsets in other government programs.

So how are we paying for $20.9 billion in emergency spending? We're using money from the surplus—a surplus that doesn't exist yet unless we include the Social Security trust fund in our calculations.

I am dismayed by this outcome, especially when I recall the way we started this year. The President urged Congress to "Save Social Security First" during his State of the Union Address in January. In late April, the President again stated, "I will resist any proposals that would squander the budget surplus, whether on new spending programs or new tax cuts until Social Security is strengthened for the long-term."

Apparently, the President is ignoring his own advice. During negotiations over the appropriations package, the President pushed for $20 billion in so-called emergency spending. He did not propose to offset this spending with cuts in other Government programs. In fact, by categorizing his spending requests as "emergencies," he plans to spend a large part of the surplus he himself designated for saving Social Security in January.

Frankly, I question the legitimacy of the "emergencies" identified by the President—the year 2000 computer problem, military responsibilities in Bosnia, and the decennial census. These so-called emergencies have been on the radar screen for years. Unfortunately, the President failed to place a priority on these challenges when he gave Congress his budget in February.

Now we have several "emergencies" for which the President is willing to dip into the surplus he deemed sacred in January—a surplus that does not exist unless we tap into the Social Security trust fund.

Unfortunately, Congress capitulated to the President's inconsistent demands and policies. Today we approved a spending package that dips into the surplus that should be used to reform Social Security—a surplus that only exists with the current, but temporary, surplus in the Social Security trust fund.

Social Security reform is expected to top next year's congressional agenda. Unfortunately, this spending package starts us off on the wrong foot.

The President is willing to stick to his commitment to "Save Social Security First" when he wants to deny taxpayers tax relief. However, the surplus appears to be fair game when we are unwilling to make the tough choices needed to fund reprogramming government computers for the Year 2000, our continued military presence in Bosnia, or a responsibility as old as the Constitution—the decennial census.

Finally, I would like to stress my sincere hope that Congress and the President will engage in a constructive and honest debate over how to reform the Social Security system next year. We can't politicize this issue—our children and grandchildren depend on an honest and bipartisan reform of a system that will not meet its obligations for the next generation of retirees.

After declaring Social Security a priority during the State of the Union Address, the White House fell silent—invoking the famous pledge only when politically expedient. After President Clinton's speech, a number of my colleagues on both sides of the aisle have made tough choices and released Social Security reform packages. The White House must engage in this process. We do need to save Social Security first.

While I admit that I do not approve of the manner in which the emergency spending was added to this bill, I am pleased that it provides a much needed additional $7.5 billion for the Department of Defense to ensure the readiness of our nation's armed forces, to tackle the Y2K problem and sets aside funding for a ballistic missile defense. After 14 straight years of declining defense spending, the readiness of U.S. Armed Forces is clearly at risk.

By 2003, active duty military personnel strength will decline almost in half from 2.2 million to 1.36 million, the number of active Army divisions will drop from 18 to 10, the number of Navy ships will drop from 569 to 346, and the number of Air Force fighter wings will be decreased from 25 to 13.

At the same time, we are spending more of our defense resources on peacekeeping missions and our military personnel are spending more and more time on overseas deployments and less time training. If this trend continues it is unlikely the U.S. armed forces will not be the preeminent military force they were during the gulf war.

Unless we take action now to modernize our weapons systems, aircraft, and ships, other nations may catch up to the U.S. technologically, placing our military personnel at greater risk and eroding the tactical advantages they enjoy on the battlefield today. We must work to ensure that our fighter planes, tanks, submarines, and missiles are the best in the world.

This bill provides $1.1 billion to fund urgent readiness shortfalls in the services, such as flying hours, spare parts, depot maintenance, personnel recruiting and retention initiatives.

One billion is also set aside for a strategic anti-ballistic missile defense system. I'm pleased that appropriators recognized this priority as rogue states aggressively pursue the acquisition of nuclear and chemical weapons technology. It is disappointing that the efforts of my colleague Senator COCHRAN to pass legislation to establish a National Missile Defense system has failed two times this year by a margin of only one vote.

Not surprisingly, education was another issue the White House demagogued in this process for political purposes. This is a debate I personally welcome. This year's spending negotiations drew a bright line between the President and Republicans. The amount of money was never an issue. In fact, our budget agreement matched dollar-for-dollar the President's request for education spending. The debate was not about money—but about who gets to spend it.

Some Republican priorities were clearly represented in the omnibus package. This bill includees a $32.7 billion investment in our children's education; $91 million more than the President requested for disadvantaged students and $500 million more than the President thought we should spend on special education. And this bill includes $1.2 billion for school districts to hire new teachers.

This last program, providing new teachers for our nation's schools provided a real opportunity to debate the fundamentally different approach Republicans and Democrats have toward our nation's schools. Who do you trust with our children's education? Bureaucrats in Washington DC? Or those who know our children by name—their parents, teachers, and locally elected school board members.

Through this process it was clear that the President simply wanted to repeat the pattern of more top down control from Washington DC, new rules and regulations, more bureaucrats and more paperwork meaning that less money reaches our nation's classrooms.

According to the House Education at the Crossroads report, we already have some 760 Federal education programs, requiring over 48.6 million hours worth of paperwork per year. Both the House and Senate recognize that we simply cannot continue to add to that burden. Earlier this year both bodies approved measures which would radically change the way education funs are spent. The House approved the Dollars to the Classroom Act on September 18, 1998 and the Senate approved my block grant approach earlier this year on the Coverdell education savings account bill. Both proposals support the same philosophical approach, education decisions should be made by those closest to our children—their parents, teachers and locally elected school board members—not Washington, DC bureaucrats.

This new initiative to hire teachers represents a first step toward trusting local decisions regarding our children's education. Republicans were responsible for making sure that 100% of this new money would be spent by our local school districts not by Federal or State bureaucrats. Schools will be able to hire teachers for any grade, no matter where the need is and schools may hire special education teachers; neither would have been possible under the President's prescriptive proposal.

Importantly, few rules and regulations will accompany this new money. The President wanted to add this money to a program that already has 171 pages of "non-regulatory guidance" from the Federal Government. With the Federal Government providing only 6 percent of the funding for our local schools, and 50 percent of the regulation and paperwork—it was important that we not add to that burden. Republicans insisted that this new money be funneled through an existing block grant program.

In a 1997 State of Education speech, Secretary Riley said, "* * * we should not cloud our children's future with silly arguments about Federal Government intrusion."

But that is exactly what this debate was and is about—and it couldn't be more important. It will again be the focus of debate next year as Congress works to reauthorize the Elementary and Secondary Education Act.

I will continue to work in the 106th Congress to save Social Security and to restore authority over our children's education to those who are closest to our children—their parents, teachers, principals, and locally elected school board members.

Mr. BYRD. Mr. President, I expressed yesterday my abhorrence of the process that produced this behemoth Omnibus Bill. I said, however, that I would vote for it, because it contained some good things for the Nation. That is true, but I just could not do it. I cannot support such a twisting of constitutional intent and of the legislative process. Therefore, I voted no, so that I can sleep more peacefully tonight.

Mrs. MURRAY. Mr. President, earlier today, we passed an Omnibus Appropriations bill that expressed important Congressional intent regarding the education of American children. By passing legislation to reduce class size in public schools, we are doing something concrete, common-sense, and effective to improve the quality of education across America. I am very proud of this Congress today.

But although there has been plenty of attention this last week devoted to the issue of class size reduction through helping local school districts to hire qualified teachers, I feel we are in danger of overlooking the true significance of the policy and funding we have passed here today.

By making this investment, which we will be increasing over the next several years, we are sending an important message to every community in this nation. The message is "we have been listening. We have heard you. You've been saying that class size reduction is important because it makes a tangible difference in real-world public schools."

This new law will not solve every problem in every school in America; that is not the appropriate federal role. Local communities make the decisions that improve local schools. The federal role is to support local decisions. I want people to know that Congress is finally listening; this place is starting to ring with your voice. This class size effort will help jump-start discussions in every local community and every state legislature—where the class size decisions that affect all schools will be made. And, this appropriations bill puts us all on the road to doing something tangible to helping the students in America's schools.

Some in Congress have made the argument: "who do you trust to make decisions regarding the education of your children, your local educators and school boards, or some faceless bureaucrat in Washington, D.C.?"

For 5 years, I was a school board member in the Shoreline School District. I saw first-hand how every decision gets made in a school district, including how many teachers get hired, and what the budget will be for supplies, and what changes will be made to the bus schedule. And in those years and all the years since, I have heard local citizens say about the laws that affect their schools that they want their government to learn how to listen to the people it represents.

I have not heard people say that the government should walk away from its responsibilities, to support the children in public schools across America. I have not heard people advocate that the federal government should ignore its responsibility to prevent unfair treatment, or that it should ignore national priorities.

I have heard many times, however, parents and other local citizens ask very loudly for government to set goals, to get us on the right path, to do what works, to streamline its efforts, and to invest in common-sense solutions.

At the top of this list is class size reduction. Class size is common-sense, and it does work.

The research shows it:

A 1989 study of the Tennessee STAR program, which compared the performance of students in grades K–3 in small and regular-sized classes, found that students in small classes (13 to 17 students) significantly outperformed other students in math and reading, every year, at all grade levels, across all geographic areas.

A follow-up study of the STAR program in 1995 found that students in small classes in grades K–3 continued to outperform their peers at least through grade 8, with achievement advantages especially large for minority students.

Other state and local studies have since found that students in smaller classes outperform their peers in reading and math, perform as well or better than students in magnet or voucher schools, and that gains are especially significant among African-American males.

A 1997 national study by Educational Testing Service found that smaller class size raises average achievement for students in fourth- and eighth-grade math, especially for low-income students in "high-cost" regions.

Particularly of note in the 1997 ETS study was the finding that in eighth-grade, the achievement effect comes about through the better discipline and learning environment smaller class size produces. As policy-makers try to make decisions that will affect students in the critical years of middle-school, class size makes a difference in terms of both behavior and academic achievement.

In addition, state organizations representing thousands of local educators know that hiring more high-qualified teachers to reduce class size works:

Larry Swift, Executive Director Emeritus of the Washington State School Directors' Association says it well:

> As we pursue our state's goal of improving learning for all of our students, it becomes increasingly important that all of our resources be used efficiently and effectively. The most valuable resource in today's schools is the people who devote their time and effort to make schools successful—the teachers. Reducing the ratio of students to adults is particularly critical for youngsters with a variety of learning challenges that must be overcome if those students are to meet the new, higher learning standards.

Kenneth Winkes, with the Washington Association of School Principals says:

> It is increasingly evident that students entering our schools have diverse and unique needs which can only be addressed by principals, teachers, and support personnel who are not overwhelmed by crowded classrooms. Rather, educators must be able to devote attention to each student in smaller, more manageable classes.

Lee Ann Prielipp, President of the Washington Education Association says: "When educators have too many students in a class, it is hard for them to give each student the individual attention that students need. It is this individual attention that is at the heart of the learning process, and it is crucial in helping our students succeed."

And, as I've pointed out before, students themselves have thoughts about the importance of class size reduction:

Brooke Bodnar, age 16, recently moved from a school with larger classes to Olympia High School, which has smaller classes. She says: ". . . with smaller classes I'm learning so much more. Class is going so much faster."

Jared Stueckle, age 16, a junior at Selah High School, believes that education should be a higher priority in funding, and that class size is a good investment. Jared says: "The classes in which the number (of students) is lower I generally do better, but in a crowded class, the teacher does not give us enough individual attention."

Meghan Sullivan, age 15, a 10th grader at Tumwater High School, says: ". . . reduction is needed especially at the K–5 grade levels. This is the beginning of their education and this is where they form study habits and learning skills, so it's more important to get some one-on-one contact with teachers."

Antonella Novi, age 18, a senior at Anacortes High School, says:

"Smaller class sizes enrich the learning experience for the student and the teaching experience for the teacher."

Jaime Oberlander, age 16, a junior at Tumwater High School, says:

"I know that I have learned more in smaller classes. I have a stronger relationship with the teacher. I am less intimidated to participate in class discussions or ask for help when I need it. I also receive more feedback from my teacher . . . my teacher can spend more time critiquing my work and helping me to learn."

The American people have said over and over how important class size reduction is to them. When students start school in the fall, parents usually ask two questions: "Who is my child's teacher?" and "How many students will be in my child's class?" This is because, next to parents and family, the teacher is one of the most important adults in every child's life. We want that teacher to be the best-trained, most-qualified person available. And, we want the number of students in class to be manageable, so each student has access to the teacher, and the teacher is not reduced to doing "crowd control."

Qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on discipline and other tasks, cover more material more effectively, and work more closely with parents. Today Congress has done something significant and important—taken the first step to helping local communities increase the number and quality of the teachers in America's schools.

I want to thank all those who helped this happen, from the President and his staff, to Secretary Riley and those who work so diligently, to Senator DASCHLE and our Democratic Leadership in both the Senate and the House. I want to particularly thank Senator HARKIN, who worked with me on a strategy to turn the early defeat of the Administration's larger class size proposal into a one-year version, funded through an existing program—a clear victory for every student in America. I also want to especially thank Senator TED KENNEDY for his stalwart efforts to negotiate the final elements of this bill in consultation with me. His work is always excellent, here particularly so.

And I'd like to single out the people who joined me as co-sponsors of my bill, the Class Size Reduction and Teacher Quality Improvement Act of 1998: Senators KENNEDY, DODD, DASCHLE, MOSELEY-BRAUN, BOXER, LEVIN, ROBB, LIEBERMAN, REED, LAUTENBERG, LANDRIEU, TORRICELLI, BRYAN, KERRY, AKAKA, GLENN, BINGAMAN, and MIKULSKI. And I would like to thank Senator RUSS FEINGOLD who has given so much time and attention to the issue of class size reduction, and recognizing local efforts.

Finally, I would like to thank a few key staff people who worked on this issue all year: Marsha Simon, Ellen Murray, and Bettilou Taylor from the Appropriations Committee staff and Bev Schroeder with Senator HARKIN, Joan Huffer with Senator DASCHLE, and Danica Petroshius with Senator KENNEDY and Amy Abraham with the Budget Committee. I would also like to thank Greg Williamson, Micki Aronson, April Graff, Kennie Endelman and Minerva Lopez with my staff.

As with all things, the class size legislation would not have passed without the efforts of many, many people all working with determination, willing to make compromises on details and get to the important goals.

On other educational issues, we have also made progress this year. The funding levels for adult and family literacy programs have seen modest improvement—something I've worked hard for, and something that needs more improvement. And children's literacy has seen an important first step, in passage and funding for the Reading Excellence Act. Reading efforts around the country and in my state should look on this national attention to reading as the first step to further support.

On education technology, we have made such important investments. Not only did we fund $75 million for teacher technology training for pre-service teachers, but this year we passed the Higher Education Act, which includes my Teacher Technology Training bill, and we have provided another $75 million to fund the partnerships that will make the new law possible in every local community.

On funding for the Individuals with Disabilities in Education Act, we have included the $500 million I asked for in my budget amendment earlier this year, and we did not have to jeopardize other educational priorities to do it. In addition, by including special education teachers in the class size proposal, we have taken important steps to helping local communities deal with the important educational needs of all students.

There were also mis-steps in this bill—cuts to our schools that did not need to happen, negative language that will stir up unnecessary ill-feelings, or funding shifts, such as the one under the Safe and Drug-Free Schools program, that should have been done in a way more reflective of local expertise. But all in all this is a good bill for education, and puts us on the right path.

The Americans I talk to about education funding usually cannot believe that education is really a priority in Congress. After all, only 1.8 percent of overall education spending goes to education. This is the next great challenge. People want Congress to live up to its responsibilities, to look at its priorities, and to listen to people in communities across this great nation. This year, we made some important investments. Next year, we reauthorize the major K–12 education laws. We must look to all of these processes with respect for local knowledge, with bipartisanship, and with a steadfast determination to making education better for all students.

GULF WAR VETERANS ACT OF 1998

Mr. BYRD. Mr. President, I want to highlight a provision contained within this massive omnibus appropriations bill, H.R. 4328, that addresses a longstanding debt owed by this nation to the veterans of the Persian Gulf War. Title XVI of Division C of this bill contains the Persian Gulf War Veterans Act of 1998. In five short sections, the Persian Gulf War Veterans Act of 1998 lays out a sound, scientific process by which the Secretary of Veterans Affairs may make a determination, based on the recommendations of the National Academy of Sciences or other sound scientific or medical evidence, that diseases suffered by Gulf War veterans are linked to hazardous materials they were exposed to during that conflict. That is, the Secretary now has a credible process to determine what diseases should be considered service-connected for purposes of providing health care and disability compensation to Gulf War veterans.

This is not some give-away program, but a long overdue recognition that Gulf War veterans may be suffering from invisible wartime wounds just as real as any left by bullets—wounds to their immune systems, to their muscles and joints, or to their internal organs, caused by the toxic fog of chemicals, oil well fires, and medications in which they were immersed. This nation has a long history of caring for the men and women who were wounded in her service, and it is a shame that it took over seven years to recognize and honor our commitment to these veterans.

I have seen some news reports that this provision will cost between $1 and $6 billion over ten years. I do not know what these estimates are based on. The Congressional Budget Office determined that this program would cost $40 million over the first five years, and a total of $490 million over ten years. That is not an extravagant bill to pay for a war that cost the United States over $60 billion for less than two months of actual fighting—for a mere 100 hours of actual on-the-ground combat. Almost 700,000 service personnel were in the Southwest Asia theater during the initial phase of the conflict, and over one million service personnel have pulled tours of duty in Saudi Arabia and Kuwait since 1991. Over 120,000 of these men and women are now on Department of Defense or Department of Veterans Affairs Gulf War registries, many suffering from multiple debilitating symptoms since their service in the Gulf.

The provisions in this omnibus bill were extracted from S. 2358, a bill I introduced with Senator ROCKEFELLER and Senator SPECTER, the Ranking Member and Chairman, respectively, of the Senate Veterans' Affairs Committee, on July 27. I am proud of this collaboration, which I believe produced a sound as well as needed piece of legislation. Although S. 2358 was adopted by the Senate in the closing days of this Congress, and after the process of putting together the omnibus appropriations bill had begun, no action was taken on it by the House of Representatives. Some elements of S. 2358 were included in two House-passed bills, H.R. 3980 and H.R. 4110, that were sent to the Senate, again, after the process of putting together the omnibus appropriations bill had begun. In my opinion, these bills fell far short of delivering on our commitment to Gulf War veterans.

In both H.R. 3980 and H.R. 4110, the National Academy of Sciences was directed to conduct a study and to make recommendations to the Secretary of Veterans Affairs regarding illnesses that might be linked to service in the Gulf. But, the Secretary was directed only to make recommendations to Congress. The veterans would not receive any immediate assistance. It would be up to Congress to make the determination of service connection, find the funds to pay for it, and convince both Houses of Congress and the President to agree that action should be taken. Mr. President, I do not believe that adding this kind of delay to the process aids our veterans. We can do better, and we did better in S. 2358. Let the Secretary do his job, and if we do not like the way he carries out his job, then we can take corrective action.

Mr. President, I have already noted that these compromise bills arrived in the Senate late in this session, after work on the omnibus appropriations bill had begun. As the Ranking Member on the Senate Appropriations Committee, I had already added S. 2358 to the list of legislation to be considered for inclusion in the omnibus package. I did this not because I approve of this way of passing legislation on an appropriations bill and especially not on a monstrosity like this omnibus bill, but because I saw an opportunity to do something useful and needed for these veterans. They do not deserve any additional delay. And when I saw that the compromise language contained only a study, and the possibility of further delay for these veterans, I became determined to include the key elements of S. 2358 in the omnibus appropriations bill.

Now, I have been noted for my stubbornness—my friends call it tenacity or perseverance, but my opponents call it stubbornness. On this matter, I was determined, tenacious, persistent, and, yes, even stubborn. As a conferee on the omnibus appropriations bill, I was able to defend my position. This section of the omnibus bill was among the last issues decided. I sincerely thank my colleagues, Senator STEVENS, Chairman of the Senate Appropriations Committee, and Representatives LIVINGSTON and OBEY, the Chairman and Ranking Member, respectively, of the House Appropriations Committee, who supported my efforts to include this provision in the final bill. They did this over the objections of the Administration. For their leadership and courage in defending the interests of Gulf War veterans they merit great praise.

The veterans of the Gulf War have struggled for seven years to have their wartime sacrifices recognized for what they are—the scars of battle. I hope that Title XVI of Division C of H.R. 4328 will set this process on a track that is both credible and fair, and that will follow through on our nation's commitment, in the words of Abraham Lincoln, "To take care of him who has borne the battle. . . ."

Mrs. FEINSTEIN. Mr. President, today, I voted for H.R. 4328, the omnibus appropriations bill. I believe that on balance, this legislation will benefit California.

This bill is 4,000 pages, 38 pounds, and stands a foot tall. It appropriates $500 billion, funds a third of the federal government for fiscal year 1999, and includes many pieces of authorizing legislation. My staff reviewed the entire bill yesterday. It includes properly written legislative bill language as well as many hand written changes and amendments. Congressional negotiators, the administration, and many staff members have worked for weeks to finalize this legislation today, but that work was often done behind closed doors without the full review of the Senate.

I do not believe that this is the way the Congress should do its work. Our choice today was to shut down the government or pass this bill.

I want, however, to note that the omnibus bill provides many benefits for Californians.

EDUCATION

This bill funds several education initiatives. It includes $1.2 billion to hire teachers and reduce elementary class sizes, an effort already underway in California. This will mean 3,500 new teachers in California. This bill also includes increased funding for Head Start, for Education Reform, for bilingual education, for charter schools, for educational technology and for student financial assistance.

California school enrollment is growing at 3 times the national rate. We need to build 7 new classrooms a day at 25 students per class just to keep up with the growth in student population. We have students in closets, in cafeterias, in portables. We have some of the largest class sizes in the nation. We have 22,000 teachers on emergency credentials. California ranks last in the nation in the percentage of young adults with a high school diploma. Our students rank 37th in the country in SAT scores.

The California public school system has gone from one of the best, to one of the worse. Mr. President, quite simply, we welcome this assistance for the California education system.

I am disappointed that the bill includes a "hold harmless" provision for ESEA Title I.

Title I is the largest federal elementary and secondary education program, providing funds to virtually every school district in the country to educate disadvantaged children. Title I has often been called the "anchor" of all elementary and secondary education programs since its enactment in 1965. The bill includes $7.8 billion for Title I grants to school districts. California received $830 million last year.

Unfortunately, the bill includes a 100 percent "hold harmless" provision under which no school district would receive an allocation that is less than its allocation of the previous year. But the effect of the hold harmless provision for California, that has had an increase in the number of poor children, is not to receive all of the increase in funding to which we are entitled, entitled by law. Thankfully, the bill does include an "extra" $301 million that would provide some funds for high-growth states like mine. California could receive as much as $60 million out of the $301 million. I believe the dollars should go equally to all children in the country based on need.

I call on my colleagues to join me in working to join in an effort to make sure the dollars follow the children.

This Senator pledges to devote every ounce of energy I can muster to help our schools deliver on the promise of opportunity and achievement that America's public schools have always represented and I call on my colleagues to join me today in this campaign.

CALIFORNIA ENVIRONMENT

I am pleased that the Omnibus Appropriations bill includes funding for a number of important land acquisition projects in California, including $2 million for the Santa Monica Mountains National Recreation Area, $1 million for the Santa Rosa Mountains, and $1.5 million for the continued acquisition of Bair Island for the Don Edwards San Francisco Bay National Wildlife Refuge. While I am pleased that the bill includes $1 million for land acquisition in the Lake Tahoe Basin, I would have preferred to see the $3 million provided by the Senate Appropriations Committee. Lake Tahoe is an important national resource, and we need to make it a higher priority if we are to stem the environmental decline that is already affecting the area. I intend to work with my colleagues to further address the problems of Lake Tahoe in the 106th Congress.

The Salton Sea bill as approved calls for completion of a plan to save the Salton Sea by January 1, 2000. It provides a total of $5 million in additional funds for biological studies and to conduct demonstration projects to clean up the New and Alamo Rivers. These funds, along with an additional appropriation for the Bureau of Reclamation in a separate section of the bill, provide all the money that will be required to prepare a plan and conduct all environmental documentation. As a result, Congress and the President will be able early in the year 2000 to authorize and appropriate funding for a project to save this incredibly valuable resource.

TRANSPORTATION INFRASTRUCTURE

One of the most important sections of the omnibus appropriations bill provides funding for our nation's roads, airports, and transit systems. This bill will ensure that California's transit systems are more efficient and our roads and airports are safer. The bill will improve the quality of life of California residents by increasing mobility, reducing congestion, and improving the environment.

The bill provides a total of $73 million for the Los Angeles County Metropolitan Transit Authority (MTA). This includes $62 million for the North Hollywood Red Line extension, $8 million for the Regional Transit Alternative Analysis study for the Mid city and Eastside, and $3 million for the purchase of new clean fuel buses. This funding level will allow the MTA to proceed with its restructuring plan as well as improve bus service and move towards the competition of two important rail links.

The bill also provides $27 million for the Tasman West Rail Extension project. The Tasman West Extension will link the heavily congested residential areas of Santa Clara, Sunnyvale, and Mountain View with the Silicon Valley. The funding in this bill will allow the project to continue without interruption and hopefully will permit it to be completed ahead of schedule and under budget as is now projected.

Other important California rail projects funded in this bill are: $23.48 million for the Sacramento south corridor extension, $3.5 million for the San Diego Mission Valley and midcoast corridor, $3 million for the Oceanside-Escondido light rail project, $1 million for the San Bernardino Metrolink project, and $500,000 to upgrade the rail line connecting the cities of Riverside and Perris.

The bill also provides almost $420 million in formula grants to California. These grants will fund capital projects and finance improvements in equipment and facilities associated with mass transportation. This is an increase of more than $40 million from Fiscal Year 1998. Included in the formula grants are $171 million for Los Angeles, $98.8 million for San Francisco and Oakland, $35 million for San Diego, and $26 million for San Jose. The bill also provides $6.2 million in grants for the special needs of elderly and disabled people in California and $8.2 million for non-urbanized areas of the state.

Another major component of the transportation appropriations bill is funding for buses and bus facilities. Again, this is very important for California where bus systems play a vital role in the transportation infrastructure of our cities. This bill provides more than $30 million to 30 cities and transportation authorities throughout the state. While I would have preferred to see a higher level of funding for many of these projects, the appropriations in this bill will allow local communities to begin purchasing badly needed fuel efficient buses and improving deteriorating bus facilities.

I am disappointed that the conference committee reduced funding for the Bay Area Rapid Transit extension to the San Francisco Airport to $40 million. This is a dramatic cut from the $100.6 requested by the Administration and will seriously impair BART's ability to complete the project on schedule.

Project construction for the BART/SFO extension is already underway. Contracts for over 90 percent of the construction activity have been awarded totaling $607 million. The State of California has recently agreed to provide an additional $57 million for the project. It is unfortunate that the federal government has failed to demonstrate the same level of commitment to this project that has been shown at the state and local level.

I believe that bringing rapid rail transit to the San Francisco Airport is of critical importance to continued economic viability, of the region. I am hopeful that this setback in federal funding will not endanger the project and I will work in the 106th Congress to insure that additional funds are made available.

SECURING THE BORDER

The bill provides $97 million next year for 1,000 additional border patrol agents and 140 support personnel at the border, increasing our ability to interdict illegal aliens at the heaviest alien traffic areas such as the Southwest border. It also provides $21.8 million for interior enforcement, providing the badly needed resources for INS to work with state and local law enforcement against illegal immigration.

I am very pleased by the inclusion in the omnibus package of a number of measures that will have a direct impact on our efforts to prevent illegal narcotics from being transported across the Southwest border. These provisions are good news for California.

I want to thank Senator DEWINE and Senator BOB GRAHAM for their many months of leadership in this effort, and for their willingness to work with me to include provisions that will mean fewer drugs on the streets of California.

The supplemental appropriation portion of this bill will increase spending on drug interdiction by a total of $690 million for the current fiscal year. Of that total, $90 million is designated specifically for enhancements at the Southwest border, which is still, without question, ground zero for U.S. drug interdiction efforts. This amount includes $80 million for the U.S. Customs Service to purchase and deploy non-intrusive inspection technology, such as truck X-rays and gamma-imaging for drug interdiction at high-threat seaports and land border ports of entry; and $10 million for INS to purchase and deploy border barrier and surveillance technology, such as effective fences and night-vision scopes.

These funds will make a real difference on the ground. DEA Administrator Tom Constantine recently told me that he estimates that one ton of cocaine is smuggled across the Southwest border each and every day. The smugglers are growing more sophisticated every year, and our agents badly need state-of-the-art technology to counter them, which this bill provides.

In addition, the omnibus package includes the Western Hemisphere Drug Elimination Act, of which I was an original cosponsor. This act, which authorizes $2.6 billion over the next three years for enhanced drug interdiction programs, and requires annual regular reports by ONDCP and other drug-fighting agencies on their progress, contains two key provisions which will directly impact Southwest border, and which were included at my request: authorization of funding for the U.S. Customs Service to purchase truck X-rays as part of its 5-year technology plan; and authorization of $50 million for developing and purchasing computer software and hardware to facilitate direct communication between all the agencies that work on drug interdiction at the border.

Technology offers an important way to fight drug smuggling. Improved communication and coordination among our various border enforcement and drug interdiction agencies is another. Without effective interagency communications systems between Customs, INS, the FBI, DEA, and the Border Patrol, our ability to detect drug smugglers and interdict drugs at the border is seriously jeopardized. The funds authorized by this bill will enhance the effectiveness of all these agencies' interdiction efforts. That translates into fewer drugs on our streets.

NATURALIZING CITIZENS

The Omnibus Appropriation provides $171 million for additional naturalization services of which $11.6 million will be provided specifically for reducing the naturalization backlogs for those localities with backlogs of 15 months or longer. For California, San Diego, Los Angeles and San Francisco along with other counties who currently have a backlog of 2 years may receive the funds to help expedite naturalization applications.

METHAMPHETAMINE

I am very pleased that the Methamphetamine Trafficking Penalty Enhancement Act of 1998 was included in this bill. This provision increases penalties for methamphetamine trafficking, making them roughly equivalent to those for trafficking in crack cocaine. Specifically, it lowers the quantity of meth which qualifies for the highest level of federal drug penalties from 100 grams to 50 grams, the same as for crack. Dealers at this level get a 10 year mandatory minimum sentence for a first offense, a 20 year mandatory minimum for a second offense, and life for a third offense.

Similarly, it also lowers the quantity of meth which qualifies the next-most serious level of federal drug penalties from 10 grams to 5 grams. Again, this is the same quantity as is provided for crack. Dealers of this amount receive a 5 year mandatory minimum for a first offense, and a 10 year mandatory minimum for subsequent offenses.

This provision originally was part of the Comprehensive Methamphetamine Control Act of 1996, which I wrote with Senators HATCH and BIDEN. We were forced to drop this provision to pass the bill by unanimous consent that year, and this year it was re-introduced by Senator ASHCROFT. I am proud to be the first co-sponsor of Sen. ASHCROFT's bill.

Two aspects of methamphetamine make the rapid growth in California especially troubling.

First, meth leads to paranoid, violent, and even bizarre behavior by hardcore users. I will never forget the report of a New Mexico man, high on meth and alcohol, who beheaded his 14-year-old son and threw the head out of the window of his van, on a crowded highway.

Second, meth is cooked in this country in dangerous, clandestine labs, which use highly flammable chemicals, blow up in explosions, and leave toxic, hazardous waste sites, which require environmental cleanup.

This is not a silver bullet which will solve the problem, but it is one more useful step which we can take in this fight.

I am also pleased that this bill contains several appropriations which I worked for to combat the spread of methamphetamine: $18.2 million for the California Bureau of Narcotics Enforcement's anti-methamphetamine strategy; $24.5 million to hire 100 new DEA agents to target meth trafficking organizations; and $5 million for hazardous waste cleanup of lab sites.

I am disappointed, however, that the conferees did not support the Senate's appropriation of $15 million for transfer to the Drug Diversion Control Fee Account. The clandestine meth labs operate primarily by converting legitimate pharmaceutical products, such as pseudoephedrine and ephedrine, into meth. The Drug Diversion Control Fee Account supports the DEA's efforts to control the diversion of such legitimate pharmaceuticals to illicit use, and we should provide it with greater support.

JUSTICE APPROPRIATIONS

I am pleased that several programs for which I have worked are fully funded in this bill:

COPS funding 88,000 police officers throughout the country now has $1.4 billion provided in this bill to fund another 17,000, reaching the President's goal of hiring 100,000 police—and exceeding it by 5 percent.

Local Law Enforcement Block Grant continued funding of $523 million for this program, which is important to California's cities and counties who utilize this funding to supplement COPS funding for non-personnel law enforcement expenditures.

$283 million is provided for the Violence Against Women Act, increasing support for these programs. I have heard from women's organizations in support of funding for battered woman's shelters and other support services. California sorely needs these resources.

The President's budget request of $95 million for at-risk children's prevention programs is fully funded, as I requested. With a growing adolescent population, California needs continued funding of anti-truancy, mentoring, and curfew initiatives.

A total of $40 million is provided in various ways for the successful Weed and Seed program. Criminal gang activity is a severe problem in many California cities and localities, and many of these California gangs spread their criminal activity to other states. I am committed to curbing the growth of gangs, and Weed and Seed prevention funds are essential to that effort. I have heard from a number of California mayors, including Mayor Omar Bradley from Compton, who support the program and expanded funding.

Another $12 million is provided for prevention efforts to combat youth gangs, under the Juvenile Justice and Delinquency Prevention Act.

TERRORISM AND TECHNOLOGY PROGRAMS

This bill also provides for several programs which were of particular interest to me as ranking member of the Subcommittee on Technology, Terrorism and Government Information of the Judiciary Committee;

Extensive funding is provided for a variety of programs to combat terrorism and to be prepared to meet the threat which this form of evil poses, including: $145 million for the counterterrorism fund, $135 million for state and local preparedness for the threat of chemical and biological weapons, including: personnel protective gear, communications equipment, decontamination equipment, training, needs assessment, technology development; and bomb technician equipment. It also includes: $10 million for the National Critical Infrastructure Protection Center, $282 million to the FBI for counter-terrorism and foreign counter-intelligence investigations.

$23.4 million is authorized from Justice's asset forfeiture fund to support more efficient use of the communications spectrum by law enforcement. The need to have adequate spectrum available for law enforcement is a particular concern of local law enforcement leaders from California. Enabling more efficient use of the available spectrum will help to address this concern.

CRIME PREVENTION

This bill also provides for several California programs to reduce crime which I have supported, including:

State Criminal Alien Assistance Program: I am particularly pleased that continued funding of $585 million to reimburse states and localities for the cost of incarcerating criminal aliens is provided, restoring the $50 million which had been cut by the Senate. This is particularly important to California, which bears the lion's share of the burden of incarcerating criminal aliens. This, however, is still not sufficient to meet the costs borne by the states and localities, and I will continue to work in the future for this program.

Delancy Street Foundation/Criminal Justice Council Juvenile Justice initiative received $750,000 earmarked for this public-private comprehensive effort designed to interrupt the cycle of chronic crime and transform a young person's negative cycle to a positive one by providing major life-altering interventions at continuous points. This program can serve as a model for the rest of the nation in simultaneously decreasing juvenile crime and providing new and real opportunities for youths.

Compton's crime problems merit special consideration and treatment. According to Mayor Omar Bradley, there are 9,000 suspected gang members in Compton, amounting to ten percent of the City's population. Compton's homicide rate is nearly 10 times that of similar sized cities in the Southeast L.A. area, with more homicides in January alone (14) than 23 of the other 27 cities had in all of 1996. Seventy-six percent of suspected homicide offenders were under the age of 27. The report directs the Justice Department to consider grants to help fight this uniquely severe crime problem by upgrading Compton's woefully outdated police computer system and by establishing a Compton Youth Intervention Center for afterschool programs to serve as a safe haven for 1,000 youth.

My colleagues from California, Senator BOXER, and I jointly requested this $2 million earmark to support this proven, successful initiative that has already helped over 12,000 California police officers better understand how they can promote tolerance and reduce prejudice in their workplaces and communities. With this additional funding, the Center can implement its plan to conduct four-day workshops to train tolerance instructors from police Departments from around the country on how to control prejudice and hate crimes. These officers will then be able to go back to their communities and teach other officers how to combat prejudice and bias.

The overwhelmed 911 emergency response system has prompted cities around the nation to experiment with a 311 non-emergency number to relieve the burden and improve access to emergency assistance. The 311 telephone system would allow police departments such as Los Angeles' to free officers from the burden of responding to non-emergency 911 calls and gives the community an easy-to-remember link to the police, thus strengthening community policing. The conference report supports the use of funds for non-emergency numbers such as 311.

CANCER RESEARCH

The bill also includes $2.9 billion for the National Cancer Institute, a 15 percent increase. Cancer afflicts 1.2 million Americans each year. Cancer will kill 1,500 people a day this year. But we currently invest less than 2 percent of cancer's health care costs in research to find a cure and treatments. NCI can currently only fund 28 percent of grants, less than one-third approved for funding.

In the September 25 hearing of the Senate Cancer Coalition, Dr. Allen Lichter, President of the American Society for Clinical Oncology said, "It often takes several years to get a clinical cancer trial activated from the idea stage to the point of involving patients because of insufficient funds. For every clinical trial that gets activated, there are many worthwhile trials sitting undone."

I submit that this is not a vigorous war on cancer, when we are funding less than one-third of grants proposed.

BREAST RECONSTRUCTION

I am also pleased that the bill includes language requiring insurance plans that cover mastectomies to also cover breast reconstruction and prostheses. The language in this bill is taken from S. 249, a bill that I introduced with Senator D'AMATO on January 30, 1997. One study found that 84 percent of patients were denied insurance coverage for reconstruction of the removed breast, calling it "cosmetic." Plans have arbitrarily denied this very necessary surgery, to make a woman whole. Twelve states require coverage of breast reconstruction, including my own, but we need a national standard. This provision can bring hope and help restore self-esteem to thousands of women who lose their breast to breast cancer every year.

PROTECTING CHILDREN'S ONLINE PRIVACY

The Omnibus Appropriations bill requires the Federal Trade Commission (FTC) to take steps to protect children's privacy on the Internet, similar to provisions authored by Senator FEINSTEIN in S. 504, the Children's Privacy Protection and Parental Empowerment bill. Specifically, the Omnibus bill directs the FTC to require commercial website operators to follow fair information practices in collecting and using personal information from children age 12 and under. Commercial websites must obtain verifiable parental consent for the collection, use, or disclosure of personal information from children. States are authorized to enforce the regulations. The bill further directs the FTC to provide incentives for self-regulation by operators to protect such information. The FTC is required to report to Congress on the implementation of the regulations.

EMPOWERMENT ZONES

I am also pleased that the bill includes $60 million in social services grant funding for a second round of 20 urban and rural empowerment zones. The empowerment zone concept has shown great promise in promoting economic development in some of our nation's income communities. I know of a number of California communities who are applying for empowerment zone designation in this latest round, and if selected, this funding will enable them to attract business to their area and prepare residents for jobs.

NEW COURTHOUSES

The bill includes funding to acquire sites for two new Federal courthouses, in San Jose and San Diego. These courthouses are badly needed to relieve the pressure of rising criminal, civil, and bankruptcy case filings. The bill includes $15.4 million to purchase land for the new courthouse in San Diego, and $10.8 million to purchase land for the new courthouse in San Jose.

The Omnibus Appropriations include $36 million for the State of California, pursuant to the agreement worked out between the state and the federal government to settle California's claim to lands that were located in the Elk Hills Naval Petroleum Reserve. This funding has been a bipartisan priority for California's entire delegation, and I am pleased to see that it was included in the final bill.

INTERNATIONAL AFFAIRS

The international affairs provisions of this omnibus package contain a number of important steps forward in stabilizing the global economy and combating the scourge of international drug trafficking.

I am pleased that our colleagues in the House finally saw the wisdom of providing the $17.9 billion to the International Monetary Fund that the President requested. These funds are among the best investments we can ever make. In 1998, we have seen economies across Asia and Latin America and in Russia go into virtual free fall. And if there is one principle of the global economy today, it is that economic turmoil abroad is sure to affect us here at home.

When the currencies of our trading partners fall through the floor, as we have seen repeatedly this year, they are unable to purchase U.S. exports. That translates into lost American jobs, as our producers discover that there is no one overseas to buy their products. The funds we are providing the IMF in this bill, and the additional funds they will leverage from other donors, will help to stabilize the economies of our trading partners, protecting our export markets from further collapse, and saving U.S. jobs. In a state with an export-driven economy like California, this is good news. The IMF reforms called for in this bill that will ensure greater transparency and more market-based lending practices are helpful, but the most important news is that the IMF's coffers will be replenished, allowing it to provide further assistance to vulnerable economies around the world.

The Foreign Operations Appropriations section of this bill also includes an important earmark, which I want to highlight: $75 million in economic assistance to Indonesia. I do not think that most Americans appreciate the strategic and economic significance of Indonesia, the fourth most populous nation in the world. Indonesia's status as the political and economic anchor of Southeast Asia make the economic and political crisis there that much more serious. The assistance that will be provided by this act—as directed by policy language in the bill which I authored—will help alleviate the most severe suffering and food shortages in Indonesia, while helping to ease the transition to a more democratic form of government and the reform of the Indonesian economy.

An important component of restoring social and economic stability to Indonesia is ensuring that all Indonesians, including minority ethnic groups, are protected and able to participate fully in the society. For that reason, I am pleased that the bill includes a provision I offered directing the President to assist the Indonesian government and appropriate non-governmental organizations in their investigation of the brutal violence and rapes against Indonesian Chinese in May of this year. In six months we will receive a report from the Administration on the findings of these investigations, and the steps taken by the Indonesian government to punish the perpetrators of the violence and protect Indonesian Chinese from its repetition.

STATE DEPARTMENT AUTHORIZATION

Let me say a word about the State Department Authorization portion of this bill, which contains some important progress, but also one major disappointment. I am pleased that after nearly four years of back-and-forth haggling, the State Department reorganization plan—now agreed to by the Administration and the Congress—can proceed. It should help to streamline our foreign affairs agencies and reduce unnecessary duplication of effort. In addition, I am pleased that the bill includes a provision I authored which will allow us to increase pressure on alien parents who abduct American citizen children from an American parent with legal custody by allowing us to deny visas to those who support the abducting parent.

But something very important is missing from this section of the bill: authorization to pay off our arrears to the United Nations. Unbelievably, the Republican leadership has acceded to the wishes of a tiny minority of their caucus, which has insisted on perpetuating an artificial link between paying U.N. arrears and international family planning assistance. Despite broad agreement on a three year plan to pay off our U.N. arrears while the U.N. conducted significant reforms a group of hardline House members have chosen to hold these arrears hostage to their agenda on a wholly unrelated, essentially domestic issue: abortion.

Under the false impression that by weakening our international family planning programs with Mexico City restrictions, they could prevent abortions—in fact, they would do the opposite, depriving many women of contraceptives and thereby leading to more abortions—these Members have insisted on weakening the United States' international reputation and the United Nations, causing great harm to our foreign policy interests.

This tactic is utterly irresponsible, and yet, the Republican leadership has gone along with it. They will send this bill without U.N. arrears, and the President will sign it. Then they will send the free standing bill which contains U.N. arrears, but also contains Mexico City restrictions, and, as we all know, the President will veto it. And although the United States will, by the skin of our teeth, avoid losing our vote in the U.N. General Assembly for nonpayment of arrears—postponing the crisis for one year—we will have to begin this effort all over again next year. Our foreign policy interests will be placed at further risk, all for the sake of a political point about abortion. And though I will vote for this bill, I am deeply distressed by the failure to include authorization to pay our U.N. arrears. It is a mistake that I believe we will regret.

Mr. KERREY. Mr. President, I voted no on this Omnibus spending bill. I did so reluctantly, because most of what I know about it—which is contained in the pages about agriculture, education and other areas—I like. It is because of the several hundred pages that are a complete mystery to me that I vote no.

Mr. President, democracy should not work this way. The people send us here to deliberate serious matters of public policy and to represent their interests and the nation's in the debate. In this case there was no debate, and it was not possible to represent anyone's interests because it is impossible to know how, if at all, those interests comport with a bill whose 3,800 pages were not even published until the dark of last night.

Lest the American people be confused about why it has come to this, there is a simple answer. The majority party did not schedule Congress' time to do the work the people pay us to do. One of the Congress' most basic duties is to decide how the people's money is to be spent. That process involves the passage of 13 appropriations bills, of which we managed to pass a whopping total of five in several months. The majority party found ample time to debate matters of such crashing importance as the scourge of human cloning and the name of the airport from which most of us are going to flee this scene later today. Let there be no mistake about it: The necessity of a $500 billion omnibus bill did not arise from grand ideological disputes. It came from a failure, plain, simple and unadulterated, to do our jobs because the majority party chose to use the Congress' time to do other things.

As a result, the American people suspect that what has happened over the last few days was a back-room deal involving hundreds of billions of dollars of their money being spent with no opportunity for their input, debate or, for that matter, even for their elected representatives to see the final product. Why is that? I submit the reason might be that this bill was a back-room deal involving hundreds of billions of dollars of their money being spent with no opportunity for their input, debate or, for that matter, even for their elected representatives to see the final product.

Later today I intend to participate in a panel discussion featuring the senior Senator from New York, who will discuss his new book on secrecy and national security. His thesis is that excessive secrecy produces suspicion, mistakes and unnecessary costs. I completely agree with him. This budget process—which the Senator from New York has aptly noted moves us toward something akin to a parliamentary system in which decisions are made behind closed doors by a select few—proves that the Senator's thesis on secrecy in national security applies equally to secrecy in domestic policy. It breeds suspicion, and it breeds mistakes. There are few things I can say with certainty about this budget, since very few of its several thousand pages were available before yesterday, but I can predict one thing with total confidence: When the smoke clears and the budget is actually read, there are going to be things in it that would never have survived a public debate.

The majority will protest that this last-minute flurry was caused by threats of vetoes from the President. I am not overly sympathetic on that point, Mr. President. The current occupant of that office has held it for six years. His views on appropriations bills are not a mystery sprung on the majority party at the last moment. He submitted a budget at the beginning of this year outlining what he wanted. He does not schedule the Senate's time for debate.

We cannot go on like this year after year, Mr. President, taking money from the pockets of taxpayers and then huddling behind a closed door to negotiate among a select few—many of them unelected—how to spend it. This is not government of, by and for the people. It is only half in jest that I say, sadly, that it is more like government by four people.

As I said, Mr. President, I cast my nay vote reluctantly because I am pleased with much of what I know about this bill. I am glad we succeeded in convincing the majority of the need to extend a helping hand to America's first industry—agriculture—at a time of grave crisis. I believe children in school are going to learn more and better because we are putting teachers in the classroom. I'm delighted the tax portion of this bill includes a provision much like a bill which I have introduced which would prevent working families from paying higher taxes by allowing them to deduct their child care, child and education credits under the Alternative Minimum Tax. This bill also provides a much-needed extension of the R&D tax credit and will help the self-employed, particularly farmers, by accelerating the deductible amount of their health insurance costs.

At the same time, I am very disappointed the livestock price reporting provision, which I authored in the Senate, was dropped from this package. I do not believe the home health care problems we face will be "solved" by this bill and we should not be led to believe that the agriculture crisis in this country will come to an end as a result of this bill. In addition, I firmly believe that the thousands of people in this country waiting for organ transplants, will be hurt, not helped by further delay in issuing regulations governing organ transplant allocations.

But what I object to the most is not what we know about this bill, but what we do not, and can not. You can stir up a lot of mischief in a bill that runs over 3,800 pages that no one has read.

Maybe we can take some comfort in the hope that the 106th Congress will do better. We won't be perfect. But perhaps we can get a jump on our pursuit of perfection by acting like a democracy, then by doing the work we are paid to do.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I would like to speak a few minutes about the bill we just passed. I would like to register my personal views about both the substance of the bill and the process by which it was passed.

I have very mixed emotions. First, I am very disappointed in a process that led to this midnight power play. This bill, as has been pointed out by others speaking before me, is almost 4,000 pages long. It weighs 40 pounds. It contains about $500 billion in Federal spending. I might tell you, Mr. President, that $500 billion is enough to pay for the State budget of Montana for 200 years. It was also produced within 24 hours' notice of this vote. As a practical matter, most offices had no more than a few hours to look at this bill. They had no copies of it. They had to go to a central location and wade through it with other staff members. There is nobody in this entire Congress who knows all of the provisions in this bill; it is that massive, and it was written behind closed doors.

Mr. President, I will admit that it is a with many worthwhile projects and programs. For example, it provides assistance for farmers, so important to the State of Montana and other farming states. It has provisions that help increase our investment in education, again not only for the Nation but for my State of Montana. It provides important new tools on the war against drugs. And it provides important new funding for health care programs. The bill also provides money for the International Monetary Fund to help fulfill our obligations as a leader in the global community. By doing so, we are strengthening the economies on which our export markets depend. Montana has seen wheat exports decline by 50 percent, almost entirely because of lack of demand in Asia. In addition, one company, U.S. Semitool in Kalispell, MT, has had to lay off over 200, again because of a reduction in demand.

By funding the IMF we also fulfilled our role as leader of the world community. Like it or not, the United States is the sole remaining superpower, and our leadership is essential in resolving international crises. By appropriating $18 billion for an IMF credit line, Congress is letting the world know that the United States is interested in living up to its unique role. Incidentally, it should be noted that the United States has never lost one thin dime in the last 50 years that we supported funding for the IMF. It is not the big drain that some people, unfortunately, believe it is.

Mr. President, I obviously have serious reservations about the process with which this bill reached the Senate floor. That said, I do want to commend the efforts of those who made a flawed process better. The President's Chief of Staff Erskine Bowles, who is departing, was outstanding. He will be sorely missed by anyone, who has worked with him. I know of no finer public servant than Mr. Bowles.

The President's Director of the Office of Management and Budget, Jack Lew, has likewise been a pleasure to work with, as has Larry Stein, the President's congressional liaison. There are many others I could name in the executive branch with whom I worked—devoted servants tenacious in their support for good programs for our country.

The same applies to the chairman of the Appropriations Committee, Senator STEVENS, and Senator BYRD. Both are tremendous leaders and both are tremendous men. The House leadership was also very helpful at times, as were the chief persons in the House Appropriations Committee. I very much appreciate their efforts, without which we would have faced an even more objectionable means of legislating today.

Mr. President, I am convinced that Americans are less concerned about the process we have used to pass this bill than what is actually in it. Whether it is highway funding an airport project, I think process is less important than outcome, as long as results are delivered. I think Tip O'Neill, the former Speaker of the House, said it best: "all politics is local."

So, why am I so concerned about the process? Let me explain. Ordinarily, bills that go through the Congress arrive through committees. They are debated there and, if passed, sent to the floor. After being placed on the calendar, the majority leader—some years it is a Republican leader, other years it is a Democratic leader—sets the agenda and decides which bills to bring up to be debated before the Senate. It is generally a collegial agreement between the majority leader and the minority leader as to which bills are brought up and debated.

Following debate and passage on the floor, bills go to a conference, because the House has gone through a similar procedure. Many of the bills that are brought up on the floor under the Senate rules have added onto them various amendments. Some amendments are relevant and germane to the bill before the Congress but often, under the Senate rules, many are not. Regardless, all of those provisions are debated, in full view of the public and press. Senators cast their votes yes or no—sometimes with recorded votes, sometimes with voice votes—but then they go to conference.

What happens in conference? Generally, the principal members of the committee of jurisdiction meet with the principal members of the committee of jurisdiction of the House of the bill that passed, because they are similar but there are different provisions. There are some adjustments the conferees have to make, so they recommend the same bill with the same provisions back to both bodies. Both bodies then vote yes or no, and, if passed, the President gets one bill. The President can sign it, veto it, or pocket veto the bill.

That is the procedure, and it is basically the procedure our Founding Fathers had in mind when they wrote the Constitution. They didn't write all the rules for the House and the Senate, but they decided there should be a House and Senate and the bodies should make their own rules. They intended that Congress should operate in the context of openness in government and representative democracy in government. That was the whole purpose of our Founding Fathers writing the Constitution, escaping tyranny from Europe: representative democracy, where the people are in charge.

Mr. President, I am not going to stand up here as a purist and say we should follow that lock, stock and barrel. We have to be practical and do what works, but we must do so with full respect for the people who elected us, the people we have the privilege of serving.

Unfortunately, something very different than the process I just described was used to pass this omnibus appropriations bill. What happened, essentially, is that 3,800 pages of legislation—which, by and large, contains 8 appropriations bills that did not pass both bodies and go to conference, was put in one conference report. This legislation did not go to the floor of the House or the Senate, where it could be debated and amended. It is legislation, rather, which is in this conference report and sent back to the House and Senate unamendable—unamendable. I might also mention that roughly half this bill is authorizing language that ordinarily goes through the committee process.

So who made the decisions that resulted in this 4,000 page bill? Were they the chief people in the committees of jurisdiction? No. Were they Democrats, Democratic leadership? Not very often. So, who were they? Essentially, the people in the closed room—unavailable to the press, to the public, unavailable to other Senators—were top staff in the administration and the leadership of the House and Senate, usually Republican and to some degree Democratic, which would mean about five or six, maybe eight Members of Congress.

Mr. President, we have 535 Members of Congress, roughly. Eight of whom were in the room with the administration officials, hammering this bill out. There is so much here, even they do not know what is in it. What did the rest of us do? We had little choice but to do the very best for our people at home and get on the phone. We called the select few in that room, trying to make our views heard, trying to make a semblance of a democratic process.

I spent a lot of time talking to the chief administration officials who I know were in the room. To their credit, they listened to me. And to their credit, they agreed with a good number of the views that I was espousing.

I did the best I could, given the circumstances we had, and I am pleased that those people in the room decided to include some Montana provisions, like Canyon Ferry; various land and water conservation funds, like money for the purchase of the Royal Teton Ranch right next to Yellowstone Park; funding to help the massive Gallatin land exchange; the purchase of Lindbergh Lake, for a number of the same reasons. There are a lot of provisions in this bill that directly affect my State, in addition to broad national policies, such as more teachers, more funding for education, and so forth.

But I believe, Mr. President, that there comes a time when the process becomes so corrupted that it undermines and corrupts the legislation that is passed.

Let me give a little personal background here. Several years ago, I was involved in writing Montana's State Constitution. I think we are the last State in the Nation to rewrite a constitution. There is a very important provision in our State's constitution called an open meeting law. In Montana's constitution, all public meetings are open to the press. The Governor of our State knows all the meetings he has in his office will be attended by the press.

Sure, it causes some problems. Some in State government say, "Oh, my gosh, this is a terrible provision; it cramps our style; it makes it difficult for us to do our work." Sure, it makes it sometimes difficult, but we all know deep down it is for the public good and, as with a lot of things that are good, it takes effort, it takes hard work. Most of the good things in life take effort and hard work. This is one of those. We have an open process in Montana, and we have a much higher view in Montana of our public servants. It is very helpful.

I will relate another personal experience which indicates my resolve toward a more open representative process. It occurred a little more than 20 years ago, when I was a freshman Member of the House. I had a free hour with not much to do, and I said, "Well, I think I will learn something. I will go to a tax conference writing a tax bill," by Senate conferees, House conferees, Senate Finance Committee, House Ways and Means Committee, top folks who are in the conference for a large tax bill.

I asked around, "Where is this meeting, where are they?" I got the runaround. Nobody could tell me where they really were. I finally went to Mike Mansfield, then majority leader of the Senate. I thought, "Gee, Senator Mansfield could find out where it is occurring." Sure enough, his people told me. I went over there. A policeman was standing right at the doorway. I said I am a Member. I think he thought I was a member of the conference, so he let me in.

I took a seat in a corner so I could watch and learn a little about tax policy and how conferences work. I was there, minding my own business listening to Wilbur Mills, chairman of the Ways and Means Committee, and Russell Long, chairman of the Senate Finance Committee, talking.

They were trying to work out this bill. There were a lot of executive branch people in the room. Treasury Secretary Bill Simon was in the room, along with other executive branch people. I was just sitting there about 5 or 10 minutes, and up walked a senior House Member, Congressman Burke from Massachusetts. He said, "Sorry, you can't be here."

I asked, "Why? Why can't I be here?"

He said, "Well, it's the rules."

I said, "What rule is it?"

He said, "Well, it's the Senate rule."

I said, "What Senate rule is it?"

He said, "I'm sorry, you just can't be here. Nobody can be here. No other Member of the House and Senate can be here. Not even Congressman Bill Green can be here."

Bill Green, who was then a Member of the House Ways and Means Committee who successfully authored the provision on the floor of the House to modify the percentage of the oil depletion allowance, even he couldn't be in the room. All the people allowed in the room were the conferees. It was closed doors and that is it.

I said to Congressman Burke at the time, "Look, I'm not going to cause a fuss here, but this is wrong. It is just not right that this is not open to the public, certainly to Members of the Congress."

That afternoon, I stood before the House, along with Congressman Ab Mikva, who also did not like that process, and we voiced our disagreement and displeasure. Next year, things opened up because it was the right thing to do.

Perhaps I have too much of a personal investment in this, but I do believe the people are much better served the more the process is open and the more the process is not corrupted as, in my judgment, this process is.

Again, about half of the U.S. Government bills, which did not pass the House or the Senate or go through committees in the full light of day, which did not pass the floor of the House, some of which were not even brought up on the floor of the House or the Senate, were put in this huge bill, then sent back to the Senate and the House unamendable. No amendments are in order, Mr. President, in this process; none.

I suppose there is a reason for that because none of us know what is in the bill. How can we offer an amendment if we don't know what is in the bill? I asked the Parliamentarian not long ago: How much of this is authorization, how much is appropriations? He said, "Senator, we just don't know; this huge stack here is too big for us to have gone through it by now. We just don't know."

As I said, Mr. President, I am in an anxious position here because a lot of good is in this bill. But the process, in my view, is wrong. That's why I voted no on the bill.

The provisions that are in this bill I would have worked for in separate bills, in separate agriculture bills or Agriculture appropriations bills or in other authorizing bills that would ordinarily come before the Congress.

Again, I am not going to be a purist about this, I just want to be practical. We have done this 2 years in a row, dumping so much in such a very undemocratic way into a huge bill written behind closed doors, written by only a few Members of the House and Senate and the administration. This process dangerously disenfranchises most Senators, House Members and American voters.

We, as Senators and House Members, don't have an opportunity to go back to our people and say, "What do you think of this provision?" They don't have an opportunity to say to us, "We don't like what is in there, vote this way or that. They are disenfranchised, cut out of the process.

This is not legislation by representative democracy, Mr. President. It is legislation by a very few, by oligarchy.

At a deeper level, what does that do? It further undermines the people's confidence or belief in Government. This process does that. It confirms some of the worst views a lot of Americans have; namely, oh, those guys back there in Washington are just out for themselves; they don't care about us.

Mr. President, we must draw the line. Enough is enough. We all know that the more issues are actually fully debated—and I mean debated—the more the public has a chance then to see what is going on, and they themselves get more involved. To the extent we do that, this country will be stronger. We know that. We also know that the less the people are involved, the less they know what is going on, and the weaker this country is going to be.

Mr. President, we are the world's oldest democracy. We have a form of government where the people elect their representatives to do their nation's business. We are not a kingdom, we are not a monarchy. And we will be the leader in the next century if people are more involved in government. And they will be more involved in government the more we, as representatives, respect them, respect their views, want their views, want them to be able to comment on what we are doing or not doing.

But on the other hand, the more we disrespect people by hiding behind closed doors, in the dark of night, the more we will cause a further deterioration of our government and weaken the United States role as the world leader that we want to be in the next century.

Finally, Mr. President, let me say that this is a sad moment for me. I cast my vote with reservation, fully aware of the good that this bill contains. But vote no I must, simply because I think that to vote yes would be to cast a vote for exclusivity and against the democratic process. I worked very closely with some individuals who made a few of this bill's important provisions reality, and I do not want now to be voting against their reference. They made a good effort and did a very good job, given the situation they were in, given the circumstances they faced. They were helpful to those of us who were working for our States and had nothing else to do—no alternative—but to try to work with this abominable process.

In closing, Mr. President, I want to say that next year it is critically important that we prevent this process from happening again. We have done this two years in a row, and each year more and more and more is getting dumped into this omnibus conference report process. If this trend continues, then within a year or two maybe three-quarters of Government is going to be in there; maybe everything is soon going to be in there, which means I might as well not report for work until the final 3 weeks of the Congress, because that is where it is all done, with those few people behind closed doors.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

FAREWELL TO RETIRING SENATORS

Mr. LOTT. Mr. President, in this last day of the 105th Congress, I think it is appropriate that we take a little more time to express our appreciation and our admiration for our retiring Senators. I look down the list: Senator BUMPERS of Arkansas; Senator COATS of Indiana; Senator FORD, the Democratic whip, of Kentucky; Senator GLENN, who will soon be taking another historic flight into space; and Senator KEMPTHORNE, who I believe is also going to be taking flight into a new position of leadership and honor. This is a distinguished group of men who have been outstanding Senators, who have left their mark on this institution. I believe you could say in each case they have left the Senate a better place than it was when they came.

Have we had our disagreements along the way? Sure, within parties and across party aisles. I have to take a moment to express my appreciation to each of these Senators. I especially want to thank Senator FORD for his cooperation in his position as whip. We worked together for a year and a half as the whip on our respective side of the aisle and we always had a very good relationship. Of course, I have already expressed my very close relationship for Senator COATS and for Senator KEMPTHORNE.

To all of these Senators, I want to extend my fondest farewell.

As majority leader, I feel a responsibility to speak for all of us in bidding an official farewell to our five colleagues who are retiring this year.

It was 1974 when DALE BUMPERS left the governorship of Arkansas to take the Senate seat that had long been held by Senator Fulbright. There are several Senators in this Chamber today who, in 1974, were still in high school.

Four terms in the Senate of the United States can be a very long time—but that span of nearly a quarter-century has not in the least diminished Senator BUMPERS' ENTHUSIASM FOR HIS ISSUES AND ENERGY IN ADVANCING THEM.

He has been a formidable debater, fighting for his causes with a tenacity and vigor that deserves the title of Razorback.

It is a memorable experience to be on the receiving end of his opposition—whether the subject was the Space Station or, year after year, mining on public lands.

Arkansas and Mississippi are neighbors, sharing many of the same problems. From personal experience, I know how Senator BUMPERS has been an assiduous and effective advocate for his State and region.

No one expects retirement from the Senate to mean inactivity for Senator BUMPERS, whose convictions run too deep to be set aside with his formal legislative duties.

All of us who know the sacrifices an entire family makes when a spouse or parent is in the Congress can rejoice for him, for Betty, and for their family, in the prospect of more time together in a well earned future.

Senator DAN COATS and I have a bond in common which most Members of the Senate do not share. We both began our careers on Capitol Hill, not as Members, but as staffers.

I worked for the venerable William Colmer of Mississippi, Chairman of the House Rules Committee, who left office in 1972 at the age of 82. Senator COATS worked for Dan Quayle, who came to Congress at the age of 27.

Despite the differences in our situations back then, we both learned the congressional ropes from the bottom up.

Which may be why we both have such respect for the twists and turns of the legislative process, not to mention an attentive ear to the views and concerns of our constituents.

Now and then, a Senator becomes nationally known for his leadership on a major issue. Senator COATS has had several such issues.

One was the constitutional amendment for a balanced budget. Another was New Jersey's garbage, and whether it would be dumped along the banks of the Wabash.

The garbage issue is still unresolved, but on other matters, his success has been the nation's profit.

He has championed the American family, improved Head Start, kept child care free of government control, and helped prevent a federal takeover of health care.

His crusade to give low-income families school choice has made him the most important education reformer since Horace Mann. His passionate defense of children before birth has been, to use an overworked phrase, a profile in courage.

Senator COATS does have a secret vice. He is a baseball addict. On their honeymoon, he took Marcia to a Cubs game. And when he was a Member of the House, he missed the vote on flag-burning to keep a promise to his son to see the Cubs in the playoffs.

To Dan, a commitment is a commitment. That is why he is national president of Big Brothers. And why, a few years ago, he kept a very important audience waiting for his arrival at a meeting here on the Hill.

He had, en route, come across a homeless man, and spent a half-hour urging him to come with him to the Gospel Rescue Mission.

Here in the Congress, we must always be in a hurry. But Senator COATS and his wife, Marcia, have known what is worth waiting for.

They have been a blessing to our Senate family, and they will always remain a part of it.

Senator WENDELL FORD stands twelfth in seniority in the Senate, with the resignation of his predecessor, Senator Marlow Cook, giving him a six-day advantage over his departing colleague, Senator BUMPERS.

He came to Washington with a full decade of hands-on governmental experience in his native Kentucky. He had been a State senator, Lieutenant Governor, and Governor. With that background, he needed little time to make his mark in the Senate.

In that regard, he reminds me of another Kentuckian who make a lasting mark on the Senate.

Last month, I traveled to Ashland, the home of Henry Clay, to receive a medallion named after the man once known as Harry of the West. Senator

FORD was a prior recipient of that award, and appropriately so.

Henry Clay was a shrewd legislator, a tough bargainer, who did not suffer fools lightly. That description sounds familiar to anyone who has worked with Senator FORD.

He can be a remarkably effective partisan. I can attest to that. There is a good reason why he has long been his party's second-in-command in the Senate.

At the same time, he has maintained a personal autonomy that is the mark of a true Senator. He has been outspoken about his wish that his party follow the more moderate path to which he has long adhered.

Senator FORD's influence has been enormous in areas like energy policy and commerce. Contemporary politics may be dependent upon quotable sound-bites and telegenic posturing, but he has held to an older and, in my opinion, a higher standard.

One of the least sought-after responsibilities in the Senate is service on the Rules Committee.

It can be a real headache. But it is crucial to the stature of the Senate. We all owe Senator FORD our personal gratitude for his long years of work on that Committee.

His decisions there would not always have been my decisions; that is the nature of our system. But his work there has set a standard for meticulousness and gravity.

All of us who treasure the traditions, the decorum, and the comity of the Senate will miss him.

We wish him and Jean the happiness of finally being able to set their own hours, enjoy their grandchildren, and never again missing dinner at home because of a late-night session on the Senate floor.

There are many ways to depart the Senate. Our colleague from Ohio, Senator JOHN GLENN, will be leaving us in a unique fashion, renewing the mission to space which he helped to begin in 1962.

In the weeks ahead, he will probably be the focus of more publicity, here and around the world, than the entire Senate has been all year long.

It will be well deserved attention, and I know he accepts it, not for himself, but for America's space program.

For decades now, he has been, not only its champion, but in a way, its embodiment.

That is understandable, but to a certain extent, unfair. For his astronaut image tends to overshadow the accomplishments of a long legislative career.

In particular, his work on the Armed Services Committee, the Commerce Committee, and our Special Committee on Aging has been a more far-reaching achievement than orbiting the earth.

With the proper support and training, others might have done that, but Senator GLENN's accomplishments here in the Senate are not so easily replicated.

This year's hit film, "Saving Private Ryan," has had a tremendous impact on young audiences by bringing home to them the sacrifice and the suffering of those who fought America's wars.

I think Senator GLENN has another lesson to teach them. For the man who will soon blast off from Cape Canaveral, as part of America's peaceful conquest of space—is the same Marine who, more than a half century ago, saw combat in World War II, and again in Korea.

His mission may have changed, but courage and idealism endure.

In a few days, along with Annie and the rest of his family, we will be cheering him again, as he again makes us proud of our country, proud of our space program, and proud to call him our friend and colleague.

Senator DIRK KEMPTHORNE came to us from Idaho only six years ago. He now returns amid the nearly universal expectation that he will be his State's next Governor. It will be a wise choice.

None of us are surprised by his enormous popularity back home. We have come to know him, not just as a consummate politician, but as a thoughtful, decent, and caring man.

This is a man who took the time to learn the names of the men and women who work here in the Capitol and in the Senate office buildings.

In fact, his staff allots extra time for him to get to the Senate floor to vote because they know he will stop and talk to people on the way.

During the memorial ceremony in the Capitol Rotunda for our two officers who lost their lives protecting this building, Senator KEMPTHORNE noticed that the son of one of the officers, overwhelmed by emotion, suddenly left the room.

DIRK followed him, and spent a half-hour alone with him, away from the cameras. The public doesn't see those things, but that's the kind of concern we expect from him.

His willingness to share credit gave us our Unfunded Mandates Act and reauthorization of the Safe Drinking Water Law. And his eye for detail and pride in his own home State led to the transformation of that long, sterile corridor between the Capitol and the Dirksen and Hart office buildings.

Now, as tourists ride the space-age mechanized subway, they enjoy the display of State flags and seals that form a patriotic parade. It delights the eye and lifts the spirit.

If you've ever visited Idaho, known its people, and seen its scenic wonders, you don't have to wonder why he's leaving us early.

You wonder, instead, why he ever left.

Years ago, he explained his future this way: That he would know when it was time to leave the Senate when he stopped asking "why" and started saying "because."

We're going to miss him and Patricia, and no one needs to ask "why." Even so, we know the Governor will be forceful spokesman on the Hill for all the governors.

They could not have a better representative. The Senate could not have a better exemplar. We could not have a better friend.

Mr. President, I would also like to pay tribute to two members of my Senate team who plan to leave us by the end of the year.

As our Sergeant at Arms, Greg Casey holds one of the Senate's highest positions of trust and authority. It is an awesome job, overseeing the hundreds of employees who keep the Capitol in operation.

There is also a ceremonial component to the position of Sergeant at Arms, and Greg has performed in that role admirably well.

But behind the formalities lie enormous operational responsibilities. It is not a job for the weak of will. Greg's performance has set, for all future occupants of his office, a new standard of energy, efficiency, and spirit.

By recognizing hard work and achievement at all levels, he has led the entire Capitol work force to become more professional, more modern, and more team-oriented.

Before appointing him Sergeant at Arms, I had the benefit of his managerial skills as administrative officer to the Majority Leader.

He helped me reassemble the office after Senator Dole moved on to other efforts. And before that, he had served for years as Chief of Staff to Senator LARRY CRAIG of Idaho.

That was a natural fit, for Greg is a classic Idahoan, like his State's two Senators, to whom he has been close since his college days. He is a doer, not a talker, and is undaunted by the challenges from which others shrink. He has done a great job for me, for the Senate, and for his country.

One of his chief concerns has been the security of the Capitol.

Even before the tragic events of last July, he had begun to enhance the safety of those who visit, and those who work in, this building.

We thank Julia, his wife, and their little boy, Greg Jr., for their sacrifice of the family time that means so much to them. And we share their happiness that they will now have more time together.

The second member of my team who will be leaving in the near future is Steve Seale, legal counsel to the Majority Leader.

Steve came to Washington a little more than two years ago at my request—and gave up a seat in the Mississippi Senate to do so. Even more of a sacrifice was moving, with Miriam and their two little girls, Caitlin and Elise, from their home in Hattiesburg to the wilds of Northern Virginia.

He has poured his heart into what can be a thankless task: guarding every line of the law, while telling those in authority what they cannot do.

In official Washington today, no one needs to be reminded of how important those functions are.

Steve has handled an array of judicial, legal, and constitutional issues for me; and I have not been alone in relying on his counsel.

I have deeply appreciated his loyalty, but I have valued even more his willingness to put the law—in all its complexity and with all its restrictions and limitations—before all else, including the convenience of person or of party.

Displayed on his desk is a hand-written note from his two daughters, which, with certain adjustments in spelling, reads like this: "Dear Dad, come home for hugs and kisses."

The Senate cannot beat that offer, and I do not begrudge Steve the opportunity to put family first. Indeed, many Members of Congress will envy him.

There is a saying among persons who have been on my staff, all the way back to my early days in the House of Representatives.

They say that, once you have worked for LOTT, you always work for LOTT.

I take that as a compliment, and I'm taking this occasion to let Steve know that, in his case, it is going to apply for a long, long time.

Mr. President, before we turn to other business, I should offer one final tribute.

When the American people tune in to our televised proceedings, they often see, here beside me or elsewhere on the Senate floor, a lovely young woman, tall, blonde, and beautiful. Her name is Alison Carroll McSlarrow.

What they cannot see is that she is smart, hard-working, savvy, dedicated, principled, caring, ingenious—a master of our legislative process, expert in our Senate rules, an astute advisor, and a persistent voice of conscience to do the right thing.

She came to the Senate after teaching grade school. That experience both reflected and strengthened her interest in children. It helps to explain her opposition to the destructive policies that have for so long dominated federal education programs.

As legislative assistant to Senator DAN COATS, as a Republican staffer in the Labor and Human Resources Committee—and as my chief floor assistant when I was the Majority Whip, she has had a major impact, not only on the processes we follow, but on the policies we have advanced.

Indeed, her determination to protect the health care of the American family had a great deal to do with the defeat of the President's plan to bring that sector of the economy under government control.

For the last two and a half years, she has been my deputy chief of staff. I have relied upon her for everything from vote counts to policy analysis, from parliamentary tactics to legislative strategy.

In her office hangs a framed series of photographs, taken when she was seated next to me here. As I made some expansive gesture, I somehow knocked her in the head.

Her composure never changed; mine did. She remained the consummate professional, doing her job above all else.

Before the 106th Congress assembles in January, Alison and her husband, Kyle, Senator COVERDELL's chief of staff, will have moved to Arizona, where he will be working for former Vice President Dan Quayle. It is hard to imagine my office without her.

I will miss her expertise, of course, and the way she stands up to me more than anyone else on my staff. I will miss her good humor and her idealism. And the Senate will miss her more than I can say.

She leaves with our gratitude, our admiration, and our love.

TRIBUTE TO STAFF

Mr. LOTT. Mr. President, I have to recognize some of my own staff members. Alison Carroll McSlarrow has been my deputy Chief of Staff for the past couple of years. She has done a wonderful job. I have tried to talk her out of getting married and then out of moving to Arizona. But Kyle McSlarrow, who worked with me a while, and now works with Senator COVERDELL, swept her off her feet and now off to Arizona. I will never quite get over what he has done to me. They are a great and wonderful couple. Alison has come to be one of my most trusted aides. She is so competent. I have always been able to rely on her. I will miss her tremendously. I wanted to have an expression of my appreciation in the RECORD for her.

My counsel, Steve Seale, will be going downtown to work with a law firm, which will remain nameless for now. He is a close friend from my own State of Mississippi. He was a naval officer and he was a State Senator and had an outstanding law practice. He left that to come and work for me over the past 3 years. He has done an outstanding job. I wish him the very best in the future.

Last but not least, I want to especially recognize our Sergeant at Arms, Gregg Casey. Gregg had worked for, of course, our policy chairman, LARRY CRAIG. He did a great job with him as Chief of Staff. He is a very close friend of DIRK KEMPTHORNE, the other Senator from Idaho. He came to my aid when I became majority leader to try to help me get my office organized, as I was putting 3 separate staffs into one. He has a real talent for organization and getting an office set up where it can be administered properly. I had another emergency on my hands. We had a need for a new Sergeant at Arms and he agreed to not go back with Senator CRAIG and go into this position of Sergeant at Arms. Over the past 2, 2½ years, he has done a great job in my Senate office and as Sergeant at Arms. It has been difficult in many respects because there were problems that needed to be dealt with. He stepped up to the task.

Of course, we had the very trying experience when we had two of our own security people here in the Capitol killed. That week, I'm sure, is one that has been indelibly marked in Gregg Casey's mind—the horror of it and all that went on. Actually, through it all, a family atmosphere came out of it, and everybody felt a closeness. He did a great job in the aftermath of that and provided real leadership. I know he is going to have many great opportunities in the future. I thank Gregg Casey for a job well done as Sergeant at Arms. This place is better because of the service he has given.

THE NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1998

Mr. LOTT. Mr. President, I am very disappointed that there was an objection to the final passage of the National Salvage Motor Vehicle Act of 1998. This bipartisan consumer measure would have combated the growing and costly fraud of selling rebuilt salvage vehicles as undamaged used cars. This small, but important package would have saved consumers and automobile dealers more than $4 billion annually and would have kept millions of structurally unsafe vehicles off America's roads and highways.

As my colleagues are aware, the practice of selling salvage vehicles without disclosing their damage history has become a serious national problem—aided by titling requirements that vary from state to state. A significant number of our colleagues in this chamber recognized that the status quo simply is not working. Something needed to be done to protect used car buyers and automobile dealers all across America from title washing. This Congress took action to quell this anti-consumer plague that has preyed on unsuspecting victims for far too long. Unfortunately, the Administration killed this much needed consumer protection measure.

Mr. President, the House of Representatives, under the stewardship of Chairman TOM BLILEY of the House Commerce Committee, and Congressman RICK WHITE, the author of the House companion bill, passed most of the Senate's legislation on October 10 with bipartisan support. The House wisely chose to exclude a federal overlay system in addition to existing state branding procedures. This duplicative approach was strongly opposed by the American Association of Motor Vehicle Administrators which represents the very people who would administer the provisions of any auto salvage legislation.

Removing the proposed federal overlay was not taken lightly. The House took a serious look at a recent letter from the AAMVA which strongly objected to the concept of dual federal and state branding systems. Based on its analysis, the House concluded that the proposed federal overlay scheme would have created greater consumer confusion instead of achieving the legislation's intended purpose of enhancing information disclosure. At this time Mr. President, I ask unanimous consent to have printed in the RECORD the October 5, 1998 letter from the American Association of Motor Vehicle Administrators to House Commerce Committee Chairman TOM BLILEY.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF
MOTOR VEHICLE ADMINISTRATORS,
Arlington, VA, October 5, 1998.

Hon. TOM BLILEY,
Chairman, House Commerce Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BLILEY: On October 2, the Senate passed Bill 852, the National Motor Vehicle Safety, Anti-Theft, Title Reform, and Consumer Protection Act of 1997. Senate 852 incorporates the Levin amendment, which specifies a federal overlay of salvage terms and procedures. Under the federal overlay approach, a state which chooses to adopt the federal standards is free to also retain its current, inconsistent definitions and procedures with respect to salvage vehicles.

We understand that the bill will now be considered by the House/Senate Conference Committee. We believe that the federal overlay approach is unacceptable for three reasons:

1. It undercuts the important objective of uniformity in the handling of salvage vehicles;

2. Since participation in the federal standards is entirely voluntary for the states, the federal overlay approach serves no useful purpose, while undercutting the important goals of the bill; and

3. It creates an unworkable system.

Therefore, we request that the federal overlay system be stricken from the final bill so that the bill can achieve the important objectives which Congress, motor vehicle administrators, law enforcement, dealers and others have long worked toward. Even without the Levin amendment, Senate 852 already contains substantial compromises that address the concerns of proponents of the Levin amendment.

Specifically, the federal overlay approach creates problems including:

LACK OF UNIFORMITY

The federal overlay approach completely destroys the primary goal of the legislation: to move toward uniformity of definitions and procedures with respect to salvage vehicles. Such uniformity was the most fundamental of the recommendations of the Motor Vehicle Titling, Registration and Salvage Advisory Committee. In making this recommendation, the Advisory Committee was, in part, addressing Congress' mandate in the Anti Car Theft Act of 1992, which directed the Advisory Committee to "include an examination of the extent to which the absence of uniformity and integration of State laws regulating vehicle titling and registration and salvage of used vehicles allows enterprising criminals to find the weakest link to 'wash' the stolen character of the vehicle."

During the advisory committee's deliberations, it was estimated that there were approximately 65 different words and symbols used in the states to designate salvage and other damaged vehicles, a jumble of terms creating problems for motor vehicle administrators, law enforcement and the consumers they both serve. Rather than moving us toward uniformity, the federal overlay approach raises the specter of actually adding to these 65 terms and symbols.

LACK OF BENEFIT

The federal overlay approach is particularly disturbing in that, given constitutional constraints, participation in the federal standards is voluntary for the states. Since there is no mandate on the states and since a state has to voluntarily adopt the federal standards in order to be affected by them, it is especially troubling that Congress would set up a system in which a state would have two inconsistent programs in place.

PRACTICAL CONCERNS

In our view, the federal overlay poses an unworkable and unrealistic result. Some examples of these problems are as follows:

1. Because the federal definition and the state definition would not be the same, a vehicle could meet the federal definition but not the state definition, or could meet the state definition and not the federal definition. In such a common circumstance, what is the consumer to understand from a title which tells him or her "this vehicle is federal salvage but not state salvage" or "this vehicle is not federal salvage but is state salvage"?

2. If a vehicle is both federal salvage and state salvage, which procedures are to apply? These procedures include application, reporting timeframes, inspection, disclosures, branding, etc. and will, in almost all cases, be different under the federal standards than under the state standards.

3. If a vehicle is a "flood vehicle" under the federal standards, but is a "salvage vehicle" under the state standards (a very common result), do the flood procedures or the salvage procedures apply?

4. If an insurance company leaves a vehicle which meets both the federal salvage standard and the state salvage standard with the owner, which owner-retained procedure is to be followed?

5. Under the federal standard, a nonrepairable vehicle certificate is to be limited to two transfers. Most state laws do not contain a similar limitation. Does the federal standard or the state standard apply?

6. Under Senate 852, it is a crime not to apply for a federal salvage title. Under state laws, it is a crime not to apply for a state salvage title. How does an applicant avoid committing a crime if a vehicle is both a federal salvage vehicle and a state salvage vehicle?

ADMINISTRATIVE BURDEN

State departments of motor vehicles would be tasked with implementing many provisions of Senate 852 as amended. They would need to interpret this complex law and apply it consistently. Responsibilities would include determining the proper designations for state and/or federal branded vehicles, retitling the vehicles, explaining the dual designations to citizens, etc.

The burden of interpreting and maintaining two sets of standards could discourage states from even attempting to implement the federal provisions. For the states that do attempt to implement, it will cause a ripple effect of confusion and errors among states that do not implement.

The amended bill would also create a burden upon users of the National Motor Vehicle Title Information System. As additional variations of salvage brand codes increase, the possibility of misinterpretation would increase as well. The bill's provisions would also require modifications to technical system design, which would in turn require expenditures of resources by states, central file providers, service providers, and the system operator to accommodate.

There are dozens of other practical concerns with the federal overlay approach, but the above give a sense for the impracticality of the approach. The more difficult an approach is to administer and to understand, the easier it is for the unscrupulous to again "work the system" and for consumers to be defrauded.

If you would like additional information, please contact Larry Greenberg, Vice President, Vehicle Services, or Linda Lewis, Director, Public and Legislative Affairs, at 703/522-4200.

Sincerely,

KENNETH M. BEAM,
President & CEO.

Mr. LOTT. The motor vehicle administrators, the real front line experts on this issue, carefully and thoughtfully outlined their practical concerns with the proposed federal overlay approach.

First, the AAMVA letter noted that a federal overlay along with a separate state branding process undercuts the important objective of uniformity in the handling of salvage vehicles.

Second, since participation in the federal standards is entirely voluntary for the states, the federal "overlay" approach serves no useful purpose.

And, third, the letter pointed out that the federal overlay would create an unworkable, unmanageable system.

The AAMVA also cautioned in its letter that "the burden of interpreting and maintaining two sets of standards could discourage states from even attempting to implement the federal provisions. For the states that do attempt to implement, it will cause a ripple effect of confusion and errors among states that do not implement." In my view, these are compelling arguments against adopting the federal overlay approach that was added when the bill passed the Senate on October 2.

Since the legislation was reported by the Senate Commerce Committee in November of last year, a large number of changes were made to the bill in an effort to address expressed concerns. Again, I would emphasize that the final title branding legislation included a number of significant changes to make the bill even more pro-consumer and to provide states with maximum flexibility. It closed the gaps that exist between conflicting state vehicle titling laws that allow dishonest rebuilders to perpetuate their fraudulent schemes without the need for a complicated, redundant, and burdensome federal overlay framework.

The bipartisan compromise package included:

A salvage threshold that was lowered from 80 percent to 75 percent.

A provision that allows states to cover any vehicle, regardless of age.

A provision that grants state Attorneys General the ability to sue on behalf of citizens who are victimized by rebuilt salvage fraud and recover monetary judgments for damages that citizens may have suffered.

With respect to the bill's "prohibited acts," the Senate bill replaced the House's "knowingly and willfully" standard with a "knowingly" standard.

Two new prohibited acts, one related to making a flood disclosure and the other related to moving a vehicle or title in interstate commerce for the purpose of avoiding the bill's requirements.

Flexibility for the states to provide additional disclosures to their citizens regarding the damage history of vehicles; synonyms of the defined terms that a conforming state could not use in connection with a vehicle were deleted.

A provision that allows a state to establish a lesser percentage threshold for salvage vehicles if it so chooses. In other words, a state could set its threshold below the 75 percent level and still be in compliance with the provisions of the bill. Some consumer groups and some attorneys general advocated that states should be able to set their thresholds lower if they so desire. In the interest of compromise, we agreed to adopt that position.

The package that I just outlined clearly indicates that the supporters of the legislation proceeded in good faith to reach a reasonable compromise for an effective bill. A number of changes were adopted a long the way in effort to protect used car consumers from title laundering. Equally important, the changes preserved the right of the states to determine what is in the best interests of their citizens.

While I commend my colleagues in both chambers and from both sides of the aisle for passing versions of this important consumer protection legislation, I again want to express my regret that the Administration chose to oppose the National Salvage Motor Vehicle Act.

Now, instead of improving the hodgepodge of state titling laws, the Administration allows unscrupulous auto rebuilders to launder car and truck titles so they bear no indication of a vehicle's damage history. Perpetuating a costly fraud. A $4 billion annual consumer swindle.

Instead of endorsing this pro-disclosure measure and protecting Americans from title fraud, the Administration has allowed more wrecks on wheels to be put back on our roads and highways.

SUPERFUND RECYCLING EQUITY ACT

Mr. LOTT. Mr. President, I would like to express my personal disappointment that S. 2180, the Superfund Recycling Equity Act, was not enacted into law by this Congress.

The Lott-Daschle scrap recycling bill was cosponsored by 64 Senators and over 300 members of the House. It was strongly supported by the Administration, the environmental community and the scrap recycling industry.

Mr. President, the odds for success don't get much better than this.

S. 2180 would have provided much needed liability relief to those who collect scrap metal, paper, glass, plastic and textiles and arrange for it to be recycled. These are people who should not be held responsible for the pollution of a Superfund site. The Administration agrees. A majority in the Congress agrees. The environmental community agrees. This may be the one and only item within the scope of Superfund reform that has the unanimous support of all parties!

That's why, Mr. President, every comprehensive Superfund bill since 1994 has contained virtually the same language as is found in S. 2180. The same agreements, the same exemptions and the same relief.

I believe in recycling and in the American businesses that recycle. My colleagues on both sides of the aisle do too, and that's why we have come as far as we have towards bringing relief to this industry. No one in this Chamber would argue that it's better to make new aluminum cans than to recycle the old ones. No one would say that used cans should go to the county landfill while new resources go towards making new cans.

But that is just what this body is saying by failing to act on this legislation: Recyclers should be held liable for polluting a site because they provided the materials that created a product that someone else misused in an environmentally damaging way. Is Congress content to let this stand? Should we continue to hold these innocent parties liable simply because the technical legal fix is a stand-alone bill excerpted from a comprehensive context?

Mr. President, I understand the desires of Chairmen CHAFEE, BLILEY and SHUSTER to pass real comprehensive reform. I have always supported their efforts to do so. However, I cannot believe that moving the recycling provisions separately endangers their ability to do a comprehensive bill. The recycling piece has never been the reason for fixing Superfund—and it has certainly never held back progress on a comprehensive bill. Recycling is, given the scope, a very minor part of the total package. Minor, but eminently important to those who continue to be forced into funding cleanups for which they are not responsible.

Mr. President, I am disappointed that some in the business community would rather see no action on Superfund than allow S. 2180's almost 400 Congressional cosponsors to realize a tiny step forward. There are over 2,600 recycling facilities nationwide who suffer because of this "scorch the earth" mentality. It is indeed a tragedy, Mr. President, that we cannot recognize this common ground, agree on a solution and move on.

Mr. President, I hope that in the 106th Congress, we will take a look at Superfund with new eyes. I know we can find ways to provide American businesses—both large and small—some relief. I know we can actually get some clean up done, instead of pouring federal and private sector money into lawyers' pockets. Let's make sure that the parties who mess up are the parties that clean up. That's the bottom line and the goal we all strive towards regardless of philosophy or party.

Mr. President, I would like to thank those members of the House and Senate who have been such an integral part of moving S. 2180 forward. First and foremost, I would like to thank the Minority Leader, Mr. DASCHLE, who has been a great partner and advocate throughout the process of moving this bill. It is good to know that we can team up on issues like these—I hope to continue to do so in the future.

I would also like to thank Congressman TAUZIN, our House sponsor, for all of his efforts. Without a concerted push from both chambers, it is doubtful that we would have come as close as we did.

I would also like to thank the Speaker, the White House and the EPA for their interest and support on this issue.

Finally, Mr. President, I would like to thank the Institute of Scrap Recycling Industries, Inc. (ISRI) for its input. Its membership were instrumental in highlighting the plight of recyclers to their Congressional representatives. I hope that they are willing to join us in putting a shoulder to the grindstone again next Congress.

Thank you.

INTERNET DOMAIN NAME REGISTRATION

Mr. LOTT. Mr. President, I am pleased that the Internet Tax Freedom Act was included in the 1998 Omnibus Appropriations bill.

Congress wants a limited moratorium, accompanied by a careful review of all Internet and electronic commerce tax issues. This will give Congress the opportunity to properly evaluate state and local government interstate taxation, federal taxation and trade treatment of the Internet and electronic commerce. By enacting this measure, Congress also declared that the Internet should be free of any new federal taxes during the moratorium.

Mr. President, present federal law imposes no tax specifically on the Internet, including domain name registrations. However, with several of my colleagues, I have become aware of a pertinent U.S. Federal Court case, Thomas et al v. National Science Foundation et al. In this case, the Court recently declared that Section 8003—Ratification of Internet Fees—of the Emergency Supplemental Appropriations Act of FY98 did sanction what had been previously found by the Court to be an unconstitutional tax on domain name registrations.

I want to take this opportunity to state for the record that Section 8003 was never intended by Congress to ratify a tax on the Internet, but only to address a fee for the Intellectual Infrastructure Fund. Let me be clear. Section 8003 was not an authorization of any tax, unconstitutional or otherwise.

Mr. President, I am pleased this Congress rightly recognized the importance of the Internet and electronic commerce to America's economy, and the need to eliminate uncertainty and confusion surrounding Internet taxation policies.

Thank you, Mr. President.

TRIBUTE TO THE SENATE STAFF OF THE 105TH CONGRESS

Mr. DASCHLE. Mr. President, as the 105th Congress comes to a close, I want to recognize some of the people without whom the Senate simply could not operate—the loyal staff who serve this institution day in and day out with great dedication and pride.

The sacrifices staff make are largely unknown to most people outside the Senate, except perhaps their families. When most of us leave for home after a late night, the Official Reporters of Debates, the Parliamentarians, the Bill Clerks, often face several more hours in the office to finish up that day's legislative work. Staff often work around the clock to finalize important legislative measures, such as the omnibus appropriations bill we just passed.

Anyone who understands the Senate understands the crucial role staff plays. Today, I want to thank all Senate staff for their service to the Senate and to the Nation.

In particular, I want to mention some of the people who are responsible for the daily operations of the Senate. I begin by expressing my gratitude to the office of the Secretary of the Senate. Gary Sisco, Secretary of the Senate, is responsible for some of the most important activities in the Senate such as the Official Reporters of Debates, the Legislative and Bill Clerks, the Disbursing Office, the Information Systems and Computer Staff, the Senate Page School, the Historical Office and many other vital offices in the Senate. He has done a wonderful job of overseeing and improving the delivery and quality of services of those offices. I appreciate the professionalism and even-handedness he has exhibited throughout the 105th Congress. Gary is ably assisted by Jon Lynn Kerchner, Lura Nell Mitchell and Beth Collett.

Gregory Casey, who will be leaving the Senate shortly, has demonstrated tireless dedication to the Senate in the execution of his many responsibilities as Sergeant at Arms of the Senate. I'm thankful he didn't have to arrest any of us during his tenure as Sergeant at Arms and I commend him for his excellent management of a very large and complex operation. We will miss Greg and wish him the very best in the challenges that lay ahead. The Sergeant at Arms has been supported by the capable assistance of the Deputy Sergeant at Arms Loretta Symms and Larry Harris, his Administrative Assistant. The Sergeant's office is also assisted by the work of Becky Daugherty, Laura Parker, Carol Kresge, Mallory McCaskill and Laura Rossi.

I would like to give special thanks for the hard work and consummate professionalism of Jeri Thomson, the executive assistant for the minority, who has provided invaluable assistance to my Democratic colleagues and to me.

I would also like to thank the staff of our Capitol Facilities office, directed by Roy Banks, who keep this building and our offices clean and are always available, often on very short notice, to provide logistical support for the numerous meetings and gatherings we hold in the Capitol.

All Senators, I am sure, are grateful for the counsel and support they receive from the staff who work the Senate floor and cloakrooms. That assistance has become even more valuable to me since I became Democratic Leader.

Our Democratic floor staff works under the excellent leadership of Marty Paone, the Secretary for the Minority. Under great pressure, often with little time and with little margin for error, Marty has time and again provided wise counsel to all Senate Democrats—and even Republican Senators, on occasion. Despite the pressures, Marty always finds time to respond to questions from Senators and staff alike—everything from the routine questions about timing of votes to the most complex analysis of parliamentary procedure. The rare combination of a sharp mind, even temperament, and in-depth experience make Marty one of the most valuable officers of the Senate, and I want to thank him and recognize him for that. In the Secretary's office, Marty is ably assisted by Sue Spatz and Nancy Iacomini.

Day-to-day management of the floor operation is in the capable and energetic hands of Lula Davis, the Assistant Secretary to the Minority. Lula's ability to juggle multiple tasks—from negotiations over bills that we seek to clear by unanimous consent, to advising Senators and staff on legislative strategy, to acting as informal fashion adviser to many of my colleagues—demonstrates her tireless dedication to making things work around here. Marty and Lula are joined by Democratic Floor Assistants, Gary Myrick and Paul Brown, who have done a wonderful job helping to move legislation and protect Senators' interests. I am profoundly grateful for their dedication, their vigilance and their intellect. They are all ably assisted by Alice Aughtry.

Our Democratic Cloakroom staff, Paul Cloutier, Brian Griffin, Brian Erwin and Tricia Engle also provide invaluable assistance in many aspects of our Senate life. Among other things, they field countless queries about what the Senate is doing and when votes will occur, including that age-old question, "Will there be any more roll call votes tonight?". They help us stay on schedule and where we are supposed to be, all the while keeping track of the flurry of legislation that moves through here, and keeping most of us entertained. I salute them for their hard work and good humor and thank them for their assistance.

It is no exaggeration to say that our ability to navigate the complexities of Senate rules and procedures would be impossible without the assistance of our Parliamentarians. Senate Parliamentarian Bob Dove, with the outstanding assistance of Senior Assistant Parliamentarian Alan Frumin, Assistant Parliamentarian Kevin Kayes, and Parliamentary Assistant Sally Goffinet, provides essential expertise and understanding of Senate procedure.

Our growing C-SPAN audience has no doubt become familiar with the commanding voice of Legislative Clerk Scott Bates and his assistant David Tinsley; Bill Clerk Kathie Alvarez has also become a notable presence. Kathie is assisted in her duties as Bill Clerk by Mary Anne Clarkson and John Burnham. Our legislative and bill clerks deserve the thanks and respect of all Senators for their keen attention to detail and their patient professionalism.

Journal Clerk William Lackey and his assistants Patrick Keating and Scott Sanborn; Enrolling Clerk Tom Lundregan and his assistant Charlene McDevitt; Executive Clerk David Marcos, 1st Assistant Executive Clerk, Michelle Haynes and assistants Ken Dean and Terry Sauvain; Daily Digest Editor Thomas Pellikaan, Assistant Editor Linda Sebold, and Staff Assistant Kimberly Longsworth, all have my gratitude for their long hours and hard work.

I also would like to thank and commend again our official Reporters of Debates for their hard work: Chief Reporter Ronald Kavulick and Coordinator of the CONGRESSIONAL RECORD, Eileen Milton; Morning Business Editor Lee Brown and Assistant Editor John Merlino; Expert Transcribers Angela Gallacher, Alma Kristoffersen and Bernita Parker; and the Official Reporters of Debates: Jerald Linnell, Raleigh Milton, Joel Breitner, Mary Jane McCarthy, Paul Nelson, Katie-Jane Teel, and Patrick Renzi.

I also want to thank our Senate Doorkeepers, directed by Myron Fleming and Krista Beal for the friendly and helpful attitude they bring to their jobs, often in the face of long and uncertain hours. Without their assistance and that of all of our Senate support staff, our work simply could not get done.

Last, but certainly not least, Mr. President, I want to thank my own staff—in South Dakota and in Washington—and the staff of the Democratic Leadership Committees, whom I share with Senators REID, ROCKEFELLER, and KERRY. These bright, talented people are dedicated to the effort to serve the people of South Dakota and the Nation, as well as every Democratic Senator and their staffs. They do a tremendous job, and I owe each of them a debt of gratitude.

THANKS TO ERSKINE BOWLES

Mr. DASCHLE. Mr. President, Erskine Bowles will soon leave his post as White House Chief of Staff. He will return to his beloved North Carolina. He returns to his family; his remarkable wife, Crandall, and his exceptional children, Sam, Annie and Bill. If you know Erskine Bowles, you know that his heart has never left them through all his time in Washington. His home and his family are the pride of his life.

But as Erskine prepares to leave his post, he has a right to feel deeply proud of all he has accomplished here, as well. In so much of the progress made during President Clinton's Administration, you see the steady hand and clear vision of Erskine Bowles.

He came to the Capital little known to most of us. He had no experience in the so-called "ways" of Washington. Yet before long, the President realized Erskine was the man for the toughest job in town.

The President's confidence in this choice has been soundly ratified. Erskine leaves here a true friend to every one of us in the Democratic Caucus. He has earned the respect and admiration of Senators on both sides of the aisle. Most importantly, he has put the interests of the country ahead of the problems and politics of public life. By giving of himself—his time and his talents—millions of American families are better off today than they would have been had Erskine never come to Washington.

Jobless men and women now support growing families. Those workers have higher wages. Those wages have helped fuel a roaring economy. Those families can afford to buy their own homes. Those parents can send their children to college. Those children can share in the promising future that Erskine Bowles helped build.

Mr. President, earlier today, we passed a massive budget bill. Some have found fault with that bill in both substance and process. Some of that criticism is justified. But, I, for one, am relieved that during this unfortunate process, the country had Erskine Bowles negotiating the substance. Due in large part to Erskine Bowles, there will be 100,000 new, qualified teachers helping our children get the education they deserve.

There is another important provision in the bill worth noting. For tucked in that $500 billion package, there is funding for the operations of the White House. And from the money dedicated to the salaries of the White House staff, Erskine Bowles takes one dollar a year.

So as we send that bill to the President for his signature, I will take pride in its support for 100,000 teachers; in its protections for our environment; and for the emergency relief it will bring to our farm families.

I will also support it for what it represents: Erskine Bowles' salary—probably the smartest single dollar this government has ever spent.

On behalf of all my colleagues, we honor the service of Erskine Bowles, and wish him and his family the very best in the good days that lie ahead.

TRIBUTE TO CHAIRMAN XAVIER BECERRA

Mr. DASCHLE. Mr. President, as we bring our legislative session to an end, it is appropriate that we pay tribute to an American leader, the outgoing Chair of the Congressional Hispanic Caucus for the 105th Congress, and my friend, XAVIER BECERRA.

Our Nation is fortunate to have an actively engaged Congressional Hispanic Caucus to ensure that more Americans have the opportunity to enjoy the rewards and responsibilities of American citizenship. Their efforts have succeeded in increasing educational opportunities for Hispanic Americans, promoting fairness in our judicial system, and protecting political participation vital to our democracy. Millions of people have benefited from effective leadership provided by the Congressional Hispanic Caucus, and in particular, by Mr. BECERRA.

XAVIER BECERRA was first elected to represent the 30th District of California in November 1992. In 1997, Representative BECERRA was elected to serve as Chairman of the Congressional Hispanic Caucus. Under his chairmanship, educational opportunities for Hispanic Americans have grown considerably: Hispanic Serving Institutions have received record-level funding, bilingual education programs once threatened have been strengthened, nearly $500 million has been allocated for the President's Latino Education Plan, and equal access to technology for students in rural and urban centers has been enhanced through the e-rate program.

Chairman BECERRA has demonstrated great leadership and distinguished himself as powerful legislative voice in pushing for a positive agenda that includes expanding health care, reducing the naturalization backlog at the INS, promoting fairness in our judicial system, ensuring a fair and accurate census, and protecting voting rights.

It has been a privilege for the Democratic Caucus to work with Chairman Becerra and his fellow members of the Congressional Hispanic Caucus. I am going to miss the leadership of Chairman XAVIER BECERRA, but I look forward to his continuing friendship and to developing a strong working relationship with the next Chair of the Congressional Hispanic Caucus.

COMMUNITY BROADCASTERS PROTECTION ACT OF 1998

Mr. FORD. Mr. President, the 105th Congress is likely to adjourn without enacting S. 1427, the Community Broadcasters Protection Act of 1998. Even so, I want to provide my colleagues a status report on the bill and advise them of the prospects for passage next year.

The principal purpose of S. 1427 is to provide permanent "Class A licenses" for low-power broadcasters. Currently these broadcasters have secondary status, which means that they can be bumped from their place on the spectrum by a full-power station. Without permanent status, these broadcasters have a hard time obtaining long-term capital.

After introducing this legislation last year, I worked with the staff of the Federal Communications Committee to refine the bill. In pursuing this matter, I have sought to provide a degree of certainty for low power broadcasters without creating any unintended consequences for other users of the spectrum. The result, which was reported from the Senate Committee on Commerce, Science, and Transportation on October 1, has achieved that goal.

The core mission of low power broadcasters is to provide programming for local communities that are not served by full power stations. These underserved communities may be in rural areas or in large metropolitan areas. In my state, we have a low-power station that provides programming that is geared to the interests of rural Kentuckians. However, in Washington, D.C., low power broadcasters provide Spanish language programming to meet the needs of the Hispanic population in this area.

The FCC has recognized the unique role that community broadcasters play in providing programming to underserved audiences. Earlier this year, when I asked Chairman Kennard for his comments on the legislation, he responded favorably. Chairman Kennard said, "Having reviewed the legislation, I have no major concerns with the bill."

Mr. President, I would like to thank Senator MCCAIN, the chairman of the Committee on Commerce, Science, and Transportation, Senator HOLLINGS, the ranking Democrat on the committee, and my other colleagues on the committee for their support of this legislation. As of today, 13 members of the Commerce Committee have joined as cosponsors. Also I want to express my appreciation to Senator BURNS, the chairman of the Communications Subcommittee. Senator BURNS has cosponsored S. 1427, and he has advised that he will introduce this legislation when the 106th Congress convenes next year. I thank my colleague for his continued interest in and support for community broadcasters. I am very pleased to leave this legislation in the capable hands of the Senator from Montana.

Mr. BURNS. Mr. President, I thank the Senator from Kentucky for his remarks and want to confirm that I plan to introduce this legislation next year. Also, I want to congratulate Senator FORD on his efforts on this legislation. Due to his persistence, much of the preliminary work on this bill has been done. While we will miss his presence on the Commerce Committee next year, we will continue to benefit from his work as a member of this body.

Mr. FORD. Again, I thank the Senator from Montana and wish him luck in this effort next year. The community broadcasters of the nation have earned a permanent place on the broadcast spectrum.

THE SENATE SAYS GOODBYE TO SENATOR DIRK KEMPTHORNE

Mr. BYRD. Mr. President, when one speaks of the State of Idaho, we think of her glorious and rugged landscape, her fertile valleys, her waters ideal for fishing, her world-class ski resorts, her national parks and forests, with land fit for hiking, or biking, and, of course, her reputation as the potato capital of the world. Following the end of the 105th Congress, I daresay that our associations to the State of Idaho will also include the name of DIRK KEMPTHORNE, the state's junior Senator and one of this body's most respected Members. Although our friend from the west is leaving the Senate after only one six-year term, I, for one, will remember him fondly for years to come.

Senator KEMPTHORNE and I formerly served together as Chairman and Ranking Member, respectively, of the Personnel Subcommittee of the Armed Services Committee. We worked together to introduce legislation requiring the study of gender integrated training in the military. That association has been pleasant, and, I believe, productive. To be sure, I have not always agreed with his policy proposals, or he with mine. On many issues, including the balanced budget constitutional amendment and the unfunded mandates legislation, we have held opposing views.

Throughout the lengthy debate on the unfunded mandates bill in early 1995, the Senator was conscientious, thorough, and fair. His grace and courtesy in managing that bill were impressive, particularly for someone so new to the Senate. And, as we all know, his efforts paid off after deliberate consideration and compromise. Moreover, with passage of the unfunded mandates bill, Senator KEMPTHORNE holds the honor of being the most junior member of the Senate since World War II to author, manage, and win passage of a bill numbered Senate Bill One.

When he leaves these hallowed halls, Senator KEMPTHORNE will return to his home state. Boise, of course, is familiar ground for Senator KEMPTHORNE, serving as that city's forty-third Mayor, from 1985 until 1992, when the people of Idaho elected him to his present seat in the Senate. Incidentally, he became so popular during his first term as Mayor that he faced no opposition in his bid for a second term! How many of our colleagues would like to be in that situation? How many of us would like to be so universally popular, and be held in such high respect by our constituents, that such popularity and respect would foreclose potential challengers?

I congratulate Senator KEMPTHORNE on his fine service here, and I wish him and his nice family happiness in future years.

DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT

Mr. HATCH. Mr. President, 14 years ago, when I served as Chairman of the Senate Labor and Human Resources Committee, I teamed up with Representative HENRY WAXMAN, Chairman of the Subcommittee on Health and the Environment of the House Energy and Commerce Committee, to lead passage of the Drug Price Competition and Patent Term Restoration Act of 1984.

The bottom line of this law was to improve the health of the American people. The statute accomplishes this in two primary ways: First, it essentially created the market for more moderately priced generic drugs by allowing generic manufacturers to demonstrate their equivalence to pioneer products without duplicating all of the original safety and efficacy data. Relieved of this costly burden, generic drug firms can provide their products at competitive prices which are attractive to many consumers.

Second, pioneer drug firms became eligible for restoration of some of the patent term lost due to the extensive FDA review of safety and efficacy that all new drugs must undergo. This partial restoration of patent term—up to five years in certain circumstances when such restoration would not result in a greater than 14 year effective patent life—allowed pioneer drug firms additional time to recoup the enormous investments required to bring a new drug to market. This helped attract the investment capital that pioneer firms need to develop the next generation of life-saving drugs.

Consumers benefit from this win-win dynamic because the American public gets both new drugs and competitively priced off-patent medications.

As we start the 15th year since the enactment of this important health and consumer law, we have a generic pharmaceutical sector that has developed into an integral part of the health care system, which together with innovator pharmaceutical and biotechnology companies lead the world in the development and marketing of new health care products.

While I think that the track record of the Hatch-Waxman Act is enviable, I hope that we can even do better for the American public in the future.

Accordingly, I intend to devote time during the next Congress to begin the necessary examination into how we can make changes in the law that will increase our ability to produce both the innovative products that we have come to expect and the lower priced generic products that are so attractive to the family budget.

I intend for this examination to include a serious study of how well the Drug Price Competition and Patent Term Extension Act has functioned over the past 14 years, whether the Act has fulfilled its initial promise, how the courts have interpreted the Act, and indeed, how it has been implemented. I hope to work closely in this endeavor with my good friend and colleague Senator JIM JEFFORDS, Chairman of the Labor and Human Resources Committee, which shares jurisdiction over the Act with the Judiciary Committee.

A major test of such a review will be to assemble a package of initiatives that will retain the delicate but essential balance between the innovator and generic sectors of the industry. This will be a difficult task but it is a worthwhile endeavor for the American people.

Even during this session of Congress, some have proposed changes to our nation's drug discovery laws. There has, for example, been some discussion about changing one of the most controversial provisions of the 1984 law—the so-called Bolar Amendment. Section 271(e) of the Title 35, contains language to overturn a 1984 Federal Circuit Court of Appeals ruling in the case of Roche v. Bolar Pharmaceutical Co., which held that conducting the tests required to secure approval of generic copies of pioneer drugs constituted patent infringement. Section 271(e)(1) establishes an exception to patent infringement laws to authorize generic pharmaceutical companies to conduct testing on patent approved pharmaceutical products for purpose of filing an abbreviated new drug application.

Recently, the application of section 271(e)(1) has been a matter of some controversy in an on-going legal battle between two pioneer drug firms, one company holding existing patent protection and FDA product approval and the other company asserting its own patent rights and seeking pioneer rather than generic approval from FDA. While ultimately the courts must decide whether this is a case of patent infringement, it is clear that this is not merely a simple, garden variety patent infringement case because it also raises the question of precisely what type activities that section 271(e)(1) should allow, and should not allow, in the context of developing not only generic drugs but new drugs and biologicals that they potentially compete directly with.

While I do not take a position on the merits of the actual patent rights in dispute in the current Amgen v. Hoechst Marion Roussel litigation, I must say this case is of some concern to me, especially with regard to court's initial findings which are not consistent with, and broaden, Congress' intent in enacting 271(e).

I do believe Congress would be wise to reassess the breadth of section 271(e)(1) in light of this and a number of court decisions since 1984 that have tended to expand the scope of this provision. One case in particular is the 1990 Supreme Court decision in Lilly v. Medtronic.

My position on these questionable decisions has been clear for some time. I was, in fact, a signatory to an amicus brief in the Lilly case that argued for a somewhat narrower interpretation of 271(e)(1) than has evolved in the courts.

One proposal worthy of serious consideration is to more clearly limit the applicability of 271(e)(1) to exclude testing and other activities necessary for approval of NDAs and BLAs from the patent infringement exemption. Of course, the 271(e)(1) question is only one of many issues that will undoubtedly be proper for further discussion in the next Congress.

Some are concerned about whether drugs that were already in FDA review at the time of enactment of Hatch-Waxman (the "pipeline drugs") have received adequate and fair patent protections in view of subsequent delays that were encountered. Congress should undertake complete review of this proposal during our study of Waxman-Hatch next year, as I believe the evidence will show that there are inequalities we should take steps to remediate.

Others are concerned about the application of the 180 day generic drug exclusivity rule in the aftermath of the Mova decision. Indeed, some are advocating report language that will give FDA new leeway to adopt a "first-to-succeed" in patent litigation approach rather than the "first-to-file" an ANDA that the courts have found.

Frankly, I have concerns about the current outcome whereby some ANDA applicants appear to be handsomely rewarded by pioneer firms for not selling generic competitors.

Still others advocate in the spirit of international harmonization adopting the European rule of a 10 year marketing exclusivity period for all new drugs. And others point out that the advent of the new GATT-required 20 year from filing patent term may change the traditional incentives in coordinating PTO and FDA approvals.

It is time, some argue, to do away completely with current rule by which only 5 years of patent life may be restored to compensate time lost at FDA and only if the effective patent term does not exceed 14 years. Some would also like to revise the rule that limits patent restoration for time lost during the IND phase in a for each 2-days lost, 1-day restored ratio.

On the generic side of the industry, there is concern that as NDA approvals speed up due to user fees, generic approvals continue to lag and take much longer than NDAs. There is also great frustration about what some describe as challenges to the bioequivalence of generic products that are more a delaying and harassing tactic than a bona fide scientific dispute.

And then, there are those in the generic industry who believe that FDA's Orange Book, which records the patents in effect for FDA approved drugs, should be renamed as the "Evergreen Book"!

So there are many issues that merit consideration as we reassess the adequacy of the laws pertaining to the generic and pioneer sectors of the pharmaceutical industry.

Our focus should be on ascertaining what steps we can take that will most benefit the American people in terms of providing incentives both for the development of new drugs and the production of competitively priced generic products. This has and will continue to require a delicate balance. There is an inherent tension between the twin goals discovering the next generation of drugs while at the same time providing generic versions of today's medications.

My goal is to reconcile these somewhat conflicting but wholly meritorious goals in the interest of the American people, and I look forward to working with my colleagues in the House and Senate on this complex issue next year.

TRIBUTE TO ALLEN GARTNER

Mr. LEAHY. Mr. President, Allen Gartner is one of Vermont's real citizen treasures. He was recently honored by the Rutland Region Chamber of Commerce on their 100th anniversary. I ask unanimous consent that a letter I wrote and an article about this honor be printed in the RECORD.

The whole Gartner family represent the best of Vermont and Marcelle and I value their friendship.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PATRICK LEAHY,
U.S. SENATOR,
October 1, 1998.

RUTLAND REGION CHAMBER OF COMMERCE,
North Main Street,
Rutland, VT

DEAR FRIENDS: My mother was wrong.

She always told me that if I wanted something done right, I should do it myself.

What I learned a little later in life was that if I REALLY wanted something done right, I needed to ask Allen Gartner to do it.

Allen personifies Rutland—his love of his family, his sense of the broader community, his deep spirituality, and his sense of the broader community of which we are all a part. Most important for his friends in Rutland and all over Vermont is an indomitable sense that if you work hard enough, and if your cause is just, anything is possible.

It is fitting that Allen is honored by a group as respected as the Rutland Region Chamber of Commerce. But Allen, by the life he leads, the work he does and the joy he brings to others, honors all of us every single day.

Sincerely,

PAT.

[From the Rutland Daily Herald, October 5, 1998]

ALLEN GARTNER, BUSINESS LEADER WITH A SENSE OF CHARITY

(By Laurie Lynn Strasser)

"Tzedaka" is the most important word in the Hebrew language, Mintzer Brothers co-owner Allen S. Gartner said last Thursday after receiving the 1998 Business Person of the Year award from the Rutland Region Chamber of Commerce.

It means "charity."

"I was raised that this is the greatest country in the world, by a long shot," said Gartner. "It was our obligation to give back to the community. My parents not only spoke those words, but they lived by those words."

In conferring the honor, Rutland Chamber of Commerce Executive Vice President Tom Donahue rattled off a litany of boards that Gartner has served on. Donahue added that if he listed all the extracurriculars and charities Gartner had helped, "this luncheon might turn into a dinner meeting."

In an interview afterward, Gartner said he felt honored by the award, but that recognition was not the point.

"Whatever I'm doing, I need to do because that's what people should do," he said. "The bottom line of business is not what's important. That's not what we're on this planet for. We're only here a speck anyway. Really, it's just a blip. What's important is the welfare of the community." His father, the late Walter Gartner, used to say that the best form of giving is anonymous. His father made it out of Nazi Germany in the nick of time, but lost the rest of his family to the Holocaust. After World War II, he married and bought Mintzer Bros., a fuel oil and grain business that had been founded in 1926.

Walter Gartner's wife, Margot, gave birth to Edward in 1945 and Allen in 1949.

The younger Gartner still recalls the days when customers bought berry baskets, syrup cans and laying mash. By the early 1960's, the emphasis had switched to building supplies.

Gartner worked at the Strongs Avenue store in the summers between his graduation from Rutland High School in 1967 and Union College in 1971.

He spent his junior year abroad in France. Just last year, he returned to Paris for an emotional reunion with his host family. The people he last saw as teenagers are now in their 40s, he noted.

Gartner earned a bachelor's degree in political science and modern languages.

"I have a passion for politics," he said. "To me, politics is conflict and compromise."

He went on to pursue an advanced degree at New York University Law School, although he never intended to become a practicing attorney.

"I spent the first 20 years of my life trying to be a peace-maker," he said. "The first day of law school, the professor's asking, "What would your argument be? It was always antithetical to what I believed, but it was good education. I refer to my law school education almost every day of the week."

It wound up taking him seven years to finish at NYU because his father had suffered a stroke. Living with relatives on Manhattan's Upper West Side, he would attend graduate school then work for one semester each year.

"I'd go down to the pay phone in the basement of the law school library and make phone calls for the business," he recalled. "I'd do this every day, buying and selling lumber, calling customers."

Gradually, he and his brother, Edward, took the reins from their father. Walter Gartner died in 1983.

The brothers opened another Mintzer branch in Ludlow in the early 1980s. Three years ago they expanded again into the Route 7 south space vacated by Grossman's after it went out of business.

In the coming year, Mintzer Bros. may face its toughest challenge in 70 years. Home Depot, the largest hardware chain in the world, has indicated an interest in opening a large store in Rutland.

"Big orange is a dose of reality," he said referring to Home Depot's theme color. "You've got to fight the good fight, fight it as best as you can. Business today is war. I'm not sure I'm cut out for war."

Gartner was instrumental in recruiting area merchants to form Rutland Region First, a grassroots organization whose goal is to stop Home Depot from locating in the area.

No matter what happens with the business, it is important to keep perspective, said Gartner. He has faced worse hardships, including the loss of his firstborn daughter when she was six days old and chronic back pain for the past 17 years. Financial challenges are not as important as keeping his family intact, Gartner said.

Just like when he was growing up, Gartner still plays the role of peaceseeker, but these days he has taken the quest to an international level.

Last week, he met Palestinian leader Yasser Arafat, who was in Washington, DC, to parley with Israeli Prime Minister Benjamin Netanyahu.

"It pains me to see Palestinians mistreated," he said. "I'm a Zionist, but I think we've got to live together."

Committed to the Middle East peace process for the past decade, he shaved off his beard when he learned of the historic 1979 accord between Israel and Egypt. When Yasser Arafat signed a treaty with the late Isaac Rabin in 1993, Gartner was there on the south lawn of the White House.

"It was a most emotional moment for me," he recalled, describing weeping Jewish and Arab Americans throwing their arms around each other.

RECOGNITION OF MARY LOUISE SINCLAIR

Mr. SPECTER. Mr. President, I have sought recognition to honor a special member of my staff who is retiring from government service at the end of the 105th Congress.

Mary Louise Sinclair has served with loyalty and with distinction in the United States Senate family for nearly 36 years. During the course of her service in the Senate, Mary Louise has worked for some notable members of this body. She has worked for Senator Everett Dirksen as a secretary from 1962 to 1970. She then joined the staff of Senator Robert Taft as the office manager and secretary, where she stayed for his full term until 1977. My fellow Pennsylvanian, the late Senator John Heinz, was also privileged to have Mary Louise on his staff as a special assistant for a remarkable 13 years from 1978 to 1992, and since 1993, Mary Louise has served with distinction as my Executive Secretary.

Through her dedication and diligence, Mary Louise has enabled me to maximize my efficiency to ensure that I am in the best position to represent Pennsylvania. For that, my staff, my constituents, my family and I are very grateful.

I applaud her service and offer her, on behalf of my Senate colleagues, our goodwill and best wishes upon her retirement.

RECOGNITION OF STAFF

Mr. SPECTER. Mr. President, I would also like today to recognize the efforts of my staff in my personal office and State offices, who help me each day in responding to the needs of 12 million Pennsylvanians and countless other Americans who write, call or visit. I have long said that I believe I have the best staff in the Senate, and I want to convey my appreciation publicly for the work they do on behalf of the taxpayers.

Thus, as the work of the 105th Congress comes to a close, I extend my thanks to David Urban, Gretchen Birkle, Molly Birmingham, Kristin Bodenstedt, Jane Brattain, David Brog, Mark Carmel, Allison Cooper, Juliette Cox, Alli DeKosky, Aura Dunn, Jeff Gabriel, Cathy Gass, David Grindel, Peter Grollman, Patricia Haag, Andrea Haer, Alegra Hassan, Kevin Mathis, Pam Muha, Anthony Pitagno, Dan Renberg, Charlie Robbins, Jill Schugardt, Mary Louise Sinclair, Seema Singh, Erin Streeter, Jim Twaddell, John Ullyot, Ron Williams, and Chris Wilson of my Washington office.

Similarly, I appreciate the efforts of my Pennsylvania-based staff, which includes Ken Braithwaite, Mary Clark, Anthony Cunningham, Patty Doohan, Kenny Evans, Carmen Santiago, Banita Sharma, Gil Stein, Bella Straznik, Corene Ashley, Stan Caldwell, Katherine Risko, Doug Saltzman, Salena Zito, Lynda Murphy, Tom Bowman, Joe Connolly, Steve Dunkle, Joan Mitchell, Mary Jo Bierman, Andy Wallace, and Vincent Galko.

THE CONSERVATION TRUST OF PUERTO RICO

Mr. ROTH. Mr. President, before we adjourn, Senator MOYNIHAN and I would like to speak to an issue that has yet been unable to be resolved—the funding for the Conservation Trust Fund of Puerto Rico. The Conservation Trust was created in 1968 for the protection of the natural resources and environmental beauty of Puerto Rico.

The Trust lost much of its funding as a consequence of the decisions to phase-out section 936 and eliminate the Qualified Possession Source Investment Income (also known as "QPSII") provision in the tax code. I hope that Congress and the Administration will continue to work together to find an equitable solution that will permit the Trust to continue its protection of the environment in Puerto Rico.

Mr. MOYNIHAN. I agree with the distinguished Chairman of the Finance Committee. I would also point out that both the funding for the Conservation Trust and the opportunity to provide much needed monies to Puerto Rico and the Virgin Islands could have been accomplished by including the Administration's rum "cover over" proposal as part of the tax extenders package in the omnibus appropriations measure.

The needs of Puerto Rico, and the importance of this provision, were magnified by the devastation recently caused by Hurricane Georges. Despite significant bipartisan support in the

Senate and the House, and a strong push from the Administration, for some reason the House refused to include this provision in the bill. I thank the Chairman for the opportunity to work with him next year to address this issue.

NATIONAL SECURITY PLANNING

Mr. WARNER. During the past two weeks, the Senate Armed Services Committee has conducted hearings on the readiness of the armed forces. Through testimony from the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the service secretaries, it has been revealed that the military is trained and being asked to perform beyond capacity. The readiness of the armed forces is clearly and unmistakably suffering. For the past several years, this has been the concern of many of the committee and in the Senate, myself included, and we have made every argument during this precipitous decade-plus decrease in defense budgeting to reduce the cuts, arguing that we've cut well beyond the fat and the flesh, and have long been cutting into the bone.

This situation is now receiving the priority so long overdue. Approximately $7 billion of the emergency spending supplemental currently being debated is for immediate defense readiness funding shortfalls. This is, however, only a stop gap measure, and must be the first step in a long journey to ensure the military is properly exercised and outfitted to defend U.S. national security interests.

If we are to responsibly correct this readiness shortcoming, then we must look to the root cause or causes. I believe, as do several of my colleagues on the armed services committee, and others in the Senate, that the primary and foremost reason for the readiness shortfall is an incongruity between the foreign policy goals of this administration, the strategy, and the resources to achieve those goals.

While defense spending is at an historical low, the armed forces are being exercised and deployed in ever increasing frequency and with less and less direction. Earlier this year, for example, Admiral Conrad Lautenbacher gave the remarkable statistic that since the demise of the Soviet Union and the end of the Cold War, the Navy-Marine Corps team alone has been involved in 93 naval contingencies in 96 months. That is an average of almost once a month that the Navy-Marine Corps team has been involved in a contingency of importance to our national security.

As the Congress prepares to adjourn, we do so in a world laden with instability, one which will demand U.S. leadership and engagement. In Kosovo, refugees—numbering nearly a quarter of a million—are fleeing from Kilosevic's forces. They are cowering in the mountains where the harsh winter of the Balkan mountains will kill thousands more, or they are flooding neighboring countries for relief—but finding those countries ill-equipped to support them. I am confident NATO, under U.S. leadership, will soon take action to end the strife action which will require the deployment of a ground forces in Kosovo—with some U.S. participants in view of having an American commander of NATO.

Israel remains the flashpoint in the Middle East, but others come and go. Turkish troops are massing on the Syrian border, preparing to defend a pre-World War II territory claim and retaliate to any Syrian opposition in force. The Taliban, having secured a religious revolution in Afghanistan, have engaged Iranian forces along their common border in an escalating war between two sects of Islam.

While the Gulf War has been over for seven years, Iraq, in defiance of the world community, continues to remain armed. Two months have passed since Saddam Hussein prohibited officials from the United Nations Special Commission on Iraq from conducting inspections. Further, the testing of Vx gas by Iraq has been corroborated by independent tests in France. Questions, credible ones, still arise over their nuclear posture.

Worldwide, a proliferation of nuclear technology and the proliferation of the means to deliver weapons of mass destruction is unnevering. India and Pakistan now have the bomb, and unfortunately, like so many other neighbors in the world community, they also have the motive to use it against each other. The launch of the Taepo Dong 1 by North Korea was a clear and unmistakable "shot heard round the world." Such an action by a militarized, secretive, isolated, country in the throws of an overwhelming economic depression, by a people increasingly in despair, is a harbinger of catastrophe.

This is but a brief summary—a few examples to illustrate where I see continuing and emerging challenges to United States national security interests. Clearly, the end of the Cold War was not peace, but a transformation of the world's politico-military order with unsettled ancient conflicts based on ethnic, religious or tribal differences and interests against emerging. These threats require our continued vigilance and must be our highest concerns.

It is in this context that former Secretary of Defense, Dr. James Schlesinger, examines the current administrations ability to meet these threats given current U.S. force structure and the resources accorded to achieving foreign and defense goals. In his article, "Raise the Anchor or Lower the Ship, Defense Budgeting and Planning," published in the Fall of 1998 edition of The National Interest, Dr. Schlesinger articulates the dilemma with which we find ourselves in recouping the peace dividend in an unstable world that demands U.S. presence and leadership.

Dr. Schlesinger is far too modest to observe that his insights were part of the foundation that led to the increase in military funding that occurs in legislation to be adopted by Congress this week; I encourage each of my colleagues to take a moment to review the article. His forthright, candid discussion of the mismatch between the ends of U.S. foreign and defense policy and the means with which to realize those ends will be a prominent reference for the Senate Armed Services Committee and this body as we deliberate this emergency defense appropriations supplemental and future defense funding issues in the coming congress.

DALE BUMPERS

Mr. DODD. Mr. President, as we approach the end of another Congress, we bid farewell to those Senators who will not be returning in January. Today I wish to say farewell to a good friend and one of the most honorable and respected members of this body—DALE BUMPERS.

DALE BUMPERS is the epitome of what a Senator should be. He entered public service because he believed that it was a noble profession, and throughout his political career he has performed his duties with the highest levels of integrity and decency. He has always been guided by his heart and his mind, not by any polls.

He almost seems like a character from a Frank Capra film. He was a World War II veteran from a small town who attended college and law school on the G.I. Bill. After practicing law for 20 years in his home town, he earned a reputation as a political giant-killer on his way to the Governor's mansion and eventually the Senate. Even his home address seems straight out of Hollywood. Believe it or not, he actually lives on a street named Honesty Way.

Oftentimes when you're watching DALE BUMPERS speak from the Senate floor, you can't help but think of the character made famous by Jimmy Stewart—Senator Jefferson Smith—whose political philosophy was "the only causes worth fighting for are lost causes," and whose most famous line was, "Either I'm dead right, or I'm crazy."

As Senator BUMPERS said just the other day on this floor, he's probably fought more losing battles than any other Senator. I can picture Senator BUMPERS right now, speaking from the heart on some issue about which he cares very deeply. He knows that he's right, but whatever he says, he can't seem to sway a majority of his colleagues. But no matter what, he won't give up. He won't back down. And in 18 years of serving with DALE BUMPERS, I can honestly say that I never saw him waver in his beliefs or back down from a good, honest debate.

Two years ago, when DALE BUMPERS was speaking on the retirement of his former colleague from Arkansas, David Pryor, he said, and I quote, "I am not a terribly effective legislator because I have a very difficult time compromising. I have strong beliefs, and sometimes compromise is just out of the question for me."

Maybe there is some truth to that statement. Maybe DALE BUMPERS could have scored a few more political victories if he had been more willing to compromise.

But I think that my friend from Arkansas is being a little hard on himself in his self-assessment. I think that he is an excellent legislator, and it was his candor and his devotion to his convictions that made him effective. Obviously, compromise is often essential to getting things done around here. But equally essential is having people around here who are passionate about issues and willing to fight for their beliefs in the face of opposition.

DALE BUMPERS is not only thought of highly by his colleagues, but I think that everyone in the entire Senate family thinks fondly of this man. And I know for a fact that many members of my staff share a deep admiration for Senator BUMPERS.

The past few weeks, there has actually been a "Dale Bumpers watch" in the L.A. room in my office, much like the Mark McGwire watch that captivated the country during the baseball season. Every time Senator BUMPERS has come to the floor, hands have pulled back from keyboards and the volumes on television sets have been turned up, as my staffers have watched and wondered if this would be the last time that DALE BUMPERS will speak on the Senate floor. I only hope that they were watching C-SPAN on the afternoon of Saturday, October 10.

Of course, DALE BUMPERS will most likely be remembered for his unsurpassed oratory skills. One thing that made our friend from Arkansas such an effective speaker was that his positions were always based on common sense. Whether or not you agreed with DALE BUMPERS, you could always understand the logic behind his argument. But what set him apart was his passion. Not many people can get excited over a 120 year-old mining law, but DALE BUMPERS could speak on this issue and convince you that this was the defining issue of the decade.

I only regret that he was never elected Majority Leader so that he may one day come back to speak as a part of the Leaders' Speaker Series. Maybe we can come up with a waiver provision to let certain colleagues who were never Majority Leader speak—and call it the "Bumpers Rule."

For DALE BUMPERS the final judgement on the merit of his arguments will not be rendered by the yeas and nays of his colleagues. It will rather be rendered by the illuminating perspective of time. And I have little doubt that time will rule in favor of the Senator from Arkansas.

Just the other day, Senator BUMPERS was on the floor talking about a speech he gave about the ozone layer in the mid 1970s. Most of his statements were considered alarmist at the time, but more than a decade later, an exhaustive study by the National Academy of Sciences confirmed that everything he said has in fact been proven true. And I am confident that time will ultimately prove that DALE BUMPERS was right far more often than he was wrong.

I also think that time will reveal that our friend from Arkansas was one of the most capable, intelligent, and principled legislators that this body has ever known. I can honestly say that it has been an honor to serve alongside DALE BUMPERS for the past 18 years. I will truly miss his friendship, and I wish him and his wife Betty only the best in all their future endeavors.

JOHN GLENN

Mr. DODD. Mr. President, I've been fortunate to be a member of the United States Senate for nearly 18 years, and I have seen a lot of members come and go. But I must admit that I have never seen anyone make a more dramatic exit than our colleague from Ohio. Then again, who in this Chamber would expect anything less?

JOHN GLENN is a man who has served his nation as a Marine fighter pilot in World War II and Korea, flying a total of 149 combat missions.

He has served as a test pilot in the first era of supersonic jets—an occupation where attending a colleague's funeral was as common as a new speed record.

Then of course, JOHN GLENN became a part of our national consciousness when he was chosen to be one of the seven Mercury Astronauts. As much as any event since World War II, his historic flight aboard *Friendship 7* on February 20, 1962 united this Nation and made us believe that there are no limits on what we as humans and as Americans can accomplish.

For the past 24 years, JOHN GLENN has served the people of Ohio and this country as a United States Senator. He has performed his duties with an uncommon grace and dignity. He is a credit to this institution and I am proud to call him a friend.

And now, on October 29th, in perhaps his last act as a U.S. Senator, JOHN GLENN will return to the heavens aboard the space shuttle *Discovery*, becoming the oldest man to ever travel in outer space.

It is very common in this body to feel emotions of deep admiration and respect for one's colleagues, but JOHN GLENN is the rare Senator who inspires feelings of sheer awe.

I was trying to think of what would be an appropriate way to pay tribute to my friend from Ohio, and to put into perspective how remarkable and inspiring is his impending voyage aboard *Discovery*. And I was reminded of the famous farewell of another American hero to whom Senator GLENN is linked historically.

I'm sure all of my colleagues remember Ted Williams—and those of us from New England remember him quite fondly. The Boston Red Sox left-fielder is considered by many to be the greatest hitter who ever lived. The last man to ever hit .400 and the winner of two Triple Crowns, Ted Williams' ability to hit for both power and average has never been matched.

One fact most people don't know about Ted Williams is that he served in the same squadron with JOHN GLENN during the Korean War. Our friend from Ohio was the squadron commander, and the Mr. Williams was his wing-man. People talk about Ruth and Gehrig as the best one-two punch in history, but JOHN GLENN and Ted Williams isn't half bad.

As the story is told, when Ted Williams went to Korea, he knew he would be going into combat. Therefore, he was going to pick the best person to fly alongside him. He had been told that JOHN GLENN was one of the best test pilots in the world, so he sought out our colleague in the reception center before shipping out. And while Ted Williams sought out JOHN GLENN, in tapping Ted Williams to be his wing-man, JOHN GLENN was saying that Williams was the best and sharpest pilot he had in his squadron.

Ted Williams had many great moments on the baseball diamond, but no moment more perfectly encapsulates his career than his last major league at-bat on September 28, 1960. And as JOHN GLENN prepares for his *Discovery* mission, I cannot help but be reminded of that crisp autumn afternoon at Fenway Park.

The game was meaningless in the standings, with the Red Sox limping to the end of their worst season in 27 years. But the day was significant for it was the last time that Hub fans would ever get a glimpse of Number Nine's classic swing. After going 0 for 2 with two fly outs and a walk, Ted Williams came to the plate in the bottom of the eighth inning for what was sure to be his last at-bat. Writer John Updike was at the game, and his accounts of that day are considered scripture by baseball fans everywhere.

As Updike wrote: "Understand that we were a crowd of rational people. We knew that a home run cannot be produced at will; the right pitch must be perfectly met and luck must ride with the ball. Three innings before, we had seen a brave effort fail. The air was soggy, the season was exhausted. Nevertheless, there will always lurk, around the corner in a pocket of our knowledge of the odds, an indefensible hope, and this was one of the times, which you now and then find in sports, when a density of expectation hangs in the air and plucks an event out of the future."

As many of my colleagues already know, Ted Williams did not disappoint. In his final swing, he hit a one-one pitch that soared majestically through the air before disappearing into the right-field bullpen.

As John Updike wrote, "Ted Williams' last word had been so exquisitely chosen, such a perfect fusion of expectation, intention, and execution." Well, I feel that Senator JOHN GLENN's final word has been just as exquisitely chosen.

Here is a man whose career of service to this country is unparalleled. Taken separately, his service as a Marine pilot, as an astronaut, and as a Senator are extraordinary. Put together, they are mythic.

Thirty-six years ago, JOHN GLENN convinced a nation that there are no limits to human potential. At the end of this month, he will once more extend the envelope of human accomplishment. JOHN GLENN's mission on the *Discovery* is his home run in his last at bat. I only wish that they could find a seat on the *Discovery* for John Updike.

Ted Williams' last home run reminds me of JOHN GLENN, not simply because it shows that both men know how to go out in style. It does so because the emotions that were stirred in this fabled at-bat are the very same emotions that have made JOHN GLENN an American hero.

It is that feeling of indefensible hope, our desire to believe in something that is bigger than ourselves. Simply put, it is our belief in heroes.

Life will always be full of disappointment and tribulations. But it helps us to conquer the everyday battles in our own lives when we see someone whom we admire accomplish great things. And we cheer for those persons, because in them, we see the best in ourselves. By believing in them, we believe in ourselves.

When you read John Updike's description of the mood in Fenway Park before that last at bat, it could just as easily be a description of the mood in the Grandstands watching Senator GLENN's launch from Cape Canaveral later this month, or in every American living room when JOHN GLENN boarded *Friendship 7* thirty-six years ago.

Reason insists that we be practical. That we accept our limitations. Yet we hold out hope that we can achieve things once unimaginable, that we can do better. And JOHN GLENN has shown us time and again, as an astronaut, as a test pilot, as a Marine, and as a Senator that we can do better.

Surprisingly, the fact that JOHN GLENN and Ted Williams served together in Korea remained largely a secret until 10 years ago, when Senator GLENN appeared at a reception to honor Ted Williams on his 70th birthday. At the end of the evening, Ted Williams, a man not known for lavishing praise on others, spoke about his former commander. He said, and I quote: "I was so happy and proud of the fact that I knew him. JOHN GLENN is an extraordinarily talented, brave hero. He's a hell of a man. It's just too bad that he's a Democrat."

When Ted Williams is singing your praises, you must be doing something right, and aside from his comments about Senator GLENN's politics, I couldn't agree more with Mr. Williams' statement.

What we seem to forget about Senator GLENN's departure is that, while he is going into space at the end of the month, he is also coming back. I understand that he plans to set up an institute at Ohio State to encourage young people to become involved in politics and public service. In today's climate, it may be harder to turn young people on to politics than it was to put a man into orbit in 1962. But as a public servant, I cannot imagine a better advocate for the profession of public service than JOHN GLENN. He reminds all of us, young and old, that there is honor in service to others and to your country.

While I am certain that he will keep busy, I hope that he and Annie will have a chance to relax and enjoy his retirement. They have certainly earned it.

So as I bid my friend farewell and good luck in his future years, and in particular his mission, I will repeat those words made famous by Scott Carpenter 37 years ago: "Godspeed, JOHN GLENN."

ENCRYPTION CHALLENGE IN THE NEXT CONGRESS

Mr. ASHCROFT. Mr. President, we have made some important advances on the encryption issue during this Congress. We held a hearing in the Senate Constitution Subcommittee, which pointed out the constitutional problems with the Administration's proposed domestic encryption policy and put individual privacy rights back into the discussion. More recently, as everyone is aware, the Administration has taken a few modest steps toward liberalizing its export policy.

However, we have to be wary of piecemeal approaches to the problem. The Administration's decision to relax its export policy helps out big businesses with subsidiaries in certain selected countries, but it leaves most ordinary consumers out in the cold.

In the Judiciary Committee, I resisted another piecemeal approach—making the use of encryption in furtherance of a felony a separate crime, without addressing the broader encryption issue. As a former Attorney General of Missouri, I am keenly aware of the interests of law enforcement in not having encryption unduly hinder law enforcement. On the other hand, in my work on the encryption issue, I have come to appreciate the concerns of privacy groups who are opposed to this proposal. I explored some ways of working this issue out with my colleagues in this Congress, but we could not work out an acceptable compromise. In the next Congress, I look forward to working with my colleagues—on and off the Judiciary Committee—to fashion a comprehensive resolution of the encryption issues that balances the needs of law enforcement and law-abiding citizens.

In the next Congress, our goal must be to move beyond such piecemeal approaches to find a comprehensive solution to computer privacy issues. This will not be easy.

Twice recently, President Clinton has told high-tech audiences that "we've reached broad agreement on encryption policy." Unfortunately, that is just not true—at least not yet. The Administration's water torture approach to encryption—liberalizing export policy drip by drip—demonstrates that they do not understand two fundamental principles: (1) that robust and reliable encryption is available on the world market, and (2) that ordinary Americans should have access to the best available encryption to protect their privacy.

In short, it does us no good to talk about "broad agreement" that does not actually exist. Instead, we need to work hard to make such broad agreement a reality. That is the task for the next Congress, and I look forward to working with my colleagues to get the job done.

SENATOR WENDELL FORD

Mr. LEAHY. Mr. President, I would like to take a moment to bid a fond farewell to one of our most senior senators, Senator WENDELL FORD, who, despite my objections, is leaving the Senate this year. I think that all members will agree that his departure will be a loss for the Senate and nation, as we are losing one of our most respected and well-liked Senators.

Senator FORD and I began our careers in the United States Senate together—24 years ago. It seeks like just yesterday we were the new kids on the block, trying to get the hang of the Senate. A lot has changed from those early days, as Senator FORD has proudly served the people of Kentucky while serving on the Committees on Rules and Administration (where he is ranking member), Commerce, Science, and Transportation, Energy and Natural Resources, and the Joint Committee on Printing (where he was formerly Chairman).

Hailing from Thurston, Kentucky, Senator FORD has brought to the Senate a long and distinguished career as well as the down-home common sense for which he is known. A graduate of the University of Kentucky, WENDELL went on to serve in the United States Army in 1944–1946 and in the Kentucky Army National Guard for 13 years. Senator FORD has long been associated with public service, as he served as a Kentucky state senator, lieutenant governor and as Kentucky's 49th Governor.

Senator FORD has come a long way from being a new kid on the U.S. Senate block in 1974 to becoming the longest serving Senator from Kentucky today. And, I might add, he is now one of the most senior members of the entire Senate and one who follows the old traditions of the Senate as one who always keeps his word.

Throughout his tenure in the U.S. Senate, WENDELL has been recognized as a national leader in campaign-finance reform, energy issues, and, of course, looking out for our nation's tobacco farmers. That has never been as much as an issue as it has this past year, with Congress' attempts at passing tobacco legislation.

A friend to the environment, Senator FORD was the first to introduce and pass a program instructing the federal government to be a model for the country and use recycled printed paper. This program is now the rule rather than the exception in the federal government, as well as schools and businesses throughout the United States.

It is with much regret that I say goodbye to Senator FORD. He has been a great friend all of these years in the Senate, and I will miss him greatly. I hope that retirement brings him plenty of time to spend with his wife, Jean, and their five grandchildren. Knowing WENDELL, however, I have no doubt that retirement will be neither quiet nor slow him down.

SENATOR DALE BUMPERS

Mr. LEAHY. Mr. President, I know we are all going to greatly miss our friend Senator BUMPERS. He is certainly one of the finest orators this body has enjoyed since Daniel Webster. But I want to take a moment to personally thank Senator BUMPERS.

Senator BUMPERS and I came to the Senate as part of the class of 1974. So I had very mixed feelings last year when I heard that my good friend would be leaving this Chamber. He and I have shared many battles over the twenty-four years that we have spent in these halls and on this floor. And, as my good friend pointed out just a few days ago, I am not even half as entertaining as him, so his shoes will be hard to fill.

However, as Senator BUMPERS has often remarked, he has probably fought more losing battles in this Chamber than any other Member. He is leaving those battles for the rest of us to fight. He has laid down a marker for where our country must go in the next century. His challenge to us who remain in this Chamber is to frame laws that show respect to our country's founders and to our country's future.

He has fought tirelessly to defend our Bill of Rights and only yesterday warned this Chamber against of the temptation of amending what he has often called "our sacred document." Senator BUMPERS has shown great courage over the years in his steadfast protection of our Constitution.

As he has pointed out many times, he has taken a lot of political heat for voting against popular issues like school prayer, flag burning and the balanced budget amendment. But even though he has voted against all of these things and voted for our Constitution, he is walking out of this Chamber by his own choice. His courage should guide us all in our choices between Popular issues of the day and protecting our Constitution.

His legacy will also be marked by an intense desire to pass on to his grandchildren and to all of our grandchildren a world where you can still find places of solitude and beauty, streams where you can still catch trout and salmon and forests where you can still find trees older than your grandparents.

That is why it is only fitting that in the last few days of this Congress we are able to honor Senator BUMPERS by dedicating wilderness areas within the Ozark and Ouachita National Forests to his long, and often lonely, fight to protect our nation's most precious natural resources.

His marker also represents a world where children are free from disease and free from debt. DALE and his wife Betty have not only made a professional commitment to protecting the health of our children, but they have made this a personal commitment.

Even if DALE was still a Main Street merchant or a jackleg merchant, as he described himself, Betty would still be dragging him into these fights to protect our children's health. Although I know that she has never had to pull very hard, because his commitment comes from the heart.

Many of us will remember the Senator BUMPERS not only for a keeper of our national treasures, but also as a chaser of boondoggles. Whether it be reining in government subsidies for mining companies or chemical companies, he is never one to pull punches or mince words.

In fact, one of the only reasons I can come up with for Congress still not passing mining reform is that we all so love to see DALE take over the aisles of this Chamber and entertain us with his now re-known "Bumperisms." Who else would think to compare the attraction between our mining companies and government subsidies to a "duck on a June bug."

Of course, DALE certainly would not be one to limit his battles to planet Earth. He has also taken on the black holes we've tried build in outer space. I will not be surprised at all if we start receiving Bumper-Grams from Arkansas each week telling us how many millions we have spent in the last seven days on the International Space Station. Although this fight is not over, Senator BUMPERS can leave here knowing he helped stop the ill-conceived "Star Wars" to make our heavens a battlefield.

Although we will certainly miss Senator BUMPERS for all his one-liners, impassioned speeches, and frank critiques, we will also miss his wonderful wife, Betty. As we leave here this week, I will look fondly on Senator BUMPERS future—spending his days with Betty, his three children, Brent, Bill, and Brooke and their five grandchildren.

Finally, Mr. President, let me help send our dear friend by quoting from another highly-esteemed Arkansan, Johnny Cash, "ask that engineer if he will blow his whistle please, 'Cause I smell frost on cotton leaves. . . . And I smell that Southern breeze. Hey, Porter! Hey, Porter! Please get my bags for me, I need nobody to tell me now that we're in Tennessee. . . . Hey Porter! Hey Porter! Please open up my door. When they stop this train I'm gonna get off first 'Cause I can't wait no more. Tell that engineer I say, "Thanks a lot. I didn't mind the fare. I'm gonna set my feet on Southern soil. . . . And breathe that Southern air."

We all hope that Southern air treats you and Betty well.

PASSAGE OF CERTAIN ANTI-CRIME LEGISLATION

Mr. LEAHY. Mr. President, as this Congress draws to a close, much has been and will be said about what has and has not been accomplished. There is no getting away from the fact that Congress has dropped the ball on too many issues of vital importance to the American people. I need only mention campaign finance reform, a patients' bill of rights, and the failure to pass tough legislation on youth smoking. I have spoken often about the failure of this Congress to live up to its constitutional advice and consent responsibilities with respect to nominations. In addition, this is the first year since enactment of the Congressional Budget Act that Congress has failed to pass a budget. There is much about the record of the 105th Congress with which I have been disappointed and with which the American people should find fault.

In the area of criminal justice, I particularly regret Congress' failure to pass balanced juvenile crime legislation, the Democratic crime bills, S. 15 and S. 2484, or comprehensive legislation on behalf of crime victims. At the same time, I would like to highlight those important measures that we have been able to pass.

THE BULLETPROOF VESTS PARTNERSHIP GRANT ACT, THE CARE FOR POLICE SURVIVORS ACT AND THE PUBLIC SAFETY OFFICER EDUCATIONAL ASSISTANCE ACT

These three bills, which I cosponsored, became law this year. Together these measures make a significant package of legislation to benefit the families of those who serve in law enforcement. This past May, I had the privilege of speaking during National Police Week and the annual memorial activities for law enforcement officers and called for Congress to pass this legislation.

We were able to complete action earlier this year on the Bulletproof Vest Partnership Grant Act, which I introduced with Senator HATCH and Senator CAMPBELL last January. Our bipartisan legislation is intended to save the lives of law enforcement officers across the country by helping State and local law enforcement agencies provide their officers with body armor.

Congress should do all that it can to protect our law enforcement officers. Far too many police officers are needlessly killed each year while serving to protect our citizens. According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

Unfortunately, far too many state and local law enforcement agencies cannot afford to provide every officer in their jurisdictions with the protection of body armor. In fact, the Department of Justice estimates that approximately 150,000 State and local law enforcement officers, nearly 25 percent, are not issued body armor.

A recent incident along the Vermont and New Hampshire border underscores the need for the quick passage of this legislation to provide maximum protection to those who protect us. On August 19, 1997, Federal, State and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. This madman had just shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega lost his life.

During that shootout, all Federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, was seriously wounded in the incident. If it was not for his bulletproof vest, I would have been attending Officer Pfeifer's wake instead of visiting him, and meeting his wife and young daughter in the hospital a few days later.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons used by this madman. But the tragedy underscores the point that all of our law enforcement officers, whether Federal, state or local, deserve the protection of a bulletproof vest.

I am relieved that Officer John Pfeifer is doing well and is back on duty. We all grieve for the two New Hampshire officers who were killed. With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Grant Act creates a new partnership between the Federal Government and State and local law enforcement agencies to help save the lives of police officers by providing the resources for each and every law enforcement officer to have a bulletproof vest. Our bipartisan law created a $25 million matching grant program within the Department of Justice dedicated to helping State and local law enforcement agencies purchase body armor. I am proud to have been able to work with the Appropriations Committees to fund these grants this coming year.

I was also glad that Congress passed the Care for Police Survivors Act, a measure I cosponsored with Senators HATCH. This bill authorizes additional counseling services under the Public Safety Officers Benefits program for families of law enforcement officers harmed in the line of duty.

I am proud to have cosponsored the Federal Law Enforcement Dependents Assistance Act of 1996 and the extension of those educational benefits to the families of State and local public safety officials who die or are disabled in the line of duty with passage of the Public Safety Officers Educational Benefits Assistance Act this year. I would have preferred to send the President the original text of our legislation since it provided full assistance to these families, but the House of Representatives decided to impose a sliding scale means test to our bill. I am glad that we were finally able to pass some educational benefits this year.

CRIME VICTIMS WITH DISABILITIES AWARENESS ACT

I was delighted to join with Senator DEWINE during National Crime Victims Rights Week in April to introduce S. 1976, The Crime Victims with Disabilities Awareness Act. I welcomed the positive response and broad support that our bill received, including the active support of more than 50 groups, including the National Association of Developmental Disabilities Councils, the National Alliance for the Mentally Ill, the National Association of State Directors of Special Education, the National Center for Hearing Disabilities, the American Association on Health and Disability, and many others.

This Act, which was finally approved by the House in September, directs the Department of Justice to conduct research that will increase public awareness of the victimization of individuals with developmental disabilities and understanding of the nature and extent of such crimes. In addition, the Department must examine the means by which States may establish and maintain a database on the incidence of crime against individuals with disabilities.

The need for this research is abundantly clear. Studies conducted abroad have found that individuals with disabilities are four to 10 times more likely to be a victim than individuals without disabilities. One Canadian study found that 67 percent of women with disabilities were physically or sexually assaulted as children.

My own involvement with crime victims rights began more than three decades ago when I served as State's Attorney for Chittenden County, Vermont, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime and domestic violence, rather than presents additional ordeals for those already victimized. This bill deals with a group of victims that we should not ignore.

Over the last 20 years we have made strides in recognizing crime victims' rights and providing much needed assistance. I am proud to have played a role in passage of the Victims and Witness Protection Act of 1982, the Victims of Crime Act of 1984, and the Victims' Rights and Restitution Act of 1990, the Violent Crime Control Act of 1994, the Victims of Terrorism Act of 1996, and the Victim Rights Clarification Act of 1997. This bill is another step to assure recognition of the rights of, and assistance for, victims of crime.

We could have done more. I regret that we were unable to achieve passage of the Crime Victims Assistance Act, S.1081, which I introduced last July with Senator KENNEDY. This bill would provide crime victims with a comprehensive Bill of Rights: an enhanced right to be heard on the issue of pretrial detention and plea bargains, an enhanced right to a speedy trial and to be present in the courtroom throughout a trial, an enhanced right to be heard on probation revocation and to give a statement at sentencing, and the right to be notified of a defendant's escape or release from prison. The Crime Victims Assistance Act would also strengthen victims' services by increasing Federal victim assistance personnel, enhancing training for State and local law enforcement and Officers of the Court, and establishing an ombudsman program for crime victims.

IDENTIFICATION THEFT AND ASSUMPTION DETERRENCE ACT

I am pleased that we passed the Identity Theft and Assumption Deterrence Act, in the form I developed with Senator KYL as the Kyl-Leahy substitute to S.512. This bill penalizes the theft of personal identification information that results in harm to the person whose identification is stolen and then used for false credit cards, fraudulent loans or for other illegal purposes. It also sets up a "clearinghouse" at the Federal Trade Commission to keep track of consumer complaints of identity theft and provide information to victims of this crime on how to deal with its aftermath.

Protecting the privacy of our personal information is a challenge, especially in this information age. Every time we obtain or use a credit card, place a toll-free phone call, surf the Internet, get a driver's license or are featured in Who's Who, we are leaving virtual pieces of ourselves in the form of personal information, which can be used without our consent or even our knowledge. Too frequently, criminals are getting hold of this information and using the personal information of innocent individuals to carry out other crimes. Indeed, U.S. News & World Report has called identity theft "a crime of the 90's".

The consequences for the victims of identity theft can be severe. They can have their credit ratings ruined and be unable to get credit cards, student loans, or mortgages. They can be hounded by creditors or collection agencies to repay debts they never incurred, but were obtained in their name, at their address, with their social security number or driver's license number. It can take months or even years, and agonizing effort, to clear their good names and correct their credit histories. I understand that, in some instances, victims of identity theft have even been arrested for crimes they never committed when the actual perpetrators provided law enforcement officials with assumed names.

Just last week, a woman accused of stealing the identity of a Burlington, Vermont woman was arrested in another Vermont town. Apparently, she used her victim's birth certificate and marriage license to access money in her victim's bank accounts. Now, her victim is left trying to clear their credit records.

Our legislation provides important remedies for such victims of identity theft. Specifically, it makes clear that these victims are entitled to restitution, including payment for any costs and attorney's fees in clearing up their credit histories and having to engage in any civil or administrative proceedings to satisfy debts, liens or other obligations resulting from a defendant's theft of their identity. In addition, the bill directs the Federal Trade Commission to keep track of consumer complaints of identity theft and provide information to victims of this crime on how to deal with its aftermath.

This is an important bill on an issue that has caused harm to many Americans. I am glad that Senator KYL and I were able to join forces to craft legislation that both punishes the perpetrators of identity theft and helps the victims of this crime.

Finally, an amendment added in the House, at the joint request of Senator HATCH and myself, gives the United States Judicial Conference limited authority to withhold personal and sensitive information about judicial officers and employees whose lives have been threatened. Apparently, sophisticated criminals are able to use information set forth in publicly available financial disclosure forms to collect more detailed personal information then used in carrying out threats against our judicial officers. This amendment is an important step to protect the lives of judges, and I am glad that we were able to accomplish this.

THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT

We were also able to pass a bill, H.R. 3494, to help protect children from sexual predators. Senator HATCH, Senator DEWINE and I joined together to bring forward a bill that was both strong and sensible. The goal of H.R. 3494, and of the Hatch-Leahy-DeWine substitute, which passed both houses of Congress, is to provide stronger protections for children from those who would prey upon them. Concerns over protecting our children have only intensified in recent years with the growing popularity of the Internet and the World Wide Web. Cyberspace gives users access to a wealth of information; it connects people from around the world. But it also creates new opportunities for sexual predators and child pornographers to ply their trade.

The challenge is to protect children from exploitation in cyberspace while ensuring that the vast democratic forum of the Internet remains an engine for the free exchange of ideas and information. The Hatch-Leahy-DeWine version of the bill meets this challenge. While no bill is a cure-all for the scourge of child pornography, our substitute is a useful step toward limiting the ability of cyber-pornographers and predators from harming children.

THE CRIME IDENTIFICATION TECHNOLOGY ACT

Senator DEWINE and I again joined forces to introduce the "Crime Identification Technology Act," which was signed by the President on October 9, 1998. Our legislation authorizes comprehensive Department of Justice grants to every State for criminal justice identification, information and communications technologies and systems.

I know from my experience in law enforcement in Vermont over the last 30 years that access to quality, accurate information in a timely fashion is of vital importance. As we prepare to enter the 21st Century, we must provide our State and local law enforcement officers with the resources to develop the latest technological tools and communications systems to solve and prevent crime. I believe this bill accomplishes that goal.

The Crime Identification Technology Act authorizes $250 million for each of the next five years in grants to States for crime information and identification systems. The Attorney General is directed to make grants to each State to be used in conjunction with units of local government, and other States, to use information and identification technologies and systems to upgrade criminal history and criminal justice record systems.

Grants made under our legislation may include programs to establish, develop, update or upgrade—

State, centralized, automated criminal history record information systems, including arrest and disposition reporting;

Automated fingerprint identification systems that are compatible with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation;

Finger imaging, live scan and other automated systems to digitize fingerprints and to communicate prints in a manner that is compatible with systems operated by states and the Federal Bureau of Investigation;

Systems to facilitate full participation in the Interstate Identification Index (III);

Programs and systems to facilitate full participation in the Interstate Identification Index National Crime Prevention and Privacy Compact;

Systems to facilitate full participation in the National Instant Criminal Background Check System (NICS) for firearms eligibility determinations;

Integrated criminal justice information systems to manage and communicate criminal justice information among law enforcement, courts, prosecution, and corrections;

Non-criminal history record information systems relevant to firearms eligibility determinations for availability and accessibility to the NICS;

Court-based criminal justice information systems to promote reporting of dispositions to central state repositories and to the FBI and to promote the compatibility with, and integration of, court systems with other criminal justice information systems;

Ballistics identification programs that are compatible and integrated with the ballistics programs of the National Integrated Ballistics Network (NIBN);

Information, identification and communications programs for forensic purposes;

DNA programs for forensic and identification purposes;

Sexual offender identification and registration systems;

Domestic violence offender identification and information systems;

Programs for fingerprint-supported background checks for non-criminal justice purposes including youth service employees and volunteers and other individuals in positions of trust, if authorized by Federal or State law and administered by a government agency;

Criminal justice information systems with a capacity to provide statistical and research products including incident-based reporting systems and uniform crime reports;

Online and other state-of-the-art communications technologies and programs; and

Multi-agency, multi-jurisdictional communications systems to share routine and emergency information among Federal, State and local law enforcement agencies.

The future effectiveness of law enforcement depends on all levels of law enforcement agencies working together and harnessing the power of today's information age to prevent crime and catch criminals. One way to work together is for State and local law enforcement agencies to band together to create efficiencies of scale. For example, together with New Hampshire and Maine, the State of Vermont has pooled its resources to build a tri-state IAFIS system to identify fingerprints. Our bipartisan legislation would foster these partnerships by allowing groups of States to apply together for grants.

Another challenge for law enforcement agencies across the country is communication difficulties between Federal, State and local law enforcement officials. In a recent report, the Department of Justice's National Institute of Justice concluded that law enforcement agencies throughout the nation lack adequate communications systems to respond to crimes that cross State and local jurisdictions.

A 1997 incident along the Vermont and New Hampshire border underscored this problem. During a cross border shooting spree that left four people dead including two New Hampshire State troopers, Vermont and New Hampshire officers were forced to park two police cruisers next to one another to coordinate activities between Federal, State and local law enforcement officers because the two States' police radios could not communicate with one another.

The Vermont Department of Public Safety, the Vermont U.S. Attorney's Office and others have reacted to these communication problems by developing the Northern Lights proposal. This project will allow the northern borders States of Vermont, New York, New Hampshire and Maine to integrate their law enforcement communications systems to better coordinate interdiction efforts and share intelligence data seamlessly. Our legislation would provide grants for the development of integrated Federal, State and local law enforcement communications systems to foster cutting edge efforts like the Northern Lights project.

In addition, our bipartisan legislation will help each of our States meet its obligations under national anti-crime initiatives. For instance, the FBI will soon bring online NCIC 2000 and IAFIS which will require states to update their criminal justice systems for the country to benefit. States are also being asked to participate in several other national programs such as sexual offender registries, national domestic violence legislation, Brady Act, and National Child Protection Act. Currently, there are no comprehensive programs to support these national crime-fighting systems. Our legislation will fill this void by helping each State meet its obligations under these Federal laws.

The Crime Identification Technology Act provides a helping hand without the heavy hand of a top-down, Washington-knows-best approach. Unfortunately, some in Congress have pushed legislation mandating minute detail changes that States must make in their laws to qualify for Federal funds. Our bill rejects this approach. Instead, we provide the States with Federal support to improve their criminal justice identification, information and communication systems without prescribing new Federal mandates.

INTERSTATE IDENTIFICATION INDEX (III) COMPACT

I am also pleased that Congress finally passed the "National Crime Prevention and Privacy Compact," or Federal-State Interstate Identification Index "III") Compact, for exchange of criminal history records for non-criminal justice purposes. This Compact is the product of a decade-long effort by Federal and State law enforcement officials to establish a legal framework for the exchange of criminal history records for authorized non-criminal justice purposes, such as security clearances, employment or licensing background checks.

Since 1924, the FBI has collected and maintained duplicate State and local fingerprint cards, along with arrest and disposition records. Today, the FBI has more than 200 million fingerprint cards in its system. These FBI records are accessible to authorized government entities for both criminal and authorized noncriminal justice purposes.

Maintaining duplicate files at the FBI is costly and leads to inaccuracies in the criminal history records, since follow-up disposition information from the States is often incomplete. Such a huge central database of routinely incomplete criminal history records raises significant privacy concerns. In addition, the FBI releases these records for noncriminal justice purposes (as authorized by Federal law), to State agencies upon request, even if the State from which the records originated or the receiving State more narrowly restricts the dissemination of such records for noncriminal justice purposes.

The Compact is an effort to get the FBI out of the business of holding a duplicate copy of every State and local criminal history record, and instead to keep those records at the State level. Once fully implemented, the FBI will only need to hold the Interstate Identification Index (III), consisting of the national fingerprint file and a pointer index to direct the requestor to the correct State records repository. The Compact would eliminate the necessity for duplicate records at the FBI for those States participating in the Compact.

Eventually, when all the States become full participants in the Compact, the FBI's centralized files of state offender records will be discontinued and users of such records will obtain those records from the appropriate State's central repository (or from the FBI if the offender has a Federal record). The Compact would establish both a framework for this cooperative exchange of criminal history records for non-criminal justice purposes, and create a Compact Council with representatives from the FBI and the States to monitor system operations and issue necessary rules and procedures for the integrity and accuracy of the records and compliance with privacy standards. Importantly, this Compact would not in any way expand or diminish non-criminal justice purposes for which criminal history records may be used under existing State or Federal law.

Overall, I believe that the Compact should increase the accuracy, completeness and privacy protection for criminal history records. In addition, the Compact would result in important cost savings from establishing a decentralized system. Under the system envisioned by the Compact, the FBI would hold only an "index and pointer" to the records maintained at the originating State. The FBI would no longer have to maintain duplicate State records. Moreover, States would no longer have the burden and costs of submitting arrest fingerprints and charge/disposition data to the FBI for all arrests. Instead, the State would only have to submit to the FBI the fingerprints and textual identification data for a person's first arrest.

With this system, criminal history records would be more up-to-date, or complete, because a decentralized system will keep the records closer to their point of origin in State repositories, eliminating the need for the States to keep sending updated disposition information to the FBI. To ensure further accuracy, the Compact would require requests for criminal history checks for noncriminal justice purposes to be submitted with fingerprints or some other form of positive identification, to avoid mistaken release of records.

Furthermore, under the Compact, the newly-created Council must establish procedures to require that the most current records are requested and that when a new need arises, a new record check is conducted.

Significantly, the newly-created Council must establish privacy enhancing procedures to ensure that requested criminal history records are only used by authorized officials for authorized purposes. Furthermore, the Compact makes clear that only the FBI and authorized representatives from the State repository may have direct access to the FBI index.

The Council must also ensure that only legally appropriate information is released and, specifically, that record entries that may not be used for noncriminal justice purposes are deleted from the response.

Thus, while the Compact would require the release of arrest records to a requesting State, the Compact would also ensure that if disposition records are available that the complete record be released. Also, the Compact would require States receiving records under the Compact to ensure that the records are disseminated in compliance with the authorized uses in that State. Consequently, under the Compact, a State that receives arrest-only information would have to give effect to disposition-only policies in that State and not release that information for noncriminal justice purposes. Thus, in my view, the impact of the Compact for the privacy and accuracy of the records would be positive.

I am pleased to have joined with Senators HATCH and DEWINE to make a number of refinements to the Compact as transmitted by to us by the Administration. Specifically, we have worked to clarify that (1) the work of the Council includes establishing standards to protect the privacy of the records; (2) sealed criminal history records are not covered or subject to release for noncriminal justice purposes under the Compact; (3) the meetings of the Council are open to the public, and (4) the Council's decisions, rules and procedures are available for public inspection and copying and published in the Federal Register.

Commissioner Walton of the Vermont Department of Public Safety supports this Compact. He hopes that passage of the Compact will encourage Vermont to become a full participant in III for both criminal and noncriminal justice purposes, so that Vermont can "reap the benefits of cost savings and improved data quality." The Compact is also strongly supported by the FBI and SEARCH.

We all have an interest in making sure that the criminal history records maintained by our law enforcement agencies at the local, State and Federal levels, are complete, accurate and accessible only to authorized personnel for legally authorized purposes. This Compact is a significant step in the process of achieving that goal.

I know that the Justice Department, under Attorney General Reno's leadership, has made it a priority to modernize and automate criminal history records. Our legislation will continue that leadership by providing each State with the necessary resources to continue to make important efforts to bring their criminal justice systems up to date.

SCHOOL RESOURCE OFFICERS

Congress also recently passed a provision originally introduced by Representative Mahoney of Connecticut and which we later included in S. 2484, the Safe Schools, Safe Streets, and Secure Borders Act of 1998, a comprehensive anti-crime bill cosponsored by Senators DASCHLE, BIDEN, MOSELEY-BRAUN, KENNEDY, KERRY, LAUTENBERG, MIKULSKI, REID, BINGAMAN, DORGAN, MURRAY, DODD and TORRICELLI. This bill authorizes use of COPS funds for school-based partnerships between local schools and local law enforcement, and for School Resource Officers.

These are career police officers with full police authority who are deployed in and around elementary schools, middle schools and high schools to identify and combat school-related crime and disorder problems. The police and the schools work together. They combat gangs and drugs, and perhaps more important, they are there to know and be known by the kids. With their training, the police officers can often spot the initial warning signs so that problems can be stopped before they even start. They can give real-life lessons to likely victims and to kids who are starting down the wrong path. And they can help in developing community justice initiatives and in training students in conflict resolution and other means of preventing crime.

When local communities come up with ideas that work, we in the Congress should assist the rest of the country in putting their own programs in place. The more that we can do to head off crime at an early stage, the more money we will save, and the safer we will make our communities. This is a small but a significant step.

It was not long ago that Republicans fought hard to prevent the COPS program from being adopted and when they tried to keep the President from putting 100,000 additional police officers on the street. It is a real pleasure to see them come around and join with us in expanding what has proved to be a good program that really works.

INTERNATIONAL CRIME AND ANTI-TERRORISM AMENDMENTS

I am pleased that the Senate passed our Improvements to International Crime and Anti-Terrorism Amendments of 1998, and I am hopeful the House will do the same today so that this bill can be signed into law this year. This bill reflects the top international law enforcement priorities of the Departments of Justice, Treasury and State.

Crime and terrorism directed at Americans and American interests abroad are part of our modern reality. The bombings of U.S. embassies in Kenya and Tanzania are just the most recent reminders of how vulnerable American citizens and interests are to terrorist attacks.

Not all of these attacks are with bombs. As a result of improvements in technology, criminals now can transfer funds with a push of a button, or use computers and credit card numbers to steal from American citizens and businesses from any spot on the globe. They can strike at Americans here and abroad. The playing field keeps changing, and we need to change with it. This bill does exactly that by giving our law enforcement agencies new tools to fight international crime and terrorism.

I initially introduced certain provisions of this bill on April 30, 1998, in the "Money Laundering Enforcement and Combating Drugs in Prisons Act of 1998," S. 2011, with Senators DASCHLE, KOHL, FEINSTEIN and CLELAND. Again, on July 14, 1998, I introduced with Senator BIDEN, on behalf of the Administration, the "International Crime Control Act of 1998," S. 2303, which contains many of the provisions set forth in this bill. Virtually all of the provisions in the bill were included in another major Democratic anti-crime bill, the "Safe Schools, Safe Streets, and Secure Borders Act," that I introduced last month.

The International Crime and Anti-Terrorism Amendments bill provides discretionary authority for investigations and prosecutions of organized crime groups that kill or threaten violence against Americans abroad, when in the view of the Attorney General, the organized crime group was trying to further its objectives. This should not be viewed as an invitation for American law enforcement officers to start investigating organized crime around the world, but when such groups are targeting Americans abroad for physical violence and the Attorney General believes it is necessary, we must act.

The bill also expands current law to criminalize murder and other serious crimes committed against state and local officials who are working abroad with Federal authorities on joint projects or operations. The penalties for murder against such state or local officials, who are acting abroad under the auspices of the Federal Government, are the same as for Federal officers, under section 1119 of title 18, United States Code, and would therefore authorize imposition of the death penalty. While I oppose the death penalty, I also oppose arbitrary distinctions in its operation, and there is no principled basis to distinguish between penalties for murder of Federal versus non-Federal officials, who are both acting under the auspices of the Federal Government.

These provisions are crafted to avoid an unwarranted intrusion into foreign affairs. The authority of the Attorney General to bring these prosecutions is limited so as not to interfere with the criminal jurisdiction of the foreign nation where the murder occurred. Thus, this authority will be exercised only in the rare circumstance in which the Attorney General believes the foreign country is not adequately addressing the crime, and where we must take action.

The bill contains provisions to protect our maritime borders by providing realistic sanctions for vessels that fail to "heave to" or otherwise obstruct the Coast Guard. No longer will drug-runners be able to stall or resist Coast Guard commands with impunity. The provision includes additional sanctions for resisting "heave to" orders and for lying to law enforcement officers about a boat's destination, origin and other pertinent matters. The Coast Guard tells me this provision will be a tremendous help in protecting our shores from illegal drugs and other contraband.

The bill also makes sure that drug kingpins and terrorists criminals will not be able to come and go as they please and use the United States as a marketplace or recruiting ground. It provides specific authority to exclude from entry into our country international criminals and terrorists, including those engaged in flight to avoid foreign prosecution, alien smuggling, or arms or drug trafficking under specific circumstances. While it would block such criminals, the bill is carefully crafted to ensure that the Attorney General has full authority to make exceptions for humanitarian and similar reasons.

The bill has two important provisions aimed at computer crimes: it provides expanded wiretap authority, subject to court order, to cover computer crimes, and also gives us extraterritorial jurisdiction over access device fraud, such as stealing telephone credit card numbers, where the victim of the fraud is within our borders.

We cannot stop international crime without international cooperation, however. This bill facilitates such cooperation by allowing our country to share the proceeds of joint forfeiture operations, to encourage participation by foreign countries. It streamlines procedures for executing MLAT requests that apply to multiple judicial districts. Furthermore, the bill addresses the essential but often overlooked role of state and local law enforcement in combating international crime, and authorizes reimbursement of state and local authorities for their cooperation in international crime cases. The bill helps our prosecutors in international crime cases by facilitating the admission of foreign records in U.S. courts. Finally, it will speed the wheels of justice by prohibiting international criminals from being credited with any time they serve abroad while they fight extradition to face charges in our country.

These are important provisions that I have advocated for some time. They are helpful, solid law enforcement provisions. Working together with Senator HATCH, we were able to craft a bipartisan bill that will accomplish what all of us want, to make America a safer and more secure place.

AUTHORIZATION OF THE DEPARTMENT OF JUSTICE AND IMPLEMENTATION OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT

I was pleased to work with Senator HATCH on the Hatch-Leahy substitute amendment to H.R. 3303, the Department of Justice Appropriation Authorization Act for fiscal years 1999, 2000, and 2001, that the Senate Judiciary Committee reported favorably and that I had hoped would be enacted before the end of this Congress.

The last time Congress properly authorized spending for the entire Department of Justice was in 1979. This 19-year failure to properly reauthorize the Department has forced the appropriations committees in both houses to do both jobs of reauthorizing and appropriating money for the Department. This bill reaffirms the authorizing jurisdiction and responsibility of the Senate and House Judiciary Committees. I commend Senator HATCH and Congressman HYDE for working in a bipartisan manner to bring the important business of re-authorizing the Department back before the Judiciary Committees. Regular reauthorization of the Department should be part and parcel of the Committees' traditional role in overseeing the Department's activities.

One of the provisions that the Hatch-Leahy substitute removed from the House-passed version of the bill relates to the compliance date and so-called "grandfather date" in the Communications Assistance For Law Enforcement Act (CALEA), commonly called the "digital telephony law." As part of H.R. 3303, the House extended the compliance date for two years and the "grandfather date" for almost six years, until October 2000.

I have long resisted the efforts and urging of many to tamper with the provisions of CALEA. This law was carefully crafted, after months of negotiation, to balance privacy rights and interests, law enforcement needs, and the desire of business and consumers for innovation in the telecommunications industry. I have so far resisted legislative modifications not because implementation of this law has been problem-free. Far from it. Implementation of this important law has certainly been slower than any of us anticipated. For example, the Department of Justice issued its final notice of capacity in March 1998, over two years late. Capacity requirements are integrally involved with setting appropriate capability standards and building CALEA-compliant equipment. Thus, the delay in release of the final capacity notice has also delayed the ability of telecommunications carriers to achieve compliance with the capability assistance requirements.

In addition to significant delays, implementation of CALEA has been fraught with controversy and debate. Currently pending before the FCC, for example, are proceedings to determine the sufficiency of an interim standard adopted in December 1997 by industry for wireline, cellular and broadband PCS carriers to comply with the four general capability assistance requirements of the law. This interim standard was developed in accordance with CALEA's direction that the telecommunications industry take the lead on figuring out technical solutions for implementing the law. Such industry standards provide "safe harbors" under the law.

While the FBI criticizes the interim standard for failing to include certain surveillance functions (referred to as the "punch list" items), civil liberties groups criticize the interim standard for failing to protect privacy by including surveillance functions for location information and packet-mode call content information. We recognized in CALEA that these are complicated issues, which require intensive time and technical expertise to resolve. The law consequently authorizes the FCC to review alleged deficiencies in, or establish under certain circumstances, technical requirements or standards for compliance with the CALEA capability assistance requirements.

Uncertainty over the outcome of the disputed interim standard has resulted in further delays in developing technical solutions. Indeed, because of the delays in implementation of CALEA, neither the House or the Senate provided any new direct appropriations into the Telecommunications Carrier Compliance Fund. The Explanation of Managers for the Omnibus Appropriations bill makes clear that should funding be necessary in the upcoming fiscal year, the Attorney General is expected to spend the unobligated funds currently available in the fund.

Even if the FCC were to issue its decision and settle the disputes today, compliance with the interim standard would not be achievable for some time because of the development cycle for standardized products and services after promulgation of standards. Therefore, the conferees for the Omnibus Appropriations bill urged the FCC "to act quickly to resolve this issue." I join in this direction and also urge the FCC to resolve the pending petitions regarding the interim standard promptly.

Should the FCC determine that the FBI is correct and that all, or substantially all, the punch list items are required to be incorporated into the compliance standard, the FBI may have won a battle but in the long run—given the potential costs associated with the punch list items—lost the proverbial war. Carriers would bear the costs of complying with those punch list items for equipment, facilities, and services deployed or installed after January 1995, unless the cost is so high, compliance is not reasonably achievable. Then the Government would have to pay for retrofitting, subject to available appropriations and prioritization by law enforcement. Absent such Government payment, which would make compliance "reasonably achievable," CALEA directs that the equipment, facilities, and services at issue will be "deemed to be in compliance with such capability requirements." 47 U.S.C. 1008(b)(2)(B).

I therefore strongly urge carriers to provide the FCC with all necessary cost information associated with the punch list items so that the agency is able to make determinations on whether compliance is reasonably achievable.

We anticipated when we passed CALEA that debates and delays over implementation issues would occur. Congress therefore established processes at the FCC and in the courts to hear all sides, resolve differences, and grant extensions where necessary and warranted.

CALEA expressly authorizes the FCC to extend the compliance date of October 1998, one of the dates extended by the House in its version of H.R. 3303. On September 11, 1998, the FCC released a decision exercising its authority and extending the CALEA compliance date until June 30, 2000. This is a few months shy of the extension approved by the House. This action shows that the FCC process we set up in CALEA to resolve problems that may arise with the law's implementation works. The agency's decision on extension of the compliance date has given me renewed confidence in its ability to carry out the responsibilities we gave the agency under CALEA.

The House-passed version of H.R. 3303 also extended the "grandfather date." Let me explain the significance of this date. CALEA authorizes $500 million for the Federal Government to pay telecommunications carriers for the reasonable costs of retrofitting equipment, facilities or services deployed by January 1, 1995 to comply with the capability requirements. Any such equipment not retrofitted at Government expense is deemed to be compliant, or "grandfathered," until the equipment is replaced or undergoes significant upgrade in the ordinary course of business.

Carriers have raised concerns that due to significant changes in the telecommunications infrastructure as well as the deployment of new equipment and services since 1995, they may be ineligible for any reimbursement under this "grandfather" clause. Carriers have sought an extension of the "grandfather date" until 2000. Before we take such a step and extend the grandfather date, we should fully consider the possible unintended consequences.

The "grandfather date" was set at a time earlier than the compliance date in order to give telecommunications carriers every incentive to find and implement the most efficient and cost-effective solutions to ensure the requisite law enforcement access. In addition, Congress fully contemplated that at some point carriers—not the Government—would bear the costs of CALEA compliance. Setting the grandfather date at January 1995 was intended to be a privacy-enhancing mechanism by giving carriers the additional incentive to interpret the capability assistance requirements narrowly since compliance with non-grandfathered equipment or services was on their "dime." Extending the grandfather date by almost six years to the year 200 may have the unintended consequence of undercutting these important policy considerations.

While CALEA requires that equipment, facilities or services deployed after January 1995 comply with capability assistance standards at the carriers' expense, to ensure fairness and promote innovation, the law provides a "relief valve." Specifically, carriers are authorized to petition the FCC to determine whether compliance for such non-grandfathered equipment, facilities or services is "reasonably achievable" or whether compliance would impose significant difficulty or expense on the carrier or users of the carrier's systems. As I noted above, if the FCC decides compliance is not reasonably achievable, under 47 U.S.C. 1008(b)(2)B), the carrier is "deemed to be in compliance" unless the Attorney General prioritizes its needs, evaluates the importance of the surveillance feature to laws enforcement's mission, and determines that reimbursement is justified.

I appreciate the circumstances under which telecommunications carriers are seeking extension of the grandfather date and their concern over the costs of CALEA compliance for individual companies and ratepayers. As I have already noted, the cost implications of the punch list are significant in evaluating whether compliance is "reasonably achievable," regardless of the specific grandfather date. Should the cost of CALEA compliance and of the punch list become excessive, I urge the industry not to assume that extension of the grandfather date is the only means to achieve a fair resolution of the costs of CALEA compliance.

I look forward to a continued dialogue with the telecommunications industry and the Department of Justice to ensure that the implementation of CALEA is fair and maintains the careful balance of privacy, innovation and law enforcement interests that we intended.

IMPORTANT CRIME ISSUES NOT ADDRESSED

Despite the passage of these important bills, we could have done better. When you look at the Democrat-supported "Safe Schools, Safe Streets and Secure Borders Act," for example, you see too much unfinished work. You see comprehensive reform of the juvenile justice system, including sensible provisions dealing with youth and guns, grants for youth violence courts and other innovative programs for youth. You see comprehensive anti-gang provisions, from stopping the "franchising" of youth gang to penalties for witness intimidation and the use of body armor or laser sighting devices by criminals. You see comprehensive assistance to State and local law enforcement, from more cops on the beat to improved funding to stop violence against women to funds and technology for rural areas. You see weapons against the hate crimes that shock the conscience of the Nation, against the growing problem of cargo theft, against violence and intimidation of judges and others in the law enforcement community, against involving minors in illegal drugs. You see tough money laundering provisions that recently were praised by FBI Director Freeh as excellent tools against not only the drug kingpins, but also international terrorists like Usama bin Laden, the man believed to be responsible for the bombings of our embassies in Kenya and Tanzania. You see an arsenal of other weapons against criminals both here and abroad. And lest we lose sight of the victims of crime, you see a Bill of Rights for the victims of crime, backed by the money, personnel and technology necessary to make those rights a reality.

In the end, of the ten titles in the Safe Schools, Safe Streets and Secure Borders Act, which I proposed with a number of other Democrats, Congress managed to adopt only the title on Criminal History Records in its entirety, along with bits and pieces of others. The list of titles not adopted largely defines the work that remains for a more productive Congress. I have put these important provisions squarely on the table and stand ready, as always, to work with Senators on both sides of the aisle to fine-tune them and to do as much as we can for the American people.

CITIZENS PROTECTION ACT

While Congress failed to enact many provisions outlined in the Safe Schools, Safe Streets, and Secure Borders Act that would have done much to assist the work of law enforcement officers, Congress was placing unnecessary and ill-advised obstacles in the path of effective interstate and international prosecutions, just the type of prosecution that is most difficult, most complex, and most important to the safety and welfare of the American people. This unfortunate bill, the Citizens Protection Act, H.R. 3396, was added by the House to the Commerce, Justice, State and the Judiciary appropriations bill, H.R. 4276. Although its most offensive provisions have been trimmed off, a version of this bill, with a delayed effective date, is now in the Omnibus Appropriations measure at the insistence of the House Republican leadership over the protests not only of the Department of Justice, but also the President and senior Members of both parties in the Senate. As the Washington Post noted in an October 18 editorial:

> One might expect that criminal justice legislation that is opposed by the president, the attorney general and the chairman and ranking member of the Senate Judiciary Committee would not be blithely slipped into the statute books. But prudence was long ago a casualty of this budget process.

I hope that the next Congress will show more wisdom and turn away from such mischief to serious work on the unfinished work of the Safe Schools, Safe Streets and Secure Borders Act, and other nonpartisan, pro-law enforcement legislation.

The criminal justice legislation that I have summarized represents a number of good, solid measures. Enactment of these provisions will have a real effect on the lives of Americans. Even amid the debris of a Congress that has botched so many opportunities to help the American people, I am glad to have squeezed through these significant criminal justice measures in the logjam of the last weeks of the session. Far more than satisfaction, however, I feel a determination that we in Congress can, should and must do better next time. We owe it to the people who sent us here.

CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT

Mr. LEAHY. Mr. President, I am glad that the House of Representatives has, at long last, taken up and passed the Chemical Weapons Convention Implementation Act, S. 610, that the Senate had passed and sent to the House more than a years ago. This measure was included in the omnibus spending bill passed by the House last night and by the Senate today.

Over 10 years ago, in May 1988, as chairman of the then Judiciary Subcommittee on Technology and the Law, I convened hearings on High Tech Terrorism, including terrorism with chemical and biological weapons and terrorist attacks on computer infrastructure. We have made progress in those 10 years, but we need to do more. I was proud to have played a role in Senate ratification of the Chemical Weapons Convention last year. This was a matter initiated under President Reagan, negotiated by President Bush, and signed on behalf of the United States by President Clinton.

We also proceeded to pass implementing legislation, which addressed complex technical and constitutional issues and about which there was great potential for delay. We were able to overcome that delay, however, and reach a sound consensus with admirable speed. The bill was referred to the Judiciary Committee on April 17, 1997, and we held hearings and reported out the bill in just over a month. That bill passed the Senate on May 23, 1997. That shows what we can do here when we put our minds to it.

I am gratified that the stall in House consideration of this important implementing legislation for the Chemical and Biological Weapons Treaty has finally ended. Further delay and a failure to act on the part of the House on what is so obviously a pressing national priority, would have been a great blow to the Nation and to the national security.

TRIBUTE TO KYLE AND ALISON McSLARROW

Mr. COVERDELL. Mr. President, there is an important part of the legislative process that the public rarely gets a chance to see. I am talking about the many dedicated staff people, on both sides of the aisle, who work tirelessly to help the Senate conduct the Nation's business. They work hard. They are dedicated. They provide invaluble advice and counsel on a daily basis.

Today, I rise to pay tribute to one of these remarkable people. Kyle McSlarrow, my Chief of Staff in the Republican Conference Secretary's office, will be leaving my office to run Vice President Dan Quayle's presidential campaign in Arizona. While I couldn't be happier about Kyle's new opportunity to shape the politics of a presidential campaign, I am sad to lose such a talented individual. But most of all, I am sad that such a good friend will be leaving.

For the last several years, Kyle has been an integral part of the Senate Republican leadership team. He provided his counsel to two Majority Leaders—Senator Dole and Senator LOTT—before coming to work as my Chief of Staff in the Conference Secretary's office. Kyle has helped set the strategy for all the major legislative issues we have brought to the Senate floor. He has provided his insight not only to our leadership, but also to many other Senators in our conference who have come to rely on his good judgement.

Kyle McSlarrow is a conservative with the strongest of convictions. He has always been able to get the job done, while holding steadfast to these principles. Kyle has a great deal to be proud of in the years he has worked on Capitol Hill: helping to rein in the IRS, working to reduce illegal drugs in our communities and helping to craft a blueprint for education reform that will one day be the law of this land. But most importantly, Capitol Hill is where Kyle met his wife Alison.

Kyle's better half, Alison McSlarrow, will be leaving the majority leader's office where she has served with great distinction for the past few years as Deputy Chief of Staff. Alison is one of the brightest staffers I have met in Washington. Her intricate knowledge of Senate parliamentary procedure and legislative issues will be sorely missed. I greatly appreciate all the help she has been to me over the years and will miss her dearly, as well.

So I say to my friends Kyle and Alison, best of luck in Arizona. You have made a difference here. You will make a difference wherever you may be. The Nation needs caring and dedicated people like you to always be involved in the process. God speed. The best for you both is yet to come.

TRIBUTE TO RETIRING CONGRESSMAN DAN SCHAEFER

Mr. CAMPBELL. Mr. President, today I pay tribute to may good friend and colleague from Colorado, Congressman DAN SCHAEFER.

Congressman DAN SCHAEFER is retiring from the House of Representatives after 15 years of service to the people of Colorado's 6th Congressional District and the United States. I would like to take this opportunity to share a few reflections on DAN SCHAEFER's many accomplishments as a Congressman.

Not only did Congressman DAN SCHAEFER ably step into the void left when Congressman Jack Swigert died shortly after being elected, but he also successfully led the charge in Congress to have a statute depicting Jack Swigert as a young and daring astronaut of Apollo XIII fame added to Congress' statuary collection as Colorado's second and final contribution. With its wonderful combination of bronze and a colorful space suit, the statue is both visually striking and proud. The Jack Swigert statue is perhaps one of the most popular in the halls of Congress for visitors from all over the world. I know it is one of mine.

Over the years Congressman DAN SCHAEFER has been a leader in the fight to balance our nation's budget. In fact, DAN SCHAEFER is the one who introduced H.J. Res. 1, a joint resolution calling for an amendment to the Constitution to provide for a balanced budget for the U.S. federal government and for greater accountability in the enactment of tax legislation in the 105th Congress. H.J. Res. 1 clearly merits the cosponsorships of the 229 of his colleagues in the House of Representatives who joined in support of Congressman SCHAEFER's resolution.

I am an original cosponsor of S.J. Res. 1, the companion legislation in the Senate to H.J. Res. 1. While this worthy legislation fell just one vote short of passage in the Senate in the 105th Congress, this Congress also just passed the first balanced budget in many, many years. DAN SCHAEFER is retiring from Congress with its books balanced for the first time in generations. His role in achieving this important historic victory for the American people will be remembered.

Congressman DAN SCHAEFER has also been a national leader in energy issues. In the 105th Congress he led the drive for Public Law 105–28, a law that amends and updates sections of the Department of Energy Organization Act. He has also been a ground breaker in the quest to deregulate American electricity. Even the exceeding complexities and deep vested interests involved in our nation's electricity markets and monopolies did not deter DAN SCHAEFER from introducing H.R. 655. This bill's goal was to give all American consumers the right to choose among competitive providers of electricity in order to achieve lower prices and better service. His steadfast work on this complex issue has made valuable progress that can be built upon in years to come.

Finally, as the Coach of the Republican Congressional Baseball Team, DAN SCHAEFER has established a winning record, batting 60% as the Republican team has won 3 out of 5 games under his leadership, including winning for the last two years, in 1997 and 1998. DAN has also been selected as the team's Most Valuable Player twice. It is clear that Congressman SCHAEFER's leadership will be missed both in the halls of Congress as well as on the Congressional baseball diamond.

As he retires from the House, Congressman DAN SCHAEFER has a record of accomplishment to be proud of. He is the undisputed Dean of the Colorado delegation. He will be missed. I wish him well and best of luck in all of his future endeavors.

TRIBUTE TO CHRISTOPHER GEORGES

Mr. DASCHLE. Mr. President, I was stunned and saddened to learn this morning of the death of Christopher Georges.

For much of the last four years, Chris reported on Congress for the Wall Street Journal. He died yesterday from complications of lupus.

He was not given much time in this world—only 33 years. But he used every minute he was given, and achieved a remarkable amount.

He graduated magna cum laude from Harvard University in 1987 with a degree in government. At Harvard, he was the executive editor of the Harvard Crimson and was named Harvard Journalist of the Year for 1986–87.

He began his journalism career in 1987 as an intern with the Washington Post. He worked on the issues staff of the Dukakis for President campaign in 1987 and 1988. He returned to newspapers, as a clerk for the New York Times. From the Times, Chris moved to CNN's first special investigative unit.

After CNN, he was named editor of Washington Monthly magazine. A story he wrote on investigative journalism for Washington Monthly was named one of the "10 Best of 1992" by the 1993 Forbes Media Guide.

In 1994, he joined the staff of the Wall Street Journal in Washington covering politics, the budget and economic issues. He was nominated for a Pulitzer Prize last year for a series of stories he wrote examining the effects of the new welfare reform laws.

It was during his time at the Journal that I got to know Chris. He was a brilliant and fair reporter. He understood public policy as well as anyone in this building. He also had a rare ability to see how what we do in this building affects people outside it.

His stories on welfare reform were a case in point. For months, Chris practically lived at housing projects in the Washington area to see how the new laws affected four women as they struggled to make the transition from welfare to work.

Chris loved everything about newspapering—the reporting, the storytelling. His abilities, and his fundamental sense of fairness, earned him the respect of people on both sides of the aisle.

Chris was brilliant, funny, modest, gentle. He was also incredibly brave.

Like many of us, I had no idea how sick Chris was, how savage and debilitating his disease was. He almost never spoke about it. I now know that Chris struggled with his disease for more than half his life, since he was 15 years old.

A good friend of Chris's, Gene Sperling, director of the President's National Economic Council, first met Chris when he was 22. He said the first time they stayed up all night working on a project, Chris confided to Gene about his disease.

Gene asked Chris what it meant to have lupus. Chris was quiet for a moment, then he said, "It means I could die young."

As a teenager, Chris had been a fierce wrestler. He was just as ferocious in his efforts to wrestle his disease into submission. He did not allow it to defeat him.

Perhaps because he knew what it meant to suffer, Chris was an unusually compassionate man. He leaves behind an incredible number of friends. I want to extend my condolences to them.

I also want to extend my prayers and heartfelt sympathy to Chris's parents, Mary and Jerry Georges of New York City; his sisters, Gigi Georges of Washington; Stephanie Georges Comfort and her husband Chris Comfort of Denver, Colorado and their daughter Katherine.

In the last year of his life, Chris Georges got to do the kind of reporting he really wanted to do. It was smart and important, and it illuminated what we do here. Had he lived longer, I'm sure we would have seen more of it.

I will miss reading Chris's stories. More than that, I will miss seeing him and talking to him. He was an extraordinary man.

In closing, President Clinton this morning also talked about Chris's life and his work. I ask unanimous consent that the President's remarks be printed in the RECORD as well. Thank you.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

Chris Georges was a reporter's reporter. Whether he was writing about the budget, Medicare or welfare, Chris' journalistic integrity, attention to detail, and focus on the human side of policy earned him the respect of both his fellow reporters and those who work in the Congress and the White House. It was only fitting that his nomination for a Pulitzer Prize was for a story about welfare and HIV-positive children. Chris's friends and colleagues most remember his decency, integrity, wit, and sense of fairness. He will be deeply missed by his parents, sisters, and many friends.

AFRICA: SEEDS OF HOPE ACT OF 1998

Mr. SARBANES. Mr. President, I am pleased to note that yesterday both Houses of Congress passed the "Africa: Seeds of Hope Act of 1998," clearing the measure for signature by the President. This legislation, which I introduced together with my colleague from

Ohio, Senator DEWINE, in July, is designed to prevent hunger and malnutrition in Africa while at the same time helping American farmers and developing lasting and mutually beneficial ties between our peoples.

Food security is critical to establishing the basis for long-term peace, democracy and prosperity in Africa. By redirecting existing bilateral aid and investment programs toward small-scale farming and rural development, the "Seeds of Hope Act" will promote sustainable agricultural development and food security in sub-Saharan Africa. Further, this initiative will foster research and extension activities and help to build local markets, providing important opportunities for mutual cooperation between U.S. and African farmers, educators, scientists and entrepreneurs.

The bill, as adopted, is intended to accomplish several important objectives. First, it aims at providing new opportunities for the poorest of the poor, especially women, by expanding access to credit and technology, improving information and farming techniques, and creating more efficient market mechanisms.

Second, it is designed to maximize the efficiency of current aid programs. It directs the United States Agency for International Development (USAID) to focus more of its efforts on projects that improve food security and meet the needs of the rural poor, and requires the participation of affected communities in all phases of project planning and development. The initiative strengthens coordination with non-governmental organizations, cooperatives, educational institutions and local marketing associations that have relevant expertise. In this way, it encourages the latest agricultural methods and most successful business practices, while ensuring they are appropriate to local conditions and adapted to specific climates.

Third, this legislation mobilizes new resources for investment in African agriculture and rural development through the Overseas Private Investment Corporation (OPIC), working with small businesses and other U.S. entities to develop the capacities of small-scale farmers and rural entrepreneurs. Particularly in this budgetary environment, it is essential to expand the public-private partnership in this area.

Finally, the "Africa: Seeds of Hope Act" establishes a new and more reliable mechanism for providing emergency food aid overseas. Rather than waiting until emergencies arise to purchase food for donation, the bill establishes a humanitarian trust that buys commodities when they are in surplus and distributes them immediately when they are needed. This mechanism will allow for more timely and cost-effective responses to humanitarian crises.

Mr. President, a great deal of planning and hard work went into the passage of this legislation, not only by my colleagues and their staff members but especially by the private, voluntary organizations involved in sustainable development, such as Catholic Relief Services and Bread for the World. These organizations work directly with the African communities most affected by hunger and famine, and their input into this process was quite valuable. I commend them for their efforts, and I know they join me in welcoming the passage of this important piece of legislation.

VACANCIES REFORM ACT

Mr. LIEBERMAN. Mr. President, I want to add my voice to those supporting the passage of the Vacancies Reform Act as part of this bill. The Vacancies Reform Act addresses an enormously important issue: the need to protect the Senate's constitutional role in the appointment of Federal officers. The Constitution provides that the President's power to appoint officers of the United States is to be exercised "by and with the Advice and Consent of the Senate." Unfortunately, in too many cases, over the course of the past several Administrations, the Senate's constitutional prerogatives have been ignored, through the Executive's far too common practice of appointing acting officials to serve lengthy periods in positions that are supposed to be filled with individuals confirmed by the Senate.

With the leadership of Senators BYRD and THOMPSON, we in the Governmental Affairs Committee have worked for a large part of this session to try to find a solution to this problem that reasserted the Senate's constitutional rights while at the same time avoided creating an unwarranted risk to the Government's good functioning. As noted in the Additional Views I and others signed to the committee's report, the bill the committee reported in July and the Senate considered in September went most of the way toward achieving these goals. Nevertheless, because it still contained a number of troubling provisions that, in my view, could have hindered the ability of the executive branch to carry out its duties, I could not in the end support that version of the bill.

Since the bill's floor consideration in September, all of the interested parties have worked hard and in good faith to address the concerns that remained about the bill, with the result that we now have a good bill, one that offers a measured and appropriate response to the Executive's longstanding unwillingness to comply with the dictates of the Vacancies Act. I am particularly pleased that the final version of the bill resolves one of my biggest concerns—that we not define who may serve as an acting official in a manner that, in some cases, effectively precludes anyone from serving in an acting capacity. The final version of the bill well addresses this problem by offering the President the option to choose any senior agency staff who has worked at the agency for at least 90 days to serve as the acting official.

So, Mr. President, let me once again thank Senator BYRD, Senator THOMPSON, and the others who have worked so hard on this bill. I am pleased that it soon will become law.

NUCLEAR PROLIFERATION CONCERNS WITH THE DEPARTMENT OF ENERGY'S PLANS TO USE A COMMERCIAL LIGHT WATER REACTOR TO PRODUCE TRITIUM FOR DEFENSE PURPOSES

Mr. THURMOND. Mr. President, I rise today to discuss an issue of the utmost importance to the safety and security of every American—the timely restoration of tritium production to maintain our nuclear deterrent. Some have attempted to focus this debate on cost. Mr. President, the most significant issue in this debate is not cost—it is the National Security of the United States.

For those who do not know, tritium is a radioactive gas and is an essential component of modern nuclear weapons. It decays at a rate of five-and-a-half percent per year, so in order to maintain our nuclear deterrent the tritium must be continually replaced. We have not produced tritium in this country since 1988, when the reactors at the Savannah River Site in South Carolina were shut down. Since that time the Department of Energy has examined countless options and technologies, but has not yet selected a new source. The end result of almost a decade of stalling is millions in wasted taxpayer dollars and no progress in meeting the requirements of the Department of Defense. If the Department of Energy is unable to begin the production of tritium before 2007, the impact will be unilateral U.S. nuclear disarmament. Mr. President, given the perilous international security environment that exists, we cannot afford to allow this to happen. The National Security interests of our Nation demand that we have a reliable source of tritium.

For a variety of reasons, the Clinton Administration has mismanaged this program by delaying implementation, issuing torrents of misinformation, and failing to acknowledge the true liabilities of the commercial light water reactor option. Make no mistake, through its actions, and inaction, this Administration has put our nuclear deterrent in jeopardy. This matter is of the utmost importance to the Nation and I feel compelled to raise my concerns with my colleagues here today.

The Department has narrowed its choices down to two options—the use of a commercial light water reactor at the Tennessee Valley Authority (TVA) or the use of a defense linear accelerator at a dedicated defense site. In my opinion, the only viable option, in terms of cost, reliability, ability to meet Defense Department needs, and maintain a high non-proliferation stance, is the Accelerator for the Production of Tritium (APT).

Over the past three months, a variety of inaccurate and misleading claims have been made regarding the APT option. To date, I have not come to the floor to correct these inaccuracies because my efforts were focused on completing work on the National Defense Authorization Act Conference Report. The enactment of this bill is essential to the armed forces of the United States. It provides the men and women who wear the uniform of our Nation with a much needed pay raise, it includes many vital readiness enhancements, and provides for the long-term modernization of our military. However, now that the Conference Report has been signed by the President and is law, I wish to take a few moments to voice my concerns with the Department of Energy's tritium production program.

Despite the flood of misinformation, one fact remains abundantly clear and irrefutable—that we must have new tritium production source very soon or leave our Nation without the nuclear deterrent that has kept the peace so well for the past 50 years. Mr. President, let me state this plainly. My fear is that the commercial light water reactor option may never yield the tritium needed to maintain our defense nuclear stockpile. The regulations of the Nuclear Regulatory Commission make a commercial reactor vulnerable to third party intervenor lawsuits and as a result, that litigation could easily block that facility from coming on-line before it ever produces the first kilogram of tritium for defense purposes. Only tritium produced in an accelerator, at a dedicated defense site, will assure that we have the tritium we need when we need it.

Mr. President, the cold war is over, but many dangers remain. In fact, the world may be a much more uncertain place today than it was during the height of the cold war. Despite President Clinton's rhetoric on stemming the proliferation of nuclear weapons and other weapons of mass destruction, we continue to see new and troubling proliferation trends. Recently, we learned that Iraq's nuclear program is much more advanced than previously thought. Earlier this year we witnessed the very public entry of two new nations—India and Pakistan—into the nuclear weapons club. In the last few months we have witnessed other nations boldly demonstrate their ability to deploy missile systems capable of delivering nuclear or chemical/biological warheads onto U.S. soil.

Mr. President, these are very troubling developments indeed. All of these events demonstrate the need for the United States to maintain a viable nuclear deterrent. They also require consistent leadership on the part of the United States. Our policies on non-proliferation must be, as Secretary of State Albright said, "unambiguous, decisive and clear." Unfortunately, the Clinton Administration's actions do not match up with its rhetoric. One prime example is in the area of tritium production.

By the end of this year, the Clinton Administration is required to identify its preferred method to produce new tritium. One of the options being considered is the use of a civilian nuclear reactor to produce tritium for use in U.S. nuclear weapons. Such a decision would end a five-decade-long U.S. policy which has been upheld by every President since Harry Truman. That policy states very clearly and unquestionably that the separation of civilian and military nuclear energy programs is in the best interests of the United States. It states that we should not try to turn civilian nuclear power plants into nuclear bomb plants.

Some are claiming that because the Tennessee Valley Authority is a government agency that producing nuclear weapons materials in their reactors is consistent with U.S. policy. I can tell you that it is not. The Atomic Energy Act, which governs this policy, was never intended to condone the use of commercial-use facilities to produce nuclear weapons materials. Additionally, the reactors that present the greatest threat to U.S. national security interests are, in fact, owned by the governments of Korea, Iran, Iraq, India, and Pakistan. The implications of changing our policy concerning civilian-use nuclear power reactors, despite whether they are owned by a government or a commercial entity, are far-reaching and potentially disastrous.

Anyone who is concerned about National Security and nonproliferation must acknowledge that designating a commercial-use reactor as the new tritium production source would signal to the world that it is now acceptable to use commercial-use reactors to produce materials for nuclear weapons. Let me say that one more time—it would tell the rest of the world that we believe there should be no distinction between civilian and military nuclear facilities.

Sending that message would also signal the end of commercial nuclear sales overseas. Now, every time a U.S. vendor attempted to sell a reactor to a foreign government, we would have to assess the potential of that plant becoming a nuclear weapons production site. The National Security of the United States demands that we operate at a higher standard—setting ourselves apart as a World Leader.

I am a proponent of nuclear power and I support finding alternative missions for nuclear reactors, but using a commercial reactor to create nuclear weapons materials would be devastating to the nuclear industry. If we allow this ill-conceived Clinton Administration proposal to go forward, we will no longer be able to preach from the bully pulpit on non-proliferation. We will no longer be able to tell other nations that it is unacceptable to forgo the use of their commercial reactors for military purposes. We will have crossed that formerly well defined boundary that every President knew should never be violated since the dawn of the nuclear age. This President, however, seems to feel that it is perfectly acceptable to say to the rest of the world, "do as we say, not as we do." Mr. President, we cannot allow this Administration to take such an action without the intense scrutiny of Congress.

How could we go to the United Nations or the G–8 Summit and condemn nations like Iraq, Libya, Iran, North Korea, or any other nation that is so eager to establish a nuclear weapons program if we are not living up to our own standards? The simple answer is that we will not be able to do so, because civilian workers in a Tennessee Valley Authority commercial nuclear power plant will be producing weapons grade materials. Our moral authority will be lost in a cloud of hypocrisy.

Because this issue is essential to our National Security, I have asked the Secretary of Energy to re-examine the non-proliferation concerns associated with the commercial light water reactor option. I have asked him to personally confer with the Secretaries of Defense and State and with the President's National Security Advisor. I have also written Secretary of State Albright asking her to personally evaluate this issue and provide her assessments to Congress. I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. THURMOND. For the past two years, I have expressed my concern with the Administration's plans to turn civilian reactors into materials production plants. I have communicated that concern to the Secretaries of Energy and Defense. As a part of last year's Defense Authorization Act, we included a provision that required the Administration to clearly state what proliferation risks were entailed in the commercial light water reactor option. That report was not delivered until well after both the House and Senate Defense Authorization bills were completed. It stated, however, that there were non-proliferation concerns with the use of commercial light water reactor for tritium production, but indicated that such concerns were "manageable." Mr. President, given the volatile proliferation risks were are facing in South Asia, the Middle East, and other quarters of the globe, do we want to settle for a "manageable" non-proliferation policy? This finding is hardly a glowing endorsement of the reactor option being considered by the Clinton Administration. I suggest that today's international security environment requires U.S. non-proliferation policies to be absolutely unquestionable.

To establish any other policy for the United States will not go without consequences. The series of nuclear tests carried out by the Governments of India and Pakistan is clear evidence that the Clinton Administration's credibility with the rest of the world is being questioned when it comes to non-proliferation matters. This Congress has to step up to this issue and state that civilian and military nuclear programs cannot and will not be mixed.

In addition to claiming that there is no problem with producing tritium in a non-defense facility some proponents of the reactor option have made many false statements concerning the costs of the different options.

First, many point to a review of the United States nuclear weapons program conducted by the Congressional Budget Office at the request of the Clinton Administration as proof positive of the lower cost of the reactor option. This initial review, conducted over a year and a half ago, included an assessment of DOE's tritium program only as a cursory footnote in the larger report. The CBO did not assess the current modular accelerator design, which everyone agrees is dramatically cheaper, nor did the CBO conduct any assessment of the proposed cost to complete the reactor option.

Several months ago, the CBO attempted to justify its earlier report by updating its findings. The result was an even more inaccurate depiction of the two tritium production options. This report was riddled with inaccuracies. In my response to this flawed report, I identified a number of deficiencies in the CBO analysis. I ask unanimous consent that my letter of September 2 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. THURMOND. Here are just a few of the glaring errors. CBO did not consider the independent cost evaluations conducted on the accelerator design and construction estimates. CBO did not even mention the significantly lower cost modular accelerator design, which is the design currently being considered by DOE. Their report made no mention of the ancillary benefits of the accelerator that could help lower its operating cost. There was no contingency cost assessed for the reactor-based options, yet the estimated cost for the accelerator was increased an astounding $500 million without any justification. There was no consideration of TVA's sizable debt service costs in the reactor option. The Tennessee Valley Authority currently has an outstanding $4.6 billion debt on the incomplete reactor that would have to be recovered over the life of the reactor option. This would dramatically reduce the revenue stream projected for the reactor option. Current law requires that TVA recuperate such costs on a schedule and basis that advantages the ratepayers. In short, if the gross revenues projected by TVA fall short or operating expenses cost more, TVA would face a legal conflict—fulfill its contractual obligation to pay DOE a share of gross revenues or fulfill its legal obligation to recover the costs. CBO did not account for this liability. There were no management and support or startup cost included in the reactor option.

The CBO analysis also ignored many programmatic requirements found in the Department's August 1998 Draft Environmental Impact Statement for the Production of Tritium in a Commercial Light Water Reactor (EIS). The EIS states that "at least two reactors would be needed" and further states that "DOE could use as many as 3 reactors." The CBO report should have included additional costs in the reactor option to account for the requirement to operate at least two reactors if a reactor-based option were selected. The entire reactor-based option rests on whether or not it can meet our nuclear defense needs for tritium. The CBO failed to address this fact. It should not have been ignored and therefore undermines the credibility of the entire analysis of the commercial reactor option.

The CBO report failed to include any contingency costs in the reactor option to account for TVA's poor record in completing large reactor projects. The average TVA cost overrun on reactor construction projects is well over 150 percent. This fact was also ignored by the CBO analysis.

These are but a few of the deficiencies in the CBO cost analysis. Yet, this is the report that some are relying on when they tell you that the reactor is the lowest cost option. Well, I don't buy that. I also don't put much stock in the argument that says the reactor option can't cost more, because it is a fixed price contract. Given the Department's recent setbacks in fixed price contracting, it is inconceivable that DOE or CBO would simply accept a "fixed price" offer at face value and not consider the issues I have just raised. Many are aware of the fixed price contract that DOE signed at the Idaho Pit 9 facility. Those who are aware of this contract know that DOE spent several hundreds of millions of dollars on this cleanup project and not one square inch of that facility has been cleaned up. Three years later, that matter is still in dispute. We cannot afford to allow such delays to threaten an activity as vital as tritium production.

I have asked the CBO to re-examine this matter and provide a thorough and complete assessment to Congress by early 1999. In addition, I have requested that the GAO provide a complete and independent review of the competing tritium production options. I ask unanimous consent that my letters of August 26 and September 4, 1998, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibits 3 and 4.)

Mr. THURMOND. I have just told you about the CBO review. Now let me tell you about an analysis conducted by the Congressional Research Service which was an exhaustive and complete examination of both the reactor and accelerator options. This assessment was released June 18, 1998, by the defense staff at the Congressional Research Service. This report found that the reactor and the accelerator options are "competitive on a cost basis." The CRS report states that the cost of the reactor option ranges from $2.5 billion to $3.7 billion, while the cost of the accelerator ranges from $2.5 to $2.9 billion. In other words the accelerator could cost less than the reactor.

The CRS assessment is the most in depth assessment conducted on the costs of the two tritium options to date. It represents the most recent information available and it says the costs of the reactor and the accelerator are comparable, that there are no technical risks associated with the accelerator, and that the accelerator actually has a greater chance of returning revenue to the U.S. Treasury than the reactor.

The revenue producing potential of the accelerator is one of the many things that the CBO assessment failed to account for fully. Because the accelerator will operate on a continuous basis, it is possible to use a portion of the accelerator beam to produce much needed medical isotopes which can be used to treat prostate, breast, and many other types of cancers. The production of these isotopes will have no impact on the facility's tritium production. This "swords to plowshares" approach could, conservatively, raise $100 or $500 million per year in revenue for the Federal government. This compares with the $25 to $100 million annual revenue projected to be available from the reactor option, and the accelerator produces no hazardous legacy materials like spent nuclear fuel while at the same time maintaining our strong non-proliferation policies.

It is critical that the facts about the options for producing tritium are known. Choosing to produce this nuclear defense material in a commercial light water reactor will sacrifice our position as the world leader on this issue. The accelerator is the right option for our Nation.

I have mentioned a few of the advantages of the accelerator, but the real advantage is that it is the technology of the future. Unlike the reactor option, the accelerator generates no nuclear waste, cannot threaten surrounding communities, and requires no hazardous materials to be shipped across the country.

In fact, the accelerator may actually help destroy the ever growing volumes of spent nuclear fuel and other nuclear wastes. The accelerator could be used in a full-scale demonstration of a process known as the accelerator for the transmutation of waste (ATW). This innovative new process could reduce by 95 percent the volume of high level nuclear waste currently planned to be buried in a repository in the Nevada desert. The ATW would also generate electricity in the process.

As I previously stated, the accelerator could be used to create medical isotopes. The U.S. has very little indigenous isotope production capability. The accelerator will make it possible to create revolutionary new medical treatements to treat a wide variety of cancers. For example, one isotope that can be created in the accelerator would allow victims of prostrate cancer to be fully treated without any surgery. The radioactive medicines created in the accelerator could be designed specifically to attack only cancerous cells, obviating the need for surgery or radical, whole body radiation treatments. New treatments could also be developed for breast and other terminal cancers. In addition to medical isotopes, industrial isotopes can be created which have important and beneficial applications for both our National Defense and NASA.

There are many other uses for the accelerator that could enhance the lives of citizens throughout the country. These ancillary benefits are achieved without the generation of a single cask of spent nuclear fuel, without any compromise in our stance against the proliferation of nuclear weapons, and without any added cost to the Department of Energy or Department of Defense.

It is because of these concerns that I rise to express my opposition to the use of a commercial facility to produce tritium for defense purposes and wholeheartedly endorse the APT as the preferable choice to protect the National Security interests of the United States.

EXHIBIT 1

U.S. SENATE,
Washington, DC, September 23, 1998.
Hon. MADELEINE K. ALBRIGHT,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY ALBRIGHT: The recent nuclear arms race in India and Pakistan has underscored the need to maintain the most vigilant nuclear nonproliferation programs and policies. You validated that sentiment on June 3, 1998, when you stated, "American leadership should be unambiguous, decisive, and clear." In light of your strong stance against nuclear proliferation, I would appreciate your personal position on this important National Security issue.

A cornerstone of our nonproliferation policy for the past 50 years has been the strict separation of the commercial and defense nuclear programs in the United States. As the Atomic Energy Act, Section 57e confirms, materials made for "nuclear explosive purposes" may not be produced in a commercial facility.

The policy of separating commercial and defense facilities in the production of nuclear weapons materials is now being jeopardized. As you may know, tritium gas is a radioactive material used to boost the explosiveness of a nuclear weapon. The United States produced tritium at a defense-only facility for over 40 years. We have not produced any tritium since 1988, relying on a large stored quantity. Because tritium decays over time, the United States will need a new source of tritium by 2005, in order to meet the level allowed by the START I treaty. Without this material the weapons of our Nation's nuclear arsenal are useless.

During the FY 1993 budget process, Congress directed the Department of Energy (DOE) to examine possibilities of a new source for tritium. DOE has since adopted a dual-track strategy to investigate a Commercial Light Water Reactor option and an Accelerator for the Production of Tritium option. The Commercial Light Water Reactor option being considered is the completion of the Bellefonte reactor owned by the Tennessee Valley Authority. The Accelerator would be built at a DOE facility, the Savannah River Site—the site which produced tritium until 1988.

In the FY 1998 Defense Authorization Act, Congress requested that the Department of Energy take the lead to identify and assess any policy issues associated with the various reactor options for the production of tritium for national security purposes. In July 1998, in conjuction with the Department of State Arms Control Office, the Department of Defense, and the Nuclear Regulatory Commission, the DOE issued a report entitled "Interagency Review of the Nonproliferation Implications of Alternative Tritium Production Technologies Under Consideration by the DOE." This report assessed the proliferation risks associated with producing tritium in a commercial light water reactor and concluded that these risks were "manageable." Further, the report cites a number of examples in an attempt to show that the separation of civilian and military facilities has not been strictly upheld.

First, I believe that any new policy which could inadvertently result in the proliferation of fissile materials cannot be classified as "manageable." Second, all of the examples of dual-use facilities described in the report involved deriving a civilian benefit from a defense facility. Using facilities developed initially for military purposes and then converting them to civilian use has found ready acceptance in the past. I embrace the concept of peace coming from war, but not the reverse.

Given today's international security environment, would you please outline how the United States would defend a "manageable" proliferation risk?

Do you believe that abandoning the 50 year separation between commercial and defense nuclear facilities in regards to producing nuclear weapons material and implementing the new policy of producing nuclear weapons materials in a commercial light water reactor will undermine our moral authority to press for the strongest possible nonproliferation regime?

As you know, India claims to have detonated a boosted nuclear weapon, which would require the use of tritium. This claim raises the question, did India produce tritium in its government owned, commercial reactors? Moreover, if India is able to produce tritium in a commercial reactor, supposedly under IAEA inspection, could they also have successfully diverted fissile material from the same reactor? Do you believe that changing the existing United States policy of separating civilian and military nuclear facilities in regards to producing nuclear weapons material will validate the India weapons program and send a signal to other nations that the United States is not opposed to the use of government owned, commercial reactors for the production of nuclear weapons materials?

The United States has spent hundreds of millions of dollars to prevent the production and spread of weapons-usable materials such as plutonium and highly enriched uranium. Do you believe we would lose this important investment if we initiate a new policy which could embolden threshold nuclear states to embark on new fissile material production programs in commercial nuclear plants?

I contend that relying on commercial nuclear reactors to supply nuclear materials for our warheads will cross a boundary that all U.S. Presidents from Harry Truman to George Bush knew should never be violated. Furthermore, I suggest that given the international security environment we live in today, our Nation's nonproliferation policy should be absolutely unquestionable. Our leadership in the area of nuclear non-proliferation will be emulated around the World. The consequences of our example will be solely ours to bear.

I have worked to preserve the security of our Nation throughout my career as a United States Senator. As Chairman of the Senate Armed Services Committee one of my top priorities has been the timely resumption of tritium production at a facility that is both cost-effective and politically defensible. I believe the National Security of the United States and our leadership in the international community depends upon maintaining the 50 year policy which separates commercial and defense facilities for the production of vital nuclear materials.

Due to the many sensitive foreign policy issues facing the United States, such as the nuclear reactor project in North Korea for peaceful purposes, I believe we need to be very cautious in changing an established United States policy which might send mixed signals to countries who depend upon our consistent leadership. Again, I would appreciate your personal position on this matter as well as your response to the specific questions I have raised in this letter. I look forward to hearing from you soon.

With kindest regards and best wishes,

Sincerely,

STROM THURMOND.

EXHIBIT 2

U.S. SENATE,
Washington, DC, September 2, 1998.
Ms. JUNE E. O'NEILL,
Director, Congressional Budget Office, Washington, DC.

DEAR MS. O'NEILL: I am writing to respond to your August 27, 1998 report on the Department of Energy's (DOE) tritium production options. I have reviewed the report and find it to be incomplete and based on preliminary, unverifiable information. As such, I consider the conclusions of the report to be inaccurate. I am disappointed that the Congressional Budget Office appears to have fallen far short of its customary high quality work.

First, let me say that the cost figures presented for the Commercial Light Water Reactor (CLWR) options have not been validated by the Department of Energy's Chief Financial Officer and are based solely on preliminary contractual discussions between DOE and a potential vendor. Additionally, while the Accelerator for the Production of Tritium (APT) option has been subjected to numerous independent cost evaluations (ICE) for all design and construction costs, none of the reactor-based options have been subjected to an ICE review. Your report failed to note the tentative nature of the CLWR cost figures. In the case of the irradiation services option, there is not even a valid proposal. The potential vendor for that option, the Tennessee Valley Authority (TVA), withdrew its proposal to provide such services many months ago. Your report failed to note this fact as well.

Second, your report left out many critical pieces of information, including the following:

1. Your report states, "All of the options assume that DOE must make enough tritium to support a nuclear stockpile of the size allowed by the START I treaty." However, the analysis ignored many programmatic requirements found in the Department's August 1998 Draft Environmental Impact Statement for the Production of Tritium in a Commercial Light Water Reactor (EIS). The EIS states that "at least two reactors would be needed" and further states that "DOE could use as many as 3 reactors," to produce the tritium required to support a START I stockpile. The CBO report should have included additional costs in the CLWR option to account for the requirement to operate at least two and possibly three reactors in order to satisfy the START I requirements. Your failure to do so produced an invalid comparison.

2. There was no mention of the significantly lower cost of the modular APT design currently being considered by DOE, nor was the option of pursuing a modular APT even mentioned. The cost of constructing the modular APT is equivalent to the cost of completing the Bellefonte reactor and would still allow the United States the option to meet a START I production level in the future should START II not be ratified.

3. There was no mention of the fact that the TVA option assumes full up-front, block funding over a one or two year period. It would be virtually impossible for the DOE Office of Defense Programs to make two $1 billion payments to TVA in fiscal years 2000 and 2001, therefore the cost assumptions on the Bellefonte option are invalid.

4. There was no mention of any ancillary benefits of the APT. The APT would be highly effective in conducting research in high energy physics, medical treatments, and waste management. It could also directly support DOE research or transmutation of high level nuclear waste. Not only could these programs be a source of additional revenue for the APT, but such activities would also serve the larger public good.

5. There was no mention of the independent cost evaluations that have been conducted for the APT design and construction costs.

6. There was no consideration of TVA's sizable debt service costs in the total estimated cost of the Bellefonte option. Your report correctly asserts that TVA's $4.6 billion outstanding debt on the Bellefonte plant must be recovered through gross revenues at the plant. Ultimately, TVA rate payers will pay the full cost of this debt and the associated interest costs. Current law requires that TVA recuperate such costs on a schedule and basis that advantages the rate payers. In short, if the gross revenues projected by TVA fall short or operating expenses cost more, TVA would face a legal conflict. It would either have to fulfill its contractual obligation to pay DOE a share of gross revenues or fulfill its legal obligation to recover the costs on behalf of the rate payers.

7. There were no management and support or startup costs included in the Bellefonte cost projections despite TVA's poor facility start up record. The report added $500 million to the APT cost to account for such activities. It is clear that DOE will incur added management, operations and startup costs for the CLWR. If these costs are not included for the TVA option, they should not be included for the APT project.

8. The CBO report assessed the APT option a 35% contingency cost penalty to account for DOE's poor record in completing large construction projects on time and within budget. The report accurately states that the average overrun for large DOE construction projects is 50%. However, the CBO report did not include a similar contingency penalty in the TVA Bellefonte cost estimate, despite the fact that according to the 1995 Congressionally mandated TVA Integrated Resource Plan, the average TVA cost overrun on reactor construction projects ranged from 100 percent to 230 percent. In addition, the cost estimates for the CLWR tritium extraction facility and the target fabrication facilities should have included a contingency cost penalty.

9. There was no mention of the regulatory and schedule barriers which could slow or block licensing a new or existing CLWR to produce tritium for defense purposes. Licensing commercial nuclear facilities falls under the jurisdiction of the Nuclear Regulatory Commission (NRC). The most recent attempts to build and license new CLWR's have resulted in extraordinary challenges by anti-nuclear groups and other intervenors. Numerous work stoppages have resulted in massive time delays and cost overruns. The last TVA CLWR to be licensed was the Watts-Barr I facility. That facility received a construction permit on January 23, 1973 and finally began operating on May 26, 1996—over 23 years later. The Bellefonte Reactor would prove especially contentious due to the obvious controversy of producing materials for nuclear weapons in a commercial nuclear facility. I am greatly concerned if the CLWR option is chosen, delays could occur which would result in tritium being unavailable when the current stored supply is exhausted and when a new source is required.

The totality of these deficiencies in the CBO's cost analysis of the tritium production options being considered by DOE makes the report's findings highly speculative and not entirely useful as a planning document. It does not appear as though CBO held any discussions with the DOE, vendor, or laboratory program leaders for the options under consideration. Further, it does not appear that CBO considered a wide variety of external reviews that have already been conducted, such as the July 1998 Congressional Research Service report which presented extensive documentation for its findings. Given the Department's recent setbacks in the Idaho Pit 9 fixed price contract, it is inconceivable that DOE or CBO would simply accept a "fixed price" offer at face value. A fixed price contract is only a good deal if you believe the vendor can perform the work described within the cost and schedule projections estimated.

The resumption of reliable tritium production that meets the National security requirements of the United States is one of the most difficult issues facing the Defense Authorization process this year. Unfortunately, your analysis of the costs of the various options is flawed and rather than shedding light on the true potential costs, it has caused further confusion. You are responsible for ensuring that the parameters governing CBO assessments are not skewed to assure a particular outcome and that the information used in conducting such analyses is balanced and fully transparent. I believe this report falls far short of the standard the CBO has traditionally met, and given the inaccuracies and deficiencies I have outlined in this letter, I am confident that you will move forward with all due haste to review and reconsider your incomplete findings. I look forward to receiving your revised and accurate report as soon as possible.

With kindest regards and best wishes,
Sincerely,

STROM THURMOND.

EXHIBIT 3

U.S. SENATE,
Washington, DC, August 26, 1998.
Mr. JAMES HINCHMAN,
Acting Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. HINCHMAN: Tritium gas is a critical element of thermonuclear weapons and is used in every U.S. nuclear warhead. Without this element the nuclear weapons of our Nation's arsenal are useless. As the recent nuclear arms race in India and Pakistan have underscored, and as rogue nations such as North Korea, Iran and Iraq continue efforts to acquire nuclear weapons capabilities, it is absolutely essential that the United States maintain a nuclear stockpile at the highest level of readiness.

Tritium has not been produced by the United States since 1988. Since this gas decays over time, identifying a new source is clearly vital to our National Security. I have consistently maintained that it is one of our highest responsibilities to identify and develop a viable and secure tritium production source.

During the FY 1993 budget process, Congress directed DOE to examine possibilities for a new source of tritium. DOE has since adopted a dual-track strategy to investigate the Commercial Light Water Reactor (CLWR) option and the Accelerator for the Production of Tritium (APT) option.

On August 25, 1998 while visiting the Savannah River Site, Secretary of Energy Bill Richardson stated that, "The decision (on the tritium production source) will be made on the bases of science and not politics." Unfortunately, it is no secret that the Administration has been leaning heavily toward the

CLWR option, Recently, numerous allegations have surfaced which suggest that senior level officials at DOE have engaged in a systematic campaign to undermine the validity of the APT option. These allegations are extremely disturbing. The National Security of the United States demands that the study of the two tritium production options be approached with the utmost care and precision.

In light of the enormous implications of this decision and the allegations which imply that the final selection may be based on factors other than merit, I request you conduct an in-depth analysis of the competing tritium production options. This investigation should include, but not be limited to, the following aspects:

Is the Dual Track Strategy Balanced?—Does the evidence support the allegations that DOE principals and staff are attempting to skew the outcome of the tritium selection process to advance the CLWR option over the APT option? Has Dr. William Bishop, the Director of the APT office, or any other DOE employee been threatened, pressured, censured, reprimanded, etc. because their actions might enhance the APT option over the CLWR option? Have threats, pressures or reprimands created an environment which would limit the ability or desire of DOE employees to present balanced information about the tritium source selection process? Have key DOE employees, specifically Chief Financial Officer Michael Telson and the Director of Nonproliferation and National Security Rose E. Gottemoller, been excluded from fully participating in the "dual track" process?

Proliferation Concerns—President Clinton recently indicated in a July 24, 1998 press release that nuclear nonproliferation is "one of the nation's highest priorities." A cornerstone of our nonproliferation policy for the past fifty years has been the strict separation of the commercial and defense nuclear programs of the United States. DOE recently stated that the nonproliferation involved in producing tritium in a CLWR are "manageable." I contend that relying on commercial nuclear reactors to supply nuclear materials for our warheads will cross a boundary that all U.S. Presidents from Harry Truman to George Bush knew should never be violated. Furthermore, I suggest that given the international security environment we live in today, our Nation's nonproliferation policy should be absolutely unquestionable.

Environmental and Safety Concerns—This issue has many facets. Clearly one of the more contentious aspects of the environmental issue is the storage and disposal of the legacy materials and wastes from our defense programs and our nuclear power generation industry. Your analysis should examine the impact of the two options on this problem. I am aware that the addition of one production reactor would not greatly exacerbate the current situation. However, it is my understanding that the APT option could actually serve to reduce the storage of waste problem through the Accelerator Transmutation of Waste process. DOE, which is responsible for managing the significant nuclear waste we have produced, appears to have ignored this ground breaking technology in their considerations.

Regulatory and Schedule Concerns—Licensing a new CLWR falls under the jurisdiction of the Nuclear Regulatory Commission (NRC). The most recent attempts to build and license new CLWR's have resulted in extraordinary challenges by anti-nuclear groups and other intervenors. Numerous work stoppages have resulted in massive time delays and cost overruns. The last Tennessee Valley Authority (TVA) CLWR to be licensed was the Watts-Barr I facility. That facility received a construction permit on January 23, 1973 and finally began operating on May 26, 1996—over 23 years later. The Bellefonte Reactor would prove especially contentious due to the obvious controversy of producing materials for nuclear weapons in a commercial nuclear facility. I am greatly concerned if the CLWR option is chosen, delays could occur which would result in tritium being unavailable when the current stored supply is exhausted.

Cost—I have consistently maintained that the production of tritium is not a cost issue, it is a National Security issue. Therefore, ensuring the capacity to produce the material in a manner which is consistent with our proven nonproliferation policy is more important than cost considerations. However, in this era of constrained spending it is essential that we select a production technology which is fiscally responsible. On July 21, 1998 then Acting Secretary of Energy, the Honorable Elizabeth A. Moler, sent a letter to me in which she cited DOE's "official" departmental cost estimates. In my response, dated July 24, 1998, I outlined a number of serious concerns I had regarding her "official" estimates. I have included copies of both of these letters for your review. As I indicated at that time, I was informed by DOE Chief Financial Officer Michael Telson, that the numbers cited as "accurate" and "official" for the CLWR option were not validated by DOE, but were merely forwarded from the Tennessee Valley Authority (TVA) as the Bellefonte proposal. DOE embraced these numbers and forwarded them to Congress as "accurate" and "official" despite the fact that TVA's record of forecasting the cost to complete nuclear plants is woeful. As part of the Congressionally mandated TVA Integrated Resource Plan, TVA reviewed the accuracy of estimates it has produced since 1987. The review found that TVA's rate of error for predicting future nuclear plant costs ranged from 100% to 230%. Furthermore, DOE allows TVA to claim that revenue from selling electricity from Bellefonte would repay the costs the American taxpayers would incur for completing the reactor. Given that the Bellefonte reactor has a current debt of $4.5 billion and that the cost of electricity is expected to decline, the Congressional Research Service, in the recent report "the Department of Energy's Tritium Production Program", indicated that the likelihood that a completed Bellefonte plant could sell electricity at a price high enough to recover the taxpayer's investment is "highly uncertain." By contrast, when APT program officials attempted to study the possibility of generating revenue through the commercial leasing of the APT to produce medical isotopes, they were instructed to "cease any work". Why would DOE allow the "official" CLWR numbers to include highly suspect revenue potential from power generation and not consider revenue from a market which is projected to exceed $5 billion by 2010? Your providing an accurate and complete cost comparison of the two competing tritium production options will finally clarify the costs and allow the debate to be based on truly accurate information.

I firmly believe that this is one of the most important issues facing the nation. The security of the United States and the world depends on the maintenance of a credible U.S. nuclear deterrent. Due to the extraordinary consequences of the tritium production technology decision, I request you begin this investigation as soon as possible. Thank you for your attention and I look forward to hearing from you soon.

With kindest regards and best wishes,

Sincerely,

STROM THURMOND.

EXHIBIT 4

U.S. SENATE,
Washington, DC, September 4, 1998.

Mr. JAMES HINCHMAN,
Acting Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. HINCHMAN: I am writing to follow up my August 26, 1998 letter to you regarding tritium production. There are additional issues that I would like your report to address concerning this important National Security program.

On August 27, 1998, the Congressional Budget Office (CBO) issued a report analyzing the two options for producing tritium, the Commercial Light Water Reactor (CLWR) and the Accelerator for the Production of Tritium (APT). After reviewing the CBO report (Attachment I), I find it to be incomplete and based on preliminary, unverifiable information. As such, I consider the conclusions of the report to be inaccurate. The fact that the Congressional Budget Office appears to have fallen far short in their analysis makes your investigation of the tritium program even more important.

There are a number of problems with the CBO report which you should be made aware of as you begin your own investigation. First, the cost figures presented for the CLWR option have not been validated by the Department of Energy's Chief Financial Officer and are based solely on preliminary contractual discussions between DOE and a potential vendor. Additionally, while the APT option has been subjected to numerous independent cost evaluations (ICE) for all design and construction costs, none of the reactor-based options have been subjected to an ICE review. The report failed to note the tentative nature of the CLWR cost figures. In the case of the irradiation services option, there is not even a valid proposal. The potential vendor for that option, the Tennessee Valley Authority (TVA), withdrew its proposal to provide such services many months ago. The report failed to note this fact as well.

Second, the report left out many critical pieces of information, including the following:

1. The report failed to make a parallel comparison of the options needed to make the required amount to tritium for our Nation's nuclear stockpile. CBO states, "All of the options assume that DOE must make enough tritium to support a nuclear stockpile of the size allowed by the START I treaty." However, the analysis ignored the programmatic requirements set forth in the Department's August 1998 Draft Environmental Impact Statement (EIS) for the Production of Tritium in a Commercial Light Water Reactor. The EIS states that "at least two reactors would be needed" and further states that "DOE could use as many as 3 reactors," to produce the tritium required to support a START I stockpile. Solely estimating the cost to complete the Bellefonte reactor as the CLWR option to produce tritium is not in line with current DOE programmatic assessments because it will not satisfy the stockpile needs at a Start I level. Your report should analyze the costs associated with producing tritium in an APT compared to producing tritium in the required number of

reactors to achieve a START I level. A more accurate comparison would be to analyze the costs of producing tritium in an APT versus producing tritium at Bellefonte at a START II level, an amount that could be achieved by a single reactor during an 18-month refueling cycle.

2. Again, due to the unparalleled comparison by CBO, a more appropriate comparison of the two options would be to analyze the costs of a Stat II level. However, in the CBO report there was no mention of the significantly lower cost for the modular APT design currently being considered by DOE, which would meet START II requirements. Furthermore, the option of pursuing a modular APT was never mentioned. The cost of constructing the modular APT is equivalent to the cost of completing the Bellefonte reactor and would still allow the U.S. to move to a START I production level in the future if START II is not ratified.

3. There was no mention of the fact that the TVA option assumes full up front, block funding over a one or two year period. It would be virtually impossible for the DOE Office of Defense Programs to make two one-billion dollar payments to TVA in fiscal years 2000 and 2001; therefore, the cost assumptions are invalid.

4. There was no mention of any ancillary benefits of the APT. The APT would be highly effective in conducting research in high energy physics, medical treatments, and waste management. It could also directly support DOE research on transmutation of high level nuclear waste. Not only could these programs be a source of additional revenue for the APT, but such activities could serve the larger public good.

5. There was no mention of the independent cost evaluations that have been conducted for the APT design and construction costs.

6. There was no consideration of TVA's sizable debt service costs in the total estimated cost of the Bellefonte option. The report correctly asserts that TVA's $4.6 billion outstanding debt on the Bellefonte plant must be recovered through gross revenues at the plant. However, the debt service on $4.6 billion over 40 years averages well over $200 million per year. Taking this into account, it would appear that Bellefonte will operate at a significant loss every year it produces tritium. Current law requires that TVA recuperate such costs on a schedule and basis that advantages the ratepayers, therefore TVA would face a legal conflict. It must either fulfill its contractual obligation to pay DOE a share of gross revenues or fulfill its legal obligation to the ratepayers. In either scenario there will be significant outstanding costs that will have to be assumed by either TVA ratepayers or, in a more likely situation, the American taxpayers.

7. There were no management and support or startup costs included in the Bellefonte cost projections despite TVA's poor facility start up record. The report added $500 million to the APT cost to account for such activities. It is clear that DOE will incur added management, operations and start up costs for the CLWR. If these costs are not included for the TVA option, they should not be included for the APT project.

8. The CBO report assessed the APT option a 35% contingency cost penalty to account for DOE's poor record in completing large construction projects on time and within budget. The report accurately states that the average overrun for large DOE construction projects is 50%. However, the CBO report did not include a similar contingency penalty in the TVA Bellefonte cost estimate, despite the fact that according to the 1995 Congressionally mandated TVA Integrated Resource Plan, the average TVA cost overrun on reactor construction projects ranged from 100 percent to 230 percent. In addition, the cost estimates for the CLWR tritium extraction facility and the target fabrication facilities should have included a contingency cost penalty.

9. There was no mention of the regulatory and schedule barriers which could slow or block licensing a new or existing CLWR to produce tritium for defense purposes. Licencing commercial nuclear facilities falls under the jurisdiction of the Nuclear Regulatory Commission (NRC). The most recent attempts to build and license new CLWR's have resulted in extraordinary challenges by anti-nuclear groups and other intervenors. Numerous work stoppages have resulted in massive time delays and cost overruns. The last TVA CLWR to be licenced was the Watts-Barr I facility. That facility received a construction permit on January 23, 1973 and finally began operating on May 26, 1996—over 23 years later. The Bellefonte Reactor would prove especially contentious due to the obvious controversy of producing materials for nuclear weapons in a commercial nuclear facility. I am greatly concerned if the CLWR option is chosen, our nation runs the risk of subjecting the entire nuclear arsenal to lawsuits from third-party intervenors. This delay would result in tritium being unavailable when the current stored supply is exhausted.

The totality of these deficiencies in the CBO's cost analysis of the tritium production options being considered by DOE makes the report's findings highly speculative and not entirely useful as a planning document. It does not appear that CBO considered a wide variety of external reviews that have already been conducted, such as the July 1998 Congressional Research Service report which presented extensive documentation for its findings. Given the Department's recent setbacks in the Idaho Pit 9 fixed price contract, it is inconceivable that DOE or CBO would simply accept a "fixed price" offer at face value. A fixed price contract is only a good deal if you believe the vendor can perform the work described within the cost projections estimated.

Your investigation of the tritium program should incorporate an analysis of the above issues as well as those mentioned in my previous letter. While the CBO report could have shed light on the pros and cons of each option to produce tritium, it only clouded the matter further. The General Accounting Office report should ensure a balanced discussion of this issue that is so vital to the National Security of our Nation.

With kindest regards and best wishes.

Sincerely,

STROM THURMOND.

SENATOR DAN COATS

Mrs. BOXER. Mr. President, I take this opportunity, on our last day of session, to say farewell to my colleague, Senator DAN COATS of Indiana. While we have disagreed on many issues, I note that he was a supporter of one of the most important legislative accomplishments of the past few years—the Family and Medical Leave Act. He has also long been a champion of government support for adoption, and is, as am I, a strong advocate for after school, tutoring and mentoring programs. Recently, he helped move through the Congress the reauthorizing bill for "Head Start", one of our most effective programs for disadvantaged children.

DAN COATS is a long time member of the Big Brothers/Big Sisters of America, and was recently elected president of the organization. I know that he is looking forward to devoting more time to his Big Brother responsibilities, and I wish him all the best.

SENATOR DIRK KEMPTHORNE

Mrs. BOXER. Mr. President, as the Senate completes its work and the 105th Congress comes to a close, I want to take this opportunity to say farewell to one of my colleagues who has decided to leave this body and pursue other activities.

The junior senator from Idaho, DIRK KEMPTHORNE, and I were both elected to the Senate in 1992. We have served together for the past 6 years on the Environment and Public Works Committee. While we have disagreed on many environmental issues, I have always enjoyed working with him and appreciated his personal kindness. He is a gentleman of impeccable manners and good humor. And he is known to all his colleagues as one of the "workhorses" of the Senate: a senator who does his work quietly and responsibly, and does not insist on getting all the credit for the results.

My very best wishes to Senator KEMPTHORNE as he leaves Washington to return to his home in Idaho, and the best of luck in all that he does in the years to come.

PRAISE AND FAREWELL FOR SENATOR WENDELL FORD

Mrs. BOXER. Mr. President, I would like to say a few words before the close of the 105th Congress about my friend and colleague, WENDELL FORD, the very distinguished senior senator from the great state of Kentucky. His retirement from the Senate this year leaves this body of government missing a cornerstone that I am not sure we can replace anytime soon.

From the heartland of these United States, he is a strong, resonant voice for the working people of this nation. This Senate chamber will sound a bit hollow without that gruff, but friendly voice crying out for "order" in these chambers.

I have served for six years now with Senator FORD. During our time together I have known him as a stalwart ally in our party and a valuable friend. As an indefatigable champion for Kentucky, he never betrayed that trust that the people who elected him four times to the United States Senate bestowed upon him. That he has been able to keep his feet firmly grounded in Kentucky's interests while extending his helping hand to Senators from every region of this nation is a testament to his skill, temperament and wisdom.

I cannot speak of Senator FORD without expressing my admiration for his leadership on the Committee on Commerce, Science and Transportation, particularly his service as chairman and ranking member of the Subcommittee on Aviation. No issue is small to Senator FORD if it is a big issue to his colleague. I remember early in my tenure here that he worked with me on an issue that I have struggled with every since I came to House of Representatives and later as a Senator. We needed the Federal Aviation Administration to work with other Federal agencies and clean up an abandoned radar site on Mt. Tamalpais in my home county of Marin.

I had been here only a year or so before Senator FORD sliced through the bureaucratic tangle and resolved this local problem at long last in the 1994 FAA Reauthorization bill.

He was also there for the State of California when we were trying to get the California Cruise Ship Industry Revitalization Act accepted in conference. He stood in the door of that conference—refusing to call it complete—until our provision was accepted. This provision has provided enormous benefits for our ports in California, and we are grateful for his untiring assistance.

While helping on these local and State issues, he has been the strongest advocate for our airports, particularly in using the Airport trust fund for what it was intended modernizing and upgrading airports across the country to keep them safe and competitive. I was proud to see that we named the FAA reauthorization bill this year, the Wendell H. Ford National Air Transportation System Improvement Act. The truth is I feel like every time we have voted for the FAA reauthorization bill it has had his stamp upon it.

I wish the Senator from Kentucky a fond farewell—but not goodbye. He will always be in my thoughts and in my heart. And I know his voice will still echo throughout these hallowed halls—and in the halls of our memories, we will forever remember WENDELL FORD's decency, compassion, and plain old common sense.

JOHN GLENN—AMERICAN HERO

Mrs. BOXER. Mr. President, in 1962, a few weeks before becoming the first American to orbit the Earth, JOHN GLENN appeared on the cover of Life magazine under the header, "Making of a Brave Man." JOHN GLENN is indeed a brave man, but to those of us who have served with him in the United States Senate, he is much more. He is a skilled legislator, a good friend, and an honorable and decent person.

For the generation who remembers JOHN GLENN's historic trip to space 36 years ago, his return this month abroad the space shuttle is truly special. At that time, the United States was in the midst of the cold war with the Soviet Union. The Soviets could boast many achievements in space, including the launching of the first satellite. It was a tense time, and ours hopes as a nation were with JOHN GLENN and the U.S. space program.

On February 20, 1962, America held it's collective breath as GLENN's *Friendship 7* capsule circled the earth three times. During this mission, JOHN GLENN showed us why he was our hero. When a faulty signal erroneously warned that the capsule's heat shields might come loose, he remained calm and cool, even as he watched fiery bits of spacecraft flash past him during reentry into the Earth's atmosphere. The entire country beamed with pride at this heroic accomplishment.

President Kennedy called space "a new ocean", and JOHN GLENN will go down in history as one of it's first and most important explorers. His flight opened the door to future missions, such as the Mercury program, Gemini program, and eventually the Apollo program that put man on the moon.

In a few weeks, America will once again beam with pride when JOHN GLENN lifts off from Kennedy Space Center abroad the Space Shuttle *Discovery*. As opposed to his first mission, which lasted five hours, this mission is scheduled to last nine days. During that time, Senator GLENN will participate in a number of experiments designed to find parallels between the physical stress of space flight and the natural aging process.

Scientists are hopeful of finding out why astronauts and the elderly suffer from similar ailments, such as bone and muscle loss, balance disorders and sleep disturbances. Understanding these physiological characteristics may open the door to new and innovated treatments. I am sure Senator GLENN is as excited about these potential breakthroughs as he is about his return to space.

As a Senator, JOHN GLENN has been a wonderful advocate on many important issues. Along with his hard work on space, technology and science issues, Senator GLENN has also been a strong voice on the need for his country to increase it's investment in education. So many times, I have seen Senator GLENN with school children in the Hart Senate Office Building, and I know that he inspires our next generation of leaders as he does us.

So as Senator GLENN leaves the Senate, I want to give him my thanks for all that he has done for this country. Like all Americans, my thoughts and prayers will be with him as he makes history yet again. I wish him well on this and all his future missions.

SENATOR DALE BUMPERS

Mrs. BOXER. Mr. President, I understand that in his last campaign Senator BUMPERS used the slogan: "What a Senator Should Be." I couldn't have summed it up better myself.

Throughout his 24 years in this body, DALE BUMPERS has set new standards for the office of Senator. He is sincere and compassionate. He speaks with eloquence and clarity. He is an idealist and a realist. He is courageous and principled. He can stimulate a debate and broker a deal. He has a deep understanding of the issues and a quick wit that amuses us all. He is a true populist whose dedication to improving the lives of Arkansans has benefited our nation as a whole.

I am deeply honored to have served with Senator BUMPERS for six years. I have learned a great deal from him. Because of him I have been fortunate to witness some of the Senate's most animated debates, on such issues as mining law reform, electric utility restructuring, protecting small business, preserving our public lands, arms control and fighting the now infamous space station.

He has been a voice for our precious environment, champion of consumer rights, and he has always been willing to stand up for the "little guy", for the interests of regular folks.

Senator BUMPERS' illustrious career began long before he was elected to the United States Senate. As a young lawyer in Charleston, Arkansas, DALE BUMPERS played a key role in the first integration of a public school after the Brown vs. Board of Education decision.

He went on to serve as Governor of Arkansas for four years, and was recently voted the "Greatest Governor" in the history of Arkansas by the Arkansas Times.

Fortunately, it was not often that Senator BUMPERS and I were on opposite sides of an issue. However, one of my most memorable moments in the Senate was one such occasion. We were debating an important agriculture issue and to emphasize my point, I brought a frozen chicken on the Senate floor and slammed in on a desk. Senator BUMPERS and Senator Pryor immediately raised a point of order and I had to remove that chicken from the Senate floor.

Anyone who has had to face off against Senator BUMPERS knows of the passion he feels for the issues he discusses and the people he represents. Even those who may oppose his views can't help but admire his lively speeches and personal stories. I will miss hearing his familiar sayings about pigs squealing under gates and fights with Betty. I will miss his pointer flying as he paces up and down the aisles of the floor. I will miss the passion in his voice. And most of all, I will miss my friend.

Senator BUMPERS is someone on whom I have grown to depend, a man who has always given a kind word, and a person who has been a true role model for us all.

I thank the senior Senator from Arkansas for all that he has shared with us and all that he has taught us. No doubt there will be Senators who will continue to promote the causes he cared for so deeply. But I assure you, the debates will never have the same enthusiasm, the same passion or the same flare, that Senator BUMPERS brought to this August body.

It is with reverence, awe and deep affection that I pay tribute to the truly distinguished gentleman from Arkansas, Senator DALE BUMPERS. I will miss him dearly.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 21, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4738. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, provide tax relief for farmers and small businesses, and for other purposes.

H.R. 4856. An act to make miscellaneous and technical changes to various trade laws, and for other purposes.

H.J. Res. 138. Joint resolution appointing the day for the convening of the first session of the One Hundred Sixth Congress.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1757. An act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bill was signed subsequently on October 21, 1998, during the recess of the Senate, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 9:47 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 353. Concurrent resolution providing for the sine die adjournment of second session of the One Hundred Fifth Congress.

ENROLLED BILLS SIGNED

The message also announced that the Speaker pro tempore has signed the following enrolled bills:

S. 538. An act to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.

S. 744. An act to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes.

S. 1260. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1722. An act to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 2364. An act to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

S. 2524. An act to codify without substantive changes laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 10:53 a.m., a message from the House of Representatives, delivered by Ms. Kelaher, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4851. An act to withhold voluntary proportional assistance for programs and project of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes.

H.R. 4857. An act to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes.

H.R. 4859. An act to improve the ability of Federal agencies to license federally owned inventions.

The message also announced that the House has passed the following bill, without amendment:

S. 1132. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

H.R. 1560. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes.

The message further announced that the House disagrees to the Senate amendments numbered 2 through 6 of the House amendment to the bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes; and agrees to the Senate amendment numbered 1 with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on October 21, 1998, he had presented to the President of the United States, the following enrolled bills and joint resolutions:

S. 2240. An act to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

S. 2246. An act to amend the Act which established the Frederick Law Olmstead National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary and for other purposes.

S. 2285. An act to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women.

S. 2413. An act prohibiting the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or is authorized by Act of Congress.

S. 2427. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

S. 2468. An act to designate the Biscayne National Park visitor center as the Dante Fascell Visitor Center.

S. 2505. An act to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho.

S. 2561. An act to amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.

S.J. Res. 51. Joint resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

S.J. Res. 58. Joint resolution recognizing the accomplishments of Inspector General since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7588. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on one proposed rescission of budget authority (R98–25) dated September 29, 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Energy and Natural Resources.

EC–7589. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "VISAS: Grounds of Intelligibility" (Notice 29101) received on October 20, 1998; to the Committee on Foreign Relations.

EC–7590. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Roth IRA Guidance" (Notice 98–50) received on October 20, 1998; to the Committee on Finance.

EC–7591. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; 30-Day Notices and 135-Day PMA Supplement Review" (Docket 98N–0168) received on October 20, 1998; to the Committee on Labor and Human Resources.

EC–7592. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, a report on the Department's response to the Comptroller General's study of Department of Defense pharmacy programs; to the Committee on Armed Services.

EC–7593. A communication from the Executive Secretary of the Federal Reserve Employee Benefits System, transmitting, pursuant to law, the annual reports of the System's Retirement Plan and Thrift Plan for calendar year 1997; to the Committee on Governmental Affairs.

EC–7594. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's report under the Program Fraud Civil Remedies Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–7595. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers" (RIN1120–AA82) received on October 20, 1998; to the Committee on the Judiciary.

EC–7596. A communication from the National Service Officer of the American Gold Star Mothers, Inc., transmitting, pursuant to law, Independent Auditor's Report on the Corporation's Financial Statements for 1997 and 1998; to the Committee on the Judiciary.

EC–7597. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation allowing the Secretary of the Treasury to produce security documents for certain governments and organizations on a reimbursable basis; to the Committee on Banking, Housing, and Urban Affairs.

EC–7598. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to Rule 102(e) of the Commission's Rules of Practice" (RIN3235–AH47) received on October 20, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7599. A communication from the Director of the Office of Global Programs, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NOAA Climate and Global Change Program, Program Announcement" (RIN0648–ZA39) received on October 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7600. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Atlantic Bluefin Tuna; Closure" (I.D. 092398B) received on October 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7601. A communication from the Assistant Administrator of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Funds Availability for the Southeast Bering Sea Carrying Capacity (SEBSCC) Project" (RIN0648–ZA47) received on October 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7602. A communication from the Assistant Administrator of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Coastal Services Center Broad Area Announcement" (RIN0648–ZA49) received on October 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7603. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Consolidated Guidance about Materials Licenses: Program-Specific Guidance About Industrial Radiography Licenses" (NUREG–1556) received on October 20, 1998; to the Committee on Environment and Public Works.

EC–7604. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Arkansas; Revised Format for Materials Being Incorporated by Reference" (FRL6176–9) received on October 20, 1998; to the Committee on Environment and Public Works.

EC–7605. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Guidelines for Implementation of the Drinking Water Infrastructure Grants Tribal Set-Aside Program" (FRL6179–1) received on October 20, 1998; to the Committee on Environment and Public Works.

EC–7606. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "North Carolina; Final Authorization of Revisions to State Hazardous Waste Management Program" (FRL6166–5) received on October 20, 1998; to the Committee on Environment and Public Works.

EC–7607. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Tolerances and Exemptions from the Requirement of a Tolerance for Canceled Pesticide Active Ingredients" (FRL6035–8) received on October 20, 1998; to the Committee on Environment and Public Works.

EC–7608. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Tolerances for Canceled Food Uses" (FRL6035–6) received on October 20, 1998; to the Committee on Environment and Public Works.

EC–7609. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Regulation of Fallglo Variety Tangerines" (Docket FV98–905–5 FR) received on October 20, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7610. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions" (RIN1840–AC52) received on October 20, 1998; to the Committee on Labor and Human Resources.

EC–7611. A communication from the Director of the Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Non-Discrimination Toward Inmates" (RIN1120–AA73) received on October 20, 1998; to the Committee on the Judiciary.

EC–7612. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property" (Rev. Rul. 98–52) received on October 20, 1998; to the Committee on Finance.

EC–7613. A communication from the Director of Washington Headquarters Services, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Regulation" (RIN0720–AA46) received on October 20, 1998; to the Committee on Armed Services.

EC–7614. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of NULKA Electronic Payloads and related technical data to Australia (DTC 144–98); to the Committee on Foreign Relations.

EC–7615. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the texts of international agreements other than treaties entered into by the United States (98–155 to 98–157); to the Committee on Foreign Relations.

EC–7616. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's consolidated report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–7617. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Cost-of-Living Allowances (Nonforeign Areas); Kauai, HI; U.S. Virgin Islands" (RIN3206–AH07) received on October 20, 1998; to the Committee on Governmental Affairs.

EC–7618. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a list of additions and deletions to the Committee's Procurement List dated October 13, 1998; to the Committee on Governmental Affairs.

EC–7619. A communication from the Office of Independent Counsel (In re Secretary of Agriculture Espy), transmitting, pursuant to law, the Office's consolidated annual report on audit and investigative activities and management control systems for fiscal year 1998; to the Committee on Governmental Affairs.

EC–7620. A communication from the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the Service's report entitled "Status of Fisheries of the United States"; to the Committee on Commerce, Science, and Transportation.

EC–7621. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category" (I.D. 091198A) received on October 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7622. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Swordfish Fishery; South Atlantic Quotas; Quota Adjustment Procedures" (I.D. 121597D) received on October 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7623. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-Based Whiting Sector" (I.D. 093098B) received on October 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7624. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod" (I.D. 082798B) received on October 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7625. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Phase Acquisitions" received on October 20, 1998; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–555. A petition from a citizen of the State of Texas relative to the Supreme Court of the United States; to the Committee on the Judiciary.

POM–556. A petition from a citizen of the State of New York relative to the Supreme Court of the United States; to the Committee on the Judiciary.

POM–557. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 78

Whereas, in 1988, the EPA put into place regulations requiring all underground storage tank systems to meet stricter environmental protection standards. Tank systems installed before 1998 must be upgraded by December 22, 1998, or be removed; and

Whereas, Many tank owners and operators discovered leaks at their sites when they began upgrading their tank systems. Consequently, Michigan and other states have seen a dramatic increase in the number of known leaking storage tank sites; and

Whereas, While progress has been made in Michigan and elsewhere on the job of cleaning up affected areas, the task remaining is very large. It presents a serious challenge to most of the states, including Michigan. The primary obstacle to the completion of this endeavor is the high costs facing tank owners and operators to clean up their leaking underground storage tank sites; and

Whereas, A key element in the massive task of dealing with leaking underground storage tanks is the trust fund created through the Superfund Revenue Act of 1986. Funded by a .1 cent per gallon tax on motor fuel, the LUST Trust Fund has a current balance of approximately $1.2 billion. While the .1 cent per gallon tax was discontinued for nearly two years, the tax was reinstituted, beginning on October 1, 1997. The fund will take in approximately $200 million annually; and

Whereas, In spite of the fund's size and in spite of the pressing need for money by the states in order to comply with the December 22, 1998, deadline for cleanup, the fund releases a far lower amount each year than it could distribute. It is estimated that only one-third of the available money has been distributed to the states; and

Whereas, Accelerating distributions from the trust fund would provide much needed help to the States in achieving the goal of correcting one of our country's most significant environmental problems now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to increase the amount of money being distributed to the states from the Leaking Underground Storage Tank Trust Fund, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, February 17, 1998.

Adopted by the Senate, September 15, 1998.

POM–558. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 526

Whereas, The Low-Income Home Energy Assistance Program (LIHEAP) is a vital lifeline to low-income families, working poor households, senior citizens and persons with disabilities in meeting their energy needs; and

Whereas, Low-income families, the elderly and many working poor Pennsylvanians face a continuing energy crisis with energy burdens that well exceed 15% of their household incomes; and

Whereas, The Federal funding for LIHEAP significantly eases the home energy affordability crisis faced by millions of Americans; and

* * * * *

Whereas, The total elimination of funding for LIHEAP will threaten the continuation of the Pennsylvania program that is the foundation for providing a modest amount of energy security for low-income Pennsylvanians; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to appropriate at least $1.3 billion for fiscal year 1999–2000 and an advance appropriation of at least $1.3 billion for fiscal year 2000–2001 for the Low-Income Home Energy Assistance Program; and be it further

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to reauthorize the LIHEAP program at authorization levels enacted in the Human Services Amendments of 1994 (Public Law 103–252) to ensure that this program more adequately meets the needs of low-income households.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 2648. A bill to protect children with respect to the Internet, to increase the criminal and civil penalties associated with certain crimes relating to children, and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2649. A bill to enact the Passaic River Basin Flood Management Program; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 2650. A bill to give gifted and talented students the opportunity to develop their capabilities; to the Committee on Labor and Human Resources.

By Mr. FAIRCLOTH:

S. 2651. A bill to provide for a Presidential Budget in the Fiscal Year 2000 with Spending Reductions that will offset the emergency spending for Fiscal Year 1999; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. LEAHY:

S. 2652. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry..

By Mr. DURBIN (for himself, Mr. D'AMATO, and Mr. LOTT):

S. 2653. A bill to require the Committee for the Implementation of Textile Agreements to report to Congress by April 1, 1999, on the availability of certain wool fabric, and for other purposes; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2654. A bill to provide for a judicial and administration remedy for disputes arising under certain agreements with foreign entities; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 2655. A bill to limit the amounts of expenditures for the national defense budget function for fiscal years 1999 and 2000, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Res. 312. A resolution to amend Senate Resolution 209 in order to provide budget levels in the Senate for purposes of fiscal year 1999 and include the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003; considered and agreed to.

By Mr. THOMAS (for himself and Mr. ENZI):

S. Res. 313. A resolution expressing the sense of the Senate with respect to the brutal killing of Mr. Matthew Shepard; considered and agreed to.

By Mr. HATCH:

S. Res. 314. A resolution to express the sense of the Senate regarding the authority of the Secretary of Health and Human Services to make adjustments to payments made to skilled nursing facilities under the medicare program; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 2648. A bill to protect children with respect to the Internet, to increase the criminal and civil penalties associated with certain crimes relating to children, and for other purposes; to the Committee on the Judiciary.

KEEPING THE INTERNET DECENT AND SAFE (K.I.D.S.) ACT

• Mr. DODD. Mr. President, today, I introduce the Keeping the Internet Decent and Safe (K.I.D.S.) Act. This legislation would give parents and educators tools to protect our children while they use the Internet. Moreover, this bill would give law enforcement officials the ability to make the Internet a safer environment for everyone.

Unfortunately, while innocently "surfing" the web, many of our children are accidentally encountering graphic and sexually explicit images. They type in search terms as innocuous as "toys"—only to find inappropriate images on their display terminal. According to Wired magazine, there are currently some 28,000 web sites containing hard- and soft-core pornography on the Internet. And that number is growing at an alarming rate. It is estimated that more than 30 pornographic sites are added to the Internet each day.

In addition, the Internet now provides the "strangers" we have always warned our children about with almost unlimited access to our children. Historically, sexual predators have sought children wherever they gather—in school yards, playgrounds and malls. Today, children hang out in cyberspace. This provides the sexual predator with an almost limitless number of opportunities to exploit children because they can prowl from family room to classroom to bedroom with virtual anonymity. Clearly, this is a problem that is only going to grow worse unless we work aggressively to ensure that the Internet is a safe environment.

The bill I am introducing today would build upon provisions authored by Senator COATS and myself which were adopted as part of S. 442, the Internet Tax Freedom Act. The provisions are designed to provide some safety for young people who are being exposed today to the alarming amount of pornography on the Internet. Specifically, my amendment will require that Internet access providers make screening software available—either for a fee or no charge—to customers purchasing Internet access services, and Senator COATS' amendment establishes specific measures that commercial operators of sexually explicit sites must take to restrict access to children under the age of 17.

I am pleased that these provisions of the Internet Tax Freedom Act were passed yesterday and today by both houses of Congress as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999, and look forward to the President signing them into law. Yet, it is clear that our work is not done.

I was very disturbed by a recent article in the The Washington Post which stated that law enforcement officials in the United States and abroad had uncovered an international child pornography ring in which hundreds of people were using the Internet to trade thousands of sexually explicit images of children. More than 200 ring members were arrested in the United States and 13 other countries. The U.S. Customs Service seized computers from American suspects in 22 states, including Connecticut.

That is why today I introduce the Keeping the Internet Decent and Safe (K.I.D.S.) Act. In this age of the Internet, our children have unprecedented access to educational materials via the computer. However, this wonderful technology has also brought with it a dark side for our children, and we as a nation have an obligation to ensure that our children are able to learn, grow, and play in an environment free from harm. My bill would give parents, teachers and law enforcement officers the tools they need to help protect and guide our children, as they seek knowledge and wholesome entertainment on the Internet.

First, my bill would make it possible for law enforcement officials to detain someone before trial who is arrested for a federal crime involving child exploitation. Currently, there is a rebuttable presumption that an individual charged with a violent crime or certain drug-related crimes should be detained. Pedophiles who exploit and prey upon children are at least as great a threat to our society as drug dealers and people involved with violent crimes, and federal law enforcement officials should be able to detain them, as well.

Second, my bill would allow schools to make classroom computers safer by allowing them to use monies from such programs as Title VI and the Safe and Drug Free School Act to purchase screening software.

Finally, my bill would allow materials involved with crimes involving the sexual victimization of children—such as computers, vehicles and clothing—to be permanently seized from sexual predators by law enforcement authorities. Currently, the government can seize such materials like if they belong to a convicted pornographer, but not if they belong from a convicted child molester. Property used in crimes involving the sexual exploitation of children is equally harmful and should also be able to be seized by the Government to help thwart further criminal activity involving our children.

As we head into the 21st century, we know that an increasing number—in fact a majority—of our children are going to use the Internet for both educational and social activities. This is a positive development that we should encourage. But with this progress comes new responsibilities, not only for our young people,. but also for adults. We owe it to our children to make sure that they are safe when they go on-line.

I believe that the KIDS Act will make significant strides to protect our children from harmful materials on the Internet and give law enforcement officials additional tools to clamp down on criminals who use the Internet to prey on our children. I urge my colleagues to support this effort to take reasonable steps to keep the Internet safe for our youngest and most vulnerable citizens. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keeping the Internet Decent and Safe Act".

SEC. 2. PURCHASE OF SCREENING SOFTWARE BY ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an elementary school or secondary school may use any funds received under sections 3132 and 3136, and titles IV and VI, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842, 6846, 7101 et seq., and 7301 et seq.) and subtitle B of the Museum and Library Services Act (20 U.S.C. 9101 et seq.) to purchase screening software.

(b) DEFINITIONS.—In this section:

(1) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SCREENING SOFTWARE.—The term "screening software" means software that is designed to permit a person to limit access to material on the Internet that is harmful to minors.

SEC. 3. ENHANCED CRIMINAL PENALTIES FOR CERTAIN SEXUAL EXPLOITATION OF CHILDREN.

(a) FORFEITURE.—

(1) OFFENSES RELATING TO CHILD PORNOGRAPHY.—

(A) CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(i) in the matter preceding paragraph (1), by inserting ", or an offense under section 2252A of this chapter involving child pornography," after "of this chapter"; and

(ii) in paragraph (1)—

(I) by inserting "any child pornography covered by section 2252A of this chapter," after "of this chapter"; and

(II) by inserting "or child pornography, as the case may be" after "such visual depiction".

(B) CIVIL FORFEITURE.—Section 2254(a) of such title is amended—

(i) in paragraph (1)—

(I) by inserting "any child pornography covered by section 2252A of this chapter," after "of this chapter"; and

(II) by inserting "or child pornography, as the case may be" after "such visual depiction"; and

(ii) in paragraphs (2) and (3), by inserting ", or an offense under section 2252A of this chapter involving child pornography," after "of this chapter" each place it appears.

(2) OFFENSES RELATING TO COERCION AND ENTICEMENT AND TRANSPORTATION OF MINORS FOR SEXUAL PURPOSES.—

(A) IN GENERAL.—Chapter 117 of such title is amended by adding at the end the following new sections:

"§ 2425. Criminal forfeiture

"(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—A person who is convicted of an offense under section 2422(b) or section 2423 shall forfeit to the United States such person's interest in—

"(1) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

"(2) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

"(b) THIRD PARTY TRANSFERS.—(1) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section.

"(2) Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States unless the transferee establishes in a hearing pursuant to subsection (m) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

"(c) PROTECTIVE ORDERS.—(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of section 2422(b) or 2423 for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

"(i) there is a substantial probability that—

"(I) the United States will prevail on the issue of forfeiture; and

"(II) failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

"(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

"(2) An order entered pursuant to paragraph (1)(B) shall be effective for not more than 90 days unless extended by the court for good cause shown or unless an indictment or information described in paragraph (1)(A) has been filed.

"(3)(A) A restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property if the United States demonstrates that there is probable cause to believe that—

"(i) the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; and

"(ii) the provision of notice will jeopardize the availability of the property for forfeiture.

"(B) A restraining order under this paragraph shall expire not more than 10 days after the date on which it is entered unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the order.

"(4) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(d) WARRANT OF SEIZURE.—(1) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant.

"(2) If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (c) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"(e) ORDER OF FORFEITURE.—The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(f) EXECUTION.—(1) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court considers proper.

"(2) Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited.

"(3) Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) DISPOSITION OF PROPERTY.—(1) Following the seizure of property ordered forfeited under this section, the Attorney General shall retain such property for official use or direct the disposition of such property described by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States.

"(2) Upon application of a person, other than the defendant or person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"(h) AUTHORITY OF ATTORNEY GENERAL.—With respect to property ordered forfeited under this section, the Attorney General may—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of section 2422(b) or 2423, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

"(2) compromise claims arising under this section;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States, under section 616 of the Tariff Act of 1930, of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

"(i) APPLICABILITY OF CIVIL FORFEITURE PROVISIONS.—Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 2426 shall apply to a criminal forfeiture under this section.

"(j) BAR ON INTERVENTION.—Except as provided in subsection (m), no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

"(k) JURISDICTION TO ENTER ORDERS.—The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(*l*) DEPOSITIONS.—In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal Rules of Criminal Procedure.

"(m) THIRD PARTY INTERESTS.—(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

"(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within 30 days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

"(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

"(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

"(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

"(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

"(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

"(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

"(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

"(n) SUBSTITUTE ASSETS.—If any of the property described in subsection (a), as a result of any act or omission of the defendant—

"(1) cannot be located upon the exercise of due diligence;

"(2) has been transferred or sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(*o*) CONSTRUCTION.—This section shall be liberally construed to effectuate its remedial purposes.

"§ 2426. Civil forfeiture

"(a) PROPERTY SUBJECT TO CIVIL FORFEITURE.—The following property shall be subject to forfeiture by the United States:

"(1) Any property, real or personal, used or intended to be used to commit or to promote the commission of an offense under section 2422(b) or 2423, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(2) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from a violation of section 2422(b) or 2423, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) SEIZURE PURSUANT TO SUPPLEMENTAL RULES FOR CERTAIN ADMIRALTY AND MARITIME CLAIMS.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General, the Secretary of the Treasury, or the United States Postal Service upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when the seizure is pursuant to a search under a search warrant or incident to an arrest. The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.

"(c) CUSTODY OF FEDERAL OFFICIAL.—Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, Secretary of the Treasury, or the United States Postal Service subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under any of the provisions of this subchapter, the Attorney General, Secretary of the Treasury, or the United States Postal Service may—

"(1) place the property under seal;

"(2) remove the property to a place designated by the official or agency; or

"(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

"(d) OTHER LAWS AND PROCEEDINGS APPLICABLE.—All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, the Secretary of the Treasury, or the Postal Service, except to the extent that such duties arise from seizures and forfeitures affected by any customs officer.

"(e) DISPOSITION OF FORFEITED PROPERTY.—(1) Whenever property is forfeited under this section the Attorney General may—

"(A) retain the property for official use or transfer the custody or ownership of any forfeited property to a Federal, State, or local agency under section 616 of the Tariff Act of 1930;

"(B) sell, by public sale or any other commercially feasible means, any forfeited property which is not required to be destroyed by law and which is not harmful to the public; or

"(C) require that the General Services Administration take custody of the property and dispose of it in accordance with law.

"(2)(A) The Attorney General, Secretary of the Treasury, or the United States Postal Service shall ensure the equitable transfer pursuant to paragraph (1)(A) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by an official or agency pursuant to paragraph (1)(A) shall not be subject to judicial review.

"(B) With respect to a forfeiture conducted by the Attorney General, the Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28 the proceeds from any sale under paragraph (1)(B) and any moneys forfeited under this section.

"(C) With respect to a forfeiture conducted by the Postal Service, the proceeds from any sale under paragraph (1)(B) and any moneys forfeited under this section shall be deposited in the Postal Service Fund as required by section 2003(b)(7) of title 39.

"(f) TITLE TO PROPERTY.—All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(g) STAY OF PROCEEDINGS.—The filing of an indictment or information alleging a violation of section 2422(b) or 2423 which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

"(h) VENUE.—In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2425. Criminal forfeiture.
"2426. Civil forfeiture.".

(b) RELEASE AND DETENTION FOR COERCION AND ENTICEMENT AND TRANSPORTATION OF MINORS FOR SEXUAL PURPOSES.—Section 3156(a)(4)(C) of such title is amended by striking "chapter 109A or chapter 110" and inserting "chapter 109A or 110 or section 2422(b) or 2423".•

By Mr. GRASSLEY:

S. 2650. A bill to give gifted and talented students the opportunity to develop their capabilities; to the Committee on Labor and Human Resources.

GIFTED AND TALENTED STUDENTS EDUCATION ACT OF 1998

• Mr. GRASSLEY. Mr. President, I am introducing the Gifted and Talented Students Education Act of 1998. This legislation would provide block grants to the states to provide educational programs that focus on and are tailored to the needs of gifted and talented students.

The needs of gifted and talented students are often misunderstood. Too often we believe that all we need to do for gifted and talented students is to put them on an accelerated course of study. However, that is not sufficient. Gifted and talented students think and look at the world in a unique way. Therefore, their educational agenda must be tailored to the thought processes gifted and talented students employ. Currently, our nation's education system does not do so. This is due in part, to a lack of resources available in schools across the country.

My legislation, which has been offered in the House of Representatives by Congressman ELTON GALLEGLY of California would provide block grants to state education agencies to identify gifted and talented students from all economic, ethnic and racial backgrounds—including students of limited English proficiency and those with disabilities. Funding would be based on each state's student population, but each state would receive at least $1 million.

This legislation would leave the decision on how best to serve these students to state and local officials. I have always believed that state and local officials, working with parents, are in a much better position than bureaucrats in Washington to know what their students need to succeed. I have also always believed that the most effective education spending is that which goes directly to the students. That's why this bill caps administrative costs at 10 percent.

So while the funds in this measure can't be used for bureaucracy, it can be used for items such as professional development for teachers; counselors and administrators; innovation of programs and services for high-ability students and for developing emerging technologies such as distance learning and other initiatives. It is my hope this measure will give educators the resources and the flexibility they need to meet the needs of gifted and talented students.

Mr. President, our nation's gifted and talented are among our great untapped resources. We must focus on the needs of these students so that their particular gifts can flourish and be fully realized. I am aware Mr. President that at this late date, this measure will not pass. However, I hope introduction of this bill will help shed some light on the needs of the gifted and talented and force a much-needed national conversation about the tremendous potential that we are allowing to go undeveloped. While this measure will obviously not receive any further action before the end of the 105th Congress, it is my sincere hope that introduction of this bill will be the beginning of a new era in educating the gifted and talented.•

By Mr. LEAHY:

S. 2652. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the safety of exported pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CIRCLE OF POISON PREVENTION ACT OF 1998

• Mr. LEAHY. Mr. President, I first introduced this legislation over six years ago after the General Accounting Office concluded that U.S. policy to ensure imported food safety is inadequate and in need of reform. Changes have taken place since, but our policy of allowing pesticides that are prohibited for use within the United States be exported to other countries remains.

The United States should be proud of the strict regulations that we have on the production and use of pesticides. But we should be embarrassed that the loophole in current law allowing U.S. chemical companies to export dangerous pesticides—pesticides banned in the U.S.—has not been eliminated. This loophole must be eliminated to protect the American consumer and American farmer and to halt the immoral practice of sending dangerous pesticides overseas to be handled and applied by unsuspecting farmworkers.

My "Circle of Poison" bill is designed to protect the public from pesticide residues on imported food. It is unreasonable to expect that, in these times of tight budgets and limited resources, the Food and Drug Administration (FDA) will be able to monitor each shipment of imported food for each pesticide that a foreign farmer may use. FDA import inspections have declined dramatically in just the last four years, so that now less than two percent of FDA-regulated imported food is subject to any type of inspection.

It is possible, however, to aid FDA by limiting the number of dangerous pesticides which U.S. chemical companies supply to foreign farmers. By banning the export of pesticides which EPA has not deemed safe, the "circle of poison" legislation will reduce the availability of some of the most hazardous pesticides. By curtailing the supply, it is less likely that foreign farmers will use these pesticides, and therefore, less likely that these pesticides will end up on food that Americans consume.

In addition, this bill puts American farmers on an equal footing with foreign farmers. Under the bill, if a pesticide is not legal for American farmers to use, it will not be legal for foreign farmers to use on food that is exported to the U.S. A simple and reasonable concept, but a concept which is not yet in place in the real world.

Finally, it is simply wrong to allow the export of illegal pesticides. If the Environmental Protection Agency does not allow our citizens and environment to be exposed to a pesticide, we should not subject other countries to the hazards of the pesticide. A pesticide that may endanger people and the environment in the U.S. does not diminish in toxicity simply because it has been exported.●

ADDITIONAL COSPONSORS

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 2121

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2121, a bill to encourage the development of more cost effective commercial space launch industry in the United States, and for other purposes.

S. 2180

At the request of Mr. MURKOWSKI, his name was added as a cosponsor of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2356

At the request of Mr. ROBERTS, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2356, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 2576

At the request of Ms. SNOWE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2576, a bill to create a National Museum of Women's History Advisory Committee.

S. 2616

At the request of Mr. ROTH, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 2616, A bill to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the medicare program.

SENATE CONCURRENT RESOLUTION 128

At the request of Mr. LEAHY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from New Jersey [Mr. TORRICELLI], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Concurrent Resolution 128, a concurrent resolution expressing the sense of Congress regarding measures to achieve a peaceful resolution of the conflict in the state of Chiapas, Mexico, and for other purposes.

SENATE RESOLUTION 312—TO AMEND SENATE RESOLUTION 209 IN ORDER TO PROVIDE BUDGET LEVELS FOR FISCAL YEAR 1999

Mr. DOMENICI submitted the following concurrent resolution; which was considered and agreed to:

S. RES. 312

Resolved, That Senate Resolution 209, agreed to April 2, 1999 (105th Congress), is amended by striking all after the resolving clause and inserting the following:

SECTION 1. SENATE BUDGET LEVELS.

(a) IN GENERAL.—For the purpose of enforcing the Congressional Budget Act of 1974 and section 202 of House Concurrent Resolution 67 (104th Congress), the following levels, amounts, and allocations shall apply in the Senate in the same manner as a concurrent resolution on the budget for fiscal year 1999 and including the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003:

(1) FEDERAL REVENUES.—The recommended levels of Federal revenues are as follows:

Fiscal year 1999: $1,358,919,000,000.
Fiscal year 2000: $1,388,039,000,000.
Fiscal year 2001: $1,424,774,000,000.
Fiscal year 2002: $1,480,891,000,000.
Fiscal year 2003: $1,534,362,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of new budget authority are as follows:

Fiscal year 1999: $1,417,136,000,000.
Fiscal year 2000: $1,453,654,000,000.
Fiscal year 2001: $1,489,637,000,000.
Fiscal year 2002: $1,517,259,000,000.
Fiscal year 2003: $1,577,949,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1999: $1,402,185,000,000.
Fiscal year 2000: $1,438,029,000,000.
Fiscal year 2001: $1,473,660,000,000.
Fiscal year 2002: $1,484,272,000,000.
Fiscal year 2003: $1,548,914,000,000.

(4) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $441,749,000,000.
Fiscal year 2000: $460,115,000,000.
Fiscal year 2001: $477,722,000,000.
Fiscal year 2002: $497,290,000,000.
Fiscal year 2003: $518,752,000,000.

(5) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $321,261,000,000.
Fiscal year 2000: $330,916,000,000.
Fiscal year 2001: $344,041,000,000.
Fiscal year 2002: $355,614,000,000.
Fiscal year 2003: $368,890,000,000.

(b) REVISIONS.—

(1) IN GENERAL.—The Chairman of the Senate Committee on the Budget may file 1 set of revisions to the levels, amounts, and allocations provided by this resolution and those revisions shall only reflect legislation enacted in the 105th Congress and not assumed in this resolution.

(2) CONGRESSIONAL PAY-GO SCORECARD.—Upon making revisions pursuant to paragraph (1) and for the purpose of enforcing section 202 of House Concurrent Resolution 67 (104th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and receipts for any fiscal year to zero.

(c) EFFECTIVE DATE AND EXPIRATION.—This resolution shall—

(1) take effect on the date that the Congress adjourns sine die or the date the 105th Congress expires, whichever date is earlier; and

(2) expire on the effective date of a concurrent resolution on the budget for fiscal year 1999 agreed to pursuant to section 301 of the Congressional Budget Act of 1974.

SEC. 2. COMMITTEE ALLOCATIONS.

Upon the adoption of this resolution, the Chairman of the Committee on the Budget shall file allocations consistent with this resolution pursuant to section 302(a) of the Congressional Budget Act of 1974.

SENATE RESOLUTION 313—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE BRUTAL KILLING OF MR. MATTHEW SHEPARD

Mr. THOMAS (for himself and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

S. RES. 313

Whereas Mr. Matthew Shepard, a 21-year old student at the University of Wyoming in Laramie, Wyoming, was physically beaten and tortured, tied to a wooden fence and left for dead; and

Whereas Mr. Matthew Shepard died as a result of his injuries on October 12, 1998, in a Colorado hospital, surrounded by his loving family and friends; Now, therefore, be it

Resolved by the Senate, That it is the Sense of the Senate that it—

(1) condemns the actions which occurred in Laramie, Wyoming, as unacceptable and outrageous;

(2) urges each member of Congress and every citizen of the United States, in his or her own way, through his or her church, synagogue, mosque, workplace, or social organization, to join in denouncing and encouraging others to denounce this outrageous murder of another human being;

(3) pledges to join in efforts to bring an end to such crimes, and to encourage all Americans to dedicate themselves to ending violence in the United States; and

(4) pledges to do everything in its power to fight prejudice and intolerance that leads to the murder of innocent people.

SENATE RESOLUTION 314—EXPRESSING THE SENSE OF THE SENATE REGARDING SKILLED NURSING FACILITIES

Mr. HATCH submitted the following resolution; which was refered to the Committe on Finance:

S. RES. 314

Resolved,

SECTION 1. SENSE OF THE SENATE REGARDING AUTHORITY OF SECRETARY, COLLECTION OF DATA, AND REPORT TO CONGRESS.

(a) AUTHORITY.—It is the sense of the Senate that the Secretary of Health and Human Services, in making payments under the prospective payment system for skilled nursing facilities pursuant to section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)), has the authority under section 1888(e)(4)(G)(i) of such Act to provide for an appropriate adjustment to account for case mix which reflects a patient's medical needs requiring the provision of non-therapy ancillary services (such as respiratory therapy, pharmacy, laboratory, X-ray, and parenteral and enteral services, and covered durable medical supplies).

(b) DATA.—It is the sense of the Senate that the Secretary of Health and Human Services should gather sufficient data on the provision of non-therapy ancillary services by skilled nursing facilities that are paid under the prospective payment system pursuant to section 1888(e) of the Social Security Act in order to develop the appropriate adjustment for case mix under section 1888(e)(4)(G)(i) of such Act.

(c) REPORT TO CONGRESS.—It is the sense of the Senate that the Secretary of Health and Human Services should periodically report to Congress on the development of the appropriate adjustment for case mix under section 1888(e)(4)(G)(i) of the Social Security Act which reflects a patient's medical needs requiring the provision of non-therapy ancillary services.

Mr. HATCH. Mr. President, today I introduce S. Res. 314 which expresses the sense of the Senate regarding the authority of the Secretary of Health and Human Services to make adjustments in payments made to skilled nursing facilities under the Medicare program.

As my colleagues are aware, pursuant to the Balanced Budget Act of 1997, Congress directed the Health Care Financing Administration to create a new prospective payment system, or PPS, for Medicare-certified skilled nursing facilities, or SNFs, as they are called.

Skilled nursing facilities are now in the process of moving from the historical cost-based reimbursement system to the new prospective payment system.

This new system combines costs associated with nursing services, capital investment, and other medical services bundled together and then adjusted to reflect the needs of the patients.

Congress rightly sought this new system as a way of getting skilled nursing facility operators to manage both the quality and costs of health care for seniors qualified under Medicare.

As this system has been developed quickly since the enactment of the BBA, there has been a problem identified with adjustments for services considered "non-therapy" services.

These include respiratory therapy, pharmaceutical products, parenteral and enteral products, laboratory and x-ray services, and other covered medical supplies.

While I believe that HCFA has done a remarkable job in getting this system in place over the past year, I am concerned that the adjustment in payment for these specific services has not yet been developed.

This is especially true for a patient who is very ill—those with multiple disease conditions treated in a SNF. There is simply not adequate provisions for ensuring that the prospective payment made each day appropriately reflects the higher medical costs that these patients may need.

As a result of this new system, many nursing homes cannot afford to treat certain types of patients. That was never our intent.

HCFA officials have acknowledged that they needed more data to fix the problem. They commissioned a study last year to assist them to make corrections.

However, the data was not yet available in time for the first year to implement some corrections. While I am certain that HCFA will correct this system, I want to ensure that services to our most vulnerable seniors in nursing homes getting complex medical services will continue to get their care.

I do not want bureaucratic delays in any way to impede their care.

The PPS theory of paying according to average does not work when the rates are not based on solid data and the case-mix adjustment for non-therapy ancillaries is based on very little data. This is obviously not what Congress intended with the BBA.

In March, the Medicare Payment Assessment Commission advised the Congress that "the RUG-III system may not adequately differentiate among Medicare SNF patients . . . this may lead to significant overpayment and under payment for patients within a RUG group."

In September, the Appropriations Committee report for the Department of Health and Human Services included the following:

> The Committee has heard concerns regarding the equity of the new Medicare SNF prospective payment system as it relates to nontherapy ancillaries. The demonstration upon which the new system was based did not include this class of items and services. Due to the lack of sufficient data to make these changes, the new system may provide a windfall for some providers while seriously impairing the ability of others to treat patients requiring more intensive care. Therefore, the Committee urges HCFA to reexamine this policy and make budget-neutral changes this year to assure continued access to services for high cost patients pending the gathering of sufficient data on which to base permanent reforms.

Mr. President, unless relief is provided and this anomaly in the payment system is corrected, a major impediment will remain for certain patients with high non-therapy ancillary costs to receive Medicare services in nursing facilities.

An immediate transitional modification is needed before irreparable harm is done to quality care and access for high costs patients. Some facilities have already begun PPS coverage although HCFA apparently will not begin making actual PPS payments until December, or later. However, on January 1 about 60 percent of the SNFs will begin coverage under the PPS.

We must, therefore, develop longer term solutions for these crucial services, but first we must do no harm in the interim.

Providers can quickly change operations to maximize light care and minimize heavy care. Specialty staff, such as respiratory therapists, will be let go; special physical plant and equipment, such as air flow equipment for "clean room" level infection control will be dismantled; and hospital referral arrangements will be changed.

Accordingly, I am submitting today S. Res. 314 expressing the sense of the Senate that the Secretary, pursuant to section 1888(e)(4)(G)(i), has the authority to provide for an appropriate adjustment to account for case mix which reflects a patient's medical needs requiring non-therapy ancillary services.

HCFA has acknowledged the shortcomings of the current RUG-III system. The RUG-III demonstration project had treated these costs as a pass-through because the system did not have the data available to include such costs.

My resolution will clarify and reaffirm Congressional intent that the Secretary has the administrative flexibility to make appropriate adjustments to the case-mix of SNFs to reflect the costs of these services.

One approach, which accommodates HCFA's operational impediment of Year 2000 computer software problems, would be to make payment adjustments to reflect the relative resource utilization of non-therapy ancillaries by different patient types based on a SNF's cost report for the first year under the PPS.

The resolution calls upon the Secretary to gather sufficient data on the provisions of non-therapy ancillaries in order to develop the appropriate adjustments. And, it also urges the Secretary to periodically report to Congress on the development of the appropriate adjustment.

Mr. President, this issue is one of quality and access for America's seniors to community based skilled care.

And, while it was my hope that the Senate could pass this resolution today, I trust my remarks and the language of the resolution will serve to further define the complex issues associated with this important matter.

I am encouraged that the distinguished Chairman of the Finance Committee, Senator ROTH, and the distinguished Minority Member, Senator MOYNIHAN, have indicated their interest, and look forward to working with them early next year to address this issue in the Finance Committee.

AMENDMENTS SUBMITTED

RELATIVE TO THE ELECTIONS TO BE HELD IN GABON IN DECEMBER 1998

LUGAR AMENDMENT NO. 3834

Mr. LOTT (for Mr. LUGAR) proposed an amendment to the resolution (S.

Res. 285) expressing the sense of the Senate that all necessary steps should be taken to ensure the elections to be held in Gabon in December of 1998 are free and fair; as follows:

Strike all after the resolving clause and insert the following:

That the Senate—

(1) recognizes and commends those Gabonese who have demonstrated their love for free and fair elections;

(2) commends the Government of Gabon for inviting the International Foundation for Election Systems to perform a pre-election assessment study;

(3) calls on the Government of Gabon to—

(A) take further measures to ensure the organization and administration of a transparent and credible election and to ensure that the national election commission is able to independently carry out its duties; and

(B) further welcome the International Foundation for Election Systems, the National Democratic Institute, the International Republican Institute, and other appropriate national and international nongovernmental organizations to aid the organization of, and to monitor, the December 1998 Presidential election in Gabon, in an effort to assist the government in ensuring that the elections are free and fair;

(4) urges the United States Government to continue to work with the international community, and through appropriate nongovernmental organizations, to help create an environment which guarantees free and fair elections; and

(5) urges the United States Government and the international community to continue to encourage and support the institutionalization of democratic processes and the establishment of conditions for good governance in Gabon.

Strike the preamble and insert the following:

Whereas Gabon is a heavily forested and oil-rich country on the west coast of Central Africa;

Whereas Gabon gained independence from France in 1960;

Whereas Gabon is scheduled to hold national elections in December 1998 for the purpose of electing a President;

Whereas the Government of Gabon was subject to single-party rule until 1990 and only one person has held the office of the President since 1967;

Whereas the International Foundation for Election Systems (IFES) and the African American Institute (AAI) served as observers during the organization of the 1993 Presidential and legislative elections in Gabon and found widespread electoral irregularities;

Whereas the Government of Gabon is a signatory to the Paris Accords of 1994, which was approved by national referendum in July 1995, and was instituted to provide for a state of law guaranteeing basic individual freedoms and the organization of free and fair elections under a new independent national election commission;

Whereas the people of Gabon have demonstrated their support for the democratic process through the formation of numerous political parties since 1990 and their strong participation in prior elections; and

Whereas it is in the interest of the United States to promote political and economic freedom in Africa and throughout the world: Now, therefore, be it

Amend the title to read as follows: "Expressing the sense of the Senate that all necessary steps should be taken to ensure the elections to be held in Gabon are free and fair.".

RELATIVE TO THE HUMAN RIGHTS ABUSES AGAINST THE CIVILIAN POPULATION OF SIERRA LEONE

ABRAHAM AMENDMENT NO. 3835

Mr. LOTT (for Mr. ABRAHAM) proposed an amendment to the resolution (S. Res. 298) condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone; as follows:

Whereas the ousted Armed Forces Revolutionary Council (AFRC) military junta and the rebel fighters of the Revolutionary United Front (RUF) have mounted a campaign of terror, vengeance, and human rights abuses on the civilian population of Sierra Leone;

Whereas the AFRC and RUF violence against civilians continues with more than 500 survivors of atrocities, including gunshot wounds, amputations or rape;

Whereas the International Committee of the Red Cross estimates that only 1 in 4 victims of mutilation actually makes it to medical help;

Whereas the use and recruitment of children as combatants in this conflict has been widespread, including forcible abduction of children by AFRC and RUF rebels;

Whereas UNICEF estimates the number of children forcibly abducted since March 1998 exceeds 3,000;

Whereas the consequences of this campaign have been the flight of more than 250,000 refugees to Guinea and Liberia in the last 6 months and the increase of over 250,000 displaced Sierra Leoneans in camps and towns in the north and east;

Whereas the Governments of Guinea and Liberia are having great difficulty caring for the huge number of refugees, now totaling 600,000 in Guinea and Liberia, and emergency appeals have been issued by the United Nations High Commission for Refugees for $7,300,000 for emergency food, shelter, and sanitation, and medical, educational, psychological, and social services;

Whereas starvation and hunger-related deaths have begun in the north where more than 500 people have died since August 1, 1998, a situation that will only get worse in the next months;

Whereas the humanitarian community is unable, because of continuing security concerns, to deliver food and medicine to the vulnerable groups within the north and east of Sierra Leone;

Whereas the Economic Community of West African States and its peacekeeping arm, the Economic Community of West African States Military Observer Group (ECOMOG), are doing their best, but are still lacking in the logistic support needed to either bring this AFRC and RUF rebel war to a conclusion or force a negotiated settlement;

Whereas arms and weapons continue to be supplied to the AFRC and RUF in direct violation of a United Nations arms embargo;

Whereas the United Nations Under Secretary for Humanitarian Affairs and Emergency Relief Coordinator, Amnesty International, Human Rights Watch, and Refugees International, following visits to Sierra Leone in May and June 1998, condemned, in the strongest terms, the terrible human rights violations done to civilians by the AFRC and RUF rebels; and

Whereas the Special Representative of the United Nations Secretary General for Children and Armed Conflict, following a May 1998 visit to Sierra Leone, called upon the United Nations to make Sierra Leone one of the pilot projects for the rehabilitation of child combatants: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President and the Secretary of State to give high priority to solving the conflict in Sierra Leone and to bring stability to West Africa in general;

(2) condemns the use by all parties of children as combatants, in particular their forcible abduction by the Armed Forces Revolutionary Council and the Revolutionary United Front, in the conflict in Sierra Leone;

(3) calls on rebel forces to permit the establishment of a secure humanitarian corridor to strategic areas in the north and east of Sierra Leone for the safe delivery of food and medicines by the Government of Sierra Leone and humanitarian agencies already in the country mandated to deliver this aid;

(4) urges the President and the Secretary of State to continue to strictly enforce the United Nations arms embargo on the Armed Forces Revolutionary Council and Revolutionary United Front, including the condemnation of other nations found to be not in compliance with the embargo;

(5) urges the President and the Secretary of State to continue to encourage the contribution of peacekeeping forces by member governments of the Economic Community of West African states to its peacekeeping arm, ECOMOG;

(6) urges the President and the Secretary of State to continue to support the appeal of the United Nations High Commission for Refugees for aid to Sierra Leonean refugees in Guinea, Liberia, and elsewhere, as well as other United Nations agencies and nongovernmental organizations working in Sierra Leone to bring humanitarian relief and peace to the country, including support the United Nations Observer Mission in Sierra Leone;

(7) urges the President and the Secretary of State to take a more comprehensive and focused approach to its relief, recovery and development assistance program in Sierra Leone and to continue to support the Government of Sierra Leone in its Disarmament, Demobilization and Reintegration Program (DDRP) for the country as peace becomes a reality;

(8) urges the President and Secretary of State to work with the Government of Sierra Leone, with organization of civil society and with ECOMOG in their efforts to promote and protect human rights, including respect for international humanitarian law;

(9) encourages and supports the United Nations Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunu, to continue efforts to work in Sierra Leone to establish programs designed to rehabilitate child combatants; and

(10) urges all parties to make a concerted effort toward peace and reconciliation in Sierra Leone.

FEDERAL REPORTS ELIMINATION ACT OF 1998

McCAIN AMENDMENT NO. 3836

Mr. LOTT (for Mr. McCAIN) proposed an amendment to the bill (S. 1364) to eliminate unnecessary and wasteful Federal reports; as follows:

In section 1501, strike subsections (f) through (h).

CHILD CUSTODY LEGISLATION

HATCH (AND BIDEN) AMENDMENT NO. 3837

Mr. LOTT (for Mr. Hatch for himself and Mr. Biden) proposed an amendment to the bill (H.R. 4164) to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CHILD CUSTODY.

(a) Section 1738A(a).—Section 1738A(a) of title 28, United States Code, is amended by striking "subsection (f) of this section, any child custody determination" and inserting "subsections (f), (g), and (h) of this section, any custody determination or visitation determination".

(b) Section 1738A(b)(2).—Section 1738A(b)(2) of title 28, United States Code, is amended by inserting "or grandparent" after "parent".

(c) Section 1738A(b)(3).—Section 1738A(b)(3) of title 28, United States Code, is amended by striking "or visitation" after "for the custody".

(d) Section 1738A(b)(5).—Section 1738A(b)(5) of title 28, United States Code, is amended by striking "custody determination" each place it occurs and inserting "custody or visitation determination".

(e) Section 1738A(b)(9).—Section 1738A(b) of title 28, United States Code, is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding after paragraph (8) the following:

"(9) 'visitation determination' means a judgment, decree, or other order of a court providing for the visitation of a child and includes permanent and temporary orders and initial orders and modifications.".

(f) Section 1738A(c).—Section 1738A(c) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(g) Section 1738A(c)(2)(D).—Section 1738A(c)(2)(D) of title 28, United States Code, is amended by adding "or visitation" after "determine the custody".

(h) Section 1738A(d).—Section 1738A(d) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(i) Section 1738A(e).—Section 1738A(e) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(j) Section 1738A(g).—Section 1738A(g) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(k) Section 1738A(h).—Section 1738A of title 28, United States Code, is amended by adding at the end the following:

"(h) A court of a State may not modify a visitation determination made by a court of another State unless the court of the other State no longer has jurisdiction to modify such determination or has declined to exercise jurisdiction to modify such determination.".

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

HATCH (AND LEAHY) AMENDMENT NO. 3838

Mr. LOTT (for Mr. Hatch for himself and Mr. Leahy) proposed an amendment to the bill (H.R. 2440) to make technical amendments to section 10 of title 9, United States Code; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) Findings.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1-800-THE-LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.".

(b) Definitions.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children.".

(c) Duties and Functions of the Administrator.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) Annual Grant to National Center for Missing and Exploited Children.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the National Center for Missing and Exploited Children, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $8,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

"(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

"(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting "the National Center for Missing and Exploited Children and with" before "public agencies",

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1997 through 2001" and inserting "1999 through 2003".

(f) REPEAL OF OBSOLETE REPORTING REQUIREMENTS.—Section 409 of the Missing Children's Assistance Act (42 U.S.C. 5778) is repealed.

EXEMPTION FROM FEDERAL TAXATION OF REWARD PAID IN UNABOMBER CASE

MOYNIHAN AMENDMENT NO. 3839

Mr. LOTT (for Mr. MOYNIHAN) proposed an amendment to the bill (H.R. 2513) to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXEMPTION FROM FEDERAL TAXATION OF REWARD PAID IN UNABOMBER CASE IF USED TO COMPENSATE VICTIMS AND THEIR FAMILIES OR TO PAY CERTAIN ATTORNEYS' FEES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, if the requirements of subsection (b) are met with respect to the amounts received by David R. Kaczynski of Schenectady, New York, and his wife, Linda E. Patrik, from the United States as a reward for information leading to the arrest of Theodore J. Kaczynski in the "Unabomber" case, then—

(1) their gross income shall not include (and no deduction shall be allowed to them with respect to) such amounts; and

(2) any payment by them to victims and their families in such case shall not be treated as a gift for purposes of subtitle B of such Code and shall not be included in gross income of the recipients.

(b) REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are met if all of the amounts described in subsection (a) are used only for the following purposes:

(1) Payment by Mr. David R. Kaczynski and Ms. Linda E. Patrik before September 15, 1998, to their attorneys for attorneys' fees incurred by them in connection with the "Unabomber" case.

(2) Payment by Mr. David R. Kaczynski and Ms. Linda E. Patrik of State and local taxes on such amounts.

(3) Payment of all remaining amounts by Mr. David R. Kaczynski and Ms. Linda E. Patrik no later than 1 year after the date of the enactment of this Act to the victims and their families in the "Unabomber" case or to an irrevocable trust established exclusively for the benefit of such victims and their families.

(c) VICTIMS AND THEIR FAMILIES.—For purposes of this section, the Attorney General of the United States or her delegate shall identify the individuals who are to be treated as victims and their families in the "Unabomber" case.

"A bill to provide tax-free treatment of reward monies donated to the victims of "Unabomber" Theodore Kaczynski."

TREATY WITH LATVIA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

HELMS EXECUTIVE AMENDMENT NO. 3840

Mr. DEWINE (for Mr. HELMS) proposed an executive amendment to the Treaty with Latvia on Mutual Legal Assistance in Criminal Matters (Treaty Doc. No. 105–34); as follows:

On lines 5 and 6 of the Resolution of Ratification of the Treaty Between the United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters (Exec. Rpt. 105–22), strike "and an exchange of notes signed on the same date".

TREATY WITH ISRAEL ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

HELMS EXECUTIVE AMENDMENT NO. 3841

Mr. DEWINE (for Mr. HELMS) proposed an executive amendment to the Treaty with Israel on Mutual Legal Assistance in Criminal Matters (Treaty Doc. No. 105–40); as follows:

On line 5 of the Resolution of Ratification of the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Legal Assistance in Criminal Matters (Exec. Rpt. 105–22), strike "Tel Aviv" and insert "Jerusalem".

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1998

MURKOWSKI (AND BUMPERS) AMENDMENT NO. 3842

Mr. DEWINE (for Mr. MURKOWSKI for himself and Mr. BUMPERS) proposed an amendment to the bill (S. 2117) to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; as follows:

Concur in the House amendment with the following amendments:

1. Strike title IV and insert in lieu thereof the following:

TITLE IV—SLY PARK DAM AND RESERVOIR, CALIFORNIA

SEC. 401. SHORT TITLE.

This title may be cited as the "Sly Park Unit Conveyance Act".

SEC. 402. DEFINITIONS.

For purposes of this title:

(1) The term "District" means the El Dorado Irrigation District, a political subdivision of the State of California that has its principal place of business in the city of Placerville, El Dorado County, California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Project" means the Sly Park Dam and Reservoir, Camp Creek Diversion

Dam and Tunnel, and conduits and canals held by the United States pursuant to or related to the authorization in the Act entitled "An Act to authorize the American River Basin Development, California, for irrigation and reclamation, and for other purposes", approved October 14, 1949 (63 Stat. 852 chapter 690), which are associated with the Sly Park Dam and Reservoir.

SEC. 403. CONVEYANCE OF PROJECT.

(a) In General.—In consideration of the District accepting the obligations of the Federal Government for the Project and subject to the payment by the District of the net present value of the remaining repayment obligations under contract numbered 14–06–200–949IR2, the Secretary is authorized to convey all right, title and interest in and to the Project to the District. Such transfer shall be subject to a reversion in favor of the United States if the remaining repayment obligations to the United States, referred to in Section 405(a), are not completed. The net present value shall be determined under Office of Management and Budget Circular A–129 (in effect on the date of enactment of this title).

(b) Conveyance.—The Secretary shall complete the conveyance as expeditiously as possible. If the conveyance has not occurred within one year from the date of enactment of this title, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives on the status of the transfer, any obstacles to completion of the transfer, and the anticipated date for such transfer. If the Project is conveyed within two years from the date of enactment of this title, the costs of administrative action, including, but not limited to, any environmental compliance, shall be borne equally be the Secretary and the District. If the Project is not conveyed within such two year period, the Secretary shall assume all costs.

SEC. 404. RELATIONSHIP TO EXISTING OPERATIONS.

(a) In General.—Nothing is this title shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) Future Alterations.—If the District alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such changes at that time (subject to section 405).

SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) Payment Obligations Not Affected.—The conveyance of the Project under this title does not affect the payment obligations of the District under the contract between the District and the Secretary numbered 14–06–200–7734, as amended by contracts numbered 14–06–200–4282A and 14–06–200–8536A. At any time, the District may elect to prepay its remaining repayment obligations under contract numbered 14–06–200–7734, as amended by contracts numbered 14–06–200–4282A and 14–06–200–8536A, by tendering to the Secretary the net present value, at that time, of the remaining repayment obligation as determined by Office of Management and Budget Circular A–129 (in effect on the date of enactment of this title). Effective on the date of such tender, or on the date of completion of all repayment obligations, whichever occurs first, any reversionary interest of the United States in and to the Project is extinguished.

(b) Payment Obligations Extinguished.—Provision of consideration by the District in accordance with section 403(b) shall extinguish all payment obligations under contract numbered 14–06–200–9491R2 between the District and the Secretary.

SEC. 406. RELATIONSHIP TO OTHER LAWS.

(a) Reclamation Laws.—Except as provided in subsection (b), upon enactment of this title the Reclamation Act of 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

(b) Payments Into the Central Valley Project Restoration Fund.—The El Dorado Irrigation District shall continue to make payments into the Central Valley Project Restoration Fund for 31 years after the date of the enactment of this title. The District obligation shall be calculated in the same manner as Central Valley Project water contractors.

SEC. 407. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under the title, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

2. At the end thereof, add the following new titles:

TITLE VIII—CARLSBAD IRRIGATION PROJECT TITLE CONVEYANCE

SEC. 801. SHORT TITLE.

This title may be cited as the "Carlsbad Irrigation Project Acquired Land Transfer Act".

SEC. 802. CONVEYANCE.

(a) Lands and Facilities.—

(1) In general.—Except as provided in paragraph (2), and subject to subsection (c), the Secretary of the Interior (in this title referred to as the "Secretary") may convey to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the State of New Mexico and in this title referred to as the "District"), all right, title, and interest of the United States in and to the lands described in subsection (b) (in this title referred to as the "acquired lands") and all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume.

(2) Limitation.—

(A) Retained surface rights.—The Secretary shall retain title to the surface estate (but not the mineral estate) of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir division structure.

(B) Storage and flow easement.—The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) Acquired Lands Described.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands and in section (7) of the "Status of Lands and Title Report: Carlsbad Project" as reported by the Bureau of Reclamation in 1978.

(c) Terms and Conditions of Conveyance.—Any conveyance of the acquired lands under this title shall be subject to the following terms and conditions:

(1) Management and use, generally.—The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, based on historic operations and consistent with the management of other adjacent project lands.

(2) Assumed rights and obligations.—Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2–LM–40–00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7–07–57–X0888) for the management and operation of Brantley Lake State Park.

(3) Exceptions.—In relation to agreements referred to in paragraph (2)—

(A) the District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) the District shall not be entitled to any receipts for revenues generated as a result of either agreement.

(d) Completion of Conveyance.—If the Secretary does not complete the conveyance within 180 days from the date of enactment of this title, the Secretary shall submit a report to the Congress within 30 days after that period that includes a detailed explanation of problems that have been encountered in completing the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance.

SEC. 803. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

(a) Identification and Notification of Leaseholders.—Within 120 days after the date of enactment of this title, the Secretary of the Interior shall—

(1) provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this title; and

(2) notify all leaseholders of the conveyance authorized by this title.

(b) Management of Mineral and Grazing Leases, Licenses, and Permits.—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 802, and shall be entitled to any receipts from such leases, licenses, and permits accruing after the date of conveyance. All such receipts shall be used for purposes for which the Project was authorized and for financing the portion of operations, maintenance, and replacement of the Summer Dam which, prior to conveyance, was the responsibility of the Bureau of Reclamation, with the exception of major maintenance programs in progress prior to conveyance which shall be funded through the cost share formulas in place at the time of conveyance. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project.

(c) Availability of Amounts Paid Into Reclamation Fund.—

(1) Existing receipts.—Receipts in the reclamation fund on the date of enactment of this title which exist as construction credits to the Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359) shall be deposited in the General Treasury and credited to deficit reduction or retirement of the Federal debt.

(2) Receipts after enactment.—Of the receipts from mineral and grazing leases, licenses, and permits on acquired lands to be

conveyed under section 802, that are received by the United States after the date of enactment and before the date of conveyance—

(A) not to exceed $200,000 shall be available to the Secretary for the actual costs of implementing this title with any additional costs shared equally between the Secretary and the District; and

(B) the remainder shall be deposited into the General Treasury of the United States and credited to deficit reduction or retirement of the Federal debt.

SEC. 804. VOLUNTARY WATER CONSERVATION PRACTICES.

Nothing in this title shall be construed to limit the ability of the District to voluntarily implement water conservation practices.

SEC. 805. LIABILITY.

Effective on the date of conveyance of any lands and facilities authorized by this title, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors, prior to conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that provided under chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

SEC. 806. FUTURE BENEFITS.

Effective upon transfer, the lands and facilities transferred pursuant to this title shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereof or amendatory thereto attributable to their status as part of a Reclamation Project.

TITLE IX—THOMAS COLE NATIONAL HISTORIC SITE

SEC. 901. SHORT TITLE.

This title may be cited as the "Thomas Cole National Historic Site Act".

SEC. 902. DEFINITIONS.

As used in this title:

(1) The term "historic site" means the Thomas Cole National Historic Site established by section 904 of this title.

(2) The term "Hudson River artists" means artists who were associated with the Hudson River school of landscape painting.

(3) The term "plan" means the general management plan developed pursuant to section 906(d).

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "Society" means the Greene County Historical Society of Greene County, New York, which owns the Thomas Cole home, studio, and other property comprising the historic site.

SEC. 903. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Hudson River school of landscape painting was inspired by Thomas Cole and was characterized by a group of 19th century landscape artists who recorded and celebrated the landscape and wilderness of America, particularly in the Hudson River Valley region in the State of New York.

(2) Thomas Cole is recognized as America's most prominent landscape and allegorical painter of the mid-19th century.

(3) Located in Greene County, New York, the Thomas Cole House, also known as Thomas Cole's Cedar Grove, is listed on the National Register of Historic Places and has been designated as a National Historic Landmark.

(4) Within a 15 mile radius of the Thomas Cole House, an area that forms a key part of the rich cultural and natural heritage of the Hudson River Valley region, significant landscapes and scenes painted by Thomas Cole and other Hudson River artists, such as Frederic Church, survive intact.

(5) The State of New York has established the Hudson River Valley Greenway to promote the preservation, public use, and enjoyment of the natural and cultural resources of the Hudson River Valley region.

(6) Establishment of the Thomas Cole National Historic Site will provide opportunities for the illustration and interpretation of cultural themes of the heritage of the United States and unique opportunities for education, public use, and enjoyment.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve and interpret the home and studio of Thomas Cole for the benefit, inspiration, and education of the people of the United States;

(2) to help maintain the integrity of the setting in the Hudson River Valley region that inspired artistic expression;

(3) to coordinate the interpretive, preservation, and recreational efforts of Federal, State, and other entities in the Hudson Valley region in order to enhance opportunities for education, public use, and enjoyment; and

(4) to broaden understanding of the Hudson River Valley region and its role in American history and culture.

SEC. 904. ESTABLISHMENT OF THOMAS COLE NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—There is established, as an affiliated area of the National Park System, the Thomas Cole National Historic Site in the State of New York.

(b) DESCRIPTION.—The historic site shall consist of the home and studio of Thomas Cole, comprising approximately 3.4 acres, located at 218 Spring Street, in the village of Catskill, New York, as generally depicted on the boundary map numbered TCH/80002, and dated March 1992.

SEC. 905. RETENTION OF OWNERSHIP AND MANAGEMENT OF HISTORIC SITE BY GREENE COUNTY HISTORICAL SOCIETY.

The Greene County Historical Society of Greene County, New York, shall continue to own, manage, and operate the historic site.

SEC. 906. ADMINISTRATION OF HISTORIC SITE.

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered by the Society in a manner consistent with this title and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENTS.—

(1) ASSISTANCE TO SOCIETY.—The Secretary may enter into cooperative agreements with the Society to preserve the Thomas Cole House and other structures in the historic site and to assist with education programs and research and interpretation of the Thomas Cole House and associated landscapes.

(2) OTHER ASSISTANCE.—To further the purposes of this title, the Secretary may enter into cooperative agreements with the State of New York, the Society, the Thomas Cole Foundation, and other public and private entities to facilitate public understanding and enjoyment of the lives and works of the Hudson River artists through the provision of assistance to develop, present, and fund art exhibits, resident artist programs, and other appropriate activities related to the preservation, interpretation, and use of the historic site.

(c) ARTIFACTS AND PROPERTY.—

PERSONAL PROPERTY GENERALLY.—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the historic site.

(d) GENERAL MANAGEMENT PLAN.—Within two complete fiscal years after the date of the enactment of this title, the Secretary shall develop a general management plan for the historic site with the cooperation of the Society. Upon the completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The plan shall include recommendations for regional wayside exhibits, to be carried out through cooperative agreements with the State of New York and other public and private entities. The plan shall be prepared in accordance with section 12(b) of Public Law 91–383 (16 U.S.C. 1a–1 et seq.; commonly known as the National Park System General Authorities Act).

SEC. 907. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE X—REAUTHORIZATION OF HISTORIC PRESERVATION FUND AND ADVISORY COUNCIL ON HISTORIC PRESERVATION.

SEC. 1001. REAUTHORIZATION OF HISTORIC PRESERVATION FUND.

The second sentence of section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking "1997" and inserting "2004".

SEC. 1002. REAUTHORIZATION OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.

The last sentence of section 212(a) (16 U.S.C. 470t(a)) is amended by striking "2000" and inserting in lieu thereof, "2004".

TITLE XI—EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL

SEC. 1101. SHORT TITLE.

This title may be cited as the "El Camino Real de Tierra Adentro National Historic Trail Act".

SEC. 1102. FINDINGS.

Congress finds that—

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and Santa Fe (1610–1821);

(2) the portion of El Camino Real in what is now the United States extended between El Paso, Texas, and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) in 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) during the Mexican National Period and part of the United States Territorial Period, El Camino Real facilitated the emigration of people to New Mexico and other areas that were to become part of the United States;

(7) the exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderland was made possible by El Camino Real, the historical period of which extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderland, promoting cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans; and

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 1103. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"(21) EL CAMINO REAL DE TIERRA ADENTRO.—

"(A) IN GENERAL.—El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

"(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

"(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

"(ii) consult with affected Federal, State, local governmental and tribal agencies in the administration of the trail.

"(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.".

TITLE XII—EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL

SEC. 1201. SHORT TITLE.

This title may be cited as the "El Camino Real de los Tejas National Historic Trail Act of 1998".

SEC. 1202. FINDINGS.

Congress finds that—

(1) El Camino Real de los Tejas (the Royal Road to the Tejas), served as the primary route between the Spanish viceregal capital of Mexico City and the Spanish provincial capital of Tejas at Los Adaes (1721–1773) and San Antonio (1773–1821);

(2) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico, were played out along the evolving travel routes in this immense area;

(3) the future of several American Indian nations, whose prehistoric trails were later used by the Spaniards for exploration and colonization, was tied to these larger forces and events and the nations were fully involved in and affected by the complex cultural interactions that ensued;

(4) the Old San Antonio Road was a series of routes established in the early 19th century sharing the same corridor and some routes of El Camino Real, and carried American immigrants from the east, contributing to the formation of the Republic of Texas, and its annexation to the United States;

(5) the exploration, conquest, colonization, settlement, migration, military occupation, religious conversion, and cultural exchange that occurred in a large area of the borderland was facilitated by El Camino Real de los Tejas as it carried Spanish and Mexican influences northeastward, and by its successor, the Old San Antonio Road, which carried American influence westward, during a historic period which extended from 1689 to 1850; and

(6) the portions of El Camino Real de los Tejas in what is now the United States extended from the Rio Grande near Eagle Pass and Laredo, Texas and involved routes that changed through time, that total almost 2,600 miles in combined length, generally coursing northeasterly through San Antonio, Bastrop, Nacogdoches, and San Augustine in Texas to Natchitoches, Louisiana, a general corridor distance of 550 miles.

SEC. 1203. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"(22) EL CAMINO REAL DE LOS TEJAS.—

"(A) IN GENERAL.—El Camino Real de los Tejas (The Royal Road to the Tejas) National Historic Trail, a combination of routes totaling 2,580 miles in length from the Rio Grande near Eagle Pass and Laredo, Texas to Natchitoches, Louisiana, and including the Old San Antonio Road, as generally depicted on the maps entitled 'El Camino Real de los Tejas', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas, Texas-Louisiana', dated July 1998. A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(B) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.".

TITLE XIII—MINUTEMAN MISSILE NATIONAL HISTORIC SITE

SEC. 1301. SHORT TITLE.

This title may be cited as the "Minuteman Missile National Historic Site Establishment Act of 1998".

SEC. 1302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Minuteman II intercontinental ballistic missile (hereinafter referred to as "ICBM") launch control facility and launch facility known as "Delta 1" and "Delta 9", respectively, have national significance as the best preserved examples of the operational character of American history during the Cold War;

(2) the facilities are symbolic of the dedication and preparedness exhibited by the missileers of the Air Force stationed throughout the upper Great Plains in remote and forbidding locations during the Cold War;

(3) the facilities provide a unique opportunity to illustrate the history and significance of the Cold War, the arms race, and ICBM development; and

(4) the National Park System does not contain a unit that specifically commemorates or interprets the Cold War.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations the structures associated with the Minuteman II missile defense system;

(2) to interpret the historical role of the Minuteman II missile defense system in the broader context of the Cold War and the role of the system as a key component of America's strategic commitment to preserve world peace; and

(3) to complement the interpretive programs relating to the Minuteman II missile defense system offered by the South Dakota Air and Space Museum at Ellsworth Air Force Base.

SEC. 1303. MINUTEMAN MISSILE NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—(1) The Minuteman Missile National Historic Site in the State of South Dakota (hereinafter referred to as the "historic site") is hereby established as a unit of the National Park System. The historic site shall consist of lands and interests therein comprising the following Minuteman II ICBM launch control facilities, as generally depicted on the map referred to as "Minuteman Missile National Historic Site", numbered 406/80,008 and dated September, 1998:

(A) An area surrounding the Minuteman II ICBM launch control facility depicted as "Delta 1 Launch Control Facility".

(B) An area surrounding the Minuteman II ICBM launch control facility depicted as "Delta 9 Launch Facility".

(2) The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make minor adjustments to the boundary of the historic site.

(b) ADMINISTRATION OF HISTORIC SITE.—The Secretary shall administer the historic site in accordance with this title and laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (16 U.S.C. 461–467).

(c) COORDINATION WITH SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense and the Secretary of State, as appropriate, to ensure that administration of the historic site is in compliance with applicable treaties.

(d) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public and private entities and individuals in furtherance of the purposes of this title.

(e) LAND ACQUISITION.—(1) Except as provided in paragraph (2), the Secretary is authorized to acquire lands and interests therein within the boundaries of the historic site by donation, purchase with donated or appropriated funds, exchange or transfer from another Federal agency: *Provided*, That lands or interests therein owned by the State of South Dakota may only be acquired by donation or exchange.

(2) The Secretary shall not acquire any lands pursuant to this title if the Secretary determines that such lands, or any portion thereof, are contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), unless all remedial action necessary to protect human health and the environment has been taken pursuant to such Act.

(f) GENERAL MANAGEMENT PLAN.—(1) Within three years after the date funds are made available, the Secretary shall prepare a general management plan for the historic site.

(2) The plan shall include an evaluation of an appropriate location for a visitor facility and administrative site within the areas depicted as "Support Facility Study Area—Alternative A" or "Support Facility Study Area—Alternative B" on the map referred to in subsection (a). Upon a determination by the Secretary of the appropriate location for such facilities, the boundaries of the historic site shall be modified to include the selected site.

(3) In developing the plan, the Secretary shall consider coordinating or consolidating appropriate administrative, management, and personnel functions with Badlands National Park.

SEC. 1304. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this title.

(b) AIR FORCE FUNDS.—The Secretary of the Air Force shall transfer to the Secretary any funds specifically appropriated to the Air Force in FY 1999 for the maintenance, protection, or preservation of the facilities described in section 3. Such funds shall be used by the Secretary for establishing, operating, and maintaining the historic site.

(c) LEGACY RESOURCE MANAGEMENT PROGRAM.—Nothing in this title affects the use of any funds available for the Legacy Resource Management Program being carried out by the Air Force that, before the date of enactment of this title, were directed to be used for resource preservation and treaty compliance.

TITLE XIV—COMMERCIAL FILMING

SEC. 1401. FEE AUTHORITY AND REPEAL OF PROHIBITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior (in this section referred to as the "Secretary") may permit, under terms and conditions considered necessary by the Secretary, the use of lands and facilities administered by the Secretary for the making of any motion picture, television production, soundtrack, or similar project, if the Secretary determines that such use is appropriate and will not impair the values and resources of the lands and facilities.

(2) FEES.—(A) Any permit under this section shall require the payment of fees to the Secretary in an amount determined to be appropriate by the Secretary sufficient to provide a fair return to the government in accordance with subparagraph (B), except as provided in subparagraph (C). The amount of the fee shall be not less than the direct and indirect costs to the Government for processing the application for the permit and the use of lands and facilities under the permit, including any necessary costs of cleanup and restoration, except as provided in subparagraph (C).

(B) The authority of the Secretary to establish fees under this paragraph shall include, but not be limited to, authority to issue regulations that establish a schedule of rates for fees under this paragraph based on such factors as—

(i) the number of people on site under a permit;

(ii) the duration of activities under a permit;

(iii) the conduct of activities under a permit in areas designated by statute or regulations as special use areas, including wilderness and research natural areas; and

(iv) surface disturbances authorized under a permit.

(C) The Secretary may, under the terms of the regulations promulgated under paragraph (4), charge a fee below the amount referred to in subparagraph (A) if the activity for which the fee is charged provides clear educational or interpretive benefits for the Department of the Interior.

(3) BONDING AND INSURANCE.—The Secretary may require a bond, insurance, or such other means as may be necessary to protect the interests of the United States in activities arising under such a permit.

(4) REGULATIONS.—(A) The Secretary shall issue regulations implementing this subsection by not later than 180 days after the date of the enactment of this title.

(B) Within 3 years after the date of enactment of this title, the Secretary shall review and, as appropriate, revise regulations issued under this paragraph. After that time, the Secretary shall periodically review the regulations and make necessary changes.

(b) COLLECTION OF FEES.—Fees shall be collected under subsection (a) whenever the proposed filming, videotaping, sound recording, or still photography involves product or service advertisements, or the use of models, actors, sets, or props, or when such filming, videotaping, sound recording, or still photography could result in damage to resources or significant disruption of normal visitor uses. Filming, videotaping, sound recording or still photography, including bona fide newsreel or news television film gathering, which does not involve the activities or impacts identified herein, shall be permitted without fee.

(c) EXISTING REGULATIONS.—The prohibition on fees set forth in paragraph (1) of section 5.1(b) of title 43, Code of Federal Regulations, shall cease to apply upon the effective date of regulations under subsection (a). Nothing in this section shall be construed to affect the regulations set forth in part 5 of such title, other than paragraph (1) thereof.

(d) PROCEEDS.—Amounts collected as fees under this section shall be available for expenditure without further appropriation and shall be distributed and used, without fiscal year limitation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program under section 315 of Public Law 104–134.

(e) PENALTY.—A person convicted of violating any regulation issued under subsection (a) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 6 months, or both, and shall be ordered to pay all costs of the proceedings.

(f) EFFECTIVE DATE.—This section and the regulations issued under this section shall become effective 180 days after the date of the enactment of this title, except that this subsection and the authority of the Secretary to issue regulations under this section shall be effective on the date of the enactment of this title.

TITLE XV—BANDELIER NATIONAL MONUMENT ADDITION

SEC. 1501. SHORT TITLE.

This title may be cited as the "Bandelier National Monument Administrative Improvement and Watershed Protection Act of 1998".

SEC. 1502. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that:

(1) Bandelier National Monument (hereinafter, the Monument) was established by Presidential proclamation on February 11, 1916, to preserve the archeological resources of a "vanished people, with as much land as may be necessary for the proper protection thereof. . ." (No. 1322; 39 Stat. 1746).

(2) At various times since its establishment, the Congress and the President have adjusted the Monument's boundaries and purpose to further preservation of archeological and natural resources within the Monument.

(A) On February 25, 1932, the Otowi Section of the Santa Fe National Forest (some 4,699 acres of land) was transferred to the Monument from the Santa Fe National Forest (Presidential Proclamation No. 1191; 17 Stat. 2503).

(B) In December of 1959, 3,600 acres of Frijoles Mesa were transferred to the National Park Service from the Atomic Energy Committee (hereinafter, AEC) and subsequently added to the Monument on January 9, 1991, because of "pueblo-type archeological ruins germane to those in the monument" (Presidential Proclamation No. 3388).

(C) On May 27, 1963, Upper Canyon, 2,882 acres of land previously administered by the AEC, was added to the Monument to preserve "their unusual scenic character together with geologic and topographic features, the preservation of which would implement the purposes" of the Monument (Presidential Proclamation No. 3539).

(D) In 1976, concerned about upstream land management activities that could result in flooding and erosion in the Monument, Congress included the headwaters of the Rito de los Frijoles and the Cañada de Cochiti Grant (a total of 7,310 acres) within the Monument's boundaries (Public Law 94–578; 90 Stat. 2732).

(E) In 1976, Congress created the Bandelier Wilderness, a 23,267 acres area that covers over 70 percent of the Monument.

(3) The Monument still has potential threats from flooding, erosion, and water quality deterioration because of the mixed ownership of the upper watersheds, along its western border, particularly in Alamo Canyon.

(b) Purpose.—The purpose of this title is to modify the boundary of the Monument to allow for acquisition and enhanced protection of the lands within the Monument's upper watershed.

SEC. 1503. BOUNDARY MODIFICATION.

Effective on the date of enactment of this title, the boundaries of the Monument shall be modified to include approximately 935 acres of land comprised of the Elk Meadows subdivision, the Gardner parcel, the Clark parcel, and the Baca Land & Cattle Co. lands within the Upper Alamo watershed as depicted on the National Park Service map entitled "Proposed Boundary Expansion Map Bandlier National Monument" dated July, 1997. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

SEC. 1504. LAND ACQUISITION.

(a) In General.—Except as provided in subsections (b) and (c), the Secretary of the Interior is authorized to acquire lands and interests therein within the boundaries of the area added to the Monument by this title by donation, purchase with donated or appropriated funds, transfer with another Federal agency, or exchange: *Provided*, That no lands or interests therein may be acquired except with the consent of the owner thereof.

(b) State and local lands.—Lands or interests therein owned by the State of New Mexico or a political subdivision thereof may only be acquired by donation or exchange.

(c) Acquisition of less than Fee interests in Land.—The Secretary may acquire less than fee interests in land only if the Secretary determines that such less than fee acquisition will adequately protect the Monument from flooding, erosion, and degradation of its drainage waters.

SEC. 1505. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national Monument, including lands added to the Monument by this title, in accordance with this title and the provisions of law generally applicable to units of National Park System, including the Act of August 25, 1916, an Act to establish a National Park Service (39 Stat. 535; 16 U.S.C. 1, 2–4), and such specific legislation as heretofore has been enacted regarding the Monument.

SEC. 1506. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purpose of this title.

TITLE XVI—MISCELLANEOUS TERRITORIES PROVISIONS

SEC. 1601. CLARIFICATION OF ALLOTMENT FOR TERRITORIES.

Section 901(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is amended to read as follows:

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands;".

SEC. 1602. ELIGIBILITY FOR HOUSING ASSISTANCE.

(a) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 1436(a)) is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1932 note) while the applicable section is in effect: *Provided*, That, within Guam and the Commonwealth of the Northern Mariana Islands any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.".

TITLE —MISCELLANEOUS NEW MEXICO LAND TRANSFERS

SEC. . OLD COYOTE ADMINISTRATION SITE.

(a) Conveyance of Property.—Not later than one year after the date of enactment of this section, the Secretary of the Interior (herein "the Secretary") shall convey to the County of Rio Arriba, New Mexico (herein "the County"), subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land (including all improvement on the land) known as the "Old Coyote Administrative Site" located approximately ½ mile east of the Village of Coyote, New Mexico, on State Road 96, comprising one tract of 130..27 acres (as described in Public Land Order 3730), and one tract of 276.76 acres (as described in Executive Order 4599).

(b) Term and Conditions.—

(1) Consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the special pricing program for Governmental entities under the Recreation and Public Purposes Act; and,

(B) an agreement between the Secretary and the County indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this section shall be used for public purposes. If such lands cease to be used for public purposes, at the option of the United States, such lands will revert to the United States.

(c) Land Withdrawals.—Land withdrawals under Public Land order 3730 and Executive Order 4599 as extended in the Federal Register on May 25, 1989 (54 F.R. 22629) shall be revoked simultaneous with the conveyance of the property under subsection (a).

SEC. . OLD JICARILLA ADMINISTRATIVE SITE.

(a) Conveyance of Property.—Not later than one year after the date of enactment of this section, the Secretaries of Agriculture and Interior (herein "the Secretaries") shall convey to San Juan College, in Farmington, New Mexico, subject to the terms and conditions under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) consisting of approximately ten acres known as the "Old Jicarilla Site" located in San Juan County, New Mexico (T29N; R5W; portions of Sections 29 and 30).

(b) Description of Property.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretaries and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) Terms and Conditions.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this section shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(d) Land Withdrawals.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b) above, shall be revoked simultaneous with the conveyance of the property under subsection (a).

ADDITIONAL STATEMENT

THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 20, 1998, the Federal debt stood at $5,543,686,190,391.39 (Five trillion, five hundred forty-three billion, six hundred eighty-six million, one hundred ninety thousand, three hundred ninety-one dollars and thirty-nine cents).

One year ago, October 20, 1997, the Federal debt stood at $5,418,458,000,000 (Five trillion, four hundred eighteen billion, four hundred fifty-eight million).

Five years ago, October 20, 1993, the Federal debt stood at $4,405,120,000,000 (Four trillion, four hundred five billion, one hundred twenty million).

Ten years ago, October 20, 1988, the Federal debt stood at $2,622,321,000,000 (Two trillion, six hundred twenty-two billion, three hundred twenty-one million).

Fifteen years ago, October 20, 1983, the Federal debt stood at $1,382,213,000,000 (One trillion, three hundred eighty-two billion, two hundred thirteen million) which reflects a debt increase of more than $4 trillion—$4,161,473,190,391.39 (Four trillion, one hundred sixty-one billion, four hundred seventy-three million, one hundred ninety thousand, three hundred ninety-one dollars and thirty-nine cents) during the past 15 years.•

DEDICATION OF THE MINNESOTA KOREAN WAR VETERANS MEMORIAL

• Mr. WELLSTONE. Mr. President, I rise today to call the attention of my colleagues and the American people to a new veterans memorial in my home state of Minnesota. I believe this memorial will help us remember and better understand the sacrifices made by Korean War veterans.

As a member of the Senate Veterans' Affairs Committee, I was pleased to participate on a recent hot Sunday afternoon in a dedication ceremony for the Minnesota Korean War Veterans Memorial.

The ceremony was a fitting tribute to the 94,000 Minnesotans who bravely answered the call of duty nearly half a century ago, serving in a land far from home during the "Forgotten War." A sea of umbrellas protected many in the crowd from the scorching sun while the talented Minnesota State Band entertained with patriotic tunes. Various speakers recalled the brave service by Korean War veterans. On that September afternoon, we paused to remember and honor Korean War veterans.

Located in the Court of Honor on the State Capitol grounds in St. Paul, the memorial includes eight polished columns bearing the names of the more than 700 Minnesotans who made the ultimate sacrifice. It includes an eight foot bronze statue of an American soldier searching for his buddies.

Mr. President, I ask my colleagues to join me in thanking the members and supporters of Minnesota Korean War Veterans Chapter One for making this important memorial a reality.•

PLACING A HOLD ON THREE NOMINEES TO THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

• Mr. GRASSLEY. Mr. President, I am placing a "hold" on three nominees to the Metropolitan Washington Airports Authority, Robert Clarke Brown, John Paul Hammerschmidt, and Norman Y. Mineta. I am concerned about the lack of additional landing and take-off slots at Reagan National Airport. Additional slots are vital to the economic interests of Iowa. They are also necessary to treat Iowa air travelers more fairly.•

TERRY SANFORD

• Mr. DODD. Mr. President, earlier this year, this body mourned the passing of a former colleague and a political pioneer: Terry Sanford of North Carolina. Terry Sanford served honorably in the Senate from 1987 to 1993, but he is primarily remembered as the progressive Governor who guided the state of North Carolina from the days of segregation into the modern era of economic prosperity and racial tolerance.

Elected in 1960, four years before the Civil Rights Act, Terry Sanford aggressively pursued an agenda of racial equality, creating a biracial panel to work on solutions to end job discrimination against blacks. But as crucial as desegregation was to North Carolina's future, Terry Sanford realized that it would have a limited impact without investments in education.

As much as any figure in modern American politics, Terry Sanford recognized that education was the key to opportunity and economic growth in this country. He established North Carolina's community college system, invested heavily in the public schools, founded the North Carolina School for the Arts, and set up a school for the state's gifted students. He also promoted the use of the research facilities at the state's universities as the foundation of Research Triangle Park, which has become one of the nation's leading hubs of high-tech economic activity.

After leaving the Governor's office, he went on to serve as the President of Duke University for 16 years, and he led this university to national prominence.

Many people have expressed their admiration for Terry Sanford in this chamber and in publications across the country, and, in my opinion, one of the most eloquent pieces honoring this Southern statesman actually appeared in a newspaper in Connecticut. Keith C. Burris of The Journal-Inquirer did an excellent job of capturing the essence of this great man who forever changed the face of his state and our nation. His piece reminded me how fortunate I was to serve with Terry Sanford and to call him a friend.

I ask that an article by Mr. Burris be printed in the RECORD.

The article follows:

[From the Journal Inquirer, May 1, 1998]

TERRY SANFORD, SOWER AND BUILDER

(By Keith C. Burris)

Terry Sanford died last week at the age of 80. The New York Times and other august publications noted his extraordinary accomplishments: a Bronze Star and Purple Heart for paratrooping into the Battle of the Bulge during World War II; governor of North Carolina from 1961 to 1965; president of Duke University from 1969 to 1985; and U.S. senator from North Carolina from 1986 to 1992. But none of these facts or titles quite captures the greatness or the goodness of the man.

The greatness of the man was that, finding himself at odds with the folkways of his homeland, he rose above them and then changed them. It's a lot easier simply to be a rebel.

The goodness of Terry Sanford was that he found a way to contribute wherever he was. He accepted the setbacks of his life not only with grace but with valor. When one door shut, he opened another, walked in, and started to build something. It's a whole lot easier to sit on your resume and stew on your defeats.

Sanford was a proud man and he had a politician's memory. But his mind and his heart were as expansive as a Carolina mountain vista. No matter what life dealt him, he kept on trying to improve his state, region, and country.

As he fought his last battle—with cancer—Terry Sanford was the principal fund-raiser for a new center for the arts in the North Carolina "research triangle," the North Carolina Performing Arts Institute. He spent his last days on his latest dream. His colleagues say they will need two healthy men to match the dying man's energy.

Terry Sanford's first dream was Martin Luther King's: equal opportunity, an end to Jim Crow, and an integrated society where everyone is judged by the "content of his character."

In 1960 Sanford ran for governor of North Carolina on a platform of racial progress and economic opportunity, making good schools the core of his message. In 1998, big deal. But in 1960, almost suicidal.

This was before the great crusades of King and the landmark civil rights legislation of 1964 and 1965. Just to make things a little more interesting, Sanford also endorsed John F. Kennedy for president in 1960. Many people, in many parts of America, knew one thing about Kennedy, and it wasn't that he was young or liberal or rich; it was that he was Roman Catholic. Endorsing Kennedy was not something that would help Sanford carry the mountain towns.

But he won. And good and bad came of it.

The good was that Sanford was a superb governor—judged one of the 10 best in the century by the people who vote on these things up at Harvard. Those who are brave, and smart, and prophetic in politics are seldom the ones who can keep the streets clean too. But Sanford was the exception. As governor he was efficient, effective, and innovative. He integrated the parks; he built a community college system; he founded the North Carolina School for the Arts in Winston-Salem and the Governor's School for Gifted Students; he started his own war on poverty before LBJ did. As Albert Hunt has written, Sanford preached states' responsibilities when other governors preached states' rights. And while George Wallace stood in the schoolhouse door, Terry Sanford built schoolhouses.

He also raised taxes. And for this, as well as his Southern liberalism, Sanford was hated by many North Carolinians for many years. Forced to leave office by a term limit in 1965, he was not elected to anything again in North Carolina for more than 20 years.

Sanford paid a huge price for his political courage. But in the long run he reaped a proud harvest. In many ways Sanford cut the path for the modern North Carolina: the great schools and universities, the research base, the medical schools, the educated and skilled work force, the social cohesion and tolerance.

CREATING THE NEW SOUTH

Someday someone will write the modern version of W.J. Cash's classic "The Mind of the South" and call it something like "The Rise of the New South." The New South is not all sweetness and light. But it has provided economic opportunity and education for the many, which Connecticut cannot always say about itself, and it is the most racially integrated and harmonious region of the nation.

Sanford and a few other progressive Southern governors—like Leroy Collins of Florids—also paved the way for the New South governors who changed the face of American politics—governors like Jim Hunt, Lawton Chiles, Richard Riley, Douglas Wilder, and Zel Miller. And two others: Jimmy Carter and Bill Clinton.

What a shame that Sanford did not make it to the White House—he tired in 1972 and 1976—instead of the president who was crippled by his sense of morality and the president who is crippled by his lack of morality. In 1972 Terry Sanford's fellow Democrats in North Carolina voted not for him but for George Wallace in their presidential primary.

The mark of the Southern progressive governor was and is trashing ideology to do what works; fiscal sanity; and emphasis on education. Two generations of these governors, starting with Sanford, have moved the center of the Democratic Party and saved it from national extinction. And they have pushed politics, especially Democratic politics, away from philosophy to nuts and bolts.

Not all of that has been good either. But when you project Sanford's programs and positions in the 1960s into the 1990s, you see that he was the prototype. His accomplishment as president of Duke was no less important.

Higher learning is the Southern liberal's core value. And just as Sanford was a precursor for others, Frank Porter Graham was Sanford before Sanford. Graham led a generation of Carolina progressives and had mixed success at the polls. But his base and great accomplishment was the University of North Carolina at Chapel Hill. Graham made it first-rate.

Sanford, who was a Chapel Hill graduate, in turn made Duke first-rate. He did it through sheer energy and ambition: hiring the best he could find; raising the money to afford those hires; eliminating quotas; building new programs, departments, and facilities; and bringing gifted and controversial thinkers and writers to the campus for long and short visits. Sanford was a big dreamer, but a practical one. He wanted one of the state's best schools to be one of the nation's best. And the dream came true. Today Duke is rated one of the nation's top 10. Chapel Hill, only a few miles away, is too. Their rivalry has not been bad for North Carolina.

THE SOUTHERN HUMANIST

It is hard for Northerners and children of the 1990s to comprehend the Southern liberal of the 1930s, 40s and 50s. The Southern liberal had to have physical and moral courage. He had to stay focused. He did not have the luxury of class wars, race wars, rights talk that extends to trees and rocks, and ideological fratricide. Properly, he is not called a liberal or a progressive at all but a humanist. Terry Sanford was the great Southern humanist of his generation in politics.

The Southern humanist never trivialized himself like the Northern liberal, for two reasons. First, he was always so much the underdog that he had to stay attuned to people who didn't think a bit like him. This kept the Southern humanist humble. Second, Southern humanism was based in gospel-inspired neighborliness, as opposed to fads, modernism, and, ultimately, rationalism.

It is also hard for the Northerner and the modern to understand a guy like Sanford. What made him go?

It wasn't sheer ambition, because he did so much that hurt his career and so much that was irrelevant to it. More than one political reporter remarked that Sanford lacked the "killer instinct" that Carter possessed and Clinton possesses in spades.

The answer is that Sanford was a citizen—a public man in the ancient Greek sense. Education and politics were one to him; public life was citizenship, and it came before and after office. It lasted all your life.

This sense of mission and duty is a much deeper thing than the vanity that seeks and clings to office—any office—like life's blood.

For a politician Sanford was wonderfully stoical. When he ran for the Senate I was working in Winston-Salem as an editorial writer. He came in for an endorsement interview with the editorial board (an endorsement he did not receive) and answered our questions for an hour or so. I thought him every inch a senator—in fact, a president. But I was also impressed by his lack of pretense.

Another writer asked him, as he was about to go: "Governor, aren't you taking a big risk? If you lose, you go out as a loser and you'll be remembered as a loser."

Sanford shrugged and smiled and skipped a beat as if considering self-censoring and dismissing it. And then he said: "So what? Most folks don't remember you, win or lose. You're just an old politician. . . . People don't remember what little good I did. And that's fine. But I do, and I take my satisfaction there."

THE INSTINCT TO SERVE

Sanford did go out with a loss. His disastrous reelection campaign for the Senate was sunk by a long hospital stay and a roguish opponent—a former Democrat and Sanford protege—who ran on the brave slogan that Sanford was too sick to campaign.

I wrote to Sanford after that loss—just a one-liner to say I was sorry. To my surprise he wrote back in his own hand. He said that his defeat might be for the best. For now he'd be home in North Carolina, he said, and could see his grandchildren, do some teaching, and maybe pursue some projects for the state—like the arts institute.

Yes, he did lack the killer instinct. Terry Sanford has the serving instinct. It helped him to change a state, a region, and a nation.●

TRIBUTE TO VINCENT D'ACUTI "MR. SOUTH BURLINGTON"

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a dear neighbor and lifetime friend. Vincent D'Acuti passed away on September 23th. However, his sense of humor and his devotion to his community will keep him in the hearts and minds of those who knew and loved him.

Often called "Mr. South Burlington," Vincent served his community in a variety of ways. He was a selectman in South Burlington for 10 years during the transition from town to city in the 1970's. While he was on the board, the population doubled and numerous improvement projects were undertaken. He was on the Burlington International Airport Commission, helped form the Burlington Boys and Girls Club, and was an active member of the Kiwanis club for over fifty years. He was a fixture at the annual pancake breakfast and charity auction run by the Kiwanis, served as their lieutenant governor for New England, and received a national Kiwanis award for 50 years of service.

He also served his country in the army, including a stint in Normandy. While stationed at Fort Ethan Allen in Colchester, he met his future wife, Lillian Langlois of South Burlington. After he was discharged, he returned to the Burlington area to work and raise his family.

Vincent approached his service of both country and community with a sense of humor which endeared himself to everyone he met. As I read the article in the September 34th edition of The Burlington Free Press, I was struck at how many people mentioned this attribute. Frank Balch, a former employer of Vincent said, "He loved his life and enjoyed it to the hilt. He was an unforgettable person." He loved to tell stories and most of them were about his wife and two daughters. The joy which Vincent shared with others grew from the joy he found with his wife their daughters, Donna and Diane.

My wife Liz recalled a time when she was babysitting for his children. There was a huge storm, and as is typical in rural Vermont, the power went out. Liz wasn't expecting Vince or Lillian to be home for hours, so when she heard someone at the back door, she grabbed a vacuum cleaner and positioned herself by the door, ready to defend herself and Vince's two daughters. However, the mysterious noise she heard was Vince returning home early from his work as owner of the local Dairy Queen. Luckily, he said hello before my wife wacked him over the head with the Hoover!

Through his commitment to his community, his friends, and his family, he showed us how one man can truly make a difference in the lives of others. Through his humor and charisma he showed us all how to live life to its fullest. Farewell Vincent. Your friendship meant a great deal to me, and to so many others whose lives you touched.●

USDA'S INSPECTOR GENERAL REPORT DOCUMENTING MISMANAGEMENT PRACTICES IN THE FLUID MILK PROMOTION PROGRAM

● Mr. LEAHY. Mr. President, a report issued by the Inspector General of the U.S. Department of Agriculture raises very serious concerns about the International Dairy Foods Association (IDFA), the Milk Industry Foundation (MIF) and the National Fluid Milk Processor Promotion Board (Board) in terms of the fluid milk promotion program.

The Inspector General (IG) report identifies: unapproved expenditures in violation of law, potential conflicts of interest, possible cover-up activities, inaccurate financial statements, sole-source contracting, inadequate controls over contracting, excessive payments, failure to enforce contracts, property disputes over ownership of copyrights, and other serious violations by the Board or its agents IDFA and MIF.

The fluid milk promotion law contains penalties for violations including, on conviction, a fine of not more than $1,000 or imprisonment for not more than 1 year, or both. The law also provides that "nothing . . . shall authorize the Secretary to withhold information from a duly authorized committee or subcommittee of Congress." I serve on three committees and I have a keen interest in this matter.

It is also a violation for funds collected under the law "to be used in any manner for the purpose of influencing legislation or government action or policy."

I will omit details, but as background note that the law allows the appointment of a Board which may enter into contracts, with the approval of the Secretary, to carry out milk promotion and research programs. Funds are generated by a 20-cent per hundredweight assessment on certain processors of milk. This assessment is imposed through an order which is binding on processors.

The Board is to "keep minutes . . . and promptly report minutes of each Board meeting to the Secretary." The Board may pay for the advertising of fluid milk if authorized by the Secretary. Programs or projects can not become effective except "on the approval of the Secretary." Also, the law provides that the Board is to "administer the order."

The law does not provide for the involvement of IDFA or MIF specifically. However, the Board is authorized, with approval of the Secretary, to enter into contracts or agreements and is authorized to employ such persons as the Board considers necessary.

As background for those not familiar with these organizations, note that IDFA's website says that "IDFA serves as an umbrella organization for three constituent groups: the Milk Industry Foundation, the National Cheese Institute, and the International Ice Cream Association. . . ." IDFA is an association for "processors, manufacturers, marketers, distributors and suppliers of dairy foods, including milk, cheese, and ice cream and frozen desserts." More than 800 companies are in IDFA. MIF has 185 member companies, the National Cheese Institute has 95 member companies, and 150 companies are members of the International Ice Cream Association.

Given the seriousness of the charges, I believe the Secretary of Agriculture should immediately terminate its support for the fluid milk promotion arrangement between the Board and MIF and IDFA, and immediately begin searching for a replacement for those two associations to continue fluid milk promotion efforts. I am sending a letter to the Secretary that contains this request and restates some of the points that I am mentioning in this floor statement.

I believe that a lot of the violations identified by the IG could have been eliminated if the Board had contracted directly with an advertising agency to do the milk promotion campaign. This would have avoided middlemen such as IDFA being able to skim money off the top in a manner that does not efficiently implement the law.

I will highlight just some of the concerns raised by the Inspector General's report. For example, it was not until three months after the Board's first contract with MIF had expired, and after the IG audit was begun, that the Agricultural Marketing Service of USDA approved that contract. MIF and the Board even agreed that the contract would not be effective until approved by USDA. However, by the time it had been approved "the Board had paid MIF over $3 million and MIF, in turn, had contracted with an advertising firm which had spent over $123 million."

The IG report continues:

> Even though it did not have the authority to do so, MIF entered into an agreement with a major advertising agency to provide most of the Board's advertising, public relations, and research.

Payments were made regarding 37 contracts which neither MIF, IDFA, the Board, or AMS could find so as to provide copies to the IG.

Also, the IG's report says that "the financial statement as of March 31, 1995, and as of April 30, 1996, contained material omissions and questionable statements that, in the aggregate, were significant enough to affect the decisions of its users, including the Secretary, members of the U.S. Congress, and milk processors."

I want to send a clear message to the Board, to IDFA, or anyone else, that Members of Congress do not like being misled. The IG report also notes that the processor Board has "allowed the payment of over $127 million in expenses that were not supported by AMS-approved contracts," in violation of law.

$127 million is a lot of money but the situation is much worse. These funds are being raised by a mandatory assessment of processors of 20 cents/cwt. Yet, IDFA has charged in letters to the Secretary that increased assessments of processors will be passed through to consumers. So, if IDFA is correct, these assessments were paid by consumers but used to implement contracts that had not been approved.

I wish it were not the case that IDFA and its affiliated group, MIF, strongly contend that these types of assessments on processors are borne by consumers.

The IG also called into question the "independence of some of the key contractor employees who have been assigned responsibility for Board activities." Who are some of these key contractors? The Milk Industry Foundation, the International Dairy Foods Association, "outside legal counsel" and an unnamed "Worldwide Advertising and Public Relations Firm" are key contractors.

On top of all the wrongdoing described in the Report, three key contractors have in their employment persons who are registered with the Congress as lobbyists. I am stunned that processor lobbyists who often work against the interests of dairy farmers, or support litigation against the Secretary and against the interests of dairy farmers, have some say over who gets this money.

I admit that it is natural that representatives of processors, whether they are milk, peanut, sugar, or corn processors, want to buy inputs cheaply. However, low farm prices are not in the best interests of the farmers who produce those products. With just a few exceptions most farm-state Senators support stronger prices for their farmers instead of lower prices for their farmers.

Indeed, it would make most hard-working dairy farmers sick to hear the salaries paid by the Board. An unnamed Board administrator had a "contract increased in February 1998 to $180,000 for 23 hours of work per week." That is pretty good work if you can get it, especially considering what the average dairy farmer nets in a year and how hard our farmers work.

I understand that MIF and IDFA are not registered as nonprofit entities. They may actually be for-profit organizations. Certainly their employees believe in big profits for themselves when you look at their salaries.

In a very bizarre and suspicious twist, the processor Board contracted with MIF to appoint one of MIF's employees as Executive Director of the Milk Processor Education Program. But the processor Board was "fully aware that MIF had no employees." MIF had to rely on IDFA for staff.

One of IDFA's senior employees was none other than the former head of the dairy division at USDA, Charlie Shaw. One of IDFA's hired lobbyists was a former high-level official at USDA, William Wasserman, now with M & R Associates. Another of IDFA's hired lobbyists is a former Senior Vice President of Public Voice for Food and Health Policy, Alan Rosenfeld. IDFA has also contributed lots of dough to Public Voice and Public Voice events, as have huge food processors.

This is a very cozy arrangement. MIF, which is run by IDFA, sued to end a program that generates a lot of additional income to dairy farmers in New England—the Northeast Dairy Compact. It generates this income for farmers by making processors pay a stable and fair price for milk. That was too much for MIF, so they sued the Secretary. This is an irony: MIF and IDFA oppose the Dairy Compact because of the small premiums assessed on dairy processors to help keep farmers in business and yet they support an assessment imposed on dairy processors when it benefits processors.

To be consistent regarding assessments, MIF and IDFA would have to oppose this program that they support. Also, Public Voice would have bite the IDFA hand that feeds it. But that will not happen since so much inside the beltway is based on "show me the money."

The IG found other interesting items. MIF is supposed to submit monthly progress reports to the Department of Agriculture. "MIF has never submitted these reports," according to the IG's report. I would like to know why these violations continued?

The IG report notes that:

> It is clear that there was no meaningful competition for the development and maintenance of the Board's WEB site. The advertising agency assured that its subsidiary would be selected as the contractor by providing insider information to its subsidiary and accepting the bid proposal after the due date.

I hope USDA can explain to me what this statement about "providing insider information" means? I will ask USDA if they approved this payment for the WEB site. Any payments identified by the IG and in violation of provisions of the law should be returned.

In yet another odd development, both IDFA and the Agricultural Marketing Service (AMS) provided the Inspector General with minutes of the processors' Board meetings. However, "there were material differences in the two sets of minutes provided." Here is the kicker. The Board's administrator said he would reconstruct the minutes. But the IG asks: "We question how the Board's Administrator can 'reconstruct' official minutes of Board meetings held since 1994, as he was only appointed to the position in 1996."

The next sentence in the IG's report is telling: "Neither AMS nor the Board ensured compliance with the [Fluid Milk Promotion] Act or the Order." Why does Congress bother passing laws if they are just ignored?

My biggest potential concern is this. IDFA officers and registered lobbyists get control over huge amounts of money from the assessments of processors under the milk order. How do they compartmentalize their time? Do they work against dairy farmers' interests in terms of milk marketing order reform, for example, only when those minutes are paid for through dues and not assessments? When they implement or create strategies to lobby against the dairy compact or Option 1A do they punch out on a time sheet and stop getting paid by assessments under the order? How will we know if the law was followed if the same people both lobby the Congress and USDA and implement the promotion law which prohibits lobbying?

The law does not permit the use of any funds collected by the Board "in any manner for the purpose of influencing legislation or government action or policy."

Yet, IDFA is well-known for its continuing efforts to influence USDA action and policy. It is imperative that all IDFA contacts and phone conversations with USDA regarding legislation affecting the Northeast Interstate Dairy Compact, dairy compacts in other states, other dairy policy, forward contracting, appropriations bills, and the decision of the Secretary regarding Option 1B be identified.

IDFA's close work with Alan Rosenfeld of Public Voice, later a lobbyist for IDFA, on dairy issues is well known. Did any of the strategy discussions with Public Voice take place while IDFA's time was being payed for by funds collected under the order? What about the salary negotiations between M & R Associates and Alan Rosenfeld while he was with Public Voice but trying to negotiate a job with IDFA and M & R Associates?

I will never understand how USDA could approve a contract with IDFA or MIF when the law specifically provides that no funds can be used to influence legislation or government action or policy.

Indeed, these industry associations are well known to Members of Congress and Hill staff because they give away truckloads of ice cream at the ice cream socials.

In light of the IG's Report, I am very concerned that money from the assessments under an order, used to benefit processors, may have subsidized efforts to oppose over-order premiums benefiting dairy producers under the dairy compact. In this event the only winners are the middlemen, IDFA and MIF, and the firms making the ads. There is a simple solution to this—get rid of these middlemen unless the Secretary can prevent all their activities trying to influence government policy and legislation.

All these improper activities and violations are fully explained in the IG Report. Let me present a few more of the highlights. The Report notes that "AMS allowed the Board to commit and/or expend Program funds for 108 contracts, even though it had approved only 3 of these contracts prior to the contracts' effective dates." Yet section 1999H(c)(8) of the Fluid Milk Promotion Act requires the prior approval by AMS of all contracts prior to the "expenditure of Program funds."

I do not think IDFA and MIF should be above the law. Another interesting point is that the "Worldwide Advertising and Public Relations Agency" that I cited earlier had spent $123 million before AMS approved the contract with MIF. Page 23 of the Report noted that "None of the $123 million paid to the advertising agency should have been paid until AMS approved the contracts."

The IG says that MIF was aware that "according to the Act and the Order, no payments were permitted until AMS had approved the contract." Did the advertising firm get lucrative contracts from IDFA, MIF, or their agents or members, to generate press and ads against the Northeast Compact which has greatly increased the income of dairy farmers in New England? Was any of the money raised by the promotion assessments on processors included in donations to Public Voice?

This matter is especially troubling because the advertising campaign ultimately developed, and the wonderful photos that were used to promote milk consumption, represent a great idea. This situation uncovered by the IG may be the classic example of unnecessary middlemen spoiling an otherwise good situation.

I support, as do I would think most of my colleagues, the advertising campaign to promote milk sales. Indeed, I have supported legislation to require assessments to promote other agricultural products. I would like the advertising campaign to continue but without the middlemen getting their take. I did not understand why the Board can not just contract with the advertising agency directly.

The IG report also notes that:

> MIF did not fulfill its contractual responsibilities to the Board by taking the steps necessary to protect the Board's interest in the copyrights to the photographs. We also question why the Board's legal counsel is not pursuing legal action against MIF because of its failure to properly protect the Board's interest in the copyrights.

On a larger front, I have been concerned with activities of IDFA, MIF and Public Voice for some time. MIF filed litigation in federal court to challenge the decision of the Secretary of Agriculture to implement the Northeast Dairy Compact. In a detailed letter dated April 10, 1996, IDFA strongly urged USDA not to approve the Compact. At the same time, Public Voice used almost the same language and expressed concerns identical to those of IDFA.

I have previously discussed that extremely close working relationship between Alan Rosenfeld of Public Voice, now with M & R Associates who represents IDFA, and IDFA during this time period. Just a couple of months later, Mr. Rosenfeld was officially listed as a lobbyist with M & R Associates in a lobbyist registration form signed by William Wasserman, formerly the consumer affairs advisor to the Secretary of Agriculture, but by then a hired lobbyist for IDFA.

For example, in a letter to Secretary Glickman dated April 26, 1996, Alan Rosenfeld used almost identical language as was used in a document called "Talking Points in Opposition to the Northeast Interstate Dairy Compact" produced by the Campaign for Fair Milk Prices. That Campaign is run by none other than William Wasserman, the registered IDFA lobbyist who hired Alan.

Fortunately, the Secretary disagreed with the IDFA-Public Voice views. He decided that the Northeast Interstate Dairy Compact was in the compelling public interest of the compact region.

There is no question that the giant processors are against the Compact, which gives farmers a little more income and keeps them farming. Most large processors are also for Option 1B, which could reduce the income of dairy farmers by about $1 million per day, according to economists with AgriMark—that is $365 million a year.

The IG also concluded that the "Board had not followed good business practices by competitively negotiating for contractual services." $123 million was given to an advertising agency "without competition."

I recognize that Kraft, IDFA, and other representatives of manufacturers of milk, or their parent tobacco companies such as Phillip Morris, and those who receive donations from them, want farmers to get a low price for milk. Kraft buys milk to manufacture into products, so of course it wants a low price so it can increase its profits. But at some point if a lot of farmers go out of business, Kraft, IDFA and others might regret the harm they have caused.

As I said last week, I invite the public and the press to search Federal Election Commission records on this point and to ask groups such as Public Voice for Food and Health Policy how much money they receive from tobacco companies, food processors and milk manufacturers. Members of Congress have expressed a great deal of concern about the false information and misleading studies generated by the Tobacco Institute.

The International Dairy Foods Association has pumped out a sea of misinformation about the Compact and has tried to influence a lot of lawmakers. They have hired others to disguise the fact that their misinformation campaign was funded with money from these huge milk manufacturers.

Last week I provided details on these matters and listed a few of the groups and the people they hired to spin the press about the Northeast Dairy Compact in a negative way. I described some of the Lobbying Reports that showed the money interconnection. There is no question in Washington that the best way to get to the truth is to follow the money. The problem is that following the money takes a lot of work.

Public Voice, which is funded by the International Dairy Foods Association, other food processors and IDFA members, is a good example of how this works.

Even if they all—tobacco, Kraft and Public Voice lobbyists—used the same line, the public is more likely to listen to Public Voice even if someone else wrote the script. The public might not suspect special interest spinning if Public Voice made the point. Of course, if they are all working together the key would be to make sure no one finds out.

The best way for the public to check this out is to ask Public Voice for the list of who funds them and who sponsors their events. Ask for the list of food processors and tobacco companies who sponsor these events and donate money. Ask Public Voice if they oppose the 20-cent assessments of processors that benefit IDFA and MIF? Or do they just oppose premiums that give dairy farmers more income?

But, as I recently discussed, some of the truth is found in the Lobby Reports that show who IDFA hired to represent the views of IDFA members. Yes, Public Voice got money, and one employee of Public Voice led the charge against the Compact and then took a job with M & R Associates, one of the groups hired by IDFA to kill the Compact. Public Voice took money from IDFA during this time period.

Some officials at USDA have views similar to Alan Rosenfeld and William Wasserman, especially those closest to the revolving door. There are many firms in Washington that are used to disguise who they work for so that the public can be easily misled. I would like to know the names of the other clients of M & R Associates.

I am very concerned about these lobbying efforts to discredit the Compact with misinformation. The address of IDFA listed in Washington Representatives, 1997, is 1250 H. Street, Suite 900, in Washington, D.C. The address of the Milk Industry Foundation is the same. So is the address of the National Cheese Institute. The International Ice Cream Association is also there.

The Agricultural Marketing Service of USDA has made a big mistake in giving the Milk Industry Foundation control over millions of dollars raised by a mandatory 20-cents-per-hundredweight assessment on many fluid milk products.

Suppose IDFA or MIF contracted with lobbyists to handle these operations? IDFA or MIF could funnel lucrative contracts using these mandatory assessments to friends who work with them in opposing the Compact, even though the Compact greatly benefits dairy farmers according to the federal Office of Management and Budget.

Even worse, when IDFA awards contracts on a basis other than competitive bidding, they could funnel money into the hands of their friends who would lobby the Congress against dairy farmers. I want to know the names and salaries of every lobbyist who works for or gets funding from IDFA, MIF, the Cheese Institute, the Tobacco Institute, Phillip Morris, Kraft and the Ice Cream Association. I also want to know the corporate funders of those groups—IDFA and MIF—who control the funds generated by mandatory assessments. For example, Alan Rosenfeld was hired from Public Voice to work as a lobbyist with M & R Strategic Services. He recently prepared a report for IDFA which was issued on IDFA letterhead. Since MIF and thus IDFA gets tons of money from mandatory assessments, does that free up some additional money to pay Alan Rosenfeld to write reports attacking the Compact or additional money to pay William Wasserman to lobby against the Compact?

A list of the corporations that provide money to IDFA, MIF, and Public Voice would probably stun most dairy farmers who are trying to make a living through hard work.

I am going to call for an investigation of these cozy arrangements with dairy lobbyists, USDA and industry front groups. These front groups who oppose the interests of dairy farmers should not control funds generated by mandatory assessments.

A few days ago in the RECORD I addressed issues surrounding the intended extension of the Northeast Interstate Compact in the omnibus spending bill. I am gratified that this omnibus bill contains, as did the bill we already sent to the White House, such an extension in the provision extending the time to finalize milk marketing order reform.

I am pleased that the Congress is not just going to provide additional income to corn, wheat, soybean and other farmers. Those farmers should be kept in business, but so should dairy farmers and the Compact does just that. Keeping the Compact in business until at least October 1, 1999, will greatly help dairy farmers in New England.

The Dairy Compact has worked as we said it would. It keeps dairy farmers in business in bad times by giving them additional income. It also helps stabilize farm and consumer prices for milk. I only wish that all dairy farmers could get the additional income that the Compact brings, but Congress so far has only consented to the Northeast Compact. Under the first six months of the Compact, OMB reported that "New England dairy farm income rose by an estimated $22–27 million. . . ."

The Interstate Dairy Compact Commission, with 26 delegates appointed by the six governors, is authorized to determine a "target price"—$16.94/cwt in this case. Under the Compact language, which is approved by the six states, any state can opt-out temporarily—until a later date that the state determines—or opt-in and receive that additional income for producers. The Compact is voluntary; it is up to each state whether to participate in any particular price regulation.

As I just pointed out in this respect, when prices are low the effect of the Compact is similar to the loan deficiency payments made under marketing loan programs in that, roughly speaking, producers get the difference between a "capped" target amount and the current price. When farm prices are high, no cash payments are made to producers under the Compact.

The reason the rate of loss of dairy farms in New England is now under control is that this additional income keeps their families on the farm. Dairy farmers are no less deserving than corn, wheat, soybean, or sorghum farmers. All farmers deserve to earn a decent income for their families.

I mentioned that news articles have focused on how in Connecticut and Vermont the rate of farm loss is much less than before the Compact went into effect. Before the Compact, OMB reports that New England suffered a "20-percent decline" in the number of farms with milk cows from 1990 to 1996. Now this horrible rate of attrition has slowed. I have supported reasonable efforts to keep family farmers in business throughout our country.

In addition, as I pointed out last week, the rate of milk consumption in New England is strong compared to the rest of the nation. Dairy farmers are making a decent living in New England and neighboring farmers are selling milk into the region to take advantage of the Compact.

There is indeed a touch of hypocrisy in this farm crisis. Some, including some at the U.S. Department of Agriculture, see the loan deficiency payments as a great solution. If prices drop below a target price, the farmers get the difference between their market price and this target price. If prices increase above a certain level, then the farmers cannot receive this cash payment.

As I said last week, the Northeast Interstate Dairy Compact is an example of this. The major benefit of the Compact is to provide income to farmers when milk prices are low—income is not provided to farmers when prices rise past a certain point. The amount of the payment a farmer gets depends on how far milk prices are below the target price. You could simply repeat those two sentences but substitute the word "corn," "soybeans" or "wheat," or whichever commodity, for "milk" and you have described how the loan deficiency payment system works.

But try to apply this system to milk prices and many Members of Congress and some in the Administration see dairy farmers as undeserving. Dairy is a major issue for ermont since more than 70 percent of all farm income is from dairy. This is why the Compact is crucial to us.

I am pleased that OMB reported that after an initial increase in prices at stores just as the Compact was implemented that: "New England retail milk prices by December [the sixth month after implementation] returned to the historical relationship to national levels, being about $0.05 per gallon lower." According to recent A.C. Neilson Corporation marketing research data, U.S. gallon sales of fluid milk are down 1.8 percent compared to one year ago. New England gallon sales of fluid milk, however, have decreased by only 0.7 percent. National sales of fluid milk have declined 1.1 percent more than New England sales of fluid milk.

The Connecticut Agriculture Commissioner Shirley Ferris reports, "In June of 1997, the month before the Compact took effect, the average retail price for a gallon of whole milk was $2.72. This June, almost a year after the Compact took effect, the price for a gallon of whole milk is only $2.73. And the price of a gallon of 1% milk is even less expensive now than before the Compact—$.03 less per gallon than last June."

In order to keep farmers in business, I think most consumers would be willing to pay a little more for milk. In order to keep fresh, local supplies of milk I think most consumers would be willing to pay a little more to keep their local producers in business.

Consumers know that if enough producers are forced out of farming, eventually milk prices could skyrocket. Countries around the world with inadequate numbers of dairy farmers pay huge prices for milk.

I am pleased that under the Compact, and as confirmed by the OMB study, it is the producers of milk, the farmers, who get the increase in income under the Compact. If anyone doubts that the dairy farmers in New England did not get increased pay checks, someone should randomly call them on the phone and see if they really got the checks. I certainly have not heard complaints that the paychecks were lost in the mail. Even farmers in New York, which has not yet joined the Compact, are even getting higher paychecks.

They are selling milk into the region to take advantage of the Compact. If Wisconsin or Minnesota switched places with New York State, farmers in Wisconsin and Minnesota would do the same—sell into the Compact region to make more income.

While I do not know for sure, I suspect that dairy producers in Wisconsin and Minnesota would like more income for all their hard labor. Vermont dairy farmers and neighboring New York dairy farmers sure do.

Except for this benefit for neighboring farmers living just outside the Compact region, OMB reported that "New England has little effect on dairy markets outside its region, or on national prices or trends. . . . Its shipments outside the region in the form of cheese or milk are small." To provide some perspective, I also wanted to mention that OMB reports that in 1996, "New England accounted for 2.93 percent of the Nation's milk production and 2.9 percent of its milk cows."

Corporate opponents of the Compact have tried to argue that this was a fight between consumers and farmers. The OMB study proves that consumer prices are lower in New England than the average for the rest of the country. So that is a false argument.

The fight is actually between large manufacturers of milk products—large multinational corporations—and farmers. Manufacturers of any product, not just manufacturers of cheese or ice cream, want to buy their inputs as cheaply as possible.

So why was there ever a concern about consumer prices increasing in the Compact region? Prices should have never increased.

The Wall Street Journal and the New York Times discussed this in news articles about retail store price gouging. GAO raised the issue in 1991 and is looking at it now.

We do know that retail prices for milk are often more than double what farmers get for their milk—nationwide. Think about that.

Let's look at the time period just before the compact took effect—and pick Vermont as the sample state. As the Wall Street Journal pointed out, in "Are Grocers Getting Fat by Overcharging for Milk?" beginning in November 1996, the price that farmers got for their milk dropped by almost 25 percent—35 cents or so per gallon. Store prices stayed high, which locked in a huge benefit to stores selling to consumers. Thirty-five cents a gallon is a significant increase in benefits to retail stores.

Comparing November 1996 to June 1997, the price farmers received for their milk dropped 35 cents a gallon, and stayed low, but the prices that stores charged for milk stayed about the same.

I have always pointed out that dairy compacts can help reduce this retail store price inflation by stabilizing the price that farmers get for milk, thus reducing the need for stores to build in a safety cushion to protect themselves in case it costs more for them to purchase milk.

Without a compact, the price farmers get for their milk can vary significantly. These variations in price are passed through to stores by co-ops and other handlers. Yet stores prefer not to constantly change prices for customers so they build in a cushion. But this huge profit margin can be reduced by compacts which means that dairy compacts can both save consumers money and provide more income to farmers.

Unfortunately, the OMB study is based on very limited information from USDA. USDA only gave OMB price information from six stores in New England—and only in two cities where it was announced in press accounts, in advance, that retail prices would go up even though store and wholesaler costs had dropped 35 cents per gallon.

Even in light of this, OMB concluded that after six months, retail store prices in the compact region of New England were five cents lower than in the rest of the nation.

New England newspaper accounts of the implementation of the Compact were very interesting. For example, the July 1, 1997, edition of the Portland Press Herald from Portland, Maine points out that "Cumberland Farms increased the price of whole milk by four cents but dropped the price of skim by a penny" when the Compact was implemented.

Also, they note that "At Hannaford's Augusta store, Hood milk—a brand-name product—was selling for $2.63 a gallon, while the Hannaford store brand was selling for $2.32."

Also, "Shaw's increased its price by about 20 cents a gallon in [parts of] the five other New England states but kept the price the same here [in Maine]."

The June 26, 1997, Boston Globe and the June 27, Providence Journal pointed out before the Compact was implemented that one of the chains signaled a price increase. A spokesman for Shaw's Supermarkets, Bernard Rogan, is quoted as saying that milk prices will go up next week.

The June 30, Boston Globe reported that, "The region's major supermarkets are raising their milk prices 20 cents a gallon, ignoring arguments that their profit margins are big enough to absorb a new price subsidy for New England dairy farmers that takes effect this week."

As OMB discovered after six months, this initial signaled increase was subjected to competitive pressures and that consumer prices in New England came down.

However, even if it took a slight increase in supermarket prices to keep farmers in business, I think that is worth it. If a lot of dairy farmers cannot make a living then eventually dairy prices will go way up, just as in a number of foreign countries.

Also, as I pointed out recently in the RECORD, studies of prices charged in stores in Vermont, for example, show that the most important factor in the price of milk is the brand and the store. In cities and towns in Vermont, the variation in price among stores was in the 50 cents to one dollar range. In other words, in the same town the price of a gallon of milk varied greatly and still does. These store variations, and variations through the use of store coupons, dwarf any possible impact of the Compact.

All other food expenditures dwarf how much income consumers spend on fluid milk. The savings consumers can achieve through buying "on sale" or house-brand items, or through using discount coupons, far exceed typical changes in the price of fluid milk. Only 3 percent of the average household's total expenditures on food go for fluid milk. This information is from an article titled "Food Cost Review," 1995, from the Economic Research Service of U.S.D.A.

Farmers, consumers and processors all need fair prices. Processors should not have received huge profits at the expense of the other two. I will continue to monitor these abuses by MIF and IDFA detailed by the IG. I greatly appreciate the work of the Roger Viadero, the Inspector General, on this issue and on other issues he has handled. He is doing an outstanding job along with his staff at USDA.•

DEDICATION OF THE MICHAEL J. FITZMAURICE STATE VETERANS HOME

• Mr. JOHNSON. Mr. President, on October 2, 1998, South Dakotans honored one of their veterans with the dedication of the Michael J. Fitzmaurice State Veterans Home in Hot Springs. I believe this is a fitting tribute to a man who was willing to sacrifice his own life to defend the lives of his friends amidst the chaos of battle.

Michael Fitzmaurice served in Vietnam with the 101st Airborne Division at Khe Sanh. On March 13, 1971, American forces at Khe Sanh were engaged by North Vietnamese troops. During the assault, North Vietnamese sappers threw three satchel charges into a bunker defended by Michael and other airborne troops. Michael Fitzmaurice was able to throw two of the explosive charges out of the bunker, and then showing no regard for his own life, used his flak jacket to smother the third charge. Despite receiving severe wounds, Michael Fitzmaurice refused medical attention and continued to defend the bunker from the North Vietnamese assault. Because of his unselfish action, Michael was awarded the Congressional Medal of Honor for his heroism and for saving the lives of his fellow soldiers.

Today, Michael Fitzmaurice works at the Sioux Falls Veterans Medical Center after serving twenty years with the South Dakota National Guard. He now lives in Hartford, South Dakota with his wife Patty and his children. The veterans home dedicated in Michael's honor will serve as a residence for veterans who saw combat. The facility also has a nursing home and a place where veterans can receive needed medical attention.

From the battlefields of Lexington and Concord, to the beaches of Normandy, and to base camps such as Khe Sanh, our nation's history is replete with individuals who, during the savagery of battle, were willing to forgo their own survival not only to protect the lives of their comrades, but also to defend a people they did not know. Americans should never forget these men and women who served our nation with such dedication and patriotism.

Mr. President, I offer my congratulations and gratitude to Michael and his family on this profound dedication. The Michael J. Fitzmaurice State Veterans Home will stand not only as a testament to Michael Fitzmaurice's bravery and leadership, but will remain a constant reminder of South Dakota's continued dedication in serving the needs of our veterans.•

RETIREMENT OF COLONEL WILLIAM L. BERLAND

• Mr. DOMENICI. Mr. President, I rise in honor of the distinguished military career of Colonel William L. Berland. Colonel Berland is retiring on November 13, 1998, after completing 27 years of faithful service to his country. He is currently stationed at Kirtland Air Force Base, New Mexico and plans to make New Mexico his new home. We thank the great State of Montana for sending Colonel Berland to the service of this country, and we welcome him as a new New Mexico resident. Most importantly, we thank Colonel Berland for the unselfish service he gave to America and wish him and his wife Debbie the best in their retirement.•

THE 105TH CONGRESS AND Y2K

• Mr. MOYNIHAN. Mr. President, as we wind up the 105th Congress, I would like to commend Senator BENNETT and the Special Committee on the Year 2000 (Y2K) Technology Problem for their work in addressing the computer problem. The Committee has done a fine job in looking at the impact of Y2K on all aspects of our critical infrastructure: the utilities industry, the health care sector, financial services, transportation, government, and businesses. The Committee should also be applauded for the role it played in formulating and passing S. 2392, The Year 2000 Information and Readiness Disclosure Act. As an original cosponsor of this piece of legislation, I am delighted to see that the President signed it into law yesterday. This bill should help us ameliorate the Y2K problem. I say well done to the Committee for all of the work it has done in such a short amount of time.

Almost two and a half years ago, in the 104th Congress, I sounded the alarm on the computer problem. On July 31, 1996, I sent President Clinton a letter expressing my views and concerns about Y2K. I warned him of the "extreme negative economic consequences of the Y2K Time Bomb," and suggested that "a presidential aide be appointed to take responsibility for assuring that all Federal Agencies, including the military, be Y2K compliant by January 1, 1999 [leaving a year for 'testing'] and that all commercial and industrial firms doing business with the Federal government must also be compliant by that date."

January 1, 1999 is quickly approaching. Progress has been made on the Y2K problem. The public and private sector are starting to give it the attention that it deserves. But much work remains to be done. As we head into the 106th Congress, we must continue to work on this problem with dedication and resolve.

Historically, the fin de siècle has caused quite a stir. Until now, however, there has been little factual basis on which doomsayers and apocalyptic fear mongers could spread their gospel. After studying the potential impact of Y2K on the telecommunications industry, health care, economy, and other vital sectors of our lives, I would like to warn that we have cause for fear. For the failure to address the millennium bug could be catastrophic.•

TRIBUTE TO NEIL TILLOTSON

• Mr. GREGG. Mr. President, Neil Tillotson is one of those rare individuals who has accomplished a great deal in his professional and personal life, but has remained rooted to his origins in the Great North Woods of New Hampshire. On the occasion of his 100th Birthday which will be on December 16, 1998, I rise to salute his remarkable achievements.

Neil Tillotson's life is emblematic of New Hampshire's values of hard work, independence, and community spirit. A lifelong resident of the North Country, he has been a trailblazer in the latex industry, inventing many new products, and for the last 67 years, he has been the most prolific manufacturer of latex products in the world. Through his business activities, he has provided jobs for many people in the North Country, and products that improve the standard of living for millions of Americans and people around the world.

But his business acumen is only part of what makes Neil Tillotson special. He also holds the unique honor of being the first person to vote in New Hampshire's first-in-the-nation Presidential primary, and thus, in the nation. Dixville Notch, where the Presidential primary voting begins at midnight on election day, has been home to the Tillotson family for many years, and as patriarch of Dixville Notch, Neil Tillotson has been the first person to cast his vote since 1960.

New Hampshire takes its politics seriously at all levels, from the school board to the Presidential primary, and Neil Tillotson has been a serious player for many years. Since we don't yet have a professional sports team, I guess you could say politics is our state sport, and without Neil Tillotson's support, I might be sitting on the bench watching, instead of playing on the field.

Politics runs deep in many New Hampshire towns and I think that is so because we have a strong sense of community that is expressed through our participation in the representative process. It has a way of bringing us together, and Neil Tillotson has been an example to many people, prompting them to get involved in the political process.

Over his 100 years, Neil Tillotson has been a participant in some of the great events of the 20th Century, including service in World War I as a member of General Pershing's cavalry and in the triumph of capitalism over communism.

I turned 50 myself just a few years ago, and I can only hope to live as long and contribute as much to our state as Neil Tillotson. It is a rare person who lives to be 100 years old, but for someone like Neil Tillotson, like so many other things, he makes it look easy. Neil Tillotson is a remarkable person, and Kathy and I wish him the very best on this momentous occasion.•

TRIBUTE TO GENE CALLAHAN

• Mr. DURBIN. Mr. President, at the beginning of the 105th congressional session, a close friend of mine, Gene Callahan, retired and moved back to our home state of Illinois. Prior to Gene's retirement, he served as the director of government relations for Major League Baseball here in Washington, DC. Many of you may remember Gene as former U.S. Senator Alan J. Dixon's (IL) chief of staff. Gene and I have been in politics for many years beginning with the Illinois Democratic Party and working with my predecessor here in the Senate, former U.S. Senator Paul Simon when Senator Simon was the Illinois Lt. Governor, some thirty years ago.

Gene loves the game of baseball so I thought this would be the perfect opportunity to wish my dear friends, Gene and Ann Callahan, the best. I thought it fitting that the Callahans return to the great state of Illinois during this exciting baseball season and the home run chase between Mark McGwire and Sammy Sosa. In fact, Gene and Ann's son, Dan, is the head baseball coach at Southern Illinois University in Carbondale. I know first-hand, that Gene will stay involved with baseball, and rest assured, I will call on him for political advice from time to time.

As the baseball season draws to a close with the World Series, I want to thank everyone connected with Major League Baseball for a great summer. The home run chase with McGwire and Sosa was a baseball fan's dream. It brought a sense of what's good about America to the forefront. America can't wait for spring training!•

OLDER AMERICANS ACT

• Mr. McCAIN. Mr. President, I come to the floor today with a sense of disappointment and frustration that Congress is adjourning without reauthorizing the Older Americans Act. Our senior citizens deserve better.

In January, our Nation will enter the fourth year without an authorization for Older American programs which provide a multitude of support services for our Nation's elderly including: community-based long-term care, transportation, legal services, adult day care, "Meals on Wheels" and senior citizens centers. For our Nation's Indian tribes, it is the cornerstone of programs for their elderly and is the only federal legislation that allows them to directly plan for the needs of their elderly based on their culture and traditions.

My personal concern about the lack of authorization for the OAA programs was heightened while traveling around my home state of Arizona. I continually hear from seniors concerned that the OAA programs are at serious risk because of Congress' failure to reauthorize them. They are particularly disturbed that funding for the programs has not been keeping up with inflation, thereby jeopardizing important programs for the most vulnerable elderly.

I recognize the commitment of the Senate Subcommittee on Aging to produce a reauthorization bill, but I became concerned when the committee did not produce an OAA bill by July. It became clear to me that the limited time left in Congress' schedule would prevent the committee from completing their work and moving a bill through the full legislative process.

This is why, on July 13, I introduced S. 2295, the Reauthorization of the Older Americans Act. I simply could not allow another year to go by without reaffirming Congress' support and commitment to older Americans.

This bill would reauthorize the OAA using the same language from the 1992 reauthorization which expired in 1995. The bill would extend the OAA until 2001, giving the Subcommittee on Aging and Congress sufficient time to thoroughly evaluate these programs and reconcile differences on the reforms needed if we are to ensure the relevance of the OAA, continue to meet our obligations to our current seniors, and be more adequately prepared to meet the needs of future seniors.

Sixty-seven of my colleagues agree that Congress should reauthorize the OAA this year and alleviate the fears of our Nation's senior citizens who believe that these programs are in jeopardy. It is disheartening that a bill with such broad bipartisan support was prevented from being implemented due to the objections of a small minority. I am confident that their concerns could have been addressed even as we moved forward on a short-term extension.

I remain committed to resolving this issue next year and will work with Senators GREGG and MIKULSKI to develop a bill that strengthens and more effectively defines the OAA programs for our Nation's elderly. It is imperative that we continue our efforts on behalf of older Americans and pass a bill which recognizes their unique needs and addressed those needs by reauthorizing the programs of the Older Americans Act.•

PIERCE J. GERETY, JR.

• Mr. DODD. Mr. President, I rise today to pay tribute to a friend and a great humanitarian—Pierce Gerety, Jr., whose life was tragically cut short last month when Swissair Flight 111 crashed off the coast of Nova Scotia. Pierce Gerety, Jr. was a remarkable man, and he will be dearly missed.

Pierce Gerety dedicated his entire life to humanitarian causes. The nephew of two priests, Pierce once aspired to enter the priesthood himself. After graduating from Yale, he went to Paris to study theology and philosophy at the Institute Catholique, where he found time to set up a soup kitchen. However, he soon changed his mind about becoming a priest when he met his future wife Marie de la Soudiere.

After he was married, he and Marie went to India to work for Catholic Relief Services. He returned to the United States in 1968, and became a social-service case worker in New York City. He then attended Harvard Law School and after graduating in 1971, he worked as a legal aid and civil rights attorney. In 1980, he began his career in refugee work in Thailand with the International Rescue Committee, and, in 1982, he went to work at the United Nations. He became a legal officer at the headquarters of the U.N. High Commissioner in Geneva, and he eventually became a deputy director to the U.N. High Commission for Refugees, but he always longed to be in the field working with those who needed help.

He took on a number of difficult assignments, helping refugees in crisis situations in the Philippines, Pakistan, Somalia, Sudan, Congo, Rwanda and Burundi. In fact, his colleagues have said that Pierce Gerety put himself in more dangerous situations than any other person in the refugee field. When a warlord in Somalia kidnapped some humanitarian aid workers, Pierce Gerety went into that warlord's armed camp and negotiated their release. Last year, he and other officials pled with the Congolese rebel leader Laurent Kabila to end the slaughter of Rwandan refugees.

It is ironic that this man, who repeatedly placed himself in harm's way to protect refugees around the globe, would lose his life in such a senseless accident.

Pierce Gerety, Jr. brought an uncommon intelligence, courage, and devotion to his work. He has touched the lives of countless individuals in a positive way. And his impact is not only felt by refugees around the globe, it is felt by his many peers and friends whom he inspired to do more in their own lives to help persons in need.

He is survived by his wife Marie and his three children Sebastian, Pierce, and Maeve. He is also survived by his mother Helen, and his three brothers Tom, Peter, and Miles. I offer my heartfelt sympathies to them all.•

SECRET SERVICE SPECIAL AGENT CARL TRUSCOTT

• Mr. GREGG. Mr. President, I'd like to take this opportunity to express my thanks and deep appreciation for the work and dedication of Secret Service Special Agent Carl Truscott, who was detailed to the Commerce, Justice, State, and Judiciary (CJS) Subcommittee on Appropriations during the 105th Congress.

Nearly two years ago, Carl joined the Subcommittee staff as a detailee from the Secret Service. As a seventeen year veteran of the agency, and a member of three Presidential details, Carl was brought on to lend his extensive law enforcement expertise and knowledge to the appropriations process. As the lead staffer handling the appropriations for the Department of Justice, the DEA, and the FBI, he acted as an effective liaison between myself and the agencies. Carl helped reconcile the needs of the Justice Department with my visions for the future of federal law enforcement, often working late nights to hammer out compromises that could make all sides happy. This was a difficult task for anyone to take on without prior knowledge or experience on the Hill, but Carl handled his responsibilities like an old pro. I could not have developed such a close relationship with the offices of the Attorney General, the FBI Director, and the DEA Administrator without Carl's input and commitment to making the connection work.

Special Agent Truscott will be leaving the Hill to go back to the President's detail starting next week. I know that the Appropriations Committee, the Department of Justice, and my personal staff will all miss Carl's presence in the appropriations process next year. It was a pleasure working with him over the past two years and I wish him luck in his career in the Secret Service and in his future endeavors.

I'd also like to express my appreciation for the work of Dereck Orr, who was detailed to Senator HOLLINGS' CJS Subcommittee staff from the Department of Justice's Office of Community Oriented Policing Services. Dereck has been with the CJS Subcommittee staff for the past year and has contributed important input on law enforcement issues to both sides of the Subcommittee. He has been an asset during the long, difficult appropriations process this year and I join Senator HOLLINGS in praising Dereck's perseverance and commitment. I wish him luck when he returns to the Justice Department and look forward to working with him in the future.•

OECD SHIPBUILDING AGREEMENT

• Mr. BREAUX. Mr. President, I rise to announce that I look forward to working with my colleagues in the next Congress to pass legislation to implement the OECD Shipbuilding Agreement, an international agreement that will finally allow our commercial shipyards to compete on equal footing with those of our foreign trading partners.

With the hard work of Members both in the House and Senate, especially my friend the Majority Leader, we were able to craft implementing legislation that was passed and reported out of both the Senate Commerce Committee and the Senate Finance Committee and had the strong support of the Department of Defense. If a floor vote had been possible this Congress, I am confident we could have passed this important legislation and the President would have signed it into law.

Unless we as a country are content to concede the international commercial shipbuilding market to our trading partners and rely instead only upon the limited and protected U.S. Jones Act market for commercial shipbuilding orders, we must ratify and implement the OECD Shipbuilding Agreement.

So again, I look forward next Congress to working with the Majority Leader, Finance Committee Chairman ROTH, Commerce Committee Chairman McCAIN, and my Democratic and Republican colleagues, including the few Members who remain opposed to the Agreement, to implement the OECD Shipbuilding Agreement for the benefit of the country and our U.S. entire commercial shipbuilding industry.•

• Mr. LOTT. I share the sentiments of my colleagues from Louisiana. I am frustrated over the Senate's inability to complete this legislation. Indeed, he and I have championed this bipartisan effort for some years now. I will resume our joint efforts early in the next Congress to secure final ratification of this critical Agreement.

U.S. participation in the OECD Shipbuilding Agreement and the elimination of foreign subsidies is essential. U.S. commercial shipyards cannot successfully compete with the treasuries of other nations. Of course, our implementing legislation must also make it clear that our vital Jones Act interests and our national security prerogatives will never be compromised.

The implementing legislation developed in this Congress represents a consensus product with input for many

Senators who carefully weighted and balanced these important objectives of OECD. The legislation was reported by the Finance Committee on two separate occasions and by the Committee on Commerce, Science and Transportation on yet another. It enjoys the strong support of both Chairman and vast majority of their Committees.

Let me be clear: Navy ships are unequivocally exempted from coverage by this Agreement in fact this legislation gives unlimited authority of the Secretary of Defense to exempt from coverage of any other vessels deemed necessary for national security purposes.

Similarly, extraordinary steps were taken to protect our Jones Act. That is why this legislation received the strong endorsement from the vast majority of the Jones Act shipbuilding and ship operating companies.

On a final note, I hope our OECD Shipbuilding Agreement parties will take note of my intention and commitment to move this legislation early next before taking any action on their own which might forever compromise this historic opportunity to rationalize the global shipbuilding market.•

HONORING VETERANS

• Mr. SPECTER. Mr. President, as Chairman of the Senate Committee on Veterans' Affairs, I would like to speak for a moment on the importance of our veterans and their service to this nation. As you know, November 11th is Veterans Day, the day we honor those who have served in the United States Armed Forces.

For over two hundred years, the democratic form of government that so many of us take for granted has survived and prospered in an increasingly dangerous world. The fulfillment of our Declaration of Independence's tenets of life, liberty, and the pursuit of happiness was achieved through the genius and drive of our main resource—our citizens. But that genius and drive could never have occurred without the sacrifice and security provided by those who bore the brunt of our defenses and even gave their lives to this cause. From the early days of our isolated republic to today's challenges as a global leader, this country has trusted and relied on the unwavering protection provided by our men and women in military uniform.

Veterans Day provides us an opportunity to reflect upon and recognize those who have served in the world's finest military. We will honor those who have fought in wartime and protected our nation in peacetime; those who have served on the battlefields of the world and in the communities that make up this vast and prosperous nation. As Abraham Lincoln so eloquently articulated in his Gettysburg Address, it is our solemn obligation "to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced . . . and that government of the people, by the people, for the people, shall not perish from the earth." We should remember these powerful words and continue to do the best that we are able to meet the expectations of those who have guaranteed our freedom.

I have long been impressed with so many veterans' commitment to public affairs long after their military service. My frequent meetings with veterans in the Commonwealth of Pennsylvania reinforces my view that they are America's finest citizens whose duty did not end with active military service. They remain continued supporters and activists in reminding the U.S. Congress and, indeed, the American people of the need for a strong national defense. It is this lifetime commitment to service that should be recognized on Veterans Day.

Since the Senate is not expected to be in session on Veterans Day, I would like to extend my appreciation to all veterans of the United States Armed Forces. To quote Abraham Lincoln again, during his second Inaugural Address he said, "let us strive on to finish the work we are in; . . . to care for him who shall have borne the battle, and for his widow, and his orphan. . . ." November 11th will be a day of recognition to the service of America's 25 million veterans. I am certain that my colleagues will join me in thanking all veterans for their remarkable legacy of commitment to honor, duty, and country.•

TRIBUTE TO CARL TRUSCOTT

• Mr. HOLLINGS. Mr. President, I would like to take this opportunity to honor and thank an individual who has been a tremendous asset to the Commerce, Justice, State Appropriations Subcommittee for the last two years. That individual is Carl Truscott, a United States Secret Service agent who has worked with Senator GREGG's committee staff in preparing the fiscal year 1998 and 1999 CJS Appropriations bills.

Carl has been responsible for making policy and fiscal recommendations on the budgets of many of the Department of Justice programs. He's done this with integrity, an eye for detail, and a true bi-partisan spirit. Paramount to Carl's disposition is his belief in doing a good, thorough and fair job, which translated into him working closely with my staff and the Justice Department, ensuring that everyone was on the same page in regard to determining what would be best for the Department of Justice, for the interests of our States, and for the interests of our Senators, regardless on which side of the aisle they sit.

I'm sure Carl is moving on to bigger and better things—and I'm also certain he will earn the genuine appreciation for his hard work that he has won time and again here in the Senate. Carl will be missed by this Subcommittee. I wish him all the best in his future endeavors, and thank him again for all of his excellent work for the Commerce, Justice, and State Subcommittee.•

A TRIBUTE TO PETER J. CARRARA—THE BEST OF THE BEST

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a good neighbor and a man who was the best of the best. His name is Peter J. Carrara and he passed away suddenly on August 20th. However, he will be remembered by everyone who knew him as the epitome of good humor and optimism. Or as coworkers put it, "If you didn't like Peter, you didn't like life."

Peter was a man who loved his country and dreamed of serving the US Navy since he was a child. He fulfilled his dream, served with honor, and became a highly decorated officer. In fact, he retired in 1992 with the rank of Senior Chief Yeoman on a Ballistic Missile Nuclear Submarine, one of the greatest accomplishments a Navy man can achieve. For his service he was awarded the National Defense Service Medal, five Navy Achievement medals, five Good Conduct Medals, Enlisted Submarine Breast Insignia, and the SSBN Deterrent Patrol Insignia. Following his retirement, he held several jobs, including second constable for the Town of Shrewsbury for the last four years of his life.

In addition to serving his country, Peter served his community in many ways. He was a member of the Shrewsbury Community Church, Rutland Fleet Reserve Association, American Legion Post 31, the Shrewsbury So-Birds, and a volunteer fireman. He would approach any situation, especially challenging ones, with a calmness and strength which was reassuring to everyone around him. To quote his fellow town constable, "He could approach hostile people as if he knew the angel of God was on his shoulder."

As I read through the eulogies given and letters written about Peter, I was struck by how many people mentioned his kindness, caring, and compassion for others. Friends praised and remembered his big heart and giving spirit. For example, when he worked for UPS, he stayed late one Christmas Eve so families would have their presents for the next day. He was devoted to his friends and family and would do anything for them. When they were sick in the hospital, he would visit with them and bring them great comfort.

In fact, his ability to comfort and bring a smile to people's face will be how Peter is remembered. My wife Liz said, "You could never feel down around Peter. His smile and warmth picked your spirits up and you went on your way smiling." But the biggest tribute came from a childhood friend. "You were my hero. I really enjoyed growing up with you, and today you are still my hero."

Farewell, Peter. You will truly be missed.•

RECOGNITION OF THE EFFORTS OF THE PEOPLE OF MASSACHUSETTS TO ASSIST THE CHEYENNE RIVER SIOUX TRIBE

• Mr. JOHNSON. Mr. President, I want to take the opportunity today to recognize the kind and generous people of western Massachusetts who donated exercise equipment to the Cheyenne River Reservation community in my home state of South Dakota.

The participating YMCA's of Greenfield, Springfield, Holyoke, Northampton and Westfield Massachusetts organized a month long drive that collected 80 pieces of exercise equipment ranging from treadmills to exercise bikes. Robert Sunderland, Vincent Olinski, Harry Rock, Suzanne Walker, Stephen Clay, Kurt Kramer, and Mark St. Pierre all worked together to make this project a reality. Their vision, tireless dedication, and proactive efforts to mobilize the people of western Massachusetts should not go unnoticed. Additionally, I would like to recognize Keith Eichenholz of my staff, a native of Greenfield Massachusetts himself, for recognizing the effort of these participating YMCAs, as well as the needs of Indian country in South Dakota.

As my Senate colleagues know, there are nine federally recognized tribes in South Dakota, whose members collectively make up one of the largest Native American populations in this country. At the same time, South Dakota has three of the ten poorest counties in the nation, all of which are within reservation boundaries. The severe poverty within these reservations makes it extremely difficult to secure valuable resources that can be used to fight the grave health situation plaguing the American Indian communities.

The contributions of the western Massachusetts YMCAs will help overcome these alarming conditions. Native Americans die at younger ages than the general population: 13 percent of Indian deaths, compared to 4 percent of deaths for all races, occur before age 25. Tuberculosis as a cause of death for Native Americans is 4 times the national mortality rate for this disease, and the Native American mortality rate for diabetes out-paces the national average by 139 percent. Additionally, a 1997 Harvard/Centers for Disease Control study on life expectancy found that the lowest life expectancy in the nation for both men and women, including inner city populations, exists in the Indian population and are the worst rates of any nation in the western hemisphere except Haiti. American health care and medical science are far too advanced to allow such statistics to persist.

Time and time again, regular exercise has been proven effective in reducing the occurrence of heart disease, diabetes, and early deaths. The five western Massachusetts communities will help provide the Cheyenne River Reservation community with the opportunity for a healthier lifestyle at practically no cost. Their contribution deserves recognition, and I thank them for all of their help.

Throughout my service in Congress I have worked with Indian tribes to improve the quality of life on this nation's Indian reservations. I am glad that I have the generous people of Greenfield, Springfield, Holyoke, Northampton and Westfield Massachusetts as allies is this courageous effort.

Again, I would like to offer my sincere gratitude for their collaborated effort, and wish them continued success in future endeavors.•

125TH BIRTHDAY OF ROSWELL, NEW MEXICO

• Mr. DOMENICI. Mr. President, I am proud to pay tribute to one of the most resilient cities in America—Roswell, New Mexico. One-hundred and twenty-five years ago, the Roswell Post Office opened its doors and a town's identity was established. Since that time, the residents of Roswell have displayed a hearty "can-do" attitude as they adapted to the constantly evolving economic climate of the region.

Roswell has served as an economic and educational hub for southeastern New Mexico. It has been a center for sheep ranching, cattle driving, space exploration, and military aviation. Today, Roswell supports a thriving dairy industry and, because of its warm winters and relaxed pace, it has become a popular retirement destination for senior citizens across the country. Roswell is the site of the New Mexico Military Institute, one of the finest military preparatory academies in the country, and many noteworthy figures such as Pat Garrett, Roy Rogers, Roger Staubach, and Nancy Lopez have called it their home.

Roswell has come a long way from its humble beginnings as a supply post. Throughout its history, it has exemplified the feisty optimism so typical of the American spirit. Roswell's 125 years of history and development merits a fitting celebration and recognition. I ask that the article entitled "Roswell, Then and Now, An Overview" which appeared in the August 16, 1998 Roswell Daily Record be printed in the RECORD.

The article follows:

[From the Roswell Daily Record, Aug. 16, 1998]

ROSWELL THEN AND NOW: AN OVERVIEW

(By Elvis E. Fleming—City Historian)

Roswell's 125th birthday celebration actually commemorates the opening of the Roswell post office Aug. 20, 1873. While the settlement predated the post office by three of four years, there are no records to pin down exactly when the town was actually founded. It was called "Roswell" starting in the spring of 1872, but it took a while for the name to catch on.

Mescalero Apaches had roamed this area for a long time, but the Pioneer Period in the history of Roswell and Chaves County actually started when the first permanent residents, who were Hispanic farmers and sheep ranchers, came about 1865 to start several area settlements, including Rio Hondo—that part of Roswell that today is called "Chihuahuita."

The Anglo cattlemen from Texas soon followed. Charles Goodnight and Oliver Loving blazed the Goodnight-Loving Trail in 1866. John Chisum soon settled down here to become the "Cattle King of the Pecos." By the mid-1870s, he was the largest cattle producer in the United States.

The area around the confluence of the Rio Hondo and the Pecos River made an excellent spot for cattlemen to rest their herds. There was no supply post between Seven Rivers and Fort Sumner, so James Patterson built a little adobe trading post in what is now the 400 block of North Main Street. The future Roswell was born when Van C. Smith showed up about 1869 or '70 and enlarged Patterson's trading post into a hotel and built a store nearby to cater to the needs of drovers on the Goodnight-Loving Trail.

Smith identified his place with the nearby Hispanic settlement of Rio Hondo. In the spring of 1872, however, he decided he needed a more exact address, so he started calling his place "Roswell" after his father. The Roswell post office operated in Smith's store 125 years ago, Aug. 20, 1873, and he was the first postmaster. He was too much of a gambler to develop the town. That job fell to Capt. Joseph C. Lea, "The Father of Roswell."

The Lincoln County War was going on about the time Capt. Lea arrived in 1877–78, but he pretty well kept it away from Roswell. The Army sent the now famous "Buffalo Soldiers" to protect the town. It was up to another Roswell man, Pat Garrett, to become sheriff of Lincoln County, put an end to the violence and hunt down Billy the Kid.

The Developmental Period in Roswell and Chaves County's history dates from around 1890. Chaves County was created in 1889 and organized in 1891, the town of Roswell was incorporated in 1891, and artesian water was discovered in town in 1890. Also, New Mexico Military Institute was established in 1891.

Before 1894, Roswell claimed to be farther from a railroad than any other town in the United States. The arrival of the Pecos Valley Railway changed that in 1894, which was an important turning point in the area's history—especially after it was extended to Amarillo in 1899.

J.J. Hagerman was the one most responsible for both railroad developments. The impact of the railroad on the economic expansion of the city and county cannot be overstated. Many new settlers arrived, which meant new growth for Roswell—the first bank, the first newspaper, many other new businesses, the first schools and the first churches.

The Maturing Period in the history of Roswell and Chaves County started around 1903 when Roswell was reincorporated as a city. Over the next several years, utilities and paved streets were developed. The Carnegie Library and the Roswell Country Club were established. The Sisters of the Sorrowful Mother came to Roswell and started St. Mary's Hospital in 1906.

New Mexico finally became a state in 1912. In preparation for that, Chaves County built a new courthouse that was one of the largest buildings in the Southwest and still is one of the most beautiful public buildings in the state. Roswell's first airport was built in 1929, and the first radio station went on the air in 1931—KGFL.

Roswell has been connected with several world-class athletes and entertainers. In the 1920s, local rancher/cowboy Bob Crosby became the "King of the Cowboys" when he won the Roosevelt Trophy for being world champion rodeo cowboy three years.

Local musicians Louise Massey and the Westerners got their start here in 1928 and went on to become big country/western stars. Roy Rogers, the movies "King of the Cowboys," used to hang out here back in the 1930s. His first wife was a 1932 graduate of Roswell High School, Arline Wilkins, whom he married here in 1936. Singer/composer John Denver was born at St. Mary's Hospital in Roswell in 1943.

Clear skies and wide open spaces attracted Dr. Robert H. Goddard, the "Father of Modern Rocketry," to Roswell in the 1930s. Here, he made man's first attempts to explore outer space.

The Great Depression and the New Deal of the 1030s visited Roswell, and there are a number of monuments to show for it. For example, the Civilian Conservation Corps (CCC) boys built Bottomless Lakes State Park—the first state park in New Mexico. The Works Progress Administration (WPA) built City Hall, Cahoon Park and Bitter Lake National Wildlife Refuge. The WPA also built schools, DeBremond Stadium and the Roswell Museum and Art Center.

The museum opened in 1937 and has continued to grow. One of its most important collections is the Peter Hurd paintings. Peter Hurd, who was born in Roswell in 1904, was the greatest native son artist of New Mexico.

The Military Period in Roswell's history dates from the early 1940s, to 1968, but Roswell has always done its part in our nation's military conflicts. National Guard Battery A, one of the oldest and most honored outfits in the state, had gone to the border back in 1916 when Pancho Villa invaded New Mexico; they also went to France in World War I, and were a major part of the infamous Bataan Death March in the early stages of World War II.

Roswell's climate brought the U.S. Army here in the early 1940s to establish the Roswell Army Air Field, which after World War II became the home of the world's only atomic warfare unit, the 509th Bomb Wing and the "Enola Gay" B–29 bomber. The Orchard Park prisoner of war camp brought 4,800 Germans, some of whom made life-time friendships here and others came here to live after the war. New Mexico Military Institute in every war has produced a large portion of officers for the military.

In July 1947, Lt. Walter Haut of the Roswell Army Air Field told the Roswell Daily Record—and the world—that the Army had captured a flying saucer that crashed on Mac Brazel's ranch near Corona, 75 miles north west of Roswell. Maj. Jesse Marcel saw the wreckage and said it was not of this world, but Gen. Roger Ramey insisted it was only a weather balloon!

You couldn't tell that to Glen Dennis and others who not only saw the strange debris, but also saw some little gray bodies. Apparently, the federal government has been covering up the "Roswell Incident" story ever since. The International UFO Museum and Research Center is dedicated to learning the truth and has become Roswell's No. 1 tourist attraction.

In January 1948, Roswell Army Air Field became Walker Air Force Base, an important link in the Strategic Air Command. In 1960 it was designated as a support base for a squadron of Atlas ICBMs. A dozen missile sites were built in a 25-mile radius of Walker. They were completed by the end of 1962, then deactivated by March 1965.

The deactivation of the missile squadron was the first blow to the military economy of Roswell. The main calmaity was the closure of Walker, which took place June 30, 1967. Parts of Roswell became ghost towns as thousands made their exodus. Roswell's economy collapsed.

The present Industrial Period started in 1967 with the conversion of Walker Air Force Base into the Roswell Industrial Air Center (RIAC). The former air base has seen the manufacture of many products, from fireworks, lollipops and Levis jeans to mobile homes and city buses—first by Transportation Manufacturing Corps and more recently by NovaBUS.

Roswell Community College moved to the RIAC and used many of the former Air Force buildings for expanded vocational and academic-transfer programs, changing its name to Eastern New Mexico University-Roswell. The college added several new buildings over the years, and in the 1980s built a beautiful new campus for the booming school.

An auxiliary landing strip several miles south of Walker was converted to civilian use as well, first as a school for retarded boys and as a minimum security prison—Roswell Correctional Center—since 1978.

Other major economic developments in Roswell since 1967 include the influx of retirees, attracted by low living costs and warm weather. THe town has a continued a steady and prosperous growth. Many national chains have branches in Roswell, some of which have been around for a long time. Numerous others have come in the 1990s, so that national names are represented among the department stores, fast-food restaurants and motels. The trend toward modernization of business in Roswell was boosted by the opening of the Roswell Mall north of town in the 1980s.

Over the years, several locals have achieved national fame on the fields of sport: such as Tom Brookshier, Pete Jaquess, Chick Smith, Nancy Lopez and the 1956 Little League World Champions. Dallas Cowboys football great Roger Staubach played at NMMI for a year in the early 1960s.

Roswell, on the 125th birthday of its post office, is a city approaching 50,000 in population. There is no larger city within a radius of about 200 miles, so Roswell serves as a hub for southeast New Mexico. It is still small enough that traffic is not a big problem; and the business, educational, medical, legal, religious, fraternal and industrial communities provide for virtually all the needs of the folks in Roswell and the area.

The next 125 years will no doubt see similar developments—growth, problems, ups and downs—as these years since 1873 have witnessed. But the good folks of Roswell will be proud to live here and enjoy being a part of the Land of Enhancement!•

VERMONT HOME HEALTH CARE

• Mr. LEAHY. Mr. President, it has been a long road to get us where we are today to a modification of the unfair Medicare home health interim payment system (IPS) reimbursement that passed last year as part of the Balanced Budget Act (BBA). Making sure that this change was passed this year was not about politics but about helping those with the most to lose, the seniors and disabled Americans who rely on home health care.

At the beginning of this year, when I discussed with my colleagues a problem with the "Medicare Home Health IPS," I received a lot of blank stares. The rising level of understanding about this problem—and the rising level of support to fix it—was a commendable and effective team effort on the part of home health beneficiaries and their care givers. They were able to explain to their representatives in Congress why the short-term tinkering in health policy that created the IPS was unfair and was done with too little thought for the consequences.

The IPS passed last year sought to reduce overall spending on home health care by eliminating fraud, waste and abuse to preserve the benefit for those who truly need it. But as Vermont providers know all too well, there were unintended consequences of this proposal that severely harmed their ability to provide care to the most vulnerable populations.

Under this faulty system, Vermont's 13 non-profit home health agencies predicted millions of dollars in reduced payments this year while already boasting the lowest average Medicare costs in the country. The skewed thinking behind the IPS created a system under which Vermont was punished for its low-cost, efficient provision of home health care while high-cost, inefficient providers were rewarded.

A year ago this month, my office began to receive phone calls and letters from Vermont home health beneficiaries and their care givers who were beginning to understand what the overwhelming impact of the new IPS would be. In an effort to raise this issue to the level of where we are today, concerned senators and representatives began the drum beat of highlighting this as a critical issue that must have relief this year.

From the beginning there was a lot of reluctance by the congressional leadership to take up any Medicare legislation this year.

The home health agencies in my state were relentless in their efforts to continue to call attention to the fundamental unfairness of the Medicare IPS that punished their prudent and efficient provision of service to Vermonters.

My staff and I met with home health officials, and we agreed early on that any and all pressure that we could put on the Administration and other members of Congress would be critical to ensuring the ability of home health care providers to meet the needs of Vermonters.

Several bipartisan Senate bills were introduced over the past year, the first being one sponsored by Senators KENNEDY, KERRY, JEFFORDS and myself. We knew at the time that this was not the perfect answer but that we needed to start a process to get the ball rolling.

Subsequently, several other bills were introduced which I also cosponsored, most notably by Senator COLLINS and another by Senator GRASSLEY. I also joined Senator BOND in offering an amendment in the Appropriations Committee which we withdrew once we were assured that the Republican leadership was taking this issue seriously and would deal with it separately. My colleague from Vermont, Senator JEFFORDS, has pushed hard for this solution as a member of the Finance Committee.

I applaud the bipartisan nature of the work to get this situation turned around. The beneficiaries, the agencies which serve them, and Members of Congress continued to press until we found some relief from the fundamental unfairness in the payment system for home health care.

The Omnibus Appropriations Act conference agreement passed today makes necessary changes to the IPS payment system for the Medicare's home health care benefit. In short, the agreement is expected to provide some equity to agencies which have low-cost, low-utilization practices relative to other agencies by increasing the per beneficiary limits. Agencies below the national median per beneficiary limit will have their limit increased by one-third of the difference between their limit and the national median. The agreement also delays the implementation of the prospective payment system (PPS) until October 1, 2000, and delays an across-the-board 15 percent reduction in payments to home health agencies until that date.

Like most contentious issues, this fix does not go as far as I would have liked and as far as I believe efficient providers like those in Vermont deserve. I support it however because it is better than the status quo.

In the longer term, we need to stop ignoring a more fundamental problem. Congress needs to address the long-term health care needs of the American people.

Stepping back to understanding why the IPS was passed last year, we can see that it was in recognition of the difficulty of designing a more permanent PPS for Medicare home health reimbursement, coupled with the need to immediately control spending.

In the long term, a well-designed PPS will provide the Medicare program with the best means to control home health spending and address the problems Vermont home care agencies, and other agencies around the country that are able to provide quality, low-cost care.

The BBA requires implementation of a PPS by agencies in FY 2000. The PPS would establish a fixed, predetermined payment per unit of service, adjusted for patient characteristics that affect the cost of care. Under a well-designed PPS system, efficient providers would be financially rewarded. Conversely, inefficient ones would need to better control their costs to remain viable. If a PPS is not properly implemented, Medicare will not save money, cost-control incentives will at best be weak, and access to and quality of care could suffer.

I am committed to working with my colleagues to make sure that we work steadfastly in overcoming any hurdles in developing a well-designed PPS so that we do not find ourselves in the same situation that we found ourselves with the IPS.●

KIRK O'DONNELL

● Mr. DODD. Mr. President, two weeks ago, a number of my colleagues and many members of the Washington community gathered at the National Guard Museum for a memorial tribute to a highly respected and admired figure in modern American political life: Kirk O'Donnell. As most of my colleagues know, Kirk O'Donnell was the chief counsel to former Speaker Thomas P. O'Neill Jr. and Boston Mayor Kevin White, and he also served as an advisor to Mayors, Congressmen, Senators, and even Presidents. Tragically, Kirk O'Donnell recently died at the age of 52.

As a fellow Democrat, New Englander, and Irish-American, I had many occasions to cross paths with Kirk O'Donnell, and we eventually became friends. And I have met few people in my political career who were as capable and well-liked as Kirk.

Al Hunt of the Wall Street Journal remembered Kirk as "one of the ablest and most honorable people in American politics." Tom Oliphant of the Boston Globe said, "he was arguably the best mayor Boston never had . . . . Kirk O'Donnell's life demonstrates that all of us can make a difference and that each of us should try."

In an era of growing cynicism toward politics, he made people feel optimistic that government could have a positive impact on people's lives. It is always difficult to lose someone who is clearly so special, but it is made all the more difficult by the fact that Kirk was so young and had so much more to offer.

The afterword from the O'Donnell funeral program was Ralph Waldo Emerson's definition of what constitutes a successful life:

> ". . . to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to leave the world a little better place than we found it, whether by a healthy child, a garden patch, or a redeemed social condition; to know even one life breathed easier because you have lived. . . . This is to have succeeded."

By this measure, Kirk O'Donnell led a successful life. He was a remarkable man, and I will truly miss his friendship.

Kirk O'Donnell is survived by his wife Kathryn and his two children, Holly and Brendan. I offer my heartfelt sympathies to them all.●

TRIBUTE TO DERECK ORR

● Mr. HOLLINGS. Mr. President, I would like to take this opportunity to commend and thank Dereck Orr, who worked with me and my appropriations staff this last year on putting together the fiscal year 1999 Commerce, Justice, State Appropriations bill. Dereck came to me last year as a Presidential Management Intern on detail from the President's COPS office, and proved to be a tremendous asset during this difficult appropriations process.

If ever there was a year to learn about Congress and the Appropriations process, it would be this year. The Commerce, Justice, State subcommittee had a long three days of debate on the floor of the Senate in July, a month-long conference with the House of Representatives, and extension of deadline after deadline in completing action on our bill and the Omnibus Appropriations Act for fiscal year 1999. Throughout this entire process, Dereck maintained poise, integrity, responsibility, and unfaltering support for me and my appropriations staff in getting the job done. He came in weekends, worked late at night, and basically worked above and beyond the call of duty. In particular, Dereck tackled the controversy-ridden issues surrounding the Census Bureau and worked with that agency and the House and Senate Appropriations staff on finding viable solutions for funding concerns and realistic means of addressing the Bureau's policy concerns. Dereck also versed himself in the Department of State title of our bill, making recommendations to staff during the conference on our bill.

Dereck was truly an asset and welcome addition to my committee staff this last year. He came to me highly recommended by those that worked with him at the Department of Justice; he lived up to those recommendations and then some. Dereck is now back at COPS where they again will benefit from this excellent work. We will miss him here in the Senate, but certainly wish him, his wife, Kim, and their new addition well in all their future endeavors.●

GIRL'S INTERNATIONAL FORUM

• Mr. WELLSTONE. Mr. President, I believe it is important for girls and young women to raise awareness about their concerns, and to work to shape the beliefs and policies which affect girls' lives throughout the world. This year, the Girl's International Forum, sponsored by an organization in my state, brought together fifteen outstanding girls from thirteen states to Seneca Falls. For three days, they met and drafted the following Girl's Declaration of Sentiments. I want to share their thoughtful ideas with my colleagues now.

I ask that the declaration be printed in the RECORD.

The declaration follows:

GIRL'S INTERNATIONAL FORUM—GIRLS' DECLARATION OF SENTIMENTS, SENECA FALLS, NEW YORK 1998

Fifteen girls, ages 8–18, created a Girls' Declaration of Sentiments in Seneca Falls, New York on July 16–19, 1998. The girls, hailing from thirteen different states, were brought to Seneca Falls by Girls International Forum, a non-profit organization affiliated with New Moon Magazine for Girls.

Modeled after the original Declaration of Sentiments developed in Seneca Falls 150 years ago by suffragists, the Girls' Declaration defines an agenda for the Girls Movement, just as the Declaration of 1848 defined an agenda for the first wave of the Women's Movement. The Girls' Declaration focuses on 8 areas of concern and proposed solutions.

The Girls' Declaration was unveiled at the Closing Ceremony of Celebrate '98, the sesquicentennial celebration of the First Women's Rights Convention, and received a standing ovation. U.S. Ambassador to the United Nations Commission on Human Rights, Nancy Rubin, accepted the Girls' Declaration on behalf of the U.S. government and pledged to share the document with both the Clinton administration and the United Nations.

Girls International Forum was created in 1994 so girls could help shape the policies which affect girls' lives around the world. GIF's first project took place in 1995 when they sent 13 U.S. girls (ages 10–17) to the United Nations Fourth World Conference on Women in Beijing, China. As the largest girls delegation at the conference, GIF distributed the Girls Agenda (a pamphlet of girls' issues collected from girls worldwide) and raised awareness about girls' eagerness to participate in setting policy that affects girls' lives.

GIRLS' DECLARATION OF SENTIMENTS

PREAMBLE

When, in the course of human events, girls are denied the rights and respect they are entitled to, it becomes necessary for girls everywhere to take action to improve their everyday lives.

We believe that all people—women, men, girls and boys—are created equal. We all have certain rights as people, and it is up to all of us to make sure that these rights are respected and protected. When our society doesn't recognize these rights, changes must occur. Change should not be made without good reason, but the state of our society compels us to work for change. The rights of girls have not been respected. To gain this respect, we must speak out to declare our independence and explain our reasons for doing so.

SPORTS

Facts: Girls have been denied equal access to some sports, positions, and resources. The little attention and encouragement girls receive is frustrating. Girls have been excluded from leadership roles, decreasing their capacity to participate fully as athletes.

Solutions: Girls need to speak out. Girls can create coalitions, push to be included in all sports, or create their own teams. The adults in girls' lives should encourage them with persistent support. Title IX should be more widely recognized, enforced, and expanded in all communities.

MEDIA/SELF-ESTEEM

Facts: Girls feel they must fit into an image the media has created. When they don't, they often lose their self-esteem. This loss causes many girls to be more vulnerable to peer pressure which can lead to substance abuse, eating disorders, teenage sex, pregnancy, and other problems.

Solutions: The media should promote the beauty of all girls regardless of size, shape, or ethnicity. Girls should take the initiative to be healthier, think positively about themselves, and look for the good things in life. Girls can find support from people in similar situations, mentors, and youth organizations. Girls must take action by forming groups, writing letters, and protesting against the media's distorted images of girls.

EMPLOYMENT

Facts: Girls and women have the right to physically demanding or mentally challenging jobs if they choose. They have the right to earn 100 percent of what boys and men earn. Girls and women have the right to a combination of family and career. They have the right to be hired based on capabilities, not on appearance. Girls have the right to work comfortably without fearing sexual harassment.

Solution: To accomplish these goals, girls must stand up for themselves. They should help each other understand the problems they face. Girls should stay positive and strong while fighting this peaceful battle for equality.

VIOLENCE

Facts: Violence and abuse occur everywhere in this nation, limiting girls' independence to fully explore the world around them. Sexual harassment and other kinds of abuse happen in schools and in some families, lowering the self-esteem of the abused or the threatened.

Solutions: Girls and their communities should make sure that social services and police are accessible and available, and that all people know how to reach them. The federal government should create a national toll-free hotline that includes teenagers who have experienced these issues.

EDUCATION

Facts: The educational system focuses on men. Not seeing women in leadership positions in history books and in schools gives girls the impression that women are not able to lead as well as men. In school, many teachers and counselors fail to encourage girls to take non-traditional classes such as high-level math and science classes, weightlifting, auto mechanics, and others. When they do take those classes, girls are often ridiculed for enrolling. Boys are allowed to be outspoken in class, while girls are expected to be quiet and self-controlled, leading girls to believe that what they think or say does not matter.

Solutions: Girls should communicate with teachers, counselors, parents, and others about their educational rights. If this approach fails, girls must write out their concerns and present them to higher authorities such as principals, school boards, superintendents, or state departments of education.

RELIGION

Facts: Many religions teach girls during childhood that only men are meant to be ministers, priests, rabbis, and leaders of congregations. Boys and men are able to participate more fully and are celebrated more often in many religions.

Solutions: Girls must challenge their religions and question the limits on their participation. Girls must examine their own beliefs to make sure that what they believe in is what they stand up for. Society should not assume that God has a specific gender.

PARENTS

Facts: Most parents are overprotective of their daughters because of problems like rape and kidnapping, but parents don't object to their sons staying out late. Parents often limit girls' freedom, subconsciously using bribery as a blindfold. They often give their daughters more clothes and money, disguising the truth that they are limiting their daughters' freedom.

Solutions: Parents should consider setting curfews, allowance, and chores by responsibility and age, instead of by gender. Girls should challenge their parents and society to make their surroundings a safe place to live.

STEREOTYPING

Facts: Society generates stereotypes about girls that categorize, suppress, pressure and make assumptions based on girls' past traditions. Examples of stereotypes that narrow how girls define themselves include the assumptions that girls should dress a certain way, look pretty, and be quiet, feminine, and pure. Girls have the right to be considered physically equal to boys. They have the right to be strong individuals and still be considered feminine.

Solutions: Girls must define their behavior and appearance according to their personal beliefs and preferences. Society must support and encourage girls' definitions of themselves.

CONCLUSION

In essence, girls look forward to respect, equality, good-paying jobs, and full participation in sports. Our hopes and dreams for the future are for girls and women to succeed in society and to accomplish the goals they set for themselves and for future generations. We hold the hope that girls are fully accepted by society in the near future.

On behalf of Girls International Forum, we would like to give thanks to our first foremothers: Elizabeth Cady Stanton, Susan B. Anthony, Sojourner Truth and Lucretia Mott. If today's society would encourage leadership in young girls and women we will have a strong tomorrow.

Signed by Girls International Forum, Seneca Falls, New York July 19, 1998.

Morgan Kremers, 14, Leah Rodriguez 18, Gaylene Fred, 14, Meredith Turner-Woolley, 13, Martha Fernandez, 16, Paloma Reyes, 16, Mariya Ho, 11, Jamie E. Bernabo, 13, Andrea Baldwin, 9, Katie Baldwin, 11, Reshma Pattni, 14, Alexia Paleologos, 8, Melissa Bagwell, 16, Gradolyn Talley, 13, and Melanie Mousseaux, 16.•

TRIBUTE TO BILL GRADISON

• Mr. DEWINE. Mr. President, I rise today to pay tribute to our former colleague, Bill Gradison. Bill served as a highly respected member of the House of Representatives from Ohio from his election in November 1974 until his retirement from the House of Representatives on January 31, 1993. I personally was fortunate to serve with Bill in the House for eight years. As many of my colleagues know, at the end of the year Bill will be stepping down from his presidency at the Health Insurance Association of America (HIAA), where he has served with great distinction for the past 6 years.

During his years at HIAA, Bill demonstrated the same knowledge, commitment and skills that he did when he served in Congress. Bill Gradison is truly an expert in health care policy. And he has worked diligently over the past few years to improve the nation's health care system and the health of the American people. Equally important, he did so at all times with great thoughtfulness and by truly being a gentleman.

In Bill's 18 years representing Ohio in the House of Representatives, he had a strong influence on many areas, including health care, the budget, taxes, social security, trade, and governmental self discipline.

Of all the issues which he studied and tackled, though, he found health care to be particularly absorbing and challenging. In Congress and out, Bill has worked tirelessly to ensure that all Americans have access to health care that is both high quality and reasonable in cost.

In Congress, Bill worked enthusiastically to promote hospice care, an innovative, compassionate approach to caring for the terminally ill and their families. In 1982, legislation which he sponsored with then Representative Leon Panetta to allow hospices to provide care under the Medicare program, was enacted. Over the years, Bill sponsored numerous other hospice-related measures that received strong bipartisan support and were subsequently enacted. Today, this humanitarian yet cost effective end of life care is widely accepted.

One of Bill's most significant non-health Congressional achievements was indexing income tax brackets and the standard deduction for inflation. Bill also was a major participant in developing the 1983 social security measures that restored the system, then teetering on bankruptcy, to solvency.

Mr. Speaker/Mr. President, I invite all my colleagues to join me in congratulating Bill on his years of dedicated service to Congress and to the HIAA, and wishing him the best of luck in all of his future endeavors. I know we will continue to be enriched by Bill's contributions to the health care debate and to public policy generally for a long time to come.●

NOMINATION OF RICHARD PAEZ TO THE UNITED STATES COURT OF APPEALS IN THE NINTH CIRCUIT

● Mrs. BOXER. Mr. President, I am deeply disappointed that the Senate appears likely to adjourn for the year without acting on the nomination of Richard Paez to the United States Court of Appeals in the Ninth Circuit. The nomination has been pending—incredibly—for almost three years.

I am very proud to say I have supported Judge Paez for over five years. I first had the pleasure of recommending Judge Paez to the President in August of 1993 for the U.S. District Court in the Central District of California, where he currently presides. I introduced him at his hearing for the District Court seat in 1994, and was so proud that the Senate confirmed him that same year.

Judge Paez' confirmation that day was a historic moment. Judge Paez became the first Mexican American to serve as a federal trial judge in Los Angeles. He has been serving with distinction since, and continues to be widely respected.

Concerned that Judge Paez' nomination to the appellate court was in danger of not being voted on in this Congress, I wrote a letter to the Majority Leader on September 3, 1998, strongly urging that he bring up this nomination before the full Senate. If the Senate had voted, I am confident that it would have found Judge Paez to be exceptionally well qualified to serve on the U.S. Court of Appeals and would have confirmed him once again.

Judge Paez' record, both on the bench as well as before the Senate Judiciary Committee, once for his district court nomination, and twice for his appellate court nomination, supports the elevation of Judge Paez to the U.S. Court of Appeals.

For 12 years, Judge Paez served on the Los Angeles Municipal Court, which is one of the largest metropolitan courts in the country. A recognized leader, his colleagues elected him to serve as both Supervising Judge and Presiding Judge.

Judge Paez was elected Chair of the L.A. County Municipal Court Judges Association, and in 1991, he was appointed by California Supreme Court Chief Justice Malcolm Lucas to the first of two terms on the prestigious California Judicial Council, which provides policy direction to the courts, to the governor, and to the legislature, concerning court practices procedures, and its administration.

Judge Paez is supported by Sheriff Sherman Block of Los Angeles County, and Sheldon Sloan who is a former federal judge and is the former president of the Los Angeles County Bar Association.

Representative JAMES ROGAN of California has also written in support of Judge Paez. Representative ROGAN was a his colleague when they both served on the Municipal Court in Los Angeles County. Representative ROGAN states "[h]is character and integrity have never been questioned. He is an accomplished attorney and a respected jurist."

Gil Garcetti, the District Attorney for the County of Los Angeles, supports Judge Paez, and states his "broad federal and local criminal justice experience is very meaningful and should favor a positive vote for confirmation."

James Hahn, the Los Angeles City Attorney, wrote in support of Judge Paez that "his ethical standards are of the highest caliber and his judicial temperament makes him one of the most pleasant judges to deal with."

Peter Brodie, the president of the Association of the Los Angeles Deputy Sheriffs, a 6,000 member organization, supports Judge Paez.

The commissioner of the Department of California Highway Patrol says "Judge Paez' education, experience, and desire to serve make him extremely well-qualified to serve on the Ninth Circuit Court of Appeals. His character and integrity are impeccable."

Judge Paez was questioned about his views of Proposition 209 in California. On that issue, I would just cite the opinion of H. Walter Croskey, Associate Justice of the Court of Appeals in Los Angeles, who in his letter of support for Richard Paez' nomination, wrote: "Based on my own knowledge of his personal integrity and his long and distinguished judicial career, I have no concern that Judge Paez will ever do anything other than approach each case which comes before him on the merits and decide it in accordance with established law and settled principles. You cannot ask more of any judge."

Judge Paez is a federal judge who is widely acclaimed in the legal community and is eminently qualified for the US Court of Appeals. It is a great loss to the country and our judicial system that the Senate failed to confirm his nomination.

I ask that these letters of support be printed in the RECORD.

The letters follow:

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COUNTY OF LOS ANGELES,
SHERIFF'S DEPARTMENT HEADQUARTERS,
Monterey Park, CA, April 8, 1996.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I have been advised that United States District Judge Richard A. Paez has been nominated by President Clinton to serve on the Ninth Circuit Court of Appeals.

Judge Paez has been a United States District Judge since 1994. In 1981, Governor Edmund G. Brown, Jr. appointed Judge Paez to the Los Angeles Municipal Court. As a member of the Los Angeles Municipal Court, Judge Paez held positions of Presiding Judge, Assistant Presiding Judge, and Supervising Judge. He has also been a Temporary Judge in the California Court of Appeal, Second Appellate District, and the Los Angeles Superior Court, Law and Discovery.

Judge Paez is a hard working member of the legal profession with impeccable character and integrity. His desire to serve on the Ninth Circuit Court of Appeals is sincere, and a position for which I feel he is well-qualified.

Based on my knowledge of Judge Paez' dedication and experience, I would like to recommend that his appointment to the Ninth Circuit Court of Appeals be favorably considered.

Sincerely,

SHERMAN BLOCK,
Sheriff.

LAW OFFICES OF
SHELDON H. SLOAN,
Los Angeles, CA, April 22, 1996.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington DC.

DEAR SENATOR HATCH: I understand that President Clinton has nominated Richard A. Paez to serve on the United States Court of Appeals for the Ninth Circuit.

I have known Judge Paez as a lawyer, as a Municipal Court Judge and as a United States District Court Judge. In each endeavor, he has performed his duties with distinction. Judge Paez is held in great esteem by all with whom he works, be they members of the Bench or the Bar.

As a former Judge, and President-Elect of the Los Angeles County Bar Association, I have been in a position to observe Judge Paez; abilities and demeanor over an extended period of time. As former Chairman of Senators (now Governor) Wilson's and Seymour's Committee on Selection of Federal Judges, U.S. Attorneys, and Marshals for the Central District of California, I certainly believe I have gained an appreciation for what kind of a combination of character, work ethic, demeanor and intelligence is required to fulfill the demanding position of a Judge of the Circuit Court.

Richard Paez is a hard working, experienced quality Judge. He can be strong without being overbearing, and he can be compassionate without being soft. He has been, and will continue to be, a credit to the judiciary as a whole. I recommend him without reservation.

Let us hope and pray that the President continues to send us individuals of the same quality and experience as Richard Paez.

Sincerely,

SHELDON H. SLOAN.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 26, 1998.

Hon. ORRIN G. HATCH,
Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I want to bring to your attention United States District Court Judge Richard A. Paez who has been nominated by President Clinton for an appointment to the United States Court of Appeals for the Ninth Circuit. I understand that Judge Paez's nomination passed out of the Senate Judiciary Committee on March 12, 1998, and his nomination is currently pending confirmation on the Senate floor.

Judge Paez and I were colleagues together when we both served on the Municipal Court bench in Los Angeles County. As you are aware from his nomination hearings before your committee, Judge Paez has many fine qualities and impressive credentials. His character and integrity have never been questioned. He is an accomplished attorney and a respected jurist.

Please give Judge Paez's nomination every possible consideration as the Senate deliberates scheduling judicial nominees on the Senate floor.

With best personal regards, I remain,

Sincerely,

JAMES E. ROGAN,
Member of Congress.

GIL GARCETTI, LOS ANGELES
COUNTY DISTRICT ATTORNEY,
Los Angeles, CA, April 22, 1998.

Hon. ORRIN G. HATCH,
Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: United States District Court Judge Richard A. Paez has informed me that his nomination to the Ninth Circuit Court of Appeals is pending consideration and vote by the United States Senate. I am writing to convey my support for Judge Paez' appointment to the Ninth Circuit.

Judge Paez possesses an impressive record of service as a judge in both civil and criminal matters. While the Los Angeles Municipal Court presiding judge, he was instrumental in instituting a program to reduce the delay in processing cases through the court system. During his 17-year tenure on the bench, he has served on innumerable committees to improve the judicial system in Los Angeles. Though my staff has only had experience with him as a Municipal Court judge, handling felony preliminary hearings, he was viewed then as a hard-working, good judge who took his job seriously and treated prosecutors and defense lawyers with professional courtesy.

But even before being appointed to the bench, Judge Paez demonstrated a strong commitment to the area of public interest law and to performing pro bono work on behalf of many indigent persons who could not afford attorneys to represent them.

In my view, Judge Paez' broad federal and local criminal justice experience is very meaningful and should favor a positive vote for confirmation.

Sincerely yours,

GIL GARCETTI,
District Attorney.

CITY ATTORNEY,
CITY OF LOS ANGELES,
Los Angeles, CA, April 23, 1998.

Hon. ORRIN G. HATCH,
Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: I am writing to express my strong support for the nomination of Judge Richard A. Paez to the Ninth Circuit Court of Appeals.

As the elected City Attorney for the City of Los Angeles, I am responsible for defending the City, and ultimately the taxpayers, in numerous actions in both state and federal courts. Attorneys from this office appear before virtually every judge in those courts. As a consequence, I am aware of the qualifications, abilities and performance to each of those jurists. Whenever one of our cases is assigned to Judge Paez, I am confident that the City will receive a fair and impartial trial. His reputation as a bright, hardworking judge who is committed to making the correct legal decision is well deserved. In his 17 years as a judge he has demonstrated a keen knowledge of the law and the ability to quickly and easily grasp the factual record. Moreover, his ethical standards are of the highest caliber and his judicial temperament makes him one of the most pleasant judges to deal with.

Judge Paez' experience, demonstrated abilities and commitment to the law make him an excellent nominee for the Ninth Circuit Court of Appeals. I am confident that he would serve with distinction on that court. His nomination should be confirmed.

Very truly yours,

JAMES K. HAHN,
City Attorney.

ASSOCIATION FOR LOS ANGELES
DEPUTY SHERIFFS, INC.,
Los Angeles, CA, April 13, 1998.

Re Recommendation for appointment of Judge Richard Paez.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: On behalf of the 6,000 members of the Association for Los Angeles Deputy Sheriffs, I am asking for your favorable consideration for the appointment of Judge Richard Paez to serve on the Ninth Circuit Court of Appeals. Based on a review of his past judicial experience and integrity, I believe that Judge Paez has both the capacity and desire to continue to do an outstanding job.

Your consideration in this matter is greatly appreciated.

Sincerely,

PETE BRODIE,
President, ALADS.

DEPARTMENT OF
CALIFORNIA HIGHWAY PATROL,
Sacramento, CA, April 15, 1998.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I understand that President Clinton has nominated Judge Richard A. Paez to serve on the United States Court of Appeals for the Ninth District.

Judge Paez' long and distinguished judicial career began with his appointment to the Los Angeles Municipal Court in 1981. He served as Presiding and Supervising Judge in that court and as a judge in the Los Angeles Superior Court and California Court of Appeal. In 1994, President Clinton nominated him to the United States Central District Court where he has served with distinction.

Judge Paez' education, experience and desire to serve make him extremely well-qualified to serve on the Ninth Circuit Court of Appeals. His character and integrity are impeccable. I recommend that his appointment receive favorable consideration.

Sincerely,

D.O. HELMICK,
Commissioner.•

TRIBUTE TO LIEUTENANT GENERAL DAVE McCLOUD

• Mr. KEMPTHORNE. Mr. President, I rise today to offer a tribute to Air Force Lieutenant General Dave J. McCloud who died in a tragic plane crash on July 26, 1998 in Alaska. Dave McCloud was an outstanding officer, husband and father. The nation and the Air Force lost one of its finest military leaders when Dave McCloud passed away. General McCloud was an energetic, sincere and honest man who I considered a true friend. Like many others, I mourn Dave's passing every day.

I know Dave's wife Anna misses her partner and I know his son and daughter, Robyn, miss their father. I offer my deepest condolences to all of Dave's family and friends.

As a final tribute to fighter pilot Dave McCloud, I offer the following poem, "High Flight," which epitomizes my friend in so many ways.

HIGH FLIGHT

(By John Gillispie Magee, Jr.)

Oh, I have slipped the surly bonds of earth
And danced the skies on laughter-silvered wings;
Sunward I've climbed, and joined the tumbling mirth
Of sun-split clouds—and done a hundred things
You have not dreamed of—wheeled and soared and swung
High in the sunlit silence, Hov'ring there,
I've chased the shouting wind along, and flung
My eager craft through footless halls of air.
Up, up the long, delirious, burning blue
I've topped the windswept heights with easy grace
Where never lark, or even eagle flew
And, while with silent, lifting mind I've trod
The high untrespassed sanctity of space,
Put out my hand, and touched the face of God.

By Pilot Officer John Gillispie Magee, Jr.
No 412 Squadron, RCAF (1922–1941)

"High Flight", a poem by John Gillespie Magee, Jr. An American/British fighter pilot. He flew with the Royal Canadian Air Force in World War II. He came to Britain, flew in a Spitfire squadron, and was killed at age 19 on December 11, 1941, during a training flight from the airfield near Scopwick, Lincolnshire. The poem was written on the back of a letter to his parents which stated, "I am enclosing a verse I wrote the other day. It started at 30,000 feet, and was finished soon after I landed."•

HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT

• Mr. GRAHAM. Mr. President, because of a tremendous bipartisan effort, and the support of many of our nation's local community leaders, a step toward justice and fairness for Haitian refugees will be taken by this Congress.

The effort began on November 11, 1997, and will culminate in the passage of this omnibus budget bill.

My colleagues, both in the Senate and the House deserve many thanks: Senator CONNIE MACK, Senator KENNEDY, Senator ABRAHAM, Representatives MEEK, CONYERS, DIAZ-BALART and ROS-LEHTINEN. The support of the White House was instrumental in reaching the final agreement to include this legislation in the omnibus appropriations bill. In both chambers, with both parties, the Haitian Refugee Immigration Fairness Act gained the support needed for passage.

In so many instances, this legislation meant life or death for the refugees who came here seeking safety from persecution. In the field hearing, held in Miami last December, Amnesty International stated unequivocally that the safety of refugees who were deported to Haiti could not be guaranteed.

I was so appreciative, not only of the bipartisan support that this legislation received, but of support that crossed national lines as well. From the beginning, the Hispanic community: Fraternidad Nicauaguense, the Bloque de Apoyo a la Unidad Nicaraguense, Unidad Hondurena, the Cuban-American community, and others have joined together to help their Haitian brethren achieve immigration fairness.

The measure of this legislation's impact can best be seen through the eyes of those individuals who were most impacted by the previous state of affairs. I had the opportunity, the pleasure, to meet many of them at our hearing in Miami. Every audience member was moved by their testimony, by the personal accounts of their experiences in Haiti, and the brutality that they fled.

I had the opportunity to meet others in this category on my trips to Haiti, and my visits to Guantanamo Bay, Cuba. Even in these harsh conditions, the spirit and determination of these brave individuals was remarkable, struggling to liberate themselves and their families from persecution and brutality. They are following in the tradition of fighters for freedom and justice worldwide.

Our nation has, since its foundation, served as a refuge of those seeking justice and safety. The evolution of our country's current refugee policy is in many ways to ensure that we avoid situations, such as the one that developed, close to my home state, in the time leading up to World War II. The vessel *St. Louis* moored within sight of the city of Miami for several days, filled with passengers of the Jewish faith, fleeing the violence in Europe. Our country refused them safety. The passengers returned to Europe, many of them to their certain death.

Since then, beginning with specific refugee legislation in the decades after the war and developing into the Refugee Act of 1980, the United States of America has offered freedom and sanctuary to those fleeing persecution, brutality, and human rights abuses.

The bipartisan effort that led to the passage of the Haitian Immigration Fairness Act ensures that we maintain this valued tradition in the United States. We will treat Haitian national refugees in the same manner as we have treated similarly situated individuals over the last decades.

In relation to one aspect of the legislation, I wanted to clarify the intent of the section dealing with stays of deportation. The intent of this legislation is that the INS would not seek to remove a qualified spouse or the child of a qualified alien who has applied for relief under this legislation, and received a stay of deportation or removal.

Again, many of my colleagues in the Senate and the House deserve thanks for their tremendous support on this effort. It will make a difference in the lives of many individuals who are a part of our vibrant South Florida community. They will no longer be in immigration limbo, and can continue to build their part of the American dream.•

SERBIAN CRACKDOWN ON INDEPENDENT MEDIA

• Mr. D'AMATO. Mr. President, I rise today to call to my colleagues' attention an ominous and entirely predictable development—Slobodan Milosevic is closing the independent media in Serbia. He is following the time-worn practice of dictators by trying to control Serbians' thinking—and therefore their politics—by controlling their access to information.

The Senate and House have declared that we have reason to believe that Milosevic has committed war crimes, crimes against humanity and genocide. While offenses like denying freedom of speech, assembly, and the press to his people don't rise to that capital criminal level, they further demonstrate his fine disdain for the rules and values of the rest of the world, and his iron determination to hold power at all costs.

We are treated to the spectacle of Milosevic's killers conducting ethnic cleansing in Kosovo while he and his political allies use the Kosovo conflict as a tool to divide and suppress Serbian domestic political opposition. The mass public demonstrations aimed at the creation of democracy in Serbia have ceased. Factions joined together in opposition to Milosevic have been split apart, as he has appealed once again to extreme nationalist Serbian sentiment.

Indeed, his excuse for closing these independent media outlets has been because they have been spreading "fear, panic and defeatism" and undermining "the people's readiness to safeguard the territorial integrity and sovereignty of Serbia." He has been so happy with the results of this effort that his tame parliament, according to a report in the October 21, 1998 edition of the Washington Post, "adopted a new information law today that critics say further restricts independent media and leads the country back toward dictatorship. The law bans broadcasts of Serbian-language programs by foreign media and calls for huge fines against media editors and owners who disobey the decree. It also gives broad powers to the authorities and places further restrictions on working permits for media organizations."

This situation was thoroughly discussed in a Washington Post op-ed entitled "Darkness Over Serbia," by Slobodan Pavlovic, printed in the Tuesday, October 20, 1998 edition on page A19. I commend this article to my colleagues.

Milosevic has carefully calibrated his defiance of the rest of the world. He knows, or at least thinks he knows, what it would take to trigger a forceful response to his actions, and he stays just short of that threshold. The terrible consequences of his determination, and the world's forbearance, are clear to see in the faces of the refugees in Kosovo and hear in the silence left by the suppressed voices of his domestic opposition in Serbia.

Just as in Bosnia, the international community, represented by Ambassador Richard Holbrooke, has gone to Milosevic in Belgrade, looking for peace in Kosovo. Once again, we have made Milosevic the indispensable man, and thereby encouraged him to remain difficult, at a level that requires our constant attention. In addition, in the process of seeking Milosevic's agreement to abide by the terms of a United Nations Security Council resolution, our visiting delegations have not met with the democratic opposition in Serbia. This has sent a regrettable message, one that we should not have sent.

Mr. President, while we cannot save the independent media in Serbia from Milosevic's wrath, we must let them know that we care, that we have not forgotten them, that we support them, and that we understand that a democratic Serbia open to the West and the world is the solution to lasting peace in the Balkans. I also want to express my support for our efforts to sustain Serbian-language broadcasting into Serbia, which is even more important now that independent domestic voices are stifled by force.

The people of Serbia are not enemies of the United States. The Milosevic regime is not just an enemy of the United States, it is an enemy of the world. The sooner those powers that extend, in some form, comfort and support to Milosevic realize this, the sooner we can move toward the establishment of peace in the Balkans.

It is in no power's interest that there should be lasting war, political instability, and economic depression in the Balkans. Whatever advantage may be gained in the short term by diverting time, money, forces, and energy to coping with the results of Milosevic's unbridled political ambition can vanish quickly. If he should miscalculate or if any number of unpredictable events should take place, this conflict could spill across international borders with incalculable consequences.

In conclusion, while expressions of our outrage cannot reopen newspapers or turn on radio or television transmitters, we can give hope and courage to those who believe in basic human rights. Freedom of speech, assembly, and the press are essential to the creation and function of civil society. Serbia and Montenegro have promised in the Helsinki Accords and elsewhere to respect and protect these rights, and Milosevic's regime is in clear and blatant violation of these commitments. I expect the United States and our allies to make clear to Milosevic that we know what he has done and is doing and will hold him responsible for these actions.

I ask that an article entitled "Milosevic Told He Hasn't Met NATO Demands" be printed in the RECORD.

The article follows:

[From the Associated Press, October 21, 1998]

MILOSEVIC TOLD HE HASN'T MET NATO DEMANDS

(By Tom Cohen)

PRISTINA, Yugoslavia, Oct. 20.—NATO's military chief warned Yugoslav President Slobodan Milosevic today he still has not met terms of an agreement to avert airstrikes.

U.S. Army Gen. Wesley Clark delivered the message to Milosevic in the capital Belgrade as a new surge of violence raised fears about the Oct. 12 agreement with U.S. envoy Richard C. Holbrooke aimed at ending the ethnic conflict in Kosovo province. Their meeting began around 6 p.m. today and ended late in the evening.

Earlier, State Department spokesman James P. Rubin told reporters in Washington that Clark would talk to the Yugoslav leader "about his failure to comply fully with the requirements of the international community. And he will be making very clear that NATO will use military force against the Serbs if he [Milosevic] doesn't comply," Rubin said.

U.S. and NATO officials have complained that Milosevic still has not withdrawn all the special police units sent to Kosovo in February when he launched his crackdown against ethnic Albanian separatists of the Kosovo Liberation Army.

The guerrillas have been fighting for independence for Kosovo, a province of Yugoslavia's main republic of Serbia. Ethnic Albanians comprise 90 percent of Kosovo's 2 million inhabitants.

Under an agreement with Holbrooke, Milosevic pledged to meet a series of U.N. demands—including a withdrawal of special police and army units, halting the crackdown, allowing international agencies to aid refugees and resuming talks with ethnic Albanians on the future of the province.

Meanwhile, recent violence has prompted Yugoslav army troops backed by Serbian police to maintain a presence. The official Yugoslav news agency Tanjug said today a Serbian policeman was wounded when "terrorists" attacked a police patrol near Klina, 30 miles southwest of Pristina, the capital. U.S. officials have also warned the Kosovo Liberation Army to halt such attacks.

In Pristina, the rebels issued a statement detailing a series of demands, chief among them the withdrawal of all government forces from the province. In a statement to Albanian-language media, rebels also demanded a halt to arrests of suspected guerrillas, release of "political prisoners" and investigations of "crimes against humanity."

"Failure to fulfill those demands will impose on [the Kosovo Liberation Army] the continuation of the war for freedom, independence and democracy," the rebels said.

Meanwhile, the Serbian parliament adopted a new information law today that critics say further restricts independent media and leads the country back toward dictatorship.

The law bans broadcasts of Serbian-language programs by foreign media and calls for huge fines against media editors and owners who disobey the decree. It also gives broad powers to the authorities and places further restrictions on working permits for media organizations.

[From the Washington Post, Oct. 20, 1998]

DARKNESS OVER SERBIA

(By Slobodan Pavlovic)

Fortunately, bombs did not fall on Serbia. But Serbia still found itself in darkness—a media darkness characterizing totalitarian regimes. A darkness that never existed even during the time that we are ready today to call "Tito's dictatorship in Yugoslavia."

The ruling red-black coalition in Belgrade (Slobodan Milosevic's Socialists, the Communists of his wife Mira Markovic and radicals led by Vojislav Seselj) has imposed a sort of dictatorship in Serbia. The government order to close down the leading independent dailies Nasa Borba, Dnevni Telegraf and Danas, to silence a number of radio stations and to ban transmission of foreign broadcasts, has created legal ground for the so-called "Information Bill," which was urgently prepared for the Serbian assembly.

On the battlefield for truth in Serbia there are left two privately owned tabloids, two independent news agencies and the Association of the Independent Electronic Media, led by the popular radio station B92. How long they will survive remains to be seen. The regime is sending threatening signals that, after the downing of the flagships of the independent media, it will deal with all the other "sources of the enemy propaganda," including owners of the satellite dishes and Internet providers in Serbia.

Although Slobodan Milosevic announced last week that the agreement on Kosovo reached with ambassador Richard Holbrooke has eliminated immediate danger of war, the closing down of the independent media is still being carried out for, allegedly, spreading "fear, panic and defeatism" and undermining "the people's readiness to safeguard the territorial integrity and sovereignty of Serbia."

Milosevic's war against truth, which has been fought since the beginning of the breakdown of the former Yugoslavia, has continued on Kosovo. Intentions of the Belgrade despot are clear: He obviously does not want the threat of the NATO force he has brought to Serbia to receive media coverage at home, except that provided by government propaganda. Only that way can he conceal from the people who are already generally brainwashed by official propaganda, the fact that the agreement with Holbrooke represents no victory for Serbia (as claimed by the controlled media in Belgrade) but an ultimatum from the international community on the basic issues of Kosovo, which could have been resolved a long time ago—without war, victims, destruction, refugees and OSCE and NATO verifiers.

The British prime minister, Tony Blair, stated a few days ago that President Milosevic is deluding himself if he counts on using the latest breakthrough in the Kosovo talks as leverage to undermine the remaining political opponents in Serbia. This message from London sounds promising, but would serve even better if the free world were to confirm it by taking a few concrete steps.

The Cold War was a war for democracy, which America won without firing one single bullet. Would it not be ironic and tragic that lessons in democracy are to be given now by dropping NATO bombs on those still living in the times before the fall of the Berlin Wall?

Cooperation of the Belgrade regime could be secured only by threatening Milosevic with "arguments" from the commander of NATO, Gen. Wesley Clark. However, the agreement reached later (it would be a mistake to characterize it as a peace agreement; at best, it is a cease-fire) does not address at all the fundamental underlying problem of continuing political instability in Balkans—the lack of democracy in Serbia. In fact, the Kosovo agreement strengthens Milosevic's authoritarian power. He will now quickly establish full cooperation with international humanitarian agencies, while proclaiming at home that he has done his duty in suppressing the terrorist rebellion in Kosovo.

Friends of Serbia abroad often say that the Serbian people have to start helping themselves, before anyone else can help them on their road to democracy. That is true. But it is also true that the United States and, generally, the international community have up to now not paid the necessary attention to the existing democratic alternative in Serbia, nor have they offered them the necessary help required.

For example, in the agreement between Holbrooke and Milosevic, a condition is set that within nine months free and fair elections must be held in Kosovo, but it is not noted anywhere that the same regular elections in Serbia proper should be one of the conditions for its reentry into the international institutions.

Equally, the Clinton administration has for some time been advised to begin diplomatic isolation of President Milosevic, instead of providing him with the public image of an internationally recognized and respected leader. As the representatives of the Serbian democratic alternative said during their recent visit to Washington: "Milosevic is the problem, not the solution for Serbia."

There cannot be real solutions for the problems in Kosovo and Bosnia without democracy in Serbia, and there will not be democracy in Serbia as long as Slobodan Milosevic is in charge in Belgrade. The current media darkness over Serbia confirms that said fact.•

NOMINATION OF JAMES C. HORMEL

• Mrs. BOXER. Mr. President, I am deeply saddened that the Senate will adjourn for the year without approving the nomination of James C. Hormel to be U.S. Ambassador to Luxembourg. Mr. Hormel's nomination has been pending in the Senate, but it has never even been scheduled for debate.

Since James Hormel's nomination was favorably reported out of the Senate Foreign Relations Committee last year, many senators have asked the Majority Leader to schedule a debate and vote. Many have recognized Mr. Hormel's extensive knowledge of diplomacy, international relations and the business world, his outstanding record of service to his community and his nation, and his leadership qualities—all of which make him obviously qualified for the post to which he was nominated by the President.

James Hormel graduated from Swathmore College and shortly thereafter earned his Juris Doctorate at the University of Chicago Law School. He served for several years as the Dean of Students and Assistant Dean at the University of Chicago Law School. Since 1984, he has presided as Chairman of EQUIDEX, Inc., an investment firm based in San Francisco.

For the past 30 years, Mr. Hormel has been a dedicated philanthropist, generously working to support a wide range of worthy causes. For his unselfish acts of giving, he has received several awards and honors. In 1996, he was named Philanthropist of the Year by the Golden Gate Chapter of the National Society of Fundraising Executives.

On the local level, Mr. Hormel is an active member of the San Francisco community working with several important civic organizations. His current projects include the San Francisco Chamber of Commerce, the Human Rights Campaign Foundation, the San Francisco Symphony and the American Foundation for AIDS Research.

James Hormel has the necessary skills and talents to serve as an ambassador. He is clearly qualified to represent his country in Luxembourg. He has as clear a record of achievement and service as any ambassadorial nominee the Senate has ever considered.

But despite Mr. Hormel's impressive resume and the favorable recommendation of the Foreign Relations Committee, his nomination was not even given the courtesy of a debate by the full Senate. Why not? Any senator who questioned Mr. Hormel's qualifications to be ambassador to Luxembourg could have done so in a public debate on the Senate floor. That is every senator's right. That is the Senate's procedure. That is the Constitutional process.

Unfortunately, however, instead of a debate by the full Senate on the question of his nomination, Mr. Hormel himself was subjected to repeated accusations in the form of "morning business statements" and comments to the news media.

I can only say, Mr. President, that, in my view, the Senate failed to take up the nomination of James Hormel for the sole reason that he is gay.

The Senate should have debated and voted on this nomination. If it had done so, I am confident that Mr. Hormel would have been confirmed. But, because of the prejudice of a few individuals, James Hormel has been denied the opportunity to serve his country in a position at which I believe he would have excelled and made us all proud.

The failure to act on the nomination of James C. Hormel will forever be a blot on the record of this Senate.•

CONGRESSIONAL BUDGET OFFICE REPORT—S. 2500

• Mr. MURKOWSKI. Mr. President, I ask that the following report by the Congressional Budget Office on S. 2500 by printed in the CONGRESSIONAL RECORD for the information of all Members.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 14, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2500, a bill to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2500—A bill to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas

CBO estimates that enacting S. 2500 would have no significant impact on the federal budget in the next five years, although it is possible that the legislation could result in a loss of offsetting receipts. Because the bill could affect direct spending, pay-as-you-go procedures would apply. S. 2500 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

In many parts of the west, ownership of the subsurface estate is split: the coal estate, oil and gas estate, and hardrock mineral estate may all be separately owned. Until recently, current law has been interpreted to associate coalbed methane (CBM) with the oil and gas estate. Thus, royalties from CBM production are paid to the owner of the oil and gas estate.

On July 20, 1998, the 10th U.S. Circuit Court of Appeals ruled that CBM is associated with the coal estate rather than the oil and gas estate. If upheld, this ruling would mean that where the coal estate and the oil and gas estate are owned by different parties, CBM royalties now being paid to the owner of the oil and gas estate would instead be due to the owner of the coal estate. Where the federal government owns the coal estate but not the oil and gas estate, the federal government could begin collecting CBM royalties; where the government owns the oil and gas estate but not the coal estate, the government might have to cease collecting CBM royalties. According to the Department of the Interior (DOI), the former of these two cases would be common and the latter case would be rare. But because the ruling by the 10th Circuit Court could be appealed to the U.S. Supreme Court or could be contradicted by a ruling in a different circuit court of appeals, DOI will not consider collecting such CBM royalties until the interpretation of current law is clear.

S. 2500 would provide that, for any lease in effect on or before enactment of the bill that allows for CBM production and where the federal government retains ownership of the coal estate, existing lessees would continue to pay CBM royalties to nonfederal owner of the oil and gas estate.

For purposes of this estimate, CBO assumes that, in the absence of the bill, the current situation will continue for the foreseeable future—that is, the federal government will not collect CBM royalties on existing leases when it owns only the coal estate. Therefore, we estimate that enacting S. 2500 would not affect offsetting receipts from mineral production and any associated payments to states over the next five years. Another outcome is possible, however. If the ruling of the 10th U.S. Circuit Court of Appeals is subsequently upheld, enacting the bill could result in a loss of offsetting receipts that the federal government would otherwise collect for certain CBM production. CBO has little information about the size of the potential losses, but they could be less than $1 million or as much as several million dollars a year.

The CBO staff contact is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.•

A TRIBUTE TO SUSY SMITH

• Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to Susy Smith, who has served as my Legislative Director for nearly my entire Senate career. Her contributions to my legislative efforts have been without parallel, and she leaves with an impressive record of achievement and the profound respect of all who have been fortunate enough to work with her.

Susy is one of those unique people who knows how to make government work for its people. Her work in the Carter administration, along with her more than ten years as a top level congressional aide to Congressman Norm Mineta, Senator BARBARA MIKULSKI, and myself, have been a testament to both her talent and commitment to public service. Her quiet leadership, innate sense of judgment, and uncanny ability to stay on top of dozens of issues pending before the Senate made her an enormously valuable asset to my office.

Susy also possesses a deep and abiding faith in the American political process, and the role that Congress plays in our constitutional system of government. She has helped me imbue my staff with a sense of their duty to serve the people of California, together with the knowledge that the work we do here truly makes a difference in people's lives back home.

Susy has played a vital role in helping to pass some of my most important legislative initiatives such as the Desert Protection Act, the Assault Weapons Ban, and the Breast Cancer Research Stamp Act. In fact, over the past 5 years, Susy has put her indelible stamp on every piece of legislation that came out of my office. Her hard work has paid off not just for the people of California, but for the entire Nation—in safer streets, in more money for cancer research, in better health care for America's women, and in national parks that all of us can enjoy, to name just a few.

What stands out most about Susy is her wonderful ability to bring out the best of everyone. Her good judgement, great sense of humor, and supportive nature carried the staff through many tough battles, long days, and stressful times. She is not only a sharp political strategist and astute policy analyst, but a terrific manager and steadying presence in the office. I have appreciated her professional spirit and have placed much confidence in her decision making and perspective.

So it is with a deep sense of admiration, some sadness, and heartfelt good wishes that my staff and I say goodbye to Susy, secure in the knowledge that she will be just as successful in all her future endeavors as she has been working in the U.S. Senate.•

PATIENT PROTECTIONS

• Mrs. BOXER. Mr. President, I wish to express how disappointed I am that the 105th Congress has failed to act on legislation to increase protections for the millions of Americans whose health insurance benefits are managed by health maintenance organizations (HMOs).

The Patients' Bill of Rights legislation, which was introduced by the Democratic Leader, Senator DASCHLE, and cosponsored by me and most of my Democratic colleagues, was endorsed by over 180 organizations, including the American Medical Association, the American Nurses Association, and the AARP.

The Patients' Bill of Rights would have given protections to all 161 million privately insured Americans. It would have: Guaranteed patients access to emergency room services; ensured access to specialists for patients with serious or chronic conditions; given women direct access to the OB/GYN, and allowed them to designate their OB/GYNs as primary care doctors; allowed patients to appeal their insurance companies' decisions to an independent reviewer and receive timely decisions that would be binding on HMOs; protected doctors and nurses who advocate for their patients from being fired by an HMO; prohibit insurance companies from arbitrarily interfering with the decisions of doctors; ensured that doctors be able to decide which medications their patients should receive; and limited the ability of insurance companies to use financial incentives to get doctors to deny patient care.

It is unfortunate that the Majority Leader would not allow a vote on the Patients' Bill of Rights. But this fight is not over. Americans continue to demand that their HMOs be held accountable for putting profits ahead of patients. Supporters of the Patients' Bill of Rights continue to believe that doctors—not HMO accountants—should make medical decisions.

I urge the leadership of the 106th Congress, which will convene in January, 1999, to immediately schedule a debate and vote on the Patients' Bill of Rights, in order to secure basic patient protections for the 60 percent of all Americans who get their health insurance through HMOs.•

COLUMBIA UNIVERSITY LAW PROFESSOR RICHARD N. GARDNER

• Mr. MOYNIHAN. Mr. President, I rise to offer my congratulations to the former United States Ambassador to Spain, Richard N. Gardner who earlier this year received the Thomas Jefferson Award for his service during his tenure in Madrid.

Since its inception in 1993, the Thomas Jefferson Award has been given annually by American Citizens Abroad to the State Department employee who has "done the most for American citizens overseas." After consulting American clubs, Chambers of Commerce, and individual Americans around the world, American Citizens Abroad announced in Geneva that Richard Gardner was this year's recipient. The Ambassador was commended for his assistance to U.S. business, his establishment of twenty new scholarships for young Spaniards to study in the States, and for his frequent and informed articles in Spanish publications.

Richard Gardner currently serves as the Henry L. Moses Professor of Law and International Organization at Columbia University Law School. He has spent a lifetime devoted to promoting international stability. He recognizes as only too few do the value of international law in the world.

I ask that his article "Why U.N. Dues Aren't Optional" from The International Herald Tribune be printed in the RECORD and with appreciation and admiration I extend my congratulations to Ambassador Gardner and his wife, Danielle, on this most splendid and deserved award.

The article follows:

[From the International Herald Tribune, Mar. 11, 1998]

WHY UN DUES AREN'T OPTIONAL

(By Richard N. Gardner)

NEW YORK.—A top priority for the Clinton administration is to persuade Congress to pay more than $1 billion in back dues to the United Nations. Failure to do so would undermine critical UN operations in peacekeeping and development and further diminish U.S. influence in the world organization.

Complicating the administration's task is a new and fallacious idea, accepted by many members of Congress, that America has no legal obligation to pay its UN debts.

Last fall the Senate Foreign Relations Committee declared that the UN Charter "in no way creates a 'legal obligation'" on the U.S. Congress to provide the money to pay the dues. In justification, the committee wrote: "The United States Constitution places the authority to tax United States citizens and to authorize and appropriate those funds solely in the power of the United States Congress."

Those statements reflect a dangerous misunderstanding of the relation between international and domestic law.

The UN Charter is a treaty that legally binds every UN member. Of course, a treaty cannot override the U.S. Constitution; Congress is free as a matter of domestic law to violate U.S. obligations under international law.

But these truisms do not alter the facts: If Congress exercises its constitutional right to violate a treaty, America still has a legal obligation to other countries, and refusal to live up to U.S. commitments can have legal consequences.

There is no international police force to enforce international law, but nations generally observe treaty obligations because of a desire for reciprocity and fear of reprisal.

In 1961, when the Soviet Union refused to pay its assessments for the Congo and Middle East peacekeeping operations, Republican and Democratic members of Congress insisted that the United States go to the World Court to get an advisory opinion that the Soviet Union had a legal obligation to pay.

The U.S. brief to the court, in whose preparation I had a part, stated: "The General Assembly's adoption and apportionment of the organization's expenses create a binding legal obligation on the part of the member states to pay their assessed shares." In 1962, the court agreed with that proposition, and the General Assembly accepted it.

Article 19 of the UN Charter provides that a country in arrears of its assessments by two full years shall lose its vote in the General Assembly. The assembly, in an unfortunate failure of political will, failed to apply that sanction to the Soviet Union when it became applicable in 1964. Nevertheless, the assembly recently has regularly applied the loss-of-vote sanction.

We are not just dealing here with legal technicalities, but with realpolitik in the best sense of the word. If nations were free to treat their UN assessments as voluntary, the financial basis of the organization would quickly dissolve.

Some Americans would not mind it if the United Nations' financial support unraveled. They do not seem fully to appreciate how important the United Nations' work in conflict resolution, peacekeeping, sustainable development, humanitarian relief and human rights can be for America.

If the United States has no legal obligation to live up to its treaties and other international agreements, neither do other countries. Then, any country would be free to violate any legal commitment it has made to America, whether to open its domestic market, reduce its nuclear arsenal, provide basing for U.S. ships and aircraft, extradite or prosecute terrorists or refrain from poisoning the global environment.•

CARNEY J. CAMPION

• Mrs. BOXER. Mr. President, I rise today to honor the retirement of Mr. Carney J. Campion. Mr. Campion has served California's Golden Gate Bridge, Highway and Transportation District for 23 years with a standard of excellence that deserves our recognition.

As a Californian, and on behalf of all Californians, I want to personally thank Mr. Campion for his years of dedicated and outstanding service. Over the past 14 years, as general manager of the Golden Gate Bridge, Highway and Transportation District, Mr. Campion has been instrumental in advancing numerous projects aimed at improving the transportation infrastructure for California's future. His commitment to find better ways to serve the public was exemplified in his successful effort to modernize and expand the District's bus transit and administration facility in San Rafael. It was his leadership that sparked the purchase and preservation of the abandoned Northwestern Pacific Railroad right-of-way from Novato, California, north to Willits, California, for future transportation use. His innovative spirit led to many improvements of the Golden Gate Bridge and under his leadership the huge 50th Anniversary Celebration for the bridge was a roaring success. I was fortunate to have worked closely with him on a number of occasions, most recently in obtaining desperately needed federal funding for a portion of the $217 million seismic retrofit of the Golden Gate Bridge.

Mr. Campion has also served as a diplomat by managing to bridge the political gap between San Francisco and North Bay representatives on the span's board. He deserves our admiration for performing his job superbly while continuing to display his commitment to best representing the interests of Marin, San Francisco and, most of all, the bridge which is a world-renowned landmark of my great state, the Golden Gate Bridge.

Mr. President, Mr. Campion's ability to function effectively and creatively during his years of service are worthy of our unmeasurable gratitude. With Mr. Campion's retirement, the Golden Gate Bridge and the citizens of my state are losing the services of a committed and intelligent man. I wish him all the best, and hope his retirement is as fulfilling as his career.•

MEDICARE CERTIFICATION

• Mr. LEVIN. Mr. President, for the last few years, I have been working on an issue of great importance to my constituents in Flint, Michigan. The city of Flint is home to an outstanding medical facility, Hurley Medical Center. A subsidiary of Hurley Medical Center owns a nursing home, Heartland Manor, also located in Flint. Heartland Manor has applied to HCFA for Medicare certification which it has been attempting to do since 1994. However, Heartland Manor has been thwarted in this process at every turn by HCFA. I would like to lay out the facts of this situation for the record.

On July 27, 1989, Chateau Gardens, a nursing home facility, was terminated from the Medicare program. On January 1, 1994, West Flint Village Long Term Care Inc., a subsidiary of Hurley Foundation, purchased Chateau Gardens. The new owner, Hurley Medical Center, is a non profit public hospital with an excellent reputation. State officials requested that Hurley Medical Center take over Heartland Manor. In taking over the facility, the entire staff and management of the nursing home was changed. In 1994 Heartland Manor applied for certification into the Medicare program as a new, prospective, provider. Heartland Manor had never before entered into a Medicare participation agreement and had never been issued a provider number. However, HCFA chose to consider Heartland as a re-entry provider and Heartland was subsequently denied participation into the Medicare program based in large part on violations which HCFA carried over from the previous owner. If Heartland Manor had been treated as a new provider, it would have been approved and would presently be in the Medicare program.

The complaints that have been cited against Heartland Manor itself are typical of complaints which are lodged against many established and reputable nursing homes. In fact, the citations which Heartland Manor has received have consistently been either deleted or reduced in their determination of scope and severity. I recently reviewed eight complaints that were levied against Heartland Manor in August. None of the complaints represented a determination of a deficient facility practice.

Hurley Medical Center is planning to build a new complex that will bring state of the art care to an underserved area. The only barrier to this undertaking is Heartland's lack of Medicare certification. Once Heartland Manor receives Medicare certification, Hurley plans to put $10 million into renovating Heartland Manor..

I believe that Heartland Manor deserves to be treated as a new provider as was determined by Administrative Law Judge Stephen Ahlgren's February 26, 1998 ruling. It is illogical and unconscionable that HCFA is refusing to treat Heartland Manor as a new provider.

Mr. President, I had hoped that we could have resolved this issue in the appropriations process. It was my intent to offer an amendment to the Labor Health and Human Services and Education Appropriations Bill that would have required that HCFA consider Heartland Manor to be a new provider for Medicare certification purposes. That bill never showed up on the floor but instead was wrapped into an omnibus nonamendable conference report.

I believe that it is fair and just for the community of Flint that Heartland Manor be treated as a new provider. Providing Heartland Manor with the ability to apply as a new provider will allow the nursing home to receive a fair shot at Medicare certification which is all I am asking for.●

THE DUNGENESS CRAB CONSERVATION AND MANAGEMENT ACT

● Mr. WYDEN. Mr. President, today Congress passed a version of the Dungeness Crab Conservation and Management Act, a bipartisan bill which I cosponsored along with Senators MURRAY, GORTON, and SMITH. I would like to particularly commend Senator MURRAY for her strong leadership on this issue. She introduced the bill earlier this year and worked hard to secure its passage in this Congress.

Dungeness crab is integral to the economies of Oregon's coastal communities. The fishery is successfully managed, from both an environmental and an economic standpoint, by the States of Oregon, Washington, and California. Under existing law, the Federal government would have taken control of the management of Dungeness crab next year, costing taxpayers hundreds of thousands of dollars. Our legislation prevents this from happening. This is a common sense approach: it extends the existing authority for the States to manage Dungeness crab in Federal waters and eliminates the need to develop a costly Federal fishery managment plan.

The Magnuson-Stevens Fishery Conservation and Management Act, enacted in 1976, established regional Fishery Management Councils to develop Federal management plans for fisheries in need of conservation and management in Federal waters. However, in order to meet regional needs, the interpretation of this provision has traditionally been flexible, allowing states to manage some fisheries in Federal waters. An example of this flexibility is state management of the West Coast Dungeness crab fishery.

Since the 1960's, the States of Oregon, Washington and California have managed the Dungeness crab fishery in Federal waters. The three states and the concerned Indian tribes have worked together to make sure fishermen from each state are treated fairly and the fishery remains biologically sound. West Coast fishermen, scientists, fishery managers, and conservation groups all agree that state management has been a success story.

From a conservation standpoint, state management of Dungeness crab is effective. The crabs are harvested in a way that ensures healthy populations for the future. In addition, the problem of bycatch, or incidental catch of other fish species, is almost non-existent in the crab fishery.

Under the Magnuson Act, the authority for state management of Dungeness crab expires next year. The expiration of state authority would have required the Pacific Fishery Management Council to develop a Federal fishery management plan in 1999. Developing this plan would have consumed scant Council resources and staff time.

As many folks in Oregon know, management of West Coast groundfish and salmon species presents huge challenges to fishery managers. The Council shouldn't be forced to divert critical resources from groundfish and salmon in order to manage a species like crab, which is doing fine under the existing states' plan. With the passage of this legislation today, the Council can continue to focus its resources on the fisheries that need special attention.

This bill makes common sense by taking advantage of the unique situation presented by the Dungeness crab fishery. Essentially, Congress is agreeing with what many folks have said of this fishery: "if it's not broken, don't fix it." I am glad Congress could work together in a bipartisan fashion to pass this common-sense legislation.●

THE SALTON SEA RECLAMATION ACT OF 1998

● Mrs. BOXER. Mr. President, I am so pleased that the 105th Congress has approved H.R. 3267, the Salton Sea Reclamation Act of 1998. This legislation is an important step toward an efficient and responsible restoration of the unique Salton Sea ecosystem.

Earlier this year, I introduced S. 1716, the Senate version of the Salton Sea restoration legislation. H.R. 3267 includes portions of my legislation. Although it does not authorize all of the steps necessary to complete the recovery of the Salton Sea as my bill would have done, it is a necessary step toward that goal.

Over the years, scientists, communities and politicians alike have been trying to draw national attention to the decline of the Salton Sea. Our late friend and colleague, Representative Sonny Bono, who died in a tragic skiing accident in January, worked tirelessly to make this issue an environmental priority for this Congress.

The Salton Sea is a unique natural resource in Southern California. Created in 1905 by a breach in a levee along the Colorado River, the Salton Sea is California's largest inland body of water. It is one of the most important habitats for migratory birds along the Pacific Flyway.

For 16 months after the breach, the Colorado River flowed into a dry lakebed, filling it to a depth of 80 feet. For a time following the closure of the levee, the water levels declined rapidly as evaporation greatly exceeded inflow. A minimum level was reached in the 1920s, after which the sea once again began to rise, due largely to the importation of water into the basin for agricultural purposes from the New and Alamo Rivers.

Since there is no natural outlet for the sea at its current level, evaporation is the only way water leaves the basin. All the salts carried with water that flows into the sea have remained there, along with salts re-suspended from prehistoric/historic times by the new inundation. Salinity is currently more than 25 percent higher than ocean water, and rising.

This extreme salinity, along with agricultural and wastewater in the sea, are rapidly deteriorating the entire ecosystem. The existing Salton Sea ecosystem is under severe stress and nearing collapse, with millions of fish and thousands of bird die-offs in recent years. Birds and fish that once thrived here are now threatened with death and disease as the tons of salts and toxic contaminants that are constantly dumped into the Salton Sea become more and more concentrated and deadly over time. The local economy is also being affected by the disaster at the Salton Sea by the loss of recreational opportunities, decrease in tourism, and the impact on agriculture.

We all now agree that we must take the necessary long-term and short-term steps to stabilize salinity and contaminant levels to protect the dwindling fishery resources and to reduce the threats to migratory birds. However, there is no consensus on how that should be done.

The Salton Sea Reclamation Act should answer those questions. It requires the Interior Department to report to Congress within two years on the options for restoring the Salton Sea, including a recommendation for a preferred option. Interior will review ways to reduce and stabilize salinity, stabilize surface elevation, restore the health of fish and wildlife resources and their habitats, enhance recreational use and economic development, and continue the use the Salton Sea for irrigation drainage.

When this report is submitted to Congress, we will then have the information necessary to act swiftly to authorize construction of a restoration project.

It has taken the hard work and dedication of many individuals to make this legislation a success. I would like to thank members of the Salton Sea Authority, including the Imperial County Board of Supervisors, the Riverside County Board of Supervisors, the Imperial Irrigation District, and the Coachella Valley Water District, the National Audubon Society, the Department of the Interior, Congresswoman MARY BONO, Congressman GEORGE BROWN, Congressman HUNTER, and the entire Salton Sea Task Force, Senator KYL and Senator CHAFEE.

Scientists have warned that the Salton Sea will be a dead sea within fifteen years. This legislation is an integral step to ensure that we avoid such a disaster.

I am pleased that my House and Senate colleagues have agreed to this necessary and important legislation that will not only benefit Californians and our natural heritage, but will also carry on the legacy of Representative BONO.●

THE SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

● Mr. REED. Mr. President, I speak today about passage of the conference report on the Securities Litigation Uniform Standards Act of 1998, S. 1260. Recently, the report was agreed to by both chambers of Congress and sent to the President for his signature.

I supported the Private Securities Litigation Reform Act of 1995 as well as S. 1260. I did so because I recognize the national nature of our markets as well as the need to encourage capital investment. I am pleased that we have been able to further these goals through this legislation. However, I am concerned by the attempt of a few to lessen the obligations owed investors.

Particularly troubling has been the incorrect use of legislative history to imply that a defrauded investor, now barred from discovery prior to the adjudication of a motion to dismiss, must include, in a pleading, evidence of conscious attempts to defraud by the defendant. First, no such implication was made by the 1995 bill. Second, no bill would have passed if such implications were included in the 1998 legislation. Thus, allegations of motive, opportunity, and recklessness, as well as conscious fraud, continue to satisfy the requirements of a 10b(5) pleading. This is the rigorous, but time-tested standard for pleading which has been applied in the Second Circuit. This is the standard that we adopted in 1995, and the national standard created by S. 1260.

The legislative history most frequently cited incorrectly is the Presidential veto message which accompanied his rejection of the 1995 bill; a veto which was overridden. I cannot understand why any weight would be given to the President's interpretation of a bill he vetoed. The purpose of any veto message is to portray the bill as negatively as possible, to avoid a veto override. Accusations the President made about the pleading standard were not only overblown, they were specifically rejected during debate after the veto and prior to the veto override.

Mr. President, as the Senate considered partially preempting state law, many Senators, including the primary sponsors of the bill, made clear that preemption would only occur if the federal standard insured investors protections from fraud. Most importantly this means a proper pleading standard and scienter requirement. This view was shared by Chairman Levitt of the Securities Exchange Commission. This is reflected in Chairman Levitt's testimony before Congress, in correspondence between the SEC and the Senate sponsors of the bill, as well as in statements by Banking, Housing and Urban Affairs Committee Chairman D'AMATO and the Ranking Member of the Securities Subcommittee, Senator DODD.

Recent events in foreign markets have made all too clear the havoc that results when investors are not fully apprized of substantial risks and rewards associated with investments. The Senate made clear that, in enacting partial preemption, it would not tolerate implementation of untested standards concerning the obligations owed investors. Nor, might I add, did industry proponents of the bill ask for a lessening of these standards.

In order to better illustrate this point, Mr. President, I ask that a letter I sent to Members of the Conference Committee on S. 1260 be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, October 2, 1998.

Chairman ALFONSE M. D'AMATO,
Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I write to you as a conferee on the Securities Litigation Uniform Standards Act of 1998, S. 1260. As you know, I supported passage of this legislation, and voted to override the President's veto of the Private Securities Litigation Reform Act of 1995. While class action suits are frequently the only financially feasible means for small investors to recover damages, such lawsuits have been subject to abuse. By creating national standards, such as those in S. 1260, we recognize the national nature of our markets and encourage capital formation.

However, it is essential to recognize that preemption marks a significant change concerning the obligations of Congress. When federal legislation was enacted to combat securities fraud in 1933 and 1934, federal law augmented existing state statutes. States were free to provide greater protections, and many have. Many of our colleagues voted for the 1995 legislation knowing that if federal standards failed to provide adequate investor protections, state law would provide a necessary backup.

With passage of this legislation, Congress accepts full and sole responsibility to ensure that fraud standards allow truly victimized investors to recoup lost funds. Only a meaningful right of action against those who defraud can guarantee investor confidence in our national markets. Recently, on the international stage, we have seen all too clearly the problem of markets which fail to ensure that consumers receive truthful, complete information.

Therefore, my support for this bill rests on the presumption that the recklessness standard was not altered by either the 1995 Act or this legislation. I strongly endorsed the Senate Report which accompanies this legislation because it stated clearly that nothing in the 1995 legislation changed either the scienter standard or the most stringent pleading standard, that of the Second Circuit. This language was central to the legislation receiving the support of Chairman Levitt of the Securities and Exchange Committee. It was also central to my support.

As the Senate Banking Committee recognized at his second confirmation hearing, Chairman Levitt has a lifetime of experience as both an investor and regulator of markets. That experience has led him to be the most articulate advocate of the need for a recklessness standard concerning the scienter requirement. In October 21, 1997 testimony before a Subcommittee in the House of Representatives, Chairman Levitt said, "[E]liminating recklessness . . . would be tantamount to eliminating manslaughter from the criminal laws. It would be like saying you have to prove intentional murder or the defendant gets off scot free. . . . If we were to lose the reckless standard we would leave substantial numbers of the investing public naked to attacks by . . . schemers."

In testimony before a Senate Banking Subcommittee, on October 29, 1997, Chairman Levitt further articulated his position regarding the impact of a loss of the recklessness standard. He said, "A higher scienter standard (than recklessness) would lessen the incentives for corporations to conduct a full inquiry into potentially troublesome or embarrassing areas, and thus would threaten the disclosure process that has made our markets a model for nations around the world."

The danger posed by a loss of recklessness to our citizens and markets is clear. We should not overrule the judgement of the SEC Chair, not to mention every single Circuit Court of Appeals that has adjudicated the issue. I would assume that the motives which led to SEC and the Administration to insist on the Senate Report language concerning recklessness would also apply to their views of the Conference Report.

With regard to the pleading standard, some Members of Congress, and, unfortunately, a minority of federal district courts, have made much of the President's veto measure of the 1995 legislation. Specifically, some have pointed out that the President vetoed the 1995 bill due to concerns that the Conference Report adopted a pleading standard higher than that of the Second Circuit, the most stringent standard at that time. As I, and indeed a bipartisan group of Senators and Representatives, made clear in the veto override vote, the President overreached on this point. The pleading standard was raised to the highest bar available, that of the Second Circuit, but no further. In spite of the Administration's 1995 veto, this preemption gained the support of Chairman Levitt. It is, therefore, difficult to understand how some can argue that the 1995 legislation changed the pleading standard of the Second Circuit.

The reason for allowing a plaintiff to establish scienter through a pleading of motive and opportunity or recklessness is clear. As one New York Federal District Court has stated, "a plaintiff realistically cannot be expected to plead a defendant's actual state of mind." Since the 1995 Act allows for a stay of discovery pending a defendant's motion to dismiss, requiring a plaintiff to establish actual knowledge of fraud or an intent to defraud in a complaint raises the bar far higher than most legitimately defrauded investors can meet.

Firms which advocate for S. 1260 do so based on the need to eliminate the circumvention of federal standards and federal stays of discovery through state court filings. They do not argue for a lessening of the obligations owed investors. I am concerned that should the conference committee include language which could be interpreted to eviscerate the ability of plaintiffs to satisfy the scienter standard by proof of recklessness or to require plaintiffs, barred from discovery, to adhere to a pleading standard requiring conscious behavior, the bill will lose the support of Chairman Levitt and many Members of Congress. I urge the Conference to support language included in the Senate Report and move forward with a bill that a bipartisan group in Congress can support and the President can sign.

Sincerely,

JACK REED,
U.S. Senator.

Mr. REED. Mr. President, I respectfully point out that the letter was sent during the Conference Committee negotiations on the bill and illustrates the fact that the Senate was unwilling to alter positions it established in Senate passage of S. 1260. I appreciate the opportunity to clarify the debate surrounding this issue. I commend Chairman D'AMATO and Senator DODD for their work on this bill. They have furthered the goal of capital formation while ensuring proper protections for consumers.•

TRIBUTE TO STATE REPRESENTATIVE MORRIS HOOD, JR.

• Mr. LEVIN. Mr. President, earlier this month, a powerful voice for fairness and compassion fell silent with the untimely death of State Representative Morris Hood, Jr.

Representative Hood served in the Michigan House of Representatives for 28 years, representing a part of the City of Detroit, my home town. He was the Chairman of the House Appropriations Committee. He distinguished himself in that role by fighting to make education accessible to all people. He strove to give everyone the opportunity to go to school, to obtain a job and earn a living. He was the primary founder of the King-Chavez-Parks initiative, which has provided thousands of dollars in scholarship money to deserving minority students. He was a believer in a positive role for government in our society. He once said, "There are some things government is meant to do. One of the them is to take care of those who can't take care of themselves."

Morris Hood, Jr. recognized the painful effects of discrimination and sponsored legislation to give small and minority owned businesses the ability to compete for state contracts. Foremost of all, Morris Hood was a promoter of the City of Detroit. He saw in Detroit a community full of possibilities, inhabited by people full of potential. He saw as his responsibility to use government as one means to unlock that potential. That is why he was such a strong supporter of Focus: HOPE, an organization that is near and dear to my heart. His voice will be dearly missed. Our hearts go out to his children, Denise and Morris III.

Mr. President I ask my Senate colleagues to join me in honoring the memory of a passionate legislator, State Representative Morris Hood, Jr.•

OUR UNFINISHED WORK TO PROTECT PRIVACY RIGHTS

• Mr. LEAHY. Mr. President, the American people have a growing concern over encroachments on personal privacy. It seems that everywhere we turn, new technologies, new communications media, and new business services created with the best of intentions and highest of expectations also pose a threat to our ability to keep our lives to ourselves, to live, work and think without having giant corporations or government looking over our shoulders, or peeking through our keyholes.

The current national media obsession with the Monica Lewinsky scandal has focused attention on abuses of power by independent counsel Kenneth Starr. I have been a prosecutor, and I am intimately familiar with the enormous power prosecutors wield. This power is generally circumscribed by a sense of honor and by professionalism, and for those for whom this is not enough, by the Bar's canons of ethics and disciplinary rules and, for federal prosecutors, the rules and regulations of the Department of Justice.

Mr. Starr has a different view of these obligations, and privacy has been the first casualty. He began his investigation into the President's personal life by using the results of an illegal wiretap. The State of Maryland protects its residents from having private conversations tape recorded without their knowledge or consent. Mr. Starr condoned the deliberate flouting of that law by granting the perpetrator immunity and then using the illicit recordings to persuade the Attorney General to expand his jurisdiction.

That was just the beginning. In February, Prosecutor Starr forced a mother to travel to the country's Capital to sit before a federal grand jury, with no right to have counsel present, and reveal the most intimate secrets of her daughter. That led me to introduce legislation to develop Federal prosecutorial guidelines to protect familial privacy and parent-child communications in matters that do not involve allegations of violent conduct or drug trafficking.

Mr. Starr issued subpoenas to bookstores to pry into what we read and further encroached upon our First Amendment rights with subpoenas to reporters, at every step acting contrary to Justice Department guidelines. He intruded into the attorney-client privilege, and even required Secret Service agents to gossip about those whom they are sworn to protect, and whose privacy they have safeguarded for decade upon decade. Then all of the private information he gathered, all of the excruciating details of personal life, appeared almost contemporaneously in the public press, attributed to unidentified sources, despite the command of the law that all matters before a grand jury remain secret.

The independent counsel law was passed with the best of intentions, with my support. I never imagined that the power would be so abused, and privacy so ignored. But that is the point. We must act to prevent abuses of privacy.

Mr. Starr, by his gross excesses, has become a symbol of the threat to privacy and the threat to individual liberty from abuse of power and information. That threat has been amplified by the unseemly haste with which the Republican majority on the House Judiciary Committee voted to plaster the mud from Ken Starr's report all over the Internet, so that literally all the world would have a chance to peek through the keyhole. This intemperate action, in an unabashed effort to gain political advantage at the expense of privacy and dignity, should be a lesson to the American people that we need additional legal protection to protect their privacy.

The far more pervasive problem is the incremental encroachment on privacy through the lack of safeguards on personal, financial and medical information about each of us that can be stolen, sold or mishandled and find its way into the wrong hands with a push of a button.

The right of privacy is one of the most vulnerable rights in the information age. The digitalization of information and the explosion in the growth of computing and electronic networking offer tremendous potential benefits to the way Americans live, work, conduct commerce, and interact with their government. But the new technology also presents new threats to our individual privacy and security, in particular, our ability to control the terms under which our personal information is acquired, disclosed, and used.

The threats are there, but so are the solutions, if we only take the time to look for them. For example, this Congress passed legislation that will make the United States government more accessible and accountable to the citizenry by directing Federal agencies to accept "electronic signatures" for government forms that are submitted electronically. When the bill was reported out of committee, it established a framework for government use of electronic signatures without putting in place any privacy protections for the vast amounts of personal information collected in the process. I was concerned that citizens would be forced to sacrifice their privacy as the price of communicating with the government electronically. Senator ABRAHAM and I corrected this oversight by adding forward-looking privacy protections to the bill, which strictly limit the ways in which information collected as a by-product of electronic communications with the government can be used or disclosed to others.

As I remarked when the bill passed, however, this is just the beginning of

Congress's efforts to address the new privacy issues raised by electronic government and the information age. Congress will almost certainly be called upon in the next session to consider broader electronic signature legislation, and issues of law enforcement access to electronic data and mechanisms for enforcing privacy rights in cyberspace will need to be part of that discussion.

The government also holds tens of millions of medical records of individuals covered by Medicare, Medicaid and other federal health programs. This information is routinely released by the government in individually-identifiable form for purposes such as medical research or in order to ferret out fraud and abuse. These are laudable activities, but without setting strong standards for an entity to meet before gaining access to this information there is the possibility of misuse and abuse of this very sensitive personal information.

We have a Federal Privacy Act in this country that has not been substantially changed since its passage almost 25 years ago. One purpose of the Privacy Act was to protect our citizens from government intrusion and the sharing of data across agencies without the knowledge or consent of the subject of the information. Yet, the Privacy Act contains a problematic "routine use" exception, which is already a huge loophole to use health and other information for any purpose.

I first noted my concern with this loophole during congressional hearings in 1996 on the transfer by the FBI of background investigation files to the White House for former Republican White House employees. The FBI admitted that it made these transfers pursuant to the "routine use" exception. Ironically, more information from the confidential FBI background files were revealed to the public in the course of congressional hearings than from any action taken elsewhere. For example, it was a House Committee that first revealed the names of people whose file summaries were requested. It was also a House Committee that used information from a Clinton White House employee's file to embarrass him and it was a House Chairman who "went public" with the confidential FBI background memo from the employee's background file in a statement made on the floor of the House. That is why during those hearings, on September 25, 1996, I called for a reexamination of the Privacy Act and tightening of the routine use loophole.

My concern is heightened by a July 16, 1998, published notice by the Health Care Financing Administration to add new "routine uses" to the Privacy Act. The proposal is very broad. In the name of combating fraud and abuse, this proposal would permit the release of individual specific information to any governmental or non-governmental entity that has anything to do with health care. This new HCFA "routine use" exception proposal turns our notion of privacy protection on its head, and makes more urgent the need for review of and restrictions on the "routine use" of private medical and other information collected and held by the government.

At a time when the Congress and the Administration are grappling with how best to protect the privacy of individually-identifiable medical records in the private health care sector, we better make sure that we have our own house in order. I introduced legislation in this Congress that would help protect the privacy of individually-identifiable medical records, and I plan to expand on that initiative in the next Congress to ensure that such records are not mishandled by Federal agencies.

The next Congress will also need to consider how our privacy safeguards for personal, financial and medical information measure up to the tough privacy standards established by the European Union. The EU Data Protection Directive is set to take effect next week. That could be a big problem for American businesses, since the new rules require EU member countries to prohibit the transmission of personal data to or through any non-EU country that fails to provide adequate data protection as defined under European law. European officials have said repeatedly over the past year that the patchwork of privacy laws in the United States may not meet their standards. Our law is less protective than EU standards in a variety of respects on a range of issues, including requirements to obtain data fairly and lawfully; limitations on the collection of sensitive data; limitations on the purpose of data collection; bans on the collection and storage of unnecessary personal information; requirements regarding data accuracy; limitations regarding duration of storage; and centralized supervision of privacy protections and practices.

The flow of information from Europe may not stop suddenly on Monday, but the clock is ticking. Europe is committed to enforcing the Directive. Our continued failure to address this issue could have serious economic consequences for U.S. firms and transborder data flows.

When we do address this issue—hopefully early in the next Congress—we may find that the problem is not that Europe protects privacy too much. We may find that the problem is our own failure to keep U.S. privacy laws up to date. The EU Directive is an example of the kind of privacy protection that American consumers need and do not have. It has encouraged European companies to develop good privacy techniques. It has produced policies, including policies on cryptography, that are consistent with the interests of both consumers and businesses.

Even if we decide not to lock in the commands of the EU Data Directive, we can learn from it. Marc Rotenberg, the Director of the Electronic Privacy Information Center, made this point eloquently earlier this year, when he testified before the House Committee on International Relations: "The EU Data Directive is not so much a problem as it is a reminder that our privacy laws are out of date." I agree with his conclusion that, in the end, "we need stronger privacy safeguards not to satisfy European government, but to assure the protection of our own citizens."

There is a cartoonish quality to the excesses of Ken Starr and the hamhandedness of the House Republican leadership, who seem to be vying for the title of poster child for privacy reform legislation. This could lull us into a false sense that their sort of nonsense may be pernicious, but it is not something that affects the average citizen. Do not be misled. It bears repeating again and again that personal, financial and medical information of any American can fall into the wrong hands.

Americans are rightly concerned about the adequacy of privacy protection in this country. Indeed, this is a matter that concerns all Americans in the most personal of ways.

The European Union has responded to the demands of the information age with tough privacy standards. The privacy protections in our new digital signature legislation show that we can get ahead of the curve, anticipate problems and head them off even before they arise, if only we give the matter the attention it deserves.•

WORLD POPULATION AWARENESS WEEK

• Mr. KOHL. Mr. President, I rise today to call World Population Awareness Week 1998 to the attention of my colleagues. October 24–31st marks the 13th annual celebration of World Population Awareness Week. More than 300 family planning, environmental, educational, community and service organizations in 61 countries are co-sponsoring the week in an effort to raise awareness of the need for universal voluntary family planning.

I call Governor Tommy G. Thompson's proclamation to the attention of my colleagues. I am pleased to note that Jeannette Bell, Mayor of West Allis has agreed to proclaim World Population Awareness Week as well.

I ask that the proclamation be printed in the RECORD.

The proclamation follows:

WORLD POPULATION AWARENESS WEEK PROCLAMATION—1998

Whereas world population stands today at more than 5.9 billion and increases by more than 80 million per year, with virtually all of this growth in the least developed countries;

Whereas the consequences of rapid population growth are not limited to the developing world but extend to all nations and to all people, including every citizen of the State of Wisconsin concerned for human dignity, freedom and democracy, as well as for the impact on the global economy.

Whereas 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one U.S. dollar or less a day;

Whereas 1.5 billion people—nearly one-quarter of the world population—lack an adequate supply of clean drinking water or sanitation;

Whereas more than 840 million people—one fifth of the entire population of the developing world—are hungry or malnourished;

Whereas demographic studies and surveys indicate that at least 120 million married women in the developing world—and a large but undefined number of unmarried women—want more control over their fertility but lack access to family planning;

Whereas this unmet demand for family planning is projected to result in 1.2 billion unintended births;

Whereas the 1994 International Conference on Population and Development determined that political commitment and appropriate programs aimed at providing universal access to voluntary family planning information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more. Now, therefore, I Tommy G. Thompson, Governor of the State of Wisconsin, do hereby proclaim the week of October 25–31, 1998 as World Population Awareness Week, and urge citizens of the State to take cognizance of this event and to participate appropriately in its observance.•

TRIBUTE TO FRANKIE YANKOVIC, AMERICA'S POLKA KING

Mr. FEINGOLD. Mr. President, on October 15th, America lost it's reigning Polka King, and Wisconsin lost a beloved friend: Frankie Yankovic.

From the day he debuted in the Milwaukee area at Bert Phillips Ballroom in Menomonee Falls, Frankie Yankovic has had a special place among Wisconsin's polka fans. Wisconsinites loves to polka, so much so that it's our state's official dance. And no polka musician has won more accolades, had more devoted fans, or taught more Americans to love that simple dance than Frankie Yankovic.

While he was born in West Virginia and was a long-time resident of Cleveland, Frankie Yankovic felt a special connection to Milwaukee. "I should have come here and made Milwaukee my hometown," he once said. There is nothing we'd have liked better, but Wisconsinites were lucky for the many chances we've had to enjoy Yankovic's music, and to pay tribute to his myriad achievements in the music world.

In fact, it was in Milwaukee that Yankovic was crowned as America's Polka King in 1948. Just one year later, his "Blue Skirt Waltz" hit number two on Columbia Records' bestseller list, just behind Gene Autry's "Rudolph the Red-Nosed Reindeer," one of the best-selling records of all time. He was the first inductee to both the Polka Hall of Fame in Minnesota in 1988 and the Wisconsin Polka Hall of Fame in 1996.

Yankovic didn't just contribute to popular music, he revolutionized it by infusing traditional polka music with a smoother style, and introducing new instruments, such as the bass fiddle, to polka arrangements.

Throughout his career, Yankovic's singular style energized audiences. His compositions were legendary, including such Wisconsin-inspired tunes as the "Kringleville Polka," about Racine, and "There's No Joy Left Now in Milwaukee," about the Braves leaving for Atlanta.

Yankovic was a man who made audiences roar and floors shake as he brought capacity crowds to their feet to do that simple step that just, as Yankovic put it, "makes people happy." He often rallied audiences by asking "What do you think this is, a concert? Let's get up and dance!"

Milwaukeeans know that Frankie Yankovic was loved coast to coast, appearing on Johnny Carson and performing with the likes of Milton Berle and Doris Day. And we know that Cleveland was his permanent address. But in Wisconsin, we proudly count him as one of our own. "I love Milwaukee," he often said, and Milwaukee loved him back. On behalf of the people of Wisconsin, I thank Frankie Yankovic for the happiness he brought to Wisconsin's polka fans over the years, and I pay tribute to his memory.•

CONGRESS AGAIN FAILS TO CLEAN UP BROWNFIELDS

• Mr. LAUTENBERG. Mr. President, I very much regret that once again—for the 3rd Congress, that's six years—the Congress has refused to take action on brownfields legislation because of unrelated and very controversial issues related to the Superfund program.

As I have for three Congresses, on the very first day of the 105th Congress, along with ten other Senators, I introduced S. 18, a bill to encourage brownfields revitalization efforts. Brownfields are abandoned, or idle, former industrial properties which may or may not be contaminated. Brownfields exist in cities, suburbs and rural areas. Their reuse can result in badly needed jobs and significant revenues along with environmental cleanup of hundreds of thousands of communities across the country. One section of S. 18 established an exemption from potential Superfund liability for developers who clean up brownfields but had nothing to do with any contamination that might be present. These provisions merely clarified that Congress did not intend the specter of Superfund liability to deter the purchase and redevelopment of brownfields properties. This simple clarification has long enjoyed broad-based, bipartisan support.

Mr. President, on November 7, 1997, I also introduced S. 1497. This bill is in some ways analogous to the brownfields bill, in that it provides an exemption from Superfund liability for homeowners, small businesses, and non-profit organizations which sent only municipal solid waste to Superfund sites.

Mr. President, S. 1497 was, so to speak, dedicated to Barbara Williams, and all those like her, who got caught up unfairly in a litigation web that the Congress never intended when Superfund was written. Barbara Williams is the owner of Sunny Ray Restaurant. Ms. Williams was sued and asked to pay for cleanup of a Superfund site, though she only disposed of mashed potatoes and other restaurant waste at that site. She has testified before the Environment and Public Works Committee twice.

Mr. President, I find it appalling that this woman was stuck in a Superfund lawsuit, brought by industries that had polluted the site but did not want to pay to clean up their mess. S. 1497 included a provision clarifying that Congress did not intend parties such as homeowners, pizza parlor owners, or girl scouts—that disposed only of household, or household-like trash—to be subject to suit under Superfund. Like brownfields liability exemptions, these exemptions for innocent parties enjoy broad, longstanding, bipartisan support.

Mr. President, this is the third consecutive Congress we have negotiated comprehensive Superfund reform, but failed to pass legislation. In the 103rd Congress, the Committee marked up a comprehensive Superfund reform bill that boasted unusually broad-based support, and reported it out on an 13:4 vote. But for reasons which had little to do with Superfund, for reasons that were blatantly political, the bill was not enacted into law. In the 104th Congress, consensus evaporated, and the Republican Majority introduced comprehensive reform bills that can only be described as extreme. In the 105th Congress, the parties got closer, yet, despite the hundreds of hours of work by our staffs, did not get close enough. I personally spent weeks negotiating painstaking details of this complex statute. But unfortunately, rather than resolve remaining differences, the Committee elected to proceed to a partisan mark-up. Indeed, it reported its Superfund bill, S. 8, almost entirely along party lines, with the vote on final passage at 11:7.

Mr. President, the Committee may or may not take up comprehensive reform again in the 106th Congress. Given GAO's August, 1998 report finding that EPA has already selected remedies at 95% of non-federal Superfund sites, I question whether this effort is at all worthwhile. But the battle lines are beginning to be drawn. It is reported that some are urging industry to spend as much as did the tobacco industry—some $40 million—to have their way.

But while my Republican colleagues persist in an all or nothing strategy, I urge that this body be cognizant of the price exacted by this approach. This posture essentially takes our nation's cities and small businesses as hostages in a war over Superfund. And the consequences are very real.

The nation's Mayors estimate they lose between $200 and $500 million a year in tax revenues from brownfields sitting idle, and that returning these sites to productive use could create some 236,000 new jobs. They, as well as developers and bankers, say immediate action is imperative, since new tax laws provide incentives for brownfields redevelopment, but expire in 2001. In short, the window is narrow during which brownfields reform will make any difference at all. Each day Congress fails to act on brownfields liability, it deprives our cities of unique redevelopment opportunities.

And as for municipal solid waste, as Mrs. Williams testified, neither her lawyer's fees nor her settlement costs are covered by insurance, nor are they business expenses she can deduct. She must make enough money to pay these penalties on top of her other bills and her payroll. Each day Congress fails to free Barbara Williams and requires that she pay still more lawyers' fees, Congress adds to her burden, or as she testified, expands the "cloud" cast over her head.

Mr. President, I submit that holding these non-controversial, practical and entirely beneficial bills hostage to an ideological fight over the Superfund program is not in the public interest. I am very disappointed that for the sixth year in a row, we withheld action on legislation that could provide enormous benefits to the public. This is what gives government a bad name. •

REAUTHORIZATION OF THE SURFACE TRANSPORTATION BOARD

• Mr. HOLLINGS. Mr. President, I rise today to express my disappointment that S. 1802, the reauthorization of the Surface Transportation Board (Board), failed to pass the Senate. I have spoken out in favor of the Board on many occasions. I want to reemphasize today my commitment to seeing that the Board will be in business for a long time and will be given the resources that it needs to continue its vital work.

The Board is the independent economic regulatory agency that oversees the Nation's rail and surface transportation industries. A healthy transportation system is critical to sustaining a vibrant and growing economy. Under the able and forward-looking leadership of Linda Morgan, the Board's Chairman, who was with us on the Commerce Committee for many years, the Board has worked to ensure that the transportation system is both healthy and responsive. Although it was established to be principally an adjudicatory body, the Board has reached out to the transportation community in an unprecedented way. It has handled the crisis in the West appropriately, letting the private sector work it out where possible, but intervening when necessary. It has initiated proceedings at the request of Senator McCAIN and Senator HUTCHISON to review the status of access and competition in the railroad industry, and its actions have produced a mix of government action and private-sector solutions. With its staff of 135, it puts out more work than much larger agencies, issuing well-reasoned, thoughtful, and balanced decisions in tough, contentious cases. Just recently, in the Conrail acquisition case, the Board issued one such decision that is good for my State, and for the Nation.

But the Board is stretched thin. It needs to train new people to replace the many employees who are likely to retire soon. And next year, it will continue to expend resources monitoring the implementation of the Conrail acquisition and the rest of the rail network. The Board needs adequate resources to do the hard work that we expect it to do.

Because we need the Board, and because the Board has done a fine job, I am here today supporting a clean reauthorization bill. I supported the Staggers Act when it was passed, and I think in large part it has been a success.

I know that there is some concern about how our transportation system ought to look, and that there are many important issues on the table right now. Several of those issues are being handled by the Board, in connection with its competition and access hearings. I am confident that the Board will do the right thing with the issues before it.

However, some of the tougher issues that have not yet been resolved—for example, the substantially more open access that some shippers want—are not for the Board. They are for us, and they are real. But the fact that the railroads and those who use the system have a lot of ground to cover on these legislative issues should not hold up the Board's reauthorization. Legislative change is our job. The Board, working with the law we gave it, has done its job. I want to thank the Board in general, and Chairman Morgan in particular, who has my unqualified support, for a job well done. The Nation needs agencies like the Board and public servants like Chairman Morgan.•

TRIBUTE TO FORMER STATE REPRESENTATIVE PERRY BULLARD

• Mr. LEVIN. Mr. President, I rise to speak of the untimely death of former Michigan State Representative Perry Bullard.

Perry Bullard had a sharp mind, and a tongue to match. He has been called outspoken and abrasive. But what he really was was a passionate legislator. He had a fundamental belief in democracy, and the protection of individual liberties. He served in the Michigan House of Representatives for 20 years, rising to the position of Chairman of the House Judiciary Committee. His commitment to the rights of individuals in a democracy and the rights of individuals to access their government are evidenced by the bills he sponsored which have become law. He wrote the Michigan Open Meeting Act, the state Freedom of Information Act, the Whistleblower Protections Act and the Polygraph Protections Act. He was behind the passage of the state's Statutory Will Act, which created a fill-in-the-blank will form that allows people to write their own wills. Equally important to the bills he passed were the bills he stopped. He prevented passage of legislation to loosen requirements for police wiretaps, and to allow for police entering homes without a warrant. Perry Bullard was a liberal, and unabashedly so. He believed that being liberal meant protecting liberty. For him protecting liberty meant putting the interests of the public ahead of those of the state. He will be missed and our hearts go out to his wife, Kelly.

Mr. President I ask my Senate colleagues to join me in honoring the memory of a passionate legislator, Perry Bullard.•

BILL LANN LEE

• Mrs. BOXER. Mr. President, I want to express my deep disappointment and sadness that the Senate has failed to act on the nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights at the Department of Justice.

Bill Lann Lee's nomination was sent to the Senate in July, 1997. I had the honor of introducing him to the Judiciary Committee, and I have spoken to the Senate numerous times to urge his confirmation. In my travels throughout my home state of California, I have heard over and over from his supporters, "please make sure Bill Lann Lee gets confirmed."

I cannot explain why the Senate failed to act on this eminently qualified nominee. I can only guess that an eminently qualified candidate fell victim to partisan politics. Mr. Lee has served for 10 months as the Acting Assistant Attorney General for Civil Rights because the Judiciary Committee refused to report the nomination. The Committee did not act because it did not wish the full Senate to vote—because the majority of that Committee knew that Bill Lann Lee would be confirmed if a vote were taken.

If any member of this body does not wish to confirm one of the President's nominees, then he or she should have the courage to vote that nominee down. But that did not happen.

In all this time, one thing is certain; those who know Mr. Lee, and those who are aware of his record, know Mr. Bill Lann Lee is the best person for the position of Assistant Attorney General for Civil Rights at the Department of Justice. Unfortunately, this nomination has been held back by a few senators who oppose Mr. Lee as head of the Civil Rights Division because, oddly enough, Mr. Lee believes strongly in civil rights.

I want the record to be clear about Bill Lann Lee, his personal history and his professsional credentials, both of which make him the perfect candidate to be Assistant Attorney General for Civil Rights.

Bill Lann Lee was born in Harlem, the son of hardworking, patriotic, immigrant parents who came to this country because they believed America was the land of opportunity. His father, William Lee, not only spoke of this, but also showed his son by example, that a penniless immigrant who works hard in this country can make a better life for himself and for his family. Many of us know the senior Lee was a laundryman in New York, who faced daily unspeakable discrimination. What some of my colleagues may not know is that the senior Lee volunteered in the U.S. Army Air Force during World War II. He fought overseas for America and all that America stands for, and he advanced to corporal, where as an Army soldier, he was treated just like everyone else.

Bill Lann Lee took to heart these lessons of hard work and dedication to America's values. He attended the renowned Bronx High School of Science. He went on to attend Yale on a scholarship and graduated Phi Beta Kappa and magna cum laude. He received his law degree from Columbia University Law school.

Attending school, Mr. Lee was one of the most formally dressed students. He frequently wore white dress shirts to class, while his classmates wore sweatshirts with college logos. When I think of the reason why Bill Lann Lee wore white dress shirts every day, tears well up in my eyes.

Bill Lee, who came from poverty, wore white dress shirts because these were the shirts left behind at his parents' laundry business. Bill Lee wore the clothes that were forgotten by others. He wore the clothes that his parents toiled over, despite the cramp conditions in their tiny laundry, despite the fact they all ate their meals amidst piles of dirty laundry. All this in hopes that one day their children would make something of themselves—an immigrant's dream—the American dream. And Bill Lann Lee wore those white dress shirts with pride, to save money for his family, to save money for his education, all this in hopes that one day he would fulfill that dream, and make something of himself.

Mr. Lee spent most of his 24-year legal career with the NAACP Legal Defense and Educational Fund, which was founded by the late Supreme Court Justice, Thurgood Marshall. Lee left the Legal Defense Fund in 1983 and worked for the Center for Law in the Public Interest, but eventually returned to the Legal Defense Fund in 1988.

During the course of his career, Mr. Lee showed his ability to build consensus and coalitions, fostering negotiations and settlements even as he litigated contentious civil rights cases. An example of this is a case alleging that Vons Grocery Stores' hiring practices kept women and minorities locked in entry-level jobs. Lee's skill to seek a settlement resulted in the praise of Vons' general counsel because the court decree expressly stated Vons was not required to meet quotas or hire unqualified individuals, but that Vons must show a good faith effort for hiring and promoting qualified minority employees.

While Bill Lee's record speaks volumes, many have felt they wanted to add a few words.

In a letter to Erskine Bowles, Mayor Richard Riordan of Los Angeles explained that Mr. Lee was opposing counsel in an important civil rights case (Labor/Community Strategy Center v. Los Angeles County Metropolitan Transportation Authority) which was ultimately settled. Mayor Riordan writes, "The work of my opponents rarely evoke my praise, but the negotiations could not have concluded successfully without Mr. Lee's practical leadership and expertise." Mayor Riordan believes Mr. Lee to have a stellar track record as a civil rights litigator, and in closing, writes: "Mr. Lee has practiced mainstream civil rights law. He does not believe in quotas. He has pursued flexible and reasonable remedies that in each case were approved by a court."

Additionally, former U.S. Senator Hiram Fong, a Republican from Hawaii, lends his support to Mr. Lee. Senator Fong, who served in the U.S. Senate for 17 years and was on the Judiciary Committee, states "I am herewith heartily endorsing the nomination of Bill Lann Lee to the position of Assistant United States Attorney General for Civil Rights . . . His record shows that he is an exceptional litigator with over 20 years experience with civil rights issues."

Also, William Murphy, District Attorney for Staten Island, New York, wrote on behalf of the National District Attorneys Association in strong support for Bill Lee. Mr. Murphy writes "I believe that as the Assistant Attorney General for Civil Rights, he will remain fully cognizant of the need and expectations of the people of the United States to be provided effective, efficient and fair law enforcement services. I am convinced that he will do his utmost to insuring that honest and hardworking police officers are not tarnished by the acts of a few miscreants."

Even Kenneth Klein, the lead attorney on the opposing legal team on the Los Angeles County Metropolitan Transportation Authority case, wrote a letter of support for Mr. Lee. Mr. Klein, a former prosecutor, writes: "Notwithstanding the significant disparity between Mr. Lee's political philosophy and my own, I cannot think of a better candidate to fill the position of Assistant Attorney General for Civil Rights than Bill Lann Lee."

Mr. President, again, I deeply regret that the Senate did not have the chance to vote on this nomination. I know that Bill Lann Lee would have been confirmed by a wide margin. I am sorry that those senators who disagreed with the President and his nominees to express that disagreement in the form of a vote.

Mr. President, I ask that these letters of support be printed in the RECORD.

The letters follow:

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITY OF LOS ANGELES,
OFFICE OF THE MAYOR,
Los Angeles, CA, March 20, 1997.

Re: Bill Lann Lee, candidate for Assistant Attorney General, Civil Rights Division, United States Department of Justice.

ERSKINE BOWLES
Chief of Staff, Office of the President, The White House, Washington, DC.

DEAR MR. BOWLES: I am writing to support the appointment of Bill Lann Lee to the United States Department of Justice position of Assistant Attorney General, Civil Rights Division. Throughout his distinguished career as a civil rights lawyer, Mr. Lee has worked to advance the civil rights progress of the nation and of our richly diverse city of Los Angeles.

In my opinion, Bill Lee is an astute lawyer who is superbly qualified to enforce our national civil rights laws. Mr. Lee's candidacy offers the president an excellent opportunity to reaffirm his strong support of women's rights and civil rights laws.

Mr. Lee first became known to me as opposing counsel in an important civil rights case concerning poor bus riders in Los Angeles. As Mayor, I took a leading role in settling that case. The work of my opponents rarely evoke my praise, but the negotiations could not have concluded successfully without Mr. Lee's practical leadership and expertise.

I know that his expertise is the result of working twenty-two years in the "All Star" leagues of civil rights litigators. His track record is nationally renowned and speaks for itself. Beyond the many victories, what makes his work special is that he has represented clients from every background, including poor whites, women and children suffering from lead poisoning. His admirable ability to win the trust of so many communities is evident in the broad coalition of civil rights and women's rights experts who are backing his candidacy for this position.

Mr. Lee has practiced mainstream civil rights law. He does not believe in quotas. He has pursued flexible and reasonable remedies that in each case were approved by a court.

Mr. Lee is an outstanding citizen of Los Angeles. He has my enthusiastic support and strongest recommendation for the position of Assistant Attorney General for Civil Rights.

Sincerely,

Richard J. Riordan,
Mayor.

Finance Enterprises, Ltd.,
Honolulu, HI, August 25, 1997.

To the Members of the Committee on the Judiciary,
U.S. Senate,
Washington, DC.

Gentlemen: As one who has served in the United States Senate from the State of Hawaii for seventeen years and as a former member of the Senate Judiciary Committee, I am herewith heartily endorsing the nomination of Bill Lann Lee to the position of Assistant United States Attorney General for Civil Rights.

Mr. Lee has had a very distinguished career in public service especially in matters pertaining to civil rights discrimination.

I have been deeply impressed by Mr. Lee's efforts in behalf of the poor, children, minorities, women and others who seek a more just and fair society. He is able and well qualified for the position he seeks. His record shows that he is an exceptional litigator with over 20 years experience with civil rights issues.

I respectfully request that Mr. Bill Lann Lee's nomination be given an early hearing and that he be given the Committee's endorsement.

With warmest aloha,

Sincerely,

Hiram L. Fong
U.S. Senator, Retired.

National District Attorneys Association,
Alexandria, VA, October 3, 1997.

Hon. Orrin G. Hatch,
Chairman, Senate Committee on the Judiciary, Washington, DC.

Dear Chairman Hatch: I strongly support the nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights for the Department of Justice.

Through his work as a Civil Rights attorney, Bill Lann Lee is, I believe, well versed in the problems confronting law enforcement at the community level and in particular in the problems facing our police departments in regard to their relationships with the communities they serve. Crucial to his success as Assistant Attorney General will be his ability to minimize destructive conflict between state, local and federal resources to achieve the goal of bringing peace and harmony to our communities.

In my discussion with him on his goals in his nominative role, Mr. Lee has indicated his strong dedication to seeking out nonconfrontational and alternative methods of resolving the festering problems besetting our police. Moreover, he recognizes that many complaints are without merit and based in perception rather than fact. He is eminently aware that he must make a viable and continual contribution to fostering a stronger working relationships between law enforcement and all segments of our communities to achieve the goal of ending both actual and perceptions of police misconduct.

During our discussions we also addressed how best to accomplish the investigative efforts, involving both local and federal interests, in cases involving police misconduct. He has pledged to work with local leaders to develop protocols to combine efforts to ensure effective use of assets, a fuller development of the pertinent facts and a timelier resolution. This alone would be a lasting contribution if brought to fruition.

I believe that as the Assistant Attorney General for Civil Rights, he will remain fully cognizant of the need and expectations of the people of the United States to be provided effective, efficient and fair law enforcement services. I am convinced that he will do his utmost to insuring that honest and hardworking police officers are not tarnished by the acts of a few miscreants.

Thank you for considering my perspective in considering this important appointment.

Sincerely,

William L. Murphy,
District Attorney, Richmond County, NY

Riordan & McKinzie,
Los Angeles, CA, September 19, 1997.

Re: Bill Lann Lee

Hon. Orrin Hatch,
Chairman, Senate Judiciary Committee,
Washington, DC.

Dear Senator Hatch: I am aware of the fact that the Senate Judiciary Committee is considering the nomination of Bill Lann Lee for the post of Assistant Attorney General for Civil Rights. As the lead attorney representing the Los Angeles County Metropolitan Transportation Authority in the case of *Labor/Community Strategy Center, et al.* v. *Los Angeles County Metropolitan Transportation Authority* (the "LACMTA litigation"), I came to know Bill Lann Lee quite well. We clashed on many issues during the course of that litigation. However, I have nothing but the highest regard for Mr. Lann Lee as an attorney and as a gentleman.

Additionally, as a former prosecutor, it is my belief that the Assistant Attorney General for Civil Rights must be an individual who is pragmatic. During the course of the LACMTA litigation, we were able to work with Mr. Lee to reach compromises on a number of substantial issues—the most important of which was the Consent Decree that resolved the litigation. Were it not for Mr. Lee's pragmatic approach, the parties would never have been able to resolve their differences.

Notwithstanding the significant disparity between Mr. Lee's political philosophy and my own, I cannot think of a better candidate to fill the position of Assistant Attorney General for Civil Rights than Bill Lann Lee.

Sincerely,

Kenneth Klein,
of Riordan & McKinzie.●

THE JOURNAL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Journal of Proceedings be approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

RICKY RAY HEMOPHILIA RELIEF FUND ACT OF 1998

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 707, H.R. 1023.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 1023) to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DeWINE. Mr. President, H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act, would authorize the establishment of a fund from which compassionate payments would be made to people with hemophilia who contracted HIV/AIDS through tainted blood products during the early 1980s. These people were victimized by the failure of the federal government to safeguard these blood products—failures included inadequate measures to screen out high-risk donors and long-delayed recalls of blood products known to pose an elevated risk of infection. During the time period specified in the legislation, approximately 7,200 victims were infected. Each victim—or the victim's family—would receive a single $100,000 payment. The total authorization is $750,000, which would have to be separately appropriated. The relief fund sunsets after 5 years. H.R. 1023 passed the House without objection on the suspension calendar in May. Similar legislation in the Senate (S. 358), which I sponsored, has 62 bipartisan cosponsors.

Mr. JEFFORDS. I rise to make remarks concerning the Ricky Ray Hemophilia Relief Fund Act to provide compassionate payments to hemophiliac victims of the blood supply crisis of the 1980s. The House passed the bill last May and the Senate passed the bill today. The tragedy of the blood supply's infection has brought unbearable pain to families all over the country. I have heard from hundreds of these individuals and families over the past months, and I had hoped this bill would bring some closure to the grief of thousands of families who have suffered because of the blood crisis of the 1980s.

I am saddened, however, that the bill that passed the House acknowledged fewer than half the victims of the blood supply crisis. Along with Senators Warner and Faircloth, I have fought to include victims of transfusion-associated AIDS in the bill this year. They are victims of the same blood supply crisis and are just as deserving of acknowledgment and compassion from the federal government.

I cannot overstate my disappointment, and I can only imagine their pain. This is a group of people that has suffered a great tragedy. In their minds, in the minds of the hemophiliac community, and in the minds of members who have advocated for the Ricky Ray bill, the federal government played a role in the tragedy. It would be bad enough for the federal government to never step forward and acknowledge the tragedy, but passing a bill without them would have been the worst kind of affront. We would have acknowledged the tragedy, but ignored the distress it has brought to this particular community.

With commitment from a few of my key colleagues that we would pass a bill for transfusion-associated AIDS cases next year, I supported passage of H.R. 1023. I want to take this opportunity to discuss some of the background of the bill and the reasons that I have fought so hard to include the transfusion-associated AIDS community in the Ricky Ray bill this year.

While financial need and simple compassion for the tragedy suffered may be two reasons of many to pass this bill, these reasons alone cannot justify government payments to victims of the blood supply. The bill is heavily rooted in the belief that in the early to mid-1980s the government failed to protect users of the blood supply. The record that has been built in the Senate in floor speeches and in testimony provided at the Labor Committee hearing reflects this reason above all others for passing this bill.

Last October the Senate Committee on Labor and Human Resources held a hearing on "HIV/AIDS: Recent Developments and Future Opportunities." A good portion of that hearing was devoted to a discussion on the blood crisis of the 1980s, resulting in the HIV infection of thousands of Americans who trusted that the blood or blood products with which they were treated was safe. Witnesses at the hearing included John Williams, the father of a child who contracted HIV from the clotting factor and died at the age of 18, and Donna McCullough, a young woman who contracted HIV when she received a blood transfusion after a miscarriage.

Several witnesses at the hearing, including my colleagues Senator MIKE DEWINE and Congressman PORTER GOSS, testified that the federal government played a role in bringing on this tragedy and therefore owes this expression of compassion to the community affected.

Witnesses testified that the federal government is the watchdog charged with protecting the blood supply and that the government failed to respond aggressively to the early signs of blood borne diseases. The government did not do all it could have done to screen donors and test blood. The government failed to recall potentially contaminated blood and blood products; and then, knowing that transfusion of HIV-infected blood and blood products led to HIV infection, knowing that some of the blood was contaminated, and knowing that people were using it, the government still failed to notify people who were at risk. The details of the government's role were outlined in an Institute of Medicine (IOM) report published in 1995.

THE INSTITUTE OF MEDICINE REPORT

The IOM was commissioned to assess what happened in the 1980s with the hope of avoiding another crisis like the one that has devastated these families. The resulting report, "HIV and the Blood Supply: An Analysis of Crisis Decisionmaking" made criticisms of the government's handling of the blood crisis and has been cited many times in support of the Ricky Ray bill. Witnesses at the hearing spoke about the report and its findings, and it has been quoted repeatedly by advocates for the Ricky Ray bill.

The report is usually quoted in a way that highlights the shortcomings of government decision-making as they affected the hemophiliac community. But there is more to the report, and I would like to outline some of the points that are made most often with regard to the IOM report—both because I think the findings of the report provide insight as to why the Ricky Ray bill has enjoyed the support it has, and also to demonstrate that the IOM findings applied equally to the transfusion community.

The IOM Committee found a "failure of leadership" with regard to the government's role in ensuring the safety of the blood supply. We know that "failure of leadership" led to the HIV infection of more than one-half of the Nation's hemophilia population. In fact, the IOM Committee identified problems that:

> indicated a failure of leadership and inadequate institutional decision making processes in 1983 and 1984. No person or agency was able to coordinate all of the organizations sharing the public health responsibility for achieving a safe blood supply.

The suggestion that only the hemophiliac community was affected by a "failure of leadership" is an inaccurate representation of the report's findings. More importantly, that representation tragically excludes transfusion-associated AIDS cases, a community that is equally deserving of acknowledgment. Any failings of the government with regard to ensuring a safe blood supply clearly affected transfusion recipients as well as hemophiliacs.

The IOM Committee also concluded that:

> when confronted with a range of options for using donor screening and deferral to reduce the probability of spreading HIV through the blood supply, blood bank officials and federal authorities consistently chose the least aggressive option that was justifiable.

The government's decision to use least aggressive options with regard to donor screening and deferral decisions not only bypassed an opportunity to slow the spread of HIV within the hemophilia community, it resulted in thousands of cases of transfusion-associated AIDS. If infected blood had not been donated, no one would have been infected.

The IOM report outlined several specific areas where it found that the government failed to provide leadership, including:

March, 1983 letters relating to donor screening were unclear and not specific in their directives.

A July, 1983 decision not to recall plasma products automatically whenever linked to individual donors identified as having or suspected of having AIDS.

Delay in FDA's formal decision to recommend tracing recipients of transfusions from a donor who was later found to have HIV.

Each of these failures has been described on this floor with regard to how it affected the hemophiliac community, leaving the strong impression that only the hemophiliac community was affected. Again, with full understanding of the facts, it is obvious that each of these decision points affects not only a hemophiliac in receipt of an infected blood product, but any recipient of an infected blood transfusion, whether hemophiliac, surgical patient, or a mother who had just lost her first child to a miscarriage.

The IOM used the phrase "missed opportunities" to characterize the government's activities during the early and mid-1980s. Advocates for the Ricky Ray bill have made much of how the "missed opportunities" affected the hemophiliac community. The IOM said:

> The Committee believes that it was reasonable to require blood banks to implement these two screening procedures [screening donors and testing blood for surrogate markers] in January 1983. The FDA's failure to require this is evidence that the agency did not adequately use its regulatory authority and therefore missed opportunities to protect the public health.

Seen in context, the "missed opportunities" argument, like the "failure of leadership" argument, applies equally to the transfusion-associated AIDS cases.

LEGAL BARRIERS

Mr. Williams and others at the hearing last October testified that the hemophiliac community has found it nearly impossible to make recovery through the courts because of blood shield laws in most states that raise the burden of proof for product liability claims for blood and blood products. In addition, all states have statutes of limitations that prohibit litigation if the suit was not filed within a certain period of time. These arguments also have been presented on the Senate floor in support of the Ricky Ray bill and the hemophiliac community.

Again, these legal barriers also apply to the transfusion cases. Transfusion-associated AIDS victims are subject to the same blood shield laws and statutes of limitations that Mr. Williams mentioned at the Labor Committee hearing last fall. I heard from one father in Virginia who described the humility of being laughed at as the winning defense attorneys left the courtroom. He and his wife had filed suit after their three-year old son died of AIDS. The boy had been infected by a transfusion he received as an infant. Is he any less deserving?

Furthermore, we must note that the hemophiliac community has settled a class action with the factor manufacturers for $100,000 per infected individual. The transfusion community has won no such class action award. Some people may think that most transfusion victims recovered millions of dollars in court, and therefore need not be helped in this legislation. That is simply not the case. While in a very few cases individuals in this group were able to track the source of their infection and bring suit successfully against the blood bank, the vast majority were not.

According to the book "Transfusion-Associated AIDS," by Robert K. Jenner, an attorney who has represented both hemophiliac and transfusion victims, only 2–6% of transfusion victims have received any compensation through legal action. He cites a study conducted by Transfusion magazine, and notes that only 150–300 transfusion lawsuits were filed. Of those, only 40 went to trial, and only 14 resulted in awards. Many of the 14 awards were later reduced by the court or settled after trial for a lesser amount.

Combining these numbers with CDC's estimate that there are 10,214 victims of transfusion-associated AIDS from the early and mid-1980s, we can calculate that somewhere between 1.5 to 3% of transfusion cases filed suit, and far less than 1% of those experienced recovery anywhere near the hundreds of thousands we have been led to believe they received in court.

COMPENSATION IN OTHER COUNTRIES

We have been reminded frequently that the U.S. is the last developed country to provide assistance/compensation to hemophiliacs who were infected with HIV by contaminated blood. What we haven't heard is that many of those countries included other victims of the blood supply crisis in their compensation programs, including Australia, Canada, Denmark, France, Italy, and Switzerland.

ESTIMATING TRANSFUSION VICTIMS

I know some of my colleagues may be concerned that we don't know enough about the transfusion victim community to have confidence in the number of victims we have calculated. I believe we know quite a bit. The estimated number of transfusion victims, 10,214, is based on data obtained from the Centers for Disease Control, the federal agency charged with tracking incidence of AIDS. Further, the Congressional Budget Office has analyzed this number and concurs with the estimate.

While we cannot identify these victims by name, I don't see how we could and I don't see why we need to. The legislation that was reported unanimously by the Committee on Labor and Human Resources, S. 2564, establishes appropriate criteria that must be demonstrated in order to collect a compassionate payment.

We know that the transfusion victims acquired AIDS through the same mode of transmission as the hemophiliac community and they have suffered greatly. Like the hemophiliac community, some of them passed the disease on to their spouses and children and must live with that pain. Like the hemophilia community, some of them have experienced extreme financial difficulty because of the combined effect of their underlying disease and AIDS.

Regardless of our ability to generalize about this group of people, we know that they have suffered greatly because of the blood supply crisis, and we owe them the same acknowledgment and compassion that we have offered to the hemophilia community.

NO WASHINGTON LOBBY

There are roughly 10,000 people in addition to hemophiliacs who suffered extreme tragedy because of the blood supply crisis of the 1980s. The transfusion community is in fact somewhat bigger than the hemophiliac community. That fact may surprise my colleagues, because most of them have probably not been lobbied by this community.

Upon reflection it will become clear why this community has not been actively lobbying. They have no political voice and no Washington office providing them with daily updates on the status of their bill. They don't have a lobbying voice in Washington or a strong grassroots network because they are not united by a single disease like hemophilia.

There is one courageous individual working on behalf of this group who deserves mention. Steve Grissom is the President of a group called National Association for Victims of Transfusion-Acquired AIDS, or NAVTA. Steve is in his mid-40s and suffers from AIDS acquired from blood transfusions he received to treat his leukemia. Steve is a strong, proud man who certainly does not want our pity. I want to express my deep respect for the man Steve is and the work he has done to help the cause of thousands who suffer as he does.

I met with Steve last summer in my office here in Washington. He drove from North Carolina with his wife and young daughter. Steve moves in a wheelchair and breathes with the assistance of an oxygen tank. I'm not sure whether he chose to drive rather than fly all the way to Washington because it's easier on his breathing or because of financial constraints, and I'm not going to ask. Either way, making that long drive is symbolic of his commitment.

Steve works by himself out of his home with the assistance of e-mail, fax machines, and the internet. He has done everything he can think of and can afford to do to connect with other people who share his circumstances. It is more difficult than any of us can imagine to try organize the population that Steve is trying to reach. Except for HIV or AIDS, these people have nothing in common. And the one thing they do have in common—AIDS—carries enormous stigma. Privacy considerations make it nearly impossible for this community to network and form an effective grassroots lobby. How should these people go about finding each other?

They also have no money. They have no substantial membership to support campaigns to alert other victims to their existence. They have no pharmaceutical or corporate partners who want to collaborate with them to advance a research or policy agenda related to their disease, or want to make contributions to the work of NAVTA in the name of good public relations.

In addition to paying tribute to Steve and NAVTA for the enormous work he has done to support my efforts in the Senate, I also want to draw attention to the generous spirit of NAVTA. Transfusion-associated AIDS victims know they should have been included in the Ricky Ray bill. Even so, in their contacts with me they have always been clear that they did not want to be added to the bill if that would preclude passage. Theirs is a generosity of spirit seldom seen in Washington.

As it happened, NAVTA copied the National Hemophilia Foundation on its June letter expressing NAVTA's wish that transfusion cases not be the reason the bill dies. Within a week the letter was being circulated on Capitol Hill as an argument for excluding transfusion victims.

TIMING AND PROCEDURE

The House passed its version of the Ricky Ray bill in May, 1998. At the time of the Committee's hearing on this issue (October, 1997) I had asserted my view that the bill should extend its compassion to other victims, and immediately upon House passage I began work on that effort.

The immediate message from the advocates of the bill was that there was not time to make these changes. I did not believe that then and I don't believe it now. The changes I proposed were simple in nature and I never heard a good reason that they couldn't be made.

In June, I circulated draft language that would include the transfusion community. Early in July full-page advertisements ran in the Vermont Sunday papers asserting that I was holding up the bill in my Committee. This while I was still waiting for feedback on my language from the same group that ran the ads.

Nonetheless, I continued to press forward and eventually received feedback from all interested parties. There were no substantive comments to the changes I proposed. In fact, advocates for the bill agreed that transfusion victims had suffered a tragedy similar to their own. The objection I continued to hear was that there wasn't time in the legislative session to complete the process.

Once I had received feedback from all interested parties, I informally queried my Committee members about discharging the bill from the Committee—this was in July just before the August recess. I was told there would be objections; significantly, those objections were unrelated to the changes I had made to the bill. It became apparent that a mark-up would be required, so at the end of July my proposed language was published in the CONGRESSIONAL RECORD.

I scheduled a Committee markup of the Ricky Ray bill for September 9. Because there was not a quorum present we were unable to conduct Committee business that day. I attempted to complete the markup two more times in the following week, but both times scheduling changes on the floor precluded our meeting. Early in the week of September 14, Senator DEWINE and I agreed that the prudent next step would be to allow both my Chairman's mark and H.R. 1023 to be passed from the Committee.

We rescheduled the markup for September 16, and on that day both bills passed the Committee by voice vote. I promised then that I would do everything I could to pass a bill that included both communities. I also promised that if it became clear that we couldn't get the changes passed this year, I would agree to passage of the Ricky Ray bill without the transfusion community. That is where we now find ourselves, so, with assurances that we will add transfusion victims next year, I support passing H.R. 1023.

In closing, I would like to remind my colleagues who the transfusion victims are. They are pregnant Moms, accident victims, and people like Steve Grissom, mentioned earlier. Until now they were united only in their trust in a blood supply that gave them AIDS. I hope that, if nothing else, our efforts this year in the Senate will help other transfusion victims to find Steve and NAVTA so that, next year, my colleagues will hear from the other victims of the blood supply crisis.

They are out there and they, too, deserve our acknowledgment and compassion.

Mr. LOTT. Mr. President, I congratulate Senator DEWINE and commend him for his dedicated effort in this area. He felt that a wrong had been committed and that people had suffered because of no mistake of their own. Something had to be done to right the wrong. This is the bill that has been known as the Ricky Ray Relief Fund.

Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1023) was considered read the third time, and passed.

AMENDING SENATE RESOLUTION 209 TO PROVIDE BUDGET LEVELS IN THE SENATE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 312 submitted earlier today by Senator DOMENICI.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> A resolution (S. Res. 312) to amend Senate Resolution 209 in order to provide budget levels in the Senate for purposes of Fiscal Year 1999 and include the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, for the information of the Senate, this resolution on behalf of Senator LAUTENBERG and myself is the so-called deeming budget resolution. We have cleared this with our colleagues on both sides of the aisle.

Last year this Congress reached an historic agreement with the President. We enacted the Balanced Budget Act of 1997. I think those pundits who like to suggest that this Congress has not done anything seem to conveniently forget that the balanced budget agreement was done in this Congress.

Nevertheless, that agreement and the implementing legislation—the Budget Enforcement Act of 1997—put in place for 5 years spending limits on appropriated accounts and extended various other fiscal enforcement tools. I have often thought of this legislation as a first step in creating a biennial budgeting and appropriations process. We have operated in the second session of this Congress under those spending caps and applied the discipline of that act to help us secure the first balanced budget in decades.

The levels set forth in this Senate resolution reflect the bipartisan balanced budget agreement—updated for the most recent fiscal and economic information provided to us by the Congressional Budget Office and for legislation enacted since the last budget resolution was agreed to.

This is similar to the action which the Senate took on April 2 of this year when we passed S. Res. 209 which provided a section 302 allocation to the Committee on Appropriations in advance of completing action on a budget resolution.

What we have done today is simply provide committee spending allocations and establish overall aggregate levels of spending and revenues so that we can continue the fiscal discipline inherent in our budget rules—this means we will be able to enforce our section 302 and 311 points of order and our pay-as-you-go rule.

I feel this discipline has been critical to our ability to uphold the bipartisan balanced budget agreement and led us to a period of budget surpluses. Thus we should not let the fact that we were unable to complete conference prevent us from going forward with the budget rules which have served us so well in the past.

I am hopeful that early in the next Congress we might consummate the 2 year budgeting and appropriations process in statute along with other changes to the Budget Act necessitated by the changed environment of projected budget surpluses.

Mr. President, I ask unanimous consent that the allocations of budget authority and outlays under section 302 of the Budget Act for Senate authorizing committees be printed in the RECORD. The Senate appropriations already received its allocation on April 2 of this year when the Senate adopted S. Res. 209.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL 1999

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations act	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	9,027	6,319	17,273	9,183
Armed Services	48,287	48,160	0	0
Banking, Housing, and Urban Affairs	6,538	3,182	0	0
Commerce, Science, and Transportation	8,124	5,753	682	678
Energy and Natural Resources	2,201	2,238	40	39
Environment and Public Works	31,232	1,349	0	0
Finance	694,465	688,023	146,033	146,926
Foreign Relations	10,908	12,141	0	0
Governmental Affairs	58,299	57,062	0	0
Judiciary	4,953	4,590	231	232
Labor and Human Resources	7,989	7,514	1,328	1,328
Rules and Administration	93	56	0	0
Veterans' Affairs	1,194	1,418	22,629	22,536
Indian Affairs	492	477	0	0
Small Business	0	−220	0	0
Unassigned to Committee	−303,087	−294,967	0	0
Total	1,417,136	1,402,185	188,216	180,922

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 5-YEAR TOTAL: 1999–2003

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations act	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	37,593	24,604	86,417	51,226
Armed Services	258,665	258,183	39,022	1,700
Banking, Housing, and Urban Affairs	39,022	1,700	0	0
Commerce, Science, and Transportation	64,657	52,828	3,680	3,660
Energy and Natural Resources	10,564	10,487	200	242
Environment and Public Works	162,510	6,871	0	0
Finance	3,660,491	3,651,115	827,934	829,129
Foreign Relations	48,981	54,569	0	0
Governmental Affairs	312,943	306,281	0	0
Judiciary	25,025	23,765	1,155	1,160
Labor and Human Resources	46,608	43,850	6,926	6,926
Rules and Administration	455	422	0	0
Veterans' Affairs	5,381	7,028	119,335	119,073
Indian Affairs	2,486	2,418	0	0
Small Business	0	−989	0	0

Mr. LAUTENBERG. Mr. President, I support this resolution, which is essentially a technical change that will facilitate enforcement of the Budget Act in the Senate.

This resolution would update the following figures for purposes of enforcing points of order in the Senate only. First, aggregates for revenues, budget authority, outlays, and Social Security revenues and outlays. Second, Section 302(a) allocations for Senate committees.

The resolution does not include functional totals or reconciliation instructions. It would not endorse the spending priorities included in the Senate-passed resolution, or any other spending priorities, for that matter. Also, it would not apply to the House of Representatives. It therefore it not a budget resolution in any sense.

The allocations and aggregates in this resolution are based on CBO's August baseline estimates, updated for enacted legislation and some technical corrections. The resolution is based on legislation enacted as of today. However, it includes a provision allowing the Chairman to revise the aggregates and allocations once more based only on legislation enacted through the end of the session. This means that each committee, and the Senate paygo ledger, will start the year with a clean slate.

Mr. President, since Congress has not adopted a budget resolution for FY99, the Senate is now operating under the budget resolution approved last year for FY98 and beyond. This has the effect of limiting the availability of points of order to enforce the basic rules of the Balanced Budget Agreement.

For example, when the Senate considers legislation proposing revenue reductions or new mandatory spending, the Senate's ‘‘pay-as-you-go’’ rules require that all costs be offset in the first, the first five, and the second five years of the budget resolution in effect at the time. Since we are now operating under last year's resolution, there is now no point of order available based on the failure of such legislation, for example, to offset all costs in the first year after enactment. This resolution would address this problem.

So, Mr. President, I support this resolution. It is not a budget resolution. It does not propose a set of spending priorities. It is simply a technical change that will help us enforce the basic structure of the Budget Enforcement Act.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 312) was agreed to, as follows:

S. RES. 312

Resolved, That Senate Resolution 209, agreed to April 2, 1999 (105th Congress), is amended by striking all after the resolving clause and inserting the following:

SECTION 1. SENATE BUDGET LEVELS.

(a) IN GENERAL.—For the purpose of enforcing the Congressional Budget Act of 1974 and section 202 of House Concurrent Resolution 67 (104th Congress), the following levels, amounts, and allocations shall apply in the Senate in the same manner as a concurrent resolution on the budget for fiscal year 1999 and including the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003:

(1) FEDERAL REVENUES.—The recommended levels of Federal revenues are as follows:

Fiscal year 1999: $1,358,919,000,000.
Fiscal year 2000: $1,388,039,000,000.
Fiscal year 2001: $1,424,774,000,000.
Fiscal year 2002: $1,480,891,000,000.
Fiscal year 2003: $1,534,362,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of new budget authority are as follows:

Fiscal year 1999: $1,417,136,000,000.
Fiscal year 2000: $1,453,654,000,000.
Fiscal year 2001: $1,489,637,000,000.
Fiscal year 2002: $1,517,259,000,000.
Fiscal year 2003: $1,577,949,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1999: $1,402,185,000,000.
Fiscal year 2000: $1,438,029,000,000.
Fiscal year 2001: $1,473,660,000,000.
Fiscal year 2002: $1,484,272,000,000.

Fiscal year 2003: $1,548,914,000,000.

(4) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $441,749,000,000.
Fiscal year 2000: $460,115,000,000.
Fiscal year 2001: $477,722,000,000.
Fiscal year 2002: $497,290,000,000.
Fiscal year 2003: $518,752,000,000.

(5) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $321,261,000,000.
Fiscal year 2000: $330,916,000,000.
Fiscal year 2001: $344,041,000,000.
Fiscal year 2002: $355,614,000,000.
Fiscal year 2003: $368,890,000,000.

(b) REVISIONS.—

(1) IN GENERAL.—The Chairman of the Senate Committee on the Budget may file 1 set of revisions to the levels, amounts, and allocations provided by this resolution and those revisions shall only reflect legislation enacted in the 105th Congress and not assumed in this resolution.

(2) CONGRESSIONAL PAY-GO SCORECARD.—Upon making revisions pursuant to paragraph (1) and for the purpose of enforcing section 202 of House Concurrent Resolution 67 (104th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and receipts for any fiscal year to zero.

(c) EFFECTIVE DATE AND EXPIRATION.—This resolution shall—

(1) take effect on the date that the Congress adjourns sine die or the date the 105th Congress expires, whichever date is earlier; and

(2) expire on the effective date of a concurrent resolution on the budget for fiscal year 1999 agreed to pursuant to section 301 of the Congressional Budget Act of 1974.

SEC. 2. COMMITTEE ALLOCATIONS.

Upon the adoption of this resolution, the Chairman of the Committee on the Budget shall file allocations consistent with this resolution pursuant to section 302(a) of the Congressional Budget Act of 1974.

AWARDING THE MEDAL OF HONOR POSTHUMOUSLY TO THEODORE ROOSEVELT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2263, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2263) to authorize and request the President to award the congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. THURMOND. Mr. President, as the Senate considers H.R. 2263, a bill to authorize the President to award the Medal of Honor to Theodore Roosevelt for his actions on San Juan Heights in cuba during the Spanish-American War, I want to clarify what we are doing. This bill does not award the Medal of Honor to Theodore Roosevelt. It does authorize the President to award the Medal of Honor to then Colonel Roosevelt.

Colonel Roosevelt's actions on San Juan Heights may well merit the award of the Medal of Honor. However, in order to make such a determination, one must carefully review the historical record, including any eyewitness accounts that may be available, and evaluate the record against the criteria for award of the Medal of Honor that was applied to other members of the Armed forces who were recommended for the Medal of Honor during the Spanish-American War. In my opinion, this is a task that can only be performed by the military services.

In fact, in the National Defense Authorization Act for Fiscal Year 1996, we established a procedure in which the military services would evaluate recommendations for awards for past actions and notify the Committee on Armed Services of those found to be meritorious. Each year, in the National Defense Authorization Act, we waive the time limits for those awards recommended by the Secretaries of the Military Departments so that the award may be made.

Mr. President, Senator LEVIN and myself, as well as Congressmen SPENCE, SKELTON, and MCHALE have agreed to and signed a letter to the President regarding this issue. This letter makes it clear that we believe the President should consult with the Secretary of the Army, who is reviewing the accounts of Colonel Roosevelt's actions before deciding to award the Medal of Honor to Theodore Roosevelt. I ask unanimous consent that this letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, this bill should not be seen as a precedent for Congressional decisions on military awards. Our legislation in 1996 established a procedure designed to ensure that heroic and meritorious actions do not go unrecognized solely due to the passage of time. However, the procedure also preserves the integrity of the military award system which is important to our military services and the American people.

Mr. President, in closing, I want to commend Congressman MCHALE for his determined efforts in bringing this matter to our attention. It is my fervent hope that Colonel Roosevelt's action will be appropriately recognized while preserving the time honored processes and traditions within our military services for awarding our Nation's most hallowed award for valor, the Medal of Honor.

EXHIBIT 1

COMMITTEE ON ARMED SERVICES,
Washington, DC, October 20, 1998.

THE PRESIDENT,
The White House, Washington, DC 20500

DEAR MR. PRESIDENT: We want to share our views with you on H.R. 2263, a bill that authorizes and requests you to award the Medal of Honor posthumously to Theodore Roosevelt for his actions in the attack on San Juan Heights, Cuba during the Spanish American War.

We supported this legislation with the intent and understanding that: (a) prior to reaching a decision on awarding the Medal of Honor posthumously to Theodore Roosevelt pursuant to this legislation, you will seek the advice of the Secretary of the Army; (b) Theodore Roosevelt will be considered for eligibility for the Medal of Honor based on the same standard of merit that was applied to other members of the armed forces who received this medal during the Spanish American War; and (c) the Secretary of the Army will prepare a full and formal record of Theodore Roosevelt's valor, inviting public submissions, with emphasis on the eyewitness and contemporaneous accounts of Roosevelt's battlefield courage.

If an injustice was done to Theodore Roosevelt in withholding the Medal of Honor, we believe it should be corrected.

Sincerely,

CARL LEVIN,
Ranking Minority Member, Committee on Armed Services, United States Senate.

STROM THURMOND,
Chairman, Committee on Armed Services, United States Senate.

IKE SKELTON,
Ranking Minority Member, Committee on National Security, United States House of Representatives.

FLOYD SPENCE,
Chairman, Committee on National Security, United States House of Representatives.

PAUL MCHALE,
Member, Committee on National Security, United States House of Representatives.

Mr. LEVIN. Mr. President, I support this legislation that authorizes and requests the President to award the Medal of Honor posthumously to Theodore Roosevelt for his actions in the attack on San Juan Heights, Cuba during the Spanish American War. I support this legislation because the letter to the President that Senator THURMOND has put in the RECORD makes clear the congressional intent in passing this legislation.

I want to briefly summarize the key points of this letter. It is our intent and understanding that: prior to reaching a decision on awarding the Medal of Honor posthumously to Theodore Roosevelt pursuant to this legislation, the President will seek the advice of the

Secretary of the Army; Theodore Roosevelt will be considered for eligibility for the Medal of Honor based on the same standard of merit that was applied to other members of the armed forces who received this medal during the Spanish American War; and the Secretary of the Army will prepare a full and formal record of Theodore Roosevelt's valor, inviting public submissions, with emphasis on the eyewitness and contemporaneous accounts of Roosevelt's battlefield courage.

Mr. President, military awards and decorations—particularly decorations for valor—are a hallowed part of the military services' core values and traditions, and are critical to the morale and esprit of the men and women who serve in our armed forces. In my view, the decision to award a medal of valor is the prerogative of the military service, not the Congress. That is why Congress recently enacted section 1130 of Title 10 United States Code. This section allows Members of Congress to request a Service Secretary to review proposals for military decorations that were not previously submitted in a timely fashion, but leaves the final determination as to the merits of approving the decoration to the Service Secretary.

There are many people who believe that Theodore Roosevelt's actions in the attack on San Juan Heights are deserving of this high honor, and that this honor was withheld from him at the time despite the recommendation of his military chain of command. I believe that a complete record should be assembled and the entire issue should be carefully reviewed by the Army. Secretary of the Army Louis Caldera recently pledged to Congress that the Army is conducting this review, and he has agreed to review personally all of the material in this case.

Mr. President, if an injustice was done to Theodore Roosevelt in withholding the Medal of Honor, it should be corrected. But the legislation we are passing today is advisory and not directive. Before the President reaches a final decision on whether to award the Medal of Honor to Theodore Roosevelt, our letter to the President makes clear the congressional intent that he should consult with the Secretary of the Army.

Mr. CONRAD. Mr. President, I am pleased to rise in support of H.R. 2263, legislation that encourages the posthumous award of the Medal of Honor to Theodore Roosevelt.

The courage demonstrated by Col. Theodore Roosevelt as he led the First US Volunteer Cavalry in an attack on San Juan Heights, Cuba, has rightly become a part of American folklore. That day, on July 1, 1898, in one of the most famous military actions in our nation's history, Roosevelt showed why he is rightly regarded as an American hero.

Roosevelt had every reason to expect to be awarded the Medal of Honor. Award of this most prestigious medal to "TR" was recommended by his commanding general.

Unfortunately, political considerations at the time stood in the way. As Roosevelt's great grandson, Tweed Roosevelt, testified before Congress last month, however, TR did not take the occasion of his assumption of the presidency to retaliate against those who had denied him an award he clearly deserved. The same character he showed in battle during the Spanish-American War continued to be evident once Roosevelt reached the pinnacle of power in the United States.

Fortunately, today the Senate is taking legislative action that will allow this injustice to be corrected. One century after TR and his Roughriders charged up San Juan Heights, the Senate stands ready to pass legislation that would authorize and request that the Medal of Honor be awarded posthumously to Theodore Roosevelt. I was pleased to work with the distinguished leadership of the Senate Armed Services Committee on this matter, and thank them for their good work.

As those of my colleagues who have studied Roosevelt's life are aware, my state has a special connection with Theodore Roosevelt. TR liked to say that the years he spent in the Badlands of North Dakota were the best of his life. Today, Theodore Roosevelt National Park stands as an enduring reminder of TR's love for North Dakota and the profound impact that my state had on this remarkable American.

As a North Dakotan and an American, I am pleased that the life and ideas of Theodore Roosevelt are receiving renewed attention. TR's ruggedness, patriotism, optimism, and spirit reflect what is best about our country. He also articulated a vision of America that remains compelling today, and merits a new look. Teddy Roosevelt called for maintaining a strong national defense, protecting our environmental treasures, encouraging entrepreneurship, and, by broadening access to education and health care, ensuring that every American has a viable shot at realizing their dreams. This is a vision we all would do well to pursue.

Again, Mr. President, I want to thank my colleagues for their support of the legislation before us today, and congratulate the Armed Services Committee for its leadership in seeing that an historical wrong can be righted before the end of this session of Congress. Theodore Roosevelt was a great American who displayed remarkable courage in battle. It is good to know that the bill we will pass today will help get him the recognition he deserves.

Mr. President, I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I rise to indicate my strong support for this bill. It is my sincere conviction that we are today making right a historic wrong. One hundred years ago, Theodore Roosevelt was denied the Congressional Medal of Honor simply because he attempted to force the War Department to return sick veterans of the Spanish-American War to their homes in the United States. In so doing, he embarrassed a political rival, who it just so happened was also the Secretary of War. As a result, despite the unanimous recommendation of his uniformed superiors, his political superior denied him the nation's highest military honor.

On July 1, 1898, Colonel Theodore Roosevelt, commander of the 1st U.S. Volunteer Cavalry Regiment—the famed "Rough Riders"—was just 39 years of age. He had resigned his position as Assistant Secretary of the Navy so that he could help organize the regiment. American forces, battling both the Spanish and the Cuban jungle, prepared to storm San Juan Hill and the heights surrounding the strategic port city of Santiago, Cuba. within the protected walls surrounding the port of Santiago sat the Spanish fleet, which had to be neutralized if the United States was to win the war.

The American attack against Kettle Hill and San Juan Hill was pinned down immediately by the merciless fire of the Spanish forces entrenched on the heights above. According to one participant, "the situation was desperate. Our troops could not retreat as the trail for two miles behind them was wedged with men. They could not remain where they were for they were being shot to pieces. . ." U.S. forces still hunkered down at the foot of the hill were unable to return fire.

After long delay, Roosevelt received orders to advance. With Roosevelt at their lead, the Rough Riders advanced to the front of the American line. Determined to rally the American forces to victory, Roosevelt shouted: "If you don't want to go forward, let my men pass." Roosevelt dared and goaded men in the rear forward until they crowded the ones in front of them. The whole line, tired of waiting and eager to close with the enemy, was straining to go forward.

Leading the charge up the hill, Roosevelt waved his hat and went up the hill with a rush. With Roosevelt in the lead, thee American forces reached the summit of Kettle Hill and swept aside the last of the Spanish defenders. Without hesitating, Roosevelt directed his men to fire against the Spanish defenders on nearby San Juan Hill, where another American force was advancing in the face of heavy fire. Rallying his forces, Roosevelt leapt forward advancing into the valley between Kettle Hill and San Juan Hill. In his excitement to charge the Spanish position, Roosevelt soon realized instead of the entire regiment following him, only five other men had joined him in the charge.

Roosevelt then proceeded to run back to Kettle Hill, where he angrily yelled at the regiment to follow him. The Rough Riders responded by shouting: "We didn't see you go! Lead on and we will follow!" Lead he did. Once again, Roosevelt, this time with the Rough Riders behind, rushed up San Juan Hill for a second time. Once again, Roosevelt led his men into the Spanish line on the top of the height. Roosevelt then succeeded in organizing and leading the defense of the heights throughout the night. Out of four hundred men in the regiment, 86 had been killed or wounded, six were missing and another 40 were struck with heat exhaustion.

Military experts, historians, and everyone who had witnessed both the charge up Kettle Hill and San Juan Hill agreed that they had occurred and succeeded because of the man who had led them. For his actions, Colonel Leonard Wood, 1st U.S. volunteer Cavalry, recommended Roosevelt for the Congressional Medal of Honor. The recommendation received endorsement throughout the chain of command.

After the cessation of hostilities, the American forces remaining on Cuba, including the rough riders, were ravaged by malaria and fever. The commanders on Cuba, including Roosevelt and Leonard Wood, pleaded with the War Department, to bring the men home. But Secretary of War Alger, who believed the troops were infected with yellow fever, wished to delay their return until the disease had run its course. Fearing that the continued stay of the troops on the island would result in the death of thousands, Roosevelt, with the support of the other commanders on the island, drafted a letter demanding that the troops be brought back home lest thousands die in Cuba.

The letter was published in the press, and was a great embarrassment to President McKinley and Secretary of War Alger. Although subsequently Roosevelt received credit for bringing the troops home, Alger rejected the recommendation of Roosevelt's superiors that he be awarded the Medal of Honor for his actions. Roosevelt's wife would later write that Alger's rejection of Roosevelt's recommendation for the Medal of Honor "was one of the bitterest disappointments of his life."

I will admit that I approached the prospect of legislating the nation's highest military award for valor with some concern. However, my review of the facts of this case have convinced me that Teddy Roosevelt earned the Medal of Honor on the battlefield, only to see it denied for political reasons. I am pleased, one hundred years later, to be a part of correcting this injustice today.

Mr. LOTT. Mr. President, I commend Congressman MCHALE and a number of House Members that took the time and stayed committed to this until we did get it accomplished. From what I have learned about it, it is the right thing to do.

Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2263) was considered read the third time, and passed.

VETERANS BENEFITS IMPROVEMENT ACT OF 1998

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 4110) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That House agree to the amendment of the Senate to the bill (H.R. 4110) entitled "An Act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes", with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Programs Enhancement Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States code.

TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS

Sec. 101. Agreement with National Academy of Sciences regarding evaluation of health consequences of service in Southwest Asia during the Persian Gulf War.
Sec. 102. Health care for veterans of Persian Gulf War and future conflicts.
Sec. 103. National center on war-related illnesses and post-deployment health issues.
Sec. 104. Coordination of activities.
Sec. 105. Improving effectiveness of care of Persian Gulf War veterans.
Sec. 106. Contract for independent recommendations on research and for development of curriculum on care of Persian Gulf War veterans.
Sec. 107. Extension and improvement of evaluation of health status of spouses and children of Persian Gulf War veterans.

TITLE II—EDUCATION AND EMPLOYMENT

Subtitle A—Education Matters

Sec. 201. Calculation of reporting fee based on total veteran enrollment during a calendar year.
Sec. 202. Election of advance payment of work-study allowance.
Sec. 203. Alternative to twelve semester hour equivalency requirement.
Sec. 204. Medical evidence for flight training requirements.
Sec. 205. Waiver of wage increase and minimum payment rate requirements for government job training program approval.
Sec. 206. Expansion of education outreach services.
Sec. 207. Information on minimum requirements for education benefits for members of the Armed Forces discharged early from duty for the convenience of the Government.

Subtitle B—Uniformed Services Employment and Reemployment Rights Act Amendments

Sec. 211. Enforcement of rights with respect to a State as an employer.
Sec. 212. Protection of extraterritorial employment and reemployment rights of members of the uniformed services.
Sec. 213. Complaints relating to reemployment of members of the uniformed services in Federal service.

TITLE III—COMPENSATION, PENSION, AND INSURANCE

Sec. 301. Medal of Honor special pension.
Sec. 302. Accelerated death benefit for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance participants.
Sec. 303. Assessment of effectiveness of insurance and survivor benefits programs for survivors of veterans with service-connected disabilities.
Sec. 304. National Service Life Insurance program.

TITLE IV—MEMORIAL AFFAIRS

Sec. 401. Commemoration of individuals whose remains are unavailable for interment.
Sec. 402. Merchant mariner burial and cemetery benefits.
Sec. 403. Redesignation of National Cemetery System and establishment of Under Secretary for Memorial Affairs.
Sec. 404. State cemetery grants program.

TITLE V—COURT OF VETERANS APPEALS

Subtitle A—Administrative Provisions Relating to the Court

Sec. 501. Continuation in office of judges pending confirmation for second term.
Sec. 502. Exemption of retirement fund from sequestration orders.
Sec. 503. Adjustments for survivor annuities.
Sec. 504. Reports on retirement program modifications.

Subtitle B—Renaming of Court

Sec. 511. Renaming of the Court of Veterans Appeals.
Sec. 512. Conforming amendments.
Sec. 513. Effective date.

TITLE VI—HOUSING

Sec. 601. Loan guarantee for multifamily transitional housing for homeless veterans.
Sec. 602. Veterans housing benefit program fund account consolidation.
Sec. 603. Extension of eligibility of members of Selected Reserve for veterans housing loans.

Sec. 604. Applicability of procurement law to certain contracts of department of veterans affairs.

TITLE VII—CONSTRUCTION AND FACILITIES MATTERS

Sec. 701. Authorization of major medical facility projects.
Sec. 702. Authorization of major medical facility leases.
Sec. 703. Authorization of appropriations.
Sec. 704. Increase in threshold for major medical facility leases for purposes of congressional authorization.
Sec. 705. Threshold for treatment of parking facility project as a major medical facility project.
Sec. 706. Parking fees.
Sec. 707. Master plan regarding use of Department of Veterans Affairs lands at West Los Angeles Medical Center, California.
Sec. 708. Designation of Department of Veterans Affairs Medical Center, Aspinwall, Pennsylvania.
Sec. 709. Designation of Department of Veterans Affairs Medical Center, Gainesville, Florida.
Sec. 710. Designation of Department of Veterans Affairs outpatient clinic, Columbus, Ohio.

TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

Sec. 801. Short title.
Sec. 802. Scholarship program for Department of Veterans Affairs employees receiving education or training in the health professions.
Sec. 803. Education debt reduction program for Veterans Health Administration health professionals.
Sec. 804. Repeal of prohibition on payment of tuition loans.
Sec. 805. Conforming amendments.
Sec. 806. Coordination with appropriations provision.

TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS

Sec. 901. Examinations and care associated with certain radiation treatment.
Sec. 902. Extension of authority to counsel and treat veterans for sexual trauma.
Sec. 903. Management of specialized treatment and rehabilitative programs.
Sec. 904. Authority to use for operating expenses of Department of Veterans Affairs medical facilities amounts available by reason of the limitation on pension for veterans receiving nursing home care.
Sec. 905. Report on nurse locality pay.
Sec. 906. Annual report on program and expenditures of Department of Veterans Affairs for domestic response to weapons of mass destruction.
Sec. 907. Interim appointment of Under Secretary for Health.

TITLE X—OTHER MATTERS

Sec. 1001. Requirement for naming of Department property.
Sec. 1002. Members of the Board of Veterans' Appeals.
Sec. 1003. Flexibility in docketing and hearing of appeals by Board of Veterans' Appeals.
Sec. 1004. Disabled veterans outreach program specialists.
Sec. 1005. Technical amendments.

TITLE XI—COMPENSATION COST-OF-LIVING ADJUSTMENT

Sec. 1101. Increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 1102. Publication of adjusted rates.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS

SEC. 101. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES REGARDING EVALUATION OF HEALTH CONSEQUENCES OF SERVICE IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise which is not a part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between illness and service in the Persian Gulf War.

(b) AGREEMENT.—(1) The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the activities covered by this section. The Secretary shall seek to enter into the agreement not later than two months after the date of the enactment of this Act.

(2)(A) If the Secretary is unable within the time period set forth in paragraph (1) to enter into an agreement with the Academy for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for purposes of this section with another appropriate scientific organization that is not part of the Government, operates as a not-for-profit entity, and has expertise and objectivity comparable to that of the Academy.

(B) If the Secretary enters into an agreement with another organization under this paragraph, any reference in this section to the National Academy of Sciences shall be treated as a reference to such other organization.

(c) REVIEW OF SCIENTIFIC EVIDENCE.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct a comprehensive review and evaluation of the available scientific and medical information regarding the health status of Gulf War veterans and the health consequences of exposures to risk factors during service in the Persian Gulf War. In conducting such review and evaluation, the Academy shall—

(A) identify the biological, chemical, or other toxic agents, environmental or wartime hazards, or preventive medicines or vaccines (including the agents specified in subsection (d)(1)) to which members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War may have been exposed by reason of such service;

(B) identify the illnesses associated with the agents, hazards, or medicines or vaccines identified under subparagraph (A); and

(C) identify the illnesses (including diagnosed illnesses and undiagnosed illnesses) for which there is scientific evidence of a higher prevalence among populations of Gulf War veterans when compared with other appropriate populations of individuals.

(2) In identifying illnesses under subparagraphs (B) and (C) of paragraph (1), the Academy shall review and summarize the relevant scientific evidence regarding illnesses, including symptoms, adverse reproductive health outcomes, and mortality, among the members described in paragraph (1)(A) and among other appropriate populations of individuals.

(3) In conducting the review and evaluation under paragraph (1), the Academy shall, for each illness identified under subparagraph (B) or (C) of that paragraph, assess the latency period, if any, between service or exposure to any potential risk factor (including an agent, hazard, or medicine or vaccine identified under subparagraph (A) of that paragraph) and the manifestation of such illness.

(d) SPECIFIED AGENTS.—(1) In identifying under subsection (c)(1)(A) the agents, hazards, or preventive medicines or vaccines to which members of the Armed Forces may have been exposed, the National Academy of Sciences shall consider the following:

(A) The following organophosphorous pesticides:
(i) Chlorpyrifos.
(ii) Diazinon.
(iii) Dichlorvos.
(iv) Malathion.

(B) The following carbamate pesticides:
(i) Proxpur.
(ii) Carbaryl.
(iii) Methomyl.

(C) The carbamate pyridostigmine bromide used as nerve agent prophylaxis.

(D) The following chlorinated hydrocarbons and other pesticides and repellents:
(i) Lindane.
(ii) Pyrethrins.
(iii) Permethrins.
(iv) Rodenticides (bait).
(v) Repellent (DEET).

(E) The following low-level nerve agents and precursor compounds at exposure levels below those which produce immediately apparent incapacitating symptoms:
(i) Sarin.
(ii) Tabun.

(F) The following synthetic chemical compounds:
(i) Mustard agents at levels below those which cause immediate blistering.
(ii) Volatile organic compounds.
(iii) Hydrazine.
(iv) Red fuming nitric acid.
(v) Solvents.

(G) The following sources of radiation:
(i) Depleted uranium.
(ii) Microwave radiation.
(iii) Radio frequency radiation.

(H) The following environmental particulates and pollutants:
(i) Hydrogen sulfide.
(ii) Oil fire byproducts.
(iii) Diesel heater fumes.
(iv) Sand micro-particles.

(I) Diseases endemic to the region (including the following):
(i) Leishmaniasis.
(ii) Sandfly fever.
(iii) Pathogenic escherichia coli.
(iv) Shigellosis.

(J) Time compressed administration of multiple live, 'attenuated', and toxoid vaccines.

(2) The consideration of agents, hazards, and medicines and vaccines under paragraph (1) shall not preclude the Academy from identifying other agents, hazards, or medicines or vaccines to which members of the Armed Forces may have been exposed for purposes of any report under subsection (h).

(3) Not later than six months after entry into the agreement under subsection (b), the Academy shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report specifying the agents, hazards, and medicines and vaccines considered under paragraph (1).

(e) SCIENTIFIC DETERMINATIONS CONCERNING ILLNESSES.—(1) For each illness identified under subparagraph (B) or (C) of subsection (c)(1), the National Academy of Sciences shall determine (to the extent available scientific evidence permits) whether there is scientific evidence of an

association of that illness with Gulf War service or exposure during Gulf War service to one or more agents, hazards, or medicines or vaccines. In making those determinations, the Academy shall consider—

(A) the strength of scientific evidence, the replicability of results, the statistical significance of results, and the appropriateness of the scientific methods used to detect the association;

(B) in any case where there is evidence of an apparent association, whether there is reasonable confidence that that apparent association is not due to chance, bias, or confounding;

(C) the increased risk of the illness among human or animal populations exposed to the agent, hazard, or medicine or vaccine;

(D) whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the agent, hazard, or medicine or vaccine and the illness;

(E) in any case where information about exposure levels is available, whether the evidence indicates that the levels of exposure of the studied populations were of the same magnitude as the estimated likely exposures of Gulf War veterans; and

(F) whether there is an increased risk of illness among Gulf War veterans in comparison with appropriate peer groups.

(2) The Academy shall include in its reports under subsection (h) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(f) Recommendations for Additional Scientific Studies.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall make any recommendations that it considers appropriate for additional scientific studies (including studies relating to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of service in the Persian Gulf War or exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Gulf War service.

(2) In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

(g) Subsequent Reviews.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct on a periodic and ongoing basis additional reviews of the evidence and data relating to its activities under this section.

(2) As part of each review under this subsection, the Academy shall—

(A) conduct as comprehensive a review as is practicable of the information referred to in subsection (c), the evidence referred to in subsection (e), and the data referred to in subsection (f) that became available since the last review of such information, evidence, and data under this section; and

(B) make determinations under the subsections referred to in subparagraph (A) on the basis of the results of such review and all other reviews previously conducted for purposes of this section.

(h) Reports by Academy.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives and the Secretary of Veterans Affairs periodic written reports regarding the Academy's activities under the agreement.

(2) The first report under paragraph (1) shall be submitted not later than two years after entry into the agreement under subsection (b). That report shall include—

(A) the determinations and discussion referred to in subsection (e); and

(B) any recommendations of the Academy under subsection (f).

(3) Reports shall be submitted under this subsection at least once every two years, as measured from the date of the report under paragraph (2).

(4) In any report under this subsection (other than the report under paragraph (2)), the Academy may specify an absence of meaningful developments in the scientific or medical community with respect to the activities of the Academy under this section during the two-year period ending on the date of such report.

(i) Reports by Secretary.—(1) The Secretary shall review each report from the Academy under subsection (h). As part of such review, the Secretary shall seek comments on, and evaluation of, the Academy's report from the heads of other affected departments and agencies of the United States.

(2) Based upon a review under paragraph (1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the available scientific and medical information regarding the health consequences of Persian Gulf War service and of exposures to risk factors during service in the Persian Gulf War. The Secretary shall include in the report the Secretary's recommendations as to whether there is sufficient evidence to warrant a presumption of service-connection for the occurrence of a specified condition in Gulf War veterans. In determining whether to make such a recommendation, the Secretary shall consider the matters specified in subparagraphs (A) through (F),of subsection (e)(1).

(3) The report under this subsection shall be submitted not later than 120 days after the date on which the Secretary receives the report from the Academy.

(j) Sunset.—This section shall cease to be effective 11 years after the last day of the fiscal year in which the National Academy of Sciences enters into an agreement with the Secretary under subsection (b).

(k) Definition.—In this section, the term "toxic agent, environmental or wartime hazard, or preventive medicine or vaccine associated with Gulf War service" means a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine that is known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War, whether such association arises as a result of single, repeated, or sustained exposure and whether such association arises through exposure singularly or in combination.

SEC. 102. HEALTH CARE FOR VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS.

(a) Authority.—Section 1710(e) is amended—

(1) by adding at the end of paragraph (1) the following new subparagraph:

"(D) Subject to paragraphs (2) and (3), a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after the date of the enactment of this subparagraph, is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such condition is attributable to such service.";

(2) in paragraph (2)(B), by inserting "or (1)(D)" after "paragraph (1)(C)";

(3) in paragraph (3)—

(A) by striking out "and" at the end of subparagraph (A);

(B) by striking out "December 31, 1998." in subparagraph (B) and inserting in lieu thereof "December 31, 2001; and"; and

(C) by adding at the end the following new subparagraph:

"(C) in the case of care for a veteran described in paragraph (1)(D), after a period of two years beginning on the date of the veteran's discharge or release from active military, naval, or air service."; and

(4) by adding at the end the following new paragraph:

"(5) When the Secretary first provides care for veterans using the authority provided in paragraph (1)(D), the Secretary shall establish a system for collection and analysis of information on the general health status and health care utilization patterns of veterans receiving care under that paragraph. Not later than 18 months after first providing care under such authority, the Secretary shall submit to Congress a report on the experience under that authority. The Secretary shall include in the report any recommendations of the Secretary for extension of that authority.".

(b) Implementation Report.—Not later than October 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plan for establishing and operating the system for collection and analysis of information required by paragraph (5) of section 1710(e) of title 38, United States Code, as added by subsection (a)(4).

SEC. 103. NATIONAL CENTER ON WAR-RELATED ILLNESSES AND POST-DEPLOYMENT HEALTH ISSUES.

(a) Assessment.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences, or another appropriate independent organization, under which such entity shall assist in developing a plan for the establishment of a national center or national centers for the study of war-related illnesses and post-deployment health issues. The purposes of such a center may include—

(1) carrying out and promoting research regarding the etiologies, diagnosis, treatment, and prevention of war-related illnesses and post-deployment health issues; and

(2) promoting the development of appropriate health policies, including monitoring, medical recordkeeping, risk communication, and use of new technologies.

(b) Recommendations and Report.—With respect to such a center, an agreement under this section shall provide for the Academy (or other entity) to—

(1) make recommendations regarding (A) design of an organizational structure or structures, operational scope, staffing and resource needs, establishment of appropriate databases, the advantages of single or multiple sites, mechanisms for implementing recommendations on policy, and relationship to academic or scientific entities, (B) the role or roles that relevant Federal departments and agencies should have in the establishment and operation of any such center or centers, and (C) such other matters as it considers appropriate; and

(2) report to the Secretary, the Secretaries of Defense and Health and Human Services, and the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than one year after the date of the enactment of this Act, on its recommendations.

(c) Report on Establishment of National Center.—Not later than 60 days after receiving the report under subsection (b), the Secretaries specified in subsection (b)(2) shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Natoinal Security of the House of Representatives a joint report on the findings and recommendations contained in that

report. Such report may set forth an operational plan for carrying out any recommendation in that report to establish a national center or centers for the study of war-related illnesses. No action to carry out such plan may be taken after the submission of such report until the end of a 90-day period following the date of the submission.

SEC. 104. COORDINATION OF ACTIVITIES.

Section 707 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended—

(1) in the heading, by striking out "**GOVERNMENT ACTIVITIES ON HEALTH-RELATED RESEARCH**" and inserting the following: "**HEALTH-RELATED GOVERNMENT ACTIVITIES**";

(2) in subsection (a), by striking out "research"; and

(3) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) PUBLIC ADVISORY COMMITTEE.—Not later than January 1, 1999, the head of the department or agency designated under subsection (a) shall establish an advisory committee consisting of members of the general public, including Persian Gulf War veterans and representatives of such veterans, to provide advice to the head of that department or agency on proposed research studies, research plans, or research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Persian Gulf War. The department or agency head shall consult with such advisory committee on a regular basis.

"(c) REPORTS.—(1) Not later than March 1 of each year, the head of the department or agency designated under subsection (a) shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on—

"(A) the status and results of all such research activities undertaken by the executive branch during the previous year; and

"(B) research priorities identified during that year.

"(2)(A) Not later than 120 days after submission of the epidemiological research study conducted by the Department of Veterans Affairs entitled 'VA National Survey of Persian Gulf Veterans—Phase III', the head of the department or agency designated under subsection (a) shall submit to the congressional committees specified in paragraph (1) a report on the findings under that study and any other pertinent medical literature.

"(B) With respect to any findings of that study and any other pertinent medical literature which identify scientific evidence of a greater relative risk of illness or illnesses in family members of veterans who served in the Persian Gulf War theater of operations than in family members of veterans who did not so serve, the head of the department or agency designated under subsection (a) shall seek to ensure that appropriate research studies are designed to follow up on such findings.

"(d) PUBLIC AVAILABILITY OF RESEARCH FINDINGS.—The head of the department or agency designated under subsection (a) shall ensure that the findings of all research conducted by or for the executive branch relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War (including information pertinent to improving provision of care for veterans of such service) are made available to the public through peer-reviewed medical journals, the World Wide Web, and other appropriate media.

"(e) OUTREACH.—The head of the department or agency designated under subsection (a) shall ensure that the appropriate departments consult and coordinate in carrying out an ongoing program to provide information to those who served in the Southwest Asia theater of operations during the Persian Gulf War relating to (1) the health risks, if any, resulting from any risk factors associated with such service, and (2) any services or benefits available with respect to such health risks.".

SEC. 105. IMPROVING EFFECTIVENESS OF CARE OF PERSIAN GULF WAR VETERANS.

(a) ASSESSMENT BY NATIONAL ACADEMY OF SCIENCES.—Not later than April 1, 1999, the Secretary of Veterans Affairs shall enter into a contract with the National Academy of Sciences to review the available scientific data in order to—

(1) assess whether a methodology could be used by the Department of Veterans Affairs for determining the efficacy of treatments furnished to, and health outcomes (including functional status) of, Persian Gulf War veterans who have been treated for illnesses which may be associated with their service in the Persian Gulf War; and

(2) identify, to the extent feasible, with respect to each undiagnosed illness prevalent among such veterans and for any other chronic illness that the Academy determines to warrant such review, empirically valid models of treatment for such illness which employ successful treatment modalities for populations with similar symptoms.

(b) ACTION ON REPORT.—(1) After receiving the final report of the National Academy of Sciences under subsection (a), the Secretary shall, if a reasonable and scientifically feasible methodology is identified by the Academy, develop an appropriate mechanism to monitor and study the effectiveness of treatments furnished to, and health outcomes of, Persian Gulf War veterans who suffer from diagnosed and undiagnosed illnesses which may be associated with their service in the Persian Gulf War.

(2) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of paragraph (1).

(3) The Secretary shall carry out paragraphs (1) and (2) not later than 180 days after receiving the final report of the National Academy of Sciences under subsection (a).

SEC. 106. CONTRACT FOR INDEPENDENT RECOMMENDATIONS ON RESEARCH AND FOR DEVELOPMENT OF CURRICULUM ON CARE OF PERSIAN GULF WAR VETERANS.

Section 706 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended by adding at the end the following new subsection:

"(d) RESEARCH REVIEW AND DEVELOPMENT OF MEDICAL EDUCATION CURRICULUM.—(1) In order to further understanding of the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War and of new research findings with implications for improving the provision of care for veterans of such service, the Secretary of Veterans Affairs and the Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences under which the Institute of Medicine of the Academy would—

"(A) develop a curriculum pertaining to the care and treatment of veterans of such service who have ill-defined or undiagnosed illnesses for use in the continuing medical education of both general and specialty physicians who provide care for such veterans; and

"(B) on an ongoing basis, periodically review and provide recommendations regarding the research plans and research strategies of the Departments relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War.

"(2) Recommendations to be provided under paragraph (1)(B) include any recommendations that the Academy considers appropriate for additional scientific studies (including studies related to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of any aspects of such military service. In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

"(3) Not later than nine months after the Institute of Medicine provides the Secretaries the curriculum developed under paragraph (1)(A), the Secretaries shall provide for the conduct of continuing education programs using that curriculum. Those programs shall include instruction which seeks to emphasize use of appropriate protocols of diagnosis, referral, and treatment of such veterans.".

SEC. 107. EXTENSION AND IMPROVEMENT OF EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

(a) ONE-YEAR EXTENSION.—Subsection (b) of section 107 of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking out "December 31, 1998" and inserting in lieu thereof "December 31, 1999".

(b) TERMINATION OF CERTAIN TESTING AND EVALUATION REQUIREMENTS.—Subsection (a) of such section is amended—

(1) by striking out "the" after "Secretary of";

(2) by striking out "study" both places it appears and inserting in lieu thereof "program"; and

(3) by striking out the sentence following paragraph (3).

(c) ENHANCED FLEXIBILITY IN EXAMINATIONS.—Subsection (d) of such section is amended—

(1) by striking out "shall" and inserting in lieu thereof "may"; and

(2) by inserting ", including fee arrangements described in section 1703 of title 38, United States Code" after "arrangements".

(d) OUTREACH.—Subsection (g) of such section is amended—

(1) by striking out "to ensure" and all that follows through the period at the end of paragraph (2) and inserting in lieu thereof "for the purposes of the program."; and

(2) by adding at the end the following new sentence: "In conducting such outreach activities, the Secretary shall advise that medical treatment is not available under the program.".

(e) REPORT TO CONGRESS.—Subsection (i) of such section is amended to read as follows:

"(i) REPORT TO CONGRESS.—Not later than July 31, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on activities with respect to the program, including the provision of services under subsection (d).".

TITLE II—EDUCATION AND EMPLOYMENT

Subtitle A—Education Matters

SEC. 201. CALCULATION OF REPORTING FEE BASED ON TOTAL VETERAN ENROLLMENT DURING A CALENDAR YEAR.

(a) IN GENERAL.—The second sentence of section 3684(c) is amended by striking out "on October 31" and all that follows through the period and inserting in lieu thereof "during the calender year.".

(b) FUNDING.—Section 3684(c), as amended by subsection (a), is further amended by adding at the end the following new sentence: "The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to calendar years beginning after December 31, 1998.

SEC. 202. ELECTION OF ADVANCE PAYMENT OF WORK-STUDY ALLOWANCE.

(a) IN GENERAL.—The third sentence of section 3485(a)(1) is amended by striking out "An individual shall be paid in advance" and inserting in lieu thereof "An individual may elect, in a manner prescribed by the Secretary, to be paid in advance".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after January 1, 1999.

SEC. 203. ALTERNATIVE TO TWELVE SEMESTER HOUR EQUIVALENCY REQUIREMENT.

(a) IN GENERAL.—The following sections of chapter 30 are each amended by striking out "successfully completed" each place it appears and inserting in lieu thereof "successfully completed (or otherwise received academic credit for)": sections 3011(a)(2), 3012(a)(2), 3018(b)(4)(ii), 3018A(a)(2), 3018B(a)(1)(B), 3018B(a)(2)(B), and 3018C(a)(3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998.

SEC. 204. MEDICAL EVIDENCE FOR FLIGHT TRAINING REQUIREMENTS.

(a) TITLE 38, UNITED STATES CODE.—Sections 3034(d)(2) and 3241(b)(2) are each amended—

(1) by striking out "pilot's license" each place it appears and inserting in lieu thereof "pilot certificate"; and

(2) by inserting ", on the day the individual begins a course of flight training," after "meets".

(b) TITLE 10, UNITED STATES CODE.—Section 16136(c)(2) of title 10, United States Code, is amended—

(1) by striking out "pilot's license" each place it appears and inserting in lieu thereof "pilot certificate"; and

(2) by inserting ", on the day the individual begins a course of flight training," after "meets".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to courses of flight training beginning on or after October 1, 1998.

SEC. 205. WAIVER OF WAGE INCREASE AND MINIMUM PAYMENT RATE REQUIREMENTS FOR GOVERNMENT JOB TRAINING PROGRAM APPROVAL.

(a) IN GENERAL.—Section 3677(b) is amended—

(1) by inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) in subparagraph (A), as so redesignated, by striking out "(A)" and "(B)" and inserting in lieu thereof "(i)" and "(ii)", respectively; and

(4) by adding at the end the following new paragraph:

"(2) The requirement under paragraph (1)(A)(ii) shall not apply with respect to a training establishment operated by the United States or by a State or local government.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to approval of programs of training on the job under section 3677 of title 38, United States Code, on or after October 1, 1998.

SEC. 206. EXPANSION OF EDUCATION OUTREACH SERVICES.

(a) EXPANSION OF EDUCATION OUTREACH SERVICES TO MEMBERS OF THE ARMED FORCES.—Section 3034 is amended by adding at the end the following new subsection:

"(e)(1) In the case of a member of the Armed Forces who participates in basic educational assistance under this chapter, the Secretary shall furnish the information described in paragraph (2) to each such member. The Secretary shall furnish such information as soon as practicable after the basic pay of the member has been reduced by $1,200 in accordance with section 3011(b) or 3012(c) of this title and at such additional times as the Secretary determines appropriate.

"(2) The information referred to in paragraph (1) is information with respect to the benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of the basic educational assistance program under this chapter, including application forms for such basic educational assistance under section 5102 of this title.

"(3) The Secretary shall furnish the forms described in paragraph (2) and other educational materials to educational institutions, training establishments, and military education personnel, as the Secretary determines appropriate.

"(4) The Secretary shall use amounts appropriated for readjustment benefits to carry out this subsection and section 5102 of this title with respect to application forms under that section for basic educational assistance under this chapter.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.+

SEC. 207. INFORMATION ON MINIMUM REQUIREMENTS FOR EDUCATION BENEFITS FOR MEMBERS OF THE ARMED FORCES DISCHARGED EARLY FROM DUTY FOR THE CONVENIENCE OF THE GOVERNMENT.

(a) ACTIVE DUTY PROGRAM.—Section 3011 is amended by adding at the end the following new subsection:

"(i) The Secretary concerned shall inform any member of the Armed Forces who has not completed that member's initial obligated period of active duty (as described in subsection (a)(1)(A)) and who indicates the intent to be discharged or released from such duty for the convenience of the Government of the minimum active duty requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.".

(b) RESERVE PROGRAM.—Section 3012 is amended by adding at the end the following new subsection:

"(g)(1) The Secretary concerned shall inform any member of the Armed Forces who has not completed that member's initial service (as described in paragraph (2)) and who indicates the intent to be discharged or released from such service for the convenience of the Government of the minimum service requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.

"(2) The initial service referred to in paragraph (1) is the initial obligated period of active duty (described in subparagraphs (A)(i) or (B)(i) of subsection (a)(1)) or the period of service in the Selected Reserve (described in subparagraphs (A)(ii) or (B)(ii) of subsection (a)(1)).".

(c) REPORT TO CONGRESS.—Section 3036(b)(1) is amended—

(1) by striking out "and (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon the following: ", and (C) describing the efforts under sections 3011(i) and 3012(g) of this title to inform members of the Armed Forces of the minimum service requirements for entitlement to educational assistance benefits under this chapter and the results from such efforts".

(d) EFFECTIVE DATES.—(1) The amendments made by subsections (a) and (b) shall take effect 120 days after the date of the enactment of this Act.

(2) The amendments made by subsection (c) shall apply with respect to reports to Congress submitted by the Secretary of Defense under section 3036 of title 38, United States Code, on or after January 1, 2000.

Subtitle B—Uniformed Services Employment and Reemployment Rights Act Amendments

SEC. 211. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE AS AN EMPLOYER.

(a) IN GENERAL.—Section 4323 is amended to read as follows:

"§4323. Enforcement of rights with respect to a State or private employer

"(a) ACTION FOR RELIEF.—(1) A person who receives from the Secretary a notification pursuant to section 4322(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for relief under this chapter for such person. In the case of such an action against a State (as an employer), the action shall be brought in the name of the United States as the plaintiff in the action.

"(2) A person may commence an action for relief with respect to a complaint against a State (as an employer) or a private employer if the person—

"(A) has chosen not to apply to the Secretary for assistance under section 4322(a) of this title;

"(B) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(C) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) JURISDICTION.—(1) In the case of an action against a State (as an employer) or a private employer commenced by the United States, the district courts of the United States shall have jurisdiction over the action.

"(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a State court of competent jurisdiction in accordance with the laws of the State.

"(3) In the case of an action against a private employer by a person, the district courts of the United States shall have jurisdiction of the action.

"(c) VENUE.—(1) In the case of an action by the United States against a State (as an employer), the action may proceed in the United States district court for any district in which the State exercises any authority or carries out any function.

"(2) In the case of an action against a private employer, the action may proceed in the United States district court for any district in which the private employer of the person maintains a place of business.

"(d) REMEDIES.—(1) In any action under this section, the court may award relief as follows:

"(A) The court may require the employer to comply with the provisions of this chapter.

"(B) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.

"(C) The court may require the employer to pay the person an amount equal to the amount referred to in subparagraph (B) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(2)(A) Any compensation awarded under subparagraph (B) or (C) of paragraph (1) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for under this chapter.

"(B) In the case of an action commenced in the name of the United States for which the relief includes compensation awarded under subparagraph (B) or (C) of paragraph (1), such compensation shall be held in a special deposit account and shall be paid, on order of the Attorney General, directly to the person. If the compensation is not paid to the person because of inability to do so within a period of three years, the compensation shall be covered into the Treasury of the United States as miscellaneous receipts.

"(3) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"(e) EQUITY POWERS.—The court may use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

"(f) STANDING.—An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter under subsection (a) or by the United States under subsection (a)(1).

"(g) RESPONDENT.—In any action under this chapter, only an employer or a potential employer, as the case may be, shall be a necessary party respondent.

"(h) FEES, COURT COSTS.—(1) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

"(2) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

"(i) INAPPLICABILITY OF STATE STATUTE OF LIMITATIONS.—No State statute of limitations shall apply to any proceeding under this chapter.

"(j) DEFINITION.—In this section, the term 'private employer' includes a political subdivision of a State.".

(b) EFFECTIVE DATE.—(1) Section 4323 of title 38, United States Code, as amended by subsection (a), shall apply to actions commenced under chapter 43 of such title on or after the date of the enactment of this Act, and shall apply to actions commenced under such chapter before the date of the enactment of this Act that are not final on the date of the enactment of this Act, without regard to when the cause of action accrued.

(2) In the case of any such action against a State (as an employer) in which a person, on the day before the date of the enactment of this Act, is represented by the Attorney General under section 4323(a)(1) of such title as in effect on such day, the court shall upon motion of the Attorney General, substitute the United States as the plaintiff in the action pursuant to such section as amended by subsection (a).

SEC. 212. PROTECTION OF EXTRATERRITORIAL EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) DEFINITION OF EMPLOYEE.—Section 4303(3) is amended by adding at the end the following new sentence: "Such term includes any person who is a citizen, national, or permanent resident alien of the United States employed in a workplace in a foreign country by an employer that is an entity incorporated or otherwise organized in the United States or that is controlled by an entity organized in the United States, within the meaning of section 4319(c) of this title.".

(b) FOREIGN COUNTRIES.—(1) Subchapter II of chapter 43 is amended by inserting after section 4318 the following new section:

"§4319. Employment and reemployment rights in foreign countries

"(a) LIABILITY OF CONTROLLING UNITED STATES EMPLOYER OF FOREIGN ENTITY.—If an employer controls an entity that is incorporated or otherwise organized in a foreign country, any denial of employment, reemployment, or benefit by such entity shall be presumed to be by such employer.

"(b) INAPPLICABILITY TO FOREIGN EMPLOYER.—This subchapter does not apply to foreign operations of an employer that is a foreign person not controlled by an United States employer.

"(c) DETERMINATION OF CONTROLLING EMPLOYER.—For the purpose of this section, the determination of whether an employer controls an entity shall be based upon the interrelations of operations, common management, centralized control of labor relations, and common ownership or financial control of the employer and the entity.

"(d) EXEMPTION.—Notwithstanding any other provision of this subchapter, an employer, or an entity controlled by an employer, shall be exempt from compliance with any of sections 4311 through 4318 of this title with respect to an employee in a workplace in a foreign country, if compliance with that section would cause such employer, or such entity controlled by an employer, to violate the law of the foreign country in which the workplace is located.".

(2) The table of sections at the beginning of chapter 43 is amended by inserting after the item relating to section 4318 the following new item:

"4319. Employment and reemployment rights in foreign countries.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to causes of action arising after the date of the enactment of this Act.

SEC. 213. COMPLAINTS RELATING TO REEMPLOYMENT OF MEMBERS OF THE UNIFORMED SERVICES IN FEDERAL SERVICE.

(a) IN GENERAL.—The first sentence of paragraph (1) of section 4324(c) is amended by inserting before the period at the end the following: ", without regard as to whether the complaint accrued before, on, or after October 13, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to complaints filed with the Merit Systems Protection Board on or after October 13, 1994.

TITLE III—COMPENSATION, PENSION, AND INSURANCE

SEC. 301. MEDAL OF HONOR SPECIAL PENSION.

(a) INCREASE.—Section 1562(a) is amended by striking out "$400" and inserting in lieu thereof "$600".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

SEC. 302. ACCELERATED DEATH BENEFIT FOR SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE PARTICIPANTS.

(a) IN GENERAL.—(1) Subchapter III of chapter 19 is amended by adding at the end the following new section:

"§1980. Option to receive accelerated death benefit

"(a) For the purpose of this section, a person shall be considered to be terminally ill if the person has a medical prognosis such that the life expectancy of the person is less than a period prescribed by the Secretary. The maximum length of such period may not exceed 12 months.

"(b)(1) A terminally ill person insured under Servicemembers' Group Life Insurance or Veterans' Group Life Insurance may elect to receive in a lump-sum payment a portion of the face value of the insurance as an accelerated death benefit reduced by an amount necessary to assure that there is no increase in the actuarial value of the benefit paid, as determined by the Secretary.

"(2) The Secretary shall prescribe the maximum amount of the accelerated death benefit available under this section that the Secretary finds to be administratively practicable and actuarially sound, but in no event may the amount of the benefit exceed the amount equal to 50 percent of the face value of the person's insurance in force on the date the election of the person to receive the benefit is approved.

"(3) A person making an election under this section may elect to receive an amount that is less than the maximum amount prescribed under paragraph (2). The Secretary shall prescribe the increments in which a reduced amount under this paragraph may be elected.

"(c) The portion of the face value of insurance which is not paid in a lump sum as an accelerated death benefit under this section shall remain payable in accordance with the provisions of this chapter.

"(d) Deductions under section 1969 of this title and premiums under section 1977(c) of this title shall be reduced, in a manner consistent with the percentage reduction in the face value of the insurance as a result of payment of an accelerated death benefit under this section, effective with respect to any amounts which would otherwise become due on or after the date of payment under this section.

"(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions regarding—

"(1) the form and manner in which an application for an election under this section shall be made; and

"(2) the procedures under which any such application shall be considered.

"(f)(1) An election to receive a benefit under this section shall be irrevocable.

"(2) A person may not make more than one election under this section, even if the election of the person is to receive less than the maximum amount of the benefit available to the person under this section.

"(g) If a person insured under Servicemembers' Group Life Insurance elects to receive a benefit under this section and the person's Servicemembers' Group Life Insurance is thereafter converted to Veterans' Group Life Insurance as provided in section 1968(b) of this title, the amount of the benefit paid under this section shall reduce the amount of Veterans' Group Life Insurance available to the person under section 1977(a) of this title.

"(h) Notwithstanding any other provision of law, the amount of the accelerated death benefit received by a person under this section shall not be considered income or resources for purposes of determining eligibility for or the amount of benefits under any Federal or federally-assisted program or for any other purpose.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1979 the following new item:

"1980. Option to receive accelerated death benefit.".

(b) CONFORMING AMENDMENTS.—Section 1970(g) is amended in the first sentence—

(1) by striking out "Payments of benefits" and inserting in lieu thereof "Any payments"; and

(2) by inserting "an insured or" after "or on account of,".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 303. ASSESSMENT OF EFFECTIVENESS OF INSURANCE AND SURVIVOR BENEFITS PROGRAMS FOR SURVIVORS OF VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) REPORT ON ASSESSMENT.—Not later than October 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing an assessment of the adequacy of the insurance and survivor benefits programs of the Department of Veterans Affairs (including the payment of dependency and indemnity compensation under chapter 13 of title 38, United States Code) in meeting the needs of survivors of veterans with service-connected disabilities, including survivors of catastrophically disabled veterans who cared for those veterans.

(b) REPORT ELEMENTS.—The report on the assessment under subsection (a) shall include the following:

(1) An identification of the characteristics that make a disabled veteran catastrophically disabled.

(2) A statement of the number of veterans with service-connected disabilities who participate in insurance programs administered by the Department.

(3) A statement of the number of survivors of veterans with service-connected disabilities who receive dependency and indemnity compensation under chapter 13 of title 38, United States Code.

(4) Data on veterans with service-connected disabilities that are relevant to the insurance programs administered by the Department, and an assessment how such data might be used to better determine the cost above standard premium rates of insuring veterans with service-connected disabilities under such programs.

(5) An analysis of various methods of accounting and providing for the additional cost of insuring the lives of veterans with service-connected disabilities under the insurance programs administered by the Department.

(6) An assessment of the adequacy and effectiveness of the current insurance programs and dependency and indemnity compensation programs of the Department in meeting the needs of survivors of severely-disabled or catastrophically-disabled veterans.

(7) An analysis of various methods of meeting the transitional financial needs of survivors of veterans with service-connected disabilities immediately after the deaths of such veterans.

(8) Such recommendations as the Secretary considers appropriate regarding means of improving the benefits available to survivors of veterans with service-connected disabilities under programs administered by the Department.

SEC. 304. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) ELIGIBILITY OF CERTAIN VETERANS FOR DIVIDENDS UNDER NSLI PROGRAM.—Section 1919(b) is amended—

(1) by striking "sections 602(c)(2) and" and inserting "section"; and

(2) by striking "sections" after "under such" and inserting "section".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

TITLE IV—MEMORIAL AFFAIRS

SEC. 401. COMMEMORATION OF INDIVIDUALS WHOSE REMAINS ARE UNAVAILABLE FOR INTERMENT.

(a) MEMORIAL HEADSTONES OR MARKERS FOR CERTAIN MEMBERS OF THE ARMED FORCES AND SPOUSES.—Subsection (b) of section 2306 is amended to read as follows:

"(b)(1) The Secretary shall furnish, when requested, an appropriate memorial headstone or marker for the purpose of commemorating an eligible individual whose remains are unavailable. Such a headstone or marker shall be furnished for placement in a national cemetery area reserved for that purpose under section 2403 of this title, a veterans' cemetery owned by a State, or, in the case of a veteran, in a State, local, or private cemetery.

"(2) For purposes of paragraph (1), an eligible individual is any of the following:

"(A) A veteran.

"(B) The spouse or surviving spouse of a veteran.

"(3) For purposes of paragraph (1), the remains of an individual shall be considered to be unavailable if the individual's remains—

"(A) have not been recovered or identified;

"(B) were buried at sea, whether by the individual's own choice or otherwise;

"(C) were donated to science; or

"(D) were cremated and the ashes scattered without interment of any portion of the ashes.

"(4) For purposes of this subsection:

"(A) The term 'veteran' includes an individual who dies in the active military, naval, or air service.

"(B) The term 'surviving spouse' includes an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce.".

(b) ALTERNATIVE COMMEMORATION FOR CERTAIN SPOUSES.—Such section is further amended by adding at the end the following new subsection:

"(e)(1) When the Secretary has furnished a headstone or marker under subsection (a) for the unmarked grave of an individual, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate headstone or marker under that subsection for the surviving spouse of such individual.

"(2) When the Secretary has furnished a memorial headstone or marker under subsection (b) for purposes of commemorating a veteran or an individual who died in the active military, naval, or air service, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate memorial headstone or marker under that subsection for the surviving spouse of such individual.".

(c) MEMORIAL AREAS.—Section 2403(b) is amended to read as follows:

"(b) Under regulations prescribed by the Secretary, group memorials may be placed to honor the memory of groups of individuals referred to in subsection (a), and appropriate memorial headstones and markers may be placed to honor the memory of individuals referred to in subsection (a) and section 2306(b) of this title.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to deaths occurring after the date of the enactment of this Act.

SEC. 402. MERCHANT MARINER BURIAL AND CEMETERY BENEFITS.

(a) BENEFITS.—Part G of subtitle II of title 46, United States Code, is amended by inserting after chapter 111 the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

"Sec.
"11201. Eligibility for veterans' burial and cemetery benefits.
"11202. Qualified service.
"11203. Documentation of qualified service.
"11204. Processing fees.

"§ 11201. Eligibility for veterans' burial and cemetery benefits

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The qualified service of a person referred to in paragraph (2) shall be considered to be active duty in the Armed Forces during a period of war for purposes of eligibility for benefits under the following provisions of title 38:

"(A) Chapter 23 (relating to burial benefits).

"(B) Chapter 24 (relating to interment in national cemeteries).

"(2) COVERED INDIVIDUALS.—Paragraph (1) applies to a person who—

"(A) receives an honorable service certificate under section 11203 of this title; and

"(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

"(b) REIMBURSEMENT FOR BENEFITS PROVIDED.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for a person by reason of eligibility under this section.

"(c) APPLICABILITY.—

"(1) GENERAL RULE.—Benefits may be provided under the provisions of law referred to in subsection (a)(1) by reason of this chapter only for deaths occurring after the date of the enactment of this chapter.

"(2) BURIALS, ETC. IN NATIONAL CEMETERIES.—Notwithstanding paragraph (1), in the case of an initial burial or columbarium placement after the date of the enactment of this chapter, benefits may be provided under chapter 24 of title 38 by reason of this chapter (regardless of the date of death), and in such a case benefits may be provided under section 2306 of such title.

"§ 11202. Qualified service

"For purposes of this chapter, a person shall be considered to have engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

"(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

"(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

"(B) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

"(C) under contract or charter to, or property of, the Government of the United States; and

"(D) serving the Armed Forces; and

"(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"§ 11203. Documentation of qualified service

"(a) RECORD OF SERVICE.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall, upon application—

"(1) issue a certificate of honorable service to a person who, as determined by that Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

"(2) correct, or request the appropriate official of the Government to correct, the service records of that person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable service.

"(b) TIMING OF DOCUMENTATION.—A Secretary receiving an application under subsection (a) shall act on the application not later than one year after the date of that receipt.

"(c) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (a)(1), the Secretary acting on the application shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

"(d) CORRECTION OF RECORDS.—An official who is requested under subsection (a)(2) to correct the service records of a person shall make such correction.

"§11204. Processing fees

"(a) COLLECTION OF FEES.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall collect a fee of $30 from each applicant for processing an application submitted under section 11203(a) of this title.

"(b) TREATMENT OF FEES COLLECTED.—Amounts received by the Secretary under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities. Amounts received by the Secretary of Defense under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the Department of Defense. In either case, such amounts shall be available, subject to appropriation, for the administrative costs of processing applications under section 11203 of this title.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following new item:

"112. Merchant Mariner Benefits .... 11201".

SEC. 403. REDESIGNATION OF NATIONAL CEMETERY SYSTEM AND ESTABLISHMENT OF UNDER SECRETARY FOR MEMORIAL AFFAIRS.

(a) REDESIGNATION AS NATIONAL CEMETERY ADMINISTRATION.—(1) The National Cemetery System of the Department of Veterans Affairs shall hereafter be known and designated as the National Cemetery Administration. The position of Director of the National Cemetery System is hereby redesignated as Under Secretary of Veterans Affairs for Memorial Affairs.

(2) Section 301(c)(4) is amended by striking out "National Cemetery System" and inserting in lieu thereof "National Cemetery Administration".

(3) Section 307 is amended—

(A) in the first sentence, by striking out "a Director of the National Cemetery System" and inserting in lieu thereof "an Under Secretary for Memorial Affairs"; and

(B) in the second sentence, by striking out "The Director" and all that follows through "National Cemetery System" and inserting in lieu thereof "The Under Secretary is the head of the National Cemetery Administration".

(b) PAY RATE FOR UNDER SECRETARY.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5314, by inserting after the item relating to the Under Secretary for Benefits of the Department of Veterans Affairs the following new item:

"Under Secretary for Memorial Affairs, Department of Veterans Affairs."; and

(2) in section 5315, by striking out "Director of the National Cemetery System.".

(c) CONFORMING AMENDMENTS.—

(1)(A) The heading of section 307 is amended to read as follows:

"§307. Under Secretary for Memorial Affairs".

(B) The item relating to section 307 in the table of sections at the beginning of chapter 3 is amended to read as follows:

"307. Under Secretary for Memorial Affairs.".

(2) Section 2306(d) is amended by striking out "within the National Cemetery System" each place such term appears and inserting in lieu thereof "under the control of the National Cemetery Administration".

(3) Section 2400 is amended—

(A) in subsection (a)—

(i) by striking out "National Cemetery System" and inserting in lieu thereof "National Cemetery Administration responsible"; and

(ii) in the second sentence, by striking out "Such system" and all that follows through "National Cemetery System" and inserting in lieu thereof "The National Cemetery Administration shall be headed by the Under Secretary for Memorial Affairs";

(B) in subsection (b), by striking out "National Cemetery System" and inserting in lieu thereof "national cemeteries and other facilities under the control of the National Cemetery Administration"; and

(C) by amending the heading to read as follows:

"§2400. Establishment of National Cemetery Administration; composition of Administration".

(4) The item relating to section 2400 in the table of sections at the beginning of chapter 24 is amended to read as follows:

"2400. Establishment of National Cemetery Administration; composition of Administration.".

(5) Section 2402 is amended in the matter preceding paragraph (1) by striking out "in the National Cemetery System" and inserting in lieu thereof "under the control of the National Cemetery Administration".

(6) Section 2403(c) is amended by striking out "in the National Cemetery System created by this chapter" and inserting in lieu thereof "under the control of the National Cemetery Administration".

(7) Section 2405(c) is amended—

(A) by striking out "within the National Cemetery System" and inserting in lieu thereof "under the control of the National Cemetery Administration"; and

(B) by striking out "within such System" and inserting in lieu thereof "under the control of such Administration".

(8) Section 2408(c)(1) is amended by striking out "in the National Cemetery System" and inserting in lieu thereof "under the control of the National Cemetery Administration".

(d) REFERENCES.—

(1) Any reference in a law, map, regulation, document, paper, or other record of the United States to the National Cemetery System shall be deemed to be a reference to the National Cemetery Administration.

(2) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Director of the National Cemetery System shall be deemed to be a reference to the Under Secretary of Veterans Affairs for Memorial Affairs.

SEC. 404. STATE CEMETERY GRANTS PROGRAM.

(a) AMOUNT OF GRANT RELATIVE TO PROJECT COST.—(1) Paragraphs (1) and (2) of section 2408(b) are amended to read as follows:

"(1) The amount of a grant under this section may not exceed—

"(A) in the case of the establishment of a new cemetery, the sum of (i) the cost of improvements to be made on the land to be converted into a cemetery, and (ii) the cost of initial equipment necessary to operate the cemetery; and

"(B) in the case of the expansion or improvement of an existing cemetery, the sum of (i) the cost of improvements to be made on any land to be added to the cemetery, and (ii) the cost of any improvements to be made to the existing cemetery.

"(2) If the amount of a grant under this section is less than the amount of costs referred to in subparagraph (A) or (B) of paragraph (1), the State receiving the grant shall contribute the excess of such costs over the grant.".

(2) The amendment made by paragraph (1) shall apply with respect to grants under section 2408 of title 38, United States Code, made after the end of the 60-day period beginning on the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS WITHOUT FISCAL YEAR LIMITATION.—The first sentence of section 2408(e) is amended by striking out "shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated" and inserting in lieu thereof "shall remain available until expended".

(c) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM.—Paragraph (2) of section 2408(a) is amended to read as follows:

"(2) There is authorized to be appropriated such sums as may be necessary for fiscal year 1999 and for each succeeding fiscal year through fiscal year 2004 for the purpose of making grants under paragraph (1).".

TITLE V—COURT OF VETERANS APPEALS

Subtitle A—Administrative Provisions Relating to the Court

SEC. 501. CONTINUATION IN OFFICE OF JUDGES PENDING CONFIRMATION FOR SECOND TERM.

Section 7253(c) is amended by adding at the end the following new sentence: "A judge who is nominated by the President for appointment to an additional term on the Court without a break in service and whose term of office expires while that nomination is pending before the Senate may continue in office for up to one year while that nomination is pending.".

SEC. 502. EXEMPTION OF RETIREMENT FUND FROM SEQUESTRATION ORDERS.

Section 7298 is amended by adding at the end the following new subsection:

"(g) For purpose of section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)), the retirement fund shall be treated in the same manner as the Claims Judges' Retirement Fund.".

SEC. 503. ADJUSTMENTS FOR SURVIVOR ANNUITIES.

Subsection (o) of section 7297 is amended to read as follows:

"(o) Each survivor annuity payable from the retirement fund shall be increased at the same time as, and by the same percentage by which, annuities payable from the Judicial Survivors' Annuities Fund are increased pursuant to section 376(m) of title 28.".

SEC. 504. REPORTS ON RETIREMENT PROGRAM MODIFICATIONS.

(a) REPORT ON JUDGES' RETIREMENT SYSTEM.—Not later than one year after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of merging the retirement plan of the judges of that court with retirement plans of other Federal judges.

(b) REPORT ON SURVIVOR ANNUITIES PLAN.—Not later than six months after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of allowing judges of that court to participate in the survivor annuity programs available to other Federal judges.

Subtitle B—Renaming of Court

SEC. 511. RENAMING OF THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—The United States Court of Veterans Appeals is hereby renamed as, and shall hereafter be known and designated as, the United States Court of Appeals for Veterans Claims.

(b) SECTION 7251.—Section 7251 is amended by striking "United States Court of Veterans Appeals" and inserting "United States Court of Appeals for Veterans Claims".

SEC. 512. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE.—

(1) The following sections are amended by striking "Court of Veterans Appeals" each place it appears and inserting "Court of Appeals for Veterans Claims": sections 5904, 7101(b), 7252(a), 7253, 7254, 7255, 7256, 7261, 7262, 7263, 7264, 7266(a)(1), 7267(a), 7268(a), 7269, 7281(a), 7282(a), 7283, 7284, 7285(a), 7286, 7291, 7292, 7296, 7297, and 7298.

(2)(A) The heading of section 7286 is amended to read as follows:

"§ 7286. Judicial Conference of the Court".

(B) The heading of section 7291 is amended to read as follows:

"§ 7291. Date when Court decision becomes final".

(C) The heading of section 7298 is amended to read as follows:

"§ 7298. Retirement Fund".

(3) The table of sections at the beginning of chapter 72 is amended as follows:

(A) The item relating to section 7286 is amended to read as follows:

"7286. Judicial Conference of the Court.".

(B) The item relating to section 7291 is amended to read as follows:

"7291. Date when Court decision becomes final.".

(C) The item relating to section 7298 is amended to read as follows:

"7298. Retirement Fund.".

(4)(A) The heading of chapter 72 is amended to read as follows:

"CHAPTER 72—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS".

(B) The item relating to chapter 72 in the table of chapters at the beginning of title 38, United States Code, and the item relating to such chapter in the table of chapters at the beginning of part V are amended to read as follows:

"72. United States Court of Appeals for Veterans Claims .... 7251".

(b) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) The following provisions of law are amended by striking "Court of Veterans Appeals" each place it appears and inserting "Court of Appeals for Veterans Claims":

(A) Section 8440d of title 5, United States Code.

(B) Section 2412 of title 28, United States Code.

(C) Section 906 of title 44, United States Code.

(D) Section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2)(A) The heading of section 8440d of title 5, United States Code, is amended to read as follows:

"§ 8440d. Judges of the United States Court of Appeals for Veterans Claims".

(B) The item relating to such section in the table of sections at the beginning of chapter 84 of such title is amended to read as follows:

"8440d. Judges of the United States Court of Appeals for Veterans Claims.".

(c) OTHER LEGAL REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to the United States Court of Veterans Appeals shall be deemed to be a reference to the United States Court of Appeals for Veterans Claims.

SEC. 513. EFFECTIVE DATE.

This subtitle, and the amendments made by this subtitle, shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

TITLE VI—HOUSING

SEC. 601. LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS.

(a) IN GENERAL.—Chapter 37 is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS

"§ 3771. Definitions

"For purposes of this subchapter:

"(1) The term 'veteran' has the meaning given such term by paragraph (2) of section 101.

"(2) The term 'homeless veteran' means a veteran who is a homeless individual.

"(3) The term 'homeless individual' has the meaning given such term by section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

"§ 3772. General authority

"(a) The Secretary may guarantee the full or partial repayment of a loan that meets the requirements of this subchapter.

"(b)(1) Not more than 15 loans may be guaranteed under subsection (a), of which not more than five such loans may be guaranteed during the three-year period beginning on the date of the enactment of this subchapter.

"(2) A guarantee of a loan under subsection (a) shall be in an amount that is not less than the amount necessary to sell the loan in a commercial market.

"(3) Not more than an aggregate amount of $100,000,000 in loans may be guaranteed under subsection (a).

"(c) A loan may not be guaranteed under this subchapter unless, before closing such loan, the Secretary has approved the loan.

"(d)(1) The Secretary shall enter into contracts with a qualified nonprofit organization, or other qualified organization, that has experience in underwriting transitional housing projects to obtain advice in carrying out this subchapter, including advice on the terms and conditions necessary for a loan that meets the requirements of section 3773 of this title.

"(2) For purposes of paragraph (1), a nonprofit organization is an organization that is described in paragraph (3) or (4) of subsection (c) of section 501 of the Internal Revenue Code of 1986 and is exempt from tax under subsection (a) of such section.

"(e) The Secretary may carry out this subchapter in advance of the issuance of regulations for such purpose.

"(f) The Secretary may guarantee loans under this subchapter notwithstanding any requirement for prior appropriations for such purpose under any provision of law.

"§ 3773. Requirements

"(a) A loan referred to in section 3772 of this title meets the requirements of this subchapter if each of the following requirements is met:

"(1) The loan—

"(A) is for—

"(i) construction of, rehabilitation of, or acquisition of land for a multifamily transitional housing project described in subsection (b), or more than one of such purposes; or

"(ii) refinancing of an existing loan for such a project; and

"(B) may also include additional reasonable amounts for—

"(i) financing acquisition of furniture, equipment, supplies, or materials for the project; or

"(ii) in the case of a loan made for purposes of subparagraph (A)(i), supplying the organization carrying out the project with working capital relative to the project.

"(2) The loan is made in connection with funding or the provision of substantial property or services for such project by either a State or local government or a nongovernmental entity, or both.

"(3) The maximum loan amount does not exceed the lesser of—

"(A) that amount generally approved (utilizing prudent underwriting principles) in the consideration and approval of projects of similar nature and risk so as to assure repayment of the loan obligation; and

"(B) 90 percent of the total cost of the project.

"(4) The loan is of sound value, taking into account the creditworthiness of the entity (and the individual members of the entity) applying for such loan.

"(5) The loan is secured.

"(6) The loan is subject to such terms and conditions as the Secretary determines are reasonable, taking into account other housing projects with similarities in size, location, population, and services provided.

"(b) For purposes of this subchapter, a multifamily transitional housing project referred to in subsection (a)(1) is a project that—

"(1) provides transitional housing to homeless veterans, which housing may be single room occupancy (as defined in section 8(n) of the United States Housing Act of 1937 (42 U.S.C. 1437f(n)));

"(2) provides supportive services and counselling services (including job counselling) at the project site with the goal of making such veterans self-sufficient;

"(3) requires that each such veteran seek to obtain and maintain employment;

"(4) charges a reasonable fee for occupying a unit in such housing; and

"(5) maintains strict guidelines regarding sobriety as a condition of occupying such unit.

"(c) Such a project—

"(1) may include space for neighborhood retail services or job training programs; and

"(2) may provide transitional housing to veterans who are not homeless and to homeless individuals who are not veterans if—

"(A) at the time of taking occupancy by any such veteran or homeless individual, the transitional housing needs of homeless veterans in the project area have been met;

"(B) the housing needs of any such veteran or homeless individual can be met in a manner that is compatible with the manner in which the needs of homeless veterans are met under paragraph (1); and

"(C) the provisions of paragraphs (4) and (5) of subsection (b) are met.

"(d) In determining whether to guarantee a loan under this subchapter, the Secretary shall consider—

"(1) the availability of Department of Veterans Affairs medical services to residents of the multifamily transitional housing project; and

"(2) the extent to which needs of homeless veterans are met in a community, as assessed under section 107 of Public Law 102–405.

"§ 3774. Default

"(a) The Secretary shall take such steps as may be necessary to obtain repayment on any loan that is in default and that is guaranteed under this subchapter.

"(b) Upon default of a loan guaranteed under this subchapter and terminated pursuant to State law, a lender may file a claim under the guarantee for an amount not to exceed the lesser of—

"(1) the maximum guarantee; or

"(2) the difference between—

"(A) the total outstanding obligation on the loan, including principal, interest, and expenses authorized by the loan documents, through the date of the public sale (as authorized under such documents and State law); and

"(B) the amount realized at such sale.

"§ 3775. Audit

"During each of the first three years of operation of a multifamily transitional housing project with respect to which a loan is guaranteed under this subchapter, there shall be an annual, independent audit of such operation. Such audit shall include a detailed statement of the operations, activities, and accomplishments of such project during the year covered by such audit. The party responsible for obtaining such audit (and paying the costs therefor) shall be determined before the Secretary issues a guarantee under this subchapter.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 is amended by adding at the end the following new items:

"SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS

"3771. Definitions.
"3772. General authority.
"3773. Requirements.
"3774. Default.
"3775. Audit.".

SEC. 602. VETERANS HOUSING BENEFIT PROGRAM FUND ACCOUNT CONSOLIDATION.

(a) CONSOLIDATION OF HOUSING LOAN REVOLVING FUNDS.—Subchapter III of chapter 37 is amended—

(1) by striking out sections 3723, 3724, and 3725; and

(2) by inserting after section 3721 the following new section:

"§3722. Veterans Housing Benefit Program Fund

"(a) There is hereby established in the Treasury of the United States a fund known as the Veterans Housing Benefit Program Fund (hereafter in this section referred to as the 'Fund').

"(b) The Fund shall be available to the Secretary, without fiscal year limitation, for all housing loan operations under this chapter, other than administrative expenses, consistent with the Federal Credit Reform Act of 1990.

"(c) There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

"(1) Any amount appropriated to the Fund.

"(2) Amounts paid into the Fund under section 3729 of this title or any other provision of law or regulation established by the Secretary imposing fees on persons or other entities participating in the housing loan programs under this chapter.

"(3) All other amounts received by the Secretary on or after October 1, 1998, incident to housing loan operations under this chapter, including—

"(A) collections of principal and interest on housing loans made by the Secretary under this chapter;

"(B) proceeds from the sale, rental, use, or other disposition of property acquired under this chapter;

"(C) proceeds from the sale of loans pursuant to sections 3720(h) and 3733(a)(3) of this title; and

"(D) penalties collected pursuant to section 3710(g)(4)(B) of this title.

"(d) Amounts deposited into the Fund under paragraphs (2) and (3) of subsection (c) shall be deposited in the appropriate financing or liquidating account of the Fund.

"(e) For purposes of this section, the term 'housing loan' shall not include a loan made pursuant to subchapter V of this chapter.".

(b) TRANSFERS OF AMOUNTS INTO VETERANS HOUSING BENEFIT PROGRAM FUND.—All amounts in the following funds are hereby transferred to the Veterans Housing Benefit Program Fund:

(1) The Direct Loan Revolving Fund, as such fund was continued under section 3723 of title 38, United States Code (as such section was in effect on the day before the effective date of this title).

(2) The Department of Veterans Affairs Loan Guaranty Revolving Fund, as established by section 3724 of such title (as such section was in effect on the day before the effective date of this title).

(3) The Guaranty and Indemnity Fund, as established by section 3725 of such title (as such section was in effect on the day before the effective date of this title).

(c) REPEAL OF AUTHORITY TO SELL PARTICIPATION CERTIFICATES AND OF OBSOLETE REQUIREMENT TO CREDIT PROCEEDS.—

(1) REPEAL OF AUTHORITY TO SELL PARTICIPATION CERTIFICATES.—Section 3720 is amended by striking out subsection (e).

(2) REPEAL OF OBSOLETE REQUIREMENT TO CREDIT PROCEEDS.—Section 3733 is amended by striking out subsection (e).

(d) SUBMISSION OF SUMMARY FINANCIAL STATEMENT ON HOUSING PROGRAMS.—Section 3734 is amended by adding at the end the following new subsection:

"(c) The information submitted under subsection (a) shall include a statement that summarizes the financial activity of each of the housing programs operated under this chapter. The statement shall be presented in a form that is simple, concise, and readily understandable, and shall not include references to financing accounts, liquidating accounts, or program accounts.".

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS TO CHAPTER 37.—Chapter 37 is amended as follows:

(A) Section 3703(e)(1) is amended by striking out "3729(c)(1)" and inserting in lieu thereof "3729(c)".

(B) Section 3711(k) is amended by striking out "and section 3723 of this title" both places it appears.

(C) Section 3727(c) is amended by striking out "funds established pursuant to sections 3723 and 3724 of this title, as applicable" and inserting in lieu thereof "fund established pursuant to section 3722 of this title".

(D) Section 3729 is amended—

(i) in subsection (c)—

(I) by striking out "(c)(1)" and inserting in lieu thereof "(c)"; and

(II) by striking out paragraphs (2) and (3); and

(ii) in subsection (a)(1), by striking out "(c)(1)" and inserting in lieu thereof "(c)".

(E) Section 3733(a)(6) is amended by striking out "Department of Veterans Affairs Loan Guaranty Revolving Fund established by section 3724(a)" and inserting in lieu thereof "Veterans Housing Benefit Program Fund established by section 3722(a)".

(F) Section 3734, as amended by subsection (d), is further amended—

(i) in subsection (a)—

(I) by striking out "Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund" in paragraph (1) and inserting in lieu thereof "Veterans Housing Benefit Program Fund"; and

(II) by striking out "funds," in paragraph (2) and inserting in lieu thereof "fund,";

(ii) in subsection (b), by striking out "each fund" in the matter preceding paragraph (1) and inserting in lieu thereof "the fund"; and

(iii) in subsection (b)(2)—

(I) by striking out subparagraph (B);

(II) by redesignating subparagraphs (C), (D), (E), (F), and (G) as subparagraphs (B), (C), (D), (E), and (F), respectively; and

(III) in subparagraph (B), as so redesignated, by striking out "subsections (a)(3) and (c)(2) of section 3729" and inserting in lieu thereof "section 3729(a)(3)".

(G) Section 3735(a)(3)(A)(i) is amended by striking out "Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund" and inserting in lieu thereof "Veterans Housing Benefit Program Fund".

(2) OTHER CONFORMING AMENDMENT.—Section 2106(e) is amended by striking out ", as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 3723 or 3724 of this title, respectively" and inserting in lieu thereof "deposited in the Veterans Housing Benefit Program Fund established by section 3722 of this title".

(3) TECHNICAL AND CLERICAL AMENDMENTS.—(A) The heading for section 3734 is amended to read as follows:

"§3734. Annual submission of information on the Veterans Housing Benefit Program Fund and housing programs".

(B) The heading for section 3763 is amended to read as follows:

"§3763. Native American Veteran Housing Loan Program Account".

(C) The table of sections at the beginning of chapter 37 is amended—

(i) by inserting after the item relating to section 3721 the following new item:

"3722. Veterans Housing Benefit Program Fund.";

(ii) by striking out the items relating to sections 3723, 3724, and 3725;

(iii) by striking out the item relating to section 3734 and inserting in lieu thereof.the following:

"3734. Annual submission of information on the Veterans Housing Benefit Program Fund and housing programs.";

and

(iv) by striking out the item relating to section 3763 and inserting in lieu thereof the following:

"3763. Native American Veteran Housing Loan Program Account.".

(f) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect on October 1, 1998.

SEC. 603. EXTENSION OF ELIGIBILITY OF MEMBERS OF SELECTED RESERVE FOR VETERANS HOUSING LOANS.

(a) EXTENSION.—Section 3702(a)(2)(E) is amended by striking out "October 27, 1999," and inserting in lieu thereof "September 30, 2003,".

(b) ONE-YEAR EXTENSION OF FEE PROVISION.—Section 3729(a)(4) is amended—

(1) by striking out "With respect to a loan closed after September 30, 1993, and before October 1, 2002," and inserting in lieu thereof "(A) With respect to a loan closed during the period specified in subparagraph (B)"; and

(2) by adding at the end the following:

"(B) The specified period for purposes of subparagraph (A) is the period beginning on October 1, 1993, and ending on September 30, 2002, except that in the case of a loan described in subparagraph (D) of paragraph (2), such period ends on September 30, 2003.".

SEC. 604. APPLICABILITY OF PROCUREMENT LAW TO CERTAIN CONTRACTS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3720(b) is amended by striking "; however" and all that follows and inserting the following: ", except that title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) shall apply to any contract for services or supplies on account of any property acquired pursuant to this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into under section 3720 of title 38, United States Code, after the end of the 60-day period beginning on the date of the enactment of this Act.

TITLE VII—CONSTRUCTION AND FACILITIES MATTERS

SEC. 701. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) In General.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Alterations and demolition at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $23,200,000.

(2) Construction and seismic work at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $50,000,000.

(3) Outpatient clinic expansion at the Department of Veterans Affairs Medical Center, Washington, D.C., in an amount not to exceed $29,700,000.

(4) Construction of a psychogeriatric care building and demolition of a seismically unsafe building at the Department of Veterans Affairs Medical Center, Palo Alto, California, in an amount not to exceed $22,400,000.

(5) Construction of an ambulatory care addition and renovations for ambulatory care at the Department of Veterans Affairs Medical Center, Cleveland (Wade Park), Ohio, in an amount not to exceed $28,300,000, of which $7,500,000 shall be derived from funds appropriated for a fiscal year before fiscal year 1999 that remain available for obligation.

(6) Construction of an ambulatory care addition at the Department of Veterans Affairs Medical Center, Tucson, Arizona, in an amount not to exceed $35,000,000.

(7) Construction of an addition for psychiatric care at the Department of Veterans Affairs Medical Center, Dallas, Texas, in an amount not to exceed $24,200,000.

(8) Outpatient clinic projects at Auburn and Merced, California, as part of the Northern California Healthcare Systems Project, in an amount not to exceed $3,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation.

(9) Renovations to a nursing home care unit at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $9,500,000.

(10) Construction of a spinal cord injury center at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $46,300,000, of which $20,000,000 shall be derived from funds appropriated for a fiscal year before fiscal year 1999 that remain available for obligation.

(b) Construction of Parking Facility.—The Secretary may construct a parking structure at the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $13,000,000, of which $11,900,000 shall be derived from funds in the Parking Revolving Fund.

SEC. 702. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for satellite outpatient clinics as follows:

(1) Baton Rouge, Louisiana, in an amount not to exceed $1,800,000.

(2) Daytona Beach, Florida, in an amount not to exceed $2,600,000.

(3) Oakland Park, Florida, in an amount not to exceed $4,100,000.

SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1999 and for fiscal year 2000—

(1) for the Construction, Major Projects, account $241,100,000 for the projects authorized in section 701(a); and

(2) for the Medical Care account, $8,500,000 for the leases authorized in section 702.

(b) Limitation.—(1) The projects authorized in section 701(a) may only be carried out using—

(A) funds appropriated for fiscal year 1999 or fiscal year 2000 pursuant to the authorization of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 1999 for a category of activity not specific to a project.

(2) The project authorized in section 701(b) may only be carried out using funds appropriated for a fiscal year before fiscal year 1999—

(A) for the Parking Revolving Fund; or

(B) for Construction, Major Projects, for a category of activity not specific to a project.

SEC. 704. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY LEASES FOR PURPOSES OF CONGRESSIONAL AUTHORIZATION.

Section 8104(a)(3)(B) is amended by striking out "$300,000" and inserting in lieu thereof "$600,000".

SEC. 705. THRESHOLD FOR TREATMENT OF PARKING FACILITY PROJECT AS A MAJOR MEDICAL FACILITY PROJECT.

Section 8109(i)(2) is amended by striking out "$3,000,000" and inserting in lieu thereof "$4,000,000".

SEC. 706. PARKING FEES.

(a) Limitation.—The Secretary of Veterans Affairs may not establish or collect any parking fee at any parking facility associated with the Spark M. Matsunaga Department of Veterans Affairs Medical and Regional Office Center in Honolulu, Hawaii.

(b) Report.—Not later than September 15, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding the Department's experience in exercising and administering the authority of the Secretary to charge parking fees under subsections (d) and (e) of section 8109 of title 38, United States Code. The report shall include—

(1) the results of a survey which shall describe the parking facilities and number of parking spaces available to employees of the Department at each medical facility of the Department with more than 50 employees;

(2) an analysis of the means by which the Secretary could implement in a cost-effective manner the authority of the Secretary under subsection (e) of section 8109 of title 38, United States Code; and

(3) recommendations for amending section 8109 of such title—

(A) to address the applicability of parking fees to employees of the Secretary who are employed at a regional office which is co-located with a medical facility;

(B) to address the applicability of parking fees to persons using parking facilities at Department of Veterans Affairs medical centers co-located with facilities of the Department of Defense;

(C) to link any schedule of applicable fees to applicable commercial rates; and

(D) to achieve any other purpose.

SEC. 707. MASTER PLAN REGARDING USE OF DEPARTMENT OF VETERANS AFFAIRS LANDS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA.

(a) Report.—The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(b) Report Elements.—The report under subsection (a) shall set forth the following:

(1) The master plan referred to in that subsection, if such a plan currently exists.

(2) A current assessment of the master plan.

(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (a), and an assessment of such proposals.

(4) Any proposal to use a portion of those lands as dedicated green space, and an assessment of such proposals.

(c) Alternative Report Element.—If a master plan referred to in subsection (a) does not exist as of the date of the enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (b), a plan for the development of a master plan for the use of the lands referred to in subsection (a) over the next 25 years and over the next 50 years.

SEC. 708. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ASPINWALL, PENNSYLVANIA.

The Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, is hereby designated as the "H. John Heinz III Department of Veterans Affairs Medical Center". Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the H. John Heinz III Department of Veterans Affairs Medical Center.

SEC. 709. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, GAINESVILLE, FLORIDA.

The Department of Veterans Affairs medical center in Gainesville, Florida, is hereby designated as the "Malcom Randall Department of Veterans Affairs Medical Center". Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Malcom Randall Department of Veterans Affairs Medical Center.

SEC. 710. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, COLUMBUS, OHIO.

The Department of Veterans Affairs outpatient clinic in Columbus, Ohio, shall after the date of the enactment of this Act be known and designated as the "Chalmers P. Wylie Veterans Outpatient Clinic". Any reference to that outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Chalmers P. Wylie Veterans Outpatient Clinic.

TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

SEC. 801. SHORT TITLE.

This title may be cited as the "Department of Veterans Affairs Health Care Personnel Incentive Act of 1998".

SEC. 802. SCHOLARSHIP PROGRAM FOR DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES RECEIVING EDUCATION OR TRAINING IN THE HEALTH PROFESSIONS.

(a) Program Authority.—Chapter 76 is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

"§ 7671. Authority for program

"As part of the Educational Assistance Program, the Secretary may carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Employee Incentive Scholarship Program (hereinafter in this subchapter referred to as the 'Program'). The purpose of the Program is to assist, through the establishment of an incentive *program for individuals employed in the Veterans Health Administration, in meeting the staffing needs of the Veterans Health Administration for health professional occupations for which recruitment or retention of qualified personnel is difficult.*

"§7672. Eligibility; agreement

"(a) ELIGIBILITY.—To be eligible to participate in the Program, an individual must be an eligible Department employee who is accepted for enrollment or enrolled (as described in section 7602 of this title) as a full-time or part-time student in a field of education or training described in subsection (c).

"(b) ELIGIBLE DEPARTMENT EMPLOYEES.—For purposes of subsection (a), an eligible Department employee is any employee of the Department who, as of the date on which the employee submits an application for participation in the Program, has been continuously employed by the Department for not less than two years.

"(c) QUALIFYING FIELDS OF EDUCATION OR TRAINING.—A scholarship may be awarded under the Program only for education and training in a field leading to appointment or retention in a position under section 7401 of this title.

"(d) AWARD OF SCHOLARSHIPS.—Notwithstanding section 7603(d) of this title, the Secretary, in selecting participants in the Program, may award a scholarship only to applicants who have a record of employment with the Veterans Health Administration which, in the judgment of the Secretary, demonstrates a high likelihood that the applicant will be successful in completing such education or training and in employment in such field.

"(e) AGREEMENT.—(1) An agreement between the Secretary and a participant in the Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

"(A) The Secretary's agreement to provide the participant with a scholarship under the Program for a specified number (from one to three) of school years during which the participant pursues a course of education or training described in subsection (c) that meets the requirements set forth in section 7602(a) of this title.

"(B) The participant's agreement to serve as a full-time employee in the Veterans Health Administration for a period of time (hereinafter in this subchapter referred to as the 'period of obligated service') determined in accordance with regulations prescribed by the Secretary of up to three calendar years for each school year or part thereof for which the participant was provided a scholarship under the Program, but for not less than three years.

"(C) The participant's agreement to serve under subparagraph (B) in a Department facility selected by the Secretary.

"(2) In a case in which an extension is granted under section 7673(c)(2) of this title, the number of years for which a scholarship may be provided under the Program shall be the number of school years provided for as a result of the extension.

"(3) In the case of a participant who is a part-time student, the period of obligated service shall be reduced in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant, but in no event to less than one year.

"§7673. Scholarship

"(a) SCHOLARSHIP.—A scholarship provided to a participant in the Program for a school year shall consist of payment of the tuition (or such portion of the tuition as may be provided under subsection (b)) of the participant for that school year and payment of other reasonable educational expenses (including fees, books, and laboratory expenses) for that school year.

"(b) AMOUNTS.—The total amount of the scholarship payable under subsection (a)—

"(1) in the case of a participant in the Program who is a full-time student, may not exceed $10,000 for any one year; and

"(2) in the case of a participant in the Program who is a part-time student, shall be the amount specified in paragraph (1) reduced in accordance with the proportion that the number of credit hours carried by the participant in that school year bears to the number of credit hours required to be carried by a full-time student in the course of education or training being pursued by the participant.

"(c) LIMITATION ON YEARS OF PAYMENT.—(1) Subject to paragraph (2), a participant in the Program may not receive a scholarship under subsection (a) for more than three school years.

"(2) The Secretary may extend the number of school years for which a scholarship may be awarded to a participant in the Program who is a part-time student to a maximum of six school years if the Secretary determines that the extension would be in the best interest of the United States.

"(d) PAYMENT OF EDUCATIONAL EXPENSES BY EDUCATIONAL INSTITUTIONS.—The Secretary may arrange with an educational institution in which a participant in the Program is enrolled for the payment of the educational expenses described in subsection (a). Such payments may be made without regard to subsections (a) and (b) of section 3324 of title 31.

"§7674. Obligated service

"(a) IN GENERAL.—Each participant in the Program shall provide service as a full-time employee of the Department for the period of obligated service provided in the agreement of the participant entered into under section 7603 of this title. Such service shall be provided in the full-time clinical practice of such participant's profession or in another health-care position in an assignment or location determined by the Secretary.

"(b) DETERMINATION OF SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before a participant's service commencement date, the Secretary shall notify the participant of that service commencement date. That date is the date for the beginning of the participant's period of obligated service.

"(2) As soon as possible after a participant's service commencement date, the Secretary shall—

"(A) in the case of a participant who is not a full-time employee in the Veterans Health Administration, appoint the participant as such an employee; and

"(B) in the case of a participant who is an employee in the Veterans Health Administration but is not serving in a position for which the participant's course of education or training prepared the participant, assign the participant to such a position.

"(3)(A) In the case of a participant receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the participant's service commencement date is the date upon which the participant becomes licensed to practice medicine, osteopathy, dentistry, optometry, or podiatry, as the case may be, in a State.

"(B) In the case of a participant receiving a degree from a school of nursing, the participant's service commencement date is the later of—

"(i) the participant's course completion date; or

"(ii) the date upon which the participant becomes licensed as a registered nurse in a State.

"(C) In the case of a participant not covered by subparagraph (A) or (B), the participant's service commencement date is the later of—

"(i) the participant's course completion date; or

"(ii) the date the participant meets any applicable licensure or certification requirements.

"(4) The Secretary shall by regulation prescribe the service commencement date for participants who were part-time students. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3).

"(c) COMMENCEMENT OF OBLIGATED SERVICE.—(1) Except as provided in paragraph (2), a participant in the Program shall be considered to have begun serving the participant's period of obligated service—

"(A) on the date, after the participant's course completion date, on which the participant (in accordance with subsection (b)) is appointed as a full-time employee in the Veterans Health Administration; or

"(B) if the participant is a full-time employee in the Veterans Health Administration on such course completion date, on the date thereafter on which the participant is assigned to a position for which the participant's course of training prepared the participant.

"(2) A participant in the Program who on the participant's course completion date is a full-time employee in the Veterans Health Administration serving in a capacity for which the participant's course of training prepared the participant shall be considered to have begun serving the participant's period of obligated service on such course completion date.

"(d) COURSE COMPLETION DATE DEFINED.—In this section, the term 'course completion date' means the date on which a participant in the Program completes the participant's course of education or training under the Program.

"§7675. Breach of agreement: liability

"(a) LIQUIDATED DAMAGES.—A participant in the Program (other than a participant described in subsection (b)) who fails to accept payment, or instructs the educational institution in which the participant is enrolled not to accept payment, in whole or in part, of a scholarship under the agreement entered into under section 7603 of this title shall be liable to the United States for liquidated damages in the amount of $1,500. Such liability is in addition to any period of obligated service or other obligation or liability under the agreement.

"(b) LIABILITY DURING COURSE OF EDUCATION OR TRAINING.—(1) Except as provided in subsection (d), a participant in the Program shall be liable to the United States for the amount which has been paid to or on behalf of the participant under the agreement if any of the following occurs:

"(A) The participant fails to maintain an acceptable level of academic standing in the educational institution in which the participant is enrolled (as determined by the educational institution under regulations prescribed by the Secretary).

"(B) The participant is dismissed from such educational institution for disciplinary reasons.

"(C) The participant voluntarily terminates the course of education or training in such educational institution before the completion of such course of education or training.

"(D) The participant fails to become licensed to practice medicine, osteopathy, dentistry, podiatry, or optometry in a State, fails to become licensed as a registered nurse in a State, or fails to meet any applicable licensure requirement in the case of any other health-care personnel who provide either direct patient-care services or services incident to direct patient-care services, during a period of time determined under regulations prescribed by the Secretary.

"(E) In the case of a participant who is a part-time student, the participant fails to maintain employment, while enrolled in the course of training being pursued by the participant, as a Department employee.

"(2) Liability under this subsection is in lieu of any service obligation arising under a participant's agreement.

"(c) LIABILITY DURING PERIOD OF OBLIGATED SERVICE.—(1) Except as provided in subsection (d), if a participant in the Program breaches the agreement by failing for any reason to complete such participant's period of obligated service, the United States shall be entitled to recover from the participant an amount determined in accordance with the following formula:

$$A=3\Phi\ \left(\frac{t-s}{t}\right)$$

"(2) In such formula:

"(A) 'A' is the amount the United States is entitled to recover.

"(B) 'Φ' is the sum of—

"(i) the amounts paid under this subchapter to or on behalf of the participant; and

"(ii) the interest on such amounts which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

"(C) 't' is the total number of months in the participant's period of obligated service, including any additional period of obligated service in accordance with section 7673(c)(2) of this title.

"(D) 's' is the number of months of such period served by the participant in accordance with section 7673 of this title.

"(d) LIMITATION ON LIABILITY FOR REDUCTIONS-IN-FORCE.—Liability shall not arise under subsection (b)(1)(E) or (c) in the case of a participant otherwise covered by the subsection concerned if the participant fails to maintain employment as a Department employee due to a staffing adjustment.

"(e) PERIOD FOR PAYMENT OF DAMAGES.—Any amount of damages which the United States is entitled to recover under this section shall be paid to the United States within the one-year period beginning on the date of the breach of the agreement.

"§ 7676. Expiration of program

"The Secretary may not furnish scholarships to individuals who have not commenced participation in the Program before December 31, 2001.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

"7671. Authority for program.
"7672. Eligibility; agreement.
"7673. Scholarship.
"7674. Obligated service.
"7675. Breach of agreement: liability.
"7676. Expiration of program.".

SEC. 803. EDUCATION DEBT REDUCTION PROGRAM FOR VETERANS HEALTH ADMINISTRATION HEALTH PROFESSIONALS.

(a) PROGRAM AUTHORITY.—Chapter 76 (as amended by section 802(a)), is further amended by adding after subchapter VI the following new subchapter:

"SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

"§ 7681. Authority for program

"(a) IN GENERAL.—(1) As part of the Educational Assistance Program, the Secretary may carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program (hereinafter in this subchapter referred to as the 'Education Debt Reduction Program').

"(2) The purpose of the Education Debt Reduction Program is to assist in the recruitment of qualified health care professionals for positions in the Veterans Health Administration for which recruitment or retention of an adequate supply of qualified personnel is difficult.

"(b) RELATIONSHIP TO EDUCATIONAL ASSISTANCE PROGRAM.—Education debt reduction payments under the Education Debt Reduction Program may be in addition to other assistance available to individuals under the Educational Assistance Program.

"§ 7682. Eligibility

"(a) ELIGIBILITY.—An individual is eligible to participate in the Education Debt Reduction Program if the individual—

"(1) is a recently appointed employee in the Veterans Health Administration serving under an appointment under section 7402(b) of this title in a position for which recruitment or retention of a qualified health-care personnel (as determined by the Secretary) is difficult; and

"(2) owes any amount of principal or interest under a loan, the proceeds of which were used by or on behalf of that individual to pay costs relating to a course of education or training which led to a degree that qualified the individual for the position referred to in paragraph (1).

"(b) COVERED COSTS.—For purposes of subsection (a)(2), costs relating to a course of education or training include—

"(1) tuition expenses;

"(2) all other reasonable educational expenses, including expenses for fees, books, and laboratory expenses; and

"(3) reasonable living expenses.

"(c) RECENTLY APPOINTED INDIVIDUALS.—For purposes of subsection (a), an individual shall be considered to be recently appointed to a position if the individual has held that position for less than six months.

"§ 7683. Education debt reduction

"(a) IN GENERAL.—Education debt reduction payments under the Education Debt Reduction Program shall consist of payments to individuals selected to participate in the program of amounts to reimburse such individuals for payments by such individuals of principal and interest on loans described in section 7682(a)(2) of this title.

"(b) FREQUENCY OF PAYMENT.—(1) The Secretary may make education debt reduction payments to any given participant in the Education Debt Reduction Program on a monthly or annual basis, as determined by the Secretary.

"(2) The Secretary shall make such payments at the end of the period determined by the Secretary under paragraph (1).

"(c) PERFORMANCE REQUIREMENT.—The Secretary may make education debt reduction payments to a participant in the Education Debt Reduction Program for a period only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the participant during the period.

"(d) MAXIMUM ANNUAL AMOUNT.—(1) Subject to paragraph (2), the amount of education debt reduction payments made to a participant for a year under the Education Debt Reduction Program may not exceed—

"(A) $6,000 for the first year of the participant's participation in the Program;

"(B) $8,000 for the second year of the participant's participation in the Program; and

"(C) $10,000 for the third year of the participant's participation in the Program.

"(2) The total amount payable to a participant in such Program for any year may not exceed the amount of the principal and interest on loans referred to in subsection (a) that is paid by the individual during such year.

"§ 7684. Expiration of program

"The Secretary may not make education debt reduction payments to individuals who have not commenced participation in the Education Debt Reduction Program before December 31, 2001.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter (as amended by section 802(b)) is further amended by adding at the end the following new items:

"SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

"7681. Authority for program.
"7682. Eligibility.
"7683. Education debt reduction.
"7684. Expiration of program.".

SEC. 804. REPEAL OF PROHIBITION ON PAYMENT OF TUITION LOANS.

Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4959; 38 U.S.C. 7601 note) is repealed.

SEC. 805. CONFORMING AMENDMENTS.

Chapter 76 is amended as follows:

(1) Section 7601(a) is amended—

(A) by striking out "and" at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new paragraphs:

"(4) the employee incentive scholarship program provided for in subchapter VI of this chapter; and"; and

"(5) the education debt reduction program provided for in subchapter VII of this chapter.".

(2) Section 7602 is amended—

(A) in subsection (a)(1)—

(i) by striking out "subchapter I or II" and inserting in lieu thereof "subchapter II, III, or VI";

(ii) by striking out "or for which" and inserting in lieu thereof ", for which"; and

(iii) by inserting before the period at the end the following: ", or for which a scholarship may be awarded under subchapter VI of this chapter, as the case may be"; and

(B) in subsection (b), by striking out "subchapter I or II" and inserting in lieu thereof "subchapter II, III, or VI".

(3) Section 7603 is amended—

(A) in subsection (a)—

(i) by striking out "To apply to participate in the Educational Assistance Program," and inserting in lieu thereof "(1) To apply to participate in the Educational Assistance Program under subsection II, III, V, or VI of this chapter,"; and

(ii) by adding at the end the following:

"(2) To apply to participate in the Educational Assistance Program under subchapter VII of this chapter, an individual shall submit to the Secretary an application for such participation."; and

(B) in subsection (b)(1), by inserting "(if required)" before the period at the end.

(4) Section 7604 is amended by striking out "subchapter II, III, or V" in paragraphs (1)(A), (2)(D), and (5) and inserting in lieu thereof "subchapter II, III, V, or VI".

(5) Section 7632 is amended—

(A) in paragraph (1)—

(i) by striking out "and the Tuition Reimbursement Program" and inserting in lieu thereof ", the Tuition Reimbursement Program, the Employee Incentive Scholarship Program, and the Education Debt Reduction Program"; and

(ii) by inserting "(if any)" after "number of students";

(B) in paragraph (2), by inserting "(if any)" after "education institutions"; and

(C) in paragraph (4)—

(i) by striking "and per participant" and inserting in lieu thereof ", per participant"; and

(ii) by inserting ", per participant in the Employee Incentive Scholarship Program, and per participant in the Education Debt Reduction Program" before the period at the end.

(6) Section 7636 is amended by striking "or a stipend" and inserting "a stipend, or education debt reduction".

SEC. 806. COORDINATION WITH APPROPRIATIONS PROVISION.

This title shall be considered to be the authorizing legislation referred to in the third proviso under the heading "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE" in title I of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, and the reference in that proviso to the "Primary Care Providers Incentive Act" shall be treated as referring to this title.

TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS

SEC. 901. EXAMINATIONS AND CARE ASSOCIATED WITH CERTAIN RADIATION TREATMENT.

(a) In General.—Chapter 17 is amended by inserting after section 1720D the following new section:

"§1720E. Nasopharyngeal radium irradiation

"(a) The Secretary may provide any veteran a medical examination, and hospital care, medical services, and nursing home care, which the Secretary determines is needed for the treatment of any cancer of the head or neck which the Secretary finds may be associated with the veteran's receipt of nasopharyngeal radium irradiation treatments in active military, naval, or air service.

"(b) The Secretary shall provide care and services to a veteran under subsection (a) only on the basis of evidence in the service records of the veteran which document nasopharyngeal radium irradiation treatment in service, except that, notwithstanding the absence of such documentation, the Secretary may provide such care to a veteran who—

"(1) served as an aviator in the active military, naval, or air service before the end of the Korean conflict; or

"(2) underwent submarine training in active naval service before January 1, 1965.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

"1720E. Nasopharyngeal radium irradiation.".

SEC. 902. EXTENSION OF AUTHORITY TO COUNSEL AND TREAT VETERANS FOR SEXUAL TRAUMA.

Section 1720D(a) is amended by striking out "December 31, 1998" in paragraphs (1) and (3) and inserting in lieu thereof "December 31, 2001".

SEC. 903. MANAGEMENT OF SPECIALIZED TREATMENT AND REHABILITATIVE PROGRAMS.

(a) Standards of Job Performance.—Section 1706(b) is amended—

(1) in paragraph (2), by striking out "April 1, 1997, April 1, 1998, and April 1, 1999" and inserting in lieu thereof "April 1, 1999, April 1, 2000, and April 1, 2001"; and

(2) by adding at the end the following new paragraph:

"(3)(A) To ensure compliance with paragraph (1), the Under Secretary for Health shall prescribe objective standards of job performance for employees in positions described in subparagraph (B) with respect to the job performance of those employees in carrying out the requirements of paragraph (1). Those job performance standards shall include measures of workload, allocation of resources, and quality-of-care indicators.

"(B) Positions described in this subparagraph are positions in the Veterans Health Administration that have responsibility for allocating and managing resources applicable to the requirements of paragraph (1).

"(C) The Under Secretary shall develop the job performance standards under subparagraph (A) in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.".

(b) Deadline for Prescribing Standards.—The standards of job performance required by paragraph (3) of section 1706(b) of title 38, United States Code, as added by subsection (a), shall be prescribed not later than January 1, 1999.

SEC. 904. AUTHORITY TO USE FOR OPERATING EXPENSES OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES AMOUNTS AVAILABLE BY REASON OF THE LIMITATION ON PENSION FOR VETERANS RECEIVING NURSING HOME CARE.

(a) In General.—Section 5503(a)(1)(B) is amended by striking "Effective through September 30, 1997, any" in the second sentence and inserting "Any".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as of October 1, 1997.

SEC. 905. REPORT ON NURSE LOCALITY PAY.

(a) Report Required.—(1) Not later than February 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report assessing the system of locality-based pay for nurses established under the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101–366) and now set forth in section 7451 of title 38, United States Code.

(2) The Secretary shall submit with the report under paragraph (1) a copy of the report on the locality pay system prepared by the contractor pursuant to a contract with Systems Flow, Inc., that was entered into on May 22, 1998.

(b) Matters To Be Included—The report of the Secretary under subsection (a)(1) shall include the following:

(1) An assessment of the effects of the locality-based pay system, including information, shown by facility and grade level, regarding the frequency and percentage increases, if any, in the rate of basic pay under that system of nurses employed in the Veterans Health Administration.

(2) An assessment of the manner in which that system is being applied.

(3) Plans and recommendations of the Secretary for administrative and legislative improvements or revisions to the locality pay system.

(4) An explanation of the reasons for any decision not to adopt any recommendation in the report referred to in subsection (a)(2).

(c) Updated Report.—Not later than February 1, 2000, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report updating the report submitted under subsection (a)(1).

SEC. 906. ANNUAL REPORT ON PROGRAM AND EXPENDITURES OF DEPARTMENT OF VETERANS AFFAIRS FOR DOMESTIC RESPONSE TO WEAPONS OF MASS DESTRUCTION.

(a) In General.—Subchapter II of chapter 5 is amended by adding at the end the following new section:

"§530. Annual report on program and expenditures for domestic response to weapons of mass destruction

"(a) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report, to be submitted each year at the time that the President submits the budget for the next fiscal year under section 1105 of title 31, on the activities of the Department relating to preparation for, and participation in, a domestic medical response to an attack involving weapons of mass destruction.

"(b) Each report under subsection (a) shall include the following:

"(1) A statement of the amounts of funds and the level of personnel resources (stated in terms of full-time equivalent employees) expected to be used by the Department during the next fiscal year in preparation for a domestic medical response to an attack involving weapons of mass destruction, including the anticipated source of those funds and any anticipated shortfalls in funds or personnel resources to achieve the tasks assigned the Department by the President in connection with preparation for such a response.

"(2) A detailed statement of the funds expended and personnel resources (stated in terms of full-time equivalent employees) used during the fiscal year preceding the fiscal year during which the report is submitted in preparation for a domestic medical response to an attack involving weapons of mass destruction or in response to such an attack, including identification of the source of those funds and a description of how those funds were expended.

"(3) A detailed statement of the funds expended and expected to be expended, and the personnel resources (stated in terms of full-time equivalent employees) used and expected to be used, during the fiscal year during which the report is submitted in preparation for a domestic medical response to an attack involving weapons of mass destruction or in response to such an attack, including identification of the source of funds expended and a description of how those funds were expended.

"(c) This section shall expire on January 1, 2009.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 529 the following new item:

"530. Annual report on program and expenditures for domestic response to weapons of mass destruction.".

SEC. 907. INTERIM APPOINTMENT OF UNDER SECRETARY FOR HEALTH.

The President may appoint to the position of Under Secretary for Health of the Department of Veterans Affairs, for service through June 30, 1999, the individual whose appointment to that position under section 305 of title 38, United States Code, expired on September 28, 1998.

TITLE X—OTHER MATTERS

SEC. 1001. REQUIREMENT FOR NAMING OF DEPARTMENT PROPERTY.

(a) In General.—(1) Subchapter II of chapter 5, as amended by section 906(a), is further amended by adding at the end the following new section:

"§531. Requirement relating to naming of Department property

"Except as expressly provided by law, a facility, structure, or real property of the Department, and a major portion (such as a wing or floor) of any such facility, structure, or real property, may be named only for the geographic area in which the facility, structure, or real property is located.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the

item relating to section 530, as added by section 906(b), the following new item:

"531. Requirement relating to naming of Department property.".

(b) EFFECTIVE DATE.—Section 531 of title 38, United States Code, as added by subsection (a)(1), shall apply with respect to the assignment or designation of the name of a facility, structure, or real property of the Department of Veterans Affairs (or of a major portion thereof) after the date of the enactment of this Act.

SEC. 1002. MEMBERS OF THE BOARD OF VETERANS' APPEALS.

(a) REQUIREMENT FOR BOARD MEMBERS TO BE ATTORNEYS.—Section 7101A(a) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Each member of the Board shall be a member in good standing of the bar of a State.".

(b) EMPLOYMENT REVERSION RIGHTS.—Paragraph (2) of section 7101A(d) is amended to read as follows:

"(2)(A) Upon removal from the Board under paragraph (1) of a member of the Board who before appointment to the Board served as an attorney in the civil service, the Secretary shall appoint that member to an attorney position at the Board, if the removed member so requests. If the removed member served in an attorney position at the Board immediately before appointment to the Board, appointment to an attorney position under this paragraph shall be in the grade and step held by the removed member immediately before such appointment to the Board.

"(B) The Secretary is not required to make an appointment to an attorney position under this paragraph if the Secretary determines that the member of the Board removed under paragraph (1) is not qualified for the position.".

SEC. 1003. FLEXIBILITY IN DOCKETING AND HEARING OF APPEALS BY BOARD OF VETERANS' APPEALS.

(a) FLEXIBILITY IN ORDER OF CONSIDERATION AND DETERMINATION.—Subsection (a) of section 7107 is amended—

(1) in paragraph (1), by inserting "in paragraphs (2) and (3) and" after "Except as provided";

(2) in paragraph (2), by striking out the second sentence and inserting in lieu thereof the following: "Any such motion shall set forth succinctly the grounds upon which the motion is based. Such a motion may be granted only—

"(A) if the case involves interpretation of law of general application affecting other claims;

"(B) if the appellant is seriously ill or is under severe financial hardship; or

"(C) for other sufficient cause shown."; and

(3) by adding at the end the following new paragraph:

"(3) A case referred to in paragraph (1) may be postponed for later consideration and determination if such postponement is necessary to afford the appellant a hearing.".

(b) SCHEDULING OF FIELD HEARINGS.—Subsection (d) of such section is amended—

(1) in paragraph (2), by striking out "in the order" and all that follows through the end and inserting in lieu thereof "in accordance with the place of the case on the docket under subsection (a) relative to other cases on the docket for which hearings are scheduled to be held within that area."; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph (3):

"(3) A hearing to be held within an area served by a regional office of the Department may, for cause shown, be advanced on motion for an earlier hearing. Any such motion shall set forth succinctly the grounds upon which the motion is based. Such a motion may be granted only—

"(A) if the case involves interpretation of law of general application affecting other claims;

"(B) if the appellant is seriously ill or is under severe financial hardship; or

"(C) for other sufficient cause shown.".

SEC. 1004. DISABLED VETERANS OUTREACH PROGRAM SPECIALISTS.

(a) IN GENERAL.—Section 4103A(a)(1) is amended—

(1) in the first sentence, by striking out "for each 6,900 veterans residing in such State" through the period and inserting in lieu thereof "for each 7,400 veterans who are between the ages of 20 and 64 residing in such State.";

(2) in the third sentence, by striking out "of the Vietnam era"; and

(3) by striking out the fourth sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments of disabled veterans' outreach program specialists under section 4103A of title 38, United States Code, on or after the date of the enactment of this Act.

SEC. 1005. TECHNICAL AMENDMENTS.

(a) SECTION REDESIGNATION.—Section 1103, as added by section 8031(a) of the Veterans Reconciliation Act of 1997 (title VIII of Public Law 105–33), is redesignated as section 1104, and the item relating to that section in the table of sections at the beginning of chapter 11 is revised to reflect that redesignation.

(b) OTHER AMENDMENTS TO TITLE 38, U.S.C.—

(1) Section 712(a) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "November 2, 1994,".

(2) Section 1706(b)(1) is amended by striking out "the date of the enactment of this section" at the end of the first sentence and inserting in lieu thereof "October 9, 1996".

(3) Section 1710(e)(2)(A)(ii) is amended by striking out "section 2" and inserting in lieu thereof "section 3".

(4) Section 1803(c)(2) is amended by striking out "who furnishes health care that the Secretary determines authorized" and inserting in lieu thereof "furnishing health care services that the Secretary determines are authorized".

(5) Section 2408(d)(1) is amended—

(A) by striking out "the date of the enactment of this subsection" and inserting in lieu thereof "November 21, 1997,"; and

(B) by striking out "on the condition described in" and inserting in lieu thereof "subject to the condition specified in".

(6) Section 3018B(a)(2)(E) is amended by striking out "before the one-year period beginning on the date of enactment of this section," and inserting in lieu thereof "before October 23, 1993,".

(7) Section 3231(a)(2) is amended by striking out "subsection (f)" and inserting in lieu thereof "subsection (e)".

(8) Section 3674A(b)(1) is amended by striking out "after the 18-month period beginning on the date of the enactment of this section".

(9) Section 3680A(d)(2)(C) is amended by striking out "section".

(10) Section 3714(f)(1)(B) is amended by striking out "more than 45 days after the date of the enactment of the Veterans' Benefits and Programs Improvement Act of 1988" and inserting in lieu thereof "after January 1, 1989".

(11) Section 3727(a) is amended by striking out "the date of enactment of this section" and inserting in lieu thereof "May 7, 1968".

(12) Section 3730(a) is amended by striking out "Within" and all that follows through "steps to" and inserting in lieu thereof "The Secretary shall".

(13) Section 4102A(e)(1) is amended by striking out the second sentence and inserting in lieu thereof the following: "A person may not be assigned after October 9, 1996, as such a Regional Administrator unless the person is a veteran.".

(14) Section 4110A is amended—

(A) by striking out subsection (b); and

(B) by redesignating paragraph (3) of subsection (a) as subsection (b) and striking out "paragraph (1)" therein and inserting in lieu thereof "subsection (a)".

(15) Section 5303A(d) is amended—

(A) in paragraph (2)(B), by striking out "on or after the date of the enactment of this subsection" and inserting in lieu thereof "after October 13, 1982,"; and

(B) in paragraph (3)(B)(i), by striking out "on or after the date of the enactment of this subsection," and inserting in lieu thereof "after October 13, 1982,".

(16) Section 5313(d)(1) is amended by striking out "the date of the enactment of this section," and inserting in lieu thereof "October 7, 1980,".

(17) Section 5315(b)(1) is amended by striking out "the date of the enactment of this section," and inserting in lieu thereof "October 17, 1980,".

(18) Section 8107(b)(3)(E) is amended by striking out "section 7305" and inserting in lieu thereof "section 7306(f)(1)(A)".

(c) PUBLIC LAW 104–275.—The Veterans' Benefits Improvements Act of 1996 (Public Law 104–275) is amended as follows:

(1) Section 303(b) (110 Stat. 3332; 38 U.S.C. 4104 note) is amended by striking out "sections 4104(b)(1) and (c)" and inserting in lieu thereof "subsections (b)(1) and (c) of section 4104".

(2) Section 705(e) (110 Stat. 3350; 38 U.S.C. 545 note) is amended by striking out "section 5316" and inserting in lieu thereof "section 5315".

TITLE XI—COMPENSATION COST-OF-LIVING ADJUSTMENT

SEC. 1101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1998, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1998.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1998, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar

amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 1102. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1998, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 1101, as increased pursuant to that section.

Mr. ROCKEFELLER. Mr. President, as the ranking member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate is considering this comprehensive bill which would make valuable changes to a wide range of veterans' benefits and services. This legislation represents the culmination of considerable oversight and investigation, hearings and markups in both the House and Senate, and the normal flow of legislation and compromise which is the basis of reaching consensus. The bill does not represent all that I or others involved would have wanted; but it does represent the best that we could do under the rules and budget constraints within which we operate.

Although the bill we consider today addresses many initiatives—from assisting Persian Gulf War veterans to providing educational assistance to health care professionals—I will mention only some of the issues which are of particular interest to me.

GULF WAR VETERANS' HEALTH CARE AND RESEARCH

Mr. President, H.R. 4110, as amended, represents a comprehensive effort to address the needs of our Gulf War veterans. In addition to addressing these veterans' health care needs, this legislation provides for research on the prevention and treatment of post-conflict illnesses.

As Ranking Member of the Committee on Veterans' Affairs, I have witnessed firsthand the struggles of many of our Gulf War veterans, in West Virginia and across the nation. For many, the Persian Gulf War will undoubtedly be remembered as one of our country's most decisive military victories. Despite our fears regarding the possibility of massive troop injuries and losses, the careful planning and strategy of our military leaders paid off. At the end of the ground war, it appeared that there had been relatively few casualties. But as with any war, the human costs of the Gulf War have been high, and we see now that the casualties have continued long after the battle was over.

Many of the men and women who served in the Gulf have suffered chronic, and in some cases, disabling health problems. Their pain has been compounded by their difficulty in getting the government they served to acknowledge their problems and provide the appropriate care and benefits they deserve. This legislation will address some of their concerns. I regret that we can't do more, but we must begin the process where we can. We can't wait the 20 years we waited after the Vietnam war to assess the effects of Agent Orange, or the 40 years we waited after World War II to concede the problems of radiation-exposed veterans. It is time to learn from the lessons of the past and act now.

Section 102 extends VA's authority to provide health care to Gulf War veterans through December 31, 2001. This is a vital provision. After the war, DoD and VA acknowledged that they couldn't diagnose the health problems affecting Persian Gulf War veterans. We did not want to make these veterans wait for the science to catch up before we could provide health care and compensation for their service-related conditions. That is why, back in 1993, we provided Persian Gulf War veterans with priority health care at VA facilities for conditions related to their exposure to battlefield exposures and environmental hazards. Gulf War veterans' access to health care through VA must continue to be ensured, and this agreement does that.

Section 102 also extends VA's current authority to provide treatment for veterans of future conflicts. We are making it possible for future veterans to seek and receive care through VA immediately after leaving the military and up to two years following discharge. By doing this, we may be able to prevent some chronic health conditions by providing early treatment.

The substitute amendment calls upon the Secretary of Veterans Affairs to enter into an agreement with the National Academy of Sciences (NAS) to assist in the development of a plan for the establishment of a national center for the study of war-related illnesses and post-deployment health issues. Such a center would play a critical role in carrying out and promoting research on the diagnosis, treatment, and prevention of such illnesses.

Though not specifically mentioned in the bill, a national center could also serve to promote pre-deployment and post-deployment health policies that are sorely needed to help prevent war-related illnesses. It is important that there be a central body to study and learn from the health lessons of each war, so we are not doomed to continue repeating them.

In addition, this bill directs the Secretary of Veterans Affairs to enter into agreements with the NAS to conduct studies and provide recommendations for research that may be needed to better understand the possible health effects of exposures to toxic agents or environmental or wartime hazards associated with Gulf War service. The NAS will also provide recommendations to VA on the development of continuing medical education programs on the treatment of war-related illnesses and the assessment of new treatments to alleviate the effects of these illnesses.

GULF WAR VETERANS' BENEFITS

Mr. President, last year I introduced S. 1320, which would have established a scientific basis for determining what illnesses are associated with service in the Gulf War and should be compensable by the VA. This year, Senator BYRD, Senator SPECTER, and I built upon that model and introduced S. 2358, which unanimously passed the Senate earlier this month.

S. 1320 and S. 2358 require the Secretary of Veterans Affairs to enter into an agreement with NAS to begin an ongoing scientific review to identify potential exposures that members of the Armed Services experienced in the Gulf, and the potential illnesses or health conditions associated with those exposures. If NAS found evidence of a positive association between these illnesses and exposures, the Secretary would then determine if those illnesses warranted presumptive service connection. This is important because current law requires Gulf War veterans to either experience health effects in service that can be linked to their current illness, or be found to have a chronic "undiagnosed illnesses" within 10 years of returning from the Gulf. However, veterans are reporting illnesses now that don't fall into either of these categories. I believe that the NAS reviews will help remedy this "Catch 22" situation.

However, I was disappointed that we were unable to move beyond the initial steps contained in H.R. 4110 in negotiations with the House and Senate Veterans' Affairs Committees. H.R. 4110 only provides for VA to contract with NAS to perform the scientific review to identify potential exposures and illnesses associated with those exposures, but excluded the critical directive and guidance to VA to make determinations about compensation and presumption of battlefield exposures. Nonetheless, I felt that it was important that we accomplish what we could in this Congress to begin the process, although I realized this would still leave more for us to accomplish in the 106th Congress.

We would have been left with only this initial step were it not for the senior Senator from West Virginia, Senator BYRD. Senator BYRD successfully negotiated the inclusion of the compensation and presumption provisions of S. 2358 in the Omnibus Appropriations bill. So, I thank him today, and the veterans' service organizations for their work on behalf of America's Gulf War veterans.

And finally, I also want to thank Senators SPECTER and DASCHLE for their tireless efforts. We now have legislation that Gulf War veterans can be proud of as a result of all their work.

EDUCATION AND EMPLOYMENT

Title II contains various changes to VA's education programs that allow more veterans access to these programs and improves their ability to use their Montgomery GI Bill benefits. Among them are provisions for a more accurate way to calculate the number of veteran-students training at schools, by switching from a once-a-year "snapshot" to counting enrollment throughout the year; more flexibility in the payment of veterans of their VA work-study program amount; the ability to tap into the current trend of many colleges who grant credit hours for life experience; and allowance for servicemembers to use those life experience credit hours to satisfy the eligibility requirement of completion of a high school diploma or 12 college semester hours before leaving active duty.

In addition, Section 204 changes the pilot license requirement for a medical certificate, as the certificate automatically downgrades after 6 months, but the training period is longer than that. This ensures that veterans will be able to complete their flight training program. Section 205 increases the flexibility of veterans participating in on-job training (OJT) programs to work in fields such as law enforcement, public safety, and other State and local government agencies that because of local restrictions, cannot provide the VA-required wage increase in the final month of OJT. Finally, this compromise agreement requires the VA and the military to work together to better inform servicemembers and veterans of VA educational benefits.

Title II also makes a critical modification to the Uniformed Services Employment and Reemployment Rights Act (USERRA), which protects the rights of persons who serve in the U.S. Armed Forces for a limited period of time to return to their civilian employment. USERRA allows returning servicemembers to bring a cause of action against employers who violate their employment rights.

However, several States have taken the position that the Eleventh Amendment to the Constitution bars USERRA from applying to State agencies as employers. This argument is based on the 1996 Supreme Court decision in *Seminole Tribe of Florida* v. *Florida*, 517 U.S. 44 (1996), which held that Congress was unable to enact a law that allowed individuals to sue states for violating federal statutes under the Eleventh amendment. Several district courts have applied the Seminole decision to dismiss USERRA cases against states as employers.

Title II would substitute the United States for an individual veteran as the plaintiff in cases where the Attorney General believes that a State has not complied with USERRA. This restores the ability of veterans who are employed by a state agency to seek redress for violations of their reemployment rights.

MEDAL OF HONOR SPECIAL PENSION

Section 301 provides for an increase in the monthly pension that recipients of the Medal of Honor are entitled to. The current special pension is $400 per month. This compromise agreement would increase the amount to $600 per month.

The recipients of the Medal of Honor are American heroes, and as such, are asked to participate in patriotic ceremonies all over the country, frequently at their own cost. I am very pleased that this modest increase in their monthly special pension was agreed to in order to help defray some of these costs for these great Americans.

LIFE INSURANCE

Title III of the compromise contains some very important provisions for veterans and their families at an extremely difficult time in their lives.

Section 302 allows VA to provide an accelerated death benefit to SGLI or VGLI-insured persons having a life expectancy of 12 months or less. This provision would allow these terminally ill veterans to elect to receive up to 50 percent of the amount of their insurance policy, providing them financial assistance at a time when they may have overwhelming medical bills or other life expenses, but may be too ill to continue working.

The option to receive an accelerated death benefit is available in many commercial life insurance policies. In 1996, Congress enacted a provision that allowed veterans to convert their SGLI or VGLI policies to commercial policies. This allowed veterans to seek commercial policies with this option. However, being faced with a terminal illness is a very difficult and emotional time, and the Committee correctly determined that it would be better for veterans to be able to cut out the "middle man" and elect to receive accelerated benefits from the VA, without having to seek out another insurer. These benefits would not be counted as income for the purposes of determining eligibility for any federal program. I am very gratified that we are able to approve this measure that improves in some small way the quality of life for our terminally ill veterans.

Section 303 requires VA to assess whether the two programs that are designed to help the survivors of service-connected veterans—the insurance program and Dependency and Indemnity Compensation (DIC)—are, in fact, meeting their needs. In 1992, Congress enacted reforms targeted at addressing this question by doubling the amount of life insurance benefits to $200,000, and creating a uniform payment system for DIC that is no longer dependent upon the rank of the veteran in service. Nonetheless, many of the survivors were unable to work because they remained at home to care for a totally disabled, service-connected veteran. That veteran may even have been receiving additional benefits (such as housebound or aid and attendance) above the 100-percent rate, which is currently $1,964 per month. However, after the veteran passes away, the surviving spouse's monthly compensation amount is generally decreased to $850 per month. I have real concerns about whether the current VA programs are adequately providing for these surviving spouses, and I am looking forward to any recommendations that VA may make in this report.

Finally, section 304 provides financial relief to NSLI "H" policy holders. The policy holders are WWII veterans, some of whom were disqualified from participating in NSLI's other program (the "V" policy). "V" policy holders have a cap on their premiums as they get older and are also eligible for dividends if the amount of premiums paid in a year exceeds the amount paid out in policies. That was not the case for "H" policy holders. This provision makes "H" and "V" policies identical, restoring fairness to approximately 1,200 affected veterans.

MEMORIAL AFFAIRS

Mr. President, Title IV addresses an area of growing concern to veterans and their families—memorial affairs. The median age of veterans is over 75 years old. Our veteran population is aging, which unfortunately also means that veterans are dying at an increasing pace. It our honor and duty to provide for their memorialization through the VA's National Cemetery System (NCS).

Section 401 gives VA the authority to place memorial markers in national cemeteries to commemorate a veteran's deceased spouse whose remains are unavailable for interment. VA already has the authority to place a memorial marker for veterans whose remains are unavailable.

Section 402 provides burial and cemetery benefits at VA National Cemeteries for those who served in the United States Merchant Marines between August 16, 1945, and December 31, 1946, and served on a vessel operated by the War Shipping Administration or the Office of Defense Transportation operating overseas.

Section 403 renames the National Cemetery System as the National Cemetery Administration and redesignates the position of the Director of the National Cemetery System to Under Secretary of Veterans Affairs for Memorial Affairs.

Section 404 modifies the State Cemetery Grants Program to authorize VA to pay up to 100 percent of the costs of constructing and equipping state veterans' cemeteries. VA currently has authority to pay up to 50 percent of the cost of land acquisition and construction. However, most states that have participated in the program have used land that is either already state property or is donated. Thus, they have no acquisition costs. This change will allow states with limited funding to participate in the program. The State Cemetery Grants Program is a very important component of VA's Cemetery System, since it increases veterans' access to burial in a veterans cemetery. I am very hopeful that this change will lead to greater participation by states in the program.

COURT OF VETERANS APPEALS

In 1988, Congress created the Court of Veterans Appeals to provide veterans with an opportunity for judicial review of their claims for benefits from the VA. In creating this court, Congress intended to make its benefits and features comparable to that of other courts. The following modifications from Title V are intended to bring this Court in line with other Article I courts: exemption of the judges' retirement fund from sequestration orders and adjustments to their survivor annuity program.

Despite the changes to the survivor program to provide for a cost-of-living allowance, the small size of the Court gives rise to concerns about the fiscal integrity and expense of management of such a program. Therefore, this compromise agreement directs the Court to provide Congress with a report on the feasibility of merging the Court's retirement and survivor annuity program with another federal court's retirement and survivor annuity program.

This title also provides that when a sitting judge is nominated for an additional term, that judge could remain on the bench for up to one year, pending Senate confirmation. This would prevent any break in service of the judge which might affect veterans' cases pending before the Court.

Finally, this title renames the "Court of Veterans Appeals" as the "United States Court of Appeals for Veterans Claims." This is a step forward in erasing the misperception that the Court is part of the Department of Veterans Affairs.

TRANSITIONAL HOUSING PROGRAM

Mr. President, I am very concerned about the plight of homeless veterans. Statistics from the Department of Veterans Affairs show that one in three homeless persons are veterans. There are very few federal programs specifically targeted at homeless veterans to address the specific needs of this population; in particular, there is a shortage of transitional housing for homeless veterans. Transition programs can provide structured long-term housing and assistance in finding and maintaining employment, while requiring sobriety and accountability.

As a way to maximize the limited federal funding available for the homeless veterans transitional housing program, this compromise agreement (Title VI) creates a pilot loan guaranty program that would be administered by VA. The guaranty reduces the risk to lenders, enabling community-based organizations to seek outside capital. The loans can be used for a wide variety of activities, including construction or rehabilitation of housing, refinancing of existing loans, and acquisition of land, furniture, and equipment.

I am very excited about this partnership between the private and public sectors, and between the federal government and community-based organizations. I am hopeful that it will be a successful new way for us to reach out to our Nation's homeless veterans.

EXTENSION OF ELIGIBILITY FOR RESERVIST HOME LOANS

In 1992, Public Law 102–547 provided for a 5-year pilot program to allow eligible members of the Selected Reserves to qualify for VA housing loan benefits. The authority for this program expires on October 27, 1999. With this imminent expiration date and the length of service requirements for eligibility, the military is not able to fully capitalize on this valuable recruiting tool. This agreement extends the eligibility for Reservists and the funding fee that VA is allowed to charge Reservists (currently 2.75 percent) to September 30, 2003.

This program has provided an invaluable recruitment and retention incentive. VA has guaranteed approximately 43,000 loans to date, of which about 67 percent were made to first-time home buyers. The foreclosure rate on these loans, according to VA, is approximately one half that of other VA loan guaranty programs. Given the increased use of Reservists in military deployments, it is only fitting that this program be continued.

I thank Senator AKAKA for his leadership on this issue.

HEALTH CARE FOR VETERANS TREATED WITH NASOPHARYNGEAL RADIUM IRRADIATION

Section 901 of the substitute amendment authorizes the Secretary to provide health care for the treatment of any head or neck cancers which are associated with a veteran's receipt of nasopharyngeal radium irradiation treatments in active military, naval, or air service.

Thousands of military personnel, primarily Navy submariners and Army Air Corps pilots, received nasopharyngeal radium treatments to treat and prevent inner ear problems that developed due to the inadequate pressurization of their respective vessels. The treatment was used originally on children with ear infections, so to adapt the treatment to healthy adults, the Navy and Army conducted experiments on small groups of submariners and pilots. Subsequently, between 8,000 and 12,000 servicemen were irradiated for military purposes. As pressurized planes and submarines became available, the need for these treatments was fortunately obviated by the early 1960's.

Looking back to the early years, we now know just how dangerous these treatments were. The Centers for Disease Control and Prevention estimate that tissues at the exact site of radium placement were exposed to 2000 rem of radiation—400 times greater than the maximum "safe" level of radiation exposure established by the Atomic Energy Commission. Parts of the brain received 24 rem—five times the accepted limit of exposure.

The health effects of the treatments that were specifically given to our veterans is unknown. A lack of documentation precludes careful scientific studies. However, one study done on individuals who had received nasopharyngeal radium treatments concluded there was an increased risk of developing head and neck tumors associated with the childhood treatments. We will continue to study the plight of all atomic veterans, but this legislation offers health care to a group of atomic veterans that have up to now been ignored by the VA. It is reasonable, compassionate, and long overdue.

I thank Senator LIEBERMAN for his leadership on this issue and the Department of Veterans Affairs for pursuing this vital initiative.

HEALTH CARE PERSONNEL INCENTIVE ACT OF 1998

I am enormously pleased today that the Veterans Programs Enhancement Act of 1998 includes provisions to create viable scholarship and loan reduction programs in VA. Title VIII is based on legislation, "The Department of Veterans Affairs Primary Care Providers Incentive Act of 1998," which I introduced with the cosponsorship of Senator MIKULSKI.

Like many other health care organizations, VA is committed to increased use of mid-level practitioners. There are generally two good ways to hire and keep highly skilled professionals: offer incentives to current employees to get training in new areas of need by providing scholarships, and recruit new providers by offering assistance in paying off student loans. The bill before us, which includes both a scholarship program and an education debt reduction program, can help.

In VA hospitals and clinics, some of the most difficult positions to fill are those of occupational and physical therapists and physicians assistants. In my home state of West Virginia, for example, there has been a vacancy at one of the VA hospitals for an occupational therapist for over twelve years. Two of the VA hospitals have no physical therapists at all. This is simply unacceptable.

The plain fact is that the VA cannot offer the same starting salaries as those available in private practice. VA's starting salary level for physician assistants, for example, is $15,000 lower than in the private sector. The Education Debt Reduction Program included within the Health Care Personnel Incentive Act gives the VA a financial recruitment tool that will be an enormous help in making the VAMCs more competitive for these much-needed and highly skilled individuals. This program was first designed by Senator MIKULSKI in 1993 in recognition of this very problem. It was needed then; it is still needed now; and I thank Senator MIKULSKI for her leadership.

Recruitment is only half of the story, though. Retention of trained health care personnel, especially in the face of low morale due to budget cuts, is equally important. The scholarship program in this legislation is designed to answer this very need. Eligibility is limited to current VA employees, thus enabling VA to build staff morale. Further, VA gets the workforce they need, composed of motivated and loyal employees.

Several physical therapists who received VA scholarships have written to me. They all have emphasized that their scholarships have enabled them to finish their schooling without incurring additional debt. They all are now working in VA medical centers and bringing their new skills to veterans. This is a win-win situation.

Although this is a time of budget reductions in health care, these programs are a worthwhile investment. They enhance morale of the physician assistants, physical therapists, nurses, and all other health care providers in the short term, while building a workforce that matches VA's needs and improves veterans' health care in the long run.

I thank former Committee minority staff Congressional Science Fellow, Joanne Tornow, for her dedicated and persistent efforts to move this legislation forward this year.

SPECIALIZED SERVICES

Section 903 continues the current practice of requiring reports from the Secretary of Veterans Affairs regarding specialized treatment and rehabilitative needs of disabled veterans, including veterans with spinal cord dysfunction, blindness, amputation, and mental illness.

Section 903 also requires the Under Secretary for Health to prescribe objective standards of job performance, so as to ensure compliance and place greater emphasis on specialized services. I truly believe that we need to refocus VA on specialized services, and I am pleased that this provision was included.

Officers of the West Virginia Paralyzed Veterans of America have told me about their concerns about the quality of training made available to VA staff serving on the Spinal Cord Injury (SCI) primary care teams in the VA medical centers in my State of West Virginia. Instead of the week of specialized training (followed by hands-on training in an SCI unit) recommended by a VHA Directive, SCI primary care teams in West Virginia receive a 3-day training session only. I also hear disturbing accounts from veterans who were given wheelchairs without being measured to make sure they fit properly; improper cushions placed in wheelchairs causing pressure sores that can last for months; and VA staff who were unfamiliar with such procedures as turning the hospitalized SCI patient or even dressing them. This is not acceptable.

In sum, Mr. President, I cannot guarantee that the necessary specialized care is there in all four of the West Virginia VA medical centers, or any other VA medical center across the country. The legislation before us today will give VA an objective and uniform standard by which to judge, and accurately report on, the quality and scope of specialized services.

COLA

H.R. 4110 also contains one of the most important pieces of legislation that Congress must pass every year—authorization for a cost-of living-allowance (COLA) increase for veterans and survivors compensation programs. The amount of the increase is not specified in this legislation, since the percentage of the increase had not been determined by the time of its passage in the House. Instead, as is customary, the bill authorizes the increase to be equal to the rate of increase in Social Security recipients' benefits amounts. The rate of increase is based on leading economic indicators of inflation. By being tied to the rate of inflation, the COLA ensures that veterans' benefits will keep pace with rising costs and maintain the buying power of compensation for our service-connected disabled veterans and their families.

CONCLUSION

Mr. President, in closing, I want to acknowledge the work of our Committee's Chairman, Senator SPECTER, in developing this comprehensive legislation. Through his efforts, and that of his staff—especially the Committee Staff Director, Charles Battaglia, and the Committee General Counsel, William Tuerk, the Senate Committee has fully met its responsibilities and can be proud of the legislation we consider today.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I am pleased that the Senate passed H.R. 4110, the Veterans Programs Enhancement Act of 1998. This measure strives to improve the services and benefits provided to our nation's veterans by amending several health, education, housing, and other benefits programs within the Department of Veterans Affairs.

I am especially pleased that the measure contains two provisions which I have been working on. Section 603 of the bill will extend the eligibility of members of the National Guard and Reserve for the Department of Veterans Affairs (VA) Home Loan Guaranty Program. The provision will ensure that the men and women in the Selected Reserve will continue to be eligible for this program through September 30, 2003. Under current law, authorization for the program is scheduled to expire in October 1999.

As the author of legislation in 1992 which extended eligibility for VA-guaranteed home loans to National Guard and Reserve members who complete six years of service, I am pleased with the participation in the program by members of the Selected Reserve. The VA Home Loan Guaranty Program for Guard and Reserve members has provided many individuals and families with a needed opportunity to obtain a mortgage in order to purchase a home, many for the first time. The VA Home Loan Guaranty Program is not only beneficial for members of the Selected Reserve, it also contributes to the financial viability of the VA Home Loan Guaranty Program since the origination fees paid by Reservists more than offset the cost of additional loan guarantees. I am gratified that the home loan program will continue to be made available to members of the National Guard and Reserves who have served our country.

I am also pleased with the inclusion of Section 706 in H.R. 4110. This provision would prohibit the Secretary of Veterans Affairs from establishing or collecting parking fees at the Spark M. Matsunaga Department of Veterans Affairs Medical and Regional Office Center in Honolulu, Hawaii. Under current law, the VA is required to charge its users and employees to park at facilities built with special revolving funds. In Hawaii, the VA parking structure is located on the grounds of the Tripler Army Medical Hospital and will be shared by VA and the Department of Defense. The joint VA/DOD parking facility would result in an administrative nightmare if parking fees were required to be assessed for VA medical employees and visitors but not DOD personnel and visitors. Furthermore, the costs of administering the parking fees far outweigh the revenues that would be generated from the assessment of nominal parking charges. The waiver of parking fees for the VA parking structure at Tripler Army Medical Center will ensure that all visitors and employees enjoy free and equal access to the facilities.

EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE BRUTAL KILLING OF MATTHEW SHEPARD

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 313, submitted earlier by Senators THOMAS and ENZI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 313) expressing the sense of the Senate with respect to the brutal killing of Mr. Matthew Shepard.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 313

Whereas Mr. Matthew Shepard, a 21-year old student at the University of Wyoming in Laramie, Wyoming, was physically beaten and tortured, tied to a wooden fence and left for dead; and

Whereas Mr. Matthew Shepard died as a result of his injuries on October 12, 1998, in a Colorado hospital surrounded by his loving family and friends; Now therefore be it

Resolved by the Senate, That it is the Sense of the Senate that it—

(1) condemns the actions which occurred in Laramie, Wyoming, as unacceptable and outrageous;

(2) urges each member of Congress and every citizen of the United States, in his or her own way, through his or her church, synagogue, mosque, workplace, or social organization, to join in denouncing and encouraging others to denounce this outrageous murder of another human being;

(3) pledges to join in efforts to bring an end to such crimes, and to encourage all Americans to dedicate themselves to ending violence in the United States; and

(4) pledges to do everything in its power to fight prejudice and intolerance that leads to the murder of innocent people.

VITIATION OF PASSAGE OF S. 2334

Mr. LOTT. Mr. President, I ask unanimous consent that passage of S. 2334, the foreign operations appropriations bill, be vitiated. I further ask that S. 2334 then be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL REPORTS ELIMINATION ACT OF 1998

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1364) to eliminate unnecessary and wasteful Federal reports.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1364) entitled "An Act to eliminate unnecessary and wasteful Federal reports", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Reports Elimination Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—DEPARTMENT OF AGRICULTURE

Sec. 101. Reports eliminated.

TITLE II—NOAA

Sec. 201. Reports eliminated.

TITLE III—EDUCATION

Sec. 301. Report eliminated.

TITLE IV—DEPARTMENT OF ENERGY

Sec. 401. Reports eliminated.
Sec. 402. Reports modified.

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

Sec. 501. Reports eliminated.

TITLE VI—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sec. 601. Reports eliminated.
Sec. 602. Reports modified.

TITLE VII—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sec. 701. Reports eliminated.

TITLE VIII—INDIAN AFFAIRS

Sec. 801. Reports eliminated.

TITLE IX—DEPARTMENT OF THE INTERIOR

Sec. 901. Reports eliminated.
Sec. 902. Reports modified.

TITLE X—DEPARTMENT OF JUSTICE

Sec. 1001. Reports eliminated.

TITLE XI—NASA

Sec. 1101. Reports eliminated.

TITLE XII—NUCLEAR REGULATORY COMMISSION

Sec. 1201. Reports eliminated.
Sec. 1202. Reports modified.

TITLE XIII—OMB AND OPM

Sec. 1301. OMB.
Sec. 1302. OPM.

TITLE XIV—TRADE

Sec. 1401. Reports eliminated.

TITLE XV—DEPARTMENT OF TRANSPORTATION

Sec. 1501. Reports eliminated.
Sec. 1502. Reports modified.

TITLE I—DEPARTMENT OF AGRICULTURE

SEC. 101. REPORTS ELIMINATED.

(a) SECONDARY MARKET OPERATIONS.—Section 338(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1988(b)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

(b) ESTIMATE OF SECOND PRECEDING MONTH'S EXPENDITURES UNDER FOOD STAMP PROGRAM.—Section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended by striking the third and fourth sentences.

(c) ADVISORY COMMITTEES.—Section 1804 of the Food and Agriculture Act of 1977 (7 U.S.C. 2284) is repealed.

(d) FARMER-TO-CONSUMER DIRECT MARKETING ACT OF 1976.—

(1) IN GENERAL.—Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is repealed.

(2) CONFORMING AMENDMENT.—Section 7(a) of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3006(a)) is amended by striking "the provisions of sections 4 and 6" and inserting "section 4".

(e) AGRICULTURAL RESEARCH AT LAND-GRANT COLLEGES.—Section 1445(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(g)) is amended—

(1) by striking "(1)" after "(g)"; and

(2) by striking paragraph (2).

(f) FOREIGN OWNERSHIP OF AGRICULTURAL LAND.—Section 5 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504) is repealed.

(g) INTERNATIONAL SUGAR AGREEMENT, 1977.—Section 6 of Public Law 96–236 (7 U.S.C. 3606) is repealed.

(h) HOUSING PRESERVATION GRANT PROGRAM.—Section 533 of the Housing Act of 1949 (42 U.S.C. 1490m) is amended by striking subsection (j).

(i) NATIONAL ADVISORY COUNCIL ON MATERNAL, INFANT, AND FETAL NUTRITION.—Section 17(k) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(k)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

TITLE II—NOAA

SEC. 201. REPORTS ELIMINATED.

(a) REPORT CONCERNING PRICES FOR NAUTICAL AND AERONAUTICAL PRODUCTS.—Section 1307(a)(2)(A) of title 44, United States Code, is amended by striking the last sentence.

(b) REPORT ON NATIONAL SHELLFISH RESEARCH PROGRAM.—Section 308 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (33 U.S.C. 1251 note) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

TITLE III—EDUCATION

SEC. 301. REPORT ELIMINATED.

Section 1411 of the Higher Education Amendments of 1992 is repealed.

TITLE IV—DEPARTMENT OF ENERGY

SEC. 401. REPORTS ELIMINATED.

(a) REPORT ON RESUMPTION OF PLUTONIUM OPERATIONS AT ROCKY FLATS.—Section 3133 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (105 Stat. 1574) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

(b) ELECTRIC UTILITY . PARTICIPATION STUDY.—Section 625 of the Energy Policy Act of 1992 (42 U.S.C. 13295) is repealed.

(c) REPORT ON VIBRATION REDUCTION TECHNOLOGIES.—Section 173(c) of the Energy Policy Act of 1992 (42 U.S.C. 13451 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(d) REPORT ON PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY.—Section 132 of the Energy Policy Act of 1992 (42 U.S.C. 6349) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(e) REPORT ON INDUSTRIAL INSULATION AND AUDIT GUIDELINES.—Section 133 of the Energy Policy Act of 1992 (42 U.S.C. 6350) is amended by striking subsection (c).

(f) REPORT ON THE USE OF ENERGY FUTURES FOR FUEL PURCHASES.—Section 3014 of the Energy Policy Act of 1992 (42 U.S.C. 13552) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(g) REPORT ON IMPLEMENTATION OF THE ALASKA FEDERAL CIVILIAN ENERGY EFFICIENCY SWAP ACT OF 1980.—Section 6 of the Alaska Federal Civilian Energy Efficiency Swap Act of 1980 (40 U.S.C. 795d) is repealed.

SEC. 402. REPORTS MODIFIED.

(a) REPORT ON PLAN FOR ELECTRIC MOTOR VEHICLES.—Section 2025(b) of the Energy Policy Act of 1992 (42 U.S.C. 13435(b)) is amended—

(1) in the second sentence of paragraph (1), by striking "annually" and inserting "biennially"; and

(2) in the second sentence of paragraph (4), by striking "Annual" and inserting "Biennial".

(b) COKE OVEN PRODUCTION TECHNOLOGY STUDY.—Section 112(n)(2)(C) of the Clean Air Act (42 U.S.C. 7412(n)(2)(C)) is amended by striking "The Secretary shall prepare annual reports to Congress on the status of the research program and at the completion of the study" and inserting "On completion of the study, the Secretary shall submit to Congress a report on the results of the study and".

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

SEC. 501. REPORTS ELIMINATED.

(a) REPORT ON EFFECT OF POLLUTION ON ESTUARIES AND ESTUARINE ZONES.—

(1) IN GENERAL.—Section 104(n) of the Federal Water Pollution Control Act (33 U.S.C. 1254(n)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(2) CONFORMING AMENDMENT.—Section 320(k) of the Federal Water Pollution Control Act (33 U.S.C. 1330(k)) is amended by striking "section 104(n)(4)" and inserting "section 104(n)(3)".

(b) CLEAN LAKES REPORT.—Section 314(a) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) REPORT ON NONPOINT SOURCE MANAGEMENT PROGRAMS.—Section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) is amended—

(1) in subsection (i), by striking paragraph (4);

(2) by striking subsection (m); and

(3) by redesignating subsection (n) as subsection (m).

(d) REPORT ON MEASURES TAKEN TO MEET OBJECTIVES OF FEDERAL WATER POLLUTION CONTROL ACT.—

(1) IN GENERAL.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) is amended—

(A) by striking subsections (a), (b)(2), (c), (d), and (e);

(B) by striking "(b)(1)"; and

(C) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended—

(i) in subsection (a)(5), by striking "in the report required under subsection (a) of section 516" and inserting "not later than 90 days after the date of convening of each session of Congress"; and

(ii) in the first sentence of subsection (o)(2), by striking "in the report required under subsection (a) of section 516" and inserting "not later than 90 days after the date of convening of each session of Congress".

(B) The fourth sentence of section 116(b) of the Federal Water Pollution Control Act (33 U.S.C. 1266(b)) is amended by striking "section 616(b) of this Act" and inserting "section 516".

(C) The last sentence of section 205(a) of the Federal Water Pollution Control Act (33 U.S.C. 1285(a)) is amended by striking "section 516(b)" and inserting "section 516".

(D) The second sentence of section 210 of the Federal Water Pollution Control Act (33 U.S.C. 1290) is amended by striking "shall be included in the report required under section 516(a) of this Act" and inserting "shall be reported to Congress not later than 90 days after the date of convening of each session of Congress".

(e) STUDY OF ENVIRONMENTAL PROBLEMS ASSOCIATED WITH IMPROPER DISPOSAL OR REUSE OF OIL.—Section 9 of the Used Oil Recycling Act of 1980 (Public Law 96–463; 94 Stat. 2058) is repealed.

(f) REPORT ON STATE AND LOCAL TRAINING NEEDS AND OBSTACLES TO EMPLOYMENT IN SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY.—Section 7007 of the Solid Waste Disposal Act (42 U.S.C. 6977) is amended by striking subsection (c).

(g) INTERIM REPORT OF NATIONAL ADVISORY COMMISSION ON RESOURCE CONSERVATION AND RECOVERY.—Section 33(a) of the Solid Waste Disposal Act Amendments of 1980 (Public Law 96–482, 94 Stat. 2356; 42 U.S.C. 6981 note) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(h) FINAL REPORT ON MEDICAL WASTE MANAGEMENT.—

(1) IN GENERAL.—The Solid Waste Disposal Act is amended—

(A) by striking section 11008 (42 U.S.C. 6992g); and

(B) by redesignating sections 11009 through 11012 (42 U.S.C. 6992h through 6992k) as sections 11008 through 11011, respectively.

(2) CONFORMING AMENDMENTS.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended—

(A) by striking the item relating to section 11008; and

(B) by redesignating the items relating to sections 11009 through 11012 as the items relating to sections 11008 through 11011, respectively.

(i) REPORT ON STATUS OF DEMONSTRATION PROGRAM TO TEST METHODS AND TECHNOLOGIES OF REDUCING OR ELIMINATING RADON GAS.—Section 118(k)(2) of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99–499; 42 U.S.C. 7401 note) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

TITLE VI—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 601. REPORTS ELIMINATED.

(a) AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:

(A) Section 402(f) (42 U.S.C. 282(f)) is amended—

(i) in paragraph (1), by inserting "and" at the end;

(ii) in paragraph (2), by striking "; and" and inserting a period; and

(iii) by striking paragraph (3) (relating to annual reports on disease prevention).

(B) Section 408(a) (42 U.S.C. 284c(a)) is amended by striking paragraph (4) (relating to annual reports of the National Institutes of Health on administrative expenses).

(C) Section 430 (42 U.S.C. 285c–4) is amended—

(i) by striking subsection (j) (relating to annual reports of the National Diabetes Advisory Board, the National Digestive Diseases Advisory Board, and the National Kidney and Urologic Diseases Advisory Board); and

(ii) by redesignating subsection (k) as subsection (j).

(D) Section 439 (42 U.S.C. 285d–4) is amended by striking subsection (c) (relating to annual reports by the Arthritis and Musculoskeletal and Skin Diseases Interagency Coordinating Committee).

(E) Section 451 (42 U.S.C. 285g–3) is amended—

(i) in subsection (a), by striking "(a) There" and inserting "There"; and

(ii) by striking subsection (b) (relating to reports by the Associate Director for Prevention of the National Institute of Child Health and Human Development).

(F) Section 494A (42 U.S.C. 289c–1) is amended—

(i) by striking subsection (b) (relating to reports on health services research); and

(ii) by striking "(a)" and all that follows through "The Secretary" and inserting "The Secretary".

(G) Section 1009 (42 U.S.C. 300a–6a) (relating to plans and reports regarding family planning) is repealed.

(H) Section 2104 (42 U.S.C. 300aa–4) (relating to National Vaccine Program reports) is repealed.

(2) OTHER ACTS.—The following provisions are amended:

(A) Section 540 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360qq) (relating to annual reports on the administration of the Radiation Control for Health and Safety program) is repealed.

(B) Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) (relating to the tribal organization demonstration program for direct billing of medicare, medicaid, and other third party payors) is repealed.

(C) Section 1200 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (42 U.S.C. 3509) (relating to the report of the Public Health Service) is repealed.

(D) Section 719 of the Indian Health Care Amendments of 1988 (Public Law 100–713; 102 Stat. 4838) (relating to the impact of the final rule relating to eligibility for health care services of the Indian Health Service) is repealed.

(E) The Alzheimer's Disease and Related Dementias Research Act of 1992 is amended by striking sections 911 and 912 (42 U.S.C. 11211 and 11212) (relating to the establishment and functions of the Council on Alzheimer's Disease).

(F) The International Health Research Act of 1960 (Public Law 86–610) is amended by striking section 5(h).

(b) SOCIAL SECURITY ACT AND RELATED PROVISIONS.—

(1) Section 8403(b) of the Technical and Miscellaneous Revenue Act of 1988 (Public Law 100-647; 102 Stat. 3799) is repealed.

(2) Section 4207(c)(2)(B) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388–120) (42 U.S.C. 1395x note) is repealed.

(3) Section 9601(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272; 100 Stat. 222) (42 U.S.C. 1395b note) is repealed.

(4) Section 6003(i) of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2158) (42 U.S.C. 1395ww note) is repealed.

(5) Section 6102(d)(4) of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2185) (42 U.S.C. 1395w–4 note) is repealed.

(6) Section 1882(l)(6) of the Social Security Act (42 U.S.C. 1395ss(l)(6)) is repealed.

(7) Section 4056(d) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203; 101 Stat. 1330–99) (42 U.S.C. 1395l note) (as redesignated by section 411(f)(14) of the Medicare Catastrophic Coverage Act of 1988 (Public Law 100–360; 102 Stat. 781)) is repealed.

SEC. 602. REPORTS MODIFIED.

(a) INDIAN HEALTH.—Subsection (e) of section 513 of the Indian Health Care Improvement Act (25 U.S.C. 1660c(e)) is amended by striking "two years" and inserting "5 years".

(b) SOCIAL SECURITY ACT.—

(1) Section 4801(e)(17)(B) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–218) (42 U.S.C. 1396r note) is amended by striking "January 1, 1992" and inserting "January 1, 1999".

(2) Section 4360(f) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–140) (42 U.S.C. 1395b–4) is amended by striking "Not later than 180 days after the date of the enactment of this section" and inserting "Beginning with 1992".

TITLE VII—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 701. REPORTS ELIMINATED.

(a) FUNDING RELATING TO EVALUATING AND MONITORING PROGRAMS.—Section 7(r) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(r)) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).

(b) STATE AND LOCAL STRATEGIES FOR REMOVAL OF BARRIERS TO AFFORDABLE HOUSING.—Section 1207 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705a note) is repealed.

(c) COMPREHENSIVE REVIEW AND EVALUATION OF HOMELESS ASSISTANCE PROGRAMS.—Section 1409 of the Housing and Community Development Act of 1992 (42 U.S.C. 11361 note) is amended—

(1) by striking "(a) IN GENERAL.—"; and

(2) by striking subsection (b).

(d) NEIGHBORHOOD REDEVELOPMENT PROGRAM.—Section 123 of the Housing and Urban-Rural Recovery Act of 1983 (42 U.S.C. 5318 note) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(e) HOMEOWNERSHIP DEMONSTRATION PROGRAM.—Section 132 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3712) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(f) RURAL RENTAL REHABILITATION DEMONSTRATION.—Section 311 of the Housing and Community Development Act of 1987 (42 U.S.C. 1490m note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(g) SUMMARY OF ACTIVITIES UNDER NEW TOWN DEMONSTRATION.—Section 1108 of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is amended by striking "the following" and all that follows before the period at the end of the section and inserting the following: "a copy of the new town plan of the governing board, upon the approval of that plan under section 1102(d)".

TITLE VIII—INDIAN AFFAIRS

SEC. 801. REPORTS ELIMINATED.

(a) INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION REPORT.—Section 412 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3211) is repealed.

(b) REPORTS UNDER THE INDIAN FINANCING ACT OF 1974.—Section 217 of the Indian Financing Act of 1974 (25 U.S.C. 1497) is amended by striking subsection (f).

(c) EDUCATION AMENDMENTS OF 1978.—

(1) REPORT ON DEMONSTRATION PROJECTS.—Section 1121(h) of the Education Amendments of 1978 (25 U.S.C. 2001(h)) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(2) NATIONAL CRITERIA FOR DORMITORY SITUATIONS.—Section 1122(d) of the Education Amendments of 1978 (25 U.S.C. 2002(d)) is amended by striking paragraph (3).

(3) POSITIONS CONTRACTED UNDER GRANTS OF POST-DIFFERENTIAL AUTHORITY IN THE BIA SCHOOLS.—Section 1132(h)(3)(B) of the Education Amendments of 1978 (25 U.S.C. 2012(h)(3)(B)) is amended by striking clause (iv).

(4) REPORT.—Section 1137 of the Education Amendments of 1978 (25 U.S.C. 2017) is amended—

(A) by striking the section designation and heading and inserting the following:

"SEC. 1137. BIENNIAL REPORT.";

and

(B) in the first sentence of subsection (a)—

(i) by striking "annual report" and inserting "biennial report"; and

(ii) by striking "during the year" and inserting "during the 2-year period covered by the report".

(5) REGULATIONS.—Section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is repealed.

(6) TECHNICAL CORRECTION.—Section 605(b)(2) of the School-to-Work Opportunity Act of 1994 (20 U.S.C. 6235(b)(2)) is amended by striking "(as defined in section 1139(3) of the Education Amendments of 1978 (25 U.S.C. 2019(3))" and inserting "(as defined in section 1146(3) of the Education Amendments of 1978 (25 U.S.C. 2026(3))".

(d) TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—Section 5206 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505) is amended by striking subsection (g).

(e) PUBLIC LAW 96–135.—Section 2 of Public Law 96–135 (25 U.S.C. 472a) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(3) in subsection (d), as so redesignated—

(A) by striking paragraph (2); and

(B) by striking "(1) The Office" and inserting "The Office".

(f) NATIVE AMERICANS EDUCATIONAL ASSISTANCE ACT.—Section 4 of the Native Americans Educational Assistance Act (25 U.S.C. 2001 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(g) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) through (o) as subsections (c) through (n), respectively.

TITLE IX—DEPARTMENT OF THE INTERIOR

SEC. 901. REPORTS ELIMINATED.

(a) PACIFIC YEW ACT.—

(1) REPEAL.—Section 7 of the Pacific Yew Act (16 U.S.C. 4806) is repealed.

(2) CONFORMING AMENDMENT.—Section 8 of such Act (16 U.S.C. 4807) is amended—

(A) by striking "the relevant congressional committees, as listed in section 7," and inserting "the Committee on Resources and the Committee on Agriculture of the House of Representatives, and the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, and the Committee on Agriculture, Nutrition, and Forestry of the Senate,"; and

(B) by redesignating such section as section 7.

(b) SIZE AND CONDITION OF THE TULE ELK HERD IN CALIFORNIA.—

(1) REPEAL.—Section 3 of Public Law 94–389 (16 U.S.C. 673f) is repealed.

(2) REDESIGNATION.—Section 4 of Public Law 94–389 (16 U.S.C. 673g) is redesignated as section 3.

(c) WATER QUALITY OF THE SACRAMENTO-SAN JOAQUIN DELTA AND SAN FRANCISCO BAY ESTUARINE SYSTEMS.—Section 4 of Public Law 96–375 (94 Stat. 1506) is amended by striking the second sentence.

(d) COLORADO RIVER FLOODWAY MAPS.—

(1) REPEAL OF REQUIREMENTS.—Section 5(b) of the Colorado River Floodway Protection Act (43 U.S.C. 1600c(b)) is amended—

(A) by striking "(b)(1)" and inserting "(b)";

(B) by striking paragraphs (2) and (3); and

(C) by redesignating clauses (i) and (ii) as paragraphs (1) and (2), respectively.

(2) CONFORMING AMENDMENT.—Section 5(c)(1) of such Act (43 U.S.C. 1600c(c)(1)) is amended by striking "the appropriate officers referred to in paragraph (3) of subsection (b)," and inserting "appropriate chief executive officers of States, counties, municipalities, water districts, Indian tribes, or equivalent jurisdictions in which the Floodway is located,".

(e) CERTIFICATION OF ADEQUATE SOIL SURVEY OF LAND CLASSIFICATION.—

(1) 1953 ACT.—The first section of title I of the Interior Department Appropriation Act, 1953, is amended in the matter under the heading "CONSTRUCTION AND REHABILITATION" under the heading "BUREAU OF RECLAMATION" (66 Stat. 451) by striking ": Provided further, That no part of this or any other appropriation" and all that follows through "means of irrigation".

(2) 1954 ACT.—The first section of title I of the Interior Department Appropriation Act, 1954 (43 U.S.C. 390a; 67 Stat. 266) is amended—

(A) in the matter under the heading "CONSTRUCTION AND REHABILITATION" under the heading "BUREAU OF RECLAMATION", by striking ": Provided further, That no part of this or any other appropriation" and all that follows through "demonstrated in practice"; and

(B) by striking "Such surveys shall include an investigation of soil characteristics which might result in toxic or hazardous irrigation return flows." (as added by section 10 of the Garrison Diversion Unit Reformulation Act of 1986 (100 Stat. 426)).

(f) CLAIMS SUBMITTED FROM THE TETON DAM FAILURE.—Section 8 of Public Law 94–400 (90 Stat. 1213) is repealed.

(g) STUDY OF THE FEASIBILITY AND SUITABILITY OF ESTABLISHING NIOBRARA-BUFFALO PRAIRIE NATIONAL PARK.—

(1) REPEAL.—Section 8 of the Niobrara Scenic River Designation Act of 1991 (Public Law 102–50; 16 U.S.C. 1a–5 note) is repealed.

(2) REDESIGNATION.—Section 9 of such Act (Public Law 102–50; 105 Stat. 258) is redesignated as section 8.

(h) STUDY OF ROUTE 66.—The Route 66 Study Act of 1990 (Public Law 101–400; 104 Stat. 861) is repealed.

(i) REPORT ON ANTHRACITE MINE WATER CONTROL AND MINE SEALING AND FILLING PROGRAM.—The Act entitled "An Act to provide for the conservation of anthracite coal resources through measures of flood control and anthracite mine drainage, and for other purposes", approved July 15, 1955, is amended—

(1) by striking section 5 (30 U.S.C. 575); and

(2) by redesignating section 6 (30 U.S.C. 576) as section 5.

(j) AUDIT OF FEDERAL ROYALTY MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Section 302 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1752) is amended—

(A) in subsection (a), by striking "(a)"; and

(B) by striking subsection (b).

(2) CONFORMING AMENDMENT.—Section 304(c) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1753(c)) is amended

by striking "Except as expressly provided in subsection 302(b), nothing" and inserting "Nothing".

(k) Report on Bidding Options for Oil and Gas Leases on Outer Continental Shelf Land.—Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by striking paragraph (9).

(l) Reports on Outer Continental Shelf Leasing and Production Program and Promotion of Competition in Leasing.—

(1) In general.—Section 15 of the Outer Continental Shelf Lands Act (43 U.S.C. 1343) is repealed.

(2) Conforming amendment.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended by striking subsection (g).

(m) Audit of Financial Report of Governor of Guam.—The sixth undesignated paragraph of section 6 of the Organic Act of Guam (48 U.S.C. 1422) is amended by striking the third and fifth sentences.

(n) Audit of Financial Report of Governor of the Virgin Islands.—The fourth undesignated paragraph of section 11 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1591) is amended by striking the third and fifth sentences.

(o) Audit of Financial Report of Governor of American Samoa.—Section 501(a) of Public Law 96–205 (48 U.S.C. 1668(a)) is amended by striking the third and fifth sentences.

(p) Audit of Financial Report of Chief Executives of Certain Territories.—Section 5 of Public Law 92–257 (48 U.S.C. 1692) is amended by striking the third and fifth sentences.

(q) Report on Activities Under Helium Act.—Section 16 of the Helium Act (50 U.S.C. 167n) is repealed.

(r) Report on Contract Awards Made To Facilitate National Defense.—

(1) In general.—Public Law 85–804 is amended—

(A) by striking section 4 (50 U.S.C. 1434); and

(B) by redesignating section 5 (50 U.S.C. 1435) as section 4.

(2) Conforming amendment.—Section 502(a)(6) of the National Emergencies Act (50 U.S.C. 1651(a)(6)) is amended by striking "1431–1435" and inserting "1431 et seq.".

SEC. 902. REPORTS MODIFIED.

(a) Recommendations on Prospective Timber Sales.—The first sentence of section 318(h) of Public Law 101–121 (103 Stat. 750) is amended by striking "a monthly basis" and inserting "an annual basis".

(b) Report on Nationwide Geologic Mapping Program.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended—

(1) in the section heading, by striking "**ANNUAL**" and inserting "**BIENNIAL**"; and

(2) in the first sentence—

(A) by striking "each fiscal year, submit an annual report" and inserting "each second fiscal year, submit a biennial report"; and

(B) by striking "preceding fiscal year" and inserting "2 preceding fiscal years".

TITLE X—DEPARTMENT OF JUSTICE

SEC. 1001. REPORTS ELIMINATED.

(a) Emergency Law Enforcement Assistance Report.—Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509) is repealed.

(b) Diversion Control Fee Account Report.—Section 111(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (21 U.S.C. 886a) is amended by striking paragraph (5).

(c) Damage Settlement Report.—Section 3724 of title 31, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(d) Banking Law Offense Report.—Section 8(u) of the Federal Deposit Insurance Act (12 U.S.C. 1818(u)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(e) Banking Law Offense Rewards Report.—Section 2571 of the Crime Control Act of 1990 (12 U.S.C. 4211) is repealed.

(f) Banking Institutions Soundness Report.—Section 1542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1831m–1) is amended by striking subsection (e).

TITLE XI—NASA

SEC. 1101. REPORTS ELIMINATED.

(a) Activities of the National Space Grant College and Fellowship Program.—Section 212 of the National Space Grant College and Fellowship Act (42 U.S.C. 2486j) is repealed.

(b) Notification of Procurement of Long-Lead Materials for Solid Rocket Monitors on Other Than Cooperative Basis.—Section 121 of the National Aeronautics and Space Administration Authorization Act of 1988 (101 Stat. 869) is amended by striking subsection (d).

(c) Capital Development Plan for Space Station Program.—Section 107 of the National Aeronautics and Space Administration Authorization Act of 1988 (101 Stat. 864) is repealed.

(d) Notice of Modification of NASA.—

(1) 1985 Act.—Section 103 of the National Aeronautics and Space Administration Authorization Act, 1985 (98 Stat. 424) is repealed.

(2) 1986 Act.—Section 103 of the National Aeronautics and Space Administration Authorization Act of 1986 (99 Stat. 1014) is repealed.

(e) Expenditures Exceeding Astronomy Program.—Section 104 of the National Aeronautics and Space Administration Authorization Act, 1984 (97 Stat. 284) is repealed.

(f) Proposed Decision or Policy Concerning Commercialization.—Section 110 of the National Aeronautics and Space Administration Authorization Act, 1984 (42 U.S.C. 2465) is repealed.

(g) Joint Former Soviet Union Studies in Biomedical Research.—Section 605 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (42 U.S.C. 2487d) is repealed.

TITLE XII—NUCLEAR REGULATORY COMMISSION

SEC. 1201. REPORTS ELIMINATED.

(a) Report of Advisory Committee on Reactor Safeguards.—Section 29 of the Atomic Energy Act of 1954 (42 U.S.C. 2039) is amended by striking the sixth and seventh sentences.

(b) Report on the Price-Anderson Act.—Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended—

(1) by striking "(1)"; and

(2) by striking paragraph (2).

SEC. 1202. REPORTS MODIFIED.

Section 1701(b)(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(b)(1)) is amended—

(1) by striking "The Nuclear" and inserting "Not later than the date on which a certificate of compliance is issued under subsection (c), the Nuclear"; and

(2) by striking "at least annually".

TITLE XIII—OMB AND OPM

SEC. 1301. OMB.

(a) Federal Civil Penalties Inflation Adjustment Act of 1990.—The Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law 101–410; 28 U.S.C. 2461 note) is amended by—

(1) striking section 6; and

(2) redesignating section 7 as section 6.

(b) Voluntary Contributions by the United States to International Organizations.—Section 306 of the Foreign Assistance Act of 1961 (22 U.S.C. 2226) is amended by—

(1) striking "(a) The" and inserting "The"; and

(2) striking subsection (b).

(c) Prompt Payment Act.—

(1) In general.—Section 3906 of title 31, United States Code, is repealed.

(2) Technical and conforming amendments.—

(A) Section 3901(c) of such title is amended by striking ", except section 3906 of this title,".

(B) Section 3902(b) of such title is amended by striking "Except as provided in section 3906 of this title, the" and inserting "The".

(C) The table of sections for chapter 39 of such title is amended by striking the item relating to section 3906.

(d) Title 5.—Section 552a(u) of title 5, United States Code, is amended—

(1) by striking paragraph (6); and

(2) by redesignating paragraph (7) as paragraph (6), and in that redesignated paragraph by striking "paragraphs (3)(D) and (6)" and inserting "paragraph (3)(D)".

SEC. 1302. OPM.

(a) Administrative Law Judges.—Section 1305 of title 5, United States Code, is amended by striking "require reports by agencies, issue reports, including an annual report to Congress,".

(b) Federal Employee Retirement and Benefits.—

(1) In general.—Section 1308 of title 5, United States Code, is repealed.

(2) Technical and conforming amendments.—(A) The table of sections for chapter 13 of title 5, United States Code, is amended by striking the item relating to section 1308.

(B) Chapter 47 of title 5, United States Code, is amended—

(i) by striking section 4705 and redesignating section 4706 as section 4705; and

(ii) in the analysis at the beginning of the chapter by striking the items relating to sections 4705 and 4706 and inserting the following:

"Sec. 4705. Regulations.".

(c) Civil Service Retirement and Disability Fund.—Section 8348(g) of title 5, United States Code, is amended by striking the third sentence.

(d) Placement of Non-Indian Employees.—Section 2(e) of the Act of December 5, 1979 (25 U.S.C. 472a(e); Public Law 96–135; 93 Stat. 1058) is amended—

(1) by striking "(1)" after "(e)"; and

(2) by striking paragraph (2).

TITLE XIV—TRADE

SEC. 1401. REPORTS ELIMINATED.

(a) Coffee Trade.—

(1) Section 5 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356n) is repealed.

(2) Section 4 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356m) is repealed.

(b) Trade Act of 1974.—

(1) Section 126 of the Trade Act of 1974 (19 U.S.C. 2136(c)) is amended—

(A) by repealing subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) Section 411 of the Trade Act of 1974 (19 U.S.C. 2441), and the item relating to that section in the table of contents for that Act, are repealed.

(c) Uruguay Round Agreements Act.—Section 424 of the Uruguay Round Agreements Act (19 U.S.C. 3622), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

(d) Restrictions on Expenditures.—Section 109(c)(3) of Public Law 100–202 (101 Stat. 1329–435; 41 U.S.C. 10b note) is amended—

(1) in subparagraph (A) by striking "and" after the semicolon;

(2) in subparagraph (B) by striking "; and" and inserting a period; and

(3) by repealing subparagraph (C).

TITLE XV—DEPARTMENT OF TRANSPORTATION

SEC. 1501. REPORTS ELIMINATED.

(a) REPORTS ABOUT GOVERNMENT PENSION PLANS.—Section 9503 of title 31, United States Code, is amended by striking subsection (a).

(b) TRANSPORTATION AIR QUALITY REPORT.—Section 108(f) of the Clean Air Act (42 U.S.C. 7408(f)) is amended by striking paragraphs (3) and (4).

(c) INDIAN RESERVATION ROADS STUDY.—Section 1042 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1993) is repealed.

(d) STUDY OF IMPACT OF CLIMATIC CONDITIONS.—Section 1101–1102 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027) is repealed.

(e) BUMPER STANDARDS.—

(1) IN GENERAL.—Section 32510 of title 49, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 325 of title 49, United States Code, is amended by striking the item relating to section 32510.

(f) HIGHWAY SAFETY.—Section 202 of the Highway Safety Act of 1966 (80 Stat. 736; 23 U.S.C. 401 note) is repealed.

(g) PROJECT REVIEW.—Section 5328(b) of title 49, United States Code, is amended by striking paragraph (3).

(h) SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY.—Section 5320 of title 49, United States Code, is amended by striking subsection (k).

SEC. 1502. REPORTS MODIFIED.

(a) COAST GUARD REPORT ON MAJOR ACQUISITION PROJECTS.—Section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (106 Stat. 1551) is amended—

(1) by striking "quarterly" and inserting "biannual"; and

(2) in the last proviso, by striking "preceding quarter" and inserting "preceding 6-month period".

(b) AVIATION SECURITY REPORT.—Section 44938 of title 49, United States Code, is amended—

(1) in the second sentence of subsection (a)—

(A) by striking "annual" and inserting "biennial"; and

(B) by inserting "in each year the Administrator submits the biennial report" before the comma;

(2) in subsection (b) by striking "annually" and inserting "biennially"; and

(3) by striking subsection (c).

(c) REPORT ON PUBLIC TRANSPORTATION.—Section 308(e)(1) of title 49, United States Code, is amended by striking "submit a report to Congress in January of each even-numbered year" and inserting "submit to Congress in March 1998, and in March of each even-numbered year thereafter, a report".

(d) NATIONAL BALLAST INFORMATION CLEARINGHOUSE.—Section 1102(f)(2) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(f)(2)) is amended by striking "biannual" and inserting "biennial".

Mr. LEVIN. Mr. President, I am pleased that the legislation I introduced along with Senator MCCAIN, the Federal Reports Elimination Act of 1998, S. 1364, was passed by the House earlier this week and is being considered by the Senate under unanimous consent today. The law eliminates 132 outdated reporting requirements imposed on federal agencies by Congress through statute.

The Senate Committee on Governmental Affairs and the House Committee on Government Reform and Oversight circulated a list of reports that was initially provided by the President in his 1997 budget to all committees having cognizance over the reports recommended for elimination. The committees reviewed the list of reports and identified those reports they deemed essential. The initial list contained over 400 reports; the bill that passed the Senate contained over 200 reports, and the bill as passed by the House contains 132 reports for elimination. The reports that were in the initial proposal that are not included in the bill as passed by the House have been reviewed by both houses of Congress and considered necessary and useful to the Congress in its oversight responsibilities.

Reports elimination is not a new area of interest in Congress. This is the third piece of legislation we have passed in the last 15 years to eliminate or modify wasteful reporting requirements. Just three years ago, in 1995, Senator MCCAIN and I introduced and got enacted Public Law 104–66, the "Federal Reports Elimination and Sunset Act of 1995," which eliminated or modified 207 reports. Section 3003 of Public Law 104–66, contains a provision for the termination of all annual, semiannual, or other regular periodic reporting requirements, subject to some exceptions, 4 years after the date of enactment. The bill was enacted into law on December 21, 1995, which means that effective December 21, 1999, reports listed in the House No. 103–7, that are not exempt from termination, will be automatically eliminated on December 21st of next year. Committees and Members should be on notice that if there are reporting requirements now in law that they want to continue that are annual, semiannual or periodic, those reporting requirements will have to be reenacted before the 1999 deadline. It will require an affirmative act of legislation to continue those reporting requirements. While it is important to eliminate wasteful and unnecessary reports, it is equally important to continue those reporting requirements that we think are essential to the work of the Congress. I urge my colleagues to be alert to this upcoming deadline.

Mr. President, I thank Senator MCCAIN for his excellent work in helping to get today's legislation passed. I also want to thank Myla Edwards of my office who handled this bill for us as a legislative fellow. Ensuring that this bill covers the intended reporting requirements is tedious work, and Myla demonstrated the care, patience, and commitment necessary to get a bill like this passed.

AMENDMENT NO. 3836

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate concur with the amendment of the House, with a further amendment by Senator MCCAIN, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is as follows:

In section 1501, strike subsections (f) through (h).

AMENDING TITLE 28, U.S. CODE, WITH RESPECT TO THE ENFORCEMENT OF CHILD CUSTODY AND VISITATION ORDERS.

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 4164, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4164) to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3837

(Purpose: To propose a substitute)

Mr. LOTT. Senator HATCH has a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT), for Mr. HATCH and Mr. BIDEN, proposes an amendment numbered 3837.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CHILD CUSTODY.

(a) SECTION 1738A(a).—Section 1738A(a) of title 28, United States Code, is amended by striking "subsection (f) of this section, any child custody determination" and inserting "subsections (f), (g), and (h) of this section, any custody determination or visitation determination".

(b) SECTION 1738A(b)(2).—Section 1738A(b)(2) of title 28, United States Code, is amended by inserting "or grandparent" after "parent".

(c) SECTION 1738A(b)(3).—Section 1738A(b)(3) of title 28, United States Code, is amended by striking "or visitation" after "for the custody".

(d) SECTION 1738A(b)(5).—Section 1738A(b)(5) of title 28, United States Code, is amended by striking "custody determination" each place it occurs and inserting "custody or visitation determination".

(e) SECTION 1738A(b)(9).—Section 1738A(b) of title 28, United States Code, is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding after paragraph (8) the following:

"(9) 'visitation determination' means a judgment, decree, or other order of a court providing for the visitation of a child and includes permanent and temporary orders and initial orders and modifications.".

(f) Section 1738A(c).—Section 1738A(c) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(g) Section 1738A(c)(2)(D).—Section 1738A(c)(2)(D) of title 28, United States Code, is amended by adding "or visitation" after "determine the custody".

(h) Section 1738A(d).—Section 1738A(d) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(i) Section 1738A(e).—Section 1738A(e) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(j) Section 1738A(g).—Section 1738A(g) of title 28, United States Code, is amended by striking "custody determination" and inserting "custody or visitation determination".

(k) Section 1738A(h).—Section 1738A of title 28, United States Code, is amended by adding at the end the following:

"(h) A court of a State may not modify a visitation determination made by a court of another State unless the court of the other State no longer has jurisdiction to modify such determination or has declined to exercise jurisdiction to modify such determination.".

Mr. BIDEN. Mr. President, I am pleased that the Senate today is passing the Hatch-Biden-Lautenberg substitute amendment to H.R. 4164, and I am hopeful that the other body will take up and pass the measure before Congress adjourns for the year.

What this legislation does is simple. Under current federal law, states must give full faith and credit to the child custody orders of another state. A custody order is defined as including a visitation order. However, as evidence from around the country has shown, state courts often do not automatically recognize visitation orders, particularly when it is a visitation order for someone other than the child's parent, such as a grandparent. State courts are supposed to honor such orders, but it is often an arduous process getting them to do so.

This legislation simply clarifies that the full faith and credit law includes visitation orders. We want it to be absolutely clear to state courts that a state visitation order entered consistently with the provisions of the federal full faith and credit statute must be given full faith and credit by all other states. In a narrow legal sense, it does nothing different than current federal law. But, by making that law more explicit, it hopefully will eliminate the hassles, obstacles, and delays that too often confront those who have valid visitation orders and are asking only that federal law be followed.

Mr. President, the author of this idea was Representative Rob Andrews of New Jersey, who deserves credit for bringing this issue to our attention. From the day in 1997 when he introduced his bill on visitation orders, he has been tireless in pushing for its passage. I commend him and congratulate him.

Finally, I want to thank Senator Hatch for his willingness to move this bill in the final days of the session. There is a lot of pressing work to be done, and this issue could have got lost in the final crunch. But, the chairman and his staff were very gracious in working with me to pass this bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3837) was agreed to.

The bill (H.R. 4164), as amended, was considered read the third time, and passed.

TECHNICAL AMENDMENTS TO SECTION 10, TITLE 9, OF THE UNITED STATES CODE

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2440, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2440) to make technical amendments to Section 10, Title 9, of the United States Code.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3838

(Purpose: To authorize the National Center for Missing and Exploited children, and for other purposes)

Mr. LOTT. Mr. President, Senators Hatch and Leahy have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. Lott), for Mr. Hatch and Mr. Leahy, proposes an amendment numbered 3838.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) Findings.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1-800-THE-LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.".

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children.".

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the National Center for Missing and Exploited Children, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $8,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

"(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

"(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting "the National Center for Missing and Exploited Children and with" before "public agencies",

(e) Authorization of Appropriations.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1997 through 2001" and inserting "1999 through 2003".

(f) REPEAL OF OBSOLETE REPORTING REQUIREMENTS.—Section 409 of the Missing Children's Assistance Act (42 U.S.C. 5778) is repealed.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3838) was agreed to.

The bill (H.R. 2440), as amended, was considered read the third time, and passed.

FARMERS' COOPERATIVE ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 291, H.R. 2513.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2513) to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3839

Mr. LOTT. Mr. President, I understand Senator MOYNIHAN has a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT), for Mr. MOYNIHAN, proposes an amendment numbered 3839.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXEMPTION FROM FEDERAL TAXATION OF REWARD PAID IN UNABOMBER CASE IF USED TO COMPENSATE VICTIMS AND THEIR FAMILIES OR TO PAY CERTAIN ATTORNEYS' FEES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, if the requirements of subsection (b) are met with respect to the amounts received by David R. Kaczynski of Schenectady, New York, and his wife, Linda E. Patrik, from the United States as a reward for information leading to the arrest of Theodore J. Kaczynski in the "Unabomber" case, then—

(1) their gross income shall not include (and no deduction shall be allowed to them with respect to) such amounts; and

(2) any payment by them to victims and their families in such case shall not be treated as a gift for purposes of subtitle B of such Code and shall not be included in gross income of the recipients.

(b) REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are met if all of the amounts described in subsection (a) are used only for the following purposes:

(1) Payment by Mr. David R. Kaczynski and Ms. Linda E. Patrik before September 15, 1998, to their attorneys for attorneys' fees incurred by them in connection with the "Unabomber" case.

(2) Payment by Mr. David R. Kaczynski and Ms. Linda E. Patrik of State and local taxes on such amounts.

(3) Payment of all remaining amounts by Mr. David R. Kaczynski and Ms. Linda E. Patrik no later than 1 year after the date of the enactment of this Act to the victims and their families in the "Unabomber" case or to an irrevocable trust established exclusively for the benefit of such victims and their families.

(c) VICTIMS AND THEIR FAMILIES.—For purposes of this section, the Attorney General of the United States or her delegate shall identify the individuals who are to be treated as victims and their families in the "Unabomber" case.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read three times, and passed, and the motion to reconsider be laid upon the table, that the title be appropriately amended, without any intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3839) was agreed to.

The bill (H.R. 2513), as amended, was considered read the third time and passed.

The title was amended so as to read:

Amend the title so as to read: "A bill to provide tax-free treatment of reward monies devoted to the victims of "Unabomber" Theodore Kaczynski."

Mr. MOYNIHAN. Mr. President, the Senate has done the right thing by agreeing to support David R. Kaczynski in his effort to donate more money to the victims of his brother, "Unabomber" Theodore J. Kaczynski. I hope the House of Representatives will now follow suit. This is a rare opportunity for Congress to write a happy ending to a sad story, and we should seize it. The U.S. Congress should not be in the business of discouraging acts of altruism.

In August, Mr. Kaczynski and his wife, Linda E. Patrik, constituents of mine from Schenectady, New York, received a $1 million reward from the FBI for information leading to the 1996 arrest of Theodore Kaczynski. Immediately upon receiving the reward, David Kaczynski pledged that after payment of taxes and attorney's fees, all reward monies would go to the Unabomber's victims and their families. Mr. Kaczynski then contacted my office to ask whether Congress could provide, through legislation, that no tax be imposed so that a greater amount would be passed on to the victims. The uniquely compelling case for this measure was clear from the moment David Kaczynski first contacted me. I agreed and immediately introduced legislation, which was cosponsored by Senators D'AMATO, BAUCUS and BURNS.

Since then, our legislation has received the support of others. Senators ROTH, HATCH, DODD, LAUTENBERG, and MOSELEY-BRAUN have all stated their strong support for the measure, and in the House, Congressman MIKE NCNULTY and AMO HOUGHTON of New York, both Ways and Means Committee members, have introduced companion legislation.

The Kaczynski family's decision was a wonderful, selfless act of humanity. Congress ought to applaud and support this fine example. It is good public policy to encourage reward recipients to donate those proceeds to the victims of violent crime. Without this legislation, federal taxes on the reward would total approximately $355,000. In other words, the Federal Treasury would get that money instead of the victims. It would be unjust for the Federal government to take that money when we have the power to pass it on to the victims.

I thank Senators for supporting this important measure, and I urge its early enactment.

TECHNICAL CORRECTION IN THE ENROLLMENT OF H.R. 3910

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 351, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 351) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3910, a bill to authorize the Automobile National Heritage Area.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 351) was agreed to.

INTERNATIONAL FISHERY TREATY AGREEMENT BETWEEN THE UNITED STATES AND POLAND

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3461, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3461) to approve a governing international fishery treaty agreement between the United States and Poland.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3461) was deemed read a third time, and passed.

CORRECTION IN THE ENROLLMENT OF A BILL

Mr. LOTT. I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 352 which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (H. Con. Res. 352) directing the clerk of the House of Representatives to make technical corrections in the enrollment of a bill.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 352) was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. I now ask unanimous consent that the Foreign Relations Committee be discharged and the Senate proceed en bloc to consider the following resolutions: S. Res. 285, S. Res. 293, S. Res. 294, S. Res. 298, S. Con. Res. 122, H. Con. Res. 185, H. Con. Res. 224, H. Con. Res. 254 and H. Con. 277. I ask unanimous consent that the Lugar amendment numbered 3834 to S. Res. 285 and the Abraham amendment No. 3835 to S. Res. 298 be agreed to, the resolutions and preambles be agreed to en bloc. I further ask that the Foreign Relations Committee be discharged from further consideration of H.R. 4083, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENSURING FREE AND FAIR ELECTIONS IN GABON

The Senate proceeded to consider the resolution (S. Res. 285) expressing the sense of the Senate that all necessary steps should be taken to ensure elections to be held in Gabon in December 1998 are free and fair.

The amendment (No. 3834) was agreed to, as follows:

Strike all after the resolving clause and insert the following:

That the Senate—

(1) recognizes and commends those Gabonese who have demonstrated their love for free and fair elections;

(2) commends the Government of Gabon for inviting the International Foundation for Election Systems to perform a pre-election assessment study;

(3) calls on the Government of Gabon to—

(A) take further measures to ensure the organization and administration of a transparent and credible election and to ensure that the national election commission is able to independently carry out its duties; and

(B) further welcome the International Foundation for Election Systems, the National Democratic Institute, the International Republican Institute, and other appropriate national and international nongovernmental organizations to aid the organization of, and to monitor, the December 1998 Presidential election in Gabon, in an effort to assist the government in ensuring that the elections are free and fair;

(4) urges the United States Government to continue to work with the international community, and through appropriate non-governmental organizations, to help create an environment which guarantees free and fair elections; and

(5) urges the United States Government and the international community to continue to encourage and support the institutionalization of democratic processes and the establishment of conditions for good governance in Gabon.

Strike the preamble and insert the following:

Whereas Gabon is a heavily forested and oil-rich country on the west coast of Central Africa;

Whereas Gabon gained independence from France in 1960;

Whereas Gabon is scheduled to hold national elections in December 1998 for the purpose of electing a President;

Whereas the Government of Gabon was subject to single-party rule until 1990 and only one person has held the office of the President since 1967;

Whereas the International Foundation for Election Systems (IFES) and the African American Institute (AAI) served as observers during the organization of the 1993 Presidential and legislative elections in Gabon and found widespread electoral irregularities;

Whereas the Government of Gabon is a signatory to the Paris Accords of 1994, which was approved by national referendum in July 1995, and was instituted to provide for a state of law guaranteeing basic individual freedoms and the organization of free and fair elections under a new independent national election commission;

Whereas the people of Gabon have demonstrated their support for the democratic process through the formation of numerous political parties since 1990 and their strong participation in prior elections; and

Whereas it is in the interest of the United States to promote political and economic freedom in Africa and throughout the world: Now, therefore, be it

The title was amended so as to read as follows: "Expressing the sense of the Senate that all necessary steps should be taken to ensure the elections to be held in Gabon are free and fair.".

The preamble, as amended, was agreed to.

The resolution (S. Res. 285), as amended, was agreed to.

EXPRESSING THE SENSE OF THE SENATE FOR THE RETURN OF NADIA DABBAGH

The resolution (S. Res. 293) expressing the sense of the Senate that Nadia Dabbagh should be returned home to her mother, Ms. Maureen Dabbagh was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 293), with its preamble, reads as follows:

S. RES. 293

Whereas Mr. Mohamad Hisham Dabbagh and Mrs. Maureen Dabbagh had a daughter, Nadia Dabbagh, in 1990;

Whereas Maureen Dabbagh and Mohamad Hisham Dabbagh were divorced in February 1992;

Whereas in 1993, Nadia was abducted by her father;

Whereas Mohamad Dabbagh later fled the country with Nadia;

Whereas the governments of Syria and the United States have granted child custody to Maureen Dabbagh and both have issued arrest warrants for Mohamad Dabbagh;

Whereas Mohamad Dabbagh has escaped to Saudi Arabia;

Whereas the United States Department of State believes Nadia now resides in Syria;

Whereas Maureen Dabbagh, with the assistance of missing children organizations, has been unable to reunite with her daughter;

Whereas the Department of State, the Federal Bureau of Investigation and Interpol have been unsuccessful in their attempts to bring Nadia back to the United States;

Whereas Maureen Dabbagh has not seen her daughter in over five years; and

Whereas it will take the continued effort and pressure on the part of Syrian officials to bring this case to a successful conclusion: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Governments of the United States and Syria immediately locate Nadia and deliver her safely to her mother.

EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO MALAYSIA

The resolution (S. Res. 294) expressing the sense of the Senate with respect to developments in Malaysia and the arrest of Dato Seri Anwar Ibrahim was considered and agreed to.

The preamble was agreed to.

The resolution (S. Res. 294), with its preamble, reads as follows:

S. Res. 294

Whereas on September 2, 1998, Malaysia's Prime Minister Mahathir Mohamad dismissed Deputy Prime Minister Dato Seri Anwar Ibrahim;

Whereas, over the past year, Dato Seri Anwar has advocated adopting meaningful economic structural reforms to combat an increasingly deteriorating economy—a view which runs counter to those of Dr. Mahathir;

Whereas, after being dismissed, Dato Seri Anwar began touring the country and publicly criticizing Dr. Mahathir and the policies of the ruling United Malays National Organization Baru (UMNO) party;

Whereas in apparent reaction to this criticism Dato Seri Anwar was arrested on September 20, 1998, and held under the provisions of the Malaysian Internal Security Act (ISA);

Whereas the ISA removes arrested individuals from the protections afforded criminal defendants under Malaysia's constitution and statutes, and consequently Dato Seri Anwar was held in an undisclosed location without any formal charges being lodged against him;

Whereas on September 29, 1998, Dato Seri Anwar was formally charged with nine counts of corruption and sexual misconduct, including four sodomy counts, to which another count was later added:

Whereas the vague nature of the charges, as well as the fact that two of the government's "witnesses" have already recanted, could reasonably lead to a conclusion that the charges were manufactured by the government for maximum shock value to discredit Dato Seri Anwar and silence him;

Whereas, when Dato Seri Anwar appeared at his arraignment, he had been beaten by police while in custody; and told the judge that on his first night of detention, while handcuffed and blindfolded, that he was "boxed very hard on my head and lower jaw and left eye . . . I was then slapped very hard, left and right, until blood came out from my nose and my lips cracked. Because of this I could not walk or see properly";

Whereas, to substantiate his claims, Dato Seri Anwar showed the court a large bruise on his arm; his swollen black eye was evident to everyone in the courtroom;

Whereas Dr. Mahathir suggested that Dato Seri Anwar inflicted the injuries to himself in order to gain public sympathy;

Whereas since its independence Malaysia has been transformed from a divided multiracial developing nation into a modern, cosmopolitan, economically sophisticated country; and

Whereas the Government's actions in case of Dato Seri Anwar seriously damage the reputation of Malaysia in the eyes of rest of the world: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Malaysian Government should take every step to safeguard the rights of Dato Seri Anwar, ensure that any charges brought against him are not spurious, afford him a fair and open trial, and fully investigate and prosecute those responsible for his mistreatment while in detention; and

(2) all Malaysians should be permitted to express their political views in a peaceful and orderly fashion without fear of arrest or intimidation.

CONDEMNING HUMAN RIGHTS ABUSES IN SIERRA LEONE

The Senate proceeded to consider an amendment to the resolution (S. Res. 298) condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone.

The amendment (No. 3825), in the nature of a substitute, was agreed to, as follows:

Whereas the ousted Armed Forces Revolutionary Council (AFRC) military junta and the rebel fighters of the Revolutionary United Front (RUF) have mounted a campaign of terror, vengeance, and human rights abuses on the civilian population of Sierra Leone;

Whereas the AFRC and RUF violence against civilians continues with more than 500 survivors of atrocities, including gunshot wounds, amputations or rape;

Whereas the International Committee of the Red Cross estimates that only 1 in 4 victims of mutilation actually makes it to medical help;

Whereas the use and recruitment of children as combatants in this conflict has been widespread, including forcible abduction of children by AFRC and RUF rebels;

Whereas UNICEF estimates the number of children forcibly abducted since March 1998 exceeds 3,000;

Whereas the consequences of this campaign have been the flight of more than 250,000 refugees to Guinea and Liberia in the last 6 months and the increase of over 250,000 displaced Sierra Leoneans in camps and towns in the north and east;

Whereas the Governments of Guinea and Liberia are having great difficulty caring for the huge number of refugees, now totaling 600,000 in Guinea and Liberia, and emergency appeals have been issued by the United Nations High Commission for Refugees for

$7,300,000 for emergency food, shelter, and sanitation, and medical, educational, psychological, and social services;

Whereas starvation and hunger-related deaths have begun in the north where more than 500 people have died since August 1, 1998, a situation that will only get worse in the next months;

Whereas the humanitarian community is unable, because of continuing security concerns, to deliver food and medicine to the vulnerable groups within the north and east of Sierra Leone;

Whereas the Economic Community of West African States and its peacekeeping arm, the Economic Community of West African States Military Observer Group (ECOMOG), are doing their best, but are still lacking in the logistic support needed to either bring this AFRC and RUF rebel war to a conclusion or force a negotiated settlement;

Whereas arms and weapons continue to be supplied to the AFRC and RUF in direct violation of a United Nations arms embargo;

Whereas the United Nations Under Secretary for Humanitarian Affairs and Emergency Relief Coordinator, Amnesty International, Human Rights Watch, and Refugees International, following visits to Sierra Leone in May and June 1998, condemned, in the strongest terms, the terrible human rights violations done to civilians by the AFRC and RUF rebels; and

Whereas the Special Representative of the United Nations Secretary General for Children and Armed Conflict, following a May 1998 visit to Sierra Leone, called upon the United Nations to make Sierra Leone one of the pilot projects for the rehabilitation of child combatants: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President and the Secretary of State to give high priority to solving the conflict in Sierra Leone and to bring stability to West Africa in general;

(2) condemns the use by all parties of children as combatants, in particular their forcible abduction by the Armed Forces Revolutionary Council and the Revolutionary United Front, in the conflict in Sierra Leone;

(3) calls on rebel forces to permit the establishment of a secure humanitarian corridor to strategic areas in the north and east of Sierra Leone for the safe delivery of food and medicines by the Government of Sierra Leone and humanitarian agencies already in the country mandated to deliver this aid;

(4) urges the President and the Secretary of State to continue to strictly enforce the United Nations arms embargo on the Armed Forces Revolutionary Council and Revolutionary United Front, including the condemnation of other nations found to be not in compliance with the embargo;

(5) urges the President and the Secretary of State to continue to encourage the contribution of peacekeeping forces by member governments of the Economic Community of West African States to its peacekeeping arm, ECOMOG;

(6) urges the President and the Secretary of State to continue to support the appeal of the United Nations High Commission for Refugees for aid to Sierra Leonean refugees in Guinea, Liberia, and elsewhere, as well as other United Nations agencies and nongovernmental organizations working in Sierra Leone to bring humanitarian relief and peace to the country, including support the United Nations Observer Mission in Sierra Leone;

(7) urges the President and the Secretary of State to take a more comprehensive and focused approach to its relief, recovery and development assistance program in Sierra Leone and to continue to support the Government of Sierra Leone in its Disarmament, Demobilization and Reintegration Program (DDRP) for the country as peace becomes a reality;

(8) urges the President and the Secretary of State to work with the Government of Sierra Leone, with organizations of civil society and with ECOMOG in their efforts to promote and protect human rights, including respect for international humanitarian law;

(9) encourages and supports the United Nations Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunu, to continue efforts to work in Sierra Leone to establish programs designed to rehabilitate child combatants; and

(10) urges all parties to make a concerted effort toward peace and reconciliation in Sierra Leone.

The preamble, as amended, was agreed to.

The resolution (S. Res. 298), as amended, was agreed to.

Mr. ABRAHAM. Mr. President, I rise on the occasion of the Senate's passage, by unanimous consent, of Senate Resolution 298, condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone. I would like to thank my colleagues, particularly the members of the Senate Committee on Foreign Relations, for their support, as well as their quick action on this important legislation. While the resolution speaks for itself in its condemnation of atrocities and insistence that all people abide by international standards of decency, allow me to make just a few points.

On a number of occasions, Mr. President, I have come to the floor to insist that America's status as the world's first free nation, and the continuing leader of the free world, imposes certain responsibilities on us. Most important, our status imposes on us the duty to speak out and where possible act to prevent gross violations of basic human rights. Yet at this very moment there is a crisis in the Sierra Leone of tragic proportions, in which truly unbelievable atrocities are being committed against the civilian population.

Mr. President, we should not permit this tragedy to go unnoticed and we should not permit the war crimes being committed there to be committed with impunity.

I learned about the Sierra Leone crisis from concerned individuals and in my capacity as Chairman of the Immigration Subcommittee, which has oversight of refugee matters. I have spoken to Secretary of State Albright about the Sierra Leone crisis, both because of the situation of current refugees and more broadly because I believe we may have a unique opportunity to help stop the war in Sierra Leone so that more lives are not wasted or shattered and more innocent people not turned into refugees.

Over 500,000 Sierra Leonean refugees currently reside, often in conditions of incredible poverty and deprivation, outside of their country. This number includes something like 350,000 in Guinea and 182,000 in Liberia. The majority of these people have fled Sierra Leone over the past year, with over 250,000 fleeing in the past six months. All are fleeing armed conflict and civil war.

Let me briefly rehearse the events that have produced this tragic situation.

In May of 1997, the democratically elected president of Sierra Leone, President Tejan Kabbah, was overthrown in a military coup, leading to a large outflow of refugees and the evacuation of our own and other foreign embassies in the capital of Freetown. For nine months, the country was ruled by a coalition of rebel groups including the AFRC (Armed Forces Revolutionary Council) and the RUF (Revolutionary United Front). In February 1998, the West African peacekeeping force (ECOMOG, a regional force principally composed of Nigerians) secured control of Freetown and restored Kabbah to power. ECOMOG controls the area surrounding Freetown and is continuing offensives in the interior of the country to try to regain control.

Starting in February and March, rebels (also referred to as the junta) began to retaliate through a campaign of terror directed at the population. This has led to the massive exodus of hundreds of thousands of civilians. The rebel leader, Foday Sankoh, was captured by ECOMOG and is scheduled to be tried for treason in Freetown. Last month, his second in command threatened to wipe out the remaining population if Foday Sankoh is tried. Speaking on BBC radio, he declared that, if Foday Sankoh is tried, the rebels will launch "operation spare no soul," killing "every living thing, including chickens."

His past conduct proves that his threats are not empty.

Unbelievable atrocities have been committed against the Sierra Leoneans. Sierra Leonean refugees in Guinea and Liberia also face severe shortages of food and medical care. Reports of violence include killings, amputations of body parts with machetes, rapes (including of young girls), and other torture. On occasion, violence has been targeted at Kabbah supporters. Some amputee victims have had notes pinned to their chests warning Kabbah of further violence, and others are told to tell Kabbah to give them their hands back. In other cases the violence appears indiscriminate and designed to terrorize the population. Villages have been evacuated and destroyed on a large scale as Sierra Leoneans try to flee the rebels.

Mr. President, I introduced this resolution because the violence is not over. Unfortunately, it may have just begun.

Fighting continues in Sierra Leone, and the refuges need help. West African states have committed their soldiers to help achieve peace in Sierra Leone. But they need logistical and other support—support we can provide without placing American lives at risk. Our leadership can make a difference here in ending the horrors in Sierra Leone and assisting the victims of war. We should not look the other way.

I thank my colleagues for their support, and I yield the floor.

EXPRESSING THE SENSE OF CONGRESS ON THE 65TH ANNIVERSARY OF THE UKRAINIAN FAMINE OF 1932–1933

The resolution (S. Con. Res. 122) expressing the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the former Soviet Union's repressive policies toward the Ukrainian people was considered and agreed to.

The preamble was agreed to.

The resolution (S. Con. Res. 122), with its preamble, reads as follows:

S. CON. RES. 122

Whereas this year marks the 65th anniversary of the Ukrainian Famine of 1932–1933 that caused the deaths of at least 7,000,000 Ukrainians and that was covered up and officially denied by the government of the former Soviet Union;

Whereas millions of Ukrainians died, not by natural causes such as pestilence, drought, floods, or a poor harvest, but by policies designed to punish Ukraine for its aversion and opposition to the government of the former Soviet Union's oppression and imperialism, including the forced collectivization of agriculture;

Whereas when Ukraine was famine-stricken, the government of the former Soviet Union exported 1,700,000 tons of grain to the West while offers from international relief organizations to assist the starving population were rejected on the grounds that there was no famine in Ukraine and no need for the assistance;

Whereas the borders of Ukraine were tightly controlled and starving Ukrainians were not allowed to cross into Russian territory in search of bread;

Whereas in his book "The Harvest of Sorrow", British historian Robert Conquest explains, "A quarter of the rural population, men, women, and children, lay dead or dying, the rest in various stages of debilitation with no strength to bury their families or neighbors.";

Whereas the Commission on the Ukraine Famine was established on December 13, 1985, to conduct a study with the goal of expanding the world's knowledge and understanding of the famine and to expose the government of the former Soviet Union for its atrocities in the famine;

Whereas the Commission's report to Congress confirmed that the government of the former Soviet Union consciously employed the brutal policy of forced famine to repress the Ukrainian population and to oppress the Ukrainians' inviolable religious and political rights; and

Whereas the Commission on the Ukraine Famine presented 4 volumes of findings and conclusions, 10 volumes of archival material, and over 200 cassettes of testimony from famine survivors to the newly independent Government of Ukraine in 1993, during the official observances of the 60th anniversary of the Ukrainian famine in Kyiv, Ukraine: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the victims of the government of the former Soviet Union-engineered Ukrainian Famine of 1932–1933 be solemnly remembered on its 65th anniversary;

(2) the Congress condemns the systematic disregard for human life, human rights, human liberty, and self-determination that characterized the repressive policies of the government of the former Soviet Union during the Ukrainian Famine of 1932–1933;

(3) on the 65th anniversary of the Ukrainian Famine of 1932–1933, in contrast to the policies of the government of the former Soviet Union, Ukraine is moving toward democracy, a free-market economy, and full respect for human rights, and it is essential that the United States continue to assist Ukraine as it proceeds down this path; and

(4) any supplemental material that will assist in the dissemination of information about the Ukrainian Famine of 1932–1933, and thereby help to prevent similar future tragedies, be compiled and made available worldwide for the study of the devastation of the famine.

SEC. 2. TRANSMITTAL OF THE RESOLUTION.

The Secretary of the Senate shall—

(1) transmit a copy of this resolution to—

(A) the President;

(B) the Secretary of State; and

(C) the co-chairs of the Congressional Ukrainian Caucus; and

(2) request that the Secretary of State transmit a copy of this resolution to the Government of Ukraine.

EXPRESSING THE SENSE OF THE CONGRESS ON THE 50TH ANNIVERSARY OF THE SIGNING OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

The resolution (H. Con. Res. 185) expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration was considered and agreed to.

The preamble was agreed to.

URGING INTERNATIONAL COOPERATION IN RECOVERING ABDUCTED CHILDREN

The resolution (H. Con. Res. 224) urging international cooperation in recovering children abducted in the United States and taken to other countries was considered and agreed to.

The preamble was agreed to.

EXTRADITION OF JOANNE CHESIMARD AND OTHERS

The resolution (H. Con. Res. 254) calling on the government of Cuba to extradite to the United States convicted felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba was considered and agreed to.

The preamble was agreed to.

EXPRESSING THE SENSE OF THE CONGRESS CONCERNING THE NEW TRIBES MISSION HOSTAGE CRISIS

The resolution (H. Con. Res. 277) concerning the New Tribes Mission hostage crisis was considered and agreed to.

The preamble was agreed to.

MAKING AVAILABLE "WINDOW ON AMERICA"

The bill (H.R. 4083) to make available to the Ukrainian Museum and Archives the USIA television program "Window on America" was considered read the third time and passed.

Mr. LOTT. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAST GUARD AUTHORIZATION ACT OF 1998

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2204) entitled "An Act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes", with the following amendment:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1998".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—AUTHORIZATION
Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. LORAN-C.
TITLE II—COAST GUARD MANAGEMENT
Sec. 201. Severance pay.

Sec. 202. Authority to implement and fund certain awards programs.
Sec. 203. Use of appropriated funds for commercial vehicles at military funerals.
Sec. 204. Authority to reimburse Novato, California, Reuse Commission.
Sec. 205. Law enforcement authority for special agents of the Coast Guard Investigative Service.
Sec. 206. Report on excess Coast Guard property.
Sec. 207. Fees for navigation assistance service.
Sec. 208. Aids to navigation report.
TITLE III—MARINE SAFETY
Sec. 301. Extension of territorial sea for certain laws.
Sec. 302. Penalties for interfering with the safe operation of a vessel.
Sec. 303. Great Lakes Pilotage Advisory Committee.
Sec. 304. Alcohol testing.
Sec. 305. Protect marine casualty investigations from mandatory release.
Sec. 306. Safety management code report and policy.
Sec. 307. Oil and hazardous substance definition and report.
Sec. 308. National Marine Transportation System.
Sec. 309. Availability and use of EPIRBS for recreational vessels.
Sec. 310. Search and rescue helicopter coverage.
Sec. 311. Petroleum transportation.
Sec. 312. Seasonal Coast Guard helicopter air rescue capability.
Sec. 313. Ship reporting systems.
TITLE IV—MISCELLANEOUS
Sec. 401. Vessel identification system amendments.
Sec. 402. Conveyance of Coast Guard Reserve training facility, Jacksonville, Florida.
Sec. 403. Documentation of certain vessels.
Sec. 404. Conveyance of Nahant parcel, Essex County, Massachusetts.
Sec. 405. Unreasonable obstruction to navigation.
Sec. 406. Financial responsibility for oil spill response vessels.
Sec. 407. Conveyance of Coast Guard property to Jacksonville University in Jacksonville, Florida.
Sec. 408. Penalty for violation of International Safety Convention.
Sec. 409. Coast Guard City, USA.
Sec. 410. Conveyance of Communication Station Boston Marshfield Receiver Site, Massachusetts.
Sec. 411. Clarification of liability of persons engaging in oil spill prevention and response activities.
Sec. 412. Vessels not seagoing motor vessels.
Sec. 413. Land conveyance, Coast Guard Station Ocracoke, North Carolina.
Sec. 414. Conveyance of Coast Guard property in Sault Sainte Marie, Michigan.
Sec. 415. Interim authority for dry bulk cargo residue disposal.
Sec. 416. Conveyance of lighthouses.
Sec. 417. Conveyance of Coast Guard LORAN Station Nantucket.
Sec. 418. Conveyance of decommissioned Coast Guard vessels.
Sec. 419. Amendment to conveyance of vessel S/S RED OAK VICTORY.
Sec. 420. Transfer of Ocracoke Light Station to Secretary of the Interior.
Sec. 421. Vessel documentation clarification.
Sec. 422. Dredge clarification.
Sec. 423. Double hull alternative designs study.
Sec. 424. Vessel sharing agreements.
Sec. 425. Reports.
Sec. 426. Report on tonnage calculation methodology.
Sec. 427. Authority to convey National Defense Reserve Fleet Vessels.
Sec. 428. Authority to convey National Defense Reserve Fleet Vessel, JOHN HENRY.
Sec. 429. Applicability of authority to release restrictions and encumbrances.
Sec. 430. Barge APL–60.
Sec. 431. Vessel financing flexibility.
Sec. 432. Hydrographic functions.
TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS
Sec. 501. Findings.
Sec. 502. Administrative waiver of coastwise trade laws.
Sec. 503. Revocation.
Sec. 504. Definitions.
Sec. 505. Sunset.
TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA
Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Assessments.
Sec. 604. Northern Gulf of Mexico hypoxia.
Sec. 605. Authorization of appropriations.
Sec. 606. Protection of States' rights.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) for fiscal year 1998, $2,715,400,000; and

(B) for fiscal year 1999, $2,854,700,000; of which $25,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 and of which not less than $408,000,000 shall be available for expenses related to drug interdiction.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

(A) for fiscal year 1998, $399,850,000, of which $2,000,000 shall be made available for concept evaluation for a replacement vessel for the Coast Guard icebreaker MACKINAW; and

(B) for fiscal year 1999, $510,300,000, of which $5,300,000 shall be made available to complete the conceptual design for a replacement vessel for the Coast Guard icebreaker MACKINAW;

to remain available until expended, of which $20,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 and of which not less than $62,000,000 shall be available for expenses related to drug interdiction.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) for fiscal year 1998, $19,000,000; and

(B) for fiscal year 1999, $18,300,000;

to remain available until expended, of which $3,500,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code—

(A) for fiscal year 1998, $653,196,000; and

(B) for fiscal year 1999, $691,493,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) for fiscal year 1998, $17,000,000; and

(B) for fiscal year 1999, $26,000,000,

to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $26,000,000 for each of fiscal years 1998 and 1999, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of—

(1) 37,944 as of September 30, 1998; and

(2) 38,038 as of September 30, 1999.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training—

(A) for fiscal year 1998, 1,424 student years; and

(B) for fiscal year 1999, 1,424 student years.

(2) For flight training—

(A) for fiscal year 1998, 98 student years; and

(B) for fiscal year 1999, 98 student years.

(3) For professional training in military and civilian institutions—

(A) for fiscal year 1998, 283 student years; and

(B) for fiscal year 1999, 283 student years.

(4) For officer acquisition—

(A) for fiscal year 1998, 814 student years; and

(B) for fiscal year 1999, 810 student years.

SEC. 103. LORAN-C.

(a) FISCAL YEAR 1999.—There are authorized to be appropriated to the Department of Transportation, in addition to the funds authorized for the Coast Guard for operation of the LORAN-C System, for capital expenses related to LORAN-C navigation infrastructure, $10,000,000 for fiscal year 1999. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) COST-SHARING PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for cost-sharing arrangements among Federal agencies for such capital and operating expenses related to LORAN-C navigation infrastructure, including such expenses of the Coast Guard and the Federal Aviation Administration.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. SEVERANCE PAY.

(a) WARRANT OFFICERS.—Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

(b) SEPARATED OFFICERS.—Section 286a of title 14, United States Code, is amended by striking the period at the end of subsection (b) and inserting ", unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.".

(c) EXCEPTION.—Section 327 of title 14, United States Code, is amended by striking the period at the end of paragraph (b)(3) and inserting ", unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.".

SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

Section 93 of title 14, United States Code, is amended—

(1) by striking "and" after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(w) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including State and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation).".

SEC. 203. USE OF APPROPRIATED FUNDS FOR COMMERCIAL VEHICLES AT MILITARY FUNERALS.

Section 93 of title 14, United States Code, as amended by section 202 of this Act, is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (v);

(2) by striking the period at the end of paragraph (w) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(x) rent or lease, under such terms and conditions as are considered by the Secretary to be advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery.".

SEC. 204. AUTHORITY TO REIMBURSE NOVATO, CALIFORNIA, REUSE COMMISSION.

The Commandant of the United States Coast Guard may use up to $25,000 to provide economic adjustment assistance for the City of Novato, California, for the cost of revising the Hamilton Reuse Planning Authority's reuse plan as a result of the Coast Guard's request for housing at Hamilton Air Force Base. If the Department of Defense provides such economic adjustment assistance to the City of Novato on behalf of the Coast Guard, then the Coast Guard may use the amount authorized for use in the preceding sentence to reimburse the Department of Defense for the amount of economic adjustment assistance provided to the City of Novato by the Department of Defense.

SEC. 205. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.

(a) AUTHORITY.—Section 95 of title 14, United States Code, is amended to read as follows:

"§ 95. Special agents of the Coast Guard Investigative Service law enforcement authority

"(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

"(A) To carry firearms.

"(B) To execute and serve any warrant or other process issued under the authority of the United States.

"(C) To make arrests without warrant for—

"(i) any offense against the United States committed in the agent's presence; or

"(ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

"(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

"(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

"(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of Transportation or the Attorney General.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by striking the item related to section 95 and inserting the following:

"95. Special agents of the Coast Guard Investigative Service law enforcement authority.".

SEC. 206. REPORT ON EXCESS COAST GUARD PROPERTY.

Not later than 9 months after the date of enactment of this Act, the Administrator of the General Services Administration and the Commandant of the Coast Guard shall submit to the Congress a report on the current procedures used to dispose of excess Coast Guard property and provide recommendations to improve such procedures. The recommendations shall take into consideration measures that would—

(1) improve the efficiency of such procedures;

(2) improve notification of excess property decisions to and enhance the participation in the property disposal decisionmaking process of the States, local communities, and appropriate nonprofit organizations;

(3) facilitate the expeditious transfer of excess property for recreation, historic preservation, education, transportation, or other uses that benefit the general public; and

(4) ensure that the interests of Federal taxpayers are protected.

SEC. 207. FEES FOR NAVIGATION ASSISTANCE SERVICE.

Section 2110 of title 46, United States Code, is amended by adding at the end thereof the following:

"(k) The Secretary may not plan, implement or finalize any regulation that would promulgate any new maritime user fee which was not implemented and collected prior to January 1, 1998, including a fee or charge for any domestic icebreaking service or any other navigational assistance service. This subsection expires on September 30, 2001.".

SEC. 208. AIDS TO NAVIGATION REPORT.

Not later than 18 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report on the use of the Coast Guard's aids to navigation system. The report shall include an analysis of the respective use of the aids to navigation system by commercial interests, members of the general public for personal recreation, Federal and State government for public safety, defense, and other similar purposes. To the extent practicable within the time allowed, the report shall include information regarding degree of use of the various portions of the system.

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.

(a) PORTS AND WATERWAYS SAFETY ACT.—Section 102 of the Ports and Waterways Safety Act (33 U.S.C. 1222) is amended by adding at the end the following:

"(5) 'Navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

(b) SUBTITLE II OF TITLE 46.—

(1) Section 2101 of title 46, United States Code, is amended—

(A) by redesignating paragraph (17a) as paragraph (17b); and

(B) by inserting after paragraph (17) the following:

"(17a) 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

(2) Section 2301 of that title is amended by inserting "(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)" after "of the United States".

(3) Section 4102(e) of that title is amended by striking "operating on the high seas" and inserting "owned in the United States and operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured".

(4) Section 4301(a) of that title is amended by inserting "(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)" after "of the United States".

(5) Section 4502(a)(7) of that title is amended by striking "on the high seas" and inserting "beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States".

(6) Section 4506(b) of that title is amended by striking paragraph (2) and inserting the following:

"(2) is operating—

"(A) in internal waters of the United States; or

"(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.".

(7) Section 8502(a)(3) of that title is amended by striking "not on the high seas" and inserting: "not beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured".

(8) Section 8503(a)(2) of that title is amended by striking paragraph (2) and inserting the following:

"(2) operating—

"(A) in internal waters of the United States; or

"(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.".

SEC. 302. PENALTIES FOR INTERFERING WITH THE SAFE OPERATION OF A VESSEL.

(a) IN GENERAL.—Section 2302 of title 46, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 2302. Penalties for negligent operations and interfering with safe operation";

and

(2) in subsection (a) by striking "that endangers" and inserting "or interfering with the safe operation of a vessel, so as to endanger".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 46, United States Code, is amended by striking the item relating to section 2302 and inserting the following:

"2302. Penalties for negligent operations and interfering with safe operation.".

SEC. 303. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

Section 9307 of title 46, United States Code, is amended to read as follows:

"§ 9307. Great Lakes Pilotage Advisory Committee

"(a) The Secretary shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

"(1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

"(2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;

"(3) may make available to the Congress recommendations that the Committee makes to the Secretary; and

"(4) shall meet at the call of—

"(A) the Secretary, who shall call such a meeting at least once during each calendar year; or

"(B) a majority of the Committee.

"(b)(1) The Committee shall consist of 7 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

"(2) The membership of the Committee shall include—

"(A) 3 members who are practicing Great Lakes pilots and who reflect a regional balance;

"(B) 1 member representing the interests of vessel operators that contract for Great Lakes pilotage services;

"(C) 1 member representing the interests of Great Lakes ports;

"(D) 1 member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

"(E) 1 member representing the interests of the general public, who is an independent expert on the Great Lakes maritime industry.

"(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

"(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The representatives shall, as appropriate, report to and advise the Committee on matters relating to Great Lakes pilotage. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

"(d)(1) The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to Great Lakes pilotage.

"(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

"(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

"(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS–18 of the General Schedule under section 5332 of title 5 including travel time; and

"(B) travel or transportation expenses under section 5703 of title 5.

"(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

"(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2003.

"(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.".

SEC. 304. ALCOHOL TESTING.

(a) ADMINSTRATIVE PROCEDURE.—Section 7702 of title 46, United States Code, is amended by striking the second sentence of subsection (c)(2) and inserting the following: "The testing may include preemployment (with respect to dangerous drugs only), periodic, random, and reasonable cause testing, and shall include post-accident testing.".

(b) INCREASE IN CIVIL PENALTY.—Section 2115 of title 46, United States Code, is amended by striking "$1,000" and inserting "$5,000".

(c) INCREASE IN NEGLIGENCE PENALTY.—Section 2302(c)(1) of title 46, United States Code, is amended by striking "$1,000 for a first violation and not more than $5,000 for a subsequent violation; or" and inserting "$5,000; or".

(d) POST SERIOUS MARINE CASUALTY TESTING.—

(1) Chapter 23 of title 46, United States Code, is amended by inserting after section 2303 the following:

"§2303a. Post serious marine casualty alcohol testing

"(a) The Secretary shall establish procedures to ensure that after a serious marine casualty occurs, alcohol testing of crew members or other persons responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such casualty is conducted no later than 2 hours after the casualty occurs, unless such testing cannot be completed within that time due to safety concerns directly related to the casualty.

"(b) The procedures in subsection (a) shall require that if alcohol testing cannot be completed within 2 hours of the occurrence of the casualty, such testing shall be conducted as soon thereafter as the safety concerns in subsection (a) have been adequately addressed to permit such testing, except that such testing may not be required more than 8 hours after the casualty occurs.".

(2) The table of sections at the beginning of chapter 23 of title 46, United States Code, is amended by inserting after the item related to section 2303 the following:

"2303a. Post serious marine casualty alcohol testing.".

SEC. 305. PROTECT MARINE CASUALTY INVESTIGATIONS FROM MANDATORY RELEASE.

Section 6305(b) of title 46, United States Code, is amended by striking all after "public" and inserting a period and "This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.".

SEC. 306. SAFETY MANAGEMENT CODE REPORT AND POLICY.

(a) REPORT ON IMPLEMENTATION AND ENFORCEMENT OF THE INTERNATIONAL SAFETY MANAGEMENT CODE.—

(1) The Secretary of Transportation (in this section referred to as the "Secretary") shall conduct a study—

(A) reporting on the status of implementation of the International Safety Management Code (hereinafter referred to in this section as 'Code');

(B) detailing enforcement actions involving the Code, including the role documents and reports produced pursuant to the Code play in such enforcement actions;

(C) evaluating the effects the Code has had on marine safety and environmental protection, and identifying actions to further promote marine safety and environmental protection through the Code;

(D) identifying actions to achieve full compliance with and effective implementation of the Code; and

(E) evaluating the effectiveness of internal reporting and auditing under the Code, and recommending actions to ensure the accuracy and candidness of such reporting and auditing. These recommended actions may include proposed limits on the use in legal proceedings of documents produced pursuant to the Code.

(2) The Secretary shall provide opportunity for the public to participate in and comment on the study conducted under paragraph (1).

(3) Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (1).

(b) POLICY.—

(1) Not later than 9 months after submission of the report in subsection (a)(3), the Secretary shall develop a policy to achieve full compliance with and effective implementation of the Code. The policy may include—

(A) enforcement penalty reductions and waivers, limits on the use in legal proceedings of documents produced pursuant to the Code, or other incentives to ensure accurate and candid reporting and auditing;

(B) any other measures to achieve full compliance with and effective implementation of the Code; and

(C) if appropriate, recommendations to Congress for any legislation necessary to implement one or more elements of the policy.

(2) The Secretary shall provide opportunity for the public to participate in the development of the policy in paragraph (1).

(3) Upon completion of the policy in paragraph (1), the Secretary shall publish the policy in the Federal Register and provide opportunity for public comment on the policy.

SEC. 307. OIL AND HAZARDOUS SUBSTANCE DEFINITION AND REPORT.

(a) DEFINITION OF OIL.—Section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)) is amended to read as follows:

"(23) 'oil' means oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include any substance which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and which is subject to the provisions of that Act;".

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Congress on the status of the joint evaluation by the Coast Guard and the Environmental Protection Agency of the substances to be classified as oils under the Federal Water Pollution Control Act and title I of the Oil Pollution Act of 1990, including opportunities provided for public comment on the evaluation.

SEC. 308. NATIONAL MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The Secretary of Transportation, through the Coast Guard and the Maritime Administration, shall, in consultation with the National Ocean Service of the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other interested Federal agencies and departments, establish a task force to assess the adequacy of the nation's marine transportation system (including ports, waterways, harbor approach channels, and their intermodal connections) to operate in a safe, efficient, secure, and environmentally sound manner.

(b) TASK FORCE.—

(1) The task force shall be chaired by the Secretary of Transportation or his designee and may be comprised of the representatives of interested Federal agencies and departments and such other nonfederal entities as the Secretary deems appropriate.

(2) The provisions of the Federal Advisory Committee Act shall not apply to the task force.

(c) ASSESSMENT.—

(1) In carrying out the assessment under this section, the task force shall examine critical issues and develop strategies, recommendations, and a plan for action. Pursuant to such examination and development, the task force shall—

(A) take into account the capability of the marine transportation system, the adequacy of depth of approach channels and harbors, and the cost to the Federal Government to accommodate projected increases in foreign and domestic traffic over the next 20 years;

(B) consult with senior public and private sector officials, including the users of that system, such as ports, commercial carriers, shippers, labor, recreational boaters, fishermen, and environmental organizations;

(C) sponsor public and private sector activities to further refine and implement (under existing authority) the strategies, recommendations, and plan for action;

(D) evaluate the capability to dispose of dredged materials that will be produced to accommodate projected increases referred to in subparagraph (A); and

(E) evaluate the future of the navigational aid system including the use of virtual aids to navigation on electronic charts.

(2) The Secretary shall report to Congress on the results of the assessment no later than July 1, 1999. The report shall reflect the views of both the public and private sectors. The Task Force shall cease to exist upon submission of the report in this paragraph.

SEC. 309. AVAILABILITY AND USE OF EPIRBS FOR RECREATIONAL VESSELS.

The Secretary of Transportation, through the Coast Guard and in consultation with the National Transportation Safety Board and recreational boating organizations, shall, within 24 months of the date of enactment of this Act, assess and report to Congress on the use of emergency position indicating beacons (EPIRBs) and similar devices by operators of recreational vessels on the Intracoastal Waterway and operators of recreational vessels beyond the Boundary Line. The assessment shall at a minimum—

(1) evaluate the current availability and use of EPIRBs and similar devices by the operators of recreational vessels and the actual and potential contribution of such devices to recreational boating safety; and

(2) provide recommendations on policies and programs to encourage the availability and use of EPIRBS and similar devices by the operators of recreational vessels.

SEC. 310. SEARCH AND RESCUE HELICOPTER COVERAGE.

Not later than 9 months after the date of enactment of this Act, the Commandant shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) identifying waters out to 50 miles from the territorial sea of Maine and other States that cannot currently be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(2) providing options for ensuring that all waters of the area referred to in paragraph (1) can be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(3) providing an analysis assessing the overall capability of Coast Guard search and rescue assets to serve each area referred to in paragraph (1) within 2 hours of a report of distress or request for assistance from such waters; and

(4) identifying, among any other options the Commandant may provide as required by paragraph (2), locations in the State of Maine that may be suitable for the stationing of a Coast Guard search and rescue helicopter and crew, including any Coast Guard facility in Maine, the Bangor Air National Guard Base, and any other locations.

SEC. 311. PETROLEUM TRANSPORTATION.

(a) DEFINITIONS.—In this section:

(1) FIRST COAST GUARD DISTRICT.—The term "First Coast Guard District" means the First Coast Guard District described in section 3.05-1(b) of title 33, Code of Federal Regulations.

(2) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(3) WATERS OF THE NORTHEAST.—The term "waters of the Northeast"—

(A) means the waters subject to the jurisdiction of the First Coast Guard District; and

(B) includes the waters of Long Island Sound.

(b) REGULATIONS RELATING TO WATERS OF THE NORTHEAST.—

(1) TOWING VESSEL AND BARGE SAFETY FOR WATERS OF THE NORTHEAST.—

(A) IN GENERAL.—Not later than December 31, 1998, the Secretary shall promulgate regulations for towing vessel and barge safety for the waters of the Northeast.

(B) INCORPORATION OF RECOMMENDATIONS.—

(i) IN GENERAL.—Except as provided in clause (ii), the regulations promulgated under this paragraph shall give full consideration to each of the recommendations for regulations contained in the report entitled "Regional Risk Assessment of Petroleum Transportation in the Waters of the Northeast United States" issued by the Regional Risk Assessment Team for the First Coast Guard District on February 6, 1997, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(ii) EXCLUDED RECOMMENDATIONS.—The regulations promulgated under this paragraph shall not incorporate any recommendation referred to in clause (i) that relates to anchoring or barge retrieval systems.

(2) ANCHORING AND BARGE RETRIEVAL SYSTEMS.—

(A) IN GENERAL.—Not later than November 30, 1998, the Secretary shall promulgate regulations under section 3719 of title 46, United States Code, for the waters of the Northeast, that shall give full consideration to each of the recommendations made in the report referred to in paragraph (1)(B)(i) relating to anchoring and barge retrieval systems, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) prevents the Secretary from promulgating interim final regulations that apply throughout the United States relating to anchoring and barge retrieval systems that contain requirements that are as stringent as the requirements of the regulations promulgated under subparagraph (A).

SEC. 312. SEASONAL COAST GUARD HELICOPTER AIR RESCUE CAPABILITY.

The Secretary of Transportation is authorized to take appropriate actions to ensure the establishment and operation by the Coast Guard of a helicopter air rescue capability that—

(1) is located at Gabreski Airport, Westhampton, New York; and

(2) provides air rescue capability from that location from April 15 to October 15 each year.

SEC. 313. SHIP REPORTING SYSTEMS.

Section 11 of the Ports and Waterways Safety Act (Public Law 92-340; 33 U.S.C. 1230), is amended by adding at the end of the following:

"(d) SHIP REPORTING SYSTEMS.—The Secretary, in cooperation with the International Maritime Organization, is authorized to implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean: Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39' N., 70 deg. 37' W; then northeast to 42 deg. 45' N., 70 deg. 13' W; then southeast to 42 deg. 10' N., 68 deg. 31 W, then south to 41 deg. 00' N., 68 deg. 31' W; then west to 41 deg. 00' N., 69 deg. 17' W; then northeast to 42 deg. 05' N., 70 deg. 02' W, then west to 42 deg. 04' N., 70 deg. 10' W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39' N., 70 deg. 37' W) and in the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6' W with the southern and northern boundary at latitudes 30 deg. 00' N., 31 deg. 27' N., respectively).".

TITLE IV—MISCELLANEOUS

SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.

(a) IN GENERAL.—Chapter 121 of title 46, United States Code, is amended—

(1) by striking "or is not titled in a State" in section 12102(a);

(2) by adding at the end thereof the following:

"§12124. Surrender of title and number

"(a) A documented vessel shall not be titled by a State or required to display numbers under chapter 123, and any certificate of title issued by a State for a documented vessel shall be surrendered in accordance with regulations prescribed by the Secretary of Transportation.

"(b) The Secretary may approve the surrender under subsection (a) of a certificate of title for a vessel covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 121 of title 46, United States Code, is amended by adding at the end thereof the following:

"12124. Surrender of title and number.".

(c) OTHER AMENDMENTS.—Title 46, United States Code, is amended—

(1) by striking section 31322(b) and inserting the following:

"(b) Any indebtedness secured by a preferred mortgage that is filed or recorded under this chapter, or that is subject to a mortgage, security agreement, or instruments granting a security interest that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree.";

(2) by striking "mortgage or instrument" each place it appears in section 31322(d)(1) and inserting "mortgage, security agreement, or instrument";

(3) by striking section 31322(d)(3) and inserting the following:

"(3) A preferred mortgage under this subsection continues to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage, security agreement, or instrument granting a security interest became a preferred mortgage under this subsection.";

(4) by striking "mortgages or instruments" in subsection 31322(d)(2) and inserting "mortgages, security agreements, or instruments";

(5) by inserting "a vessel titled in a State," in section 31325(b)(1) after "a vessel to be documented under chapter 121 of this title,";

(6) by inserting "a vessel titled in a State," in section 31325(b)(3) after "a vessel for which an application for documentation is filed under chapter 121 of this title,"; and

(7) by inserting "a vessel titled in a State," in section 31325(c) after "a vessel to be documented under chapter 121 of this title,".

SEC. 402. CONVEYANCE OF COAST GUARD RESERVE TRAINING FACILITY, JACKSONVILLE, FLORIDA.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) the land and improvements thereto comprising the Coast Guard Reserve training facility in Jacksonville, Florida, is deemed to be surplus property; and

(2) the Commandant of the Coast Guard shall dispose of all right, title, and interest of the United States in and to that property, by sale, at fair market value.

(b) RIGHT OF FIRST REFUSAL.—Before a sale is made under subsection (a) to any other person, the Commandant of the Coast Guard shall give to the city of Jacksonville, Florida, the right of first refusal to purchase all or any part of the property required to be sold under that subsection.

SEC. 403. DOCUMENTATION OF CERTAIN VESSELS.

(a) GENERAL WAIVER.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for each of the following vessels:

(1) SEAGULL (United States official number 1038605).

(2) BAREFOOT CONTESA (United States official number 285410).

(3) PRECIOUS METAL (United States official number 596316).

(4) BLUE HAWAII (State of Florida registration number FL0466KC).

(5) SOUTHERN STAR (United States official number 650774).

(6) KEEWAYDIN (United States official number 662066).

(7) W.G. JACKSON (United States official number 1047199).

(8) The vessel known as hopper barge E–15 (North Carolina State official number 264959).

(9) MIGHTY JOHN III (formerly the NIAGARA QUEEN, Canadian registration number 318746).

(10) MAR Y PAZ (United States official number 668179).

(11) SAMAKEE (State of New York registration number NY 4108 FK).

(12) NAWNSENSE (United States official number 977593).

(13) ELMO (State of Florida registration number FL5337BG).

(14) MANA-WANUI (United States official number 286657).

(15) OLD JOE (formerly TEMPTRESS; United States official number 991150).

(16) M/V BAHAMA PRIDE (United States official number 588647).

(17) WINDWISP (United States official number 571621).

(18) SOUTHLAND (United States official number 639705).

(19) FJORDING (United States official number 594363).

(20) M/V SAND ISLAND (United States official number 542918).

(21) PACIFIC MONARCH (United States official number 557467).

(22) FLAME (United States official number 279363).

(23) DULARGE (United States official number 653762).

(24) DUSKEN IV (United States official number 952645).

(25) SUMMER BREEZE (United States official number 552808).

(26) ARCELLA (United States official number 1025983).

(27) BILLIE-B-II (United States official number 982069).

(28) VESTERHAVET (United States official number 979206).

(29) BETTY JANE (State of Virginia registration number VA 7271 P).

(30) VORTICE, Bari, Italy, registration number 256.

(31) The barge G. L. 8 (Canadian official number 814376).

(32) YESTERDAYS DREAM (United States official number 680266).

(33) ENFORCER (United States official number 502610).

(34) The vessel registered as State of Oregon registration number OR 766 YE.

(35) AMICI (United States official number 658055).

(36) ELIS (United States official number 628358).

(37) STURE (United States official number 617703).

(38) CAPT GRADY (United States official number 626257).

(39) Barge number 1 (United States official number 933248).

(40) Barge number 2 (United States official number 256944).

(41) Barge number 14 (United States official number 501212).

(42) Barge number 18 (United States official number 297114).

(43) Barge number 19 (United States official number 503740).

(44) Barge number 21 (United States official number 650581).

(45) Barge number 22 (United States official number 650582).

(46) Barge number 23 (United States official number 650583).

(47) Barge number 24 (United States official number 664023).

(48) Barge number 25 (United States official number 664024).

(49) Barge number 26 (United States official number 271926).

(50) FULL HOUSE (United States official number 1023827).

(51) EMBARCADERO (United States official number 669327).

(52) S.A., British Columbia (Canada official number 195214).

(53) FAR HORIZONS (United States official number 1044011).

(54) LITTLE TOOT (United States official number 938858).

(55) EAGLE FEATHERS (United States official number 1020989).

(56) ORCA (United States official number 665270).

(57) TAURUS (United States official number 955814).

(58) The barge KC–251 (United States official number CG019166; National Vessel Documentation Center number 1055559).

(59) VIKING (United States official number 224430).

(60) SARAH B (United States official number 928431).

(b) FALLS POINT.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FALLS POINT, State of Maine registration number ME 5435 E.

(c) COASTAL TRADER.—Section 1120(g) of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3978) is amended by inserting "COASTAL TRADER (United States official number 683227)," after "vessels".

(d) NINA, PINTA, AND SANTA MARIA REPLICAS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade only for the purpose of carrying passengers for hire for each of the vessels listed in paragraph (2).

(2) VESSEL DESCRIPTIONS.—The vessels referred to in paragraph (1) are the following:

(A) NINA (United States Coast Guard vessel identification number CG034346).

(B) PINTA (United States Coast Guard vessel identification number CG034345).

(C) NAO SANTA MARIA (United States Coast Guard vessel identification number CG034344).

(e) DOCUMENTATION OF VESSEL COLUMBUS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), sections 12102 and 12106 of title 46, United States Code, and the endorsement limitation in section 5501(a)(2)(B) of Public Law 102-587, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel COLUMBUS (United States official number 590658).

(2) LIMITATION.—Coastwise trade referred to in paragraph (1) may not include the transportation of dredged material from a project in which the stated intent of the Corps of Engineers, in its Construction Solicitation, or of another contracting entity, is that the dredged material is—

(A) to be deposited above mean high tide for the purpose of beach nourishment;

(B) to be deposited into a fill area for the purpose of creation of land for an immediate use identified in the Construction Solicitation other than disposal of the dredged material; or

(C) for the intention of immediate sale or resale unrelated to disposal.

(f) FOILCAT.—

(1) IN GENERAL.—Notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Passenger Vessel Act (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FOILCAT (United States official number 1063892). The endorsement shall provide that the vessel shall operate under the certificate of documentation only within the State of Hawaii and that the vessel shall not operate on any route served by a passenger ferry as of the date the Secretary of Transportation issues a certificate of documentation under this Act.

(2) TERMINATION.—The endorsement issued under paragraph (1) shall be in effect for the vessel FOILCAT for the period—

(A) beginning on the date on which the vessel is placed in service to initiate a high-speed marine ferry demonstration project sponsored by the State of Hawaii; and

(B) ending on the last day of the 36th month beginning after the date on which it became effective under subparagraph (A).

SEC. 404. CONVEYANCE OF NAHANT PARCEL, ESSEX COUNTY, MASSACHUSETTS.

(a) IN GENERAL.—The Commandant of the Coast Guard, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the United States Coast Guard Recreation Facility Nahant, Massachusetts, to the Town of Nahant (the "Town") unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(b) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(c) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to such terms and conditions as the Commandant may consider appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(d) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 405. UNREASONABLE OBSTRUCTION TO NAVIGATION.

Notwithstanding any other provision of law, the liftbridge over the back channel of the Schuylkill River in Philadelphia, Pennsylvania, is deemed to unreasonably obstruct navigation.

SEC. 406. FINANCIAL RESPONSIBILITY FOR OIL SPILL RESPONSE VESSELS.

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended—

(1) in subsection (a)(1), by striking "(except" and all that follows through "Act)" and inserting a comma; and

(2) by adding at the end of subsection (c) the following:

"(4) CERTAIN TANK VESSELS.—Subsection (a)(1) shall not apply to—

"(A) a tank vessel on which the only oil carried as cargo is an animal fat or vegetable oil, as those terms are used in section 2 of the Edible Oil Regulatory Reform Act; and

"(B) a tank vessel that is designated in its certificate of inspection as an oil spill response vessel (as that term is defined in section 2101 of title 46, United States Code) and that is used solely for removal.".

SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY IN JACKSONVILLE, FLORIDA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to Jacksonville University, located in Jacksonville, Florida, without consideration, all right, title, and interest of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of any property under this section shall be made—

(1) subject to the terms and conditions the Commandant may consider appropriate; and

(2) subject to the condition that all right, title, and interest in and to property conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University.

SEC. 408. PENALTY FOR VIOLATION OF INTERNATIONAL SAFETY CONVENTION.

(a) IN GENERAL.—Section 2302 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A vessel may not transport Government-impelled cargoes if—

"(A) the vessel has been detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel; or

"(B) the operator of the vessel has on more than one occasion had a vessel detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel.

"(2) The prohibition in paragraph (1) expires for a vessel on the earlier of—

"(A) 1 year after the date of the publication in electronic form on which the prohibition is based; or

"(B) any date on which the owner or operator of the vessel prevails in an appeal of the violation of the relevant international convention on which the detention is based.

"(3) As used in this subsection, the term 'Government-impelled cargo' means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect January 1, 1999.

SEC. 409. COAST GUARD CITY, USA.

The Commandant of the Coast Guard may recognize the community of Grand Haven, Michigan, as "Coast Guard City, USA". If the Commandant desires to recognize any other community in the same manner or any other community requests such recognition from the Coast Guard, the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives 90 days prior to approving such recognition.

SEC. 410. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Coast Guard Communication Station Boston Marshfield Receiver Site, Massachusetts, to the Town of Marshfield, Massachusetts (the "Town") unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) LIMITATION.—The Commandant shall not convey under this section the land on which is situated the communications tower and the microwave building facility of that station.

(3) IDENTIFICATION OF PROPERTY.—

(A) The Commandant may identify, describe and determine the property to be conveyed to the Town under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) TERMS AND CONDITIONS.—Any conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) The Commandant may reserve utility, access, and any other appropriate easements on the property conveyed for the purpose of operating, maintaining, and protecting the communications tower and the microwave building facility.

(B) The Town and its successors and assigns shall, at their own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner as necessary to ensure the operation, maintenance, and protection of the communications tower and the microwave building facility.

(C) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(c) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (b); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 411. CLARIFICATION OF LIABILITY OF PERSONS ENGAGING IN OIL SPILL PREVENTION AND RESPONSE ACTIVITIES.

(a) CLARIFICATION OF LIABILITY FOR PREVENTING SUBSTANTIAL THREAT OF DISCHARGE.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)(8) by striking "to minimize or mitigate damage" and inserting "to prevent, minimize, or mitigate damage";

(2) by striking "and" after the semicolon at the end of subsection (a)(23), by striking the period at the end of subsection (a)(24) and inserting "; and", and by adding at the end of subsection (a) the following:

"(25) 'removal costs' means—

"(A) the costs of removal of oil or a hazardous substance that are incurred after it is discharged; and

"(B) in any case in which there is a substantial threat of a discharge of oil or a hazardous substance, the costs to prevent, minimize, or mitigate that threat."; and

(3) in subsection (c)(4)(A), by striking the period at the end and inserting the following: "relating to a discharge or a substantial threat of a discharge of oil or a hazardous substance.".

(b) OIL SPILL MECHANICAL REMOVAL.—Section 311(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(2)) is amended—

(1) by striking "and (C)" and inserting ", (C)"; and

(2) by inserting before the semicolon at the end the following: ", and (D) discharges incidental to mechanical removal authorized by the President under subsection (c) of this section".

SEC. 412. VESSELS NOT SEAGOING MOTOR VESSELS.

(a) VESSEL TURMOIL.—

(1) IN GENERAL.—The vessel described in paragraph (2) is deemed for all purposes, including title 46, United States Code, and all regulations thereunder, to be a recreational vessel of less than 300 gross tons, if—

(A) it does not carry cargo or passengers for hire; and

(B) it does not engage in commercial fisheries or oceanographic research.

(2) VESSEL DESCRIBED.—The vessel referred to in paragraph (1) is the vessel TURMOIL (British official number 726767).

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary may establish a pilot program to exempt a vessel of at least 300 gross tons as measured under chapter 143 or chapter 145 of title 46, United States Code, from the requirement to be inspected under section 3301(7) of title 46, United States Code, as a seagoing motor vessel, if—

(A) the vessel does not carry any cargo or passengers for hire;

(B) the vessel does not engage in commercial service, commercial fisheries, or oceanographic research; and

(C) the vessel does not engage in towing.

(2) EXPIRATION OF AUTHORITY.—The authority to grant the exemptions under this subsection expires 2 years after the date of enactment of this Act. Any specific exemptions granted under this subsection shall nonetheless remain in effect.

SEC. 413. LAND CONVEYANCE, COAST GUARD STATION OCRACOKE, NORTH CAROLINA.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey, without consideration, to the State of North Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, in Ocracoke, North Carolina, consisting of such portion of the Coast Guard Station Ocracoke, North Carolina, as the Secretary considers appropriate for purposes of the conveyance.

(b) CONDITIONS.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the State accept the property to be conveyed under that subsection subject to such easements or rights of way in favor of the United States as the Secretary considers to be appropriate for—

(A) utilities;

(B) access to and from the property;

(C) the use of the boat launching ramp on the property; and

(D) the use of pier space on the property by search and rescue assets.

(2) That the State maintain the property in a manner so as to preserve the usefulness of the easements or rights of way referred to in paragraph (1).

(3) That the State utilize the property for transportation, education, environmental, or other public purposes.

(c) REVERSION.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a), and any easements or rights of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 414. CONVEYANCE OF COAST GUARD PROPERTY IN SAULT SAINTE MARIE, MICHIGAN.

(a) REQUIREMENT TO CONVEY.—The Secretary of Transportation (in this section referred to as the "Secretary") shall promptly convey, without consideration, to American Legion Post No. 3 in Sault Sainte Marie, Michigan, all right, title, and interest of the United States in and to the parcel of real property described in section 202 of the Water Resources Development Act of 1990 (Public Law 101–640), as amended by section 323 of the Water Resources Development Act of 1992 (Public Law 102–580), comprising approximately 0.565 acres, together with any improvements thereon.

(b) CONDITION.—The conveyance under subsection (a) shall be subject to the condition that the property be used as a clubhouse for the American Legion Post No. 3.

(c) REVERSION.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the American Legion Post No. 3.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 415. INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

(a) IN GENERAL.—

(1) Subject to subsection (b), the Secretary of Transportation shall continue to implement and enforce the United States Coast Guard 1997 Enforcement Policy for Cargo Residues on the Great Lakes and revisions thereto that are made in accordance with that Policy (hereinafter in this section referred to as the "Policy") for the purpose of regulating incidental discharges from vessels of residues of dry bulk cargo into the waters of the Great Lakes under the jurisdiction of the United States.

(2) Any discharge under this section shall comply with all terms and conditions of the Policy.

(b) EXPIRATION OF INTERIM AUTHORITY.—The Policy shall cease to have effect on the date which is the earliest of—

(1) the effective date of regulations promulgated pursuant to legislation enacted subsequent to the enactment of this Act providing for the regulation of incidental discharges from vessels of dry bulk cargo residue into the waters of the Great Lakes under the jurisdiction of the United States is enacted; or

(2) September 30, 2002.

SEC. 416. CONVEYANCE OF LIGHTHOUSES.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the Coast Guard, or the Administrator of the General Services Administration, as appropriate, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Light Station Sand Point, located in Escanaba, Michigan, to the Delta County Historical Society.

(B) Light Station Dunkirk, located in Dunkirk, New York, to the Dunkirk Historical Lighthouse and Veterans' Park Museum.

(C) The Mukilteo Light Station, located in Mukilteo, Washington, to the City of Mukilteo.

(D) Eagle Harbor Light Station, located in Michigan, to the Keweenaw County Historical Society.

(E) Cape Decision Light Station, located in Alaska, to the Cape Decision Lighthouse Society.

(F) Cape St. Elias Light Station, located in Alaska, to the Cape St. Elias Light Keepers Association.

(G) Five Finger Light Station, located in Alaska, to the Juneau Lighthouse Association.

(H) Point Retreat Light Station, located in Alaska, to the Alaska Lighthouse Association.

(I) Hudson-Athens Lighthouse, located in New York, to the Hudson-Athens Lighthouse Preservation Society.

(J) Georgetown Light, located in Georgetown County, South Carolina, to the South Carolina Department of Natural Resources.

(K) Coast Guard Light Station Two Harbors, located in Lake County, Minnesota, to the Lake County Historical Society.

(2) IDENTIFICATION OF PROPERTY.—The Commandant or Administrator, as appropriate, may identify, describe, and determine the property to be conveyed under this subsection.

(3) EXCEPTION.—The Commandant or Administrator, as appropriate, may not convey any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Commandant or the Administrator, as appropriate, may consider, including the reservation of easements and other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, the conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

(A) the property, or any part of the property—

(i) ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this Act; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (5) established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Commandant or the Administrator, as appropriate, provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property under this section shall be made subject to the conditions that the Commandant or Administrator, as appropriate, considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant or Administrator, as appropriate;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with subsection (b); and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The owner of the property is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

(5) MAINTENANCE OF PROPERTY.—The owner of the property shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—In this section:

(1) AIDS TO NAVIGATION.—The term "aids to navigation" means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, or other associated equipment which are operated or maintained by the United States.

(2) OWNER.—The term "owner" means the person identified in subsection (a)(1), and includes any successor or assign of that person.

(3) DELTA COUNTY HISTORICAL SOCIETY.—The term "Delta County Historical Society" means the Delta County Historical Society (a nonprofit corporation established under the laws of the State of Michigan, its parent organization, or subsidiary, if any).

(4) DUNKIRK HISTORICAL LIGHTHOUSE AND VETERANS' PARK MUSEUM.—The term "Dunkirk Historical Lighthouse and Veterans' Park Museum" means Dunkirk Historical Lighthouse and Veterans' Park Museum located in Dunkirk, New York, or, if appropriate as determined by the Commandant, the Chautauqua County Armed Forces Memorial Park Corporation, New York.

(5) LAKE COUNTY HISTORICAL SOCIETY.—The term "Lake County Historical Society" means the Lake County Historical Society (a nonprofit corporation established under the laws of the State of Minnesota), its parent organization or subsidiary, if any, and its successors and assigns.

(d) NOTIFICATION.—Not less than one year prior to reporting to the General Services Administration that a lighthouse or light station eligible for listing under the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and under the jurisdiction of the Coast Guard is excess to the needs of the Coast Guard, the Commandant of the Coast Guard shall notify the State in which the lighthouse or light station is located, (including the State Historic Preservation Officer, if any) the appropriate political subdivision of that State, and any lighthouse, historic, or maritime preservation organizations in that State, that such property is excess to the needs of the Coast Guard.

(e) EXTENSION OF PERIOD FOR CONVEYANCE OF WHITLOCK'S MILL LIGHT.—Notwithstanding section 1002(a)(3) of the Coast Guard Authorization Act of 1996, the conveyance authorized by section 1002(a)(2)(AA) of that Act may take place after the date required by section 1002(a)(3) of that Act but no later than December 31, 1998.

SEC. 417. CONVEYANCE OF COAST GUARD LORAN STATION NANTUCKET.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the United States Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to approximately 29.4 acres of land, together with the improvements thereon, at Coast Guard LORAN Station Nantucket, Nantucket, Massachusetts, to the Town of Nantucket, Massachusetts ("the Town") unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) IDENTIFICATION OF PROPERTY.—

(A) The Commandant may identify, define, describe, and determine the real property to be conveyed under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of real property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the following terms and conditions:

(i) The Town shall not, upon the property conveyed, allow, conduct, or permit any activity, or operate, allow, or permit the operation of, any equipment or machinery, that would interfere or cause interference, in any manner, with any aid to navigation located upon property retained by the United States at Coast Guard LORAN Station Nantucket, without the express written permission from the Commandant.

(ii) The Town shall maintain the real property conveyed in a manner consistent with the present and future use of any property retained by the United States at Coast Guard LORAN Station Nantucket as a site for an aid to navigation.

(iii) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) the property, or any part thereof, ceases to be owned and used by the Town;

(B) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in paragraph (1); or

(C) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 418. CONVEYANCE OF DECOMMISSIONED COAST GUARD VESSELS.

(a) IN GENERAL.—The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to each of 2 decommissioned "White Class" 133-foot Coast Guard vessels to Canvasback Mission, Inc. (a nonprofit corporation under the laws of the State of Oregon; in this section referred to as "the recipient"), without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of providing medical services to Central and South Pacific island nations;

(B) not to use the vessel for commercial transportation purposes except those incident to the provisions of those medical services;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in times of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under paragraph (1)(C);

(2) the recipient has funds available that will be committed to operate and maintain each vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in the amount of at least $400,000 per vessel; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSELS.—Prior to conveyance of a vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as a medical services vessel in Central and South Pacific Islands.

SEC. 419. AMENDMENT TO CONVEYANCE OF VESSEL S/S RED OAK VICTORY.

Section 1008(d)(1) of the Coast Guard Authorization Act of 1996 is amended by striking "2 years" and inserting "3 years".

SEC. 420. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Administrator of the General Services Administration shall transfer administrative jurisdiction over the Federal property consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 421. VESSEL DOCUMENTATION CLARIFICATION.

Section 12102(a)(4) of title 46, United States Code, and section 2(a) of the Shipping Act, 1916 (46 U.S.C. App. 802(a)) are each amended by—

(1) striking "president or other"; and

(2) inserting a comma and "by whatever title," after "chief executive officer".

SEC. 422. DREDGE CLARIFICATION.

Section 5209(b) of the Oceans Act of 1992 (46 U.S.C. 2101 note) is amended by adding at the end thereof the following:

"(3) A vessel—

"(A) configured, outfitted, and operated primarily for dredging operations; and

"(B) engaged in dredging operations which transfers fuel to other vessels engaged in the same dredging operations without charge.".

SEC. 423. DOUBLE HULL ALTERNATIVE DESIGNS STUDY.

Section 4115(e) of the Oil Pollution Act of 1990 (46 U.S. Code 3703a note) is amended by adding at the end thereof the following:

"(3)(A) The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council to conduct the necessary research and development of a rationally based equivalency assessment approach, which accounts for the overall environmental performance of alternative tank vessel designs. Notwithstanding the Coast Guard opinion of the application of sections 101 and 311 of the Clean Water Act (33 U.S.C. 1251 and 1321), the intent of this study is to establish an equivalency evaluation procedure that maintains a high standard of environmental protection, while encouraging innovative ship design. The study shall include:

"(i) development of a generalized cost spill data base, which includes all relevant costs such as clean-up costs and environmental impact costs as a function of spill size;

"(ii) refinement of the probability density functions used to establish the extent of vessel damage, based on the latest available historical damage statistics, and current research on the crash worthiness of tank vessel structures;

"(iii) development of a rationally based approach for calculating an environmental index, to assess overall outflow performance due to collisions and groundings; and

"(iv) application of the proposed index to double hull tank vessels and alternative designs currently under consideration.

"(B) A Marine Board committee shall be established not later that 2 months after the date of enactment of the Coast Guard Authorization Act of 1998. The Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report on the results of the study not later than 12 months after the date of enactment of the Coast Guard Authorization Act of 1998.

"(C) Of the amounts authorized by section 1012(a)(5)(A) of this Act, $500,000 is authorized to carry out the activities under subparagraphs (A) and (B) of this paragraph.".

SEC. 424. VESSEL SHARING AGREEMENTS.

(a) Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by adding at the end thereof the following:

"(g) Vessel Sharing Agreements.—An ocean common carrier that is the owner, operator, or bareboat, time, or slot charterer of a United States-flag liner vessel documented pursuant to sections 12102(a) or (d) of title 46, United States Code, is authorized to agree with an ocean common carrier that is not the owner, operator or bareboat charterer for at least one year of United States-flag liner vessels which are eligible to be included in the Maritime Security Fleet Program and are enrolled in an Emergency Preparedness Program pursuant to subtitle B of title VI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187 et seq.), to which it charters or subcharters the United States-flag vessel or space on the United States-flag vessel that such charterer or subcharterer may not use or make available space on the vessel for the carriage of cargo reserved by law for United States-flag vessels.".

(b) Section 10(c)(6) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)(6)) is amended by inserting "authorized by section 5(g) of this Act, or as" before "otherwise".

(c) Nothing in this section shall affect or in any way diminish the authority or effectiveness of orders issued by the Maritime Administration pursuant to sections 9 and 41 of the Shipping Act, 1916 (46 U.S.C. App. 808 and 839).

(d) Section 3(6)(B) of the Shipping Act of 1984 (46 U.S.C. App. 1702(6)(B)) is amended by striking "parcel-tanker." and inserting "parcel-tanker or by vessel when primarily engaged in the carriage of perishable agricultural commodities (i) if the common carrier and the owner of those commodities are wholly-owned, directly or indirectly, by a person primarily engaged in the marketing and distribution of those commodities and (ii) only with respect to the carriage of those commodities.".

SEC. 425. REPORTS.

(a) SWATH Technology.—The Commandant of the Coast Guard shall, within 18 months after the date of enactment of this Act, report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the applicability of Small Waterplane Area Twin Hull (SWATH) technology, including concepts developed by the United States Office of Naval Research, to the design of Coast Guard vessels.

(b) Marine Guidance Systems.—The Secretary of Transportation shall, within 12 months after the date of the enactment of this Act, evaluate and report to the Congress on the suitability of marine sector laser lighting, cold cathode lighting, and ultraviolet enhanced vision technologies for use in guiding marine vessels and traffic.

SEC. 426. REPORT ON TONNAGE CALCULATION METHODOLOGY.

The Administrator of the Panama Canal Commission shall, within 90 days of the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the methodology employed in the calculation of the charge of tolls for the carriage of on-deck containers and the justification thereof.

SEC. 427. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSELS.

(a) Authority To Convey.—Notwithstanding any other law, the Secretary of Transportation (referred to in this section as "the Secretary") may convey all right, title, and interest of the Federal Government in and to either or both of the vessels S.S. AMERICAN VICTORY (United States official number 248005) and S.S. HATTIESBURG VICTORY (United States official number 248651) to The Victory Ship, Inc., located in Tampa, Florida (in this section referred to as the "recipient"), and the recipient may use each vessel conveyed only as a memorial to the Victory class of ships.

(b) Terms of Conveyance.—

(1) Delivery of vessel.—In carrying out subsection (a), the Secretary shall deliver a vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) Required conditions.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) Additional terms.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) Other Unneeded Equipment.—The Secretary may convey to the recipient of any vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

SEC. 428. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, JOHN HENRY.

(a) Authority to Convey.—Notwithstanding any other law, the Secretary of Transportation (in this section referred to as "the Secretary") may convey all right, title, and interest of the United States Government in and to the vessel JOHN HENRY (United States official number 599294) to a purchaser for use in humanitarian relief efforts, including the provision of water and humanitarian goods to developing nations.

(b) Terms of Conveyance.—

(1) Delivery of vessel.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date;

(C) at no cost to the United States Government; and

(D) only after the vessel has been redesignated as not militarily useful.

(2) Required conditions.—The Secretary may not convey a vessel under this section unless—

(A) competitive procedures are used for sales under this section;

(B) the vessel is sold for not less than the fair market value of the vessel in the United States, as determined by the Secretary of Transportation;

(C) the recipient agrees that the vessel shall not be used for commercial transportation purposes or for the carriage of cargoes reserved to United States flag commercial vessels under section 901(b) and 901f of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b) and 1241f);

(D) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after the conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(E) the recipient provides sufficient evidence to the Secretary that it has financial resources in the form of cash, liquid assets, or a written loan commitment of at least $100,000.

(F) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency.

(G) the recipient agrees to document the vessel under chapter 121 of title 46, United States Code.

(3) Additional terms.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) Proceeds.—Any amounts received by the United States as proceeds from the sale of the M/V JOHN HENRY shall be deposited in the Vessel Operations Revolving Fund established by the Act of June 2, 1951 (chapter 121; 46 U.S.C. App. 1241a) and shall be available and expended in accordance with section 6(a) of the National Maritime Heritage Act (16 U.S.C. App. 5405(a)).

SEC. 429. APPLICABILITY OF AUTHORITY TO RELEASE RESTRICTIONS AND ENCUMBRANCES.

Section 315(c)(1) of the Federal Maritime Commission Authorization Act of 1990 (Public Law 101-595; 104 Stat. 2988) is amended—

(1) by striking "3 contiguous tracts" and inserting "4 tracts"; and

(2) by striking "Tract A" and all that follows through the end of the paragraph and inserting the following:

"Tract 1—Commencing at a point N45° 28′ 31″ E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet; thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

"Tract 2—Commencing at a point N45° 28′ 31″ E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 169.3 feet; thence S45° 28′ 31″ W 75 feet; (Deed Call S45° 30′ 51″ W 75 feet), thence N44° 29′ 09″ W 169.3 feet; thence N45° 28′ 31″ E 75 feet to the point of commencement and containing 12,697 square feet (0.2915 acres).

"Tract 3—Commencing at a point N45° 28′ 31″ E 248.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet; thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

"Tract 4—Commencing at a point N45° 28′ 31″ E 123.3 feet and S44° 29′ 09″ E 169.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 50.7 feet; thence N45° 28′ 31″ E 75 feet; thence N44° 29′ 09″ W 50.7 feet; thence S45° 28′ 31″ W 75 feet (Deed Call S45° 30′ 51″ W 75 feet) to the point of commencement and containing 3,802 square feet (0.0873 acres).

"Composite Description—A tract of land lying in section 2, Township 10 South—Range 8 West, Calcasieu Parish, Louisiana, and being mone [sic] particularly described as follows: Begin at a point N45° 28′ 31″ E 123.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence N45° 28′ 31″ E 175.0 feet; thence S44° 29′ 09″ E 220.0 feet; thence S45° 28′ 31″ W 175.0 feet; thence N44° 29′ 09″ W 220.0 feet to the point of beginning, containing 0.8035 acres.".

SEC. 430. BARGE APL–60.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the barge APL–60 (United States official number 376857).

(b) LIMITATIONS.—The vessel described in subsection (a) may be employed in the coastwise trade only for the purpose of participating in the ship disposal initiative initially funded by the Department of Defense Appropriations Act, 1999, for the duration of that initiative.

(c) TERMINATION.—A coastwise endorsement issued under subsection (a) shall terminate on the earlier of—

(1) the completion of the final coastwise trade voyage associated with the ship disposal initiative described in subsection (b); or

(2) the sale or transfer of the vessel described in subsection (a) to an owner other than the owner of the vessel as of October 1, 1998.

SEC. 431. VESSEL FINANCING FLEXIBILITY.

The Secretary of Transportation may guarantee obligations under section 1103 of the Merchant Marine Act, 1936 (46 App. U.S.C.1273), for the vessels planned for construction to be purchased by the American West Steamboat Company and to be named QUEEN OF THE YUKON, which will operate on the Yukon and Tanana Rivers, and EMPRESS OF THE NORTH, which will operate in Alaska, Washington, and Oregon. Notwithstanding sections 509, 1103(c)), and 1104A(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1159, 1273(c), and 1274(b)), the Secretary of Transportation may guarantee obligations of 87½ percent of the purchase price of such vessels. Each obligation guaranteed under this section may have a maturity date of 25 years from the date of delivery of the vessel concerned.

SEC. 432. HYDROGRAPHIC FUNCTIONS.

(a) EFFECTIVE DATE.—Subsections (b) and (c) shall take effect immediately after the later of—

(1) the enactment of the Hydrographic Services Improvement Act of 1998; or

(2) the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 is amended to read as follows:

"SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Administrator the following:

"(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 303 and 304, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, and $35,000,000 for fiscal year 2001.

"(2) To conduct hydrographic surveys under section 303(a)(1), including the leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, and $37,000,000 for fiscal year 2001. Of these amounts, no more than $16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

"(3) To carry out geodetic functions under the Act of 1947, $25,000,000 for fiscal year 1999, $30,000,000 for fiscal year 2000, and $30,000,000 for fiscal year 2001.

"(4) To carry out tide and current measurement functions under the Act of 1947, $22,500,000 for each of fiscal years 1999 through 2001. Of these amounts $4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and $7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 303(b)(4).".

(c) REPEAL OF REPORT REQUIREMENTS.—Section 305 of the Hydrographic Services Improvement Act of 1998 is amended by striking subsections (a) and (d).

TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS

SEC. 501. FINDINGS.

The Congress finds that—

(1) current coastwise trade laws provide no administrative authority to waive the United-States-built requirement of those laws for the limited carriage of passengers for hire on vessels built or rebuilt outside the United States;

(2) requests for such waivers require the enactment of legislation by the Congress;

(3) each Congress routinely approves numerous such requests for waiver and rarely rejects any such request; and

(4) the review and approval of such waiver requests is a ministerial function which properly should be executed by an administrative agency with appropriate expertise.

SEC. 502. ADMINISTRATIVE WAIVER OF COASTWISE TRADE LAWS.

Notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade as a small passenger vessel or an uninspected passenger vessel for an eligible vessel authorized to carry no more than 12 passengers for hire if the Secretary, after notice and an opportunity for public comment, determines that the employment of the vessel in the coastwise trade will not adversely affect—

(1) United States vessel builders; or

(2) the coastwise trade business of any person who employs vessels built in the United States in that business.

SEC. 503. REVOCATION.

The Secretary may revoke an endorsement issued under section 502, after notice and an opportunity for public comment, if the Secretary determines that the employment of the vessel in the coastwise trade has substantially changed since the issuance of the endorsement, and—

(1) the vessel is employed other than as a small passenger vessel or an uninspected passenger vessel; or

(2) the employment of the vessel adversely affects—

(A) United States vessel builders; or

(B) the coastwise trade business of any person who employs vessels built in the United States.

SEC. 504. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(2) ELIGIBLE VESSEL.—The term "eligible vessel" means a vessel that—

(A) was not built in the United States and is at least 3 years of age; or

(B) if rebuilt, was rebuilt outside the United States at least 3 years before the certification requested under section 502, if granted, would take effect.

(3) SMALL PASSENGER VESSEL; UNINSPECTED PASSENGER VESSEL; PASSENGER FOR HIRE.—The terms "small passenger vessel", "uninspected passenger vessel", and "passenger for hire" have the meaning given such terms by section 2101 of title 46, United States Code.

SEC. 505. SUNSET.

(a) IN GENERAL.—Subject to subsection (b), this title (other than this section) shall have no force or effect on or after September 30, 2002.

(b) ENDORSEMENTS CONTINUE.—Any certificate or endorsement issued under section 502 before the date referred to in subsection (a) of this section shall continue in effect until otherwise invalidated or revoked under chapter 121 of title 46, United States Code.

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

SEC. 601. SHORT TITLE.

This title may be cited as the "Harmful Algal Bloom and Hypoxia Research and Control Act of 1998".

SEC. 602. FINDINGS.

The Congress finds that—

(1) the recent outbreak of the harmful microbe Pfiesteria piscicida in the coastal waters of the United States is one example of potentially harmful algal blooms composed of naturally occurring species that reproduce explosively and that are increasing in frequency and intensity in the Nation's coastal waters;

(2) other recent occurrences of harmful algal blooms include red tides in the Gulf of Mexico and the Southeast; brown tides in New York and Texas; ciguatera fish poisoning in Hawaii, Florida, Puerto Rico, and the United States Virgin Islands; and shellfish poisonings in the Gulf of Maine, the Pacific Northwest, and the Gulf of Alaska;

(3) in certain cases, harmful algal blooms have resulted in fish kills, the deaths of numerous endangered West Indian manatees, beach and shellfish bed closures, threats to public health and safety, and concern among the public about the safety of seafood;

(4) according to some scientists, the factors causing or contributing to harmful algal blooms may include excessive nutrients in coastal waters, other forms of pollution, the transfer of harmful species through ship ballast water, and ocean currents;

(5) harmful algal blooms may have been responsible for an estimated $1,000,000,000 in economic losses during the past decade;

(6) harmful algal blooms and blooms of nontoxic algal species may lead to other damaging marine conditions such as hypoxia (reduced oxygen concentrations), which are harmful or fatal to fish, shellfish, and benthic organisms;

(7) according to the National Oceanic and Atmospheric Administration in the Department of Commerce, 53 percent of United States estuaries experience hypoxia for at least part of the year and a 7,000 square mile area in the Gulf of Mexico off Louisiana and Texas suffers from hypoxia;

(8) according to some scientists, a factor believed to cause hypoxia is excessive nutrient loading into coastal waters;

(9) there is a need to identify more workable and effective actions to reduce nutrient loadings to coastal waters;

(10) the National Oceanic and Atmospheric Administration, through its ongoing research, education, grant, and coastal resource management programs, possesses a full range of capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control harmful algal blooms and hypoxia;

(11) funding for the research and related programs of the National Oceanic and Atmospheric Administration will aid in improving the Nation's understanding and capabilities for addressing the human and environmental costs associated with harmful algal blooms and hypoxia; and

(12) other Federal agencies such as the Environmental Protection Agency, the Department of Agriculture, and the National Science Foundation, along with the States, Indian tribes, and local governments, conduct important work related to the prevention, reduction, and control of harmful algal blooms and hypoxia.

SEC. 603. ASSESSMENTS.

(a) ESTABLISHMENT OF INTER-AGENCY TASK FORCE.—The President, through the Committee on Environment and Natural Resources of the National Science and Technology Council, shall establish an Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia (hereinafter referred to as the "Task Force"). The Task Force shall consist of the following representatives from—

(1) the Department of Commerce (who shall serve as Chairman of the Task Force);

(2) the Environmental Protection Agency;

(3) the Department of Agriculture;

(4) the Department of the Interior;

(5) the Department of the Navy;

(6) the Department of Health and Human Services;

(7) the National Science Foundation;

(8) the National Aeronautics and Space Administration;

(9) the Food and Drug Administration;

(10) the Office of Science and Technology Policy;

(11) the Council on Environmental Quality; and

(12) such other Federal agencies as the President considers appropriate.

(b) ASSESSMENT OF HARMFUL ALGAL BLOOMS.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in cooperation with the coastal States, Indian tribes, and local governments, industry (including agricultural organizations), academic institutions, and non-governmental organizations with expertise in coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of harmful algal blooms, alternatives for reducing, mitigating, and controlling harmful algal blooms, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to harmful algal blooms; and

(B) provide for Federal cooperation and coordination with and assistance to the coastal States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of harmful algal blooms and their environmental and public health impacts.

(c) ASSESSMENT OF HYPOXIA.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in cooperation with the States, Indian tribes, local governments, industry, agricultural, academic institutions, and non-governmental organizations with expertise in watershed and coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of hypoxia in United States coastal waters, alternatives for reducing, mitigating, and controlling hypoxia, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) establish needs, priorities, and guidelines for a peer-reviewed, inter-agency research program on the causes, characteristics, and impacts of hypoxia;

(B) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to hypoxia; and

(C) provide for Federal cooperation and coordination with and assistance to the States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of hypoxia and its environmental impacts.

(e) DISESTABLISHMENT OF TASK FORCE.—The President may disestablish the Task Force after submission of the plan in section 604(d).

SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

(a) ASSESSMENT REPORT.—Not later than May 30, 1999, the Task Force shall complete and submit to Congress and the President an integrated assessment of hypoxia in the northern Gulf of Mexico that examines: the distribution, dynamics, and causes; ecological and economic consequences; sources and loads of nutrients transported by the Mississippi River to the Gulf of Mexico; effects of reducing nutrient loads; methods for reducing nutrient loads; and the social and economic costs and benefits of such methods.

(b) SUBMISSION OF A PLAN.—No later than March 30, 2000, the President, in conjunction with the chief executive officers of the States, shall develop and submit to Congress a plan, based on the integrated assessment submitted under subsection (a), for reducing, mitigating, and controlling hypoxia in the northern Gulf of Mexico. In developing such plan, the President shall consult with State, Indian tribe, and local governments, academic, agricultural, industry, and environmental groups and representatives. Such plan shall include incentive-based partnership approaches. The plan shall also include the social and economic costs and benefits of the measures for reducing, mitigating, and controlling hypoxia. At least 90 days before the President submits such plan to the Congress, a summary of the proposed plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for research, education, and monitoring activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia, $15,000,000 for fiscal year 1999, $18,250,000 for fiscal year 2000, and $19,000,000 for fiscal year 2001, to remain available until expended. The Secretary shall consult with the States on a regular basis regarding the development and implementation of the activities authorized under this section. Of such amounts for each fiscal year—

(1) $1,500,000 for fiscal year 1999, $1,500,000 for fiscal year 2000, and $2,000,000 for fiscal year 2001 may be used to enable the National Oceanic and Atmospheric Administration to carry out research and assessment activities, including procurement of necessary research equipment, at research laboratories of the National Ocean Service and the National Marine Fisheries Service;

(2) $4,000,000 for fiscal year 1999, $5,500,000 for fiscal year 2000, and $5,500,000 for fiscal year 2001 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project under the Coastal Ocean Program established under section 201(c) of Public Law 102–567;

(3) $1,000,000 for fiscal year 1999, $2,000,000 for fiscal year 2000, and $2,000,000 for fiscal year 2001 may be used by the National Ocean Service of the National Oceanic and Atmospheric Administration to carry out a peer-reviewed research project on management measures that can be taken to prevent, reduce, control, and mitigate harmful algal blooms;

(4) $5,500,000 for each of the fiscal years 1999, 2000, and 2001 may be used to carry out Federal and State annual monitoring and analysis activities for harmful algal blooms administered by the National Ocean Service of the National Oceanic and Atmospheric Administration; and

(5) $3,000,000 for fiscal year 1999, $3,750,000 for fiscal year 2000, and $4,000,000 for fiscal year 2001 may be used for activities related to research and monitoring on hypoxia by the National Ocean Service and the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration.

SEC. 606. PROTECTION OF STATES' RIGHTS.

(a) Nothing in this title shall be interpreted to adversely affect existing State regulatory or enforcement power which has been granted to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

(b) Nothing in this title shall be interpreted to expand the regulatory or enforcement power of the Federal Government which has been delegated to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

Mr. BAUCUS. I understand that the House has sent the Senate a substitute to H.R. 2204, the Coast Guard Authorization Act of 1998, that includes a provision that would amend the Clean Water Act.

Mr. CHAFEE. The Senator is correct. The version of H.R. 2204 that first passed the House last year included a section that made a change to the Clean Water Act to clarify liability concerns of the oil spill response industry. The Senate-passed H.R. 2204 on Monday, October 12, 1998, but it did not include the provision. The House amendment that is now before the Senate includes this provision in section 411(b).

Mr. BAUCUS. Senator, would you please describe the intent of the provision?

Mr. CHAFEE. The intent of this provision is to make it clear that discharges incidental to mechanical removal authorized by the President are not themselves separate and distinct acts of discharge within the meaning of the Clean Water Act. Our purpose is that persons, such as cleanup contractors, whose sole connection to discharges is cleanup or removal, will not be held responsible for unavoidable inconsequential discharges which are a function only of available response technology. For example, mechanical removal activities such as the "decanting" or separation of water from recovered oil usually involve the return of excess water into the response area. Since mechanical removal devices do not operate with 100% efficiency, some oil from the original discharge is entrained with the return water flow to the water body being mechanically cleaned.

Section 411(b) is not intended to alter the liability of responsible parties in any fashion. It is not intended to enable a responsible party to attribute any portion of the oil originally spilled to a subsequent release incident to the mechanical oil removal process. In other words, this provision is not intended to alter Congress' intent as expressed in section 311(c)(4)(B) of the Clean Water Act. It is limited solely to actions approved by the President in accordance with Clean Water Act section 311(c). In addition, this provision does not alter in any way the penalty calculation set forth in this section.

Mr. BAUCUS. Thank you.

Mr. McCAIN. Mr. President, I rise in support of the Coast Guard Reauthorization Act. The House recently passed an amended version of the Senate Coast Guard bill. While I support the overall reauthorization of the Coast Guard, I want to comment on several provisions contained in the House passed bill.

There is currently an administrative process in place to convey excess Federal government property. I believe that legislation which mandates the transfer or disposal of Federal property under terms which circumvent the established administrative procedures is inappropriate. Consequently, the Senate bill used discretionary language to address certain conveyances requested by individual senators. However, the House bill includes mandatory legislative conveyances. In this case only, I am accepting the mandatory language because I am satisfied that the Coast Guard is willing and prepared to make each of these particular conveyances.

Another important difference between the House and Senate passed bills relates to drug interdiction. I sponsored an amendment in the Senate bill which would have established criminal sanctions for the knowing failure to obey an order to land an airplane. As a former pilot, let me clearly state that this provision was not designed to put any pilot at risk of an arbitrary or random forced landing. Arbitrary or random forced landings are impermissible under the Senate provision. As with all aviation legislation in which I have been involved, safety is a top priority. Under current law, if a Federal law enforcement officer who is enforcing drug smuggling or money laundering laws witnesses a person loading tons of cocaine onto a plane in Mexico, sees the plane take off and enter the United States, he may issue an order to land, and if the pilot knowingly disobeys that order, there is currently no criminal penalty associated with such a failure to obey the order.

The criminal sanctions contained in the Senate bill would only be applied to a person who knowingly disobeyed an order to land issued by a Federal law enforcement agent who is enforcing drug smuggling or money laundering laws. The bill would also require the Federal Aviation Administration (FAA) to write regulations defining the means by and circumstances under which it would be appropriate to order an aircraft to land. One of the FAA's essential missions is aviation safety. Accordingly, the FAA would be required to ensure that any such order is clearly communicated in accordance with international standards. Moreover, the FAA would be further required to specify when an order to land may be issued based on observed conduct, prior information, or other circumstances. Therefore, orders to land would have to be justifiable, not arbitrary or random. Orders to land would only be issued in cases where the authorized federal law enforcement agent has observed conduct or possesses reliable information which provides sufficient evidence of a violation of Federal drug smuggling or money laundering laws. If enacted, I would take every step possible to ensure that this provision does not diminish safety in any way.

Last year, 430 metric tons of cocaine entered the United States from Mexico. In 1995, drugs cost taxpayers an estimated $109 billion. The average convicted drug smuggler was sentenced to only 4.3 years in jail, and is expected to serve less than half of that sentence. It is incumbent on all of us to fight the war on drugs with every responsible and safe measure at our disposal. The provision in the Senate bill would help those men and women who fight the war on drugs at our borders by providing an additional penalty for those who knowingly disobey the law.

A provision included in both the House and Senate bill relates to the International Safety Management Code (ISM Code). On July 1, 1998, the owners and operators of passenger vessels, tankers and bulk carriers were required to have in place safety management systems which meet the requirements of the ISM Code. On July 1, 2002, all other large cargo ships and self-propelled mobile offshore drilling units will have to comply. Companies and vessels not ISM Code-certified are not permitted to enter U.S. waters.

Shipowners required to comply with the ISM Code have raised concerns that the ISM Code may be misused. The ISM Code requires a system of internal audits and reporting systems which are intended to encourage compliance with applicable environmental and vessel safety standards. However, the documents produced as a result of the ISM Code would also provide indications of past non-conformities. Obviously, for this information to be useful in rectifying environmental and safety concerns, it must be candid and complete. However, this information, prepared by shipowners or operators, may be used in enforcement actions against a shipowner or operator, crews and shoreside personnel by governmental agencies and may be subject to discovery in civil litigation.

The provision in both the Senate and House bills would require the Secretary to conduct a study to examine the operation of the ISM Code, taking into account the effectiveness of internal audits and reports. After completion of the study, the Secretary is required to develop a policy to achieve full compliance with and effective implementation of the ISM Code. Under the provision, the public shall be given the opportunity to participate in and comment on the study. In addition, it may be appropriate for the Secretary to form a working group of affected private parties to assist in the development of the study and the issuance of the required policy and any resulting legislative recommendations. Any private citizen who is a member of any such working group cannot receive any form of government funds, reimbursement or travel expenses for participation in, or while a member of, the working group.

The bill also includes a provision that would fix a curious conflict in maritime statutes that currently prohibits U.S. and foreign commercial vessel operators from agreeing among themselves to comply with the Maritime Administration's cargo preference policies concerning vessel sharing agreements, but allows the Maritime Administration to impose those policies on the agreements themselves. The vessel sharing agreement provision in the bill would allow the commercial vessel operators to voluntarily comply with that policy. This provision is consistent with a recent U.S. appeals court decision on this issue and simply preserves the status quo. The proper place to resolve concerns with cargo preference, many of which I share, is in the cargo preference statutes themselves.

• Mr. INOUYE. Mr. President, I rise today in support of the Coast Guard Authorization Act.

Since 1790 the U.S. Coast Guard and its predecessor services have done a truly outstanding job of protecting America's coasts and maritime interests. Today, the Coast Guard is recognized as the "Premier Maritime Service in the World" and a model of efficiency within the federal government.

Despite drastic reductions in resources and personnel over the last several years, the result of government downsizing and shrinking budgets, the Coast Guard has admirably maintained a high level of service. The Coast Guard has met the challenges of a growing number of missions while continuously improving performance in its existing mission areas of law enforcement, maritime safety, marine environmental protection, and national security. With personal strength at the lowest level since 1967, and the smallest fleet of aircraft and seagoing cutters since 1989, the men and women of the Coast Guard continue to provide outstanding service to our nation. Since 1992, the number of fisheries boarding conducted by Coast Guard personnel has increased by 62%. Since 1983, the number of undocumented migrants interdicted by the Coast Guard has grown by 635%. Last year, arrests of cocaine traffickers were up 1000%, and cocaine seizures were triple the previous year. Through these incredible interdiction efforts, the Coast Guard kept more than 468 million cocaine "hits" and 100 million marijuana "joints" off American streets last year. The estimated street value of these seizures is more than $4.2 billion—$1 billion more than the Coast Guard's entire 1997 discretionary budget.

The return on investment provided to the American taxpayer by the Coast Guard is not unique to its drug enforcement mission. In the area of Search and Rescue alone, the Coast Guard provided the American public with a 4-to-1 return on investment last year represented by 5,000 lives saved and 65,000 persons assisted. Further, Coast Guard prevention efforts have contributed to a 50% reduction in major oil spills over the past 10 years and a 43% decline in recreational boating deaths since 1970.

Mr. President, many in this country have no knowledge of the U.S. Coast Guard. Many do not realize the Coast Guard operates throughout the world and, in addition to its many other missions, is this nation's fifth armed service. Many do not realize that the U.S. Coast Guard participated extensively in the Persian Gulf War and, in fact, still has personnel in the Persian Gulf enforcing the embargo against Iraq, as well as in other "hot spots" around the world. Coast Guard cutters, aircraft and personnel routinely deploy throughout the world in support of Coast Guard missions ranging from search and rescue, law enforcement, and environmental protection to ice breaking, port security, and vessel safety.

Mr. President, the U.S. Coast Guard is an agency in which the U.S. should invest, not divest. This bill authorizes adequate funding and includes other provisions to allow the Coast Guard to continue to carry out its important work. For these reasons, I urge the passage of this important measure.•

Mr. LEVIN. Mr. President, I have serious objections to a provision in the Coast Guard authorization bill that was inserted in the House bill in a managers amendment with no hearings or vote in the Senate. This provision grants a waiver of existing law for a single vessel operating on the Great Lakes and elsewhere against the wishes of both Michigan Senators and other Senators and in circumvention of a Customs Service ruling regarding the type of dredge work this vessel is allowed to perform.

This waiver is a discriminatory provision which gives special treatment and a competitive advantage to one vessel at the expense of its competitors.

Mr. President, the granting of this waiver will be detrimental to other dredgers on the Great Lakes and elsewhere who are abiding by U.S. law and U.S. Customs Service interpretations of the Jones Act. The hopper dredge vessel *Columbus*, the vessel seeking the waiver, was challenged by a competitor for violating the Jones Act because it was performing dredging work that was not allowed under that Act. That challenge was upheld by the U.S. Customs Service. However, instead of abiding by or appealing the Customs Service ruling, a legislative waiver was sought to circumvent that ruling. The waiver was granted by the House, but not the Senate because the Senate passed Coast Guard authorization bill did not contain this discriminatory provision.

I want to make clear that the only reason this waiver will be included in the final Coast Guard authorization bill is due to the circumstances under which this bill is being considered. Under normal circumstances, I believe the Senate would have removed this provision from the final bill.

Next year I will introduce legislation to repeal the Jones Act waiver that is contained in the Coast Guard authorization bill, H.R. 2204, for the vessel *Columbus*. Mr. Chairman, it's my understanding that you and Senator SNOWE will work with me to repeal this waiver as early as possible next year.

Ms. SNOWE. I recognize the concerns of the senior Senator from Michigan about this waiver. I will work with you to repeal the Jones Act waiver for the vessel *Columbus*.

Mr. MCCAIN. I also recognize the Senator's concerns and I will work with the Senator from Michigan to find a solution that eliminates an unfair competitive disadvantage when the Commerce Committee considers the legislation as early as possible next year. This is a complex issue and I am sure that the Senator from Michigan would agree that fairness to all parties involved must be taken into account in addressing it. I would also like to address the broader issue of what type of dredging should be conducted on the Great Lakes so there is clarification on this issue in the future.

Mr. LOTT. Mr. President, I ask unanimous consent the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I understand most all of the legislative and Executive Calendar items that can be cleared have been considered by the Senate. We are still working on some of the nominations for clearance. I thank all of my colleagues for their cooperation in the 105th Congress. I hope they have a good campaign season and period at home with their constituents and that we can work together on some very important issues in the 106th Congress.

We will have the final close in a few moments, but I understand there are at least one or two Senators who will have statements before we get to that.

Once again, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RICKY RAY BILL

Mr. DEWINE. Mr. President, first let me thank the majority leader for the passage of the Ricky Ray bill, which just occurred a few moments ago. This is a bill that I introduced, along with Senator BOB GRAHAM, here in the Senate. It was introduced in the House of Representatives by Representative TAUZIN. It has certainly been worked on and helped immensely by Speaker

GINGRICH, by Congressman HYDE and by Senator JEFFORDS. It is a bill which I believe will do some justice in regard to a great tragedy. It is a great tragedy that has afflicted thousands and thousands of Americans through literally no fault of their own. These are hemophiliacs who received tainted blood. Many of them have died as a result of that. Many of them are suffering today, and their families are suffering. They have tremendous expenses. They have the normal expenses of being hemophiliac and on top of that they now have AIDS. The reason for this bill is to correct this injustice. The injustice was that the Federal Government was simply not vigilant, did not do what it should have done to protect the precious blood supply of this country.

Those of us who have worked on this bill for the last several years, I think, have felt this was not just another bill in the Congress. We have seen and we have talked firsthand to the families who have suffered. I met in my office with a man from Ohio whose son died. His son died because of this tainted blood. As the father, one of the caregivers of this child who had hemophilia, he was the one who had to administer the blood. To talk to this father, with tears in his eyes, in my office, was something I will never forget. This bill will not bring his son back. It will not bring back those who have died. But what it will do for those families is give them some compensation, some help to deal with their medical expenses. Equally important, it will be a very clear signal to them and to the country that when a mistake is made, when the Government does not do what it should do, when people suffer as they have suffered, that justice will be done. This bill is about justice.

It is now on its way to the President. Again, I thank all of those who have been involved in this: Senator LOTT, Senator JEFFORDS, Congressman HYDE, Senator BOB GRAHAM, PORTER GOSS in the House, the prime sponsor in the House, as well as Speaker GINGRICH.

DRUG INTERDICTION

Mr. DEWINE. Mr. President, I will now take a moment to discuss one of the most important accomplishments of this Congress. It is an accomplishment that occurred about 4½ hours ago. Back in July, I, along with a bipartisan, bicameral core group of legislators, came to the floor and introduced a bill that called for a major new effort to restore a balance to our drug interdiction and eradication efforts. Today, just this morning, after a few short months, this important effort has been included in the omnibus bill that we passed. It is included in the bill that is being sent to the President and that, with his signature, will then become law.

This bill, this effort, is about restoring balance to America's antidrug efforts. Restoring balance to America's antidrug effort is a major accomplishment of this Congress. It is vitally important to the future of America's children. Our drug interdiction efforts, keeping drugs out of this country, are lagging way behind where they ought to be. Drugs are far too plentiful, far too easy to find, far too cheap, far too easy to obtain. It is so easy. The amount of drugs in our country is at an unprecedented high level.

Back in the 1980s and 1990s we used to have a balanced antidrug strategy. We provided the right balance of resources to fight drugs. What do I mean by balance? I think we have to take a multifaceted approach to the drug problem. We have to have treatment for those who need that and who are willing to go into treatment. We have to have education and other methods to stop people from starting drugs. We have to have domestic law enforcement, most of which is handled at the local level but, of course, it also includes the DEA and the FBI. And, we also have to have international drug interdiction, stopping drugs from leaving the source countries—Peru, Bolivia and Colombia—stopping them on the high seas, stopping them at the border. We have to have all four components. What this bill does is restores that balance, or a better way of saying it, frankly, a more accurate way of saying it, is it begins to restore this balance.

This effort is not just about providing resources. It is demonstrating, rather, the will to stop drugs before they reach our borders. This is not just about dollars. It is not just about dollars and cents. It is also about leadership. It is the Federal Government's—our—responsibility, and the Federal Government's alone to stop drugs at the source or in transit to our borders. In the other areas, where we talk about treatment, or domestic law enforcement, prevention, education, all of these are shared responsibilities of the local communities and the State and the Federal Government and the private sector and the nonprofit groups. But when we talk about drug interdiction, that is the one thing that nobody else can do but the Federal Government. That is our responsibility and the buck does, in fact, stop here.

It is the Federal Government's responsibility, and the Federal Government's alone, to stop drugs at the source or in transit to our borders. I have seen it firsthand. I have been to the Caribbean, I have been to the Bahamas, I have been off the coast of Haiti and off the coast of the Dominican Republic. I have been along the border in El Paso. I have been into New Mexico. I have talked directly to the men and women of this great country who are fighting this war. We have great people who are doing that. I have seen firsthand that what we are currently providing to uphold this responsibility is simply not enough. It is, frankly, inadequate. Just as we need military readiness to defend America against war, we need drug interdiction readiness to defend America against drugs.

We do know how to do it. We do know how to do it. We have great people. We got our ideas for this legislation from the experts, from men and women of key agencies such as the Coast Guard, Customs, DEA. That is where the ideas for this legislation that will now become law came from. Their resources have been dramatically reduced, tragically, in recent years. This bill begins—and I say begins—to fix this problem by providing the very resources they need. We could not be here today without their assistance.

This was a bipartisan effort. We worked with both sides of the aisle. We had Gen. Barry McCaffrey's involvement and his help and cooperation and assistance. Today we certainly can be proud of this victory, but today is just the first step. We have a long way to go to restore this balance. We will be back next year to continue this war. But make no mistake about it, this bill is a major step towards keeping drugs out of our country. This bill will mean more planes in the air, more ships at sea, less drugs on the streets of America. We are back in the business of putting the drug lords out of business.

I thank my good friend, BILL MCCOLLUM, Congressman MCCOLLUM from Florida, for leading this effort in the House of Representatives. I thank DENNY HASTERT, chairman of the Speaker's drug task force, who did a remarkable job in securing close to $700 million to get this initiative started. I also thank our bipartisan core group on drug interdiction—Senators PAUL COVERDELL, BOB GRAHAM, AL D'AMATO, DIANNE FEINSTEIN, LAUCH FAIRCLOTH, and of course PORTER GOSS, CHUCK GRASSLEY and KIT BOND.

The Speaker of the House, NEWT GINGRICH, and Majority Leader TRENT LOTT, both were absolutely instrumental in getting this included in the budget package that we just passed. But for them it simply would not have happened, and we know that.

The two chairmen of the Appropriations Committees, Senator TED STEVENS and Congressman BOB LIVINGSTON, deserve our thanks for taking the lead to include our initiative in their omnibus bill.

This legislation will make a huge difference in our efforts to win back America's future from the drug lords. It is just the beginning to restore the balance but it is a major, significant beginning. It is a major victory. I thank my colleagues who worked so very hard on this.

AFRICA: SEEDS OF HOPE ACT

Mr. DEWINE. Mr. President, I would like now to turn the Senate's attention to a very important foreign policy, as well as humanitarian, measure, a measure that has also been passed by the Congress. I am referring to the Africa: Seeds of Hope Act.

Back in July, Senator SARBANES and I introduced legislation on the Senate floor to promote small-scale agricultural and rural development in Africa, a bill cosponsored in the House of Representatives by our colleagues, DOUG BEREUTER and LEE HAMILTON, a bipartisan effort, a bill that will save lives, a bill that will help people help themselves.

The Africa: Seeds of Hope Act represents a commitment to seek ways to help farmers in sub-Saharan Africa through sustainable agriculture, research, rural finance and extension projects. The bill will also recognize important benefits such overseas agricultural advances could hold for America's farmers. The Senate and House have both passed the bill. It is now on its way to the President.

We need to sow seeds of hope in Africa. There are a vast number of people in Africa who go each day without the necessary nourishment that we in our country take for granted. In many parts of Africa, women and children struggle daily to find the food that will barely sustain them for another day.

The problem in Africa has worsened over the last 30 years, and this is in spite of the fact that in many parts of the world the situation is getting better, and in Africa it is getting worse. The number of Africans who are unable to produce the food and provisions they need to lead healthy, productive lives is tragically rising. According to the Food and Agriculture Organization, around 215 million people are undernourished in sub-Saharan Africa, and this number is expected to increase—increase dramatically—into the next century.

Food is the basic necessity of life. It is an unfortunate reality that many of the African people lead lives of needless suffering because they don't have the skills and tools necessary to help themselves. As a result, many African countries are dependent on the outside world for humanitarian assistance and basic nutrition. These countries import a large percentage of the food they consume. Africa's food imports are projected to rise from less than 8 million metric tons in 1990, to more than 25 million metric tons by the year 2020. Mr. President, this is a very, very dangerous trend, and it must be changed, it must be reversed.

The bill we just passed is based on the insight that the most effective way to improve conditions for Africa's poor is to increase the productivity of their agricultural sector. Whenever I travel to developing countries, I always like to spend time looking at that country's agricultural sector. I have seen firsthand in many countries that their rural areas can succeed through agricultural development and through the right kind of assistance, the assistance that uses the expertise that we have in this country at our universities, the expertise that we have among our farmers, to share that knowledge and that know-how.

About 70 percent of Africa's poor live in rural areas. That is where the major problem is, and that is where this bill can make a difference, because not only do we want to see and help these individuals in rural areas feed themselves, we also understand that if they cannot feed themselves, what they do is move to the cities. When they move to the cities, many times the conditions are even worse than the conditions they left in the rural areas. It is a trend we see worldwide, and it is a trend that is very, very dangerous. It breeds instability, and it breeds other problems.

Rural and agricultural markets play a critical role in the majority of the African workforce. It has been reported that 70 percent of African employment is in the agricultural market. If we are serious about opening up new trade relations with the continent—and we should be—then we need to be aggressive in helping to strengthen the foundation for their survival.

Let me outline a few highlights of this bill.

This legislation first encourages agencies and organizations to make rural development issues a priority by teaching effective farming methods to small-scale African farmers and entrepreneurs. This is people to people, farmer to farmer and not dealing with many of these governments.

It provides African small farmers and entrepreneurs with improved access to credit and other resources necessary to stimulate production in microenterprise.

It mobilizes new resources for investment in African agriculture and rural development through the U.S. Overseas Private Investment Corporation.

It facilitates the coordination of national and international agricultural research and extension efforts aimed at developing the skills of African researchers, African extension agents, farmers and agribusiness people. In fact, the bill would allow American universities to play a pivotal role in this effort.

Finally, this bill requires the U.S. Agency for International Development, when providing nonemergency assistance through the Public Law 480 title II programs, to include assistance programs for people who are otherwise unable to meet their basic food needs, including feeding programs for the disabled, for the orphaned, for the elderly, for the sick and for the dying.

African farmers and the African people are in dire need of agricultural development. This bill can help them gain the knowledge they need for this important development. At the same time, the legislation will help our own agricultural producers by opening new export markets for American farmers, especially those who deal with value-added goods.

Mr. President, as the economies in sub-Saharan Africa develop, their citizens' incomes will increase, thus raising their standard of living. In turn, they will be in a better position to purchase a new variety of goods, including American agricultural commodities and equipment. This is where our export markets can flourish. As a citizen of Ohio, I am excited at the export prospects for the hard-working farmers of my own State.

Another significant point to consider is that food stability is a critical factor in preventing civil strife within nations. Our investment in international agriculture and rural development will help reduce demands for U.S. disaster and famine relief.

International agricultural development assistance has depleted over time. In fact, over the past decade alone, money for this program has dropped by 70 percent. We should refocus our efforts in this important program, and this bill will do that.

Under this bill, USAID will be called upon to use its resources for programs and improved food security and agricultural productivity for African farmers.

This legislation has the ability to make a real difference in the lives of real people. As a compassionate Nation, we should want to aid those less fortunate to better help themselves. The bill will help these individuals make important progress in meeting human needs. In passing this bill, the U.S. Congress has done some very important work, and I congratulate my colleagues for the bill as we send it on its way to the President.

AN ATROCITY IN WYOMING

Mr. DEWINE. Mr. President, if I can turn to a much sadder topic. One of the saddest duties of public life is having to express moral truths. It is sad because it should be unnecessary. Thomas Jefferson two centuries ago enunciated some truths that he said "we hold to be self-evident." We hold to be self-evident.

It should be self-evident that in a country of liberty, a country of rule of law and respect for human rights that we should condemn the murder of any human being. We should, as a logical consequence of this principle, condemn the murder of people who have killed because the murderers disapprove of some aspect of the murder victim's personal life.

That is why our national attitude toward the atrocity that took place in Laramie, WY, on October 7 is so very important.

Let us all, as Americans, leave no doubt that the murder of young Matthew Shepard was a vicious, despicable crime. Again, it should—I repeat—should be self-evident. But Mr. President, I have seen news reports that protesters, demonstrators, hecklers went to this young man's funeral to spew hatred and venom. Some might say their demonstrations are protected by the first amendment, and that may or may not be true—and I am not going to deal with that and talk about that today —but what I wish to underscore today is that I, too, have first amendment rights—we all do—a right to tell the truth about these demonstrators' conduct. And to do so, polite phrases might not be enough.

So let's make it very clear: The people who committed this crime are despicable, they are scum. And the people who intruded on the privacy of this poor family, the family of the deceased, the people who intruded on their privacy at that hour of sorrow, to mock the deceased, mock this young man, these people who did this are lowlifes—they should be condemned by all Americans. They deserve the contempt of all civilized people.

Mr. President, I see that my colleague from Virginia has been on the floor for some time. I also note the majority leader may be coming back at any moment. I would advise my colleague, the majority leader, as well as my colleague from Virginia, that I have some additional comments about another topic that would be fairly extensive. I would be more than happy to yield at this point, either to the majority leader or to my colleague from Virginia, just with the understanding that I will have the opportunity before the Senate does go out of session for the year to make these comments.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Virginia.

Mr. ROBB. Mr. President, I appreciate the consideration of my colleague, the Senator from Ohio. I had planned to yield to the majority leader. He had said that he was going to return to finish his wrapup. And, indeed, if he is ready to do so now, I will yield; otherwise, I will take advantage of this opportunity to make a few comments about the vote that we concluded this morning.

Mr. DEWINE. If I could reclaim my time, just for a moment —and the majority leader I do not think was on the floor when I made the comment—I advised my friend from Virginia, as well as the majority leader, that I do have some additional comments about a separate issue. I know the majority leader needs to do the final wrapup. I am not sure whether he is ready to do that.

Mr. LOTT. We are, I believe, ready to move through a number of nominations if you would allow me to proceed at this point.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now go into executive session and that the Senate proceed, en bloc, to the following nominations on the executive calendar: Nos. 597, 718, 733, 734, 735, 738, 783, 784, 785, 786, 787, 793, 797, 798, 799, 800, 801, 802, 805, 806, 807, 809, 811, 812, 813, 814, 815, 818, 819, 820, 821, 822, 823, 851, 852, 854, 855, 857, 861, 862, 865, 866, 867, 869, 870, 871, 886, 887, 888, 889, 890, 891, 892, 893, 895, 896, 897, 898, 899, 900, 901 through 914, 916 through 926.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered en bloc are as follows:

STATE JUSTICE INSTITUTE

Arthur A. McGiverin, of Iowa, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2000.

THE JUDICIARY

Jose de Jesus Rivera, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

DEPARTMENT OF STATE

Bert T. Edwards, of Maryland, to be Chief Financial Officer, Department of State.

David G. Carpenter, of Virginia, to be an Assistant Secretary of State.

David G. Carpenter, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

Mary Beth West, of the District of Columbia, a Career Member of the Senior Executive Service, for the rank of Ambassador during her tenure of service as Deputy Assistant Secretary of State for Oceans, Fisheries, and Space.

EXECUTIVE OFFICE OF THE PRESIDENT

Rebecca M. Blank, of Illinois, to be a Member of the Council of Economic Advisers.

THE JUDICIARY

Rebecca R. Pallmeyer, of Illinois, to be United States District Judge for the Northern District of Illinois.

Nora M. Manella, of California, to be United States District Judge for the Central District of California.

Jeanne E. Scott, of Illinois, to be United States District Judge for the Central District of Illinois.

David R. Herndon, of Illinois, to be United States District Judge for the Southern District of Illinois.

ENVIRONMENTAL PROTECTION AGENCY

Nikki Rush Tinsely, of Maryland, to be Inspector General, Environmental Protection Agency.

THE JUDICIARY

Alvin K. Hellerstein, of New York, to be United States District Judge for the Southern District of New York.

Richard M. Berman, of New York, to be United States District Judge for the Southern District of New York.

Donovan W. Frank, of Minnesota, to be United States District Judge for the District of Minnesota.

Colleen McMahon, of New York, to be United States District Judge for the Southern District of New York.

William H. Pauley III, of New York, to be United States District Judge for the Southern District of New York.

Thomas J. Whelan, of California, to be United States District Judge for the Southern District of California.

DEPARTMENT OF JUSTICE

Robert Bruce Green, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years.

Scott Richard Lassar, of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

James A. Tassone, of Florida, to be United States Marshal for the Southern District of Florida for the term of four years.

DEPARTMENT OF LABOR

Henry L. Solano, of Colorado, to be Solicitor of the Department of Labor.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Thomasina V. Rogers, of Maryland, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2003, vice Velma Montoya, term expired.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Joseph E. Stevens, Jr., of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship foundation for a term expiring December 10, 2003. (Reappointment)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Paul M. Igasaki, of California, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2002, (Reappointment), to which position he was appointed during the last recess of the Senate.

Ida L. Catro, of New York, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2003.

Paul Steven Miller, of California, to be a Member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1999.

ENVIRONMENTAL PROTECTION AGENCY

Romulo L. Diaz, Jr., of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

J. Charles Fox, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

Norine E. Noonan, of Florida, to be an Assistant Administrator of the Environmental Protection Agency.

MORRIS K. UDALL SCH. & EXCELLENCE IN NATL ENV. POLICY FOUNDATION

Terrence L. Bracy, of Virginia, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy for a term expiring October 6, 2004. (Reappointment)

DEPARTMENT OF THE INTERIOR

Charles G. Groat, of Texas, to be Director of the United States Geological Survey.

DEPARTMENT OF DEFENSE

Bernard Daniel Rostker, of Virginia, to be Under Secretary of the Arm.

THE JUDICIARY

Patricia A. Broderick, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

DEPARTMENT OF COMMERCE

Kenneth Prewitt, of New York, to be Director of the Census.

THE JUDICIARY

Natalia Combs Greene, of the District of Columbia, to be an Associate Judge of the

Superior Court of the District of Columbia for the term of fifteen years.

Neal E. Kravitz, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

FARM CREDIT ADMINISTRATION

Michael M. Reyna, of California, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring May 21, 2004.

DEPARTMENT OF TRANSPORTATION

Eugene A. Conti, Jr., of Maryland, to be an Assistant Secretary of Transportation.

Peter J. Basso, Jr., of Maryland, to be an Assistant Secretary of Transportation.

NUCLEAR REGULATORY COMMISSION

Greta Joy Dicus, of Arkansas, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2003. (Reappointment)

Jeffrey S. Merrifield, of New Hampshire, to be a Member of the Nuclear Regulatory Commission for the term expiring June 30, 2002.

DEPARTMENT OF ENERGY

David Michaels, of New York, to be an Assistant Secretary of Energy (Environment, Safety and Health).

DEPARTMENT OF VETERANS AFFAIRS

Eligah Dane Clark, of Alabama, to be Chairman of the Board of Veterans' Appeals for a term of six years.

Edward A. Powell, Jr., of Virginia, to be an Assistant Secretary of Veterans Affairs (Management).

Leigh A. Bradley, of Virginia, to be General Counsel, Department of Veterans Affairs.

THE JUDICIARY

Lawrence Baskir, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Robert S. Lasnik, of Washington, to be a United States District Judge for the Western District of Washington.

Yvette Kane, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

James M. Munley, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Lynn Jeanne Bush, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

David O. Carter, of California, to be United States District Judge for the Central District of California.

Francis M. Allegra, of Virginia, to be Judge of the United States Court of Federal Claims for a term of fifteen years.

Margaret B. Seymour, of South Carolina, to be United States District Judge for the District of South Carolina.

Aleta A. Trauger, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

Alex R. Munson, of the Northern Mariana Islands, to be Judge for the District Court for the Northern Mariana Islands for a term of ten years (Reappointment)

Edward J. Damich, of Virginia, to be Judge of the United States Court of Federal Claims for a term of fifteen years.

Nancy B. Firestone, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Emily Clark Hewitt, of Massachusetts, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Norman A. Mordue, of New York, to be United States District Judge for the Northern District of New York.

DEPARTMENT OF JUSTICE

Donnie R. Marshall, of Texas, to be Deputy Administrator of Drug Enforcement.

Harry Litman, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years.

Denise E. O'Donnell, of New York, to be United States Attorney for the Western District of New York for the term of four years.

Margaret Ellen Curran, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

Byron Todd Jones, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

ENVIRONMENTAL PROTECTION AGENCY

Robert W. Perciasepe, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency. (Reappointment)

MISSISSIPPI RIVER COMMISSION

William Clifford Smith, of Louisiana, to be a Member of the Mississippi River Commission for a term expiring October 21, 2005.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Isadore Rosenthal, of Pennsylvania, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years. (New Position)

Andrea Kidd Taylor, of Michigan, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years. (New Position)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Ira G. Peppercorn, of Indiana, to be Director of the Office of Multifamily Housing Assistance Restructuring. (New Position)

William C. Apgar, Jr., of Massachusetts, to be an Assistant Secretary of Housing and Urban Development.

Saul N. Ramirez, Jr., of Texas, to be Deputy Secretary of Housing and Urban Development.

Cardell Cooper, of New Jersey, to be an Assistant Secretary of Housing and Urban Development.

Harold Lucas, of New Jersey, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Patricia T. Montoya, of New Mexico, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.

DEPARTMENT OF THE TREASURY

David C. Williams, of Maryland, to be Inspector General, Department of the Treasury.

EXECUTIVE OFFICE OF THE PRESIDENT

Sylvia M. Mathews, of West Virginia, to be Deputy Director of the Office of Management and Budget.

DEPARTMENT OF ENERGY

Gregory H. Friedman, of Colorado, to be Inspector General of the Department of Energy.

OFFICE OF PERSONNEL MANAGEMENT

John U. Sepulveda, of New York, to be Deputy Director of the Office of Personnel Management.

FEDERAL LABOR RELATIONS AUTHORITY

Joseph Swerdzewski, of Colorado, to be General Counsel of the Federal Labor Relations Authority for a term of five years. (Reappointment)

DEPARTMENT OF THE INTERIOR

Eljay B. Bowron, of Michigan, to be Inspector General, Department of the Interior.

POSTAL RATE COMMISSION

Dana Bruce Covington, Sr., of Mississippi, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2004.

Edward Jay Gleiman, of Maryland, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2004.

GENERAL ACCOUNTING OFFICE

David M. Walker, of Georgia, to be Comptroller General of the United States for a term of fifteen years.

INST. OF AMERICAN INDIAN & ALASKA NATIVE CULTURE & ARTS DEV.

D. Bambi Kraus, of the District of Columbia, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2004.

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, this Congress has taken steps to significantly reduce the Federal judicial vacancy rate to its lowest level in almost a decade. As Chairman of the Judiciary Committee, I am proud to boast about some of the successes that have been achieved this Congress by the Committee and Republican Senate. I also feel compelled to set the record straight that the Committee and Republican Senate this Congress have been dedicated and productive.

One could speculate that if the Democrats controlled the Senate, more Clinton nominees would have been confirmed. But then again, maybe not. This Congress, the Committee held hearings for 111 out of 127 judicial nominees. Of the 16 nominees that did not have hearings, 3 withdrew from consideration. The Committee held 23 judicial, and an additional 8 non-judicial, nominations hearings for a total of 31 nominations hearings. In all, this Congress the Republican Senate confirmed 101 judicial nominees, which is well above the average confirmed over the last five Congresses, which is 96. Indeed, notwithstanding the rhetoric we often heard from the other side of the aisle, according to the Alliance for Justice, a liberal judicial watch group, almost 50% of the judges confirmed by the Republican Senate have been women and/or members of a minority group.

The Republican Senate, by working in a fair and orderly manner, also reduced the vacancy rate of the Federal Judiciary to 5.9%—the lowest vacancy rate since the Judiciary was expanded in 1990. While considering this rate, keep in mind two things: first, that the Clinton Administration is on record as having stated that a vacancy rate just over 7% is virtual full-employment of the judiciary, and second, that the Clinton Administration did not get around to nominating anyone for 29 of the 50 vacant judgeships. To put it another way, this Administration failed to nominate anyone for almost 60% of the current judicial vacancies. Thus, the Republican Senate would have been precluded from filling every single judicial vacancy because it cannot confirm judges whose nominations it has not received.

The accusation that the Republican Senate delays consideration of certain nominees is simply a ploy to divert attention away from the fact that qualified, non-controversial nominees, which constitutes the overwhelming majority of nominees, were confirmed promptly, usually by unanimous consent. Indeed, one need go no further than the high number of Clinton Administration nominees that were confirmed by this year's Republican Senate to determine whether their motives were anything but altruistic.

Yes, there were some controversial nominees that did not move, and in fact, some of these nominees were forced to withdraw. But the confirmation process is not a numbers game, and I will not compromise the Senate's advice and consent function simply because the White House has sent us nominees that are either not qualified or controversial. There are a range of factors which make a nominee controversial or difficult to confirm, such as lack of experience or questionable information contained in materials not in the public domain or in their past records that may be at variance with the proper role of judges in society. But I assure you that gender, ethnicity, and race are not included in the determination.

For me, the touchstones in evaluating the qualifications of a nominee are whether they are committed to upholding the rule of law and properly understand the limitations of the judicial role. The Senate has an obligation to the American people to review thoroughly the records of the nominees it receives to ensure that they are capable and qualified to serve as Federal judges and will not spend a lifetime career rendering politically motivated decisions. I would not, in good conscience, vote for the confirmation of any nominee whom I believed would abdicate his or her duty to interpret and enforce, and instead make, the laws of this Nation.

As Committee Chairman, I take my role in the confirmation of judges very seriously, and would not allow irrelevant criteria to be analyzed in determining a nominee's fitness to sit on the Federal bench, practically speaking, for what amounts to life tenure. As a Senator, I take my role of advice and consent equally as serious and would not tolerate the disingenuous consideration of any nominee.

The demagogues and naysayers can continue to impugn the purported secret motives of the Republicans and continue to malign those who exercise their Constitutional duty to thoroughly evaluate and review the complete record and background of each nominee before casting a vote in favor or in opposition thereto. And the Republican Senate will continue to plow ahead in the next Congress honorably and fairly discharging its Constitutional duties without wavering. However, I could not leave this Congress without congratulating my fellow Republican Senators, Senator LOTT in particular, for all of their hard work and accomplishments in what, at times, has been a contentious atmosphere. Senator LOTT has done his best and has acted in a fair and principled manner in processing these nominees. He is to be commended.

Mr. LEAHY. Mr. President, as the Senate concludes this second session of the 105th Congress, I want to take a moment to thank Senator HATCH, the Chairman of the Senate Judiciary Committee, for working with us to confirm judges desperately needed around the country. He pressed forward with three confirmation hearings in October, which resulted in sending another nine judicial nominees to the Senate calendar. He supported each of the nominees confirmed by the Senate this year and worked hard to clear judicial nominees reported by the Committee for action by the Senate. I also thank the Majority Leader for proceeding to consider the judicial nominations confirmed in these last days of the session.

For the year, the Senate confirmed 65 federal judges to the District Courts and Courts of Appeals around the country and to the Court of International Trade. In addition, we confirmed a number of judges to the United States Court of Claims and to the court for the Northern Mariana Islands.

Senator HATCH is fond of saying that the Senate could do better. I agree with him and hope that we will continue to do better next year. I began this year challenging the Senate to maintain that pace it established in the last nine months of last year. Had we done so, we could have confirmed 90 judges. Instead, the Senate has acted to confirm only 65 of the 91 nominations received for the 115 vacancies the federal judiciary experienced this year.

Together with the 36 judges confirmed last year, the total number of article III federal judges confirmed during this Congress to a 2-year total of 101—the same total that was confirmed in one year when Democrats made up the majority of the Senate in 1994. The 104th Congress (1995–96) resulted in a 2-year total of only 75 judges being confirmed. By way of contrast, I note that during the last two years of the Bush Administration, even including the presidential election year of 1992, a Democratic Senate confirmed 124 federal judges.

Meanwhile 50 judicial vacancies remain. This is one of the largest number of vacancies left unfilled at the end of a Congress. In 1983 vacancies numbered only 16. Even after the creation of 85 new judgeships in 1984, the number of vacancies had been reduced to only 33 by the end of the 99th Congress in 1986. At the end of the 100th Congress in 1988, which had a Democratic majority and a Republican president, judicial vacancies numbered only 23. In 1996 the Republican Senate adjourned leaving 64 judicial vacancies. This year the Senate is adjourning leaving 50 judicial vacancies and the number is likely to increase during the recess.

Moreover, the Republican Congress has refused to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984 and in 1990, Congress did respond to requests for needed judicial resources by the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during a Republican presidential administration. Last year the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. If Congress had passed the Federal Judgeship Act of 1997, S.678, as it should have, the federal judiciary would have 103 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past several years.

In order to understand why a judicial vacancy crisis is plaguing so many federal courts, we need only recall how unproductive the Republican Senate has been over the last three years. More and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. The President has sent the Senate qualified nominees for 23 of the current judicial emergency vacancies, 15 of those nominations that are still pending as the Senate prepares to adjourn.

In his 1997 Year-End Report, Chief Justice Rehnquist focussed on the problem of "too few judges and too much work." He noted the vacancy crisis and the persistence of scores of judicial emergency vacancies and observed: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote." He went on to note: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down."

During the entire 4 years of the Bush administration there were only three judicial nominations that were pending before the Senate for as long as 9 months before being confirmed and none took as long as a year. In 1997 alone there were 10 judicial nominations that took more than 9 months before a final favorably vote and 9 of those 10 extended over a year to a year and one-half. Of the judges confirmed this year, Professor Fletcher's confirmation took 41 months—the longest-pending judicial nomination in the history of the United States—Hilda

Tagle's confirmation took 32 months, Susan Oki Mollway's confirmation took 30 months, Ann Aiken's confirmation took 26 months, Margaret McKeown's confirmation took 24 months, Margaret Morrow's confirmation took 21 months, Judge Sonia Sotomayor's confirmation took 15 months, Rebecca Pallmeyer's confirmation took 14 months, Dan Polster's confirmation took 12 months, and Victoria Roberts' confirmation took 11 months.

I calculate that the average number of days for those few lucky nominees who are finally confirmed is continuing to escalate. In 1996, the Republican Senate shattered the record for the average number of days from nomination to confirmation for judicial confirmation. The average rose to a record 183 days. Last year, the average number of days from nomination to confirmation rose dramatically yet again, and that was during the first year of a presidential term. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 broke the 200-day barrier for the first time in our history. It was 212 days. Unfortunately, that time is still growing and the average is still rising to the detriment of the administration of justice. This year the Senate will break last year's record. The average time from nomination to confirmation for the 65 judges confirmed this year was over 230 days.

In addition, nominations are being forced to sit on the Senate Executive Calendar for longer and longer periods of time. Unlike earlier days in the Senate when nominees were not made to wait for weeks and months on the Senate calendar before they could be considered, that is now becoming the rule. Margaret Morrow, Sonia Sotomayor, Richard Paez, Ronnie White, Patrick Murphy and Michael McCuskey each spent more than four months on the Senate Executive Calendar awaiting action.

Further, this Congress is concluding with four judicial nominations that have been favorably reported by the Judiciary Committee still pending on the Senate Executive Calendar. Two were reported without objection by unanimous consent. I do not know why Justice Ronnie L. White and Judge William J. Hibbler, two outstanding African-American nominees are being held on the Senate calendar without a vote. I regret that the Majority Leader was unable to call up for a vote the nomination of Judge Richard Paez to the Ninth Circuit or the nomination of Timothy Dyk to the Federal Circuit.

Most Congresses end without any judicial nominations left on the Senate Executive Calendar. Indeed the 99th, 101st, 102nd, and 103rd Congresses all ended without a single judicial nomination left on the Senate calendar. The Democratic Senate majority in the two Congresses of the Bush Administration ended both those Congresses, the 101st and 102nd, without a single judicial nomination on the calendar. By contrast, the Republican Senate majority in the last Congress, the 104th, left an unprecedented seven judicial nominations on the Senate Executive Calendar at adjournment without Senate action. The 105th Congress is concluding with four qualified judicial nominees being denied action by the Senate.

At each step of the process, judicial nominations are being delayed and stalled. Judge Richard Paez, Justice Ronnie L. White, Judge William J. Hibbler and Timothy Dyk are being denied consideration by the Senate. Marsha Berzon, Anabelle Rodriquez, Clarence Sundram, and Matthew Kennelly were each denied a vote before the Judiciary Committee following a hearing. Judge James A. Beatty, Jr., Helene N. White, Jorge C. Rangel, Ronald M. Gould, Robert S. Raymar, Barry P. Goode, among a total of 13 judicial nominees, end this Congress without ever having received a hearing before the Judiciary Committee.

At the conclusion of the debate on the nomination of Merrick Garland to the United States Court of Appeals for the District of Columbia, as 23 Republicans were preparing to vote against that exceptionally well-qualified nominee whose confirmation had been delayed 18 months, Senator HATCH said "playing politics with judges is unfair, and I am sick of it." I agree with him. I look forward to a return to the days when judicial nominations are treated with the respect and attention that they deserve.

NOMINATION OF EDWARD J. DAMICH

Mr. HATCH. Mr. President, today the Senate will confirm the nomination of Edward J. Damich to be a judge on the Court of Federal Claims. Mr. Damich has been the Chief Intellectual Property Counsel to the Judiciary Committee since 1995. He has already had a distinguished career and is highly qualified to fill this challenging position. He received an A.B. degree from St. Stephen's College in 1970, a J.D. degree from the School of Law of Catholic University in 1976, and LL.M. and J.S.D. degrees from Columbia University School of Law. Upon his graduation from law school, he joined the faculty of the Delaware Law School of Widener University as a Professor of Law where he remained until 1984. From 1984–95, he was a Professor of Law at the George Mason University School of Law. During 1992–1993, Mr. Damich also served as a Commissioner of the Copyright Royalty Tribunal.

Mr. Damich also has numerous accomplishments outside his professional career. He was named Outstanding Faculty Member in 1980 and 1984, and is listed in Who's Who in American Law. He has served as President of the National Federation of Croatian Americans and as a Board Member of the Washington Area Lawyers for the Arts. He is also widely published in both the acadmic and professional forums.

His hard work and intellect has made him a true asset to the Committee, and his presence will be missed. I am confident that he will make a terrific judge, and I wish him all the luck in this very important stage of his career.

Mr. THURMOND. Mr. President, I wish to express my support for the nomination of Edward Damich to the U.S. Court of Federal Claims. I believe he is a fine choice for this important position.

Before joining the staff of the Senate Judiciary Committee in 1995 as Chief Intellectual Property Counsel, Mr. Damich served as a Commissioner of the Copyright Arbitration Royalty Panel. In that capacity, he was involved in numerous copyright issues, including the proper distribution of millions of dollars in copyright licensing fees. Further, for many years, he served as a Professor of Law in the area of intellectual property, first at Delaware Law School and later at the George Mason University School of Law in Virginia.

Mr. Damich has been an asset to the Senate Judiciary Committee in recent Congresses. He is a strong supporter of property rights and has brought a wealth of knowledge of intellectual property law to his work. He has played an important supporting role on many important pieces of legislation in this area, including most recently the Digital Millennium Copyright Act.

Mr. Damich is well qualified to serve on the Court of Claims, and I am pleased to support his nomination.

JUDGE NORMAN A. MORDUE

Mr. MOYNIHAN. Mr. President, I am very pleased that the Senate has confirmed Norman A. Mordue to the bench of the United States District Court for the Northern District of New York.

Norman Mordue is a distinguished and competent jurist, having previously served as an assistant district attorney and county judge. He is now a New York Supreme Court justice. He is also a war hero. He earned this country's second highest military honor, the Distinguished Service Cross for Extraordinary Heroism, while serving as an infantry platoon leader with the 1st Air Cavalry Division in Vietnam.

Judge Mordue has been active in many New York State Bar activities—he is a presiding officer in the Bar's judicial section and a continuing legal education lecturer—and he has been elected by his peers to head the Supreme Court Justices' Association. I have every confidence that he will make an excellent addition to the federal judiciary.

NOMINATION OF MARGARET SEYMOUR

Mr. THURMOND. Mr. President, I wish to express my strong support for Judge Margaret Seymour, President

Clinton's nominee to be a United States District Judge for the District of South Carolina. Judge Seymour will replace Judge William Traxler, an excellent jurist who I recommended to the President for the District Court and who has just been elevated to the Fourth Circuit Court of Appeals.

Judge Seymour had a varied legal career in the private sector and in government service before becoming an Assistant United States Attorney in South Carolina in 1990. During four of her six years in the U.S. Attorney's office, she was Chief of the Civil Division. Also, she twice served as Interim United States Attorney, once in 1993 and again in 1996.

She was appointed a United States Magistrate Judge for the District of South Carolina in 1996, where she serves today. In that capacity, she is known as a diligent and fair jurist. She is also a person of character and integrity.

I am very pleased to support her, and I am confident she will be a very able addition to the District Court.

NOMINATION OF DENISE O'DONNELL

Mr. MOYNIHAN. Mr. President, I am delighted that the Senate will confirm Denise O'Donnell to be the United States Attorney for the Western District of New York. She now becomes the first woman in the history of the 17-county Western District to be chief federal prosecutor. No woman before has ever had a presidential appointment in the district to one of the top three justice posts: judge, prosecutor or federal marshall.

Ms. O'Donnell is a career Assistant U.S. Attorney. She came to the Western District in 1985 as an Assistant U.S. Attorney and was named First Assistant in 1993. She has served as Interim U.S. Attorney since September 1997. In addition, she was a part-time instructor in the the Trial Technique Program at her alma mater, the State University of New York at Buffalo Law School. She graduated summa cum laude from that institution and was the senior editor of its law review.

During her distinguished career as a prosecutor, Ms. O'Donnell has handled a host of complex criminal matters, including cases involving RICO, tax fraud, narcotics, and violent crimes. She is also an active participant in her local and state bar organizations and, last year was the Women Lawyers Association Lawyer of the Year.

I am confident that Ms. O'Donnell will serve with the highest distinction.

NOMINATION OF MARGARET E. CURRAN

Mr. CHAFEE. Mr. President, today the Senate will consider the nomination of Margaret E. Curran as U.S. Attorney for the District of Rhode Island. I wholeheartedly support Ms. Curran's nomination and appreciate its speedy consideration by the Judiciary Committee. It certainly is noteworthy that Ms. Curran will be the first woman to serve as U.S. Attorney for Rhode Island in the more than two hundred years that this position has existed.

Ms. Curran has served as Interim U.S. Attorney since May. She has proven herself to be a thoughtful, competent, and qualified federal prosecutor. I have every confidence that she will continue to do a fine job as the chief federal law enforcement office in Rhode Island. An editorial in the Providence Journal said of Ms. Curran: "She has shown herself to have capacious qualities of leadership, intellectual rigor, and good humor," qualities that will serve her well as U.S. Attorney.

Ms. Curran has twelve years of experience as a federal prosecutor. She has earned wide regard from the legal community in Rhode Island. And she enjoys resounding support from Governor Lincoln Almond, who, for twenty years, held the position she will assume.

Meg Curran is a graduate of the University of Pennsylvania and received a Master of Science Degree in anthropology from Purdue University. In 1983, she received her Law Degree from the University of Connecticut, where she served as editor-in-chief of the Connecticut Law Review. Before serving in the U.S. Attorney's office, Ms. Curran was clerk to the Honorable Bruce M. Selya, U.S. District Court for the District of Rhode Island and for the Honorable Thomas J. Meskill, U.S. Court of Appeals for the Second Circuit. She is a member of the Rhode Island Bar Association, serves on the Federal Branch-Bar Committee, as well as the Roger Williams American Inn of Court, the First Circuit Gender Bias Task Force, and the American Law Institute. Also, Ms. Curran is professor of advanced criminal law at Roger Williams University Law School in Rhode Island.

I am delighted that the Senate is prepared to confirm Margaret Ellen Curran as U.S. Attorney for the District of Rhode Island.

Mr. REED. Mr. President, I rise today to commend the Senate's confirmation of Margaret Ellen Curran as U.S. Attorney for the District of Rhode Island. I am proud to have been involved in the historic nomination of this outstanding career prosecutor. A native of Providence, Meg is the first woman to serve as Rhode Island's federal attorney. Her confirmation by the U.S. Senate today sends a clear message to career federal attorneys that their work and service is valued.

Ms. Curran brings not only the necessary legal expertise and technical skill to this position, but she has also demonstrated the prosecutorial temperament necessary to carry out her significant responsibilities in a fair and judicious manner. I am confident that U.S. Attorney Curran will serve Rhode Island and its people extremely well.

Ms. Curran graduated from Pilgrim High School in Warwick. She received a B.A. degree from the University of Pennsylvania, a Master of Science from Purdue University, and her law degree from the University of Connecticut School of Law, where she was Editor in Chief of the Law Review. After graduation, Meg served as a law clerk to the Honorable Bruce Selya, then a federal district judge in Rhode Island. She nexted served a clerkship for the Honorable Thomas Meskill on the Second Circuit Court of Appeals. After her second clerkship, in 1985, Meg became an associate at the Providence law firm of Wistow & Barylick pursuing general litigation matters.

Since 1986, when she joined the U.S. Attorney's Office in Rhode Island, Meg has distinguished herself as an outstanding prosecutor. As a trail prosecutor, Meg tried a range of cases involving white-collar criminals, organized crime, illegal weapons possession, and was responsible for obtaining the largest monetary penalty, at the time, for the illegal discharge of pollutants into Narragansett Bay.

In 1990, Meg was appointed as the district's Principal Appellate Attorney and Appellate Chief. In that position she has had primary responsibility for all appeals. As Appellate Chief she has successfully pursued precedent setting cases involving both mandatory sentencing for career criminals as well as heightened penalties for dealers of dangerous drugs.

Meg has proven herself an accomplished trial and appellate attorney, and, for this, she has been recognized. She has received the annual Special Achievement Awards for Sustained Superior Performance of Duty from the Department of Justice four times. In 1993, she was named the Federal Employee of the Year by the Federal Executive Council of Rhode Island. Today, the United States Senate has provided her with the ultimate recognition of a career prosecutor by confirming her as U.S. Attorney for the District of Rhode Island.

In addition to her professional service, Meg has also found time to serve her community. Since 1995, Meg has been an adjunct professor at Roger Williams University School of Law, teaching advanced criminal procedure. She is a member of the Rhode Island Bar Association and serves on the Federal Bench/Bar Committee. Meg also serves on the First Circuit Gender Bias Task Force and is a member of the Board of Trustees of the Rode Island Zoological Society.

Mr. President, I am proud to have been involved in the nomination of U.S. Attorney Curran. I wish her, her husband Michael, and their daughter Margee the very best.

CONFIRMATION OF CARDELL COOPER

Mr. LAUTENBERG. Mr. President, I rise to express my strong support for the confirmation of Cardell Cooper to be the Department of Housing and Urban Development's (HUD) Assistant Secretary for Community Planning and Development. I thank the members of the Banking Committee, Chairman D'AMATO, and Ranking Member SARBANES for moving Mr. Cooper's nomination swiftly through the Committee.

Mr. Cooper served with distinction as mayor of East Orange, New Jersey from 1990 to 1997. Prior to serving as mayor, from 1988 to 1990, Mr. Cooper was County Administrator for Essex County, where he was responsible for day-to-day management of the one of the largest and most urban counties in New Jersey.

As a mayor and county administrator, Mr. Cooper was on the front lines. His practical experience, coupled with his passion for public service, makes him an excellent choice for this post. He knows the critical difference that development programs can make to communities and their residents, and the importance of forging strong partnerships between local, state and federal governments. His commitment to local economic development programs serving our young people, such as YouthBuild, and urban environmental initiatives, such as the brownfields program, will fuel his efforts to help our urban leaders succeed. Through his work with the Conference of Mayors, he has built solid relationships with mayors across the country and enjoys bipartisan support. His endorsement by the Conference of Mayors is a testament to the leadership he has provided.

Mr. President, while professional experience and particular skills are important for effective service, Cardell Cooper has the personal strengths and attributes the Senate looks for in nominees to high posts. He is an energetic leader, with a strong work ethic and a deep commitment to public service and the mission of the Department. I can personally attest to his integrity and ability to work well within a larger organization.

Mr. President, I hope the full Senate will act expeditiously to confirm Cardell Cooper as HUD's new Assistant Secretary for Community Planning and Development.

CONFIRMATION OF HAROLD LUCAS

Mr. LAUTENBERG. Mr. President, I rise today to convey to the full Senate my overwhelming support for the confirmation of Harold Lucas to be the Department of Housing and Urban Development's (HUD) new Assistant Secretary for Public and Indian Housing. I especially want to thank Chairman D'AMATO and Ranking Member SARBANES, and all the members of the Senate Banking Committee, for moving Mr. Lucas', nomination so quickly through the Committee.

Mr. Lucas has first-hand knowledge of the challenges facing our nation's public housing authorities. Prior to his nomination, Mr. Lucas served as Executive Director of the Housing Authority of the City of Newark, New Jersey. When Mr. Lucas took hold of the reins at the Housing Authority in 1992, HUD considered it to be a "troubled" agency, and had given it failing grades since its creation in the 1970s. Within two years of taking over, Mr. Lucas turned things around. Last year, the agency received a 94 percent rating—an A in anyone's book—and is now considered one of the top performing housing agencies in both New Jersey and the nation.

During his tenure, Mr. Lucas tore down many dilapidated high-rise buildings and replaced them with more attractive townhouse-style housing that provides a better quality of life for tenants and improves the neighborhoods that surround it.

Mr. Lucas' dedication to helping public housing residents achieve self-sufficiency, and his strong commitment to ensuring the safety and viability of our public housing stock, are testament to his qualifications for this position. I am confident that our nation's housing authorities will be well served by having someone as dynamic and experienced as Mr. Lucas at the helm.

Mr. President, I therefore urge the full Senate to conform, without delay, Mr. Lucas to be HUD's new Assistant Secretary for Public and Indian Housing.

COMMERCE COMMITTEE AND LABOR COMMITTEE

Mr. LOTT. I further ask unanimous consent that the Commerce Committee and the Labor Committee be immediately discharged from further consideration of the following nominations, and further that the Senate then proceed to their consideration: John Moran, Harold Creel, Ashish Sen, Anita Jones, Pamela Ferguson, and nominations in the Public Health Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered en bloc are as follows:

COMMERCE COMMITTEE

John A. Moran, of Virginia, to be a Federal Maritime Commissioner for the term expiring June 30, 2000.

Harold J. Creel, Jr., of South Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 20004. (Reappointment)

Ashish Sen, of Illinois, to be Director of the Bureau of Transportation Statistics, Department of Transportation, for the term of four years.

LABOR COMMITTEE

Anita K. Jones, of Virginia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

Pamela A. Ferguson, of Iowa, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2004.

PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Robert W. Amler, and ending Cheryl A. Wiseman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 24, 1998.

Public Health Service nominations beginning Marie A. Coffey, and ending Julia C. Watkins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 7, 1998.

NOMINATIONS OF JOHN A. MORAN AND HAROLD J. CREEL, JR., FEDERAL MARITIME COMMISSIONERS

Mr. LOTT. Mr. President, today the Senate unanimously confirmed the nominations of John A. Moran and Harold J. Creel, Jr. to serve as Federal Maritime Commissioners. John Moran will be replacing Joseph Scroggins on the Commission while Hal Creel will be serving a second term as Chairman of the FMC. I applaud the selection of these two highly qualified individuals for these important positions.

John Moran brings more than a decade of congressional and legislative experience in maritime transportation and policy to the FMC. During his nine-year tenure as a staffer in the House and Senate, John focused on a number of important maritime issues, including the Oil Pollution Act of 1990. His work on the 1990 amendments to the Shipping Act of 1984 and the 1991-1992 Advisory Commission on Conferences in Ocean Shipping (ACCOS) ensures that he is well prepared for his FMC assignment. The ACCOS process crystallized the concerns of stakeholders regarding the Shipping Act of 1984 and was a forerunner to S. 414, the Ocean Shipping Reform Act of 1998. This experience will serve John well as he assumes the shared responsibility for implementing that Act. I have great confidence in John Moran's ability and integrity.

Hal Creel has been the Chairman of the FMC for more than four years. During that time, the agency has gone from being characterized as "obsolete" to being hailed as a champion of free and open access to foreign trade markets. Hal deserves tremendous credit for this reversal of fortune. Through Hal's leadership, the FMC has punished unfair foreign shipping practices in Japan and is reviewing similar concerns regarding shipping practices in China and Brazil. Hal has also demonstrated the FMC's willingness to respond quickly to industry complaints regarding violations of the Shipping Act of 1984. More than 90% of all U.S. international trade is transported by ships. Maintaining a fair and open international ocean shipping system is vital to this nation's economy. Hal is clearly deserving of another term as Chairman of this crucial independent agency.

Mr. President, I would also like to take this opportunity to express my thanks to another FMC commissioner, Ming Hsu, for her long service to this agency. Ming Hsu supplies a wealth of experience in Asia-U.S. trade to the

FMC. This has proven vital to addressing a number of ocean shipping concerns in this increasingly important trade lane.

With the President expected to sign the Ocean Shipping Reform Act of 1998 in the coming days, I am confident that the Federal Maritime Commission, with Hal Creel, John Moran, Ming Hus, and Del Won, is more than ready to implement this landmark legislation.

• Mr. HOLLINGS. Mr. President, I would like to take a moment to congratulate two nominees, Mr. Hal Creel and Mr. John Moran, upon their confirmation to be Federal Maritime Commissioners.

Hal Creel, a native of South Carolina and my former Senior Counsel on the Maritime Subcommittee, has been a Federal Maritime Commissioner for four years. He has served the last two and a half years as the agency's Chairman. As Chairman, he has demonstrated a wide-ranging knowledge of the maritime industry and an outstanding ability to oversee industry activities. Our Nation is extremely fortunate to have such a dedicated individual at the helm of this important government body.

Mr. Creel and the Federal Maritime Commission are responsible for overseeing all international liner shipping in the U.S.—over $500 billion in trade. His efforts in the controversy surrounding Japan's restrictive port practices come immediately to mind.

The Government of Japan for many years has orchestrated a system that impedes open trade, unjustly favors Japanese companies, and results in tremendous inefficiencies for anyone serving Japan's ports. The FMC, under Mr. Creel's guidance, met these problems head-on and he was instrumental in bringing the two governments to the bargaining table. The bilateral agreement that resulted paves the way for far-reaching changes that can remove these unfair barriers to trade. The progress made to date has occurred in large measure due to the Commission's firm, results-oriented approach. I urge him to continue to keep the Japanese honest, and to perform their agreed upon obligations.

Hal Creel also has led the Commission in its efforts to resolve unfavorable trading conditions with the Peoples Republic of China and Brazil. These trades pose differing problems, but circumstances that nonetheless restrict U.S. companies or render their business dealings unnecessarily difficult or simply inefficient.

Hal Creel is widely respected by all sectors of the industry as an involved, knowledgeable Chairman who can be trusted to make impartial decisions based on all relevant factors. This has been evidenced by the objective, informed decisions he renders in formal proceedings, his voting record on important agency matters, and the even-handed enforcement program administered by the Commission. As Chairman of the FMC, Hal Creel has worked hard to curb harmful practices and create equitable trading conditions for the entire industry. He takes a personal stake in these matters and works hard to obtain industry compliance with the laws passed by this Congress. But those who willfully violate the law or intentionally disregard the Nation's ocean shipping policies as contained in the Shipping Act are dealt with appropriately.

These are turbulent times in the liner shipping industry, times that call for effective and respected leadership from our Nation's regulatory body. Mr. Creel provides that leadership now, and I am certain will continue to do so as the industry enters the new environment that will result from the Ocean Shipping Reform Act of 1998 passed by this body last week.

I am proud of the accomplishments and fine work Hal has done at the FMC. I am also proud that he is a native South Carolinian. He certainly has continued the fine tradition and excellence he established as a staffer and senior counsel for the Senate Commerce Committee. His reappointment is well deserved.

I also wish to convey my support for John Moran to become a Commissioner at the FMC. John also is a former Commerce Committee counsel who served all members of that Committee with distinction. John and Hal worked together at the Committee on a bipartisan basis, slugging through tough issues and serving all of the Members well.

For my Senate colleagues who do not know Mr. Moran, his only fault is that he is not from South Carolina. He has demonstrated his abilities and intellect time and time again. He is well suited to be a Federal Maritime Commissioner. Currently, John works representing the American Waterways Operators, as their Vice President for legislative affairs. John also has an outstanding reputation within the maritime and transportation industry sectors.

I congratulate these two deserving individuals, who have been appointed to the agency which plays such a critical role in international trade.•

FOREIGN RELATIONS COMMITTEE

Mr. LOTT. I also ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations which are currently at the desk, and agreed to by both sides, and the Senate proceed to their consideration, en bloc.

The nominations considered en bloc are as follows:

Robert Patrick John Finn, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of American to the Republic of Tajikistan.

C. Donald Johnson, Jr., of Georgia, for the Rank of Ambassador during his tenure of service as Chief Textile Negotiator.

Harold Hongju Koh, of Connecticut, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

Michael J. Sullivan, of Wyoming, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

William B. Bader, of New Jersey, to be an Assistant Director of the United States Information Agency.

R. Rand Beers, of the District of Columbia, a Career Member of the Senior Executive Service, to be an Assistant Secretary of State.

E. William Crotty, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Antigua and Barbuda, to the Commonwealth of Dominica, to Grenada, to St. Kitts and Nevis, Saint Lucia, and to Saint Vincent and the Grenadines.

Stuart E. Eizenstat, of Maryland, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; United States Alternate Governor of the European Bank for Reconstruction and Development.

Robert C. Felder, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

Simon Ferro, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

Alan Greenspan, of New York, to be United States Alternate Governor of the International Monetary Fund for a term of five years. (Reappointment)

Richard Henry Jones, of Nebraska, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

James Vela Ledesma, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

Frank E. Loy, of the District of Columbia, to be an Under Secretary of State.

Joseph H. Melrose, Jr., of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

George Mu, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United

States of America to the Republic of Cote d'Ivoire.

B. Lynn Pascoe, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Robert Cephas Perry, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

John J. Pikarski, Jr., of Illinois, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for the remainder of the term expiring December 17, 1998.

John J. Pikarski, Jr., of Illinois, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2001. (Reappointment)

Robert C. Randolph, of Washington, to be an Assistant Administrator of the Agency for International Development.

Kathryn Dee Robinson, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

John Shattuck, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

George McDade Staples, of Kentucky, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Joseph Gerard Sullivan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State.

John Melvin Yates, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

John Melvin Yates, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Eric David Newsom, of Virginia, to be an Assistant Secretary of State.

FOREIGN SERVICE

Foreign Service nominations beginning Richard M. Brown, and ending Thomas B. Anklewich, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 2, 1998.

Foreign Service nominations beginning Aurelia E. Brazeal, and ending William L. Wuensch, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 2, 1998.

Foreign Service nominations beginning Judy R. Ebner, and ending Allen S. Weiner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 23, 1998.

Mr. LOTT. I finally ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were confirmed en bloc.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF JANE E. HENNEY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of calendar No. 810, the nomination of Jane E. Henney, of New Mexico, to be Commissioner of Food and Drugs for the Department of Health and Human Services. I further ask unanimous consent that the Senate proceed immediately to the vote on the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JANE E. HENNEY, OF NEW MEXICO, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES

The assistant legislative clerk read the nomination of Jane E. Henney, of New Mexico, to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jane E. Henney, of New Mexico, to be Commissioner of Food and Drugs, Department of Health and Human Services?

The nomination was confirmed.

Mr. LOTT. I ask unanimous consent that the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank the Senators for allowing me to get these nominations moved. They have a way of becoming unapproved if you wait very long once they are approved. And so I thank you for your cooperation on that.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

I appreciate the majority leader's concern, and I thank my colleague from Ohio.

THE OMNIBUS APPROPRIATIONS BILL

Mr. ROBB. Mr. President, I would like to speak briefly on the omnibus appropriations bill that we approved this morning. It was roughly a $500 billion omnibus appropriations bill. And I would like to begin by saying that I am thankful that we did not shut down the Federal Government to resolve our spending differences this year. That was clearly a failed approach that disillusioned our Nation and unjustly punished the dedicated Federal employees who serve the American people. But I also have to say I have enormous concern with how we got here, and with some of the consequences of the road we traveled.

Like every one of our colleagues, I am pleased with many aspects of this bill, but disappointed with other aspects. I am pleased that we finally achieved justice for farmers who face racial discrimination at the USDA, that we have acted decisively to strengthen our Nation's defenses, that we have invested substantially in improving the education of our children, that we have refrained—for now at least—from interfering in the local operation of our region's airports, and that we were able to eliminate some of the most egregious anti-environmental riders.

I'm disappointed that we abandoned fiscal discipline and avoided, once again, making the tough choices to pay for our priorities. Instead, we spent $21 plus billion of the so-called "surplus," which we should be saving to protect Social Security, and we failed to enact another round of base closures to help fund needed military readiness improvements. I'm also disappointed that we couldn't make the cuts necessary to find the funds needed to help localities that are struggling to modernize their schools.

Mostly I'm disappointed by the process that led us to an up or down vote, with virtually no debate, on eight separate annual spending bills consolidated into a giant roughly $500 billion package that funds nearly one third of our government. Mr. President, we have a obligation to debate our priorities in the open and make the tough decisions, just like American families are required to do every day.

I believe this process amounts to a dereliction of our duty as representatives of the people. While I appreciate the hard work of the appropriations committees, this all-encompassing appropriations bill has ultimately been the work product of too few people with no realistic opportunity for amendment. Members were left to hope that their interests, and the interests of those they represent, were being advanced. This is heavy burden to ask the appropriations committee and the leadership to bear, and we shouldn't be placing them in that position.

We should be able to debate, and vote, about whether funds should be spent on improving our system of education, and about how they should be spent. We should be able to debate, and vote, about how to remedy racial discrimination in the federal government. And we should able to debate, and vote, about the best way to protect the environment.

But instead of the open debate we need, instead of the careful consideration by each and every member of the public policy consequences that affect our states and nation, we have what amounts to a take-it-or-leave-it appropriations bill that will, again, fund nearly one-third of the federal government.

There's no question, Mr. President, that there are times when a take-it-or-leave it approach is necessary. I support, for example, the base closure process because it is the only mechanism we have devised which forces members of Congress to vote for the politically unpopular closure of unnecessary military facilities. And in order to maintain our role as the world's sole remaining superpower, the need to undertake another round of base closures to increase funding in critical areas will become an imperative. I also support take-it-or-leave-it fast track trade authority to promote free trade because it's the only way other governments will negotiate with us that can achieve meaningful results.

But when it comes to deciding our priorities in federal spending, we need a more open and rational process. Each year that we proceed in this fashion, I become more convinced that we should follow the lead of many states, like my own, Virginia, and undertake biennial budgeting. We should alternate a year of appropriations with a year of oversight. Just today, I signed onto an effort by Senator DOMENICI to institute biennial budgeting.

Due to our failure to pass a budget resolution this year, we have been guided in large part by the balanced budget agreement we reached two years ago. I supported that agreement, because when I came to the Senate in 1988, one of my highest priorities was fighting for fiscal responsibility.

But the problems we've encountered this year in passing our appropriations bills stem directly from the unrealistic goals we established in the balanced budget agreement. We all but ignored the 800 pound gorilla sitting in the room—entitlement spending—and instead focused on reducing our investments through future cuts in discretionary spending. I certainly support weeding out unnecessary discretionary spending, which is why I support the line-item veto, but effectively lowering discretionary caps in real terms, without regard to where those cuts might fall, is not the wisest approach.

The discretionary caps we established in 1997 did not require that tough decisions be made. It merely left to a future Congress the difficult choices in dividing a shrinking pie. We are now that "future Congress" and we're having a difficult time reaping what we have sewn. So we cut "phantom" future investments to preserve current consumption spending. But to reduce federal spending, and to someday reduce the national debt, we really need to reform entitlement programs. And the longer we wait, the more difficult the task will become.

So while I'm pleased that we reached our destination, I'm extremely disappointed with the road we took to get here. And I hope that during the next Congress, we will work to improve the appropriations process, to get our fiscal work done on time and in the open, and to begin the enormous task of reforming entitlement programs and saving Social Security by making the tough choices.

Mr. President, I reluctantly supported the appropriations bill today because, while the process that produced the bill is a terrible one, the failure to enact the bill would have been far worse. Without this bill there would have been another government shutdown, and the funds wouldn't be there to bolster our military, improve the education of our children, and render long-denied justice for those who've suffered discrimination. Despite all the benefits this bill will provide, however, I strongly object to violating our fiscal discipline and spending $21 billion of the surplus, which will ultimately make the job of saving Social Security more difficult.

Next year, we've got to do better.

With that, Mr. President, I wish our departing colleagues well during our adjournment and I yield the floor.

WORLD AFFAIRS

Mr. DEWINE. Mr. President, in a few short minutes the curtain will fall on this Congress. Today we complete our legislative business. Yet the business of global peace and national security will continue. Issues such as our global economy, regional stability, nuclear proliferation, proliferation of biological and chemical weapons—just to name a few—determine the condition of this business. It is a business that requires the daily attention of our world leaders, including the President of the United States, including his advisors, and including, yes, this Senate.

Yet today it is claimed that our national attention is not focused on the kinds of affairs that have a huge impact on our national security. It is claimed that our focus is not made on foreign affairs. Even our President, we are told, is not able to devote to foreign policy the level of commitment and leadership our country needs. We are told he is distracted. Some say he was distracted first by a lengthy independent counsel investigation, and now distracted by a congressional impeachment process. We are told he is distracted needlessly from doing the job at hand.

Distracted. That is a word that has gotten quite a bit of mileage lately. It has found its way into our editorial pages and into our Sunday morning talk shows. We are told by the political columnists and TV pundits that all of us were distracted in this country—all of us—by the Starr investigation and the Starr report.

Soon it will be the House impeachment process that draws our attention. We are told that all of us are distracted—the American people, the Congress, and first of all, the President—by all of this. We are told that that distraction is dangerous—dangerous because it could send the wrong signal to a rogue nation or a terrorist group or further complicate an already complex global economic slowdown.

The conclusion that seems to be reached by a number of people is that it is in our best interest, perhaps even our national security interest, to achieve an expedited resolution of the impeachment process, and to do it quickly. Some argue that what we need is an alternative to the impeachment process itself. Some have used the term "censure" or "reprimand." I am deeply concerned that the upcoming impeachment process is perceived as a distraction, one that inhibits the kind of vision and strategic planning that we must expect from the leader of the world's sole superpower.

This perception is not lost on those around the globe who have a stake in American leadership. And who doesn't have a stake in American leadership? One European Finance Minister here in Washington for the annual IMF World Bank talks was quoted in the New York Times with the following:

> You might find that the leader of the world's biggest economy could spend more time figuring out ways to save the world economy if he was not trying to save his job.

There is no reason for the President of the United States to be distracted to the point of even remote danger to our national security. In other words, we must not let the perception of distraction dictate the reality. We can and must address our interests here and abroad in the midst of this constitutional impeachment process.

For that reason, we cannot let this perceived distraction in any way undermine our constitutional duties as Members of Congress. Perhaps most important, we cannot let this argument of distraction serve as an excuse to avoid the kind of long-range planning and decisionmaking, the strategic thinking, that we need, and should expect, from our President in regard to the American foreign policy during these very difficult times.

These are difficult times, perhaps the most difficult and the most challenging period in the post-cold-war era. Since the end of the cold war we have experienced a combined period of peace and prosperity probably not seen in this country since the 1920s. However, ours has not been a tranquil peace. The President had to send ground troops to Somalia, Haiti, and most recently to Bosnia. We have taken to the air with swift military action in Iran, Sudan and the hills of Afghanistan. We made a show of force in Iraq, the Taiwan Straits, and recently in Serbia. If the last 7 years have proven one lesson, it is clear that the challenges of peace do not end with its achievement. It must be protected, enforced and advanced with the same vigilance and determination we used in the past to arrive at this point in history. As Henry Kissinger reminded our young allies more than 10 years ago:

> History knows no resting places. What does not advance must sooner or later decline.

The world has not been resting. Indeed, this has been a time of increasing restlessness. At no time since the fall of the Soviet Union has the world needed either individual or collective leadership more than it does today. We are in need of leadership that strives not just for quick fixes but solutions that look beyond the short term. When the world looks for leadership, it can only look one place, and that is to the United States. If the United States does not lead, there is no one else who can lead, no one else who will lead. We must lead.

The issues we face are numerous, complex, interrelated and potentially self-destructive. As we near a new millennium, we find ourselves at a virtual crossroad in so many different areas. We stand on the brink of a nuclear arms race in Asia and the Middle East. Nationalism raised the prospect of war in several regions, from Central Europe to Asia, and most ominous, we face a worldwide economic dislocation, and perhaps a global recession, a global recession that threatens to undermine, if not overwhelm, the progress of the democracies that we have seen springing up in virtually every corner of the world. Each one of these challenges has serious economic and security consequences for our own country. Each one of these issues requires leadership from the United States.

Let me expand briefly on each of these challenges. First, the threat of a nuclear arm race in Asia and the Middle East raises serious questions about the effectiveness of our own unilateral and our multilateral efforts to control the flow of materials, to control the flow of technology and information that is needed to build a nuclear weapon and the means to deliver. In May of this year, as we all recall, India and Pakistan both reinforced their status as nuclear powers. China, as we all know, has gone to great length to advance its own ballistic missile capability. And 3 years after an agreement with the Clinton administration to cease its nuclear weapons program, North Korea may still be moving forward to acquire nuclear weapons. In August, North Korea tested a two-stage ballistic missile that demonstrated its capability to deliver a nuclear payload.

When the Persian Gulf war ended in 1991, both sides agreed to a U.N. Security Council resolution that required the destruction and banned future possession and development of nuclear, chemical and biological weapons in Iraq. But time and time again, Iraq has demonstrated its clear resolve never to abide by this resolution. The United Nations demonstrated it has no resolve to insist on compliance.

Iran continues to actively pursue a nuclear weapons program. The capability, if obtained, could fuel a nuclear arms race throughout Asia and the Middle East. Perhaps of greatest concern, nuclear proliferation in this region raises the risk that a nuclear device could end up in the hands of terrorist organizations or other elements hostile to the United States or hostile to the free world.

While these nations have challenged international nuclear nonproliferation policies and agreements, others are asserting nationalism as well as ethnic prerogatives, prerogatives which have tested the United Nations and our NATO allies.

Certainly we can point to the success of the stabilization forces to sustain the Dayton peace accords in Bosnia. However, when will the ultimate end game be in sight? At what point can our troops return home? At what point can real peace sustained by the Bosnians themselves ever be achieved?

While we struggle to find the end game of peace in Bosnia, we are just beginning to make the opening moves and struggle to restore peace in the neighboring Serbian province of Kosovo. Milosevic has pledged to abide by U.N. demand, but only after the United States and our NATO allies started speaking with force, showing that they are ready. Bosnia has taught us hard lessons. We cannot rest on a commitment made by a war criminal, and the actions or inactions over the last week clearly reinforce that, as well.

To the east, Turkey finds itself in military buildup against two adversaries, Syria and Greece. This administration now has been in a week-long struggle to revive, once again, the single issue that has kept peace and democracy bottled on the eastern shore of the Mediterranean, the peace talks between Israel and the Palestinians.

The regional tensions I have just described are fueled by ethnic and historic tensions that clearly go back for generations, go back centuries. It is safe to say that to achieve stability all sides have to defy the history of violence and bloodshed that preceded. While these nations attempt to reinforce their place in history, other nations are trying to save or achieve the economic and democratic success stories of recent history. Currency downturns across all of Asia now threaten the economic vitality in Latin America, particularly in Brazil. International drug trafficking from South America to the U.S.-Mexico border also undermines legitimate economic development efforts by countries in the production and transit zones. Our own efforts have to look to the larger global economic picture. For example, forcing a drop in the U.S. currency relative to the yen may make Japanese products less expensive, but it effectively makes products made by their Asian competitors more expensive, which could stall economic growth in places like Thailand or Singapore.

Mr. President, I have outlined a series of challenges. Each of these challenges offers no simple solutions. Let's be very clear and honest about that. Each has long-term consequences, though, for U.S. national security. All of them are really interrelated. For example, the harder it is for Russia to right herself economically and politically, the harder it will be for Russia to avoid marketing its own destructive assets—those assets, of course, being nuclear technology.

Mr. President, President Clinton is looking to leave a legacy; surely, he must be. The challenge to leave such a legacy to advance global peace and prosperity into the next century is there for the taking. Mr. President, the American people should not accept the upcoming impeachment process, or investigation—however we want to phrase it—as an identified impediment to achieving that legacy. What it would reveal instead is an administration that is lacking in the creative administrative capacity to articulate and advance a long-term foreign policy agenda. It is that failure to articulate and then stand by that agenda that poses the real risk to U.S. interests around the world.

Mr. President, it is important that we put the impeachment process launched by the House of Representatives in its proper perspective. We are not faced today with a constitutional crisis. Instead, we are beginning a constitutional process. We don't know the ultimate outcome of that. It is a constitutional process designed by our Founding Fathers, designed to be a check on the potentially abusive power of a President. It is up to us in Congress to ultimately determine what "high crimes and misdemeanors" mean, and to ultimately determine what the facts are. It is up to us to follow that constitutional process that was laid out over 200 years ago by the founders of this country.

Mr. President, for impeachment, the Constitution provides Congress a way to preserve the integrity of the President and, more to the point, to define this process and the kinds of practices that would fall into the category of high crimes and misdemeanors. Certainly a President faced with this constitutional process will have to devote time and effort to overcome the possible removal from office. We know that. But should we seek to limit or alter this process arbitrarily because it takes him away from other perhaps more pressing duties? Certainly not.

Mr. President, impeachment is not the only process in our Constitution that can result in removal of a President. The Constitution provides a regular formal check on the President's powers known as "elections"—the electoral process itself. As we all know, a President who is subjected to this constitutional process has to devote a great deal of time and attention to prevent his removal from office by the people. It is called running for election and running for reelection. Campaigns have become longer and more expensive. They demand more and more of a President's time and energy. This has taken place in the midst of challenging times. Not one time was this normal election process altered because of its potentially adverse affects on a President's ability to lead in times of difficulty, or even in times of crisis. Abraham Lincoln fought both a military war to save the union and a political war to save his Presidency in 1864. Franklin Roosevelt battled economic depression, and then Nazi and Japanese aggression, through three reelection campaigns. All of his successors, except one, from Harry Truman to George Bush had to wage and win a cold war, stop and dismantle communism, run a campaign and, at the same time, remain in office.

I cite these examples because we expect our Presidents to exercise leadership even when they are being subjected to a political process that could result in their removal from office. Although the impeachment process raises very serious issues, it is no more a constitutional crisis than the very electoral process itself. Even today, in the days when Presidents are actively involved in reelection campaigns that begin almost immediately after being sworn into office, we expect our President to not let the campaign distract him from exercising leadership on the larger issues that are vital to this country. Nor have we ever postponed an election because of any fear that it would disrupt or threaten our Nation's security —not even when our Nation was at war, not even when our Nation was bitterly divided.

Mr. President, with that in mind, we should not allow the current impeachment proceedings to be used as an excuse for not confronting the more important challenges we face in the world today. As I said in the beginning of my remarks, the business of national security and global peace is never-ending. This makes Presidential leadership a full time job, no matter what constitutional processes are utilized to remove the President from office by those who elected him or those tasked to protect the integrity of that office, whether it is what we consider to be the normal every-four-year reelection process or this extraordinary, unusual process that is clearly prescribed in the Constitution—the impeachment process that we are about today.

Therefore, Mr. President, any process to address the charges raised by the independent counsel, short of that provided for in the Constitution, would be a grave mistake. I am confident that the chairman of the House Judiciary Committee, Congressman HENRY HYDE, will conduct a thorough and fair hearing. Congressman HYDE will not let the process last a day longer than is needed. It is a process that will consume the time of many members of the legislative and executive branch of Government. However, it is a process put in place by the founders of this country to preserve the integrity of representative government. We have a duty to follow that process. It is not in anyone's interest to cheapen or weaken this process in a way that compromises our system of Government.

With that said, the process must continue. I am confident that the House and the Senate will conduct themselves in a way that will give confidence to the American people that we are following the Constitution and that we are doing what we think is right—whatever the outcome.

Mr. President, I urge the President of the United States to demonstrate that we are a country capable of following our Constitution and maintaining our position of leadership in the world. That could only occur if the President brushes aside the talk of distraction and takes on the numerous challenges before us. Ultimately, Mr. President, the truest sign of weakness is not a President focused on the constitutional process at hand, but an entire administration that is not prepared to exercise the leadership needed to work with our allies, develop sound policies, and then abide by them.

Mr. President, I thank the Chair.

EXECUTIVE SESSION

TREATIES

Mr. DEWINE. Mr. President, on behalf of the majority leader of the Senate, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's executive calendar: Numbers 24 through 54.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolution of ratification, that all committee provisos, reservations, understandings, and declarations be considered agreed to.

I further ask that two technical amendments that are at the desk to treaty documents 105–34 and 104–40 be considered as agreed to, that any statements be inserted in the CONGRESSIONAL RECORD as if read.

I further ask that there be one vote to count as individual votes on each of the treaties, and further, when the resolutions of ratification are voted upon, the motions to reconsider be laid upon the table, that the President then be notified of the Senate's action, and following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments read as follows:

AMENDMENT NO. 3840

(Purpose: To Make a Technical Correction to the Resolution of Ratification of the Treaty Between the United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 105–34)

On lines 5 and 6 of the Resolution of Ratification of the Treaty Between the United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters (Exec. Rpt. 105–22), strike "and an exchange of notes signed on the same date".

AMENDMENT NO. 3841

(Purpose: To Make a Technical Correction to the Resolution of Ratification of the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 105–40)

On line 5 of the Resolution of Ratification of the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Legal Assistance in Criminal Matters (Exec. Rpt. 105–22), strike "Tel Aviv" and insert "Jerusalem".

(The resolutions of ratification will be printed in a future edition of the RECORD.)

WIPO TREATIES

Mr. DEWINE. Mr. President, I am pleased to rise in support of the resolution of ratification of two treaties that are of unsurpassed importance to America's prospects in the global economy of the 21st century.

The World Intellectual Property Organization (WIPO) treaties are hardly the topics of everyday conversation in my home state of Ohio, or in any of my colleagues' home states. But they are critically important treaties. Every country that ratifies these treaties is required to update its laws against the piracy of copyrighted materials, and to extend those laws to the electronic commerce marketplace epitomized by the Internet. That outcome will be great news for Ohioans, and for all Americans.

American creativity is the envy of the world today. Our music, movies, computer software, video games and published materials are in great demand in almost every country in the world. In fact, taken as a whole, the industries dependent on copyrighted are our country's single biggest export earner, with an estimated $60 billion in exports and foreign sales in 1996. No wonder studies show that the creative industries are one of most dynamic sectors of our economy, accounting for some 3.5 million U.S. jobs.

The greatest single threat to this economic success story is piracy. New technology heightens this threat. The Internet and other digital media offer great potential for bringing the fruits of American creativity to new markets; but they also make it easier than ever before for pirates to make unlimited numbers of perfect copies of our creative works, and distribute them around the world—literally at the touch of a button.

That's where these two new treaties come in. By requiring countries to upgrade their copyright laws, and to update them for the digital age, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, provide critical new legal tools in the fight against piracy worldwide. That will help make overseas markets safer for the export of U.S. music, movies, software and books—and encourage the further growth of this key sector of our economy.

Ratification of the WIPO treaties advances another important goal—one that does not simply translate to dollars and cents. It helps to underscore the need for responsible conduct on the Internet. People who would never even consider shoplifting a CD or a videocassette from a store sometimes think the same rules about respecting private property should not apply in cyberspace. Ratifying these two treaties helps to dispel that illusion. That's good news, not only for the creative community—songwriters, performers, software designers, authors—but also for all our families as they explore the exciting new territory of the Internet.

Mr. President, as a member of the Judiciary Committee, I worked with my colleagues to hammer out the legislation needed to implement the standards of the WIPO treaties in U.S. law. Since our copyright law is already strong, only a few provisions had to be added—but, some provisions were contentious, and I am pleased that we were able to achieve a balanced, compromise solution that commanded almost unanimous support. That legislation, which also made other important improvements to our copyright law, is on its way to the President's desk, and I urge him to sign it.

Today's action complete the job, by authorizing the Administration to formally ratify the two treaties. It will also send a powerful message to our trading partners—some of whom must make many more extensive changes to their copyright laws in order to meet the standards of these treaties—that now is the time to move forward on this critical task.

I commend my colleagues in the Foreign Relations Committee for moving this measure to the Senate floor so promptly after the Senate's adoption of the implementing legislation, and I urge my colleagues to support the resolution of ratification.

Mr. HAGEL. Mr. President, on September 10, 1998, in my role as Chairman of the Subcommittee on International Economic Policy, Export and Trade Promotion, I chaired the Foreign Relations Committee hearing on two important treaties that the Senate will ratify today. I refer to the World Intellectual Property Organization Copyright Treaty (WCT) and the World Intellectual Property Organization Performances and Phonograms Treaty (WPPT), collectively known as the WIPO Treaties, done at Geneva on December 20, 1996, and signed by the United States on April 12, 1997. These treaties will play a key role in assuring U.S. global competitiveness in the electronic commerce marketplace of the 21st century.

The purpose of the WIPO Treaties is to respond to the challenges of protecting copyrighted works, performances and sound recordings in the realm of digital technology. The adoption of these treaties represents a major step toward achieving adequate protection of intellectual property in the growing global economy. Bringing these treaties into effect will greatly facilitate global electronic commerce, and will facilitate exports and foreign sales of U.S. copyrighted materials in markets around the world.

In the hearing I chaired regarding the WIPO Treaties, the Foreign Relations Committee heard testimony from representatives of the Administration and from the information technology, telecommunications, and motion picture industries, including Jack Valenti, President and CEO of the Motion Picture Association of America, as well as from a coalition of educational and library interests. All the witnesses gave their overwhelming support for U.S. ratification of the WIPO Treaties. However, the main message that came from the hearing was that the WIPO Treaties needed to pass in conjunction with the corresponding implementation legislation that would update current U.S. copyright laws. We will have accomplished that task.

On October 8, 1998, the Senate unanimously passed the conference report to H.R. 2281, the Digital Millennium Copyright Act. This legislation will allow for the full implementation of the WIPO Treaties, by modifying current U.S. law in a few areas to meet the obligations imposed by the treaties and to ensure that liability questions are clearly defined in the treaties. U.S. copyright laws are strong and are vigorously enforced. However, these changes were needed to bring them up to date so U.S. law fell into compliance with the WIPO Treaties.

American creativity is the key to our competitiveness in this global economy. With so many industries in the United States protected by copyright—such as the computer software, music, recording, audio-visual and publishing industries—being among the most dynamic and fastest-growing sectors of the U.S. economy, it is important to protect these industries. In 1996, in a study commissioned by the International Intellectual Property Alliance, it was estimated that the U.S. creative industries contributed almost $280 billion to the Gross Domestic Product, and accounted for some 3.5 million jobs, surpassing any single manufacturing sector by both measures. Most important, the estimated $60 billion of foreign sales and exports by the U.S. copyright industries in 1996 made them the leading export sector of the entire economy. Consequently, the strength of legal protection in other countries for U.S. copyrighted materials is a key factor in promoting our global competitiveness.

The growth of digital networks such as the Internet offers an exciting opportunity for enhanced access by U.S. creators to world markets, but also presents a threat in the form of increased digital piracy of American works of authorship. The same technology that enables rapid and efficient authorized dissemination of U.S. copyrighted materials around the world also enables pirates to make and distribute perfect copies of these materials without authorization, more rapidly and efficiently then ever before, and with less risk of detection. Network-based digital piracy threatens to inflict losses on American creators that dwarf the estimated $18–20 billion which our creative industries now lose to overseas piracy every year. For these reasons, I plan to hold a hearing next year in my subcommittee on International Economic Policy, Export and Trade Promotion on the effects of software piracy on the U.S. economy as well as the global economy.

Given the leading role of the U.S. creative industries in the global trade in computer software, music and recordings, and published test materials, it is clearly in the U.S. national interest for the WIPO Treaties to come into force as soon as possible. Prompt U.S.

ratification of the treaties will send a clear message to other countries and will provide critical momentum to the drive to bring the treaties into force.

I urge my colleagues to approve the Resolution of Ratification, and thus complete the process of giving the Senate's advice and consent to these two important treaties.

Mr. DEWINE. Mr. President, also on behalf of the majority leader, Senator Lott, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division is requested.

Senators in favor of the ratification of the treaties please stand and be counted. (After a pause.) Those opposed to the ratification will please stand and be counted.

On this vote, with two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

EXTENSION OF FISCAL YEAR 1999 VISA PROCESSING PERIOD

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4821, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4821) to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4821) was considered read the third time and passed.

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

Mr. DEWINE. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the Senate amendments numbered 2 through 6 of the House amendment to the bill (S. 2375) entitled "An Act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes", and agree the Senate amendment numbered 1 with the following amendment:

In lieu of the matter proposed to be stricken by such amendment strike line 8 on page 23 of the House engrossed amendments and all that follows through line 2 on page 25 and insert the following:

(c) EXTENSION OF LEGAL PROCESS.—

(1) IN GENERAL.—Except as required by international agreements to which the United States is a party, an international organization providing commercial communications services, its officials and employees, and its records shall not be accorded immunity from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States.

(2) NO EFFECT ON PERSONAL LIABILITY.—Paragraph (1) shall not affect any immunity from personal liability of any individual who is an official or employee of an international organization providing commercial communications services.

(3) EFFECTIVE DATE.—This subsection shall take effect on May 1, 1999.

(d) ELIMINATION OR LIMITATION OF EXCEPTIONS.—

(1) ACTION REQUIRED.—The President shall, in a manner that is consistent with requirements in international agreements to which the United States is a party, expeditiously take all appropriate actions necessary to eliminate or to reduce substantially all privileges and immunities that are accorded to an international organization described in subparagraph (A) or (B) of subsection (a)(1), its officials, its employees, or its records, and that are not eliminated pursuant to subsection (c).

(2) DESIGNATION OF AGREEMENTS.—The President shall designate which agreements constitute international agreements to which the United States is a party for purposes of this section.

COLLOQUY ON S. 2375

Mr. D'AMATO. I am aware that the Senator from Montana has raised concerns regarding section 5 of the bill. Do the amendments considered by the Senate today satisfy your concerns?

Mr. SARBANES. If the Senator would yield, as the Ranking Democrat of the Senate Banking Committee, I would also like to know the views of the Senator from Montana.

Mr. BURNS. I thank my colleagues. Yes, the amendments do satisfy my concerns.

The amendments to the Foreign Corrupt Practices Act (FCPA) approved by the Senate today, to implement in the United States the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, are an important achievement in ensuring fair play for American companies doing business overseas. The value of this legislation for U.S. business fully justifies the action we are taking today. However, there are provisions in this bill that are unrelated to implementation of the OECD convention. I would have preferred a bill that did not contain these unrelated provisions, principally embodied in Section 5.

The House earlier passed S. 2375 with an amendment making significant changes to language addressing the treatment of international organizations providing commercial communications services which had earlier been contained in Section 5 of H.R. 4353 as reported by the House Commerce Committee. These changes reflect an agreement between the House and Senate Commerce Committee leaders. It is my understanding that the House Commerce Committee report accompanying H.R. 4353 addressing Section 5 of that bill is not germane to the interpretation of section 5 in light of the significant changes made therein.

With respect to Section 5 and the other provisions of the bill concerning the international organizations INTELSAT and Inmarsat, the Senate is accepting these provisions because of our understanding that nothing in the bill will change the immunities treatment of INTELSAT and Inmarsat, nor create an inconsistency with U.S. obligations under international agreements (e.g., by requiring action or inaction by the Executive Branch) or interfere with the President's authorities under the constitution to conduct the foreign relations of the United States. To achieve the objectives of Section 5, the President can be expected to use existing and future negotiations aimed at the privatization of the telecommunications services of INTELSAT and Inmarsat.

I have the following specific views with regard to the bill's telecommunications provisions:

The United States remains in a positions to meet fully its obligations under the INTELSAT Headquarters Agreement, an international agreement under which the United States has undertaken international legal obligations to INTELSAT. Nothing in the statute changes the immunity standards of that Agreement. Based on my discussions with the administration, I expect that the President will designate the INTELSAT Headquarters Agreement under subsection (d)(2).

The requirement in [section 5(d)(1)] for the President, consistent with requirements in international agreements to which the U.S. is a party, to take all appropriate actions to eliminate or limit substantially any privileges and immunities from suit or legal process accorded to an international organization applies only to suits or legal process in respect of the organizations' commercial activities. Such an interpretation would be consistent with the theory of sovereign immunity to which the United States adheres.

The requirements [in Section 5(d)] for the President, consistent with requirements in international agreements to which the U.S. is a party, expeditiously take all appropriate actions to eliminate or limit substantially privileges and immunities does not compel the President to take any action which the President may find to be contrary to the interests of the United States and does not compel the President to decertify INTELSAT or Inmarsat under the International Organizations Immunities Act I am pleased that subsection 5(d) gives the President broad discretion to determine what measures are "appropriate" to achieve the objectives of section 5.

The bill should not frustrate negotiations by the President to privatize successfully the commercial activities of INTELSAT and Inmarsat in a fashion that eliminates all privileges and immunities for such activities; this being the best means of satisfying the objective of fair and open commercial competition.

I further understand that all efforts of INTELSAT and Inmarsat to restructure into private business organizations constitute core functions of these organizations, not commercial functions, within the meaning of subsection (c)(1) of Section 5.

I understand that Section (5) of S. 2375 is not intended to overturn or disturb any judicial decision interpreting the privileges and immunities of signatories of INTELSAT and Inmarsat, especially Alpha Lyracom (PanAmSat) v. COMSAT, 946 F.2d 168 (2d Cir. 1991).

It is my understanding that subsection (d) of Section (5) is intended to become effective on May 1, 1999 when subsection (c) becomes effective, since the two subsections are intended to operate in concert.

I appreciate the opportunity to clarify the scope and intent of this legislation. At this time, I would like to ask the distinguished Senator from Arizona, the Chairman of the Committee on Commerce, Science and Transportation if he concurs?

Mr. MCCAIN. I thank the Senator from Montana. I do concur with the statements just delivered concerning the interpretation of Section 5 in S. 2375.

Mr. BURNS. I thank my colleague from Arizona.

Mr. DEWINE. Mr. President, I ask that the Senate recede from its amendments numbered 2 through 6. I further ask the Senate concur in the House amendment to the Senate amendment numbered 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVATE RELIEF BILLS

Mr. DEWINE. Mr. President, in behalf of the majority leader, I ask unanimous consent that the Senate proceed to the consideration of the following private relief bills: H.R. 1834 and H.R. 1794, which are at the desk; and, Calendar No. 609, H.R. 378; Calendar No. 610, H.R. 379; Calendar No. 679, H.R. 1949; Calendar No. 611, H.R. 2744.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bills?

There being no objection, the Senate proceeded to consider the bills.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOR THE RELIEF OF MERCEDES DEL CARMEN QUIROZ MARTINEZ CRUZ

The bill (H.R. 1834) was considered, ordered to a third reading, read the third time, and passed.

FOR THE RELIEF OF MAI HOA "JASMIN" SALEHI

The bill (H.R. 1794) was considered, ordered to a third reading, read the third time, and passed.

FOR THE RELIEF OF HERACLIO TOLLEY

The bill (H.R. 378) was considered, ordered to a third reading, read the third time, and passed.

FOR THE RELIEF OF LARRY ERROL PIETERSE

The bill (H.R. 379) was considered, ordered to a third reading, read the third time, and passed.

FOR THE RELIEF OF CHONG HO KWAK

The bill (H.R. 2744) was considered, ordered to a third reading, read the third time, and passed.

FOR THE RELIEF OF NURATU OLAREWAJU ABEKE KADIRI

The bill (H.R. 1949) was considered, ordered to a third reading, read the third time, and passed.

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1998

Mr. DEWINE. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2117) to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2117) entitled "An Act to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1998

SEC. 101. SHORT TITLE.

This title may be cited as the "Perkins County Rural Water System Act of 1998".

SEC. 102. FINDINGS.

The Congress finds that—

(1) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(2) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101–294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation; and

(3) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project.

SEC. 103. DEFINITIONS.

In this title:

(1) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.", as amended in March 1995.

(2) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(3) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines to the point of delivery of water by the Perkins County Rural Water System to each entity that distributes water at retail to individual users.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

(5) WATER SUPPLY SYSTEM.—The term "water supply system" means the Perkins County Rural Water System, Inc., a nonprofit corporation, established and operated substantially in accordance with the feasibility study.

SEC. 104. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 105. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 106. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system may contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Perkins County Rural Water System, Inc.;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 107. FEDERAL SHARE.

The Federal share under section 104 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 104; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 108. NON-FEDERAL SHARE.

The non-Federal share under section 104 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 104; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 109. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—At the request of the Perkins County Rural Water System, the Secretary may provide construction oversight to the water supply system for areas of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $15,000,000 for the planning and construction of the water system under section 104; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

TITLE II—PINE RIVER PROJECT CONVEYANCE ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Pine River Project Conveyance Act".

SEC. 202. DEFINITIONS.

For purposes of this title:

(1) The term "Jurisdictional Map" means the map entitled "Transfer of Jurisdiction—Vallecito Reservoir, United States Department of Agriculture, Forest Service and United States Department of the Interior, Bureau of Reclamation and the Bureau of Indian Affairs" dated March, 1998.

(2) The term "Pine River Project" or the "Project" means Vallecito Dam and Reservoir owned by the United States and authorized in 1937 under the provisions of the Department of the Interior Appropriation Act of June 25, 1910, 36 Stat. 835; facilities appurtenant to the Dam and Reservoir, including equipment, buildings, and other improvements; lands adjacent to the Dam and Reservoir; easements and rights-of-way necessary for access and all required connections with the Dam and Reservoir, including those for necessary roads; and associated personal property, including contract rights and any and all ownership or property interest in water or water rights.

(3) The term "Repayment Contract" means Repayment Contract #Ilr–1204, between Reclamation and the Pine River Irrigation District, dated April 15, 1940, and amended November 30, 1953, and all amendments and additions thereto, including the Act of July 27, 1954 (68 Stat. 534), covering the Pine River Project and certain lands acquired in support of the Vallecito Dam and Reservoir pursuant to which the Pine River Irrigation District has assumed operation and maintenance responsibilities for the dam, reservoir, and water-based recreation in accordance with existing law.

(4) The term "Reclamation" means the Department of the Interior, Bureau of Reclamation.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "Southern Ute Indian Tribe" or "Tribe" means a federally recognized Indian tribe, located on the Southern Ute Indian Reservation, La Plata County, Colorado.

(7) The term "Pine River Irrigation District" or "District" means a political division of the State of Colorado duly organized, existing, and acting pursuant to the laws thereof with its principal place of business in the City of Bayfield, La Plata County, Colorado and having an undivided ⅚ right and interest in the use of the water made available by Vallecito Reservoir for the purpose of supplying the lands of the District, pursuant to the Repayment Contract, and the decree in Case No. 1848–B, District Court, Water Division 7, State of Colorado, as well as an undivided ⅚ right and interest in the Pine River Project.

SEC. 203. TRANSFER OF THE PINE RIVER PROJECT.

(a) CONVEYANCE.—The Secretary is authorized to convey, without consideration or compensation to the District, by quitclaim deed or patent, pursuant to section 206, the United States undivided ⅚ right and interest in the Pine River Project under the jurisdiction of Reclamation for the benefit of the Pine River Irrigation District. No partition of the undivided ⅚ right and interest in the Pine River Project shall be permitted from the undivided ⅙ right and interest in the Pine River Project described in subsection (b) and any quitclaim deed or patent evidencing a transfer shall expressly prohibit partitioning. Effective on the date of the conveyance, all obligations between the District and the Bureau of Indian Affairs on the one hand and Reclamation on the other hand, under the Repayment Contract or with respect to the Pine River Project are extinguished. Upon completion of the title transfer, said Repayment Contract shall become null and void. The District shall be responsible for paying 50 percent of all costs associated with the title transfer.

(b) BUREAU OF INDIAN AFFAIRS INTEREST.—At the option of the Tribe, the Secretary is authorized to convey to the Tribe the Bureau of Indian Affairs' undivided ⅙ right and interest in the Pine River Project and the water supply made available by Vallecito Reservoir pursuant to the Memorandum of Understanding between the Bureau of Reclamation and the Office of Indian Affairs dated January 3, 1940, together with its Amendment dated July 9, 1964 ('MOU'), the Repayment Contract and decrees in Case Nos. 1848–B and W–1603–76D, District Court, Water Division 7, State of Colorado. In the event of such conveyance, no consideration or compensation shall be required to be paid to the United States.

(c) FEDERAL DAM USE CHARGE.—Nothing in this title shall relieve the holder of the license issued by the Federal Energy Regulatory Commission under the Federal Power Act for Vallecito Dam in effect on the date of enactment of this Act from the obligation to make payments under section 10(e)(2) of the Federal Power Act during the remaining term of the present license. At the expiration of the present license term, the Federal Energy Regulatory Commission shall adjust the charge to reflect either (1) the ⅙ interest of the United States remaining in the Vallecito Dam after conveyance to the District; or (2) if the remaining ⅙ interest of the United States has been conveyed to the Tribe pursuant to subsection (b), then no Federal dam charge shall be levied from the date of expiration of the present license.

SEC. 204. JURISDICTIONAL TRANSFER OF LANDS.

(a) INUNDATED LANDS.—To provide for the consolidation of lands associated with the Pine River Project to be retained by the Forest Service and the consolidation of lands to be transferred to the District, the administrative jurisdiction of lands inundated by and along the shoreline of Vallecito Reservoir, as shown on the Jurisdictional Map, shall be transferred, as set forth in subsection (b) (the "Jurisdictional Transfer"), concurrently with the conveyance described in section 203(a). Except as otherwise shown on the Jurisdictional Map—

(1) for withdrawn lands (approximately 260 acres) lying below the 7,765-foot reservoir water surface elevation level, the Forest Service shall transfer an undivided ⅚ interest to Reclamation

and an undivided ⅙ interest to the Bureau of Indian Affairs in trust for the Tribe; and

(2) for Project acquired lands (approximately 230 acres) above the 7,765-foot reservoir water surface elevation level, Reclamation and the Bureau of Indian Affairs shall transfer their interests to the Forest Service.

(b) MAP.—The Jurisdictional Map and legal descriptions of the lands transferred pursuant to subsection (a) shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture, the Commissioner of Reclamation, Department of the Interior, appropriate field offices of those agencies, and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) ADMINISTRATION.—Following the Jurisdictional Transfer:

(1) All lands that, by reason of the Jurisdictional Transfer, become National Forest System lands within the boundaries of the San Juan National Forest, shall be administered in accordance with the laws, rules, and regulations applicable to the National Forest System.

(2) Reclamation withdrawals of land from the San Juan National Forest established by Secretarial Orders on November 9, 1936, October 14, 1937, and June 20, 1945, together designated as Serial No. C–28259, shall be revoked.

(3) The Forest Service shall issue perpetual easements to the District and the Bureau of Indian Affairs, at no cost to the District or the Bureau of Indian Affairs, providing adequate access across all lands subject to Forest Service jurisdiction to insure the District and the Bureau of Indian Affairs the ability to continue to operate and maintain the Pine River Project.

(4) The undivided ⅚ interest in National Forest System lands that, by reason of the Jurisdictional Transfer is to be administered by Reclamation, shall be conveyed to the District pursuant to section 203(a).

(5) The District and the Bureau of Indian Affairs shall issue perpetual easements to the Forest Service, at no cost to the Forest Service, from National Forest System lands to Vallecito Reservoir to assure continued public access to Vallecito Reservoir when the Reservoir level drops below the 7,665-foot water surface elevation.

(6) The District and the Bureau of Indian Affairs shall issue a perpetual easement to the Forest Service, at no cost to the Forest Service, for the reconstruction, maintenance, and operation of a road from La Plata County Road No. 501 to National Forest System lands east of the Reservoir.

(d) VALID EXISTING RIGHTS.—Nothing in this title shall affect any valid existing rights or interests in any existing land use authorization, except that any such land use authorization shall be administered by the agency having jurisdiction over the land after the Jurisdictional Transfer in accordance with subsection (c) and other applicable law. Renewal or reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction, except that the change of administrative jurisdiction shall not in itself constitute a ground to deny the renewal or reissuance of any such authorization.

SEC. 205. LIABILITY.

Effective on the date of the conveyance of the remaining undivided ⅙ right and interest in the Pine River Project to the Tribe pursuant to section 203(b), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to such Project, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

SEC. 206. COMPLETION OF CONVEYANCE.

(a) IN GENERAL.—The Secretary's completion of the conveyance under section 203 shall not occur until the following events have been completed:

(1) Compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable Federal and State laws.

(2) The submission of a written statement from the Southern Ute Indian Tribe to the Secretary indicating the Tribe's satisfaction that the Tribe's Indian Trust Assets are protected in the conveyance described in section 203.

(3) Execution of an agreement acceptable to the Secretary which limits the future liability of the United States relative to the operation of the Project.

(4) The submission of a statement by the Secretary to the District, the Bureau of Indian Affairs, and the State of Colorado on the existing condition of Vallecito Dam based on Bureau of Reclamation's current knowledge and understanding.

(5) The development of an agreement between the Bureau of Indian Affairs and the District to prescribe the District's obligation to so operate the Project that the ⅙ rights and interests to the Project and water supply made available by Vallecito Reservoir held by the Bureau of Indian Affairs are protected. Such agreement shall supercede the Memorandum of Agreement referred to in section 203(b) of this Act.

(6) The submission of a plan by the District to manage the Project in a manner substantially similar to the manner in which it was managed prior to the transfer and in accordance with applicable Federal and State laws, including management for the preservation of public access and recreational values and for the prevention of growth on certain lands to be conveyed hereunder, as set forth in an Agreement dated March 20, 1998, between the District and residents of Vallecito Reservoir. Any future change in the use of the water supplied by Vallecito Reservoir shall comply with applicable law.

(7) The development of a flood control plan by the Secretary of the Army acting through the Corps of Engineers which shall direct the District in the operation of Vallecito Dam for such purposes.

(b) REPORT.—If the transfer authorized in section 203 is not substantially completed within 18 months from the date of enactment of this Act, the Secretary, in coordination with the District, shall promptly provide a report to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate on the status of the transfer described in section 203(a), any obstacles to completion of such transfer, and the anticipated date for such transfer.

(c) FUTURE BENEFITS.—Effective upon transfer, the District shall not be entitled to receive any further Reclamation benefits attributable to its status as a Reclamation project pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereto or amendatory thereof.

TITLE III—WELLTON-MOHAWK TRANSFER ACT

SEC. 301. SHORT TITLE.

This title may be referred to as the "Wellton-Mohawk Transfer Act".

SEC. 302. TRANSFER.

The Secretary of the Interior ("Secretary") is authorized to carry out the terms of the Memorandum of Agreement No. 8–AA–34–WAO14 ("Agreement") dated July 10, 1998 between the Secretary and the Wellton-Mohawk Irrigation and Drainage District ("District") providing for the transfer of works, facilities, and lands to the District, including conveyance of Acquired Lands, Public Lands, and Withdrawn Lands, as defined in the Agreement.

SEC. 303. WATER AND POWER CONTRACTS.

Notwithstanding the transfer, the Secretary and the Secretary of Energy shall provide for and deliver Colorado River water and Parker-Davis Project Priority Use Power to the District in accordance with the terms of existing contracts with the District, including any amendments or supplements thereto or extensions thereof and as provided under section 2 of the Agreement.

SEC. 304. SAVINGS.

Nothing in this title shall affect any obligations under the Colorado River Basin Salinity Control Act (Public Law 93–320, 43 U.S.C. 1571).

SEC. 305. REPORT.

If transfer of works, facilities, and lands pursuant to the Agreement has not occurred by July 1, 2000, the Secretary shall report on the status of the transfer as provided in section 5 of the Agreement.

SEC. 306. AUTHORIZATION

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE IV—SLY PARK DAM AND RESERVOIR, CALIFORNIA

SEC. 401. SHORT TITLE.

This title may be cited as the "Sly Park Unit Conveyance Act".

SEC. 402. DEFINITIONS.

For purposes of this title:

(1) The term "District" means the El Dorado Irrigation District, a political subdivision of the State of California that has its principal place of business in the city of Placerville, El Dorado County, California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Project" means all of the right, title, and interest in and to the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals held by the United States pursuant to or related to the authorization in the Act entitled "An Act to authorize the American River Basin Development, California, for irrigation and reclamation, and for other purposes", approved October 14, 1949 (63 Stat. 852 chapter 690);

SEC. 403. CONVEYANCE OF PROJECT.

(a) IN GENERAL.—In consideration of the District accepting the obligations of the Federal Government for the Project and subject to the payment by the District of the net present value of the remaining repayment obligation, as determined by Office of Management and Budget Circular A–129 (in effect on the date of enactment of this Act), the Secretary shall convey the Project to the District.

(b) DEADLINE.—

(1) IN GENERAL.—If no changes in Project operations are expected following the conveyance under subsection (a), the Secretary shall complete the conveyance expeditiously, but not later than 180 days after the date of the enactment of this Act.

(2) DEADLINE IF CHANGES IN OPERATIONS INTENDED.—If the District intends to change Project operations as a result of the conveyance under subsection (a), the Secretary—

(A) shall take into account those potential changes for the purpose of completing any required environmental evaluation associated with the conveyance; and

(B) shall complete the conveyance by not later than 2 years after the date of the enactment of this Act.

(3) ADMINISTRATIVE COSTS OF CONVEYANCE.—If the Secretary fails to complete the conveyance

under this title before the applicable deadline under paragraph (1) or (2), the full cost of administrative action and environmental compliance for the conveyance shall be borne by the Secretary. If the Secretary completes the conveyance before that deadline, ½ of such cost shall be paid by the District.

SEC. 404. RELATIONSHIP TO EXISTING OPERATIONS.

(a) In General.—Nothing in this title shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) Future Alterations.—If the District alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such changes at that time (subject to section 405).

SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) Payment Obligations Not Affected.—The conveyance of the Project under this title does not affect the payment obligations of the District under the contract between the District and the Secretary numbered 14–06–200–7734, as amended by contracts numbered 14–06–200–4282A and 14–06–200–8536A.

(b) Payment Obligations Extinguished.—Provision of consideration by the District in accordance with section 403(b) shall extinguish all payment obligations under contract numbered 14–06–200–949IR1 between the District and the Secretary.

SEC. 406. RELATIONSHIP TO OTHER LAWS.

(a) Reclamation Laws.—Except as provided in subsection (b), upon conveyance of the Project under this title, the Reclamation Act of 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

(b) Payments Into the Central Valley Project Restoration Fund.—The El Dorado Irrigation District shall continue to make payments into the Central Valley Project Restoration Fund for 31 years after the date of the enactment of this Act. The District's obligation shall be calculated in the same manner as Central Valley Project water contractors.

SEC. 407. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this title, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

TITLE V—CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE

SEC. 501. SHORT TITLE.

This title may be cited as the "Clear Creek Distribution System Conveyance Act".

SEC. 502. DEFINITIONS.

For purposes of this title:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) District.—The term "District" means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) Reclamation.—The term "Reclamation" means the United States Bureau of Reclamation.

(4) Agreement.—The term "Agreement" means Agreement No. 8–07–20–L6975 entitled "Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District."

(5) Distribution system.—The term "Distribution System" means that term as defined in the Agreement.

SEC. 503. AUTHORITY TO CONVEY TITLE.

The Secretary is hereby authorized to convey title to the Distribution System consistent with the terms and conditions set forth in the Agreement.

SEC. 504. COMPLIANCE WITH OTHER LAWS.

Following conveyance of title as provided in this title, the District shall comply with all requirements of Federal, California, and local law as may be applicable to non-Federal water distribution systems.

SEC. 505. NATIVE AMERICAN TRUST RESPONSIBILITY.

The Secretary shall ensure that any trust responsibilities to any Native American Tribes that may be affected by the transfer under this title are protected and fulfilled.

SEC. 506. LIABILITY.

Effective on the date of conveyance as provided in this title, the District agrees that it shall hold the United States harmless and shall indemnify the United States for any and all claims, costs, damages, and judgments of any kind arising out of any act, omission, or occurrence relating to the Distribution System, except for such claims, costs, or damages arising from acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance for which the United States is found liable under the Federal Tort Claims Act (28 U.S.C. 2671 et seq.), provided such acts of negligence exclude all actions related to the installation of the Distribution System and/or prior billing and payment relative to the Distribution System.

SEC. 507. DEAUTHORIZATION.

Effective upon the date of conveyance, the Distribution System is hereby deauthorized as a Federal Reclamation Project facility. Thereafter, the District shall not be entitled to receive any further Reclamation benefits relative to the Distribution System. Such deauthorization shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14–06–200–489–IR3), as it may be amended or supplemented. Nor shall such deauthorization deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or renewal by entering into a long-term water service contract.

TITLE VI—COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT

SEC. 601. COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT.

(a) Short Title.—This section may be cited as the "Colusa Basin Watershed Integrated Resources Management Act".

(b) Authorization of Assistance.—The Secretary of the Interior (in this section referred to as the "Secretary") may provide financial assistance to the Colusa Basin Drainage District, California (in this section referred to as the "District"), for use by the District or by local agencies acting pursuant to section 413 of the State of California statute known as the Colusa Basin Drainage Act (California Stats. 1987, ch. 1399), as in effect on the date of the enactment of this Act (in this section referred to as the "State statute"), for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin Watershed to—

(1)(A) reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater;

(B) assist in groundwater recharge efforts to alleviate overdraft and land subsidence; or

(C) construct, restore, or preserve wetland and riparian habitat; and

(2) capture, as an incidental purpose of any of the purposes referred to in paragraph (1), surface or stormwater for conservation, conjunctive use, and increased water supplies.

(c) Project Selection.—

(1) Eligible projects.—A project shall be an eligible project for purposes of subsection (b) only if it is—

(A) identified in the document entitled "Colusa Basin Water Management Program", dated February 1995; and

(B) carried out in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

(2) Compatibility requirement.—The Secretary shall ensure that projects for which assistance is provided under this section are not inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706 et seq.) or the CALFED Bay-Delta Program.

(d) Cost Sharing.—

(1) Non-Federal share.—The Secretary shall require that the District and cooperating non-Federal agencies or organizations pay—

(A) 25 percent of the costs associated with construction of any project carried out with assistance provided under this section; and

(B) 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project.

(2) Planning, design, and compliance assistance.—Funds appropriated pursuant to this section may be made available to fund all costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the State statute, in accordance with agreements with the Secretary.

(3) Treatment of contributions.—For purposes of this subsection, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary relocations contributed by the District to a project as a payment by the District of the costs of the project.

(e) Costs Nonreimbursable.—Amounts expended pursuant to this section shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

(f) Agreements.—Funds appropriated pursuant to this section may be made available to the District or a local agency only if the District or local agency, as applicable, has entered into a binding agreement with the Secretary—

(1) under which the District or the local agency is required to pay the non-Federal share of the costs of construction required by subsection (d)(1); and

(2) governing the funding of planning, design, and compliance activities costs under subsection (d)(2).

(g) Reimbursement.—For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a local agency acting pursuant to the State statute referred to in subsection (b) before the date amounts are provided for the project under this section, the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse the District or the local agency, without interest, an amount equal to the estimated Federal share of the cost of such work under subsection (d).

(h) Cooperative Agreements.—

(1) In general.—The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of this section.

(2) Subcontracting.—Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations Acts, for work carried out under such contracts or subcontracts.

(i) RELATIONSHIP TO RECLAMATION REFORM ACT OF 1982.—Activities carried out, and financial assistance provided, under this section shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(j) APPROPRIATIONS AUTHORIZED.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes. Sums appropriated under this subsection shall remain available until expended.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. TECHNICAL CORRECTIONS.

(a) REDUCTION OF WAITING PERIOD FOR OBLIGATION OF FUNDS PROVIDED UNDER RECLAMATION SAFETY OF DAMS ACT OF 1978.—Section 5 of the Reclamation Safety of Dams Act of 1978 (92 Stat. 2471; 43 U.S.C. 509) is amended by striking "sixty days" and all that follows through "day certain)" and inserting "30 calendar days".

(b) ALBUQUERQUE METROPOLITAN AREA RECLAMATION AND REUSE PROJECT.—

(1) TECHNICAL CORRECTIONS.—Section 1621 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–12g) is amended—

(A) by amending the section heading to read as follows:

"SEC. 1621. ALBUQUERQUE METROPOLITAN AREA WATER RECLAMATION AND REUSE PROJECT.";

and

(B) in subsection (a) by striking "Reuse" and all that follows through "reclaim" and inserting "Reuse Project to reclaim".

(2) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by striking the item relating to section 1621 and inserting the following:

"Sec. 1621. Albuquerque Metropolitan Area Water Reclamation and Reuse Project.".

(c) PHOENIX METROPOLITAN WATER RECLAMATION AND REUSE PROJECT.—Section 1608 of the Reclamation Projects Authorization and Adjustment Act of 1992 (106 Stat. 4666; 43 U.S.C. 390h–6) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall participate in the planning, design, and construction of the Phoenix Metropolitan Water Reclamation and Reuse Project to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge, and indirect potable reuse in the Phoenix metropolitan area.";

(2) in subsection (b) by striking the first sentence; and

(3) by striking subsection (c).

(d) REFUND OF CERTAIN AMOUNTS RECEIVED UNDER RECLAMATION REFORM ACT OF 1982.—

(1) REFUND REQUIRED.—Subject to paragraph (2) and the availability of appropriations, the Secretary of the Interior shall refund fully amounts received by the United States as collections under section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390ww(i)) for paid bills (including interest collected) issued by the Secretary of the Interior before January 1, 1994, for full-cost charges that were assessed for failure to file certain certification or reporting forms under sections 206 and 224(c) of such Act (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)).

(2) ADMINISTRATIVE FEE.—In the case of a refund of amounts collected in connection with sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)) with respect to any water year after the 1987 water year, the amount refunded shall be reduced by an administrative fee of $260 for each occurrence.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $3,000,000.

(e) EXTENSION OF PERIODS FOR REPAYMENTS FOR NUECES RIVER RECLAMATION PROJECT AND CANADIAN RIVER RECLAMATION PROJECT, TEXAS.—Section 2 of the Emergency Drought Relief Act of 1996 (Public Law 104–318; 110 Stat. 3862) is amended by adding at the end the following new subsection:

"(c) EXTENSION OF PERIODS FOR REPAYMENT.—Notwithstanding any provision of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary of the Interior—

"(1) shall extend the period for repayment by the city of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6–07–01–X0675, relating to the Nueces River reclamation project, Texas, until—

"(A) August 1, 2029, for repayment pursuant to the municipal and industrial water supply benefits portion of the contract; and

"(B) until August 1, 2044, for repayment pursuant to the fish and wildlife and recreation benefits portion of the contract; and

"(2) shall extend the period for repayment by the Canadian River Municipal Water Authority under contract No. 14–06–500–485, relating to the Canadian River reclamation project, Texas, until October 1, 2021.".

(f) SOLANO PROJECT WATER.—

(1) AUTHORIZATION.—The Secretary of the Interior is authorized to enter into contracts with the Solano County Water Agency, or any of its member unit contractors for water from the Solano Project, California, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for—

(A) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using any facilities associated with the Solano Project, California, and

(B) the exchange of water among Solano Project contractors, for the purposes set forth in subparagraph (A), using facilities associated with the Solano Project, California.

(2) LIMITATION.—The authorization under paragraph (1) shall be limited to the use of that portion of the Solano Project facilities downstream of Mile 26 of the Putah South Canal (as that canal is depicted on the official maps of the Bureau of Reclamation), which is below the diversion points on the Putah South Canal utilized by the city of Fairfield for delivery of Solano Project water.

(g) FISH PASSAGE AND PROTECTIVE FACILITIES, ROGUE RIVER BASIN, OREGON.—The Secretary of the Interior is authorized to use otherwise available amounts to provide up to $2,000,000 in financial assistance to the Medford Irrigation District and the Rogue River Valley Irrigation District for the design and construction of fish passage and protective facilities at North Fork Little Butte Creek Diversion Dam and South Fork Little Butte Creek Diversion Dam in the Rogue River basin, Oregon, if the Secretary determines in writing that these facilities will enhance the fish recovery efforts currently underway at the Rogue River Basin Project, Oregon.

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act shall be construed to abrogate or affect any obligation of the United States under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SEC. 702. DICKENSON, NORTH DAKOTA.

The Secretary of the Interior shall waive the scheduled annual payments for fiscal years 1998 and 1999 under section 208 of the Energy and Water Development Appropriations Act, 1988 (Public Law 100-202; 101 Stat. 1329-118).

AMENDMENT NO. 3842

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House with a further amendment which is at the desk on behalf of Senators MURKOWSKI and BUMPERS.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DEWINE. Mr. President, I ask unanimous consent that the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3842) was agreed to.

Mr. DOMENICI. Mr. President, I am very pleased at the Senate's passage of S. 2117, as amended, which includes a number of legislative items of great interest to my home state of New Mexico. This legislation allows for transfer by the Secretaries of Agriculture and Interior real property and improvements at the old Jicarilla Ranger District Station, near the village of Gobernador, New Mexico to San Juan College. It also allows for transfer by the Secretary of the Interior real property and improvements at the old Coyote Ranger District Station, near the small town of Coyote, New Mexico, to Rio Arriba County. An additional provision will amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, and finally, this bill will convey tracts of land—paid for by Carlsbad Irrigation District and referred to as "acquired lands"—back to the district, which I have been working to accomplish for several congresses.

All of these provisions have bipartisan and administrative support, and all will improve the lives of New Mexicans around the state. Regarding the Jicarilla Ranger District transfer, the Forest Service determined that the ten acres in question are of no further use to them and recently endorsed passage of this bill to provide long-term benefits for the people of San Juan County and the students and faculty of San Juan College in northwest New Mexico. The Coyote Ranger Station in northern New Mexico will also continue to be used for public purposes, including a community center, and a fire substation. Some of the buildings will also be available for Rio Arriba County to use for storage and repair of road maintenance equipment, and other County vehicles.

Over one third of the land in New Mexico is owned by the federal government, and therefore finding appropriate sites for community and educational purposes can be difficult. These transfers are logical since they provide facilities and lands for community use while removing unwanted and unused land and facilities from federal ownership.

Amending the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, commemorating the Spanish settlement of the southwest United States is particularly appropriate in this year of the Cuartocentenario. 1998 is the 400th anniversary of the establishment of the first Spanish capital at San Juan Pueblo, the first terminus of the El Camino Real by Don Juan de Onate. We in New Mexico are most proud of this chapter in our Nation's history. This trail represents the migration route into the interior of the continent by Spanish settlers, and I am pleased that our nation will honor this part of its history.

Finally, the transfer included which is specific to the Carlsbad project in New Mexico, directs the Carlsbad Irrigation District to continue to manage lands as they have been in the past, for the purposes for which the project was constructed. I believe this is a fair and equitable bill that has been developed over years of negotiations. The Carlsbad Irrigation District has had operations and maintenance responsibilities for the past 66 years. It met all the repayment obligations to the government in 1991, and it's about time we let CID have what is rightfully theirs.

This legislation accomplishes three things: conveys title of acquired lands and facilities to Carlsbad Irrigation District; allows the District to assume management of leases and the benefits of the receipts from these acquired lands; and sets a 180 day deadline for the transfer, establishing a 50–50 cost-sharing standard for carrying out the transfer.

This legislation is long overdue, is not contentious, and has in fact passed out of the Senate before. I urge prompt passage in the House of Representatives.

I want to thank Senator DASCHLE for his help.

PROGRAM FOR WEDNESDAY, JANUARY 6, 1999

Mr. DEWINE. Again, on behalf of the majority leader, I understand that all legislative and Executive Calendar items that can be cleared have been considered by the Senate. I thank all of my colleagues for their cooperation during the 105th Congress.

As was stated earlier, the 106th Congress will convene at 12 noon on Wednesday, January 6, 1999, as provided for in House Joint Resolution 138.

Following the opening prayer on January 6, the Vice President will proceed to administer the oaths of office to all returning Senators and Senators-elect in alphabetical order.

Immediately following the conclusion of the oaths of office, a quorum call will commence to establish that a quorum is present for the 106th Congress to begin.

All Senators will be notified as to the first day on which legislation will be permitted to be introduced as soon as that date becomes available.

Again, on behalf of the majority leader, I thank all of my colleagues for what I believe was a productive 105th Congress and look forward to further success in the 106th Congress.

ADJOURNMENT SINE DIE

Mr. DEWINE. Mr. President, I now ask unanimous consent that the Senate stand adjourned sine die under the provisions of House Concurrent Resolution 353.

There being no objection, the Senate, at 2:33 p.m., adjourned sine die.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 21, 1998:

DEPARTMENT OF STATE

BERT T. EDWARDS, OF MARYLAND, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF STATE.

DAVID G. CARPENTER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE.

DAVID G. CARPENTER, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE.

MARY BETH WEST, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR OCEANS, FISHERIES, AND SPACE.

EXECUTIVE OFFICE OF THE PRESIDENT

REBECCA M. BLANK, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

ENVIRONMENTAL PROTECTION AGENCY

NIKKI RUSH TINSLEY, OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF LABOR

HENRY L. SOLANO, OF COLORADO, TO BE SOLICITOR OF THE DEPARTMENT OF LABOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JANE E. HENNEY, OF NEW MEXICO, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMASINA V. ROGERS, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2003.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JOSEPH E. STEVENS, JR., OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2003.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PAUL M. IGASAKI, OF CALIFORNIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2002.

IDA L. CASTRO, OF NEW YORK, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2003.

PAUL STEVEN MILLER, OF CALIFORNIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JULY 1, 1999.

ENVIRONMENTAL PROTECTION AGENCY

ROMULO L. DIAZ, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

J. CHARLES FOX, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

NORINE E. NOONAN, OF FLORIDA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

MORRIS K. UDALL SCH. & EXCELLENCE IN NATL ENV. POLICY FOUNDATION

TERRENCE L. BRACY, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOR A TERM EXPIRING OCTOBER 6, 2004.

DEPARTMENT OF THE INTERIOR

CHARLES G. GROAT, OF TEXAS, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY.

DEPARTMENT OF DEFENSE

BERNARD DANIEL ROSTKER, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY.

DEPARTMENT OF COMMERCE

KENNETH PREWITT, OF NEW YORK, TO BE DIRECTOR OF THE CENSUS.

FARM CREDIT ADMINISTRATION

MICHAEL M. REYNA, OF CALIFORNIA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2004.

DEPARTMENT OF TRANSPORTATION

EUGENE A. CONTI, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

PETER J. BASSO, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

NUCLEAR REGULATORY COMMISSION

GRETA JOY DICUS, OF ARKANSAS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2003.

JEFFREY S. MERRIFIELD, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2002.

DEPARTMENT OF ENERGY

DAVID MICHAELS, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH).

DEPARTMENT OF VETERANS AFFAIRS

ELIGAH DANE CLARK, OF ALABAMA, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF SIX YEARS.

EDWARD A. POWELL, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (MANAGEMENT).

LEIGH A. BRADLEY, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS.

ENVIRONMENTAL PROTECTION AGENCY

ROBERT W. PERCIASEPE, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

MISSISSIPPI RIVER COMMISSION

WILLIAM CLIFFORD SMITH, OF LOUISIANA, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM EXPIRING OCTOBER 21, 2005.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

ISADORE ROSENTHAL, OF PENNSYLVANIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

ANDREA KIDD TAYLOR, OF MICHIGAN, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

IRA G. PEPPERCORN, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF MULTIFAMILY HOUSING ASSISTANCE RESTRUCTURING.

WILLIAM C. APGAR, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

SAUL N. RAMIREZ, JR., OF TEXAS, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

CARDELL COOPER, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

HAROLD LUCAS, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PATRICIA T. MONTOYA, OF NEW MEXICO, TO BE COMMISSIONER ON CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

EXECUTIVE OFFICE OF THE PRESIDENT

SYLVIA M. MATHEWS, OF WEST VIRGINIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

OFFICE OF PERSONNEL MANAGEMENT

JOHN U. SEPULVEDA, OF NEW YORK, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

FEDERAL LABOR RELATIONS AUTHORITY

JOSEPH SWERDZEWSKI, OF COLORADO, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

POSTAL RATE COMMISSION

DANA BRUCE COVINGTON, SR., OF MISSISSIPPI, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2004.

EDWARD JAY GLEIMAN, OF MARYLAND, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2004.

GENERAL ACCOUNTING OFFICE

DAVID M. WALKER, OF GEORGIA, TO BE COMPTROLLER GENERAL OF THE UNITED STATES FOR A TERM OF FIFTEEN YEARS.

INST. OF AMERICAN INDIAN & ALASKA NATIVE CULTURE & ARTS DEV.

D. BAMBI KRAUS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2004.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

FRANK E. LOY, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE.

E. WILLIAM CROTTY, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANTIGUA AND BARBUDA, TO THE COMMONWEALTH OF DOMINICA, TO GRENADA, TO ST. KITTS AND NEVIS, TO SAINT LUCIA, AND TO SAINT VINCENT AND THE GRENADINES.

ROBERT C. FELDER, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

JAMES VELA LEDESMA, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

GEORGE MU, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

ROBERT CEPHAS PERRY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

JOSEPH GERARD SULLIVAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

ERIC DAVID NEWSOM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE.

JOSEPH H. MELROSE, JR., OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

JOHN SHATTUCK, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC.

RICHARD HENRY JONES, OF NEBRASKA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

KATHRYN DEE ROBINSON, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

ROBERT PATRICK JOHN FINN, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

SIMON FERRO, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

GEORGE MCDADE STAPLES, OF KENTUCKY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

JOHN MELVIN YATES, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

JOHN MELVIN YATES, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

HAROLD HONGJU KOH, OF CONNECTICUT, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.

B. LYNN PASCOE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

R. RAND BEERS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AN ASSISTANT SECRETARY OF STATE.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE.

MICHAEL J. SULLIVAN, OF WYOMING, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

C. DONALD JOHNSON, JR., OF GEORGIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS CHIEF TEXTILE NEGOTIATOR.

DEPARTMENT OF TRANSPORTATION

ASHISH SEN, OF ILLINOIS, TO BE DIRECTOR OF THE BUREAU OF TRANSPORTATION STATISTICS, DEPARTMENT OF TRANSPORTATION, FOR THE TERM OF FOUR YEARS.

FEDERAL MARITIME COMMISSION

HAROLD J. CREEL, JR., OF SOUTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2004.

JOHN A. MORAN, OF VIRGINIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2000.

INTERNATIONAL BANKS

STUART E. EIZENSTAT, OF MARYLAND, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

INTERNATIONAL MONETARY FUND

ALAN GREENSPAN, OF NEW YORK, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS.

NATIONAL SCIENCE FOUNDATION

PAMELA A. FERGUSON, OF IOWA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2004.

ANITA K. JONES, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2004.

UNITED STATES INFORMATION AGENCY

WILLIAM B. BADER, OF NEW JERSEY, TO BE AN ASSOCIATE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JOHN J. PIKARSKI, JR., OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 17, 1998.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JOHN J. PIKARSKI, JR., OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2001.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

ROBERT C. RANDOLPH, OF WASHINGTON, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

STATE JUSTICE INSTITUTE

ARTHUR A. MCGIVERIN, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2000.

DEPARTMENT OF JUSTICE

JOSE DE JESUS RIVERA, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS.

THE JUDICIARY

REBECCA R. PALLMEYER, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

NORA M. MANELLA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA VICE MARIANA R. PFAELZER, RETIRED.

JEANNE E. SCOTT, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS.

DAVID R. HERNDON, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS VICE WILLIAM L. BEATTY, RETIRED.

ALVIN K. HELLERSTEIN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

RICHARD M. BERMAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

DONOVAN W. FRANK, OF MINNESOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA.

COLLEEN MCMAHON, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

WILLIAM H. PAULEY III, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

THOMAS J. WHELAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

DEPARTMENT OF JUSTICE

ROBERT BRUCE GREEN, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

SCOTT RICHARD LASSAR, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

JAMES A. TASSONE, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

THE JUDICIARY

PATRICIA A. BRODERICK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

NATALIA COMBS GREENE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

NEAL E. KRAVITZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

LAWRENCE BASKIR, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

ROBERT S. LASNIK, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

YVETTE KANE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.

JAMES M. MUNLEY, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.

LYNN JEANNE BUSH, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

DAVID O. CARTER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

FRANCIS M. ALLEGRA, OF VIRGINIA, TO BE JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

MARGARET B. SEYMOUR, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.

ALETA A. TRAUGER, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE.

ALEX R. MUNSON, OF THE NORTHERN MARIANA ISLANDS, TO BE JUDGE FOR THE DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS FOR A TERM OF TEN YEARS.

EDWARD J. DAMICH, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR TERM OF FIFTEEN YEARS.

NANCY B. FIRESTONE, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

EMILY CLARK HEWITT, OF MASSACHUSETTS, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

NORMAN A. MORDUE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK.

DEPARTMENT OF JUSTICE

DONNIE R. MARSHALL, OF TEXAS, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT.

HARRY LITMAN, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

DENISE E. O'DONNELL, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

MARGARET ELLEN CURRAN, OF RHODE ISLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS.

BYRON TODD JONES, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF THE TREASURY

DAVID C. WILLIAMS, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY.

DEPARTMENT OF ENERGY

GREGORY H. FRIEDMAN, OF COLORADO, TO BE INSPECTOR GENERAL OF THE DEPARTMENT OF ENERGY.

DEPARTMENT OF THE INTERIOR

ELJAY B. BOWRON, OF MICHIGAN, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE INTERIOR.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING RICHARD M. BROWN, AND ENDING THOMAS B. ANKLEWICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 2, 1998.

FOREIGN SERVICE NOMINATIONS BEGINNING AURELIA E. BRAZEAL, AND ENDING WILLIAM L. WUENSCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 2, 1998.

FOREIGN SERVICE NOMINATIONS BEGINNING JUDY R. EBNER, AND ENDING ALLEN S. WEINER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 1998.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING ROBERT W AMLER, AND ENDING CHERYL A WISEMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 1998.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING MARIE A. COFFEY, AND ENDING JULIA C. WATKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 7, 1998.

EXTENSIONS OF REMARKS

TRIBUTE TO THE LATE CONGRESSMAN, GARRY BROWN, 1923–1998

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. UPTON. Mr. Speaker, many of you may not have heard of the passing a few weeks ago of our former colleague, Congressman Garry Brown, who represented southwest Michigan. Through more than a decade of service in the House of Representatives, Garry Brown will be remembered as an ambassador from a more genteel era of politics.

Brown served six terms in the U.S. House of Representatives, from 1966 to 1978, where he was known for his hard work and solid command of the issues. Brown's personal foundation was rooted in his high ethical standards. His belief that Members could remain close friends while disagreeing over the issues helped carry him through some of the most difficult times in our Nation's history.

His service to his Nation was not limited to the House. Preceding his congressional career, Brown was a brave member of our armed services during the Second World War in Japan. After the war, he worked for the FBI before he came home to Schoolcraft, MI, to enter State politics. A delegate to the Michigan Constitutional Convention, he played a major role in crafting the present State constitution.

Later in life, Garry Brown returned to his farm in Schoolcraft, MI, where he spoke of the pride and joy he gained in his role as an elder statesman. He will be remembered as the gentleman from Michigan in every sense of the word. He led his life with dignity, served his community with respect, and lived with a profound love for his country.

Mr. Speaker, please join me in sending my condolences to his daughter, Ms. Frances Brown, and to all of Gerry's family and friends. Congressman Garry Eldridge Brown will be sorely missed by us all.

ATTEMPTS TO BLACKLIST PEOPLE BECAUSE OF DEMOCRATIC PARTY AFFILIATION

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. KLINK. Mr. Speaker, there was a time when people were blacklisted from jobs because of alleged affiliation with the Communist Party. Today, attempts are being made to blacklist people because of their affiliation with the Democratic Party.

How do they do that in our democratic system? Through direct threats to employers' pocketbooks. According to Roll Call, the Washington Post, and the New York Times, Speaker GINGRICH, Majority Leader RICHARD ARMEY, Majority Whip TOM DELAY and House Republican Chairman JOHN BOEHNER either themselves called or instructed others to call member companies of the Electronics Alliance Industry (EIA) and demand that EIA break its contract with former Democratic Congressman Dave McCurdy and hire a Republican as its new president. In case that was not sufficient warning, the Republican leadership then removed legislation to implement the World Intellectual Property Organization Act from the floor schedule and told EIA it was to "send a message" that McCurdy and other Democrats were not welcome in Republican leadership offices. EIA stood up to the pressure, but some member companies now are talking about leaving the association to set up a more Republican-acceptable one.

This is not new. Since 1995, Representative DELAY has been threatening trade associations, law firms and lobbying groups to remove Democrats from top jobs and replace them with Republicans. To see him, Representative DELAY told one company, "you have to hire a Republican." As Representative BILL PAXON said, Democrats are "the enemy" and should not be supported. ["Speaker and His Directors Make the Cash Flow Right," Washington Post, Nov. 27, 1995.] Apparently, the Republican leadership no longer believe in a robust two-party system.

In many countries in the world, the actions of the Republican majority would be routine behavior. Persons affiliated with the ruling dictator or party and its henchmen get good private and public jobs for themselves and their families; special deals when public businesses are "privatized"; and many other luxuries. Several billionaires were made in Mexico over the past decade because of such affiliations with the ruling party—the PRI. Dissidents in the former Soviet Union and its satellite states were denied the right to work at their chosen professions because of their political views. In the Congo, the right to work at all under former dictator Mobutu often depended on political party affiliation. The right to work and speak in China today can depend upon a person's political views. Indonesia, Malaysia . . . I could go on and on.

From our vaunted and privileged perch in what is still the world's greatest democracy, we call these countries and their leaders "corrupt," "backward,' and "undemocratic." We decry the "inefficiencies" that result from such interferences with individual and corporate freedoms. We spend millions of dollars every year to bring the message of our "democracy" to the benighted of the world. But unfortunately, in the Congress of the United States, the majority party too is now imposing the litmus test of party affiliation to reward or punish our citizens. The Republicans are using party affiliation to determine who has the right to petition the government. The sacred constitutional rights of free speech and association and the right to freely contract for goods and services no longer exist if you are registered as a Democrat. In fact, you may be summoned before a Congressional Committee to explain all of your business dealings. This new 1990's McCarthyism is a way of life for the Republican party. Light must be shed on it and it must be stopped.

Let me provide another example about how this Congress is punishing people for being Democrats or having the audacity to hire Democrats to work for them. Last week Chairman JOE BARTON of the Oversight and Investigations Subcommittee of the Commerce Committee, came to the floor to announce that he intended to refer to the Justice Department for further "investigation" his allegations that certain highly connected Democrats and Democratic supporters had lied under oath at subcommittee hearings, paid illegal contingency fees for government leases and conspired to commit all manner of mayhem in violation of the federal conspiracy statute.

Chairman BARTON also demanded that the General Services Administration "take immediate steps"—apparently without going through proper legal channels and by breaching a valid contract—to get back all the rent it has paid for the Portalls II building, the new headquarters into which the Federal Communications Commission will begin moving next week. Chairman BARTON also wants the GSA to recover all fees paid to Washington lawyers by one of the partners in that development. Exactly how this is to be done legally is quite unclear, particularly since on October 7, 1998, GSA issued a "lease status" letter indicating that the government was not aware of any "defense to its obligations under the Lease." The chairman did not further enlighten us.

The special order appeared to be a last-minute, cheap shot bid for press attention—and speech-and-debate protection—for old, unproven allegations and an investigation that has drilled a dry hole. There is no report nor is a referral letter yet written. One must question why a subcommittee chairman needs to go to the floor to give instructions to his staff.

More importantly, this referral is not based on credible evidence but is an attempt to punish private persons who happen to be Democrats by forcing them to go through months of additional investigations when the Subcommittee's own work failed to uncover any criminal wrongdoing. Attorneys' fees to defend against a continuing string of unsuccessful investigations can be used quite easily to cripple individuals with different political views. As much was threatened at the Subcommittee's October 6, 1998, hearing. In his opening statement, Committee Chairman BLILEY told the witnesses that he believed that their behavior was "wrong," and that "*if they continue down the path of evasion and avoidance, they should know the consequences will be far greater.*" (emphasis added)

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Chairman BLILEY stated that the witnesses' previous testimony, in which they denied any wrongdoing, raised "serious questions about whether these men intended to mislead the Committee." He claimed the Subcommittee had "other testimony and evidence" that should cast "significant doubt" on their explanations. But, as staff and members already knew, there was no new testimony or evidence to be presented at that hearing or the following hearing on October 9. In fact, on October 9, witnesses from two government agencies denied that any misconduct had occurred, confirming statements that they had made to staff months before. Nonetheless, Chairman BLILEY complained again about what he viewed as "implausible stories and explanations."

As Rep. JOHN DINGELL, ranking member of the Commerce Committee, and others stated in the press last week, these statements are nothing more than the last gasp of a Subcommittee staff that has labored unsuccessfully for almost two years. In two investigations, this subcommittee has engaged in a futile effort to link Peter Knight, the well-paid lawyer/lobbyist who successfully managed the 1996 Clinton-Gore re-election campaign, and Vice President AL GORE to some type of illegal activity. This was done to the detriment of much more important investigations that could have been done on health care, securities, telecommunications, and other issues under the Commerce Committee's jurisdiction.

During most of those two years, there was little or no effort to conduct a fair investigation. During 1997, the majority worked mightily to show that Molten Metal Technology, a small Massachusetts company which hired Mr. Knight as its Washington representative, received special treatment from the Department of Energy and Vice President GORE in obtaining research and development contracts for a nuclear waste clean-up technology it was developing. The president of that company, a life-long Democrat, had contributed to both the Democratic and Republican national parties, but the allegation was that he has received special treatment only because of his Democratic contributions.

The political purpose of that investigation was revealed before even a single hearing was held. Two days before the first hearing, a Subcommittee staff memo was leaked to the press in which the staff stated that it had no evidence of wrong-doing and no evidence of any linkage to Vice President GORE. This was already clear to the minority staff which had reviewed all of the documents and participated in many interviews. But the majority staff recommended—and the chairman concurred—that hearings be held anyway to "highlight . . . the cozy relationship among the key players, and the substantial flow of campaign contributions to Democrats." One of the benefits, according to the Republican memo, would be "enormous press coverage" and forcing key players to "deny allegations of misconduct under oath." McCarthyism at its worst.

Strangely, after the "enormous press coverage" resulting from Mr. Knight's appearance, at which he denied "allegations of misconduct under oath," the majority had to be pressured by the minority to allow the executives from Molten Metal Technology to testify—even though these were the very same persons who had supposedly paid for influence at DOE, according to the majority's allegations. The minority's request to have Molten Metal's Republican Washington representative testify about his role for the company was turned down.

Not surprisingly, the Subcommittee's investigation turned up no evidence of wrongdoing, but there were very heavy and tangible penalties placed on the parties targeted. Molten Metal was driven into bankruptcy. Two hundred people, including the president of the company, lost their jobs. Personal reputations were damaged. Private individuals amassed huge legal fees; and the taxpayer will probably never benefit from the $33 million invested in the technology. No report was ever written: no apologies were ever made by the Republican accusers or those who leaked negative stories to the press.

The second investigation, which Rep. BARTON says he will refer to the Justice Department—to find the evidence that the Subcommittee could not—grew out of the first one. During the Molten Metal investigation, majority staff heard that Mr. Knight had been paid $1 million by another client and decided that such a fee was too large. Molten Metal was soon forgotten, as the Subcommittee plunged forward into another year-long investigation of another of Mr. Knight's clients. This investigation involved the $1 million payment by Franklin Faney, a Tennessee developer, to Mr. Knight for three years' work of various real estate projects, mostly in the Washington area. Mr. Haney also had the misfortune to be an active Democrat, a former Democratic candidate for governor of Tennessee and a big contributor to the Democratic Party. The project on which the Subcommittee focused was Mr. Haney's ultimately successful attempt to become a participant in the Portals II building.

The chairman alleged at various times that Mr. Haney had paid illegal contingency fees and improperly and politically influenced decisions by government officials on a supplemental lease agreement signed on January 3, 1996. All testimony and documents to the contrary were ignored, particularly the evidence that Mr. Haney was not a member of the Portals partnership at the time in question, Chairman BARTON stated at various times that he did not have evidence of improper contingency fees or other improprieties, but the investigation and the hearings continued—hours and hours of hearings. The final one consumed almost nine hours during which *eleven* government witnesses denied any improper behavior or influence by Mr. Haney or his representatives. A number of them denied even knowing Mr. Knight or Mr. Haney. Chairman BARTON said that he hoped to "gain a much clearer picture of the contracts and negotiations" at that session, but what he heard apparently did not meet his pre-conceived view of the facts. So he came to the floor of the House to try again to do what his subcommittee could not do—ruin Peter Knight's reputation. Why? Because Peter Knight happens to be a Democrat.

This investigation has also established a number of new, expansive roles for Congressional committees that make us vulnerable to charges of abuse and meddling in business that is entirely and properly private, not public. The first new role is a judicial one. We set a new standard for evidence that sworn testimony by individuals is evidence only if it is backed up by documents. Otherwise, it is just talk.

Second, we became the D.C. Bar's ethics guru because some law firms have billing and partnership practices that we don't like. This was brought to our attention by disgruntled former partners who one would assume can litigate their own differences and file bar complaints.

The third new role was that of making sure that private businesses—particularly those with chief executives of Democratic leaning—who agree to do business with the government take no steps to understand the business or the risks involved before they invest their funds. "Due diligence" by Democratic business people—especially if it involves hundreds of millions of dollars—is forbidden. Phone calls, meetings with anyone who might know about the project—all are suspect. If carried out, such activities are put under a Republican microscope for months on end.

Even when no wrongdoing is found, Republicans continue to sully the reputations of those innocent people. Is there no decency left in the GOP?

The people did not pay us to come to Washington to punish those of different political views, to eliminate our two-party system and political debate or to look into people's private businesses because we think they are paid too much or don't like the way they comb their hair. Millions of dollars in public and private funds have been expended on these investigations already because certain business people were seen by the Republican majority as Democratic "enemies" of this Congress. Hopefully, the Justice Department can separate a political referral designed to save face from a legitimate investigation and end this charade.

TRIBUTE TO JOSEPH P. KENNEDY, II, MEMBER OF CONGRESS

SPEECH OF

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to honor the good-hearted gentleman from Massachusetts. I have had the great privilege to serve in the United States Congress with JOE KENNEDY since we were both elected in 1986. Over the years, JOE KENNEDY has become more than just my colleague, he has become my friend and my brother. He will be missed in this great institution. He will also be remembered for his indefatigable capacity to help those and to stand up for those who have been left out and left behind.

It is no great secret that JOE KENNEDY is the oldest son of my friend and hero, Robert F. Kennedy. There goes a saying that the apple never falls very far from the tree. Since I first met JOE, I knew he possessed the same passion for justice and equality that characterized the extraordinary political career of his father. For some, to follow in the footsteps—let alone be the eldest son—of an American hero would be a curse. But for JOE, he honors his father and his mother, Ethel Kennedy, by being a passionate fighter for what is right. Our nation has been well served by his advocacy for better public and affordable housing for every American, by his tireless efforts for low income energy assistance, by his tenacious efforts to stop the practice of redlining by banks and other institutions and by his leading opposition to the School of the Americas, better known as the "school of assassins." I will miss JOE KENNEDY, but the poor, the elderly, the dispossessed and the lovers of democracy will miss him even more.

When you consider all the accomplishments of JOE KENNEDY, both as a private citizen and as a Member of the House, he has stood tall for the "dignity of mankind." He has never faltered in the long walk toward justice. He has never feared the good fight. He knows how to build a coalition and bring together disparate voices under one tent. We need more JOE KENNEDYS in the U.S. House of Representatives. We need men and women who are willing to stand up for the enduring principles of democracy. JOE KENNEDY is, above all else, an American patriot—he cares deeply for justice, equal opportunity and peace.

As we lose one of the finest members of this Congress, Massachusetts gains a concerned and tireless citizen. I know he will not give up in fighting for those who will need heated homes for the long New England winters. He will continue to speak up and speak out for what is right and for what is just and for what is fair.

It was JOE's father—Robert Kennedy—who used to say: "Some men see things as they are and say why, I dream of things that never were and say why not." JOE KENNEDY has lived up to his father's words. He has always said "why not?"

I am convinced that the spirit of history will continue to guide JOE KENNEDY. I pray that the spirit of history guides him to even greater challenges. Thank you, JOE, for your great service to our nation. You have made a profound difference in the lives of millions of Americans. I will miss you, your colleagues will miss you and the American people will miss you. Keep your eyes on the Prize!

RECEIPT OF THE ENVIRONMENTAL EXCELLENCE AWARD BY COORS BREWING COMPANY

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. GOODLATTE. Mr. Speaker, I rise today to pay recognition to the outstanding work done by Coors Brewing Company in its Shenandoah facility in the area of protecting the environment. Under the leadership of plant manager, Bob Merchant, Coors was recently awarded the Environmental Excellence Award by the Virginia Water Environment Association (VWEA).

VWEA is one of 77 members of the Water Environment Federation. The Federation is dedicated to the preservation and enhancement of the global water environment and is committed to providing technical information to a worldwide audience, expanding quality services to members, and building alliances with other organizations.

VWEA selected Coors for its environmental commitment in the area of wastewater treatment for using the most advanced technology and for adhering to the highest of water quality standards—all in the effort to protect the South Fork of the Shenandoah River. The Association also recognized the company for developing and implementing specific actions for eliminating nonpoint source pollution, and educating the citizens of the Commonwealth about the protection, conservation and wise utilization of water.

This forward-thinking operation is a model for any company that seeks to go above and beyond simple compliance in its management of environmental issues.

After all, water is one of the most important ingredients in beer, and it is one with which consumers closely identify the company. Coors' commitment to water conservation and environmental control began when the brewery opened its doors 125 years ago, and their commitment clearly continues to this day.

The Coors Shenandoah facility at Elkton, Virginia, has been a great neighbor, a good employer, and a place we have over the years come to count on for true leadership on a range of important environmental issues. It is with pride and pleasure that I pay tribute to the outstanding performance of Coors Shenandoah.

HONORING THE LIFE OF MR. CLEO WILLIAMS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor the life of an outstanding North Carolina educator, Mr. Lion Cleo Williams. Mr. Williams passed away on July 16, 1998 at the age of 81.

While pursuing his undergraduate teaching degree from North Carolina Appalachian State Teachers College, he interrupted his studies to serve in the United States Army during World War II. He later received his master's degree from the University of North Carolina at Chapel Hill. Cleo Williams began his 35-year career as an educator with the Lee County School System in 1947. He served 19 years as a teacher and athletics coach at Broadway School. He taught a variety of subjects, including social studies, physical education, bookkeeping, and typing. He coached football, girls and boys basketball, baseball, girls softball, and volleyball. Mr. Williams was also the very first driver's education instructor in Lee County. In 1966, he became the principal of Broadway School and held that position until he retired in 1982.

Mr. Williams touched the lives of many people in the Broadway community throughout his career. He influenced numerous students and served as a mentor to other teachers and school administrators. He held other leadership positions in the community, including President of the Broadway Lions Club and a board member of the Broadway United Methodist Church.

I send my sincerest condolences to his family for the loss of such a great man and cornerstone of the Broadway community.

NATIONAL BREAST CANCER AWARENESS MONTH

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today I rise to recognize the efforts of community leaders, health care providers, non-profit organizations, contributors, and Congress in promoting breast cancer awareness and prevention. This month is National Breast Cancer Awareness Month, the perfect time to begin life-saving practices such as mammograms and other methods of early prevention. It is also the perfect time to celebrate with breast cancer survivors, to stand with those who still fight, and to embrace those who have lost the women they love. These are the live-saving practices we should start now and never stop doing.

Mr. Speaker, the facts serve as a reminder that there is still so much to be done: One out of nine women in America will develop breast cancer in her lifetime; breast cancer takes the lives of more than 44,000 women a year; breast cancer is the second leading cause of cancer death for women and the first for women between the ages of 40 and 55 years of age; although mammograms are a proven method of early detection, a large proportion of women are not using mammography on an annual basis. A recent study reports that 56 percent of postmenopausal women did not have a mammogram the past year.

Lest we despair, let us also remember great medical accomplishments and personal victories: more than 1.6 million women who have fought breast cancer are alive today; and early detection and prompt treatment are saving more lives each year. The 5-year survival rate after treatment is more than 90 percent!

This year I cosponsored House Resolution 565 which stresses the importance of mammograms and biopsies as methods of early cancer detection. This bill also recognizes efforts by community organizations, government agencies, and health care organizations in promoting breast cancer awareness and affordable access to cancer prevention care. I am proud to say this resolution passed unanimously on October 9 of this year.

Mr. Speaker, I would like to end on a personal note. A dear friend of mine and close advisor has spent much of this month in the hospital fighting breast cancer. I think of her every day. When I pray for her strength and healing, I also thank God for the place she has had in my life and my success in Congress.

I am humbled that while she is weak, she thinks of me and that I am in her prayers. She continues to lend me her wisdom, her humor, and her strength. While she struggles, I can offer her only my friendship and my prayers. It is God who watches over both of us who will bring her through.

HONORING HOWARD F. SOMMER INSTITUTE FOR COMMUNITY LIVING AWARDEE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor Howard F. Sommer for service to the Brooklyn community, and congratulate him as a recipient of an Institute for Community Living award.

Since late 1995, Howard Sommer has managed the New York Community Investment Company L.L.C. (NYCIC) as its President and CEO. NYCIC, an equity investment and loan fund established by the ten member banks of the New York Clearinghouse Association, provides growth capital to small businesses throughout New York and offers similar risk capital to not-for-profits who contribute to economic and community development. NYCIC currently has over $25 million under management.

Formerly, Mr. Sommer was a principal in several privately owned corporations involved in related funding activities to the business community. For twenty years, he served as President of U.S. Capital Corporation and Fundex Capital Corporation-managing in excess of $100 million in small business investments and loans.

Mr. Sommer was also active in the federally administered Small Business Investment Company (SBIC) program. After several years as a board and executive committee member, he served as Chairman of the National Association of SBIC in 1994. During that time, he worked closely with the Congress, the Small Business Administration and the Investment Advisory Council to improve the federal government's efforts to assist small business on a national level.

Earlier in his professional career, he held various management positions with IBM and XEROX corporations.

Mr. Sommer holds a Bachelor's degree in Electrical Engineering form the City College of New York and attended NYU's Graduate School of Business. He serves as a director of several public and private business corporations and, with his wife Arlene, have a long history of involvement in charitable causes. He looks forward to continuing his support of the Institute for Community Living and the valuable services it provides to the people of New York City.

Mr. Speaker, I would like you and my colleagues from both sides of the aisle to join me in honoring Mr. Howard F. Sommer for his invaluable service to the Institute for Community Living and the Brooklyn community.

HONORING THE MEMORY OF DR. KENNETH JERNIGAN, PRESIDENT EMERITUS OF THE NATIONAL FEDERATION OF THE BLIND

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. EHRLICH. Mr. Speaker, I rise to pay my respects to Dr. Kenneth Jernigan, who passed away on Monday, October 12, 1998, after a courageous fight with cancer. I offer my warmest sympathies to his family, friends, and the National Federation of the Blind, the organization for which he served as one of its principal leaders for more than forty-five years.

I have greatly admired and respected Kenneth Jernigan and the National Federation of the blind since my days in the Maryland State Legislature as a state delegate. With chapters in every state and almost every community, the Federation is the nation's oldest and largest organization of blind persons. Its influence today serves as a reminder of the culmination of Kenneth Jernigan's lifetime work and commitment to improving the quality of life for the blind throughout this nation and the world.

Occasionally, an issue is brought to my attention where I can seek a meaningful legislative remedy for a substantial number of people. Four years ago, with the assistance of Dr. Jernigan and the Federation, I began to work with my colleagues in the House to reestablish the Social Security earnings test link between senior citizens and the blind. Dr. Jernigan emphasized to me how the "de-linkage" of this historic tie would have a negative impact to the self esteem of blind workers, preventing them from pursuing better employment opportunities. In his memory, I pledge to continue pushing for bipartisan legislation to restore this important incentive.

Dr. Jernigan will be greatly missed. His selfless accomplishments on behalf of the blind and the sighted are immeasurable. Because of his example, many of us will do the right thing by furthering his good work. It has been a great honor to have worked with such an influential and highly respected leader.

In conclusion, I would respectfully enter into the RECORD one of Dr. Jernigan's favoable sonnets, "Remember" by Christiana Rossetti:

Remember me when I am gone away,
Gone far away into the silent land;
When you can no more hold me by the hand,
Nor I half turn to go yet turning stay.
Remember me when no more day by day,
You tell me of our future that you planned;
Only remember me; you understand,
It will be late to counsel then or pray.
Yet, if you should forget me for a while,
And afterwards remember, do not grieve;
For if the darkness and corruption leave
A vestige of the thoughts that once I had,
Better by far you should forget and smile,
Than that you should remember and be sad.

CARDINAL GEORGE DELIVERS HOMILY AT RED MASS CELEBRATED AT ST. MATTHEW'S CATHEDRAL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. HYDE. Mr. Speaker, on October 4th of this year, the new Cardinal Archbishop of Chicago delivered the homily at the Red Mass held at St. Matthew's Cathedral here in Washington, DC.

The Red Mass is traditionally celebrated on the Sunday prior to the first Monday in October, which marks the beginning of the Supreme Court's new term.

Permit me to share Cardinal George's inspiring homily with my colleagues.

HOMILY: 1998 RED MASS

ST. MATTHEW'S CATHEDRAL; WASHINGTON, DC, OCTOBER 4, 1998

Francis Cardinal George, OMI
Archbishop of Chicago

Your Eminence, Cardinal Hickey, Your Excellency, Archbishop Cacciavillan, Members of the judiciary and of the bar and of the government and Congress, Members of the John Carroll Society and friends.

The picture of Jesus given us by the evangelist Luke places him in the synagogue of Nazareth, his home town, ready to begin his public ministry under the inspiration of the Holy Spirit. This was to be his only, his last occasion to preach in Nazareth, for his mission took him elsewhere in Judea and Israel and, finally, to his death outside Jerusalem. In the mission and preaching of his disciples after Jesus' resurrection from the dead, Luke has Jesus taken farther: to Antioch and Corinth and Rome, to the ends of the earth.

In Luke's Gospel, Jesus does not preach until after listening and proclaiming the word of God. In the text within our Gospel text, the prophet Isaiah proclaims a time of Jubilee, of deliverance from captivity, a time of liberation; only then does Jesus speak and explain the prophet in such a way—"This day, these words are fulfilled in your hearing." That Jesus' friends and neighbors, far from being liberated by his words, took him to the edge of the hill on which their city was built and tried to kill him. Jesus listened, he spoke, he escaped to take up elsewhere the mission given him by his Father. That mission makes possible our coming together today at this end of the earth as we and the entire world, with renewed self-consciousness as a globe, look toward the celebration of a new millennium.

If we today believe that where there is Jesus there is Jubilee, how is it that we are still enslaved? Every five years, as you may know, each bishop of the Catholic Church goes to Rome to pray at the tombs of Peter and Paul; then he goes in to talk with Peter's successor. This year, the bishops of the United States are making their visits *ad limina apostolorum*, and the bishops of Illinois, Indiana and Wisconsin made theirs together last May. When I went in to talk with the Holy Father, he listened politely as I explained that the report he had received had been drawn up by my staff since I had only recently come to Chicago. He looked at it, put it aside and asked me a single question: "What are you doing to change the culture?"

I was surprised, but shouldn't have been, for the Pope has spoken often of how culture liberates us, creates the world in which what is best in human experience can be passed on and celebrated and of how, conversely, culture can also blind us, enslave us and must sometimes be changed in the light of God's word.

Taken by surprise, I spontaneously began to speak to the Holy Father about the Church's relation to the legal profession in Chicago, of the many contacts and gatherings, of the several Chicago priests who are also civil lawyers, of the pro bono work for the poor, of the Catholic law schools and of many initiatives similar to what takes place here through the good offices of the members of the John Carroll society. Then I backed up and began to explain that, in the United States, the law is a primary carrier of culture. In a country continuously being knit together from so many diverse cultural, religious, and linguistic threads, legal language most often creates the terms of our public discourse as Americans. A vocation to make and to serve the law is a calling to shape our culture.

We live in worded worlds. If there is no common language, very likely there is no common vision and citizens find themselves trapped in separate worlds. Listening to God's liberating word, in this Mass and elsewhere, believers must wonder where the language of civil law and the language of faith might share a common vocabulary. The Catholic Church has tried for some generations to speak here a language of natural law, a language that presupposes God speaks in nature as well as in history, a language, therefore, able to speak of God's ways without explicitly confessional terminology. But our various attempts have not really provided a dictionary shared between American culture and Catholic faith. The National Conference of Catholic Bishops often tries to speak the language of policy, hoping that well argued policy statements will influence legal discussion; but the common understanding generated has clear limitations. There is the language of Holy Scripture itself, common to great extent to all Christians and Jews, but the Bible's phraseology and stories are no longer common cultural parlance in our country.

Speaking, in order to be heard today, a language largely shorn of religious nuances, the believer can still ask two questions of the vision behind legal discourse:

First, can the vision of courts and legislatures expand to see at least dimly God's actions and purposes in history? Abraham Lincoln of Illinois used public language to speak of God's purpose at the end of a bloody American civil war: "With firmness in the right, as God gives us to see the right, let us strive to finish the work we are in." Lincoln, who wrestled like a biblical prophet with God's purposes in history and his judgment on this nation, grew, because of his public service, in his ability to bring together, always tentatively, the law he defended finally with his own and God's word which, like a two-edged sword, cuts through the rhetoric of public as well as personal deceit. Lincoln knew that God judges nations as well as persons, and he forged a language which, at the end, placed even the personal liberty to which this nation was dedicated second to the designs of God himself. Are we permitted to speak similarly today or must the language of law, rather than setting use free, blind us and leave us mute in any world not constructed by our private interests and intentions.?

And a second question, put to use often these days by Pope John Paul II: does the vision of the human person found in public laws and decisions adequately express what it means to be human? Do our laws not only protect contracts but also tend to force all human relations into them? Is the language of contract becoming the only public language of America? Does the model of association which is accorded public rights tend more and more to constrain or even exclude the natural family, the life of faith, cultural and racial groupings, relations which cannot be unchosen without destroying the human persons shaped by them.

Christian faith gives us a vision of a person we call the Word of God, made flesh. Crucified and risen from the dead, Jesus sends us the Holy Spirit, who speaks every language and gives every good gift. This vision should set us free from any lesser picture of things; the language of faith should keep us from supposing that we adequately understand reality in its depths and heights. This is a vision that should humble and, in humbling us, open us to other worlds. Approaching a third Christian millennium (using what is now a common calendar), we gather to worship the God we believe to be the Father of Our Lord Jesus Christ and therefore, in Christ, our Father as well. It is good to do so, for if we do not worship God we will inevitably end up worshipping ourselves. Nations worshiping themselves have plagued this last century of the second millennium, and Gods word prompts us now to examine a new ourselves and our history. Without warrant, we have associated ourselves with the biblical city on a hill, not Nazareth but Jerusalem itself. Without right, we too often judge other peoples and nations by our standards and interests, assuming that our interests must be universal. Without sense, we even seriously consider if this nation is the end of history, as if our present political and economic arrangements were surely the culmination of God's designs for the universe. Lincoln, who had the good grace to speak of us only as an "almost chosen people", would surely blush, and so should we.

Today, as yesterday and tomorrow, the Church speaks a language of respect for public office holders, whose vocation is shaped by the constraints of law; both the Church, today as yesterday and tomorrow, also speaks as best she can to judge the actions and decision of public officials, and the culture shaped by them, when these are inadequate to the vision given us by the truths of faith. "Faith must become culture," Pope John Paul II says. "What are you doing to change the culture?" he asks. But how can we speak of change in America today when the law itself blinds us to basic truths? One egregious blind spot is our very sense of liberation construed as personal autonomy. An autonomous person has no need of jubilee, of freedom as gift; he has set himself free. The fault line that runs through our culture, and it is sometimes exacerbated rather than corrected by law, is the sacrificing of the full truth about the human person in the name of freedom construed as personal autonomy. It is a blind spot as deep as that in Marxism's sacrifice of personal freedom in the name of justice construed as absolute economic equality. Such a profound error makes our future uncertain. Will the United States be here when the human race celebrates the end of the third millennium? Not without a very changed, a very converted culture.

The Church, however, must also listen first to God's word before she speaks, before she translates God's word into the words of our culture or any other. Hence the Church can speak only with deep humility a language which purports to give definitive access to God's designs in history. Even prophetic judgment, while certain in its proclamation, is tentative in its final outcome. The Spirit is always free, but never self-contradictory.

Tentatively, then, let us try the language of prayer and ask that God's judgment fall lightly on us and our nation. Gratefully, I pray that God reward your dedication to public service and your desire to create a common language adequate to the experience of all our people and open to all others. Joyfully, let us hope that the Jubilee introducing the coming millennium may restore to the United States a sense of authentic freedom rooted in an ever-growing generosity of spirit. May God bless us all. Amen

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HONORING MRS. ELIZABETH TERWILLIGER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Ms. WOOLSEY. Mr. Speaker, I rise today to honor a truly outstanding and special woman in my Congressional District, Mrs. Elizabeth Terwilliger. Everyone knows her as "Mrs. T," and it's not an understatement when I say that almost everyone in Marin County, California, knows Mrs. T. Her devotion to people and the environment has made Mrs. T legendary, and has truly shown what a very special person she is.

As an internationally recognized environmentalist and naturalist, Mrs. T has molded generations of nature lovers who now care for our nature trails the way she does. For the last four decades, hundreds of families in Marin County have joined Mrs. T for her renowned nature walks. No one has cared for Marin County's pristine, natural surroundings the way she has, which is why the exceptional Elizabeth Terwilliger Nature Education Center was dedicated in her honor.

The Nature Center was founded to foster Mrs. T's unique multi-sensory teaching technique that advances the exploration of our environment. The Center allows children to discover nature through a variety of field trips and educational resources, and arranges the famed nature walks for all ages. Last year alone, these wonderful programs involved 70,000 children from the Bay Area in the wonders of nature and the stewardship needed to preserve it.

Recently, the legions of Elizabeth Terwilliger's fans gathered in Olompali State Park in Novato, California to celebrate her 89th birthday. Fittingly, these events are as spontaneous and special as Mrs. T herself. Families brought picnics to the park to enjoy the company of each other and the wonderful woman who brought them all together. This year, a wonderful bronze statue of Elizabeth was unveiled as part of the celebration.

I would like to take this opportunity to salute Mrs. T and offer my sincere birthday wishes. She is what makes California's Sixth Congressional District so wonderful. Elizabeth Terwilliger's curiosity and passion for both nature and people has been infectious among

Marin County residents, and that is her gift to us all. I am proud to honor this living legend, and I ask my colleagues to please join me in recognizing Mrs. Elizabeth Terwilliger.

TAXATION OF FOREIGN OPERATIONS OF U.S. ELECTRIC AND GAS UTILITIES

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. McCRERY. Mr. Speaker, today, I am introducing legislation to remedy a problem brought to my attention by the U.S. utility industry involving the taxation of foreign operations of U.S. electric and gas utilities. These firms were prohibited for many years from doing business abroad until the National Energy Policy Act (NEPA), enacted in 1992, removed that prohibition. With passage of NEPA, and as some foreign governments began privatizing their national utilities and increasing energy demands necessitated the construction of new facilities to fulfill the new capacity, U.S. utilities began to make foreign investments. Since 1992, U.S. utility companies have made significant investments in utility operations in the United Kingdom, Australia, Eastern Europe, and South America.

Foreign utilities are particularly attractive investments from a U.S. viewpoint. They are not "runaway plants", but rather stimulate job creation in the U.S. in design, architecture, engineering, construction and heavy equipment manufacturing. When the subsidiary of an U.S. utility builds generating plants, transmission lines, or distribution facilities to serve its foreign customers, these most often come from U.S. suppliers. Given that the U.S. energy market is mature, overseas investments are a good way for U.S. utilities to diversify and grow, to the benefit of their employees and their shareholders.

Unfortunately, the Internal Revenue Code penalizes these investments by subjecting them to double taxation. Under the foreign tax credit rules, the interest expense of a U.S. person is allocated in part to its foreign operations based on the theory of the "fungibility of money." The allocation formula in Internal Revenue Code section 864 requires U.S. domestic interest expense to be allocated based on the value of the company's foreign and domestic assets. If a firm has mature (depreciated) U.S. assets and newly acquired overseas assets, like many U.S. utilities, a disproportionate amount of U.S. interest expense will be allocated abroad. The result is a very high effective tax rate on that foreign investment and a loss of U.S. foreign tax credits. Rather than face this double tax penalty, some U.S. utilities have actually chosen not to invest overseas and others have pulled back from their initial investments.

One solution to this problem is found in the legislation that I am introducing today. Our remedy is to exempt the debt associated with a regulated U.S. utility business (the furnishing and sale of electricity or natural gas) from the interest allocation rules of Internal Revenue Code section 864. The proposal would allocate and apportion interest expense attributable to qualified infrastructure solely to sources within the United States. "Qualified infrastructure indebtedness" would be defined as debt incurred in a corporation's trade or business of furnishing or selling electricity or natural gas in the United States. Further, the rates for such furnishing or sale of electrical energy must be regulated or set by the federal government, a State, the District of Columbia or a political subdivision thereof.

I am also aware that my colleagues on the Committee on Ways and Means, Congressmen HOUGHTON and LEVIN, together with Senators HATCH and BAUCUS, have been leading a multi-year effort to reform the international tax laws. I am a strong supporter of that effort, which is intended in part to rectify the disconnect between our nation's favorable trade laws and our tax laws, which too often penalize American firms wanting to expand into foreign markets. The problem of interest allocation has not yet been addressed in the Houghton-Leven legislation, but I strongly urge that this provision be included in any foreign tax reform bill introduced in the next Congress. Further, because the process of getting legislation enacted into law properly involves consultation with Treasury, the affected industry, and the bar, we encourage those with subject matter expertise in this area to review our bill. I believe my bill reflects the best thinking now available on how to address this serious problem, but we are certain that further reflection will yield an even better for U.S. utilities attempting to invest overseas.

TRIBUTE TO TOM HART

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a legendary leader of my community. Tom Hart of Toledo, Ohio, died on the morning of August 25, 1998 at the age of 62 after waging a battle of courage and grace against cancer.

A veteran, Tom was born and raised in Toledo, graduating from Central Catholic High School and the University of Toledo, and establishing a successful marketing and public relations firm in his hometown. As his business grew, he earned a solid reputation for his marketing expertise, his connection to the community, and his creativity. Tom Hart was, in fact, the mastermind behind many of the Toledo area's successful political ad campaigns. From 1967 through 1987, his ads were part of eleven mayoral election victories. Long-time Toledo Mayor and elder statesman Harry Kessler noted, "He could put more in a 22 second commercial than any man I ever knew." His style in advertising became a fixture in our regional landscape, as Tom won many awards over the years for his creativity and achievement. His ads have become part of Northwest Ohio's political and financial history.

Strongly committed to his community, Tom gave freely and often of his time and talents. He was frequently a gifted master of ceremonies for many community functions. One prominent businessman described, "The guy was into giving back to the community. That was his ethic. He wasn't afraid to put his time and effort into helping people."

Feted as both a business and community leader, nonetheless family was first and foremost to Tom Hart. To his wife, Kathleen, his children Sheila, Mary Lynn, Michael, and Timothy, and nine grandchildren, he leaves a legacy of love and commitment. May their memories of this strong, self-willed, self-made man, devoted husband, father, and grandfather, shine through to sustain them.

STATEMENT REGARDING THE CREATION OF A PUBLIC HEALTH PESTICIDE REGISTRATION PROGRAM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. VISCLOSKY. Mr. Speaker, the committee report which accompanies the Labor, HHS, Education appropriations bill, as approved by the Appropriations Committee, encourages the National Institute for Environmental Health Science (NIEHS) to cooperate with the Environmental Protection Agency (EPA) to support provisions in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, relating to the registration and re-registration of public health pesticides.

In 1996, FIFRA was amended by a set of reforms which were enacted in the Food Quality Protection Act (P.L. 104–170). This legislation authorized $12 million per year for the creation of a public health pesticide data collection program within the department of Health and Human Services (HHS). Many pesticides are specialized products with a low-volume sales markets. for many of these products, the cost of generating the data necessary to maintain registrations far exceeds return on sale. Consequently, many EPA registered pesticides are cancelled for economic reasons.

The EPA Administrator, in consultation with the Secretary of HHS should promote research on products used in combating and eradicating urban pests, including rats, mice, cockroaches, flies mosquitos, ticks, and fleas.

These pests pose a serious health risk to the general population in densely populated cities and suburbs. Vulnerable sub-populations such as children, the elderly, and individuals with compromised immune systems are particularly at risk. Pesticides registered for public health uses are utilized to prevent the spread of bacteria which are carried by pests, such as Salmonella, Legionnaire's Disease, E. Coli, Lyme Disease, Encephalitis.

IN RECOGNITION OF CARLTON A. FUNN, SR.

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. MORAN of Virignia. Mr. Speaker, I would like to take this opportunity to recognize Mr. Carlton A. Funn, Sr., a distinguished teacher and contributor to the preservation of Africa-American history in Virginia and throughout the nation.

Mr. Funn's life's work and passion began in 1947 as a seventh grade student at Lyles-Crouch School in Alexandria, Virginia. Reading his Virginia history textbook, he noted the absence of any reference to the contributions and achievements of African-Americans in Virginia history. Upon his return to Lyles-Crouch School ten years later as a seventh grade teacher, Mr. Funn was dismayed to find that the same textbook was still being used. Motivated by this discovery, Mr. Funn began to collect memorabilia and artifacts that reflected African-Americans' contributions to Virginia and the United States.

What started as a small collection has grown into a large exhibit highlighting the contributions to our national history of African-Americans, and other minority groups. Mr. Funn's exhibit has been shown in eleven different states on more than 380 occasions. This display is truly an inspiration to young people and adults alike.

Mr. Funn has served our region as an educator for more than 42 years, first as a teacher in the Alexandria School system, then in Fairfax County, and currently with the D.C. Public Schools. He was recently honored as the Mid-Atlantic Region recipient of the 1998 Excellence in Teaching Award presented by the National Council of Negro Women, Inc. This very competitive award honors teachers who instill a thirst for knowledge in African-American children.

Mr. Speaker, I am grateful for the contribution that Mr. Funn has made to the education of children in my district, and children throughout the nation. Thanks to the work of Mr. Funn, students in communities all over the nation have been able to appreciate the contributions that African-Americans and other minorities have made to American history.

OPERATION: EASTERN STAR

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. REYES. Mr. Speaker, as a former employee of the Immigration and Naturalization Service (INS), I am proud to rise today to honor the outstanding performance of the El Paso INS Investigations Team and their investigation, *Operation: Eastern Star*, which dismantled a global smuggling network. The El Paso INS Investigations Team, headed up by Assistant District Director Roberto S. Saenz, is receiving the INS Commissioner's Meritorious Service Award on October 26, 1998 at the Commissioner's Conference in Denver, Colorado. I would also like to recognize the outstanding leadership of District Director Luis Garcia and the superb job he has done in El Paso.

In addition to Assistant District Director Saenz, the following members of the El Paso team deserve special recognition: Special Agent Jeffrey Roberts; Special Agent Hector Valencia; Supervisory Deportation Officer Qasem M. Al-Ali; Immigration Inspector Ahmed Adil Abdallat; and Supervisory Special Agent Clyde McKenzie. This team brought down a smuggling ring responsible for bringing hundreds of illegal aliens from nations that are state sponsors of international terrorism and each of these men should be applauded.

It is difficult to account for all of the accomplishments of *Operation: Eastern Star*. However, on every level it was a tremendous success. I believe the manner in which this operation was planned and executed speaks volumes about the professionalism and dedication of the agents involved. Primarily, as a result of this investigation, the El Paso District Office for Investigations focused attention not only on the existence and magnitude of Middle Eastern smuggling organizations, but also on their potential threat to the national security of our nation. In light of growing tensions and activities in the Middle East, *Operation: Eastern Star* brought attention to the INS's ability to participate in international operations aimed at protecting the United States from foreign threats.

As a result of this investigation, *Operation: Eastern Star* was able to establish excellent liaison on a District level with federal agencies focused on National Security issues. *Operation: Eastern Star* was called upon by several United States federal agencies, as well as the Royal Canadian Mounted Police, for its expertise and ability to communicate with the nationalities involved. El Paso District agents continue to be utilized by these agencies, as well as other INS Districts and Sectors, in an effort to further enhance cooperative law enforcement efforts worldwide. This effort was responsible in part for the identification of over fifteen major smugglers trafficking in Middle Eastern nationalists from their home countries through Asia, and Central and South America.

The ultimate goal of *Operation: Eastern Star*, however, was accomplished through its successful dismantling of a Global Alien Smuggling Organization, preventing its members from further activity. Perhaps the most fulfilling achievement was the successful apprehension and prosecution of renowned alien smuggler Geroge Tajirian, who has eluded United States authorities for over twenty years. He was sentenced to a mandatory thirteen years in federal prison, thus ending his estimated earnings of more than $3 million each year. Compare this staggering amount to the less than $95,000 cost to the U.S. taxpayers for this operation. The small team of highly trained El Paso INS Special Agents managed to arrest Tajirian in Panama with the invaluable assistance of the State Department and the Department of Justice Office of International Affairs. The team of agents used their investigative experience and fluency in multiple languages to infiltrate this highly sophisticated network within one year. Tajirian's arrest led to other arrests to include three members of the Palestine Liberation Organization (PLO) and a citizen of Yemen who is wanted for genocide in his home country.

We all owe these agents a word of thanks and our deepest gratitude for a job well done. All too often, we only hear about the job of our law enforcement community when something goes terribly wrong. I am glad to stand here today and celebrate a job well done by the El Paso INS Investigations Team.

EXPRESSING CONCERN OVER INTERFERENCE WITH FREEDOM OF THE PRESS AND THE INDEPENDENCE OF JUDICIAL AND ELECTORAL INSTITUTIONS IN PERU

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. GILMAN. Mr. Speaker, I am introducing this resolution to express concern over interference with freedom of the press and the independence of judicial and electoral institutions in Peru.

I have been one of Peru's strongest supporters in Congress. There is no question that Peru has made it back from the brink of the abyss. No one should forget that not so many year ago, Peru was a terrorized nation.

Peru has also become a good partner in the war against drugs. Now that coca prices in Peru have dropped to historically low levels, there is a real chance to help farmers grow legitimate crops. I have been pleased to encourage our European allies to join us in seizing this opportunity to promote meaningful alternative development in Peru.

During my visit to Peru this past spring, I made it clear that President Alberto Fujimori deserves much credit for these accomplishments.

Nonetheless, I feel it is important for the Congress to speak up at this time. I am increasingly concerned by signs that the independence of Peru's legislative, judicial and electoral branches is being compromised.

Moreover, the continuing actions taken by the government of Peru against Baruch Ivcher, the Israeli-born owner of television station Channel 2, have become emblematic of government interference with freedom of expression in Peru. It is chilling that these acts of blatant intimidation were precipitated by Channel 2's exposes of abuses—including alleged torture and murder—by Peru's intelligence service.

This resolution resolves that the erosion of the independence of judicial and electoral branches of Peru's government and the blatant intimidation of journalists in Peru are matters for concern by the United States. It would be very unfortunate if these trends were to undermine Peru's hard won stability and progress.

This resolution also calls for an independent investigation and report on threats to press freedom and judicial independence in Peru by the Inter-American Commission on Human Rights of the Organization of American States. I believe that it is most appropriate for the

Inter-American community to look into these matters.

I am pleased that the distinguished ranking Democratic member of our Committee, the gentleman from Indiana, Mr. HAMILTON, and the gentleman from California, Mr. LANTOS, also a member of our Committee, have joined me in co-sponsoring this resolution.

We must, of course, continue to fully engage Peru in our important bilateral relationship, particularly in our shared fight against drugs and terrorism. Peru's efforts in these areas deserve our recognition and strong support. However, despite these very positive aspects in our relationship, the United States should not be expected to turn a blind eye to interference with freedom of the press and the independence of judicial and electoral institutions in Peru.

I realize that this resolution is being introduced on the last day of this session. However, I believe it is important to bring this resolution to the attention of our colleagues and to the attention of Peru's authorities.

H. RES. 609

Whereas the independence of Peru's legislative and judicial branches have been brought into question by the May 29, 1997, dismissal of 3 Constitutional Tribunal magistrates;

Whereas actions related to efforts to authorize President Alberto Fujimori to seek a third term in office have raised questions about the independence of the National Council of Magistrates and the National Election Board in Peru;

Whereas the Department of State's Peru Country Report on Human Rights Practices for 1997, dated January 30, 1998, found that "[i]ncidents of harassment of media representatives increased to such an extent as to create the perception of an organized campaign of intimidation on the part of the Government, specifically, on the part of the armed forces and intelligence services";

Whereas the Department of State's Peru Country Report on Human Rights Practices for 1997 states that Channel 2 television station reporters in Peru "revealed torture by Army Intelligence Service officers; the systematic wiretapping of journalists, government officials, and opposition politicians; and the income tax return of Vladimiro Montesinos, President Fujimori's senior intelligence adviser";

Whereas on July 13, 1997, Peruvian immigration authorities revoked the Peruvian citizenship of the Israeli-born owner of the Channel 2 television station, Baruch Ivcher;

Whereas Baruch Ivcher subsequently lost control of Channel 2 under an interpretation of a law that provides that a foreigner may not own a media organization, leading the State Department's Report on Human Rights Practices to conclude that "the Government's action in this case was widely interpreted as an attempt to prevent the station from broadcasting any more negative stories about the regime";

Whereas the Peruvian Government empaneled a special court to prosecute Baruch Ivcher for alleged tax offenses employing judicial procedures described by Peruvian legal experts as completely irregular and as constituting political interference in the independence of the judiciary; and

Whereas the Peruvian Government has issued an INTERPOL warrant for Baruch Ivcher's arrest and has initiated investigations aimed at prosecuting members of Baruch Ivcher's immediate family: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the erosion of the independence of judicial and electoral branches of the Government of Peru and the blatant intimidation of journalists in Peru are matters for concern by the United States; and

(2) the United States should seek an independent investigation and report on threats to press freedom and judicial independence in Peru by the Inter-American Commission on Human Rights of the Organization of American States.

DOMESTIC VIOLENCE VICTIM NOTIFICATION SYSTEM ACT

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BAESLER. Mr. Speaker, I am proud to introduce the Victims Notification or "VINE" Act to amend the Violence Against Women Act. This Act builds on the success of the Violence Against Women Act, the 1994 Crime bill and provisions I authored to prevent rural domestic violence, and the establishment of the first statewide VINE system in my home state of Kentucky.

Kentucky Governor Paul Patton's Office of Child Abuse and Domestic Violence Services launched the first statewide VINE system in the nation in 1997. Since its inception, the statewide victim notification system has registered almost 4,300 victims and others who wished to be registered, and has made over 1,000 notifications upon the release of an inmate. In January of 1998, the juvenile detention facilities were also brought on line with the VINE system.

Drawing on the proven success of the VINE system and the National Domestic Violence Hotline, the new National VINE system established by this legislation would constitute an integrated computer and phone system whereby victims of domestic and sexual crimes would receive notification of vital information concerning their assailants, such as release from prison, probation hearings, etc. Like the National Crime Information Center and the computer systems for child support enforcement and child care background checks, VINE would enlist state-of-the-art technology as a weapon in the war against domestic violence and sex crimes.

The legislation does this by establishing a private, non-profit entity to establish and run a VINE system with a Justice Department grant. The VINE system will provide information concerning domestic violence and sex crime convicts' correctional and legal status to sex crime and domestic abuse victims, as well as information concerning legal recourse and resources available to victims. Finally, the legislation outlines logistical requirements for the VINE system, including creation of a 24 hour toll free hotline and automated system that would proactively call to contact victims.

Mr. Speaker, the VINE system was originally created in Jefferson County, Kentucky, as a county-wide notification system for victims after the 1993 murder of Mary Byron. Ms. Byron was killed by her ex-boyfriend after he was released from the Jefferson County correctional system without her knowledge. She was shot seven times by Donovan Harris as she left work on that day, her 21st birthday. Mr. Harris had been incarcerated for the rape and kidnapping of Ms. Byron less than a month before. Congress should enact this legislation on behalf of all the victims of domestic violence and sexual crimes—and to the memory of Mary Byron.

OPERATION PROVIDE COMFORT OVER IRAQ

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. CONYERS. Mr. Speaker, I rise today to express my support for legislation in the 106th Congress to compensate the families of the Americans who were killed on April 14, 1994 while serving in Operation Provide Comfort over Iraq. This is an important issue and should be a priority in the next Congress.

On April 14, 1994, 15 Americans, 14 military personnel and 1 civilian, and 11 foreign nationals, were killed when their Army Black Hawk helicopters, were shot out of the sky by two Air Force F–15's. According to the General Accounting Office, this horrible tragedy resulted from over 130 separate mistakes by the Air Force and the Army. After this incident, the Department of Defense made $100,000 payments to the families of the foreign nationals in addition to the other death benefits they received from their own countries. Unfortunately, the Pentagon was not willing to give the same treatment to the American families.

Mr. Speaker, the Pentagon was wrong not to give our own personnel the same treatment that they gave the survivors of the foreign nationals. The Immigration and Claims Subcommittee held a hearing on this issue on June 18, 1998 and heard from both Government witnesses and the families. At that hearing, the Pentagon was unable to provide a credible answer for why they did not give the Americans the same treatment as the foreign nationals. The Pentagon first could not answer whether they had the authority to make the payments to the Americans. Later, the Pentagon acknowledged that they had the authority to act but simply were unwilling to.

At that hearing, the Subcommittee members heard the stories of the American families and the pain they suffered. This hits particularly close to home for me because Anthony Bass, one of the personnel killed, was the son of my cousin and I know the great suffering his family has endured. The Basses and all of the families, put their sons and daughters, and husbands and wives, in the care of our armed forces, but they were let down when the foreign nationals were treated better than their loved ones.

Mr. Speaker, I would particularly like to commend the leadership of Mr. WATT, the Ranking Member and Mr. SMITH, the Chairman of the Immigration and Claims Subcommittee, who have worked in a bipartisan fashion to make the Pentagon do the right thing. There were a number of bills introduced during the 105th Congress, including Congressman WATT's bill, H.R. 3022, to correct this tragic inequity and fairly compensate the families. Unfortunately, the Subcommittee did not have time this year to consider this important issue because of the many other issues before the Committee.

I look forward to the 106th Congress when we will pass legislation if the Pentagon continues to refuse to correct this injustice. Let me say, though, I hope the Pentagon chooses to act so Congress does not have to. Thus far, the Pentagon has sent a message to tell our military personnel and civilian employees that the lies of foreigners are worth more than theirs. That is wrong and must be corrected.

MISSILE THREAT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. MURTHA. Mr. Speaker, the following is an excellent analysis of the world's missile threat presented by Mr. Robert Walpole to the Carnegie Endowment for International Peace.

SPEECH AT THE CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

(By Robert D. Walpole, National Intelligence Officer for Strategic and Nuclear Programs)

Good morning. I welcome the opportunity to be here today to talk about the ballistic missile threat to the United States. Assessing and defining that threat to our homeland and interests worldwide is one of the most important intelligence missions in the post-Cold War world. And I must tell you that we consider foreign assistance to be fundamental to the threat, not merely an incidental aspect of the problem. Finally, the threat is real, serious, growing, and dynamic. For example, since our annual report six months ago, the Ghauri, Shahab 3, and Taepo Dong 1 missiles/launch vehicles have all been tested. For these reasons, we are mandated by Congress to report on our assessments of this threat annually.

At the outset, let me emphasize how appreciative we are of the Commission's work. I particularly like the fact that they received approval to publish a relatively detailed unclassified report on the threat. As you have undoubtedly heard, we gave the Commission access to all the available intelligence information, regardless of classification. The Commission made a number of excellent recommendations for how we can improve our collection and analysis on foreign missile developments. Indeed, their report reinforces the DCI's call for a stronger investment in analysis and more aggressive use of outside expertise. Incorporating the Commission's ideas will strengthen our own work in this area.

We and the Commission agree that the missile threat confronts the Community with an array of complicated problems that require innovative solutions. At the same time, the Commission challenges some of our conclusions and assumptions, particularly those in our 1995 National Intelligence Estimate—Emerging Missile Threats to North America During the Next 15 Years (NIE 95-19). Our March 1998 Annual Report to Congress on Foreign Missile Developments was prepared in response to a request by Congress for a yearly update of that assessment.

Under the DCI's direction, the 1998 report responded to legitimate criticisms levied at our earlier work. It also incorporated the recommendations of outside experts who reviewed the 1995 NIE. As a result, the 1998 report already addresses many of the Commission's concerns, especially those regarding how we discuss foreign assistance, alternatives to increasing a missile's range, and approaches to circumvent development. Work is already underway on the 1999 report, and we are looking differently at how we characterize uncertainties, alternative scenarios, and warnings as a result of our interaction with the Commission the past several months and I expect successive reports to be better, addressing additional questions as they are asked.

This morning, I will outline our March 1998 report; discuss areas where the substantive conclusions of the Commission's report and our thinking agree and differ; and discuss what we are doing differently for our 1999 report.

OUR 1998 REPORT

Secretary Rumsfeld has expressed concern that people not judge the Commission's report before they read it. While I share that concern regarding our 1998 annual report—which gives a full appreciation for our views and concerns about this growing threat—it remains classified, and therefore cannot be released to the public. But, I can give you a feel for what the report says.

In our report, we underscore the significant role foreign assistance has played and continues to play—indeed throughout the report are several major discussions of technology transfer. For example, the report begins with several pages discussing the extent of foreign assistance from numerous suppliers to even more recipients. It also notes how foreign assistance has helped specific missile programs, such as assistance with Iran's Shahab 3 missile.

Our report also underlines the immediate threat posed by medium-range missiles, our continuing concern about existing and emerging ICBMs, and the increasing danger that comes from the proliferation activities of countries that possess or are developing such systems. We and the Commission have some different views on some of our timelines for ICBM development, using the available evidence, group debate, and outside expert review. Nevertheless, where evidence is limited and the stakes are high, we need to keep challenging our assumptions—a role we will perform on this issue at least annually.

Let me make three points on our methodology.

First, we do not expect countries to follow any specific pattern for missile development. In fact, the United States, the former Soviet Union, and China all took different approaches. We frequently caution ourselves against any mirror-imaging. Just because the United States, Russia, or China was able to accomplish certain feats certain ways in a specific period of time—short or long—does not mean another country will.

Second, we recognize that foreign countries can hide many activities from us. These countries are generally increasing their security measures and are learning from each other and from open reporting of our capabilities.

Third, our methodologies really are not that different. Given the fact that in many cases we have limited data, we are both forced somewhat to use both input and output methodologies to evaluate the threat. The biggest difference in methodology is that the Intelligence Community must attach likelihood judgments to our projections; the Commission did not. Thus, we project our most likely scenarios and then include other scenarios with likelihood judgments attached. The Commission illustrated several possible scenarios, which we agree are possible, but did not attach likelihood judgments. But let me repeat, we agree that their scenarios are possible, as are many other scenarios we have looked at, including outright sales.

Let me now summarize the body of our 1998 report, which focused on threat projections through 2010:

Theater-range missiles already in hostile hands pose an immediate threat to U.S. interests, military forces, and allies. The threat is increasing. More countries are acquiring ballistic missiles with ranges up to 1,000 km, and more importantly, with ranges between 1,000 km and 3,000 km. As Iran's flight test of its Shahab 3 medium-range ballistic missile (MRBM) demonstrates, this is not a hypothetical threat. It is a reality that has to be dealt with now. With a range of about 1,300 km, the Shahab 3 significantly alters the military equation in the Middle East by giving Tehran the capability to strike targets in Israel, Saudi Arabia, and most of Turkey. The Pakistani Ghauri, also tested this year, allows targeting of Saudi Arabia, Kuwait, and the Gulf.

Foreign assistance is fundamental to the growing theater missile threat. As we describe in the 1998 report, for example, Iran received important foreign assistance in developing its Shahab 3 MRBM. Moreover, countries are seeking the capability to build these missiles independently of foreign suppliers. The growth in the sharing of technology among the aspiring missile powers is also of concern.

While we project that Russia's strategic forces will shrink, they continue to be modernized and will remain formidable. China has about 20 CSS-4 ICBMS, in addition to shorter-range missiles. Most of these are targeted against the United States, and modernization efforts will likely increase the number of Chinese warheads aimed at the United States.

Our report further noted that we judge that an unauthorized or accidental launch of a Russian or Chinese strategic missile is highly unlikely, as long as current security procedures and systems are in place. Russia employs an extensive array of technical and procedural safeguards and China keeps its missiles unfueled and without warheads mated.

Among those countries seeking longer-range missiles, we believe North Korea is the most advanced. Its Taepo Dong-2 (TD-2), which we judged will have a range between 4,000 and 6,000 km, could reach mainland Alaska and the Hawaiian Islands. Our report noted that North Korea could flight test the missile this year and that it could be deployed in a few years. Beyond the North Korean TD-2, we judge it unlikely, despite the extensive transfer of theater missile technology, that other countries (except Russia and China as just mentioned) will develop, produce, and deploy an ICBM capable of reaching any part of the United States over the next decade.

Of course, the key word here is develop. As the report noted, the purchase of a missile, either complete or as components of a kit, is a different matter. In fact, we identified several alternative scenarios for a country to acquire an ICBM capable of reaching the United States sooner than 2010. These include buying an ICBM or SLV to convert into an ICBM, or buying a complete production facility for either. We judge that the current policies of Russia and China make these scenarios unlikely, given potential political repercussions, the creation of a self-inflicted threat, and China's own military needs. Our report points out that we cannot be certain that this will remain true over the long term. Indeed, the further into the future we project the politico-economic environment, the less certain we would be that the 'value' of the sale would not outweigh these factors in foreign thinking. And, as North Korea develops its Taepo Dong missiles, their sales become an increasing concern.

A number of countries have the technological wherewithal to develop the capability to launch ballistic (or cruise) missiles from a forward-based platform, such as a surface ship. Forward-basing from dedicated vessels or from freighters could pose a new threat to the United States in the near term—well before 2010.

Our 1998 report assesses that our abilities to warn about the above-mentioned threats and postulated concerns vary:

We could provide five years warning before deployment that a potentially hostile country was trying to develop and deploy an ICBM capable of hitting the United States, unless that country purchased an ICBM or space launch vehicle (SLV), including having another country develop the system for them); had an indigenous space launch vehicle (SLV); or purchased a turnkey production facility.

We could not count on providing much warning of either the sale of an ICBM or the sale and conversion of a SLV (conversion could occur in as little as two years). Nevertheless, if a hostile country acquired an SLV, we would warn that the country had an inherent ICBM capability. I note, however, that both the United States and the Soviet Union used systems we did not consider as ICBMs to place their first satellites into orbit. The satellite we orbited weighed only 14 kg.

These two warnings need to be understood in tandem. Unfortunately, the warning related to sales may dominate in the near term. As North Korea proceeds with its Taepo Dong developments, we need to assume that they will follow their current path and market them; at a minimum, aspiring recipients will try to buy them.

We probably would obtain indications of the construction of a turnkey facility before it was completed, providing several years' warning.

If a country had an SLV, it could probably convert it into an ICBM in a few years, significantly reducing warning time.

Adapting missiles for launch from a commercial ship could be accomplished covertly, and probably with little or no warning.

Finally, our report noted that nonmissile delivery of weapons of mass destruction—chemical, biological, nuclear and radiological weapons—pose a serious, immediate threat to US interests at home and abroad.

WHERE WE AGREE

Now I'll go over some of the points of agreement between our 1998 report and the Commission's work. We agree that:

The threat is real and growing. The medium-range ballistic missile threat to US interests in the world is already upon us. Missile forces of Russia and China pose a significant threat to the United States and this threat will continue to exist for the foreseeable future. Our reports also agree on North Korea's capabilities.

Foreign assistance and the proliferation of ballistic missile technology is the fundamental reason for the growing ballistic missile threat.

Foreign denial and deception efforts and resource constraints are making it more difficult for us to monitor foreign missile developments.

Finally, there are plausible scenarios that could result in an increased missile threat to the United States for which there would be little or no warning.

WHERE WE DISAGREE

I will now walk through some of the areas of disagreement between the Commission and our 1998 report. The Commission's report indicates that intelligence analysts are too dependent on evidence and seem unable to make judgments without it. In actuality, despite the lack of evidence in some areas, our analysts make judgments and projection. I highlight that to allay concerns that we would consider 'the absence of evidence' to be 'the evidence of absence.' Quite the contrary, our analysts routinely face gaps in their evidence and must make analytical judgments to project plausible scenarios. We need to do better. Working with limited evidence and make judgments is central to our job, as long as we underscore where we have little or no evidence. They did so in the case of the critical threats some missiles pose. In fact, we note that successful missile tests would give countries an emergency, launch capability with any missiles in their inventory, even without evidence of deployment.

As I indicated earlier, we are in basic agreement with the Commission on North Korea. While they did not indicate so, I assume they do not disagree with our judgments that North Korea was capable of testing both the Taepo Dong 1 and 2 this year.

The Commission considers Iraq to be behind North Korea and Iran relative to ballistic missile technology. We view Iraq as further along in some ways. Iraq was ahead of Iran before the Gulf war. They have not lost the technological expertise and creativity. If sanctions were lifted and they tried to develop indigenously a 9,000 km range ICBM to be able to reach the United States, it would take them several years. If they purchased an ICBM from North Korea or elsewhere, it would be quicker, depending on the range and payload capability of the missile. If the missile already had the range capability, further development would be moot.

The Commission considers Iran to be as far along in its technological development efforts as North Korea. In our view, that is not the case. The recently tested Iranian Shahab 3 is based on the No Dong and followed North Korea's test, even with foreign assistance, by several years. Iran will likely continue to seek longer range missiles, and would need to develop a 10,000 km range ICBM to be able to reach the United States. If they follow a pattern similar to the Shahab 3 time frame, it would take them many years. On the other hand, if they purchased an ICBM from North Korea or elsewhere, it would be quicker, and depending on the range and payload capability of the missile, further development might be a moot point.

The Commission indicates that our ability to warn is eroding and that we may not be able to provide warning at all. I've covered our views on warning earlier, and I fear further detail would only help proliferators more. They're already learning how to hide some aspects of missile programs, I'd rather they not learn more. I will say this, however. We need to be much more explicit in our warnings about missile developments—not just indicating that a country has an ICBM program and that it could flight test an ICBM this year, both of which are important messages. We need to include clearer language and more details about how we might and might not be able to warn about specific milestones in an ICBM development effort, judgments that will likely vary by country.

1999 REPORT

We are already working on the 1999 annual report and are planning to include significant additional outside expertise and red teaming into next year's report:

Private-sector contractors will be asked to postulate missile threats that apply varying degrees of increased foreign assistance. These will be in addition to the Commission's postulations and some of our own.

We are also asking academia to postulate future politico-economic environments that foster missile sales and ever increasing foreign assistance.

In addition, the Intelligence Community recently published a classified paper that postulates ways a country could demonstrate an ICBM capability with an SLV, and examines various ways it could convert its SLVs into ICBMs. This work will also feed into the 1999 report, as a generic look at some alternative approaches.

Finally, drafting is underway on a paper that examines how countries could push Scud technology beyond perceived limits. Scientists and non-scientists are involved. Sometimes, those already outside the box can think so more readily.

We also intend in the 1999 report—after discussing our projected timelines for likely missile developments and deployments, as well as our concerns for ICBM sales—to postulate and evaluate many alternative scenarios, including those developed during the Commission's efforts and those mentioned above. Finally, we will be much more explicit in our discussions about warning. All these evaluations will be made through the lens of potential denial and deception efforts, to ensure that as our task gets more difficult, we provide our policymakers with a clear representation of what we know, what we don't know, what we can't know, and finally what we judge based on evidence, the lack thereof, and expertise from inside and outside the government.

COMMUNITY ENHANCEMENT

In recent months we have undertaken numerous steps that will enhance the Community's abilities to tackle the increasingly difficult tasks we face, including addressing the emerging missile threat. For example, we have increased "red teaming" efforts to ensure that we question our assumptions and examine out-of-the-box possibilities. Furthermore, last year the DCI strengthened the Nonproliferation Center to ensure that we have an aggressive, well-coordinated effort to address the nonproliferation target. At DCI direction we are taking actions to ensure that we have the analysts and skills needed to cover those issues of greatest importance. These include: increasing the size of the analytic cadre; creation of the Community executive boards to leverage the best experts on critical issues to drive collection and analysis against the most significant intelligence needs and gaps; introducing new training methodologies, technologies and analytic tools, and improving the mix of skills to address our most pressing problems; creating mechanisms to increase cooperation and better integrate the efforts of all analytic production centers.

CONCLUSION

This is a serious and complex issue, one of many others that we're working. The Intelligence Community uses many vehicles, including estimates and annual reports, to convey our analyses to policy makers and Congress. We will continue to do so.

TAEPO DONG 1 LAUNCH

Before I close, let me make a few comments about the Taepo Dong 1 satellite launch attempt. While the system's third stage failed, the launch confirmed our concerns regarding North Korea's efforts to pursue an ICBM capability and demonstrated some unanticipated developments.

We have been following North Korea's ICBM progress since the early 1990s, most notably, their efforts to develop what we call the Taepo Dong 1 medium-range missile and the Taepo Dong 2 ICBM, which we assessed were two-stage missiles.

This recent launch used the Taepo Dong 1 and a third stage. They tested some important aspects of ICBM development and flight roughly on the timetable we expected. And, for example, they were successful at multiple stage separation.

As we have analyzed the information that has come in so far, we have been able to determine much of what happened.

Indeed, this is a work in progress, and as we continue to receive information, it will give us a more detailed picture.

Although the launch of the Taepo Dong 1 as a missile was expected for some time, its use as a space launch vehicle with a third stage was not.

The existence of the third stage concerns us; we had not anticipated it.

We need to conduct more analysis on it, trying to identify more about it, including its capabilities and why it failed.

The first and second stages performed to North Korean expectations, providing what could amount to a successful flight test of the two-stage Taepo Dong 1 medium-range missile.

However, we believe North Korea would need to resolve some important technical issues—including the problems with the third stage—prior to being able to use the three-stage configuration as a ballistic missile to deliver small payloads to ICBM ranges; that is, ranges in excess of 5,500 km.

The Intelligence Community is continuing to assess the North Korean capabilities demonstrated by this launch and the treat implications of the missile.

In particular, the Community is assessing how small a payload would have to be for this system to fly to something on the order of an ICBM range.

We need to look at the implications of lighter payloads and possibly a third stage for the Taepo Dong 2.

We also need to ensure that we continue aggressive collection and analysis efforts against proliferation and foreign transfers, and their effects on advancing missile programs.

And we need to be much more explicit in our warnings about missile developments—not just indicating that a country has an ICBM program and that it could flight test an ICBM in a given year, both of which are important messages. We need to include clearer language and more details about how we might and might not be able to warn about specific milestones in an ICBM development effort, judgments that will likely vary by country.

KIDSPEACE

HON. PAUL McHALE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. McHALE. Mr. Speaker, I insert into the CONGRESSIONAL RECORD the following poem written by the talented young actress, Kristin Dunst. Ms. Dunst recited this poem at a press conference in Washington sponsored by KidsPeace, the National Center for Kids Overcoming Crisis, on September 23. The event sought to highlight the results of a national survey by KidsPeace of early teens and to identify new ways to strengthen America's youth and families.

It is in the idleness of our dreams that we will find the city of angels lies deep within our minds.
There is no loneliness or fear but if you feel it, know they're near.
In this world of so much hate, there could be a twist of fate.
Just think about the angels, they will find your lost soul mate.
In this tranquil world behind my eyes, your dreams won't turn to wasted lies.
No judging face or different race in this tiny place behind my eyes.
You can always tell who has wings, because their soul and mind will sing,
And the ones who are opposed, you will know their wings are closed.

HONORING YWCA OF YONKERS WEEK WITHOUT VIOLENCE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. ENGEL. Mr. Speaker, today I rise to pay tribute to a laudable program of the YWCA of Yonkers in which a week-long series of events will highlight the struggle against violence.

This is the fourth year in a row in which the 'Y' is sponsoring a "Week Without Violence" program to inspire people to consider alternatives to violence by demonstrating that people from all communities can live together without violence in their homes, schools and neighborhoods.

From October 18 through October 24 the 'Y' is sponsoring a series of programs and remembrances with the support of the Police Department, the Public Schools, the Martin Luther King, Jr., Commission for Nonviolence, My Sister's Place, and Cluster's Conflict Resolution Program.

The series includes a public education campaign to identify and activate practical alternatives to violence. It also includes a day of remembrance in memory of Yonkers residents who lost their lives to violence, most especially the Biller family and Frederick Pagliara.

The week includes programs which treat violence against women as well as violence against men and the scourge of race and hate crimes.

The 'Y' program, by spotlighting violence and the harm it does to all of us, and by offering alternatives, such as conflict resolution, gives positive recommendations to help the community. It is part of a nationwide 'Y' program we all should join to reduce the epidemic of violence in America and make our country secure for all.

DIVORCING THE MARRIAGE PENALTY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today regarding the elimination of the marriage penalty. This reform is long-overdue, and I am pleased to hear the consistent, overwhelming support of many constituents in Colorado's Fourth Congressional District.

As every married couple knows all too well, the marriage penalty is the amount of combined tax a couple pays in excess of the amount they would have paid had they filed as "single." For instance, suppose a husband and wife each earned $30,500, resulting in a combined income of $61,000. They would pay $8,563 in federal taxes. However, if they were to file as "single," each would owe $3,592, for a combined total of $7,184. By filing together, this couple is unfairly hit with a $1,379 marriage penalty.

Government should encourage the strengthening of the American family, not undermine it with ill-conceived taxing schemes. According to the Congressional Budget Office (CBO), 42 percent of married couples—numbering 21 million couples—were subjected to the penalty in 1996. Per couple, they paid approximately $1,400 more in taxes due solely to the fact they were married. This is clearly wrong.

I support a number of approaches to solve this problem. The first is the 1999 federal budget recently passed by the House. As an alternative to the $128 billion in new taxes and spending in the President's proposed budget, House Republicans crafted a plan that will decrease government growth by 1 percent. The savings are set aside to eliminate the marriage penalty. I supported this reasonable approach, and voted for the measure when it passed the House by a vote of 216–204 on June 5, 1998.

Another approach is a bill I cosponsored, H.R. 3734, which will change the tax code to assure the rates of taxation for married and single people are equitable. I strongly support this excellent proposal and will actively work to see its passage in the next session of Congress.

Recently, Chairman BILL ARCHER (TX) introduced H.R. 4579, the Taxpayer Relief Act of 1998, which would reduce taxes by an estimated $80 billion over 5 years. I strongly supported this bill and voted with the full House to approve it on September 26. Specifically, the proposal reduces the marriage tax penalty by expanding the standard deduction for a married couple to twice the amount a single taxpayer can deduct.

Unfortunately, President Clinton has shown little support for our efforts. Once again, Republicans must fight the liberal legacy of tax-

and-spend, anti-family policies. Through many different schemes, Democrats have consistently demonstrated an aversion to the fundamental institutions of this great country: religion, morality, family and life.

Even though we were unable to include marriage penalty relief in the Omnibus Appropriations bill this week, eliminating the marriage penalty will continue to be a major priority for me, and I will continue to pursue every opportunity to repeal this unfair tax on the American family.

WORLD POPULATION AWARENESS WEEK 1998

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. FORD. Mr. Speaker, I rise today to call World Population Awareness Week 1998 to the attention of my colleagues. October 24–31 marks the 13th annual celebration of World Population Awareness Week. More than 300 family planning, environmental, educational, community and service organizations in 61 countries are co-sponsoring the week in an effort to raise awareness of the need for universal voluntary family planning.

I call Governor Don Sundquist's proclamation to the attention of my colleagues and ask that it be submitted for the RECORD.

THE STATE OF TENNESSEE PROCLAMATION

Whereas, more than half of the world's population will live in urban agglomerations by the turn of the century; and

Whereas, the growth of cities provides opportunities, but also portends risks that could intensify poverty, pollution, disease, social disintegration, violence and human misery; and

Whereas, urban poverty is already as high as 60 percent in some metropolitan areas, more than one-third of the urban population has substandard housing, and 40 percent lack access to safe drinking water of adequate sanitation; and

Whereas, in all regions of the world—north and south, rich and poor—rabid urbanization has spawned a number of common problems including unemployment, a shortage of adequate housing, traffic congestion, declining infrastructure, and lack of funds to provide for basic services; and

Whereas, urban crises, stemming from high population density and activity is expected to be among the major challenges of the 21st century,

Now therefor, I Don Sundquist, Governor of the State of Tennessee, do hearby proclaim the week of October 24–31, 1998, as World Population Awareness Week in Tennessee and urge all citizens to join me in recognizing this worthy observance.

TRIBUTE TO ALBERTINA SISULU OF SOUTH AFRICA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. PAYNE. Mr. Speaker, I rise to pay tribute to a great woman who has earned a place in history, Mrs. Albertina Sisulu of South Africa, who was elected as a member of Parliament in 1994.

Born in the Transkei, she lived in Johannesburg when the African National Congress Youth League became active in 1944. It was an eventful year for her. She joined the League, qualified as a nurse and midwife, and married Walter Sisulu, the political leader and friend of Nelson Mandela who shared his passion for freedom and justice.

Together, the Sisulus fought oppression and endured enormous anguish as Welter, who was then the general secretary of the ANC, was imprisoned eight times between 1953 and 1964. Mrs. Sisulu joined the ANC Women's League and became an executive member of the Federation of South African Women. She played an active role in the 1952 Defiance Campaign and in the protest against the Bantu Education Act. In 1956, she was prominent in the historic national demonstration in Pretoria when 20,000 women protested against the extension of passes to African women. In 1959, she was elected treasurer of the ANC Women's League.

Mrs. Sisulu showed tremendous courage in continuing her anti-apartheid activities after her husband was sent to Robben Island and she herself was placed under banning orders for nineteen years, ten of them under house arrest. In August of 1983, she was charged with furthering the aims of the ANC. Six months later she was found guilty and sentenced to four years' imprisonment, but her conviction was overturned. While she was in custody awaiting trial, she was elected as the Transvaal President of the newly-formed United Democratic Front. She also became National President of the South African Federation of Women. In 1988, she was again banned and her freedom to travel was restricted. Undaunted, she joined other prominent Soweto citizens who negotiated with the then Soweto City Council on the question of rent boycotts. She was also nominated by a number of international figures for the post of rector of the University of Edinburgh. In 1989, she was part of a delegation which visited President Bush and Mrs. Thatcher to brief them on the situation in South Africa. In October, her husband and other leaders were released from jail.

Since the landmark year of 1990, she has continued to be in the forefront of South Africa's continued challenges, serving as Deputy President of the ANC Women's League and as a member of the National Executive of the ANC. In 1993, she served as President of the World Peace Council in Basie, Switzerland before becoming a member of Parliament. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me in honoring Mrs. Sisulu, a valiant woman who has charged countless lives for the better, as she celebrates her 80th birthday this week.

BROAD-BASED SUPPORT FOR THE POLICE BADGE FRAUD PREVENTION ACT (H.R. 4282)

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. HORN. Mr. Speaker, I rise today to call the attention of the House to the Police Badge Fraud Prevention Act (H.R. 4282) and the broad-based support it is drawing from our nation's law enforcement community. This measure bans the interstate or foreign trafficking of counterfeit badges and genuine badges. When the measure is reintroduced in January, it will include exceptions for cases where the badge is used exclusively in a collection or exhibit; for decorative purposes; or for a dramatic presentation such as a theatrical, film, or television production.

A counterfeit badge or a fraudulently obtained real badge can allow a criminal to deceive someone into opening the door to their home or the window of their car. The use of badges in home-invasion robberies and other crimes has damaged the trust people have in men and women in uniform. Law enforcement organizations, both nationwide and in my home state of California, have recognized this and have endorsed this legislation. I submit their endorsement letters to be included in the RECORD. I encourage all Members to consider co-sponsoring this legislation when the 106th Congress reconvenes.

FRATERNAL ORDER OF POLICE, NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, July 24, 1998.

Hon. STEPHEN HORN,
U.S. House of Representatives
Washington, DC.

DEAR CONGRESSMAN HORN, I am writing to advise you of the strong support of the more than 272,000 members of the Fraternal Order of Police for H.R. 4282, the "Police Badge Fraud Prevention Act."

Your bill complements existing State statutes against impersonating a law enforcement officer with respect to the possession or use of counterfeit badges or illegally obtained real badges. The American public knows and recognizes the brave men and women in our nation today by the badge they carry. They know they can count on them when they are in trouble or in need of help. Your bill takes a necessary step to ensure that the public can continue to place their faith and trust in law enforcement officers and not be deceived by those with criminal intent.

On behalf of Grand Lodge, Fraternal Order of Police, I want to extend my thanks for your leadership on this issue. If there is anything I can do to assist you in the passage of this legislation, please do not hesitate to contact me or Executive Director Jim Pasco at my Washington office.

Sincerely,

GILBERT G. GALLEGOS,
National President.

INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS
Alexandria VA, May 15, 1998.

Hon. STEPHEN HORN,
U.S. Congress,
Washington, DC.

DEAR CONGRESSMAN HORN, The International Brotherhood of Police Officers

(IBPO) is an affiliate of the Service Employees International Union, the third largest union in the AFL–CIO. The IBPO is the largest police union in the AFL–CIO.

On behalf of the entire membership of the IBPO I want to thank you for introducing a bill that would make it a crime to deal counterfeit badges of state and local law enforcement agencies.

The IBPO has heard numerous incidents where criminals obtain police badges which allows them to pursue illegal activities. Many of these budges can be purchased by Internet and mail-order sales. We appreciate your legislation will ban the interstate or foreign trafficking of counterfeit badges and genuine badges.

A police officer's badge means much more than another form of identification. To see it used for criminal intent is a slap in the face to every police officer in this country.

The IBPO endorses your bill and looks forward to working with you to see this bill become law. If you have any questions, please do not hesitate to contact me.

Sincerely,

KENNETH T. LYONS,
National President.

CALIFORNIA
PEACE OFFICERS' ASSOCIATION,
Sacramento, CA, October 7, 1998.

Hon. STEVE HORN,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HORN: The California Peace Officers' Association strongly supports HR 4282, which would curb the sales of phony police badges in the United States. Law enforcement is faced with the possibility of a criminal using a phony badge to commit a crime. These impersonators have made women become fearful of stopping for legitimate police officers because of crimes impersonators have committed using phony police badges. Law enforcement officers have only one visual thing to prove who they are to the public, and that is the badge.

Mail order badge suppliers have cheated the public out of their confidence in the police by selling to anyone with the correct amount of money, the very symbols of trust and safety which identify the law enforcement officer. Police and sheriff badges should only be sold to authorized law enforcement personnel, and then only after the company ensures that the agency is a bona fide entity.

Please register our support of this very important legislation.

Sincerely,

JOHN LOVELL,
Government Relations Manager.

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT,
San Bernardino, CA, September 22, 1998.

Hon. STEVE HORN,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HORN: The San Bernardino County Sheriff's Department strongly supports HR 4282 which would curb the sales of phony police badges in the United States. Every day law enforcement is faced with the possibility of an impersonator eroding the public's trust by using a phony badge to commit a crime. Women have become fearful of stopping for red lights on police vehicles because of crimes committed using red lights to stop their victims. Law enforcement has only one thing to prove, who they are visually to the public, and that is the badge.

Mail order badge suppliers cheat the public out of their confidence in the police by selling to anyone with the correct amount of money, the very symbols of trust and safety we are taught as children to look to for help. Police and sheriff badges should be sold only to authorized law enforcement personnel, and then only, after the company ensures that the agency is a bona fide entity.

Please register our support of this very important legislation.

Sincerely,

GARY S. PENROD,
Sheriff.

CITY OF SIGNAL HILL
POLICE DEPARTMENT,
Signal Hill, CA, August 6, 1998.

Congressman STEPHEN HORN,
c/o Connie Sziebl, District Director, 38th District of California, Lakewood, CA.

DEAR CONGRESSMAN HORN: I would like to take this opportunity to thank you very much for introducing HR 4282—the Police Badge Fraud Prevention Act. I believe it will go a long way to stem this ever increasing problem and help protect the citizens within our community and throughout the United States.

I will be contacting police organizations in California for support of this bill and, hopefully, they will be sending you letters of support very soon.

I have enclosed a copy of the program from Fox Channel 11 News on counterfeit badges which aired on Monday, July 27, 1998, at 10:00 p.m. It provided some excellent publicity on this problem and on HR 4282.

Once again, I would like to thank you and your staff for your quick response to our concerns and your continued support of law enforcement.

Sincerely,

DAVID M. SINGER,
Chief of Police.

CALIFORNIA NARCOTIC
OFFICERS' ASSOCIATION,
Santa Clarita, CA, October 15, 1998.

Re: HR 4282—Letter of Support

Stephen Horn
U.S. Representative, 38th District
Washington DC.

DEAR MR. HORN: The California Narcotic Officers Association's (CNOA) 7,000 members, comprised of men and women, are California's first line of defense against the proliferation of illegal drugs. CNOA has historically provided opinion and expertise to the legislature based upon our experience and training as drug enforcement professionals.

CNOA supports House Resolution 4282 which you author. Mail order badge suppliers who sell to anyone for money facilities vicious crimes that occur in our society such as home invasion robberies. Badges should only be sold to bonafide entities.

Please accept this letter as our Association's support for this very important legislation. We thank you for taking the leadership on this issue.

Sincerely

ROBERT S. ELSBERG,
Legislative Chairman.

LEN SWINEHART'S BIRTHDAY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. GINGRICH. Mr. Speaker, it isn't often that someone can celebrate their 50th birthday and help pass a 4,000-page appropriations bill. Len Swinehart has been a hardworking, knowledgeable and effective member of the Speaker's staff. He has specialized in budget and appropriations issues and he has effectively represented the taxpayers of America. For the last two weeks Len has been immersed in monitoring the details of this massive $500 billion budget. Tonight he will be able to celebrate his first half century and a job well done. Happy birthday Len and thank you.

PROTESTING SECTION 103 OF DIVISION A OF THE OMNIBUS APPROPRIATIONS BILL

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, today I introduced a measure to correct H.R. 4328 by striking section 103 of division A. As passed now, section 103 of division A will cost American taxpayers $1 billion because it permits the Tennessee Valley Authority to refinance some of its $30 billion debt through the Federal Government.

I have thought for a long time that New Jersey taxpayers should not have to help pay to subsidize electricity for the Tennessee Valley which is one reason why I have fought to end the Federal Government's subsidies for TVA. But compared to TVA's refinancing deal, the non-power program subsidy was peanuts. Taxpayers will be footing the bill for this backroom deal and the cost is over $1 billion.

Striking out this section would wipe out the hidden provision to allow TVA to refinance its billions of dollars of debt through the Federal Government at the cost of U.S. taxpayers.

Since the New Deal, TVA has asked for and received the Federal Government's help to control flood waters in the Tennessee Valley, but when it comes to the flood of Federal dollars for the TVA, they just say "let it flow." This refinancing scheme and extra funding is not fair to taxpayers in New Jersey and all around America and it is against the expressed will of Congress.

I led the efforts to zero out this annual Federal subsidy contained in the Energy and Water Appropriations bill. Both House and Senate Appropriators agreed with me, and this year we cut the $70 million subsidy in the FY99 Energy and Water Appropriations bill already signed into law by the President.

But in a last-minute deal, two amendments slipped into the Omnibus bill which will cost the taxpayers. One amendment would provide $50 million for the TVA's non-power programs in 1999. But another provision would cost taxpayers much more than the $50 million or even the original $70 million for TVA's nonpower programs. The second TVA provision also attached to the Omnibus bill would permit TVA to refinance some of its $30 billion debt through the U.S. Treasury's Federal Financing Bank. If passed, TVA would be allowed to borrow $3.2 billion from the Federal Government and taxpayers would be forced to pay for the $1 billion cost of this refinancing.

Despite the vehement protests of appropriators and authorizers, the legislation allows this giant utility to refinance its debt without paying the contractually-required prepayment penalty.

TVA is already $30 billion in debt, pays no taxes, enjoys access to low-cost capital, and avoids scores of Federal laws and State regulations. The taxpayers must not be burdened further by TVA.

COMMERCE COMMITTEE CONCURS WITH H.R. 3494

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 3494, "the Protection of Children From Sexual Predators Act of 1998." Several days ago, the House concurred with amendments made to H.R. 3494 by the Senate. The legislation is now being prepared for the President's signature.

In general, H.R. 3494 amends current law to strengthen the provisions that protect children from sexual predators. The amendments are needed to ensure that our laws keep pace with technology and that we do all we can to maintain the innocence of our children. While the actions of sexual predators are inexcusable, subjecting our children to this sick and harmful behavior is morally unacceptable. These practices are degrading and undermine the fabric of our society. H.R. 3494 will help put an end to such practices.

The Commerce Committee has been integrally involved in a similar effort to protect children. The Commerce Committee has worked in the past with the Judiciary Committee to craft similar legislation. Thus, the Committee was pleased to see the development of H.R. 3494 as it proceeded through the legislative process and chose not to raise jurisdictional issues that may have prevented the legislation from moving forward. It is important, however, to highlight our jurisdictional interest in this important matter.

I note that at least two sections of H.R. 3494, sections 401 and 901 fall within the jurisdiction of the Commerce Committee. Section 401 imposes a new prohibition on the transfer of obscene material to minors (under the age of 16). The scope of this provision would cover all transfers of such material, including via mail or telecommunications networks. Congress has already addressed this matter when it enacted section 223(a) of the Communications Act of 1934, as added by title V of the Telecommunications Act of 1996 (also known as the Communications Decency Act), which was jointly written by Members of the Commerce and Judiciary Committees.

Section 223(a) provides that whoever makes any comment, request, suggestion, proposal, image or other communication which is obscene or indecent, knowing that the recipient of the communication is under 18 years of age, shall be subject to criminal fines and penalties. While certain parts of section 223 have been successfully challenged in the court system, the Supreme Court upheld the constitutionality of this provision relating to transmittal of obscene material. Thus, it seems that section 401 of H.R. 3494 would overlap with the provisions of section 223(a), providing an additional tool for prosecutors to use. In doing so, it should be clear that whether a prosecutor uses section 223(a) of the Communications Act or section 401 of H.R. 3494 to address the increasing problem of the availability of obscene material to minors available through a telecommunications device, the Commerce Committee retains oversight responsibility.

Section 901 provides for the Attorney General to contract with the National Academy of Sciences to conduct a study of computer-based technologies and other methods to address the problem of access to pornography by children. The provision requires the study address a number of issues, including the present-day computer-based technologies for controlling electronic transmission of pornographic images, research needed to develop effective computer-based technologies for such purposes, potential limitations of computer-based technologies for such purposes, and operational procedures necessary to ensure the computer-based technologies are effective.

Over the last few years, the Commerce Committee has addressed computer-based technologies, including software screening programs and computer-based age verification technologies. In fact, section 901 is similar to the provisions added to H.R. 3783, the Child Online Protection Act (COPA), which recently passed in the House, to limit access to pornographic material by children. Section 104 of H.R. 3783 establishes a Commission composed of government and industry experts, including representatives in the business of providing Internet filtering and blocking services and software, Internet access services and Internet labeling or ratings services.

The purpose of the Commission is to study methods to help reduce access by minors to material that is harmful to minors on the Internet. The Commission is tasked with submitting a report to Congress which will include: (1) a description of the technologies and methods identified by the study and the results of the analysis of each such technology and method; (2) the conclusions and recommendations of the Commission regarding each such technology or method; (3) recommendations for legislative or administrative actions to implement the conclusions of the Commission; and (4) a description of the technologies or methods identified by the study that may meet the requirements for use as affirmative defenses provided under other provisions of law.

I believe the Commerce Committee and the Judiciary Committee have arrived at complimentary solutions. The study authorized by H.R. 3494 would fit well within the study authorized by H.R. 3873.

While I am hopeful that H.R. 3783 will become law this Congress, it should be recognized that the Commerce Committee intends to fully exercise its jurisdiction over future consideration of such matters, including involvement with the National Academy of Sciences study authorized under H.R. 3494. The Committee intends to monitor the implementation of section 401 by the Attorney General particularly as it relates to section 223(a) of the Communications Act. Support for H.R. 3494 passage this Congress should not be read as a lack of interest in the relevant jurisdictional matters.

THANK YOU, MRS. ROBIN MOLL MEAGHER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. GORDON. Mr. Speaker, I want to give thanks to Robin Moll Meagher, my legislative director, who will be leaving Capitol Hill after six years of dedicated service.

Robin has become my right hand on telecommunications and healthcare policy.

This session, she helped me pioneer legislative action on telecommunications fraud called Cramming, by developing Congressional Hearings, drafting groundbreaking legislation, and working with industry leaders to resolve this problem.

Whether confronting complicated federal bureaucracies, or helping a constituent solve a difficult problem, Robin has never forgotten the peoples' priorities.

On a daily basis, I have been able to count on Robin to manage policy issues in my office, coordinate the legislative staff that help me do my job, and keep the overwhelming amount of information coming in organized and manageable.

I owe her a debt of gratitude, and I am not the only one.

Like the Oilers from her hometown of Houston, Robin came to serve the people of Tennessee after a long period of service with some of my former colleagues from Texas.

Working for Congressman Pete Geren and Jake Pickle, Robin's diverse skills helped her achieve important successes in trade policy, by amending NAFTA implementation language; transportation policy, by helping secure important aviation routes for her state, and by assisting her state in a number of other ways that benefited her bosses' constituents; and her alma mater, the University of Texas.

Like many bright young Americans, after Robin graduated college—from a school in Austin we in Tennessee call "the Other UT"—she came to Washington to serve her country, its elected representatives, and its people.

We are grateful for her help. As Robin opens a new chapter in her life, I would like to say good luck and thank you.

IN MEMORY OF THE POLKA KING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to remember Frank Yankovic, America's Polka King. The story of Yankovic's rise from a hard scrabble youth on the streets of Cleveland, Ohio to the country's best selling Polka music artist deserves recognition.

In a recording career that spanned 60 years, two gold single records, thirty million records sold, and the first Grammy Award in the category of Polka music, Frank Yankovic's "Cleveland-Style Polka" has been widely credited with catapulting an Eastern European art form into a mainstay of American music culture. Tinkering with orchestrations and translating lyrics into English, Yankovic proved that Polka music could appeal to millions of Americans and become a vehicle for mass entertainment. His millions of record sales are a testament to this vision.

An inductee of Chicago's International Polka Association Hall of Fame and the "Cleveland-Style" Polka Hall of Fame, in addition to the Wisconsin and Michigan Polka Halls of Fame, Yankovic collaborated with an eclectic group of artists, ranging from Duke Ellington to Doris Day to Chet Atkins to Drew Carey. Yankovic was featured with his own float in the 1996 Presidential Inaugural Parade. The "Frank Yankovic Band" has performed to enthusiastic crowds across the country and around the world and made its Kennedy Center debut in 1998.

My fellow colleagues, Frank Yankovic was indeed an inspiration. He will be greatly missed, but his enormous contribution to American music culture will never be forgotten.

FINAL GOODBYE POLKA

(By William F. Miller)

They had come to mourn his death, but the Polka King's rollicking music worked its magic one more time.

As faint strains of Frankie Yankovic's "Blue Skirt Waltz" and "Just Because" drifted through St. Mary Church yesterday from accordionists warming up outside, people at the solemn funeral Mass looked up in recognition.

Then they began to smile.

A few minutes later, they stood outside and sang along.

"The music seemed like it was coming from heaven," remarked a woman wearing a babushka.

"It looked like rain, but did you notice the skies turned to blue when the accordionists played the 'Blue Skirt Waltz'?" said August Pust, special assistant for multicultural affairs to Gov. George V. Voinovich.

"I'm speechless and so happy for the music they are playing for my father," Yankovic's daughter, Andrea McKinnie, said through her tears. "That is exactly—yes, exactly—the way he would have wanted it, and thankfully they knew to do it. God bless them all."

An estimated 800 people attended the church service for Yankovic, a Cleveland native who won the first Grammy ever given for polka music and whose tireless touring brought Cleveland Slovenian-style polka to the top of the music charts. Yankovic, 83, died last Wednesday in New Port Richey, Fla.

Police officers blocked traffic along the route from St. Mary to Calvary Cemetery as the funeral cortege passed.

A delay in the hearse's departure from the church created the opportunity for a miniconcert outside. Eight of Yankovic's musician friends had brought their accordions, planning to play as Yankovic's casket was taken to the hearse.

They ended up repeatedly playing "Blue Skirt Waltz" and "Just Because," Yankovic's biggest hits from the 1940s, the only two polka songs ever to sell more than a million copies each.

Many of the mourners, especially older ones, began singing along when the impromptu band broke out some old-fashioned folk Slovenian songs. The musical scene was repeated at Calvary Cemetery, where an estimated 250 people bid their polka hero farewell.

During the funeral Mass, members of Yankovic's family went to the altar to express their love for him, calling him a loving and caring husband, father and grandfather. The Rev. John Kumse, pastor of St. Mary, said everyone benefited from and can be thankful for Yankovic's gifts as an entertainer.

Yankovic's loyal followers, many in their 70s and 80s, attended the service.

Emma Yudovich, 70, traveled from El Paso, Texas.

"He would tour in those early days and we would travel hours to see him to concert or at a dance, wherever he was, because we loved his polka music," she said. "We are sad, of course, but we cannot be too sad for him because he lived one of the fullest lives one could live."

Cleveland Councilman Michael D. Polensek, who grew up in Collinwood, Yankovic's old neighborhood, said the Polka King "was a hero in the neighborhood."

He said that as a councilman he was constantly asked to get a council resolution honoring Yankovic on his retirement. "I think I must have produced 10 of them over the years, and then Yankovic would change his mind and continue playing," Polensek said.

TRIBUTE TO HMONG AND LAO VETERANS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. VENTO. Mr. Speaker, I rise today to pay tribute to Hmong and Lao Veterans and their supporters from St. Paul and across the United States. Working together as patriotic and civic-minded citizens, they have successfully pressed H.R. 371, the Hmong Veterans Naturalization Act, forward through the House Judiciary Committee with 77 bi-partisan cosponsors. More importantly, they have helped to bring overdue national recognition to the Hmong and Lao people and the noble cause that they served during the Vietnam War.

I would like to salute and bring to the attention of my colleagues a number of those individuals who worked tirelessly during this 105th Congress, spearheading efforts to help educate the public and Members of Congress about the plight of the Hmong Veterans and promoting the importance of H.R. 371, a bill which I was again proud to introduce. I would like to thank the Lao Veterans of America, the nation's largest Hmong and Lao non-profit organization, for its leadership role on these crucial matters; Colonel Wangyee Vang, the National President; Cherzong Vang, Chairman of the Minnesota State Chapter; Philip Smith, who serves as the Washington, D.C. director; Angela McCaffrey, Attorney at law; and Chris Johnson, a Hamline University law school student. I would also like to thank the Lao Family Community in Minnesota, Inc., whose headquarters are in St. Paul, for their special efforts, specifically: Chong Bee Vang, President; Ying Vang, Executive Director; Yao Lo, Special Projects Director; and Mr. Kue Xiong, Special Assistant.

Mr. Speaker, I am extremely proud that Hmong veterans and their families, under the leadership of these two St. Paul-based, nonprofit community organizations, helped to organize national recognition ceremonies in recent years to honor the Hmong and Lao veterans at both the Vietnam War Memorial and Arlington National Cemetery. These events were the first of their kind and attracted international media coverage. They drew thousands of people from Minnesota and across the nation to Washington, D.C. I was deeply honored to provide remarks and participate in these historic events, including the dedication of the monument at Arlington National Cemetery, which prompted the following editorial in the Washington Post which I would like to include in the RECORD at this time.

Mr. Speaker, the people of the Southeast Asian community in St. Paul are playing an increasingly positive role as they pursue education, home ownership and fill key roles in our society. Although serious challenges persist, this generation will have a magnificent impact upon shaping tomorrow's Minnesota. It is important that Congress honor their history, culture and background today.

Once again, I would like to salute all those who supported and cosponsored H.R. 371 which I plan to reintroduce during the 106th Congress.

[From the Washington Post, May 20, 1998]

DEBTS TO THE HMONG

To anyone with a memory and a commitment to keeping one's word, it is bound to come as a shock that the United States is still not fulfilling its obligations to its Hmong and Lao allies in the Vietnam War. Eleven years ago, Congress authorized the Vietnam Veterans National Medal for the now-American survivors of the secret army that helped America fight its battles in Laos in 1961–73 and that paid dearly for it. Yet only the other day was the medal actually bestowed on the few thousand veterans of that army who had gathered in Washington. In a march meant to recall their earlier escape across the Mekong River to Thailand, the Hmong group crossed the Potomac to the grave of John F. Kennedy, the first American president their units had served.

The Hmong, or "Meo," and Lao recruits formed under CIA direction at a time when their very presence and role were officially denied. Diverting large numbers of North Vietnamese soldiers from their primary (American) targets, the secret army gathered intelligence, protected U.S. navigational sites and rescued hundreds of downed American pilots. In turn, the United States took on specific protective obligations and of course an overwhelming moral obligation. These debts were fulfilled only raggedly when Communist North Vietnam swept over Laos. Hmong and Lao soldiers and the families were alternately repressed by the victorious forces and forced into exile. Some 135,000 now live in the United States.

Their current complaints go well beyond the tardy receipt of medals for their valor. A concern for their kin has made them advocates of an American policy to press the Laotian government harder to ensure fair treatment for those left behind and to begin Hmong-language broadcasts on the now American-supported Radio Free Asia. They also protest the recent immigration-law changes that limit benefits to non-citizens, including elderly Hmong who have been unable to learn English for the citizenship exam.

In Arlington Cemetery, the Hmong unveiled a memorial to their combat veterans and Ameican advisers. In the Lao and Hmong languages the writing on the monument states, "You will never be forgotten." They almost were.

OPERATION PROVIDE COMFORT IN IRAQ

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SMITH of Texas. Mr. Speaker, I rise today regarding a very important bipartisan issue that will need to be addressed in the 106th Congress, that is compensating the families of the Americans who were killed on April 14, 1994 while serving in Operation Provide Comfort over Iraq.

Mr. Speaker, I have been very disappointed by the Pentagon's handling of this issue and their refusal to treat fairly the families of the American service personnel who were killed on this incident. I have several constituents whose loved one was killed in this incident and I am disappointed that the Department of Defense has not treated them more fairly.

On April 14, 1994, 15 Americans, 14 military personnel and 1 civilian, and 11 foreign nationals, were killed when two Army Black Hawk helicopters, were shot down over the "No Fly zone" in Iraq by two Air Force F–15's. According to the General Accounting Office, this loss of life resulted from 130 separate mistakes by the Air Force and the Army. After this incident, the Department of Defense made $100,000 ex gratia payments to the families of the foreign nationals in addition to the other death benefits they received from their own countries. While making these payments to the foreign families, the Administration was unwilling to give the same treatment to the next of kin of the Americans.

My subcommittee held a hearing on this issue on June 18, 1998 and heard from both the Pentagon and the families. Before the hearing, I requested the Pentagon be prepared to answer whether authority exists under current law to compensate the families at the same level as the foreign families. During their testimony, the Pentagon was unable to provide a credible answer for why they did not treat the Americans in the same matter as the foreign families. First, they could not answer whether they had the authority to make the payments to the Americans, then after the hearing, when the Department did provide the Subcommittee with a response they did not answer the direct question posed. Rather than providing a statutory bar to payment under Section 127 of Title 10, the Department's response discusses "limitations that have historically been applied" and "compelling reasons against making such payments".

It would appear that historical applications and compelling reasons were compromised when the Department chose to make ex gratia payments to the families of foreign nationals killed in the same incident with Americans. By doing so, the Department has placed the Government in the position of appearing to value foreign nationals lives more than American lives.

It is clear that some remedy must be affected to rectify the inequities created by the actions taken by the Department in this incident. Our service personnel deserve to be treated better. I have been working with Congressmen COLLINS, CONYERS, and WATT of North Carolina to fashion a bipartisan solution to this problem.

The Subcommittee did not have time to act this year, but we will revisit this issue next year. I hope that the Pentagon will correct this injustice and make the payments to the families without Congress having to take action. However, if the Administration is not willing to act, the Immigration and Claims Subcommittee will consider legislation in the 106th Congress to give the American families the same treatment as the foreign families received.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I was unavoidably detained in the district on October 13th and 14th. As a result, I missed rollcall votes 527–531. If I had been present, I would have voted "aye" on rollcall 527, "nay" on rollcall 528, "aye" on rollcall 529, "nay" on rollcall 530 and "aye" on rollcall 531.

THANK YOU MR. BRENT AYER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. GORDON. Mr. Speaker, today I want to pay tribute to the career of Mr. Brent Ayer. Brent has served my office in the capacity of Chief of Staff for two years; however, he has served the United States House of Representatives loyally for twenty-one.

As Chief of Staff, Brent has performed his duties with meticulous skill and care. His ability to organize and prioritize keeps the office running like clockwork. Brent is a true asset to my staff, providing a level of leadership and wisdom that could only be gained through twenty-one years of service.

How best to describe twenty-one years on Capitol Hill other that stating the obvious point that Brent is the kind of employee rarely seen this day-and-age in the workforce. He is the consummate Capitol Hill staffer and a model for anyone wishing to answer the call of service to his country and Congress.

Brent's tenure in the House of Representatives began in the office of Rep. Goodloe Byron, where he was hired as a staff assistant in 1977. He stayed on with Rep. Beverly Byron after Goodloe's death and advanced to Chief of Staff.

Brent's career path moved from Rep. Byron's office to Rep. RON KLINK in 1994 and, finally to work for me.

Brent has a well-earned reputation for untangling really tangled messes. No task is too large or too small for him to handle. Whether Brent is attending a White House signing ceremony for legislation he helped his boss push through or defending a two-year-old child with Leukemia against a large health insurance company, he handles his duties with ease.

Brent's ability to get into the trenches has been a true motivating factor toward emphasizing a team atmosphere in our office.

Speaking of team efforts, included in the long list of Brent's accomplishments one of his greatest assets is his running ability and knowledge of the sport, which has helped Team Gordon successfully win the Capital Challenge six consecutive years.

He has been a staffer's advocate, too, and the House is a better place to work because of his tenure.

Brent was instrumental in establishing a fitness program for staffers. He helped begin a program of assisting new offices in setting up—thereby easing the transition to Congressional life for new staff. Every staffer and former staffer who worked with or under him praised his leadership, his calmness, and his ability.

I have heard Brent explain his long tenure in this way, "I came in, I put my head down, I did my work; when I looked up twenty-one years had passed." With well earned accolades and a long list of good memories in hand Brent will end his era of congressional service on November 15, 1998.

On that day the House of Representatives will lose a strong and capable resource and veteran, his colleagues, both past and present, will lose a friend and mentor and I will lost a Chief of Staff, the likes of which come along once in a lifetime—if one is as lucky as I.

It is with sincere thanks and gratitude that I say good bye and good luck to Brent Ayer.

REPUBLICAN EDUCATION ACHIEVEMENTS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to clarify what has been done in the 105th Congress regarding the many education issues facing our schools today. Work on education reform has now been completed, and I want to update my colleagues on the accomplishments of the Republican Congress, and the challenges of the future.

During this Congress, we approved 22 major education initiatives, including: the Reading Excellence Act (H.R. 2614), the Individuals with Disabilities Education Act (P.L. 105–17), a school nutrition bill (H.R. 3874), A+ Education Savings Accounts (H.R. 2646), a quality Head Start bill (S. 2206), a charter schools bill (H.R. 2616), and the Dollars to the Classroom grants (H.R. 3248). In addition, we are sending $1.1 billion to the States to fill teaching needs. These Republican initiatives will send more Dollars to the classroom, honor State and local authority, promote quality in our Nation's schools, and increase parental involvement and responsibility. These commonsense reforms will foster excellence in our Nation's schools while limiting Washington's control of the classroom.

Unfortunately, President Clinton, despite his rhetoric, has politicized and hampered our attempts to improve schools. The President has threatened to veto the Dollars to Classroom Act, which would send $2.7 billion directly to public schools, prepaid college tuition plans, and bilingual education reform. In addition, the President has already vetoed safe schools legislation, a teacher testing bill, and our A+ Education Savings Accounts proposal. These actions clearly demonstrate Clinton's desire to thwart real reform and local decision-making.

I will continue to fight the President and his administration in their plans to complicate and stifle our efforts to lead this country in a new direction for the 21st Century. Although much still remains to be done, I remain optimistic for the future. With persistence, focus, and input from the people of this great country, we will empower our Nation's children, parents, and teachers to achieve their greatest potential.

KAREN THORNDIKE—FIRST AMERICAN WOMAN TO SAIL SINGLEHANDEDLY AROUND THE WORLD

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. DICKS. Mr. Speaker, yesterday when I was home in my congressional district, I had the great pleasure of meeting a Washington State native who recently became the first American woman to sail singlehandedly around the world. In a heroic voyage that took her just over 2 years, Karen Thorndike fought off serious illness and the relentless elements of nature in circumnavigating the globe unassisted on her 33,000-mile journey. She set a remarkable example of perseverance and determination as she piloted her 36-foot yacht "Amelia" around the five great capes of the world: Cape Horn, Cape of Good Hope, Cape Leeuwin, South East Cape of Tasmania, and South West Cape of New Zealand. I was proud to be in Port Angeles, WA, yesterday as the Mayor and City Council proclaimed October 19, 1998, as Karen Thorndike Day in honor of this courageous woman. It was a great day for Port Angeles, and I wanted to share with my colleagues in the House of Representatives the text of the proclamation that Mayor Gary Braun presented on behalf of the City Council, so that Karen Thorndike can serve as an example of courage, determination, and perseverance.

PROCLAMATION IN RECOGNITION OF KAREN THORNDIKE DAY

Whereas, Karen Thorndike, the first American woman to solo circumnavigate the world, is a native of Washington State; and

Whereas, This American pioneer in her 36-foot yacht "Amelia", survived winds and waves of terror south of the five Great Capes of the world: Cape Horn, Cape of Good Hope, Cape Leeuwin, South East Cape of Tasmania, and South West Cape of New Zealand; and

Whereas, Karen Thorndike is only the seventh woman in the world to sail alone in open ocean around the globe; and

Whereas, Karen Thorndike overcame serious illness off the Falkland Islands, and completed her historic journey of more than 33,000 nautical miles by returning to San Diego, California on August 18, 1998, two years and two weeks after departing San Diego; and

Whereas, Karen Thorndike became a role model for youth and adults all over the world by her inspirational example of perseverance against the relentless elements of nature.

NOW, THEREFORE, I, GARY BRAUN, Mayor, on behalf of the City Council of Port Angeles, do hereby proclaim October 19, 1998, to be "Karen Thorndike Day" in Port Angeles in recognition of her extraordinary journey in which she became the first American woman to solo circumnavigate the globe.

GARY BRUAN,
October 19, 1998.

MINNESOTA'S FAIR FARM PRICES NOW PETITION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. MINGE. Mr. Speaker, I rise tonight to commend all the Minnesotans who have signed the "Fair Fram Prices Now" Petition. I have received petitions which were signed by thousands of farmers and citizens of rural Minnesota communities. These people have come to Congress with a simple request: that they be given a fair price for their hard work. They have asked that their elected representatives answer their petition by uncapping and raising the marketing loan rate, by extending the terms of the marketing loan, and by making crop insurance coverage more effective.

Unfortunately, this outpouring has not been adequately heard by Congress. Although the Omnibus Appropriations Conference Report, which will be voted on this evening, does provide a substantial agricultural disaster package, it does not make the changes which these farmers have requested. Uncapping the marketing loan rates would have given producers more flexibility in handling the fiscal roller-coaster that these families have faced and will continue to face in the coming years. Providing more effective crop insurance would give farmers another important tool in their tool box with which to combat the inherent and uncontrollable risk of their business. Regardless of the long-term benefits to farmers of these requests, the crop insurance program and the marketing loan program remain the same.

Again, I commend the citizens of rural Minnesota who have spoken out about their need to have fair prices for the commodities which they produce. I agree with their request and regret that our leaders in Congress have not heard their plea.

H.R. 4679: THE ANTIMICROBIAL REGULATION TECHNICAL CORRECTIONS ACT OF 1998

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BLILEY. Mr. Speaker, I would like to provide additional background information on Congress' intent and understanding regarding H.R. 4679, the "Antimicrobial Regulation Technical Corrections Act of 1998."

With the enactment of the Food Quality Protection Act (FQPA) of 1996, changes were made in the definition of "pesticide chemical" and "food additive" under the Federal Food, Drug, and Cosmetic Act (FFDCA). In addition, FQPA added a definition of "pesticide chemical residue." These new definitions had a significant and unintended impact on the regulatory responsibility for approving the use of certain antimicrobial substances in food contact applications. Historically, such substances were regulated by the Food and Drug Administration (FDA) as food additives and were approved by that agency under Section 409 of the (FFDCA). With the FQPA definitional changes, such substances now fall within the term "pesticide chemical" and are subject to regulation by the Environmental Protection Agency (EPA) under Section 408 of the FFDCA.

Since the passage of the FQPA in August 1996, these shifts in regulatory jurisdiction have led to delays in the processing of petitions for clearance of certain antimicrobials under the FFDCA. In the interim, in addition to the losses to the companies with pending petitions, the American public is losing the economic and environmental advantages that these products may offer. An amendment similar to the proposed technical correction was considered in October 1997, late in the conference on the FDA Modernization Act (FDAMA) but was deferred for later consideration. In the FDAMA Conference Report, however, the conferees urged the interested parties to pursue a new vehicle to achieve resolution of this jurisdictional issue.

The technical correction made by H.R. 4679 does not remove any use of a substance from regulation as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Thus, any use of an antimicrobial in the manufacture of packaging for both food and non-food applications that is a pesticidal use under FIFRA would, in addition to FDA review as a food additive, continue to be subject to pesticide registration under FIFRA. Moreover, the proposed legislative language does not affect FDA's existing jurisdiction over antimicrobial substances (with the exception of ethylene oxide and propylene oxide) used in or on processed food, which are not "pesticide chemicals" under the FFDCA.

H.R. 4679 would achieve the following:

1. Consistent with its traditional broad regulatory authority over food products and processing, FDA would have authority under FFDCA Section 409 to regulate as food additives—

Those antimicrobial substances used in or on food, or water that comes into contact with food, if such substances are used where food is prepared, packed or held for commercial purposes.

Most antimicrobials used as food contact substances, such as those used in the manufacture of food contact packaging.

2. Consistent with EPA's traditional role in reviewing uses of antimicrobials in agricultural applications, EPA would retain authority under FFDCA Section 408 to regulate—

Antimicrobials used on raw agricultural commodities, or on water used on such commodities in the field; in a facility where raw agricultural commodities are the only food treated, and the treatment is in a manner that does not change the status of the food as a raw agricultural commodity (e.g., washing, waxing, fumigating, and packing such commodities in such a manner); or during transportation of raw agricultural commodities between the field and such a treatment facility.

Under this legislation, Congress intends that EPA will continue to regulate fumigants applied to stored raw agricultural commodities in the above locations.

3. EPA would have regulatory authority under FFDCA, over residues of the fumigants ethylene oxide and propylene oxide on both raw agricultural commodities and processed food, including ground spices. Additionally, use of ethylene oxide and propylene oxide on foods, including processed foods, will be a pesticidal use under FIFRA.

4. EPA would have regulatory authority over residues of antimicrobials used on semi-permanent or permanent food contact surfaces other than food packaging. Similarly, EPA would have regulatory authority over antimicrobial substances impregnated in semi-permanent or permanent food contact surfaces other than food packaging if the substance is intended to serve the same purpose as application of an antimicrobial to the exterior of such surface.

5. A "grandfather/transitional" provision would ensure that any regulation authorizing the use of an antimicrobial substance that, under this legislation is not a pesticide chemical use and thus is subject to FDA's regulatory authority under section 409, would be considered a regulation issued under Section 409. Thus, after the passage of the amendment, all antimicrobial products under FDA's food additive authority would be regulated under the same statutory authority.

Except as noted for ethylene oxide and propylene oxide, this amendment would affect the regulation of antimicrobial pesticides only under the FFDCA. EPA would continue to regulate antimicrobial pesticides under FIFRA, and EPA's authorities under that statute would not be changed. Companies selling or distributing antimicrobial pesticides must apply to EPA for registration of their products. EPA will review the applications under FIFRA sec. 3, which requires among other things that the products not cause "unreasonable adverse effects on the environment." That term is defined in FIFRA sec. 2(bb) to mean: "(1) any unreasonable adverse effects on the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, and (2) a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 408 of the Federal Food, Drug, and Cosmetic Act . . . ."

Thus, it is Congress' intent that EPA, in deciding under FIFRA whether to grant, amend, or cancel a registration for an antimicrobial pesticide that poses a human dietary risk, shall take such action only if EPA determines that the risks from such residues are not inconsistent with the safety standard in FFDCA sec. 408. Additionally, Congress intends that in granting, modifying, or canceling a tolerance for a pesticide chemical residue under section 408, EPA consider exposures to substances regulated under section 409 where applicable.

Overall, the technical correction made by H.R. 4679 presents an opportunity to reverse a change that Congress did not intend to make and allow companies to bring these beneficial antimicrobial products to market without further unnecessary delay. Importantly, shifting regulatory jurisdiction over certain antimicrobial uses of FDA will continue to ensure public health protection provided by the FFDCA.

REGARDING LINDA BUSHELL

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. ORTIZ. Mr. Speaker, I rise to speak about and to congratulate a great teacher in my Congressional District, Linda Bushell. Linda Bushell, now an assistant principal at Martin Middle School in Corpus Christi, Texas, is being recognized for her work with students when she taught history at Baker Middle School from 1990–May 1998. She is being named to the All-USA Teacher Team, a representative of all outstanding teachers who daily work to open kids' minds and advance their knowledge. Nineteen individuals and one team of four, were selected from 649 nominees.

These exceptional teachers are being honored for making a difference. They inspire us not only as working professionals but also as citizens. Their extraordinary talent to connect with students and their ability to make learning fun enables them to reach out to kids and help them expand their horizons with special programs. Linda Bushell is one of four teachers who began the Community Connection program in Corpus Christi, Texas, a program to give at risk students an up-close look at why academics are relevant to real-world success. In this program Baker Middle School students volunteer at museums, hospitals, or other community sites, and observe professionals as well as hear them speak about what they do on a daily basis. These volunteer opportunities help inspire kids to be more than they believe they can be or do. For example, one young woman after volunteering at an office in the Nueces County courthouse stated happily, "I can really be a lawyer. Women can be lawyers." The program gives students self-confidence and gives them a view of the real world outside of what they daily experience in school.

Once again, I congratulate Linda Bushell for the superb job she does in the education arena for students in South Texas. We are fortunate to have teachers like you teaching our children. You deserve this recognition for you have given your heart and much hard worked hours for our students. Keep up the work.

THE BEST OF STAFF

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. MANTON. Mr. Speaker, I rise to pay tribute to my staff, both past and present, for their fine work, dedication, and loyalty.

Mr. Speaker, today, I likely cast my last vote as a Member of this august body. For fourteen years, I have served proudly my constituents of the 7th Congressional District of New York. I hope that I have served them well. I would be remiss, however, if I did not acknowledge and praise the hard-working men and woman who have served with me.

Congressional staff are all too often overlooked in their daily duties and under-appreciated for their efforts. But, as my colleagues well know, this great democratic institution simply could not function without the good work and commitment of our staff.

Mr. Speaker, I have had the great good fortune to have what I consider to be one of the best offices in the Congress and I offer this statement as a small tribute to their good deeds. While individual staffers have come and gone over the years, the office has always functioned as a team, always striving to do their best for me and for the citizens of Queens and the Bronx. I thank them all from the bottom of my heart.

Mr. Speaker, I would like to take this opportunity to mention a few of my closest and longest served staffers; individuals who I have come to rely upon without hesitation and whom I consider to be friends.

Jim Mathews, my current Chief of Staff, has served with me for over ten years. First as my Legislative Assistant for Merchant Marine and Fisheries, later as my Legislative Director, and then as my Staff Director for the Subcommittee on Fisheries Management. After a two year stint as the Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response at the U.S. Environmental Protection Agency, Jim was kind enough to return to work for me in his current position.

Steve Vest was with me from the start, first as my Legislative Director and then as my

Chief of Staff for many years. He has gone on to a successful career as Vice President of Government Affairs with Rupert Murdoch's News Corporation. His advise and counsel always served me well.

David Springer served as my first Chief of Staff. Without David's excellent political insight and working knowledge of the Congress, I could not have been as successful as I was early on in my House service. He has since put his skills to work as a partner in the prestigious Washington Group.

John Olmsted, my Office Manager, has been with me since I took the oath of office in 1985. How a son of Minnesota made his way to the office of a Congressman from New York City I do not know, but I am glad he did. John has kept our computers running and my expense account straight. I will miss his advice on the market as I head towards retirement.

Brian Browne has served me well as my Queens District Office Manager. Balancing a new family with the long hours of a District staffer meeting with constituents at almost any hour of day or night, Brian has done a great job. I wish him well in his new career at my alma mater, St. Johns University.

Lizzy O'Hara has been my eyes and ears on issues relating to Ireland and Irish Americans. I take some small credit for helping move along the peace process in Northern Ireland, which culminated in the Good Friday Accord. My success in this regard owes much to the tenacity, gregariousness, and hard-work of Lizzy.

Elaine Simek, now a prominent securities lawyer in New York, previously served as my Legislative Director and my right-hand-woman on Irish issues. Her dedication over the years helped make the Congressional Ad-Hoc Caucus on Irish Affairs the successful organization it is today. And, like me, she was able to hold down a full-time job while getting her law degree at night school.

Bill Driscoll and Fran Kraft both served as my District Office Managers for many years. Their knowledge of the District and local politics kept me out of hot water more times than I care to remember.

My good friend and colleague, Walter McCaffrey, served me admirably as my very first District Chief of Staff. He later went on to win election to the New York City Council, where he still serves with distinction in the seat I once held.

The rest of my current staff have all played an important role in keeping me informed and knowledgeable of a multitude of issues and concerns. As I said before, they are the real backbone of a successful Congressional office.

Cinnamon Rogers, my Legislative Director, has done a yeoman's job for me on telecommunication and finance issues under the Commerce Committee. Matt Socknat, has helped me obtain crucial funding for cleaning-up a local water body and successfully fought to stop additional flights in and out of LaGuardia Airport. Maggie Berman has done a great job juggling my schedule while working on a number of tricky legislative issues. Adam Wolf has brought a unique sense of humor, dedication, and caring to his staff position. No one is better at obtaining White House tour tickets.

In my District Office, Angela Dekker has had the unenviable task of keeping my schedule straight, and has done so with alacrity. Irene Baker has done an outstanding job taking over the office's press duties and working with my consiituents on a multitude of issues. Julia Jimenez has slogged through countless immigration cases without missing a beat. The two newest District staffers, Ivan Lavios and Tim Higgins, have brought a new zest and determination to working with my constituents. And, Fran Mahony Reilly, my Bronx District Office Manager, has successfully taken on the responsibilities of a several person office all by herself. Without her, I simply could not have adequately represented my Bronx constituency.

Mr. Speaker. Finally, I would like to mention a few other members of my staff, both past and present, who have made my offices very special over the years: John Feeney, Rodney Bedford, Sean McIntyre, Jorge Rodriguez, Tom Messina, Tara Thompson, John Smythe, Neal Fenton, and Peter Praeger. I am leaving many individuals out of this list, but I hope they understand that they all played a very important part in keeping the offices running and the constituents of the 7th Congressional District happy.

Mr. Speaker, again I congratulate and thank all of my staff for their many years of service. I will miss them, as I will miss my colleagues and this great institution.

HONORING LATVIAN INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Cleveland's Latvian community in celebrating 80 years of independence. Latvian-Americans have become an important part of this area, enriching it with their native heritage and lively culture.

The Latvian Community in Cleveland traces back its origins to 1897, when 28 families formed the Emmanuel Lutheran Parish. At the end of World War II, the evasion of communism caused a massive immigration of Latvians to the United States, during which more than 2,500 displaced Latvians chose the Cleveland area as their home.

This community of Latvian immigrants has grown throughout the years, entering America's economic and educational mainstream, but always maintaining their Latvian heritage by sharing native foods, folk songs and dancing with their neighboring communities. The Latvian organizations in Cleveland have promoted and preserved their native values and culture, as well as worked to expose the ravages of communism. They contributed to the dream and final reality of an independent Latvia, when the country regained its independence in 1991, after 50 years of Soviet domination.

My fellow colleagues, please join me in honoring Latvia's 80th Independence Day celebration in the Greater Cleveland area. This event commemorates the many accomplishments of this community, and it recognizes the struggle to gain the freedom they have enjoyed for the past eight decades. Latvian-Americans continue to hold on to their Latvian heritage, culture, traditions and maintain ties with family and friends who live in their native land.

TRIBUTE TO FRANCES LOUISE JACKSON BALTIMORE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Ms. BROWN of Florida. Mr. Speaker, I rise today to pay tribute to a remarkable woman who has recently departed this life. Frances Louise Jackson Baltimore (1918–1998) was a wonderful mother, wife, and friend to many. She was born to the late Cornelius Jackson and Fannie Burrells Jackson on June 18, 1918 in Linden, Virginia. She married at an early age to Bishop Eugene E. Baltimore, and gave birth to six children—Anna, Florence, Barbara Jean, Eugene, Wilbert, and Darlene. She was preceded in death by Barbara Jean, Eugene, and Darlene.

Frances attended the Cherry Hill Elementary School in Linden, Virginia. She married Bishop Eugene Baltimore in Front Royal, Virginia, and they relocated to Johnsontown, Jefferson County, West Virginia. She and Eugene raised five children, and ran a clean, tidy household of modest means. She had numerous skills, many of which she passed on to her children, including sewing, cooking, canning and preserving, and decorating. She worked very hard to raise a proper family during the depression era.

After her children were grown, Frances moved to New York City where she received her GED and earned a Certificate of Completion in Geriatric Nursing. She lived and worked in New York for more than 20 years and was active in the lives of friends and family there. She later took up residence in Annapolis, Maryland, in 1982, and became a member of her son Wilbert's church, the Holy Temple Cathedral Church of God.

Frances was the matriarch of a very talented family. Her offspring have gone on to become successful professionals, many of whom earned advanced degrees and served honorably in the military. On October 11, 1998, Frances succumbed to Alzheimer's Disease. She will be remembered as a stylish, dedicated woman, who always knew how to make a little go a long, long way.

QUALITY DAY CARE PROTECTION ACT OF 1998

SPEECH OF

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. LAZIO of New York. Mr. Speaker, I rise today because an increasing number of moms and dads are placing their loved ones in day care. The time is right for me to introduce a new bill, The Quality Day Care Protection Act. This bill has two parts: (1) A misdemeanor for a person who misrepresents intentionally the credentials of the day care provider or the conditions of the care provided and (2) A felony for a person who causes serious physical injury to a child under his care. This bill gives parents the peace of mind knowing that their children are safe and secure while being cared for by responsible, reliable, licensed professional day care professionals.

Last July in Albany, New York, a couple left their three-month old daughter, Julia, in the care of a licensed, in-home day care provider. The provider lied about the number of children for whom she cared on a daily basis. The provider left Julia alone. The baby had been placed in a swing and left unattended. Julia was not supervised for twenty minutes. During that time, Julia threw up her food and choked on her own vomit. She was rushed to a local hospital, placed on life support, and tragically she was diagnosed as brain dead.

The critical fact in this horrible story is that the day care provider lied. She told Julia's parents that she was caring for four children. An official investigation discovered that eight children were receiving care.

I must tell you another tragic story. Last January, three month old Jeremy Fiedelholtz was being cared for by a licensed, in-home day care operator. The parents left Jeremy with the professional for two hours. It was a trial run; the parents were deciding if this day care professional was one they could trust. When the Fiedelholtz' returned they found Jeremy face down in a crib, in a pool of his own vomit, dead. The State of Florida had licensed this facility to care for six children, but this woman had taken in thirteen children that day. On the day that Jeremy died, while the owner ran errands, all 13 children were left at the mercy of a poorly trained staff person who was not CPR certified. The provider lied to Jeremy's parents.

The circumstances surrounding the deaths of these two infants are frighteningly similar. In both cases, the day care provider misrepresented to parents about how many children would be accepted daily, who would be responsible for caring for the child, and the qualifications of the person who would care for the child. Two children died after the day care professional misrepresentations. In both cases, the only recourse for the parents was in civil court. No federal or state criminal law applied. Under my bill, a crime will be committed if a day care provider intentionally misrepresents the credentials or the conditions of the day care provider: (1) Credentials licenses or permits that the provider or the staff possesses; (2) Number of children for whom they care; (3) Quality of the day care facilities.

Most states do not have adequate criminal laws in this arena. Critical gaps that would safeguard the basic health and safety standards for child care exist. In many states, there are standards but they are not consistently enforced. For example, many states do not require small, in-home day care providers to apply for a license. Those providers are not inspected. Even when states require in-home providers to be licensed, most of the time there are no inspections.

Today, millions of parents have no choice. They must make ends meet to pay the bills. So, they are forced to place their loved ones in child care while they work. Currently, 77 percent of all women with children under 17 hold a job. Each day, about 13 million children under the age of six spend part of their day in day care. There are six million infants and toddlers who are being cared for by people that parents are hoping they can trust.

Every parent wants to feel secure in knowing their loved ones are receiving quality day care. Quality care means providing a safe and healthy environment where care givers safeguard infants and nurture their development. Quality care means having a minimum number of children for each care giver. The best of all worlds means every child in day care receives as much one-on-one attention as possible. This bill gives moms and dads what they deserve—the peace of mind that goes with knowing their children are safe and secure when in the arms of a day care professional.

The Quality Day Care Protection Act is a fair bill. Prosecutors will be allowed to pursue day care providers that deliberately break the law. Parents will see justice done when their child is seriously injured or dies. I urge my colleagues to support this legislation.

H.R. 4838, THE HOUSING PRESERVATION MATCHING GRANT OF 1998

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. VENTO. Mr. Speaker, on October 14, 1998, I introduced, H.R. 4838, the Housing Preservation Matching Grant of 1998, which would authorize the Secretary of HUD to make grants to States to supplement State assistance for the preservation of affordable housing for low income families.

I consider this bill advance notice for the agenda of the 106th Congress which should begin in allocating resources to match the efforts of some States in preserving affordable housing units across this nation. During the consideration of the FY 1999 VA, HUD and Independent Agencies Appropriations bill, I attempted to offer an amendment that would expand the notification a tenant receives from 60 days to 12 months that a building's mortgage will be prepaid, ending its lower income affordability. In the end, we succeeded in achieving a five-month notification requirement. A greater victory, however, would be to achieve the long-term preservation of those housing units as affordable housing.

We are facing a dire situation with regard to affordable housing needs in this country. Low- to moderate-income residents receiving housing assistance are on the cusp of a crisis and Congress *must act* to attempt to avert the breakdown and loss of the national public and assisted housing stock. Without preservation, the best of the worst case scenarios is a "vouchering out" of what little affordable housing remains.

Some states are allocating resources to save federally subsidized housing for the future. In my home State of Minnesota, where 10% of the roughly 50,000 units of assisted housing are at risk, $10 million was appropriated in 1999 for an Affordable Rental Investment Fund to finance the acquisition, rehabilitation and debt restructuring of federally assisted rental property and for making equity take-out loans. This laudable effort, however, is only one state and even there, the resources allocated cannot match the great need for affordable housing, especially for seniors and those with special needs, other states and local governments must step forward with funding to help, Federal housing policy should encourage and facilitate such action.

H.R. 4838 recognizes these kinds of commitments and matches them with two federal dollars for every State dollar. If there is not funding for the federal Low Income Housing Preservation and Resident Homeownership Act (LIHPRHA) perhaps this new Housing Preservation Matching Grant can encourage a forestallment of prepayment, which places low-income families at risk of losing their homes. With action and enactment of this bill in the next Congress we could provide a benchmark for states and local communities to work from and with as they produce their own initiatives to avert this pending national crisis in affordable housing.

A section-by-section of H.R. 4838 follows:

Section 1. Short title

The short title of the Act is the "Housing Preservation Matching Grant Act of 1998".

Section 2. Findings and purpose

(a) *Findings.*—The Congress finds that—

(1) more than 55,300 affordable housing dwelling units in the United States have been lost through termination of low income affordability requirements, which usually involves the prepayment of the outstanding principal balance under the mortgage on the project in which such units are located;

(2) more than 265,000 affordable housing dwelling units in the United States are currently at risk of prepayment;

(3) the loss of the privately owned, federally assisted affordable housing, which is occurring during a period when rents for unassisted housing are increasing and few units of additional affordable housing are being developed, will cause unacceptable harm on current tenants of affordable housing and will precipitate a national crisis in the supply of housing for low-income households;

(4) the demand for affordable housing far exceeds the supply of such housing, as evidenced by studies in 1998 that found that (A) 5,300,000 households (one-seventh of all renters in the Nation) have worst-case housing needs; and (B) the number of families with at least one full-time worker and having worst-case housing needs from 1991 to 1995 by 265,000 (24 percent) to almost 1,400,000;

(5) the shortage of affordable housing in the United States reached a record high in 1995, when the number of low-income households exceeded the number of low-cost rental dwelling units by 4,400,000;

(6) between 1990 and 1995, the shortage of affordable housing in the United States increased by 1,000,000 dwelling units, as the supply of low-cost units decreased by 100,000 and the number of low-income renter households increased by 900,000;

(7) there are nearly 2 low-income renters in the United States for every low-cost rental dwelling unit;

(8) 2 of every 3 low-income renters receive no housing assistance and about 2,000,000

low-income households remain on waiting lists for affordable housing;

(9) the shortage of affordable housing dwelling units results in low-income households that are not able to acquire low-cost rental units paying large proportions of their incomes for rent; and

(10) in 1995, 82 percent of low-income renter households were paying more than 30 percent of their incomes for rent and utilities.

(b) *Purpose.*—It is the purpose of this Act—

(1) to promote the preservation of affordable housing units by providing matching grants to States that have developed and funded programs for the preservation of privately owned housing that is affordable to low-income families and persons and was produced for such purpose with Federal assistance;

(2) to minimize the involuntary displacement of tenants who are currently residing in such housing, many of whom are elderly or disabled persons; and

(3) to continue the partnerships among the Federal Government, State and local governments, and the private sector in operating and assisting housing that is affordable to low-income Americans.

Section 3. Authority

Provides the Secretary of HUD with the authority to make grants to the States for low-income housing preservation.

Section 4. Use of Grants

(a) *In general.* —Grants can only be used for assistance for acquisition, preservation incentives, operating cost, and capital expenditures for the housing projects that meet the requirements in (b), (c) or (d) below.

(b) *Projects with HUD-insured mortgages.*—

(1) The project is financed by a loan or mortgage that is—(A) insured or held by the Secretary under 221(d)(3) of the National Housing Act and receiving loan management assistance under Section 8 of the U.S. Housing Act of 1937 due to a conversions for section 101 of the Housing and Urban Development Act of 1965; (B) insured or held by the Secretary and bears interest at a rate determined under 221(d)(5) of the National Housing Act; (c) insured, assisted, or held by the Secretary or a State or State Agency under Section 236 of the National Housing Act; or (D) held by the Secretary and formerly insured under a program referred to in (A), (B) or (C);

(2) the project is subject to an unconditional waiver of, with respect to the mortgage referred to in paragraph (1)—

(A) all rights to any prepayment of the mortgage; and (B) all rights to any voluntary termination of the mortgage insurance contract for the mortgage; and

(3) the owner of the project has entered into binding commitments (applicable to any subsequent owner) to extend all low-income affordability restrictions imposed because of any contract for project-based assistance for the project.

(c) *Projects with section 8 project-based assistance.*—A project meets the requirements under this subsection only if—

(1) the project is subject to a contract for project-based assistance; and (2) the owner has entered into binding commitments (applicable to any subsequent owner) to extend such assistance for a maximum period under law and to extend any low-income affordability restrictions applicable to the project.

(d) *Projects purchased by residents.*—A project meets the requirements under this subsection only if the project—

(1) is or was eligible housing under LIHPRHA of 1990; and (2) has been purchased by a resident council for the housing or is approved by HUD for such purchase, for conversion to homeownership housing as under LIHPRHA of 1990.

(e) *Combination of assistance.*—Notwithstanding subsection (a), any project that is otherwise eligible for assistance with grant amounts under (b) or (c) and also meets the requirements of the (1) in either of the other subsections—that is, it is a 221(d)(3), 221(d)(5), or a 236 building, or, is subject to a contract for project-based assistance—will be eligible for such assistance only if it complies with all the requirements under the other subsection.

Section 5. Grant amount limitation

The Secretary can limit grants to States based upon the proportion of such State's need compared to the aggregate need among all States approved for such assistance for such a fiscal year.

Section 6. Matching requirement

(a) *In general.*—The Secretary of HUD cannot make a grant that exceeds twice the amount the State certifies that the State will contribute for a fiscal year, or has contributed since January 1, 1998, from non-Federal sources for preservation of affordable housing as described in Section 4(a).

(b) *Treatment of previous contributions.*—Any portion of amounts contributed after 1.1.98, that are counted for a fiscal year, may not be counted for any subsequent fiscal year.

(c) *Treatment of tax credits.*—Low Income Housing Tax Credits (LIHTC) and proceeds from the sale of tax-exempt bonds shall not be considered non-federal sources for purposes of this section.

Section 7. Treatment of subsidy layering requirements

Neither section 6 or any other provision of this Act should prevent using the Low Income Housing Tax Credit in connection with housing assisted under this Act, subject to following Section 102(d) of the HUD Reform of 1989 and section 911 of the Housing and Community Development Act of 1992.

Section 8. Applications

The Secretary shall provide for States to submit applications for grants under this Act with such information and certifications that are necessary.

Section 9. Definitions

For this Act, the following definitions apply:

(1) *Low-income affordability restrictions.*—With respect to a housing project, any limitations imposed by regulation or agreement on rents for tenants of the project, rent contributions for tenants of the project, or income-eligibility for occupancy in the project.

(2) *Project-based assistance.*—Is as defined in section 16(c) of the U.S. Housing Act in 1937, except that such term includes assistance under any successor programs to the programs referred to in that section.

(3) *Secretary.*—Means the Secretary of the Department of Housing and Urban Development.

(4) *State.*—Means the States of the U.S., DC, Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the U.S.

Section 10. Gives the Secretary authority to issue any necessary regulations.

Section 11. Authorizes $500,000,000 from 1999 through 2003 for grants under this Act.

TRIBUTE TO REVEREND AL SHARPTON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to a great civil rights leader and political figure, an outstanding individual who has devoted his life to his family and to serving the community, the Reverend Al Sharpton. Still in his early 40's, Sharpton for the past two decades has played a major role in virtually every significant movement for civil rights, empowerment, and social and economic justice.

Born October 3, 1954, to Alfred Sr. and Ada in Brooklyn, New York, Reverend Sharpton grew up in Brooklyn and Queens in a Black middle-class family. After his parents separated, Sharpton's mother became a domestic worker and raised him and his sister in the ghettos of Brooklyn. He attended public schools, graduating from Tilden High School in 1972. While at Tilden, young Sharpton distinguished himself. He served as vice-president of the Student Government Association, President of the Afro-American Club and Co-Editor of the school's newspaper, The Gadfly. He was also a member of the debating team, the Forum Club, and the Panel of Americans. Sharpton went on to Brooklyn College, majoring in contemporary politics, leaving after his sophomore year.

Sharpton began his ministry at the age of four. At that tender age, he preached his first sermon, "Let Not Your Heart Be Troubled," to hundreds at Washington Temple Church in Brooklyn. The legendary Bishop F.D. Washington was his mentor throughout his adolescent years. By age 9, Sharpton was licensed and ordained by Bishop Washington and appointed Junior Pastor of the 5,000 member Washington Temple congregation. The young minister also began preaching throughout the United States, Canada, and the Caribbean, as the "Wonder Boy Preacher." He made one tour with gospel great Mahalia Jackson.

Mr. Speaker, at age 12, Reverend Sharpton became interested in politics. He was mesmerized by Harlem Congressman Adam Clayton Powell, Jr. (D–NY). During Rev. Powell's New York trips, Sharpton would join his entourage, and in 1967 he formed the Youth Committee for Powell, to protest the Congressman's expulsion from the House of Representatives. At age 14, Sharpton became involved in the Greater New York chapter of the Southern Christian Leadership Conference (SCLC), founded by Rev. Dr. Martin Luther King, Jr. Sharpton was appointed Youth Director of the SCLC by Rev. Jesse L. Jackson and Dr. William A. Jones, Jr. His tasks were to organize youth to picket and demonstrate against discriminatory practices.

In November of 1993, Reverend Sharpton was appointed the National Director of the National Rainbow Coalition's Minister Division by Rev. Jesse L. Jackson, its President and Founder and Rev. Dr. Wyatt Tee Walker, Chairman of the Ministers Division. Sharpton serves in this position as he continues as president of National Action Network.

Reverend Sharpton's political career has challenged the New York political establishment.

In 1992, running for the U.S. Senate in the Democratic primary against three formidable and well-financed candidates, Sharpton won 15% of the total statewide vote, 21% of the New York City vote and 70% of the statewide Black vote. In 1994, Sharpton astounded pundits by running against U.S. Senator DANIEL PATRICK MOYNIHAN, then Chair of the Senate Finance Committee. Though outspent over 10 to 1, Sharpton received 26% of the statewide vote, 33% of the New York City votes, and over 80% of the statewide black vote. In September 1997, Sharpton achieved his greatest political feat. Though outspent 20 to 1, Sharpton came within a fraction of 1% of forcing the first Democratic primary runoff for Mayor of New York City.

Reverend Sharpton is married to noted songstress Kathy Jordan and they have two daughters, Dominique, age 11 and Ashley, age 10.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a great civil rights leader and political figure, the Reverend Al Sharpton.

KHALISTANI LEADER RECOMMENDED FOR NOBEL PEACE PRIZE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BURTON of Indiana. Mr. Speaker, a resolution was passed at last week's annual convention of the Council of Khalistan that recommends Dr. Gurmit Singh Aulakh for the Nobel Peace Prize. As you know, Dr. Aulakh has served as the Council's President for the past eleven years.

Dr. Aulakh has worked for the freedom of Punjab, Khalistan ever since it declared its independence in 1987 from India. The Council of Khalistan has repeatedly stated its commitment to peaceful, democratic, nonviolent means to achieve this goal. They have consistently and strongly rejected militancy.

For his tireless work to liberate the Sikh homeland—Punjab, Khalistan—and for his persistence in exposing Indian repression of the people of South Asia, I believe Dr. Aulakh would be an excellent candidate for the Nobel Peace Prize. I congratulate the delegates for recommending him, and I proudly add my voice to those suggesting that he receives this distinguished award.

Mr. Speaker, I would like to place the resolution recommending Dr. Aulakh for the Nobel Peace Prize into the CONGRESSIONAL RECORD.

DR. WILLIAM R. HARVEY, PRESIDENT, HAMPTON UNIVERSITY—IN COMMEMORATION OF THE 20TH ANNIVERSARY OF HIS PRESIDENCY

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SCOTT. Mr. Speaker, I rise to call attention to the record of excellence and outstanding contributions amassed over the past 20 years by Dr. William R. Harvey as the 12th President of Hampton University.

Dr. Harvey came to Hampton in 1978 following a record of achievement in the administrations of Tuskegee University, Fisk University and Harvard University. Under his leadership, Hampton University has grown in prominence as well as in physical stature. The student population has more than doubled, increasing from 2,700 to 6,000, and the average student SAT score has increased by 300 points. Forty-five academic programs have been added, including graduate degree programs in Business Administration, Museum Studies, Applied Mathematics and Chemistry, with PhD programs in Physics, Pharmacy, Physical Therapy and Nursing. Eleven buildings have been erected, including the William R. and Norma B. Harvey Library, the L. Douglas Wilder Dormitory, a Convocation Center and a Science and Technology building, and some $35,000,000, has been spent on the renovation of existing buildings. During the same period, Hampton's endowment has grown from $29 million to over $130 million.

Dr. Harvey's visionary zeal has not been limited to the campus of Hampton University. He brought about the development of the Hampton Harbor Project, a residential and commercial development which includes 246 apartments and 60,000 square feet of business space for lease. This project contributes funds for student scholarships, provides jobs for area workers and tax revenues to the City of Hampton. His contributions to the broader Hampton Roads community have been significant, as well. He was Chairman of a record-setting $6.6 million Virginia Peninsula United Way Campaign. To expand opportunities for at-risk youth on the Peninsula, he established the Job Education Training (JET) corps to provide academic improvement and job skills training to selected at-risk youth, and Project H.O.P.E. (Hampton Opportunity Program for Enhancement), a special admission, scholarship and support program for students who demonstrate the academic ability, but do not have the full credentials, for admission to Hampton.

The business acumen that Dr. Harvey exhibited in his leadership at Hampton was also manifested in the greater business community. He is the owner of the highly successful Pepsi-Cola Bottling Company in Houghton, Michigan, and he serves on the Boards of Directors of First Union National Bank, Newport News Shipbuilding, Inc., and Trigon Blue Cross/Blue Shield of Virginia. He has generously contributed his business skills to the public, serving on national advisory boards under four U.S. Presidents, and currently serves as a member of the Board of the Virginia Museum of Fine Arts.

Dr. Harvey was born in Brewton, Alabama. He is a graduate of Talledega College and earned a doctorate in College Administration from Harvard University. He is married to the former Norma Baker of Martinsville, Virginia; they have three children.

Mr. Speaker, I commend to you the achievements of Hampton University President William R. Harvey and ask that they be made a part of the permanent record of this body.

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. MARKEY. Mr. Speaker, S. 2375, the "International Antibribery and Fair Competition Act of 1998" is important legislation for this Congress to approve and for the President to sign. I am an original cosponsor of the House companion to this measure and fully support the bill we are approving today.

International bribery and corruption continue to be problems worldwide and the Administration has done excellent work in gaining consensus among a large number of nations to crack down on these corrupt practices. The Commerce Department has stated that it has learned of significant allegations of bribery by foreign firms since 1994 totalling over $100 billion. Taking action today to update the Foreign Corrupt Practices Act (FCPA) in concert with action to be taken by our major trading partners, is designed to achieve an international marketplace of greater integrity and fairness.

Most of the provisions of this bill are identical to the provisions which passed the House a few weeks ago. Much time has been spent over the last few days to nail down provisions that are integral to any legislation hoping to pass muster as a comprehensive antibribery and fair competition measure. The legislation we are sending back over to the Senate takes modest steps toward a more equitable marketplace environment for international satellite telecommunications. The simple fact is that INTELSAT and Inmarsat are intergovernmental organizations that compete in the marketplace against private U.S. companies. This is unfair. Everyone recognizes that this must change. Even the U.S. signatory to these organizations—COMSAT—realizes that this situation has to change. No entity in the global marketplace ought to enjoy special privileges when competing against private American companies. American jobs and innovation are at stake.

It is not surprising that intergovernmental organizations will do everything they can to perpetuate their current existence. It is also not surprising that monopolies and dominant providers will do everything they can to squash the competition. That is why it is often incumbent upon policymakers to act to curtail anticompetitive activity.

In the international arena, American companies are trying to gain market access and win markets while intergovernmental organizations are trying everything in their power to slow down American competitors, using intergovernmental privileges and hiding anticompetitive action against American companies behind the cloak of special immunity granted ages ago. This has to end. What this legislation provides is a modest step to level the proverbial playing field. No marketplace participant ought to be immune from the legal parameters of the marketplace, no intergovernmental organization ought to compete against the private sector in delivering service to consumers.

The bill before us contains provisions to address the special advantages of the intergovernmental satellite organizations and to ensure that they do not improperly escape coverage by the FCPA. Thus the legislation is designed to make clear that bribery of intergovernmental organizations does not escape the coverage of the FCPA.

It also contains provisions to remove the special advantages of such organizations. The legislation stipulates that international organizations providing commercial communications services shall not be accorded immunity from suit or legal process in connection with their role as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the U.S. I believe this is an important step forward and one which recognizes that American companies should not suffer competitive disadvantages due to privileges and immunities enjoyed by intergovernmental organizations competing with the private sector but having failed to fully privatize in a pro-competitive manner. In addition, the bill directs the President to secure the elimination, or substantial reduction, of all privileges and immunities that are accorded Intelsat and Inmarsat.

Given that this will be the first time in a great number of years that the Congress has spoken on international satellite communications I believe it underscores the strong bipartisan desire of the Congress to move expeditiously toward a pro-competitive privatization of the intergovernmental organizations. Taken in the context of the overwhelming vote this year for H.R. 1872 in the House, the direction of policy desired by Members of Congress is clearly toward putting all companies on even footing and letting the marketplace decide winners and losers. Our overarching goal is a freely open competitive marketplace bringing to an end the era of government sanctioned communications cartels in satellite communications.

I want to commend the leadership and tenacity of Chairman BLILEY in ensuring that these important satellite provisions are in this comprehensive bill. I want to also commend the work of Chairman MIKE OXLEY, Mr. DINGELL, as well as our Senate counterparts. In addition, I want to also salute the work of our Commerce Secretary Bill Daley, for spearheading this effort from the Administration and for the excellent result we have achieved due to his effort.

TRIBUTE TO MS. GLORIA E. HOLLIDAY

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Ms. DEGETTE. Mr. Speaker, I rise today to recognize Gloria E. Holliday, a member of the board of directors for the Regional Transportation District (RTD), the E–470 Authority, and the Keep Denver Beautiful Board in Denver, Colorado. Ms. Holliday was recently honored by the Colorado Black Women for Political Action (CBWPA) as the 1998 recipient of the Politics Award.

Ms. Holliday came to Denver after receiving her Bachelor of Arts degree from Jackson State College. Born and raised in Jackson, Mississippi, Ms. Holliday began her lengthy career in various political activities at the age of 4, when she was forced to ride in the back of the bus. Since that time, she has been privileged to work with several local and nationally renowned and distinguished civil rights leaders including Clarence Mitchell Sr., Earl V. Dickerson of Chicago, Roy Wilkins Jr., and late Irving Andrews, Medgar Evers, Walter White, A.J. Noel Sr., and Mrs. Gladys Noel Bates.

She has worked and participated in economic boycotts, the historical desegregation struggles of hotels in Atlanta, Georgia, voter registration drives, and helped to change the hiring practices toward achieving a more integrated work force at major retailers in Denver, including the old Denver Dry, King Soopers, Safeway, and several movie theaters. She actively fought for funding for the businesses affected by the Light Rail construction in the historic Five Points area and continues to oversee the efforts of the RTD Board to increase financial support for these businesses.

Ms. Holliday is currently a member of the NAACP, the Urban League of Metropolitan Denver, and the East Montclair Association. A member of Macedonia Baptist Church, she sings with the Martin Ensemble and Mass Choir. She is also a vocalist with the Denver Jazz Orchestra (DJO) and a member of the Delta Sigma Theta sorority.

I am honored to join together with CBWPA and the Denver metropolitan community in recognizing Ms. Holliday, who continues to serve both her professional and personal affiliations with strength, purpose, and integrity.

* * *

TRIBUTE TO JAMES D. BECK

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Ms. BROWN of Florida. Mr. Speaker, I rise today to pay tribute to Dr. James D. Beck, a friend and former college professor of mine. He was a brilliant and outstanding educator who devoted his extraordinary career to creating new frontiers in counselor education as a psychologist while serving his community and being dedicated to his wife and family. Dr. Beck was a giant in his field and one of the most distinguished professors in the history of Florida A&M University.

Dr. Beck was born in McCarley, Mississippi on May 25, 1925. He departed this life August 13, 1998, at the age of 73, leaving behind a legacy of precedents to be remembered. Dr. Beck began his educational experiences in the Carroll County public schools of Mississippi and completed high school in Grenada, Mississippi. He then attended Jackson State University in Jackson, Mississippi, but received his Bachelor of Arts Degree in Philosophy and Religion from Fisk University, Nashville, Tennessee in 1950. In 1951, he received his Master's Degree in Guidance and in 1959 a Doctorate in Education from Indiana University. During the time between his master's and doctorate degrees, he served our country in the Korean War as a soldier in the Army Signal Corps, receiving an Honorable Discharge in 1954. After fulfilling his duty to his country, he returned to the field of education as the Dean of Men at Jackson State University. Following a short period at Jackson State University, he moved on and propelled his career becoming Professor of Counselor Education and Chairman of the Department of Educational Leadership and Human Services at Florida A&M University. From 1966 to 1968, he served as the Director of the Desegregation Center and Professor of Counselor Education at the Western Kentucky University. After his service to Western Kentucky, he returned to Florida A&M University in 1968 to serve as professor of Counselor Education and once again became Chair of the department. Until his health required him to withdraw from administrative duties, Dr. Beck chaired his department for 30 years. He served as Professor of Counselor education until his death.

He will be remembered by thousands of students who recall his traveling throughout the state teaching extension courses long before the interstates and turnpikes were a part of our lives. He traveled roads up and down the state spreading goodwill for Florida A&M University, emphasizing "Excellence With Caring" for our present and new educators. Moreover, The Heart Transplant Support Group, his favorite among many affiliations, will remember his diligent support to them after he became a heart transplant recipient in 1988. His family will recall the moments they spent together growing flowers and vegetables, feeding ducks, and attending football games near and far. Dr. Beck will also be remembered for being considerate and compassionate, and for always having a positive word about others. He leaves to us his wife Jacqueline Bolden Beck, who shared 41 years of marriage, his daughter Juanda Beck-Jones, and granddaughter Elizabeth Anne Jones who I am sure are very proud of him and his accomplishments as a family man and professional.

As a former student of his, I am proud to pay tribute to the life and legacy of this great man.

TRIBUTE TO HELEN WALTON

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. HUTCHINSON. Mr. Speaker, I rise today to pay tribute to a true philanthropist. Helen Walton recently made the largest single gift to an American business school in United States history: $50 million to the College of Business Administration at the University of Arkansas.

This gift will enable the University of Arkansas to provide the highest level of business and management education to Arkansans, improve campus facilities and conduct important research.

In making this contribution, Mrs. Walton said, "This gift is about improving the lives of people through education, and we hope it will improve the lives of thousands of students in the state of Arkansas."

Mr. Speaker, this country is great because of the generosity of Americans such as Helen Walton. I commend her for her gift.

COMMENDATION OF BLUE CROSS AND BLUE SHIELD OF NORTH CAROLINA

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to commend Blue Cross and Blue Shield of North Carolina for becoming the first company in the state, and one of the first in the nation, to pledge its voluntary compliance with the Consumer Bill of Rights and Responsibilities developed by the President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry.

The Consumer Bill of Rights sets forth eight recommendations to promote quality and protect consumers in the health care system. The recommendations call for health plans to guarantee consumers' access to clear information about their health plan, allow sufficient choice of physicians and hospitals, provide access to emergency services and to grievance and appeals processes, ensure confidentiality of health information, and encourage participation by the consumer in treatment decisions. The Consumer Bill of Rights also calls for an environment of mutual respect between consumers and the health care industry and recognizes that consumers should take reasonable responsibility for their health care.

Congress tried to pass legislation this year which contained many of these same patient protections. Our citizens deserve these assurances in the changing health care marketplace, and I was disappointed that we could not resolve our differences on this issue. However, it is very heartening to see that Blue Cross and Blue Shield of North Carolina is taking the initiative to adopt fundamental rights and guarantees for its health care consumers. Blue Cross and Blue Shield of North Carolina is the largest health insurer in the state, with 1.6 million members, and the company's decision to provide these basic patient protections to its members follows its long-standing commitment to quality care. I hope other health plans in North Carolina and across the country will follow Blue Cross and Blue Shield's notable example and endorse the Consumer Bill of Rights.

During the 105th Congress, much has been said about changes that are occurring in health care and about how patients and the doctor-patient relationship can be protected in this sometimes unsettling environment. Government has an important role in this, I believe, but it is even more important for insurers themselves to assume responsibility for the quality of their product and for the access of their customers to the quality care they need. That is what Blue Cross and Blue Shield of North Carolina has done in endorsing the Consumer Bill of Rights. We should recognize and honor this kind of corporate responsibility when we witness it, and I am pleased to do so today.

NOMINATING DANTE B. FASCELL FOR THE PRESIDENTIAL MEDAL OF FREEDOM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. HAMILTON. Mr. Speaker, last week more than 100 Members of Congress signed their names to a letter nominating Hon. Dante B. Fascell for the Presidential Medal of Freedom. It is a measure of respect for Dante that those names include prominent Republicans as well as Democrats, and Members who know him only by reputation as well as many close friends.

I submit the text of the letter and the accompanying signatures to be printed in the CONGRESSIONAL RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 14, 1998.

Mr. PHILLIP M. CAPLAN,
Assistant to the President and Staff Secretary, The White House Washington, DC.

DEAR MR. CAPLAN: We write to nominate Dante B. Fascell to receive the Presidential Medal of Freedom. As Chairman of the Committee on Foreign Affairs, Dante B. Fascell exercised strong, principled leadership for our country during the final chapter of the Cold War. He has the respect of Democrats and Republicans and should be properly honored for his service to America. We believe that the Presidential Medal of Freedom would be the most appropriate honor.

Dante B. Fascell, born in Bridgehampton, New York, March 9, 1917, moved to Florida in 1925 where he completed his education and was admitted to the bar in 1938. Dante Fascell entered the Florida National Guard on January 6, 1941. Commissioned a Second Lieutenant May 23, 1942, he served in the African, Sicilian, and Italian campaigns of World War II. Dante Fascell served as a member of the Florida state house of representatives from 1950–1954. Subsequently, he served in the House of Representatives from January 3, 1955 to January 3, 1989. Congressman Fascell served as Chairman of the Committee on Foreign Affairs from the Ninety-eighth through the One Hundredth Congresses.

During his tenure on the Committee on Foreign Affairs, Dante Fascell was instrumental in enacting an astonishing array of bills that significantly advanced America's interest abroad. These included the creation of the National Endowment for Democracy, Radio Marti, the Inter-American Foundation, and the North-South Center. Congressman Fascell also authored and advanced numerous bills to improve international narcotics control and aviation safety, as well securing passage of the Freedom Support and SEED Acts, the Fascell Fellowships, and biennial State Department Authorization bills. Dante Fascell was also a driving force behind establishing the Commission on Security and Cooperation in Europe.

We respectfully request you submit this nomination to the President to award Dante B. Fascell the Presidential Medal of Freedom, pursuant to Executive Order 11085, in recognition of Chairman Fascell's exceptionally meritorious contributions to the national security interests of the United States.

Sincerely,

BENJAMIN A. GILMAN,
Chairman,
Committee on International Relations.
JESSE HELMS,
Chairman,
Committee on Foreign Relations.
RICHARD G. LUGAR,
United States Senator.
CHRISTOPHER J. DODD,
United States Senator.
LEE H. HAMILTON,
Ranking Democratic Member.
Committee on International Relations.
CONNIE MACK,
United States Senator.
BOB GRAHAM,
United States Senator.

Sam Gejdenson (D–CT)
David Bonior (D–MI)
Steny Hoyer (D–MD)
Jim Oberstar (D–MN)
Dick Gephardt (D–MO)
Gene Taylor (D–MS)
Dan Miller (R–FL)
Hal Rogers (R–KY)
Martin Sabo (D–MN)
Donald Payne (D–NJ)
Tome Lantos (D–CA)
Robert Mendendez (D–NJ)
John Olver (D–MA)
Tom Barrett (D–WI)
Henry Hyde (R–IL)
David Dreir (R–CA)
Owen Pickett (D–VA)
Dave Obey (D–WI)
Porter Goss (R–FL)
John Mica (R–FL)
Lincoln Diaz-Balart (R–FL)
Ileana Ros-Lehtinen (R–FL)
Robert Wexler (R–FL)
Jim Davis (D–FL)
Jim Leach (R–IA)
Gerry Solomon (R–NY)
Clay Shaw (R–FL)
John Fox (R–PA)
Chris Smith (R–NJ)
Dan Burton (R–IN)
Matthew Martinez (D–CA)
Doug Bereuter (R–NE)
Ben Cardin (D–MD)
Jim Barcia (D–MI)
Bob Clement (D–TN)
Solomon Ortiz (D–TX)
T.J. Manton (D–NY)
Ellen Tauscher (D–CA)
Gene Green (D–TX)
Neil Abercrombie (D–HI)
Peter DeFazio (D–OR)
Elizabeth Furse (D–OR)
Jose Serrano (D–NY)
Mike McNulty (D–NY)
Karen McCarthy (D–MO)
Lynn Rivers (D–MI)
Bill Luther (D–MN)
Jack Quinn (R–NY)
Zoe Lofgren (D–CA)
Frank Pallone, Jr. (D–NJ)
Jo Ann Emerson (R–MO)
John Conyers (D–MI)
Elliot Engel (D–NY)
Peter King (R–NY)
Howard Berman (D–CA)

Barney Frank (D-MA)
Carolyn McCarthy (D-NY)
Nita Lowey (D-NY)
Denis Kucinich (D-OH)
Billy Tauzin (R-LA)
Don Young (R-AL)
Bob Livingston (R-LA)
Rick White (R-WA)
Alcee Hastings (D-FL)
John Dingell (D-MI)
Louise Slaughter (D-NY)
Sherrod Brown (D-OH)
Carrie Meek (D-FL)
Martin Frost (D-TX)
Charlie Rangel (D-NY)
Frank Mascara (D-PA)
Jim Moran (D-VA)
Jack Murtha (D-PA)
Bob Weygand (D-RI)
Anna Eshoo (D-CA)
Tom DeLay (R-TX)
Marcy Kaptur (D-OH)
Joe Moakley (D-MA)
Nick Rahall (D-WV)
Nancy Pelosi (D-CA)
Patrick J. Kennedy (D-RI)
Tom Allen (D-ME)
Adam Smith (D-WA)
Henry Waxman (D-CA)
Bob Borski (D-PA)
Robert Matsui (D-CA)
Gary Condit (D-CA)
Norm Sisisky (D-VA)
Sanford Bishop, Jr. (D-GA)
Corrine Brown (D-FL)
Eva Clayton (D-NC)
Lois Capps (D-CA)
Norm Dicks (D-WA)
Ed Markey (D-MA)
Allen Boyd (D-FL)
Collin Peterson (D-MN)
Martin Meehan (D-MA)

NIH OFFICE OF AUTOIMMUNE DISEASES ACT OF 1998

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce the NIH Office of Autoimmune Diseases Act of 1998. This bill is intended to promote discussion of how we can enhance the Federal government's response to the severe impact of autoimmune diseases and disorders on our country. Most importantly, it is intended to highlight the urgency of treating autoimmune diseases as a priority women's health issue.

Today, there are at least eighty recognized autoimmune diseases, ranging from multiple sclerosis, rheumatoid arthritis and lupus to juvenile-onset diabetes, scleroderma, Graves's disease and thyroiditis. All of these diseases and disorders are characterized by autoimmunity, the terrible case of the body's immune system rebelling against itself. Frequently inherited, these diseases and disorders lead to death or severe disability, cause a painful loss in patients' quality of life, and inflict a tremendous toll on their families and communities. Collectively, autoimmune diseases cause untold mortality and morbidity in this country, as well as billions in health care expenditures and lost productivity every year.

Yet last December, Acting Deputy Assistant Secretary for Women's Health Susan Wood observed that, "Despite their devastating human and economic toll, autoimmune diseases are among the least investigated, most difficult to diagnose, and physically and emotionally painful diseases that face Americans today."

This is a terrible and unnecessary situation. Even worse is that the disproportionate impact of these diseases on women is even less well recognized. Few people in our country know that seventy-five percent of those afflicted with an autoimmune disease are women. I doubt many of my colleagues are aware that multiple sclerosis is twice as common in women compared to men.

These statistics do not adequately reflect how important autoimmune diseases are to women. The best available research suggests that autoimmunity may be the cause of 50 to 60 percent of unexplained cases of infertility and is also a major cause of miscarriages. But these numbers only hint at the pain and doubt experienced by women and their families as a result of autoimmune diseases.

The suffering of patients from the clinical manifestations of these diseases and disorders can be exacerbated by a lack of information and understanding. A recent study by the American Autoimmune Related Diseases Association found that two-thirds of all women suffering from autoimmune diseases has been labeled "chronic complainers" before being correctly diagnosed. No woman should have to experience such insensitivity and lack of awareness when seeking care for serious diseases.

The Federal government is pursuing an agenda of research and education on autoimmune diseases. For several years, the National Institutes of Health (NIH) has supported a multi-institute research program on the mechanisms of immunotherapy for autoimmune disease. There is an NIH research program for autoimmunity centers of excellence. And last September, several NIH institutes and the Office of Women's Health Research initiated a research program focusing on genetic susceptibility to autoimmune diseases.

But it is clear that more can be done. The NIH recently established an autoimmune diseases coordinating committee, to help facilitate the innovative research being conducted on autoimmune diseases. My colleague, Congresswoman MORELLA, has played a leadership role in this regard. The Congress has also dramatically increased NIH funding over the past few years, with the expectation that autoimmune disease research would benefit from this trend.

This bill would take these promising developments a step farther. Progress on finding cures and treatments for autoimmune diseases would surely be expedited by a permanent office at the NIH dedicated to developing a consensus research agenda, as well as promoting cooperation and coordination of ongoing research. Such an office could serve as an advisor to the Director of NIH and the Secretary of Health and Human Services, and act as a high-level liaison to the many important autoimmune disease patient groups, such as the National Multiple Sclerosis Society, American Autoimmune Related Diseases Association, the Arthritis Foundation, Juvenile Diabetes Foundation and the National Organizations for Rare Disorders.

I am introducing this legislation with the intention of fostering discussion. I look forward to working with the NIH, the Administration and patient groups on it. Upon its introduction in the next Congress, I urge my colleagues to support it as a step forward in the search for cures for autoimmune diseases.

RHODE ISLANDERS HELPING THE DOMINICAN REPUBLIC

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. WEYGAND. Mr. Speaker, I rise today to thank the many people and organizations throughout the great State of Rhode Island who united to collect much needed supplies for the humanitarian relief efforts for the victims of Hurricane Georges in the Dominican Republic. As you know, during the week of September 15, 1998, Hurricane Georges tore through the Caribbean.

From a root of tragedy has grown a stem of unity, especially among the Hispanic community. The relief supplies collected in Rhode Island by local Hispanic churches and other relief groups will go directly to the Dominican Republic—one of the islands hardest hit by Hurricane Georges. The residents of this island have suffered tremendous losses in both possessions and lives. The generosity of Rhode Islanders will help get these residents back on their feet to begin rebuilding their lives.

As the donated supplies grew in size, I was pleased to work closely with the Providence and Worcester Railroad and Sammy Sosa and the Sammy Sosa Foundation to secure transportation for these much needed supplies. Both the P&W Railroad and the Sammy Sosa Foundation agreed to cover the associated costs of transporting the goods to the Dominican Republic. P&W donated the cost of the rail transportation between Rhode Island and Miami. In Miami, the Sammy Sosa Foundation will transfer the goods to a cargo ship headed to the Dominican Republic. The Sammy Sosa Foundation and the Providence and Worcester Railroad have made it possible for the residents of the Dominican Republic to receive canned food, bottled water, blankets, batteries, clothing, powdered milk, medical supplies, and other goods.

This past Sunday, a sunny, beautiful New England fall day, these groups and their volunteers joined together once again at the Pine Street Railyard in Pawtucket, Rhode Island. Everyone gathered to load the supplies that had been collected since the Hurricane first struck the island onto the huge P&W boxcar. Forming a human chain, the volunteers unloaded cars, trucks, vans, and pickups onto the car. With the help of all assembled, the long line of cars were soon emptied and the boxcar was loaded to the brim. The energy and enthusiasm of the crowd of workers was truly amazing, Mr. Speaker. I was most moved, however, to see Rhode Islanders from different walks of life—people who might not otherwise spend the day together—joining together to help those who can not help themselves.

The following organizations collected goods, donations and delivered the supplies to the departure sight in Pawtucket: WPMZ Poder 1110; Gtech Corporation; Quisqueya in Action; Rhode Island Committee for Puerto Rican Statehood; Hurricane George Relief Fund; Centro Las America, Worcester, Massachusetts; Teamsters Local 251, Providence; Teamsters Local 170, Worcester.

While many organizations offered their services, it was individuals who collected and boxed the relief supplies and then loaded them into the boxcar. While hundreds were involved at some point, a select few deserve special recognition for their efforts. I am sure I can speak for the residents of the Dominican Republic in thanking the following for their tireless efforts.

Senator Jack Reed, Jennie Rosario and Jose Mendez with the Rhode Island Committee for Puerto Rican Statehood, and Tony Mendez with WPMZ Poder 1110.

From the Providence and Worcester Railroad: Mrs. Heidi Eddins; Katherine Eddins; Scott Eddins; Brett Eddins; Mr. Norbert Cabral, Sr.; Mr. Paul Arrighi; Mr. John Corrigan; Mr. Jerald DeMello; Mrs. Diane DeMello; Mr. Robert Kraemer; Mrs. Patricia Kraemer; Mr. Larry Berg.

In addition, Mr. Art Sandoval from the Sammy Sosa Foundation deserves a great deal of thanks.

And last, but certainly not least, Mr. Sammy Sosa. When we mention the name Sammy Sosa we immediately think of the Chicago Cubs player who hit a record breaking sixty-six (66) homeruns. Sammy Sosa and his foundation have hit yet another home run, possibly the most memorable one of all, especially in the eyes of the Hispanic community in Rhode Island.

Sammy Sosa is not only a true sports hero but a true humanitarian. Sammy has repeatedly shown that he has not forgotten his country of origin, and I am sure his country will never forget him.

CLINTON ADMINISTRATION'S DOUBLE STANDARD OF FOREIGN POLICY

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. PAPPAS. Mr. Speaker, I rise today to voice my concern on the Clinton Administration's double standard of foreign policy application toward Turkey. I fail to understand why the same policy that is now being implemented against the Bosnian Serbs, who are denying basic human rights and imposing death sentences upon hundreds of ethnic Albanian women and children in Kosova, is not being implemented upon Turkey.

For 14 years, the Turkish military has been conducting an inhumane campaign of ethnic cleansing and oppression on its own Kurdish people in no different a way than the Serbs are. The Turks' war of horror against the Kurds has killed over 30,000 Kurds and has left over two million refugees without homes and lives.

The situations in Kosova and against the Turkish Kurds are unacceptable and must be dealt with swiftly, so that more innocent people will not die. If the United States military is ready to intervene in Kosova, then someone could ask are we ready to do the same against Turkey? A double standard foreign policy is not good policy, especially when innocent lives are at stake. I ask that the Administration end this doublespeak, and act now in Turkey.

Mr. Speaker, I also ask that the following letter from the A.H.I. be inserted in the RECORD following my statement.

AMERICAN HELLENIC INSTITUTE, INC.,
October 15, 1998.

HON. WILLIAM J. CLINTON,
President of the United States, Washington, DC.

RE: DOUBLE STANDARD ON THE APPLICATION OF THE RULE OF LAW TO TURKEY

DEAR MR. PRESIDENT. The present crisis in Kosovo impels me to write to you once again on the double standard that underlies the Administration's foreign policy approach to Turkey. At a time when our nation has invoked the threat of military intervention over the application of UN Security Council Resolution 1199 on Serbia, we utterly fail to apply the same standard of the rule of law to Turkey.

The American Hellenic Institute is appalled by and wholly condemns the violence in Kosovo. We welcome the Administration's efforts to address the Kosovo crisis as being in the best traditions of our nation's moral and humanitarian values. These values, however, as also under attack in Turkey where the Turkish military is conducting a ruthless campaign of ethnic cleansing and repression against its own Kurdish citizens. Just as we acted in Kosovo, so our country needs to undertake similar efforts in Turkey in defense of U.S. interest and values.

Turkey's fourteen year war of terror against its 20% Kurdish minority in Turkish Kurdistan is no secret. The Turkish armed forces have killed over 30,000 Kurds and destroyed 3,000 villages resulting in over two million refugees. Ethnic cleansing has taken place on a vastly wider scale than in Kosovo. And yet our government does nothing.

On Bosnia and Kosovo, high officials of our government have repeatedly spoken out in protest. We have mobilized our armed forces. Over turkey the same officials are conspicuously silent.

If, as demonstrated over the past weeks, we are ready to intervene militarily on behalf of the Kosovo Alabanians, we should be ready to apply the same principles on behalf of the Kurds in Turkey. If we do not and instead continue U.S. support for Turkey, then we are turning ourselves into an accessory to Turkey's massive human rights violations in Turkey. This is a stain on U.S. honor.

Mr. President, our country cannot live by double standards. In 1991 the U.S. went to war with Iraq to eject it from Kuwait. What is the difference in principle between the Iraqi invasion and occupation of Kuwait in 1990 and Turkey's invasion and occupation of 37.3% of Cyprus in 1974? There is none. Indeed, the military controlled government of Turkey is in violation of more laws than Saddam Hussein in his invasion of Kuwait.

The Administration's vigorous actions and resolve in Kosovo stand in harsh contrast to its willingness to support Turkey's repression (some would say genocide) against its own Kurdish citizens and to its unwillingness to enforce a series of UN Security Council and General Assembly resolutions condemning Turkey's illegal invasion and occupation of Cyprus dating back to 1974. Why is our country so selective in enforcing certain resolutions and disregarding others?

The answer, I regretfully have to conclude, is that the Administration is mesmerized by Turkey. Consider the following recent examples:

When in October 1998 Turkey threatened military action against Syria and mobilized its armed forces on the Syrian border, the Administration did not condemn Turkey's action as a violation of the UN Charter article 2 (4) and a threat to regional stability. Instead it referred once again to the PKK as a "terrorist" organization and called upon Syria to "cease its support of the PKK." In effect, this denies the Kurds the right to autonomy which we are championing for the Kosovo Albanians.

When in August 1998, President Demirel issued a statement claiming unspecified Greek sovereign territories in the Aegean, the Administration made no statement condemning this irresponsible irredentism of Turkey against an American NATO ally.

When in December 1997 the European Union unanimously found itself unable to accept Turkey's application for membership on the deeply seated grounds of Turkey's fundamental lack of normal democratic governance and adverse human rights record, the Administration took Turkey's side.

When in early 1997 the Republic of Cyprus announced its intention to acquire a modest increase in its self-defense capability, the Administration created the S–300 controversy by taking the lead in criticizing Cyprus. It subsequently allowed to go uncontested Turkey's absurd interpretation that this challenged the balance of power in the Eastern Mediterranean.

The sad fact is that the Administration has thrown its lot in with the Turkish military controlled government. We supply them with the arms needed to oppress their own citizens, we take their side against the European Union; we fail to condemn their repeated challenges to international law in the Aegean and over Cyprus; we stand by when Turkey time and time again demonstrates it is the primary source of regional instability.

The explanation AHI is regularly offered for this bizarre policy that so obviously contradicts both American interests and values is that Turkey is a secular Islamic state and that any alternative U.S. approach might risk delivering Turkey into the hands of Islamic fundamentalists.

Mr. President, this analysis is fundamentally erroneous. The true fault line in Turkey is not between secularism and fundamentalism but between military rule and democracy. The Administration's current policy supports the military and ignores democracy. In Iran we found at great cost that this approach did not work. We should not make the same mistake in Turkey.

The Turkish constitution affords the military political powers far exceeding anything than would be acceptable in the U.S. or other normal democracies. Instead of siding with the military and its political and diplomatic puppets, the Administration should support, as does AHI, the brave Turkish citizens within Turkey struggling for human rights and the rule of law.

A guiding principle in foreign affairs for the U.S. should be the words of President Dwight D. Eisenhower in the 1956 Middle East crisis, when he condemned and reversed the invasion of Egypt by Britain, France, and Israel. In a memorable address to the nation on October 31, 1956 Eisenhower said:

"There can be no peace without law. And there can be no law if we invoke one code of international conduct for those who oppose us and another for our friends."

The need for a change in our policy toward Turkey is critical in the interests of the U.S.

Respectfully,

EUGENE T. ROSSIDES.

SENIORS' VIEWS OF SOCIAL SECURITY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to speak about issues affecting senior citizens in my district. Recently, I was contacted by several seniors' groups. Tired of broken promises from liberals in Congress and the administration, they have appealed to the rest of us to save Social Security and provide much-needed tax relief.

In a survey taken by the United Seniors Association, respondents expressed grave misgivings about the future of social security. The results of the survey are as follows:

Only 11 percent of respondents believe their Social Security benefits will be safe and available for the rest of their lives.

Sixty-six percent of respondents believe that last year's budget agreement will not actually balance the budget over the next 5 years.

Seventy-two percent know that the Government is spending surplus Social Security funds on other Government programs.

Eighty-four percent do not think that Congress will repay the money owed to the Social Security Trust Fund without legislation requiring them to do so.

Mr. Speaker, these seniors have every reason to doubt the long-term solvency of the Trust Fund. Their benefits and their children and grandchildren's benefits have been imperiled by uncontrolled spending. The national debt currently stands at $5.4 trillion. Each year deficits continue because there is no Balanced Budget Amendment to ensure responsible policy. As a cosponsor and avid supporter of a Balanced Budget Amendment, I was deeply disappointed when the President and his Congress allies blocked such an essential reform.

Robert Myers, former Chief Actuary and Deputy Commissioner for the Social Security Administration has stated that, "Regaining control of our fiscal affairs is the most important step we can take to protect the soundness of the Social Security trust funds. I urge the Congress to make that goal a reality."

Mr. Speaker, we can make a balanced budget a reality. We can save Social Security. I pledge today that I will introduce a Balanced Budget Amendment next Congress and will do all I can to see that it passes. For our seniors, ourselves, and our children, it is imperative that we gain control of our budget and ensure the safety and solvency of the Social Security program.

Moreover, with fiscal responsibility, I believe we can provide another much-needed service to our seniors—tax relief. The Senior Coalition has developed a straightforward six-point tax relief plan. It is as follows:

Repeal the earnings limit on Social Security; repeal the 1993 tax increase on Social Security benefits; reduce capital gains tax from 20% to 15%; eliminate the Federal inheritance tax, or "death tax," and make health insurance 100% deductible for small business.

Much of this common-sense plan was incorporated in the tax relief bill which passed in the House of Representatives on September 26 this year. Known as the Taxpayer Relief Act, the Republican tax cut plan will return to Americans 10 percent of the surplus in the form of tax cuts, while reserving the remaining 90 percent of the surplus to save Social Security. As a cosponsor of legislation to reduce taxes on Social Security, capital gains, marriage, and inheritance, I was pleased to support this proposal. Given the importance of this bill to seniors, I was surprised and saddened by the President's veto threat.

Mr. Speaker, isn't it time Congress listen to America's seniors? The groups I heard from this week have some great ideas. While Republicans have made strides toward tax relief and fiscal responsibility, I know we can do more. We must. Next year, I plan to use these ideas and introduce a Balanced Budget Act and a taxpayer relief bill. I urge my colleagues to listen to their elders and join me in this pursuit.

DESIGNATION OF THE NORTH/SOUTH CENTER IN HONOR OF DANTE B. FASCELL

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. DICKS. Mr. Speaker, it is a great honor for me to support the passage of H.R. 4757 in the House of Representatives, which recognizes the many contributions made by our former colleague, Dante B. Fascell.

This legislation names the University of Miami's North-South Center after Chairman Fascell, and I believe it is a tribute that is well-deserved and long overdue. Having served with Dante for 16 years, I know that Chairman Fascell was the driving force behind the creation of the North-South Center, which has been working for more than fourteen years to improve relations between the United States, Latin America, and the Caribbean. I think it only proper that the building he helped to erect at his alma mater, the University of Miami, should bear his name.

Few members who have served during my tenure in the House have possessed the understanding and appreciation for the nuances of foreign policy as Dante Fascell did. His memorable leadership of the Foreign Affairs Committee here in Congress is his legacy, particularly his strong views on U.S. policy toward Latin America and his deep concern for international human rights. And thus it is fitting that the North/South Center will carry his name into the future, permanently recognizing the many contributions he has made.

When he retired in 1992, Florida lost one of its finest Representatives, and the House lost one of its greatest statesmen. I wanted to take this opportunity today, now that the House has acted on the bill H.R. 4757, to express my appreciation to all of my colleagues who joined this effort.

HONORING MONSIGNOR JEROME BOXLEITNER

HON. BRUCE F. VENTO

OF MINNEAPOLIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. VENTO. Mr. Speaker, I rise today to honor and commend the work of an inspirational leader from my district, Msgr. Jerome Boxleitner. Msgr. Boxleitner, the executive director of Catholic Charities of the Archdiocese of Saint Paul and Minneapolis, has recently announce his plans to retire after 35 years of social work and 21 years as the Catholic Charities founding leader.

I've been pleased to work with Msgr. Boxleitner on key issues such as homeless shelters, hunger, and the social services which are so essential in meeting the needs of the vulnerable in out community. His professionalism and personal effort has made a wonderful and enormous difference.

Msgr. Boxleitner worked tirelessly to build Catholic Charities, an institution which aids a variety of disadvantaged people, from the homeless to troubled children. It is now the largest private provider of human services in the Twin Cities, with 75 programs in 30 locations which are staffed by 600 employees and 12,000 volunteers.

Msgr. Boxleitner rightly emphasizes the importance of taking the time to recognize each person served by Catholic Charities as an individual, rather than categorizing them as just one of many in need of help. Literally thousands of people have benefited from Msgr. Boxleitner compassion, selfless service and leadership.

I have included, for my colleague's review, article which appeared in The Catholic Spirit, the weekly newsletter of the Archdiocese of Saint Paul and Minneapolis. This article outlines Msgr. Boxleitner's achievements and contributions to our community.

Msgr. Boxleitner is a truly great example of those who make the Twin Cities a wonderful place to live. We are all richer for his friendship, example, and service that he has so generously given to our community. It is with heartfelt thanks and gratitude that I wish him the best of health and a well deserved retirement.

[From the Catholic Spirit, Oct. 16, 1998]

THE GOSPEL, ACCORDING TO MSGR. BOXLEITNER, IS WITH POOR

Msgr. J. Jerome Boxleitner said that working with the needy was where he found satisfaction both as an occupation and in his priesthood.

"It was fulfilling for me—I think that's where the Gospel is, working with the poor," said Msgr. Boxleitner, who is stepping down as executive director of Catholic Charities of the Archdiocese of St. Paul and Minneapolis after 35 years of social work and 21 years as Catholic Charities' founding leader.

On Oct. 13, Archbishop Harry J. Flynn announced Msgr. Boxleitner's retirement, effective Dec. 31.

Father Larry Snyder, Catholic Charities associate director, will succeed him on Jan. 1, 1999.

A priest of the archdiocese for 42 years, Msgr. Boxleitner was a parish priest for five years before pursuing graduate studies in social work at Catholic University of America in Washington.

He earned a master's degree in 1963 and became director of Catholic Welfare Services of Minneapolis. He led the consolidation of four Catholic social service agencies, creating Catholic Charities in 1977.

Under his leadership Catholic Charities grew to an organization of more than 600 employees and more than 12,000 volunteers.

Today, Catholic Charities serves men, women and children in the 12 counties of the archdiocese through more than 75 programs in 33 locations. During the past year, Catholic Charities provided emergency services to 91,175 persons and provided social services to 70,761 persons.

"It's a good agency, and it's got a good reputation." Msgr. Boxleitner said when asked what he takes the greatest pride in from his years with Catholic Charities.

"What I like most is that the staff, the board and the volunteers see the poor as peers not as objects of pity.

"Sure, there is some of the thought that there but for the grace of God go I, but the people of Catholic Charities have great respect for the people that we serve," he said.

In announcing that Msgr. Boxleitner would become director emeritus of Catholic Charities, Archbishop Flynn said the 67-year-old priest would continue to be an advocate in the community for several issues that he has championed throughout his career.

"Msgr. Boxleitner opens our eyes and our hearts to the poor," the archbishop said. "He knows the importance of helping people to self-sufficiency while never minimizing their immediate needs."

In March, Gov. Arne Carlson presented Msgr. Boxleitner with a certificate of commendation from the State of Minnesota for outstanding service.

"Msgr. Boxleitner truly epitomizes all that is good in life," Gov. Carlson said.

"He is the embodiment of what religion is: love, compassion and selfless service to mankind. And he tops it all off with a delightful sense of humor."

Earlier in his career Msgr. Boxleitner was Minnesota Corrections Person of the Year as chaplain at the state prison in Lino Lakes, a ministry he still continues.

From 1983–85 he chaired the national Catholic Charities USA. That group's current president, Jesuit Father Fred Kammer, pointed to him as a national leader concerned with the common good.

"Msgr. Boxleitner's prophetic voice calling us to implement the social dimension of the Gospel has won the respect of his peers," Father Kammer said. "He built a strong local agency. He also made great contributions on the national level."

The priest, who will continue to lie where he has for years at Catholic Charities' St. Joseph's Home for Children in south Minneapolis, most recently has been instrumental in developing a plan for residential academies to serve at-risk youth.

Archdiocesan Catholic Charities board chair Karen Rauenhorst said, "Msgr. Boxleitner has not only served the poor of our community but has touched the lives of so many. I have been deeply impacted by his commitment to living as Christ did in service to the widows and orphans in our midst."

ENERGY CONSERVATION REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BLILEY. Mr. Speaker, the House now considers S. 417, a bill to extend certain conservation and export promotion programs authorized under the Energy Policy and Conservation Act, the Energy Conservation and Production Act, and the National Energy Conservation Policy Act.

I want to begin by observing this legislation enjoys broad support. The gentleman from Colorado, Mr. SCHAEFER, the Chairman of the Subcommittee on Energy and Power of the Committee on Commerce, crafted this legislation closely with the minority, and the bill is cosponsored by Mr. HALL, the Subcommittee Ranking Member. The bill was approved by the Committee on Commerce by voice vote and passed the House under suspension on September 28. Not one Member spoke against the bill when it was considered by the House. I understand the Department of Energy supports the legislation, as do many energy efficiency organizations. I commend Mr. SCHAEFER for working so closely with the minority and the Department of Energy on this legislation.

I support the bill. In particular, I support language crafted by the gentlemen from Colorado that expands the use of energy savings performance contracts, permitting Federal judicial and legislative agencies—in addition to executive branch agencies—to enter into these contracts. That will cut the energy bill of the Federal government and save taxpayers money. The Government Printing Office alone estimates that use of energy savings performance contracts will cut their energy costs by $500,000 per year.

I want to commend the Department for its aggressive support for energy savings performance contracts. Recently, the Department announced it had awarded contracts to seven energy savings companies to begin capital improvements at Federal buildings in 20 States. The energy savings performance contracts entered into by DOE to date have the potential of cutting the energy bill of the Federal government—and saving taxpayers—$3 billion.

I urge support for S. 417.

SENSE OF THE HOUSE REGARDING MURDER OF MATTHEW SHEPARD

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. KUCINICH. Mr. Speaker, I rise today in support of this resolution. It is appropriate that the House should honor Matthew Shepard in his death, and condemn the heinous crime which took his life.

But I also rise to say that this resolution is not enough. The event that has brought us together in mourning was not only a murder. It was certainly not only a robbery. It was an attempt by two people to send a message to an entire community.

The alleged perpetrators of this crime made no efforts to hide their actions. Mr. Shepard's dying body was not buried in a ditch. He was not hidden. He was not disguised. He was left to die, hung on a fence in an ostentatious bid for discovery. The message Mr. Shepard's attackers intended to send is clear. Their message was that lesbian and gay people should not feel welcome anywhere, a message that lesbian and gay Americans everywhere should fear for their safety. This message is the wrong message in a democratic society.

As Americans we have a moral responsibility to send our own message back. A message that despite our divisions, we all hold inalienable rights to life, liberty, and the pursuit of happiness. A message that we, as a country and as a community, condemn not only this murder, but all crimes perpetrated against our fellow Americans for their race, religion, gender, disability or sexual orientation.

We have an opportunity to send this message by passing the Hate Crimes Prevention Act before we adjourn the 105th Congress. We must not drag our feet any longer. I urge my colleagues to pass the resolution condemning Matthew Shepard's murder, and I also urge them to pass the Hate Crimes Prevention Act now. Let's send the clearest possible message that American values are the values of tolerance, non-violence, and equality.

SPEAKER'S RALLY FOR THE 105TH CONGRESS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. GINGRICH. Mr. Speaker, the 105th Congress has achieved numerous victories for the American people. Among many other things, we have balanced the budget for the first time in decades, kept funding in the control of local officials for their schools, passed strong anti-drug legislation, increased funding for the military, and passed tax cuts so American families can keep their hard-earned money. I submit the following speech for further consideration of the accomplishments of the 105th Congress.

RALLY FOR THE 105TH CONGRESS, OCTOBER 20, 1998

(By Hon. Newt Gingrich)

Mr. GINGRICH. It's truly disorienting and I commend the other speakers. They got up here and looked out over a sea of eager young faces and to see Bill Young and Bill Thomas in the middle of them is one of the more disorienting moments of this entire Congress. (Laughter.)

The thought of the two of you as interns is almost beyond comprehension. And we can't get them up here. They both deserve a lot of credit. Bill Young worked very hard on the defense effort that we put in this year. And Bill Thomas, an achillean effort working with Mike Bilirakis and Bill Archer and with Tom Bliley managed to get home health care included at the very last minute.

And a very important home health care (off-mike). I'm delighted both of you are back here. (Applause.)

I want to drive home three messages and then illustrate them for a minute because I think it's important that we recognize that politics at its best is an educational experience. Despite the 30 second commercials and the some times mindless talk shows, the fact is that the way a country grows over time is by engaging in the political process.

And there are three lessons at the end of this year I think. The first is that this is an American victory. And I kept getting phone calls from reporters and the president who was in the Rose Garden claiming credit for the budget, and I wanted to set up a fight. I wanted to say well, don't you want to claim credit? And I said, you know, Republicans in the Congress deserve five percent of the credit for balancing the budget. The president under our Constitution had to sign the agreement and he deserves five percent of the credit. And 90 percent of the credit for balancing the budget belongs to working, tax paying Americans who sent the money to Washington. And that's what ought to be. (Applause.)

Well if you think about it, the things we've tried to do for the last few years are the overwhelming sentiment of the overwhelming majority of Americans. Welfare reform according to "The New York Times" the week before it was finally signed into law after two vetoes, 92 percent of the American people supported it. Virtually every Democrat, virtually every Republican, virtually every Independent. It was an American victory that we were simply the vehicle of the American people in getting their will through to a Washington, DC that didn't want to believe in the people.

The question of balancing the budget, every poll for 30 years has shown that whether you're a Democrat, a Republican or an Independent, you thought balancing the budget mattered. The Republican party through the Contract with America became the vehicle for the American people's will and we moved from a three trillion, one hundred billion dollar projected deficit over 11 years when we were sworn in as a majority in January of 1995 to a one trillion, 650 billion dollar surplus over the same period now that we've had three-and-a-half years to get a job done. (Applause.)

But those lower interest rates that Heather described are a victory for every young American who's going to college. The lower interest rates that Vito Fossella described earlier are a victory for every small business, every family farm, every person who buys a home. All Americans are better off. When you balance the budget, lower interest rates and have lower taxes because you don't have to tax this entire generation to pay the interest on three trillion dollars in debt. So that's an American victory.

Strengthening our defenses for the first time since 1985 is an American victory because every American should care about the young men and women who have the courage and the patriotism to put on our uniform and we did the right thing in the vote we're going to have tonight in rebuilding our defenses, and as Tom DeLay pointed out, in establishing a national missile defense. Because if we can save one American city from a North Korean, Iranian, Iraqi or other missile, one city, that will be a victory for every American and the lives that we'll (ph) lead (ph) there because we had the foresight to invest in the right kind of defenses. And that's an American victory. (Applause.)

As Heather pointed out, we took the president's proposal. Look this negotiation took nine days.

We could have done it the three if we just caved. We took the president's proposal for a Washington-based, Washington-controlled, Washington-regulated, narrowly-designed teacher plan. We broadened it out to include every grade. We brought it out to include special education and special needs teachers. We brought Chairman Bill Goodling, who is an expert on the topic, into the room.

And we returned power back exactly as Heather Wilson said, to the local school board. We didn't say the Republican school board. We didn't say the Democratic school board. We said the local school board because we believe it is American to have local people working with local teachers to have local children get an education under local control. And that's a big difference in the two philosophies. (Applause.)

The second point I'd make is that you get major achievements by sheer persistence. We ran on a Contract with America. We didn't get it all. We learned that the Senate's not always easy and the White House is far harder. We learned the hard way in the fall of 1995 that the president, no matter how weak he is in the polls, nonetheless has a veto pen. And a clever president can use it well.

And we got back up and we kept moving. Three months after that, we cut $100 billion out of domestic discretionary spending. We passed the Freedom to Farm bill liberating midwestern farmers. We passed the Telecommunications Reform Act. And five months after that, we passed the welfare reform bill, and then we had the election of 1996 and we campaigned on getting the job done, completing the contract, and in the summer of 1997 we passed a bill to save Medicare exactly as we had promised, without raising taxes. We passed a tax cut, as Tom pointed out, the first in 16 years, including $500 tax credit per child because we believe parents are better than bureaucrats and the center of raising children. (Applause.)

We reduced the capital gains tax substantially, and I would suggest to you as you look at market turmoil around the world this year, it's a pretty good thing the Republican Congress insisted on lowering the tax on investment at a time when we need to make sure that the investment community doesn't have the kind of problems it could have if we had liberal Democrats raising taxes and imposing regulations.

And finally, we got to a balanced budget. September 30th, we ended the 1998 fiscal year, and they will report in the next few days somewhere a $71–75 billion surplus last year, that will go to paying down the national debt and setting the stage for us to save Social Security. (Applause.)

The bill we will pass tonight still provides for over $60 billion in surplus, and if the economy grows, I suspect we'll be above $80 billion next year and I might point out, in January when the Congressional Budget Office was talking about an $8 billion surplus, I was saying they were way off and way too small. And all year they played catch up before they got the $70 billion. And I noticed by the way that the architect of the historic balanced budget act I think just walked in the room back there. Direct from Iowa I believe, John Kasich come up here and join us John. (Applause.)

If you weren't . . . I just read that you were in Iowa. You were on a hiad (ph). Well thanks for (off-mike). I just want to say, when I talk about persistence, no one can tell the story better than Kasich who started as a back-bencher offering his own budget when all of us thought he was nuts and I include myself in that group. We all opposed him. Came back as the ranking member when we were the minority. Came back as our budget committee chairman fought his way through. And without John Kasich's courage and charisma and effort, we would not have a balanced budget today. (Applause.)

Mr. KASICH. Now let me just say one thing. If you think that Newt and I early on fought for a balanced budget, because it wouldn't be done without Newt's help, we are going to have a huge, giant tax cut next year. And we are going to fight for it every single day until we get it done. (Applause.)

Mr. GINGRICH. So if my (off-mike) was that this is an American victory, and my second point is it takes persistence, remember I said we had the contract. It took us through the summer of last year and January, I began talking about four goals per generation. They were very direct. Win the war on drugs and violent crime, give us a world class system of education and learning, use the surplus to save Social Security and modernize government to reduce its cost so we can ultimately lower taxes so that no American paid more than 25 percent of their income in total taxation state, federal and local combined.

Let's look at this year. We will pass tonight the strongest anti-drug measure in the history of the Congress. We will pass a substantial increase in interdiction money and we will ban the federal government, block the federal government from distributing free needles to drug addicts because it is exactly the wrong signal. You cannot have healthy drug addicts. The message we should send to drug addicts is, we want to reach out a helping hand for you to be rehabilitated and get on drugs. Not we want to help you stay on drugs. But at least your government will give you clean needles. I think this is a major victory in the right direction. (Applause.)

Second, we began to insist on point after point on the basic concept of dollars for the classroom of returning power back to local control and allowing the local community to really take a grip on their local education system. And we're going to continue in that direction. And again this evening, we'll be voting on an important step forward for our second goal.

Our third goal frankly got postponed for a year. I'm sorry it did. I began talking with the president and working with the president in October of last year on saving Social Security. John Kasich and Bill Archer whom I saw a minute ago, both worked very hard. We've been working with President Bush and President Reagan's economists. We think it's possible to develop a program to use the surplus to save Social Security by creating personal savings accounts for every person that pays the FICA tax so they can have a savings accounts they control that has a tax free build up of interest of dividends with no Washington politician taking the money away from them. But frankly, in this kind of an election year, with all of the other problems that began in January, it was not possible to move that dialogue as far as we would have liked.

I also repeat what John just said, because I agree with him entirely. We fought for a tax cut this year. I am proud of the House because we passed an $80 billion tax cut this year. That was the right thing to do. I am very disappointed that the Democrats in the Senate and the president blocked us passing a tax cut.

But I want them to know that very early next year, with Chairman Archer's leadership, we're going to bypassing a bill that both saves Social Security and takes any extra surplus and turns it into a tax cut on a very simple premise. The number one difference between liberals and conservatives in American today is that we believe the surpluses belongs to the American people who pay the taxes. They believe the surplus belongs to the Washington bureaucrats and who ought to be allowed to spend it. And everybody knows if you leave a trillion dollars sitting around here near Al Gore and Teddy Kennedy, they will find a way to spend it.

So we're going to get it back home first to save Social Security, and second as a very large tax cut early next year. (Applause.)

Our fourth goal to modernize government in order to be able to reduce taxes and I mean modernize at all levels—state, federal and local to reduce all taxes combined to 25 percent on the moral premise that in a free society in peace time, no one should have to work longer than Monday and half of Tuesday to pay their taxes. That the rest of their week in peace time ought to belong to themselves, their family, their community, their favorite charity, their church or synagogue or mosque, their own retirement. That's going to be a big complicated job and it's one that we're going to be enlisting every Republican committee chairman to work on. We're going to try enlist every committee to begin next year working with the budget committee on this.

And I've already been talking with governors, mayors, county commissioners, school boards, because it has to be done at every level including tracking the state legislators. And we'll be having a conference in December of state legislative leaders around the country to talk about how we can work together to reduce the cost of government at all levels so we can have a one-third cut in taxes over the next 10 to 15 years so the American people can be working for their room families more of the time and for government bureaucracy less of the time.

Let me say finally, in addition to this being an American history, in addition to persistence paying off, elections matter. There is a very big difference in where the two parties will take America. I sometimes get distressed by our friends in the media because they try to reduce everything to gossip, scandal mongering and cynicism that I think is profoundly false for this country's future.

There is an enormous difference in the two parties. We would go two very different places. The Democrats legitimately stand for a big government, big bureaucracy, high tax vision of the future. There's nothing dishonorable about it. Charlie Rangel can defend it eloquently. It is his vision of how America works. More bureaucrats with more paperwork based on more taxes from working Americans. They have a model of big unions and big trial lawyers gradually wiping out small businesses and medical doctors. But it's a rational model. And we need to honor it by having honest debate and talking about how really different the two parties are.

We favor a smaller central government, lower taxes, more free enterprise, more job creation, more volunteerism. We favor money being in the family rather in Washington. And there are places we do think government has a powerful legitimate role. For example, we want to census strong enough that it's accurate. That's not a weak government.

We truly are prepared to work with the Black and Hispanic caucuses to design a census that will reach out to every minority neighborhood that will count every American because we believe we have a constitutional duty to have a government effective enough and modern enough to count every American in an actual enumeration as required by the Constitution.

Similarly, we're very proud that we've began strengthening defense because we think it's important that this country lead the world. I'm frankly proud that the president is working today trying to bring peace to the Middle East. I am proud that this president reached out in Northern Ireland. And I can tell you from my own visits there, and my conversations there that without his leadership and Senator Mitchell's leadership, we would not have made progress. We can work together as Americans even when we disagree about basic philosophy or even when we have other problems we have to work on.

And so we believe that just as the 1994 election changed the direction of America, and no serious person believes that the Democrats would have balanced the budget, cut taxes and reformed welfare if they had remained in charge. Jim Traficant, a Democrat has said flatly, he tried every year with his own leadership to bring up the IRS reform bill. And they would never bring it up. It took a Republican Congress, it took Rob Portman as chairman of the IRS commission, it took Bill Archer as chairman of the Ways and Means Committee to pass IRS reform. So elections do matter.

And two weeks from today, this country can vote for higher taxes by voting Democrat or it can vote for lower taxes by voting Republican. It can vote for more power and bureaucracy in Washington by voting Democrat. It can vote for more power back home by voting Republican.

It can vote for a weaker defense by voting Democrat or it can vote for a stronger defense by voting Republican. It can vote for less effort on the drug war by voting Democrat. It can vote for a much stronger effort on the drug war by voting Republican. These are basic legitimate philosophical differences. And I think we've proven over the last four years, it makes a big difference whether or not you're elected to try to move in one direction or another.

We're think we're getting our message to the American people. And if we come back and we're a majority for the third time, which would be the first time since the 1920's in 70 years. We will have our marching orders from the American people to get some more American victories starting with saving Social Security and cutting taxes. Thank you very much. (Applause.)

MEDICARE HOME HEALTH BENEFIT PAYMENT SYSTEM

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. WATTS of Oklahoma. Mr. Speaker, I wish to commend the staff members and administrators who provide home health care services in my home state of Oklahoma and across the country. During the past year I have had the opportunity to work with hundreds of dedicated home health care providers, and they should all be very proud of and we should all be very thankful for their outstanding service to the nation's elderly and disabled.

I have been working with these constituents to make reforms in the Interim Payment System (IPS) that was part of the Balanced Budget Act. An unintended consequence of that Act has been an unfair payment system that has caused a 15 percent drop in Medicare certified home care agencies in Oklahoma. Regretfully, the complexities of the IPS have resulted in misunderstandings in Congress as we search for a solution.

This week I received a letter from former Senator Frank Moss who sponsored the original Medicare home care benefit. His perspective on and explanation of this benefit is enlightening, and I would like to submit his letter for the RECORD. As we continue to work on this issue in the next Congress, Senator Moss's letter will help us move forward in finding a solution.

SALT LAKE CITY, UT,
September 30, 1998.

Hon. JULIUS CAESAR WATTS,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WATTS: Your assistance, in a matter of great importance to the nation's disabled and older Americans, would be very much appreciated. I am appealing to you to help save the Medicare home care benefit, which is in grave jeopardy at the very time when we need it the most.

You may remember that I was the sponsor of the Medicare home care benefit. This came in 1965 after I had spent several years investigating nursing home abuses. We were looking for the best way to care for the growing numbers of disabled seniors. Home care keeps families together; it keeps seniors independent in their own homes where they want to be; and home care is cost-effective in comparison to institutional care. I still believe in home care so much that I volunteer my time to serve on the Board of the local Visiting Nurses here in Salt Lake City, as well as on the Board of our national organization.

You may remember that I devoted a substantial part of my career to policing Medicare and Medicaid programs. I am sending you a few clippings that capture this history. I conducted more hearings and investigations and authored more investigative reports on the subject of fraud and abuse than anyone. Among the legislation that I authored were provisions that: (1) made Medicare and Medicaid fraud a felony, (2) created the Office of the Inspector General and the Department of Health and Human Services, and (3) created State Medicare Fraud Units. Our committee put every part of Medicare and Medicaid under the magnifying glass. Home health care was unique. It was one part of the many programs that had the least amount of fraud and abuse. One reason for this is that the reimbursement formula that I wrote into the Medicare home health law is a veritable fiscal straight jacket. My most recent review of Medicare and Medicaid convictions indicate that while there have been a few highly publicized cases, the relative incidence of fraud in home health is miniscule when compared with the record of the doctors, nursing homes, hospitals and other providers. I still insist, however, that we continue with our policy of zero tolerance for fraud. I commend all Members of Congress who have continued the oversight work that was so important to me.

There is no doubt that we are on the verge of a national crisis with respect to home health care. To assist you in understanding what is happening. I include herewith, a list of questions & answers, which I have described as myths and realities. There is no way to get around the fact that 1200 home health agencies (1/8 of the total) have either dropped out of Medicare or closed their doors over the past ten months. The home health problem has many parts. The root, however, is an element within the interim payment system (IPS) called the aggregate per beneficiary limit (ABL). Agencies already had their per visit costs limited. However, this new limit also spells out how much home health agencies can spend per patient based on their historical reimbursement numbers. Agencies that have been cost-efficient in the past are now being penalized. They may now have a per beneficiary limit of $2,000 or less. Other agencies who have been less careful with Medicare monies may have $15,000 or more to spend per patient for patients with identical needs, in the same locality. It is easy to see why the aggregate per beneficiary limits are fundamentally flawed and unfair.

If our intention was to reduce the incidence of fraud and abuse, this new aggregate per beneficiary limit does exactly the opposite. We are losing many of our best home health agencies because they are at a competitive disadvantage. To make matters worse, home health agencies were asked to comply without knowing, with certainty, what these limits will be. Nearly a full year into the program, many agencies still do not know the exact dollar amount of their limits. Moreover, when agencies do know their ABL, as computed by the intermediary insurance companies who administer Medicare for the government, they find that the per beneficiary limit works at cross-purposes with the existing agency per visit limitation. Making matters even worse, HCFA has said that they cannot comply with the October 1, 1999, deadline for putting in place a prospective payment system (PPS) for home health care under Medicare. This means the IPS, with its lethal and unfair per beneficiary limits, will be in place indefinitely. If all this is not bad enough, another 15 percent across the board cut in the Medicare home health benefit is scheduled to take effect on October 1, 1999.

There are only three ways to fix the problem with the aggregate per beneficiary limit. Option one is to abandon the idea of using agency specific costs as the basis for it and use instead a blend of national and regional costs. The second option is to delete the per beneficiary limit. Option three is to replace the per beneficiary limit with another cost control limit. Following are comments on each.

A. Develop a blended rate. The idea is to set a limit based not on a home care agency's historical costs, but upon some formula of national and regional averages. My analysis is that this simply will not work. No matter what percentages are used, some people will be helped and others will be hurt. You simply create different winners and losers. The idea, by definition, is divisive. It divides not only providers and patients, but also members of Congress, the latter who can be expected to endorse a blend that most helps their part of the country. Under this approach there can be no national consensus—to help New England is to hurt the Southeast, or vice-versa. Medicare is a Federal program that should offer patients and provides alike a level playing field.

B. Repeal the per beneficiary limit. This is probably the best option overall. There is no parallel limit in Medicare for hospitals, nursing homes or physician services. In my view, we should recognize the fact that we have cut the home care benefit by twice what Congress has intended, projected by HCFA at $37 billion instead of $16.2 billion from FY 98–02. Total spending for home health in FY 98–02 is down from $127 billion to $89 billion. I do not know how we can be thinking of tax cuts when the burden of this gift will be on the backs of the sickest of the sick—patients who need home care. I would argue that we should restore some of the cuts in home care by canceling the per beneficiary limit, since the Medicare home care benefit, to date—according to CBO (January 1998) estimates—has already been cut by $9.9 billion more than the Congress intended when the Congress passed the Balanced Budget Act. It seems only fair to give some of this money back by repealing the per beneficiary limit. It is this limit which works against patients who do not understand why there is a limit in the first place and why it could possibly be in hugely differing amounts depending on the agency that they visit. Undoubtedly, the behavior the patients will exhibit is to try to shop for the home care agency that has the highest per beneficiary limit. This, in turn, will have an effect of raising overall costs to the Medicare program.

C. Replace it with another limit. A final option, which has great merit, is to replace the aggregate per beneficiary limit with another limit. One example might be a global budget for Medicare home care expenditures, which sets ceilings for spending each year that cannot be exceeded under any circumstances. This concept could be coupled with a Gramm-Rudman-Hollings-like trigger, which could be applied prospectively. This mechanism would automatically initiate cuts if the Secretary of Health and Human Services finds that there is any danger that the fiscal ceiling could potentially be breached in any year. The advantage of this approval is obvious. By substituting one financial limit for another, the proposal should be budget-neutral. One suggestion that has been made is to incorporate the CBO 98 baseline as the ceiling. The essence of this proposal is included in H.R. 4404, the Homebound Elderly Relief Opportunity Act of 1998 (HERO), sponsored by Congressman Van Hilleary (TN). Senator Thad Cochran (MS) has introduced a companion bill in the Senate, S. 2508.

As I noted above, the repeal of the aggregate per beneficiary limit is probably the best way to go. This is a world apart from a moratorium, or total repeal of all home health provisions in the Balanced Budget Act, or even a repeal of the entire IPS. It is a more limited and rifle specific application. I believe Congress should be content to save $16.2 billion from the Medicare home health benefit, as planned, when the Balanced Budget Act was passed. We should return the rest to the home health patients, the sickest of the sick, who need it. This approach would also allow Congress to cancel the forthcoming October 1, 1999, additional 15 percent cut.

For those who insist on the strict definition of budget neutrality (and that home health should be cut by more than $16.2 billion), the notion of replacing the per beneficiary limit with another financial ceiling makes great sense. Because it incorporates and makes an absolute ceiling of the Medicare FY 98–02 CBO baseline, the HERO proposal should be budget neutral. HERO will also blunt the effect of the pending 15 percent cut. To be more precise, it makes the 15 percent cut contingent. Any portion of it that is needed will be employed to make sure that the Medicare home care benefit does not exceed the ceiling established in the 1998 CBO baseline. I helped create the Senate Budget Committee, and was one of its charter members. I hope CBO will agree with my judgments.

The HERO legislation gives providers the breathing room they need until Prospective Payment is ready. Because it sets overall spending limits and includes a Gramm-Rudman-Hollings-like trigger, it is clear to providers that this is not a signal to return to business as usual. To do so means a swift crackdown from HCFA. Because payments to home health are capped, there is no way that expenditures can exceed budget limits and therefore, no way that home health spending can trigger increased out-of-pocket costs, such as increases in the Part B premium. Finally, HCFA should be able to administer this legislation easily. It will require little or nothing in terms of computer capacity. This will free up resources to help solve their Y2K problem and point them in the direction of developing a PPS plan for home health care. What is best of all—this proposal does not involve new spending. I urge you to consider the HERO approach.

With best wishes,

Sincerely,

Senator FRANK E. MOSS (ret.).

THE AMERICAN COMMITMENT TO HUMAN RIGHTS ON CYPRUS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. GILMAN. Mr. Speaker, I would like to share with my colleagues the following remarks by George Paraskevaides, a renowned Cypriot businessman, concerning the situation on Cyprus. Mr. Paraskevaides, a very good friend of the United States, as a citizen of Cyprus, has some excellent insights to offer with regard to why the American people need to be concerned about achieving a peaceful and just solution to the Cyprus problem.

Mr. Speaker I submit the full text of Mr. Paraskevaides address to the 50th Annual Dinner Dance of the American-Hellenic chamber of Commerce to be inserted at this point in the RECORD.

ADDRESS BY MR. GEORGE PARASKEVAIDES

Your decision to honour me with the 'Man of the Year' award, on this your 50th Anniversary Dinner Dance, has deeply touched me, and I thank you from the bottom of my heart. Please allow me, to consider this honour as extending to all Cypriots, both in and out of Cyprus, who are struggling for the liberation of our country.

Although not a resident of this great country, I am well aware of the success of your business activities, which, in many cases, are not limited to the boundaries of the United States.

I am sure that all of you, Americans, Greek-Americans and Cypriot-Americans, are very concerned with the problems of Hellenism. Among these, the Cyprus problem is very high on the list of priorities, and I beg your permission to elaborate on this.

I am of the opinion, that we all agree, that the Second World War was a disaster for mankind, with millions of victims. We also believed that such sacrifice would have resulted in universal freedom, democracy, the Rule of Law, and respect for Human Rights. Principles that should apply to every corner of the world.

Regrettably, since the tragic events of 1974, when Turkey invaded Cyprus, these principles, which form the corner stone of the Constitution of the United States, and of the Free World, have not been implemented in my country. The Turkish occupation, with all its evils, still continues.

You are citizens of the United States of America; but you are also descendants of ancient Greeks, and you carry with you the ideals of Democracy. You are more sensitive to its principles, because democracy grew out of the bones of your ancestors.

The ancient Greeks, did not keep democracy and civilization to themselves; they spread them, and taught them to the world, through Alexander the Great.

Nobody can deny the great and important role that the Greeks contributed to today's civilization. The world, no doubt, is grateful to Greece.

It is my humble request, that you sustain and even increase, if possible, the efforts of the world Hellenism to help Cyprus resolve its tragic situation, and reach a fair solution of its national problem, for all its people, whether Greek, or Turkish, or other ethnic minorities. I have no doubt that the misery and suffering brought about by the Turkish occupation, have increased the desire of all Cypriots to live together against as friends, in a united and peaceful country without armies.

Dear friends, the island of Cyprus, in the center of the Eastern Mediterranean, can be made into a shining star, which can help to change the whole of the Mediterranean, so that the people of the area can live in brotherly peace, for the glory of peace in the whole world.

Thank you once again for honouring me tonight, and on behalf of my wife and family, and my fellow Cypriots, I wish you health, happiness and continuous progress with God's blessings.

God bless America and Cyprus.

A DEDICATED PUBLIC SERVANT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. CRANE. Mr. Speaker, I wanted to take this opportunity before we adjourn to recognize the longest serving member of my staff, Thelma Hummel, for all the excellent work she has done over the years on behalf of thousands of Illinois citizens residing in Chicago's Northwest suburbs. Thelma has been a case worker with my office since 1988, and never will you find a more dedicated hardworking public servant. She has had to contend with the often frustrating task of trying to help constituents work with the many various agencies and departments which comprise our all too massive federal bureaucracy.

While Members of Congress often receive credit for the good deeds our offices may accomplish in helping individual constituents, it is our staffs which deserve much of the recognition. My reputation, with respect to my constituents, has benefited greatly from all the excellent work Thelma has done for my office.

Indeed, just the other day I received a letter from a constituent and veteran, Walter McCostlin, which served as another reminder of how much good Thelma has done over the years. Walter wrote that "We are only as good as those with whom we associate and/or surround ourselves." Walter went on to say that "Mrs. Hummel's dedication to seek truth and justice, devotion to uphold traits expected of government officials, and perseverance to safeguard [our] rights . . . cannot be surpassed. Her attention to duty and perseverance while supporting and assisting constituents . . . characterizes her as an example to be followed by all legislative employees." I could not have said it better, Mr. McCostlin.

Mr. Speaker, the constituents of the 8th Congressional District of Illinois should be grateful and proud to have Thelma Hummel working for them.

TRIBUTE TO JOHN MORRISON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Ms. KAPTUR. Mr. Speaker, over Labor Day weekend, John Morrison died suddenly of an apparent heart attack at his home in Dubberly, Louisiana. Across the country, his family, friends, and colleagues were shocked by the news. His leadership and vision for all farmers will be greatly missed. For the past six years, John had been the Executive Director of the National Country Poultry Growers. He had founded the organization due to his own experiences as a contract grower facing the unfairness of his contract and the control exerted by the large poultry companies.

It was the commitment and leadership that John and other family farm organizations had that prompted me to sponsor H.R. 2738—The Family Farmer Cooperative Marketing Amendments Act. Other colleagues have joined me as co-sponsors. On one of the last days of the session nearly a year ago, I met with representatives of the NCPGA and national allies that are working together to increase support for this legislation in the countryside. That meeting was two days after the momentous defeat of fast-track legislation.

I remain committed to working for passage of this legislation in the next Congress. It is an important step towards restoring social and economic justice to an entire group of farm families; those who are growing and marketing their commodities; whether poultry, grain, hogs, or livestock under the excessive control of major corporations. This legislation will enable farmers in their cooperative associations to negotiate for a fair contract.

H.R. 3150, THE BANKRUPTCY REFORM ACT OF 1998

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. GEKAS. Mr. Speaker, I rise today to express my disappointment that the President refused to endorse bankruptcy reform legislation which passed overwhelmingly with bipartisan support in both the House and the Senate. The conference report to H.R. 3150, the Bankruptcy Reform Act of 1998, would have restored personal responsibility to our bankruptcy laws, protecting women and children, small businesses, consumers, the financial markets, state and local governments and all taxpayers who pay a $400-a-year bankruptcy tax on goods and services. Now that the groundwork for bankruptcy reform has been laid, I plan to reintroduce bankruptcy reform legislation next year.

Despite economic growth, low unemployment and rising disposable personal income, personal bankruptcies are soaring, reaching a record 1.42 million and costing consumers more than $40 billion in the past year. This problem continues to worsen. In fact, the Administrative Office of the U.S. courts recently reported the highest number of consumer bankruptcy filings ever in the last quarter. Over the past decade the number of personal bankruptcy filings has doubled.

I am deeply concerned about the fact that we have had such a tremendous increase in bankruptcy filings during a time of economic prosperity. When the economy begins to turn, absent reform, we will have many, many more bankruptcy filings. The White House could have played a part in preventing that—along with encouraging basic personal responsibility—but they chose not to work with us. Instead of taking the high road of reform, they chose to take the low road of political spin and emotionally heavy, but factually light, rhetoric based on untruths about the bill. One can only presume that the White House is so political that they reject any Congressional, i.e. Republican, idea out of hand, even if that idea is firmly bipartisan, i.e. Republican and Democrat. This political fact, obvious to all, is sadly noted. But, with the also obvious fact of increasing bankruptcies, I urge the White House to work with us next year to stem this tide before it becomes uncontrollable.

There are a host of societal reasons causing more Americans to file bankruptcy including, divorce, gambling, credit practices, student loans, health care expenses, and aggressive attorney practices. Congress should address each of these causes of bankruptcy as they merit individual attention. After the National Bankruptcy Review Commission issued its report last October, the Judiciary Subcommittee on Commercial and Administrative Law—the subcommittee I chair which has primary jurisdiction over bankruptcy legislation—was tasked to use the Commission Report as a starting point to formulate fair and effective bankruptcy reforms. The Bankruptcy Reform Act of 1998 was intended to help people get the relief they need—no more, no less—once they have filed for bankruptcy.

This legislation contains provisions endorsed by the National Association of Attorneys General and child support agencies throughout the country that close the "loopholes" which exist in bankruptcy making it nearly impossible for ex-spouses to collect child support and alimony payments. Current bankruptcy law protects debtors and in some instances places ex-spouses in competition with other creditors, including the big banks and credit card companies. H.R. 3150 states unequivocally that alimony payments and child support would receive the number-one priority in determining which debts are repaid. Without this legislation, child support and alimony payments will continue to rank seventh on the list of priority payments in a bankruptcy proceeding, while payments to bankruptcy attorneys continue to receive the number-one priority. This legislation would have given added protection to families dependent on this income. I am disheartened and saddened by the fact that the White House would use political scare tactics and demagoguery at the expense of women and children on this issue. America's women and children deserve better.

Moreover, H.R. 3150 incorporates provisions from H.R. 4393, the Financial Contract Netting Improvement Act to control systemic risk in the financial markets. The current bankruptcy code does not cover many new financial instruments such as asset backed securities which play a major role in the modern financial world. These provisions define these new financial instruments, promoting liquidity and legal certainty, two important components of risk management. With the current instability of the global market, these provisions are necessary to provide market participants with certainty that their contractual arrangements will be honored, and to minimize the risk that the bankruptcy of one party to a transaction will cause negative ripple effects in the financial system.

The legislation also includes provisions that help state and local government save tax dollars by closing the loopholes that limit the government's ability to collect taxes when someone files bankruptcy. To the extent that debtors in bankruptcy are freed from paying their tax liabilities, the burden of making up the revenues lost must be shifted to other taxpayers. H.R. 3150 includes language that ensures that local school districts, police and fire departments, and a wide variety of community services are given priority in bankruptcy proceedings to recover back property taxes. School districts around the country are losing money because they tend to be last in line to collect back taxes owed by property owners who have filed for bankruptcy. It is unfortunate that we were unable to enact bankruptcy legislation which ensures that more money is put back into our schools.

Under our current bankruptcy laws, women and children, small businesses, school districts, and consumers are the losers when an individual or business decides to file bankruptcy. The conference report to H.R. 3150 contains provisions that ensure that women and children receive alimony and child support payments; protect small businesses by simplifying the process by which they collect payments from debtors; protect consumers filing for bankruptcy from aggressive attorneys; and ensure that state and local government do not lose tax revenues because of loopholes that allow debtors to avoid paying taxes. I am hopeful that we will be successful in enacting these important reforms next year.

Nonetheless, I am pleased that Chapter 12—a part of the Bankruptcy Code tailored to the special financial circumstances of farmers—has been extended for six months under an agreement reached in the Omnibus Appropriations Act. This extension is a positive sign that bankruptcy reform will be addressed again in the Spring.

As Chairman of the Judiciary Subcommittee on Commercial and Administrative Law, I am committed to making bankruptcy reform a top priority for the subcommittee during the 106th Congress. Over the recess, my subcommittee will begin the process of redrafting bankruptcy legislation and organizing hearings. The legislation will revisit many of the issues we focused on in this Congress as well as other issues that have been brought to my attention throughout the process. With signs of an economic downturn, which will increase the number of consumer and business bankruptcy filings, we will hold a series of hearings on a variety of bankruptcy issues, focusing not only on consumer bankruptcies, but the impact of bankruptcies on business, such as the telecommunications and health care industry.

Mr. Speaker, let me take this opportunity to thank all of the Members, their staffs and the outside groups who spent countless hours working on this much-needed legislation. The strong bipartisan support that we received on this legislation is a reassurance that we will enact fair and meaningful bankruptcy reforms next year.

REGARDING CORRECTION OF MATERIAL AFTER MANAGERS' STATEMENT ON S. 1260

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Ms. ESHOO. Mr. Speaker, last week on Tuesday, October 13, 1998, the House of Representatives passed the Conference Report of S. 1260, the Securities Litigation Uniform Standards Act. This legislation, previously passed by the other body, is expected to be signed by the President and closes a loophole in securities litigation by assuring that lawsuits involving nationally traded securities remain in federal courts where they have traditionally been heard. I'm proud to have been the lead Democratic co-sponsor of this legislation.

During remarks by my colleagues on the floor regarding S. 1260 there was confusion as to what was included in the joint Managers' Statement signed by the Conferees. The confusion was caused by the fact that in the House version of the Conference Report (published by the House Commerce Committee in the CONGRESSIONAL RECORD) the final page of the Managers' Statement was omitted. This error ultimately led to a statement made by Commerce Committee Chairman BLILEY during floor debate on the final passage of this legislation. He clarified that omission of this very important page was a clerical mistake.

Another mistake was made in the printing of the October 13, 1998, CONGRESSIONAL RECORD of the final passage of the legislation. The extraneous remarks submitted by Chairman BLILEY were erroneously placed directly following the Managers' Statement. These remarks were then printed in the same typeface as the conference report, giving the impression that the extraneous remarks were agreed to by the conferees who signed the final conference report.

Mr. Speaker, let me state for the record, nothing could be further from the truth. This extraneous material, which should have been placed after the remarks of the distinguished Chairman, does not represent my view pertaining to whether recklessness satisfied the scienter requirement nor should it be regarded as the view of the Conferees. This was a contentious issue during the conference and during discussion of the bill on the floor. Every work of the Managers' Statement on this issue was negotiated. The reason for this is the Managers' Statement is the most authoritative statement related to the legislation. My colleague, Mr. COX, an opponent of the language in the Managers' Statement conceded this point when in his colloquy with Chairman BLILEY he referred to the earlier Managers' Statement in the 1995 Securities Litigation Reform Act "as the most authoritative construction of the 1995 Act."

Mr. Speaker, I highlighted this error because as courts and lawyers research the legislative intent of this Act and review our actions as recorded in the CONGRESSIONAL RECORD, I urge them to thoroughly read each reference to this legislation. It is essential that a bright line be drawn between what is included in the conference report, and those views which were specifically rejected by the Conferees of S. 1260.

I'm pleased to report that the Government Printing Office has reprinted the October 13, 1998 CONGRESSIONAL RECORD and issued a corrected version. The Parliamentarian has corrected the Permanent Record of the House to reflect the true content of the Managers' Statement.

HONORING STATE SENATOR CHARLES D. COOK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues a truly remarkable gentleman whose sterling career in public service is unfortunately about to end.

Charles D. Cook was originally elected to the New York State Senate in 1978, having previously served three terms in the Assembly. In his capacity as a State Senator, he became one of the most respected public servants in our state, and by the time he announced his retirement earlier this year, he was truly revered by his constituents and colleagues alike.

Charlie is a native of Deposit, New York, in the beautiful upper Delaware River valley. Educated in local schools, Charlie graduated from Hartwick College. Soon after leaving college, Charlie became the editor of a local newspaper, having adopted journalism as a way of serving his neighbors. Except for a distinguished stint in the U.S. Army, he continued his journalistic career until 1965, when he was elected by his neighbors to the position of Treasurer of Delaware County, NY. In 1971, he was appointed commissioner of Social Services in that County, and was elected to the State Assembly in 1972.

Charlie most especially made his mark in the State Senate as Chairman of the Committee on Education. In that position, he made clear his commitment to the young people, on which our future rests. Recognizing the need to remain competitive on the ever-shrinking world marketplace, Charlie always adhered to the belief that education is the most valuable investment we make as a people.

Charlie also served on the Committees on Agriculture, Children & Families, Crime Victims, Crime and Corrections; Health; Housing and Community Development; Local Government; and Tourism, Recreation and Sports Development. Charlie has long been active with the National Conference of State Legislatures, and served as Chairman of the Legislative Commission on Rural Resources. He is a former member of the National Advisory Committee on Rural Health.

Charlie and his lovely wife, the former Dorothy Behrens, live in Delhi, NY, not far from his birthplace. They are members of the United Ministry of Delhi, and are the proud parents of a daughter, Linda, and two sons, John and Jeffrey.

Earlier this year, the political establishment of our region was thunderstruck by the announcement that Senator Charles D. Cook would not be seeking re-election in 1998, choosing instead to spend more time with his family. While we are losing an outstanding legislator, leader and community servant, we recognize that few persons have done more to earn retirement than has Charlie Cook.

Mr. Speaker, I urge our colleagues to join with me in saluting a true, dedicated official, and extend to Charlie and Dorothy our best wishes for a long, happy, healthy and productive retirement.

SAVING THE CONSERVATION TRUST FUND OF PUERTO RICO

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. CRANE. Mr. Speaker, before we adjourn I would like to address an issue that I regret we have been unable to resolve in this Congress. I am speaking about the plight of the Conservation Trust Fund of Puerto Rico.

The Conservation Trust was created in 1968 through a memorandum of understanding between the Department of the Interior and the Government of Puerto Rico. The people of Puerto Rico are the sole beneficiary of the Trust which was created to carry out a conservation plan for the protection and enhancement of the natural resources and beauties of Puerto Rico. In this area the Trust has been highly successful, blending both environmental and historical sites in a manner that preserves them for generations to come.

The Trust Fund has accomplished this at a time when the natural resources of Puerto Rico are shrinking rapidly under pressure from urban development and population growth. Even mountains, once inaccessible, are now impacted by new construction.

A survey of the Island reveals dramatic contrasts in both its landscape and wildlife. Formed by volcanic eruptions more than 120 million years ago, Puerto Rico is small in land area—3,500 square miles. Yet it supports diverse biological communities including more than 3,000 plant species, 232 species of birds and numerous reptiles and amphibians. Many of these plants and animals are unique to the Island. A large percentage are included on the endangered species list, among them the Puerto Rican Parrot, one of the most endangered birds in the world.

Puerto Rico's small land surface currently sustains 3.7 million inhabitants, a population density of 1,000 per square mile, the second largest in the hemisphere. This is translated into approximately one million dwellings. There are 1.8 million automobiles and four times more roads per square mile than on the United States mainland. It has been said that you can fit the entire population of Puerto Rico in the front seat of the cars on the Island. Moreover, in the metro area of San Juan, the constructed acreage has increased from 10,000 acres in 1950 to more than 60,000 acres by 1994.

In Puerto Rico, the history of land conservation in the last century is scant. All major land reserves, such as the United States Forest Service Caribbean National Forest and other forests under government jurisdiction originate from Spanish colonial times. During the past 25 years the only significant efforts to preserve critical land resources has been conducted by the Conservation Trust. Even with this active role, only 5% of the Island of Puerto Rico is under some protection by either federal or local conservation agencies or by the Trust. This number is half the percentage of the United States and less than 25% that of Costa Rica. The Trust is the only real entity involved in land acquisition projects for conservation in Puerto Rico.

In the original plan, the Trust was funded by a fee imposed by the Secretary of the Interior on the petroleum industry operating on the Island. This financial arrangement existed for approximately 10 years but, as the industry left the Island, a new source of funding became necessary. In the mid-1980s to mid-1990s that source became Section 936 of the Internal Revenue Code and the so-called QPSII (Qualified Possession Source Investment Income) provision of that law. This allowed the Trust to ultimately generate an income that reached a peak of $10 million annually. In 1993, the Trust realized that Section 936 might have a finite life span and halted all major property acquisitions and capital improvements. The Trust started saving money to build an endowment to fund the Trust in future years. It was estimated that approximately $80 million would need to be accumulated to achieve this goal. To this day roughly $30 million has been saved.

Unfortunately, Section 936, which did much to raise the standard of living in Puerto Rico and expand employment opportunities throughout the Island, was phased out, over my objections, by Congress in 1996. With the elimination of Section 936, the Trust was left without a source of income to continue the savings program. Several alternatives were explored and, after a great deal of consideration, a consensus developed among the Trust supporters here in Congress. A legislative proposal was developed, in conjunction with the Governor of Puerto Rico, the Secretary of the Interior and my office to accomplish this task with the proposal's funding mechanism being tied to the rum tax that is collected on rum tax entering the U.S. from the Virgin Islands and Puerto Rico. A portion of this rum is returned (covered over) to Puerto Rico and the Virgin Islands and it was with a portion of this covered over amount that the Trust would receive funding for a five year period. It was the hope of me and many of my colleagues to implement a solution in this year's tax bill. Unfortunately, this did not happen.

Under the excellent leadership of its Executive Director, Javier Blanco and its Deputy Executive Director, Jose Barreto, the Trust has done a superb job with limited resources in fulfilling its mission. With this statement, I want to assure my colleagues that, should I be re-elected, I plan to continue to find an equitable solution to the plight faced by the Trust so that Javier and Jose can continue to do their good work.

TRIBUTE TO GEN. WALTER A. CHURCHILL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to honor a true patriot and outstanding American, Gen. Walter A. Churchill. On September 21, 1998, Gen. Churchill lost his battle to a series of debilitating strokes and passed away at the age of 94. He was a friend to us all. Yes, he was a demanding General but even more he was a compassionate human being.

Enlisting in the Marine Corps at the young age of nineteen, Gen. Churchill remains one of only a few to rise to the rank of Marine Corps General. He retired on December 1, 1963, following 41 years and eight days of service to our country. In addition to his active membership in the Marine Corps League, Gen. Churchill established himself as a local political leader and a successful businessman in our district.

Gen. Churchill knew how to build community and a better future. He followed in the footsteps of his father and uncle in 1917, and managed a successful grocery business in northwest Ohio. He became the national leader in one stop shopping in 1971, when he opened the Monroe Street store. Always an innovator in the business world, Mr. Churchill has provided countless numbers of young people with the opportunity to earn money while attending college, and many retirees have found employment in his stores to supplement their retirement income. He was always helping others.

Mr. Churchill served as a loyal member of the Toledo Rotary Club where he maintained 37 years of perfect attendance. He served on the Board of Directors of the Toledo Better Business Bureau, the Toledo Small Business Association, and he served as president of the

National Association of Retail Grocers. He was not just a member of these organizations but he was an activist. On many occasions, he traveled to Washington, DC to bring his views on national issues to those serving in elected life. He always came with a twinkle in his eye and a remarkable zest for life.

Gen. Churchill's commitment to his employees and our community, and his love for our country will be missed by all who had the pleasure to know him. A mighty oak fell when he passed from this life.

On behalf of our entire community, we extend deepest sympathy to the family and friends of Gen. Walter A. Churchill. He was "always faithful."

PENNSYLVANIA SENIORS NEED MORE RELIEF WHEN IT COMES TO HOME HEALTH CARE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. GEKAS. Mr. Speaker, while today I generally support home health care measures added to H.R. 4238, the Omnibus Appropriations Conference Report, this solution actually does little to relieve the enormous cost being borne by Pennsylvania's senior citizens and the home health agencies that serve them. Pennsylvania is particularly affected due to the fact that it has one of the largest elderly populations in the country. According to home health agencies in my district, the interim payment system will eliminate approximately 294,500 visits to home bound senior citizens in Pennsylvania, a federal savings of $486 million at the expense of Pennsylvania's elderly during the first year of the interim payment system. The current proposed interim payment system will restore only about 15 percent of the dollars taken from Pennsylvania beginning in FY 2000. The new agreement is reported to cost $1.65 billion with $900 million to come from home health providers themselves by reducing future inflation factors. Thus, only $750 million is new home health funding. Ironically, the contributions of Pennsylvania seniors (85 percent of $486 million) is $413 million more than half of the additional funding provided nationwide beginning in the second year of the interim payment system. This is a total injustice to the people of Pennsylvania. This issue must be re-addressed next year to help eliminate the enormous burden placed on Pennsylvania's seniors and home health agencies.

IN HONOR OF LAURIE FLAHERTY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Laurie Flaherty, a distinguished emergency nurse, who has resided and practiced her profession in my congressional district and who has been recognized by her peers with an extraordinary Award.

Laurie Flaherty was awarded the Lifetime Achievement Award from the Emergency Nurses Association and inducted into its Nursing Hall of Fame last month at its annual convention in Denver, Colorado. This is an honor that has been bestowed on only twelve other nurses in the history of the organization. This great honor is a fitting recognition of the contributions Laurie Flaherty has made to the profession of nursing and to the health and welfare of our nation's citizens.

The Emergency Nurses Association drew special attention to Laurie Flaherty's roles as a teacher and author in pediatric emergency care. Association members extolled her work at the Department of Transportation where she designed and implemented a national strategy for safety programs. And finally, the Association chose Laurie Flaherty to receive these honors because she has never stopped being an emergency staff nurse. Whether in a helicopter in Wisconsin, in an ambulance in Santa Clara County, California, or now working at Suburban Hospital in Maryland, Laurie Flaherty has never forgotten that an emergency nurse must ultimately take care of those in need, one patient at a time.

Mr. Speaker, when the ENA honored Laurie Flaherty it was most fitting that they underscored her care and compassion for children. In addition to her expertise and experience in pediatric care, Laurie Flaherty's love and dedication to her daughter, Megan Flaherty, is a testament to what she considers one of her greatest lifetime achievements.

Mr. Speaker, Laurie Flaherty represents the best of a group of professionals that give their all to us every day in the emergency departments and trauma centers across our nation. We are exceedingly grateful to them, and today I'm especially proud to have you and our colleagues in the House of Representatives Join me in congratulating Laurie Flaherty, R.N., M.S., and C.E.N. on receiving this prestigious recognition from her peers.

HONORING BELLAIRE HIGH SCHOOL'S MERIT SCHOLAR SEMIFINALISTS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the 45 National Merit Scholarship Semifinalists at Bellaire High School in Bellaire, Texas. This is the most of any school in Texas and more than all but seven in the Nation.

Every year, the National Merit Scholarship Corporation awards approximately 7,000 scholarships worth $28 million for undergraduate study. Becoming a National Merit Semifinalist is an extraordinary accomplishment. Some 1.2 million high school juniors enter the competition by taking the Preliminary Scholastic Aptitude (PSAT)/National Merit Scholarship Qualifying Test. To become a semifinalist, a student must score high enough on the PSAT to be in the top one percent of all scores in Texas.

Next, the students will compete to become National Merit Finalists. If selected after a rigorous application process, these students will be eligible for one of 2,400 National Merit Scholarships, worth $2,000. The Merit Scholar winners will be announced next spring.

Having more National Merit Scholar semifinalists than every public and private school in Texas underscores that Bellaire High School is a premiere institution of learning, where students work hard and take pride in their accomplishments. The teachers, school administration, parents, and community are doing an extraordinary job preparing these young men and women to take their place in the world. This is what is possible when teachers demand excellence and parents and students place a high value on academic excellence. Bellaire High reflects a level of academic success that is becoming Houston Independent School District's trademark.

Mr. Speaker, I congratulate the National Merit Scholar semifinalists at Bellaire High School: Ramsey Ashour, Averille Asprec, Jason Barnard, Adam Block, Patrick Bloom, Andrew Cheung, Jonathan Chung, Lindsay Derman, Kevin Elias, Dan Feng, Brian Foo, Christina Fu, Emily Gray, Michael Hollington, Jane Hu, Ana Islam, Risha Israni, Irwin Law, Dennis Lee, Amy Len, Nicholas Lindsay, Michael Lipnick, Simon Lu, Amir Marouni, Maria McKeehan, Uzochukwu Odili, Jeremy Rahe, Suzanne Sacher, Brett Solomon, Gregory Stoll, Angel Sun, Harriet Sun, Karla Sussman, Andrew Swaffar, Erin Tavgac, Margie Teng, Millie Thomas, David Tsai, Stanley Tsao, Irene Tung, Craig Wellington, Beverly Wind, Diana Yang, Ethan Yeh, and Chendi Zhang.

Additionally, I would like to congratulate another National Merit Scholar semifinalist, Jennifer Guest of Westbury High School, which is also in the 25th Congressional District.

TRIBUTE TO REVEREND RUBEN DARIO COLÓN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Rev. Ruben Dario Colón, one of the longest serving members of Community Board #4 in the Bronx, who will be retiring from the Board this month after years of service.

Born in Puerto Rico, Rev. Colón attended the University of Puerto Rico and the Theological Seminary of Puerto Rico and, in 1947 he married Ms. Ramonita Orabona, with whom he had a son and a daughter.

In the United States, he obtained a bachelor's degree from Adelphi University. He also holds a Master of Divinity from the Lutheran Theological Seminary and a Master of Social Work from Fordham University.

Rev. Colón was ordained in 1950. He has served at Evangelical Lutheran Church of the Resurrection since 1959 and became its Pastor in 1968. His ministry is faithfully committed to bringing spiritual enlightenment to the community. In addition, he serves as the highest ranking Hispanic Chaplain of the New York City Police Department and also serves as Chaplain at the Bronx Veterans Administration Hospital.

As a psychiatric social worker, Rev. Colón has provided psychiatric therapy for adults and families at many institutions, including Covenant House and the Bronx Psychiatric Center. He was organizer and President of the New York City Puerto Rican Community Childrens Hospital. He is a member of the Board of the Morrisania Diagnostic and Treatment Center of the New York City Health and Hospitals Corporation.

The professional, religious and civic organizations to which Rev. Colón belongs, like the honors and awards he has been given are almost beyond counting. Among the many honors bestowed upon him, Rev. Colón is the first Puerto Rican to receive the Silver Medal of the Academic Society of Arts, Science and Literature of France.

Reverend Colón has lived to help those who have needed him. His long and fruitful career as a pastor, counselor, chaplain and community activist has touched thousands of individuals in our community. Reverend Colón has been an outstanding leader and a great role model, not only to the organizations he has served so well but also to the Hispanic community and other religious organizations.

As it is written in Hebrews 6:10 "for God is not unjust; he will not forget your work and the love you have shown him as you have helped his people and continue to help them." The community, too, recognizes him and is honoring him.

Mr. Speaker, I ask my colleagues to join me in recognizing Rev. Ruben Dario Colón for his remarkable career serving the community and bringing hope to the many individuals he has touched. While he is leaving Community Board #4, I am confident that Reverend Colón, a wise and talented leader will, continue serving our community.

TRIBUTE TO STANLEY G. TATE—MAKING HIGHER EDUCATION POSSIBLE FOR HUNDREDS OF THOUSANDS OF FLORIDA'S CHILDREN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mrs. MEEK of Florida. Mr. Speaker, in 1987, with my strong support, the Florida Legislature created the Florida Prepaid Postsecondary Education Expense Program to allow families to prepay college tuition and housing expenses for their children at a lower rate than the projected costs at the time of enrollment.

Florida was only the second state to try such an innovative program. Today it is a runaway success, thanks largely to the Chairman of the Board of the Florida Prepaid Postsecondary Education Expense Program, Stanley G. Tate, whose brilliant leadership and personal commitment have made Florida's prepaid college tuition program the most successful in the nation.

Stanley Tate deserves the congratulations and thanks of every Floridian, and I join with our community in saluting him. The Miami Herald recently profiled Mr. Tate in a page-one article, which I would like to share with my colleagues.

[From the Miami Herald, Oct. 18, 1998]

COLLEGE CRUSADER—DEVELOPER PAVES ROAD TO EDUCATION

(By Jack Wheat)

Florida's prepaid college tuition program kicks off its second decade on Monday as the most successful plan of its kind in America, allowing Floridians to pay for a child's future college tuition at today's cheaper rates.

The Florida Prepaid College Program is considered such a good deal that more than 375,000 children, from birth to high school age, were signed up in the first 10 years.

In hindsight, that kind of popularity seems a foregone conclusion. After all, it's possible to buy a contract that will allow a fourth-grader to attend a state university in 2007 for slightly less than what this year's undergraduates pay.

But the program's success is a civic Cinderella story, in which a real-life godfather came in the rescue:

Meet Stanley G. Tate, a millionaire Miami developer whose iron will and deep pockets made a winner out of a little-known program that looked like it was going nowhere when contracts first went on sale in 1988.

"There were a lot of people who were saying it would never fly," said Tallahassee lawyer Philip Blank, general counsel for the program. "But when Stanley was appointed to the board, he took it to mean he needed to do what he would do with his own private business."

Florida was the second state to try a prepaid tuition program. The first, Michigan, was struggling through a troubled start-up. Although the Florida legislature approved the program over-whelmingly in 1987, its staff was instructed to watch its progress closely for signs of trouble.

Tate knew it was sound because he helped design the plan from ground up.

In 1986, Gov. Bob Graham asked him to work with the legislative staff to develop a program like one just started in Michigan. Tate and the staff learned from Michigan's glitches and put together a program of guaranteed prepayment of future university and community college tuition.

The next year, Gov. Bob Martinez appointed Tate to the prepaid college plan board, and he became its first—and so far, only—chairman.

STATEWIDE CAMPAIGN

In 1988, with initial sales significantly lower than he had predicted, Tate feared that the program would die the unceremonious death of new products that are labeled duds.

So he put his business and personal life on hold and started barnstorming. "I went all over the state, from Pensacola on down," Tate said.

During a three-month crusade, he visited local school boards and state education officials, promising he would get program pamphlets to every school that would distribute them to kids to take home to their parents.

"I printed up two million pamphlets," he said.

The fledging program paid for as many as it could. The plan, starting up with $600,000 borrowed from a state insurance fund, couldn't pay for them all.

Barnett Bank donated ad agency services, and Tate wrote checks to TV and radio stations around the state to broadcast spots. He paid all his travel costs, too.

He estimates his campaign cost him $200,000 out of pocket. At first, he called it a loan, but he never sought repayment.

"I can't get him to take state reimbursement to save my life," Blank said.

THOUSANDS SIGN UP

When the first enrollment period ended in January 1989, the Florida Prepaid College Program had sold 58,651 contracts—below Tate's initial expectation of 100,000 but far more than skeptics ever imagined.

Tate, 70, said he had highly personal reasons for his crusade as well as general principle.

Attending the University of Florida in the 1940s was one of the toughest ordeals of his life, he said in an interview last week.

The son of a tung-oil dealer from Miami Beach, he was the first in his family to go to college. He worked at Gainesville's Primrose Inn restaurant for tips and meals. For two years, he couldn't go home for Christmas break; otherwise he would have lost his job.

That experience illustrated how deeply he values a college education.

"I have always said that if this state is going to prosper, we've got to have more of our young people going to college and staying in Florida," Tate said.

As a developer who built a real-estate empire in Florida and South Carolina, he knows that a large pool of highly educated workers is a magnet for industries and corporate operations. They buy prime property and construct upscale facilities and pay well. Their employees buy nice houses, cars and boats, and they get involved in civic and cultural life, making communities stronger, he said.

A POLITICAL FIGURE

He was a case in point. He graduated from UF, came back to Dade, built a home in Bay Harbor Islands, served 20 years in Bay Harbor Islands government as a councilman, vice mayor and mayor. He also became a fixture in Republican politics, but worked comfortably with Democrats, too.

In 1993, President Clinton nominated Tate as chief executive officer of the Resolution Trust Corp., which was charged with cleaning up the national savings-and-loan mess. He spent five months in Washington preparing to move into the job, but returned to Miami when the Senate would not set confirmation hearings.

Tate's critics accused him of trying to get involved in details of agency decision-making on behalf of friends and politicians. Tate, however, believes he was a victim of sniping from insiders who objected to the strong hands-on management methods he believed were necessary to identify and correct problems in the troubled regulatory agency.

In any event, in Tate's mind, all of his other civic achievements pale in significance to the prepaid program.

"When you think of all the many thousands of college educations we've helped make possible, that's a real legacy," he said.

The program succeeds because it lets families work together to the benefit of everybody's children, said Tate, who has enrolled all of his Florida grandchildren.

A MATTER OF MATH

He knew the plan could work after he saw two sets of figures, he said:

From 1967 to 1987, state university tuition rose an average of 7 percent a year. During the same period, stocks and bonds earned an average of 7.5 percent a year. The statistics showed that if parents, grandparents and other benefactors paid into the plan at current tuition rates, a well-run investment would make their money grow enough to cover future tuition increases.

Tate predicts the recent erratic stock and bond markets will stimulate a surge of interest in prepaid tuition this year.

In the past, experts like Mike Powers, whose book Investing for Your Child's College Education has just appeared, have recommended prepaid plans for poor money managers. But Powers wrote, "When examined from a purely economic perspective, they're a lousy investment."

But Powers wrote his book during a five-year market boom. By the time it hit bookstores, markets were plunging.

When investors get stockbrokers' reports "and see their value has gone down 15 or 20 percent," Tate said, they'll see new merit in the idea of paying this year's tuition rates to cover college costs that will be incurred up to 22 years from new—when this fall's newborns are college seniors.

But he worries that a souring economy could lead prepaid tuition contract-holders who need the program most to drop out. If recession hits, he fears, thousands of cash-strapped Florida families who are prepaying tuition in monthly installments will let the contracts lapse.

Contract-holders who let their payments lapse get a refund of what they paid in, with no interest. But the contracts cannot be reinstated.

"It's probably the second-most important debt payment you can make, right behind your mortgage payment," Tate said.

NATIONAL INSTITUTES OF HEALTH FUNDING JUSTIFICATION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. GEKAS. Mr. Speaker, in the midst of political controversy, I rise to thank my colleagues, Senator ARLEN SPECTER, Chairman JOHN PORTER of the Labor, Health and Human Services, and Education Subcommittee, the entire Appropriations Committee, and the Speaker for their leadership on the House Labor HHS Appropriations bill, thus disproving the disturbing mischaracterization of this Congressional session, what some have called a "do nothing" Congress. Instead, I am proud to be here today to talk about the historical achievement that has taken place, the fruit of many years of work.

I'd like to thank my colleagues for making medical research funding a priority this year by providing a 15% ($2 billion) increase for the National Institutes of Health. Over the years, the Labor HHS Appropriations bill has allocated money wisely and responsibly; this legislation is known as a fiscally conservative bill. The few allocations that are made, such as NIH funding, are carefully considered.

It is essential to point out that money invested in basic research cannot be expected to achieve a specific outcome. Instead, we can expect to use such funds to accelerate the pursuit of knowledge. As the new millennium approaches, we are on the cusp of a "golden age" of medical and health discoveries. Additional money will help increase the likelihood that such discoveries will take place. The outcomes will contribute to reducing suffering and improving the quality of life for future generations of Americans and all human beings.

I thank my colleagues for their work and for having the chance to discuss this achievement with you today.. I encourage my colleagues to read the detailed justification for an increase in NIH funding which I am submitting for the record.

NATIONAL INSTITUTES OF HEALTH FUNDING

The National Institutes of Health has been operating for many years at funding levels far below its capacity. Many new and exciting research ideas that hold tremendous promise for the prevention and treatment of disease have gone unfunded because of limited dollars, not due to lack of scientific merit. These trends, coupled with the wealth of emerging scientific opportunity, underscore the need to enhance our national investment in the health sciences.

An increase of 23% over FY98 in NIH funding would be required to address scientific opportunity in all of the Institutes under a scenario where budget dollars were unrestrained. The "Omnibus Appropriations" measure provides an historic 15% increase for the NIH. NIH has developed specific action plans for each of its Institutes to guide a significant resource expansion. Although it is impossible to identify which of the lines of scientific investigation will lead to a new treatment or cure, there is no shortage of emerging scientific opportunity which should, as judged by past example, produce positive results to improve the quality of life in this Nation.

For example, in the National Cancer Institute alone, professionals have called for a $3.19 billion budget in FY99. The House Appropriations proposal of a 9% increase would provide approximately $2.78 billion for NCI. Richard Klausner, NCI Director, said the difference would mean that, under the full increase, one-third of the agencies' grants would be funded rather than 28% being funded under the latter scenario. Secondly, NCI is considering a major expansion and redesign of its clinical trial system. Funding will affect the speed with which NCI can expand this system so that the trials are faster and more trials can be done. Additional funds would also help bring the clinical trials system up-to-date with technology. Instead of the pencil and paper system in place for over 40 years, the additional increase could help pay for a new information-based electronics system to accommodate the more complex clinical trials associated with biological markers.

The funding increases provided for the NIH in this bill will accelerate research across the board, but particularly in six key areas of emphasis: disorders of the nervous system, genetic medicine, pathogenesis, computers and instrumentation, new approaches to disease prevention, and new avenues to therapeutics.

In FY99, NIH plans to increase the number of grants substantially to an all-time record of just over 30,000 awards. Nearly 8,300 new and competing awards will be made, achieving a success rate very close to 1 of every 3 grants being funded. In addition, the size of the average new and competing award will increase by about ten percent, permitting Institutes to fund a greater number of grants at the levels recommended by review groups and to better support more expensive forms of research such as patient-oriented research or research that requires vertebrate animals to provide models of human disease.

Funds will be used to develop new and more powerful instruments; to attract trainees and scientists in other fields to the problems posed by biology and medicine; to allow more groups of investigators to purchase shared instruments; and to expand the use of computers for analysis, exchange, and storage of data.

With increased resources, NIH will be able to enhance their efforts to recruit and train the most talented individuals for careers in biomedical research. The agency will fund innovative research training programs that emphasize trans-disciplinary work, will increase by 25% the stipends that are currently provided to graduate students and post-doctoral fellows and a research environment will be created that offers improved stability and increased likelihood of research funding than was true in early years of this decade.

The promises of biomedical research to better human health can only be achieved if we strengthen the nation's capacity to perform clinical research, especially the research carried out through direct interactions with patient populations. With new funds in FY99, NIH will initiate several new categories of awards to enhance training and support of clinical investigators; a program that will finance a supervised five year apprenticeship for over 400 young investigators; a program that will provide salary support for the clinical research activities of 250 to 400 mid-career scientists who can serve as mentors; and a training program that will bring organized didactic programs in clinical research to over twenty institutions.

NIH will significantly increase support for the national outstanding centers for clinical research, including the General Clinical Research Centers; will expand their new program on the NIH campus that introduces medical and dental students to clinical research; continue loan repayment programs to clinical trainees from disadvantaged backgrounds in the intramural program and support the continued construction of the Mark O. Hatfield Clinical Research Center of the NIH campus.

As with all federal agencies, NIH is committed to frequent review and close oversight of its scientific and administrative practices. Despite a traditionally strong reputation for expert review of grant applications, the Center for Scientific Review is currently reexamining and restructuring NIH's peer review panels. Last year, the agency commissioned a large-scale review of administration at NIH, conducted by Arthur Andersen. While the review was generally complimentary of NIH's practices, the agency is currently in the process of implementing recommendations for improvement.

This year, the Institute of Medicine conducted a study of the process by which NIH identifies priorities for research funding. NIH is moving expeditiously to implement the IOM findings by building new avenues for public input.

MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY ACT OF 1998

SPEECH OF

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Ms. VELÁZQUEZ. Mr. Speaker, to many, money laundering may seem like the stuff of spy novels. But, to my constituents, money laundering by drug cartels is a plague on the community. The fact of the matter is that money laundering has become big business, which is why it is drawn to financial centers like New York City. But in doing so, it has settled in areas like Jackson Heights, Queens in my district. The unfortunate reality is that these criminals do not bring investment dollars and a better way of life for my constituents—they bring guns, fear and death.

To date, Congress has done little as a partner in this war. The time was long overdue for Washington to reach out even more and form partnerships with those on the front lines.

Finally this year, the Banking Committee held a hearing to highlight the work of the El Dorado Task Force in New York City. El Dorado is a network of federal, state and local law enforcement officers and prosecutors who focus on fighting money laundering in Jackson Heights, Queens and Washington Heights, Harlem.

El Dorado has targeted money remitter services that are used more and more frequently by drug cartels to launder money abroad. In fact, the task force identified 12 large scale businesses in the New York Metropolitan area that were used to wire hundreds of millions of dollars in illegal drug proceeds overseas. These companies are affiliated with hundreds of smaller businesses ranging from travel agencies to beeper and cellular telephone outlets, which are found in predominantly poor immigrant neighborhoods throughout the city.

The result was that communities like Jackson Heights were becoming magnets for drug cartels to funnel their illicit proceeds from drug sales to drug source countries. That is how I became involved almost four years ago.

Hoping to reclaim their neighborhoods, I was approached by several constituents during a community meeting in Jackson Heights. They told me that Roosevelt Avenue was becoming overrun by envios, or money wire services, that drug dealers were using to launder money to Medillin and Cali. They wanted my help, because they saw their neighborhoods being overrun by drugs, violence and more crime.

Joining forces with District Attorney, Richard Brown, I formed a working group to put an end to this type of crime. First of all, everyone agreed that the best way to attack the drug cartels was to get them where it would hurt them the most—their profits. In order for cartels to reap profits, proceeds must be laundered. That is how the Money Laundering and Financial Crimes Strategy Act was conceived.

The idea was to bring together every person and entity involved in the war on drugs from state and local police and prosecutors to federal agencies. In order to better coordinate these efforts to fight money laundering, the Department of the Treasury was made the lead agency, in conjunction with the Department of Justice.

The two agencies were charged with developing a national strategy that would coordinate efforts between all Federal, State and local financial institutions, law enforcement, and prosecutors. Since cartels change their mode of laundering illegal proceeds as quickly as law enforcement officials catch up with them, the definition for money laundering was key. The original definition of money laundering included many predicate offenses, that might cause confusion when developing the national strategy. For that reason, the Administration requested and the Senate agreed to change the definition of money laundering. As it is now defined in H.R. 1756, money laundering is more narrow, while giving the Secretary of the Treasury the ability to keep up with the different ways that money can be moved in, out and through any financial institution in the United States. However, the definition of money laundering in this legislation has always included related state and local statutes, and it still does.

The goal of the strategy is to coordinate a response to money laundering between federal, state and local law enforcement and prosecutors. The intention was never to give the Secretary of the Treasury new powers over other agencies or for the Department of the Treasury to usurp the authority of other agencies involved in our war on drugs. However, some concerns were raised by the Chairman of the Commerce Committee with respect to the Securities and Exchange Commission. As author of this bill, I will state clearly and unequivocally for the record that it is not the intention of this legislation to give the Secretary of the Treasury any new or additional powers over the SEC. It is purely our intention that all agencies involved work together and coordinate a federal response against money laundering. Since agencies like the SEC, although not political in nature, regulate entities that are subject to a lot of money laundering, the SEC needs to participate in developing the strategy and combating these crimes.

Additionally, state and local law enforcement voiced their concern about not having enough resources to fight huge crime syndicates. They made it clear that they wanted to be at the table in order to include their experience. For that reason, the definition of money laundering stipulates that State and local statutes on money laundering are to be considered when developing the national strategy. Also, the theme throughout the legislation is a coordinated response with localities, to help them deal with the problem of money laundering.

In fact, the designation of high risk money laundering areas is meant to highlight that certain communities experience more severe problems with money laundering and need more help. The grant section of the legislation is specifically meant to provide additional money to local law enforcement officials and prosecutors—especially those with a proven track record of joining forces with other localities—to help them combat money laundering. These localities should be the recipients of the grant money—not federal or state officials.

The goal of H.R. 1756, the Money Laundering and Financial Crimes Strategy Act of 1998, is the formation of better partnerships and more equitable distribution of resources in our war on drugs. Greater attention can now be given to fostering participation by smaller local law enforcement agencies, by making additional resources available and giving them a greater ability to share information with each other and the federal government. Together, we will be able to hit drug cartels where they feel it the most. Together, we will win this war on drugs.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SANFORD. Mr. Speaker, I rise in opposition to this bill for a number of different reasons. Fundamentally, I rise because this Omnibus Bill validates the idea that we are running surpluses in Washington, when in fact, by any normal accounting standards, we are not. This year we will borrow $100 billion from the Social Security Trust Fund that will, in turn, yield what Washington calls a surplus. This bill will take $20 billion, one-third of that "protected surplus" and spend it, and yet doing so would break the President's commitment to saving every dime of the surplus for Social Security. If Congress is unwilling to pass the tax cut, and I took the President at his word because we want to save this so-called surplus for Social Security, how can we possibly take that money and spend it? I do not think we can and that is fundamentally why we should vote against this bill.

It, as well, establishes a horrible precedence of going over budget. When people back home write an overdraft on their checking account, they have to pay the finance costs. They are normal repercussions for families or businesses when they exceed a budget, and yet Congress just creates a new category called Emergency Spending and says, "Oops," and moves on. $20 billion is hardly an "oops" by the definition passed to me from people along the coast of South Carolina. Even what has been thrown into this emergency category is a stretch by any imagination. The Inman Report, in 1985, listed 126 embassy facilities that should be improved to thwart attack. Forty buildings were improved upon, the rest were left as they are. While the attacks this year in Africa were tragic, they were hardly an emergency in that the possibility has been talked about for over 13 years. Similarly, the Y2K problem, of which billions are in this bill, is certainly a great problem, but not an emergency. CONNIE MORELLA and STEPHEN HORN have held numerous hearings on the Y2K problem facing this Nation. There are other examples like that, and in fact, within the embassy section $100 million is there for a Capitol Hill Visitor Center. The Capitol Hill Visitors Center has been the subject of much debate over the last 2 years. How a topic of conversation for 10 years becomes an emergency, I do not quite understand.

Finally, this bill offers sham offsets and sham reforms that I do not think pass the litmus test of common sense. The offsets are peculiar. For instance, in this bill, the Federal Government takes over the pension fund liabilities of the District of Columbia. The District of Columbia now invests in conventional investments like stock and bonds, and will take those assets, sell them in the marketplace and use that money to pay for current spending and call that an offset. Meanwhile, we ignore the fact that the pension one day will have to be paid as people retire. That is not really an offset, that is picking up a liability and yet we call it "offset" in this bill.

Similarly with the IMF, while it has a real expenditure of $18 billion, which I think is basically disguised foreign aid, its reforms are no more than fig leaves in substance. We had a very small amendment that would simply list IMF expenditure like every other expenditure in the Federal Government. My own leadership, for some odd reason, yielded to the views of the Executive Branch and prevented this reform. I think it makes sense because right now if the Federal Government buys 100 thousand acres of land in Wyoming or buys a new Federal building, it is viewed as an expense. However, if we invest $18 billion in the IMF, it is viewed as picking up an asset as we pick up the drawing rights. Most people I know would much rather have as collateral 100 thousand acres in Wyoming or the Federal building in Georgia than drawing rights for a loan made to the Soviet Union. In fact, the last $4 billion the IMF sent to the Soviet Union, by all accounts, has been squandered. There are other reasons this bill does not make a lot of sense. Particularly, the fact that we are not seeing what we are voting on. The idea of voting for something you can't see is, I think, a particular disservice to your constituents that you represent in Washington and I think it is a gross act of mismanagement to fund a third of all government spending in a process that is jammed into a 2 or 3 week time frame. I don't know of any businesses that could survive if they operated in this fashion.

For these reasons, it's validating a surplus when we do not have one, setting a precedent of going over budget, incorrectly defining non-emergency spending as emergency, and its sham offsets say to me that a "no" vote is a vote that makes common sense. It is also one that does not rob from the Social Security Trust Fund, which I thought was something that the Democrats and the President were serious about.

IN MEMORY OF EBEN TISDALE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Ms. ESHOO. Mr. Speaker, I rise today before the House to celebrate the life of a most distinguished citizen and incomparable professional, Eben Tisdale, who passed away on October 18, 1998.

Eben Tisdale was the dean of high technology advocates in Washington, D.C. He served as Hewlett Packard Company's Government Relations Director in Washington, D.C. since 1984, and is credited with giving the industry a needed daily presence on Capitol Hill. Tisdale joined Hewlett Packard following five years as Vice President of the Scientific Apparatus Makers Association in Washington, D.C.

In the 1970's, Eben helped create the Semiconductor Industry Association and the Electronics Association of California. He is also credited with convincing the high technology industry that it needed to establish a strong presence in Washington, D.C.

Eben Tisdale was a mentor for countless individuals associated with high technology issues in Washington, D.C. today. Eben was in a class by himself—a top professional, an excellent strategist, a loyal friend and a first-rate human being. He is survived by his wife Ann, a son Anthony and a daughter Jessica.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me in expressing condolences to Eben Tisdale's family, and to commemorate his extraordinary service and contributions to the well being of our nation.

GEORGE SOROS DISCUSSES THE INTERNATIONAL FINANCIAL SYSTEM AT BANKING COMMITTEE HEARING—U.S. ACTION AND ASSISTANCE IS ESSENTIAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. LANTOS. Mr. Speaker, last night this House approved the Omnibus Appropriations Act which included funding for the International Monetary Fund (IMF). Earlier this month, the IMF and the World Bank held their annual meetings here in Washington, D.C., against a backdrop of international financial turmoil and serious concern about the economies of a number of key countries in the world and about the ability of the international financial system to deal with the crisis. The IMF has not been successful in resolving the economic problems in East Asia and in Russia thus far.

Just a few weeks ago, Mr. Speaker, George Soros, the international financial genius, appeared before the House Banking Committee to issue a somber warning to the Congress of the United States—Unless Congress is willing to support the IMF and take supportive action in dealing with the faltering international financial system, the disintegration of the global capitalist system will have dire consequences for the United States economy because we are at the center of that system. We cannot by and do nothing while other countries face economic crisis.

The instability and enormous losses that have been suffered on Wall Street in the past few weeks are just the latest indications of the scope and gravity of this crisis. While this initial impact upon our own country has been limited so far to our financial markets, the consequences of further deterioration would be felt throughout our economy with consequences that would be felt by all Americans.

Mr. Speaker, George Soros told the Banking Committee that the Congress has an extraordinary responsibility and obligation to assure the success and the continued viability of the IMF and the international financial system. Mr. Soros also told the Committee that "I am convinced that the attitude of the Congress was already an important element in the failure to deal with Russia" with all of the serious consequences that could bring.

Mr. Speaker, I regret that there was destructive dithering and dallying on the part of the leadership of the Congress earlier this year, but I welcome the fact that the essential funding for the IMF was included in the Omnibus Appropriations legislation that we adopted last night. This important reversal in policy is in no small part due to the thoughtful and weighty arguments that George Soros advanced in testimony he presented at the Banking Committee hearing a few weeks ago.

I ask, Mr. Speaker, that Mr. Soros testimony before the House Banking Committee be placed in the RECORD, and I urge my colleagues in the House to give it the thoughtful consideration that it clearly deserves. The matters that he discussed, which are of great significance for all of us in this body, have not been resolved. Further important decisions await the Congress, and George Soros' thoughts are important for all of us as we consider our nation's economic future.

TESTIMONY OF GEORGE SOROS—COMMITTEE ON BANKING AND FINANCIAL SERVICES, SEPTEMBER 15, 1998

This hearing is very timely because the global capitalist system which has been responsible for the remarkable prosperity of this country in the last decade is coming apart at the seams. The current decline in the US stock market is only a symptom, and a belated symptom at that, of the more profound problems that are afflicting the world economy. Some Asian stock markets have suffered worse declines than the Wall Street crash of 1929 and in addition their currencies have also fallen to a fraction of what their value was when they were tied to the US dollar. The financial collapse in Asia was followed by an economic collapse. In Indonesia, for instance, most of the gains in living standards that accumulated during 30 years of Suharto's regime have disappeared. Modern buildings, factories and infrastructure remain, but so does a population that has been uprooted from its rural origins. The Japanese banking system is in deep trouble. The world's second largest economy just reported an annualized 3.3% decline in economic activity for the second quarter. Currently Russia has undergone a total financial meltdown. It is a scary spectacle and it will have incalculable human and political consequences. The contagion has now also spread to Latin America.

It would be regrettable if we remained complacent just because most of the trouble is occurring beyond our borders. We are all part of the global capitalist system which is characterized not only by free trade but more specifically by the free movement of capital. The system is very favorable to financial capital which is free to pick and choose where to go and it has led to the rapid growth of global financial markets. It can be envisaged as a gigantic circulatory system, sucking up capital into the financial markets and institutions at the center and then pumping it out to the periphery either directly in the form of credits and portfolio investments, or indirectly through multinational corporations.

Until the Thai crisis in July 1997 the center was both sucking in and pumping out money vigorously, financial markets were growing in size and importance and countries at the periphery could obtain an ample supply of capital from the center by opening up their capital markets. There was a global boom in which the emerging markets fared especially well. At one point in 1994 more than half the total inflow into US mutual funds went into emerging market funds.

The Asian crisis reversed the direction of the flow. Capital started fleeing the periphery. At first, the reversal benefitted the financial markets at the center. The U.S. economy was just on the verge of overheating and the Federal Reserve was contemplating raising the discount rate. The Asian crisis rendered such a move inadvisable and the stock market took heart. The economy enjoyed the best of all possible worlds with cheap imports keeping domestic inflationary pressures in check and the stock market made new highs. The buoyancy at the center raised hopes that the periphery may also recover and between February and April of this year most Asian markets recovered roughly half their previous losses measured in local currencies. That was a classic bear market rally.

There comes a point when distress at the periphery cannot be good for the center. I believe that we have reached that point with the meltdown in Russia. I am not making any predictions about the stock market, but I am ready to assert that we have reached that point. I have three main reasons for saying so.

One is that the Russian meltdown has revealed certain flaws in the international banking system which had been previously disregarded. In addition to their exposure on their own balance sheets, banks engage in swaps, forward transactions and derivative trades among each other and with their clients. These transactions do not show up in the balance sheets of the banks. They are constantly marked to market, that is to say, they are constantly revalued and any difference between cost and market made up by cash transfers. This is supposed to eliminate the risk of any default. Swap, forward and derivative markets are very large and the margins razor thin; that is to say, the value of the underlying amounts is a manifold multiple of the capital employed in the business. The transactions form a daisy chain with many intermediaries and each intermediary has an obligation to his counterparties without knowing who else is involved. The exposure to individual counterparties is limited by setting credit lines.

The sophisticated system received a bad jolt when the Russian banking system collapsed. Russian banks defaulted on their obligations, but the Western banks remained on the hook to their own clients. No way was found to offset the obligations of one bank against those of another. Many hedge funds and other speculative accounts sustained large enough losses that they had to be liquidated. Normal spreads were disrupted and professionals who arbitrage between various derivatives, i.e.: trade one derivative against another, also sustained large losses. A similar situation arose shortly thereafter when Malaysia deliberately shut down its financial markets to foreigners but the Singapore Monetary Authority in cooperation with other central banks took prompt action. Outstanding contracts were netted out and the losses were shared. A potential systematic failure was avoided.

These events led most market participants to reduce their exposure all round. Banks are frantically trying to limit their exposure, deleverage, and reduce risk. Bank stocks have plummeted. A global credit crunch is in the making. It is already restricting the flow of funds to the periphery, but it has also begun to affect the availability of credit in the domestic economy. The junk bond market, for instance has already shut down.

This brings me to my second point. The pain at the periphery has become so intense that individual countries have begun to opt out of the global capitalist system, or simply fall by the wayside. First Indonesia, then Russia have suffered a pretty complete breakdown but what has happened in Malaysia and to a lesser extent in Hong Kong is in some ways even more ominous. The collapse in Indonesia and Russia was unintended, but Malaysia opted out deliberately. It managed to inflict considerable damage on foreign investors and speculators and it managed to obtain some temporary relief, if not for the economy, then at least for the rulers of the country. The relief comes from being able to lower interest rates and to pump up the stock market by isolating the country from the outside world and squeezing short sellers. The relief is bound to be temporary because the borders are porous and money will leave the country illegally; the effect on the economy will be disastrous but the local capitalists who are associated with the regime will be able to salvage their businesses unless the regime itself is toppled. The measures taken by Malaysia will hurt the other countries which are trying to keep their financial markets open because it will encourage the flight of capital. In this respect Malaysia has embarked on a begger-thy-neighbor policy. If this makes Malaysia look good in comparison with its neighbors, the policy may easily find imitators, making it harder for others to keep their markets open.

The third major factor working for the disintegration of the global capitalist system is the evident inability of the international monetary authorities to hold it together. IMF programs do not seem to be working; in addition, the IMF has run out of money. The response of the G7 governments to the Russia crisis was woefully inadequate, and the loss of control was quite scary. Financial markets are rather peculiar in this respect: they resent any kind of government interference but they hold a belief deep down that if conditions get really rough the authorities will step in. This belief has now been shaken.

These three factors are working together to reinforce the reverse flow of capital from the periphery to the center. The initial shock caused by the meltdown in Russia is liable to wear off, but the strain on the periphery is liable to continue. The flight of capital has now spread to Brazil and if Brazil goes, Argentina will be endangered. There is general panic in Latin America. Forecasts for global economic growth are being steadily scaled down and I expect they will end up in negative territory. If and when the decline spreads to our economy, we may become much less willing to accept the imports which are necessary to feed the reverse flow of capital and the breakdown in the global financial system may be accompanied by a breakdown in international free trade.

This course of events can be prevented only by the intervention of the international financial authorities. The prospects are dim, because the G7 governments have just failed to intervene in Russia, but the consequences of that failure may serve as a wake-up call. There is an urgent need to rethink and reform the global capitalist system. As the Russian example has shown, the problems will become progressively more intractable the longer they are allowed to fester.

The rethinking must start with the recognition that financial markets are inherently unstable. The global capitalist system is based on the belief that financial markets, left to their own devices, tend towards equilibrium. They are supposed to move like a pendulum: they may be dislocated by external forces, so-called exogenous shocks, but they will seek to return to the equilibrium position. This belief is false. Financial markets are given to excesses and if a boom/bust sequence progresses beyond a certain point it will never revert to where it came from. Instead of acting like a pendulum financial markets have recently acted more like a wrecking ball, knocking over one economy after another.

There is much talk about imposing market discipline but, imposing market discipline means imposing instability, and how much instability can society take? Market discipline needs to be supplemented by another discipline: maintaining stability in financial markets ought to be the objective of public policy. This is the general principle that I should like to propose.

Despite the prevailing belief in free markets this principle has already been accepted and implemented on a national scale. We have the Federal Reserve and other financial authorities whose mandate is to prevent a breakdown in our domestic financial markets and if necessary act as lenders of last resort. I am confident that they are capable of carrying out their mandate. But we are sadly lacking in the appropriate financial authorities in the international arena. We have the Bretton Woods institutions—the IMF and the World Bank—which have tried valiantly to adapt themselves to rapidly changing circumstances. Admittedly the IMF programs have not been successful in the current global financial crisis; its mission and its methods of operation need to be reconsidered. I believe additional institutions may be necessary. At the beginning of this year I proposed establishing an International Credit Insurance Corporation, but at that time it was not yet clear that the reverse flow of capital would become such a serious problem and my proposal fell flat. I believe its time has now come. We shall have to establish some kind of international supervision over the national supervisory authorities. We shall also have to reconsider the workings of the international banking system and the functioning of the swap and derivative markets.

These issues are beyond the competence of Congress. There is, however, one issue which is very much within its purview. That is the request to authorize an increase in the capital of the IMF. I am' aware that Congress was greatly influenced by the testimony given by George Schultz opposing such an increase. I hope my remarks will serve to contradict that testimony.

George Schultz argued that it is better if markets are allowed to look after themselves than if they are looked after by regulators. There is an element of truth in his argument: regulators do make mistakes. The IMF approach clearly did not work, otherwise we would not find ourselves in the current situation. But that does not mean that financial markets can look after themselves. Everybody looking out for his or her self-interest does not lead to equilibrium but to what Alan Greenspan called irrational exuberance and afterwards panic.

George Schultz inveighed against the moral hazard of bailing out irresponsible investors and speculators. Here he has a valid point. Bailouts did encourage irresponsible behavior not so much by speculators—because we know that we have to take our lumps when markets decline—but by banks and other lenders who could count on the IMF coming in when a country got into difficulties. The IMF imposed tough conditions on the country concerned but it did not impose any penalties on the lenders. This asymmetry in the treatment of lenders and borrowers is a major source of instability in the global capitalist system and it needs to be corrected. It has to be a focal point in the soul searching that the IMF must undergo, but I am glad to say that the IMF is learning fast. In its $2.2 billion program in Ukraine, it is imposing a new condition: 80% of Ukraine's treasury bills have to be "voluntarily" rescheduled into longer-term, lower yielding instruments before the program can go forward. This is a long way from the Mexican bailout of 1995 where the holders of Mexican treasury bills came out whole.

The moral hazard now operates in the opposite direction; in not enabling the IMF to do its work when it is most needed. Congress bears an awesome responsibility for keeping the IMF alive. I am convinced that the attitude of the Congress was already an important element in the failure to deal with Russia. As you probably know I have foundations in many of the formerly communist countries. Some of these countries are badly hit by the fallout from the Russian collapse. Countries like Moldova and Romania have no one else to turn to but the IMF. The IMF is perfectly capable of assisting them. It would be tragic if it ran out of resources.

Replenishing the capital of the IMF will not be sufficient to resolve the global financial crisis. A way has to be found to provide liquidity not only at the center but also at the periphery. I believe there is an urgent need for the creation of Special Drawing Rights which can be used to guarantee the rollover of the already existing debt of countries which receive the IMF's seal of approval. If there is no reward for good behavior, meltdowns and defections will multiply. But such radical ideas cannot even be considered until Congress changes its attitude towards international institutions and the IMF in particular.

So far our stock market has escaped relatively unscathed and our economy has actually benefited from the global crisis but make no mistake: unless Congress is willing to support the IMF, the disintegration of the global capitalist system will hurt our financial markets and our economy as well because we are at the center of that system.

A SPECIAL TRIBUTE TO THE PUTNAM COUNTY VIDETTE ON THE OCCASION OF ITS 125TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. GILLMOR. Mr. Speaker, it is my pleasure to rise today to pay special tribute to a truly outstanding organization from Ohio's Fifth Congressional District. Today, Wednesday, October 21, 1998, the Putnam County Vidette will be celebrating the joyous occasion of its 125th Anniversary.

Mr. Speaker, the Putnam County Vidette, a widely-circulated weekly newspaper in Columbus Grove, Ohio, is the source of a great deal of information for its readers in and around the Putnam County area. The Putnam County Vidette has been sending the community updated news coverage and insight on county, State, national, and international events for the last 125 years.

During that lengthy period, the readers have come to know that the Putnam County Vidette is a true icon in the reporting field, offering high-quality and accurate reporting on myriad stories, profiles, and news-making events. In a time when the media is under a constant microscope, the Vidette is a true asset to the community in which it circulates.

Mr. Speaker, Ohio's Fifth Congressional District is by far one of the largest districts in the State stretching more than 150 miles across northwest Ohio. My district is scattered with dozens of daily and weekly news publications. In my years of service, I have found the Putnam County Vidette to be of the finest quality and of the highest reporting standards. The dedication and attention to detail from the staff of the Vidette have certainly elevated the Vidette to a plateau of excellence.

Mr. Speaker, public officials have the good fortune to work with news organizations on a daily basis. As we work to improve the quality of life for the constituents we are elected to represent, the media is charged with the responsibility of covering our message and accurately reporting that information to the readers and listeners. The Putnam County Vidette, for 125 years, has done a marvelous job covering events affecting the Putnam County area. It is my pleasure to stand before the House to offer my thanks and congratulations for those fine efforts.

Mr. Speaker, I would urge my colleagues to stand and join me in paying special tribute to the Putnam County Vidette, for 125 years of reporting excellence, and in wishing the Vidette continued success in the future.

OSHA REFORM IN THE 105TH CONGRESS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. BALLENGER. Mr. Speaker, over the past three years, Republicans in Congress have worked to reform the Occupational Safety and Health Administration (OSHA). For too long OSHA has been marked by burdensome and over-reaching regulations and unfair enforcement. It has employers as foes rather than as partners in improving worker safety and health. Not only has OSHA's approach made it one of the most disliked agencies in the whole Federal Government, but also study after study has shown that OSHA's approach has been generally ineffective in improving safety and health in the workplace.

I am pleased to report that we have been able to make some progress in reforming OSHA, though much more needs to be done. Three bills amending the Occupational Safety and Health Act were signed into law during the 105th Congress. What makes this more remarkable is that in the 28 years since OSHA came into existence, there has been only one other change made to the law, and that was the penalty increase enacted as part of a tax and revenue increase bill by the Democrat Congress in 1990.

The first change we made requires OSHA to provide consultative services to small businesses. A small business that requests a consultation and then corrects the violations would not receive any citations or fines, and would not be inspected for at least one year, unless there was a serious accident or a complaint was made to OSHA. These consultations would be provided through state agencies, not by OSHA directly. My own company has participated in the consultation program run by North Carolina OSHA, and I am pleased that we were able to authorize consultation services as the first "program" amendment to OSHA. With increased funding and availability, this consultation program—in which the government works with employers and their employees to improve safety and health in the workplace—can be an excellent model for further changes in OSHA.

The second change we enacted this year addresses a fundamental problem with OSHA enforcement. During most of the years of OSHA, under Democrat Congresses, OSHA was measured in terms of enforcement: how many citations were issued? How many and how large were the penalties against employers? Individual inspectors and their supervisors were evaluated by the same criteria; raises and promotions were based on how many citations and penalties they issued. So it is no surprise that inspectors focused more on finding nitpicky and paperwork violations to cite than the overall safety and health conditions of the workplace. The change enacted into law this year prohibits that practice. OSHA may not use enforcement measures, such as penalties and citations, to evaluate the performance of their compliance officers or their supervisors. The goal of OSHA should be safe and healthy jobs, not achieving a certain level of citations and fines.

The third change enacted this year was a bill sponsored by Senator Enzi to apply to OSH Act, including enforcement and penalties, to the U.S. Postal Service. The Postal Service has, in terms of the OSH Act, been considered a federal agency, even though it is now largely independent and directly competes with private companies. Furthermore, worker health and safety has been a continuing concern at the Postal Service. Putting the Postal Service under OSHA enforcement helps to "level the playing field" as it competes with private companies.

In addition to these three amendments to the OSH Act, I am pleased that the omnibus appropriations bill authorizes and funds a comprehensive and independent study of ergonomics, to be conducted by the National Academy of Sciences (NAS). In past years, Congress has explicitly prohibited OSHA from promulgating an ergonomics standard. This year's appropriation bill does not include such a prohibition. However, OSHA is required by its statute to base an ergonomics standard on "the best available evidence," and the purpose of the NAS study is to assess and report on what the best evidence is with regard to the nature, causes, and prevention of so-called ergonomics injuries. It would therefore, in my view, be inconsistent with the statute for OSHA to promulgate an ergonomics standard before the NAS study is completed.

We also made progress on several other items, but we were unable to enact those changes into law this year. I am disappointed that we were unable to enact legislation to help small businesses handle the paperwork burden imposed by OSHA's Hazard Communication Standard. This was bipartisan legislation in both the House and the Senate. It simply made clear that employers could comply with the OSHA Hazard Communication Standard's requirement for Material Safety Data Sheets on hazardous substances through the use of electronic means, rather than paper copies. It also provided that certain basic information on the substance be attached and written in terms understandable to non-chemistry majors. The bill passed the House on voice vote, but opposition to the bill from the Department of Labor prevented this bill from being considered in the Senate in the final days of the session. This is most unfortunate, as it would have benefited both small business and workers.

I am also disappointed that we were unable to make more progress in reforming OSHA's standards-setting process. Charles Jeffress, the current Assistant Secretary for OSHA, has complained that OSHA's standards-setting process is broken and needs to be fixed. He is not the first Assistant Secretary to acknowledge that, and I agree that there are serious problems with the current standards-setting process. The Committee on Education and the Workforce attempted to address that problem this year with two bills that would have required OSHA to use outside, independent experts to "peer review" the technical scientific and economic data used as the basis for standards, and to write standards that are specific to identified industries and operations. Together these reforms would make OSHA's standards more credible and more efficient in protecting health and safety without imposing undue costs. Ironically, Mr. Jeffress' own Department of Labor opposed both of these common sense reforms. Rep. Wicker also worked very hard to include a provision in the appropriations bill, similar to the bill that passed our Committee, that would have required OSHA to conduct peer review of the technical scientific and economic data and assumptions used as the basis for standards. As my colleagues know, credible scientific enterprise includes peer review. Study after study and report after report—all have urged federal agencies, including OSHA, to use peer review. The blame for the state of OSHA's standards-setting process falls squarely on the Department of Labor, which has consistently opposed even the mildest and most common sense reforms in that process.

There are other issues that still need to be addressed as well. OSHA does little to encourage voluntary workplace efforts by employers and employees to improve safety and health, and some of OSHA's policies actually discourage those efforts. During this Congress, I proposed changes that would have limited OSHA's access of an employer's own safety and health audits and assessments. OSHA's use of those for enforcement discourages companies' voluntary, thorough, and honest evaluations. I also proposed that we improve the legal protections for employees who raise health and safety concerns, to ensure that they have a fair and adequate means of redress if they are discriminated against for raising these concerns. Unfortunately the Clinton Administration was unwilling to go along with these changes to improve the legal protections for employers and employees who make efforts to improve safety and health in the workplace. Opposition from the Clinton Administration also continues to stalemate efforts to allow greater employer-employee cooperation on safety and health and other issues in their workplaces. My colleague, and Chairman of the Small Business Committee, Representative JIM TALENT, together with Senator MIKE ENZI, have proposed a forward-looking plan to allow companies to self-certify OSHA compliance, encouraging the pro-active use of private experts instead of waiting for a relatively rare OSHA inspection. All of these are issues and proposals which we should continue to work on next Congress.

In response to our efforts, OSHA has also made administrative changes which have helped to focus more of its resources on serious health and safety concerns. I applaud those changes. Other changes, however, such as the misnamed "cooperative compliance program," have shown how difficult it is to change OSHA's traditional "command and control" approach. The slow pace and inconsistent direction of OSHA's own "reinvention" changes points to the needs for continued legislative reform as well as continued oversight to ensure that OSHA effectively promotes the goal of safe and healthful jobs for our nation's workers.

NANCY BOONE FANNING RETIRES FROM INSULAR AFFAIRS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. UNDERWOOD. Mr. Speaker, I rise to announce that a long-time friend of Guam and a dedicated public servant has retired. Mrs. Nancy Bonne Fanning, who has worked at the Department of the Interior, mainly on island issues retired at the end of September, after 27 years of dedicated service to this Nation.

It is no exaggeration to say that this wonderful lady will be missed by her colleagues at the Office of Insular Affairs (OIA), where she has been the Chief of Territorial Liaison and Director of Policy and her many friends in America's offshore areas. All of us have come to know and respect Nancy as a first-rate civil servant who put the interests of her staff and her job before those of her own. Over the years, she has encouraged the talents and careers of countless subordinates and been a strong advocate within the bureaucracy on their behalf.

She will also be missed by the leaders of America's offshore islands, who have come to know and rely on her professionalism, intense knowledge of island affairs, and devotion to duty that has always been a hallmark of Mrs. Fanning's career. In the process, she has won the trust and friendship of numerous island presidents, governors, legislators and other leaders.

In a letter recently sent to Interior Secretary Bruce Babbitt, the Honorable Carl T.C. Gutierrez, Governor of Guam, talked about one area in which he believed that Mrs. Fanning has made a valuable contribution. The Governor wrote: "If there is any success in the U.S. Coral Reef Initiative, or any of the local initiatives which followed, Mrs. Fanning is directly responsible. She worked tirelessly to make the Initiative a living document with real and measurable goals and direction. Without her support, the damage done to Guam's reefs from Typhoon Paka would have been much greater. Nancy worked quickly to identify clean-up funds and transfer them to Guam in the most expedition manner possible. One of her legacies will be that reefs surrounding the U.S. insular areas are healthier and better managed because Nancy was there to help."

During her years at what is now called the Office of Insular Affairs, Nancy has worked on virtually every significant insular issue the Federal Government since the 1970's. Included in the long list of major issues in which she has participated, are the creation of an elected governor for American Samoa, the phase-out of Interior-run administration of the former Trust Territory and the introduction of local self-government in these Pacific Islands, the Reagan-Bush negotiations on Guam Commonwealth, discussions over Guam excess federal lands and the introduction of the Asian Development Bank into the Federated States of Micronesia and the Marshall Islands.

As Director of Policy, Nancy used her vast experience with the islands and their unique relationship with the Federal Government to ensure that the Department of the Interior was able to meet its moral and legal obligations to the residents of America's territories and possession. In the process, several generations of island leaders and a host of Washington officials, including many on Capitol Hill, found that Mrs. Fanning was a Federal employee who could be depended on time after time to get the job done. It was never a surprise to anyone who knew Nancy to find her in her office late at night or on weekends, working hard, and never complaining. Those who wonder whether Federal workers earn their pay have obviously never met Nancy Boone Fanning.

Nancy Boone arrived at Interior just a few days short of her eighteenth birthday from her home in West Virginia in September, 1971. She was educated in a one-room school house during her elementary school years, and made the decision to seek work in Washington after graduation from high school. Nancy's first job at Interior was as a secretary with the pay level of GS–3. Twenty-seven years later, she was at the top of the Federal pay schedule, a reflection of just how valuable she has been to the Department of the Interior.

With 27 years of long hours and endless commute behind her, Nancy has decided to change her life's priorities and devote time to her husband Mike Fanning and their young son, Michael. All of us wish her and her family the best of success in the future.

I extend to Nancy my best wishes in retirement and thank her, on behalf of my constituents, for the outstanding work she has done on our behalf over the years.

CONFUSING BANKRUPTCY PROVISION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. CONYERS. Mr. Speaker, as ranking member of the Judiciary Committee, I want to elucidate on the meaning of an isolated and confusing bankruptcy provision which unfortunately appeared in the omnibus appropriations bill approved by the House yesterday. Section 603 of Division I of the bill, entitled Chemical Weapons Convention should have originally been referred to the Judiciary Committee for action and study. As the Speaker is aware, bankruptcy legislation is quite complex and requires scrutiny of Members who are familiar with the impact of proposed amendments.

Most importantly, this legislation should not be read to expand the exceptions to the automatic stay to cases where governmental units are merely seeking to exercise control of a debtor's property to satisfy debt. I believe that the provisions should be read to restrict the exception to the automatic stay to circumstances where a governmental unit is enforcing its police or regulatory power, but not acting to collect a debt or other financial obligations. This interpretation is consistent with Chairman HYDE's reading of the language, which is reflected in a statement inserted in the CONGRESSIONAL RECORD on his behalf by International Relations Committee Chairman GILMAN subsequent to previous Congressional consideration of this legislation. See 143 Cong. Rec. H 10951 (Nov. 13, 1997).

I am also concerned that by repealing § 362(b)(4) and § 362(b)(5) of the automatic stay, some may assert that governmental units may now be required to seek relief from stay in order to enforce their pales for regulatory powers in all cases, except in the instance when the governmental units' activities involves action under the Convention in connection with chemical weapons. I do not believe that this new requirement was intended, nor would it be desirable.

ON IMPEACHMENT INQUIRY RESOLUTIONS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Ms. ESHOO. Mr. Speaker, on October 8, 1998, I cast what I believe was the most significant vote of my entire six-year service in the House of Representatives. The issue of impeachment is as weighty as the Constitution itself—it is a matter that has been debated only three times in the history of our nation.

The House of Representatives received two proposals. Both proposals directed the House to proceed with an inquiry for impeachment. Where the proposals differed was in scope and duration. I voted for the proposal that instructed the House Judiciary Committee to conclude its work by the end of the year, and to examine and make determinations on the Starr Report and the Starr Report only.

Mr. Speaker, this was not a vote for or against the President. It was, in fact, a vote about fairness to the American people and what is in our national interest. The President must be held accountable by our constitutional process, but the American people should not be punished by how Congress applies that process.

TRIBUTE TO THE SOCIAL SECURITY ADMINISTRATION CHICAGO EAST FIELD OFFICE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to and recognize the Chicago East Field Office of the Social Security Administration as they celebrate the grand opening of their new office on Thursday, October 22, 1998.

Since 1939, the Chicago East Field Office has provided outstanding service to the people of the city of Chicago and indeed, the entire state of Illinois. They have been instrumental in rebuilding public confidence in the long term solvency of the Social Security Trust funds, Retirement and Survivors Insurance, Disability Insurance and Supplemental Security Income Programs.

The Chicago East Field Office is an exemplary community-based, public service institution that has been cited on numerous occasions by the Social Security Administration for successfully processing critical workload assignments that have led to improved service delivery for the agency and cost-effective savings to this nation's taxpayers. This office has worked tirelessly and cooperatively with my district office to ensure that the residents of the First Congressional District receive quality, timely and courteous assistance from their Federal government.

The employees of the Chicago East Field Office are intimately involved in civic endeavors, contributing thousands of dollars annually to the financially less fortunate, through the Combined Federal Campaign and other local, charitable, gift giving initiatives.

Mr. Speaker, I am honored to recognize the Chicago East Field Office of the Social Security Administration and Clara J. Bowers, District Manager; Renette Coachman, Assistant District Manager and Doris Murray, District Operations Officer for their unwavering service and commitment to our community. I am proud to join the celebration of the grand opening of their new service facility and I am privileged to enter these words in the CONGRESSIONAL RECORD of the United States House of Representatives.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. SAXTON. Mr. Speaker, as Chairman of the Congressional Task Force on Terrorism and Unconventional Warfare, I strongly support Section 117 of the Treasury Appropriations Conference Report now part of the FY 1999 Omnibus Appropriations Bill, which was passed by the House of Representatives on October 20, 1998. This Section arose out of a need to assist American victims of terrorism or extrajudicial killing in recovering assets of states that sponsor terrorism in order to help satisfy civil judgments against such state-sponsors.

I would like to comment briefly on the operation of Section 117. Subsection (f)(1)(A) clarifies existing law to allow the post-judgment seizure of blocked foreign assets of terrorist states to help satisfy judgment resulting from actions brought against them under section 28 USC 1605(a)(7), the Foreign Sovereign Immunities Act's exception to immunity for acts of state sponsored terrorism involving the death or personal injury of a United States national.

Subsection (f)(2)(A) establishes requirements upon the Secretary of Treasury and Secretary of State to assist in the location of the blocked assets of terrorist states in order to facilitate attachment and execution. Section (d) allows the President to waive the requirements of Subsection (f)(2)(A). Section (d) however does not allow the waiver of subsection (f)(1)(A), as that subsection modifies existing law, but imposes no "requirement."

The Clinton Administration understands the operation of Section (d)'s waiver and has strongly opposed it. During the negotiations over the Omnibus Appropriations Bill, the Administration vigorously sought to expand the scope of the waiver to include Subsection (f)(1)(A). Various proposals to expand the waiver to include Subsection (f)(1)(A) were received from Under Secretary of State Eizenstat, the National Security Counsel Staff and the Department of State's Office of the Legal Advisor. Each of these many proposals were rejected by Congress.

The intent of Congress is clear. We will not tolerate the murder of our children in acts of state sponsored terrorism. When a Court of competent jurisdiction has determined that a terrorist state has sponsored acts of terrorism resulting in the death or personal injury of a United States national, any and all of their assets in this country may be attached and executed to satisfy the judgment. The significant financial loss to terrorist states will be a critical deterrent to further acts of terrorism targeted at the citizens of this country. I applaud all those members who helped make section 117 a reality.

THE BIGGEST FAILURE OF THE 105TH CONGRESS—NO HATE CRIMES LEGISLATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. TOWNS. Mr. Speaker, on this our last day of the 105th Congress, I must voice my deep regret that we refused to take any action on a Federal "hate crimes" bill. Many of my colleagues argued that the assault and homicide statutes in the individual states were sufficient to address any abuses perpetrated against our citizens because of race, religion, ethnicity or sexual preference. Others argued that many states already had hate crimes laws on the books and therefore a Federal statute was simply an unnecessary duplication.

Unfortunately, our failure to act signals much more than a concern about duplication of laws or an honest debate about the sufficiency of state laws to protect innocent citizens against crimes which occur simply because the victims are in some way "different" from their attackers. These physical attacks have increased with alarming frequency; they have been both racially motivated and homophobic. During the 105th Congress, we saw violent racial attacks on Black men and children which resulted in severe injuries in two cases and death in another. The recent death of Wyoming student, Matthew Shepard, was due solely to the fact that he was gay and his attackers hated gays. Bias and prejudice are not figments of a liberal imagination; they are very real acts especially when they result in death or injury.

Unless we make a clear public policy statement opposing these acts, we give the attackers the impression that their abhorrent behavior is acceptable. That is why I have sponsored amendments to The Civil Rights Act, H.R. 365, which would give Federal civil rights protection against discrimination on the basis of sexual preference. But we must go beyond anti-discrimination laws; we must ensure that there is a Federal statute to punish the perpetrators of bias-based attacks.

It is my fervent hope that the biggest failure of the 105th Congress will not be repeated in the 106th Congress. Let us pass a Federal hate crimes bill as our first order of business in January.

STATEMENT BY CONGRESSWOMAN CONNIE MORELLA, CHAIRWOMAN SUBCOMMITTEE ON TECHNOLOGY, COMMITTEE ON SCIENCE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mrs. MORELLA. Mr. Speaker, I rise today to address the House on an issue of importance to our Nation's ability to compete in the 21st Century's high-tech economy. Although the issue involves arcane subjects such as international standards, chip rates and band width, it has the potential to impact every American consumer who owns a cell phone and every U.S. manufacturer and service provider whose products enable our citizens to communicate on-the-go.

The International Telecommunications Union (ITU) is currently in the process of deciding on a third generation wireless communications standards, better known as 3G. 3G is intended to provide cell phone customers with seamless global roaming capacity. In theory, wireless communication devices will be able to work not only in every State in the Union, but in virtually every country.

Such a universal standard, or series of standards, clearly has the potential to greatly benefit U.S. consumers, cell phone manufacturers, and wireless telecommunications providers. It also has the potential to harm all three.

That is why I, along with Technology Subcommittee Ranking Member JAMES BARCIA (D–MI) and Congresswoman ELLEN TAUSCHER (D–CA), wrote to the administration outlining our findings from a hearing entitled "International Standards Part II: The Impact of Standards on the Digital Economy." The hearing was held by the Subcommittee on Technology on June 4, 1998, in advance of the U.S. submission to the ITU of proposed standards for 3G. As the letter stated:

> While the witnesses at the hearing had divergent views on a number of substantive issues, one issue which seemed to generate a significant degree of consensus was the need to ensure that any future glogal standard not strand technologies which are currently in use. While some members of the panel made the point that this is only one of several important issues that must be addressed in 3G, they all agreed that avoiding stranding systems was an important goal for any global standard.
>
> One method to ensure technologies are not stranded is to require backwards compatibility. With the significant investment made in the U.S. by developers, manufactures and service providers of wireless telecommunications technologies, [it is imperative that the U.S. Government] should work diligently to ensure that these investments are not rendered worthless through the international standard setting process.

To further emphasize this point, I entered into a colloquy with Commerce, Justice, State Appropriations Subcommittee Chairman HAROLD ROGERS (R–KY) on August 3, 1998 indicating that the Department of Commerce, the Federal Communications Commission, and the Department of State need to work diligently to ensure that the large U.S. investments in built networks are not rendered useless through the international standard setting process.

That danger persists today. The European Union (EU) is currently considering adoption of a single technical standard known by the acronym W–CDMA. W–CDMA is not compatible with existing CDMA technologies. Because of previously approved EU-wide technological standards, CDMA is not being used in the EU. CDMA, however, is one of the leading technologies used in the United States. While U.S. consumers, manufacturers, and service providers use a variety of technologies, many are heavily vested in CDMA technology.

I have long been a proponent of allowing the marketplace to determine which technologies survive. In the case of wireless standards, however, we currently face a government mandated technological monopoly in Europe and a free and open technology marketplace in America.

Clearly, the current system is unfair and greatly disadvantages a number of U.S. companies. It is my goal to ensure that the 3G process does not perpetuate this unfair technical barrier to trade, and unnecessarily waste billions of dollars in U.S. investments.

Though often overlooked, international standards, including 3G, are an extremely important component of international trade. We must, however, be ever vigilant to ensure that these standards are not used to bar U.S. businesses from competing abroad.

Mr. Speaker, as the 105th Congress draws to a close, I want to assure my colleagues that, if my constituents give me the honor of representing them in the 106th Congress, I will continue to vigorously pursue, through hearings and if necessary legislation, the arcane but vital issue of preserving U.S. competitiveness in the international standard setting arena.

SENATE—*Thursday, November 12, 1998*

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 26, 1998, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the amendments of the Senate to the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 2070) to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 4164) to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 4283) to support sustainable and broad-based agricultural rural development in sub-Saharan Africa, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (S. 1364) to eliminate unnecessary and wasteful Federal reports.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 138. Joint Resolution appointing the day for the convening of the first session the One Hundred Sixth Congress.

Under the authority of the order of the Senate of January 7, 1997, the enrolled joint resolution was signed on October 26, 1998, subsequent to the sine die adjournment, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on November 2, 1998, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

S. 191. An act to throttle criminal use of guns.

S. 391. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

S. 417. An act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

S. 759. An act to amend the State Department Basic Authorities Act to 1965 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.

S. 1132. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1364. An act to eliminate unnecessary and wasteful Federal reports.

S. 1397. An act to establish a commission to assist in commemoration of the centennial of power flight and the achievements of the Wright brothers.

S. 1408. An act to establish the Lower East Side Tenement National Historic Site, and for other purposes.

S. 1525. An act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1693. An act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

S. 1718. An act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, and for other purposes.

S. 1733. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

S. 2129. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.

S. 2241. An act to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.

S. 2272. An act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

S. 2432. An act to support programs of grants to States to address the assistive technology need of individuals with disabilities, and for other purposes.

S. 2500. An act to protect the sanctity of contract and leases entered into by surface patent holders with respect to coalbed methane gas.

S.J. Res. 35. Joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

H.R. 378. For the relief of Heraclio Tolley.

H.R. 379. For the relief of Larry Errol Pieterse.

H.R. 633. An act to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.

H.R. 1023. An act to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated antihemophilic factor, and for other purposes.

H.R. 1794. For the relief of Mai Hoa "Jasmin" Salehi.

H.R. 1834. For the relief of Merecedes Del Carmen Quiros Martinez Cruz.

H.R. 1949. For the relief of Nuratu Olarewaju Abeke Kadiri.

H.R. 2070. An act to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

H.R. 2204. An act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

H.R. 2263. An act to authorize and request the President to award the Congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

H.R. 2744. For the relief of Chong Ho Kwak.

H.R. 3267. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea, and for other purposes.

H.R. 3461. An act to approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes.

H.R. 3633. An act to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

H.R. 3723. An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

H.R. 3910. An act to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.

H.R. 4083. An act to make available to the Ukrainian Museum and Archives of the USIA television program "Window on America."

H.R. 4110. An act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to improve a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.

H.R. 4164. An act to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

H.R. 4283. An act to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

H.R. 4501. An act to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve for persons with disabilities to outdoor recreational opportunities made available to the public.

H.R. 4821. An act to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills and joint resolution were signed on November 2, 1998, subsequent to the sine die adjournment, by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that, subsequent to the sine die adjournment, he had presented to the President of the United States, the following enrolled bills and joint resolution;

On October 22, 1998:

S. 538. An act to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.

S. 744. An act to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a non-profit corporation, in the planning and construction of the water supply system, and for other purposes.

S. 1260. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1722. An act to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 2524. An act to clarify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

On October 30, 1998:

S. 2232. An act to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes.

On November 2, 1998:

S. 191. An act to throttle criminal use of guns.

S. 391. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

S. 417. An act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

S. 2364. An act to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

S. 2375. An act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

S. 2500. An act to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

S.J. Res. 35. Joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

On November 3, 1998:

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to congress concerning diplomatic immunity.

S. 1408. An act to establish the Lower East Side Tenement National Historic Site, and for other purposes.

S. 1693. An act to provide for improved management and increased accountability for certain National Park Service Programs.

S. 1718. An act to amend the Weir Farm National Historic Site Establishment Act of 1990 of authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorized the appropriation of additional amounts for the acquisition of real and personal property.

S. 2129. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.

S. 2432. An act to support programs of grants to the States to address the assistive technology needs of individuals with disabilities, and for other purposes.

On November 4, 1998:

S. 1132. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorized purchase or donation of those lands, and for other purposes.

S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1364. An act to eliminate unnecessary and wasteful Federal reports.

S. 1397. An act to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

S. 1525. An act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1733. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

S. 2241. An act to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.

S. 2272. An act to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

TRIBUTE TO STAFF MEMBERS WHO AIDED IN THE PASSAGE OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

Mr. NICKLES. Mr. President, in my floor remarks preceding the passage of the International Religious Freedom Act of 1998 on October 9, 1998, I recognized three persons for their many hours of work and their important leadership roles in guiding this legislation to passage—Steve Moffitt of my staff, John Hanford on the staff of Senator RICHARD LUGAR, and Cecile Shea with Senator JOSEPH LEIBERMAN.

I would like to take this opportunity to add to this honor roll the names of several additional congressional staff whose efforts were essential to the crafting and historic passage of this legislation. Often when legislation is passed into law, we, who work in Congress, never have the full benefit of seeing the aid and blessing which our efforts bring to others. This will assuredly be the case for this small group of staff who worked with such dedication and excellence for the passage of the International Religious Freedom Act. Their work has now received the unanimous acclaim of both Houses of Congress, as the Senate voted 98–0 in favor of this bill, followed the next day by a unanimous voice vote in the House. But, more importantly, I hope that these individuals will rest in the satisfaction that their selfless efforts will, for decades to come, redound to the benefit of countless persons around the world imprisoned, tortured, or otherwise persecuted or restricted in the practice of their religious beliefs. This is an extraordinary and noble service which they have rendered to persons of faith throughout the world, and I believe that it is important that we, as a congressional body, recognize their role in this historic achievement.

First, I wish to recognize two House staff members for their brilliant and tireless work, beginning at the very inception of the International Religious

Freedom Act and carrying all the way through to its final passage. Laura Bryant of the office of Congressman BOB CLEMENT and William Inboden, formerly with Congressman TOM DELAY, were two of the original "visionaries" for this bill, and their compassion for suffering believers as well as their expertise on issues of religious persecution are reflected on every page of the bill. I am deeply grateful for their extraordinary contribution to this landmark legislation.

In the Senate, I wish to express special commendation to Jim Jatras, Foreign Affairs Specialist with the Republican Policy Committee. Mr. Jatras is one of the most distinguished analysts of foreign policy on Capitol Hill and is a person to whom I have often turned for expert counsel. In the case of the International Religious Freedom Act, Mr. Jatras contributed vitally, both to the substance of the bill and to the process of negotiation which led to its passage.

I wish, also, to express warmest thanks to Elaine Petty, with the staff of Senator CONNIE MACK, who was a leading original cosponsor of this act. Ms. Petty contributed many hours of work over the past 6 months toward the passage of this bill, and her efforts were especially important in discussions with other Senate offices and outside groups.

Special commendation is reserved for the remarkable expertise demonstrated by Art Rynearson, Senior Counsel with the Office of Senate Legislative Counsel. Mr. Rynearson labored through numerous drafts of this bill, and distinguished himself by his command of the process of legislative drafting, by his patience and perseverance, and by his commitment to excellence in creation of U.S. law. The Senate staffers which worked most closely with him have expressed deep gratitude for his spirit of teamwork on this year-long endeavor.

In addition, I wish to express gratitude to Polly Craighill, who also serves on the staff of Senate Legislative Counsel. Ms. Craighill stepped in at a critical moment in the development of this act and provided expert assistance requiring personal sacrifice on her part.

Finally, I would like to recognize the important contributions made by several of the senior staff at Congressional Research Service. Larry Eig, Legislative Attorney, Joyce Vialet, Refugee Affairs Expert, Vita Bite, Foreign Affairs Expert, Jeanne Grimmet, Legislative Attorney, and Dianne Rennack, Foreign Affairs Expert, all made important contributions to the careful work of researching and scrutinizing issues involved in the content of this bill.

RESOLUTION OF RATIFICATION OF TREATIES

The text of the resolutions of ratification of treaties passed by the Senate on October 21, 1998 are as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty, done at Geneva on December 20, 1996, and signed by the United States on April 12, 1997 (Treaty Doc. 105-17), subject to the reservation of subsection (a), the declarations of subsection (b), and the provisos of subsection (c).

(a) RESERVATION.—The advice and consent of the Senate to the WIPO Performances and Phonograms Treaty is subject to the following reservation, which shall be included in the instrument of ratification and shall be binding on the President:

REMUNERATION RIGHT LIMITATION.—Pursuant to Article 15(3) of the WIPO Performances and Phonograms Treaty, the United States will apply the provisions of Article 15(1) of the WIPO Performances and Phonograms Treaty only in respect of certain acts of broadcasting and communication to the public by digital means for which a direct or indirect fee is charged for reception, and for other retransmissions and digital phonorecord deliveries, as provided under the United States law.

(b) DECLARATIONS.—The advice and consent of the Senate is subject to the following declarations:

(1) LIMITED RESERVATIONS PROVISIONS.—It is the Sense of the Senate that a "limited reservations" provision, such as that contained in Article 21 of the Performances and Phonograms Treaty, and a "no reservations" provision, such as that contained in Article 22 of the Copyright Treaty, have the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of these treaties should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) CONDITION FOR RATIFICATION.—The United States shall not deposit the instruments of ratification for these Treaties until such time as the President signs into law a bill that implements the Treaties, and that shall include clarifications to United States law regarding infringement liability for online service providers, such as contained in H.R. 2281.

(2) REPORT.—On October 1, 1999, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Treaties, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Treaties to ratify and implement them.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION.—A description of the domestic laws enacted by each Party to the Treaties that implement commitments under the Treaties, and an assessment of the compatibility of the laws of each country with the requirements of the Treaties.

(C) ENFORCEMENT.—An assessment of the measures taken by each Party to fulfill its obligations under the Treaties, and to advance its object and purpose, during the previous year. This shall include an assessment of the enforcement by each Party of its domestic laws implementing the obligations of the Treaties, including its efforts to:

(i) investigate and prosecute cases of piracy;

(ii) provide sufficient resources to enforce its obligations under the Treaties;

(iii) provide adequate and effective legal remedies against circumvention of effective technological measures that are used by copyright owners in connection with the exercise of their rights under the Treaties or the Berne Convention and that restrict acts, in respect of their works, which are not authorized by the copyright owners concerned or permitted by law.

(D) FUTURE NEGOTIATIONS.—A description of the future work of the Parties to the Treaties, including work on any new treaties related to copyright or phonogram protection.

(E) EXPANDED MEMBERSHIP.—A description of U.S. efforts to encourage other non-signatory countries to sign, ratify, implement, and enforce the Treaties, including efforts to encourage the clarification of laws regarding Internet service provider liability.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters, and related exchange of notes, signed at Washington on March 13, 1997 (Treaty Doc. 105-11), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United States of America and the Government of Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex, signed in Hong Kong on April 15, 1997 (Treaty Doc. 105-6), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Government of the Republic of Poland on Mutual Legal Assistance in Criminal Matters, signed at Washington on July 10, 1996 (Treaty Doc. 105-12), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Barbados on Mutual Legal Assistance in Criminal Matters, signed at Bridgetown on February 28, 1996 (Treaty Doc. 105-23), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of

Trinidad and Tobago on Mutual Legal Assistance in Criminal Matters, signed at Port of Spain on March 4, 1996 (Treaty Doc. 105–22), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on assistance.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Antigua and Barbuda, signed at St. John's on October 31, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on assistance.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Dominica, signed at Roseau on October 10, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on Assistance.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Grenada, signed at St. George's on May 30, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on Assistance.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Saint Lucia, signed at Castries on April 18, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on Assistance.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Australia on Mutual Assistance in Criminal Matters, and a related exchange of notes, signed at Washington on April 30, 1997 (Treaty Doc. 105–27), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on assistance.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, signed at Washington on June 13, 1997 (Treaty Doc. 105–34), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on assistance.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Saint Kitts and Nevis on Mutual Legal Assistance in Criminal Matters, signed at Basseterre on September 18, 1997, and a related exchange of notes signed at Bridgetown on October 29, 1997, and February 4, 1998 (Treaty Doc. 105–37), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on Assistance.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Venezuela on Mutual Legal Assistance in Criminal Matters, signed at Caracas on October 12, 1997 (Treaty Doc. 105-38), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on Assistance. Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Legal Assistance in Criminal Matters, signed at Jerusalem on January 26, 1998, and a related exchange of notes signed the same date (Treaty Doc. 105-40), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on Assistance.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 16, 1998 (Treaty Doc. 105-41), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on Assistance.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty

is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Federative Republic of Brazil on Mutual Legal Assistance in Criminal Matters, signed at Brasilia on October 14, 1997 (Treaty Doc. 105-42), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Saint Vincent and the Grenadines on Mutual Legal Assistance in Criminal Matters, and a Related Protocol, signed at Kingstown on January 8, 1998 (Treaty Doc. 105-44), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Czech Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on February 4, 1998 (Treaty Doc. 105-47), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 2, 1998 (Treaty Doc. 105-52), and an Exchange of Notes dated September 16 and 17, 1998 (EC-7063), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) Limitation on Assistance.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the United States of America and France, which includes an Agreed Minute, signed at Paris on April 23, 1996 (Treaty Doc. 105–13), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Extradition to the International Criminal Court.—The United States understands that the protections contained in Articles 19 and 20 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to France by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg, signed at Washington on October 1, 1996 (Treaty Doc. 105–10), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Extradition to the International Criminal Court.—The United States understands that the protections contained in Article 17 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Luxembourg by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the United States of America and the Republic of Poland, signed at Washington on July 10, 1996 (Treaty Doc. 105–14), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Extradition to the International Criminal Court.—The United States understands that the protections contained in Article 19 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Poland by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Third Supplementary Extradition Treaty Between the United States of America and the Kingdom of Spain, signed at Madrid on March 12, 1996 (Treaty Doc. 105–15), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Cyprus, signed at Washington on June 17, 1996 (Treaty Doc. 105-16), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Cyprus by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the United States of America and the Argentine Republic, signed at Buenos Aires on June 10, 1997 (Treaty Doc. 105-18), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Argentina by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Antigua and Barbuda, signed at St. John's on June 3, 1996 (Treaty Doc. 105-19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Antigua and Barbuda by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Dominica, signed at Roseau on October 10, 1996 (Treaty Doc. 105-19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Dominica by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Grenada, signed at St. George's on May 30, 1996 (Treaty Doc. 105-19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in

Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Grenada by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Lucia, signed at Castries on April 18, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Lucia by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Kitts and Nevis, signed at Basseterre on September 18, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Kitts and Nevis by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Vincent and the Grenadines, signed at Kingstown on August 15, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Vincent by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Barbados, signed at Bridgetown on February 28, 1996 (Treaty Doc. 105–20), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Barbados by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Trinidad and Tobago, signed at Port of Spain on March 4, 1996 (Treaty Doc. 105-21), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Trinidad and Tobago by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Zimbabwe, signed at Harare on July 25, 1997 (Treaty Doc. 105-33), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Zimbabwe by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol to the Extradition Treaty Between the United States of America and the United Mexican States of May 4, 1978, signed at Washington on November 13, 1997 (Treaty Doc. 105-46), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Austria, signed at Washington on January 8, 1998 (Treaty Doc. 105-50), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 19 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Austria by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of India, signed at Washington on June 25, 1997 (Treaty Doc. 105-30), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 17 concerning the Rule of

Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to India by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United States of America and the Government of Hong Kong for the Transfer of Sentenced Persons, signed at Hong Kong on April 15, 1997 (Treaty Doc. 105-7), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the Constitution.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

ADDITIONAL STATEMENTS

OMNIBUS APPROPRIATIONS BILL—AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

• Mr. ABRAHAM. Mr. President, during debate on final passage of the Omnibus Appropriations bill, in which the American Competitiveness and Workforce Improvement Act was included as Title IV of Subdivision C, I asked unanimous consent to have a number of documents printed in the Record. These included two documents I received from the Administration during the negotiations, whose inclusion I was seeking to help illuminate the meaning of some of the provisions of the legislation. One of the key points about these documents is the changes from the July 30 version to the September 14 version. On the copies that I submitted, these changes were marked by redlining markings. Unfortunately, however, because I submitted a copy of the only version I had, which was a copy of a fax, these markings appear to have had the effect of making the September 14 version unintelligible, resulting in the printing of a garbled text that also did not contain the markings showing the changes. Accordingly, I ask that the corrected version of these documents that I am now submitting appear in the final issue of the Record of the 105th Congress. On the copy of the September 14 document that I am submitting, material that appeared in the July 30 version but was deleted in the September 14 version is in black brackets and material that was not included in the July 30 version and was added in the September 14 version is printed in italic.

The corrected version follows:

July 30, 1998—Proposed Administration Revisions to H.R. 3736 (the July 29, 1998 Version)

1. Require either a $500 fee for each position for which an application is filed or a $1,000 fee for each nonimmigrant. Fee to fund training provided under JTPA Title IV. In addition, a small portion of these revenues should fund the administration of the H–1B visa program, including the cost of arbitration.

2. Define H–1B-dependent employers as:

a. For employers with fewer than 51 workers, that at least 20% of their workforce is H–1B; and

b. For employers with more than 50 workers, that at least 10% of their workforce is H–1B.

3. The recruitment and no lay-off attestations apply to: (1) H–1B dependent employers; and (2) any employer who, within the previous 5 years, has been found to have willfully violated its obligations under this law.

4. H–1B dependent employers attest they will not place an H–1B worker with another employer, under certain employment circumstances, where the other employer has displaced or intends to displace a U.S. worker (as defined in paragraph (4)) during the period beginning 90 days before and ending 90 days after the date the placement would begin.

5. DOL would have the authority to investigate compliance either: (1) pursuant to a complaint by an aggrieved party; or (2) based on other credible evidence indicating possible violations.

6. Establish an arbitration process for disputes involving the laying-off of any U.S. worker who was replaced by an H–1B worker, even of a non-H–1B dependent employer. This arbitration process would be largely similar to that laid out in H.R. 3736 except that it would be administered by the Secretary of Labor. The arbitrator must base his or her decision on a "preponderance of the evidence."

7. Reference in the bill to "administrative remedies" includes the authority to require back pay, the hiring of an individual, or reinstatement.

8. There must be appropriate sanctions for violations of "whistleblower" protections.

9. Close loopholes in the attestations:

a. Strike the provision that "[n]othing in the [recruitment attestation] shall be construed to prohibit an employer from using selection standards normal or customary to the type of job involved."

b. Clarify that job contractors can be sanctioned for placing an H–1B worker with an employer who subsequently lays off a U.S. worker within the 90 days following placement.

c. Do not exempt H–1B workers with at least a master's degree or the equivalent from calculations of the total number of H–1B employees.

d. Define lay-off based on termination for "cause or voluntary termination," but exclude cases where there has been an offer of continuing employment.

10. Consolidate the LCA approval and petition processes within DOL, rather than within INS.

11. Broaden the definition of U.S. workers to include aliens authorized to be employed by this act or by the Attorney General.

12. Include a provision that prohibits unconscionable contracts.

13. Include a "no benching" requirement that an H–1B nonimmigrant in "non-productive status" for reasons such as training, lack of license, lack of assigned work, or other such reason (not including when the employee is unavailable for work) be paid for a 40 hour week or a prorated portion of a 40 hour week during such time.

14. Increase the annual cap on H–1B visas to 95,000 in FY 1998, 105,000 in FY 1999, and 115,000 in FY 2000. After FY 2000, the visa cap shall return to 65,000.

15. Eliminate the 7500 cap on the number of non-physician health care workers admitted under the H–1B program to make the bill consistent with our obligations under the GATS agreement.

September 14, 1998—Administration Package

1. Require [either] a $500 fee for each position for which an application is filed or [a $1,000 fee for each nonimmigrant] *renewed*. Fee to fund training provided under JTPA Title IV. In addition, a small portion of these revenues should fund the administration of the H–1B visa program, including the cost of [arbitration] *enforcement*.

2. Define H–1B-dependent employers as:

a. For employers with fewer than 51 workers, that at least 20% of their workforce is H–1B; and

b. For employers with more than 50 workers, that at least [10%] *12%* of their workforce is H–1B.

3. The recruitment and no lay-off attestations apply to: (1) H–1B dependent employers; and (2) any employer who, within the

previous 5 years, has been found to have willfully violated its obligations under this law.

4. H–1B dependent employers attest they will not place an H–1B worker with another employer, under certain employment circumstances, where the other employer has displaced or intends to displace a U.S. worker (as defined in paragraph (4)) during the period beginning 90 days before and ending 90 days after the date the placement would begin.

5. DOL would have the authority to investigate compliance either: (1) pursuant to a complaint by an aggrieved party; or (2) based on other credible evidence *from a source which is likely to have knowledge of an employer's practices, employment conditions, or compliance with the labor condition application* indicating possible violations.

[6. Establish an arbitration process for disputes involving the laying-off of any U.S. worker who was replaced by an H–1B worker, even of a non-H–1B dependent employer. This arbitration process would be largely similar to that laid out in H.R. 3736 except that it would be administered by the Secretary of Labor. The arbitrator must base his or her decision on a "preponderance of the evidence."

[7. Reference in the bill to "administrative remedies" includes the authority to require back pay, the hiring of an individual, or reinstatement.]

8. There must be appropriate sanctions for violations of "whistleblower" protections.

9. Close loopholes in the attestations:

a. Strike the provision that "[n]othing in the [recruitment attestation] shall be construed to prohibit an employer from using selection standards normal or customary to the type of job involved."

Sen. Abraham would have a colloquy or there would be report language clarifying the intent of the recruitment attestation.

b. Clarify that job contractors can be sanctioned for placing an H–1B worker with an employer who subsequently lays off a U.S. worker within the 90 days following placement.

c. Do not exempt H–1B workers with at least a master's degree or the equivalent from calculations of the total number of H–1B employees.

d. Define lay-off based on termination for "cause or voluntary termination," but exclude cases where there has been an offer of continuing employment.

10. [Consolidate the] *Maintain status quo with regard to* LCA approval and petition processes [within DOL, rather than within INS.].

11. Broaden the definition of U.S. workers to include aliens authorized to be employed by this act or by the Attorney General.

12. Include a provision that prohibits unconscionable contracts *(with civil fines)*.

13. Include a "no benching" requirement that an H–1B nonimmigrant in "non-productive status" for reasons such as training, lack of license, lack of assigned work, or other such reason (not including when the employee is unavailable for work) be paid for a 40 hour week or a prorated portion of a 40 hour week during such time.

14. Increase the annual cap on H–1B visas to 95,000 in FY 1998, 105,000 in FY 1999, and 115,000 in FY 2000. After FY 2000, the visa cap shall return to 65,000.

15. Eliminate the 7500 cap on the number of non-physician health care workers admitted under the H–1B program to make the bill consistent with our obligations under the GATS agreement.

16. Three-year debarment for willful violation plus a $35,000–$40,000 fine.

In addition, we would require the prevailing wage attestation be permanently changed to the following:

Sec. . Definitions.

Section 212(n) (8 U.S.C. 1182(n)) is amended by inserting after subsection(2) the following new subsection:

"(3) As used in this section—

"(A) 'actual wage' means total compensation, including base pay (whether expressed as an hourly rate or a salary), equity, and health, life, disability, and other insurance plans, and retirement and savings plans provided to regular employees. If the employer offers a benefit plan which enables employees to choose among options, then the employer's plan shall be deemed to be acceptable provided the same plan and options are offered to all employees in the occupational classification in which the nonimigrant is intended to be (or is) employed.

"(B) 'prevailing wage' means total compensation, including the rate of pay as determined based on the best information available as of the time of filing the application (whether expressed as an hourly rate or a salary), equity, and health, life, disability, and other insurance plans, and retirement and savings plans provided to regular employees. If the employer offers a benefit plan which enables employees to choose among options, then the employer's plan shall be deemed to be acceptable provided the same plan and options are offered to all employees in the occupational classification in which the nonimmigrant is intended to be (or is) employed."•

INDEPENDENT COUNSEL LAW AND KENNETH STARR'S INVESTIGATION

• Mr. LEVIN. Mr. President, on October 8th I made a statement on the Senate floor regarding the independent counsel law and Kenneth Starr's investigation of President Clinton. I want to take the opportunity today to clarify one aspect of that statement to ensure that my words and their import are accurate.

I stated on October 8th that the so-called Starr Report failed to mention Ms. Lewinsky's testimony "that when she asked President Clinton whether she should get rid of his gifts to her in light of the Jones subpoena, his response was 'I don't know'" and her testimony that the President said he didn't want to see Ms. Lewinsky's affidavit when she offered to show it to him. The reference in my statement should have been to Mr. Starr's analysis of the evidence which is the key part of his report instead of the overall report. Mr. Starr did make reference to such testimony in the part of the report where he summarized the evidence. My criticism of Mr. Starr's report is that he left such exculpatory evidence out of or dismissed it in the key part of his report which analyzes the evidence and explains why he believes the evidence "may constitute grounds for impeachment."

Otherwise it was the imbalanced analysis of the evidence where Mr. Starr failed to address the significance or relevance of exculpatory facts such as these which is so disturbing.•

APPLICATION OF STATE LAW TO FEDERAL PROSECUTORS

• Mr. ABRAHAM. Mr. President, I rise to register serious concern over a provision in the Omnibus Appropriations bill, included as I understand it over the protest of the Senate. This is a legislative provision appended to the Commerce, Justice, State Appropriations portion of the bill that subjects federal prosecutors and other "attorneys for the Government" to State laws and rules governing attorneys "to the same extent and in the same manner as other attorneys in that State."

Now please understand, Mr. President. I think I am as much of a believer in federalism as anyone here. But federalism does not mean that control of all matters should be ceded to the States. One area where I think it is pretty clear that the national government should be the principal source of law is in setting rules of professional conduct for its own officers. To leave that question to the States, it seems to me, is to cede a very large portion of the control for how federal law is to be enforced to the States. That power can then be used to frustrate the enforcement of federal law. The risk that this will happen is significantly greater where the power is being turned over not to the States' elected representatives, but to bar associations vested with the States' powers, but without the accountability to the people of the States that elections generate.

I believe that we can be pretty sure that this provision imposing State laws and rules on federal prosecutors will be used to frustrate federal law simply by looking at the rules the State bars already have adopted that will have this effect. I believe this trend will only accelerate once those opposed to certain aspects of federal law know, as a result of our adoption of this provision, that they have this new tool at their disposal.

For many years members of the criminal defense bar have been sponsoring rules adopted in State codes of professional responsibility that trench upon legitimate and essential practices of federal prosecutors. The best known example involves rules of States such as California, Missouri, and New Mexico, as well as the District of Columbia, that limit prosecutors' contacts with represented persons in a way that can seriously complicate undercover investigations. The problem with this prohibition is that a low-level member of an organized crime ring may well be represented by counsel retained by the leaders of the ring. As a result, counsel's principal interest may be in preventing his or her "client" from giving useful information about those leaders to law enforcement—even if doing so would be in the client's interest because the client might get less prison time.

But the "represented parties" context is not the only one where State rules governing attorneys raise problems. Colorado, New Hampshire, Pennsylvania, and Tennessee have "ethics" rules requiring prior judicial approval of subpoenas of attorneys, even though federal case law has (for good reason) adopted no such requirement. Colorado also has a rule requiring submission of exculpatory evidence to grand juries, which it adopted shortly after the Supreme Court found in United States versus Williams that federal courts could not use their "supervisory powers" to impose such an obligation. And, at least according to the 10th Circuit's vacated Singleton opinion, it is an "unethical" practice, under Kansas state rules, for an Assistant U.S. Attorney to offer leniency in exchange for truthful testimony. Even assuming the 10th Circuit does not reinstate that portion of the panel opinion when it rules en banc, hardly an inevitable outcome, the suggestion the opinion made will continue to chill any federal prosecutor practicing in Kansas. It will continue to do so regardless of what the 10th Circuit does, since Kansas could adopt this theory even if the Tenth Circuit abandons it. Indeed, any State bar will be free to declare that offering leniency to accomplices to obtain their testimony is "unethical" and, under the provision we have unwisely adopted, that rule will control federal prosecutions. The result will be a drastic reduction in the effectiveness of federal efforts to combat crime.

State bar associations have adopted the rules I have described despite previously grave doubt about their legal authority to make these rules binding on federal prosecutors. It seems to me that now that we have established as a matter of federal law that six months from now, rules like this will indeed govern federal prosecutors' conduct, these rules will only multiply further. For example, States could ban as unethical the forfeiture of cash intended to pay a defense lawyer—indeed, the ABA came very close to doing just that in an attempt effectively to overrule the Supreme Court's holding Caplin & Drysdale. States could rule it "unethical" to examine a witness in the grand jury room without his attorney being present, or to adduce evidence of one party-consent tape recordings—proposals the Senate, of course, rejected last month during the CJS debate. The potential list is limited only by the criminal defense bar's imagination.

To be sure, the Department of Justice can argue its case to the bar associations considering such rules. But that is no solution. At best, it will require an inordinate expenditure of effort and resources that could instead be used to lock up dangerous criminals. At worst, and more likely in my view, the Department will lose the argument much of the time, and we will end up with constraints on federal officers that bear no connection with the federal policies those officers are charged with enforcing.

This is not to say that I am opposed to requiring that lawyers who work for the federal government behave professionally. I am not. In fact, I am strongly for it. But I believe that it makes no sense to have the judgment about what "professional conduct" consists of be made by State bar associations. Of necessity these associations have little or no stake in securing the enforcement of the federal laws with which these federal government lawyers are charged; and it is easy to imagine instances where a number of their members may have an affirmative stake in frustrating that enforcement.

Perhaps my concerns will turn out to be misplaced. I understand that one important concession the Senate obtained in the negotiations leading up to the inclusion of this provision in the omnibus legislation is a 6 month delay in the provision's effective date. This will give us some opportunity to see whether the result of the adoption of this provision is a greater effort by the State bars to accommodate federal interests, or the opposite. It will also give us a better opportunity to assess what the real impact of applying existing State rules in the context of federal prosecutions will be. In the long run, however, it seems to me that the right answer here is not for the federal government to abdicate to State bars the important responsibility of establishing these rules, but, at least with respect to its own officers, to perform that responsibility itself.•

TRIBUTE TO 1999 MARYLAND TEACHER OF THE YEAR

• Mr. SARBANES. Mr. President, I rise to recognize the remarkable achievements of one of my constituents, Rachael Younkers, who has won the title of 1999 Maryland Teacher of the Year. This honor is a tribute to her dedication to and mastery of the art of teaching seventh and eighth grade students at Plum Point Middle School, and is even more impressive by the fact that this 27-year-old is the youngest person ever to win the award in its twelve year history. I am so proud to congratulate Mrs. Younkers, the first winner from Southern Maryland, for being named the 1999 Maryland Teacher of the Year from 23 other Maryland candidates.

Mrs. Younkers is a native of Calvert County who, according to students and peers alike, brings a unique energy to her classes which serves to excite her students about social studies topics that may otherwise seem dull or out-of-date. Through the use of innovative teaching techniques, including learning games and exploration of the internet, Mrs. Younkers has brought a fresh perspective to her teachings.

It has always been my firm belief that the education and training of our young people is one of the most important tasks in a democratic society. Mr. President, I would like my colleagues to join me in recognizing the hard work that has led Mrs. Younkers to receive this recognition. I ask unanimous consent that an article from the Southern Maryland Extra to the Washington Post be inserted into the RECORD immediately following my remarks, and I yield the floor.

(From the Washington Post, Southern Maryland Extra, Oct. 22, 1998)

In Room, 216 at Plum Point Middle School, social studies teacher Rachael Younkers is quizzing her students on the great European explorers: Christopher Columbus, Vasco da Gama, Sir Francis Drake and so forth. You wouldn't think a roomful of 13-year-olds would be interested in a bunch of long-dead strangers, but that's clearly not the case in this class.

Hand after hand shoots up in the air, students eager to supply the appropriate answers. Later, when the class adjourns to the library, the youngsters rush about looking for the needed information. There's a certain excitement in the air, a feeling that school and learning and even homework can be, well, fun.

Plum Point Principal Michael Reidy sums up the situation this way: "Mrs. Younkers has a spirit about her that creates magic in the classroom."

That spirit has won Younkers the title of 1999 Maryland Teacher of the Year. Younkers, 27, is the youngest teacher to win the award in its 12-year history and the first from Southern Maryland. She received the award—which includes a $5,000 check and other prizes—at a ceremony Friday evening in Baltimore.

Younkers has taught seventh- and eighth-grade social studies at the Huntingtown school for five years, her entire career in education. Younkers, a native of Calvert County, said her inspiration in teaching has been her mother, a social studies teacher at Northern High School. One of the most important lessons her mother passed along was the importance of actively involving students in their education, she said.

"My teaching philosophy is based on an ancient Chinese proverb: 'Tell me, I forget. Show me, I remember. Involve me, I understand,' " Younkers said.

And involve her students she does. During a class on Tuesday, Younkers divided her 28 eighth-graders into teams and dispatched them to the library to research a specific explorer. Among their tasks: Finding the explorer's photograph on the Internet, drawing a detailed picture of his ship and writing a daily log of weather conditions during his voyage. The students even had to compose a letter to the king and queen explaining why they should fund the explorer's trip.

"Learning is not a spectator sport," Younkers said. "The kids are the actual players in the game, and they need to be actively involved in their own learning. I see myself as a partner in their education, and that's how we win."

Her students seem to like the technique. "It's not like we're talking about a lot of dead guys," said Nathan Bowen, an eighth-grader from Prince Frederick. "She really brings it to life."

Nathan said he especially likes all the fun games Younkers comes up with, including baseball and basketball matches that are played in the classroom and adapted to the subject being studied. Treasure hunts and

"Social Studies Jeopardy" also are frequent occurrences in Room 216.

Larkin Jones, also an eighth-grader, said she admires her teacher's personality. "She's always smiling and happy, and she knows a lot about you." And that fact that she's young makes it "really easy to talk to her," Jones said.

Indeed, Younkers has made such an impression on Larkin that she recently confided in her mother that she might want to be a social studies teacher when she grows up, "just like Mrs. Younkers."

"She's been a tremendous influence on her," said Donna Jones, Larkin's mother. Jones, a guidance counselor at Plum Point added that Younkers has a unique ability to help all students—whether they're honor roll or in need of remedial instruction." As a counselor, it's very comforting to know that no matter what level a student is, if they have Mrs. Younkers, they'll have a wonderful year."

Younkers beat out 23 state semi-finalists, who were chosen from among Maryland's 49,000 teachers. She now advances to the national Teacher of the Year competition.

For the national contest, she must adopt an issue that she will advocate. Younkers said she will work to encourage the best and the brightest students to become teachers. Maryland, like other states, will face a severe teacher shortage in coming years, and, as Younkers said, "Our students deserve to learn from highly qualified instructors."

The national Teacher of the Year will be selected in the spring. In the meantime, Younkers is maintaining a rigorous speaking tour—talking to other educators, as well as politicians—and her students are getting used to the extra media attention and the parents who stop by with gifts and words of praise.●

THE 90TH ANNIVERSARY OF ST. MARY'S BANK IN MANCHESTER, NH

● Mr. GREGG. Mr. President, on November 24th, we will be celebrating the 90th anniversary of the birth of credit unions. St. Mary's Bank of Manchester, New Hampshire opened its doors in 1908 as a true local establishment serving the community on which it was built. St. Mary's Bank was formed by Manchester's French-Canadian immigrant and working class families to help other working class families. I want to congratulate St. Mary's Bank on being the pioneer in the field of credit unions and for continuing to grow and provide community support for the last 90 years.

In these times of bank mergers and takeovers designed to expand markets beyond boundaries of local communities, St. Mary's has always stood by its roots and the people of Manchester. St. Mary's Bank exemplifies a community institution built on local values and relationships. It continues its tradition of donating to community causes and has begun a $10 million investment in the Manchester community to help low and moderate income families purchase and rent homes, and to provide assistance in emergency situations.

I wish to recognize St. Mary's Bank of Manchester, New Hampshire for its 90 years of service to the community of Manchester's West Side and for marking the beginning of credit unions nationwide.●

OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999—CONFERENCE REPORT

(In the Record of October 21, 1998, on page 27458, a page of the text of Mrs. Feinstein's remarks was inadvertently omitted. The permanent Record will be corrected to reflect the following:)

QUINCY LIBRARY GROUP LEGISLATION

● Mrs. FEINSTEIN. Mr. President, I am very pleased that the Quincy Library Group bill has been included in the Omnibus Appropriations bill. This legislation embodies the consensus proposal of the Quincy Library Group, a coalition of environmentalists, timber industry representatives, and local elected officials in Northern California, who came together to resolve their long-standing conflicts over timber management on the national forest lands in their area.

The Quincy Library Group legislation is a real victory for local consensus decision making. It proves that even some of the most intractable environmental issues can be resolved if people work together toward a common goal.

I first met the Quincy Library Group back in 1992 when I was running for the Senate, and was then very impressed with what they were trying to do.

The members of the Quincy Library Group had seen first hand the conflict between timber harvesting and jobs, environmental laws and protection of their communities and forests, and the devastation of massive forest fires. Their overriding concern was that a catastrophic fire could destroy both the natural environment and the potential for jobs and economic stability in their community. They were also concerned the ongoing stalemate over forest management was ultimately harming both the environment and their local economy. .

The group got together and talked things out. They decided to meet in a quiet, non-confrontational environment—the main room of the Quincy Public Library. They began their dialogue in the recognition that they shared the common goal of fostering forest health, keeping ecological integrity, assuring an adequate timber supply for area mills, and providing economic stability for their community.

One of the best articles I have read about the Quincy Library Group process recently appeared in the Washington Post. Mr. President, I ask unanimous consent that this article be printed in the Record at the end of my statement.

THE PRESIDING OFFICER: Without objection, it is so ordered.

(See Exhibit 1.)

Mrs. FEINSTEIN. Mr. President, after dozens of meetings and a year and a half of negotiation, the Quincy Library Group developed an alternative management plan for the Lassen National Forest, Plumas National Forest, and the Sierraville Ranger District of the Tahoe National Forest.

In the last five years, the group has tried to persuade the U.S. Forest Service to administratively implement the plan they developed. While the Forest Service was interested in the plan developed, they were unwilling to fully implement it. Negotiations and discussions began in Congress. This legislation is the result.

THE QUINCY LIBRARY GROUP LEGISLATION

Specifically, the legislation directs the Secretary of Agriculture to implement the Quincy Library Group's forest management proposal on designated lands in the Plumas, Lassen and Tahoe National Forests for five years as a demonstration of community-based consensus forest management. I would like to thank Senators Murkowski, Bumpers, and Craig, Representatives Herger and Miller, as well as the Clinton Administration, for the thoughts they contributed to the development of the final bill.

The legislation establishes significant new environmental protections in the Quincy Library Group project area. It protects hundreds of thousands of acres of environmentally sensitive lands, including all California spotted owl habitat, as well as roadless areas. Placing these areas off limits to logging and road construction protects many areas that currently are not protected, including areas identified as old-growth and sensitive watersheds in the Sierra Nevada Ecosystem Project report.

However, in the event that any sensitive old growth is not already included in the legislation's off base areas, the Senate Energy and Natural Resources Committee provided report language when the legislation was reported last year, as I requested, directing the Forest Service to avoid conducting timber harvest activities or road construction in these late successional old-growth areas. The legislation also requires a program of riparian management, including wide protection zones and streamside restoration projects.

The Quincy Library Group legislation directs the Forest Service to amend the land and resource management plans for the Plumas, Lassen, and Tahoe National Forests to consider adoption of the Quincy Library Group plan in the forest management plans. The legislation does not require the Forest Service to continue implementing the Quincy Library Group pilot project once the forest plans are revised. The Senate Energy and Natural Resources Committee adopted an amendment, which I supported, to ensure that there is no conflict between the pilot project and the most current and best science reflected in any new forest plans.

MISINFORMATION ABOUT THE LEGISLATION

There have been a number of inaccurate statements made the Quincy Library Group legislation. I want to clear up three important points:

First, every single environmental law, including the National Environmental Policy Act and the National Forest Management Act, will be followed as this proposal is implemented. The legislation explicitly states, "Nothing in this section exempts the pilot project from any Federal environmental law."

The legislation requires an environmental impact statement to be completed before any resource management activities occur. It also provides for full public participation and input throughout the pilot project's implementation.

Second, the Quincy Library Group legislation does not double the volume of logging on the affected national forests. The intent of this proposal has always been to replace, not supplement, current logging activity, and the legislation will provide for timber harvests similar to current levels.

In a letter to me dated October 22, 1997, Ronald Stewart, Deputy Chief of Programs and Legislation for the Forest Service, states, "based on the agency's current estimates, the potential timber outputs that would be generated by this bill, if fully funded with additional appropriations, would not double but would remain consistent with the outputs provided from these forests over the last five years."

Third, the legislation explicitly prohibits the funding of Quincy Library Group projects through reallocation of funds from other national forests. The legislation explicitly states, "The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System."

The bottom line is that the Quincy Library Group legislation will provide strong protections for the environment while preserving the job base in the Northern Sierra—not just in one single company, but across 35 area businesses, many of them small and family-owned.

This Quincy Library Group legislation is strongly supported by local environmentalists, labor unions, elected officials, the timber industry, and 27 California counties. The House approved the Quincy Library Group legislation by a vote of 429 to one last year. The Senate Energy Committee reported the legislation last October. The legislation has been the subject of Congressional hearings and the focus of nationwide public discussion.

I thank my colleagues for ensuring that this worthy pilot project has a chance.

EXHIBIT NO. 1

[From the Washington Post, Oct. 11, 1998]

GRASS-ROOTS SEEDS OF COMPROMISE

(By Charles C. Mann and Mark L. Plummer)

Every month since 1993, about 30 environmentalists, loggers, biologists, union representatives and local government officials have met at the library of Quincy—a timber town in northern California that has been the site of a nasty 15-year battle over logging.

Out of these monthly meetings has emerged a plan to manage 2.4 million acres of the surrounding national forests. Instead of leaving the forests' ecological fate solely to Washington-based agencies and national interest groups, the once-bitter adversaries have tried to forge a compromise solution on the ground—a green version of Jeffersonian democracy. When the House of Representatives, notorious for its discord on environmental legislation, approved the plan 429–1 in July 1997, the Quincy Library Group became the symbol for a promising new means of resolving America's intractable environmental disputes.

The Quincy Library Group is one of scores of citizens' associations that in the past decade have brought together people who previously met only in court. Sometimes called "community-based conservation" groups, they include the Friends of the Cheat River, a West Virginia coalition working to restore a waterway damaged by mining runoff; the Applegate Partnership, which hopes to restore a watershed in southwestern Oregon while keeping timber jobs alive, and Envision Utah, which tries to foster consensus about how to manage growth in and around Salt Lake City.

Like many similar organizations, the Quincy Library Group was born of frustration. In the 1980s, Quincy-based environmental advocates, led by local attorney Michael B. Jackson, attempted with varying success to block more than a dozen U.S. Forest Service timber sales in the surrounding Plumas, Lassen and Tahoe national forests. The constant battles tied the federal agency in knots and almost shut down Sierra Pacific Industries, the biggest timber company there, imperiling many jobs. The atmosphere was "openly hostile, with agitators on both sides," says Linda Blum, a local activist who joined forces with Jackson in 1990 and aroused so much opprobrium that Quincy radio hosts denounced her on the air for taking food from the mouths of the town's children.

Worn down and dismayed by the hostility in his community, Jackson was ready to try something different. He got a chance to do so late in 1992, when Bill Coates, a Plumas County supervisor, invited the factions to talk to each other, face to face. Coates suggested that the group work from forest-management plans proposed by several local environmental organizations in the mid-1980s. By early 1993, they were meeting at the library and soon put together a new proposal. (The Forest Service eventually had to drop out because the Federal Advisory Committee Act, which places cumbersome requirements on groups who meet with federal agencies.) Under this proposal, timber companies could continue thinning and selectively logging in up to 70,000 acres per year, about the same area being logged in 1993 but drastically lower than the 1990 level. Riverbanks and roadless areas, almost half the area covered by the plan, would be off-limits.

The Quincy group asked the Forest Service to incorporate its proposal into the official plans for the three national forests, but never got a definite answer. Convinced that the agency was too dysfunctional to respond, in 1996 the group took its plan to their congressman, Wally Herger, a conservative Republican. Herger introduced the Quincy proposal in the House, hoping to instruct the agency to heed the wishes of local communities. It passed overwhelmingly—perhaps the only time that Reps. Helen Chenoweth (R-Idaho), a vehement property-rights advocate, and George Miller (D-Calif.) one of the greenest legislators on Capitol Hill, have agreed on an environmental law. Then the bill went to the Senate—and slammed into resistance from big environmental lobbies.

From the start, the Quincy group had kept in touch with the Wilderness Society, the Natural Resources Defense Council and the Sierra Club. The three organizations offered comments, and the Quincy group incorporated some. Still, the national groups continued to balk, instead submitting detailed criteria necessary to "merit" their support. When the Quincy plan became proposed legislation, the national groups stepped up their attacks. The Quincy approach, said Sierra Club legal director Debbie Sease, had a "basic underlying flaw" using a cooperative, local decision-making process to manage national assets. Jay Watson, regional director of the Wilderness Society, said: "Just because a group of local people can come to agreement doesn't mean that it is good public policy." And because such parochial efforts are inevitably ill-informed and always risk domination by rich, sophisticated industry representatives, the Audubon Society warned, they are "not necessarily equipped to view the bigger picture." Considering this bigger picture, it continued, "is the job of Congress, and of watchdog groups like the National Audubon Society."

Many local groups regard national organizations as more interested in protecting their turf than in achieving solutions that advance conservation. "It's interesting to me that it has to be top-down," said Jack Shipley, a member of the Applegate Partnership. "It's a power issue, a control issue." The big groups' insistence on veto power over local decision-making "sounds like the old rhetoric—either their way or no way," Shipley says. "No way" may be the fate of the Quincy bill. Pressured by environmental lobbies, Sen. Barbara Boxer (D-Calif.) placed a hold on it in the Senate.

Despite the group's setback, community-based conservation efforts like Quincy provide a glimpse of the future. Under the traditional approach to environmental management, decisions have been delegated to impartial bureaucracies—the Forest Service, for example, for national forests. Based on the scientific evaluations of ecologists and economists, the agencies then formulate the "right" policies, preventing what James Madison called "the mischief of faction."

But today, according to Mark Sagoff of the University of Maryland Institute for Philosophy and Public Policy, it is the bureaucrats who are beset by factions; big business and environmental lobbies. For these special-interest groups, he argues, "deliberating with others to resolve problems undermines the group's mission, which is to press its purpose or concern as far as it can in a zero-sum game with its political adversaries." The system "benefits the lawyers, lobbyists and expert witnesses who serve in various causes as mercenaries," he says, "but it produces no policy worth a damn."

In contrast, community-based conservation depends on all sides acknowledging the legitimacy of each other's values. Participants are not guaranteed to get exactly what they want; no one has the power to stand by and judge the "merit" of the results. Although ecology and economics play central roles, ecologists and economists have no special place. Like everyone else, they must sit at the table as citizens, striving to make their community and its environment a better place to live.

In short, Quincy's efforts and those like it represent a new type of environmentalism: republican environmentalism, with a small "r." This new approach cannot address global problems like climate change. Nor should it be routinely accepted if a local group decides on irrevocable changes in areas of paramount national interest—filling in the Grand Canyon, say. But even if some small town would be foolish enough to decide to do something destructive, there's a whole framework of national environment laws that would prevent it from happening. And, despite the resistance of the national organizations, the environmental movement should not reject this new approach out of hand. Efforts to protect the environment over the past 25 years have produced substantial gains, but have lately degenerated into a morass of litigation and lobbying. Community-based conservation has the potential to change things on the ground, where it matters most.•

THE INTERNATIONAL RELIGIOUS FREEDOM ACT

• Mr. NICKLES. Mr. President, on October 9, 1998, the Senate, by a vote of 98-0, passed the International Religious Freedom Act. As the sponsor of the International Religious Freedom Act, I am providing this statement which gives some guidance as to what I tried to accomplish in crafting this Act.

BACKGROUND

With enactment of the International Religious Freedom Act, there will be a major increase in the amount of information on the nature and extent of violations of religious freedom in foreign countries, in the actions taken by the U.S. government in response to those violations and in the scrutiny of the steps taken by the U.S. government to combat them. Sadly, events around the world demonstrate the need for the International Religious Freedom Act.

It has been reported that more than half of the world's population lives under governments that place restrictions or outright prohibitions on the ability to practice one's religion. While the end of the Cold War saw a significant increase in religious freedom in many countries, in others there has been no change. Totalitarian governments either continue to stamp out religion or subject it to state controls through arrest, torture, beatings, imprisonment and unemployment.

One such government has used massacre, starvation, and forced resettlement as a tool in the effort to crush resistance in its mostly Christian region. There have been reports of the crucifixion of Christians, although these reports cannot be confirmed. What has been confirmed is the revival of slavery, abduction and mutilation. Displaced refugees have been confronted with forced conversion or starvation.

In other countries, reports abound of attacks by extremists or by government forces on Christians, and on their homes, businesses, and churches. Converts to Christianity are imprisoned and tortured. In several countries no overt practice of any religion but the state religion is permitted, and conversion is illegal. These prohibitions affect virtually every religion around the world.

THE INTERNATIONAL RELIGIOUS FREEDOM ACT

This is the backdrop which led to the International Religious Freedom Act. The International Religious Freedom Act was crafted with four core principles. First, the International Religious Freedom Act is comprehensive both in the scope of covered violations, and in the full range of tools it provides to address the violations. By crafting a definition of violations of religious freedom that focuses on the most common types of violations as well as the most egregious, the Act attempts to resolve the problem before these violations escalate into torture, imprisonment and even death.

Second, the International Religious Freedom Act was crafted to require action while preserving necessary flexibility for the President. The International Religious Freedom Act contains a menu of options, including eight diplomatic and seven economic measures, from which the President must choose for each country that engages in violations of religious freedom. The Act also allows the President to calibrate any economic measure. The President can, for instance, suspend or limit foreign assistance, rather than cut it off entirely. The Act gives the President an additional option of taking commensurate action for any of the 15 options if the President determines that by doing so he can further the policy of the United States set forth in this Act. Finally, the President can exercise a waiver if important national interests require it, or if it would be harmful to those the Act seeks to help.

The provisions of the International Religious Freedom Act give the President economic and diplomatic tools to use that will best fit the situation and most appropriately deal with the problem. These tools can be modified based on the level of persecution in the country, the country engaging in the persecution and our relationship with that country. This flexibility ensures that the International Religious Freedom Act will be more effective. The goal of the International Religious Freedom Act is not to punish countries but to change behavior.

Third, the International Religious Freedom Act promotes long-term change through several means, including comprehensive human rights and religious freedom training for U.S. officials and representatives, both in the Foreign Service and in the Immigration and Naturalization Service. The Act authorizes U.S. assistance for the development of legal protections abroad, broadcasting and scholarly exchanges to promote religious freedom, and awards for meritorious Foreign Service Officers.

Fourth, the International Religious Freedom Act establishes several positions to ensure a permanent profile on and attention to religious freedom. It establishes an Ambassador at Large for International Religious Freedom which is a permanent diplomatic position to spearhead U.S. advocacy for religious freedom internationally. The Act also establishes a Commission for International Religious Freedom to ensure accountability, and to provide independent policy recommendations as the Act is implemented. The Annual Report further provides accountability by reporting the actions of the U.S. government.

The following is a commentary on several sections of the International Religious Freedom Act.

Section 101. Ambassador-at-Large for Religious Liberty: This section creates a high-profile diplomat under the Secretary of State, vested with the authority to continually and forcefully raise the issue of religious persecution in bilateral and multilateral forums. The Ambassador is responsible for ensuring advocacy for, and high-quality reporting on, religious freedom by American Embassies around the world. The Ambassador also is to make policy recommendations to the President and the Secretary of State to advance the right to religious freedom abroad.

Section 102. Reporting: This section strengthens existing reporting requirements. The Ambassador is to assist in the preparation of the sections on religious freedom in the State Department Human Rights Country Reports, and embassy personnel are directed to seek out and investigate reports of violations of religious freedom.

This section also creates an Annual Report on International Religious Freedom. This report details the status of religious freedom in each country around the world, and provides a comprehensive accounting of the violations of religious freedom, how severe they are and where they occur. The report is to give an indication of trends towards improvements in protecting religious liberty, and trends toward the deterioration of that protection. The report will also include information regarding U.S. government actions taken to promote religious freedom abroad. The U.S. government, when compiling this report, must work with non-governmental organizations (NGOs), when appropriate, to ensure that each report contains the most accurate information.

The Annual Report must also include information on the forced conversion of minor U.S. citizens living abroad. It has come to my attention that our government has done little to resolve cases of the victimization of minors who have been taken to a foreign land, subjected to forced religious conversion, and prevented under the laws of those nations from returning to the United States where they would enjoy religious freedom.

In some cases, especially for girls, this amounts to a life sentence of living abroad. In some countries, women may not travel abroad without the permission of their father or husband. The State Department should work to secure the rights of its citizens—including those living abroad, and the Commission on International Religious Freedom should monitor these cases.

Each year, the Secretary of State, working with the Ambassador, must present this report to Congress by September 1. An Executive Summary highlighting the countries of greatest concern with regard to religious freedom and countries demonstrating significant improvement in the protection of that right is to accompany the report. A classified, more detailed addendum may be provided to Congress.

Section 103. Internet Site for Religious Liberty: To assist NGOs around the world, the Act establishes a State Department Internet site posting the Annual Report, the Executive Summary and other international documents on religious freedom.

Section 104. Religious Freedom Training: To ensure awareness by Foreign Service officers of the nature and scope of violations of religious freedom, the Act amends the Foreign Service Act of 1980 to require training in human rights, including violations of religious freedom, as standard training for Foreign Service officers. Training is mandatory for officers with reporting responsibilities and for Chiefs of Mission.

Section 105 & 106. Contacts with NGOs: Embassies are required to seek out religious NGOs and meet with imprisoned religious leaders where appropriate and beneficial. These contacts will not only help our government gather the facts accurately as it prepares the Annual Report, but also will prove valuable as our government seeks to formulate policies to promote religious freedom around the world, as described in section 403. A Sense of the Congress directs embassies to craft a strategy for the promotion of religious liberty.

Section 107. Equal Access to U.S. Embassies: The Act grants access to U.S. citizens (and, at the embassy's discretion, to nationals) to U.S. missions abroad for religious activities on a basis no less favorable than for other nongovernmental activities unrelated to the conduct of the diplomatic mission. For instance, it is inconsistent that permission be granted by U.S. missions to allow the dispensing and social consumption of alcoholic beverages and the serving of pork products, contrary to local law, while discouraging such permission for holding religious services. The fact that several other foreign consulates afford access to worship for their citizens disproves the suggestion that diplomatic interests preclude similar provision for Americans by the State Department. Many other social and American community activities without discernable diplomatic purpose will no doubt continue, and in most cases should continue. Religious service access requests under section 107 may receive no less consideration than these other activities occurring on U.S. mission premises.

Section 108. Prisoner Database and Issue Briefs: To prompt advocacy at every possible opportunity, the bill directs the State Department to maintain country-specific lists of religious prisoners and issue briefs on policies restricting religious liberty, to be provided to executive branch and Congressional leaders for use in meetings with foreign dignitaries. In compiling these lists, the Act gives the Secretary of State the discretion to decide whether including a name on the list harms or helps the prisoner.

Sections 201 to 206. The International Religious Freedom Act establishes a United States Commission on International Religious Freedom. This Commission, which is bipartisan in composition and will include both presidential and Congressional appointees, will ensure that the President and the Congress receive independent recommendations—and where necessary, criticism—of American policy in support of international religious freedom.

The Commission consists of 10 persons (including the Ambassador at Large, who sits as an ex officio, non-voting member), chosen for a period of two years; the Commission sunsets in four years unless reauthorized. The innovative appointment structure established in this Act ensures that five commissioners will be selected by the President's political party and four commissioners by the other political party, no matter which political party controls the White House or either house of Congress. While this Act appropriately defers to the President's constitutional authority in conducting policy toward foreign states, it is the intent of Congress that the Commission hold policy makers accountable to the purposes of this Act, and, thus, ensure the Act's effectiveness.

The Commission will review the ongoing facts and circumstances of violations of religious freedom (both from government reports and from other sources) and make policy recommendations. While the Commission's annual report on May 1 will stand as its main formal duty under the sequence of requirements established by the Act, it is the intent of Congress that the Commission be diligent in monitoring violations of religious freedom on an ongoing basis and make its policy recommendations on a timely basis and with an urgency and specificity appropriate to circumstances.

Section 301. This section is a Sense of the Congress that there should be at the National Security Council a Special Advisor on International Religious Freedom, who monitors persecution and serves as a resource and policy advisor for executive branch officials.

TITLE IV

This title requires that the President take action to address violations of religious freedom each year in each country around the world where these violations take place.

Section 401. If a country engages in violations of religious freedom as defined in the bill, then the President must, at least once a year, choose one or more of the options listed in the menu of options found in section 405. If the President decides to take one of options 9 through 15, then the President must fulfill the requirements of section 403 and 404, which provide appropriate scrutiny and review of potential sanctions.

Section 402. The President must, at least once a year, make a determination as to which countries around the world are engaged in particularly severe violations of religious freedom. The President may make those determinations any time during the year, providing the flexibility to respond quickly and appropriately to occurrences of religious persecution.

If the President finds a country to be engaged in particularly severe violations of religious freedom, then the President is required to select one or more of options 9 through 15 or take commensurate action as found in section 405.

Once the President makes such a determination, the President is to identify the government agency or instrumentality and the specific officials responsible for the persecution so that sanctions are as narrowly targeted as possible to those entities responsible for the persecution.

Any economic action taken pursuant to a determination made under this section cannot be taken until the provisions of section 403 and 404 have been satisfied. However, in keeping with the Act's purpose of changing behavior, the President must first make every reasonable effort to conclude a binding agreement with the foreign country to cease the violations. If such an agreement is concluded, the President is not required to impose a sanction on that particular country for that particular year.

The Congress also recognizes that once sanctions are imposed under the International Religious Freedom Act, implementing sanctions the following year could be counterproductive. Accordingly, the Act provides that in such cases, or if a comprehensive sanctions regime is already in place in significant part because of human rights abuses, the President may designate those sanctions as fulfilling the purposes of the Act.

It is the intent of Congress that this Act require action abroad specifically and recognizably in response to violations of religious freedom, and that no provisions of the Act exempt the Department of State from recognizing that violations of religious freedom have occurred and taking action in response to those violations.

This section includes a provision that any determination made under this Act, or any amendment to this Act, shall not trigger any termination of assistance or activities as outlined in sections 116 and 502B of the Foreign Assistance Act of 1961.

Section 403. The consultations outlined in this section are necessary to achieve a coordinated international policy, to adequately ensure the safety of persecuted individuals or communities and to ensure that the economic interests of the United States are considered before our government takes economic action.

Many NGOs have operations in the very countries where persecution is ongoing and these organizations can provide valuable insight as to how the problem of violations of religious freedom can best be alleviated, and can help our government better understand specific situations in the country of concern or the potential harm any punitive action might have on their organization or persecuted communities. It is the intent of the Congress that these consultations be the norm.

TITLE V

This title seeks to promote religious freedom through authorizing assistance for legal protections of religious freedom abroad, international exchanges, international broadcasting to promote religious freedom and through incentives and awards to our diplomatic community to promote religious freedom.

Section 601. Use of Annual Report: This section provides that the Annual Report on International Religious Freedom serve as a resource for U.S. officials adjudicating asylum and refugee applications involving claims of religious persecution. U.S. officials may not deny a claim solely because conditions described by an applicant are not referenced by the Annual Report.

Section 602. Reform of Refugee Policy: U.S. officials are assisted in processing potential refugees around the world by personnel hired abroad. Unfortunately, such personnel are sometimes influenced by unfairly prejudicial biases that affect their screening and processing of potential refugees. United States refugee policy should not be compromised by local prejudices based on religion, race, nationality, membership in a particular social group, or political opinion. To lessen the possibility of unfair discrimination by personnel hired abroad, and to provide greater oversight of U.S. hiring polices, section 602 requires the Attorney General and the Secretary of State to develop and implement anti-bias guidelines, and to develop guidelines for entering into agreement with local refugee processing organizations.

The Act also requires all U.S. refugee-processing officers to receive the same level of training as U.S. asylum officers, who currently receive more comprehensive training. This training includes instruction on the nature and extent of religious persecution abroad. The Act also requires Foreign Service officers who might have refugee-processing responsibilities to receive adequate training in refugee law and in the nature of religious persecution abroad.

Section 603. Reform of Asylum Policy: U.S. officials are assisted in processing potential asylees by interpreters, and other non-U.S. personnel who may be influenced by unfairly prejudicial biases that may affect such processing. To lessen the possibility of unfair discrimination by such personnel, section 603 requires the Attorney General and the Secretary of State to develop and implement anti-bias guidelines. Personnel of airlines owned by foreign governments known to engage in persecution are prohibited from employment as interpreters. The Act requires training for all immigration inspectors, asylum officers and immigration judges in the nature and extent of religious persecution abroad.

Section 604. Inadmissibility of Foreign Government Officials Who Have Been Engaged in Severe Violations of Religious Freedom: Section 604 provides that foreign government officials responsible for particularly severe violations of religious freedom in the last two years, and their families, shall not be admitted to the United States.

Section 605. Studies on the Effect of Expedited Removal for Asylum Claims: Under section 605, the Commission on International Religious Freedom may invite outside experts to cooperate with the U.S. General Accounting Office in studying and reporting on the effect of the expedited removal process on potential asylees.

Section 701. The Act recognizes that transnational corporations play an increasing role as agents for change around the world and have a great potential for positive leadership abroad in human rights. The Act states the Sense of the Congress that U.S. transnational corporations should adopt codes of conduct upholding the religious rights of their employees.•

AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

• Mr. KENNEDY. Mr. President, I commend Senator ABRAHAM, the Chairman of the Senate Immigration Subcommittee, for his leadership in reaching this acceptable compromise that addresses the needs of our high-tech industry and is fair to U.S. workers. I also commend the White House for its strong commitment to protecting the U.S. labor force. This is an issue of major importance to the high-tech industry and U.S. workers. High-tech jobs are growing at three times the rate of other jobs. Over the next ten years, high-tech computer companies will need 1.3 million additional employees.

Few dispute the fact that today, U.S. high-tech companies are unable to find enough skilled workers to meet the mushrooms demands of their rapidly growing industry. Universities are also unable to obtain enough talented faculty members and researchers to fill critical high-tech academic positions. If these shortages persist, the growth and vitality of U.S. high-tech companies will be undermined and our role as a leader in technology and research will be diminished.

The obvious solution to this current crisis is to increase the number of temporary visas available to skilled foreign workers. But the increase should not be permanent. Our immigration laws should not jeopardize opportunities for young Americans, downsized defense workers, and others who wish to enter the dynamic field of high-tech industries.

The current compromise reaches a fair balance—by temporarily increasing the number of high-tech visas over the next three years, and then reinstating the current annual cap of 65,000 visas after the third year.

Many of the foreign workers who will benefit from this compromise are exceptionally talented. They represent the "best and brightest" the world has to offer. We welcome these accomplished individuals and the unique skills they will bring to strengthen and diversify our economy.

However, most of the positions that will be filled by these additional foreign workers are simply good middle class jobs. Most of the jobs are lower level computer programmers. Many are physical therapists, occupational therapies, or nurses. It is shameful that U.S. workers do not have the skills to compete for these jobs. The fact that American workers lack the training skills to compete for these good jobs is an incident of our educational system. Clearly, we need to do more to find a long-term solution to this festering problem. And this bill gives three years to address this failure.

I have long insisted that any legislation increasing these visas should substantially invest in improved job training for U.S. workers and better education for U.S. students. We must give the U.S. workers the skills they need to qualify for these jobs. It makes no sense to throw in the towel by increasing quotas—even temporarily—without also investing in our own labor force. As a nation, we have an obligation to invest in our own workers and students.

Many firms are doing the right thing. Many of the large computer companies spend millions of dollars each year training their workers, and encouraging young men and women to choose high-tech careers. The compromise before us today enhances that commitment.

Earlier this year, Senator FEINSTEIN and I proposed a way to provide genuine training for American workers, without costing the taxpayer a single penny. I am pleased that the legislation before the Senate today incorporates our idea and achieves this goal. It contains a reasonable fee for visa petitions and visa renewals for high-tech foreign workers. The $500 visa application fee included in the compromise will generate approximately $75 million a year.

One third of these funds will be used to fund National Science Foundation scholarships in math, engineering, and computer science for low-income students. The remaining funds will be used to train U.S. workers. As a result, many students and many workers will obtain the skills necessary to compete successfully for these good jobs. It is imperative that we provide as many U.S. workers as possible with the skills and specialized training to qualify for these positions.

The high-tech industry must also do a better job of recruiting U.S. workers. We have all read the reports about unscrupulous employers who pay only lip-service to recruiting U.S. workers, because they know they can obtain cheaper foreign labor. It makes sense that employers should recruit in the U.S. first, in cities like Boston, Detroit, or Los Angeles, before bringing workers in from Beijing, New Delhi, or Moscow. Only if employers cannot find qualified U.S. workers, should they be allowed to recruit and hire foreign workers.

The following are a few examples of how U.S. employers have only payed lip service to recruiting U.S. workers.

A high-tech facility in New Mexico announced a hiring freeze and refused to accept job applications. But at the same time, they brought in 53 foreign workers under the high-tech visa program.

Alan Ezer is a 45-year-old computer programmer with 10 years of experience in the field. He has kept his skills up to date. He was willing to take a pay cut to stay in the industry. After he was laid off, he sent out 150 resumes. He got only one job interview and no job offers.

Rose Marie Roo is an experienced computer programmer. But when no one would hire her to do computer work, she and her husband opened a bed and breakfast in Florida.

Peter Van Horn, age 31, has a master's degree in computer science. He lives in California, but employers won't hire him either.

The list goes on and on. Many of the nation's high-tech firms are blatantly turning away qualified U.S. workers while appealing to Congress for more foreign workers.

As a result of this problem, Senator FEINSTEIN and I fought long and hard to ensure that strong recruitment requirements would be included in the high-tech visa legislation. This compromise contains a worthwhile provision on this issue, and I commend Senator ABRAHAM for supporting our effort.

High-tech companies will be required to demonstrate that they have taken good faith steps to recruit in the U.S., according to industry-wide standards. Companies will be required to offer jobs to any U.S. workers who applies for a position and is equally or better qualified for the job than the foreign applicant. U.S. workers should have first crack at these jobs, and with this legislation, they will have it.

We should also make every effort to retain skilled U.S. workers presently holding these high-tech positions. There have been countless media stories about predatory high-tech computer firms firing talented middled-aged employees and replacing them with foreign workers willing to work longer hours for less pay. In the most flagrant instances, the replaced U.S. workers have even been asked to train their foreign replacement.

I am pleased that this compromise contains needed protections to guard against such abusive layoffs. Until now, it was legal under our immigration laws for an employer to fire U.S. workers and replace them with cheaper foreign workers. As a condition of participating in this compromise, employers covered under the legislation must attest that they have not laid off U.S. workers and tried to replace them with foreign workers.

The compromise contains many worthwhile provisions, but it also has flaws. One of the most serious defects is that the new recruitment and layoff attestations do not cover all employers hiring skilled foreign workers. The compromise exempts the largest high-tech companies from the new attestation requirements, even though some of these firms are the most serious violators.

Nevertheless, the Department of Labor will have increased enforcement powers. Under the previous law, the Department of Labor was restricted to waiting for complaints to be filed before they could act. The Department will now have authority to investigate compliance if they receive specific credible information that a violation has occurred. Additionally, the Department of Labor will now be empowered to conduct random investigations of even exempt employers if they are found to have committed violations. Violators will face stiffer fines and other punishment.

A second flaw in the legislation is the failure to cap the number of visas made available to health care workers. The effect of the abolition of this cap is that U.S. health care workers, particularly physical and occupational therapists, will be increasingly unable to find work. A recent study by the American Physical Therapy Association indicates that by the year 2000, there will be an 11% surplus of physical therapists in the United States. By the year 2005, this surplus will increase to 20–30%. Faced with these estimates, it is impossible to conclude that there is a shortage of physical therapists in this country. I urge the Department of Labor to reconsider its classification of physical and occupational therapy as occupations for which there is a blanket shortage of labor.

Despite these flaws, the compromise is, on the whole, fair to both U.S. and foreign workers. It provides much-needed protections for foreign workers. We must make sure that foreign workers who are brought to this country are not abused by their employers. The law requires that temporary foreign workers must be paid the prevailing wage for the specialty work they perform, including salary and benefits. This compromise requires employers to treat all similarly situated workers equally.

Finally, I am pleased that the compromise contains whistleblower protections I had recommended earlier this year. Despite serious abuses, few complaints were filed by workers because they were afraid of retaliation. Foreign workers were afraid that if they complained they would lose their jobs and be forced to leave the country. American workers were afraid to complain because they feared being blackballed in the industry.

This compromise protects workers who courageously report violations. Those who report abuses to the Department of Labor may request that their identity not be disclosed. And more important, workers who file complaints or cooperate with investigations cannot be intimidated, threatened, restrained, coerced, blacklisted, or discharged by their employer.

Overall, this compromise is a reasonable solution of the current difficult problem. It deserves bipartisan support.●

TARIFF AND TECHNICAL CORRECTIONS ACT OF 1998—H.R. 4342

● Mr. ROTH. Mr. President, on September 29, the Finance Committee reported unanimously H.R. 4342, the Miscellaneous Tariff and Technical Corrections Act of 1998. It was my hope that we would pass this legislation this year. Unfortunately, for reasons unrelated to the substance of the bill, this did not happen.

The failure of this legislation is disappointing because it served a number of important practical purposes. For example, this bill would have temporarily suspended or reduced the duty on a large number of products, including a wide variety of chemicals used to make anti-HIV, anti-AIDS and anti-cancer drugs. Also included were certain organic pigments which are environmentally benign substitutes for pigments containing toxic heavy metals.

In each instance, there were either no domestic production of the product in question or the domestic producers supported the measure. By suspending or reducing the duties, we would have enabled U.S. firms that use these products to produce goods in a more cost efficient manner, thereby helping create jobs for American workers and reducing costs for consumers.

The bill also contained a number of technical corrections and other minor modifications to the trade laws that enjoyed broad support. One such measure would have helped facilitate Customs Service clearance of athletes that participate in world athletic events, such as the upcoming Women's World Cup, the Winter Olympic Games in Salt Lake City, Utah, and the International Special Olympics. Another measure would have corrected certain outdated references in the trade laws.

For each of the provisions included in this bill, we had solicited comments from the public and from the Administration to ensure that there was no controversy or opposition. Only those measures that were non-controversial and that had no opposition were included in the bill.

The failure of this bill is also disappointing because of the amount of time and effort that the staff put into preparing this extremely technical piece of legislation. That is why I would like to give special thanks to Faryar Shirzad, Linda Menghetti, Tim Keeler, Lisa Lee, Marsha Moke, Matthew Sorenson, Bruce Anderson, Bob Merulla and Myrtle Agent from the Finance Committee staff, Polly Craighill, from the Office of Legislative Counsel, and Hester Grippando from the Congressional Budget Office, for their extensive work on this legislation.●

THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT

● Mr. KENNEDY. Mr. President, it is a privilege to join Senator GRAHAM, Senator MACK, Senator ABRAHAM and our other distinguished colleagues in supporting the Haitian Refugee Immigration Fairness Act. Last year Congress enacted the Nicaraguan Adjustment and Central American Relief Act, which enabled Nicaraguan and Cuban refugees to remain permanently in the United States as immigrants.

Haitian refugees deserve no less.

These refugees have seen their relatives, friends and neighbors jailed, or murdered, or abducted in the middle of the night and never seen again. They have fled from decades of violence and brutal repression by the Ton Ton Macoutes, and later by the military regime which overthrew the first democratically elected president of Haiti.

The people of Haiti have struggled long and hard to establish a democracy in their nation. They endured repression and suffered persecution at the hands of successive governments. Haitians supporting democracy have faced torture, extra-judicial killings, imprisonment, and other forms of persecution. The State Department has documented these and other gross violations of human rights.

The Bush administration found that the vast majority of Haitian refugees were fleeing from political persecution. Thousands of these Haitians were paroled into the United States after establishing a credible fear of persecution. Many others filed bona fide applications for asylum upon arrival in the United States.

This legislation will enable Haitians to apply for adjustment of status if prior to December 31, 1995, they were paroled into the U.S., under any of the parole classifications, or filed for asylum. Additionally, as a result of an amendment proposed by Senator ABRAHAM and I, a significant number of unaccompanied children and orphans who did not have the capacity to apply for asylum for themselves will also be eligible to apply for adjustment of status.

Like other political refugees, Haitians have come to this country with a strong love of freedom and a strong commitment to democracy. They have settled in many parts of the United States. They have established deep roots in our communities, and their children born here are U.S. citizens. Wherever they have settled, they have made lasting contributions to the economic vitality and diversity of our communities and the nation.

This issue is about basic fairness. The United States has a long and noble tradition of providing safe haven to refugees. Over the years, we have enacted legislation to guarantee that Hungarians, Cubans, Yugoslavs, Vietnamese, Laotians, Cambodians, Poles, Chinese, and many other refugees will not be sent back to unstable or repressive regimes.

Last year, we adopted legislation to protect Nicaraguans and Cubans. But Haitians were unfairly excluded from that bill. The time has come for Congress to end the bigotry. We must remedy this flagrant omission and add Haitians to the list of deserving refugees.

By approving the Haitian Refugee Fairness Immigration Act, we can finally bring to an end the shameful decades of unjust treatment of Haitians. As the decisions of federal judges over the past two decades make clear, Haitans are treated with blatant discrimination under our immigration laws. Throughout the 1980's, less than 2 percent of Haitians fleeing the atrocities committed by the Duvalier regimes were granted asylum. Yet, other refugee groups had approval rates as high as 75 percent.

Haitian asylum seekers were detained by the Immigration and Naturalization Service, but asylum seekers from other countries were routinely released while their asylum applications were processed. Until recently, Haitians have been the only group intercepted on the high seas and forcibly returned to their home country, without even the opportunity to seek asylum. We welcomed boat people from Cuba, Vietnam and other parts of the world. But for years, we picked up Haitians on the high seas and sent them back to Haiti, in violation of international refugee laws.

This Congress has the opportunity to right the shameful wrongs that Haitian refugees have suffered. We have before us a bill that offers full protection of our laws to these victims of persecution in their fight for democracy. The call for democracy is being heard around the world, and America's voice has always been the loudest. How can we advocate democracy on the one hand, and then deny protection to those who heed our call and are forced to flee their homeland as a result?

The struggle for democracy is often dangerous and life threatening. Ask Nestilia Robergeau, who knows first hand the high price of supporting democracy on Haiti. She and her brother started a youth group in support of Haiti's democratically elected President, Jean Bertrand Aristide. After a military coup ousted President Aristide, her brother was murdered by the military, and she went into hiding in the woods around her village until she could escape from Haiti in a small boat. Today, she lives in Atlanta and holds two jobs. She is active in her local church, and hopes to be a nurse. Last year, she told the Subcommittee on Immigration that ever since she arrived in the United States, she has lived in fear of being sent back to Haiti.

Even the youngest Haitian refugees live in fear of being returned to Haiti. Ask Louisiana, a sixth grader at West Homestead Elementary School in Miami. She fled to the United States with her aunt, after her father, a pro-democracy activist, was murdered by the Haitian military. Last winter, Louisiana told us that she was terrified that she will be sent back to Haiti. She is terrified that the same people who killed her father will come after her in Haiti. She asked us to please pass a law that will let her stay in the United States, where she is safe.

Ask Mr. H in Massachusetts, a journalist in Haiti who criticized the Haitian military government, and was repeatedly arrested for his outspoken views. Finally, he went into hiding in Haiti. When soldiers could not find him, they abducted his girlfriend, brutally beat her, and dumped her by the side of the road to die. But she survived, and she and Mr. H escaped by boat. They were picked up by the Coast Guard, and brought to the United States. They married and now live in Massachusetts. Their two children were born here. Yet, Mr. H and his wife could be deported without this legislation.

Congress has a duty to offer the same protection to these Haitians that we have offered over the years to other refugees fleeing from repressive regimes. This bill is about what is fair, what is right, and what is just. We owe it to Louisiana, to Nestilia, and to the thousands of other Haitians forced to flee their homes because they believed in the promise of democracy.

This legislation has strong bipartisan support. It is supported by a wide range of nationwide organizations, including the Americans for Tax Reform, U.S. Catholic Conference, the Church World Service, the American Baptist Churches, the Mennonite Central Committee, the Council of Jewish Federations, the Lutheran Immigration Refugee Service, the United Methodist General Board of Church and Society, the Presbyterian Church (USA) and many, many more. As Jack Kemp wrote to Congress earlier this year "This issue presents a chance to do the right thing by rectifying an omission in last year's bill, and to uphold our nation's tradition of accepting refugees."

We should do all we can to end the current flagrant discrimination under the immigration laws. Haitian refugees deserve protection too—the same protection we gave to Nicaraguans and Cubans last year. We need to pay more than lipservice to the fundamental principle of equal protection of the laws.●

HOUSE OF REPRESENTATIVES—*Thursday, November 12, 1998*

ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 379. An act for the relief of Larry Errol Pieterse.

H.R. 633. An act to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.

H.R. 378. An act for the relief of Heraclio Tolley.

H.R. 1023. An act to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated antihemophilia factor, and for other purposes.

H.R. 1794. An act for the relief of Mai Hoa "Jasmin" Salehi.

H.R. 1834. An act for the relief of Mercedes Del Carmen Quiros Martinez Cruz.

H.R. 1949. An act for the relief of Nuratu Olarewaju Abeke Kadiri.

H.R. 2070. An act to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

H.R. 2204. An act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

H.R. 2263. An act to authorize and request the President to award the congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

H.R. 2744. An act for the relief of Chong Ho Kwak.

H.R. 3267. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea, and for other purposes.

H.R. 3461. An act to approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes.

H.R. 3633. An act to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

H.R. 3723. An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

H.R. 3910. An act to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.

H.R. 4083. An act to make available to the Ukrainian Museum and Archives the USIA television program "Window on America".

H.R. 4110. An act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.

H.R. 4164. An act to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

H.R. 4283. An act to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

H.R. 4501. An act to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

H.R. 4821. An act to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED AFTER SINE DIE ADJOURNMENT

The SPEAKER pro tempore announced her signature to enrolled bills and a Joint Resolution of the Senate of the following titles:

S. 191. An act to throttle criminal use of guns.

S. 391. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

S. 417. An act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.

S. 1132. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1364. An act to eliminate unnecessary and wasteful Federal reports.

S. 1397. An act to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

S. 1408. An act to establish the Lower East Side Tenement National Historic Site, and for other purposes.

S. 1525. An act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1693. An act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

S. 1718. An act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, and for other purposes.

S. 1733. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

S. 2129. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.

S. 2241. An act to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes.

S. 2272. An act to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

S. 2375. An act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

S. 2432. An act to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

S. 2500. An act to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

S.J. Res. 35. An joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 26, 1998:

H.J. Res. 138. Appointing the day for the convening of the first session of the One Hundred Sixth Congress.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

On November 2, 1998:

H.R. 378. For the relief of Heraclio Tolley.

H.R. 379. For the relief of Larry Errol Pieterse.

H.R. 633. To amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.

H.R. 1023. To provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated antihemophilic factor, and for other purposes.

H.R. 1794. For the relief of Mai Hoa "Jasmin" Salehi.

H.R. 1834. For the relief of Mercedes Del Carmen Quiroz Martinez Cruz.

H.R. 1949. For the relief of Nuratu Olarewaju Abeke Kadiri.

H.R. 2070. To amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

H.R. 2204. To authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

H.R. 2263. To authorize and request the President to award the congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

H.R. 2744. For the relief of Chong Ho Kwak.

H.R. 3267. To direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a Feasibility study and construct a project to reclaim the Salton Sea, and for other purposes.

H.R. 3461 To approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes.

H.R. 3633. To amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

H.R. 3723. To authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

H.R. 3910. To authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.

H.R. 4083. to make available to the Ukranian Museum and Archives the USIA television program "Window on America".

H.R. 4110. To amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.

H.R. 4164. To amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

H.R. 4283. To support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

H.R. 4501. To require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

H.R. 4821. To extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On August 12, 1998:

H.R. 4237. An act to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such Act, and for other purposes.

On August 13, 1998:

H.R. 765. An act to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

H.R. 872. An act to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

On August 14, 1998:

H.R. 3824. An act amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

On September 20, 1998:

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

On September 25, 1998:

H.J. Res. 128. Joint Resolution making continuing appropriations for the fiscal year 1999, and for other purposes.

On October 5, 1998:

H.R. 1856. An act to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes.

On October 7, 1998:

H.R. 6. An act to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

H.R. 4060. An act making appropriations for energy and waste development for the fiscal year ending September 30, 1999, and for other purposes.

On October 9, 1998:

H.J. Res. 133. Joint Resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

H.R. 3096. An act to correct a provision relating to termination of benefits for convicted persons.

H.R. 4382. An act to amend the Public Health Service Act to revise and extend the program for mammography quality standards.

On October 12, 1998:

H.J. Res. 131. Joint Resolution waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill of joint resolution making general or continuing appropriations for fiscal year 1999.

H.J. Res. 134. Joint Resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

On October 14, 1998:

H.J. Res. 135. Joint Resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

H.R. 3007. An act to establish the Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development.

H.R. 4068. An act to make certain technical corrections in laws relating to Native Americans, and for other purposes.

On October 15, 1998:

H.R. 4658. An act to extend the date by which an automated entry-exit control system must be developed.

On October 16, 1998:

H.J. Res. 136. Joint Resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

On October 17, 1998:

H.R. 3616. An act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4103. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

On October 19, 1998:

H.R. 449. An act to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

H.R. 930. An act to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employee for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses.

H.R. 1481. An act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

H.R. 1836. An act to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes.

H.R. 3381. An act to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co. and other entities.

H.R. 3790. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

H.R. 4248. An act to authorize the use of receipts from the sale of the Migratory Bird Hunting and Conservation Stamps to promote additional stamp purchases.

On October 20, 1998:

H.J. Res. 137. Joint Resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

H.R. 3694. An act to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

On October 21, 1998:

H.R. 4112. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4194. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4328. An act making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4566. An act to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.

SENATE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the Senate of the following titles:

On July 16, 1998:

S. 731. An act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes.

On July 21, 1998:

S. 2316, An act to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexaflouride will be used to treat and recycle depleted uranium hexaflouride.

On July 29, 1998:

S. 318, An act to require automatic cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

On August 12, 1998:

S. 2344, An act to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

On August 13, 1998:

S. 1759, An act grant a Federal charter to the American GI Forum of the United States.

S. 1800, An act to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the "Joseph P. Kinneary United States Courthouse".

S. 2143, An act to amend chapter 45 of title 28, United States Code, to authorize the administrative Assistant to the Chief Justice to accept voluntary services, and for other purposes.

On August 14, 1998:

S.J. Res. 54, Joint resolution finding the Government of Iraq in unacceptable and material breach of its international obligations.

On September 23, 1998:

S. 1683, An act to transfer administrative jurisdiction over part of the lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883, An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

On September 28, 1998:

S. 2112, An act to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

On October 6, 1998:

S. 1695. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes.

On October 8, 1998:

S. 1379. An act to amend section 552 of title 5, United States Code, and the national Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

On October 9, 1998:

S. 1355. An act to designate the United States courthouse located at 141 Church Street in New Haven, Connecticut, as the "Richard C. Lee United States Courthouse".

S. 2022. An act to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

S. 2071. An act to extend a quarterly financial report program administered by the Secretary of Commerce.

On October 14, 1998:

S. 414. An act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes.

On October 19, 1998:

S. 314. An act to provide a process for identifying the functions of the Federal Government that are not inherently governmental functions, and for other purposes.

S. 2392. An act to encourage the disclosure and exchange of information about computer processing problems, solutions, test practices and test results, and related matters in connection with the transition to the year 2000.

BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the following titles:

October 22, 1998:

H.R. 2616. An act to amend title VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

October 23, 1998:

H.R. 1659. An act to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes.

October 26, 1998:

H.R. 2411. An act to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod Seashore Advisory Commission.

H.R. 2886. An act to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System.

H.R. 3796. An act to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.

H.R. 4081. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

H.R. 4284. An act to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

October 27, 1998:

H.R. 8. An act to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

H.R. 624. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

H.R. 1021. An act to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado.

H.R. 1197. An act to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

H.R. 2186. An act to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming.

H.R. 2370. An act to amend the Organic Act of Guam to clarify local executive and legislative provisions in such act, and for other purposes.

H.R. 2431. An act to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted in foreign countries on account of religion; to authorize United States actions in response to violations of religious freedom in foreign countries; to establish an Ambassador at Large for International Religious Freedom within the Department of State, a Commission on International Religious Freedom, and a special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

H.R. 2795. An act to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

H.R. 3069. An act to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council.

H.R. 4079. An act to authorize the construction of temperature control devices at Folsom Dam in California.

H.R. 4166. An act to amend the Idaho Admission Act regarding the sale or lease of school land.

On October 28, 1998:

H.R. 1702. An act to encourage the development of a commercial space industry in the United States, and for other purposes.

H.R. 2281. An act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

H.R. 3332. An act to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes.

H.R. 4558. An act to make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits.

On October 30, 1998:

H.R. 700. An act to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

H.R. 1274. An act to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

H.R. 1756. An act to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

H.R. 2675. An act to provide for the Office of Personnel Management to conduct a study and submit a report to Congress on the provision of certain options for universal life insurance coverage and additional death and dismemberment insurance under chapter 87 of title 5, United States Code, to improve the administration of such chapter, and for other purposes.

H.R. 2807. An act to clarify restrictions under the Migratory Bird Treaty Act on baiting and to facilitate acquisition of migratory bird habitat, and for other purposes.

H.R. 3055. An act to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

H.R. 3494. An act to amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes.

H.R. 3528. An act to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts. And for other purposes.

H.R. 3687. An act to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas.

H.R. 3903. An act to provide for an exchange of lands located near Gustavus, Alaska. And for other purposes.

H.R. 4151. An act to amend chapter 47 of title 18, United States Code, relating to identify fraud. And for other purposes.

H.R. 4293. An act to establish a cultural training program for disadvantaged individuals to assist the Irish peace process.

H.R. 4309. An act to provide a comprehensive program of support for victims of torture.

H.R. 4326. An act to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the bureau of Land Management to sell and exchange other Federal lands in Oregon.

H.R. 4337. An act to authorize the Secretary of the Interior to provide financial assistance to the Sate of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

H.R. 4660. An act to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to tact, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia. And for other purposes.

H.R. 4679. An act to amend the Federal Food, Drug. And Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such Act. And for other purposes.

On October 31, 1998:

H.R. 678. An act to require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb. And for other purposes.

H.R. 1853. An act to amend the Carl D. Perkins Vocational and Applied Technology Education Act.

H.R. 2000. An act to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions. And for other purposes.

H.R. 2327. An act to provide for a change in the exemption from the child labor provisions of the Fair labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

H.R. 3830. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 3874. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003. And for other purposes.

H.R. 4259. An act to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures. And for other purposes.

H.R. 4655. An act to establish a program to support a transition to democracy in Iraq.

On November 3, 1998

H.J. Res. 138. Joint resolution appointing the day for the convening of the first session of the One Hundred Sixth Congress.

On November 6, 1998

H.R. 3910. An act to authorize the Automobile National Heritage Area in the State of Michigan. And for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

On October 27, 1998:

S. 53. An act to require the general application of the antitrust laws to major league baseball. And for other purposes.

S. 505. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright. And for other purposes.

S. 1298. An act to designate a Federal building located in Florence, Alabama, as the "Justice John McKinley Federal Building".

S. 1892. An act to provide that a person closely related to a judge of a court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court. And for other purposes.

S. 1976. An act to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem. And to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

S. 2206. An act to amend the Head Start Act, the Low-Income Home Energy Assistance Acct of 1981. And the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets. And for other purposes.

S. 2235. An act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resources officers.

On October 29, 1998:

S. 2468. An act to designate the Biscayne National Park Visitor Center as the Dante Fascell Visitor Center.

On October 30, 1998:

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico. And for other purposes.

S. 890. An act to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch community. And for other purposes.

S. 1333. An act to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance of admission fee to retain other fees and charges.

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

S. 2106. An act to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management. And to include a portion of Fish Seep Draw owned by the State of Utah. And for other purposes.

S. 2193. An act to implement the provisions of the Trademark Law Treaty.

On October 31, 1998:

S. 1021. An act to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain position in the competitive service. And for other purposes.

S. 1722. An act to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 2285. An act to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention to further protect sites of importance in the historic efforts to secure equal rights for women.

On November 2, 1998:

S. 2240. An act to establish the Adams National Historical Park in the Commonwealth of Massachusetts. And for other purposes.

S. 2246. An act to amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary. And for other purposes.

S. 2413. An act prohibiting the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or is authorized by Act of Congress.

S. 2427. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

S. 2505. An act to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho.

S. 2561. An act to amend the Fair Credit Reporting Act with respect to furnishing and using consumer reports for employment purposes.

S.J. Res. 51. Joint resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

S.J. Res. 58. Joint resolution recognizing the accomplishments of Inspectors General since their creation in 1978 in preventing and detecting waste, fraud, abuse. And mismanagement. And in promoting economy, efficiency. And effectiveness in the Federal Government.

On November 3, 1998:

S. 538. An act to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District. And for other purposes.

S. 744. An act to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system. And for other purposes.

S. 1260. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law. And for other purposes.

S. 2524. An act to codify without substantive change laws related to Patriotic and National Observances, Ceremonies. And Organizations and to improve the United States Code.

On November 6, 1998:

S. 2232. An act to establish the Little Rock Central High School National Historic Site in the State of Arkansas. And for other purposes.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second and third quarters of 1998 by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during third quarter of 1998, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 1 AND JULY 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William L. Clay	6/30	7/3	France		1,448.46		(3)				1,448.46
	7/3	7/9	Italy		2,778.87		(3)				2,778.87
	7/9	7/11	Portugal		414.18		(3)				414.18
Committee total					4,641.51						4,641.51

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BILL GOODLING, Chairman, Oct. 9, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jerry Lewis	6/30	7/3	France		1,448.46		(3)				1,448.46
	7/3	7/9	Italy		2,778.87		(3)				2,778.87
	7/9	7/11	Portugal		414.18		(3)				414.18
Frank Cushing	6/30	7/3	France		1,448.46		(3)				1,448.46
	7/3	7/9	Italy		2,778.87		(3)				2,778.87
	7/9	7/11	Portugal		414.18		(3)				414.18
James Dyer	6/30	7/3	France		1,448.46		(3)				1,448.46
	7/3	7/9	Italy		2,778.87		(3)				2,778.87
	7/9	7/11	Portugal		414.18		(3)				414.18
Hon. Louis Stokes	6/30	7/3	France		1,448.46		(3)				1,448.46
	7/3	7/9	Italy		2,778.87		(3)				2,778.87
	7/9	7/11	Portugal		414.18		(3)				414.18
Hon. Alan B. Mollohan	6/30	7/3	France		1,448.46		(3)				1,448.46
	7/3	7/9	Italy		2,778.87		(3)				2,778.87
	7/9	7/11	Portugal		414.18		(3)				414.18
Elizabeth C. Dawson	6/30	7/3	France		1,448.46		(3)				1,448.46
	7/3	7/9	Italy		2,778.87		(3)				2,778.87
	7/9	7/11	Portugal		414.18		(3)				414.18
Hon. Frank R. Wolf	7/5	7/8	Algeria								
	7/8	7/10	Egypt		233.45						233.45
Commercial airfare							4,776.33				4,776.33
Douglas Gregory	7/7	7/8	France		231.00		(3)				231.00
	7/8	7/9	Italy		258.00		(3)				258.00
	7/9	7/9	Albania								
	7/9	7/11	Montenegro		278.00		(3)				278.00
Hon. C.W. Bill Young	7/7	7/8	France		231.00		(3)				231.00
	7/8	7/9	Italy		258.00		(3)				258.00
	7/9	7/9	Albania								
	7/9	7/11	Montenegro		278.00		(3)				278.00
Gregory Walters	7/7	7/8	France		231.00		(3)				231.00
	7/8	7/9	Italy		258.00		(3)				258.00
	7/9	7/9	Albania								
	7/9	7/11	Montenegro		278.00		(3)				278.00
Hon. W.G. Bill Hefner	7/7	7/8	France		231.00		(3)				231.00
	7/8	7/9	Italy		258.00		(3)				258.00
	7/9	7/9	Albania								
	7/9	7/11	Montenegro		278.00		(3)				278.00
Hon. Harold Rogers	8/8	8/10	Morocco		657.48		(3)				657.48

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/10	8/13	Switzerland		966.00		(3)				966.00
	8/13	8/16	Italy		866.64		(3)				866.64
	8/16	8/17	Germany		229.00		(3)				229.00
	8/17	8/19	Portugal		556.00		(3)				556.00
Hon. Tom Latham	8/8	8/10	Morocco		657.48		(3)				657.48
	8/10	8/13	Switzerland		966.00		(3)				966.00
	8/13	8/16	Italy		954.00		(3)				954.00
	8/16	8/17	Germany		229.00		(3)				229.00
	8/17	8/19	Portugal		556.00		(3)				556.00
Jim Kulikowski	8/8	8/10	Morocco		657.48		(3)				657.48
	8/10	8/12	Switzerland		644.00		(3)				644.00
Commercial airfare							842.64				842.64
	8/16	8/17	Germany		229.00		(3)				229.00
	8/17	8/19	Portugal		556.00		(3)				556.00
Jennifer Miller	8/8	8/10	Morocco		657.48		(3)				657.48
	8/10	8/13	Switzerland		966.00		(3)				966.00
	8/13	8/16	Italy		866.64		(3)				866.64
	8/16	8/17	Germany		229.00		(3)				229.00
	8/17	8/19	Portugal		556.00		(3)				556.00
Mike Ringler	8/8	8/10	Morocco		657.48		(3)				657.48
	8/10	8/13	Switzerland		966.00		(3)				966.00
	8/13	8/16	Italy		866.64		(3)				866.64
	8/16	8/17	Germany		229.00		(3)				229.00
	8/17	8/19	Portugal		556.00		(3)				556.00
Scott Lilly	8/17	8/18	Saudi Arabia		123.00		(3)				123.00
	8/18	8/19	Bahrain		123.00		(3)				123.00
	8/19	8/20	Kuwait		123.00		(3)				123.00
	8/20	8/21	Germany		123.00		(3)				123.00
Hon. John P. Murtha	8/17	8/18	Saudi Arabia		123.00		(3)				123.00
	8/18	8/19	Bahrain		123.00		(3)				123.00
	8/19	8/20	Kuwait		123.00		(3)				123.00
	8/20	8/21	Germany		123.00		(3)				123.00
Gregory R. Dahlberg	8/17	8/18	Saudi Arabia		123.00		(3)				123.00
	8/18	8/19	Bahrain		123.00		(3)				123.00
	8/19	8/20	Kuwait		123.00		(3)				123.00
	8/20	8/21	Germany		123.00		(3)				123.00
John T. Blazey II	8/12	8/12	United States		42.00				12.00		54.00
	8/13	8/13	England				230.00				230.00
	8/13	8/16	France		930.00						930.00
	8/16	8/18	Sweden		542.00						542.00
	8/19	8/20	Belgium		540.00						540.00
Commercial airfare							4,790.40				4,790.40
Cheryl Smith	8/12	8/12	United States		42.00		13.00				55.00
	8/13	8/13	England								
	8/13	8/16	France		930.00		226.00				1,156.00
	8/16	8/18	Sweden		542.00						542.00
	8/18	8/20	Belgium		540.00						540.00
	8/20		United States				58.00				58.00
Commercial airfare							4,790.40				4,790.40
Hon. Dan Miller	8/9	8/12	Jordan		829.00		(3)				829.00
	8/13	8/14	Turkey		452.00		(3)				452.00
	8/15	8/16	Kyrgyzstan		558.00		(3)				558.00
	8/17	8/18	Mongolia		354.00		(3)				354.00
	8/19	8/20	China		552.00		(3)				552.00
	8/21	8/23	Korea		524.00		(3)				524.00
Hon. Robert E. "Bud" Cramer	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway								
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland, United Kingdom		867.00		(3)				867.00
Hon. Esteban Torres	8/9	8/12	Jordan		829.00		(3)				829.00
	8/13	8/14	Turkey		452.00		(3)				452.00
	8/15	8/16	Kyrgyzstan		558.00		(3)				558.00
	8/17	8/18	Mongolia		354.00		(3)				354.00
	8/19	8/20	China		552.00		(3)				552.00
	8/21	8/23	Korea		524.00		(3)				524.00
Juliet Pacquing	8/20	8/25	Turkey		1,235.00						1,235.00
	8/25	8/27	Russia		676.00						676.00
	8/27	8/30	Czech Republic		564.00						564.00
Commercial airfare							5,666.00				5,666.00
Elizabeth Morra	8/19	8/21	Turkey		571.40						571.40
	8/21	8/24	Italy		857.10						857.10
	8/24	8/24	Bosnia								
	8/24	8/26	Croatia		571.40						571.40
Commercial airfare							4,921.45				4,921.45
James W. Dyer	8/23	8/24	Bosnia		301.00						301.00
	8/24	8/26	Croatia		571.40						571.40
Commercial airfare							4,548.01				4,548.01
Frank M. Cushing	8/19	8/21	Turkey		571.40						571.40
	8/21	8/24	Italy		857.10						857.10
	8/24	8/24	Bosnia								
	8/24	8/26	Croatia		571.40						571.40
							50.00				50.00
Commercial airfare							4,921.45				4,921.45
Elizabeth C. Dawson	8/19	8/21	Turkey		571.40						571.40

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/21	8/24	Italy		857.10						857.10
	8/24	8/24	Bosnia								
	8/24	8/26	Croatia		571.40						571.40
							50.00				50.00
Commercial airfare							4,921.45				4,921.45
Total					69,885.95		40,805.13		12.00		110,703.08
Committee on Appropriations, Surveys and Investigations Staff:											
T.E. Booth	9/20	9/26	Japan		1,201.50		6,065.25		38.70		7,305.45
B.F. Dunn	7/12	7/17	England		1,236.25		5,813.32		82.00		7,131.57
N.H. Gardner	8/9	8/14	Germany		802.50		5,500.43		19.00		6,321.93
	9/13	9/15	The Netherlands		352.50		10,246.99		6.00		10,605.49
M.O. Glynn	9/20	9/26	Japan		1,252.00		5,906.25		77.70		7,235.95
C.L. Hauver	7/12	7/17	England		1,236.25		5,813.32		62.15		7,111.72
W.C. Hersman	9/20	9/26	Japan		1,201.50		5,894.25		68.70		7,164.45
D.K. Lutz	9/19	9/26	Korea		1,345.00		4,372.14		98.66		5,815.80
R.J. Reitwiesner	7/12	7/17	England		1,178.75		6,099.33		68.33		7,346.41
	8/9	8/14	Germany		802.50		5,500.43		79.86		6,382.79
F.R. Stevens	9/19	9/26	Korea		1,200.00		4,524.25		87.50		5,811.75
R.W. Vandergrift, Jr.	8/9	8/14	Germany		843.00		5,500.43		223.92		6,567.35
	9/13	9/15	The Netherlands		404.00		10,143.46		191.66		10,739.12
T.P. Wyman	8/9	8/14	Germany		802.50		5,500.43		18.00		6,320.93
	9/13	9/15	The Netherlands		352.50		10,246.99		16.00		10,615.49
Committee total					14,210.75		97,127.27		1,138.18		112,476.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB LIVINGSTON, Chairman, Oct. 30, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Robert F. Smith	8/21	8/26	Egypt		1,254.00		(3)		120.00		1,374.00
	8/26	8/31	Spain		1,467.00		(3)		120.00		1,587.00
			Italy[4]						424.89		424.89
Hon. Tom Ewing	8/21	8/26	Egypt		1,254.00		(3)		120.00		1,374.00
	8/26	8/31	Spain		1,467.00		(3)		120.00		1,587.00
			Italy[4]						424.89		424.89
Hon. Bill Barrett	8/21	8/26	Egypt		1,254.00		(3)		120.00		1,374.00
	8/26	8/31	Spain		1,467.00		(3)		120.00		1,587.00
			Italy[4]						424.89		424.89
Hon. Collin Peterson	8/21	8/26	Egypt		1,254.00		(3)		120.00		1,374.00
	8/26	8/31	Spain		1,467.00		(3)		120.00		1,587.00
			Italy[4]						424.89		424.89
Paul Unger	8/21	8/26	Egypt		1,254.00		(3)		120.00		1,374.00
	8/26	8/31	Spain		1,467.00		(3)		120.00		1,587.00
			Italy[4]						424.89		424.89
Lynn Gallagher	8/21	8/26	Egypt		1,254.00		(3)		120.00		1,374.00
	8/26	8/31	Spain		1,467.00		(3)		120.00		1,587.00
			Italy[4]						424.89		424.89
Jason Vaillancourt	8/21	8/26	Egypt		1,254.00		(3)		120.00		1,374.00
	8/26	8/31	Spain		1,467.00		(3)		120.00		1,587.00
			Italy[4]						424.89		424.89
Brian MacDonald	8/21	8/26	Egypt		1,254.00		(3)		120.00		1,374.00
	8/26	8/31	Spain		1,467.00		(3)		120.00		1,587.00
			Italy[4]						424.89		424.89
Andy Baker	8/21	8/26	Egypt		1,254.00		(3)		120.00		1,374.00
	8/26	8/31	Spain		1,467.00		(3)		120.00		1,587.00
			Italy[4]						424.89		424.89
Committee total					24,489.00				5,984.01		30,473.01

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Cancelled.

BOB SMITH, Chairman, Oct. 15, 1998.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Paul Unger	6/29	7/4	France		278.97		532.14				811.11
Committee total					278.97		532.14				811.11

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB SMITH, Chairman, Oct. 15, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN R. KASICH, Chairman, Oct. 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Michael Bilirakis	8/28	8/31	Spain		765.00		(3)				765.00
Hon. Paul Gillmor	8/9	8/12	Jordan		829.00		(3)				829.00
	8/13	8/14	Turkey		452.00		(3)				452.00
	8/15	8/16	Kyrgystan		558.00		(3)				558.00
	8/17	8/18	Mongolia		354.00		(3)				354.00
	8/19	8/20	China		552.00		(3)				552.00
	8/21	8/23	Korea		524.00		(3)				524.00
Hon. Tom Coburn	7/9	7/10	Germany		228.00		3,768.18				3,996.18
	7/10	7/12	Hungary		494.00						494.00
Chris Knauer	6/28	7/1	Ireland		612.00		2,338.89				2,950.89
	7/1	7/3	United Kingdom		630.00						630.00
	7/3	7/7	Switzerland		940.00						940.00
	7/7	7/9	Italy		416.00						416.00
Alan Slobodin	6/28	7/1	Ireland		612.00		2,338.89				2,950.00
	7/1	7/3	United Kingdom		630.00						630.00
	7/3	7/7	Switzerland		940.00						940.00
	7/7	7/9	Italy		416.00						416.00
Hon. Cliff Stearns	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland		867.00		(3)				867.00
Committee total					12,552.00		8,445.96				20,997.96

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

TOM BLILEY, Chairman, Oct. 30, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL GOODLING, Chairman, Oct. 15, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Mica	8/9	8/12	Jordan		829.00		(3)				829.00
	8/13	8/14	Turkey		452.00		(3)				452.00
	8/15	8/16	Kyrgyzstan		558.00		(3)				558.00
	8/17	8/18	Mongolia		354.00		(3)				354.00
	8/19	8/20	China		552.00		(3)				552.00
	8/21	8/23	Korea		524.00		(3)				524.00
Committee total					3,269.00						3,269.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Oct. 19, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, Nov. 2, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mike Quear	7/5	7/12	Slovakia		1,600.00		1,118.00				2,718.00
Hon. F. James Sensenbrenner	8/10	8/14	Japan		1,064.00		5,220.00				6,284.00
Todd Shultz	8/10	8/14	Japan		1,064.00		5,446.00				6,510.00
Committee total					3,728.00		11,784.00				15,512.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman, Oct. 15, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM TALENT, Chairman, Oct. 22, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 3, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES V. HANSEN, Chairman, Oct. 23, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bud Shuster	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Hon. Bob Borski	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Hon. Bob Clement	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Hon. Corrine Brown	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Hon. John Duncan	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/15	Netherlands				576.11				576.11
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Hon. Bob Filner	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Hon. E.B. Johnson	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Jack Schenendorf	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Jimmy Miller	8/9	8/11	Ukraine		642.00		(3)				642.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Darrell Wilson	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Kathy Guilfoy	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Kenneth House	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Trinita Brown	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Rosalyn Millman	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Adam Tsao	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Committee total					39,000.00		576.11				39,576.11

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation round trip except for travel to and from the Netherlands.

BUD SHUSTER, Chairman, Oct. 29, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mac Collins (Rogers CODEL)	8/8	8/10	Morocco		657.48		(3)				657.48
	8/11	8/13	Switzerland		966.00		(3)				966.00
	8/14	8/16	Italy		866.64		(3)				866.64
	8/17	8/17	Germany		229.00		(3)				229.00
	8/18	8/19	Portugal		556.00		(3)				556.00
Hon. E. Clay Shaw, Jr. (Shuster CODEL)	8/9	8/11	Ukraine		642.00		(3)				642.00
	8/11	8/13	Sweden		542.00		(3)				542.00
	8/13	8/13	Norway				(3)				
	8/13	8/15	Denmark		549.00		(3)				549.00
	8/15	8/18	Scotland/United Kingdom		867.00		(3)				867.00
Committee total					5,875.12						5,875.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL ARCHER, Chairman, Oct. 30, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO IRELAND, EXPENDED BETWEEN AUG. 7 AND AUG. 15, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Newt Gingrich	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Hon. John Dingell	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Hon. Jerry Lewis	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Hon. Jim Walsh	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Hon. Anna Eshoo	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Hon. Ken Bentsen	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Hon. Ray LaHood	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Hon. Bill Livingood	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Hon. Charles Johnson	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Adm. John Eisold	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Gardner Peckham	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Christina Martin	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Rachel Robinson	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Heather Hopkins	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Dwight Comedy	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
David Schooler	8/7	8/15	Ireland	321.09	457.00					321.09	457.00
Hon. Newt Gingrich	8/11	8/12	Northern Ireland		81.00						81.00
Hon. John Dingell	8/11	8/12	Northern Ireland		81.00						81.00
Hon. Jerry Lewis	8/11	8/12	Northern Ireland		81.00						81.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO IRELAND, EXPENDED BETWEEN AUG. 7 AND AUG. 15, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Walsh	8/11	8/12	Northern Ireland		81.00						81.00
Hon. Anna Eshoo	8/11	8/12	Northern Ireland		81.00						81.00
Hon. Ken Bentsen	8/11	8/12	Northern Ireland		81.00						81.00
Hon. Ray LaHood	8/11	8/12	Northern Ireland		81.00						81.00
Hon. Bill Livingood	8/11	8/12	Northern Ireland		81.00						81.00
Hon. Charles Johnson	8/11	8/12	Northern Ireland		81.00						81.00
Adm. John Eisold	8/11	8/12	Northern Ireland		81.00						81.00
Gardner Peckham	8/11	8/12	Northern Ireland		81.00						81.00
Christina Martin	8/11	8/12	Northern Ireland		81.00						81.00
Rachel Robinson	8/11	8/12	Northern Ireland		81.00						81.00
Heather Hopkins	8/11	8/12	Northern Ireland		81.00						81.00
Dwight Comedy	8/11	8/12	Northern Ireland		81.00						81.00
David Schooler	8/11	8/12	Northern Ireland		81.00						81.00
Committee total					8,608.00						8,608.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NEWT GINGRICH, Sept. 28, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO JORDAN, TURKEY, CHINA, MONGOLIA, AND KOREA, EXPENDED BETWEEN AUG. 9 AND AUG. 23, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Gerald B.H. Solomon	8/9	8/12	Jordan		829.00		(3)				829.00
	8/13	8/14	Turkey		452.00		(3)				452.00
	8/15	8/16	Kyrgyzstan		558.00		(3)				558.00
	8/17	8/18	Mongolia		354.00		(3)				354.00
	8/19	8/20	China		552.00		(3)				552.00
	8/21	8/23	Korea		524.00		(3)				524.00
Bryan H. Roth	8/9	8/12	Jordan		829.00		(3)				829.00
	8/13	8/14	Turkey		452.00		(3)				452.00
	8/15	8/16	Kyrgyzstan		558.00		(3)				558.00
	8/17	8/18	Mongolia		354.00		(3)				354.00
	8/19	8/20	China		552.00		(3)				552.00
	8/21	8/23	Korea		524.00		(3)				524.00
Edward Timperlake	8/9	8/12	Jordan		829.00		(3)				829.00
	8/13	8/14	Turkey		452.00		(3)				452.00
	8/15	8/16	Kyrgyzstan		558.00		(3)				558.00
	8/17	8/18	Mongolia		354.00		(3)				354.00
	8/19	8/20	China		552.00		(3)				552.00
	8/21	8/23	Korea		524.00		(3)				524.00
Martha Morrison	8/9	8/12	Jordan		829.00		(3)				829.00
	8/13	8/14	Turkey		452.00		(3)				452.00
	8/15	8/16	Kyrgyzstan		558.00		(3)				558.00
	8/17	8/18	Mongolia		354.00		(3)				354.00
	8/19	8/20	China		552.00		(3)				552.00
	8/21	8/23	Korea		524.00		(3)				524.00
David Hobbs	8/9	8/12	Jordan		829.00		(3)				829.00
	8/13	8/14	Turkey		452.00		(3)				452.00
	8/15	8/16	Kyrgyzstan		558.00		(3)				558.00
	8/17	8/18	Mongolia		354.00		(3)				354.00
	8/19	8/20	China		552.00		(3)				552.00
	8/21	8/23	Korea		524.00		(3)				524.00
Scott Palmer	8/9	8/12	Jordan		829.00		(3)				829.00
	8/13	8/14	Turkey		452.00		(3)				452.00
	8/15	8/16	Kyrgyzstan		558.00		(3)				558.00
	8/17	8/18	Mongolia		354.00		(3)				354.00
	8/19	8/20	China		552.00		(3)				552.00
	8/21	8/23	Korea		524.00		(3)				524.00
Theodore Van Der Meid	8/9	8/12	Jordan		829.00		(3)				829.00
	8/13	8/14	Turkey		452.00		(3)				452.00
	8/15	8/16	Kyrgyzstan		558.00		(3)				558.00
	8/17	8/18	Mongolia		354.00		(3)				354.00
	8/19	8/20	China		552.00		(3)				552.00
	8/21	8/23	Korea		524.00		(3)				524.00
Committee total					22,883.00						22,883.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JERRY SOLOMON.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ALGERIA AND EGYPT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 5 AND JULY 10, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Frank Rudolph Wolf	7/5	7/8	Algeria				4,776.33				4,776.33
	7/8	7/10	Egypt	798.39	233.45					798.39	233.45
	7/10		United States								
Committee total					233.45		4,776.33				5,009.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRANK R. WOLF, Aug. 5, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO MOROCCO, SWITZERLAND, ITALY, GERMANY AND PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG 8, 1998 AND AUG. 19, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mac Collins	8/8	8/10	Morocco		657.48		(3)				657.48
	8/11	8/13	Switzerland		966.00		(3)				966.00
	8/14	8/16	Italy		866.64		(3)				866.64
	8/17	8/17	Germany		229.00		(3)				229.00
	8/18	8/19	Portugal		556.00		(3)				556.00
Committee total					3,362.48						3,362.48

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

Note: Cong. Collins' spouse accompanied him on this trip. Half of the total—$3,362.48—were expenses incurred by Mrs. Collins.

MAC COLLINS, Oct. 5, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SRI LANKA, INDIA, NEPAL, AND SOUTH ASIA, EXPENDED BETWEEN AUG. 24 AND SEPT. 1, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Scott L. Klug	8/24	8/25	Sri Lanka		197.00						197.00
	8/25	8/30	India	54,567	1,290.00						1,290.00
	8/30	9/1	Nepal		408.00						408.00
	8/24	9/2	South Asia				7,739.65				7,739.65
Jeffrey A. Ehrenberg	8/24	8/25	Sri Lanka		197.00						197.00
	8/25	8/30	India	54,567	1,290.00						1,290.00
	8/30	9/1	Nepal		408						408.00
	9/1	9/2	Thailand		240.00						240.00
	8/22	9/6	South Asia				6,378.65				6,378.65
Committee total					4,030.00		14,118.30				18,148.30

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SCOTT L. KLUG, Oct. 2, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ARCHER, Chairman, Nov. 5, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to France, Italy, Bosnia and Portugal, June 30–July 11, 1998:											
Hon. Howard "Buck" McKeon	6/30	7/3	France		1,448.46						1,448.46
	7/3	7/9	Italy		2,770.05						2,770.05
	7/9	7/6	Bosnia								
	7/6	7/11	Portugal		414.18						414.18
Visit to Germany, Hungary and Bosnia: July 6–10, 1998:											
Hon. Lindsey Graham	7/6	7/10	Germany		934.00						934.00
	7/10	7/12	Hungary		494.00						494.00
	7/10	7/10	Bosnia								
Commercial airfare							4,493.61				4,493.61
Hon. Solomon P. Ortiz	7/6	7/10	Germany		934.00						934.00
	7/10	7/12	Hungary		494.00						494.00
	7/10	7/10	Bosnia								
Commercial airfare							4,493.61				4,493.61
Visit to Morocco, Switzerland, Sweden, Denmark and Portugal, August 8–20, 1998:											
Hon. Herbert H. Bateman	8/8	8/11	Morocco		657.50						657.50
	8/11	8/14	Switzerland		966.00						966.00
	8/14	8/16	Sweden		542.00						542.00
	8/16	8/19	Denmark		729.00						729.00
	8/19	8/20	Portugal		278.00						278.00
Mr. B. Ryan Vaart	8/8	8/11	Morocco		657.50						657.50
	8/11	8/14	Switzerland		966.00						966.00
	8/14	8/16	Sweden		542.00						542.00
	8/16	8/19	Denmark		729.00						729.00
	8/19	8/20	Portugal		278.00						278.00
Visit to Belgium, Italy, and the United Kingdom, August 10–20, 1998:											
Hon. Duncan Hunter	8/10	8/11	Belgium		270.00						270.00
	8/11	8/14	Italy		774.00						774.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/14	8/20	United Kingdom		2,148.00						2,148.00
Commercial airfare							3,192.00				3,192.00
Visit to Switzerland, Italy, Germany and Portugal, August 12–19, 1998:											
Hon. Allen Boyd	8/12	8/14	Switzerland		644.00						644.00
	8/14	8/17	Italy		954.00						954.00
	8/17	8/18	Germany		229.00						229.00
	8/18	8/19	Portugal		556.00						556.00
Visit to Colombia, Costa Rica, Guatemala and Mexico, August 20–29, 1998:											
Hon. Floyd D. Spence	8/20	8/21	Colombia		243.00						243.00
	8/21	8/24	Costa Rica		552.00						552.00
	8/24	8/26	Guatemala		380.00						380.00
	8/26	8/29	Mexico		945.00						945.00
Hon. Solomon P. Ortiz	8/20	8/21	Colombia		243.00						243.00
	8/21	8/24	Costa Rica		552.00						552.00
	8/24	8/26	Guatemala		380.00						380.00
	8/26	8/29	Mexico		945.00						945.00
Hon. Gene Taylor	8/21	8/24	Costa Rica		552.00						552.00
	8/24	8/26	Guatemala		380.00						380.00
Commercial airfare							1,538.00				1,538.00
Hon. Tillie K. Fowler	8/20	8/21	Colombia		243.00						243.00
	8/21	8/24	Costa Rica		552.00						552.00
	8/24	8/26	Guatemala		380.00						380.00
	8/26	8/29	Mexico		945.00						945.00
Hon. Lindsey Graham	8/22	8/24	Costa Rica		368.00						368.00
	8/24	8/26	Guatemala		380.00						380.00
	8/26	8/29	Mexico		945.00						945.00
Commercial airfare							956.00				956.00
Mr. Robert S. Rangel	8/20	8/21	Colombia		243.00						243.00
	8/21	8/23	Costa Rica		368.00						368.00
Commercial airfare							751.45				751.45
Mr. Peter M. Steffes	8/20	8/21	Colombia		243.00						243.00
	8/21	8/24	Costa Rica		552.00						552.00
	8/24	8/26	Guatemala		380.00						380.00
	8/26	8/29	Mexico		945.00						945.00
Visit to Russia, September 2–8, 1998:											
Hon. Curt Weldon	9/2	9/8	Russia		1,676.00						1,676.00
Commercial airfare							5,315.00				5,315.00
Committee total					32,800.69		20,739.67				53,540.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD D. SPENCE, Chairman, Oct. 30, 1998.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1998

Name of Member or employee	Arrival	Departure	Country	Per diem		Transportation		Other purposes		Total	
				Foreign Currency[2]	$U.S. Currency[1]	Foreign Currency[2]	$U.S. Currency[1]	Foreign Currency[2]	$U.S. Currency[1]	Foreign Currency[2]	$U.S. Currency[1]
Visit to Italy, Serbia, Bosnia and Italy, April 19–13, 1998:											
Hon. Patrick J. Kennedy	5/9	5/13	Italy				851.46		409.15		1,260.61
Committee total							851.46		409.15		1,260.61

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD D. SPENCE, Chairman, Oct. 30, 1998.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Thailand, Vietnam and Australia, August 18–29, 1997:											
Delegation expenses	8/18	8/21	Thailand						1,711.53		1,711.53
Committee total									1,711.53		1,711.53

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD D. SPENCE, Chairman, oct. 30, 1998.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted October 26, 1998]

Mr. BURTON: Committee on Government Reform and Oversight. The Year 2000 Problem (Rept. 105–827). Referred to the Committee of the Whole House on the State of the Union.

[Submitted October 30, 1998]

Mr. BURTON: Committee on Government Reform and Oversight. Investigation of the Conversion of the $1.7 Million Centralized White House Computer System, Known as the White House Database, and Related Matters (Rept. 105–828). Referred to the Committee of the Whole House on the State of the Union.

[Submitted November 5, 1998]

Mr. BURTON: Committee on Government Reform and Oversight. Investigation of Political Fund Raising Improprieties and Possible Violations of Law—Interim Report (Rept. 105–829). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[Omitted from the Record of October 20, 1998]

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration of H.R. 4023.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of October 20, 1998]

H.R. 2748. Referral to the Committee on the Judiciary extended for a period ending not later than October 21, 1998.

H.R. 3844. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 21, 1998.

H.R. 4023. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 21, 1998.

EXTENSIONS OF REMARKS

IMF REFORM IS URGENTLY NEEDED

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SAXTON. Mr. Speaker, I rise in support of reforming the International Monetary Fund (IMF). The reforms to be included in the appropriations bill, and particularly the enforcement provisions, are not nearly as extensive as I would have liked. Nonetheless, if these reforms are permitted to take effect, they will be steps in the right direction toward a longer-term reform of the IMF.

The implementation of the IMF reforms in this bill will be an important test of the good faith and credibility of the Treasury Department and IMF. We in Congress will also have to do our part to maintain vigilant and intensive oversight to ensure these reforms are implemented in accordance with congressional intent, and I am planning to establish a systematic way to do this while also advancing an agenda for further IMF reform.

With regard to the reforms themselves, a review of their development from earlier legislation is critical to understanding congressional intent. The structure of the reforms pertaining to transparency and market interest rates is clearly based on the IMF Transparency and Efficiency Act, H.R. 3331, which I introduced with Majority Leader Armey and others last March. The reform proposals in the budget bill are essentially narrowed versions of the policy changes mandated in the IMF Transparency and Efficiency Act.

The biggest change is in the enforcement mechanism in this act, which has been replaced by a much weaker enforcement provision in the appropriations bill. Obviously I am disappointed with these changes, particularly with the weaker enforcement provisions, because it is unclear how diligently the Treasury and IMF will implement the reforms without airtight enforcement. Further enforcement measures will be called for if this mechanism proves insufficient.

With respect to the IMF transparency reforms in the appropriations bill, suffice it to say they reflect a strong congressional consensus that IMF documents be publicly released, and that IMF minutes of IMF board meetings should be publicly released in some form. Any abuse of the flexibility provided in this language would clearly not be acceptable.

With regard to the interest rate provisions, the higher interest rates are required any time the defined conditions of a balance of payments problem emerge. The compromise language uses some terms to describe these conditions also used by the IMF to describe an existing IMF loan facility, but there are essential differences that are important to note. Most importantly, the reform is to apply to all situations where the defined and rather typical characteristics associated with a balance of payments problem are present, whereas the IMF loan facility is to be used only in "exceptional" circumstances.

Furthermore, the clear intent of this reform initiative is to require interest rates comparable to market interest rates, as expressed in H.R. 3331. What I intended in my bill was the use of a basic reference market interest rate, with an adjustment for risk added, so as to approximate the market interest rate a particular borrower would face. This would be at least equal to the market interest rates available to a borrower just before a crisis.

Prior to these negotiations, the staff of the Joint Economic Committee devised a floor to permit an objective limit on how low the rate could go for the sole purpose of limiting the potential for egregious abuse. What emerged in the reform was an interest rate formula providing a floor, whereas in the IMF lending facility this approach appears to be effectively a ceiling. The interest rates floor in the reform should not be viewed as determining the appropriate interest rate, which will vary depending on the risk factors present in different borrowing countries.

In the course of four hearings held by the Joint Economic Committee (JEC) the issues involving transparency and an end to interest rate subsidies were explored in extensive detail, as well as other issues. A complete legislative history of the IMF reforms about to be enacted with a view toward establishing congressional intent must include not only H.R. 3331, but also the germane material covered in these JEC hearings, the only hearings held that examined these reforms in any detail.

In summation, the broad congressional intent behind these IMF reforms is clear, and is reflected in the legislative history. A good faith effort to carry out these IMF reforms in keeping with the letter and spirit of the law will be as evident as the failure to do so.

REQUIRING THE SECRETARY OF STATE TO SUBMIT AN ANNUAL REPORT TO CONGRESS CONCERNING DIPLOMATIC IMMUNITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, I rise in strong support of S. 759 which requires the Secretary of State to submit an annual report to Congress concerning any pending or ongoing cases involving foreign diplomats in the United States who commit serious crimes. This measure will allow the Congress to monitor serious offenses committed by individuals with such immunity to ensure that this privilege is not abused.

This bill directs the Department of State to provide adequate and pertinent information to the Congress for determining the frequency and legitimacy of diplomatic immunity claims requested by foreign governments. Moreover, the report will include incidents in which foreign governments have requested that the United States waive immunity for American diplomats who have committed serious crimes.

The information provided will allow the Congress to reexamine its current policies regarding diplomatic immunity while determining whether further agreements between nations and/or legislation is needed to reduce the applicability of such privilege.

Mr. Speaker, while it is clear that most individuals entitled to diplomatic immunity maintain the highest standards of conduct while carrying out their duties, we must recognize instances when such privilege should not be provided. I am often reminded on Viviane Wagner's struggle to hold a foreign diplomat criminally responsible for a drunk driving accident which claimed the life of her daughter, Joviane Waltrick. Although the diplomat's immunity was later waived, we must recognize that such reckless conduct should not be subject to immunity under any circumstance or in any country.

Mr. Speaker, I urge my colleagues to support passage of S. 759. This measure will provide useful information for the Congress to determine more appropriate circumstances for the application of diplomatic immunity. Vote yes on S. 759.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. PASCRELL. Mr. Speaker, I strongly support Section 117 of the Treasury Appropriations Conference Report now part of the FY 1999 Omnibus Appropriations Bill, which passed the House of Representatives on October 20, 1998. This Section arose out of a need to assist American victims of terrorism in recovering assets of states that sponsor terrorism in order to help satisfy civil judgments against such state-sponsors. The purpose of this provision is to put teeth into the laws that this Congress has passed regarding those nations who sponsor terrorism.

I would like to briefly comment and clarify the operation of Section 117. Subsection (f)(1)(A) clarifies existing law to allow the post-judgment seizure of blocked foreign assets of terrorist states to help satisfy judgments resulting from actions brought against them under Section 28 U.S.C. 1605(a)(7), the Foreign

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Sovereign Immunities Act's exception to immunity for acts of state sponsored terrorism involving the death or personal injury of a United States national.

Subsection (f)(2)(A) establishes requirements upon the Secretary of the Treasury and Secretary of State to assist in locating the blocked assets of terrorist states in order to facilitate attachment and execution. Section (d) allows the President to waive the requirements of Subsection (f)(2)(A). Section (d) does not, however, allow the waiver of subsection (f)(1)(A), as that subsection modifies existing law, but imposes no "requirement."

The intent of Congress is clear and unambiguous. The provision under discussion, Section 117, is designed to send a message around the globe to those nations who sponsor terrorism. That message is straightforward—your assets are no longer protected from justice. The United States will no longer sit idly on the sidelines when our citizens and children are ruthlessly murdered in acts of state-sponsored terrorism. When a Court of competent jurisdiction has determined that a terrorist state has sponsored acts of terrorism resulting in the death or personal injury of a United States national, any and all of their assets in this country may be attached and executed to satisfy the judgment. The reality of significant financial loss to terrorist states will be a critical deterrent to further acts of terrorism targeted at the citizens of this country.

TRIBUTE TO THE HONORABLE THOMAS J. MANTON

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. WYNN. Mr. Speaker, I rise today to pay tribute to Representative THOMAS J. MANTON for fourteen years of service to the citizens of the United States and New York City. Congressman MANTON departs Congress with the respect and admiration of his colleagues for his accomplishments and dedication to our nation.

Congressman MANTON's life truly is a shining example of the American Dream. He was born in 1932 to Irish immigrant parents and grew up in New York City. He graduated from St. John's University and St. John's Law School. After being admitted into the bar in 1963, Congressman MANTON served in the United States Marine Corps as a flight navigator and as an officer in the New York City Police Department. Eventually however, he practiced law as a senior partner in a Queens law firm.

Recognizing the chance to continue serving the public, Congressman MANTON successfully ran for the House of Representatives in 1984 and for seven consecutive terms has honorably served our nation. Since coming to this legislative body, he has served on the House Committees on Banking, Merchant Marine and Fisheries, House Administration and, for the past ten years, on the Commerce Committee. Needless to say, he has had many achievements, including championing the passage of the Clean Air Act of 1990, the Telecommunications Act of 1996 and Financial Services Reform. Also, as Co-Chairman of the Congressional Ad-Hoc Committee on Irish Affairs, he has been a strong voice for bringing peace to Northern Ireland. Congressman MANTON was instrumental in the implementation of the McBride Principles and the recent Good Friday Irish Peace Accord.

Mr. Speaker, since entering this body six years ago, it has been an honor and privilege serving with Congressman MANTON. His work for the 7th District of New York has been outstanding, and his constituents can be proud of his tireless efforts on their behalf. I wish him success in his future pursuits and happiness in the years to come.

TRIBUTE TO MCREST

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BONIOR. Mr. Speaker, I am honored to have the opportunity to recognize the achievements of a very special organization. For the past ten years, the Macomb County Rotating Emergency Shelter Team has been providing temporary emergency shelter for the homeless in Macomb County, Michigan. On November 5, 1998, community members, volunteers and host church participants will join in to celebrate the 10th Anniversary of this exceptional organization.

Prior to the opening of MCREST in 1988, many of the homeless from Macomb County were forced to go to other counties due to lack of shelter facilities. During their first year, eight churches participated in the program and could only provide for the very basic needs of the homeless. MCREST is unique in that the homeless are actually sheltered in each participating church, not a permanent shelter building. Bedding, beds, and all other equipment, supplies and materials needed to house the homeless, are actually transferred each week from church to church. These churches agree to open their facilities and their hearts to the homeless for a period of one week.

Throughout the years, MCREST has been a haven for the less fortunate members of society in Macomb County. While their goal is to no longer be needed because every person has a home, experience has taught them that the homeless will be with us for a long time to come. During 47 weeks of the year, MCREST and its participating member churches provide up to 65 shelter beds per night. In cooperation with other agencies, guests are offered medical screening and counseling. This humanitarian effort could not be accomplished without the tremendous dedication of over 5,000 church member volunteers.

I commend the work of MCREST and all member churches as they celebrate ten years of devotion to the homeless in Macomb County. Few people have the spirit and dedication to give to their community as they have given of themselves. I would like to congratulate MCREST and hope the goal of this organization can someday be realized.

BRUSSELS, ILLINOIS: A NATIONAL HISTORIC DISTRICT

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SHIMKUS. Mr. Speaker, I rise today to commend the residents of the tiny town of Brussels, Illinois for being named as a National Historic District. On October 4th, citizens of Brussels celebrated this honored event with displays reflecting the town's history and a festival where people dressed in period customs.

Brussels, which is located between the Illinois and Mississippi Rivers, has a unique and special quality that is missing in many cities today. In our time of highly advanced technology it is refreshing to see a community like Brussels cherished for its heritage and history.

Again, I would like to congratulate Mayor Sarah Kinder and the residents of Brussels, Illinois for making this town special, not only because of its great history, but because of its great people.

SONNY BONO COPYRIGHT TERM EXTENSION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. CONYERS. Mr. Speaker, on October 9, 1998, I inserted a brief statement in the RECORD regarding S. 505, the Sonny Bono Copyright Term Extension Act.

In my statement, I expressed strong support for the extension of the statutory term of copyright protection. I neglected to note how appropriate it was to name the bill after the late Sonny Bono. Although we on the Judiciary Committee are now fortunate to have MARY BONO amongst our ranks, I would like the record to reflect how much we miss Sonny. Members of Congress have very few bills named after them, and the Copyright Term Extension Act is a very fitting tribute to Sonny.

But while I am happy to have honored Sonny in such a manner, I am not happy about the gamesmanship that accompanied its passage. The Republican leadership—at the behest of certain large restaurants who object to paying royalties to musical creators whose music is performed in their establishments—kidnapped term extension and used it as a hostage. To liberate the hostage, we were forced to pay a high ransom by attaching a second bill—misnamed "fairness in music licensing"—that deprives just compensation to songwriters and composers, particularly those who write as individuals and small businesses.

In my statement, I referred to the combined bill as a "compromise," so I want to clarify my use of that term. I used the word compromise not to indicate that the substance of the music licensing provision was arrived at through a fair negotiation between the restaurants and musical creators. Rather, I used the term compromise in a procedural sense, to merely indicate that something had happened to allow S.

505 to pass the Senate, to come to the House floor, and to be acceptable to a large number of legislators. I used the word "compromise" as "a consequence of majority decision making" to paraphrase a former House number, Abner Mikva.

I did not mean to imply that the parties who ultimately must pay the ransom—the hundreds of thousands of songwriters, composers, music publishers and the performing rights organizations, BMI, ASCAP and SESAC, that so ably represent their interests—were willing signatories to the compromise. To the contrary, they were the hostages. They will now pay the price. They are the victims of the legislation and it would be unfair to characterize them, as we often do to victims of crime, as willing participants.

If Sonny Bono had been here, he would have reminded us of these facts. His reminder would probably not have saved the hostages, but he would have instructed us, with wit and humor, about what is right and what is wrong. He would have told us that we were wrong to pass the fairness in music licensing legislation.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, I am pleased to support the fiscal year 1999 budget agreement. However, I am disturbed by a provision in the bill that calls for a study—and declares a one year moratorium—on the Department of Health and Human Services (HHS) Secretary's regulations to reduce fundamental unfairness in the nation's organ transplant network.

The issues of organ procurement and allocation are of particular importance to the African-American community. Yet, the current organ transplant network is founded on a system that discriminates against patients on the basis of where they live. It is biased, inequitable and particularly unfair to minorities. In fact, according to the Inspector General of the Department of Health and Human Services, African-Americans wait twice as long as white Americans for kidney transplants. In 1994, African-American patients waited more than 3 years for a kidney transplant, while white patients waited an average of 1 year and 8 months. Some of the disparity is due to biological matching problems. But not all of it. Minorities are clustered in urban areas with long organ transplant waiting lists.

This dire situation is magnified by—what renowned organ transplant surgeon and founder of the national minority organ/tissue transplant education program, Dr. Clive Callender commonly refers to as the "green screen." This is a barrier that prevents patients who lack fiscal resources from being added to the transplant waiting list. Many of them die without having been given the option of transplantation.

African-Americans and other minorities are not the only Americans who suffer as the result of an unequitable organ allocation system. Depending on where they live, some of our citizens wait five times longer than others for liver transplants, even though their medical conditions are similar. I believe that the current system, which makes life and death decisions on the basis of geography, is unfair and should be changed. I support the organ transplant regulations issued by the Department on the April 2nd. They provide the best opportunity to reduce geographic bias and put all Americans in need of transplantation, regardless of race or geographic status, on an equal playing field.

The HHS rule does not dictate medical policy. Rather, it simply calls upon the community of transplant professionals to devise uniform, fairer policies for the organ transplant network. It requires only that the medical criteria be used as the basis of any new policies for the organ transplant. Through this rule, HHS is taking a stand for fairness.

Mr. Speaker, it is for these reasons that I support the Department of Health and Human Services' rule on the organ transplant network. I urge my colleagues to do likewise.

HONORING LEE ROSENBERG

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. CARDIN. Mr. Speaker, I rise today to honor Lee Rosenberg, a retired home builder who for the last 14 years has dedicated himself to providing shelter and housing to homeless veterans and low-income families throughout the Baltimore area.

As the founder of Howard Homes, Mr. Rosenberg was a successful builder who retired and turned his attention to helping numerous non-profit and community organizations. He has earned the love and respect of the countless organizations he has assisted. They include The Enterprise Foundation, Maryland Homeless Veterans, Inc., Action for the Homeless, and Comprehensive Housing Assistance, Inc., an agency of the Jewish Community Federation of Baltimore.

Lee Rosenberg, a quiet, soft-spoken man, has dedicated himself to helping those less fortunate find affordable, quality housing. His skill, knowledge and energy has helped provide housing for thousands of Marylanders. He has done all this without a lot of attention or fanfare. As the Executive Director of Comprehensive Housing Assistance, Inc. once said, "Lee remains one of the best kept secrets in Baltimore."

His commitment to those who are less fortunate has helped transform our community. From helping low-income families become homeowners in the Sandtown-Winchester neighborhood of West Baltimore to helping the Jewish Historical Society become a viable presence in East Baltimore, he has helped transform distressed inner city neighborhoods into successful, stable communities with a future.

I invite my colleagues to join me in honoring Lee Rosenberg for his dedication and commitment to helping those in need find affordable, quality housing. He knows that the true secret of success is helping others.

TRIBUTE TO CONGRESSWOMAN ELIZABETH FURSE

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. WYNN. Mr. Speaker, I rise today to pay tribute to retiring member, Representative ELIZABETH FURSE. I have known Representative FURSE since we both successfully campaigned to become members of the House of Representatives in 1992—amazingly only twenty years after she became a naturalized United States citizen.

Born in Nairobi, Kenya, Congressman FURSE has spent her entire life fighting the tough fight. As a young white adolescent, she spent her childhood on the outside of South African society. Living in a segregated nation, "fitting in" was an unattainable goal due to the fact that her mother was one of the founding members of the Black Sash, a woman's anti-apartheid organization. However, because popularity was not her goal, she has been able to achieve amazing things. For example, at the age of fifteen, she joined in the organization's very first demonstration, which resulted in the brutal beating of the protestors. While Ms. FURSE may have been scared often, more importantly she is inspired always.

Even though the politics and culture of South Africa have changed over the years, the dedication and spirit of Congresswoman FURSE have not. At the age of 17, Representative FURSE left South Africa as a part of her own personal boycott, and now she has the opportunity to return to help this same nation re-enter the global community. Furthermore, the gentlelady from Oregon spearheaded a push to name Cape Town as the site of the 2004 Summer Olympic Games, which would have had innumerable benefits to South Africa's economy. This kind of vision is not surprising considering that in 1996, Ms. FURSE led a twenty-six member trade delegation to South Africa.

As she begins to bring her life's work full circle back to South Africa with her bid to become that country's new Ambassador of South Africa, it is clear that she will be missed here inside the beltway as well as in her congressional district. As Congresswoman FURSE's colleague and her friend, I would like to say that it has been an honor and a privilege to have served with her in this body.

FAIR TREATMENT FOR ADMINISTRATIVE LAW JUDGES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. GEKAS. Mr. Speaker, my colleague Congressman BENJAMIN GILMAN and I introduced in the 105th Congress, H.R. 1240, a bill to provide pay parity for the 1400 Administrative Law Judges (ALJs) with other members of the federal executive branch workforce. The bill was referred to the Civil Service Subcommittee of the Government Reform and Oversight Committee, chaired by Congressman JOHN MICA. Chairman MICA supported the bill by including it in the Subcommittee's draft Civil Service Reform Bill, which did not pass this Congress.

The provision to grant ALJs a cost of living adjustment (COLA) when federal employees in the General Schedule receive a COLA became necessary when ALJs as part of the Executive Schedule were denied regular COLAs when Members of Congress restricted COLAs for themselves. ALJs have had only two COLAs in the last eight years, even though they make salaries more like the general schedule employee, rather than the salaries of Cabinet Secretaries, Members of Congress or Federal District Court Judges. More importantly, the only merit-selected administrative judiciary in the world are forever prejudiced by the lack of annual COLAs because their retirement pay will be reduced as a result.

During this Congress, we learned a great deal about how unfair the treatment for ALJs is because they are included in the agency budget request for the COLA granted the executive workforce. This is not an appropriation request but simply the authority to access the funds already granted to the agency. There was bipartisan and widespread support for H.R. 1240 to be included in the FY'99 Treasury, Postal Service, and General Government Appropriations bill at the urging of the American Bar Association, Federal Bar Association, Association of Administrative Law Judges and the Federal Association of Administrative Law Judges. The House Judiciary Committee included H.R. 1240 as an amendment to H.R. 1252, the Judicial Reform Bill of 1998. Despite all of this support, ALJs will be the only federal employees in their hearing offices to not receive a 3.6 percent COLA, as hearing office clerks, secretaries and staff attorneys all benefit from the annual COLA and increase in their retirement as well.

This disparity between ALJs and other federal employees has not gone unnoticed by the Administration and the Office of Personnel Management (OPM). OPM commented on H.R. 1240, when it was included in the Civil Service Subcommittee draft, stating that OPM supports a COLA for ALJs but at the discretion of the President, who would determine the amount, giving ALJs equal treatment with federal employees in the Senior Executive Service (SES). I support this result in the assurance that ALJs receive their well-deserved COLAs. Unlike ALJs, the SES this year will most likely receive a COLA at the President's discretion. Unfortunately, OPM's proposed statutory change for ALJ fair treatment was not received until the eve of the FY'99 Treasury, Postal Service & General Government Appropriations markup.

Mr. Speaker, I am including for the RECORD the proposed text of OPM's draft legislation to ensure fair treatment for ALJs. My colleague on the bill, Mr. GILMAN, and I pledge to work with the Administration and OPM to enact this suggested change for ALJs in the 106th Congress. We regret that it was unable to be resolved this year but the attached proposal is a good start to correcting this inequity. Text of OPM proposal follows:

PAY FOR ADMINISTRATIVE LAW JUDGES

Sec. . Section 5372(b) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking the second sentence and inserting the following:

"Within level AL–3, there shall be 6 rates of basic pay, designated as AL–3, rates A through F, respectively. The rate of basic pay for AL–3, rate A, may not be less than 65 percent of the rate of basic pay for level IV of the Executive Schedule, and the rate of basic pay for AL–1 may not exceed the rate of basic pay for level IV of the Executive Schedule.".

(2) in paragraph (3)(A) by striking "upon" each place it appears and inserting in each such place "at the beginning of the next pay period following"; and

(3) by adding at the end the following new paragraph:

"Subject to paragraph (1), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 in the rates of basic pay under the General Schedule, each rate of basic pay for administrative law judges shall be adjusted by an amount determined by the President to be appropriate.".

TRIBUTE TO PETE TIRRI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Pete Tirri, President of the Paterson Education Association (PEA). Pete is being recognized this evening for his 25 years of service to the PEA.

Pete was born and raised in Paterson, New Jersey. He attended the local public school system, graduating from School #12 in 1960 and from Central High School in 1964.

Upon graduating from Central, Pete attended Paterson State College, now known as William Paterson University, and graduated in 1968 with a degree in Social Studies. In 1974, he graduated from William Paterson College with a Master's degree in Teaching and 1980, he received a Master's degree in Education with certification in Administration and Supervision.

Pete's service to the Paterson Education Association began in October 1973, as a member of the negotiating team. He has also been involved in the New Jersey Education Association (NJEA), having served on the Delegate Assembly (DA) or an alternate DA member throughout his career and as Chair of the Urban education Committee.

Pete served also as the NJEA legislative contact for the late State Senator, and Mayor of Paterson, Frank X. Graves. Currently he is chairing the Working Conditions of the NJEA and is a member of the Executive Board of the Passaic County Education Association (PCEA).

From 1980 to 1986, Pete served on the Pequannock Board of Education and is currently serving on the New Jersey State Board of Examiners, a position to which he has been reappointed to several times.

Mr. Speaker, I ask that you join me, our colleagues, Pete's family and friends, and the State of new Jersey in paying tribute to Pete Tirri's 25 years of outstanding and invaluable service to the Paterson Education Association.

RECOGNITION AND CITIZENSHIP FOR HMONG-AMERICAN VETERANS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. ROHRABACHER. Mr. Speaker, it is important to note that the years of the 105th Congress have been historic for the Hmong and Lao people. For the first time in their long history, the Hmong and Lao people have received long overdue national recognition from the United States Congress and American officials for their pivotal efforts in fighting for freedom and helping to defend U.S. national security interests during the Southeast Asian conflict. I was honored to play a role, along with many bipartisan Congressional colleagues, to honor these courageous veterans and speak at both of the two Lao Veterans of American National Recognition Day ceremonies held in 1997 and 1998 at the Vietnam War Memorial and Arlington National Cemetery.

Mr. Speaker, I would like to extend my utmost appreciation to General Vang Pao, Colonel Wangyee Vang, Cherzong Vang, Ching Bee Vang, Ying Vang, Song Ge Kue, Philip Smith, Grant McClure and Dr. Jane Hamilton-Merritt of the Lao Veterans of America and the Lao Family Community organization for helping to organize these historic ceremonies which received national media attention. I would also like to include in the RECORD the following important article from the Washington Times about these events, as well as the ongoing patriotic efforts of elderly Hmong combat veterans to become American citizens.

[From the Washington Times, May 15, 1998]

HMONG ARMY VETERANS ASK FOR U.S. CITIZENSHIP—WANT TO TAKE EXAM WITH INTERPRETERS' HELP

(By Ben Barber)

Thousands of Hmong veterans of the CIA's secret army in Laos from 1960 to 1975 assembled in camouflage uniforms at the Vietnam Veterans Memorial yesterday to mark their flight from communism and to ask for U.S. citizenship.

"We fought in Laos so that young American soldiers would not have to fight in the mountains," said Gen. Vang Pao, leader of the one-time secret Hmong army.

"Members of Congress: These former soldiers who escaped death at the hands of the Lao communists and stand here in from of us today appeal for your assistance" in becoming U.S. citizens.

Thousands of aging soldiers dressed in camouflage and hundreds of Hmong women wearing traditional colored dresses, jewelry and headcoverings, spread out in a neat formation on the grass of the Mall.

"America has been good to us—four of my children have good jobs, another is in college, and one is in high school," said former Capt. Lapien Sphabmixay, 64, from Charlotte, N.C.

Philip Smith, executive director of the Lao Veterans of America, said 4,000 Hmong-Americans arrived in Washington yesterday for the second annual celebration of the start of the Hmong exodus across the Mekong River into Thailand.

From 1975 until about 1988, some 300,000 Hmong fled Laos after its takeover by Laotian communists, with the help of then-North Vietnamese troops.

About 25,000 of the refugees came to the United States and largely collected in Fresno, Calif., and St. Paul, Minn.

Last year was the first time since the war that the Hmong veterans had assembled. Then, as yesterday, members of Congress and former CIA officers honored the sacrifices the Laotian hill tribe made during the war.

The Hmong continued yesterday to call for passage of a bill to allow the refugees to take U.S. citizenship exams with the help of interpreters, since many of the aging fighters and their spouses still have not mastered English.

In Laos, most Hmong did not attend school and could not read Hmong or Lao. Fifty-seven members of Congress have co-sponsored a bill to grant the Hmong exemptions from the English language exam.

The Hmong also observed a memorial to victims of a Laotian offensive against Hmong fighters and villages around Phu Bia mountain, where many had retreated after the 1975 communist takeover of the country.

PERSONAL EXPLANATION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. PACKARD. Mr. Speaker, on August 6, 1998, I was incorrectly recorded as voting "aye" on rollcall vote 405, which was final passage of H.R. 2183. I oppose H.R. 2183 and intended to vote "no" on rollcall vote 405.

REGARDING STEEL IMPORTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. STOKES. Mr. Speaker, I rise in support of H. Res. 598, the resolution calling on the President to take all necessary steps to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions for other purposes. I commend my Ohio colleague, Representative JAMES TRAFICANT, Jr., for introducing this resolution that calls for the President of the United States to impose a one year ban on steel imports from Japan, Russia, and Brazil.

During the 1980's, there were massive layoffs in Ohio that I will never forget. There were two steel mills that had gone bankrupt in Warren County, Ohio. Companies that depended on steel dollars filed for bankruptcy. Our tax base was eroded. Ohio had to cut back on vital city and council services.

My State, Ohio and the United States as a whole suffered dramatically from 1980 to 1992. The U.S. steel industry's workforce was cut by 57 percent, eliminating hundreds of thousands of jobs as 450 facilities were closed. Ohio's residents have made extraordinary and painful sacrifices, losing hundreds of thousands of jobs. But out of this, the American steel industry was rebuilt into the most efficient and productive, and the most competitive in the world.

Unfortunately, the dire situation of well over a decade ago is happening again. Newspapers across Ohio carry articles about layoffs at various steel plants. As a nation, we cannot afford to remain silent.

In Cleveland, coils of imported steel are stacked high in every direction. These thousands of coils, as well as the warehouses that are full of imported steel throughout Ohio are just one indication of the surge of imports hitting our shores in recent months. This caused spot prices to fall to levels that we have not seen since the mid 1980's.

Mr. Speaker, the Congress must call on the President to pursue vigorous enforcement of United States trade laws relating to unfair trade practices especially with respect to the significant increase of steel imports into the United States. There is a great need for the President to pursue consultations with officials of Japan, Korea, the European Union, and other nations that may play an important part in eliminating import barriers that affect steel mill products. It is very clear that we must take action to preserve U.S. jobs in the vital sector.

Mr. Speaker, vote "yes" on H. Res. 598.

VAIL, CO, ARSON

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. YOUNG of Alaska. Mr. Speaker, I submit three recent newspaper articles concerning issues surrounding the mysterious fires in Vail, CO, to be included in the CONGRESSIONAL RECORD and recommend that my colleagues read them.

[From the Salt Lake Tribune, Oct. 21, 1998]

ROMER TABS RESORT FIRES AS TERRORISM

VAIL, COLO.—Seven separate fires that destroyed a ski lodge and other buildings at 11,000 feet were an "act of terrorism," Gov. Roy Romer said Tuesday as workers resumed an expansion project at the Vail Mountain resort.

"I know that mountain quite well, and it's inconceivable some natural occurrence would cause simultaneous fires on that ridge," Romer said at a news conference in Denver, 100 miles to the east of Vail.

The fires broke out early Monday and caused an estimated $12 million in damage, destroying the luxurious Two Elk restaurant, the Ski Patrol headquarters, a picnic spot and four chairlifts.

The fires came after the Rocky Mountain resort on Friday began an 885-acre expansion project that wildlife groups say will make the area uninhabitable for endangered lynx. Cross-country skiers say the project will limit access. The groups have denied any involvement.

State and federal agents were investigating the fires, which burned independent of each other. Two of the buildings destroyed were more than a mile apart.

Vail officials said the nation's busiest ski area would open as planned on Nov. 6.

If the fires are linked to Vail's expansion, they would rank among the worst acts of eco-terrorism in the past decade, said Ron Arnold, executive vice president of the Center for the Defense of Free Enterprise, a Bellevue, Wash., group that tracks ecological crimes.

[From the New York Times, Oct. 22, 1998]

GROUP SAYS VAIL FIRES WERE IN BEHALF OF LYNX

(By James Brooke)

DENVER.—The Earth Liberation Front, a shadowy group that has taken responsibility for a series of arson fires in the Northwest, declared in an e-mail communique Wednesday that the fires atop Vail mountain on Monday were carried out "on behalf of the lynx."

"Putting profits ahead of Colorado's wildlife will not be tolerated," read the brief statement, which was sent electronically to several Colorado news organizations. "We will be back if this greedy corporation continues to trespass into wild and unroaded areas."

The seven fires caused about $12 million worth of damage to buildings and chair lifts along a 11,200-foot-high ridge that overlooks a National Forest area where the Vail ski area started clearing trees on Friday as part of a controversial expansion. Earlier this year, environmentalists, back country skiers and many residents of Eagle County had spoken out at public meetings to block Vail's plan to expand into an area seen as potential habitat for the reintroduction of the lynx in the Colorado Rockies.

Vail, which plans to open for skiing on Nov. 6, is the nation's busiest ski area, selling 1.6 million lift tickets last winter.

Addressing the nation's skiers, the communique warned: "For your safety and convenience, we strongly advise skiers to choose other destinations until Vail cancels its inexcusable plans for expansion."

Wednesday evening in Vail, the Eagle County sheriff's office said after receiving the two-paragraph statement by fax: "Currently investigators are reviewing the origin and the content for credibility and will continue its investigation using this communique as a source for information."

A Vail Resorts spokesman did not return telephone calls for comment. Although the fires here appear to be in response to a local dispute, security was tightened this week at other ski areas around Colorado, the nation's most popular skiing state.

Barry Clausen, a Northern California researcher who studies terrorist acts claimed by environmental extremists, said Wednesday that the Earth Liberation Front has taken credit for most of the arson fires linked to environmental protests.

He said the language in Wednesday's communique "is almost identical to other letters the ELF has sent to other victims of arson fires."

Over the last two years, Clausen said, the Earth Liberation Front has taken credit for five arsons against federal government buildings in Oregon and Washington state.

"We are seeing a decline in small acts of sabotage, against timber and mining, and an escalation of large acts of terrorism," Clausen said from his office in Eureka.

Noting that an article criticizing Vail's expansion plans appeared in the May-June issue of Earth First Journal, Clausen said: "It's a real pattern. Many times articles come out in the Journal. Then, there is sabotage."

The article, headlined "Super Vail . . . Super Ugly!" charged that Vail wanted to "bring the resort lifestyle into some of the last, best old-growth habitat for lynx in the southern Rockies." But the author, Ben Doon, did not advocate violence. Citing legal efforts to stop the expansion, Doon urged readers to contact Ancient Forest Rescue, an environmental group.

In interview in Vail on Tuesday, Jeff Berman, the local representative of Ancient Forest Rescue, appeared depressed by the fires, deserving them as a setback in his battle for public opinion. He asked: "Does this help us? Of course not."

Wednesday, Theresa Kintz, editor of the Earth First Journal, said after reading the communique: "It is entirely possible that it was an ELF action."

"Personally, I don't have a problem with hitting people like Vail Inc. in their pockets," said Ms. Kintz, who dedicates a page of news, headlined "Earth Night," to sabotage actions claimed by the Earth Liberation Front. "I don't have a problem with seeing their facilities burn down. It's a war."

"Monkey wrenching and eco-sabotage are strategies that some people feel are justified in some circumstances," she continued, using Earth First! jargon for sabotaging machinery. Noting that arson was a new step, she added: "Classic eco-sabotage would be monkey wrenching bulldozers."

In its November 1990 edition, the Earth First Journal published a photograph of a bulldozer apparently sabotaged by militants opposed to a ski area expansion near Pagosa Springs, Colo., the only other recent case of environmental terrorism against a Colorado ski area.

[From the Washington Times, Oct. 27, 1998]

RADICAL ENVIRONMENTALISTS TAKE NEW APPROACH

(By Robert Weller)

VAIL, COLO.—Mining and logging, the industries that helped build the West, used to be favorite targets of environmental extremists. Now they are taking aim at something else—tourism.

Targeting so-called "industrial tourism," the Earth Liberation Front admitted setting fires last week that caused more than $12 million in damage at Vail, the nation's busiest ski resort. The goal was to halt another expansion because of fears it could harm a potential habitat for the lynx, a threatened species of mountain cat.

The mainstream environmental movement denounced the arson, but some are surprised such an attack didn't happen sooner.

"I know in my heart there has been an environmental time bomb waiting to go off in Vail and other ski areas for a long time," said environmental writer J.D. Braselton.

The ski areas have also come under attack for creating a widening economic gap between the haves and have-nots near resort towns.

"A classic story in Telluride is of two people who came here to build trophy homes. And they built them on mesas facing each other. Each then filed suit against the other because they didn't want to see another home," said Peter Spencer, a former mayor in Telluride, in southwest Colorado.

Such trophy homes ultimately lead to skyrocketing property values, which force the working population to move to less desirable areas and commute many miles over snow-covered mountain passes.

"We lose employees on a regular basis to jobs down valley, where they live," said Bob McLaurin, Vail town manager.

He worries that someday there won't be anybody available to answer police or fire calls, or serve tourists in restaurants.

Friends say Edward Abbey, author of the book "The Monkey Wrench Gang," a fictionalized account of his guerrilla-style attacks on mining and dam-building, would turn over in his grave if he could see the effects of the tourism that replaced them.

"There will be more [negative] impact through tourism than all the mining, logging and ranching combined," said Ken Sleight, a Moab, Utah, outfitter who served as the model for the outfitter "Seldom Seen Smith" in Mr. Abbey's book, which is considered a major force in launching the environmental movement in the Southwest.

Dan Kitchen, an Aspen environmentalist once convicted of cutting down a fence a homeowner had built to keep out wildlife, calls ski areas "developmental terrorists" because they finance much of their operations through the sale of million-dollar monster homes.

Colorado traditionalist have another gripe. Tourism and other service jobs pay an average of $13,000 annually, compared with the $40,000 that miners or loggers might earn, says Greg Walcher, president of Club 20, a western Colorado trade promotion group.

They blame past efforts by environmentalists for helping drive away the higher paying jobs, and now see the same pattern surfacing again.

"The environmental movement is at least partly responsible for a massive shift away from our traditional industries. Tourism is all some of these towns have left. An attack on the ski industry is an attack on the economy of western Colorado," Mr. Walcher said.

A recent economic study done for the U.S. Forest Service found that from 65 percent to 75 percent of the jobs in the White River National Forest, site of more ski areas than any other national forest, are in tourism.

WHERE THE JOBS ARE

[Many jobs in Colorado countries with ski resorts are tourism-related.]

County	Major ski resort	Tourism jobs	Percent of total	Income ($1,000)	Income (% of total)
Eagle	Vail	12,530	45	236,836	28
Pitkin	Aspen	11,854	53	232,459	38
Summit	Breckenridge	11,327	53	182,145	36

Source: 1995 White River National Forest Interdisciplinary Team.

The saying goes that the most common greeting in western Colorado is: "Can I take your order?"

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SHUSTER. Mr. Speaker, earlier this year, the Airline Service Improvement Act, H.R. 2748, was approved by the Transportation and Infrastructure Committee. This bill contained two sections (sections 401 and 402) on airline alliances and Department of Transportation competition guidelines. H.R. 2748 never passed the House. However, sections 401 and 402 were included, without change, in subsections (f) and (g) of section 110 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.[1] The rationale and purpose of these two provisions are more fully explained in the Committee's report on H.R. 2748. The number of that report is H. Rept. 105–822. The relevant portions of that report are set forth below.

MAJOR AIRLINE ALLIANCES

Alliances between major airlines and regional airlines are quite common. These usually involve code-sharing and other marketing arrangements. However, such alliances between two major airlines are more unusual.

Earlier this year, Northwest and Continental, United and Delta, and American and US Airways announced plans to form 3 separate alliances. These 6 airlines carry about 70% of passengers within the U.S.[2] These airlines contend that their alliances will benefit passengers by increasing the number of destinations and flights they can offer economically. Critics, however, argue that this consolidation will undermine the benefits of deregulation by decreasing competition, which will ultimately reduce passengers' choices and increase fares.

Committee members have differing views on the merits of these alliances. However, the Committee does believe that they raise important issues that should be considered by the DOT. Accordingly, the reported bill establishes a procedure under which DOT is given a specified period of time to review the alliances before implementation.

It is important to note that the reported bill does not expand or diminish DOT's authority to review airline alliances. It simply provides for a waiting period before a proposed alliance can take effect. During that period, DOT can take action it deems necessary under its existing statutory authority. No additional substantive authority is provided by the reported bill.

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[1] See page H11203 of the Congressional Record of October 19, 1998.

[2] Hearings Before the Subcommittee on Aviation of the Senate Committee on Commerce, Science, and Transportation, 105th Congress, 2d Session (June 4, 1998) (Statement of John H. Anderson, Jr., Director, Transportation Issues; Resources, Community, and Economic Development Division, U.S. General Accounting Office).

COMPETITION GUIDELINES

On April 10, 1998, DOT issued a request for comments on an "Enforcement Policy Regarding Unfair Exclusionary Conduct in the Air Transportation Industry."[3] It took this action in response to complaints from new entrant airlines that the larger more established airlines were using unfair methods to compete against them.

Under this proposed policy, DOT stated that it would trigger a review, including possible enforcement action, in the following circumstances:

1. When the major airline both adds flights and sells such a large number of seats at very low fares that it ends up losing more money than it would have if it had adopted a more reasonable competitive response;

2. When the major airline carries more passengers at the new airline's low fares than the new airline has in available seats and as a result ends up losing more money than it would have if it had adopted a more reasonable competitive response; or

3. When the major airline carries more passengers at the new airline's low fares than the new airline carries and as a result ends up losing more money than it would have if it had adopted a more reasonable competitive response.

The Committee certainly supports fair competition and believes that new entrants should have a reasonable chance to survive since they often are the catalyst for low fares and improved air service to many communities including the sort of communities that are the focus of this bill.

Many have expressed support for the Department's guidelines. The Attorney General of Iowa, the co-chair of a working group of over 20 states which are reviewing airline competition, stated the proposed guidelines are "a sound common-sense, and much-needed tool" with regard to airline competition. In testimony before Congress, Spirit Airlines stated that it was forced out of markets because a major airline, in protecting a monopoly route, was engaging in exactly the type of behavior the Department is proposing to find unlawful. And Alfred Kahn, the father of deregulation, has praised the Department's initiative for promoting competition by providing air carriers clear guidance in distinguishing legitimate competition from what is intended to drive competitors out and exploit consumers.

However, others have expressed concern that the proposed guidelines will not increase competition but may hurt the very communities that they are designed to help by raising air fares and reducing air service, the exact opposite of the goals of the reported bill. Not only the major airlines, but also small and medium-sized airports, airline employees, both liberal and conservative think tanks, and at least one consumer group have indicated their opposition to the guidelines. For example, the Aviation Consumer Action Project stated that the "DOT initiative in the area of airline competition is likely to effectively prohibit airfare price wars and increase airfares higher than they would otherwise be"[4] and a small airport wrote to DOT on May 25, 1998 complaining that under its guidelines, "the loser is the consumers in small markets who are looking for increased service and capacity."

In light of these arguments, it is important that a closer look be taken at the issue. Accordingly, the reported bill mandates two studies.

The first, by the Transportation Research Board (TRB), would update their highly-regarded work on airline deregulation published 7 years ago.[5] This is designed to take a broad look at the issue of airline competition today and provide guidance to Congress and DOT for future policy decisions. While it is hoped that TRB can complete its work soon enough so that DOT can take advantage of it in its reconsideration of its guidelines, the issuance of the guidelines is not tied to completion of TRB's work.

The second study would be conducted by DOT and would be focused more specifically on the proposed guidelines and any alternatives to it. DOT would be expected to address many of the concerns raised by the opponents of the proposed guidelines in this study.

No deadline is imposed on DOT for the completion of its study. However, it could not issue final guidelines until the completed study was transmitted to Congress. If as a result of the study, DOT still believes the guidelines are justified, those guidelines would have to be transmitted to Congress as well and there would be a period for Congressional review before those guidelines could become effective.

As with the alliances, it is important to note here as well that the reported bill does not take any position on DOT's authority to adopt competition guidelines. The reported bill merely calls for studies on the factors which may impact competition in the airline industry. These studies are designed to provide guidance to Congress and DOT in deciding what if any action should be taken to enhance or modify the level of competition in the airline industry.

If, upon completion of these studies, DOT decides to issue competition guidelines, those guidelines must be within the agency's existing statutory authority. Nothing in the reported bill expands or diminishes DOT's authority in this regard or expresses a position on DOT's existing authority.

SECTION-BY-SECTION SUMMARY

Section 401. Joint venture agreements

Establishes a procedure for DOT review of major airline alliances.

Subsection (a) defines terms.

Paragraph (1) defines the sort of alliances between major airlines that are covered by this section. They are—

(A) Code-sharing, blocked space, long-term wet leases, and frequent flyer programs; and

(B) Other cooperative working arrangements that affect more than 15% of the major airlines' available seat miles.

Paragraph (2) cross-references Part 241 of DOT rules to define which airlines are covered by this section.

Subsection (b) requires major airlines covered by this section to file with DOT a copy of their alliance agreement and other information that DOT, by regulation, requires at least 30 days before an alliance covered by this section takes effect.

Subsection (c) permits DOT to extend the 30-day period for 150 days in the case of an alliance involving code-sharing and for 60 days in the case of any other alliance covered by this section. However, DOT could not automatically extend the time as a matter of course but would have to publish in the Federal Register the reasons that the extension is needed.

Subsection (d) permits DOT to shorten the waiting periods at any time.

Subsection (e) makes clear that the waiting periods could not be delayed while DOT is developing regulations to implement this section.

Subsection (f) directs DOT and the Justice Department to develop a memorandum of understanding on pre-clearance procedures to prevent unnecessary duplication of effort.

Subsection (g) states that the waiting period for alliances entered into before the date of enactment begins on the date, as determined by the Secretary, on which all of the required information was submitted and ends on the last day under which the waiting period could have been extended under subsection (c) above.

Subsection (h) makes clear that the procedural authority granted to DOT under this section does not limit the authority of the Justice Department to enforce the antitrust laws.

Section 402. Competitive practices in the airline industry

Subsection (a) requires certain studies.

Paragraph (1) requires the Transportation Research Board to update the portions of its 1991 study of airline deregulation that deal with competition issues in the airline industry and include any recommendations for changes in the statutory framework under which the airline industry operates.

Paragraph (2) requires this study to be transmitted to Congress and DOT within 6 months of the date of enactment.

Paragraph (3) requires DOT to respond to this study within 2 months.

Subsection (b) directs DOT to conduct a study and transmit to Congress a report that includes the following:

(1) A description of complaints DOT has received alleging predatory pricing or unfair competition, the number of such complaints, and specific examples of unfair competition of predatory pricing;

(2) A description of the options DOT has for addressing these problems;

(3) An analysis of its proposed competition guidelines including the analysis required by subsection (c) below; and

(4) A description of how DOT will coordinate the handling of predatory pricing and unfair competition complaints with the Justice Department.

Subsection (c) prohibits DOT from issuing final competition guidelines until it transmits the report described above to Congress. If DOT decides to issue such guidelines, it must transmit them to Congress. If the guidelines transmitted are different from the ones it originally proposed, DOT must include, as part of its transmittal to Congress, information documenting and quantifying the impact of these final guidelines on the following:

(A) Scheduled service to small and medium-sized communities;

(B) Air fares including the availability of senior citizen, Internet, and standby discounts;

(C) The incentive and ability of major airlines to offer low air fares;

(D) The incentive of new airlines to offer low air fares;

(E) The ability of airlines to offer inclusive leisure travel for which air fares are not separately advertised;

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[3] 63 Fed. Reg. 17919. April 10, 1998.

[4] "Impact of Recent Alliances, International Agreements, DOT Actions and Pending Legislation on Air Fares, Air Service, and Competition in the Airline Industry" Hearings before the Subcommittee on Aviation of the House Committee on Transportation and Infrastructure, 105-64, 105th Congress, 2nd Session, (April 30, 1998) 473.

[5] Transportation Research Board, National Research Council, "Winds of Change: Domestic Air Transport Since Deregulation," (1991).

(F) Members of frequent flyer programs;

(G) The ability of airlines to carry connecting passengers on the portion of the routes served by new airlines covered by the guidelines; and

(H) Airline employees.

Subsection (d) requires DOT, in conducting the study, to consult with the Justice Department, airlines, airports, academic and economic experts, airline employees, and passengers.

Subsection (e) states that, if DOT issues final competition guidelines, those guidelines shall not become effective until 12 weeks after they were transmitted to Congress. A week shall only be counted toward the 12 if the House was in session for legislative business (with votes as opposed to a pro forma session) during at least one day of that week.

TRIBUTE TO BISHOP WILLIAM HENDERSON

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Bishop William Henderson who will be honored for his efforts in helping the sick and spiritually deprived.

Bishop Henderson has preached God's uncompromised word for more than 40 years. During his stewardship, Bishop Henderson has ministered to hurt people in the tri-state area of New Jersey and in the New York City area as well. He is responsible for ordaining countless people and was the catalyst by which Reverend Theresa Nance was ordained. He has an exemplary record in reaching out to the indigent and the sick.

For more than 20 years Bishop Henderson was employed as a nurse in area hospitals of Buffalo, New York. His healing hand aided the sick and suffering to regain their health through the healing Word of God and his impeccable nursing skills. He retired several years ago.

Bishop Henderson is married and is the father of three children and has unique ministry. Though he preaches throughout the land to large congregations, he has never shied away from preaching at storefront churches or other churches which have not yet found a location. He can be found constantly reading the Bible and teaching. The El-Bethel congregation worships virtually seven days a week, and Saturdays being no exception. Bishop Henderson has often said he leave the church doors open on Saturdays for area residents who may not have a church home, but would like to worship God at a local church.

In spite of the years he has battled illness, Bishop Henderson never allowed his ill state to keep him from preaching God's Word. "In sickness and in health" has been his credo regarding his commitment to the work of the Lord. Children and adolescents flock to his church because he exudes great love for them through a firm hand. Like the Apostle Paul, Bishop Henderson has planted churches around the world, including the continent of Africa. The body of Christ is blessed to have such a devoted servant in its midst and it's proud to recognize his life-long efforts.

Mr. Speaker, I ask that you join me, our colleagues, Bishop Henderson's family and friends, and the State of New Jersey in recognizing Bishop William Henderson's many years of outstanding and invaluable service to the community.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mrs. MEEK of Florida. Mr. Speaker, as a Conferee on the Treasury-Postal Appropriations Bill for Fiscal Year 1999, I note that the legislative debates in Congress include inconsistent statements regarding the proper interpretation and application of that section, and in particular in connection with subsection (d) which allows the President to waive the "requirements of the section" in the interests of national security.

In their joint statement, Senators MACK, GRAHAM, LAUTENBERG, and FAIRCLOTH have accurately stated my understanding of the provision and my understanding of the intent of the conferees. Any other interpretation would allow the President to, in effect, nullify this provision as if vetoing it, and thereby eliminate the important antiterrorism statement which Congress made by enacting the provision. For these reasons, I add my voice to those of Senators MACK, GRAHAM, LAUTENBERG, and FAIRCLOTH and join them in their understanding of the proper interpretation and application of Section 117.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. MICHAEL P. FORBES

OF NEW YORK

HON. FRANK R. WOLF

OF VIRGINIA

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

HON. ANNE M. NORTHUP

OF KENTUCKY

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. FORBES. Mr. Speaker, my colleagues, Mr. WOLF, Mr. ISTOOK, Ms. NORTHUP, Mr. ADERHOLT and I, as members of the House Appropriations Subcommittee on Treasury, Postal Service and General Government, strongly support Section 117 of the Treasury Appropriations Conference Report, now part of the FY 1999 Omnibus Appropriations Bill, which was passed by the House of Representatives on October 20, 1998 and signed into law shortly thereafter. Section 117 expands existing law to allow American victims of terrorism, who have been granted judgements against terrorists states, to attach the assets of those terrorist states that are located here in the U.S. It then requires the Secretary of State and Secretary of Treasury to assist victims of terrorism in locating assets of terrorist states here in the United States.

This provision was made necessary because of the Administration's repeated efforts in Federal Court to block terrorism victims from attaching assets of terrorist states to help satisfy judgments they had received by such courts. This misguided policy has sent exactly the wrong message to terrorist states by telling them that, in the event they are found liable for killing Americans, the U.S. government will spare no effort to prevent the seizure of their assets.

In 1996 Congress passed and the President signed the "Anti-Terrorism and Effective Death Penalty" Act (P.L. No: 104–132). This Act allowed victims of state-sponsored terrorism to sue foreign governments in Federal Court for damages arising from acts of terrorism. In 1997, an amendment to the Committee Report for the Omnibus Consolidated Appropriations Bill for Fiscal Year 1997 (Comm. Rept. 104–863) allowed victims of state-sponsored terrorism to recover punitive damages from states that sponsor terrorism. In enacting these two laws, Congress surely foresaw that victims would prevail in Court, and would thereafter seek to attach and execute terrorist-state assets. However, what was not foreseen was that the Administration would seek to block such attachments by arguing that such attachments violated international agreements. As a result, it was necessary to once again revisit this issue, and create Section 117.

Section 117 has a Presidential waiver, inserted only at the insistence of the Administration, which allows the President to issue a waiver over the "requirements" of the section in the interest of "national security." The intent of this waiver was to allow the President, only in limited circumstances, to waive the requirement that the Secretary of State and Secretary of the Treasury, under Subsection (f)(2)(A), cooperate with victims in locating terrorist assets. It was never intended to allow the President to waive Subsection (f)(1)(A), the change in the law which allows victims to attach such assets they are able to find on their own. Unfortunately, shortly after signing the Omnibus Appropriations Bill, the President issued a blanket waiver, in which he invoked a national security waiver over the application of both Subsection (f)(1)(A) and Subsection (f)(2)(A).

It should be clear that the waiver provision of Section 117 only applies to Subsection (f)(2)(A). This reading of legislative intent is crucial in order to allow the victims of Pan Am 103, the families of the Brothers to the Rescue, the Cicippio and Jacobsen families and the Flatows, to go forward with their respective cases. The Court should not permit the expansive reading of Section 117 the President is attempting to invoke. Nor should the Court mistake the intent of Congress in allowing this waiver to be inserted.

It is clear to us that, at no time, did Congress intend to give the President the absolute veto power he would have over the application of Section 117 should his expansive interpretation hold.

The intent of Congress is clear. We will not tolerate the murder of our citizens in acts of state sponsored terrorism without a serious price to pay. The President has clearly exceeded his authority in exercising a blanket waiver over the application of Section 117, which would affect the victims' attempts to attach not only diplomatic assets of terrorist states, but commercial assets as well. It is our view that the Court should firmly and swiftly reject the President's interpretation of legislative intent and permit the victims to go forward in attaching and executing all property of terrorist nations they are able to locate.

CORRECTION OFFICERS HEALTH AND SAFETY ACT OF 1998

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SOLOMON. Mr. Speaker, it is only fitting that on the final day of the 105th Congress, the final bill to be considered is Solomon-authored legislation. H.R. 2070, the Correction Officers Health and Safety Act of 1998, as amended, passed the House of Representatives on October 21. This legislation is absolutely vital to protect our nation's correction officers from vicious attacks by prison inmates.

Mr. Speaker, H.R. 2070 grants the Attorney General authority to test high-risk, incoming federal inmates for the presence of the human immunodeficiency virus. It also allows the testing of prisoners who may have intentionally or unintentionally transmitted the virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there. The results of any test are communicated only to the inmate tested and those whose blood came into contact with the inmate. Furthermore, the bill authorizes the Attorney General to provide the appropriate access to counseling, health care, and support services to the affected officer, employee, or other person, and to the person tested.

This bill could not have passed without the strong support of Council 82, the correction officers union in New York, AFSCME, and the Law Enforcement Alliance of America. Also, Senator ORRIN HATCH was instrumental in pushing this legislation through the Senate.

ADDING MARTIN LUTHER KING, JR., HOLIDAY TO LIST OF DAYS ON WHICH FLAG SHOULD ESPECIALLY BE DISPLAYED

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BENTSEN. Mr. Speaker, this legislation corrects an oversight that occurred in the 98th Congress during the establishment of the federal holiday celebrating the birth of our Nation's greatest civil rights leader, Dr. Martin Luther King, Jr. It is customary during the establishment of an official federal holiday to signify the importance of the date through its recognition in the U.S. Flag Code. The U.S. Flag Code encourages all Americans to remember the significance of each federal holiday through the display of our Nation's banner. The Flag Code reminds people that on certain days every year, displaying the flag will show respect for the people and events that have shaped our great Nation.

I believe the American people should be afforded the opportunity to pay their respects to the memory of Dr. King and all his marvelous achievements by displaying our flag on his birthday. Dr. King is the only American besides George Washington to have a national holiday designated for his birthday. However, of the ten permanent federal holidays, only The King Birthday lacks the notation in the U.S. Flag Code, and it is appropriate to correct this omission.

I would also like to offer my appreciation to Mr. Charles Spain, a resident of Houston and president of the North American Vexillological Association, which studies flags. Mr. Spain brought this very important matter to my attention, and I am grateful for his diligence and assistance in helping my office to correct this error. His effort demonstrates that all citizens have the ability to contact Congress and make important contributions to the legislative process.

Mr. Speaker, I rise in support of the unanimous consent request for the House to take up and pass H.R. 3216, legislation I introduced to amend the Act commonly known as the United States Flag Code and add the Martin Luther King, Jr., holiday to the list of days on which the flag should especially be displayed. I want to thank the Chairman of the Rules Committee for making this request.

While I am disappointed the Senate will not be able to consider this important legislation during the 105th Congress, I am very pleased the House will pass the legislation this evening and send a strong signal that this legislation will be enacted in the 106th Congress. I urge my colleagues to support this measure. Let us continue to honor the legacy of Dr. King and move forward with his dream.

DIGITAL MILLENIUM COPYRIGHT ACT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BERMAN. Mr. Speaker, anyone trying to discern the meaning of the anticircumvention provisions of H.R. 2281 risks bewilderment by the many pages of the CONGRESSIONAL RECORD that have been devoted to the detailed analyses submitted by one or another Member of this House. I am a member of the Judiciary Committee, which reviewed this legislation in detail, and which reported the key provisions in a form in which they ultimately received the approval of the House and of the conference committee, on which I also served.

First, the operative provisions which define the key prohibition of trafficking in the tools of circumvention of technological protection measures—section 1201(a)(2) and (a)(3), and section 1201(b)(1) and (b)(2), of Title 17—were not changed throughout the legislative process. They read almost verbatim in the final version of this legislation, which is on the way to the President's desk, as they read when the legislation was first introduced, when it was reported by the Judiciary Committee, and when it was unanimously approved by the House. Thus, statements on the floor that purport to explain how these provisions have been narrowed, or how implicit exceptions to them—not spelled out in the language of the bill—have been expanded, deserve little attention. In particular, the three-point test spelled out in sections 1201(a)(2) and 1201(b)(1) for determining whether a particular product or service runs afoul of the legislation has never been substantively amended. This test remains operative, not the test of "no legitimate purpose" imagined by some of my colleagues.

Second, the operative provision defining the prohibition on the act of circumvention of technological protection measures that control access to copyrighted materials—contained in section 1201(a)(1)—has also emerged from the legislative process completely unchanged. It is true that the effective date of this prohibition has been delayed, and that a rulemaking proceeding has been grafted on to this provision to determine whether, with regard to particular classes of copyrighted materials, the applicability of this particular prohibition should be delayed even further. But the prohibition itself remains unchanged, and means exactly what it meant when our committee first reported it several months ago.

Third, section 1201(c)(3)—the no mandate provision—in the final text of this legislation is identical to the provision that emerged from the Senate Judiciary Committee over six months ago. The changes proposed by the House Commerce Committee, which threatened to open a huge loophole in the protections afforded by the legislation, were rejected by the conference committee. The no mandate provision means what it says, and what it says is this: there is no design mandate in this legislation, other than the negative mandate to avoid designing a product primarily for the purpose of circumventing an effective technological measure. The addition, by the conference committee, of specific provisions concerning certain protections used to control copying of audiovisual works in analog formats does not change the meaning of section 1201(c)(3) one iota. If the conferees had intended that these new provisions were to have had any impact on the application of the "no mandate" provisions to other technological protection measures, we would have said so. We did not, in fact, we said the opposite.

Fourth, on the much-contested issue of playability, the language adopted in the conference report is the most definitive statement substantively on the circumstances under which product performance adjustment does or does not violate the anticircumvention provisions of this legislation. The conference report, which specifically addresses this issue, has been adopted without recorded dissent in both Houses, and any subsequent inconsistent interpretation should carry no weight.

I do not seek to put a new gloss on the words in the conference report. Those words speak for themselves. I would simply point out that nearly all the fundamental operative provisions of Title 1 of H.R. 2281, and indeed, of much of the rest of the bill as well, simply recapitulate the provisions that have been part of this legislation since it was introduced, that have remained unchanged throughout the complex and protracted legislative process, and that are amply explained by the reports of the respective Judiciary Committees, which first approved them.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. WEYGAND. Mr. Speaker, on October 20, 1998, this House was finally able to bring to a close our Constitutionally-required duty of approving a budget for the United States. I regret, however, that while we have brought this process to a close, it is in no way complete. As a member of the House Budget Committee, I find it distressing that this year marks the first year that Congress failed to properly begin the process by not completing its work on a Budget Resolution.

While there is much to criticize about the process that produced this bill and the lack of time we had to carefully review it, the fact remains that there is much in this bill that I believe is good for Rhode Island and for Rhode Islanders.

Last year, the Balanced Budget Act created a new interim payment system (IPS) for home health care benefits under Medicare. The IPS was enacted to decrease the rate of growth of home health care spending until a prospective payment system (PPS) was implemented. Unfortunately, the IPS adversely impacted home health agencies and Medicare beneficiaries across this country. Due to the manner in which it was written into law, the IPS rewarded agencies whose costs were inflated, while effectively punishing those which had worked hard to contain their costs. In fact, it was estimated that Rhode Island lost more than $18 million in home health care reimbursement due to the IPS.

Since the passage of the Balanced Budget Act, I have been working hard with several colleagues to reform the IPS and make the system more equitable and fair. Following the passage of my amendment to the Budget Resolution calling on Congress to reform the IPS, we were able to form a bipartisan coalition to work diligently on this issue. I felt, and continue to feel that we need to do all we can to ensure home health care is available to every Medicare beneficiary who truly deserves to retain their independence and dignity by receiving care at home.

I was pleased that the Omnibus Appropriations Act includes a small measure of relief for home health care agencies throughout our nation and in Rhode Island. Provisions related to home health care were hard fought and will provide additional reimbursement to home health care agencies with per-beneficiary limits below the national average. In addition, the bill increases per-visit limits for certain home health care agencies.

One of the most significant home health care related provisions in this bill is the one year delay of the automatic 15% cut in home health care reimbursement until October 1, 2000. As my colleagues are well aware, the Balanced Budget Act mandated that an automatic cut occur on October 1, 1999 if the PPS is not fully implemented. Earlier this year, the Health Care Financing Administration stated that the PPS would not be ready and that a 15% cut would be necessary. I am pleased my colleagues joined me in recognizing the importance of delaying these additional cuts to home health care agencies, which were already struggling with the negative affects of the IPS.

Although I believe much more must be done, I believe the home health care related provisions in the legislation are a small, yet positive step forward.

One of the first bills I introduced when I came to Congress was legislation to allow for the deduction of health care benefits by small businessmen. I was pleased that a version of my legislation was included in the FY98 budget. This year, the Omnibus bill provides for the acceleration of the health insurance deduction for self-employed individuals. This will provide much needed tax relief to small businesses and place them on a level playing field with large businesses that can already deduct 100 percent of their health care costs.

As Rhode Island works to develop the former Quonset Point Naval Air Station in North Kingstown, Rhode Island into an intermodal industrial park, efforts are underway to provide for a third rail track between Quonset Point and the Massachusetts state line allowing uninhibited movement of freight through Rhode Island and the Northeast rail corridor. Completion of this track is a critical component for the development of Quonset Point Davisville and the future of Rhode Island's economy. The Omnibus bill includes $5 million for the continuation of the Rhode Island Rail Development Project.

As a landscape architect, I have a particular interest in and concern for our environment. I am pleased that the final agreement includes significant funding for the Blackstone River Valley National Heritage Corridor, including $750,000 for construction of exhibits throughout the corridor, $328 million for the Land and Water Conservation Fund (LWCF) for the protection of sensitive and valuable public lands. In addition, the bill eliminates the wasteful purchaser road credit program. I do not believe it necessary for the federal government to subsidize the building of roads in our national forests by timber companies.

As a member of the House Committee on Banking and Financial Services, I am pleased that the Administration and the majority were able to come to agreement on the important matter of funding for the International Monetary Fund. Along with the money—the bill provides $17.9 billion—are the reforms that the IMF must make. These reforms are similar to the ones approved by the Banking and Financial Services Committee. This will help stabilize foreign economies while at the same time make the IMF's transactions more transparent, liberalize the IMF's trade policy, and require the IMF to address environment, labor and human rights conditions in the nations they lend to.

The bill also provides funding for the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank (Ex-Im) that help U.S. business enter foreign markets.

Title II–B of the Job Training Partnership Act (JTPA), known as the Summer Youth program at the Department of Labor, has been fully funded at $871 million. The purpose of this program is to enhance the educational skills of young people, encourage enrollment in additional education, and provide exposure to the working world. It is estimated that Rhode Island will receive $2,671,035 which will allow 2,081 young Rhode Islanders between the ages of 14 and 21 to participate in this worthwhile program.

I am particularly pleased that Congress provided funding equal to the amount requested for the Job Corps program. I hope that full funding will pave the way for approval, by the U.S. Department of Labor, of an application by the state of Rhode Island for a new Job Corps Center. Rhode Island is one of only four states in the nation without a Center.

Since its creation in the early 1960's as part of President Johnson's War on Poverty, the Job Corps Program has provided hundreds of thousands of poverty level young men and women all over the United States with one last opportunity to become contributing members of their community. It is always a trying decision for any young person to say no to their family, friends and neighborhoods and yes to Job Corps and the possibility of a new beginning. Unfortunately, that decision has been all the more difficult for the young people in Rhode Island who have been forced to travel to other states for Job Corps training. In all too many instances, the distance has been just too difficult. Hopefully, saying yes to Job Corps and a brighter future will be just a little bit easier for Rhode Islanders in the near future.

Two other job training programs important to Rhode Island also received proper funding in this budget. Both Title II–A of JTPA, the adult training program and Title III, the Economic Dislocation and Worker Adjustment Assistance Act, may provide close to $7 million in training aid to Rhode Island workers. Regrettably, funding for these programs remains of great importance to Rhode Island. In recent weeks I have been working with the U.S. Department of Labor and the Rhode Island Department of Employment and Training to assist the employees of two separate companies who have lost their jobs and are in need of retraining for the future. Historically, Rhode Island's economy has been blue collar in nature. As we stand at the doorway of the next century, Rhode Island is making the changes necessary to compete in the high tech, global economy of the future. As we make that conversion, it will be very important that our workers receive retraining to make the jump to that new economy.

In August of this year, I joined with South County Community Action, West Bay Community Action, Self Help, Inc., Tri-Town Community Action, Providence Community Action, the

Blackstone Valley Community Action, the Rhode Island Department of Elderly Affairs and several representatives from energy companies comprising the Good Neighbor Energy Fund to express our concern about proposed cuts in the Low-Income Home Energy Assistance Program (LIHEAP) then proposed by House Republicans. I am pleased that the final budget will fully fund LIHEAP. This program will provide much needed heating assistance to over 17 thousand Rhode Islanders this year. Nobody should ever have to choose between heating or eating. Without LIHEAP, too many people would be forced to make that terrible decision.

As I have stated time and time again, our children deserve a world class education. With a quality education, children can succeed in this ever evolving and ever competitive global society.

I am pleased the Omnibus Appropriations Act includes critical money for local school districts to begin hiring additional teachers to reduce class sizes, especially in the lower grades. This $1.2 billion down payment will provide over $5.6 million for the State of Rhode Island to lower class sizes. Reducing class sizes has proven successful in raising education outcomes, not only for students in the classrooms where the sizes are smaller, but also for students in higher grades. The 30,000 teachers provided in this budget will assist our neighborhood schools to provide quality education for all of our children. We need to continue funding this important program and realize the goal of 100,000 additional, well-trained and highly qualified teachers in the near future.

I was disappointed that the budget did not include much needed money for school construction and modernization. Countless school buildings in my district are in need of repair and rehabilitation. Countless others need assistance with modernizing their facilities, so they can prepare their students to compete well in the global economy. The federal government must provide some measure of assistance to local school districts to respond to their infrastructure needs. Although I am troubled that the Omnibus Appropriation Act does not provide this assistance, I am pleased that Congressional Democrats and the White House were able to succeed in providing some assistance to the students of our nation.

All in all, Mr. Speaker, I think this legislation is good for Rhode Island. For that reason, I voted in favor of the bill.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. EVANS. Mr. Speaker, I rise today to support H.R. 4328, The Omnibus and Emergency Appropriations Bill of 1998. Many of the provisions contained in this measure are deserving of support—these include aid to farmers, support for education and other worthy programs. However, I do have some serious reservations about one provision—Division D—Persian Gulf War Veterans Act of 1998. This measure incorporates text from S. 2358, including compensation legislation for Gulf War veterans that would attempt to override a compromise developed by both bodies' authorizing committees. This provision was inserted over objections in both Chambers in an effort to conciliate one member of the other body. I am unaware of any prior conference process that has been blatantly overridden to account for the desires of one Member. I am also extremely disappointed with my colleagues on the Appropriations Committee of the House and Senate for acceding to the demands of one individual who clearly did not express the authorizers' views.

By putting this authorization into "must pass" legislation with a number of worthy funding initiatives, I feel that my colleagues have exploited the position in which I and others find ourselves today. The Veterans Affairs Committee in the House and the other body, the committees of jurisdiction, agreed to comprehensive veterans' legislation which is now awaiting passage by the other body. This measure, H.R. 4110, the Veterans' Programs Enhancements Act of 1998, was approved on October 10, 1998 by the House by a unanimous vote of 423 to 0. As agreed to by the House and Senate Veterans Affairs Committees and approved by the House, H.R. 4110 resulted from a consensus building process. This process created a bill that all concerned believed was cumulatively better than the sum of its parts. The compromise included parts of S. 2358, and of my bill, H.R. 3279, that allows the use of epidemiological models to determine what conditions ought to be compensated with regard to Persian Gulf War veterans. I considered this step to be a major gain for veterans. I sincerely believe that, in overriding the compromise, we will do a great disservice to our Gulf War veterans.

H.R. 4110 allows the prevalence of illnesses veterans experience to serve as a basis for compensation determinations. This model—one supported by the Presidential Advisory Committee on Gulf War Illnesses—is thought by many scientists to provide an approach that gives veterans the benefit of the doubt. Even if veterans are unable to prove that their illnesses resulted from any of a host of possible causes, as the language in S. 2358 and now, would require them to do, conditions that they experienced more frequently than their peers could serve as a basis for compensation.

By including the text of S. 2358 in the Omnibus and Emergency Appropriations Bill of 1998, those who have wrought the Omnibus and Emergency Appropriations Bill of 1998 have violated not only the spirit, but the letter, of the agreement of the authorizing committees. This is nothing less than a travesty of the legislative process. This is nothing less than using strong arm tactics to achieve the will of one. This is wrong, plain and simple.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, while I support the Omnibus Appropriations Act of 1999, I am very concerned about a provision in the bill that only provides funding for the Departments of Commerce, Justice and State through July 15th; thereby delaying Congress' decision on statistical sampling in the 2000 census until the Supreme Court rules on the legality and constitutionality of this method. I am not comfortable with this. It is yet another Republican-led effort to ensure that all Americans are not counted in the 2000 census.

For quite some time, we have been engaged in what has become a bitter fight over the use of statistician sampling. How we choose to handle the year 2000 census is one of the most important issues facing State and local communities across the Nation. In fact, it is an issue of fundamental fairness and basic economics. With the year 2000 census upon us, we cannot afford to further delay the implementation of the most effective means of counting the U.S. population.

The census count is a constitutional requirement for reapportioning the House of Representatives. It is also used to: determine the allocation of billions of taxpayer dollars to States and localities; determine within-State legislative redistricting; make decisions regarding the administration of various Federal programs; and compile many kinds of economical and statistical research.

Statisticians across the Nation have already indicated widespread support of sampling as the most scientifically accurate and cost-effective census enumeration method. In fact, in 1991, a congressionally mandated National Academy of Sciences panel of nationally recognized experts supported this conclusion by stating that a "Differential undercount cannot be reduced to acceptable levels at acceptable costs without the use of integrated coverage measurement and the statistical methods associated with it."

A second panel of experts confirmed these findings, in 1992 and 1996, when it further determined that sampling is critical to the success of the 2000 census. There is no other way to avoid the mistakes of the past.

Speaking of the past, it is a well known fact that the 1990 census, which cost a recorded $2.6 billion, repeated a disturbing trend of disproportionately missing higher numbers of minorities than non-minorities in the census enumeration. For the first time in history, this most recent census was less accurate than the preceding one. In fact, the 1990 census undercount is estimated to have been 33 percent greater than that of the 1980 census. Four times as many blacks, 5 times as many Hispanics, 2 times as many Asians and Pacific Islanders, and 5 times as many American Indians as non-Hispanic whites were missed in the count. This resulted in greater expenditures for non-response follow-up.

Mr. Speaker, we cannot afford the consequences of another inaccurate census. We have scientific proof that sampling is the only method of ensuring that the 2000 census is fair and accurate and that it is inclusive of all Americans. If we do not utilize sampling techniques, we can expect an undercount of at least five million people, the majority of whom will be children, minorities and the urban and rural poor. We can also expect to waste valuable taxpayer dollars. For according to the U.S. Census Bureau, a year 2000 census that incorporates sampling surveys would save from nearly $675 million to $800 million.

It is for these reasons that I urge my colleagues not to hesitate to do what is right. We must not forgo the cost effectiveness and accuracy of statistical sampling.

INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, I rise in opposition to H.R. 2431, the religious persecution freedom bill. In its current form, this measure is too narrow to address the issues facing the global community today.

H.R. 2431 implies to the world that somehow religious persecution should be given protection and heightened priority before other forms of abuse. I strongly believe that all forms of oppression and persecution, whether they are for religious, racial, or nationality reasons, or whether the are due to individuals standing up for their political beliefs which are most often in defense of democracy, should be addressed in this legislation. There must be special protections against all forms of persecution.

Operationally, the religious persecution freedom bill would undermine U.S. efforts to support the goal of religious freedom, as well as other important U.S. foreign policy interests. More specifically, the measure would establish an office of religious persecution monitoring to provide the imposition of sanctions against countries engaged in a pattern of religious persecution.

This measure would prohibit Federal agencies and U.S. citizens and exporting goods, including religious torment facilitating products, to countries and significant entities engaged in religious torture. H.R. 2431 proposes sanctions that would be counterproductive to convincing foreign governments to prevent limitations on religious freedom. This could possibly lead to misguided repercussions against minority religious groups that are perceived as causing deterioration of relations with the United States.

By imposing automatic sanctions, this legislation could harm bilateral relations with allies, as well as limit Presidential flexibility and raise questions regarding U.S. international obligations. In addition, this bill undermines the U.S. policy to respect all human rights.

Mr. Speaker, current law already provides an adequate basis for the United States to impose sanctions on foreign entities that violate human rights. Furthermore, automatic imposition of sanctions could dissuade foreign governments or persons from cooperating with the United States to prevent limitations on religious freedom. In its current form, this bill could harm U.S. political and economic relationships with other countries. For example, it legislates sanctions without consideration for exempting emergency food aid and distribution programs that would place many innocent civilians in danger of starvation.

Mr. Speaker, I strongly believe that legislation sanctions would alienate significant diplomatic and trade partners. It is for these reasons that I urge my colleagues to join me in opposing H.R. 2431, the religious persecution freedom bill. Vote "no" to H.R. 2431.

CELEBRATING 75 YEARS OF INSPIRATION

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BARCIA. Mr. Speaker, one of the reasons that our nation was created was to celebrate the freedom of religion. And over the years, many Americans have devoutly professed their faiths and found strength within their churches. Next month, on November 15, Bay City First Church of the Nazarene is celebrating its 75th anniversary of inspiring its members to follow God's guiding light, and, most importantly, the success that the Church has had in achieving that goal.

As Reverend Marc Meulman points out in his announcement of this special event, on November 15, 1923, a small group of Nazarenes joined together to officially organize the First Church of the Nazarene of Bay City. The church was organized by Reverend C. Preston Roberts, the District Superintendent, at the home of Mr. and Mrs. Oscar Freeman. Reverend Charles Strait, who had come to Bay City in the summer of 1923, was named pastor. Ms. Jessie Bright was elected Secretary, Oscar Freeman was elected Treasurer. The Board of Trustees included John Copeland, Don Dickinson, and William Hess.

The present building was begun in May, 1939, and completed the following November. Merrit & Cole of Detroit were the architects for this 72 by 36 feet building, which had a seating capacity of 375. It had a front and rear hall, balcony, annex, main auditorium, chancel, choir loft and pastor's study. Room was made in the basement for Junior and Intermediate classes, where young people would be properly instructed of the principles of the Church, and its goal of creating significant meaning in the spirit of Christ in each person's life. The building was appropriately described at its dedication as "...simple, harmonious, and consistent with the Gospel of Christ, and is intended to promote a spirit of reverence and worship."

Since its founding and the dedication the present building, thousands of people have felt the strength of Bay City First Church of the Nazarene as the lever that has helped move them through life. From the days as children learning God's life lessons, to the responsible days of adulthood when the mission changes from one of learning to one of teaching, to the latter days of life when the Church is a place of solitude for reflections on life's achievements, parishioner after parishioner has received an invaluable benefit from their membership.

Mr. Speaker, so often we ask about the morals of America, the values of the American family, and the vision of greatness that we want for our nation. For the past seventy five years Bay City First Church of the Nazarene has provided all of these elements and so much more. I ask you and all of our colleagues to join me in congratulating Reverend Meulman and all of the members of the Church on this momentous anniversary, and in wishing them all many more years to come.

HONORING POLICE CHIEF JOHN AMBROGIO FOR EXCELLENCE IN SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. DeLAURO. Mr. Speaker, I rise in honor of a dedicated and highly respected member of the Hamden Police Department whose decision to retire ended a career in law enforcement which spanned more than forty years. Chief John Ambrogio leaves a legacy of dedication, integrity, and excellence spanning over four decades, and he will not be forgotten by his fellow officers or by the citizens of Hamden.

Chief Ambrogio dedicated nearly a third of his life to leading the Department of Police Services with dignity and virtue, and his work has had a profound effect on the quality of life in Hamden. Eighteen departmental commendations as well as various other professional accolades reflect the commitment and devotion John has given to Hamden and its residents. John's good work is reflected in dramatic reductions in crime rates, the inauguration of the annual Halloween party, and the development of a progressive and highly effective police department—just a few examples of the contributions he has made to the Hamden community.

As a professional law enforcement officer, the various ways John has influenced the community are innumerable. Hamden residents credit John's work as Chief of Police as the most important factor in keeping Hamden a safe community, which is relatively free of criminal activity and drug trafficking. John Ambrogio has become an indispensable figure in Hamden and replacing him will be a tremendously difficult task.

It is with great pleasure that I join with his wife, Maureen, his children, and grandchildren as we honor my dear friend Police Chief John Ambrogio for more than forty years of dedication and commitment to the Town of Hamden. I wish him many happy years in his retirement.

IN MEMORY OF SOHAN SINGH RANDHAWA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. FARR of California. Mr. Speaker, I rise to honor a beloved member of our community, Sohan Singh Randhawa, who died in a tragic accident last month at the age of 69.

Randhawa was born in 1930 in Pakistan, and, as a young man became a police officer in the Punjab village of Dhano Vali, rising to serve in the national police force. He brought his family to California in 1968, eventually settling in Watsonville where Randhawa and his wife, Gurmej Kaur raised their four daughters, Kuldip Kaur, Manjit Kaur, Balwinder Kaur and Surinder Kaur. In 1978, Randhawa and three partners began Paul Trucking, which expanded quickly from one truck to ninety-five, and became an important element in the refrigerated agricultural shipping industry.

Randhawa was a central member of the Sikh community, a past President of the Sikh Temple in Stockton and an active member of the Sikh temples in San Jose and Fresno. Randhawa showed a generosity of spirit toward the people whose lives touched his, becoming a father and advisor to the Indian community. He took a personal interest in helping with the problems of new immigrants, settling disagreements, looking for solutions to immigration problems, resolving business issues, and helping with cultural assimilation.

Lifelong friend, and Mayor of Watsonville, Dennis Osmer spoke of his death as a loss to all of central California. We will miss this true advocate and benefactor, Sohan Singh Randhawa, but he is being survived by loving family and friends who will never forget his kindness.

HONORING ROCKY RIVER MIDDLE SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Rocky River Middle School, which has been named a 1997–1998 Blue Ribbon School of Excellence by the U.S. Department of Education.

Only 167 schools in the country earned this prestigious award this year. Ten public schools in Ohio received the award, and two schools in Rocky River have been recognized. Blue Ribbon Schools are considered to be models of both excellence and equity where educational excellence for all students is a high priority. Rocky River Middle School had to demonstrate its effectiveness in meeting local, state and national educational goals and had to successfully complete a rigorous application process. Blue Ribbon Schools must offer instructional programs that meet the highest academic standards, have supportive and learning-centered school environments, and demonstrate student outcome results that are significantly above average.

Rocky River Middle School is an outstanding school that is well deserving of this national recognition. Its academic programs and environment will serve as a model for schools across the country. My fellow colleagues, please join me in congratulating the students, teachers, and administration of Rocky River Middle School for their commitment to excellence.

TRIBUTE TO HON. M. BEN GAETH

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay very special tribute to an outstanding public servant from the state of Ohio. Following the One Hundred Twenty-Second Session of the Ohio General Assembly, the Honorable M. Ben Gaeth will retire as a member of the Ohio Senate from the First District.

Mr. Speaker, Senator Gaeth has dedicated much of his life to serving the people of the First District and all of the state of Ohio. Ben Gaeth began his career in public service in 1962 as the Safety Director of the City of Defiance. After three short years, he turned his attention to politics as he became the Mayor of Defiance. For nearly ten years, Ben Gaeth guided government and politics in Defiance, while always concentrating on working for the people whom he represented.

In 1975, M. Ben Gaeth was elected to his first term as a member of the Ohio State Senate from the First District. For more than twenty-three years, Ben Gaeth has been an ardent supporter of his constituents in Northwest Ohio. During his time in the Senate, Ben has served as Chairman of the Senate Reference Committee, Chairman of the Senate Agriculture Committee, Vice Chairman of the Rules Committee, and was a member of numerous other committees.

Mr. Speaker, I had the good fortune of working with Ben Gaeth in the Ohio Senate. From the days that Republicans were in the Minority to the time in which I served as President of the Senate, Ben Gaeth was seen as a hard working and outspoken advocate for his district. His diligent yet humble efforts made him a very well liked Senator by his colleagues on both sides of the aisle. I think I can speak for my colleagues in saying that it was certainly a pleasure to work with Ben Gaeth. His efforts will be sorely missed.

Mr. Speaker, it has been said that America succeeds due to the selfless acts of her sons and daughters. Whether it was on the battlefields of World War II, where he won the Purple Heart, to his days as Mayor of Defiance, to his current position in the Ohio Senate, M. Ben Gaeth has dedicated his life to service to his community, state, and country. He is a leader and a true American patriot. I would urge my colleagues to stand and join me in paying special tribute to the Honorable M. Ben Gaeth, and in wishing him the very best in the future.

TRIBUTE TO CONGRESSWOMAN JANE HARMAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. WOOLSEY. Mr. Speaker, I rise to honor one of California's very distinguished and dedicated public officials, Representative JANE HARMAN. JANE is being honored as she retires from the House of Representatives after three terms of significant public service. I am proud to mark this occasion with my fellow colleagues in the House of Representatives.

JANE is widely recognized for her instrumental work on behalf of women's issues in her service to California's South Bay. As a native Californian, private lawyer and legislator, JANE fought for a woman's right to reproductive choice and led investigations of sexual misconduct in the military, roles for women in combat, and access to reproductive services for military women and their dependents.

JANE's career accomplishments are many. Among the most noteworthy is her attendance at the bipartisan U.S. congressional delegation at the United Nations Fourth World Conference on Women, where JANE solidly voiced her support for China as an appropriate site for a healthy debate on women's issues. As an esteemed Member of the House National Security and Select Permanent Intelligence Committees, JANE was first appointed to the Congressional Conference Committee to meet on the Fiscal Year 1998 National Defense Reauthorization. As a conferee, JANE consistently sought to reinstate the right of military women and their dependents to have access to a full range of reproductive choices. This year JANE was again appointed as a conferee member to the Fiscal Year 1999 National Defense Reauthorization where she had the lead role on the particularly contentious debate over how to best train our military's new recruits.

JANE has unfailingly served this institution over the years. After first serving as Legislative Director to U.S. Senator John Tunney (CA), and then as Chief Counsel and Staff Director to the Senate Judiciary Committee on Constitutional Rights, in the late 1970s, she was Deputy Secretary to the White House Cabinet and Special Counsel to the Department of Defense.

Mr. Speaker, it is my great pleasure to pay tribute to Congresswoman JANE HARMAN. The State of California owes JANE a great deal of gratitude for her tireless efforts throughout her public service in the House of Representatives. I extend my hearty congratulations and best wishes to JANE, her husband Sidney, and her four children, for continued success and joy in the years to come. JANE HARMAN will be missed and remembered.

TRIBUTE TO JANE HARMAN

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to pay tribute to our friend and colleague, JANE HARMAN, who will be leaving Congress after 6 years of distinguished service.

I had the privilege of meeting JANE when we came to Washington as part of the 103rd Congress, often referred to as "The Year of the Woman."

At that time, there was great hope and expectations about the impact the new surge of women would have on Congress and our Nation.

JANE HARMAN has not only lived up to those expectations and hopes, but she has indeed exceeded them.

Clearly, no one works harder than JANE on behalf of her constituents and for the issues in which she believes.

When an issue is important to JANE, the word "no" is simply unacceptable.

JANE personifies the term "can do. "If anyone doubts JANE's vigor, one need look no further than her stellar performance on the military basic training fitness test that she passed with flying colors.

Strong and determined, intelligent and bright, she is also compassionate and caring and willing to stand up for her beliefs regardless of the consequences.

Many times I witnessed JANE vote her conscience, knowing full well it could jeopardize her next election in the politically tough district she represents so well. She once said to me before a difficult vote. "I know it's going to hurt me politically, but I've got to vote for what I believe is right or I can't live with myself." She then made the tough vote.

Since our offices were across the hall from each other, I often witnessed JANE succeeding in the balancing act of being a legislator, manager, and mother. I remember on one occasion, amidst a series of votes, JANE was on the phone counseling her daughter and helping her with her homework.

JANE is proof positive that when given the opportunity, women can meet the challenges of national leadership with intelligence, dignity, and grace.

It may surprise you, but I'm not going to say goodbye. For I am convinced we haven't seen the last of you.

In fact, I suggest that in the not too distant future, we may yet address you as Madam Governor or Madam Secretary.

Thank you for all you have done and will continue to do for California and our Nation.

I'm proud to have served with you and proud to have you as a friend.

My best wishes are with you always.

IN SUPPORT OF H.R. 930, THE TRAVEL AND TRANSPORTATION REFORM ACT OF 1998

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, I rise in support of H.R. 930, the Travel and Transportation Reform Act of 1998. This important legislation will streamline the way our Federal Government accounts for all job related transportation and travel expenses of Federal employees.

The idea of requiring the use of a Government-issued charge card for all official travel related expenses is long overdue. In December 1995, the Joint Financial Management Improvement Program [JFMIP] published a report detailing nine recommendations on improving temporary duty travel. Among these recommendations was the use of a Government charge card for all travel-related expenses. This provision creates an efficient standard for the Government to obtain the proper information needed to verify all business related charges.

By implementing such a requirement, the Government will be able to become more efficient in its operations while taking advantage of money saving charge card rebate programs. This bill is also a victory for Federal employees who currently utilize charge cards not specifically issued for Government travel.

While authorizing heads of Government agencies to hold employees responsible for being delinquent on their Federal charge card accounts, this measure clarifies the Federal Government's authority to access an employee's financial information, including accounts maintained by the Government. In order to protect an individual's privacy, this measure provides clear guidelines for accessing information relating to such charges.

In addition, the bill corrects an inadvertent tax liability imposed on Government employees during the tax years of 1993 and 1994. Since most Government agencies were not notified by the Internal Revenue Service [IRS] of a tax liability imposed on certain Federal employees created in the 1992 Energy Act until December 1993, many Federal employees became liable for taxes relating to business travel expenses. Fortunately, this bill authorizes reimbursement to employees who incurred such tax liabilities, along with interest and penalty charges for late payment.

Finally, this measure authorizes Government agencies to participate in travel pilot tests designed to save taxpayer dollars. Although this provision is limited to only 10 initial pilot programs in the areas of temporary duty and relocation travel, agencies are permitted to seek approval of the General Services Administration, along with congressional oversight, to initiate a specific pilot program. This will allow agencies to design and implement improved benefit systems to incur further savings.

Mr. Speaker, as we strive to help our Government agencies to become more efficient, we must upgrade agency management policies and practices to provide the most effective Government to our taxpayers. I believe that H.R. 930 provides a delicate balance of greater Government efficiency, without compromising the integrity of its employees. I urge my colleagues to join me in supporting the Travel and Transportation Reform Act of 1998. Our taxpayers and Government employees deserve nothing less. Vote "YES" on H.R. 930.

HONORING THE REGIONAL WORKFORCE DEVELOPMENT BOARD FOR CONTINUED EXCELLENCE IN COMMUNITY SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I rise to recognize and congratulate the Regional Workforce Development Board for its service to the greater New Haven community in Connecticut. The backbone of any community is the relationship between businesses and residents. For the past twenty years, the Board, which is the Private Industry Council for greater New Haven, has nurtured this relationship to expand the regional economy. The Regional Workforce Development Board has served as a liaison between the business community and area residents, narrowing the gap between employers' needs and the skills of the region's potential and existing workforce.

With advancing technology rapidly changing the business environment, employers face the challenges of upgrading the skills of their workforces. Employees must obtain the skills needed by industry. The Board has implemented a strategy that gives residents of Greater New Haven essential skills, and creates a pool of qualified individuals available to work.

The Regional Workforce Development Board provides job training to thousands of greater New Haven residents each year. It focuses on the entire community including summer youth job programs and special opportunities for the economically disadvantaged. The contributions that the Board has made to the New Haven community are remarkable. Its work truly represents the heart and the spirit of our community by ensuring that residents and businesses grow together.

1998 marked three anniversaries for the Board. It marked the twentieth anniversary of the creation of private industry councils. Fifteen years ago, the council assumed responsibility for overseeing federal employment and training programs. And, the Private Industry Council evolved into the Regional Workforce Development Board five years ago.

By administering a variety of innovative federal and state job training programs, the Board has filled a need for thousands of area residents and businesses. Businesses are helped by ensuring that job applicants have the training they need. Employees are helped by receiving skill training so that they are employable after downsizing or a layoff. Area residents have been trained to work in manufacturing, at hotels, and to develop the skills of at-risk youth. They have assisted many families in making the transition to the workforce following passage of the welfare reform bill.

The Workforce Development Board has made greater New Haven a far better place to live and work. I am proud to honor the Board for these accomplishments, and for all of the work it has done to help our region's workforce, businesses and community.

A SPECIAL TRIBUTE TO BROWN'S BAKERY ON THE OCCASION OF ITS ONE HUNDRED TWENTY-FIFTH ANNIVERSARY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay a very special tribute to an outstanding organization from Ohio's Fifth Congressional District. This year, Brown's Bakery, in Defiance, Ohio, is celebrating a milestone achievement. 1998 marks the One Hundred Twenty-Fifth Anniversary of operations for Brown's Bakery.

Brown's Bakery has been a mainstay of the Defiance community for more than a century. Brown's Bakery is much more than just an employer for the area. Brown's has been and continues to be part of a close-knit family in and around Defiance. Brown's Bakery is an invaluable partner to Defiance and all those living in the community.

Mr. Speaker, Brown's Bakery embodies the spirit of enterprise that we hear so much about. Beginning in the early 1870's, Brown's Bakery started a long lasting tradition by making some of the finest baked goods and products found anywhere in Northwest Ohio. For more than one hundred twenty-five years, the Brown family has worked diligently to ensure that the vision set by Reinhard and Emilie Curdes Brown is continued.

Throughout its long and rich tradition, Brown's Bakery has been committed to the Defiance community. Again and again, Brown's Bakery has shown its dedication through support of various groups and organizations. Whether it is assisting Defiance High School with its football stadium, local groups like the United Way or Boy and Girl Scouts of America, or its forty-year sponsorship of Bunny League baseball, Brown's Bakery is always there willing to lend a helping hand.

Mr. Speaker, it is a pleasure for me to recognize Brown's Bakery on the special occasion of its One Hundred Twenty-Fifth Anniversary Celebration. The Brown family and all those associated with Brown's Bakery truly embody the spirit of entrepreneurship, enterprise, and community-minded support and dedication. I would urge my colleagues to stand and join me in this special tribute, and in wishing them continued success in the future.

A SALUTE TO REPRESENTATIVE JANE HARMAN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. FARR of California. Mr. Speaker, I rise to pay tribute to a very unique Member of this body. Congresswoman JANE HARMAN is leaving the House, and while we will miss her presence and service, we can't help but share in her excitement as she moves on.

Most of us know her as our friend JANE. But many in Washington call her GI Jane, and for good reason. This is the woman who makes it through the Army physical training test without breaking a sweat, and supports our military women and men without missing a beat.

I'll always remember how JANE forced this body to recognize that the women of our Nation's armed services should be rewarded, not punished, for their bravery and service. Yet when some in our Congress sought to limit their right to control their own bodies, JANE was always there to speak out for our women soldiers.

And JANE was always there when her district needed her. She saved jobs, protected her district's military base and worked to make our Federal Government accountable to its people. Mrs. HARMAN has been an especially indefatigable advocate for her native State of California.

We'll certainly miss Congresswoman HARMAN. But we have to realize that GI Jane has bigger and better things waiting to be explored, and she has another name as well: Mom. So JANE, as you return to your family, and to the life that awaits you after Congress, take with you the memories of your service in the House of Representatives. California—and Congress—is better for your time here.

HONORING THOMAS COURY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Thomas Coury, a kindhearted man that dedicated his life to enhancing the well-being of others.

Born in Uniontown, Pennsylvania, Thomas Coury came to the Greater Cleveland area in 1958, along with his three brothers, in response to the need for concrete pouring. Within one year, Thomas and his three brothers established the Concrete Wall Company and began pouring foundations for homes all over Brook Park.

With an innate ability to care for others and a passion to reach out, Thomas and his brothers established Aristocrat Health Care. There, Thomas began his lifelong career in elderly care, converting schools, motels and other buildings into nursing and retirement homes. Through years of experience and development, Thomas and his brother have expanded Aristocrat Health Care into a multi-operational business. Stretching services throughout Cuyahoga and Lorain County extending into Florida.

Outside of the business sector Thomas Coury was a man of vision, and dedicated much of his time to civic and political affairs. Striving for our youth to succeed, Thomas helped many young people higher their education and set endowment funds at area Catholic Schools. In addition to helping the youth, Thomas was a leader in the community as well. In 1995, Thomas accompanied President Clinton and Hillary Rodman Clinton on Air Force One to Jordan for the signing of a historic Middle East peace accord.

My fellow colleagues, please join me in honoring the memory of Thomas Coury, a man who labored for the people and gave to his community all that he had to offer.

Mr. Coury is survived by his wife, Theresa; a son, Thomas J.; daughters, Teri Strimpel and Tracy A. Ade; six grandchildren; three brothers and two sisters.

HONORING EDWARD ALEXANDER BOUCHET FOR OUTSTANDING LIFETIME ACHIEVEMENTS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, the Beta Tau Boule Chapter of the Sigma Pi Phi Fraternity is memorializing a man whose lifetime achievements can only be described as inspiring. As a resident of New Haven, Connecticut, Edward Alexander Bouchet was both an accomplished physicist and educator-described as a consummate scholar, very knowledgeable in all areas, yet extremely modest and a person who set a wonderful example of politeness and graciousness for the community.

Born in 1852, Edward Bouchet grew to be an exceptional figure in African American history. Bouchet's accomplishments as a leader in the academic achievements of African Americans are a true legacy to their heritage. Bouchet became not only the first African American to obtain a doctorate in any discipline, but one of the first six to be honored with a Doctorate in Physics in the Western Hemisphere and one of the few among many entitled to wear the Phi Beta Kappa Key.

The countless lives which he touched as he traveled the country, were inspired by this remarkable man. Dr. Bouchet has been described by former students as the contributing factor to continue and go on to greater achievements in higher education. Dr. Bouchet's quiet, scholarly life reflects a deep devotion to teaching and good works.

Returning to New Haven in 1916, Dr. Bouchet was laid to rest in his place of birth two years later. Today, I am honored to join with Paul McCraven and the Beta Tau Boule Chapter of the Sigma Pi Phi Fraternity, and the many sponsors, as they commemorate the outstanding lifetime achievements of Doctor Edward Alexander Bouchet with the unveiling of a new burial monument. His lifelong dedication to education and his contributions to African-American history set in stone—a legacy never to be forgotten.

TOM BRADLEY TRIBUTE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. CLAY. Mr. Speaker, I rise today to add my voice in tribute to the former mayor of the City of Los Angeles, and a friend, the late honorable Tom Bradley. Mayor Bradley was a trailblazer and a leader among leaders. History will record that Tom Bradley was the first

Black mayor of Los Angeles. He led that city through two decades that were often filled with tumultuous social change. Mayor Bradley integrated Los Angeles' City Hall from the top down and in so doing he inspired courage and success throughout the nation's Black community.

Those who knew Mayor Bradley, knew him as a soft-spoken man who came from humble origins, a share cropper's son who was so dedicated to public service he rose to become a world class leader. Tom Bradley spent his life crossing racial barriers and fighting racism. He made many remarkable contributions to our nation and forever changed our society for the better. Today we celebrate the legacy Tom Bradley gave us. We cherish his memory. May his spirit continue to guide us for generations to come.

IN OPPOSITION TO H.R. 3789, THE CLASS ACTION JURISDICTION ACT OF 1998

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, I rise in strong opposition to H.R. 3789, the Class Action Jurisdiction Act of 1998. This legislation severely hinders the rights of individuals seeking relief in the form of a State class action claim.

Under the current system, individuals with similar injuries but limited resources are able to seek compensation as a certified State class action. Beneficiaries of the current system include injured individuals that are seeking relief under State consumer protection laws. However, this measure seeks to remove certified class action claims from State to Federal court when any member of the plaintiff class is a citizen of a different State than the defendant.

Further, it eliminates the minimal claim amount currently required for a class action claim to be removed to Federal court. These provisions will only increase the difficulty of plaintiffs seeking relief when individual and widespread harm has been inflicted.

Whether the issue involves excessive amounts of judicial vacancies on the Federal bench, or the lack of judgeships within the system, the removal of State class action claims to the Federal court system will create an enormous caseload burden. Further, it is becoming more costly and time consuming for individuals seeking class action certification in Federal court under rule 23 of the Federal Rules of Civil Procedure. This combination is an affront to the basic rights of individuals seeking compensation in cases where the public's health and safety have been compromised.

Without regard for individuals subjected to careless and reckless health and safety violations, this measure provides significant protections and benefits to corporate America. As the 105th Congress debates proposals regarding health care, and environmental and consumer protections, H.R. 3789 will usurp the rights of individuals to seek relief through class action claims in States which provide stronger protections than currently provided under Federal law.

For example, enactment of this bill into law would provide a vehicle for removal of class action cases against the tobacco industry to Federal court. Such changes will create further difficulties for claimants seeking compensation under more stringent Federal laws, while protecting the willful and reckless practices of these companies.

In addition, this bill would hinder class action claims against the gun manufacturing industry, since Federal courts are not likely to apply the forum State's laws with regard to the plaintiff's claims. Finally, this measure would further limit the already restricted abilities of ERISA-insured patients to seek the cost of benefits denied in a State court. Overall, this bill allows companies to engage in careless and damaging marketing, manufacturing, and service practices without regard for those who rely on their products.

Mr. Speaker, this special interest legislation provides further protections to major corporations who seek to avoid being held responsible for their reckless actions. Further, it unilaterally rescinds a reasonable mechanism for State courts to resolve cases brought before them, only to further overburden our Federal court system.

A SPECIAL TRIBUTE TO DR. HELMUT SCHMIDT FOR HIS OUTSTANDING ACHIEVEMENTS TO THE FIELD OF MEDICINE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay very special tribute to one of Ohio's finest citizens, Dr. Helmut Siegfried Schmidt.

Dr. Schmidt is truly an internationally recognized scholar, who has worked tirelessly in pioneering an important aspect of medical science. Through outstanding leadership and unwavering vision, Dr. Schmidt burgeoned the field of sleep medicine.

Dr. Schmidt began his medical career in Canada. A graduate with a Doctor of Medicine degree from the University of Toronto, he completed his one-year rotating internship at the Toronto East General Hospital in Toronto, Ontario. A few short years later, Dr. Schmidt extended his studies to the Buckeye State by completing his residency training at the Ohio State University Hospitals.

Mr. Speaker, not long after coming to Ohio and completing his formal medical training, Dr. Schmidt became a naturalized United States citizen. Upon taking his oath of citizenship in the early 1970's, he began a long and decorated service career in the United States Army Reserve achieving the rank of Colonel, and commanding several Hospital and Medical Units during his illustrious twenty-two year career. He is truly a great American patriot.

Dr. Schmidt's crowing achievements have been in the area of sleep medicine. In recent years, Dr. Schmidt has founded the Ohio Sleep Medicine Institute, the Sleep Medicine Research Foundation, and Sleep Medicine International. He was the first president of the American Board of Sleep Medicine, and chaired the Ohio Psychiatric Association Task Force on Sleep Medicine. Dr. Schmidt was awarded the Nathaniel Kleitmen Distinguished Service Award—the highest award given in North America in the field of Sleep Disorders Medicine. To recognize his remarkable contributions, the American Board of Sleep Medicine has named its highest honor the Helmut S. Schmidt Award.

Mr. Speaker, without question, Dr. Helmut Schmidt has helped lead the way to new, innovative discoveries in medicine, and has established himself as a world-renowned leader in tracking and treating sleep-related disorders. He is a credit to medicine, a trend-setter in sleep medicine, a valued asset to the state of Ohio, and a true Buckeye.

Mr. Speaker, I would urge my colleagues to stand and join me in this special tribute to Dr. Helmut Schmidt, a great physician, a great Ohioan, and a great American. For his exemplary service to medicine and to his country, we salute Dr. Helmut Siegfried Schmidt.

FAREWELL TO JANE HARMAN

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. MARTINEZ. Mr. Speaker, I rise to say farewell to Representative JANE HARMAN, an outstanding Member of the California congressional delegation and of this House, who is leaving public service at the end of this Congress. While a relative junior Member of this institution, she has been one of this body's most thoughtful Members.

Since joining the House in 1993, Congresswoman HARMAN has fought tirelessly for a smarter and stronger defense. She successfully fought to keep critically important military bases in California off the base closure list. She fought to fully fund the C–17 cargo plane and secured funding for the F/A–18 fighter plane. As a respected member of the National Security Committee, JANE HARMAN has supported innovative defense conversion, reinvestment, and transition programs that have had a positive effect on the lives of tens of thousands of defense workers.

Representative HARMAN has also been a champion of women's issues during her congressional tenure. She has been a leader in fighting to preserve a woman's right to choose. Year after year she has come to the well of the House and spoken eloquently and forcefully on behalf of women's rights here at home and abroad. Representative HARMAN played key roles in the congressional investigations of sexual misconduct in the military, on the question of women in combat, and on the critical issue of access to abortion for military women and their dependents.

Congresswoman HARMAN has been a great credit to her district, to California, to our Nation and to the House of Representatives. Mr. Speaker, JANE HARMAN will be sorely missed in the 106th Congress.

HONORING JUDGE PHILIP PASTORE ON HIS 100TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I rise to call to your attention the 100th anniversary of the birth of the Honorable Philip Pastore, a lifelong New Haven resident who has served both the city of New Haven and the State of Connecticut with distinction throughout his law career.

Judge Pastore has dedicated his life to making our justice system work. In both his personal and professional life, he has earned a reputation for his fairness, integrity, and commitment to upholding and respecting the law. These qualities are demonstrated in the many judicial cases he has tried, presided over, and rendered judgments on for more than half a century. Judge Pastore retired only 3 years ago, leaving a legacy which included positions as a Democratic state representative and Superior Court judge.

It is fascinating to listen to Judge Pastore's stories of the century of history he witnessed, along with the remarkable changes and tremendous progress to the judicial system. Although he no longer practices professionally, he continues to keep up-to-date on current case law, and his wife still reads the Connecticut Law Journal to him. Many seek his advice, knowing his counsel is offered with wisdom, justice, and compassion. Plaques cover the walls of his home to honor the services he has donated to the community. Indeed, his long career has left an indelible mark on the residents of Connecticut, and especially his close friends from the Wooster Street neighborhood. It is difficult to find someone whose commitment to excellence equals his own.

I join with his wife, Margaret, his children, grandchildren, and great grandchildren to honor Philip Pastore on his 100th birthday. Best wishes for continued fulfillment and happiness. Happy Birthday!

FAREWELL TO REPRESENTATIVE JANE HARMAN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. PELOSI. Mr. Speaker, it saddens me to say goodbye to my dear friend and colleague, JANE HARMAN, who in three terms in office has distinguished herself in the House of Representatives. Jane is leaving office at the end of the 105th Congress and her thoughtful approach to legislation and her fighting spirit will be sorely missed.

Many of my colleagues, and especially those of us in the California delegation, know of her tenacity and commitment to the key issues that support America's families. This fighting spirit has been an inspiration to us all whether it was in debates over smaller classes for our children, economic opportunity for all, or a woman's right to choose.

JANE HARMAN, thank you for being in the trenches; thank you for your leadership; thank you for making this House a better place because of your commitment to the people of this great nation.

IN MEMORY OF CAROLINE DREWES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. FARR of California. Mr. Speaker, I rise to join the country in mourning the passing of Caroline Drewes, an articulate interpreter of our times.

Caroline was born in 1917, a fourth generation San Franciscan, to Olga and Horace Clifton. Her mother was President of the San Francisco Opera, who endowed her daughter with an appreciation for music and the grand style. Caroline graduated from Miss Burke's School and attended University of California, Berkeley. At the age of nineteen, after the death of her father, she was hired by the San Francisco Call, becoming one of the first women in the area to cover hard news. Caroline loved to learn about people, and then communicate the story with vivid descriptions that reflected her wide range of interests.

Caroline married Robert Drewes in 1940, and they lived for a time in Washington, D.C. where her three children were born. When they returned to San Francisco in 1947 with their children, Robert, Stephen and Erica, Caroline was welcomed back to the Call. A working mother, she wrote a society column from home when her children were young, and devoted herself to community causes as well. Caroline also indulged her sophisticated tastes, attending performances, hosting musicales, and entertaining friends.

Caroline's loving husband, Superior Court Judge Robert Drewes, died in 1987. Asked by a friend how she coped in low moments, Caroline replied that she put on her best dress. She also became an intrepid traveler, and of course, wrote of her travels. Her talent for writing was complimented by her breadth of mind.

Caroline's warmth towards others was made more enchanting by her elegant style and joie de vivre. Her friends, saddened by her loss, use words like "exquisite," "classic," "true sophisticate." San Francisco chronicler Herb Caen named Caroline to the top 10 people in the City with good vibes. I join the loving family and wide circle of friends of Caroline Drewes in expressing how much we feel her absence. However, everyone who ever knew her, carries warm memories of her lovely presence.

HONORING THE VOCAL GROUP HALL OF FAME

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the Vocal Group Hall of Fame & Museum on their inaugural induction of the first class of vocal ensembles. They are a diverse group of performers that have enriched our lives with their influential music and unmistakable talent.

Opening its doors in May 1998, the Vocal Group Hall of Fame & Museum was presented as a multimillion dollar facility, featuring exhibits and memorabilia of many of the best-known-close-harmony ensembles in music history. It also includes historical exhibits tracing the history of American vocal harmony from its roots in the Nineteenth Century and the history of musical recording technology, as well as an operating radio station for remote broadcasters by guest stations.

With the help of Goldmine Magazine, the Vocal Group Hall of Fame elected a dynamic class of inductees this year. The initial class includes: the Ames Brothers, The Andrews Sisters, The Beach Boys, Crosby, Stills, and Nash, the Drifters, the Manhattan Transfer, the Platters, and the legendary Supremes. These groups graced us with their catchy melodies and unforgettable songs that have stood the test of time.

But the Vocal Group Hall of Fame also realized the importance of the groups that influenced this class of inductees by giving them the Pioneers of Musical Style Award. This award was given to groups prior to 1940 who contributed to the foundations of American vocal harmony and substantially influenced other artists. This year, they included: the Boswell Sisters, The Five Blind Boys of Mississippi, the Golden Gate Quartet, the Mills Brothers, the Ravens, and the Sonny Til and the Orioles.

My fellow colleagues, please join me in congratulating these music groups for their induction in the Vocal Group Hall of Fame & Museum. This institution has made it possible for us to honor and preserve the pioneers that have influenced the music we know today.

AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SMITH of Texas. Mr. Speaker, The H-1B visa bills passed by the Senate and by the House Judiciary Committee both proposed to increase the quota of H–1B temporary visas for foreign professional workers. Both bills responded to the fact that demand has exceeded the annual quota of 65,000 in each of the past two fiscal years. The reason for this increased demand is thought to be a shortage in America's information technology workforce. While evidence for this shortage is inconclusive, it was my belief that we should give the industry the benefit of the doubt and grant the additional visas.

The Senate and House Judiciary Committee bills did have large differences. The Judiciary Committee bill (H.R. 3736, which I introduced in my capacity as chairman of the Subcommittee on Immigration and Claims) required that employers comply with two new attestations when petitioning for H–1B workers.

Employers would have had to promise not to lay off (displace) American workers and replace them with aliens on H–1B visas, and to recruit American workers before petitioning for foreign workers. I felt that these protections for American workers were necessary because of the large number of documented abuses of the H–1B program—instances of companies actually laying off Americans to be replaced by H–1Bs and companies recruiting workers exclusively from overseas. The Senate bill (introduced by Senator SPENCER ABRAHAM) contained no comparable provisions.

With the assistance and support of the leadership of the House and Senate along with House and Senate Judiciary Committee Chairmen HENRY HYDE and ORRIN HATCH, Senator ABRAHAM and I drafted a workable compromise between the two bills. We then agreed to further changes after negotiations with the White House in order to gain Administration support. H.R. 3736 was brought to the House floor on September 24, 1998. The base text was the compromise worked out with Senator ABRAHAM along with as many of the acceptable changes requested by the White House as could be drafted in time. The bill passed by a vote of 288–133. Language was then drafted to make the bill fully consistent with the agreement with the White House. A bill encompassing this latter language was included in H.R. 4328, as enacted, which makes omnibus consolidated and emergency supplemental appropriations for fiscal year 1999.

The final bill, entitled the American Competitiveness and Workforce Improvement Act of 1998, is a negotiated agreement. That is the nature of any legislative process. What is important is that we have come up with a bill that both responds to the needs of American industry and adds protections for American workers.

Under the American Competitiveness and Workforce Improvement Act, the H–1B quota will be set at 115,000 in 1999 and 2000, and 107,500 in 2001. Then the quota will return to 65,000 (at which time the attestations will sunset).

The employers most prone to abusing the H–1B program are called "job contractors" or "job shops". Much, or all, of their workforces are composed of foreign workers on H–1B visas. Many of these companies make no pretense of looking for American workers and are in business to contract their H–1Bs out to other companies. The companies to which the H–1Bs are contracted benefit in that the wages paid to the foreign workers are often well below what comparable Americans would receive. Also, the companies don't have to shoulder the obligations of being the legally recognized employers—the job contractors/shops remain the official employers.

Under the American Competitiveness and Workforce Improvement Act, the no-lay off/non-displacement and recruitment attestations will apply principally to job contractors/shops, defined in the bill (for larger companies) as those employers 15% or more of whose workforces are composed of H–1B workers. These businesses, designated as "H–1B-dependent", will be subject to the attestations in those instances where they petition for H–1Bs without masters degrees in high technology fields or where they plan to pay the H–1Bs less than $60,000 a year. Thus, the attestations are being targeted to hit the companies most likely to abuse the system—job contractors/shops who are seeking aliens without extraordinary talents (only bachelors degrees) or offering relatively low wages (below $60,000). Other employers, who use a relatively small number of H–1Bs, will not have to comply with the new attestations unless they have been found to have willfully violated the rules of the H–1B program.

Since a Conference Committee Report was never prepared for the American Competitiveness and Workforce Improvement Act, I felt it important to supplement the existing legislative history (such as H. Rep. No. 105–657) with the present document. What follows is an explanatory statement as to some of the provisions of the Act.

Let me start off by saying that when interpreting the statutory language, each provision should be read in the light most protective of American workers. This was, in my view, the intent of the House of Representatives and the way in which the body would want the Secretary of Labor, the Attorney General, and the Commissioner of the Immigration and Naturalization Service to interpret the language. On September 24, 1998, the House passed H.R. 3736. As consistent with the compromise agreement I had helped negotiate, I supported the bill and opposed the Democratic substitute offered by Representative WATT. However, it should be remembered that a majority of the members of the House that day either voted in favor of the Watt amendment or against H.R. 3736 on final passage (or both).

The Watt amendment contained the heightened protections for American workers contained in H.R. 3736 as passed by the Judiciary Committee. It is clear that the members—constituting a majority of the House—who voted for the Watt amendment or against final passage were very concerned about the impact of a large-scale increase in the H–1B quota on American workers in the impacted professional fields. Many of the members who voted against the Watt amendment and in favor of H.R. 3736 on final passage were also concerned about American workers and only voted as they did because they understood that the worker protections in the final compromise would be reasonably interpreted and vigorously enforced. Thus, a large majority of the House of Representatives would want H.R. 3736 read in the light most protective of American workers.

Finally, the following legislative history ends after section 413 of the bill. The remaining provisions were deemed self-explanatory, and thus, not in need of further explanation.

THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998

SECTION 401. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT

This section specifies the short title, the "American Competitiveness and Workforce Improvement Act of 1998," the table of contents for the legislation, and the rule that, unless otherwise specified, the legislation amends the Immigration and Nationality Act.

Subtitle A—Provisions Relating to H–1B Nonimmigrants

Subtitle A contains the changes the legislation is making to current law regarding H–1B visas.

SECTION 411. TEMPORARY INCREASE IN ACCESS TO TEMPORARY SKILLED PERSONNEL UNDER H–1B PROGRAM

This section specifies the new ceilings for these visas: 115,000 in FY 1999 and 2000, 107,500 in FY 2001, and 65,000 thereafter.

SECTION 412. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS IN CASE OF H–1B–DEPENDENT EMPLOYERS

This section provides for three new obligations that covered employers must attest to prior to sponsoring temporary foreign workers who either do not have a master's degree or who are paid less than $60,000 annually.

Subsection 412(a) amends section 212(n)(1) of the Immigration and Nationality Act to add three new attestations, and provisions relating to these attestations, that must be included on H–1B applications filed by certain employers on behalf of certain H–1B nonimmigrants. Subsection 412(b) contains definitions relating to the new requirements. Given the close nexus between these two subsections, they are discussed here together, so as to allow the discussion of the substantive provisions to be illuminated by the discussion of the definitions.

1. The "no-lay off/non-displacement" attestation. Subsection (a)(1) first adds a new attestation by amending section 212(n)(1) of the Immigration and Nationality Act to add a new subparagraph (E)(i). This provision requires a covered employer to attest that its hiring of an H–1B worker is not displacing an American (United States) workers. The term "displace" is defined in new subparagraph (4)(B) of section 212(n), added by section 412(b) of this legislation. That paragraph states that an employer "displaces" an American worker in hiring an H–1B worker if it lays off an American worker with substantially equivalent qualifications and experience whose job has "essentially the same responsibilities" (although it is not necessarily the same job the H–1B worker is being hired to do) and is located in the same area of employment.

It is the intent of the Congress through this provision to prevent covered employers from replacing or displacing American workers with H–1B nonimmigrants. The legislation clearly states that an "employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job that is essentially the equivalent of the job for which the nonimmigrant or nonimmigrants is or are sought." By defining displacement in such a way, Congress makes clear that the prohibition is directed to circumstances in which a covered employer hires H–1B workers with similar qualifications to those of laid off American workers in similar jobs.

This language should not be interpreted as prohibiting and preventing only a on-for-one replacement of a particular laid off American worker; such an interpretation would be an overly rigid reading and a mischaracterization of Congressional intent. The focus of the provision is on the placement of H–1B workers in the kinds of jobs previously held by American workers. If an American worker was laid off from a job and the employer then hires an alien (on an H–1B visa) with sufficiently similar skills and experience to perform a sufficiently similar job, a prohibited displacement has taken place. This is a violation of the attestation regardless of whether the replacement was intentional or unintentional, or whether it was done in bad faith or not.

A covered employer, of course, is prohibited from concealing a lay off/displacement making a modest or cosmetic change in job duties and responsibilities. The covered employer, is also prohibited by concealing a layoff/displacement by some other subterfuge or pretense. This point is made clear by Congress' stipulation that the expiration of a temporary employment contract will be treated as a lay off (as discussed below) if an employer enters into such a contract with the intent of evading the anti-displacement attestations contained in new paragraphs (E) and (F) of subsection 212(n)(1).

For similar reasons, the geographical reach of the prohibitions is extended so as to include work sites within normal commuting distance of the work site where the H–1B worker is or is to be employed. This provision is intended to cover the possibility of an employer trying to evade this prohibition by displacing an American worker with an H–1B worker assigned to a nearby work site.

It should also be noted that under new paragraph (E)(i), displacement is prohibited only if it occurs within 90 days before or after the employer files an H–1B petition supported by the application. Congress decided that 180 days around the filing of such petition is the period of time during which such displacement would be most likely to occur as a practical matter.

The definition of "lays off" set out in new subparagraph (4)(D) of 212(n) (added by section 412(b) of this legislation), while excluding the expiration of a temporary employment contract from the definition, clarifies that the expiration of such a contract will be treated as a lay off if an employer enters into such a contract with the specific intent of evading the anti-displacement attestations contained in new paragraphs (E) and (F) of subsection 212(n)(1).

Finally, the legislation expressly states that its definition of "lay off" is not intended to supersede the rights which employees may have under collective bargaining agreements or other employment contracts; private rights under such contracts are preserved for the American worker to pursue through appropriate channels. However, the preservation of such contractual rights is not intended by Congress to negate the protections or remedies available to that worker under this or any other Act. Thus, in those circumstances where Department of Labor has jurisdiction, those remedies, in addition to the private rights of employees under collective bargaining or other employment contracts, are to continue to be available. Congress anticipates that, in reviewing complaints and other credible information, the Department should look carefully at any evidence of lay offs, including those which may have implications for collective bargaining or other employment contracts.

The legislation specifies that an American worker who is offered a "similar employment opportunity" as an alternative to loss of employment has not been "laid off" for purposes of this provision. The intent of Congress is that the "similar employment opportunity with the same employer at equivalent or higher compensation and benefits" would be a meaningful offer. It is Congress' intent that an employer should not be able to evade liability for a violation of the displacement attestation by making an offer of an alternative employment opportunity without considerations such as relocation expenses and cost of living differentials if the alternative position was in a different geographical location.

2. The "secondary non-displacement" attestation. In addition to a covered employer's attestation that it has not displaced an American worker, the legislation prohibits a covered employer in certain circumstances fro placing an H–1B nonimmigrant with another employer where the "other" employer has or will displace an American worker. Therefore, Section 412(a) adds a "secondary non-displacement" attestation by amending section 212(n)(1) of the Immigration and Nationality Act to include a new subparagraph (F), requiring a covered employer to attest to not placing an H–1B employee with another employer (at another employer's work-site) without having inquired as to, and having no knowledge of, any such displacement or intention to displace by the other employer before and after the date of placement.

In enacting this provision, Congress intends that the employer make a reasonable inquiry and give due regard to available information. Simply making a pro forma inquiry would not insulate a covered employer from liability should be "other" employer displace an American worker form a job sufficiently similar to the one which would be performed by an H–1B worker. That is one of the reasons why subsection 412(a)(2) of the legislation requires that the employer be notified through a clear statement on the labor condition application (LCA) regarding the scope of a covered employer's liability with respect to a lay off by a secondary employer. Through the LCA form, the Department of Labor will make clear to covered employers their obligation to exercise due diligence in ascertaining whether the placement of H–1B nonimmigrants may correspond with the lay off or displacement of American workers in similar jobs. Some of the most egregious cases involving the abuse of the H–1B visa program have involved American workers being retained only long enough to train their H–1B replacements under contract with a different employer. A covered employer making this attestation must exercise due diligence in meeting its responsibilities regarding the secondary employer.

However, as discussed later, the attesting employer will still be subject to a penalty if the "other" employer has engaged in or does engage in a prohibited lay off/displacement even if the attesting employer has made a reasonable inquiry of the other employer and had reasonably concluded that the lay/off displacement has not taken place and will not take place. That is the other reason why subsection 412(a)(2) of the legislation requires that the employer be notified through a clear statement on the labor condition application (LCA) regarding the scope of a covered employer's liability with respect to a lay off by a secondary employer.

3. The "recruitment" attestation. The last new required LCA statement added by section 412(a) is a "recruitment" attestation, set out in new subparagraph (G) of section 212(n)(1). It requires a covered employer to attest that it has taken good faith steps to recruit American workers for the job for which it is seeking the H–1B worker, and has offered the job to any equally or better qualified American worker. Congress intends for an employer to at least use industry-wide recruiting practices (unless the employer's own recruitment practices are more successful in attracting American workers), and, in particular, to use those recruitment strategies by which employers in an industry have successfully recruited American workers. The Department of Labor, in defining and determining whether certain recruitment practices meet the statutory requirements, should consider the views of major industry associations, employee organizations, and other interest groups.

Section 412(a)(3) of this legislation adds language at the end of section 212(n)(1), stating that the recruitment attestation is not to be construed to preclude an employer from making employment decisions based upon "legitimate selection criteria relevant to the job that are normal or customary to the type of job involved, so long as such criteria are not applies in a discriminatory manner." The employer's recruitment and selection criteria therefore must be relevant to the job (not merely preferred by the employer), must be normal and customary (in the relevant industry) for that type of job, and must be applied in a non-discriminatory manner. Just because an employer in good faith believes that its selection criteria meet such standards does not necessarily mean that they in fact do. Any criteria that would, in itself, violate U.S. law can clearly not be applied, including criteria based on race, sex, age, or national origin. The employer cannot impose spurious hiring criteria that discriminate against American applicants in favor of H–1Bs, thereby subverting employer obligations to hire an equally or better qualified American worker.

Any "good faith" recruitment effort, as required by this legislation, must include fair, adequate and equal consideration of all American applicants. The Act requires that the job must be offered to any American applicant equally or better qualified than a nonimmigrant. Congress recognizes that "good faith" recruitment does not end upon receipt of applications, but rather must include the treatment of the applicants. In evaluating this treatment, the Department should consider the process and criteria for screening applicants, as well as the steps taken to recruit for the position and obtain those applicants. It is Congress's intent that employers be able to demonstrate that they have recruited in "good faith" by maintaining a fair and level playing field for all applicants and by not skewing their recruitment process against American workers. Employers who consistently fail to find American workers to fill positions should receive the Department's special attention in this context of "good faith" recruitment.

In the Act, the Attorney General is separately charged with the adjudication of claims by American workers who believe that they were "equally or better qualified" than H–1B workers who were hired.

4. Employers and H–1B workers covered by the new statements. Section 412(a) of this legislation adds a new subparagraph (E)(ii) to section 212(n)(1) which specifies which employers are subject to the new attestation requirements. There are two categories of covered employers: (1) "H–1B-dependent" employers and (2) employers who, after enactment of the Act, have been found to have committed a willful failure to meet a condition set out in section 212(n)(1) or a willful misrepresentation of material fact on an LCA. These two categories encompass those employers most likely to abuse the H–1B program.

The first category, "H–1B-dependent employers," is defined in new paragraph (3)(A) of section 212(n), added by section 412(b) of this legislation. Under that definition, an employer is H–1B-dependent if it has 51 or more full-time equivalent employees, 15% or more of whom are H–1B workers. Employers with 25 or fewer full-time equivalent employees are H-1B-dependent if they have more than 7 H-1B employees, and employers with between 26 and 50 full-time equivalent employees are H-1B-dependent if they have more than 12 H-1B employees.

The second category of covered employers is those who have been found to have committed a willful failure or a willful misrepresentation under section 212(n)(2)(C) or 212(n)(5). These employers are subject to the new attestation elements for five years after the finding of violation. Of course, in order to trigger the coverage of these elements, the finding of willful violation must have been made in a manner consistent with the procedural requirements in the Act, including the 12-month statute of limitations on the investigation of complaints or other information (section 212(n)(2)(A); 212(n)(2)(G); 212(n)(5)).

Under new subparagraph (E)(ii) of 212(n)(1), employers required to include the new statements on their applications are excused from doing so on applications that are filed only on behalf of "exempt" H-1B nonimmigrants. An "exempt" H-1B nonimmigrant is defined in new paragraph (3)(B) of section 212(n) as one whose annual wages, including cash bonuses and other similar compensation, will be equal to at least $60,000 (and will remain at such level for the duration of his or her employment while under an H-1B visa) or who has a master's or higher degree (or its equivalent) in a specialty related to the intended employment. It is important to note that the term "or its equivalent" is intended to mean an equivalent degree from a foreign university, and does not mean to imply that any amount of work experience can be substituted for such a degree. It is also important to note that the degree must be in a specialty which has a legitimate, commonly accepted connection to the employment for which the H-1B nonimmigrant is to be hired.

Exempt H-1B nonimmigrants are entirely excluded from the computation by which their employer's H-1B dependency is to be determined under new paragraph (3)(C) (also added by section 412(b) of this legislation) for the first six months after enactment of this Act, or until promulgation of final regulations, whichever is longer. However, once this transition period ends, they are included in the calculation of whether an employer is H-1B dependent.

Subsection 412(c) modifies subparagraph (1)(C)(ii) to authorize employers to post their required notices electronically. This provision is intended to allow employers a choice of methods for informing employees of the intended employment of H-1B nonimmigrants. An employer may either post a physical notice in the traditional manner, or may electronically notify employees of the identical information. By providing this flexibility, Congress intended to improve the effectiveness of posting in the protection of American workers. Therefore, the electronic notification must actually be transmitted to the employees, not merely be made available through electronic means such as inclusion on an electronic bulletin board.

Subsection 412(d) makes the new attestation requirements effective on the date of the Secretary's issuance of final regulations to carry them out, and the other provisions of the Act effective upon enactment. Subsection 412(e) allows the Secretary of Labor and the Attorney General to reduce the period for public comment on proposed regulations to no less than 30 days so that the necessary regulations may be promulgated in a timely manner.

SECTION 413. CHANGES IN ENFORCEMENT AND PENALTIES

This section specifies the penalty structure for failures (both willful and nonwillful) to meet the new labor condition attestations added by section 412 (as well failures to meet the pre-existing attestations or the misrepresentation of a material fact in an application). A special penalty is imposed for a willful violation in the course of which an employer displaces an American worker. The provision clarifies that certain kinds of employer conduct constitute a violation of the prevailing wage attestation, and that other kinds of employer conduct are also prohibited in the H-1B program. Finally, the provision grants certain new authorities to the Secretary of Labor and establishes a special enforcement mechanism administered by the Attorney General to address alleged violations of the selection portion of the recruitment attestation.

Subsection 413(a) revises the penalty structure set out in subparagraph 212(n)(2)(C) of the Immigration and Nationality Act. In that subparagraph as amended, clause (i) specifies the penalties for a failure to meet a condition of subparagraph (1)(B) (strike or lockout) or a substantial failure to meet a condition of subparagraph (1)(C) (posting) or (1)(D) (contents of application), or a misrepresentation of material fact. These penalties remain as they were under the prior law: administrative remedies including a $1000 fine per violation, and (at least) a one-year debarment. The clause is expanded to make these penalties also apply to a failure to meet a condition of new subparagraphs (1)(E) or (1)(F) (non-displacement) and to a substantial failure to meet a condition of new subparagraph (1)(G)(i)(I) (good faith recruitment). New clause (ii) of section 212(n)(2)(C) sets out the new increased penalties for willful failures to meet any condition in paragraph (1), willful misrepresentations of material fact, or violations of new clause (iv) prohibiting retaliation against whistle blowers. These penalties consist of administrative remedies including a $5000 civil fine per violation, and (at least) a two year debarment.

New clause (iii) of section 212(n)(2)(C) sets out a further enhanced penalty for willful failures to meet a condition of paragraph (1) or willful misrepresentation of material fact in the course of which violation the employer displaces an American worker within 90 days before or after the date of the filing of a visa petition. This penalty consists of administrative remedies including a $35,000 civil fine per violation, and (at least) a three year debarment. Congress intends that this new penalty will assure that there are adequate sanctions for (and hence adequate deterrence against) any willful violation of the existing wage-payment requirements in the course of which an employer "displaces" an American worker with an H-1B worker.

It is important to note that in clauses (i), (ii), and (iii), authorizing the Secretary to impose "administrative remedies * * * as [she] determines to be appropriate," Congress intends that such remedies will include "make-whole" relief for affected American workers (such as, in appropriate circumstances, monetary compensation to the American worker or reinstatement to the job from which the American worker was dismissed or placement in the job to which the American worker should have been hired).

New clause (iv) essentially codifies current Department of Labor regulations concerning whistle blowers in the H-1B program. This statutory provision is included not in order to change current standards concerning whistle blowers, but to provide an unarguable statutory basis for the existing regulations. New clause (v) is intended to complement clause (iv) by directing the Secretary of Labor and the Attorney General to devise a process to make it easy for someone who has filed a complaint under clause (iv) to seek a new job in the U.S. It is contemplated that this process would be expeditious and easy to use, so that the employee does not need to wait for a new employer to obtain approval for a new petition in order to change jobs in these circumstances.

New clause (vi) prohibits employers from obtaining payments of money from H-1B workers in specified circumstances. Subclause (I) prohibits employers from requiring H-1B workers to pay a penalty for leaving an employer's employ before a date agreed to between the employer and the worker. It directs that the Secretary is to determine whether a payment is a prohibited "penalty" or a permissible "liquidated damages" clause under relevant State law. This provision was added because of numerous cases that have come to light where visa holders or their families were required to make large payments to employers because the worker secured other employment. The Secretary may impose a penalty of $1,000 and require that the employer refund the payment to the worker (or to the Treasury if the worker can not be located) under new subclause (vi)(III).

New subclause (vi)(II) prohibits employers from accepting reimbursement from H-1B workers for the filing fees imposed under new section 214(c)(9) of the INA. Congress included this prohibition to make it very clear that these fees are to be borne by the employer, not passed on to the workers. If the Secretary determines that the worker has reimbursed or otherwise compensated the employer for the filing fee, the Secretary may impose a penalty of $1,000 and require that the employer refund the payment to the worker (or to the Treasury if the worker can not be located) under new subclause (vi)(III).

New clause (vii) addresses an issue known colloquially as "benching," which means holding an H-1B worker after admission for employment in underpaid or unpaid status. An extreme example of "benching" occurs where an employer brings an H-1B worker to the U.S. on the promise of a certain wage, but then pays the worker only a fraction of that wage or no wage at all because the employer does not have enough work for the H-1B worker. While the full extent of this practice is not known, "benching" is a frequent cause of wage violations found in Department of Labor investigations. This is a very serious situation. H-1B nonimmigrants are only allowed to be employed by the petitioning employer and admitted to the U.S. on the basis of an employer's claim of an urgent need for the worker. Therefore, "benching" both reflects a less than honest claim and often results in foreign workers being in this country without adequate means (sometimes without any means) of support.

Subclause (I) clarifies that "benching" is a violation of the employer's obligation to pay the prevailing or actual wage. An employer's failure to pay wages during an H-1B worker's non-productive status, due to a decision by the employer (based on factors such as lack of work for the worker) or due to the worker's lack of a license or permit, is included in the definition of "benching." It is the intent and understanding of Congress that in such circumstances the employer has an obligation to provide full wages as well as the benefits package that the employer would provide to an American worker as required under clause (viii) discussed below.

Subclause (II) further clarifies that in the case of an H–1B worker designated as part-time on a visa petition, an employer commits a "benching" violation if it fails to pay the H–1B worker for the full number of hours and at the full rate of pay stated on the petition. Nothing in subclause (II) is intended to preclude part-time H–1B employment, as long as that was the agreement made by the employer and the H–1B worker prior to the submission of the visa petition. The employer should accurately designate a worker as full or part-time, and the employer's misrepresentation of this material fact should be scrutinized by the Secretary in her determination of whether any "benching" violation has occurred or misrepresentation has been made, and to pay particular attention to whether the fringe benefits provided by the employer to American workers would include paid leave for such nonproductive time (see clause (viii) regarding benefits).

The Congress anticipates that the Secretary will look closely at circumstances that appear to be contrived to take advantage of non-paid time. Subclause (IV) provides that the employer is not required to pay wages where the H–1B worker's nonproductive status is due to non-work-related reasons, such as the worker's voluntary request for leave of absence or "circumstances rendering the nonimmigrant unable to work." The alleged "voluntariness" of the worker's request would, of course, be determined in the context of the employment circumstances. Further, this H–1B provision regarding non-paid status must be consistent with any other applicable law, such as the Rehabilitation Act or the Family and Medical Leave Act, which may require payment of wages in some circumstances.

Subclause (III) describes the manner in which the provisions of subclauses (I) and (II) apply to an H–1B worker who has not yet entered into employment with an employer. In such cases, the employer's obligation is to pay the H–1B worker the required wage beginning no later than 30 days after the H–1B worker is first admitted to the U.S., or in the case of a nonimmigrant already in the United States and working for a different employer, 60 days after the date the H–1B worker becomes eligible to work for the new employer. Such "eligibility" is to be understood to mean the completion of the visa process, and not other formalities, such as obtaining a license or permit.

Subclause (V) is intended to make clear that a school or other educational institution that customarily pays employees an annual salary in disbursements over fewer than 12 months may pay an H–1B worker in the same manner without violating clause (vii), provided that the H–1B worker agrees to this payment schedule in advance. Congress specifically limited this exemption to schools and educational institutions in recognition of their unique salary patterns.

The intent of the "benching" provision is to prevent the exploitation of H–1B workers. It is not the intent of Congress that a circumstance be created under which an employer could avoid compliance with the "benching" provision by laying off an American worker. If an employer were to do so, this would trigger the enforcement and penalty provisions of the Act.

Clause (viii) adds an additional clarification concerning an employer's obligations under the attestation on wages and working conditions set forth in 212(n)(1)(A). The new provision states that it is a violation of those obligations for an employer to fail to offer "benefits and eligibility for benefits" to H–1B workers "on the same basis, and in accordance with the same criteria," as the employer offers to American workers. The statement "on the same basis" is intended to mean equal or equivalent treatment, not preferential treatment for any group of workers. Thus, if an employer offers benefits to American workers, it must offer those same benefits to H–1B workers. Similarly, if an employer offers performance-based bonuses to American workers, it must give similarly-situated H–1B workers the same opportunity to earn such a bonus.

Clause (viii)'s phrasing of the employer's duty as an obligation to provide "benefits and eligibility for benefits," rather than just one or the other, was chosen to cover two eventualities. On the one hand, it would not be proper for an employer to make an H–1B worker "eligible" for benefits on the same basis as its American workers but then actually provide the benefits only to American workers. On the other hand, "providing" or delivering the benefits is required and is to be done in accordance with whatever criteria apply to American workers. In order to actually receive many kinds of benefits, employees are required to take some kind of action such as to select a plan, to provide partial payment for the benefits, to work for the employer for a certain period of time, or to perform at a high level. The receipt of other kinds of benefits may turn on other contingencies such as, in the case of some kinds of bonuses and stock options, the company's year-end performance. Accordingly, the employer's obligation is to make H–1B workers "eligible" for the benefits and to actually provide the benefits "on the same basis, and in accordance with the same criteria" as American workers.

The underlying principle for this requirement is to protect American workers from having their wages and working conditions eroded by the presence of nonimmigrant workers who are not being treated equally, and being compensated in the same manner. There is particular concern regarding such erosion in instances where a foreign affiliate of a petitioning employer is involved as the agent for payment of wages and provision of benefits to the H–1B workers. The statutory obligations must be fully met in such instances. Congress intends that the ultimate and complete responsibility for all employer obligations under this Act, including the provision of benefits to the H–1B worker equal to those offered the employer's American workers based in the U.S., lies with the American (United States) employer who brings nonimmigrant workers into the country. Ultimately, it is the American employer, not the foreign subsidiary, pledging a benefit package similar to that of its American workers. Congress would expect the Secretary to look with particular care at circumstances involving a foreign subsidiary where there is an appearance of contrivance to avoid the obligation to provide equal wages and benefits to H–1B and American workers.

Section 413(b) adds a new paragraph (5) at the end of 212(n) that sets out the exclusive remedial mechanism for violations of the selection portion of the recruitment attestation set out in new paragraph 212(n)(1)(G)(i)(II) or any alleged misrepresentations relating to that attestation. It also contains a savings clause that states that the provision should not be construed to affect the authority of the Secretary or the Attorney General with respect to "any other violations." This savings clause means that while the Secretary is not authorized to remedy a violation of (1)(G)(i)(II) regarding an individual American worker, the Secretary retains the broad authority to investigate and take appropriate steps regarding the employer's "good faith" recruitment efforts, including "good faith" consideration of American applicants.

The Congress anticipates that the Secretary will exercise her enforcement discretion so as not to use the "good faith" recruitment investigation as a "back door" way around the exclusivity or the arbitration remedy set out in 212(n)(5) for a violation of (1)(G)(i)(II) regarding an individual American worker. It should also be noted that by setting up separate mechanisms, one lodged at the Department of Labor concerning recruitment and one lodged at the Department of Justice concerning selection, Congress contemplates that the separate enforcement mechanisms will be operated in a cooperative, non-duplicative manner. In this context, we recognize that evidence tending to establish a non-selection violation would be pertinent to the matter of whether the recruitment, overall, had been conducted in "good faith." Finally, Congress would expect that both the Attorney General and Department of Labor, in promulgating their regulations concerning recruitment procedures and selection criteria, will provide clear guidance to employers, including recognition that employers may use job-relevant standards and industry-wide recruitment practices.

Under the enforcement scheme set up by paragraph (5), any person aggrieved by an alleged violation of 212(n)(1)(G)(i)(II) or a related misrepresentation and who has applied in a reasonable manner for the job at issue may file a complaint with the Attorney General within 12 months of the date of the violation or misrepresentation. The Attorney General is charged with establishing a mechanism for examination of such a complaint to determine whether it provides reasonable cause to believe that such a violation or misrepresentation has occurred.

If the Attorney General does find reasonable cause, she is charged with initiating binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the Service's roster. The arbitrator is to be selected in accordance with the procedures and rules of the Service. The fees and expenses for the arbitrator are to be paid by the Attorney General.

The arbitrator is charged with deciding whether the alleged violation or misrepresentation occurred and, if it occurred, whether it was willful. The complainant has the burden of establishing such violation or misrepresentation by clear and convincing evidence, but the complainant does not need to allege or prove that the violation or misrepresentation was willful. Congress intends that the arbitrator would not simply substitute his or her judgment for the employer's judgment concerning the relative qualifications of potential employees, but would carefully consider all the evidence presented, in accordance with section 212(n)(1) which permits the employer to use job-relevant standards applied in a non-discriminatory manner. However, just because an employer in good-faith believes that an American worker is not as well qualified as an H–1B alien does not necessarily mean that the American worker is in fact not as well qualified.

The arbitrator's decision is subject to review by the Attorney General only to the same extent as arbitration awards are subject to vacation or modification under sections 10 or 11 of title 9 of the United States

Code, and to judicial review only in an appropriate court of appeals on the grounds described in section 706(a)(2) of title 5 of the United States Code.

The remedies for violations resemble those established for the other violations of the labor condition attestations. Congress anticipates that the authorized "administrative remedies" could include not only the specified $1,000 fine per violation or $5,000 fine per willful violation, but also other appropriate "make-whole" remedies. Further, a debarment penalty of one year (or two years for a willful violation) is authorized. A finding of a willful violation will subject an employer to the no-lay off/non-displacement attestation and the recruitment attestation for a period of five years (as provided in section 212(n)(1)(E)(ii)) and to random inspections for a period of five years (as provided in section 212(n)(2)(F), to be discussed later).

The Attorney General is prohibited from delegating the responsibilities assigned to her to anyone else unless she submits a plan for such a delegation 60 days before its implementation to the Committees on the Judiciary of each House of Congress. This is in order to assure that Congress has an adequate opportunity to be involved in the decision regarding where at the Department of Justice the Attorney General plans on lodging this function.

Section 413(c) adds a new section 212(n)(2)(E) describing the liability of an employer who has executed the "secondary nondisplacement attestation" for placing a nonexempt H–1B worker with respect to whom it has filed an application containing such an attestation with another employer under the circumstances described in paragraph (1)(F). If the other employer has displaced an American worker (under the definitions used in this legislation) during the 90 days before or after the placement, the attesting employer is liable as if it had violated the attestation.

In all instances, the sanction may be an administrative remedy (including civil monetary penalties and "make-whole" remedies to the American worker affected). The attesting employer can only receive a debarment, however, if it is found to have known or to have had reason to know of the secondary displacement at the time of the placement of the H–1B worker with the other employer, or if the attesting employer was previously sanctioned for a secondary displacement under 212(n)(2)(E) for placing an H-1B nonimmigrant with the same other employer. If an employer has conducted the required inquiry prior to any placement with a "secondary" employer, and has no information or reason to know of that employer's past or intended displacement of U.S. workers, then the attesting employer should ordinarily be presumed not to have willfully violated the secondary displacement attestation. Congress anticipates that the Department of Labor, in promulgating and enforcing regulations, would require a reasonable level of inquiry.

Subsection 413(d) adds a new section 212(n)(2)(F) granting the Secretary authority to conduct random investigations of certain employers in certain situations. This authority is in addition to the existing investigative authority in section 212(n)(2)(A), as heretofore exercised by the Secretary. This "random investigation" provision is applicable for a five-year period following a finding by the Secretary that the employer in question committed a willful violation or made a willful misrepresentation, or a finding in the Attorney General's arbitration proceedings that the employer willfully violated paragraph (n)(1)(G)(i)(II).

Subsection 413(e) specifies a particular investigative process, to be used by the Secretary during the three-year period following enactment of this legislation. This process does not supplant or curtail the Secretary's existing authority in paragraph (2)(A) and does not affect the Secretary's newly-created authority under paragraph (2)(F) ("random investigations"). Under the new provision, subparagraph (G) of 212(n)(2), added by paragraph (1) of subsection 413(e) of this Act, the Secretary is authorized under certain circumstances to initiate a 30 day investigation on allegations of willful failures to meet a condition of paragraph (1)(A), (1)(B), (1)(E), (1)(F), or (1)(G)(i)(I), allegations of a pattern or practice by an employer of failures to meet such a condition, or allegations of a substantial failure to meet such a condition that affects multiple employees.

This provision does not address the matter of "self-directed" or "self-initiated" investigations by the Secretary. Rather, as specified in clause (ii) and (iii), an investigation under this provision can be initiated only on the basis of a communication by a person outside the Department of Labor, or on the basis of information the Secretary acquires lawfully in the course of another investigation within the scope of any of her statutory investigative authorities. The source's identity must be known to the Secretary, but need not be revealed to the employer in certain circumstances (However, the Secretary may seek to ascertain the identity of a person who has submitted credible information anonymously so that the Secretary may pursue an investigation under this provision.). Under this investigative process, the Secretary is not to act upon information received from the employer in paperwork filed to obtain an H–1B visa.

Congress anticipates that in promulgating and enforcing regulations for this process, the Secretary will provide guidance as to the types of situations which would be appropriate for investigation, such as an intentional "posting" violation which affects numerous employees (a "substantial failure to meet such a condition that affects multiple employees"), or perhaps a more significant violation that affects only one or a handful of people. For purposes of interpreting "a substantial failure to meet such a condition that affects multiple employees", the more substantial the failure is, the fewer employees need be affected. For a very substantial failure, only two employees need be affected.

Congress' intent in enacting this special enforcement process was to endorse the Secretary's efforts to be more vigilant and effective in the enforcement of this Act, especially given the authorization of a substantial increase in temporary foreign workers. The presence of almost twice as many H–1B workers during the coming years could undercut the wages, working conditions and job opportunities of American workers and Congress is concerned that American workers be protected.

Subparagraph (G) prescribes several procedural steps governing this new process. First, under clause (i), there must be a finding of reasonable cause to believe that an employer is committing one of the covered violations. Second, the Secretary (or the Acting Secretary, in the case of the Secretary's absence or disability) must personally certify that this requirement and the other requirements of clause (i) have been met before an investigation may be launched. Third, the investigation is to be completed in 30 days. Fourth, the Secretary's investigation should focus on the alleged violation or violations. Fifth, the information provided by the source must be put in writing, either by the source itself or by a Department of Labor employee on behalf of the source. Sixth, a 12-month statute of limitations applies.

Additionally, the Secretary is directed to provide notice to the employer of information, including the identity of the person who provided the information, that may lead to the launching of an investigation and an opportunity to respond to that information before the investigation is actually initiated. However, the Secretary is authorized to forgo this notice where she determines that to do so will interfere with her efforts "to secure compliance by the employer with [the H–1B program requirements]." It is Congress' expectation that the Secretary will forgo notice of the information where she has a reasonable belief that the employer may frustrate the investigation and avoid compliance as a result of the notice, and will forgo notice of the identity of the person providing the information where the person has a credible fear that he or she will be retaliated against. While many employers would correct a problem brought to their attention, it cannot be assumed that the simple disclosure of allegations of wrongdoing would, in itself, be sufficient to assure compliance. When the Secretary provides the name of the person providing the information, notice should also be provided as to the penalties for retaliation and blacklisting of individuals included in the Act.

Finally, the new procedure includes the employer's right to an administrative fact-finding hearing within 60 days after the investigative determination.

One last point must be made in regard to the H–1B enforcement processes. In requiring that the Secretary act where there is "reasonable cause to believe" that a violation has been committed, Congress does not intend to impose on the Secretary the same level of justification or proof as it required under the Fourth Amendment's "probable cause" for search and seizure of persons or property. These legal standards have well-established, distinctly different meanings. Employers who enter into the H–1B program as sponsors of temporary foreign labor have an obligation to be cooperative in furnishing the Department with the appropriate records and information. The structure and language of this Act make it clear that employers are expected to cooperate fully with the Secretary and the Attorney General in all investigations and proceedings. The Secretary and the Attorney General are, of course, required to exercise their discretion in an appropriate manner within the scope of their authority.

Subsection 413(f) clarifies that none of the enforcement authorities granted in subsection 212(n)(2) as amended should be construed to supersede or preempt other enforcement-related authorities the Secretary of Labor or the Attorney General may have under the Immigration and Nationality Act or any other law.

TRIBUTE TO CESAR PELLI FOR OUTSTANDING COMMUNITY DEVELOPMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I am proud to stand before you to honor a citizen of Connecticut who has graced the New Haven area and the world with his architectural achievements. Over his long and illustrious career, Cesar Pelli has literally changed the landscape of our cities and our nation with his socially responsive and uplifting designs.

Anyone who has flown into the new terminal designed by Cesar Pelli for the Washington National Airport can appreciate the genius of Pelli's designs: his belief that each building be shaped by its location and purpose; his sense of space, light and harmony; and his commitment to creating gracious, accessible buildings which facilitate public use, enjoyment, and interaction. Each of Pelli's designs complements and emerges from the existing cityscape, yet transcends and elevates the surrounding structures. His architectural projects across the world serve diverse purposes and peoples, including the Pacific Design Center in Los Angeles, the United States Embassy in Japan, the Commons of Columbus in Columbus, Indiana, the New York World Financial Center and Winter Garden, the Morse and Stiles Colleges at Yale University, the International Finance Center under construction in Hong Kong, and the renovation of the New York City Museum of Modern Art.

New Haven has been fortunate to have Cesar Pelli call it home since 1977, when he became the Dean of the Yale University School of Architecture. It is fitting that tonight in New Haven, Mr. Pelli is being honored at Casa Otonal, the residential community for the elderly whose inner city campus of workshops, residences, and on-site services and intergenerational programs was designed by Cesar Pelli 22 years ago. Pelli's campus fosters a sense of community among residents and the surrounding inner city neighborhood, reaffirming Casa Otonal's mission and enhancing its success. It is this commitment to city landscape and life which has earned Mr. Pelli more than 100 awards for design excellence, including the American Institute of Architects 1995 Gold Medal for a lifetime of distinguished achievement and outstanding contributions.

Cesar Pelli, we thank you for your commitment and contribution to our cities and to urban life. It is my great honor and privilege to join with the residents and staff of Casa Otonal, and with your family and friends, to pay tribute to your remarkable achievements.

TRIBUTE TO R. DAVID GUERRA

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. HINOJOSA. Mr. Speaker, it is a great honor to stand before you to pay homage to a man who has made such a difference in his community. Mr. R. David Guerra, President and Director of the International Bank of Commerce in McAllen, Texas, has been awarded the Cultural Leader of the Year Award by the South Texas Symphony Association.

Mr. Guerra, a graduate of the Stonier Graduate School of Banking at Rutgers University, soon began a prestigious career with the U.S. Treasury Department. He was commissioned in 1977 as a National Bank Examiner, Comptroller of the Currency. During this period, David received numerous achievement awards and participated in various special projects throughout the United States. In 1981, David became Executive Vice-President and Director of the International Bank of Commerce in Laredo, Texas, including the title of Vice President of International Bankshares, Inc. Adept in banking and management, David earned the title of President in 1990, and continues to lead seventeen International Bank of Commerce branches in South Texas in a successful banking enterprise.

Though his accomplishments within the banking industry are quite impressive, David has worked to extend his success to his community. David is active in numerous civic, political and professional organizations. In addition to his career accomplishments, he offers his business knowledge as Director of the Independent Bankers Association of Texas, and has served as President and Director of the Laredo Development Foundation, Director of the Laredo Chamber of Commerce, and the Corporation Director and Vice Chairman of the McAllen Economic Development Corp. Presently serving as Director of the Texas Higher Education Board and Director of The University of Texas-Pan American Foundation, David firmly believes in supporting students seeking further education. As a past Director and current Pace Setter Chairman of United Way of Hidalgo County, he is making a difference in the lives of the children who are the future of our community. Also the Director of McAllen Performing Arts, Inc., and past Director of the Hidalgo County Historical Museum, David promotes his cultural environment so often neglected by others.

R. David Guerra's commitment to education, enrichment, and achievement has made him a catalyst for accomplishment in his community. His ambition and commitment serves as standards for all leaders to admire. He has gained my admiration as a businessman, and my respect as a community leader. It is my pleasure to see him named the 1998–1999 Cultural Leader of the Year.

I wish for David, his wife, and his two children all the blessings that are mine to give. I look forward to your future works, and thank you for being a model for your community.

HONORING MAYOR TOM BRADLEY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, I join my colleagues in honoring the memory of a great man and a great leader, Mayor Tom Bradley.

I am proud of the fact that Tom Bradley served for 20 years as mayor of my home town, the great city of Los Angeles.

He was dignified, gracious, and extremely effective. Known as a great coalition builder, he had no trouble getting the sometimes uncooperative city council to provide him the eight votes needed to approve his initiatives.

Through these initiatives, Mayor Bradley transformed the city's financial core and made Los Angeles the trade mecca it is today.

He expanded our seaport and our airport, helped build one of the most spectacular skylines of any city, and brought to Los Angeles one of the most successful Olympics ever: the 1984 Olympics.

I have no doubt that had it not been for the leadership of Tom Bradley, Los Angeles would not be the world class city that it is today. He is truly the father of modern Los Angeles.

But more importantly, the legacy Mayor Bradley left was his investment in the people of Los Angeles.

His leadership changed the face of the city government, by opening the doors of City Hall and creating opportunities for women and minorities.

He helped working parents and their children, by implementing an after-school day care/tutoring program named LA's Best.

He encouraged at-risk high school students to stay in school by providing them with a mentor and a city job through his Los Angeles City Youth Service Academy.

And, because Mayor Bradley knew it was important to produce and preserve housing for our families, he created the City's Housing Preservation and Production Department, which has made home-ownership and affordable housing a reality for many Angelanos.

Tom Bradley was truly a great mayor of Los Angeles. He was the people's mayor. We will miss him dearly.

COMMEMORATING THE 65TH ANNIVERSARY OF THE UKRAINIAN FAMINE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. HINCHEY. Mr. Speaker, this fall marks the 65th anniversary of the Ukrainian famine, or more precisely, of the world's recognition of the famine that had been developing in Ukraine for two years. We have seen many horrors in this century of civilization. The Holocaust in Germany and central Europe in World War II was the most shocking and has justifiably attracted the most recognition. But it was by no means the only incident of diabolic mass slaughter. We have seen the slaughter of Armenians in the early years of the century, the massacre of Cambodians by their own leaders, and most recently the horrors in Rwanda and Bosnia.

We should not allow the abundance of horrors to dull our senses or to allow us to forget any of these terrible incidents. We must remember that the instruments and techniques we have developed in this century can be used against any people in any country, no matter how advanced or supposedly civilized.

As a Ukrainian-American I wish to call the attention of the House and the American people to the crimes against my family's people. Ukraine is the most fertile farmland of Europe, long called the breadbasket of the continent. Yet millions of Ukrainians—perhaps as many as 10 million, we will never have an exact figure—starved to death in the midst of plenty in the early 1930's. They starved because Stalin decided that traditional farming in the Ukraine would stop, and with the power of the Soviet state, he was able to make it stop. If people did not conform to his will, he would see to it that they had no food to eat, no seeds to plant. The wheat that was harvested was sold at cheap prices on world markets. Protests around the world did not stop the famine; instead, the market found ways to profit from it and conduct business as usual.

In this respect and others, the Ukrainian famine resembled the great Irish famine of the nineteenth century, when the British government allowed people to starve by the millions rather than interfere with grain markets. I am an Irish-American too, and many of us in this chamber are descended from the people who fled that famine.

The Ukrainian famine did not end until Stalin had gotten his way and subjugated the Ukrainian people. They still suffer today from the consequences of his actions: they have never been able to fully rebuild the agricultural economy that had once made Ukraine the envy of the region. I believe they will rebuild it, hopefully with our help.

But let us learn from the horrors they endured. Let us commit ourselves to the principle that people should always come first, that no one should be allowed to starve. Let us apply that lesson at home, and pledge that no one should go hungry in our prosperous country because of the strictures of ideology or because of the discipline of the market. Let us commit ourselves to opposing oppression around the world, when oppression leads to genocide and death, whether the tools of that oppression are overly violent, or whether they are the subtler but no less cruel tools of deliberate starvation, deliberate hunger, deliberate poverty. Let us remember that all people are our brothers and sisters.

TRIBUTE TO DR. AND MRS. JOHN COLLINS WRIGHT OF ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. CRAMER. Mr. Speaker, I would like to pay tribute to Dr. and Mrs. John Collins Wright of Huntsville for their longtime service and dedication to our community at large. Since making the Huntsville community their home in 1978, John and Mac Wright have been a major force in the growth and success of our area, especially in the quality of education.

At the age of 17, John Wright enlisted in the Navy Air corps, a decision that led him to an amazing career in science, education, and community development. Following the end of World War II, he earned bachelor's degrees in chemistry and mathematics from West Virginia Wesleyan College and a doctorate in chemistry from the University of Illinois. He later conducted postdoctoral studies at the University of Michigan and the University of London. Mr. Wright's professional career has included appointments at a long and impressive list of prestigious institutions, including research chemist with Hercules Research Center in Delaware, professor and chairman of the department of chemistry at his alma mater West Virginia Wesleyan College, assistant program director for undergraduate education at the National Science Foundation, dean of the College of Arts and Sciences and professor of chemistry at both Northern Arizona University and West Virginia University, and vice chancellor and director of academic affairs for the West Virginia Board of Regents.

During the 10 years Dr. Wright served as president of UAH, the university grew from 400 to 6000 students, more than tripled its funding and gained national recognition as a leading school of science and technology. Major research thrusts were introduced in optics, microgravity, robotics, and space plasma research. The "Space Initiative" was adopted and groundwork was laid for UAH to become one of the first space grant universities in the United States. During Mr. Wright's last year of administration, UAH was ranked the South's top science and technology school by U.S. News and World Report. Upon his decision to leave the presidency in 1988, he was appointed a university professor in chemistry at UAH.

Dr. Wright's international experience includes serving on higher education delegations to China, Israel, Italy, India, Korea and the Republic of China, as well as economic development delegations to China, Korea, Japan, England, France and Germany. In the Huntsville community, he has played important leadership roles in organizations such as the Huntsville-Cummings Research Park Board, Randolph School, the U.S. Army Science Board, the Huntsville-Madison County Chamber of Commerce, the Huntsville Rotary Club, and the American Chemical Society. His many honors include the Distinguished Service Medal from NASA, a Service Award from the Army Missile Command, and the Science and Technology Award from the Huntsville-Madison County Chamber of Commerce.

For Margaret Ann Cyphers Wright, enhancing the quality of education has been the major force of her life since she earned her bachelor's degree in religious education at West Virginia Wesleyan College. She began work on her graduate degree at the University of Illinois and completed her master's degree in counseling and guidance at the West Virginia College of Graduate Studies. Her professional career has included positions as director of Christian education with churches in several states, a kindergarten teacher and a counselor for runaways. In our community she has served in leadership positions with the First United Methodist Church, Constitution Park Village, Volunteer Center, Huntsville Museum of Art, Madison County Mental Health Association, Huntsville Rotaryann, and the Ruth Hindman Foundation. Her involvement with UAH has included active participation in the University Women's Club and sponsorship of the Lancers, the UAH student ambassadors. She has been honored with the Distinguished Medal of Honor from the Mental Health Center, the Outstanding Service Award from the University Women's Club, named Volunteer of the Year by the Volunteer Center, presented a certificate of appreciation by the Madison County Commission, and received the UAH Medal from the Board of Trustees of the University of Alabama system.

In 1990 John and Mac shared a richly deserved Humanitarian Award from the Alabama Chapter of the Arthritis Foundation for their vital work on behalf of Huntsville and UAH. As the U.S. congressman for Alabama's Fifth Congressional District, I am proud to have this opportunity to recognize their tremendous talents and accomplishments, as well as thank them for their extraordinary contributions to Alabama.

HONORING THE RETIREMENT OF DAVE KELLY FROM ALLIEDSIGNAL

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I rise to pay tribute to Dave Kelly a dedicated employee of the Stratford Army Engine Plant, and the devoted President of the United Auto Workers Local 1010, who retired on August 1, 1998. Dave is a wonderful friend, and it gives me great pleasure to acknowledge his years of leadership and service to his fellow workers, and to his community.

Since he began working at AlliedSignal in 1959, and since he first committed himself as a union representative in 1966, Dave has stood up for the fundamental rights of his fellow employees—fair pay, health coverage, and a secure transition to new jobs and bright futures. His extraordinary work and dedication in carrying out his duties as President of Local 1010 will certainly have a lasting impact on the hard working men and women throughout Connecticut whom he served.

Dave stood side-by-side with me in the night to prevent the closing of the Stratford Army Engine Plant where thousands of exceptional engines were built to power our military's helicopters, jets, boats and tanks. When defense budgets shrunk with the end of the Cold War, Dave negotiated a contract to make the plant more efficient and competitive—to give Stratford a chance for the future. When the Army put the plant on the base closure list, Dave joined together with his fellow employees and community leaders to fight the decision. When AlliedSignal turned its back on Connecticut and pulled out to move its operations to Phoenix, Dave continued to fight on severance pay, extended medical coverage, and educational assistance promised by AlliedSignal to its former employees.

Dave has also distinguished himself as a leader in his community, serving under Governors Grasso and O'Neill as the Budget Commissioner for the Commission for Drug and Alcohol Abuse for 15 years. He is also committed to lifelong learning, ultimately earning his master's degree from Yale University in 1989.

Dave's distinguished career has been a great source of pride. His dedication and determination to improve the lives of the hard working families of Stratford will be his lasting legacy. The members of Local 1010 and the community of Stratford have all benefitted from his unwavering commitment. For this, we join with his wife, Susan, their children, David, Margaret, Laura, Paige and Ryan, and his grandson John in offering him our lasting gratitude and congratulations on his retirement.

SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVERS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. MARKEY. Mr. Speaker, I rise in support of H.R. 1110, the Sudbury, Assabet, and Concord Wild and Scenic Rivers Act. Wild and scenic areas are found not only in the vast expanses of the American West but also in pockets in the midst of the cities and towns of the East. As the areas around Boston, including my own district, become increasingly crowded and urban, it is important to preserve natural areas where the beauty and tranquillity of nature can become a part of the everyday lives of local communities.

Through the Sudbury, Assabet, and Concord rivers has flowed a remarkable current of history and beauty. A century ago Ralph Waldo Emerson commemorated events that took place above the Concord River a century before that with his unforgettable words, "by the rude bridge that arched the flood, their flag to April's breeze unfurled, here once the embattl'd farmers stood, and fired the shot heard around the world." Over 100 years ago, Nathanial Hawthorne wrote of the beauty of the Assabet: "Rowing our boat against the current, between wide meadows, we turn aside into the Assabeth. A more lovely stream than this, for a mile above its junction with the concord, has never flowed on Earth,—nowhere, indeed, except to lave the interior of a poet's imagination."

Today we have even greater need of scenic rivers to excite the "poet's imagination" in each of us. this bill, by giving Wild and Scenic River status to the Assabet, Sudbury, and Concord rivers, will help ensure that they continue to inspire local communities and the nation in this and future generations. I am glad to join the entire delegations of Massachusetts and New Hampshire in its support.

TRIBUTE TO JACK LEVINE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to my close friend, Jack Levine, who is receiving the 1998 TZEDEK (Justice) Award from the Labor Zionist Alliance. Before I ever ran for office, I practiced law with Jack Levine. I was overwhelmed by his brilliant legal mind, love of ideas and compassion for the less fortunate. After all these years, he remains a profound influence on my own beliefs and system of values. I know I'm a better person for having absorbed his wise teachings.

The twin themes that dominate Jack's life are Zionism and the rights of working men and women. Jack's father, an Orthodox rabbi from Lithuania, instilled in his young son the importance of a Jewish homeland. The Rabbi was very persuasive: at the age of 10, Jack made a pitch for the Jewish National Fund at his father's synagogue in Brooklyn.

Ten years later, as a student at City College of New York and a member of Avukah, the student Zionist organization, Jack had what can only be described as a political awakening. He found in Labor Zionism—a literal synthesis of Zionism and Socialism—the perfect balance for his own emerging political philosophy. It was not much later that Jack became actively involved with the American labor movement and the Jewish Labor Committee, associations that continue to this day.

After serving with the Merchant Marines in World War II, Jack worked on the assembly line at Ford and as a Longshoreman in San Pedro. In 1951, he entered law school at UCLA, eventually graduating third in his class. Upon graduation Jack joined Abe Levy's law firm, where he ultimately specialized in labor law. I joined him there in the mid-1960s.

It's probably superfluous to note that Jack did more than practice law. In fact, Jack spent much of his "free" time working tirelessly for causes in which he believed. In 1959, he successfully defended the world-famous Watts Towers from demolition by the City of Los Angeles. Sixteen years later, he served as attorney for the chairman of the Agricultural Relations Commission in Sacramento, administering the law that I sponsored in the California Assembly.

Today Jack has immersed himself into the study of modern Hebrew literature at the University of Jerusalem. His hunger for knowledge is boundless.

I ask my colleagues to join me in saluting Jack Levine, whose sense of decency and intellectual curiosity are a model for us all. I know his wife, Ann, children, Elinor Levine and Deborah Zimmer, son-in-law Tim Zimmer, and grandchildren, Jeremy and Daniel, are all very proud of his achievements.

MIGUEL AND CARMEN COSSIOS ARE SUCH A SUCCESS STORY

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. KINGSTON. Mr. Speaker, patriotism—love of country—is a quality that seems to be particularly characteristic of Americans. What is even more remarkable is that those born abroad who choose to make America their adopted country often come to share the same patriotic spirit that Americans display in their daily lives. Immigrants who come to our shores seeking a better life often find that their new lives are a struggle, but a struggle that pays off more than they could ever have dreamed.

There are so many places around the world where hard work does not result in real opportunity and success. But American success stories are all around us—especially from those who came from overseas and started from nothing but a desire to make a better life for themselves.

Miguel and Carmen Cossios are such a success story. Dr. Cossios and his wife fled their native Cuba in 1968 after witnessing firsthand how thoroughly socialism crushes the human spirit and corrupts the soul. These two brave freedom-lovers fled Fidel Castro's communist tyranny and decided to start all over again. Penniless but determined to achieve their dreams in a country that encourages everyone to pursue his dreams to the fullest, the Cossios built a new life for themselves in Baker County, Florida. Their life stories are an inspiration to all Americans, present and future. Miguel and Carmen are great Americans.

[From the Baker County, FL Press, Feb. 23, 1995]

THE SHEER DETERMINATION TO START ALL OVER—RETIREMENT OF COSSIOS BUT PART OF A REMARKABLE REFUGEE SAGA

(By Jim McGauley)

Imagine yourself a young man of 42 with an intense love of your native country, a proud heritage steeped in the military, a medical degree and a lovely family including four young sons who all bear the same first name out of deference to their distinguished ancestors.

Now imagine yourself with nothing.

No job, no country, no home, no possessions, no money—none of the things that in 1995 link us to survival. Nothing except a proud determination to begin again and transplant the traditions of your forefathers to another shore where the freedom to do it all over again is to you "like oxygen."

It's the stuff that has made real patriots of people like Cuban born Miguel Cossio and his wife Carmen, who retire this week from Northeast Florida State Hospital in Macclenny after a combined 48 years of service, he as a psychiatrist and she a pharmacist. Patriots in love with two countries, their native land where they hope someday freedom returns, and their adopted land that rewarded them for grit and determination.

The Cossios were feted last Thursday to a reception and retirement ceremony at the hospital where Miguel has filled a number of roles on the medical staff since he first reported there in 1971, including clinical director. During a brief ceremony they accepted plaques from the state and co-workers, and Dr. Cossio told the group he would like to be remembered as a "Cuban Baker County redneck."

Though Dr. Cossio has some reservations about the conversion of NEFSH from an accredited "medical model" to the present UTR system, he credits the institution as central to the family's re-emergence in its adopted country.

"Everyone here has been so gracious to us. We think of the hospital and Macclenny as our home town. I am very glad to say our headquarters will continue to be in Baker County." The Cossios recently bought a house in Macclenny, unique in itself because most of the medical staff lives outside Baker County since the closing of on-campus housing several years ago.

The road to last Thursday and this week, which marks the Cossios' actual retirement date, began shortly after Miguel and Carmen landed in Miami as penniless refugees in December, 1968. Cuba had been Fidel Castro's a full decade by then, and the repressive regime was ridding itself of a meddlesome intelligentsia, family by family.

It was Dr. Gustavo Arias, then clinical director at NEFSH, who first summoned Miguel Cossio down here from Binghamton, N.Y. to interview as a staff psychiatrist. Public and private medicine, particularly on the East Coast, was by the early 1970's dotted with refugees from the island nation just off Key West. It was the kind of network that brought Dr. Cossio back together with Arias, a former supervisor at the military hospital in Havana and at the big psychiatric hospital there.

For nearly three years, Dr. Cossio crammed for the qualifying exam for foreign physicians (he had to learn English first), which he passed on the first try. Carmen, his high school sweetheart, supported the family in New York as a pharmacist (she held a doctorate from the University of Havana). When Arias, a former partner in private practice in Cuba, had an opening on the staff here, he called his old friend.

"Our struggle to leave Communist Cuba was extremely difficult," says Dr. Cossio with a shake of the head. "I look back now at what we went through, and it could easily be the theme of a mini-series, I tell you."

Before signing on at NEFSH, Dr. Cossio had to re-take a residency program in psychiatry at a New York mental hospital. The move to Macclenny was also the family's first experience in a rural area.

The boys, Miguel, Eduardo, Carlos and Roberto, were still a bit weak in English but assimilated well into Baker County schools. They mirrored the friendly demeanor of their parents and were excellent athletes. Miguel was an all conference pick and most valuable player on the Wildcat baseball squad, and along with his brothers lettered in several sports.

All the boys went on to college and medical school, and now practice in Georgia: Micky and Eddie as internists in Madison, Carlos an endocrinologist in Athens and Robert a pediatrician in Savannah.

They all have the first name of their father, as do the male grandsons, because Dr. Cossio wants to preserve the memory of his father and grandfather, who he calls "men of strong principles."

"They fought for freedom and independence of our motherland. In September, 1933, my father was a prominent officer in the Cuban Army and died in a battle in Havana during a rebellion.

"He lost his life fighting in defense of national principles. For my ancestors, like for us, freedom has been as important as oxygen. This is the basic reason we are in the USA."

Carmen and Miguel plan to keep their licenses current though are unsure now how active they will remain in their professions. Several years ago, the 69-year-old Miguel gave into the pleas of his sons and underwent a multiple heart bypass operation at Emory University in Atlanta, and credits it with renewed energy that he plans to devote to politics and his beloved Cuban clubs in Jacksonville and Miami. It was through the Republican Party in South Florida that Dr. Cossio became involved last year in the Jeb Bush campaign for governor.

"Rest? I doubt it. I cannot imagine my husband sitting at home watching TV day and night. He has always been very active," observes Carmen.

Along with politics and keeping up with his pals, Dr. Cossio plans to see more of his sons and the couple's eight grandchildren (another is expected this spring). He may even start on his memoirs.

One of the plaques last Thursday was presented by Dr. Alfredo Romeu, a childhood friend with a similar refugee background who also plans to leave NEFSH along with his physician wife Esther in the near future. They are near the last of a line of Cuban born doctors that have worked at NEFSH in its three and a half decades of existence.

Like most of his contemporaries, Dr. Bossio yearns for the day that Cuba tosses off the Castro regime and rejoins the American community of nations.

"Before we die, we would like to see freedom and prosperity in Cuba again. We still have close relatives and friends there, living in horrible slavery and poverty.

"As soon as that happens, we can say, 'God, thanks again for everything, now we can rest.' For us it will then be time to face eternity. Our mission on Earth has been accomplished."

Words from the mouth of someone who truly knows what it takes to get there.

HONORING REVEREND JUAN MARTINEZ FOR OUTSTANDING COMMUNITY SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I am honored to rise to pay tribute to the Reverend Juan Martinez of New Haven, Connecticut. Reverend Martinez has spent 36 years developing and enriching his community, ministering to our souls and nourishing our spirits.

Reverend Martinez arrived in the United States from his native Puerto Rico in 1950, and served his country in our military in the Korean War. Upon his arrival in New Haven in 1962, he established the Pentecostal Church Door of Salvation. Through this church, Reverend Martinez has selflessly devoted himself to the Hispanic community and to the entire city of New Haven. He is the eldest Hispanic minister pastoring in New Haven, and serves as Executive Treasurer for the International Latin American Council of Churches. He is the founder of the New Life Corporation Housing Development Corporation, and is the co-founder of the Associacion Ministerial Evangelica Hispanica de New Haven.

Reverend Martinez has contributed so much to our New Haven that it is difficult to know how to begin to describe his dedication and service. He embodies the values of commitment to family and dedication to neighbors, and is a role model to us all. He is a powerful voice of justice and equality for the Hispanic community, and therefore for our city. He has worked with four mayors of New Haven to improve housing for the needy. He has organized an annual food drive, and founded a community youth and children's program which serves over 120 children, nurturing their minds, enriching their spirits, and giving them a safe place to play and learn.

For 36 years, Reverend Martinez has been a force in his community for all that is right and good. It is with great pride and honor that I join with his family, friends, and community to say thank you and congratulations.

TRIBUTE TO HON. DAN SCHAEFER

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SKEEN. Mr. Speaker, I rise to pay special recognition to the gentleman from Colorado (Mr. DAN SCHAEFER) who is retiring from Congress at the end of the 105th Congressional session.

I am honored and pleased to have served with DAN SCHAEFER throughout my tenure in the House of Representatives. Working together, we have served as Members of the minority and majority party in Congress and have always held principle over politics.

We are going to miss Mr. SCHAEFER next session. Throughout his distinguished career in the House, he has served his constituents from Colorado and the United States with honor and distinction.

DAN will be remembered here for many notable legislative accomplishments. Passing the Federal Facilities Compliance Act ensured that those of us with Federal facilities in our districts received the same level of environmental protection as everyone else in the country. He was and is a major player in helping us in New Mexico streamline the bureaucratic process to get the Waste Isolation Pilot Plant up and running—and while we're still not there yet, we're a lot closer today because of DAN SCHAEFER's efforts and I look forward to riding shotgun on that first truck with him.

Mr. SCHAEFER also helped spark the national debate on reforming our nation's tax code. His legislation to eliminate income tax raised a lot of eyebrows, but also raised the national awareness of the mess our tax system is in. I also recall that DAN was talking about a balanced budget long before the majority of our colleagues in Congress. His balanced budget legislation, introduced in the 103rd Congress, was the blueprint for many subsequent bills, and saw its fulfillment in the balanced budget act passed by this Congress.

While I have just scratched the surface of DAN's distinguished career, it is a pretty impressive list of accomplishments. Just as impressive, though, has been DAN's non-legislative accomplishments. As manager of the Republican baseball team, he turned the event from a back-alley pepper game into a major-league success, to the point where the game now gets nationwide radio and TV coverage, and helps support a number of worthy charities in the Washington area. I know I've enjoyed his participation in the Western Caucus and the Wild Turkey Club, where Members facing similar problems and with similar constituencies are able to work through the difficult issues facing Congress in a sober and thought-provoking atmosphere. While Congress as an institution will certainly be poorer without DAN's presence, I also know that many Members will suffer a personal loss from his retirement as well.

In closing, I sincerely wish DAN SCHAEFER and his family all the best and look forward to the day the Colorado Rockies name him as their manager. Good luck and God bless you DAN, we'll miss you around here.

TRIBUTE TO ART RYNEARSON, SENIOR LEGISLATIVE COUNSEL

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. CLEMENT. Mr. Speaker, I would like to express my warmest thanks to Art Rynearson, Senior Legislative Counsel for the office of the Senate Legislative Counsel, for his outstanding work on the International Religious Freedom Act of 1998. The International Religious Freedom Act was an extraordinary endeavor, not only in the comprehensive nature of the measure itself, but in the highly unusual bicameral, bipartisan effort which led to unanimous passage by the 105th Congress. Together with the office of Senator Don Nickles, who introduced the measure, my office worked closely with other committed House and Senate staff to draft this bill. For more than a year, Art Rynearson shared in these long, demanding hours of effort. His expert counsel, unrelenting thoroughness, and countless hours of dedicated hard work shaped this bill into a measure of which we can be proud for the rest of our lives. My Rynearson's commitment and professionalism have helped bring hope to millions of people around the world who suffer terrible persecution for the simple practice of their faith. He well deserves our heartfelt commendation on their behalf.

TRIBUTE TO VITA BITE, FOREIGN AFFAIRS EXPERT AT THE CONGRESSIONAL RESEARCH SERVICE

Mr. Speaker, I would like to express my warmest thanks to Vita Bite, Foreign Affairs Expert at the Congressional Research Service, for her invaluable input into the International Religious Freedom Act of 1998. As part of a bicameral, bipartisan group of offices working together on this bill, my staff worked closely with Ms. Bite for more than a year as this Act was drafted. Ms. Bite provided expert counsel, including critical background on United States human rights laws and bureaucratic and administrative issues related to the bill. She was quick to provide research and advice, and was always gracious and ready to advise. She and her colleagues have spent many long hours analyzing this Act as it took shape. The International Religious Freedom Act, which passed the Senate and House unanimously this Congress, is designed to help millions of religious believers suffering for their faith around the world. Ms. Bite's expert counsel helped shape effective, wise parameters for this landmark piece of legislation, and she deserves our heartfelt thanks.

TRIBUTE TO JEANNE GRIMMETT, LEGISLATIVE ATTORNEY AT THE CONGRESSIONAL RESEARCH SERVICE

Mr. Speaker, I would like to express my warmest thanks to Jeanne Grimmett, Legislative Attorney in the American Law Division of the Congressional Research Service. As part of a bicameral, bipartisan group of offices working together on this bill, my staff worked closely with Ms. Grimmett for more than a year as this Act was drafted. She was quick to provide research and advice, and was always ready to advise. Ms. Grimmett provided extensive legal research and background in many areas, including trade and environmental law, precedents and parameters in United States and international law, and matters pertaining to constitutional questions. her expertise proved invaluable as we sought to draft wise, effective legislations. She and her colleagues have spent many long hours analyzing this Act as it took shape. The International Religious Freedom Act, which passed the Senate and House unanimously this Congress, is designed to help millions of religious believers suffering for their faith around the world. Ms. Grimmett's expert counsel helped us frame effective, wise parameters for this landmark piece of legislation, and she deserves our heartfelt thanks.

TRIBUTE TO DIANNE RENNACK, FOREIGN AFFAIRS EXPERT AT THE CONGRESSIONAL RESEARCH SERVICE

Mr. Speaker, I would like to express my warmest thanks to Dianne Rennack, Foreign Affairs Expert at the Congressional Research Service, for her invaluable input into the International Religious Freedom Act of 1998. As part of a bicameral, bipartisan group of offices working together on this bill, my staff worked closely with Ms. Rennack for more than a year as this Act was drafted. She was quick to provide research and advice, and was always gracious and ready to advise. Ms. Rennack provided expert counsel, including critical background on United States sanctions laws and related bureaucratic and administrative issues. She and her colleagues have spent many long hours analyzing this Act as it took shape. The International Religious Freedom Act, which passed the Senate and House unanimously this Congress, is designed to help millions of religious believers suffering for their faith around the world. Ms. Rennacks' expert counsel helped us shape effective, wise parameters for this landmark piece of legislation, and she deserves our heartfelt thanks.

TRIBUTE TO LARRY EIG, LEGISLATIVE ATTORNEY AT THE CONGRESSIONAL RESEARCH SERVICE

Mr. Speaker, I would like to express my warmest thanks to Larry Eig. Legislative Attorney in the American Law Division of the Congressional Research Service. As part of a bicameral, bipartisan group of offices working together on this bill, my staff worked closely with Mr. Eig for more than a year as this Act was drafted. He was quick to provide research and advice, and was always gracious and ready to advise. Mr. Eig provided extensive legal research and background in many areas, including United States immigration law, analysis and precedents for legal effects of provisions in the bill, and matters pertaining to constitutional questions. His expertise proved invaluable as we sought to draft wise, effective legislation. Mr. Eig and his colleagues have spent many long hours analyzing this Act as it took shape. The International Religious Freedom Act, which passed the Senate and House unanimously this Congress, is designed to help millions of religious believers suffering for their faith around the world. Mr. Eig's expert counsel helped us frame effective, wise parameters for this landmark piece of legislation, and he deserves our heartfelt thanks.

TRIBUTE TO JOYCE VIALET, REFUGEE AFFAIRS EXPERT AT THE CONGRESSIONAL RESEARCH SERVICE

Mr. Speaker, I would like to express my warm thanks to Joyce Vialet, Expert on Refugee Affairs for the Congressional Research Service, for her assistance with the International Religious Freedom Act of 1998. As part of a bicameral, bipartisan group of offices working together on this bill, my staff worked closely with Ms. Vialet. She was quick to provide research and advice, and was always gracious and ready to advise. Ms. Vialet provided extensive background on refugee matters, and her expertise helped us draft wise, effective legislation. The International Religious Freedom Act, which passed the Senate and House unanimously this Congress, is designed to help millions of religious believers suffering for their faith around the world. Ms. Vialet's expert counsel helped us frame effective, wise parameters for this landmark piece of legislation, and she deserves our warmest thanks.

A TRIBUTE TO R.C. SMITH

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to my constituent and dear friend, Mr. R.C. Smith of Long Creek, Illinois who is retiring from the Macon County Board with 18 years of service. This is only a fraction of his 30 years of public service and dedication, but he will be truly missed on the county board. On this year after 30 years of public service. On November 12th, several area state legislators will be honoring him with a special presentation at his last County Board meeting.

I have known R.C. since I have been involved in politics. He has been a loyal employee to the Wabash, Norfolk and Western and Norfolk-Southern Railroad for nearly 39 years. He served as Executive Director of the Decatur Area Labor Management Committee for 8 years. At the same time, R.C. has remained focused on his commitment to the people of Illinois through his local political involvement. He was first elected as Assistant Long Creek Township Supervisor in 1961, and has served and been reelected on the Macon County Board of Supervisors for 10 years.

Wanting to do even more for Macon County, R.C. decided to run for Macon County Board in 1980 and has been reelected ever since by his constituents. In fact, his colleagues elected R.C. as Chairman in 1985 and he has served as Vice Chairman of the Board for the past 10 years. In addition, he was elected last year as Long Creek Township Clerk. Both his colleagues and his constituents recognize R.C.'s commitment to his community, and the strong leadership skills he provides the Board and county. This is evident in the fact that they have faithfully awarded him these important positions, and R.C. has served with the highest level of integrity.

Moreover, R.C. has devoted a great deal of his time to the Macon County community. He has served on the Macon County Mental Health 708 Board and has been Democratic Precinct Committeeman for 40 years. As a devout Christian, R.C. has served in the Adult Men's Sunday School teacher program for over 35 years, and is a Deacon for his church.

It has been a pleasure knowing R.C. Smith as a local community leader. He has been a role model of commitment and dedication while serving on the county board. It has been an honor to serve in Congress as his representative, and I wish him all the best in the future. Mr. Speaker, please recognize R.C. Smith for his loyalty to Macon County and the excellent leadership he has provided.

TRIBUTE TO JANE HARMAN

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to a good friend and valued colleague, JANE HARMAN, whose distinguished career in the House of Representatives will come to a close with the end of the 105th Congress.

In my time in Congress, Mr. Speaker, I have developed the greatest respect and admiration for JANE HARMAN. Her dedication to this institution, her commitment to the people she represents, and her unfailing desire to work for the best interests of this nation set the standards to which all Members of Congress should strive.

Whether the issue has been gender equity in the military or establishing a budget lockbox, JANE has been a true leader. When she speaks out on an issue, Mr. Speaker, we all know that she has given it thoughtful consideration and is well informed. Her sincerity and knowledge give her an authority that enables her to persuasively make her case and convince her colleagues of the rightness of her position. This ability has served her constituents and this country very well, and she should be proud of her many accomplishments.

As a fellow Californian, I have always admired and respected the work JANE has done for our State. She will be sorely missed not only by her colleagues on the Hill, but by all those Californians who have come to rely on her reasoned and moderate approach to the issues.

Mr. Speaker, the House of Representatives and the country are better for the service that JANE HARMAN has given us. I know that in the future she will continue her commitment to public service and her contributions to our nation will grow. I thank her for her efforts and wish her the best of luck for the future.

HONORING PHI DELTA KAPPA FOR 25 YEARS OF SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I am pleased to rise to honor the Southern Connecticut State University Chapter of Phi Delta Kappa on their 25th anniversary. Phi Delta Kappa members provide a variety of services to promote and improve education in our community.

Members of this successful international organization are Connecticut educators who are continually active in the education arena and dedicated to the ideals of service, research, and leadership. They are teachers, principals, administrators and superintendents—people who are with kids every day, who have given their all to ensuring that our children have the best start in life.

On October 3, 1973, one hundred and twenty charter members were initiated into the newly formed chapter of Phi Delta Kappa at Southern Connecticut State University. Twenty-five years later, I am proud to say, this chapter has grown to nearly 500 members strong. It is these individuals, and all that they contribute, which make the Connecticut school system a success. Membership in this fraternity is recognition of the contributions to education made by our educators. I commend the members of the Southern Connecticut State University Chapter for all the work they have done in order to guarantee that our children will develop the skills they will need to build a successful future.

On behalf of the parents, students, and the residents of Connecticut, I thank you for your good work. It is for 25 years of dedicated and distinguished service of all members of the Southern Connecticut State University Chapter of Phi Delta Kappa that I am proud to stand and recognize their achievements today.

STATEMENT IN SUPPORT OF THE DEMOCRATIC ALTERNATIVE PLAN FOR AN IMPEACHMENT INQUIRY

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. MILLENDER-McDONALD. Mr. Speaker, I come before you to ask a very important question: Why did we bring this resolution to this floor?

I do not condone the President's behavior, but what I find truly abhorrent is the behavior of my Republican colleagues who have launched a partisan attack against the President.

Certainly I believe that the President's conduct should be investigated and that the Congress has a constitutional responsibility to hold hearings looking into the allegations made by the Independent Counsel. But these hearings cannot be entered into lightly. It is a grave and serious matter that faces us. What we decide here today will have ramifications for generations to come. How we conduct ourselves will serve as a precedent for those who follow.

We owe it to the American people to rise to the level of the challenge before us and to move forward with this investigation in a solemn and judicious fashion—not in the destructive partisan manner that we have seen so far.

The investigation of the President has gone on far too long and must be brought to a swift conclusion—through a focused, limited and fair investigation—for the sake of the nation and in the interest of returning the attention of Congress back to the business of families and their children.

The people of California's 37th Congressional District elected me to fight for better education, to fight for safer streets, to fight for the protection of Social Security. Instead I have had to spend the crucial last weeks of this Congress wading through more than 4,000 pages of what amounts to little more than pornography. By bogging down real legislative business with salacious details of sex and scandal, my Republican colleagues have done nothing to make a real difference in the lives of America's working families.

I call on my colleagues on the other side of the aisle today to change their do-nothing ways and finally make a real difference in Americans' lives by walking the high road on into the history books. Thus far this session, Republicans have turned their backs on our children, they have tried to rob money from our seniors and they have chipped away at a woman's right to choose. I urge my Republican colleagues to, at long last, do right by the American people and vote for a just investigative process—the limited, focused, fair proposal presented by my Democratic colleagues.

HOUSE OF REPRESENTATIVES—*Thursday, December 17, 1998*

Pursuant to section 3 of House Concurrent Resolution 353, One Hundred Fifth Congress, the House met at 10 a.m. and was called to order by the Speaker, Hon. NEWT GINGRICH.

NOTIFICATION OF REASSEMBLING OF CONGRESS

The SPEAKER. The Chair lays before the House the text of the formal notification sent to Members on Monday, December 14, 1998, of the reassembling of the House, which the Clerk will read.

The Clerk read as follows:

OFFICE OF THE SPEAKER,
Washington, DC, December 14, 1998.

Pursuant to section 3 of House Concurrent Resolution 353 and after consultation with the Minority Leader, the public interest requires the Members of the House of Representatives to reassemble at 10 a.m. on Thursday, December 17, 1998. The Sergeant at Arms is directed to notify all Members of the reassembly of the House of Representatives for the second session of the One Hundred Fifth Congress.

Sincerely yours,
NEWT GINGRICH,
Speaker.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We pray, almighty God, that Your spirit will lead and guide all those who turn to Your word of peace and of light. In times of conflict we seek Your abiding grace, and we pray that Your special blessing will be with all those who experience any pain or suffering.

We remember the men and women of our armed forces that the duty and honor of serving their country will enable them to be faithful in their tasks and steadfast in their responsibilities. May each person in every opportunity use the abilities You have given them to help fashion a world where justice flows down as waters and righteousness like an ever-flowing stream.

In the words of the hymn writer Daniel Roberts, we continue to pray: "From war's alarms, from deadly pestilence, Make Your strong arm our ever sure defense. Your true religion in our hearts increase; Your bounteous goodness nourish us in peace." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. SPENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. SPENCE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBERS OF THE ADVISORY COMMISSION ON ELECTRONIC COMMERCE

The SPEAKER. Pursuant to section 1102(b)(1)(C) of the Internet Tax Freedom Act and Section 5 of House Resolution 594, 105th Congress, the Speaker on Friday, November 27, 1998 appointed the following individuals on the part of the House to the Advisory Commission on Electronic Commerce:

Mr. Grover Norquist, Virginia;
Mr. Richard D. Parsons, New York;
Mr. David Pottruck, California;
Mr. James Gilmore, Virginia; and
Mr. Dean Andal, California.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER laid before the House the following communication from Hon. RICHARD A. GEPHARDT, Democratic leader:

WASHINGTON, DC,
December 3, 1998.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1102(b)(1)(C) of Public Law 105-277, I hereby appoint the following individuals to the Advisory Commission on Electronic Commerce:

Governor Gary Locke of Olympia, WA.
Mayor Ron Kirk of Dallas, TX.
Mr. Robert Pittman of Dulles, VA.

Yours very truly,
RICHARD A. GEPHARDT.

APPOINTMENT AS MEMBERS TO TWENTY-FIRST CENTURY WORKFORCE COMMISSION

The SPEAKER. Pursuant to Section 334(b)(1) of Public Law 105-220 and Section 5 of House Resolution 594, 105th Congress, the Speaker on Friday, November 13, 1998, appointed the following members on the part of the House to the Twenty-First Century Workforce Commission:

Mr. Thomas J. Murrin, Pennsylvania;
Mr. Kenneth Saxe, Pennsylvania;
Mr. Frank Riggs, California; and
Mr. Frank Roberts, California.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Speaker laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and referred to the Committee on Appropriations.

WASHINGTON, DC,
October 13, 1998.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed please find copies of resolutions approved by the Committee on Transportation and Infrastructure on October 9, 1998, in accordance with 40 U.S.C. §606.

With warm regards, I remain
Sincerely,
BUD SHUSTER,
Chairman.

EXPRESSING UNEQUIVOCAL SUPPORT FOR MEN AND WOMEN OF OUR ARMED FORCES CURRENTLY CARRYING OUT MISSIONS IN AND AROUND PERSIAN GULF REGION

Mr. SPENCE. Mr. Speaker, I offer a resolution (H. Res. 612) expressing unequivocal support for the men and women of our Armed Forces who are currently carrying out missions in and around the Persian Gulf region, and ask unanimous consent for its immediate consideration in the House, with the previous question ordered to its adoption without intervening motion or demand for division of the question except 2 hours of debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on National Security or their designees.

The Clerk read the resolution, as follows:

H. RES. 612

Whereas the President of the United States has ordered military action against Iraq in response to its refusal to comply with international obligations under United Nations Security Council resolutions;

Whereas up to 24,000 men and women of the United States Armed Forces are presently involved in operations in and around the Persian Gulf region with the active participation of British Armed Forces and the support of allies in the region;

Whereas additional United States Armed Forces are being deployed to the region;

Whereas Congress and the American people have the greatest pride in the men and women of the United States Armed Forces and strongly support them in their efforts. Now, therefore, be it

Resolved by the House of Representatives That:

(a) the Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions with professionalism, dedication, patriotism, and courage;

(b) the Congress reaffirms that it should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER. Pursuant to the order of the House of today, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 1 hour.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. PAUL. Mr. Speaker, I would like to inquire, is either gentleman opposed to the resolution?

The SPEAKER. The unanimous consent request did not allocate time on the basis of opposition.

The gentleman from South Carolina (Mr. SPENCE) is recognized.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. GINGRICH), the Speaker.

Mr. GINGRICH. Mr. Speaker, I thank my friend, the gentleman from South Carolina, for yielding time to me.

Mr. Speaker, I rise because I think this resolution offers us a very important opportunity to talk with ourselves and to talk with the world.

The United States represents two enormous burdens that we have to live out: first, that we are the center of freedom, and that we are engaged in the process of self-government; and second, that we must carry the burden of leading the world, and that is an operational day-to-day which never suspends: It does not suspend for elections, it does not suspend for Christmas, it does not suspend under any circumstance. We have an obligation to prove to ourselves and to the world that we can simultaneously govern ourselves in freedom under the rule of law, and provide leadership wherever it is needed around the world.

Let me expand on that for just a moment, because it is a topic I have thought a great deal about since the fall of the Berlin Wall.

The United States has to lead. There is no alternative. There is no other country capable of organizing against an Iraqi dictator who wants to get weapons of mass destruction. There is no other country capable of sustaining freedom against a North Korean dictatorship actively seeking to get nuclear weapons. There is no other country that can lead the world's financial system when it is under stress. There is no other country capable of bringing together on a global basis people trying to solve problems.

Yes, it would be nice to run and hide. Yes, it would be nice to find some grand isolation in which we could cower behind the walls of the Atlantic and Pacific Ocean if this were 150 years ago.

But today, in the age of the Internet, in the age of worldwide instantaneous financial communications, in the age of weapons of mass destruction delivered by missiles and by terrorists, for the United States to fail to lead is in fact to guarantee chaos and to guarantee pain across the planet, and ultimately, pain here in the United States.

So let me be very clear. I believe the United States has to lead, and I believe, as a practical matter, both under our Constitution and in the nature of how human beings function, the daily leadership has to be an executive function, and the President of the United States has to provide that leadership every day, 365 days a year.

Now, we have a second and in many ways even more important burden, because it is the heart of who we are as a people. We are a Nation under law. We are a Nation of systems. As Ronald Reagan said in 1981, this magic of the transfer of power as a Democratic president yielded to a Republican, and then in 1993, as a Republican, George Bush, yielded to a Democrat, President Clinton, there is a magic to the capacity of the American people to subordinate themselves to the rule of law, and that means we are going to have open debates. It means newspapers are going to have lurid headlines. It means we are going to have television shows that are confusing.

If you are a dictator, it is easy to look at the turmoil and chaos and confusion of a free people and say to yourself, this is the week to hit America, because now they must be divided. So we have a chance today to say to the world, no matter what our constitutional process, whether it is an election eve or it is the eve of a constitutional vote, no matter what our debates at home, we are, as a Nation, prepared to lead the world.

So I support what was done this week. I was briefed on it in advance. I can assure my colleagues that as Speaker of the House, I felt, and I think that the next speaker, Mr. LIVINGSTON, can also report that he felt we were being legitimately consulted. We were not just informed but we had conversations of substance, and this has been an ongoing process.

But let me say two things on the domestic side about my qualified support, because I believe the President has two obligations beyond this week's activities. First, we need to have a clear and decisive commitment to replacing the dictatorship in Iraq, because it has consistently now, from 1990 through 1998, proven that even with 8 years of sanctions, even with 8 years of economic hardship for the Iraqi people, who do not deserve it, they should not be made to suffer because their dictator is irrational, they should not be made to pay the price because their dictator holds them in slavery with an armed Republican Guard and secret police, but for 8 years we have adopted a policy which has punished the people of Iraq while the dictatorship has continued.

The President owes it to this Nation in January and owes it to this Congress in January to provide us with a systematic, thorough, and methodical campaign plan by which the most powerful Nation in the world replaces a dictator who has proven beyond any reasonable doubt that he is desperate to get weapons of mass destruction, and no student of Saddam can doubt that he will either give them to terrorists or use them directly.

So just as in the 1930s there was a magic moment when it would have been easy to have destroyed Adolph Hitler and the democracies didn't take it, this is our last warning, because sooner or later, our allies in the Security Council will falter, and sooner or later Saddam will get weapons of mass destruction, and then the genie will be out of the bottle.

Second, I would say, in addition to a strategy for replacing the dictatorship, this President owes it to the men and women in uniform and to the men and women in our intelligence services to come back to this Congress in the beginning of next year and renegotiate the amount of funding we need for those two.

We cannot lead the planet on the current defense budget, and we cannot get the information to lead the planet on the current intelligence budget. I know that will be unpopular in some quarters, but you cannot lead the world on the cheap. If you are not going to be for isolation, then you need to rely on the distinguished professionals to tell you the truth about what it is going to cost to recruit and build the systems we need.

☐ 1015

So I rise today to say to Saddam Hussein and any other dictator who has any doubt the United States can both govern itself and lead the world simultaneously, and I say to our allies across the planet, we have been, since 1941, the bulwark on which your freedom was based, we have been the arsenal on which your freedom has been assured, and we have been the power on which your security has been procured.

We will retain those capabilities. And no matter what the temporary arguments, no matter what the temporary issues, no one anywhere on this planet should doubt the will of the American people to support freedom and the will of the American people to provide leadership and our capacity to subordinate our personalities and subordinate issues to ensure that we as a Nation are strong on this planet.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my support for the President and our troops in this latest phase of the Iraqi crisis. I urge all Members to join me in voting for this resolution.

It is extremely important that we be here today to support these actions and to support these young men and women who are in the Middle East doing their best to follow the orders of the Commander in Chief in putting an end to this Iraqi threat to the American interests and to the Iraqi neighbors.

I urge all Members to join in this effort today. We, the representatives of the American people, need to express our full support of this measure.

Mr. Speaker, last November the 14, the President called off an attack against Iraq at the very last minute while aircraft were in the air because Iraq promised to allow the United Nations Special Commission to do its job. The President's decision at that time was a tough call. Many individuals, including some of his closest security advisors, disagreed with the choice that he made. I, however, believed that he made the right decision and publicly supported his decision.

I supported the decision because it allowed the United States to show the world that we would give Iraq one last chance. As George Robertson, the British Minister of Defense, said at the time, "Even in the Wild West, when someone put up their hands, did you not shoot them?"

Almost 8 years ago, President George Bush ordered American military forces into action against Iraq. At that time I supported the decision. There was bipartisan support for the action that he took. Yesterday, 8 years later, President Clinton ordered American military forces into action against Iraq. I find myself once again in support of the decision of our President. We gave ample warning one month ago that if Saddam did not comply with the promises he made to the United Nations, that the consequences would be severe. In effect, our national credibility was on the line. Had the President not ordered the attack, many would have bitterly criticized him for not having followed through with the tough words he uttered just one month ago. Others in the world, in North Korea and Yugoslavia and elsewhere, would have come to the conclusion that the United States, though militarily strong, was lacking in will.

As we proceed with this action, we should have a sustained bombing campaign that targets Saddam Hussein's centers of power, especially the revolutionary guard and his security services. We should also hit known chemical, biological and nuclear weapons sites. This effort will help contain Iraq, maybe even spark a coup, but will surely retard his effort to rebuild his ability to produce weapons of mass destruction.

I also hope it will help encourage the internal opposition. There are no good options, but to have done nothing now would have been the worst of all options.

Mr. Speaker, I wholeheartedly support the President in his decision. I wholeheartedly support those in uniform who are carrying out those orders today, the difficult orders. I respect their determination and their professionalism. They are the cream of the crop. And our heartfelt and best wishes go with them.

This resolution will help let them know that we, the representatives of the people of America, are in their corner today and in the days ahead.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

This resolution, which I have sponsored, along with my colleague the gentleman from Missouri (Mr. SKELTON), expresses the strong support of the Congress for the courageous, patriotic and dedicated service of our men and women in uniform serving in the Persian Gulf who are currently conducting military strikes against Iraq.

Once again, our soldiers, sailors, airmen and Marines have demonstrated that they comprise the finest fighting force in the world today. For years they have selflessly defended America's national security interests in the Persian Gulf at great personal sacrifice. All Americans can be proud of our troops and the way they have performed. They are a credit to our Nation and an inspiration to us all.

Mr. Speaker, it is unfortunate that the situation with regard to Iraq has come to this point. For the past 8 years, since the end of the Gulf War, Iraq, under the leadership of Saddam Hussein, has repeatedly defied the will of the international community and ignored all resolutions of the United Nations Security Council designed to ensure that Iraq could not reconstitute its weapons of mass destruction capability. Saddam Hussein has relentlessly pursued the acquisition of nuclear, chemical and biological weapons and the ballistic missiles that can deliver them. He has invaded his neighbors, launched ballistic missiles against Saudi Arabia and Israel, and used chemical weapons against his own people. To prevent international weapons inspectors from further uncovering his prohibited weapons activities, he has obstructed inspections, refused to turn over documents and thumbed his nose at the world. In short, he has worked methodically to undermine the international effort to prevent him from rearming.

The challenge to United States security posed by Saddam Hussein's actions in Iraq is stark. Simply put, the United States cannot allow Saddam Hussein to frustrate the efforts of the international community and to reconstitute his weapons capability. Doing so would again allow him to threaten his neighbors, United States' friends and allies in the region, and our own interests.

Unfortunately, I am concerned that our military action against Iraq attacks only the symptoms of the problem rather than the problem itself. The root cause of our problems with Iraq is Saddam Hussein himself. The time is long overdue to implement a broader and more aggressive strategy that has as its ultimate goal the replacement of Saddam Hussein's dictatorial regime. The Iraqi people have suffered long enough.

Whatever one's view is on the timing of this latest military strike against Iraq, we are all unified in support of our servicemen and women. We are proud of each and every one of them.

I urge all of my colleagues to support this resolution and urge all Americans to pray for the safety of our sons and daughters, husband and wives and those of our allies who are currently in harm's way in the Gulf. It is important for them to know that the American people and the people's representatives in Congress are behind them 100 percent.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I must comment and say that I wholeheartedly agree with the comments of the chairman, the gentleman from South Carolina (Mr. SPENCE), regarding the outstanding young men and women that we have in uniform today. I would like the RECORD to show that I feel as strongly and I support those words of support for them.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise this morning in support of President Clinton and our military troops dispersed in the Persian Gulf.

Yesterday the United States military began strikes to subdue the chemical, biological and nuclear weapons capability of Iraq. For some time now Saddam Hussein has flaunted the will of the United Nations by impeding the activities of weapons inspectors. Strikes against him, in my opinion, and against his regime have been greatly needed and greatly overdue.

I believe, however, that President Clinton has demonstrated great restraint and patience and has waited the appropriate time to initiate these strikes. Had the United States moved towards strikes at another time, we would have been perceived as a bully and would have been condemned by much of the world.

Mr. Speaker, I believe that in this time of crisis, we must put aside partisan quarrels and show unified support for our troops. We should send our thoughts and prayers to the men and women in uniform who are carrying out this attack. We should also keep in our prayers the families of these fine men and women. It will be especially difficult for them because this is the holiday season.

In the Middle East today, along with thousands of military personnel, are more than 1100 soldiers from Fort Bliss, Texas. These men and women are manning Patriot missile systems. I am proud to say that these soldiers are led by the first woman ever to command an air defense battalion. The Patriot systems are in place to defend our troops against possible Scud missile launches from Iraq.

We know from our experience in the Gulf War that Saddam is willing to use Scud missiles against our troops. The presence of these Patriots demonstrates how significant our military leaders believe that the threat of ballistic missiles is. Every month we learn of more tests of ballistic missiles that are faster and reach further distances. The countries testing these systems are not our friends and would likely actually use these ballistic missile systems armed with chemical, biological or even nuclear warheads against others, including the United States.

The strikes to Iraq are significant to slow the development of such weapons by that government. But countries like Iraq, Iran, North Korea and Libya will continue to seek the technology to deliver weapons of mass destruction. As such, we must continue to develop as quickly as possible defensive systems like the Army's THAAD missile system, the theater high altitude area defense system. We must ensure that we are capable of meeting the ever growing threat of ballistic missile to our troops and to our allies.

□ 1030

Today we must stand together and support our President and our troops. Once again, our thoughts should be with our men and women in uniform. God bless each one of them and God bless America.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I rise in strong support of this resolution and commend the gentleman from South Carolina (Mr. SPENCE) for bringing it to the floor today.

While the American people and the Congress may have some question about the timing of this attack, one thing remains unquestionable, our support for the troops. Once the planes are in the air and the ships are at full steam and the troops are on the ground, we categorically and wholeheartedly believe in the mission and we believe in the wisdom of our military leaders.

The provocations are many and the time for action is long overdue. Saddam Hussein is a psychopathic bully in the international playground. As we all know, the only way to deal with a bully is swiftly, directly, and harshly. It is unfortunate that over 24,000 brave men and women have to be apart from their families during the holiday season, but the extraordinary task they are performing will allow the United States and its allies to reaffirm that we will not stand idly by while this threat to safety, liberty and freedom exists.

I proudly salute our servicemen and women all over the globe, and our thoughts and prayers are with you and your families and our support will not waiver.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my absolute support for the steps that our President has taken to degrade Iraq's ability to terrorize her neighbors and destabilize the Persian Gulf.

The international community has given Saddam Hussein more than enough opportunities to comply with United Nations resolutions. Unfortunately, he has chosen to ignore the United Nations and has repeatedly blocked the ability of U.N. weapons inspectors to access strategic sites. Saddam Hussein clearly has something to hide.

I am appalled that Members of Congress in both bodies could be so crass and thoughtless as to suggest that President Clinton initiated this attack to avoid impending legislation addressing his office. To question the integrity of this decision is insidious, damaging, and can be destabilizing to the presidency and dangerous and demoralizing to our troops.

Those, the leaders of our armed forces, need our support. They do not need doubts as regards their motives. I, for one, am proud of our President, our military leaders, and our men and women on the ground, the air, and the sea who are leading the strike force and showing the world once again that America is not afraid to do the right thing.

I was with the President in the Middle East and witnessed his courageous actions in pursuing peace in that region. I was on Air Force One with the President, the Secretary of State, the National Security Advisor, and Republican and Democratic Members of Congress. The President and Secretary of State briefed us just before landing here at Andrews regarding the circumstances of Iraq's deliberate misconduct.

Confluence of events notwithstanding, the President, with professionalism, dedication, patriotism, wisdom and courage, took the appropriate steps. We stand with the President and our troops and may God bless them and all of us.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman of our Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to commend the leadership of the House in bringing this bipartisan resolution to us in support of our military initiative in Iraq in response to Saddam Hussein's defiance of U.N. Secretary Council's resolutions pertaining to his cooperation with the U.N. inspectors. I commend, too, the remarks of the gentleman from Georgia (Mr. GINGRICH) in support of this resolution supporting our Nation's military action against Iraq.

Mr. Speaker, in rising in support of this legislation before us today, I am pleased that we understand scoring congressional unequivocal support for the men and women of our armed forces who are now engaged in our Nation's operations against Iraq. We must, as this measure points out, take appropriate action to remove the regime headed by Saddam Hussein and to promote the emergence of a democratic government to replace that regime.

Mr. Speaker, we must not permit Saddam Hussein to defy the U.N. Security Council. It is the U.N. Security Council that empowered UNSCOM inspectors that are now being denied access to the sites that need to be inspected in Iraq. We cannot permit any suspicious sites to go unchecked when someone such as Saddam Hussein is determined to develop weapons of mass destruction capable of being unleashed on neighboring nations in the Gulf region.

While there has been some debate on whether earlier actions by Saddam should have triggered earlier U.S. military initiatives, the fact remains that we are now involved and we must direct our energies toward making certain that our military efforts are going to be successful and as effective as possible. But we must also make certain that ours is a comprehensive policy that seeks to end Saddam's ability to taunt and endanger the international community.

We must also reach out to those groups within Iraq who are willing to rise up against Saddam Hussein. And I refer my colleagues to the recently enacted Iraq Liberation Act of 1998, which spells out how we can best accomplish that purpose.

My colleagues, Saddam has demonstrated no compunction in reaching out against his own people and nations in the region in reprehensible ways long strongly condemned by the international community. Accordingly, I urge strong support for this measure which underscores the need that military action which can stop Saddam Hussein be effective and continued. We also support and will keep in our prayers the safety and early return of those young men and women who are now securing and fighting for our nation so gallantly at this time of crisis.

Hopefully, then, our response is part of a comprehensive strategy that not only targets Saddam Hussein's weapons of mass destruction, but has, as its ultimate objective, the eventual removal from power of Saddam and his regime, a goal that the President himself has iterated.

To that end, the Administration should employ an integrated strategy in which military action is not an end in itself, but part of a larger plan that includes support for the efforts of democratic opponents of Saddam to remove him from power.

Such an approach should include air strikes, not only against facilities related to weapons of mass destruction, but also against elements that Saddam uses to suppress organized democratic opposition, such as military command and control centers, heavy weapons, and installations of the Republican Guard and the Special Security Organization.

The President should also declare no-drive zones in northern and southern Iraq—in addition to the existing no-fly zones—from which Iraqi armor and artillery would be totally excluded by U.S. air power.

Moreover, the President should utilize the authority under the Iraq Liberation Act of 1998, Public Law 105–338, to provide military assistance and training to Iraqi democratic opposition groups fighting to overthrow the Saddam Hussein regime.

In short, U.S. military power needs to be used in a way that will complement and reinforce the efforts of Iraqi democratic opposition groups to remove the Saddam Hussein regime from power.

Such a strategy is more likely to succeed than air strikes alone. While there is no guarantee that such a strategy will succeed in overthrowing Saddam, this approach is more likely to lead to that result than other strategies that presuppose Saddam's continued grip on power.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), our whip on the Democratic side.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker and colleagues, I rise today in support of this resolution and in support of our men and women who are engaged in combat as we speak. As I look at this issue that is facing us this morning, I look at it from two perspectives, Mr. Speaker. Number one, the need to deal with Saddam and the production, the sale, the use, the delivery of weapons of mass destruction, the destabilizing influence of these nuclear and biological and chemical agents and the pain and the suffering that they have caused and could cause our community.

The other issue that we will not hear very much about on this floor today or perhaps in the dialogue that we will have over this issue in the coming days and months is the policy that we have with respect to sanctions in Iraq, which I think that policy is wrong. And I will tell my colleagues why I think it is wrong and why it has not worked.

It has been 8 years, Mr. Speaker. We do not read about the fact that there have been over a half a million children in Iraq who have died prematurely as a result of this policy. According to preliminary numbers in a study conducted by Richard Garfield, Columbia University, an epidemiologist and a specialist on health effects of the embargo, the death rate of Iraqi children age 5 and under has spiraled up nearly tripling since the sanctions were imposed in 1990. At that time, child deaths in Iraq were on par with much of the Western world.

And it is not just children under 5, it is what has happened to the total society. They do not have medicine, anesthesia for operations. They do not have insulin for diabetics. They do not have heart medicine for those with heart problems, and it has caused enormous pain and suffering.

So what we are confronted with today are two real issues here, one affecting the security of our people and the region in which we are now engaged in a very serious way, threatening way, destabilizing way, and the other with a real humanitarian need to address the concerns of the Iraqi people who are suffering unimaginable pain as a result of the policies of Saddam Hussein but also as a result of the policies of these sanctions which have not worked.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel.

Mr. BUYER. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPENCE) for yielding time to me, and to the Speaker-elect, the gentleman from Louisiana (Mr. LIVINGSTON), let me extend a great compliment to him yesterday. While there were many people who were questioning the President's motives, questioning the President's decision-making process, the gentleman was very thorough, he was very methodical in his decisions approaching the Nation's business, and I extend a compliment to him for having done that. Because I think he made the right decision.

We were facing the impeachment vote and then we have this response to Saddam Hussein. I think many of us here were here last night and we listened to the briefing by the Secretary of Defense and the Director of the CIA and in particular the Chairman of the Joint Chiefs of Staff.

What is difficult here is that the President, as the Commander in Chief, he is always entitled to the benefit of the doubt in his decision-making process as he comes to judgment. His policies and his judgment are always of question. But how he makes the decision, he is given the benefit of the doubt. The benefit gets removed in this case because of the diminished credibility and the self-inflicted wounds that the President has caused himself.

Turn and give the benefit of the doubt to the Secretary of the Defense, to our military intelligence and to the present circumstances. I support this measured and tempered response to the recalcitrance of Saddam Hussein. Saddam Hussein is a repeat offender. He is a habitual offender, and he needs to be put back in his place. He is a Third World tyrant who is a prisoner in the border of his own nation. He loves to be elevated and thumb the nose not only to the world but elevated to the superpower status where he attempts to stick the eyes of America.

Now, this is measured. There will be a cease to this. Do not over blow or over play what this is. This is not an equivalency of the House coming to its debate of the use of force during the Gulf War. Do not over play your hand to the House.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, when our troops are in harm's way, we all support them and we all pray that they will come home safely and as promptly as possible. Having said that, let me express my serious concerns about the current military action ordered by the President.

I am concerned that this action took place with no discussion in the United States Congress despite the fact that the Constitution makes it very clear that it is this body which declares war. I am concerned that while we are ostensibly supporting a United Nations resolution, the U.N. did not vote for this attack, does not support this attack, and that country after country throughout the world are condemning this attack.

This is important because if the United States is to have credibility in the future in terms of condemning aggression, how do we go forward with countries saying, hey, we felt aggrieved, we wanted to do it, that is what you did, you did not come to the United Nations.

This article of war, this act of aggression, is not supported by the Vatican. Let me quote from the Vatican. "The Holy See agrees fully with the

Secretary General of the U.N. that today is a sad day for the United Nations and for the world. The Holy See hopes that this aggression will end as soon as possible and that international order is restored."

□ 1045

Mr. Speaker, Saddam Hussein is a brutal dictator who should be overthrown, and his ability to make weapons of destruction must be eliminated. I have serious doubts, however, whether the action that we are taking today will take us one step forward in that direction, and I fear that innocent civilians, that women and children in that country, will be killed.

Mr. Speaker, when American troops are in harm's way we all support them and pray that they will come home safely and promptly. There can be no disagreement over that.

Having said that, let me express my serious concerns about the current military action ordered by the President.

I am concerned that this action took place with no discussion in the U.S. Congress, despite the fact that war making responsibility rests with the Congress under the Constitution.

I am concerned that while we are ostensibly supporting a United Nations resolution, the United Nations did not vote for this attack. Not only was there no vote by the U.N., it appears quite clearly that the Security Council does not support this action. And this is an issue of grave concern. How will the United States, in the future, be able to condemn aggression anywhere in the world when, for all intent and purposes, this country has acted unilaterally and without the force of law? If Russia, China, North Korea, Great Britain or any country on Earth commits unilateral military aggression that we disapprove of, how will we be able, in good faith, to condemn them? They will simply respond that they are doing precisely what the United States did against Iraq.

While I opposed the Gulf War in 1991, the United Nations and the world community supported it. That is not the case now, Today, our attack is opposed by countries throughout the world, including France, Russia, China, India, Pakistan, Sweden, and others.

On Thursday, Arab-League Secretary-General Esmat Abdel-Meguid denounced the U.S. led attack on Iraq as aggression against an Arab country that would not solve Baghdad's dispute with the United Nations over arms inspections. It is also opposed by The Vatican. Let me quote from The Vatican, "The Holy See agrees fully with the Secretary General of the United Nations that 'today is a sad day for the United Nations and for the world.' The Holy See hopes that this aggression will end as soon as possible and that international order is restored."

Mr. Speaker, Saddam Hussein is a brutal and illegitimate dictator who should be removed from office, and his capability to make weapons of mass destruction must be eliminated. In order to do that, we must develop a political strategy and support the democratic forces in Iraq who are prepared to overthrow him. I have serious doubts whether this military action today will take us one step forward in that direction.

For years now, the women, children and innocent civilians of Iraq, whose only "crime" is that they live under the tyranny of Saddam Hussein, have been punished terribly. They lack medicine, adequate food, clean water, and other basic necessities of life. We should not add to their suffering with attacks like this.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BATEMAN) chairman of the Subcommittee on Military Readiness.

Mr. BATEMAN. Mr. Speaker, I rise this morning to tell Members how strongly I endorse and applaud the decision of our Commander in Chief and his military advisers to take the action which was taken yesterday and which continues today.

Yes, we all ought to recognize the fact that it was a sad day, sad that it had to be taken. But it did have to be taken. I am not one of those who object and point and accuse that there is something peculiar or wrong in the timing of this decision, not in the context of what we expected in terms of the ongoing debate on the subject of the presidency and its tenure. I object to it on the basis that in the first 2 weeks of November when Saddam Hussein had ceased the opportunity for inspections, the Gulf cooperating states, Syria, Egypt and an alignment of people or nations favorable to our having done so agreed that he was at fault and that military action was justified. But we did not undertake that action until 3 days or more after that had happened with more forces deployed in the Middle East then than there are now. Then at the last moment, as we could have predicted Saddam Hussein would have done, he says, "Okay, I'll cooperate" and in mid flight the planes were called back. That never should have happened. We should have gone forward when we had the circumstances and the window of opportunity to have done it then. If I thought it should have been done earlier, I certainly am in no position to complain that it is being done now.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would like to speak from my perspective as cochairman of the bipartisan House Army Caucus and as the representative of Fort Hood in Texas, the largest Army installation in the world. In 1991 when President Bush sent U.S. forces into Kuwait and Iraq, our Nation stood united in support of our troops. Even congressional Democrats and Republicans who preferred economic sanctions rather than war against Iraq at that time put aside their personal and partisan differences once our armed forces were in harm's way. I can tell everyone here that it meant everything to the morale of our troops in Iraq in 1991, including 25,000 of my own constituents, that Congress and the American people stood together in support of them. That is why I am glad to be here to support this resolution today.

However, Mr. Speaker, a resolution supporting our troops must be backed up by our words on this floor and off this floor, by our words and our deeds. I am saddened that last night a number of Republican Members of this House precipitously and without fact charged that the timing of this action was totally political. One representative was even quoted as saying, without any proof whatsoever, that the President was willing to risk the lives of American service men and women to protect his own political standing. Mr. Speaker, that type of unsubstantiated personal attack against our President at a time when brave American pilots and armed forces are in harm's way is wrong. It is irresponsible. It does harm to the morale of our forces in the Persian Gulf.

This morning former Secretary Henry Kissinger, a Republican, said that political attacks on our Iraqi missions such as some of those made last night by Members of Congress would demoralize our troops in the Persian Gulf. The truth is the timing of this attack was unanimously supported by the United States Joint Chiefs of Staff, and an attack on the integrity of this operation is in effect an attack on the integrity of our Joint Chiefs. Secretary of Defense William Cohen, a Republican who served with dignity and integrity in this House and in the Senate said this yesterday, and I quote: "I am prepared to place 30 years of public service on the line to say the only factor that was important in this decision is what is in the American people's interest. There were no other factors."

Mr. Speaker, today is a time to put partisanship and these kind of attacks behind us. I urge some of my colleagues to reconsider their ill-advised comments of last night. Today we must have two goals: One is to say together, the vast majority of Republicans and Democrats do indeed support our troops. Finally let us send a clear message to Saddam Hussein, do not underestimate the ability of the American Congress and people to come together when our national security interests are at risk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LIVINGSTON). The Chair must remind all Members that although it is permissible to debate and speak critically of the President or the administration on matters of policy or politics, remarks in debate must not descend to personality by arraigning the President's personal conduct or by charging other Members with having done so off the floor and by detailing those arraignments.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I want to rise in strong support of the resolution before us today. While questions have been raised about the unique circumstances under which this attack has occurred, I believe that all Members of this House, Republicans and Democrats alike, need to pull together today in support of the young men and women that are now in harm's way in support of our Nation's vital interests. I hope we will wreak havoc on Saddam's ability to develop weapons of mass destruction, to threaten his neighbors and to repress his own people. But beyond that, I hope that these strikes are only part of a broader strategy by this administration to dismantle this Iraqi regime.

I also want to express my thanks to the government of the United Kingdom which again stands shoulder to shoulder with us in opposition to Saddam's defiance to international law. I know that all Americans join me today in praying that our men and women in uniform in the Gulf, including some 2,000 troops from my northeast Florida area, complete this endeavor safely and return home to their families soon.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. I thank the gentleman for yielding me the time.

Mr. Speaker, of course we want to support American troops as they carry out this dangerous and important mission. But let us not lose sight of the sad fact that President Clinton has acted in violation of the Constitution in ordering these attacks without authority of Congress. And let us not forget as well that the decision to go to war is vested in Congress and not in the Commander in Chief and that we too share the blame for this violation of the Constitution because we have time and again defaulted in our responsibility and obligation to insist on our proper constitutional role.

The President, to the extent that he relies on a strict reading of the Constitution for other purposes, would be well advised to adhere to a strict reading of the war powers clause as well. But instead this administration engages in a contrived bit of legal sophistry to conjure up a pretext of legality where none exists.

Shame on him. And shame on us for letting other Presidents and this one take away one of the most important powers vested in Congress, which the American people have a right to expect us, here, to exercise in their behalf.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me this time. There is certainly no question that every Member whether Democrat, Republican, liberal, conservative, moderate, independent, whatever, however we describe ourselves, every Member of this House today stands in unequivocal support of our troops in the Persian Gulf at this time of danger and risk for them. We wish them Godspeed, we wish them good luck, we wish them safe return, we wish them swift return. We express our gratitude to them and to their families for their sacrifice in support of a peaceful world we all want and the security of our Nation that all Americans deserve and demand and expect, especially when these heavy duties come during the holiday season.

Mr. Speaker, the President has outlined a policy of containment with respect to this military action. Degrading Saddam Hussein's program of deadly weapons and fear is a good interim step but it is not the end game. I implore the administration not to be satisfied with an interim result of containment but rather to work toward dismantling Saddam Hussein's destructive regime. Otherwise, we will be doing this again.

We have no quarrel with the people of Iraq. We all know that. They have suffered too long at the hands of a war criminal leader who is ruthless and uses chemistry for genocide in his own country. We want the Iraqis to have a peaceful chance to live in this world community and that cannot happen as long as Saddam Hussein is the ruler of Iraq. We must stand firm. Saddam Hussein must go. He is a war criminal. We should bring him to justice. If we are going to risk the lives of American troops, that is the purpose that the risk should take place. God bless all of them who are doing this heavy, dangerous work now. Amen.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support our troops like every American. Saddam Hussein deserves this. He earned it. He had it coming. But I do not support this process. What has happened to the backbone of the Congress of the United States? We have allowed the executive branch to usurp nearly all of our authority. If these were political actions, we would send the police. If these were peacekeeping missions, we would send the Peace Corps. Ladies and gentlemen, what we are doing is placing troops on foreign soil in harm's way that could precipitate a major problem and the truth of the matter is we are allowing one person to do this.

We all support our troops after the fact. I say it is time to throw out the War Powers Act. Throw it out. Get back to the Constitution. My God, no one man in America should be able to declare war, and that is where we are.

What is even more problematic today is there are many skeptics out there. Everybody is afraid to say what they feel down here. From patriots to "Wag the Dog" skeptics, people are questioning motives. I blame Congress for this. If we get back to the Constitution, do it the right way, we would never allow doubt and politics to raise their ugly head when our troops are in foreign lands under attack.

God almighty, what has happened to us? Yes, maybe the constitutional process is clumsy, maybe it lacks surprises but you know what? Doing it the right way will not only save lives, it will ensure our great republic and our freedom.

I support our troops but I oppose with every fiber in me this process. The war declaration powers in Congress are clear. Wise up, Congress, before we place America at great risk.

Mr. SPENCE. Mr. Speaker I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise to place a statement in the RECORD in support of this resolution but in strong agreement with the previous speaker.

Mr. Speaker, I have always tried to support our men and women in the military, and I support this Resolution.

I supported the original Gulf War, but I must say that I think the situation is very different today.

Eight years ago, Saddam Hussein had what some described then as the largest, most-powerful military in the Middle East.

He was moving into Kuwait, and most analysts felt that if he was not stopped, he would try to take over the entire Middle East.

Today, after major losses in the Gulf War and 8 years of sanctions, Iraq essentially is a defenseless nation in comparison to the U.S.

We have not been told of any overt military action by Iraq, or even of any threatened action, against us on anyone else.

Several nations, including us and some of our strongest allies, have weapons of mass destruction and chemical and biological weapons. We cannot bomb every nation that has such weapons.

We have always prided ourselves as being a peace-loving nation.

War should be our most reluctant action. We should go to war only as a last resort—only if there is no reasonable alternative.

And we should go to war only if there is a serious threat to our national security or there is a vital U.S. interest at stake.

In this instance, as in the bombing a few weeks ago of Sudan and Afghanistan, we have been far too eager to go to war.

We are now bombing innocent men, women, and children who have done nothing to us and have not even threatened us, simply because they are ruled by a mad dictator.

Saddam Hussein is without doubt a horrible tyrant and I would agree with anything bad that is said about him.

But this bombing now is the wrong thing to do, and it is the wrong time to do it. In the long run, it will do far more harm than good.

This Resolution, however, expresses support for our troops in combat and supports the removal of Saddam Hussein. Both of these are things that all Americans can support even if they have questions about the policy and its timing.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

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Mr. HAYWORTH. Mr. Speaker, I thank my friend from South Carolina (Mr. SPRATT) for yielding this time to me, and I, too, rise in strong support of our men and women in uniform who find themselves today in harm's way, indeed of all those who wear the uniform of the United States.

Mr. Speaker, I think it is important to note in response to the criticism from my friend from Texas that came earlier that there are many who confuse dissent with lack of resolve. Indeed the tyrant whom we now confront, Saddam Hussein, was heard to brag to the international press that he remained in power while George Bush was deposed. Mr. Speaker, the tyrant does not understand our constitutional republic, and, Mr. Speaker, in that spirit today I rise to celebrate the ability of every Member of this House and of every American citizen to come to this floor and freely express his or her opinion. That is for one of the freedoms we fight, that is one of the freedoms that must be preserved, that is part of the constitutional process we confront.

Mr. Speaker, let us all remember that and embrace it.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, this resolution has two parts. Of course we support the troops, of course we do. But the second part of this resolution confirms that we should remove a ruler. I cannot believe it is in our best interests to decide who rules in what country. Democracies are not created by attacks from outside.

Mr. Speaker, I know mine might be a minority voice today, but I want us to take a moment, just a moment to mourn, to mourn the thousands of children who will die today and tomorrow. Iraqi children, yes, but they are loved by their parents as we love ours. Those children will die because they are victims of a world problem. No, they are children, they will die.

Mr. Speaker, war is very seldom an answer. But war is always, always a tragedy.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLOMON), the chairman of our Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I will not take the 2 minutes, but let me just say that any Member can stand and perhaps be critical of the timing of the attack, but what can not be questioned is the fact that the attack should come. It should have come 90 days ago, 60 days ago, 30 days ago, 2 weeks ago. The truth of the matter is that the attack is needed.

Let me just say that I have stood on this floor and lectured Members for many years about the need for a strong military. This is just one more example of why we have to maintain a strong national defense that will be able to protect the strategic interests of Americans across this world. And in doing so, when we depend on an all voluntary military, it is absolutely imperative that we give these young men and women the best possible weaponry that we possibly can as long as we have to ask them to go in harm's way.

Mr. Speaker, I would just appeal to my colleagues on my way out of here in a couple of weeks that they continue to maintain a level of defense so that the military can continue to attract and recruit the kind of young men and women from a cross-section of America that we have now. They are the finest young men and women that have ever served in the military, going all the way back to my days in 1950 in the United States Marine Corps.

So I praise this body for what they have done, and I certainly support this resolution. I hope it passes unanimously.

Mr. Speaker, I rise in strong support of this resolution and urge its unanimous adoption by the House.

I would have preferred supporting a resolution of this kind 30 days ago, 90 days ago, last February, or at any number of other times over the past several years. On each and every such time, military strikes against Iraq would have been entirely justified.

Since 1992, Saddam Hussein has established a pattern of noncompliance with the international inspection regime, a pattern of outright defiance that is so unrelenting and unmistakable that military action was called for long before now.

Personally, I believe the last straw came this past September, when Major Scott Ritter described the collapse of the inspection regime in such telling detail that we shouldn't have waited another day. The fury and abuse that were heaped on him by the higher-ups served only to confirm the truth of his warnings.

But, we play the cards we are dealt, and later is better than never.

Mr. Speaker, American forces have been committed to action. Troops are in the field. Our pilots are in the skies over Iraq. Now is the time to pull together and give them the unwavering support they deserve. Every one of them is a volunteer—never forget that—and they deserve everything we can give them.

America stands united behind them. Congress stands united behind them. Let there be no doubt in anyone's mind about that.

And as other of our colleagues have said here today, let this present action against Iraq be the first strike in a comprehensive effort to deal with the source of the problem once and for all—not just with the symptoms.

Let us also seize this situation as an urgent reminder that we need to maintain a strong military. General Norman Schwarzkopf has put it so well; "It is better to sweat in peace than to bleed in war."

One of the clearest lessons of history is this: Peace is only secure when the good are strong enough to deter the bad. It is just that basic.

And that is why Congress must continue to be vigilant in making sure that our military is the best-trained, best-equipped, best-motivated fighting force in the world. We must continue to make sure that the incentives we use in recruiting an All-Volunteer Force are the best that America can possibly offer.

Mr. Speaker, standing behind the troops is a full-time obligation. They deserve our support in peace, as well as war. Let's send them that message today and every day.

I urge unanimous support for this resolution.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MCHALE).

Mr. MCHALE. Mr. Speaker, I rise as a Member of Congress and perhaps more importantly as a veteran of the Gulf War to strongly support the resolution now before the House. Mr. Speaker, it is my belief that we of this Chamber have a profound obligation to those who fought and died in the Gulf War to resolutely compel Iraq's compliance with the terms of peace negotiated at the end of that conflict.

Mr. Speaker, I remember almost 8 years ago I stood in the chow line, I believe in northern Saudi Arabia, perhaps in Kuwait, behind a young Marine who had written on his helmet cover:

"It's not about oil."

The wisdom of that young Marine was true then, it remains true today. It was not about oil during the Gulf War. The action taken by the President yesterday was also about more strategic and significant concerns.

Mr. Speaker, this is about denying access to one of the world's tyrants to weapons of mass destruction, nuclear, chemical and biological capabilities. The action taken by the President yesterday was fully justified.

Our tactical bombardment must now lead to a strategic objective, the removal of Saddam Hussein from power. For the past 8 years that tyrant has exercised brutal authority in a manner not only adverse to the interests of the United States but detrimental to the peace of the world. I welcome the President's action and urge him to take all necessary steps sufficient to strip Iraq of offensive military capabilities, most especially weapons of mass destruction.

Now I would say to my colleagues:

Regardless of how we may vote on other issues within the next few days, now is the time for nonpartisan national unity in support of our President and our forces overseas.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, as a 5 yr Air Force veteran I rise in strong support of the troops: we all do. Everybody supports the troops. But this resolution is a lot more than supporting the troops.

Even by the very nature of our debate today, most of the debate has been about the military action. I see this as nothing more than a rubber stamp on a war that has already been started, and it has not been started in the proper way.

Mr. Speaker, it is clearly stated in the Constitution that only Congress has the authority to declare war. It is precisely because of the way we go to war these days that we are continuing to fight the Persian Gulf War. We did not win the Persian Gulf War because we did not declare war since there was no justification to because there was no national security interests involved.

Saddam Hussein is not threatening our national security. This is a concocted scheme to pursue bombing for oil interests and other reasons, but it has nothing to do with national security.

This resolution is an endorsement for war. We are rubber stamping this action.

We should follow the rule of law. The rule of law says that resolutions, to begin war, should come to the House of Representatives and pass by the Senate. But we have been too careless and too casual for many, many decades, and this is the reason we do not win wars any more.

We are in essentially perpetual war. We have granted too much authority to our President to wage war. Even under the most unusual of circumstances we permit him to wage war. This is wrong. We, as a House, must assume our responsibilities.

I cannot support this resolution because it is a rubber stamp, it is an endorsement for an illegal war. We should argue the case for peace. We should argue the case for national sovereignty. We should not allow our President to use U.N. resolutions to wage war.

First and foremost, the notion that the United States can dictate the political leadership of a foreign policy is immoral. What right have we to determine these things for any nation other than our own? The answer, clearly, is "none," we have no such right.

There is an idea known as sovereignty, and that idea is integral to nationhood. Among other things, sovereignty dictates that a people be responsible for their own leadership, without the interference of other nations. Is it any wonder that the same American leaders who would invade other sovereign nations spend so much time surrendering the sovereignty of the United States? I think not. Simply, their efforts are designed to undermine the entire notion of sovereignty.

One evident outcome of the anti-sovereignty philosophy is our dependence on institutions such as the United Nations. It is an affront to our nation's sovereignty and our constitution that the President presently launches war on Iraq under the aegis of a UN resolution but without the Constitutionally required authorization by the United States Congress.

As Americans we are rightly offended by the notion that the Chinese Government has influenced our domestic elections. However, we are not free from hypocrisy. For recently this Congress passed legislation appropriating money for the sole and express purpose of changing the government of a sovereign nation.

Next, we ought to consider the morality of the means which must be employed to change the government of Iraq. Yesterday I sat on a panel with Harry Summers, a man of considerable military knowledge. Summers stated that it would take ground troops to overthrow Saddam Hussein. Moreover, he unequivocally stated that military history shows that no war has ever been won simply via air strikes. This statement is not only factually accurate, it is also a stark reminder of what the price of this policy will be. Namely, the price of successfully changing the government of Iraq is the blood of many thousands of innocent human beings. And, lest we fool ourselves, many of these people will be American troops, brave young men and women who patriotically agreed to defend the United States but have now been placed like pawns in a chess game, perhaps to remove the leader of Iraq, or perhaps to stave off the removal of the US President. At any rate, these brave young Americans ought not be sacrificed for either of these improper political purposes.

Finally, even by the amoral measure of "realpolitik" the policy of Saddam's removal is unwarranted. The reason that the US has hesitated to actually complete successful enactment of its stated policy is because the result of such enactment is fraught with uncertainty. Iraq is a country made up of many different factions. And many of its neighbors are interested in increasing their influence and control over areas which are now within Iraqi territory. Hence, if Saddam ever were to be removed by force of US efforts, we would face a very real risk to regional stability. Stability being the key concern of those who practice "realpolitik" this points to the fact that by the measures established by the "pragmatists" the stated policy of Saddam's removal is wrongful. Let me be clear, while I reject the notion of divorcing politics from moral considerations, I do believe we should understand that our current policy is not only devoid of morals, but is also doomed to failure from any practical viewpoint.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Speaker, I support the President's decision to attack Iraq. The cat and mouse game with inspection has gone on far too long. It is clear that Saddam Hussein does not intend to comply with the agreement made at the end of the Gulf War. Our best evidence is that Saddam has continued to focus resources on weapons of mass destruction. The problem is that chemical and biological weapons are relatively unsophisticated. It is relatively easy to produce them and hide the production facilities.

In addition, evidence indicates Saddam continues to produce an array of conventional weapons, but the possibility of chemical, biological and even nuclear weapons and delivery system production is clearly the most troubling issue. Our certainty about what is happening in these areas is clouded by Iraq's mistreatment of inspection teams, and this is what has precipitated this crisis.

I was with the President and the congressional delegation, both Democrats and Republicans, to the Middle East. We came back Tuesday night. There was a paradox here. In the West Bank and in Gaza, instead of seeing American flags being burned we saw American flags being waived, and we saw the Palestine Committee raise their hands and knock out a covenant in their charter that says Israel will be destroyed. The President of the United States really was the King of Peace in the Middle East, and then on the way back the paradox is that unfortunately he had to order an attack on Iraq.

Mr. Speaker, we are the luckiest people in the world by having young men and women ready and willing to serve. I would add that they deserve our undying support.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I rise in strong support of the resolution.

The men and women of the United States Armed Forces have once again been called on to defend our country's interests abroad. We can no longer stand idly by while Saddam Hussein flaunts the will of the world and thumbs his nose at the inspectors. This action was not only necessary, Mr. Speaker, it was long overdue. Our military personnel currently serving their Nation in the Persian Gulf should know that this Congress and this country is fully behind their new mission.

One of those sailors is a former intern from my staff, and today I would like to tell her that we are thinking about her. The relatives and friends of our officers and our enlisted men and women should know that their mission is a just one and is clearly in our national security interests. While the prospects of their absence over the holiday season is discouraging, they should take heart from the knowledge that their service today preserves the future for tomorrow's generation.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I rise in strong support of this resolution, and of our men and women in the Armed Services and of our Commander in Chief, the President who has made a courageous and correct decision. This action has been undertaken for strategic reasons and pursuant to tactical judgments of our military and civilian leaders in the Pentagon. The President has taken appropriate action to confront and weaken one of the world's most dangerous tyrants who has savaged his own people and threatened

Iraq's neighbors and the world with weapons of mass destruction.

Mr. Speaker, too often we have historically learned the lesson of failing to act in the face of eminent dangers. Saddam Hussein, through his policies of dissembling and lack of cooperation and following the promises he made following his loss in a war that he precipitated, has made the Middle East a more dangerous region and the world a more dangerous place.

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The world is a safer place because of the courage and willingness of our brave men and women in our armed forces, willing to go in harm's way to protect, not only this country, but the interest of international stability.

I hope that all of my colleagues will stand with the President, stand with our brave young men and women in the armed services, and stand, yes, indeed, with our allies in confronting this, one of the world's most dangerous tyrants.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from San Diego, California (Mr. DUNCAN HUNTER), the chairman of our Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Speaker, the President has decided to take this action that should have been taken any time over the last several years. We have gathered today to commend the troops and to pledge our loyalty to them. We know they have a very difficult task. I hope that they finish the job. It is going to be a very, very difficult job in rooting out and destroying these sites where Saddam Hussein is building weapons of mass destruction.

But we are going to have an obligation to them. I hope that all my colleagues who are coming to the floor to pledge undying loyalty to the troops will join us on the Committee on National Security in moving to increase the defense number to close the 13 percent pay gap that right now exists between the civilian sector and the uniform sector, to buy that $1.6 billion worth of ammunition that the Army is presently short of, to buy the $193 million worth of ammunition that the Marine Corps is short right now, and to increase the defense budget by at least $28.5 billion a year. Because that is what the Joint Chiefs of Staff tell us we are going to have to spend if we want to fill all those unfunded requirements that they have been giving this President over the last several years and that he has not been responding to.

So let us reciprocate to these troops in the next several weeks. We will have a chance to demonstrate our commitment to them. I hope everyone will join with me and other members of the Committee on National Security in seeing to it that we, in fact, do reciprocate and do rebuild our national defense.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from South Carolina for yielding me this time.

Mr. Speaker, the President is doing the right thing at the right time, for the right reasons. I hope that we give him the support necessary so that this campaign continues until we achieve our objectives. The President's action have the support of the Chairman of the Joint Chiefs, the Republican Secretary of Defense, and the British Prime Minister, none of whom would risk the lives of American and British troops for the President's political purposes.

We needed to act now, while the reports of the inspectors still provide limited but fresh intelligence; now, before Saddam can complete hiding his weapons; now, before the commencement of the holy month of Ramadan; now, before the reason for the bombing—Tuesday's U.N. report—becomes old news rather than the final straw justifying immediate action; now, before the world concludes that America has lost its nerve.

Some critics say that the President should have bombed Iraq on November 14th. Mr. Speaker, if the President had done so, those same partisan critics would have savaged him, claiming that he was merely trying to distract us from the November Judiciary Committee Hearings. And if the President had not commenced the bombing yesterday, those same critics would be attacking him today for inaction.

Mr. Speaker—Never underestimate a desperate partisan whose lust for the President's blood causes him to make statements which unintentionally give aid and comfort to the enemy.

Those that have made such statements should apologize to our troops, to the President, and to the nation.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today in support of this resolution and in support of our troops overseas. We as a Nation and a Congress must focus now on the servicemen and women who are risking their lives and standing bravely in the days of adversity to ensure safety for all Americans.

Iraq will continue to be a threat to the United States and the rest of the world as long as Saddam Hussein is in power and has the ability to manufacture weapons of mass destruction. Saddam Hussein has been given too many chances to comply with United Nations inspections. We cannot continue to play this dangerous game of cat and mouse.

I support the use of force in this region to ensure the safety of America and global interests. In what should be a season of peace, my thoughts and prayers are with our servicemen and women and their families as they help make the world a safer place. God bless them.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, now is the time for all of us to join together, not as Republicans and Democrats, but as Americans, to express our support and offer our prayers to the young men and women in American uniform who are responsible for carrying out the current military operation against Saddam Hussein.

Whatever our troubles and conflicts may be at home at this time, I submit that they are rather unimportant compared to the sacrifice these young men and women and their families are making at this time.

Last night, Secretary of Defense Cohen and Chairman of the Joint Chiefs of Staff General Shelton came to this chamber and provided an excellent briefing to us Members of Congress about the military operations, their objective, and their timing. I am convinced now more than ever that this was the right decision at the right time and for the right reason.

I want to just take a moment to thank our British friends and allies who have been partners in peace with us standing together against tyranny to help ensure peace and stability, not only in the Persian Gulf, but throughout the world.

This partnership has grown out of commonly held principles of democracy, freedom, security and peace.

Let me conclude by offering my heartfelt thanks and prayers to the military personnel and their families for the sacrifice they make to their country. This is especially true this time of year when everyone would prefer to be home during the holidays and with their loved ones.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I thank the chairman of my committee, along with the ranking member, for bringing this resolution to the floor today.

Mr. Speaker, I rise to support this resolution in the strongest terms. I rise to support the two-part resolution which supports our military men and women now engaged in the Gulf region. Once again, our military has been called upon to beat back an over-aggressive Hussein regime in Iraq, a regime that, against the will of the global community, has perpetrated the development of weapons of mass destruction.

We have been down this road before. Time and again, we have threatened to use force against Hussein's indiscretions. Time and again, we have failed to send an adequate message of our resolve. This time, we must not fail to punctuate our interest in the region and our commitment to peace in the Middle East.

I would like to highlight the participation of the many brave men and women deployed from Robins Air Force Base in Warner Robins, Georgia. One hundred forty representatives of the 5th Combat Communications group and another 15 from the 78th Security Forces Squadron have been deployed since our last buildup in the region. They will be joined by 150 members of the JOINTSTARS unit and a yet-to-be-determined number of our aircraft.

May God go with them in this holiday season as they carry out their duties on behalf of every American to bring peace in the world.

Mr. Speaker, I include the following for the RECORD:

HOUSE OF REPRESENTATIVES,
February 26, 1998.

The Honorable WILLIAM J. CLINTON,
The President of the United States, 1600 Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: In September, 1996, I wrote you with my thoughts and concerns about U.S. policy toward Iraq (see attached), particularly with regard to the Iraqi government's suppression of the Kurd rebels in the north. I write again to express my concerns about this nation's policy toward Iraq and to urge that you make the overthrow of the current Iraqi government a central element of U.S. policy.

In late 1996, Saddam Hussein and his regime moved aggressively to ensure that anti-Hussein elements in northern Iraq would not pose a political challenge to his authority. In that effort, 2,500 were arrested or murdered by the government. At the same time, some 7,000 of the rebels were evacuated by the U.S. to Guam, and all financial and arms support that had been given to a group of exiled former Iraqi military and political figures (the Iraqi National Accord) was discontinued. The net effect of U.S. policy then was that nearly 10,000 members of the anti-Hussein movement were neutralized in Iraq and all financial backing dried up.

As an indication of how concerned Hussein is about an internal revolution, intelligence indicates that when a U.S. attack became imminent some weeks ago, Hussein immediately moved to consolidate ground forces toward northern Iraq to deal with a possible uprising. Hussein is clearly concerned about the Kurds. Unfortunately, this nation has done little to promote that threat from within Iraqi borders. In my view, the anti-Hussein element represents the best opportunity for internal change in Iraq. Hussein's regime, which operates as a Republic in name only, is guilty of human rights violations, political oppression and crimes against other nations. This, together with a track record of developing weapons of mass destruction make the restoration of a true Republic in Iraq within the national security interests of the U.S. government.

Rough parallels may be drawn to long-standing U.S. policy in Central America where this nation's anti-Communist policy not only prevented the spread of Communism in our hemisphere, but also promoted democracy to the extent that only one non-democratic government remains. Parallels may also be drawn to our policy late in the Cold War toward the Soviet Union and Poland.

Your administration's policy that has recently placed little or no emphasis on internal Iraqi resistance has left the U.S. with very few options in the frequent cases when Hussein has sought to challenge the authority of the U.N. resolutions. Without a credible resistance force to support, the proposition of U.S. military strikes leaves the U.S. in the perceived position of "global bully."

On the other hand, if the U.S. does not move to enforce U.N. sanctions, we abandon a situation that is clearly in the national security interests of this nation. Neither position yields acceptable results.

In light of the recent agreement negotiated by the United Nations, it seems that we may be averting our current course of conflict with Iraq. This offers you an opportunity to reassess your policy in the region. I have supported, and continue to support, American troops in the Middle Eastern theater as well as your authority as Commander-in-Chief. For this reason, I strongly encourage you to adopt a long-term policy that includes the following tenets: maintains as its ultimate priority the elimination from power of the Hussein regime, and the restoration of a true Iraqi republic, or even democracy; fosters internal resistance to the Hussein regime within Iraq to include financial, political, and physical support; if necessary in the short term, limited tactical airstrikes focusing on Iraq's ability to produce weapons of mass destruction; and institution of a comprehensive, nationwide no-fly/no-troop movement zone while the above initiatives are pursued.

If the U.S. is truly the world leader you and I know it to be, we must act within the accepted rule of law and lead by example. I believe the above-described policy directive meets such a standard. As always, I stand ready to work with you to meet these very real global challenges.

Very truly yours,
SAXBY CHAMBLISS,
Member of Congress.

Enclosure.

HOUSE OF REPRESENTATIVES,
September 5, 1996.

The Honorable WILLIAM J. CLINTON,
The President of the United States,
1600 Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: I write to express my sincere concern over recent events in northern Iraq and to ask your consideration of potential policy changes. As a Member of the House Committee on National Security, let me make very clear at the outset that I will firmly and unconditionally support the troops of the United States when they are deployed anywhere in the world. The lessons of history have taught us that irrespective of the debate over policy priorities, our troops must be absolutely certain that they act with the support of our entire nation.

In addition, let me make it clear that I support your authority as the Commander-in-Chief of our Armed Services. Your recognition of strife in northern Iraq is well-founded, and U.S. action in response is entirely warranted. However, allow me to make several observations about subsequent military action you have taken.

First, President Reagan's leadership in this nation's defeat of communism has left us a very different world than the one we faced for over 40 years. Today, we alone stand as the world's superpower, yet we are surrounded by countless areas of ethnic strife and political insurrection around the globe. Iraq is only the latest example.

As a result, we have involved our military men and women in more places and more often than ever before. It is critical that while every situation has its individual circumstances, we must maintain a predictable and identifiable set of criteria that guides this nation's military intervention and involvement around the world. In Iraq, I am concerned that our strategic objectives have not clearly been delineated. As a result, it is impossible to determine whether Iraqi military movements satisfy the demands of the United States.

Second, I am more concerned about the lack of international support for our current military operations in Iraq. While I do not assume international support to be required for this nation's military intervention abroad, I do believe it should be obtained when and if time and circumstances permit. Our efforts in Operation Desert Storm should serve as a blueprint for dealing with hostile aggressors.

Consequently, I would like you to consider the following courses of action:

Issue a short-term ultimatum to Saddam Hussein calling for the removal of all soldiers and tanks from the lands around and north of Irbil, Iraq—a "no troop zone" north of the 36 degree north parallel. In the event that the troops are not removed, Iraq will face the destruction of military targets selected from a predetermined list created by our intelligence sources.

Extend the current "no-reinforcement zone" from the 32 degree north to the 33 degree north parallel in accordance with the "no-fly zone" extended earlier this week.

In advance of the issuance of the "no troop zone" deadline, increased diplomatic efforts should be made to garner the support of the western powers and at the very least a sampling of the Arab world.

As I am certain you are aware, this regional instability in Iraq has the potential for blossoming into a full-blown regional conflict involving friend and foe, alike. Reports today indicate the interest of Turkey and Iran to involve their militaries in the region. Clearly, this is a situation that must remain in the control of U.S. forces in the region.

I appreciate your time and consideration of these concerns. I look forward to working with you as we attempt to resolve this very difficult situation in this very critical region of the world. If there is anything I can do to assist in your efforts to achieve success, please do not hesitate to call on me.

Very truly yours,
SAXBY CHAMBLIS.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I rise in strong support of this resolution and the steps our President has taken in ordering military strikes against Iraq. Almost 8 years ago, on January 12, 1991, I, along with 86 other Democrats, supported President Bush in going to war against Iraq.

I strongly believed then that it was important to support the President in a bipartisan spirit, and I strongly believe now that we need to support our President in the same manner. We need to express our full support of the President's decision and the American troops.

We cannot tolerate Saddam Hussein's actions any further. Iraq refuses to live up to its promise to allow the United Nations to conduct on-site inspections for weapons of mass destruction. Iraq has repeatedly blocked Unscom from inspecting suspect sites. Saddam Hussein has continued to thumb his nose at the United Nations and has no intention in keeping his word, and the United States is right to strike.

This military action serves to protect the interests of the United States and the interest of people throughout the Middle East. This was a difficult decision for the President. The United States is never eager to use force. But with the advice of the Secretary of Defense, the Secretary of State and the Joint Chiefs of Staff, the President acted appropriately.

Our prayers go out to the men and women of the military. We need to show our utmost support of the troops during this difficult time. Their courageous acts will not be soon forgotten by the American people.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the gentleman from South Carolina (Chairman SPENCE) for yielding to me.

Mr. Speaker, I rise in strong support of the resolution. I believe this military action is absolutely necessary. I believe that it should have been undertaken well before now.

Like others, I am troubled by the timing of yesterday's bombing. I do not think it is coincidental that the bombs began falling on Iraq only a short hour before caucuses were convening here in Washington to discuss the impeachment vote.

I understand those that believe the public, Congress, the judiciary, and now even the military may have been manipulated. But while the timing may be offensive, the action is absolutely necessary. We must support it as a Congress and as a Nation.

This vote today sends a strong signal to the world and to our troops that, while we will investigate our President when he flaunts the law, we stand united behind him when he acts to protect our national security.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that it is not in order to engage in personalities toward the President. Although remarks in debate may include criticism of the President's official actions or policies, it is a breach of order to question the personal conduct of the President whether by actual accusation or by mere insinuation.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, I rise in support of this resolution supporting our troops in the Persian Gulf. But, Mr. Speaker, it should not have taken a formal resolution to articulate our unwavering support for our brave men and women and our military operation. It should have been instinctive as it was for most persons.

For one day, we should have been patriots, not partisans. Politics should have stopped at the water's edge. I pray that this resolution undoes the damage done yesterday by the majority leader of the Senate and others who questioned the judgment of the President, the Joint Chiefs of Staff, the Secretary of Defense, and our British allies who outlined the urgency for this action against Iraq.

They risk handing Saddam Hussein his only hope, a divided America. Our troops and this operation deserve our unqualified support.

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Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DUKE CUNNINGHAM), our Top Gun.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, one day I was fortunate enough to shoot down a MIG 21 over Vietnam, and all 5,000 men and women were up on the flight deck. And as they crowded around the airplane, my plane captain, Willy White, an African-American, broke through the crowds. He knocked over Admiral Cooper. He jumped up on the left wing, just as I am trying to get the ejection seat pin, and he reaches over and grabs me by the arm and he says, Lieutenant Cunningham, Lieutenant Cunningham, we got our MIG today, didn't we?

What was Willy telling me? That every single member of the armed service is a part of a team, and they feel very, very much a part of each of those victories and those losses. I saw plane captains cry when their pilots didn't come back; cry, it is that tight.

We don't need any L.A. protesters, the Tom Haydens, the Jane Fondas, and Americans protesting in foreign countries. What we need is to be 100 percent behind our troops. Regardless if we agree or disagree politically, we need to get behind the President. We need to fly his wing on this. We need to go in and take care of Saddam Hussein. That is important. It is not important to you and I, it is important to those men and women that are serving.

I would ask my colleagues, some on the other side of the aisle that continue to want to cut defense, our kids are operating at 300 percent above the op tempo level of Vietnam. Our procurement is down 70 percent. We are only keeping in 23 percent of our enlisted. Our experience is gone. We have 1970s technologies in the F–14s, F–15s, and F–18s.

We want to support our kids, not just in our speeches, but support our kids in deed, and make this country the strongest country, with peace through strength, not walk softly and carry a big stick of candy.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, a few feet from where I stand is a portrait of George Washington. He reminds all of us that our Nation was founded in a fight for freedom, and that the price for freedom is eternal vigilance. Therefore, the President was right to take this action, and to take it now.

Today in this hallowed hall, surrounded by reminders of that heritage, our troops are in the Gulf risking their lives to preserve freedom, to preserve our way of life, standing against a tyrant who has invaded and bombed his neighbors, murdered his own citizens, threatened world peace, and refused to comply with international law.

To our brave troops, I say, we stand with you. Our hearts, our prayers, our thanks, our admiration is with you, and we will do all that is necessary to support you.

But the one clear message from the Congress today to Saddam Hussein should be, we are at one with our president, the Commander in Chief, in support of this military action in order to protect the world from Iraq's chemical and biological weapons, and no domestic issue will deter or divide us in this resolve.

Yesterday's actions are the result of Iraq's refusal to grant access to UNSCOM inspectors. The United States, the international community, and the President have shown great restraint in the past in dealing with Iraq.

The United States has always viewed the use of force as a final option, but international aggressors like Saddam Hussein should not misinterpret that as a sign of weakness in our resolve to demand that Iraq comply with international law and destroy its weapons of mass destruction.

The battles may change, the times may change, the ships may be called by different names, but the fight remains the same, the fight for liberty, peace and security; the fight we began more than 200 years ago for freedom.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me take strong umbrage to a comment by the gentleman from California, who suggested if we question the motives of the President, somehow we are aiding and giving comfort to the enemy; followed by the gentleman from Texas, who said on this floor that he was among 86 who signed a resolution supporting President Bush. What does he say about the rest of Congress at that time, they were unpatriotic?

Mr. Speaker, we are debating about the lives of men and women in the field, and I ask that this House conduct themselves appropriately, and discuss that very essential and vital task they have in front of them.

I want to strongly thank the gentleman from Louisiana (Speaker-elect

LIVINGSTON) and the gentleman from South Carolina (Chairman FLOYD SPENCE) for calling together Congress last night to hear our defense leaders discuss the grave dangers our men and women would face and the importance of this mission, because at a time like this, we must rally ourselves for those same people.

I rise in support today of the resolution commending our troops in the Persian Gulf. With everything else going on here and the world over, too often as a Nation we neglect to note the sacrifices performed by our men and women in uniform. As we are reminded last night with the sobering images of antiaircraft fire in Baghdad, our brave service men and women put their lives on the line to preserve peace and democracy in this world.

Whatever any of us think of the effectiveness of our U.S. foreign policy in the Persian Gulf, no one can question the performance of our armed forces in carrying out their duty in the Gulf. Time and time again our troops have mobilized in response to Saddam Hussein's provocations, and each time their professionalism, dedication, and courage have inspired fear in the enemy, awe in our allies, and pride in our country.

Let us never forget, when we take to the floor of the House Chamber, that it is our men and women in uniform who preserve our right to debate what is best for our Nation. In expressing my gratitude to those noble men and women, I also want to thank their families, many of whom are in my district, and want them to know that our thoughts and prayers are with them at this perilous time.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, today I rise to affirm my unconditional support for our troops involved in the mission against Saddam Hussein, to affirm to the world and to Saddam Hussein that the American people and America's elected representatives are united behind the work of our Armed Forces.

We offer each member of our Armed Forces, over 20,000 strong in the Gulf, this united support, and we want to tell them that the American people stand shoulder to shoulder with them. Their mission, Operation Desert Fox, is a continuation of President Bush's efforts to stop a dangerous and evil madman who threatens his neighbors and all the world with his continuing efforts to manufacture, stockpile, and use political, chemical, and nuclear weapons.

The President's decisive action was the right move at the right time. We have given Saddam Hussein enough chances. With or without allies, it was time to act, to stand up for our national interests, and to stand up for what is right. God bless our service men and women, and God bless America.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this resolution. I commend the House leadership for suspending the scheduled business to set aside this time for a bipartisan expression of support for our Armed Forces. This is in the finest tradition of the United States Congress, and sends a signal to the enemies of the United States that we are united in the protection of our national interest.

I have advocated publicly the development of a clear long-term strategy in our dealings with Iraq, but despite this wish on my part, I certainly support the military strikes, and believe that they are justified. I fully support the actions by our President at the recommendation of the Secretary of Defense and the Joint Chiefs.

But most importantly, today, I rise to support our troops that are overseas. I understand that there are men and women from the Arkansas National Guard and other areas of the service serving in the Persian Gulf region. I want to express my support for them and recognize their service to our country, as well as the men and women from all parts of the country.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in support of this resolution.

Mr. Speaker, of course I support our troops and I will support this resolution. But I have profound concerns about not only long term United States policy toward Iraq, but about the lack of congressional authorization for the President's use of force.

Congress, not the President, has the constitutional authority to declare war or initiate broad, non-defensive hostilities against foreign nations. Yet every Congress in modern times has failed to protect its prerogatives. As a result, Presidents from Harry Truman to Ronald Reagan to Bill Clinton have run roughshod over weak-kneed congressional leaders, and spent the Nation's wealth and the lives of its young people in overseas entanglements. During my time in Congress, I have consistently opposed Presidential war-making, whether it was initiated by Republican Presidents or Democrats.

Saddam Hussein is a brutal dictator and a war criminal who threatens the long-term peace and stability of the Middle East. His continuing efforts to build weapons of mass destruction cannot be tolerated. The United States needs to continue to work with its allies and the international community to nullify this threat.

But after being briefed by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff last night, I am not aware of any immediate threat that justifies this nearly unilateral action by U.S. forces—an action that has not been authorized by the U.S. Congress and an action that is opposed by a number of our allies. There was no reason in this instance that the President could not have come to Congress for its support in this action. There is no reason that we could not have taken the time to garner more support from our allies.

Ultimately, it is up to Congress and its leaders to insist that this and future Presidents seek and gain the approval of Congress when U.S. Armed Forces are sent to war. Otherwise we can look forward to an endless series of foreign entanglements and overseas wars.

So, while I support this resolution supporting our troops, I will continue to oppose Presidential wars and question United States policy toward Iraq.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, over the last couple of weeks I have been dealing a lot with the Constitution of the United States, which starts, "We, the People of the United States, in order to form a more perfect Union," and which has, as one of its responsibilities, to ensure the common defense.

I am glad we are governed by a Constitution that lives and breathes, so it is very important for me to come today to express the abundant confidence that I have in the United States military, our men and women, who now go to fight for freedom. Freedom is what they fight for, for I am sure that as we stand together as a Nation, that we stand with them in our prayers and our support as they conduct this vital operation.

The United States and its international partners have long tried to preserve a fragile peace, but at every corner in this long road the international community has been met with defiance by the leader of Iraq.

Saddam Hussein has refused to live up to the agreements which Iraq agreed to at the end of the Gulf War. The weapons inspectors have been repeatedly denied access to several suspect sites. I would hope that we as a body would stay away from irresponsible remarks, and realize that we must stand together.

Despite these exhaustive efforts to bring peace, Saddam Hussein's regime, by its own conduct, has abused every opportunity for peace that was granted by the international community. As our president and Commander in Chief said last night, this situation presents a clear and present danger to the stability of the Persian Gulf and the safety of people everywhere. Hussein, if unchecked, would use these weapons again. We must ensure that nuclear arms, poison gas, or biological weapons.

I also say that we in this body, along with the Commander in Chief, must have a definitive policy to protect the suffering women and children, and to make sure that democracy comes to that region. So I join this Congress in supporting our Commander in Chief, and staying away from ugly words and bringing our Nation together. God bless our troops and God bless America.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. Mr. Speaker, not thinking that there would be sufficient time, I have already submitted my statement for the RECORD, but I would like to simply say that it is refreshing to have a bipartisan across-the-board support of this resolution that calls for us to support our troops.

I also think it is wise that we use this opportunity to indicate how important it is that we increase the defense budget to allow us to meet these kinds of crises. We have pared away on the defense budget to where it is almost impossible for us to meet these kinds of crises and still do what is needed to strengthen our support for the troops with equipment and with facilities.

I hope that every one of those that are supporting this resolution will come to support an increase in the defense budget when the time comes. I certainly have great love and respect for the servicemen that are serving, I wish them well, and certainly pray to God that they will be protected as they serve.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this resolution and the underlying decision to strike military targets in Iraq. Since the end of the gulf war, Saddam Hussein has done everything in his power to continue to amass and produce weapons of mass destruction. He is a threat to our country, and indeed, the world.

Ambassador Richard Butler has now concluded that UNSCOM can no longer effectively conduct weapons inspections in Iraq because of the obstacles Saddam has placed in its path. Clearly Saddam's defiance of the international community knows no bounds. He has left us with no choice but to use force.

To my colleagues who have questioned the President's motives in the midst of this crisis, shame on them. Shame on them for breaking the longstanding tradition that leaves party politics at our Nation's shores. They have set yet another dangerous precedent.

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Shame on you for playing into the hands of Saddam, who clearly staged his latest act of defiance to coincide with the impeachment process. You have empowered our Nation's enemy.

Instead of playing petty partisan politics, I hope my friends across the aisle heed the words of JOHN MCCAIN, a war hero and a leading expert on national security: I believe it was essential to support the President. Here, domestically, I think the American people have the ability to divide the two issues because they are very separate.

Mr. Speaker, a majority of the American people not only support the President's decision but also discount the reckless and irresponsible accusations of an ulterior motive. I hope that we can do the same in this Chamber.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, as a veteran National Guardsman and member of the Committee on International Relations, I stand in strong support of this resolution to support our men and women in uniform.

Mr. Speaker, I rise today in strong support of this resolution. As a member of the House International Relations Committee, I commend the President and his top military advisors for their decision to launch Operation Desert Fox and I support the brave service men and women charged with carrying out this important mission. Our thoughts and prayers are with them all.

Yesterday, the U.S. military took strong, decisive, and necessary action to degrade Saddam Hussein's capabilities to produce chemical, biological and nuclear weapons of mass destruction and the strikes continue today. Yet again, Saddam Hussein rebuffed efforts by the United Nations Special Commission (UNSCOM) to conduct thorough inspections of possible weapons manufacturing sites. Enough is enough. After Chief Inspector Richard Butler reported of continued acts of Iraqi non-compliance with the UNSCOM team, the United States was left with no choice but to take such strong actions.

The United States has done everything it can to diplomatically find solutions to the situation in Iraq. Saddam has done everything he can to thwart the efforts of UNSCOM, ignore diplomatic remedies and has left no alternative but military force. His shell games and deception of the UNSCOM inspectors must stop. I look forward to the day when there is a new Iraqi government in place, rid of the horrors of Saddam's dictatorship. We must do everything in our power to once and for all totally eliminate Saddam's capabilities to threaten regional and world peace.

No matter what party divisions, differences in opinion, or domestic circumstances we face, now is the time we must unite. We must support our troops, support the mission of Desert Fox and support our President. May God bless our troops in the Persian Gulf and God bless America.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I join my colleagues in full support of the resolution at hand. I not only support the troops in all of their endeavors but I support the decision of the President to take this action. There are those, some puzzling developments that I want to make clear at least from my own satisfaction in the days to come.

One is this, the President and later the Secretary of Defense emphasized the fact that this strike had to occur now because of the advent of Ramadan, the holy period in the Iraqi and Middle Eastern world. And that was understandable until the Secretary of Defense went on further to say that plans were being implemented for further action down the road to include continuous bombing, perhaps after the advent of Ramadan.

If that is the case, then there might be a rationale more consistent to wait until more intelligence had been gathered to find out where the dispersements could occur of the Republican guard, et cetera. So these questions are still unanswered. But this will not deter us from full support of the resolution at hand.

However, the other pausing factor in my appraisal of this entire situation is this, that if indeed we did not have to take the first strike before the advent of Ramadan, because some of the plans called for bombing after the advent of Ramadan, then perhaps we could have had a full congressional approval of any forthcoming action so that the President would be armed with a resolution from the Congress, as George Bush was so armed before launching Desert Shield and Desert Storm.

In that regard, these are only remarks meant for the record so that I, myself, can pursue them. I support this resolution.

Mr. SKELTON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, recognizing the need to halt Saddam Hussein's proliferation of weapons of mass destruction, concerned about the harm to Iraq's children but eternally grateful to our young people, to American troops, I rise in strong support of the resolution.

Mr. Speaker, as a member of the House Intelligence Committee, I am keenly aware that the proliferation of chemical and biological weapons is an issue of grave importance to all nations. Saddam Hussein has been engaged in the development of weapons of mass destruction technology which is a threat to countries in the region and he has made a mockery of the weapons inspection process.

The responsibility of the United States in this conflict is to eliminate weapons of mass destruction, to minimize the danger to our troops and to diminish the suffering of the Iraqi people. The citizens of Iraq have suffered the most for Saddam Hussein's activities; sadly, those same citizens now stand to suffer more. I have supported efforts to ease the humanitarian situation in Iraq and my thoughts and prayers are with the innocent Iraqi civilians, as well as with the families of U.S. troops participating in the current action.

I believe in negotiated solutions to international conflict. This is, unfortunately, not going to be the case in this situation where Saddam Hussein has been a repeat offender, ignoring the international community's requirement that he come clean with his weapons program. While I support the President, I hope and pray that this conflict can be resolved quickly and that the international community can find a lasting solution through diplomatic means.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise in strong support of the resolution, our troops and our President making the decision. I was one of the Democrats 8 years ago to support President Bush. I urge my friends on the other side of the aisle to support President Clinton in this endeavor.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I rise in strong support of the resolution and our troops.

Mr. Speaker, it is important for this Congress and this country to show unity and support for the service men and women who are risking their lives to protect our freedom. I rise in strong support of the resolution.

I am deeply disappointed in my colleagues who have chosen to question the President's motives to launch this attack. Keep in mind that Operation Desert Fox has the full support of this nation's entire national security team, which includes a former Republican Senator. It is also being coordinated with our international allies who are equally concerned about Saddam Hussein's willingness to ignore the will of the world. Finally, this military action was launched after the U.N. inspectors reported Iraq had once again prevented them from doing their jobs to make our country and our citizens safe.

This is not an attempt to avoid the impeachment debate. This is not an attempt to delay the impeachment debate. This is the President of the United States acting in the interests of the country he was elected to lead.

When the lives of American service men and women are at stake we owe it to them and their families to put our partisan differences aside.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I rise in support of the President's decision to strike Baghdad. It is in our country's best interest. We have to ensure that these biological and chemical weapons no longer pose a threat.

Mr. Speaker, the United States and the United Nations have shown a great deal of restraint by choosing to first deal with Iraq through many rounds of negotiations and diplomacy. However, Iraq's most recent actions to prevent weapons inspectors from investigating its weapons of mass destruction program have left the world community with no choice but to respond with force.

While I regret that this is the situation, I support the President's decision to strike Baghdad. It is in our country's best interest that we do all that we can to ensure Saddam's biological and chemical weapons no longer pose a threat to his neighbors and the world.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I rise today as a member of the Committee on National Security in support of this resolution and in support of the President's decision to act swiftly and decisively in response to Saddam Hussein's defiance of the United Nations resolution requiring Saddam to grant permission to the inspection team for full and unfettered access to suspected sites as well as to documentation relating to the production of chemical and biological weapons.

Just one month ago, Saddam Hussein was given a second chance to demonstrate his willingness to comply with the United Nations resolution. In spite of Saddam's record of noncompliance, the President agreed to withhold the use of force. However, the President stated unequivocally that the trigger would remain cocked and if Saddam failed to keep his word, there would be no further delay in our actions.

When Saddam refused to keep his word and the U.N. inspection team leader, Mr. Butler, withdrew his inspectors and filed his report, the United States had no option but to carry out military action. Our credibility, our Nation's word and our credibility as a leader of world peace was at stake.

May God be with our Nation and with our troops as they defend liberty and freedom on this day.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I appreciate the time of my distinguished colleague.

Yes, Mr. Speaker, I rise today as always to support the American military personnel. In fact, we may give the administration the benefit of doubt on the timing. But I question his overall long-term foreign policy in dealing with Iraq. The Clinton administration has carried out for 6 years the most feeble policy against Iraq. Saddam Hussein has done everything in his power to block full weapons inspections.

Do not take my word for it. On August 14 of this year, the Washington Post reported, "the Clinton administration has intervened secretly for months, most recently on August 7, 1998, to dissuade the United Nations weapons team from mounting surprise inspections in Iraq because it wished to avoid a new crisis with the Baghdad government, this is according to knowledgeable American and diplomatic accounts."

Mr. President, I hope you will inform the American people why the administration did all it could to block secret weapons inspections by the United Nations team for months, if not for years. And now that Iraq predictably continues to block weapons inspections, explain to us the timing of this launch.

Yes, Mr. Speaker, I support the American troops. But I question the overall long-term policy of the administration in dealing with Saddam Hussein.

Mr. Speaker, I include for the RECORD the article from the Washington Post of August 14, 1998.

U.S. SOUGHT TO PREVENT IRAQI ARMS INSPECTIONS; SURPRISE VISITS CANCELED AFTER ALBRIGHT ARGUED THAT TIMING WAS WRONG

(By Barton Gellman)

The Clinton administration has intervened secretly for months, most recently last Friday, to dissuade United Nations weapons teams from mounting surprise inspections in Iraq because it wished to avoid a new crisis with the Baghdad government, according to knowledgeable American and diplomatic accounts.

The American interventions included an Aug. 4 telephone call between Secretary of State Madeleine K. Albright and Richard Butler, executive chairman of the U.N. Special Commission responsible for Iraq's disarmament, who spoke on a secure line from the U.S. Embassy in Bahrain. As a team of specialists stood poised in Baghdad, according to persons acquainted with the call, Albright urged Butler to rescind closely held orders for the team to mount "challenge inspections" at two sites where intelligence leads suggested they could uncover forbidden weapons components and documents describing Iraqi efforts to conceal them.

After a second high-level caution from Washington last Friday, Butler canceled the special inspection and ordered his team to leave Baghdad. The disclosure was made yesterday by officials who regarded the abandoned leads as the most promising in years and objected to what they described as the American role in squelching them.

U.S. efforts to forge a go-slow policy in Iraq have coincided with the announcement by the Baghdad government that it would halt nearly all cooperation with the U.N. commission, known as UNSCOM, and the Vienna-based International Atomic Energy Administration. The two panels are responsible for ridding Iraq of ballistic missiles and biological, chemical and nuclear weapons.

The behind-the-scenes campaign of caution is at odds with the Clinton administration's public position as the strongest proponent of unconditional access for the inspectors to any site in Iraq. Led by the United States, and backed by American threats of war, the U.N. Security Council has demanded repeatedly since 1991—most recently in Resolution 1154 on March 2—that Iraq give "immediate, unconditional and unrestricted" cooperation to the inspection teams. That last resolution, at U.S. insistence, promised "the severest consequences for Iraq" for further defiance and was voted under Chapter VII of the United Nations Charter, which is legal grounds for use of military force.

Last week, as Albright reportedly sought to rein in Butler, the administration was retreating from the vows it made six months ago to strike immediately and with significant military force if Iraq failed to honor a Feb. 23 agreement that resolved the last such crisis over inspections. At that time, administration spokesmen described a "snap back" policy of automatic military retaliation if Iraqi President Saddam Hussein violated his agreement with U.N. Secretary General Kofi Annan.

Now the administration argues, as White House spokesman P.J. Crowley said yesterday, that Iraq is proposing "a cat-and-mouse game" and "we're not going to play." He said the United States would continue its "encouragement" of Iraq's compliance with its obligations and would not allow economic sanctions to be lifted until it does so.

Albright, in a one-sentence statement issued through a spokesman, said last night: "U.S. policy has been to fully support UNSCOM in its inspections and I have never told Ambassador Butler how to do his job." She said those speaking for her declined to answer further questions about her Aug. 4 "private discussions" with Butler and would not address specifically whether she had advised him to cancel the planned raids.

Butler, reached by telephone yesterday, said any suggestion that he received orders from Albright would be "a very considerable distortion of what took place." He added, "No member of the [Security] Council, including the United States, has purported to give me instructions. They all recognize that their job is policy, my job is operations."

Asked whether Albright urged him or advised him not to go forward, Butler said any answer "would be a very slippery slope" in which "I'd have to tell you what the Russian ambassador said, what the French ambassador said. Forgive me, but I won't get into that." Asked to confirm he spoke to Albright last week, he said, "I'm becoming concerned now about this line of inquiry."

Beginning in June, according to knowledgeable officials, the U.N. inspectors developed secret plans—withheld from most members of their own staff—for surprise raids at two sites where they believed they would find evidence of forbidden chemical and biological weapons and the ballistic missiles capable of deploying them. The officials declined to describe the sites further, noting that they are still in operation.

In a little-known practice that all parties are loath to acknowledge, Butler dispatched senior lieutenants to London and Washington in late June to provide highly classified briefings on the intended inspection "targets," the sources said. Formally, Butler reports equally to all members of the Security Council and does not give them advance operational plans. But one official said he understands "it's suicide to go forward with an inspection like this" without informing his principal sponsors, the United States and Britain.

The two governments, according to knowledgeable officials, acknowledged to Butler's deputies that UNSCOM had the right to make its own decisions. But they worked in concert in the weeks that followed to dissuade Butler from going forward with the inspection plan.

After consultations in Washington, Derek Plumbly, director of the British Foreign Office's Middle East Command, flew to New York for a July 15 meeting with Butler. He told the Australian diplomat in no uncertain terms that the time was not ripe for a provocative challenge to Iraq, in part because Baghdad was still cooperating, ostensibly, on a "schedule of work" intended to resolve open questions, the sources said.

Shortly after that meeting, U.S. Ambassador Peter Burleigh, the second-ranking delegate to the United Nations, called in Butler for a consultation in which he raised a long list of U.S. questions and concerns about the planned raids. Reading from prepared guidance, he told Butler the decision was UNSCOM's but left the inspection chief with the plain understanding that the United States did not support his plan, according to a knowledgeable account of the meeting.

Butler canceled the raids in July but laid contingency plans to reschedule them this month after meetings on Aug. 3 and 4 in Baghdad with Deputy Prime Minister Tariq Aziz. Aziz announced late on the first day that Iraq would answer no further questions about its forbidden weapons, asserting that all the answers had long since been made.

Butler had brought a senior inspection team led by Scott Ritter, who heads UNSCOM's efforts to penetrate Iraqi counterintelligence efforts against the inspectors. Included on Ritter's team, officials said, were language and computer experts, experts on import and export records, and scientists knowledgeable about missiles, chemical and biological weapons.

On Aug. 4, Butler notified the U.S. government that he had authorized Ritter's team to conduct the raids on Aug. 6. That same day, he got word that Albright wished to speak with him and traveled to the U.S. Embassy in Bahrain for a secure discussion. Albright argued, according to knowledgeable accounts, that it would be a big mistake to proceed because the political stage had not been set in the Security Council.

Butler agreed to a three-day delay, to Aug. 9, in hopes that he could build broader support for UNSCOM during informal consultations with the Security Council. But after he briefed the council governments in New York, he got another high-level American call on Friday urging him to have the Ritter team stand down. The same day, he ordered them home.

In a letter to the council Wednesday, Butler said Iraq's new restrictions "bring to a halt all of the disarmament activities" of his inspectors. On Tuesday, Mohamed Baradei, director general of the IAEA, sent a similar letter to the council saying he could no longer give confident assurance that Iraq is not attempting to reconstitute its nuclear weapons program.

Both men are awaiting further instruction from the Security Council, which is scheduled to take up the matter Tuesday. Yesterday in Baghdad, U.N. special envoy Prakash Shah said he conveyed a message from Annan that "Iraq should continue its cooperation" with the weapons inspectors. He announced no results from what he described as a "cordial" meeting.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood). The Chair would advise all Members to address their comments to the Chair.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Hinojosa).

Mr. HINOJOSA. Mr. Speaker, I thank the gentleman for yielding me this time.

I stand here today to say I wholeheartedly support the decision of our President and Commander in Chief to launch a series of air strikes against Iraq and that I support 100 percent the resolution we will be voting on shortly.

While it is a sad day, this action was necessary. It is an action that is justified. Every avenue has been exhausted to prevent this, but ultimately, it is action prompted by Saddam Hussein and his contempt for complying with the international rule of law.

Now the consequences for that disdain must be realized. In a closed door session in this House last night, all Members, Republicans and Democrats, met with Defense Secretary Cohen. I think any reservations with regard to timing were put to rest at that time. But if further questions linger, I should point out that important congressional and Senatorial voices of support are strongly behind the President's actions. These voices include House Committee on International Relations member, the gentleman from New York (Mr. Gilman), incoming Senate Committee on Armed Services chairman, John Warner, Senate Committee on Foreign Relations chairman, Jesse Helms, Senator Daschle and Senator Richard Lugar, who said the attack came at exactly the right time, that any other decision would have severely damaged the credibility of our United States.

I wish to conclude by saying to our men and women in uniform, you have our undivided support. You represent our Nation's finest. You defend not only our freedom but also the ideals of democracy across the globe. Our thoughts and prayers are with you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that they should not make reference to Senators' comments.

Mr. SPENCE. Mr. Speaker I yield 1 minute to the gentleman from Maryland (Mr. Gilchrest), a Vietnam veteran.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me the time.

I want to make two quick points on the floor this morning. The first point is that this is a representative body, based on constitutional provisions that provide for differences of opinion. The strength of this country is that we, as Representatives, critically analyze the decisions of other elected officials and even the President. So for us to discuss the issue of an invasion of Iraq is totally proper.

The other issue I want to bring up is that all of us, regardless of our party and regardless of our perspective on this issue, have total and absolute support when we focus on those troops in the Persian Gulf. Those troops in the Persian Gulf have our heartfelt, secure support that what they are doing is just. And we wish them an absolute successful mission and we await their arrival back home.

We wish them all a happy holiday.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Farr).

Mr. FARR of California. Mr. Speaker, I rise in support of the troops and in support of the Commander in Chief of the troops, the President of the United States.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I rise in support of our Commander in Chief, the President, and our soldiers who are on the front line today in the Gulf and in Saudi Arabia.

Mr. Speaker, I rise in strong support of the military strike by American and allied forces against the Saddam Hussein regime in Iraq.

For far too long, Saddam Hussein has felt free to defy the international community. For far too long, he has menaced his own people and threatened his neighbors in the region. For far too long, he has failed to live up to his obligations under the terms that ended the Persian Gulf War. For far too long, he has sought to develop weapons of mass destruction and the means to deliver them. Our exertion of military strength against his regime is an appropriate step to communicate to Saddam that he cannot continue his outlaw ways with impunity.

All Americans should pray for the safe return of our men and women in uniform as they embark on this inherently dangerous but necessary, mission. Let me state clearly that no one bears any ill will toward the Iraqi people. In fact, the actions of Saddam Hussein and his regime have long constituted the greatest threat to the security of the Iraqi people. In the spirit of the holidays, let us all hope that today's action may advance the day when Peace on Earth can become reality.

As a veteran of the United States Army, I know that our military personnel will perform their duties with professionalism, diligence and bravery. I am also confident that the leadership of my fellow North Carolinian, General Hugh Shelton, will help bring this action to successful conclusion. I call on all Americans to support this mission and our men and women in uniform.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. GEJDENSON), distinguished ranking member on the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I want to commend particularly the gentleman from South Carolina (Mr. SPENCE) and a number of my colleagues on the other side for their actions here today. There is a difference in the timing of the use of force. I think there is no question that many of the colleagues on the Republican side of the aisle and some on the Democratic side of the aisle would have acted earlier. We will never know whether that would have been a better policy or a worst policy policy.

One of the reasons I trust this President's use of force is that he has consistently been reluctant to use it and with the post-Soviet era, where we no longer can intimidate our friends and allies that if you do not go along with us, you will be overrun by the Communist hoards, it has been his reluctance to use force that has given him wide public and international support when he used it.

This President was elected and spent years trying to solve the Yugoslavian situation without force. Not until 1995 did he begin substantial air strikes that finally brought people to the table and the Dayton agreement of 1995.

□ 1200

In Haiti the deadline for force was September 18. General Colin Powell, Sam Nunn and former President Carter called the President up and said, give us 24 hours more. It is a hard thing to do. The whole world is watching. Is he blinking? Does he really hope to get an agreement without bloodshed?

The President took that political risk, and 24 hours later American forces could land without any fire, without the loss of life on our side or theirs. And the same is here. The President could have said, gee, the letter had not reached me and therefore the strikes occurred on November 15. But I think what the President did again is recognize the world's concern about the one superpower and so he sent a very clear message, I will take every possible step not to use force.

When Saddam Hussein acted again, I met with the President, and I said this and I think every member of this House ought to understand it, the only considerations in this decision were and ought to be American national security and the security of our forces in the region. We have a Secretary of Defense who is a Republican. We have a Secretary of State who has an outstanding record unmatched. They understood and they spoke to us, telling us this decision was made on the facts. The military individuals, our top foreign policy and defense advisors said take this action now, the President has done the right thing. And I applaud again my friends on the other side of the aisle for their support of the Commander in Chief and our troops in the field.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I rise in support of the armed forces of the United States of America and specifically House Resolution 612.

Mr. Speaker, At this extraordinary time in our nation's history, no one should doubt for a moment that Americans are a people of strong resolve and a people who take our country's international responsibilities seriously. Last night, like every other time in the past, the men and women of our Armed Services answered to call to duty and risked their own lives to preserve our freedoms.

We owe them a debt of gratitude. It is fitting, therefore, that we gather today to express the support of the American people for their service and for their mission. And we do this unreservedly.

Saddam Hussein, the Iraqi dictator, has continued his provocation and intransigence in the face of international condemnation and warnings. It is imperative that he not be allowed to manufacture weapons of mass destruction. He has, since 1980 demonstrated his willingness to attack his neighbors and threaten the peace and stability of the Middle East. This in turn is a direct threat to the national interests of the United States.

From all reports, our military forces have acted with bravery and professionalism to minimize injury to Iraqi civilians. We are all aware that taking such care often places our own pilots at greater threat to themselves. They are to be commended for their actions that are above and beyond the call of duty.

Mr. Speaker, especially at this time of year we pray for peace on earth and goodwill for all mankind. However, so long as tyrants continue to oppress their own people and threaten the peace of the world, we must not rest.

Our thoughts and prayers are also with the families of the men and women of our Armed Forces who are separated during this holiday season. We thank them for their sacrifices.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, our thoughts and prayers today are with other sailors, airmen, and soldiers in the Persian Gulf and their families. Our support of them is unconditional. We wish them success in their missions and pray that every one of them will return home safely to their families, friends and loved ones.

We cannot allow Saddam Hussein to have nuclear, chemical, or biological weapons or the means to deliver them. He has shown himself willing to use them, including against his own people.

I would also like to say a word about the family who await anxiously at home today wondering if their loved ones will survive, wishing that they were home out of harm's way preparing for the holidays. Operations like this are often hardest on the families, and as a nation we must rally around them. We have an obligation to keep them informed as much as we can and supported by their nation and by their neighbors.

As a veteran myself and the only woman veteran to ever serve in the United States Congress, I also want to remind everyone that our obligation does not end when the guns fall silent.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, Members of the House, as a member of the Committee on National Security, I rise today in firm support of our soldiers and sailors in the Gulf. The American people have asked these men and women to put their lives on the line to defend freedom all over the world, and it is entirely fitting that today in this House we dedicate ourselves to support their cause.

My colleagues, in the post Cold War theater of our country, we are faced with new threats of all kinds. Rogue nations that have the capability of creating biological, nuclear and chemical weapons comprise the next generation of challenges that our Armed Services face.

Saddam Hussein has found out last night why he should never take our national commitment and dedication to the preservation of peace for granted. Time and time again we warned him that if he persisted on this course, that if he prevented the agreement of inspections, and that if he continued to snub the wishes of the international community, then the United States would let loose the awesome power of its military to force Iraq's compliance with U.N. resolutions.

Our nation has sent a clear signal to the international community that Saddam's kind of terrorism will not be tolerated. The careless manufacture of these weapons of mass destruction is an affront to all civilized societies. While the people of Iraq search for food, Saddam Hussein searches for a new palace to build for himself once again.

These weeks are going to take another important step to changing that situation. Saddam Hussein's days should be numbered and we must commit ourselves to the installation of a fair and democratic government in Iraq.

In conclusion, the President has acted with leadership, he has taken the appropriate action; and it is clear by today's action that the Congress stands by our men and women in uniform and the President of the United States. I want to thank the leadership for setting aside our other business so that we can tend to this important issue of life and death.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Lewis), the chairman elect of our appropriations Subcommittee on National Security.

Mr. LEWIS of California. Mr. Speaker, I want to express my appreciation to the gentleman from South Carolina (Mr. Spence) and to the gentleman from Missouri (Mr. Skelton) for their marvelous leadership insofar as our national security is concerned.

Today, I simply want to rise and say to my colleagues that today we are seeing the Congress of the United States at its finest. We come together in support of the Commander in Chief and in support of our troops when their lives are put in danger. In defense of freedom, we are the leader of the world.

In these days ahead of us, we are going to have more difficult times in which we will see some division in the House. But at this moment, Democrats and Republicans alike are standing hand in hand in support of this resolution, which is an expression of bipartisan and nonpartisan support of our troops facing danger overseas and defense of freedom.

Mr. SKELTON. Mr. Speaker, may I inquire at this moment just how much time remains, please.

The SPEAKER pro tempore (Mr. LaHood). The gentleman from Missouri (Mr. Skelton) has 11 minutes remaining, and the gentleman from South Carolina (Mr. Spence) has 12½ minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. Brown).

Ms. BROWN of Florida. Mr. Speaker, I rise in support of the President's decision to take action in Iraq and in strong support of the troops who have once again shown that we have the finest military in the world.

I want to recognize the units from my area of Jacksonville, Florida, including two bomber units from Cecil Field Naval Air Station; Viking, Shadow, and Seahawk units from Naval Air Station Jacksonville; and the missile cruisers U.S.S. *Philippine Sea* and U.S.S. *Gettysburg* based at Naval Station Mayport. I salute their service and offer a prayer of support for their families here and at home.

Mr. Speaker, it is very important that we put political rhetoric and fighting aside as we once again face down the enemy of peace, stability and democracy. We must be a strong and unified nation during this time, and I urge my colleagues to support our President and support our troops.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Weldon), the chairman of our Subcommittee on Research and Development.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank our distinguished chairman for allowing me this opportunity to speak, and I thank our ranking member for his leadership on defense issues.

I rise in full and strong support of this measure. But I want to remind our colleagues that while we are here to state our support for the troops in words, we need much more than words in the current environment in this city.

We are going through massive problems right now, Mr. Speaker, as the gentleman from Missouri (Mr. Skelton) and the gentleman from South Carolina (Mr. Spence) have said over and over again. This is in fact our 27th deployment of our troops in 6 years. Each of these deployments has not been planned for, has not been budgeted for; and, therefore, we have had to take money out of modernization and quality of life to pay to put the troops in harm's way. And when our colleagues vote in favor of this amendment today, this measure, I would ask our colleagues to understand, this is not just a cheerleading session where we stand up and go, rah-rah, yeah for the troops. We need the funding to support these troops. We need to put the dollars on the table. Because when we send these bombers into Iraq, when we send these troops overseas, there are added costs that we do not have the money for.

And while I stand here fully unequivocally supporting the deployment that is taking place today, I ask my colleagues to understand that they need to provide the support for the funding shortfalls that will continue in the next year.

I also rise to say that, Mr. Speaker, this action I support today but it should have taken place a year ago. In fact, I would like to insert into the Record an article from the Washington Times where it was cited that at least on 6 occasions, beginning in November of 1997, the Secretary of State or other top administration officials sought to stop the U.N. inspector from moving on surprise inspections in Iraq. We actually over the past year have stopped the inspection teams. And now we are saying we must proceed forward very quickly.

Mr. Speaker, I include the following articles:

The interventions included at least six occasions, beginning in November 1997, in which Secretary of State Madeleine K. Albright or other top administration officials sought—with success in each case but one—to persuade chief U.N. inspector Richard Butler to rescind orders for surprise searches for weapons of mass destruction or to remove a controversial inspector from Iraq.

[From the Washington Times, Aug. 31, 1998]

RITTER GIVES REASON FOR NSCOM'S PLIGHT—SAYS U.S. HAS NO SUPPORT VS. SADDAM

(By Joyce Howard Price)

U.S. officials are afraid of a confrontation, with Saddam Hussein because they don't have international support to enforce access to suspected sites of weapons of mass destruction, says former U.N. weapons inspector William Scott Ritter.

"Since April . . . the United States has placed considerable pressure" on the U.N. inspection team "to hold off from carrying out inspections that could cause a confrontation with Iraq," he said yesterday on ABC's "This Week."

"They are afraid of confrontation because of the ramifications," said the 37-year-old former Marine, who resigned last week as a weapons inspector.

"Confrontation with Iraq over inspections requires the United States and the Security Council to live up to their promise of enforcement . . . in [U.N.] Resolution 1154," he said, which calls for the "severest consequences" if Iraq does not allow access to suspected sites of nuclear, biological or chemical weapons.

"Right now I believe that the United States does not want such confrontation because it believes it cannot muster the support for such confrontation," Mr. Ritter said.

Saddam broke off cooperation Aug. 5 with weapons inspectors of the U.N. Special Commission, or Unscom.

U.S. Ambassador to the United Nations Bill Richardson, interviewed on TV talk shows yesterday, rejected Mr. Ritter's charges that Washington has gone soft.

"There's been no change of policy. . . . The record shows that the Clinton administration support for Unscom, the weapons inspectors, has been unparalleled," Mr. Richardson said on NBC's "Meet the Press."

"There have been times where timing and tactics had to be discussed with [chief U.N. weapons inspector Richard] Butler. But the record shows . . . that because of U.S. action, inspectors like Scott Ritter were able to conduct their inspections," he said.

On CNN's "Late Edition," Mr. Richardson said "timing and tactics" were discussed as part of efforts to build international support in the Security Council for the U.S. position toward Iraq.

"At no time did we go to Butler and say, 'Don't inspect, don't do this,'" said Mr. Richardson. "This is a U.N. decision. This is Butler's decision. He is very independent."

Mr. Ritter said U.S. threats of military force earlier this year, when Iraq denied entrance to some sites and sent weapons inspectors packing, were not convincing—certainly not to Saddam.

"There are indications that this saber-rattling was nothing but a bluff to begin with, an effort to force Saddam to back down in the face of force," Mr. Ritter said on ABC.

"One of the problems is it has to be credible force in order for Saddam to flinch, and I think the Iraqis just called the bluff. I don't think there was ever the credible use of force or threat of use of force."

Mr. Ritter said last week that at least six intrusive inspections had been stopped since November under pressure from Washington. Yesterday, he detailed two instances.

"There was a case in July when we actually deployed a team of 45 inspectors in the country to carry out inspections . . . to uncover how Iraq hides these weapons from the Special Commission, and the United States together with the United Kingdom intervened and conferred with Richard Butler to put pressure on him to cancel this inspection, despite the fact that we had a team in country, ready to go," Mr. Ritter said.

"In August, we had another team deployed, ready to go. We had very, very good sites, based upon sound intelligence, and once again . . . the United States, through intervention from both [Secretary of State] Madeleine Albright and [National Security Adviser] Sandy Berger, had the inspection first postponed for a matter of days and then canceled outright."

Mr. Speaker, we must have a clear and consistent policy with Iraq and that policy means when Saddam does not comply we move in military, and I support this. But this action should have taken place months ago and this action requires our financial support as well as our verbal support.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of this resolution. I rise in strong support of our President. I rise in strong support of our troops.

I have always been a supporter of our military troops. I came through World War II. I know exactly what it means to protect our country. I know exactly what it means to be ready. And sometimes I am taken aback on this floor when I hear many of our well-meaning people on this floor question things which they have very little background to know about.

We have many experts in this Congress. We need more people who are willing to say, let's see what the score is, let's look at this thing and find out what it is all about.

Our President is the Commander in Chief. It is his job to make these decisions. I am not here to question his decision. I am here to say I stand behind him and I stand behind those troops. Timing, we are no experts on timing. We have heard the Joint Chiefs of Staff. We have heard Secretary Cohen. They are experts. We are merely generalists, Mr. Speaker.

I stand to support this wonderful resolution brought by the majority party.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the resolution and strong support of our troops who are in action in the Persian Gulf.

Today, even amidst a political crisis at home, our military personnel are engaged in a major operation against the regime of Iraqi dictator Saddam Hussein. Over the last year, Saddam Hussein has violated the agreements that he made to end the Gulf War. And I would agree with my colleague who just stated, the actions taking place today should have started long ago, because Saddam Hussein was committing these same violations 6 months ago and 6 weeks ago that he is violating today and was violating today which precipitated the President's decision to call in military actions.

Saddam Hussein agreed to give up the right to possess weapons of mass destruction in order to end the Gulf War 8 years ago. By violating his pledges that ensured that he gave up those weapons of mass destruction, he is the one who has called this military action upon his people.

Let us resolve today that we are not the enemies of the people of Iraq. The people of Iraq are our friends. The Members of Congress have stated we should, in fact we passed a resolution here and allocated money to support those people who believe in democracy in Iraq and who would wish to overthrow Saddam Hussein's vicious regime.

So today, as we tip our hats and as we sing the praises of our military personnel who are willing to put their lives on the line for stability and peace in the Gulf which ultimately tied to the security of the United States of America, let us also resolve that we are for peace and freedom and we are for the peace and freedom of the people of Iraq as well and they can join with us and bring about a more peaceful world and end these military operations by getting rid of the Saddam Hussein dictatorship. It is that dictatorship that is the enemy of the people of the United States, not the people of Iraq.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of this joint resolution before us in the House of Representatives that we may speak as a unified body and give our support to our President, to our Joint Chiefs of Staff, to our allies who have joined with us in this effort to curve totalitarianism and to make a strong statement on behalf of peace.

It is important for us to get behind our troops now and to be unified as a country that our fighting men and women, and I am thinking particularly today of those at Vandenburg Air Force Base in my district and the colonel with whom I spoke this morning, urging those troops well, knowing that they are giving up their time with their families over this holiday season. We must be with them in spirit and offer our prayers. Speaking also for the people of Iraq, wanting to work with them to find peace in their land and let us all be unified as we do this together.

□ 1215

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I rise today in strong support of the men and women of our armed forces. I thank them for their sacrifice and their patriotism and I pray for their safe return home.

Saddam Hussein is not in compliance with the terms and conditions of the agreement that ended the Persian Gulf War. He has consistently violated international law and he is insistent on development and proliferation of weapons of mass destruction. There is no question he needs to be stopped.

However, I want to remind my colleagues that real support of our troops takes more than a resolution from Congress when they are sent into combat. It takes a real and serious financial commitment from this body. We need to increase the size of our annual defense budget. We need to address the military retirement system. We need to make sure our troops have the best equipment available when they are sent into harm's way.

During the Persian Gulf War there were 18 active Army divisions. Today there are 10. During the Persian Gulf War there were 24 active fighter wings. Today 13. There were 546 Navy ships. Today 333. I do not want to belabor this point today, Mr. Speaker, but we need to address those shortfalls next year.

Again let us pray for our troops and offer them our heartfelt thanks for their service to our country.

Mr. SKELTON. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT) the minority leader.

Mr. GEPHARDT. Mr. Speaker, I appreciate the resolution that is before us and think it is the right thing for us to do on this important day. I fully support the mission of our armed forces currently carrying out this military action in Iraq. These efforts are part of a long-standing bipartisan effort to degrade the Iraqi government's capacity to develop and deliver weapons of mass destruction and to diminish its ability to threaten its neighbors in the region.

Over the last 8 years Presidents Bush and Clinton have pursued a policy to contain the threat that Saddam Hussein poses to the region, the Mideast region and the international community. Today our troops bravely are continuing this effort. I believe that this Congress must give them and is required to give them our undivided support and encouragement.

The U.S. action is the latest chapter in our efforts. It came at the end of a long pattern of Iraqi games to thwart the work of weapons inspectors and frustrate implementation of United Nations Security Council resolutions.

The most recent act of defiance was in October. The United States was ready at that time to use military force with the support of the international community, including eight Arab nations, and the unanimous support of the United Nations Security Council to enforce implementation of these U.N. resolutions. Saddam Hussein in October backed down under these threats, and he pledged and his regime pledged to resume cooperation unconditionally with the weapons inspectors. At that time our President made clear that if Saddam Hussein failed to cooperate fully, without equivocation, the United States would be prepared to act, and to act without delay, to act without going back to the Security Council, to act without coming anywhere to get authority to do it.

The President then said, and I quote, "Until we see complete compliance, we will remain vigilant, we will keep up the pressure, we will be ready to act." As Members all know over the past 3 weeks, Saddam Hussein has engaged in new acts of defiance of the United Nations Security Council resolutions and the weapons inspectors known as UNSCOM. These acts are a clear violation of the international community's determination to ensure that Iraq no longer poses a threat to the region.

The timetable for action was perfectly clear. We have known that Richard Butler would submit the report for several weeks. This is no surprise to anyone in Iraq, in the region, across the world who is involved in these foreign policy issues. Congressional leaders were briefed by the President's national security team on the evolving situation and the military options which were being considered in response. Any suggestion that this action has been affected by the impeachment debate one way or the other is blatantly false.

I sincerely hope that we can temporarily put aside partisanship and direct our efforts to fully supporting our troops, our young people, in this critical mission. We should never let Saddam Hussein dictate the nature or the timing of our response. We must have the ability to carry out our mission effectively to ensure that Iraq cannot reconstitute its arsenal of weapons of mass destruction, and most importantly we must give our commanders in the field the flexibility they need to succeed in their mission with the least risk to the men and women who are putting their lives on the line right now to achieve these goals.

This Congress must stand firmly and in a united way behind the defense of our national interest. We must send a strong message, the strongest possible message to Saddam Hussein that domestic politics will never, ever affect our resolve, and we must send a clear and unequivocal message to the brave young men and women of the United States armed forces that they have our unqualified support as they undertake this serious and dangerous mission.

We must join together today as Republicans, as Democrats, as independents, but as Americans. We must speak with one voice, one crystal clear voice behind our men and women, behind our President and behind our Nation at this time of critical emergency.

If my son or daughter were in the field today, right now, I would want nothing more than every American to stand behind and be proud of their effort on our behalf. By voting for this resolution, we do that today.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Savannah, GA (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank Chairman SPENCE for yielding me this time and also Ranking Member SKELTON for bringing this to the floor along with Speaker LIVINGSTON. I think it is very timely and important that at this day we stop and pause in a bipartisan, united fashion and support our troops. For all Americans, we are united against Saddam Hussein but for those folks that I represent in Hinesville, Georgia, many of their friends and neighbors will be packing and saying good-bye to loved ones as members of the Third Infantry Division start to deploy. We do not know how long they will be there. We do not know how many. But we think it is very important that they know, those of us in southeast Georgia who love Fort Stewart and General Riley and all the fighting men and women that we support them and we want to get them home safely.

Here in Congress we are going to do everything we can to protect them and America's interests. That is why we have fought so hard under Chairman SPENCE's leadership for quality of life, equipment modernization and readiness.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, as a West Point graduate, a former active duty officer and a current reservist, the time is right to tell our young men and women in the armed forces that we support them. That is our mission today, a united front. However, our mission tomorrow is to ensure that our forces have the means at their disposal to conduct necessary operations in the future. Talk is cheap. Rebuilding our military strength is the clearest sign to our young men and women in uniform and their families that we support them, we care for them, and that we are going to do everything with the means at our disposal to protect them. Let us commit today as we talk on this resolution to do the necessary work at hand to strengthen our military for the future.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time, and I thank the chairman and the ranking member for bringing this resolution to the floor.

Mr. Speaker, I rise today to voice my strong support for this resolution. I believe it is important that we demonstrate America's resounding and unequivocal commitment to our Nation's armed forces. We must voice our support, not as Democrats, not as Republicans but as Americans. We know our troops will give us 100 percent and we can afford to give them no less. The President in consultation with America's top military leaders has given sound, rational support for his decision to launch new attacks on Iraq at this time. Members of the Moody Air Force Base in the Second Congressional District of Georgia will soon be called upon to support this endeavor. More than 200 Air Force personnel will be part of a combat search and rescue package that will be deployed within the next few days. This is a very difficult time to ask our service men and women to be separated from their families. That is another reason why it is so important that we have the morale of our troops uplifted by the solidarity to that mission.

I would extend my prayers for all of the deployed men and women and their families for a safe and speedy return. God bless our troops. God bless their families. God bless America.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I rise to submit for the RECORD a statement on behalf of our troops in this very difficult time in their lives as well as the life of our Nation.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I want to thank the chairman and the ranking member for the time and the opportunity to speak in support of our military men and women. I rise in support of this resolution. I ask for bipartisan support in this House, a statement of support for our military men and women. Not only must we support our military men and women who defend our freedoms but we must also stand in support of the regular folks, the people of Iraq, suffering under the yoke of the dictator Saddam Hussein.

Iraq is now governed by a terrorist government driven under the iron hand of dictator Saddam Hussein. Saddam Hussein continues today to threaten the security of his neighbors with efforts to develop weapons of mass destruction. Our military men and women stand ready to defend our freedoms. Today they are in action. Let us speak loudly, let us speak clearly, let us speak with a united voice, with a bipartisan statement of support today.

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We support our military men and women with this firm statement of support contained in our resolution. Let us keep our defenders of freedoms and their families in our prayers today and tomorrow, and also let us take time to thank those every day who defend our freedoms.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BORSKI).

Mr. BORSKI. Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, I rise today in strong support of H. Res. 612, which expresses strong support for the men and women of our Armed Forces who are participating in Operation Desert Fox. I believe this is an appropriate expression of bipartisan support for a difficult but necessary military strike against Saddam Hussein.

At the conclusion of the Persian Gulf War, Saddam Hussein agreed to a cease-fire resolution which explicitly committed him to the destruction and termination of his nuclear, chemical and biological weapons programs. To verify his compliance, Saddam agreed to full and unfettered access to United Nations weapons inspectors.

Since then, Saddam has played a cat-and-mouse game with the United Nations and the international community. The United States has repeatedly threatened the use of force against Iraq if it failed to cooperate, and Iraq has backed down. President Clinton has gone out of his way to resolve these disputes with diplomacy, but Saddam Hussein has failed to reciprocate with a long-term compliance to his international obligations.

Only a few weeks ago, Saddam Hussein once again defied the international community and blocked UNSCOM's access to important sites and documents pertaining to weapons of mass destruction. President Clinton ordered a military strike, but, at the last minute, terminated the operation when Saddam Hussein agreed to allow the inspectors back in to Iraq. The President gave Saddam one last chance, but very clearly warned Saddam that future violations would be met with immediate and decisive military action.

Unfortunately, Saddam Hussein failed to heed these warnings. On December 15, UNSCOM Executive Chairman Richard Butler issued a report to the UN stating that Saddam Hussein was once again preventing UN inspectors from doing their job. In response, Chairman Butler removed his inspectors and President Clinton launched Operation Desert Fox.

Saddam Hussein thought he could exploit what he perceived as a weakness in our country caused by the domestic turmoil over impeachment. But what Saddam once again miscalculated—and what we are demonstrating here today with this resolution—is the strength of our country in times of international crises. Despite domestic problems, the people of the United States of America will always rally behind our President and our troops when our national interests are threatened.

Mr. Speaker, I support Operation Desert Fox, and I support our troops who are doing a magnificent job protecting our national interests in the Persian Gulf. These proud men and women would certainly rather be home for the holidays, but they know their mission and how important it is that Saddam Hussein not be allowed to develop weapons of mass destruction and once again threaten his neighbors in the region.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this morning I had the rare opportunity to have breakfast with three bright young United States Navy lieutenant commanders, one a submariner, one a surface warfare officer and the other a pilot of F–14s. It was interesting in talking to them about their future, the future of the United States Navy, that they reflected to me what I know all the young officers must say and feel about their work and about their contribution to national security. In relation to the pilot, I heard about the dire need for spare parts, about the need for more highly trained mechanics and the need of the help we should give to the families.

Mr. Speaker, these are the young men and young women who are flying missions last night and tonight over Iraq. They are the ones of whom we are asking so very much, and yet we, who are constitutionally required to raise and maintain the military, have left some of them with spare parts problems and inadequate personnel, and yet we expect them to be letter perfect. Thus far they have.

I say a thanks to my friend and colleague, the gentleman from South Carolina (Mr. SPENCE), the chairman of this committee, for he and I worked early this year in a letter to the President and other leaders making a strong case for additional funding for national security of this country. It was good to see the additional dollars in the supplemental this last year. But in order for us to come to this floor and praise the young men and young women for their courage and bravery, we must do our part first, and that part is making secure those jobs, making sure that they have spare parts, making sure that their airplanes fly and that they have bright young people who are strongly motivated to fix their airplanes and to sail the ships. That is our job.

We are here today, and it has been almost overlooked, because of Saddam Hussein's recalcitrance in not allowing inspectors from the United Nations to look for and find the weapons of mass destruction. That is our purpose, to make sure that he does not have those weapons; biological, chemical, nuclear, that could wreck havoc not just on America and Americans' interests and Americans across this globe, but our allies and our friends.

I fully support the President's decision. I fully support him, and yesterday I had an early meeting with the Secretary and the Chairman of the Joint Chiefs when they told me of this plan, and I told them I was for them.

We must, as a body, speak with one voice to support this decision and to support the young men and young women. But I must say more than anything we must support the young men and young women in uniform regardless of the branch in which they serve by doing our part, by adequately funding what they do, by giving them the message that we are with them, more in words, more in resolution, but by adequate funding and resources so they can continue to do the job that we ask them to do and that the Commander in Chief asks them to do.

So I fully support this resolution. I hope it will pass unanimously, that the message will be sent to our friends and foes alike that we stand together as a Nation supporting the President's decision and supporting those in uniform who are doing such a masterful job for us and for our country.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, we are gathered here today to make comments in support of our troops who are presently deployed in the Persian Gulf carrying on operations against certain targets in Iraq. I think it is worth noting at this time, it is important to note, that we are prepared to carry out this type operation and our men and women are equipped to do this. But I have to point out that this is a limited type operation. It is not an all-out type war that we must be prepared to defend against. There is serious question as to whether or not our military is sufficiently strong, with all the cutbacks we have been making, to carry out our national strategy of being able to fight and win two major regional contingencies. That is my concern.

I reiterate we are here supporting our people today in this type of operation.

We must, we must, do more to prepare our country to defend against the other threats we will be faced with in the future.

Ms. KILPATRICK. Mr. Speaker, one of the most grave decisions that a Member of Congress must make is the decision to go to war. Fewer than 24 hours ago, President William Jefferson Clinton launched missiles in response to continued intransigence by President Saddam Hussein of Iraq. Over the past two months, President Clinton has judiciously and skillfully negotiated a truce with President Hussein, and even aborted a launched air strike against military targets in Iraq. As President Clinton clearly stated, that November 15, 1998 cease-fire was the last effort in the continued work to have Iraq comply with the terms that ended the Gulf War over seven and one-half years ago.

As a person of peace and prayer, I have grave reservations any time force or violence is used to solve any problem, conflict or difference. It is unfortunate that we have not yet progressed to the point where violence is not an element of international problem-solving. Each and every life on earth is too precious to be wasted as a result of the collateral damage that inevitably happens as the result of war. The use of force should be used only as a last resort when all other options have been thoroughly examined and exhausted.

Along with 434 of my colleagues in the House of Representatives and 100 of my colleagues in the Senate, I took an oath to protect and defend the Constitution of the United States of America against all enemies, foreign and domestic. This recent action is in the defense of the best interests of the United States. President William Jefferson Clinton, acting upon the advice of the Joints Chiefs of Staff, the Secretary of Defense, and the Director of the Central Intelligence Agency, ordered the most recent air strike. There have been some Members of Congress who have questioned the timing and necessity of this air strike. Now is not the time for Members of Congress to question this joint and unanimous decision of the military leaders of our Nation, all of whom support this needed action. Now is the time to offer our prayers, our aid, and our support to men and women of our Armed Forces, their families and our President.

I have long expressed my support for the ending of humanitarian sanctions on Iraq, and along with over 40 of my colleagues, sent a bipartisan letter to the President asking for a revisiting of the economic sanctions against Iraq. While leveled at the Iraqi regime, these sanctions have had the unintended effect of taking a deadly toll on the innocent civilians of Iraq. History is proof that it is in the United States' best long-term interests to shape a policy that embraces humanitarian concerns and allows new ways to address the legitimate security concerns of the United States. Maintaining humanitarian principles and having a tough stance on Iraq are not mutually exclusive.

On June 26 of this year, we celebrated the 50th year of the Berlin Airlift. After the Soviet Union banned all travel to and from East Germany shortly after the end of World War II, aircraft from U.S. Air Forces in Europe delivered 156 tons of supplies during 64 sorties. During the Berlin Airlift, almost 18 million tons of coal, food, medicine, heavy machinery, newsprint, construction equipment, vehicles, and household goods were flown in to the people, not the government, of East Germany. The Berlin Airlift saved the lives of thousands of people yearning for freedom and justice from the shackles of oppression. The strong, aggressive stance that the United States took against the regime of the Soviet Union complemented its compassion for the people of East Germany.

Fifty years later, we live in the wake of the Berlin Airlift. Through the skill and courage of United Nations Secretary General Kofi Annan, former U.S. Ambassador to the United Nations Bill Richardson, President Clinton, and concerned citizens, were able to previously step back from the brink of war. This is, unfortunately, no longer the case. There are certainly many challenges against lasting peace and stability in Iraq, and it is vital that Iraq fully and completely comply with the inspection teams authorized by the United Nations Special Commission on Iraq. The monitoring and dismantling of Iraqi weapons of mass destruction must take place.

In our letter to President Clinton, we urged the separation of humanitarian sanction from military sanctions. We also asked for improving the oversight and mechanisms for the oil-for-food trade, and the expeditious reform of the federal regulations impeding the flow of humanitarian goods to the people of Iraq. Like East Berlin before the airlift, we have heard several official and unofficial reports of the horrible starvation of children, medical deprivation of senior citizens, and general devastation faced by ordinary, everyday citizens in Iraq.

It is unfortunate that the President of the United States was forced to use missiles in order to get Iraq to comply with reasonable U.N. requirements. Along with Secretary General Kofi Annan, I am deeply saddened and personally hurt that Saddam Hussein did not give peace a chance. Any coordinated policy regarding Iraq should not further punish the women, children, and senior citizens already wincing beneath the thumb of a dictator. In the long run, Saddam Hussein, like any other dictator, will fade away. It is important and vital that the United States forge a humanitarian pact with the people of Iraq and revisit the effect of our economic sanctions and this recent missile strike on Iraq. Fifty years ago, the people of East Germany hailed the collective wisdom and humanitarian courage of America. Fifty years from now, the Iraqi people, and all citizens of the Middle East, will praise the continued fight for freedom, justice and liberty of the American people.

I support our troops. I support the families of our troops. Along with my constituents, I pray that during this month of the most holy of holidays for so many citizens, the collective peace and love that we all so desperately need envelop our troops, their families, and the people of Iraq.

Rest assured that children, women, and senior citizens will die. Rest assured that some of our troops, who are someone's father or mother, brother or sister, niece or nephew, will never return home. Military action of this, or any, scope requires deep prayer, temperance, and patriotism of our country's leaders. Along with the citizens of the 15th Congressional District of Michigan, I hope that my colleagues in Congress will join me in prayer for our country, our troops, the Persian Gulf region, and the Iraqi people, who deserve a better leader than Saddam Hussein.

Mr. STARK. Mr. Speaker, I support our troops in their mission to eliminate Saddam Hussein's ability to use weapons of mass destruction.

Althought I prefer a tight, multinational embargo around Iraq to disable Saddam's regime, that path was not taken. At this juncture, with repeated warnings to Iraq by the United States to comply with Iraq's pledge to disarm and with repeated violations by Saddam, we have little choice but to proceed with military action.

For these reasons, I will vote for the resolution before the House of Representatives today to support our troops and to reaffirm that the policy of the United States to drive Saddam Hussein from power in Iraq.

Mr. UNDERWOOD. Mr. Speaker, yesterday, December 16, 1998, the United States and Great Britain responded to the litany of abuses long propagated by Saddam Hussein, the President of Iraq. Saddam Hussein has repeatedly and consistently violated the terms of the cease-fire agreement that ended the Persian Gulf war in 1991. The terms of that treaty, endorsed by the international community including a significant number of Middle Eastern and Persian Gulf states, called for, among other things, Iraq to dismantle its program for weapons of mass destruction (WMD). Saddam Hussein agreed to these terms and agreed to international inspection, destruction and verification of Iraq's chemical, biological and nuclear weapons.

The creation of the United Nations weapons inspection team, know as UNSCOM was heralded as proof that the international community was living up to its part of the bargain with Saddam Hussein. But Mr. Speaker in the seven years since UNSCOM's creation, Saddam Hussein has been duplicitious and callous by continuing to thwart international efforts to rid Iraq of its capability to produce these WMD. All the while, this Iraqi regime has explored every effort to exploit, cajole and employ chicanery to disrupt UNSCOM's important work. And after reviewing the record, one can only draw the conclusion that Saddam Hussein was never serious about giving up his WMD program. He has violated countless U.N. resolutions and obstructed weapons inspections ad infinitum.

Even after Iraq's defeat by coalition forces in 1991, Hussein was biding his time to regain regional hegemony and hold hostage the world community. Saddam Hussein has shown through out his time in power that he is the archetypical rogue leader akin to a gangster of the 1920s. He has gassed his own people, launched ballistic missiles at Israel and Saudi Arabia, invaded a sovereign nation, murdered scores of his political enemies, terrorized minority Shiites and kurdish civilians and embarked on a seven year campaign that is resulting in the mass starvation of thousands of Iraqi citizens. In short, he has turned the Iraqi nation, one with a proud people and ancient history, into an international pariah state.

Mr. Speaker, I stand in strong support of House Resolution 612, our men and women in uniform and our President. While this necessary action is being conducted as we speak, this is not a time to rejoice, or strike up the bands, or begin to celebrate. This difficult decision was one of last resort, precipitated by the violation of commitments made by Saddam Hussein. If anyone doubts that this course of action is necessary, they have not been paying attention to the last seven years of broken promises.

Moreover, the timing of the attack is being called into question by some pundits and newspapers. But this too is accountable only to Saddam Hussein. It is equally tragic and regrettable that some of our nation's leaders (thankfully only a handful) have questioned the timing of this attack as well. This military action is serious business. The impeachment proceedings are serious business. But both matters before us are governed by the nature of the constitutional process and the unfurling of international events. The only one capable of corrupting these two matters into one, is Saddam Hussein. And his sense of timing should not constrain our freedom of action nor inhibit us from pursuing our moral obligations. For this reason alone, we must remain vigilant to our purpose and unwavering in our task. I am confident that in this distressing moment in our history, the true spirit of our nation will rise to carry out its appointed duty. In this regard, we are unified in our support for our brave servicemen and women. We are proud of the work that they do each and everyday in their selfless sacrifice of protecting our country and fighting for our ideals. May God bless each and everyone of them and their families. And may God bless the President, his advisors, and the United States of America.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today to join my colleagues in voicing my strong support for our men and women in our Armed Forces who have answered their Nation's call to serve in the effort to rid the world of the threat of Saddam Hussein to develop and use weapons of mass destruction.

Mr. Speaker, our troops deserve our full support and our Commander in Chief does as well. This was a courageous and necessary action by President Clinton and he deserves our unconditional support.

My colleagues, I recall when our country first engaged Saddam Hussein and Iraqi at the start of the gulf war in 1991, my constituents and I were saddened but proud when we learned that a Virgin Islander was among the first casualties. All Americans, no matter where they make their homes, proudly answer the call of their nation to serve when it is necessary for them to do so.

And so I support this resolution today. I support our troops and pray for their safe and speedy return home in this season of peace. And I support our Commander in Chief.

Mr. QUINN. Mr. Speaker, I rise in strong support of House Resolution 612, a resolution of support for our men and women of the armed forces during the present engagement with Iraq.

Following the gulf war, Iraq agreed with the Gulf War Alliance and the United Nations requirements that it must cease production of weapons of mass destruction. Iraq has continuously reneged on this agreement and thwarted the efforts of United Nations' arms inspectors.

The presence of chemical and biological weapons poses a serious threat to our national security. In fact, these weapons pose a threat to every nation on earth. Saddam Hussein has proven to be a rogue and reckless tyrant who cannot be trusted. He has shown that he will use these weapons, both on his enemies and his own people.

After learning that our troops engaged Iraq, my thoughts and prayers went out to them and their families. The men and women of our Armed Forces have selflessly defended America's national security interest in the Persian Gulf. We can all be proud of their commitment and loyalty to this country.

During this grave time, our troops should know that Congress and the Nation are unified in support of them.

Mr. GALLEGLY. Mr. Speaker, the flu precludes me from taking part in this important debate on the Floor today. Nevertheless, I support this resolution, which expresses our strong support for the men and women of our military forces in their current action against the brutal regime of Saddam Hussein. This resolution also reaffirms the policy of the United States to support efforts to remove Saddam Hussein from power in Iraq.

Over the past year, Saddam Hussein has been playing this cynical game of failing to fulfill the very inspection agreements which he, himself, signed as part of the peace agreement following his ill-fated invasion of Kuwait. Several weeks ago when Saddam Hussein notified the United Nations weapons inspectors that he was no longer going to cooperate with them and was halting the inspections, the world knew that Saddam was not serious about cooperation and that he was attempting to protect a dangerous arsenal of nuclear, biological and chemical weapons which he intended to use on his neighbors and enemies in the future.

At that time, 6 weeks ago, the U.S. military leadership drafted a plan to resume military air strikes against Saddam's weapons of mass destruction. The President ordered those plans to be executed and the air strikes were given the green light. We all know that at the last minute Saddam backed down and agreed to allow the U.N. inspectors to resume their work and the military strikes were called off.

Many of us in the Congress, and in the country, were disappointed that the President backed down because we all knew that Saddam would not keep his word and that we would once again face down the road the need to strike at his weapons arsenal. Many argued that the failure to respond to Saddam at that time would create a greater threat to the region and to the world and would further embolden Saddam to flaunt his word and create these crises over and over again, betting that no action would ever be taken.

Saddam's refusal last week to again honor his commitments, thus forcing the withdrawal of the U.N. inspection team from Iraq, had to be the last straw. The decision to bomb by the Commander in Chief, with the full support of our Joint Chiefs of Staff, was the correct decision because Saddam through his lack of compliance presented a clear and present danger to the stability of the region and the security of the international community. Last night's air raids despite their curious timing, represented the kind of decisive action which has been inevitable and unavoidable as long as Saddam felt he could get away with his acts of noncompliance.

Mr. Speaker, Saddam Hussein has proven time and time again that he is intractable. If Saddam had felt he could continue to get away with his actions without incurring any penalty, he seriously miscalculated the will of the people of the United States and that of the international community. As a Member of the International Relations Committee, and as one who has been a leader in support of decisive military action against Saddam Hussein as far back as 1991, I support the decision to take these actions against the regime of what can only be called a tyranny and a menace to society. I support the courageous men and women our military forces in these critical times and I wish them and their families Godspeed on this important mission.

Mr. FALEOMAVAEGA. Mr. Speaker, I join strongly with our colleagues in urging passage of this resolution of support for our men and women in the U.S. Armed Forces now confronting Saddam Hussein in the Persian Gulf.

Mr. Speaker, the Iraqi Government has repeatedly shown contempt for the diplomatic resolution of the crisis created by their nuclear, chemical and biological weapons programs. Over the last year, Saddam Hussein has pushed the United States and the International community three times to the brink of war, only to dance away under cover of diplomatic ruses.

With the UNSCOM report issued days ago and Ramadan to begin this weekend, it is clear that the time for diplomacy is over. The Iraqi Government has lied again and U.N. weapons inspectors have been stopped from doing their job.

U.S. and British military forces in the Persian Gulf are now ensuring what diplomacy could not—that Iraq will not threaten the region nor the world with weapons of mass destruction.

I commend President Clinton for making this courageous decision at this very difficult time—knowing opponents at home and overseas would charge him with undercutting the impeachment proceedings.

I don't buy into these charges, as we all know, as does the President, that the impeachment shall continue and the outcome will not change. If anything, his action at this time will only harden the impeachment vote against him.

Mr. Speaker, I urge our colleagues to support the Commander-in-Chief and our Armed Forces in the Gulf that have placed their lives at risk to ensure that nuclear, chemical and biological weapons from Iraq or other rogue nations do not threaten our shores and that of our allies.

Mr. ROEMER. Mr. Speaker, I rise in strong support of this resolution expressing support for U.S. and British air strikes in the Persian Gulf region. We offer our thoughts and prayers to our brave men and women in uniform who are fighting for our national security during our holiday season. I support our troops to be successful and safe, and I support the decision made by the President and our military commanders.

President Clinton provided a targeted and calibrated military response to Iraq's reckless disregard for United Nations arms inspections and our policy to remove weapons of mass destruction from tyrants like Saddam Hussein. The timing of the air strikes was dictated strictly by national security needs. This was confirmed by defense Secretary William Cohen, CIA Director George Tenet, and the Chairman of the Joint Chiefs, General Hugh Shelton in a meeting last night. It was the unanimous view of our military and national security advisors that the air strikes were justified and that the timing this week was critical to the success of the mission in the weeks ahead.

Saddam has repeatedly attempted to erode or violate international standards concerning biological and chemical weapons. He has and is intent on building the most vile weapons in the history of man, weapons outlawed by nearly every country in the world. Saddam Hussein must not go unchallenged. Therefore, I accept the judgment of the President's military and national security advisors, and I will provide all the support I can for our troops while they are engaged in this military endeavor.

The military action initiated yesterday by the United States sends a direct and appropriate message: Iraq must fully comply with the terms of the weapons inspections. We must continue to protect our troops and vital interests in the Middle East and reduce the ability of Saddam Hussein to threaten innocent civilians and his neighbors in the region. I support the intent of yesterday's air strikes and look forward to the safe return of our troops after a successful mission.

Mr. MARKEY. Mr. Speaker, I rise in strong support of the resolution, and of President Clinton's decision to order airstrikes against Iraq.

In 1981, Israeli Prime Minister Menachem Begin ordered the Israeli Air Force to destroy Saddam Hussein's Osirak nuclear reactor, because of growing evidence that this French-supplied "research reactor" was being transformed into a covert nuclear bomb factory. World reaction to the attack was swift and harsh. The French, the Russians, and even the U.N. Security Council condemned the bombing. The Reagan Administration criticized the raid and temporarily suspended arms shipments to Israel.

But in reality, Israel had done the world an enormous favor. It has set back Saddam Hussein's efforts to obtain weapons of mass destruction by several years.

During the Gulf War, the U.S. and its Allies again targeted Iraq's efforts to acquire nuclear, chemical, biological, and ballistic missile capabilities. In the aftermath of that struggle, international inspectors found clear and convincing evidence of a massive Iraqi program to acquire weapons of mass destruction.

Since that time, one of the fundamental goals of U.S. foreign policy has been to assure that Iraq's weapons of mass destruction capabilities are dismantled, and to prevent Saddam Hussein from rebuilding the capacity to hold the world hostage.

That is what yesterday's air strikes against Iraq were all about. This isn't Wag the Dog; its Enemy of the State. It's Target the Tyrant.

Does anyone really want the President to give that madman even more time to hide his weapons, fortify his military, and spawn terrorism?

This is a cruel and savage dictator who has already used chemical weapons against both the Iranians and his own people. He fired Scud missiles at innocent Israeli civilians, and he is hellbent on amassing an arsenal of nuclear, chemical, biological, and ballistic missiles so that he can again threaten stability in the Persian Gulf region.

Yes, the President should comply with the consultative provisions of the War Powers Act as he proceeds with this military action. And he has in fact been consulting with the Congressional leadership, as provided for under that Act. But he had no choice but to take a prompt decisive action in this matter.

President Clinton deserves our nation's support in this decision, and the heroic men and women in our armed services who are carrying out his order deserve our support and our prayers. They are engaged in a noble mission, whose objective is no less than to avert the threat of a nuclear holocaust and reaffirm the sanctity of international law.–

Mr. EWING. Mr. Speaker, I rise today in support of our brave men and women in our armed forces who have answered their Nation's call, and who are now standing tall for the United States of America. In the name of national unity and in the spirit of peace and freedom, I believe this Congress must fully embrace and strongly support the mission currently underway in Iraq.

It must be said that I am troubled by the Administration's failure to consult with Congress before sending our troops into harm's way. A close review of the War Powers Act clearly states that the President must do this before engaging our military in armed action. The fact that this was not done illuminates a subtle shift of power from the legislative branch of government to the administrative branch. In matters as serious as unleashing the might of our military on another country, this shift of power should trouble us all.

It is my deepest hope that this military action has been well planned, will be well executed, and will be brought to a quick and decisive conclusion. The brave men and women who have taken an oath to protect and preserve peace and freedom throughout the world deserve nothing less.

Mr. WEYGAND. Mr. Speaker, yesterday evening the United States launched an attack on Iraq. It is unfortunate that we were forced into such an action. I support the decision to use military force and offer my unequivocal support to the men and women of our armed services. I also offer my prayers for their speedy and safe return.

Saddam Hussein has been given chance after chance to live up to the agreements he made at the end of the Gulf War and time after time refused to comply with that agreement. Last week, Saddam Hussein announced, once again, that he would not cooperate with the United Nations Special Commission's (UNSCOM) attempts to find weapons of mass destruction. The UNSCOM inspection teams are a critical tool in monitoring and preventing Iraq from developing chemical, biological and potentially nuclear weapons. Iraq's refusal to allow those inspectors to do their jobs is a direct threat to the United States, and our allies. Therefore, we cannot sit by while Saddam continually defies the international community and continues to develop weapons of mass destruction.

By continually refusing to comply with agreements it made at the end of the Gulf War, and again after November's agreement, Iraq has proven itself to be a menace and threat to its neighbors and to the people of the United States. Preventing Iraq's development of weapons of mass destruction is crucial to preserving the safety and well being of all of our citizens and our national security.

It has become crystal clear that Saddam Hussein will not abandon his efforts to develop weapons of mass destruction. We gave Saddam Hussein every opportunity to end hostilities and economic sanctions. All he had to do was comply with the agreement and stop developing weapons of mass destruction. I believe we had no choice but to use military force.

Again, I offer my full and unequivocal support for our men and women in the armed service and pray for their quick return and a speedy end to this conflict.

Ms. MILLENDER-McDONALD. Mr. Speaker, we are at an interesting juncture in history. We are juxtaposed between great divisions on how to discipline our President and how to demonstrate unanimous support for the men and women of our armed forces as they proceed into armed conflict miles away in Iraq. Make no mistake, that even during these times we live in the greatest country on earth. For even in the fell clutch of circumstance our resolve is clear and our vision is focused. We will not allow Saddam Hussein to build and develop weapons of mass destruction; we will not allow him to continue to circumvent international law; we will not allow him to continue to obstruct and mislead U.N. weapons inspectors as they attempt to locate and inspect weapons sites. We will not allow him to threaten his neighbors; and we will not allow Saddam Hussein to threaten the future of American families and children. We will not allow Saddam Hussein to threaten the new peace in the Middle East and we will stand united against him, no matter the domestic crisis, and mete out the severest punishment that our military resources will allow us. Just as we punish serial killers for their crimes, we will punish this serial promise breaker for his!

I rise to support the President's actions against Saddam Hussein and I rise in unwavering support of our brave and loyal troops who willingly lay their lives on the line for our freedom. We owe it to them to lay down our political differences and stand together in support of the President's decision to initiate military action against Saddam Hussein. These actions are both appropriate and necessary to prevent the rise of a tyrant who is determined to immortalize himself in the worlds history books. Saddam Hussein has a record of using chemical and biological weapons against his enemies, both, inside and outside of Iraq. He has launched SCUD missiles against Israel, Saudi Arabia, and other Arab countries. He has used chemical weapons against his Kurdish minority, and if given the opportunity and the means, he would not hesitate to launch an attack against the United States.

We have given the Iraqi leader every opportunity to comply with weapons inspectors. We have warned Saddam that his actions would be met with the severest of consequences. The President's actions are in the best interest of our country and our children, and he deserves the full support of this House and the American people. We owe this much and more to Lt. Colonel Heidi Brown, the first woman to command an Army air defense battalion, and the rest of our brave soldiers who are risking their lives for our national sovereignty.

I would like to thank the Leadership of the House for setting aside other business to support our Commander in Chief and I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of carrying out the military mission in the Persian Gulf. I commend the U.S. troops and I commend the President for carrying out his responsibility as Commander in Chief.

The decision to strike strategic defense locations in Iraq was not made by the United Nations. It was not made by the President. The decision to take military action was made by Saddam Hussein himself. On November 15, Hussein was given final warning by the United Nations and the United States that there would be no more discussion if he stood in the way of U.N. inspectors. When he in fact did so, as detailed in the U.N. inspector's report submitted on December 15, we had no choice but to carry out the military mission in order to eliminate Iraq's weapons of mass destruction.

Those Republicans in Congress who criticize the President by saying he is attempting to delay the impeachment vote are the same Members of Congress who would have accused the President of delaying the vote of the Judiciary Committee had this action been necessary last week. And these are the same Members who would have said the President was trying to delay an impeachment trial if this military mission was ordered 30 days from now.

The bottom line is that we must not allow Saddam Hussein the ability to manufacture and possess weapons of mass destruction. If we do, I have no doubt he will use them on his neighbors and ultimately on the United States.

I strongly support the President's actions and I support our U.S. troops in the gulf.

Ms. DELAURO. Mr. Speaker, I am proud to join my colleagues to express my support for the US troops in the Persian Gulf and the important work they are doing to protect our national security. The President is our Commander in Chief, and he has my support.

The President's military and foreign policy advisors, as well as our allies, unanimously concluded that Saddam Hussein must be stopped now. His nuclear, chemical and biological weapons pose a serious and immediate threat. We cannot sit back and watch while he rebuilds and strengthens his arsenal.

In times like these, the Congress and the leaders of both parties should set aside our differences to support our Commander in Chief, the President, and our Armed Forces. Such ought to be our instincts at this critical moment, and I applaud all those who have risen above partisan debate to support this action by our country.

It is unclear we did in the 1991 Gulf War.

Mr. Speaker, thank you for this opportunity to speak. It is important for Members from all across this country to lend their voices and support for our Nation's efforts to eliminate these weapons of mass destruction. Thank God we have taken on this task.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise in strong support of our men and women in the field, and pray for their safety and the completion of this mission. As a former member of the Intelligence Committee, I speak from experience, and familiarity with the evolution of these matters. You are embarked on a mission vital to our national security and the stability of the Middle East region, and you go with the full support of the American people. This mission has been developed and planned over the last several months, and is consistent with the policy requirements set forth by the President and the United Nations in November, keyed on the final notification of noncompliance from the international UNSCOM team.

There are those here who have questioned the timing of this attack. To those, I say we need look no farther than Saddam Hussein himself. Because we live in a free society, our political schedule and debate is not kept secret. There is no secret as to why our membership is gathered here today during this holiday season and able to vote on this resolution today. It is not hard to surmise that the enemies of our state throughout the world, unfamiliar and unversed in the practice of freedom and the expression of liberty, would mistake our spirited and philosophical debate for a disintegration of our collective strength, and choose to capitalize on it. In unity, let us send a clear message of restraint to those who would seek to test our resolve. We do this with this resolution.

To the American people, your courage and support during this time is a credit to your resolve and faith in democracy. There has been much debate about our Constitution over the last several weeks, especially around the separation of our three branches of government. I submit to you a living example of the wisdom of our founders, that while in the throws of partisan and philosophical division gripping this House, the Nation still has the ability to respond quickly and directly to crisis. This is our strength, this is our Constitution, this is our Nation, and the legacy I stand before you to support and protect. The President, our Commander in Chief, and our men and women in the armed services have our complete and unwavering support in their mission.

Mr. POMEROY. Mr. Speaker, I rise in strong support of this resolution and the heroic men and women who serve in our Nation's Armed Forces.

Even in the midst of a critical domestic debate, we stand firmly united in the face of threats to our interests abroad. Saddam Hussein continues to violate the terms of the agreement that ended the gulf war, and we must contain the threat he poses to the security of the region. Saddam Hussein's proliferation of weapons of mass destruction continues to threaten lives in the Persian Gulf and around the world.

Mr. Speaker, our Armed Forces risk their lives every day to protect American families against threats like that posed by Saddam Hussein. I would like to take this opportunity to express my heartfelt gratitude for their loyal service. It is critical that our troops have a clear and unequivocal understanding that Congress and the American people are one hundred percent behind them. They deserve nothing less than our full and unwavering support in this and all their endeavors.

Mr. SMITH of Michigan. Mr. Speaker, world peace has been jeopardized because of Saddam Hussein's continued reluctance to cooperate with UN weapons inspectors. In the past 13 months, the United Nations Special Commission on Iraq (UNSCOM) has evacuated from Baghdad, in full or in part, four times. These include an incident in November of 1997, when Iraq refused to allow Americans to participate in UNSCOM, a second time when Iraq refused to grant unconditional access to sensitive sites in February of 1998, and the beginning of the most recent crisis in November of 1998 when Iraq stopped cooperating with UNSCOM until yesterday when Ambassador Butler reports that Iraq was not cooperating with UNSCOM.

When dealing with a dictator as ruthless and unpredictable as Saddam Hussein, that has developed weapons of mass destruction, it is imperative that the United States take a firm stand and refuse to continue to give ground. The information available to us from the previous inspections and intelligence reports show that Iraq is still working diligently to build an arsenal of weapons. It is my firm belief that the military strikes which were launched were necessary to show Iraq that their behavior is unacceptable.

I strongly favor this resolution of support for the men and women of our armed forces in and around the Persian Gulf. This Nation must stand as one, despite politics, when we confront terrorists such as Saddam Hussein.

Mr. POSHARD. Mr. Speaker, I rise in support of the concurrent resolution and urge its adoption.

Our moral authority and the military might enforcing that authority exist in large part thanks to the men and women wearing the uniform of the United States of America.

Their voluntary commitment to serving this country, its people and its principles is what makes us strong and capable of taking the action that is currently underway.

We work for peace and for resolution to conflict that puts our men and women in harm's way. And we are eternally thankful for their devotion and sacrifice.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in strong support of this resolution and commend America's armed forces in Iraq. We must destroy Saddam Hussein's ability to make and use weapons of mass destruction and eliminate his ability to wage war against his neighbors.

Inspectors began their mission to oversee the elimination of Iraq's weapons seven years ago. Since then, Saddam Hussein has repeatedly failed to comply with UN inspection agreements. Iraq has continued to block UNSCOM from inspecting sites, and has restricted UNSCOM's ability to obtain critical evidence. This defiance poses a clear and present danger to countries in the Gulf and people across the world.

In November, the President made it clear that if Saddam Hussein failed to cooperate, we would strike without warning or delay. The President's advisors informed him that mid-December would be the appropriate time for this mission. Failure to act decisively at this juncture would provide Saddam Hussein with time to protect his weapons and prepare for potential action against him.

The President's decision was based upon the unanimous recommendation of the Vice President, the Secretary of Defense, the Joint Chiefs of Staff, the Secretary of State and the National Security Adviser. Tony Blair, Prime Minister of Great Britain, concurred that now is the time to strike. In the President's address to the American people yesterday, he had "no doubt that left unchecked, Saddam Hussein will use these terrible weapons again." I strongly support the President's decision and believe that we must stand united behind our troops. Our men and women in uniform are putting their lives in danger to protect the interests of the people of the United States and our allies around the world.

Mr. SCARBOROUGH. Mr. Speaker, I strongly support H. Res. 612, a resolution supporting our troops in the Persian Gulf. Despite strong concerns over the timing behind these air strikes, it is imperative that we stand in support of our armed forces. Many troops from my northwest Florida district will be involved in this operation and they deserve the full support of Congress and the American people.

Mr. RAMSTAD. Mr. Speaker, I rise today in strong support of the men and women of the U.S. armed forces deployed in the Persian Gulf for their professionalism, patriotism, dedication and courage.

As the new millennium approaches, the greatest threat to our national security is the proliferation of biological and chemical weapons. Saddam Hussein's regime has demonstrated again and again its desire to manufacture and use these weapons of mass destruction. We simply cannot allow Saddam the capability and the resources to complete this awful task.

Day in and day out, the men and women of our armed forces perform the vitally important job of protecting our national security. I'm proud of their work, and I am deeply grateful to those who have accepted this challenge in the Persian Gulf. With over 24,000 U.S. troops in the Persian Gulf, we must give our brave soldiers our unequivocal support and encouragement at this difficult time.

We applaud our brave troops and thank them for their service to our country. Our thoughts and prayers are with our troops and their families.

Mr. BOEHLERT. Mr. Speaker, I want to join my colleagues in expressing my unqualified support for our troops as they undertake this important mission. I cannot overstate my admiration for our troops as they put their lives on the line to make the world safer for all. Saddam Hussein is a threat to many nations, as the President made clear last night, and we must make sure that his ambitions are contained and his capabilities limited.

This is a time when Americans must come together. This mission is a logical and justified step in an American policy that began during the Bush Administration. Having been briefed on the incidents that led up to this mission, I have faith that our military and political leaders—those with the best information—have made an appropriate and entirely defensible decision. And I applaud the willingness of the British to join us, which underscores the military and political credibility of the mission.

We must put aside partisan and other divisions now. I agree wholeheartedly with Speaker-Elect LIVINGSTON's decision to postpone the impeachment debate. We need to pause, take in the magnitude of what has been happening, and support our troops. I believe that is what the House is now doing and I hope all Americans will follow suit.

Mr. ORTIZ. Mr. Speaker, anytime young Americans are carrying out our foreign policy with parts of our national security apparatus, Congress should stand in support of them, of the Commander in Chief and of the policy they propound. If anyone disagrees with the policy, it is their duty to speak up in this democracy.

As a member of the National Security Committee, I know what sort of threat is posed by Saddam Hussein's arsenal of terror of the biological, chemical and nuclear sort. He has exploited our biggest weakness, a lack of committed, long-standing allies in the Gulf region. It is important to note the recent diplomatic breakthrough in the Middle East at Gaza, which no doubt reinforced in the minds of our Arab and Jewish friends the good will intended to Gulf states on the part of the United States.

Also, it is of tremendous importance to note that the uniformed services, who have been openly critical of President Clinton and this Administration from time to time, have spoken in unison and with passion about the timing and the need for the strikes at this time. Just as the United States took strong action against terrorism in the embassy bombings in the midst of Congress' impeachment activities, we again move forward unaffected by a domestic partisan squabble in the Congress.

I support the President, the troops and the policy of a long-term commitment to the disarming of the terrorist nation that has been a thorn in the world's flesh for nearly a decade. I commend the President for moving forward on U.S. policy around the world when military events dictate.

Mr. KLECZKA. Mr. Speaker, I rise to support the men and women of our military participating in Operation Desert Fox. Their willingness to risk their lives defending our Constitution and freedom is the highest form of patriotism.

Saddam Hussein has stood in the way of allowing the United Nations Special Commission (UNSCOM) to conduct their inspections that were mandated in the 1991 cease-fire one-too-many times. He has continued to break promises and put the people of Iraq in harm's way. On November 14, Saddam was given his last chance to resume full cooperation as a condition of the 1991 cease-fire. Nonetheless, Iraq has blocked the United Nations Special Commission (UNSCOM) from inspecting suspect sites and restricted its ability to obtain necessary evidence. Iraq has failed to cooperate. His actions have jeopardized the security and stability of the Persian Gulf that our troops fought so hard for in 1991. This is simply unacceptable. Saddam has now run out of chances.

The President is completely justified in his use of force. The leaders he depends on to advise him on national security matters, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Secretary of State, and the National Security Advisor, have unanimously endorsed not only the use of force, but the timing of the attack as well. Furthermore, this attack was in coordination with the British military. The credibility of the United Nations as a peace-keeping organization is predicated on the ability of its members to enforce its mandates.

But let's not lose sight of the most important reason we are on the floor today: to recognize the bravery of our soldiers. What our troops are doing is very dangerous and extremely important. It is not us who honor them with this resolution, it is they who honor us with their service. Their readiness, skill, and courage that they have demonstrated and continue to demonstrate are a credit to the great military tradition of this nation. It is that tradition that we are supporting.

I want to express my most heartfelt appreciation to the troops and their families for their tremendous sacrifice and my most sincere hope that this conflict will be over soon so our men and women serving in the Persian Gulf will celebrate safe and blessed holidays at home.

Mr. LAHOOD. I rise in support of House Resolution 612, a resolution of support for the men and women in uniform. They have been called upon to once again "check" Saddam Hussein's refusal to comply with world demands that he stop the mass production of chemical weapons.

Mr. Speaker, after learning that the U.S. military forces had engaged enemy forces, my prayers and undeniable support went out to them and their families. For years, they have selflessly defended America's national security interests in the Persian Gulf at great personal sacrifice. All Americans can be proud of the way our troops have performed. They are a credit to our nation and an inspiration to us all. Regardless of the questions raised by the unique circumstances, Mr. Speaker, it is important that our troops know that Congress and the nation are behind them.

The challenges to U.S. security posed by Saddam's actions in Iraq is stark. Simply put, the United States cannot allow Saddam to continue to frustrate the efforts of the international community and to rebuild his weapons capabilities. Doing so would again allow him to threaten his neighbors, U.S. friends and allies in the region, and direct U.S. interest.

Whatever one thinks of the timing of these latest U.S. military strikes against Iraq, we are all unified in support of our service men and women. We are proud of each and every one of them. I urge all my colleagues to support this resolution and urge all Americans to pray for the safety of our sons and daughters, and husbands and wives who are currently in harm's way in the Gulf.

Mr. Speaker, I ask my colleagues for their unanimous support.

Mrs. TAUSCHER. Mr. Speaker, I rise in support of President Clinton's decision to order military strikes against Saddam Hussein and especially in support of our troops in action.

Since committing at the end of the Persian Gulf War to full and open inspections of his nuclear, chemical, and biological weapons capabilities, Saddam Hussein has repeatedly blocked the work of the United Nations inspectors. Time and again he has refused to turn over key documents and he has continually refused UNSCOM inspectors entry to suspect facilities.

On November 14, Saddam asked for one more chance, and we gave it to him. Once again he reneged on his commitment. Military action is now necessary to stop his efforts to produce weapons of mass destruction.

Our troops engaged in Iraq are doing good, important, and dangerous work. They deserve our prayers and support.

As a member of the National Security Committee, I returned on Tuesday from a trip to visit our troops deployed in the Balkans. I had the opportunity to see first-hand the sacrifices our men and women in uniform make in service to our nation. Americans in the Gulf are now making the ultimate sacrifice and it is our responsibility to be steadfast in our support.

This is not a time for partisan bickering. This is a time when we must come together as a nation in support of our men and women fighting for a just cause.

Mr. Speaker, I urge my colleagues to support the resolution and provide their full backing to our fighting men and women in Iraq.

Mr. PACKARD. Mr. Speaker, I would like to rise today in support of our troops in the Persian Gulf. In my mind, there is no more honorable duty than that of our members of the armed services.

Since the close of the Persian Gulf War, Iraq has repeatedly refused to comply with U.N. resolutions concerning its weapons of mass destruction. Saddam Hussein continues to thumb his nose at the United States. Iraq is a threat to both our allies and our troops currently stationed in the region. I have always and will always support military action to contain Iraq's dangerous development of chemical, biological and nuclear weapons. It is time we put a stop to Saddam Hussein and his ludicrous ways.

As a former member of the Navy I understand the commitment and love for country which is needed to serve in our armed services. These soldiers are giving the ultimate level of commitment by defending freedom.

Mr. Speaker, my thoughts and prayers go out to our troops and their families.

Mr. LINDER. Mr. Speaker, I rise in favor of this resolution that expresses our strong and absolute support for the men and women of the U.S. armed forces deployed in the Persian Gulf for their professionalism, patriotism, dedication, and courage. I am deeply grateful to the soldiers and the families of these troops for their contribution to the cause of peace and the national security of the United States. When our troops are engaged in hostilities or are in harms way, we unconditionally support them in the dangerous work that they do to protect the interests of the United States. While the President's timing of this attack is questionable, I leave that question to the best judgment of the American people.

Saddam Hussein is a murderous dictator who cannot be permitted to continue to release his terror on his people and the world. He has repeatedly proven that he cannot be trusted, and Iraq will remain a threat to peace as long as this dictator remains in charge. The mission by our troops against Saddam Hussein is a just one and it is absolutely necessary, but it should have come months ago.

I am very proud of all the American men and women who currently serve our country in the Middle East. The presence of the greatest fighting force in the world—the United States military—in the Middle East plays a vital role in keeping peace there. These troops have our unwavering support. May God be with each of them as they carry out their task with patriotism and courage.

Mrs. CAPPS. Mr. Speaker, as the representative for Vandenberg Air Force Base on the Central Coast of California, I have always supported our servicemen and women and their families. Today, I rise today in strong support of our troops and of this critical mission to protect our national interest and safeguard our global stability.

Yesterday, we entered a new phase in our multilateral campaign to rein in Saddam Hussein's ability to terrorize his people and his neighbors, and to destabilize the Middle East and the international community. There can be no doubt that this action is justified and brought on solely by Saddam's refusal to allow UNSCOM to complete its inspections in a thorough and timely manner. Decisive action was undertaken at precisely the right time to bring about the greatest impact with the least cost.

Hussein's attempts to manufacture chemical, biological and nuclear weapons of mass destruction is well known, and so is his willingness to use them. He must be stopped—by diplomatic measures if possible, but by force if necessary. Only by confronting Saddam can we end his reign of terror which has inflicted untold human suffering on his own people.

Mr. Speaker, this morning I spoke with the commander at Vandenberg to express my support for the selfless work that he and his troops do everyday in the service of this country. This dedication is always brought into sharp focus during times like this, but make no mistake—our military men and women are on the job every day to safeguard our freedom. We owe them a debt of gratitude for their devotion to duty and country which is present everyday and so particularly evident today.

I urge my colleagues to support our troops and their important mission by passing this important resolution.

Ms. SANCHEZ. Mr. Speaker, I was unable to return to Washington, DC, today in time to cast my vote in favor of the House Resolution supporting our military operations and personnel in the current action against Saddam Hussein. The Majority Leadership in the House failed to inform Members of the scheduling of a recorded vote until it was too late for me to catch any flight last night from my district to Washington. I fully support our military service men and women as they carry out their duties in support of President Clinton's order for an air and missile attack of Iraqi weapons-producing and military targets. Now is the time for our nation to support the Commander in Chief who was forced into this decision after United Nations arms inspectors reported that Baghdad continues to obstruct the will and mandate of the U.N.

Again, had I been present, I would have voted "aye" on the resolution of support.

Mr. CASTLE. Mr. Speaker, today I rise in support of President Clinton's decision to order U.S. naval and air forces to strike at military and government targets in Iraq in response to Saddam Hussein's latest refusal to allow international arms officials to inspect weapons facilities for biological and chemical weapons.

As long as weapons of mass destruction are in Hussein's possession, Iraq poses a deadly threat to security in the already volatile Middle East. In addition, he is capable of wreaking havoc anywhere in the world—including the United States—using only a minimal amount of his chemical/biological stockpile. Let me be clear, allowing Hussein to continue gathering his weapons of mass destruction would have far reaching consequences for the safety of mankind beyond the physical boundaries of the middle east. One only has to see one of the well publicized photos of a field of Kurdish corpses to see an example of the chemical genocide he inflicted on his own people.

Hussein has tested the will of America and the world community one too many times, and now he bears full responsibility for his actions. The terms of the agreement that averted a November air strike were clear: comply or face the consequences. However, Hussein continues to engage in a long pattern of games in hiding Iraq's nuclear and biological warfare capabilities. As long as Iraq plans to continue to defy the United Nations and the world community by attempting to continue to develop weapons of mass destruction in the face of international condemnation, the United States must remain vigilant and ready to act. This strike sends a firm message to Hussein that the United States is not going to tolerate his failure to comply with required weapons inspection obligations any longer. The United States, as leader of the world community, must be prepared to act forcefully to end Iraq's defiance, and I firmly support the use of this force to eliminate Iraq's ability to produce weapons that threaten its neighbors.

Terrorism is the single greatest threat to the Untied States and its security. We need to stand behind the President's decision when our national security is threatened. The brave men and women of the U.S. Armed Forces deserve our unwavering support and gratitude, and I commend each and everyone one of those brave soldiers carrying out this important mission.

Mr. ADERHOLT. Mr. Speaker, I rise today to express my support for the U.S. troops who are bravely carrying out this current action against Iraq. Being deployed and separated from one's country and family is difficult at any time, but especially during the Christmas season. I join millions of Americans and others around the world in praying for their safety during this time.

I also pray the Iraqi people will find a way to create for themselves a government headed by legitimate leaders who can bring them back into the fold of law-abiding nations. Until such change takes place, I fear that the military presence of the United States, Britain, and other nations will have to be maintained at great financial cost.

For several years, President Clinton has submitted to Congress a defense budget in which he refused to include funding for the expensive peacekeeping mission in Bosnia. This forces Congress to add so-called emergency funding beyond the budget agreement or else seriously damage the readiness of our other military forces by transferring money from their budgets. With the almost certain end of the weapons inspection mission, we face yet another prolonged, expensive deployment of U.S. troops and equipment.

In light of his continued use of military forces for a wide range of missions, I call upon the President to ensure a timely release of all funds in the FY99 defense bills and the one billion dollars included in the omnibus bill for national missile defense. I also ask that he respond in a positive way to the many calls for a defense budget which will meet the demands placed upon our military. We need to support our troops not only in word, but also in deed, by providing the resources they need to do their job.

Mr. SPENCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

The resolution is considered read for amendment.

Pursuant to the order of the House of today, the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SPENCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 5, answered "present" 1, not voting 12, as follows:

[Roll No. 539]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
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Evans
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Ewing
Farr
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Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
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Gibbons
Gilchrest
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Gingrich
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Goode
Goodlatte
Goodling
Gordon
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Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
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Hastings (FL)
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Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
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Kucinich
LaFalce
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Lampson
Lantos
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Lewis (CA)
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Lewis (KY)
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Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
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Maloney (CT)
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McCarthy (MO)
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McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
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Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
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Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
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Obey
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Owens
Oxley
Packard
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Pappas
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Pascrell
Pastor
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Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—5

Conyers
Lee
McKinney
Paul
Sanford

ANSWERED "PRESENT"—1

Furse

NOT VOTING—12

Baesler
DeGette
Doolittle
Gallegly
Manton
Miller (CA)
Murtha
Rush
Sánchez
Scarborough
Snowbarger
Taylor (NC)

☐ 1300

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, on rollcall vote 539, I was unavoidably detained with business in my district. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. SNOWBARGER. Mr. Speaker, the system for alerting Members of a pending vote was not in operation when the vote was called on H. Res. 612, to express Congressional support for the men and women of our Armed Forces who are conducting operations against Iraq. I strongly support our troops and support this resolution. I would have voted "yes" on this measure.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution just adopted.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, we will continue to work on this whole subject of the schedule for the remainder of the day and ensuing. I know Members on both sides of the aisle are very anxious about this schedule, and let me just suggest that we will need to perhaps put the House into recess for an hour.

We will continue with our meeting and our negotiations with the minority, and hopefully within the hour we can return with an announcement of what the schedule will be for the remainder of this day, this week, and that time ensuing.

Mr. Speaker, I should encourage Members to stay close to their offices.

We would like to, on behalf of all the Members, be able to give you definitive word within that hour time period, and at that point, of course, each and every Member can follow up as they and their family's needs dictate.

If I may ask the indulgence of the Chamber, that we take that recess, come back within the hour, and make that announcement.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I would say to the gentleman from Texas, the majority leader, let me just state from the perspective of many on this side of the aisle, and I assume some even on the gentleman's side of the aisle, that we would look down upon any activity in this body to go forward with impeachment while American men and women are engaged in armed conflict.

I hope in your deliberations, I hope in your deliberations, that you consider the message that that will send to people around the world, and more particularly, those who are fighting on behalf of this country.

Mr. ARMEY. I thank the gentleman from Michigan for his advice.

RECESS

The SPEAKER. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1457

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 2 o'clock and 57 minutes p.m.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. NORTON. Mr. Speaker, pursuant to rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House. The form of the resolution is as follows:

Whereas rule IX of the Rules of the House of Representatives provides that questions of privilege shall arise whenever the rights of the House collectively or the Members individually in their representative capacity are affected;

Whereas under the precedents, customs, and traditions of the House pursuant to rule IX, a question of privilege has arisen in cases involving the constitutional prerogatives of the House and of Members of the House; and

Whereas the House is prepared to consider a resolution impeaching the President, and the Delegate to the Congress from the District of Columbia seeks to assert the constitutional prerogative to cast a vote in the consideration of the resolution: Now, therefore, be it

Resolved,

SECTION 1. PROVIDING VOTE FOR DELEGATE FROM THE DISTRICT OF COLUMBIA IN CONSIDERATION OF PRESIDENTIAL IMPEACHMENT RESOLUTIONS.

Pursuant to section 2 of article I of the Constitution and the twenty-third article of amendment thereto granting the people of the District of Columbia the right to vote in presidential elections, the Delegate to the Congress from the District of Columbia shall be permitted to cast a vote in the House of Representatives in the same manner as a member of the House in the consideration by the House of any resolution impeaching the President or Vice President of the United States.

SEC. 2. EFFECTIVE DATE.

Section 1 shall apply with respect to any resolution impeaching the President or Vice President of the United States that is considered by the House of Representatives after the adoption of this resolution.

The SPEAKER pro tempore (Mr. LAHOOD). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from the District of Columbia (Ms. NORTON) will appear in the RECORD at this point. The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1500

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the gentleman from Texas is recognized for 1 minute.

There was no objection.

Mr. ARMEY. Mr. Speaker, I asked for this 1 minute for purposes of discussing the calendar for the remainder of the week.

Mr. Speaker, of course, as we all know, we have been called back to Washington in this session late in the year for the purpose of considering House Resolution 611. There is, of course, a uniform agreement across the country and between both sides of the aisle, as well as the White House, that the Congress fulfill this constitutional responsibility as soon as possible. We have been called upon to do so on so many times. And so, Mr. Speaker, you were quite right to call us back to take this up.

As you know further, Mr. Speaker, prior to your calling us back to town and prior to our taking up this resolution, we became engaged in hostile activities with Iraq. The House, quite appropriately, yesterday made the decision that we would devote today to a time where we would give deference to that activity and give or pay our respects and our tribute, exhibit our support for our troops in that activity. I am very gratified to tell you, Mr. Speaker, that it has been a very broad based bipartisan tribute to our troops and pledge of support to our troops' activity, but as those troops are engaged now, even now, defending the freedoms of this great Nation and the Constitution of this Nation, they have a right to know that the work of the Nation goes forward.

In consideration of this it is our intention, Mr. Speaker, to begin consideration of House Resolution 611 at 10 o'clock tomorrow morning. Should we do so under the regular order of the House, as has been the basis by which we have considered each resolution of impeachment brought to the House ever in the history of the Nation, there would be within the rules of the House that have prevailed for the last 200 years only a very limited time for debate. All of us in this body on both side of the aisle feel that that limited period of time is insufficient. Consequently we have worked very hard trying to reach an agreement by which we might have had a unanimous consent request to extend that time of debate. Had we been able to come to agreement on unanimous consent, we would have been able to proceed tomorrow at 10 o'clock, debate the resolution from 10 o'clock to 4 o'clock Saturday morning, giving all Members an opportunity to express their point of view on the matter. The debate would have been equally divided between the chairman, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from Michigan (Mr. CONYERS), of the Committee on the Judiciary. On Saturday, 9:30 a.m., there would have been a quorum call, and at 10 a.m. there would have been a period of wrap up speeches for approximately one-half hour. After that, the minority would have offered a motion to recommit, perhaps, which would have been their right, and we would have allowed 10 minutes of debate on that motion for both sides, and we would have tried to complete this important work on Saturday afternoon so that in fact the need of this Nation for this to be completed would have been fulfilled.

Unfortunately, we are not able to gain that unanimous consent agreement, and therefore we must proceed at the outset tomorrow under the regular order with the limited time. We will between now and 10 a.m. tomorrow work diligently with the minority to try to find perhaps another agreement that might be able to in an orderly fashion extend the debate time in the interests of all Members wanting to participate. If we are not able to get that, there are prerogatives that rest with us by which, perhaps, we might even still be able to, and certainly the majority is willing to use those prerogatives to extend the debate time for a matter of this consequence.

I am presuming that the debate would go in an orderly manner with a demeanor that befits the stature of this great legislative body. We would exercise those prerogatives on behalf of all Members, but, as it stands now, Mr. Speaker, I am afraid that we must proceed tomorrow morning at 10 a.m., and we must proceed under the regular order of the House.

As I have said before, we will do everything we can on behalf of all Members wishing to participate to find some manner either by agreement and unanimous consent or by that exercise of the prerogatives of the body available to us under the rules of the House to afford more Members an opportunity to participate in this debate.

So that being the case, Mr. Speaker, it is my duty to inform Members that we will proceed tomorrow at 9 a.m. under regular order, and we will do so with the hope that perhaps we can extend this debate time to some reasonable measure.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. LIVINGSTON), the distinguished chairman of the Committee on Appropriations and Speaker-elect.

Mr. LIVINGSTON. Mr. Speaker, I appreciate the distinguished majority leader yielding to me, and I would hope that the Members of the minority might reconsider their position on this unanimous consent request because I think it is a reasonable one which would afford all Members the opportunity to discuss this very important subject. I think the concerns of the minority will be expressed by the distinguished minority leader shortly, and anticipation of his argument is that we are carrying on this activity at the same time as our troops are in the field, and that is true. For that very reason we adjourn today, canceled our plans to bring the issue of impeachment before the floor of the House today, as was planned and which was the reason that all Members are here at this time solely because the President has deployed the troops as recently as yesterday evening.

Mr. Speaker, I had the opportunity of speaking with the President yesterday, the day before and today, and I understand that the initial reports are that our troops are doing an outstanding job. Our hearts and best wishes and prayers go with all the troops, and may they all return safely and sound having completed their mission in a full and successful manner. But in order for the House to simply close down its constitutional responsibility and its role in compliance with its agreement under both Republican and Democrat resolutions back in August or September when we were dealing with the Committee on the Judiciary prospective report, the fact is that we really must go forward tomorrow.

When the Special Counsel had concluded his business and made his recommendations to the Committee on the Judiciary and the referrals were made by this House by a vote of virtually almost all of the Members of the House to send the matter to the Committee on the Judiciary, virtually all Members said that if we have got to have this investigation, and admittedly it is not popular among many Members; if we have got to have this investigation, it should be completed by the end of the year. The Democrat resolution called for that, the Republican chairman of the Committee on the Judiciary said it was his intention to complete by the end of the year.

As a personal matter, I would like to finish it this year, and I can tell my colleagues that the gentleman from Georgia (Mr. GINGRICH) would rather not have it as the last item of his role as Speaker of the House.

This is a terribly unpopular measure. No one wants to deal with impeachment except that it is before us and we must deal with it, and the question is when we deal with it. Do we just anticipate that the troops in the field will complete their business by Ramadan or by a time certain or by Tuesday or by Christmas Day or by New Year's Day or by 2 weeks into January? How do we assess when that mission is going to be complete? There is no way to know when the troops will have completed their mission. There is no way to know whether or not Saddam Hussein in his mindless self absorption decides to lash out at American troops, at British troops, at Kuwait, at his neighbors anywhere in the Middle East. We cannot anticipate what Saddam Hussein will do, and yet we cannot refrain from advancing the people's business under this critical issue.

This is an issue of impeachment which has not been before this body in 120 years, if I recall correctly. Excuse me, with one exception. That was Richard Nixon. The committees entertained impeachment proceedings of Richard Nixon, and that happened at the end of the Vietnam War when troops, American troops, were deployed in the field in Vietnam, and yet the Democrat Congress at the time undertook the responsibility of impeaching Richard Nixon, but he resigned.

When President Bush called upon the majority of the Members of the House of Representatives and the Senate to support him in his efforts to deploy troops to Desert Storm to combat Saddam Hussein just several years ago, fact is the troops were in the field weeks at a time. They prepared for months in order to accomplish Desert Storm, and then were actually in the field for many weeks. The Congress never wavered, the Congress never slowed down, the Congress conducted its constitutional responsibility, engaged in its activities while the troops were in the field.

And so we find ourselves in the waning days of the Calendar Year 1998 with the Judiciary chairman having committed that we would finish our business on this unpopular, undesirable issue before the end of the calendar year with virtually all of the Democrat members of the Committee on the Judiciary and virtually all of the Members of the House with some exceptions claiming that they wanted to complete this business by the end of the year, not let it drag on incessantly, not force the country to suffer under a cloud of impeachment. How often we hear the arguments now that if we impeach this President, that the cloud of impeachment will hang over the country into the weeks and months ahead as the Senate conducts deliberations.

Let us not proclaim or prolong the harm to the country by hanging this issue out in this body. Let us do our business. Yes, there are people outside the Capitol demanding action in one form or another. People are calling in and jamming our switchboards by demanding that we take action on one side or another. Let us disregard the outside influences and do our constitutional responsibility, which is to present the case of impeachment, and if a majority of the Members by their own consciences wish to vote for or against that issue of impeachment, let them cast their votes without pressure, without pressure from the majority, without pressure from the minority, without pressure from the White House. Let us debate the issue, let them cast their votes, do our constitutional responsibility, live up to exactly the principles for which our young people in the Armed Services are risking their lives at this very moment, and adjourn this 105th Congress, and send the issue to the United States Senate if it passes and let it die if it does not.

I urge my colleagues, reconsider the motion that was going to be promoted and promulgated by the majority leader. It provides for an orderly debate, it provides for us to engage in this issue without undo harangue, it provides for Members not to avoid the issue by procedural harangues and folderol, it allows us to face the issue head on. If it is meritorious it will pass, and if it is not, it will fail. We can go home and understand that we have done our constitutional responsibility, and the rest is either in our colleagues' hands or in God's hands or in the President's hands, but it will be simply ended for us.

I urge the minority leader to reconsider the position on the unanimous consent request.

□ 1515

Mr. ARMEY. Mr. Speaker, if I may reclaim my time just very briefly for one final point; and prior to that point, let me thank the gentleman from Louisiana for his comments. They were well taken.

Mr. Speaker, just this morning in the Oval Office of the White House, the President of the United States was asked with respect to the engagement of American military in Iraq. I quote: "Would it undercut your authority if the House opens the impeachment debate during this operation?"

The President's response, Mr. Speaker, was "No."

FURTHER LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, first, the minority respects the right of the majority to decide the agenda and decide when we will vote on important matters like the one that is to be before us tomorrow. The minority also wants debate and wants as much debate as we can have so that Members can express their views on this very important subject. The minority also wants this to be completed this year if at all possible. We have said that over and over again. I agree with those views.

But I must say that we strongly object to this matter coming up tomorrow or the next day or any day in which our young men and women in the military are in harm's way protecting the interests of the people of the United States.

I would simply say the reason we believe that and we believe it strongly is that we think, we must think, not only of how this activity will be received by Members or other Americans around the country, we believe we have got to also look at how Saddam Hussein will perceive the idea and the information that, while he is under physical attack by the United States and its people, we are having a debate in our House of Representatives to remove the Commander in Chief from his office. I do not think we can assume that Saddam Hussein understands all the nuances and all the facts surrounding this debate and this activity.

We also have to ask how this will be received by the Russians, how it will be received by the British, how it will be received by the French, the Chinese, and people all across this world, that we are seeking to ally ourselves with or to at least get their understanding and their help and their cooperation as we go through this very difficult activity.

Mr. SKELTON. Mr. Speaker, will the gentleman yield at that point?

Mr. GEPHARDT. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I think more important to that, if I can comment on the remarks of the gentleman from Missouri (Mr. GEPHARDT), it is how the sailors, marines, airmen, and the soldiers would receive this.

Who would think of removing General Schwarzkopf in the middle of Desert Storm? We are talking about taking up a motion to remove the Commander in Chief of the troops who are actively engaged in a military effort, to remove him during a military crisis of the United States of America.

We have come back at other times in this Congress, at the end of the year, when there is no conflict, and I say this not to be of help to the President, but to be of assistance to the morale and to the steadiness of the young men and young women who are engaged in this. I think we really ought to rethink taking this matter up during this military crisis that we are in.

Mr. GEPHARDT. Mr. Speaker, reclaiming my time, I would sum up; and I know we have one or two other speakers who want to speak. Let me just put it this way: We have had a lot of partisan rancor in the years past, and that always is part of a political body like this.

But I want to say to my friends in the Republican Party in the majority, I feel very strongly that this is a high moment for the House of Representatives. I feel strongly that we must perform at a high level. I hope we can. I also hope that there is not partisan rancor in this debate on impeachment, because we have a high duty and responsibility to carry forward.

I hope and pray that we could have this debate when it will not be misperceived by Saddam Hussein or by somebody else in the world that we have to depend upon. I ask the majority to reconsider its decision, its legitimate decision to hold this debate while our troops are in the field.

I know that Members may feel that there is inconvenience in waiting here until this military action is finished tomorrow or the next day or the day after that. I would like us all to think of the inconvenience that our young people are undergoing, the danger that they face, and how they will see this action and perhaps misperceive what is happening in their House of Representatives.

I want them to see nothing from us but support and unity of purpose at this time of danger in their lives.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I think the gentleman brings up a very important point. I would like to honestly ask the majority leader to answer it.

As a member of the Committee on National Security, we get briefings constantly on intelligent reports and the implications of United States foreign policy around the world. It is hard for me to believe for one moment that, if this House engages in impeachment debate tomorrow while the bombs are being dropped and our men and women in uniform are actively engaged in a wartime activity, that we do not invite some action on the part of our enemy in this war to take advantage of this situation at the cost of the lives of men and women in uniform.

I would ask the gentleman whether he has gotten a full briefing from George Tenet, the Director of the CIA, to give us some satisfaction that, if we embark on this precarious road, that we are not putting in jeopardy the lives of our men and women in uniform.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the minority leader for yielding to me.

If I might just make a quick response to the gentleman's comments. Mr. Speaker, I believe the Nation has fully well understood the schedule that was prepared for this week and announced for this week.

The President certainly must have known about this. The President must have weighed that. Indeed, I think, by press reports, it is clear that he did weigh that matter as he made the decision to engage in this effort in Iraq.

When he made that decision, knowing full well that this debate might be happening at this time, he very likely addressed in his own mind the question: Can I effectively complete this mission under those circumstances? Indeed, he must clearly have concluded he can; and perhaps that is why he felt so confident this morning when asked in the Oval Office: "Would it undercut your authority if the House opens the impeachment debate during this operation?" The President replied, "No. I think that, first of all, I am going to complete this mission."

He clearly understands that, as the Commander in Chief and the President of the United States, he has the ability to complete his mission. He clearly understands that we, too, have our ability to complete our mission.

One of the wonderful things about a democracy that perhaps Saddam Hussein may never be able to understand is different, important missions can be carried out by different branches of the government simultaneously at peace and with decorum and with effectiveness and with conclusion.

That, ladies and gentlemen, is why our democracy is so wonderful and the message that our men and women in the field fighting should have the right to see; that as we engage in conflict, democracy does not stop in America, and, therefore, it is all the more worth our fight and our risk.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Michigan (Mr. Bonior).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding to me. I would like to reference the remarks that were made by the distinguished chairman of the Committee on Appropriations and the Speaker-elect, the gentleman from Louisiana (Mr. Livingston).

The gentleman from Louisiana said let us disregard the outside influence. I would suggest that, as a body, when we are dealing with the two most profound questions this institution could ever deal with, sending our young men and women into combat and deciding the fate of a President, that the country has a right to be involved and involved intimately in those decisions, and that we ought not to disregard their voice, disregard the election results, disregard, as the distinguished leader has just said, the minority leader, the effects it will have on 24,000 men and women who are engaged in combat at this very hour.

It would be a grave mistake to go forward with this vote while our Nation is engaged in military action. I cannot believe that we are even having this debate. It was totally inappropriate, if I might say, for some in the Republican leadership, to call for the President's resignation when he was trying to bring peace just this last week in the Middle East. So it should not surprise us that this decision would flow from that.

Our angst about moving forward rests on another pillar; and that is the inability of this side of the aisle to have the chance to offer a reasonable alternative, a censure alternative which the majority of Americans now support. It is unfair. It is wrong. There is something about this whole process that shows a lack of judgment, a lack of proportionality, a lack of common sense.

We have time to reach some resolution on these important questions before we engage in the debate. But I think it behooves us all to take a step back, to take a deep breath.

My goodness, if Bob Dole and Jerry Ford could offer a way out of this mess through the censure resolution, why cannot we have that choice on the floor? Why is that fundamental choice supported by the majority of the people in this country being denied to us on the most fundamental question that we could be dealing with in this Congress?

So I just would ask the distinguished chairman of the Committee on Appropriations and the Speaker-elect to reconsider the path that I think we are about to follow regretfully tomorrow; to pause. There will be time to have this debate. It will, I suspect, be before the end of the year. But my sense, it makes no sense, to go forward when our young men and women are under arms.

Mr. GEPHARDT. Mr. Speaker, if I can reclaim my time and conclude, I would simply ask again in an earnest way, in a heartfelt way, that the majority would consider what we have said about doing this debate and taking this under consideration while our young men and women are in harm's way and also consider the wisdom of denying an alternative motion of censure when this debate takes place.

We feel that both of these requests are reasonable and make common sense, and we make them with respect, and we make them with heartfelt feeling among most of the Members on this side.

We appreciate the opportunity to communicate this with the majority. We feel this is a moment of great responsibility for the House of Representatives. We want nothing more than all of the House and all of its Members to bring praise on ourselves as an institution, that we carry out these grave responsibilities in the best possible way for the American people.

FURTHER LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. Armey) is recognized for 1 minute.

There was no objection.

Mr. ARMEY. Mr. Speaker, I do have a couple of Members that have been anxious to speak. With the indulgence of the minority, I would like to yield to the gentleman from Texas (Mr. Johnson) for brief remarks.

□ 1530

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to comment on several remarks that have been made here. But before I do, let me just say that our fighting men are fighting for our constitutional privilege to do just exactly what we are doing here today. It is the Constitution that we are following. That is why we are doing it.

The remark was made that we did not remove any generals during a war. I kind of recall MacArthur was removed by a Democrat administration during Korea, which I fought in. It did not bother the war effort at all.

I also remember when I was a POW in Vietnam that there were people on the Democrat side that called for our President's impeachment. That process may have started. I am not sure how that happened, but some of those people may even be here today.

When our president, George Bush, attempted to get involved in Desert Storm, every single Democrat leader voted against it.

Mr. ARMEY. Mr. Speaker, may I just intercede with a thought. I have a couple of other Members here who have been waiting. They want to speak. I would hope, and I am sure that we all would agree that we perhaps could allow these Members to speak, but perhaps we could be brief and then conclude the day's business.

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, I voted with the President. I did not vote against him. I voted with the President on that matter.

Mr. SAM JOHNSON of Texas. Mr. Speaker, if the gentleman will yield further, let me just make another point. I think the President has just said that this military action that is currently going on could be open-ended, so we do not know when it is going to end.

Furthermore, most of the veterans' organizations around this country support us continuing. I have not seen a war in the past of any sort, whether it is a limited conflict or a total out war, that has stopped the Congress of the United States from doing its business. We can look back in almost any case, even the Civil War, where they were on the doorsteps of this building.

I would suggest that it is important that we carry out the responsibilities of this Congress under the Constitution of the United States and get on with it.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Texas, who was a prisoner of war for 7 years, much of which was spent in solitary confinement. I know from previous discussion during those difficult days he was sustained by his knowledge that God was in his heaven and Congress was in session doing the Nation's business.

Mr. Speaker, I yield to the gentleman from California (Mr. Duncan Hunter), another gentleman who served in Vietnam.

Mr. HUNTER. Mr. Speaker, I want to thank the majority leader for yielding to me.

Let me just say, it is something that happens regularly here in the House that two parties, both in good faith, can look at the same facts and come to totally different conclusions. I have come to a totally different conclusion from the esteemed minority leader and others who feel that troops will be demoralized if we do not stop this constitutional process. I think just the opposite. From talking with them and with a number of people who are veterans, I have come to the conclusion that they will be demoralized if we do stop this constitutional process.

There is one term that I think is common to both this House and to our military. That term is duty. We refer to it often, and it is clear now that our uniformed people are carrying out their duty in difficult circumstances to defend the liberties and security of this country. They are doing that so we can perform our duty. Our duty is to carry out the Constitution.

With respect to other nations that are watching this process around the world, they have been watching the Committee on the Judiciary on television for the last many months. We do not hide our internal problems and our internal debates. They are always out there for the world to see. I think that is a sign of strength, not a sign of weakness.

I think we would be sending the message to not only our military people but to others around the world. If we hold up on our constitutional duty because of this strike, then we are sending the message that somehow there are political implications in the timing of this strike. I think it helps the President's authority and I think it helps the credibility of this House, and I think it helps the morale of our armed services if we continue to do our job.

Mr. ARMEY. Mr. Speaker, I think we have had a very good example of the kind of debate we might be able to have and the kind of debate we should have.

I want to personally, if I may, thank the gentleman from Missouri (Mr. GEPHARDT), the minority leader, and the gentleman from Michigan (Mr. BONIOR), the minority whip. I would like to thank the Speaker-elect, the gentleman from Louisiana (Mr. LIVINGSTON), and the other Members who have spoken for their demeanor, their presentation, the professionalism by which we have had this sampling of the kind of important debate we should have and can have tomorrow.

It is my hope that we can reach agreement, or by other parliamentary matters available to us we can find a way to extend an orderly, serious debate of such a grave nature on such a grave matter tomorrow. Again, let me that all the gentlemen who participated.

Mr. Speaker, I believe that concludes any proceedings for today. Tomorrow we will proceed at 9 a.m. under the regular order for debate time of 1 hour. If perhaps we can find a better way to extend that, it is my hope we can do so.

ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Friday, December 18, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11864. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Regulations Under the Perishable Agricultural Commodities Act (PACA); Renewal of License [Docket No. FV98–359] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11865. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mexican Fruit Fly Regulations; Addition of Regulated Area [Docket No. 98–082–3] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11866. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Tuberculosis Testing of Livestock Other than Cattle and Bison [Docket No. 97–062–2] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11867. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Fruits and Vegetables [Docket No. 97–107–2] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11868. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Coffee [Docket No. 97–011–2] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11869. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Two-Part Documents for Commodity Pools [17 CFR Part 4] received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11870. A letter from the Deputy Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Adverse Registration Actions by the National Futures Association With Respect to Agricultural Trade Option Merchants and Their Associated Persons and Applicants for Registration in Either Category—received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11871. A letter from the Administrator, Rural Development, Department of Agriculture, transmitting the Department's final rule—Electric Program Standard Contract Forms (RIN: 0572–AB42) received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11872. A letter from the Director, Procurement and Property Management, Department of Agriculture, transmitting the Department's final rule—Uniform Procedures for the Acquisition and Transfer of Excess Personal Property (RIN: 0500–AA00) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11873. A letter from the Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Relaxations to Substandard and Maturity Dockage Systems [FV99–989–1 IFR] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11874. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Clear Title—Protection for Purchasers of Farm Products (RIN: 0580–AA63) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11875. A letter from the Administrator, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting the Department's final rule—American Indian Livestock Feed Program (RIN: 0560–AF29) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11876. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Fruit from Hawaii [Docket No. 97–005–2] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11877. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Cotton and ELS Cotton Crop Insurance Provisions (RIN: 0563–AB62) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11878. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Basic Provisions (RIN: 0563–AB69) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11879. A letter from the Deputy Under Secretary, Natural Resources and Environment, Department of Agriculture, transmitting the Department's final rule—Special Uses (RIN: 0596–AB35) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11880. A letter from the Administrator, Marketing and Regulatory Programs, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Exemption From Area No. 2 Handling Regulation for Potatoes Shipped for Experimentation and the Manufacture or Conversion Into Specified Products, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11881. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Closure of Harry S Truman Animal Import Center [Docket No. 98–070–3] received November 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11882. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly; Addition to Quarantined Areas [Docket No. 98–083–3] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11883. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Limes and Avocados Grown in Florida; Relaxation of Container Dimension, Weight, and Marking Requirements [Docket No. FV98–911–2 FIR] received November 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11884. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Relaxation of Quality Requirements for Fresh Nectarines and Peaches [Docket No. FV98-916-2 FIR] received November 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11885. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Dairy Promotion and Research Order; Amendment to the Order [DA-98-05] received November 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11886. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Kiwifruit Grown in California; Decreased Assessment Rate [Docket No. FV98-920-3 FIR] received November 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11887. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Minimum Size Requirement for Red Seedless Grapefruit [Docket No. FV99-905-1 IFR] received November 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11888. A letter from the Regulatory Review Officer, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Domestically Produced Peanuts; Decreased Assessment Rate [Docket Nos. FV98-997-1 FIR and FV98-998-1 FIR] received November 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11889. A letter from the Regulatory Review Officer, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Relaxations to Substandard and Maturity Dockage Systems [FV99-989-1 IFR] received November 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11890. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Special Combinations for Tobacco Allotments and Quotas (RIN: 0560-AF14) received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11891. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 98-088-1] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11892. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's "Major" final rule—Tobacco Warehouses (RIN: 0560-AD92) received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11893. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—1998 Marketing Quota and Price Support for Burley Tobacco (RIN: 0560-AF18) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11894. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—1998 Marketing Quota and Price Support for Flue-Cured Tobacco (RIN: 0560-AF19) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11895. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New York [Region II Docket No. NY29-1-187a; FRL-6193-5] received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11896. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [OPP-300759; FRL 6045-4] (RIN: 2070-AB78) received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11897. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazone-ethyl; Pesticide Tolerances for Emergency Exemptions [OPP-300751; FRL 6040-7] (RIN: 2070-AB78) received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11898. A letter from the General Counsel, Environmental Protection Agency, transmitting the Agency's final rule—Zinc phosphide; Pesticide Tolerances for Emergency Exemption [OPP-300760; FRL 6046-1] (RIN: 2070-AB78) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11899. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Harpin; Temporary/Time-Limited Pesticide Tolerance [OPP-300750; FRL-6040-5] (RIN: 2070-AB78) received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11900. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerances for Emergency Exemptions [OPP-300766; FRL-6049-4] (RIN: 2070-AB78) received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11901. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triazamate; Time-Limited Pesticide Tolerance [OPP-300702; FRL-6024-5] (RIN: 2070-AB78) received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11902. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP-300758; FRL-6045-3] (RIN: 2070-AB78) received November 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11903. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Primisulfuron-Methyl; Extension of Tolerance for Emergency Exemptions [OPP-300755; FRL-6041-3] (RIN: 2070-AB78) received Novmeber 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11904. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Pesticide Tolerances for Emergency Exemptions [OPP-300745; FRL-6036-3] (RIN: 2070-AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11905. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triasulfuron; Pesticide Tolerance [OPP-300700A; FRL-6040-4] (RIN: 2070-AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11906. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Organization; Balloting and Stockholder Reconsideration Issues (RIN: 3052-AB71) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11907. A letter from the Administrator, Foreign Agricultural Service, transmitting the Service's final rule—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities (RIN: 0551-AA54) received November 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11908. A letter from the Executive Director, U.S. Commodity Futures Trading Commission, transmitting the Commission's final rule—Rules of Practice; Final Rules—received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11909. A communication from the President of the United States, transmitting a report of two deferrals of budgetary resources, totaling $167.6 million, pursuant to 2 U.S.C. 684(a); (H. Doc. No. 105—335); to the Committee on Appropriations and ordered to be printed.

11910. A communication from the President of the United States, transmitting his requests to make available $4.2 billion in previously appropriated emergency funds for the Department of Agriculture, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—338); to the Committee on Appropriations and ordered to be printed.

11911. A communication from the President of the United States, transmitting his requests to make available $732.2 million in previously appropriated emergency funds for the Departments of Agriculture, Defense, Justice, State, Transportation, and the Treasury; the Executive Office of the President; and, Federal Drug Control Programs, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—339); to the Committee on Appropriations and ordered to be printed.

11912. A communication from the President of the United States, transmitting his requests to make available $216,922,000 in previously appropriated contingent funds for the Department of Health and Human Services, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—340); to the Committee on Appropriations and ordered to be printed.

11913. A communication from the President of the United States, transmitting his request to make available $100 million in emergency appropriations for the Department of Transportation, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—342); to the Committee on Appropriations and ordered to be printed.

11914. A communication from the President of the United States, transmitting his request to make available $120.5 million in previously appropriated emergency funds for the Department of Defense, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—343); to the Committee on Appropriations and ordered to be printed.

11915. A communication from the President of the United States, transmitting his requests to transfer $891 million from the contingent emergency fund for Year 2000 (Y2K) compliance to 18 Federal agencies, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—344); to the Committee on Appropriations and ordered to be printed.

11916. A communication from the President of the United States, transmitting his requests to make available $1.2 billion in previously appropriated emergency funds for the Departments of Commerce, Defense, State, and Transportation, the Executive Office of the President, and for International Assistance Programs, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—345); to the Committee on Appropriations and ordered to be printed.

11917. A communication from the President of the United States, transmitting his requests to make available $1.1 billion in previously appropriated emergency funds for the Department of Defense, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—348); to the Committee on Appropriations and ordered to be printed.

11918. A communication from the President of the United States, transmitting his requests to make available emergency funding to support trade and investment activity with India and Pakistan in the national interest of the United States, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—349); to the Committee on Appropriations and ordered to be printed.

11919. A communication from the President of the United States, transmitting his requests to transfer $338 million from the Information Technology Systems and Related Expenses Account for year 2000 (Y2K) compliance to 20 Federal agencies, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—351); to the Committee on Appropriations and ordered to be printed.

11920. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of November 1, 1998, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105—347); to the Committee on Appropriations and ordered to be printed.

11921. A communication from the President of the United States, transmitting the National Security Strategy of the United States, 1998, pursuant to Public Law 99—433, section 603(a) (100 Stat. 1075); to the Committee on National Security.

11922. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Force Materiel Command is initiating a single-function cost comparison of the Base Supply Functions at Tinker Air Force Base (AFB), Oklahoma, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

11923. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Keesler Air Force Base (AFB), Mississippi, has conducted a cost comparison to reduce the cost of the Training Equipment Maintenance and Precision Measurement Equipment Laboratory functions, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

11924. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the Selected Acquisition Reports (SARS) for the quarter ending September 30, 1998, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

11925. A letter from the Director, Office of Administration and Management, Department of Defense, transmitting a report to Congress on the printing and duplicating services procured in-house or from external sources during Fiscal Year 1997, pursuant to Public Law 104—724; to the Committee on National Security.

11926. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Supplement; Reform of Affirmative Action in Federal Procurement, Part II [DFARS Case 96–D021] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

11927. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Adoption of Interim Rules as Final Rules Without Change [48 CFR Parts 209, 213, 219, 225, 231, 235, 236, 252, and 253] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

11928. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contract Action Reporting—1998 [DFARS Case 98–D009] received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

11929. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contract Action Reporting—Reform of Affirmative Action [DFARS Case 98–D018] received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

11930. A letter from the Director, Department of Defense, transmitting the Department's final rule—Compensation of Certain Former Operatives Incarcerated by the Democratic Republic of Vietnam (RIN: 0790–AG67) received December 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

11931. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Weighted Guidelines-Federally Funded Research and Development Centers [DFARS Case 97–D025] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

11932. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Membership of State Banking Institutions in the Federal Reserve System; International Banking Operations; Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks; Bank Holding Companies and Change in Bank Control; Rules of Practice for Hearings; and Rules Regarding Delegation of Authority [Regulations H, K, O, and Y; Docket No. R–1021] received October 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11933. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Organization and Functions, Availability and Release of Information, Contracting Outreach Program [Docket No. 98–18] (RIN: 1557–AB65) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11934. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the semiannual report on the activities of the Affordable Housing Disposition Program covering the period from January 1, 1998 through June 30, 1998, pursuant to Public Law 102—233, section 616 (105 Stat. 1787); to the Committee on Banking and Financial Services.

11935. A letter from the Director, Federal Deposit Insurance Corporation, transmitting the 1998 annual report on the activities of the Affordable Housing Advisory Board; to the Committee on Banking and Financial Services.

11936. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Activities of Insured State Banks and Insured Savings Associations (RIN: 3064–AC12) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11937. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Federal Home Loan Bank Standby Letters of Credit [No. 98–49] (RIN: 3069–AA61) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11938. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Community Investment Cash Advance Programs [No.98–48] (RIN: 3069–AA75) received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11939. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Election of Federal Home Loan Bank Directors [No.98–47] (RIN: 3069–AA55) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11940. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Financial Management Policies; Financial Derivatives [No. 98–116] (RIN: 1550–AB13) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11941. A letter from the Federal Register Liasion, Office of Thrift Supervision, transmitting the Office's final rule—Electronic Operations [No. 98–119] (RIN: 1550–AB00) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11942. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Assessments and Fees [No. 98–118] (RIN: 1550–AB20) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11943. A letter from the Director, Office of Management and Budget, transmitting

OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 4068 and S. 414, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

11944. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 6 and H.R. 4382, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

11945. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 3616, H.R. 449, H.R. 930, H.R. 1836 and H.R. 3790, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

11946. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 4060, H.R. 4103, H.R. 4112 and H.R. 4194, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

11947. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 4328, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

11948. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of S. 1718, H.R. 4110, H.R. 1023, S. 1733, H.R. 633, H.R. 4283, S. 391, S. 1693 and S. 2364, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

11949. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 1659, H.R. 3796, H.R. 4558, H.R. 2675, H.R. 3687, S. 1333, H.R. 2000 and H.R. 3874, pursuant to Public Law 101—508, section 13101(a) (104 Stat. 1388—582); to the Committee on the Budget.

11950. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting a report on the Standards for Conduct and Evaluation of Activities Carried Out by the Office of Educational Research and Improvement (OERI)—Evaluation of the Performance of Recipients of Grants, Cooperative Agreements, and Contracts (RIN: 1850-AA54) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11951. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Standards for Conduct and Evaluation of Activities Carried Out by the Office of Educational Research and Improvement (OERI)—Evaluation of the Performance of Recipients of Grants, Cooperative Agreements, and Contracts (RIN: 1850-AA54) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11952. A letter from the Deputy Assistant Secretary for Program Operations, Department of Labor, transmitting the Department's final rule—Class Exemption Relating to Certain Employee Benefit Plan; Foreign Exchange Transactions Executed Pursuant to Standing Instructions [Prohibited Transaction Exemption 98-54; Application Number D-09643] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11953. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule—Powered Industrial Truck Operator Training [Docket S-008] (RIN: 1218-AB33) received December 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11954. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule—Permit-Required Confined Spaces [Docket No. S-019A] (RIN: 1218-AA51) received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11955. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Disclosure to Participants; Benefits Payable in Terminated Single-employer Plans [29 CFR Parts 4011 and 4022] received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11956. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age [29 CFR Part 4044] received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11957. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Payment of Premiums (RIN: 1212-AA79) received December 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11958. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received December 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11959. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11960. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting a report to Congress exercising the option to sustitute alternative spectrum for the 15 Megahertz (MHz) from the 1990-2110 MHz that the Federal Communications Commission would otherwise be required to reallocate and assign by competitive bidding; to the Committee on Commerce.

11961. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; School Bus Body Joint Strength (National Highway Traffic Safety Administration) [Docket No. NHTSA-98-4662] (RIN: 2127-AC19) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11962. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation Equity Act for the 21st Century; Interim Implementation of the Congestion Mitigation and Air Quality Improvement Program (Federal Highway Administration) [FHWA Docket No. FHWA-98-4317] (RIN: 2125-ZZ07) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11963. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Schedule of Fees Authorized by 49 U.S.C. 30141 [Docket No. NHTSA 98-3781; Notice 2] (RIN: 2127-AH26) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11964. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment [Docket No. NHTSA 98-4723] (RIN: 2127-AF73) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11965. A letter from the Director, Office of Regulatory Management and Information, Enviromental Protection Agency, transmitting the Agency's final rule—Revocation of Significant New Use Rules for Certain Chemical Substances [OPPTS-50633A; FRL-6044-6] (RIN: 2070-AB27) received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11966. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Any Edible Food Commodity Used as a Pesticide; Exemption from the Requirement of a Tolerance [OPP-300749; FRL-6039-5] (RIN: 2070-AB78) received December 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11967. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State plans for Designated Facilities and Pollutants: Oklahoma [OK-15-1-7399a: FRL-6183-5] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11968. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans, South Carolina: Approval of Revisions to the South Carolina SIP Regarding Volatile Organic Compounds (VOC) Definition Adoptions [SC-21-1; SC-23-1-9832a; FRL-6197-6] received December 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11969. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware and District of Columbia; Revised Format for Materials Being Incorporated by Reference [DE100-2014 &

DC100-1017; FRL-6193-6] received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11970. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Interim Final Determination of Correction of Deficiencies in 15 Percent Rate-of-Progress and Contingency Plans; Rhode Island [RI-6987a; A-1-FRL-6192-7] received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11971. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; 15 Percent Rate-of-Progress and Contingency plans; Vapor Recovery Controls for Gasoline Distribution and Dispensing [NH-7162a; A-1-FRL-6196-1] received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11972. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego Air Pollution Control District and Ventura County Air Pollution Control District [CA 211-0105; FRL-6195-8] received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11973. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky [KY-102-106-9903a; FRL-6192-1] received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11974. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [Region VII Docket No. MO-057-1057a; FRL-6197-1] received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11975. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution from Motor Vehicles and New Motor Vehicle Engines; Modification of Federal On-board Diagnostic Regulations for Light-Duty Vehicles and Light-Duty Trucks; Extension of Acceptance of California OBD II Requirements [FRL-6196-4] received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11976. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks; Rule Clarifications; Correction [AD-FRL-6197-8] (RIN: 2060-AC19) received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11977. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Worker Protection Standard; Respirator Designations [OPP-00541; FRL-6022-3] received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11978. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of the Clean Air Act, Section 112(1), Delegation of Authority to Three Local Air Agencies in Washington [FRL-6187-8] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11979. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Illinois; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [IL173-1a; FRL-6191-1] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11980. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(1) Program of Delegation; Michigan [MI49-01(a); FRL-6189-8] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11981. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Revision to the VOC Rule Governing Automotive and Light-Duty Truck Coating Operations [MD060-3032a; FRL-6183-9] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11982. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans (SIP); Texas: 1990 Base Year Emissions Inventories, 15% Rate of Progress Plans, Contingency Plans, and Motor Vehicle Emission Budgets [TX-80-1-7353; FRL-6173-8] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11983. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification; Arizona-Phoenix Nonattainment Area; Ozone; Extension of Plan Submittal Deadline [AZ-001-BU; FRL-6183-7] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11984. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes: State of Idaho and the Fort Hall Indian Reservation [ID-21-7001, ID 22-7002; FRL-6185-8] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11985. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Alabama [AL-048-1-9901a; FRL-6188-9] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11986. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 055-1055; FRL-6134-3] received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11987. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; State of Connecticut; Approval of Maintenance Plan, Carbon Monoxide Redesignation Plan and Emissions Inventory for the Connecticut Portion of the New York—N.New Jersey-Long Island Area [CT051-7209a; A-1-FRL-6182-2] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11988. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances; Correction [OPPTS-50632A; FRL-6042-2] (RIN: 2070-AB27) received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11989. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Interim Final Determination that Pennslyvania Continues to Correct the Deficiencies of its Enhanced I/M SIP Revision; Extension of Comment Period [PA 122-4078c; FRL-6182-4] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11990. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations [AD-FRL-6192-8] (RIN: 2060-AC28) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11991. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6198-9] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11992. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Maine; Interim Final Determiniation that Maine has Avoided the Deficiencies of its I/M SIP revision [ME060-7009; A-1-FRL-62034] received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11993. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of New Hampshire; Interim Final Determination that New Hampshire has Avoided the Deficiencies of its I/M SIP revision [NH037-7164; A-1-FRL-6203-5] Recieved December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11994. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; South Carolina [SC-035-1-9833a; FRL-6204-1] received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11995. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Tennessee [TN 183-1-9824a; FRL-6204-4] received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11996. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Washington [WA 67-7142a; FRL-6188-1] received November 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11997. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Arizona: Final Authorization of State Hazardous Waste Management [FRL-6178-3] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11998. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Asbestos-Containing Materials in Schools; Financial Decision of State Request for Waiver From Requirements [OPPTS-62155A; FRL-6038-1] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11999. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Michigan: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6179-7] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12000. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [OPPTS-50627A; FRL-6033-6] (RIN: 2070-AB27) received November 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12001. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Georgia [GA-41-9829a; FRL-6187-4] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12002. A letter from the Director, Office of Personnel Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Use of Alternative Analytical Test Methods in the Reformulated Gasoline Program and Revision of the Specification for the Mixing Chamber Associated with Animal Toxicity Testing of Fuels and Fuel Additives [FRL-6187-6] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12003. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOxRACT Determinations for Individual Sources [SIPTRAX No. PA-4082a; FRL-6194-3] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12004. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District [CA 162-0109; FRL-6194-5] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12005. A letter from the AMD-Performance Evaluation and Record Management, Federal Communications Commission, transmitting the Commission's final rule—Closed Captioning and Video Description of Video Programming; Implementation of Section 305 of the Telecommunications Act of 1996; Video Programming Accessibility [MM Docket No. 95-176] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12006. A letter from the AMD-Performance Evaluation and Records, Federal Communications Commission, transmitting the Commission's final rule—The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010; Establishment of Rules and Requirements For Priority Access Service [WT Docket No. 96-86] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12007. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Yuma,Colorado) [MM Docket No. 98-101 RM-9289] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12008. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Gaylord, Michigan) [MM Docket No. 98-107 RM-9288] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12009. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Stevensville, Montana) [MM Docket No. 98-115 RM-9292] received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12010. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Humboldt, Nebraska) [MM Docket No. 98-110 RM-9311] received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12011. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Whitefish, Montana) [MM Docket No. 98-124 RM-9305] received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12012. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.303(b), Table of Allotments, FM Broadcast Stations. (Elko, Nevada) [MM Docket No. 98-111 RM-9299] received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12013. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Biennial Regulatory Review—Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services [WT Docket No. 98-20] Amendment of the Amateur Service Rules to Authorize Visiting Foreign Amateur Operators to Operate Stations in the United States [WT Docket No. 96-188 RM-8677] received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12014. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Twin Falls and Hailey, Idaho) [MM Docket No. 97-131] (RM-9078, RM-9155) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12015. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Las Vegas, New Mexico) [MM Docket No. 98-49] (RM-9248) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12016. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (King Salmon, Alaska) [MM Docket No. 98-139] (RM-9312) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12017. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Chehalis, Washington) [MM Docket No. 97-7] (RM-8947) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12018. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—

Changes to the Board of Directors of the National Exchange Carrier Association, Inc. [CC Docket No. 97-21] Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12019. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Galesburg, Illinois and Ottumwa, Iowa) [MM Docket No. 97-130 RM-8751] received December 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12020. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Daingerfield and Ore City, Texas) [MM Docket No. 97-253 RM-9198] received December 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12021. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Bunker, Missouri) [MM Docket No. 98-126 RM-9293] received December 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12022. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Linn, Missouri) [MM Docket No. 98-164 RM-9357] received December 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12023. A letter from the AMD—Perfomance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmission [MM Docket No. 97-217; File No. RM-9060] received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); tọ the Committee on Commerce.

12024. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Center and Jacksonville, Texas) [MM Docket No. 98-57] (RM-9251) received November 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12025. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 97F-0428] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12026. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 98F-0054] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12027. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F-0292] received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12028. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—General and Plastic Surgery Devices: Reclassification of the Tweezer-Type Epilator [Docket No. 97N-0199] received October 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12029. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Technical Amendment [Docket No. 96F-0164) received October 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12030. A letter from the Director, Regulations Policy and Managament Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 98F-0433] received October 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12031. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 96F-0401] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12032. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Mutual Recognition of Pharmaceutical Good Manufacturing Practice Inspection Reports, Medical Device Quality System Audit Reports, and Certain Medical Device Product Evaluation Reports Between the United States and the European Community [Docket No. 98N-0185] (RIN: 0910-ZA11) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12033. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Warning and Notice Statement: Labeling of Juice Products; Correction [Docket No. 97N-0524] (RIN: 0910-AA43) received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12034. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted for Direct Addition to Food For Human Consumption; White Mineral Oil, USP [Docket No. 94F-0454] received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12035. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Investigational Device Exemptions [Docket No. 98N-0394] (RIN: 0910-ZA14) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12036. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Adminstrative Practices and Procedures; Internal Review of Decisions [Docket No. 98N-0361] received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12037. A letter from the Director, Regulation Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Drug Labeling; Warning and Direction Statements for Rectal Sodium Phosphates for Over-the-Counter Laxative Use; Final Rule; Stay of Compliance [Docket No. 78N-036L] (RIN: 0910-AA01) Recieved December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12038. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims; Reopening of Comment Period [Docket Nos. 98N-0426, 98N-0427, 98N-0423, 98N-0424, 98N-0419, 98N-0422, 98N-0421, and 98N-0420] received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12039. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-The-Counter Human Use; Final Rule for Professional Labeling of Aspirin, Buffered Aspirin, and Aspirin in combination With Antacid Drug Products; Correction [Docket No. 77N-094A] received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12040. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 96F-0489] received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12041. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Tamper-Evident Packaging Requirements for Over-the-Counter Human Drug Products [Docket No. 92N-0314] received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12042. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Dental Devices; Classification of Sulfide Detection Device [Docket No. 98P-0731] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12043. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—General Hospital and Personal Use Devices: Classification of the Apgar Timer, Lice Removal Kit, and Infusion Stand [Docket No. 98N-0087] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12044. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Effective Date of Approval of an Abbreviated New Drug Application [Docket No. 85N-0214] received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12045. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Quality Mammography Standards; Correcting Amendment [Docket No. 95N-0192] (RIN: 0910-AA24) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12046. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F-0390] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12047. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F-0292] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12048. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Standard Review Plan for Trial Use For the Review of Risk-Informed Inservice Inspection of Piping—received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12049. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Criticality Accident Requirements (RIN: 3150-AF87) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12050. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Boiling Water Reactor Licensees Use of the BWRVIP-05 Report to Request Relief From Augmented Examination Requirements on Reactor Pressure Vessel Circumferential Shell Welds [NRC Generic Letter 98-05] received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12051. A letter from the Director, Public Health Service, transmitting the Service's final rule—National Institutes of Health Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds (RIN: 0925-AA09) received November 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12052. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Dissemination of Information on Unapproved/New Uses for Marketed Drugs, Biologics, and Devices [Docket No. 98N-0222] (RIN: 0910-AB23) received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12053. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Reports to be Made by Certain Brokers and Dealers [Release No. 34-40608; FR-53; File No. S7-7-98] (RIN: 3235-AH36) received October 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12054. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Regulations of Exchanges and Alternative Trading Systems [Release No. 34-40760; File No. S7-12-98] (RIN: 3235-AH41) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12055. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Amendment To Rule Filing Requirements For Self-Regulatory Organizations Regarding New Derivative Securities Products [Release No. 34-40761; File No. S7-13-98] (RIN: 3235-AH39) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12056. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Year 2000 Readiness Reports to be Made by Certain Non-Bank Transfer Agents [Release No. 34-40587; FR-52; File No. S7-8-98] (RIN: 3235-AH42) received October 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12057. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 105—331); to the Committee on International Relations and ordered to be printed.

12058. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—332); to the Committee on International Relations and ordered to be printed.

12059. A communication from the President of the United States, transmitting notification that the Iran emergency declared in 1979 is to continue in effect beyond November 14, 1998, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 105—333); to the Committee on International Relations and ordered to be printed.

12060. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—334); to the Committee on International Relations and ordered to be printed.

12061. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order No. 12978 of October 21, 1995, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—336); to the Committee on International Relations and ordered to be printed.

12062. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Angola that was declared in Executive Order 12865 of September 26, 1993, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—337); to the Committee on International Relations and ordered to be printed.

12063. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102—1, section 3 (105 Stat. 4); (H. Doc. No. 105—341); to the Committee on International Relations and ordered to be printed.

12064. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, and matters relating to the measures in that order, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 105—346); to the Committee on International Relations and ordered to be printed.

12065. A communication from the President of the United States, transmitting notification that the Sudanese emergency is to continue in effect beyond November 3, 1998, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 105—350); to the Committee on International Relations and ordered to be printed.

12066. A letter from the Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of September 30, 1998, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

12067. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to Greece (Transmittal No. 05-99), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

12068. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to Greece (Transmittal No. 02-99), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

12069. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to Greece (Transmittal No. 03-99), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

12070. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to Greece (Transmittal No. 04-99), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

12071. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 99-03), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

12072. A letter from the Director, Defense Security Cooperation Agency, transmitting a copy of Transmittal No. 03-99 which constitutes a Request for Final Authority to conclude a Memorandum of Understanding between the U.S. and Sweden concerning a technology demonstration program, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

12073. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a copy of Transmittal No. 01-99 which constitutes a Request for Final Approval for the Memorandum of Understanding between the U.S. and the United Kingdom concerning cooperation in the production of the Universal Modem System, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

12074. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for use of section 506(a)(2) authority to draw down articles, services, and military education and training, pursuant to 22 U.S.C. 2318(a)(1); to the Committee on International Relations.

12075. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract [Transmittal No. DTC 144–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

12076. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

12077. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Presidential Determination No. 99–04 regarding the drawdown of defense articles and services for Honduras, Nicaragua, El Salvador and Guatemala, pursuant to 22 U.S.C. 2318(a)(1); to the Committee on International Relations.

12078. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period August 1 to September 30, 1998, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

12079. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

12080. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Iraqi Sanctions Regulations [31 CFR Part 575] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

12081. A letter from the Assistant Secretary, Department of Commerce, transmitting the Department's final rule—India and Pakistan Sanctions and Other Measures [Docket No. 98–1019261–8261–01] (RIN: 0694–AB73) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

12082. A letter from the Secretary of Agriculture, transmitting the department's Semiannual Report to Congress covering the 6-month period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12083. A letter from the Secretary of Education, transmitting the 37th Semiannual Reprt of the Inspector General of the Department of Education ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12084. A letter from the Secretary of Health and Human Services, transmitting the semiannual report of the Inspector General for the period April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12085. A letter from the Secretary of the Interior, transmitting the semiannual report of the Inspector General for the period April 1, 1998, through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12086. A letter from the Secretary of Labor, transmitting the Semiannual Report of the Department of Labor's Inspector General and Management report covering the period April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12087. A letter from the Secretary of Transportation, transmitting the semiannual report of the Inspector General for the period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12088. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released by the GAO in September 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

12089. A letter from the Chairman, African Development Foundation, transmitting the consolidated report to meet the requirements of the Inspector General Act and the Federal Managers' Financial Integrity Act for the years 1997 and 1998, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

12090. A letter from the Secretary, American Battle Monuments Commission, transmitting the FY 1998 annual report pursuant to the Federal Managers' Financial Integrity Act and the 1988 Amendments to the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

12091. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12092. A letter from the Chair, Architectural and Transportation Barriers Compliance Board, transmitting the consolidated report to meet the requirements of the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

12093. A letter from the Attorney General, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1998 through March 30, 1998, and the Management Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12094. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12095. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received October 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12096. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—October 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12097. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12098. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severly Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions—received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12099. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List; Additions and Deletions—received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12100. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received November 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12101. A letter from the Acting Comptroller General, Comptroller General, transmitting General Accounting Office's monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

12102. A letter from the Chairman, Council of the District of Columbia, transmitting notification of its response to the legislative recommendations of the District Financial Responsibility and Management Assistance Authority regarding street vending dated August 31, 1998, pursuant to Public Law 104—8, section 207; to the Committee on Government Reform and Oversight.

12103. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—DoD Freedom of Information Act Program Regulation [DoD 5400.7–R] (RIN: 0790–AG58) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12104. A letter from the Chief Management Officer, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the fiscal year 1998 annual performance report entitled, "A Report on Service Improvements and Management Reform," pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

12105. A letter from the Chairwoman, Equal Employment Opportunity Commission, transmitting the semiannual report for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12106. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12107. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

12108. A letter from the Chairman, Federal Maritime Commission, transmitting the Federal Maritime Commission's Inspector General Semiannual Report for the period April 1, 1998—September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12109. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12110. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the 1998 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

12111. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Taxpayer Identification Numbers [FAC 97-09; FAR Case 97-003; Item I] (RIN: 9000-AI14) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12112. A letter from the Administrator, General Services Administration, transmitting a semiannual report on the Office of Inspector General auditing activity, together with a report providing management's perspective on the implementation status of audit recommendations, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12113. A letter from the Chairman, International Trade Commission, transmitting Updated version of the International Trade Commission's Strategic Plan; to the Committee on Government Reform and Oversight.

12114. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the consolidated reports under the Federal Managers Financial Integrity Act and the Inspector General Act, 1978, as amended, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

12115. A letter from the Executive Director, Japan-United States Friendship Commission, transmitting the Japan-U.S. Friendship Commission's Fiscal Year 1998 year-end report on the related activities of the Japan-United States Friendship Commission, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12116. A letter from the Chairman, Merit Systems Protection Board, transmitting the FY 1998 combined report pursuant to the Federal Managers' Financial Integrity Act and the 1988 Amendments to the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

12117. A letter from the Chairman, National Endowment of the Arts, transmitting the semiannual report for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12118. A letter from the General Counsel, National Labor Relations Board, transmitting the semiannual report for the period of October 1, 1997 through March 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12119. A letter from the Deputy Independent Counsel, Office of the Independent Counsel, transmitting Audit and Investigative Activities, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12120. A letter from the Director, Office of Government Ethics, transmitting the consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12121. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the Annual Report on Audit and Investigative Activities, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12122. A letter from the Independent Counsel, Office of Independent Counsel, transmitting a Statement Regarding Adequacy of Management Controls Systems, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

12123. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the Consolidated Annual Report on Audit and Investigative Activities and Management Control Systems, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12124. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the Annual Report on Audit and Investigative Activities for the period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12125. A letter from the Deputy Independent Counsel, Office of Independent Counsel, transmitting the Annual Report on Audit and Investigative Activities for the period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12126. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Student Educational Employment Program (RIN: 3206-AH82) received October 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12127. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Temporary and Term Employment (RIN: 3206-AH47) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12128. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees Health Benefits Program: Disenrollment (RIN: 3206-AH61) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12129. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Reduction in Force Offers of Vacant Positions (RIN: 3206-AH95) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12130. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Redefinition of Philadelphia, PA, and New York, NY, Appropriated Fund Wage Areas (RIN: 3206-AI30) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12131. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Authorization of Solicitations During the Combined Federal Campaign (RIN: 3206-AI53) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12132. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Firefighter Pay (RIN: 3206-AI50) received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12133. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Student Educational Employment Program (RIN: 3206-AH82) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12134. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees Health Benefits Program Improving Carrier Performance; Conforming Changes Parts 1609, 1632, and 1652 (RIN: 3206-AI16) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12135. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Cost-of-Living Allowances (Nonforeign Areas); Honolulu, HI (RIN: 3206-AI38) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12136. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Cost-of-Living Allowances (Nonforeign Areas); Kauai, HI; U.S. Virgin Islands (RIN: 3206-AH07) received October 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12137. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Employment in the Senior Executive Service Promotion and Internal Placement (RIN: 3206-AH92) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12138. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Annual Report on Audit and Investigative Activities, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12139. A letter from the Chairman, Postal Rate Commission, transmitting an audit of the Commission's Imprest Fund which was conducted in Fiscal Year 1998 by The Center for Applied Financial Management, Financial Management Service, of the Department of the Treasury, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12140. A letter from the Chief Administrative Officer, Postal Rate Commission, transmitting a report of activities under the Freedom of Information Act from October 1, 1997 to September 30, 1998, pursuant to 5 U.S.C.

552(d); to the Committee on Government Reform and Oversight.

12141. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12142. A letter from the Chairman, Securities and Exchange Commission, transmitting the Inspector General's Semiannual Report to Congress and the management response of the Securities and Exchange Commission, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12143. A letter from the Acting Director, The Woodrow Wilson Center, transmitting a consolidated report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12144. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting the 1998 annual report on audits and investigations in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

12145. A letter from the Director, United States Information Agency, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1998, through September 30, 1998, also the Management Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12146. A letter from the Chairman, United States International Trade Commission, transmitting the Commission's Semiannual Report for the period April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12147. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule—Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018–AE93) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12148. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Helium Contracts [WO–130–1820–00–24 1A] (RIN: 1004–AD24) received December 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12149. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Virginia sneezeweed (Helenium virginicum), a Plant From the Shenandoah Valley of Virginia (RIN: 1018–AE37) received October 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12150. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and threatened wildlife and plants; Endangered status for three aquatic snails, and threatened status for three aquatic snails in the Mobile River Basin of Alabama (RIN: 1018–AE36) received October 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12151. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to list the Arkansas River Basin population of the Arkansas River Shiner (Notropis girardi) as threatened (RIN 1018–AC62) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12152. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod in the Western Regulatory area in the Gulf of Alaska [Docket No. 97128297–8054–02; I.D. 10298E] received October 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12153. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category [I.D. 100798C] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12154. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Archival Tag Recovery [Docket No. 971231320–7320–01; I.D. 121697B] (RIN: 0648–AK63) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12155. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Vessel Monitoring System Power Down Exemption [Docket No. 980715175–8254–02; I.D. 070198B] (RIN: 0648–AL35) received October 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12156. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Department's final rule—Atlantic Sea Scallop Fishery; Extension of Interim Final Rule Implementing Area Closures [Docket No. 980318065–8241–02; I.D. 030698B] (RIN: 0648–AK68) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12157. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West coast states and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Whiting Sector [Docket No. 9712229312–7312–01; I.D. 093098B] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12158. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 971208297–8054–02, I.D. 100998A] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12159. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 100998C] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12160. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Gulf of Alaska Statistical Area 620 [Docket No. 971208297–8054–02; I.D. 102798A] received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12161. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 100998B] received October 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12162. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 100898C] received October 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12163. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Precious Coral Fisheries; Amendment 3 [Docket No. 980714174–8250–02; I.D. 061898B] (RIN: 0648–AK60) received October 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12164. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Wildlife and Plants; One-year Finding for a Petition to List the Atlantic Sturgeon (Acipenser oxyrinchus oxyrinchus) in the United States as Endangered or Threatened [Docket No. 980806212–8212–01; I.D. 073098C] received October 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12165. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects in the Gulf of Mexico and Off the U.S. South Atlantic Coastal States; Marine Fisheries Initiative (MARFIN) (National Oceanic and Atmospheric Administration) [Docket No. 980909232–8232–01 I.D. 092595C] (RIN: 0648–ZA48) received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12166. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component [I.D.

102698A] received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12167. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Billfishes; Atlantic Blue Marlin and Atlantic White Marlin Minimum Size; Billfish Tournament Notification Requirements; Atlantic Marlin Bag Limit [Docket No. 980305056-8245-02; I.D. 020398B] (RIN: 0648-AK88) received October 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12168. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey [Docket No. 971015246-7293-02; I.D. 111698E] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12169. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders [I.D. 110498A] received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12170. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka MACKerel in the Western Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 971208298-8055-02; I.D. 110598A] received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12171. A letter from the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maryland [Docket No. 971015246-7293-02; I.D. 110998G] received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12172. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Revisions [Docket No. 971229312-7312-01; I.D. 111398A] received December 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12173. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 971208297-8054-02; I.D. 092598A] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12174. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod [Docket No. 971208298-8055-02; I.D. 082798B] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12175. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297-8054-02; I.D. 100898B] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12176. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Offshore Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 971208298-8055-02; I.D. 101698A] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12177. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Texas Abandoned Mine Land Reclamation Plan [SPATS No. TX-039-FOR] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12178. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Alabama Regulatory Program [SPATS No. AL-068-FOR] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12179. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Ohio Regulatory Program [OH-243-FOR, #76] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12180. A letter from the Deputy Assistant Secretary of Commerce and Deputy Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Revision of Patent Fees for Fiscal Year 1999 [Docket No. 98-0713170-8289-03] (RIN: 0651-AA96) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12181. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a report concerning grants made under the DNA Identification Act of 1994; to the Committee on the Judiciary.

12182. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Immigration and Naturalization Service [INS No. 1608-93] (RIN: 1115-AC30) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12183. A letter from the Director, Federal Bureau of Investigation, transmitting the Bureau's final rule—National Instant Criminal Background Check System Regulation [AG Order No. 2186-98] (RIN: 1105-AA51) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12184. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Designation of Offenses Subject to Sex Offender Release Notification [BOP-1090-I] (RIN: 1120-AA85) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12185. A letter from the Clerk, United States Court of Appeals, District of Columbia Circuit, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit (No. 97-7234- Inmates of D.C. Jail v. Delbert C. Jackson); to the Committee on the Judiciary.

12186. A letter from the Assistant Secretary (Civil Works), Department of the Army, transmitting recommendations for modification of the flood damage reduction project at Wood River, Grand Island, Nebraska; to the Committee on Transportation and Infrastructure.

12187. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organizations' Technical Instructions [Docket No. RSPA-98-4185(HM-215C)] (RIN: 2137-AD15) received October 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12188. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Technical Amendments to the Track Safety Standards (Federal Railroad Administration) [Docket No. RST-90-1, Notice No. 9] (RIN: 2130-AA75) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12189. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Technical Amendments to the Track Safety Standards (Federal Railroad Administration) [Docket No. RST-90-1, Notice No. 10] (RIN: 2130-AA75) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12190. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Vessel Inspection User Fees (Coast Guard) [CGD 96-067] (RIN: 2115-AF40) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12191. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Building Owners and Managers Fireworks, Hudson River, Manhattan, New York (Coast Guard) [CGD01-98-157] (RIN: 2115-AA97) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12192. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Regulations; Atlantic Intracoastal Waterway, Florida (Coast Guard) [CGD07-97-020] (RIN: 2115-AE47) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12193. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D and Class E Airspace, Crows Landing, CA; Correction (Federal Aviation Administration) [Airspace Docket No. 98-AWP-12] (RIN: 2120-AA66) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12194. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision to

Class E Airspace; Reno, NV (Federal Aviation Administration) [Airspace Docket No. 98–AWP–23] (RIN: 2120–AA66) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12195. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company 180 and 185 Series Airplanes (Federal Aviation Administration) [Docket No. 97–CE–138–AD; Amendment 39–10865; AD 98–23–02] (RIN: 2120–AA64) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12196. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Metropolitan Oakland International Airport, CA (Federal Aviation Administration) [Airspace Docket No. 98–AWP–22] (RIN: 2120–AA66) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12197. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Pilotage for Vessels in Foreign Trade (Coast Guard) [USCG–1998–3323] (RIN: 2115–AF57) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12198. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Gulf Intracoastal Waterway, Algiers Alternate Route, Louisiana (Coast Guard) [CGD08–98–061] (RIN: 2115–AE47) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12199. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Review of Existing Rules (Federal Aviation Administration) [Docket No. 28910] (RIN: 2120–ZZ13) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12200. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Lake Charles, LA (Federal Aviation Administration) [Airspace Docket No. 98–ASW–41] (RIN: 2120–AA66) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12201. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace, Tustin MCAS, CA (Federal Aviation Administration) [Airspace Docket No. 98–AWP–19] (RIN: 2120–AA66) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12202. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Research and Special Programs Administration [Docket No. PS–121; Notice-5] (RIN: 2137–AD05) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12203. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA–23–235, PA–23–250, and PA–E23–250 Airplanes (Federal Aviation Administration) [Docket No. 82–CE–36–AD; Amdt. 39–10852; AD 83–22–01 R1] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12204. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CCGD08–98–068] (RIN: 2115–AE47) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12205. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes (Federal Aviation Administration) [Docket No. 98–NM–188–AD; Amdt. 39–10849; AD 98–22–03] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12206. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 98–NM–191–AD; Amdt. 39–10848; AD 98–22–02] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12207. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model C–212 Series Airplanes (Federal Aviation Administration) [Docket No. 98–NM–185–AD; Amdt. 39–10850; AD 98–22–04] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12208. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes [Docket No. 98–CE–45–AD; Amendment 39–10881; AD 98–23–14] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12209. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 98–NM–29–AD; Amdt. 39–10851; AD 98–22–05] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12210. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Forest City, IA (Federal Aviation Administration) [Airspace Docket No. 98–ACE–30] (RIN: 2120–AA66) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12211. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kearney, NE (Federal Aviation Administration) [Airspace Docket No. 98–ACE–34] (RIN: 2120–AA66) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12212. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No. 98–NM–234–AD; Amendment 39–10885; AD 98–23–17] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12213. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Beatrice, NE (Federal Aviation Administration) [Airspace Docket No. 98–ACE–32] (RIN: 2120–AA66) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12214. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Spencer, IA (Federal Aviation Administration) [Airspace Docket No. 98–ACE–31] (RIN: 2120–AA66) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12215. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Albermarle, NC (Federal Aviation Administration) [Airspace Docket No. 98–ASO–14] (RIN: 2120–AA66) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12216. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Chester, SC (Federal Aviation Administration) [Airspace Docket No. 98–ASO–15] (RIN: 2120–AA66) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12217. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Parker Hannifan Airborne Dry Air Pumps, Conversion Kits, and Coupling Kits [Docket No. 98–CE–108–AD; Amendment 39–10882; AD 98–23–01] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12218. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 97–NM–141–AD; Amendment 39–10888; AD 98–24–01] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12219. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace and Establishment of Class E Airspace; Klamath Falls, OR [Airspace Docket No. 98–ANM–04] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12220. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, San Diego, North Island NAS, CA [Airspace Docket No. 98–AWP–20] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12221. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, North Island NAS, CA [Airspace Docket No. 98–AWP–20] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A);

to the Committee on Transportation and Infrastructure.

12222. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Valparaiso, IN [Airspace Docket No. 98–AGL–53] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12223. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Duluth St. Mary's Hospital Heliport, MN [Airspace Docket No. 98–AGL–52] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12224. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Crosby, ND Correction [Airspace Docket No. 98–AGL–42] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12225. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation Equity Act For the 21st century; Implementation information for innovative bridge research and construction program funds—received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12226. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Risk-Based Alternative to Pressure Testing Older Hazardous Liquid and Carbon Dioxide Pipelines Rule [Docket No. PS–144; Amendment 195–65] (RIN: 2137–AC 78) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12227. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Slingsby Aviation Limited Models Dart T.51, Dart T.51/17, and Dart T.51/17R Sailplanes [Docket No. 98–CE–67–AD; Amendment 39–10863; AD 98–22–15] (RIN: 2120–AA64) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12228. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolladen Schneider Flugzeugbau GmbH Modles LS 3–A, LS 4, and LS 4a Sailplanes [Docket No. 95–CE–49–AD; Amendment 39–10861; Ad 98–22–14] (RIN: 2120–AA64) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12229. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0100 Series Airplanes [Docket No. 98–NM–101–AD; Amendment 39–10847; AD 98–22–01] (RIN: 2120–AA64) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12230. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Riverton, WY [Airspace Docket No. 98–ANM–15] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12231. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Phoenix Class B Airspace Area; AZ [Airspace Docket No. 94–AWA–1] (RIN: 2120–AA66) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12232. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA–28–140, PA–28–150, PA–28–160, and PA–28–180 Airplanes [Docket No. 95–CE–51–AD; Amendment 39–10862; AD 96–10–01 R1] (RIN: 2120–AA64) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12233. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29371; Amdt. No. 412] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12234. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Pa–24, PA–28R, PA–30, PA–32R, PA–34, PA–39 Series Airplanes [Docket No. 96–CE–09–AD; Amendment 39–10864; Ad 97–01–01 R1] (RIN: 2120–AA64) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12235. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prevention of Prohibited Drug Use In Transit Operations: Prevention of Alcohol Misuse in Transit Operations [Docket No. FTA–97–2925] (RIN: 2132–AA56) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12236. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Operation of Motor Vehicles by Intoxicated Persons [Docket No. NHTSA–98–4394] (RIN: 2127–AH39) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12237. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Open Container Laws [Docket No. NHTSA–98–4493] (RIN: 2127–AH41) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12238. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes Equipped with Certain COLLINS LRA–900 Radio Altimeters [Docket No. 98–NM–334–AD; Amendment 39–10929; AD 98–24–51] (RIN: 2120–AA64) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12239. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; McKinney, TX [Airspace Docket No. 98–ASW–32] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12240. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 340A and 414A Airplanes [Docket No. 98–CE–111–AD; Amendment 39–10923; AD 98–24–14] (RIN: 2120–AA64) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12241. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA 330F, G, and J Helicopters [Docket No. 97–SW–38–AD; Amendment 39–10875; AD 98–23–09] (RIN: 2120–AA64) received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12242. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS–350B, B1,B2,BA,C,D,D1, and AS 355E, F, F1, F2, and N Helicopters [Docket No. 98–SW–41–AD; Amendment 39–10921; AD 98–24–35] (RIN: 2120–AA64) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12243. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model EC 135 Helicopters [Docket No. 98–SW–35–AD; Amendment 39–10866; AD 98–15–25] (RIN: 2120–AA64) received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12244. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; BellSouth Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida [CGD07 98–075] (RIN: 2115–AE46) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12245. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Billy's Creek, Florida [CGD07–98–009] (RIN: 2115–AE47) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12246. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company (RHC) Model R44 Helicopters [Docket No. 98–SW–56–AD; Amendment 39–10874; AD 98–22–16] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12247. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Concordia, KS [Airspace Docket No. 98–ACE–46] received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12248. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Goodland, KS [Airspace Docket No. 98–ACE–35] received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12249. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Muscatine, IA [Airspace Docket No. 98–ACE–25] received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12250. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fairbury, NE [Airspace Docket No. 98–ACE–28] received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12251. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Burkhart GROB Luft-und Raumfahrt GmbH Model G 109B Gliders [Docket No. 98–CE–72–AD; Amendment 39–10876; AD 98–23–10] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12252. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–31 Series Airplanes [Docket No. 97–NM–99–AD; Amendment 39–10877; AD 98–23–11] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12253. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–7 Series Airplanes [Docket No. 98–NM–143–AD; Amendment 39–10879; AD 98–23–12] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12254. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model Viscount 744, 745, 745D, and 810 Series Airplanes [Docket No. 98–NM–217–AD; Amendment 39–10880; AD 98–23–13] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12255. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 98–NM–304–AD; Amendment 39–10889; AD 98–24–02] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12256. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B–1, and 214ST Helicopters [Docket No. 98–SW–12–AD; Amendment 39–10886; AD 98–23–18] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12257. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; International Aero Engines (IAE) V2500–A1 Series Turbofan Engines [Docket No. 98–ANE–67–AD; Amendment 39–10871; AD 98–20–18] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12258. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–88–AD; Amendment 39–10884; AD 98–23–16] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12259. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Hawker 800XP Series Airplanes [Docket No. 98–NM–195–AD; Amendment 39–10883; AD 98–23–15] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12260. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines [Docket No. 98–ANE–21–AD; Amendment 39–10872; AD 98–23–07] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12261. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 97–ANE–53–AD; Amendment 39–10873; AD 98–23–08] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12262. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200 Series Airplanes Equipped With Rolls Royce Model RB211–535E4/E4B Engines [Docket No. 98–NM–294–AD; Amendment 39–10887; AD 96–04–11 R1] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12263. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe.125, DH.125, BH.125, and HS.125 Series Airplanes [Docket No. 97–NM–305–AD; Amendment 39–10878; AD 89–18–07 R1] (RIN: 2120–AA64) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12264. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Capital Leases [Docket No. FTA–98–4407] (RIN: 2132–AA65) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12265. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Fort Point Channel, MA [CGD01–98–039] (RIN: 2115–AE47) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12266. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Explosive Load, Bath Iron Works, Bath, ME [CGD1–98–171] (RIN: 2115–AA97) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12267. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Patapsco River, Baltimore, Maryland [CGD 05–98–100] (RIN: 2115–AE46) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12268. A letter from the General counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Anacostia River, Washington D.C. [CGD05–98–017] (RIN: 2115–AE47) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12269. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, -200, -300, -400, 747SP, and 747SR Series Airplanes [Docket No. 96–NM–260–AD; Amendment 39–10837; AD 98–21–29] (RIN: 2120–AA64) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12270. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes [Docket No. 96–NM–172–AD; Amendment 39–10544; AD 98–11–19] (RIN: 2120–AA64) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12271. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace and Class E Airspace; Rome, NY [Airspace Docket No. 98–AEA–37] received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12272. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Fishers Island, NY [Airspace Docket No. 98–AEA–38] received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12273. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Rome, NY [Airspace Docket No. 98–AEA–36] received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12274. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model 369D, 369E, 369FF, 500N, AH-6, and MH–6 Helicopters [Docket No. 97–SW–47–AD; Amendment 39–108020; AD 98–21–12] (RIN: 2120–AA64) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12275. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; International Aero Engines AG (IAE) V2500–A1 Series Turbofan Engines [Docket No. 98–ANE–63–AD; Amendment 39–10809; AD 98–21–01] (RIN: 2120–AA64) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12276. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aircraft Belts, Inc. Model CS, CT, FM, FN, GK, GL, JD, JE, JT, JU, MD, ME, MM, MN, NB, PM, PN, RG, and RH Seat Restraint Systems [Docket No. 98–SW–33–AD; Amendment 39–10936; AD 98–25–10] (RIN: 2120–AA64) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12277. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 98–NM–319–AD; Amendment 39–10932; AD 98–23–51] (RIN: 2120–AA64) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12278. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class D and E Airspace, Amendment to Class D and E Airspace; Montgomery, AL [Airspace Docket No. 98–ASO–12] received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12279. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Concord, NC (Federal Aviation Administration) [Airspace Docket No. 98–ASO–16] (RIN: 2120–AA66) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12280. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Hugo, OK (Federal Aviation Administration) [Airspace Docket No. 98–ASW–46] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12281. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Oak Grove, LA (Federal Aviation Administration) [Airspace Docket No. 98–ASW–45] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12282. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models A200CT, B200, B200C, B200CT, 200T/B200T, 300, B300, and B300C Airplanes (Federal Aviation Administration) [Docket No. 97–CE–148–AD; Amdt. 39–10843; AD 98–21–35] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12283. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–278–AD; Amdt. 39–10841; AD 98–21–33] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12284. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–341–AD; Amdt. 39–10842; AD 98–21–34] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12285. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes (Federal Aviation Administration) [Docket No. 98–NM–288–AD; Amdt. 39–10839; AD 98–21–31] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12286. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes (Federal Aviation Administration) [Docket No. 98–NM–187–AD; Amdt. 39–10840; AD 98–21–32] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12287. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes (Federal Aviation Administration) [Docket No. 98–NM–74–AD; Amdt. 39–10838; AD 98–21–30] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12288. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97–ANE–45–AD; Amdt. 39–10832; AD 98–21–24] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12289. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International, S.A. CFM56–7B Series Turbofan Engines (Federal Aviation Administration) [Docket No. 98–ANE–65–AD; Amdt. 39–10831, AD 98–21–23] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12290. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes (Federal Aviation Administration) [Docket No. 98–CE–69–AD; Amdt. 39–10835; AD 98–21–27] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12291. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines (Federal Aviation Administration) [Docket No. 95–ANE–69; Amdt. 39–10830; AD 98–21–22] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12292. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters (Federal Aviation Administration) [Docket No. 97–SW–01–AD; Amdt. 39–10845; AD 98–21–36] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12293. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, -15, -30, and -40 Series Airplanes (Federal Aviation Administration) [Docket No. 98–NM–73–AD; Amdt. 39–10846; AD 98–21–37] (RIN: 2120–AA64) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12294. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) (Eurocopter) Model MBB-BK117 A–1, A–3, A–4, B–1, B–2, and C–1 Helicopters, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12295. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Owatonna, MN [Airspace Docket No. 98–AGL–54] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12296. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Grinnell, IA [Airspace Docket No. 98–ACE–47] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12297. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Burlington, KS[Airspace Docket No. 98–ACE–45] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12298. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Great Bend, KS [Airspace Docket No. 98–ACE–39] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12299. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pittsburg, KS [Airspace Docket No. 98–ACE–40] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12300. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ulysses, KS [Airspace Docket No. 98–ACE–41] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12301. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revised Allotment Formulas for State and Interstate Monies Appropriated Under Section 106 of the Clean Water Act [FRL–6184–9] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12302. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Reportable Item Definition—received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

12303. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Minimum Income Annuity and Gratuitous Annuity (RIN: 2900–AJ17) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

12304. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Revenue Procedure 98–59] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12305. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Cafeteria Plans Election Changes [Announcement 98–105] received November 25, 1998, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12306. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of Reasonable Basis [TD 8790] (RIN: 1545–AU38) received December 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12307. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Revenue Ruling 98–61] received December 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12308. A letter from the Chief Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Alternative Identifying Numbers for Income Tax Return Preparers [Notice 98–63] received December 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12309. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 98–60] received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12310. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of Real Estate Investment Trust [Revenue Ruling 98–60] received December 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12311. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interim Guidance for Equitable Relief from Joint and Several Liability [Notice 98–61] received December 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12312. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding Charitable Remainder Trusts and Special Valuation Rules for Transfers of Interests in Trusts [TD 8791] (RIN: 1545–AU25) received December 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12313. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Long-Term Care Insurance Contracts [TD 8792] (RIN: 1545–AV56) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12314. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Small Business Taxpayer Advance Pricing Agreements [Notice 98–65] received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12315. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed $2,800,000 [Revenue Ruling 98–58] received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12316. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Loans with Below-Market Interest Rates [Revenue Ruling 98–59] received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12317. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Revenue Ruling 98–62] received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12318. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Items of General Interest [Notice 98–62] received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12319. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Payment by Credit Card and Debit Card [TD 8793] (RIN: 1545–AW38) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12320. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Earned income credit for taxable years beginning after December 31, 1978 [Revenue Ruling 98–56] received Novemebr 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12321. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules and regulations [Revenue and Procedure 98–57] received November 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12322. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1999 Limitations Adjusted As Provided In Section 415(d), Etc. (Notice 98–53) received November 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12323. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Permitted disparity with respect to employer-provided contributions or benefits [Revenue Ruling 98–53] received November 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12324. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Returns Relating to Higher Education Tuition and Related Expenses [Notice 98–59] received November 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12325. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Clark D. and Janis L. Pulliam v. Commissioner [Docket No. 12923–95] received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12326. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Cash or Deferred Arrangements; Nondiscrimination [Notice 98–52] received October 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12327. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Rev. Rul. 98–54] received October 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12328. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Returns Relating to Interest on Education Loans [Notice 98–54] received October 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12329. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Basis Reduction Due to Discharge of Indebtedness [TD 8787] (RIN: 1545–AU71) received October 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12330. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Test of Mediation Procedure for Appeals [Announcement 98–99] received October 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12331. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–56] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12332. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Awards of Costs and Certain Fees in Tax Litigation [Notice 98–55] received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12333. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit or abatement; determination of correct tax liability [Rev. Proc. 98–55] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12334. A letter from the Chairman, International Trade Commission, transmitting the Commission's final rule—Amendments to Rules of Practice and Procedure [19 CFR Parts 201 and 207] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12335. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Part A Premium for 1999 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlements [HCFA–8000–N] (RIN: 0938–AJ03) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12336. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Listening-In to or Recording Telephone Conversations (RIN: 0960–AE66) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12337. A letter from the Chief of Stafff, Social Security Administration, transmitting the Administration's final rule—Application of State Law in Determining Child Relationship (RIN 0960–AE30) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12338. A letter from the Secretary of Health and Human Services, transmitting the Service's final rule—Medicare Program; Revisions to Payment Policies and Adjustments to the Relative Value Units Under the Physician Fee Schedule for Calendar Year 1999 [HCFA–1006–FC] (RIN: 0938–AI52) received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Commerce and Ways and Means.

12339. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Presidential Determination No. 99–5, waiving certain restrictions on the maintenance of a Palestine Liberation Organization Office and on PLO funds for an additional six month period through May 25, 1999, pursuant to Public Law 105—277; jointly to the Committees on International Relations and Appropriations.

12340. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 1, 1999 [HCFA-8003-N] (RIN: 0938-AI98) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on December 15, 1998]

Mr. HYDE: Committee on the Judiciary. House Resolution 611. Resolution impeaching William Jefferson Clinton, President of the United States, for high crimes and misdemeanors (Rept. 105-830). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOUGHTON (for himself and Mr. KING of New York):

H.J. Res. 139. A joint resolution expressing the sense of Congress with respect to the censure of William Jefferson Clinton; to the Committee on the Judiciary.

By Mr. McHALE:

H.J. Res. 140. A joint resolution condemning and censuring William Jefferson Clinton; to the Committee on the Judiciary.

By Mr. SPENCE:

H. Res. 612. A resolution expressing unequivocal support for the men and women of our Armed Forces who are currently carrying out missions in and around the Persian Gulf region; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII,

407. The SPEAKER presented a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution 77 memorializing the President and the Congress of the United States to enact the "Forest Tax Relief Act," which would repeal legislation authorizing the United States Forest Service to implement a pilot program charging visitors of the Angles, Cleveland, Los Padres, and San Bernardino national forests sepcified daily and yearly fees to park on national forest lands; to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2708: Mrs. CLAYTON.
H.R. 4402: Mr. HEFLEY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

85. The SPEAKER presented a petition of The Legislature of Rockland County, relative to Resolution 494 petitioning the Congress of the United States to amend the existing statutes to insert adequate safeguards against the abuses of mergers of banking institutions; to the Committee on Banking and Financial Services.

86. Also, a petition of the Campaign of Spirit of America, relative to Numerous petitions, demanding Congress end funding for the National Endowment of the Arts effective immediately; to the Committee on Education and the Workforce.

87. Also, a petition of The Campaign of Spirit of America, relative to numerous petitions, demanding that Congress end funding for the National Endowment of the Arts effective immediately; to the Committee on Education and the Workforce.

88. Also, a petition of Spirit of America, relative to Numerous polls from U.S. Citizens about the U.N. Criminal Court; to the Committee on International Relations.

89. Also, a petition of the Campaign of Spirit of America, relative to numerous petitions demanding that Congress end the funding of U.N. pensions effective immediately; to the Committee on International Relations.

90. Also, a petition of The City Council of Detroit, relative to a City Council Resolution Petitioning the Congress to support the Clinton Administration's appeal of a ruling last month barring the use of statistical sampling in the U.S. Census for the Year 2000; to the Committee on Government Reform and Oversight.

91. Also, a petition of The Senate of Puerto Rico, relative to Senate Resolution No. 1840 petitioning the Congress to Express to the Honorable William J. Clinton, President of the United States, its recognition for the agile, prompt and efficient manner in which he responded to the petition for federal aid made by the Government of Puerto Rico as the result of the emergency caused by Hurricane "Georges," that hit the Island on September 21 and 22, 1998 and for the rapid declaration and mobilization of Federal Government resources and officials to attend to the damages caused by the Hurricane in Puerto Rico; to the Committee on Transportation and Infrastructure.

EXTENSIONS OF REMARKS

TRIBUTE TO THE LATE HON. MORRIS "MO" UDALL

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. SAWYER. Mr. Speaker, earlier this week my friend and predecessor in this great body, John Seiberling, called and asked that I insert into the RECORD of our work his thoughts on his friend and colleague, Mo Udall.

To all of us who knew and worked with Mo Udall, he will always be an indelible model of all that we can be and do as lawmakers and as leaders, and as friends to one another even in the most difficult times.

I am grateful and honored that John Seiberling would ask me to share his words in this way.

December 14, 1998.

Re Hon. Morris Udall.

The death on December 12 of Morris "Mo" Udall has taken from us one of the most loved, most respected, and most accomplished Members of Congress in this generation.

Mo Udall was a BIG person, in every sense of the word. He was big not only in physical stature but also in strength of character, intellectual acumen, unfailing good humor, political vision, and understanding of the House and its constitutional role.

I first became acquainted with Mo in 1970, when he came to Akron to help me, a political underdog, in my ultimately successful campaign for election to the House. After I was elected, he helped me become one of his colleagues on the Committee on Interior and Insular Affairs, which he later chaired with great distinction for over a decade. There I had the privilege of working with him on some of the landmark environmental legislative efforts that he led. These produced the Surface Mining Control and Reclamation Act of 1977, which curbed the destructive practices of coal stripmining, and the Alaska National Interest Lands Conservation Act, probably the most monumental land conservation measure ever enacted.

Mo's unswerving devotion to his native Arizona, to the Congress, and to America's land and people, can and should serve as a model for generations to come. The widespread respect which Mo enjoyed resulted not only from his vision and courage but also his fairness and eagerness to seek common ground with colleagues on opposing sides of legislative issues. Above all, I shall always remember Mo as a warm and loyal friend, always considerate, humorous, and kind.

In 1980, Mo told me that his doctors had just informed him that he had Parkinson's disease. So began his valiant eighteen year struggle, during which his courage and serenity continued to inspire his friends and family. To his wife, Norma, son Mark, newly elected to the House, his brother Stewart, and the other members of Mo's family, I share your sense of loss, but also memories of his indomitable spirit and undying friendship. Truly, love endures and, in the end, prevails.

JOHN F. SEIBERLING.

TRIBUTE TO PRINCIPAL WEAVER ODOM

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. GREEN. Mr. Speaker, I ask all of my colleagues in Congress to join me in paying tribute to an outstanding individual, Mr. Weaver Odom. Mr. Odom recently will retire after serving the Aldine Intermediate School District for 35 years, 31 of which has principal of Colonial Hills Elementary.

Weaver Odom joined Aldine ISD in 1963 and spent the first few years of his career as a fifth and sixth grade teacher. In 1968 he became temporary principal at Colonial Hills, but the temporary label was dropped. His 31 years of dedicated service will leave a legacy for students and teachers alike.

We in the Aldine ISD has been very fortunate to have benefited from Mr. Odom's dedication and loyalty. He always led by example and frequently welcomed students to school. Because he always treated others with respect and dignity, the people who work for him and attend his school consider him their friend as well as their principal.

Staff, faculty and students alike have spoken out in appreciation for Mr. Odom's work ethic and love for his students. His staff is so loyal that almost half of the school's employees have been there for more then 10 years. Many have admitted they stay simply because Principal Odom makes working at Colonial Hills fun.

In honor of Weaver Odom, the Aldine ISD recently announced it's decision to rename Colonial Hills to Odom Elementary. This honor is an appropriate way to thank Principal Odom for his dedication and leadership at the school and throughout the community.

Education is the key to our children's future and the key to our country's continued success. Principal Odom shares this belief and has worked with his faculty and staff to ensure that all students have an opportunity for quality education. The twenty-first century will bring new challenges for our young people. Principal Odom has been committed to educating them to deal with these challenges.

For years, families have known this school is run by a man dedicated to providing an environment conducive to learning. I am certain that the strength of the community would not be what it is without Mr. Odom's years of service and I am confident that his legacy will continue for years to come.

TRIBUTE TO WILDA SPALDING

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to World Wins Corporation and its president, Wilda Spalding. I'm convinced that if there were more people like Wilda Spalding, than such lofty goals as world peace would not seem nearly so elusive. For 25 years, Ms. Spalding, the President of World Wins Corporation, has waged a one-person campaign in support of universal human rights, peace, and justice. She has devoted an incredible amount of her own time and resources in this effort. Among her proudest accomplishments was working with the United Nations to establish the UN's Year of the Child.

I first became aware of Ms. Spalding in the summer of 1998, when World Wins Corporation issued a medal of excellence to my close friend, Blinky Rodriguez. Blinky is the architect of the Valley Peace Treaty, which during the past five years has brought about a remarkable reduction in the number of gang killings in the Northeast San Fernando Valley.

Those of us who live and work in the Northeast Valley are well aware of Blinky's work, and we were all very moved when he was recognized by Wilda Spalding and World Wins Corporation. Blinky joined 14 other winners of the Medal of Excellence in Geneva, Switzerland, where he was feted in front of an international audience of dignitaries.

I will always be grateful to Ms. Spalding for bestowing this prestigious and richly-deserved honor on Blinky.

I ask my colleagues to join me in saluting Wilda Spalding, President of World Wins Corporation, for her dedication to making ours a better world. She is a shining example for us all.

CONGRATULATIONS TO DR. J. MICHAEL BISHOP FOR RECEIVING THE AMERICAN SOCIETY FOR CELL BIOLOGY'S 1998 PUBLIC SERVICE AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. GEKAS. Mr. Speaker, I would like to bring to the attention of my colleagues the name of J. Michael Bishop, M.D. Dr. Bishop received the American Society for Cell Biology's 1998 Public Service Award on Sunday, December 13, 1998. On behalf of the Congressional Biomedical Research Caucus, I want to extend our deepest congratulations to Dr. Bishop for his outstanding scientific and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

educational accomplishments. Last year, I was pleased to receive the same Public Policy Award. I am honored that for once in my lifetime, a Nobel Laureate is actually following in my footsteps.

Nearly 10 years ago, Dr. Bishop, along with other scientists, proposed a forum where scientists could brief the Congress and its staff on the latest discoveries in biomedical research. Thus was born the Congressional Biomedical Research Caucus, which has now conducted over seventy-five briefings, provided the Congress with a first-rate science education, and has served to identify a bipartisan group of Members who actively support funding for medical research. The Biomedical Research Caucus has provided a forum for presentations that have made a remarkable and lasting impression on our views of what the proper role that the Congress should play in appropriating funds for the National Institutes of Health and Science Programs.

The fact that the Biomedical Research Caucus has been such a longstanding success is a tribute to Dr. Bishop's selfless and persevering dedication to provide appropriate topics and outstanding scientists to conduct these remarkable and enlightening briefings. Dr. Bishop's commitment to the caucus is deeply appreciated and we look forward to another year of caucus briefings that so effectively reveal the opportunities for scientific discovery.

I am ever so proud that a man born in York, PA, educated at Gettysburg College, and whose family resides near my home city of Harrisburg, PA, is receiving this richly deserved honor. Once again, I want Dr. Bishop to know that his passionate efforts on behalf of biomedical science have made a lasting impact on me personally as well as on the entire Congress.

HONORING THE EIGHTH GENERATION OF CASHELL'S IN MONTGOMERY COUNTY, MARYLAND

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mrs. MORELLA. Mr. Speaker, Montgomery County, MD, the district which I am proud to represent in Congress, is perhaps one of the most transient districts in the Nation. That is why it is a distinct honor to bring to your attention a family celebrating their eighth generation of Montgomery Countians with the births of Cashell Lee Hurdle, born February 22, 1998, son of Gaines Finley Hurdle and Kenneth Lee Hurdle of Bethesda, and McLean Gerald Morgan and Sarah Louise Morgan, both born December 4, 1997, the children of David Gough "Rusty" Morgan and Karen Brown Morgan of Rockville. This new generation comes from a family lineage of distinctive Montgomery Countians. They are a direct descendant of George Cashell, born in Cashel, Ireland, 1748, who immigrated to this country and died in Montgomery County in 1802. Cashell's great-great grandfather, Francis Hazel Cashell (1872–1930) was the owner of extensive farmland in the Redland area of Montgomery County and the Cashell Motor Company in Rockville. He was a member of the Maryland House of Delegates, elected in 1917. His great-grandmother, Alice Cashell Keech, (1896–1994) was an avid fox hunter and sportswoman, and a 98-year resident of Montgomery County. Sarah and McLean's great-grandfather, Jo V. Morgan, Sr., a Bethesda resident for 44 years, was the county's first civil service commissioner and a judge of the District of Columbia Tax Court. The children's grandmother, Alice "Cissy" Grant of Potomac, has chronicled life in Montgomery County for 40 years in various newspapers and magazines.

I have always proclaimed what a wonderful place Montgomery County is to raise a family. This family, with eight generations having made this county their home, is a living testament to its appeal. I send to all of them my warmest best wishes.

THE MAN BEHIND THE VOTES

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. GREEN. Mr. Speaker, credit for the Democratic party's success in the November elections is due to our sustained commitment to the issues affecting American families. In a recent editorial in the Washington Post, Joseph A. Califano, Jr., a former aide to President Lyndon Johnson, describes the birth of many of those policies. Voting rights for minorities, a Medicare system that provides health care for the elderly and disabled, and Social Security that lifted more than 2 million seniors out of poverty are just a few of President Johnson's initiatives that Democrats have been fighting for over the past 30 years. In fact, just about every issue Democrats hold most dearly were conceptualized and implemented during the Johnson Administration. Initiatives like elementary and secondary education, protecting the environment, and clean air and water have been the cornerstones of the Democratic party since President Johnson had the wisdom to push his Great Society agenda.

Despite efforts by some Members to cut or eliminate many of these programs, Democrats have held firm in our convictions. The American people sent a clear message to their elected officials in the November elections—a message to fight for the issues that help hard-working Americans, like Medicare, Social Security, education and the environment. I for one am proud of our party's accomplishments and look forward to continuing to work toward President Johnson's goals.

Mr. Speaker, I submit the editorial by Mr. Califano for inclusion in the RECORD.

[From the Washington Post, Nov. 18, 1998]

THE MAN BEHIND THE VOTES

(By Joseph A. Califano Jr.)

The president most responsible for the Democratic victories in 1998 is the stealth president whom Democrats are loath to mention: Lyndon Johnson.

In March of 1965, when racial tension was high and taking a pro-civil rights stand was sure to put the solid South (and much of the North) in political play, President Johnson addressed a joint session of Congress to propose the Voting Rights Act. Flying in the face of polls that showed his position was hurting his popularity, he said that ensuring everyone the right to vote was an act of obedience to the oath that the president and Congress take before "God to support and defend the Constitution." Looking members on the floor straight in the eye, he closed by intoning the battle hymn of the civil rights movement, "And we shall overcome." One southern congressman seated next to White House counsel Harry McPherson exclaimed in shocked surprise, "God damn!"

That summer, with Johnson hovering over it, Congress passed the Voting Rights Act. The president was so excited that he rushed over to the Capitol to have a few celebratory drinks with Senate Majority Leader Mike Mansfield and Republican Minority leader Everett Dirksen. The next day LBJ pressed Martin Luther King Jr. and other black leaders to turn their energy to registering black voters.

LBJ planned every detail of the signing ceremony in the Capitol Rotunda. He wanted "a section for special people I can invite," such as Rosa Parks (the 42-year-old black seamstress who refused to give up her seat on a bus in Montgomery) and Vivian Malone (the first black woman admitted to the University of Alabama, in 1963). He told me to get "a table so people can say, 'This is the table on which LBJ signed the Voting Rights Bill.'"

He was exuberant as he drove with me and other staffers up to Capitol Hill for the signing. Riding in the presidential limo he spoke of a new day, "If, if, if, if," he said, "the Negro leaders get their people to register and vote."

I rarely saw him happier than on that day. For years after that, he fretted that too many black leaders were more interested in a rousing speech or demonstration full of sound bites and action for the TV cameras than in marshaling the voting power of their people.

Well, if he was looking down on us on Nov. 3—and I'm sure he was up there counting votes—he saw his dream come true. Without the heavy black turnout, the Democrats would not have held their own in the Senate, picked up seats in the House and moved into more state houses. In Georgia, the black share of the total vote rose 10 points to 29 percent, helping to elect a Democratic governor and the state's first black attorney general.

In Maryland, that share rose eight points to 21 percent, saving the unpopular Gov. Parris Glendening from defeat. The black vote in South Carolina kept Fritz Hollings in his Senate seat, defeated Lauch Faircloth in North Carolina and ensured Chuck Schumer's victory over Al D'Amato in New York.

Here and there across the country, the black vote provided the margin of victory for democratic governors and congressmen—and where Republicans such as the Bush brothers attracted large percentages of Hispanic and black voters, helped roll up majorities with national implications.

The Voting Rights Act is not the only thing Democrats can thank LBJ for. Johnson captured for the Democratic Party issues that were decisively important in this election. He got Congress to pass the Elementary and Secondary Education Act, which for the first time told the people they could look to the federal government for help in local school districts. It is his Medicare that Democrats promised to protect from conservative Republican sledgehammers. LBJ was the president who ratcheted up Social Security payments to lift more than 2 million Americans above the poverty line.

Together Medicare and Social Security have changed the nature of growing old in America and freed millions of baby boomers to buy homes and send their kids to college rather than spend the money to help their aging parents. The Great Society's Clean Air and Clean Water Acts, Motor Vehicle Pollution, Solid Waste Disposal and Highway Beautification acts have given Democrats a lock on environmental issues.

LBJ was also the president who created the unified budget to include Social Security, which helped produce a balanced budget in fiscal year 1969. Without that budget system, President Clinton would not be able to claim credit for producing the first balanced budget in 30 years.

As exit polls showed, the Democratic command of the terrain of education, health care, Social Security, the economy and the environment—and the growth of the minority vote—paved the road to electoral success in 1998.

With the demise of Newt Gingrich, many Republicans think it's time to mute his libelous assault on the Great Society programs he loved to hate. Isn't it also time for Democrats to come out of the closet and recognize the legacy of the president who opened the polls to minorities and established federal beachheads in education, health care and the environment. After all, it's the Democrats' promise to protect these beachheads and forge forward that accounts for much of their success this November and offers their best chance to retain the White House and recapture the House of Representatives in 2000.

TRIBUTE TO BUD MAURO

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Bud Mauro, who has just completed his term as President of the Southland Regional Association of Realtors. Bud leaves with a remarkable record. During his tenure, San Fernando Valley realtors experienced one of their most productive years in memory, as a housing slump gave way to a housing boom. I'm sure Bud's leadership was a key reason for the stellar performance of the Valley real estate industry in 1998.

Bud had both the experience and background to be a successful President. His real estate career began in 1972, the same year he became a member of the Association. Beginning in 1978, when he joined the Grievance Committee, Bud steadily rose through the ranks. He served on the Professional Standards Panel, Ethics and Arbitration Policy Committee and the Board of Directors.

Bud is a person of considerable charm and an intimate knowledge of the real estate business. Both traits served him well as President. He motivated more than 200 members of the Association to serve on various committees and task forces. I know firsthand how important such groups are in keeping politicians and community leaders informed about the Association and the condition of the real estate industry. Bud was also actively involved with the seminars and training sessions that are such an important part of the Association's function.

Bud played a big part in upgrading the technological capacity of the Association. He worked to expand and improve computer efficiency, and helped to develop the Association's own web site by establishing cooperative marketing agreements with the California Living Network and REALTOR.Com.

I ask my colleagues to join me in saluting Bud Mauro, who compiled an outstanding record as President of the Southland Regional Association of Realtors. His leadership skills and dedication to his work are an inspiration to us all.

TRIBUTE TO FORMER CONGRESSMAN ROMAN PUCINSKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Mr. Roman Pucinski, who represented the northwest side of the City of Chicago in the U.S. House of Representatives from 1959 to 1973.

From the start of his tenure in Congress, then Representative Pucinski mounted a one-man effort to require airlines to install crash-proof cockpit voice recorders in airplanes. Despite organized opposition from the major airlines, Pucinski kept the pressure on and in 1964 the Federal Aviation Administration issued an order requiring air carriers to install crash-proof cockpit voice recorders in their aircraft. Commonly referred to as the "black box", cockpit voice recorders are now a critical component of aviation safety. Black boxes provide vital information about the final minutes of airline disasters to accident investigators and have helped determine the cause of several plane crashes.

As a decorated Air Force pilot, Pucinski knew that a recording of last minute cockpit conversations would provide vital clues to the cause of airline tragedies. As an Air Force pilot, Pucinski led his bomber group in the first B–29 bombing raid over Tokyo during World War II. He flew 48 other combat missions over Japan and was awarded the Distinguished Flying Cross and Air Medal with Clusters. From his own personal experience as a pilot, Pucinski understood that, in the last few minutes preceding an air tragedy, the cockpit crew are far too busy trying to save their passengers and aircraft to radio formal reports to a ground station. However, a crash-proof tape recorder operating automatically during flight preserves a record of everything said in the cockpit for accident investigators.

Because of Roman Pucinski's dedicated and courageous leadership in the establishment of crash-proof tape recorders in commercial airliners, accident investigation and aviation safety have been significantly advanced in the public interest, and outstanding results for the national aviation system have been achieved. For this reason, on December 18, 1998, former Congressman Roman Pucinski will be honored by the Federal Aviation Administration with a Silver Medal of Distinguished Service.

I urge my colleagues to join me in congratulating Roman Pucinski. His tireless advocacy of cockpit voice recorders is one of the most important contributions to airline safety in the history of aviation. Roman Pucinski has made a lasting contribution to aviation safety and he greatly deserves this special honor from the Federal Aviation Administration.

GLOBAL HUNGER AND UNITED NATIONS FOOD AND AGRICULTURE PROGRAM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. HAMILTON. Mr. Speaker, I want to bring to the attention of our colleagues an editorial from former Senator, now Ambassador, George McGovern, concerning global hunger and United Nations Food and Agriculture Program.

George McGovern has distinguished himself through a life-long commitment of service to the United States and to addressing world hunger. As he recounts in this article, it was his experience in the U.S. Armed Forces in Europe during World War II which first made him aware of the devastating impact of starvation on a population. Thereafter, he devoted much of his effort in the U.S. Senate to programs designed to alleviate famine. Today he is serving his country once more as Ambassador to the United Nations Food and Agriculture Program. And now he is clarifying for us many of the challenges faced by the United Nations in these efforts, and the benefits which they have brought to hundreds of millions of people around the world.

As Ambassador McGovern notes, foreign assistance programs which help the hungry and promote economic development serve the interests of both of the recipient countries and the United States. However, our leadership in this capacity is threatened today by our delinquency in paying our dues to the United Nations. United States contributions to hunger-related organizations are very positive, effective, and should remain a priority of our engagement with the world.

[From the Los Angeles Times, Nov. 23, 1998]

TOO MANY IN THE WORLD ARE LEFT OUT

(By George McGovern)

In the fall of 1944, as a 22-year-old American bomber pilot based in war-torn Italy, I saw widespread hunger for the first time: emaciated children begging for food on the streets, teenage girls selling their bodies to stay alive, young mothers scratching through the garbage dumps near our bomber base to find scraps of food. This was even worse that the hunger I witnessed during the years of the Great Depression in the 1930s, when our family, who lived in a farm community in South Dakota, fed a steady stream of out-of-work "hobos" who came to our door.

Not surprisingly, hunger became a primary issue for me when I was elected to Congress in 1956. I became director of the U.S. Food for Peace program and later was President

Kennedy's designee on what came to be known as the World Food Program—the world's largest international food aid organization. Last year, the program provided food assistance for more than 52 million people in 76 countries. Through these programs I saw how much can be done when nations come together to combat hunger. In the past 25 years, for example, despite a doubling of the world's population, the percentage of chronically undernourished people in the world has been cut in half and the absolute number of chronically undernourished people has been reduced by more than 100 million.

We can take heart from these and other similar steps forward, but this does not mean the job is done. This winter, Russia will be facing acute food shortages caused by poor crop conditions and the collapse of the Russian economy. Millions of Russians will go over the edge of starvation in the absence of international food aid now. Indonesia, hurricane-struck Central America and large parts of Africa currently are sustained by international food donations.

The fact is that many of our fellow human beings are left out, living on the knife-edge of existence. As world Bank President James Wolfensohn reminded us. "In too many countries, the poorest 10% of the population has less than 1% of the income, while the richest 20% enjoys over half."

In too many countries, girls are half as likely as boys to go to school. In too many countries, children are impaired from birth because of malnutrition. And in too many countries, ethnic minorities face discrimination and fear for their lives at the hands of ethnic majorities.

In this world of plenty, of marvelous scientific advances, of growing freedoms, we cannot ignore the tragedy of millions who are excluded from the blessings we enjoy. There is a moral imperative to be concerned and to act. It is simply wrong for a child anywhere in the world to suffer the crippling effects of malnutrition. It is wrong—even outrageous—that more than 800 million people, 14% of the human race, are malnourished, many near starvation. It is wrong to accept as "unavoidable" the millions of hungry people we read about or see on TV. It is wrong to let politics and ideology interfere with helping the hungry, especially children. When criticized for helping the communist government of North Korea establish child-feeding programs in that drought-stricken country, Catherine Bertini, who is head of the World Food Program replied. "I can't tell a hungry 5-year-old boy that we can't feed him because we don't like the politics of his country."

But beyond that, it is in our self-interest to end hunger. After all, we live in one world. Rich and poor alike, we breathe the same air; we share a global economy. Killers like AIDS and environmental calamities and other threats to health don't stop at national borders. The chaos associated with political instability rooted in poverty and desperation is rarely contained within a single country.

Earlier this year, when President Clinton asked me to be the U.S. ambassador to the United Nations food and agriculture agencies in Rome, I readily accepted because of my lifelong interest in agricultural matters and in solving the problem of hunger. At the agency, I work with such organizations as the Food and Agriculture Organization, which is headed by Senegalese agricultural authority Jacques Diouf; the World Food Program, directed by Bertini, an American, and the International Fund for Agriculture Development, under the direction of Fawzi al Sultan, a Kuwaiti banker. Our common purpose, articulated at the World Food Summit hosted by the Food and Agriculture Organization in November 1996, is to reduce hunger by promoting an adequate supply and distribution of food in the world.

This plan, endorsed by all 186 nations represented at the summit, has the practical and achievable goal of reducing by half the number of hungry people in the world by 2015. Consider these facts:

Over the past 50 years, infant and child death rates in the developing world have been reduced by 50% and health conditions around the world have improved more during this period than in all previous human history.

In the past three decades, agricultural production techniques, developed through the internationally supported system of research centers, enabled a "green revolution" in many countries. Improved seed and associated break-throughs in agricultural practices resulted in the most dramatic increase in crop yields in the history of mankind, allowing nations like India and Bangladesh, which in the early 1960s and mid-1970s, respectively, were kept alive through outside food assistance, to become nearly food self-sufficient.

The United States played a leading role in alleviating hunger, especially in the period immediately following World War II, by encouraging the international community to set in place the institutions and methods to address the issue. As prosperity spread across Europe and other parts of the world, more nations have shared in the task of solving the problems of food insecurity.

The Food and Agriculture Organization is providing technical assistance in a variety of ways: establishing productivity-enhancing technology such as user-managed, small scale irrigation schemes; eradicating and controlling pests like desert locust that threaten food security for millions of people living in a swath extending from the Red Sea to West Africa; monitoring crop conditions around the world to provide early warning of food supply difficulties and disasters; and conserving scarce food resources such as fisheries and biodiversity to protect future food security.

The World Food Program that is meeting emergency food needs in Rwanda, North Korea, Sudan and the Horn of Africa has saved hundreds of thousands of lives. Also, the program often plays a development role in nonemergency situations characterized by chronic hunger and malnutrition, using "food for work" to enable thousands of communities to build schools, improve community water systems and expand other basic infrastructure. And the International Fund for Agricultural Development, established only 20 years ago, provides development loans for addressing the basic needs of small farmers and poor rural communities. The agency was the first to provide funds to the now spectacularly successful Grameen Bank in Bangladesh, which created a model for channeling microcredit to the very poor. The agency is currently supporting similar grass-roots microcredit models in West Africa.

Obviously, progress in ending world hunger can be greatly advanced by progress in other related problem areas, including better family planning to restrain excessive population growth. There must also be continuing efforts to halt the bloody and disruptive political and military conflicts in developing countries that drive multitudes of people from their homes, fields and jobs.

Reaching the goal adopted at the World Food Summit, to reduce the number of undernourished people by one-half in the next 17 years, is beyond the capacity of any single country or organization. It will require the effort of many international organizations and national governments and the help of private voluntary organizations, such as CARE, Church World Service, Lutheran World Relief, Catholic Relief Services and the United Jewish Appeal.

The target beneficiaries themselves have a key role to play, because reducing hunger and achieving security is much more than simply distributing food aid. It's about developing concerned and capable government leadership responsive to citizens. It's about having sound economic policies and educating people. It's about reducing disease and improving public health. It's about improving cultivation practices and making production tools, including rural credit, available. It's about conserving forests, fisheries, genetic resources and biodiversity. It's about establishing effective markets. And it's about having essential infrastructure including farm-to-market roads.

These difficult but achievable soil motivate the U.N. food and agricultural agencies in Rome as they assist communities and nations to eliminate hunger and to establish the basis for sustained productivity. This work requires technical knowledge, cultural sensitivity, organizational development skills, a realistic appreciation for market incentives and a good measure of altruistic motivation.

During a recent trip to Egypt, I visited a rural community in the desert between Cairo and Alexandria. Here, the government has settled about 15,000 families on so-called "new lands." To prepare these lands for production with water diverted from the Nile River, the settler families undertake the task of desalinating the soil, a repeated process of tilling, flooding and draining that typically takes more than three years. In addition, an array of basic village facilities and irrigation infrastructure has to be built. The work required of the settlers is back-breaking. But also needed are support, guidance and money, requirements being fulfilled by a collaborative effort of the International Fund for Agricultural Development, which is financing the nonlabor cost of the on-farm infrastructure; the World Food Program, which is supplementing the family diets until the fields come into production, and the Food and Agriculture Organization, which helps monitor and guide the technical aspects involved in getting the land fit for production.

This is the kind of investment activity that leads to sustained food security. This is the kind of activity that Americans and citizens in other donor countries support.

I am proud of the tradition of the people of the United States to give a helping hand to the hungry and to those in need. I am proud of the record of foreign assistance that the United States has provided to nations to undertake essential economic development initiatives; it has paid dividends to both the recipient countries and to us. Likewise, I am proud of the pivotal role that the United States has played in making the system of United Nations agencies strong and effective. It saddens me that the United States is today delinquent in paying what it owes to the U.N., including to the Food and Agriculture Organization, the family of multilateral organizations that plays such a key role in eliminating hunger.

There are no easy solutions to the problems of poverty and underdevelopment in our world. However, eliminating hunger is the place to start and should be our priority. The need is evident. The methods are known. The means can be made available.

TRIBUTE TO A GIRL SCOUT GOLD AWARD RECIPIENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to salute two outstanding young women who have been honored with the Girl Scout Gold Award by Farthest North Girl Scout Council in Fairbanks, Alaska. They are: Erin Shaw and Rachel Shaw.

They are being honored for earning the highest achievement award in United States Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by young women aged 14 through 17, or in grades 9 through 12.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the Gold Award program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As members of Farthest North Girl Scout Council, Erin and Rachel Shaw began working toward the Girl Scout Gold Award in the late spring of 1998. They completed their project in the areas of leadership and community service by developing their communication skills and then working with the hearing impaired community. They used these skills to reach out to various parts of the community. They used their skills to plan and implement a deaf community carnival for people with hearing impairments and their families, as well as students who were learning sign language. I believe they should receive the public recognition due them for this significant service to their community and their country.

CPSC ON THE FAST TRACK

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. MARKEY. Mr. Speaker, I am pleased to call to the attention of my colleagues the outstanding work being done by the U.S. Consumer Product Safety Commission (CPSC). The Commission has put into effect an innovative program, under which it works cooperatively with industry to get hazardous products off store shelves within days, instead of the weeks and months that it traditionally takes to negotiate a recall. Everyone wins under this new system—especially the consumer, who is protected from possible injury,

This Fast-Track Product Recall Program was recently honored with a 1998 Innovations in American Government Award. The CPSC was one of three federal government winners of the $100,000 award this year. These awards are funded by the Ford Foundation, and administered by the John F. Kennedy School of Government at Harvard University in partnership with the Council for Excellence in Government.

The CPSC's award-winning program was highlighted in the December 1998 edition of Government Executive magazine, and I would like to submit this article for the RECORD.

[From Government Executive, Dec. 1998]

A FAST TRACK TO CONSUMER PRODUCT SAFETY—QUICK RECALL OF FAULTY PRODUCTS SERVES EVERYONE

FAST-TRACK PRODUCT RECALL PROGRAM U.S. CONSUMER PRODUCT SAFETY COMMISSION

When a consumer product could hurt or even kill somebody, the traditional regulatory response is understandable: to find fault and then decide how to punish the manufacturer. But there's a new attitude at the Consumer Product Safety Commission—charged with monitoring consumer product safety nationwide: When a product has the potential to hurt or even kill somebody, the preferred course is to work with the manufacturer to get that product off the market fast. That is the aim of the Fast-Track Product Recall Program, launched as a six-month pilot in July 1995.

With 21,400 deaths and 29 million injuries annually due to faulty consumer products, the issue of unsafe products is not a small one. And the size of the problem only compounded the frustration of CPSC staff over how long it traditionally took to implement a recall—time delays exacerbated by the frequently adversarial nature of the process.

And so staff in the Commission's Office of Compliance decided to try a new tack. In discussions with companies, staff learned two things: The recall process itself—which frequently called for lengthy testing and investigations—sometimes got in the way of rapid recall. More serious, though, was that in initiating a recall, the Commission would in every case make a "preliminary determination" of a product defect in order to justify the recall. Because such "PDs," as they were called, implied guilt, companies afraid of liability suits frequently fought them as a matter of course. That, too, only served to drag out the process.

To avoid all that, the Commission and manufacturers negotiated a trade. If companies would volunteer for fast-track, the Commission would sidestep much of the process involved in initiating a recall, including the preliminary determination.

The new avenue for recalls caught on quickly. Since the program was launched (it became permanent in March 1997), nearly half of all recalls are fast-tracked. In 1996, 103 fast-track recalls were initiated within an average of 10 days; in 1997, 105 recalls were initiated within an average of 17 days. While a week may seem like a long time for some defective product to stay on the shelves, it is a vast improvement over the weeks or months that it takes to initiate a recall under the traditional system.

Not only is the new system faster, it also appears to be more effective. The percentage of products returned by consumers for repair or replacement has averaged over 60 percent for fast-track, compared with 30 percent under the traditional process. And the new system is very cost-effective. Although nearly half of all recalls are now fast-tracked, they account for only 10 percent of the Commission's $16.5 million compliance budget.

HOUSE OF REPRESENTATIVES—*Friday, December 18, 1998*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 18, 1998.

I hereby designate the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray, using the words of Saint Francis: Lord make us instruments of Your peace.

Where there is hatred let us sow love;
where there is injury, pardon;
where there is discord, union;
where there is doubt, faith;
where there is despair, hope;
where there is darkness, light;
where there is sadness, joy.
Grant that we may not so much seek to be consoled as to console;
to be understood as to understand;
to be loved as to love.
For it is in giving that we receive;
it is in pardoning that we are pardoned; and
it is in dying that we are born to eternal life. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

PRIVILEGES OF THE HOUSE—PROVIDING VOTE FOR THE DELEGATE TO CONGRESS FROM THE DISTRICT OF COLUMBIA IN CONSIDERATION OF PRESIDENTIAL IMPEACHMENT RESOLUTIONS

Ms. NORTON. Mr. Speaker, I rise to offer a privileged resolution that is at the desk.

The Clerk read the resolution, as follows:

H. RES. 613

Whereas rule IX of the Rules of the House of Representatives provides that questions of privilege shall arise whenever the rights of the House collectively or the Members individually in their representative capacity are affected;

Whereas under the precedents, customs, and traditions of the House pursuant to rule IX, a question of privilege has arisen in cases involving the constitutional prerogatives of the House and of Members of the House; and

Whereas the House is prepared to consider a resolution impeaching the President, and the Delegate to the Congress from the District of Columbia seeks to assert the constitutional prerogative to cast a vote in the consideration of the resolution: Now, therefore, be it

Resolved,

SECTION 1. PROVIDING VOTE FOR DELEGATE FROM THE DISTRICT OF COLUMBIA IN CONSIDERATION OF PRESIDENTIAL IMPEACHMENT RESOLUTIONS.

Pursuant to section 2 of article I of the Constitution and the twenty-third article of amendment thereto granting the people of the District of Columbia the right to vote in presidential elections, the Delegate to the Congress from the District of Columbia shall be permitted to cast a vote in the House of Representatives in the same manner as a member of the House in the consideration by the House of any resolution impeaching the President or Vice President of the United States.

SEC. 2. EFFECTIVE DATE.

Section 1 shall apply with respect to any resolution impeaching the President or Vice President of the United States that is considered by the House of Representatives after the adoption of this resolution.

The SPEAKER pro tempore. Does any Member wish to be heard on whether the resolution constitutes a question of the privileges of the House?

Ms. NORTON. I ask to be heard, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from the District of Columbia is recognized.

Ms. NORTON. Mr. Speaker, most Americans do not know and most people in the world are unaware that the residents of the Nation's Capitol do not have any representation in the Senate and cannot vote on this floor.

But the Constitution of the United States, in its 23rd amendment, does give to the residents of the District the right to vote for President and Vice President of the United States. The same Constitution that gives the District the right to vote for President must recognize the right of District residents to representation for a vote on removal of the President.

I have submitted a narrowly-tailored resolution, along with a legal memorandum, for a narrowly-tailored right. I am not here asking for the delegate vote in the Committee of the Whole at this time. I am not asking for a House vote. I am asking to vote only on impeachment, in order to perfect the rights of District residents under the 23rd amendment. The House has abundant authority to grant me this right at this time.

Clause 2 of the 23rd amendment gives the House the power to enforce the amendment through legislation. My resolution is that legislation. The District clause, as this body so often reminds us, gives Members full authority over the District of Columbia, and the impeachment clause gives Members unilateral authority, or the sole power of impeachment.

The 23rd amendment explicitly treats the District as a State for purposes of electing the President and the Vice President.

I ask for this right in the name of half a million people, the only Americans who pay Federal income taxes who do not have full representation in the Congress. They are a third per capita in Federal income taxes. Their one right that is explicitly mentioned in the Constitution is the right to vote for President and Vice President.

The decision to expel a President from office is as important as the decision to elect the President to office. Indeed, the decision to expel him is more momentous. There are no partial rights in the Constitution. It is unconstitutional and irrational to interpret the 23rd amendment to afford a vote for President, but no vote on whether to impeach a President.

Let this process begin on a high note of fairness. In the name of the half million American citizens who happen to live in the Nation's Capital, I ask for the vote in these impeachment proceedings, Mr. Speaker.

Mr. Speaker, today I introduce a resolution affording the District of Columbia Delegate a vote in impeachment proceedings. The House is fully empowered to enact my resolution under Article I, §2, clause 5 of the Constitution (stating that the "House of Representatives . . . shall have the sole Power of Impeachment"); the Twenty-Third Amendment

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

affording the people of the District of Columbia the right to vote for President of the United States; and Article I, §8, clause 17 of the Constitution affording Congress plenary power over the District of Columbia.

I am seeking to protect the constitutional right of District residents to vote for President by securing a vote in the impeachment proceedings only. My resolution is narrowly tailored and would not be a grant of voting privileges to the Delegate in other proceedings of the House.

American citizens living in the District of Columbia participated in the last two presidential elections by choosing as their electors three citizens pledged to President Clinton. Unless Congress acts to remedy the situation under the Twenty-Third Amendment, the District population will be the only community of American citizens who participated in the Presidential elections of 1992 and 1996 who will have no vote at all on impeachment or conviction.

This constitutional asymmetry not only violates the rights of more than half a million voters; it is unnecessary. Congress has sufficient authority under the District Clause and under the enforcement clause of the Twenty-Third Amendment to grant the District of Columbia Delegate to the House of Representatives a vote in the House impeachment process on the House floor. The Supreme Court has liberally construed enforcement clauses in all of the suffrage amendments to vindicate the broad and central constitutional purpose of securing equal voting and participation rights for all Americans.

The Twenty-Third Amendment put the District of Columbia essentially on the same level as the states for purposes of presidential elections.

The purpose of Twenty-Third Amendment was to give Congress the power to provide the residents of the District an equal role in selecting the President and the Vice-President. The Amendment allows District residents to participate in presidential elections on an equal footing with the states.

Today, this right can be fully vindicated only by reading the Twenty-Third Amendment to permit Congress to grant the District of Columbia Delegate a vote on the Resolution Impeaching William Jefferson Clinton, President of the United States. Otherwise, the political will and sovereignty of residents of the District of Columbia in the selection of the president will be lost in violation of the Twenty-Third Amendment.

The legislative history of the Twenty-Third Amendment does not contradict this conclusion. Apparently because impeachment has been so rare, there was no discussion of this problem at the time. This is the first occasion that articles of presidential impeachment will go to the floor of the House since the Twenty-Third Amendment was added to the Constitution in 1961. This is a case of first impression.

The Twenty-Third Amendment is part of our Constitution's progressive inclusion of all "the governed" in the processes of government. The Fifteenth Amendment secured the right of African-Americans to vote. The Nineteenth Amendment extended the right to vote to women. The Twenty-Fourth Amendment abolished the poll tax. The Twenty-Sixth Amendment gave the right to vote to 18-year olds. All of these suffrage amendments have been interpreted liberally to secure the inclusion of once disenfrachised Americans. As the Supreme Court stated in *Reynolds* v. *Sims* in 1964: "history has seen a continuing expansion of the scope of the right of suffrage in this country. The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." 337 U.S. 533 (1964)

This reasoning applies equally to the Twenty-Third Amendment and American citizens who happen to live in the nation's capital.

The case for the Delegate's vote on impeachment would be harder put if such participation had to be self-executing. But section 2 provides that, "the Congress shall have power to enforce this article by appropriate legislation." Since Congress is given the instrumental role in activating and enforcing the Twenty-Third Amendment, it may interpret that amendment to give the Delegate the right to cast her vote along with the representatives of all the other states that participated in the presidential electoral college.

The Supreme Court has clearly treated impeachment as a political question solely within legislative competence and control. In *Nixon* v. *United States,* 506 U.S. 224 (1993), the Court rejected an impeached judge's attack on Senate Impeachment Rule XI, under which the presiding officer appoints a committee of Senators to "receive evidence and take testimony." The Court found that this process of delegating to a committee was wholly within the Senate's powers because the Senate has "the sole power to try all Impeachments." Article I, Section 3, Clause 6. The Court found that the "common sense meaning of the word 'sole' is that the Senate alone shall have authority to determine whether an individual should be acquitted or convicted. . . . If the courts may review actions of the Senate in order to determine whether that body 'tried' an impeached official, it is difficult to see how the Senate would be 'functioning . . . independently and without assistance or interference.'"

Just as the Senate has the "sole power" to shape and control the trial process, the House of Representatives has the "sole power of Impeachment" in the first instance. Article I, Section 2, Clause 5. As the Nixon Court itself pointed out in discussing the nonreviewability of the Senate trail, "the word 'sole' appears only one other time in the Constitution—with respect to the House of Representatives' sole Power of Impeachment." Thus, like the Senate, the House of Representatives is free to structure the impeachment proceeding consistent with its own judgment of constitutional requirements.

The Delegate's participation on the impeachment articles can thus be accomplished by way of a House rule. Article 1, Section 5 of the Constitution generally makes "Each House" both "the Judge of the Elections, Returns and Qualifications of its own Members" and the sole body to "determine the Rules of its proceedings." As precedent, the House unilaterally granted the Delegate from the District of Columbia and other Delegates full power to vote in Committee of the Whole deliberations, a decision upheld against constitutional attack in Michel v. Anderson. This case, too, presents little constitutional difficulty because the House is not acting in its bicameral legislative capacity but rather in its unilateral capacity to "have the sole power of Impeachment" under Article 1, Section 2. Thus, the House must be able to design and enforce its own rules for conducting the impeachment process.

The Supreme Court has recognized an extremely broad degree of interpretive powers under congressional enforcement clauses found in the Constitution's suffrage amendments. In Katzenbach versus Morgan it upheld the power of Congress, under Section 5 of the Fourteenth Amendment, to override a New York law and grant the right to vote to all persons who had completed the sixth grade in Puerto Rican schools regardless of their inability to read or write English. The Court rejected the argument that Congress' powers under the enforcement clause were limited only to what the Fourteenth Amendment itself required, stating rather that: "It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendments fully effective."

The Court emphasized that Congress was acting to protect voting rights and expressed reluctance to interfere with congressional judgement in this field. The Court said: "It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement. It was for Congress, as the branch that made this judgement, to assess and weigh the various conflicting considerations . . ."

The Court concluded that any legislation enacted under the enforcement clause of the Fourteenth Amendment was permissible so long as the enactment "'is plainly adapted to [the] end'" of enforcing Equal Protection and "is not prohibited by but is consistent with 'the letter and spirit of the Constitution'," regardless of whether Equal Protection itself dictates such a result.

Elsewhere, the Court has also found that enforcement clauses give the Congress the power to act to vindicate voting interests even where a particular statutory result is not constitutionally required. In South Carolina versus Katzenbach, the Court upheld Congress' power under Section 2 of the Fifteenth Amendment to enact the Voting Rights Act of 1965, which included a ban on literacy tests, the requirement that new voting rules must be precleared, and the use of federal voting examiners. The Court stated that "Congress has full remedial powers to effectuate the constitutional prohibition against racial discrimination in voting." These powers are defined in these terms: "Whatever legislation is appropriate, that is, adapted to carry out the objects the [Reconstruction] amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power."

In Oregon versus Mitchell, the Court unanimously upheld the Voting Rights Act Amendments of 1970, which banned literacy tests for five years. Using a mere rationality test, the court found that Congress could rationally have found that these measures were needed to attack the perpetuation of racial discrimination. In City of Rome versus United States, the Court upheld Congress' Section 2 power to ban electoral changes that are discriminatory in effect intentional discrimination in voting. Thus, the Court found that Congress' enforcement authority under Section 2 went beyond the strict requirements of Section 1. The Court stated that it "is clear . . . that under Section 2 of the Fifteenth Amendment Congress may prohibit practices that in and of themselves do not violate Section 1 of the Amendment, so long as the prohibitions attacking racial discrimination in voting are 'appropriate.'"

Because the Twenty-Third Amendment is an attempt to bring voting rights to a historically disenfranchised population, its enforcement clause should be read in a very broad way consistent with the Court's deference to congressional enforcement of suffrage rights. It is also relevant that the District Clause, contained in Article 1, Section 8, Clause 17 of the Constitution, provides that Congress shall exercise "exclusive Legislation in all cases whatsoever over "the District." This "plenary power" has been interpreted by the Supreme Court to give Congress complete authority over the District. There is thus ample constitutional basis for Congress having the final authority to define the meaning of the Twenty-third amendment, given that this is a "case" involving the District. The courts, at any rate, would, in all likelihood, treat this matter as a political question solely within the legislative competence, as impeachment is clearly a political question, as determined by the Supreme Court in *Nixon* versus *United States*, 506 U.S. 224 (1993).

The SPEAKER pro tempore. Are there other Members who wish to be heard?

The Chair is prepared to rule. The resolution offered by the gentlewoman from the District of Columbia seeks to provide the Delegate from the District of Columbia the right to vote in the House on a resolution of impeachment.

Pursuant to Title II, section 25(a) of the United States Code, the Delegate to the House of Representatives from the District of Columbia is accorded a seat in the House, with the right of debate but not of voting.

Under rule XII of the rules of the House, the right of a Delegate to vote is confined to committee. The Chair will state a basic principle on proper questions of privilege as recorded on page 366 of the House Rules and Manual.

A question of the privileges of the House may not be invoked to affect a change in the rules or standing orders of the House. Altering the right to vote of a delegate is tantamount to a change in the rules of the House and is not a proper question of privilege.

MOTION TO ADJOURN

Mr. BONIOR. Mr. Speaker, in protest of the decision to proceed while U.S. men and women are fighting abroad, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Michigan (Mr. BONIOR).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 225, not voting 26, as follows:

[Roll No. 540]

AYES—183

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOT VOTING—26

Allen
Becerra
Brown (FL)
Crane
Emerson
Gonzales
Gordon
Hefner
Hinchey
Johnson (WI)
Kaptur
Kennedy (MA)
Lipinski
Manton
Martinez
McDade
Miller (CA)
Oberstar
Owens
Pryce (OH)
Schaefer, Dan
Taylor (NC)
Torres
Towns
Wise
Young (AK)

□ 0927

Mr. KING and Mr. KINGSTON changed their vote from "aye" to "no."

Mr. BERMAN changed his vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PRIVILEGES OF THE HOUSE—IMPEACHING WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

Mr. HYDE. Mr. Speaker, by direction of the Committee on the Judiciary, I call up a privileged Resolution (H. Res. 611) impeaching William Jefferson Clinton, President of the United States, for high crimes and misdemeanors, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 611

Resolved, That William Jefferson Clinton, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against William Jefferson Clinton, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a Federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate Government employee; (2) prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ARTICLE II

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

(1) On December 23, 1997, William Jefferson Clinton, in sworn answers to written questions asked as part of a Federal civil rights action brought against him, willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a Federal judge concerning conduct and proposed conduct with subordinate employees.

(2) On January 17, 1998, William Jefferson Clinton swore under oath to tell the truth, the whole truth, and nothing but the truth in a deposition given as part of a Federal civil rights action brought against him. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a Federal judge concerning the nature and details of his relationship with a subordinate Government employee, his knowledge of that employee's involvement and participation in the civil rights action brought against him, and his corrupt efforts to influence the testimony of that employee.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ARTICLE III

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.

The means used to implement this course of conduct or scheme included one or more of the following acts:

(1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading.

(2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.

(3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

(4) Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.

(5) On January 17, 1998, at his deposition in a Federal civil rights action brought against him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.

(6) On or about January 18 and January 20-21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

(7) On or about January 21, 23 and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ARTICLE IV

Using the powers and influence of the office of President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the legislative branch and the truth seeking purpose of a coordinate investigative proceeding, in that, as President, William Jefferson Clinton refused and failed to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission propounded to him as part of the impeachment inquiry authorized by the House of Representatives of the Congress of the United States. William Jefferson Clinton, in refusing and failing to respond and in making perjurious, false and misleading statements, assumed to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives and exhibited contempt for the inquiry.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

The SPEAKER pro tempore (Mr. LAHOOD). The resolution constitutes a question of the privileges of the House and may be considered at this time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to read an announcement to all Members.

Today the House will embark on a resolution of impeachment of the President of the United States. The Chair would take this occasion to make an announcement regarding proper decorum during debate in the House during the pendency of the impeachment resolution.

As the Speaker announced, with the concurrence of the minority leader, on September 10, 1998, during the pendency of proceedings in an impeachment as the pending business on the floor of the House, remarks in debate may include references to personal misconduct on the part of the President.

While limited references in debate to the personal conduct of the President are allowed, the stricture against personally offensive references is not totally disabled. To the contrary, this exception to the general rule against engaging in personality, admitting references to personal conduct when that conduct is the very question under consideration by the House, is not limited. The point was well stated on July 31, 1979, in the analogous circumstances of a disciplinary resolution involving a sitting Member:

While a wide range of discussion is permitted during debate, clause 1 of rule 14 still prohibits the use of language which is personally abusive.

This is recorded in the Deschler-Brown Procedure in the House of Representatives in chapter 12, at section 2.11.

While the impeachment matter is pending on the floor, the Chair would remind Members that although the personal conduct of the President is at issue, the rules prohibit Members from engaging in generally personal abusive language toward the President and, also, from engaging in comparisons to personal conduct of sitting Members of either House of Congress.

□ 0945

The Chair asks and expects the cooperation of the Members in maintaining a level of decorum that properly dignifies the proceedings of the House.

The gentleman from Illinois (Mr. HYDE) is recognized for 1 hour.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that during consideration of House Resolution 611, the previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: First, debate on the resolution shall be extended, and I say to the gentleman from Michigan (Mr. CONYERS) that I have 4 hours here, but that is certainly negotiable and I would welcome any suggestions the gentleman might have on time, but for purposes of this unanimous consent request I ask that the debate be extended to 4 hours equally divided at the outset and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and seoncd, one motion to recommit with or without instructions, which, if including instructions, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

Mr. BONIOR. Reserving the right to object, Mr. Speaker, I thank my colleague for his request, although I do not thank him that much. The gentleman has just handed to us on our side of the aisle the request that he has just read, and we have just looked at it, and we have a number of concerns with it, and if I might proceed for just a second, Mr. Speaker, I would like to enumerate our concerns and then yield, if I could, to my distinguished colleague, the gentleman from Michigan (Mr. CONYERS), for any comments that he might have?

Mr. Speaker, we are concerned obviously because we do not believe we should be here today while our men and women are fighting abroad, and we have expressed that in the first motion of the day with respect to adjournment. We do not believe this is a proper time to be debating removing the Commander in Chief while thousands of men and women are fighting abroad.

Secondly, Mr. Speaker, the gentleman asks for 4 hours of debate. I have just done the math briefly here. That comes out less than 30 seconds per Member. We do not think that is a reasonable amount of time for Members of this body to express themselves in perhaps one of the most important issues that they will face in their lifetime.

Thirdly, Mr. Speaker, it runs, this time problem that the gentleman has raised, the 4 hours, runs to the fairness issue, and we note that in the unanimous consent request there is nothing here to give the American people a chance to see this Congress vote on the option that they would like to see that would bring this country together: the option of censure.

Much of my argument, our argument, goes to the question of fairness, and we will have grave, grave concerns about agreeing to this request based on the arguments that have just been made.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. First of all, Mr. Speaker, I want to indicate my concurrence in the position raised by the gentleman from Michigan (Mr. BONIOR), but is there any reason why the chairman, the gentleman from Illinois (Mr. HYDE), could not wait for 2 days before proceeding with this very serious undertaking, until at least our brave soldiers may be out of harm's way before we proceed?

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, if the gentleman from Michigan (Mr. BONIOR) is yielding to me for an answer for the gentleman from Michigan (Mr. CONYERS), I would like to say, first of all on the time, that the 4 hours I said, that is negotiable; I would not expect to limit it to 4 hours. Limit it to some reasonable sum. We offered a lot of hours last night that our colleagues rejected.

So, Mr. Speaker, we are trying to be fair, and on the time I ask my colleagues for their suggestions.

As to holding this for a couple of more days, that is a decision that our conference has made. We felt the quicker we could go ahead, the more we could show the world our democracy works.

Mr. BONIOR. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Mr. HYDE. Mr. Speaker, for purposes of debate only, I yield the customary half of the time to the gentleman from Michigan (Mr. CONYERS), and during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, if the previous question is moved, I intend to vote against it so that I may be recognized to control time under the hour rule in order to continue debate on House Resolution 611.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleagues of the People's House, I wish to talk about the rule of law.

After months of argument, hours of debate, there is no need for further complexity. The question before this House is rather simple. It is not a question of sex. Sexual misconduct and adultery are private acts and are none of Congress' business. It is not even a question of lying about sex. The matter before the House is a question of lying under oath. This is a public act, not a private act. This is called perjury. The matter before the House is a question of the willful, premeditated, deliberate corruption of the Nation's system of justice. Perjury and obstruction of justice cannot be reconciled with the Office of the President of the United States.

The personal fate of the President is not the issue. The political fate of his party is not the issue. The Dow Jones Industrial Average is not the issue. The issue is perjury, lying under oath. The issue is obstruction of justice, which the President has sworn the most solemn oath to uphold. That oath constituted a compact between the President and the American people. That compact has been broken. The people's trust has been betrayed. The Nation's chief executive has shown himself unwilling or incapable of enforcing its laws, for he has corrupted the rule of law by his perjury and his obstruction of justice.

Mr. Speaker, that and nothing other than that is the issue before this House.

We have heard ceaselessly that even if the President is guilty of the charges in the Starr referral, they do not rise to the level of an impeachable offense. Well, just what is an impeachable offense? One authority, Professor Stephen Presser of Northwestern University School of Law, said, and I quote:

"Impeachable offenses are those which demonstrate a fundamental betrayal of public trust; they suggest the federal official has deliberately failed in his duty to uphold the Constitution and laws he was sworn to enforce."

So, Mr. Speaker, we must decide if a President, the chief law enforcement officer of the land, the person who appoints the Attorney General, the person who nominates every Federal judge, the person who nominates to the Supreme Court and the only person with a constitutional obligation to take care that the laws be faithfully executed, can lie under oath repeatedly and maintain it is not a breach of trust sufficient for impeachment.

The President is the trustee of the Nation's conscience, and so are we here today.

There have been many explosions in our committee hearings on the respective role of the House and the Senate. Under the Constitution, the House accuses and the Senate adjudicates. True, the formula language of our articles recites the ultimate goal of removal from office, but this language does not trump the Constitution, which defines the separate functions, the different functions of the House and the Senate. Our Founding Fathers did not want the body that accuses to be the same one that renders final judgment, and they set up an additional safeguard of a two-thirds vote for removal.

So, despite protests, our job is to decide if there is enough evidence to submit to the Senate for a trial. That is what the Constitution says no matter what the President's defenders say.

When Ben Franklin, on September 18, 1787 told Mrs. Powel that the Founders and Framers had given us a Republic "if you can keep it," perhaps he anticipated a future time when bedrock principles of our democracy would be mortally threatened as the Rule of Law stands in the line of fire today. Nothing I can think of more clearly illustrates that America is a continuing experiment, never finished, that our democracy is always a work in progress than this debate today, for we sit here with the power to shape and reconfigure the charter of our freedom just as the Founders and Framers did. We can strengthen our Constitution by giving it content and meaning, or we can weaken and wound it by tolerating and thus encouraging lies under oath and evasion and breaches of trust on the part of our chief executive.

The President's defenders in this House have rarely denied the facts of this matter. They have not seriously challenged the contention of the independent counsel that the President did not tell the truth in two sworn testimonies. They have not seriously attempted to discredit the facts brought before the committee by the independent counsel. They have admitted, in effect, he did it.

But then they have argued that this does not rise to the level of an impeachable offense. This is the "so what" defense whereby the Chief Executive, the successor to George Washington, can cheapen the oath, and it really does not matter. They suggest that to impeach the President is to reverse the result of a national election as though Senator Dole would become President. They propose novel remedies, like a Congressional censure that may appease some constituents and certainly mollify the press, but in my judgment betray lack of seriousness about the Constitution, the separation of powers and the carefully balanced relationship of checks and balances between Congress and the President that was wisely crafted by the framers. A resolution of censure, to mean anything, must punish, if only to tarnish his reputation, but we have no authority under the Constitution to punish the President. It is called separation of powers.

As my colleagues know, we have been attacked for not producing fact witnesses, but this is the first impeachment inquiry in history with the Office of Independent Counsel in place, and their referral to us consisted of 60,000 pages of sworn testimony grand jury transcripts, depositions, statements, affidavits, video and audio tapes. We had the facts, and we had them under oath. We had Ms. Lewinsky's heavily corroborated testimony under a grant of immunity that would be revoked if she lied; we accepted that and so did they, else why did they not call any others whose credibility they questioned as their own witnesses? Now there was so little dispute on the facts they called no fact witnesses and have even based a resolution of censure on the same facts.

Let us be clear. The vote that all of us are asked to cast is in the final analysis a vote on the rule of law.

Now the rule of law is one of the great achievements of our civilization, for the alternative is the rule of raw power. We here today are the heirs of 3,000 years of history in which humanity slowly, painfully, and at great cost evolved a form of politics in which law, not brute force, is the arbiter of our public destinies.

□ 1000

We are the heirs of the Ten Commandments and the Mosaic law, a moral code for a free people, who, having been liberated from bondage, saw in law a means to avoid falling back into the habits of slaves.

We are the heirs of Roman law, the first legal system by which peoples of different cultures, languages, races and religions came to live together in a form of political community.

We are the heirs of the Magna Carta, by which the free men of England began to break the arbitrary and unchecked power of royal absolutism.

We are the heirs of a long tradition of parliamentary development, in which the rule of law gradually came to replace royal prerogative as the means for governing a society of free men and women.

We are the heirs of 1776, and of an epic moment in human affairs when the Founders of this Republic pledged their lives, their fortunes and their sacred honors, think of that, sacred honor, to the defense of the rule of law.

We are the heirs of a hard-fought war between the states, which vindicated the rule of law over the appetites of some for owning others.

We are the heirs of the 20th Century's great struggles against totalitarianism, in which the rule of law was defended at immense costs against the worst tyrannies in human history.

The phrase "rule of law" is no pious aspiration from a civics textbook. The rule of law is what stands between all of us and the arbitrary exercise of power by the state. The rule of law is the safeguard of our liberties. The rule of law is what allows us to live our freedom in ways that honor the freedom of others while strengthening the common good.

The rule of law is like a three-legged stool. One leg is an honest judge, the second leg is an ethical bar, and the third is an enforceable oath. All three are indispensable to avoid political collapse.

In 1838, Abraham Lincoln celebrated the rule of law before the Young Men's Lyceum in Springfield, Illinois, and linked it to the perpetuation of American liberties and American political institutions. Listen to Lincoln, from 1838:

"Let every American, every lover of liberty, every well wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country; and never to tolerate their violation by others. As the patriots of seventy-six did to support the Declaration of Independence, so to the support of the Constitution and laws, let every American pledge his life, his property and his sacred honor; let every man remember that to violate the law is to trample on the blood of his father, and to tear the character of his own and his children's liberty. Let reference for the laws be breathed by every American mother to the lisping babe that prattles on her lap, let it be taught in the schools, in seminaries, and in colleges. Let it be written in primers, spelling books and almanacs. Let it be preached from the pulpit, proclaimed in legislative halls, and enforced in the courts of justice."

So said Lincoln.

My colleagues, we have been sent here to strengthen and defend the rule of law; not to weaken it, not to attenuate it, not to disfigure it. This is not a question of perfection; it is a question of foundations. This is not a matter of setting the bar too high; it is a matter of securing the basic structure of our freedom, which is the rule of law.

No man or woman, no matter how highly placed, no matter how effective a communicator, no matter how gifted a manipulator of opinion or winner of votes, can be above the law in a democracy. That is not a council of perfection; that is a rock bottom, irreducible principle of our public life.

There is no avoiding the issue before us, much as I wish we could. We are, in one way or another, establishing the parameters of permissible presidential conduct. In creating a presidential system, the framers invested that office with extraordinary powers. If those powers are not exercised within the boundaries of the rule of law, if the President breaks the law by perjury and obstructs justice by willfully corrupting the legal system, that president must be removed from office. We cannot have one law for the ruler and another law for the ruled.

This was, once, broadly understood in our land. If that understanding is lost or if it becomes seriously eroded, the American democratic experiment and the freedom it guarantees is in jeopardy. That, and not the faith of one man, or one political party or one electoral cycle, is what we are being asked to vote on today.

In casting our votes, we should look not simply to ourselves, but to the past and to the future. Let us look back to Bunker Hill, to Concord and Lexington. Let us look across the river to Arlington Cemetery, where American heroes who gave their lives for the sake of the rule of law lie buried, and let us not betray their memory. Let us look to the future, to the children of today who are the presidents and members of Congress of the next century, and let us not crush their hope that they too will inherit a law-governed society.

Let us declare, unmistakably, that perjury and obstruction of justice disqualify a man from retaining the presidency of the United States.

There is a mountain of details which are assembled in a coherent mosaic in the committee report. It reads like a novel, only it is nonfiction, it really happened, and the corruption is compelling. Read the report and be convinced.

What we are telling you today are not the ravings are some vindictive political crusade, but a reaffirmation of a set of values that are tarnished and dim these days, but it is given to us to restore them so our Founding Fathers would be proud.

Listen, it is your country. The President is our flag-bearer. He stands out in front of our people, and the flag is falling. Catch the falling flag as we keep our appointment with history.

Mr. CONYERS. Mr. Speaker, it is our plan to recognize our leadership, and then our members of the Committee on the Judiciary, and then the rest of our distinguished membership on this side.

Mr. Speaker, I am pleased to yield three minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), our minority leader.

Mr. GEPHARDT. Mr. Speaker, this vote today is taking place on the wrong day, and we are doing it in the wrong way. I am disappointed and I am saddened by the actions of the majority, in both the timing and in the method that we are considering the most important act that the Constitution asks us to perform. The actions of the majority, in my view, show a lack of common sense and decency, and is not befitting of our beloved House.

As I said yesterday, when our young soldiers, men and women, are in harm's way, we should not be debating and considering and talking about removing our Commander in Chief. If we believed that this would go on for days and days, I could understand the decision to go forward today. I do not believe it will go on for days and days, and I believe that we send the wrong message to Saddam Hussein, to the British, to the Chinese and to the Russians, to be on the floor of this House today, when we could be here Sunday or Monday or Tuesday.

I guess I am worried also that some of us do not want to be inconvenienced. Our young people are inconvenienced today who are in the Persian Gulf. They are being shot at, and they stand in danger, and with all my heart I believe the least we could do is postpone this debate to a different day. But I know I have lost that debate and the decision has been made. We are here.

Let me address the way this is being done. But before I do that, I want to say something else. The events of the last days sadden me. We are now at the height of a cycle of the politics of negative attacks, character assassination, personal smears, of good people, decent people, worthy people. It is no wonder to me and to you that the people of our country today are cynical and indifferent and apathetic about our government and about our country. The politics of smear and slash and burn must end.

This House and this country must be based on certain basic values: Respect, trust, fairness, forgiveness. We can take an important step today back to the politics of respect and trust and fairness and forgiveness.

Let me talk about the way we are doing this and how that can be that first step. We have articles of impeachment on the floor of this House. This is the most radical act that is called for in our Constitution.

In this debate, we are being denied a vote as an alternative to impeachment for censure and condemnation of our President for the wrongful acts that we believe have been performed.

We all say that this is a vote of conscience. You get to vote your vote of conscience, and I respect that right. All we are asking for is that we get to vote our conscience. And it is not just our conscience, it is the conscience of millions of Americans who share this view.

I know what you say. You say that the Constitution does not allow this vote of censure. Constitutional scholars in the hundreds, some of the most respected, conservative constitutional scholars have opined in the days before, in the committee and through articles and through speeches, that, in their view, the Constitution does allow this vote; that the Constitution is silent on this question of what else we can do; that the Constitution in no way prevents us from doing this.

What do I conclude? I can only conclude that you do not want our Members to have this choice. I can only conclude that some are afraid of this vote. I can only conclude that this may be about winning a vote, not about high-minded ideals.

□ 1015

Let me, if I can, go back to the values: Respect, fairness, trust, forgiveness. We need to begin in the way we do this to practice a different kind of politics. We need to stand today as a unified body, Republicans and Democrats, liberals, moderates, conservatives, rejecting raw, naked partisanship, and putting in its place a politics of trust and respect and decency, and values. We need to turn away from extremism and inquisition and return to a sense of moderation in our political system.

We are considering articles of impeachment that allege an abuse of power. We have an obligation not to abuse our power.

We need to turn back. We have another chance. The chance is still there, before our Nation and our democracy have become unalterably and permanently degraded and lowered. The great Judge Learned Hand once said that no court can save a society so riven that the spirit of moderation is gone. Today, I believe the majority is pursuing a path of immoderation, disregarding even a consideration of the wishes of a vast majority of the American people regarding penalizing this President with censure and not impeachment.

In the Book of Isaiah in the Bible it was said, “Judgment is turned away backward and justice stands far off.” I ask the majority one last time to reconsider what you are doing. We are deeply offended, in all sincerity, from my heart; we are deeply offended by the unfairness of this process. You are asking us to consider the most important act the Constitution calls on us to do.

We are considering overturning the free choice and vote of over almost 50 million Americans. We are considering the most radical act our Constitution allows. We are considering changing the balance of power and the proportionality of the branches of our government. You are doing this in a way that denies millions of Americans the trust and respect for our views that we afford to you, and that we feel we deserve in our Constitution guarantees. In your effort to uphold the Constitution, you are trampling the Constitution.

In Lincoln's Gettysburg Address he prayed this prayer, that this Nation shall have a new birth of freedom, and that this government of the people, by the people, for the people should not perish from this earth. I pray today that you will open up this people's house and let the people's voice come in and let fairness reign. Thank you.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is not easy. In fact, it is difficult, it is unpleasant, and we would all just as soon the responsibility go aside. As our Founding Fathers warned, this is an issue that divides us and stirs the passions of the great people of this country. I know my fellow Arkansans are divided on the issue of impeachment, and for these reasons it is argued that we should find an easier way out of this present trouble, that we should put it off, we should turn aside. But as we all know, the easy way is not always the right way.

The difficult path is to follow the Constitution, but that is the oath that we all took in this Chamber, and I have faith that the path James Madison marked will lead us out of these woods.

Mr. Speaker, I support the resolution that has been offered. I will focus my attention on Article I. This article charges that on August 17, William Jefferson Clinton willfully provided false testimony to the Federal grand jury. The first article is perjury before the grand jury. There are 3 questions: What are the facts, what is the law, and is it impeachable under the Constitution?

The facts are that a Federal civil rights lawsuit was filed by another citizen of the United States against the President. The Supreme Court said that lawsuit could proceed. In January of 1998, a deposition was taken, and the committee found that the President, despite being told by the judge to answer the questions, lied under oath in order to protect himself from that lawsuit. At that point, a criminal investigation was begun with the approval of the United States Attorney General, and as a result of that investigation, President Clinton agreed to testify before the Federal grand jury investigating these allegations.

Prior to his testimony, we all recall that there was a uniform warning across this land by his aides, by the public: Mr. President, whatever you do, do not lie to the grand jury. In fact, Alan Dershowitz, an ardent defender of the President said, he must tell the truth, whatever the truth may be. If he perjures himself, he could very well be impeached.

Dick Morris warned him that the people would forgive a personal misconduct, but they could not forgive perjury or obstruction of justice. Despite these warnings, the committee found that the President went before the grand jury, took an oath to tell the truth, and then intentionally provided false statements to the grand jury of citizens charged with a heavy responsibility.

The article specifically charges the President lied about his relationship with a subordinate employee. He provided false statements about the truthfulness of his prior testimony. He falsely testified about statements made by his attorney in the previous lawsuit. False statements were made about his efforts to corruptly influence the testimony of witnesses. And so there were perjurious statements that were given.

But what is the law? Title 18 of the United States Code makes it a felony for any citizen to willfully provide false statements to the grand jury. Now, I agree this is not a criminal case, but it illustrates that these are not lies to inquiring minds at the country club, but they are to the grand jury of the United States. The President certainly understood the gravity of his testimony and the expectation of truthfulness.

At the beginning of his testimony, he was asked if he understood that he had to tell the truth, the whole truth, and nothing but the truth, and that if you are to lie or to intentionally mislead the grand jury, you could be prosecuted for perjury of obstruction of justice, and the answer was, I understand. But is it impeachable? The answer is yes.

Alexander Hamilton talked about harm that is done to society itself. Justice Story talked about great injuries to the State, and I believe that the damage to the State and to the integrity of government occurs when those in high office violate a court oath and a constitutional oath to faithfully execute the laws.

The facts establish a pattern of false statements, deceit and obstruction, and by committing these actions, the President moved beyond the private arena of protecting personal embarrassing conduct and his actions began to conceal, mislead and falsify; invaded the very heart and soul of that which makes this Nation unique in the world, the right of any citizen to pursue justice equally.

The conduct obstructed our judicial system and at that point that became an issue, not a personal concern, but of national consequence. The preamble to our Constitution, in the second purpose says, it is to establish justice. It is not for the President or his lawyers to determine who can or cannot seek justice, and if the President lied under oath in a Federal civil rights case, that he took it upon himself to deny the right of a fellow American, in this case a fellow Arkansan, equal access to seek relief in the courts.

The President's lawyers have declared such a lie to be a small one, of small consequence, and therefore, not impeachable. But I cannot see how denying the rights of a fellow citizen could be considered a small consequence.

Mr. Speaker, I ask my colleagues to support Article I, and this resolution.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip of the Congress.

Mr. BONIOR. Mr. Speaker, as I rise to speak, the men and women of America's Armed Forces are engaged in battle. Halfway around the world on ships at sea, in the skies over Baghdad, they are risking their lives for us. But even as millions of Americans across our country are hoping for a quick end to this conflict, even as we are praying for the safety of our sons and daughters, my Republican colleagues are obsessed with a different target. They are determined to impeach the Commander in Chief of America's Armed Forces, the President of the United States. Even as the bombs are falling on Baghdad, they are trying to force him from office.

What kind of signal does this send our troops, our allies, the American people, the world? I find it quite incredible that we are even here today having this debate. To force an impeachment vote is to completely ignore the will of the American people.

□ 1030

The people of this country support the President, just as they have supported him through two elections and throughout his presidency. He is doing the job they elected him to do. It is a grave mistake to rush forward with impeachment like a runaway train heading for a cliff. Why can we not just pause for a second? Why can we not stop right here and come to our senses?

The American people have made it very clear they oppose impeachment. They are looking for another solution, a just solution, a solution that condemns the President's wrongdoing yet enables America to put this sorry spectacle behind us and get on with the country's business; a solution that brings us together as a Nation, not one that divides us.

Censure, this is the one option the Republican leadership refuses to consider. They will not even let us vote on it. President Ford supports censure, Senator Dole supports censure, Members on both sides of the aisle support censure. I dare say if it was made in order, it would pass. Yet the Republican leadership in this House is so angry, so obsessed, so self-righteous, that they are refusing us a true vote of conscience.

This is wrong, it is unfair, it is unjust. At a time when events in the world and challenges at home demand that we stand united, censure is the one solution that can bring us together.

To my colleagues across the aisle, I say, let go of your obsession. Listen to the American people. Stop hijacking the Constitution. We should not be having this debate now while our troops are in battle. But if, if they insist on ramming this matter through at any cost, give us the opportunity, give the country the opportunity, to express themselves on censure.

If Members cannot set aside partisan politics until our troops are safe, at least, at the very least, let us have a clean vote of conscience, and let us bring America together once again.

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, the decision we are faced with today is of singular importance. We are being asked to overturn the results of a presidential election under a procedure that is fundamentally unfair, and at a time that is contrary to the strategic national interests of the United States.

There are three issues involved here today: the unfairness of this proceeding, the timing of this action, and the merits of whether or not to impeach the President.

Let us start with the fundamental unfairness of this proceeding. The Republicans have denied the House the opportunity to vote on censuring the President, even though a clear majority of the American public believes the President should be censured for his conduct but not removed from office. Leading members of the Republican Party, former President Gerald Ford, former Senator Bob Dole, have urged the censure option, but we are being denied the opportunity to even consider it today. There is no fairness on this floor today.

Second, the Republican majority, by starting this proceeding today, while we are engaged in military action against Saddam Hussein, sends entirely the wrong message to Saddam and to the rest of the world. We have a great bipartisan tradition of supporting the Commander in Chief and supporting our soldiers, sailors, and airmen in the time of war. That tradition is being shattered today by a partisan majority.

Seven years ago I joined 86 of our colleagues, of our Democratic colleagues, in supporting a Republican President, George Bush, when he initiated military action against Saddam Hussein. I disagreed with President Bush on a variety of matters, but I felt it was important to show national unity against Saddam.

By starting this proceeding against President Clinton today, we are sending the ultimate mixed message to Saddam about our national resolve. We may be encouraging him to resist longer by our actions in the midst of war. Starting this proceeding today may wind up costing American lives.

The majority may well have blood on its hands by starting this proceeding today. We certainly could have waited until Monday to pursue this proceeding, giving our military time to pursue its mission.

That brings me to the question of the merits. The Republican majority is trivializing the U.S. Constitution and setting a terrible precedent by pressing for impeachment on these particular grounds. What Clinton did was wrong, but it does not rise to the level of an impeachable offense.

If we make every Member of this House rumored to have been involved in an affair subject to a $40 million special prosecutor, and then hold them accountable for any misstatement of fact, we may be faced with a number of empty seats in this Chamber. We should reserve impeachment for those rare instances that undermine our form of government and threaten the essence of democracy. It should not be used as a club by a partisan majority that dislikes the particular president.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, today's vote is set upon an unfair, false choice. This historic decision should be a moment above all political maneuvering. Instead, it is riddled with unfairness, sloppy procedure, and mean-spirited partisanship.

From the 4-year, $40 million investigation which could only turn up a private, consensual affair, the airing and publishing of the tawdry Starr report and Lewinsky tapes where all of our children could hear and read every sexual detail, the failure of the President's accusers to spell out which of his words were allegedly perjurious, the unfair denial of the censure option here today, to trying to impeach the Commander in Chief with troops in harm's way, this process is a travesty. Where is their sense of fairness?

Somewhere along the way, some in this House forgot that Bill Clinton is our President, not their personal enemy. The Constitution is not a license to destroy a president because one does not like him.

I believe the President's actions were reprehensible and worthy of condemnation, but the clearest, most appropriate way to send a message about this President's behavior is censure. That is what our best legal scholars say, that is what the American public says. If the Republican leadership would allow us the freedom to vote our conscience, that would be the option.

A censure would put an indelible scar upon the President's place in history, something we all know this President cares about deeply. It is a tough, just, and appropriate punishment. It would not absolve the President of any future indictment and prosecution of alleged perjury.

Impeachment, however, should not be used as a form of super censure. Far from upholding the rule of law, a vote for impeachment under these circumstances weakens and undermines the rule of law, turning our Constitution into an unfair political tool.

Former chairman of the Committee on the Judiciary Peter Rodino said to me, "We voted to impeach Richard Nixon because of the irreparable harm he had done and threatened to do to the rights, liberties, and privileges of American citizens using the CIA, the FBI, the IRS, illegally wiretapping and auditing United States citizens. But we would not have impeached Nixon alone for lying."

Yes, let us censure the President for his misconduct, let us send a message to our children that these actions are wrong, but let us not unfairly use the Constitution as a way to send that message.

I warn my colleagues that they will reap the bitter harvest of the unfair partisan seeds they sow today. The constitutional provision for impeachment is a way to protect our government and our citizens, not another weapon in the political arsenal. Monica Lewinsky is not Watergate. Let he who has no sin in this Chamber cast the first vote.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. BARNEY FRANK), a senior member from Massachusetts on the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Speaker, this House is launched on a historically tragic case of selective moralizing. By the history of this country, the appropriate response to lying about a consensual sexual affair would be censure.

When Ronald Reagan's Secretary of Defense was indicted for perjury by an Independent Counsel and pardoned by George Bush, Members on that side applauded the action. When Speaker GINGRICH was found to have been inaccurate 13 times in an official proceeding to the House Ethics Committee, he was reprimanded and simultaneously reelected Speaker with the overwhelming vote of Members on that side. That is why we believe censure is appropriate.

The American people also believe censure is appropriate. Let me agree with those who say that simply because a large number of the voters believe something, we are not obligated to vote for it. I welcome this assertion that we have an obligation not always to follow public opinion.

But while we have the right not to vote for something just because there is overwhelming public support, in a democracy, we have no right not to vote on it. We have a right to stand up honestly and say, I disagree with censure. Members have no right to hide behind a partisan leadership and not take a position.

The public has a right, on this overwhelmingly important issue, to have the preferred option that the public supports voted on. That is the abdication of democracy. It is not that Members have to support what the public wants, but Members cannot hide from it in a democracy.

Why will Members not take a position on censure? If they have the votes to defeat it, they should not use partisan pressure and threats to keep it from being voted on. Do not deny to the American public a recorded vote on their notion of what ought to be done, particularly since Members' own behavior in the case of Caspar Weinberger, in the case of the gentleman from Georgia (Mr. NEWT GINGRICH), clearly makes it understandable that censure and not impeachment is relevant.

The final point is this: Members on the other side understand that people think throwing someone out of office is too harsh. We have a stunningly illogical game going on. First, to get votes for impeachment from people who know that the public doesn't want it, they downgrade impeachment. Impeachment is not throwing the President out of office, the chairman says; impeachment does not end the process, it simply sends it to the Senate.

But what have they already begun to do? They plan, having degraded impeachment and claimed it is no definitive judgment, once they get a partisan vote for an impeachment, where the bar has been lowered, then to say, that is the basis for resignation. First, impeachment will be insignificant, it will simply be the beginning of the process. But having used their partisan power and the power of the right wing in the country to get an impeachment through after they have dumbed it down in significance, they will turn around and use the fact that they got that impeachment as a club to try to drive the President from office. First impeachment will simply be very little, and then it will be an enormous amount.

Members cannot, de facto, amend the Constitution by that distortion of impeachment, and then use it to try to drive a President out of office when they know that is an inappropriate sanction for his behavior.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state his parliamentary inquiry.

Mr. SENSENBRENNER. How much time was charged to the gentleman from Michigan (Mr. CONYERS) for the speech of the gentleman from Missouri (Mr. GEPHARDT)?

The SPEAKER pro tempore. The Chair will say this, because other Members have inquired about this. The Chair has in the past had a standing policy during important debates to allow for the highest ranking party-elected Members of the House, the Speaker, the majority leader, the minority leader, and the minority whip, additional time during the time they are making important statements.

The answer to the gentleman's question is that while the gentleman from Missouri (Mr. GEPHARDT) took 12 minutes to make his remarks, the Chair extended the time to him as a courtesy, as has traditonally been done on both sides of the aisle.

□ 1045

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the hindsight of history will be harsh on this Congress and this unfair process. For some to speak of their vote of conscience today, even as they deny others a deep vote of conscience, is in itself unconscionable. A process whose goal was to emulate the Watergate legacy sadly will leave a legacy more akin to the impeachment of Andrew Johnson.

In the name of the Constitution, Article II, this process trampled on the Constitution, Articles II and VI. In the name of the rule of law, this process ignored the fundamental principles of due process and fairness that formed the foundation of that rule of law. In the name of no person is above the law, this process forgot that no citizen should be treated below the law. In the name of justice, this process ignored the pillar of justice that in our Nation every citizen is innocent until proven guilty, not guilty until proven innocent. In the name of America, this process raised the ugly debate of who is a real American.

History will surely judge this process as a combination of Kafka, To Kill a Mockingbird and Keystone Kops.

Mr. Speaker, if the Golden Rule were to be our guide, who among us, who among us, Democrat or Republican in this House, would want to be a defendant in the case where the rules of law and fairness were ignored, where secret grand jury testimony against us was released to the world, where there was not one direct witness, where your defense attorney was limited to one hour of cross-examining your chief accuser, where your attorney was forced to give your final defense even before one charge had been formally presented against you, where the charges of perjury against you were finally presented at the 11th hour and failed the test of decency which statements were allegedly perjurious. Surely no Member of this House would want to be judged by that process. We should not judge this President by that process.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise today to oppose these articles of impeachment. I oppose this action with every fiber of my body because it is an affront to our Constitution and our democracy.

In my short tenure in the House of Representatives, I can recall no other action that has so jeopardized the historic obligations that we are sworn to uphold. For me, this is no longer about the President's actions. They were repugnant, embarrassing and immoral. But this is not a constitutional forum for judging such behavior and exacting punishment. The President's family, the American people and maybe even the courts may eventually speak to his errors.

We might have given voice to our views in the form of a censure resolution, but this House leadership chose not to allow any but the most draconian actions, impeachment. It is wrong and it is unfair. It denies the American people their right to representative democracy.

We have the constitutional authority to remove a President only when he or she crosses the line into treason, bribery and high crimes against the Constitution. Benjamin Franklin spoke of impeachment as an alternative to assassination. Today this body is contemplating a constitutional assassination, driven by a naked partisanship, almost without lawful and civil bounds. The Republican majority is moving to impeach an elected President of the United States. Thwarting the public's will, they do so even as the President commands our troops in battle against Iraq and even as he seeks to perform his constitutional responsibility with the support of the overwhelming majority of the American people.

This debate amidst those bombs more than anything else symbolizes the madness that has inflamed the partisan fires on the other side of the aisle.

This is a moment for boundaries and not license. This is a moment to allow history to have its sway. This is a moment to allow Madison, Jefferson, Franklin and Washington to be heard in this Chamber above the partisan din. If that spirit were to prevail, I have no doubt that the provocateurs would be stilled and our Constitution preserved. The American people, not the politicians, would have the final say, as the Founders intended.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GEKAS), a member of the Committee on the Judiciary.

Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, there are some Members in this Chamber that seem to have forgotten history. We were at war in Vietnam when the hearings on the impeachment of President Nixon occurred. That was because of the serious offenses that were alleged against President Nixon. Today we are proceeding because of the serious offenses alleged against President Clinton.

I thank the gentleman.

Mr. GEKAS. Mr. Speaker, a loud lament has been heard about some deprivation of the right to vote one's conscience. But that is exactly why we are here today. All of us in the ultimate must vote the ultimate sense of conscience. That is what this process is all about. We are facing indeed our moment of truth.

Now, the moment of truth for the President of the United States first faced him in December of 1997. It faced him in the nature of a legal document, legal in interrogatories that were forwarded to him in pursuit by the Paula Jones attorneys of discovery proceedings in their case, a document laid before the President to be attested to under oath to answer certain questions. The President faced his moment of truth right there and then, the first item in the legal proceedings that have become the hallmark of these proceedings, and there under oath testified falsely.

At that moment, he began the chain of events that led a month later to his appearance before the deposition lawyers and judge and, further down the line, to the grand jury in August of that year. But here is the important difference that Members must take into account as they evaluate the evidence.

The evidence is that when he signed these interrogatories, this first moment of truth to which I allude, there was no parsing of definitions. There was no argument among the lawyers about meanings and definitions. There was no judge interpolating the opinion of the court into the argument of the lawyers. There was no parsing or mixing or evasion of types of definitions and words. This was a straight interrogatory to which the President of the United States added perjurious and false answers.

In a single moment in the Oval Office or wherever he executed this set of interrogatories, he began the long chain of falsehoods that have led us to our moment of truth here today.

We must exercise that conscience to which all the Members have alluded and recognize that when the President faced this moment of truth in countless occasions, each time he swept it away and caused himself the difficulty that he brings to our Chamber here today.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I might add that I want to again honor the Constitution by what we do today. I think we all share that. And while the polls seem to show one thing, they also seem to show that many people would like this President to resign, in fact a majority of the people polled. But we cannot govern this country by polls. We have to be responsible today. It is not our job to create or invent solutions beyond the authority of this House. We must match our power with the authority that the Constitution gives us.

In light of that, I want to speak briefly and add on to what the gentleman from Pennsylvania (Mr. GEKAS) has said about Article II of the impeachment articles. It is clear there is compelling testimony that in addition to the interrogatories that were answered under oath by this President, falsely, there was also testimony given that was false in the deposition that was taken after those interrogatories. On numerous occasions the President lied under oath, and there is compelling evidence that this occurred. And specifically when his attorney brought up the false affidavit of Monica Lewinsky and said that the sexual relationship term referred to meant that there was no sex of any kind, in any manner, shape or form, the President sat silently, knowing that this false affidavit was being put into this sexual harassment lawsuit. He said that he was not paying attention.

The SPEAKER pro tempore. The Chair announces that the gentleman from Wisconsin (Mr. SENSENBRENNER), on behalf of the gentleman from Illinois (Mr. HYDE), has 5 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 11 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. BOUCHER), a member of the Committee on the Judiciary.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

In its 1974 Watergate inquiry, the House Committee on the Judiciary conducted an exhaustive examination of the constitutional history of the impeachment power. Then on a broad bipartisan basis, the committee adopted a report which eloquently states the constitutional standard for use by the House of Representatives of its impeachment power.

In the committee's words, only that presidential misconduct which is seriously incompatible with either the constitutional form and principles of our government or the proper performance of the constitutional duties of the office of the presidency will justify impeachment.

The facts now before the House, which arise from a personal relationship and the efforts to conceal it, simply do not meet that standard. While the President's conduct was reprehensible, it did not threaten the Nation. It did not undermine the constitutional form and principles of our government. It did not disable the proper functioning of the constitutional duties of the presidential office. These facts simply do not meet the standard.

To misuse of impeachment power in this case, as some are now prepared to do, will create a national horror. The divisions on this subject which now exist within our society will harden and deepen. A rift and a divide will occur. There will be a polarization. The President and the Congress will be diverted from their urgent national business while prolonged proceedings take place in the Senate.

There will be a lowering of the standard for future impeachments with an inherent weakening of the presidential office. There will probably be instability in the financial markets with adverse effects for the economy.

These harms are unnecessary. The President's conduct was deplorable, but it was not impeachable.

The House today should censure the President for bringing dishonor on the presidential office. That path will bring closure and a restoration of national dignity.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, our friend from Illinois spoke reverently of Bunker Hill and Arlington Cemetery. We find ourselves in a debate to impeach a Commander in Chief of the successors to those brave patriots of Bunker Hill and all who served since then. Today we should have our men and our women who stand in harm's way in the Persian Gulf in our thoughts and in our prayers rather than trying to politically decapitate their Commander in Chief.

□ 1100

What is a few days? Why the rush to judgment? Our being here reflects a lack of respect for all in uniform as well as their families. If there were such an attempt by my party to remove President Bush during the Persian Gulf conflict, I would have opposed it with all of my being.

We must look at the proceeding today and seek the guidance of our Constitution. We must do so without emotion, for the more emotion, the less reason.

The framers of the United States Constitution knew that in an extreme case there will be a need to remove or overturn a popular election. They also knew that they must not make impeachment easy or routine. To maintain separation of powers, they set the bar of impeachment high and limited the grounds to impeachment. Initially, the framers made the great crimes of treason and bribery the only offenses worthy of impeachment. Later, at the Constitutional Convention, the standard was broadened to include "other high crimes and misdemeanors."

I studied the phrase carefully. The word "other" is important because I believe it is crucial to our deliberations on impeachment. I have concluded that the correct legal interpretation and the intent of the framers of that document is that the general phrase "other high crimes and misdemeanors" must be limited to the kinds of class or things within the specific words "treason" and "bribery."

As members of the House of Representatives, it is our duty to measure the President's actions against this high Constitutional standard, without regard to political party or partisan influence. We should not establish a new Constitutional standard which lowers the threshold for ousting a sitting President. I have concluded that even if we concede that all of the allegations in the Judiciary Report are true, President Clinton's actions do not constitute impeachable offenses under the Constitution. There is just no evidence that permitting him to stay on would cause great or serious harm to our system of government.

The impeachment proceedings which took place in 1974 can provide us with a useful precedent. In that investigation, the House Judiciary Committee discovered persuasive evidence that President Nixon was criminally liable for tax fraud. However, the Committee, with a Democratic majority, voted 26–12 not to impeach President Nixon for tax fraud because it did not involve official conduct or abuse of Presidential powers. Rather, the Committee limited its impeachment articles to those actions by President Nixon which affected our rights, our liberties, and our privileges, and which if permitted to go on would have seriously harmed our Constitutional system.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), one of our leadership members.

Mr. LEWIS of Georgia. Mr. Speaker, I come before you to speak for the principle of democracy, the doctrine of fairness, and the spirit of forgiveness.

America is sick. Her heart is heavy. Her soul is aching. And her spirit is low. Today our Nation stands at a crossroads, at the intersection of participatory democracy and the politics of personal destruction.

Today, my colleagues, we must choose, as Dr. Martin Luther King, Jr., wrote, between community and chaos. We must choose the course of partisan destruction or national reconciliation. We will, in our lifetime, never cast a more important vote. The spirit of history is upon us and the future of the republic before us.

Our obligation as citizens of the state are as old as human history and as fresh as the morning dew, to right wrong, do justice and love mercy. Our Constitution, that sacred document, is a covenant, a contract between the Government and those who are governed.

We must not, we cannot ignore the will of the people. Almost 50 million people elected Bill Clinton as our President in spite of his problems, his shortcomings and his failings. They, the people, elected Bill Clinton President of the United States and they want him to remain the President of the United States.

And yet some, some even in this Chamber, have never accepted the verdict of the people. They have never accepted Bill Clinton as their President. Instead they embarked on a crusade of personal destruction.

Our Constitution was never intended to be used as a hammer to destroy our political enemies. Some of our colleagues have been too quick to pick up the hammer of impeachment and swing it with reckless abandon. So bent are they on the destruction of this President that they would knock down the very pillars which support our constitutional system.

What President Clinton did was wrong. About that there can be no mistake. There is no disagreement, no debate. But how, how, my colleagues, should we respond? How we respond, how we act says as much about us and our character as it does about his. Let he that has no sin cast the first stone. Who among us has not sinned?

What the President did was wrong, but it simply does not rise to the height or sink to the depths of an impeachment offense. I know it, my colleagues know it and, most importantly, the American people know it.

Will we write a chapter or be consigned to a footnote. The spirit of history is upon us. Let us do what is right, let us do what is just and love mercy.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Michigan (Mr. CONYERS) has 4 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 5 minutes remaining and has the right to close.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, impeachment is in the Constitution to protect our Nation from a president who is subverting our constitutional form of government. Our authority to impeach is limited in the Constitution to findings of treason, bribery, or other high crimes or misdemeanors.

We know, from our hearings, that treason, bribery, or other high crimes or misdemeanors does not cover all felonies. In fact, it does not even cover a half-million-dollar income tax fraud. That is the rule of law. We cannot act unless there is treason, bribery, or similar offenses. And so, that is why historians and constitutional scholars have said that these allegations, even if they were true, do not constitute impeachable offenses; and that is why one historian warned that history will hunt down those who knowingly violate the Constitution when they vote for impeachment.

That would be the case even if the allegations were true. But support of the new, low standard for impeachment comes by way of contradictory, double hearsay, and dubious inferences, without a single witness.

In Watergate and every other prior impeachment, we heard witnesses. In this case, the accused has not even had an opportunity to cross-examine witnesses. In fact, the accused has never been told the specifics of the charges against him. There is a reason why the specifics are not mentioned and that is because the so-called perjurious statements constitute such immaterial minutiae that the supporters of impeachment resort to titles of offenses such as perjury, without stating what the perjurious statements are.

Mr. Speaker, it is an outrage that we would attempt to overturn a national democratic election on these flimsy allegations on the very day that our young men and women are risking their lives to protect our democratic form of government.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 2 minutes.

Mr. CONYERS. Mr. Speaker, ladies and gentlemen of this body, we are confronted with an overzealous and nonindependent counsel report combined with a totally politicized process in the committee with party line votes on nearly every issue. And so, I want to remind my colleagues that I am witnessing the most tragic event of my career in the Congress, in effect a Republican coup d'etat, in process.

We are using the most powerful institutional tool available to this body, impeachment, in a highly partisan manner. Impeachment was designed to rid this Nation of traitors and tyrants, not attempts to cover up extramarital affairs. This resolution trivializes our most important tool to maintain democracy. It downgrades the impeachment power into a partisan weapon that can be used with future presidents. Perhaps, hopefully, we may never ever use impeachment again after this experience.

Now, I am personally outraged that we would decapitate the Commander in Chief at a time when we are at war abroad. Republicans sacrifice the national security by doing so. To be spending time of this House to smear our Commander in Chief when brave men and women are risking their lives for their country shocks the conscience. The failure by the Republican majority to allow a censure alternative shows again the perversely partisan process this is.

I have been a Member here for some time and I cannot recall a single occasion when the Democrats denied the Republicans the ability to offer an alternative on a matter as momentous as this.

Our Nation has been pushed to the edge of a constitutional cliff. We are about to inflict permanent damage on our Constitution, on our President, on the Nation and ourselves. We should not be here today. And history will not look kindly on the partisan passions that have brought us to this point.

Mr. SENSENBRENNER. Mr. Speaker, is the time of the gentleman from Michigan (Mr. CONYERS) expired in this hour?

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I rise in support of the impeachment resolution.

Mr. Speaker, in September when the Rules Committee brought a resolution to the floor to provide for the appropriate handling and release of the Independent Counsel report, I stated that many of us hoped such a day would never come in our careers in public life. These last few months have been difficult and profound for the House of Representatives, and certainly for the Nation.

It is my sincere hope, despite the unfortunate nature of the subject matter, that we will make the Founding Fathers proud by solemnly addressing our constitutional obligation today.

If the meaning of an oath has been minimized at all in America, at least we can courageously abide by our constitutional oaths here in this Chamber today.

Mr. Speaker, I wish to commend the Judiciary Committee for their diligent service to the House, and to the Nation, in this difficult time.

Mr. Speaker, I intend to support the resolution impeaching President Clinton for high crimes and misdemeanors.

I find the case presented by the Judiciary Committee in its report devastating and I am compelled, after studying the case, to support these articles of impeachment.

The evidence presented demonstrates the President committed perjury both in a deposition before a Federal judge in a sexual harassment lawsuit and in grand jury testimony.

I am astounded at the methodical and calculating manner in which this perjury was conducted. The President obstructed justice and interfered with the machinery of our judicial system, and he committed perjury before the Congress in response to the Judiciary Committee's inquiries under oath.

Mr. Speaker, the evidence is overwhelming, it is remarkably detailed, and it is corroborated at key points. It has also not been rebutted, in any meaningful way, by the President or his attorneys.

The President's conduct could be considered reckless for any government official or chief executive officer of a corporation, but it is truly tragic—for the office and the Nation—when that illegal conduct was committed by the President of the United States.

Perjury is a felony, Mr. Speaker, and it is an offense which demands impeachment.

Mr. Speaker, the rule of law, and our adherence to the rule of law, have made us the great Nation that we are today.

What kind of example do we set for the future if we do not impeach the chief law enforcement officer of the land, who happens to be an attorney, because of this type of behavior in office?

If we countenance this misconduct, what are we to say to the American citizens currently serving Federal prison sentences for perjury?

How are we to answer our children when they ask us "If the President can lie and get away with it, why can't I?"

The argument has been advanced in recent days that impeachment is disruptive to the Nation; it will result in chaos in the financial markets, and the economy will crumble. The work of government will somehow cease.

Mr. Speaker, this is the greatest representative body in the world. The Members of this institution can attest, based on their close interaction with their constituents, that America is strong.

America is healthy and robust and prosperous in spite of the misconduct of the President.

This notion of a world thrown into turmoil due to impeachment is completely false.

We are a resilient people, and we have endured depression and world wars in this century and a vicious civil war in the century before.

After defeating fascism and communism in this bloody 20th century, are we to believe that we simply cannot survive without Bill Clinton? We should remember that we are all just temporary occupants of these offices.

The Constitution was here long before we were and it will be here long after.

Why discard our historic notion of the rule of law, a notion which differentiates us from much of the world around us, for one man?

The man in question clings to the trappings of his powerful office, and cloaks himself in its symbols and icons, but adheres to none of the principles of the men who served in it before him.

Why is any one man worth the sacrifice of the office which we hold with such great esteem? this impeachment vote by the House and trial in the Senate is intended to protect constitutional government—it is not intended to punish the President for his crimes.

Rather, it is designed to protect the office—our office—from further harm by its temporary occupant.

I will vote to impeach President Clinton, and vindicate the rule of law.

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of our time to the gentleman from Georgia (Mr. BARR).

The SPEAKER pro tempore. The gentleman from Georgia (Mr. BARR) is recognized for 5 minutes.

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding me time.

Members of the House, today our Constitution stands in harm's way. The rule of law in America is under fire, the rule of law about which our chairman, the gentleman from Illinois (Mr. HYDE), spoke so eloquently just a few short moments ago, the rule of law which finds its highest and best embodiment in the absolute, the unshakeable right each one of us has to walk in a courtroom and demand the righting of a wrong.

As President John F. Kennedy so eloquently put it, "Americans are free to disagree with the law but not to disobey it. For a government of laws and not of men, no man however prominent and powerful, no mob however unruly or boisterous is entitled to defy a court of law. If this country should ever reach the point where any man or group of men, by force or threat of force, could long defy the commands of our courts and our Constitution, then no law would stand free from doubt, no judge would be sure of his writ, and no citizen would be safe from its neighbors." This, Mr. Speaker, is the fundamental American right which President William Jefferson Clinton tried to deny a fellow citizen.

How did he do it? I direct the attention of every Member of this body to the report of the Committee on the Judiciary to accompany H. Res. 611. I direct their specific attention to Article III, which lays out a case of obstruction of justice. Despite the fact that in the ears of a lay person obstruction might conjure up a massive frontal assault, in the word of law, and I know this as a former United States attorney who directed the prosecution of a Republican member of this body for obstructing justice before a grand jury, obstruction of justice is much more insidious, much more implied, much quieter, but nonetheless destructive of the rule of law in this country.

What is obstruction and what was the pattern of obstruction in this case? I respectfully direct the attention of each Member of this body to the United States Criminal Code, title 18, to those several provisions which set forth the principle that no man, no citizen of this land, no visitor to this land shall tamper with witnesses, seek to hide witnesses, seek to hide evidence in a case, or seek to change, modify, or prevent testimony.

Yet there is in this report and in the accompanying 60,000 pages of evidence to which Chairman HYDE alluded, evidence of a clear pattern of obstruction of justice, in violation of title 18 of the United States Code, by this President; such things as making statements to his secretary after he gave sworn testimony in an effort, a very clear effort, with no other purpose than to influence the testimony of his secretary, who most assuredly would have been and was called as a grand jury witness, evidence such as the President calling and directing one of the most powerful attorneys in this city, Mr. Vernon Jordan, after it was found out that Monica Lewinsky would indeed be and had been subpoenaed as a witness to appear before the court and directed that she be found a job.

□ 1115

Evidence such as the President, the Commander in Chief, as we have heard today, picking up a telephone at 2 a.m. in the morning, not by coincidence the very day that he found out that Ms. Lewinsky was indeed a named witness and would be a witness in the court case of Paula Jones and going over with her to reaffirm in her mind the stories, the cover stories, that they indeed had agreed to if just this calamity would befall them.

These, I submit to every Member of this House, are obstruction. They are indeed a frontal assault on our Constitution.

We have here today in Article III alone three legs of a stool, if I could borrow an analogy from the chairman of the Committee on the Judiciary. We have the Constitution, we have the United States Criminal Code as violated by this President, and we have the evidence. They support a vote for Article III of impeachment of William Jefferson Clinton for obstructing justice in America.

The SPEAKER pro tempore. All time has expired.

Mr. SENSENBRENNER. Mr. Speaker, I rise to be recognized under the hour rule.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, for purposes of debate only, I yield the customary one-half hour to the gentleman from Michigan (Mr. CONYERS). All time yielded is for the purpose of debate only.

Mr. Speaker, I yield 15 seconds to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Speaker, if the previous question is moved, I intend to vote against it so that I may be recognized to control under the hour rule time in order to continue the debate on House Resolution 611.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, we have heard the argument that our military forces are fighting. Do my colleagues know what they are fighting for? They are fighting to uphold the Constitution and the oath that we took and they took.

As my colleagues know, when the President stands before God, puts his hand on the Bible and takes an oath to uphold the Constitution and lawfully carry out the duties of his office, he is promising to put the people and the Nation before his own interests. I believe the President violated the laws and beliefs he swore to uphold instead of following the law, respecting American people's values and honoring his office. He chose to lie, cover up and evade the truth. His actions have made a mockery of the people who fought for this country and are fighting for this Nation today, the Constitution and the laws we live under, and because of the President's actions Congress must act as dictated by the Constitution.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Illinois.

Mr. HYDE. The gentleman has some familiarity with our military service. Did he serve in the Vietnam War?

Mr. SAM JOHNSON of Texas. Yes, sir, and the Korean one, if we want to call it.

Mr. HYDE. And the Korean War.

How much time did the gentleman spend in the prison camp in Hanoi or in Vietnam?

Mr. SAM JOHNSON of Texas. Nearly 7 years, sir.

Mr. HYDE. Seven years in a POW camp?

Mr. SAM JOHNSON of Texas. Yes, sir.

Mr. HYDE. In solitary?

Mr. SAM JOHNSON of Texas. Yes, sir; 3 years of that.

Mr. HYDE. Well, I think the gentleman from Texas is qualified to talk about military service.

Mr. SAM JOHNSON of Texas. Well, I want to tell my colleagues that our military fighting men want the Congress to carry on their constitutional responsibility every day. That is why we are here.

As my colleagues know, maybe we ought to be debating right after this issue how we support our military and give them more arms and more people to make sure they can win that battle. We cannot sacrifice what is right to do, what is easy.

As my colleagues know, when I was a POW, we did some things that were tough to do. This is a tough thing to do, but it is the right thing to do, and I suggest we continue with this impeachment process.

Mr. Speaker, the duty of the President of the United States is to preserve, protect and defend our Constitution. For over two hundred years we have sent our fathers, brothers, sons, mothers and daughters to war to do just that.

Many of them never returned. They gave their lives for a better America. They believed that America is greater than one person, one life.

They gave their lives to ensure that America and our Constitution remain safe and that our way of life would not perish.

They knew—with death—came honor, trust, loyalty and respect. They knew their death meant freedom to the millions of Americans who would come after them. Many of those who died were my friends.

I spent 29 years in the Air Force, fought in two wars and was a prisoner of war for nearly 7 years in Vietnam.

I love this great nation. And I would defend it again because America and our ideals are worth dying for.

When I left Vietnam there was an inscription scrawled on one of the prison walls which read: "freedom has a taste to those who fought and almost died that the protected will never know."

The President is the one person who must hold these words and actions in the highest regard.

The President is our moral leader. His picture hangs in classrooms throughout America. The President is our symbol of freedom. The President is the Commander in Chief, the chief law enforcement officer, and the leader of the free world.

When the President stands before God, puts his hand on the Bible and takes an oath to uphold the Constitution and lawfully carry out the duties of his office—he is promising to put the people and the Nation before his own interests.

I believe this President violated the laws and the beliefs he swore to uphold. Instead of following the law, respecting the American people's values and honoring his office, he chose to lie, cover up and evade the truth.

His actions have made a mockery of the people who fought for this country, the Constitution and the laws we live under.

It is clear from the evidence that this President committed perjury.

It is clear from the evidence that this President obstructed justice.

It is clear from the evidence that this President abused the power of his office.

He systematically used his office and staff to protect his own personal interests. Instead of truth and forgiveness he hid behind legalistic jargon.

And now, because of the President's actions, Congress must act as dictated by the Constitution.

We cannot sacrifice what is right to do what is easy.

During those awful years as a prisoner of war in Vietnam, there were many times that I and my fellow prisoners could have taken the "easy" way out.

We could have told the enemy our military secrets, or we could have betrayed one another. That would have been the "easiest" thing to do to stop the daily torture we endured. If we had just given up a few military secrets or betrayed a fellow soldier, we could have avoided starvation, been released much earlier, and not missed all those years of our lives with our families and children. But we never did. Even through all the daily torture, beatings and starvation, we never once considered taking the "easy" way out. and now we must endure these hardships, uphold our Constitution and protect America.

When we, in Congress, raised our right hands and took our oaths of office, we promised to make the difficult decisions.

We have come to the end of a very long and winding road. Long and winding—not because of anything Congress has done, but rather because President Clinton has walked us down it by his own actions.

The President has diminished his office in the eyes of the Nation, and more dangerously, in the eyes of the world.

The President is the chief law enforcement official of this country. If you lose respect for him, you lose respect for the law.

I would just say, again, to the American people, that this is not a choice about doing what is easy. This is a choice between what is right and what is wrong under our Constitution and the rule of law.

Let's be clear: the President lied to us. He pointed his finger at us, looked us in the eye and lied to us, over and over again.

We must make a stand and say—we are a nation of laws and no one is above the law.

So, I will vote to impeach the President. The Constitution demands it and the country deserves no less.

Thank you, Mr. Speaker.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. SCHUMER), a distinguished member of the Committee on the Judiciary and Senator elect.

Mr. SCHUMER. Mr. Speaker, these are my last moments as a Member of the House that I honor and that I love, but this is a bittersweet day for me because a pall hangs over this House. Unless a miracle occurs, we will take one of the most serious and rare actions that this body can assume and impeach the President against the overwhelming will of the American people. Voting against these articles will be my last act.

Since September I have said what the President did was reprehensible and should be punished. I also argued that lying about an extramarital affair, even under oath, does not rise to the level of high crimes and misdemeanors as spelled out in the Constitution and that the proper punishment is censure, not impeachment.

But today, Mr. Speaker, my last day in the House that I cherish, I ask myself what has brought us to this day? It would be easy for Democrats to lay the blame on a narrow band of right wing zealots out to destroy Bill Clinton. It would be convenient for Republicans to lay the blame squarely at the feet of the President for his behavior. But this goes much deeper than that.

What began 25 years ago with Watergate as a solemn and necessary process to force a President to adhere to the rule of law has grown beyond our control so that now we are routinely using criminal accusations and scandal to win the political battles and ideological differences we cannot settle at the ballot box. It has been used with reckless abandon by both parties; Democrats and Republicans, and we are now at a point where we risk, deeply risk, wounding the Nation we all love.

We cannot disagree, it seems; we cannot forcefully advocate for our positions, without trying to criminalize or at least dishonor our adversaries over matters having nothing to do with public trust. And it is hurting our country, it is marginalizing and polarizing this Congress.

I want to be clear. I am not pointing fingers at Republicans. The Democrats investigated John Tower for allegations not too dissimilar from allegations against the President. The gentleman from Georgia (Mr. GINGRICH) led the investigation which brought down Speaker Wright, and Speaker GINGRICH was investigated and brought down as well. The ledger between the two parties is pretty much even.

Today we are upping the ante. The President could be removed from office over a matter that most Americans feel does not come close to the level of high crimes and misdemeanors as written in our Constitution. I expect history will show that we have lowered the bar on impeachment so much we have broken the seal on this extreme penalty so cavalierly that it will be used as a routine tool to fight political battles. My fear is that when a Republican wins the White House Democrats will demand payback.

Mr. Speaker, in Greek mythology, in the Oresteia, a trilogy of ancient Greek plays by Aeschylus, the warring factions of the House of Atreus trapped themselves in an escalating chain of revenge.

* * * such that Atreus serves his brother a pie that contained his brother's own murdered children. It was the end of what was once a noble family. A noble House.

Let us not become a House of Atreus. Let us reject the instinct for revenge and embrace instead a greater sense of justice for the sake of our Republic.

That is why I leave the institution that I cherish and respect with a heavy heart. I know we are better than what we have shown.

But I fear that the road that we are on will lead us to ruin. It is time to get off.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), who served in Vietnam and was recommended for the Medal of Honor.

Mr. CUNNINGHAM. Mr. Speaker, I had served on the Committee on National Security in authorization. I now serve on the Subcommittee on National Security of the Committee on Appropriations, and I want to tell my colleagues, every single member on those two committees, I have the greatest respect for what they try to do to bolster our military and our men and women. And my colleagues, some of them say, "Why not wait? Why can't we wait just a few days?"

The President of the United States last night deployed ground troops to Iraq. Just imagine, just imagine what would happen if Saddam Hussein goes into Kuwait again, and the turmoil and the loss of lives, and think about how difficult it would be to bring up a resolution like this if we waited.

There has been talk about Ramadan. Well, there is another religious holiday: Christmas. Think about how hard it would be to bring up this resolution.

If this goes beyond January 6 into a next Congress, then we have a constitutional problem. And the public, they want this over. I agree they want it over, and that is why we are proceeding on, to get it over. We would have to start this process all over again. The public does not want that I say to the gentleman from Illinois (Mr. HYDE) or the gentleman from Michigan (Mr. CONYERS); they want it done.

As a matter of fact, talk about polls; in the Washington Post poll they talked about if this article goes through, almost 60 percent of the American people would ask the President to resign. It is not for the President. It is because they do not want this thing to go on, and we are going to do that.

Mr. Speaker, I have a tape here. I would love to play it for the gentleman from Michigan (Mr. CONYERS) sometime. It is 18 SAMs (surface-to-air missiles), SA-2s, going off in pairs over Vietnam.

When we talk about at a time like this, our troops are fighting. Not once did I ever worry about what was going on in Congress. I worried about the strike mission, about where the SAMs were, where the triple A (anti-aircraft artillery) was, about getting back to my carrier alive.

They do not care what is going on here. They want this over, too. That is not a factor in this. Our men and women are fighting and dying.

I have got a friend named Bug Roach. He was flying a 25-year-old aircraft, an A-4 Skyhawk. His engine quit over Whiskey 291. It is a training area in the Pacific, west of San Diego. When he tried to eject, his seat did not work. Do my colleagues have any idea what it is like to talk to his family?

Do not cut defense any more. If my colleagues want to support our troops, do not cut defense, with the Progressive Caucus that wants to cut it an additional 50 percent. Bolster our troops.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, the precedents show and the Nation's leading scholars and historians overwhelmingly agree that impeachment is reserved under the Constitution only for abuses of presidential power that undermine the structure of functioning of government or of constitutional liberty. It is not intended as a punishment for crimes but as a protection against the President who would abuse his powers to make himself a tyrant. That is why Benjamin Franklin called impeachment a substitute for assassination.

We are told that perjury is as serious an offense as bribery, a per se impeachable offense, but bribery goes to the heart of the President's conduct of his constitutional duties. It converts his loyalties and efforts from promoting the welfare of the Republic to promoting some other interest.

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Perjury is a serious crime and, if provable, should be prosecuted in a court of law. But it may or may not involve the President's duties and performance in office. Perjury on a private matter, perjury regarding sex, is not a great and dangerous offense against the Nation. It is not an abuse of uniquely presidential power. It does not threaten our form of government. It is not an impeachable offense.

The effect of impeachment is to overturn the popular will of the voters. We must not overturn an election and remove a President from office except to defend our system of government or our constitutional liberties against a dire threat, and we must not do so without an overwhelming consensus of the American people.

There must never be a narrowly voted impeachment or an impeachment supported by one of our major political parties and opposed by another. Such an impeachment will produce divisiveness and bitterness in our politics for years to come, and will call into question the very legitimacy of our political institutions.

The American people have heard the allegations against the President, and they overwhelmingly oppose impeaching him. They elected President Clinton, they still support him. We have no right to overturn the considered judgment of the American people.

Mr. Speaker, the case against the President has not been made. There is far from sufficient evidence to support the allegations, and the allegations, even if proven true, do not rise to the level of impeachable offenses.

Mr. Speaker, this is clearly a partisan railroad job. The same people who today tell us we must impeach the President for lying under oath, almost to a person voted last year to reelect the Speaker who had just admitted lying to Congress in an official proceeding.

The American people are watching, and they will not forget. You may have the votes, you may have the muscle, but you do not have the legitimacy of a national consensus or of a constitutional imperative. This partisan coup d'etat will go down in infamy in the history of this Nation.

Mr. Speaker, today, for only the second time in our nation's history, this House meets to consider articles of impeachment against a President of the United States. This is a momentous occasion, and I would hope that, despite the sharp partisan tone which has marked this debate, we can approach it with a sober sense of the historic importance of this matter.

I believe that we need to get back to basics—the Constitution and what the impeachment power conferred on the Congress requires of us. Article II, section 4 of the Constitution says that a President "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." We have received testimony from some of the nation's leading legal scholars and historians who agree that impeachable offenses are those which are abuses of Presidential power that undermine the structure or functioning of government, or constitutional liberty.

Benjamin Franklin called impeachment a "substitute for assassination." It is, in fact, a peaceful procedure for protecting the nation from despots by providing a constitutional means for removing a President who would misuse his presidential power to make himself a tyrant or otherwise undermine our constitutional form of government. To impeach a President, it must be that serious.

The history of the language is also clear. At the Constitutional Convention, the Committee on Style, which was not authorized to make any substantive changes, dropped the words "against the United States" after the words "high crimes and misdemeanors" because it was understood that only high crimes and misdemeanors against the system of government would be impeachable—that the words "against the United States" were redundant and unnecessary.

History and the precedents alike show that impeachment is not a punishment for crimes, but a means to protect the constitutional system, and it was certainly not meant to be a means to punish a President for personal wrongdoing not related to his office. Some of our Republican colleagues have made much of the fact that some of the Democrats on this Committee in 1974 voted in favor of an article of impeachment relating to President Nixon's alleged perjury on his tax returns, but the plain fact is that a bipartisan vote of that Committee—something we have not yet had in this process on any substantive question—rejected that article. That's the historical record, and it was largely based on the belief that an impeachable offense must be an abuse of Presidential power, a "great and dangerous offense against the Nation," not perjury on a private matter.

We are told that perjury is as serious an offense as bribery, a per se impeachable offense. But bribery goes to the heart of the President's conduct of his constitutional duties—it converts his loyalties and efforts from promoting the welfare of the Republic to promoting some other interest. Perjury is a serious crime—and, if provable, should be prosecuted in a court of law. But it may, or may not, involve the President's duties and performance in office. Perjury on a private matter—perjury regarding sex—is not a "great and dangerous offense against the Nation." It is not an abuse of uniquely Presidential power. It does not threaten our form of government. It is not an impeachable offense.

The effect of impeachment is to overturn the popular will of the voters as expressed in a national election. We must not overturn an election and remove a President from office except to defend our very system of government on our constitutional liberties against a dire threat. And we must not do so without an overwhelming consensus of the American people and of their Representatives in Congress on its absolute necessity. There must never be a narrowly voted impeachment, or an impeachment substantially supported by one of our major political parties and largely opposed by the other. Such an impeachment will lack legitimacy, will produce divisiveness and bitterness in our politics for years to come, and will call into question the legitimacy of our political institutions. The American people have heard all the allegations against the President and they overwhelmingly oppose impeaching him. The people elected President Clinton. They still support him. We have no right to overturn the considered judgment of the American people.

There are clearly some members of the Republican majority who have never accepted the results of the 1992 or 1996 elections, and who apparently have chosen to ignore the message of last month's election, but in a democracy, it is the people who rule, not political elites—and not members of political elites who were repudiated at the last election. Some members of the House may think the people have chosen badly, but it is the people's choice and we must respect it absent a threat to our democracy that would justify overturning the repeated expression of their will at the ballot box. Members of Congress have no right to arrogate to themselves the power to nullify an election absent that compelling case.

The Judiciary Committee also received testimony from some outstanding former prosecutors, including the former Republican Governor of Massachusetts, William Weld, who headed up the Criminal Division of Ronald Reagan's Justice Department, who compellingly explained why all the loose talk about perjury and obstruction of justice would not hold up in a real prosecutor's office—that the evidence we have been given would never support a criminal prosecution in a real court of law.

For those who demand that the President prove his innocence, without his accusers having to provide his guilt or even to state clearly the charges, the Judiciary Committee received answers from the President's Counsel, Mr. Ruff, and from the Committee's Minority Counsel, Mr. Lowell this morning, in which they meticulously pointed out, using Mr. Starr's own work, how the charges were not supported, and were indeed contradicted, by the evidence Mr. Starr's own office had assembled. In fact, Mr. Starr has stated in his referral to Congress, that his own "star witness" is not credible, except when her uncorroborated testimony conflicts with the President's, and then it proves his perjury.

We have received sanctimonious lectures from the other side about the "rule of law," but the law does not permit perjury to be proved by the uncorroborated testimony of one witness. Nor does the law recognize as corroboration the fact that the witness made the same statement to several different people. You may choose to believe that the President was disingenuous, that he was not particularly helpful to Paula Jones' lawyers when they asked him intentionally vague questions, or that he is a bum, but that does not make him guilty of perjury.

This House is not a grand jury. To impeach the President would subject the country to the trauma of a trial in the Senate. It would paralyze the government for many months while the problems of Social Security, Medicare, a deteriorating world economy, and all our foreign concerns festered without proper attention. We cannot simply punt the duty to judge the facts to the Senate if we find mere "probable cause" that an impeachable offense may have been committed. To do so would be a derogation of our constitutional duty. The proponents of impeachment have provided no direct evidence of impeachable offenses. They rely solely on the findings of an "independent" counsel who has repeatedly mischaracterized evidence, failed to include exculpatory evidence, and consistently misstated the law. We must not be a rubber stamp for Kenneth Starr. We have been entrusted with this grave and dangerous duty by the American people, by the Constitution and by history. We must exercise that duty responsibly. At a bare minimum, that means the President's accusers must go beyond hearsay and innuendo, and beyond demands that the President prove his innocence of vague and changing charges. They must provide clear and convincing evidence of specific impeachable conduct. This they have failed to do.

If you believe the President's admission to the grand jury and to the nation of an inappropriate sexual relationship with Ms. Lewinsky, and his apologies to the nation, were not abject enough, that is not a reason for impeachment. Contrition is a remedy for sin, and is certainly appropriate here. But while insufficiency of contrition may leave the soul still scarred, unexpiated sin proves no crimes and justifies no impeachment.

Some say that if we do not impeach the President, we treat him as if he is above the law.

Is the President above the law? Certainly not. He is subject to the criminal law—to indictment and prosecution when he leaves office like any other citizen, whether or not he is impeached. And if the Republican leadership allows a vote, he would likely be the third President in U.S. history, and the first since 1848, to be censured by the Congress

But impeachment is intended as a remedy to protect the nation, not as a punishment for a President.

The case is not there—there is far from sufficient evidence to support the allegations, and the allegations, even if proven, do not rise to the level of impeachable offenses. We should not dignify these articles of impeachment by sending them to the Senate. To do so would be an affront to the Constitution and would consign this House to the condemnation of history for generations to come.

Mr. Speaker, this is clearly a partisan railroad job, the same people who today tell us we must impeach the President for lying under oath, almost to a person, voted last year to reelect a Speaker who had just admitted lying to Congress in an official proceeding about abuse of the Tax Laws for particular purposes. The American people are watching, and they won't forget. You may have the votes, you may have the muscle, but you lack the legitimacy of a national consensus and the Constitution. This partisan coup d'etat will go down in the history of this nation in infamy.

Mr. SENSENBRENNER. Mr. Speaker, I yield six minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, a comment and a perspective from my point of view. Thus far the debate in this House I believe has brought honor to the House and is serving the American people well. Some of the rhetoric I disagree with, but that is what a debate is all about. I choose now to not use rhetoric, but to talk about the facts.

I will talk to you about Article IV, abuse of power, and the offenses against this institution, the Congress, by the President of the United States. It is the one article that is very similar to the Watergate impeachment of President Nixon. Article IV is very similar to Article III in the Nixon case, and I will talk about that just in a moment, but first a quick summary from my perspective of what brought us here.

What brought us here is not partisanship, but the conduct of one man who happened to be the President, who happened to be elected by the people and given the most solemn responsibility in the Nation, to be the chief law enforcement officer of the land, and he failed miserably in that responsibility and he deserves to be impeached based on what he did, not what I think about him, not how I voted, but what he did.

Article I, grand jury perjury. Mr. Speaker, remember the context in which the perjury occurred. The President several months before had given false testimony in a deposition. The President was begged by members of both parties in the House and Senate, "Mr. President, do not go into the grand jury and lie again. Do not give false or misleading or perjurious testimony again, because you put your presidency at stake; you do a disservice to this country."

Unfortunately, Mr. Speaker, based on the facts, not based on my feelings, based on overwhelming facts, the President of the United States chose in August, months after being warned not to do it, he chose to lie to a Federal grand jury. He abused the 23 citizens who were trying very hard to get it right. He abused the Federal court system. It was his fault, and no one else's.

Mr. Speaker, any President of the United States, regardless of party, that goes to a Federal grand jury in the future, let it be said by as many Members of the House that can say it, you are subject to being impeached if you do that.

Article II, who is the injured party? Consensual sex, this is colored by sex, but there is a moment in time, Mr. Speaker, where the allegations about sex were anything but consensual.

The day the President gave deposition testimony in the Paula Jones case, the allegations were far from consensual. They were rude and crude. He was put under oath, he was asked questions with a Federal judge sitting in front of him, and the injured party was Paula Jones, because he chose to lie in a sexual harassment suit. That is nonconsensual sex, the topic. He chose to deny a citizen their fair day in court. The President turned the justice system upside down on many occasions for his personal gain, and that is why we are here today.

Article III, the President of the United States, while being in a litigation matter against an average, everyday citizen, chose to go to witnesses and try to get them to lie and provide false testimony, chose to go and plant stories about witnesses that were false, that were malicious. The President of the United States tried to cheat a litigant out of a fair day and trial. Let it be said that at anytime, anywhere, regardless of party, in the future if you do that as president, you are subject to being impeached.

Article IV, who is the injured party? We are the injured party. Here is what happened in Article IV. This House by House Resolution 581, 360 votes, I believe, authorized the Committee on the Judiciary to inquire into the allegations against the President. Mr. Speaker, we can that.

Part of that inquiry, what we chose to do was submit questions to the President to flesh out the facts. Eighty-one questions were sent to flesh out the facts in this case by Chairman Hyde, and the President was asked under oath to give answers to those questions as part of our inquiry.

Mr. Speaker, unfortunately, the President lied in January to injure Paula Jones, he lied to the Federal grand jury to injure the Federal court system in this case, and I think the facts are overwhelming that he gave false, misleading and perjurious testimony to the Congress as part of our inquiry.

Let me tell you how that is similar to the Nixon case. Article III of impeachment against Richard Nixon, the article was based on the idea that Richard Nixon as president failed to comply with subpoenas of Congress. Congress was going through its oversight function to provide oversight of the President. When asked for information, Richard Nixon chose not to comply, and the Congress back in that time said, "You are taking impeachment away from us. You are becoming the judge and jury. It is not your job to tell us what we need; it is your job to comply with the things we need to provide oversight over you."

The day Richard Nixon failed to answer that subpoena is the day that he was subject to impeachment, because he took the power from Congress over the impeachment process away from Congress and he became the judge and jury; and the day that William Jefferson Clinton failed to provide truthful testimony to the Congress of the United States is the day that he chose to determine the course of impeachment. He usurped our power, he abused his authority, he gave false information. That, to me, Mr. Speaker, is the same as giving no information at all. Actually, I think it is worse.

So I believe these articles will stand the test of time, they will stand a factual scrutiny that has to be done, and the only way to avoid impeachment is to leave your common sense at the door, defy the way the world works and ignore the facts and talk about something else.

We are the victim of Article IV. If you believe he committed grand jury perjury, I think it would be incumbent upon you to find him guilty of Article IV, because the underlying conduct that led to perjury in the grand jury was reasserted in the 81 questions, and he gave the same false, misleading, unbelievable answers. William Jefferson Clinton's impeachment is based on what he did, and no one else.

Mr. CONYERS. Mr. Speaker, I am pleased to yield three minutes to the gentleman from Wisconsin (Mr. BARRETT), perhaps our newest member on the Committee on the Judiciary.

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a sad day. It is a sad day for our democracy. I cannot defend President Clinton's actions. He failed to tell the truth and he failed to cooperate. He must be held accountable. And although I cannot defend President Clinton's actions, I can and must defend our Constitution. Our Constitution does not allow us, no, it does not allow you, to remove a President from office because you cannot stand him.

That is not an unfair allegation. It is not an unfair allegation, because the vast majority of the people voting for impeachment today voted to reelect our Speaker, even though he had submitted information, false information, to the Committee on Standards of Official Conduct of this House, the judicial branch of this House. Even though the Speaker had submitted false information to the judicial branch of this House, the majority of people here voted to reelect him as Speaker.

It is not an unfair allegation, because when the Secretary of Defense under President Bush was duly indicted by a Federal grand jury for perjury and he was pardoned by the President of the United States, George Bush, the silence on this side of the aisle was deafening. There were no claims from this side of the aisle that this was injustice. There were no claims that somehow our military would be damaged. There were no claims that somehow the pillars of democracy were damaged by perjury by the Secretary of Defense.

There is one difference, and only one difference, between the false allegations submitted by Speaker GINGRICH and the perjury allegations against the Secretary of Defense and the President of the United States, and that difference is he is a Democrat. He is a Democrat, and so we are going to go after him.

I feel bad for this institution today, because I think it is acting unfairly. I trust that every member there is voting his or her conscience. I will give you that, because I trust the conscience of this institution.

But what is happening today is the conscience of this institution is being strangled. It is being strangled for the cause of raw partisan politics.

Every person here today knows that the American people believe the President should be held accountable. Every person here today knows that the appropriate remedy lies within this institution.

We can do it. We disagree, and there is an honest disagreement as to whether impeachment is the appropriate remedy or censure is the appropriate remedy, but it is the ultimate unfairness to deny Members on this side of the aisle and Members on that side of the aisle the right to vote their conscience for censure.

If we believe in the conscience of this institution, let us let the conscience of the institution display itself.

Mr. SENSENBRENNER. Mr. Speaker, I yield 45 seconds to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I want to respond to the point that has just been made concerning the conduct of the Speaker of the House. It is inaccurate to compare the situation involving the Speaker of the House with a case that is now before us. It is admitted that the Speaker submitted inaccurate information, there is no question that that was admitted. But the Committee on Standards of Official Conduct did not find that the Speaker was guilty of intentionally submitting false information. That was a finding that was not made.

In the case before us, there is a critical distinction. In the case before us, there is overwhelming evidence that the President of the United States willfully, time after time after time, lied under oath. It is a very, very different case than the submission of inaccurate information by the Speaker.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the gentleman from Wisconsin (Mr. BARRETT) brought up the issue of censure to this House, and I would like to address it at this time. While I appreciate the intentions of the supporters of censure, I, nonetheless, urge Members to oppose it, because it is a fraud and assault upon the Constitution.

Censure is not an authorized alternative to impeachment. Congress has the express constitutional authority to censure its own Members for misconduct, but there is no expressed authority in the Constitution for Congress to censure the President. Impeachment is the only power in the Constitution granted to Congress to address presidential misconduct and dereliction in his executive duties.

The Founding Fathers set high standards for impeachment, and by also providing that conviction requires a two-thirds vote in the Senate to remove the President from office, the ensured impeachment would not become a method for Congress to harass executive or judicial officials.

A censure resolution would fly in the face of the separation of powers doctrine. Congress cannot make it up as we go along. Constitutional scholar Gary McDowell stated, "Impeachment is the only power granted by the Constitution to Congress to deal with errant executives. Had the founders intended some other means of punishment to be available to your branch they would have said so, as Chief Justice Marshall once said, 'in plain and intelligible language.' That they did not do so should be your only guide in this grave and sensitive matter."

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The temptation to do anything possible to avoid exercising the awful constitutional power of impeachment is obvious and is understandably great. But such a temptation to take the easy way out by assuming a power not granted should be shunned by this House. And should President Clinton, as a result of bad advice or political pressure, agree to such unconstitutional punishment as censure by this House, that would be a breach of his constitutional obligations and his oath of office, as great as anything else for which he has been accused of by the Committee on the Judiciary. The great office he is privileged to hold deserves his protection against any ill-considered censorious assault from Congress.

President Andrew Jackson, one of our distinguished Presidents who is known as the Father of the Democrat Party, was censured by the Senate and after the election the Senate then expunged the censure.

President Jackson's words shed great light on our challenge today even though they were penned over 150 years ago. President Jackson wrote that the very idea of censure is a "subversion" of the powers of government and "destructive of the checks and safeguards" of governmental power. President Jackson rightfully claimed that censure was "wholly unauthorized by the Constitution" and is a "derogation of the entire spirit."

The framers of the Constitution purposely avoided granting the legislature power to impose nonjudicial punishments. Such bills are condemned in the Constitution because they represent a legislative encroachment on the powers of the judiciary. It is called a bill of attainder. It pronounces the guilt upon a party without any forms or the safeguards of a trial.

An integral part of the censure debate in the Committee on the Judiciary was whether the purpose of the censure that was offered was to punish the President. In answer to my questions on the intent, one of the authors, Mr. BOUCHER of Virginia, stated that it is not our purpose to have findings of guilt, it is not our purpose to punish the President. However, a close examination of the wording of the censure resolution appears that the explicit and the implicit purpose would be to shame the President, to voice disdain for his actions, which undermine the integrity of the Office of the President, to reprove his dubious, if not criminal acts, i.e., to punish.

The censure resolution offered in the Committee on the Judiciary uses such words and phrases as, "The President egregiously failed," he "violated the trust of the American people," he "lessened their esteem," he "dishonored his office," he "made false statements, reprehensible conduct, wrongfully took steps to delay the discovery of the truth," and then therefore cites that he "fully deserves the censure and condemnation of the American people."

Mr. Speaker, these words and phrases are not remedial. On the contrary, the intent is to shame and condemn the President's misconduct and impugn his reputation and is, therefore, a prohibited bill of attainder. It is unconstitutional in its form, and the idea is clearly in violation of a bill of attainder.

Now, some Members of Congress are arguing that censuring the President is a better idea because it is "what the American people want." I believe the American people want their elected officials to honor their oath, defend the Constitution in accordance with the laws of this Nation. Further, the American people want their elected representatives to take a stand on matters of national importance, such as the integrity of our judicial system and for Members of the House and the Senate to exercise their judgment in matters of statecraft based upon their intellect, not their emotions of the moment.

The facts and evidence in this case are overwhelming; the allegations are grave. Censure is not an alternative to impeachment.

While I appreciate the intentions of the supporters of censure, I nonetheless must oppose it because it is a fraud and an assault upon the Constitution. Censure is not an authorized alternative to impeachment.

Congress has the expressed Constitutional authority to censure its own members for misconduct. But, there is no expressed authority in the Constitution for the Congress to censure the President.

Impeachment is the only power in the Constitution granted to Congress to address presidential misconduct and dereliction of his executive duties. The Founding Fathers set high standards for impeachment by providing that conviction requires a two-thirds vote in the Senate, to remove the President from office. They insured impeachment would not become a method for Congress to harass executive or judicial officials. A censure resolution would fly in the face of the separation of powers doctrine. Congress cannot make it up as we go.

Constitutional scholar Gary McDowell testified:

> Impeachment is the only power granted by the Constitution to the Congress to deal with errant executives. Had the Founders intended some other means of punishment to be available to your branch they would have said so, as Chief Justice Marshall once said, "in plain and intelligible language." That they did not do so should be your only guide in this grave and sensitive matter.
>
> The temptation to do anything possible to avoid exercising the awful constitutional power of impeachment is obviously and understandably great. But such a temptation to take the easy way out by assuming a power not granted should be shunned. And should President Clinton, as a result of bad advice or political pressure, agree to such an unconstitutional punishment as a censure (by the House), that would be a breach of his constitutional obligations as great as anything else of which he has been accused. The great office he is privileged to hold deserves his protection against any ill-considered censorious assault from Congress.

President Andrew Jackson, one of our distinguished presidents who is known as a father to the Democrat Party, was censured by the Senate and after the next election, the Senate then expunged the censure.

President Jackson's words shed great light on our challenge today even though they were penned over 150 years ago. President Jackson wrote that the very idea of censure is a "subversion" of the powers of government and "destructive of the checks and safeguards" of governmental power. President Jackson rightly claimed that censure was "wholly unauthorized by the Constitution" and is a "derogation of its entire spirit."

The Framers of the Constitution purposely avoided granting the legislature the power to impose nonjudicial punishment. Such bills are condemned in the Constitution because they represent "legislative encroachment on the powers of the judiciary." A bill of attainder "pronounces upon the guilt of the party, without any of the forms or safeguards of trial."

An integral part of the censure debate in Committee was whether the purpose of censure is to punish the President. In answers to my questions regarding the intent one of the authors, Mr. BOUCHER of Virginia, stated: "It is not our purpose to have findings of guilt. It is not our intent to punish the President."

However, a close examination of the wording of the censure resolution appears that the explicit and implicit purpose would be to shame the President, to voice disdain for his actions which undermine the integrity of the office of the President, to reprove his dubious if not criminal acts . '. . to punish.

The censure resolution offered in the Judiciary Committee used such words and phrases as "egregiously failed," "violated the trust of the American people," "lessened their esteem," "dishonored the office," "made false statements," "reprehensible conduct," "wrongly took steps to delay discovery of the truth," and "fully deserves the censure and condemnation." The use of these words and phrases is not remedial, on the contrary, the intent is to shame and condemn the President's misconduct and impugn his reputation. It is a prohibited bill of attainder and therefore unconstitutional.

Some Members of Congress argue that censoring the President is a better idea than impeachment because that "is what the American people want." But I believe the American people want their elected officials to honor their oath, defend the Constitution, and act under and in accordance with the laws of their Nation. Further, the American people want their elected representatives to take a stand on matters of national importance, such as the integrity of our justice system, and for Members of Congress and the Senate to exercise judgment in matters of statecraft based on their intellect, not the emotions of the moment.

The facts and evidence in this case are overwhelming; the allegations are grave. Impeachment is the only power granted to the House to deal with the President's alleged criminal misconduct.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, today's historic and tragic vote is not about whether any of us condone the private behavior of the President. It is, however, about whether we are committed to uphold the Constitution, the touchstone of our freedom and the articulation of the genius of our democratic government's separation of powers and adherence to the democratic transfer of power.

Nor is this vote about whether the President of the United States is above the law. He is not. Indeed, as has been amply demonstrated over the past 6 years, even the President, as must each of his fellow citizens, must respond to the demands of the law.

Moreover, it is clear that upon leaving office, the President could be held accountable in a court of law if charges were to be brought against him alleging the wrongdoing of which the Committee on the Judiciary Republicans have accused him of today.

Nor, as some claim, is this vote about process or simply moving this weighty matter from our calendar to that of the United States Senate: A Pontius Pilate-like act, presumably designed to rationalize the profoundly precedent-setting action that this House now contemplates.

Nor do I for one second believe that this vote is about setting a marker for the young on what conduct will be sanctioned or allowed to stand. Our Nation and our sustaining values will survive one man's failings. But our democracy will be threatened if we destroy the due process and high standard that the Founding Fathers established over 2 centuries ago.

The process that the majority has pursued in this matter has been partisan, driven, I believe, by animus, and exceedingly unfair. Like so many other acts of these last two Congresses, it has been unworthy of our duty and of our responsibility.

At the beginning of this Congress, after almost 30 years of House precedent, the Committee on House Oversight moved to allow a case to go forward to remove the gentlewoman from California (Ms. SÁNCHEZ), who had been elected by the people of California to this body. They spent over $1 million to do so on the expressed theory that they were simply moving the process forward. It was my contention then that there was no case at the outset, and it was the irrefutable conclusion that there was no case at the end.

Later on, because the President defied them in 1995, they shut down the government. They threatened to do so again this year, if the President defied them. Today they seek to substitute, in my opinion, their judgment for the will of the American people and remove their nemesis from the position to which the American people, over their objection, elected him. If I believed that the conduct of this President had threatened our Nation's security or undermined the operation of our government, or put at risk the principles of our democracy, I would vote to impeach.

But I am absolutely convinced of the opposite. I have said that the President's conduct has defamed himself and his Presidency. But it has not amounted to treason. It is not a case of bribery. And, as so many scholars of all political and philosophical stripes have testified, it does not amount to high crimes and misdemeanors endangering our freedom or our democracy.

The President may well be accountable on another day.

But, today, I clearly see it as my duty, consistent with the oath that each of us took to preserve and protect the Constitution, and to the stability of our democracy for generations to come to reject and oppose these articles of impeachment. And, I shall, therefore, vote "no" on each of them.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Speaker, I thank the gentleman for yielding.

First, I observe a bit of irony in the fact that our friends on the other side now are so quick to hurl charges of "shutting down the government" today, yet they ask us to shut down both the government and our constitutional process that obligates us to proceed.

The gentleman from South Carolina a few minutes ago was absolutely right. It is both false and unfair to characterize these articles of impeachment as relating solely to consensual sex. That is not the case. Lawyers did not just show up one day and begin to question the President's personal lifestyle. The President was a defendant in a civil rights sexual harassment lawsuit, and just like every other defendant in those types of cases around the country, he was ordered by a Federal judge supervising that case to answer under oath questions relating to his pattern of conduct as both governor and President with respect to female subordinate employees. That is the context in which the questions were asked, and that is the context in which perjurious answers were given.

Now, in a desperate last-ditch attempt to insulate this President from any constitutional accountability for his conduct, his defenders are forced to trivialize felony perjury. How trivial is perjury to the person who loses a child custody case or goes to prison because perjured testimony was offered as a truth in a court of law? What is the impact on our system of justice when perjury is marginalized or excused for embarrassment, inconvenience, or to insulate one's self as was done here in a sexual harassment case?

Listen to the words of the United States Supreme Court on the subject of perjury: "In this constitutional process of securing a witness' testimony, perjury simply has no place whatsoever. Perjured testimony is an obvious and flagrant affront to the basic concepts of judicial proceedings. Congress has made the giving of false answers a criminal act, punishable by severe penalties; in no other way can criminal conduct be flushed into the open where the law can deal with it."

Mr. Speaker, our Supreme Court characterizes perjured testimony not as trivial conduct, but as criminal conduct.

This Congress must decide whether we will turn a blind eye to allegations respecting the subversion of the courts, the search for truth, and the perjurious abuse of a young woman in a sexual harassment lawsuit.

If we allow perjury to be viewed as a sign of legal finesse, we will be responsible for setting the standard that any future President may lie under oath for any personal convenience and may do it without regard to constitutional consequences. Under this perversion of the law, any President may commit perjury for reasons of self-interest and thereby trample his constitutional obligation to ensure that our laws are faithfully executed. The Congress must not insulate from constitutional accountability those who repeatedly violate their sacred oath.

The evidence against the President on this score is overwhelming, and so too is Congress's constitutional obligation. We must keep faith with our founders' dream that a Nation could rise and be sustained where no person is above the law.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces that the gentleman from Wisconsin (Mr. SENSENBRENNER) has 9 minutes remaining, and the gentlewoman from California (Ms. WATERS) has 17½ minutes remaining.

The gentlewoman from California (Ms. WATERS) is recognized.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN), a distinguished member of the Committee on the Judiciary.

Mr. MEEHAN. Mr. Speaker, as we approach the end of the House's role in this dreadful process, the words I want to leave with my colleagues are those of history. Here is how one prominent historian describes the impeachment of Andrew Johnson: "The impeachment was a great act of ill-directed passion, and was supported by little else. It was rather like an immense balloon filled with foul air, the most noisome elements of which were those most active."

I am sick at heart today, for I fear that the words used to describe the Johnson impeachment will come to characterize what this House is about to do. Impeachment based not on reason, but on rancor.

Yet it is not history's verdict alone that I fear. I also fear how our actions will shape history. Will the House now have license to engage in free-wheeling speculation about how a President's private wrongs bear upon his or her capacity to govern, and then to pursue the removal of those whom it deems unfit? If so, I fear for the very concept that Presidents are to be chosen directly by the people, not by the legislature.

Will the vote over whether or not to impeach the President of the United States now display the same degree of partisan division that our votes on school vouchers and environmental riders have?

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If so, I fear that generations to come will view impeachment to be of no greater gravity than those lesser issues.

Will censure now be derided as unconstitutional? If so, I fear that that precedent will gag the House when it desires to express its formal opinion on another subject on another day.

Will an Independent Counsel's fact-finding be the sole record upon which the House votes to impeach a president? If so, I fear for future presidents of either party whose tenure in office might be threatened by the sort of overreaching that we have all accused independent counsels at one time or another.

Will we now compel the ship of State in one direction while the rudder of popular opinion clearly points in the opposite direction? If so, I fear for the notion that consensus among the public counts for something when this House takes up the gravest of matters of State.

I fear for our Republic on this dreadful day. I fear for America today.

Ms. WATERS. Mr. Speaker, I yield 3 minutes and 10 seconds to the gentleman from North Carolina (Mr. HEFNER), the respected retiring member of the Committee on Appropriations.

Mr. HEFNER. First of all, Mr. Speaker, I would like to say that the 24 years that I have spent in this House has been the greatest experience of my life. The last vote that I will be called upon to cast in this House is the most troubling vote that I have made in the 24 years that I have been in this House.

It bothers me about the venom and the hatred, and the comraderie that is nonexistent in this House anymore. Hate is a terrible thing. Hate is a cancer that eats at us. It shows in our face, it shows in our walk, and it is something you cannot treat with chemotherapy, you cannot treat it with any drugs. You have to treat it with compassion and love.

President Clinton is my friend, but the notion is that President Clinton has to go, because the word is, we have to get this done. There is no doubt about it, the President has to go. On the Committee on the Judiciary, I watched hours after hours of the Committee on the Judiciary. The members said the President has shown no contrition. He shows no contrition.

I do not know if Members saw the moment when the President of the United States stepped out from the meeting with the ministers at the White House. It was not a call thing, it was an annual thing that they have.

He stood before the entire world, before the microphones and the television cameras that were carried all over the world, and he stood by himself and said, I have sinned. The most powerful man on the face of the earth stood bare before the world and said, I have sinned, and I ask forgiveness from anyone that I have caused pain to. I ask forgiveness from Ms. Lewinsky.

I talked with him on two occasions after he made that statement. The man is contrite. I do not judge that he has had a talk with his maker, but I have tried to talk with the news media to express another opinion, and nobody wants to hear that.

If we turn on the newscasts, they start off either with the President saying, I never had sex with that woman, I never had sex with that woman, or hugging Ms. Lewinsky. I have yet to see one newscast where anywhere in it, or starting with it, that shows the President of the United States showing contrition; where he says, I have sinned, and I ask God's forgiveness. I have sinned, and I ask forgiveness for anybody that I have caused pain to. For those of us who believe in contrition and forgiveness, it is very important to us.

I think that this is wrong. There is no reason, there is no reason that has been explained to me, or to this House, why we cannot have a vote on censure; no reason. Vote to give us a vote to censure the President, not condemn him and do away with him.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. DINGELL), the most senior Member of the House.

Mr. DINGELL. Mr. Speaker, what the President did was wrong, and what we are doing today is equally wrong. The process before us is unfair. The rights of the minority to offer necessary amendments or proper motions to recommit are being disregarded by the majority. It is an exercise of abuse of power by the majority on the rights of the minority.

We are taking here and creating a rule of law which does not exist. The rule of law says that we should exercise our proper conscience and do what is right. It says we should impeach the President if he has done that which is wrong, and which rises to the level of an impeachable offense.

Clearly, this is not an impeachable offense, because impeachable offenses were defined to mean great and dangerous offenses by George Mason, not ordinary offenses. They were attempts to, and again in the words of one of the Framers, subvert the Constitution. They constituted acts which were a danger to the office, a danger to the society, a danger to the Nation, a danger to the people.

Clearly that is not so. The President's behavior, as I said, is wrong; tawdry. The best thing that could be said, it is not a great event but it is a very small and small-minded set of events. This behavior should not initiate the impeachment processes.

There are a lot of points that need to be made today. They have historical and constitutional importance. Impeachment is for matters that involve a threat to the Nation, the Constitution, and the office.

Impeachment is a constitutional act of the House, referring to the Senate a finding of most serious misbehavior, as discussed above, which initiates a trial in the Senate, possibly resulting in removal from office of the person impeached.

Impeachment is primarily a political process. It is not a judicial or a legislative act. Impeachment participates in the character of an indictment by the grand jury, but impeachment is different and imposes different responsibilities on Members of the House.

Impeachment does not involve criminal consequences. It simply initiates a process to decide whether the officeholder shall continue in office or be removed. Impeachment is not a bar to subsequent criminal process, including indictment, trial, conviction, and punishment. While the President, under the Constitution, cannot be tried or indicted while in office, he may be subject and is subject to full process of the law upon leaving his office.

Mr. Starr, if he finds the events require indictment or action in a criminal court, may clearly take that action. I urge my colleagues to permit us to vote on something which is important, and that is censure. That is what the people want. That is what we should be doing today.

Mr. Speaker, the Constitution defines the basis for impeachment in the House, as . . . "The President . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

The Framers of the Constitution, in the words of George Mason, one of the leaders of the Constitutional Convention, found impeachable offenses to mean "great and dangerous offenses" and "attempts to subvert the Constitution." In other words, they meant no ordinary offenses, but they referred to acts attacking the security of the Nation, the primacy of the Constitution, or the basic functions and well being of the office involved. They felt the behavior should be so inconsistent with the responsibilities of the office that the people required removal of the office holder for their well being, the proper conduct of the office, and the welfare of the Nation.

While the behavior which could trigger the impeachment process can be criminal, and although the actions may be criminal in character, it need not necessarily be so.

There are a number of points to be made which have constitutional and historical importance:

(1) Impeachment is for matters involving behavior which constitutes a threat to the office, the Constitution, and the Nation.

(2) Impeachment is a Constitutional act of the House referring to the Senate a finding of most serious misbehavior, as discussed above, which initiates a trial in the Senate possibly resulting in removal from office of the person impeached.

(3) Impeachment is primarily a political process, not a judicial or legislative act.

(4) Impeachment participates in the character of an indictment by a grand jury. But impeachment is different and imposes different responsibility on members of the House.

(5) Impeachment does not involve criminal consequences. It simply initiates a process to decide whether an office holder shall continue in office or be removed.

(6) Impeachment is not a bar to subsequent criminal process, including indictment, trial, conviction, and punishment. While the President may not, under the Constitution, be indicted or subject to criminal process while holding office, he may be subject to the full process of criminal law for misbehavior immediately upon his leaving office.

Parenthetically, Mr. Starr said in the Judiciary Committee impeachment hearings that there is no bar to such action in the case of the President, including the running of the sundry applicable statutes of limitations.

(7) The Founding Fathers, and Framers of the Constitution, tried to make impeachment difficult. They especially feared constraints on the institutional power of the President or impairment of the office, or loss of balance between the branches of government. They especially feared efforts by one party controlling the legislative branch to remove the President of a different persuasion.

The Framers of the Constitution were much concerned that the legislative branch not be empowered to easily upset an election where the people spoke and selected their President.

Under these principles then, it becomes plain the question before us is whether the behavior of the President, although clearly wrong, rises to the level of an impeachable offense or offenses.

I find that the offenses do not rise to the level of impeachable offenses.

The actions of the President are wrong, arrogantly stupid, and possibly involve criminal misbehavior.

The last question, criminal misbehavior, can and should be addressed in the appropriate time and fashion.

My friend, Mr. HYDE, Chairman of the Judiciary Committee, has made it plain in statements on this matter that an impeachment effort not supported by the people will not succeed. I agree.

We should not lightly set aside an election where the people freely chose their President. We owe it to the Founders, and to the future, to not impair the separation of powers, or the necessary and proper power, as well as the freedom, of the Presidency. We owe it to the people of the United States not to cavalierly set aside their choice of Presidents.

Lastly, I remind all that the President was elected, not once but twice, and by significant majorities.

Listen to the people. This is a political process. It was expected by the Framers of the Constitution that this same political process would function as such. Politics and political process requires involvement of the people and that we who hold this responsibility listen carefully and respectfully to their wishes.

Listen to the people of America. They do not believe impeachment is a proper remedy for President Clinton's misbehavior. The people do not approve of Mr. Clinton's behavior, but they do not believe that the President's action rises to the level of impeachable offenses. They find no basis for us to take such action.

My Republican colleagues disregard the Constitution. They fabricate a rule of law which neither exists here, nor imposes on this House the action they would require. Rather, the rule of law requires us to exercise one of our highest and most important Constitutional responsibilities, deciding on whether to impeach the President with the utmost attention to the Constitution as defined for us by the Founding Fathers.

We are not acting here as a mere grand jury. We are exercising a Constitutional trust and duty of the highest order. We are deciding whether there is enough grave wrongdoing to meet the test of "high crimes and misdemeanors." This requires intelligence, attention, and discretion.

We are now deciding whether to precipitate a Constitutional crisis. We are deciding whether to create a great public controversy where the people will be divided by a process they do not want to go forward. We must now decide whether to put at risk the powers of the Presidency, not the well being a Bill Clinton.

All this is set against the wishes of the people who have spoken to us with clarity.

To my colleagues, I say, listen to the people. Look at your responsibilities, exercise your wide and necessary discretion, carry out your duty in voting no.

For the reasons above, I urge my colleagues to join me in voting no on the impeachment of President Clinton.

It is the right thing to do.

To my Republican colleagues and their leadership, I add, give us a process that is fair, that enables us to act with dispatch on matters the people want us to address.

The people want some action condemning the behavior of Bill Clinton. In a word they want censure of Bill Clinton for his serious misbehavior.

A careful but improper rewriting of both the Constitution and of the rules of the House by my Republican colleagues denies the people their right to have the Congress respond to their will.

Censure is a worthwhile and proper response by the House here to the situation and the will of the people. It is also possible under both the rules of the House and the Constitution. There are abundant precedents that Presidents have been censured before without any question of Constitutionality or anything else. President probably will be censured again.

Censure is a fair, proper, and a legal exercise of the power of the House. It does what the people want. It vindicates both the law and the feelings of the people. That cannot be said of the impeachment of Bill Clinton proposed by the republicans under a gag rule.

To the Republicans and their leadership, I say your behavior is unfair. It does you great discredit. It does not permit the House to choose among the most appropriate actions to be used here.

My colleagues, do what is right—allow a vote on impeachment, but allow, also, a vote on censure. Given a proper choice, the House can act properly and carry out both our Constitutional responsibilities and our duty to the people.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 4 minutes.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I ask unanimous consent that during further consideration of House Resolution 611, the previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) debate on the resolution for a period not to extend beyond 10 p.m. tonight, equally divided at the outset and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and one further hour of debate on Saturday, December 19, 1998, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) after such first period of debate, a motion to adjourn; and (3) one motion to recommit, with or without instructions, which, if including instructions, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

During consideration of a resolution appointing and authorizing managers for the impeachment trial of William Jefferson Clinton, President of the United States, the previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for a division of the question, except 10 minutes of debate on the resolution, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

When the House adjourns on Friday, December 18, 1998, it adjourns to meet at 9 a.m. on Saturday, December 19.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from Illinois?

Mr. CONYERS. Reserving the right to object, Mr. Speaker, I shall not object. I want to indicate the cooperation and concurrence of this side with the proposal, and I want to thank the gentleman from Illinois (Mr. Hyde), the chairman, for the cooperation in both our staffs working this out.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Michigan and I thank the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SENSENBRENNER. Mr. Speaker, was all that taken out of my time?

The SPEAKER pro tempore. It was not taken out of the gentleman's time, and the gentleman may proceed for 4 minutes.

Mr. SENSENBRENNER. Mr. Speaker, we have heard a lot about the notion of censure.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say to the gentleman from Michigan (Mr. Conyers), by mutual agreement, I would demand a division of the question by article.

The SPEAKER pro tempore. The question is divisible and will be divided for the vote by Article.

Mr. CONYERS. If the gentleman will yield, I would tell him, yes.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. Sensenbrenner) may proceed on his 4 minutes.

Mr. SENSENBRENNER. Mr. Speaker, we have heard a lot about censure. I think it is important to follow the constitutional and historical precedents of the House of Representatives in that censure is not an alternative.

We need look back in 1974, which was the last time the entire issue of impeaching the President of the United States came up. I would like to quote from the book, How the Good Guys Finally Won, Notes from an Impeachment Summer, by Jimmy Breslin, published by Ballantine Books in 1975.

This book quoted our former distinguished Speaker, Thomas O'Neill from Massachusetts, as follows:

> O'Neill went down the hall, picking his way through the tourists, to attend the meeting at which John Rhodes, the Republican leader of the House, gave it one last try for Nixon.
>
> Rhodes said he wanted the impeachment resolution recommitted with instructions that there should be a vote on censuring the President. "I am bitterly opposed to that," O'Neill said. "But you wouldn't be opposed to us having a vote on censure, would you?" Rhodes asked. "Yes, I would," O'Neill said.

I think that my friends on the other side of the aisle should listen to their former Speaker one last time, because on this one, he is right.

Mr. Speaker, today we enter the final stage of the impeachment process. For those of us who serve on the Committee on the Judiciary, this has been a difficult and exhausting time. We have reviewed 18 boxes of evidence. We have heard the Independent Counsel present his case. Constitutional and legal scholars have provided opinions and historical perspectives. The President's lawyers have made their case in his defense, and the gentleman from Illinois (Chairman Hyde) offered them 30 hours in which to do so. They did not use it all.

After examining and weighing all of this evidence and testimony, I believe that the President lied under oath, obstructed justice, and abused the power of his office by providing false statements to Congress in response to questions submitted by the Committee on the Judiciary.

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On Wednesday of last week, I asked the President's very able attorney, Charles Ruff, a very simple question, did the President lie. Mr. Ruff could easily have said no. Instead, he split legal hairs, and that sealed my decision to support impeaching President Clinton.

Mr. Speaker, most Americans are repelled by the President's actions. The toughest questions I have had to answer have come from parents who agonize over how to explain the President's behavior to their children. Every parent tries to teach their children the difference between right and wrong, to always tell the truth and, when they make mistakes, to take responsibility and face the consequences of their actions. President Clinton's actions every step of the way have been contrary to those values. But being a bad example is not grounds for impeachment. Undermining the rule of law is. Frustrating the courts' ability to administer justice turns private misconduct into an attack upon the ability of one of the three branches of our government to impartially administer justice. This is a direct attack upon the rule of law in our country and a very public wrong that directly impacts the constitutional workings of our government.

Mr. Speaker, impeachment is not a tool to paralyze democracy. Instead, it is the only constitutional mechanism available to protect democracy when its institutions are threatened by a President's actions.

Today, based upon the evidence that the President lied, obstructed justice and abused power in an effort to prevent the courts from administering justice under law, I rise in favor of impeaching William Jefferson Clinton. I take no joy in this decision but I make no apologies either.

America will emerge from this dark period of our history a stronger Nation because we have demonstrated once again the resiliency of our democracy and the supremacy of our Constitution.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. Jackson-Lee).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first thank our American troops who are now fighting for our liberty. The Declaration of Independence is the promise of that liberty and the Constitution is the fulfillment.

So today it is was with great humility and somberness that I rise on the floor of this House in strong opposition against the articles of impeachment and express my support for censure. Impeachment, Mr. Speaker, is final, it is nonappealable. And the Constitution is the only arbiter of that process.

Article II, section 4 is clear. Impeachment is for treason, bribery and other high crimes and misdemeanors. This President did not commit impeachable offenses under our Constitution, and today with such a vote these chambers will become the incinerator of the Constitution. There is no fairness in this process. There is no justice and there is no dignity.

The charges in these articles of impeachment are meritless and not proven. Perjurious remarks have not been proven. Misleading, evasive statements are not perjurious, per the rule of law of the United States Supreme Court under Bronston. Abuse of power has not been proven. Monica Lewinsky said the President did not ask her to lie. And obstruction of justice has not been proven because the President did answer the 81 questions sent to him by the Judiciary Committee.

In light of the revelations of the last 24 hours, I believe not one of us in these chambers, not one Member would ask for the resignation of a Member so charged. But as a woman, adultery is adultery. Nevertheless, the majority is recklessly attempting to make impeachable offenses purely private acts, in direct attack on the Framers' intent that impeachment was for great and dangerous offenses against the Constitution.

How do we heal this Nation? How do we find uncommon courage? The majority must allow us to vote on a freestanding censure resolution, constitutionally allowed, that acknowledges that the President was morally wrong, misled the American people and that the President, upon leaving office, will be subject to civil and criminal penalties. To do more lays the shredding of this Constitution at our feet.

Today with the vote for the articles of impeachment, we will use the ultimate weapon, we will use the ultimate political death blow, the removal from office of this duly-elected President for acts not against the Constitution or the government. Our censure resolution does not violate the Constitution. It is not a bill of attainder. It does not restrain the property or the liberty of the President. It is constitutionally sound.

Finally this day sunset falls on this House. And as we see it fall, today our vote leads us into the darkness of a vile attack on the Constitution. We leave here today void and empty because our President will have been toppled against the will of the people of the United States.

Mr. President, if you can hear me, do not resign. This is not a parliamentarian form of government.

Mr. Speaker, I say, to my colleagues you can heal our Nation. Rise and vote for censure. Do the just and right thing, for it is written, Mr. Speaker, judge not and ye shall not be judged. Condemn not and ye shall not be condemned. Forgive and ye shall be forgiven.

Vote for a censure resolution and end these unseemly proceedings against our President and the Constitution. Our Nation deserves no less!

It is written in Luke 6:37, "Judge not, and ye shall not be judged: condemn not, and ye shall not be condemned: forgive, and ye shall be forgiven."

Mr. Speaker, with great humility and somberness, I rise today in strong opposition against the Articles of Impeachment and express my support for a censure resolution.

However, before we even begin this debate on the merits let me say that we are engaging in this discussion while our American troops are in harm's way in the Persian Gulf. This is the worst time to have this discussion. We are talking about impeaching our President, our Commander in Chief of the Armed Forces while he has authorized troops to engage Saddam Hussein.

My colleagues are not correct in stating that American Troops were in Vietnam during a debate in these chambers on the Impeachment of a President that did not occur in 1974. No such debate took place. American men and women are fighting to uphold the Constitution and they expect nothing less from this body. It is imperative that we uphold and follow the Constitutional process for impeachment. Anything less would be dishonorable.

The Constitution, Article II, section 4, requires removal of the President from office on "Impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." The Framers of our Constitution considered "high crimes and misdemeanors as political crimes against the state. The critical element of injury in an impeachable offense was injury to the state. This element of injury to the commonwealth was the historical criterion for distinguishing a "high" crime or misdemeanor from an ordinary one. Impeachment is directed for "great misdemeanors against the public."

The purpose of Impeachment is to curb breaches and abuses of the public trust. The Framers realized that impeachment is final and non-appealable.

At the time of the Constitution's construction, the Framers were concerned with assuring individual freedom and avoiding governmental tyranny. Their intent was to create a viable government with sufficient power to fulfill its given responsibilities. As a result, the separation of powers doctrine was instituted to prevent unfettered authority in a single branch of government. Accordingly, each branch is vested with the power to check and balance the others.

Our debate is about the future of the Presidency, the Constitutional process required for the removal of a president and the importance of bi-partisan cooperation. I think every American, Republican or Democrat, or Independent, should be concerned about the Articles of Impeachment and whether the allegations contained therein, rise to a level that would justify impeachment.

There is no concrete evidence to substantiate the allegation that President Clinton encouraged a witness to execute a false affidavit. No one should be hailed before a tribunal to answer allegations that are not supported by substantial and credible evidence or threatened with a potential prosecution for perjury because of the questioner's deficiency.

During the Watergate hearings, Mr. St. Clair, the President's attorney, stated in closing summation that "a President cannot be impeached by piling inference upon inference."

The Articles of Impeachment drafted against President Clinton do not comport with fundamental fairness nor substantial notions of procedural due process because the alleged perjurious statements lack specificity; an independent collaborating witness and materiality. The President is neither above nor beneath the law. The Constitutional safeguards contained in the Sixth Amendment govern these proceedings.

Monica Lewinsky's Grand Jury testimony clearly refutes an allegation that President Clinton encouraged her to give perjurious, false and misleading testimony: "[N]either the President nor Mr. Jordan asked or encouraged me to lie." This statement by Ms. Lewinsky was made in her February 1, 1998, proffer to Office of the Independent Counsel. Let's take a moment to examine the correlation between the President's relationship with Lewinsky and the allegations put forth by Paula Jones. President Clinton's relationship with Lewinsky was consensual but morally wrong.

On the other hand, Ms. Jones was alleging sexual harassment. Lewinsky's relationship with President Clinton was a tangential collateral issue that was not relevant. Therefore, the probability of its admittance during the Jones trial was unlikely because it would not have "any tendency to make the existence of any fact that is of consequence to determination of the Jones action more probable."

It is axiomatic, that perjury requires a (1) volitional act on the part of the declarant (2) about a material matter in the case. Perjury is a specific intent crime. It requires that the declarant willfully and contrary to such oath subscribe to a material matter which the declarant does not believe to be true. More importantly, because perjury requires a specific intent on the part of the declarant, the law provides several defenses to perjury.

Truth is a defense to perjury. A defendant can not be prosecuted for perjury, if he truly believes that he "spoke the truth" when asked a question under oath. The defendant would not be guilty of perjury because although his testimony is freely and voluntarily given; he does not manifest the requisite mental state necessary for perjury, a specific intent crime. Restated, perjury requires that the defendant (1) set-out to deceive and (2) know that statement's he utters are untrue.

Another defense to perjury is materiality. The declarant's statement must be material to the matter before the tribunal. The third defense to perjury arises where the questioner's interrogatories are drafted in a manner that invites ambiguity. In the landmark case of *Bronston* v. *United States*, the United States Supreme Court stated:

> It is the responsibility of the lawyer to probe * * * if a witness evades, it is the lawyer's responsibility to recognize the evasion and to bring the witness back to the mark, to flush out the whole truth with the tools of adversary examination * * * A potential prosecution for perjury is not the primary safeguard against errant testimony.

Under our adversarial system of jurisprudence, a defendant is not required to assist a plaintiff in bringing her suit to trial nor is a defendant required under the rules of civil procedure to volunteer specific information that the plaintiff has not requested. This is our system of jurisprudence that we have utilized for over two hundred years. This really is adhering to the rule of law and the right to due process.

The President's actions were wrong and reprehensible but not impeachable because his conduct did not injure the state as required by the framers. Impeachment is a remedy of last resort, it is the atomic bomb of partisan politics.

In the Federalist Paper No. 65, Alexander Hamilton described impeachment as a mechanism to reach: "[T]he misconduct of public men and abuse or violation of some public trust. Impeachable offenses are political, as they relate to injuries done immediately to society itself.

The Framers never intended impeachment or the threat of impeachment to serve as a device for denouncing the President for private misbehavior or for transforming the United States into a parliamentary form of government in which Congress can vote "no confidence" in an executive whose behavior it dislikes. The President is elected by the people of the United States and it is not the prerogative nor duty of the House of Representatives to undo that election because of partisan politics.

The records of the Constitutional Convention confirm that the Framers did not intend the President to serve at the "pleasure of the Senate." In fact, it was suggested by Mr. Pinkney of South Carolina, a Framer of the Constitution, that "if the President opposes a favorite law, the two Houses will combine against him, and under the influence of heat and faction throw him out of office."

Hence, if we follow Mr. Pinkney's theory to its logical conclusion, a president could be removed for any transgression, however remote in time, which the Senate may decide in its discretion warrants removal from office. This unbridled authority could establish an atmosphere that manufactures impeachable offenses where they do not exist. We should consider Mr. Pinkney's words as we tread these dangerous waters. Therefore, it is essential that we utilize every constitutional safeguard to prevent the truth from being "twisted by knaves to make a trap for fools." On February 8, 1798, Thomas Jefferson wrote a letter to James Madison about the impeachment of Senator Blount, stating, "I see nothing in the mode of proceeding by impeachment but the most formidable weapon for the purposes of [a] dominant faction that ever was contrived. It would be the most effectual one of getting rid of any man whom they consider as dangerous to their views * * * impeachment has been an engine more of passion than of justice."

The Constitution imposes a grave and serious responsibility on Congress to protect its fabric and integrity. It would have been a dereliction of duty if I failed to investigate the allegations contained in the Starr Report before I begin dealing with what has been called "delicate issues of basic constitutional law."

Imagine a justice system where a prosecutor can present charges to a grand jury, obtains an indictment and then proceeds to trial. During the trial, the prosecutor calls himself as a witness, to testify about the defendant's prior bad acts and his rationale for charging the defendant. While testifying, he admits that individually and collectively, the charges are insufficient to meet the standard of crime, but he believes the defendant has engaged in a pattern of abuse to obstruct justice.

Certainly, if this incident occurred in our home town, we would be outraged at the waste of financial resources. We would call for this prosecutor to end this charade, immediately because his conduct and abusive tactics would emasculate the system he is attempting to protect.

Independent Counsel Starr violated District of Columbia Rules of Professional Conduct Rule 3.7, entitled "Lawyer as witness" which provides a lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness and Virginia Code of Professional Responsibility DR5–102, entitled "Withdrawal as counsel when the lawyer becomes a witness" when he testified in front of the House Judiciary Committee.

Nowhere in the history of this Country's system of jurisprudence has a prosecutor had the ability to take the witness stand to "vouch for the credibility" of evidence presented during trial, to do so would be a miscarriage of justice. Likewise, allowing Independent Counsel Starr to testify for two hours "about a pattern to obstruct justice" eviscerates the purpose of the Independent Counsel Act.

Further, Sam Dash, Mr. Starr's ethics advisor resigned in opposition to Mr. Starr's inappropriate appearance before the House Judiciary Committee.

Section 595(c) authorizes the Office of the Independent Counsel to submit a referral to Congress to guarantee that its findings would not be thwarted by internal sources within that individual's branch of government. This concept is consistent with the separation of powers doctrine was instituted to prevent unfettered authority in a single branch of government. Accordingly, each branch is vested with the power to check and balance the others.

This Act was designed to provide a mechanism to prevent inherent conflicts of interest which could arise where the Executive branch of government must supervise or conduct an investigation of an individual associated with its office.

On October 8, 1998, the House passed H. Res. 581, which expressly authorized the committee to report: "such resolutions, articles of impeachment, or other recommendations as it deems proper." Over the past two months, the Judiciary Committee has heard testimony from several witnesses about "high crimes and misdemeanors" and alternatives to impeachment. Censure is a viable alternative to impeachment that will quickly and judiciously resolve this national issue.

Censure is neither a substitute for a federal pardon nor is it a cover-up. Therefore, the President is still subject to civil and criminal punishment for any alleged crimes he may have committed by the court system after he leaves office. The United States Constitution does not prohibit Censure.

Several critics continue to suggest that censure is unconstitutional because there is no constitutional provision that expressly authorizes censure. This rationale is flawed and without merit. If we follow this line of reasoning to its logical conclusion: postal stamps, social security, and public education are unconstitutional because there is no explicit reference to these programs in the Constitution.

Furthermore, the Constitution does not prohibit Congress from acting because of its silence. Many powers and individual rights not expressly stated in the Constitution have been recognized by this body politic. For example, the right to privacy, the right to bodily integrity and the Executive power of removal. Our Constitution is a "living and breathing" document that requires continuous interpretation by the Supreme Court to address the problems facing our Nation.

Further, there is an historical precedent for a censure resolution. A censure resolution was considered against President Nixon during the Watergate investigation because of the allegations involving his abuse of Presidential authority and misuse of the Justice Department. Richard Nixon resigned from office. In 1834, the United States Senate censured President Andrew Jackson because of actions interpreted as contravening the rule of law. More importantly, censure would not violate the Constitution's substantive restraints against the use of federal power.

Censure is a sensible historically proven solution for addressing the President's disturbing behavior. It is time for America to move forward; it is time to put this unsettling controversy and divisiveness aside; it is time for the business of the American people to take first priority. It would benefit the entire country if the President could return to focusing on the issues at hand, as opposed to this scandal. The time to close this dishonorable chapter in our Country's history has come.

There are millions of Americans who want their voices heard on a censure resolution. It is our obligation, as their duly elected representatives, to ensure that their views be heard.

Censure is a window of opportunity for this body politic to display a bi-partisan atmosphere during these alarming moments. We must exhibit a united front for our Nation and our troops. It is time for national unity.

In all things that are purely political we can be as separate as the fingers, yet one as the hand in all things essential to the mutual progress of America and democracy.

It is imperative that we bring this chapter to a close in a reasonable judicious and equitable manner. It is time to move forward; it is time to focus our energy on securing our shores from foreign enemies.

The Bible, Ecclesiastes Chapter 3, Verses 1 through 8 states, "[T]o every thing there is a season, and a time to every purpose under the heaven: a time to heal; a time to break down, and a time to build up; * * * a time to love, and a time of peace." At the end of day, we should move forward, prepare for tomorrow and America's business.

I will vote "No" on these Articles of Impeachment; for to vote "yes"-does subvert the Constitution! I still hold hope for the opportunity to vote for a Censure Resolution which will break this partisan divide and appropriately rebuke and reprimand the President, and finally by our collective good judgment—Heal this nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all Members to address their comments to the Chair.

The Chair will recognize managers from the Committee on the Judiciary on either side of the aisle, endeavoring to maintain equality between the two sides in the consumption of time available and at the prescribed hour will determine where we are and then we will move on from there.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me the time.

This is a sad day, sad day for this country. We should not have to be here. Had the President done what he should have done, we would not be here, and admitted wrongdoing right from the start.

We have heard said in this body, Mr. Speaker, that this is different from Watergate, but really, is it? In Watergate, the President lied to the American people. This President lied to the American people. In Watergate, the President did not commit perjury. This President, in my opinion and the opinion of the overwhelming majority of the people of this country, did commit perjury.

Either we are a Nation of laws or we are a Nation of men. If we are a Nation of laws, then the highest and the lowest are subject to the same law. There is no preferential treatment, and we and our Constitution grant none.

The President, in my opinion, obstructed justice. He attempted to cover up. To say this is just about sex is to say that Watergate was just about a third-rate burglary. Nothing is further from the truth. This President sought to cover up a crime. And if we allow this to stand without the ultimate punishment which is afforded the Constitution, which charges us as the people's body to make, we have not done our duty and history will so remember.

I would like to quote and paraphrase in closing the words of our colleague, the gentleman from South Carolina (Mr. GRAHAM). He said earlier in the proceedings, 25 years ago, we had Watergate and the American people today think that Congress reached the right decision. I hope that 25 years from this day, people will think that we made the right decision.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, Article II, section 4 of the Constitution states that the President shall be removed from office on impeachment for and conviction of treason or bribery or other high crimes and misdemeanors.

We have heard a lot today and in the past weeks about the rule of law, but that is not the standard for impeachment. We are all sworn to uphold the rule of law, and there is still a remedy in this situation for the President's action under the rule of law: Criminal prosecution.

The President lied to us, but this vote is neither about absolution or punishment. The only question we face is whether the President's actions, regardless of how wrong or potentially criminal, rise to the standard our constitutional forefathers set for us.

We have been told by the majority of constitutional scholars that the President's actions do not fall within the meaning of high crimes or misdemeanors but yet we persist. We have divided this House with partisan politics, sewing mistrust and exposing the darkness in our own hearts. It started with the first vote of the 105th Congress to censure the Speaker, and it has continued to this day to the vote to impeach the President.

With all of the lost opportunities in between, it is no wonder we are losing the public's trust. After today, when the impeachment frenzy subsides, we will survey the damage to our own political system, we will have unnecessarily crippled the presidency for a generation to come. We will have wantonly weakened this House of Representatives reaching a new low in partisan rancor. We will have substantially subverted the Constitution which was designed to reflect the will of the people in a republic, not to promote a political party in what is slipping towards a parliamentary system.

We will intentionally have ignored the business of the American people both at home and abroad, and we will have changed the political climate where decency, privacy and civility have been sacrificed on the altar of political greed, cynicism and shame.

This vote is unworthy of our institution. We will pay for it in the years to come. We will undermine the ability of the next generation of American Presidents to lead us through the enormous challenges that face the 21st century, just as we did after the last impeachment of a President over 100 years ago.

While this President must answer for his actions, history will judge us for our actions, too. As legislators, as representatives and as citizens, we have an enormous responsibility, and I fear that we are on the brink of disgracing the public's trust.

I urge Members to vote against impeachment on principle, mindful of our oath of office, understanding our duty to our constituents, to the Constitution and to the future.

□ 1230

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Speaker, I thank the gentleman for yielding.

Some of our friends on the other side have indicated that perjury is not an impeachable offense under the Constitution. I remind them of the testimony of the former Democratic attorney general of the United States, Griffin Bell, who came before the House Judiciary Committee. General Bell referred to the legal authorities relied upon by our founders, such as Blackstone, in drafting the Constitution.

General Bell testified that Blackstone identified a series of crimes that were called "crimes against justice," and those crimes included perjury. General Bell concluded, "I am of the opinion, my conclusion, is that those crimes are high crimes within the meaning of the impeachment clause."

Mr. MCCOLLUM. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GALLEGLY), a member of the committee.

Mr. GALLEGLY. Mr. Speaker, this has been a very trying time for all of us, for the President, and for the country. But there are few things more important than standing up for the Constitution of the United States and for the rule of law.

There are three points I will make this morning in support of the articles of impeachment. First, I am a member of the Committee on the Judiciary. And based on months of review, it is clear to me that President Clinton repeatedly lied under oath, intentionally and willfully, during a civil deposition and before the Federal grand jury. He also attacked the integrity of Congress by lying under oath in response to the 81 questions submitted by the Committee on the Judiciary.

Our legal system, which protects the rights and liberties of all citizens, is dependent on telling the truth, telling the truth under oath. The President is our chief law enforcement officer and our chief magistrate. When he lies under oath, he undermines the integrity of our judicial system and threatens the right and liberties of every one of us.

Second, lying under oath after swearing before God and country to tell the truth, the whole truth and nothing but the truth is, and my fellow members I believe I know what "is" is, is an impeachable offense.

Our legal system is dependent on people telling the truth, telling the truth under oath. Lying under oath undermines the rule of law. By lying under oath, President Clinton has also violated his presidential oath of office.

Third, this is not about sex. It is about the rule of law. It is about lying under oath before a Federal judge and a Federal grand jury. Every citizen must obey the law, period. A society without laws is anarchy. Societies that ignore their laws are condemned to violence and chaos. We must state directly and strongly that the integrity of the judicial branch must not be violated. We must make it clear that all Americans are equal under the law.

After much painful soul searching, I have reached the conclusion that impeaching the President for repeatedly and willfully lying under oath is necessary to protect the rule of law which is the foundation of our republic.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WEXLER), a distinguished member of the Committee on the Judiciary.

Mr. WEXLER. Mr. Speaker, this Congress is on the verge of a tragic mistake that will reverberate for centuries and alter the course of American history.

Impeachment is not the ultimate censure. Impeachment is devastating. Impeachment is enduring. Impeachment is momentous. If we dumb-down impeachment and make it easier for future Congresses to impeach presidents, we will forever weaken the institution of the presidency.

The Founding Fathers knew this. They could have said a president could be impeached for any crime, but they chose to designate crimes only of the gravity of treason and bribery. To impeach for anything less than the highest of crimes is a distortion of the Constitution and hands a tremendous weapon to our present and future enemies who will point to a weakened president and ultimately a weakened nation.

That is why the Founding Fathers knew that low crimes should wait, that the strength of our national leader, the sovereignty of our Nation trump all but the gravest of charges, those which subvert our government.

If my colleagues have even the slightest doubt as to whether this President's actions rise to the level of high crimes and misdemeanors, then they do a tremendous disservice to our Nation and to our standing in the world if they vote to impeach.

So do not think for one moment that this is a free vote, that the Senate is the real player in the impeachment drama. We have the power to stop this travesty, to pull the curtain on this theater of the absurd.

This impeachment vote is bigger than Bill Clinton. It is bigger than all of us. I implore my colleagues, do not weaken the presidency in an effort to punish this President. This is about that delicate balance of power that is the bedrock of our democracy. It is about due process and fairness. It is about safeguarding our privacy and curtailing the intrusiveness of government. It is about nothing less than our humanity.

What have we become when we impeach a president over an extramarital affair and the lies to conceal it, when we lose all sense of proportion? What have we become when we enter a new era of sexual McCarthyism, when the boundaries of people's private lives are no longer respected? Have we no sense of decency? What have we become when our partisan warring does not stop at the water's edge but spills over and bestows upon Saddam Hussein the hope of a divided America? What have we become? I fear, our own worst enemies.

Mr. McCOLLUM. Mr. Speaker, I yield 4½ minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, I have been here since the debate began, and no speaker has refuted the facts. The facts are that the President did not tell the truth under oath on August 17 and on other occasions, but specifically on August 17.

Let me address why that matters so much and why that rises to the level of high crimes and misdemeanors. The August 17 incident does rise to that level because it undermines my ability to trust this President whenever he says anything to me or to anyone else, if it is in his interest not to tell the truth. And that is what takes this conduct above the level of a common violation of law and to the level of a high crime and misdemeanor, because it incapacitates him from effectively serving as our President.

He raised his hand, he promised to God he would tell the truth. He had his attorney by his side. He had seven months' advance notice. He could have interrupted the August 17 proceedings at any moment. The reason that humanity might allow us to understand the President's not telling the truth earlier in January, namely to hide the truth from his wife and daughter, no longer was the case in August. He had already told them the truth. And having taken the oath to God and having seven months' advance notice, and having the right to stop the proceedings if it was difficult, and, unlike any other American citizen, having his attorney by his side if a question required the advice of counsel, this President chose not to tell the truth. I cannot trust him again.

Today we are engaged in war in the Persian Gulf. I was assured by Secretary Cohen and by the Director of our Central Intelligence Agency that the timing was justified. Those two are honorable men. And because of their testimony, I believe the timing was justified. But I do not believe it was justified on the basis of what President Clinton has said, because I can no longer believe him. If it is in his interest not to tell the truth, he will not tell the truth.

Now, there are some who say that I should not draw that conclusion because this merely dealt with sex; and so, perhaps, I should only doubt the President's ability to tell the truth in the future—even if he is looking me in the eye, even if he has sworn to God to tell the truth—because he will only fail to tell the truth if it deals about sex.

I cannot tell you how deeply that wounds me, because of the importance I have always attached throughout my public career to the fair and equal treatment of women. And to say that it only deals with sex is to denigrate, to put at a lower level, the seriousness of the offense felt by virtually every woman in our society at least once in her working career.

Sexual harassment is not just about sex, and to say that sexual harassment and denying the truth to a plaintiff in a sexual harassment case is somehow less important is to denigrate the harm that women in America feel every day when they go into the workplace and they are treated less because they are women. No, sexual harassment is not less than any other offense.

The President raised his hand, promised to God to tell the truth, and did not. On behalf of my five sisters and my wife, I cannot say that sexual harassment makes this less. On behalf of my own oath to God, I cannot look the other way.

Mr. Speaker, I yield to my colleague, the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

I just wanted to respond briefly to the gentleman from Florida (Mr. WEXLER), who preceded my colleague, who argued that we were lowering the bar from impeachment by submitting articles of impeachment on perjury.

I do not believe we are lowering the bar. In fact, I have no problem in setting a standard for future presidents in official court proceedings that would jeopardize their office for repeated intentional acts of perjury. That is what we are doing, is maintaining a standard.

On the other side of the coin, if we fail to act, then we are lowering the standard of conduct that we expect from the chief executive officer of our land not to commit perjury in official proceedings.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. ROTHMAN), a distinguished member of the Committee on the Judiciary.

Mr. ROTHMAN. Mr. Speaker, this vote today is about one thing, the sanctity of the Constitution of the United States.

The Founding Fathers were clear. They created a strong presidency where the executive was elected for 4-year terms. They did not want a parliamentary system where the Congress could remove the people's choice unless the President's conduct had threatened the very stability of the country.

The founders specifically rejected proposals to allow impeaching the President for poor character or for morally bad behavior. They said it clearly. The President can only be impeached for treason, bribery, or other high crimes or misdemeanors against the state.

This high bar for presidential impeachment has served our country well for 210 years, so well in fact that only one president in our Nation's history has ever been impeached by this House. Now, driven by their hatred and loathing of Bill Clinton and his policies, the Republican Party is about to take our constitutional balance of powers and permanently and irreparably and forever damage it.

The constitutional punishment of impeachment was not meant to substitute for the punishment of the civil and criminal courts. Impeachment was meant to address presidential behavior that threatened the republic so gravely as to require the removal of the President in the middle of his or her term.

We can all agree that the President's acts, lying to the American people and having an affair in the White House with an intern, were reprehensible. The President should be censured for his wrongful action. But violations of these kinds of civil or criminal laws should be handled like any other Americans, in the civil and criminal courts.

The first three words of the Constitution are, "we the people." And in this case the views of the people are well-known, censure the President but do not impeach him. But we cannot. The Republican Party will not let America's elected representatives either vote for or even debate censuring the President. It is a blatant abuse of the Republican Party's majority power in the Congress.

This Republican juggernaut, driven by the right wing of their party and aided and abetted by the so-called Republican moderates, will forever damage the constitutional balance of power in America.

□ 1245

Every future President will be looking over his or her shoulder wondering if future Congresses do not like the President's veto of a controversial bill or do not like the President's policies or lifestyles, will that future Congress controlled by a different political party appoint a special prosecutor and spend $40 million in 4 years investigating that President's private life. If this Congress impeaches the President on these grounds, today will go down as one of the saddest days in American history for our country, for our Congress and for the institution of the American presidency.

I beg the Republican majority, the one that the people put in power and that the people can remove from power, censure our President for his wrongful conduct, let the civil and criminal courts punish any of those offenses, but do not damage our Constitution by impeaching the President on these grounds.

Mr. McCOLLUM. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply want to respond to one of the comments the gentleman from New Jersey (Mr. ROTHMAN) just made about the level to which it has to be for before we impeach a president of the United States. It certainly does not have to be presidential powers only. If the President of the United States committed murder, if he committed a lot of other crimes, it seems to me that those would be perfectly impeachable, and if we are talking about perjury which rises to the virtual level of bribery, in fact under the Federal sentencing guidelines has a greater amount of sentencing in our court system, a higher level of it than bribery, which is, as my colleagues know, treason, bribery and other high crimes and misdemeanors, it seems abundantly clear that perjury is impeachable.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I also would like to respond to the previous speaker, the gentleman from New Jersey (Mr. ROTHMAN).

While admonishing the trial court to be sensitive to demands on the President's time, the U.S. Supreme Court recently unanimously ruled that he had the same obligations as every other citizen in the Nation's courts. Testifying truthfully under oath is one of those obligations. The President maintains he did this. I believe beyond a reasonable doubt that he repeatedly committed perjury.

I do not believe our President should be held to a lower standard of accountability than other citizens who perjure themselves.

If anything, he should be held to a higher standard because of the trust proposed in his office and because he is the chief law enforcement officer in a Nation whose very foundation is the rule of law. Other Federal officials, including three judges, in the last dozen years have faced removal from office after committing perjury. So should our President.

Therefore, Mr. Speaker, I will vote to refer articles of impeachment to the Senate.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. WATERS), the chairwoman of the Congressional Black Caucus and distinguished member of the House Committee on the Judiciary.

Ms. WATERS. Mr. Speaker, how must our American soldiers feel to have their Commander in Chief under attack while they are engaged in battle? They have the right to feel betrayed and undermined. Today we are here in the people's House debating the partisan impeachment of the President of the United States of America while the Commander in Chief is managing a crisis and asking world leaders for support.

This is indeed a 'Republican coup d'etat.

Mr. Speaker, Americans all, the Republicans will couch this extremist radical anarchy and pious language which distorts the Constitution and the rule of law. Bill and Hillary Clinton are the real targets, and the Republicans are the vehicles being used by the right wing Christian Coalition extremists to direct and control our culture. The rule of law has been violated in denying the President notice of charges, by the abuse of power in the collecting of so-called evidence and the denial of the presumption of innocence.

President Clinton is not guilty of the trumped up charges presented in these four articles of impeachment. Yes, Bill Clinton is guilty of certain indiscretions in his private life. However, he did not commit high crimes and misdemeanors. Rather the President is guilty of being a populist leader who opened up government and access to the poor, to minorities, to women and to the working class. President Bill Clinton is guilty of not being owned by the good ole southern boys or the good ole eastern establishment. Mr. Speaker, President Clinton is guilty of being smart enough to outmaneuver the Republicans in the budget negotiations, electoral politics and the development and implementation of the people's agenda.

Mr. Speaker, I am an African American woman. I am accustomed to having to fight and struggle for fairness and justice. Ken Starr, I know and recognize abuse of power when I see it; he is guilty. However, I am greatly disappointed in the raw, unmasked, unbridled hatred and meanness that drives this impeachment coup d'etat, the unapologetic disregard for the voice of the people.

Mr. Speaker, I say to my Republican friends what they do here today will long be remembered and recorded in history as one of the most despicable actions ever taken by the Congress of the United States of America. I dare the Republicans of this House to allow themselves to move just one inch and give me and my colleagues the opportunity to vote for an alternative. I dare them to be fair. I dare them to allow us to vote for censure.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. BONO), a member of the committee.

Mrs. BONO. Mr. Speaker, I rise in support of the articles of impeachment. I want to speak about this difficult issue not only to my colleagues but also to the American people. Although there is much disagreement on this issue, most Americans agree that we must resolve this matter as soon as possible. I strongly believe that our troops overseas must be reassured that the business of our Nation will not be interrupted by the actions of a tyrant who will not heed the will of the international community despite the clear and convincing evidence that the President of the United States committed perjury before a grand jury, before a Federal grand jury, lied to the American people. The decision was not an easy one for me or, in my belief, any of my Committee on the Judiciary colleagues. Yet I firmly believe that we would not be fulfilling our oaths of office as United States Representatives if we do not follow our duty as stated in the Constitution.

We need to be realistic about what is at the heart of this vote. The central issue is whether the President is above the law and whether sexual harassment in civil rights laws remain viable in effective protections for all Americans. Despite record numbers of women working to support their families, women are all too vulnerable in our society to sexual harassment. If Congress turns a blind eye to the President's behavior, then we are turning our back to those victims of sexual harassment.

Every person, including Paula Jones, is entitled to certain rights under our Constitution. This includes truthful testimony from all parties, and that is why we are here, because the President thought he could provide untruthful testimony to obscure the truth first in his deposition in the Jones case and later in his testimony before a Federal grand jury.

Mr. Speaker, the President of the United States is not above the law. I am deeply disappointed that the President failed to uphold the public sacred trust and his own oath of office, but I am also saddened by the need for this Congress to arrive at this moment. As we debate this issue some will argue that impeachment is too harsh a punishment or too inconvenient for our Nation; however, it is the only appropriate remedy given to us by the framers of our Constitution.

As a member of the Committee on the Judiciary, I must say a final word in recognition of the chairman, the gentleman from Illinois (Mr. HYDE). I know that no one could have given the President a fairer hearing.

So I appeal to every American to look deep into their conscience and weigh the consequences for our system of justice if we allow the President of the United States to commit felony acts and not be held accountable for his actions.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FAZIO), a departing member of our leadership.

Mr. FAZIO of California. Mr. Speaker, this is the final moment in my 20-year career here in this House I love so much, and it is by far the saddest one. I am sad that a reckless President and a Republican Congress driven by blind animus for him have brought us to this moment in history. This is a moment where legalisms reign over human understanding and acknowledgment that we are all sinners before our Lord, and it is even more unfortunate that this debate takes place when our troops are in harm's way.

My instinct is to stand here and plead with my colleagues to consider the ramifications of what we will do, but I fear this vote is a forgone conclusion. Sadly it seems to have more to do with our political affiliations and loyalties than anything else, and it must be said that what we do here today is to some degree driven by revenge.

Some of my colleagues obsess about Slick Willie in the same way that those on my side of the aisle used to about Tricky Dick. Robert Bork, Clarence Thomas, Jim Wright, on and on; we do each other in in personal terms. Each one of us has been given a most precious gift, the right to represent some 600,000 American citizens in the House of Representatives, and yet when it comes time to be here for them we seem to lose track of the fundamental issues of our times and instead focus far too much on petty and partisan battles. This vote and this time will either unite us and show the country that we are above partisanship and legalistic word games, or it will lay the foundation, I believe, for a growing permanent divide in this Nation where there is a left and a right while those in the center, the great majority of our people, do not seem to matter.

It is much more difficult to govern here now, to do what is right for this country at this time, to look not to legalisms and parsed interpretations so valued on all sides, but to place the actions of our President in the proper context, to censure those actions without undeniably and irrevocably harming our democracy by lowering the threshold of impeachment. But we will not allow that vote here today.

Many here have suggested that this is not about sex. That is a very convenient decision for some to make. If it is not about sex, then we might think it is less hypocritical to sit here in judgment of this President.

I might add this Nation and its people have suffered greatly from the partisan battles that have only grown stronger in recent years. Jerry Ford, upon assuming the presidency after Watergate, said our long national nightmare is now over, and when resigning his speakership Jim Wright called upon his colleagues to end what he called mindless cannibalism. But today we find our nightmares continue and political cannibalism thrives and grows stronger. Sadly it was the late Vince Foster who recognized in Washington peoples' lives are destroyed for sport.

I ask my friends to put aside the partisanship, the legalisms and, yes, the late hypocrisy. The American people deserve a clean slate for the next Congress to build upon and renew its trust and public confidence. This is our chance. Let us unite this country with a vote against impeachment today and put an end to this open-ended and mindless process of destroying the lives of good and decent people who, yes, are flawed and all too human.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, some Americans are not watching these proceedings. Instead in hushed courtrooms across this country families slashed apart by violent crime and innocent people wrongly accused are staring intently at a witness stand, and they are praying. For many their best hope, perhaps their only hope, for justice depends upon that witness telling the truth, the full truth, under oath. Truth does matter, and if it is no longer the duty of the President to tell the truth under sworn oath, can we require it of any American? The answer is no which is why justice, hope and the Constitution demand that today we vote "yes."

After carefully studying all the facts, there is strong and sufficient evidence to warrant a trial in the United States Senate. I intend to vote "yes" on each of the four articles of impeachment of the President that were forwarded by the House Judiciary Committee.

In making this decision, I upheld my constitutional responsibility to act as a fair and thoughtful juror. I weighed the evidence against the charges and cast my vote without regard to polls, party or conjecture about any future presidential race.

I am sad for the Nation because none of this needed to occur. It is only the second time in our Nation's history that a vote to impeach the President of the United States has taken place on the floor of the House of Representatives. Unfortunately, this pain could have been prevented had the President simply conducted himself decently and within the law as do most Americans.

It is the duty of the President to tell the whole truth under sworn oath, as it is for every American. This truth is no less than the foundation of our justice system, as important as the constitutional rights of the accused.

If the President is held to be above the law, the ultimate and predictable consequence is that achieving justice in America's legal system will become significantly more difficult. The necessity for the truth is reflected by the appropriately severe punishment for those who willfully refuse to provide it—which is up to five years imprisonment for each Federal violation.

Nobody has a more sacred obligation to obey the law than those who make and discharge them. To its credit, America continues to strive to preserve equality under the law as a self-evident truth. It is essential to the common consent of citizens who must abide by these laws.

I am proud to represent the impressive new George Bush Presidential Library and Museum which is located on the Texas A&M University campus in College Station, Texas. Engraved on the southern exterior wall of the library, engraved high enough to catch the late afternoon Brazos Valley sun each day, is an appropriate quote from our former President whom I deeply admire and respect.

It is from his 1991 inaugural presidential address, and I take inspiration from it as I deliberated on this matter: "Let future generations understand the burdens and blessings of freedom. Let them say we stood where duty required us to stand."

Duty requires us to stand here today. The burdens of freedom demand we uphold the Constitution regardless how tiring, how distasteful, how difficult.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. KENNELLY), a departing member of our leadership.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to oppose these articles of impeachment, and I do it secure in the knowledge that this is the right decision. This is the last issue I will address after 17 years in this body, after thousands of votes, only a very few of which I regret, and I do not want to regret this incredibly important vote. That is why I have taken it so seriously.

When John Quincy Adams after his term as President of the United States ran and won a seat in this House, he was criticized by his friends because this was "beneath" his status as former President. He explained it is always the highest honor to serve in the House of the People.

Mr. Speaker, no honor will rain on this House today if we vote to impeach. Let us be honest with ourselves: A vote to impeach on the basis of the vexing materials assembled by the Office of the Independent Counsel is a vote to lower, dramatically and unalterably, the bar to future impeachments.

Until now, the House has very much held a high standard for impeachment, keeping with the Constitution dictum that impeachment be reserved exclusively for high crimes and misdemeanors.

There is so much discussion now about what is a high crime. Let us think about what was not. Remember President Reagan and Iran-Contra? Four laws, serious laws, broken; remember Harry Truman, taking over the steel mills, sending troops into Korea without letting the Congress telling him it was okay; Herbert Hoover and what happened there with the Federal Reserve funds.

But there was no impeachment, Mr. Speaker, because, as serious as these allegations appeared at the time, impeachment never became a serious proposition. Collectively, our predecessors in this body understood fully both the necessity of impeachment as the ultimate bulwark against the potential tyranny of the executive, but also the very real threat impeachment presents to the structure of our government if improperly or too readily used. Impeachment was the means of last resort.

Mr. Speaker, we should not vote to impeach today because it is neither necessary nor in step with precedent. Voting to impeach today is to participate in an assault on the institution of the presidency and our delicate system of checks and balances.

I will vote "no" on all articles of impeachment for the sake of our posterity, and I urge my colleagues to do this today, for the future of the country, for the future of the United States of America.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, if the President of the United States simply committed adultery, then that indeed is a matter that should be reserved to his family. If, on the other hand, the President of the United States committed perjury or other illegal acts, then that matter must necessarily be reserved to this Congress.

I agree that the private failings of a public man deserve neither debate nor reprimand from this body, and yet public misconduct committed by that same official deserves punishment of the fullest measure.

Based upon my solemn review of the evidence and historical precedents, I am firmly convinced beyond a doubt that William Jefferson Clinton used every conceivable means available to him, including perjury and obstruction, to defeat the legal rights of another citizen who claimed she had been wronged and who sought redress from our justice system, and, in that way, the President's private indignities became indignities against the Constitution by which we are governed.

Our third branch of government has rightly said no individual is above the law, no single citizen can determine or judge the merits of another case, save those clothed with the cloak of judicial interpretation, and yet the President, under penalty of perjury, bore false witness under oath, and Ms. Jones' rights to due process were violated.

That result, Mr. Speaker, is bad enough in itself, but I believe it reached constitutional proportions when the denial of a civil rights of another citizen is directed by the President of the United States.

Mr. Speaker, what we say here today will be but paragraphs, perhaps even footnotes, in the pages of history yet to be written by those to come. What we do here will be indelibly imprinted upon the American tradition.

Let not this House grant a pardon to the President for his criminal offenses. Let not history look back on this day and say there, on that date, America surrendered the rule of law. There can be no presidential executive privilege to lie under oath.

Regrettably, my oath of office, my sacred honor, requires from me a vote of "aye" on the resolution before this House.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. LOFGREN) a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, the Republican Party in this House has made a tragic decision for the Nation and a decision that will permanently damage our constitutional democracy.

The President of the United States had a sexual affair. That was wrong. Then, like many others who misbehave sexually, he tried to hide the affair. That was wrong too. But then the greater wrong occurred. The majority decided to give into the worst within themselves, their abiding hatred of this President. The majority has decided to discard our history, to damage our Constitution and to threaten our future to get the President, all the while pompously pronouncing they are doing the opposite.

When the Founders wrote our Constitution, they provided for the rare remedy of impeachment that the Legislative Branch could utilize if the elected President should engage in conduct that would threaten our constitutional government. Only once in our 211 years has Congress voted to impeach a president, and, in that era of 1868, it was also radical Republicans who misused the tool of impeachment.

Much of the country is watching what we do here with anger, sorrow, fear and disbelief. I share with my constituents the feeling of unreality about these proceedings. The country is waiting for grownups to walk into this Chamber and stop this madness, but, alas, those Republicans with the maturity and judgment to ask that censure be utilized as an alternative, such as former President Ford and former Senator Dole, have been ignored by the majority in this House.

The outcome appears clear: The Republicans will vote to impeach the President, whom they could not defeat at the polls, for reasons that do not add up to treason, bribery or other high crimes and misdemeanors. As a consequence, the Senate and the Supreme Court will be tied up for most of next year.

The President will not be able to resign, no matter how you may urge it, because to do so would further destroy the precedents that have protected our country for over two centuries.

This is not fair to the President, but that should not be our main concern. It is not fair to the minority in this House, but that is not the main problem either. This is unfair to the American people.

By these actions, you would undo the free election that expressed the will of the American people in 1996. In so doing, you will damage the faith the American people have in this institution and in the American democracy. You will set the dangerous precedent that the certainty of presidential terms, which has so benefitted our wonderful America, will be replaced by the partisan use of impeachment. Future presidents will face election, then litigation, then impeachment. The power of President will diminish in the face of the Congress, a phenomena much feared by the Founding Fathers.

Our constituency in this matter includes not just the voters of today, but the future grandchildren of my own children. We have an obligation to generations not yet born to preserve and protect our wonderful system of government. In that obligation you fail your country today.

Some in the majority have told me they are entitled to their opinion about whether or not the President's misconduct meets the constitutional standard. Some Americans believe aliens will arrive in spacecraft, but it does not make it so. You say the President's deception about sex has destroyed our system of government. Some of you have actually convinced yourselves that is true.

The capacity for self-deception is an amazing phenomena, but the public can see clearly what you are doing here today. You say that the President's dishonesty about sex has destroyed our constitutional form of government, but the people do not agree. They think that it is you who threaten our country by this cynical and political distortion of impeachment. As is generally the case, the American people have it right. It is not too late to listen to them. You would honor your own oath of office by doing so.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I must respond to the claim that there are those of us who contend that the acts of the President have destroyed our system of government. That is far, far from the truth.

The question is not whether the President has destroyed our system of government. We know that that has not happened. That is obvious. The question is whether by his conduct he has undermined the integrity of the law; whether by his conduct he has undermined the integrity of the high office that has been entrusted to him; whether he has subverted the rule of law; whether he has acted to set an example which is harmful to our system of government.

Mr. McCOLLUM. Mr. Speaker, I yield three minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, above the entrance to the Supreme Court are four powerful words: "Equal Justice Under Law." Yet there can be no equal justice without a judicial process capable of reaching to the truth. That is why when one raises their right hand and swears to tell the truth, the whole truth and nothing but the truth, each one of us must do it. That is why perjury is a serious crime. It strikes at the heart of the only process that protects each one of us from false accusations.

I will vote for impeachment, not because the President has human frailties, but because he has committed perjury repeatedly and willfully. Marital infidelity is not an impeachable offense. Even lying to hide sexual indiscretion is not impeachable. But the President does not have the right to lie under oath, to commit perjury.

No one is above the law, not even the President. I believe perjury does meet at least the definition of high misdemeanor. In my mind, it certainly meets the measure of high crime.

In my judgment, our democracy is far more capable of surviving a transition in power than surviving an erosion of fundamental obligations such as that to tell the truth under oath and to treat all citizens equally under the law.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Speaker, what we are doing here on the floor today and throughout the night is just wrong. It is wrong for a lot of reasons, but most fundamental is the fact that, yes, the President made mistakes; yes, in fact he misled his family, he misled the public; and, yes, he in fact tried to trick even maybe a grand jury. Whether it is perjury or not is a different question.

But at its core, at its core, this is about an individual, a man in our country, who had a wrongful affair. He lied about that affair, and he has asked for forgiveness. What is incredible is the American people have looked into their conscience and found that forgiveness; people from all walks of life, from every different corner of this country, have found forgiveness.

There is only one group of people that I can find that cannot find that forgiveness, and that is people that had been locked in struggle over so many questions dealing with the future of this country against President Clinton's agenda over the course of the last four years, and that is what this is all about.

□ 1315

Now, I know that there is a lot of talk about morality today, and I think that is good, I think that is healthy for our country. I think we ought to talk a little bit about morality. But I do not think that the only moral standard in America ought to be about sex. I think there is a lot of moral things about our country; there is a lot of immoral things about our country. And I look around our Nation today and I see little children that do not have enough food in their bellies at night, and when we talk about balancing the budget, what do we do? We cut the food stamp program. When we talk about trying to stand up and make sure that we have decent schools in our inner cities, we have a hellacious debate on the floor of this House. And yet, our schools are still terrible.

We make pronouncements about these wonderful new changes that we have made in laws, but at its core, the truth is that there are too many people in poverty, there are too many kids that do not have access to health care; there are too many families that do not have enough food in their stomachs, and those issues do not receive even close to the amount of time and effort and energy that we are now putting into trying to impeach the President.

The President has put the wood to the Republicans time and time again. The President has put the wood to the Republicans time and time again. He has taken away the issue of crime, he has taken away the issue of taxes. He has taken away so many of the issues that my colleagues in the past have had leadership roles on, and so they get angry at him. That is okay, they can get angry at him. But to dumb down the impeachment process and to allow this to be used not just by my Republican colleagues, but by people that will serve after me certainly, and people that will serve after everybody in this institution and allow this to be utilized in a partisan critical manner is an immoral act on the part of the Republican Party.

I am so sorry that the final vote I cast here on the House floor is going to be over an issue that is so partisan in nature. Let us come together and let us find the forgiveness that the American people have found for President Clinton, that his own family has found for him, so that many millions of people across this planet want him to have. Give him forgiveness. He recognizes he did something wrong. He is trying to right it. Find in your hearts the forgiveness that he asks for.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Speaker, I thank my friend from Florida for yielding me this time.

Mr. Speaker, let us return to the Constitution. Members of this House of Representatives have a solemn task specifically assigned to us by the authors of that Constitution. Whatever happens today, whether the President is impeached or not, our Nation is going to endure. We are a strong people and we have a Constitution that works.

A quarter of a century ago, we arrived at a similar point. President Clinton's defenders say this is not Watergate. They are right to the extent that the underlying behavior does not involve the bungled break-in of a campaign headquarters; rather, it involves a reckless relationship in the White House itself with a young employee that the President hardly knew.

President Nixon did not lie repeatedly to a Federal judge and then to a grand jury of citizens charged with discovering the truth. President Clinton did. But President Clinton, like President Nixon, did obstruct justice by encouraging others to lie, and both abused their offices by violating their oath to uphold the laws of our country.

The President has escaped accountability for his actions time after time. His intelligence, pleasing personality and way with words have saved him, so far. Perhaps the most accurate description of his pattern of behavior is a campaign slogan used by a New York senatorial candidate against his opponent this year: "Too many lies, for too long."

Last week I listened to the President's most recent apology, and I agree with him. I cannot imagine a greater agony than being ashamed before one's family and friends. But emotions cannot change the evidence or the facts, nor should they control our actions.

If the President will not resign, we must go forward. Our entire justice system rests on the rule of law. Without it, we would not enjoy a civilized and democratic society. To carve out exceptions for anyone, particularly the chief law enforcement officer of the United States, would be to undermine this rule of law.

For the benefit of our country to set an example for our children, our grandchildren and future generations, we must maintain our high ideals. That the President has failed to meet the standard does not mean we should lower it.

Our constitutional duty in the House is to decide whether to impeach or accuse the President of wrongful actions. The Senate's duty is to render judgment and decide punishment. So if a sanction other than removal from office such as censure is ever considered, it should be initiated by the Senate. And, ultimately, any outcome must be supported by the American people.

This is not a decision to go forward because of a "private relationship." It involves the most public of relationships, that between a citizen and the justice system, and that between the President and the American people. It is about honor and telling the truth. It is about respect for the law, respect for the office of the presidency, respect for the American people, respect for the officers of the court, respect for women, and ultimately, our own self respect.

During this difficult but necessary impeachment process, I've relied on several people for their helpful ideas. Although they shouldn't be held accountable for my views, I do want to thank my perceptive wife, Beth Schaefer, and special friends, Judge Cyndi Krier, John Lampmann, and Judge Tom Rickhoff, for giving me the benefit of their wise counsel.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. BONILLA), my friend and colleague.

Mr. BONILLA. Mr. Speaker, I thank my friend from San Antonio for yielding to me.

Mr. Speaker, this is a Nation founded on rules and laws. We are a young country, but we are the greatest that has ever existed. America is strong and gets stronger because we are passionate about our laws, of which no one is above. If one is a mayor, a police officer, a Senator or a President, one must obey the law, just like any other citizen.

American law and our system of justice relies on truth, truth presented by witnesses sworn before God. Those who have appeared before grand juries in this country know it is a daunting experience, knowing that if you stumble, if you lie, you could commit perjury and maybe wind up in jail.

Thousands of Americans have been prosecuted and have criminal records because they perjured themselves like the President. The President's own Justice Department regularly prosecutes Americans for perjury, and yes, they are prosecuted for perjury in cases of sexual harassment.

We are not talking politics here. In politics, a President may lie to the American people on television, in town meetings, and even in political ads. I think that is wrong, and so do most of my colleagues. But that is not against the law and that is not a reason to impeach. Voters are the ultimate judges in those cases. But here we are talking about the law.

As we search our conscience today to cast our votes, let us remember the rules and laws on which our Nation was founded. No one is above the law. Let us vote to uphold that American principle today.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today with a solemn, fearful and heavy heart as I face the stark reality that this House and lame duck Congress is going to disregard the will of the American people and, to quote this week's Hill Newspaper, "unleash the awesome power of impeachment in a blatantly partisan manner for what hardly measures up to high crimes and misdemeanors."

It is what this body is about to do, while we are at war, that comes closer to meeting that constitutional standard than anything our President is charged with. How will the sober hand of history judge us?

My colleagues, the American people overwhelmingly continue to oppose the impeachment of their twice-elected President. They are no fools. They recognize the blatant unfairness of the process, and while they do not condone what the President did, they understand that he has committed no impeachable or constitutional crime.

But we do not have to just go by popular opinion. More than 400 historians and constitutional scholars have opined that the allegations put forth in the Starr report "do not cross the threshold of high crimes and misdemeanors warranting impeachment under the Constitution."

I agree with the comments I have heard as early as this morning that this is not about the President's behavior with Monica Lewinsky, but neither is this about so-called legitimate charges of perjury, obstruction of justice, or abuse of power. It has been clearly shown time and time again that none of that occurred.

What this is about is a purely partisan attack on Bill Clinton, the man; on Bill Clinton, the people's President; and make no mistake, it is also about a very popular First Lady.

By his own admission, the President has sinned. He was contrite and has asked for our forgiveness and the forgiveness of the American people. It is time for us to come together as a Nation, support our troops in the Middle East, and put this matter behind us. The American people want and need us to get back to the work on the issues that will improve their quality of life.

This is a season of peace. I hope against hope that my words and the words of others who have called for forgiveness and healing at this time can soften the hearts of my colleagues who would seek to throw our Nation into turmoil over politics. I urge my colleagues to heed the wishes of those who sent us here to tend to their concerns. Make real and true the claim of conscience and constitutional responsibility. Do not lower the bar for impeachment. Reject this partisan impeachment process. We should have a censure vote, but if that will not be allowed, then vote for the Constitution, vote for this country. Vote "no" on impeachment.

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Speaker, I rise to a point of parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. ARMEY. Mr. Speaker, I will be very brief.

Mr. Speaker, as I understand the Rules of the House as it governs the discourse in the House, it is very clear, and it has been a time-honored tradition that has served this House well, that we not, in House debate, make disparaging remarks or characterizations about the motives of other Members of the Chamber. I must say I am very saddened to report, Mr. Speaker, I have been listening to several speakers, and that I have seen frankly quite caustic and harsh characterizations of the motives of the Members.

We ask each Member to look into their heart and each Member that does so knows that only God can do so also, and I would ask the Speaker, would it be appropriate, Mr. Speaker, for me to ask on behalf of the dignity of this Chamber to exercise the authority of the Chair to remind Members of these protocols and respects, and perhaps if necessary enforce them so that we on this side may not find ourselves compelled to raise it as a point on the floor during the debate. I thank the Chair.

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, Congress has arrived at the time when we and the Nation must look beyond the polls, the media, and beyond the political rhetoric and consider the grave matter of voting on the impeachment of the Nation's President. We stand at a moment of defining action, one that will require each of us to state for the RECORD our commitment to the principles involved in this case.

As the gentleman from Florida, a member of the minority said earlier, our decision is not about Bill Clinton, it is not about personalities, it is not about partisanship, it is not about Republicans or Democrats. Popular opinion and polls cannot dictate our course of action. Duty, honor, and obligation must. Ageless principles must.

On this solemn occasion, I will vote for impeachment. People, politics, and polls change. Presidents come and go.

Fundamental principles do not. My vote is based on the following principles: The first, a commitment to the truth. It is essential to a just society. A commitment to the truth is the foundation of our democracy and our freedom.

□ 1330

The second is, actions and behaviors matter. Only God can search and sift the soul. Because we cannot read the heart, we must rely on actions and behaviors. Certain actions and behaviors are inconsistent with the office of President.

Third, forgiveness does not absolve one of responsibility for actions, nor relieve one of the consequences of those actions.

Earlier I asked for unanimous consent, and at this time I will submit for the RECORD an article out of the Wall Street Journal entitled "Religion Should Not Be Used as a Political Tool," signed by 85 religious scholars.

In that, it says, "We challenge the widespread assumption that forgiveness relieves a person of further responsibility and serious consequences." I commend this article to all my colleagues and introduce it here.

The material referred to is as follows:

[From the Wall Street Journal]

RELIGION SHOULD NOT BE A POLITICAL TOOL

The following statement—"Declaration Concerning Religion, Ethics, an the Crisis in the Clinton Presidency"—was signed by 95 religion scholars, including Paul J. Achtemeier (Union Theological Seminary), Karl Paul Donfried (Smith College), Jean Bethke Elshtain (University of Chicago), Stanley M. Hauerwas (Duke University), Robert Peter Imbelli (Boston College), Max L. Stackhouse (Princeton Theological Seminary), and Harry Yeide (George Washington University):

As scholars interested in religion and public life, we protest the manipulation of religion and the debasing of moral language in the discussion about presidential responsibility. We believe that serious misunderstanding of repentance and forgiveness are being exploited for political advantage. The resulting moral confusion is a *threat to the integrity* of American religion and to the foundations of a civil society. In the conviction that politics and morality cannot be separated, we consider the current crisis to be a critical moment in the life of our country and, therefore, offer the following points for consideration:

MISUSE OF RELIGION

1. Many of us worry about the political misuse of religion and religious symbols even as we endorse the public mission of our churches, synagogues and mosques. In particular we are concerned about the distortion that can come by association with presidential power in events like the Presidential Prayer Breakfast on Sept. 11. We fear the religious community is in danger of being called upon to provide authentication for a politically motivated and incomplete repentance that *seeks to avert serious consequences for wrongful acts*. While we affirm that pastoral counseling session are an appropriate, confidential arena to address these issues, we fear that announcing such meetings to convince the public of the president's sincerity compromises the integrity of religion.

2. We challenge the widespread assumption that *forgiveness relieves a person of further responsibility and serious consequences*. We are convinced that forgiveness is a relational term that does not function easily within the sphere of constitutional accountability. A wronged party chooses forgiveness instead of revenge and antagonism, but this does not relieve the wrong-doer of consequences. When the president continues to deny any liability for the sins he has confessed, this suggests that the public display of repentance was intended to avoid political disfavor.

CENTRAL TO SURVIVAL

3. We are aware that certain moral qualities are central to the survival of our political system, among which are truthfulness, integrity, respect for the law, respect for the dignity of others, adherence to the constitutional process, and a willingness to avoid the abuse of power. We reject the premise that violations of these ethical standards should be excused so long as a leader remains loyal to a particular political agenda and the nation is blessed by a strong economy. Elected leaders are accountable to the Constitution and to the people who elected them. By his own admission, the president has departed from ethical standards by abusing his presidential office, by his ill use of women, and by his knowing manipulation of truth for indefensible ends. We are particularly troubled about the debasing of the language of public discourse with the aim of avoiding responsibility for one's actions.

4. We are concerned about the impact of this crisis on our children and on our students. Some of them feel betrayed by a president in whom they set their hopes while others are troubled by his misuse of others, by which many in the administration, the political system, and the media were implicated in patterns of deceit and abuse. Neither our students nor we demand perfection. Many of us believe that extreme dangers sometimes require a political leader to engage in morally problematic actions. But we maintain that in general there is a reasonable threshold of behavior beneath which our public leaders should not fall, because the moral character of a people is more important than the tenure of a particular politician or the protection of a particular political agenda. Political and religious history indicate that violations and misunderstandings of such moral issues may have grave consequences. The widespread desire to "get this behind us" does not take seriously enough the nature of transgressions and their social effects.

5. We urge the society as a whole to take account of the ethical commitments necessary for a civil society and to seek the integrity of both public and private morality. While partisan conflicts have usually dominated past debates over public morality, we now confront a much deeper crisis, whether the moral basis of the constitutional system itself will be lost. In the present impeachment discussions, we call for national courage in deliberation that avoids ideological division and engages the process as a constitutional and ethical imperative. We ask Congress to discharge its current duty in a manner mindful of its solemn constitutional and political responsibilities. Only in this way can the process serve the good of the nation as a whole and avoid further sensationalism.

EXTENDED-DISCUSSION

6. While some of us think that a presidential resignation or impeachment would be appropriate and others envision less drastic consequences, we are all convinced that extended discussion about constitutional, ethical and religious issues will be required to clarify the situation and to enable a wise decision to be made. We hope to provide an arena in which such discussion can occur in an atmosphere of scholarly integrity and civility without partisan bias.

Further, our children must have positive role models; someone has said, more now than ever. There is a standard of conduct below which our leaders must not fall.

In conclusion, I commend to Members the words of George Washington at the eve of the battle of Valley Forge: "Let us raise a standard to which the wise and the honest may repair. The event is in the hands of God."

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TONY HALL).

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to these articles of impeachment. The President is guilty of conduct unbefitting his office. However, despite his actions, I do not believe they rise to the level of high crimes and misdemeanors, which is the requirement the Constitution sets for removal from office.

Within this House, as throughout the Nation, there is a mood of anger and frustration and betrayal. Retribution through impeachment may feel right today, but the long-term harm it will cause our government outweighs filling the immediate satisfaction.

I also strongly object to the provision in the articles which disqualifies the President from holding any future office, and it goes on to say other things. What it essentially means is almost anything that is commissioned, that has any kind of Federal monies in it, XYZ commission, a nonprofit organization, he cannot fulfill that as a result of this particular clause.

This goes too far. It is a too severe. The House does not have the moral authority to judge that the President is forever unredeemable. A strong resolution of censure is the appropriate response by the House of Representatives. Let the House go on record condemning the President in the strongest terms.

Censure is a harsh enough punishment. It expresses the profound disappointment of the American people, and it will stay with the President for the rest of his life and throughout history. Censure will spare the Nation the agony of a Senate impeachment trial and the possible removal of the President.

I regret that the House leadership will not permit a censure resolution from coming to the House floor for a vote. This denies the House the opportunity to work its will. Impeachment is not the answer to the challenge the

House faces in responding to the President's action.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, I rise today in opposition to the articles of impeachment. My opposition to impeachment has nothing to do at all with Bill Clinton, but everything to do with the office of the presidency.

By setting a standard which goes beyond the Constitution, and, my Republican colleagues, beyond the historic position of our party, we are, however well-intentioned, continuing our spiral toward a government subject to the whims of independent counsels and based on the frenzied politics of the moment, rather than a government of immutable principles and transcendent institutions.

This is not a decision which came easy to me. It is not a position which I particularly enjoy. No one has a higher respect than I do for the gentleman from Illinois (Mr. HENRY HYDE). To me he is the conscience of this House, and it causes me great pain to in any way differ from him.

But I feel I have no alternative. I strongly believe that for a president to be impeached, a president of the United States to be impeached, for an election to be undone, there must be a direct abuse of presidential power. There must be a president abusing the CIA, abusing citizens with the IRS or the FBI, a crime comparable to treason or bribery.

I would say to my colleagues that my position, I believe, is rooted in Republican philosophy. I go back to the Watergate hearings of 1974, when President Nixon's most eloquent defender, subsequently appointed to the United States Court of Appeals by President Reagan, Congressman Charles Wiggins, came back and testified before the committee, and said that if he were a Member of Congress today, he would vote against impeachment.

But there is even a larger issue here: Where are we going as a Nation? Quite frankly, when I hear Members on the other side rise up in such opposition to this impeachment, I say, where were they during the times of Robert Bork, Clarence Thomas or John Tower?

But two wrongs do not make a right. We are a Nation consumed by investigations, by special counsels. We are a Nation consumed by scandal. We are driving good people from government. What we are talking about here in this case, the President's conduct, was illegal, it was immoral, it was disgraceful, it was indefensible, but the fact is, I don't believe rises to the level of treason or bribery.

The principle we are setting that in the future, all of us, anyone who assumes the office of the presidency, is subject to civil depositions, subject to lawsuits, and then to have that deposition examined and scrutinized by an Independent Counsel, how many of our former presidents would we have lost if this was the case, if this rule of law, if this principle, had prevailed in prior times, and prior times of crisis?

Also, I would ask my fellow Republicans, throughout the 1980s we saw the abuses of special counsels by Lawrence Walsh and others as they went against members of the Reagan and Bush administration. We saw good people like Elliott Abrams brought down on the flimsiest of charges involving lying. All of us knew it was wrong, and we railed against it. But today somehow we are willing to apply a different standard, a different principle. That is wrong.

This is a sad day for our country. It is a sad year for our Nation, because of the conduct of the President, but also because I believe that as Republicans, we have failed to rise to our obligation. As a matter of conscience I must vote against impeachment, and I rue this day.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MAJOR OWENS), an outstanding member of the committee.

Mr. OWENS. Mr. Speaker, I ask my colleagues to pardon my ignorance, but I am not a lawyer and I have not been impressed with the legal gymnastics of the Committee on the Judiciary hearings.

Like the majority of the American people, I watched and listened, and in the end I concluded that in any court of common sense, this is a case that would have been immediately dismissed. No man in America is above the law. The converse should also be true, no citizen, even a feared partisan enemy, should be denied the benefits of the law, of the due process and of equal justice.

Our defendant is an outstanding citizen who has done great service for his people, for his government. On the basis of the charges before us, what prosecutor anywhere in America would press forward with this case and a demand for such a harsh punishment?

Examining the extenuating circumstances related to the outstanding performance and the exemplary accomplishments of this defendant, what ordinary judge in any court, in any county in America, would allow the trial to go forward?

This defendant, this President, has been denied his basic rights. He is not a beneficiary of the rule of law. This defendant is a victim of organized partisan persecution. It is not fair, it is not just. The majority of the American people are angry, for good reasons. The voice of Shakespeare's King Lear is ringing in our ears: "Fool me not to bear tamely. Touch me with noble anger."

Consider the record of the defendant. This is the education President, who has gone beyond lofty rhetoric and done more for education than any President since Lyndon Johnson. In Haiti they have cheered him as the liberator. In the Middle East and Northern Ireland they have hailed him as the great peacemaker. In Yugoslavia, Bosnia, Sarajevo, they give him thanks as an angel of mercy who stopped the mass slaughter of innocent men and women and children. On Wall Street this President is celebrated as a master of macroeconomic policy-making.

In all endeavors where it has mattered most, this defendant has done his duty well. Why is this defendant before us? Why is the political death penalty being demanded? Our posterity will spit upon us for allowing this madness to reach this level.

It is not too late for all Members to truly vote their conscience. Good men and good women can often be hypnotized momentarily by the collective fervor of the crowd. Today in this proceeding extreme punishment is the only item that is allowed on the agenda. The majority is demanding excommunication. The loud cry is for banishment. This is a political crucifixion. Responsible decision-makers have temporarily lost their reason.

I call upon every Member to break the spell. Forget we are under the glare of television cameras in Washington, and imagine that we are back home in a local courtroom. The defendant before us deserves equal treatment, equal justice. Let us be fair. Let us be reasonable. Let us consider the extenuating circumstances. Let us dismiss this case now.

Mr. McCOLLUM. Mr. Speaker, I yield myself 9 minutes, and I yield to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to respond very briefly to the commentary from the gentleman who preceded the gentleman from Florida in the well. The gentleman said that no reasonable prosecutor or judge would come forward on such an overwhelming case of perjury and bring this case before the court.

I have some authority to speak on this, having spent 10 years as a deputy district attorney in Los Angeles county and as a criminal trial court judge in Los Angeles county.

Under the Clinton Justice Department, since President Clinton became president, some 700 people have been tried and convicted for perjury and perjury-related crimes. As we speak today, Mr. Speaker, some 115 people sit in Federal prisons as a result of their conviction on perjury charges. Those are people that were prosecuted and convicted by the Clinton Justice Department.

In my own home State of California, since Bill Clinton became president, there have been some 16,000 prosecutions for perjury. So the suggestion that perjury charges would not be brought in an appropriate case is incorrect.

Further, the gentleman's comments go directly, once again, to the point that we are debating here: whether the standard that we set during Watergate, which was no person is above the law, will continue to be the standard for our Congress and our country, or whether we are going to make exceptions for people who happen to have high rank and privilege, and share one's party affiliation.

Mr. McCOLLUM. Mr. Speaker, I think it is important today for us to understand some perspective on what we are debating.

First of all, those on this side of the aisle do not view this as a bipartisan issue. In fact, as Republicans it is not in our political interest to see the President of United States impeached and removed from office. The last thing in the world we would want politically, on a rational basis, is to see Mr. GORE, Vice President GORE, assume the presidency and be in the office for a while, and to have to combat that, and to have established that position for the year 2000 elections.

We do believe in principle. We are concerned about what is going to happen to our court system and what the message would be of failing to impeach. That is why we are so ardent about this, for no other reason.

Having seen what the President has done, the multiple crimes of perjury and obstruction of justice that I honestly believe he has committed, it would be an irresponsible act on my part to ignore it and to suggest that censure were an appropriate result and an appropriate way to address this.

Having said that, let us go over for a minute the facts of where we are with this. What we are dealing with is a President who was sworn into office, took an oath to uphold the laws of the Nation, then faced a lawsuit, a civil suit, in a civil rights sexual harassment suit by a woman named Paula Jones.

Long before that suit had any witness list published, he and Monica Lewinsky had an arrangement that they agreed to lie about the affair that they were having if anybody asked them. Then somewhere along the way, in December a year or so ago, there was a subpoena prepared and a witness list appeared for Monica Lewinsky.

The President called her and told her in a telephone conversation that she was on the witness list, and they talk about their cover stories that they had previously discussed about what they would say about what they were doing, so they did not have to reveal the relationship.

In that same phone conversation, the President suggested she could file an affidavit in order to avoid testifying. He suggested that, I submit, knowing full well that it was going to be a false affidavit.

□ 1345

What Monica Lewinsky said, and she said this under oath, and I believe very credibly, to the grand jury, she said, "It wasn't as if the President called me and said, you know, Monica, you are on the witness list, this is going to be really hard for us. We are going to have to tell the truth and you will be humiliated in front of the entire world about what we have done, which I would have probably fought him on. That was different. And by him not calling me and saying that, you know, I knew what that meant."

They knew that that affidavit was going to be false, and from that moment on is when the serious nature of this matter came before us. Because at this moment the President committed the crime of obstructing the law, obstructing justice. And the path was set for a scheme in which he engaged with Monica Lewinsky and others to conceal the truth from the Paula Jones case and deny Paula Jones her rights and then later to lie to the grand jury, to conceal the truth from a criminal grand jury as well as from the public.

What happened next is fairly straightforward. During the period of the month of December, there came up the issue of gifts because Monica Lewinsky had a subpoena to produce any gifts the President had given her in the Jones case. And the President and she had a conversation about that shortly after Christmas, in which she suggested maybe she should hide those gifts or give them to the President's secretary to keep. The President said, "I don't know, I have to think about that."

A couple of hours later the evidence shows that is before us, Monica Lewinsky received a call from Betty Currie. We have the President's secretary, we have a telephone record showing that call, even though Ms. Currie did not recollect that she made the call. She thought Monica made it to her. We have a record showing it came from Ms. Currie who said, according to Ms. Lewinsky, and I believe Ms. Lewinsky on this, that the President suggests that I call you to pick up something. And a little while later, Ms. Currie went over to Lewinsky's home, picked up gifts that Lewinsky packaged and put them under her bed. Another obstruction of justice.

Then in early January, in early January the President was talking to Vernon Jordan, who is his good friend and counselor, and arranged for Monica Lewinsky to have an attorney to prepare that affidavit we talked about. Along the way, in the process of preparing that affidavit, finally on January 7, she signed it. And Vernon Jordan testified he informed the President of that. What do you know, the next day, on January 8, for the first time Mr. Jordan, although asked much earlier often to help get a job for Monica Lewinsky by Monica finally made a call to the head of Revlon Corporation and secured a job for Monica and reported that fact back to the President.

And then what happens next? The President goes to testify. The President goes to testify in the deposition he gave in the Paula Jones lawsuit. And during that deposition, we all saw some of the television film of that deposition in the Committee on the Judiciary the other day. The President observed his attorneys referring to the affidavit that he knew was false and he affirmed the truth of that affidavit that he knew was false. He affirmed the fact that in that affidavit it said that he and Monica essentially were never alone, not just that they did not have particular relations. He went on to lie then about the specific acts that he engaged in with her. He was given a definition. And even taking his interpretation of the definition the court in that case gave him and assuming that that rather far out definition was accurate, if you believe Monica Lewinsky, and she has been corroborated by 7 contemporaneously told friends and relatives who were witnesses in this under oath that what she said is correct, they engaged in sexual activity under the definition in that report and the court, and the President lied about. He lied about a lot of other things in that deposition.

He then went on after that, while he, in that deposition, referred often to his secretary Betty Currie, to then call Betty Currie to come over to visit him the following day right after he had left the deposition. And he talked to Betty Currie. Why did he call her up? He called her in his office and he said to her, to corroborate, he says, "You were always there when she was there; right? We were never really alone. You could see and hear everything. Monica came on to me and I never touched her, right? She wanted sex with me and I can't do that."

Well, Ms. Currie twice testified under oath the President said this to her. Any interpretation is ridiculous other than one that assumes the President expected her to be a witness, even if she wasn't on the witness list. That is a crime of witness tampering or obstruction of justice, and the list goes on.

The sad fact is, I do not want to be here any more than you do. I do not want to impeach this President any more than you do. This is not a happy day for me or anyone else here. But the President of the United States committed multiple felony crimes, not just one instance, not just having some relationship which we would have no business being concerned with on impeachment, but he committed multiple felony crimes of perjury, witness tampering, obstruction of justice. The evidence is very clear about it.

And to fail to impeach him would send an awful message to the countryside that we have a double standard in this country, that the President, who is the chief law enforcement officer, the Commander in Chief of the uniformed services of this country, is allowed to get away with perjury. I submit if we do not impeach him, we will send a message that will result in more people lying in court and committing perjury than they do already. And that is on the rise. It is a very, very serious matter.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. Speaker, will the gentleman yield?

Mr. JEFFERSON. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, the gentleman from California (Mr. ROGAN), a prosecutor, has indicated for the first time in all of our hearings that there were 16,000 cases of perjury in the State of California alone. I would beg him to supply at any time at his convenience any indication for the RECORD what source he uses for that statement. There are some that question whether there are 16,000 cases a year in all of our courts much less one State.

My friend, the gentleman from Florida (Mr. MCCOLLUM) has now brought forward a matter that has been aired sufficiently in the Committee on the Judiciary that he could not possibly have forgotten, that the cell phone incident occurred 1½ hours after the gifts were returned. Now, perhaps he has a lapse of memory. The record is clear in our hearings and why this would be introduced at this time is beyond this Member.

I thank the gentleman for yielding to me.

Mr. JEFFERSON. Mr. Speaker, at what point, shall we expect the approach of dánger? By what means shall we fortify against it? Shall we expect some transatlantic military giant to step the ocean and crush us at a blow? Never. All the armies of Europe, Asia and Africa combined with all the treasure of the earth in their military chests, with a Bonaparte for a commander could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

So spoke President Lincoln in 1838 about the power of America. But he coupled this declaration of our world dominance with a warning and admonition of how we could lose it, which is apropos here. He said then, at what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us, it cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher.

I hope as Lincoln hoped against hope then that I am overwary today about the wounds we are inflicting upon ourselves, our Constitution and our body politic by this unfair rush to judgment against our President. Like Lincoln then, I worry now about the wild and furious passions aimed to bring this President down rather than an exercise of sober judgment to lift up the true meaning of our Constitution.

Like Lincoln, I worry that even though we are the preeminent power in the world today, that this grating, this chipping away at the high ideal of impeachment leads us further down the road to constitutional death by suicide of a free society. High crimes and misdemeanors, not all crimes and misdemeanors, is what our constitution holds as grounds for impeachment. There are no high crimes shown here. But there is a base and basic perversion of the rule of law into a rule of hot blood and a rule of political convenience by a majority bent on getting President Clinton.

Today you may have the votes but you do not have the high ground. But just remember, as we say in Louisiana, what goes around ultimately, unfailingly and always comes around.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I just want to respond to the gentleman from Michigan (Mr. CONYERS), who raised the issue about the corroboration of Monica Lewinsky's testimony in the cell phone call. In fact, Monica Lewinsky gave a statement 7 months after the December 28 incident concerning the gifts. And in her testimony she was asked how she knew that Betty Currie was coming over. She thought there was a cell phone or a telephone call, and it was my cell phone. The records were checked that corroborated the testimony of Monica Lewinsky even though it was 7 months later. The telephone call was about 3:37. I think there is documentary corroboration of her testimony.

Mr. MCCOLLUM. Mr. Speaker, I yield 6 minutes to the gentleman from Tennessee (Mr. BRYANT), a member of the committee.

Mr. BRYANT. Mr. Speaker, let me also respond regarding an inquiry that our colleague from California made on the statistics of perjury from that State. I too have seen those numbers. I think rather than an annual one-year listing of some 16,000, I think the more accurate statement would be that over the last 5 years some 16,000 people have been prosecuted for perjury in the State of California on a rising trend, unfortunately, for this country.

Also fortunate for this debate for the most part the facts of this case have been conceded. We have dwelt our time on higher things such as are these impeachable offenses. And that is a good statement; that is a good question. That is a good area of debate for us.

Had the President limited his conduct to the oval office and not stepped outside to participate in the cover-up, I would suggest, and I think most of my colleagues would agree on the House floor, that we would not be here today. Certainly we do not agree with what he did in the oval office, but that does not rise to the level of impeachable conduct.

This is not about sex. This is about what happens when you take a poll and that poll tells you whether or not to tell the truth. That poll tells you that they will not accept your perjury. And the President says, well, we will just have to win. And this case, this impeachment proceeding is about what occurred after that, the cover-up.

One of the charges in this article, series of articles is obstruction of justice. That concerns many of us who heard the evidence. That not only involved the President but that involved this President of the United States, the chief law enforcement officer of this country, bringing additional people into this, causing additional innocent people to commit crimes. I cite to you the filing of a false affidavit by Monica Lewinsky, the hiding of evidence, the bringing of people, staff members, cabinet members into his office, telling them his version of the story, knowing that they would repeat that story when they were called to the grand jury. That is a serious charge, when you not only commit the crimes yourself but you bring others into that and cause them great, great distress.

Perjury is also very important in this case. This President did not have a lapse of judgment. On many occasions, through a pattern and practice he gave false testimony, in the grand jury, the deposition, in answering written interrogatories and to this very Congress in this very proceeding when he answered the 81 questions.

This President is a lawyer. He is a former law professor at the University of Arkansas. He is the former Attorney General for the State of Arkansas, and he very well knows how important people telling the truth is in our court proceedings, how it underpins our judicial system. Courts have agreed. And yet he continues to parse his words. And his own lawyers come in before the committee and say, yes, he misled, he evaded questions. He gave incomplete answers. That is their defense. He parsed his words. And the courts uniformly say that is not right. You cannot focus on the precision of a question and ignore what the defendant knows.

The law is clear that the perjury, the real perjury, the issue is you have to look to the defendant's intent to testify falsely and thereby mislead questioners, which has been the intent of this President consistently throughout this process.

It is unfortunate that we still have that perception of this President. Because of the very events we are involved in today, many people call into question, is he giving us complete answers about what we are doing over in the Middle East? Is he evading questions. Is he misleading? I do not know, but again that is the pattern and practice that we have had to deal with, and that is one of the concerns that brings many of us to this point where we feel it is necessary.

The office of presidency, the stature to which it is entitled has been eroded by this President and this involvement in this process, necessitated by the commission of his own conduct, not the Congress's conduct, but his own conduct with the United States Constitution.

□ 1400

If I might say, there is great stress and turmoil and angst on the floor today. There should be. This is a serious, solemn event, something that we all, all would rather not have occurred. But as a Congress, we cannot ignore our constitutional responsibility and turn our head and say let's just forget about this. We have to move forward within the authority we have, and our only authority is to decide whether to impeach or not to impeach, whether to charge or not to charge.

We have no authority to invent sanctions such as censure or reprimand. If anybody has that authority, it is the Senate. But we cannot do that. But let me assure all the Members of Congress, I think, of a fact that we all understand and others that are listening who are concerned about this debate. The office of presidency is bigger than any person that occupies that office for 4 or 8 years. This office will survive. This office will stand. And what we are doing today in debating this process is coming to the point of what conduct we will accept from the President of the United States, from the office of presidency.

We have heard a lot today about we do not want to dumb-down, we do not want to lower the standards for impeachment. I submit to my colleagues that the better question that we all ought to be concerned about as Members of Congress, as American citizens, do we want to dumb-down, do we want to lower the expectation of the conduct of the chief law enforcement officer of this country, the Commander in Chief of this country who sends our soldiers off to foreign lands in harm's way, the President of the United States? Do we really want to lower that expectation of conduct?

I say we do not. And I say at the end of this day, perhaps at the end of tomorrow's day that we vote, we will have made that final decision.

Since the inception of this inquiry, a division has been created as to what allegations rise to the Constitutional standards of "high Crimes and Misdemeanors."

To assist my own interpretation, I look to the words of Justice Louis Brandeis from 1928 which read:

> In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker; it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.

The intersectional collision of President Clinton's deplorable conduct with our Constitution has set in motion this Inquiry of Impeachment. Each member must now match his or her action with only the authority the Constitution delegates to the House of Representatives. No more, no less.

As such, we must not invent, for the purpose of expediency, a remedy which does not exist. The House can not and should not be able to reprimand, censure or fine the other two branches of government—the Judiciary or the Executive.

Rather, members must be prepared to vote their conscience on whether or not to impeach, that is to charge the President with an impeachable offense. This is our single role in this process.

Further, impeachment is not a part of the criminal law. It is not governed by the criminal rules of procedure, court precedents, nor necessarily, the rules of evidence. Impeachment is truly a unique Constitutional process combining elements of the legal and political systems.

Numerous scholars have come forward suggesting not every crime is impeachable. Likewise, it is clear that an impeachable offense does not require a criminal law violation. The distinguished Senator ROBERT BYRD from West Virginia stated, "An impeachable offense does not have to be an indictable offense of law."

Before we begin our evaluation of the charges, let's be clear that the standard that we must attain before we can impeach is not—I repeat—is not the same case as that against President Nixon's in 1974. Some intimate that Nixon is the magic threshold and anything less should not be considered for impeachment.

That is simply, as the President's legal team put it, "a misleading statement." Analogize this situation to the prosecutor at law who fails to indict the bank robber who robbed five banks because the prosecutor had previously only indicted a robber of 20 banks.

As for our own evaluation, our first task is to ascertain the facts. The second task is to determine if the facts support an impeachable offense.

As for the facts:

President Clinton was sued by Paula Jones in a civil sexual harassment suit. In her case, Mrs. Jones tried to establish a particular pattern and practice of behavior by the President. This was not unique to her case, most sexual harassment cases establish such a pattern.

After former White House intern Monica Lewinsky was listed as a potential witness a series of illegal acts ensued. The evidence establishes the President engaged in the following misconduct, in an apparent effort to prevent Ms. Jones from recovering a monetary judgment against him and to protect his Presidency.

The facts surrounding these unlawful acts are:

Perjury. The President through a series of calculated lies over a period of months attempted to evade, mislead and provide incomplete responses to Paula Jones, the judiciary system and the American people.

Disregarding the recognized legal standard of a "reasonable man" used in all courts, the President repeatedly used verbal gymnastics to redefine words and phrases, such as "alone," "is" and "sexual relations." The latter interpretation, as admitted by his lawyer, results in the ridiculous conclusion that one party to a particular sex act may be involved in a sexual relation while the other party is not.

Obstruction of Justice. Once the question arose concerning an "improper affair" with Miss Lewinsky, suddenly there was another series of incidents to cover the tracks of this, including ridding the immediate area of evidence in the Jones case and Miss Lewinsky. While the President's "fingerprints" aren't clearly on these actions, almost by magic the President is benefitted by physical evidence disappearing from Miss Lewinsky's apartment and reappearing under his personal secretary's bed. Ms. Lewinsky lands her long-sought job with a New York Fortune 500 Company within 24 hours of signing a false affidavit supportive of the President in the Jones Case. How lucky can one man be?

Abuse of Power. Any claim the President had that this affair was a private matter, and at worst grounds for divorce, changed when he brought the powers of his high office into play. The facts show that in the President's zeal to keep this affair from the Jones lawsuit, he allowed his government-employed White House Counsels, policy advisors, Cabinet members and communications team to defend him and perpetuate the lies. He continued to use his staff for a period of more than seven months to deny, stonewall and lie to those investigating his actions.

We must use a common sense approach to this evidence and look at the results of this series of calculations and incidents. Washington is a "wink and nod" community, where people do not need to say exactly what they want in order to get what they want done. Nor can we judge each act in a vacuum. The context—the big picture—must also be considered. Just look at the time line, look at the actions and the results would all benefit the one person who says he had nothing to do with anything.

Throughout this process, we have had the daunting task of determining whether these charges meet the standard of "high Crimes and Misdemeanors," and whether the Rule of Law could be interpreted to include these criminal offenses.

Surely, one cannot seriously argue perjury and obstruction of justice are not impeachable. They are fraternal triplets of bribery which is spelled out in the Constitution. Each of these have the effect of thwarting the truth in our court system. As former Attorney General Griffin Bell has testified:

> The statutes against perjury, obstruction of justice and witness tampering rest on

> vouchsafing the element of truth in judicial proceedings—civil and criminal and particularly the grand jury.

Professor Jonathan Turley of the George Washington Law School told Congress that:

> The allegations against President Clinton go to the very heart of the legitimacy of his office and the integrity of the political system.

For those remaining few who persist that this is merely private or trivial conduct, I draw your attention to the testimony before this committee of John McGinnis, a Professor of Law from the Benjamin H. Cardozo School of Law at Yeshiva University, who said:

> Integrity under law is simply not divisible into private and public spheres. . . . It would be very damaging for this House to accept a legal definition of "high Crimes and Misdemeanors" that created a republic which tolerates "private" tax evasion," "private" perjury and "private" obstruction of justice from officials who would then continue to have the power to throw their citizens into prison for the very same offenses.

In addition, Stephen B. Presser, of the Northwestern University School of Law stated:

> They are not trivial matters having to do with the private life are thus impeachable offenses. The writings and commentary of the framers show that they would have believed that what President Clinton is alleged to have done, if true, ought to result in his impeachment and removal from office.

Harvard Law professor, Richard D. Parker, also stressed the Rule of Law in his testimony saying:

> Now, consider another hypothetical situation: Suppose the President were shown to have bribed the judge in a civil lawsuit against him for sexual harassment, seeking to cover up embarrassing evidence. As bribery, this act would be impeachable, despite its source in the President's sex life. What is the difference between that and lying under oath or obstructing justice in the same judicial proceeding—to say nothing of before a federal grand jury—for the same purpose? By analogy, both sorts of behavior would seem grossly to pervert, even to mock, the course of justice in a court of the United States.

And finally, when one wants to blame Congress for all of this, I issue the reminder that it was President Clinton and only President Clinton whose consistently made wrong choices instead of the right choices who has brought us to the point of national exhaustion.

Also, remember the additional words of Professor McGinnis about our forefathers' paramount concern with the integrity of our public official:

> They recognized that the prosperity and stability of the nation ultimately rest on the people's trust in their rulers. They designed the threat of removal from office to restrain the inevitable tendency of rulers to abuse that trust.

Since these allegations were brought to the attention of the Committee, my office has been inundated with phone calls and mail. In my office, I have received an overwhelming number of calls in support of impeachment, however, I understand the concerns of both sides. I look forward to the end of this debate and getting back to the important issues of social security, health care and others. But I want my constituents to understand, I do not relish this vote or this position our President has put us in. This will be the toughest vote I will make as a Congressman and I only wish I never had to make it.

There are no winners or losers here today. America has truly suffered. The facts remain, our President has placed himself before the law and the nation.

As such, I join the more than 100 newspapers and numerous other Americans to call upon the President to do the right and honorable thing—resign from the Office of the Presidency.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MANTON), a distinguished attorney and Member of the House.

Mr. MANTON. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I rise in opposition to the articles of impeachment before the House.

Mr. Speaker, after 14 years representing the citizens of the 7th Congressional District of New York, these will likely be my last votes that I cast as a Member of the House of Representatives. They will, ironically, certainly be the most significant and the ones which will garner the most attention from historians.

Mr. Speaker, there is no question that what the President has done is reprehensible. No one condones his actions. No one excuses his conduct. We all wish that he had conducted himself in a more responsible manner. We all want him to be more forthcoming in confronting the charges against him. We cannot, however, vote to overturn the two national elections and impeach the President simply because of a perceived lack of contrition on his part.

Mr. Speaker, we must take into consideration the consequences of our actions and weigh them against the purported misdeeds of the President. While I do not agree with the President on each and every issue, I believe he has done a good job as our country's steward over the past 6 years.

Mr. Speaker, I for one am particularly proud and humbled by his unceasing efforts to bring peace to Northern Ireland and the Middle East, succeeding where many before him have failed or did not even attempt to act.

In closing, I turn to the words of one of our Founding Fathers, Thomas Jefferson, who said, "Common sense is the foundation of all authorities, of the laws themselves and of their construction." I put to my colleagues that to vote for impeachment flies in the face of common sense and good judgment. We should avoid a dangerous precedent and vote against these articles of impeachment.

Our descendants would be ill served by an impeachment vote which alters the standard for removing a president. In the end we must remember that the perfect can be the enemy of the good. The right decision, the just conclusion is a vote for censure.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. McHALE)

Mr. McHALE. Mr. Speaker, it is difficult, perhaps impossible, to salvage any sense of nobility in reviewing the allegations before us. But there is one truth. The most basic rights of the people will be preserved only so long as public officials at every level of government tremble before the law.

As a deeply disheartened Democrat, I will be voting yes on impeachment articles I, II, and III.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from California (Mr. LANTOS), a dear friend of mine from the old Government Operations Committee.

Mr. LANTOS. Mr. Speaker, I want to thank my friend from Michigan (Mr. CONYERS) for yielding time to me.

Mr. Speaker, I rise as the only Member in the history of the Congress who has lived under and fought against both fascism and communism. Every day I enter this hall I do so with a feeling of humility and pride, as one who has suffered the pain of living in a police state and now enjoys the exhilaration of living in a free society.

The question I want to raise today is, what distinguishes this Congress from the legislatures of despotic countries? It certainly is not the taking of votes. Because there are always votes, plenty of them, in totalitarian parliaments. Nor is it the eloquence or the erudition or the IQ level of Members. Mr. Speaker, what distinguishes this House from the fake parliaments of police states is procedural fairness.

What we ask is the opportunity to vote on censuring the President in addition to the opportunity to vote on impeachment. Democracy not only means the rule of the majority, it also mandates respect for the minority. If our Republican colleagues allow a vote on censure and even if that vote fails, they will give respect and legitimacy to these proceedings. Should a censure vote prevail, they will allow the voice of the true majority to triumph.

Some of my very best friends sit on the other side of the aisle and I would defend their right to vote their conscience with my life if necessary. I find it unbelievable that they want to limit my right to vote my conscience.

The censure vote we are seeking is supported by our former Republican colleague, the former Republican President of the United States of America, Gerald Ford, who is renowned for his fairness. The censure vote we seek is supported by the former Republican leader of the United States Senate and the Republican candidate for President in 1996, Senator Bob Dole. The censure vote we seek is supported by the large majority of our fellow citizens.

Mr. Speaker, compromise is the currency of a free society. Self-righteous certitude is the antithesis of democracy. I respect all of my colleagues who will ultimately vote for impeachment, but I ask that they respect the right of those of us who wish to express our disapproval but who deeply believe that the impeachment and the removal of our President would be a travesty to the principle of proportionality, it would be unfair to him and to his family, and it would be damaging to our national interest.

When this debate is over, I hope they will allow all of us to feel that we have participated in a real vote of a real legislature. I ask that we have the opportunity to vote on a motion to censure the President. If the impeachment vote succeeds in this House, come January, President Clinton will be on trial in the Senate. But today, my friends, it is this House that is on trial.

Mr. McCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

It is important to address that issue of censure. We discussed this in the committee and there were numerous constitutional experts that addressed this. Stephen Presser, professor of legal history at Northwestern University School of Law, wrote a letter to the gentleman from Massachusetts (Mr. DELAHUNT) disagreeing about censure and saying that censure would not be constitutional. He said, "In my opinion, impeachment is the remedy for misconduct."

We go to the University of London, a similar response by Gary McDowell noted that censure was not a proper constitutional remedy and would violate the separation of powers. And on to John Harrison, University of Virginia School of Law by a letter to the gentleman from Massachusetts (Mr. DELAHUNT) Saying that, "My view at this point is that there are serious constitutional difficulties with congressional censure." And for that reason, because of the constitutional problems, that was not presented.

Mr. Speaker, I yield to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I appreciate my friend yielding.

The technicalities have been debated ad nauseum and ad infinitum.

Mr. HUTCHINSON. Mr. Speaker, reclaiming my time, I think the gentleman's point was also on fairness. And, as has been read earlier today, going back to 1974 on this House, the Democrat Speaker refused to allow a vote on censure in reference to President Nixon; and so, there is a precedent for what has transpired as well as constitutional consideration.

Mr. CONYERS. Mr. Speaker, I yield the gentleman from California (Mr. LANTOS) 1 minute.

Mr. LANTOS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, could I point out to my distinguished scholars and members of the Committee on the Judiciary, we are not trying to solve this problem within this debate. Let's bring up the motion and we can debate its constitutionality or its unconstitutionality. You surely must know that there have been censures in our American history.

Mr. LANTOS. Mr. Speaker, reclaiming my time, there is not a person in this body on either side who does not clearly understand that this body has every right to censure the President, and to hide behind these phony technicalities demeans this House.

My colleagues know as well as I do that a censure vote could be taken, would be legal, would be constitutional and would carry.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I appreciate the sincerity. But censure is being used in this case as a marketing tool to the American public to sell them on the idea that there is a simple, easy way to avoid our constitutional responsibility; and I think that we should stick with the Constitution.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I just wanted to interject at this point in the debate, colleagues, that as part of my own personal deliberations, in the last 48 hours I have spoken to both former President FORD and Bob Dole. Both men emphatically told me, and of course both are former House members, that they would vote to impeach, that they felt it was the duty of the House, barring a public acknowledgement, an admission of the President that he had lied under oath and perjured himself, it was the duty of the House to vote for the articles of impeachment.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, the argument has been made that lying about sex is different and does not qualify as a high crime and misdemeanor. I am not a lawyer, but I do not think that the law requiring us to tell the truth, the whole truth, and nothing but the truth means we can tell the truth that is convenient or the truth only about certain things.

A lie is a lie. A lie to a grand jury and a lie in a sworn deposition is equally a lie and equally a violation of the law, whether it is about sex or whether it is about national security.

Others who have lied under oath have been criminally charged. In the last 2 years, 3 people in my State of Utah have been charged, convicted and sentenced for lying under oath. They faced the consequences of their actions and they took their punishment. How can we now tell the American public that a lesser standard applies to the President of the United States, the chief administrator of the laws of this country?

Some have argued that by voting for impeachment we are lowering the bar for impeachment. I disagree. I think we are instead affirming democracy as truly the cornerstone of this great country. We are saying that the American people who have, as the gentleman from Illinois (Mr. HYDE) so eloquently put it this morning, believed, fought and sacrificed this past 227 years for the rule of law, believe that all are subject to that law, not just the poor, the minorities or those without affluence or influence, as some cynics have claimed in recent years, but all, including the man who holds the most powerful and influential office in this country.

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To me that does not lower the bar for impeachment; it raises the standard for democracy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is a violation of the House rules.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. MEEK), who has waited patiently for her turn.

Mrs. MEEK of Florida. Mr. Speaker, I stand to voice my dissent and my disagreement, and I rise to give my strong opposition to the articles of impeachment that have been brought before us today.

I know what has caused this to happen; I have watched it.

It took me 129 years to get to this Congress because of some folks interpreting the Constitution. I have heard a lot about the Constitution today. But the same people that are interpreting it wrongly today were obviously there long many years ago when it was misinterpreted and when some folks were left out.

How many more good people are going to have to lose their reputation because of what I am seeing here in this Congress? Good men are losing their reputation every day here. Who will be next because of this strive, this strive for gonadal agony?

We are going in the wrong direction here in this Congress. Because of this biased interpretation a man who has served this country very well is now up for impeachment.

Too many of my colleagues have a gotcha syndrome. They want to do their best to get Mr. President. I saw it from the very beginning with every kind of gate there was in government reform. There was a tailgate, there was a post office gate. Every gate imaginable was brought before that committee long before this impeachment started, but it was the beginning of impeachment of William Jefferson Clinton.

My colleagues have not liked him from the very beginning. I have tried to find out why. They dislike him, but they cannot get him in the manner which they tried before, so now they are going to use this gonad shriveling impeachment process to try and get him. It is unfair, it is tainted.

I have some familiarity with this unfairness and injustice that we see in this country. My colleagues cannot escape it. Every American knows that this impeachment process is partisan if they looked at the votes of the very good Committee on the judiciary hearings we had. I watched it. I read everything I could. It is partisan. It goes against the history of this country.

The Republican majority has chosen time and time again to exclude the Democrats. We are asking only for a chance for censure. That is what we are asking for. It does not mean we are going to win that, but at least they could give us that opportunity.

Mr. Speaker, our colleagues are out of touch with the people of the country, they are out of touch with the Constitution, and I say to the rest of them: Now is the time to try and give censure to a man who has given something for this country and give all of us who seek fairness and justice for this country. It was not only set out for certain people; it is for all the people.

Mr. Speaker, if my colleagues believe in the Constitution so strongly, they should act on it.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding this time to me, and I ask that a letter received from Senator Bob Dole dated today be placed in the record. I will read a part of that:

It is entirely appropriate for the U.S. House of Representatives to debate and vote on articles of impeachment at this time.

He later says, I also believe that quick positive action in the House could improve chances for a timely resolution of this matter in the U.S. Senate.

So to those on the other side who have been invoking the name of Senator Dole, I would point out that he believes that it is appropriate for us to take the action we are taking today.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, just before the November 3 election my 5-year-old grandson, Jake, asked his mother if we were going to be electing a new President, and upon being told, no, we already have a President, Jake replied: No, we do not; he lied.

As my colleagues know, such principle from the mouths of babes. As sad as this is for our Nation, this action is necessary so that all of us can continue to not only uphold but teach those basic truths and basic right and wrong in our houses and, most assuredly, in this House.

Yes, to err is human, but to lie and deny and vilify; rather than that we need to confess and repair and repent.

Just remember, the children are watching.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, Republicans say the underlying issue is not about sex, it is about perjury. Democrats say the underlying issue is about sex, a private consensual relationship, and the President lied about it, possibly committing perjury in the process. But since lying about sex is not an act involved using his official position against the state as Nixon did, Democrats say Clinton's sins do not reach the constitutional standard for impeachment. That is the essence of the arguments we have heard presented by Members of Congress and the Committee on the Judiciary, but underlying the pending Clinton impeachment is neither sex, nor lying, nor perjury, but American history itself. Essentially the same economic and political forces that drove the presidential impeachment process against Andrew Johnson in 1868 are driving the impeachment process 130 years later. There has been a role reversal. The Republicans of 1998 were the Democrats of 1868, but the underlying issue is essentially the same:

Reconstruction. The first reconstruction was at issue in 1868; the second reconstruction is at issue in 1998.

It could not possibly be about the standard. Congress determined that Mr. Nixon's failure to pay taxes and his lying about failure to pay those taxes did not meet the constitutional standard while felonious. Mr. Clinton's actions, while potentially felonious, does not reach the constitutional standard. So we look to history for the answer.

People keep asking me every time I step outside of this Congress why does the African American community keep sticking with Bill Clinton? When legal slavery ended, this is why. There were 9 million people in the old Confederacy which was led by the Democrat Party. Then the Democratic Party was defined in exclusive terms, as slave holders protected by States rights governments. Four million people, southerners, were uneducated, untrained former slaves who wanted to be brought into the mainstream of America, that it include poor and working class whites who wanted to be brought in. The identification of Lincoln and the Republican Party with ending slavery led southern Democrats to refer to Lincoln as the black President and the Republican Party as the black Republican Party. Former Democratic confederates opposed and resisted the big centralized Republican federal government and wanted to get the government off of their States' backs so they could get right back to their old States rights ways. Senator Andrew Johnson was a Tennessee Democrat who had refused to join his southern Democratic Confederates and stayed with the northern Unionists. Lincoln's concern about preserving and re-unifying the Union, the Nation following the war led him to appoint that Democrat to become Vice. When Lincoln was killed, President Johnson focused on putting the Union back together but not on building a more perfect union for all Americans. And unlike Lincoln and the Republicans, he was willing to preserve the Union by leaving some Americans behind, sacrificing the rights and interests of the former slaves. This is why. As a result those northern angry Republicans investigated a vulnerable Johnson, who not unlike Bill Clinton had personal foibles, to try to come up with an excuse to impeach him. It was a partisan attack by Republicans on a Democratic President in order to preserve undertaking the Republicans' first reconstructive economic program. Today's conservative based Republicans' target is not Bill Clinton, it is second reconstruction, especially the liberalism of Democrat President Lyndon Baines Johnson, but also ultimately including the big government economic programs of FDR.

Let us not be confused. Today Republicans are impeaching Social Security, they are impeaching affirmative action, they are impeaching women's right to choose, Medicare, Medicaid, Supreme Court Justices who believe in equal protection under the law for all Americans. Something deeper in history is happening than sex, lying about sex and perjury. In 1868 it was about reconstruction, and in 1998 it is still about reconstruction.

Republicans say the underlying issue is not about sex, it's about perjury. Democrats say the underlying issue is about sex—a private consensual sexual relationship—and the President lied about it, possibly committing perjury in the process. But since lying about sex is not an act that involved using is official position against the state, as Nixon did, Democrats say, Clinton's sins do not reach the Constitutional standard for impeachment.

That is the essence of the argument we heard presented by members of the House Judiciary Committee and voted on along partisan party lines to impeach President Clinton. That is what the current Republicans and Democrats are saying. What will history say?

Underlying the pending Clinton impeachment is neither sex, nor lying, nor perjury, but American history itself. Essentially the same elitist economic and political forces that drove the president impeachment process against Andrew Johnson in 1868 are driving the impeachment process 130 years later. There has been a "role reversal"—the Republicans of

1998 were the Democrats of 1868—but the underlying issue is essentially the same: reconstruction. The First Reconstruction was at issue in 1868, the Second Reconstruction is at issue in 1998.

Congress determined that Mr. Nixon's failure to pay taxes, while felonious, did not meet constitutional standards. Mr. Clinton's action while potentially felonies, does not reach the standards so we look to history for the answer.

The end of the Civil War and the adoption of the 13th Amendment to the Constitution on December 18, 1865 ended legal slavery, Slavery, the Democratic Party, its geography and its ideology were all defeated. But Lincoln's assassination five days after Appomattox denied him and the Republican Party the opportunity to pursue a "Big Federal Government" policy of economic reconstruction and political enfranchisement for all Americans, leaving no American behind.

People keep asking me why the black community sticks with Bill Clinton.

When legal slavery ended, there were nine million people in the old Confederacy, which was led by the Democratic Party. Then, the Democratic Party was defined in exclusive terms—as slave holders with private property rights (slaves) which were protected legally by "States rights" governments. Four million of the southerners were uneducated and untrained former slaves who needed to be educated, trained and brought into the economic mainstream and politically enfranchised with the right and ability to vote. That didn't include poor and working class whites who had similar needs and had been exploited, manipulated, misused and politically diverted with a focus on social issues (then, perpetuating the fear of interracial sex) by the slave owners to preserve and protect their elite economic system of special interests.

Just eight years earlier, in 1857, in the Dred Scott decision, the Court had ruled that blacks had no rights that a white man must respect and that Congress could not outlaw slavery anywhere in the U.S. The Confederacy—its economy, religion, family, social customs, mores and politics—was based and built on the institution of slavery. The Civil War ended slavery, but it did not create a more perfect Union because there were still two outstanding problems: (1) How to bring four million former slaves into the economic mainstream? And (2) How to politically enfranchise them? That was the goal of the First Reconstruction and it's goal has never been realized. Those twin problems have never been completely fixed!

The identification of Lincoln and the Republican Party with ending slavery led southern Democrats to refer to Lincoln as the Black President and the Republican Party as the Black Republican Party. So the Rep. J.C. WATTS' Republican Party has gone from being known as the Black Republican Party to one Black Republican. "Former" Democratic Confederates opposed and resisted the "Big Centralized Republican Federal Government" and wanted "the government off of their states' backs" so they could go back to their old "States' Rights" ways.

Senator Andrew Johnson was a Tennessee Democrat who had refused to join his fellow southern Democratic Confederates and stayed with the northern Unionists. Lincoln's concern about preserving and reunifying the nation following the war led our first Republican President to reward Johnson's loyalty by nominating him for Vice President in the 1864 campaign.

Lincoln fought a Civil War to preserve the Union and to end slavery. He defeated the southern slave forces militarily at a national cost of 620,000 lives and was prepared to reconstruct the nation with a Republican program of economic inclusion and political enfranchisement.

When Lincoln was killed, President Johnson focused on putting the Union back together, but not on building a "more perfect Union" for all Americans. Unlike Lincoln and the Republicans, he was willing to preserve the Union by leaving some Americans behind, sacrificing the rights and interests of the former slaves. As a result, angry northern Radical Republicans investigated a vulnerable Johnson—who was not unlike Bill Clinton in terms of his personal foibles—to try to come up with an excuse to impeach him. It was a partisan Republican attack on a Democratic President in order to preserve undertaking the Republicans' First Reconstruction economic program. It was in this context that the historically black colleges and universities were founded.

The struggle between these radical progressive northern Republicans and these radical conservative southern Democrats continued following the Civil War, and finally came to a head in the 1876 presidential election and Tilden-Hayes Compromise of 1877—which ended reconstruction. Rutherford B. Hayes, a Republican, was finally elected President by one vote in the House, but in exchange for pulling out Federal troops protecting the newly freed slaves in the South, and agreeing to appoint conservative Democrats to the Supreme Court. New Democratic Confederates, with the help of new "black laws" of discrimination, psychological intimidation, physical violence and murder, were now on their way back to being in power in the South.

By 1896, the Supreme Court appointments resulted in Plessy, which ushered in Jim Crow, and by 1901 the first Congressional Black Caucus was completely eliminated from Congress, not to return for three decades.

Blacks remained loyal to the Republican Party until 1936, FDR's second term. African Americans were attracted to his New (economic) Deal. Roosevelt defined a new more inclusive Democratic Party by offering an economic agenda that appealed to every American.

It is the same white elitist southern forces and their continuing anti-Federal government ideology—except today they are called Republicans—who want, this time, not to preserve but to undue the nation's effort at reconstruction, a Second Reconstruction begun in 1954 with Brown, continued with the 1964 Civil Rights Act and 1965 Voting Rights Act, affirmative action and majority-minority political districts. The southern Democratic Party, with the legacy of the Confederacy, generally found itself on the wrong side of history again in the 1960s. Governors George Wallace of Alabama, Lester Maddox of Georgia and Orville Faubus of Arkansas were all Democrats. Renowned segregationists like Senator Richard Russell of Georgia and Congressman Howard Smith from Virginia were Democrats. Today's Senators STROM THURMOND of South Carolina and RICHARD SHELBY of Alabama were originally Dixiecrats, but are now Republicans.

Today's conservative southern-based Republicans' target is the Second Reconstruction, especially the "liberalism" of Democratic President Lyndon Johnson's Great Society, but also ultimately including many of the "Big Government" economic programs of Franklin Delano Roosevelt's New Deal. The real underlying dynamic of this impeachment proceeding is not the removal of Bill Clinton, but the removal of the social and economic programs of the New Deal and the Second Reconstruction of the Great Society, a weakening of the Big Federal Government generally, and the destruction of liberalism as a viable political ideology in particular.

Whether these conservative anti-Federal government Republicans are successful or not will be determined by history. There will be a few pro-impeachment Democrats thrown in for good measure because, politically, they must factor in the old Democratic forces in the South, now controlled by the Republicans. The Republican impeachment strategy can only be measured by future elections. Will the American people be led astray again by the Republicans' new sex diversion or will a strong political leader be able to get them to focus on their real economic interests of full employment, comprehensive and universal health care, affordable housing and a quality public education? History—not President Clinton or the current crop of Democrats and Republicans—will render that judgment!

The political and ideological roots of this anti-reconstruction and anti-more-perfect-union crowd is in the South, though its tentacles have spread beyond the South. This Republican impeachment effort allows us to look at the roots, dynamic and current political structure of this conservative political movement.

Begin with the Judiciary Committee. Ten of the eighteen Republican members of the Judiciary Committee are ultra-conservatives from former Confederate states. In the middle of the impeachment hearings, one of them, BOB BARR of Georgia, was exposed for having recently spoken before a white supremacist group.

Move on to the House Republican leadership. The Speaker is NEWT GINGRICH (R–GA), whose history is laced with not-so-subtle new racial code words, and the Speaker-elect is BOB LIVINGSTON (R–LA). There styles are different, but their substances is essentially the same. Both abdicated their leadership roles in the impeachment crisis only to have another southern conservative, Rep. TOM "The Hammer" DELAY (R–TX), fill the void. He is intimidating and forcing Republicans, not to vote against censure, but to vote with their party on a procedural vote—which, in essence, is a vote to kill a vote of conscience for censure.

In addition, call the roll of House leadership and committee chairmanships in the 105th Congress: RICHARD ARMEY (TX), Majority Leader; BILL ARCHER (TX), Ways and Means; BOB LIVINGSTON (LA), Appropriations; FLOYD SPENCE (SC), National Security; THOMAS BLILEY (VA), Commerce; PORTER GOSS (FL), Permanent Select Committee on Intelligence.

Add to that the 105th Republican controlled Senate: TRENT LOTT (MS), Senate Majority Leader; STROM THURMOND (SC), President Pro Tem (3rd in line to be President), Chairman, Armed Services; JESSE HELMS (NC), Senate Foreign Relations; John Warner (VA), Rules; Richard Shelby (AL), Select Committee on Intelligence. Today in Congress there are more people arguing on behalf of states' rights than there are people arguing on behalf of building a more perfect union.

But don't stop there. Look at who will preside as Chief Justice over an impeachment trial in the Senate—the ultimate conservative states' righter, Supreme Court Chief Justice William Rehnquist. Nominated to the Court by Nixon and elevated to Chief Justice by Reagan, this intellectually gifted conservative, when clerk for Justice Robert H. Jackson between 1952 and 1953, wrote a memorandum arguing in favor of upholding the "separate but equal" doctrine of Plessy v. Ferguson in preparation for the 1954 decision on Brown. As a conservative Phoenix lawyer, he appeared as a witness before the Phoenix City Council in opposition to a public accommodations ordinance and took part in a program of challenging African American voters at the polls.

From 1969 until 1971, he served as assistant attorney general for the Office of Legal Counsel. In that position, he supported executive authority to order wiretapping and surveillance without a court order, no-knock entry by the police, preventive detention and abolishing the exclusionary rule, that is, a rule to dismiss evidence gathered in an illegal way.

As a member of the Burger Court, Rehnquist played a crucial role in reviving the debate regarding the relationship between the federal government and the states. The consequences of Rehnquist's state-centered federalism surfaced dramatically in the area of individual rights. Since the 1960s, the Court had held that nearly every provision in the Bill of Rights applies to the states through the Due Process Clause of the Fourteenth Amendment. Rehnquist voiced his disagreement with such a method of determining the constitutional requirements of state action, particularly in the context of criminal proceedings, urging a return to an earlier approach whereby the states were not required to comply with the Bill of Rights but only to treat individuals with "fundamental fairness."

Likewise, Rehnquist narrowly construed the Fourteenth Amendment's mandate to the states not to deny any person the equal protection of the laws. He contended that all that the framers of the Fourteenth Amendment hoped to achieve with the Equal Protection Clause was to prevent the states from treating black and white citizens differently. The most important value for Rehnquist is his state-centered federalism, followed by private property and individual rights. In other words, his current views are consistent with the core of the states' rights legal philosophy a century-and-a-half ago, where the individual right to own property (slaves) was to be protected by a states' rights government!

To capture a new political base, Republicans abandoned the essence of Lincoln and decided to go after Dixie, using social issues as cover for their narrow economic interests. Barry Goldwater launched this modern conservative anti-Federal government movement with his 1964 presidential campaign. Ronald Reagan picked it up and sent the same signal by launching his southern campaign from Philadelphia, Mississippi in 1980, in the name of states' rights, where two Jews and a Black were murdered in the name of states' rights fighting for the right to vote. Now Republicans want to complete Mr. GINGRICH'S 1994 "Revolution of Devolution" by defeating and eliminating the twin evil forces of "liberalism" and "Big Government" in the 2000 election.

The Republicans know that if the President is impeached in the House, he will not be convicted in the Senate. They don't want him convicted and out of office, with President AL GORE given two years to solidify his hold on the White House. They want an impeached, but not convicted, President twisting in the wind for two years leading up to the 2000 election. This is a continuation of the November 3, 1998, strategy of the Republican hard liners to motivate and build their conservative "social values" political base as a dimersion from economic justic issues.

What the Republicans want out of this impeachment crisis is a "family values" issue for the 2000 presidential campaign. They want to say that Clinton's sexual misconduct is the result of the "decadent values" of the 1960's and liberalism generally. In other words, in some form, the Lewinsky matter will become a Republican "wedge issue" in the 2000 campaign. The fact that African Americans are so closely identified with both President Clinton and liberal "Big Government" programs fits perfectly with their consistent use of race to divide the electorate in presidential campaigns. They can send the subliminal race signal while publicly denying they are using race as an issue in the campaign. So far the Republicans have gotten away with it and they have not been impeached for lying about it.

The Republican goal in 2000 is to use this strategy to retain control of the House and Senate and to gain control of the White House. They can then appoint their hardcore conservative right wing friends to the Supreme Court after 2001. We will be treated to Kenneth Starr clones as nominees to the Supreme Court. Remember, Kenneth Starr's ambition before being sullied by the Lewinsky affair was to be appointed to the Supreme Court.

Republicans in control of the executive, legislative and judicial branches of the Federal government could turn the clock back to a twenty-first century version of the good old States' Rights days of the 1850s and the 1896 "separate but equal" days of Plessy v. Ferguson.

By putting impeachment in the legislative rather than the judicial branch of government, the Constitution deliberately made it a political-legal affair. Republicans have done in 1998, what Democrats did in 1868. They have used the political-legal nature of the impeachment process to turn it into a political—political affair to further their anti-Big Government aims.

Republicans are trying to impeach reconstruction. President Clinton risked all of that history of social and economic progress by lying about an issue of personal satisfaction. He has not committed treason as defined by the Constitution as an impeachable offense. His treason is against our cause of building a more perfect union.

After economic and socially conservative Presidents Nixon, Ford, Carter (an economic conservative, but more liberal socially), Reagan and Bush, a moderate-to-conservative southern Democrat, President Clinton, has helped to prepare an economic bridge which would allow us to again begin to work on some of the unfinished and unreconstructed tasks of the Civil War. Monica Lewinsky has now reduced the defense of that agenda to a defense of him.

Today Republicans are trying to impeach Social Security, affirmative action, the right to choose, Medicare, Medicaid, Supreme Court justices who believe in equal protection under the law for all Americans, public education for all over vouchers for some, universal and comprehensive health coverage over medical savings accounts for the few, affordable housing for all, versus mansions for a select few in an effort to win elections.

Clinton launched a dialogue to talk about race, but the real race dialogue is what could potentially happen to economic reconstruction in 2001 if this reactionary Republican strategy works. Clinton has worked hard to separate the race dialogue from the economic dialogue—joining with the Republicans in 1997, and ignoring his strongest liberal supporters today, by cutting a budget deal to balance the budget with the conservative Republicans. That deal assures that there will not be enough money to fix our historic problem. He has reduced his own defense to a personal defense instead of a defense of history.

Something deeper in history than sex, lying and perjury is at issue here—just as something deeper in history than the removal of a cabinet secretary was a stake in 1868. At stake in 1868 was the First Reconstruction. At stake in 1998 is the Second Reconstruction. The struggle taking place in Congress and nationally today is between those political forces who want to build a more perfect union for all Americans, leaving no American behind, and those who want to return an elitist economic program of more perfect "States' Rights" for the few. That is what underlies the impeachment crisis.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, this is the twentieth session in which I have been casting votes in legislative chambers in this status. I submit a statement on behalf of all four articles of impeachment for my side.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, there is much in the statement of the gentleman from Illinois (Mr. JACKSON) to which I could respond. I do want to focus on one particular point that he made which we have heard repeated time and time again concerning the impeachment proceedings against President Nixon.

It is claimed that the Committee on the Judiciary decided that tax fraud by President Nixon was not an impeachable offense. The record simply does not bear that out. It is true that the committee rejected an article of impeachment based on tax fraud against President Nixon, but it is equally clear that the overwhelming majority of the members of the committee who expressed an opinion on that subject said that they were voting against that article because there was insufficient evidence to support tax fraud.

Mr. Speaker, I would like to quote what the subsequent chairman of the Committee on the Judiciary, Mr. Brooks, a Democrat, said in that context. He said that no man in America can be above the law. It is our duty to establish now the evidence of specific statutory crimes and constitutional violations by the President of the United States will subject all Presidents now and in the future to impeachment. No President is exempt under our U.S. Constitution and the laws of the United States from accountability for personal misdeeds any more than he is for official misdeeds.

I think that we on this committee in our effort to fairly evaluate the President's activities will show the American people that all men are treated equally under the law.

Now that was a view that was adopted by the gentleman from Michigan (Mr. CONYERS) also, who supported the tax fraud article, the gentleman from New York (Mr. RANGEL) and various other Members on the Democrat side.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, censure did not change Andrew Jackson. We have heard a lot about censure during the Jackson administration. When the Supreme Court ruled in favor of the Cherokee Indians, Jackson was heard to say about the sitting Chief Justice, "Well, John Marshall has made his decision, let us see if he can enforce it." Obviously the Court could not enforce the order. The Court does not have the Army. The Court does not have the Federal marshals. So much for censure.

Censure would have about as much effect on the behavior of Presidents as a parent yelling and shouting at a teenager. As we know, shouting does not usually change teenage behavior.

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The other point that I would make is we have heard an awful lot of talk about the repeal of the 1996 election. We have heard a lot of talk in the Shays town meeting about a coup occurring in America. This is utter nonsense. After all, the President of the United States picked his Vice President in 1992 and 1996, and he picked him for issue compatibility, and certainly Vice President GORE would have that, should the Senate vacate the office of President. I would suggest that the "repeal the 1996 election" argument falls.

The President must subject himself to the rule of law that effects all of our citizens. This should be a warning to all presidents, that when you break the rule of law, you violate Federal laws—be it perjury, suborning witnesses, whatever it is—that you might endanger yourself with impeachment.

Let us do the right thing. Let us vote for the articles of impeachment.

Mr. Speaker, I include the following for the RECORD: my weekly column entitled "Two Challenges for Our Country."

TWO CHALLENGES FOR OUR COUNTRY

This week, our nation has been confronted with two crucial challenges—Saddam Hussein again has blocked weapons inspections in Iraq and the House of Representatives is preparing to decide whether President Clinton should be impeached. The collision of these events should reaffirm for us that we can unite in dealing with foreign threats even as complicated domestic matters are under consideration.

First, I strongly support our armed forces in current operations to reduce Saddam Hussein's ability to produce weapons of mass destruction. Although I believe we should have acted earlier, when Saddam repeatedly thwarted United Nations efforts, it is clear that we must deter Iraqi efforts to obtain nuclear, chemical and biological weapons.

On the domestic challenges before us, the American people, and their Representatives in Congress, are confronted with one fundamental issue: Are all Americans, including the President of the United States, equal before the law? My answer to that question is Yes, and so I will be voting for the articles of impeachment of President Clinton.

I have reached this decision after many weeks of reviewing all the evidence. I have also waited for the President to rebut the facts or take responsibility for his actions. However, the President has steadfastly refused to address these charges.

The impeachment of a President by the House does not remove him from office. The House judges whether or not there is "clear and convincing evidence" for the Senate to conduct a trial presided over by the Chief Justice of the United States. That was the standard used by Watergate-era Judiciary Committee Chairman Rodino in 1974 and by Chairman Hyde in 1998.

I have paid close attention to the telephone calls, mail, faxes, and e-mail. I have received thousands of communications—most of which come from organized groups outside our district. Within our district, the often passionate communications have been closely divided between those who favor and those who oppose impeachment.

Most Americans know there is powerful evidence that President Clinton deliberately testified falsely under oath in both a federal sexual harassment case and a federal criminal grand jury proceeding. They know there is substantial evidence that the President attempted to tamper with witnesses and obstruct justice.

What should be done in response to President Clinton's actions is, and should be, a matter of conscience. Despite news reports to the contrary, on this issue there has been no arm-twisting by either the White House or the Republican leadership. I respect the views of my colleagues who will vote differently, and those of my constitituents who will disagree with my position.

It would have been easy to vote against impeachment. According to the polls, a majority of the public is against it. Additionally, I have voted against a majority in my party a number of times—on such issues as protecting a women's right to choose, sensible gun control, the patients' bill of rights, campaign finance reform, and equal rights for gays and lesbians.

In this case, there is simply overwhelming evidence that the President has committed serious crimes such as perjury. I realize that the President is popular. But being popular does not excuse his breaking of the law. Any other person—a teacher, soldier, a businessperson, a newspaper editor—would long ago has lost his or her job for such actions.

The President refuses to take responsibility for his actions. That refusal has brought him, and all of us, to his point. There any many myths regarding the President's defense. Here are just a few of the main ones:

(1) "These are Not High Crimes and Misdemeanors" This is not Watergate. But, no committing watergate-style crimes should hardly be the minimum standard we ask of out Presidents. There have been only two other Presidents who have faced the serious prospect of impeachment, but other officials, primarily judges, have been impeached for actions, such as perjury, that had nothing to do with their officials duties.

(2) "Censure is the Proper Punishment" It has been said that instead of impeachment, the House should censure the President. First, the Contitituion does not provide for censure, and even many scholars who support President Clinton say that it would be unconstitutional for the House to do it. The House does not determine the ultimate punishment of those impeached. That is the Senate's role. Second, censure at this point really comes down to passing a meaningless resolution condemning the President either for unspecified bad behavior or for crimes that he refuses to admit. Censure would be like shouting at a teenager and thinking that loudness will change his behavior. However, if the Senate should decide on other measures short of removal, then censure might be proper. The role of the House is to ascertain whether there is enough evidence to have the Senate conduct a trial.

(3) "It's a Coup Overturning the 1996 Election" If the President should actually be removed from office by the Senate, then he would be succeeded by Democratic Vice President Al Gore, not losing Republican candidate Bob Dole. President Clinton picked Gore as his running mate in 1992 and 1996. He picked Gore because he felt that they would agree on public policy. To say that this "overturns" the 1996 election is no more accurate than saying that the forced resignation of Richard Nixon overturned the 1972 election. When President Nixon resigned, his own hand-picked Vice President, Gerald Ford, succeeded to the office.

(4) "It's Just Sex" What we should not forget is that President Clinton is accused, not of having an affair, but of lying in a sexual harassment case in an effort to defraud an American citizen of her rightful day in court. Plaintiffs in sexual harassment cases are permitted by law to inquire into the behavior of defendants in order to establish a pattern and practice of behavior (such as giving benefits for sex). If President Clinton is permitted to lie, will every other defendant in a sexual harassment lawsuit be permitted to lie?

If we fail to hold the President accountable, we inevitably confront these questions: (1) Do we believe that the President is above the law? (2) Do we believe that such actions are acceptable and deserving of no more than a meaningless and nonbinding censure resolution? (3) Do we believe that the President should be held to a lower standard than anyone else in our society?

Our nation will survive this crisis, regardless of the ultimate fate of President Clinton. I am far more worried about our future if, as a society, we give the wrong answers to the above questions. By his actions, the President has answered Yes to all of these questions. By my vote, I will be answering each of them No.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), a ranking Member of the House.

Mr. OBEY. Mr. Speaker, I honestly believe this is the worst day for this institution in this century, and history will see it as such. The tool of impeachment was inserted in the Constitution to protect the country from irreparable harm, not to punish the President. Under our system, the proper institution to punish the President if he violated the law is the court system, a legal institution, not the Congress, a political institution.

The House Republican leadership has said that this is a vote of conscience. It is denying the right to cast that vote of conscience to those of us who believe that the proper course is to censure, not impeach. That decision dooms this House to go down in history as tragically lacking in both perspective and fairness.

To those who say censure has no bite, my response is this: I come from the State of Joe McCarthy. Tell him censure has no bite. It destroyed him.

Whether the President has committed perjury or not is a legal, technical question that can be decided by a jury and a judge and our court system at the proper time.

There is no question that the President has misled the country and the Congress. That is unacceptable. But, in my view, it does not rise to the level of an impeachable offense, because the lies essentially grew out of sex, not public acts. If the House ignores that distinction, it fails in its obligation to put the President's acts in perspective.

Mr. Speaker, the gentleman from Illinois (Mr. HYDE) said earlier in this debate that there cannot be one law for the ruler and one law for the ruled. I agree. But I would say, respectfully, that this House should not have one standard of judgment for truth telling for the leader of the Executive Branch, and another for the leader of this institution, who was found not to have told the truth to this House. In that case there was no removal from office; there was not even censure. There was simply a reprimand and then reelection by the Republican House majority to the Speakership.

Mr. Speaker, for the House Republican leadership to, in effect, predetermine the outcome of this vote by refusing to allow a conscience vote on censure in this instance is a massive failure of fairness. If the House leadership can only win this vote by denying any alternative, it will have failed the country as much as Bill Clinton has.

Mr. Speaker, because of time limits imposed on debate today I would like to extend my remarks at this point updating the thought on the issue that I expressed earlier in the year, to place my conclusion in full context.

Mr. Speaker, three months ago, as I tried to wade through my copy of the Starr Report, and as I came again and again to gratuitously graphic and voyeuristic descriptions of "sexual encounters" contained in that report, I reached the point where I could read no more. I had voted to release that report earlier that day, but I really began to wonder whether I would have done so if I had known it was so graphic. I say that because while reading the report I was continually asking myself what we had done to our own children, to the President's privacy and dignity (and that of Monica Lewinsky) and even to the dignity of the nation itself by the placement of that report on the Internet.

Putting down the report, I turned on the t.v. set to see, as an unreconstructed Cub fan, if I could find out if Sammy Sosa had hit another home run or not. The tube came on and within seconds I heard a CNBC reporter describing the Starr report, using language I never expected to hear on the nation's national news programs or what passes for them these days.

At that moment I reached the same conclusions that millions of Americans have probably reached. I have had it—not just with this story, but with something far more disturbing.

What I felt was a conclusion that has been building within me for months, even years. I was overwhelmed with the feeling that this report is a phenomenally gross verification that our society and our country is faced with nothing less than the accelerating failure of institutions that are central to our functioning as a decent society and as a democracy that works the way our Founding Fathers wanted it to work.

Please do not misunderstand. This is a great country. In many ways it is a good country. There is much that is good in our society, and we have had much good economic news in recent years.

Nonetheless, I believe that the most crucial institutions and institutional arrangements in this country and in this society are failing in their responsibilities. That failure is affecting our economy, our culture, our political system, our long-term environmental security, and even our own spirituality.

The evidence of the failure of our most important institutions is all around us—in this and in other events. At the moment that our nation is transfixed on the most pornographic document ever produced by government, global challenges face us everywhere.

The world's economy is in turmoil. We have almost no tool but persuasion to move the Japanese government off a course of economic and fiscal impotence and incompetence that threatens the economic health of all of Asia and indirectly threatens our own as well.

International financial institutions such as the International Monetary Fund are being overwhelmed by changes in the world economy, changes in currency relationships, changes in capital flows that each day weaken the ability of the major institution the world has to stabilize economic relationships between nations.

The nation with the largest arsenal of nuclear weapons that could possibly one day be arrayed against us (Russia) is experiencing political and economic chaos. Much of Europe is focused on that chaos, but here in America we give it only intermittent attention and analysis.

The most irrational, paranoid and dangerous government in the world (North Korea) is facing military, political, and economic instability that could easily threaten the lives of 50,000 American servicemen and women stationed in South Korea and hundreds of thousands of others.

Our ability to prevent the spread of nuclear weapons has been brought to the edge of failure by events on the Indian subcontinent and in Korea. And yet, the discourse in this country about how to deal with that issue is shallow and in some cases downright dangerous.

The best change in a generation for peace in the Middle East is slowly but surely sliding away.

This decade has produced the hottest known global temperatures in 200 years with huge potential consequences for worldwide agriculture, fisheries, economic dislocation, public health, and environmental stability. Yet commercial disputes about profit levels are threatening our ability to take even marginal action to minimize potential catastrophe.

On the home front, the Supreme Court, the institution that we, in the end, rely upon more than any other to preserve the balance of forces that protect our democratic processes and our liberty, has handed down two very different sets of decisions that have crippled the ability of our political system to function as a democracy should.

(1) The spectacularly myopic decision in the Paula Jones case that the government would not be distracted if that case went forward now rather than two years from now when the President was out of office and his private activities could be handled as a private civil matter rather than as a national governmental soap opera.

(2) The mind-bogglingly naive decisions that the constitutional rights of Americans to have a political system that functions for them would be protected by a series of naively libertarian decisions that equate money with speech, establish absurd legalisms about campaign financing that have no relationship to reality, that have turned politics into a money chase and political campaigns into the competition of dollars rather than ideas.

And other domestic institutions are also failing in their fundamental responsibilities.

Large sections of corporate America are making economic decisions, devoid of any values except the maximization of financial benefit to the management and investment elite of this country—in almost total disregard of the impact of those decisions on loyal workers, their families, and their broader communities which have nurtured them.

These decisions, and policy decisions by government, have together produced the greatest disparity between the economic well-being of the wealthiest 5 percent of our people and everyone else in the modern history of the country. If we as a people are concerned with moral outcomes, should we not be just as concerned about how the nation deals with poor people and sick people as we are about how we deal with each other on matters of sexual intimacy?

The political elite has largely debased what passes for political dialogue on many crucial issues.

It has allowed its reliance upon the community of pollsters and consultants to produce lowest common denominator discourse in which winning and holding power drive out any consideration of the need to educate and enlighten the public on almost every front. We should ask ourselves: Are there no lengths to which we will not go to seize or hold power? Is there no amount of pain we will not inflict on each other for political gain?

More and more, individuals are entering Congress and other political institutions who see issues not as problems to be confronted, but concerns to be manipulated and toyed with around the margins in order to seize and hold power. So many debates are split along party lines and driven by ideological enforcers (the modern day American counterparts of Michael Suslov, the old guardian of the purity of Soviet Orthodoxy) that when bipartisanship does occur, we are almost startled by its appearance.

And the focus and limits of much of that debate are set by political elites in both parties who rub shoulders with the financial and economic elites of the nation far more often than they do with every day working people.

The press itself, with all too few lonely and valiant exceptions, has fallen into the same bad habits it legitimately criticizes in the politicians it covers. The press too (especially the electronic media) drawn by the realities of the marketplace, has often become little more than the public affairs entertainment division of profit making corporations who will do almost anything to preserve market share instead of responding to the public's need to understand the substance of issues before the country. The press, driven by market surveys and polls, produces story after story that portray politicians as gladiators and celebrities rather than problem solvers—responding to and strengthening some of the most unhealthy public biases on the landscape.

For every question I get from a reporter about the substance of an issue, I get five from other reporters about the politics of that same issue—reflecting both a laziness and a shallowness that the country cannot afford. And worst of all, some reporters cannot resist using any device to win a point, no matter how much damage they do to the country and innocent individuals in the process. One need look no further than the incident last Sunday in which a report from a Sunday talk show, during his interview with the President's lawyer, David Kendall, snidely asked Mr. Kendall what Mr. Kendall's wife's definition of sex was. That reporter owes his own profession, his viewers, and Mrs. Kendall a public apology for his inability to resist his "Dennis the Menace" impulses which have increasingly made that reporter a caricature of himself. Is there no length to which some segments of the press will go to humiliate other human beings in the name of "news values"?

Even religious institutions have allowed themselves to fail the Nation in too many instances and have allowed politicians to manipulate religious concerns, more to find political advantage than to find spiritual answers.

Debates and discussions about the nature of humankind, our origins, our purpose, and our relationship with our creator are essentially conversations about the unknowable—at least in this life.

And yet the certitude with which some political and religious figures attack those who have legitimate differences of belief are disheartening and appalling and border on the sacrilegious. Too many political and religious leaders alike have allowed religion—or the superficial reference to religion—to be used for nonreligious purposes. They wrap political commercial and ideological preferences in religious ribbons and desecrate both religion and politics in the process.

The Ten Commandments represent a guide for living and for the treatment of others. God did not give them to us to provide a roadmap for human beings and politicians to destroy each other. They are not a political program or an economic platform. As Mario Cuomo once said, "God is not a celestial party chairman." To the best of my knowledge, God has not yet taken a position on capital gains or other tax plans, but you would never know that by listening to some of the self-promoting political manipulators who pass themselves off as the "Clergy of the Tube."

Politicians have no special qualifications to judge the private lives of other people. In the end, only God can do that. The Nuns at St. James taught me a long time ago that we have enough to do worrying about the stewardship of our own souls to pass judgment on the private lives of others.

Neither do religious leaders have any special competence to judge the specific mechanisms by which elected officials in a democracy accomplish decent public ends. Those of us in public life owe due consideration to their opinions, but we have, after all, taken an oath to uphold the Constitution in accordance with the dictates of our own—not someone else's—conscience and that is our own sacred public duty under the Constitution.

We—religious and political leaders alike—have allowed debates about religious truths and values to be used all too often as weapons to inflict pain and gain political advantage rather than as tools to find moral answers that take decent account of the moral values of others as well as ourselves.

We have all too often allowed the substitution of moralizing for morality and have allowed the search for God to become a journey that develops hatred and contempt rather than love for our fellow searchers. Example: On abortion, perhaps the most agonizing, troubling, and divisive of all moral debates in the public realm, both sides have allowed their own certitude about the will of God or their dedication to unbending individualism, their desire for tactical advantage, to get in the way of their responsibility to recognize good intentions and honest nuances of conscience. And so that debate has become more and more a political manipulation of the legislative process rather than a search for areas of agreement that would reduce the world's acceptance of abortion at the same time that it recognizes the dignity of individual conscience.

All of these institutional failures are rooted in two shortcomings.

One, simply a lack of knowledge or understanding about how the world and institutional relationships are changing. The other is the triumph of a "me-first" rampant, materialistic individualism that prevents the leaders of almost all of our social, political, commercial, informational, and religious institutions from really focusing on the answer to one simple question: "In addressing whatever decisions confront us, how can I, or we, take into fair account the needs, concerns, and interests of those who are not 'just like us' in social or economic standing, cultural outlook, or political or religious beliefs?" We desperately need to address our key institutional shortcomings because institutions are the major tools available to any culture, to any nation, to any society to shape its future. Yet we continue to be transfixed on the Starr-Clinton-Lewinsky soap opera.

The nation has been moved to this focus because of two people:

(1) Mr. Starr: On a number of accounts Mr. Starr's report grossly represents the overreaching zealotry of a personally upright, but ideologically and politically partisan, individual who, before he was appointed special prosecutor, was already contemplating filing a court brief on behalf of Paula Jones and who had indicated that he was planning to join Pepperdine Law School, and institution financed in large part by a person who has contributed millions of dollars to try to bring down the President. Mr. Starr from all reports is a fine, upstanding human being, but a person of his partisan and ideological mind set should never have been appointed to a position that called for, above all, unquestioned fairness balance and judgement.

(2) President Clinton: Up to this point, he has been the most personally talented politician of his generation. He appears to be a person of good heart and courage who wants to do good things for the country. But his career has been both promoted and crippled by a tendency to manipulate language in ways that are technically in conformance with the truth, but often are designed to obscure rather than clarify!

For example: As frustrating as I feel the President's lack of candor to be in this episode, I'm even more unhappy about the lack of candor demonstrated by both the President and congressional leaders in jointly obscuring the real effect of the budget agreement they both sold to the nation last year on our ability to meet our domestic responsibilities in strengthening education, health, environment, housing, and social services. Why does that frustrate me more? Because the lack of candor in the first instance was meant to hide private, personal conduct, but the second was a public event which had direct substantive consequences for American citizens and their families.

After finishing reading Mr. Starr's submission of opinion and the response of the President's lawyers some things are clear to me and some things are not. I cannot really reach a final judgement on this depressing matter until I have had an opportunity to evaluate the thousands of pages of backup material which are still to be released. But my first impressions of what I read are these.

First, after four years and the expenditure of over $40 million since Mr. Starr was first appointed to review the facts surrounding the Whitewater land deal in Arkansas in the 1970s, we still have no finding of illegal conduct by the President in Whitewater, no finding of illegal conduct by the President in the investigation of the White House travel office which Mr. Starr subsequently undertook, no finding of illegality by the President on the matter relating to the FBI file case. All we have is a document which is largely focused on what actions the President took to hide sexual conduct that had not even occurred when Mr. Starr was first appointed Independent Prosecutor.

There's no doubt that some conduct cited in the allegations is indeed troubling. Many other allegations clearly overreach.

Mr. Starr's allegation that the President acted illegally by misleading his own staff about his sexual activity is a real stretch as is his allegation that the President acted illegally by pursuing legitimate questions of Executive Privilege. Mr. Starr's active advocacy of impeachment, going so far as to draw up potential articles of impeachment, is, as the Washington Post has said, an "arrogant" act that claims for Mr. Starr a responsibility that is solely the prerogative of Congress. Mr. Starr's job is to lay out the facts in "Joe Friday style"—as Mr. Starr himself has on occasion pointed out. It is not to reach a conclusion about what actions Congress should take. That is our job.

But, Mr. Starr's overreaching does not obscure the fact that the President appears at this moment to have provided information to the public in the Paula Jones suit and possibly to the grand jury that obscured the truth, even if it did not technically violate it. If that proves to be the case, the question we will then have to answer is: "What is the proper action for Congress to take?"

The actions taken by President Clinton, regrettable though they may be, are far different from the actions President Nixon took in Watergate. The actions in Watergate involved burglarizing and wiretapping political opponents, attempting to use the IRS to intimidate political opponents, financial payoffs to defendants in criminal cases, and other uses of the levers of governmental power to subvert the very democratic process that underlies the essence of America.

In contract, this case is largely about actions taken by the President to obscure personal conduct. They are not in the same league as Mr. Nixon's.

That does not necessarily mean that some action by Congress may not be warranted. If it is, based on what we know now, the case of Speaker Gingrich may be instructive.

In the case of the Speaker, the House determined that the proper action for the House to take was to reprimand the Speaker for having misled the House in the ethnics investigation of his political activities. Because the essence of the charges against the President seem to be similar—that his actions also appear to have been designed to obscure the truth—a congressional reprimand or sanction of some sort, rather than removal from office, may prove to be the most appropriate action. It would be especially so if it allowed Congress to end this matter in a much shorter period of time so that the Congress and the Presidency can refocus our attention and our activities from the past private misdeeds of this President to the future public needs of the nation and the people we are supposed to represent.

I do not know how this sad chapter will end, but I do know that this episode and the way it has been handled by the leadership circles of our major institutions demonstrates a desperate need to examine how we can renew those crucial institutions.

In two years the millennium will draw to a close. This nation's institutions are simply not ready to lead this country into a new one.

I would never in three lifetimes call for a new Constitutional convention because this generation of political leadership is highly unlikely to improve on the work of the Founding Fathers; it is much more likely to muck it up.

But I do believe we need to have Millennium Conventions convened for the purpose of examining ways to reshape, redirect, and refocus almost all of our institutions—economic, corporate, political, communication, religious, and even our international institutions such as the IMF, the U.N., and NATO.

In the political area, we need special attention paid to the presidential nominating process to try to find ways to reduce the importance of candidates' media skills and increase the role of peer review by people who know them best, if both parties are to produce candidates with the qualities necessary to lead the nation.

I do not know how we can change the human heart, but we need to find ways to reshape the major institutions of this society so that there are more incentives to produce a new focus on selflessness. That is the major task that we each face as individuals on life's journey, and we need more help—and less hindrance—from the institutions that dominate our lives along the way.

Mr. McCOLLUM. Mr. Speaker, I yield one minute to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, while I sincerely doubt that those who continue to bow down before the holy grail of censure will let the historical record of precedent interfere with their support for this notion of censure, I would direct those Members who still trust historical precedent, I would direct their attention to a communication from President Andrew Jackson, the last President who was censured, as he at great length and eloquently set forth in a communication to this body, printed in the official records of this body, "Censure, although it may have a place in certain procedures in the Congress, it has no place if it is used as a substitute for impeachment."

The precedent that applied back in the 1830's, in 1834 when that took place, which was the basis for its later expungement in the very next Congress, are just as relevant today. Censure is unconstitutional if in fact it is used or attempted to be used as a substitute for impeachment.

Mr. McCOLLUM. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am saddened that I am witnessing something very similar today that I witnessed 25 years ago when I first ran for this office, a Vice President forced out of office and a President forced out of office. But then I am also reminded of the beauty of our system. Nothing happened seriously. The system operated beautifully. Life went on. No crisis. But, again, we are back to something very similar to what happened then.

I began the day by reading an article in a New York newspaper, and I quote: "Two more cops were arrested yesterday on Federal charges of lying when questioned by the FBI." They were not before a grand jury. They were two highly decorated officers.

Then I turned to the sports page from one of the Washington newspapers, and I read the following: "A former Northwestern football player pleaded not guilty and denied lying to Federal grand juries." The article also said two other players have been charged with lying.

There are more than 100 people in prison today, in Federal prisons, for perjury. Some of those were prosecuted by this administration, and some of those dealt with sex. Our constitutional system of government cannot survive if we allow our judicial system to be undermined, and, again, giving you the three illustrations that I just gave, what are they to think? How are they to be treated differently than anyone else, even if it is the President of the United States?

This vote will be the most monumental I will cast in all 24 years of Congressional service. Our republic has weathered two centuries, a civil war, but it cannot weather corruption of its basic tenet, the oath of office. The oath of office is that invisible bond which links the people to their elected representatives, and, upon its strength, the virtue of this republic stands.

Similarly, the virtue of our legal system rests upon a simple oath, to tell the truth, the whole truth and nothing but the truth, so help you God.

I believe the President violated this oath, and, by violating the oath, Mr. Speaker, I think he has violated the oath of office, and we must proceed with these articles of impeachment. The Constitution clearly states the course for this body to follow, it clearly tells us what that course is, and it would be an abdication of our duty not to follow that course.

Our republic and its institutions must be defended, and this House must send the message that no man, not even the President, is above the law. Therefore, it is my duty to defend the rule of law and support the articles of impeachment.

Mr. CONYERS. Mr. Speaker, if I might, the requests on our side are so numerous, we still have over 40, I want to read the names of my colleagues, and, with apologies to some of the Members who have been waiting all morning, I would like to indicate that the next Members that will be recognized on this side of the aisle are Ms. SLAUGHTER, Mr. KILDEE, Mr. FILNER, Mr. MCGOVERN, Mr. KLINK, Ms. KILPATRICK, Mr. HASTINGS, Mrs. LOWEY, Mr. WYNN, Mr. KUCINICH and Ms. PELOSI.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I was elected to the House of Representatives for the first time in 1948 and 23 times thereafter. For that reason, I am frequently asked by the press these days whether this Congress differs from the early ones to which I was elected.

I answer yes—there is a difference. There is a difference in the ambience, in the relationship between Members of the two parties. I have the impression that in the earlier Congresses Members were friendlier than now and I regret that. And they were friendlier towards the Presidency.

Nobody thought of impeaching a President. In the 81st Congress, the Republicans did not like Harry Truman—they criticized him. They voted against his Fair Deal programs, they abused him for firing General MacArthur, they called him a tool of the Prendergast machine in Kansas City—but there never was one mention of impeachment.

But that was prior to the special prosecutor law. That changed things and now we have a special prosecutor, Mr. Starr, who investigated and found nothing to blame on Mr. Clinton on Whitewater, Travelgate, Filegate, his original charges. Then he stumbled on Monica Lewinsky. That gave him his chance.

Starr is determined to drive Mr. Clinton out of the Presidency—and in this bill, the Republicans are taking his recommendations to impeach him—as the Chicago Tribune said—for "low crimes and misdemeanors." There are no high crimes and misdemeanors that either Mr. Starr or the Republicans can cite. It is unfortunate that the Congress should even consider the bill.

Yesterday, the Chicago Tribune, not a liberal newspaper, but rather the paradigm of Republican conservatism over the many years it has been in existence, published an editorial entitled, "There Is No Case for Impeachment." Its arguments were sound and well-reasoned. Its excellent editorial concludes:

But impeachment is a very different matter. It is a constitutional sword meant to be unsheathed only in the gravest, most unusual circumstances and to be wielded only to preserve the security and integrity of the republic.

Use it in this instance, against Clinton and for these offenses, and it will instantly become one more tool, one more bludgeon, in the partisan wars that are turning our politics into a wasteland and turning our people off. Like the independent counsel law that has become Richard Nixon's revenge, the promiscuous political use of impeachment will be Bill Clinton's.

There are no "high crimes and misdemeanors" in this case. There is no basis for impeachment. Let the House vote down these proposed articles, and vote up a stern, historically indelible resolution of censure.

Mr. Speaker, I regret very much that my last vote as a Member of this House should be on a bill like the bill under consideration. It should never have been approved in committee. It must be voted down by the House. I shall vote against the bill—there is no case for impeachment.

Mr. Speaker, I include the editorial from the Chicago Tribune of December 17, 1998, with my remarks.

[From the Chicago Tribune, Dec. 17, 1998]

THERE IS NO CASE FOR IMPEACHMENT

From the beginning, our editorial concern in the Clinton-Lewinsky episode has been to see a sense of proportion maintained. "What's it worth to get Clinton?" we asked repeatedly, as Independent Counsel Kenneth Starr hauled in Monica Lewinsky's mother to put the squeeze on her daughter, as he subpoenaed Secret Service agents, as he challenged the posthumous validity of the lawyer-client privilege.

The issue, in our view, was never simply what it was *legal* to do in pursuit of Clinton, but what it was *wise* to do. And too much that has been done, we regret to say, has been terribly unwise. But nothing that has been done to this point is as unwise as what the House of Representatives will do if it votes to impeach the president.

That we stand this morning on the verge of a presidential impeachment—for only the second time in our nations history—is evidence of how utterly the sense of proportion has been lost.

The first time a president was impeached—Andrew Johnson in 1968—it arose out of actions he took in the wake of the Civil War, actions having to do with the terms of Reconstruction and the political status of newly freed blacks and rebellious whites in the restored union. Even if the case ultimately was meritless, it at least was about a matter of real moment.

In the current instance, the impeachment turns on whether Bill Clinton, in a lawsuit of dubious merit but indubitably mischievous intent, lied about a tawdry, illicit—but consensual—sexual affair with another adult.

The issues in the two instances are not even close to being of the same gravity, and any member of the House who dares suggest they are deserves the contempt of his constituents today and of history in the future.

There still is time for the House to escape that judgment and for the nation to escape the descent into political hell that an impeachment vote in this instance would represent. But it will demand a measure of courage and statesmanship that so far has been conspicuously missing.

It has been missing most prominently in the House Republican leadership, which has refused adamantly to allow a vote on censure—the penalty most Americans say is appropriate for Clinton's offense, the alternative many GOP House members would like to have, the course recommended by such party elders as Gerald Ford—and insisted instead that the only allowable vote must be on impeachment.

In this regard, Robert Livingston, the speaker-elect of the House, already has failed his first great test of leadership—possibly the greatest test he ever will face. We must accept that Livingston is sincere when he says he believes that the House, which routinely passes resolutions praising everything from peanuts to Ping-Pong players and condemning bad actors from all over the world, is constitutionally barred from censuring Clinton. We accept Livingston's sincerity, but question his wisdom—and marvel at how neatly this judgment coincides with the rank, poisonously partisan nature of this entire proceeding.

Of course, we would not be in this fix if it were not for William Jefferson Clinton, as amazing a human being as has ever occupied the presidency. Brilliant, charming and immensely talented, Clinton also is a pathetic creature, slave of his enormous sexual appetite and addicted to lying. It is those last two attributes that have brought him to this current, perilous pass.

Whether or not it meets the technical definition of perjury, Clinton lied under oath—first in his deposition in the Paula Jones sexual harassment lawsuit, again in his testimony to a federal grand jury.

Without question, those are serious matters. Any attempt to subvert the justice system is serious, especially if made by the person charged by oath to "take care that the laws be faithfully executed."

But context is everything. Clinton lied to avoid deep personal embarrassment, not to seize, maintain or subvert the power of the state. His were the pathetic lies of a man caught in marital infidelity, not those of a traitor or a trader in government influence. His were *low* crimes and misdemeanors, not the high crimes and misdemeanors that the Constitution sets as the threshold for impeachment.

Again, it's a matter of proportion. When the House Judiciary Committee was considering whether to impeach Richard Nixon, it rejected an article citing Nixon's perjury in signing a fraudulent income tax return. That offense, the Democrat-controlled committee concluded, did not rise to the level of an impeachable offense. It ought to be likewise in this instance for Clinton and his sorry lies.

Three months ago, in the wake of the Starr report to Congress, we called on Clinton to resign—as a matter of honor. He has not, however, elected to oblige us and given his character, that's no surprise.

But impeachment is a very different matter. It is a constitutional sword meant to be unsheathed only in the gravest, most unusual circumstances and to be wielded only to preserve the security and integrity of the republic.

Use it in this instance, against Clinton and for these offenses, and it will instantly become one more tool, one more bludgeon, in the partisan wars that are turning our politics into a wasteland and turning our people off. Like the independent counsel law that has become Richard Nixon's revenge, the promiscuous political use of impeachment will be Bill Clinton's.

There are no "high crimes and misdemeanors" in this case. There is no basis for impeachment. Let the House vote down these proposed articles, and vote up a stern, historically indelible resolution of censure.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, most of us feel a surreal atmosphere here in America's capital. I envision the dome of this magnificent building swathed in black, because this is truly a day of mourning, and history will not judge us well.

The process that brought us to this point was so fatally flawed that no one can reasonably feel that justice has been done. The Independent Counsel's investigation has gone on for five years, although we find he did not personally participate in much of it. The investigation itself will be debated for years to come. The role of the perfidious friend, Linda Tripp, who worked in collusion with both the Independent Counsel and the civil case lawyers, shows how amateurish and unfair Kenneth Starr's stewardship was to the Office of Independent Counsel. The harm it has done to due process, the lawyer-client relationship. And the secrecy of the grand jury. Will be lasting and destructive.

The Committee on the Judiciary did not fulfill its responsibility to independently hear from material witnesses to assess their credibility and to allow the President the opportunity to cross-examine them. Instead, it has brought to the floor this highly-charged partisan resolution.

Impeachment has always been reserved as a last resort as the check of an executive's abuse of power. It was not intended to be invoked lightly.

In the Federalist Papers No. 65, Alexander Hamilton warned that the prosecution of impeachments "will connect itself with the pre-existing factions and will list all their animosities, partialities, influence and interest on one side or the other; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt."

History tells us that Hamilton's fear was realized in the 1868 impeachment of Andrew Johnson, impeached because Republicans did not like his personal habits and his sympathy for the defeated Southern states. History records his real crime was disagreeing with the majority party.

I fear that history will view this 1998 impeachment inquiry similarly. A total control majority urges impeachment, not for treason, bribery or other high crimes or misdemeanors, but because they disdain this President for his moral flaws, ranging from military service evasion to flagrant infidelity.

Scholars disagree on whether the Constitution requires an indictable crime. But most agree that at minimum, an impeachable high crime or misdemeanor is one, in its nature or consequences, that is subversive of some fundamental or essential principle of government.

The allegations against President Clinton, even if proven, are not subversive of our government. The President is not accused of abusing the power of his office or attacking a fundamental freedom of any American. He is accused of lying about, and attempting to prevent the revelation of, his consensual activities with a White House intern. Were they wrong? Undeniably. Can they be punished through the legal system? Absolutely. Should he be impeached? No.

Mr. McCOLLUM. Mr. Speaker, I yield two minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, our courts of law and our legal system are the bedrock of our democracy and of our system of individual rights. Lying under oath in a legal proceeding and obstruction of justice undermine the rights of all citizens who must rely upon our courts to protect their rights. If lying under oath in our courts and obstruction are ignored, or they are classified as merely minor offenses, then we have jeopardized the rights of everyone who seeks redress in our courts.

Lying under oath is an ancient crime of great weight because it shields other offenses, because it blocks the light of truth in human affairs. It is a dagger in the heart of our legal system, and, indeed, in our democracy. It cannot, it should not, it must not be tolerated.

We know that a right without a remedy is not a right, and if we ignore, allow or encourage lying and obstruction of justice in our legal system, then the rights promised in our laws are hollow.

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Our laws promise a remedy against sexual harassment, but if we say that lying about sex in court is acceptable and indeed, even expected, then we have made our legal harassment laws nothing more than a false promise, a fraud upon our society, upon our legal system, and upon women.

All that stands between any of us and tyranny is law. The rule is contemplated in our social compact and backed up by our courts. If we trivialize the role of truth in our judicial system by simply assuming that everyone will lie, then we trivialize the courts themselves, we trivialize the rule of law.

The office of the presidency is due great respect, but the President, whomever may hold that office, is a citizen with the same duties to follow the law as all of us, as all of our citizens. The world marvels that our President is not above the law, and my vote will help ensure that this rule continues.

With a commitment to the principles of the rule of law which makes this country the beacon of hope throughout the world, I cast my vote in favor of the four counts of impeachment of the conduct of the President of the United States. As a Representative in Congress, I can do no less in fulfilling my responsibility to the Constitution and to all who have preceded me in defending the Constitution from erosions of the rule of law.

Each of the impeachment counts concerns the public conduct of the President, including allegations of lying under oath in grand jury and civil judicial proceedings, obstruction of justice, and abuse of power. The supporting evidence is clearly sufficient to warrant impeachment. The Constitution, the rule of law, and truth should be our only guides.

These allegations of lying under oath, obstruction of justice, and abuse of presidential power are not about private conduct, but instead about public conduct in our courts of law and in exercising presidential responsibilities. Public duties and public power are involved—and therefore the matters are of the greatest public concern when those public duties are violated and those public powers are abused.

Our courts of law and our legal system are the bedrock of our democracy and of our system of individual rights. Lying under oath in a legal proceeding (whether criminal or civil in nature) and obstruction of justice undermines the rights of all citizens, who must rely upon the courts to protect their rights. If lying under oath in our courts and obstruction are ignored or classified as "minor", then we have jeopardized the rights of everyone who seek redress in our courts. Lying under oath is an ancient crime of great weight because it shields other offenses, blocking the light of truth in human affairs. It is a dagger in the heart of our legal system and our democracy; it cannot and should not be tolerated.

We know that "a right without a remedy is not a right". If we allow, ignore, or encourage lying and obstruction of justice in our legal system, then the rights promised in our laws are hollow. Our laws promise a remedy against sexual harassment, but if we say that "lying about sex in court" is acceptable or expected, then we have made our sexual harassment laws nothing more than a false promise, a fraud upon our society, upon our legal system, and upon women. Therefore, I must vote in favor of counts one, two and three of impeachment.

The greatest challenge of free peoples is to restrain abuses of governmental power. The power of the American presidency is awesome. When uncontrolled and abused, presidential power is a grave threat to our way of life, to our fundamental freedoms. Clearly improper use of executive power by the President to cover-up and obstruct investigations of his public lying in our courts cannot be tolerated. If not checked, such abuses of power serve to legitimize the use of public power for private purposes. Mankind's long struggle throughout the centuries has been to develop governmental systems which limit the exercise of public power to public purposes only. Therefore, I must, in exercising the public power entrusted to me, act to restraint the exercise of public power to public purposes alone; and I must vote in favor of count four.

In reviewing this grave matter of impeachment, we must seek guidance in first principles. These principles are all based on the recognition of the social compact under which we as citizens join together in the American Republic. Each of us have given up many individual prerogatives (use of force, private punishment, etc.) in return for promisers, the commitments, the elements of social compact. The central promise or commitment of our compact is that our laws will be enforced equally with respect to all, that our civil rights and civil grievances will be fairly adjudicated in our courts, and that the powers we give up to government will be used only for governmental purposes related to the common good.

When these elements of the social compact are violated, the legitimacy of the exercise of governmental powers is brought into question and the underlying compact itself is threatened. Each members of the compact—each citizen—received the guarantee, received the promise from his or her fellow citizens, that the compact would be honored and that the laws would not be sacrificed on a piecemeal basis for temporary harmony or immediate gain of some (even in a majority) over others (even a minority). None of us are free, for any reason of convenience or immediately avoidance of difficult issues, to ignore our promises to our fellow citizens. Our social compact does not permit the breaches of these commitments to our fellow citizens, and to do so would directly deprive those citizens (whatever their voting strength or numbers) of our solemn promise of the rule of law.

All that stands between any of us and tyranny is law—the rule as contemplated in our social compact—backed up by our courts. If we trivialize the role of truth in our judicial system by simply assuming that everyone will lie, then we trivialize the courts themselves, we trivialize the rule of law. In doing so, we trivialize the eternal search for justice for the weak under law, in place of exploitation of the weak under arbitrary private power of the strong. I will not be a party to such demanding of the most fundamental struggles of humankind—and I will not be a party to the attempt to escape the consequences of his public acts by the President through such trivialization.

The Office of Presidency is due great respect, but the President (whomever may hold the office), is a citizen with the same duty to follow the law as all of our citizens. The world marvels that our President is not above the law, and my votes will help ensure that this rule continues.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, I rise today in opposition to this resolution—not because the President did not do wrong and should not be punished—he did do wrong and should be punished. But I do not believe this rises to the level of high crimes and misdemeanors our Founding Fathers envisioned. They talked about crimes against the country—that is why they specifically cited bribery and treason. This does not rise to that level.

I believe the President should be punished and should be censured.

Mr. Speaker, I have never made a partisan speech on the floor of the House in my six years in Congress. But today, I cannot believe that the Majority party has not given me the opportunity to vote my conscience by allowing a vote of censure.

It is wrong and it is unfair.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a comrade.

Mr. KILDEE. Mr. Speaker, most Members of this House serve their country without ever being called upon to address two of the most awesome questions that could come before this body, and they are the question of war and the question of the impeachment of the President of the United States. During my time in this House, I have been handed both bitter chalices.

However, in our consideration of the Gulf War, this House rose to its very best. Full, fair and thorough debate took place, and no matter how one voted at the end of that debate, everyone agreed that it was one of the finest hours of this House.

Today, our deliberations lack that fundamental element of fairness. Most of us believe that the President's behavior and actions were wrong and deserve censure. Unfortunately, we are not allowed to consider and vote on a resolution of censure of the President of the United States. This unfair gag rule deprives us of the right to vote for the solution which the majority of our citizens support.

Someone quoted Tip O'Neill from Breslin's book. I want to remind my colleagues that that was a private conversation, not the rule of the House, a private conversation long before Tip O'Neill became Speaker. He became Speaker in 1977, the first vote I cast.

This unfairness in this rule, the unfairness in depriving us of the right to vote on censure is in sharp contrast to our moment of greatness when we debated the Gulf War in 1991. This House deserves better, and the American people deserve better.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise with a heart that is heavy and filled with concern for our presidency, concern for our system of basic justice, and concern for our great Nation. The charges against the President are serious, and they are substantiated. Perjury by lying to a Federal grand jury, perjury by lying in a deposition, obstruction of justice, abuse of power. The evidence in support of these charges is clear, overwhelming, and, for the most part, undisputed.

The Oval Office is a part of the people's House, which is the symbol of American honor, of America's dedication to what is right, and to justice for our people and all people throughout the world. Our President's conduct in many ways impacts our Nation, impacts the ability to lead at a time when leadership is needed, perhaps as much as ever in our history.

While I recognize that this country and yes, my legislative district in central Illinois is deeply divided on what we should do here, no thoughtful person who has visited with me about this grave question really questions the facts surrounding the President's conduct. But the decision is very difficult. How, then do I come to a decision in this matter?

Well, as I look into the eyes of my grandchildren or as I attempt to stand tall in the counsels of my own family with my adult children, I know that I can follow but one course. That course allows me to put aside all fear for my own political future or that of my party. I must vote for what I believe is right, what is fair, what is appropriate, and what is demanded to address the consequences of the actions of President Clinton. I must vote for impeachment.

Mr. Speaker, I rise with a heavy heart filled with concern for the presidency, with concern for our system of basic justice, and with concern for our great nation. Only once before in our history has this House been called to vote upon articles of impeachment against a President. That vote was some 145 years ago. We can find little guidance from that far away and very different time. Instead, we must rely on the Constitution, our system of justice, and our conscience.

Why are we here today? Because the Republican majority or the Democrat minority willed it? I believe not. Because the majority of American people desire this? That doesn't appear to be the case. For political, partisan advantage? I don't think so. No, there's only one reason for this national nightmare, and that's the actions and conduct of President William Jefferson Clinton.

No other person, party, group, or body can or should accept the responsibility for this day and the four articles of impeachment before us. No one else, especially the Members of this Congress, willed or wished for this ignoble day to dawn on this great land.

The charges against the President are serious and they are substantiated—Perjury by lying under oath to a federal grand jury; perjury by lying under oath in the deposition of the Paula Jones civil lawsuit; obstruction of justice through witness tampering, relocating of evidence, and frivolous claims of executive privilege; and abuse of power by misleading his staff, cabinet, and other operatives in an effort to destroy the reputations of innocent people.

The evidence in support of these charges is clear, overwhelming, and for the most part undisputed, notwithstanding an unprecedented attempt to confuse the issue and divide the country. Those who refute this evidence would have you believe this is only about a personal sexual dalliance between consenting adults, and that it has no impact on our country—and that this is a private affair. Nothing could be further from the truth.

This is not about some seamy sexual encounter in some remote part of this urban city, but it is about our Commander in Chief and his conduct in the Oval Office—conduct that included having sexual relations with a young intern while at the same time, having a conversation with a senior member of Congress about whether or not to send our young men and women into harm's way in Bosnia.

Just take a step back and think about that. What if this was your son or daughter, your husband or wife? If it was, would you still consider this conduct to be private?

The Oval Office is part of the "People's House," which is the symbol of American honor, of America's dedication to what is right, and to justice for our people and all people throughout the world. This is far from a private affair. Our President's conduct in many ways impacts our nation, impacts his ability to lead at a time when such leadership is needed, perhaps as much as ever in history.

While I recognize this country and yes, my legislative district in the heartland of Illinois, are deeply divided on what we should do here, no thoughtful person who has visited with me about this grave question really questioned the facts surrounding the President's conduct. Most condemn his conduct and say it was wrong, wrong, wrong. Some question the penalty that is deserved for his actions.

Many would have us think first of what the political ramifications are for the Republican majority, the first Republican majority in over half a century to last for more than two years. Some believe it is vindictiveness against our President. Others say we should decide this question based on what is easiest or expedient, what's best for the economy, what's in each Member's best political interest, or what the latest polls say. The answer is we should not allow any of these reasons to guide our thinking.

Instead, we must put America first, along with what's right for our people—no matter the risk, no matter what the polls say, no matter the most politically popular or expedient. We must support the rule of law, one law for all our people, no matter how powerful or popular. No one else in America could retain their position and status who have committed similar acts. In fact, most would face felony criminal charges. The honor of our judicial system is at stake, and it must be upheld for sake of future generations.

How do I come to a decision in this matter? As I look into the eyes of my grandchildren, or as I attempt to stand tall and just in the counsels of my own family, with my adult children, I know that I can follow but one course. And that course allows me to put aside all fear for my own political future or that of my party. I must vote for what I believe is right, what is fair, what is appropriate, and what is demanded to address the consequences of the actions of President William Jefferson Clinton.

As one of the leading newspapers in my district recently said, and I quote, "President Clinton should be a model for law and order, not an exception. Due process needs to be carried out and the President should stand trial before the Senate."

I know for myself, and I would imagine for many here, we have sought guidance through prayer and many others have prayed for us. There is no doubt as to the seriousness of our actions, in what certainly will be the most difficult vote of my political career. Yet I have been able to reach but one inescapable decison—that President William Jefferson Clinton has indeed committed high crimes and misdemeanors against our nation, and therefore I must support the findings of the House Judiciary Committee and vote for impeachment.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I rise today to vote "no" on impeachment. In this way, I am voting "yes" to protecting our Constitution. It is we who oppose this travesty today who are in fact supporting our Constitution.

In the view of the Framers, impeachment is reserved for those who undermine the fundamental political and constitutional structure of our union. While President Clinton's behavior was both reckless and indefensible, it is not impeachable. It is this Congress that is subverting the Constitution by trivializing the impeachment process.

We have heard much today about the rule of law. All of us here today respect the rule of law, but the aim of the rule of law is justice, a word that I never, ever heard from the majority Members on the Committee on the Judiciary or here today. In this case, justice demands something in between no action and the national agony of impeachment. That something has been called censure, and it is a course of action supported by most Americans. It is a course of action supported by a majority of this House were we allowed to vote on it, yet the Republican leadership is so obsessed with getting this President, they will not even allow this alternative to be debated. Why do we not get our vote of conscience? Where is the rule of fairness?

Our vote today must not only produce justice, it must bring America together; it must heal America. The questioning of the President's motives in Iraq are only the beginning of a distrust and a suspicion that will engulf this Nation during a long impeachment trial.

We must bring closure to this sorry chapter in our history as quickly as possible so we as a Nation can move on to deal with our domestic and international problems.

I urge this Congress to immediately censure the President, begin the process to heal the breach of trust that engulfs us. Vote "no" on the impeachment resolution.

Ken Starr has already spent four years and $40 million investigating every aspect of the President's public and private life. It is irresponsible for this process to go any further and tie up our nation for who knows how long. The world economy is collapsing, our health care system needs major reform, our whole campaign finance system is corrupt—and we will be talking for months about who touched who where!

We've heard much today about "the rule of law." All of us here today respect the rule of law. But the aim of the rule of law is justice—a word that I never, ever heard from the majority members on the Judiciary Committee or here today.

In this case, justice demands something in between "no action" and the national agony of impeachment. That something has been called "censure"—and it is a course of action which is supported by most Americans. It is a course of action that is supported by the majority of this House—were we allowed to vote on it. Yet the Republican leadership is so obsessed with getting this President, they won't even allow an alternative to be debated and voted on. Why don't we get our "vote of conscience"? Where is the rule of fairness?

Our vote today must not only produce justice, it must bring America together, it must heal America. The questioning of the President's motives in Iraq are only the beginning of the distrust and suspicion that will engulf this nation during a long impeachment trial.

We must bring closure to this sorry chapter in our history as quickly as possible—so we as a nation can move on to deal with our domestic and international problems. I urge the Congress to immediately censure the President—and begin the process to heal the breach of trust that engulfs us now.

Vote "no" on this impeachment resolution.

Mr. McCOLLUM. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. COBLE), a member of the committee.

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding to me.

Two quotes of relevance, my colleagues. Wendell Holmes said,

> Sin has many tools, but the lie is the handle which fits them all.

Nearly a century ago, Theodore Roosevelt observed,

> We can afford to differ on the currency, the tariffing and foreign policy, but we cannot afford to differ on the question of honesty if we expect our republic permanently to endure. Honesty is not so much a credit as an absolute prerequisite to efficient service to the public. Unless a man is honest,

he said,

> we have no right to keep him in public life. It matters not how brilliant his capacity.

Some anti-impeachment proponents, Mr. Speaker, have accused those who plan to vote for the articles before us of hating the President. I have no hate toward President Clinton, but it is my belief that the President did, in fact, commit perjury, and we can ill afford to turn a blind eye to this offense. If we do so ignore it, what sort of precedent do we establish when subsequent matters involving perjury arise and must be resolved in a fair and impartial manner?

Much anxiety has been expressed, Mr. Speaker, about tying up the country if this matter is transferred to the Senate for adjudication. This, in my opinion, is not well-founded. If the House impeaches, the Senate has wider latitude and more flexibility than we in the House. The Senate is obliged to commence the trial, but it could terminate prior to conclusion. The Senate could impose a penalty, it is my opinion, without removal; or, the Senate could convict and remove. The Senate is capable of discharging the duty in one of several ways in limited time.

The people's House is the body charged with the duty of accusing, and this is the duty we will discharge. If the impeachment articles before us fail, it will have been the will of the House. If the impeachment articles before us are passed, the Senate will then discharge its duty. The process will have been well served.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, I have spent most of my adult life dedicated to public service. Twenty-one years ago I began my work in the Congress, first as an intern in the other body for George McGovern of South Dakota, and later as a staff member for the gentleman from Massachusetts (Mr. MOAKLEY), and now as a Member of the House from Massachusetts.

I am proud to serve my country. I have enormous respect for this institution, and I consider it a high honor and a great privilege to serve in this body. I have tried, to the very best of my abilities, to uphold the great traditions of this Congress and the Constitution of the United States.

Unfortunately, those traditions and that Constitution are under siege today. They are victims of an ill-timed, unfair and partisan process that does a great disservice not only to the President of the United States, but to the people of this country.

The timing of this debate is wrong. It is wrong for this Congress to publicly and purposely attempt to weaken the Commander in Chief at the very moment the young men and women of our Armed Forces are engaged in battle. Waiting just a few days until the bombs have stopped falling would not have denied the Republican majority the opportunity to go after this President. But it would have meant a great deal to the soldiers half a world away who are putting their lives at risk for our freedom.

Mr. Speaker, every American is deeply disappointed with the President's behavior. There is no debate about that. But that is not the question before us today. The question is whether or not the President's misconduct warrants tossing aside two national elections, ignoring the will of the people we represent, and cheapening the Constitution. I believe very strongly that it does not.

I believe the President's behavior warrants a tough censure, but the leadership of this House, in a deliberate and cynical and partisan maneuver, has refused to allow Members of Congress to even consider a censure resolution. I want to vote my conscience, not the conscience of the political arm twisters and the Republican leadership.

Mr. Speaker, the American people want Congress to act on the real issues that face our country. A Patients' Bill of Rights, school construction, saving Social Security. Instead, the majority in Congress will continue their partisan drumbeat of scandal, scandal, scandal. They will use the impeachment vote as a weapon to try to force the President to resign. Their goal is not to conduct the business of this country, the goal is not the pursuit of justice; the goal is the elimination of Bill Clinton by any means, and that is wrong.

This destructiveness, this vindictiveness, this blatant partisanship has to end. This entire process, by its inherent unfairness, has brought out the worst in the Members of Congress. It has made the American people feel more cynical and frustrated and powerless.

Throughout our history, this Congress has risen to enormous challenges and acted with integrity. This is not one of those moments. The American people are angry because they know this process has not been fair. Regardless of their opinions of the President's actions, the people expect us to vote responsibly. Vote "no" on these impeachment articles.

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Mr. McCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. I thank the gentleman for yielding time to me, Mr. Speaker.

Mr. Speaker, I do not think the question before the House is whether the President has acted in integrity in this matter. With all due respect, I think in our hearts we all know the answer to that. The question is whether we have the integrity to do our duty under the Constitution and laws, and to stand up for what is right, or whether by failing to do that we are going to become part of what is wrong.

Public officials commit private wrongs. We know that happens. The issue is whether, when they are called to account for it in some forum, they act honorably and live up to the consequences of what they do, or at least they act accordingly the minimum standards that we are entitled to expect and insist upon from people who occupy positions of trust.

Mr. Speaker, on this record it is impossible not to conclude that the President obstructed justice, that he perjured himself, that he flouted his oath of office, that he abused the powers of his office, that he manipulated other high officers of government, and that he did all these things, first to obstruct a sexual harassment lawsuit against him, and then to cover up the fact that he had committed perjury.

Impeachment is a hard thing, Mr. Speaker. But again, what is at stake here is our integrity. If we do not stand up for something that is clearly right when we have an inescapable obligation under the Constitution to do it, we become part of what is wrong. I am not going to vote for these articles because I want to, I am going to vote for them because I see no other honorable alternative for me to follow than to support these articles calling for the impeachment of the President.

Mr. McCOLLUM. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, it is with great sorrow that I take to the floor to express my support for approving these articles of impeachment of the President, sorrow because we have come to this point in our fair and wonderful country where we have to debate these articles.

Mr. Speaker, we are bound together as citizens of this great Nation, and as citizens, we are all answerable to the same laws, including President Clinton. The President is more than America's chief law enforcement officer. He is also the trustee of the Nation's conscience.

It is a fact that sworn testimony can literally mean the difference between life and death. Should we betray the rule of law by sweeping the President's activities under the rug?

If the opponents of impeachment wanted to avoid this process, they should have mounted a vigorous, vigorous defense of the President by refuting the facts in the Starr report. The Minority Leader, the gentleman from Missouri (Mr. GEPHARDT) mentioned trust, fairness, forgiveness, and values. But I did not hear him mention the word "truth." Those against impeachment have not contradicted one word of testimony contained in over 60,000 pages of sworn evidence, not one scintilla.

Those against impeachment should make their case based upon the facts. Are we to conclude that the actions outlined in these four articles of impeachment are permissible behavior for a chief executive officer? Any military officer, from general to private, would be court-martialed. Any private citizen would risk prosecution. Any church leader, CEO of a Fortune 500 company, high school faculty member, or community leader, would not face censure, they would be fired for similar conduct.

Impeachment does not determine the guilt or innocence of the President. We do not need to be convinced beyond a reasonable doubt in order to move forward. Our duty in the House is to decide if the available evidence indicates that the Senate should consider removing the President from office.

I believe that there is sufficient evidence to approve these articles of impeachment and to send this process to the next step. Through this vote, we shall announce how we stand on the Constitution and the rule of law. Are these outdated concepts to be ignored when convenient, or are they the guiding principles of our American civilization?

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), whose district borders my own and who has waited very patiently.

Ms. KILPATRICK. Mr. Speaker, on January 3rd, 1997, I stood in this Chamber, this wonderful House of Representatives, and took the oath of office to uphold the Constitution from both foreign and domestic aggression, I am happy to say to the Members as I stand before them, entering my second term, as I did in the Michigan legislature for 18 years of upholding the Constitution.

This act that we are doing today is unconstitutional. The Constitution is very clear. This is not a high crime or misdemeanor. It bothers me that some of my colleagues on the other aisle have said we are using a marketing tool by asking for censure. Most of the American people want the President censured. Most of the American people, nearly 70 percent, do not want him impeached. Why, then, do we, who represent the people of these United States, come before the House with four articles of impeachment? I think it is a travesty.

It is the wrong day. We have troops, young men and women under 25 years of age, risking their lives on foreign soil today for us to uphold justice for all of us. It is the wrong day that we are before the House with these articles of impeachment.

It is the wrong way. We are not even allowed to vote, to debate the issue of censureship. Is this a democracy, or are we moving towards a totalitarian country, where our rights are taken away from us? This is a very serious moment in our history. Let us not be trivialized, or trivialize the process.

A marketing tool? I do not think so. Censureship is what we want the opportunity to debate, censureship is what we want the opportunity to vote on. Unfortunately, the Republican majority will not let us have that opportunity.

Mr. Speaker, I ask the Members to vote no. Vote no on this ridiculous, insane affront to our Constitution.

Mr. Speaker, I rise today in strong, adamant and stern objection to the articles of impeachment of our President, William Jefferson Clinton. This recommendation to overrule not one, but two democratic elections and remove the President from office for alleged "high crimes and misdemeanors" is one of the two most grave votes that a member of Congress must cast. As other Members of Congress have erroneously stated, this is not a symbolic gesture, an expression of moral sentiments, or a "free vote" with no consequences. This is the first of a two-part process that removes the President from office. The House should unequivocally vote no on these resolutions, and end, once and for all, what has been a sordid, tawdry issue. The American people deserve better than to have a Congress consumed with the personal, not public, behavior of our President. I oppose the impeachment of our President for the following two reasons.

THE ALLEGATIONS OF THE INDEPENDENT COUNSEL DO NOT RISE TO THE LEVEL OF IMPEACHABLE OFFENSES

First of all, many experts agree that the allegations made by Independent Counsel Kenneth Starr to not rise to the level of impeachable offenses. After spending close to $50 million over four years, Judge Starr found the President innocent of any wrongdoing in the Whitewater investment debacle; innocent of any wrongdoing in the so-called "Filegate" fiasco; and innocent of any wrong doing in the unfortunate suicide of former White House aide Vincent Foster. All of these allegations were reasons the special counsel was originally deposed. There has been no demonstration that the alleged wrongdoing by the President approaches the magnitude of "treason, bribery and other high crimes and misdemeanors," as stated in our Constitution. Obviously, the framers of the Constitution intended that such "other high crimes and misdemeanors" must be in the nature of large scale abuses of public office such as treason and bribery. The President's admitted wrongdoing in his inappropriate relationship with a former White House intern simply does not measure up to this standard.

Historical precedent regarding impeachment clearly illustrates that for offenses to be impeachable, they must arise out of a President's public, not private, conduct. Former President Andrew Johnson was impeached for his public duty regarding the termination of a member of his cabinet, not for his private conduct of previously owning slaves.

THE PRESIDENT GAVE MISLEADING STATEMENTS, BUT THEY WERE NOT PERJURIOUS.

While I am not an attorney, I have reviewed the record as provided by the Independent Counsel and the House Judiciary Committee. From what I understand, in order to prove perjury, it must be proven that the President made a false statement about a fact that was "material" to an issue that is under question. In the House of Representatives, we call this "germaneness." This means, for example, that I cannot bring up an agricultural issue when the bill in question or on the floor is a banking bill. If I make false statements about what is in the agriculture bill, that has nothing to do with what is in the banking bill. Just like the agriculture false statements are not germane to the banking bill, the alleged false statements about Ms. Lewinsky are not germane to the Jones inquiry.

Honestly and integrity are important, and vital, character traits of all public servants. The President has repeatedly admitted to this affair and to misleading the American public about it. The President has apologized to God, his family, and the American people for his misbehavior. Like my colleagues in the House and Members of the Armed Services, I have sworn to protect our Constitution against all enemies, foreign and domestic. I am in a fight to preserve what all Americans hold dear: the precepts and principles of the Constitution of the United States. I am not out to save President William Jefferson Clinton; I am out to save the Presidency of the United States.

Two of the most important things a Member of Congress can do are vote for war or overturn the will of the poeple by impeaching a President. The vote that is expected to take place on this is no window-dressing, glorified version of a censure. A vote on impeachment is not the end, it is the beginning. If this resolution passes, there will automatically be a Senate trial, which could lasts for months, paralzying Congress and our nation.

While the Republican leadership and majority in Congress were consumed by this issue, we did not finish the work of ensuring that people who need health care have it; that we have enough elementary schools to educate our children for the next millennium; that Social Security will be around to protect our nation's senior citizens; that health maintenance organizations protect patients, not profits. We need to be about the people's business, and the people have said that while they want the President to be punished, they do not want Congress to usurp their choice of leader.

Some of my colleagues have compared President Clinton's behavior with President Richard M. Nixon's actions during the Watergate scandal. Nothing could be further from the truth. This is not Watergate. This is not a case of the President directing the Federal Bureau of Investigation and the Central Intelligence Agency in a cover-up. This is not a case of the President lying about the diversion of Iranian arms-sales proceeds to the contras. This is simply about a President who made a mistake in his personal life and who tried to save his family and himself from personal embarrassment. That is all.

Again, in taking into consideration the weight of the President's actions, I am mindful that twenty-three months ago, members of the 105th Congress took our collective oaths of office. In that oath, we have sworn to uphold and defend the Constitution of the United States. As such, it is not our option but our obligation to the American people to deliberate the issues and information that is presented before us in hearings, Committee mark-ups, or during floor debate, and weigh them in an unbiased and clear fashion before voting the issue of the day. The Republican leadership did not allow this non-partisan, unbiased analysis of the evidence before the Members of the House Judiciary Committee and now, the entire House of Representatives.

Let me make clear that I do not condone the President's personal conduct. I must add, however, that it would be sheer folly not fo afford the leader of this great nation the same Constitutional protections afforded every other member of our society. Our constitution demands that we in Congress provide a fair and non-partisan venue for the consideration of impeachment. It was my sincere hope that we would have proceeded in the spirit of fairness so that we can focus Congressional attention to issues like education, Social Security and health care, issues which truly impact the daily lives of the American people. In the final analysis, we in Congress have let the American people down with these articles of impeachment.

I am adamently against impeachment. Impeachment is not mere punishment for Presidents who have behaved badly, behavior to which President Clinton has already admitted and apologized. Impeachment is a mechanism to protect our Republic against rogue Presidents who threaten our nation. For me, and for many Americans, the question is this: is our President a threat to our nation? The evidence gathered by the independent counsel, and the President's scintillating public record of achievement, overwhelmingly says no. Based on the merits of the case presented to the House Judiciary Committee and before the United States House of Representatives, I cannot vote in support of on any of these articles for impeachment before me today.

I only pray that the wisdom of our God prevails upon us during this trying time of judgment. It is my hope that the wisdom of Congress prevails in rejecting these unnecessary and overreaching articles of impeachment against our President, William Jefferson Clinton.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. McINNIS).

Mr. McINNIS. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, in this country we operate on what is called and our foundation is built upon what is called the rule of law. We all know our history. Our history says that we came to this country to go away from a king. Under the rule of law in this country, we say that the law is the king. The king is not the law.

We have one President. That position of President of the United States demands the highest public trust. Why the highest public trust? Because we have only one President.

I have read with interest the Democratic censure, and I quote parts from it: ". . . that the President violated the trust of the American people, lessened their esteem for the office of the President, and dishonored the office for which they have entrusted to him." It goes on, "The President made false statements concerning his reprehensible conduct with a subordinate, and took steps to delay discovery of the truth."

And they say to me, after they draft that kind of document, that that individual now qualifies for the position of the highest public trust? Any of these people there that are going to stand up and vote against this, tell me what they would do in their community, what side they would stand on, what kind of letter or report they would give to a newspaper reporter if it were a local schoolteacher? There is not a schoolteacher in this country that would step into the classroom ever, ever again with this kind of conduct, with this kind of misleading inaccuracy.

Take it from a schoolteacher, or take a police officer. Some Members, show me, give me a demonstration, anywhere in this country. And those are positions of public trust, not positions of the highest public trust.

We owe it to our current generation and to future generations to retain the standards of the Presidency, and those standards rise far above an individual. Let us comply and stick with the rule of law. The law is the king, the king is not the law.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this matter should never have been pursued by Ken Starr, it should never have been pursued by the Committee on the Judiciary, and it should never have reached the floor of the House of Representatives. This matter belongs in family court, not in the court of the United States Senate, with the Chief Justice of the United States presiding.

Yes, the President made a grievous personal error, to the detriment of his family. But no, it is not an offense against the State or our Constitution. We are now on the threshold of overturning the people's choice for President through a perversion of the Independent Counsel law, a runaway partisan investigation of the most intimate, private activity, having nothing, absolutely nothing to do with a real estate deal in Arkansas. Ken Starr has twisted and warped his task from one in which he was out to find the truth to one where he went out to get the President and First Lady of this country.

Now, Mr. Speaker, we are amending the Constitution of the United States on the floor of the House of Representatives here today. Make no mistake about it, this is a constitutional amendment that we are debating, not an impeachment resolution. The Republicans are crossing out the impeachment standard of high crimes and misdemeanors, and they are inserting the words "any crime or misdemeanor."

We are permitting a constitutional coup d'etat which will haunt this body forever. A constitutional clause intended to apply to a Benedict Arnold selling out his country will now be expanded to cover every personal transgression. Every future President, Democrat or Republican, will be subject to harassment by his political enemies, who can credibly threaten impeachment for the slightest misconduct.

This is wasteful, it is foolish, it is dangerous. When we talk to people in the supermarkets, on the streets, they believe that the high crime against the Constitution is their families being cheated out of their government's ability to work on things that affect their families: Medicare, social security, the democratization of access to jobs and education for every family in our country.

The ultimate Republican paradox is that they dislike the government, but they have to run for office in order to make sure that the government does not work. In 1995 and 1996, they tried to shut down the executive department. In 1997 and 1998 they shut down the Congress. Now they are going for a political triple play. They are going to shut down the executive branch, the legislative branch, and the Supreme Court of the United States simultaneously.

Mr. Speaker, we have become the laughingstock of the entire world because a sexual scandal is being allowed to consume our tax dollars, our media, our judiciary, and our opportunity to deal with the problems of ordinary families.

We must censure the President for what he did wrong. We should be given the right to vote to censure him, to put this matter behind us so that we can work on the problems of every other family in America. We have worried about the President's family for an entire year. It is about time we went back to the business of every other family.

GOP used to stand for "Grand Old Party." Now it just stands for "Get Our President."

Mr. McCOLLUM. Mr. Speaker, I yield myself 1 minute, and I yield to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I want to remind the gentleman from Massachusetts that it was the President's own Democrat Attorney General who appointed this Independent Counsel, believing there was credible evidence that needed to be investigated.

In regard to the high crimes and misdemeanors, the Constitution specifically mentions bribery. Perjury is a high crime and misdemeanor because just like bribery, perjury and bribery are unique threats to the administration of justice, and that affects our society. That affects our government.

Mr. McCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. FAWELL).

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it may well be a myth that George Washington confessed to chopping down a cherry tree because he could not tell a lie. We do not know if Abraham Lincoln as a young man actually walked several miles to return a few pennies to a storekeeper who gave him incorrect change.

But Mr. Speaker, true or not, these stories of truth and justice hold a special and a very deep place in our Nation's heart and psyche. There is a gift, however, that accompanies the President's problems. It is the opportunity to now tell the truth about the violations of perjury and obstruction of justice laws. The truth-telling can resolve most of the factual controversies, and it can introduce the potential for healing as the impeachment resolution is forwarded to the Senate.

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I urge the President to tell the truth about his multiple perjuries and his efforts to obstruct justice, and I urge the Congress to deliver this message of impeachment to the Senate in the knowledge that we are all victims, including the President himself. I support the impeachment resolution. It was a tough decision for me. I do not know, however, otherwise how I can explain especially to my 8 grandchildren and to the younger generation of this Nation why the President's willful and wanton violations of perjury and obstruction of justice of laws can be ignored.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I have heard Member after Member get up on the other side and say this is not about sex. Let us make one thing very perfectly clear, the roots of this impeachment action are in fact in a sexual deed. I was reading Andre Maurois the other day, who said the path that leads from moral standards to political activity is strewn with our dead selves. There is a lesson in that for all for all of us.

This impeachment process is a partisan political activity. Do not make a mistake about it. What the President did was wrong. His conduct was reprehensible. It was appalling and, most of all, to those of us who have worked with him, it is disappointing. But just as every crime does not justify the death penalty, neither should impeachment, the political equivalent of the death penalty, be the punishment for every presidential misdeed.

The President of the United States had a consensual extramarital sexual relationship and did not want to divulge that to the public or to his political enemies. Is the President guilty of bribery or treason or other high crimes which threaten the future of our Republic? Absolutely, positively not. We all agree the President should not be above the law. However, just because he has been elected to the Office of President does not mean he should be below the law either. He should have the same treatment that every other American does. The President should face the same legal consequences anyone else does, and the rule of law should judge his actions as it would any other American.

Fairness should be our guiding force when we consider impeaching the President. Unfortunately, fairness has taken a back seat to partisan politics during this very serious one-sided debate. The overwhelming majority of Americans agree that the President deserves to be punished. But the majority of Americans also agree the punishment needs to fit the crime. The President's conduct, however reprehensible, is not an act of treason, bribery or other high crimes. In this, the biggest vote that Congress can take next to a declaration of war, Democrats and like-minded Republicans should at least be given the opportunity to make this punishment fit the crime. And we have been blocked there.

Let me just say, it was once said that the test of courage comes when we are in the minority; that the test of tolerance comes when we are in the majority. And I will say, this Republican Party has failed that test of tolerance. During this process comparisons have been made to the Watergate hearings 24 years ago. I see only one similarity between now and during the Watergate. Back then it was a Republican President who used subterfuge and criminal activities to gain control of a process as to who would decide who would be the President. And today it is a Republican Congress who is using their majority and their power to decide who is going to be the President of the United States. In the name of the millions who have died to protect the sanctity of the ballot box, I would say, may God have mercy on your souls.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, while I am not a member of the Committee on the Judiciary, I came to this debate today with the great hope that the advocates for the President would spend considerable time addressing specifically the articles of impeachment. Instead I have heard a lot about the Iraqi war. I have heard about Ken Starr. I have heard about Medicare, Social Security, but I have not heard any evidence refuting the articles of impeachment.

Now we are not here today because of the political philosophy of any political party or an obsession to impeach the President. We are not here today because of the private sexual activities of anyone. We are here today because the President is charged with breaking criminal laws which for constitutional purposes are high crimes and misdemeanors. One of those crimes is perjury. And by committing perjury, the President harmed the integrity of our judicial branch of government, which is a central component of the government.

Since 1993, when President Clinton took office, the U.S. Department of Justice has prosecuted and convicted over 400 people for perjury. Many of those people are in prison today or under house arrest. We could go through a lot of individual cases. We have a psychiatrist at the Veterans Administration who was convicted of perjury for lying in a civil suit. She is under a jail sentence right today, and we could go on and on. But our Nation has one legal standard that applies to all of its citizens. We do not have one legal system for the President and a more harsh legal system for everyone else. High office does not allow anyone to be above or beyond the law.

For those reasons, I will vote for three of the four articles of impeachment.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the distinguished ranking member for yielding me the time.

I would like to say to the gentleman from Kentucky (Mr. WHITFIELD) and to the gentleman from Pennsylvania (Mr. GOODLING), our distinguished colleagues, that perjury is applicable to this President as it is to all people once he leaves office. So that confused argument of what political perjury is and what perjury is in a court of law needs to be distinguished.

Let me also make it very clear for you that if the President is charged with perjury when he leaves office, I predict for you that no one in this body can prove that he committed perjury. The gentleman, my distinguished colleague from Arkansas, who has been extremely studious with reference to these matters, indicated that censure was some kind of, and I apologize, some kind of fix he called it. I do not see it that way.

I would like for you to recall that in the very cases regarding judges that were cited to as examples, censure was used and also, as we know, for two presidents. Additionally, the majority whip, the gentleman from Texas (Mr. DELAY), proposed what amounted to censure of the President over campaign finance issues just this past May.

This House can work its will on censure and anything else. I was removed from office after being found not guilty, and here we are talking we cannot censure. Today we have reached the zenith of unfairness. Our military, under the aegis of our President, is attempting to downgrade weapons of mass destruction in Iraq and we are en masse as a body degrading the institution of the presidency.

It is not sad. It is irrational. I have appended to my remarks what I think would be helpful to this body so that you will understand the dynamics that take place in the Senate. The pleadings and motions stage, the trial preparation stage, a Senate trial, all of this certainly will take at least the 14 months that it took to remove me from office. And we are talking at least that amount of time, certainly as late as July, and probably all next year. And things regarding Social Security and matters that all of us want to take up for this Nation will be put on hold.

The President has done a good job, and you have seen it. Consider before you vote what you might be doing to tie this entire Nation up. Our Nation is divided, and the House tomorrow will exacerbate that division. We are being unfair and unwise. We are being harsh to the institution of the presidency, harsh to our troops in harm's way, harsh to each other as colleagues and extremely harsh to this great country of ours.

This is not a debate for the ages. Rather, it is a debate of the stages, partisan political stages. I ask you, how many of us have read this report that came to my office last night after the close of business? How many of us have read, other than Committee on the Judiciary, the evidence that supports the conclusion that the Republicans ask us to reach? Most of us will be voting in an uninformed, unintelligent manner. This Nation deserves better.

You may win today, but the Nation will lose today and tomorrow.

Mr. Speaker, I include for the RECORD the information to which I referred:

Ten years ago, on August 9th, 1988, this House voted to impeach a federal judge from the southern district of Florida. It was not until October 20th, 1989, fourteen months later, that the Senate voted upon those articles. By its vote ten years ago, the House decided to impose the burdens of Senate trial proceedings on a man. Today, the House must decide whether the charges and the evidence against the President warrant imposing the burdens of Senate trial proceedings on the Nation and the world. All Members should understand the nature and extent of the extraordinary burdens that a decision to impeach the President would impose.

Although other Members have served as one of the House managers in proceedings before the Senate, I am the only Member who has experienced the burdens of developing a defense strategy and participating in its implementation. I have borne the burdens and I have observed the procedures in Senate impeachment trial proceedings. Professor Terence J. Anderson of the University of Miami School of Law represented me in the proceedings before this House and before the Senate. He has direct knowledge of what the Senate did and did not do there. I asked him to prepare a schedule projecting how the proceedings in the Senate might unfold. I have reviewed the projections he prepared and believe that they are conservative. I have appended to these remarks a statement of the "Projected Proceedings Before the United States Senate if the House Votes to Impeach the President." That Projection provides a more detailed schedule of the steps that would be required in this case. I report and discuss the conclusions here.

Under the best case scenario, the proceedings before the Senate are unlikely to be completed before late July and could extend until the end of the year.

The proceedings in the Senate would unfold in three stages—a pleadings, procedures, and motions stage; a trial preparation stage; and a trial and judgment stage.

The pleadings and motions stage in my case lasted seven months—from August 1988 through mid-March 1989. That first stage would take at least three months here.

The second, the trial-preparation stage, took three-and-a-half months in my case; it would take three here.

A Senate trial in this case, the final stage, would last at least seven weeks and could last for more than fourteen.

The similarity between the way in which the House Judiciary Committee conducted the inquiry in my case and the way in which it conducted the inquiry here will require the Senate to accord to the President and his counsel, at a minimum, pretrial rights comparable to those that it accorded me and my counsel. The principal similarity between the two cases is that in neither did the House Judiciary Committee examine or cross-examine the witnesses upon which the articles of impeachment depended. In neither, did it call witnesses for the defense or seek documents that will be necessary to the defense. Instead, it relied primarily upon a report and materials transmitted by officials in another branch and upon the testimony of the author of that report, in my case John Doar and here Kenneth Starr. As a result, the Senate permitted my counsel to conduct limited discovery proceedings to obtain testimony and documents necessary to my defense. The Senate will, perforce, accord an accuse President liberal opportunities to use its subpoena power to depose witnesses and gather documents that his counsel seek as necessary for a fair trial.

The two cases would be different in ways that would also influence the conduct of the proceedings that the House seems prepared to launch today. In my case, the Senate appointed an Impeachment Trial Committee and delegated to it the power to control the pretrial proceedings and to conduct the evidentiary hearings. That would not happen in proceedings against the President. The Rules Committee might be asked to guide the pretrial proceedings, but either side would have the right to insist that any decision be reviewed de novo by the full Senate.

The Impeachment Trial Committee appointed in my case heard live testimony from fifty-seven witnesses and received more than 374 exhibits. Those hearings took eighteen full, eight-hour days. The Senate rules for the trial of an impeachment provide that the full Senate shall convene as a court of impeachment at noon during the trial of an impeachment; they, in effect, provide for half-day trial hearings. It is unlikely that the Senate could hear, on average, more than two witnesses a day. And it should be clear that witnesses such as Monica Lewinsky are likely to occupy the stand for several days.

The materials submitted by Mr. Starr identify more than 120 potential trial witnesses and some 390 trial exhibits. Those materials do not identify, as witnesses, the FBI agents or OIC staff members who participated in the investigation and whose testimony will clearly be necessary. For example, each of the OIC staff and FBI agents who participated in the initial and each subsequent interview of Ms. Lewinsky had the opportunity to influence and shape her testimony in ways that bear upon her credibility and the relevance of the so-called "corroborating" detail offered by the Independent Counsel Starr. Those materials give little indication of the additional witnesses and exhibits the President would present in his defense.

The debate in the Judiciary Committee makes it clear that the prospective House Managers would be unlikely to exercise restraint in presenting the case against the President. The presentations by counsel for the President have made it clear that the defense will be commensurately vigorous. Although the appended projections provide a more conservative estimate, it seems unlikely that the number of witnesses called to testify will be less that the 120 potential witnesses identified in the Starr report. If that occurred, the Nation and the world would watch for sixty days as the Chief Justice of the United States presided, while the House managers and counsel for the President examined and cross-examined witnesses presented audio and video tapes and other evidence before the Senate in what will appear to most viewers to be a tawdry, R-rated sex drama.

Those who would vote to impeach the President should consider carefully the consequences. Over the next eight months, the attention of the Nation, of the full Senate, and of the Chief Justice of the United States would be devoted to hearing the evidence and arguments in this tawdry affair on at least thirty-five days. For at least eight months, a sword of Damocles would hang over the Nation, indeed over the world.

Over the past two years, the Nation has seen its President play an active and intensive role in mediating a peace accord in Northern Ireland, in brokering the Wye accords, in working with the Congress to produce a balanced budget and reforming the welfare system, in protecting the Nation's economy and addressing the threats posed by collapse of economies elsewhere, and in acting to assure that Iraq's ability to make war against its neighbors is degraded.

Those who would vote to impeach the President should consider, before they vote, what might have, or have not, happened had the President, the Senate, and the American people been preoccupied with protracted impeachment trial proceedings when any of those events occurred. Those who would vote to impeach the President should consider, before they vote, what may, or may not, happen if all are similarly preoccupied for the next eight months or more.

PROJECTED PROCEEDINGS BEFORE THE U.S. SENATE IF THE HOUSE VOTES TO IMPEACH THE PRESIDENT

The proceedings in the Senate on the articles of impeachment that the House exhibited against then United States District Judge Alcee L. Hastings provide the most recent and comparable precedents to guide the Senate in the proceedings against President William Jefferson Clinton that will take place if the House adopts articles of impeachment. The following outlines projects how the proceedings against the President would unfold if the House impeaches him based upon the proceedings in the Hastings case and the materials released by the Judiciary Committee during its inquiry into the President's conduct.

I. Preliminary Proceedings

	Weeks Min.	Weeks Max.
A. The First Step. The House Managers would exhibit its articles to the Senate and the Senate would issue a summons to the President requiring him to respond within fifteen to thirty days and would ask the Committee on Rules and Administration to consider and report issues that need to be addressed and special rules that should be adopted for the conduct of the proceedings	1	1
B. The Rules Committee. Since the Senate has not conducted proceedings against a President in the past century, the issues would be substantial. At least five steps would have to be taken before the committee could submit its report and recommendations to the Senate..		
1. The committee meets and authorizes the Chair and Ranking Minority Member to send a letter asking the parties to file memoranda addressing issues identified by the Committee and other issues that either believes the committee should consider, probably allowing twenty to thirty days for initial memoranda and ten to twenty days for responses	1	2
2. Each of the parties file memoranda	4	6
3. Each of the parties file memoranda responding to the other	6	9
4. The committee holds hearings on the issues raised	7	11
5. The committee deliberates and prepares its report and recommendations and any necessary resolutions	9	13
C. Pleadings and Motions.		
1. The President. It is hard to anticipate the defense strategy the President will adopt, but the House Judiciary Committee's proceedings and recommended articles of impeach suggest that counsel for the President would file:		
a. *Answer and Affirmative Defenses.* Counsel for the President will raise at least one and probably two affirmative defenses—(i) the articles fail to allege facts sufficient to state an impeachable offense; and (ii) the misconduct of Independent Counsel Starr and the House's reliance upon the products of that misconduct require that the articles be dismissed	3	4
b. *Motion to Dismiss.* The motion would enable the Senate to consider whether it should dignify the President's improper conduct alleged in the articles of impeachment by classifying it as "high Crimes and Misdemeanors" under the Constitution	6	10
c. *Demand for Bill of Particulars.* The majority on House Judiciary Committee appear to shoot themselves in the foot by refusing to specify the precise statements made by the President that they claim were perjurious. If the pending articles are adopted, counsel for the President will demand and the Senate will almost surely order the House Managers to provide a bill of particulars. The real effect of the lack of specificity will further delay	6	10
d. *Alternative Motion to Strike Particular Allegations.* If the Senate does not dismiss the articles in their entirety, counsel for the President are likely to ask that the Senate, after the bill of particulars has been filed, strike specific allegations in the article that remains	6	10
2. The House. The House managers would be required to file a Replication to the President's Answer and Affirmative Defenses and responses to the motions. If they opposed the demand for a bill of particulars, there would be a second round of briefing and further argument before the Senate after the House had complied with the Senate's order, adding an additional two weeks to the process	8	14
3. The President's Reply. Counsel for the President would file a reply and any supplemental memoranda made necessary by the House's bill of particulars	10	16
D. Proceedings Before the Full Senate. The Senate would be likely to set aside two days to consider and act upon the report from the Rules Committee and to hear arguments on and decide the pending motions	12	18

II. Trial Preparation

In *Hastings*, the Rules Committee recommended that the Senate appoint an Impeachment Trial Committee to regulate the preparation for evidentiary hearings and to conduct those hearings. If the House adopts articles here, the evidentiary hearings will be conducted before the full Senate. It is likely that the Senate and the Chief Justice will agree that the trial preparation duties that were performed by the Impeachment Trials Committee should be assigned to the Rules Committee (or to a special impeachment committee appointed for that purpose). Although the counsel for the President would request that trial preparation be deferred until the Senate had ruled on the President's motion to dismiss, the Rules Committee might determine that necessary preparation should proceed concurrently with other trial matters. However those duties were exercised, the steps would likely be the same.

	Weeks Min.	Weeks Max.
A. Discovery Proceedings. The need for discovery would be far greater in this case than it was in *Hastings*. Here, as it did in *Hastings*, the House Judiciary Committee relied primarily upon the report and materials transmitted to the House by another branch and upon the testimony of the investigator who prepared the report. Here, as it did in *Hastings*, the committee did not call and subject to examination and cross-examination the fact-witnesses identified by the Starr referral or those who might testify on behalf of the accused or obtain from the Independent Counsel or elsewhere documents other than those included in the materials transmitted. It is hard to conceive that the Senate here would not afford the President the time and the use of its subpoena power to take depositions and obtain relevant documents. Based upon *Hastings* and the materials available here, discovery would proceed in three stages.		
1. Submissions by the Parties. If any articles remained after the motions to dismiss or strike had been decided, the Senate or a committee would have to decide whether and what discovery should be permitted.		
a. Counsel for the President would promptly submit a memorandum identifying witness and sources of documents that were likely to produce relevant evidence and explaining why the President should be permitted to subpoena each of the witnesses and other source to obtain that evidence. At a minimum, it seems almost certain that the counsel would seek to depose (i) lawyers for Paula Jones about their initial conversations with Linda Tripp and with members of the Office of Independent Counsel ("OIC") staff; (ii) the members of the OIC staff and FBI agents who met with or interviewed Linda Tripp and Monica Lewinski; and (iii) other technical witnesses, such as those reconstructed materials from the hard drive in Ms. Lewinski's computer. It also seems certain that they would want access to the documents that the Independent Counsel did not transmit with his referral	12	20
b. The House managers would be directed to file a response agreeing with or objecting to the President's requests	14	22
c. The Senate or its committee would examine the president's request and the House's response and hold hearings and enter the appropriate order directing the issuance of appropriate subpoenas	16	23
d. Independent Counsel Starr, Ms. Jones's lawyers, or others subpoenaed might object to some or all of the subpoena, in which event time-consuming enforcement proceedings would be necessary, at least three months	....	36
e. The depositions would be conducted and the documents produced and examined	16–24	36-44
B. Other Trial Preparation Proceedings.		
1. The House managers and counsel for the President would propose stipulations or submit requests for admissions. The Senate or its committee would encourage the parties to stipulate at least to the authenticity and/or admissibility of various documents and other potential exhibits. Responses would be exchanged and negotiations would proceed	12	20
2. The Senate or its committee would direct the parties to file and exchange ten days after the close of discovery, pretrial memoranda identifying witnesses each intended to call and exhibits each intended to introduce	25	45

	Weeks	
I. Preliminary Proceedings	Min.	Max.
3. The Senate or its committee would enter a final pre-trial order establishing the date for and procedures to be followed at trial	26	46
III. The Trial of a President		
Rules XII and XIII of Procedure and Practice in the Senate When Sitting on Impeachment Trials provide that, unless otherwise ordered, the proceedings shall commence at 12:30 p.m. on the first day and at 12:00 noon thereafter. In order to make it possible for the legislative and executive branches to tend to some of the government's business and to enable the Chief Justice to participate, in the oral arguments before the Supreme Court, it seems likely that the Senate would not schedule the evidentiary proceedings to begin before 12:30 or would permit them to extend beyond 6:30 p.m. on a regular basis.		
A. The Presentation of Evidence by the House Managers. The managers presented the testimony of thirty-seven witnesses in *Hastings*. Only twenty-seven appeared before the Impeachment Trial Committee. The managers were permitted to introduce transcripts of prior testimony for the other ten. The House managers are likely to call most if not all of the 120 witnesses whose statements or testimony are included in the materials transmitted by Independent Counsel Starr. Depending upon the success of pre-trial negotiations, it might have to call several more to establish necessary foundations and the like. Forty to fifty would appear to the minimum number necessary to support the allegations the proposed article have borrowed from the Starr Report. No prior testimony will be admitted. The videotaped deposition and the videotaped grand jury testimony will be shown in their entirety, and many of the Tripp tapes will be played given by the president. The examination and cross-examination of the twenty-seven witnesses the House presented in Hastings consumed more than ten full days. If the President is impeached by this House, the presentation of testimony and other evidence will consume twenty [if forty witnesses called] to forty [120 witnesses] partial trial days before the full Senate	27–30	47–50
B. The President's Case. It is impossible to project the number of witnesses that the President's counsel would call for his defense with any confidence. The Starr Report was not a balanced presentation of the available evidence. It seems clear that the number would be substantial and would include many of the 120 persons whom were identified in the Starr Report, but were not called by the managers. They would present all of the Tripp tapes that the managers did not introduce. They would call witnesses whose conduct might have influenced the testimony of Ms. Lewinski and other House witnesses and witnesses who had knowledge relevant to Ms. Lewinski's credibility. Twenty witnesses and ten days seems a safe minimum	31–32	51–52
C. The House Rebuttal. Given the passion and vigor displayed by Republican members of the Judiciary Committee, it seems likely the House managers would want to try to rebut the President's case, no matter how tired and angry the American people may have become. Might we hope for only a day or two	33	53
D. Argument, Deliberations, and The Vote. Given the nature of the issues and the length of the projected trial, it seems likely that Senate would allot at least four hours to each side for closing arguments. Past precedent dictates that the Senate would close its doors to deliberate in executive session until its members have expressed their views. The vote would follow. With luck, the denouement might be completed in less than a week	34	54

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, the sole responsibility for our actions today lies with the President. Only his actions, characterized by his own supporters, are wrongful and immoral, maddening and worthy of our condemnation. President Clinton has violated his constitutional duty to take care that the laws be faithfully executed by lying under oath in a duly convened judicial proceeding.

President Clinton has violated his Constitutional oath of office to preserve and protect the Constitution by obstructing the proper search for the truth and abusing the power of the presidency. His actions, deliberate and willful, have brought damage to the dignity of the office of the President and corrupted our sacred respect for the rule of law.

The question before us today is whether we, too, will turn away from our long heritage of the rule of law, the love of truth, and instead place our faith in the brutal role of power, the fickle winds of appetite and the manipulation of public opinion.

The circumstances of history have our Nation facing two grave issues, impeachment and war, at the same moment. President Clinton decided to unleash the awesome power of war. And why did he do this? One, because Saddam Hussein has lied to the United Nations. Another because Saddam Hussein has obstructed justice by blocking the work of the weapons inspector, and another one is he violated the rule of law in defiance to the cease-fire resolution of the Gulf War.

I support the President of the United States in his rightful action and pray for the safety of our troops. If we are willing to ask the ultimate sacrifice in defense of the international rule of law, how can we not act to defend its foundations at home? Our Nation is a strong one and our Constitution is sound. Our peaceful and deliberate defense of the Constitution and its foundation in the rule of law will send a strong and clear message, testifying to the power and resilience of our democracy. Tyrants, dictators and thugs around the world will see the strength of our Nation lies not in one man but in a vast people, united in liberty and justice.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to the resolution. Our Founding Fathers viewed impeachment as a mechanism of last resort to protect the Nation from a President who threatened the Constitution or the American people. Throughout our history, Members of Congress have appreciated the enormous gravity of impeachment and that is why, despite countless disputes, provocation, misdeeds and lies, the House has voted just once in its history to impeach a President.

Indeed the delicate system of constitutional checks and balances established by the founders works only insofar as each branch of government exercises its prerogatives responsibly. In the case of impeachment, that means applying the most rigorous test to the use of our authority. The Constitution gives this body the ability to undo our only national election, but we must use that authority judiciously and cautiously. To do otherwise imperils the stability of our democracy, replacing the orderly transfer of power with the constant threat of political upheaval.

A great Nation does not overturn two national elections and throw a President out of office because he denied having a consensual affair. Let us instead find a suitable punishment that fits the President's offense, censure. The President misled his family and his country and he deserves the reprimand of the Congress and the enduring judgment of history.

Unfortunately, in their zeal to impeach Bill Clinton, the GOP leadership has refused to allow this House to debate a tough motion of censure, a censure that is overwhelmingly supported by the general public over impeachment.

□ 1530

Unfortunately, there is a determined minority in America and in this Chamber who never accepted the legitimacy of this President. To them this episode is mere pretext to accomplish what they could not during two separate elections. The majority is not here today to give the President his fair day in court. They are here to oust him. And Kenneth Starr was their instrument.

By utilizing the vast prosecutorial powers of the government, Kenneth Starr abused his authority and broke his trust with the American people. His dangerous and misguided inquiry has been unparalleled in our modern life, and impeachment merely serves to validate his methods and goals.

And make no mistake, my colleagues, not all coups are accompanied by the sound of marching boots and rolling tanks. Some, like today, are wrapped in a constitutional veneer, softened by pious assertions of solemn obligation and duty. But the result is the same, defiance of the public will and rejection of the regular political process.

Mr. Speaker, what will impeachment mean? A trial in the Senate would only deepen the Nation's wounds. Imagine the spectacle of the upper Chamber of the world's greatest democracy, presided over by the highest judge in the land, gathered for weeks and months not to consider important affairs of state, but instead to hear the same tawdry testimony, the same tiresome details, again and again.

I am frankly amazed, Mr. Speaker, that the House stands poised today at the edge of a deep abyss. The American people, in their wisdom, have implored us to leave the slippery road of impeachment and pursue instead the measured course of censure.

Such a prolonged re-hashing, illuminated by television lights and augmented by a thousand talking heads, would further alienate a public that has already sent its representatives a clear message to end this disgraceful episode in our nation's life. It would seriously compromise our capacity to wrestle with serious policy challenges. And it would weaken our international leadership at a perilous moment in world affairs. It would shut our government down at a time when the American people are looking at us to solve the problems that affect their everyday lives.

Let us honor our Constitutional obligations, heed the call of scholars and historians, and above all, keep faith with the men and women we serve.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding me time.

The other gentleman from Florida (Mr. HASTINGS) brought up an interesting point a moment ago asking rhetorically who has indeed read the material and reviewed the evidence. It is interesting to note, Mr. Speaker, that in the more than three months that the independent counsel's material, some 60,000 pages, have been over at the Ford Building there remain, I believe, four members of the Democrats on the Committee on the Judiciary that have not spent one minute reviewing that material; and even though arrangements have been made through the gentleman from Illinois (Mr. HYDE) to have other Members of both sides of the aisle not serving on the Committee on the Judiciary to review the material so they could answer any questions or look at the material firsthand, I believe there has been at most one Member on the Democrat side who has gone over to review the material.

So the answer to the question posed by the gentleman from Florida is, apparently, most Members on the other side are not interested in the evidence and, therefore, have not even reviewed it.

Mr. McCOLLUM. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I want to respond to the point made by the gentlewoman from New York (Mrs. LOWEY), my good friend.

This is a process that we are following under the Constitution, and I am very disappointed that there has been a failure of those who are opposing these articles to focus on the facts of the case before us. Now these facts are inconvenient facts, they are very compelling facts pointing to a pattern of perjury and obstruction of justice by the President of the United States. But all the passionate argument about the independent counsel, all the passionate attacks on the process here in the Congress do not alter the stubborn facts of the case before us.

Now, I would also like to bring to the attention of the Members the report on "Constitutional Grounds for Presidential Impeachment" which was prepared in February of 1974 by the staff of the Nixon impeachment inquiry; and I would ask that all the Members consider this key language from that staff report describing the type of conduct which gives rise to impeachment.

The Democratic staff of the Rodino committee wrote, "The emphasis has been on the significant effects of the conduct—undermining the integrity of office, disregard of constitutional duties and oath of office, arrogation of power, abuse of the governmental process, adverse impact on the system of government."

Perjury and obstruction of justice clearly undermine the integrity of office. Their unavoidable consequence is to erode respect of the office of president. Such offenses are in obvious disregard of the President's constitutional duties and oath of office. Moreover, they are offenses which have a direct and serious adverse impact on the system of government.

Obstruction of justice is by definition an assault on the due administration of justice, which is a core function of our system of government. And as the first Chief Justice of the United States, John Jay, observed, no crime is more extensively pernicious to society than the crime of perjury.

The significance of the offenses committed by the President is not in any degree diminished by the fact that they do not directly involve the President's official conduct. Despite their argument that the President is immune from impeachment because of the underlying conduct which gave rise to his crimes was a private matter, the President's lawyers have themselves proclaimed, and I would ask that my colleagues listen to this, these are the words of the President's own lawyers, they said, and I quote, "Any conduct by the individual holding the Office of the President, whether it is characterized as private or official, can have substantial impact on a President's official duties."

Perjury and obstruction of justice, even regarding a private matter, are offenses that have a substantial impact on the President's official duties because they are grossly incompatible with his preeminent duty to take care that the laws be faithfully executed. Perjury and obstruction of justice are not private matters, they are crimes against the system of justice, crimes for which this President must be impeached.

In today's debate we have heard a convincing case made that the President engaged in a calculated and sustained pattern of perjury and obstruction of justice. The furious efforts of the President's defenders cannot alter the stubborn facts of the case against the President. The facts cannot be wished away, they cannot be ignored, they cannot be treated as trivial. But the President's lawyers have argued that even if the charges of perjury and obstruction of justice are true, the President's conduct does not rise to the level of "high crimes and misdemeanors" for which he can be impeached.

Although Congress has never adopted a fixed definition of "high crimes and misdemeanors," there is much in the background and history of the impeachment process that contradicts the position advanced by the President's lawyers. Two reports prepared in 1974 on the background and history of impeachment are particularly helpful in evaluating the President's defense. Both reports support the conclusion that the facts before us make a compelling case for the impeachment of President Clinton.

There has been a great deal of comment on the report on "Constitutional Grounds for Presidential Impeachment" prepared in February 1974 by the staff of the Nixon impeachment inquiry. Those who assert that the charges against the President do not rise to the level of "high crimes and misdemeanors" have pulled some phrases from that report out of context to support their position. In fact, the general principles concerning grounds for impeachment set forth in that report indicate that perjury and obstruction of justice are impeachable offenses. Consider this key language from the staff report describing the type of conduct which gives rise to impeachment:

> The emphasis has been on the significant effects of the conduct—*undermining the integrity of office, disregard of constitutional duties and oath of office*, arrogation of power, abuse of the governmental process, *adverse impact on the system of government*. (emphasis added)

Perjury and obstruction of justice clearly "undermine the integrity of office." Their unavoidable consequence is to erode respect for the office of the President. Such offenses are in obvious "disregard of [the President's] constitutional duties and oath of office." Moreover, they are offenses which have a direct and serious "adverse impact on the system of government." Obstruction of justice is by definition as assault on the due administration of justice—which is a core function of our system of government. And as the first Chief Justice of the United States, John Jay, observed, "no crime" is "more extensively pernicious to Society" than perjury.

The thoughtful report on "The Law of Presidential Impeachment" prepared by the Association of the Bar of the City of New York in January of 1974 also places a great deal of emphasis on the corrosive impact of presidential misconduct on the integrity of office:

> It is our conclusion, in summary, that the grounds for impeachment are not limited to or synonymous with crimes. * * * Rather, we believe that *acts which undermine the integrity of government* are appropriate grounds whether or not they happen to constitute offenses under the general criminal law. In our view, the essential nexus to damaging the integrity of government may be found in acts which constitute corruption in, or flagrant abuse of the powers of, official position. It may also be found in act which, without directly affecting governmental processes, *undermine that degree of public confidence in the probity of executive and judicial officers that is essential to the effectiveness of government in a free society*. (emphasis added)

The commission of perjury and obstruction of justice by a President are acts which without doubt "undermine that degree of public confidence in the probity of the [the President] that is essential to the effectiveness of government in a free society." Such acts inevitably subvert the respects for law which is essential to the well-being of our constitutional system.

The significance of the offenses committed by the President is not diminished by the fact that they do not directly involved the President's official conduct.

The record is clear that federal officials have been impeached for reasons other than official misconduct. Two recent impeachments of federal judges are compelling examples. In 1989, Judge Walter Nixon was impeached and removed from office for making false statements before a federal grand jury. The conduct of Judge Nixon which occasioned his perjury before the grand jury was not official conduct. In 1986, Judge Harry E. Claiborne was impeached and removed from office for making false statements under penalty of perjury on his income tax returns. His misconduct was without doubt outside the scope of his official responsibilities. Should we today, as the opponents of those articles demand, set a lower standard of integrity for the President than we have set for federal judges?

There is nothing in the text, structure, or history of the Constitution which suggests that Presidents are subject to impeachment only for official misconduct. Greater harm to the system of government may in fact be caused by the criminal acts of a President committed outside the scope of his official responsibilities than by certain acts of official misconduct.

Despite their argument that the President is immune from impeachment because the underlying conduct which gave rise to his crimes was a private matter, the President's lawyers have themselves elsewhere claimed:

> *Any conduct* by the individual holding the Office of the President, whether it is characterized as private or official, *can have substantial impact on a President's official duties*. (emphasis added)

Perjury and obstruction of justice—even regarding a private matter—are offenses that have a substantial impact on the President's official duties because they are grossly incompatible with his preeminent duty to "take care that the laws be faithfully executed." Regardless of their genesis, perjury and obstruction of justice are acts of public misconduct—acts which cannot be dismissed as understandable or trivial. Perjury and obstruction of justice are not private matters; they are crimes against the system of justice.

Soon after the adoption of the Constitution, Alexander Hamilton wrote that "an inviolable respect for the Constitution and the Laws" is the "most sacred duty and the greatest source of security in a Republic." Hamilton understood that respect for the Constitution itself grows out of a general respect for the law. And he understood the essential connection between respect for law and the maintenance of liberty in a Republic. Without respect for the law, our freedom is at risk. Thus, according to Hamilton, those who "set examples which undermine or subvert the authority of the laws lead us from freedom to slavery . . ."

President Clinton by his persistent and calculated misconduct has set a pernicious example of lawlessness—an example which by its very nature subverts respect for the law. His perverse example has the inevitable effect of undermining the integrity of both the office of President and the judicial process. The maintenance in office of such a President is inconsistent with the maintenance of the rule of law.

In light of the historic principles regarding impeachment, the offenses committed by the President demand that this House impeach William Jefferson Clinton, Our Constitution requires that this President who has shown such contempt for the law and for the dignity and integrity of the high office entrusted to him by called to account before the Senate for his high crimes and misdemeanors.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), ranking member of the former Government Operations Committee, and ask that he yield to me briefly.

Mr. WAXMAN. Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I have just been advised that the chairman of the House Committee on the Judiciary has unilaterally permitted other Members other than committee members to visit the Ford Building to read other materials unbeknownst to me and we had not allowed any Democratic Members to go over there because we did not know that they were permitted to attend if they were not members of the Committee on the Judiciary. And I thank the gentleman from Georgia (Mr. BARR) for pointing that out to us. It is an incredible violation of our democratic rights, and I am deeply offended by it.

Mr. WAXMAN. Mr. Speaker, reclaiming my time, over and over again our Republican colleagues have called for the rule of law. Let me suggest that if the President has committed a crime, let him be tried in a court of law. There even he will have the protections of the law. Here in this House he is not getting the rule of law but the rule of politics.

This President has been subjected to an unprecedented and deliberate strategy to use taxpayers' funded money to investigate him in order to get him impeached. Millions of dollars have been spent, many reckless charges were investigated, investigated to death, and they were found to have no basis in fact.

As a matter of fact, a resolution of impeachment was introduced before anybody had ever heard of President Clinton's affair with Monica Lewinsky. There has been an impeachment in search of an impeachable offense. What has been presented to us today do not amount to impeachable offenses.

I call for the rule of law and the supremacy of the Constitution.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1¼ minutes.

Mr. Speaker, I think it is important to clear up the record as a result of what the gentleman from Michigan (Mr. CONYERS) had to say about access to executive session materials.

Just so that all of the Members are clear, when the House passed House Resolution 525 in September, immediately after the receipt of the independent counsel's report, only members of the Committee on the Judiciary had access to the executive session material. Section 4 of that resolution was effective during the review of the referral from Independent Counsel Starr.

Pursuant to section 1 of H. Res. 525, rules relating to review by the committee was effective until there was a further order of the House. Then in October, when we passed our inquiry resolution, that superseded the previous resolution's provisions relative to access to executive session material.

House Resolution 581, the inquiry resolution passed in October, had standard executive session rules of the House obtained; and that meant that all Members of the House of Representatives had access to those executive session materials.

That has been what the rule is since October 8, and any Member has had the legal right to go over to the Ford

Building and examine the executive session materials.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I am going to take a little different tack here. I stand here as a Republican. I am proud of my party. But I am opposed to impeachment, and have proposed my own censure motion, which sadly will die with this session.

But this is today. What about tomorrow? Today we deal with the law. Tomorrow we deal with people's lives. The famous parliamentarian which we have all read, Edmund Burke, once said, "The law sharpens the mind by narrowing it. But in a few, law has lifted the mind to a level of comprehension and humanity."

So, Mr. Speaker, when all the arguments are done and when the votes are taken, this is what we must work for, the humanity, the healing of this Nation.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 3½ minutes to the gentleman from Maryland (Mr. WYNN), and I ask him to yield a few seconds to me.

Mr. WYNN. Mr. Speaker, I certainly yield back to the ranking member.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Wisconsin, who is the ranking Member on the Judiciary, for his explanation.

The one thing it did not include, of course, was that only Members who were trying to have their minds made up were the only ones that came over to the Ford Building that were not members of the Committee on the Judiciary two days before this proceeding on the floor. And I am glad to know now that everybody could have come over but nobody apparently availed themselves until this last minute twisting of arms took place.

Mr. WYNN. Mr. Speaker, reclaiming my time, I thank the ranking member for yielding.

Mr. Speaker, I rise in strong opposition to these articles of impeachment. We are perhaps at one of the lowest points in American politics. We are in the midst of a parliamentary coup. The party in the majority want to remove an elected president. And that is the parliamentary system. That is not the democratic system. They are doing so without legitimacy.

Legitimacy demands bipartisanship. There is no bipartisanship on the floor today, simply the will of this majority to drive out this President, a true parliamentary coup. This debate has brought out some of the worst features of man. I have to say it. First of all, hypocrisy. Let he who is without sin cast the first stone. Second, unfairness.

The Members of this body on both sides would like to vote on a censure resolution. The Republican majority will not allow that. The American people believe censure is an appropriate response. The Republican majority will not allow that.

And third, there is a very unseemly obsession with this matter to the exclusion of what used to be called the war effort. It used to be we got behind our young men and women, we focused on what they were doing. This crowd now believes that their partisan agenda is more important.

At the bottom, this is about sex. Now, the Republicans also jump up and say, no, it is about lying. Well, even if you accept the allegations that they are making, it is about lying about sex. That is not an impeachable offense.

If, in fact, they want to make the argument that this is about the rule of law, then the President is not above the rule of law, the President can be prosecuted. Do not believe the President can escape prosecution for these offenses in a court of law.

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The President can be prosecuted after he leaves office. The Founding Fathers left to us the question of impeachment, which is not legal; it is a political exercise which we are engaged in today. Unfortunately the Republicans have lost all sense of proportion of judgment. They talk about law, but they do not talk about justice. Justice looks at the situation and fits the sanction to the crime. In this instance we do not have high crimes and misdemeanors, we have low crimes and misdeeds. In truth, we ought to have the sanction option, we ought to look at another way to respond to the situation, but we do not have that opportunity.

Mr. Speaker, this crowd, this Republican leadership is forcing us to remove the President, and that is a tragedy, and that is in fact a low point in American politics.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, first let me clear up a misconception of the previous speaker about the situation internationally. May 18, 1972, when over 62,000 troops were on the ground in Vietnam, the gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary, introduced House Resolution 989 calling for the impeachment of the President of the United States of America.

Now let me say this. As I have listened to this debate and listened to both parties, there is at least an emerging consensus that lies have been made, laws were broken and that the rule of law was undermined and subverted. The question diverges on the matter of consequences; is this impeachable? Some want censure, but the only constitutional remedy to the House is impeachment. Should the Senate decide, they may be able to censure. They have that option because only the Senate can decide on punishment; the House does not have that option. Our duty is to accuse, not to punish.

But since Democrats and Republicans have agreed that lies were made, is it a high crime or a misdemeanor? Lying under oath on a material matter is perjury, and, under these circumstances, a felony. It has been serious enough that 700 people under the Clinton-Reno Justice Department have been tried and convicted of it; 115 are, in fact, in jail today. What would happen to the court system if this were not the case?

Justice must be applied to all equally regardless of popularity, party or position. I sadly must support these articles.

After months of debate, a review of the evidence, and careful consideration of the bipartisan hearings, I have decided to support all four Articles of Impeachment. Not to do so would send a message to every court and every trial in America that truth is relative, even optional. In short, America is a nation of laws and, as such, the law must apply equally to all people, regardless of position.

Throughout this debate, the first question that must be considered is, what are the facts? Based on 60,000 pages of testimony, affidavits, and tapes taken under oath, honest people regardless of party, should be able to determine if laws were broken.

Here are the facts with respect to the Articles of Impeachment which were reported out of the House Judiciary Committee on December 16, 1998:

ARTICLE I—GRAND JURY PERJURY

Article I charges that the President told a series of calculated lies under oath, after swearing to tell the truth, before a federal grand jury that was investigating his alleged misconduct.

On August 17, 1998, seven months after being deposed in the Jones vs. Clinton case, the President swore to tell the truth, and nothing but the truth before a federal grand jury.

Before the grand jury:

The President swore that he did not want Monica Lewinsky to execute a false affidavit in the Jones vs. Clinton case. The facts show this is not true.

The President swore that he did not allow his attorney to refer to an affidavit before the judge in the Jones vs. Clinton case that the President knew to be false. The facts show this is not true.

The President swore that he did not believe Monica Lewisky's affidavit was false. The facts show this is not true.

The President swore that he was trying to determine whether his "recollection was right," and he was "trying to get the facts down" and "understand what the facts were" when he recited to Betty Currie a false account of his interactions with Monica Lewinsky. The facts show this is not true.

The President swore that he did not give false testimony in his deposition in the Jones vs. Clinton case. The facts show this is not true.

The President swore that he did not talk to Betty Currie, his secretary, about the retrieval of gifts he had previously given to Monica Lewinsky. The facts show this is not true.

The President swore that he told the truth about his relationship with Monica Lewinsky to his aides who he knew would likely be called to testify before the grand jury. The facts show this is not true.

The President swore that he did not have sexual relations with Monica Lewinsky. The evidence indicates that he lied, even according to his own interpretation of the Jones vs. Clinton court's definition of the term "sexual relations."

ARTICLE II—CIVIL PERJURY

Artice II charges that the President lied under oath, after swearing to tell the truth, in answers to written questions asked in the Jones vs. Clinton case, in order to thwart that federal civil judicial proceeding.

On December 23, 1997, the President signed an affidavit in which he swore to tell the truth, the whole truth, and nothing but the truth in answers to written questions asked in the Jones vs. Clinton case. Such questions are permissible under current law in civil rights lawsuits in order for the court and the parties to ascertain the true facts of a case.

In those answers:

The President swore that he had not had sexual relations with any federal employees. The facts show this is not true.

The President also swore that he had not proposed nor sought to have sexual relations with any federal employees. The facts show this is not true.

The President told a series of calculated lies under oath, after swearing to tell the truth, in a deposition given in the Jones vs. Clinton case, in order to thwart that federal civil judicial proceeding.

On January 17, 1998, the President swore to tell the truth, the whole truth, and nothing but the truth in a deposition given in the Jones vs. Clinton case.

In that deposition:

The President swore that he was "not sure" whether he had ever talked to Monica Lewinsky about the possibility that she might be asked to testify in the Jones vs. Clinton case. The facts show this is not true.

The President swore that he did not know whether Monica Lewinsky has been served a subpoena to testify in the Jones vs. Clinton case when he last saw her in December 1997. The facts show this is not true.

The President swore that the contents of an affidavit executed by Monica Lewinsky in the Jones vs. Clinton case, in which she denied they had a sexual relationship, were "absolutely true." The facts show this is not true.

The President swore that he did not know that his personal friend, Vernon Jordan, had met with Monica Lewinsky, a federal employee and subordinate, and a witness in the Jones vs. Clinton case in which the President was named defendant, and talked about the case. The facts show this is not true.

The President swore that he could not recall being alone with Monica Lewinsky. The facts show this is not true.

The President swore that he could not recall giving gifts to Monica Lewinsky. The facts show this is not true.

The President swore that he could not recall ever being in the Oval Office hallway with Ms. Lewinsky except perhaps when she was delivering pizza. The facts show this is not true.

The President swore that Monica Lewinsky gave him gifts "once or twice." The facts show this is not true.

The President swore that the last time he spoke to Monica Lewinsky was when she stopped by before Christmas 1997 to see Betty Currie or at a Christmas party. The fact show this is not true.

The President swore that he did not have an extramarital affair or sexual relations with Monica Lewinsky. The facts show this is not true.

ARTICLE III—OBSTRUCTION OF JUSTICE

Article III charges that the President engaged in a pattern of obstruction while the Jones vs. Clinton case was pending, and while a federal criminal investigation into his alleged misconduct was pending, in order to thwart those proceedings.

The President encouraged Monica Lewinsky to file a sworn affidavit that he knew would be false in the Jones vs. Clinton case.

The President encouraged Monica Lewinsky to lie under oath if called personally to testify in the Jones vs. Clinton case.

The President related to Betty Currie, a potential witness in the Jones vs. Clinton case, a false account of events relevant to testimony she might provide in the case.

The President told lies to While House aides who he knew would likely be called as witnesses before the grand jury investigating his misconduct which these officials repeated to the grand jury, causing the grand jury to receive false information.

The President intensified an effort to provide job assistance to Monica Lewinsky, and succeeded in his efforts, at a time when her truthful testimony in the Jones vs. Clinton case would have been harmful to him.

The President engaged in a plan to conceal evidence that had been subpoenaed in the Jones vs. Clinton case.

The President, at his deposition, allowed his attorney to make a false representation to a federal judge in order to prevent questioning about Monica Lewinsky.

ARTICLE IV—ABUSE OF POWER

Article IV charges that the President, in his constitutional role as President of the United States, lied under oath, after swearing to tell the truth, in answers to written requests for admission asked in the impeachment inquiry, assuming to himself powers reserved to the House of Representatives, in order to thwart that constitutional proceeding.

On November 27, 1997, the President signed an affidavit in which he swore to tell the truth, the whole truth, and nothing but the truth in answers to written requests for admission issued as part of the impeachment inquiry in order to ascertain the true facts regarding the President's conduct.

In those answers:

The President swore that he had no specific recollections that he told Monica Lewinsky on the same day he told her she was a witness in the Jones vs. Clinton case that she could say to anyone inquiring about their relationship that her visits to the Oval Office were for the purpose of visiting with Betty Currie or delivering papers to the President. The facts show this is not true.

The President swore that he did not give perjurious, false and misleading testimony under oath when he stated during his deposition that he did not know if Monica Lewinsky had been subpoenaed to testify in the Jones vs. Clinton case. The facts show this is not true.

The President swore that he did not have a discussion with Monica Lewinsky at the White House regarding gifts he had given to her that were subpoenaed in the case of Jones vs. Clinton. The facts show this is not true.

The President swore that he did not discuss with Betty Currie gifts previously given by him to Monica Lewinsky. The facts show this is not true.

The President swore that he did not request, instruct, suggest to or otherwise discuss with Betty Currie that she take possession of gifts he had previously given to Monica Lewinsky. The facts show this is not true.

The President swore that he did not have knowledge that any facts or assertions contained in the affidavit executed by Monica Lewinsky in the Jones vs. Clinton case were false. The facts show this is not true.

The President swore that he did not give false testimony in his deposition in the Jones vs. Clinton case when he stated that he did not recall giving gifts to Monica Lewinsky. The facts show this is not true.

The President swore that he did not give false testimony in his deposition in the Jones vs. Clinton case when he responded "once or twice" to the question "has Monica Lewinsky ever given you any gifts?" The facts show this is not true.

The President swore that he did not attempt to influence the testimony of Betty Currie. The facts show this is not true.

IT IS APPARENT THAT THE INDEPENDENT COUNSEL AND REPUBLICAN MEMBERS OF THE HOUSE JUDICIARY COMMITTEE CONCLUDED THE PRESIDENT PERJURED HIMSELF, BUT WHAT HAVE THE SOME OF THE DEMOCRATS SAID?

House Judiciary Committee Democrats:

Rep. Charles Schumer: "To me, it is clear that the President lied when he testified before the grand jury." House Judiciary Committee Hearing on Oct. 5, 1998.

Rep. Robert Wexler: "The President did not tell the truth. He lied under oath. That's something we have to deal with...His actions are indefensible." Washington Post; September 15, 1998.

Rep. Barney Frank: "I personally believe that the President testified falsely when he said he could not remember being alone with Miss Lewinsky." The San Francisco Chronicle; August 17, 1998.

Rep. Howard Berman: "Even if one concludes the President's testimony is not truthful—which I have—that's not grounds for impeachment. I think the best way for the country to move beyond this sad affair is for Congress to have some sort of formal declaration of disapproval of the President's conduct. I think that is clear. There needs to be some public consequence for the President's despicable behavior." House Judiciary Committee Hearing; December 11, 1998.

White House Counsels:

Gregory Craig, Special Counsel to the President: "I am willing to concede that, in the Jones deposition, the President's testimony was evasive, incomplete, misleading even maddening, but it was not perjury." House Judiciary Committee Hearing; December 8, 1998.

Charles F.C. Ruff, Office of the White House Counsel: "I had no doubt that he walked up to a line that he thought he understood. Reasonable people—and you may be—have reached that conclusion—could determine that he crossed over that line, and what for him was truthful but misleading, or nonresponsive and misleading, or evasive, was in fact, false." House Judiciary Committee Hearing, December 9, 1998.

ONE CAN CONCLUDE THERE IS AT LEAST SOME AGREEMENT THAT THE PRESIDENT PROVIDED FALSE INFORMATION BEFORE THE GRAND JURY. THUS, LAWS WERE BROKEN. ARE THESE OFFENSES IMPEACHABLE?

Some critics argue that perjury about sex in a civil case is trivial and not worth pursuing. In fact, prosecuting perjury vindicates the rule of law. A judicial system is in order, because it is fair and civil to settle disputes through judicial means. Perjury is a crime, because a judicial system can only succeed if citizens are required to tell the truth in judicial proceedings. If citizens are allowed to lie with impunity, the system cannot reach just results and it descends into chaos. Some say that people lie under oath all the time and are not prosecuted. To some extent, that is true, but consider how much worse the situation would be if there were no threat of a perjury prosecution.

WHAT DOES THE CONSTITUTION SAY?

The Constitution states, "The President shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors." What constitutes "treason, bribery, or other high crimes and misdemeanors?" The Library of Congress defines this clause as the following:

> Treason is defined in Article 3, Section 3, Clause 1 as follows: "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." It is also defined in 18 U.S.C. Sec. 2381. Bribery is not defined constitutionally, but the term appears in 18 U.S.C. Sec. 201.
>
> "High crimes and misdemeanors," are not defined in the Constitution or by statute. U.S. precedents suggest that certain actions that are not crimes may be impeachable. Some interpreters of the impeachment clause place great importance on the words "other" and "high" when reading the phrase "or other high crimes and misdemeanors." They suggest that "other" means that the crimes and misdemeanors contemplated by the Framers must be of similar magnitude to treason or bribery. They also suggest that "high" modifies both "crimes" and misdemeanors," meaning that ordinary crimes and misdemeanors are not necessarily impeachable offenses.

WHAT DO THE SCHOLARS THINK?

Eminent constitutional scholars testified before the House Judiciary Committee about the meaning of impeachment, the impeachment standard as applied throughout American history, and what the Founders said about impeachment when the issue was debated in Philadelphia in the summer of 1787. Professor Stephen Presser of Northwestern University testified that criminal interference in the legal process was an obvious ground for impeachment. Indeed, Professor Presser argued that failure by the President to live up to the standards of honesty, virtue, and honor thought necessary for the office was precisely what the Founder intended the impeachment provision of the Constitution. When a President uses his office for personal rather than public ends, he has betrayed his constitutional obligations to the Nation.

Other scholar made arguments before the committee supporting this view. Professor John McGinnis of Yeshiva University Cardozo School of Law pointed out that this matter is not about the President's private life. It is about someone else's rights, rights which the President is sworn to protect. It is about a private citizen's civil rights and an effort to corruptly influence that citizen's due process rights. In the United States, civil rights, the right to a fair trail, and equity before the bar of justice are cherished rights, and the last person in the Republic we should accept as a violator of them is the man charged with enforcing them. Perjury and obstruction of justice in a civil case are a threat to the civil rights of every citizen, especially when that citizen if confronted with a vast apparatus of government power.

WHAT IS THE SUPREME COURT'S VIEW?

> In this constitutional process of securing a witness's testimony, perjury simply has no place whatsoever. Perjured testimony is an obvious and flagrant affront to the basic concepts of judicial proceedings. Effective restrains against the type of egregious offense are therefore imperative. The power of subpoena, broad as it is, and the power of contempt for refusing to answer, drastic as that is—and the solemnity of the oath—cannot ensure truthful answers. Hence, Congress has made the giving of false answers a criminal act punishable by severe penalties, in no other way can criminal conduct be flushed in the open where the law can deal with it.
>
> Similarly, our cases have consistently—indeed without exception-allowed sanctions for false statement or perjury; they have done so even in instances where the perjurer complained that the government exceeded its constitutional powers making the inquiry—United States vs. Mandurano. 425 U.S. 564, 576–77 (1976)

The seriousness of perjury is reflected in the Federal Sentencing Guidelines, which classify perjury in the same category as bribery (2J1.3).

Congress has reaffirmed the Supreme Court's words through the impeachment process. All three of the federal judges who were impeached in the last twenty years (Claiborne, Nixon, and Hastings) were impeached for some form of lying under oath.

The United States Department of Justice prosecutes perjury occurring in civil cases. There are many cases similar to the one faced before our President today. For example, the Justice Department recently charged Veterans Administration psychiatrist Barbara Battalion with obstruction of justice based on her denial in a civil case of a sexual relationship. United States vs. Battalino.

Diane Parker, a former employee of the U.S. Postal Service was sentenced to thirteen months in prison and three years parole for lying in a civil case about a sexual relationship that she had with a subordinate. Ms. Parker was charged perjury. United States vs. Parker.

In fact, the President and the Attorney General's Department of Justice has tried and convicted over 700 people for perjury. Of those 700 people, 115 are now serving a prison sentence.

The President is the chief law enforcement officer in the United States. If the President has committed perjury and Congress allows him to do so without consequences, no other citizen can be expected to tell the truth under oath. He sets an example that all Americans are expected to follow. If every American feels that he can lie because of what the President represents, then the judicial system for settling disputes will falter.

WHY SHOULD THE PRESIDENT BE IMPEACHED AND NOT CENSURED?

Many support censure, yet, the Constitution neither gives the House authority to censure the President nor does it prohibit such action. What are the arguments against censure? The short answer is that there is no Constitution basis for it. One could perhaps make the argument that the Senate has the Constitutional authority for such a measure, because they are in charge of punishment and have flexibility to decide what punishment is appropriate. But the Constitution does not give the House of Representatives any other option in the case of Presidential misconduct aside from the provision of impeachment which sends the matter to the Senate. The job of the House is not to punish but to accuse. The Senate must review the accusation and make a final decision.

Furthermore, should the House pass a censure resolution, it would set a dangerous precedent for future Congresses, who will surely be tempted to use this act as a weapon against a President of an opposing party whenever Congress has serious disagreements with the administration's policy. The Founders did not believe that the House should have such a role, unless presidential misconduct were so egregious as to warrant impeachment.

If censureship is not an option, what exactly is the House voting on? Again, the Constitution interprets impeachment as an indictment. That is, does the House find probable evidence to send the matter to the Senate for a full trial and to make the final decision? Based on the facts presented, the answer is "yes" if one believes the charges are impeachable.

Outside of the legal realm, many argue that impeachment is against the will of the people. However, Members of congress have to make this decision based on the Constitution and the oath of office, not political polls, party, or politics. But, to examine this idea of polling, should polls also be conducted on the government's policy in Bosnia, the Middle East, on the government's income tax, on the Internal Revenue Service, on school choice? Those who insist on using polls for impeachment decisions are selectively oblivious to the "will of the people" on other matters which may or may not be in sink with their own political philosophies.

SHOULD THE HOUSE OF REPRESENTATIVES PROCEED WITH AN IMPEACHMENT VOTE AT THIS PARTICULAR TIME?

Another argument against an impeachment vote is that it will disrupt the nation while troops are being deployed to Iraq. Here is an example of what our nation was going through while President Nixon was in office:

As Henry Kissinger was engaged in negotiating a peace agreement with the North Vietnamese in Paris in May 1972, 3 resolutions (H. RES. 975, 976, & 989) were introduced in the House calling for Nixon's impeachment based on Indochina military actions taken as part of an effort to strengthen the U.S.'s hand in the negotiations.

On May 18, while there were still over 62,000 troops on the ground in Vietnam, Mr. Conyers (who is now ranking Member on the House Judiciary Committee) introduced H. Res. 989—together with Mr. Dellums, Rangel, and Stokes (also Members of the Judiciary Committee)—a resolution which called for:

> Impeaching Richard M. Nixon, for abuse of the office of the President and of his powers as Commander in Chief of the Armed Forces by ordering the mining of all North Vietnamese ports and the massive aerial bombardment without discrimination as to the lives of civilians in Indochina, and for other high crimes and misdemeanors within the meaning of article II, section 4, of the Constitution of the United States.

On Oct. 12, 1972, four months after the break in, less than a month before the Presidential election, and while the United States was still bombing Hanoi and 32,000 troops remained in Vietnam, House Banking Chairman Wright Patman attempted to have his committee initiate a Congressional probe of Watergate and announced that the GAO had acceded to a request for a "full scale investigation" of Watergate.

On Jan. 11, 1973, while Henry Kissinger was in the final stages of negotiating the peace agreement that was signed in Paris on Jan. 27 and 21,500 troops remained in Vietnam, the Senate Democratic Caucus unanimously approved a resolution calling for an investigation of the Watergate affair. Senate Majority Leader Mike Mansfield announced that Sen. Sam Ervin had agreed to chair the hearings. Mansfield also released letters he had sent to the Senate committee chairman the previous November calling for committee investigations saying: "The question is not political, it is constitutional."

On February 7, 1973, as the U.S. bombing in Laos was increased to help force a wider peace in Indochina and just one week before the first planeload of American POWs were sent home by North Vietnam, the Senate voted to establish a select Committee to probe Watergate. The Senate acted based on a preliminary study and a report was released Feb. 1 by Sen. Kennedy which was the result of an investigation by his Judiciary subcommittee into Watergate. Over 10,000 troops were still in Vietnam at the time.

During the first week of May, 1973, 14 resolutions (2 by Rangel) were introduced in the House calling either for the appointment of a special prosecutor or authorizing Watergate investigations by the House. On May 1, the Senate passed a resolution calling for an outside prosecutor and Sen. Ervin began his Watergate hearing on May 17. Archibald Cox was appointed Special prosecutor the next day. The Senate and House also voted in May to prohibit the use of funds to "finance combat activities [bombing] in, over, or from off the shores of Cambodia or Laos by U.S. forces." At the time, over 6,000 military and civilian DOD personnel were still on the ground in Vietnam and the U.S. was bombing in Laos to force Hanoi to abide by the Laotian peace agreement and in Cambodia to halt a North Vietnamese-backed assault on the Cambodian government.—[H. Res. 367, 368, 369, 373, 374, 376, 377, 378, 380, 381, 384, 385, 386, 391]

Furthermore, do Washington pundits believe that business will not function during an impeachment trial? Would they have us believe America will quit buying and selling houses and cars? Will farmers stop producing and consumers stop consuming? Those who fear disrupting the country's business either misunderstand or underestimate the American people. Or, are they saying the Constitution is flawed? When it is interrupted in a manner with which they disagree, then it becomes a Constitutional crisis. If this is in fact the case, then perhaps the President should consider doing what over 200 publications have called on him to do (including The Savannah Morning News, The Brunswick News, The Statesboro Herald, The Atlanta Constitution, The Augusta Chronicle, The Marietta Daily Journal, The Waycross Journal Herald, the USA Today, and The Florida Times Union)—resign. This would allow the capable and experienced Vice-President to take over as President Ford did in 1974.

CLOSING REMARKS

The House voted on a bipartisan basis to proceed with an impeachment inquiry by the Judiciary Committee. Procedures were modeled after the Democratic-designed Watergate rules and time was given to all parties for witnesses, thus making this investigation fair and equitable.

Our actions will stand the test of time. They must. This vote is not for today or the next election, but for the next generation. We are a nation of laws and upholding those laws is the duty of all citizens, or, as it has been asked, should we be a nation that has one law for the ruler and another for the ruled?

This is a sad and serious situation, but to vote "no" would send a message that oaths to tell the truth mean little and a cancer would spread throughout our courts and eventually our nation itself.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, today is a tragic day for our country because, while our young people are fighting in the Persian Gulf and bringing honor to our country, we are bringing dishonor to it with our hypocrisy here in this Chamber. Today the Republican Party is not judging our President with fairness but is impeaching our President.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state his parliamentary inquiry.

Mr. SENSENBRENNER. Mr. Speaker, is the word "hypocrisy" in order on this floor?

The SPEAKER pro tempore. The gentlewoman from California would have to yield.

Ms. PELOSI. I do not have enough time to yield, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman may proceed.

Ms. PELOSI. Mr. Speaker, today the Republican majority is not judging the President with fairness but impeaching him with a vengeance. In the investigation of the President fundamental principles which Americans hold dear, privacy, fairness, checks and balances, have been seriously violated, and why? Because we are here today because the Republicans in the House are paralyzed with hatred of President Clinton, and until the Republicans free themselves of this hatred, our country will suffer.

I rise to oppose these unfair motions which call for the removal of the President of the United States from office, and in doing so wish to point out some difference between the investigation of the President and the investigation of the gentleman from Georgia (Mr. GINGRICH).

The first principle in our investigation of the gentleman from Georgia (Mr. GINGRICH) was that at the moment we found exculpatory information it would be reported immediately to the accused and be made public. The independent counsel knew that the President was exonerated in Travelgate, Whitewater and Filegate, and he held that information until the hearing, indeed until after the election. This was not fair. Indeed, it is the responsibility of any prosecutor to immediately release information that is exculpatory.

So it is not about Whitewater, it is not about Travelgate, and it is not about Filegate. It is about sex. It is about a punishment searching for a crime that does not exist.

In the Gingrich probe we drew every inference in favor of the accused, but in this case it took a closing question from a member of the grand jury to Monica Lewinsky to say: "Is there anything you would like to add to your prior testimony?" for Monica Lewinsky to respond, and I quote:

"No one ever asked me to lie, and I was never promised a job for my silence."

The point is why did the independent counsel not elicit that important testimony?

In the Gingrich case we spent a major part of our report explaining the laws which were violated. The Committee on the Judiciary has not proven perjury, it has not even defined perjury. Instead, it has kept the subject intentionally vague. Whether one is violating a marital vow or some other aspect of his personal behavior, it is not an impeachable offense. Our colleagues have not proven perjury.

In the Gingrich probe we had a bipartisan unanimous vote in our subcommittee and an almost unanimous vote on the floor because we built consensus and we tried to bring the matter to closure, and I will submit the rest to the RECORD where I say that censure is closure, censure is constitutional. John Marshall, the Supreme Court Chief Justice of the United States testified that it was. How can the Republicans, as we come to punishment, how can the

Republicans exalt the gentleman from Georgia (Mr. GINGRICH) to the highest post of Speaker after he admitted lying to Congress and try to impeach the President of the United States for lying about his personal affairs?

I urge my colleagues to vote no, stop this hatchet job on the presidency, stop this hypocrisy, stop this hatred and vote no on all four counts.

RESPONSIBILITY IN THE GINGRICH MATTER

We had a bipartisan unanious vote of our subcommittee and a near unanimous vote on the floor because we build consensus and brought the matter to closure. We have that opportunity today with a motion of censure. Censure is constitutional. In 1800 Representative Livingston introduced a motion of censure against President John Adams. The President was successfully defended by Congressman John Marshall of Virginia who would soon become Chief Justice of the United States. Marshall is the father of much of our constitutional law and he never argued in the Adams case that censure was unconstitutional.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I have been taking notes on my colleagues on the other side of the aisle, and I would just ask them to talk about the facts in the articles, four. We would love them to talk about those. If anyone disputes the allegations of perjury, obstruction of justice, we would like to hear some specific allegations. The Committee on the Judiciary conducted an independent review of this matter. We are not bound by Kenneth Starr. All the exculpatory material was made available to the President's counsel. He had an opportunity to call witnesses. We urged him to. All the time was not taken by the President's counsel, and I think that is important to be noted.

Mr. Speaker, I believe it is critical that we were fair through the Committee on the Judiciary process, and I believe we accomplished that.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I am glad we keep coming back to the rule of law question. I think standing for the rule of law includes the following: that the Nation's chief law enforcement officer cannot commit perjury and remain in office. The rule of law means that the Commander in Chief of our Armed Forces should not be held to a lower standard than are his subordinates. The rule of law means that even the most ordinary and humble citizens are entitled to their day in court, and they are entitled to expect sworn testimony in that court to be truthful, even testimony from the President of the United States. The rule of law means recognizing that felonious criminal conduct by the President of the United States cannot be tolerated. The rule of law is more important than the tenure in office of any elected official.

During John Adams' second night in the White House he wrote these words:

"I pray heaven to bestow the best of blessings on this House and on all that shall hereafter inhabit it. May none but honest and wise men ever rule this roof."

Mr. Speaker, it is with great regret that I conclude the current occupant of the White House has utterly failed to live up to this standard. I cast my vote for impeachment to protect the long-term national interest of the United States, to affirm the importance of truth and honesty, and to uphold the rule of law in our Nation.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, the Republican leadership's irresponsible actions today on impeachment is only met by the irresponsible behavior yesterday questioning the military action in Iraq.

The President's conduct has been deplorable, indefensible, but his behavior by any objective analysis does not rise to the level of impeachment as defined by our Constitution.

What did the President do? He misled, he manipulated, and he lied to two specific questions under oath. The first question was whether he was ever alone with Ms. Lewinsky.

The leading Supreme Court case on perjury I think really points out the fact that that issue was not perjury. As distasteful as that might be, that is the facts of the law. The leading Supreme Court case talked about someone who testified under oath that he did not have, his company did not have, a Swiss bank account. He, in fact, did, but his company did not. He was prosecuted, convicted for perjury. The Supreme Court overthrew that case because in fact that was not perjury by being deceitful, by being misleading in his answer. That is exactly what the President did.

But even if it were perjury, even if it were perjury, our Constitution talks about subversion of government as issues for impeachment. Can anyone objectively say that the answers to those questions were an attempt to subvert our government? Can anyone say that objectively? Honestly? Obviously not. These misrepresentations were lies, but absolutely not a subversion of our government.

Clearly this is not an impeachable offense. Clearly again the conspiracy that my Republican colleagues say occurred in terms of the actions in Iraq; the British are involved in those actions. Are they part of the conspiracy that they allege? Are the 30 countries that are part of the UNSCOM U.N. team that did the investigation in terms of chemical and biological weapons in Iraq, are they part of this conspiracy as well? Obviously not.

The irresponsible actions will be checked at the ballot box and by history.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CANADY) for rebuttal.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding this time to me, and I want to compliment my colleague from Florida for at least touching on the facts of the case, but I feel compelled to respond to the points he has made about perjury.

I think what we are hearing here are more of the legalisms, more of the legal gymnastics, more of the hair splitting that we should not be hearing in this context, and I would also point out that the President's own lawyer in his presentation to the Committee on the Judiciary admitted that when the President answered the questions in the deposition he intended to mislead by his answers. That was his intention.

Let me read to my colleagues from a recent decision of the Sixth Circuit Court of Appeals. It says a perjury inquiry which focuses only upon the precision of the question and ignores what the defendant knew about the subject matter of the question at the time it was asked misses the very point of perjury. That is the defendant's intent to testify falsely and thereby mislead his interrogators. Such a limited inquiry would not only undermine the perjury laws, it would undermine the rule of law as a whole, as truth seeking is the critical component which allows us to determine if the laws are being followed, and it is only through the requirement that a witness testify truthfully that a determination may be made as to whether the laws are being followed.

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Mr. SENSENBRENNER. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) made reference earlier in the debate to last-minute arm twisting of the undecided, and I feel compelled to comment.

I made a commitment to myself and my colleagues, an unusual one, and that is to come to this debate with my mind still available to persuasion. I am one of the last few holdouts undecided in this debate, and it needs to be said that not once, not once in this entire ordeal, has a single member of my leadership, has a single colleague, has a single member of the Committee on the Judiciary, not only not asked me to vote one way, they have never even inquired as to how I would vote.

We have big differences of opinion here, but it does the process an injustice to argue that there has been arm twisting.

I think the Whip has been maligned in this process. It has been alleged that he is twisting arms. I spent 3½ hours in the company of the gentleman from Louisiana (Mr. LIVINGSTON), the gentleman from Texas (Mr. ARMEY), the gentleman from Texas (Mr. DELAY) and the entire elected leadership this week, and not once did any of them say a word to me about impeachment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT), a former member of the Supreme Court of his state.

Mr. DOGGETT. Mr. Speaker, as a former judge and an attorney, I have seen firsthand the corrosive effect on the justice system of lying. Lying under oath is just as wrong when it is committed by your allies as when committed by your adversaries. I agree that no Republican made this President lie, just as no Democrat influenced NEWT GINGRICH.

When the House reconvened after the August recess, after the President's testimony to the grand jury and his statement to the Nation, I was the first Member of this House on either side of the aisle to come to this floor and condemn the President's lying and ask that he be promptly punished.

Then, as today, this Republican leadership had a choice: It could either bring us together in a collective condemnation of this conduct, or it could split us apart. Unfortunately, on the eve of an election, it took the latter course, and, in an unsuccessful effort, it tried to exploit this situation to its maximum political advantage. It arrogantly rejected Democratic suggestions for how to conduct this inquiry, and it delayed for weeks getting the inquiry underway.

When it finally convened, this same committee that comes today and tells us that this is the most important decision of this House, short of declaring war, failed to meet its burden of proof by calling one single witness who had firsthand knowledge of the facts involved. Instead, it relied almost exclusively on a fellow named Ken Starr, who is obsessed with getting Bill Clinton, no matter what the cost, in either wasted taxpayer dollars or in violated civil liberties and rights of privacy.

So, I find myself today I think like many Americans, disgusted with the whole situation. I find a situation that is so shameful, a situation so shameful that neither Republican Speaker, either Mr. GINGRICH or Mr. LIVINGSTON, will even preside over this proceeding today.

A new year that begins in this country with all three branches of our government embroiled in the first Senate trial in 130 years will not be a prosperous and productive new year for our people. The poison of division that infects this House today spreads throughout the American population. It is a poison that invades our body politic and thwarts our ability to come together as a Nation to resolve our problems.

Do not rip our Nation asunder. Bring us together. Punish the President with a punishment that fits the offense. Do not punish the American people by prolonging this dreadful episode. Censure and move on.

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 seconds to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, with over 60,000 documents, in the presentation of the White House lawyer, Mr. Ruff, he made no challenge to the testimony of Betty Currie, Monica Lewinsky or anyone else in the factual situation that we have had before us.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, it is with a heavy heart that I rise in support of the articles of impeachment before the House today.

Tomorrow, the House of Representatives will make one of the most solemn decisions it can make—whether to indict, or impeach, the President of the United States.

The historical significance of this week's action does not escape me. This is only the second time in our nation's history that Congress has voted on an impeachment inquiry. As we approach the votes that will occur later this week, I feel a burden of responsibility as never before during my years in public affairs.

Like most people in public service, President Clinton serves as a mentor to young people who come to the nation's capital with idealism and hope that they might learn the functions of government and participate in the legislative process. It is quite clear that the President grossly violated his responsibility as a mentor to a young woman working in the White House. As a parent, I find his behavior immoral and highly offensive. It shows a fundamental lack of judgment and a total disregard for human decency.

Truth is the cornerstone of our legal system; it must be upheld if our legal system is to endure. Lacking truth, our legal system means nothing. No man, not even the President, is above the truth or above the law. From the very beginning, I have wanted to give the President every benefit of the doubt. I have wanted to believe that he was telling the truth. But it is now clear that he repeatedly lied to the American people, to the Congress, to his staff, and to his own wife and family. The time this investigation has taken, and the toll it has taken on our country, is a direct result of the President's efforts to deny and evade the truth. He could have—and should have—told the truth from the very beginning but instead he chose to lie.

Anyone who has served in a court proceeding knows the significance of raising one's hand and taking an oath to tell the truth, the whole truth, and nothing but the truth. A violation of that oath is perjury. It is now evident that the President has lied—repeatedly lied—while under oath. The first lie begot the second and the third lie which became a pattern intended to obscure the truth. He has also clearly violated the oath of office he took upon becoming President.

To maintain the fundamental integrity of our system of government, the President, like every other citizen, must be held accountable for his actions. His actions, detailed by the Judiciary Committee, provide sufficient evidence of obstruction of justice and represent an abuse of power. For this reason, I will vote to impeach the President on each of the four articles of impeachment when this matter comes before the full House.

President Clinton is an American President who has every political gift and who at one time had every opportunity to be one of the truly great presidents. Like most presidents, he could rightfully take credit for the many good things that have occurred under his watch—a robust economy, relative peace at home and abroad, and so much more. Unfortunately, this president will not be remembered for these things but for his inability to speak the truth. The verdict of history will cast a shadow upon this once promising presidency. While history remembers that George Washington could not tell a lie, it now appears that history may well remember Bill Clinton for his inability to tell the truth. Imagine the difference telling the truth would have made upon the historical legacy of William Jefferson Clinton.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, every Member of Congress takes an oath of office to uphold and defend the Constitution, and today we are challenged to do our duty under that oath.

No person in this House is without fault or without sin, but the question before us is not whether the President has sinned. The question before us is whether the President has committed illegal acts, including perjury, obstruction of justice and abuse of power.

Under the Constitution that we swore to defend, these are serious crimes, crimes that our constituents would go to prison for, and do we hold the President, the top-ranking law enforcement official in our country, to a lower standard?

John Locke once wrote, "Where the law ends, tyranny begins." Mr. Speaker, if we believe in our Constitution, then the law does not stop at 1600 Pennsylvania Avenue.

In our constitutional democracy, no one, not even the President, is above the law. None of us sought the burden of impeachment when we ran for this office, but every one of us raised our right hand and swore to support and defend the Constitution of the United States. Who are we to ignore that obligation by turning a blind eye to crimes by the leader of our government?

I have no choice but to honor my oath of office. I have no choice but to impeach this President and send this matter to the Senate, as my oath of office requires me to do.

Mr. CONYERS. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise in strong opposition to these articles of impeachment. As a former prosecutor and special prosecutor, if the rule of law and this process of impeachment is going to have any credibility, it has to be applied fairly and consistently. But I am afraid the double standard against the President today is anything but fair, anything but consistent.

In 1974, the House Committee on the Judiciary, when Congress was controlled by Democrats, drafted articles of impeachment against President Nixon based upon fraudulent tax returns. But the Committee on the Judiciary in a bipartisan fashion determined that it did not rise to the level of an impeachable offense because it was private as opposed to public misconduct.

Well, then, what is this all about, if it is not really about perjury? If it is just about punishing and holding the President accountable and retribution, we can do that, short of punishing the country as well and paralyzing this government for the next six to eight months, we can punish President Clinton through censure and through private prosecution once the President leaves office. But we do not even get a vote on censure, which is fundamentally unfair.

I do not believe the Founders intended impeachment to be used as a tool of punishment, but, rather, to preserve and protect the country against a rogue president, who, through his public duties, is jeopardizing the very structure and functioning of our government. No one can claim that that is happening here today.

Mr. Speaker, I have two young boys who are not old enough yet to comprehend the gravity of this situation. My only hope is when they are old enough and are reading about this in the history books, that they are going to have confidence that every vote cast was done in the best interests of the country, rather than short-term political gain. I am not confident that is the story they will read.

In fact, the one person in this country that probably has the best realistic assessment of what is really going on is the young mother of two young children who told me, "Listen, I can educate my own children, I can teach them not to lie. But I can't protect them against the destruction of the presidency." Only we in this body can do that. I am afraid we are going to fail her in the next 24 hours.

Please, do not destroy the 210 years of history in this country.

Mr. Speaker, seldom in the course of our nation's history is a congressional representative called upon to cast a vote of greater constitutional significance than the possible impeachment of the President of the United States. Short of declaring war, there is not greater constitutional obligation. It is a responsibility I do not take lightly.

After a thorough review of the historical evidence of the intent of the framers of our Constitution, the standard of impeachable offenses, prior precedents and the evidence so far collected surrounding the allegations against President Clinton, I have concluded that the President's conduct, as deplorable and indefensible as it is, does not rise to the level of impeachable offenses. Such conduct does not justify paralyzing our government indefinitely nor is impeachment needed to hold him accountable. I will vote against all four articles of impeachment.

Just once before in our 210 year history has the House of Representatives passed Articles of Impeachment. Impeachment is a constitutional provision that has seldom been used and for good reason, impeaching the President is the atomic bomb of American politics. Besides paralyzing our government during an impeachment trial, the process causes, by its very nature, great acrimony and division throughout the country and within Congress. Ultimately, the end result could mean overturning a national election and the will of the people.

I am convinced, after a thorough review of history and analysis of our founding fathers' intent, that impeachment was never meant to be easily or frequently used. That is why our founders established a very high standard of misconduct and placed the judgement of that misconduct in the forum of representative democracy, the United States Congress, rather than in the political vacuum of the Supreme Court.

STANDARD OF IMPEACHMENT

It is evident that our Founding Fathers intended impeachment to be a limited, last resort remedy reserved for misconduct that affects the structure of our government and our democratic process or for misconduct so egregious that society needs to be protected against the individual. At the outset, some delegates to the Constitutional Convention objected to including the power to impeach in the Constitution. Others were concerned that some process was needed to protect the country against misconduct by the President that would damage our government. The classic example was cited by George Mason who was concerned about a President selling state secrets to an enemy during time of war. Some process was needed to remove that person from office in order to save the Republic.

Some delegates, such as James Madison, objected to the use of broad impeachment language. Madison noted that impeachment was only necessary to "defend the community against the incapacity, negligence or perfidy of the chief magistrate." George Mason objected to the draft language, concerned that it was limited to "treason or bribery." He sought to add the term "maladministration." Madison objected to this vague language and substituted "or other High Crimes and Misdemeanors against the State" (emphasis added). The narrow scope of the phrase "other High Crimes and Misdemeanors" was confirmed by the addition of the language "against the State." This language reflects the Convention's view that only offenses against the political order should provide a basis for impeachment. Although the phrase "against the State" was deemed redundant and eventually deleted by the Committee of Style, its deletion was not intended to have any substantive impact. I wonder how differently we would be debating President Clinton's conduct today if its was within the written context of misconduct committed "against the State."

The interpretation that "other high Crimes and Misdemeanors" should be limited to serious abuses of official power is further confirmed by the commentary of both the framers of the Constitution and prominent constitutional experts, contemporary and past. For instance, Alexander Hamilton wrote in Federalist No. 65 that impeachable offenses "proceed from the misconduct of public men, or in other words from the abuse or violation of some public trust." He stressed that those offenses "may with peculiar proprietary be denominated political, as they relate chiefly to injuries done immediately to the society itself".

Impeachment precedents also demonstrate that offenses should arise out of a President's public, not private conduct. In 1868, Andrew Johnson was impeached by the House Republicans after he removed Secretary of War Edwin Stanton. Those members disagreed with President Johnson's post-Civil War reconstruction plans, which were merely the continuation of President Lincoln's policies of moderation and leniency toward the Southern States. The impeachment articles related to alleged public misconduct only, and the Senate failed to convict President Johnson by one vote.

The proposed impeachment of President Nixon also supports the view that impeachment should be limited to threats that undermine the Constitution, not possible criminal misbehavior unrelated to a President's official duties. All three articles of impeachment passed by the House Judiciary Committee involved misuse of the President's official duties. They included using the CIA to obstruct an FBI investigation, using the IRS to target political opponents, ordering break-ins of private offices of political opponents, using slush money to silence witnesses, using slush money to influence the outcomes of federal elections, and engaging in a course of conduct to obstruct the Watergate investigation.

The Judiciary Committee actually rejected articles of impeachment against President Nixon relating to allegations of income tax evasion. There was credible evidence that President Nixon had knowingly committed tax fraud when filing his federal income tax returns for the years 1969 through 1972 (tax returns are filed under penalty of perjury). All seventeen Republicans were joined by nine Democrats to defeat this article by a vote of 26–12. The primary reason for rejection was that the tax fraud article related to the president's private, rather than public, conduct.

As a former prosecutor, I know that if the rule of law is to have any credibility it must be applied consistently and fairly. The same is true with the standards of impeachment. I believe there is a double standard being applied to President Clinton. How can we justify impeaching President Clinton based on alleged perjurious statements about his private life when a Democratically controlled Congress concluded, in a bipartisan fashion, that President Nixon's perjured tax returns constituted private, as opposed to public, misconduct, and were, therefore, not impeachable?

Based on this very high standard of impeachable conduct and the historical precedents, I am convinced that President Clinton's personal misconduct and his attempt to lie about having a consensual sexual affair do not rise to the level of impeachable offenses.

FORUM OF DEMOCRACY

I also do not believe our Founding Fathers meant for this country's elected representatives to disregard the will of the American people regarding such an important decision. If the Framers intended an impeachment decision to be immune from public pressure, they would have placed the process in the Supreme Court where unelected, life-tenured justices could determine the case. Instead they placed the initiation of impeachment in the House of Representatives. "the People's House", so the American people could have a say, through their representatives, on the disposition of their President and consequences for the future of their country.

There are some who say that we should pay little regard to the opinion of the American people on this important matter. I believe they do so at their own peril. Nowhere in the Constitution does it state that members of Congress are the embodiment of all the wisdom in this country. I submit that it will be extremely difficult to impeach and convict a President unless there is some consensus throughout the country and bipartisan support in Congress to do so. Such a consensus has failed to materialize. In fact, since the beginning of this investigation, public opinion regarding the President has not changed. Opinion polls show by a 2 to 1 margin that the American people oppose impeachment and think the President is performing his duties well.

How can this be explained? I believe the American people have made the distinction between the President's personal wrongdoing and his conduct in discharging the duties of his office. Unlike Watergate, when a consensus eventually materialized throughout the country and within Congress regarding President Nixon's public misconduct, most Americans feel that the President's personal conduct, however disgusting and inexcusable, doesn't threaten our form of government or the process of our democracy.

Those who defy the public will and vote for impeachment should understand that in their fervor to punish this President they will violate a sacred covenant with the American people: this government is still the people's government. They will betray a promise that nothing of enormous consequence in the life of our Republic will happen without the consent and approval of the American people. A vote to uphold the confidence of the American people in the democratic process will be a vote against impeachment. Such a decision will be a vote of confidence in the simple but sometimes forgotten founding principle of our democracy that this government should be "of the people, by the people and for the people."

Without the support of the American public, how can we justify placing the country in a constitutional quagmire over a tortured definition of sexual relations, one that even the presiding judge in the case thought was confusing?

How can we justify passing articles of impeachment which would require a lengthy trial in the Senate, presided over by the Chief Justice of the Supreme Court, about the sordid details of a consensual affair and whether the President lied about it?

How can we justify calling a young woman to testify before one hundred United States Senators and the Chief Justice about embarrassing and intimate matters that transpired in a consensual relationship?

When you envision what a trial in the Senate will look like—Monica Lewinsky, Linda Tripp and Lucianna Goldberg all sworn in as witnesses—one has to wonder: What in the world are members of Congress really trying to accomplish?

CONCLUSION

The votes we are about to cast will be among the most important votes any of us will be asked to make. Our decisions should be dictated by our conscience and what each of us feel is in the best long-term interest of our country, rather than for any short-term political gain. I pray that we protect the impeachment process from being politicized and defined downward.

The decisions we make today and throughout this process will set a precedent for future Congresses and future Presidents. We must guard against making impeachment too easy or we could disrupt the important balance of power that exists between the three separate but coequal branches of our government. Just as Watergate has served as a model for our current proceedings, this impeachment proceeding will serve as a model in the future.

One of the fundamental questions that each member of Congress must answer is whether the President's personal conduct, as deplorable as it was, justifies paralyzing our government for months and potentially damaging our country in the process. There are many issues in which Congress needs to be engaged. From Social Security and Medicare reform to Saddam Hussein in the Persian Gulf and Slobodan Milosevic in Kosovo, from a Russian economic meltdown to financial crises throughout the globe, how will history record Congress' performance at this time of great domestic and international challenges?

A fair reading of our founders' intent will lead to the conclusion that they placed country above personalities, the preservation of the union above personal retribution. Impeachment was never meant to be a form of punishment; it was intended to preserve and protect our country.

There are other means of punishing Bill Clinton the person. One option is a censure resolution from the House and Senate which would require the President's signature to acknowledge the condemnation. Such an alternative form of punishment has bipartisan support. Former President Gerald Ford and, most recently, former Senator Bob Dole have spoken in favor of this resolution. They recognize the terrible cost our country will face if a trial goes forward and effectively shuts down the government. I would even favor imposing a fine to compensate the American people for the costs of the Lewinski investigation. If there is to be any fairness in this process, the Republican leadership should allow a vote on censure. Many members believe in good conscience that a censure is the appropriate rebuke. To deny a vote on censure would be the height of partisan politics.

Furthermore, the President can still be indicted and prosecuted as a private citizen once he leaves office in two years. The President Has already indicated that he will neither pardon himself nor accept a pardon from any future President. As a former prosecutor, I would hope that if there is enough evidence of criminal wrongdoing by the President to prove a case beyond a reasonable doubt before an unbiased jury, a prosecutor would have the courage to indict and prosecute him in a court of law. The President can and should be treated like any other individual, neither above nor below the law, and the Constitution ensures that will happen.

We don't need to invoke the atomic bomb of impeachment to hold President Clinton accountable for any misconduct. We can spare the nation of the ordeal while still delivering the message to all our children that no matter who you are, whether a second grader at Roosevelt Elementary school or the President of the United States, there will be consequences to lying.

What we do today will serve as a lesson for future generations. I hope it is the right lesson. Churchill once said: "We must learn the lessons of the past. But we must not remember today the hatreds of yesterday." It is time to begin the process of reconciliation in American politics and find ways to restore civility and mutual respect to the democratic process. For too long now, the national political scene has been dominated by the politics of personal destruction and partisan bickering. That too is reflected in this impeachment process and it confirms Alexander Hamilton's worst fear when he wrote in Federalist No. 65: "In many cases it will connect itself with the preexisting factions, and will enlist all their animosities, partialities, influence and interest on one side or on the other; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of the parties than by the real demonstrations of innocence or guilt."

As we move forward with this vote, let us all hope that our decisions will be made in good conscience for the sake of our country rather than for short-term political gain. My decision is based as so many of my decisions are, through the eyes of my two young sons, who are not old enough to appreciate the gravity of the situation. Like so many other Members, we all have to justify our decisions to our children and grandchildren. We can teach our children not to lie. But we must protect them from the destruction of the Presidency. My hope is that years from now, when they are reading about this in their history books, they will be proud of our conduct and they will conclude: "They got it right."

Mr. SENSENBRENNER. Mr. Speaker, I yield 15 seconds to the gentleman from Florida (Mr. CANADY) for rebuttal.

Mr. CANADY of Florida. Mr. Speaker, I want to make the point again which I made earlier today that in 1974 the Committee on the Judiciary did not, did not, determine that tax fraud is a unimpeachable offense. They simply determined that there was insufficient evidence that the President of the United States was in fact guilty of tax fraud.

Mr. SENSENBRENNER. Mr. Speaker, I yield five minutes to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, every Member of the House now recognizes what members of the Committee on the Judiciary have come to realize over the last few months: This is likely the most important vote that we as Members of Congress will ever cast. It also comes at an especially difficult time, a time when our Nation's brave sons and daughters are actively defending our Nation's freedom overseas.

I share many of my colleagues' concerns about this unfortunate timing. But, just as we have a responsibility to our troops, we now have a responsibility to keep our word to the American people and put this matter behind the country as soon as possible.

Throughout the Committee on the Judiciary's consideration of this very serious matter, I worked to uphold my constitutional duty to fairly and thoroughly investigate the charges brought against the President. Throughout the proceedings, I tried to keep an open mind, giving the President every opportunity to refute the evidence. But the President made a calculated decision to avoid the facts. Instead, he presented witnesses that could offer little more than excuses, insults and historical perspectives tainted by partisan politics.

The President's attorneys did not fare much better. They, too, decided to hide from the truth, consistently adhering to the company line. "The President did not really lie under oath," they testified. "It depends on how one defines the word 'alone.'"

The President was not paying attention when his attorney offered false evidence to the court. The President has continued to rely on these absurd explanations and linguistic contortions for one reason and one reason alone; he cannot dispute the facts.

The evidence against President Clinton is conclusive: The President lied under oath before a Federal grand jury. He lied under oath in a sexual harassment case. He obstructed justice, and he abused his constitutional authority. Standing alone, each individual offense is extremely serious. Collectively, they are overwhelming.

After months of painstaking review, it has become apparent to me that impeachment is the only remedy that adequately addresses the President's illegal and unethical acts. The President's actions have gravely damaged the office of the presidency, our judicial system, and our country.

This was not an easy decision to reach. Impeaching a President cannot be taken lightly. But in this case, our constitutional duty is clear.

Some of my colleagues have come to the floor today using inflammatory rhetoric and attacking Members for voting their conscience. This is unfortunate and does not reflect the dignity that we owe this debate. It is the President, by breaking his oath to preserve, protect and defend the Constitution of the United States, who has violated the trust bestowed upon him by the American people.

As to those who mistakenly claim that this body is seeking to overturn an election or we are involved in a coup d'etat, let me remind my friends on the other side of the aisle that it is the Democratic Vice President, Al Gore, who would become President if the Senate decides to remove President Clinton because of his crimes and remove him from office.

I ask every Member of the House to consider the question I posed to my colleagues on the Committee on the Judiciary last week: What message are we sending to the youth of America if we abdicate our constitutional duty and condone perjury, obstruction of justice and abuse of power by the President of the United States?

I have two children at home, a daughter and a son. With the help of their teachers and their church, my wife and I have tried to teach them about honesty and integrity. We have tried to instill in them a belief that character does indeed matter. We have taught them to obey the law.

Sadly, they have seen these principles corrupted by the chief law enforcement officer of this land, the President of the United States. William Jefferson Clinton has disgraced his sacred office, he has cheapened the oath, he has disillusioned an entire generation of young Americans, and he refuses to accept responsibility for his actions.

Abraham Lincoln, perhaps our Nation's greatest President, once said, "Let us have faith that right makes might, and, in that faith, let us dare to do our duty as we understand it." Today, we must fulfill our constitutional duty and vote to impeach the President.

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Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), and I would ask her to yield to me.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for yielding.

Could I point out to my friend, the gentleman from Florida (Mr. CANADY), who took exception to why the income tax charge was not brought against Mr. Nixon in 1974, if he would read our report of the minority at page 10, he would learn that it was not for lack of evidence, it was because we determined that this was not a high crime or misdemeanor. And we were joined by Republican Lawrence Hogan, Maryland, Wiley Mayne, Republican—Iowa, and others.

Ms. WOOLSEY. Mr. Speaker, this past Sunday, while attending church in my hometown of Petaluma, California, I was struck by how utterly sad I am. Sad about the President's behavior, sad about the Committee on the Judiciary's unfair decision to not allow censure as an alternative, and the impact all of this will have on our Nation.

Today, my heart is even heavier, because we are conducting this debate while our troops are in harm's way. My heart aches for the division separating us in this House, the distraction from the work of government that we were elected to do, the threat of this unfair process on our democratic system, and I am heartsick about the shame and waste of this impeachment process. Shamed because the President's conduct, while reprehensible, does not fit the definition under the Constitution. Waste, because while we carry on, we are not working for the important business of our Nation, and we ignore our young men and women fighting abroad.

With these thoughts in mind and these feelings, I would like to share with my colleagues the prayer that I prayed Sunday in my church: Please, Lord, give wisdom, strength, and compassion to every Member of the House so that we do not turn against our country and our need to punish one man. Please help every Member of this House see that the real mistake would be to push forward without the alternative of censure to punish our Nation for one man's personal weakness. And please, help us to remember the difference between partisan politics and leadership. So that we will not make a decision against the people of this country, we will make a decision for Americans based on fairness, based on forgiveness, not against one person, our President. Dear Lord, help us, through compromise and conscience, heal our Nation. Amen.

Mr. SENSENBRENNER. Mr. Speaker, I yield 15 seconds to the gentleman from Florida (Mr. CANADY) for rebuttal.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding. I would yield to the gentleman from Michigan for a question.

Is it not true, I ask of the gentleman from Michigan (Mr. CONYERS), as a member of the Committee on the Judiciary in 1974, that the gentleman voted in favor of the tax fraud article against President Nixon?

Mr. CONYERS. Yes, Mr. Speaker, absolutely true.

Mr. CANADY of Florida. Mr. Speaker, so the gentleman believes that tax fraud was an impeachable offense?

Mr. CONYERS. Mr. Speaker, that is absolutely correct, and it does not contradict what I corrected the gentleman about.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman very much.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO of New York. Mr. Speaker, I think that nearly all that could be said has been. Across party lines we stand shoulder to shoulder with the principles and the values that brought us here.

This should be neither personal nor a partisan decision. Its difficulty lies in the rare, but important, conflict between what is expedient and short term and what resonates as a guiding principle for all time. It is not about the fate of one man, but the value of truth itself, the principle that no man, no matter how rich or how powerful, is above the law. It is about the notion of accountability. It is about the values of duty, honor, trust and sacrifice.

When I was a Suffolk County prosecutor, my entire duty was based on the integrity and the conduct of the men and women who took an oath to tell the truth. In many cases, it was difficult for these people to testify honestly, sometimes even disastrous. But when they were sworn in, they understood that this was different, that here the truth was required; that upon their respect for their oath would ride many things, including justice, our government of laws, equality of one citizen with another, and not the least their own honor.

These were ordinary people, Mr. Speaker. They understood. In many cases, they sacrificed. In many cases, they suffered. But they told the truth.

If an anonymous citizen can abide by his oath, what about a President?

When a President fails in his duty as an ordinary citizen does not, the failure is catastrophic. Should less be expected of the President than of you or me?

Here, the trustee of the greatest of world powers knows that he will be in a sworn legal proceeding, consults with advisers and lawyers for many months, has full notice, appears voluntarily before a criminal grand jury, and can stop questions at any time, and still cannot bring himself to do what the government he heads insists upon every day from the people who take an oath: Tell the truth.

With this vote we will help set a standard of acceptable presidential behavior. Will we judge presidential perjury to be acceptable? Is it asking too much of the President that when he takes an oath he tell the truth? With our votes we will send a compelling message one way or the other to the children in classrooms across this country who are watching their democracy at work. We are going to teach them through our words and through our deeds either to respect or to have contempt for the truth. This will be the timeless legacy of this Congress.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Speaker, I am opposed to impeachment, and I am for censure.

Mr. Speaker, I rise today to express my strong opposition to this resolution.

I can tell you that this was not an easy decision, in fact, it was one of the most difficult decisions I have ever made.

I believe the President's conduct was wrong.

Absolutely wrong!

However, after having watched the Judiciary Committee hearings carefully, I remain unconvinced that the President's conduct, however deplorable, rises to the level of impeachable offenses as intended by the Framers of the Constitution.

I have concluded that the President did not commit high crimes and misdemeanors against the integrity of the state.

Rather, the President committed low crimes against the integrity of his marriage.

Reprehensible?

Yes.

But, not impeachable.

The Constitution dictates that impeachment be used to remove a President only when there is clear and convincing evidence of wrongdoing, and it must be related to large-scale abuses of public office.

It is clear that such a standard has not been met in this case.

Today, we stand at the edge of a dangerous precipice.

The votes we cast today will decide whether we send this great country over the edge, tumbling out of control, threatening our economy as well as the very system of government we hold dear.

I am extremely concerned about the consequences for our country if we vote to impeach the President and the Senate undertakes a long impeachment trial.

I believe it will do untold damage to our country.

An impeachment trial will divide this Nation deeply, so much so that we may not be able to heal the divide for a long time after the trial concludes.

However, I am most concerned that a trial will threaten America's position in the context of international relations and national security.

Given the many volatile political situations that exist across the globe, we can ill afford to be distracted by a lengthy and divisive impeachment trial.

While I believe the President should be held accountable for his actions, I believe censure is the appropriate response.

I am saddened that the Republican leadership denied this body the opportunity to vote on censure.

This country was built on the principles of democracy and fairness.

I regret that the majority in Congress chooses to ignore those principles and to dismiss the intent of our Nation's Founding Fathers.

I beseech my colleagues to put aside partisanship and personalities, and to consider the gravity of the actions we take today.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. PICKETT).

Mr. PICKETT. Mr. Speaker, I rise in opposition to the articles of impeachment.

Mr. Speaker, it has taken me a while to digest the myriad and voluminous data relevant to the impeachment proceedings involving President Clinton, and even longer to arrive at a decision with which I feel at ease.

When I started in this process, I wrote constituents: "This (impeachment) is a grave and daunting issue that has the potential to do great harm to our system of government if not prudently and correctly managed. Every aspect of the process must adhere scrupulously to constitutional requirements and meet established principles of fairness, due process and substantial justice. I intend to carefully and conscientiously review and weigh all facts relevant to the charges before arriving at a final decision, and assure you of my commitment to bring this matter to a conclusion as expeditiously as possible." I have not deviated from these principles.

Beginning for historical reference with the Federalist Papers, and their antecedents, and continuing through the Nixon proceedings to the events of 1998, I have studiously and meticulously studied the facts and determined what I believe to be the law applicable to an impeachment proceeding under the U.S. Constitution. There are many paths and side roads along the way, both factually and legally, that honest and inquiring minds might follow to different conclusions which for me has made the final decision of whether to support or oppose an impeachment a close call. With the contending alternatives so relatively balanced in my mind, prudence dictated that I err on the side of historically established constitutional principles and support the institutional stability of our Government that is built upon the bedrock of predictable and consistent actions taken with the support of our people.

Aside from my bias for "law and order," it deeply disturbs me that the House of Representatives has allowed a flawed process in its impeachment proceedings that fails to meet the principles I noted at the outset of this statement for "fairness, due process and substantial justice." The events of the last few days have especially convinced me that all pretense toward fairness, due process and substantial justice has now been abandoned and this whole matter is set to be resolved on the basis of partisan political alignment. No one has suggested to me, let alone attempted to convince me, that this is right or good for our country as a whole.

While my natural inclination to rely upon law and fact has led me in the direction of opposing impeachment, the failure of the House in its proceedings to follow established principles of fairness, due process and substantial justice has for me removed any doubt and convincingly tipped the scales in favor of opposing impeachment.

For my conscience, for my country, and to support the institutional underpinnings of our constitutional democracy, I will vote against impeachment.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2½ minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, our challenge today is one of fairness and wisdom. A century ago, Justice Holmes advised the graduating class of the Harvard Law School that the greatest service that one can do in a democracy is to see the future as far as one may, to feel the force behind the details of that future, and then to make clear and sound and compact decisions to make them first-rate, and to let the results speak for themselves. He was counseling them and us to be wise and far-seeing, and to understand the consequences of our actions.

Perhaps no figure in our tradition of English law and history so well portrays an impeachment on the charge of perjury as Sir Thomas More. The author of A Man for All Seasons wrote that he was asked to testify in a form that required him to state that he believed what he did not believe and it required him to state it under oath.

Oliver Cromwell, accusing More of accepting a small gift in return for a favor said, "He is going to be a slippery fish. We need a net with a finer mesh. We will weave him one. It must be done by the law. It is just a matter of finding the right law. Or making one."

Cromwell, in words too familiar to us today, in seeking to entrap him, accused More of "perverting the law, of making smokey what should be clear light to discover his own wrongdoing." More replied, "The law is not a light for you or any man to see by, it is not an instrument of any kind; the law is a causeway upon which a citizen may walk safely."

But that was not to be the way of the court, and in his closing, More may have prefigured Holmes when he said, "What you have hunted me for is not my actions, but for the thoughts of my heart. It is a long road you have opened. God help the people whose statesmen walk your road."

It matters little whether the motive was base or high. An entrapment is an entrapment. It is a road that More knew was contrived and unfair, and it is a road that Holmes knew was unwise.

Future historians will judge this Congress largely on this vote. Let us not go down in history as a deeply divided, vindictive Congress, but as a body that took an action that brought the country together and resolved this unhappy matter.

It is a long road we open today. If we take it, it will change our lives and those of our children in lasting ways. God help the people whose statesmen walk your road.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BARR) for rebuttal.

Mr. BARR of Georgia. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I would remind all of my colleagues who are listening to this debate that references to the word "entrapment" are rather misplaced. There is no such thing as entrapment for perjury or obstruction. It is a legal impossibility that is well-settled law in Federal courts and state courts as well, and it in fact is the learned testimony of several witnesses that appeared before the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in support of articles 1, 2, and 3.

Mr. Speaker, this Member approaches these proceedings of the House with sadness for what has befallen our country and solemnly, but with a firm conviction that we must discharge our responsibilities under Article I, Section 2, Clause 5 of the U.S. Constitution by considering articles of impeachment against the President of the United States of America. This Member intends and will act in a manner required by and consistent with his oath of office to preserve, protect, and defend the Constitution of the United States.

Many people and leaders from other countries have spoken on the matter before us today in a manner which reveals that they probably do not understand the absolutely central role the Constitution and the constitutional processes play in the governance of our country and their role in maintaining the very fabric of the American society. Indeed, even some of our citizens may not have focused on that central role. Drawn from every corner of the globe, with a total diversity of creeds, ethnicity, race, and heritage, America is the antithesis of a nation state. More than any other country on earth, we Americans are bound together and can function as a nation only because of our shared ideals and ideas of governance as embodied in the Constitution and the Declaration of Independence. That is why upholding and defending the Constitution, even with the controversies, inconveniences, and possible effects on the nation's economic affairs, our foreign responsibilities, and our domestic affairs and tranquility, must come before all other considerations.

Mr. Speaker, I deeply regret the partisan fervor that has marked the proceedings of the impeachment inquiry and this debate. As an elected Representative from what is by practice and nature undoubtedly the most nonpartisan state in our nation and having served previously in my state's unique state legislature, which surely functioned in an almost totally nonpartisan fashion, this Member once again finds it particularly difficult to fathom or justify the highly partisan course that this process of impeachment of the President has taken. It does not serve this nation well nor reflect well on this institution.

None of my Republican colleagues should be reaching a decision to impeach the President for partisan reason. Indeed, there are very substantial reasons why progressing with these impeachment proceedings is not in the best interest of our party. None of us should misunderstand that point and neither should the American people believe that we do not understand those immediate and long-term political consequences. Nevertheless, we must pursue these impeachment proceedings and make our individual decisions as Representatives in order to discharge our constitutional responsibilities.

Mr. Speaker, we ought to feel a particular sympathy for our Democrat colleagues, for their natural instinct almost certainly is to defend a President of their own party. They must, and undoubtedly do, struggle to overcome those instincts in order to conscientiously perform their constitutional responsibilities as demanded by our oath of office. However, if the impeachment inquiry has been, and this debate is, extremely partisan, if the partisan lines are very sharply drawn, it is not one side which is to blame. Surely many of our Democrat colleagues by their actions and the votes which they will cast bear at least half of the burden for this unseemly and inappropriate partisan divide. To maintain the trust of the American citizenry and to responsibly discharge our constitutional duties we need to rise above such partisan considerations. Indeed, that is especially true in a matter of this great import and precedent.

Mr. Speaker, in concluding these introductory remarks before directly addressing the articles of impeachment before us, this Member wants his constituents to know that he received absolutely no pressure from party leaders in the House or elsewhere in deciding how to vote on the articles of impeachment before us. Nor did this Member receive inappropriate pressure from any quarter. Rather this Member has been able to conscientiously address the decisions before us on impeachment. Furthermore, this Member has attempted to avail himself of the views of numerous distinguished Americans and especially of the arguments, views, and sentiments of the constituents he represents in Nebraska.

Obviously this has become a very decisive issue in America, made even more so, no doubt, by the strong, conflicting views about the President's performance and conduct and by the timing of intervening events related both to the impending end to the 105th Congress and to the armed conflict with Iraq which began less than two days ago. Nevertheless, it is important to say, this Member believes, that polls and the size, changes, and mixture in the tides of public sentiment should have no effect upon whether this Member and the House faithfully discharge their constitutional responsibilities related to impeachment or any other matter.

Mr. Speaker, as for the specific matter before us in these proceedings, much emphasis in the public discussion of the President's actions has emphasized that impeachment is inappropriate, for it is argued that this is really only about sex and that as such it either is strictly a private matter or does not rise to the level of misconduct which would justify impeachment. Mr. Speaker, the matter before us is emphatically not just about sex and no person should be confused about that point.

Certainly, the President has appropriately been condemned by perhaps all of my colleagues on both sides of the aisle and by most Americans for his sexual conduct in the White House and his intentional deception of the American public. Most would agree that it was reprehensibly exploitative, reckless, and morally and ethically inappropriate; that it discredited the President and the presidency; that it soiled the reputation of the White House which Most American's revere as a symbol of our nation; and that it damaged abroad the reputation of our country. As totally unacceptable as that conduct is, most Members of Congress and most of the American people understand that sexual misconduct does not justify impeachment.

Mr. Speaker, of course, what is at issue here today is whether the President's actions or conduct constitute "high crimes and misdemeanors" which would justify impeachment. The material in the referral from the Independent Counsel and the investigative proceedings of the House Judiciary Committee made it abundantly clear to most reasonable persons that the President lied under oath to a Federal grand jury. In the words of Impeachment Article I before us, he "willfully provided perjurious, false, and misleading testimony to the grand jury" on several important matters. The President's perjurious statements thus means that his sexual discretions are no mere private manner.

Similarly, it should be clear to most reasonable persons that the President in sworn answers to written questions asked as part of a Federal civil rights actions brought against him, as stated in Impeachment Article II, "willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a Federal judge concerning conduct and proposed conduct with a subordinant employee." Accordingly, his testimony can be seen as a possibly important factor in denying that citizen, Paula Jones, her legal rights as a citizen.

More importantly, however, for the purposes of both of these articles of impeachment, one must consider that the President is in effect the chief law enforcement official in our nation, charged by his oath of office to take care that the laws be faithfully executed. By his perjurious statements the President, as charged by Impeachment Article I, "impeded the administration of justice" and "acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States." The same language and relevance is found in Impeachment Article II. No one in this country is more important than the law or above the law, not even, indeed certainly not, the President of the United States. If the President can lie under oath it does, by example, great damage to the very basic element in the foundation of the American justice system. In light of these conclusions of the House Judiciary Committee, my own reasoning and understanding of the facts, and as the elected Representative of my constituents, I believe the President's perjurious statements do meet the standards of misconduct—do meet the test of being a "high crime and misdemeanor"—which require a vote to impeach the President under each of these two articles.

Mr. Speaker, a review of the facts and testimony related to the matter of the President's conduct and actions now before us, in part as provided in the findings for Impeachment Article III, have convinced this Member that in order to conceal the perjurious nature of his sworn statement in a Federal civil rights case, the President, in the words of Impeachment Article III, "in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding." By these actions, this Member concludes, that the President, in the words of Article III, "acted in a manner subversive of the rule of law and justice to the manifest injury of the people of the United States," despite his oath of office to take care that the laws be faithfully executed.

Mr. Speaker, for these reasons this Member feels compelled, in voting to discharge our constitutional responsibilities in these impeachment proceedings, to vote in favor of Impeachment Article I, Impeachment Article II, and Impeachment Article III, while concluding that the case for impeachment under Article IV regarding the President's responses to certain written requests from the House Judiciary Committee is not sufficiently convincing to warrant a vote for Article IV.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I rise in support of all 4 articles of impeachment.

I will stand by my oath of office to uphold this nation's laws and vote to impeach President Clinton on the charges of perjury.

The evidence presented has demonstrated that President Clinton knowingly, willfully and repeatedly lied not only to a federal judge and grand jury, but directly to the American people. This act of perjury is a criminal and impeachable offense and directly violates the oath taken by the President to serve the country within the legal boundaries set forth by the Constitution. Just as troublesome is the President's involvement in influencing other witnesses to provide false testimony in the Paula Jones case and his attempts to refer to these known falsities as the truth, the whole truth and nothing but the truth.

Upon entering the office of President of the United States, William Jefferson Clinton took the following oath: "I do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Now, I ask these questions: Do actions such as lying under oath and to the American people, as well as suborning perjury from other witnesses help to faithfully execute the Office of President of the United States? Do these actions represent the best of Mr. Clinton's abilities to preserve, protect and defend the Constitution of the United States? I believe that it is painfully obvious that not only do these actions not help the President fulfill his duty and faithfully execute his office, but they directly lead to a failure to uphold this solemn oath and a direct betrayal of the American people.

Title 18 of the U.S. Code designates perjury as the act of anyone who, while under oath, "knowingly makes any false material declaration or makes uses of any other information (known) to contain any false declaration." Perjury is punishable by a monetary fine and up to five years in federal prison, and perjury certainly rises to the level of high crimes and misdemeanors necessary for a charge of impeachment.

After reviewing the over 60,000 pages of evidence submitted to the House Judiciary Committee by Judge Starr, I find it obvious that there is indisputable evidence that the President lied under oath, aided and allowed others to lie under oath and obstructed justice. There is no doubt that these instances occurred, there is no doubt that these instances are illegal and there is no doubt that they undermine the integrity of the Constitution and the office of the Presidency.

Even as the highest-ranking official in the country, President Clinton is not above the law. I am proud of the House for honoring the Constitution and taking such a courageous stand in its vote for impeachment. I have no doubt that the Senate will responsibly take on this matter and I trust that justice will be served.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, we are all public servants here today representing our constituents and doing our duty.

My beginning in public service outside the bounds of my immediate hometown began when I was appointed to a vacant county commission seat. The seat was vacant because a good commissioner committed a single act of perjury, lying to a grand jury about a sexual escapade, to protect a recently married friend. He lost his job, his reputation, his paycheck, his pension, his rights, and his freedom. He went to jail.

The judge noted that those in public service have a higher standard of behavior and that telling the truth is fundamental to public service in our free land. The sentence was considered just in my district. I will support the articles of impeachment.

Mr. Speaker, sadly, some of our colleagues on the other side are, in the interest of avoiding the issues at hand, seeking to deflect this debate. Let me be clear: the work of this house in fulfilling our constitutional obligation regarding the impeachment inquiry in no way detracts from or diminshes our absolute support for the men and women of our Armed Forces doing their jobs in the Persian Gulf. Those of us whose responsibilities in Congress involve oversight in the national security arena continue to keep our eyes carefully on the ball of the mission in Iraq.

The truth is that every one of us here today would rather not be debating articles of impeachment against this President. The American people would rather not be faced with this scenario. It is an exceedingly unpleasant set of events. I am most grateful for the significant, extremely thoughtful input I have received from hundreds of southwest Floridians who come down on both sides of this debate. The fact that so many people have taken the time to call and write demonstrates the seriousness with which the country approaches this debate and vote.

Short of declaring war, there is not more solemn duty of this House than to fairly and thoughtfully consider a judgment on impeachment when the President stands accused of violations of law and his oath of office. We must remember that it was this President's own actions that have brought us to this point today.

We must vote on whether or not President Clinton committed impeachable offenses in his conduct. After careful review of the Judiciary Committee's work, I am convinced the President's conduct warrant's impeachment by this House. Lying, perjury and obstruction of justice are serious business and this House has a duty to say so. I refuse to submit to a "dumbing down" of our principles and the standards of conduct for a President of the United States, just because the specifics of this care are embarrassing and distasteful. Perjury and obstruction of justice in a legal proceeding are always wrong—there's no room for situational ethics when it comes to respect for the rule of law by the Nation's Commander in Chief. We squirm about this entire matter because it began with a case of sexual misconduct. But what began there has grown into much more, a case involving very serious breaches of law. I take this position having lived through a case many years ago—a case in which a county commissioner went to jail for a single count of perjury in conjunction with a sex scandal—a scandal that did not even involve him, but about which he lied in order to protect a friend. Such lies were wrong then and they are wrong in this case today.

The conundrum that many people see in this matter comes from wishing to rebuke the President for his behavior but being hesitant about using the ultimate sanction of impeachment to do so. But censure is not an option for this House—and even if it were, in my view it would not be enough of a sanction. History shows that censure can be fleeting since it can be reversed by a succeeding Congress—after all, Andrew Jackson was censured and then had his record expunged and now his face adorns each and every American $20 bill in tribute to his memory. Clearly, censure was not a permanent statement of rebuke in that case. The message this House sends today must be unmistakable and enduring. The President has stepped over the line and we must uphold our responsibility to call him on it.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I thank my colleague from Michigan for allowing me 2 minutes, but being from Texas, to just exchange greetings in 2 minutes will take plenty of time.

Mr. Speaker, overturning an election in a democracy should not be taken lightly. Our country's history in presidential impeachment inquiries is limited, due to the seriousness of overturning an election. This current process smacks of partisanshipness and just unfairness.

The presidential personal conduct cannot be defended and I am not going to do so. My concern is I am disappointed in his personal conduct, but this process has been based on partisanshipness, and elected officials should not be removed from office just because they won an election or won reelection. Without an alternative to vote on, a censure resolution, this whole process is unfair.

One of our Founding Fathers, George Mason said, the phrase "high crimes and misdemeanors" refers to "Presidential actions that are great and dangerous offenses, or attempts to subvert the Constitution." Alexander Hamilton, who you will not hear me quoting very often, said, "Injuries done immediately to society itself." An impeachment should only be undertaken for serious abuse of official power. The impeachment process should never be used as a legislative vote of no confidence on the President's conduct or policies.

Not only our Founding Fathers, but, Mr. Speaker, I have a Christmas card that I received in my family from a constituent that says, "I just want you to know that my prayers have been with you and your colleagues and also the President at this awful time in history. I am praying that God will bring an end to this soon."

The American people have recognized this, not only our Founding Fathers, but in all of the polls that we have seen. And around the country, Mr. Speaker, the newspaper articles, the Lexington Herald Leader:

> It would mean, quite simply, the President, duly elected and reelected by a majority of voters, can be drummed out of office by the vehement hatred of his political and personal enemies.

The Owensboro, Kentucky Messenger-Inquirer:

> Voting for impeachment when the wrongdoing is personal rather than a crime against the country would weaken the office much more than anything Bill Clinton has ever done so far.

□ 1630

Also the Billings Gazette, and I can go on and on, Mr. Speaker. I ask a no vote on all articles of impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Tennessee (Mr. BRYANT) for rebuttal.

Mr. BRYANT. Mr. Speaker, let me respond briefly that the Constitution itself talks about impeachment as well as election. The two processes are compatible, according to our forefathers, since they completely understood that you had first to be elected in order to be subjected to the impeachment proceedings.

As to the polls and newspapers around the country, more than 100 major newspapers have called on the President to resign. If this President would put the country in front of himself for one time and follow the advice of the same or many of the same newspapers to resign, and the polls show a majority of the Americans would like to see the President resign, I think we would all be better suited.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, I rise today in support of the resolution to impeach William Jefferson Clinton, the President of the United States for providing perjurious, false, and misleading testimony to a Federal grand jury and in a Federal civil rights action, for obstructing justice, and for abusing the Office of the Presidency by providing false and misleading statements to the Congress as the House of Representatives attempted to conduct a fair and thorough investigation of the President's actions. With the exception of voting to commit the nation to war, this is the most solemn and serious action which Members of the Congress must take.

This action is not taken lightly. The rule of law and respect for the sanctity of our judicial system are two of the foundations upon which American society and our system of government depend. While I find the President's personal conduct offensive and disgusting, it is clear to me that on legal grounds, the President's campaign of lies, half-truths, and evasiveness have demonstrated a cavalier and flagrant disregard for the rule of law in our society. The President stands accused of serious offenses which he has failed to refute.

Chairman HENRY HYDE and the Judiciary Committee have gathered substantial evidence and presented a strong case for which the President must answer. It is the constitutional duty of the House of Representatives to decide whether the body of evidence against the President merits a trial. Based on my 25 years of experience as an attorney, I firmly believe that the overwhelming evidence showing perjury and obstruction of justice provide sufficient grounds to support impeachment of the President. The President's actions certainly do not reflect the respect that the office deserves. Indeed, he must be held to a standard of conduct that is consistent with the rule of law.

We must preserve the integrity of the Presidency and our judicial system by not allowing anyone, including the President, to subvert or destroy the rule of law in the greatest country on Earth. I believe that voting for impeachment of the President is the only reasonable course of action for the House to take in the current grave situation in which the President has placed us.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, I intend to vote for the rule of law and against this partisan attack on the Constitution of the United States. In America, the rule of law is above any man and above politics. We don't have kingships in this country, we have publicly-elected officials. We cannot have one set of laws for our rulers, and another for the ruled. No one, most especially the President, can escape the rule of law.

Impeaching the President is an awesome responsibility, and one that I do not take lightly. After careful review of the Independent Counsel's Report to Congress, and in accordance with the findings of the Committee on the Judiciary, I will support all four articles of impeachment that are before us. The evidence of perjury, obstruction of justice and the abuse of power is clear and convincing.

We owe it to each and every American, especially those who have fought and died for our freedoms, to restore the integrity of Office of the Presidency. If we do not take this action, our democracy will become hollow and the rule of law meaningless.

Some have suggested that we should withhold action until Operation Desert Fox is completed in Iraq for the sake of our men and women in uniform. Our military is doing its job of protecting our Democracy, and therefore we must also do our job to uphold the integrity of the Constitution and the foundation of our Democracy. That means a vote for impeachment.

I cannot articulate the pain and sorrow that this President has subjected the Nation any better then two of my constituents. I have an open letter to the President from retired Army Colonel Eric Jowers and an Op Ed piece by high school junior Kimberly Gilley that ran in the Dothan Eagle, and ask that they be included in the Record at this point.

The material referred to is as follows:

Dear Mr. President: It's not about sex. If it were about sex, you would be long gone. Just like a doctor, attorney or teacher who had sex with a patient, client or student half his age, you would have violated the ethics of your office and would be long gone. Just like a Sergeant Major of the Army, Gene McKinney, who though found not guilty, was forced to resign amid accusations sexual abuse.

Remember the Air Force General you wouldn't nominate to be Chairman of the Joint Chiefs of Staff because he freely admitted to an affair almost 15 years before, while he and his wife were separated? Unlikely you, he was never accused of having a starry-eyed office assistant my daughter's age perform oral sex on him while he was on the phone and his wife and daughter were upstairs.

If it were about sex, you would be subjected to the same horrible hearings that Clarence Thomas was to because of the accusations of Anita Hill. The only accusation then was that he talked dirty to her, he didn't even leave semen stains on her dress.

No, it's not about sex. It's about character. It's about lying. It's about arrogance. It's about abuse of power. It's about dodging the draft and lying about it. When caught in a lie by letters you wrote, you concocted a story that nobody believed. But we excused it and looked away.

It's about smoking dope and lying about it. "I didn't inhale," you said. Sure, and when I was 15 and my buddies and I swiped a beer from an unwatched refrigerator, we drank from it, but we didn't swallow. "I broke no laws for the United States," you said. That's right, you smoked dope in England or Norway or Moscow; where you were demonstrating against the U.S.A. You lied, but we excused it and looked away.

It's about you selling overnight stays in the White House to any foreigner or other contributor with untraceable cash. It's about Whitewater and Jim and Susan McDougal and Arkansas Gov. Jim Guy Tucker and Vincent Foster and Gennifer Flowers and Paula Jones and Kathleen Willey and nearly countless others. It's about stealing the records from Forster's office while his body was still warm and putting them in your bedroom and "not noticing them" for two years. It's about illegal political contributions.

It's about you and Al Gore soliciting contributions and selling influence at Buddhist temples and in the same Oval Office where Abraham Lincoln and Frank Roosevelt led their countries through the dark days of wars that threatened the very existence of our nation. But we excused you and looked away.

It's about hiding evidence from Ken Starr, refusing to testify, filing legal motions, coaching witnesses, obstructing justice and delaying Judge Starr's inquiry for months and years, and then complaining that it has gone on too long. The polls agreed. Thank goodness that Judge Starr didn't read the polls, play politics or excuse you and look away. He held on to the evidence like a tenacious bulldog.

Your supporters say that you've confessed your wrongdoings and asked for our forgiveness. Listen, what you said on TV the night you testified to the grand jury was not a confession. Confession in the face of overwhelming evidence is not a confession at all. Not that it would make a lot of difference. A murderer who contritely confesses his crime is still a murderer. When your "confession" didn't sell, even to your friends, you became more forthcoming.

Maybe someday you'll confess more, but probably not. You've established such pattern of lying that we can't believe you anymore. Neither can your cabinet, the Congress or any of the leaders of the nations of the world.

When a leader's actions defame and emasculate our country as profoundly as yours have, it's no longer a personal matter, as you claim. It's no longer a matter among you, your family and your God.

By the way, I don't believe for a minute that Hillary was unaware of your sexual misadventures, abuses of power and pattern of lying. She has been a party to your wrongdoings since Whitewater and Gennifer Flower just as surely as she lied about the Rose law firm's billings and hid the Vincent Foster evidence in your bedroom for two years. Why? So she could share in the raw power that your office carries. The two of you probably lied to Chelsea but that is a matter among you, your family and your God.

Remember the sign over James Carville's desk during the 1992 campaign? It said, "It's the economy, stupid!" Place this sign over your desk: "It's about character, stupid!" No, it's not about sex. Mr. President. If it were, you would be long gone. It's about character; but we have to live with your lies and arrogance for a while longer. Your lies, amorality and lack of character have been as pervasive as they have been despicable, so we have no reason to believe that you will quietly resign and go away. You'll count on half truths and spin doctors to see you through, the country be damned. It has always worked before. We excused you and looked the other way.

No more, we've had enough. You betrayed us enough. You have made every elected official, minister, teacher, diplomat, parents and grandparent in the country apologize for you and explain away your actions. Now go away, and let us show them that our country was not without morals. It was just that you were.

Let us show them that America was not the problem. William Jefferson Clinton was. Go away, Mr. President. Leave us alone. And when you leave, know that your legacy to the United States of America will be a stain on the Office of the President that is as filthy as the stain on Monica's dress. It will take a lot of scrubbing to make it clean again.

Eric Jowers.

To Save America—Impeaching Clinton Is a Must

On June 13, 1996, William Jefferson Clinton, president of the United States of America, said "One thing we have to do is to take seriously the role in this problem of older men who prey on under-age women. There are consequences to decisions, and one way or the other, people always wind up being accountable."

A year and a half later, Clinton himself is being held accountable for actions he meant to be kept secret. These "secrets" are why Mr. Clinton should be impeached. Impeachment—the constitution states that high officials may be removed from office on impeachment "for, and conviction of, treason, bribery, and other high crimes and misdemeanors." High crimes and misdemeanors can mean anything but one thing for sure is that with the charges against Clinton, morally and politically, he is not fit to be the leaders of our country and therefore should be impeached.

Jan. 26, 1998, is a day I'm sure we all will never forget. On that day Clinton had the audacity to wag his finger in our faces and declare, "I did not have sexual relations with that women," meaning former White House intern Monica Lewinsky. This was an intentional and calculated falsehood meant to mislead us, the public, and Congress.

How can we trust this man who is supposed to be the moral and political leader of our country? The fact is we can't. Anyone who can go on national television and without blinking an eye deny what he knows is the truth is a liar and an unfit moral leader. While the president may say that he through "sexual relations" meant having actual intercourse, the Bible and other sources say differently. They state that "sexual relations is when a person knowingly engages in or causes contact with the genitalia, anus, groin, breast, inner thigh or buttocks of any person with the intent of gratify the sexual desire of any person."

This graphic definition is one that we have always accepted and known. A grown man like Clinton surely knew he was lying to everyone that day, for we have been taught that oral sex is sexual relations. What if he found out that Chelsea, his own daughter, was having oral sex with here boyfriend? As a dad, I'm sure that he would consider it sexual relations. Although he has twisted all his lies around to sound like he was telling the truth, we all know that he can never be trust again.

Another reason for impeaching Clinton is that he is not to be the role model high standing officers are meant to be. What does this tell our children? That it's okay to lie because the president does?

"I remember when President Clinton gave that swearing-in and promised to tell the truth," says Philip Sperry, 10, of Clifton, Va. "Well, he lied to us that time and he lied to

> us again." Even the children know it is wrong to lie and that he should be punished. Some of the things the president has done are so disgusting and irresponsible that just in watching reports of it on the news young children need to cover their ears. When the president is sworn into office, it is his responsibility to act appropriately and be the kind of leader that kids can look up to.
>
> How many children do you think are going around wanting to be the next president? In this time of scandal, I'm sure that the numbers are slim. His behavior is a horrible example to the younger generation. It is telling children that it's okay to lie. If we don't impeach him, they will think you can get away with it, also.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, until now I have declined to pass judgment on the President over these last several months because I strongly believed that it was improper to do so before the process secured evidence through a rigorous investigation where both sides presented their cases.

That process is now complete, and we are now in receipt of the results of that investigation, as well as the specific recommendations made through the articles of impeachment. Today Congress is not standing in judgment of President Clinton's character, nor are we debating the issue of his affair with Monica Lewinsky. Rather, we are being asked to determine whether or not he broke the law.

As many know, I have had great respect for the presidency on foreign policy. I recognize the Constitution gives foreign policy to him, and even though I have disagreed with him on many issues, respecting the presidency, I have gone along with him.

It would make no difference to me if it were Ronald Reagan being tried today or George Bush. If evidence is submitted to this Congress through the proper Committee on the Judiciary channels that compels me to vote up or down when there is substantial, justifiable evidence to send a message to the Senate to make a determination of punishment, I would vote the same way I am going to vote on this particular matter in voting for these articles of impeachment.

It is a sad day for me, it is a sad day for the President, it is a sad day for the country. It is a responsibility that gives us no alternative; that if indeed in our hearts we believe that the committee reports are substantial, that they justify returning a message or sending a message to the Senate. We have absolutely no alternative but to send that message to the Senate so they can sit in judgment of his punishment.

We are not removing the President from office today, we are sending a message to the Senate.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentleman from Georgia (Mr. BARR) announced a moment ago that the perjury trap is a legal impossibility. I refer him to the Ninth Circuit Court of Appeals decision, which said in 1991 that a perjury trap is created ". . . when the government calls a witness to testify for the primary purpose of obtaining testimony from him in order to prosecute him later for perjury."

Mr. Speaker, I yield 1 minute and 40 seconds to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, today, December 18, 1998, is a day of infamy in the House of Representatives. History will record that on this day the House of the people, through searing, brutal partisanship, disallowed the right of each Member, and this Member, to express their own conscience.

Today impeachment and only impeachment counts. It is a day when the overwhelming voices of the American people are turned away. It is a day when the Framers' intent for removal of the chief executive of our Nation, treason, bribery, high crimes against the people, is ignored.

I shall vote against the articles of impeachment, because I believe that the case that has been brought against the President has not been proven by the Committee on the Judiciary. I do not believe that the charges rise to what the Framers intended.

Mr. Speaker, the flag is the symbol of our Nation, but the Constitution, as Barbara Jordan invoked over and over again in 1974, the Constitution is the soul of our Nation. Today this House is set on a course that tears at the very soul of our Nation. It is wrong, it is imprudent, it is not wise, and it is harmful to the Nation.

By his actions, Bill Clinton has brought shame as president. But today this body has set itself on a treacherous course where it is not only weakening the presidency, but diminishing our Constitution.

□ 1636

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair notes a disturbance in the gallery, in contravention of the law and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BARR) for rebuttal.

Mr. BARR of Georgia. I thank the gentleman for yielding time to me.

Mr. Speaker, I would say to the distinguished ranking member on the Committee on the Judiciary that when President Clinton or any person appears before a grand jury or before a court, they have three, count them, and only three choices: They can tell the truth, they can take the fifth amendment, or they can lie. President Clinton chose the last option, he lied.

It is a legal impossibility for somebody to be forced to lie before a grand jury or in court, and that is the essence of what entrapment is. The President chose voluntarily to tell a lie; to conduct perjurious, misleading, and untruthful statements. He cannot be forced to do that. That is what he did.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. CANNON), a member of the Committee on the Judiciary.

Mr. CANNON. Mr. Speaker, I am going to speak to a couple of key points. First, I would like to create the context by sharing with my colleagues two statements, one by Founding Father John Jay and the other by President Kennedy.

John Jay said, "When oaths cease to be sacred, our dearest and most valuable rights become insecure."

Four days before his death, President Kennedy visited Florida. There he made the following statement: "In this country I," referring to the presidency, "carry out and execute the laws of the United States. I also have the obligation of implementing the orders of the courts of the United States. I can assure you that whoever is president of the United States will do the same, because if he did not," that is, he, the President, "He would begin to unwind this most extraordinary constitutional system of ours."

The President's ability to unwind the constitutional system is significant. The President is the only individual charged with ensuring that our laws are faithfully executed. He is one of the few Americans who always is an example for good or ill. If a president can lie before a grand jury during a civil deposition, engage in obstruction of justice, and abuse power, others will follow.

Article III sets forth that the President willfully and deliberately allowed his attorney to make false statements to the court about the affidavit of Ms. Lewinsky. The President's defenders, including his attorney, Mr. Ruff, have said he was not paying attention at the time when Mr. Bennett raised the affidavit, but the videotape of the deposition shows otherwise. He was alert, attentive, and engaged.

The President's official defense was that he thought Ms. Lewinsky thought her affidavit was true, and he was just affirming her belief. First, the affidavit was not a statement of beliefs. It was a statement of the facts under oath. The President's response was evasive.

Second, in the affidavit Ms. Lewinsky stated she had not received any benefit from her relationship with the President. The facts are indisputable. There was an intense effort by Mr. Jordan on behalf of the President to get her a job.

Third, in the deposition, after reading from the affidavit, Mr. Bennett asked the President, "Is that a true and accurate statement, as far as you know it?" The President answered, "That is absolutely true."

We know today that it was absolutely false. President Clinton's deliberate effort to mislead Judge Wright is a clear obstruction of justice. Others have been prosecuted for less. Under the Constitution, the President is held accountable by the mechanism of impeachment. Impeachment is serious and weighty.

My friends on the other side have repeatedly argued that the President's offenses do not rise to the level of high crimes and misdemeanors. The essence of their argument is that perjury, obstruction of justice, and the abuse of power are not equivalent to treason or bribery.

They are wrong. Perjury and obstruction of justice are akin to bribery in many ways. Perjury and obstruction go to the corruption of the judicial system. Bribery amounts to the corruption of a bureaucrat. Both prevent citizens from enjoying their rights under the rule of law.

Their treatment by the United States Sentencing Commission, the only thing that helps set forth penalties for Federal crimes, supports the comparison. Under the guidelines, bribery of or by a public official is an offense of base level 10. For a first-time offender, that would translate to 6 to 12 months in a Federal penitentiary.

Under the guidelines, perjury and obstruction are base level 12, two levels beyond bribery, and that means for a first-time offender a sentencing range of 10 to 16 months. Someone convicted of perjury, and remember, there are 100 Americans sentenced every year for perjury, can face up to 10 months more in jail than someone convicted of bribery. Based on the U.S. sentencing guidelines, not only are perjury and obstruction of justice in the same ballpark as bribery, they are treated as more grave.

I appeal to my colleagues. Let us not allow the President to begin unwinding our constitutional system. Let us protect the integrity of the oaths that underpin our judicial system. Let Congress protect our dearest and most valuable rights by impeaching this president, who has demeaned the sacredness of his oaths.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I will be voting against the four articles of impeachment, and I request that my colleagues vote against it, and that we start the healing process for our country.

Mr. Speaker, throughout this whole unseemly matter of impeaching a President who lied about deplorable conduct, I have clung to the dignity of the instruction of the Constitution to guide my actions. I re-examined all the evidence offered to the House: the Referral from the Office of Independent Counsel (OIC), the President's taped testimony, the reams of evidence in support of the OIC Referral, testimony (limited though it was) before the Judiciary Committee, and the Committee's deliberations.

As the equivalent of a judicial and legislative grand juror in this process, evaluating this evidence carefully, and privately, is consistent with my constitutional role. As a Member of the House of Representatives in the U.S. Congress, I am acutely aware that our actions today represent half the precedent in our entire history with regard to the sacred duty associated with impeachment, as this is but the second time in U.S. history that the full House has been asked to act on articles of impeachment.

Our constitutional process is not one that can be suspended or taken lightly. Once begun, it must be completed. This process began when the OIC referred its findings to the House. I voted earlier this year to have the Judiciary Committee conduct a hearing to discover if these offenses were indeed, as the OIC alleges, sufficient for impeachment of a President. I agreed with Judiciary Committee Chairman HENRY HYDE who, when he spoke of impeachment in September, said that if the effort to impeach President Clinton were not bi-partisan then it would be ultimately unsuccessful. That is where we are now. The effort has been unsuccessful.

As the rough equivalent of a grand juror, I exercised the real strength of the United States grand juror: the common sense to let prudence guide my actions. What the President did was immoral, first the behavior then the lie. But this is not a vote on morality; it is setting dangerous new constitutional precedent in a partisan setting. Grand jurors in our judicial system today have to exercise good judgment about stopping a bad case when the evidence is not there to fortify it legally. In our role today, we have the added weight of exercising good constitutional, democratic, and political common sense.

Our country's Founders put the impeachment clause in our governing document for a very specific reason, to have a democratic mechanism for the removal of a President who has grievously injured the country. President Clinton certainly injured the national trust, as does any public official when they lie; but he has not injured the U.S. Constitution, our democracy, our government, or any political movement in our country. His actions were outrageous. His lies about it were disheartening and alarming. But his behavior itself, even when compounded with lies under oath, was not impeachable.

We should take a lesson from this long and difficult drama. No lie from a public official is acceptable. It is all the more appalling when it is the chief executive, under oath, about an affair in the White House. Those who seek the public trust of the presidency must be ever vigilant to conduct themselves truthfully. Those who seek the presidency should be on notice that the rules are forever changed: the impeachment bar has been lowered and can be invoked far easier than our Founders intended.

Those in Congress must be a careful watchdog of executive behavior, and today's vote is a strong message that this body will not shy from our duty, but we are not willing to let impeachment become a partisan endeavor. I hope this exercise, while difficult and unnecessary, shows the world the ultimate strength of the U.S. Constitution and the innate common sense of the American people in the world's most sophisticated democracy.

I urge my colleagues to join me in opposing these articles of impeachment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I rise in opposition to the four articles of impeachment against President Clinton, because I do not believe that such a grave step is in the best interests of our country.

All of us in public life have to be accountable for our actions, and there is no question that the President's conduct was deplorable. Having reviewed the evidence, however, I do not believe that the case has been made with sufficient clarity that the President's conduct warrants impeachment, trial, and removal from office.

Heavily weighing in my decision are the charges made in greatest detail by the Independent Counsel, Mr. Starr, addressing conduct unrelated to the President's public and official duties. During the impeachment proceedings against President Nixon, my predecessor, Tom Railsback, noted that there was "a serious question as to whether something involving the President's personal tax liability has anything to do with his conduct in the office of the president." Later, the Committee on the Judiciary rejected the article of impeachment against the President on those grounds.

Today a majority of the public continues to approve of President Clinton's ability to perform his duties, and does not wish for him to be impeached by the House and tried by the Senate. I do not believe we should impeach President Clinton based on misconduct not clearly related to the President's official duties.

Let me be clear, a decision by the House not to impeach will not exonerate the President. He will remain subject to indictment and prosecution for his conduct in the court of law when he leaves office.

I do believe that the Congress should fashion an appropriate response to his actions, which places the national interest first. I am greatly disappointed that excessive partisanship on the part of the Committee on the Judiciary prevents us from discussing censure.

Mr. CONYERS. Mr. Speaker, I yield 1¾ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, in the name of the American people, who oppose this impeachment as being manifestly unfair, behold the prophetic power of the Biblical injunction, "Judge not, that you not be judged." In the name of all the people who have suffered a dark night of assault, feel the might of the warning, let he who is without sin cast the first stone.

□ 1645

In the names of Washington, of Jefferson, of Lincoln, and all those who fought to create one Nation indivisible, do not cleave this Nation with a partisan impeachment, for a House of Representatives divided against itself shall not stand. We speak of one Nation under God. In God's name do not tear apart this House and this Nation with a low-rent impeachment.

There is much misunderstanding about just what impeachment means. It is not a form of censure. Impeachment is not a punishment. It is part of a process for removing a President. It has been reserved for the highest crimes, not low crimes. And I submit that if we vote to impeach President Clinton for his offenses, we have committed an offense more grievous because we will have nullified the votes of 97 million Americans. Do not take away the people's voice. Do not nullify the people's choice. Punish the President with censure if you must, but do not punish the American people by canceling their vote.

Some day a generation far into the future will look at this moment and ask why and they will conclude that in impeaching a President, this House chose partisanship under the cover of patriotism and sanctimonius salutations to that all hallowed and selectively perceived rule of law. And that cloak of shame prepared for the President will also cover those carrying the cloak. For at this moment we are troubling our America. We are troubling our common bond. We are troubling our American community. We are troubling our American unit.

The sun will rise and the year 2000 will soon come. And those who troubled their own House will have inherited the wind.

The die is case. The President is about to be impeached. His offenses not high crimes, but low. His conduct, yes, beneath the dignity of the office but also beneath the requirements of what the Founders intended to rise to a standard of impeachment. His shortcomings for all the world to see, we must correctly review our own. The shortcomings of the investigation by the Independent Counsel, the shortcomings of the partisan Judiciary proceedings, the shortcomings of a day where impeachment, which is no alternative, is the only alternative. We have entered Wonderland with Alice and we have seen the Queen pronounce "Sentence first—Verdict afterwards."

In the name of the American people who oppose this impeachment as being manifestly unfair, behold the prophetic power of the Biblical injunction: ". . . Judge not, that ye not be judged." In the name of all those people who have suffered a dark night of soul, feel the might of the warning: ". . . Let he how is without sin cast the first some." In the Names of Washington, of Jefferson, and of Lincoln, and of all who fought to create one nation, indivisible, do not cleave this Nation with a partisan impeachment, for a House of Representatives divided against itself shall not stand. We speak of one nation, under God. In God's name, do not tear apart, this House and this Nation with a low-rent impeachment.

There is much misunderstanding about just what impeachment means. It is not a form of censure. Impeachment is not a punishment. It is part of a process for removing a President. it has been reserved for the highest crimes, not low crimes, and I submit that if we vote to impeach President Clinton for his offenses we will have committed an offense more grievous, because we will have nullified the votes of 97 million Americans. Don't take away the people's voice. Don't nullify the people's choice. Punish the President with censure if we must. But don't punish the American people by canceling their vote.

Let me talk for a moment about high crimes. It is a high crime that forty three-million Americans are without health care. It is a high crime that forty-four million Americans must worry about their Social Security. It is a high crime that wealth is being distributed upward. That the top 1% of the people hold more wealth than the bottom 90% of the people. And this act today redistributes the political wealth of the country. The Founders did not put impeachment in the Constitution so that a majority party some day could topple a President of the opposite party just because they had the votes. This process, when it is partisan, becomes an ad hoc, back-door transition to a parlimentary form of government.

Someday a generation far into the future will look back on this moment and ask: "Why?" Why did they impeach a president when it was clearly partisan? Why, When it was less than a high crime? Why, when they knew it would fail in the Senate? Why, when they knew a trial in the Senate would shut down the government? Why, when they had a clear alternative of censure? Why, did they choose the harsh judgement and condemnation of impeachment over the forgiveness and redemption of censure?

And they will conclude that, in impeaching a President, this House chose partisanship under the cover of patriotism and sanctimonious salutations to that all hallowed and selectively perceived Rule of Law. And the cloak of shame prepared for the President will also cover those carrying the cloak. For at this moment we are troubling our America. We are troubling our common bond. We are troubling our American community. We are troubling our American unity. The sun will rise and the year 2000 will soon come. And those who troubled their own House will have inherited the wind.

Mr. CONYERS. Mr. Speaker, I yield 1¾ minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, this is a totally prejudged and partisan process that denies the majority of the Members of this House of Representatives and the majority of Americans a vote on a bipartisan compromise, a vote of conscience to censure the President.

Mr. Speaker, the American people, in their collective electoral wisdom that we all submit to, have twice elected President Clinton. The American people support the President's performance of his official duties, and they do not want him removed from office. Three months ago when I first reviewed the Starr report, I looked for evidence of treason, bribery or high crimes and misdemeanors, the only constitutional grounds for impeachment. No such thing appears in the Starr report.

Instead I found evidence, gathered at great public cost, in dollars $50 million, and in destruction of privacy that Americans cherish, evidence of a consensual sexual relationship of the tawdriest nature which the participants tried to hide for its tawdriness. Weeks of hearings in the Committee on the Judiciary have uncovered nothing more except the partisan close-mindedness of the proceedings. The Republican obsession to impeach President Clinton on the flimsiest of constitutional grounds and against the will of most Americans will cause long lasting divisions in America.

The Republicans know that they cannot get 67 votes in the Senate to remove the President from office so this is a purely partisan exercise in this House designed to humiliate and weaken a twice-elected President of the United States.

To my Republican colleagues, by your efforts today, you show the American people once and for all that you should not be in the majority in this Congress, and that, I believe, will be your reward.

Mr. Speaker, this is a totally prejudged and partisan process that denies a majority of the Members of this House, and the majority of Americans, a vote on a bipartisan compromise—a vote of conscience to censure the President.

Mr. Speaker, every one of us submits every 2 years to the collective, electoral wisdom of the people we serve.

Mr. Speaker, the American people in their collective, electoral wisdom have twice elected President William Clinton. The American people support the President's performance of his official duties, and they do not want him removed from office.

Three months ago when I first reviewed the Starr report, I looked for evidence of treason, bribery, or high crimes and misdemeanors—the only constitutional grounds for impeachment. No such thing appears in the Starr report.

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To my Republican colleagues, by your efforts today you show the American people once and for all that you should not be the majority in Congress and I believe that will be your reward.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. ROGAN) for purposes of a rebuttal.

Mr. ROGAN. Mr. Speaker, a few minutes ago my dear friend from California made commentary in her argument as to why she would vote against articles of impeachment. In doing so she invoked the name of our venerated late former colleague, the gentlewoman from Texas, Democrat Barbara Jordan.

I wanted to share a quote of Barbara Jordan's from the Nixon impeachment hearing that directly replies to the very issue which the gentlewoman from California raised a few minutes ago.

Barbara Jordan, Members will recall, was a Democrat member of the House Judiciary Committee during the impeachment of President Nixon. She made the point that the Constitution gives each House of Congress a specific duty. The House serves as an accuser; the Senate serves as a judge.

Barbara Jordan understood the difference between the House having the role of filing the indictment and not bringing the evidence to an ultimate conclusion in trial. That is the purpose of a jury trial, which would be held in the Senate.

Congresswoman Jordan said during the Nixon hearing, "It is wrong, I suggest it is a misreading of the Constitution, for any member here to assert that for a member to vote for an article of impeachment means that the member must be convinced that the President should be removed from office. The Constitution does not say that. The powers relating to impeachment are an essential check in the hands of this body, the legislature, against and upon the encroachment of the executive. In establishing the division between the two branches of the legislature, the House and the Senate, assigning to the one the right to accuse and to the other the right to judge, the framers of the Constitution were very astute. They did not make the accusers and the judges the same person.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I am in favor of the articles of impeachment.

I ran for Congress in order to pass laws—not to pass judgment. But events have transpired over the past year that have put me in a position to decide whether President Clinton lied under oath, obstructed justice and violated the powers of his office. There's no question that this is the most difficult decision I will have to make as a Member of Congress.

In my judgment, Bill Clinton has disgraced the Presidency and is no longer fit to hold the highest office in the land. For that reason, I will vote in favor of all four articles of impeachment to be considered today by the House of Representatives.

If impeached, it is my hope that President Clinton would spare the Nation a trial in the Senate by resigning as soon as possible. In the event he does not resign, I am hopeful that the Senate would quickly complete his trial and vote to remove him from office.

Like most Americans, I wish the President had not lied under oath and had not urged others to do so—but he did. Unfortunately, he can't simply wish that away, and neither can I.

Our system of justice is built on the principles of truth and honesty. That's why charges of lying under oath and obstruction of justice are so serious. They are an assault on the basic rule of law that cuts to the very core of our system of government.

Some suggest that lying under oath and obstructing justice by the President under certain conditions are different—and even acceptable—than lying under oath and obstructing justice by an ordinary citizen. In my mind, there are not certain conditions that meet this test. Nobody is above the law, including the President of the United States. That goes to the heart of the decision we will make today.

That decision should not be one that is judged 25 or 50 days from now. Instead, it should stand the test of time to be favorably judged 25 or 50 years from now because the decision sends a message that either supports or compromises the rule of law.

Let's remind ourselves that we are only here temporarily and the President is only here temporarily. The office of the 4th District Congressman from Washington and the office of the President will endure after its present occupants leave. But these offices will only have meaning if the basic rule of law is sustained. This is not personal, it transcends that.

In fact, it is impossible to enter the Supreme Court building in Washington, DC, without being struck by four words above the entrance: "Equal Justice Under Law." Those words, more than any others, have guided my decision.

After all, since its founding more than two centuries ago, ours has been a government of laws and not of men—which means, in essence, that unlike most other countries, here in the United States no man or woman is above the law. Not you. Not me. Not this President. Not any President.

This ordeal has gone on long enough. The President has had his say, and his critics have had theirs. Now, the rule of law means the law must rule.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise in favor of impeachment.

Mr. Speaker, today I will join a majority of my colleagues in the House of Representatives and vote in favor of impeaching the 42nd President of the United States, William Jefferson Clinton. I did not reach this decision lightly. After reviewing the documents and articles of impeachment put forth by the House Committee on the Judiciary, I reached the unhappy but necessary conclusion that there is enough evidence to warrant forwarding these articles to the Senate. I do so with the best interests of California's 43rd congressional district, and all Americans, foremost in my mind.

We have heard from the other side of the aisle the constant plea for censure as an alternative to the vote today. I do not believe, however, that censure is an option for the House. The Framers of the Constitution did not provide for censure as an alternative to impeachment, therefore it would be irresponsible and unconstitutional to bring such a motion to the full House for consideration. The House has never censured a President before, and it would be a horrible precedent to set. It is the responsibility of the United States Senate to decide President Clinton's guilt or innocence and punishment.

The President has twice taken an oath to uphold the Constitution of the United States. He also took an oath before a Federal grand jury to tell the truth, the whole truth, and nothing but the truth. And then he broke both of these oaths. The President is the nation's chief law enforcement officer and is subject to the same rules and laws as every American. Without a clear and strong rule of law, the United States would be nothing more than a banana republic. Simply put, the evidence is clear that William Jefferson Clinton committed perjury and obstruction of justice while serving as the President. In the best interest of our nation, the rule of law should be upheld and this President should be impeached, and face trial in the Senate.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I had not planned to talk today. I have made my decision and told my constituents. But some of the comments made on the floor have caused me to reconsider my silence.

It appears that some of our Members believe or would have others believe that those of us who will vote to impeach the President are driven by some kind of blind partisanship or are doing it because our arms are being twisted. I am the junior Member of this House. The district that I love is more Democrat than Republican. And not once, not once has any leader of this House even so much as asked me how I will vote.

I read the evidence. I must admit that I was looking for some explanation, a rebuttal of the facts, some justification to spare the country from impeachment. I could not find it. I cannot turn from the truth and the evidence that supports it.

I have reached my decision with a profound sense of sadness. I am constantly reminded of the symbol of justice in America. Justice holding the scales is not blind because she looks away or because she will not see. Justice is blind so that every citizen, regardless of race or creed or station in life, will be treated equally under the law. And that includes the President of the United States. It is a powerful symbol. And today it is one we must live up to, even when it would be easier to look away.

You may challenge the facts, you may challenge my reasoning, but do not challenge the integrity of my purpose.

Mr. CONYERS. Mr. Speaker, I profoundly apologize to those of my colleagues on this side of the aisle who have been waiting so very long to be recognized. We have the exigencies of the evening. We have still a lot of Members, and our time is running shorter. I am going to have to reduce to 1½ minutes many of my colleagues whom I had intended to give a much larger amount of time. I apologize for it.

Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, by the President's own admission, his conduct was wrong. He misled his family and our Nation. The President has gravely disappointed and embarrassed our country.

The question presented to Congress is not whether the President's conduct is reprehensible but whether his actions warrant his impeachment and removal from office. Short of a declaration of war, there is no more solemn responsibility for a Congressman in acting on the possible impeachment of the President.

I was never so proud to be a Member of this House during our debate of our participation in Operation Desert Storm. That debate helped bring our Nation together. Regardless of what side one was on that issue, the debate consolidated our country, and everyone felt good with the results.

Unfortunately, the process used in the House impeachment inquiry has brought about just the opposite result in our Nation. However, each of us must be guided by what the Constitution dictates as far as impeachment. Our decision will not only affect this President but will affect the future of our presidency.

The Constitution and the historical record indicates that the words in the Constitution were clear to our framers of the Constitution, that they apply only to fundamental offenses against the system of government. President Clinton's misleading statements have nothing to do with the official duties of his office. They were designed to conceal an embarrassing, highly inappropriate personal relationship. As such, they do not rise to the level of an impeachable offense.

I urge my colleagues to reject each of the four articles of impeachment.

Mr. Speaker, by the President's own admission his conduct in the Lewinsky matter was wrong; he misled his family and our nation. The President has gravely disappointed and embarrassed our country. The question presented to Congress is not whether his conduct is reprehensible, but whether his actions warrant his impeachment and removal from office.

Short of a declaration of war, there is no more solemn responsibility for a Congressman than acting on the possible impeachment of our President. I was never so proud to be a member of the Congress as when we debated and acted on the U.S. participation in Operation Desert Storm. That debate helped bring our nation together. Regardless of what side of the debate one believed was right, the democratic process used by Congress to debate our involvement was healing for Congress and for the American people.

More recently, I had the responsibility to serve on the House Committee on Standards of Official Conduct during the investigation of Speaker GINGRICH. The members of the Investigatory Subcommittee in that process took great pains to proceed in a bipartisan manner. We specifically defined and limited the charges against the Speaker, and extended every opportunity to the Speaker to respond to our work. The fairness and bipartisan nature of that process was confirmed by the overwhelming vote of the House, 395 to 28, to fine and censure the Speaker.

Unfortunately, the process used in the House Impeachment Inquiry has brought about just the opposite result. The Judiciary Committee has proceeded in a very partisan manner. The Committee has denied the President basic fairness in the proceedings. As a result, the recommendation has broken down strictly along party lines.

Last January, Chairman HENRY HYDE observed that for this process to succeed, it was absolutely essential that the process be bipartisan. That has not happened. Now, whatever action Congress takes will be viewed by the public with disdain. We will not be able to bring our nation together. I believe Congress has greatly disappointed our country.

What the committee has done cannot be undone. It is now time for the full House to act. In making my decision as to whether to vote for or against an Article of Impeachment, I must be guided solely by what the Constitution requires. Our decision will affect not only this President, but the future of the Presidency. Therefore I must make that judgment regardless of the actions of the Judiciary Committee, my party affiliation or the popular sentiment of the people of my district.

In order to vote for an Article of Impeachment, I must be convinced first that the record establishes the offenses alleged, and second, that the offense rises to the standard prescribed for impeachment under the Constitution. Having reviewed much of the material included in the Starr referral and having read much of the testimony of witnesses before the Judiciary Committee, I have reached the following conclusions:

Of the four articles voted by the Committee, one alleges obstruction of justice. The record of evidence presented by the Independent Counsel—which the Judiciary Committee failed to examine through testimony of material witnesses—in my opinion does not support this article. The charge of obstruction of justice rests on an interpretation of events, surmises and speculations that the evidence does not support.

The three remaining articles allege that the President committed perjury in his testimony in his deposition in the Jones case, to the grand jury, and to the Judiciary Committee. In my opinion these articles raise more serious questions. As the President has conceded, it is without question that his responses to questions in the deposition were misleading and incomplete. He did not offer direct and clear answers to the questions.

But proof of perjury requires more than misleading, incomplete, or evasive statements. During the Judiciary Committee's hearings, numerous expert witnesses, including legal scholars and former prosecutors, testified on the perjury issue. There was no disagreement in their testimony that the record compiled in this case would not, in the hands of a responsible prosecutor, justify a perjury charge.

Even if we set aside that judgment, however, and assume that the President in fact lied under oath, we must answer a second question. Do the false and misleading statements in question rise to the level of an impeachable offense under the Constitution?

Article II, Section 4 of the Constitution provides that "the President * * * of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high crimes and Misdemeanors." The historical record of these words makes clear that the Framers of the Constitution intended them to apply only to fundamental offenses against the system of government.

The delegates to the Constitutional Convention approved James Madison's suggestion that the language read "* * * high Crimes and Misdemeanors against the United States." After this language was approved, it was referred to the Committee on Style, which had instructions to make no substantive changes. In removing the words "against the United States," the Committee on Style was clearly making the judgment that the words were unnecessary because they were redundant. Thus, it is clear that the Framers intended that the President should only be impeached for offenses against the structure of our government.

President Clinton's misleading statements had nothing to do with the official duties of his office. They were designed to conceal an embarrassing, highly inappropriate, personal relationship. As such, they do not rise to the level of impeachable offenses.

Our recent historical experience supports this view. In 1974, the Judiciary Committee considered an Article of Impeachment based on President Nixon's tax fraud. President Nixon had filed tax returns that failed to report certain income and claimed deductions that were not authorized by law. The President had signed his tax returns under penalty of perjury. There was credible evidence that President Nixon had committed perjury.

The Committee on the Judiciary, by a bipartisan vote of more than a 2–1 margin, rejected the tax fraud article. By that vote, the Committee held that even if President Nixon had committed perjury in the filing of his personal tax returns, that conduct did not rise to the standard of an impeachable offense under the Constitution.

Mr. Speaker, the question of impeachment of a President of the United States is a grave constitutional matter. It is designed to address circumstances in which the President has violated the trust of the American people through fundamental abuses of his office and serious misconduct.

Mr. Speaker, nothing in the articles approved by the Judiciary Committee approaches the historical and constitutional tests for impeachment of a President. Even if one assumes that the strained interpretation imposed by the committee on the facts of this case is reasonable, the sad efforts of a President to avoid getting caught having a consensual extramarital affair does not threaten our system of government. It does not justify the impeachment of the President by the House. Therefore, I will vote against each of the four articles approved by the Judiciary Committee.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, today is a very sad day for this House and this country. I rise in opposition to these articles of impeachment.

What we say today will be soon forgotten but what we do will be remembered throughout history. We are considering articles of impeachment of a President of the United States based on standards of our personal preference, selected interpretation of the law and partisan politics. Yet we use the Constitution, the rule of law for our reckless action.

The Constitution clearly states what constitutes an impeachable offense, and we must not here attempt to substitute our personal views. We are establishing a dangerous precedent when we move to lower the standards below treason, bribery or other high crimes and misdemeanors. We should follow the Constitution, not use it as a tool for public execution, but we should use it to extol the high virtues and the greatness of this Nation.

Much is said about the rule of law and that the President is not above the law. The rule of law, however, must be based on justice, if it is to survive. The inscription that appears upon the United States Supreme Court says, equal justice under law. It should read, equal law under justice.

Justice is a higher authority. The process of impeachment that we are now undertaking is permitted by law, but each of us must ask the question, what does justice require of us?

The law says we indeed can impeach the President. Justice says we must consider the greatness of this country. And what he has done does not move to an impeachable offense. We are breaking the law. We are violating our oath when we do not consider the Constitution.

Mr. Speaker, today is a very sad day for this House and this Country. I rise in opposition to these Articles of Impeachment.

What we say will soon be forgotten.

But what we do will be remembered throughout history.

We are considering Articles of Impeachment of the President of the United States based upon standards of our personal preference, selective interpretation of law and partisan politics.

Yet, we use the Constitution and the Rule of Law for our reckless actions.

The Constitution clearly states what constitutes an "impeachable offense."

And, we must not here attempt to substitute our personal views.

We are establishing a dangerous precedent when we move to lower the standards below treason, bribery or other high crimes and misdemeanors.

We should follow the Constitution and not use it for a public execution, but use it as an instrument to extol the greatness of our nation.

Much is said about the Rule of Law and that the President is not above the Law.

The Rule of Law, however, must be based on Justice if it is to survive.

The inscription that appears above the United States Supreme Court Building states, "Equal Justice Under Law."

It should state, "Equal Law Under Justice."

Justice is a higher authority.

This process of impeachment that we are now undertaking is permitted by law.

But, each of us must ask the question, what does justice require of us?

At one time in this Nation, women could not vote, blacks could be enslaved and young people could fight and die in wars, but could not elect those who sent them to war.

That was the law.

But, it was not just.

Throughout the proud history of this Nation, rigid thinking has yielded to conscience and adamant attitudes have yielded to compromise.

That is the greatness of our Country.

And, I believe, Mr. Speaker, in this instance, this Resolution of Impeachment should yield to the compromise and conscience of censure.

We should have the option of censure to consider if we are about fairness and justice.

The impeachment of a President is a grave and serious matter.

When this debate ends, and the dust clears, and we vote, we must each reach deep down inside of ourselves and ask the question, what does justice require of us?

The President will be judged, both for his greatness and failures, when he leaves office.

And, if he has violated the law of committed perjury, the courts will decide his fate for his deeds.

But, the question to us is simply this—Does what the President has done rise to the level of treason or bribery?

Should we remove a President from office because he was not faithful to his wife, lied about it and was admittedly not truthful to his Country.

His acts are reprehensible and should be sanctioned.

Mr. Speaker, this Congress has the power to impeach our President, and the majority has the votes to do it.

That is the law.

But, what does justice require of us?

The oath each of us has taken requires us to put the interest of the Nation above our partisan politics.

History will record what we do here today, and history will judge us harshly.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. FARR.)

Mr. FARR of California. Mr. Speaker, today is the wrong day and this is the wrong way. When our side asked this morning why are we doing this today, the Republican leadership responded, because we want to demonstrate democracy at work. Democracy at work? I served this country in the United States Peace Corps. I know how to demonstrate democracy at work. And this is not it.

No one, anywhere in the world today, can explain why a Congress would impeach the most popular elected President in the world at a time when that President is engaged in a conflict in Iraq. What you see here today is not a demonstration of democracy; it is a demonstration of a partisan political coups.

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This is not only the wrong day, this is also the wrong way. Mr. Speaker, we cannot claim that a democracy is working when we deny the minority a voice. There are no options here today. There will be no vote for censure. That is not even allowed nor offered. There are absolutely no alternatives, no nothing, just plain meanness.

"There is no fancy way to say I've sinned." That was Bill Clinton, President of the United States, in an apology to his fellow citizens—the people who elected him.

And, generally, it seems, the people who elected him accept that apology and want to move on. They do not favor impeachment. They do not favor removing him from office.

The Framers of our Constitution were wise men. They rightly constructed the House of Representatives to be the legislative body most reflective, most responsive and most connected to the citizens. This is the reason why House members have very short terms and face re-election every two years. This is the reason why the Framers required House members be directly elected by the people but not Senators (who originally were elected by state legislatures) or the President (who even today is affirmed by the Electoral College). The Framers wanted to strongly impress upon House members that they held the power of the people in their hands and were responsible for representing it faithfully and truthfully.

I must be true to this obligation. I have listened to the impeachment hearings. I have read the Starr report. I have sought out legal experts and constitutional scholars for guidance on the technical aspects of the impeachment conundrum. I have noted the national polls. But mostly, I have listened hard and long to persons in this Central Coast community on their views of the Clinton-Lewinsky affair.

I will not vote for impeachment because I believe the majority of people living in our area do not want it.

Since August, when the President appeared before the Grand Jury, I have been accused of being silent on this matter. Silent, no. Keeping my counsel, yes. I have been reticent until just recently to commit myself on the matter because we are dealing with grave constitutional matters that impact the very fabric of our government. These are not decisions to be taken lightly and I wanted to be sure of all the facts of the matter before declaring a position.

Having held my tongue now for these many months I must relate to you that I believe as almost everyone, that what Mr. Clinton did was wrong. But impeachable? No. Impeachment is a punishment to be used only in the most extreme cases when the action of the President is such that it undermines our government. It is a punishment to be used in cases when the action of the President is such that he has turned the institutions of the government against the very people that it is supposed to serve. It is a punishment to be used when the people of the country must be relieved of the President's—their President, the President they elected—leadership because his continued tenure would be harmful to the citizenry.

Impeachment is not a tool to be used to express one's displeasure in the personal foibles of a man regardless of his position. It should not be used to rain retribution on one's political opponents or used for political gain. It is not the way to treat the American people who have chosen their leader—not once, but twice—a leader in whom they have placed their confidence, knowing even then of his propensities to untoward personal behavior.

The crimes of which Mr. Clinton is accused do not rise to the level that demand he be removed from office. They are such that in the normal world, it is unlikely they would be prosecuted. Common crimes call for common justice. They do not call for extraordinary means outside the traditional justice system.

Our country was founded on the principles of fairness. This whole investigation and impeachment proceeding has not been fair and it has not been founded on a search for real justice. I cannot condone Mr. Clinton's actions in the Lewinsky affair. But neither can I condone abuse of a hallowed constitutional procedure that makes a mockery of all our nation stands for. I will vote no on the impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I include for the RECORD a statement. It will be available on my web page for constituents and the press as well.

Inspired by Providence, our Nation's Founders foresaw today's awesome circumstances. They provided a fail-safe mechanism in the Constitution to peacefully resolve the crisis created by a President's reckless and illegal actions. As a Member of Congress I feel deeply the weight of history and the need to provide additional guidance to future generations.

After painstakingly reviewing the testimony and the documentary evidence, after giving the President every reasonable benefit short of suspending common sense itself, I have decided that I will vote for impeachment. As excruciating as this has been, there is no escaping the conclusion that President Clinton "willfully provided perjurious, false and misleading testimony to the grand jury" and "in sworn testimony to written questions asked as part of a Federal civil rights action brought against him, willfully provided perjurious, false and misleading testimony", as stated in the impeachment articles.

The Declaration of Independence, which Abraham Lincoln at Gettysburg informed us was the Nation's birth, calls upon us to have a "decent respect" for the "opinions of mankind", which we today call public opinion. A "decent respect", not slavish pandering, not abdication of our Oath of Office to uphold the Constitution, and not relinquishment of our solemn obligation to filter opinion through our own value systems. I have that decent respect, and am grateful to all those who have taken the trouble to communicate their views to me and my office.

As difficult a task as it is, we must take this issue outside the realm of current public opinion. What we are struggling to insure is that we have an objective standard of public conduct for public officials. We would descend into chaos if we had one standard of conduct when the economy is good and another when the economy is not good—one standard for a popular president, another for an unpopular one.

The Constitution of the United States provides in Article 1 that "The House of Representatives shall have the sole Power of Impeachment", that "The Senate shall have the sole Power to try all impeachments", and that "Judgment in Cases of Impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to indictment, Trial, Judgment and Punishment, according to Law." As is now well known, the Constitutional standard for judges and the president alike is treason, bribery, and other "High Crimes and Misdemeanors."

It is a matter of great concern to me that the process appears to be breaking down along partisan lines. This is not healthy, and I believe that the Framers would not want it so. But that does not diminish one iota my own responsibility to stand and be counted.

I reject categorically the argument that there are different standards for impeachment where the President is concerned. We can not be guided by situational ethics that can destroy one constitutional officer and absolve another from the consequences of destructive conduct. Over the past decades at least 2 federal judges have been impeached for perjury unconnected to their judicial duties. The constitutional standards for impeachment are not lower for the President and we must not allow them to become lower for the President. My reading of the case law does not support the conclusion that we have a double standard for federal judges who are appointed, and another for the President, who carries an election mandate with him.

My vote will reflect my conclusion that the President committed perjury before a federal grand jury, and that this is an impeachable offense. The President's statements were perjurious, not just misleading. I have read and re-read the President's testimony before the grand jury and in the Paula Jones civil rights case. There is no blinking at the fact that the President lied under oath. Ironically, this conclusion is supported by many of the President's defenders who have argued in effect that a full admission cannot be made for fear of legal exposure. Moreover, many of the President's supporters concede the President perjured himself, but argue that such perjury didn't rise to the standard of impeachment.

Moreover, the President was appropriately admonished by Senator ORRIN HATCH, Chairman of the Senate Judiciary Committee, that whatever false statements were made in the Paula Jones case would be forgiven, if he merely told the truth in his Grand Jury appearance. Despite this "second chance", the President failed to do so.

I have given the most serious consideration to the suggestion that censure is a more appropriate punishment for the president and a better outcome for the nation. It is in my nature to find common ground where compromise is possible. The Constitution simply does not permit the House to take a convenient way out, nor should we. Under the Separation of Powers mandate we are forbidden to impose sanctions on the President short of impeachment. Also, strictly from a common sense standpoint, a resolution of censure would carry all the legal weight of a congressional designation of "National Sweet Potato Week". And historically, the House has never passed a censure resolution against a President. With no sanction, as censure resolution is a toothless tiger.

What about a sanction the President agrees to? At this stage in the process the House can not permit the President to be in effect his own judge, and to set the terms of his own punishment and the amount of his own fine. That would be the very height of cynicism. By voting for impeachment the matter will be moved to the Senate for what I hope will be an expeditious resolution, and one that will be fair to the Nation and the Chief Executive.

This is a vote for the children and for the future. Somewhere in America today is a young person just becoming interested in government who will one day be President of the United States. This vote is for that future President as much as for the current occupant of the White House. This vote reaches across the generations, across the barriers of time and place to let that future president know that there are consequences for illegal conduct and parameters of illegal activities. We are setting that example as we light the constitutional torch for a new generation. I would also note that the President's private conduct is not the issue. Private conduct between consenting adults is in no way the business of congressional impeachment action. It is his public conduct that is at issue.

This vote is a signal to our armed forces, whose Commander-in-Chief the President is, that we the peoples representatives are holding the President himself to the same standard of conduct that we expect from them.

This vote is a signal to civilians, that we representatives will uphold their rights as we hold the President to the high standard the country expects from all its free citizens.

As this solemn vote approaches, it is important for the world to realize that the underlying stability of our free Nation is stronger than ever. I am confident that history will view our actions as consistent with the high ideals so many generations have struggled to achieve.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, it gives me no pleasure to rise this afternoon in support of impeaching our President, William Jefferson Clinton. But make no mistake about it, it is Bill Clinton who has brought us to where we are today. And the issue here is not the relation that Bill Clinton had with Monica Lewinsky but rather the credibility and the honor under oath that must exist within the institution of the Presidency and which has been squandered by the current occupant of this high office.

There are absolute applicable standards by which we all must live. If we do not live up to those standards, we will no longer be that nation which stands as a beacon of hope for all the world. This President has backed up his words of repentance with action that can only be characterized as stonewalling.

There are many who say that the President, what he has done, is no big deal and that anyone would do the same. As a relatively young man, I remember a time in this great Nation when those endowed with public trust and those that were elected to public office were held to a higher standard. Today, with this vote, we take a step toward restoration of honor and responsibility.

Mr. CONYERS. Mr. Speaker, once again the exigencies of time have required me to apologize in advance to my colleagues because I am now going to have to limit all of them to 1 minute. I recognize my friends that have been waiting so long.

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. About two months ago, Mr. Speaker, I rose with 30 of my Democratic colleagues to support the Republican request for an inquiry. I did so because I really had grave reservations about what the President had done. I truly believed that there may be indeed an impeachable offense. I listened with an open mind and hoped for fairness and openness in the hearings.

Unfortunately, I was very disappointed because I looked for clear-cut evidence that would show me and my people in Rhode Island that indeed there was an impeachable offense. We did not come to that conclusion.

So I researched and looked back, and back just 211 years Alexander Hamilton said in regard to impeachment, "In many cases it will connect itself with preexisting factions and will enlist all the animosities, the partialities, the influence and the interest in one side or the other. And in such cases it will always be dangerous that the decision will be regulated more by a comparison of strength of the parties rather than the demonstration of innocence or guilt."

Mr. Speaker, I ask all of you to consider that because today it is the impartiality of partisanship and we should be really considering the evidence. It is not there. Please do not vote for these articles of impeachment.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, my colleagues, the majority has sought to claim for themselves the mantle of the rule of law. In fact, however, I believe they have strayed far from the mandates of the United States Constitution, the supreme law of the land. They have tried to make the case that if we do not impeach President Clinton, we will be sending a message that the President will not be held responsible for his actions.

Nothing could be further from the truth. Whether or not Congress votes to impeach or convict President Clinton will be subject to both criminal and civil prosecution when he leaves office.

In addition, the Constitution explicitly states that a person who is impeached and convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to the law.

Regardless of what action the Congress does or does not take, President Clinton, like every other citizen, will be held accountable in court for his alleged violations.

Forget not that when President Nixon stepped down from office he still had to be pardoned because of the crimes he committed. He could have been held responsible for it. The President, under the Constitution, is the only one that is allowable for double jeopardy.

I ask my colleagues that this matter is so important that we do not want to lessen the standard for future generations.

This week, the House of Representatives will vote on four Articles of impeachment that the House Judiciary Committee, on party-line votes, has adopted concerning the actions of President Clinton with respect to his improper relationship with Monica Lewinsky.

This is am important matter. What President Clinton did was wrong. He was wrong to have an affair with an intern and he was wrong to mislead the Grand Jury and to lie to the American people about his conduct with Miss Lewinsky. He must be punished appropriately.

I say this because I firmly agree with the assertions that have being made that no one is above the law. My colleagues in the Majority have sought to claim for themselves the mantle of the rule of law. In fact, however, I believe that they have strayed far from the mandates of the U.S. Constitution, the supreme law of the land. They have tried to make the case that if we do not impeach President Clinton, we will be sending the message that the President will not be held responsible for his actions.

Nothing could be further from the truth. Whether or not the Congress votes to impeach or convict him, President Clinton will be subject to both civil and criminal prosecution when he leaves office. In addition, the Constitution explicitly states that a person who is impeached and convicted "shall nevertheless be liable and subject to indictment, Trial, Judgment and Punishment, according to Law." Regardless of what action the Congress does or does not take, President Clinton—like every other citizen—will be held accountable in court for his alleged violations of the law.

When the Founding Fathers were drafting our Constitution, they considered carefully the provisions for impeachment. In fact, in the Federalist Papers No. 65, Alexander Hamilton talks about the concern that a House of Representatives dominated by one political party would impeach a president of the other political party without sufficient cause or proof. He expressed concern about the shock and disruption such an act would cause to our political system.

The Framers set a very high threshold for presidential impeachment. They considered—and rejected—several lesser standards for impeachment, including "maladministration" and failure to display "good behavior." Instead, as we all know, they defined impeachable offenses as "treason, bribery, or other high crimes and misdemeanors."

Impeachment of the President is a profound action. It should be reserved for the most serious of cases, where the wrong-doing by the President represents an abuse of the power of the office. The matter at the root of this situation is a private one, not related to the President's conduct of his official duties. I am convinced that the Framers' intent in developing the standards for impeachment was to limit impeachable offenses to those that represent a threat to the republic. I do not believe that standard has been met in this case.

When Independent Counsel Starr presented his report to the Congress, I supported moving forward with a focused inquiry. While I did not endorse the precise resolution that passed the House, I agreed that this was a serious matter that should be further considered by the Judiciary Committee.

Since the beginning, I have said that above all, we must conduct our inquiry in a fair and deliberate manner that is worthy of the seriousness of the situation and that will not set precedents that will weaken the Office of the Presidency in the future. I regret that did not happen. The party-line votes on the Articles of Impeachment expose the partisanship that has been present throughout this case. When the full House votes on the Articles, I expect that it will be one of the most partisan and divisive votes we will have had on any controversial issue in this Congress.

In fact, we seem to be right back at the place feared by the authors, of the Federalist

Papers, where one political party is seeking to impeach the popularly elected President who is of another party on partisan grounds. The Majority, while claiming to embrace the rule of law, is in fact going against the highest law of the land, the Constitution. They are also ignoring the clearly articulated wish of the American people: that President Clinton be condemned for his wrong-doing, but that he not be impeached. I do not expect that history will look kindly on the Majority's handling of this matter.

I have examined the evidence in this case carefully. I have read the grand jury testimony and the report of the Independent Counsel. I have spoken to many of my constituents personally, and have read the letters, e-mail messages and records of phone calls from hundreds more. I have studied the Constitution and listened to scholars argue both sides of the issues. I have weighed the matter in my own mind and wrestled with it in my own conscience.

I have reached the conclusion that I must oppose the Articles of Impeachment that are before the House. The potential impeachment and removal from office of a popularly elected President is a very serious matter. I have carefully considered the President's conduct, and have determined that, in my mind, it does not rise to the level of "high crimes and misdemeanors." What President Clinton did was wrong, and I believe that he should be punished. But I do not believe that his mistakes warrant his removal from office.

I believe that a more rational response to the President's actions would be a strongly worded resolution of censure. It is often said that the punishment must fit the crime. I simply do not believe that impeachment, which nullifies the vote of the people in a popular election, is an appropriate punishment for a matter that does not involve an abuse of power.

For those reasons, I will cast my votes against impeachment. I would once again urge my colleagues in the Majority to put aside partisanship, and to bring to this House a bipartisan censure resolution with which we can lay this matter to rest and get on with the business of the American people.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I have never fully appreciated before just how out of touch this institution is with the needs of the American people.

Forty-three million Americans have no health insurance. Millions of senior citizens cannot afford their prescription drugs. And this House is going to vote to send to the Senate for a trial to go on month after month after month to discuss where Bill Clinton touched Monica Lewinsky.

The global economy is volatile. The average American today is working longer hours for lower wages. We have the widest gap between the rich and the poor, and we are voting today perhaps to paralyze our government as the Senate explores the President's extramarital relations and his lies and his cover-up of that relationship.

Mr. Speaker, Bill Clinton acted deplorably in his personal behavior. But what the American people are saying loudly and clearly is, let's get on with the business of the American people.

Mr. Speaker, I rise today as the only Independent in the House—someone who is not a Democrat or a Republican.

There is a great political instability in the world—wars and famine in Africa, tensions in the middle-east, in Bosnia, in Latin America, in Ireland—and a war being fought as we speak in Iraq. There are weapons of mass destruction in place all over the world—nuclear weapons, biological and chemical weapons—all of which can destroy the world.

And we are voting today to impeach a President has extra-marital sexual relations, lied about them and attempted to cover them up.

Mr. Speaker, Bill Clinton acted deplorably in his personal behavior with a 22 year old intern. What he did was wrong—and he should be censured. He should not be impeached, however, and the United States Congress should get on with the business of the American people.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from New York (Mr. NADLER) a member of the committee.

Mr. NADLER. Mr. Speaker, the gentleman from California (Mr. ROGAN) a few moments ago said that an impeachment vote is not a vote to remove the President but simply to charge him.

I read from the resolution: "Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial and removal from office"; in addition to which we are already being told he should resign rather than face a trial.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 15 seconds.

We have heard all of these prophets of economic doom and gloom if the House discharges its constitutional duty today in impeaching the President. The Nasdaq hit an all-time high. I think the markets are smarter than some of the people who are making these accusations.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of all four articles of impeachment.

Mr. Speaker, after careful consideration of the facts reported by the Judiciary Committee, I have decided it is my constitutional duty to cast my vote in support of all four Articles of Impeachment. I have not reached this decision lightly, but with the full understanding of the effect my vote will have on the future of our country. I am not pleased to cast these votes. I regret it has come to this.

The polls overwhelmingly show political support for the President, but I cannot be governed by the polls in this matter. The constitutional framers did not place this decision in the hands of the pollsters; they placed the question of impeachment in the hands of the House of Representatives, and ultimately the decision to let the President remain in office with the Senate. In their phone calls, letters, e-mail, and in personal conversations, my constituents are overwhelmingly in favor of a vote to impeach the President. But even if they were not, I would still be duty bound to support all four Articles of Impeachment.

At the beginning of the process, Judiciary Chairman HENRY HYDE asked, "Based on what we now know, do we have to look further, or look away?" At that time, I voted to look further, because I believed the allegations of perjury and obstruction of justice were serious and credible. Nothing we have heard or seen since has changed my mind about those allegations.

Since the actual impeachment hearings began, I have heard many witnesses engage in legal hairsplitting over the meaning of the words "is" and "alone." I have also heard the President's own lawyer acknowledge that a reasonable person could conclude the President did, indeed lie under oath.

Some witnesses have testified that, even if true, the alleged offenses of President Clinton are not as serious as the alleged offenses of President Nixon. I do not believe that, but even if I did, it would not matter.

We need to ask ourselves whether the President is only required to avoid abusing the power of his office to avoid impeachment? Should we allow the President to avoid impeachment even with substantial evidence indicating he has committed multiple felonies? Should we allow the President to avoid impeachment even if these felonies go to the very heart of our judicial system?

Although I am disappointed by the personal conduct of the President, I want to make it clear I am not voting to impeach the President for having an extramarital affair, or even for lying about having an extramarital affair.

But a president does not have the right to lie under oath. A president does not have the right to obstruct justice. A president does not have the right to obstruct a congressional inquiry. A president does not have the right to lie to the Ameican people who elected and trusted him. We have the obligation to send a clear message to the President, to the American people, and to the world that no one is above the law.

We are all tired of this process. There are so many issues out there needing our attention. But we can't just wish this away.

All the evidence we have before us clearly indicates the President's conduct demonstrates a willful contempt of the judicial system of the United States, the essential foundation of our democracy. The President's conduct demonstrates a willful contempt of the House of Representatives. The President's conduct demonstrates a willful contempt of the people of the United States. The President's conduct demonstrates a willful contempt to the office he holds. It is for these reasons that I must vote to support all four Articles of Impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I include for the RECORD the following statement supporting the articles of impeachment:

Mr. Speaker, I rise today in support of the impeachment of President William Jefferson Clinton as recommended by the House Committee on the Judiciary. This is a decision that I have not reached lightly.I have carefully reviewed the evidence against the President, and I am convinced that he perjured himself in the Paula Jones deposition and before the grand jury. Furthermore, the President has lied to this House and to its Members and continues to mislead the American people in a clear attempt to subvert and obstruct justice under the very laws that every American President takes a solemn oath to execute.

The President has violated his oath and has violated federal law. If Congress turns away and does nothing, the meaning of the Presidential oath and the strength of the rule of law in this country will be permanently diminished. The oath will, in effect, be reduced to a casual commitment to administer and enforce the laws *only* when hey serve the President's personal and political ends. The law will apply only to those who do not have the political power and influence to escape its requirements.

I have spent six years in the house working to insure that the laws that are applied to every American taxpayer and business are applied equally to the Congress and agencies of the federal government. This was a central idea in the Contract with America, and I am not prepared to abandon it today.

It is also important to note that we have troops stationed around the world to protect peace and civil order in nations in which the rule of law has failed. The primary threat to stability on the Balkan peninsula, for example has been lack of respect for the rule of law. I believe such respect starts from the top. If a nation's leaders will not abide by the law, why should the rest of that nation do so? I find the President's hypocrisy striking. The President seems to find it acceptable to send Americans to fight for the rule of law around the world, but he will not even respect it at home.

Some Members have made the responsible argument that this impeachment is a partisan "witch hunt," but I believe the division between Members supporting impeachment and those supporting censure is about much more than partisan politics. Honestly, this proceeding is not about overthrowing the government. We are not discussing taking power from the hands of one party and giving it to another. If President Clinton is removed from office, he will be succeeded by Vice President GORE—not exactly stunning Republican victory. Furthermore, I'm sure that most of us on the Republican side of the aisle understand politics well enough to know that President GORE will be much more difficult to defeat in 2000 than Vice President GORE would be. Therefore, describing the actions of those who support impeachment as politically motivated just does not make sense. There is no political advantage to be gained by unseating the President.

I believe the division we are experiencing is a true reflection of the differences in Republican and Democratic approaches to the Federal Government. As a Republican, I believe in a Federal Government of sharply limited powers. The limits to these powers are clearly expressed in the Constitution. Each of the three branches is granted clear, limited powers to serve specific governmental functions.

With regard to the powers of the legislative branch relative to the executive branch, the Constitution is clear. While Article I of the Constitution provides both the House and the Senate the open-ended authority to "punish its Members for disorderly Behavior," the provisions for impeachment are much more strictly limited. Article I states "Judgment in Case of Impeachment shall not extend further than the removal from office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States." Unlike the provision dealing with Members of Congress, this provision specifically limits Congressional sanctions to removal and disqualification. Therefore, it seems clear to me that censure is a valid option for punishing Member of Congress, but should not apply to the President.

If this House were to pass a censure resolution, there is no guarantee that it would not be expunged by a future Congress (as well as done in the case of Andrew Jackson) or overturned by the Supreme Court. They only action that this House can take that will be both permanent and Constitutional is impeachment.

Many of us on both sides of the aisle agree that the President has not been honest in answering legitimate questions asked under oath. In spite of the President's dishonesty, some Members, lawyers, and professors suggest that because the President's statements may not meet the strict legal standard for perjury, he should not be impeached. I disagree.

While I may not be a lawyer or a history professor, I do have a fair share of common sense. Common sense tells me that if some is dishonest while giving legal testimony under oath, that person has violated the spirit, if not the letter. If the perjury law. The law is there to provide for the fair administration of justice by insuring he legal process is based on accurate information. There is no doubt in my mind the President has frustrated this goal by consistently providing incomplete and inaccurate information after promising explicitly "to tell the *whole truth* and nothing but the truth."

In 1974, the Arkansas Gazette quoted then Congressional candidate Clinton saying there was "no question that an admission of making false statements to government officials and interfering with the FBI and CIA is an impeachable offense." He did not say false statements were impeachable only if they met the strict standard of perjury. He did not say that they were impeachable only if the answers addressed issues of public policy. He said that making false statements to government officials is impeachable, and he was right.

Speaking of President Nixon, Candidate Clinton argued, "there's not any point in his putting the country through an impeachment since he isn't making any pretense of innocence now." Today, even some of the President's strongest supporters in Congress no longer make the pretense that the President has been honest in his sworn testimony. The President should hold himself to his own standard and resign. We know, however, that the President does not intend to do so, so Congress must do its duty.

It is clear to me that the President has done and continues to do everything in his power, both legal and otherwise, to derail the legal process and to obstruct the pursuant of justice. Now, the House must decide if it will legitimize the President's actions or condemn them in the only manner provided by the Constitution—impeachment. The demands of both my conscience and my constituents re clear. I will cast may vote in favor of impeachment.

I would like to close by again submitting for the RECORD the following words of President Theodore Roosevelt.

> We can afford to differ on the currency, the tariff, and foreign policy; but we cannot afford to differ on the question of honesty if we expect our republic permanently to endure. Honesty is * * * an absolute prerequisite to efficient service to the public. Unless a man is honest we have no right to keep him in public life, it mattes not how brilliant his capacity. Without honesty the brave and able man is merely a civic wild beast who should be hunted down by every lover of righteousness. No man who is corrupt, no man who condones corruption in others, can possibly do his duty to his community. If a man lies under oath or procures the lie of another under oath, if he perjures himself or suborns perjury, he is guilty under the statute law. Under the higher law, under the great law of morality and righteousness, he is precisely as guilty if instead of lying in a court, he lies in a newspaper or on the stump; and in all probability the evil effects of his conduct are infinitely more widespread and more pernicious. We need absolute honesty in public life; and we shall not get it until we remember that truth-telling must go hand in hand with it, and that it is quite as important not to tell untruth about a decent man as it is to tell the truth about one who is not decent." (from The Strenuous Life)

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Speaker, I stand in support of the four articles of impeachment.

Mr. Speaker, over the past few months I have paid careful attention to the testimony, statements and reports regarding the charges against the President of the United States.

After reviewing all of the information available, I have come to the conclusion that in fact the President did commit perjury by lying under oath and he did obstruct justice and abuse his power by allowing White House officials to perpetuate his inaccurate statements to them.

This by no means was an easy decision for me. It is a decision based on principle and facts and not on poll numbers. It troubles me that the Congress is forced to deal with these issues instead of working on issues that would improve the quality of life for the people of my district in Central New Jersey and of our nation.

This issue has had quite a stir in my district and I am sure almost every other district around the nation. It would be easy to poll the issue and vote the "politically popular" way, but I was elected to cast votes based on principle and upholding the Constitution. I will do just that today. Some have said that those who cast votes in favor of impeachment may pay a political price in the future. While that may in fact be true, our nation, our Constitution and the rule of law will pay an even greater and lasting price if we do not do the right thing.

Time spent on this could have been spent on saving Social Security, improving our education system or seeking additional tax relief. But let me make it very clear that there is one person who is ultimately responsible for where we are today and the person is the President himself.

It was President Clinton who misled the people of our country, his cabinet and the Congress since last January. It was the President himself who chose to commit perjury while under oath. So let me be very clear on why I have come to my decision. It is not about sex.

The President's personal behavior—albeit reprehensible and inappropriate—is not the issue at hand nor is itself an impeachable offense. Rather, my decision to support the articles of impeachment revolves around the President's public behavior. The President made his private life and private inappropriate actions public when he lied about them under oath in a public court of law.

As I said, my decision is not based on sex and not based on the President's private life. There are elected officials in both parties that have committed indiscretions. The difference however is very clear. In the case before us the President lied under oath in court. What if he had lied about another issue? Would that and should that make a difference? I maintain that lying under oath is lying under oath no matter the subject matter. An elected official's private life and actions are just that—private. But an elected official's public actions are just that as well—they are public.

Some have suggested that the House should censure the president. What then would we say to the American citizens that this very day are in jail for committing perjury in civil cases? I am sure that they too would like to have had censure as an option. But as I said before, we are a nation of laws that each and every one of us must abide by.

I think that most Americans, including many of my colleagues on both sides of the aisle agree that the President did in fact lie under oath and commit perjury. With that as the conclusion, there is no choice but to support impeachment.

It has been said that history will judge our actions. Before history judges us though we must ensure that the youth and citizens of our nation respect the principle that that no one is above the law. I spend a great deal of time speaking with young people who often ask me about this. I tell them that we can and should forgive each other because no one is perfect and we all make mistakes. Yet, there are consequences of our actions.

I have made my share of errors and will make more in my life. However, it is important to come to terms with our shortcomings, apologize, admit our wrongdoings and ask to be forgiven. A cleansing from within can then begin and healing can occur.

We are a nation of laws—laws that must be followed by each of the citizens of our nation. Realizing that there is not one law for the elected and one for the non-elected, one for those with power and another for those without, I have concluded that I have no choice but to support the articles of impeachment.

I do want to take exception to the statements from both sides that this is the most difficult vote a Member of Congress will ever cast. I completely disagree. I believe voting whether we send young Americans to face an enemy on distant shores is far worse. A vote for war is much more grave. I would urge all of my colleagues to refrain from this inflammatory statement to keep things in proper perspective.

A vote for impeachment is very serious but the Constitution creates the outline for this vote. It creates a process of succession. If Bill Clinton is impeached and removed, his vice president AL GORE assumes the responsibilities of the presidency. This is peaceful. During World War II we lost our president and still won the war. After a terrible civil war, our presidency survived the loss of President Lincoln. This was peaceful. Our Constitution and the American people's resolve to see an orderly transition vitiate any argument I have heard about how disruptive a potential impeachment would be.

It is clear that our three-branch form of government as created by the Constitution was done so in order to establish a set of checks and balances. The framers did not want a King. We created lots of checks on the President in order to ensure this. If we give in to the line of argument that a President who commits crimes is above the law, simply on the basis of polling, we have completely destroyed the framers' intent and done irreparable damage to the future of our nation and the rule of law. Today some would argue that perjury and obstruction of justice do not rise to impeachable offenses, but if we let this slide then what will we let slide the next time and the time after that. This is a slippery slope that a nation of laws cannot tolerate.

Across the nation, lawyers and legal scholars are watching how we proceed. They are waiting to find out if it is acceptable to lie under oath. If it is alright for the President then how can we possible hold anyone else to a higher standard?

I am one of the few members whose voters sent someone else back for the 106th Congress. However, I sincerely believe that the majority of New Jersey's 12th district residents do not want our President to be above the law or given special treatment. If we did what the president did, would we be treated the same? I do not think so.

The constituency that worries me the greatest in this debate is the school-aged children. Recently, a student from the Montgomery Middle School reminded me of the story about George Washington never telling a lie, cutting down the cherry tree and then taking responsibility for it. What will the meaning of that story be if President Clinton lies, is caught and is then excused for it? How should I answer these students?

As such, I reluctantly rise today to say I will vote for impeachment. I am hopeful that Mr. Clinton will still resign before this vote is counted; however, should he not, I refuse to allow my last vote in this Congress to be a vote to allow a man in charge with enforcing the laws, from being above the very same laws.

I want to close with a quote from Abraham Lincoln. He said, "Let every man remember that to violate the law is to trample on the blood of his father and to tear the character of his own and his children's liberty. Let reverence for the laws be breathed by every American,—let it be taught in schools, in seminaries and in colleges—let it be preached from the pulpit and proclaimed in legislative halls and enforced in courts of justice. And, in short, let it become the political religion of the nation * * *."

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. JENKINS), a member of the Committee on the Judiciary.

Mr. JENKINS. Mr. Speaker, the gentleman from Florida (Mr. STEARNS) and others in this House tonight have made a very good point about the defense that has been made in this case.

In the committee and again here today, the defense employed does not consist of a denial of the charges or an explanation of the behavior that is involved but rather it is an admission of the acts by many defenders and it is coupled with almost certainly attacks on the special counsel, attacks on the Committee on the Judiciary, and attacks on the entire Congress. And today that defense has been expanded to plead that our military forces would not want us to consider this matter at this time.

A great Air Force officer, our colleague the gentleman from Texas (SAM JOHNSON), who spent 7 years as a prisoner of war in Vietnam, who surely earned the right to speak to and refute that defense, refuted it very capably here today.

Now let us hear from another great American soldier who uttered these words. And these words were reprinted in Roll Call magazine today. "Duty. Honor. Country. These three hallowed words reverently dictate what you ought to be, what you can be, what you will be. The unbelievers will say they are but words, but a slogan, but a flamboyant phrase. Every demagogue, every cynic, every hypocrite, every troublemaker will try to downgrade them, even to the extent of ridicule and mockery. But they build your basic character. They mold you for your future roles as the custodians of the Nation's defenses. The long, gray line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray would rise from their white crosses thundering 'duty, honor, country'."

These are excerpts from General of the Army Douglas MacArthur's farewell to the Corp of Cadets at West Point on May 12, 1962.

Eleven years earlier, he was invited to address a joint session of Congress, ending his 52 years of distinguished military service. He spoke of the courage and the sacrifice of so many Americans who did not fail us, including those who gave their lives defending our values and our way of life.

I would ask my colleagues, please remember the words of this great soldier as they consider the merits of the allegation and the defenses to the allegation of this case.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I rise in opposition to the articles of impeachment.

Mr. Speaker, like all my colleagues, I have spent a great deal of time carefully reviewing the Judiciary Committee testimony and evidence. Let me make absolutely clear that I do not in any way condone the President's behavior. He lied to his family, his Cabinet, and the American people.

But the Framers made clear that the constitutional act of impeachment is not meant to punish a president for deplorable behavior but to protect our Nation from acts which jeopardize our democratic system. What the President did was wrong, both personally and morally, but his acts did not threaten our democracy and thus do not rise to the level of impeachable offenses as defined by our founding fathers in the Constitution.

As Mr. Bruce Ackerman, a constitutional law and impeachment expert at Yale University, testified before the Judiciary Committee, "Once we lower the impeachment standard to include conduct that does not amount to a clear and present danger to our constitutional order, we will do grievous damage to the independence of the Presidency. [T]here can be little doubt that the present case falls short of the standard set by the Framers when they insisted on 'high crimes and misdemeanors against the state.'"

I do believe that the President should be held accountable for his actions, and support an alternative to impeachment that would both condemn his actions and fine him. The Judiciary Committee considered a censure resolution which we in the full House are being denied the opportunity to debate and vote on.

Many of my constituents have called and been resolute in their belief that the President should be held accountable for his actions, and I could not agree more. President Clinton is not above the law and is still subject to indictment, trial, and sentencing in the same manner as all other citizens who do wrong. He will be fully subject to criminal prosecution for his wrongful acts when he leaves office.

Our founding fathers designed impeachment specifically to protect the nation from grave harm from a Chief Executive who clearly endangers our constitutional democracy. I do not believe the President's actions meet this test. The penalty for his misconduct should be exacted not through impeachment, but through indictment in our criminal court system and a stern censure by the Congress.

Mr. CONYERS. Mr. Speaker, with apologies to my colleagues, I am now reduced to only 1 minute for each of them.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Speaker, for 30 years I have served in this institution. It is an institution which I have always loved, honor and revered. I have taken pride in being able to speak from this well on many historic occasions. But it is no honor today to speak and cast the last votes of my career against a resolution to remove from office the President of the United States. This is, in my opinion, the saddest day in the history of the House of Representatives. It is also a sad day for America.

As one who long before coming to Congress practiced and studied constitutional law, I am convinced that the Framers of the Constitution believe that they could entrust to this elected body the responsibility of determining what constitutes treason, bribery, or other high crimes and misdemeanors. I firmly believe that they trusted us to place the interest of the American people on such an exalted plane that they never envisioned this House removing a President from office except for grievous transgressions against the government which elected him.

I believe the Founders never envisioned this provision of our Constitution being used in such an unconstitutional and unfair manner as to overthrow an election where the American people have gone to the polls to vote and elect their President.

The action being taken in the "People's House" today makes a mockery of the Constitution and the electoral process which the American people have fought and died to preserve. Those esteemed Founders, those architects of our Constitution, never envisioned what is being done here today. I caution you that the act of impeaching this President today, while perhaps serving some narrow political purpose, will have consequences far beyond the comprehension of any of us here today. The impeachment of this President by the House and his subsequent trial in the Senate will be tantamount to once again shutting down the American government. This is the message that you send the American people today. The gridlock, disarray, chaos, crisis and paralysis which will envelop this government while the U.S. Senate tries a United States President is going to be wrenching and appalling. The American economy and world markets are going to be affected by a Congress which will be stalemated in its inability to pass any legislation into law because 100 Senators are sitting in a room trying the President of the United States from January through June or July of next year.

The people in my congressional district are angry and enraged over what is happening to their President. They are good, decent, hard-working people who love this country and care deeply about a President who has shown concern for them. The people in my district have heard the same evidence you have heard and while they do not approve of what he did, they do not feel that he has harmed them or this Nation, by what he did. In their opinion, his actions did not meet the constitutional standard for impeachment of bribery, high crimes, or misdemeanors. Through every means of communication, they have said to me, we are embarrassed and ashamed of the House of Representatives. They do not want their President impeached. Many constituents deem the act of a special prosecutor spending $40 million to bring impeachment charges based upon sexual activities to be loathsome and reprehensible. It defies everything this Nation stands for.

Lastly, as I cast my last votes in this Chamber and end my career as a Member of Congress, I am mindful that history will record forever both what we say and do here today. Neither history nor the American people will look kindly upon those who here today shunned the American people and the U.S. Constitution. As I vote to oppose the impeachment of the President, my conscience is clear. It is important to me that history record me as a Member of Congress who did not do what was expedient, but what was right.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, we have no right to stand here and debate the rule of law if we cannot even extend to the President of the United States that same right of due process as required by our Constitution.

The majority has replaced the notion of due process with a notion that if we just say something long enough it will become true. Today we will be remembered for impeaching a president for punishment that does not fit the crime. Today we will be remembered for a political mutiny of our Commander in Chief when our troops are in the field. And today this Congress sends a message that the constitutional scales of justice can be tipped to one side if it suits the purpose of one political party.

Four hundred respected historians have said that the presidency will be permanently disfigured and diminished by today's vote. Over 200 constitutional scholars have argued that the sentiment of these offenses does not rise to the level of impeachment. And two-thirds of the American public have said the same thing.

Mr. Speaker, Republicans, put our country before your party.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I call this the nightmare before Christmas. And the American people find it difficult to believe that here we are on this day talking about impeaching a president who just came back from the Middle East almost with a peace accord.

This is not about impeaching Bill Clinton. This is about trying to roll back the clock. This is about impeaching affirmative action, impeaching women's rights. This is about taking America back rather than moving it forward.

I know how I am going to vote. My people have told me. I will not disregard the people who elected me. Seventy percent of them have said to me, protect the President, vote to keep this President in office.

□ 1715

So, Mr. Speaker, I will not vote for this nightmare before Christmas, I will not vote for this lynching in the people's House, I will vote against these resolutions.

Mr. Speaker, this is a serious time for our country. I urge my colleagues to do what is right and I ask that history be kind to us.

I rise in strong opposition to the articles of impeachment presented by my colleagues from the Judiciary Committee.

This resolution is an attempt to do through parliamentary means what could not be done in the last two elections: unseat the President of the United States of America.

I ask my fellow colleagues, is this a high crime or just an act which lacks moral judgement? Did he really abuse his power.

Let me state here on the floor of the House what most Americans already know.

The impeachment of a sitting President of the United States of America is an ominous and sober predicament that we as Members of Congress face. This formal expression of the United States of Representatives should not be about sexual indiscretion. We have allegations of Presidential sexual indiscretions, some going back 200 years and involving slave women who certainly had no defense against predatory relationships. But no such impeachment inquiry has been initiated before.

This is not about lying. We have had allegations of Presidential lying about the trading of munitions for covert foreign aid and Presidential lying about personal federal income taxes. But no such impeachment inquiries were initiated in response.

Mr. Speaker, there are some in this House who have campaigned for the impeachment of this President for more than six years. Their campaign, fueled by $40 million spent by the Office of Special Council, tens millions of spent by private sources, and millions more spent by assorted Congressional Committees, and the inevitable accompanying leaks have yielded us only a sad, sordid marital infidelity and an endless supply of headlines.

These relentless campaigns to impeach the President now hold their sponsors hostage to their own rhetoric. Having failed to find an impeachable offense, there is now relentless pressure to make do with the $60 million scandal—to make the scandal fit the bill.

Mr. Speaker, our Constitution contains a number of examples of purposely ambiguous language in addition to the phrase "high Crimes and Misdemeanors." Consider such language as "due process."

It is precisely such elegant and flexible language which has enabled our democracy to develop, to encompass ever broader sectors of Americans, in ever deeper and more empowering ways.

It is reasonable to expect that as the process of electing our chief executive has become more and more democratic, enfranchising more Americans, more and more directly, that the process for removing that chief executive, of undoing the will of the people, would demand higher and higher standards. It is reasonable to expect that the Congress should not take unto itself the power to limit a President, in James Madison's words ". . . to a tenure during the pleasure of the Senate."

When we "dumb down" the Constitution to meet the needs of partisan politics we inflict deep and lasting harm on our political and Constitutional system. This is the real Constitutional crisis. I do not believe it is accidental that all of our nation's encounters with Presidential impeachment come following periods of great national turmoil—either the executive or legislative branch attempting to use extra-constitutional means of imposing its will on the policy of the nation.

Like the attempt to impeach President Johnson in the wake of the Civil War and the debate over how to incorporate African Americans into the body politic or the attempt of President Nixon to undermine his political opponents in the closing days of the War in Vietnam; current attempts to undo the results of two Presidential elections will leave deep, lingering wounds on our nation, but, in the long run, will fail in their attempt to make an end run around the will of the people.

Undoing our Constitution will not advance the search for solutions to the great national and international problems facing America: global economic crisis and growing economic inequality, the undoing of decades of struggle for racial equality in America, the resurgence of national strife around the world, the need to address fundamental problems in health care, education, environment and housing, preserving social security and a host of other critical issues.

I urge my colleagues to oppose this insidious attempt to use, or rather misuse, the power of impeachment.

Mr. Speaker, to the horror, outrage and disbelief of America, this Congress is about to molest, to assault, the central pillar of our Democracy, the right of the people to choose their representatives in government, and vote to remove the President of the United States.

Why? I am convinced, and the American People are convinced, that there are those who want to impeach the President as a means of containing, delaying or terminating his efforts to carry out the mandate which the American People have twice given him. Those driving the process to remove him are frustrated by his mandate, and obsessed with their fanatical desire to block programs from affirmative action to energy assistance, to defund programs from summer jobs to one hundred thousand new teachers.

I reject, and more importantly, the American People reject, the pious hand wringing and piteous mutterings about the crime of perjury. Read the articles of impeachment as closely as you want. You won't find the actual words alleged as perjury with a divining rod.

Why? The American People know that the allegations do not rise to the level of impeachment.

We do not allow such unspecified charges on the floor of this House. Any Member of this body who would accuse another would have his words taken down for judgment by the body. Why weren't the President's words taken down so they could be judged? Because the process is not meant to be fair. The process is meant to destroy. Every month, every week, indeed every day, brings new examples of the hypocrisy of these charges.

When, in the name of this House, secret grand jury testimony was released, in contradiction to every understanding we have of individual rights and due process, the claim was made that we had to inform and involve the American People about the process.

But now, when the American People demand an end to the outrage of this impeachment process, their voices are ignored. Suddenly their informed opinion is no longer relevant.

Why? Because the process was never meant to be fair or democratic. The process was meant to destroy.

I reject, and the American People reject, the pathetic whining about upholding the rule of law. An unchecked prosecutor, accountable to no one, with an unlimited budget, and a witch-hunting committee have shredded any semblance of rule of law. They have undermined, in a few short years, the protections that have taken our nation over two hundred years to perfect.

And, in using and abusing the law on sexual harassment, the witch hunters have created gaping holes in the law protecting women from harassment.

How ironic that President Clinton who brought together the people of Northern and Southern Ireland, who brought together the people of Israel and Palestine is a victim of rending and division of the American political system.

But he is not the only victim. We are perverting and destroying the American constitutional system, based on the wisdom of the people—a system we should be using to solve our real problems: saving social security; creating jobs with a living wage; lifetime education; accessible health care for all.

This is our last chance to stop the "Nightmare Before Christmas."

Some 50 years ago in the last days of Joe McCarthy, Senator Fulbright stood in the Senate and reflected on the fact that a small group had set a prairie fire which rapidly grew out of their control and destroyed everything in its path.

Today, we have a chance to stomp out another prairie fire, another witch hunt, which threatens to grow rapidly out of control.

Mr. Speaker, the American People are calling on this Congress, on every member of this Congress, to rise above the shrill voices of partisanship.

Therefore, if I might paraphrase Winston Churchill, let us feel the wisdom of the people, and the strength of our ancestors.

Let us stop the madness of those who seek to use impeachment to impose their political will. Let us undertake our duty, and so bear ourselves, that if America lasts for a thousand years, men and women will still say, "This was their finest hour."

PROJECTED PROCEEDINGS BEFORE THE UNITED STATES SENATE IF THE HOUSE VOTES TO IMPEACH THE PRESIDENT

The proceedings in the Senate on the articles of impeachment that the House exhibited against then United States District Judge Alcee L. Hastings provide the most recent and comparable precedents to guide the Senate in the proceedings against President William Jefferson Clinton that will take place if the House adopts articles of impeachment. The following outlines projects how the proceedings against the President would unfold if the House impeaches him based upon the proceedings in the Hastings case and the materials released by the Judiciary Committee during its inquiry into the President's conduct.

	Weeks	
	Min.	Max.
I. Preliminary Proceedings		
A. The First Step. The House Managers would exhibit its articles to the Senate and the Senate would issue a summons to the President requiring him to respond within fifteen to thirty days and would ask the Committee on Rules and Administration to consider and report issues that need to be addressed and special rules that should be adopted for the conduct of the proceedings	1	1
B. The Rules Committee. Since the Senate has not conducted proceedings against a President in the past century, the issues would be substantial. At least five steps would have to be taken before the committee could submit its report and recommendations to the Senate.		
1. The committee meets and authorizes the Chair and Ranking Minority Member to send a letter asking the parties to file memoranda addressing issues identified by the Committee and other issues that either believes the committee should consider, probably allowing twenty to thirty days for initial memoranda and ten to twenty days for responses	1	2
2. Each of the parties file memoranda.	4	6
3. Each of the parties file memoranda responding to the other.	6	9
4. The committee holds hearings on the issues raised.	7	11
5. The committee deliberates and prepares its report and recommendations and any necessary resolutions.	9	13
C. Pleadings and Motions.		
1. The President. It is hard to anticipate the defense strategy the President will adopt, but the House Judiciary Committee's proceedings and recommended articles of impeach suggest that counsel for the President would file:		
a. *Answer and Affirmative Defenses.* Counsel for the President will raise at least one and probably two affirmative defenses—(i) the articles fail to allege facts sufficient to state an impeachable offense; and (ii) the misconduct of Independent Counsel Starr and the House's reliance upon the products of that misconduct require that the articles be dismissed.	3	4
b. *Motion to Dismiss.* The motion would enable the Senate to consider whether it should dignify the President's improper conduct alleged in the articles of impeachment by classifying it as "High Crimes and Misdemeanors" under the Constitution.	6	10
c. *Demand for Bill of Particulars.* The majority on House Judiciary Committee appear to shoot themselves in the foot by refusing to specify the precise statements made by the President that they claim were perjurious. If the pending articles are adopted, counsel for the President will demand and the Senate will almost surely order the House Managers to provide a bill of particulars. The real effect of the lack of specificity will further delay.	6	10
d. *Alternative Motion to Strike Particular Allegations.* If the Senate does not dismiss the articles in their entirety, counsel for the President are likely to ask that the Senate, after the bill of particulars has been filed, strike specific allegations in the article that remains.	6	10
2. The House. The House managers would be required to file a Replication to the President's Answer and Affirmative Defenses and responses to the motions. If they opposed the demand for a bill of particulars, there would be a second round of briefing and further argument before the Senate after the House had complied with the Senate's order, adding an additional two weeks to the process.	8	14
3. The President's Reply. Counsel for the President would file a reply and any supplemental memoranda made necessary by the House's bill of particulars.	10	16
D. Proceedings Before the Full Senate. The Senate would be likely to set aside two days to consider and act upon the report from the Rules Committee and to hear arguments on and decide the pending motions.	12	18

II. Trial Preparation

In *Hastings*, the Rules Committee recommended that the Senate appoint an Impeachment Trial Committee to regulate the preparation for evidentiary hearings and to conduct those hearings. If the House adopts articles here, the evidentiary hearings will be conducted before the full Senate. It is likely that the Senate and the Chief Justice will agree that the trial preparation duties that were performed by the Impeachment Trials Committee should be assigned to the Rules Committee (or to a special impeachment committee appointed for that purpose). Although the counsel for the President would request that trial preparation be deferred until the Senate had ruled on the President's motion to dismiss, the Rules Committee might determine that necessary preparation should proceed concurrently with other trial matters. However those duties were exercised, the steps would likely be the same.

	Min.	Max.
A. Discovery Proceedings: The need for discovery would be far greater in this case than it was in *Hastings*. Here, as it did in *Hastings*, the House Judiciary Committee relied primarily upon the report and materials transmitted to the House by another branch and upon the testimony of the investigator who prepared the report. Here, as it did in *Hastings*, the committee did not call and subject to examination and cross-examination the fact-witnesses identified by the Starr referral or those who might testify on behalf of the accused or obtain from the Independent Counsel or elsewhere documents other than those included in the materials transmitted. It is hard to conceive that the Senate here would not afford the President the time and the use of its subpoena power to take depositions and obtain relevant documents. Based upon *Hastings* and the materials available here, discovery would proceed in three stages.		
1. Submissions by the Parties. If any articles remained after the motions to dismiss or strike had been decided, the Senate or a committee would have to decide whether and what discovery should be permitted.		
a. Counsel for the President would promptly submit a memorandum identifying witness and sources of documents that were likely to produce relevant evidence and explaining why the President should be permitted to subpoena each of the witnesses and other source to obtain that evidence. At a minimum, it seems almost certain that the counsel would seek to depose (i) lawyers for Paula Jones about their initial conversations with Linda Tripp and with members of the Office of Independent Counsel ("OIC") staff; (ii) the members of the OIC staff and FBI agents who met with or interviewed Linda Tripp and Monica Lewinsky; and (iii) other technical witnesses, such as those reconstructed materials from the hard drive in Ms. Lewinsky's computer. It also seems certain that they would want access to the documents that the Independent Counsel did not transmit with his referral	12	20
b. The House managers would be directed to file a response agreeing with or objecting to the President's requests.	14	22

	Weeks Min.	Weeks Max.
c. The Senate or its committee would examine the president's request and the House's response and hold hearings and enter the appropriate order directing the issuance of appropriate subpoenas.	16	23
d. Independent Counsel Starr, Ms. Jones' lawyers, or others subpoenaed might object to some or all of the subpoena, in which event time-consuming enforcement proceedings would be necessary, at least three months.		36
e. The depositions would be conducted and the documents produced and examined.	16–24	36–44
B. Other Trial Preparation Proceedings:		
1. The House managers and counsel for the President would propose stipulations or submit requests for admissions. The Senate or its committee would encourage the parties to stipulate at least to the authenticity and/or admissibility of various documents and other potential exhibits. Responses would be exchanged and negotiations would proceed.	12	20
2. The Senate or its committee would direct the parties to file and exchange ten days after the close of discovery, pre-trial memoranda identifying witnesses each intended to call and exhibits each intended to introduce.	25	45
3. The Senate or its committee would enter a final pre-trial order establishing the date for and procedures to be followed at trial.	26	46

III. The Trial of a President

Rules XII and XIII of Procedure and Practice in the Senate When Sitting on Impeachment Trials provide that, unless otherwise ordered, the proceedings shall commence at 12:30 p.m. on the first day and at 12:00 noon thereafter. In order to make it possible for the legislative and executive branches to tend to some of the government's business and to enable the Chief Justice to participate in the oral arguments before the Supreme Court, it seems likely that the Senate would not schedule the evidentiary proceedings to begin before 12:30 or would permit them to extend beyond 6:30 p.m. on a regular basis.

	Min.	Max.
A. The Presentation of Evidence by the House Managers. The managers presented the testimony of thirty-seven witnesses in *Hastings*. Only twenty-seven appeared before the Impeachment Trial Committee. The managers were permitted to introduce transcripts of prior testimony for the other ten. The House managers are likely to call most if not all of the 120 witnesses whose statements or testimony are included in the materials transmitted by Independent Counsel Starr. Depending upon the success of pre-trial negotiations, it might have to call several more to establish necessary foundations and the like. Forty to fifty would appear to the minimum number necessary to support the allegations the proposed article have borrowed from the Starr Report. No prior testimony will be admitted. The videotaped deposition and the videotaped grand jury testimony will be shown in there entirety, and many of the Tripp tapes will be played given by the president. The examination and cross-examination of the twenty-seven witnesses the House presented in *Hastings* consumed more than ten full days. If the President is impeached by this House, the presentation of testimony and other evidence will consume twenty [if forty witnesses called] to forty [120 witnesses] partial trial days before the full Senate.	27–30	47–40
B. The President's Case. It is impossible to project the number of witnesses that the President's counsel would call for his defense with any confidence. The Starr Report was not a balanced presentation of the available evidence. It seems clear that the number would be substantial and would include many of the 120 persons whom were identified in the Starr Report, but were not called by the managers. They would present all of the Tripp tapes that the managers did not introduce. They would call witnesses whose conduct might have influenced the testimony of Ms. Lewinsky and other House witnesses and witnesses who had knowledge relevant to Ms. Lewinsky's credibility. Twenty witnesses and ten days seems a safe minimum.	31–32	51–52
C. The House Rebuttal. Given the passion and vigor displayed by Republican members of the Judiciary Committee, it seem likely the House managers would want to try to rebut the President's case, no matter how tired and angry the American people may have become. Might we hope for only a day or two?	33	53
D. Argument, Deliberations, and The Vote. Given the nature of the issues and the length of the projected trial, it seems likely that Senate would allot at least four hours to each side for closing arguments. Past precedent dictates that the Senate would close its doors to deliberate in executive session until its members have expressed their views. The vote would follow. With luck, the denouement might be completed in less than a week	34	54

I call this the nightmare before Christmas and Mr. Spaker, it is difficult to believe that we are here today; But we are debating whether or not to bring charges of impeachment against the President who has just returned from the Middle East where he was able to bring together Palestinians and Israelis, where he was able to bring together Netenyahu and Arafat. This President who was able to bring together Northern and Southern Ireland, India and Pakistan. A President who has opened up new avenues and relationships with the African Continent, with China, and with other nations throughout the world.

During these proceedings we have heard a great deal of legal argument but I submit to you that this is as much about politics as it is about law. It's not just an attempt to impeach the President, it is an attempt to undermine and dismantle the policies and programs of this administration. This is an attempt to impeach and hold back Affirmative Action, women's health rights, new teachers, summer jobs for disadvantaged youth, energy assistance for low income people, community health centers, treatment programs for victims of aids and HIV, clean air, and raising the minimum wage. No Mr. Speaker, this is not just about Bill Clinton it is about dashing the dreams and the hopes of one growing up in a small state, an average citizen, in an average family, no pedigree, no major wealth, but growing up with hope, drive and determination, growing up with the idea that you can rise to the top and that you can make a difference. This vote today is a prime example of the contradictions with which we operate.

We talk justice and operate in an unfair and unjust manner. We talk democracy and disregard the will of the people.

We talk forgiveness and practice retribution.

We talk unification and practice division—we talk about morality and commit the immortal act of fundamental unfairness.

Mr. Speaker, I am not prepared to disregard the will of the people, I am not prepared to say that their feelings are irrelevant. I am going to vote my conscience. I am going to vote with my people. I am going to vote against impeachment. I am going to vote against this nightmare before Christmas.

I am going to vote against this attempted lynching in the people's house.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, we have dispatched and asked some of America's women and men to place themselves in harm's way and degrade Saddam Hussein's capacities in weapons of mass destruction. Simultaneously, we placed the citizens of America in harm's way by utilizing political weapons of mass destruction to degrade and destroy the President of the United States. Lyndon Johnson said, "The difference between Democrats and Republicans is that we don't hate your Presidents."

Some say this is not about sex; it is about lying under oath. Lying under oath about sex is still about sex, and the only reason it is about sex is that our colleagues could not find anything else to get on him.

Any extramarital affair, whether by a president or a Member of Congress, is lying under oath, the most sacred of oaths, the marriage vow. Any lie told by a president about the people's business is under oath, the presidential oath of office.

It is not just one poll, but in all polls, by a two to one margin the American people say that when it comes to people's sex lives even presidents' sex lives, government should mind its own business.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Rhode Island (Mr. KENNEDY) says the President was not given due process, and exactly the opposite is true. The chairman, the gentleman from Illinois (Mr. HYDE), gave the President a standing invitation to appear before the Committee on the Judiciary. He did not accept that offer.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. No.

Mr. KENNEDY of Rhode Island. Mr. Speaker, the gentleman has named me and my——

Mr. SENSENBRENNER. Mr. Speaker, I have the floor.

Mr. KENNEDY of Rhode Island. Is not perjury a legal term? Has the gentleman defined perjury in a court of law, or is it just his constant repetition that the President has lied?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Rhode Island is out of order.

Mr. SENSENBRENNER. Mr. Speaker, the President's lawyers had up to 30 hours to present their defense. Mr. Starr had 12½ hours.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

The gentleman may proceed.

Mr. SENSENBRENNER. Mr. Speaker, the Democrats had almost two-thirds of the witnesses before the committee. They called 28 witnesses, the Republicans called 15, and they shared two. The chairman, the gentleman from Illinois (Mr. HYDE), asked the White House to present evidence that would exonerate the President, and they did not.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in support of that enduring document, the Constitution that has stood the test of time.

When this debate is concluded, I will reluctantly vote for at least one article to impeach President Clinton.

I make this announcement with profound sorrow, and with deep concern about the consequences for our country, but, in the final analysis, with firm conviction that this is the only fitting and proper course for me to take.

This has been by far the most difficult, even tormenting, decision I have had to make in my 16 years in Congress. I have spent a great deal of time assuring myself that in this case we are using the Constitution as a shield, not a sword. The purpose of impeachment is to protect the institutions of our Government—and through them, the people—not to attack or punish a particular political figure. I am convinced that in this case we do indeed need impeachment as a shield to protect the integrity of our institutions.

I simply have not found the means to rationalize away the fact that our President lied under oath; that he has tried repeatedly to game the judicial system. Whatever the origins of this case, whatever the motives of his questioners, the President had an obligation—a legal and Constitutional obligation—to tell the truth under oath. No voter ever elected to exempt the President from the demands of our system or to weaken the Judiciary established in Article III of the Constitution.

I regularly visit high schools in my district, and I keep asking myself, "How am I to answer the high school student who asks me why he was expelled for cheating, or what do I say to the average citizen who is punished for lying in a court proceeding or the West Point cadet who must live under the honor code?" The answers I come up with all seem like thin and transparent excuses that would appease no one, least of all me.

And let me say that this is not about determining whether the President has been sufficiently contrite, although contrition is certainly in order. Congress was not established as a body of clerics or therapists. This is about how to keep a system intact that is based on law and trust, a system that cannot countenance attacks on those foundations regardless of how sorry one is after having been found out.

Much time has been spent during this prolonged ordeal comparing the situation to Watergate, only for most to conclude correctly that the two scandals have little in common. But they do have one aspect in common that I think has been overlooked. In a rare moment of personal insight, Richard Nixon concluded that he had destroyed himself by hating his enemies back. I am afraid that President Clinton fell into the same, all too human, trap. Blinded by his contempt for people who he thought were out to get him, the President forgot his larger obligations to his Office, to the Constitution and to the American people. He let his personal feelings interfere with fulfilling his Constitutional obligations.

In making my decision, I have tried hard to put personal feelings and political concerns aside and to focus solely on my Constitutional obligation. And I have come to the difficult, heart wrenching, almost unbearably sad conclusion that I am obligated to vote to impeach the President.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, this is a very sad and difficult day, but those of us elected to lead in this great representative democracy must act and vote based upon our consciences even in the most difficult of situations. I would like to make just a few points.

First of all, the founders of the republic did not create the remedy of impeachment to change the results of presidential elections but rather as a great check and balance to redress patterns of delinquent conduct by chief executives.

Secondly, all democratic governments must have both the legitimacy of origin and the legitimacy of conduct. President Clinton obviously enjoys the legitimacy of origin, having been elected to the Presidency. His serious violations of the law, however, including his breaking of oaths in judicial proceedings to tell the whole truth and nothing but the truth, have lost for him the legitimacy of conduct.

Thirdly, the matter before us today has nothing to do with the President's private life, which should be of interest to no one. This has to do with perjury, obstruction of justice and abuse of power, violations of the law. Failure to impeach President Clinton would increase the likelihood that perjury would be committed in future legal proceedings, it would increase the likelihood that future Congresses would hesitate to impeach Federal judges for perjury or obstruction of justice. In short, it would do grave harm to the integrity of the judicial system and the United States.

The essential point of the action that we are now taking is that no one in the United States is above the law, not even the President.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from New York (Mr. NADLER), a member of the committee.

Mr. NADLER. Mr. Speaker, the Republicans say we are not contesting any fact allegations. The fact is there were no fact witnesses brought before the committee, there were no specific perjury quotes, no specific alleged lies cited in the articles, and I ask the Republicans do they deny the President admitted to an inappropriate relationship to the grand jury? Is their beef that he was not graphic enough about who touched him where?

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Speaker, censure as a precedent as a remedy available to us to deal with the misconduct of a President was used in 1800 against President Adams. Then Representative John Marshall, a future chief justice, made no argument against its constitutionality. If it was good enough for him, it should be good enough for us. In denying us that option the majority undermined its claim of conscience because the essence of conscience is the freedom to choose among reasonable alternatives. This is a political solstice with a cold darkness to match the winter solstice. I pray that a new and better season of our politics will come. I so want the speakership of my friend, the gentleman from Louisiana (Mr. LIVINGSTON) to succeed and to nurture a renewal of this House. We owe him and ourselves and the country that opportunity. I want nothing more than for this House to fulfill the aspiration of its Members and the people that it be a great and decent deliberative body serving in honor the great purposes of a great Nation.

This is my last speech here. I leave my colleagues with the plea to be good to each other so that they may do their best for the country that we love.

I love this House. This is my last time to speak here. How I wish it were not such a sad occasion. And how I wish we were able to conduct this grave business at a better time, in a better way.

The dishonorable and reprehensible behavior of the President of the United States deserves our strong condemnation. We have a responsibility to act in this matter, and to act with a dignity and fairness and soberness fitting the enormity of the decisions we will make.

The President got himself into this awful fix by having a tawdry sexual affair and then almost certainly lying about it under oath. In both respects, his conduct is immoral and indefensible. It is also understandable that he tried to save himself and his family from shame, embarrassment and humiliation by lying to cover it up. In all this, his behavior was abominable, self-indulgent, incredibly reckless and altogether human.

Probably no American other than the President could or would have been subjected to the extraordinary circumstances of multiple testimony about a sexual affair. First, he was compelled to testify in a civil deposition about this sexual affair, about facts themselves immaterial in a lawsuit later found to be without merit. Then, he testified before a grand jury about this deposition testimony about this same, legally immaterial sexual affair. This grand jury process would not be used to investigate any ordinary American regarding such civil deposition testimony; it is only available against someone like the President, subject to a special prosecutor like Ken Starr. Nonetheless, he should have told the truth. And, depending on some technical but legally important considerations, he may have committed perjury.

Now, what do we do about it?

The Constitution makes a President who's committed "Treason, Bribery, or other high Crimes or Misdemeanors" liable to impeachment by this House of Representatives, trial by the Senate and possible removal from office. Each house of Congress also has plenary and unrestricted power to express its views and sentiments about any matter by the passage of resolutions.

The law would subject the ordinary American charged with violations such as the President's to some civil fine or forfeiture in connection with the civil deposition testimony. Recall that the President has already paid a substantial amount to settle the Paula Jones case. And the ordinary American would face the fairly unlikely possibility of criminal prosecution for perjury in connection with the grand jury testimony. Prosecution would be unlikely because the case turns fundamentally on a swearing contest between witnesses and because the subject of the possibly perjurious testimony was not itself criminal conduct, but rather a tawdry, though not unlawful sexual affair.

So, if the objective is to treat the President as other Americans would be treated, there's your answer. If the objective is to insure that the President is not above the law, there's your answer. And if the objective is to vindicate the rule of law, there's your answer.

Of course, the President is not an ordinary American. His wrongful conduct occurred in the White House and implicates his high office. The responsibilities and authority and stature of the Presidency require their own vindication and deserve to be cleansed somehow of the taint of this wrongful conduct. So, it is entirely appropriate to consider sanctions that go beyond what an ordinary American would face. But how much beyond?

Consider impeachment. From the words of the impeachment clause, it's obvious this remedy was intended for serious offenses. The historical context, the debates at the Constitutional Convention, Alexander Hamilton's explanation in "The Federalist", and the debates during state ratification generally support the proposition that impeachment is to be reserved for very serious offenses that are themselves destructive of tne government or constitutional order, and that any decision to impeach necessarily calls for a sober political judgment, not a legalistic one. It's apparent from the same sources that impeachment is not to be used as a device to get rid of a President whom a sufficient majority in Congress happens to disapprove of, however adamant their disapproval.

The debate we've had about what's an impeachable offense has been only marginally helpful, because it's seemed to assume—wrongly, I think—that impeachability requires impeachment. In the abstract, no doubt perjury may qualify as an "impeachable" offense. It's a serious crime. However, a proper reading of the Constitution and of our responsibility under is leads, I believe, to a sober judgment that while perjury may be impeachable, the perjury in this case (if it occurred) does not warrant impeachment. That judgment recognizes the important moral space between "impeachability" and "impeachment" and fills it with a reasoned and principled application of historically grounded standards for impeachment to the facts and circumstances of this case.

If impeachment were the only choice, the only way to hold the President to account as President, there would be a greater temptation to risk its use in this case. But there's another choice. It is censure. A strongly worded censure resolution was offered in the Judiciary Committee by Mr. BOUCHER, appropriately condemning the wrongful acts of the President. And given it, and so moot any issue of passing a bill of attainder, censure could move beyond words to include a fine.

Congress has the plenary authority to pass resolutions about any subject. Serious people nevertheless argue that impeachment states the exclusive remedy available to us.

That argument quickly bumps into history and practice to the contrary. The most compelling example is the first. In 1800, the House took up a resolution of censure against President John Adams.

One Representative argued that Congress didn't have the power to censure, but only to impeach. Others saw no such problem, and raised the point that it would be unfortunate to have no way to express disapproval of misconduct not serious enough to justify impeachment. Representative John Marshall, the future Chief Justice, was in charge of Adams' defense, and he did not challenge the constitutionality of censure.

This happened when the House was comprised primarily of many Members politically active at the time the Constitution was drafted only 13 years earlier, including several Members who had been members of their states' ratifying conventions. This is as close as you can come to an object lesson in "original intent." If John Marshall accepted the constitutionality of censuring a President, even as he worked to defeat it, who are we to object?

This gets us to the matter of "conscience". Conscience is best exercised through freedom. Freedom in turn suggests choices and alternatives. The denial of freedom to choose among legitimate alternatives is a denial of full freedom of conscience.

Now, we are told that it would be wrong to have the freedom of making a choice—yet that freedom is the essence of conscience.

Stripped of its pretenses to constitutionalism and conscience-mindedness, the majority's manipulation of the impeachment process is revealed an unfair act of raw majoritarianism by which they are determined to exact their one desired outcome: ending, or at least hobbling, the Clinton Presidency. I regret that the behavior of the majority leadership in handling this matter contradicts their claims of dispassion and nonpartisanship.

Let me say that my charge is against the majority leadership who have engineered the process today. I acknowledge and credit the sincerity of the many who will vote for impeachment as an act of conscience. But do not think that your definition of conscience can rightly be imposed on others without, in doing so, diminishing the concept of conscience.

Can there be a more compelling instance in which the people of the country, acting through their elected representatives, should be able to find a conclusion by letting a consensus emerge; by letting the preference of the greatest, not the smallest, majority prevail?

This a political solstice with a cold darkness to match the winter solstice. I pray that a new and better season for our politics will come as spring will follow this winter. I so want the speakership of my friend, BOB LIVINGSTON, to succeed and to nurture a renewal of this House. We owe him and ourselves and the country that opportunity.

I want nothing more for this House than to fulfill the aspirations of its Members and the people that it be a great and decent deliberative body, serving in honor the great purposes of a great nation. This is my last address here. I leave my colleagues with a plea to be good to each other so that you may do your best for the country we love.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, if an action by a President poses a threat to our government, then he may be impeached for that action. The President's behavior was reprehensible, insensible, even unimaginable, but it is not impeachable. The punishment does not fit the crime. The authors of the Constitution never intended this result.

Even the chairman, the gentleman from Illinois (Mr. HYDE), said that he intended to conduct bipartisan hearings. We have watched as these intentions have eroded into an unnecessary partisan battle.

The President is accused of degrading his office. We must ask ourselves is the proper response to degrade the process by lowering the standard of impeachment?

Our biggest responsibility is to the American people. The American people elected this President, and they have made it clear that they would like to keep him, warts and all. I join my Democrat colleagues in calling for a lesser punishment than a political death penalty. It is unfair, it is partisan, it is wrong.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I oppose the articles of impeachment because I believe although the President's behavior was deplorable, I believe he has not committed a high crime and misdemeanor. So this decision is wrong for today.

But, Mr. Speaker, this decision is wrong for the ages because let me predict what is going to happen. Last year the United States Supreme Court said: "You can now proceed with a civil suit against a sitting President." The next time we have a polarizing President and a Congress from a different party, here is what is going to happen: There is going to be a civil suit launched against that President. He or she is going to be dragged into discovery, and his or her opponents in this Congress are going to try to categorize anything they can as perjury and obstruction of justice. Articles of impeachment will be pursued, and the country will be weakened.

It is my sincere prayer here tonight that our children will not bear the bitter fruits of the reckless seeds that our colleagues are sowing here today. The Constitution has worked well for over 200 years. Leave it alone.

Mr. Speaker, allow me to explain my reasoning in voting against the impeachment of the President. The Constitution recognizes a difference between misconduct—even criminal misconduct—and the High Crimes and Misdemeanors that are required for impeachment.

My judgment is that the President's misconduct, though deplorable, does not rise to the level required by the Constitution for impeachment.

And my judgment is that we will set a dangerous precedent if the majority in the House disagree with me, and decide to vote for these articles of impeachment which are before us. We will have lowered the bar to impeachment, and this action, coupled with the Supreme Court's decision to allow sitting Presidents to be sued in a civil lawsuit while in office, will lead to more partisan mischief in coming years, which could gravely harm our government and our nation.

The country would be best served by a return to the important business at hand: education, health care, Social Security, and international problems.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, John Page wrote a letter to Thomas Jefferson on July 20, 1776, which reads and I quote:

"We know the race is not to the swift nor the battle to the strong. Do you not think an angel rides in the whirlwind and directs this storm."

I pray that Providence is with this body, this country and our Constitution for fairness and justice and honor today, and I fear my prayers will go unanswered.

I voted with my Republican friends 68 days ago to initiate this investigation, to look at the facts and corroborate the evidence for a high crime and misdemeanor, and George Mason, who wrote that phrase, said, and I quote:

"It ranged from a great and dangerous offense to subverting the Constitution."

This does not pierce that high threshold, and when it comes to punishment, yes, the President did something reprehensible and immoral and sinful, and he should be punished by censure by this body and by prosecution like every other American would be when he leaves office.

Now finally, Mr. Speaker, this is our rule book. This is our sacred scripture in this body. There is nothing in here, Mr. Speaker, that prohibits a censure; there is no impediment in our Constitution to a censure. In fact we have censured and rebuked and criticized Presidents three times, in 1834, in 1842, in 1860, and we have impeached a President once.

There is precedent, Mr. Speaker. There is no prohibition or prevention to censure, and it is unfair and against our own rules not to let us vote.

Finally, let me quote from Benjamin Franklin, who said after the Convention when he was asked what have you wrought with this Constitution? And he said:

"A republic, if you can keep it."

Mr. Speaker, the Constitution is sacred scripture, and it applies evenly and fairly to all of its people, all of its institutions, including the presidency.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER) for rebuttal.

Mr. BUYER. Mr. Speaker, I have great respect for my colleague from Indiana (Mr. ROEMER) and I would only respond by saying impeachment is the only power in the Constitution granted to Congress to address presidential criminal misconduct in the derelict exercise of his duties. The censure resolution that was offered the Committee on the Judiciary in fact has findings of guilt with a punishment. It is prohibitive then of a bill of attainder and is therefore unconstitutional. A temptation to take the easy way out by assuming a power not specifically granted in the Constitution should be shunned.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I rise in support of the resolution before us. This debate is not about the President, it is about the presidency. It is not about marital infidelity or contrition, as tragic as that might be, but it is about lying under oath, and it is not about contorted legalese to create the appearance of truth, it is about facing the underlying facts, facing the reality of what we all know has happened here.

Mr. Speaker, no citizen should ever be above the law, and if my colleagues believe, as I do, that President Clinton knowingly made perjurious, false and misleading statements under oath to a grand jury and in sworn affidavits, that he attempted to corruptly influence the testimony of witnesses and potential witnesses, then we must support this resolution.

☐ 1730

Let us pray that 1998 not be the year that we create a sovereign ruler; rather, let it be the moment when we reaffirm the principle of equal justice for all. I urge support of the pending resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield one minute to the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, I am saddened that there is clear and convincing evidence that the President lied under oath, obstructed justice and abused the powers of his office in an attempt to cover up his wrongdoing. I regret that the President's behavior puts me in the position of having to vote in favor of articles of impeachment and pass this matter on to the U.S. Senate for final judgment.

In facing this solemn duty, I look to the wisdom of our Founding Fathers. According to Alexander Hamilton in Federalist 65, impeachment concerns "offenses which proceed from the misconduct of public men, or in other words from the abuse of violation of some public trust."

The evidence in President Clinton's case is overwhelming, that he has abused and violated the public trust. In this Nation, all men are created equal. Simply put, the President in our representative democracy is not a sovereign who is above the law. Tomorrow I shall cast a difficult vote.

The President's inability to abide by the law, the Constitution and my conscience have all led me to the solemn conclusion that impeachment articles must be passed.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER), a member of the committee.

Mr. NADLER. Mr. Speaker, the gentleman from Indiana (Mr. BUYER) says that a censure resolution would be unconstitutional. The Congressional Research Service says that a censure resolution is an exercise of the implicit power of a deliberative right to express its views. The gentleman from Texas (Mr. DELAY) offered House Resolution 433, disapproving the President's conduct with respect to campaign financial.

What is the distinction, why did the gentleman from Illinois (Mr. HYDE) make the censure resolution offered in committee in order? Was he exercising an unconstitutional prerogative?

I yield to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I say that the censure resolution that was offered has specific findings of guilt and therefore makes it unconstitutional in its form.

Mr. NADLER. Mr. Speaker, reclaiming my time, what about the resolution of the gentleman from Texas (Mr. DELAY)?

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend from Michigan for yielding me time.

Mr. Speaker, in our House rules manual, it explicitly states, "In the modern practice, concurrent resolutions have been developed as a means of expressing principles, opinions and purposes of the two Houses."

Thomas Jefferson said principles, opinions and purposes could be expressed in the form of resolutions. What better person to go to than Thomas Jefferson?

Mr. CONYERS. Mr. Speaker, I yield 1¼ minutes to the distinguished gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, today is a very sad day in America's history, especially because everything leading up to today's vote has been so unfair. Ken Starr's investigation was unfair. He even tried to entrap the President. His report was unfair, for he left out important exculpatory evidence. His presentation to the House Committee on the Judiciary was so unfair that his own ethics adviser resigned as a result.

The Speaker-designate's decision to deny the House and the American people the right to vote on censure as an alternative is unfair. That decision constitutes an obstruction of the justice that the American people believe is warranted, censure; the justice that former President Gerald Ford, who knows something about impeachment, believes is warranted; that former Republican presidential candidate Robert Dole advised this body; censure, not impeachment.

You may have followed your conscience in deciding to vote for impeachment, but you cannot be considered just if you deny those of us, I believe a majority of this body, I know a majority of the American public, the right to vote on censure as an alternative to impeachment.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, the constitutional scholars testifying before the Committee on the Judiciary made it clear that there is a high threshold for impeachment.

Not all crimes are impeachable offenses. The impeachment power is limited to treason, bribery and other high crimes and misdemeanors. The word "other" means impeachment is limited to crimes similar to bribery and treason, threatening the basic integrity of government.

The charges against President Clinton fall well below this standard. When you cut through the rhetoric about rule of law, abuse of power, civil rights cases, at bottom the allegations are that the President tried to conceal an embarrassing private relationship. These efforts at concealment came in the Paula Jones lawsuit, a civil lawsuit. The relationship being concealed was that between the President and Ms. Lewinsky, and it was only tangentially relevant to the lawsuit, which was subsequently dismissed.

In any event, in his grand jury testimony, the President admitted an improper intimate relationship. For that, he deserves censure.

As the majority in the House marches in lock-step to thwart the will of a majority of the electorate, it is worth recalling that the House Republicans came to power claiming that the Congress was out of touch with the real America. How hollow this claim rings today, when two-thirds of the electorate opposes removal of the President through impeachment.

If the Republican majority were truly concerned about the views of the real America, they would support the remedy which a majority of the people support, a censure resolution permitting the President to stay in office. But the Republican leadership, which in the past complained vociferously about limitations on the amendment process, is so determined to win, that it is unwilling to allow even a vote on censure. Apparently they fear that they would lose this vote and that the will of a majority of the electorate would prevail.

What could be more contrary to the rhetoric of the Reagan and Bush Administrations than this vote, in which Republican "Washington insiders" will decide that they know better than the public outside the beltway. Indeed, the Republicans' zeal to remove the President is so intense that they are willing to ignore not only the wishes of the people, but the morale of our troops in combat, and even the letter and the spirit of the Constitution.

Under the separation of powers which is fundamental to our Constitution, the President and the Congress are separate and independent. Ours is not a parliamentary system in which the legislative and executive functions are merged. In a parliamentary system the legislature removes the executive when it disagrees with him, and the legislative majority is expected to enact the executive's program without question. Under our system, the two branches are separate, and only in extraordinary circumstances can the legislature breach the independence of the executive and remove the President by impeachment.

The Constitutional scholars testifying before the Judiciary Committee made it clear that there is a high threshold for impeachment. Not all crimes are impeachable offenses; the impeachment power is limited to "treason, bribery and other high crimes and misdemeanors." The term "other" indicates that impeachment is limited to crimes which are similar to bribery and treason in threatening the basic integrity of government.

The charges against President Clinton fall well below this standard. When we cut through all the high flown rhetoric about the rule of law, abuse of power and civil right cases (incidentally, when was the last time the Republicans called a sexual harassment case a civil rights case) we have, at bottom, allegations that the President tried to conceal an embarrassing private relationship. The first efforts at concealment came in the civil lawsuit by Paula Jones. The relationship which was being concealed, that of the President and Ms. Lewinsky, was only tangentially relevant to Paula Jones' lawsuit. In any event, Ms. Jones' lawsuit was subsequently dismissed.

In his grand jury testimony, the President admitted that he had an improper, intimate relationship with Ms. Lewinsky. At worst, the President lied about the exact nature of some of his intimate actions. It is hard to see how these alleged lies could constitute "great and dangerous offenses" or "attempts to subvert the constitution" which should be the basis for an impeachment, according to George Mason, one of our founding fathers.

When I say that not all crimes warrant impeachment, I am not saying that I approve of a President committing crimes. What I am saying is that the purpose of the impeachment process is not to punish crimes, but to remove a President who has misused the powers of his office. If President Clinton committed the crimes alleged here, these crimes should be dealt with in a criminal proceeding or a judicial contempt proceeding after he leaves office. I emphasize that it is not clear that crimes were in fact committed. Many of the scholars and prosecutors who testified before the Judiciary Committee concluded that the evidence presented against President Clinton would not have resulted in the prosecution of an ordinary citizen.

There are other means for the Congress to deal with misconduct by the President which falls short of the impeachment standard. Congress has the power to pass a censure resolution, expressing our condemnation. The impeachment process, which requires removal from office, must be reserved for extraordinary cases. If we lower the bar for impeachment, we seriously weaken the Presidency by giving a Congress controlled by the opposition party virtually unlimited power to subject a President to an all-consuming removal process.

The majority party has tried since January to convince the people that the President should be removed from office. Two thirds of the public remains unconvinced despite being bombarded daily with the facts of this case. I am astonished and deeply distressed by the procedural travesty to which the minority has been subjected: denial of our right to offer and have a vote on a motion of censure. What does the majority fear of a vote on censure? Are they afraid that it might pass, with some of their own members voting for censure rather than impeachment? Apparently fear of falling short of their objective of removing President Clinton from office is driving the procedural unfairness to which we have been subjected.

The majority still has time to be fair so be fair so be fair to us and to the American people by allowing a vote on censure, which I would support.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, Member after Member has risen on the other side and said the President should not be above the law. He is not. Ken Starr is free to prosecute the President, indict him, perhaps while in office, but definitely after.

It is not ordinary criminal or civil law in question in this debate, it is Article II, Section 4 of the Constitution regarding impeachment. Impeachment is a special punishment reserved for the President of the United States and other Federal civil officers.

The founders set an incredibly high bar for impeachment. Constitutional scholars all agree, the framers of the Constitution did not want a President to be impeached simply because a majority of the Members of Congress disagreed with his policies or found his morals repugnant.

The Republican majority has not raised and proven offenses that meet those standards. Rather they have met the standards met by Gerald Ford 25 years ago. He said an impeachable offense is anything 218 Members of the House will vote for.

That is an unconstitutional and cynical standard. The alternative of censure would serve as well in this matter. A near unanimous House could deliver a stinging and historic rebuke to the President with a motion of censure, and we will be denied that vote, and we are denied sufficient time to speak on the floor.

Member after Member on the Republican side has stood to plead the force of law—that no citizen no matter how powerful should be above the law.

There is total agreement on that point. The President should not be above the law for purposes of criminal prosecution. Mr. Starr is free to attempt to indict the President for criminal wrongdoing—if not while the President sits in office he could certainly be prosecuted in 2 years after leaving office.

It is not ordinary criminal or civil law in question during this debate. The law that binds the House of Representatives in this proceeding is the Constitution of the United States article 2 Section 4 regarding Impeachment for "Treason, Bribery, or other High Crimes and Misdemeanors."

Impeachment is a special punishment reserved for the President and other federal civil officers.

The Founders set an incredibly high bar for impeachment: At the time of the Constitutional Convention, "High Crimes and Misdemeanors" had 400 years of precedent in English law—it meant serious official misconduct and abuse of the powers of the government by the King or one of his officers.

Alexander Hamilton characterized impeachable offenses as "political" actions that involve injuries done to the society itself. George Mason spoke of "attempts to subvert the Constitution."

Constitutional Scholars all agree that the framers of the Constitution did not want a President to be impeached simply because a majority of Members of Congress disagreed with his policies or found his morals repugnant. We do not have a parliamentary system of government where a Prime Minister can be removed from office at any time. A strong and independent Presidency is vital to our Constitutional order.

Now the leaders of the Republican majority have puffed up with a booming voice much like the puny wizard in the Wizard of Oz in an attempt to raise the President's outrageous, reckless and morally offensive behavior to the level of High Crimes and Misdemeanors. He lied to the American people and offered misleading and possibly perjurious testimony in a civil trial and a grand jury proceeding. These are not trivial matters. The question is simply whether the special Constitutional remedy of impeachment should be invoked for these particular offenses.

The Wizards on the other side have puffed up these offenses to Abuse of Power and Obstruction of Justice, and Perjury in their Articles of Impeachment.

The Republican Majority has not raised and proven offenses that meet the standards set by our founders. Rather they have met the standard uttered by Former President Ford a quarter of century ago—that impeachable offenses are whatever 218 Members of the House of Representatives say they are. That is an incredibly cynical and unconstitutional standard, yet that is what is revealed when we rip the curtain of puffery from the rhetoric of the other side.

The Alternative of Censure would serve us well in this matter. A near unanimous House could deliver a stinging and historic rebuke to the President with a motion of censure.

But, after cutting the Constitutional legs out from under standards for impeachment the Republican leaders would have the House believe that the Constitution's silence on the issue of Censure means it is Constitutionally barred from consideration. It is not Constitutionally barred it is politically precluded because the Republican leaders feared that had the option of censure been before this House along with the option of impeachment Censure would have garnered more support.

The procedures followed in bringing these Articles of Impeachment to the floor at this time, in this manner with no option for censure are abuse of power by the leaders of the Majority. This is a tragic day in the history of the United States House of Representatives and a tragic turn of events for our sacred system of government. The repercussions will reverberate in our society for decades to come.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, at this very moment, halfway around the world, our troops are engaged in battle, at a time that we are here talking about doing in the commander-in-chief. I deplore that, because they are trying to do away with a dictator who has weapons of mass destruction that he will use. As a Vietnam veteran, a veteran of the Vietnam era, I know what it means to serve and have the Commander in Chief under siege.

I voted in October for the committee to move forward. I am ashamed that they did not come back with a joint resolution without it being partisan and unfair and politicized, and I am ashamed of this body. I came here to do the people's business. Tonight we are not doing the people's business, we are doing partisan business, and that is unfair. The American people will recognize it is unfair, and they are going to make us pay the price for being unfair and for being partisan.

I say if we could vote our conscience, we would vote for censure. The Speaker-elect said we should vote our conscience, and you are not allowing us to do it, and you ought to be ashamed of yourselves.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise in strong opposition to this very unfair attack on President Clinton and our Constitution. The partisan assault which we are witnessing today is especially painful to me, because when I was elected to Congress I had the privilege of taking over the seat which had, up until that time, been held by the Honorable Peter Rodino.

During the Watergate hearings in 1974, Chairman Rodino won the respect and admiration of the entire Nation for his insistence on fairness, his profound respect for the U.S. Constitution and his impeccable sense of decorum. The Committee on the Judiciary and the Congress at this time have not done the job, and it has been done in a partisan way.

Mr. Speaker, I think the American people see this action for what it is today. Is it not remarkable when a Democratic President engages in a secret affair, the Republicans leap to impeach him, but when a Republican leader engages in the same conduct, they leap on their feet to give him a standing ovation?

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I rise in support of Articles I, II and III.

These votes today are defining votes—cast not for political position or popularity but for purposes of confirming the integrity of the most precious and essential element of a free society—the right of all citizens to trust and rely upon a system of justice which is blind to influence and oblivious to position or status. It is also a vote that has implications for a modern society—that inextricably links our American justice system with our political system. Justice and politics should be linked. Our votes reflect our values and those of our constituents.

The evidence is persuasive to me that President Clinton's offenses justify my vote in support of articles 1, 2 and 3. The President's legal breaches have a greater negative impact on our society than the inherent damage of his moral lapses. This is because our system of justice relies on the collection of evidence that leads ultimately to the truth in legal proceedings. Only with truth and reliable facts can justice under the law be fairly dispensed. And a free people must have faith in our legal system if we are to have an orderly and lawful society.

Presidents have a high standard of conduct to uphold. By their deeds and words, they should encourage the rest of us to reach for that standard, too. High standards include and embrace respect for the law. Telling the truth in a legal setting should be the unquestionable obligation of any President, and any person. President Clinton failed in that simple obligation too frequently for his actions to be considered an oversight or misunderstanding. His conduct should not be allowed to become the new standard for our nation which historically has revered those who personify dignity, truth, self-sacrifice and honor.

We have no choice but to make this difficult judgment. To do otherwise would be a breach of the trust that citizens should have, not only in the President's standards, but in our own. My vote will be true to my Constitutional oath, and I pray to God that my judgment is right.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Speaker, I rise in support of the four articles of impeachment.

As a former law enforcement official, I have helped put people in jail based on the strength of witness testimony. Our entire judicial system must rest on the sure and solid foundation that witnesses tell the truth, the whole truth, and nothing but the truth, under solemn oath.

Beyond a reasonable doubt, William Jefferson Clinton willfully and purposely committed perjury. He did so with alarming forethought, frequency, and disregard for the law.

In a separate solemn oath, his oath of office, William Jefferson Clinton swore to uphold and defend the Constitution of the United States and the laws of this nation. He has failed to keep his word, which has brought us to this sad and historic day.

If you believe that President Clinton perjured himself, and I do, and if you believe that perjury is a serious matter, and we must, then we have a duty to pass these painful but necessary articles of impeachment.

President Clinton and apologists for him have tried to make this a debate about anything other than the rule of law. They want to make it a debate about the man and the circumstances surrounding his actions. But we are a nation of laws, and the fundamental question must be whether William Jefferson Clinton violated the law.

The facts of this case are well known. Neither the President nor his defenders have countered them effectively. Indeed, on this fundamental question, the President's team has presented no real defense. They have said that it is just about sex. They have said that he misled, but he did not lie. They have said that a reasonable person might conclude that he lied, but he did not commit perjury. They have said that even if you believe that he committed perjury, it is not an impeachable offense. They have attempted to change the subject any number of times.

However, Mr. Speaker, you cannot explain away that fact that there are people sitting in prison now for making perjurious statements under oath. I have to ask my liberal friends if they have an elitist view of the Constitution. Why should the President be treated differently? Is he, alone, above the law?

I have yet to meet the Democrat who believes that Republican Presidents are above the law, yet we seem to have an abundance of those who believe that this President should be able to lie under oath and get away with nothing more than a stern lecture.

That is what a resolution of censure would amount to—a stern lecture from Congress with no legal underpinning. It would be an extra-constitutional concoction designed to make its proponents feel better while doing absolutely nothing.

Censure may be an easy way out, but it is not a real option. The Constitution gave us no middle ground, which is as it should be. Either the House votes to impeach and refer the matter to the Senate, or it does not. It is a bright line, and I know on which side I must cast my votes.

We have seen a lot of bright lines blurred in our society in recent years. Moral relativism abounds. In this case, I have heard the most amazing rationalizations: That it is wrong to lie under oath, unless you are lying about sex. That it is wrong to lie about sexual harassment, unless the woman in question was asking for it. That it is wrong to commit perjury, but if you are really, really sorry, we can forget about it. This kind of logic only makes sense to those bent on defending the indefensible.

The scandals of recent years have desensitized our culture and denigrated our society. Beyond the White House scandals, such travesties as a celebrity former athlete literally getting away with murder and a physician killing a patient on national television have contributed to the notion that those with adequate legal defense funds are not accountable to the law.

President Clinton lied repeatedly, with forethought, in civil litigation, before a federal grand jury, and in response to questions posed by the House Judiciary Committee. He obstructed justice in numerous ways. His deputies have systematically attempted to destroy those who dare to oppose him. He has shown contempt for the truth, the law, the Congress, and his fellow citizens.

Section 4, Article II of the U.S. Constitution states that the President "shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." The threshold question is whether the President, at a minimum, committed a high misdemeanor. Who can seriously doubt that he has?

President William Jefferson Clinton should be impeached by the House of Representatives and the matter referred to the U.S. Senate. It is our solemn responsibility, and we must not flinch from it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. PEASE), a member of the Committee on the Judiciary.

Mr. PEASE. Mr. Speaker, as a member of the Committee on the Judiciary, I have spent the greater part of the last several months reviewing the terms which were assigned to us by action of the House. It has not been an easy task, especially as I struggled to maintain objectivity in the face of intense pressures from across the political spectrum.

It seemed that everyone had an opinion, usually very firmly held, and that anyone of any other opinion was not only wrong, but wrongly motivated as well.

I accepted that, though I was discouraged with my own inability to convey to others an understanding that people could hold strong convictions without questioning the motives of those who differed with them, and that all matters, but especially those as momentous as these, must be approached with respect for all involved and the institutions which we cherish.

As I have drawn the conclusions which my position on the committee required me to address, the level of rancor here and in my district has increased, and again it has been across the political spectrum. Everything from my judgment, to my patriotism, to my motives, to my professional and personal life have been attacked by people who obviously feel passionately about the issues before us.

I understand that too, but feel deeply my failure to persuade others that issues of high importance, perhaps most especially issues of high importance, can and should be debated, not free of passion, but certainly free of vilification and personal attack.

I have tried at all times to conduct myself accordingly. If nothing else, I hope I have made that contribution to this conversation.

Members of the committee have worked, I believe, honestly, sincerely and under extraordinarily difficult circumstances to do their jobs. We have differed on many things, from the role of the committee, to the standard of proof, to the definition of high crimes and misdemeanors. On several of them there was agreement, but I have never questioned the motives of my colleagues or my constituents.

Among the issues the committee addressed was that of censure. As we went into that discussion, I did not know whether this was an appropriate option for us to consider, but I felt the instructions of the House allowed us to review it. As one who hoped to find both the right answer and one that most of us could support, I felt that we must.

We did, and through the course of the discussion it became clear that the meaning of censure and its place in a constitutional construct was unclear. Aside from the constitutional discussion of whether either the House or the Senate, neither or both, could impose a censure, there was not even agreement on whether a resolution of censure was intended to punish or not.

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After long debate, my conclusion on that subject is simply this: If censure is intended as a punishment of the President, it is specifically constitutionally prohibited as a bill of attainder. If censure is not intended as a punishment of the President, it is meaningless.

I have not researched the options available to the Senate, but for the House, I am convinced that this option is not available.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, this is a sad day in our Nation's history. I say this because the stage has been set today to impeach our President against the will of the American people. This action is partisan, this action is wrong, this action is unconscionable.

How can we say this is a political democracy when an overwhelming majority of the American people have clearly stated they want our President to remain in office? How can we say this is a political democracy when an overwhelming majority of the American people have said they want to see us negotiate a compromise? How can we undo the last two presidential elections and say to the American people, your votes do not matter? Are we a democracy or are we not?

I do not intend to stand by idly and be a party to what I will again say is quite obviously an unfair process. I was elected to this Congress to represent the people, and that is precisely what I intend to by casting my vote against impeachment.

Compromise! Conscience! Censure! That is what must be the order of the day. It is the only fair way the American people can be represented.

Formal censure by the entire Congress is the only way to express the disdain of the American people for the President's actions. It is a fitting and constitutionally valid punishment, and one, I should add, that polls show a majority of the public prefers.

Those who claim otherwise rely on the argument that the Constitution does not mention censure. There are those who say it's "impeachment or nothing," when, in fact, a score of Constitutional experts called as witnesses by both Republicans and Democrats on the Judiciary Committee agreed in writing—by a margin of almost 4 to 1—that the Constitution does not prohibit censure.

The Framers of the Constitution, anticipating the political vulnerability of the Presidency to opposing factions in Congress, established a threshold for impeachment which is very high—"treason, bribery, or other high crimes and misdemeanors." This high threshold should be maintained, and as I have said before, the President's actions have never compromised the security of this nation; so what we're left talking about is private activity which reflects on moral character. That is not what our Founding Fathers intended to be impeachable offenses—unforgivable perhaps, but not impeachable.

The conduct which is the basis for the Judiciary Committee's recommendation of impeachment—perjury, and related actions regarding personal sexual misconduct—is not of the same legal magnitude as the crimes set forth in the Constitution. There is no credible evidence that the President's actions undermined the integrity of our Democratic institutions, cast doubt on his loyalty to the country, or prevented his ability to execute his duties as President. Again, while his offenses are real, they are not impeachable.

To impeach the President for the offenses charged by the Judiciary Committee would be to lower the threshold for impeachment for all future Presidents, and lowering the threshold in this way would pose a threat to the system of checks and balances and separation of powers that form the foundation of our system of Democratic governance. This would indeed be grave.

I said at the onset of this investigation that I would base my actions on the evidence of record. Based on the evidence, a Congressional action short of impeachment—such as censure for unacceptable conduct—seems to strike the right balance and to best serve the interests of our nation and its people.

To not allow a vote on a censure resolution amounts to only one thing—a decision by the Republican leadership to ignore the will of the American people. That is wrong. It is an example of the tyranny our forefathers sought to escape when they founded this great nation.

I will vote my conscience today. I will vote to reflect the will of the people. I will vote against partisanship and against impeachment. I will cast my vote for Democracy.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, I would hope the Republicans no longer come to the floor to tell us they are for small government, because they are involved in the ultimate big government act. They are attempting to take away from the people the decision of who will preside over this great country.

When we saw Khruschev removed by the Politburo, no one ran tears. He was not elected by the people; he was appointed by an unelected body. When we see coups and coups d'etat, the removal of elected presidents in Third World countries, we are saddened that they have not developed to a stage where they have the institutional instincts for debate without trying to criminalize the process of differing views.

But here in this House today, the Republican Party ignores what the Constitution asks us to do. The President, for his criminal acts, if they exist, is left to the normal criminal process. We are here to judge if he undermined the United States in his office. Did he indeed take actions that were deemed necessary for removal? The answer is no. Vote against this proposal.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, in our recent history, Barbara Jordan gave us the best short definition of an impeachable offense during the impeachment hearings on President Nixon when she said she would not tolerate the diminution, the subversion, the destruction of the Constitution. President Clinton stands accused of something far short of that standard.

By now I think most Americans have concluded that the President has not subverted the Constitution. He has not undermined our system of government. This impeachment punishes the country. It robs us of the time and attention that we should be devoting to other matters. It subverts the official duties of the President. It forces us to endure a trauma that serves no practical purpose. It opens up the possibility that the country will be forced to endure similar suspensions of the Nation's business again and again if future Presidents face penalties for any charges that a hostile prosecutor or a congressional majority can find.

Let us reserve impeachment for high crimes that betray the American people and our system of democracy. The charges against the President do not meet that standard.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I have heard a lot of talk today about the rule of law. I wish I could have heard talk about the rule of fairness. Why could we not have debated and voted on Monday after the bombing ceased in Iraq? Why could not the majority party let us vote on a censure proposal where all of us in the United States House of Representatives could have voted our conscience?

Mr. Speaker, when I listen to the majority party, it makes me wonder if they think the President had not been punished at all yet. The President has been punished. He has been humiliated. He has been embarrassed. He has paid a high price at home, as well as with the American people, as well as the people all across the world.

Mr. Speaker, where our finest hour has been is when we have known how to compromise. That is our finest hour in the United States House of Representatives. But how do we compromise when we just have one point of view?

Vote against impeachment, and give us the opportunity to vote on censure.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, the President was given the opportunity to present witnesses or evidence which would dispute the facts. He did not. His legal hair-splitting defense could not alter the simple truth: The President lied, and lied under oath.

Here is what convinced me that this perjury is an impeachable offense and not simply a moral failure. These were not lies told under sudden pressure when he was unexpectedly asked embarrassing questions. The President's lies were planned well in advance. They were premeditated. He knowingly acted to block justice, even after a Federal judge ruled his behavior was relevant and material. He orchestrated a deliberate scheme to tell multiple lies under oath on multiple occasions many months apart. Even today, he has admitted only what he has been forced to admit and otherwise continues to stonewall.

This was not a spur-of-the-moment decision to hide personal shame. He had ample time to correct his course, but instead chose to defy the laws of our land.

Mr. Speaker, I will vote to impeach.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of the resolution. We have before us the evidence as presented by all responsible parties, as well as the thoughts of so many constituents who feel strongly that their views should be reflected in the votes we cast.

After reviewing so much of the evidence, I believe it is now clear that the President has violated both his oath of office and the oath he took to tell the truth. In doing so, Bill Clinton not only committed perjury, he violated the public trust. I will, therefore, vote in favor of impeachment.

While I know that some will disagree, and strongly so, with my decision, I reached it after much thought, deliberation and soul-searching. When this sad chapter in our history is closed, I will have voted the way I did because I have shared with my two teenage daughters and thousands of other school children the fact that the truth still matters and always will and, finally, that a vote of conscience is always the right vote.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces that since beginning the debate at 12:15, the Republican side has used 2 hours and 16 minutes, and the Democratic side has used 2 hours and 26 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. MEEHAN), a member of the Committee on the Judiciary.

Mr. MEEHAN. Mr. Speaker, I would just like to respond. The gentleman from Oklahoma (Mr. ISTOOK) just said that we gave the President an opportunity to call witnesses, to prove his innocence. Since when is the burden of proof in this country on the person being accused?

You have the obligation to provide a case before the Committee on the Judiciary, and you did not provide a single material witness in this case. Not one witness. And then they get up before this House and say the President had an opportunity to bring witnesses to prove his innocence. You had the obligation to provide the witnesses that would have proved the charges before this House, and you did not provide one witness.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I think I am perhaps the only Member here who won an election and lost an election on the same day. I won a special election in 1986 and lost a primary on the same day. As a result, I was the last person to be sworn into this body by Tip O'Neill before he retired.

What I remember from that short time that I was here, not knowing whether I would come back, is remarks from Tip O'Neill and remarks from the gentleman from Illinois (Mr. HYDE). Both of them said to me in the short time I was here, whether you are here 3 weeks, as I was, or whether you are here for 30 years, this is the people's House. This is the House of democracy.

That lesson was given to me by Tip O'Neill and the gentleman from Illinois (Mr. HYDE). To not have the availability to us today to vote on a censure motion is to take away the fundamental sense of fairness that made me so proud to have been able to come to Hawaii 40 years ago, never knowing that I would have the chance to serve in this House and to be denied the opportunity now to vote on an alternative, a reasonable alternative that was emphasized by the gentleman from Illinois (Mr. HYDE) and Tip O'Neill is a travesty.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, the gentleman from Georgia (Mr. GINGRICH) was always proud to remind us that he was a professor of history, so he could tell us about the Constitutional Convention, where it was decided that a President could be removed from office for high crimes and misdemeanors, or he could tell us that censure was weighed and exercised against chief executives in the 19th century.

Let me be clear. No one is condoning the President's behavior, and if we had the chance, we would vote to condemn it. To take poetic license from Mark Anthony's words from Julius Caesar, I do not come here to praise Bill Clinton, but I do not intend to see him buried either, buried under an avalanche of innuendo and salacious scandal. Nor do I wish to see this Congress play the role of Brutus, reaching across the centuries to stab in the back the founders of our democracy who entrusted us with their legacy.

No one is attempting to defend the President. We are trying to defend a historical precedent. The voters spoke and they said they were sick of this partisan political process, sick of this extraordinarily expensive exhaustive examination of an extramarital affair. History tells us what to do. Vote against impeachment of the President of the United States.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, today I rise with sadness in my heart. It is a sad day for our republic.

Today, the Republican leadership in the House has proven that they are, in fact, the minority party. The Republican leadership represents the minority view on impeachment, on health care reform, on tax cuts to benefit the wealthy, and on protecting and preserving the social safety net.

Today, the Republican leaders have chosen to trample the Constitution with partisan arrogance in order to strike a political blow against President Bill Clinton. Today, the American people clearly oppose impeachment.

But the Republican leaders, blind above their own sanctimonious piety and hypocrisy, have chosen to push our Nation to the brink, the brink of a constitutional crisis for their own political benefit.

Today, House Republicans held Bill Clinton to a standard that neither the current Speaker, nor the Speaker-elect could meet. Today, our last best hope is that the Senate will be a place where reason takes the place of revenge.

I cast my vote against impeachment today because that is what my constituents want, and because I know that that is the right thing to do.

Today, the Republicans decided that in order to save America, they had to destroy it.

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Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to respond to the gentleman from Massachusetts. He did have one thing right, and that is the burden of proof is on those going forward with impeachment. But that burden of proof was met with 60,000 pages of documents, an independent review by the Committee on the Judiciary, and the key point is that there has not been one challenge to the evidence in the Committee on the Judiciary, nor challenge to the facts today. Also, in addition to providing the testimony of the witnesses, the President's counsel did not dispute it.

The evidence has been established and not refuted. We have made our case on that. Today, any dispute about that today——

Mr. MEEHAN. Everything was challenged in the report.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts (Mr. MEEHAN) is out of order.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in support of these articles of impeachment because of the very serious allegations of felonies contained in them.

I spent 7½ years as a criminal court judge trying felony criminal cases prior to coming to Congress. Many experts have pointed out that the role of the House is really that of a grand jury. A grand jury is required to indict any time there is a reasonable possibility that a crime has been committed.

Like a grand jury, I believe the House has no choice but to impeach when we have a report, an official report of felony offenses having been committed. Jerome Siefman, the former Democratic chief counsel of the Committee on the Judiciary, wrote recently that in his view, "There is now more than substantial evidence to consider that the President has committed impeachable offenses, and that the Congress has a moral, ethical, and constitutional responsibility to vote to impeach in this situation."

As a speaker earlier this morning mentioned, the Justice Department during this administration has prosecuted 700 people for perjury type offenses. One of our leading syndicated columnists summed up by asking, are we people of the Constitution?

Mr. Speaker, I rise in support of these Articles of Impeachment because of the very serious allegations of felonies contained in them.

Before coming to Congress, I spent 7½ years as a criminal court judge trying felony criminal cases.

Unfortunately, I believe some Members of Congress are forgetting, ignoring, or perhaps do not understand the proper role of the House in an impeachment proceeding.

Also, I had lunch with former Senator Howard Baker this week, and he said many people are missing a very key difference between the impeachment proceedings today and at the time of the Watergate hearings.

Senator Baker said those who wishfully talk about the bipartisan nature of Watergate are forgetting or overlooking the fact that many Republicans came forward then and put aside their partisanship even though it went against a President of their own party.

Today, not only are almost all Democratic Members siding with the President, they are adopting his strategy of attacking his attackers in a very partisan, very aggressive manner.

Republicans have been criticized by many on the national media for being partisan. However, in reality, we should take lessons from the Democratic members of the Judiciary Committee on how to be partisan.

We cannot hold a candle to the other party when it comes to partisanship.

Democrats, almost in lockstep fashion, are saying they find the President's behavior reprehensive, But . . .

This "but" is about as big as "but" can be and essentially means the President should once again get away with things no once else could get away with.

As to the House's proper role in an impeachment, it is really that of a grand jury.

Jonathan Turley, a law professor at George Washington University, said in his testimony before the Judiciary Committee:

> The roles of the House and Senate roughly resemble the classic grand jury and petit jury models. Under the Constitution, the House functions much like a grand jury. Like a grand jury, the House does not rule on the merits of impeachment allegations, a function given exclusively to the Senate.

The Washington Times wrote:

> The Constitutional system of impeachment gives the House the role of grand jury. The only decision to make is whether the bulk of unproven information presents a prima facie case that needs to be tried by the Senate.

The Atlanta Constitution stated that:

> The U.S. Constitution makes the House of Representatives a grand jury and the Senate a trial court for impeachment proceedings, but it does not spell out how each body should handle its responsibilities.

I do not think the grand jury system is fair, and I believe it should be changed or eliminated.

However, unless or until the law is changed, a grand jury is required to indict someone if there is any reasonable possibility that a crime has been committed.

Our Founding Fathers envisioned that even some misdemeanors might require impeachment. Does anyone really believe they would have said we should ignore or overlook felonies?

We now have a report from the independent counsel, appointed by the President's own Attorney General, saying that the President has committed felony offenses.

Jerome Ziefman wrote recently in the Wall Street Journal:

> As a lifelong Democrat and chief counsel of the House Judiciary Committee at the time of the Nixon impeachment inquiry, I believe I have a personal responsibility to speak out about the current impeachment crisis. And I believe my fellow Democrats on today's Judiciary Committee have a moral, ethical, and constitutional responsibility to vote to impeach President Clinton. Like most traditional Democrats—like most Americans—I have grave reservations about Mr. Clinton's morality and ethics. In my view there is now more than substantial evidence to consider our President a felon who has committed impeachable offenses.

As one of our leading syndicated columnists summed up:

> Are we people of the Constitution? Are we a nation of laws? Do Americans believe that perjury, obstruction of justice and lying to a federal grand jury—all felonies for a private citizen are not felonies when done by a president? Is a president above the laws that bind other men?

Senator Baker also told me at our lunch that the Senate could conclude this matter in one day if they really wanted to.

I hope that if the House votes to impeach, the Senate moves quickly and that the President and his lawyers and supporters do not use the stall and delay tactics that have dragged this matter on too far already.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. Mr. Speaker, it is with heavy heart that I rise today in support of impeachment. I took an oath to uphold the Constitution and defend it against all enemies, and I would betray my conscience and my country if I were to ignore this oath. I rise in favor of impeachment because we all swore an oath, and I take my oaths very seriously, even though the President does not.

My first wish is that the President resign. Unfortunately, he has chosen to place his legacy ahead of our Nation's interest. Mr. Speaker, I will vote to send these articles of impeachment to the Senate.

Mr. Speaker, it is with a heavy heart that I rise today in support of these articles of impeachment. Voting to impeach the President of the United States is not a responsibility I enjoy, and it is not one I take lightly. But I took an oath to uphold the Constitution and defend it against all enemies, both foreign and domestic, and I would betray my conscience and my country if I were to ignore this oath.

I am not a lawyer. Nor am I an enemy of the President or a member of any "right wing conspiracy." I am a father, a grandfather, and a public servant. As a public servant, I cannot look away when those entrusted to enforce and uphold our laws choose instead to place their personal interests ahead of the Nation's. And as a father and grandfather, I cannot allow this President to escape accountability for violating the laws he swore to uphold. To issue a "slap on the wrist" to a leader who commits perjury, obstructs justice, and abuses his power would send a terrible message to American children. It would teach them that promises may be broken, that solemn oaths are no more than mere words.

Leaders should be worthy of the trust placed in them. President Clinton betrayed this trust, and no hollow last-minute apologies or legal hairsplitting can erase this betrayal. I remain convinced that a President cannot lead without the trust of the American people, and he cannot govern where he commands no respect.

My first wish is that the President take responsibility for his actions and put a stop to this process. He should resign and allow us all to put this matter behind us. Unfortunately, he has chosen to place his "legacy" ahead of our Nation's interests. As a result, Mr. Speaker, we are bound by our oaths to fulfill our constitutional duty and vote to impeach him. The President of the United States broke the law, violated his oath, and dishonored himself and our country. No poll or posturing erases that fact. We must send a message that no one, no matter how powerful or how popular, is above the law.

Mr. Speaker, I will vote to send these articles of impeachment to the U.S. Senate for disposition. I do so because I swore an oath, and I take my oaths very seriously. I do so because the President, unfortunately, does not.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I rise today with a heavy heart, but with a solemn sense of duty, and that is to support all four articles of impeachment against the President of the United States. I want to believe my president. I cannot. I hoped he would keep his promise to have the most ethical administration in history. He did not.

I want to accept his explanation that he did not lie under oath, commit perjury, obstruction of justice, or abuse the power of his office. However, his actions and comments over the past 11 months have shaken my confidence in his ability to distinguish truth from fiction.

If you can't convince them, confuse them, President Harry Truman once quipped. Like many Americans, I have been confused by the President's denials, admissions, declarations, and apologies over the past year. I have no doubt, however, that the President has engaged in a clear and calculated pattern of deception. The integrity of the presidency, Mr. Speaker, must always take priority over the self-interest of the current occupant of that office.

Mr. Speaker, failing to hold the President accountable for his actions would create a dangerous double standard. To borrow a phrase from George Orwell's Animal Farm, we would be establishing a principle that some Americans are more equal than others.

Mr. Speaker, I rise today with a heavy heart—but with a solemn sense of duty—to support all four articles of impeachment against the President of the United States.

Like most Americans, I have closely followed the Judiciary Committee's proceedings in recent weeks. Over the past few days, I have carefully studied the Committee's findings and again reviewed the available evidence. After serious consideration of these issues, I am convinced that the President committed perjury, obstructed justice, and abused the power of his office.

The Constitution of the United States empowers the House of Representatives to impeach public officials who engage in "treason, bribery, or other high crimes and misdemeanors." Impeachment is not a punishment. It is a process established by the Constitution to protect our democracy and preserve the rule of law.

Historical writings on impeachment clearly define its role as a democratic safeguard. In Federalist Paper Number Sixty-Five, Alexander Hamilton wrote that a President may be impeached for "offenses which proceed from the misconduct of public men, or in other words, from the abuse of violation of some public trust."

James Madison explained the impeachment power at the 1787 Constitutional Convention by stating that "some provision should be made for defending the community against the incapacity, negligence, or perfidy of the chief magistrate."

Our government is founded on the simple premise that "all men are created equal." Equal justice under the law is more than a slogan. It is the bedrock principle that supports our democracy. It is too important to set aside simply to avoid unpleasant or inconvenient consequences.

Our President violated the public trust. His offenses arose from reckless personal misconduct, but they were very clearly public in nature. Perjury, obstruction of justice, and abuse of power can hardly be described as "private conduct."

We do not have the option of simply "forgiving" the President's unlawful behavior. Failure to hold the President accountable for his actions would seriously undermine the rule of law. Under these circumstances, the Constitution compels us to follow the impeachment process to its conclusion.

I want to believe my President. I cannot. I hoped he would keep his promises to have "the most ethical administration in history." He did not. I want to accept his explanation that he did not lie under oath, commit perjury, obstruct justice, or abuse the power of his office. However, his actions and comments over the past eleven months have shaken my confidence in his ability to distinguish truth from fiction.

"If you can't convince them, confuse them," President Harry Truman once quipped. Like many Americans, I have been confused by the President's denials, admissions, declarations, and "apologies" over the past year. I have no doubt, however, that the President has engaged in a clear and calculated pattern of deception.

On January twenty-sixth, the President wagged his finger at the American people and said: "I did not have sexual relations with that woman, Ms. Lewinsky."

On August seventeeth, the President stared us in the eye and said: "I did have a relationship with Ms. Lewinsky that was not appropriate."

Last weekend, the President again took to the airwaives to state that he "could not admit to doing something that I am quite sure I did not do." He said all he can do now is "the work of the American people."

I disagree. He can tell "the truth, the whole truth, and nothing but the truth." He swore to do so in the Paula Jones civil deposition and in his federal grand jury testimony. The evidence demonstrates, however, that he knowingly lied under oath.

While President Clinton claims to be remorseful, he continues to ignore the evidence and to deny his unlawful actions. His reliance on legalisms and abrsurd grammatical constructions is an insult to the common sense of the American people.

The President's defense was similarly unconvincing. Instead of refuting the Independent Counsel's charges, the President's lawyers claimed that his transgressions do not rise to the level of impeachable offenses. I believe they do, and the Constitution directs Congress to make that determination.

The President's lawyers argued that his conduct, even if admitted, would never result in criminal prosecution. However, constitutional scholar Bruce Fein summarized studies of impeachment by concluding that "impeachable offenses were envisioned as political crimes against the nation, which might or might not be indictable under the criminal code."

I believe the weight of the evidence is overwhelming. It leads me to conclude that the President committed perjury, obstructed justice, and abused the power of his office. He committed impeachable offenses by breaking the very laws he twice swore to "preserve, protect, and defend." He knowingly subverted the judicial process and intentionally deceived the courts, federal officials, his friends and family, and the American people.

As our nation's senior law enforcement official, the President must be held responsible for his actions. Perjury undermines the rule of law. It cannot be overlooked or ignored. Over one hundred people are currently incarcerated in federal prisons for committing perjury in civil cases. How can we demand responsibility from them while judging the President by a different standard?

The answer, of course, is that we cannot. The integrity of the presidency must always take priority over the self-interests of the current occupant of that office.

Former Supreme Court Justice Felix Frankfurter wrote in 1946 that "If one man can be allowed to determine for himself what is law, every man can. That means first chaos, then tyranny. Legal process is an essential part of the democratic process."

Mr. Speaker, failing to hold the President accountable for his actions would create a dangerous double standard. To borrow a phrase from George Orwell's novel Animal Farm, we would be establishing the principle that some Americans are "more equal than others."

This is one of the most difficult decisions I have ever made, or will ever make. Throughout this process, my constituents made impassioned arguments both for and against impeachment. I spoke with many local residents who offered their heartfelt opinions on how to resolve this matter.

In the final analysis, however, I alone must make this momentous decision. After carefully reviewing all of the available evidence and legal precedents, and after much soul-searching, I have decided to support the constitutionally prescribed remedy of impeachment.

Webster's Dictionary defines the term "impeach" as follows: "to bring an accusation against; to charge with a crime or misdemeanor; and to charge . . . with misconduct in office." The evidence demonstrates that the President must be charged with perjury, obstruction of justice, and abusing the power of his office. He has exhibited gross misconduct in office. He should now be held accountable for his actions and stand before the Senate in judgment.

When I was sworn in as a member of the House of Representatives, I took a solemn oath to "support and defend the Constitution of the United States against all enemies, foreign and domestic . . ." I am confident that history will judge my vote to impeach the President as one borne not from malice, but out of love for my country, and in defense of my sworn oath.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, to respond to the gentleman from Arkansas (Mr. HUTCHINSON), every single charge that is made by the majority was responded to in our minority report. That is number one.

Secondly, only under this system, with the majority railroading this president, could we have a system where someone is accused of perjury, and they will not even tell us which words are perjurious. Nowhere in America could they ever charge someone with perjury and not tell them what they said.

Finally, there is no judicial proceeding anywhere in this country where we would not have a witness, a material witness, come before the bar; nowhere but under their majority.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, that is what we have been reduced to. We are reduced to 1 minute on perhaps the most important vote we will ever cast.

Mr. Speaker, more than the President, we are on trial today. As we debate whether to impeach the President, our actions will be judged by the American people, not only today but for generations to come.

The standard for impeachment is high: treason, bribery, high crimes, and high misdemeanors. These articles of impeachment degrade what our forefathers meant by high crimes and high misdemeanors. While the President's actions were reprehensible, they were wrong, and certainly they deserve punishment, they do not rise to the level of offenses which meet the historical judicial standard of impeachment.

If we approve these articles of impeachment today, we will demean the institution of Congress. We will have turned the most serious proceeding that Congress can undertake into a vicious example of obsessive politics.

These articles do not represent justice, they do not represent the judgment of the majority of American people, and they certainly are not the best way for us to act as a jury. We demean the actions of a jury, the instructions that any jury must follow, and certainly as a jury, we will be judged into the future.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, this impeachment is unfair on three counts. It is unfair to the President, whose admitted misconduct in covering up a private sexual affair cannot compare to the Nixon precedent, where high State crimes were not in doubt; it is unfair to the country, because the preference of the voters for censure of the President is being barred even from consideration; it is unfair to the people who live in this city, whose 23rd amendment constitutional right to vote for president has been denied, because they cannot vote for removal of the President.

We are converting a solemn constitutional process into a petty political proceeding. The people, acting officially on November 3rd, repudiated impeachment, yet the majority has denied a vote on the public preference for censure, defying its own announced standard that no impeachment could occur without bipartisanship. The majority is headed for an incredible partisan party line vote to impeach the President. This impeachment is raw with unfairness.

Mr. Speaker, this impeachment is unfair on three counts. It is unfair to the President whose admitted misconduct in covering-up of a private sexual affair cannot compare to the Nixon precedent where high stake crimes were not in doubt. It is unfair to the country because the preference of the voters for censure of the President is being barred even from consideration. It is unfair to the people who live in this city, who have a 23rd amendment constitutional right to vote for President but have been denied a vote on removal of the President.

We are converting a solemn constitutional process into a petty political proceeding. The framers raised the bar as high as possible allowing impeachment not even for crimes, but only for high crimes. The Republicans have lowered the bar as low as they can to reach tawdry private consensual sex.

The framers sought to make partisan impeachment a contradiction in terms; the majority is making it a reality. The people acting officially on November 3rd repudiated impeachment. Yet, the Majority has denied a vote on the public preference for censure. Defying its own announced standard that no impeachment could occur without bipartisanship, the Majority is heading for an incredible partisan, party line vote to impeach the President.

This impeachment is unfair to the people of the District of Columbia. The Majority has relegated them to the functional equivalent of partial citizens—good enough to vote for president, but not good enough to decide whether to remove him.

This impeachment is raw with unfairness. Only a repudiation of all articles can save us now.

Mr. CONYERS. Mr. Speaker I yield 1 minute to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, although I am denied the privilege of voting on the floor of this great institution, on behalf of the thousands of Samoan Americans men and women who proudly wear with pride and honor the uniforms of our armed services wherever they are in the world, I am grateful for at least the privilege to express an opinion on this most serious issue that is now before this body.

Mr. Speaker, if we proceed to vote on the articles of impeachment, as mandated or forced upon the Democratic Members by our friends in the majority, I find it difficult to comprehend why procedurally the Members on this side of the aisle are not at least afforded the courtesy of voting, as a matter of conscience, to censure the President of the United States. They have the votes to impeach, but for the sake of fairness, why are Members so adamant in not allowing other Members who also represent millions of our fellow Americans to vote for censure?

Mr. Speaker, I say to my friends in the majority, and they are my friends, when all of this is over, with blood all over this floor, my friends in the majority will have pounded and hammered some 218 nails on the flesh of this man without even an ounce of blood as a cure.

Mr. Speaker, although I am denied the privilege of voting on the floor of this great institution, on behalf of the thousands of Samoan-American men and women who proudly wear with pride and honor the uniforms of our armed services—wherever they are in the world—I am grateful for at least the privilege to express an opinion on this most serious issue that is now before this body.

Some twenty-four years ago Congress moved toward the impeachment of President Nixon. In that case, President Nixon directed the FBI and CIA to coverup illegal activity, used the IRS to investigate political enemies, and cheated on his personal income taxes. Those actions were grave enough that it was expected that more than a two-thirds majority of the Senate would vote to convict. In contrast, the actions taken by President Clinton were of a personal nature and his attempts to save himself and his family from personal embarrassment are not, in my opinion, impeachable.

Some have argued that a resolution of censure is unconstitutional. I am not persuaded by that argument. For one reason, such resolutions have been pursued on several occasions in the past, including a Senate censure of Andrew Jackson in 1834, resolutions and statements of censure against President John Adams in 1800, against President John Tyler in 1842, against President James Polk in 1848, and against President James Buchanan in 1860 and 1862. In more modern times, two censure resolutions were brought against President Richard Nixon, one in 1973 and one in 1974.

The actions the Congress cannot take against a President, such as reducing his salary during a current term in office, are spelled out in our Constitution. No where does it say the Congress cannot express its opinion of actions taken by a sitting President. Mr. Jack Maskell, author of a recent CRS report on this issue notes that although there is "no express constitutional provision regarding censure . . . there is also no express constitutional impediment" for Congress to adopt a resolution expressing censure.

It is also being argued that censure is no more than a slap on the wrist. In fact, strongly-worded resolution of censure is sure punishment which would have greater impact, in current terms and in the future, than this doomed-to-fail effort to remove the President from office.

In addition to being disproportionate to the wrongs committed, a trial in the Senate based on articles of impeachment adopted by the U.S. House of Representatives will distract the Nation for months and make it more difficult for the Congress to attend to its legislative duties. Such an action at this time lowers the standard for future impeachments, and will encourage future Congresses to bring articles of impeachment against future Presidents for offenses other than "high crimes and misdemeanors."

As a practical matter, a trial in the Senate on articles of impeachment against President Clinton will likely not result—in my opinion—in a conviction by a two-thirds majority vote as required by the constitution.

Mr. Speaker, if we proceed to vote on the articles of impeachment as mandated or forced upon the Democratic Members by our friends in the majority, I find it difficult to comprehend why, procedurally, the Members on this side of the aisle are not at least afforded the courtesy of voting—as a matter of conscience—to censure the President of the United States. You have the votes to impeach, but for the sake of fairness, why are you so adamant in not allowing other members, who also represent millions of our fellow Americans, to vote for censure?

Mr. Speaker, I say to my friends in the majority—and you are my friends—when all this is over, with blood all over this floor, my friends in the majority will have pounded and hammered some 218 nails or more on some 218 pounds of this man's flesh with your hands, without even an ounce of blood as a cure.

Mr. Speaker, this is a sad day for our American democracy. Instead of acting according to the highest principles of compromise, consensus and bipartisanship, the American people are witnessing the worst example of how we, as representatives of the people, are acting in a most pathetic, mean-spirited, adversarial, partisan process.

Mr. Speaker, I submit—God definitely needs to bless America.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. McCRERY).

Mr. McCRERY. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, private sexual relations between consenting adults should be just that—private. If President Clinton had simply been revealed to have had an extra-marital affair, the U.S. House of Representatives would not be considering articles of impeachment. Unfortunately, the President's troubles arise from a number of actions quite different from private, consensual sexual encounters.

Before the President even knew Monica Lewinsky, he was the defendant in a civil lawsuit filed by Paula Jones, a former Arkansas state employee, who claimed that, while she was a state employee, the governor of Arkansas, Bill Clinton, made a crude and unwanted sexual request of her. Ms. Jones claimed in the lawsuit that she was emotionally upset by the governor's action and that she suffered in her job as a state employee as a result of her refusal to grant the governor's request for her to perform a particular sex act with him. The subject of this lawsuit was not a consensual sex act, but an unwanted sexual advance by the male employer of a female.

In any civil lawsuit, the plaintiff has the right to call witnesses to testify under oath as to the truthfulness of the claims being made in the lawsuit. Central to our civil justice system is the requirement that witnesses under oath tell the truth, unless such testimony would tend to incriminate them, in which case the witness can claim the 5th Amendment to the Constitution and refuse to testify.

President Bill Clinton was called to testify in the discovery phase of the Paula Jones lawsuit. Under oath, President Clinton made a number of statements which have since been shown to be false. Taken together, these lies under oath were clearly calculated to thwart the *Jones v. Clinton* federal civil judicial proceeding.

Upon the discovery of evidence indicating the President may have committed perjury, a federal criminal grand jury was charged with investigating the matter. President Clinton testified under oath before that grand jury and, once again, told a series of calculated lies. Good lawyers may quibble over whether the President's lies under oath constitute perjury, but I believe no reasonable, unbiased person would conclude that the President did not lie under oath. I am convinced that the lies under oath do constitute perjury, a felony criminal offense.

In addition to the perjurious testimony given by the President, I am convinced, after carefully studying the evidence, that the President engaged in a pattern of obstruction while the *Jones v. Clinton* case was pending, and while a federal criminal investigation was pending, in order to thwart those proceedings. The pattern of obstruction consisted primarily of tampering with witnesses whom the President knew would likely be called to testify before the criminal grand jury. Those witnesses included Monica Lewinsky, his secretary, Betty Currie, and numerous White House aides.

In summary, this impeachment proceeding is not about sex! It is about attempts to thwart proceedings in our civil and criminal justice systems. It is about the President committing perjury in a civil lawsuit which concerned not consensual sex, but a crude and inappropriate sexual advance made by an employer toward an employee. It is about the President committing perjury before a criminal grand jury. And it is about the president having so little regard for the rule of law that he even sought to have others commit the crime of perjury in order to protect himself. Those acts constitute an attack by the President on our justice system, serve to undermine the orderly administration of justice in this country, and are therefore impeachable offenses. As a lawyer, had I committed the offenses the President committed, I would be disbarred. Should the President be held to a lower standard than that expected of lawyers in this country? Surely not.

It is important, if not critical, for the U.S. House of Representatives to approve articles of impeachment against President Clinton in order to send the message to the citizens of our Nation that the rule of law is a crucial part of the foundation of our society, and that no one, not even the President, no matter how popular he might be, is above the law.

Mr. McCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, some now suggest that holding a President, accountable after committing perjury in a criminal grand jury proceeding amounts to a coup d'etat or will bring blood on the floor demeans the level of this debate.

I quote from Dr. Larry Arnn:

> Elections have no higher standing under our Constitution than the impeachment process. Both stem from provisions of the Constitution. The people elect the President to do a constitutional job. They act under the Constitution when they do it. At the same time they elect a Congress to do a different constitutional job. The President swears an oath to uphold the Constitution. So does the Congress. Everyone concerned is acting in ways subordinate to the Constitution, both in elections and in the impeachment process.
>
> If a President is guilty of acts justifying impeachment, then he and not the Congress will have "overturned the election." He will have acted in ways that betray the purpose of his election. He will have acted not as a constitutional representative, but as a monarch, subversive of, or above the law.

Mr. McCOLLUM. Mr. Speaker I yield 4 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, we are all, all deeply saddened to be here in the midst of this constitutional crisis. But I am convinced that it is my constitutional duty to vote for the articles of impeachment as presented by the Committee on the Judiciary.

Let us first be very clear. The case against the President is not about sex or the privacy of the President and the first family. It is about the very public legal action of perjury in a civil disposition and before a Federal criminal grand jury. These are matters of public policy and the law, along with the questions of obstruction of justice and abuse of power.

In this respect, I have determined that the evidence brought before us by the Committee on the Judiciary is credible and substantial, and warrants sending, and listen to this, sending these articles to the Senate for trial. This is our constitutional obligation, and one that all of us Members of the House took upon us ourselves when we took our own oath of office.

I would stress, and this is, I think, very important for all our colleagues to remember, and for the public to remember, this House did not arbitrarily choose to do this. This case was forced upon us as a consequence of the President's failure to deal directly with the Paula Jones lawsuit years ago, and then of course at the same time over the years, including the 18 months under investigation, while under investigation by the Independent Counsel's office.

The issue before us today is, can the House fulfill its constitutional obligation and not yield to the spinmeisters or the talk shows. This is not a matter of a popularity or an uninformed poll. It is a matter of our constitutional obligation, and how we can turn this over to the Senate for trial.

Mr. Speaker, I bear no animosity towards the President. I do not wish him ill. Clearly, any sins that may have been committed are between him and the Lord, and any infidelities must remain between him and his family.

But we cannot deny the damage that has been done to his office and to our Nation. He is the chief executive officer and our chief law enforcement officer of the United States, under the Constitution. It is the obligation of this Congress and the Committee on the Judiciary to make this case to the people so that they will understand that the bottom line issue is that no one is above the law. That has to be determined with a full trial in the Senate.

□ 1815

Mr. Speaker, history will judge us. Our children and our grandchildren will know whether we voted to endorse and buttress the rule of law and allow our constitutional process to work. That is our obligation under the law. That is the oath we took as Members of Congress.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, it is a coup d'etat when you impeach a President for allegations that even if true the overwhelming majority of constitutional scholars say are not impeachable offenses. It is a coup d'etat when most of the prosecutors who testified in front of the committee said no prosecutor would seek an indictment because no jury would convict on the evidence we have. And it is a coup d'etat when you seek to upset an election, to overturn an election without a broad consensus of the necessity for doing so against the majority of the American people. That describes a coup d'etat, Mr. Speaker.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in strong opposition to these articles of impeachment. Indeed I think it is time that we uphold our constitutional responsibilities, not debase them. In fact, we have a solemn duty and judgment that we are to make.

I think that the report that has come back and the duty charged to the Committee on the Judiciary has been lacking. You have not done the job that is expected. Refusing a timetable and then jamming this into two weeks after the election obviously gives strong suspicion to the reasons that we are doing this.

This does not stand the legal test. This does not stand the constitutional test. This is turning this Congress upside down. This is partisanship carried to an extreme. It is now attacking the basic fundamental document, the law of the land, our Constitution and process.

There is a reason that there have not been impeachments in the past of the President. The only time we can look to is after the Civil War when this country was in upheaval. The fact is, if this is the direction that we are going, if you are going to lower the bar and set new precedents such as this with regard to impeachment, we are going to keep the Senate awful busy.

This is an outrage, Mr. Speaker.

Mr. Speaker, I rise in strong opposition to the Articles of Impeachment before the House.

These articles and conclusions are unfair and demonstrate very poor judgment and rank partisanship on the part of the Republican Majority, the House Committee and Leadership. The House, on September 11, 1998, sent the Starr report to the Judiciary Committee with the charge to investigate and determine the validity of such assumptions.

The Starr report, unlike the investigatory work from previous Special Counsels, went beyond a report on the proceedings before the Grand Jury and actually put forth conclusions. Rather than presenting the evidence and permitting the Congress to make its own judgement, the Starr Report superimposed the views of the Special Counsel upon the House. In fact, Kenneth Starr's outspoken advocacy for impeachment finally resulted in the resignation of Sam Dash, the famed 1970's Watergate Counsel, whom Starr had personally engaged as the Ethics Advisor for the Office of Independent Counsel.

The Judiciary Committee, with the authority of the House vote, had the responsibility to fully evaluate this 450-page report, the seventeen boxes of testimony and the additional materials. The final product presented today as Articles of Impeachment has failed significantly to achieve an independent, credible, bipartisan consensus concerning the conduct of the President. The standard of evidence is second hand and is far short of the Watergate criteria of clear, convincing evidence.

The Judiciary Committee and the Republican Majority permitted this major Constitutional role to languish, spending most of the limited time debating which material should be made public. Unfortunately, throughout the time period from September 11 until today, the Judiciary Committee did not hear from a single direct witness and never subjected any witness to cross examination. Rather, this report rubber stamps numerous allegations of the Starr report and sees fit to manufacture a further Article of Impeachment from the 81 questions put forth by the Republican Majority.

The Republican Majority motivations to rush to judgment today are transparent. In mid-October, when the Democrat Minority sought to limit the scope and timetable for the consideration of this Starr Report, the Republican Majority refused. Subsequently, the Starr Report and Judiciary Committee investigation languished with not a single substantive hearing before the November 3 elections. In fact, the Congressional Republicans sought to employ the Starr Report to their advantage in this election cycle. Despite the House spending $30 million on investigations on varied topics and the Office of the Independent Counsel expending in excess of $40 million, the American electorate spoke loud and clear on November 3. They want a Congress that will use its powers and time to address the concerns and the problems that affect the American people rather than a GOP Congress which wields their power to undercut their political opponents as they have since winning control in 1995. Most notably, Democrats and President Clinton have been the primary focus of most investigations. The American voters saw through this unfair abuse of power and harassment and have become fed up with such antics. In an historic November 3, 1998 election, this year the GOP majority lost significant ground and specifically lost on the issue of the Starr Report and the relentless abuse of power by Starr and the Congressional GOP counterparts.

As Speaker GINGRICH announced his intent to step down, light shone through the partisan clouds that have loomed over the Congress these past years. A ray of hope existed that this Congress would accept the people's judgment. Instead, the GOP leadership quickly reverted to unfair partisan action. Recognizing that more Democrats would be in the Congress in January 1999, they set upon a scheme to jam through the lame-duck 105th Congress an impeachment vote before the new 106th Congress is sworn into office and seated. Within the Judiciary Committee due process and fairness were cast aside, perfunctory testimony and time limits were the order of the day and within a short period of two weeks, without one direct material witness relevant to the accounts of the Starr report and trumped up allegations concerning questions the Majority Republicans asked President Clinton. The end product—these four Articles of Impeachment are grossly unfair, and that was insured by the manner and lack of deliberation that shaped their substance.

That the President was evasive, unclear and uncooperative regards his representations concerning an extramarital affair is clear. However, even assuming that President Clinton's testimony in these instances is unlawful—a point which has not been proven—this matter does not rise to the level of an impeachable offense. It is not treason, bribery, or other high crime or misdemeanor. It does not involve the official duties and role of the President. It is a personal matter as are the relations of other public officials that do not touch upon their official duties. Certainly, this behavior and the subsequent questionable conduct in giving testimony merits our strong reprimand and censure, not impeachment. Unfairly, a censure action will not be allowed by the Republican Majority today in this House. In an effort to insure that these weak questionable Articles of Impeachment prevail, the GOP Majority Leadership has steadfastly refused the opportunity to permit a censure vote on the floor, intent upon using its power to frustrate and thwart the will of the American people who believe censure—not impeachment—to be the appropriate penalty.

Mr. Speaker, the President should be fully subject to the law. Indeed, when the court permitted the private civil suit to proceed in 1997, President Clinton was subject to the law for alleged activities before he was even elected to his current office in 1992. Furthermore, if the participation in such legal process is improper, it can and should be fully adjudicated with the full ability to exercise all rights and privileges accorded every citizen. The President isn't above the law, neither should he be considered below the law. The debate about the so-called legalisms employed in this instance are the essence of the "rule of law" even as some venerate the "rule of law." Republicans seem all too willing to deny the President the opportunity to defend himself.

The proceedings before the House Judiciary Committee have made a mockery of the important Constitutional role accorded Congress in regards to our impeachment role. The President was required to defend himself against unknown Articles of Impeachment, the Articles were composed and presented after his defense was completed. Furthermore, no material witnesses testified or were subject to cross examination. The House must not compound the unfairness that has characterized this process. This proposed action today on the Articles of Impeachment is an abuse of fundamental responsibility and duty of this House. Today's action indeed spells out a new order and degraded role, cheapening the historic meaning and purpose of the impeachment of a president.

This important impeachment role and responsibility of the House should be based on our best effort, not a matter to be compressed into a political timetable with questionable substance and motives. The House, with this proposed action, risks significant harm to the historic role and duties accorded the elected Members by the Constitution should we act today to impeach. I urge the Members to vote no, to step back from the rush to judgement and partisan leanings that have dominated this House and permit the Committees of this House to properly do their job. The standard must be clear and convincing evidence—not second hand information, conjecture and a schedule of convenience for the Members of the House. If such allegations have merit, then take the time to do the task and exercise the responsibility properly. Vote no on these articles and against this unfair procedure and process.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, the Bible says, let he without sin cast the first stone.

Let me tell you in this Chamber, it is full of sinners. I am here on behalf of my constituents who want me to tell the President that they love him and they are praying for him and the country.

The Republicans say that their sin is different from the President's. They are hypocrites. What a shame that while the troops are fighting for us in the Persian Gulf, we are having this silly and stupid debate because of your hatred of the President. The President is like David from the Bible. He is the favorite one. He is the favorite one because he does the people's work. The Republicans hate him because he beat them on every single issue.

Let me tell you what the real crime and high misdemeanor is, my fellow Americans. In 1994, the leaders announced their Contract on America. And today is the final agenda of that contract. They began their contract by attempting to cut school lunch, Head Start, food stamps, health care and Medicare for the elderly. These are the crimes that should be punished.

This is a modern day coup d'etat, Mr. Speaker. It is the final piece of their contract. You can fool some of the people some of the time, but you cannot fool all of the people all of the time. And let me tell you, the American people are not fooled by your motives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair reminds all persons in the gallery that they are here as guests of the House. Any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. MASCARA).

Mr. MASCARA. Mr. Speaker, I come to the well today to express my disappointment at the impeachment proceedings that are taking place on the House floor today. I am deeply disappointed and disillusioned. As debate continues tonight, I would like to ironically quote President Nixon who said the Nation needs a sense of history more than a sense of histrionics.

As I listened to the Clerk reading the articles of impeachment today, I was both saddened and ashamed to be a part of these proceedings. It is an emotional time for me, to participate in this dark period of our history impeaching the President of the United States. I have consistently defended the integrity of public service generally and service in this House, specifically saying that in spite of the cynicism and the low regard, oftentimes, and hatred for elective office, I am proud and honored to be a Member of the United States House of Representatives. Regrettably, those feelings have been somewhat diminished and tainted as a result of these unfair proceedings.

While the President's behavior was reprehensible, most constitutional scholars believe these charges do not rise to a level of impeachment.

I oppose the House Resolution 611.

Mr. Speaker, I seldom come to the House floor to speak unless I have something important to say. And I have never made disparaging remarks about any Member of this House—Republican or Democrat.

I come to the well today to express my disappointment at the impeachment proceedings that are taking place on the House floor today. I am deeply disappointed and disillusioned. As the debate continues tonight I would like to ironically quote President Nixon who said "The nations needs a sense of history more than a sense of historonics. As I listened to the clerk reading the articles of impeachment this morning, I was both saddened and ashamed to be a part of these proceedings. It was an emotional time for me to participate in a dark period of our history—Impeaching the President of the United States.

I have consistently defended the integrity of public service generally, and service in this House specifically, saying that in spite of the cynicism out there regarding elective office, I am proud and honored to be a Member of the House of Representatives. Regrettably, those feelings have been somewhat diminished and tainted as a result of these unfair proceedings.

While the President's behavior was reprehensible most constitutional scholars, believe the charges here today do not rise to the level of impeachable offenses.

We have been asked to vote our conscience, yet the majority is denying Members, both Democrats and Republicans, the right to vote their conscience in favor of censure. That is patently unfair. A majority of the American people are being denied an opportunity for their voice to be heard on an issue overturning their electoral will. This is deeply dividing our Nation. Polarizing our citizens.

I ask our Republican friends to be fair! To do the right thing! Permit a vote on censure.

I oppose House Resolution 611.

Mr. MCCOLLUM. Mr. Speaker, I yield myself 40 seconds.

I just want to respond to the charges of the coup d'etat again and what the gentleman from New York (Mr. NADLER) said a while ago, that all the scholars we had before our committee said that these were nonimpeachable offenses, that prosecutors would not indict, that this would overthrow an election.

The fact is, there is a wide division over the impeachment question. We had just as many scholars who said these are impeachable.

I happen to believe deeply perjury is equally grave or more grave than bribery and we in fact punish it more severely. As far as prosecutors, there are a lot of prosecutors who indict. We had one panel of the President's witnesses saying that.

We are not about to overthrow an election. We are simply about to send a matter to a trial in the Senate who might choose to do that if they find the President guilty of perjury and obstruction of justice.

Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. INGLIS), a member of the committee.

Mr. INGLIS of South Carolina. Mr. Speaker, this is the last time I will be able to speak to the House of Representatives.

I rise in support of the articles of impeachment because here tonight we have to answer three questions: First, are we a people of convenience or of conviction? Second, are we a constitutional Republic or a democracy? Third, are we a Nation based on truth or a Nation based on moral relativisim?

The first of those questions, a people of convenience or a people of conviction. I have heard a lot of discussion about how the stock market may do this or that. We have heard refuting evidence that actually NASDAQ went up. We have heard about the disruption this may cause. So the question is, has our instant gratification come to the place where we need a microwave solution rather than a lasting solution based on principle and sound understanding of the Constitution?

The second question that really has been fascinating to hear here today is whether we are a democracy or a constitutional Republic. I must say that some of our friends on the Democratic side of the aisle have misunderstood the name of their party with the basis of our government.

We are not a democracy. This is a constitutional Republic. If it were a democracy, then if Baptists outnumbered Roman Catholics, Baptists could decide legitimately in a pure democracy to ban masses on Sunday. But thank goodness we are not a democracy. We are a constitutional Republic. And therein lies the rub here today on the floor.

Here on the floor today we are dealing with a Constitution, and we are dealing with the principles contained in the Constitution. And those principles must hold sway over last night's overnight poll. That poll is insignificant compared to the lasting words of the Constitution.

The third question we must answer is, are we a Nation based on truth or a Nation based on moral relativisim? This, I think, is the nub of the question. Does the truth matter or is everything relative? Is there any truth or is my truth different than your truth? And we can have inconsistent truths, and there is really no truth.

I hope that America will always be a place of commitment to essential truths, the essential truths that Mr. Jefferson wrote about in the preamble to the Declaration of Independence: I hope that it will always be a place of freedom coupled with responsibility. And that is what we are seeing here in the case of the President.

I hope that it will always be a place of caring through families and local communities, a place of free enterprise within the context of fair competition, and a place of strength capable of defending freedom. Those things are what is at stake here tonight.

I hope that the House of Representatives here tonight will vote to uphold the rule of law and to say that whenever our conduct, any of us, or any President's conduct contravenes the Constitution of the United States, that the people's House will rise up and say, no matter what party you are from, the Constitution must hold sway there rather than last night's overnight poll or any temporary affection that the people may hold for any particular officeholder.

That is my hope. That is why I hope we pass articles of impeachment here tomorrow.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I thank my colleague for yielding me the time.

I was not planning to speak on this matter until tomorrow, but I heard repeated references to my old friend, Speaker O'Neill. And I feel compelled to respond.

Some Members have mentioned the impeachment of President Nixon and said that former Speaker O'Neill refused to consider a resolution censuring him. Mr. Speaker, I was here back in 1974, when Richard Nixon was being considered for impeachment. Thomas O'Neill was not the speaker. Carl Albert was.

Furthermore, Mr. Speaker, no resolution to impeach President Nixon ever came to the House. President Nixon resigned before that happened.

Robert Healy, the noted Boston Globe writer, in an excellent op-ed piece which ran in the Boston Globe yesterday, compares the possible impeachments of President Nixon and President Reagan and the country's responses to them.

His piece quotes a book by Robert Timberg which says, "There were similarities between Watergate and Iran-Contra: abuse of authority, bunker mentality, cover-up, oval office tapes, National Security Council messages, televised hearings, world class stupidity."

But there was a difference. Tip O'Neill knew it. We all knew it. Mr. Speaker, Speaker O'Neill knew the weight of impeachment. With Nixon, Healy says, "a great majority of Americans had accepted the notion that Nixon had to go. They believed he had committed high crimes because he had used agencies such as the CIA and the IRS against the citizenry."

Some 12 years later, in the White House, Speaker O'Neill and President Ronald Reagan were alone in a meeting. Impeachment was in the air in Washington. The Iran-Contra story had broken with charges of arms sold to Iran. The profit directed to the Contra movement in Nicaragua. Healy says, and I quote, O'Neill cared only about two things that day with regard to the Reagan presidency. First, the Nation had been through a presidential trauma for 2 years with Nixon and it was not going to happen again.

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And second, O'Neill believed strongly in the proposition put forth by James Madison in the 1787 debates at the convention that framed the Constitution, the people were king in America. Therefore, one should be extraordinarily circumspect about turning out a President who had twice been elected by an overwhelming majority.

Mr. Speaker, I would advise my Republican colleagues to be extraordinarily circumspect about what they are about to do to a popular President who has been twice elected and should be censured and not impeached.

Mr. Speaker, I include for the RECORD Mr. Healy's op-ed piece.

[From the Boston Globe, Dec. 17, 1998]

GOP COULD LEARN FROM TIP O'NEILL

(By Robert Healy)

On a hot, still night in August 1974, young and old walked around the White House, carrying flickering candles. Two uniformed guards stood watch outside the gates on Pennsylvania Avenue. There were no tanks, no show of guns.

Earlier that day, in a one-sentence letter to Secretary of State Henry Kissinger, Richard Nixon had resigned, the first president to do so. He would officially announce it the next day. Copies of the letter had been sent to House Speaker Thomas O'Neill and Senate Majority Leader Mike Mansfield.

Inside the White House, Chief of Staff Alexander Haig was trying to hold things together. Nixon's behavior was irrational: bouts of paranoia and drinking in the morning. Haig recalled later at a background dinner that he and Secretary of Defense James Schlesinger had talked to the commanding officer of the presidential Army troops stationed at Fort McNair, a short distance from the White House on the Potomac, and ordered him not to respond to any last-minute directions from the president.

It was over. The candle bearers outside the White House, some of whom had opposed Nixon at Vietnam demonstrations and had been smoked with tear gas, knew it was over. Republicans and Democrats in Congress who were prepared to vote for articles of impeachment knew it was over. Kissinger, Haig, and Schlesinger knew it was over. After months of the Watergate storm, a sense of inevitability had settled in.

It did not mean everyone in the world understood what was going on. At a Georgia Air Force base, Prince Bandar bin Sultan, later to be ambassador to the United States from Saudi Arabia, was training to fly jets and had been alerted by his government that the president would resign. He said he could not sleep that night because he thought at some time planes would be taking off from the base in support of a coup to retain the president.

It didn't happen because the people in America, a great majority at least, had accepted the notion that Nixon had to go. The case had been made that he had committed "high crimes" by using agencies such as the CIA and the IRS to war against the citizenry.

The scene shifts to the White House 12 years later. It is late 1986, Speaker O'Neill and President Ronald Reagan are alone in a meeting. Impeachment is in the air in Washington. The Iran-Contra story had broken: arms sold to Iran, the profits diverted to the Contra movement in Nicaragua.

O'Neill cared about only two things that day with regard to the Reagan presidency. First, the nation had been through a presidential trauma for two years with Nixon and it was not going to happen again. And, second, O'Neill believed strongly in the proposition put forth by James Madison in the 1787 debates at he convention that framed the Constitution: The people were king in America. Therefore, one should be extraordinarily circumspect about turning out a president who had been twice elected by an overwhelming majority.

O'Neill's reasoning was a totally political decision, as Madison and the other framers intended. In fact, in Madison's notes on the Constitutional Convention, Governor Robert Morris, the host Pennsylvania governor, argued that should a president be reelected while under impeachment fire, "that will be a sufficient proof of his innocence."

Robert Timberg's book, "The Nightingale's Song," an exquisite profile of five Annapolis men shaped by Vietnam, including three Iran-Contra principals (North, Poindexter, and Robert McFarlane), draws a portrait of a coup in Reagan's National Security Council led and carried out by these three freebooters.

It seemed, Timberg wrote, to be "something out of 'Seven Days in May,' a right-wing military cabal trying to take over the government" with the military all over the terrain when, in reality, it was even more complex than that. "There were similarities between Watergate and Iran-Contra. Abuse of authority. Bunker mentality. Coverup. Oval office tapes/National Security Council messages. Televised hearings. World class stupidity." Nixon, he noted, was smart and paranoid. "Reagan, not nearly so smart, was charming and made a slicker getaway."

And the Annapolis men who served Reagan were different from the University of Southern California men who surrounded Nixon.

But the real difference was the endgame. In his heart, O'Neill knew the popular Reagan would never be removed from office, and the speaker didn't want to put the country through a House impeachment and Senate trial that would close down the government for months.

The lesson is there in the case of the impeachment of President Clinton. The Nixon and Reagan cases were distinctive, yet they both bowed to the public perception of the gravity of the facts and the president's involvement in those facts.

Do the Republicans really want to put the nation through the agony of impeachment if, in the end, Clinton wins acquittal in the Senate?

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. NEUMANN).

Mr. NEUMANN. Mr. Speaker, I want to be very clear on why it is that I am voting for impeachment. I would like to bring this whole discussion back to the facts in the case.

What do we know here? We know we have a 50-year-old married man, the most powerful man in the world, who had repeated sexual relations with a woman, a subordinate, 27 years his junior. We know that he came on national television and shook his finger in our face and said, I did not have any such affair. We know that under oath in January he was asked, and I quote, "Have you ever had sexual relations with Monica Lewinsky?" To which he responded, and again I quote, "I never had sexual relations with Monica Lewinsky. I never had an affair with her."

We know that in August, after careful consideration, he was asked that question again and he again stated under oath, and I quote, "My recollection is that I did not have sexual relations with Monica Lewinsky and I am standing on my former statement about that." And we know the stain on Monica Lewinsky's dress proved beyond any shadow of a doubt that he did have sexual relations with this woman.

There is no walk of life in the United States of America where this behavior would be accepted. A college professor having consensual sex with one of his students would be dismissed. A CEO guilty of an office affair with an intern would be fired. A physician, a counselor, a pastor would lose their right to practice. A military officer would be dishonorably discharged.

Finally, there is one last thing that needs to be brought out here. For all of those that say that this is partisan politics and partisan bickering, I would like to read some quotes directly out of the draft Democrat resolution for censureship. It says, and I quote, "William Jefferson Clinton made false statements concerning his reprehensible conduct with a subordinate," and continues to say, "William Jefferson Clinton wrongly took steps to delay the discovery of the truth." It was read by my colleague from Wisconsin and I heard it on the radio and verified in writing afterwards. These are President Clinton's defenders.

I have listened carefully to this debate today. The words used by the other side, not the Republicans, by the people defending him that quote, "reprehensible, deplorable, liar, misleading, manipulative and immoral."

I sincerely hope that my vote sends a strong message to every young person in America that extramarital affair, coupled with perjury, is not acceptable behavior in this great Nation.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Speaker, I represent the Fourth District of Arkansas, the district that includes Hope and Hot Springs, the birthplace and the boyhood home of President Bill Clinton.

When I first decided that I would not declare my intentions on the question of impeachment, it was mainly for the reason that I wanted to make sure of the charges and I wanted to encourage my constituents to assist me in this decision. Even though a substantial majority of the people who have made contact with me are in favor of impeachment or resignation, almost all have a heavy heart.

Why is this? Because so many people in my district have their own self-esteem intertwined with the well-being of their friend, Bill Clinton. So while they have reason to be embarrassed, disappointed and even disgusted, they are in large part in denial.

Abraham Lincoln has a story that illustrates this dilemma. There was a farmer who had a tree by his house. It was a majestic looking tree and apparently perfect in every part, tall, straight and immense in size, the grand old sentinel of his forest home. One morning, while at work in his garden, he saw a squirrel run up the tree into a hole and thought the tree might be hollow. He proceeded to examine it carefully. And much to his surprise, he found that the stately tree that he had valued for its beauty and grandeur to be the pride and protection of his little farmhouse was hollow from top to bottom. Only a rim of sound wood remained, barely sufficient to support its weight.

What was he to do? If he cut it down, it would do great damage with its great length and its spreading branches. If he let it remain, his family was in constant danger. In a storm it might fall or the wind might blow the tree against his house and crush his house and his children. What should he do? As he turned away he said sadly, "I wish I had never seen that squirrel."

Reasons for me to vote against impeachment are legion. But maybe the most significant is that Arkansans have suffered enough and our young people need for me, one more time, to stand up for the reputation of our State, to say to the rest of the world there are law abiding, church going, hard working people in Arkansas and our State does not like what has had to be revealed by the harsh application of the mandates of the independent counsel statute.

However, what I am about to do today is done because it has brought home to me that I am first to represent America and not Arkansas. But as I state that I am an American first, I must tell my colleagues that the issue today is no longer about the character of Bill Clinton, it is about the character of our Nation.

We must not let President Clinton hinder us as a nation in maintaining the standards of conduct that we should expect from our leaders, especially as it relates to the rule of law. As he has been obsessed to keep his job, he has blindly asked us to bring our Nation's standards down. He is a person of enormous gifts of communication and leadership, but we have to say sadly "no" to what he wants us to do in this regard.

The law is king. The king is not the law. Though I have done this before and in my own way the good folks of Arkansas have directed me to forgive President Clinton for the mistakes he has confessed to and those he has not admitted yet, I have shown him this individually and now do this as a Representative of my constituents.

I stand here today much like the schoolboy who wrote to the fabled and beloved Shoeless Joe Jackson of the Chicago White Sox of old. He wrote when he found out that Shoeless Joe was taking money to lose the 1919 World Series, saying, "Say it ain't so, Joe."

That young man was not bitter, was not drawing judgment. He just saw something he desperately did not want to believe. And he cared so much for Joe that, as a last act of his hope, love and devotion, he wanted Joe to tell him.

That, my colleagues, is the heart as I best can describe to you of the proud and wonderful people of the Fourth District of Arkansas.

Some people have directed me to a slogan that has the initials WWJD. I have applied what this acronym says, but we could also use the initials WWALD. What would Abraham Lincoln do? Here is one of his quotations. "Never add the weight of your character to a charge against a person without having it to be true."

Having tried repeatedly to find a way to talk my conscience into a different conclusion, I have decided to vote for at least two articles of impeachment, Article I and Article III, keeping in mind that this is a referral to the Senate for the finding of guilt or innocence.

What I want my colleagues to know is that my heart is heavy but my conscience is clear.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, in the spirit of Hamilton, Madison and Mason, I rise in opposition to all four articles of impeachment.

Mr. Speaker, I rise in opposition to the four articles of impeachment against President William Jefferson Clinton.

At the outset, Mr. Speaker, I strenuously object to this debate on impeaching the President of the United States while our nation and our Allies, are engaged in a military confrontation. To do so brings dishonor upon this House.

We are here because President Clinton had a consensual, extramarital affair and allegedly lied about it in a civil deposition and to a Federal Grand Jury. After 10 months of investigation, a federal independent counsel recommended to the House Judiciary Committee that the President's alleged legal infractions involving his truthfulness about this affair rise to the level of impeachable offenses. The Committee revised the Independent Counsel's recommendations and sent four articles of impeachment to the floor.

Now the full House of Representatives must weigh the evidence and decide this fateful issue of whether to impeach the President. The issues, to me, come down to these questions: Do the President's actions, while clearly wrong and deserving of rebuke, amount to the high crimes and misdemeanors required by the Constitution for impeachment? Do these actions warrant putting the country through the wrenching process of an impeachment trial in the Senate—a trial that could take months and paralyze the legislative process to the detriment of the other issues before us?

We must ask ourselves whether we are willing to overturn the 1996 elections. We must ask ourselves if the precedent set by such impeachment strengthen or weaken our system of government.

To reach the right decision today, I believe we must step back from the partisanship of the moment and place impeachment in the context of our system of government, as established in the Constitution. Our Founding Fathers could have established a Parliamentary system with the election of the nation's leader by the Majority Party in the national legislature. They did not. They established a system that at first indirectly elected a President; then that system evolved into one where the people directly elected the President.

Vacating the vote of the people strikes at the core of our republic and must not be taken lightly. While not determinative, we cannot forge that opinion polls have shown that two-thirds of the American people do not want the President impeached, but nearly the same number would support some form of public rebuked, which unfortunately, we will not consider today.

This issue is too complex to be partisan. Congress has to decide not only what the majority wants, but what is in the best interest of the country and what is required by the Constitution. Congress should not succumb to the herd mentality of a fervent minority in Congress or the chattering opinion classes of Washington. Impeachment should be a result of consensus, not partisan rancor. In fact, impeachment by a narrow party line vote may well be viewed by history more on the basis of partisanship that the underlying issue of the alleged infractions. History may judge our actions today as partisan rather than principled and, thus, effectively exonerate President Clinton rather than punish him for his conduct.

Impeachment was designed to protect the country and its integrity against Political crimes. Impeachment is not a tool of punishment to be used against a President because his opponents personally dislike or even hate him. It is not a tool to use against a President for incompetence. In fact, the framers of the Constitution removed "maladministration" as a category for impeachment. The framers felt that "maladministration" would have made impeachment too easy.

In Federalist Papers #65, Alexander Hamilton wrote that impeachment is "for those offenses which proceed from the misconduct of public men, or in the words, from the abuse or violations of some public trust." Those crimes must be "of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself." Hamilton's words define a very high, but appropriate threshold for any impeachment test.

As critical question that has been raised repeatedly is whether the rule of law has been threatened or has our political system been seriously injured by the President's actions? In short, what constitutes a high crime and misdemeanor?

Is allegedly lying under oath in a deposition regarding personal conduct in a civil case since dismissed and settled, which is the base charge from which all other articles of impeachment flow, injurious to our political system? Does it undermine the rule of law?

Perhaps. Then again, perhaps not. These are very abstract issues that one could easily decide on the basis of whether or not they liked this particular president. But, the real problem is once you decide it for one, you have set a historical precedent for all others.

Some, in particular the Chairman of the Judiciary Committee, Rep. Hyde, have stated that if nothing else, lying in any context, whether under oath or about a personal matter, undermines the rule of law and poses such a threat to American democracy that impeachment is warranted and necessary.

But, does it undermine the rule of law more so that President Lyndon Johnson using falsified information to pass the Gulf of Tonkin Resolution to expand U.S. involvement in Vietnam? Is it more so a high crime that illegally bombing Cambodia or using the CIA to subvert an FBI investigation? Is it more so a high crime and misdemeanor than President Ronald Reagan and his administration willfully violating the Balanced Amendment, the law banning aid to the Nicaraguan Contras through arm sales to Iran? Is lying to Congress, hiding the truth from the American people, and destroying evidence undermining the rule of law more than perjury in any instance?

Chairman Hyde, in 1987, said of the Iran-Contra scandal, "It just seems too simplistic to condemn all lying" in the real world of geo-politics. He further quoted Thomas Jefferson as stating "strict adherence to the written law is doubtless one of the high duties of a good citizen but it is not the highest."

Based upon Rep. Hyde's defense of the Reagan Administration's alleged lying to Congress and subversion of Federal law, what basis then do we have for "the rule of law" if a President who disagrees with a certain law over legitimate policy reasons chooses to willfully ignore it or violate it?

Let me be clear, I don't like what President Clinton did. It was wrong, reckless, and reprehensible. I am offended by the original act. I am angered that he chose not to fess up once he had been caught, and I am outraged that we spent millions on an investigation to chase around and find out if it were true, especially after the American people had already figured it out.

I am also appalled that prosecutors in the Independent Counsel's office would actually spend public time and money questioning whether the United States might seek to indict and convict a former President of perjury in a civil suit regarding sex in a case that has since been dismissed, while the world considers whether Augusto Pinochet, the former Chilean dictator, can be extradited for alleged crimes against humanity, involving scores of deaths including of an American on U.S. soil.

And, of course, as we all tell our children, just as our parent told us, in the end you are a lot better off if you tell the truth. But, ultimately, we must ask whether taking the first step to remove a duly elected President to protect our political system because of a potential legal infraction of perjury in a civil case since dismissed and devoid of public policy is necessary?

Based upon what I have read, I have come to the conclusion that NO, this does not reach that level. The President's actions may well be found to have constituted perjury but do not constitute crimes against the state for which, I believe, impeachment was designed. If this House adopts articles of impeachment on the basis laid out by the Majority, the precedent set here today will certainly, I believe, undermine 211 years of our system of government and democracy.

It is truly a shame that the leadership of the Republican Majority is effectively forcing the hands of members in a process that is very unfair and undemocratic. It it the American way to stifle debate? Is this just another procedure by the House Leadership not to trust the members to make up their own minds? Presenting the Congress with a vote on impeachment only is like saying to a jury, you can vote for either the death penalty or acquittal. To say that impeachment is "censure plus" is a mistake. We don't know that the Senate won't convict. We should not shrug our shoulders and hedge our bets that way. To do so is fool hardy and irresponsible. Not only does that view lower the bar for what may be impeachable offenses, but it cheapens impeachment as well. In short, it makes folly out of the Constitution and undermines the very rule of law that we are all espousing that we uphold.

The worst of Alexander Hamilton's premonitions is coming true. In Federalist #65, he wrote that "In many cases, it [impeachment] will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side or on the other; and in such cases their will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt."

The President, not the nation, should be punished for his actions. Censure is entirely appropriate and Constitutional. Twice before in our history we have censured Presidents: Andrew Jackson, whose censure was revoked by a subsequent Congress before he retired, and James K. Polk, who was censured for his administration of the Mexican-American War.

We also know that history and legacy are the currency of the business of public policy. I believe whatever Congress does, history, in large part, will judge President Clinton, no matter what his policy successes may be, by this incident with Monica Lewinsky. The two names will be forever inseparable. But, this Congress will also have a place in this history. Will Congress be remembered as statesmanlike or a partisan circus that couldn't let go of a "Get the President at any Cost" mentality. It seems that the anger and vitriol of a few members is going to stop the rest of the House from voting its conscience on this matter by denying us the opportunity to vote on a Censure Resolution. I believe history will look upon this impeachment as it looks upon the impeachment of Andrew Johnson; as a low point in our nation's history when we ignored our better angels.

In the end, the alleged crimes or infractions of the President, as offensive as they are, do not meet the level of "high crimes and misdemeanors," nor do I believe it is in the best interest of the nation that we endure a trial in the Senate over these issues for the next six to 12 months. On that basis, I rise to oppose impeachment. Impeachment, in this case, does not serve to protect the nation. In fact, it would serve to undermine the very rule of law that we are trying to uphold by setting a precedent of a standard of impeachment so low that future Congresses could intimidate the executive branch and create a shift toward a British style Parliamentary system of government.

Congress should publicly condemn the President's conduct through a joint resolution of censure, cosigning this President to history with the undoubtedly indelible mark of scandal.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, I submit for the RECORD the following statement detailing why I will be in opposition to the four articles of impeachment.

After reading and studying the written material available to me and viewing the House Judiciary Committee hearings, I cannot in good conscience support the impeachment of President William Jefferson Clinton.

I am very disappointed with the unjust and highly partisan manner in which the House Judiciary Committee hearings were conducted. The hearings lacked due process. The Committee did not take any evidentiary testimony of material witnesses. The Committee's star witness, Independent Council Ken Starr, was not a material witness and in fact was not present when material witnesses were interviewed by the Grand Jury.

The Committee failed to produce "clear and convincing" evidence to support its articles of impeachment. It is my conclusion that the four articles of impeachment brought against the President do not reach the constitutional standard of "high crimes and misdemeanors," even if proven. The lack of bipartisan support for any of the articles is a sad indication that they are based more on partisan politics than on any substantial evidence.

President Clinton has unquestionably and admittedly done wrong. Members of Congress should be given the opportunity to condemn his actions through an official resolution of censure. The President will, and should, pay for his wrongdoing in public esteem and tarnished legacy. The nation, the Presidency, and the democratic process, however, need not bear the cost of continuing what has become little more than a wasteful partisan drama.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CONDIT).

Mr. CONDIT. Mr. Speaker, I rise in opposition to the resolution.

Throughout this difficult process I have worked very hard to remain objective and have taken great steps to avoid prejudging President Clinton, the work of the Independent Counsel, or the motives of others concerned with this matter. I supported a thorough investigation and, in fact, was one of 31 Democrats to vote for an open impeachment inquiry by the Judiciary Committee. I wanted all the serious charges that have been brought against the President investigated, resolved, and acted upon.

Kenneth Starr presented his findings, ultimately dismissing the charges regarding the Whitewater Development Company, White House Travel Office firings and handling of the FBI files.

Following Judge Starr's actions, the Judiciary Committee determined that alleged campaign finance abuses during the 1996 election season lacked merit and declined to take further action. After all was said and done the remaining charges centered on the President's personal behavior.

I expected the Judiciary Committee to conduct a meaningful, nonpartisan investigation of the President's conduct. However, what resulted was politically-driven drama which leaves me with serious reservations whether the case has been made for removing the President from office.

Without question the President's behavior was inexcusable and indefensible. It was wrong. He has said so himself and apologized to the American people. However, to overturn the electoral will of the American people requires a much higher threshold than personal misconduct.

Impeachment is far too serious an issue to be decided along party lines, yet the proceedings in the Judiciary Committee were acutely partisan. At a time when truth should have been paramount, the Judiciary Committee drew lines in the sand. I am very concerned that given the historical magnitude of this vote, that is a precedent we ought not to set.

While the actions of the President cannot be condoned, I have grave reservations whether they meet the constitutional standards for removal from office. While the President may very well be forced at some point in the future to face civil charges for his actions, given the information currently available to us, removal from office isn't justified. Unfortunately, no alternative to impeachment was allowed consideration. Instead, the House of Representatives was presented with an "all-or-nothing" choice.

I have seriously considered these multiple investigations as well as the President's personal behavior and have spent a great deal of time reflecting on them. To prolong this national ordeal is unthinkable. We must bring it to an end and we must do so now. To draw this out further is not in the best interests of the country or the American people.

We are in a period where the politics of personal destruction have taken precedence. Millions of dollars are spent in seemingly endless partisan investigations whose only purpose is to discredit and embarrass political opponents. It poisons the debate and undermines sincere efforts to find solutions to the problems facing our nation.

People of good will are sincerely divided by this issue. Regardless of the ultimate resolution, America and the American people are greater than this and we will get beyond this trying time. Above all else, I am confident we will rise above this.

I have confidence in the American people and in our institutions.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BRADY).

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to not impeach the President of the United States.

Mr. Speaker, seven months ago next Monday, I was sworn in as a Member of this House. That was one of the proudest days of my life, but not because I had been elected to high office. It was a proud day because I thought I was becoming a part of something bigger than me, something with dignity and honor. I thought I was joining a team.

In my remarks that day, I told this House that, as far as I am concerned, the team that I am on is the team of the United States of America. Now I know that there is no Team USA in this body. There is only team GOP. That majority in this body is about to drag this country through the mud in order to get revenge for losing the last two national elections. The leadership of this House is willing to trample over the Constitution in order to punish our President for the crime of beating their candidate.

Mr. Speaker, I am not proud to be a part of this body today. But, I am proud to support my President. I am proud to support him because this is not just about Bill Clinton the man. It is about philosophies and the philosophies of the American people.

President Clinton wants Social Security reform—for them. He wanted a patients' bill of rights and a good education—for them.

You may, and probably will, impeach him this weekend. But you will never impeach the will and the opinion of the American people. I urge my colleagues to vote no on impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. MEEHAN), a member of the committee.

Mr. MEEHAN. Mr. Speaker, I feel I need to respond to the gentleman from Wisconsin who totally misrepresented the President's grand jury testimony. He said that the President did not admit to sexual relations with Monica Lewinsky. In the grand jury testimony he admitted the inappropriate relationship with Monica Lewinsky. I wish he had done it earlier, but he clearly did it then.

He did not give prosecutors all the details. The only conflict in the testimony between the President and Monica Lewinsky is when and where the President touched Monica Lewinsky.

Now, let's be serious. Are my colleagues ready to send over to the United States Senate a trial on impeachment about when and where the President touched Monica Lewinsky? That is what this case is about.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the committee.

Mr. DELAHUNT. Mr. Speaker, no one excuses the President's behavior. It deserves our censure and our condemnation. But I am just as concerned about our behavior, about the effect our actions may have on eroding public confidence and the rule of law and the principles of fairness and due process that are embedded in our Constitution that make this nation, this America, so unique among the family of nations. I believe this is ultimately more important than the fate of one particular president.

When we began this inquiry, I expressed the hope that it would be thorough, fair, and respectful of the rule of law and so that our verdict would be respected as well and we would be found no less worthy of praise than those who conducted the Nixon inquiry nearly 25 years ago. They managed to transcend partisanship, to set a standard of fairness and due process that earned them an honored place in our history. And I am truly saddened that we failed to measure up.

It was the gentleman from Illinois (Mr. HYDE) who said that without bipartisan support any impeachment is doomed. And I agree. Yet the majority has sacrificed the legitimacy of this impeachment by proceeding without that support.

As we prepare to render our verdict on President Clinton, the American people and history itself are sitting in judgment on us and I believe they will judge us harshly because we have failed in our duty to the rule of law. We failed the rule of law when we abdicated our constitutional responsibility to an unelected prosecutor, when we rubber stamped his conclusions and failed to conduct our own independent examination of a record replete with contradictions, inconsistencies and half truths. We failed the rule of law when we could not summon the political courage to call real witnesses to test their credibility.

President Nixon was afforded that opportunity. President Clinton was not, and that was unfair. We failed the rule of law when we informed the President's counsel of the precise charges only after he made his closing argument. That was unfair. We failed the rule of law when we put the burden on the President to prove his innocence. That was unfair.

Presidents are not above the law but they, no less than other citizens, are entitled to its protections. That is what distinguishes a free country from a totalitarian one. And let us hope that the freedom we have struggled so hard to achieve will weather this storm for the sake of the country that we all love so dearly.

I oppose the articles of impeachment as reported by the Judiciary Committee. I agree with much of the reasoning included in the Minority's Dissenting Views. However, I write separately to clarify my own perspective on a number of matters, including the reliability of the allegations upon which the case for impeachment is based.

I neither condone nor excuse the President's admitted misdeeds. However, I agree with my Minority colleagues that the allegations, even if true, do not form a constitutionally sufficient basis for impeachment. Whatever the Founders meant by "high Crimes and Misdemeanors," it is well-established that impeachment should be reserved for situations in which the incumbent poses so grave a danger to the Republic that he must be replaced before finishing his term of office. The Majority has utterly failed to establish that such is the case here.

As for the allegations themselves, however, I do not believe the Minority is in any better position to assess their accuracy than the Majority. The committee took no direct testimony in this matter. We called not a single witness who could testify to the facts. Instead, we relied solely on the assertions contained in the referral of the Independent Counsel. Those assertions are based on grand jury testimony and other information—much of it ambiguous and contradictory—whose credibility has never been tested through cross-examination.

Even absent such evidentiary problems, Article II of the Constitution imposes upon the committee a solemn obligation—which it may not delegate to the Independent Counsel or any other individual—to conduct a thorough and independent examination of the allegations and make its own findings of fact.

By failing to do this—by merely rubber-stamping the conclusions of the Independent Counsel—we have not only failed to establish a factual basis for the charges set forth in the articles of impeachment, but have abdicated our constitutional role to an unelected prosecutor and recklessly lowered the bar for future impeachments. In so doing, we have sanctioned an encroachment upon the Executive Branch that could upset the delicate equilibrium among the three branches of government that is our chief protection against tyranny.

A related casualty of our cavalier approach to this investigation has been the due process to which even our Presidents are entitled. We released the referral—including thousands of pages of secret grand jury testimony—within hours of its receipt, before either the Judiciary Committee or the President's counsel had any opportunity to examine it. We voted to initiate a formal inquiry against the President without even a cursory review of the allegations. We required the President's counsel to prepare his defense without knowing what charges would be brought. And we released articles of impeachment—drafted in secrecy by the Majority alone—before the President's counsel had even finished his presentation to the committee.

Having put before the public a one-sided case for the prosecution, some member of the Majority actually suggested that the President had the burden of proving his innocence. When he attempted to do so, those same members accused him of "splitting hairs."

This was perhaps the most disturbing aspect of our proceedings. We live in a nation of laws, in which every person—whether pauper or President—is entitled to due process. This has nothing to do with "legal hairsplitting." It has everything to do with requiring those who wield the awesome power of the State to meet their burden of proof. That is what distinguishes this country from a totalitarian one. That is the genius of a Constitution crafted by men who knew and understood the nature of tyranny. As one former United States Attorney testified during our hearings, those who complain most loudly about such "technicalities" are the first to resort to them when it is they who stand accused.

Public confidence in the rule of law is ultimately more important than the fate of one particular President. And the official lawlessness that has characterized this investigation has done far more to shake that confidence than anything of which the President stands accused.

These proceedings stand in stark contrast to those of the Watergate committee—which the Majority had self-consciously adopted as its model. During the Watergate crisis, the Rodino committee managed to transcend partisanship at a critical moment in our national life, and set a standard of fairness that earned it the lasting respect of the American people. As the Judiciary Committee voted to launch this inquiry, I expressed the hope that our proceedings would be equally fair, thorough and bipartisan, and that—whatever our verdict might be—our efforts would be found as worthy of praise.

In at least one important respect, the committee did merit such praise. Chairman HYDE permitted us to offer a censure resolution despite the extraordinary pressures that were brought to bear for him not to do so. In my view, the resolution which I sponsored, together with Mr. BOUCHER, Mr. BARRETT and Ms. JACKSON LEE, was—and remains—the most appropriate means of condemning the President's misconduct while sparing the nation the further turmoil and uncertainty of a lengthy Senate trial.

Contrary to the continuing claims of some that censure would be unconstitutional, a score of constitutional experts called as witnesses by both Republicans and Democrats on the Committee agreed in writing—by a margin of almost 4 to 1—that the Constitution does not prohibit censure. And it would be a breathtaking departure from the democratic principles which are the soul of the Constitution to deny the full House an opportunity to vote on an alternative to impeachment.

As we stand on the brink of an impeachment vote for only the second time in our history, we can only hope that the democracy that has survived so many storms will weather this crisis as well, and that the irresponsible actions of this Committee will not do lasting damage to the country that we all so dearly love.

OPENING STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS BEFORE THE COMMITTEE ON THE JUDICIARY REGARDING THE PROPOSED RESOLUTION OF INQUIRY—OCTOBER 5, 1998

Mr. Chairman, the issue before us today is not just the conduct of the President. The overriding issue is how this committee will fulfill its own responsibilities at a moment of extraordinary constitutional significance.

Three weeks ago, the Independent Counsel referred information to Congress that he alleged may constitute grounds for impeaching the President.

But it is not the Independent Counsel who is charged by the Constitution to determine whether to initiate impeachment proceedings. That is our mandate. He is not our agent, and we cannot allow his judgments to be substituted for our own.

I am profoundly disturbed at the thought that this committee would base its determination solely on the Starr referral.

Never before in our history has the House proceeded with a presidential impeachment inquiry premised exclusively on the raw allegations of a single prosecutor. Let alone a prosecutor whose excessive zeal has shaken the confidence of fair-minded Americans in our system of justice.

It is the committee's responsibility to conduct our own preliminary investigation to determine whether the information from the Independent Counsel is sufficient to warrant a full-blown investigation. And we have not done that.

If we abdicate that responsibility, we will turn the Independent Counsel Statute into a political weapon with an automatic trigger—aimed at every future president. And in the process, we will have turned the United States Congress into a rubber stamp.

Just as we did when we rushed to release Mr. Starr's narrative within hours of its receipt, before either this committee or the President's counsel had any opportunity to examine it.

Just as we did when we released 7,000 pages of secret grand jury testimony and other documents hand-picked by the Independent Counsel—subverting the grand jury system itself by allowing it to be misused for a political purpose.

Just as we are about to do again: by launching an inquiry when no member of Congress, even now, has had sufficient time to read, much less analyze, these materials. Not to mention the 50,000 pages we have not released.

For all I know, there may be grounds for an inquiry. But before the committee authorizes proceedings that will further traumatize the nation and distract us from the people's business, we must satisfy ourselves that there is "probable cause" to recommend an inquiry.

That is precisely what the House instructed us to do on September 10. The chairman of the Rules Committee himself anticipated that we might return the following week to seek "additional procedural or investigative authorities to adequately review this communication."

Yet the committee never sought those additional authorities. Apparently we had no intention of reviewing the communication.

That is the difference between the two resolutions before us today. The Majority version permits no independent assessment by the committee, and asks us instead to accept the referral purely on faith.

Our alternative ensures that there is a process—one that is orderly, deliberative and expeditious—for determining whether the referral is a sound basis for an inquiry.

The Majority has made much of the claim that their resolution adopts the same process—indeed, the very language—that was used during the Watergate hearings of 24 years ago.

It may be the same language. But it is not the same process.

In 1974, the Judiciary Committee spent weeks behind closed doors, poring over evidence gathered from a wide variety of sources—including the Ervin Committee and Judge Sirica's grand jury report, as well as the report of the Watergate Special Prosecutor. All before a single document was released. Witnesses were examined and cross-examined by the President's own counsel. Confidential material, including secret grand jury testimony, was never made public. In fact, nearly a generation later it remains under seal.

It is too late now to claim that we are honoring the Watergate precedent. The damage is done. But it is not too late for us to learn from the mistakes of the last three weeks. If we adopt a fair, thoughtful, bipartisan process, I am confident the American people will embrace our conclusions, whatever they may be.

If the Majority chooses to do otherwise, it certainly has the votes to prevail. Just as the Democratic majority had the votes in 1974. But the Rodino committee recognized the overriding importance of transcending partisanship. And it earned the respect of the American people.

It is our challenge to ensure that history is as kind to the work of this committee.

STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS REGARDING THE RELEASE OF PRESIDENTIAL GRAND JURY TESTIMONY—SEPTEMBER 18, 1998

Today, the House Judiciary Committee voted to release to the public several volumes of supporting material received from the Independent Counsel nine days ago, including grand jury transcripts and the President's videotaped testimony.

In my judgment, the headlong rush to publicize secret grand jury testimony not only endangers the rights of the individuals involved in this particular case, but also undermines the integrity of one of the cornerstones of our system of justice—the grand jury system itself.

Unfortunately, the readiness of the majority to ignore these perils also calls into question the fundamental fairness of our own proceedings.

THE PACE ACCELERATES

On September 9, Independent Counsel Kenneth Starr sent the House of Representatives a 445-page report, together with some 2,000 pages of supporting materials, telephone records, videotaped testimony and other sensitive material, as well as 17 boxes of other information.

Within 48 hours, the House had voted to release the report and give the Judiciary Committee until September 28 to decide whether any of the remaining material should be kept confidential. While I agreed that we should release the report, I opposed our doing so before either the President's attorneys or members of the Committee had been given even a minimal opportunity to review it.

That vote was seven days ago. Since then, the breakneck pace has only accelerated. Today, we were asked to vote—10 days ahead of schedule—on whether to release what may well be the most sensitive materials of all—the grand jury transcripts, together with the videotape of the President's testimony.

Those of us who serve on the Committee had been doing our best to review these materials so that we would be in a position to evaluate whether or not they ought to be released. I cannot speak for other members, but I have been as diligent as possible, and had managed by this morning to get through—at most—some 30 percent of this material.

How can anyone make a considered judgment under such circumstances? How can we properly weigh the benefits of immediate disclosure against the harm it might cause? I have done my utmost not to prejudge the outcome of this investigation. I am prepared to follow the facts wherever they lead. But if the American people are to accept the eventual result of our deliberations, they must be satisfied that our proceedings have been thorough, disciplined, methodical and fair.

I seriously doubt that an objective observer looking back on these past nine days could characterize our proceedings in that manner. The process continues to careen forward—without a roadmap—at a dizzying pace.

FUNDAMENTAL FAIRNESS

One portion of the Independent Counsel's report that I made sure to read—not once, but twice—was Mr. Starr's transmittal letter, which cautioned that these supporting materials contain "confidential material and material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure" (the rule that provides for the secrecy of grand jury records).

The implication of that warning is that the public disclosure of protected grand jury material could do serious and irrevocable harm—not only to the President, but to the many other individuals caught up in the vast web of the Starr investigation, including innocent third-parties, witnesses, and other potential targets of ongoing (and future) investigations.

In the United States, those accused of criminal wrongdoing are presumed innocent—be they presidents or ordinary citizens. Yet if raw, unproven allegations are disclosed to the public before they can be challenged, the "presumption of innocence" loses all meaning. Minds are made up, judgments rendered, and the chance for a fair determination of the facts is lost.

That is one reason why federal grand jury testimony—whether in printed or in audiovisual form—is explicitly shielded from public disclosure under Rule 6(e).

But grand jury secrecy also serves the interests of the prosecution, by encouraging witnesses to come forward and ensuring that prejudicial material will not poison the jury pool and make it impossible to hold a fair trial. This is especially important when the targets and potential targets of an investigation are public figures.

The pre-indictment release of secret testimony compromises both objectives—trampling on the rights of the accused and jeopardizing subsequent indictments. Beyond this, it calls into serious question the fairness and integrity of the grand jury system itself.

"LAUNDERING" THE EVIDENCE

Through its action today, the Judiciary Committee has engaged in an abuse of the grand jury process that has enabled it to accomplish indirectly what the Independent Counsel was prohibited from doing directly.

The Independent Counsel has developed his case by using the grand jury to compel testimony from various witnesses. Although the grand jury voted to subpoena the President, the videotaped testimony was ultimately obtained under a negotiated agreement, under which the Independent Counsel agreed to treat the testimony as secret grand jury proceedings pursuant to Rule 6(e). It was solely on this basis that the President consented to testify.

The Independent Counsel subsequently received permission from the court to release the videotape, together with the other grand jury material, to the Congress. But the court order did not authorize its further release to the public or the press.

By releasing that testimony to the public, we are—in effect—laundering the evidence so as to nullify the express agreement under which it was obtained. This is an abuse of the grand jury that can only damage the public's faith in that institution and impair its ability to perform its essential role.

And what are the benefits that justify these evils? We are told only that the public has a "right to know"—an interest in the case that entitles it to the information. Some have even suggested that that interest is a financial one—that the public "paid" for this material and is entitled to it.

To this, one can only respond that the public pays for the grand jury testimony in every case. The public has an interest in every case—especially where the case involves high officials or other celebrities. We accommodate that interest by requiring that trials be held in open court. But the public is no more entitled to secret grand jury testimony than it is to classified intelligence. Not even when the case is concluded, let alone while it is still going on.

In an ordinary criminal trial, grand jury testimony is disclosable under Rule 6(e) only under certain specific circumstances. For example, criminal defendants are entitled to see grand jury proceedings in order to cross-examine witnesses or challenge their credibility on the basis of prior inconsistent statements.

On the other hand, the public release of material of this nature would violate not only Rule 6(e), but Department of Justice guidelines, court precedents and ethical rules binding on prosecutors in every jurisdiction in this country. A party found to have disclosed the material would be subject to sanctions, and the material itself would be excludable in court. The court might even grant a defendant's motion to dismiss the case for prejudice.

LOOKING TO PRECEDENT

This is certainly not an ordinary case. But neither is it so exceptional as to justify our riding roughshod over precedent and due process.

In the one historical precedent that is closest to the present situation, due process was scrupulously observed. Twenty-four years ago, a Republican president was under investigation by a Democratic House.

The Judiciary Committee spent seven weeks in closed session, reviewing Judge Sirica's grand jury materials prior to their release. President Nixon's lawyers were permitted not only to participate in these sessions, but to cross-examine witnesses before their testimony was made public.

While there are obviously major differences between the current controversy and the Watergate affair, President Clinton is entitled to the same due process protections afforded President Nixon in the course of that investigation.

In fact, the case for preserving the confidentiality of the evidence is even stronger here than it was in the Watergate case. Mr. Starr's grand jury has made no findings whatsoever with respect to the evidence. The material we have consists merely of selected portions of what the prosecutor put before the grand jury, together with his interpretation of that material. The jurors were never asked whether they thought that the videotape—or any other testimony—provided credible evidence of perjury or other wrongdoing. Having used the grand jury as a tool to gather information, the Independent Counsel bypassed it as a fact-finding body.

That is his prerogative. But the Judiciary Committee has a duty to see that the material provided to use is handled appropriately. If we act carelessly, and in haste, we will not only cripple this President, but will do lasting harm to the values and institutions we hold most dear.

STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS REGARDING HOUSE RESOLUTION 525, PROVIDING FOR RELEASE OF THE REPORT OF THE INDEPENDENT COUNSEL—SEPTEMBER 11, 1998

Mr. Speaker, two days ago, after months of speculation, leaks and revelations, the report of the Independent Counsel was delivered to the House of Representatives. If this resolution is approved this morning, the report will be in the hands of millions of people around the globe by three o'clock this afternoon.

I certainly agree that the report should be released. That is not even an issue. It will be released. The only question is when and how it should be done. For in exercising the responsibilities that the Constitution has thrust upon us, we must be sure that we proceed in a manner that observes the principles of fundamental fairness that are at the heart of that document.

Only then will the American people accept the results, whatever they may be. Only then will we begin to restore the shaken confidence of the nation in its political institutions.

In that regard, Mr. Speaker, I consider the resolution before us today to be our first test. For in deciding the terms under which the highly sensitive material contained in the report should be released to the public, we must weigh carefully the benefits of immediate disclosure against the damage this might do to the fairness of the investigation.

If the resolution is agreed to, the entire 445 pages of the report will be posted on the Internet this very afternoon. Not a page of it will have been examined beforehand by any member of the Committee. Not one page will have been seen first by the President and his attorneys.

Some have argued that we should release the report because the essence of it has already been leaked to the press and appears in this morning's editions. If that is true, it is to be deplored, and the Independent Counsel should have to answer for it. But we should not endorse the unauthorized disclosure of pieces of the report by prematurely releasing the rest of it.

Some have argued that the President already knows what is in the report because he is the subject of it. This argument suggests, at best, a poor understanding of what goes into a prosecutor's report.

Some have argued that we should go ahead and release the report because there are still some 2,000 pages of supporting material that will not be released without Committee review, and this will be sufficient to prevent irreparable harm to lives and reputations. They cite Mr. Starr's request that we treat certain information in the supporting material as confidential, apparently inferring that the information in the report itself does not require such treatment. Yet Mr. Starr did not say this. And even if he had, it is for this House to determine what information should be disclosed. We should not abdicate that responsibility to the Independent Counsel.

Apart from whatever damage the abrupt disclosure of the report might cause to innocent third parties, it will clearly be prejudicial to the President's defense. If the Independent Counsel has done his job, the case he has constructed will be a persuasive one. Prosecutors have enormous power to shape the evidence presented to the grand jury. And—at least at the federal level—they have no obligation to apprise the jurors of exculpatory evidence. The case will seem airtight. Yet until the evidence has withstood cross-examination and the allegations have been proven, they remain nothing more than allegations.

Presidents, no less than ordinary citizens, are entitled to the presumption of innocence. They are entitled to confront the charges against them. Yet, if we adopt this resolution, by the time President Clinton is accorded that right, the charges against him will have circled the globe many times. They will be all the public reads and hears. They will take on a life of their own, and the case will be tried, not by Congress, but in the court of public opinion.

Given these risks, why rush to judgment, Mr. Speaker? After so many months, what possible harm can come from allowing the counsel for the President a few days to review the report so that they can tell his side of the story?

In the one historical precedent we have to look to, that is precisely what was done. Twenty-four years ago, a Republican president was under investigation by a Democratic House. President Nixon's lawyers were permitted to participate in seven weeks of closed sessions, as the Judiciary Committee conducted a confidential review of Judge Sirica's grand jury materials prior to their release. The counsel to the President was even allowed to cross-examine witnesses before their testimony was made public.

Whatever the differences may be between the current controversy and the Watergate affairs, President Clinton should receive the same due process protections accorded to President Nixon in the course of that investigation.

If the people of the United States are to accept our verdict—whatever it may be—they must have confidence in the fairness and integrity of our deliberations. That—far more than the fate of one particular president—is what is at stake.

Dissenting Views of the Honorable William D. Delahunt of Massachusetts Concerning the Resolution Relating to an Inquiry of Impeachment

I oppose the resolution of inquiry as reported by the Judiciary Committee. I do so based on the concerns expressed in the Minority's dissenting views, and for the additional reasons set forth below.

I

On September 9, 1998, Independent Counsel Kenneth W. Starr referred information to the House that he alleged may constitute grounds for impeaching the President. In the 30 days that have elapsed since our receipt of that referral, neither the Judiciary Committee nor any other congressional committee has conducted even a preliminary independent review of the allegations it contains.

In the absence of such a review, we have no basis for knowing whether there is sufficient evidence to warrant an inquiry—other than the assertion of the Independent Counsel himself that his information is "substantial and credible" and "may constitute grounds for impeachment."

I believe that our failure to conduct so much as a cursory examination before launching an impeachment proceeding is an abdication of our responsibility under Article II of the Constitution of the United States. By delegating that responsibility to the Independent Counsel, we sanction an encroachment upon the Executive Branch that could upset the delicate equilibrium among the three branches of government that is our chief protection against tyranny. In so doing, we fulfill the prophecy of Justice Scalia, whose dissent in *Morrison* versus *Olson* (487 U.S. 654, 697 (1988)) foretold with uncanny accuracy the situation that confronts us.

II

The danger perceived by Justice Scalia flows from the nature of the prosecutorial function itself. He quoted a famous passage from an address by Justice Jackson, which described the enormous power that comes with "prosecutorial discretion": "What every prosecutor is practically required to do is to select the cases . . . in which the offense is most flagrant, the public harm, the greatest, and the proof the most certain. . . . If the prosecutor is obliged to choose his case, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than cases that need to be prosecuted. With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigations to work, to pin some offense on him. It is in this realm—in which the prosecutor picks some person whom he dislikes or desires to embarrass, or selects some group of unpopular persons and then looks for an offense, that the greatest danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself. *Morrison*, 487 U.S. 654, 728 (Scalia, J., dissenting), *quoting* Robert Jackson, The Federal Prosecutor, Address Delivered at the Second Annual Conference of United States Attorneys (April 1, 1940)."

The tendency toward prosecutorial abuse is held in check through the mechanism of political accountability. When federal prosecutors overreach, ultimate responsibility rests with the president who appointed them. But the Independent Counsel is subject to no such constraints. He is appointed, not by the president or any other elected official, but by a panel of judges with life tenure. If the judges select a prosecutor who is antagonistic to the administration, "there is no remedy for that, not even a political one." 487 U.S. 654, 730 (Scalia, J., dissenting). Nor is there a political remedy (short of removal for cause) when the Independent Counsel perpetuates an investigation that should be brought to an end: "What would normally be regarded as a technical violation (there are no rules defining such things), may in his or her small world assume the proportions of an indictable offense. What would normally be regarded as an investigation that has reached the level of pursuing such picayune matters that it should be concluded, may to him or her be an investigation that ought to go on for another year. 487 U.S. 654, 732 (Scalia, J., dissenting)."

Under the Independent Counsel Act, there is no political remedy at any point—unless and until the Independent Counsel refers allegations of impeachable offenses to the House of Representatives under section 595(c). At that point, the statute gives way to the ultimate political remedy: the impeachment power entrusted to the House of Representatives under Article II of the Constitution.

III

Section 595(c) of the Independent Counsel Act provides that: "An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives, in carrying out the independent counsel's responsibilities under this chapter, that may constitute grounds for an impeachment. 28 U.S.C. 595(c)."

The statute is silent as to what the House is to do once it receives this information. But under Article II, it is the House—and not the Independent Counsel—which is charged with the determination of whether and how to conduct an impeachment inquiry. He is not our agent, and we cannot allow his judgments to be substituted for our own. Nor can we delegate to him our constitutional responsibilities.

Never in our history—until today—has the House sought to proceed with a presidential impeachment inquiry based solely on the raw allegations of a single prosecutor. The dangers of our doing so have been ably described by Judge Bork, who has written that: "It is time we abandoned the myth of the need for an independent counsel and faced the reality of what that institution has too often become. We must also face another reality. A culture of irresponsibility has grown up around the independent-counsel law. Congress, the press, and regular prosecutors have found it too easy to wait for the appointment of an independent counsel and then to rely upon him rather than pursue their own constitutional and ethical obligations. Robert H. Bork, Poetic Injustice, National Review, February 23, 1998, at 45, 46 (*emphasis added*)."

We must not fall prey to that temptation. For when impeachment is contemplated, the only check against overzealous prosecution is the House of Representatives. That is why—whatever the merits of the specific allegations contained in the Starr referral—we cannot simply take them on faith. Before we embark on impeachment proceedings that will further traumatize the nation and distract us from the people's business, we have a duty to determine for ourselves whether there is "probable cause" that warrants a full-blown inquiry. And we have not done that.

IV

What will happen if we fail in this duty? We will turn the Independent Counsel Act into a political weapon with an automatic trigger—a weapon aimed at every future president.

In *Morrison*, Justice Scalia predicted that the Act would lead to encroachments upon the Executive Branch that could destabilize the constitutional separation of powers among the three branches of government. He cited the debilitating effects upon the presidency of a sustained and virtually unlimited investigation, the leverage it would give the Congress in intergovernmental disputes, and the other negative pressures that would be brought to bear upon the decision making process.

Whether these ill-effects warrant the abolition or modification of the Independent Counsel Act is a matter which the House will consider in due course. For the present, we should at least do nothing to exacerbate the problem. Most of all, we must be sure we do not carry it to its logical conclusion by approving an impeachment inquiry based solely on the Independent Counsel's allegations. If all a president's political adversaries must do to launch an impeachment proceeding is secure the appointment of an Independent Counsel and await his referral, we could do permanent injury to the presidency and our system of government itself.

V

If the House approves this resolution, it will not be the first time in the course of this unfortunate episode that it has abdicated its responsibility to ensure due process and conduct an independent review. It did so when it rushed to release Mr. Starr's narrative within hours of its receipt, before either the Judiciary Committee or the President's counsel had any opportunity to examine it. It also did so when the committee released 7,000 pages of secret grand jury testimony and other documents hand-picked by the Independent Counsel—putting at risk the rights of the accused, jeopardizing future prosecutions, and subverting the grand jury system itself by allowing it to be misused for political purposes.

These actions stand in stark contrast to the process used during the last impeachment inquiry undertaken by the House—the Watergate investigation of 1974. In that year, the Judiciary Committee spent weeks behind closed doors, poring over evidence gathered from a wide variety of sources—including the Ervin Committee and Judge Sirica's grand jury report, as well as the report of the Watergate Special Prosecutor. All before a single document was released. Witnesses were examined and cross-examined by the President's own counsel. Confidential material, including secret grand jury testimony, was never made public. In fact, nearly a generation later it remains under seal. The Rodino committee managed to transcend partisanship at a critical moment in our national life, and set a standard of fairness that earned it the lasting respect of the American people.

Today the Majority makes much of the claim that their resolution adopts the language that was used during the Watergate hearings. While it may be the same language, it is not the same process. Too much damage has been done in the weeks leading up to this vote for the Majority to claim with credibility that it is honoring the Watergate precedent. But it is not too late for us to learn from the mistakes of the last three weeks. If we adopt a fair, thoughtful, focused and bipartisan process, I am confident that the American people will honor our efforts and embrace our conclusions, whatever they may be.

Statement of the Honorable William D. Delahunt of Massachusetts Regarding H. Res. 581, Authorizing the Committee on the Judiciary to Investigate Whether Sufficient Grounds Exist for the Impeachment of William Jefferson Clinton, President of the United States—October 8, 1998

Mr. Speaker, I ask permission to revise and extend my remarks.

Let me first express my affection and respect for my chairman, the Gentleman from Illinois. If Mr. Hyde says he hopes to complete this inquiry by the end of the year, I know he will do all he can to make good on that promise.

But if we adopt this resolution, the chairman's good intentions will not be enough to prevent this inquiry from consuming not only the remainder of this year but most of next year as well.

Nine days ago, I joined with Mr. Berman, Mr. Graham and Mr. Hutchinson in a bipartisan letter asking Chairman Hyde and our ranking member, Mr. Conyers, to contact the Independent Counsel—before we begin in inquiry—to ask him whether he plans to send us any additional referrals.

They wrote to Judge Starr on October 2, and I wish to inform the House that last night we received his reply. He said, and I quote, "I can confirm at this time that matters continue to be under active investigation and review by this Office. Consequently, I cannot foreclose the possibility of providing the House of Representative with additional [referrals]."

There you have it, Mr. Speaker. Despite the fact that both Mr. Hyde and Mr. Conyers had urged the Independent Counsel to complete his work before transmitting any referral to the House, what he has given us is essentially an interim report.

As the Starr investigation enters its fifth year, we face the prospect that we will begin our inquiry only to receive additional referrals in midstream. Under this open-ended resolution, each subsequent referral will become part of an ever-expanding ripple of allegations. With no end in sight.

That is not a process, Mr. Speaker. It's a blank check. And I believe it's more than the American people will stand for.

They do not want us traumatizing the country and paralyzing the government for another year when we don't even know whether there is "probable cause" to begin an inquiry. And they don't want us abdicating our constitutional responsibility to an unelected prosecutor and accepting his referral on faith.

If we do that—if all a president's adversaries have to do to start an impeachment proceeding is secure the appointment of an Independent Counsel and await his referral—then we will have turned the Independent Counsel Act into a political weapon with an automatic trigger—a weapon aimed at every future president.

What the people want is a process that is fair. A process that is focused. And a process that will put this sad episode behind us with all deliberate speed.

The Majority resolution does not meet those standards. Our alternative does. It provide for the Judiciary Committee to determine first whether any of the allegations would amount to impeachment offenses if proven. Only if the answer to that question is "yes" would we proceed to inquire into whether those allegations are true. The entire process would end by December 31st—the target date chosen by Chairman Hyde himself—unless the committee asks for additional time.

Mr. Speaker, that is a fair and responsible way to do our job. It is also the only way to ensure that when that job is done, the American people will embrace our conclusions, whatever the may be.

Statement of the Honorable William D. Delahunt of Massachusetts in Support of This Motion To Allow Counsel to the President Two Hours in Which To Question the Independent Counsel—Thursday, November 19, 1998

Mr. Chairman, I have a motion at the desk and ask for its consideration.

Mr. Chairman, the committee has given the Independent Counsel a full two hours to present his version of the case—a version with which most Americans are already fully familiar on the basis of the 60,000 pages of material he has already submitted.

At the same time, the committee has seen fit to give the President's counsel all of 30 minutes to question Mr. Starr. This is meant to be the President's sole opportunity to confront his accuser during these proceedings.

I believe this does a grave disservice, not only to the President but to the integrity of these proceedings. It is a complete and unwarranted departure from the precedents of this House.

During the Watergate hearings of 1974, President Nixon's counsel, Mr. James St. Clair, was given all the time he needed to respond to the evidence and cross-examine witnesses. This is as it should be, Mr. Chairman. We are talking about the impeachment of the President of the United States, not a tariff schedule.

I know that some members of the Watergate committee argued that the President's counsel, Mr. St. Clair, should be given limited time to speak. But those views were wisely overruled in the interest of fairness and decency. President Clinton is entitled to the same consideration and respect shown to President Nixon on the occasion. No more, and no less.

The record of the Watergate hearings makes clear that at no time was Mr. St. Clair restricted to a particular time limit for his presentation or his examination of witnesses. Let me cite just three passages from the record. On June 27, 1974, Chairman Rodino noted that Mr. St. Clair had requested one or two days to make his oral response to the initial presentation of the evidence, but that St. Clair "expressed to me that he hoped he might be able to conclude his presentation, if it is at all possible, today. This is not restrictive."

On July 18, 1974, Chairman Rodino recognized Mr. St. Clair for an additional response at the conclusion of the evidence, and noted—over the objections of some Democratic members—that "he is going to take at least an hour and a half."

Finally, the record of the Watergate hearings makes clear that Mr. St. Clair cross-examined each of various witnesses, including William Bittman, Charles Colson, and John Dean, for as much as 1½ to 2 hours. On no occasion was he interrupted by the chairman, nor did he ever run out of time.

Is there any legitimate basis for applying a different rule today? The majority may point out that the Watergate testimony was heard in closed session, while today we sit before the cameras and the public. Yet, that being true, it is more important, not less, that the President be given a full and fair opportunity to respond to the charges that are being leveled against him.

They may argue—as they did in a recent letter to the White House—that the President and his counsel are here "only as a matter of courtesy and not of right." In other words, "be glad we are letting you testify at all." With all due respect, Mr. Chairman, if the goal is justice, this cannot be a satisfactory response.

A 30-minute presentation is especially inadequate when one considers that Mr. Starr has been preparing for weeks a presentation that the White House saw for the first time last night. According to news accounts, the witness has spent the better part of the past several weeks conducting videotaped practice sessions. The President's counsel has had all of 16 hours to prepare his response.

I wish I could say that this sort of unfairness were an exception to an otherwise fair proceeding. But in fact it continues a pattern that has characterized this entire investigation. The Committee has abandoned precedent at almost every turn—rushing to release Mr. Starr's report within hours of its receipt, before either the Judiciary Committee or the President's counsel had any opportunity to examine it. Posting on the Internet thousands of pages of secret grand jury testimony without regard to the rights of the accused, the course of future prosecutions, and the integrity of the grand jury system itself. And abdicating its own responsibility to make an independent examination of the charges before voting to commence an impeachment inquiry.

Enough is enough, Mr. Chairman. Let's do one thing right. I urge support for the motion and yield back the balance of my time.

Opening Statement of the Honorable William D. Delahunt, Judiciary Committee Markup of the Proposed Articles of Impeachment—December 10, 1998

Mr. Chairman, I would like to ask you to suppose you're an ordinary citizen summoned to defend yourself in court.

You don't know what you're charged with, because there's been no indictment.

The prosecutor has spent four years investigating your financial dealings. But when you get to the courtroom, he only wants to talk about sexual indiscretions.

He sends the jury a 445-page report telling just his side of the story, and releases thousands of pages of secret grand jury testimony to the public.

He calls none of the witnesses quoted in his report, so you can't challenge their veracity.

In fact, he calls only one witness. Himself. Then it turns out he's never even met your chief accuser.

The judge allows new charges to be raised in the midst of the trial, then drops them again.

He warns that you will be convicted if you do not offer a defense. Then, when you do so, he tells you not to hide behind "legal technicalities."

The scene I've just described wasn't dreamed up by George Orwell of Franz Kafka. It's not a Cold War account of a Soviet show trial. In fact, it's similar to what's taken place here—in America—during the course of this impeachment investigation.

We are about to vote to impeach the President of the United States on charges that would never even have been brought against an ordinary citizen.

We have delegated our constitutional duty to substantiate those charges to an unelected prosecutor.

We have called no witnesses to testify to the charges—except the prosecutor himself. And he admitted he has no personal knowledge of the facts—and never even met Ms. Lewinsky.

None of his witnesses were subject to cross-examination to test their credibility—despite Mr. Schippers' statement that they should be.

Having put before the public a one-sided case for the prosecution, some members of this committee have suggested that the President has the burden of proving his innocence. When he has attempted to do so, those same members have accused him of "splitting hairs."

We have required the President's counsel to prepare his defense without knowing what formal charges would be brought. And we released articles of impeachment to the press before Mr. Ruff had even finished his presentation.

At our hearing the other day, one of my Republican colleagues alluded to those he considers "real Americans." To me, the real America is a land where every person—whether pauper or President—is accorded due process of law.

Due process has nothing to do with "legal hairsplitting." It has everything to do with requiring those who wield the awesome power of the State to meet their burden of proof. That is what distinguishes this country from a totalitarian one. That is the genius of a Constitution crafted by men who knew and understood the nature of tyranny.

As former U.S. Attorney Sullivan testified, those who complain most loudly about such "technicalities" are the first to resort to them when it is they who stand accused.

For weeks, members of the majority have cited the famous passage from *A Man for All Seasons*, in which Thomas More defends the rule of law against those who would "cut down every law in England" to "get after the Devil." More says, and I quote, "And when the last law was down, and the Devil turned round on you—where would you hide, the laws all being flat? This country's planted thick with laws from coast to coast—Man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? . . . Yes, I'd give the Devil benefit of law, for my own safety's sake."

We would all do well to ponder those words, Mr. Chairman. For though we have invoked the rule of law, we have failed to embrace it. How can the American people accept our verdict, unless they are satisfied that we have conducted ourselves in as orderly, deliberate and responsible a fashion as did the Watergate committee in 1974?

Chairman Rodino did not proceed with the Nixon impeachment until it was clear that it had substantial bipartisan support. Chairman Hyde began these proceedings by observing that without such consensus, impeachment ought not go forward.

Yet this has been the most partisan impeachment inquiry since the infamous trial of Andrew Johnson five generations ago. It is like a runaway train.

Within the committee, some of us have attempted to apply the brakes, developing a respectful—though ultimately unsuccessful—dialogue with our colleagues across the aisle. Elsewhere, growing numbers of thoughtful Republican leaders—from Governor Racicot of Montana to Governor Rowland of Connecticut—have expressed dismay. Yet the train continues to gather speed.

From my own perspective, this isn't even about President Clinton anymore. That he deserves our condemnation is beyond all doubt. But as President Ford has written, the fate of one particular President is less important than preserving public confidence in our civic institutions themselves.

Article II of the Constitution provides a mechanism for removing our Presidents. It's called an election, and it happens every four years.

Whatever the Founders meant by "high Crimes and Misdemeanors," the one thing that seems certain is that impeachment should be reserved for situations in which the incumbent poses so grave a danger to the Republic that he must be replaced ahead of schedule.

Last year the House debated proposed term limits for Members of Congress. One of the most respected leaders of the House led the fight against that legislation, choosing principle over party.

In his speech, he said, and I quote: "The right to vote is the heart and soul, it is the essence of democracy. . . . [O]ur task today is to defend the consent of the governed, not to assault it. Do not give up on democracy. Trust the people".

The author of those eloquent words is my friend, the Honorable Henry Hyde of Illinois. I remind you of those words today, Mr. Speaker, not to throw them back at you, but because it seems to me that "the consent of the governed" is again under assault, and we sorely need such eloquence again.

The President committed serious indiscretions. In the effort to conceal his misdeeds, he compounded them, abusing the trust of those closet to him and deliberately, cynically, lying to the American people.

Knowing this, the people went to the polls on November third and rendered their verdict. And it is illegitimate for a lame-duck Congress to defy the will of the electorate on a matter of such profound significance.

The voters did not condone the President's behavior. Far from it. But they knew the difference between misdeeds that merit reproach and abuses of office that require a constitutional coup d'état.

Some have said we are just a "grand jury," whose only role is to endorse the prosecutor's conclusion that there is probable cause to indict. And don't worry, they say—the Senate won't convict.

This view is both dangerous and irresponsible. Impeachment is not some routine punishment for Presidents who fall short of our expectations. It's the political equivalent of the death penalty, with grave consequences for the nation that all of us—Republicans and Democrats—so dearly love.

We should not use the ultimate sanction when there is an alternative at hand: the joint resolution which my colleagues and I intend to offer, expressing our disapproval of the President's misbehavior and censuring him for it.

If the President really did commit perjury or other criminal acts, the law will deal with him in due course. Our job is to safeguard the Constitution. And the principal of popular sovereignty that is in the stirring words of Henry Hyde, its "heart and soul."

There is still time to trust the people, Mr. Chairman. Let us do so before it is too late.

Statement of the Honorable William D. Delahunt Regarding Article III of the Proposed Articles of Impeachment—December 11, 1998

Mr. Chairman, during our hearing last week, we heard testimony from Charles Wiggins, a Federal judge who served as a Republican member of this committee at the time of the Watergate inquiry.

Judge Wiggins testified that the Watergate committee heard directly from a multitude of witnesses, including Bob Haldeman, John Erlichman, John Dean, and other members of President Nixon's inner circle.

That testimony enabled the committee to make its own findings of fact with respect to the allegations against the President.

That is what distinguishes their investigation from our own. We have not heard from a single witness who can assist us in making findings of fact with respect to the allegations in the Starr report. Not one.

Let me offer just one concrete example of why this concerns me.

One count in the proposed Article of Impeachment alleges that the President "corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed" in the Paula Jones case.

Translation: the President asked his secretary, Betty Currie, to retrieve certain gifts which he had given to Monica Lewinsky, in an effort to conceal their relationship.

It is undisputed that Ms. Lewinsky returned the gifts to Ms. Currie. She did so on December 28, 1997. The key question is whether the President asked Ms. Currie to retrieve the gifts, or whether Ms. Lewinsky made her own arrangements to return the gifts without Mr. Clinton's involvement.

On Wednesday, the Independent Counsel released a statement to the press, taking issue with Mr. Ruff's presentation to this committee, and claiming that the President's involvement is substantiated by the billing records from Ms. Currie's cellular telephone account.

The records—which Mr. Schippers used in his closing statement to the committee—indicate that a one-minute call was placed from Ms. Currie's cell phone to Ms. Lewinsky's telephone number on December 28, 1997 at 3:32 p.m.

In his press release, the Independent Counsel claims that Ms. Currie placed this call for the purpose of arranging to pick up the gifts from Ms. Lewinsky.

In his closing statement to the committee, Mr. Schippers made much of this document. He said that it—and I quote—"corroborates Monica Lewinsky and proves conclusively that Ms. Currie called Monica from her cell phone several hours after she had left the White House."

"Why did Betty Currie pick up the gifts from Ms. Lewinsky?" Mr. Schippers asked. And he answered, "The facts strongly suggest the President directed her to do so."

That is his support for the charge that President sought to conceal evidence.

But there's a problem with this evidence. It is directly, explicitly contradicted by the FBI report of the interview with Monica Lewinsky of July 27 of this year.

That report, which appears in the first appendix to the Starr referral on page 1396, says, and I quote, "Lewinsky met Currie on 28th Street outside Lewinsky's apartment at about 2:00 p.m. and gave Currie the box of gifts."

This raises the following question. If the gift exchange had already taken place at 2:00, how could the telephone call placed at 3:32 have been for the purpose of arranging it?

This is an inconsistency—one of many troubling inconsistencies—in the documents themselves. Yet this potentially exculpatory fact—taken from materials in the possession of the Independent Counsel—was never acknowledged by Mr. Starr. Nor was it acknowledged by the Mr. Schippers.

Both of them affirmatively led the committee to believe that the call was for the purpose of arranging for Ms. Currie to pick up the gifts.

And now we are preparing to vote on an article of impeachment that is substantially based on that telephone call.

What was the purpose of the call? We don't know. It appears that the investigators never asked. And we have never had the opportunity to ask. Because we have not heard from the witnesses themselves.

This is no way to conduct an inquiry, Mr. Chairman. It is a disgrace. And it is an insult to the rule of law.

Statement of the Honorable William D. Delahunt In Support of a Joint Resolution Expressing the Sense of Congress Regarding the Censure of William Jefferson Clinton—December 12, 1998

Mr. Chairman, over the past 24 hours this committee has voted along strict party lines to approve four articles of impeachment against the President of the United States.

In my view, this was reckless and irresponsible.

Impeachment is not a punishment to be imposed on Presidents who fall short of our expectations.

It's last resort—an ultimate sanction—to be used only when a President's actions pose a threat to the Republic so great as to compel his removal before his term has ended.

Impeachment should be considered only when there is no alternative. In this case, we had an alternative. The House still does.

I want to thank you, Mr. Speaker, for allowing this resolution to come to a vote. I have no doubt that you were under great pressure not to do so, and I applaud you for recognizing that it was the fair and proper thing to do.

I can only hope that Speaker-Elect Livingston will emulate your political courage and allow us a vote on the floor as well.

Because this resolution expresses the overwhelming sentiments of the American people—

—That the President committed serious indiscretions with a subordinate.

—That in the effort to conceal his misdeeds, he compounded them—abusing the trust of those closest to him and deliberately, cynically, lying to the American people.

—That these actions warrant condemnation—but not impeachment.

The resolution doesn't mince words. It denounces the President's behavior sternly and unambiguously. In plain, simple English.

It acknowledges that the President is not above the law—like every citizen, he remains subject to whatever penalties a court might impose on him at some future date.

This language may be too harsh for some; too lenient for others. But its purpose should be clear to all.

Censure has been endorsed by no less a luminary than President Ford, who called it "dignified, honest and, above all, cleansing." he added—and I quote—"at 85, I have no personal or political agenda, nor do I have any interest in 'rescuing' Bill Clinton. But I do care, passionately, about rescuing the country I love from further turmoil and uncertainty."

Those are sentiments with which most Americans—including many prominent Republicans—agree. Yesterday, Governor Pataki of New York became just the latest to announce his support for censure.

Yet some insist that a censure of the President would be unconstitutional. Why? Because the Constitution does not mention censure. It's "impeachment or nothing," we are told.

That's absurd. We have ample discretion to do either, as two-thirds of the constitutional experts called to testify by both Democrats and Republicans agreed.

The Constitution—in the words of Justice Jackson—is not a suicide pact. It does not compel us to detonate a nuclear explosion when light artillery will do.

Others oppose censure because they believe it's just a "slap on the wrist." That was not how Andrew Jackson saw it when the Senate censured him in 1834. He was humiliated. Eventually, the Senate repealed its rebuke, and Jackson's proudest possession was the pen used to strike the words of censure from the Senate Journal.

Finally, some have claimed that censure would "short-circuit" the impeachment process. They insist on going forward, but assure us that once we've launched our nuclear missile, we can rely on the Senator to destroy it before it hits its target.

Saying, in effect, "I would prefer that the President not be removed, but I am willing to put the country through the upheaval of a Senate trial nonetheless."

I submit that this is an abdication of a solemn duty—which cannot be delegated—to the Senator or anyone else.

If we truly believe that the President should not be removed from office, we have a better option. Censure him. And preserve the Constitution.

Statement of the Honorable William D. Delahunt of Massachusetts in the Matter of the Impeachment of President William Jefferson Clinton—December 17, 1998

Mr. Speaker, I neither condone nor excuse the President's admitted misdeeds. They are deserving of censure and rebuke.

But they are not a constitutionally sufficient basis for impeachment. Those who are driving this runaway train have failed to establish that the President poses a danger to the Republic that requires his removal before his term has expired.

What does endanger the Republic is a wholly partisan impeachment based on a slapdash investigation that has violated every rule of due process.

Public confidence in the rule of law is ultimately more important than the fate of one particular President. And the official lawlessness that has characterized this investigation has done far more to shake that confidence than anything of which the President stands accused.

The Constitution imposes upon this House a solemn obligation—which it may not delegate to the Independent Counsel or any other individual—to conduct a thorough and independent examination of the allegations and make its own findings of fact.

Yet we have not done this. The committee did not call a single witness who could testify to the facts. Instead, we have abdicated that responsibility to an unelected prosecutor and rubber-stamped his conclusions. Conclusions based on grand jury testimony and other information—much of it ambiguous and contradictory—whose credibility has never been tested through cross-examination.

This fraudulent investigation is insufficient—as a matter of law—to form a factual basis for the charges set forth in the articles of impeachment. If we impeach nonetheless—as some are determined to do—we will lower the bar for all future impeachments.

We will sanction an encroachment upon the Executive Branch that could upset the delicate equilibrium among the three branches of government that is our chief protection against tyranny.

Presidents are not above the law. But even Presidents are entitled to due process. This investigation has violated due process at every turn. Publishing the Starr referral—including thousands of pages of secret grand jury testimony—before either the committee or the President's counsel had any opportunity to examine it. Launching a formal impeachment inquiry without even a cursory review of the allegations. Requiring the President's counsel to prepare his defense without knowing what charges would be brought. And releasing these articles of impeachment—drafted in secrecy by the Majority alone—before the President's counsel had even finished his presentation to the committee.

Having put before the public a one-sided case for the prosecution, some members of the Majority actually suggested that the President had the burden of proving his innocence. When he attempted to do so, those same members accused him of "splitting hairs."

It isn't "splitting hairs" to insist that those who wield the awesome power of the State meet their burden of proof. That is what distinguishes a free country from a totalitarian one. And somehow it is those who complain most loudly about such "technicalities" who are the first to resort to them when it is they who stand accused.

What a contrast between these proceedings and those of 24 years ago! During the Watergate crisis, the Rodino committee managed to transcend partisanship at a critical moment in our national life, and set a standard of fairness that earned it the lasting respect of the American people.

I had hoped that our proceedings would be equally fair, thorough and bipartisan, and that—whatever our verdict might be—our efforts would be found as worthy of praise.

I do not believe that will be the case, Mr. Speaker. I believe history will judge us harshly for what we are about to do.

There is still time—even at this late hour—to pull back from the brink. We can still spare the nation the turmoil and uncertainty of a Senate trial through a vote that censures the President of his misconduct. That is the alternative favored by a clear majority of the American people.

We can register our support for censure by voting "yes" on the motion to recommit which will be offered by Mr. Boucher at the conclusion of this debate—to return this matter to the Judiciary Committee and demand that they bring a censure resolution to the floor.

As we stand on the edge of an impeachment vote for only the second time in our history, we can only hope that the democracy that has survived so many storms will weather this crisis as well. And that our reckless actions will not do lasting damage to the country that we all so dearly love.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN. Mr. Speaker, I rise in support of the four articles of impeachment.

Mr. Speaker, regretfully I rise today to speak in favor of the Impeachment of the President of the United States, William Jefferson Clinton.

Impeachment and removal of the President was the remedy given to Congress to address a chief executive who attacked the Constitution and resulting rule of law that governs our society. The Articles of Impeachment against President Clinton deserve serious consideration because they arose out of the efforts of the President to delay, deny, impede and obstruct (and later to cover-up that obstruction) the fair administration of justice in a federal civil rights sexual harassment claim. The President did so for personal exoneration and pecuniary gain. These actions constitute a direct attack on the Judiciary, the third branch of government set forth in our Constitution.

Specifically, the President is charged with wilfully lying under oath on four specific occasions: on December 17, 1997, in response to written questions in a federal civil rights action; on January 17, 1998, in a deposition for a federal civil rights action; on August 17, 1998, in testimony before a federal criminal grand jury; and on November 27, 1998, in sworn responses to the House Judiciary Committee. The President is also charged with obstructing justice in a federal civil rights action during December 1997 and January 1998.

I prayerfully considered each article and the supporting evidence. I have come to the conclusion that under my duties set forth by the Constitution, with conscience as my guide, I must vote in favor of Impeachment because there is clearer and convincing evidence that the President committed these offenses and should stand trial on these charges in the Senate. The Senate should be given the opportunity to exercise its Constitutional responsibility and hear evidence from both sides to determine whether the President should be convicted and removed from office.

If we choose to ignore these charges, we would set a dangerous precedent that the President of the United States, the chief law enforcement officer, may wilfully ignore the rule of law that governs our society. The ruler cannot be above the rule of law.

This is a somber time for our country. None of us, as citizens of these great United States, wants to see the Presidency under attack. Unfortunately, the attack against this Presidency came from within, and President Clinton must be held accountable for his actions.

Mr. Speaker, I ask each Member of this House of Representatives to put partisanship aside, to look at the law, to look at the evidence, and to vote in the way our Foundering Fathers intended when they crafted our Constitution.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding.

I would respond to the gentleman from Massachusetts that apparently he is under the impression that the President admitted to the truth in his grand jury testimony. He did not. He waived a statement. Each and every time which he did that, this was not telling of truth, it was simply one more count of false declaration before a grand jury or a court.

He lied about his relationships with Monica Lewinsky in the deposition in January. He lied again about it before the grand jury in August. There was nothing truthful about the President's statement to that effect. While simply the fact that he issued a statement may be sufficient for the gentleman from Massachusetts, it is still not the truth.

□ 1845

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, the Constitution makes the President the caretaker of the laws of our Nation. This means the President protects the people by nurturing and supervising our legal system, plus he must lead by example. The facts show the President has lied under oath, obstructed justice and abused the power of his office. How can he possibly serve as the caretaking of our laws if he cannot abide by them?

Our legal system demands equal justice under law. To treat the President differently than other Americans brings grave consequences for the sanctity of our judicial process.

And everyone likes to talk about polls for what they are worth. Let us talk about this one. According to the Scholastic News, a weekly magazine circulated in schools, 85 percent of fourth graders nationwide stated they believe a President who lies should lose his job. We have taught our children the importance of telling the truth and the value of their word. We cannot afford to change that message now.

Mr. McCOLLUM. Mr. Speaker I yield 1 minute to the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, it is with a profound sense of sadness that I stand here this evening. We are called upon to decide what is right for the country and what is required to serve the interests of justice. In making this decision, I recognize that the purpose of impeachment is not to punish a political leader, but to preserve the integrity of our institutions of government.

In recent days I have written twice to the President asking him to come to terms with the fact that he broke the law and to take responsibility for his actions. On December 3, I urged the President to come before the American people, admit that he committed perjury and indicate that he was prepared to face the consequences. If he did, I told him, I believe this Congress could work out a remedy other than impeachment. On the eve of this debate I wrote to the President one more time and called upon him to tell the truth, the whole truth and nothing but the truth.

Tonight I want to issue one final plea to the President:

"It is not too late to demonstrate true personal courage and moral leadership. Save the Nation the trauma of an impeachment trial, and save your Presidency."

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, as a Member of Congress this vote is one of the most solemn, serious and important decisions each of us will ever make and one I cast only under a profound sense of constitutional duty.

In 1776, Thomas Paine in his pamphlet Common Sense wrote, quote: "For as in absolute governments the king is law, so in free countries the law ought to be king."

Mr. Speaker, our Nation was created in part because our founders were forced to live under one set of laws while our rulers lived under another. The equal application of the rule of law has become the principle upon which our entire legal system is based. I believe the facts clearly indicate that President Clinton has committed the very serious felonies of perjury and obstruction of justice and in so doing has violated the trust of the American people.

Mr. Speaker, it is absolutely critical that all Americans, including and especially the President of the United States, obey the law. Bill Clinton is our President, not our king. He is not above the law. To allow our chief law enforcement officer to commit these felonies without facing serious consequences is to send a dangerous message to all Americans that there are again two standards of justice in America, one for the President and one for the rest of us.

Mr. Speaker, we have a constitutional obligation to apply the law to the President just as we would apply it to any other American. I believe we have no other choice but to vote aye on these articles of impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, if it is so clear that the President committed perjury, I wonder why the members of the Committee on the Judiciary did not tell us which words were perjurious.

I am a former prosecutor. If anyone is charged in America with perjury they have to specifically say what was perjury. We did not do it in this case.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I submit my statement and supporting documents in opposition to the articles of impeachment.

Mr. Speaker, in October we voted on whether to receive the Starr report and to have the Judiciary Committee define the impeachment standard on which to review these allegations and to guide us here in this debate. But the Majority Party, the Republicans, said "No, we will not define the standard."

So what is the standard? Did President Clinton commit "high Crimes and Misdemeanors" warranting impeachment under the Constitution?

The Judiciary Committee would not tell us, so 430 legal scholars spoke up and wrote to the Speaker, and here is what they had to say, in part:

> We write neither as Democrats nor as Republicans. Some of us believe that the President has acted disgracefully, some that the Independent Counsel has. This letter has nothing to do with any such judgment. Rather, it expresses the one judgment on which we all agree: that the allegations detailed in the Independent Counsel's referral and summarized in Counsel Shippers's statement do not justify presidential impeachment under the Constitution.
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> No existing judicial precedents bind Congress's determination of the meaning of "high Crimes and Misdemeanors." But it is clear that Members of Congress would violate their constitutional responsibilities if they sought to impeach and remove the president for misconduct, even criminal misconduct, that fell short of the high constitutional standard required for impeachment.
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> ....It goes without saying that lying under oath is a serious offense. But even if the House of Representatives had the constitutional authority to impeach for any instance of perjury or obstruction of justice, a responsible House would not exercise this awesome power on the facts alleged in this case. The House's power to impeach, like a prosecutor's power to indict, is discretionary. This power must be exercised not for partisan advantage but only when circumstances genuinely justify the enormous price the national will pay in governance and stature, if its President is put through a long, public, voyeuristic trial. The American people understand this price. They demonstrate the political wisdom that has held the Constitution in place for two centuries when, even after the publication of Mr. Starr's report, with all its extraordinary revelations, they oppose impeachment for the offenses alleged therein.

A majority of the American people are being denied through their elected representative an opportunity to cast a vote on a bipartisan compromise—a vote of conscience to censure the President.

I wish to share with the nation the letter I am sending to my constituents on this historic vote:

> DEAR CONSTITUENT: Thank you for sharing your views, hopes, fears, and thoughts on the Articles of Impeachment pending against President Bill Clinton.
>
> My votes on impeachment were the most solemn and saddest votes I have ever had to cast. The constitutional importance, the solemn occasion, the division within the House of Representatives and indeed the nation itself cause me to pause and reflect on my personal, constitutional, national, political and family life. These were not easy votes. I read transcripts, watched the video deposition, reviewed testimony, and studied legal and historical briefs. I read numerous constitutional arguments and perspectives, the report of the Office of Independent Counsel, and documentation submitted by the President's attorneys, and I attended briefings by constitutional and legal experts. Most of all, I listened to you, read your letters and e-mails, and your messages left with my staff and on our answering machines.
>
> For only the second time in our nation's history of the House of Representatives voted on Articles of Impeachment. While impeachment is an integral part of our constitutional structure, the Founding Fathers made it clear it is a final recourse in dealing with a tyrant or a scoundrel whose actions clearly threaten our system of government. When an impeachment vote occurs, Congress usurps the power of the electorate. The removal of the President is reserved for the American people through elections, and Congress should only "substitute" or "invalidate" your vote and reverse the last presidential election through impeachment *only when it is necessary* to save the country from a President whose actions are of "such a grave nature that they imperiled the structure of our government."
>
> Becasue the U.S. House of Representatives failed to define the constitutional standard for impeachment, it then became possible for each members to devise his or her own impeachment standard that fits a personal perception of facts surrounding the President. Unfortunately, what individual members have perceived as impeachable facts run contrary to the facts perceived by two-thirds of the American people who have repeatedly stated they did not want this President impeached. The American people understand that a President's criminal or civil behavior should be addressed through normal judicial proceedings, that ordinary political wrongs can be addressed at the ballot box; and that impeachment should only be used for serious public misconduct which threatens our form of government.
>
> I believe the reason for the partisan split on each article of impeachment came about because the impeachment standard was never defined and the Republican leadership stated it was up to each member "to vote their conscience." Many individual members, both Democrat and Republican, have confided to me that a true vote of conscience was to censure the President. Still, the Republican leadership refused to allow us to vote on censure.
>
> Prior to drafting Articles of Impeachment against President Richard Nixon, both Republicans and Democrats set forth an impeachment standard. The standard used in the Nixon impeachment was a constitutional standard, not a personal standard. To date, more than 430 legal scholars have written to the House Leadership and the Judiciary Committee stating that the President's actions must be "gross[ly] derelict exercise of official power," a standard that is not met on the facts alleged in the Articles of Impeachment against President Clinton. "If the President committed perjury regarding his sexual conduct, this perjury involved no exercise of presidential power as such." The scholarly letter went on to state that "making false statements about sexual improprieties is not a sufficient basis to justify the trial and removal from office of the President of the United States."
>
> I agree that the President's behavior was inappropriate and immoral and that he must be held accountable, but, as Bob Dole wrote in the New York Times, a bipartisan resolution of censure would be a proper Congressional response to the president's actions and it would allow Congress to rapidly resolve this issue and move forward to deal with the nation's other important business.
>
> Documentation submitted by the President's legal counsel echoes what the President has said publicly, "there are no fancy ways to say that I [the President] have sinned." The document continues: "The president has insisted that no legalities be allowed to obscure the simple truth that his behavior in this matter was wrong; that he misled his wife, his friends, and our nation about the nature of his relationship with Ms. Lewinsky. He did not want anyone to know about his personal wrongdoing. But he does

want everyone—the Committee, the Congress and the country—to know that he is profoundly sorry for the wrongs he has committed and for the pain he has caused his family, friends, and our nation."

As a member of the US House of Representatives, I am duty bound to differentiate between that which is sinful, immoral conduct and that which is impeachable under our Constitution.

Based on all the information available to me, listening to your views, thoughts and opinions, I have determined that the President's actions did not reach the necessary constitutional standard for impeachment unique to the office of the President, and that his actions were not of such a grave nature that his personal actions imperiled our form of government.

In closing let me share with you a comment that a constituent, a Dominican nun, shared with me about this whole impeachment. Sister Margaret reminded me of the Biblical story of how the men who would stone a prostitute were the very men that paid her for her services, and how they were challenged by Jesus, who said, "Let he who is without sin cast the first stone." Of course, none of them could throw the stone. As Sister Margaret stated to me, "I have a stone in my hand, but I am waiting to become perfect . . . then I'll throw it!"

This does not excuse or exonerate the President for his actions. He remains liable for civil and criminal charges for his actions, and, should he be found guilty, he would justly face legal punishment. None of his actions, however, permit us to take the historically unwarranted step of invoking sections of our Constitution that will forever distort the intentions of the Founding Fathers, undo the last election, and forever change the relationship between Congress and the presidency. My votes were not cast to protect the President in any way. They were cast to protect the office of the presidency and the Constitution.

Thank you for sharing your time, views, opinions, thoughts and prayers!

Hon. NEWT GINGRICH,
Speaker, United States House of Representatives.

DEAR MR. SPEAKER: Did President Clinton commit "high Crimes and Misdemeanors" warranting impeaching under the Constitution? We, the undersigned professors of law, believe that the misconduct alleged in the report of the Independent Counsel, and in the statement of Investigative Counsel David Schippers, does not cross that threshold.

We write neither as Democrats nor as Republicans. Some of us believe that the President has acted disgracefully, some that the Independent Counsel has. This letter has nothing to do with any such judgments. Rather, it expresses the one judgment on which we all agree: that the allegations detailed in the Independent Counsel's referral and summarized in Counsel Schippers's statement do not justify presidential impeachment under the Constitution.

No existing judicial precedents bind Congress's determination of the meaning of "high Crimes and Misdemeanors." But it is clear that Members of Congress would violate their constitutional responsibilities if they sought to impeach and remove the President for misconduct, even criminal misconduct, that fell short of the high constitutional standard required for impeachment.

The President's independence from Congress is fundamental to the American structure of government. It is essential to the separation of powers. It is essential to the President's ability to discharge such constitutional duties as vetoing legislation that he considers contrary to the nation's interests. And it is essential to governance whenever the White House belongs to a party different from that which controls the Capitol. The lower the threshold for impeachment, the weaker the President. If the President could be removed for any conduct of which Congress disapproved, this fundamental element of our democracy—the President's independence from Congress—would be destroyed. It is not enough, therefore, that Congress strongly disapprove of the President's conduct. Under the Constitution, the President cannot be impeached unless he has committed "Treason, Bribery, or other high Crimes and Misdemeanors."

Some of the charges raised against the President fall so far short of this high standard that they strain good sense: for example, the charge that the President repeatedly declined to testify voluntarily or pressed a debatable privilege claim that was later judicially rejected. Such litigation "offenses" are not remotely impeachable. With respect, however, to other allegations, careful consideration must be given to the kind of misconduct that renders a President constitutionally unfit to remain in office.

Neither history nor legal definitions provide a precise list of high crimes and misdemeanors. Reasonable people have differed in interpreting these words. We believe that the proper interpretation of the Impeachment Clause must begin by recognizing treason and bribery as core or paradigmatic instances, from which the meaning of "other high Crimes and Misdemeanors" is to be extrapolated. The constitutional standard for impeachment would be very different if different offenses had been specified. The clause does not read, "Treason, Felony, or other Crime" (as does Article IV, Section 2 of the Constitution), so that any violation of a criminal statue would be impeachable. Nor does it read, "Arson, Larceny, or other high Crimes and Misdemeanors," implying that any serious crime, of whatever nature, would be impeachable. Nor does it read, "Adultery, Fornication, or other high Crimes and Misdemeanors," implying that any conduct deemed to reveal serious moral lapses might be an impeachable offense.

When a President commits treason, he exercises his executive powers, or uses information obtained by virtue of his executive powers, deliberately to aid an enemy. When a President is bribed, he exercises or offers to exercise his executive powers in exchange for corrupt gain. Both acts involve the criminal exercise of presidential powers, converting those awful powers into an instrument either of enemy interests or of purely personal gain. We believe that the critical, distinctive feature of treason and bribery is grossly derelict exercise of official power (or, in the case of bribery to obtain or retain office, gross criminality in the pursuit of official power). Non-indictable conduct might rise to this level. For example, a President might be properly impeached if, as a result of drunkenness, he recklessly and repeatedly misused executive authority.

Much of the misconduct of which the President is accused does not involve the exercise of executive powers at all. If the President committed perjury regarding his sexual conduct, this perjury involved no exercise of presidential power as such. If he concealed evidence, this misdeed too involved no exercise of executive authority. By contrast, if he sought wrongfully to place someone in a job at the Pentagon, or lied to subordinates hoping they would repeat his false statements, these acts could have involved a wrongful use of presidential influence, but we cannot believe that the President's alleged conduct of this nature amounts to the grossly derelict exercise of executive power sufficient for impeachment.

Perjury and obstructing justice can without doubt be impeachable offenses. A President who corruptly used the Federal Bureau of Investigation to obstruct an investigation would have criminally exercised his presidential powers. Moreover, covering up a crime furthers or aids the underlying crime. Thus a President who committed perjury to cover up his subordinates' criminal exercise of executive authority would also have committed an impeachable offense. But making false statements about sexual improprieties is not a sufficient constitutional basis to justify the trial and removal from office of the President of the United States.

It goes without saying that lying under oath is a very serious offense. But even if the House of Representatives had the constitutional authority to impeach for any instance of perjury or obstruction of justice, a responsible House would not exercise this awesome power on the facts alleged in this case. The House's power to impeach, like a prosecutor's power to indict, is discretionary. This power must be exercised not for partisan advantage, but only when circumstances genuinely justify the enormous price the nation will pay in governance and stature if its President is put through a long, public, voyeuristic trial. The American people understand this price. They demonstrate the political wisdom that has held the Constitution in place for two centuries when, even after the publication of Mr. Starr's report, with all its extraordinary revelations, they oppose impeachment for the offenses alleged therein.

We do not say that a "private" crime could never be so heinous as to warrant impeachment. Congress might responsibly take the position that an individual who by the law of the land cannot be permitted to remain at large, need not be permitted to remain President. But if certain crimes such as murder warrant removal of a President from office because of their unspeakable heinousness, the offenses alleged in the Independent Counsel's report or the Investigative Counsel's statement are not among them. Short of heinous criminality, impeachment demands convincing evidence of grossly derelict exercise of official authority. In our judgment, Mr. Starr's report contains no such evidence.

Sincerely,

RICHARD L. ABEL
(And 442 others)

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, impeachment in the Constitution was meant to be applied when the elected President misuses the office in a way that threatens our structure of government. The conduct of President Clinton at issue here was reprehensible but does not constitute a high crime or misdemeanor as required for removal by impeachment. No President is above the law, but that does not mean every alleged crime is an impeachable crime. The crimes alleged here may warrant prosecution when the President's term expires, but they do not rise to the standard required by the Constitution for impeachment.

Mr. Speaker, I am bitterly disappointed the majority blocked this House from considering the option of censuring the President instead of the false choice between removal by impeachment or no action whatsoever. Basic fairness as well as basic respect for the deep divisions and the thinking of Americans would have allowed all options to be before us.

History will not be kind to this Congress for its handling of this matter. I hope our country will never ever again have a congressional majority as heedless of the spirit of justice and the Constitution as this one.

Impeachment as established in the Constitution was meant to be applied when the elected President was misusing the powers of the Executive Branch in a way that was threatening to our very structure of government.

The conduct of President Clinton at issue here is reprehensible. It does not, however, constitute a high crime or misdemeanor as required for removal by impeachment.

No president is above the law but that does not mean every crime is an impeachable crime. The crimes alleged against President Clinton may well warrant prosecution when his term expires, but they do not rise to the standard required by the Constitution for impeachment.

These proceedings represent an extremely important moment in the Constitutional history of this country. I'm bitterly disappointed the majority leadership blocked this House from considering a full range of options, including the option of censuring the President instead of the false choice between removal by impeachment or no action whatsoever.

Basic fairness as well as basic respect for the deep divisions in the thinking of Americans on this matter would allow all options to be before us.

The blind drive of majority leadership to win this impeachment vote regardless of any and all other considerations is revealed by their refusal to delay this debate, even a few days, to allow the attack against Iraq to run its course. The brave men and women executing the attack on our behalf deserve our full focused support behind their brave actions.

History will not be kind to this Congress for its handling of this matter. I hope our country will never again have a congressional majority of either party as heedless of the spirit of justice and the Constitution as this one.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, this morning I began to write a letter to my daughters and future grandchildren to describe my feelings on this sad, yet historic day, and I wrote that I continue to be overwhelmed by the fact that this Congress and, as a result, the American people are being denied the right to vote on an action that would unify our country, censure.

To my majority colleagues, I implore them in the interests of fairness to stop the bitterness and rancor that currently controls Capitol Hill. As our country continues to polarize, I pray that Congress has not lost its ability to seek common ground, for if we have, it will affect our ability to solve problems for decades to come, and I would like to be able to tell my children so that they can tell their children that this body came to its senses and put aside partisanship in favor of statesmanship. Let us be remembered for allowing the will of the American people to be heard through a vote on censure. It is the only fair thing to do.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I do not question anyone's motives. Both parties agree to some degree that the President broke the law. We disagree on the punishment.

Now some say the Constitution does not allow censure. I say the Constitution does not prohibit censure. The founders left it up to the elected Congress, not to unelected judges. Therefore, we are to work our political will.

Let me say this tonight. I believe precedents and history requires that we work our political will. The standard is high crimes. Did he break the law? Probably so. But what were those laws? No charges on Filegate, Travelgate, Whitewater, Chinagate, Vincent Foster. What did he touch? Where did he touch it? When did he touch it? Did he cover it up?

Does this offense warrant the death penalty? Make no mistake, impeachment is tantamount to the political element of capital punishment.

Mr. Speaker, an impeachable offense should be one that threatens liberty, not chastity. I advise the Congress to censure the President, who would be prosecuted after he completed his terms, rather than demean the status of high crimes.

Take politics out of that really. The President broke the law, we are sure of that, but I do not believe it requires the death penalty.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. CHRISTIANSEN).

Mr. CHRISTIANSEN. Mr. Speaker, last week my wife and I toured the CIA headquarters, and chiseled in the granite as we walked in the door are these words:

"You shall know the truth, and the truth shall set you free."

I believe that every woman is entitled to the truth in a sexual harassment lawsuit. The American people are entitled to the truth. We, the Congress, are entitled to the truth. Members of Congress told President Clinton, "Do not lie in your grand jury testimony or you will be impeached."

I support the articles of impeachment, not out of disrespect for President Clinton, but out of respect for our rule of law.

A constituent of mine from Omaha told me last week, "I wish it wasn't about sexual harassment, but the facts are he lied under oath, he covered it up for as long as he could, and he used his office to try and obstruct the work of the independent counsel and the rule of law." She went on to say, "We have men on death row that were sentenced based on the sworn testimony of witnesses, sworn testimony of the people who took an oath to tell the truth, the whole truth and nothing but the truth so help them God." Well, Mr. Speaker, this is the same oath that the President took raising his right hand, stating those sacred words in front of witnesses, a Federal judge and a grand jury. If the President does not honor those words, how can we assure that other witnesses will honor those words?

Some of my colleagues have said that we should not dumb down the impeachment process, but I say we should not dumb down the rule of law. The damage is done. The President cannot go back and he cannot change what has happened, and that is why we stand here today preparing to vote on the future of the most powerful man in the world, William Jefferson Clinton.

This is my last vote as a Member of Congress. I will not enjoy casting this vote. The President's behavior and his subsequent denials, false testimony and obstruction of justice have brought us to this point. Actions have consequences, and the consequences of the President's lies and obstructions these past many months must be for him to personally address his conduct before the United States Senate.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, over the past several weeks I have agonized like most Members of Congress over the weight and the burden of the constitutional duty that is facing the United States House of Representatives. This is one of the most difficult decisions I have ever had to make in my career, and it is not a decision I enjoy making. However, after much study, much thought and much prayer, I have come to the following conclusion: Either we are a Nation of laws or we are not, and if we are, then those laws have to apply equally to all people.

Our Declaration of Independence says it best. We hold these truths to be self-evident, that all men are created equal. In America there is no emperor, and there is no Praetorian guard. There is one standard of justice that applies equally to all, and to say or do otherwise will undermine the most sacred of all Americans ideals.

President Clinton has committed federal crimes, and there must be a reckoning or no American shall ever again be prosecuted for those same crimes.

There is one other important issue I would like to address, and that is the matter of trust. Lying to the American people is a betrayal of trust. All of us, including our public leaders, make mistakes. We are all subject to the same universal truth. We all fall short. To err is human, to forgive is divine. But to err repeatedly and willfully with impunity defies another universal truth, and that is the law of the harvest. In other words, one reaps what they sow, and the pattern of deception and dishonesty that acts as a body guard to this President strikes at the very core of his ability to lead. It is a matter of trust.

Those close to the President say he cannot admit to lying for legal, political and personal reasons. Fear of future prosecution and fear of political consequence gives explanation, albeit little excuse for his denials. However, it is the President's assertion that he cannot tell the truth for personal reasons that is most troubling.

□ 1900

The President says he cannot tell the truth because he does not believe he lied, and yet even the President's most ardent defenders acknowledge he lied under oath.

If the President genuinely believes he is telling the truth, we are left with one of two equally miserable realities: Either the President chooses contempt and complete disregard for the truth, or his conscience is so diminished as to leave him unable to discern the truth from his lies. Both conclusions are ruinous to a constitutional republic, whose leaders must command the trust of those who lead.

Our constitutional government will stand the test of time, my friends, but only if we deal decisively with those who recklessly assault its foundations. Allegiance to our Constitution leaves us with no alternative but to vote in favor of impeaching the President.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, in just a few hours I will join others in this chamber to cast one of the toughest and most momentous votes that a Member of the House of Representatives can be called upon to cast—a vote to impeach the President of the United States. This is an historic vote that is not easily cast—and I take no satisfaction in doing so.

I have always taken the position that I would not use any office of public trust to hurt anyone—and if I could not help them, I would pass it by. I know that this is a hurtful process, but in this vote I had to go back to the oath I took to uphold the law of the land. This I will do.

Having read the testimony, I will vote for articles of impeachment, for it is clear that the transcript shows that the President committed perjury. Perjury is a felony offense—regardless of the subject matter or the circumstances—and there is no asterisk in the law books that exempts a President.

I am sorry for the President and for our country. This is both a personal tragedy and a national tragedy. Blame has been cast in all directions—toward the President, the Office of the Independent Counsel, and the Congress. I have heard from thousands of Americans during the course of this debate via telephone, letters, faxes, and e-mail. In the final analysis, I had to evaluate the evidence for myself, listen to my constituents, and then call it as I see it.

We must now see this through to closure—for better or worse—and we must pull together as a nation after this is over. It will be difficult, but Americans have a great capacity to overcome difficult times. This issue has distracted us and divided us, and now we must come together and move ahead to address the many domestic and foreign issues that require our serious and undivided attention.

Mr. Speaker, it is a great honor to represent the Fourth District of Texas in this Chamber, and I have tried to do so to the best of my abilities. I am grateful to all those in my district who contacted me, and I hope they know that their views are important to me—whether they agree with my decision or not.

Ms. LOFGREN. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am particularly disturbed to hear speaker after speaker come here and speak to the issue of obstruction of justice and suborning of perjury. Let us listen to the testimony of the key witness, Monica Lewinsky, where she said clearly and unequivocally, "No one asked me to lie and no one promised me a job."

Listen to the evidence. Let us not make this a sham and a shambles. I beg you to listen to the evidence.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, I entered the House of Representatives two years ago, and the first act I took was the oath of office to uphold the Constitution. The matter now before us constitutes the most significant test of that oath.

At all times I have done my best to evaluate if the allegations against the President threatened our constitutional process. I have said repeatedly in my remarks, publicly, that I believe the President's actions were reprehensible and morally repugnant.

However, after much thought and deliberation over the past few months, I have concluded that the constitutional threshold of treason, bribery and high crimes and misdemeanors that our framers enumerated has not been reached in the situation to justify the removing of and the impeachment of President Clinton. I purposely refrained from this judgment because of this. I was one of only 31 Democrats who voted to go on with the inquiry.

Let me be clear, the President should be held accountable for his reckless actions. However, impeachment is not the punishment. Let us move on to the business of our Nation.

Mr. Speaker, the President's actions were reprehensible, morally repugnant and have brought shame upon the highest office in our Nation. I feel everyone in this Chamber shares this same sentiment. However, what we now disagree upon involves the most significant test to our oath of office—whereupon we have all sworn to uphold our sacred Constitution.

Mr. Speaker, our Nation and our Constitution face its most solemn hour since the House of Representatives last triggered an impeachment against the President of the United States some 130 years ago. While the times have certainly changed, the magnitude of a vote to remove the highest officer in our Nation has not.

We have learned from our past that impeachment cannot be guided by passion nor partisanship but by the facts, our laws, and our deep faith in the Constitution. For impeachment centers not on our political differences but instead must be determined by the constitutional standard of whether the President committed "treason, bribery, and other high crimes and misdemeanors."

Mindful of this, I have spent the better part of this year seeking to further understand what the Framers had in mind when they conceived this clause. As a result, I am convinced more than ever, Mr. Speaker, that the Framers' impeachment clause empowers Congress with the ability to protect our citizens against an executive branch that grossly abuses its power by turning the arm of government against its citizens.

In 1974, the Judiciary Committee recognized this fundamental "abuse of power" when they issued impeachable offenses against Richard Nixon that involved his use of the Internal Revenue Service, the Central Intelligence Agency, and the Federal Bureau of Investigation against the citizenry. At the same time, Mr. Speaker, the impeachment of President Andrew Johnson itself proved to be an "abuse of Congress' power" as Mr. Johnson was attacked more for his political convictions than his decision to oust a Cabinet member. Unfortunately, we now stand ready to drag our tired country through a protracted trial in the Senate for something which does not reach the threshold of an impeachable offense.

The President's conduct in concealing a personal sexual relationship certainly do not threaten our constitutional process nor pose a direct threat to our citizenry. I believe, Mr. Speaker, that a vote to lower the bar on what is an impeachable offense would do more in fact to undermine our democracy than advance it.

Let me be clear that I believe the President should be held accountable for his reckless acts, however impeachment is not the appropriate punishment in this instance. Consequently, I am greatly dismayed that the full House will not be given the same opportunity presented to the Judiciary Committee to consider alternative forms of punishment such as a censure motion and monetary fine. At a minimum, the Congress needs to make it clear to the American people that telling the truth does matter, that the President's deeds will not go unpunished, and that he remains subject to prosecution in a court of law when he leaves office.

I know, Mr. Speaker, that I will ultimately have to answer to my constituents after my vote on this matter. However, I will do so with a clear conscience knowing that I did what I thought was right, just, and in the best interest of our country.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute and 20 seconds to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Mr. Speaker, I rise today not only in opposition to these impeachment articles, but to express my outrage and sadness over a process driven not by fairness, but by a small minority obsessed with impeachment. Instead of putting politics aside and coming together in a bipartisan manner to do what is right for our Nation, today we begin the final steps in a process that, from the start, has never been about fairness. Rather, it has been to accomplish a predetermined result, to impeach the President of the United States.

No one is disputing that what the President did was wrong and he should be held accountable. That is why an overwhelming majority on both sides of the aisle want to vote on censure. But we will not be given the opportunity to vote on that today. To bar this body from that option is inexcusable and it is outrageous.

The majority has said that they are simply voting their conscience. But what about the conscience of the American people, who overwhelmingly said that the President should not be impeached, but be censured? I ask myself, how did this body get to the point where the conscience of so many Members is so different from the conscience of the American people?

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I am asking as many that can to reject the idea of voting for articles of impeachment, because 25 years ago I had the opportunity to serve in this body when the question of impeachment was seriously taken up, in 1974, and I can tell you that we may use the type of language that sounds as though we are working within the Constitution, but this procedure is not on the level.

You cannot have a political procedure where Republicans line up on one side, like they are shooting fish in a barrel, and Democrats line up on the other side. We should not be talking about a Democratic President that for six years people have been trying to hound out of office. Even before this deal goes down, where you already have the votes, there are people asking the President to resign from office.

What has this President done to cause so much hatred, so much animosity? And for those of you that say this is not about sex, I agree with you: This is about getting rid of the President of the United States. Whether it is the FBI files, whether it is Whitewater, whether it is discussing something that Hillary has done, or whether it is Lewinsky, the whole idea is a lynch mob mentality that says this man has to go.

You say, well, we have to vote our conscience here. Who determines the conscience? What arrogance can the Republicans have in this body to determine what the punishment should be for the President of the United States? Who has found the language in our Constitution to dictate that you can take this wonderful instrument that allowed this republic to survive for so long, and twist it and bend it and say that we cannot have censure as an option to what you are trying to do to the President, to this Congress, and to the country? And what do you leave for the future, for the next Congress? What do you leave in terms of Social Security, reforming the tax system, trying to make Medicare better, trying to get campaign finance reform?

These are things that we refer to as bipartisan, working together, cooperation. You brought hatred to this floor. You can see it in the eyes, you can see it in the language, and people will walk lockstep and vote as Republicans and not as Members of the United States Congress.

Do you not think that as you keep talking about "no man is above the law," do you not understand that no Member here is above the will of the people of the United States of America? Do you not know they respect the fact when they go vote, whether they vote for Republican or vote for a Democrat, they vote for a President of the United States?

You have no right to get rid of him by saying "the rule of law," and then abuse the very rule of that law.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. BUNNING).

Mr. BUNNING. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, I rise in support of the Articles of Impeachment against President Clinton that have been recommended to the full House of Representatives by the Judiciary Committee.

By now, the charges against the President are known to everyone; perjury in a civil matter—the Paula Jones case; perjury before a criminal grand jury; obstruction of justice; and, abuse of the power of the office of the presidency. These are grave and serious charges against the President, felonies in any court of law in our nation. As many have pointed out in recent months, impeachment, and declaring war, are the most important matters that we in the House can ever consider.

We are here today to debate impeachment, and under our Constitution the House has the sole power to impeach a President. And I do think that it's important to keep in mind exactly what impeachment is. Voting to impeach the President is quite different from voting to remove him from office. If the House does impeach the President, it only means that we believe there is enough credible evidence to prove one or more of the charges against the President, and that the matter should then be sent on to the Senate. Then it is up to the other body to conduct a trial and to determine whether or not the President should be removed from office.

After studying this matter, I believe the evidence against the President is strong on all of the four counts that have been lodged against him. There is certainly enough in the testimony and material gathered together by the Judiciary Committee to make a compelling case against him.

Importantly, all during the Committee's deliberations, the President's defenders never even bothered to contest the evidence. They did make many other arguments against impeachment; the Independent Counsel, Ken Starr had engaged in a partisan witch hunt; the charges brought against the President did not rise to the level of "high crimes and misdemeanors" required by the Constitution to impeach the President; and, the process followed by the Judiciary Committee was not fair.

But, the essential evidence presented by the Committee to the House in support of the Articles of Impeachment have not been refuted. The President's supporters had numerous opportunities to knock down the facts during the Committee's deliberations, or to provide exculpatory evidence of their own that would have cleared the President and disproved the charges made against him. But, in nearly thirty hours of argument against impeachment before the Judiciary Committee, the President's defenders and lawyers were not able to dispel any of the damning evidence against him or provide anything new that would point toward his innocence.

The facts and the evidence stand unchallenged, and as such they strongly argue for impeachment.

When talking about impeachment, one of the principle arguments the President's supporters have often made is about poll numbers and the will of the people. They claim that since the President is popular among the American public and enjoys high poll numbers, he should not be impeached and should be left in office to complete his term.

It is true that the President is popular among Americans, and his poll numbers are strong. The public seems content and optimistic about the future, and they give the President a great deal of credit for the positive mood of our nation and our vibrant economy.

But, we are a nation of laws, not polls.

As elected representatives in a democracy, we as members of Congress do serve in large part to fulfill the will of the people. We have all been elected and reelected because we listened to the voters. But, the matter before the House today is not simply a question of popular opinion; it is instead a question of constitutional duty.

Each member of Congress takes an oath and swears to uphold the Constitution when they take office. They do not swear to uphold the public opinion of the moment, or swear to follow the most current fad. We all swore to uphold the fundamental principles that over the past two centuries have helped make America the greatest nation on Earth.

When the Constitution grants the power to impeach the President to the House of Representatives, there is no additional clause in the text that reads "only in times of high poll numbers" or "in times of low public esteem." The question before us today is one we must address without concern for politics or popularity. Of course we must listen to the people, but being a public servant does not mean that we use none of our own judgment or ignore the duties we swore to uphold. Impeachment and other grave matters are not to be decided like popularity contests or beauty pageants.

Mr. Speaker, I will close by saying that I believe no one here today takes any joy in this process or in the votes we are going to cast soon. The past eleven months have hurt our nation and we need to begin to heal. But we cannot ignore our constitutional duty, and we cannot turn away from hard decisions. With a heavy heart, I will vote to impeach President Clinton.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER), a member of the Committee on the Judiciary.

Mr. BUYER. Mr. Speaker, these issues about whether Ms. Lewinsky, in her statement, the President never explicitly told her to lie, the President and Ms. Lewinsky did have a scheme to mislead and deceive the court through the use of cover stories and the proffer of a false affidavit.

Why? Because Judge Susan Weber Wright in the sexual harassment lawsuit said that they could get into the evidence of his past sexual behavior. You see, Ms. Lewinsky's statements that no one told her to lie are not dispositive as to whether the President is guilty of obstruction.

One need not directly command another to lie in order to be guilty of obstruction. One who proposes to another that the other lie in a judicial proceeding is guilty of obstructing justice. The statute prohibits elliptical suggestions as much as it does direct commands.

Indeed, the facts cannot be taken in a vacuum. They must be examined in their proper context over the distance of the evidence.

While Ms. Lewinsky and the President both testified "I never asked her to lie" and "he never asked me to lie," the circumstantial evidence is overwhelming. The statement was not necessary, because they concocted the cover story and they both understood the willful intent to conceal their relationship in order to impede justice in the Jones versus Clinton case.

Mr. McCOLLUM. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply want to express concern over the gentleman from New York's statement that there was hatred over here on our side of the aisle with regard to the President. That is just not really true, in all honesty and sincerity.

We have had Members who have agonized over the questions that are before us today. I have personally talked with Members who have made their decisions only in the last few days after they have gone over the record who really truly did not want to impeach this President and have no hatred at all. It is an objective concern that perjury and obstruction of justice and the crimes are so overwhelming this President committed that they made that decision.

Mr. Speaker, I yield two minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Speaker, this is an extraordinarily solemn occasion. We are here today to consider serious and consequential questions. On three occasions the President of the United States placed his left hand on a Bible, raised his right hand, and swore to an oath to tell the truth, the whole truth and nothing but the truth. In today's debate, even the defenders of the President accept the fact that the President violated that oath in lying in a deposition in a Federal civil rights case, before a grand jury, and his sworn testimony before the Congress.

On two other occasions, the President placed one hand on a Bible, raised the other, and swore to faithfully execute the office of the President of the United States, and to the best of his ability preserve, protect and defend the Constitution of the United States. The President's conduct, lying under oath, obstructing justice, tampering with the witnesses, abusing power, in my view represents a violation of that oath as well.

The fact is the President sought to undermine the civil rights of a United States citizen, denying that citizen due process of law and her rights to equal protection under the law. These are undisputed facts.

If there is no consequence for the violation of an oath, then why have an oath? In violating his oath before the courts and the Congress, the President is guilty of perjury, a felony, a high crime; and in violating his oath of office, I believe the President has sacrificed his right to hold office. If the President conspired to undermine the constitutional rights of a single citizen, that act erodes the constitutional rights of every citizen.

It is a tragic situation, but, like most tragic situations, responsibilities lie not at the feet of others. It does not lie at the feet of Paula Jones or Monica Lewinsky or Kathleen Willey or Judge Starr or Majority Counsel Schippers or Majority Whip DELAY or Speaker GINGRICH or Speaker elect LIVINGSTON or Chairman HYDE. The responsibility lies at the feet of William Jefferson Clinton, and so must the accountability and so must the consequences.

For that reason, I will cast my vote "yes" on at least three of the articles of impeachment.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, several people on the minority side have risen today and quoted the scripture, "Judge not, that you not be judged."

Careful reading of this scripture makes it quite clear that the message is not that we should never judge or exercise judgment. Most scholars interpret this verse of scripture to mean that we should not condemn others for their faults and that we should forgive those who offend us.

It has never been proposed by any reasonable person that this verse of scripture asserts that we are to let criminals go free or that our laws should not be upheld.

Bill Clinton is not being judged by the Members here as much as he is being judged by the law itself. The preamble to the Constitution tells us that the Constitution was created for, among other reasons, to establish justice. To blithely forgive or ignore these offenses is to make a mockery of justice.

Our laws state that to lie under oath, to encourage others to provide false testimony or to conspire to conceal evidence is a felony punishable by imprisonment.

Indeed, the committee took testimony from two individuals who lied about sex before a grand jury. One received house arrest, the other actually went to jail. Every year in America, people go to jail for committing perjury.

The Democrats wrote the statute creating the office of the Independent Counsel and Janet Reno authorized the expansion of the investigation into the matters before us. The findings indicate felony offenses that could send the average American to jail.

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President Clinton, when he signed the reauthorization of the Independent Counsel Act in 1993 said that the act would "guarantee the integrity of public officials and ensure that no one is above the law." To ensure that no one is above the law, the resolution must be approved and sent to the Senate for trial.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentlewoman for yielding. In response to my friend, the gentleman from Indiana (Mr. BUYER), let the Record be clear. When Monica Lewinsky was confronted by Ken Starr in her proffer, she clearly and unequivocally stated that neither the President nor anyone in her behalf ever asked her to lie, and that is the evidence.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, just for the Record, Judge Webber Wright ruled on 3 separate occasions that the Lewinsky matter was not relevant to the core legal issues in the Paula Jones case; 3 separate rulings, not material to the core underlying legal issues.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, while we grapple with this issue tonight, we are all a bit uncertain about what this is all about, but we know what it is not about. It is not Watergate, it is certainly not Iran-Contra, and astonishingly enough, after the expenditure of $56 million and an investigation that has gone on longer than the Civil War, it is not about Whitewater.

Contrast the way the Republican leadership has handled this issue with the way Tip O'Neill handled Iran-Contra, when he decided never to put the Nation through a trial when he knew Ronald Reagan would never be removed from office.

What we have seen in this Congress really is the occurrence of 2 things: One, the rise of the Intimidator Caucus on the Republican side where they have intimidated moderate Republicans into voting for this impeachment proceeding. Secondly, we ask ourselves tonight, whatever happened to moderate Republicans?

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, let me begin by associating myself with the statement made earlier today by the gentleman from Illinois (Mr. JACKSON).

Mr. Speaker, my decision to vote against the resolution to impeach President Clinton is grounded in the words of the Constitution itself. According to the Constitution, a President is to be impeached for treason, bribery, or other high crimes and misdemeanors. Nowhere in the Constitution does it say any or all crimes and misdemeanors.

In November, the gentleman from Virginia (Mr. SCOTT) specifically asked a panel of historians and constitutional scholars appearing before the committee, "Does the phrase 'bribery, treason and other high crimes and misdemeanors' cover all felonies?" These scholars unanimously answered with a resounding no.

It follows from their answers and from the very words of the Constitution, Mr. Speaker, that a President can be guilty of a felony and still not be impeachable. So the real question then is, what felonies fall under the phrase, "high crimes and misdemeanors"? I do not know. And as of today, none of us in this body knows. But we do know one thing. When this question came before the House in 1973 during the impeachment proceedings against President Richard Nixon, the answer was that lying under oath is not one of them. The Committee on the Judiciary concluded by a better than 2-to-1 bipartisan vote the charges against President Nixon for lying on his income taxes to the tune of $500,000 were not impeachable.

It follows, then, that if we obey the dictates of the Constitution, if we accept the testimony of experts, and if we follow the precedent of this body, we must vote against impeachment. A vote for impeachment flies in the face of history, ignores constitutional standards, and significantly lowers the bar for future impeachment proceedings.

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, many Members have spoken from the heart and out of their conscience on either side of this issue today, and I want to talk about the procedure, because I am deeply troubled by the procedure that we are following here today on the House floor.

This has been a very divisive issue in our country about what should be done. People of just as good will as any of us in this room, people who have the same purity of motive that we all claim for ourselves in this room, people who have the intellectual honesty that we all claim for ourselves, and who have exercised that, and people who are just as patriotic as any one of us, have reached a different conclusion in the country about what should be done.

Now, we are not being allowed a vote on censure tonight. Let me read in the Constitution what it says: "Judgment in cases of impeachment shall not extend further than to removal from office," et cetera. It says nothing about censure; it says nothing about prohibiting it. And what troubles me is that there are millions of Americans of goodwill, purity of motive, intellectual honesty that have expressed their view that censure is an appropriate remedy, and those voices are not being allowed to be cast tonight by a vote of their member, and that is just plain unfair.

If the shoe were on the other foot, and we had a motion to only censure and not impeachment, you would be right to scream that that is unfair, and I would agree with you.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. HILLEARY).

Mr. HILLEARY. Mr. Speaker, I rise in support of these articles of impeachment.

Mr. Speaker, I come to the well today with no joy in my heart over what this House is about to do.

Throughout my time that I have been honored to serve the people of the Fourth Congressional District of Tennessee, this is, by far, the most important vote I've had to cast.

This vote goes to the very heart of the oath of office I swore to uphold when I took my seat in this body—an oath that said "I, VAN HILLEARY, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic."

I did not swear to defend the Constitution of the United States only when it was popular. I did not swear to defend the Constitution of the United States only when doing so was running ahead in the polls.

I swore to defend it whenever it was under attack—when it was popular and when it was not.

This has been a difficult decision for me. It is well known that I am no fan of President Clinton's ideological beliefs. I have serious differences with him on a broad number of issues. In fact, it was these differences that spurred me to run for this office in the first place—to try to change the direction where he was leading this country.

But those are political differences, differences that are settled in the democratic way which is the heritage of our great country. It is a heritage that has endured for more than 200 years because when our great Nation was founded, we agreed to a government based upon the rule of law and not the rule of men.

I, like all of my colleagues here today and all of those who have preceded us in serving our nation in government service, are but temporary caretakers of the people's trust. Because of the work of those who came before us, we remain a government of laws and not men today.

God willing, when I leave this office and turn it over to the next generation of leaders, this country will still be a nation of laws and not men.

I have had to set aside my differences with the President's policies. I have had to struggle with myself to ensure that I am basing my decision on the facts of the case.

What are the facts of the case?

The President was involved in a civil case in which the U.S. Supreme Court unanimously ruled that he was to be held to the same standard as everyone else in the country and must respond to the suit in a court of law while he was in office. The court ruled that the President is not above the law, but subject to it like everyone else in the country.

During that case, President Clinton's testimony was requested. The President had the right to enforce his 5th Amendment right not to testify if it would incriminate him. However, he chose to provide testimony. And when he testified, he swore "to tell the truth, the whole truth and nothing but the truth." That oath did not say he was allowed to tell part or half of the truth. That oath did not say he was allowed to tell the truth only when convenient. That oath did not say he was allowed to tell only that part of the truth which would not be personally embarrassing.

The oath was "to tell the truth, the whole truth and nothing but the truth."

The Judiciary Committee report clearly lays out the facts of the case that President William

Jefferson Clinton broke or ignored this oath when he gave his sworn deposition last January, when he gave sworn testimony before a federal grand jury in August, and when he gave sworn answers to the questions of the Judiciary Committee last month.

The case is clear that President Clinton broke the law.

Now we must ask ourselves, "Can we ignore his crimes?"

I believe that we would be setting a very bad and extremely dangerous precedent if we ignore it. We would be saying that as long as a president is popular, he can commit major crimes, undermine our shared legal system and remain in office using the vast powers of the Presidency. In effect, we would be saying that the President is above the law. We would be a nation of laws with a leader who could break the laws.

Some of my colleagues on the other side of the aisle have argued that the President's offenses do not rise to the level of the high crimes and misdemeanors outlined by our Founding Fathers. They say that any crimes which are committed must be committed against the State before an impeachable offense takes place.

Mr. Speaker, I am here to say that lying under oath in a civil case is a crime against the State. Lying under oath to a federal grand jury is a crime against the State. Obstructing justice and tampering with witnesses are crimes against the State. Lying to Congress by submitting false answers to the Judiciary Committee's 81 questions is a crime against the State. These crimes undermine our entire system of justice, which will crumble into ruins if we allow people to lie after they have sworn to tell the truth, the whole truth and nothing but the truth.

Contrary to what many of my friends on the other side of the aisle claim, the framers did consider perjury an impeachable offense. The term impeachment comes directly from English law, and the framers of our Constitution used the exact same definition as found in Blackstone's English treatise when they used the phrase "high crimes and misdemeanors." Yet, Blackstone was even more exact in his definition by listing 22 specific offenses that "constituted "high crimes." False testimony under oath to a civil or criminal prosecution was one such offense.

It would also be very dangerous if our laws would only apply according to the whims of popular support.

The Constitution and the rule of law for the foundation of our country. Simply because things are going well now is no reason to undermine this foundation. Because we need this foundation to be strong during times of crisis—when things are not going well.

We will have future crises that our nation must weather. We will have times that our economy turns downward, sometimes severely. We will have times of violent domestic unrest.

We need the foundation of our country to be strong if we are to weather those rough times. It is our Constitution and rule of law which separates us as a democracy and beacon of light in the world from a dictatorship.

The truth is the truth. It is not subject to a popularity poll. The truth must be upheld in our country. A President who cannot tell the truth and respect the rule of law cannot be allowed to continue in office. The President should have resigned his office long ago, but he has refused to do so. That is why I will vote for the articles of impeachment against President William Jefferson Clinton.

I urge all my colleagues to support these articles of impeachment.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I was not planning to address the body at this time, but a colleague just impugned the moderates who have decided not to vote their way, as if we are somehow being pressured. I would challenge anyone on this floor to name the moderates who have come to you and said, we have been pressured. I, for one, and my colleagues I have spoken to have said this is a vote of conscience and respect our vote of conscience as much as you are asking us to respect yours.

I think it is outrageous that my colleagues on the other side use a political maneuver to impugn our integrity just because they do not agree with the consideration that we have given.

Mr. McCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I am going to vote for articles of impeachment. Now, I do not like that. I am not happy about that. In fact, I am deeply saddened by that. I did not come here to impeach Bill Clinton or any other President, as I imagine most of my colleagues did not. So maybe we might take one other look at one other consideration in these last hours.

Mr. Speaker, if you would allow me to quote President Clinton: "There is no question that an admission of making false statements to government officials and interfering with the FBI is an impeachable offense." President Clinton went on to say, "If a President of the United States ever lied to the American people, he should resign."

Mr. Clinton was more than willing to apply these standards to a Republican President in 1974, as was the Democratic majority on a substantial portion of the then Republican minority. Mr. Clinton was correct in 1974. Why was he correct?

Consider the questions and answers of recent months: The question, "Did you have sexual relations with Monica Lewinsky?" And the answer, and I quote: "You are free to infer that my testimony is that I did not have sexual relations, as I understood this term to be defined." We now know the truth, but only because of a blue dress that says he lied.

Consider the question and the answer: "Did you authorize the transfer of missile technology to the Red Chinese Army in exchange for campaign contributions?" The answer: "No one can prove there was a quid pro quo."

Consider this question and the answer: "Did you order air strikes against Iraq to influence these impeachment hearings?" And the answer, and I quote: "I don't believe any serious person would believe that Secretary Cohen, General Shelton and the whole rest of the national security team would participate in such an action."

Do we have answers here that we or the world can trust? We cannot tell when the President is telling the truth, and unfortunately, he cannot tell when he is lying. And that leads to a tremendous loss of trust. And when that person involved in that is the most powerful person in the world, it is dangerous.

Mr. Speaker, let us today bequeath to future generations that the laws of this land apply equally to all, rich and poor, regardless of party affiliation or ideology. Let this House today hold Mr. Clinton to his own standards, the ones that he said that if you lie to the American people, a President should resign.

Mr. President, please do what is right. Do not do this to America. Do not do this to your fellow countrymen. Do not do this to Congress, because as sure as the world, we are going to have a trial in the Senate. Resign today for a very good reason, because it is the right thing to do.

Mr. Speaker, today we debate that which the Framers of the Constitution failed to define—the nature of impeachable offenses.

Some argue against the precedent established during Watergate. They claim that impeachable offenses must include a direct violation of the Constitution itself. However, the Founders did not state that position. They instead left the definition up to future Congresses, based on the particulars of the case.

Only the most partisan supporters of the President still deny that Mr. Clinton lied under oath. The majority of the Members of this House, and the American public at large, believe that Mr. Clinton lied under oath to a grand jury in a Federal civil rights lawsuit, lied under oath to the Independent Counsel, lied under oath to the House Judiciary Committee, and lied on national television to the American people.

The only question left is: should that be an impeachable offense, and why? Let us address the issue.

If the President had initially, and without qualification, simply denied his improper relationship with a government employee; then later confessed his perjury when physical evidence revealed the deception, we might not be having this debate.

Many people can show mercy to someone who made a horrible mistake in judgment, and didn't want it plastered across the front page of every newspaper in the country, and then made a second horrible mistake by lying to cover up the first.

But what deeply troubles so many people around the country is the nature and degree of the President's deception.

He continues to deny not only the specifics of this case, but the very nature of truth itself.

He has said he misled us all, yet he says he wasn't lying. At other times, he has said he lied, but he didn't commit perjury.

He admits he had sexual relations, but insists he was telling the truth when he said he didn't.

There has been speculation among members of this body in recent days that if the President would just confess to perjury, that we should drop these impeachment proceedings, issue a formal censure, and let the matter drop.

While I disagree with this proposal, I fully empathize with the sentiments behind it. Members of this body, myself included, do not want to impeach Mr. Clinton or any President. We are grasping for plausible reasons to vote against impeachment—and we aren't finding any.

For what really troubles the majority of this House is that the President doesn't recognize the truth. For many members, if they were only assured that Mr. Clinton was capable of knowing when he was or wasn't lying, they would be willing to let him off the hook.

They beg him: admit to perjury, perjury that even a child can recognize. We'll forgive your indiscretion, and give you a second chance to earn the trust of the nation. They do that because we must have assurances as to whether we can reasonably expect the President to tell the truth after this is over.

For he remains incapable of recognizing that he lied under oath to begin with.

The President has established a principle in his mind that the truth is a technicality, dependent on wording.

He has held throughout his testimony that if he convinces himself that he is telling the truth, it doesn't matter if he lies. If he carefully couches his statement in semantic deceptions, and then buries the issue with the White House "spin machine", the truth has been served.

Consider the questions and answers of recent months: Did you have sexual relations with Monica Lewinsky? Answer: Not yes or no, but "You are free to infer that my testimony is that I did not have sexual relations, as I understood this term to be defined."

We now know the truth, but only because of a blue dress that says he lied. He still doesn't recognize that he lied under oath.

Why is it essential for a President to recognize the truth?

Consider this question and answer, also from recent months: Did you authorize the transfer of missile technology to the Red Chinese Army in exchange for campaign contributions? Answer: Once again, not yes or no, but "No one can prove there was a quid pro quo of missile technology for cash."

Why not a simple yes or no? Could it be for the same reasons as in this case before us today? How can we know? Is the President lying through semantic contortions again, with life-and-death consequences for millions of Americans, and perhaps even the continued survival of our Nation at stake?

The truth is, we don't know, and we can't know, because there is no blue dress.

Consider this question and answer, from just yesterday: Did you order air strikes against Iraq to influence these impeachment hearings? Answer: "I don't believe any serious person would believe that Secretary Cohen, General Shelton, and the whole rest of the national security team would participate in such an action."

We're not concerned with the motives of the national security team; we're concerned with the motives of the President, and once again, do we have an answer that we, or the world, can trust?

These are the reasons the Founders left it to us to define impeachable offenses. Is perjury in a civil lawsuit grounds for impeachment? It depends on the particulars of the case.

This case clearly exhibits that this President cannot be entrusted with the security or well-being of the United States, evidenced by his inherent inability to acknowledge the existence of truth, even under oath in a federal court.

Would we allow a person with this proven inability to serve as Chief of Staff to our Armed Forces? Absolutely not. Then how can we tolerate it in a Commander-in-Chief? If we cannot trust Mr. Clinton as Commander-in-Chief, he can no longer perform the duties necessary as President.

Mr. Speaker, fellow Members of the House, we need to forget parties and loyalties, and vote for the future and safety of the Republic. The Founders left us this discretion for the very reasons we face today.

In conclusion let me quote the President once more, but this time from 1974, when the nation was last going through this agony.

"There is no question that an admission of making false statements to government officials and interfering with the FBI is an impeachable offense. If a President of the United States ever lied to the American people, HE SHOULD RESIGN."

Mr. President, do not put America through this, do not put your countrymen through this, do not put this Congress through this ordeal. Heed your own words and resign, because it is the right thing to do.

My fellow members, we must do the right thing as well, because it is our duty. We must ensure that this ordeal is never repeated by a future President who is led to believe by our actions that they can repeat these offenses and get away with it.

Vote for a full trial in the Senate. Do your duty.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I rise in support of the first, second and third articles of the resolution.

Mr. Speaker, let me first commend my longtime friend and colleague, the gentleman from Illinois (Mr. HYDE) for his remarks. His words brought tears to my eyes and moved me as no words I have heard in my 25 years of legislative service. I thank him for reminding us all of the defining principles that form the bedrock of our free society and our system of government under the rule of law.

Now, regarding our fighting men and women in the Gulf and the timing of this debate, I say to my colleagues, there was a large protest rally against impeachment on the West Front of the Capitol yesterday afternoon. Many of the members of the minority party attended and spoke at that rally. It was the right of all to attend and to raise their voices.

No one would suggest that the exercise of democracy outside this Chamber denigrated the men and women of our Armed Forces in combat in the Persian Gulf. But neither does this exercise of democracy inside this Chamber show disrespect for them.

□ 1930

Indeed, the processes of democracy and our freedoms are exactly what they are fighting to preserve.

Mr. Speaker, the President has undermined the rule of law in a manner that warrants his impeachment by the House. Early on I suggested censure might be a way to avoid reaching the point we have reached today, but whatever opportunity existed to redress this matter by alternative means was lost as a result of the President's own conduct.

By persisting in his efforts to avoid or minimize consequences for his action, rather than to admit to the country that he lied in a court of law and attempted to obstruct justice, he has moved us beyond the point where a strong and meaningful censure could be considered as a way to resolve this matter.

Tragically, the President sends the American people the constant message that he believes himself to be above the law. That is a message that a society founded on the rule of law cannot tolerate.

Passage of this resolution will put to the Senate the question of whether this President's conduct warrants his conviction, and if so, his removal from office. No one had hoped more than I to avoid this trauma. There can be no question that we are witnessing an American tragedy, a tragedy for the President, a tragedy for our country.

It is with a heavy heart, but with confidence that my votes are right, that I will vote in favor of the first three articles of impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, we only want a fair shake at being able to convince our good friends about our case on the President.

I do not know if the gentleman from California would tell us if he has been able to see private showings of nonrelevant material in the secured room to influence their votes, and whether or not we have been given the same opportunity. We do not mean they have been beaten, but we want to know whether or not the moderates have seen that. We have not had the opportunity to share the information that we have that suggests the President should not be impeached. This should be a fair process, Mr. Speaker.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise to address these articles of impeachment and the magnitude of what our actions today portend, not only for the office of the presidency and the institutional integrity of the House, but for the well-being of our country.

In my estimation, while the President's misconduct in this matter is both reprehensible and indefensible, it does not rise to the threshold of impeachable offenses, as drafted by our Founding Fathers.

Without question, the impeachment provisions of the Constitution were drafted in word and spirit to provide recourse for crimes committed against the State. Treason, bribery, or other high crimes and misdemeanors cannot be indicated with the allegations outlined in the Starr referral. We must not allow the historical context and inherent meaning of the Constitution to be subsumed by political passion and rhetoric.

This is not to say that the President's misconduct does not deserve condemnation. It does. Thus, I am profoundly disappointed that the Republican leadership has thwarted consideration of a formal censure of the President.

Mr. Speaker, for all of the above reasons, I urge my colleagues to vote no on the articles of impeachment, and instead, support a strong and severe censure.

Mr. Speaker, I rise to address these articles of impeachment, and the magnitude of what our actions today portend not only for the office of the Presidency and the institutional integrity of the House of Representatives, but for the well-being of our country.

As with any serious matter, it is of the utmost importance to avail oneself of all available information before reaching a conclusion. Accordingly, I did not arrive at a final determination on the articles of impeachment until I had the opportunity to thoroughly review the Judiciary Committee's final report. In my estimation, while the President's misconduct in this matter involving an adulterous affair is both reprehensible and flat-out wrong, it does not rise to the threshold of impeachable offenses as drafted by our Founding Fathers.

Without question, the impeachment provisions of the Constitution were drafted in word and spirit to provide recourse for crimes committed against the state. Treason, bribery, or other high crimes and misdemeanors can not be equated with the allegations outlined in the Starr referral and presented in the Majority's views contained within the Judiciary Committee's final report. We must not allow the historical context and inherent meaning of the Constitution to be subsumed by political passion and rhetoric, or subordinate the office of the Presidency to the whims of Congress.

This is not to say that the President's misconduct does not deserve condemnation. It does. Thus, I am profoundly disappointed that the Republican Leadership has thwarted consideration of a formal censure of the President. By doing so, the Leadership is effectively preventing members from having an opportunity to vote their conscience on what will likely be the most significant decision during their public service in the U.S. House of Representatives. To not be afforded the opportunity to consider a censure motion shifts the focus from appropriate punishment of the President to inflicting unwarranted distress on the entire country. In my view, our actions should not result in further upheaval for the American people, but should bring about prompt resolution of the matter.

I hold an enormous amount of respect for the institutional integrity of the House of Representatives, but seriously have to question what precedent today's pending vote will set for the tenor of the 106th session of Congress. While the 104th Congress was often marked by deep philosophical divides and the 105th for missed opportunities for compromise on social security and HMO reform, one must consider the shadow that will be cast on the potential for progress in the 106th Congress if we proceed further with the process of impeachment.

As members of Congress we should be working to build consensus and solve problems, not to encourage divisiveness and apathy. If the House does approve these articles of impeachment, it is my belief that we will be doing a disservice to the office of the Presidency, the House of Representatives, and the country—not only in the short-term, but for many years to come.

For all of the above reasons, I urge my colleagues on both sides of the aisle to vote no on all articles of impeachment, and to instead support a strong and severe censure resolution.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I have not, to this point, formally announced how I would vote on the four articles of impeachment. In reaching my decision, I have weighed not only my constitutional duty and this President's fate, but I have weighed what vote is the right vote for the United States. I have concluded that this president can and should continue in office for the remainder of his elected term.

In this famous passage in the Federalist 65, Alexander Hamilton, who has been quoted many times today, who founded the town I am from, Patterson, New Jersey, I am a patriot, too, Hamilton stated that a partisan impeachment "threatened to agitate the passions of the whole community . . . to divide it into parties . . . to connect itself with preexisting factions . . . and to enlist their animosities, their partialities, their influence and interest."

Ironically, our colleague on the other side, the gentleman from Georgia (Mr. LINDER) echoed Hamilton's warnings a few months ago when he said, and please remember what he said, one party cannot impeach the other party's president. He said it, Members heard it. I ask them not to do what they are going to do.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, when I won a special election in February, little did I expect that 10 months later I would have to cast a vote that was certain to become one of the most important in my life.

I intend to vote against each of these articles of impeachment. My reasons are neither partisan, nor do they reflect my distaste and dissatisfaction with the President's behavior. Instead, my votes are a protest against an unfair process.

The inequities of the impeachment process have been glaring. The Republicans started with Whitewater, and they found nothing. Ken Starr then went to Travelgate, he found nothing. He looked at Filegate, he found nothing. Mr. Starr never made statements. He never released documents.

In fact, he made no effort to publicly admit to the lack of evidence against the President. Instead, he developed relationships with the Jones legal team, and withheld this information from the Justice Department. Rather than disclosing this bias to the proper parties, Mr. Starr was now working in cahoots with Jones, Linda Tripp, and others to set up the President.

What we are doing here is not a prosecution, it is a persecution. Indeed, it is a political lynching. The Republicans have had no agenda for over a year, and with this act today, they are signaling they have no agenda for the future, rather than working together in a bipartisan manner on issues. The people want censure and move on.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Speaker, it is a somber day as we consider articles of impeachment against the President of the United States. As the chief law enforcement officer of the Nation, it is incumbent upon the President to uphold the laws and remain faithful to the Constitution.

The question before the Congress is whether the President intentionally misled our judicial system and the American people as part of a calculated, ongoing effort to conceal the facts and the truth, and to deny an average citizen her day in court in a sexual harassment lawsuit.

Did the President betray the public trust by perjuring himself before a Federal grand jury and obstructing justice? Virtually every public official in America, including our Nation's Governors and virtually everyone in private employment, would lose their job if they committed perjury or obstructed justice. In fact, many already have. The Committee on the Judiciary heard from average Americans who have suffered these consequences and even incarceration because they committed perjury.

Millions of law-abiding Americans from all walks of life, including my constituents, put in an honest day's work, follow the rules, and struggle to teach their children respect for the law and the importance of integrity.

When a factory worker or a doctor or a retiree breaks the law, they do so with the knowledge that they are not above the law. This same principle must also apply to the most powerful in our Nation, including the President of the United States. To lose this principle devastates a legacy entrusted to us by our Founding Fathers, and protected for us by generations of Americans.

Articles I and II deal with perjury before a Federal grand jury and in a civil deposition before a Federal judge. I would like to particularly call to the attention of the Members Article III dealing with obstruction of justice.

The evidence shows that the President corruptly encouraged a witness in a Federal civil rights action to execute a sworn affidavit in that proceeding that he knew to be perjurious, false, and misleading.

The evidence shows that the President corruptly encouraged a witness to give perjurious, false, and misleading testimony if and when called to testify personally in that proceeding.

The evidence shows that the President corruptly engaged in and encouraged or supported a scheme to conceal evidence. The evidence shows that the President corruptly prevented the truthful testimony of a witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him. And the evidence shows that the President corruptly allowed his attorney to make false and misleading statements to a Federal judge.

I have a constitutional duty to follow the truth wherever it leads. The truth in this case leads me to believe that the President knowingly engaged in a calculated pattern of lies, deceit, and delay in order to mislead the American people, impede the search for truth, deny the right of his accuser to have her day in court, and protect himself from criminal prosecution. Therefore, I have no alternative but to support articles of impeachment against President Clinton.

Mr. Speaker, we must ask ourselves what the President's failure to uphold the rule of law says to the Nation, and most especially to our children, who must trust us to leave them a civilized Nation where justice is respected. It is for them and for their future that we must act today.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. Mr. Speaker. I rise to oppose the Articles of Impeachment against the President of the United States.

The acts in which President Clinton engaged with Miss Lewinsky may have been morally wrong, but they were not illegal.

Whatever occurred between the President and Miss Lewinsky, the facts are uncontested and indisputable—there was no penetration of her sexual organ by his sexual organ—therefore, there was no sexual intercourse. When the President said that he did not have sex with that woman—he did not lie. President Clinton, along with other southerners, commonly defines sex or sexual relations as sexual intercourse or coitus. He did not lie because he did not have sexual intercourse with Miss Lewinsky. Consequently, there is no legal basis for perjury, and certainly no basis for impeachment.

I am grounded in Christian values and have been, from the age of one, involved in my church in various capacities, such as Sunday school teacher, Chairman of the Trustee Board, and a Deacon. I have learned and have been taught that if one sins, only God can forgive him. Sin is breaking God's laws as set out in the Ten Commandments. These laws pertain to morality, not legality. Because I am not a God, I am not in a position to judge the President. I leave that task to be dealt with by him and his God.

I strongly feel that these impeachment proceedings, from the beginning, have been too partisan to be objective. Feelings of hatred for President Clinton have been evident since Independent Counsel Starr was appointed to investigate matters totally unrelated to any of the alleged acts which are the basis of these proceedings. This is a political persecution of a President based on his views and his level of success as a President. I feel that the atmosphere the Republicans have tried to create has been solely for the purpose of pressuring the President to resign. This cannot be condoned nor tolerated by me or any other Member of Congress! We should never let a party use its numbers, power, or influence to hound a popularly elected president out of office.

I truly believe that history will support the fact that President Clinton's alleged acts did not rise to the level of impeachable offenses as contemplated by the Founding Fathers. We are to protect the integrity of the Constitution at all times and in all ways—no matter how distasteful or messy a situation gets. I feel that in this instance the Republicans have used Kenneth Starr, their numbers and power in the House and Senate, and influence in the media to create a so-called Constitutional crisis. They have tried to make the President less effective in carrying out his duties and have tried to defeat him in Congress, through these impeachment proceedings. This is nothing more than an attempt to do in Congress what they could not do at the ballot box. Therefore, I adamantly oppose the articles of impeachment against the President of the United States and will vote against each and every one.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, to go back to the last speaker, let me refer to Monica Lewinsky's grand jury testimony: "No one asked me to lie, no one offered me a job for my silence."

You do not impeach a president because of guesswork, or inferences, or what he might have said, what he could have said, who might have said something. That is the evidence. You do not impeach a president based on this lack of evidence.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, again, referring to the last gentleman, repeatedly saying an untruth does not make it true.

I will remind the gentleman, the judge ruled that the Monica Lewinsky affair was not material to the Paula Jones case, and the President consequently did not deny her her day in court. Every prosecutor who came before the committee said there was not sufficient evidence for any of these perjury allegations.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I was one of the few Democrats to have voted for the Republican-sponsored impeachment inquiry, but I rise today to urge my colleagues to vote no on all four impeachment articles. The President had an immoral and reckless sexual relationship with a subordinate government employee. The President then lied about it under oath and to the American people.

But we take an oath as well. We swear to uphold the Constitution, so help us God. The great Founding Fathers, on whose shoulders we stand, would never have impeached a president over charges not related to the President's official duty to protect the national security and interests of the United States.

This vote is not about whether Mr. Clinton is subject to the Nation's laws, as has been suggested. Of course he is. Mr. Clinton may still be prosecuted and convicted of criminal wrongdoing when he leaves office, because the President should not be above the law.

We are all deeply disappointed with his conduct, but Congress has no constitutional basis to impeach and remove the President over this type of illegal activity. In fact, no matter how strong our desire to punish the President or to condemn his behavior, our constitutional duty requires us to determine the answer to one question only, has the President committed treason, bribery, or other such high crimes. The answer to that question is no.

The American people and the Members of this House have heard an awful lot about this sad affair, but perhaps we have not heard enough from the people who would not tell the majority what they want to hear, but rather, what they need to know.

No one in this House has received direct testimony from the principal players directly involved. For example, after talking to the gentleman from Florida (Mr. MCCOLLUM) about his particular concern that Betty Currie was used by the President to obstruct justice, a concern which I shared, I asked Betty Currie in the oval office this week directly about my concerns. Unlike the rest of the Members of this House, I was able to gauge her credibility. I found her believable.

Her perspective on what occurred is very much different than what we have been led to believe. She suggests what we are doing is horribly wrong, but she was never called to testify before us. We must accept Mr. Starr's report with no independent congressional fact-finding.

It is wrong for the Republican leadership to oppose a harsh censure resolution precisely because they know it would pass. Alexander Hamilton said that the danger of a partisan impeachment regulated by the comparative strengths of political parties is wrong. That is what we are doing. Vote no in defense of the presidency and our Constitution.

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Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I rise to say that the citizens of the 7th congressional district and the American people are being treated unfairly. They are being denied the opportunity for their representatives to vote for censure which will allow the country to move on and begin a healing process which we all believe is necessary.

Unfortunately, this unfairness is not new. It is typical of the whole process. It is so unfair that we can only speculate at the reason a surrogate is the presiding officer for this momentous procedure, a vote second only in importance to a declaration of war. The fact that neither the gentleman from Georgia (Mr. GINGRICH) nor the gentleman from Louisiana (Mr. LIVINGSTON) is presiding today speaks volumes about the leadership of the House at this historic moment. The lack of leadership reminds me of Pontius Pilate who washed his hands at the crucifixion.

Make no mistake, the President's acts should be condemned by the House, but they do not rise to the level of an impeachable offense. The impeachment of the President without the support of the public will be extremely devisive.

History has shown us that the wounds of the 1864 impeachment took decades to heal. It took 100 years before we had the Civil Rights Voting Act in this House. I think it is clear the people want justice but not the kind of justice you are eager to vote for. I urge you to reconsider your ill-advised actions and allow the House to have a fair vote that includes censure.

Mr. Speaker, I include the following for the RECORD:

Seattle, WA, December 15, 1998.

Hon. JIM MCDERMOTT,
House of Representatives, Capitol Hill, Washington, DC.

DEAR REPRESENTATIVE MCDERMOTT: Thank you so much for declaring your intention to vote no on impeachment.

At one level I understand this to just be "following the party line", but (and I have also written the Washington state Republican representatives), more broadly I hope that you share my internal conviction that, legalese aside, the entire affair(!) simply doesn't rise to the level of "high crimes and misdemeanors". There has been no threat to the government, no clandestine arrangements with foes or allies on the part of the President. No one (including Mr. Clinton) argues that his behavior was proper, but only zealots seem to think it's an impeachable offense.

The same can not be said for the activities of the House Leadership, which seems to me to have brazenly used political power to choreograph the entire process, frame the discussion and now (so we read) threaten "dire consequences" for anyone who votes against the Party Line. From ,the vantage point of Seattle, this black-and-white, do-as-we-tell-you approach doesn't seem much different from stories we used to hear about "rubber stamp" governments in the former Soviet Union.

I realize that there is a clash of cultures here—Professor George Lakoff at Berkeley has uncovered a relationship between people who vote Republican and those who prefer Democrats, based on their perception of "family values". Republicans favor the "strong father/single decision-maker" model of the family, while Democrats think of the family in terms of all its members. Hillary's "It Takes a Village" view thus resonates with her supporters. Since these images are formed in our early years they tend to be inseparable from what we "instinctively" feel is True in later life, and thus, just as Deborah Tannen has shown that men and women live in different cultures, so too do Republicans and Democrats.

One would think that Mr. Livingston might have learned something from the last election, but perhaps he continues to believe that constituents like myself are the exception. If my facts are correct, I believe that nationally 60% of the public wants Congress to vote for censure and "move on". Your mail ratio may be somewhat different—certainly the Religious Right and the Clinton Haters see this as a chance to advance their causes. But I know from having just talked to four of my friends that all of us have exactly the same opinion, yet 80% of this group felt that The Republicans were going to do whatever they liked, and that it was just a waste of time to even write. From my perspective, this attitude of hopelessness is a far deeper stain on our country than the one on the dress.

I'm not a political activist, but I do feel strongly about my responsibility as an American citizen to raise my hand and say "Stop" when I see such a blatant, run-away abuse of power. I'm not saying that the President has done no wrong—even he admits his errors. But is covering up an extramarital affair truly the kind of "high crime and misdemeanor" the Constitution had in mind? You know the historical facts—Clinton is not the first president to engage in such activity. "Ah, but it's not the act, it's the perjury" they say. Obviously lying is not a good thing, so I'm willing to let any Congressman who has never told a lie vote accordingly. But to me there is an enormous difference between lying about diverting funds for Iran-Contra fighters (which might have involved us in a war) and lying about having sex in the Oval Office. It doesn't take a PhD from Harvard to sort this out.

Neither am I a Biblical scholar (I don't even go to church), but the vote on Thursday seems to come right out of the Old and New Testaments: there are the self-righteous Pharisees, couching their actions in the letter of the law, and, I hope, a larger number of those who remember "do unto others as you would have them do unto you". This is the struggle. Four hundred some people get to "play God" with the fate of our Nation's highest elected leader. I hope they think long and hard about that, and seek God's guidance, not Mr. Livingston's, before they assume the role of Jack Ruby and pull the trigger. The House has the reins of history in its hands; it simply blows my mind to see this 'Ultimate Constitutional Weapon' deployed in such a partisan, lock-step manner. This is the behavior that cults and unions are always accused of—not how reasonable people expect members of our highest Assembly to behave.

Is there a sense of "Well, it doesn't really matter—this is just a procedural vote—it's up to the Senate"? I would hope not—what an irresponsible example to set for our citizens. Yet I understand the enormous pressure that has been unfairly placed on the collective Republican shoulders, so if you can think of anything to do to encourage them, I would hope you would do so. Perhaps you can point out the opportunity to rise to the level of Statesman that few people ever attain, or to recall whom it is that History remembers from the Andrew Johnson impeachment proceedings. Then again, what we tell our children when they have to deal with peer-pressure situations is to "just say No." That is my appeal as well: Just say No.

Sincerely,

JAMES A. VAN ZEE.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I do not rise to defend the President's conduct. It was wrong, and months of deceit only made it worse. But that still leaves the question, was the conduct of such enormity that it can be compared to bribery or treason?

I followed the hearings. I read the report last night. I have listened to the debate today. I do not think this case meets constitutional requirements. I come down on the side of President Ford and Senator Dole. I think President Clinton should be censored, censored severely, and the censure should be imposed right here in the well of the House. The President should be called to this spot and our rebuke read to him before the Congress, the cabinet and the whole country.

So given the chance, I will vote to censure but not to impeach, not to inflict a remedy that has been invoked only twice in 210 years and used only once to remove a President.

The majority argues that articles of impeachment are the proper form of censure. The problem is that a resolution of impeachment in the House requires a trial of impeachment in the Senate. And it could be a pointless trial, as the majority well knows, because there is little chance today that two-thirds of the Senate will vote to convict.

So what do we have? We have a country bitterly divided on this issue. But let me tell you, I think everybody will agree with this, there is no clamor in the country to have this evidence replayed again, to see an instant replay of this trial. The people of this country want it over.

The right way to get it over is to have a severe rebuke of the President, to bring him here, censure him in such a way that it will stain his legacy forever, but not leave a stain, not leave a precedent that will weaken future presidents or a precedent for Article II section 4 that will be unprecedented in history.

That is the right action to take, and I urge this House to take it.

Mr. Speaker, I do not rise to defend the President's conduct. I think his conduct was wrong, and months of deceit only made it worse. But that leaves the question: was his conduct impeachable? I have followed the hearings and read the report, and I come down on the side of President Ford and Senator Dole: I think President Clinton should be severely censured; and the censure should be imposed here in the well of the House. The President should be called to this spot, and our rebuke read to him before the Congress, the cabinet, and the whole country.

Given the chance, I will vote to censure, but not to impeach, not to inflict a remedy so extreme that it has been invoked only twice in 210 years, and used only once to remove a president.

The majority argues that Articles of Impeachment are the best form of censure. The problem with their argument is that a resolution of impeachment in the House requires a trial of impeachment in the Senate. And it could be a pointless trial, as the majority well knows, because there is little chance that two-thirds of the Senate will vote to convict. We could vote today, right now, on censure; pass it by a wide margin and carry it out. But the majority would have a trial, and have this cloud hang over the next Congress, as it has this Congress.

The President's conduct was reprehensible, but the Constitution requires more than reprehensible conduct before 67 members of the Senate can remove a President elected by 60 million people. To impeach, the Constitution requires in Article II, Section IV that Congress must find "Bribery, Treason, or other high Crimes and Misdemeanors." These words are so open-ended that some say the question comes down to political judgment, and in a way, it does. Congress has room to decide what are "high crimes and misdemeanors." But the language of the Constitution does have meaning, and we are obliged to follow it.

The first drafts of the Constitution gave only bribery and treason as grounds of impeachment. George Mason moved to add "maladministration." James Madison argued that "So vague a term will be equivalent to a tenure during the pleasure of the Senate." George Mason, therefore, withdrew "maladministration" and substituted "other high Crimes and Misdemeanors <agst. the State>." In the 65th Federalist Paper, Alexander Hamilton explained what they had in mind: "offenses which proceed . . . from the abuse or violation of some public trust . . . [relating] chiefly to injuries done to society itself."

When the framers put powers to impeach in the Constitution, they wanted to protect us from "great and dangerous" abuses, offenses that a president might commit against the state. In 1974, when the House Judiciary Committee was faced with a slate of charges against President Nixon, it approved, on a bipartisan vote, a rule of substantiality:

"Not all presidential misconduct is sufficient to constitute grounds for impeachment. There is a further requirement—substantiality . . . Because impeachment of a President is a grave step for the nation, it is to be predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the Presidential office."

Almost all of the charges against the President stem from his testimony in a deposition, taken in a suit brought by Paula Corbin Jones. I do not think the President told the whole truth in that deposition. He took refuge in a tortured definition of "sexual relations" and when pressed for detail, he dodged, dissembled, and evaded. He said, for example, that he was never "alone" with Monica Lewinsky. His testimony was deplorable, and he deserves rebuke. But I am not convinced that an ordinary citizen would be prosecuted for this same sort of testimony for several reasons.

First come the arguments put forth by the President's lawyers: that the President exploited an odd definition of sexual relations approved by the judge; that the questions asked of him were "vaguely framed;" and that his answers were evasive, incomplete, and even "maddening," but not false. I am not satisfied with these defenses, but they might be enough to fend off prosecution.

Next comes the law of perjury. Lying under oath becomes perjury and a crime if it is "material" to the suit in which the testimony is given. In the case brought by Paula Corbin Jones, Judge Susan Webber Wright held that the evidence relating to Monica Lewinsky was "not essential to the core issues in this case." When Judge Wright granted summary judgment and dismissed the suit, she said, "Whether other women may have been subjected to workplace harassment, and whether such evidence has been suppressed, does not change the fact that plaintiff has failed to demonstrate that she has a case worthy of submitting to a jury." As the Minority Report points out, "When Judge Wright ruled on April 1 that no matter what the President did with Ms. Lewinsky, Paula Jones herself had not proved that she has been harmed, the court's opinion confirmed that the President's statements, whether truthful or not, were not of the grave constitutional significance necessary to support impeachment." Report of the Committee on Judiciary to Accompany H. Res. 611, page 344.

Finally, five former federal prosecutors told the committee that federal prosecutions for perjury in civil actions do occur but are not common because "federal prosecutors do not use the criminal process in connection with civil litigation . . ." Edward Dennis explained that "prosecutors are justifiably concerned about the appearance the government is taking the side of one private party against another." William F. Weld, the former Republican Governor of Massachusetts, who ran the Criminal Division of the Justice Department during the Reagan Administration, told the committee that in the Reagan Administration "it was not the policy of the Justice Department to seek an indictment based solely on evidence that a defendant had falsely denied committing adultery or fornication."

We cannot diminish the gravity of lying under oath, especially by our President. But before we impeach and remove him from office, we should note the subject of his testimony. It was about personal and not official conduct. In a law suit dismissed by summary judgment and later settled, it is not likely that an ordinary citizen would be prosecuted for such testimony. I do not condone the President's evasive and dissembling answers, but I am reluctant to impeach him for an offense that would probably not cause an ordinary citizen to be prosecuted.

If testimony in his deposition was not indictable, of course, the President should not have been called before the grand jury. But he was called, and according to the Independent Counsel, he perjured himself here in three respects:

First, by stating that his relationship with Monica Lewinsky began in February 1996 rather than November 1995. To this, the President's counsel points out that the Independent Counsel gives no proof for his contention that the President avoided the earlier date because Ms. Lewinsky was then an intern and chose the later date because she was then an employee. Counsel argues that, in any event, no judge or jury would find such a discrepancy material.

Second, by stating that he believed oral sex was not covered by the definition of "sexual relations" approved by Judge Wright when his deposition was taken. But the President admitted to the grand jury the key fact: he had oral sex with Monica Lewinsky. He continued to argue that "oral sex" was outside the judge's definition. His argument may be tenuous but it was an argument over semantics rather than facts.

Third, by saying that he had not engaged in certain types of sexual conduct in order to keep his grand jury testimony consistent with his deposition. The President's sex with Monica Lewinsky probably was "reciprocal." He probably did touch her in ways he did not admit. To this, the President's counsel raised one question for every member to ask: "Am I prepared to impeach the President because, after having admitted he engaged in egregiously wrongful conduct, he falsely described the particulars of that conduct?"

Let's dismiss all of the above and assume that parts of the President's deposition were false and material to Paula Jones' suit. Two distinguished lawyers, Professor Van Alstyne of Duke Law School (called by the majority) and James Hamilton (called by the minority), testified that even so, these were "low crimes," not the high crimes comparable to bribery and treason which the Constitution requires for impeachment.

There are two remaining articles. One charges obstruction of justice, but in the words of Governor Weld, the case is "thin." The President lied to the public and to his staff and cabinet, but the proof stops short of showing that he suborned them to lie. Monica Lewinsky told the grand jury that no one asked her to lie or promised her a job if she remained silent. The other article charges abuse of power. It may be the most troubling of the articles, because if passed, it could become a threatening precedent for future president who find themselves in disputes with Congress over their powers, prerogatives, and jurisdiction.

The majority argues that articles of impeachment are required by the rule of law. But the rule of law starts at the source, with the Constitution, Article II, Section IV. How the Congress removes a President elected by the people is vitally important to our democracy. The framers of our Constitution did not choose a prime minister beholden to parliament, but a president independent of Congress, so that each could counter the other. Having made that decision, they did not intend for the impeachment power to be used so that the president serves, in effect, as the will of Congress. They knew that impeachment might be needed in extreme cases, so that Congress could remove a president who took bribes or became a traitor or tyrant. For 210 years, Congress has regarded the impeachment power in that light, as extraordinary, and abused it only once, in the case of Andrew Johnson.

President Clinton deserves censure. But as sordid and disgraceful as his conduct has been, it does not rise, in my humble opinion, to a "high crime" like bribery or treason. Not just for his sake, but for sake of the presidency, we should not impeach on the facts before us. We have an option; we can rebuke this president and leave a black stain on his legacy, without risking the constitutional balance of power. That is why censure is the proper choice.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, we have heard an awful lot about the transactions relative to what the President said at the deposition in the Paula Jones lawsuit relating to Monica Lewinsky's affidavit. I do not think the Members who thundered on denouncing what the gentleman from Virginia (Mr. GOODLATTE) said have read page 63 of the committee report. I shall do so.

After reading from the affidavit out loud, the President's attorney, Mr. Bennett, asked the President, is that a true and accurate statement as far as you know it? The President answered, that is absolutely true.

That is at page 204 of the deposition of President Clinton in the case of Jones versus Clinton.

During the same deposition, Robert Bennett, the President's attorney, stated, Counsel is fully aware that Ms. Jane Doe No. 6 has filed, has an affidavit in which they are in possession of saying that there is absolutely no sex of any kind, any manner, shape or form with President Clinton.

That is at page 54.

Now, a few months later, the grand jury testimony of Monica Lewinsky, which was given under oath and following a grant of transactional immunity, confirmed that the contents of her affidavit were not true.

Question: Paragraph 8 of the affidavit says, I have never had a sexual relationship with the President; is that true? Answer: No.

That is the transcript of the grand jury testimony of Monica Lewinsky at page 924.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I have never been hesitant to work with any Member, Republican or Democrat, to get things done for our country. I count good friends on both sides of the aisle. To me, this vote is not about politics, it is about respect, integrity, our laws and, yes, the Constitution.

One of the highlights of my life was serving in the White House. There was never a time that I have not had the greatest respect for the office of the President.

Etched in the marble fireplace under President Lincoln's portrait in the White House is a quote taken from a letter written by President Adams to his wife Abigail in 1801. It reads, I pray heaven to bestow the best of blessings on this House and on all that hereafter inhabit it. May none but honest and wise men ever rule under this roof.

We have millions of public servants in this land, some serve as governors, some as legislators or school board members. In every one of those roles, we will never agree always on the best course that they choose for our Nation or community. But as Americans we need to respect them and their decisions. That is what our democracy is all about. The key bedrock of every public official is their oath of office. Integrity does count. I do not know of a single Michigan community that would tolerate a public official violating that oath. The charges and evidence contained in these articles are indeed most serious. Perjury to a grand jury, obstruction of justice, what kind of message do we send to America if we set a lower standard for the highest public official in this land?

You have to tell the truth, even when it is not easy, even when it is not convenient. That is the basic tenet and foundation of our society.

The question for us today is whether there is enough evidence for us to try this case in the Senate. I believe that there is sufficient evidence, and I will vote to impeach the President with a clear conscience.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, today is a difficult day for both the Congress and the country. I truly believe that if we could search the hearts and souls of every Member of Congress, that none of us would like to undertake the impeachment of any President of the United States. We are not here today because of the single action of any one individual except the President, William Jefferson Clinton. We are here because nearly every Member of the House of Representatives voted to conduct an impeachment inquiry of this President. We are here because this Constitution requires us to do our job and faithfully adhere to its principles and our laws.

Every Member of Congress knows exactly why we are here. We are here today because the President of the United States committed offenses that leave us only to debate the question of an appropriate punishment.

The majority members of the Committee on the Judiciary and its distinguished chairman, the gentleman from Illinois (Mr. HYDE) in my opinion have presented a very clear and factual documentation of acts by this President that to me constitute impeachable offenses.

Today the action required again by this Constitution in fact defines the very essence of our Constitution, that under our system all men and women are treated equally under the law. That means if you commit perjury or obstruct justice, you will be held accountable. If you are a Member of Congress or President of the United States, you will be held accountable. Even if you are popular, even if you do 1000 good deeds, you will be held accountable. Whether you are powerful or powerless, rich or poor, our Constitution and law, under it no one is above the law. What we do today is not about politics or the next election. What we do today is about the next generation.

Millions have died to preserve and protect our democracy and system of justice and equality.

Unfortunately, the actions of this President have threatened the very foundation and basis of our progress, our justice and our democracy.

What we do today is not about politics or the next election. What we do today is about the next generation.

Earlier today I heard the Minority Leader as he spoke and I would like to respond to some of his comments.

He said we are sending the wrong message to the world, our foes, the Chinese and Russians. In fact I believe we are sending the most significant and important message that America has set an example of true democracy and equality under Constitutional law.

He said this is the wrong time because our armed forces are in harm's way. This is the right message because those in uniform are serving to protect and defend the tenets of our Constitution.

He said this is the most radical act Congress could perform. I submit it would be radical for Congress to shirk its Constitutional responsibility.

He said we need to get back to values of decency, respect and trust before our nation is degraded. I submit that that is in fact why we in Congress are here today to return under the provision of our Constitution to the principles of decency, respect and trust. The saddest part about this whole matter is how the actions of this President have so divided this Congress and the people of our great nation.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FORBES).

Mr. FORBES. Mr. Speaker, the President has brought the Nation to this sad occasion. What we do here we should be able to explain to our children and our grandchildren.

I include for the RECORD a letter that I wrote to my children this morning:

DECEMBER 18, 1998.

DEAR ABBY, TED AND SAM: Tomorrow, I will cast a difficult vote to impeach the President of the United States.

Over the last couple of weeks, I have agonized over my decision, for this is a somber time in our Nation's history. But I decided the evidence is clear that President Clinton perjured himself by lying under oath, obstructed justice and directed others to assist his deceit and abused his office by misleading Congress in answers to questions submitted by the Judiciary Committee.

In the end, I must vote for impeachment in order to fulfill my Constitutional duty to protect the integrity of the Office of the President.

Two years ago, I made a painful decision when I opposed Newt Gingrich because of his admitted ethical mistakes. Then, as now, I based my decision on the principle that our national leaders must be held to the highest standards of honesty and integrity.

There is much that is likable about President Clinton and I was proud to work with him on the environment, education, health care and other issues I deeply care about. I am also mindful of the abiding impact impeachment will have.

This issue comes down to one basic principle: the President of the United States is not above the law.

As Americans, we have every right to expect our President to be someone our children can look up to and someone who can be their role model. As your father, I have always tried to teach you to be responsible citizens and own up to your mistakes. In this regard, President Clinton failed our Nation.

Nearly a year ago, when confronted with the accusation of an improper relationship with an intern, the President scornfully shook his finger at the Nation and lied to the American people.

Even after is has been proven beyond doubt that these wrongdoings did occur, and that he lied about them under oath, President Clinton still refuses to admit the truth.

As I have always told you, we must face the consequences of our actions.

The basic laws upon which America was founded and that make it the greatest Nation in the world are now at stake. The United States is a beacon of hope and opportunity to the entire world and the President must reflect what is good and decent about our country.

Perjury can never be excused. Congress has a responsibility to make it clear that perjury in any instance and by anyone, without exceptions even for the President, is illegal. Lying under oath is illegal. Multiple lies under oath are illegal.

It is my sacred duty, as a Member of the House of Representatives, to uphold the Constitution and vote to impeach the President for lying under oath, obstructing justice and abusing the power of his office.

I always taught you to tell the truth. You have never disappointed me and I am proud to be your dad. Years from now, when you look back on the vote your father cast, I know you will understand the importance of my decision. And, I hope you will understand that I did it for you—for the country you will inherit, live in and lead.

Love,

DAD.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Speaker, I rise in opposition to the articles of impeachment.

Mr. Speaker, I rise today in strong opposition to the articles of impeachment filed against the President of the United States. While I strongly oppose the articles of impeachment, I favor a motion to send the resolution back to the Judiciary Committee with instructions to the committee to report a resolution censuring the President of the United States for his reprehensible and inexcusable conduct.

Mr. Speaker, this is a sad day in the history of our country. For only the second time in the Nation's history, the U.S. House of Representatives is moving forward with articles of impeachment against the President of the United States.

Our Founding Fathers wisely concluded that the standards to impeach a sitting President should be very high. Most constitutional scholars and historians have clearly stated that impeachment was not intended as punishment, but to protect the Republic. These same scholars agree that Presidents should only be impeached for high crimes and misdemeanors, conduct by a President so dangerous and reprehensible that it poses injury to the Republic.

Mr. Speaker, I have carefully reviewed the four articles of impeachment passed out of the Judiciary Committee on a party-line vote. I have reviewed many documents, listened to the testimony and statements made by Members of Congress, historians, and constitutional scholars. I have followed much of the hearing conducted by the Judiciary Committee, and I have concluded that the President's conduct does not rise to the level of an impeachable offense as intended by our Founding Fathers.

Even if one assumes that the President of the United States is guilty of all or any of the activities described in the articles of impeachment, his conduct—while reprehensible and inexcusable and perhaps in violation of the law—they did not and do not threaten our Nation or cause injury to the Republic. If it can be proven that the President committed perjury before the grand jury, then the President is subject to criminal prosecution the day he leaves office in 24 months.

Mr. Speaker, the action that we take today concerning this President will have a lasting effect not only on William Jefferson Clinton but more importantly on the institution of the Presidency.

If the House of Representatives impeaches the President of the United States on all or any one of the articles of impeachment being considered today, I believe that we significantly lower the standards for impeachment for our future Presidents, and further politicize a solemn process. The Judiciary Committee heard from over 400 historians and over 200 constitutional scholars on the issue of impeachment. Mr. Speaker, if the evidence to impeach this President on the articles filed by the Judiciary Committee were clear and convincing, we would not have historians and constitutional scholars deeply divided on this issue. The fact that most of the constitutional scholars do not believe that the President's conduct rises to an impeachable offense should tell us to move forward with censure and to dismiss the impeachment proceedings.

Mr. Speaker, I agree with former President Gerald Ford and the former majority leader, Senator Bob Dole, that the Congress should censure the President of the United States for his conduct and move on with the business of the country.

It has been 130 years since the U.S. House of Representatives voted to impeach President Andrew Johnson. Today, it is clear that the Republican majority in this House intends to ignore the constitutional scholars, historians and the majority of the American people as they proceed to vote to impeach President William Clinton. If they, in fact, do impeach this President, they will set in motion a process which will result in articles of impeachment being filed by the political enemies of future Presidents.

Finally, Mr. Speaker, the way in which the Republican leadership has handled this entire matter has been grossly unfair and regrettably partisan. Many Members of the House believe, as I believe, that the President's conduct—while reprehensible and inexcusable—does not rise to the level of impeachment and therefore the House should censure the President. However, the Republican leadership refuses to let members offer a Resolution to censure and rebuke the President. That, Mr. Speaker, is unfortunate and it is wrong.

I urge my colleagues, for the sake of the institution of the Presidency and for what I believe is in the best interest of this country, to reject the articles of impeachment and to censure the President of the United States for his reprehensible and inexcusable conduct.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise in objection to the articles of impeachment.

Mr. Speaker, I rise today to speak on the articles of impeachment. The President's behavior has been deplorable, reprehensible, and immoral. He has disgraced the office of the Presidency. I think it would be best for the country if he would resign and pass the office of the Presidency to Vice President GORE.

Unfortunately, the Judiciary Committee's report does not convince me that his offense rise to the level of impeachment. Consequently, I will vote "no" on the articles.

Ms. LOFGREN. Mr. Speaker, I yield 45 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, with regard to the affidavit that the gentleman from Wisconsin (Mr. SENSENBRENNER) referred to, a number of points.

Monica Lewinsky testified that no one asked her to file a false affidavit. There is no evidence that the President asked her to file a false affidavit, and the President did not see or ask to see the affidavit. There is no evidence to that.

And finally, Monica Lewinsky's affidavit defined sexual relations in the way she clearly understood it, as we know from the tape of her conversation with Linda Tripp. After she was threatened by Mr. Starr and her mother was threatened, then she made an immunity deal, then she changed her testimony to what Mr. Starr wanted to hear. Starr admitted to the committee that he chose when to believe her and when not to believe her. To get at the truth, she has to be cross-examined to determine these contradictions and when she is telling the truth and when not.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, in referring to the referral of the gentleman from Wisconsin (Mr. SENSENBRENNER) of the Members to page 63, I would ask him to likewise refer the Members to pages 341 to 342. Judge Webber Wright ruled the issue lacked materiality and all that he said was totally irrelevant. If we just read pages 341 to 342, we would find out that what the gentleman from Wisconsin (Mr. SENSENBRENNER) said was totally irrelevant to this issue.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, from the day that the Starr referral was delivered to the House, I have said that the decision to impeach the President called upon me to consider the Constitution, my conscience and my constituents. I have reread the Constitution and the Federalist papers. I have heard from over 10,000 of my constituents. I have searched my conscience.

That is why I rise to urge my colleagues to strongly oppose the impeachment of the President. Let me reiterate that the President's behavior has been reckless and wrong. His efforts to mislead the American people were inappropriate for the leader of our great Nation. But my review of the Constitution leads me to believe that while what the President did may be indictable, it is not impeachable.

When I came to Congress 2 years ago, I said that while I could not agree with anyone 100 percent of the time, it was my responsibility as a representative of the people to listen 100 percent of the time. My colleagues, we were sent here to be our constituents' eyes and ears. Americans want representatives that know more, not representatives that think they know better.

Mr. Speaker, I ask my colleagues to please stop and listen. The American people say we must strongly censure the President and get back to their business. I urge you to vote no on impeaching the President.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the majority, you talk about the rule of law, but you rig the rule today so there cannot be a vote on a strong censure motion that so many of us support. You talk about a vote of conscience, but you will not let us, probably a majority, vote our conscience on this floor. I guess you were aware of your own Members.

☐ 2000

It was not long ago that the gentleman from Illinois (Mr. HYDE) said, "This whole proceeding will fall on its face if it is not perceived by the American people to be fair. But that is exactly what has happened, an unfair, highly partisan proceeding.

This debate here stands in stark contrast to the debate in 1991 on the Persian Gulf. The feelings were strong but it was nonpartisan and fair. Unlike today, the seats were filled and we came to deliberate, to exchange views, to listen to one another, not to pursue a set political agenda. In this decade, that was this House's finest hour. This is its worst.

Today signifies the total complete breakdown of bipartisanship. What we learned growing up takes on new meaning today. Two wrongs do not make a right. The President was wrong, very wrong. To turn that today into impeachment is also wrong, very wrong.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, few will remember what we say here but history will record forever what we do here. The vote of this House will redefine the constitutional power of impeachment and restructure the very nature of our government from three separate but equal branches to a more parliamentary form.

I have listened intently to the able arguments made on both sides of the aisle. I know in my heart and in my mind that neither party possesses a claim on righteousness. So I am profoundly disturbed that so many Members on both sides of the aisle can be so certain of the validity of their positions.

How is it that good men and women of conscience can come to such opposite conclusions on the same facts and circumstances? It appears the only common thread that would account for this extreme difference would be partisanship. I am not gifted or wise enough to discern which side possesses the superior wisdom to be right. However, it appears to me that the constitutional framers and our predecessors established the precedent to solve this dilemma. And that is, the power of impeachment should only be exercised when it has the benefit of broad bipartisan support.

We worry about the rule of law, the example to our children, our Constitutional duty and other such high-sounding phrases, but few have cautioned us about the effect of our decision today on the American Constitution that posterity will inherit.

Some may hate this President. Some may want him punished for sins or crimes. But truly those of us who have sworn to uphold the Constitution should pause at this moment to understand that the action we are about to take will profoundly affect the relationship of our three branches of government for all time to come.

My only prayer is that may God at this eleventh hour give everyone of us the power and insight to understand the consequences of our momentous decision.

Mr. Speaker, I rise with great sadness because today we are considering whether to impeach a President. Under our Constitution, there is no more somber occasion, except perhaps declaring war. In more than 200 years, we have impeached only one President, and we have never convened a lame-duck session of the House for this purpose.

Just over ten weeks ago, I was one of only five Members of this body to vote against pursuing any form of an impeachment inquiry. At that time, I also called for the Congress to firmly censure the President. I reached these decisions, in part, because I feared the slippery slope of partisan politics that has brought us here today. Careful analysis of the facts known at the time we voted to begin an inquiry led me to conclude none was needed then. Even assuming that the worst was true—namely, that the President lied and delayed the discovery of truth—I concluded that no misdeed rose to the level of an impeachable offense, and that an inquiry would unnecessarily prolong this painful National drama. (CONGRESSIONAL RECORD, October 8, 1998, p. H10025)

In reaching my conclusions, I looked to the Constitution. It states that the President may be removed from office on impeachment for, and conviction of, "treason, bribery, or other high crimes and misdemeanors." Read in their entirety the debates of the Constitution's authors also firmly imply that the bar for impeachment is extremely high, and that Congress should use it to address only those Presidential actions that threaten the stability of our Democracy. Lying about shameful conduct in one's personal life does not meet the standard envisaged by the Constitution's Framers.

In the weeks since we voted to begin an inquiry, the House Judiciary Committee has failed miserably in its mission to conduct a thoughtful and bipartisan investigation. Instead, it has developed a novel, watered-down standard of what constitutes impeachment. The committee has also neglected to interview material witnesses or subject them to the rigor of a cross examination. Furthermore, although we have learned that Miss Lewinsky told the grand jury that no one asked her to lie and no one ever promised her a job, the Committee has ignored such evidence. Of the four articles of impeachment approved on party-line votes, two are ill-defined and two are unsubstantiated.

Not only has a majority of the Judiciary Committee ignored the will of the people as expressed in an election just six weeks ago, but it has also refused to support censuring the President, a more prudent course of action that would swiftly provide closure and allow us to register our displeasure with the President's behavior. Instead, they have argued that impeachment is the censure. We, however, should not make that mistake. In voting today for impeachment we are not voting to censure the President; we are, in fact, voting to remove the President from office.

TREAT THE PRESIDENT NO BETTER AND NO DIFFERENTLY

Although I may not agree with the Judiciary Committee's recommendations on the matters before us today, I can agree with them in at least one respect. Namely, we should treat the President the same as any citizen. I also feel, however, that we should treat someone no differently just because he serves as our President.

During the Judiciary Committee's proceedings last week, a majority of veteran, well-respected, non-partisan prosecutors testified that if the President were not involved—that is, if an ordinary citizen were the subject of an inquiry into the same misconduct—no sincere thought would be given to pursuing a criminal prosecution. If others would not be prosecuted for such conduct let alone removed from their jobs, why should we single out President Clinton? To me, it makes little sense.

The Constitution fortunately offers us a way to obtain justice in this matter without pursuing impeachment. It provides that a President can be tried in criminal and civil courts, after leaving office, for any misdeed committed during his term. The courts can, therefore, decide in the near future if President Clinton perjured himself. A court trial will also ensure that the President is treated as fairly as any other American.

CONSEQUENCES OF IMPEACHMENT FOR THESE ACTIONS

Proceeding with impeachment in this case will also cause significant damage to the Constitution. A great number of Constitutional scholars have concluded that an offense is not impeachable unless it corrupts the government. The President's actions, although shameful, certainly did not destroy the proper functioning of our government. In short, he had an improper relationship with a subordinate, he lied about that relationship in order to conceal it, and he delayed the disclosure of the truth. But, he did not subvert our government by committing treason, invading the civil rights of individuals, or accepting bribes.

Second, lowering the bar for impeachment would forever erode the power of the Presidency and tip the delicate system of checks and balances in favor of Congress. The result would be a de facto parliamentary system whereby the party in power in Congress could impeach a President of another party if a sufficient number of members of the House and Senate simply disagreed with his policies or actions. Our Founding Fathers created a government with three separate, but equal branches. Because impeachment in this case would irreparably and severely alter this balance, we would be wise to heed the counsel of the Constitution's Framers and maintain a strong Presidency.

Finally, if the House passes any article of impeachment, we must consider how much it will harm the Nation. Such an outcome will likely paralyze the legislative branch for months. It will also disrupt the workings of the Supreme Court because the Chief Justice will have to preside over the Senate trial. Moreover, it will divide the country and reverse the judgment of the people who twice elected Bill Clinton as their President.

CENSURE, THE BETTER OPTION

Mr. Speaker, the Founding Fathers intended us to use impeachment only when the Nation is seriously threatened by the Chief Executive. On an issue as important as impeachment, we should, therefore, not engage in partisan politics. We should be seeking bipartisan consensus and allowing Members to vote their conscience.

From my perspective, there is a better course of action than what we are being offered here. Instead of only considering whether to impeach the President or to exonerate him, a more sensible course of action would find a middle ground that would avoid a polarized public, government gridlock, and a Senate stalemate. As I stated at the time of my vote on the impeachment inquiry, I believe that we should strongly censure President Clinton for his reprehensible and immoral conduct. Unfortunately, the leadership of this House has denied us a vote on such an alternative.

Opponents of this option contend that censure is not a Constitutionally-sanctioned procedure for Congressional condemnation of Presidential misconduct. If, however, impeachment is the only alternative available to Congress to register its opinion on every occasion of Presidential wrongdoing, then the threshold for impeachment will fall too low. Although the Constitution remains silent on the issue of censure, Constitutional scholars generally agree that Congress can do what it wants as an alternative to impeachment, so long as we do not cross the lines that separate the three branches of government. In fact, by a margin of nearly four to one, the 18 Constitutional experts called as witnesses by both the Republicans and Democrats before the Judiciary Committee agreed in writing that the Constitution does not prohibit censure. Finally, the argument ignores the fact that Congress has been censuring Presidents for more than 150 years, including Presidents Jackson, Tyler, Polk, and Buchanan.

CONCLUSION

Based upon any fair reading of the Constitution, nothing in this case justifies overturning an election and removing our President. Instead, it is time to put the turmoil of the last eleven months behind us. The President misled his family, his friends, his colleagues, and Congress. He also dishonored the office the American people entrusted to him. For this inappropriate and disreputable behavior, we need to admonish the President, but not punish the Nation. The American people should not have to endure a Senate trial about Presidential offenses that did not subvert the government.

Mr. Speaker, we should vote today to end this impeachment charade. We need to move forward and address the Nation's real priorities. We should give the people what they want a Congress focused on governing the country and working with the President to address the pressing challenges of our time. We should also begin to forgive. Congressional censure will accomplish all of these goals. For these reasons and others, I will oppose these articles of impeachment, but support sensible efforts to censure the President.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Every witness who appears before a grand jury has three options, count them, three, and only three. The witness can tell the truth, the whole truth, and nothing but the truth, so help them God; they can assert a constitutional privilege against self-incrimination; or three, they can lie, they can mislead, and they can tell untruths.

Despite being offered yet a fourth option, President Clinton chose option three. He lied. He misled. He told untruths. Even being afforded the unprecedented fourth option of submitting for the record a statement and referring to it some 19 times as opposed to answering questions truthfully and fully, the President's grand jury testimony on August 17, 1998, was replete, that is full of, lies, untruths and misleading statements; misleading in that he never admitted the truth of his relationship with a subordinate government employee; perjurious in that he refused to admit having taken steps to suborn perjury, that is, to cause Monica Lewinsky to testify untruthfully and in a misleading way before the court in the Paula Jones case; perjurious, misleading and untruthful in that he refused to admit the fact that, in return for her testimony or her silence, he sought the services of Vernon Jordan to provide a job, to find a job, to buy the silence of Monica Lewinsky; perjurious, misleading and false in that he refused to admit on a pattern of activity designed to thwart justice and keep the grand jurors from learning the truth about this relationship arising out of a civil rights case. That is Article I.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, the opposing side has made a point that Ms. Lewinsky said that the President never specifically told her to lie. Yet they had engaged in a very clear cover story for a number of months in terms of how she had access to the President when she was an intern and later from the Pentagon.

Also, I would point out, while he may not have specifically told her to lie, which is very uncommon in the area of criminal law, there are other ways to get that point across. While the President did not expressly instruct her to lie, according to Ms. Lewinsky, he did suggest misleading cover stories. And when she assured him, now this is a 22-year-old girl, when she assured him that she planned to lie about the relationship, he responded approvingly.

On the frequent occasions that Ms. Lewinsky promised that she would always deny the relationship and always protect him, for example, the President responded, in her recollection, that is good, or something affirmative, not do not deny it. And once she was named as a possible witness in the Jones case, according to Ms. Lewinsky, the President reminded her of the cover stories.

After telling her that she was a potential witness, the President suggested that if she was subpoenaed that she could file an affidavit to avoid being deposed. He also told her that she could say that she was working at the White House and she delivered letters to him and after leaving the White House, she sometimes returned to see Ms. Currie.

In the grand jury testimony of the President, he acknowledged that he and Ms. Lewinsky "might have talked about what to do in a nonlegal context to hide their relationship" and that he "might have said" that Ms. Lewinsky should tell people that she was bringing letters to him or coming to visit Ms. Currie. But he also stated that he never asked Ms. Lewinsky to lie. I think that is a classic example of the parsing of words that we have seen throughout this case.

Let me add a word about the materiality issue of these statements. Those argue that the perjury cannot be prosecuted since the underlying case has been dismissed. That is simply not the rule.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, the gentleman from Georgia unintentionally has misled this House. The President admitted before the grand jury of an inappropriate relationship. He stated that clearly and unequivocally he did not want to get involved into the salacious details.

At the same time, my friend from Tennessee (Mr. BRYANT) knows that the job search began months before Ms. Lewinsky was ever considered a witness in any proceeding.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, the partisan politics being carried out by the Republican majority is a travesty being inflicted upon the American people. The Members of this Congress must not forget we were chosen by the people to serve all the people.

Like never before, I have heard from senior citizens, the poor, and the working class who have flooded my office with a steadfast refrain against these articles of impeachment. They have overwhelmingly supported and resoundingly pledged their support to President Clinton. These people have spoken.

The very fact that we are debating articles of impeachment flies in the face of the will of all the American people. The pompous and elitist conduct of the Republican Party is clear evidence of the lack of concern for the welfare of our Nation. President Clinton has served as a ray of hope for forgotten Americans.

As a consequence, this President continues to be bludgeoned by the Republican leadership because of his relationships with minorities, the working poor, and the disenfranchised of our Nation, the very people who serve no useful purpose vis-a-vis the Republican agenda.

Mr. Speaker, this is wrong, wrong, wrong. It is the wrong way. It is the wrong day. And it is the wrong play. I plead with the Members of this House to vote against this atrocious and unconstitutional measure.

TYRANNY OF THE MAJORITY

Tyranny of the majority was one of the most profound fears of our founding fathers. This was the driving impetus behind the framing of the constitution. The structure of our Congress is designed to ensure that the interests of all citizens are given ample weight in the deliberation of national affairs. The American people have made it clear that they do not approve of the partisan witch hunt that is being conducted by the Republican majority. The result of the November elections and numerous public opinion polls are proof positive of the public's disdain.

It is sad irony that the very institution entrusted with the welfare of the nation has sunken to a merky depth most find unfathomable. The actions of the Republican majority is in diametric opposition to the will of the American people. This callous disregard for the will of the people is exactly what Hamilton, Jay, and Madison sought to protect against. The conduct of the Republican majority is a casebook example of the abusive, self-absorbed behavior spoken against so vehemently by the Federalists.

HISTORY REPEATS ITSELF

The Gestapo-like tactics employed by the Republican majority are reminiscent of some the darkest chapters in history, as with the Spanish Inquisition and Nazi Germany. The independent counsel law was passed in order to facilitate into possible inappropriate conduct by those entrusted with the resources of the American people. It is this very law that has been used to advance a singular and impure purpose. The resulting report was nothing more than tabloid paid for by American citizens at the cost of approximately $50 million—and rising. It is full of innuendo, rumor, and unproven allegations. The abuse of the independent counsel law is sinister at best. It is this type of behavior that lays the foundation for unchecked, unbridled, and egomaniacal behavior experienced by other nations. The wounds inflicted by such actions remain on the fabric of each of those nations. Must history repeat itself?

TRIAL WITHOUT JUSTICE

The efforts of the Republican party to discredit and smear the President borders on irrationality and absurdity. Their efforts have the likely potential of tarnishing the American psyche for years to come. Since becoming the majority party in Congress as a result of the 1994 elections, the Republican party has repeatedly exploited its position to advance the interests of its party and those sympathetic to its views. The concept of balanced deliberation with regard for the overall good of American people has been lost.

Earlier in this century, the American people experienced a ravaging of our institution of government. Then, as now, the Republican party, proceeded with congressional inquires based upon often shaky, if not completely fraudulent, information. Then the charge was "communism". The actions of the Republican majority parallel the reckless and cruel manner in which the McCarthy proceedings were conducted.

As in the beginning of American history, the Salem witch trials demonstrate the tragic consequences of flawed judgment. The toxic accusations of false and self-serving witnesses, puritanical zealots, and various assorted moral arbiters led to some of the most heinous acts in our history.

Unfortunately, the conduct of the Republican majority is exactly that which Madison spoke against. In Federalist Paper No. 57, Madison warned that the "House of Representatives . . . will have least sympathy with the mass of the people, and be most likely to aim at an ambitious sacrifice of the many to the aggrandizement of the few." As the Republican party satisfies its political appetite, the welfare of the people falls to the wayside.

SPINNING ON ITS HEAD

The process by which this impeachment inquiry has been carried has spun the constitutional framework of our nation on its head. The Republican majority has proceeded with an open-ended and arbitrary impeachment inquiry. The behavior of the President, however disappointing, does not rise to the caliber of an impeachable offense. All efforts by Democrats to conduct a focused and fair hearing were spurned. The Republicans have proceeded with callous disregard for the constitutional standards for impeachment. This process is contrary to the constitutional framework upon which our nation is based.

THE WILL OF THE PEOPLE

The partisan politics being carried out by the Republican majority is a travesty being inflicted upon the American people. The members of this Congress must not forget we were chosen by the people to serve all the people. Like never before, I have heard from senior citizens, the poor, and the working class have flooded my office with a steadfast refrain against these articles of impeachment. They have overwhelmingly and resoundingly pledged their support to President Clinton. These people have spoken. The very fact that we are debating articles of impeachment, flies in the face of the will of the all American people.

The pompous and elitist conduct of the Republican party is clear evidence of its lack of concern for the welfare of our nation. President Clinton has served as a ray of hope for forgotten Americans. This President continues to be bludgeoned by the Republican leadership because of his relationship with minorities, the working poor and the disenfranchised of our nation. The very people who serve no useful purpose vis a vis the Republican agenda.

The Republican majority is out of touch with the American people. At a time when our schools rank lower than those of most industrialized nations and the infant mortality rate in some of our major cities is higher than that of some third world countries, the Republican majority has chosen to put vicious partisan politics ahead of the concerns of the American people.

The Republicans will resort to anything to get their way—even shutting down the government, cutting medicare, and eliminating the social safety net of our most vulnerable citizens. This most recent maneuvering is extreme, misguided and vindictive and will only result in a divided America whose government is paralyzed and crippled by a small band of right wing radicals.

This is wrong, wrong, wrong. This is the wrong way, the wrong day, and the wrong play.

I plead with the members of this House to vote against this atrocious and unconstitutional measure.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. BORSKI).

Mr. BORSKI. Mr. Speaker, last year this House was asked to set aside partisan interests and to bring to resolution the investigation of the gentleman from Georgia (Mr. GINGRICH).

At that time, we rose above partisan and passionate emotions to produce a just and fair punishment. As Members of Congress, it was our duty to do so. What we are confronted with today certainly deserves no less.

Unfortunately, that bipartisanship is disturbingly absent from our proceedings today. As the people of this Nation cry out for appropriate sanction and closure, Republicans continue to press forth ignoring their voices. They have denied the representatives of the people a vote on censure and will accept nothing less than the fruition of their partisan agenda.

President Clinton's behavior, while reprehensible and indefensible, is not impeachable. His actions simply do not rise to the level of high crimes and misdemeanors. By forcibly suppressing a vote on censure, the majority has coerced this House to choose solely between a political death sentence or total absolution.

Impeaching the President would damage the very foundation of representation upon which our Nation rests. While I truly believe the President's actions warrant punishment, I cannot in good conscience support his removal from office.

Mr. Speaker, I rise today in opposition to the impeachment resolution. The vote before us is the most important that many of us will ever cast.

In my career the only vote of greater importance that I can recall was that giving President Bush the power to enter this nation into the Persian Gulf War in 1991. On that day, I was one of 86 Democrats who proudly joined with Republicans to work in a bipartisan manner to support the actions of the armed forces.

More recently, this House was asked to set aside partisan interests and bring to resolution the investigation of Speaker GINGRICH. Serving on the Ethics Committee was difficult for me personally—the time was one that tested the good faith and will of the House as a whole. At that time we rose above partisan and passionate emotions to produce a just and fair punishment. As members of Congress it was our duty to do so. What we are confronted with today certainly deserves no less.

Unfortunately the bipartisan work and fairness which I have seen prevail when circumstances dictated they must, is disturbingly absent from our proceedings today. As the people of this nation cry out for appropriate sanction and closure, Republicans continue to press forth, ignoring their voices. They have denied the Representatives of the people a vote on censure, and will accept nothing less than the fruition of their partisan agenda.

President Clinton's behavior, while reprehensible and indefensible, is not impeachable. His actions simply do not rise to the level of high crimes and misdemeanors. By forcibly suppressing a vote on censure, the majority has coerced this House to choose solely between a political death sentence or total absolution. Impeaching the President would damage the very foundation of representation upon which our nation rests. While I truly believe the Presidents actions warrant punishment, I cannot in good conscience support his removal from office.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Speaker, I rise today in opposition to this resolution to these articles of impeachment and to these unfair partisan proceedings which deny Members the right to vote on the alternative of a censure.

Mr. Speaker, we are all disappointed in the President's actions. The President himself has admitted that he acted improperly. This debate today, however, is not simply about whether the President did something wrong or even whether he did something illegal. Rather, the issue before us today is what, if any, action Congress should take in response.

Specifically, the Members of the House are being asked whether we believe that President Clinton's actions were so egregious that he should be impeached and removed from office. I do not believe that these misdeeds merit impeachment of the President. Impeachment is a statement by Congress that the President is unable to carry out the responsibilities of his office or that he cannot be trusted to do so.

The Constitution specifies treason, bribery, or other high crimes and misdemeanors as the proper grounds for impeachment. Impeachment by removing the Nation's highest elected official nullifies a vote mailed by the American people.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, with regard to the trustworthiness of the President to continue in office or the President's fitness for office, with regard to Article III of the articles of impeachment, let the facts be known. The evidence before this House indicates that the President engaged in a pattern of obstruction while the Jones v. Clinton case was pending and while a federal criminal investigation into his alleged misconduct was pending in order to thwart those proceedings.

The President encouraged Monica Lewinsky to file a sworn affidavit that he knew would be false in the Jones v. Clinton case. The President encouraged Monica Lewinsky to lie under oath if called personally to testify in the Jones v. Clinton case. The President related to Betty Currie, a potential witness in the Jones v. Clinton case, a false account of events relevant to testimony she might provide in the case.

The President told lies to White House aides who he knew would likely be called as witnesses before the grand jury investigating his misconduct, which these officials repeated to the grand jury, causing the grand jury to receive false information.

The President intensified an effort to provide job assistance to Monica Lewinsky and succeeded in his efforts at a time when her truthful testimony in the Jones v. Clinton case would have been harmful to him.

The President engaged in a plan to conceal evidence that had been subpoenaed in the Jones v. Clinton case.

And the President at his deposition allowed his attorney to make a false representation to a Federal judge in order to prevent questioning about Ms. Lewinsky.

I do not see how anyone, anyone, can deny the seriousness of these charges or the corrupting effect they have on the judicial system of this country if we allow them to go unaddressed.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I wanted to address a couple things that have been raised, first of all that the charges in this case are not specific enough.

The charges are specific. They are detailed. And more importantly, the specific charges are the same as has been followed in previous impeachment inquiries of this House. And also, the report of the Committee on the Judiciary has every page number that is necessary to put the President on notice.

And now materiality. It has been raised that, well, the lies under oath were not material in nature. Judge Wright at the time of the deposition in Arkansas said that the questions were relevant and directed the President to answer those questions. Materiality is determined at the time the questions are asked and not later. And that is the case of United States v. Holly, Fifth Circuit, 1991.

But most importantly, no person should be so above the law that they can determine when they are a litigant in a lawsuit what is relevant and not. The judge must determine that issue.

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Now I want to mention Article IV. Article IV talks about the misstatements, the misleading statements to the United States Congress. We have a pattern here where the President of the United States flaunted the truth seeking process of the civil courts, he flaunted the truth seeking process of the federal grand jury. But I believe what is most offensive in terms of the Constitution is that he failed to provide truthful answers to the United States Congress to 81 questions that were submitted to him. There is a role in the United States Congress in this. We are the charging party.

Barbara Jordan from Texas has been cited, a great lady, and she referred in 1974 the Constitution set up a pattern, that we are the charging body in the House, that the Senate has a role to play. They are the adjudicatory body, and that is important, that distinction. We charge, they try, they cross-examine, they hear evidence.

I have a high standard before I will vote to impeach the President of the United States, but I do remind myself that we have responsibility to charge but ultimately it is the obligation of the Senate to make the determination of the facts.

Ms. LOFGREN. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, the gentleman from Virginia said let the facts be known, so I think it is important that we let the facts be known.

With regard to Betty Currie, she was not a witness in the Jones case, she did not become a witness in the Jones case, she was never a witness in the Jones case. Yet they argue that somehow there is an obstruction of justice with the Jones case. She was never a witness.

With regard to the job search the record could not be clearer that Monica Lewinsky was looking for a job long before December and got a lot of assistance long before December.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I rise in protest against this unfair procedure, asking for a censure, a vote on censure and against articles of impeachment.

Mr. Speaker, I rise to call on the Republican majority to allow the members of the House of Representatives to vote on censure. The overwhelming majority of American people want this Congress to censure the President, not impeach him.

I support censure not because the President didn't do anything wrong. His behavior was wrong and reprehensible. I support censure because the President's behavior doesn't rise to the level of an impeachable offense as outlined by our Founding Fathers. His actions were private misdeeds that neither subverted the Constitution nor constituted abuse of the power of his office.

I support censure because President Clinton didn't order the break-in of a building. He didn't use the IRS, the CIA, and the FBI against American citizens. And he didn't lie to Congress about selling arms to a terrorist state.

Chairman HYDE allowed a vote on censure in the Judiciary Committee last week. He allowed the members of his committee a conscience vote on censure. We thank him for that. The House leadership must allow a conscience vote for all members on this question.

In 1995, Republicans shut down the government. In 1998, they refused to pass the Patients' Bill of Rights, they refused to pass campaign finance reform, and they refused to pass an increase in the minimum wage. Imagine what will happen next year if the House approves articles of impeachment. With a Senate trial, the people's government virtually will be shut down for another year.

It's time we censure the President and end this process so we can return to the issues that matter most to working people, including reducing prescription drug costs for seniors, protecting our environment, and helping local school districts rebuild their schools.

In their zeal to undo two national elections, the majority has trampled on the notion that this impeachment process should be bipartisan and fair. I urge my colleagues to allow a vote of censure against the President.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT), a member of the committee.

Mr. WATT of North Carolina. Mr. Speaker, as a member of the committee I have had many opportunities to speak on this issue, and I hope to be able to yield back some of my time. But I wanted to express, after hearing the debate today, to my colleagues my deep appreciation to them. I wanted to express that after hearing a good part of the debate today my opinion that the debate has been high quality and civil on both sides, and there are two issues that I think from the debate so far need to be still addressed that I thought might be worthy of talking about.

First of all, is lying under oath a serious offense if it is proven? I think we all ought to acknowledge that it truly is. Does it undermine the rule of law? I think we ought to acknowledge that it does in much the same way that lack of resources that people who come into the court and do not have good legal representation and resources and bias of witnesses undermines the rule of law. Untruths also undermine the rule of law.

But the thing that undermines the rule of law more than any other single thing is a disregard of the law, and I think to get to the real question we need to ask the question is lying under oath impeachable? Because the standard for impeachment is treason. This is not treason. Bribery; it is not bribery or other high crimes or misdemeanors interpreted as crimes against the state, crimes against the government.

So in order for a misstatement under oath to be a crime against the government it would have to be about some operation of the government, not about some sex offense, not about speeding, not about something that is unrelated to the operation of the government.

Finally, does it mean that the President is above the law if he is not impeached? Be clear on it, Mr. Speaker. The failure to impeach does not exonerate the President. He can still be tried as any other citizen in this country. The Constitution specifically provides that. When his term of office is up, if he has lied, if he has engaged in perjury, he can be prosecuted and convicted and sentenced just like any other citizen in this country.

So this whole notion that somehow by failing to impeach this President we place him above the law is just inaccurate.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, there has been a lot of discussion in the last several weeks about this being a vote of conscience over the next 2 days. One of my friends from Arkansas was talking to me a few days ago and said, "What's all this talk about conscience? You all act like it's something new for the first time." He said, "What the hell happened with all the other votes you've been doing the last 2 years there?" Well I think impeachment is a vote of conscience.

Mr. Speaker, my question for this side of the aisle is: What was the decision-making process that led them to conclude that we should not have a censure alternative on this floor? Was it a vote of conscience in your caucus that said we, your Democratic colleagues, should be denied this right? Was it a vote of conscience amongst your leadership that said we, your Democrat colleagues, should be denied the right to vote for the alternative that we prefer?

As my colleagues know, I am a doctor. I had the opportunity to dig around in people's bodies, in cadavers in anatomy lab. I have looked for the conscience in a cadaver; it is not there. I have decided the last few days perhaps it was a Democratic cadaver who did not have a conscience. Well, I cannot believe that is true. We also have a conscience; everybody in this body has a conscience. We would like your process that you all control to give us the same opportunity you have.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SÁNCHEZ).

Ms. SANCHEZ. Mr. Speaker, I rise today with great sadness. My heart is heavy because I know what it is like to be the target of a blatantly partisan investigation. Remember, I spent the first year and a half here defending my congressional seat from a very partisan investigation over the outcome of my election. They tried to undo that election, and now they are trying to undo the President's election.

But an overwhelming majority of Americans want this President to stay, and I can only echo my colleague and friend, the gentleman from Georgia (Mr. LEWIS), when he says, "Beware the wrath of the American people, beware. You will have only yourselves to blame when Americans rise up and hold you accountable for what you are doing today."

What is going on is unbelievable. Make no mistake about it. This is a partisan effort to remove the duly elected President of the United States from his office. One can only fear the harm that they are doing to the presidency today. Every American should be very concerned about the wisdom of impeaching our President without bipartisan support.

Mr. Speaker, I am sad today because I know that in 20 years from now we will look back and say that we have weakened our Constitution and we will be remembered for failing the American people.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, there have been many who have come to the well today and they have been requesting that this body take up the issue of censure of the President. As my colleagues know, it would be nice, I guess, if we could take the easy way out, cut and run, but we cannot do that, nor can Congress make it up as we go. I know it is a legal technical term and people do not like lawyerly language, but it is called extra-constitutional. What that means is the Constitution does not specifically provide for censure as an alternative to impeachment.

See, we also, as Members of Congress, took an oath, and it was to defend the Constitution. We have a duty to exercise legislative competence, and we cannot make it up as we go.

President Andrew Jackson, who is known as one of the Founding Fathers of the Democrat Party, he was censured by the Senate. Then there was an election, and then the next Senate, they expunged it from the record. President Jackson, I will repeat, his own words shed great light on this challenge we have today, and he penned this over 150 years ago. President Jackson wrote that the very idea of censure is a subversion of the powers of government and destructive to the checks and safeguards of governmental power. President Jackson rightly claimed that censure was wholly unauthorized by the Constitution and is a derogation of its entire spirit. See, for us to make it up as we go, to cut expediently and to censure the President, we cannot make it up, it is not constitutional.

Then what we did in the Committee on the Judiciary, a censure was offered. So we specifically looked at the language which was offered. They said, "Well, we can do it." No, they cannot do it because now it is unconstitutional because it violates what is called the bill of attainder. Congress cannot set as a legislative body an act as a judicial body and put someone on trial and have findings of guilt and punish him. That is what the censure does. We cannot do it. It is extra-constitutional, and it is unconstitutional in its form as offered.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, with regard to the obstruction of justice, Article III, and the charge of suborning perjury or witness tampering with regard to Betty Currie, everyone here should understand that the issue is not whether or not Betty Currie was a witness. In fact, the law is very clear on that point. Title 18, Section 1512 of the United States Code with regard to witness tampering says that for the purposes of this section an official proceeding need not be pending or about to be instituted at the time of the offense, and the courts have been clear on this. In United States v. Radolitz the Court said the most obvious example of a Section 1512 violation may be the situation where a defendant tells a potential witness a false story as if the story were true, intending that the witness believe the story and testify to it before the grand jury.

So the issue was what did the President think was likely to occur with regard to Ms. Currie, and in point of fact she later was called as a witness, and in a civil deposition he referred to her time and time and time again. So it is clear to me that he thought she likely to be a witness when he suggested to her that Ms. Lewinsky had come on to him, when he suggested to Ms. Currie that they were never alone, all of these statements intended to influence Ms. Currie's future testimony.

With regard to the issue of Ms. Lewinsky's employment, the question is whether the President's efforts in obtaining a job for Ms. Lewinsky were to influence her testimony or simply to help an ex-intimate without concern for her testimony. The fact of the matter is the President assisted Ms. Lewinsky in her job search in late 1997 at a time when she would have been a witness harmful to him in the Jones case were she to testify truthfully.

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The President did not act halfheartedly. His assistance led to the involvement of the Ambassador to the United Nations, one of the country's leading business figures, Mr. Pearlman, and one of the country's leading attorneys, Vernon Jordan.

I would suggest, Mr. Speaker, there is no coincidence between the fact that Ms. Lewinsky signed the false affidavit on the same day or the day after she received a job in New York.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. BARRETT), a member of the committee.

Mr. BARRETT of Wisconsin. Mr. Speaker, this body has praised individuals, it has commended individuals, it has criticized individuals. No one gets upset about that. People on this side of the aisle have offered motions to censure individuals. Not the President. So the only reason we are hearing that the censure is extra-constitutional is because it is based on the fear, the well-founded fear, that it would pass.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman's comments from Indiana are absolutely without merit. Nowhere in the Constitution does it say censure is prohibited. If that were the case, we would not have postal stamps, we would not have education, we would not have Social Security.

We are not suggesting a bill of attainder, restraining the liberty and the property of the President. It is not unconstitutional. What is unconstitutional are the articles of impeachment that have no facts at all, but the censure is constitutional.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would appreciate it if Members would abide by the time constraints that are allowed by the managers on each side.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the committee.

Mr. DELAHUNT. Mr. Speaker, I think it is important to put on the record in response to my friend from Virginia (Mr. GOODLATTE), Ms. Currie appeared before the grand jury on eight different occasions. On each occasion, she testified that in no way was she pressured to make any statement exonerating the President of the United States.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I stand here tonight without reservation, I am against this impeachment. It simply does not rise to the level that the Constitution requires. It is unfair, it is partisan, and it mocks fair play. We should not do it.

For the good of this country, this partisan insanity must end.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, 2 years ago I walked into this Chamber with awe. As the son of an immigrant, I was raised to believe in the majesty of our democracy, and this is the citadel of that democracy.

Today we are on the verge of weakening our democracy by abusing the most extraordinary tool our Constitution affords us. Most constitutional scholars and most of the American people simply do not believe that the President's offenses, as bad as they are, rise to the level of impeachment; yet we are about to set a dangerous precedent where future Congresses will use impeachment as a tool of political destruction and not as the intended remedy for the grand abuse of power.

If we proceed down this road, this Congress will forever be remembered not for defending the rule of law, but for defiling our Constitution. I ask you to look around and consider the weight of history all of us in this Chamber bear. Before you degrade the world's greatest democracy, I ask you, I implore you, to please change your course.

About 2 years ago, I walked into this chamber with awe.

As the son of an immigrant, I was raised to believe in the majesty of our democracy.

And this is the citadel of that democracy.

I reflected on the brilliant, courageous leaders who crafted our constitution, and those who followed them, here in this Chamber—men and women of vision and judgment who have guided our Republic through good times and bad, informed by the precepts of our Founding Fathers.

Today, I fear we are on the verge of sullying their work and their memory, and weakening our democracy; by abusing the most extraordinary tool the Constitution affords us.

It has been said over and over and over again, and we all agree, that the President's behavior in this matter was indefensible. He misled the American people, his Cabinet and staff, to cover up an affair.

But most of the scholars we've heard from—and most of the American people—simply do not believe that his offenses rise to the level of impeachment.

Nonetheless, the majority is poised to proceed, without ample cause or national consensus, to put us through a wrenching trial, for the apparent purpose of unseating a President they could not defeat at the polls.

We are setting a precedent that will embolden future Congresses to use impeachment as a tool of political destruction, rather than the remedy for grand abuses of power it was meant to be.

If we proceed down this road, this Congress will forever be remembered, Not for defending the rule of law, but for defiling our Constitution.

I ask you to look around, consider the weight of history all of us in this Chamber bear.

Before you degrade the world's greatest democracy, whose ideals have attracted millions of immigrants to our shores, I ask you to change course.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, the easy way out is not an avoidance of a censureship motion. That is the way to end the partisanship here. The correct way, the way to show some fairness, is to allow a vote on censure; not to make some excuse that because it is not mentioned in the Constitution, we cannot have that vote.

Take the weight of conscience out. Do not deprive our right to vote our conscience so you can ram something through here. Spare us all the righteous condemnations, spare us all the assertions of your desire to uphold the rule of law, and do a fair act here; put on this floor a motion for censure, because certainly the fact that the conduct of the President is not impeachable does not mean it is being condoned.

We have an argument here that he can stand for trial if it is decided that is what should be done after he gets out of office, and we do not need impeachment to teach our children the difference between right and wrong. Do not sell our parents short, do not sell our children short, do not sell the minority here short and do not sell the American people short. Give us the right, give us the fairness of a vote on censure, so the American people can have their way.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MCDADE), the dean of the House Republicans, who is retiring this year.

Mr. MCDADE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the pending resolution.

Mr. Speaker, these votes on the question of impeachment are difficult ones for all of us. And my view of this sad situation is colored somewhat by my personal knowledge of how prosecutors and investigators can unfairly target and charge a citizen.

But after reading the report of the Judiciary Committee, it is conclusive to me that the President violated his constitutional oath to the people of the United States. He did so by intentionally misstating the facts in sworn testimony, repeatedly. Likewise, he violated his oath by perverting the system of justice, by concealing evidence and attempting to influence testimony, and by refusing to answer forthrightly the legitimate questions of a congressional committee.

However, I am gravely concerned about the tactics used by the Independent Counsel in this matter regarding the President. I am equally appalled by the tactics of another independent counsel in the case of former Secretary of Agriculture Mike Espy. Mike Espy, in the read world, is now known as 'former Agriculture Secretary Mike Espy.' But Prosecutor Smaltz is still Prosecutor Smaltz—for bringing a false case the prosecutor suffers no loss of position, no penalty for his misconduct while his target loses his job and his good name. The prosecutor is unaccountable.

These independent counsels are doing nothing out of the ordinary when they intimidate witnesses or engage in other unfair tactics. The tactics used by independent counsels are the same tactics used by regular federal prosecutors every day against American citizens. The U.S. Department of Justice fights any attempt to bring accountability, to bring oversight, to punish prosecutors who engage in misconduct.

Repeatedly, these tactics are given the seal of approval by the U.S. Department of Justice. Nobody at the Justice Department raises any question about this type of conduct, which violates the Constitution. In my opinion, they contort the basic intent of the Constitution, which is to ensure the freedom of every citizen in this country.

Earlier this session, I tried to pass legislation to reform the Department of Justice as it conducts its daily operations. I believe the need is clear—just look at the normal investigative techniques used every day in this country by not only independent counsels, but by all federal prosecutors. They cry out for attention, because they threaten the liberty and constitutional rights of our citizens.

In carrying out their mission, overzealous prosecutors violate the rights of far too many of our citizens. They represent a rogue element within the larger group of law enforcement, they must be curtailed. Their powers are enormous, then conduct unaccountable, and their victims are the constitutional rights of our citizens.

In 1940, then-Attorney General and future Supreme Court Justice Robert H. Jackson warned of the dangers of placing too much unaccountable power in the hands of a prosecutor. Anyone who reads his statement should be deeply concerned about liberty in our country. Listen to just two sentences:

> With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical

> violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work to pin some offense on him.

That alert, given in 1940, should be regarded as a bright danger signal in 1998. For the number of laws and regulations on the books have increased a thousand-fold. And as they have grown, so does the danger Jackson warned us about.

Today, an overzealous and unaccountable prosecutor can target and charge citizens on a huge variety of technical and substantive violations of law. The power they unleash is beyond description. The effects on a citizen of our country are ruinous.

Legislation which I offered (H.R. 3396 and the House overwhelming passed as part of the Commerce/Justice State appropriations bill on August 5 would have reined in the abuses of these overzealous prosecutors. Before and after passage of the bill in the House, the Department of Justice lobbied intently against it. And my question is, why?

Title I of my bill requires the lawyers at the Department of Justice to abide by the ethics law which govern the actions of all other lawyers. The Department vehemently argued the need for their self-proclaimed exemption from ethics laws. They were opposed by the chief justices of all 50 states, the American Bar Association, and every professional group which took a position. Standing alone in favor of their own ethics exemption was the Department of Justice. Their position was resoundingly defeated in a House vote.

Title II of my bill set a series of bright lines and prohibited DoJ personnel from crossing them. It also offered for the first time a remedy for a citizen aggrieved by untoward conduct by the Department of Justice. and conduct proscribed by the Act—such as withholding evidence that would exonerate a person, altering evidence misleading a court—was clearly stated. The Department of Justice intensely lobbied against this section of the bill. In the House, the Department's effort was in vain, as once again, the "people's branch" overwhelmingly voted for a newly-stated ethic. But the Department was successful in recoving Title II in a conference with the Senate.

Again, the question—why the white-hot lobbying effort to defeat it? Why would they oppose simple codes of punishable instances of prosecutorial misconduct? It seems so self-evident that these codes are basic to the constitutional protection of every citizen. Why would they oppose and lobby so intensely? It may be because of the provision in Title II which begins a system of accountability—real accountability with an independent review of instances of prosecutorial misconduct.

Much remains to be done in an area of grave consequences. While I am grateful that Title I of my bill survived in the omnibus appropriations conference, our nation also needs Title II to bring accountability to the Department of Justice. It is my hope that the 106th Congress will continue the work we started this year, to safeguard our citizens from prosecutorial misconduct.

Mr. SENSENBRENNER. Mr. Speaker, I yield two minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, David Schippers, Chief Investigative Counsel for the Committee on the Judiciary, lifelong Democrat and former head of Robert F. Kennedy's Task Force on Organized Crime in Chicago, summed up the one thought that I would like to contribute to this debate. He said before the Committee on the Judiciary, "The principle that every witness in every case must tell the truth, the whole truth and nothing but the truth is the foundation of the American system of justice, which is the envy of every civilized Nation. If lying under oath is tolerated and when exposed is not visited with immediate and substantial adverse consequences, the integrity of this country's entire judicial process is fatally compromised and that process will inevitably collapse."

I met with Mr. Schippers in the Ford Building this afternoon and became all the more convinced on the need to do something about this principle that he talked about. For those of you in search of a censure, I have come to believe that the constitutional way in which you bring about censure is by sending articles of impeachment from the House to the Senate that go nowhere.

But whether the Senate convicts or not, I think we have to get at what Mr. Schippers was talking about, because, if not, we leave in place one of two very cancerous thoughts. The first would be the President lied, I can too. If people come to believe in a municipal court, a state court, a district court, that when they raise their right hand and promise to tell the whole truth and nothing but the truth, that they can do otherwise, we will have substantial harm to our judicial system.

The other cancerous thought would be I do not know if he lied, but we have two different systems of justice; one for important people like presidents, another one for the rest of us. If we let either of those two thoughts grow, cancerous thoughts grow, we will have substantial harm to our system.

Scott Peck wrote a book several years ago called "The Road Less Traveled." He talked about how often the right road was the hard road, and, therefore, the less traveled road. I think we are on that road tonight, and encourage a vote on impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield two minutes to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, the very first thing I want to do is recognize and salute the members of the Committee on the Judiciary and the staff for the very difficult and courageous work that they have done.

After a thorough review of the record, careful deliberation and a great deal of very painful soul searching, I have reached the conclusion that President Clinton lied under oath and encouraged others to lie under oath in a Federal Court proceeding. He has thereby violated his fundamental constitutional responsibility to take care that the laws be faithfully executed. That, in my opinion, is grounds for the President's resignation, but it is also grounds for his impeachment under the first three articles reported out by the Committee on the Judiciary.

Impeachment is essential to preserving the rule of law because, under our Constitution, a sitting President cannot be indicted for crimes. The only way to make him subject to the law and preserve the rule of law is through the process of impeachment.

More importantly, if the President can distort the truth, break the law and avoid accountability, what are the consequences for our Nation? Do we want to establish the precedent that presidents may with impunity hold the law in contempt? How can we expect anyone who is subpoenaed to court to have to tell the truth, when the head of our government has not? In my opinion, such conduct would invite the abdication of morality and accountability and it would breed contempt for the law.

This truly is a vote of conscience. In a sense, it is a rare opportunity to put principle over politics. As George Washington said, let us look to our national character and to things beyond the present period. We are duty bound by our solemn oath of office to defend our country and the common commitment to its political principles, the Constitution, the rule of law, the right-to-life, liberty and the pursuit of happiness, that unites all Americans. We cannot, we must not, fail in this duty.

For the sacred purpose of preserving the rule of law and the integrity of our Constitution, I will vote to impeach William Jefferson Clinton, and I urge my colleagues to do so.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. MALONEY).

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in opposition to the pending resolution.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, again, for the record, I think it is important to note in terms of the constitutionality of censure that no less a figure in our history than Abraham Lincoln, the father of the Republican Party, supported a House resolution condemning President Polk for unnecessarily and unconstitutionally starting a war with Mexico.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise against the articles of impeachment.

Mr. Speaker, the articles of impeachment referred to the House by the Committee on the Judiciary Republicans are the product of a partisan hearing process, a very unfair process. The majority party is obsessed with destroying this President. I think it is because he represents the American people's view; not the elitist view, but the people's view. We have called this House the People's House, and, time after time after time, I have seen these Republicans stand and ignore the people.

It is unfortunate that we have come to this time, because it is clear, I have listened all day, and all I have heard are excuses trying to back up why they want to destroy this President. We have spent $40 million of the taxpayer's money for the Republicans to be able to say "gotcha."

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise today with a heavy heart. I oppose the impeachment of the President of the United States. I support censure. We all know that the President's conduct was despicable. He should be punished. I am deeply disturbed that we will not even consider a bipartisan motion of censure. I am being denied the opportunity to vote my conscience and adequately represent my constituents. This is terribly unfair.

The question before us is whether the President's conduct was impeachable. I have concluded that his misdeeds do not constitute high crimes and misdemeanors. Impeachment is not meant to punish a President, but to protect the Nation against the abuses of power that would undermine a system of government.

We simply must not impeach the President under this partisan, unfair process. Let us censure the President, put this chapter behind us and move on to heal the divisions in our Nation.

Mr. Speaker, I rise today with a heavy heart. Never did I imagine that I would have to cast a vote whether or not impeach the President of the United States.

Tomorrow I will vote against the four articles of impeachment.

Instead, I favor censuring the President.

The resolution offered by the Judiciary Committee minority, which strongly condemns the President's behavior, would permanently and officially record the shame he has brought upon his office.

A Congressional censure is not a trivial slap on the wrist; it is a powerful, historic punishment.

I am deeply disturbed that a censure resolution will not even be brought to this Floor for a full and open debate.

The will of the American people is being callously ignored by this patently unfair and starkly partisan process.

Without the option of censure, not only am I being denied the opportunity to vote my conscience, but I am prevented from adequately representing my constituents.

I have not made these decisions lightly. But I have made them resolutely.

The question before us today is not whether the President's misconduct was immoral and despicable; of course it was.

The question is not whether his behavior was criminal; that could be decided in a court of law.

The question is whether his actions are impeachable. After reviewing the evidence presented by the Judiciary Committee, I have concluded that they are not.

The impeachment clause was not drafted as a means to punish a President. It was not even designed to teach our children a lesson in morality.

Instead impeachment is intended to protect our constitutional system of government. It is meant to protect the nation against Presidential abuses of power so great that they undermine the security of the nation.

President Clinton's misdeeds, his lies, even his crimes, do not threaten our democratic system. His wrongdoings stem from private matters, not affairs of state. They do not rise to the level of impeachable high crimes and misdemeanors.

While opposing impeachment, I feel strongly that the President must not escape punishment. A formal bipartisan Congressional censure is punishment that fits the crime.

Mr. Speaker, it is time to bring this sordid chapter of American history to a close.

The President deserves to be censured.

The constitutional threshold of impeachment must be upheld.

A President twice elected by the people must not be thrown out of office without ironclad justification.

And we should not impeach the President of the United States on a narrow, partisan vote.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, this institution is failing to live up to its responsibilities, just as surely as the President has failed to live up to his, and the House's failure may well do the more lasting damage to our Constitution. Where there should be an extraordinary effort to work across party lines and find a consensual basis for action, I see a hard charging majority bringing articles of impeachment to the floor on a strictly partisan basis. Where there should be scrupulous attention to the constitutional and historical basis for impeachment, I see a cavalier willingness to define impeachment down to get a favorable vote, in disregard of what the framers intended.

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And where there should be assurances that this is a vote of conscience, I see a cynical and unfair manipulation of the rules to deny Members the right to vote on a motion of censure and to tilt the outcome in favor of impeachment.

This shuts off consideration of the most appropriate sanction under the Constitution for the behavior we are considering. It denies many of us the right to vote our consciences on the most serious question we are ever likely to face as Members of this body. It is manipulative, it is cynical, it is unfair. It is as though the Republican leaders of this House have set out to confirm all of the worst suspicions Americans have about politics and politicians.

Mr. Speaker, this House is on the brink of a historic and tragic failure. I beg my colleagues to take heed.

Mr. Speaker, who among us would have thought when we ran for office or when the 105th Congress began, that this is where it would end?

For the second time in the 209-year history of this republic, we are debating articles of impeachment of a president on the House floor. This is likely to be the most important vote any of us will ever cast. The judgment of history should weight heavily on our minds.

What has brought us to this point? The reckless, irresponsible behavior of the president and his efforts to cover up that behavior, even when he was sworn to tell the truth. Many legitimate and troubling questions have been raised about the way the independent counsel and those working with him pursued this case, but this case is inescapably about the president and his behavior, which violated basic moral standards and is deserving of condemnation and reproach.

That is not the end of the matter, however, for this case is also about us, as members of the House of Representatives. We have had this matter thrust upon us, and we must determine how to hold the president accountable in a way that is faithful to the Constitution, to the best interest of our nation, and to the people we represent. I say to my colleagues in all earnestness that we risk failing in this solemn task in a way that posterity will judge most harshly. Many have rightfully described this as a sad time. But despite the circumstances that have brought us to this point, I believe we could discharge our duty in a way that would uplift our nation and instill confidence in our people. Unfortunately, that is not what I see here today. I fear that this institution may fail to live up to its responsibilities as surely as the president has failed to live up to his. And our failure, if we go down the path the Republican leadership is attempting to drive us, may well do the more lasting damage to our Constitution and our system of government.

Where there should be, in a matter of such gravity, an extraordinary effort to work across party lines and to find a consensual basis for action, I see a hard-charging majority whipping its members into line, and bringing articles of impeachment to the floor after committee approval on a strictly partisan basis.

Where there should be scrupulous attention to the constitutional and historical basis for impeachment, I see a cavalier willingness to "define impeachment down" to secure a favorable vote, in disregard of both what the Framers intended in placing this power in the hands of the Congress and the constitutional mischief this action might encourage in the future.

Where there should be assurances that this is a vote of conscience and that members will be given a full and fair opportunity to debate and vote on legitimate and differing proposals for holding the president accountable, I see a cynical and unfair manipulation of the rules to deny members the right to vote on a motion of censure and to tilt the outcome in favor of impeachment.

This rigging of the rules shuts off consideration of the most appropriate sanction, under the Constitution, for the behavior we are considering. It blocks off the most promising possibility for bipartisan accommodation and agreement. It denies me and many like me the right to vote our consciences on the most serious question we are ever likely to consider as members of this body. It is manipulative, it is cynical, it is unfair. It is as though the Republican leadership of this House has set out to confirm all the worst suspicions and fears Americans have about politics and politicians.

And all this is happening at a time when the House ought to be rising to this extraordinary historical and constitutional challenge. It is indeed a sad and anxious time, and we should not doubt that history's judgment not only of the president but also of ourselves hangs in the balance.

In consulting the views of our country's founders, particularly the debate in the Federal Convention of 1787, and the subsequent precedents, I have come to the conclusion that seems to be shared among the vast majority of constitutional scholars: the Framers viewed impeachment of the president as a remedy reserved for protecting our Constitution and system of government from grave abuses that would destroy them.

The records of the Federal Convention make abundantly clear that the assumed grounds for impeachment were treason, corruption, and similar crimes against the state. Some delegates desired to provide flexibility in the grounds for impeachment, while others opposed any impeachment power for the legislative branch whatsoever as a threat to the independence of the executive. As a result, to the specified grounds for impeachment, treason and bribery, were added "other high Crimes and Misdemeanors against the State." (see Madison's "Notes" for July 20 and September 8, 1787). The last three words were dropped by the Committee of Style, but with no intent to broaden the application of the terms.

As Alexander Hamilton subsequently wrote in the Federalist (no. 65):

> The subjects of . . . jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust . . . [relating] chiefly to injuries done immediately to the society itself.

Presciently, Hamilton added that "in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt."

The one time the House impeached a president demonstrated Hamilton's foresight. I've always heard a great deal about Andrew Johnson: I grew up thirty miles from his home and tailor shop in Greeneville, Tennessee, and I now represent the North Carolina district where he was born. Members would do well to reflect on the circumstances of Andrew Johnson's impeachment and the consequences that flowed from it. Although Johnson was not convicted by the Senate, his impeachment ushered in a period of congressional ascendance and hobbled the presidency into the next century. The republic survived: we were an insular, agrarian nation, less in need of a strong executive than we are now. But while the grounds for impeaching Johnson were closer to the constitutional standard than those we are considering today, history has not judged the perpetrators of Johnson's impeachment kindly.

The profiles in courage in 1868 were not those radical Republicans who pressed for impeachment; it was an easy vote for them, pleasing their political base and promoting their political ambitions. The profile in courage we most remember, in large part because of John F. Kennedy's book by that name, is Republican Senator Edmund G. Ross of Kansas, whose vote prevented conviction by the Senate an who saw his political career ended by virtue of that vote. We would do well on this solemn occasion to recall the example of Edmund Ross and the warning he gave:

> If . . . the President must step down . . . a disgraced man and a political outcast . . . upon insufficient proofs and from partisan considerations, the office of President would be degraded, cease to be a coordinate branch of the government, and ever after subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan Congressional autocracy.

We have an appropriate alternative in a resolution of censure. I have hear the objection that censure is not constitutional merely because it is not explicitly mentioned in the Constitution. The overwhelming majority of constitutional scholars disagree. The precedents for congressional censure of presidents number at least four. The most frequently cited case is the Senate's censure of President Andrew Jackson in 1834. The House has taken similar action, such as the 1842 report—adopted by a vote of the House—finding that President John Tyler abused his constitutional powers, or the 1848 resolution charging President James K. Polk with starting a war with Mexico in violation of the Constitution. In 1864, the Senate condemned President Abraham Lincoln for unconstitutional acts. Congress has censured civil officers of the United States beginning in 1822 and continuing throughout our history. For Republicans to call censure unconstitutional is simply a smoke screen to cover their cynical and unfair manipulation of the rules to deny members a vote on the alternative which is favored by most of the American people and which is the most appropriate way of holding the president accountable.

Censure opponents also argue that such a resolution would upset the equilibrium of power between the legislative and executive branches. This argument is a breathtaking display of crocodile tears, because these same people are pushing the House toward adoption of articles of impeachment which will weaken the executive far more than any resolution of censure. The Andrew Johnson impeachment shackled the presidency, requiring his successors to seek the permission of Congress to dismiss civil officers and cabinet officials. It was not until the administrations of Theodore Roosevelt and Woodrow Wilson that the office regained the powers enjoyed by President Lincoln and many of his predecessors. In 1885, Wilson described a "congressional government" that entered "more and more into the details of administration until it has virtually taken into its own hands all the substantial powers of government." In portraying the approach the majority is taking today, Professor Bruce Ackerman of the Yale University School of Law observed that this "cavalier approach to the impeachment process would radically change [the separation of powers]. Congress could regularly respond to unpopular decisions by seeking to force the president from office. The result would be a massive shift toward a British-style system of parliamentary government."

In the long run, history will judge not only this president, but this House of Representatives as well. The articles of impeachment we are about to adopt, and from which I will strongly dissent, are incompatible with the intent of our Constitution's Framers and fly in the face of the convictions of most of our citizens and of our historical experience. The process by which we are considering them is a travesty. It denies to members the ability to vote our conscience and to the minority the right to propose alternative measures. It promotes division where there should be unity, distrust where there should be confidence.

Mr. Speaker, this House is on the brink of an historic and tragic failure. I beg my colleagues to take heed.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BOB SCHAFFER).

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, in the most fundamental terms, what Americans are fighting for today in Iraq is the truth. We fight for the self-evident truths upon which our Founding Fathers launched the greatest Nation on the planet. Yes, our history is replete with examples of our failure to honor the truth. We have abandoned it plenty of times, but we have never lost sight of what is right in the world.

By relying on the protection of divine providence and by renewing of our minds, we have always tried to discern what is the will of God, what is good and acceptable and perfect. We have always been serious about the truth.

Today, there are 115 Americans who are confined behind Federal bars imprisoned by our society, by the law, for failing to tell the truth when it mattered most, when someone else's liberty stood in the balance. Our response has been rather harsh, has it not? In America, we will take away one's liberty and freedom when they lie under oath.

Yes, Mr. Speaker, there are Federal prisoners who today serve as proof of this. How confused they must be. How confused all Americans must be to observe this debate, to hear this Congress of the United States say nothing of the 115 people in jail sentenced for committing the Federal high crime of perjury.

Yet, Members question with passion the merits of applying the same law to the highest ranking public official in America.

On this next point, Mr. Speaker, let us be clear. Our spiritual tradition in America also entails forgiveness. Indeed, the President has asked for forgiveness, and I judge his sincerity to be genuine. As but one American, I forgive him fully. If it is forgiveness the President seeks, I submit it will be freely granted by even the last one of us, but if it is punishment he seeks to avoid, he will be terribly disappointed.

Forgiveness is a sacred quality defining the relationship between individuals. Punishment, in this case, is a civil response to breaking the law. In America, we do both every day, and today should be no exception.

So it is upon that custom that the holder of the office of the presidency should be impeached, to ensure that so long as he adorns the great presidential seal and the hallowed flag of the United States of America, he shall deny justice no more. He shall never lie to us again. That, too, is our solemn responsibility and obligation to the American people.

Mr. Speaker, most certainly at a time when America is called upon to lead the world to crush tyranny abroad, we must take inspiration from our brave soldiers whose courage lights the way of truth and provides hope for those in bondage. I want my children to know that when their father lectures them to tell the truth, he means it. And when this United States Congress considers the rule of law, we are serious. But if we fail in our solemn duty to apply the constitutional law of our country today, please, Mr. Speaker, and I beg my colleagues, do not risk the lives of our soldiers any longer. Let us never call upon them to demonstrate their abundant courage until we resolve to give the same of ourselves.

Mr. Speaker, my precious remarks were trumicated due to time constrains, I hereby submit my full remarks for the RECORD in the proper context.

At this hour, Mr. Speaker, the House has now had under debate, the matter of impeachment for nearly one full business day. All that needs to be said on this subject perhaps has been said.

The Articles of Impeachment have been properly proposed, sufficient scrutiny of the Resolution has been rendered, the evidence before us has been well established, succinctly presented, and not one among us so far has raised credible opposition or challenge to the facts.

To the charges, Members of the House hold differing opinions about a suitable remedy. Most favor impeachment as defined under Article II Section 4 of the Constitution. Others have invented a lesser remedy of "censure."

Some demand only a polite tap on the president's shoulder. But no one can deny—that is, without emasculating the English language—that President William Jefferson Clinton lied under oath, committed the high crime of perjury, and maintains, as a prosecutable felon, the office of the Presidency.

And while most of us at this point have solidified and justified the votes we intend to cast in just a matter of hours, I ask my colleagues to consider the explanation of my vote that I have given to my children now at home in Colorado.

I am of the first generation of Americans which has never known the draft. Now imagine that, I've never had to watch my friends or brothers drafted into the nation's defense. I've never had to hear a friend's mother cry upon learning the fatal news of her son. I've never had to live with the anxiety of wondering if, and when, my number would come up. And the thought of my children being called away seems remote even at the present time.

Now that's a powerful statement of freedom, and a powerful testimony to 250 years of colonists, patriots, and American citizens who have defined American valor. And I thank God every day for the liberty I enjoy today. I thank every American veteran, volunteer or otherwise, who has placed his life on the line for my liberty and for that of my children. Today, Mr. Speaker, I'm especially thankful for the fine men and women who are fighting for America, half a world away from us here, this very day, and for all their colleagues who maintain peace everywhere else. They represent the best of America, and they understand what it means to be an American.

America is more than our history. America is more than the flag, more than the Constitution, more than sea to shining sea. America is more than the Supreme Court, more than this Congress—and more than the President of the United States. Actually, America is a concept—and a simple one at that. America is, and has always been about the Truth.

Now there's a concept that has challenged humanity from the Garden of Eden to this very moment, and it will challenge us from here to eternity. In fact, the greatest commandments of all the world's greatest religions are about the Truth. The Almighty knows the heart of all men, and He knows how we struggle, and fail, and struggle again, to honor the truth. I believe He knows we will all fail on occasion, sometimes very seriously, yet He holds out the assurance of His blessings to any man or woman—or Nation—that genuinely seeks the truth.

In the most fundamental terms, what Americans are fighting for today in Iraq is the Truth. We fight for the self-evident truths upon which our forefathers launched the greatest nation on the planet. And yes our history is replete with examples of our failure to honor the truth. We've abandoned it plenty of times. But we've never lost sight of what is right in the world. By relying on the protection of Divine Providence, and by the renewing of our minds we have always tried to discern what is the will of God—what is good and acceptable and perfect.

Yes, the reality of tyranny in Iraq has resulted in human degradation, misery, pestilence, and death, and that's what prompts our action in that region today. While soldiers, sailors, and airmen risk their very lives for Life, Liberty, and other self-evident Truths in the Persian Gulf, don't you think we owe them the same kind of courage here at home—to reaffirm that the Declaration they defend is real, that America will not be led by false witness, but by the same truth that sets us apart from the rest of the world? Life, Liberty, and Pursuit of Happiness are the pillars of humanity, and to those truths we have pledged our lives, our fortunes, and our sacred honor. And when we fail, we repair ourselves by fixing our bearing upon what we know to be right, not in some errant direction.

We have always been serious about Truth. Today, there are 115 American citizens confined behind federal bars, imprisoned by our society—by the law—for failing to tell the truth when it mattered most—when someone else's liberty stood in the balance. Our response is rather harsh isn't it?

In America, we will take away one's liberty and freedom when they lie under oath. Yes my colleagues, there are federal prisoners in federal prison today who serve as proof of this. Perhaps some of them are observing this debate from their cold jail cells. How confused they must be. How confused my children must be. How confused all Americans must be, to observe this debate—to hear the United States Congress say nothing of the 115 people in federal jail, sentenced for committing the federal high crime of perjury—yet Members question with passion the merits of applying the same law to the highest ranking public official in America.

I cannot recall one Member objecting, on this floor, to the separation of liberty from a single felon convicted of perjury. No speeches fill our Journals, no entry, no extension or remark in the Record. Yet we agonize over the disposition of one Mr. Clinton and his relation to the highest office in the land.

Mr. Speaker, unless any single opponent of today's Resolution has risen to the defense of a single convicted, jailed perjurer in this House—they may all be regarded by their countrymen, with plausibility, as hypocrites.

My concern is not for the comfort of felons, but for their souls nonetheless. Because we believe the rule of law to be so essential in America, we should insist it be applied fairly to the least and greatest among us, and with blind justice.

On this next point, Mr. Speaker, let us be clear. Our spiritual tradition in America also entails forgiveness. Indeed, the president has asked for forgiveness, and I judge his sincerity to be genuine. As but one American, I forgive him fully. If it's forgiveness the president seeks, I submit it will be freely granted by even the last one of us, but if it's punishment he seeks to avoid, he will be bitterly disappointed. Forgiveness is a sacred quality defining the relationship between individuals. Punishment, in this case, is a civil response to breaking the law. In America, we do both, every day, and today should be no exception.

Criminal punishment is about public safety and social order. The reason we incapacitate law breakers is to shield society from an offender's propensities and to ensure the unmolested liberty of law-abiding citizens.

And so it is upon that custom that the holder of the office of the Presidency should be impeached—to ensure that, so long as he adorns the great presidential seal and the hallowed flag of the United States of America, he shall deny justice no more, he shall never lie to us again. That too, is our solemn responsibility and obligation to the American people.

This is a profound matter which must be resolved now. Mr. Speaker just yesterday, our allies in the British House of Commons took to their Chamber to affirm England's commitment to use of military force in Iraq. One Member of Parliament sharing Mr. Clinton's own political philosophy, said, "We're not being led into battle by Richard the Lion-Hearted, but by Clinton the liar. I am disheartened."

Mr. Speaker, my children deserve a president who commands respect in the great halls of democracy around the world, especially among our diplomatic partners. My children deserve a leader whose commitment to his oath is an international bond spanning the widest oceans.

And Mr. Speaker, most certainly at a time when America is called upon to lead the world to crush tyranny abroad, we must take inspiration from our brave soldiers whose courage lights the way to truth and provides hope for those in bondage, everywhere. I want my children to know that when their father lectures them to tell the truth, he means it and when the United States Congress considers the rule of law we are serious.

But if we fail in our solemn duty to apply the constitutional law of our country today, please Mr. Speaker, I beg my colleagues, do not risk the lives of our soldiers any longer. Let us never call upon them to demonstrate their abundant courage until, we resolve to give the same of ourselves."

Ms. LOFGREN. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, we stand on the floor of the House in the shadows of 23 men who in the course of human civilization have written the basic principles that anchor American law, the concept of a Nation of laws, not men.

Today, we have been charged with choosing between reaffirming these basic principles, or sacrificing fundamental truths, so that one man can be placed above the law.

I have studied the thoughts of the North Carolinians who helped shape the debate of the ratification of the U.S. Constitution. James Iredell, who later served in the Supreme Court, while debating the impeachment clause before the North Carolina Convention noted that an impeachment clause is necessary because, and I quote, "If this power were not provided, the consequences might be fatal. It will be not only the means of punishing misconduct, but it will prevent misconduct. A man in public office who knows that there is no tribunal to punish him, may be ready to deviate from his duty; but if he knows that there is a tribunal for that purpose, although he may be a man of no principle, the very terror of punishment will perhaps deter him."

After reviewing evidence, I support Article I accusing the President of lying before the grand jury, and I support Article III, charging the President with obstruction of justice.

I believe the charges outlined in I and III go to the very heart of our system of justice. John Jay, the first Chief Justice of the Supreme Court, believed that, and I quote, "No crime is more extensively pernicious to society" than perjury. If we knowingly allow our President to break laws while some Americans sit in jail for having violated the same statute, we weaken the very rule of law protecting us.

One of North Carolina's most favorite sons, the late Senator Sam Ervin, stated in his last newsletter, and I quote, "If we seek truth, keep faith and have courage, I have no fear that this Nation can overcome all challenges from within or without."

Our country is strong. Our Constitution was written with wisdom and grace. Regardless of the outcome of this sad chapter in our Nation's history, I am hopeful that we will live in peace with our conclusion.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, Article II, Section 1 of the Constitution states, "The executive power shall be vested in a President of the United States." Mr. Speaker, a President. Not a prince, not a potentate, but a citizen, a citizen who, like every citizen, must have respect for the rule of law. Mr. Speaker, Article II, Section 4 specifically describes impeachment as the remedy before us.

Mr. Speaker, there is no mention of censure in the United States Constitution, a document of limited and specified powers. To the arguments from the minority side on censure, let me quote a senior member of the Committee on the Judiciary, the gentleman from Massachusetts (Mr. FRANK), in an article appearing in the Boston Globe in March of this year. He was talking about the majority party, and so he offered a pot shot, but listen to the words; I quote them now. "Faced with a choice, they go for symbolism over substance. That is what censure is." The words of your colleague, my friends: "Symbolism over substance, that is what censure is."

The Arizona Republic opines:

> Skip the evasions and inventions. If the President lied in his deposition and in his grand jury testimony, and then took pains to cover his tracks and to encourage others to mislead the grand jury, the constitutional remedy is to impeach and allow the truth to emerge in the resulting Senate trial.

The Mesa Tribune editorializes, quote, "It is a crime to lie under oath, period."

I take no pleasure in this circumstance, but for those who want to carve out an exception to the rule of law, it is as if we take the scales of justice from the hands of Lady Justice and take off her blindfold and ask her to put an eye on the opinion polls and a moistened finger in the wind.

I rise in support of impeachment with a heavy heart.

Ms. LOFGREN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California, (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong opposition to this unfair process that does not allow me to vote my conscience.

Mr. Speaker, I rise to denounce the unfair process that has brought us to this critical point in our Nation's history.

I am outraged that the Republican leadership will prevent me and my colleagues from voting our conscience on this grave issue, by refusing to allow us a vote on censure, which I believe, is the appropriate punishment for the actions of the President.

In our democratic society what is so frightening is the unfairness of the process that brought us to this point.

The Republican agenda was clearly predetermined.

Even before the hearings began, Republicans were calling for impeachment.

Although not one shred of evidence has been produced to prove the President's actions reached the level of high crimes and misdemeanors, the Republican leadership continues to pursue its goal, not for justice and fairness, but for the removal from office of the President of the United States.

Tragically, these unfair acts that have controlled this entire process, have chipped away at the freedoms of fairness and justice our men and women in uniform are fighting to preserve even this very day.

I still have hope, however, that my Republican colleagues will listen to the American people and change the unfair direction of this process by allowing us to vote on censure.

Ms. LOFGREN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, I rise to voice my opposition to this unfair, uncalled-for impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. BARRETT), a member of the committee.

Mr. BARRETT of Wisconsin. Mr. Speaker, several of the previous speakers have said that no man is above the law. I passionately and fervently agree, as do the Members on this side, and that is why our censure resolution specifically states that the President remain subject to criminal and civil penalties after he leaves office. It is important to make that point, because the American people should know that. It is a crime that our censure resolution cannot be heard on this floor.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, Mr. Clinton's personal conduct was wrong, but no amount of outrage or indignation can obscure the fact that the rule of law begins with the reading of the Constitution and a review of the history of the Constitutional Convention debates of 1787, a principle well recognized by every court in our land.

The framers of our Constitution and their forefathers had fled a monarchy and wanted to be sure that the person serving in the newly created position of chief executive did not usurp his powers and seek to reinstate the unlimited powers of the throne. Impeachment for high crimes and misdemeanors gave Congress the power to defend the Constitution against acts that would destroy the constitutional order or extend the presidential power beyond its defined limits. For other crimes and misdemeanors, the framers chose to again depart from the monarchial tradition and they left the President subject to the same laws and to the same judicial penalties and punishments and protections as every other citizen.

The President is not above the law, and today an independent counsel retains the power to indict the President and try him after he leaves office for any crime he may have committed. My oath of office does not require that I defend the President, but I cannot fail to defend the Constitution.

Under that solemn oath, I cannot vote in the present case to remove the President from office.

In the Sermon on the Mount, Jesus said "Judge not, lest ye too be judged." God forbid that we would judge the President today by any standard other than that set forth in the Constitution. This is the responsibility each of us readily assumed when we raised our right hand and swore to support and defend the Constitution of the United States.

The issue before us it not to be decided by what the polls say or even by what our colleagues say here today. In this moment, every Member must reach deep into their mind and soul and ask "What does the Constitution say?"

While we may all agree that Mr. Clinton's personal conduct was wrong, no amount of outrage or indignation can be allowed to obscure the fact that the rule of law begins with a reading of the Constitution and a review of the history of the Constitutional Convention debates of 1787. That is fundamental to the rule of law as recognized by the common practice of every court in our land.

I have carefully read the notes and records of the debates of the Constitutional Convention regarding the language of Article II Section 4. The framers were careful to create a system of government with three separate and independent branches of government—none with undue power over the other. They and their forefathers had fled a monarchy and they wanted to be sure that the person serving in the newly created position of Chief Executive did not usurp his powers and seek to reinstate the unlimited powers of the throne.

The clear intent of the impeachment power was to give Congress the power to protect the Constitution and the office of the Presidency from acts that would destroy the Constitutional order or extend the Presidential power beyond its defined limits. For other crimes and misdemeanors the framers chose to again depart from the monarchial tradition and leave the President subject to the same laws and to the same judicial penalties and punishments—and protections—as any other citizen.

Yes, we should severely censure the President as an expression of our collective disapproval of his actions. And we should not forget that the Independent Counsel retains the power to indict the President and try him after he leaves office for any crime he may have committed.

I am not called upon by the oath that I took to defend the President but I must defend the Constitution. Under that solemn duty, I cannot vote in the present case to remove a President elected by the people from the highest office in the land.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise in strong opposition to impeachment. I rise in strong opposition to this attempt at a bloodless coup d'etat, this attempt to overturn two national elections. The American people are ahead of the politicians; they are certainly ahead of the majority party. They want censure. Why are we not given the opportunity to vote up or down for censure on the House floor? Why are we not allowed to represent our constituents on the House floor?

No one believes that the President will ultimately be removed from office, so we will have dragged this country through a 6-month trial in the Senate and Bill Clinton will still remain President. What good does that do?

Let us put this behind us with a bipartisan censure. Let us get on with the issues of importance to the American people, such as health care, Medicare, Social Security, education, campaign finance reform.

My colleagues on the other side of the aisle say they have a constitutional duty to move forward. I come from the Bronx, and we talk about street smarts there or a little bit of common sense, and common sense means you do not move forward with blinders on, you do what is best for the country. Please, do not move for impeachment. This will only harm our country that we love.

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Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I believe the President's conduct was wrong, indefensible, and disgraceful; and he should be punished. But after careful review of the four articles of the impeachment and supporting materials and after prayerful deliberation, I must vote against impeachment.

I do support strong censure, which makes clear that the President is not above the law, and remains subject to any penalties of law substantiated by the facts. While I cannot defend the President's conduct, it is my solemn duty to defend the integrity of the Constitution.

The Founding Fathers made it clear in their deliberations that only the most serious offenses against the Republic itself would justify removal from office. Whether or not the facts alleged in support of the articles are true is questionable. None of the testimony given in support of the articles has been subjected to cross-examination. Even if we assume that the allegations are true, it is my judgment that they do not rise to the high constitutional requirements for impeachment.

I urge this body to take a course of action that is justified by the facts, censure, not impeachment. Follow the will of the majority of the American people.

Mr. Speaker, I believe the President's conduct was wrong, indefensible, and disgraceful, and he should be punished. However, after careful review of the four Articles of Impeachment and the supporting materials and following prayerful deliberations, I have concluded that my vote and the vote of the House should be against impeachment of President Clinton. I reached this conclusion for several reasons:

(1) Impeachment sets in motion a process to remove the President from office which could necessarily reverse the result of our last Presidential election and cancel out the wishes of a majority of Americans who cast their votes in that election. The constitutional requirements for impeachment are ". . . Treason, Bribery, or other High Crimes and Misdemeanors." The founding fathers made it clear in their deliberations that only the most serious offenses against the Republic itself would justify removal of the President from office. Whether or not the facts alleged in support of the Articles of Impeachment are true is questionable. None of the testimony given in support of the Articles has been subjected to cross-examination. But even if we assume that the allegations are true, it is my sincere judgment that they do not rise to the high constitutional standards for impeachment and removal from the office of President.

(2) There is unanimity in the Congress and throughout America that the President's conduct was wrong, possibly illegal, immoral and reprehensible. Moreover, it is clear that the people of this country feel the President should be held accountable for the violation of the trust he owes to the American people. However, it is also clear that they want punishment that will fit the offenses. They believe censure is the appropriate course of action. Constitutional scholars who testified before the Judiciary Committee agree four to one that censure is constitutional and appropriate. Those of us who believe in the Judeo-Christian principles of repentance and forgiveness but who also feel compelled to condemn the President's conduct should be allowed to express that as an alternative to impeachment through a vote on censure. Unfortunately, the partisan majority in the House will not allow a censure vote in spite of the strong preference of a majority of the American people.

(3) The principles of the "rule of law" and accountability would not in any way be abrogated if the House failed to impeach, voted for censure or did neither. For the President is still subject to indictment, prosecution, trial, and conviction of any possible law violation. He could face imprisonment just as any other American could, if found guilty. The President is therefore still subject to and not above the long arm of the law.

(4) Finally, I believe that a Senate trial of impeachment with the attendance utilization of resources would hurt our District by diverting the focus of the 106th Congress from critical issues such as job creation and economic development, farm relief, tax relief, school modernization, Social Security and Medicare solvency, the Patient's Bill of Rights, domestic and international terrorism, defense, crime and drugs, and veteran's benefits. Additionally, an impeachment trial will punish the country by creating instability in our domestic economy, losses for retirees with lifetime incomes invested in the stock market, and job loss and further economic downturn at home.

While I cannot defend the President's conduct, it is my solemn duty to defend the integrity of the Constitution. It is my considered judgment that the integrity of the Constitution requires more than the allegation contained in the Articles of Impeachment. I believe that censure would be a more appropriate course of action. Therefore, I must vote against impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, it is with great disappointment in the President that I rise in support of the impeachment.

Mr. Speaker, no one here today is happy about our undertaking. It is a sad occasion, one filled with sincere dismay and concern for the future of our country. And I believe this concern is shared by Members on both sides of the aisle.

After listening to my constituents, considering the Judiciary Committee proceedings, and the responses from the Administration, one thought remained constant. That is the inscription on the mantel of the State Dining Room of the White House. It is the words written by John Adams, the first President to live in the White House, in a letter to his wife Abigail.

I pray Heaven to Bestow
The Best of Blessings on
THIS HOUSE
and on All that shall hereafter
Inhabit it. May none but Honest
and Wise Men ever rule under This Roof.

President Franklin Roosevelt had these words inscribed into the mantel as a constant reminder of the profound responsibilities of its occupants.

Our nation and the freedom it represents—the freedom American servicemen and women are currently protecting—are based on the rule of law. A basic principle on which our system of government rests is that we all stand as equals before the law. If we allow our judicial system to be eroded by not expecting the truth to be told, then we are putting our constitutional system of government at risk.

If our nation is to remain strong, it must be based on a rule of law and a respect for the sacred trust that goes with public service.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I know a number of Members have had some great difficulty in coming to the conclusion, the struggle to come to a decision. One of those I thought did an outstanding job this evening, the gentleman from Arkansas (Mr. JAY DICKEY), who probably exemplifies greater difficulty than all of the rest of us. So I salute the gentleman from Arkansas (Mr. DICKEY) for those comments.

In my opinion there is no doubt, however, that the President's conduct rises to the level of impeachable offenses. To protect his political livelihood, this President has subverted the rule of law, lied to the American people, and manipulated his staff and members of his cabinet to perpetuate his lies. These crimes are felonies that deserve the most severe penalty provided by the Constitution.

Moreover, recent events have brought into the question the President's ability to lead. I have come to the conclusion that President Clinton does not possess the character or the judgment to occupy the highest office in the land.

This president has violated his oath of office, betrayed the trust of the American people, and demeaned the institution of the presidency. I implore my colleagues to vote for the impeachment of William Jefferson Clinton.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, today I intend to vote for impeachment based on the careful consideration of the charges, the facts in the case, and many conversations with my constituents in central New York.

My decision to vote for impeachment was difficult, but not on the facts. There is no doubt in my mind that the President lied many times under oath. I also believe beyond a reasonable doubt that he obstructed justice by coaching, indeed, suborning, potential witnesses in the grand jury proceeding.

I further believe that these crimes are clearly serious enough to be grounds for impeachment. Weighing the public discomfort with this constitutional process against the need to defend the rule of law, the scales tip to the truth.

We must not allow the President of the United States to get away with lying under oath. Americans have the right to expect that everyone, even the President, must tell the truth while testifying in court, be it small claims, civil, criminal, or the Supreme Court of the United States.

If the truth is absent, justice cannot prevail for any of us.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, it is with malice toward none and forgiveness of individual failures, but with a love of the law and our country, I will vote for the articles of impeachment.

Yesterday my fifth son was born. I held before me my legacy. I celebrated his birth. I wondered what country he will inherit. What standard will we set for him, what example today?

For each reaffirmation of the rule of law, we have a new birth of freedom. But if we say with our actions that perjury and obstruction of justice and truth do not matter, then we lose our way. For all of these reasons and more that I will submit for the RECORD, I will vote for the articles of impeachment.

Mr. Speaker, this week has provided me with the full range and intensity of emotions. Today, I mourn—our Nation mourns as we debate the tragic and difficult question of impeaching our President.

Yesterday my fifth son was born and with him all the wonder, amazement and celebration of new life. The doctor allowed me the privilege of actually guiding my child from his mother into this world. I was the first to touch and hold James Harper Pickering.

Whenever we are confronted with the beginning—or the end of life it reminds us of a larger, transcendent force and causes us to evaluate and examine our purpose—our meaning—our legacy.

What will be my son's future, what kind of country will he inherit, what values and standards will guide him, his generation, his future.

In the same way—what guides me in this difficult decision before us today?

In 1963 a young man at the age of 26 won the nomination to serve as a county (prosecuting) attorney in Mississippi's Jones County [from 1964–1968]. On his election day, his son was born.

These were difficult and turbulent days for our Nation and in particular for Mississippi. These were days filled with violence and lawlessness.

In an act that was rare for elected officials at that time—he organized a group of local officials to publicly condemn the Klan violence and intimidation and called upon the community to support the rule of law.

During the trial of Sam Bowers, the imperial wizard of the KKK, for the murder and fire bombing of Vernon Dahmers, this young county attorney testified against Bowers.

He was threatened physically and politically. But he didn't back down from the principle of equal protection for all.

In 1968 he lost his next race.

The polls of that place and time were against him. But, his principles stood the test of time. His courage and conviction give me an example which makes me proud. His legacy guides me today.

For that young county attorney, now a Federal judge—continues to defend the rule of law, administer justice and ensure equal protection for all—he is my father.

As I held my son yesterday—I prayed I would provide him with the same legacy. That just as our founders and generations since fought to preserve the rule of law and with it our freedom, it is our duty today to honor their legacy. And, for our sons and daughters our obligation to leave them a rich inheritance of which they can be proud.

We must demonstrate that it does not matter if you're a civil rights worker or a working woman—struggling against sexual harassment—you are guaranteed equal rights under our Constitution, the right to a fair trial—free of corruption of perjury, witness tampering and obstruction of justice.

Abraham Lincoln stood at Gettysburg and called for a new birth of freedom. From this tragedy—we can rededicate ourselves to the rule of law and the faith in our country to endure. We can send a message to all the Presidents that will follow, to ourselves and to our children—tell the truth—keep your oath—none is above the law.

It is with malice toward none and forgiveness of individual failures but with a love of the law and of our country, I will vote for the articles of impeachment.

We hold our legacy before us. With each reaffirmation of the rule of law we have a new birth of freedom—but if we say with our actions that perjury and obstruction of justice and truth do not matter then we can begin the long, slow death of our land and law. In the play "Man For All Seasons" the following line captures the essence of this debate:

"The laws of this country are the great barriers that protect the citizens from the winds of evil and tyranny. If we permit one of those laws to fall, who will be able to stand in the winds that follow?"

I believe by our action today and tomorrow we can stand in the gap and hold up the barriers that protect us all. Even if the polls of this time may be against us—the principles of this action will stand the test of history.

And as my son holds his son or daughter—I pray, he too will thank those who went before him.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I joined 30 Democrats in casting a controversial vote last month. I voted to send the Starr report to the Committee on the Judiciary without strict time or subject matter restrictions. I was committed to avoiding partisanship. Tragically, however, that effort to advance nonpartisan consideration of this momentous impeachment decision is today rejected.

Three quick points. One, the people's body is denying the people a vote on the alternative they favor, censure.

Two, proportionality demands consideration of the alternative of censure, proportionality in the sense of the offenses alleged and the consequences sought.

Three, my Republican friends, they have even refused to accept the advice of President Ford and Presidential candidate Dole that we proceed with a censure or rebuke alternative. This is a tragic day when this option is denied us.

Mr. Speaker, over the past several months, the news media has inundated us with continuous coverage of President Clinton's conduct. Over the past several weeks, the House Judiciary Committee has held hearings, considered evidence, and debated the merits of impeaching the President. Regretfully, the issue has distracted us from many serious problems that confront our nation and the world. Equally regrettable is the highly partisan nature that has characterized this process.

I have endeavored to avoid this partisanship. Earlier this year I voted for the Hyde resolution so that the Judiciary Committee could consider all relevant information and determine the scope and the duration of its impeachment proceedings. This was a controversial decision; I was only one of 31 Democrats that supported giving the Committee that flexibility.

I took Chairman HYDE at his word that this process would be completed in the House by the end of the year. I was gratified to see that my trust was not unfounded. As the Judiciary Committee votes on articles of impeachment this week, and with votes expected in the full House next week, I am glad to see this frustrating period in the House nearly behind us.

I want to again voice my anger with the President's initial conduct and frustration with his inability to clearly admit the wrongs he has committed and apologize for his deceptions. I believe that elected officials, especially the nation's highest leaders, should observe the highest standards of conduct. Both the President's improper relationship and the subsequent reliance on rigid legalisms in his own defense shows how out to touch he has been with the desire of the American people for honesty and contrition.

Although I was skeptical that the facts as they were known in August and September justified impeachment, I held judgment during the process of investigation and Committee consideration. I did not want to take a position on this important matter without both knowing all the facts and having an opportunity to study the standards and grounds for impeachment in the Constitution and in our nation's history. I also believe that since Congress is charged with acting in a judicial capacity in marking this decision on impeachment, it was important to avoid jumping to conclusions.

Unfortunately, the partisan jabs that seem to characterize the Judiciary Committee's hearings and the expected party line voting gives this proceeding the appearance of politics as usual. If the American people were not cynical before this point, the Committee's behavior must have pushed public opinion over the edge.

In recent days, as I deliberated about my vote, five consideration were important to me.

First, the President's conduct is wrong and cannot be tolerated. It contributes to undermining the moral fabric of our society. It gives young people the impression that anything goes. There must be consequences to his behavior.

Second, the facts are not really in dispute. The role of the House as the determiner of probable cause has been altered by the recognition that the real issue is the consequences of obvious actions.

Third, the President's behavior, although immoral and deceptive, did not in my opinion involve his official duties as President or constitute dramatic and severe criminal conduct that demands persecution during his term in office. In my mind, the framers of the Constitution expected one of these thresholds to be met for impeachment to proceed. I do not believe he abused his powers in asserting executive privilege or obstructed justice through official channels. Although illegal and subject to prosecution, the perjury allegations in this case do not demand immediate prosecution.

Fourth, there are alternative consequences. There is public rebuke or censure by Congress. There are monetary payments that can be required. There is criminal prosecution for perjury. And there is the personal tragedy, the humiliation, the family embarrassment, and the destruction of the historical record of a talented, energetic man who has given much to his country.

Fifth, finally, and most importantly, we cannot let the passion for vengeance overwhelm the best interests of our nation. Impeachment has a checkered history. There have been eight attempts to use it against Presidents. In seven cases it was clearly political: John Tyler, Andrew Johnson, Grover Cleveland, Herbert Hoover, Harry Truman, Ronald Reagan, and George Bush. In October, former President Gerald Ford wrote a persuasive analysis of the Clinton impeachment question in which he stressed the damage to the institutions of government that can occur if a president is forced out. As the Republican Vice President that succeeded President Nixon, he concluded, "I care more about preserving respect of those institutions than I do about the fate of any individual temporarily entrusted with office." I agree with that sentiment, and as someone who deeply respects these institutions, I wish to put this episode behind us without doing further damage to our government and our nation.

Mr. Speaker, I will not vote to impeach the President. I would vote to censure him, or as urged by President Ford, require him to stand for public rebuke. This proceeding has distracted our nation long enough. It is time we return to the challenges that confront America.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. TORRES).

Mr. TORRES. Mr. Speaker, I rise in strong opposition to these articles of impeachment.

I come to the House tonight with great sadness and shame. I am sad because after 15 years, 16 years, actually, this will be my last vote tomorrow in the service of this great institution, I am forced to participate in a process which undermines the very ideals and fairness and justice upon which this institution was founded.

I am ashamed because history will record that this body, driven by rank partisanship and ideological zealotry, sought to depose the President of the other party without due cause and against the wishes of the American people.

As representatives of the American people, we cannot, we must not, use our power to thwart the will of the people and trample upon their constitutional rights to keep a President of their choice. Sadly, that is what is happening here tonight.

James Madison said, a President is impeachable if he attempts to subvert the Constitution. This President has not. We ought to not impeach him. I oppose these articles.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, President Clinton, being merely human, gave in to lust. With the shame and embarrassment of that flaw being discovered, he deceived us. Those of us who voted for this man can forgive him. We can see what he has done, not only for this Nation but across the world. We can see that this President has much more to give as a President.

But those on this floor who are calling for impeachment never voted for him, never supported him. They have pursued him relentlessly, and they cannot forgive or accept any imperfection in this man.

Just as lust and deceit are sins, so are hate and envy. Just 2 years ago, this House undertook disciplinary action against the Speaker for intentionally misrepresenting information to the House Ethics Committee. The Ethics Committee recommended and this House adopted on a bipartisan basis reprimand over censure, a penalty which allowed the Speaker to stand for reelection.

I do not know how to reconcile the hypocrisy of the House in holding the Speaker and the President to two different standards. Let us recall what one of my colleagues said in opposing the Speaker's reprimand:

> Let us stop using the ethics process for political vendettas. Let us not create precedents that will only serve to undermine the service of this country. Let us stop this madness. Let us stop this cannibalism. Let us not fall victim to unrealistic expectations that do not forgive the common flaws of normal Americans.

That was the gentleman from Texas (Mr. TOM DELAY).

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I rise in support of holding Bill Clinton personally accountable for committing perjury before a Federal grand jury.

Mr. Speaker, the House of Representatives is now considering Articles of Impeachment against President Bill Clinton. This is clearly one of the toughest and most significant votes of my career in public service and it carries major historical significance for our Nation. I do not take this decision lightly nor do I believe any Member of Congress should rush to judgment.

Since the allegations against the President came to light in January of this year, I have reserved judgment until I learned all the facts. This decision, on my part, to reserve judgment on the President's conduct required me to wait until the House Judiciary Committee completed its work.

Over the past few months as the allegations against President Clinton became fact, many of my constituents raised real questions that I felt deserved answers. These questions included: why has Congress been forced to review the charges against the President? whether Bill Clinton should be held to the same laws and standards as other Americans? whether Bill Clinton in his responsibility as our Nation's leading role model for America's children should assume personal responsibility for his actions and how should I base my decision? on the opinion polls? or the principle of what's right?

Only one person is responsible for the vote we have scheduled this week. It was Bill Clinton's reckless conduct that forced the Nation to confront this issue. Had he come clean with America last January, a majority of Americans easily would have forgiven him for his reckless conduct. Instead, he chose to stonewall and later lied to a federal grand jury. Over the past several weeks, when several Members of Congress have urged him to tell the truth and admit he lied to a federal grand jury, he's declined. Had he come clean in the beginning, we would not be here today.

President Clinton and his partisan defenders have suggested that he should be held to a different standard than his fellow Americans. I disagree and note that Congress, in the last ten years, has voted to impeach and remove from office two federal judges who lied to grand juries of their peers. And only a few days ago, several Northwestern University athletes were indicted for lying to a federal grand jury regarding illegal gambling activities. No American should be above the law and that includes the President of the United States.

I've also had to respond to parents asking my advice on how best to respond to their children's statements that it is okay to lie if the President says its okay to lie. Personal responsibility is a basic virtue for all Americans and the President must take responsibility. American school children have all learned the story of George Washington stating to his father that he could not tell a lie and admitting to cutting down the cherry tree. Which example will they now remember?

Now that the vote is scheduled on Articles of Impeachment against Bill Clinton for lying under oath before a federal grant jury of his peers, obstruction of justice and abuse of office, there are those who suggest I should base my vote, not on my convictions, but on the opinion polls. We must remember that early advocates of abolishing slavery, ensuring civil rights for all Americans and America's entrance into WWII were not pursuing popular ideas. But Abraham Lincoln, Martin Luther King and Franklin Roosevelt did the right thing and adhered to their basic principles. I will not base my decision regarding this vote on popular opinion polls but on what I believe is right for America.

We must do the right thing for America. No one is above the law, and that includes the President of the United States. It is in the best interest of our Nation that the House vote to send to the Senate Articles of Impeachment against the President.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I share the outrage and disappointment expressed by my constituents. However, the President's actions violated our Nation's trust. The debate is no more about sex than the Watergate debate was about a third-rate burglary.

This is a difficult decision for all of us, probably the most difficult of my tenure in the Congress. I thank my constituents who shared their views.

While none of us should minimize the gravity of this impeachment process, we must bear in mind that the House does not have the final word in determining whether any official should be removed from office. Referral of this issue to the Senate is not removal, but merely a finding of probable cause that a removeable offense may have occurred.

Having fully considered the facts before us, reluctantly I have come to the conclusion that probable cause exists. Accordingly, I shall be voting in favor of at least one of the articles of impeachment.

In closing, I note that though I support the articles of impeachment, I am not convinced that the President should be removed. In fact, that decision can only be made after a fair trial in the other body.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, during the impeachment inquiry, many of those who have stood against the President have been targeted for personal vicious personal attack. The gentleman from Indiana (Mr. DAN BURTON), the gentlewoman from Idaho (Mrs. HELEN CHENOWETH), the gentleman from Illinois (Mr. HENRY HYDE), a Democrat, the gentleman from Pennsylvania (Mr. PAUL MCHALE), and yesterday the gentleman from Louisiana

(Mr. BOB LIVINGSTON) all have been made to suffer.

What we have experienced on Capitol Hill is consistent with the threats and intimidation endured by each and every one of the women claiming to have been used and abused by the President of the United States. I will submit for the RECORD the names of seven such women, the last being Kathleen Willey, whose cat disappeared, and then had a skull of an animal put on her front porch when she was supposed to testify. Then a jogger comes by and starts talking about her children, and where is her cat, and then says, did you get the message?

Mr. Speaker, I will vote for impeachment because the President is guilty of perjury and lying under oath, and lying to a grand jury, and all the rest. Impeachment is another way of reaffirming certain standards and principles. America today is in dire need of reaffirmation of a commitment to truth, justice, and to fundamental human decency.

Mr. Speaker, I rise today in support of all four articles of impeachment against the President of the United States. My vote will be based upon the Judiciary Committee's findings that our President committed perjury and lied under oath.

Although the debate in which we engage is of monumental consequence, and being so, is to some degree contentious, let me suggest that I do not sense a high degree of personal hostility in this chamber. Even for a hothead like me, and I know I can be far too frank at times, I have not sensed ill will between Members, and have instead had some friendly exchanges and given and received some heartfelt best wishes for the holiday season.

One might note that between Members of the House of Representatives this is about as amicable an impeachment as one could expect, all things considered.

With that said, however, there is another more sinister dimension to the impeachment crisis. An ugly cloud of intimidation is evident here in Washington. Over these last few months many of those who have stood in opposition to the President have clearly been targeted for vicious personal attack. This ruthless campaign of intimidation is unprecedented. The Government Reform and Oversight Committee had barely started its investigation when its chairman, DAN BURTON, was put in the bulls eye. HELEN CHENOWETH, HENRY HYDE, Democrat PAUL MCHALE and yesterday BOB LIVINGSTON, all have been made to suffer. In the case of MCHALE, the mudslingers couldn't even get their facts straight.

What we've experienced on Capitol Hill is consistent with the threats and intimidation endured by women who may have been in a position to make embarrassing allegations against the President. At first it was made light of—the women were labeled as bimbos. But now it's more serious and no one is laughing. Each and every one of the women claiming to have been used and abused by the President has been threatened, smeared, or victimized.

Former Miss America Elizabeth Ward Gracen; former Miss Arkansas, Sally Purdue; Paula Jones; Dolly Kyle Browning; Jennifer Flowers; and Monica Lewinsky.

Kathleen Willey. Her cat disappeared and an animal's head appeared on her porch shortly before she was to testify. Then outside her home a jogger came by and asked what happened to her cat and made mention of her children, then asked if she got the message.

My fellow colleagues, I will vote for impeachment because I believe the President is guilty of perjury, lying under oath, and lying to a grand jury and the rest.

Impeachment is another way of reaffirming certain standards and principles. America is today in dire need of a reaffirmation of our commitment to truth, to justice, and to fundamental human decency. Thus I will vote for impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, this debate is about the principle of equal justice under law, as the gentleman from Illinois (Chairman HYDE) so eloquently stated in his sad and magnificent speech. It is fundamental to our liberty that no one is above the law. It is absolute despotism that a crime for one person is not a crime for another.

The words in an oath in our judicial structure is an indispensible pillar. No one can be selective when they are under oath to tell the truth. It has been written that language is the essence of law, and law is the essence of liberty.

The President is at the epicenter of this storm. Its duration and tenor have always been under his control. To quote Emerson, the last line of his essay, Self-reliance, "Nothing can bring you peace but the triumph of principles."

Mr. Speaker, this debate is about the principles of equal justice under law.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, if Members followed the Committee on the Judiciary proceedings, they already know that I strongly oppose impeachment. Given the totality of the wrongdoing and the totality of the context, the allegations of misconduct do not rise to the standard required for impeachment.

With apologies to those who heard my statement in the Committee on the Judiciary, I would like to repeat those remarks that address another issue, whether a failure to vote impeachment could cause a decline in the fabric of our culture and the strength of our legal system.

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The corrosive effects on American culture and America's legal system of allowing the President to serve out his term have been overstated. The President's defense is very troubling. His grand jury testimony, his public statements following the grand jury testimony, his agents' public statements are more egregious than any wrongdoing that caused this process to begin. Alice in Wonderland-like notions pop into my head, watching someone so smart and so skilled, so admired by the American people for his intellect and his talents digging himself deeper and deeper and deeper into a rabbit hole, and us along with him.

This spectacle troubles many and may motivate many of the calls for impeachment. People do have a right to ask, what will America's children believe about reverence for the law, about lying under oath? Many thoughtful Americans wonder whether the deconstruction of our language will damage the culture. What will happen if words no longer have common sense meaning, if everything is equally true or not true because, after all, it depends on what your definition of "is" is. Of course, there has been and there will be harm to our culture and the legal system. But let us keep it in perspective.

While not above the law, the President, the most powerful man on the planet, the man who has control over our nuclear weapons arsenal, the man whom we invest with the authority to protect and defend the interests of the people of the United States, indeed protect all of civilization, is a special case.

Everyone is equal under the law, but we make special provisions for one person only while he is serving as President. Few would dispute the fact that the President is immune from criminal prosecution during his term of office. Many would argue that a wise Congress should pass legislation to immunize future presidents from civil litigation during the term of their office. We invest the Secret Service with the responsibility of taking the bullet so our Commander in Chief will serve out his term.

That the President's conduct is not impeachable does not mean that society condones his conduct. In fact, it does not mean that the President is not subject to criminal prosecution after he leaves office. It just means that the popular vote of the people should not be abrogated for this conduct when the people clearly believe that this conduct does not warrant that abrogation.

Most Americans know and will teach their children to know that conduct that may not be impeachable for the President is not necessarily conduct that is acceptable in the larger society.

Those who argue that the institutions of government or the fabric of our society will be irreparably harmed by a failure to impeach the President seriously underestimate the American people. America is too strong a society, American parents too wise, the American sense of right and wrong is too embedded to be confused.

We all know that the word "is" has a common sense meaning. We all know that lying under oath is wrong and could get us in a lot of trouble. I ask those of you who sincerely believe in limiting Federal power, in elevating the role of the individual and of individual responsibility, do you really want to impeach a popularly elected President to teach our children a lesson?

Former First Lady Barbara Bush said, your success as a family, our success as a society depends not on what happens at the White House but what happens inside your house.

Impeachment is not a substitute for good parenting or personal moral values. I ask those who are open to a second thought to rethink this issue. Impeachment is not the proper vehicle for symbolic gestures. These articles of impeachment must be opposed.

Ms. LOFGREN. Mr. Speaker, I will yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to the articles of impeachment because I do not think the misconduct of the President was a threat to the Nation.

I will respond to the understandable concern that has been expressed here tonight by those who support the articles and those that oppose them about the effect on the rule of law. This President, upon leaving office, will be subjected to criminal prosecution for having lied under oath. This is not just a theory. There will be accountability here. The independent counsel statute, which Congress would do well to let expire, specifically provides that the current office of independent counsel will continue to exist past the duration of the Clinton presidency. This office of the independent counsel, who no one has criticized as not being sufficiently aggressive, will in all likelihood be charged with the responsibility of making that decision whether to prosecute.

The President will be held accountable in a criminal court of law where a jury will have the right to determine whether he has committed perjury. That is a separate consideration from impeachment. We will uphold the rule of law by the President being subjected to criminal prosecution. But the President's behavior does not rise to the level of an impeachable offense. We will also be held accountable for having deprived this body the opportunity to vote for censure in lieu of impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, we either respect the Constitution and the rule of law or we do not. It is as simple as that.

What is the test for impeachment? The test is not disappointment. It is not disapproval. It is not even moral outrage. The test is set out clearly in our Constitution. The Constitution says that one can be impeached only for misconduct in the performance of official duties that endangers our system of government. No such allegations have been made, no such evidence has been presented. No such burden has been met.

Certainly the President's conduct is disappointing. But ask yourself this: What action has the President taken in his official capacity as President of the United States that endangers the government of the United States? I believe the answer is clear.

We are in a defining moment in American history. We stand today a lame duck Congress poised to impeach a President for unconstitutional reasons, along partisan lines, in the middle of an armed conflict. What could be more ridiculous than that?

We are legislators, not investigators. Let us conclude this matter in accordance with the Constitution.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I rise in support of the impeachment of the President.

Mr. Speaker, today I rise to echo the words of our forefathers who once held the highest office in our land. The advise that they have provided is among the best that our nation has ever received. I would like to share with you two phrases from our first two Presidents. I think they ring true today more than ever.

In his farewell address, President George Washington underscored the importance of having leaders tell the truth. He said, "Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in the courts of justice?"

On his second night in the White House, John Adams wrote the following, "I pray Heaven to Bestow the Best of Blessings on this House and on All that shall hereafter Inhabit it. May none but honest and Wise Men ever rule under this roof."

In my opinion the issue of impeachment is simple: should we have two systems of justice, one for the President and one for everybody else? where is the fairness for the people who are convicted of perjury every year and sentenced to detention?

What a shame that today this Congress must revisit these issues because President Clinton failed to follow the advice of these very wise men. As I will be casting my vote to impeach on all four articles today, I will keep in mind these words. I will also keep in mind that the impact of my vote today will ring true to generations for years to come that perjury has no place in the highest office of the land.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in support of the articles of impeachment.

DUTY, HONOR, COUNTRY

Those three hallowed words reverently dictate what you ought to be, what you can be and what you will be.

Over thirty-five years ago, General Douglas MacArthur spoke those words to the United States Corps of Cadets.

He spoke those words just a few short years before I went to Vietnam in support of a military action for which this body deemed it necessary to send troops.

Not all Americans supported this action.

Some Members of this respected Chamber may have even protested against Vietnam.

But I, along with millions of other men and women of this country, did my duty.

Right now, men and women from all around this country are also doing their duty and serving their country.

Yes—today there are service men and women in the Persian Gulf—putting their lives on the line in defense of freedom.

There are also troops on the DMZ in Korea, in the former Yugoslavia and on military bases throughout the world.

They are there today, they were there yesterday and they will be there tomorrow—doing—above all else—their duty.

Every day, they put their lives on the line for freedom, liberty and democracy.

Every day, they uphold the values that we are reminded of every time we see our flag.

Every day.

Now, let's evaluate how the Commander-in-Chief of those same soldiers treats the words—Duty, Honor, Country?

Let me first say. * * * Everyone makes mistakes.

I have made many in my lifetime and will make many more.

But——

What we are faced with today is a President who, instead of embodying duty and honor—decided to cover up his mistakes and bring others along with him to perjure himself.

Very simply * * * he lied under oath.

The president shirked the very duty that is encouraged and expected in our armed forces.

Instead of admitting his mistakes and facing his duty as leader of this country, he has fallen to lies—upon lies—upon lies.

Instead of retaining honor, he has thrown it aside and perjured himself.

The next excerpt from the MacArthur quote I shared earlier refers back to the three words—Duty, Honor and Country.

He said, "These are your rallying points—to build courage when courage seems to fail * * *"

The issue we are confronted with today deals with this courage.

It is about upholding our democracy, our rule of law and the very honor and duty that U.S. military men and women fight for as we speak.

It takes much courage to choose a painful and difficult right over the simpler wrong.

Mr. Speaker, oh, that it would be so simple to say that this matter is just about lying about a sexual affair.

There is a much deeper issue at stake here.

After all the talk of sending a message to our service people abroad—who have learned about duty and honor and sacrifice experientially—is it not clear to us that tonight—and tomorrow—that the most compelling message we can send to them is one that upholds the very ideals for which they fight?

Does the code of conduct in the military still matter?

Is it just a bunch of empty words?

Or does the Commander in Chief—not a king, not a sovereign, but one of us—a citizen of the United States—and indeed, even an officer of the United States Military—have a code of honor and duty to uphold?

I challenge my colleagues to consider this—the message that this body will send to the United States Military overseas—must be an affirmation of the ideals that they live by and for which they are serving.

As our troops must preserve the freedom we enjoy, so this legislative body is bound by the Constitution which has sustained this great nation in all of our 200 years.

The President—the Commander in Chief's actions—compel us to act.

We are not driven by politics—but by the only benchmark we have—the rule of law—our ultimate code of honor.

These moments could not be more important—for our history—or to our future.

These words never held so much meaning: Duty, honor, country.

This is indeed a sad day for America.

I intend to vote for the articles of impeachment.

I ask unanimous consent to revise and extend my remarks.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I rise in reluctant support of two of the four articles of impeachment.

For a long time I have thought the character issue surrounding this President deserved political and legal accountability, but assumed it fell short of requiring a Constitutional remedy.

I have concluded, however, that I have no choice but to vote for two of the four Articles of Impeachment—specifically Articles I and II, those dealing with perjury. My reasoning is straightforward.

The President has committed crimes and misdemeanors. The question that perplexes each of us as Members and the public at large is whether these crimes and misdemeanors are "high" enough to meet the standard required by the Constitution.

The defenders of the President have suggested that lying about a fundamental privacy issue—sex—and the issues surrounding sexual harassment do not rise to a constitutional level. While I respect judgments to the contrary, I have concluded that perjury in this instance has been committed, not only to protect the President from embarrassment, but to deny an American citizen due process under the law. It must be considered a high crime, one against the state.

The fundamental issue is that no individual is above the law and that democratic governance depends on trust, which in turn depends on truth-saying.

Leadership is a conjunction of good ideas and good character. One without the other is unsustainable.

In America, process is our most important product. Winning does not vindicate taking shortcuts with public ethics, even if it can be suggested that others may have followed similar or less defensible paths.

In her philosophical treatise *Lying,* Sissela Bok, the Harvard ethicist, notes that "veracity functions as a foundation of relations among human beings; when this trust shatters or wears away, institutions collapse." Bok goes on to note that "truthfulness has always been seen as essential to human society, no matter how deficient the observance of other moral principles."

This is why lying under oath is so serious and why the President's refusal to acknowledge truthfully the factual circumstance that has been established so shatters the moral underpinnings of government. The fact that the President may face liabilities after he leaves office if he states the truth is no excuse for continued obfuscation.

At the core of the President's Constitutional responsibilities is his duty to "take care that the laws be faithfully executed." It is hard to conceive of an offense that more clearly violates—and is more clearly relevant to—this core responsibility than perjury, which, if left unchecked, would destroy the rule of law. By lying under oath in a federal civil rights lawsuit and subsequently before a federal grand jury, the President not only failed to "take care that the laws be faithfully executed," he acted to subvert the law itself.

A situation simply cannot be tolerated in which the highest officer of the Executive Branch is called before a judge and orchestrates a cover-up constructed of fraudulent half-truths, misleading omissions, and deliberately spun webs of deceit. While the Judiciary has mechanisms by which it can defend the integrity of its processes, what is unusual in this particular impeachment proceeding is the prospect of Congress taking action to right the balance between two branches of government, in this case the Executive and the courts.

Because it is a referral of the Office of Independent Counsel which obligated Congress to assess whether actions of the President rise to impeachment proportions, it should be understood for the record that it was the Justice Department and the Courts, rather than Congress, which precipitated the independent counsel's review of perjury related to the President's private life. While Congress called for, and the President explicitly, though reluctantly, approved the appointment of an independent counsel to investigate the Whitewater matter (which, to date, has yielded convictions of 14 individuals on 41 criminal counts), it was the Attorney General who directed the Counsel to widen his probe to include aspects of the civil suit brought by Paula Jones, and it was the Supreme Court which allowed the suit to go forward during the President's tenure.

It is important to separate Congress from a call for a review of aspects of the personal life of a President because of the terrible precedent it would set. It is also important for Congress to ponder whether the future presidents should be subject to civil actions during their terms for which intrusive depositions may be in order.

The Independent Counsel's probe has been too long, too expensive, and too intrusive. I have great qualms about the seemliness and precedent of some of the tactics of the Independent Counsel's office, particularly the use of and potential resort to further surreptitious tape recordings to gather additional evidence against the President. Nonetheless, the results of the Counsel's probe cannot be dismissed.

The underlying acts under review have demeaned the office of the President, debased the public dialogue, and eroded the President's moral authority to govern.

Impeachment should neither be used to punish the President nor to settle political scores. Indeed, its consideration should only proceed with the goal of protecting the office by replacing a sullied occupant with an individual of unsullied character. This is the case today.

Conviction by the Senate on impeachment charges at this time in this circumstance would represent less an overturning of a democratic election than a reaffirmation of the strength of the processes of governance, the putting in place of a new leader of the same party and philosophical bent as the President.

While the lines between the political parties may become accentuated in an impeachment vote, the end result of a successful impeachment would almost certainly redound to the political advantage of the President's party and—more importantly—to the country.

In fulfilling his Constitutional duty to lead the United States government the President has an implicit obligation to stand as the apotheosis of American values. While ethics are an integral part of the human condition and at bottom a matter of individual responsibility, an American President must be above demeaning behavior and free of any shadow concerning allegiance to the law and to the truth. To hold otherwise is to assume we are neither a nation of laws nor of moral values.

In the final measure, what is at issue regarding the possible impeachment of the President is the question of relativism versus absolutism. Relatively speaking, there is little doubt that other Presidents have had inappropriate relationships, including one with an individual who, as a slave not only worked for but was owned by a President.

There is also no doubt that other Presidents have lied about public matters, perhaps more serious than adultery—the U.S. role in the Bay of Pigs invasion, the true nature of Gary Powers' mission to Russia in a U–2 spy plane, and the details of the arms-for-hostages transaction that was at the heart of the Iran-Contra affair, to name a few.

On the other hand, none of these circumstances involved Presidential fabrications made under oath. Since the country's founding, oaths have implied a moral and Constitutional affirmation, moral in the sense that our founders justified the American revolution with an appeal to higher authority than British civil law, establishing a Republic under, not above, God; and Constitutional in the sense that oaths of office were premised on the notion that truth-telling was critical to the functioning of our judicial and political processes.

What distinguishes President Clinton from his predecessors in this regard is that, relatively speaking, the acts under review may not represent as great umbrages to our system as certain others, but lying under oath amounts to an absolute breach of an absolute standard.

While it is never acceptable for elected officials to mislead those who have given them a solemn public trust, it is the element of lying while under oath that raises the President's conduct to a constitutional dimension. Future Presidents who raise their hand and swear an oath to God to tell the truth in a judicial proceeding and then offer false testimony should recognize that the prospect of impeachment would loom, because such conduct is an affront to the rule of law by which all citizens must abide.

There is a view among Constitutional experts that perjury is an impeachable offense but that it does not necessitate impeachment in every instance. This is the case for a number of reasons. The issue of motivation and of consequences must be taken into consideration.

The philosopher Isaiah Berlin notes that in a pluralistic society values are often in conflict. It is not the case that some must be true and others false. Rather, collisions of values shape who and what we are. "We are doomed to choose, and every choice may entail an irreparable loss," he argues.

What makes the impeachment issue difficult is not just the problem of measuring how high the crimes under consideration are but how juxtaposed various values have become. For instance, the importance of holding the chief political officer of the land accountable for a breach of the law and the public trust is in conflict with the importance of respecting the result of a democratic election. If I thought the country would be worse off or the Presidency weakened with a Constitutional transition to the Vice President, I might have to conclude that despite the perjury the President should not be impeached. But I believe the opposite: the Presidency would be re-legitimized and revitalized if Constitutional accountability occurred.

The motivation behind the crime in this case is patently self-serving. Unlike certain other examples of Presidential mendacity, no national interest rationalizations exist. For this and other reasons, most notably the desirability of reestablishing trust between the public and its government, the effect of an impeachment of a shamed President would be to reaffirm the rule of law and strengthen the Presidency.

While I have reluctantly reached this decision, I respect the contrary judgment reached by others and believe that out of fairness those of a different mind should have been provided a rule allowing them a chance to vote for a censure alternative. I recognize censure is not envisioned in the Constitution and that there may be separation of powers and bill of attainder problems with certain censure approaches; nonetheless I believe a censure approach can be crafted which would not be Constitutionally inappropriate. Indeed, as Constitutionally awkward as such an approach would be, future negotiations between the White House and Congress on impeachment alternatives, such as those proposed by Governor Weld and Senator Dole, cannot be ruled out.

While no one should vote for impeachment unless he or she is convinced that the conduct under review is of such a nature that the Senate should remove the President from office, the Senate is not constitutionally required to carry the impeachment process to completion.

Finally a note about citizen input and citizen attitudes. As this House today takes up the issue of impeachment the polls indicate approximately 40 percent of the people favor impeachment with 60 percent in opposition. at the same time over 80 percent believe the President is not telling the truth. As an elected representative in our unique democracy I must acknowledge the imperfect circumstance at hand, but I am obligated to measure my vote by the Constitution's standard as it relates to impeachment and by the Constitution's framework which requires votes by made in conscience.

This is my duty, but in reaching judgment I am also obligated to listen respectfully to the best of my ability to the citizens of the District I represent. In this regard, I would like to present for the record a summary of the letters and e-mail I have received and of the comments I have been provided at farmsteads and in school yards throughout the District.

In setting these views forth, I would like to underscore that there has been no issue in my time in public life in which the public has been more universally informed, nor more thoughtful in its judgments. The evidence for this assertion is contained in the comments which follow, the first body of which relate to those expressing sentiment for impeachment, the second, sentiment against.

FOR IMPEACHMENT

"I am a police officer in Cedar Rapids. As such, I know that if I were to give the type of testimony that President Clinton gave, I would be indicted for perjury."

"I am a retired military officer, so integrity is an issue that I hold high. It was ingrained in me that I should never use my authority or position to engage in less than honorable behavior. I'm saddened to see the presidency undergo yet another assault on its powers and prestige due to the behavior of the very human incumbent."

"Clinton was told unanimously by the Supreme Court that he could be sued by Paula Jones. Whether you think Jones had a case or not (personally I don't), he can't be allowed to just do whatever he wants in the courtroom."

"I have in the past admired your ability to vote your conscience—please do the same here and respect the law as the standard to which we all must be held. To do otherwise will create the foundation for a cynicism that, I believe, will undermine the judicial system and all that our Constitution stand for."

"If impeachment fails, we will have established a new class of criminally immune political elitists."

"Allowing him, as the Chief Law Enforcement agent of the United States, to place himself above the law will set a terrible precedent for the future."

"Bill has violated the trust of America."

"Clinton has immolated himself."

"To allow the impeachable actions of the president would cheapen the laws on perjury and obstruction of justice and hasten the disastrous moral decline of America. Censure is insufficient."

"Even the President is not indispensable, especially one who lacks morality as well as good judgment."

"My deep-rooted Midwestern values endorse impeachment since with responsibility comes accountability."

"If he was any other person in the United States, he would have been charged."

"Although it is very regrettable that events have come to this, I would urge you to vote for impeachment of the President."

"Our leaders should be held to a higher standard, perhaps even higher than the regular citizen because of the high offices they hold."

"Just because he is the President it does not give him the right to get away with breaking the law."

"It is my strongest hope that you vote to send the case to the Senate. A felony is a felony no matter who commits it."

"As a libertarian, I believe that we must impeach Clinton. A libertarian is a person who believes that no one has the right, under any circumstances, to initiate force against another human being, or to advocate or delegate its initiation."

"Follow your conscience and vote for principle instead of polls. Please do not buy into the fallacious arguments of 'Everyone does it, 'It's wrong but not impeachable,' and 'The American people want censure.'"

"I want you to know that as one of your constituents, I will respect your votes concerning the four articles of impeachment. I would rather not have a person holding the office of the President who has put himself above the law of this land."

"Our country, our children, and our children's children simply cannot tolerate the precedent that would result should this President be allowed to get away with perjury, obstruction of justice, and bribery."

"Whatever Paula Jones' motive was or whoever was behind her, she had a right to her day in court. I have no doubt that earlier presidents have gotten away with similar dishonorable actions (perhaps worse), but now we have sexual harassment laws, a civil right long overdue. The President should be held to task for his arrogant attitudes toward women in general."

"If I were to commit perjury in a court of law, I would likely be punished for the act. I do not believe that even the President of the United States is above the law."

"This is the first time I have communicated to any of the people who represent me in government, but I've had enough. This man does not deserve to be President of the United States. He broke the law—not once but on many occasions. He's made a mockery of the presidency and the law. He's supposed to be a role model—someone for my 6 year old son to look up to."

"I believe he is a liar and a dodger of truth. If you vote "NO" on his impeachment, you can expect a "NO" from me when you next run for office."

"As a former law enforcement officer, I have seen many criminals sent to prison for lesser offenses."

"You who have made honesty the keynote of your public service and campaigns should demonstrate no less respect for truthfulness when you cast your vote. Republicans may not unite on every issue but they should all be able to stand for the principles of honesty and the rule of law."

"We believe you are a man of integrity. We will always remember the way you handled the Whitewater incident. When the truth was being abused, you stood by your principles and called it as you saw it. Now I want you to know that the truth is being assaulted. I believe perjury is a big deal."

"As the father of an 18-year old son, who does watch the news and sees the example set by all of you in the House, and needs to see that there is still a right and wrong in this country, I urge you to vote for impeachment because he lied."

"We're offended by Clinton's actions. He continually side-steps the perjury and obstruction issues in each of his apology statements. To us, these actions show his arrogance and disrespect for the people, for the office, and for the system."

"What are we to think about a person whose judgment is so skewed and who seems willing to do anything to remain in office? We cannot trust him any longer . . . His word is no good and his respect for the law seems to be completely gone."

"I did not spend more than five years fighting WWII only to end up with a President of his manifest character. Please help Mr. Clinton step aside."

"I haven't always agreed with your decisions, but I have always respected your ethical and moral stands on your decisions Please vote for impeachment. This is the ethical thing to do. If you do otherwise, you are saying to the people that there is a double standard before the law for those who are in power or have the money to muddle the truth."

"I am urging you to vote for impeachment. I believe this is the only way to save the office of the Presidency."

"If the law is to ever again of enforced in any court in the country, it is imperative that the president be held accountable for these actions."

"We feel that the question here is whether the President is a citizen who must live under the same laws that govern all the rest of us, or whether he will be treated like a king, too important to be bothered by the conventions, laws, and morals that shape the lives of everyone else. Are sexual harassment laws real laws with real consequences or can citizens lie under oath to protect their families without consequences since it's only about sex and every one lies about it?"

"In order to uphold the Constitution, the Law of the land, and preserve the integrity of the United States, I believe there are times in which Congress must follow the Law and not the majority wishes of its constituents. I believe this is one such time."

"I feel the President must be impeached. I am now convinced that there isn't anything the man won't do or say to get what he perceives to be in his best interest. The man is completely without moral compass moral compass, a quality that should be one of the greatest strengths of this highest of offices."

"After seeing the evidence, I believe that President Clinton committed the crimes that he is charged with, and therefore violated his oath of office to faithfully execute the laws. I believe that short-term inconvenience of the Senate trial is insignificant compared with the long-term damages to the rule of law and the constitution that not voting for impeachment would cause."

"I'm a government and history teacher, and my students always feel honesty is one of the most important characteristics of a leader. What message will our government be sending our children if the President lies under oath and goes unpunished. He has violated the Constitution and should be removed from office.

"We feel there is nothing more important than to protect the integrity of the Constitution, the office of the President and the rule of law. Mr. Clinton has, over time, proven that he has little respect for any of these. His actions have defined his character. His actions have not just demonstrated his exceedingly bad judgment, they have been proven to be illegal. As such, a vote for impeach is the only right thing to do."

"It is with great regard that I write to you to urge you to impeach our President. We simply cannot have the leader of our country take the office of the President with such little regard as to defile it with a lack of self-discipline. It is embarrassing as an American when I am abroad. It is disturbing as a woman to see our leadership demonstrate such disrespect towards women."

"In this day and age, it is very difficult to raise children to be honest and trustworthy individuals, especially when so much that you see and hear and read is so full of wrong doings. I believe that when my President goes on national television and looks that camera in the eye and can boldface lie to his whole nation then he has just undermined everything that I have tried to teach my children."

"His behavior exhibits an arrogance and disdain for our legal system. The president is a lawyer and clearly understood what he was doing. We believe his subversion of the legal system was intentional and premeditated."

"As a parent, there are many times when you look for all the alternatives to punishing your child for all the things that he did. But as the child becomes more and more belligerent and insists "I didn't do anything wrong" you finally have to put your foot down and do what in your heart you know is right. Please Congressman LEACH, show my thirteen year old daughter that this country still stands for something. She asks me every few days how come if a 13 year old kid can tell he is a liar, that adults can't."

"Having put aside the rumors and allegations against Mr. Clinton prior to his first campaign for the office of president, we voted for Mr. Clinton. We were pleased with his performance in his first four years in office, and gave him our vote of confidence in his second election. It is with heavy hearts that we now ask that you vote for his impeachment. It is our opinion that he has abused the power of his office, obstructed justice and lied to the grand jury."

"I voted for Bill Clinton and believe that, for the most part, he has done an excellent job as president. Although I find this position somewhat problematic, I would like to encourage you to vote for impeachment. My reasons for this are: (1) perjury undermines the judicial system which I view as the fundamental basis for our government; (2) the president is in an incredibly powerful position and should not use the power to his advantage (if a professor had a sexual relationship with a student, the professor would lose his or her job); and (3) the president should be expected to comply with the same laws as everyone else."

"Many Clinton supporters seems to think the terms 'high crimes and misdemeanors' are one and the same. I would think they are separate acts, and while he has perhaps not committed treason or what could be considered a high crime (such as murder or bribery), he has most certainly committed very serious misdemeanors against his office, his oath, and his country.

"Oaths are critical to the system of liberty in place in the Constitution. If we abandon them then liberty is in constant jeopardy; it has no support."

"In committing perjury, Clinton deprived everyone entitled to the truth under the law of their eights. Please vote to impeach.

"I would like to add the five voters of my family to the list those of favor of impeachment, though, to me the real answer is for the President to resign. I have often told my daughters that if they told me a lie I would lose confidence in them, and it would take a long time to gain that back."

"As a social studies teacher in Iowa City, Iowa, I feel strongly about the coming vote in the House. My personal perception is that there is obvious evidence of wrongdoing on the part of the President. Therefore believe impeachment is necessary. That being said, the punishment must fit the crime and something short of removal by the Senate seems appropriate".

"He clearly broke the law, and refused to take responsibility for that part of it. This is exactly the opposite of what I am trying so hard to teach my children."

"We are told that Kelly Flynn was court marshaled because she lied about her adulterous affairs. I am unable to understand why we cannot hold the chief law enforcement officer of this country, and commander in chief of the armed forces, to the same standards."

"You were not elected to high office roll over and take the easy way out just because a well marketed President has public opinion polls in his favor."

"Remember that truth must always be served first."

"My 14-year old son just keeps saying, if this were me (being Clinton) I would be in jail."

"If Clinton gets away with perjury, I will I will never be able to serve on a jury because we could not believe anything said in a courtroom.

"I want you to know there are a lot of silent voters out here in your district that want that liar out of office."

"We all know that if any person's workplace conduct were similar to the President's they would be summarily dismissed, no questions asked. It would be reprehensible to send any different message to the American People just because he is the President. My children have already seen two significant legal dramas in their lifetimes. The message in the O.J. Simpson trial was that being celebrity is more important than personal behavior and the truth. Please don't reinforce the message by applying it to Mr. Clinton."

"Bill Clinton's selfish desire to remain in office at all costs is a shinning example of why he should be removed. He's more interested in keeping his political power than in abiding by the law. I hope you will not make the same mistake."

"In our country, no one should be above the law—we are all equal and have no monarchy."

"As a twenty year-old Iowan from Cedar Rapids, I have always admired the way you have always took for setting standards in all that you do. That is why I am writing you Congressman LEACH, to not back down from those standards. I believe it is in the best interest of everybody, especially young people like me, for [you] to vote for impeachment of President Clinton."

"This impeachment vote is a chance for you and your peers to be moral leaders and not poll readers."

"I believe that Mr. Clinton needs his day in court. In this case, that court should be in the United States Senate. It seems that anything short of giving Clinton his right to a trial is an injustice."

"I work in the nuclear power industry. We have a 'Fitness for Duty' regulation from the Nuclear Regulatory Commission. If I were to lie, or do anything that makes my integrity suspect, I could be fired. Why doesn't this president live according to the same standard? He is after all in charge of the entire nuclear arsenal of this country—I could only affect 1 nuclear power plant."

"I have had to give depositions in product liability litigation and, although I would like to have told the plaintiff's attorneys that their questions were not relevant, I could not, and had to answer their questions truthfully. All of the questions put before Mr. Clinton in his deposition were legitimate and relevant to a citizen's legal grievance."

"If Mr. Clinton's actions are allowed to stand unchecked by the remedy of the constitution, the office of the President is given extraordinary powers disproportionate to the other branches of government."

"I also talk to my son about the laws of our land and about our government. When he asks what is happening to our president, I simply tell him that the president lied to all of us and that he lied under oath. He is in the Cub Scouts so he understands what an oath is."

"Luckily, in both my military and civilian careers, I have worked for people of integrity and honesty. I have taken an Oath of Office to uphold and defend the Constitution of the United States and I wish you strength as you proceed with your constitutional duty."

"I, too, am a Gulf War veteran and served my country with honor for five years as a Marine. Before induction, I took an oath to defend the Constitution, an oath similar to that of Mr. Clinton's. Rarely are we forced to choose between fulfilling our oath or betraying it for personal gain or survival. I chose to risk my life and live up to the obligations of my oath rather than disgrace it."

"How much lying does it take before we call it lying? Do we accept the arguments of a man who apologizes profusely in the face of duress, but offers no admission of guilt and no apologies for lying to a grand jury? It is no longer about the president, it's about us."

"Please vote to impeach. It would be much easier to vote no. But the long term effects on our country would not be favorable."

"As a single mother I am trying to teach my children values. What kind of an example do we have in the White House? For him it is OK to lie to us and apologize for it later. NO—Whatever he did compromised the people of the United States. It boils down to he lied and he did it under oath. Period."

"To lie and cheat on your wife is a despicable offense but none-the-less a somewhat personal offense. To repeatedly perjure yourself in a court of law or in any legal setting is simply put, a crime to be punished. Toleration of Bill Clinton's offenses will only lead us down a path of mediocrity and moral degeneration."

"I am the mother of four children to whom I have preached that they should never tell a lie because eventually it will become known and the punishment for a lie is far greater than the lie itself. They are grown up now and of voting age and they are telling me that a lie is okay because the President of the United States, our role model, got by with it. Is this the message that you want to send to the American people and the world?"

"This should be a lesson to any persons in high government, that no one is above the law in this country. This is what sets us apart from other nations. You cannot have two scales of justice."

"As my representative, I urge you to not ignore the laws of this country. All are subject to them. Vote to impeach President Clinton."

"The President has lied to a Federal Judge, a Grand Jury, and the American People. If he can lie to all these people without any consequences why should the rest of us tell the truth?"

"Not to proceed with [impeachment] is doing a great disservice to the rule of law in this country. It will effectively set a double standard."

"If Mr. Clinton were a member of the armed forces, he would have faced a court martial and have been dishonorably discharged a long time ago. As the Commander in Chief of our armed forces, shouldn't he have to adhere to the same standards as those he supposedly commands?"

"I am a freshman at the University of Notre Dame and have been following the impeachment process occurring in recent days, and I feel it is imperative that we as an American people show the world that we will not tolerate disregard for the law in the highest levels of our government."

"My wife and I are both teachers. How do we explain the fact that the President of the United States can lie—and get away with it. Please represent us by voting to impeach Bill Clinton."

"If [the President] were to be placed under oath today in a civil suit, I'm sure he would still bend all credible interpretations of the truth, misrepresent, prevaricate, lie, and do whatever he could to escape being responsible for his actions. So for both my wife and I, we say impeach him; don't vote for censure."

"With great hubris, President Clinton has continued to dissemble and obfuscate. He has used the awesome power of his office to mold public opinion. For the President to get by with his lying and abuse of power would be a dangerous precedent for our highest office."

"The idea that all Republicans are just voting along party lines is disturbing. Democrats do the same. As a first grade teacher and parent of four sons (along with my husband) I feel anything short of impeachment is giving our youth the wrong message about right and wrong, truth and falsehoods, and marriage vows."

"I don't believe in throwing out the baby with the bath water, but if you can't see how this president has hurt our country, our reputation for moral leadership in the world, how he has damaged my children's respect for the law and the office of president, etc., then you have completely lost my future votes."

"We are horrified that sexual encounters, lying under oath and his consistent lying in general is tolerated. His example is tearing down the fabric of an already unstable moral and responsible society."

"This may not rise to some Ivy League professor's impeachment bar, but remember they got Al Capone for tax evasion."

"If he lied to us once, what's to stop him from doing it again. What makes you think his whole life isn't a lie . . . Get rid of him."

"If the President can't control his private life, what makes you think he can the public's?"

"The basis of a civil society is truth. If we cannot trust the President, we cannot trust the government."

AGAINST IMPEACHMENT

"I believe the crimes—if indeed there were crimes—do not fit the punishment."

"I do not wish to condone President Clinton's behavior; but his actions were of a private nature, and Mr. Starr should never have asked him to reveal his private activities."

"I am a kindergarten teacher as well as a single parent. How can you people feel good about yourselves knowing that impeaching a president over his private life is a higher priority than crumbling schools, hungry kids, people going without health care?"

"I understand the moral injustice that he has committed. I feel however it is time for things to come to an end, and this must happen before we put our nation into a greater tailspin of turmoil, economically, politically and with foreign matters."

"As the vote in the Judiciary Committee demonstrates this is a partisan exercise with no pervasive support. The Founders did not contemplate a partisan impeachment of the President."

"I'm sure you don't want to be part of a congress that will go down in history as pulling off the first bloodless coup in our history."

"I look back in time to President Johnson right after the Civil War, and read about the type of things they tried to impeach him on, and wonder what will people think 50 or 100 years from now about the actions of our congress of today. Probably laugh when they discuss it."

"Our household consists of two democrats and one republican. We are all in agreement that impeachment is not an appropriate action to take against our president."

"If you impeach Clinton for this, you would have had to impeach 90% of our presidents."

"Clinton has only two years to go. If he is removed from office, your party will soon face an incumbent Democratic president who will likely win re-election. Besides that, in terms of policy, Clinton is as good a Republican president as you could have found from within your own ranks!"

"He has degraded the judicial system. In a sense, however, he has merely been responding in a pragmatic manner to a judicial system that has already been degraded—in a more odious manner—by individuals and organizations that are willing and able to pursue their political agendas in a non-democratic manner through an endless series of lawsuits, investigations, and probes."

"The Republicans are shooting themselves in the foot on this one and I dare say that perhaps that fact alone is probably the only good outcome of all of this."

"I am a physician at the University of Iowa Hospitals. My father served in the legislature and my grandfather as the assistant attorney general of Iowa. I am writing to encourage you to vote against impeaching our president, a man elected by many of the same people that elected you."

"I urge you to vote against the impeachment of the President. I voted against him twice. On the other hand, our party was twice outvoted in fair elections."

"I have forgiven President Clinton."

"Keep in mind that the appropriate methods of removing someone from office is at the ballot box except under very extreme circumstances!"

"That Kenneth Starr came back with no incriminating evidence against Clinton regarding Whitewater, Travelgate and Filegate underscores the desperate need Clinton's enemies had to pin something, anything, on him."

"I believe the matters of his infidelity and its cover-up are something he and his wife and his God need to handle—not Congress. Please do not set such a dangerous precedent by voting to remove this resident from office. Let morality be taught at home and in the schools lest we begin to set standards no mortal can reach."

"I predict if the House votes to impeach the President, the Republicans will suffer such defeats in the next election they will lose control of the House by a large margin, possibly the Senate and most assuredly a Democrat will be elected President."

"I'm sure you are familiar with the term Pyrrhic Victory? This will be what the Republicans achieve if he is impeached."

"I listen to Republicans talk about how children are going to believe that it is OK to lie if the President can, and that children in classrooms all over this country are talking about this and asking serious questions. I teach fifth grade in Davenport, Iowa, and I have a pretty astute group of students. Never has this subject come up, even though we have the Quad City Times delivered to our classroom daily."

"The last time impeachment was voted out of the house, in 1868, a few Senators placed the good of the republic ahead of narrow partisanship. The few Republicans who broke with their party are honorably remembered as statesmen. An Iowan—Senator Grimes—was one those select few statesmen."

"We urge you to vote no on all articles of impeachment. We feel that a censure and a fine would by far serve our country better than to put the country through the impeachment process. We need to put an end to this and get back to helping the country."

"Many Republicans have already stated that they are voting for impeachment, knowing full well that the Senate will not convict, as a sever form of rebuke and censure of the President. This, Mr. Leach, is an abuse of power that trivializes the process for future Presidents, including Republican presidents."

"President Clinton has behaved poorly and has provided poor moral leadership. However, I do not believe that the crimes that he is alleged to have committed merit impeachment. The House Judiciary Committee did a poor job in adding any additional information to what was contained in Ken Starr's report."

"If there are truly grounds for impeachment, then they should be clear to us, the people of this country, and to both parties in Congress. This is not the case."

"Impeachment under these circumstances would do permanent harm to the Presidency, to the balance of powers, and to our Constitutional system."

"I feel strongly that the Republicans are misapplying the laws of our land, and that impeachment without strong bi-partisan support would be devastating for our country."

"Based on the party line votes, I would not consider this an objective evaluation of the facts and history and precedents. It is an attempt by the majority party to invalidate the electoral process and the will of the people."

"We all recognize the farce conducted by the hard-line conservative right to destroy and overturn a duly elected President. It is nothing more than a Lewis Carroll version of court without an Alice! Absurd and ridiculous! Where is our sense of proportion in all of this?"

"While I do think that some sort of punishment is called for, I cannot see the wisdom of an impeachment vote. President Clinton was weak to be tempted as he was, and I wish that it had not taken place but what good will it do to impeach him and throw out all of his ideas."

"With so many people asking Washington to move on, why must this drag on? The American people know that Clinton was wrong in what he did. He admitted that, it has been shown, so let's have our politicians get to more important issues."

"I agree that some form of censure should be meted out, but to put the country through a lengthy impeachment process would be painful to the country and without merit."

"While we are thoroughly chagrined and disappointed at [the President's] lying to family, friends, party and the American people, we sincerely believe that such action falls considerably short of the 'high crimes and misdemeanors' standard for impeachment."

"Nullifying who the people vote in as President is very serious. I don't feel what he did rises to the threshold for impeachment."

"To impeach this President is, to me, a terrible mistake. I do not condone what happened, but I believe he's human and, like everyone on this earth, he makes mistakes. I also believe it's human instinct to avoid the truth if you're married and having an affair. Censure is far more feasible a punishment."

"Is this impeachment for crimes against the people or political hatred? All I see are Republicans using every method they can to impeach, then say it's the President's job to prove his innocence. Sounds backward to me."

"I'm opposed to impeachment of the President. The allegations against him are not, in my opinion, 'other high crimes or misdemeanors' as required by the Constitution. While Mr. Clinton's actions may be reprehensible and are certainly incredibly stupid, removing a president from office for lying to the American people about sex is, in my mind, absurd."

"This affair was brought about by an over zealous investigator-prosecutor who didn't know when to stop and President Clinton whose human failings overcame his common sense. President Clinton has brought disgrace and shame on himself, his family and his office. The opposition has been guilty of using every method to embarrass and remove him from office. What Clinton has done doesn't measure up to wrong done in Irangate when the White House totally disregarded Congressional direction and lied about trading arms for hostages. I urge you to vote against impeachment."

"I believe President Clinton failed to act with the moral and ethics appropriate to his office or a person. However, I do not believe his actions directly affected his official duties and decisions. I also do not believe he abused the powers of the presidency to the degree necessary for impeachment."

"Please vote no on the impeachment articles. President Clinton has made a fool of himself, but he has not misconducted himself in office. The prosecutor created the conditions for the alleged perjury and obstruction of justice by relentlessly pursuing the man into his most personal and private life."

"I hope you separate yourself from the mob mentality. If you step back and use that Iowa common sense that I know you have, you will decide that though the President's actions are deplorable they do not rise to an impeachable offense."

"Anyone who thinks what Clinton did rises to the standards that our forefathers set is really kidding themselves. How many presidents do you think have lied to the people. This lie did not hurt the people."

"I believe President Clinton has already suffered an enormous penalty. Do not penalize the future of democracy by sending the impeachment process to the Senate."

"I look at the waste of time and money on this and it makes me angry. I am not angry at President Clinton. I am angry at the system that would let it get this far."

"It is, as they say, not about sex. But it is also not about perjury. It seems to me to be about raw political power."

"If the Republicans continue to pursue impeachment, the American people will remember it at the polls."

"To have to debate at length whether or not we should impeach a president, seems ipso facto a reason not to impeach: a shadow of doubt."

"To regard Clinton's behavior, shameful as it is, as a threat to the country or the government, is ridiculous. He may be a bad example, but his difficulties should serve to keep others from his personal excesses."

"I am watching the Republican party march in lockstep toward a Constitutional crisis that seems more motivated by personal angst against Clinton than by any true understanding of the Constitutional standard for impeachment."

"While I realize that Congress has the constitutional right to overturn the will of the people, I don't feel that it has the moral right to do so."

"It is inexcusable to tie up the business of government for months over such a trivial matter."

"The facts don't justify capital punishment for this president."

"Enough is enough. Please stop this witch hunt."

"Some form of condemnation for the President's actions surely must take place, but not impeachment."

"I have always respected you as a fair and open minded representative who is not afraid to go against party lines on many issues. Impeachment is very serious business as I am sure you are aware, and that if followed through to completion would nullify a democratic election of the people, the majority of which do not support his process."

"It is not what the people want, not what the country or the world needs."

"This is an attempt by the majority party to reverse the vote of the people and remove the President from office. This has to stop."

"The Republican House leadership has no intention to find a solution to this situation short of embarrassing the President, destroying him, and driving him from office. That is not the kind of moral leadership this country needs. A strong statement of censure would accomplish what this country needs."

"I believe censure to be adequate. Clinton has proved himself to be a friend to those who need assistance in the areas of disabilities and education the most."

"Nothing the President did will harm the country nearly as much as an attempt by one party to throw out the other party's president."

"Stop the impeachment. Be inventive. Be a leader."

"We suggest that our nation desperately needs wisdom at this tremulous point in its history. We ask you to step forward, possibly at risk to your own place within the Republican party, to vocally and strongly challenge what the Judiciary Committee has set in motion. You would be serving the country greatly by an adamant refusal to get on a train that is single-mindedly heading down a track toward an unknown tunnel."

"For the good of the country, vote against impeachment. Time to forgive and get on with the business of our country."

"Don't bend to the partisan politics of the black and white moralist Republicans who claim this is a vote of conscience. It is obviously meant solely to get Clinton since it couldn't be done in a free and open election by the people."

"I think most of us who voted for him were well aware of this flaw and that is why most Americans oppose impeachment. Despite this flaw, he seems to be leading the country quite well. Infidelities are unfortunately common and should be resolved within family units not over the mass media."

"This biased and unjust process is perhaps the biggest threat to our democracy in our history. When a president is impeached it had better be for an extremely serious offense against our constitution or our country. There are many people who have stated that they will never vote again if their president is removed from office. When people lose faith in their way of government, that way is doomed."

"I met Clinton when he came to Davenport during the record floods that we had several years ago and I know that he feels for the common person."

"Don't let a minority take over the country. We elected Clinton twice, let him finish his mandate."

"It is my belief our president, in his wrongdoing, has been the beneficiary of fewer rights than any citizen would have in a court of law. It's questionable and I think for the sake of this country we should give him the benefit of the doubt."

"I have been a Republican all of my life. I do not like President Clinton and never have. However, I don not think these articles meet the intention of impeachment."

"I'm afraid that many people knew about Clinton's shortcomings in the area of his private life and voted for him anyway because they thought he would be a good president, and he has been. If you feel it necessary to punish him, please consider voting for censure and let him finish off his term. I think the country would be better served that way. Let this be over, please."

"The world looks to our country for stability. What good is going to come from an impeachment? Will the people benefit? Let the courts deal with him after his term."

"The process has been very unfair. If there is no chance to vote to censure, the unfairness will continue. Can Trent Lott and Republicans who didn't want Nixon impeached, vote to now remove a Democrat president for lesser offenses?"

"Impeachment should have the support of a strong majority and overwhelming evidence of a crime so high or so specific to governing that there is no redress in the courts for it. Impeachment cannot go forward with any moral authority if it is borderline, or below, on reaching the high crimes level of importance. Impeachment on a purely partisan vote and without public support is just frightening."

"If the nation is crippled by a Senate trial, I believe the public will hold the GOP accountable in the year 2000. Issues that matter to most Americans will surely be put on the back burner for a trial that will certainly turn into a circus. Vote against impeachment so that the next Congress can work on saving Social Security and helping the farmers in the Midwest among other pressing issues."

"If the President deserved to be impeached there would be many Democrats supporting this effort. There are not. Impeachment as a political tool will undermine our entire political system and next time it could be a Republican president being forced out of office at the hands of partisan Democrats."

"Every prosecuting attorney makes the decision on whether a case is sent to trial, based on many items including the probability of winning the case. A persecuting attorney who sends a case to trial with no probability of success will soon be voted out as over burdening the court system and wasting money. This case falls into that category. There appears to be no question of the outcome in the Senate, but to try the case would burden the Senate, the Supreme Court, the While House, and all other parts of the government that depend on them. It would send the country into turmoil and add an undue financial burden."

"While I in no way condone Clinton's behavior, I don't believe it is in the best interests of the U.S. to have this issue consume our agenda for the coming year."

"You have always had my vote because of your thoughtful and reasoned positions on the issues. Please continue in the face of this controversy. Many of the Republican members of the House seem to be out of control on this issue and as such are not serving the people."

"Please do your best within the Republican conference to push for the opportunity to vote for censure and stop the ridiculous partisan behavior of some members of your party."

"Although I am personally disgusted by his behavior and disappointed in his refusal to admit his errors, I do not believe that his actions rise to the level of impeachable offenses. If we set the standard for impeachable offenses at the level required by these articles, what president would be safe from future attack? I believe that the Founding Fathers intended impeachment to be a last resort against a corrupt and dangerous executive who poses a threat to the nation, not a routinely utilized method for attacking an executive whom congressional opponents find truculent."

"I wish to urge you to stop this pure political impeachment. I hear you Republicans intend to vote your conscience. I am here to tell you that if you Republicans had a conscience, you would never have started this travesty. The only sin that is unforgivable is deliberate maltreatment of another human. If you do this you are setting your party to henceforth always be the minority. I for one will never again vote for a Republican if you succeed in this pure political impeachment. STOP IT TODAY!!!"

"This is the first I have sent an e-mail to any legislator. I implore you to please vote 'no' on the impeachment proceedings. I don't condone what he has done concerning Monica Lewinsky, but I don't feel he deserves to be thrown out of office."

"The Republican majority of the Judiciary Committee has just flat refused to accept the apology of President Clinton."

"This impeachment process is like a plot from George Orwell."

"We know he is a person with negligible ethical sense, but we are also confident that he has not committed high crimes and/or misdemeanors that meet the level of impeachment. Please vote to end this nightmare."

"Certainly what he did was awful but it was not a high crime or misdemeanor like treason or bribery."

"Who among us has not done things which we are not proud of and have asked forgiveness from our family or our God. God forgives and it is time to admonish and forgive for the good of the country."

"Shame on you for not standing up and stopping this shameful exhibition of party politics at the expense of our nation."

"If 70% of the American people still approve of the job he is doing, I feel that as a representative of the people, there is only one way you can vote."

"Clinton's actions were despicable and sophomoric, but this prolonged debate on impeachment is patently a rush to conviction."

"President Reagan made more significant irreparable errors and caused harm to the United States in the Iran-Contra affair and he was not punished. President Reagan either lied or was the most stupid President our nation ever had. President Clinton did not cause harm to the United States."

"I teach at the University of Iowa Law School I known there will be tremendous pressure on you from all sides on the impeachment vote. I just hope that, as you so often do, you stand up to it and vote a conscience that (a) supports censure, but (b) opposes impeachment because of its inconsistency, the dangerous precedent set by a partisan vote, the absence of fact-finding by the Judiciary Committee, the resulting impropriety of the House, essentially, serving as a mere conduit from the Starr report to the Senate, its imposition on the U.S. Senate, and the American people, of months of additional focus on issues which neither thinks are deserving of more money and time, and, deliberately last, its adverse impact on the political system."

"Enough is enough!! I encourage you to work in whatever way you can to stop this impeachment movement."

"I think that a yes-vote on impeachment shows more irresponsibility than Clinton's actions."

"The President has done a fine job in governing the country and I do not feel that the private acts that have been focused on have any bearing on his ability to do the job."

"I fear that the outcome of this impeachment will be that future president will be perceived as having fewer rights under the law than ordinary citizens, that in the future presidents—and other public officials—will be perceived as obstructing justice any time they are deemed insufficiently cooperative in their own destruction by legal proceedings."

"You're a lame-duck Congress and you're about to impeach the president on a party-line vote, over clear public opposition. It reflects much worse on you than on Clinton."

"This is not a high crime or misdemeanor. Rather it is a collateral, personal matter involving circumstances the founders did not contemplate as a Constitutional matter. * * * A lawyer cannot allow a client to admit to a crime. The President's defense under the law relates to arguments of materiality and ambiguity."

"In my line of work [acting] no one thinks this is right. * * * The President needs to follow lawyers so he won't be jeopardized when he leaves office * * * He's been humiliated enough."

"I'm calling as a friend of Hillary and as one in charge of providing opposition to you * * * I ask for your independent judgment. It is simply clear that this may be a Presidential embarrassment but it is not an impeachable matter."

"The Republicans are hypocrites. They have Clinton envy."

"The Republicans talk righteousness but their motives are partisan."

"Ken Starr is as guilty as Clinton. Maybe more so because he makes me wonder if the F.B.I. can be asked to bug the President's private life, they can be asked to bug mine * * * I never dreamed of entrapment. Now I fear it.

"I do not believe in divorce * * * or impeachment."

"Impeachment for lying about sex * * * you gotta be kidding!"

"If these articles pass, then virtually any future lack of presidential candor will be available as an excuse for one party in Congress to overturn the previous presidential election * * * the President's misconduct was neither a genuine attempt to undermine the judicial system, nor a corrupt deployment of executive power to unlawful ends.

Absent serious criminality, presidential deeds that are virtually irrelevant to the conduct of the presidency cannot amount to "high crimes and misdemeanors" warranting removal * * * there is no variety of high crime or misdemeanor that legally obligates the House to impeach. Impeachment is always an exercise of the House's judgment and discretion. The matters about which President Clinton allegedly lied are trivial with regard to the conduct of the Presidency. Impeachment based on the statements involved will legitimate every future effort of one party in the House to impeach a President for alleged untruthfulness, without regard to seriousness or context."

"While the President is clearly a scoundrel as far as his personal behavior goes, and he has lied about it to everyone including the courts, this simply does not rise to the level requiring his removal from office."

"Many of us who voted for Bill Clinton understood that he was running for President and not the pope. We all have a right to privacy and I feel that everyone deserves privacy when it comes to intimate matters (not affecting the state)."

"If this behavior is impeachable, then the bar has been placed so low that voyeuristic, salacious invasions of privacy of elected officials will become the commonplace, and impeachment hearings the tool of parties disappointed at the ballot box."

NEUTRAL

"Vote your conscience on impeachment. I will support you no matter what your vote."

"The issue is simple, Congressman. Make your decision solely on what you think you can defend to your kids."

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, I rise in support of the impeachment resolution.

Mr. Speaker, my prayers go out to the servicemen and women and their families during this difficult time, including the EA6–B squadrons from Whidbey Island, in my district, that are actively participating in operation Desert Fox. I am proud of them. They are professionals in every sense. I'm sure their ability to execute their missions will not be affected by our sad deliberations here. They know where their support comes from.

President Clinton is a tremendously talented individual. Working with him, we have achieved many fundamental reforms. We succeeded in dramatically reforming welfare, and over 3 million people have now moved to productive work. We restored the highway trust fund providing record investment in safety and infrastructure. And we forced accountability on the IRS. All of these things we did together—A Republican majority and Democratic President. I have personally met with the President on vital issues before this nation and I agree we must forgive the President.

I will vote for the articles of impeachment with a heavy heart but a clear conscience. The President has perjured himself before a federal grand jury. The central principle that defines this nation is the rule of law. I cannot walk away from my duty to hold the President accountable for his actions. I cannot hold the President to a lower standard than the federal judges who have been impeached and American citizens who have been imprisoned for the crime of perjury.

The President should follow his own suggestion during the Watergate trial. Bill Clinton said of President Nixon in 1974: "I think the president should resign and spare the country the agony of this impeachment and removal proceeding."

I regrettably urge the President to save this nation further pain and resign.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I was just talking to my dear friend, the gentleman from Michigan (Mr. CAMP) about how uncomfortable this situation is for all of us. Why is it that we are here? We are here because of our commitment to the rule of law and we are here because a great deal of courage has been demonstrated by a lot of people.

President John F. Kennedy wrote a chapter in "Profiles in Courage" about Senator Edmund G. Ross, who stood against public opinion and did what he thought was right. And I will tell you, there are an awful lot of Members in this Congress who are doing the exact same thing.

I want to congratulate the gentleman from Illinois (Mr. HYDE) and all of the members, frankly, on both sides of the aisle of the Committee on the Judiciary for the hard work and effort that they have put into this process. We are doing this because we subscribe to the Burkean view that your representative owes you not his industry only but his judgment as well. And he betrays rather than serves if he sacrifices it to your opinion. This is about justice and the rule of law. Vote in favor of these articles.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, this is truly a troubling and difficult time for America as well as for each and every one of us in this august body. The history of this Nation has clearly shown over the past that it is reluctant, as it should be, to remove any individual duly elected by a vote of the American citizens, and this is not an easy task. It is not one that is done with any joy.

But it is my responsibility, along with everyone else in this room, and should be done with the material, the evidence and the charges brought to it. Like each of you, I take this very seriously.

It is not my duty to judge this President nor the fate of his term in office. That is left to the United States Senate. The Committee on the Judiciary has brought charges to the full House of serious allegations against Bill Clinton, which include perjury, obstruction of justice and efforts to suborn perjury, serious charges which I have poured over, studied and reviewed and have come to the conclusion that they are true. They are in violation of the laws of this land, the laws that the President has sworn to uphold.

To all of my colleagues, let me say that impeachment is the strongest form of censure in the United States. No person is above the law.

For only the third time in the history of our nation, members of the United States House of Representatives are being asked to consider Articles of Impeachment against a sitting president. For only the second time in the history of our country, the Judiciary Committee has brought these charges to the full membership of the House of Representatives to consider and duly vote upon their merits. The history of our nation clearly demonstrates a reluctance, as it should, to remove any individual duly elected by the citizens of America.

This is not an easy task. It is not done with any joy—but it is done with the knowledge that it is the responsibility of the United States House of Representatives to carry out the duties outlined by the framers of our Constitution. It is my responsibility, along with my colleagues, to decide what should be done with the material and evidence brought to it. I take this responsibility seriously: I take it with the full knowledge that our actions, as well as those alleged of our President, will be in the history books of our nation for hundreds of years.

It is not my job to judge the President; the framers of our Constitution gave that role to the United States Senate. It is not my duty to ultimately decide the fate of this President's term in office; that, too, is the obligation of the United States Senate. It is however, my duty and responsibility to determine (1) if the charges brought before this body constitute impeachable offenses and (2) if sufficient evidence exists to warrant bringing the President to stand trial in the Senate on those charges.

The Judiciary Committee has brought to the full House serious allegations against President Bill Clinton. They are allegations which include perjury, obstruction of justice, and efforts to suborn perjury on the President's part. Such actions are not simply "personal wrongs." They are in violation of the laws of this land, the laws that the President has sworn to uphold.

President Clinton has talked numerous times about the average American who works hard and plays by the rules. That is what this impeachment proceeding is about. In the United States, no person is above the law. Not the President, not myself, not the people who send us here. No one is above the law.

I truly hate the idea of putting this country and its citizens through an impeachment proceeding. I know that the process distracts us from other duties. I know that casting a vote for impeachment is a serious and somber matter. However, the Constitution requires a specific course of action when charges like this are made and brought before the House of Representatives. Therefore, I must follow through with this because I believe it is the right thing to do.

Unfortunately, accusations of partisanship have clouded this process. But, clearly, the rule of law in our country is more important than any political party or any single individual, including the President of the United States.

Moreover, I recognize that impeachment is never politically popular. But the day I let polls and popularity overrule my judgement and the way I vote is the day I leave Congress. Over 30 years ago, another President wrote a book titled "Profiles in Courage" about eight members of the Senate who didn't do the "politically popular thing." The New York Times called his book "A thoughtful and persuasive book about political integrity." Political integrity must win over political popularity. Over 130 years ago, President Abraham Lincoln certainly didn't do the "politically popular thing" when he signed the emancipation proclamation, but he did what was right and just for America.

I am drawn to a quote that was made long ago by William Penn, who said: "Right is right, even if everyone is against it. Wrong is wrong, even if every one is for it." And, just an importantly, my Mother always told me: "The truth is the truth, a lie is a lie, and not for long do they exist side by side." Justice, like integrity, must always take precedence over popularity.

The House Judiciary Committee has brought four Articles of Impeachment against Bill Clinton for the full House to decide. And throughout the course of this process I have judiciously and thoroughly reviewed all of the available evidence, researched the law, studied the Constitution, talked to legal scholars, attorneys and judges, and most importantly, listened to the constituents of the Second Congressional District of Nevada. Only after a great deal of reflection and thoughtful deliberation have I concluded that the following is the right course of action for the people I represent, the State of Nevada and the future of America:

I will vote for Article 1 of the Impeachment Resolution, because there is sufficient evidence to believe that President Bill Clinton willfully provided false and misleading testimony to the grand jury and the United States Congress. And that his perjury undermined the integrity of the office of the President, brought disrepute on the Presidency, betrayed his trust as President, and subverted the rule of law and justice of the American people; and,

I will vote for Article 3 of the Impeachment Resolution, because the evidence is sufficient to conclude that President Bill Clinton knowingly and wrongly encouraged witnesses to give false and misleading testimony, attempted to secure employment for a witness in order to prevent the truthful testimony of that witness, engaged in and supported a scheme to conceal evidence that had been subpoenaed by a federal court. Through his conduct, President Bill Clinton attempted to obstruct justice in a manner subversive to the rule of law that has brought disrepute on the Presidency and undermined the integrity of his office; and,

I will vote for Article 4 of the Impeachment Resolution, because there is substantial evidence that President Bill Clinton misused and abused his office in failing to respond, and by making false and misleading sworn statements in response to written requests as part of an authorized inquiry by the Congress of the United States. And that his misuse and abuse of his office and power has brought disrepute of the Presidency, betrayed his trust as President, subverted the rule of law and justice, all to the manifest injury to the people of the United States; however,

I will not support, nor vote for Article 2 of the Impeachment Resolution, simply because I do not believe that the false and misleading testimony of President Bill Clinton in the Paula Jones lawsuit constitutes an impeachable offense as defined by the Constitution.

The rule of law is paramount in America. Each and every one of us must abide by and play by the rules. It is my belief that there is sufficient evidence that clearly demonstrates this President has not. Therefore, I conclude, reluctantly that these charges should be considered by the United State Senate.

This vote has not been an easy decision on my part. But, I was not elected to the United States House of Representatives to make the easy decision. However difficult this decision is, it is a vote I cast as a matter of conscience in the belief that no person is above the rule of law in our nation.

Mr SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, under our Constitution, it is our duty and solemn task to examine this matter in a way that will ultimately lead to the truth. After reviewing the evidence, I will vote in favor of impeachment.

Lying under oath, obstruction of justice and abuse of office are all very serious acts that should not and cannot be ignored. It is my firm belief the President has undermined the integrity of his office and brought dishonor and disrepute on the Presidency of the United States. He has denied Congress and, most importantly, the American people an opporutinty to reach the truth. The truth is the foundation of our legal system. This foundation has been eroded by the President and his actions, and my conscience does not allow me to play a role in the continued deterioration of this system.

This vote is between what is right and what is wrong. I cannot send a message to our children that would tell them it is OK to lie even if you are the President of the United States.

Mr. Speaker, we have been given the solemn task of conducting impeachment hearings regarding the conduct of President Clinton. It has been a difficult process. However, under our Constitution, it is our duty and solemn task to examine this matter in a way that would ultimately lead us to the truth.

After reviewing all the public statements and legal documents, I will vote in a favor of impeachment. Lying under oath, obstruction of justice and abuse of office are all very serious acts that should not and cannot be ignored. It is my firm belief the President has undermined the integrity of his office and brought dishonor and disrepute on the Presidency of the United States of America.

He as denied a committee of the United States Congress, the House of Representatives and most importantly the American people, an opportunity to reach the truth. The truth is the foundation of our great legal system. This foundation has been eroded by the action of our President and my conscience does not allow me to play a role in the continued deterioration of this system.

We cannot ignore the facts of this difficult case. By doing so, we would set a dangerous precedent for generations to come. This vote is between what is right and what is wrong. I cannot send a message to our children that would tell them it's ok to lie if you are the President of the United States. This would not be fair for their future or the future of our great country.

This is a trying time for our Nation but it is one that was envisioned by our Founding Fathers. It is my hope this entire process will soon be resolved and the strength of our Constitution and the rule of law will prevail in the final outcome.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, in 1973, the House Committee on the Judiciary concluded that it could not impeach Richard Nixon for tax perjury, even though Nixon fraudulently signed this 1969 tax return under penalty of perjury. It then established a precedent, with then Congressman TRENT LOTT concurring, that impeachment of the President is not warranted except for misconduct dangerous to the constitutional system.

Some have erroneously claimed that the committee lacked sufficient factual evidence. I have distributed to all Members an exhaustive analysis of the 1974 hearings. The reason the Committee on the Judiciary rejected the tax article of impeachment against Nixon was set forth in 1975 by the very member of the House Committee on the Judiciary who authored the tax article. And he said, most opponents of the tax article felt that the willful tax evasion did not rise to a level of an impeachable offense requiring the removal of the President.

Mr. Speaker, I would call this House a kangaroo court but that would be an insult to marsupials everywhere.

Mr. Speaker, let me address the two issues that are on the minds of Americans today.

As to our action in Iraq, the President is doing the right thing, at the right time, for the right reasons. That is why taking action at this time is supported by the Republican Secretary of Defense, by the Joint Chiefs of Staff, and the British Prime Minister—none of whom would risk the lives of American and British troops for the President's political purposes.

Yesterday some extremists, blinded by partisanship, made statements impugning the President's motives—statements which unintentionally gave aid and comfort to the enemy. I am pleased that some have apologized for, or have withdrawn, their unfounded insinuations.

As to these Articles of Impeachment, the partisan House majority is doing the wrong thing, at the wrong time, for the wrong reasons.

This House is doing the wrong thing because the Majority is ignoring the precedent established in the Nixon Impeachment Hearings.

In 1974 the House Judiciary Committee concluded that while there were other reasons to impeach Richard Nixon, it could not impeach him for tax perjury—even though he fraudulently signed this 1969 tax return under penalty of perjury. It reached this conclusion based on the correct legal principle, which it established as precedent. That principle is: The impeachment of the President is not warranted except for misconduct dangerous to the system of government established by the Constitution.

Some have claimed that in 1974 the Judiciary Committee lacked sufficient factual evidence of Richard Nixon's tax perjury—but this is not the case. I have reviewed the record of the 1974 hearings, and statements made in 1975, and described these in a five page letter distributed to all Members this morning—and I will make that letter part of these remarks.

The reason the Judiciary Committee rejected the Tax Article of Impeachment against Richard Nixon was set forth in 1975 in the Georgetown Law Journal where Edward Mezvinsky, the very member of the Judiciary Committee who authored the Tax Article of Impeachment against Nixon wrote: "Most opponents of the tax article felt that willful tax evasion did not rise to the level of an impeachable offense requiring the removal of the President."

The House Majority has required us to address impeachment at the wrong time. The next week is critical for American diplomacy to secure international support for our efforts against Iraq, so that we can get the landing rights our troops need. The Republican Majority insists that we deal with this matter now because they want to use raw political power to insure what they call a matter of conscience is determined by lame duck consciences.

Now I understand their partisan desire to achieve a political result before the new Congress takes over on January 3. But what I don't understand is this: Why didn't we adjourn today and convene on December 29th—and thereby give our diplomacy the time it needs to line-up allies?

And the House Majority is doing all this for the wrong reasons.

The majority promised this matter would be decided on the merits, according to conscience. But we all know Colleagues who have had one arm twisted to affect their vote on impeachment, and the other arm twisted to ensure their silence about the twisting of the first arm.

And while we are told this is a matter of conscience, many of us are denied the opportunity to express our conscience, because we are not being allowed to vote on a resolution of censure.

It is argued that we cannot constitutionally censure the President. But in 1834 a U.S. Senate censured President Jackson. That Senate was comprised of individuals who had been actively involved in the process of ratifying our constitution. The men and women who lived through the adoption of our Constitution never doubted for a moment that it was constitutional for either House to censure a President.

This Majority ignores the standards of impeachable offenses developed in the 1974 Nixon Impeachment Hearings. This Majority, through its timing of these hearings, places partisanship over the need to use diplomacy to secure landing rights necessary to minimize American casualties. And this Majority denies Members the right to vote for censure, as their consciences dictate.

Mr. Speaker, I would call this House a kangaroo court, but that would be an insult to marsupials everywhere.

DECEMBER 17, 1998.

NEWS FLASH 1974: JUDICIARY DETERMINED LYING UNDER OATH IN PRIVATE MATTER IS NOT IMPEACHABLE—A REVIEW OF NIXON TAX PERJURY ARTICLE

DEAR COLLEAGUE:

SUMMARY

In 1974 the Judicary Committee established a precedent that a crime committed in private life (i.e., Richard Nixon's tax fraud) does not warrant the impeachment of the President. 1969 tax fraud, the Committee was swayed principally by the legal principles defining an impeachable offense, not by the lack of factual evidence against Richard Nixon.

The crimes which the Judicary Committee found did not warrant the impeachment of President Nixon are virtually identifical to the two perjury charges against President Clinton.

DETAILED ANALYSIS

President Nixon knowingly filed a 1969 tax return which fradulently claimed that he had donated pre-presidential papers before the date Congress eliminated the charitable tax deduction for such donations. President Nixon, knowing his return was false as to this $576,000 deduction, signed his name under the words: "Under penalty of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete."

In July 1974 Edward Mezvinsky (D-IA), a Member of the House Judiciary Committee, introduced an Article of Impeachment alleging that President Nixon had signed "Under penalty of perjury" a tax return which Nixon knew was false. While Mezvinsky argued that filing the tax return was an abuse of public power because Nixon knew his red-flag $576,000 deduction would not trigger an audit because he was President. However, most Committee members believed that Nixon's false tax return was a "personal," non-governmental crime, and thus did not warrant the impeachment of the President.

The Judiciary Committee voted 26 to 12 against impeaching Nixon for his false tax return.

Technically, Nixon committed "tax fraud" not "perjury" and was subject to prosecution under the Internal Revenue Code. Yet Nixon's crime (covered by his pardon) was almost identical to the perjury of which Clinton is accused (and is referred to here as "tax perjury")

1. Nixon signed a document under the words "Under penalty of perjury, I declare * * *."

2. He presented false information to a federal agency.

3. Nixon lied when he had a legal obligation, enforceable by federal felony statutes, to tell the truth.

4. Nixon's false statements related to a private matter—his personal liability for federal taxes. (Clinton testified regarding his personal liability to Paula Jones.)

5. Nixon ignored the "rule of law" and his legal obligation to tell the truth.

Some have argued that the Judiciary Committee did not pass a Tax Perjury Article of Impeachment against Nixon only because the facts were unclear. A review of the Committee Report shows that some members thought the factual evidence against Nixon was weak, while other Members thought that a criminal act in the conduct of personal affairs did not warrant the impeachment of the President. (See attached excerpt.)

Most of the Members of the Judiciary Committee did not speak on the record on the Tax Perjury Article. So how are we to know the reason for their vote and the precedent the 26 to 12 vote established

The person most aware of the reasoning of the Committee Members regarding the Article is its author Edward Mezvinsky (D-IA), who lobbied his colleagues on both side of the aisle to get his Article adopted. I called Mr. Mezvinsky yesterday and talked with him at length about his efforts in 1974 to convince his colleagues to vote for his Article. He told me that the clear majority of those who voted against his Article did so because they concluded that a crime committed in private life, which did not relate to an abuse of Presidential power and was not as heinous as murder or rape, did not warrant the impeachment of a President.

Mr. Mezvinsky is a Democrat. Is he remembering or interpreting the vote on his 1974 Article of Impeachment to establish a precedent favorable to our current Democratic President? Has his memory faded with time over the last 24 years?

Fortunately, in 1975 Mezvinsky wrote an article for the Georgetown Law Journal describing the thought process of his colleagues and providing a contemporaneous statement of the legal conclusions reached in 1974 by the Judiciary Committee.

Mr. Mezvinsky first explains the staff guidance the Committee received, and then the conclusion of the Members of the Committee, which followed that guidance. "The staff nevertheless injected a requirement of substantiality into the impeachment formula: to constitute an impeachable offense, presidential conduct must be 'seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office.' [Staff of the Impeachment Inquiry, House Comm. On the Judiciary, 93rd Cong., 2nd Sess., Constitutional Grounds for Presidential Impeachment 26-27 (Comm. Print 1974).]"

* * * * *

"Most opponents of the Tax Article felt that willful tax evasion did not rise to the level of an impeachable offense requiring removal of the President."—Edward Mezvinsky, Georgetown Law Journal, 1975, Volume 63: 1071 at pages 1078–1079.

The record on the Nixon impeachment process further supports the conclusion that impeachment of a President is warranted only for an offense against our very system, an offense subversive of the government itself.

A memorandum setting forth the views of certain Republican Members (including current Senate Majority Leader Trent Lott) of the Judiciary Committee in 1974 similarly emphasized the necessarily serious and public character of any alleged offense: "It is not a fair summary . . . to say that the Framers were principally concerned with reaching a course of conduct, whether or not criminal, generally inconsistent with the proper and effective exercise of the office of the presidency. *They were concerned with preserving the government from being overthrown by the treachery or corruption of one man*. . . . [I]t is our judgment, based upon this constitutional history, that *the Framers of the United States Constitution intended that the President should be removable by the legislative* *branch only for serious misconduct dangerous to the system of government established by the Constitution.*" [Nixon Report at 364–365 (Minority Views of Messrs. Hutchinson, Smith, Sandman, Wiggins, Dennis, Mayne, Lott, Moorhead, Maraziti and Latta) (final emphasis added).]

CONCLUSION

A 1975 law journal article tells the story. In 1974 a Judiciary Committee, dominated by Democrats, was confronted with a President who had lied on a tax return signed "under penalty of perjury." That crime dishonored President Nixon, undermined respect for law, and called into doubt Mr. Nixon's credibility on public matters. However the Committee applied the following formula: seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office.

That same standard should be applied to President Clinton. The first two articles allege that President Clinton lied "under penalty of perjury" and through that action undermined respect for law, and his own credibility and honor. Yet President Clinton's actions do not warrant the impeachment of a President under the standards formulated by the Judiciary Committee in 1974 and applied by most Committee Members in rejecting the Tax Perjury Article of Impeachment against Richard Nixon.

I urge you to follow the standard enunciated and followed by the Judiciary Committee in 1974 and reject the first two Articles of Impeachment against President Clinton. I hope you will also join me in voting against the third and fourth Articles as well.

Very truly yours,

BRAD SHERMAN.

Excerpts From Hearings of the House Judiciary Committee, July 1974, on an Article of Impeachment of Richard M. Nixon, Dealing With Tax Fraud/Tax Perjury

Mr. Railsback (R–IL)—I suggest that there is a serious question as to whether something involving his personal tax liability has anything to do with his conduct of the office of the President. (Pg. 524).

Mr. Hogan (R–MD)—The staff report on grounds for impeachment makes clear, and I am quoting: "As a technical term high crimes signified a crime against the system of government, not merely a serious crime. This element of injury to the commonwealth, that is, to the state itself and the Constitution, was historically the criteria for distinguishing a high crime or misdemeanor from an ordinary one." (Pg. 541)

Mr. Mayne (R–IA)—. . . even if criminal fraud had been proved, then we would still have the question whether its a high crime or misdemeanor sufficient to impeach under the Constitution, because that is why we are here, ladies and gentlemen, to determine whether the President should be impeached, not to comb through every minute detail of his personal taxes for the past six years, raking up every possible minutia which could prejudice the President on national television. (Pg. 545)

Mr. Waldie (D–CA)—I speak against this article because of my theory that the impeachment process is a process designed to redefine Presidential powers in cases where there has been enormous abuse of those powers . . . And though I find the conduct of the President in these instances to have been shabby, to have been unacceptable, and to have been disgraceful even, I do not find a presidential power that has been so grossly abused that . . . [it is] . . . sufficient to warrant impeachment. (Pg. 548)

Mr. Thornton (D–AR)—I think it is apparent that in this area there has been a breach of faith with the American people with regard to incorrect income tax returns . . . But it is my view that these charges may be reached in due course in the regular process of the law.

This committee is not a tax fraud court, nor a criminal court, nor should it endeavor to be one. Our charge is full and serious enough, in determining whether high crimes and misdemeanors affecting the security of our system of government must be brought to the attention of the full House . . . (Pg. 549)

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman in Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I am sick at heart as I stand before this body today. I believe in this institution of self-government and that good people can disagree on issues and that we must respect that disagreement.

But I believe in order to have legitimate self-government that the process of making institution's decisions must be fair, and I am frustrated with a process that is not fair and that will not allow some of us to vote our conscience, a vote on censure.

Under the guise of rebuilding the public trust, this body is tearing it down.

The vast majority of Americans are also frustrated by the process. They want this to be over with and they have expressed their support for a bipartisan solution, a vote on censure. What they do not want is for us to make a decision of this historical magnitude purely on a partisan basis.

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It is very clear to me that the President's actions were wrong. But I do not believe that they rise to the level of crimes against the state that the Constitution requires in order to impeach. We are not voting to protect our democracy from clear abuses of power. We are voting on misleading and lying statements relating to a private matter. It is wrong. It is reprehensible. But it is not impeachable.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. POSHARD).

Mr. POSHARD. Mr. Speaker, as a young father, I learned something about raising my children. I learned that there had to be rules and the rules had to be enforced and if my children chose to break the rules, they had to be allowed to experience the consequences of their choices. I did my children no favor if I allowed them to escape those consequences.

But I learned some other things, things that were just as important as enforcing the rules to the letter. I learned that if a child disobeys and the punishment is so much more severe than the offense that we make an enemy out of that child. We may win the power struggle but everything we hope that child will learn by enforcing the rules with such severity will be lost.

This principle never changes, even among adults. That is why we need a censure here with appropriate punishment. The Nation knows that we have overreached in this situation. If we have appropriate punishment, we can learn, we can maintain respect and we can move on as friends and not enemies.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I do think at this point we perhaps need to go back to the basics. I keep hearing that somehow we are going to abrogate a vote.

What we have before us are four articles. The question is whether or not the facts examined by the Committee on the Judiciary meet the articles. I think anyone who looks at the information will clearly reach the conclusion that, in fact, the facts are not friendly.

The question is, do oaths mean something? I think they do. Should oaths mean something to the most powerful person in the United States? I think they should.

The President had one opportunity not to lie. He had a second opportunity not to obstruct justice. He had a third opportunity. At any number of turns, the President of the United States would not have required us to be in the position we are in tonight.

The question is simply, do the facts rise to the articles? We do not remove him. We simply agree.

Mr. Speaker, the matter before us is not about a private matter as most of my colleagues on the other side of the aisle have been alleging for eleven months and throughout the debate today. This debate concerns they very foundation of our system of government.

I urge my colleagues to think long and hard about what we are doing in this hallowed chamber. We have been charged by the American people, our constituents, to serve to the best of our abilities swear to uphold the Constitution. It is our duty to defend the laws and the rule of law and this is what we are debating here today.

The House Judiciary Committee, under the able leadership of Chairman HENRY HYDE, reviewed 60,000 pages of sworn testimony, grand jury transcripts, depositions, statements, affidavits as well as video and audio tapes that they used to build a case and provide ample evidence for four Articles of Impeachment. I have read this report and agree with their findings.

The Framers provide us with a guide, the Constitution. The Judiciary Committee found that the President has indeed lied under oath, obstructed justice and abused the powers of his office. Impeachment is the Constitutional remedy.

The rule of law is paramount to our system of government. Should the President of he United States be exempt from this standard?

Should he be granted special treatment? Lying under oath lands other Americans in jail. The President is not above the law.

William Jefferson Clinton has twice taken the oath of Office of President of the United States where he swore to faithfully execute the office and to the best of his ability "preserve, protect and defend the Constitution of the United States." President Clinton has broken this solemn oath.

If the House indeed passes one or several Articles of Impeachment to the Senate, I renew my call to President Clinton to resign for the good of the country.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, today we are faced with strong evidence that the President lied after swearing an oath to tell the truth. We have only one legitimate remedy in front of us, impeachment. So with great remorse, I will vote in favor of impeachment.

Some people have said that impeaching the President is an extremist or radical position. To those people I must ask, is holding the President accountable for his actions extremist? Is expecting the President to tell the truth radical?

I submit to this House that the rational position and the moderate position is to hold the President of the United States as we would any other American accountable to the law. Impeaching the President is something none of us should take lightly. However, neither should we shirk our duty to uphold the laws of our country and hold the President accountable for violating those laws and abusing his powers.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, I rise today in support of the constitutional principle that every American is guaranteed equal protection under the laws of the United States.

As our Nation's chief executive, the President is charged to defend the Constitution and ensure a legal system that is untainted by perjury, by obstruction, and by witness tampering. These are crimes against the state and they strike at the heart of our judicial system and undermine its essential integrity.

To defer accountability for these actions would be to hold the single individual above the law and outside the boundaries of our judicial system. Some Members who wish to avoid casting a vote on impeachment remind us that the President would still be subject to criminal prosecution and they have included this reference in a meaningless censure resolution.

But this raises the troubling question, how can an individual that has committed an act that warrants a prison term be fit to serve as president? Others have argued that we should compromise principles in this case. But I say, if we cannot stand on principle in matters of truthful testimony, when will we ever stand on principle?

In his actions, the President has undermined his oath of office and undermined the rule of law. I will support the articles of impeachment.

I rise today before my colleagues, mindful of the difficult task before us and the strong emotions that mark the differences in opinion regarding the grave and solemn matter of Impeachment.

Two hundred and twenty-two years ago our country was founded upon the fundamental principle that "all men are created equal," and, therefore, that no individual is above the law. In applying our Nation's laws equally to all citizens, the integrity of the judicial system is protected by the requirement that all witnesses swear an oath to testify truthfully and fully before the Court.

As our Nation's chief executive, the President is charged to "preserve, protect, and defend the Constitution of the United States," the document which establishes this framework of justice for all. He carries a unique responsibility to protect the preeminent rights granted by our Constitution including the guarantee to a fair trial before a jury of one's peers and a legal system untainted by the corrupting influences of perjury, obstruction, or witness tampering. These very crimes, of which President William Jefferson Clinton now stands accused, strike at the heart of our judicial system and undermine its essential integrity.

Against these allegations and during the past eleven months, the President has been given every opportunity to deal fairly and honestly with the American people and with the Courts of the United States. In public statements, in a sworn deposition, in grand jury testimony, and in written responses to the House Judiciary Committee, he has been called upon to provide a full and truthful account of facts pertaining to charges of obstruction of justice, tampering with grand jury witnesses, and perjury. He has failed at every turn. Instead, the President has lied to the American people, lied to the Federal Court, and lied to a grand jury about key material facts. Moreover, the President has offered no information or testimony contradicting the evidence of these crimes outlined in the Independent Counsel's Impeachment Referral and Judiciary Committee Report.

And so we have before us, the matter of the Impeachment of our President. The constitutional standard for impeachment of "high crimes and misdemeanors" is a broad one by design. In the Federalist Papers, it is described in greatest detail by Alexander Hamilton, writing that "The subject of [impeachments] jurisdictions are those offenses which proceed from the misconduct of public men, or in other words, from the abuse or violation of some public trust." Protecting the integrity of government and ensuring accountability of public officials were of paramount concern.

Given the breadth and weight of documented evidence against the President on the substantive issues before the House, I am compelled to vote in favor of the Articles of Impeachment presented here today. The evidence documented in the Impeachment Referral and Judiciary Committee Report describes an extensive pattern of behavior designed to obstruct justice and mislead federal prosecutors. The President has displayed particular contempt for our legal system and the American people in several specific areas:

In his deposition and testimony in the case of Jones v. Clinton, the President demonstrated a contempt for the judicial system by committing perjury and allowing a false affidavit to be entered into the court record.

In his testimony before a federal grand jury, the President committed perjury.

With full knowledge that subpoenas for physical evidence had been issued, the President participated in a conspiracy to obstruct justice by encouraging witnesses to hide evidence.

After he knowingly provide false testimony before the court, and identified Ms. Betty Currie as a corroborating witness, the President attempted to intimidate her into providing false testimony.

The President repeatedly and unequivocally lied to the American People about matters under investigation by the Office of the Independent Counsel.

These acts are not merely technical violations of Federal Law; they demonstrate a broad and consistent pattern of behavior designed to corrupt our system of due process. To withhold or delay swift and appropriate action would be to hold a single individual above the law; and, herein lies the tragic precedent which a vote against impeachment creates. A vote against impeachment holds a single individual to a unique standard, above all other citizens, and outside the boundaries of our judicial system.

Some members who wish to avoid casting a vote for impeachment remind us that the President will still remain subject to criminal indictment. In fact, they have included reference to such prosecution in a meaningless "censure" resolution offered before the Judiciary Committee. This serves only to raise the troubling question: How can an individual who has committed a crime that may warrant a prison term be fit to continue to serve as President? To allow a public official to commit a series of felonies with impunity would constitute a violation of my own oath as a Member of Congress to uphold the Constitution. Moreover, it would send a clear and unacceptable message that each individual is entitled to their own personal interpretation of when it is acceptable to lie under oath and whether obstruction of justice or intimidating witnesses is appropriate behavior.

Some have also made a dangerous argument that principles should be compromised in this case due to the nature of the underlying subject matter. But, if we cannot stand behind principle on matters of truthful testimony before our Courts, then when will we ever stand behind principle? As was stated so eloquently earlier today: the integrity of our democracy is ensured when even the most powerful public officials tremble before the law. And if we choose to establish a new standard that defers accountability for felonies committed to avoid personal embarrassment, then those who argue against impeachment should come forward with a list of all topics and circumstances under which America's elected

Chief Executive may corrupt the judicial process, obstruct justice, and intimidate grand jury witnesses. The seven months of delay caused by the President's obstruction, and three months of Committee hearings have been difficult and unpleasant for every American. Creating a vague list of Presidential exceptions for perjury or obstruction of justice, however, may doom us to repeat this unsettling period in our Nation's history should future Presidents use President Clinton's unlawful actions to justify their own.

Finally, what are the consequences for 270 million Americans who are still expected to respect the principles of due process and truthfulness under oath? No censure resolution or public criticism of the President can ever justify the fact that he would remain in office after committing acts for which other Americans would be subject to immediate prosecution—and for which over 100 Americans are currently imprisoned. In fact, many of the federal judges who have been impeached were removed from office specifically for committing perjury. What remains of the Constitution's delicate system of checks and balances when we decide to hold the executive branch to a different standard than the judicial branch?

Given that the President has offered no contradiction of the facts presented within the Independent Counsel's Impeachment Referral and the Judicial Committee Report, it is fair to conclude that each of their allegations are true. The weight of the evidence supports the finding that the President of the United States committed not one, but a series of felonies, in an attempt to conceal evidence and information from federal investigators. The President has undermined the judicial process, shown contempt for judges and officers of the court, and failed egregiously to uphold his oath of office. The President should be impeached. Those who will vote to exonerate a President who has shown such contempt for our judicial system either discard the evidentiary record, or willingly betray their own oath to uphold the Constitution of the United States.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, many of my colleagues on the left here do not like this President or his policies. But their feelings about him or what he stands for are irrelevant this evening, for impeachment has standards, for as Richard Davis, who testified before the committee so eloquently said, cases cannot be brought simply to make a point, to express a sense of moral outrage.

Kat Sunstate from the University of Chicago said so eloquently, impeachment is reserved for a narrow category of cases, for this case does not rise to that standard.

I intend to vote against impeachment because as sinful and as stupid as the President's conduct was, it is not impeachable. But I will not get that chance. I will not get the chance to vote for censure because my colleagues over here do not believe we ought to have that chance.

Finally, Mr. Speaker, my prayers go to Mr. LIVINGSTON and his family as they seek to heal and rebuild. I say to my friends in all of this Congress, when is this going to end? When is this going to end? God help this Congress. When will we find our dignity, our vision, and our wisdom? Give us a vote on censure. Give America the vote they want on censure. This is not impeachable. It is stupid. It is sinful. It deserves censure.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I rise today in opposition to the articles of impeachment. I have had the occasion to walk back and forth to this Capitol building several times today. On one of those occasions, I remembered the words of the Speaker designate, the gentleman from Louisiana (Mr. LIVINGSTON), when he said that he was a sinful, regular person.

I am grateful that regular people get an opportunity to serve in this House because regular people all across America tonight have been very clear and very vocal about the issue of impeachment. Regular people prefer census over impeachment. And yes, Mr. Speaker, regular people want regular business conducted in this House, not vindictive partisan politics.

Regular people are disgusted that we would be involved in this process at a time when this Nation's young men and women are engaged in its national defense.

As a regular person myself, as a veteran, as an American, I am profoundly disappointed at what we have done here today. History will ultimately be our judge. And while I know and understand the concept that majority rules, I have also lived long enough to take comfort in the fact that majorities that are unfair do not last. My friends, from where I am standing, the clock is ticking.

Mr. Speaker, I rise today in opposition to the articles of impeachment.

I have had the occasion to walk back and forth to this capitol building several times today. On one of those occasions I remembered the words of Speaker Designate LIVINGSTON that he was "simply a regular person."

I am grateful that regular people get an opportunity to serve in this House. Regular people all across America have been very clear and very vocal about the issue of impeachment. Regular people prefer censure over impeachment. And Mr. Speaker, regular people want regular business conducted * * * not vindictive partisan politics. Regular people are disgusted that we would be involved in this process at a time when this nations young men and women are engaged in its national defense half a world away. As a regular person, a Veteran, an American * * * I am profoundly disappointed in what we have done here today.

History will be our ultimate judge and while I know and understand the concept of majority rules * * * I have lived long enough to take comfort in the fact that majorities that are unfair don't last * * * My friends from where I stand the clock is ticking.

Like you, I am very troubled by the President's conduct. The President himself has acknowledged a serious lapse of judgment concerning this matter. The President's actions were wrong. It was wrong for him to make false statements concerning his reprehensible conduct with a subordinate. And it was wrong for him to take steps to delay the discovery of the truth.

The question is: does this conduct rise to level of an impeachable offense? After a careful review of the testimony before the Judiciary Committee and the report of the Committee about its findings, I am opposed to impeaching President Clinton. Let me tell you why I reached that conclusion.

I found arguments presented in the Dissenting Views of the Committee's report convincing as it relates to the conditions under which impeachment is warranted: "Impeachment is only warranted for conduct that constitutes 'Treason, Bribery, or other high Crimes and Misdemeanors' as set forth in Article II, Section 4 of the Constitution. As virtually all constitutional scholars have noted, there is an important distinction between criminal and impeachable offenses—impeachment serves to protect the nation, not to punish the wrongdoer * * * the remedy of impeachment should be reserved for egregious abuses of presidential authority, rather than misconduct unrelated to public office. It is also clear that the President is subject to civil and criminal punishment independently of the impeachment process. The constitutional process of impeachment should not, therefore, be used for punitive purposes."

On November 6, 1998, 430 Constitutional law professors wrote: "Did President Clinton commit 'high Crimes and Misdemeanors' warranting impeachment under the Constitution? We believe that the misconduct alleged in the report of the Independent Counsel does not cross that threshold." One week earlier, more than 400 historians issued a joint statement warning that "because impeachment has traditionally been reserved for high crimes and misdemeanors in the exercise of executive power, impeachment of President Clinton based on the facts alleged in the [Independent Counsel's] referral would set a dangerous precedent."

I also agree with the view that "the Framers of the Constitution intended that the impeachment language they employed should reflect the grave misconduct that so injures or abuses our constitutional institutions and form of government as to justify impeachment." Finally, I agree with the 1974 Watergate Staff Report, cited in the Dissenting Views, that says, "The purpose of impeachment is not personal punishment; its function is primarily to maintain constitutional government * * * In an impeachment proceeding a President is called to account for abusing powers that only the President possesses."

Finally, I believe the Republican leadership of the House of Representatives should allow the 435 members of the House an opportunity to vote on a strongly worded resolution of censure—one that condemns the actions of the President and imposes a hefty fine on him. However, the Republicans have denied us that opportunity.

This decision was very difficult for me and one that was not made lightly. I do not expect everyone to agree with this decision but I believe it is the right thing to do.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Speaker, there are three issues in this matter before us tonight. First on the question of values, the President has clearly failed. Second, on the question of law, the Constitution says that regardless of what the Congress may do the President shall "nevertheless be liable and subject to indictment, trial, judgment and punishment according to law."

But it is the third question that we must decide, the constitutional question of removal from office. This is the only question that we are permitted to decide, and let us follow our Nation's charter in making this decision. Let us make known our great respect for the Constitution by realizing that while President Clinton's behavior was wrong and unacceptable, impeaching him is the wrong punishment.

Moving forward with impeachment is not consistent with the intent of the Constitution and the duty we are charged to follow as the great statesman and former congressman and senator Daniel Webster once said, his words about the Constitution could not be truer today, "We may be tossed upon an ocean where we can see no land or perhaps even the sun or the stars, but there is a chart and a compass for us to study, consult and obey and that chart is the Constitution." May God help us keep it strong and may we resolve to uphold it.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. REDMOND).

Mr. REDMOND. Mr. Speaker, I rise in support of all 4 articles of impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, the President's guilt in this matter is undisputed. Even the Democratic-sponsored censure resolution states that he has violated the trust of the American people and dishonored the office which they have entrusted to him.

Mr. Speaker, we should not let the President off free for his egregious conduct. We should not use the excuse of military conflict. We should not use the excuse that some prefer censure. Impeachment in the House is the constitutional method of censure.

Impeachment will ensure that the President's misconduct is treated with the seriousness it deserves. It is the formal judgment by the House that the President has committed crimes that deserve the attention of the Senate. It is an emphatic statement of censure and disapproval and it is constitutional. In this case a vote for impeachment is warranted.

Alexander Hamilton in the Federalist Papers said that the impeachable offenses are "those offenses which proceed from the misconduct of public men."

Mr. Speaker. Alexander Hamilton wrote in The Federalist Papers that impeachable offenses "are those offenses which proceed from the misconduct of public men or, in other words, from the abuse or violation of some public trust." It is clear that the perjury and obstruction of the legal process by the President, who is our foremost law enforcer, does constitute an abuse of his public trust. Mr. Speaker, the President's guilt in this matter is undisputed. Even the Democrat-sponsored censure resolution states that the President "violated the trust of the American people, lessened their esteem for the office of President, and dishonored the office which they have entrusted to him."

Some have suggested censure as an alternative to impeachment. A censure resolution without a penalty is insufficient for his felonious misconduct. On the other hand, a strong resolution which includes a fine or other sanction faces a severe Constitutional challenge. The Constitution specifically forbids "Bills of Attainder". Thus, any fine imposed on the President via the censure process, even with his consent, could be successfully challenged after the fact.

I respectfully ask my colleagues on both sides of the aisle who are considering a vote against impeachment to reconsider. We should not let the President off free for this egregious conduct. We should not use the excuse of military conflict or the excuse that some may prefer censure. We should do our duty under the Constitution. We should vote for impeachment.

Impeachment by the House is the Constitutional method of censure. Impeachment will ensure that the President's misconduct is treated with the seriousness it deserves. It is a formal judgment by the House that the President has committed "High Crimes and Misdemeanors" that deserve the attention of the Senate. It is an emphatic statement of censure and disapproval and is Constitutional. In this case, a vote for impeachment is warranted.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, equal justice means two things. First, every citizen, including the least powerful, like the plaintiff in the first civil case in which President Clinton perjured himself, has a right to demand truthful testimony under oath even when the defendant is the President.

Secondly, equal justice requires adherence to the rule of law by all Americans, including the most powerful. Further, equal justice requires accountability by those who have committed perjury.

In this case, accountability for perjury is provided by the constitutional remedy of impeachment. I am going to vote for impeachment against President Clinton because he committed perjury before a court and a grand jury. For us to do less might be a little more comfortable in the short term, but I think it would do permanent damage to our ideals of equal justice and constitutional government.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, the decision to impeach a President is among the most solemn responsibilities that we in Congress will ever face and one over which I have long agonized.

As a mother and grandmother, I struggled mightly with what message we send to all our children if the President does not bare serious consequence for his dishonest behavior. But I would like to point out that impeachment should be undertaken only with great reservation and much trepidation. It is an act that the founders intended not so much to punish an individual's wrongdoing but to preserve and protect a nation.

Each Member today must seriously consider whether the charges against President Clinton do in fact constitute a threat to the Nation or its national security. No doubt the President's actions, in both words and deeds, have disgraced him, his family, his office. His legacy shall be indelibly scarred.

However, putting the country through the turmoil and the tumult of a Senate trial that could last months while the many important issues facing our Nation go unaddressed is wrong. It is clear that the American people want us to close this sorry chapter in our history. I, therefore, plan to vote against the articles and in terms of what I consider in the best interest of my country, my conscience, and my constituents.

Mr. Speaker, the decision to impeach a sitting President is among the most difficult and solemn responsibilities we in the Congress will ever face, and one over which I have long agonized. I come to the well of the House to cast a vote that has occurred only once before in our Nation's history.

In reaching this difficult decision, I reviewed the Judiciary Committee proceedings and the scholars' testimony, read the report and relevant materials, and discussed the issues with colleagues and experts. Most importantly, I listened to my constituents, considered the effect on our Nation, and searched my conscience.

I approach this moment as a mother and grandmother who cares deeply about the difficulty parents face because of this ordeal. One of my grandsons, Michael, is eleven years old, president of his student body, and his parents have taught him the importance of being honest and trustworthy. I struggle mightily with what message we send to him and my other grandchildren, as well as all children, if the President does not bear serious consequences for his dishonest behavior.

Ours is a solemn duty to determine whether the wrongdoing by this President rises to the Constitutional threshold of impeachment as intended by the Founders of this great nation. The purpose of impeachment is the removal and possible disqualification from office and should be undertaken only with great reservation and much trepidation. It is an act that the Founders intended not so much to punish an individual's wrongdoing, but to preserve and protect a nation. Each Member today must seriously consider whether the charges against President Clinton do in fact constitute a threat to the nation or its national security.

The President's actions in both words and deeds have disgraced him, his family, and his office, and he shall forever be remembered not for the many accomplishments that have occurred during his term in office, but for his sordid behavior and his failure to take responsibility for that behavior.

I believe, however, that putting the country through the turmoil and tumult of a Senate trial that could last months while the many important issues facing our nation go unaddressed is wrong. It is clear that the American people want us to close this sorry chapter in our history and move on to resolving the challenges that face us. I shall therefore vote against these Articles of Impeachment. It is my sincere belief that there should be severe consequences for the actions of this President, and if these Articles of Impeachment are approved, I hope that the Senate will act expeditiously and vote on a severe Censure Resolution that could then be brought back to the House. I would support such a resolution.

While history will judge William Jefferson Clinton severely, I do not believe that his acts rise to the level of "high crimes and misdemeanors" as specified by the Constitution. I know that some in this body will come to a different conclusion than I do and I respect their decision. Many Americans too are deeply divided over this issue. My decision to vote against these Articles of Impeachment is one that does not come easily, but in my service in the United States House of Representatives, and to the people of the Eighth District of Maryland, I have always tried to consider my constituents, my country and my conscience.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all persons in the gallery that they are here as guests of the House and any manifestation of approval or disapproval of proceedings is a violation of House rules.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, this Congress is faced with a very imperfect situation, a President who has deeply disgraceed our Nation and an independent prosecutor who has compromised the integrity of the investigative process.

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The damage both men have rendered is strewn across the American landscape, and now the Committee on the Judiciary of this House has produced a one-sided, rampantly partisan option for this membership to consider.

Healing our Nation must be the paramount consideration of this body, and our people must be spared from further division. Even though it appears that President Clinton lied under oath, which could be a high crime, proving perjury in a court of law is a highly technical legal matter not easily established.

On the other hand, a Senate trial would not require the same level of judicial proof, but it is unlikely the Senate will be able to assemble a working supermajority for any of the impeachment charges.

The House of its own accord can act to resolve this situation assigning proper penalties and punishments but likely will fail to do so placing this entire matter in the netherworld between the Senate, unlikely to reach a conclusion and a legal system in which wrongdoing will be difficult to prove.

Our Nation needs to move forward. I am left with no option but to vote against the committee's recommendations in spite of my disdain for the President's actions.

Mr. Speaker, this Congress is faced with a very imperfect situation.

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Even though it appears President Clinton lied under oath which would be a high crime, proving perjury in a court of law is a highly technical legal matter not easily established. On the other hand, a Senate trial would not require the same level of judicial proof, but it is unlikely the Senate will be able to assemble a working supermajority for any of the impeachment charges.

The House of its own accord can act to resolve this situation, assigning proper penalties and punishments, but likely will fail to do so, placing this entire matter in the netherworld between a Senate unlikely to reach a conclusion and a legal system in which wrong doing will be difficult to prove. To drag our nation through further partisan wrangling in the Senate seems very unwise.

[Thus] I conclude further Congressional deliberations on this set of charges are not in the nation's interests. Though the charges against President Clinton are serious, they are best adjudicated in the courts where regular rules of evidence and due process apply. Since other alternatives are not available to this House as a result of the Judiciary Committee's flawed proceedings, I am left with no option but to vote against the Committee's recommendation, in spite of my disdain for the Presidents' actions and his failure to take responsibility for them. Our Nation needs to move forward.

Mindful of the strongly divided opinion of the American people and citizens of my home district regarding the pending set of votes on the four Articles of Impeachment against President Bill Clinton, it is my obligation to state publicly my reasons for voting as I will today. In this regard, partisanship is irrelevant. Personalities are irrelevant. Healing our nation must be paramount. Carrying out the nation's regular business must proceed. In regard to the Clinton charges, we must respect the rule of law, administer it to preserve the integrity of the Constitution, and recommend proper judicial proceedings to resolve the matter at hand. Throughout this process, I have weighted: "To what extent do the President's actions, along with those of the investigative processes that have led to our current predicament in the House, undermine or strengthen the Constitutional standards I am sworn to uphold?" In an expeditious manner, we must resolve this situation in the nation's best interests. I believe the nation must be spared further divisions on this matter.

THE PROCESS

President Bill Clinton has deeply disgraced our nation by his conduct, and unwillingness to assume responsibility for his actions. Over one year ago, he should have exercised a more honorable course and spared our nation the wrenching that has affected every family in America and politically split the nation into two warring camps. Further, the behavior of Independent Counsel Kenneth Starr and his careless, and at times willful manipulation of the investigative process, has compromised the integrity of these proceedings, leaving the American people and this Congress divided. Neither of these men has acted in the national interest. The damage they have rendered is strewn across our landscape. Likewise, the Judiciary Committee in its deliberations has been rampantly partisan. The recommendations it has produced for House consideration are one-sided and only partly represent the courses of action deemed worthy of debate by the full House. So we are left with a very imperfect situation.

President Clinton will have much accounting to do in the years hence. I have concluded in the national interest that final resolution of any legal charges against him is best left in the courts. Here he should be afforded a fair and impartial trial by jury where proper rules of evidence apply, outside the limelight that has convoluted this entire process. Any penalties and punishments placed on the President should be commensurate with proven charges.

Regarding the role of the Independent Prosecutor, and the behavior of Mr. Staff and his investigators, no instrumentality of our government should be above the law. Accordingly, many questions arise as to the propriety and fairness of the Independent Prosecutor's investigative proceedings to date, as well as about the raw partisanship of the Judiciary Committee's deliberations. By whose authority and under what constraints were key witnesses wired and testimony obtained by the Independent Prosecutor? Why were there so many leaks of privileged information from the grand jury—everything from the evidence about the blue dress to a broadened investigation that began with Whitewater but led to the investigation of the President's personal affairs? In Ohio, breaches of grand jury secrecy are prosecutable. Mr. Starr's own ethics advisor Sam Dash resigned over concerns that the

Independent Counsel had exceeded his mandate to simply report to Congress on any impeachable offenses he discovered. Dash said he had "no other choice but to resign" because of the independent counsel's abuse of office. Much of the behavior of the Independent Prosecutor was as irresponsible as the President's, and both have led to public cynicism about the integrity of our political and judicial systems. Accordingly, Congress immediately should examine the procedures employed by Mr. Starr to gain evidence and administer the duties of his office. He and future Independent Prosecutors should be held accountable for the breaches of integrity associated with the investigative process.

LEGAL OPTIONS

I hold the highest respect for our nation's judicial system. It is my duty to uphold it against all enemies foreign and domestic. My job includes preventing its abuse. In this regard, President Bill Clinton has much accounting to do. Yet, in spite of President Clinton's egregious, dishonorable, irresponsible and, yes, alleged criminal behavior, he should not be held to either a higher nor a lower standard than any American in the administration of justice. He deserves his day in court with a judge and jury sworn to administer justice fairly. But as President, it is not unfair for us to expect more of him and hold him to a higher moral standard.

In my judgment, the crimes of which President Clinton is accused do not meet the Constitutional standard for conviction based on "bribery, treason, or high crimes and misdemeanors." Though his dishonorable behavior has wounded our nation's moral sensibilities and, tragically, he has reduced the honor associated with the office of President—and, in fact, elected office as a profession—in my judgment these circumstances do not rise to a "high crime" against the state as such, as I read the Constitution.

However, reading the Starr Referral and the Committee documents and studying the law has convinced me that the perjury charges are the most serious rendered against the President. They go to the heart of our judicial system's foundation—telling the truth, the whole truth, and nothing but the truth." Perjury is a felony, a crime against the state, and strikes at the core of our judicial system. By his moral position as the secular leader of our nation, President Clinton sets a standard, whether he wishes so nor not. Even though it appears President Clinton lied under oath, proving in a court of law that he perjured himself if a highly technical legal matter not easily proven. In a court of law, proving such would be fraught with inference, innuendo, in the end likely yielding not enough proof with corroborating witnesses to convict on the basis of perjury. On the other hand, a Senate trial would not require the same level of judicial proof, thus holding the possibility of placing penalties and punishments on the President commensurate with proven charges of damage to the republic. However, it is unlikely the Senate will be able to assembly a working majority for any of the impeachment charges. The House of its own accord could have acted in order to resolve this situation, assigning proper penalties and punishments, but will fail to do so, placing this entire matter in the netherworld between a Senate unlikely to reach a conclusion and a legal system in which wrong doing will be difficult to prove. Yet, to drag the nation through more legal wrangling in the Senate seems very unwise, especially in view of the politics and partisanship that will rue the day.

For the record, let me point out the role of the House in impeachment differs from the Senate. The House acts almost like a grand jury, with each of us behaving like judges in a civil proceeding. Yet, the House is hampered Constitutionally in its ability to discover evidence, call witnesses, and cross examine. Thus, the Committee, by it very nature, has put forward a report that contains only partial findings of alleged wrongdoing. Our vote will be to refer those partial findings and charges to the Senate for an actual trial. It is in the Senate that full evidence is weighed, witnesses are called, and cross-examination occurs. No Member of the House has been afforded the benefit of a full range of witnesses, with the opportunity to cross-examine, with rules of evidence being respected. Further, the partisanship of the Judiciary Committee has been extremely troubling with the end result being that the full House is not afforded a range of proposals on which to vote to apply the proper judicial remedy relating to the President. Unlike previous impeachment hearings in the House—such as Andrew Johnson's in which the Committee studied the referral for eight months and defeated the resolution by a two to one margin, and at the hearings relating to President Nixon in which the House deliberated for six months and accepted the Committee report on a vote of 412 to 3—this process has been fraught with raw partisanship. The Committee has deliberated for a month, votes in the Committee have been strictly along party lines, and for the most part votes in the full House will mirror that pattern. Thus, this Member has little confidence the Committee has acted responsibly and with due process. Nonetheless, I believe the Judiciary Committee's findings to be serious, particularly relating to the articles of alleged perjury and obstruction of justice.

The allegations of perjury in Articles 1 and 2 are indeed serious since perjury, if proven, is a felony and, in my opinion, rise to the Constitutional standard of a high crime. But, proving perjury is a highly technical matter. Evidence and testimony in this regard are critical. The House Committee report has not proven perjury. To commit perjury, an untruth must be knowingly stated, under oath at an official proceeding. And that statement must be material with regard to the matter at hand. Since the Paula Jones case has been dismissed, the matter at hand would only involve the Lewinsky situation. Regarding the President's testimony before the grand jury in this regard, the legal question, as aside from the moral question, becomes, Did President Clinton lie, or did he simply exercise his rights under the law not to volunteer more details? Just because he didn't testify as much as some may have wanted, does not mean he perjured himself. The evidence against him in this care must be compelling and the judicial standard to measure perjury is not "preponderance of evidence", nor is it "clear and convincing evidence." But, rather, the standard is the highest one of "evidence beyond a reasonable doubt." The fact that the House is wresting with the evidence means there is a reasonable doubt, and thus a judicial finding of perjury will be difficult to obtain. In addition, some of the allegations in the Committee's report suggest that the definition on "sexual relation" President Clinton used before the grand jury was one with the intent to give perjurious statements. A lawyer would ask, where is the evidence of intent? Decisions of perjury cannot be made on the basis of conclusions nor suppositions, only on the basis of fact. One cannot assume an inference on an inference. Otherwise the evidence is inadmissible. Further, the report charges President Clinton "didn't recall" matter on several occasions. But what evidence do we have that demonstrates this. Again, this painstaking evidence must be collected, presented, rebutted. Otherwise, the charge cannot be sustained. In any case, the legal process will ensure for quite some time in resolving these questions. Moreover, convincing a defendant on perjury is most difficult where proof of falsity rests with contradictory statements of just one other person other than the defendant. In such cases, the defendant cannot be convicted. This means that just one other material witness with a contradictory story would not be enough to prove falsehood by the President. Additional witnesses, unlikely to be found, would have to come forward. This legal precedent actually dates back to Mosaic law. However, if the defendant changes his/her story and contradicts him/herself, then they can be convicted. This is not likely to happen, given the President's adherence to his original statement before the grand jury.

In anticipating the likely outcome of such a proceeding, if a jury of 12 persons, knowing the strict legal standards for conviction on perjury, were faced with the evidence in this case and asked "did he lie", "did he knowingly do it", and coupled this with Monica Lewinsky's testimony wherein the definition of sexual relations is brought into question, it is doubtful a jury would convict him of perjury beyond a reasonable doubt because of the substantial weight of circumstances evidence and lack of other credible witnesses. Again, there is a distinction between what is legally provable and what the public may demand as morally right.

Further, in meeting the Constitutional test of conviction based on "bribery, treason, high crimes and misdemeanors," the definition of high crimes and misdemeanors of open to interpretation. Most scholars agree that these crimes would gravitate to crimes against the state or the government—such as bribery by a foreign interest, or outright treason. But again the Constitution does not say outright high crimes against the state. So, much is left to interpretation, and this is why this case is so important. Depending on how the House acts, a legal standard and process will be established against which future Constitutional questions regarding impeachment for inappropriate conduct that may be morally reprehensible, but not necessarily criminal, that affects the functioning of the apparatus of the state beyond the "bribery, treason and high crimes and misdemeanors" standard.

CONCLUSION

In summary, though President Bill Clinton has deeply offended the moral character of the nation, his acts cannot be termed high crimes against the interests of the state. Further, proving perjury from a legal standpoint will be exceedingly difficult in a regular court of law. But his case appropriately should be remanded there. Using the Senate as the venture for resolution risk further damaging to the national interest. One certainly can question whether President Clinton's personal, reckless behavior bordered on being a security risk, and this is a serious matter. But no apparent weakening of the state's direct interest resulted from his actions.

Regarding the interests of the state and our nation, we have reached the point where it becomes compelling for the public good for Congress to stop rendering this matter in public. Further proceedings in the Senate are unlikely to yield the 2/3 votes necessary to pursue any conclusive course of action.

Thus, I conclude that further Congressional deliberations on this set of charges are not in the nation's best interests. Though the charges against President Clinton are serious, they are best adjudicated in the courts where regular rules of evidence and due process apply. Since other alternatives are not available to this House as a result of the Judiciary Committee's flawed proceedings, I am left with no option but to vote against the Committee's recommendations, in spite of my disdain for the President's actions. The nation needs to move forward.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, the essence of our debate resolves around the issue of perjury. In that context alone I believe the articles of impeachment are faulty and deficient. I agree with my constituents who asked us to apply the same law to the President as would be applied to ordinary people charged with that offense of perjury. Ordinary citizens would begin the specific basis underlying the charge of perjury. The President has not been provided this information.

To vote for these articles of impeachment is to vote to remove the President from office without any of us knowing what exactly he testified to under oath which amounted to the legal definition of perjury. At the minimum this must be elaborated in the articles of impeachment so that the public in general and the Senate specifically may know what the specific charges are and so that the President may defend himself.

When I vote against these articles of impeachment, I will do so because I cannot allow this House to avoid its constitutional duty to enumerate the specific allegations of perjury before recommending impeachment. None of us can call for the rule of law if it is an empty gesture and faulty articles of impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, today we embarrass the memory of our Founding Fathers as we torture the intent of the genius of their system of balancing the awesome powers of government. Mr. Speaker, under your leadership and that of your party we stand here, small men with petty careers and partisan of purpose to diminish yet again our great Republic. Devoid of a sense of proportion and overburdened with an excess of hubris, you claim conscience as your exclusive domain and deny us the right to offer the will of the people, a motion to censure. Your oligarchical act attempts to recreate a presidency that would serve at your whim rather than at the will of the people.

To be sure, the President has shamed himself. To be clear, it is we who are about to become the shame of the Nation.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, I rise today in support of passage of the Articles of Impeachment against President William Jefferson Clinton. As unpleasant as our task is to many, our task is an honorable one, for today we do honor to the Constitution of the United States of America.

As the distinguished gentleman from Illinois (Judiciary Chairman HENRY HYDE) said earlier, we today act in defense of the law.

We Americans place our faith and the strength of our Nation not in individuals but in the strength of our law. Our law protects our rights and keeps us free. It is our law which has made America the longest surviving democracy in the history of the planet.

Some would argue this matter is about personal conduct among consenting adults.

As the writer Mark Helprin has observed, these issues before us today "are no more about sex than the theft of money from a cash register is about business.

"Perjury is not sex, obstruction is not sex, and abuse of power is not sex * * * ."

Indeed, they are not, Mr. Speaker, they are about the respect of and for the law and of and for the high office our President holds.

Our respect for the law and for the Presidency demands that we not turn that respect into a mockery. If we subject our standards for the conduct of our President to whim, polling data, and notions of popular behavior, we will have done grave damage to our Constitution.

If—on the other hand—we stand up for the rule of law, we draw the line and say, Yes, our President must obey those same laws he has sworn to uphold and defend.

It's important for us to remember what has brought us to this point.

We are here today because of the actions of the President.

We are here today because the President placed himself above the law. He lied to a civil court, then lied to the public, then lied to a grand jury, then lied about lying, and finally lied to the impeachment inquiry itself.

The President abused his power. And for what reason did he do this? The President placed his own needs, his own desire to avoid embarrassment, and his own fear of facing the consequences and responsibility for his actions above the interests of his Nation.

How sad.

How sad it is, for the heir to George Washington to place his interests above those of the nation and law for which American blood has been shed * * * and will undoubtedly be shed again. Perhaps Ameican patriot blood is being shed at this very moment.

Of George Washington, Thomas Jefferson observed that "The moderation and virtue of a single character probably prevented this Revolution from being closed, as most others have been, by a subversion of that liberty it was intended to establish."

What will the future generations say of President Clinton? And what will they say of us?

John Quincy Adams said "Always vote for principle, though you vote alone, and you may cherish the sweet reflection that your vote is never lost."

Mr. Speaker, I will vote for principle. I will vote to impeach William Jefferson Clinton.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I rise to address the matter before the House regarding the four Articles of Impeachment that have been reported by the Committee on the Judiciary. This is a situation that demands our most careful consideration and devotion to duty as Members of Congress. It is a matter that is not to be taken lightly. Each Member of this body must reason individually to reach the determination that must be made in order to fulfill our Constitutional responsibilities in the impeachment procedure. This is a process that should not be partisan, as it should be based on the application of the rule of law.

I believe that all of us recognize the seriousness of President Clinton being charged with violations against the Constitution. Much time and effort have been devoted to investigating and reviewing the actions on which this Resolution is based. I have followed the hearings of the Committee on the Judiciary concerning this matter with great interest and I am in agreement with the Resolution (H. Res. 611) that has been submitted by Chairman HYDE. H. Res. 611 outlines four Articles as the basis for impeachment, which I shall summarize:

Article I—President Clinton willfully provided perjurious, false and misleading testimony to a Federal Grand Jury. I agree.

Article II—President Clinton willfully corrupted and manipulated the judicial process, in that, he willfully provided perjurious, false, and misleading testimony in response to written questions seeking information in a Federal civil rights action, which was brought against him, as well as in a deposition in that action. I agree.

Article III—President Clinton prevented, obstructed and impeded the administration of justice through a course of conduct or scheme in a series of events between December 1997 and January 1998. I agree.

Article IV—President Clinton has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the Legislative Branch, in that he refused and failed to respond to written requests for admission, as well as willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission that were propounded as part of the impeachment inquiry that was authorized by the House. I agree.

It is clear to me that convincing evidence has been presented in regard to each of the four Articles that have been reported by the Committee on the Judiciary. Accordingly, I support the Articles as stated in H. Res. 611.

Mr. Speaker, I would also like to address the assertion that I have heard today that the consideration by the Congress of the impeachment of President Clinton, who is the Commander in Chief of our Armed Forces, would have a demoralizing effect on our men and women in uniform, especially while our Nation is engaged in military operations against Iraq. I can speak from experience, based on numerous conversations with Americans from all walks of life, who are now serving or who have previously served in our Nation's military, that such a charge has no merit. In this regard, I would like to submit the following article by Major Daniel J. Rabil, of the United States Marine Corps Reserve:

Mr. Speaker, I include the article entitled "Please, Impeach My Commander in Chief," from the November 9, 1998 edition of the Washington Times.

Please, Impeach My Commander in Chief

(By Daniel J. Rabil)

The American military is subject to civilian control, and we deeply believe in that principle. We also believe, as affirmed in the Nuremberg Trials, that servicemen are not bound to obey illegal orders. But what about orders given by a known criminal? Should we trust in the integrity of directives given by a president who violates the same basic oath we take? Should we be asked to follow a morally defective leader with a demonstrated disregard for his troops? The answer is no, for implicit in the voluntary oath that all servicemen take is the promise that they will receive honorable civilian leadership. Bill Clinton has violated that covenant. It is therefore Congress' duty to remove him from office.

I do not claim to speak for all service members, but certainly Bill Clinton has never been the military's favorite president. Long before the Starr report, there was plenty of anecdotal evidence of this administration's contempt for the armed forces. Yes, Mr. Clinton was a lying draft dodger, yes his staffers have been anti-military, and yes, he breezily ruins the careers of senior officers who speak up or say politically incorrect things. Meanwhile, servicemen are now in jail for sex crimes less egregious than those Paula Jones and Kathleen Willey say Mr. Clinton committed.

Mr. Clinton and his supporters do not care in the least about the health of our armed forces. Hateful of a traditional military culture they never deigned to study, Mr. Clinton's disingenuous feminist, homosexual and racial activist friends regard the services as mere political props, useful only for showcasing petty identity group grievances. It is no coincidence that the media have played up one military scandal after another during the Clinton years. This politically-driven shift of focus, from the military mission to the therapeutic wants of fringe groups, has taken its toll: Partly because of Mr. Clinton's impossibly Orwellian directives, Chief of Naval Operations Jay Boorda committed suicide.

So Clinton has weakened the services and fostered a corrosive anti-military culture. This may be loathsome, but it is not impeachable, particularly if an attentive Congress can limit the extent of Clinton-induced damage. As officers and gentlemen, we have therefore continued to march, pretending to respect our hypocrite-in-chief.

Then came the Paula Jones perjury and the ensuing Starr Report. I have always known that Clinton was integrity-impaired, but I never thought even he could be so depraved, so contemptuous, as to conduct military affairs as was described in the special prosecutor's report to Congress. In that report, we learn of a telephone conversation between Mr. Clinton and a congressman in which the two men discussed our Bosnian deployment. During that telephone discussion, the Commander-in-Chief's pants were unzipped, and Monica Lewinsky was busy saving him the cost of a prostitute. This is the president of the United States of America? Should soldiers not feel belittled and worried by this? We deserve better.

When Ronald Reagan's ill-fated Beirut mission led to the careless loss of 241 Marines in a single bombing, few questioned his love of country and his overriding concern for American interests. But should Mr. Clinton lead us into military conflict, he would do so, incredibly, without any such trust. After the recent American missile attacks in Afghanistan and Sudan, my instant reaction was outrage, for I instinctively presumed that Mr. Clinton was trying to knock Miss Lewinsky's concurrent grand jury testimony out of the headlines. The alternative, that this president—who ignores national security interests, who appeases Iraq and North Korea, and who fights like a leftover Soviet the idea of an American missile defense—actually believed in the need for immediate military strikes, was simply implausible. And no amount of scripted finger wagging, lip biting, or mention of The Children by this highly skilled perjurer can convince me otherwise.

In other words, Mr. Clinton has demonstrated that he will risk war, terrorist attacks, and our lives just to save his dysfunctional administration. What might his motives be in some future conflict? Blackmail? Cheap political payoffs? Or—dare I say it—simply the lazy blundering of an instinctively anti-American man? It is immoral to impose such untrustworthy leadership on a fighting force.

It will no doubt be considered extreme to raise the question of whether this president is a national security risk, but I must. I do not believe presidential candidates should be required to undergo background investigations, as is normal for service members. I do know, however, that Bill Clinton would not pass such a screening. Recently, I received a phone call from a military investigator, who asked me a variety of character-related questions about a fellow Marine reservist. The Marine, who is also a friend, needed to update his top-secret clearance. Afterward, I called him. We marveled how lowly reservists like us must pass complete background checks before routine deployments, yet the guardian of our nation's nuclear button would raise a huge red flag on any such security report. We joked that my friend's security clearance would have been permanently canceled if I had said to the investigator, "Well Rick spent the Vietnam years smoking pot and leading protests against his country in Britain. His hobbies are lying and adultery. His brother's a cocaine dealer, and oh, yeah—he visited the Soviet Union for unknown reasons while his countrymen were getting killed in Vietnam."

* * * * *

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, there is no joy in this task. This is a sad day for our country and for the Office of the President.

I have listened carefully to the comments of my colleagues today just as I carefully reviewed the facts, the underlying articles of impeachment and the report of the Committee on the Judiciary that came before us this week. I do not question the motives of my colleagues who oppose impeachment, who do not find impeachable offenses, even as many of them have questioned the motives of those of us who will support one or more of the articles.

For myself, I believe the evidence of serious wrongdoing is simply too compelling to be swept aside. I am particularly troubled by the clear evidence of lying under oath in that it must be the bedrock of our judicial system. I believe the long term consequence to this country of not acting on these serious charges before us far outweigh the consequences of following what the Constitution provides for and bringing this matter to trial in the United States Senate.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I am not on the Committee on the Judiciary, I am not an attorney, and I am not sure that the President's actions warrant his removal from office. But I am absolutely unequivocally convinced beyond a reasonable doubt that this President lied under oath, lied in a court proceeding and lied to a grand jury, and that requires us to take action. Eighty percent of the American people and many of my colleagues on that side have acknowledged the President lied under oath and in fact have said he committed perjury. In fact, this administration has convicted two women, two Federal employees who are serving jail time today for the exact same offense that the President has been charged with, exact same offense, no different.

We must take action. The Constitution gives us one option in taking action. That option is basically to move on the impeachment, to charge the President. The other body can take the appropriate action of what the punishment would be.

I would hope that the other body does not prolong the process. I would hope the other body would consider the censure resolution. That is the appropriate response here. But we must do our response, and that is to charge the President and let the Senate take its action, and hopefully they will end this process quickly.

Mr. Speaker, I rise on this sad day of our nation's history with a heavy heart. Today, we as Members of the House of Representatives face a decision that I, in all of my twelve years of serving this body, never thought that I would have to face—inarguably the most important decision of our political lives. We must decide whether or not we are going to impeach the President of the United States.

Like my colleagues, I have not come to my decision lightly. After much thought, deliberation, review of testimony and evidence, and conference with my colleagues, I have come to the conclusion that I must represent my constituency by voting to impeach our President, William Jefferson Clinton. I am joining my colleagues of the House in what I think will be, and hope will be, a bipartisan vote, as we make our public statement of rebuke.

Mr. Speaker, I rise today to announce my intention to vote for the first two articles of impeachment because like 80% of the people of our nation, I believe that the President lied under oath. These facts are not in dispute, and yet the President refuses to admit this. He must admit to what the American people already know.

The fact of the matter is that the President lied. He took an oath to tell the truth, the whole truth, and nothing but the truth, and he broke that promise. But more importantly, he broke a promise that he made to the American people to uphold the laws that are the strength and the backbone of our democracy.

In order for democracy to succeed, our judicial system must be vigilant—people cannot lie under oath, regardless of their motivations. We cannot allow anyone to be above the law, and our laws cannot, and must not, be trivialized. The President's own Administration takes lying to a grand jury seriously, as one hundred and fifteen people are currently serving sentences for perjury in a federal court. Two of these very people are serving sentences of lying about adultery in a court proceeding. The basic tenet of our democracy is that we are a nation of laws, not of individuals. To allow the President to break the laws, which the American people have elected him to uphold, would weaken our system of government. We must send a strong message today—no one has the right, for any reason, to lie under oath. Our system of law is fair and just for everyone.

The President has admitted that he misled the American people, and he is remorseful. But remorseful or not, he must accept the consequences of his actions. The Constitution provides us with our framework for dealing with this very unfortunate situation, and I am concerned about the Constitutional questions surrounding censure. I have come to the conclusion that the best course of action to rebuke the President is to vote in favor of impeachment. An article of impeachment passed by the House of Representatives is the equivalent of an indictment in a criminal process—not a final judgement of guilt, but a formal accusation of wrongdoing. There is no doubt in my mind that any other case where evidence existed that an American citizen had committed perjury would be indicted. The evidence exists, and I am voting to indict President Clinton.

I am not convinced that the proper punishment for President Clinton's actions is removal from office, but that decision is not mine to make. Mr. Speaker, we have serious problems in the world, and it's extremely important that we end this process soon. In conclusion, it is time to vote today, and to move on. We must move on to working on the other important issues which face our nation, and to do that without distraction. And so it is with a heavy heart that I come to the floor today, but it is with a heart full of pride, and with hope for our future—because we are Representatives of the greatest country in the world. It is a country so great that the laws of our nation supersede individual circumstances. Our system can withstand political upheaval, and move on. Our system is bigger than you, and it is bigger than me. And it is bigger than our President, William Jefferson Clinton. He is not above the law.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, President Bill Clinton's reckless and reprehensible affair with Monica Lewinsky put him at risk for extortion, undermining our national security. His subsequent words and actions have thrust upon us the grave duty to consider impeachment.

The Committee on the Judiciary report provides sufficient and creditable evidence that William Jefferson Clinton abused his power as President and undermined the integrity of the coequal judicial branch by obstructing justice and lying under oath both in a civil deposition and before a federal grand jury. He perpetuated these lies in written responses to the Congress.

If we are to honor and uphold our Constitution, this behavior cannot be tolerated. Without truth there is no justice. No man is above the law. These are the foundations of our government. Our entire system of justice is imperiled if we do not act and thereby establish the precedent that a President nor anyone cannot pick and choose when he will testify truthfully and when he will not.

For these reasons I will vote for the articles of impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Speaker, it was the President's own decisions and actions which have brought us to this circumstance. It was the finding of his own Attorney General, Janet Reno, that resulted in the appointment of the special prosecutor. The findings of fact by the special prosecutor have not been disputed, and no one here tonight has risen to defend the actions of this President. All that is in question is what punishment is appropriate given these facts?

When this vote is closed, William Jefferson Clinton will still be President no matter whether the motion to adopt the articles of impeachment is adopted or rejected. All that will be decided when this vote is closed is to determine whether there will or will not be a trial giving the President his due process in the United States Senate. Mr. Speaker, that would appear the least this House could do given the facts that we have before us and if we are to uphold the rule of law.

It is unfortunate, it is distasteful, it is regrettable, but it is the actions of William Jefferson Clinton that bring this Nation and this Congress to this distasteful moment in history, and we must do our constitutional duty.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, all day my Democrat friends have spoken of the treacherous waters our country would be thrown into should this impeachment resolution pass and the matter be sent to the Senate, and while today's debate is momentous and its historical significance cannot be overstated, it is important to remember that America, its government, is strong and will continue to thrive.

See, the genius of the American experiment is not that our stability or our existence rests upon the shoulders of a few powerful, irreplaceable men, but rather that our civilization's order rests upon the rule of law, and when those laws are undermined by the chief law enforcement officer in the land, the situation must be redressed or the very chaos that our Democratic friends fear will come to pass.

The President's personal life is just that, personal. But when his words and deeds seriously undermine the rule of law, the issue becomes public and the consequences dramatic.

The chief law enforcement officer's actions have in fact undermined the rule of law, and thus the articles of impeachment should pass and the matter be sent on to the Senate.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I think most of us prefer not to be here, but the Constitution obligates us to be here, and the Constitution also directs what we can do while we are here.

As pointed out by Hamilton in 66 Paper, we do not have the right to be punitive. Censure is a punitive action. We have the right and the responsibility to refer this item to the Senate for their judgment.

Now I know there are those who do not like to say that we have jurisdiction here, but the fact is, as Ms. Jordan pointed out in 1974, it is a misreading of the Constitution for any Member here to assert that a Member is voting to remove the President for impeachment and that it does not give us the jurisdiction to be able to refer to the Constitution, which says clearly that we have the responsibility to judge; is there enough evidence to consider impeachment and that punishment not be rendered here in a censure in the House of Representatives but only, only in the Senate?

That is our responsibility. The President has to live by the Constitution, and so do we as a body, Mr. Speaker.

Ms. LOFGREN. Mr. Speaker, I ask unanimous consent that the time for debate be extended by 15 minutes.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from California?

Mr. SENSENBRENNER. Reserving the right to object, Mr. Speaker, and I will object, Mr. Speaker, the time for debate was set as a result of very delicate negotiations between the Speaker designate, the gentleman from Louisiana (Mr. LIVINGSTON), the minority leader, the gentleman from Missouri (Mr. GEPHARDT), the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE) and the ranking minority member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS).

Ms. LOFGREN. Mr. Speaker, I withdraw my unanimous consent request in view of the gentleman's objection so that I might yield to other Members.

The SPEAKER pro tempore. The gentlewoman may recognize one additional speaker. At that point it will be 10 o'clock.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. JOHNSON).

Mr. JOHNSON of Wisconsin. Mr. Speaker, the gentleman from Illinois (Mr. HYDE) stood before the body this morning and gave an eloquent speech concluding that our flag is falling. Indeed our flag is falling. It is being dragged through the mud of sex, lies and videotape.

Even worse, our Constitution is being set on fire and torched and set a blaze and bombed and blasted by some zealots who have had their torches ready for some time. But unable to rally the majority of Americans to their cause, they have turned their tortured view of the Constitution and their tortured view of the rule of law to the one place where they can get a majority to this body, this 105th Congress.

I came to this 105th Congress with pride. Now it will be my only Congress, and I leave with pride at having served with sadness that petty partisan politics raised to the highest level will torture the meaning and torch the fabric of the Constitution. If we agree these articles rise to the level of impeachment defined in the Constitution, treason, bribery or other high crimes and misdemeanors, these articles are not inclusive.

I oppose the articles of impeachment, and I ask that they be voted against.

□ 2200

Mr. STENHOLM. Mr. Speaker, I rise in support of these articles of impeachment.

Mr. Speaker, today is one of the most somber days I have known since coming to Congress twenty years ago. We are poised to vote on whether or not to impeach the President of the United States at the same time that uniformed men and women of our armed forces are engaged in conflict in the Middle East. It doesn't get much worse than this.

I have listened to the arguments that have been made about why the President's actions do not rise to the level of "impeachable offenses" under the Constitution. Despite these arguments, I am not persuaded. It is clear that the President's actions are sufficient to charge him with high crimes and misdemeanors.

Our President has admitted to wrongdoing. he has lied to his family, his friends, and the nation. He has protected himself at the expense of those around him. He has shown judgement so suspect that his actions are now called into question. It is clear that the President's deeds and words have placed an indelible mark on the Presidency of the United States.

It is not for us to judge President Clinton for his moral transgressions; God will do that. His family will have to forgive him for the pain he has caused them. He has already suffered tremendous punishment in regard to lost respect and credibility. Our duty is to decide whether to charge him with high crimes and misdemeanors and send the matter to the Senate to be tried and if convicted to determine what punishment is appropriate for his actions.

I do not agree with those who suggest that the President's actions are a private matter that do not reflect on his fitness for office. Lying under oath and repeated disregard for decency by our nation's top elected official is a serious offense. The strength of a nation is ultimately dependent upon the strength of its moral character. The consequences of the President's actions go well beyond the details of perjury. They go to the heart of our national character.

In considering the impeachment question, I have studied, listened and prayed for guidance. Throughout this process, I have been troubled that some of those calling for the President's impeachment are not interested in fairness and objectivity. They have been motivated by their own political blood lust. For example, I believe that all Members should not be denied the opportunity to vote their conscience on censure.

I understand that my vote today will be unpopular with many of my colleagues, my President and many of my friends and constituents. I also realize that by voting with the majority, this is an issue some will use for their own political purposes. My vote today in no way condones the behavior of those supporting impeachment whose actions are motivated more by political vendetta than the principles of the Constitution.

Let me make clear that my sole motivation is to fulfill my Constitutional duty as I see it, no matter how unpopular that may be or at what personal cost.

Those of us who have the honor of holding public office should hold ourselves to a higher standard. I respect those who have come to a different conclusion than my own. However, if I do not vote to impeach the President for his actions dishonoring his office, I not only fail to carry out my Constitutional duty, but I also diminish the office of all elected officials, including my own. One of our Founding Fathers, John Jay, said, "When oaths cease to be sacred, our dearest and most valuable rights become insecure." for these reasons, I will vote for articles of impeachment.

Mr. SMITH of Oregon. Mr. Speaker, when the Constitution of the United States was being debated throughout the new American states, many people were concerned that, like the monarchy they had fought against, a strong federal government would tend to "elevate the few at the expense of the many." Their concern was addressed by Alexander Hamilton in the Federalist Paper Number 57, and that answer governs the debate here today.

Hamilton argued that, under the Constitution, our elected leaders "can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them a communion of interests and sympathy of sentiments, of which few governments have furnished examples; but without which every government degenerates into tyranny."

Then, as today, the belief that no one should be above the law, remains one of the distinguishing characteristics of our government. We are a nation with a multitude of economic circumstances, ethnic backgrounds, and social distinctions. But no matter what our other differences may be, we are all equal before the law. It goes against everything we stand for to allow someone to escape justice simply because they hold a position of power. And while our system is not always perfect, it is our duty, as representatives of the people, and as Americans, to do everything in our power to live up to this ideal no matter what the cost. We are here today to perform our duty, not to bring a Constitutional crisis, as some have said, but instead to protect the Constitution and the principles for which it stands.

All the evidence presented by both sides in this case leads us to the conclusion that the President of the United States, violated his oath of office and committed perjury both in a civil deposition and again before a federal grand jury. Those opposed to this proceeding have offered virtually no evidence to refute this conclusion. Instead, they rely on the assertion that although the President committed perjury, such a violation of the public trust does not rise to the level of an impeachable offense.

The President has twice sworn before the American people to uphold the Constitution and the laws of the United States and yet flagrantly and knowingly violated the very foundation of our legal system. More importantly, the President's actions were expressly aimed at thwarting justice due a citizen who brought a legal case against him. I find it difficult to comprehend how my colleagues, who purport to support the most vulnerable members of society, can argue in favor of the President when he has illegally used the immense powers at his disposal to rob a person, without his same rank or privilege, of justice.

In this century, the Congress has voted overwhelmingly to impeach and remove federal judges for perjury, and at least 115 people are now in prison for lying under oath in civil cases not unlike the President's. Even a member of the President's Administration was recently convicted of lying under oath in a civil case stemming from a consensual sexual relationship. Allowing the President to commit serious crimes against the legal system with impunity tells these people that their mistakes were not made in lying under oath, but rather in lacking the raw power to escape justice. Moreover, it sends a chilling message to all Americans who previously believed they enjoyed the equal protection of our laws.

I support a government based on integrity, morality, and respect for the law, and while I find no pleasure in casting my vote to impeach the President today, I also see no other option. It is a grim moment we all face, but no matter how difficult this decision may be, the alternative would be far worse. Equality before the law manifests itself not only in its protections, but also in its punishments. It defines us as Americans, whatever side we are on, and I regret that, in this case, the President is on the wrong side.

Mr. DEFAZIO. Mr. Speaker, impeachment of a sitting President is one of the gravest responsibilities and powers given to the Congress by the Constitution. Once it is undertaken it will throw the nation into turmoil and paralyze Congress and the Executive branch for months on end. As Alexander Hamilton wrote in the Federalist Papers, "[Impeachment] will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused." Impeachment is, in effect, the repudiation of a popular election. It is a constitutional last resort and should not be undertaken lightly or in a partisan manner.

There is no question that President Clinton's behavior has been outrageous, reckless and offensive. He lied to the American people and offered misleading and possibly perjurious testimony in a civil trial and a grand jury proceeding. These are not trivial matters. The question is whether they warrant the constitutional remedy of impeachment.

When I began serving in this office, I took an oath to uphold the Constitution of the United States. In order to understand and fulfill my constitutional duty, I have studied the writings of the framers of our Constitution, as well as the opinions of many noted legal and constitutional scholars. If the President's misdeeds meet the constitutional standard for impeachment, my oath of office would oblige me to vote for his impeachment regardless of my party affiliation. However, if my best judgment is that his offenses do not cross the constitutional threshold, I owe it to the Constitution, to history and to my own conscience to vote against his impeachment.

The Constitution states that impeachment is to be used only in the case of "treason, bribery and other high crimes and misdemeanors." Treason and bribery are unambiguous and represent serious abuses of the office of President and direct attacks on our nation and the integrity our constitutional system of government. By adding "other high crimes and misdemeanors," the framers of our Constitution knowingly chose a phrase that had been in use in English impeachment trials for nearly 400 years. "High crimes and misdemeanors" was historically understood to refer to serious official misconduct and abuse of the powers of government by the King or one of his officers. This is clearly the meaning the framers intended.

Alexander Hamilton characterized impeachable offenses as "political" actions that involve "injuries done to society itself." George Mason stated that high crimes and misdemeanors are "attempts to subvert the Constitution." Impeachment is the constitutional remedy for gross abuse of the official powers of the President's office or, in the case of bribery, criminal actions in the pursuit of official power. Crimes that do not rise to this level are not impeachable, but can be prosecuted in criminal or civil court. (It is not clear whether the Constitution would allow the President to be prosecuted in criminal court while in office, but there is no doubt that he can be prosecuted after his term expires.)

Constitutional scholars all agree that the framers of the Constitution did not want a President to be impeached simply because a majority of members of Congress disagreed with his policies or found his morals repugnant. We do not have a parliamentary system of government where a Prime Minister can be removed from office at any time. A strong and independent Presidence is vital to our constitutional order.

I have maintained an open mind throughout the Independent Counsel's investigation and the Judiciary Committee's hearings. I was prepared to consider any new evidence or charges brought forth by Mr. Starr or the Committee. As you know, Independent Counsel Kenneth Starr has spent nearly five years and more than $50 million investigating this President. His original charge was to investigate a dubious real estate deal that happened before Mr. Clinton became President. Mr. Starr has produced no evidence of wrongdoing in the Whitewater matter. At least 15 congressional committees as well as the Federal Bureau of Investigation have undertaken their own investigations of Whitewater, "Filegate," the administration's campaign finance activities, and assorted other allegations of official wrongdoing by this President and his administration. But in the end, we are left with one charge and one charge only: that the President has a private, consensual sexual affair and lied about it.

The House Judiciary Committee alleges that the President committed perjury. Perjury is a very serious matter. However, it is far from clear whether the President's misleading testimony in the Paula Jones civil suit or before a grand jury fit within the law's narrow definition of perjury. Even if it can be proved that the President committed perjury, the question remains whether perjury about a private sexual affair is in the same league as treason, bribery or other gross abuses of the official powers of the office of the President. In the final analysis, I am forced to conclude that it is not and will vote against impeachment in the House.

If the Independent Counsel believes he has a strong legal case against the President, he can and should bring criminal charges against Mr. Clinton. Nothing in the Constitution prevents that outcomes. But impeachment is not only inappropriate in this case, it is profoundly damaging to the Constitution and our nation's interests.

This has been a sad chapter in our nation's history and it's not over yet. As Alexander Hamilton predicted, it has aroused intense and passionate partisan feelings. In fact, I have received more mail, e-mail and phone calls on this matter than on any other issue during my tensure in office. It is safe to say that no matter how it ends, it will leave a lasting mark on our democracy.

Mr. RADANOVICH. Mr. Speaker, when I first ran for Congress I jokingly invited President Clinton into my district to campaign for my opponent. Clearly, we do not see eye to eye. I do intend to vote for his impeachment though, not because of this; not because he had a disrespectful relationship with a subordinate his daughter's age and not because he deliberately lied for months about their relationship to every American.

I am voting for impeachment because he perjured himself twice, first in a civil case and then before a federal grand jury. These actions alone make him unfit for office.

Perjury, obstruction of justice and abuse of power are clearly high crimes and misdemeanors. They are a direct assault on the foundation of America, the rule of law, and on the freedoms of every American.

I don't want to do this, but I would cast this vote even if a President from my own party committed these acts.

I don't appreciate having to be here on the House floor debating impeachment while our troops are fighting in the gulf. But it is the President who, by his own actions and misdeeds, brought a vote on impeachment to America for only the second time in our history. He alone must suffer the consequences.

Mr. KOLBE. Mr. Speaker, it is with a heavy heart but a clear conscience that I will vote for Articles of Impeachment against President William Jefferson Clinton. I know that some of my colleagues who have spoken out in the President's defense have asserted that this impeachment process is illegitimate and, by voting to impeach, this Congress will plunge our nation into a constitutional crisis. But, in fact, this is a legitimate process contemplated by the Constitution and duly authorized by an overwhelming, bipartisan majority of House members. The only crisis we face now is the possibility that we might fail to do our duty as mandated by the Constitution.

This is not about overturning the will of the American people as expressed in the election of 1996. Great weight should be placed on protecting the decision made by the voters, and only the most extraordinary circumstances can justify negating that decision. I believe the circumstances in this case are extraordinary.

While most Americans find the President's underlying conduct in this matter deplorable—and he himself has already admitted as much—such behavior is not, in and of itself, impeachable. But this Congress is not being asked to judge President Clinton's private sexual behavior or his personal morality. Despite what some would have you believe, this case is no more about sex than a bank robbery is about currency.

A grand jury is at the very heart of our judicial system. It is the chief tool by which we ferret out felonious conduct that should be prosecuted. Lying to a Federal grand jury is a grave offense, and the President clearly lied before that grand jury. As our chief law enforcement officer—as a lawyer and officer of the court—President Clinton knew all of this. And yet he chose to lie anyway.

Ours is a nation that holds the rule of law as near to being sacred as any aspect of our form of government. We not only believe that all men and women are created equal, but also that all are equal under the law. Our republic is a tapestry woven from many strands—a written Constitution, laws and statutes, and, just as important, a body of precedents, traditions, and common law developed over more than two centuries. That tapestry is surely worth preserving. Our responsibility, as Members of this Congress, is to keep it from being tattered by the winds which blow against our Republic. I am confident this House will not be found wanting.

Mr. Speaker, I append my statement of December 17, 1998, to this statement.

STATEMENT ON THE IMPEACHMENT OF PRESIDENT WILLIAM JEFFERSON CLINTON

The votes I cast tomorrow on Articles of Impeachment against President Clinton will surely be the most profoundly significant and momentous of my career in public service. During the past 14 years in Congress, I have participated in two other impeachment proceedings; I have voted to send our armed forces into combat in Desert Storm; and I have engaged in countless other political battles. Some of these battles bordered on the absurd, while others truly helped define who we are as Americans, and what we stand for.

This is only the second time in our Nation's history that the House of Representatives will actually vote on Articles of Impeachment against a President of the United Sates. This is, indeed, an historic moment.

As I depart today to carry out my solemn responsibility, I believe it is important for me to first share my decision with those I represent.

Perhaps the greatest challenge I faced in reaching my decision was to cut through all the media punditry and relentless political spin, which has largely served to obscure—rather than illuminate—the facts and the law in this case.

I know some argue that this process is illegitimate and, by voting to impeach, Congress will plunge our nation into a constitutional crisis. But, in fact, this is a legitimate process contemplated by the Constitution and duly authorized by an overwhelming, bipartisan majority of House members. The only crisis we face now is the possibility that we might fail to do our duty as mandated by the Constitution.

This is not about convicting the President of perjury, obstruction of justice, or abuse of power. That responsibility is reserved exclusively to the Senate. No aspect of this debate has been more misrepresented by mainstream news media, and thus so poorly understood by the public. As one of our founding fathers, Alexander Hamilton, said clearly in Federalist Paper No. 66:

"The division . . . between the two branches of the legislative, assigning to one the right of accusing, to the other the right of judging, avoids the inconveniences of making the same persons both accusers and judges."

This point is important, for it is a well established principle of our system of jurisprudence that the standard of evidence to bring charges is substantially lower than that required to convict. Granted, no prosecutor would bring a case to a grand jury without a reasonable expectation that a conviction could be obtained.

While Congress does not operate as a court of law when we consider impeachment, this is nevertheless as close to a legal proceeding as Congress gets. And so, as a defacto grand juror, the question I must ask myself is this: Is the weight of evidence now sufficient to require the Senate to conduct a trial?

This is not a vendetta against this President. I bear him no personal ill will. While I have differed with President Clinton on numerous questions of policy, we have also agreed on various issues. For example, I have worked closely with this Administration, and President Clinton personally, to pass NAFTA and build a bipartisan, free-trade coalition. And as recently as last week, I joined with President Clinton and other Congressional leaders at Blair House, trying to forge a bipartisan consensus on Social Security reform.

Like the vast majority of my colleagues in Congress, and I dare say most Americans, I am terribly saddened by this entire, tawdry affair. I believe it has diminished respect for our nation and the Office of the President, if not all elected officials. President Clinton is, undeniably, a shrewd political leader who possesses enormous personal charm and a remarkable intellect. But I cannot allow my admiration for President Clinton's considerable skills to cloud my judgment in this matter.

What else is this vote not about? It is not about overturning the will of the American people as expressed in the election of 1996. Great weight should be placed on protecting the decision made by the voters, and only the most extraordinary circumstances can justify negating that decision. I believe the circumstances here are extraordinary.

And it is precisely for this reason that the Constitution invests in the Congress the power to impeach a President. The framers recognized that, while the judiciary could adjudicate most cases of public malfeasance, a special process was necessary to accuse, try, and remove a President from office. Impeachment and conviction are the only means by which a President, fatally corrupted or guilty of abusing the power of his office, could be removed. These are the only means by which our Constitution and all the institutions therein can be protected from further damage.

Finally, this matter is most assuredly not about sex or lying about sex. While most Americans find the underlying conduct of the President deplorable—and he himself has already admitted as much—such behavior is not, in and of itself, impeachable. Congress is not being asked to judge President Clinton's private sexual behavior or his personal morality. The spinmeisters' mantra notwithstanding, this case is no more about sex than a bank robbery is about currency. Rather, the Articles of Impeachment accuse President Clinton of lying in a civil deposition, committing perjury before a Federal grand jury, obstructing justice, and abusing the power and the office of the Presidency. And I have based my decision on a careful review of these articles and the supporting evidence, which I believe is substantial and credible.

The heart of the case is perjury: Did President Clinton lie under oath when he gave testimony in his deposition in a civil rights lawsuit, and did he subsequently lie under oath to a Federal grand jury when questioned about that testimony?

The evidence is overwhelming that he did lie. Even many of his most ardent supporters in Congress acknowledge that he lied and committed perjury in both instances. Some continue to assert, as the President does, that he only intended to "mislead," and that does not conform to perjury as the Supreme Court defined it in 1973, in Bronston v. U.S. But the President's testimony exceeded even that high threshold of perjury.

Listen to what the President said when questioned by his own attorney in the Paula Jones lawsuit deposition before a Federal judge:

Robert Bennett, the President's lawyer, said: "In [Monica Lewinsky's] affidavit, she says 'I have never had a sexual relationship with the President . . .' Is that a true and accurate statement . . .?"

President Clinton responded: "That is absolutely true."

No reasonable person could conclude, from what we now know of what transpired between the President and Ms. Lewinsky, that this statement is anything other than a perjurious lie. So the only question which remains for me to ponder in considering the first two Articles of Impeachment is whether perjury in a matter of personal behavior rises to the level of an impeachable offense.

A legal definition of treason can be found in the Constitution itself, and federal statutes give adequate judicial guidance with respect to the matter of bribery. But the framers left to future Congresses to decide what constitutes "other high crimes and misdemeanors." I believe there is ample evidence that felonious conduct—and perjury is a felony—falls well within the bounds of what our forefathers intended the phrase "high crimes and misdemeanors" to include.

The Minority Counsel for the Judiciary Committee relied upon language used in the 1974 impeachment report dealing with President Nixon to suggest that these are not impeachable offenses. The committee that voted out Articles of Impeachment in the Nixon case said: " . . . impeachment . . . is to be predicated upon conduct seriously incompatible with either the constitutional form and principles of government or the proper performance of constitutional duties of the Presidential office."

But ours is a nation that holds the rule of law as near to being sacred as any aspect of our form of government. We not only believe that all men and women are created equal, but also that all are equal under the law. Our republic is a tapestry woven from many strands, including a written Constitution, numerous laws and statutes, and—just as important—a body of precedents, traditions, and common law developed over more than two centuries. If our Star Spangled Banner is worth preserving, then certainly the tapestry of law and justice for which it stands is worth preserving, too.

President Clinton solemnly swore to protect and defend the Constitution of the United States, and to see that the laws shall be faithfully executed. He is the principal law enforcement officer of the United States. What possible respect for the rule of law can any of us have—or demand of others—if our President is not to be held accountable for perjury, just because he is the President or because the underlying circumstances for lying relates to personal behavior?

Is perjury relative? No. Does it only apply in some cases? No. Should we apply penalties selectively? No. Are some individuals more equal than others, and are we to treat them differently? Absolutely not. And I can think of no prescription more certain to undermine our system of jurisprudence than to answer affirmatively to these questions. I cannot.

Stuart Taylor, writing in the National Journal, noted that "Before President Clinton got caught, no constitutional expert had ever suggested it would be wrong to impeach a President for crimes such as lying under oath (even about sex), suborning perjury, or obstructing both a civil rights lawsuit and a criminal investigation." And, I would add, if we need a precise legal precedent for perjury as grounds for impeachment, I can refer to a vote I cast nine years ago to impeach Judge Nixon of Mississippi. The charge, then as now, was perjury.

Having said all this, I do make a distinction between perjury before a Federal grand jury and lying in a civil deposition. Both are perjury. But a grand jury is at the very heart of our judicial system. It's the chief tool by which we ferret out felonious conduct that should be prosecuted. Lying to a grand jury is the graver offense, in my view, and the President clearly lied before that grand jury. As our chief law enforcement officer—as a lawyer and officer of the court—President Clinton knew all of this. And yet he chose to lie anyway.

Lying in a deposition taken in a civil case strikes a more glancing blow at the integrity of our judicial system. Here, I believe the balance of other factors, including the imperative to respect the integrity of the electoral process, argues against impeachment. For me, this was a very close call. Therefore, I will vote for impeachment on Article I, but not on Article II.

Turning to Article III, I believe the weight of evidence is sufficient to try the President on this article, dealing with obstruction of justice. I will vote to send this article to the Senate for trial.

The President did encourage Ms. Lewinsky to file a false affidavit in the Paula Jones case. He had prior knowledge that she would be subpoenaed; he knew what her affidavit said; and he knew it to be false.

Can a reasonable person come to any conclusion about President Clinton's post-deposition conversation with his personal secretary, Betty Currie, other than this: That he purposefully suggested to her—indirectly but with specificity—the gist of his testimony and desired that Ms. Currie should conform to it in the event she might be called as a witness? Ms. Currie testified that she believed this was the President's intent. And yet, the declaratory statements he made to her that Sunday morning were known by him to be false.

How do we explain why Ms. Currie would suddenly be motivated to retrieve gifts President Clinton had given to Ms. Lewinsky—evidence which certainly would be subpoenaed by a federal court—and hide them under her bed? How do we explain why the President had such a intense personal interest in seeing to it that Ms. Lewinsky found a job in New York after—and only after—her name appeared on the witness list in the Paula Jones case?

All of these actions—the false affidavit, the coaching of Betty Currie, the retrieval of the gifts, the effort to find Ms. Lewinsky a job—are at the core of the case to be made for obstruction of justice. The pattern of evidence clearly requires a complete examination in the Senate.

The fourth and final Article of Impeachment deals with abuse of power by the President. To my mind, this is the most troubling, but also the most subjective.

As chairman of the House Appropriations Subcommittee that funds the Executive Office of the President I have experienced the Clinton Administration's "stonewalling" efforts first hand. And I must say, as I listened to the testimony of Independent Counsel Kenneth Starr before the Judiciary Committee, I found his litany about the lack of cooperation by the White House Counsel office distressingly familiar.

Clearly, the evidence offered in support of Article IV suggests a pattern of abuse of power. Sending loyal cabinet members and White House aides before the cameras to proclaim the President's innocence, when he knew their statements to be false, is surely despicable. The President's aggressive efforts to undermine the Independent Counsel's investigation were outrageous. But are these offenses impeachable? I have concluded that they are not.

I return to Washington today with a heavy heart, but I am buoyed by the wonderful expressions of support I have received from so many—friends and total strangers alike—who have urged me to do what I believe to be right, whatever that decision might be. I also want to commend the thousands of individuals who have contacted my district and Washington offices during the last several weeks to express their views. Having answered scores of constituent phone calls myself, I am well aware that the people of southern Arizona are deeply divided or the prospect of Impeachment.

I said at the outset that this is a decision I must make alone, based on my conscience and best judgment of the facts and the law. No Republic Congressional leaders have contacted me of attempted to influence my votes. Should there be political repercussion as a result of the votes I will cast tomorrow, so be it. Whatever the outcome of tomorrow's votes, it will certainly be one of the saddest moments in our nation's history. But I will cast my votes with confidence that I have done what I believe is right, for the sake of our nation,

Mr. GUTKNECHT. Mr. Speaker, this is a solemn and sober occasion. It is day and a duty that all of us had hoped we could avoid. But, this day and that duty came. On historic days like this, we must draw strength from the heroic figures who have gone before us.

From Valley Forge, to Gettysburg, from Normandy to this very day, Americans have found the courage to do what was required. And we, in our day, with God's help, will meet this challenge. We will stand today for the rule of law, or we will submit to the rule of men.

Mr. Speaker, the matters before us are difficult, but they are not complicated.

Our friends on the other side offered no real defense for the charges. Indeed, in their own resolution, they acknowledged that Mr. Clinton failed to tell the truth to a Federal Grand Jury. They agree that he has brought dishonor on himself and on the high office he holds.

On several occasions, Mr. Clinton put one hand on the Bible and took an oath. Twice he pledged to "preserve, protect, and defend the Constitution of the United States." As President, he has the responsibility to "take care that the laws be faithfully executed."

Subsequently, Mr. Clinton swore under oath "to tell the truth, the whole truth, and nothing but the truth." He was warned by his supporters and his attorneys of the dire consequences of breaking that oath. As an attorney himself, Mr. Clinton understood very well the gravity of perjury. He understood the seriousness of witness tampering and obstruction of justice.

Our entire system of justice and indeed our very rule of law is built on the bedrock that oaths are sacred. Were it not so, why would we use Bibles? Or, why take oaths at all?

The evidence is overwhelming, the Constitution is clear. My conclusion is inescapable. Bill Clinton violated his oath of office. He violated his oath to tell the truth, the whole truth and nothing but the truth. He did willfully commit perjury, obstruct justice, and subvert the legal process. His actions have brought dishonor upon the high office that the American people have entrusted to him.

If we in Congress fail to act in this case, we will have set a terrible precedent. We will have said that there are two standards—one for powerful politicians, and another for everyone else.

Mr. Speaker, we must today rise to our Constitutional responsibilities. We must do our duty. We answer to our conscience and to posterity.

It is with a heavy heart but a clear conscience that I will cast my vote in favor of these Articles of Impeachment.

Mr. GEJDENSON. Mr. Speaker, the full House meets today for only the second time in our nation's history to consider Articles of Impeachment against a sitting President. Other than declaring war, impeaching the President is the most solemn Constitutional issue Congress will ever address. The seriousness of the issue is only compounded by the fact that as a democracy, where power and authority flow from the people, the citizenry—not the government—selects the nation's leaders. As a result, it is a matter of utmost public concern when the government, in the form of this Congress, takes steps to remove the people's choice. I know that my Republican colleagues wholeheartedly agree that the Constitution is designed to specifically limit the authority of the national government. I would remind the members who have brought these Articles to the floor that impeachment is the ultimate "big government" action.

The founding fathers envisioned that it might be necessary under very limited circumstances for the government to take such action. They provided Congress with the authority to remove the "President, Vice President, and all civil Officers of the United States . . . on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." The issue before us today is whether or not the President's actions meet the Constitutional threshold set for impeachment and whether or not the process which has governed the actions of the House to date passes Constitutional and legal muster.

Let me begin by saying that the President's conduct was wrong. I am most disappointed that he mislead the American people for many months. He should have told us the truth from the very beginning. I echo the President's conclusion that his conduct demonstrated a critical lapse of judgment and is deserving of public rebuke. With that said, I believe it is important to note that the President is continuing to do his duty. I believe a case could be made for impeachment if the President stopped carrying out his responsibilities, ceased his efforts on behalf of the American people and allowed the national security of the United States to be jeopardized.

The Constitution is the nation's organic act. It serves as the vehicle through which the American people grant certain powers to the national government. It affords every American the greatest set of fundamental rights available anywhere in the world. It is a living document which is interpreted every day by the executive, legislative and judicial branches of our government. However, our entire system of Constitutional jurisprudence is based on ascertaining the intent of the men who wrote the document and the citizens who approved it 210 years ago. As a result, we must rely on contemporary accounts of the debate at the Constitutional Conventional and state ratifying conventions, early Supreme Court decisions which articulated this intent, and scholarly analysis to inform us about events, points of view, areas of agreement and matters of contention which we can not directly observe. With that in mind, the first step in our deliberation must be to determine how the framers intended impeachment to be employed in our system.

The Judiciary Committee held a hearing in early November which was designed to help us understand the intent of the framers of the Constitution. Although the positions taken by the participants appeared polarized, even irreconcilable, at times, I detect a common thread which is absolutely crucial to our debate today. Many of the scholars who testified made a point which goes to the heart of the Constitutional design of impeachment. Professor Mattew Holden explained that impeachment is the ultimate check available to Congress in our system of checks and balances between branches. Impeachment is available as a last resort if all other devices—laws, oversight or overriding Presidential vetoes—fail to ensure that the President operates within established Constitutional boundaries. Professor Holden stated that "in ultimate defense, [the founding fathers] put in the impeachment procedure, giving Congress some power to remove a President from office." Father Robert Drinan, who served on the Judiciary Committee during Watergate, echoed this conclusion when he explained that the "* * * Congress has almost always understood that impeachment was designed by the founding fathers to be a remedy intended only for a dire situation for which no other political remedy exists." He summarized his comments by describing impeachment as "a final safety net in case somehow the separation of powers did not work and that a nearly tyrant in the executive branch could not be stopped by any means short of removal."

Under the Constitution, impeachment is designed as the ultimate check on an errant executive who can not be constrained by any other means. Impeachment is not intended to be used as a device to express disapproval of certain actions or to shame the President. There are other mechanisms to achieve this goal—mechanisms that this institution is currently employing with considerable effectiveness. I do not believe the use of impeachment by the House today conforms to this Constitutional standard.

Mr. Speaker, I strongly believe that the process which has governed this gravely serious issue has been flawed from the very beginning. It has been decidedly partisan and one-sided. As Professor Arthur Schlesinger testified before the Committee, the framers further believed that, if the impeachment process is to acquire popular legitimacy, the bill of particulars must be seen as impeachable by broad sections of the electorate. The charges must be so grave and the evidence for them so weighty that they persuade members of both parties that removal must be considered." the party-line votes in the Committee and the consistent finding that about 60% of the American people do not support impeachment demonstrate that neither of these essential conditions has been met.

Some members of the majority argue that to fail to impeach the President would hold him to a lower standard than any other American and put him "above the law." This argument has two fundamental flaws. First, the President is fully subject to indictment and prosecution after this term expires. The Independence Counsel is preserving certain options which would allow the federal government to take this very action. Second, the President is subject to a form of punishment which can not be imposed on average citizens—impeachment. However, the Constitution requires that he commit "Treason, Bribery or other high Crimes and Misdemeanors" in order to be impeachment. These are not just any criminal offenses, but offenses which threaten the very existence of the state, our form of government, and the American people's fundamental interest in exercising control over their leaders. The standard to prove such offenses must be very high.

Although impeachment takes place with the House of Representatives rather than in a federal courthouse, I do not believe that means fundamental legal standards which undergird our entire society become irrelevant. It is incredulous to agree that the President is entitled to a lower standard of legal protection than any other citizen. I agree with my colleagues that "no citizen is above the law." At the same time, no one should be below it either. It is a fundamental premise in our system that someone can not be tried without being informed of the specific charges against them. It is impossible to mount a defense against unknown or extremely vague charges. In addition, our legal system is based on the bedrock tenet that charges must be substantiated by an increasing level of proof based on the seriousness of the offense. Perjury and obstruction of justice are serious offenses indeed. As a result, federal law, the authority on which the Independent Counsel bases his charges, request the government to prove "beyond a reasonable doubt"—the weightiest burden of proof in our system—that a defendant committed these offense.

The Articles of Impeachment before the House today fail to provide the President, or the members of the House with specific statements or actions which the majority contends constituted "perjurious, false and misleading testimony." Article I states that the President provided false statements concerning the "nature and details of his relationship with subordinate Government employee" and "testimony he gave in a Federal civil rights action brought against him." Article II states that the President provided "perjurious, false and misleading testimony in responses to questions deemed relevant * * *'" about "conduct and proposed conduct" and "the nature and details of his relationship [with Ms. Lewinsky]."

What specific statement does the majority believe are "perjurious?" What were the "relevant questions?" Where are the specific statements which meet the legal requirement of proof beyond a reasonable doubt? With the stakes as high as they are, it is unacceptable for the Committee to offer vague generalities as the grounds for impeachment. If the Committee could meet the legal standard which applies in every courtroom across America, a reasonable person would conclude that those statements would be listed in the Articles. Failure to do so leads me to conclude that the majority can not meet the standard so it has restored to vague generalities. This conclusion is buttressed by the testimony before the Committee of five former Federal prosecutors who were unanimous in their conclusion that the evidence supporting the charges of perjury and obstruction of justice is extremely weak. In addition, they agreed that no responsible federal prosecutor would ever take a case based on the evidence before this body to trial. Voting to impeach the President of the United States requires that this institution have clear and overwhelming evidence that he engaged in specific act of misconduct which undermine our system of government. Absent this proof, it flies in the face of the intent of the founders to impeach the President.

The fundamental weakness in the process extends to the Committee's investigation of and deliberation on this nationally significant issue. One only needs to consider a few examples to understand the fundamental shortcomings of the process. First and foremost, the Committee did not conduct an independent investigation of this complex situation. It relied exclusively on the evidence gathered, and packaged, by the Independent Counsel. This evidence and the testimony of the witnesses was never subject to across examination by the defendant—the President of the United States. Our legal system relies on an adversarial process—manifest most directly in the cross examination of witnesses—to discover the truth and to expose fundamental contradictions. The evidence and testimony gathered without the benefit of this process would be considered suspect, and strongly challenged, by virtually any lawyer in this country.

The fundamental weakness of the evidence has only been compounded by the fact that the Committee did not hear testimony directly from any of the central witnesses in this case. During the Watergate hearings, the House Judiciary Committee called several of the central figures in the drama—John Mitchell, John Dean, Charles Colson and Alexander Butterfield—to testify. The members of the Committee—Democrat and Republican—were able to question these witnesses directly, follow-up on vague answers or pursue lines of questions as they developed. The Committee did not rely solely on an outside entity to gather evidence and question witnesses when considering whether or not to impeach the President.

Quite to the contrary, the Judiciary Committee did not hear directly from a single witness who was a participant in any of the events in question. The fact witnesses today include Monica Lewinsky, Linda Tripp and Betty Currie. The majority on the Committee maintains that it would have been too unseemly to call these witnesses, it would have been too embarrassing. These excuses fall far short of the mark. The House has the Constitutional duty to consider impeachment. This is not an easy task, it is not fun— and it should not be. Nevertheless, the House has an obligation to hear from witnesses directly and to question them in an effort to get information which reflects all sides of the story. The failure to do so dramatically undermines the credibility of the Committee's findings because it abdicated its responsibility under the Constitution by relying exclusively on the evidence and testimony presented by the Independent Counsel.

I believe it is absolutely critical for the House to conduct an independent, direct investigation because members are acting on behalf of the American people. This body is considering taking step to overturn two national elections. In order to take this action, this body has a solemn obligation to gather evidence, examine the central witnesses and delve directly into all of the issues which could impact on the decision to impeach. Accountability for this decision rests unequivocally with this institution—not the Independent Counsel, not a grand jury, not even with the President. As a result, it is incumbent on the House to take the predominate role in the investigation. This essential standard, which guarantees accountability to the American people, has not been met.

I would like to take a moment to review the Articles before the House. I have already commented on the weaknesses of Articles I and II from a legal standpoint. They consists of nothing more than vague generalities unsupported by clear and convincing evidence. It goes without saying that the Constitution demands that the President be charged with specific acts of wrong-doing which are substantiated by overwhelming evidence before he can be impeached. Article III appears to be a catchall category where the majority piled on allegations. This action only serves to compromise the process further.

Article IV is interesting both in terms of the charges it levels as well as a historical sleight of hand the majority attempts. This article maintains that the President "contravened the authority of the legislative branch . . . in that . . . [he] refused and failed to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission propounded to him. . . . As far as I know, the Committee sent the President 81 questions and he responded to each of them. I read in the papers after the responses were provided around Thanksgiving that members on the majority side of the Committee found the answers to be "arrogant" and "not contrite enough." Perhaps this Article should read that "the President failed to provide contrite answers to the Committee's questions." This would be a more accurate description than the President failed to respond to the Committee's request for information.

This article also includes what I referred to above as a historical sleight of hand. The third Article of Impeachment against President Richard Nixon stated that by refusing to comply with 8 subpoenas approved by the Judiciary Committee requesting more than 140 documents and taped conversations, the President had "assum[ed] to himself the functions and judgements necessary to exercise of the sole power of impeachment vested by the Constitution in the House of Representatives." The Committee levels this very same, profoundly serious charge against President Clinton regardless of the fact that he was never served with any subpoenas from the Committee and provided responses to questions submitted in writing.

It strains credibility to maintain that the President "assumed" the authority of the House in this area. The Judiciary Committee has moved with considerable speed and little impediment to bring us to where we stand today. The Committee uses this language completely out of its historical context. The statement was appropriate 24 years ago when President Nixon defied multiple subpoenas and withheld documents and other materials which were crucial to the investigation. There is no parallel today by any stretch of the imagination. The decision appears to be yet another attempt to boost charges, which lack substantial factual background, with rhetoric which suggests the President committed terrible offenses. This tactic further demeans an already flawed process.

I would like to make one final point which illustrates that this process does not comport with the Constitution. Article I, Section 2 of the Constitution states that the "House of Representatives . . . shall have the sole Power of Impeachment." Impeachment is the power to charge—not judge. Article I, Section 3 grants the Senate this authority. It states that the "Senate shall have the sole Power to try all Impeachments" and that "judgement in Cases of Impeachment shall not extend further than removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States." It is up to the Senate to determine whether or not the President should be removed and/or disqualified from holding any other office. However, in each and every one of the Articles before us today, the majority makes this very judgement. This is not the role of the House as set forth in the Constitution. Where is the indignation about the rule of law or the lofty commentary about our duty to uphold the tenets of the Constitution? It is ironic that in an Article alleging that the President usurped the authority of the House, the majority is usurping the authority the Constitution grants to the Senate.

Mr. Speaker, the founders designed impeachment as a "last resort" to remove a President who was impervious to any other method of control. They set the bar very high in an effort to ensure that impeachment would not become a weapon which could be deployed for partisan political gain. Removing a sitting President requires the proponents of such action to demonstrate clearly, convincingly and specifically that the President has committed "Treason, Bribery or other high Crimes and Misdemeanors." It is clear to me that the proponents have not met this standard.

Moreover, the gravity of the action demands that the House utilize a decision making process which adheres to fundamental legal and Constitutional principles. Unfortunately, the process to date falls far short on both. The burden of proof required to charge the President with the offenses alleged has not been met and he has not been informed of the specific actions which have placed him in jeopardy. In addition, in my opinion, the House has abdicated its duty under the Constitution to gather the facts and to hear from the witnesses directly. The independent Counsel statute does not supersede the Constitution. It does not trump the obligation that this institution has to the American people, and to itself, to conduct an independent investigation and to hear directly from material witnesses before taking the momentous step of impeaching the President. The House has failed in this regard and, in so doing, undermined the legitimacy of the Articles before us today.

Mr. Speaker, I know all too well what America symbolizes to the world. My mother and father survived Hitler and Stalin and fled to the United States following World War II. To them, this country was a shining beacon of democracy, human rights an the principle that the rule of law is fixed by a constitution which cannot be changed by the whim of one ruler, or, even, a legislature.

The action of the Republican majority in bringing these Articles of Impeachment to the floor resembles a coup more than the Constitutional impeachment process the founders intended. I do not use this language lightly, I do not make this point frivolously. I have come to this conclusion based on the fact that these Articles do not meet the standards demanded by the Constitution and our legal system. It would be understandable if a fledgling democracy in Latin America or the Third World was struggling to determine the practical operation of provisions of a new constitution and erred in so doing. The United States, as the world's oldest constitutional democracy, could not be further removed from this scenario. After 210 years, we know the intention of the framers concerning impeachment. The misuse of the process is sending a terrible signal to the nations of the world that emulate the United States because we are governed by a set of fundamental constitutional principles which are grounded in the intent of the framers.

Due to Constitutional, legal and procedural shortcomings, I cannot support these Articles of Impeachment. In Federalist 65, Alexander Hamilton used the following words to describe how he feared the impeachment process could be misused: ". . . There will always be the greatest danger that the decision [to impeach] will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt." Hamilton foresaw the abuse we witness today. Members should heed his warning and vote against the Articles of Impeachment.

Mr. PALLONE. Mr. Speaker, let me start by saying how wrong it is to conduct this debate while our troops are in harm's way. Saddam Hussein will surely be emboldened by the Republicans' comments and conduct today and that will undermine our policy toward Iraq and our national security interests.

Since we have nonetheless decided to proceed, I want to take issue with the opening remarks of the Chairman of the Judiciary Committee, Mr. HYDE.

I deeply regret his effort to characterize the impeachment of the President as necessary to uphold the Constitution and the rule of law. He is wrong, wrong, wrong.

Equally offensive to me was Mr. HYDE's suggestion that the Radical Republicans who seek to impeach our President today are carrying out the legacy of Moses, ancient Greece and Rome, the Magna Carta and all the precusors of Democracy, which we hold so dear.

The Radical Republicans who seek to impeach the President are, in fact, the heirs of those who would undermine our democracy—their precursors are those who would inspire a tyranny of the majority: Cromwell and his Puritans who sought to use the British Parliament to abolish freedom of religion, Robspierre and the French National Assembly who initiated the Reign of Terror, and most analogous—the Radical Republicans, who contrary to the wishes of the assassinated President Lincoln, salted the wounds of a divided America after the Civil War and unjustly impeached President Andrew Johnson.

Mr. HYDE said the Republican effort today is not a vindictive political crusade. I fact, that is exactly what it is—one of the darkest days in the nation's history, and a blot on our democracy just as dark as the impeachment of President Andrew Johnson without cause.

Why do I cite the tyranny of the majority? Because the Radical Republicans will not let the Members of this House consider and vote on a bipartisan compromise of censure. The Radical Republicans are guilty of thwarting the will of the American people.

Why do I say that the Radical Republicans are not honoring the Constitution? Because the President's conduct, while reprehensible, does not fit the definition under the Constitution as an act of treason, bribery or high crimes and misdemeanors, and therefore does not rise to an impeachable offense to justify the removal of the President.

I listened carefully to Mr. HYDE's remarks earlier and he seemed to suggest that it was necessary to lower the bar for impeachment to include lying about sex because the President held such an important position and needed to serve as a moral authority. But our job under the Constitution is not to set moral standards, as Mr. HYDE suggests, but to uphold the Constitution and the rule of law.

The Radical Republicans in seeking to impeach the President do the opposite. In the tradition of their predecessors after the Civil War, they rip apart the Constitution in a politically vindictive tyranny of the majority.

Mr. EDWARDS. Mr. Speaker, except for a declaration of war, a U.S. Representative can never be called upon to make a decision requiring more serious or solemn consideration than on a vote to impeach a President of the United States.

I believe what President Clinton did was indefensible and immoral, but I do not think his actions, however, wrong, reached the high constitutional threshold for impeachment and the overturning of the only national election in our democracy.

Over 200 years ago, George Mason proposed the language in Article II, Section 4 of the Constitution establishing the grounds for impeachment as "treason, bribery or other high crimes and misdemeanors." He defined these actions to mean only "great and dangerous offenses" or "attempts to subvert the Constitution." Having a private affair and hiding it are wrong under any circumstances, but I am not convinced such actions "subvert the Constitution" and justify nullifying the votes of 47 million American citizens.

I condemn the President's actions and believe bipartisan congressional censure and the possibility of future criminal action would be appropriate punishment for his affair and subsequent misleading statements.

Consider the chance that a Senate conviction would be extremely remote, the specter of a three to nine month Senate trial with tawdry televised testimony from Monica Lewinsky, Linda Tripp, and Kenneth Starr would punish the nation and our families far more than it would punish Bill Clinton.

The President should be strongly censured by Congress and then have his day in court like any other citizen. He should not be above the law and he should not be below the law. History and God will be his ultimate judge.

The hindsight of history will be harsh on this Congress and this unfair process. For some to speak of their vote of conscience today even as they deny a vote of deep conscience for others is in itself unconscionable. A process whose goal was to emulate the Watergate legacy, sadly, will leave a legacy more akin to the impeachment of Andrew Johnson, a legacy of partisanship, unfairness, and rush to judgment.

In the name of the Constitution, this process trampled on the Constitution, Article II and VI. In the name of "the rule of law" this process ignored the fundamental principles of due process and fairness that form the foundation of that rule of law. In the name of "no person is above the law" this process forgot that no citizen should be below the law. In the name of justice, this process ignored the pillar of justice that in our nation, a citizen is innocent until proven guilty, not guilty until proven innocent. In the name of America, this process raised the ugly debate of who is a "real" American. History will judge this process as a combination of Kafka, "To Kill A Mockingbird," and Keystone Kops.

Mr. Speaker, if the Golden Rule were to be our guide, who among us in this House would want to be a defendant in a case where the rules of law and fairness were ignored? Where secret grand jury testimony was released to the world? Where there was not one direct fact-witness? Where your defense attorney was limited to one hour of cross-examination of your chief accuser, who spent four years and forty million dollars investigating you? Where your attorney was forced to give your final defense before even one formal charge had been presented against you? Where the charges of perjury that were finally presented at the 11th hour failed the test of decency to list which statements were allegedly perjurious?

Surely, Mr. Speaker, no Member of this House would ever want or deserve to be a defendant in such a case. Yet, if we would not want to be judged by such an unfair process, then what right do we have to judge anyone else by that process? To even suggest that such a process was somehow fair because impeachment is not a trial would be to hid behind a fig leaf of legalism for those who claim to revere the principles of "the rule of law" and "equal justice under the law."

I will not question the final decision of any Member of this House for these are votes of conscience. However, just as we are judges today, history will judge this Congress tomorrow and for generations to come. Perhaps the ultimate justice is that history will judge that on this matter, the Congress and the President both failed to meet the highest standards in the sacred stewardship of the public trust.

As we end this Congress, regrettably, on a note of partisanship and ill will, one week before Christmas, perhaps it would be good if the President and all of us of all faiths, myself included, paused in the days ahead to reflect on the values of a small child born in Bethlehem whose life taught the world the power of love, forgiveness, and compassion. Maybe then the next Congress and our President could share the common bond and highest ideals of public service.

Mr. SERRANO. Mr. Speaker, I rise to oppose the resolution providing for the impeachment of the President of the United States and to protest this very unfair and partisan process. The Republican majority in this House is railroading President Clinton, thwarting the will of the American people, and setting dangerous precedents for the use of impeachment against future Presidents.

It is particularly outrageous that you Republicans insist on moving forward with this proceeding at the very time the United States is leading military strikes against Iraq and U.S. military personnel are in harm's way. It cannot help our service members' morale nor bolster our authority in the world that the Commander-in-Chief is under attack by rabid partisans who don't seem to care what other harm they cause if they can drag this President down.

I was one of five Members who voted against any investigation of the President and I will not vote to impeach him. I honestly believe that what President Clinton is accused of doing does not reach the threshold the Framers established for impeachment. The President by his actions has not threatened the nation's stability or brought an attack on the Constitution or presented problems for our Constitutional process.

Short of declaring war, a vote on Presidential impeachment is the most serious vote a Member of this House can cast. But not all Members are taking this historic duty seriously.

Many on your side of the aisle, Mr. Speaker, seem to forget that the Starr referral tells only one side of the story. It appears many have refused to seriously consider the presentations of the President's lawyers or any other information that might support the President's case against impeachment.

In fact, much of what we see today is the result of the desire of a group of people, including many House Republicans, to destroy this President. Within weeks of his election, I was seeing "Impeach Clinton" bumper stickers. And now, as columnist Richard Cohen put it in a Washington Post op-ed on Tuesday, Republicans have made impeaching President Clinton "a matter of party discipline, not of conscience, nor, for that matter, of logic."

How else to explain how an investigation that began with Whitewater became an impeachment process based on a private consensual affair? Or why the Judiciary Committee failed to set a standard for impeachment or to investigate the charges by calling witnesses with knowledge of the facts, but instead just swallowed the Starr report whole? Or why the Republican leadership will not let the House vote on censure?

Of the articles of impeachment, the two alleging perjury are considered the more plausible—most experts believe the evidence does not support allegations of obstruction of justice or abuse of power—but I am very concerned about how loosely the term "perjury" is being used in this process.

I am old enough to remember when offenses like loitering or vagrancy were used to harass poor people, minorities, antiwar activists, and other undesirables, until the courts threw them out as too broad and arbitrary. Now, "perjury" is being used broadly to refer to incomplete, misleading, even false statements, but "perjury" has a much more specific legal meaning, and I don't think the Republicans have proven that it occurred in this case. But rather than criticize the President's team for "legalisms", we should remember that the precise language of the law is a protection of our liberties.

The Founders did not provide for impeachment to punish a President for behavior Congress doesn't like, for refusing to confess in public to an offense he doesn't believe he committed, or for not being contrite enough.

Mr. Speaker, any offenses the President may have committed were not against our Constitution or our republic. Nothing he is accused of amounts to bribery, treason, high crimes or high misdemeanors. A private consensual relationship is not an impeachable offense. Nor does any element of this sorry situation justify overturning a national election and disenfranchising millions of Americans.

The American people are smart enough to understand what is going on, and they say "Stop!" They continue to support the President, and that is what we should do. I will continue to support President Clinton and his efforts to make life better for all Americans.

There is still a lot of work to do, and Bill Clinton has the ability, intelligence, and understanding to handle crucial issues before us. That is what is important and this is what the American people want.

Mr. Speaker, the nation has had enough. Impeachment is overkill in this case. We don't need the spectacle of a Senate trial to divert attention from the nation's business for second year, or even part of a year. We don't need the long-term political warfare a near party-line vote will surely generate.

For all these reasons, I urge my colleagues to vote against impeaching President Clinton.

Mr. Speaker, many of my colleagues have spoke today about the legal aspects of the impeachment procedure and I want to speak on this matter in terms that the people of this great nation understand. I will speak about the real reasons why the Republicans want to impeach President Clinton. Mr. Speaker, a short time after Bill Clinton was elected, I began to see "Impeach Clinton" bumper stickers along certain parts of I–95. It dawned on me than that his Presidency was one that was going to come under attack regardless of whether or not it turned out to be a good one. Since that time the right wing has not given up on its desire to destroy his Presidency. Talk shows hosts quickly began to insult him and show a lack of respect for him and his office. It should be clear to anyone who has paid attention that the right wing has not gotten over the fact that the President has been elected and re-elected. And so here we are today in the middle of a right wing coup. It does not matter what they tell you here this weekend, the fact is that the majority party is trying to undo the last two elections. The Republican right-wing has not gotten over Bill Clinton's success as President. And so what we are seeing here today is an attempt to use the Constitution as a bully's weapon. You Republicans may have the votes to overthrow this President but you do have the support of the same American people who you always hold up as the people we, in the Congress, should listen to. You may have the votes but the American people will not let you get away with it. An investigation about a land deal called Whitewater came back to us as an impeachment having to do with the private life of the President. This investigation consisted of illegal tape recordings, one-sided testimony, and no provisions for the President to mount a proper defense. You knew that, but you still decided to release all of this information in order to build opinion against the President and set out to finally get him. But it backfired. The American people have not bought your bullying tactics. They have told you over and over again to leave this alone. Just because you have the majority of the votes you don't have the right to overthrow this President and abuse the powers you get from the Constitution. You think you are going to get away with this but it won't work. You are going to hear from the people in a way like never before. This is a mean, unfair thing you are doing and it will come back to haunt. In the meantime we will all have to try to undo the damage you have done to this nation in this Chamber here tonight.

Mr. GILMAN. Mr. Speaker, I share the outrage and disappointment expressed by my constituents and colleagues. The President's actions violated the trust we accord our Nation's leader.

Moreover, Mr. Speaker, several of our distinguished colleagues have contended, during the course of the debate in the Judiciary Committee, and then during this debate today, that this action has revolved solely around sex. That is not accurate. This debate is no more about sex than the Watergate debate was about a third-rate burglary.

The debate then, as now, is about the coverup efforts subsequent to the initial act: The perjury, the suborning of perjury, the obstruction of justice, and abuse of power. These are the grave issues we must consider, and we must judge as worthy of impeachment.

It is against that background that our decision whether or not to vote for impeachment must be taken.

This is a difficult decision for all of us, probably the most difficult of my career in the Congress. I thank my constituents who shared their views. I recognize that there has been a great deal of serious thought, and soul searching on both sides. I am deeply impressed, and grateful, by the sophistication and sincerity of the arguments my constituents have shared with me.

While I have been closely following the committee's proceedings, I have just recently had the opportunity to review the 400 page Judiciary Committee's report, to listen to floor debate, and the arguments by constitutional authorities. Most importantly, I have searched my own conscience, and weighed my 48 years of experience as an attorney, including my 35 years of public service in reaching my decision.

While none of us should minimize the gravity of the impeachment process, we must bear in mind that the House has no final word in determining if any official should or should not be removed from office. Under our Constitution that role is assigned to the other body. An impeachment vote in the House is equivalent under the law to an indictment. Essentially, our vote in the House is an accusation. Referral of this issue to the Senate is not removal, but merely a finding of probable cause to believe a removable offense may have occurred.

Having fully considered all of the facts before us, reluctantly, I have come to the conclusion that probable cause in fact exists. Accordingly, I shall be voting in favor of at least one article of impeachment.

There is little doubt that perjury has taken place. The President's defenders do not deny this, but have confined their argument to contending that such perjury, while regrettable, does not rise to the level of impeachment.

I respectfully disagree with that analysis. Perjury is a serious crime in all 50 States. In most States, perjury by an attorney leads to automatic disbarment. There have been eight Federal judges impeached on charges of perjury in this century. Today, over 100 Americans are imprisoned for the crime of perjury. The argument that perjury committed by our Commander in Chief; or perjury which deals with certain subjects, is somehow exempt from the law is disingenuous.

I have considered the allegation of the President's perjury in context, and have concluded, to my distress, that a pattern of obstruction has emerged. At no time did the President cooperate with the Special Prosecutor's office but in fact worked to delay, obstruct, and frustrate the work of the Special Prosecutor. This is in marked contrast with Presidents Reagan and Bush, who cooperated fully at all times with the Special Prosecutor appointed to investigate allegations against their administrations, despite the fact that it has been argued that the Special Prosecutor in those cases was less than impartial.

Along with the millions of Americans, I was distressed that the White House and its supporters adopted a strategy of attacking the motives and character of the Special Prosecutor rather than responding to the specific charges made by his office. This attitude persisted until nearly the end of the Judiciary Committee hearings and was, I believe, grossly inappropriate for an investigation of this gravity.

Some of our colleagues have also contended that a trial in the Senate will consume our Government for months. In fact, one of our colleagues stated that it would take up the better part of next year. Mr. Speaker this is not accurate. There is no reason whatsoever that action in the other body cannot be promptly and speedily concluded. Both the majority and minority on our Judiciary Committee have issued a final report. In fact, the only possibility that action will be dragged out is if the President desires to do so. It is hoped that the President and his advisors will opt not to do so, and will acquiesce in a prompt consideration and conclusion of this matter.

Let me make it clear that though I support the articles of impeachment by the House, I am not convinced that he should be removed from office. In fact, that decision can only be made after a fair trial in the other body. The Senate will have the opportunity to consider the penalty of censure.

Hopefully, Mr. Speaker, our action will send a message to all Americans and to the entire world that no one in our Nation can consider themselves above the rule of law, particularly our Nation's chief law enforcement official.

Mr. Speaker. I request that for my colleagues attention, an editorial by one of the leading dairy newspaper in my congressional district, "The Journal News", dated December 15, 1998, entitled "Impeachment Vote," Be inserted at this point in the RECORD.

[From the Journal News, White Plains, NY, Dec. 15, 1998]

Impeachment Vote—House Must Vote to Send Clinton's Fate to a Trial Before the U.S. Senate

Impeaching President Clinton—putting him on trial in the Senate—is the only responsible course left to the House of Representatives.

The House should vote to impeach, not because the charges against the president have been proved, but because they remain serious and believable, and because a Senate trial becomes the last chance of ferreting out the truth.

The House Judiciary Committee did nothing to advance the case against President Clinton, other than to give independent counsel Kenneth Starr a forum to make a good case for his own findings. In choosing not to conduct an independent investigation of its own, the committee failed to grapple with the substance of the most serious charges: that the president lied under oath and coached other witnesses to do the same.

The committee's failure was a lost opportunity, to be sure. It did not make the decision by the full House any easier. The evidence against Clinton does not make the kind of open-and-shut case that had been made against Richard Nixon by the time his impeachment proceeding had reached this stage.

But if the case against Clinton was not clinched in the committee, it was not derailed either.

For one thing, the president's defenders did nothing to disprove or to lessen the seriousness of the charges. They also left substance largely untouched. Instead, they tried to impugn Starr's credibility and to belittle his accusations, even while conceding the truth of some of them.

More important, the Constitution does not equate the committee's inquiry to a trial of the president. Despite Democrats' arguments to the contrary, the committee's vote on articles of impeachment did not constitute a conviction, only a recommendation that the Senate conduct a trial leading to a finding of guilt or innocence. Yes, a more energetic inquiry would have been helpful toward that ultimate decision, but the disappointments of the committees' inquiry did not remove the need for that decision to be made.

The question of the president's fitness to hold office remains a disturbing and viable one, which the House must now pass to the Senate.

Many still hope to deflect the orderly process dictated by the Constitution. They would have Congress decide now on a meaningless nonexistent punishment—censure—rather than reach a decision on whether the president has committed wrongdoing sufficient to remove him from office. Clinton, to no one's surprise, has now publicly joined those clamoring for this nonconstitutional cop-out.

The Judiciary Committee's Republican majority was right to reject that option. The full House should also heed the words of committee Chairman Henry Hyde, that "a resolution or amendment proposing censure of the president in lieu of impeachment violates the rules of the House, threatens the separation of powers and fails to meet constitutional muster."

That means that Hyde, who would be instrumental in preparing the case to be brought against the president in the Senate, must be prepared to get to the core of this case, finally.

Clinton continues to insist that he did not lie under oath in denying certain details of Monica Lewinsky's descriptions of their sexual encounters. Hyde chose not to probe the credibility of those two key figures in his committee inquiry. He will have to do so before the 100 senators-turned-judges, who must not pre-judge and who will need more than assumptions and circumstantial evidence to make their own momentous decision.

Mr. WELDON of Florida. Mr. Speaker, colleagues, it is with great sadness that I rise to speak in support of this resolution. I would like to confine my remarks to the issue of judgment. Several speakers on the minority side have risen today and quoted the scripture "Judge not, that you be not judged."

It is very appropriate that our members should be quoting this verse. For it tells us that when we appear before the throne of God, God will judge us by the measure we have used to judge others here on earth.

Careful reading of the scripture, however, makes it quite clear that the message is not that we should never judge or exercise judgment. Indeed, in the same chapter of the Bible that my colleagues have been quoting, Jesus goes on to warn the people to exercise judgment and "not cast pearls before swine", and "to beware of false prophets."

Most scholars interpret this verse of scripture previously quoted about not judging to mean that we should not condemn others for their faults, and that we should forgive those who offend us.

However, it has never been proposed by any reasonable person that this verse of scripture asserts that we are to let criminals go free or that our law should not be upheld.

Bill Clinton is not being judged by the members here as much as he is being judged by the law itself. The preamble to the Constitution tells us that the Constitution was created for among other reasons to establish justice. To blithely forgive or ignore these offenses is to make a mockery of justice.

Our laws state that to lie under oath, to encourage others to provide false testimony, to conspire to conceal evidence, or otherwise impede or obstruct an investigation is a felony punishable by imprisonment.

Indeed, the committee took testimony from two individuals, one who actually went to jail, the other received house arrest for lying about sex before a grand jury.

Every year in America people go to jail for committing perjury. Our laws do not specify that consensual sex is a subject that it is OK to perjured yourself about.

When we think of the verse of scripture quoted, "Judge not and you will not be judged", I believe the important question we should be asking ourselves as members is how would we be voting on this resolution if Bill Clinton were a Republican.

To my Democratic colleagues on the, I ask would you still be clamoring for censure, or would you be calling for resignation of impeachment?

To my Republican colleagues, I ask a similar question: would you be calling for a "no" vote on this resolution or a motion of censure instead of impeachment?

Pollsters tell us that if you bother to include the question in your survey, the issue that the American people are most concerned about in our nation is the state of America's moral condition with up to 87 percent indicating that something is wrong.

The very essence of national morality and virtue is a citizenry that can exercise sound judgment. Sound judgment dictates that the President be impeached, and tried in the Senate. The only middle ground in this situation is acquittal in the Senate, not a meaningless unconstitutional motion of censure.

The Democrats wrote the statute creating the office of the independent counsel, and Janet Reno authorized the expansion of his investigation into the matters before us. The findings indicate felony offenses that could send the average American to jail.

President Clinton himself when he signed the reauthorization of the independent counsel act in 1993 issued a statement in which he said: "It ensures that no matter what party controls Congress or the executive branch, an independent, nonpartisan process will be in place to guarantee the integrity of public officials and ensure that no one is above the law."

To ensure that no one is above the law the resolution must be approved and sent to the Senate for trial.

Statement by President William J. Clinton Upon Signing S. 24

(30 Weekly Compilation of Presidential Documents 1383, July 4, 1994)

I am pleased to sign into law S. 24, the reauthorization of the Independent Counsel Act. This law, originally passed in 1978, is a foundation stone for the trust between the Government and our citizens. It ensures that no matter what party controls the Congress or the executive branch, an independent, nonpartisan process will be in place to guarantee the integrity of public officials and ensure that no one is above the law.

Regrettably, this statute was permitted to lapse when its reauthorization became mired in a partisan dispute in the Congress. Opponents called it a tool of partisan attack against Republican Presidents and a waste of taxpayer funds. It was neither. In fact, the independent counsel statute has been in the past and is today a force for Government integrity and public confidence.

This new statute enables the great work of Government to go forward—the work of reforming the Nation's health care system, freeing our streets from the grip of crime, restoring investment in the people who make our economy more productive, and the hard work of guaranteeing this Nation's security—with the trust of its citizens assured.

It is my hope that both political parties would stand behind those great objectives. This is a good bill that I sign into law today—good for the American people and good for their confidence in our democracy.

WILLIAM J. CLINTON

The White House,
June 30, 1994.

Mr. YOUNG of Florida. Mr. Speaker, as one of 23 members of this House who served in the 93rd Congress, the last time the House was presented with articles of impeachment against a President of the United States, I know there is no joy on either side of this issue. There certainly will be no joy, whatever the final outcome, when the House completes its deliberations.

It is never a pleasant situation to sit in judgement of another person, but that is our Constitutional responsibility when it comes to the President. Each of us took an oath of office to "support and defend the Constitution of the United States" and "to faithfully discharge the duties of the office." Therefore, we are obligated to debate and consider the four articles of impeachment before us today as reported by the Judiciary Committee.

Likewise, President Clinton took an oath of office to "faithfully execute the office of the President of the United States" and "to the best of my ability, preserve, protect and defend the Constitution of the United States."

With allegations and charges as serious as those that have been made against President Clinton, it is obvious that they cannot be overlooked. Even my Democratic colleagues are demanding a resolution of condemnation. Clearly we must do something and the Constitution tells us that is to follow the procedure established by the Constitution to consider articles of impeachment.

If we fail to follow proper procedure, future generations of Americans may see our lack of resolve as a precedent that in some way excuses or overlooks serious lapses of public trust or criminal acts committed by future Presidents. This lack of resolve could tempt future Presidents to bend or violate the rules of law.

Some of our colleagues suggest that the House consider a resolution to censure the President, saying that impeachment is too severe an action. The problem with censuring a President is that it becomes a precedent that could be used anytime a majority of the members disagree with any actions of a President. Those actions might simply be a political difference of opinion, not something related to the law or to a President's conduct.

This would move our relationship between the legislative and executives branches more towards that of Parliament, where votes of confidence are in order that can lead to a dissolution of the government. That was not the intent of the authors of our Constitution and as our colleague HENRY HYDE, the chairman of the Judiciary Committee has said, threatens the separation of powers that is the cornerstone of our government as provided for by the Constitution.

Mr. Speaker, the United States has been the target of many enemies over the past 222 years of our nation's history. Those enemies have attempted to destroy our nation with force and ultimately our system of government. Every attempt, though, has failed and the Constitution remains the standard by which all other forms of government are measured.

The single greatest threat to the Constitution may come from within our nation, from those who might one day fail to uphold the Constitution that we have sworn to protect. Such a failure would undermine the very basis for our government, rendering it to be nothing more than mere words on a piece of parchment. In other words, the best way to preserve and protect our Constitution is to abide by it.

The debate today is as much about the erosion of this trust that has been placed in each of us as it is about the trust of the American people that a single President has betrayed.

Mr. Speaker, Congress cannot allow truth, justice and the rule of law to be sacrificed on the altar of political expedience. When future generations review our actions today, they will not be as concerned with the actions of this President as they are with the actions of this House to uphold the Constitution and ensure it remains the world pillar of freedom, liberty, and democracy.

Mr. BATEMAN. Mr. Speaker, I agree with those who believe that the House of Representatives has no constitutional authority to censure or reprimand a President in the course of deliberations with respect to the issue of impeachment of that President.

In my view, we could pass a resolution respecting the Sense of the House—or in a Joint Resolution the Sense of the Congress—if the judiciary Committee had not by its report, presented us with a transcendent and unavoidable responsibility to lay to rest the question of whether or not Articles of Impeachment should be approved or disapproved.

Many of us might wish that we did not have to meet that issue and that the duty we have could go away. But it will not because duty cannot go away or be put aside.

The question before us is compound. It is whether there is clear and convincing evidence that the President has engaged in conduct that constitutes in the terms of our Constitution "high crimes and misdemeanors." Under the Rules of the House, and in the discharge of the constitutional duty now imposed upon us, we must first determine that issue, and that issue only. If we determine that the President should be impeached, the constitutional responsibility of the Senate comes to bear because we have concluded there is clear and convincing evidence that the President has committed high crimes and misdemeanors, and the Senate should proceed on the proper constitutional course of action.

While this issue is unavoidably before us, we cannot by our Rules or our duty divert our attention to the issue of should the President be censured, and if so for what, and whether or not by his agreement or otherwise some penalty should be expected. This is a diversion, a distraction, and an evasion. We are not presented with this luxury.

If at some point in time we in this body, having approved an Article or Articles of Impeachment, and the Senate thereafter determines that the President should not be removed and offers instead a Resolution of Censure, we in the House can and should take it up. Then we could do so for there would no longer be pending before us the solemn and inescapable duty to determine without diversion, distraction, or evasion, the question that now looms before us.

Before we charge the Judiciary Committee to proceed with an inquiry as to whether the President had committed impeachable offenses, we could have acted on a resolution to voice our displeasure with conduct of the President as a sense of Congress. No one, I repeat no one, now clamoring for censure chose to do so then and I don't think that fact is without significance.

With distraction, diversion, or evasion we must face our solemn oath-bound duty to resolve the question we cannot evade: is there clear and convincing evidence that the President is guilty of the commission of "high crimes and misdemeanors" which are grounds for impeachment? Until we perform this duty, our Rules and duty dictate that any action to censure the President be put aside.

Mr. WICKER. Mr. Speaker, impeachment is a profound and complex process. In recent weeks, we have heard constitutional experts and historians testify about the standard for an impeachable offense. Debate has ranged from the finest points of law to the loftiest intentions of our founding fathers.

For decades and even centuries to come, learned scholars will pore over every word of these proceedings to discern their meaning and to analyze the precedents and implications of our actions today. For me, However, it comes down to one simple principle—this Nation must uphold the rule of law.

Standing for the rule of law includes recognizing:

That the Nation's chief law enforcement officer cannot commit perjury and remain in office.

That the commander-in-chief of our armed forces should not be held to a lower standard than are his subordinates.

That even the most ordinary and humble citizens are entitled to their day in court, and they are entitled to expect sworn testimony in that court to be truthful—even testimony from the President of the United States.

That felonious criminal conduct by the President of the United States cannot be tolerated.

The rule of law is more important than the tenure in office of any elected official.

Even some of his most vocal defenders do not deny that this President repeatedly lied under oath. I am convinced he also obstructed justice and abused his office. He has violated his solemn oath and squandered the trust the American people placed in him.

During John Adams' second night in the White House, he wrote, "I pray heaven to bestow the best blessings on this House and on all that shall hereafter inhabit it. May none but honest and wise men ever rule this roof."

Mr. Speaker, it is with great regret that I conclude the current occupant of the White House has utterly failed to live up to this standard and that his commission of felony crimes constitutes grounds for impeachment.

I reach this conclusion with no malice toward the President, but with resolve and confidence that this action preserves the principles which are the foundation of our constitution.

I cast my vote for impeachment to protect the long-term National interest of the United States to affirm the importance of truth and honesty, and to uphold the rule of law.

Mr. RODRIGUEZ. Mr. Speaker, as we speak hundreds of our fine young men and women from our bases in San Antonio and across this nation are en route to he Persian Gulf to defend our nations's national interests.

How can we assemble here today to debate impeachment at this time? How dare we undermine the authority of the President while our brave soldiers, sailors, airmen and marines are in harm's way?

Today is a sad day for this country and this House of Representatives.

Like many Americans, I cannot believe that this is happening, that we are in fact here debating whether to impeach our president for lying about a personal matter.

The debate is not whether President Clinton committed wrongdoing; he has admitted as much.

The question is whether the Congress should exercise its constitutional authority to overturn two popular, democratic elections. * * * whether we should set in motion the process of removing the President for "high crimes and misdemeanors."

However much we may dislike what the President has done, his action were private; they had nothing to do with his role as President.

Indeed, the Supreme Court, in ruling that the civil litigation against the President could continue, reasoned that he should be treated like any other private citizen.

What the President did was not a high crime or misdemeanor.

None of his actions created a constitutional crises, they did not threaten the separation of powers, nor did they represent a corruption of the political process.

Those on the other side of the aisle say this is not about sex, but it is all about sex. That is the context of the allegations; that is the subject of the alleged perjury.

It makes all the difference in the world.

Indeed, it seems to me and many others that this debate is merely the culmination of any effort that began when President Clinton took office—to undermine his authority as President and to saddle him with the baggage of constant investigation and insinuation.

Those who have pursued the President have turned justice on its head. We have been investigating the person, not the crime.

The House's actions today undermine the Constitution; they undermine the balance of power that has protected us for more than 200 years.

Those who are so fervent in seeking to get the President have lost perspective. Not all crimes or misdeeds deserve impeachment.

We must distinguish between those actions which threaten our constitutional system of government and other acts of wrongdoing.

Our Founding Fathers chose the words—high crimes and misdemeanors—carefully and after long debate. They did not want the president impeached for any crimes, only high crimes.

They did not want the Congress to have the authority to impeach the president for personal defects and shortcomings or even for horribly inappropriate personal conduct. And they certainly did not want him impeached for partisan gain.

High crimes are those that impact the functioning of the republic, like treason or bribery. Lying, or even perjury, about a personal affair, simply does not rise to the level of a high crime as envisioned in the Constitution. His conduct, wrong as it was, did not put the nation in danger nor did it corrupt the political process.

Just because it does not amount to a high crime does not mean that it is right—only that it does not meet the high threshold set forth by our Founding Fathers in the Constitution for impeachment. And that is the question before us.

Many have argued that the President should not be above the law; he's not. He has been sued and investigated for 6 years. He has been pursued and chased. And he will be subject to legal action after the leaves office.

Our Presidents are not perfect individuals. There will always be some fault we can find, and if we proceed with impeaching this president, we will have opened the door in the future to the disruption of our political system and the balance of power.

Mr. KENNEDY of Rhode Island. Mr. Speaker, we have no right to stand here and debate the rule of law if we cannot even extend to the President of the United States the same due process as is required for even the vilest criminal. The majority has replaced the notion of due process with the notion that if you just say something enough times, it becomes true.

Whether or not the President did what he was accused of, this process is the legacy we leave to our children, and to impeach the President without allowing him due process does far more damage to our democracy than any act one man may, or may not, have committed. The golden spike in the transcontinental railroading of this President is that the majority will not allow us to even vote on censure.

Four hundred historians said that the presidency will be permanently disfigured and diminished by today's vote. Over two hundred Constitutional scholars echoed the sentiment that these offenses, even if proven true, do not rise to the level of impeachment. And two thirds of the American people are saying the same thing: don't impeach.

You say that you are adhering to Constitutional process. But if you talk the Constitutional talk you better walk the Constitutional walk.

I don't want to hear, although I suspect I will, you say that in order for us to get out of this crises "the President must resign." If you do, you will short circuit the Constitutional process that you stand here today advocating for. I want to get your word today that you will not do that and that you will take responsibility, for what you are beginning today by bringing this country's government to a halt?

Today we will be remembered for an impeachment when the punishment clearly does not fit the crime. Today we will be remembered for a political mutiny of our Commander in Chief when our troops are in the field. And today this Congress sends a message that the Constitutional scales of justice can be tipped to one side when it suits the purpose of one political party.

And everyone will know how we got there because you, the Republican majority, did not allow this democratic institution to work its will on a motion to censure and end this national nightmare.

When you are finished doing this, don't come to the American public and say the President should resign and get us out of the Constitutional crisis. You got into it when you refused a censure motion as alternative to this constitutional crisis.

Mr. SPENCE. Mr. Speaker, I rise to address the matter before the House regarding the four Articles of Impeachment that have been reported by the Committee on the Judiciary. This is a situation that demands our most careful consideration and devotion to duty as Members of Congress. It is a matter that is not to be taken lightly. Each Member of this body must reason individually to reach the determination that must be made in order to fulfill our Constitutional responsibilities in the impeachment procedure. This is a process that should not be partisan, as it should be based on the application of the rule of law.

I believe that all of us recognize the seriousness of President Clinton being charged with violations against the Constitution. Much time and effort have been devoted to investigating and reviewing the actions on which this Resolution is based. I have followed the hearings of the Committee on the Judiciary concerning this matter with great interest and I am in agreement with the Resolution (H. Res. 611) that has been submitted by Chairman HYDE. H. Res. 611 outlines four Articles as the basis for impeachment, which I shall summarize:

Article I—President Clinton willfully provided perjurious, false and misleading testimony to a Federal Grand Jury. I agree.

Article II—President Clinton willfully corrupted and manipulated the judicial process, in that, he willfully provided perjurious, false and misleading testimony in resonse to written questions seeking information in a Federal civil rights action, which was brought against him, as well as in a deposition in that action. I agree.

Article III—President Clinton prevented, obstructed and impeded the administration of justice through a course of conduct or scheme in a series of events between December 1997 and January 1998. I agree.

Article IV—President Clinton has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the Legislative Branch, in that he refused and failed to respond to written requests for admission, as well as willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission that were propounded as part of the impeachment inquiry that was authorized by the House. I agree.

It is clear to me that convincing evidence has been presented in regard to each of the four Articles that have been reported by the Committee on the Judiciary. Accordingly, I support the Articles as stated in H. Res. 611.

Mr. Speaker, I would also like to address the assertion that I have heard today that the consideration by the Congress of the impeachment of President Clinton, who is the Commander in Chief of our Armed Forces, would have a demoralizing effect on our men and women in uniform, especially while our Nation is engaged in military operations against Iraq. I can speak from experience, based on numerous conversations with Americans from all walks of life, who are now serving or who have previously served in our Nation's military, that such a charge has no merit. In this regard, I would like to submit the following article by Major Daniel J. Rabil, of the United States Marine Corps Reserve:

[From the Washington Times, Nov. 9, 1998]

PLEASE, IMPEACH MY COMMANDER IN CHIEF

(By Daniel J. Rabil)

The American military is subject to civilian control, and we deeply believe in that principle. We also believe, as affirmed in the Nuremberg Trials, that servicemen are not bound to obey illegal orders. But what about orders given by a known criminal? Should we trust in the integrity of directives given by a president who violates the same basic oath we take? Should we be asked to follow a morally defective leader with a demonstrated disregard for his troops? The answer is no, for implicit in the voluntary oath that all servicemen take is the promise that they will receive honorable civilian leadership. Bill Clinton has violated that covenant. It is therefore Congress' duty to remove him from office.

I do not claim to speak for all service members, but certainly Bill Clinton has never been the military's favorite president. Long before the Starr report, there was plenty of anecdotal evidence of this administration's contempt for the armed forces. Yes, Mr. Clinton was a lying draft dodger, yes his staffers have been anti-military, and yes, he breezily ruins the careers of senior officers who speak up or say politically incorrect things. Meanwhile, servicemen are now in jail for sex crimes less egregious than those Paula Jones and Kathleen Wiley say Mr. Clinton committed.

Mr. Clinton and his supporters do not care in the least about the health of our armed forces. Hateful of a traditional military culture they never deigned to study, Mr. Clinton's disingenuous feminist, homosexual and racial activist friends regard the services as mere political props, useful only for showcasing petty identity group grievances. It is no coincidence that the media has played up one military scandal after another during the Clinton years. This politically-driven shift of focus, from the military mission to the therapeutic wants of fringe groups, has taken its toll: Partly because of Mr. Clinton's impossibly Orwellian directives, Chief of Naval Operations Jay Boorda committed suicide.

So Clinton has weakened the services and fostered a corrosive anti-military culture. This may be loathsome, but it is not impeachable, particularly if an attentive Congress can limit the extent of Clinton-induced damage. As officers and gentlemen, we have therefore continued to march, pretending to respect our hypocrite-in-chief.

Then came the Paula Jones perjury and the ensuing Starr Report. I have always known that Clinton was integrity-impaired, but I never thought even he could be so depraved, so contemptuous, as to conduct military affairs as was described in the special prosecutor's report to Congress. In that report, we learn of a telephone conversation between Mr. Clinton and a congressman in which the two men discussed our Bosnian deployment. During that telephone discussion, the Commander-in-Chief's pants were unzipped, and Monica Lewinsky was busy saving him the cost of a prostitute. This is the president of the United States of America? Should soldiers not feel belittled and worried by this? We deserve better.

When Ronald Reagan's ill-fated Beirut mission led to the careless loss of 241 Marines in a single bombing, few questioned his love of country and his overriding concern for American interests. But should Mr. Clinton lead us into military conflict, he would do so, incredibly, without any such trust. After the recent American missile attacks in Afghanistan and Sudan, my instant reaction was outrage, for I instinctively presumed that Mr. Clinton was trying to knock Miss Lewinsky's concurrent grand jury testimony out of the head-lines. The alternative that this president—who ignores national security interests, who appeases Iraq and North Korea, and who fights like a leftover Soviet the idea of an American missile defense—actually believed in the need for immediate military strikes, was simply implausible. And no amount of scripted finger wagging, lip biting, or mention of The Children by this highly skilled perjurer can convince me otherwise.

In other words, Mr. Clinton has demonstrated that he will risk war, terrorist attacks, and our lives just to save his dysfunctional administration. What might his motives be in some future conflict? Blackmail? Cheap political payoffs? Or—dare I say it—simply the lazy blundering of an instinctively anti-American man? It is immoral to impose such untrustworthy leadership on a fighting force.

It will no doubt be considered extreme to raise the question of whether this president is a national security risk, but I must. I do not believe presidential candidates should be required to undergo background investigations, as is normal for service members. I do know, however, that Bill Clinton would not pass such a screening. Recently, I received a phone call from a military investigator, who asked me a variety of character-related questions about a fellow Marine reservist. The Marine, who is also a friend, needed to update his top-secret clearance. Afterward, I called him. We marveled how lowly reservists like us must pass complete background checks before routine deployments, yet the guardian of our nation's nuclear button would raise a huge red flag on any such security report. We joked that my friend's security clearance would have been permanently canceled if I had said to the investigator, "well, Rick spent the Vietnam years smoking pot and leading protests against his country in Britain. His hobbies are lying and adultery. His brother's a cocaine dealer, and oh, yeah—he visited the Soviet Union for unknown reasons while his countrymen were getting killed in Vietnam."

Do I show disrespect for this president? Perhaps it depends on the meaning of the word "this." If Clinton were merely a spoiled leftist taking advantage of our free society, a la Jane Fonda, that would be one thing. But you don't make an atheist pope, and you don't keep a corrupt security risk as commander-in-chief.

The enduring goodness of the American military character over the past two centuries does not automatically derive from our nation's nutritional habits or from a good job benefits package. This character must be developed and supported, or it will die. Already we are seeing declining enlistment and a 1970s-style disdain for military service, squandering the real progress made during the purposeful 1980s. Our military's heart and soul can survive lean budgets, but they cannot long survive in an America that would tolerate such a character as now occupies the Oval Office. We are entitled to a leader who at least respects us—not one who cannot be bothered to remove his penis from a subordinate's mouth long enough to discuss our deployment to a combat zone. To subject our services to such debased leadership is nothing less than the collective spit of the entire nation upon our faces.

Bill Clinton has always been a moral coward. He has always had contempt for the American military. He has always had a questionable security background. Since taking office, he has ignored defense issues, except as serves the destructive goals of his extremist supporters. His behavior with Paula Jones and Kathleen Willey was bizarre and deranged—try keeping a straight face while watching mandated Navy sexual harassment videos, knowing that the president's own conduct violates historic service rules to the point of absurdity.

For a while, it was almost possible to laugh off Mr. Clinton's hedonistic, "college protester" values. But now that we have clear evidence that he perjured himself and corrupted others to cover up his lies, Bill Clinton is no longer funny. He is dangerous.

Willim J. Clinton, perhaps the most selfish man ever to disgrace our presidency, will not resign. I therefore risk my commission, as our generals will not, to urge this of Congress: Remove this stain from our White House. Banish him from further office. For God's sake, do your duty.

Mr. HULSHOF. Mr. Speaker, many commentators have likened this debate we are having today to the deliberations of a sentencing jury in a death penalty case. Indeed, the political life of a sitting President is hanging in the balance. I certainly understand the magnitude of that comparison and take this matter no less seriously than those many criminal cases in which I sought the death penalty as a prosecutor.

If the President in his private conduct simply committed adultery, then that matter is best reserved to his family. If, on the other hand, the President of the United States committed perjury or other illegal acts then that matter is necessarily reserved to this Congress.

The private failings of a public man deserve neither debate nor reprimand by this body. However, public misconduct committed by that same official deserves punishment of the fullest measure.

Based upon my solemn review of the evidence and historical precedents, I am firmly convinced beyond a doubt that William Jefferson Clinton employed every conceivable means available—including perjury and obstruction—to defeat the legal rights of a citizen who claimed she had been wronged and sought redress from our justice system.

How then did the President's private indignities become indignities against the Constitution by which we are governed? The facts are these:

In May 1994, Paula Corbin Jones filed a federal civil rights lawsuit against William Jefferson Clinton in the United States District Court in Arkansas. The legal action arose out of an incident alleged to have occurred while Ms. Jones was a state employee.

In his own defense, the President claimed that any such lawsuit must be deferred until his term of office ended. The parties litigated this question before the highest court of the land. The United States Supreme Court unanimously decided that Ms. Jones was entitled to due process and equal protection of the law no matter who the defendant in her sexual harassment lawsuit.

The Court rightly determined that no man is above the law. No single individual citizen can determine the merits of another's case, save those clothed with the constitutional power of judicial discretion.

In that vein, a federal district judge repeatedly rejected the President's objections to inquiries regarding his relationships with women in the workplace. The court, relying on judicial precedent in sexual harassment cases, deemed those questions relevant and crucial to Ms. Jones' case.

The President under penalty of perjury was required to give truthful testimony during all court proceedings. He failed. He bore false witness under oath. He conspired with others to conceal evidence. He tapered with witnesses and encouraged the adoption of his untruthful version of events.

Ms. Jones' rights to due process were violated. That result is bad enough in itself, but I believe it reaches constitutional proportions when the denial of civil rights is directed by the President of the United States.

What we say here will be but paragraphs or footnotes in the pages of books of history written by those yet to come. What we do here will be indelibly imprinted on America's spirit.

Let not this House grant a pardon for this President's criminal offenses.

Let not history look back at this debate and declare there on that date, America surrendered the rule of law.

There can be no presidential privilege to lie under oath.

Regrettably, my solemn oath of office, my sacred honor, requires from me a vote of aye on the resolution.

Mr. LAMPSON. Mr. Speaker, this morning I began writing a letter to my daughters and my future grandchildren and great-grandchildren to describe my feelings on this sad, yet historic day.

I wrote my daughters that I have listened to my colleagues talk about truth, wrongdoing, punishment, and respect. And I want to say to my colleagues that no one denies that the truth matters.

No one denies there was wrongdoing, and no one denies that the American people deserve the respect of this great House of Representatives.

And so I ask, please don't deny an alternative to impeachment.

I continue to be overwhelmed by the fact that this Congress and, as a result, the American people, are being denied the right to vote on a disciplinary action that would unify our country at this critical time—this action is censure.

The American people support censure.

Censure, is not only constitutional, it is fair and right for our country.

So, to my colleagues in the majority, I implore you in the interest of fairness to take the step that will stop this downward spiral of bitterness and rancor that currently controls Capitol Hill. As our country continues to polarize, I pray that we, as a Congress, have not lost our ability to seek common ground. For if we have, it will affect our ability to solve problems for decades to come.

Mr. Speaker, you have the power to unite the majority of this country by allowing a vote on censure. I challenge you to seize this opportunity to bring our country back from potentially devastating consequences.

In that letter, I'd like to tell my children, so that they can tell their children, that this body came to it's senses and put aside partisanship in favor of statesmanship. Let the 105th Congress be remembered for allowing the will of the American people to be heard through a vote on censure.

It is the only fair thing to do.

Mr. KLUG. Mr. Speaker, this is the last vote of my career. My first vote was just as personally troubling.

Just days after being sworn in, I voted to authorize the use of force in Operation Desert Storm.

In a bizarre twist for me, today we'll vote on impeachment while U.S. troops are again at war in Iraq.

Today the loop closes.

In part because of American reaction to the fighting in the gulf, I have decided to support the impeachment of Bill Clinton.

Let me elaborate.

First, I am convinced the President lied to a federal grand jury.

The President's defenders say his lies in the Paula Jones case were an understandable reaction. He panicked when confronted with a series of questions that threatened to expose his relationship with Monica Lewinsky.

But that does not explain why he lied seven months later in front of a federal grand jury.

No surprise questions here. His attorneys were with him. He had more than a half year to consider his answers. And he knew committing perjury in this setting could lead to impeachment.

I have struggled for weeks with my feelings toward Bill Clinton versus my concerns about the future of the Presidency itself.

What impact will this vote have twenty years from now?

I worry we're about to trigger a never-ending round of impeachment investigations. A decade ago the independent counsel statute seemed to make sense.

Today every cabinet member seems to be assigned their own independent counsel the day they're sworn into office.

But in the end let me say, I have come to the conclusion that even more important is that we send a very strong message to future presidents that no one is above the law.

If we allow the President to escape an impeachment trial in the Senate, we set a dangerous precedent where every president will have a built in defense for perjury or obstruction of justice.

Perjury is a particularly dangerous crime. Federal sentencing guidelines demonstrates that defendants convicted of perjury face jail time similar to those convicted of bribery.

Perjury undermines the rule of law. And in this case, perjury has also undermined the President's moral authority.

Most Americans deservedly questioned the timing of the attack on Iraq. From airport terminals in Madison to Washington restaurants, everywhere I've been people have wondered out loud about why this week for the attack. Why hours before the impeachment vote?

Americans instinctively rally around the President when men and women are in combat.

Because of the President's conduct in this case, our national impulse is now cynicism and skepticism.

Now I think the President's hand was forced by Suddam Hussein.

But if an American soldier was killed today, don't you think his family would always wonder why? Wonder why this week?

And the skepticism is not only heard in America but among our allies. And among our enemies in the world.

Perjury has consequences tonight. In the President's case everywhere around the world. Impeachment is the painful, but correct choice.

Mr. DAVIS of Florida. Mr. Speaker, first, I would add my voice to those of other Members who have expressed how deeply disappointed and saddened they are with the President's reprehensible conduct. He has disgraced himself and the office of the Presidency. Not only was his personal misconduct immoral, but I further believe his actions to cover up that personal behavior both publicly and in legal proceedings were wrong, significantly worsened the situation, and must be punished. I have no doubt that the President was deceitful, misleading, and in fact crossed the line between legal hairsplitting and lying. The question we face today is whether the President's wrongdoings warrant the ultimate constitutional remedy of impeachment and removal from office.

Our founding fathers were clear that impeachment should not be used as a form of punishment. As summarized by the 1974 Staff Report for the Committee on the Judiciary, "The purpose of impeachment is not personal punishment; its function is primarily to maintain constitutional government." Ultimately at stake are the collective rights of the public who elected this President, not the personal right of William Jefferson Clinton to continue to serve as President. For that reason, the removal of a sitting President from office should be reserved only for conduct so egregious as to threaten our system of government.

Referring again to the report of the 1974 Committee, impeachment is warranted only to address misconduct which is "seriously incompatible with either the Constitutional form and principles of our government or the proper performance of the Constitutional duties of the Presidential office." In short, removing the President from office is a drastic remedy to be used only when the survival of our Constitutional form of government is at stake. In the case presented in the referral by the Office of Independent Counsel and the Judiciary Committee's majority staff, I do not believe that the President used the power of the presidency to engage in his misconduct and I do not believe any of his actions threatened the nation.

While I do not agree with those who claim private actions can never warrant impeachment, I do believe that private misconduct must also rise to a level of severity which undermines the individual's ability to further discharge his or her duties as President of the United States. Even though I have concluded that the President has lied and deceived many with respect to his extramarital affair, I believe that as an individual Member of Congress, I still will be able to work with this President on the issues of importance to my constituents. I believe, as do most Americans, that the President still has the ability to govern. Since his conduct did not threaten the nation or undermine his ability to carry out his Presidential duties, I have decided to oppose impeachment.

If impeachment is to be viewed as a way to save the country from the abuse or violation of the public trust, we must weigh the risks of action and inaction and the consequences of both for our country. The principal argument of those in favor of impeachment is that the President's actions, if left unaddressed, would undermine our rule of law. I agree that no individual, including the President of the United States, is above the law. Did the President lie? Yes, I believe he did. Did the President commit criminal perjury? That is a legal conclusion to be decided by a criminal court—a court which ultimately may find perjury in this case. However, impeachment should not be used in this instance simply to punish perjury. Instead, I believe holding the President accountable for his actions in a criminal court of law is the best way we can uphold the rule of law in our country. The President, upon leaving office, can and should be subject to criminal prosecution.

Just as important to me are the consequences, for our country and future generations, of impeaching the President. I am gravely concerned that significantly lowering the standard for impeachment will lead to an increase in the frequency of impeachments, or at the very least the threat of impeachments, in the future. Our founding fathers, whose wisdom becomes clearer with each passing day, designed a means for removing the President which would be used in rare and extreme instances. If we are prepared to impeach the President for his efforts in this specific instance to hide this tawdry affair, I believe impeachment will become simply another weapon in the arsenal of partisan politics. This undoubtedly would have the effect of weakening the separation of powers that has made our national government so successful and enduring.

From the onset, the trauma of this scandal has touched everyone involved. The President bringing immense disgrace upon his office, has justifiably suffered both public and private humiliation. Congress has been forced to spend months debating these allegations rather than addressing the challenges facing our country and the American public has been bombarded with the lewd and salacious details of the President's misconduct in newspapers, television broadcasts, and the Internet. The impeachment proceedings have been extremely partisan and have, in large part, only worsened the underlying harm to the country initially caused by the President's misconduct. that is why I join with those, including esteemed statesmen such as former President Ford and Senate Majority Leader Dole, who believe, rather than removing the President from office, a formal rebuke in a sharply worded censure resolution is be the best solution for this Constitutional dilemma.

While I long ago gave up hope that something good could come out of this process, I believe a censure resolution is the most appropriate conclusion for the Congress and the country. The President will live forever with the political consequences of his actions and should face the criminal consequences upon leaving office. My decision to support censure in an effort to punish the President without further punishing the presidency or the country.

Mr. TOWNS. Mr. Speaker, colleagues on both side of the aisle, today I rise in opposition to the Articles of Impeachment that have been forwarded to the House of Representatives by the Judiciary Committee. My opposition to these articles of impeachment do not constitute a minority view. My opposition reflects the overwhelming sentiment of the constituents in the 10th Congressional District, the overwhelming sentiment of the people in New York City, the overwhelming sentiment of the people in New York State and the overwhelming view of the American people. It represents the view of 400 of the leading historians and 430 of the leading constitutional experts in this nation.

My objections to the Articles of Impeachment are based on the partisan misinterpretation of the facts and the law. None of the articles of impeachment contain facts that remotely constitute a basis for criminal conduct. Article I alleges that the President committed perjury before the grand jury by providing "perjurious, false and misleading testimony." Yet the Judiciary Committee failed to outline one perjurious statement which the President allegedly made. Article II alleges that the President provided "perjurious, false and misleading testimony" in the Paula Jones lawsuit. Yet the committee failed to acknowledge that this lawsuit was subsequently dismissed by a federal judge for having no legal merit whatsoever. Did the framers of the constitution intend that we impeach a sitting President for giving misleading testimony in a meritless lawsuit? Article III alleges that the President obstructed justice by persuading Ms. Lewinsky, Vernon Jordan, and Betty Currie to carry out various illegal acts on his behalf. The committee failed to acknowledge that Ms. Lewinsky, Vernon Jordan, and Betty Currie all testified that the President never encouraged them to perform * * * respond to written interrogatories prepared by the Judiciary Committee. Since the president responded, in exhaustive detail, to all 81 interrogatories, it is difficult to understand how his responses could be characterized as a refusal or failure to respond.

But even if the Judiciary Committee were to establish that the president of the United States committed perjury in the civil deposition and before the grand jury, this would not constitute impeachable offenses as defined in the constitution. The impeachment of the President of the United States is perhaps the most awesome, solemn and formidable task that we will ever confront in our Congressional careers. It ought not to be based on contrived legal arguments or on narrow partisan interest. It is an extraordinary remedy that has been used only once in the constitutional history of this nation. Article II, Section IV of the constitution makes it clear that the extraordinary remedy of impeachment was to be sparingly used and restricted to "treason, bribery, and other high crimes and misdemeanors." During the constitutional debates, it became clear that purpose of impeachment was not to redress personal wrongdoing or private criminal conduct, but only to redress attempts to subvert the constitution or the "system of government."

It is transparently clear that these articles of impeachment do not involve private criminal conduct. It is also clear that they do not constitute an attempt to subvert the constitution or to overthrow the system of government. That is why 100 percent of the Democrats on the Judiciary Committee, 90 percent of my constituents, 61 percent of the American people, and the vast preponderance of the historians and constitutional experts in this nation oppose impeachment. If there is one thing that the impeachment debate reflects, it is the perils of "divided government." The tradition of electing a Democratic president and a Republican Congress has led to legislative paralysis and the weakening of the institution of the presidency. The Republicans on the Judiciary Committee are driving a runaway train that is leading this nation inexorably down a dark tunnel of impending national catastrophe. The American people will not easily forget this egregious abuse of power and will write their own Articles of Impeachment against the Republican majority in the next congressional elections in the year 2000.

Mr. FRELINGHUYSEN. Mr. Speaker, I have a low tolerance for people who don't tell the truth, most especially elected officials who take an oath of office to uphold the Constitution. Perjury, witness tampering, obstruction of justice and abuse of power are serious charges. To my mind, Congress has followed the process given to us under the Constitution to consider and deliberate these charges against President Clinton.

It has been a painful process. I have shared with many constituents in New Jersey's 11th District, my personal resentment that Bill Clinton's actions have forced the Congress, and our entire country, to go through this ordeal for now, almost a year.

Before us is a most difficult decision for each and every one of the 435 Members who has the honor to serve in this House. For all the editorial opinions and pundits, for all the legal opinions and political pressure, we now have to cast perhaps the toughest and most important vote we will ever be asked to cast.

Allow me to share an excerpt of a letter I wrote to my teenage daughter in October:

> Now that Congress will begin its own deliberations on the charges against the President, I have to put aside my personal views and evaluate the report and all documents in a fair manner. I do not have the luxury of

staying on the sidelines as these matters are discussed. Public opinion polls and mail are helpful, but a Member of Congress must decide for himself or herself without merely putting a finger up to test the wind.

And the truth will guide my decision as Congress decides what is the right thing to do in response to the President's actions. How I wish he had told the truth at the start of this controversy because chances are the nation would not be in this mess. Consequently, the President has no one to blame but himself. Like the oath he took to protect our Constitution when he became our President, in court he took an oath to tell the truth.

Mr. Speaker, we have before us the evidence as presented by the Independent Counsel, the legal defense presented by the President, and the full proceedings and recommendations of the House Judiciary Committee, as well as the thoughts of so many constituents who feel strongly that their views should be reflected in the votes we cast.

Having reviewed so much of the evidence, I believe it is now clear that the President violated both his oath of office and the oath he took to tell the truth.

In doing so, Bill Clinton not only committed perjury, he violated the public's trust.

I will, therefore, vote in favor of impeachment.

While I know that some will disagree, and strongly so, with my decision, I have reached this decision after much thought, deliberation and soul searching. When this sad chapter in our history is closed, I will have voted the way I did because, as I have shared with my daughter, the truth still matters and always will. And finally, that a vote of conscience is always the right vote.

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excellent editorial which appeared in the Omaha World-Herald, on December 13, 1998.

[From the Omaha World-Herald, Dec. 13, 1998]

ON THE IMPEACHMENT VOTE

President William Jefferson Clinton stood Friday in the Rose Garden of the White House, which is his residence, to be sure, but which is also the symbol of American self-government and of all that is good about this great nation. Finally dropping all his past poses, Clinton said he was profoundly sorry for all he had done wrong "in words and deeds."

He said he was ready to accept Congress' rebuke and censure if the American people and their representatives concluded that his mistakes required it. He said nothing Congress could do would compare to the agony of knowing he was responsible for causing great pain for his family.

His remarks sounded sincere. They didn't appear to have been prepared by word-parsing lawyers. It was easy to feel sorry for the president. He was an almost pitiful figure, at age 52 a victim of his uncontrollable libido and a team of attorneys who appeared to coach him how to thwart the judicial system without crossing the line into perjury.

Yet the president still could not bring himself to say the words the Republicans on the House Judiciary Committee longed to hear—"I lied." He said he "misled." He talked of his "wrongful conduct."

In a moment of remarkable irony, the president of the United States—without acknowledging the source and maybe not being aware of the source—even quoted from Edward FitzGerald's translation of "The Rubaiyat of Omar Khayyam." Omar, a Persian astronomer-poet of the 12th century, concentrated on the idea that sensual pleasure might be the sole aim of living.

This long national nightmare began on Thanksgiving weekend in 1995 when Clinton, then 49 years of age, and Monica Lewinsky, a just barely 22-year-old intern, had sex in the Oval Office on the first day they had ever spoken to one another.

She came to see him many more times. they had at least nine more sexual assignations. They engaged in a certain sex act that the president and his lawyers continue to insist is not sex. They had phone sex 17 times. They exchanged gifts. Monica gave Clinton 40. Yet Clinton, under oath, could barely remember one or two.

America didn't find out about that Thanksgiving 1995 sexual encounter until January of this year, when Newsweek and The Washington Post got wind of the president's on-and-off, two-year extramarital affair and his understandable but patently illegal efforts to hide it from his wife, his daughter, Paula Jones' lawyers and the American people.

Now, after a week of historic drama to which American seemed to be paying less than full attention, the House of Representatives, for the second time in history, will vote on articles of impeachment. The vote will come late this week unless Democrats can convince enough Republicans to vote first for a slap on the wrist that would signal to this naughty President that what he did was "reprehensible," the Democrats' inadequate word for the shame Clinton has brought to the highest office in the land. The Democratic Party censure resolution does not mention lying under oath or tampering with witnesses.

Americans should not be angry at the Republican Party if the House votes yes on impeachment. Clinton, not the Republican Party, lied and obstructed justice and abused his power. If the nation must be put through a trial, with Lewinsky in the well of the Senate talking graphically about sex and cigars. then, yes, that is awful. All the children should be shielded from it.

But if it happens it will not be the fault of the Republicans. It will be the fault of Bill Clinton, the reckless, foolish, arrogant boy who until Friday in the White House Rose Garden had never fully grown up.

He had sworn to God to tell the truth, the whole truth and nothing but the truth. And then he didn't. If there is no impeachment, Clinton will be the president whose legacy was to cultivate the idea that presidents, unlike everybody else, can lie under oath without severe penalty.

Admittedly, the evidence of criminal acts by the President of the United States has yet to be tested in court. It has yet to be proven true beyond a reasonable doubt. But common sense tells 90 percent of the Americans who are polled that it is obvious the President has lied, at least to the nation and probably under oath to a judge and the independent counsel's grand jury.

It is clear that the president coached Lewinsky to lie about their affair, that he assisted in concealing evidence that had been subpoenaed, that he got Lewinsky an attractive job in New York City in exchange for her untruthful testimony, that he allowed attorney Robert Bennett to make false statements, that his inability to remember dozens of important details was nothing more than taking the Fifth Amendment and that he made false and misleading statements to his staff, friends like Vernon Jordan and his Cabinet.

If the Judiciary Committee had failed to recommend impeachment, it would have implicitly condoned what Clinton had done. If the committee had failed to recommend impeachment, it would have put Clinton in position to claim vindication. That would complete the process that began last January after Clinton consulted Dick Morris and was told that the American people would condone sexual misconduct but would not condone lying to cover up an affair. "Then we will have to win," Clinton said.

Rep. Greg Ganske, R-Iowa, speaking of why he will support impeachment, said, "The idea that Congress should simply apply a 'wrist-slap' censure is another effort to put the president above the law." Ganske quoted the late Supreme Court Justice Louis Brandeis, who said that "if the government becomes a lawbreaker, it breeds contempt for the law."

Impeachment is the ultimate censure, Rep. Bill McCollum, R-Fla., has said, whether or not the Senate subsequently votes to remove Clinton from office. (Indeed, as Sen. Orrin Hatch has suggested, the Senate could convict but decide not to remove Clinton from office.) History has all but forgotten the handful of censure resolutions approved by Congress.

Dictators and tyrants hold themselves above the law. Presidents, for the most part, do not. Americans fought a revolution to repudiate the divine right of the monarchy to be a law unto itself. Now the defenders of Clinton argue that he shouldn't be bound by laws that ordinary people must obey. To give the presidency such a privilege would betray the revolution. It would invest the presidency with a kingly status that the Founders explicitly attempted to prevent.

A failure to impeach would send to the armed forces the message that the commander in chief cannot be held to the standards of honor and personal integrity that are drilled into all military people.

A failure to impeach would undermine the current set of sexual harassment laws and codes about appropriate conduct in the workplace. Managers who were fired for trying to seduce subordinates would challenge the rules. Clinton's legalistic definition of sexual relations would be flung around as justification for sexual contact short of intercourse. More people would accept a right to obfuscate to prevent personal embarrassment or inconvenience.

Rep. Steve Chabot, R-Ohio, said that, as he voted with much sadness for impeachment, he felt "more emotion than I've ever felt as a member of Congress." We understand. The inclination to forgive is strong in the American people. They know that, like their president, many people have flaws.

This editorial page, too, would love to be able to forgive the president. But our love for this great country is even stronger than the impulse to forgive the president's misbehavior.

Mr. Clinton has hurt the country by his reckless behavior and his lying under oath. Impeachment is the only constitutional way to reaffirm the values, including the rule of law, for which this great country stands. Our fingers tremble as they pause over the keyboard and our heart is heavy as we say: The House of Representatives should vote yes on Impeachment Articles I, II, and IV.

Mr. Speaker, this Member would ask his colleagues to consider carefully the following editorial from the December 16, 1998, edition of the Norfolk Daily News, entitled "Republicans are not culprits here."

From the Norfolk Daily News, Dec. 16, 1998]

REPUBLICANS ARE NOT CULPRITS HERE—ONLY ONE MAN IS TO BLAME FOR TURMOIL FACING THE NATION—BILL CLINTON

We wonder whether some members of the Democratic Party realize how ridiculous and lame they are sounding when they spout dire warnings about the upcoming House of Representatives vote on impeaching President Bill Clinton.

If the president is impeached, they cry, House Republicans will be invalidating the results of two national elections, defying the will of the people and making a mockery of the democratic process.

Those arguments, however, don't hold water. Supporters of the president would have much more credibility if they would stick to arguing that the offenses committed by the president do not, in their opinion, justify impeachment. Instead, they keep throwing up these weak, peripheral claims.

The Democratic supporters of President Clinton are correct in the sense that a majority of U.S. citizens, in two separate votes, elected the former Arkansas governor to be president and then re-elected him. Does that mean, however, that Bill Clinton—or any president for that matter—is entitled to serve his full term in office, regardless of his deeds or conduct while there? Of course not.

History is full of examples where voters made decisions they thought were correct at the time they were making them only to be proven wrong later. The full range of President Clinton's misconduct and what we believe to be impeachable offenses were not known to voters when they first elected and then re-elected him.

Only now are voters realizing the kind of man they have leading them.

Some Clinton supporters are quick to point out, however, that public opinion polls say that even though a majority of Americans believe President Clinton lied under oath and engaged in an abuse of power, they don't think he should be impeached as a result.

To that we say—with all due respect—so what? In our opinion, it's an irrelevant point.

That's because what the House of Representatives is dealing with here is a president who has allegedly committed impeachable acts. Public opinion doesn't hold sway in a court of law, and it shouldn't be a factor here, either.

Juries, whether in civil or criminal cases, have to make decisions based on the facts presented to them and the laws governing the case. They can't be affected by protesters outside the courtroom's doors, media reports or anything else. The same is true for members of the House.

They must make the decision on whether to impeach the president based on the facts—as best they can discern them—concerning President Clinton's conduct and the provisions in the U.S. Constitution that govern impeachment.

We, along with many others, have offered the opinion in the past that President Clinton should resign from office. His affair with Monica Lewinsky, which led to the conduct that now is being considered by the House, is a blemish on the grand stature of the presidency.

His honesty and integrity is gone. His honor, too. When a man or woman loses those things, there is nothing left to stand on.

Resigning from office would allow Mr. Clinton to leave the White House with a measure of dignity and self-respect. By doing so, he would be putting the best interests of the United States ahead of his own, avoiding putting this nation through the turmoil of an impeachment process and a Senate trial.

But if he declines to do so, then that is what must occur, regardless of how damaging it might be to a nation's self-image or governing process. For when allegedly impeachable acts have occurred, the law must be followed. It is a hallmark of our nation.

So, to those Clinton supporters who say that Republicans are endangering the future of this nation by pursuing the impeachment process, they are wrong. There is only one man who has caused all of this. His name is Bill Clinton.

Mr. CRANE. Mr. Speaker, we as a body are called upon to perform one of the most significant duties we have as sworn defenders of the Constitution—to consider whether to impeach the President of the United States.

I, for one, do not entertain this task lightly or with any joy despite my many political disagreements with Mr. Clinton. However, based on the investigation of the Independent Counsel, Mr. Starr, and the yeoman's work performed by Chairman HYDE and my colleagues on the Judiciary Committee, I have concluded that the four articles of impeachment are warranted. Mr. Clinton lied to the American people, lied to the courts, obstructed justice and abused the power of his office.

During the discovery of these offenses committed by Mr. Clinton, I urged him to do the honorable thing and resign. Instead, he continued to deny his misdeeds and, in so doing, tarnished the office of the President. It is our duty to restore the luster to that office.

Some have argued that this process is neither appropriate, because of partisanship, nor timely, because of the military situation with Iraq.

The wise Framers of our Constitution, in seeking to diffuse power in the government, created the process by which the Chief Executive could be held accountable for violating his oath of office. Should the House vote to impeach the President, he will remain in office and in charge of the Armed Forces. The act of impeachment is to indict Mr. Clinton on the above charges and it is the duty of the U.S. Senate to determine the guilt or innocence of the President. Two-thirds of the Senate must agree before the President can be removed from office. This deliberate process is far from what our Democrat friends have described today as a Republican "coup d'etat."

Furthermore, we are not judging the moral character of Mr. Clinton, we are holding him accountable for violating the laws the American people have entrusted him to enforce. History will judge us for what we do with these impeachment charges. The House must vote to approve these articles to maintain the integrity of our laws, indeed to preserve the integrity of our great nation.

I urge my colleagues to look past their party affiliation to their conscience and vote for these articles of impeachment.

Mr. BALLENGER. Mr. Speaker, I am sure I am not alone today in wishing I was somewhere else, engaged in other pursuits. I take no pleasure in coming to the well today to outline my conclusions relating to the grave matter before us—the Impeachment of William Jefferson Clinton, President of the United States, for high crimes and misdemeanors.

Specifically, the House Judiciary Committee has recommended to the House four articles of impeachment: two counts of perjury; one count of obstruction of justice; and one count of abuse of power.

After careful review of the Report of the Judiciary Committee on this matter, I have concluded that impeachment is warranted on all counts. Today or tomorrow, whenever the votes are taken, I will vote "yes" on all four counts.

Article I—On August 17, 1998, the President swore to tell the truth, the whole truth and nothing but the truth before a federal grand jury of the United States. It is absolutely clear to me that contrary to that oath, President Clinton willfully gave perjurious, false and misleading testimony to that grand jury about the nature and details of his relationship with Monica Lewinsky.

Article II—On December 23, 1997, the President submitted sworn answers to written questions asked as part of the Jones lawsuit against him. It is absolutely clear to me that contrary to this oath, President Clinton willfully gave perjurious, false and misleading testimony in response to these questions concerning conduct and proposed conduct with subordinate employees.

Article III—The evidence also is absolutely clear that President Clinton, using the powers of his office, engaged in personally and through his staff and agents, in a course of action designed to delay, impede, cover up and conceal the evidence and testimony related to the Jones lawsuit and the investigation by Independent Counsel Kenneth Starr. The evidence shows President Clinton encouraged a sworn affidavit to be executed that he knew to be false, misleading and perjurious; encouraged a witness to give false, misleading and perjurious testimony in the Jones lawsuit; engaged in and supported a scheme to conceal evidence that had been subpoenaed in the Jones lawsuit; engaged in an effort to secure job assistance for Ms. Lewinsky, a witness against him in the Jones lawsuit to prevent truthful testimony of that witness; and, related a false and misleading account of events in the Jones lawsuit to a potential witness against him, his secretary, Betty Currie, in an attempt to influence her to give false testimony.

Article IV—The evidence clearly shows the President abused his power by refusing to and failing to respond to written requests by the House Judiciary Committee and willfully made perjurious, false and misleading sworn statements in response to certain of these written requests.

What this matter comes down to is really several simple questions. Did the President of the United States lie under oath? Did he use his office and the power of his office to obstruct justice? And, did he abuse the power of his office? The evidence, in my opinion, is compelling. That is why I must vote for all four Articles of Impeachment.

We are a nation of laws, not of men. The law is for the most powerful and privileged in our society, as well as for the economically and socially disadvantaged. The President cannot be judged on a different standard than anyone else simply because he is the President. In fact, because he is the President, he is the chief law enforcement officer of this Nation, and is duty bound to uphold the law. Telling the truth under oath, the bedrock of our judicial system, is the very least we should be able to expect from our President.

I want to thank all of the thousands of residents of the 10th district of North Carolina for taking the time to contact my office over the past few months. I know these votes I cast today will please some and disappoint others. All I can say is I came to these conclusions after careful study and review of the facts. I tried to stay open-minded and weigh the evidence carefully. I also refrained from making statements in the press and doing interviews on the matter, believing it better to wait to make a decision until the investigation was complete and the Judiciary Committee had made its determination. I do not make the decision lightly or for political reasons. Nor, do I make the decision based on the polls. The decision to support all four articles of impeachment is based on the facts. Sadly, the facts of this case warrant a "yes" vote to impeach.

Mr. MILLER of Florida. Mr. Speaker, for the second time in my adult life, I have watched "a long national nightmare" unfold. I am as anxious for this to be over as I was for the Watergate saga to end. But that does not absolve me of my responsibility to do what I think is right. Given the importance of this vote and the thousands of letters, phone calls and e-mails I have received, I believe my constituents deserve an explanation of why I cast my vote for the impeachment of William Jefferson Clinton.

Fifty years from now, what lesson do we want our school children to take from this tragic episode? I want them to learn the importance of always telling the truth. I want them to understand the consequences of lying. I don't want them to learn that you can yourself out of trouble by being "clever."

Many have said that impeachment is not about punishing wrongdoing, but about protecting our system of constitutional government. I agree. Punishment is in the hands of President Clinton's family and God. But I believe the facts clearly show that William Jefferson Clinton deliberately sought to obstruct the judicial process in a civil rights case and committed deliberate and pervasive perjury before a federal grand jury and to the Congress. When the President of the United States treats our system of justice with such contempt and selfishness, he must be impeached.

Opponents of impeachment argue that the crimes were minor, the facts are fuzzy and the definition of words and acts are subject to interpretation. That is true if—and only if—we are forced to ignore logic, common sense and context. Start with his deposition in the federal civil rights case, Jones versus Clinton. The President was asked if he had ever been alone with Ms. Lewinsky. He said he wasn't sure, but he didn't think so. He was asked if he had ever given her gifts. He said he didn't remember—despite giving and receiving over 40 gifts. He was asked if he had ever called her. He said maybe a few times, but the facts show over 55 calls, which included intimate discussions. And when he was asked if Ms. Lewinsky's affidavit in which she denied any sexual relationship of any kind was true, the President responded, "that is absolutely true." Logic and common sense tell us that he wasn't trying to be truthful, as he has claimed. He was deliberately, with malice and forethought, lying in a federal civil rights case.

Now, put that deliberate lie in the context of his testimony before the Grand Jury. In that August 17th performance, the President repeatedly testified that his earlier testimony had been truthful, if not particularly helpful. That is a lie—and it is an obvious and deliberate lie when put into context. If you conclude, as I have, that he deliberately lied in his earlier civil rights testimony, then his grand jury testimony in which he claims he was being truthful but didn't understand certain definitions or wasn't paying attention, etc. are all lies as well. These execuses were made up after the fact for the specific purpose of denying that he had earlier committed perjury. I have concluded that the President of the United States went before a federal grand jury with the specific intent to commit perjury.

He didn't get caught in a trap, he wasn't ill-served by his lawyers, the questions weren't subject to interpretation—the facts, logic and common sense show that William Jefferson Clinton's specific purpose in two depositions was to lie.

I also believe the facts show that the President attempted to obstruct justice and to use the full power of the White House to destroy the reputation of Ms. Lewinsky. The facts are numerous, but let me cite a few. The day after he deliberately lied in the federal civil rights case he summoned his secretary, Betty Currie, to his office and went through a series of statements about his relationship with Ms. Lewinsky, each of which were complete falsehoods. According to Ms. Currie, the President was trying to get her to agree to these false statements. That is called witness tampering and it is a serious crime. The day before, in his testimony, he had repeatedly said "you would have to ask Betty" or "Betty would know about that." Not only did he have reason to believe she would be called as a witness—he was attempting to get her called as a witness.

About a week later he summoned his adie, Sydney Blumenthal, to his office and made up a story about how Ms. Lewinsky had come-on to him and that she was known as the "stalker" and had threatened to blackmail him unless he gave in to her propositions. A few days later, Ms. Lewinsky was described in several news stories by "senior White House aides" as a "stalker" and as unbalanced. The President was willing to use the power of the White House to destroy the reputation of a young woman with whom he had an intimate relationship. Not only is that despicable, it is an effort to reinforce the lies he made under oath.

I believe those are the facts and very few of my colleagues have even attempted to dispute these facts. The question is whether this conduct rises to the level of "high crimes and misdemeanors." I believe they do. Prior to his August 17 Grand Jury testimony, President Clinton was "on notice." The country and the Congress made clear to him that what we needed was the truth. Instead, the President deliberately, if perhaps cleverly, committed perjury. Given the brazen nature of this crime, President Clinton has shown contempt for the American people and for the Constitution which he is sworn to uphold.

To protect the sanctity of our system, such a man should not hold the highest office in the land. With a heavy heart, I am compelled to vote for the impeachment of William Jefferson Clinton.

Mr. CLAY. Mr. Speaker, I rise in opposition to the Republican majority's impeachment resolution because it constitutes nothing more than a highly partisan political attempt to further embarrass the President of the United States. I believe it is shameful that the majority is attempting to overturn the 1996 election of President Clinton by abusing the impeachment process. The real jury in this country—the American people—have already forcefully spoken on this matter. They want the Republican to find a responsible and appropriate punishment for the President's misconduct. Censure—the appropriate vehicle—has been denied this House. The obsessive and partisan $40 million witch-hunt began years ago with Whitewater, coursed through Travelgate and Filegate, and has concluded with a referral of charges based primarily on actions much less than impeachable offense.

Mr. Speaker, much has been made today about the sanctity of the "rule of law." May I, Sir, disagree with the reverence given this country's "rule of law"? It was the "rule of law," I point out, that enslaved my ancestors. It was the "rule of law" that disenfranchised women. It was the convoluted "rule of law" that permitted the lynching of hundreds of thousands of African Americans.

Mr. Speaker, the Republican majority has relied solely on Ken Starr's referral to produce the four Articles of Impeachment. None of the allegations offered in support of the articles meet the required Constitutional standard of "treason, bribery, or other high crimes and misdemeanors." None involve a breach of the public's trust or a failure to properly perform official duties.

The Judiciary Committee began its work in an unfair and biased manner. It should be no surprise to that it reached a flawed result. First, the Committee released thousands of pages of Grand Jury documents without providing the President a reasonable opportunity to review them. Second, the Committee did not call any witnesses to test the validity of the Independent Counsel's allegations. Third, the Committee Republicans drafted their impeachment articles before the President's lawyers had even completed presenting his defense.

The American people want closure and compromise on this issue, not government gridlock and games. They want the Congress to devote its attention to matters of vital importance to America's future.

Mr. THORNBERRY. Mr. Speaker, like most of my colleagues, I am acutely aware of the gravity of this situation, of this process, and of the potential consequences for the nation. I do not face it lightly or without serious thought and soul-searching. The decision on whether to impeach a President is a decision that few in our history have been called to make, and it is a decision that will reverberate for generations in our nation, its government, its ideals and values.

The facts here are not seriously in dispute. The President lied under oath in two separate judicial proceedings. The President caused or encouraged others to lie, and he attempted to prevent evidence from coming to light. The President deceived Congress and the American people.

His actions have rightfully been denounced across the country. The President's conduct has embarrassed him and his family, as well as our entire Nation. He has severely damaged the institution of the Presidency, particularly in its role of providing moral leadership for the Nation.

Not all wrongful conduct by a President meets the standard for impeachment in the Constitution, however. The House is assigned the duty of determining whether a President should be impeached, and the Senate must then conduct a trail to determine whether the President will be convicted of the charges contained in the Articles of Impeachment.

In considering the appropriate constitutional standards for the House vote on impeachment, I find it helpful to look back at a report produced by the Judiciary Committee in 1974 as the impeachment inquiry of President Nixon was about to begin. That report found that:

> Each of the thirteen American impeachments involved charges of misconduct, incompatible with the official position of the officeholder. This conduct falls into three broad categories: (1) exceeding the constitutional bounds of the powers of the office in derogation of the powers of another branch of government; (2) behaving in a manner grossly incompatible with the proper function and purpose of the office; and (3) employing the power of the office for an improper purpose or for personal gain. [p. 17–18]
>
> Less than one-third of the eighty-three articles the House has adopted have explicitly charged the violation of a criminal statute or used the word "criminal" or "crime" to describe the conduct alleged, and ten of the articles that do were those involving the Tenure of Office Act in the impeachment of President Andrew Johnson. . . . Much more common in the articles are allegations that the *officer has violated his duties or his oath or seriously undermined public confidence in his ability to perform his official function*. (emphasis added) [p. 21]
>
> It is useful to note three major presidential duties of broad scope that are explicitly recited in the Constitution: "to take Care that the Laws be faithfully executed," to "faithfully execute the Office of President of the United States" and to "preserve, protect, and defend the Constitution of the United States" to the best of his ability. The first is directly imposed by the Constitution; the second and third are included in the constitutionally prescribed oath that the President is required to take before he enters upon the execution of this office and are, therefore, also expressly imposed by the Constitution. [p. 27]
>
> (*Constitutional Grounds for Presidential Impeachment*, Report by the Staff of the Impeachment Inquiry, Committee on the Judiciary, House of Representatives, February 1974.)

LYING UNDER OATH IN A JUDICIAL PROCEEDING

Violating a criminal statute in itself may well be a sufficient basis for impeachment, and of course, lying under oath in a judicial proceeding is a crime. A President should not escape the consequences of his actions just because he is President. President Washington warned in his Farewell Address in 1796 that "[t]he very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government." The rule of law is the basis for the fundamental rights of each American and requires that no one, including the President, be above the law.

But in addition, I believe that a President who lies under oath in a judicial proceeding is subject to impeachment because such conduct undermines our legal system, violates the President's oath and his constitutional responsibilities, and seriously undermines public confidence in a President's ability to perform his official functions. There are three reasons for this.

First, lying under oath in a judicial proceeding undermines the legal system of the United States because it attacks its most fundamental underpinning—the requirement of every individual to tell the truth. If the President can lie in a judicial proceeding without paying the consequences, it means either that the President is above the law or that no citizen need fear the consequences of not telling the truth. Neither can be permitted.

Some say that other Presidents have not always told the truth and were not impeached. Assuming that past Presidents have lied, they have not done so while under oath in a judicial proceeding. By doing so here, President Clinton has undermined the American judicial system in a way that threatens the rights of every American citizen.

Second, I believe that lying under oath in a judicial proceeding violates the President's oath "to faithfully execute the Office of President of the United States." It also violates his duty "to take Care that the Laws be faithfully executed." Violating his oath of office and his constitutional duties certainly meets the constitutional standard of impeachment.

Third, by lying under oath in a judicial proceeding, the President has violated the confidence and trust of the American people. Public trust and confidence are essential elements of the presidency. President Franklin Roosevelt said in one of his "Fireside Chats" on April 14, 1938, "I never forget that I live in a house owned by all the American people and that I have been given their trust." Betrayal or abuse of that trust was exactly what the Framers believed would require impeachment. Alexander Hamilton wrote in Federalist Paper Number 65 that impeachable offenses are "those offenses which proceed from the misconduct of public men, or, in other words, *from the abuse or violations of some public trust.*" (emphasis added)

Trust in what a President says is uniquely important because of the awesome duties and responsibilities invested in one person, including his duties as Commander in Chief. President Clinton's lies and deceptions "seriously undermine public confidence in his ability to perform his official function." As one of his former cabinet members, Robert Reich, wrote:

> The second offense is the public lie—not simply the fact of it (presidents aren't always honest), but its passionate intensity. . . .
>
> If he can so convincingly fake a lie, how can the public believe anything else he says—including his current stream of apologies? (Wall Street Journal, September 14, 1998.)

Recent events involving Iraq highlight again the importance of public trust in the President.

OBSTRUCTION OF JUSTICE

In addition to lying under oath, the President has used or attempted to use the power and influence of his office to shield himself from the political and legal consequences of his actions. He attempted to falsely shape the testimony of witnesses and to prevent evidence from being discovered. In so doing, he "employ[ed] the power of the office for an improper purpose or for personal gain."

Thus, in comparing President Clinton's conduct with the standards of impeachment as articulated by the Framers, as well as by the Judiciary Committee in 1974, the President's conduct clearly meets or exceeds that standard required for impeachment.

But even if the constitutional standard for impeachment is met, some argue that the House should exercise its discretion and look for some other remedy so as to not put the country through a trial in the Senate. A variety of arguments are used about how it is in the best interests of the nation not to subject the country and its institutions of government to a Senate trial.

For example, some voice concern about a trial's effects on the economy. But as one writer has stated:

> The first responsibility of the [president] is not to achieve growth of 2.5 percent but to ensure the legitimacy of the system itself. In this fundamental task, Clinton has clearly not only failed; he has deliberately broken his oath of office. Clinton's attitude toward the law has not been how he can best uphold it but how he can best evade it. His attitude toward democratic political discourse has been not how he can address the issues honestly but how he can best dissemble, obfuscate, and lie. At some point, such a person does not merely demean himself; he demeans and threatens the entire system of government he is elected to defend. (Andrew Sullivan, The New Republic, September 14, 1998.)

In fact, it is this pattern of unlawful and reckless behavior, in which the nation's interests are secondary to this President's own selfish interests and desires, which establishes his betrayal of the public trust and mandates his removal.

A newspaper editorial earlier this year states the heart of the matter:

> He should resign because he has resolutely failed—and continues to fail—the most fundamental test of any president: to put his nation's interests first. (*USA Today*, September 14, 1998.)

To me, Mr. Speaker, that is the essential truth from which we cannot escape. This President has violated the law; he has betrayed his oath and constitutional duty; he has undermined the legal system and the rule of law—all to promote his own selfish interests and desires, which he consistently puts ahead of the country's best interests.

A number of our colleagues point out that opinion polls indicate most Americans do not favor removing the President from office. Even if one assumes that current polls accurately reflect popular opinion, pollsters have not yet claimed to speak for future generations.

I believe such matters cannot be decided by polls. I also believe that the nation is strong and will remain strong so long as we try to stay true to the values which built this nation. If we were to abandon those values because of unpleasant facts or an uncomfortable process, we would break the tether which binds us to the strength of the past.

We have to try to do the right thing on the question before us—wherever that may lead—to affirm the principles and values that make America unique in the history of the world and that give us our only chance to remain the light of the world into the 21st century.

We affirm the principles of our legal system and the values of truth, equal justice, and the rule of law by voting to impeach William Jefferson Clinton.

Mr. WOLF. Mr. Speaker, for months I have been troubled by the matter of the President. I wish more than anything that we were not here at this moment in our Nation's history poised to vote on the articles of impeachment as reported by the House Judiciary Committee. I regret that this vote was not averted both for the sake of the Office of the Presidency and the American people. But this matter has moved through its consitutionally mandated process and we must vote according to our conscience and to our sworn duty as representatives in the Congress.

I am aware of the public opinion polls and the snapshots in time those surveys report which show people are generally content and would rather not upset the apple cart. Had political opinion polls been the guiding principle on other important matters before our nation, such as women's suffrage and desegregation how long would it have taken for elected officials to have done the right thing? We cannot be led by the current polling data. There comes a time when leaders must lead, no matter what the political fallout.

I am aware the Republican majority party could pay a price for doing what I believe is the right thing and protecting the rule of law. A vote for impeachment in the House to send this matter to the Senate for final resolution, I believe, is the right thing for this country.

On February 5, 1998, I made the following statement regarding the President:

A Matter of Truth

(Special order statement by Representative Frank R. Wolf of Virginia, February 5, 1998)

Mr. WOLF. Mr. Speaker, I want to take a moment to speak on what has been happening in this country lately. It's not about impeachment of the President. Or prosecution of the President. It's what's been on my mind and on my conscience.

For all the clamor in the press and on radio and TV about allegations swirling around the President, there has been a blanket of silence on the part of too many who ought to provide commentary on the moral tone of this country.

And I am not sure why. Perhaps there is a "don't rock the boat" feeling. Times are good and let's just sweep this under the rug and not focus on the moral aspect of this. Perhaps the talk of impeachment and prosecution got out there too early and preempted those who might have felt obligated to comment on the moral issue and its impact on leadership of the country.

Their reluctance was not evident in earlier cases. The young woman who flew Air Force B-52s, the military general passed over for chairman of the Joint Chiefs, the tail-hook scandal which touched a number of senior Navy officials, charges against a former Senator who resigned, a Supreme Court nominee, a Presidential candidate and others brought a tidal wave of comment from every corner of America.

In America, a person is innocent until proven guilty. But we are not talking about a court of law. We are talking about right and wrong. We must give the President the benefit of the doubt. But let's not say these things don't matter. Because they do. They are at the very heart of honor, integrity, character and leadership.

What a person does in private affects the type of person he or she is in public. And a leader has an obligation to take responsibility for his or her actions and not try to explain them away or blame others.

If indeed we have lost the capacity to distinguish vice from virtue, if we believe that private behavior has no public consequences, if we believe that our nation's leaders do not have to be good and moral and righteous men and women who live by the truth, then we have abandoned the very heritage of this nation.

I believe America ought to expect more from its leaders and I think most agree. If, as has been the case for ages, kids want to grow up to be President of the United States, then, like it or not, the person holding that title has a special responsibility and we have every right to hold him or her accountable to that duty. Saying Americans don't care just doesn't wash with me.

Truth is something we have always honored in this country. We teach our children from an early age to be truthful. George Washington's birthday is coming soon, and we have long told the story about his admitting to cutting down the cherry tree—"I cannot tell a lie."

When any President takes office there is an implied promise that he or she will level with the people, that he or she will be honest with them. A solemn bond of trust has always existed between the President and the people. And it must always be this way.

Every President has an obligation to tell the whole truth. If Richard Nixon had told the whole truth and asked the people for forgiveness, I believe he would have been forgiven.

Today there is a pall of doubt over the presidency. Not being forthcoming with whatever the truth may be leaves doubt about the bond of trust between the President and the people and keeps open the question of fitness to serve in high office.

The only way America can put this behind us once and for all is to be assured that when the President speaks, he is telling the truth. I hope this President can give this assurance. If President Clinton tells the American people the whole truth and needs forgiveness, I believe he will be forgiven.

All of us err and make mistakes, including me. No one is perfect. But for forgiveness and healing to take place there first must be confession and truth. Then we can move on. Thank you.

On August 17, President Clinton belatedly addressed the nation admitting to an "improper relationship." On September 9, the Office of Independent Counsel (OIC) referred to the House of Representatives a report outlining 11 charges of perjury, obstruction of justice, witness tampering and abuse of power in what the OIC called "substantial and credible information that President Clinton committed acts that may constitute grounds for an impeachment." On September 15, after review and consideration of the OIC report, I made the following statement calling on President Clinton to resign for the sake of his family and the Nation:

On the Matter of the President

(Statement by Representative Frank R. Wolf of Virginia, September 15, 1998)

It was seven months ago when I stood on the House floor and stated that if President Clinton would tell the American people the whole truth and ask for their forgiveness, then I believed that he would and should be forgiven and allowed to continue in office. Unfortunately, in the ensuing months, the President instead chose a campaign of deception, cover-up, and counterattacks in a relentless push for self-preservation.

He has let the American people down in a grievous manner. He has abused the power of the Office of the Presidency. I believe he has lost the ability to be an effective and credible leader of our country.

When he had the chance early on, he failed to apologize and accept responsibility for his actions. He has only recently acknowledged his misconduct and his misleading of the American people and he has now apologized, when perhaps faced with no other choice. Should we forgive him? I believe yes, on a personal level, as a human being, we understand his personal embarrassment and should accept his apologies and forgive him. We all make mistakes. none of us is perfect.

As disappointing as the President's behavior in the Oval Office has been, however, this is not just bout his personal indiscretions. It is about the bond of honor and trust between the President and the people. The President has betrayed that trust. I believe the President's moral authority, personal credibility and integrity have been irreparably damaged.

President Clinton has said that this is a private matter to be dealt with by his family. But he himself brought it beyond that at the moment he lied in a sworn deposition and again before a federal grand jury.

There must be accountability for his violation of the solemn trust the American people have placed in him. Actions have consequences. The President's abuse of the trust placed in the highest office in this land has damaged his credibility to lead. The President's word should be his bond, but we now see that it has not been. Instead, we have to analyze and parse and dissect each of his words to ensure that we are not being duped.

We see his well-paid lawyers trying to redefine morality, twisting words and phrases to have different meanings. What does this do to our judicial system, to our society? What message does this send to our young people? Much in the fabric of our society depends on people telling the truth, or a common understanding of wrongdoing.

Character does matter. The President is not a mere policy technician. He is the emblem of all that our country stands for. He is our representative to the world. He is the preeminent role model. Nations and governments around the world depend upon the veracity of his word and his character to make major decisions. In Luke 12:48 we are told that "to whom much has been given, much will be demanded; and from the one who has been entrusted with much, much more will be asked." Our presidents are entrusted with much and our expectations of them as leaders are high. Truth matters in both public and private life.

In his televised address to the nation on August 17, the President expressed concern that too many people have been hurt by this unfortunate episode. As this process continues, how many more people will be hurt? How many more lives shattered? The impeachment process will be long and drawn out over months, possibly not concluding until early next summer. My fear is that it will divide the country. It also will divert the attention of the nation away from important domestic and foreign policy matters. Our leadership—the White House and the Congress—will be tied up, debilitated at a time of serious problems in the world. From a world view, we face dangerous times. Russia, Asia and Latin America are in economic crisis. India and Pakistan are testing nuclear weapons. The threat of terrorism is increasing. There is instability still in Iraq with Saddam Hussein, in Bosnia, North Korea, and elsewhere. We need to pay attention to keeping our own economy strong.

We wish that this whole matter had not taken place. But it did, by the President's own admission. This resulted in deceiving the American people, the President's family, his Cabinet and the White House staff. Now the investigation has brought charges by the Office of Independent Counsel of perjury, obstruction of justice, and abuse of constitutional authority which have begun the congressional inquiry process for impeachment. And, the OIC's work is not over and could continue for a long time. As long as this investigation goes on, the country is basically stalled, with the President's attention diverted, and that's dangerous not only for our country, but for the world.

Therefore, painful though it is, I believe the time has come for the President to resign. It's time he put aside his own interests and do what's best for America and its interests. He and his administration have had successes and accomplishments. But in the time ahead, this President will be handcuffed to a matter of his own making, a matter from which the only escape for him and our country is his resignation. Though we should and do personally forgive him, we cannot undo or deny the irreparable damage that his conduct has brought upon his ability to serve as President.

Resignation is the honorable thing to do. I believe that the President's resignation can be an act of nobility on his part. I further believe that this President will have the opportunity to make significant contributions to our country in the future as a private citizen. But now, I urge the President to do the right thing for his family and his country and resign the Office of the Presidency and bring this saga to an end.

Today, I am convinced the President lied under oath and obstructed justice. On June 30, 1994, upon signing into law the current Independent Counsel statute, President Clinton said, "It ensures that no matter what party controls the Congress or the executive branch, an independent, nonpartisan process will be in place to guarantee the integrity of public officials and ensure that no one is above the law."

President Clinton is the highest law enforcement official in our nation. He must be held to a higher standard of integrity, not a lesser standard. We live in a society governed by the rule of law, not by man.

I was one of only eight House Republican members to vote not to seat Representative GINGRICH as Speaker for the 105th Congress until completion of the then pending ethics committee report. It was a difficult vote and it angered many in my own party. My vote then was a vote of conscience, as is my vote today.

President Clinton had it right in 1994: ". . . no one is above the law." President Clinton, the highest ranking law enforcement official in our Nation, has shown contempt for the law and must be held accountable. The matter before this body is clear. It is about the integrity of the rule of law, it is about telling the truth, it is about our Nation's basic judicial principles, our founding principles of democracy, and upholding the trust and respect of the Office of the Presidency.

Mr. MILLER of California. Mr. Speaker, as a result of recent surgery and because of the potential health risks of air travel at this time in my recuperation, I am greatly disappointed that I am unable to attend the session of the House of Representatives today as we consider one of the most serious actions we can take under the Constitution: not simply the removal of the President from office, but overturning the decision of the American people in twice electing him to that office. I urge my colleagues to vote against impeachment, and I would so vote were I able to be present in the chamber today.

The partisan resolutions presented to the House by the Judiciary Committee are an affront to the American electorate and a repudiation of the Constitution. They trivialize the awesome act of impeachment. They mis-state both the law and the historical precedent. And they will inaugurate a season of recrimination, divisiveness and partisanship that will taint this House and this nation unnecessarily.

No one in this Chamber, or in this nation, disputes that the President was terribly wrong in his actions. No one disputes that he was far less than candid in his statements in the Jones deposition, before the Grand Jury, and particularly, to the American people. No one disagrees that strong action by this House is justified to convey our disapproval, and that of the American people, with the manner in which the President has conducted himself in this scandal.

But those are not the questions before the House today. The question is whether or not those actions warrant his impeachment and his removal from office. And the answer is "no."

While the majority of Americans are justifiable disappointed in the President, as am I, they have registered their views loudly and clearly that the President should not be removed from office. I have had the advantage, or disadvantage, of being in bed, recovering from surgery, these past two weeks, and I have used that opportunity to listen to Americans on television and radio from all over this country. They do not approve of what we are being forced to vote on today. Constituents who have contacted my office from the 7th district of California by phone, fax and e-mail over the past two weeks have overwhelmingly stated their opposition to impeaching the President over this matter. And they are correct.

Impeachment was intended by the framers of the Constitution—and has been treated by every Congress since 1789 with one single, disreputable exception 130 years ago—as an extraordinary means of removing a president whose use of his Executive Authority poses an imminent threat to our constitutional form of government. Whatever you thing of Bill Clinton and the Lewinsky scandal, providing false or misleading testimony in a resolved civil suit does not rise to the constitutional standard of "high crimes and misdemeanors." Nor does giving evasive answers to the Congress. We can object to such behavior; we should condemn such behavior. But Mr. Clinton's action in no way threatens either the institutions of our government or the Constitution.

If we proceed in voting impeachment for misleading a Grand Jury about private behavior that has nothing to do with the exercise of presidential power, then this House must be prepared for the impeachment bar to be moved with impunity and recklessness in the future. Misrepresenting, or lying, or twisting the truth—none of them are acceptable behaviors by public officials, even when they involve private behaviors. But as we tragically know, deception is not unfamiliar in the corridors of the Capitol either. Let us exercise great caution in what we approve as a new standard for removing federal officials from office, because this House and this Congress could become ugly and bitter institutions.

I urge the Republican leadership of this House to reconsider its unwise and partisan Rule that bars Members from having the opportunity to vote for a censure resolution in lieu of impeachment. The Republicans' argument that censure is prohibited by the Constitution is absurd. The House can pass a Resolution, or a Joint Resolution with the Senate, expressing its view on any subject, as we do with great frequency on subjects from the trivial to the deadly serious.

There is absolutely no reason under the Constitution or the House Rules why a strong censure resolution, as has been proposed, should not be subject to debate and consideration by the House, especially since it is very possible that a bipartisan majority prefers censure to impeachment, as do the people of the United States.

But the Republican leadership will not permit an open debate. They only want to allow debate on the inflammatory and legally dubious resolutions reported on a strictly partisan vote from the Judiciary Committee. And we know why. Because the extremist element in the Republican Part which has been trying for six years to force a popular, elected president from office by alleging scandal after unproven scandal—from Vincent Foster's alleged "murder" to Whitewater—is frustrated because those extremists have been unable to make any of the charges stick. In fact, Kenneth Starr's report never even accuses the President of perjury, and yet that is the basis for the most serious of the allegations contained in the impeachment resolutions.

And so, even at this late hour, I call upon the Republican leadership to step back and let this House freely consider a variety of sanctions against the President for his reckless and unacceptable conduct. I urge you: do not cheapen the constitutional test for impeachment. Do not abuse the Constitution to overturn a national election. And do not ignore the will of the voters who have elected their President and continue to send an unmistakable message that they do not want their representatives, at the end of the year, in the last moments of a lame duck Congress, to take this historic and fearsome action that truly will injure our Constitution and our democracy for years to come.

Mr. BROWN of California. Mr. Speaker, I rise today in opposition to House Resolution

611, Impeachment of William Jefferson Clinton, President of the United States.

This is the second time in my congressional career that I have been in the position to ponder the removal from office of a duly elected president. After 1974, it was a decision I hoped never to be faced with again. Next to declarations of war, impeachment is the most grave duty Congress is charged with. Overturning a presidential election, the very foundation of our system of popular government, is not something that should be done on a partisan basis. Impeachment may be a political process, but it is our opportunity to exhibit the depth of fairness and justice this body should possess, not single minded partisan determination.

Like most of my colleagues, I have openly expressed my condemnation of President Clinton's inappropriate and immoral behavior. I have agreed that he should face punishment for his actions and I do believe that he should take responsibility for the disgrace he has caused himself and the turmoil he has caused this nation.

However, the question each member of Congress is faced with today is what level of punishment is appropriate. I agree with my Democratic colleagues on the Judiciary Committee that there is a vital and distinct difference between punishment and impeachment. Impeachment is intended for great and serious offenses against our constitutional system of government. It is not intended to be a punishment for personal misconduct not related to the presidential office.

The conduct alleged against President Clinton does not rise to the level of impeachment. It is not necessary to remove Clinton from office to protect our nation and I do not support lowering the high standard of impeachment. I am gravely disappointed that the Majority has denied this, the People's House the opportunity for a straight vote on censure, the option the majority of the very people we represent support. In blatantly disregarding the views of the American people, this body has illegitimized itself.

I plan to vote in the manner I believe is best for our country. I will vote against the impeachment resolutions, I will watch as our constitutional system undergoes its greatest test, and I will hope that at the very least, future Congresses will learn from what we do today.

Mr. WHITFIELD. Mr. Speaker, today the United States House of Representatives begins debate on Articles of Impeachment of President William Jefferson Clinton. This is the first time in over 130 years that the House of Representatives has performed its solemn duty of determining whether a sitting President should be impeached.

Article II, Section 4 of our Constitution reads: "The President, Vice President and all civil officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery and other high crimes and misdemeanors."

The President has been charged with committing "high crimes and misdemeanors." Specifically: perjury in testimony before a federal grand jury; perjury in a Federal civil rights suit in which he was the defendant; obstruction of justice; and abuse of power.

The President's attorneys argue that he has not committed high crimes and misdemeanors.

Legal scholars and English Parliamentary law make it perfectly clear that the phrase "high crimes and misdemeanors" includes not only crimes for which an indictment may be brought, but also grave political offenses, corruption, maladministration or neglect of duty involving moral turpitude, and arbitrary and oppressive conduct none of which need constitute a crime.

A majority of legal scholars agree that noncriminal misconduct may be impeachable. In fact, every impeachment case presented to the United States Senate before 1973 included articles charging offenses that are not criminally indictable.

In addition, to be impeachable, the misconduct must threaten grave harm to the country.

President Clinton's alleged behavior constitutes an assault on the truth-finding mechanism of our judicial system. For example, perjury is a crime because our judicial system cannot work unless citizens tell the truth when testifying in judicial proceedings.

Articles of Impeachment I and II charge President Clinton with committing perjury. On August 17, 1998, President Clinton testified under oath before a Federal grand jury. He is charged with committing perjury in his answers to eight questions. On January 17, 1998, President Clinton testified under oath in his deposition in the Jones versus Clinton case. He is charged with committing perjury in his answers to 10 questions.

The President's legal team and other supporters claim that the first two articles involve nothing more than the President's private sex life. Nothing could be further from the truth. There is clear and convincing evidence that the President lied under oath in the civil case filed against him by Paula Jones because he did not want to lose the case and be required to pay her monetary damages. There is clear and convincing evidence that the President committed perjury when testifying before the Federal grand jury because he did not want to be indicted for perjury in the Jones case. It should be noted that despite all of his efforts, he eventually agreed to pay $700,000 to settle the case.

The President's defense to the perjury allegations is limited to only one aspect of his testimony, i.e. whether he had sexual relations with Monica Lewinsky. He basically ignores the perjury claims premised on his denial of being alone with Ms. Lewinsky, his denial of any involvement in obtaining a job for her, his falsely minimizing the number of occasions on which he had encounters with her, and his lies regarding gifts they exchanged.

The President and his lawyers assert that he did not commit perjury when he testified that he did not have sexual relations with Ms. Lewinsky, because he did not believe oral sex meant sexual relations.

Perjury is judged by an objective standard, i.e. what would a reasonable person understand the term to mean under the circumstances. A reasonable person would clearly believe that oral sex is a sexual relation.

The President's defenders assert that his relationship with Ms. Lewinsky is his private business and he should not be subject to impeachment even if he did commit perjury. If the Congress adopted that position, it would be establishing two different legal systems. One for the President and another for everyone else.

Since Bill Clinton has been President, the United States Department of Justice has prosecuted and convicted more than 400 persons for perjury.

Here are the facts of a few cases:

1. A Veterans Administration psychiatrist was convicted of perjury for lying in a civil suit about a sexual relationship she had with a patient. The psychiatrist was sentenced to six months in jail and lost her professional license.

2. A Texas judge was convicted of perjury for declaring he had used political contributions to buy flowers for his staff when, in fact, the flowers were for his wife.

3. A Florida postal supervisor is in prison for denying in a civil deposition that she had sexual relations with a subordinate.

4. The former women's basketball coach at the University of South Carolina went to prison after she was convicted of committing perjury relating to a sexual relationship with one of her players.

The President should not be immune from laws designed to protect the integrity of our judicial system. For these reasons, I will vote in favor of Articles I and II.

Article III charges the President with Obstruction of Justice. Specifically:

1. He is charged with encouraging Monica Lewinsky to file a sworn affidavit in the Jones case that he knew would be false.

2. He encouraged Monica Lewinsky to lie under oath if called personally to testify in the Jones versus Clinton case.

3. He told lies to White House aides who he knew would likely be called as witnesses before the Federal grand jury investigating his misconduct. the aides repeated the assertions to the grand jury, causing the grand jury to receive false information.

4. He engaged in a plan to conceal evidence that had been subpoenaed in a federal civil rights action brought against him.

5. He corruptly allowed his attorney to make false and misleading statements to a Federal Judge in an affidavit in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.

6. He related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

The term obstruction of justice usually refers to a violation of 18 U.S.C. § 1503 which contains a catchall clause making it unlawful to influence, obstruct, or impede the due administration of justice. It may also refer to 18 U.S.C. § 1512, which proscribes intimidating, threatening or corruptly persuading through deceptive conduct, a person in connection with an official proceeding.

During his deposition on January 17, 1998, in the Jones case, President Clinton frequently referred to his secretary, Betty Currie, as someone who could verify his testimony as it related particularly to Monica Lewinsky. At the deposition, Judge Wright imposed a protective order that directed the parties, including President Clinton, to refrain from discussing their testimony with anyone.

The next morning, a Sunday, President Clinton met with Betty Currie at the White House because it was foreseeable that she might be called as a witness in the Jones case. He told her about his testimony at the deposition and reviewed it in detail. She subsequently testified to the Federal grand jury that the President wanted her to agree with his testimony if she was called to testify.

The Betty Currie episode is one of the key points in this article. However, there are additional facts and evidence that provide convincing proof that the President did obstruct justice. I will vote in favor of Article III.

Article IV charges President Clinton with abuse of power. This article relates to the President's evasive answers to a list of 81 questions submitted to the Judiciary Committee.

From my analysis of this charge, the primary allegation is based on the President's use of executive privilege and his evasive answers to 81 questions submitted to him by the Judiciary Committee. Although I believe from the evidence that the President was less than forthcoming in his answers and may have been aggressive in his assertion of executive privilege, I do not believe he abused his power. I will vote against Article IV.

Mr. DOOLEY. Mr. Speaker, like most Americans, I believe the President's behavior was irresponsible, inappropriate, and deeply disappointing. But, like most Americans, I have concluded that his actions do not rise to standard of impeachment established by the Framers of our Constitution.

Make no mistake. The President is not above the law. He can be sued in criminal or civil proceedings for his actions in this matter when he leaves office. But as Members of Congress, we have a unique responsibility, and must adhere to the standards set forth by our founding fathers. Our founding fathers intended for impeachment to be a drastic remedy when the President has committed "great and dangerous offenses" against the nation.

Make no mistake. The President's behavior was wrong. But impeachment was never intended to punish the President for wrongdoing. Impeachment was intended to remove a President from office when his or her actions imperil the future of our nation. Impeachment was intended for a President who commits 'treason, bribery, or other high crimes and misdemeanors' against the nation. Congress should not lower the standard of impeachment, and reverse the will of the electorate merely as a means to express displeasure with the President's behavior.

Against the wisdom of nearly nine hundred constitutional scholars, the majority has chosen to proceed with a bitterly partisan attempt to impeach the President. Against more than two hundred years of constitutional and historical precedent, the majority has chosen to proceed with a bitterly partisan attempt to impeach the President. And against the overwhelming sentiment of the American people, the majority party has chosen to proceed with a bitterly partisan attempt to impeach the President.

Rightly, our founding fathers established a high standard for impeachment. Our founding fathers would view our action today as maligning their intent, and as an action that upsets the careful balance of power between the executive and legislative branches. We cannot afford to set this dangerous, misguided precedent, and irrevocably erode the standard for impeachment.

Mr. LINDER. Mr. Speaker, serious charges have been made against President Bill Clinton, and I have stated that I believe resignation would be the best course of action. Not one of us wants to be here talking about perjury, obstruction of justice and abuse of power. This House is, however, carrying out its sworn duty as the representative branch of our Government to ensure that the president does not use the great powers at his disposal to undermine justice.

For centuries, people have agreed to compacts, covenants and constitutions to form a government and be bound by its rules. We, the people of the United States, agreed as a whole to obey the laws that hold our Nation together and apply these laws to every American equally. We cannot decide to apply these laws selectively. President Clinton took an oath to faithfully defend the laws of our Nation, and no one man can be permitted to decide which laws can be broken or which lies he decides are acceptable under oath.

In this case, the one man is the President of the United States—the top law enforcement officer in America—and this president violated the laws of the United States. I am gravely distressed about the significance of his actions on our constitutional system and the functioning of our Government in the future.

The rule of law in this Nation must be equal and impartial for all Americans—rich and poor, weak and strong. We cannot allow people to think of our laws as a tool of the powerful in our society.

For those who believe that the crimes of this president do not rise to the level of impeachable offenses, I would refer them to the writings of Alexander Hamilton in the Federalist Papers. Hamilton stated that the subject of impeachment arises "from the abuse or violation of some public trust" and that impeachable offenses occur when this misconduct produces "injuries done immediately to the society itself." In our republic, the executive cannot observe or disregard laws at his discretion, and President Clinton's disregard for the rule of law under oath undermines our society's trust in the American form of Government.

Under our sworn duty to protect the Constitution and the laws of the United States, it is our obligation to move forward with articles of impeachment against President Clinton. I believe the President committed offenses against the Constitution and the rule of law, and I will vote for the Articles of Impeachment prepared by the House Judiciary Committee.

Ms. ROS-LEHTINEN. Mr. Speaker, with a commitment to the principles of the rule of law which makes this country the beacon of hope throughout the world, I cast my vote in favor of the four counts of impeachment of the conduct of the President of the United States. As a Representative in Congress, I can do no less in fulfilling my responsibility to the Constitution and to all who have preceded me in defending the Constitution from erosions of the rule of law.

Each of the impeachment counts concerns the public conduct of the President, including allegations of lying under oath in grand jury and civil judicial proceedings, obstruction of justice, and abuse of power. The supporting evidence is clearly sufficient to warrant impeachment. The Constitution, the rule of law, and truth should be our only guides.

These allegations of lying under oath, obstruction of justice, and abuse of presidential power are not about private conduct, but instead about public conduct in our courts of law and in exercising presidential responsibilities. Public duties and public power are involved—and therefore the matters are of the greatest public concern when those public duties are violated and those public powers are abused.

Our courts of law and our legal system are the bedrock of our democracy and of our system of individual rights. Lying under oath in a legal proceeding (whether criminal or civil in nature) and obstruction of justice undermines the rights of all citizens, who must rely upon the courts to protect their rights. If lying under oath in our courts and obstruction are ignored of classified as "minor", then we have jeopardized the rights of everyone who seek redress in our courts. Lying under oath is an ancient crime of great weight because it shields other offenses, blocking the light of truth in human rights. It is a dagger in the heart of our legal system and our democracy; it cannot and should not be tolerated.

We know that "a right without a remedy is not a right". If we allow, ignore, or encourage lying and obstruction of justice in our legal system, then the rights promised in our laws are hollow. Our laws promise a remedy against sexual harassment, but if we say that "lying about sex in court" is acceptable or expected, then we have made our sexual harassment laws nothing more than a false promise, a fraud upon our society, upon our legal system, and upon women. Therefore, I must vote in favor of counts one, two and three of impeachment.

The greatest challenge of free peoples is to restrain abuses of governmental power. The power of the American presidency is awesome. When uncontrolled and abused, presidential power is a grave threat to our way of life, to our fundamental freedoms. Clearly improper use of executive power by the President to cover-up and obstruct investigations of his public lying in our courts cannot be tolerated. If not checked, such abuses of power serve to legitimize the use of public power for private purposes. Mankind's long struggle throughout the centuries has been to develop governmental systems which limit the exercise of public power to public purposes only. Therefore, I must, in exercising the public power entrusted to me, act to restrain the exercise of public power to public purposes alone; and I must vote in favor of count four.

In reviewing this grave matter of impeachment, we must seek guidance in first principles. These principles are all based on the recognition of the social compact under which we as citizens join together in the American Republic. Each of us has given up many individual prerogatives (use of force, private punishment, etc) in return for promises, the commitments, the elements of our social compact.

The central promise or commitment of our compact is that our laws will be enforced equally with respect to all, that our civil rights and civil grievances will be fairly adjudicated in our courts, and that the powers we give up to government will be used only for governmental purposes related to the common good.

When these elements of the social compact are violated, the legitimacy of the exercise of governmental powers is brought into question and the underlying compact itself is threatened. Each member of the compact—each citizen—received the guarantee, received the promise from his or her fellow citizens, that the compact would be honored and that the laws would not be sacrificed on a piecemeal basis for temporary harmony or immediate gain of some (even in a majority) over others (even a minority). None of us are free, for any reason of convenience or immediate avoidance of difficult issues, to ignore our promises to our fellow citizens. Our social compact does not permit the breaches of these commitments to our fellow citizens, and to do so would directly deprive those citizens (whatever their voting strength or numbers) of our solemn promise of the rule of law.

All that stands between any of us and tyranny is law- the rule as contemplated in our social compact-backed up by our courts. If we trivialize the role of truth in our judicial system by simply assuming that everyone will lie, then we trivialize the role of truth in our judicial system by simply assuming that everyone will lie, then we trivialize the courts themselves, we trivialize the rule of law. In doing so, we trivialize the eternal search for justice for the weak under law, in place of exploitation of the weak under arbitrary private power of the strong. I will not be a party to such demeaning of the most fundamental struggles of humankind- and I will not be a party to the attempt to escape the consequences of his public acts by the President through such trivialization.

The Office of Presidency is due great respect, but the President, (whomever may hold the office) is a citizen with the same duty to follow the law as all of our citizens. The world marvels that our President is not above the law, and my votes will help ensure that this rule continues.

Mr. NUSSLE. Mr. Speaker, I rise today in support of the Articles of Impeachment against President William Jefferson Clinton and ask that the following statement be entered into the record outlining my reasons for supporting the Articles of Impeachment.

On the night of Wednesday, Dec. 16, 1998, the President addressed the nation to inform us of his actions and lead our country as commander in chief to the correct, if not overdue, decision that Iraq must not be allowed to continue on its dangerous path creating weapons of mass destruction.

And that same night, too many Americans wondered if the intentions behind his decision were in the best interest of the United States or in the best interests of Bill Clinton.

Let me make it perfectly clear that I am not questioning President Clinton's decision to order a military strike against Iraq. His decision may have been based on sound recommendations from the entire National Security Team. But the simple fact that we even have to wonder whether Bill Clinton made that decision to delay the impeachment debate in the U.S. House of Representatives, is proof that he can no longer lead this nation.

When President Lyndon Johnson ordered military action in Vietnam, nobody questioned his motives. People questioned the decision itself, protested the decision—even died questioning the wisdom behind the decision; but never were the personal or political motives behind the decision questioned.

When President George Bush ordered military strikes against Iraq as part of Desert Storm, people may have debated whether or not to let sanctions work a little longer, but nobody questioned the personal or political motives behind his decision. When President Clinton ordered military strikes against Iraq last night, the first question from Iowans, Americans and people from around the world was whether or not the president was taking this action to delay the impeachment debate—had the movie "Wag The Dog" become reality?

This has gone beyond President Clinton's relations with an intern. This has gone beyond perjury, and beyond lying under oath before a grand jury. You can say that everybody lies about sex. But no one can say that everybody orders Americans soldiers into harms way to delay a debate on their qualifications to lead the most powerful nation in the world. Only the president faces that decision, and we must have a president whose actions and intentions involving the lives of American men and women in uniform must be beyond reproach and beyond question.

Today the ramifications of a nation dealing with a president who has committed perjury before a grand jury have become real and undeniable. We no longer have confidence in this President to make the most important decisions a commander in chief must face.

My biggest fear is going to the funeral of some young Iowa man or woman who dies in this conflict and having their mother and father come up to me and ask whether or not their son or daughter died for America or died to save Bill Clinton's presidency. I don't know what I would say to those grieving parents.

For that reason, I believe the president must resign immediately.

I am confident that a "President" Al Gore can complete our military mission in Iraq and command the respect and confidence of the American people.

Today, as well, I will vote in favor of all four Acticles of Impeachment as presented by the House Judiciary Committee.

Mr. GANSKE. Mr. Speaker, my vote on the impeachment of President Clinton will be the most important of my public service. The proposed impeachment of a president has occurred only twice before in our nation's history and I consider this of gravest Constitutional importance. I have made my decision only after a great deal of study, listening to the advice of my fellow citizens, and much soul searching.

Why am I releasing this statement before the Judiciary Committee votes on articles of impeachment? Because for all practical purposes the relevant information is in. The President has provided responses to the committee and his lawyer had his chance to challenge the facts of the case. My constituents deserve to know where I stand on impeachment . . . whether a vote by the House occurs or not.

This whole affair deeply saddens me. President Clinton is a man of personal charm, intellect, and empathy. I, possibly more than any other House Republican, have worked in a bipartisan manner with President Clinton. The President has shown special consideration for me on several occasions and that makes my decision doubly difficult. I hold no personal enmity toward the President, quite the contrary.

When I called on the President to resign after his scandal became public but before the sordid details came out, I did so out of concern for what the country was likely to go through. I did so also out of concern for what would be best for President Clinton and his family . . . and I shared those sentiments with President Clinton. I, too, have a daughter who has just started college and I especially sympathize with how difficult this has been for the President's daughter.

As I write this many images come to mind. I see a videotape of President Clinton hugging a starstruck young woman in a black beret and an image of the President pointing his finger at the American people saying, "I did not have sexual relations with that woman." I can see the President sweating over his grant jury answer, "It depends on what the meaning of the word 'is' is." Then there's the indelible visage of an angry President of the United States hairsplitting that he was "legally accurate" when he had just apologized to the nation for "inappropriate behavior."

Who will ever forget these pictures, and how sad it is that they are now part of our nation's history. Couldn't we just ignore this tawdry scandal?

I wish we could, but this tragedy moved past personal immoral behavior a long time ago.

Sometimes our public and personal lives require that we review another's actions and pass judgment. This is never easy and we only pray that we do so with fairness and justice and by the rules. In this case, the rule book is the United States Constitution, which I have taken an oath to uphold.

In my opinion, the President, should not be impeached because he's committed adultery, though this reckless behavior surely could have exposed this President of the United States to blackmail. Nor would adultery with a subordinate in the workplace, however morally reprehensible, necessarily rise to impeachable behavior. However, President Clinton's impeachment isn't about his affair per se.

I have framed my decision on two questions: Did President Clinton lie under oath, obstruct justice, tamper with witnesses and the abuse powers of his office? And if the President did these misdeeds do they rise to the level of impeachable offenses?

What are the facts? President Clinton testified under oath in the Paula Jones sexual-harassment case that he did not have sexual relations with Lewinsky. He responded "none" when asked by the Jones' lawyers if he'd had sexual relations with employees as President. He sat silently while his attorney told the judge "there is absolutely no sex of any kind in any manner, shape or form" between Clinton and Lewinsky.

President Clinton was questioned by his own counsel during this deposition:

BENNETT: In [Lewinsky's] affidavit, she says this: "I have never had a sexual relationship with the President . . ." Is that a true and accurate statement as far as you can see it?

CLINTON: That is absolutely true.

Seven months later in testimony before the grand jury, Clinton said the truth of such denials depends on what the meaning of "is" is?

I watched Judge Starr's testimony before the Judiciary Committee. I found it credible. For me, the evidence is overwhelming that President Clinton lied repeatedly under oath.

There is also credible evidence that he tampered with witnesses and conspired with others to obstruct justice. After learning that Lewinsky was on the witness list for the Jones case, the President suggested to Ms. Lewinsky that she could submit an affidavit to avoid testifying. This she did, Vernon Jordan got a job for her, and Jordan called the President to report, "Mission accomplished."

The President's lies were about much more than "personal privacy." Ms. Lewinsky was material witness in a sexual-harassment suit against the President. Her false affidavit served to keep her from testifying and allowed the President to deny sex in his deposition. The absence of her testimony and of evidence concerning the efforts made to secure her a job was harmful to Ms. Jones' case.

As Independent Counsel Starr said, "Sexual harassment cases are often 'he-said-she-said' disputes. Evidence reflecting the behavior of both parties can be critical—including the defendant's relationships with other employees in the workplace."

President Clinton also used a federal employee, Betty Currie, to arrange meetings with Ms. Lewinsky and used Mrs. Currie to retrieve subpoenaed gifts from Lewinsky that the President had given her. The President coached Currie, suggesting to her that she had always been present when Lewinsky and Clinton were together. President Clinton then denied his affair to Cabinet officials and had them repeat denials to the press. He misrepresented the truth to aides, causing them to repeat the deceptions to the grand jury.

Who would doubt that the President and his defenders now would' be dismissing Monica Lewinsky as a liar were it not for one unassailable fact . . . DNA testing proves that the President's semen was on her dress!

And that is why not a single one of President Clinton's defenders during the committee hearing with Starr attempted to discredit the facts of the case against President Clinton's perjury and obstruction of justice. No one—not the President's attorney David Kendall, not Democratic counsel Abbe Lowell, not the Democratic members of the committee . . . not one of them disputed these facts.

DOES ANYONE DOUBT THAT THE PRESIDENT DID IT AND THEN LIED ABOUT IT UNDER OATH!

This brings us to the second question: Do these misdeeds rise to the level of impeachment? the Constitution provides for impeachment of the President of the United States of "treason, bribery, and other high crimes and misdemeanors." It is clear that the Framers didn't intend to authorize Congress to impeach presidents over policy or personal differences. But "high crimes and misdemeanors" encompassed a broad range of misconduct in their eyes.

Alexander Hamilton in Federalist 65 wrote that impeachment would deal with "those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to injuries done immediately to the society itself."

In 1974 the Watergate impeachment staff analysis concluded that serious crimes rooted in private conduct are grounds for impeachment: the precedents after 1787 support impeachment for "behaving in a manner grossly incompatible with the proper functioning and purpose of the office."

Professor Michael Gerhardt, in his book, The Federalist Impeachment Process, said that even crimes "plainly . . . unrelated to the responsibilities of a particular office" are impeachable if the show "serious lack of judgment or disdain for the law" and thus lower "respect for the office."

As Stuart Taylor has written in the National Journal, "Before President Clinton got caught no Constitution expert had ever suggested that it would be wrong to impeach a president for crimes such as lying under oath (even about sex), suborning perjury, or obstructing both a civil rights lawsuit and a criminal investigation." Indeed, there is precedent for impeachment precisely on the grounds of perjury. In 1989 Congress impeached and removed Judge Walter Nixon for perjury.

Are we to assume that Congress can remove a judge fro perjury, but not a president?

Clinton defenders say, "No one gets prosecuted for perjury." Tell that to the more than one hundred people that The New York Times has documented as serving time in federal prison recently for perjury. Others say that the President's lies were "only about sex," and therefore aren't serious. Tell that to Pam Parsons and her 17-year-old lover who both committee perjury in a libel suit against Sports Illustrated. both were sentenced to three years in prison and served time.

Or how about the case of Dr. Jeffrey Goltz, a medical expert witness? He lied under oath about his education and credentials. In 1996 he got caught and pleaded guilty to perjury. He had to sell his medical practice and was sentenced to 18 months in prison.

Or consider David Wayne Holland who lied under oath in a private civil rights lawsuit. A federal appeals court imposed a heavier sentence than the civil court judge saying, "Perjury, regardless of the setting, is a serious offense that results in incalculable harm to the functioning of the legal system as well as to private individuals."

Other Clinton defenders argue that even though Clinton lied repeatedly under oath on January 17, that he did not "technically" commit perjury because the Lewinsky evidence was not "material" to the Paula Jones lawsuit. But contrary to some news reports, Judge Wright did not hold the Lewinsky evidence to be immaterial. She ruled that it "might be relevant" but was "not essential to the core issues in the case." (Judge Wright's ruling was in such danger of being overturned that the President was willing to pay $850,000 to settle the case!) Furthermore, there are precedents that hold that lying under oath in a civil deposition can be material even if the testimony is later excluded or the case is dismissed.

Jonathon Turley, Professor of Law of George Washington University Law School, has written, ". . . And perjury committed by a president may be one of the most serious forms of criminal conduct since it is the crime that shields all other criminal acts from the public . . . by any reasonable measure, perjury and obstruction of justice clearly fall within 'high crimes and misdemeanors.'"

To return to Hamilton's statement, I can think of several ways in which the President's perjury injures society. If President Clinton escapes impeachment, if an elected official can commit felony crimes (perjury and obstruction of justice) what does this say about our country's commitment to equal justice under the law? If a Pam Parsons, a David Holland, a Jeffrey Goltz can spend time in prison for perjury, what does it do to society to see "little" people spend time in prison for breaking the law and "big" people let off? If the President walks, cynicism reigns.

Rear Admiral John T. Scudi has just been charged with two counts of adultery, giving false official statements, obstruction of justice and an ethics violation. The Navy has filed criminal charges against him. However, because of Constitutional immunity for the president, the only real remedy for presidential crimes is impeachment and removal. And if a boss such as Clinton can lie under oath about sex with a subordinate in sexual harassment suit and then escape punishment, the victims of sexual harassment will be the losers.

Maybe all this is why James Madison said in Federalist 57 that one of our Constitutional bulwarks against tyranny is that our rulers "can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society."

Some would have Congress "censure" the President. I agree with Thomas Baker, the Director of the Constitutional Law Resource Center at Drake University Law School who has written, ". . . the House power to impeach and the Senate power to try the president are exclusive powers, and the sanctions of removal and disqualification from office are the only punishments possible . . . the problem with a censure is that it would not be constitutional." Senator Robert Byrd, in his masterly history of the Senate, agrees that censure is unconstitutional.

I would go further. The idea that Congress should simply apply a "wrist-slap" censure is another effort to put the President above the law. As Justice Brandeis has written, "For good or ill, [our government] teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for the law."

The Constitution stipulates that the House should function as a grand jury. Article of impeachment function in the same way as counts to an indictment. The House does not determine guilt or impose a penalty but simply defines the articles of impeachment for a trial on the merits in the Senate. The President's popularity or accomplishments are not pertinent to the House's function. Only after guilt is established is a defendant allowed to present arguments to mitigate punishment. That is for the Senate to decide.

Were I on the Judiciary Committee, I would vote for articles of impeachment because I would see this as my duty. If articles of impeachment on perjury or obstruction of justice, or both, come to Congress for a vote, I will vote "Yes." Even if I suffer politically for this vote, my conscience is clear.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to fulfill my constitutional duty to address the impeachment of President William Jefferson Clinton. For many months, I made a concerned effort to avoid reaching an unsubstantiated decision regarding the conduct of President Clinton. I refrained from judging the President's guilt or innocence until I had an opportunity to review all the facts. During this time, I listened to the President's supporters. I listed to his attorneys, I listened to the White House staff and I examined all the testimony and evidence put forth by the House Judiciary Committee. I also met with and heard from many constituents regarding their thoughts and opinions about the actions and conduct of the President. Upon reviewing all the evidence and testimony before the House Judiciary Committee it is my sincere belief that substantial and credible evidence exits that the President committed high crimes and misdemeanors.

We can not allow the actions of the President to go unpunished; this would breed contempt for the law. Willfully and knowingly lying, after swearing before God and country to tell the truth, the whole truth and nothing but the truth, is a very serious offense for anyone. The President does not have any great rights that any other citizen of this country when it comes to the rule of law and preservation of justice. The United States system of law and order requires one standard for all and is dependent upon truth while under oath. When a person testifies in court to tell the truth, the whole truth and nothing but the truth, there is no exception to that oath. It applies to all matters, whether they be personal, embrassing or considered a "little thing." President Clinton's willful lies under oath before a federal judge and grand jury are a direct assault on our nation's democracy. This undermines our legal process and is a violation of the Presidential Oath of Office.

The evidence demonstrates that the President has sustained a pattern of perjury, obstruction of justice, and abuse of power. In December 1997, the President willfully and knowingly lied under oath in his written answers to a federal court. In January 1998, the President willfully and knowingly lied under oath repeatedly in the Paula Fones deposition. Then he willfully and knowingly used his Office to influence witnesses and obstruct justice in the Jones' lawsuit. In August 1998 he willfully and knowingly lied to a federal grand jury, and he willfully and knowingly lied when he purported to answer the 81 questions posed to him by the House Judiciary Committee.

President Clinton is said by many who know him best to have a phenomenal memory. His friend, Vernon Jordon, said the President has "an extraordinary memory, one of the greatest memories" he has ever seen in a politician. However, in more than four hours of videotaped testimony before a federal grand jury, the President testified, under oath, on more than 100 occasions that he could not remember details involving his relationship with Ms. Lewinsky. When a person testifies, under oath, that he does not remember something, when in fact he does, he has lied under oath. During this one year period, President Clinton had innumerable opportunities to tell the truth, yet he continued to willfully and knowingly put his own self interest before that of justice and the good of the nation. To this day, he has yet to acknowledge that he committed a crime or show remorse for his actions. We can not allow the actions of the President to teach contempt for the law of our nation. Our legal system, which protects the rights and liberties of all citizens, is dependent on people telling the truth while under oath.

U.S. Supreme Court Justice Brandeis, in Olmstead vs. United States, so eloquently states what I believe to be a beacon of light guiding us through this impeachment inquiry. He states:

> . . . decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen . . . Our government is the potent, omnipresent, teacher. For good or ill it teaches the whole people by its example. Crime is contagious. If government becomes a lawbreaker, it breeds contempt for the law.

Article II, Section 3 of the Constitution states the President "shall take Care that the Laws be faithfully executed." It is my firm belief that substantial and credible information exists that the President committed acts that constitute grounds for impeachment. These actions constitute "high crimes and misdemeanors" as enumerated in Article II, Section 4 of the Constitution.

The President, as our chief law enforcement officer, undermines the integrity of our judicial system and threatens the rights and liberties of every one of us when he lies under oath. No citizen has the right to pick and choose what laws he or she may abide by, just because it may be embarrassing or inconvenient. We are a government of laws, not men. The President willfully and knowingly lied under oath, over and over and over again. That is a direct threat to our nation's system of justice and law and order. Mr. Speaker, it is for the love of our nation and the duty to uphold the Constitution I have sworn to protect that I will support all four Articles of Impeachment against President Clinton.

The SPEAKER pro tempore (Mr. LAHOOD). Under the previous order of the House entered earlier today, this concludes debate on House Resolution 611 until tomorrow.

ADJOURNMENT

Mr. SENSENBRENNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock p.m.), under its previous order, the House adjourned until tomorrow, Saturday, December 19, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

12341. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries grown in the States of Michigan, et al.; Establishment of Rules and Regulations for Grower Diversion and a compensation rate for the Cherry Industry Administrative Board Public Member and Alternate Public Member [Docket No. FV97-930-2 FR] December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12342. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Service's final rule— Termination of Designation of the State of Minnesota With Respect to the Inspection of Meat and Meat Food Products [Docket No. 98-048F] received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12343. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Solid Wood Packing Material From China [Docket No. 98-087-4] (RIN: 0579-AB01) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12344. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—High-Temperature Forced-Air Treatments for Citrus [Docket No. 96-069-2] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12345. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Fees for Official Inspection and Weighing Services (RIN: 0580-AA66) received December 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12346. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Egg Products Inspection Act Regulations [Docket No. PY-99-001] received December 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12347. A letter from the Administrator, Agricultual Marketing Service, Department of Agriculutre, transmitting the Department's final rule—Egg Products Inspection Act Regulations [Docket No. PY-99-001] received December 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12348. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cymoxanil; Pesticide Tolerances for Emergency Exemptions [OPP-300747; FRL-6038-5] (RIN: 2070-AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12349. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Extension of Tolerance for Emergency Exemptions; Correction [OPP-300743A; FRL-

6043-6] (RIN: 2070-AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12350. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Metolachlor; Extension of Tolerance for Emergency Exemptions [OPP-300746; FRL-6038-4] (RIN: 2070-AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12351. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Extension of Tolerance for Emergency Exemptions [OPP-300761; FRL-6046-9] (RIN: 2070-AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12352. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Thiabendazole; Extension of Tolerance for Emergency Exemptions [OPP-300757; FRL-6044-5] (RIN: 2070-AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12353. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Extension of Tolerance for Emergency Exemptions [OPP-300754; FRL 6041-4] (RIN: 2070-AB78) received November 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12354. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hydramethylnon; Extension of Tolerance for Emergency Exemptions [OPP-300752; FRL-6040-9] (RIN: 2070-AB78) received November 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12355. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP-300762; FRL-6048-1] (RIN: 2070-AB78) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12356. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Copper Ammonium Complex; Exemption from the Requirement of a Tolerance [OPP-300765; FRL 6048-5] (RIN: 2070-AB78) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12357. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tralkoxydim; Time-Limited Pesticide Tolerances [OPP-300764; FRL-6048-4] (RIN: 2070-AB78) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12358. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Force Materiel Command is initiating a single-function cost comparison of the Base Supply Functions at the United States Air Force Academy, Colorado, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

12359. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports of High Performance Computers; Post-shipment Verification Reporting Procedures (RIN: 0694-AB78) received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

12360. A letter from the Secretary of Energy, transmitting a report on Russian taxation of nonproliferation funds furnished by the Department of Energy's Initiatives for Proliferation Prevention; to the Committee on National Security.

12361. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule—Appraisal Standards for Federally Related Transactions [Regulation Y; Docket No. R-0990] received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12362. A letter from the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule—Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program—Core Component—received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12363. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Chile, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

12364. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7260] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12365. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7269] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12366. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12367. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7699] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12368. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12369. A letter from the Secretary of the Treasury, transmitting a report to state that supplementary resources are needed to forestall or cope with an impairment of the international monetary system and that the International Monetary Fund has fully explored other means of funding; to the Committee on Banking and Financial Services.

12370. A letter from the Under Secretary, Food, Nutrition and Consumer Services, Department of Agriculture, transmitting the Department's final rule —Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of WIC Mandates of Public Law 103-448, the Healthy Meals for Healthy Americans Act of 1994 and Public Law 103-227, the Pro-Children Act of 1994 (RIN: 0584-AC02) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

12371. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Safety Standards for Reporting Daily Inspection of Surface Coal Mines; Technical Amendment (RIN: 1219-AB15) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

12372. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Claims for Compensation Under the Federal Employees' Compensation Act; Compensation for Disability and Death of Noncitizen Federal Employees Outside the United States (RIN: 1215-AB07) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

12373. A letter from the Secretary of Agriculture, transmitting the annual Horse Protection Enforcement Report, pursuant to 15 U.S.C. 1830; to the Committee on Commerce.

12374. A letter from the Acting Director, Office of Rulemaking Support, Department of Energy, transmitting the Department's final rule—Acquisition Regulation; Technical and Administrative Amendments (RIN: 1991-AB40) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12375. A letter from the Acting Director, Office of Rulemaking Support, Department of Energy, transmitting the Department's final rule—Occupational Radiation Protection [Docket No.: EH-RM-96-835] (RIN: 1901-AA59) received November 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12376. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Insurer Reporting Requirements; List of Insurers Required to File Reports [Docket No. 98-001; Notice 02] (RIN: 2127-AH05) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12377. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs; Rules and Procedures [FHWA Docket No. FHWA-98-4145] (RIN: 2125-AE48), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12378. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Air Bag Warning Label for Rear-Facing Child Seats (RIN: 2127-AG82); Additional Wording for Warning Labels for Child Restraints (RIN: 2127-AH-02) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12379. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Minimum Driving Range for Dual Fueled Electric Passenger Automobiles [Docket No. NHTSA-98-3429] (RIN: 2127-AF37) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12380. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of New Jersey; Clean Fuel Fleet Opt Out [Region 2 Docket No. NJ29–2–185 FRL–6174–4] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12381. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan Air Quality Management District [CA 210–0103a FRL–6185–1] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12382. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Solvents [SWH-FRL–6185–3] (RIN: 2050–AD84) received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12383. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Maryland—General Conformity Rule [MD076–3030a; FRL–6197–3] received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12384. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District, San Diego County Air Pollution Control District and Kern County Air Pollution Control District [CA—198—0058; FRL–6195–7] received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12385. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; State II Vapor Recovery Comparability Plan [MD055–3021; FRL–6199–3] received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12386. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Reportable Quantities: Removal of Caprolactam from the list of CERCLA Hazardous Substances [FRL–6202–4] (RIN 2050–AE48) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12387. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District, Placer County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, and Santa Barbara County Air Pollution Control District [CA 198–0099a FRL–6184–4] received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12388. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Remediation Waste Management Requirements (HWIR-media) [FRL–6186–6] (RIN: 2050–AE22) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12389. A letter from the Director Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations [AD-FRL–6192–8] (RIN: 2060–AC28) received November 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12390. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources: Residential Wood Heaters [AD-FRL–6192–9] (RIN: 2060–AG30) received November 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12391. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Revised Format for Materials Being Incorporated by Reference [LA44–1–7365; FRL–6168–5] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12392. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Federal Plan Requirements for Large Municipal Waste [AD-FRL–6185.4] (RIN: 2060–ZA03) received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12393. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—National Primary Drinking Water Regulations: Disinfectants and Disinfection Byproducts [WH-FRL–6199–8] (RIN: 2040–AB82) received November 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12394. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—National Primary Drinking Water Regulations: Interim Enhanced Surface Water Treatment [WH-FRL–6199–9] (RIN: 2040–AC91) received November 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12395. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Permits and Sulfur Dioxide Allowance System Regulations Under Title IV of the Clean Air Act: Allowance Transfer Deadline and Signature Requirements [FRL–6201–3] (RIN: 2060–AH60) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12396. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning [AD-FRL–6201–2] (RIN: 2060–A104) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12397. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Maine; Plan for Controlling MWC Emissions From Existing MWC Plants [Docket # ME–057–01–7006a; FRL–6201–1] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12398. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound From Sources That Store and Handle JP–4 Jet Fuel [MD068–3037; FRL–6202–6] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12399. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Revised Format of Materials Being Incorporated by Reference for Alabama [AL–5822; FRL–6204–8] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12400. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Missouri Designation of Areas For Air Quality Planning Purposes; [Region VII Docket No. 056–1056a; FRL–6206–1] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12401. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Revisions to the Tennessee State Implementation Plan [TN–197–1–9834a; FRL–6205–1] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12402. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District [CA 152–0104a; FRL–6189–9] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12403. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP); Delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, Nebraska; and City of Omaha, Nebraska [FRL–6200–5] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12404. A letter from the Administrator, Environmental Protection Agency, transmitting a report to Congress on the air quality need, technological feasibility, and cost-effectiveness of more stringent standards for light-duty vehicles and light-duty trucks; to the Committee on Commerce.

12405. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Whitehall, Montana) [MM Docket No. 98–138, RM–9309] received December 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12406. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Roxton, Texas and Soper, Oklahoma) (MM Docket No. 98–7) [RM–9211] [RM–9261] received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12407. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wilson and Turrell, Arkansas) (MM Docket No. 97–215) [RM–9168] received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12408. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Plattsmouth and Papillion, Nebraska, and Osceola, Iowa) (MM Docket No. 96–95) [RM–8787] [RM–8838] received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12409. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Questa, New Mexico) (MM Docket No. 98–83) [RM–9280] received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12410. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Boulder, Montana) (MM Docket No. 98–127) [RM–9303] received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12411. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hague, New York, and Addison, Vermont) (MM Docket No. 98–52) [RM–9239] received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12412. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 207 of the Telecommunications Act of 1996 (CS Docket No. 96–83) received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12413. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Streamlining of Mass Media Applications, Rules, and Processes [MM Docket No. 98–43] Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities [MM Docket 94–149] received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12414. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Department's final rule—Implementation of Section 207 of the Telecommunications Act of 1996; Restrictions on the Over-the-Air Reception Devices: Television Broadcast, Multichannel Multipoint Distribution and Direct Broadcast Satellite Services [CS Docket No. 96–83] received December 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12415. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Telephone Number Portability [CC Docket No. 95–116 RM 8535] December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12416. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted For Direct Addition to Food For Human Consumption; Polydextrose [Docket No. 97F–0388] received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12417. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Over-the-Counter Drug Products Containing Analgesic/Antipyretic Active Ingredients for Internal Use; Required Alcohol Warning [Docket No. 77N–094W] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12418. A letter from the Director, Regulations Policy and Management, Food and Drug Administration, transmitting the Administration's final rule— Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-The-Counter Human Use; Final Rule for Professional Labeling of Aspirin, Buffered Aspirin, and Aspirin in Combination With Antacid Drug Products [Docket No. 77N–094A] (RIN: 0910–AA01) received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12419. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Exemptions From Premarket Notification; Class II Devices [Docket No. 98–0015] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12420. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 96F–0214] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12421. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final report—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F–0291] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12422. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers [Docket No. 98F–0432] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12423. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending September 30, 1998, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

12424. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Streamlined Hearing Process for NRC Approval of License Transfers (RIN: 3150–AG09) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12425. A communication from the President of the United States, transmitting a notification to Congress regarding the United States military action against Iraq in response to Iraqi breaches of its obligations under resolutions of the United Nations Security Council, pursuant to Public Law 102—1, section 3 (105 Stat. 4); (H. Doc. No. 105—354); to the Committee on International Relations and ordered to be printed.

12426. A letter from the Director, Defense Security Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 99–04), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

12427. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandom of Justification for use of section 506(a)(2) authority to draw down articles, services, and military education and training from the Department of Defense, pursuant to Public Law 101—513, section 547(a) (104 Stat. 2019); to the Committee on International Relations.

12428. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

12429. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective July 19, 1998, the danger pay rate for the Belgrade, Serbia-Montenegro was designated at the 15% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

12430. A letter from the Chief Counsel, Office of Foreign Assets Contol, Department of the Treasury, transmitting the Department's final rule—Iranian Transactions Regulations: Reporting on Foreign Affilliates' Oil-Related Transactions—received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

12431. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Iraqi Sanctions Regulations—November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

12432. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Federal Republic of Yugoslavia (Serbia & Montenegro) and Bosnian Serb-controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations:

Resolution of Claims Regarding Blocked Montenegrin Vessel Accounts—received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

12433. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports to the Federal Republic of Yugoslavia (Serbia and Montenegro); Imposition of Foreign Policy Controls [Docket No. 980522136–8136–01] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

12434. A letter from the Office of Management and Budget, transmitting Accounts containing unvouchered expenditures potentially subject to audit by the General Accounting Office, pursuant to 31 U.S.C. 3524(b); to the Committee on International Relations.

12435. A letter from the Secretary of Education, transmitting the nineteenth semiannual report to Congress on Audit Followup for the period April 1, 1998, to September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12436. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released by the GAO in October 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

12437. A letter from the Administrator, Agency for International Development, transmitting the semiannual report of the Agency's Inspector General for the period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12438. A letter from the Chairman, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the consolidated report to meet the requirements of the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

12439. A letter from the Inspector General, Corporation For National Service, transmitting the semiannual report for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12440. A letter from the Benefits Manager, CoBank, transmitting transmitting the annual report disclosing the financial condition of the Retirement Plan and Annual Report as required by Public Law 95–595, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

12441. A letter from the Director, Bureau of the Census, Department of Commerce, transmitting the Department's final rule—Cutoff Dates for Recognition of Boundary Changes for Census 2000 [Docket No. 980209031–8031–01] (RIN: 0607–AA18) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12442. A letter from the Director, Federal Bureau of Investigation, Department of Justice, transmitting the Department's final rule—Exemption of System of Records Under the Privacy Act [AAG/A Order No. 155–98] received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12443. A letter from the Director of the Peace Corp, transmitting the semiannual report of the Inspector General of the Peace Corps for the six-month period beginning April 1, 1998, and ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12444. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the Annual Report to the Congress from the District of Columbia Financial Responsibility and Management Assistance Authority; to the Committee on Government Reform and Oversight.

12445. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General covering the period April 1, 1998 through September 30, 1998, and the semiannual Management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12446. A letter from the General Counsel, Executive Office of the President, transmitting a report concerning a vacancy that has occured in the OMB office of Controller, who is the head of the Office of Federal Financial Management; to the Committee on Government Reform and Oversight.

12447. A letter from the Manager, Benefits Communications, Farm Credit System Insurance Corporation, transmitting its annual report for calendar year 1997, pursuant to 12 U.S.C. 2277a—13; to the Committee on Government Reform and Oversight.

12448. A letter from the General Counsel, Federal Labor Relations Authority, transmitting the Authority's final rule—Unfair Labor Practice Proceedings—received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12449. A letter from the Executive Director, Federal Labor Relations Authority, transmitting the Authority's final rule—Negotiability Proceedings —received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12450. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12451. A letter from the Chairman, National Science Board, transmitting the semiannual report for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12452. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the Office's Statement Regarding Adequacy of Management Controls Systems; to the Committee on Government Reform and Oversight.

12453. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 1998, through September 30, 1998, and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12454. A letter from the Secretary of Labor, transmitting the Department's final rule—Protection of Individual Privacy in Records (RIN: 1290–AA16) received October 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12455. A letter from the Chairman, Board of Directors, The Presidio Trust, transmitting a semiannual report pursuant to the Inspector General Act of 1978, 5 U.S.C. App. 3; to the Committee on Government Reform and Oversight.

12456. A letter from the Director, U.S. Trade and Development Agency, transmitting a consolidated report covering both audits and internal management activities; to the Committee on Government Reform and Oversight.

12457. A letter from the Secretary of Commerce, transmitting the report on the U.S. Antarctic Marine Living Resource Directed Research Program, pursuant to 16 U.S.C. 2431 et seq.; to the Committee on Resources.

12458. A letter from the Secretary, Secretary of the Interior, transmitting the 28th Annual Report of the actual operation during water year 1995 for the reservoirs along the Colorado River; projected plan of operation for water year 1996, pursuant to 43 U.S.C. 1552(b); to the Committee on Resources.

12459. A letter from the Director, Department of the Interior, transmitting the Department's final rule—Utah Regulatory Program [SPATS No. UT–039–FOR] received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12460. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the St. Andrew Beach Mouse (RIN: 1018–AE41) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12461. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to List the Topeka Shiner as Endangered (RIN: 1018–AE42) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12462. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 971208298–8055–02; I.D. 102898B] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12463. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Extension of Interim Groundfish Observer Program through 2000 [Docket No. 980826225–8296–02; I.D. 081498C] (RIN: 0648–AL50) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12464. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Naval Activities [Docket No. 960318084–8274–04; I.D.

071596C] (RIN: 0648–AG55) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12465. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod in the Bering Sea and Aleutian Islands [Docket No. 971208298–8055–02; I.D. 111298A] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12466. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Community Development Quota Program [I.D. 082798A] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12467. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod for Vessels Using Hook-and-line and Pot Gear in the Bering Sea and Aleutian Islands [Docket No. 971208298–8055–02; I.D. 120498A] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12468. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's annual report on the Asset Forfeiture Program Fiscal Year 1994, pursuant to 28 U.S.C. 524(c)(6)(A); to the Committee on the Judiciary.

12469. A letter from the Independent Counsel, transmitting the annual report for the Office of Independent Counsel-Barrett, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

12470. A letter from the Director, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Designation of Offenses Subject to Sex Offender Release Notification [BOP–1090–I] (RIN: 1120–AA85) received December 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12471. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Grounds of Ineligibility [Public Notice 29101] received October 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12472. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Immigrants under the Immigration and Nationality Act——International Organization and NATO Civilian Employee Special Immigrants [Public Notice 2935] received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12473. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—VISAS: Passports and Visas Not Required for Certain Nonimmigrants—VWPP [Public Notice 2939] received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12474. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of nonimmigrants under the immigration and nationlity act, as amended—waiver by Secretary of State and Attorney General of Passport and/or visa requirements for certain categories of nonimmigrants [Public Notice 2926] received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12475. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule— Barring Delinquent Debtors From Obtaining Federal Loans or Loan Insurance or Guarantees (RIN: 1510–AA71) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12476. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Petitioning Requirements for the H–1B Nonimmigrant Classification Under Public Law 105–277 [INS 1962–98] (RIN: 1115–AF31) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12477. A letter from the Chief Justice, Judicial Conference of the United States, transmitting the biennial report to Congress on the continuing need for all authorized bankruptcy judgeships; to the Committee on the Judiciary.

12478. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting the annual audit of the Legion of Valor of the United States of America, Inc., pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

12479. A letter from the Director, Office of Government Ethics, transmitting the Department's final rule—Paperwork Revisions to Model Qualified Trust Certificates of Independence and Compliance (RIN: 3209–AA00) received October 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12480. A letter from the Treasurer, The Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 1996, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

12481. A letter from the Administrator, Federal Highway Administration, transmitting the Administration's status report entitled, "Progress Made in Implementing Sections 6016 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)," pursuant to Public Law 102—240, section 6016(e) (105 Stat. 2183); to the Committee on Transportation and Infrastructure.

12482. A letter from the the Assistant Secretary of the Army, the Department of the Army, transmitting a recommendation by the Secretary of the Army to authorize a flood damage reduction project for Rio Nigua at Salinas, Puerto Rico; (H. Doc. No. 105—352); to the Committee on Transportation and Infrastructure and ordered to be printed.

12483. A letter from the Executive Director, Architectural and Transportation Barriers Compliance Board, transmitting the Board's final rule —Americans With Disabilities Act Accessibility Guidelines; Detectable Warnings (RIN: 3014–AA24) received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12484. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a report on the potential impacts associated with constructing a navigation lock in the Houma Navigation Canal, Morganza, Louisiana; to the Committee on Transportation and Infrastructure.

12485. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting the Department's final rule—Naval Restricted Area, Naval Station Annapolis, Maryland—received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12486. A letter from the General Counsel, Department of Transporation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No.29370; Amdt. No. 1896] (RIN: 2120–AA65) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12487. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation of Hazardous Materials; Miscellaneous Amendments; Response to Petitions for Reconsideration [Docket No. RSPA–97–2905 (HM–166Y)] (RIN: 2137–AC41) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12488. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Incentive Grants for Use of Seat Belts-Allocations Based on State Seat Belt Use Rates [Docket No. NHTSA–98–4494] (RIN: 2127–AH38) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12489. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Blackbeard's Bounty Festival Pirate Attack, Bogue Sound, Morehead City, North Carolina [CGD 05–98–093] (RIN: 2115–AE46) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12490. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Atlantic Intracoastal Waterway, Vicinity of Marine Corps Base Camp Lejeune, NC [CGD 05–98–038] (RIN: 2115–AA97) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12491. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10, -20, -30, and -40 Series Airplanes and C–9 (Military) Series Airplanes [Docket No. 97–NM–132–AD; Amendment 39–10860; AD 98–22–13] (RIN: 2120–AA64) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12492. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines [Docket No. 95–ANE–37; Amendment 39–10857; AD 98–18–08 R1] (RIN: 2120–AA64) received November 02, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12493. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–6, -45, -50, -80A, and -80C2 Series Turbofan Engines [Docket No. 98–ANE–52–AD; Amendment 39–10853; AD 98–22–06] (RIN: 2120–AA64) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12494. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29369; Amdt. No. 1895] (RIN: 2120–AA65) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12495. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–305–AD; Amendment 39–10854; AD 98–22–07] (RIN: 2120–AA64) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12496. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes [Docket No. 98–NM–245–AD; Amendment 39–10858; AD 98–22–10] (RIN: 2120–AA64) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12497. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Grand Rapids, MN [Airspace Docket No. 98–AGL–48] received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12498. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Longville, MN [Airspace Docket No. 98–AGL–50] received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12499. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Remove Class D Airspace; Fort Leavenworth, KS [Airspace Docket No. 98–ACE–44] received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12500. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model SN 601 (Corvette) Series Airplanes [Docket No. 98–NM–161–AD; Amendment 39–10855; AD 98–22–08] (RIN: 2120–AA64) Receieved December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12501. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes [Docket No. 98–NM–184–AD; Amendment 39–10856; AD 98–22–09] (RIN: 2120–AA64) received December 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12502. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Lake Pontchartrain, LA (CGD08–98–075; RIN: 2115–AE47) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12503. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Airworthiness Directives; British Aeorspace BAe Model ATP Airplanes [Docket No. 98–NM–216–AD; Amendment 39–10934; AD 98–25–08] (RIN: 2120–AA64) received November 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12504. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Airworthiness Directives; Bombardier Model DHC–7 and DHC–8 Series Airplanes [Docket No. 98–NM–237–AD; Amendment 39–10935; AD98–25–09] (RIN: 2120–AA64) received November 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12505. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Airworthiness Directives; Airbus Model A300–600 Series Airplanes [Docket No. 97–NM–153–AD; Amendment 39–10933; AD 98–25–07] (RIN: 2120–AA64) received November 14, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12506. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Airworthiness Directives; Boeing Model 737, 747, 757, 767, and 777 Series Airplanes [Docket No. 98–NM–263–AD; Amendment 39–10930; AD 98–13–12 R1] (RIN: 2120–AA64) received November 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12507. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Pilot Schools; General Operating and Flight Rules (RIN: 2120–ZZ14) received November 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12508. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Airworthiness Directives: McDonnell Douglas Model MD–11 Series—Docket No. 98–NM–348/12–10 (RIN: 2120–AA64 (1998–0721)) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12509. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Establishment of Class E2 Airspace; Atlanta Dekalb-Peachtree Airport, GA; [Airspace Docket No. 98–ASO–17] received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12510. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Highway Administration; Safety Fitness Procedures [FHWA Docket Nos. MC–94–22 and MC–96–18; FHWA–97–2252] (RIN: 2125–AC71) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12511. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Highway Administration; National Corridor Planning and Development Program and Coordinated Border Infrastructure Program—Implementation of the Transportation Equity Act for the 21st Century [FHWA Docket No. FHWA–98–4622] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12512. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 97–NM–39–AD; Amendment 39–10869; AD 98–23–05] (RIN: 2120–AA64) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12513. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Airworthiness Directives; Eurocopter France Model SA 330F, G, and J Helicopters [Docket No. 97–SW–43–AD; Amendment 39–10867; AD 98–23] (RIN: 2120–AA64) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12514. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Establishment of Class E Airspace; Anaktuvuk Pass, AK [Airspace Docket No. 98–AAL–16] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12515. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Establishment of Class E Airspace; Atka, AK [Airspace Docket No. 98–AAL–18] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12516. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Revision of Class E Airspace; Nome, AK [Airspace Docket No. 98–AAL–12] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12517. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Revision of Class E Airspace; Yakutat, AK [Airspace Docket No. 98–AAL–17] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12518. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Revision of Class E Airspace; Unalakleet, AK [Airspace Docket No. 98–AAL–10] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12519. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Revision of Class E Airspace; King Salmon, AK [Airspace Docket No. 98–AAL–11] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12520. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Airworthiness Directives; Eurocopter France Model AS 332C, L, and L1 Helicopters [Docket No. 97–SW–36–AD; Amendment 39–10868; AD 98–23–04] (RIN: 2120–AA64) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12521. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Standard Instrument

Approach Procedures; Miscellaneous Amendments; [Docket No. 29380; Amdt. No. 1898] (RIN: 2120–AA65) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12522. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29379; Amdt. No. 1897] (RIN: 2120–AA65) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12523. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Standard Instrument Approach Procedures; Miscellaneous Amendments; [Docket No. 29381; Amdt. No. 1899] (RIN: 2120–AA65) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12524. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Revision of the Legal Description of the Memphis Class B Airspace Area; TN [Airspace Docket No. 98–AWA–1] (RIN: 2120–AA66) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12525. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Airworthiness Directives: General Electric Aircraft Engines CJ610 Turbojet and CF700 Series Turbofan Engines [Docket No. 98–ANE–60/11–5] (RIN: 2120–AA64 (1998–0651)) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12526. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration; Revision to Class E Airspace; Reno, NV [Airspace Docket No. 98–AWP–23] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12527. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Dallas-Fort Worth, TX [Docket No. 98–ASW–42/9–4] (RIN: 2120–AA66 (1998–0466)) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12528. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fairbury, NE [Docket No. 98–ACE–28/9–15] (RIN: 2120–AA66 (1998–0465)) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12529. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Empresa Brasileira de Aernautics [Docket No. 98–NM–66/6–25] (RIN: 2120–AA64 (1998–0704)) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12530. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Calss E Airspace: Wellington, KS [Airspace Docket No. 98–ACE–42] received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12531. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Trenton, MO [Airspace Docket No. 98–ACE–38] received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12532. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Wichita Mid-Continent Airport, KS [Airspace Docket No. 98–ACE–36] received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12533. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29403; Amdt. No. 1903] (RIN: 2120–AA65) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12534. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29402; Amdt. No. 4902] (RIN: 2120–AA65) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12535. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29389; Amdt. No. 1901] (RIN: 2120–AA65) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12536. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29388; Amdt. No. 1900] (RIN: 2120–AA65) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12537. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; First Technology Fire and Safety Ltd. Toilet Compartment Fire Extinguishers [Docket No. 98–ANE–29–AD; Amendment 39–10914; AD 98–24–27] received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12538. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Remove Class D Airspace; Fort Leavenworth, KS [Airspace Docket No. 98–ACE–44] received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12539. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A321–111, -112, and -131 Series Airplanes [Docket No. 98–NM–264–AD; Amendment 39–10928; AD 98–25–05] (RIN: 2120–AA64) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12540. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BF Goodrich Avionics Systems, Inc. SKYWATCH SKY497 Installations with a Top-Mounted Antenna [Docket No. 98–CE–107–AD; Amendment 39–10924; AD 98–25–02] (RIN: 2120–AA64) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12541. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 172R Airplanes [Docket No. 98–CE–109–AD; Amendment 39–10925; AD 98–25–03] (RIN: 2120–AA64) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12542. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Air Tractor, Inc. AT–300, AT–400, and AT–500 Series Airplanes [Docket No. 98–CE–62–AD; Amendment 39–10922; AD 98–25–01] (RIN: 2120–AA64) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12543. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal, Inc. Model T5317A–1 Turboshaft Engines [Docket No. 98–ANE–72–AD; Amendment 39–10926; AD 98–22–11] (RIN: 2120–AA64) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12544. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: McDonnell Douglas Model MD–90–30 [Docket No. 97–NM–258/12–3] (RIN: 2120–AA64 (1998–0705)) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12545. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D and Class E Airspace, Crowe Landing, CA; Correction [Docket No. 98–AWP–12/12–2] (RIN: 2120–AA66 (1998–0467) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12546. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 and DC–9–80 Series Airplanes, Model MD–88 Airplanes, and C–9 (Military) Series Airplanes [Docket No. 97–NM–21–AD; Amendment 39–10919; AD 98–24–33](RIN: 2120–AA64) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12547. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hamilton Standard 54H60 Series Propellers [Docket No. 98–ANE–59–AD; Amendment 39–10920; AD 98–24–34] (RIN: 2120–AA64) received December 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12548. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company 250–B and 250–C Series Turboshaft and Turboprop Engines [Docket No. 98–ANE–23–AD; Amendment 39–10915; AD 98–24–28] (RIN: 2120–AA64) received December 4, 1998, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12549. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Americans With Disabilities Act Accessibility Guidelines; Detectable Warnings (RIN: 3014–AA24) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12550. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendments to Opiate Threshold Levels (RIN: 2105–AC74) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12551. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, and -500 Series Airplanes [Docket No. 97–NM–157–AD; Amendment 39–10912; AD 97–09–15 R1] (RIN: 2120–AA64) received November 30, 1995, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12552. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Containers [Docket No. NHTSA–98–4807] (RIN: 2127–AF51) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12553. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Policy on the Use for Enforcement Purposes of Information Obtained from an Air Carrier Flight Operational Quality Assurance (FOQA) Program (RIN: 2120–AF–04) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12554. A letter from the General Counsel, Department of Transportation, transmitting The Department's final rule—the Establishment of Cincinnati/Northern Kentucky International Airport Class B Airspace Area, and Revocation for Cincinnati/Northern Kentucky International Class C Airspace Area; KY [Airspace Docket No. 93–AWA–5] (RIN: 2120–AE97) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12555. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directive: McDonnell Model DC–10–10 [Docket No. 97–NM–14/24] (RIN: 2120–AA64 (1998–0697)) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12556. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Woodbine, NJ [Docket No. 98–AEA–22] (RIN: 2120–AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12557. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Altoona, PA [Docket No. 98–AEA–23] (RIN: 2120–AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12558. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Brookville, PA [Docket No. 98–AEA–32] (RIN: 2120–AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12559. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Waynesburg, PA [Docket No. 98–AEA–33] (RIN: 2120–AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12560. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace Beaver Falls, PA [Docket No. 98–AEA–34] (RIN: 2120–AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12561. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Altoona, PA [Docket No. 98–AEA–35] (RIN: 2120–AA66) November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12562. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Malone, NY [Docket No. 98–AEA–21] (RIN: 2120AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12563. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Burkhart GROB Luft-und Raumfahrt GmbH Model G 109B Gliders [Docket No. 98–CE–71–AD; Amendment 39–10895; AD 98–24–09] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12564. A letter from the General Counsel, Department Of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 98–NM–281–AD; Amendment 39–10859; AD 98–22–12] (RIN: 2120–AA64) received November 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12565. A letter from the Acting Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—Availability of Funds for the NIST Omnibus Availability of Funds Federal Register Announcement [Docket No. 981103273–8273–01] (RIN: 0693–ZA24) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

12566. A letter from the the Executive Secretary, the Disabled American Veterans, transmitting the report of the proceedings of the organization's 1998 National Convention, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 105—353); to the Committee on Veterans' Affairs and ordered to be printed.

12567. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Dependents Education: Increase in Educational Assistance Rates (RIN: 2900–AJ42) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

12568. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Agencies for the Issue and Offering of United States Savings Bonds, Including Sales by Electronic Means—received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12569. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes and Bills [Department of the Treasury Circular, Public Debt Series, No. 2–86] received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12570. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Fee Structure for the Transfer of U.S. Treasury Book-Entry Securities Held on the National Book-Entry System—received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12571. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Texas Davis Mountains Viticultural Area (97–105) [T.D. ATF–395 Re: Notice No. 851] (RIN: 1512–AA07) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12572. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Offering and Governing Regulations for United States Savings Bonds, Series I; Issuing and Paying Agents; and Payment Under Special Endorsement—received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12573. A letter from the Assistant Secretary of Labor, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter [No. 3–95, Change 2] received November 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12574. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Fluor v. United States [Docket No. 96–5130] received November 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12575. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative Appeal of Adverse Determination of Tax-Exempt Status of Bond Issue (Notice 98–58) received November 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12576. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Revenue Ruling 98–57) received November 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12577. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—D.C. Enterprise Zone / Census Tracts [Notice 98–57] received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12578. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of DISC Income to Shareholders [Revenue Ruling 98–55] received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12579. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting [Revenue Procedure 98–58] received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12580. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Revenue Procedure 98–63] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12581. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Certain Investment Income under the Qualifying Income Provisions of Section 7704 and the Application of the Passive Activity Loss Rules to Publicly Traded Partnerships [TD 8799] (RIN: 1545–AV15) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12582. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Abatement of Interest for Individual Taxpayers in Presidentially Declared Disaster Areas [Notice 99–2] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12583. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election to Amortize Start-Up Expenditures for Active Trades or Businesses [TD 8797] (RIN: 1545–AT71) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12584. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 98–56] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12585. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax forms and instructions [Revenue Procedure 98–61] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12586. A letter from the Secretary of Health and Human Service, transmitting the Department's final rule—Welfare-to-work Data Collection (RIN: 0970–AB92) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12587. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 1999 [HCFA–8001–N] (RIN: 0938–AJ02) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12588. A letter from the Chief of Staff, Office of the Commissioner, Social Security Administration, transmitting the Administration's final rule— Permit the Department of State (DOS) and the Immigration and Naturalization Service (INS) To Collect Information Needed To Assign Social Security Numbers (SSNs) to Aliens [Regulations No. 22] (RIN: 0960–AE36) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12589. A letter from the Director, Washington Headquarters Services, Department of Defense, transmitting the Department's final rule—Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education (RIN: 0790–AG42) received October 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on National Security and Appropriations.

12590. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Interim Rules for Group Health Plans and Health Insurance Issuers Under the Newborns' and Mothers' Health Protection Act (RIN: 0938–AI17) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Commerce, Ways and Means, and Education and the Workforce.

12591. A letter from the Deputy Assistant Secretary for Policy, Pension Welfare Benefits Administration, Department of Labor, transmitting the Department's "Major" final rule—Interim Rules for Group Health Plans and Health Insurance Issuers Under the Newborns' and Mothers' Health Protection Act (RIN: 1210–AA63) received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means, Education and the Workforce, and Commerce.

12592. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's "Major" final rule—Interim Rules For Group Health Plans and Health Insurance Issuers Under the Newborns' and Mothers' Health Protection Act [TD 8788] (RIN: 1545–AV52) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means, Education and the Workforce, and Commerce.

12593. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Newborns' and Mothers' Health Protection Act of 1996 (HCFA–2892–IFC) received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means, Education and the Workforce, and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. Summary of Legislative and Oversight Activities of the Committee on Transportation and Infrastructure for the 105th Congress (Rept. 105–831). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. Legislative and Oversight Activities of the Committee on Ways and Means During the 105th Congress (Rept. 105–832). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Ms. NORTON introduced a resolution (H. Res. 613) providing a vote for the Delegate to the Congress from the District of Columbia in the consideration by the House of Representatives of any resolution impeaching the President or Vice President of the United States; which was referred to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

92. The SPEAKER presented a petition of the City Council of Detroit, relative to a Resolution petitioning Congress to give high priority to the urban agenda and putting an end to public inquiries into President Clinton's personal life; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

FIRST LADY HILLARY RODHAM CLINTON DELIVERS ELEANOR ROOSEVELT LECTURE AT GEORGETOWN UNIVERSITY—ADDRESS FOCUSES ON THE 50TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. LANTOS. Mr. Speaker, just a few days ago, our First Lady, Hillary Rodham Clinton, delivered the first of the Eleanor Roosevelt Lectures sponsored by the Eleanor Roosevelt Center at Val-Kill at Hyde Park, New York. The address was given here in Washington, D.C., at Georgetown University, and I had the honor of being present on that occasion.

It was particularly appropriate, Mr. Speaker, that our current outstanding First Lady should pay tribute to her predecessor, Eleanor Roosevelt, whose active involvement in civil rights, human rights and other worthy causes set the standard for first ladies who followed her.

Mr. Speaker, it was particularly appropriate that Mrs. Clinton devoted much of her lecture to the issue of human rights. The speech was given on December 4—less than a week before the 50th anniversary of the signing of the Universal Declaration of Human Rights. Eleanor Roosevelt was the chair of the United Nations Human Rights Commission, which drafted the Universal Declaration over half a decade ago.

Most appropriately in her address, Hillary Clinton has put the struggle for human rights into a contemporary context. She reviewed her own extensive experience in dealing with child labor, religious persecution, the sexual exploitation of women and children, hunger and malnutrition, the abuse and murder of street children, and other similar serious issues. I commend our First Lady for her commitment to fight for human rights. Mr. Speaker, I submit her lecture at Georgetown University to be placed in the RECORD, and I urge my colleagues to give it the thoughtful and careful attention that it deserves.

REMARKS BY HILLARY RODHAM CLINTON, GEORGETOWN UNIVERSITY, ELEANOR ROOSEVELT LECTURES, WASHINGTON, DC—DECEMBER 4, 1998 (AS DELIVERED)

I am delighted to be here at this wonderful university. I want to thank my friend and your president, Father O'Donovan, for his introduction, for his leadership, for his many contributions. Not only here to this university but to the much broader American community as well.

I am delighted to be here with others, from whom you will hear as the program goes on. Dr. Glen Johnson from Val-Kill and Dr. Dorothy Brown and Dr. Sue Martin, Ambassador Betty King and Dr. McGrab and Dr. Milnik . . . . and your own Dr. Jo Ann Moran Cruz and Tracy Roosevelt.

This is a very important first lecture and a very significant series that was undertaken by the Eleanor Roosevelt Center at Val-Kill at Hyde Park in New York. I am very honored to be taking part in this extraordinary lecture series and I'm very pleased to be a part of something that preserves the legacy of Eleanor Roosevelt. That gives new generations of all of us, men and women, here in America and around the world, a real opportunity to know more about this extraordinary woman.

What I wish to discuss this afternoon is how Eleanor Roosevelt's legacy as a person, as a leader, as someone who in her own way makes human rights part of our everyday experience and vocabulary, how she can help today to continue to guide us in protecting the human rights of all people and, in particular, of children. I believe that this is an important piece of unfinished business in our century and one of the challenges of the new millennium. It is of course more than fitting to have this first conversation about human rights at this great university and community—one which has always responded to the call of service, God, and humanity. It is the home, as Father O'Donovan just reminded us, of a student community that sends more than a thousand young people a year into Washington, DC schools and neighborhoods bringing math, and reading, and role modeling, and friendship, and a hug to some of our nation's most vulnerable children. It is the home of a brilliant faculty that has devoted their lives to their students, to scholarship, to service. Whether it's in the classroom or in some other activity, Georgetown continues to make an important mark on what we are as a people, how we define ourselves now and in the future. It is certainly the home of many distinguished alumni who have used the Jesuit ethos of service in this world, from Mark Gearan who sends Peace Corps volunteers to every corner of the Earth, to George Mitchell who helped bring peace to Northern Ireland, from my husband, to my Chief of Staff Melanne Verveer who is with me here today.

Now, as you might imagine, being somewhat in awe of this great university which has produced so many important people and that has made so many important contributions to our country, I thought I needed to discuss this speech with Eleanor Roosevelt. (laughter and applause) When I first told people some years ago that I sometimes hold imaginary conversations with Mrs. Roosevelt, there were some—particularly, I must say, in the journalistic community—who thought they finally had irrefutable evidence that I'd gone off the deep end. (laughter) Well, I only can commend to you this imaginary conversation technique—whether it is with a parent, a grandparent or a beloved former teacher or a famous person—it does help to get your ideas straight because you say, "What would my grandmother say about this?" Or, "what would Mrs. Jones, who desperately tried to prevent me from dangling participles, have to say about this?" So talking to Mrs. Roosevelt, even in my imagination, has proven to be a very great source of strength and inspiration. You can imagine some of the situations I find myself in when I say, "Oh my good gracious, what would Mrs. Roosevelt say?" (laughter)

As anyone can tell you, particularly my daughter, I am technologically challenged. But, I decided in preparation for this speech to try a more modern, more acceptable way of communicating. So, first I tried to email her at erooselvelt@heaven.com, but I think the server was down. I tried calling on her cell phone, but the circuits were busy. Then I tried paging her but was told she had traveled to another part of Heaven to work with a group of angels on strike, and that I would need a universal skypage to get through to her.

So there I was last night, I got home from New York late, worried about what I was going to say, staring at some pages of print when I realized that her life has already given us the guidance we need on today's topic so many times over. Not just some inspirational words that we might hear in our minds, in our imaginary conversations such as, "The thing to remember is to do the thing you think you cannot do." But also in her example, in the path that she created, in the life that she lived. Wherever I go as First Lady, I am always reminded of one thing: that usually, Eleanor Roosevelt has been there before. I've been to farms in Iowa and factories in Michigan, welfare offices in New York, where Mrs. Roosevelt paid a visit more than half a century ago. When I went to Pakistan and India we discovered that Eleanor Roosevelt had been there in 1952, and had written a book about her experiences.

So I was particularly honored when I received the Eleanor Roosevelt Center Gold Medal at Val-Kill. A beautiful wooded retreat where she went to entertain friends and family to think and to write. As I walked through her home I tried to imagine again how she worked tirelessly there for what she believed in. And I was told a story that I've never forgotten. It was a day in the 1950s and she had a speech to give in New York. She was so sick that her throat was literally bleeding. Everyone wanted her to cancel, but she refused. She drove from Hyde Park to 125th Street in Harlem. And when she got out of the car, a young girl with her face beaming handed her a bouquet of flowers. Eleanor Roosevelt turned to the person with her and said, "You see, I had to come. She was expecting me."

Well, they were always expecting her and she always came. She came to give support and to give a voice to those without either. To the migrant workers who watched her march through fields that had been newly plowed and were thick with muck, they would just matter-of-factly greet her by saying, "Oh Mrs. Roosevelt, you've come to see us." As if it were the most natural thing in the world. To the Japanese-Americans during World War II and to African Americans every day during her long life, she would help support people who faced discrimination and challenges.

Another of my favorite stories is of an African American child, a first grader, whose mother worked in a laundry mat. His father was a mechanic who couldn't get good work.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

They lived in a tin shack without any foundation so every time it rained their house slid down the hill. This child wrote to Eleanor Roosevelt telling her that his house was literally falling down a hill. So she went to Kentucky, set up a meeting with the heads of the realty association and the banks, which led not only that child getting his house on much firmer footing, but also eventually to integrated housing in Lexington, Kentucky. The next year in the mail, he sent his second grade picture to Mrs. Roosevelt and she carried it with her to remind her of the boy she had never personally met. On the back, he had written his name with such care, erasing it many times so that it was just right, that it left an imprint on the front of the photo. He also included a letter, "Dear Mrs. Roosevelt," it said "Thank you for my house. I know you did it."

Without fanfare, she went anywhere and everywhere she thought her presence would make a difference. She wanted to see with her own eyes the everyday violations that rob individuals of their dignity and all of us of our humanity. And then she rolled up her sleeves and tried to do something about what she saw.

And that is the path she is asking us to walk today; to open our eyes and hearts, to use our minds and hands, and fulfill the promises of her greatest achievements of all, the Universal Declaration of Human Rights. It happened exactly 50 winters ago. As the Chair of the commission drafting the Universal Declaration of Human rights, Eleanor Roosevelt worked tirelessly from 1946 to 1948. Imagine how she must have felt on December 10, at 3:00 a.m. when the nations of the world agreed to create this new common standard for human dignity. We know how everyone else felt. The delegates stood and gave her a standing ovation.

Let me read a passage from that document: "The advent of a world in which human beings shall enjoy freedom of speech and belief, freedom from fear and want have been proclaimed as the highest aspirations of the common people." The declaration, as we know, did not take place in a vacuum. As Father O'Donovan has already reminded us, it was a worldwide response to evil, and I use that word deliberately. Those who study Hitler's rise to power and the Holocaust know that the Nazis were able to pursue their crimes precisely because they were successful at constricting the circle of those that were defined as fully humans. They proceeded step by step, through laws and propaganda—Jews, the mentally ill, the infirm, gypsies, homosexuals—all of whom they identified as unworthy of life, as not human, as alien, other.

Throughout history, and even today, we have seen in many places and in many times this cold dark region of the human soul, this schizophrenia of the soul that permits one group to dehumanize another. And it was that all-too-human characteristic that the Declaration and Eleanor Roosevelt wanted to help us resist. In the half century since the declaration, this document has created an ideal that nations and individuals have reached towards, knowing that they will never quite achieve it, but knowing that we must never stop trying. Many countries have used the Declaration for their own constitutions. Courts of law look to it. It has laid the groundwork for the world's war crimes tribunals.

At the United Nations Fourth World Conference on Women in Beijing, it was the strength and challenge of this Declaration that enabled us to say for the world to hear that human rights are women's rights and women's rights are human rights. It was the power of the Declaration that led in 1989 to the United Nations Convention on the Rights of the Child. I am very proud that my husband signed that. And now I hope with all my heart that the United States will join with the Vatican and all the other nations of the world except Somalia and ratify the Convention once and for all. (applause) And this is why. In spite of our progress on human rights over the last half century, it is unconscionable that we still have not seen the circle of human dignity expanded to include all the children of our world. There are still too many excluded from the Declaration, too many whose suffering we fail to see, to hear, to feel, or to stop.

Now, any look back in the course of human history shows that every nation, every society, has its blind spots. Spots that somehow prevent us from understanding how the full circle of rights should include all of our fellow human beings. In our country it has taken us most of our 222 years—most of them bloody, few of them easy—to extend the benefits of citizenship to African Americans, to those without property, and to women. Eleanor Roosevelt was 35 years old before she was given the right to vote.

And we also know—especially in this new global economy—that no nation can move ahead when its children are left behind. Eleanor Roosevelt understood that. She knew that whether we treated children with respect would not only determine the quality of our lives, but also who we were as a nation and what kind of life it would be for the next generation. You could see it in the way she talked to children. I've seen so many pictures of her bending down from her tall frame and leaning her entire body over to hear a child, looking right into the eyes of that child, trying to understand that child's dream, trying to convey that she believed in that little boy or girl, and she always tried to give those children a voice.

The Declaration makes that clear. It reads, "All human beings are born free and equal in dignity and rights." All human beings—it did not say all men, or all members of certain races, regions or religions. It did not say all adults. It also did not make choices between children because, in fact, it says specifically, "All children, whether born in or out of wedlock, shall enjoy the same social protection." Because human rights are not given to us by a parent or the government. They do not miraculously appear when we turn 18. No piece of paper can give them or take them away. We know that children should be treated with extra care—not less. And every child should be viewed as endowed with all rights and dignity accorded to all human beings.

Now of course that's not always been the view of children. For millennia we viewed children as the property of their families, principally of their fathers. They were mostly used for work—work outside and inside the house. Parents were given the right in every culture to abandon, ignore or sell their children. But over the centuries, we grew to understand that children were not just little adults, that they need the care, discipline and the love of a family. And we began to understand too—as industrialization spread across the world—that in order for children to be successful in the world that is being created, they needed education, they needed protection, they needed to grow slowly but surely into adulthood. We have to only go back to the 19th century to see how different times were. In Dickens' Hard Times, poor children grow up in a town where the black soot from the factory virtually extinguishes the sun and the school is taught by a teacher appropriately named Choke M. Child. So in this century, we have begun to appreciate more that children are people, are individuals, and not property.

Now what does that mean to us? Well, clearly in our country, it has meant passing laws, and enforcing them to prevent children from being abused in labor; being abused by those who are closest to them—their family; being given certain protections, whether they are caught up in the court system or the welfare system; being given the right of—which sounds like an oxymoron—compulsory education; being viewed in other words as people themselves who we must nurture into full citizenship. If you've ever worked with children, you can see in their eyes how so often we fail at that very fundamental task of respecting them. I've worked with abused and neglected children for more than 25 years. I've looked into the eyes of many poor children, many abandoned children, and I'm always amazed that there are some in our world who continue to dismiss the suffering of children, who believe that somehow children are so resilient that they will always bounce back, and it is not all of our responsibility to care for all of our children, and that we interfere with the rights of parents when we do something as simple as try to prevent children from being physically abused.

So we've changed attitudes, and we have seen great progress doing so here in our own country and around the world. There are others who say that human rights are a Western invention and that they come from a Judeo-Christian base and that they don't have universal application. But we also know differently. We can go back and trace the roots of the beliefs that were set forth in the Declaration. They were not invented 50 years ago. They are not the work of a single culture, whether it is Confucius who articulated them in ancient china, or Sophocles who wrote 2500 years ago about such rights and had antigone declare there were ethical laws higher than the laws of kings. But whether it is the Golden Rule—which appears in every possible religion in one form or another—we know that at root we understand—whether we admit it or not—that we as human beings are vowed to each other in a mutual realm of respect, that we should nurture for our own sake, as well as for others.

Now what are these rights? Well, for children, the UN Convention on the Rights of the Child declares that every child is born with the right to be protected from abuse and abduction, violence and work that threatens his or her development. It says that every child has the right to worship freely and express opinions and aspirations, that every child has the right to health, to education, to life. These are the promises that Eleanor Roosevelt and every other champion of human rights held out for all people, but it has been up to us adults to make these promises real in the lives of children.

In many African villages, I'm told that neighbors greet each other not by saying hello, but by asking, "How are the children?" Well the answer is that today, 50 years after the Declaration, children are doing better around the world. They are more likely to live to see their 5th birthday and even their 75th. In health, nutrition, education, water supply and sanitation, three out of five countries are pretty much on track to reach the child survival goals set by the 1990 World Summit on Children. Over the last two decades, infant immunization rates rose from 5 percent to 80 percent, saving more than 3 million lives a year.

Around the world, I have personally seen governments and non-governmental organizations come together to put the lives of children first. Just a few months ago, Yemen adopted a national strategy for girls' education, including eliminating school fees for girls. Last year in the United States, we extended health insurance to millions of children, and enacted the Adoption and Safe Families Act, which says that our first priority in the child welfare system is the health and well-being of children. There are many examples I could give you of the progress we have made—certainly over 50 years, but even over 10 and the last 5 years. But still we have to ask, "How are the children?" And the honest answer is, which children? Where do they live? Who are their parents? How affluent are they? What kind of societies are they part of? Because, despite the advances, in many places around the world children are not doing very well at all. There are old foes like malnutrition and malaria and new foes like trafficking and child prostitutes and laborers. There is still a long distance for us to travel.

Over the last few weeks I randomly had pulled headlines from around the world. From Hong Kong, "Child Prostitutes Make Tearful Plea;" in Bangladesh, "The Plight of Street Children;" in Nairobi, "Poverty Blamed for Child Labor." Eleanor Roosevelt certainly would be the first to point out that a child's rights go far beyond simply responding to the images that we see on TV, or that reach us through the Internet or the newspaper. We have to ask ourselves, each of us, "What is it I can do? What is it I can ask others to do? How can I move my government, my church, my friends forward to do more for children?"

I think there are some very specific ways we can bear witness and things we can do to support those children whose lives are not much better today than they were 50 years ago, or who face new challenges—like being kidnaped, or being forced into combat—that we didn't even dream of 50 years ago. We have to understand that we can't just be satisfied by giving children help and nutrition for emergencies. We have to look at root causes. We have to support work by our own government, by our development agencies like USAID, by international organizations such as UNICEF. And it is particularly important that we do not forget the faces of the children here in our country, at this time of prosperity and peace. Americans have so many blessings, but there are even those among us who are being left out.

If we talk about human rights and freedoms we have to ask ourselves, "What does that mean to the 7 million children who still die every year of malnutrition?" What does it mean to the 585,000 women who still die of childbirth complications or the girls who are fed last and fed least because they are not valued as much as their brothers?

What meaning can it have for a child who does not have access to school or for one who is shut out at school? We know that education, especially for girls, is the single best investment any country can make. It is what will give children a better future, keep them out of the labor market before they're ready, and keep them off the streets. And yet, 140 million primary school age children are not in school—60 percent of that 140 million are girls. And I have seen first-hand the obstacles, the cultural and economic obstacles that stand in the way of sending girls to school. In a small village outside of Lahore, Pakistan I visited with mothers who had sent their daughters to local primary school, and now they had daughters who had graduated who wanted to go on with their education, but there was no secondary school. I've met with families in Bangladesh, who in return for food and money permitted their daughters to go to school. It was a bribe, but it was a worthy bribe.

I've also visited places where child labor is the norm not the exception and, as Eleanor Roosevelt said when she championed the Child Labor Amendment in our own country so many years ago, "No civilization should be based on the labor of children." But that is happening every day—even in this country because children are being forced into labor, sold into labor, and we are not doing enough about it. The types of labor children are subjected to in this new global economy have perhaps changed, but not the impact on the child. It is not a problem of the past. It should not be excused by saying that parents need money. And we should not close our eyes to the work of children that goes into beautiful carpets or comfortable running shoes because the fact remains that one quarter of the children in the developing world, 120 million, work full time. It's a very difficult problem because many of them are the sole support of their families often with widowed or abandoned mothers, with younger siblings, or they're helping to supplement the hard earned income of a father.

The new face of child labor also includes things that I don't think Eleanor Roosevelt even thought to worry about. Girls are being sold as part of an international trade in human beings from South Asia, to the Middle East, to Central America. It is estimated that there are 250,000 children in Haiti alone who are virtually enslaved as domestic servants. I heard about that on my recent trip to Haiti. How they are often given away, sold, separated from their families, sexually and physically abused, malnourished, and literally sometimes worked to death. There are girls that I've met in Northern Thailand, when I visited their village I could tell by looking at their parents' homes which ones had sold their daughters into prostitution. The homes were bigger, nicer, they sometimes even had an antenna or satellite on top. But the next day I visited with some of the daughters that had been sold into the brothels in Bangkok and other cities who, after they became infected with HIV, were thrown out into the streets and found their way home. They were rejected by their families, and thanks to the good services of relief and religious organizations they were taken in. And I met those girls—some of them as young as 12—dying from AIDS.

Eleanor Roosevelt worked hard to rescue European refugee children during World War II. But I don't know if she, or anyone, could have seen the horrific ways in which children are now being brutalized by war. Until relatively recently in human history, war was being fought out between soldiers. Some conscripts, some volunteers, but by in large adult men—counting teenagers in their mid to late teens in some societies who were part of whatever the war effort was. In the last twenty or so years, that has increasingly not been the case. Who will speak today for the two million children that have been in conflicts in the last two decades, with six million seriously injured or permanently disabled, the one million left without parents or the twelve million left without homes? The primary victims of modern warfare are women, and children, and civilians—people who are picked on as victims, who are kidnaped by perpetrators, who are forced into being refugees. Who will speak for those children who are being used as instruments of war? From the young girls systematically raped in Bosnia, to the quarter of a million child soldiers around the world.

Who will speak for the three children I recently met in Uganda—Janet, Issac and Betty? Like many children in Northern Uganda, they have literally been stolen from their homes. The boys are used in battle as human shields. The girls are sent into slave labor, usually raped, and then given away as wives to rebel commanders. The children are often forced to kill other children who don't obey or try to escape. The rebels call themselves soldiers but they are cowards, for only cowards would hide behind children in battle.

I met the head of a boarding school, a nun, Sister Racheie. Her 139 female students had been the subject of a raid by the rebels who had crossed the Sudanese border, had taken the school, tied the girls up, beaten them, and then taken them all away into the dead of night. But this tiny little woman of God was determined to get them back. She went after them, she was armed usually only with her faith, but she was able to pull together some funds to ransom some of the children out. She served as a safe haven for those who could find their way back. Many have, but I was sad to talk with the mother of one of those students who has not been rescued. Her mother doesn't know if she's alive or dead. She only knows that she was taken as part of a war that she has no say in whatsoever.

We also know that we cannot fulfill the journey that the Declaration started us on when 100 mullion street children now live in the developing world alone. They are out of school, without homes or families. They're left to take care of themselves, they roam the streets in tattered clothing, they sell gum, and they beg and they dig through the trash for food. I've seen them in Bulgaria. Roma children—one of the most discriminated against groups in Europe—you might call them gypsies. Roma children, sometimes by their own parents, are put out on the street to beg. Or if there are too many children in the family some are just left there. Or if they want to go to school instead of turning tricks they are left there.

I also saw them in Brazil where three street children a day are killed, usually by police doing the bidding of merchants who are tired of having these children camped in front of their stores. In both Bulgaria and Brazil, I saw how caring people can make a difference. I visited a center run by a Bulgarian—American who has taken in children off the streets who are now going to school and learning, and thinking about a better future. But it's a small number of those that need to be helped. I visited a unique program in Brazil in Salvador de Bahia. A circus school where children were taken in and taught skills to entertain people who would come and see them perform. They would then have money so they could be housed, and given food, and educated—children who once had no future, thinking they wouldn't have one. It's not only in warm places like Brazil—I visited a center for street children in Mongolia where the children, because of the rapid changes in social life, because of problems adjusting to the new global economy, are either being pushed out or running away from homes that are in a great deal of stress and turmoil.

When we think bout what is happening with these tens of millions of children around the world, we certainly cannot forget that there are still children here in Washington, DC and throughout America that need their rights protected as well. We should not, for example, condemn violence against children in Kosovo and turn away from it on the streets of Washington. We cannot mourn the children of Mongolia and forget about homeless children here, or raise our voices about children out of school in Guatemala and close our mouths when young people here drop out. We have to do better by our own children as well. We've been making progress here and around the world.

I've been pleased that this administration, under the President, has put the protection of children on the front burner. For example, this year, we are increasing by tenfold our U.S. commitment to take children out of abusive workrooms and put them in classrooms all over the world. Since September, the Voice of America has been broadcasting monthly public service announcements asking parents if they've talked about their children's health today, focusing on child survival issues, talking hard talk in some places, like not feeding your girl children, or being exposed to HIV and AIDS. We join with Ukraine to combat trafficking of girls in and out of that country. And from Guatemala to Nepal, I've seen how small investments in educational scholarships for girls, or safe birthing kits, or Vitamin A, can lift up and transform lives. So there is much that we can point to that is heading in the right direction, but there is much more we have to do.

Another story from Eleanor Roosevelt. She once talked about receiving a letter from an African American boy who had taken a drink out of what was then considered the wrong water fountain, and he was beaten up for it. He sent her the cup he had used to get the water and explained what happened. She not only kept that cup, she carried it around with her as a reminder of all the work yet to be done. I wish we each had some little talisman that we could carry around with us, that would remind us everyday of the work still to be done. I hope we remember the children who are victims and weapons of war when Congress revisits our United Nations dues. It should be unacceptable to all Americans of any political persuasion that the richest and most powerful country in the world is the number one debtor to the United Nations. (applause)

I hope we remember the children toiling in glass and shoe factories as we work to fulfill the promises and one day ratify the United Nations Convention on the Rights of the Child. I hope we continue to do all that we can to help promote democracy around the world to make sure that all parents have a voice that will be heard from the ballot box, and even the soap box, so they can speak out on behalf of the needs of their children. We know that we have to do more than pass, and even implement new laws. We have to teach people that they do have rights, and how to exercise them.

I was particularly pleased by an American-funded project I saw recently in Senegal. Where out in the villages they're learning about democracy, they're acting out skits. Someone stands up and expresses an opinion and then another stands up and they discuss it and take a vote on it. The rudiments of democracy. And in this skit are both men and women participating. As a result of that democracy skit one small village, after talking about issues that effected them—health, the education of their children—to put an end to female circumcision. That was a very brave decision. They convinced people in the village that it should be done, and they put it to a vote and they voted for it. And than, two men in their village went from their village to other villages and started talking to the people in the other villages and explaining that they had read the Koran and there was nothing in it that talked about this. It was not good for their daughters, it sometimes led to them hemorrhaging and bleeding to death, and sometimes caused grave complications in childbirth. Slowly, village after village began to recognize that it was a fundamental right of a young girl to grow up whole, to have her health protected. And then, the next thing I knew I got a letter saying these villages had banded together and presented a petition to the President and that a law would be passed. Now that law will not end this cultural custom, but it will begin to change attitudes about it. More and more girls and women will say, "No, this is not necessary."

There are certain rights to health that we need to protect. First, think of what we could accomplish if we valued and respected every child, with particular emphasis on girl children, because they are still the most at risk in so many societies around the globe. If we are to put children's rights on the same level as adult's rights, then we have to think about what it is that we want for our own children. Those of us in this beautiful Gaston Hall, who try to keep our children healthy, who try to give them good educations that lead to a fine university education like this one here at Georgetown. We try to protect them from abuse and neglect and abandonment and desertion. We try not to put them to work in full time jobs before they are ready. So we have to think about what we want for ourselves, and in many countries where some of the worst violations of children's rights occur, those who are in power protect their own children and then look at others children as being beyond the circle of human dignity.

So we have to complete that circle, and that falls to every generation. It fell to our parents who fought off depression and oppression. It fell to the generation that fought for civil rights and for human rights. And it falls to each of us, particularly the students who are here today. I like very much the article that Tracy Roosevelt recently wrote. She talked about the legacy that her great grandmother left all of us and that any young person could follow by standing up for the rights of others by standing against stereotyping of any person or group of people.

Now we might not have Eleanor Roosevelt's stature—either in height or in life—but each of us can contribute to a child's future. We can make sure that we are part of a society that values health care for everyone, a good education for everyone, the strength of families to give them the tools they need to raise their own children with future possibilities, to make sure we do everything we can to live free from abuse and violence and war, and to make it possible for every person and every child to speak freely and live up to their own God-given potential.

As we look forward to the next fifty years, we will face many challenges and opportunities. It was almost 50 years ago that Eleanor Roosevelt spoke about this. She spoke about democracy and human rights to a group of students, both high school and college students, in New York. As we listen to her those words still ring true today. She said, "Imagine it's you people gathered here in this room who are going to do a great deal of the thinking and the actual doing because a good many of us are not going to see the end of this period. You are going to live in a dangerous world for quite a while I guess, but it's going to be an interesting and adventurous one. I wish you courage to face yourselves and when you know what you really want to fight for, not in a war, but to fight for in order to gain a peace, then I wish for you imagination and understanding. God bless you. May you win."

Those words are just as true for this generation of students as they were fifty years ago for the ones that Eleanor Roosevelt spoke to. I go back to that first story, despite how sick she was, she showed up and took that bouquet of flowers from that young girl. "You see" she said, "I had to come, she was expecting me." Think about all of the children who are expecting us. Think about, as we go forward into Advent and celebrate this Christmas season, about a particular child who no one was expecting but grew up to give us a chance to think anew, to live again in way that connect us more deeply and profoundly to one another. Eleanor Roosevelt can serve as an inspiration, and a reminder that although as President Kennedy said, "God's work on this Earth is our own," we know that we can never complete it. But we know that we can live richer lives if we try. To the children of America and the world, you see, we have to come, because they are expecting us to make good on the promises that were made to them fifty years ago. Thank you all very much. (applause)

TRIBUTE TO JOSEPH A. MCALEER, SR.

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. CALLAHAN. Mr. Speaker, I rise today to pay tribute to a Mobile legend, the late Joseph A. McAleer, Sr., who recently passed away following a lifetime of good deeds and noteworthy successes. With your permission, I would like to enter into the CONGRESSIONAL RECORD an editorial tribute which appeared in the Mobile Register. It is entitled "One man's sweetest legacy":

Sweet-toothed Americans from Mobile to Manhattan can thank the late Joseph A. McAleer, Sr. for not giving up on his dreams.

Instead, his legacy—the Krispy Kreme doughnut—is now a Southern tradition that ranks with other cultural icons such as iced tea and men's seersucker suits.

Mobile can proudly claim Krispy Kreme doughnuts as a hometown original, thanks to Mr. McAleer, who died Sunday at the age of 74 after battling lung cancer. His family members were by his side. He was buried Tuesday. It was appropriate to pay homage to him and reflect on the sweet legacy he leaves.

In 1953, Mr. McAleer opened his first Krispy Kreme doughnut franchise in Prichard, after working for Krispy Kreme's founder, Vernon Rudolph, in Pensacola. The first store failed and three and a half years later Mr. McAleer was broke. But in 1956, he changed locations, opening a store on what is now Dauphin Island Parkway. In what was a sign of things to come, business was so good from day one that lines snaked out of the store. A tradition was born. Today, those same kinds of lines are found at stores all over—particularly when Krispy Kremes are hot off the conveyer belt that moves them along as they are frosted and prepared for customers. Nowhere are Krispy Kremes more prominent than in the chic Chelsea area of Manhattan, the home of some of America's most rich and famous doughnut lovers. New York Yankees owner Georges Steinbrenner is a customer. So is actress Lauren Bacall and the flamboyant talk-show host known as RuPaul.

Mr. McAleer led a group of franchise owners to buy Krispy Kreme from Beatrice Food Co. in 1982, and in the late 1980s the business began an aggressive expansion and remodeling program that transformed it from a regional icon to an emerging national chain. His sons now operate the company from corporate headquarters in Winston Salem, North Carolina, although Krispy Kreme remains an intractable part of Mobile's culture.

Indeed it's said that when mourners visited the funeral home this week to pay their respects, they were served—what else?—Krispy Kreme doughnuts. Stories like this will only enhance Mr. McAleer's sweet legacy for years to come.

TRIBUTE TO RAYMOND "KENT" RICHARDSON, SR.

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. WELLER. Mr. Speaker, I come to the well today with the sad news of the passing of Raymond "Kent" Richardson, Sr. of Streator, Illinois on December 8, 1998. Born 81 years ago in Tonica, Illinois, Mr. Richardson was a life long resident of the 11th Congressional district and was active in many community activities.

Mr. Richardson graduated from Tonica High School in 1934. He worked as a truck driver for Melvin Trucking in Streator, Illinois and was elected as the President for the Teamsters Local #722, where he served in the interest of local workers for 15 years until his retirement.

Mr. Speaker, perhaps more importantly, Mr. Richardson served his country with honor in the Pacific Theatre during World War II as a Sergeant with the United States Marine Corps 11th Amphibious Tractor Battalion. Because of his service to his country, Mr. Richardson was a life member of the VFW Post #1492 in Streator. Additionally Mr. Richardson was a member of American Legion Post #217 in Streator, a life member of the Marine Corps League and a 50 year member of the Masonic Lodge #364 in Tonica.

Mr. Speaker, on behalf of the entire House I offer my heart felt condolences to Kent's wife Marjorie and the entire Richardson family and I wish them the best this holiday season.

EXPRESSING UNEQUIVOCAL SUPPORT FOR MEN AND WOMEN OF OUR ARMED FORCES CURRENTLY CARRYING OUT MISSIONS IN AND AROUND PERSIAN GULF REGION

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. CONYERS. Mr. Speaker, last night the president ordered an American missile attack on Iraq. Going to war is one of the most serious decisions that Congress can make, and that is why I chose to not take this vote lightly. As a veteran and a Member of Congress, I will honor our troops by working to keep them out of harm's way and the world at peace.

I am convinced that the effect of H. Res. 612 will be for Congress to abandon its proper role on deciding when to go to war, one of the greatest issues of Constitutional importance. This act of war being undertaken raises many questions in my mind. How long does the bombing need to go on before the executive will obtain congressional authority? At what point will we deem the bombing a success? What are our goals in the bombing? If the stated goal of the bombing is to destroy weapons of mass destruction, then that is what this resolution should have declared.

The United Nations must remain a central component of our policy toward Iraq. I believe it is extremely dangerous to carry out this bombing without the full support of our allies. Failing to do so not only undermines our trust internationally, it also denies our troops the additional military support they deserve. In addition, I do not believe that it is up to the United States to unilaterally determine what constitutes a violation of United Nations Security Council Resolutions. That role properly resides with the UN Security Council. China, Russia and France are already outraged with the American decision to interpret the resolution unilaterally.

I am also concerned because this bombing campaign will in effect, if not intent, abandon UNSCOM, the special commission created after the Gulf War to carry out weapons inspections. This clearly begs the question: What will our new disarmament policy be? And how will we conduct inspections, since, as the Pentagon has pointed out, much of the inspection equipment will be destroyed? UNSCOM is an imperfect tool, but it is a necessary tool.

This resolution affirms that it should be the policy of the United States to overthrow Saddam Hussein. Members of Congress need to know if this means that our troops will remain engaged in combat until that happens.

If overthrowing the government is a reference to a massive covert operation, I would point out that the record of such undertaking in Iraq is not comforting. The New York Times has called the proposed operation an "expensive fantasy," and I think there are a lot of serious problems to consider. For one, we're not sure if the opposition in Southern Iraq actually controls any territory or how united they are. I also doubt that we will be able to get our allies in the region to endorse the overt overthrow of the Government of Iraq, however unpopular that government may be among our friends and the Iraqi people. Kuwait has insisted that any covert action should be part of a larger policy, including one that better addresses the humanitarian crisis in Iraq. Otherwise it is unsustainable.

Most critically, when we get down to life or death decisions during a covert action, how far will U.S. support be willing to go? I can imagine some horrible scenarios if the U.S. is asked to help the Iraqi resistance if their rebellion appears to be failing. Haven't we been down this road before?

We need to keep the United Nations at center stage, and reinvent a vigorous weapons inspection regime that facilitates disarmament in the Middle East. We need to build political support in Iraq and in the region by revisiting the economic sanctions that have caused a great humanitarian disaster. Most importantly, all of these efforts must be the product of a clear and strong international consensus.

COMMUNITY SERVICE LEADER CYNTHIA ECKHART

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay a tribute to an outstanding citizen; a leader who places others before herself and a fine lady who has dedicated her life to community service and to improving the lives of others, Ms. Cynthia Eckhart.

For the past eight years, Cynthia has expressed and demonstrated genuine concern for various social issues affecting South Florida and has committed herself to improving the quality of life for many South Floridians. Although her presence is not always highly visible, her efforts for the Miami community are strongly felt. Cynthia has devoted herself to raising funds for charities such as improving the health care for our community, where she has assisted in the allocation of funds for leukemia and various cancer research. She has had the grand opportunity to serve as the Chair of a school's auction, where she was able to raise $87,000 to provide quality, private school tuition for many of South Florida's underprivileged and less fortunate children.

On November 6th, 1998, I was privileged to speak at the 45th annual gala for Beaux Arts of the Lowe Art Museum at The University of Miami. There I witnessed first-hand Cynthia's dedication and contributions to our community. The wonderfully conducted gala that Cynthia organized raised generous funds to provide permanent acquisitions for the Lowe Art Museum. As Chairman of this gala, Cynthia raised an additional charitable amount to be used to fund visits to the museum and educational art programs for children of low-income families. It is Cynthia's unselfish and loving nature that has enabled many underprivileged youth to be introduced and encouraged in pursuing culture in the world of the arts.

Cynthia's involvement in our community is exemplary of a committed and concerned individual who seeks to extend a helping hand to those in need. In giving much of her time, her energy and herself, Cynthia continues to be a true leader, an inspiration to many, and an example to all. South Florida is grateful and proud of her many accomplishments and service to our community. We wish her the very best for continued success!

TRIBUTE TO J. REESE PHIFER

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. CALLAHAN. Mr. Speaker, I rise today to pay tribute to one of Alabama's most outstanding business leaders, the late J. Reese Phifer, who recently passed away in his hometown of Tuscaloosa. With your permission, I would like to enter into the CONGRESSIONAL RECORD an article that appeared in the New York Times which noted Mr. Phifer's many contributions, not only to the business world, but in service to the greater community as a whole. Mr. Phifer was a noted civic leader and philanthropist, and his death leaves a void, not only to his family, but to his beloved state and nation. The article is entitled: "J. Reese Phifer, 82, Founder of Aluminum Screen Empire":

J. Reese Phifer, who turned a tiny aluminum screen factory into a business that dominates its worldwide market, died on Sunday at DCH Regional Medical Center in Tuscaloosa. He was 82.

Phifer Wire Products Inc., which was stated in 1952 in an old warehouse by Mr. Phifer, a lawyer with no previous manufacturing experience, now employs more than 1,000 people to produce more than half the world's aluminum insect screening and more than 60 percent of the world's fiberglass insect screening.

The company that Mr. Phifer founded also produces Sunscreen, which block out solar rays and reduce heat, and Phifertex, a vinyl coating used on outdoor furniture.

Born on February 19, 1916, Mr. Phifer was the son of William and Olga Gough Phifer. His father operated a grocery store, and Mr. Phifer and his brother grew up delivering groceries and stocking shelves.

He earned a bachelor's degree in commerce and a law degree from the University of Alabama. He also learned to fly airplanes which would later play an important role in his business. "He set up a law practice and trained French and British Pilots in Tuscaloosa County when World War II broke out," said his brother, Joseph Tyler Phifer, of Tuscaloosa. Later Mr. Phifer ferried airplanes needed in the war effort from the United States to Europe.

After the war, he resumed his law practice, but he sought new challenges. "He told me that he wanted to get into manufacturing," his brother said. "He said that's where the money was. He looked all over for something that wasn't manufactured in the South. He came up with screen because we use more screen in the south than anywhere else."

Once he started the Phifer Aluminum Screen Company in 1952, Mr. Phifer did a little of everything. "He was doing the selling himself," Joseph Phifer said. "He'd get in the plane and sell the wire and then come home and help make it. He had a little bitty office with one secretary and the guy who helped him set up the looms."

The company was renamed Phifer Wire Products in 1956. In 1973, the company moved to its current site, and has experienced almost constant expansion.

Though he preferred to keep a low profile, Mr. Phifer was also widely known as a civic leader and philanthropist. In honor of his contributions to the University of Alabama, the university's trustees renamed the old student union building Reese Phifer Hall in 1991. It now houses the School of Communication. He also received an honorary doctorate from the university in 1984.

In 1964, Mr. Phifer established the Reese Phifer, Jr. Memorial Trust, a charitable arm of Phifer Wire, in honor of his son, who died in an airplane accident.

In addition to his brother, Mr. Phifer is survived by his wife, Sue Clarkson Phifer of Tuscaloosa, three daughters, Beverly Clarkson Phifer, Karen Phifer Brooks and Susan Phifer Cork, all of Tuscaloosa, and seven grandchildren.

DONORS AND VOLUNTEERS FOR EATON AREA HABITAT FOR HUMANITY'S "HOUSE THAT CONGRESS BUILT" PROJECT

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. SMITH of Michigan. Mr. Speaker, I wanted to take a moment today to recognize the following caring and generous folks who, in one way or another, contributed to the Eaton Area Habitat for Humanity's "House That Congress Built" project in Charlotte, Michigan:

Kebs, Inc., Larry Clark companies, Fannie Mae, Michigan State Housing Development Authority, Larry Bowen/Silk Screen Stuff, Construction Managers Jerry Lockman and Dan Christie/Christie Construction, Fulton Lumber, Wolohan Lumber, Dave and Lorraine Green, and Schultz, Snyder & Steele Lumber Co.

Reliant/Care-free Windows, Lumbertown Citizens Lumber, Wickes Lumber, Fox Brothers Co., Kane Heating & Ventilation, Hedlund Plumbing, T.A. Gentry, Plumber Trent Mauk, B & D Electric, A–C Electric, and Drakes Insulation.

Larry's Floor Covering & Paint Spot, Larry Ruyston, M.P.C. Cashway Lumber Co., Parker Built Homes, The Kitchen Shop, Consumers Energy, Williams Carpet, M & M Concrete, Concrete Cutting & Breaking, Inc., Crandell Bros., Trucking, and Gale Briggs, Inc.

Builders Redi Mix, Ackerson & Son Excavating, Granger, GM Cleaning, Floyd Jewel & Eaton Federal Savings Bank, Lansing Automakers Federal Credit Union, Lansing Community Credit Union, Ann Garvey & the Charlotte Chamber of Commerce, Eaton County United Way, Greater Lansing Home Builders Association, and Pastor Fleming & Lawrence United Methodist Church.

Pastor Hall-Neimann & Peace Lutheran Church, Leroy Hummel & City of Charlotte, Alro Steel, Mulvaney Building & Remodeling, Nolan, Thomsen, Villas & Sural, PC, Linda Rybicki, Felpausch Food Center, Quality Dairy, Carter's Food Center, Pizza Hut, Riedy's Pizza, and Little Ceasar's Pizza.

These individuals made an invaluable investment in this home, neighborhood, Charlotte community, Eaton Area Habitat for Humanity, and perhaps most importantly, the lives of the new homeowners, Julie, Hailey and Skyler Hartig. I am proud to say we will dedicate the home this Sunday, December 20, 1998, at 3 p.m., just in time for the family to move into their new home for the holidays.

The Honorable Speaker of the House, NEWT GINGRICH, perhaps summed it up best when we kicked off the "House that Congress Built" project last year, "When you help a family grow, as well as build a house . . . when you watch the sense of ownership . . . you understand why this is a great program."

Many of my colleagues have been involved in the construction of a Habitat for Humanity home. This year, I was privileged to lend my support to three houses in my district, but never could have helped build these homes without this support, assistance and generosity. Habitat is founded on the conviction that every man, woman and child should have a simple, decent, affordable place to live, grow and raise their families. Because of the contributions of the above-mentioned individuals, churches, businesses and organizations, Julie and her children, Hailey and Skyler, now have such a place to call home.

My wife Bonnie and I thank all of these wonderful people who played an integral role in building the Eaton Area Habitat for Humanity's "House That Congress Built," at 521 Monroe, Charlotte.

DEATH OF JUDGE A. LEON HIGGINBOTHAM

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Ms. WATERS. Mr. Speaker, I am deeply saddened to bring to my colleagues' attention the death of my good friend, Judge A. Leon Higginbotham on Monday, December 14, 1998. Judge Higginbotham was one of the "true giants" of the civil rights struggle. Judge Higginbotham was a leading legal scholar, author, historian and professor in addition to his stellar twenty-nine year career on the federal bench.

Judge Higginbotham believed that the law was the vehicle to right the wrongs he experienced growing up under segregation. According to stories that Judge Higginbotham often recounted, the President of Purdue University flatly told him in his freshman year of college that the school was not required under law to provide black students with heated dormitories and, therefore, never would. The Judge said that particular experience persuaded him to become a lawyer.

Judge Higginbotham was committed to a practice of law which he viewed as a commitment to social justice. He held deep convictions and continually fought for the underdog.

He argued for justice and fairness. Judge Higginbotham was a friend to members of the Congressional Black Caucus. He was always available with an analysis of the issue that only he could articulate. Judge Higginbotham helped us with many projects after his retirement from the bench. The most notable was his preparation of an amicus brief in the voting rights case *Shaw vs. Reno*.

Judge Higginbotham was a frequent witness here on Capitol Hill. His most recent testimony was two weeks ago, Tuesday, December 1, 1998, in front of the House Judiciary Committee. As he often did, Judge Higginbotham provided clear, insightful testimony. In his opening statement, he asked the Members to listen to "Luther Standing Bear, a member of the Lakota Tribe, who said, 'Thought comes before speech' when dealing with one of the most important constitutional issues which this committee will ever have, to pause and to give thought before you speak and before you vote," truer words have never been spoken. "I am pleased to have broken protocol at the end of Judge Higginbotham's opening statement to give him a rousing round of applause. Who would have thought this would be the last time I would see this great man alive?"

Recently Judge Higginbotham has stated that he felt many of the advances he had applauded over his long legal career were endangered by the cutbacks in affirmative action and reduced opportunities for black lawyers and judges. He further stated in an article in The New York Times Magazine, "I witnessed the birth of racial justice in the Supreme Court and here now, after 45 years as a lawyer, judge and law professor, I sometimes feel as if I am watching justice die."

When I read today that Judge Higginbotham's first meeting with former Supreme Court Justice, Thurgood Marshall was during the ominous *Sweatt vs. Paine* Supreme Court case, I realized his previous statement was hauntingly true. The 1950 case was whether the court should compel the state of Texas to admit a black student to the University of Texas Law School. The 1995 Supreme Court case, *Hopwood vs. State of Texas*, was about a white student suing the University of Texas Law School for admission above their affirmative action rules. It scares me, as it scared Judge Higginbotham to see this happen right before my eyes.

I have long been a proponent of affirmative action, but I am even more resolute in my fight to ensure the continuation of affirmative action to make Judge A. Leon Higginbotham's legacy is never abandoned. We cannot sit idly by and allow affirmative action in the United States to be erased. Judge A. Leon Higginbotham's legacy is too important.

TRIBUTE TO LOUIE GREENGARD

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. VENTO. Mr. Speaker, I rise today to honor and commend the work of a tireless brother from the House of Labor in my district, Louie Greengard. Mr. Greengard recently retired as the president of the Saint Paul Trades and Labor Assembly, the AFL–CIO central body my district.

In 1969, Louie Greengard began his trades career as a carpenter. Elected Recording Secretary of the Carpenters and Joiners Local 87 in 1977, Greengard advanced to the position of Business Agent in 1982. In 1988, his carpenter sisters and brothers elected him as Executive Secretary of the Carpenters District Council. One year later, in 1989, Louie Greengard was elected President of the Saint Paul Trades and Labor Assembly. He served in this capacity until his recent retirement late this year.

I've been pleased to work with Louie Greengard on a wide variety of issues, all advancing the working people's interests and concerns. I know Greengard as a hard-working, strong, fair, effective servant of labor in all walks of life and work; advocating for working families' wages, benefits, and an innovative service network; leading the Trades and Labor Assembly through good times and bad. Highlights include organizing innumerable Saint Paul Winter Carnival Parade units for the Assembly; coordinating labor's participation in the United Way campaigns; drawing Minnesota's oldest labor newspaper, The Union Advocate under the trades and Labor Assembly's aegis; successfully lobbying for Saint Paul's half-cent sales tax, creating a fund for community reinvestment and redevelopment; guiding the Assembly's participation in challenging election cycles; advocating strongly and forcefully for working families; and always working to bring people together for the common good.

With Mr. Greengard's retirement on November 11, 1998, he has, no doubt, plans to use his richly-deserved free time to restore a few more classic cars; spend more time with his wonderful family, his spouse Jan, his 5 children and 12 grandchildren; spend more time with his faithful basset hound, Jake; and bask in the friendship and warm sunshine of southern winters chasing fish and golf balls.

Louie Greengard is a great example of those who ably, confidently and successfully lead the house of labor. We are all richer for his friendship, leadership and tireless advocacy of working women and men. I'm honored to represent him and earn the support of working men and women in our state. It is with heartfelt thanks and gratitude that I wish him the best of health and a well deserved retirement.

CONGRATULATIONS TO MR. ERNEST J. KING

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. EDWARDS. Mr. Speaker, I rise today to give special tribute to my constituent and good friend, Mr. Ernest J. King of Temple, Texas. On January 2, 1999, Mr. King will retire from government service upon serving his country for forty-two years and nine months.

Born in Palestine, West Virginia, Mr. King joined the Army National Guard in 1956 and served with distinction as a guardsman until 1971. In that capacity, he became a specialist in the Nike Ajax and Nike Hercules military fire control systems at Fort MacArthur, California. Throughout his tenure there, he earned various awards and commendations befitting his exemplary service in the Guard.

Upon completing his military service, he began his twenty-seven year tenure as an electronics technician with the Federal Aviation Administration. His breadth of experience highlights Mr. King's service in the FAA. He received numerous citations for his dedication to excellence, often described in accolades from his superiors as having "a can-do attitude", "a keen sense of personal initiative" and "a professionalism maintained at a level far beyond the call of duty". Mr. King played an instrumental role in attaining the FAA's Best Regional Sector Field Office of the Year Award for 1974 and Best Regional Sector of the Year Award for 1981. He was also lauded for his efforts in the Panama Canal Zone. After President Carter signed the Panama Canal Treaty in 1978, Mr. King and his colleagues were charged with the air traffic and radar control transition from United States to Panamanian jurisdiction. They did this with particular distinction, earning high praise from the regional headquarters in Atlanta.

The King family has resided in my Congressional district since 1981. My admiration and fondness for them run deep. Furthermore, I extend my sincere appreciation to Mr. King for his commitment and duty to his country for over forty years.

Mr. Speaker, I urge my colleagues to join me today in recognizing and honoring a gentleman who has served his country and community well.

RECOGNIZING JERRY LOCKMAN OF CHARLOTTE, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. SMITH of Michigan. Mr. Speaker, I wanted to take a moment today to recognize Mr. Jerry Lockman for his work on the "House That Congress Built" project in Charlotte, Michigan.

Jerry dutifully served as volunteer construction manager and building consultant for the first several weekends of this home located at 521 Monroe, Charlotte. He was largely responsible for its quick framing and roofing and I am proud to say we will dedicate this new home this Sunday, December 20, 1998, at 3 p.m.

Mr. Lockman generously volunteered his construction expertise to guide volunteers with varying degrees of experience to construct the home. Not only did Jerry donate his vast knowledge, but his time and tools too.

Families selected to receive a Habitat for Humanity home are required to contribute many hours of their "sweat equity" to the construction of their future home. Mr. Lockman's sweat equity, his dedication, hard work and long hours are what I recognize and honor today. His investment in this home, neighborhood, Charlotte community. Eaton Area Habitat for Humanity, and perhaps most importantly, the lives of the new homeowners, Julie, Hailey and Skyler Hartig, is to be commended.

Many of my colleagues have been involved in the construction of a Habitat for Humanity home. This year, I was privileged enough to lend my support to three houses in my district. I could not have attempted to help build these homes without the drive, support and assistance of good people like Mr. Jerry Lockman.

The Honorable Speaker of the House, NEWT GINGRICH, perhaps summed it up best when we kicked off the "House that Congress Built" project last year. "When you help a family grow, as well as build a house—when you watch the sense of ownership—you understand why this is a great program."

The Theology of the Hammer, a guiding principle of Habitat, is an appropriate way to describe Jerry's efforts. This theology emphasizes partnerships, bringing people together from all different social, racial, religious, political and education backgrounds, to work together for a common goal. This was never more apparent than working at the Charlotte home site. People were brought together in the spirit of friendship and teamwork, and personal differences didn't matter. Mr. Lockman embodies the spirit of volunteerism and caring that fuel so many organizations like Habitat for Humanity, allowing them to do all the good things they do for others in need in our communities and around the world.

Habitat is founded on the conviction that every man, woman and child should have a simple, decent, affordable place to live, grow and raise their families. Because of Jerry Lockman and others, the Julie Hartig family now has such a place to call home.

My wife Bonnie and I would like to offer Jerry our most sincere thanks for his dedicated volunteerism and assistance in helping build the Eaton Area Habitat for Humanity's the "House That Congress Built," at 521 Monroe, Charlotte.

RUSSIA IS A SIGNIFICANT PROBLEM IN CYPRUS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. WHITFIELD. Mr. Speaker, the tensions in Cyprus continue, despite a new round of American diplomatic efforts and shuttle diplomacy by the United Nations envoy. In my view, our government should focus its attention on a significant part of the problem: Russia.

As it has since May, Russia refuses to halt its planned sale of S–300 missiles to the Greek Cypriots, despite resounding protests and criticism from our government and the United Kingdom, Germany, and the United Nations. The world realizes that introducing sophisticated antiaircraft missiles and powerful air surveillance radar into the fragile Cyprus peace would dangerously raise tensions between Greek and Turkish Cypriots, and between Greece and Turkey.

Even though Russia is a permanent member of the United Nations Security Council, it seemingly flouts numerous Security Council resolutions and United Nations efforts to defuse the tensions in Cyprus. Indeed, just last Friday the U.N. Security General cited the S–300 sales in his report to the Security Council recommending renewal of the U.N. peacekeeping force in Cyprus.

Even Greece argued for an alternative; place the S–300s on the Greek island of Crete instead of Cyprus. Although not an optimal solution, this alternative at least would have kept the missiles out of the immediate crisis zone.

United States Ambassador Kenneth Brill endorsed such an idea, stating in the press that the United States would like to see the missiles deployed anywhere but Cyprus.

President Clerides of the Republic of Cyprus rejected the Greek plan. In press statements, he tried to downplay the missile crisis, calling it but one issue of many regarding security. This is quite an understatement, as the missiles could destroy aircraft flying in southern Turkey and the radar equipment reportedly could reach as far as Israel. The introduction of these missiles creates a real risk of wider conflict in the eastern Mediterranean.

More disappointing was Russia's reaction to the proposal. The Russian reaction was more defensive, more ominous—and insulting. Russia condemned Mr. Brill's statement as "unfriendly", and formally rebuked our diplomats in Moscow for interfering in what Russia labels an exclusively commercial and bilateral deal. The Russian Ambassador to Cyprus responded by saying that Russia is "nobody's colony."

The Russians appear to have mistaken diplomacy for interference, and arms sales for acts of sovereignty. International prestige comes from settling crises, not provoking them. With power comes responsibility. The best way for Russia to show it remains important on the world stage is to act responsibly, to work for a solution to the military tension on Cyprus rather than inflame it for financial gain.

It is unclear why Russia has taken this course at a time when it hopes for foreign aid to help ease its deep financial crisis. Russia risks damaged ties with the U.S., international condemnation, and the disruption of commerce in the Mediterranean. What is the motive?—making money from the missile sale; trying to divide NATO members; posturing against Israel and its expanding ties to Turkey; or asserting a bold Russian presence abroad to divert attention from problems at home? Certainly none of these reasons should be worth damaging relations with the international community—or provoking hostilities in Cyprus.

We should expect higher standards of conduct from Russia, a permanent member of the U.N. Security Council. Further, its treatment of United States diplomats, who are working to find solutions to a crisis which everyone except the Greek Cypriots and Russia want to resolve, is unacceptable.

The Administration needs to more forcefully persuade the Russian leadership to halt the sale. The President must take a hard line against Russia's treatment of United States diplomatic efforts and personnel, and their efforts to thwart the will of the international community. The U.S. and international community must not take sides in the Cyprus matter, but work for an honest and fair solution for both sides. Stoking the fire with high tech weaponry sales to one party can only lead to further deterioration and a more difficult road for peacemakers in the international community.

BIOMEDICAL RESEARCH COULD SAVE MEDICARE

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. CUNNINGHAM. Mr. Speaker, I rise once again to encourage my colleagues to continue supporting increased funding levels for the National Institutes of Health (NIH). This funding is critical for biomedical research that benefits all Americans. It improves quality of life.

San Diego County is a leader in the field of biomedical research. One of our local champions for medical research is Dr. Lawrence Goldstein, an investigator in the Howard Hughes Medical Institute and a professor in the Division of Cellular and Molecular Medicine and Department of Pharmacology at the UCSD School of Medicine. I submit an article from the San Diego Union Tribune in which Dr. Goldstein suggests that biomedical research could help save the Medicine Trust Fund from bankruptcy.

[From the San Diego Union Tribune, Dec. 11, 1998]

MEDICARE CURE: BIOMEDICAL RESEARCH?

(By Lawrence S. Goldstein)

While not obvious, part of the solution to the impending Medicare crisis may be greater federal investment in biomedical research.

This surprising conclusion was recently suggested by a series of studies from Dr. Kenneth Manton and colleagues at Duke University. These researchers analyzed the incidence of disability among the elderly between 1982 and 1994 and found that it fell steadily every year.

One of the major factors driving these consistent declines in disability appears to be biomedical research, which ultimately leads to improved health care for elderly and other patients. Effectively, this means that biomedical research helps us to do a little bit better every year at keeping the elderly productive, active and healthy and often helping to keep them out of nursing homes.

The story, however, gets better since keeping the elderly actively engaged in daily life not only keeps them, their children and grandchildren happier, but also saves our country large amounts of money that would otherwise pay for physical support and nursing homes.

Little wonder that the federal government, with the strong bipartisan leadership and support of members of our local congressional delegation—Randy "Duke" Cunningham, Brian Bilbray and Bob Filner—increased biomedical research funding for the National Institutes of Health by 15 percent this past year.

There are important long-term implications of these studies for our society and the benefits it may reap from biomedical research. Imagine for a moment that the incidence of disability among the elderly in 1994 had been that of 1982. Manton and colleagues estimate that this would have meant that 400,000 more elderly Americans would have been living in nursing homes in 1994 than actually were.

This would cost $17 billion more in 1994 than was actually spent (assuming that typical annual nursing home residence cost in 1994 was $40,000). Compared to the actual 1994 Medical expenditures of 167 billion dollars, this is a significant savings, just by keeping these seniors out of nursing homes. These estimated annual savings on nursing home residence alone are also larger than the National budget for all biomedical research supported through the NIH (15 billion dollars this coming year).

Imagine, on the other hand, that we could slightly improve the annual rate of decline in disability. Manton estimates that if we could increase the rate of decline from the current 1.2 percent per year to 1.5 percent per year, this small change could completely change future projections for Medicare expenditures and lead to solvency in 2028 instead of bankruptcy.

Although part of the puzzle to reducing health care costs for the elderly and everyone else is by more efficient delivery of medical care, most of our physicians are already working as hard as they can. Indeed, at this point, it is not clear that additional efficiency can be wrung out of the delivery side of the medical system without sacrificing quality.

A better and more cost-effective route for reducing health care costs in the long run is biomedical research. Such research is the best way to understand the causes of disease, to ensure that the most appropriate treatments are delivered and to find the best methods of support for the ill. Better understanding of the causes of acute or chronic diseases leads to better prevention, treatment and even cure. Important improvements in lifestyle and diet are also guided by research, which tells us what changes matter the most and what changes are unnecessary or even damaging.

Finally, research can tell us what therapies are most valuable in each situation, and it can tell us how to apply them in the best and most cost-effective manner. Combined, improvements in health care coming directly from research can lead to significant declines in disability among the elderly.

Last year, the Senate unanimously passed a resolution in favor of doubling the budget of the NIH in the next five years, even in a time when government reduction is widely supported. The House has been entertaining a similar resolution, and most of our local representatives have signed on as co-sponsors.

They have done so for good reason. What these members realize is that increased biomedical research will not only help us solve our health problems and save Medicare, but, it is one of the most cost-effective long-term investments to achieve these goals.

Let us encourage our representatives in this quest and make biomedical research our No. 1 priority as we enter the next millennium. Our children will thank us even as they enjoy our healthier company in the years to come.

Goldstein is an investigator in the Howard Hughes Medical Institute and a professor in the Division of Cellular and Molecular Medicine and Department of Pharmacology at the UCSD School of Medicine.

RED RIBBON WEEK IN COLUMBUS, GEORGIA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. COLLINS. Mr. Speaker, recently, I attended the "kickoff event" for Red Ribbon Week in Columbus, Georgia. Red Ribbon Week highlights the combined efforts of public and business groups to fight drugs throughout the community, but particularly in our schools. The event brings together and encourages participants in this outstanding effort.

This year, Mr. Jack Pezold was chosen to be the keynote speaker. Mr. Pezold has been an extremely active member of the Columbus community and has set an example which should be an inspiration to young people.

Although Mr. Pezold has been very successful in his business endeavors, it is his altruistic activities for which he will longer be appreciated and remembered. Mr. Pezold has been a major contributor to the "Drug Free You and Me" program in the Muscogee County schools for many years. He also has contributed his time and plane to fly for the "Angel Flights" program, an organization which flies sick children and their families to different cities to receive medical treatment. In addition, he is Honorary Chairman of the Childrens' Miracle Network. He is involved with the Partners in Education Program, and this year purchased a portable classroom for the school, in addition to the other things he does for the school throughout the year. Mr. Pezold is extremely active and supportive in the maintenance of the Ronald McDonald House of West Georgia, of which he is Chairman.

It was because of his concern over the contents of broadcast programming for children that Mr. Pezold bought his first television station. In the ensuing years, he worked to provide a high quality of viewing from this media which has such an impact on growing children. Although he no longer owns his stations, he continues his efforts in support of actions and programs which will build character and integrity in our young people . . . and adults as well. Therefore, it was particularly appropriate for Jack Pezold to provide the keynote address to the adults and young people involved in "Red Ribbon Week." Because his remarks which uphold the need for character, honor and integrity are so pertinent to our debate in Congress today, I submit them for the review of my colleagues. I hope we will all keep these standards in mind as we work to uphold the trust which have been placed in us by the American public.

REMARKS BY MR. JACK PEZOLD, RED RIBBON WEEK, COLUMBUS, GA.

Thank you for the opportunity to speak to you this morning. First I want to congratulate each of you for your part in kicking off this Special Week, Red Ribbon Week. There is a genuine spirit of partnership here in Columbus, between the public and business sectors that is bridged, to large degree by our Chamber of Commerce. I want to commend you for that in helping to deal with the scourge of drugs in our community. Each of you understand the importance of healthy lives and lifestyles. We are gathered here to celebrate, highlight and recommit ourselves to what we believe to be the standard for ourselves, our families, and our community. I think it is good that this body of leaders have individually and collectively committed to do something about our problem, on a local basis in a positive way. These are the people that stand for what is right, even if it isn't cool.

How did we get where we are today, we ask. All too often we have stood back as the experts, the secular humanists, who believe that we are our own God, who have told us throughout sixties and seventies that we are each islands, that we should be free to do whatever feels good, and if it doesn't feel good, do it until it does. Let me tell you about those kind of experts. These are the intellectual elite who denigrate our heritage and spiritual underpinnings as old fashioned, out of date and out of step with the current politically correct thinking. These are the Hollywood Icons that have been created as prophets by Godless, shameless, money mongers who would sell their mother to Satan for money. They are masters of the glitz and the glamour and deceit. They fill our television and movie screens with the images of lifestyles and behaviors, always without consequences, that feeds our prideful spirits. A 30 minute or 2 hour episode of mind numbing violence, sex, drugs, alcohol and any other form of outrageous behavior imaginable and unimaginable.

I know from which I speak. On May 1 of this year I sold 2 television stations. I bought that first station because I felt strongly about the content of children's programming. I regret that I was unable to do more to influence the direction of that programming, but I was able to do some things. My point is that I have seen the inside of this industry and while there are many fine individuals, they are on a slippery slope. This culture is cultivated by some of the richest and by virtue of their industry, the most powerful people. Their power rests in their ability to shape the huge entertainment industry, even our daily newscasts. They fill our children's minds with experiences so incredibly graphic, they could pass for real.

How in the world can this happen, that our values and ideals are sacrificed without insurrection right before our very eyes? How did the Adolf Hitler come to power? Both are just as insidious and pervasive. Both promised a break from the past, that because of who we are as human beings, we have a divine right to a special heritage. Parents and the conventional leadership are preventing us from achieving the divine utopian place of happiness, and prosperity where we deserve to be. Not once have I heard the Hollywood Money Mongers mention consequences for the lifestyle influence they exerted on our lives. Never once did Adolf Hitler mention to the German people the destruction and ruin that his quest for power would bring upon them. The result is millions and millions of men, women, and children lost their very lives so that one man's greed could be satisfied. The money Mongers are costing lives as well, sacrificing the souls of our children for lining their pockets with absolutely no thought given to the long term consequences of their greed. Just a few days ago, I read where Clarence Thomas asked an elementary class what they would do if a monster were trying to suck out their brains. The answer the kids gave was to throw their TV in the dumpster! Perhaps they know better than we!!

The result is that we now have all sorts of behavior being justified under the guise of It

Doesn't Matter. I am here to tell you this morning that it does matter. It matters to the children, who are our future, who without love and attention and nurturing will grow up with the TV as their mentor. Have we forgotten that each of us is born on this earth inherently ignorant, but with a phenomenal learning capacity for good or evil. But is it not true that good or simply "doing the right thing" requires some degree of pain and suffering. At times we must forfeit immediate gratification, making short term sacrifices for long term gain. But the Experts would have us believe that we can have it both ways. You can have it all. Just drink this, smoke that, say that, act this way and you will be cool and accepted and rich and powerful and beautiful and gifted and smart and admired and loved and all of the marvelous positive adjectives that our vocabulary can command.

The problem is, sooner or later, reality steps in. The world nor life itself in any way resembles the conjectures that we are led to believe are accurate. Remember a few years ago when the women's revolution came about. The word from the Experts was that you can have it all. Not only that, but having any less than a career was degrading. Mothers were degraded for staying at home to raise their children. That is not smart work. Put someone in your place at home and go out into the exciting life of the world. Children don't need mom's and dad's are totally irrelevant. Only recently has this theory been proven to be overblown and downright wrong. We now await the next version of social experiment that these Experts will impart on us, tearing apart our families, the very fabric of our society.

A few years ago, we were assured by these Experts, that ability mattered, not character. We now, as a result of our Expert engineered dumbing down, have our leaders deliberately lying to us, and telling us that It Doesn't Matter. We can have it all. We have a strong economy, everyone that wants a job can have one, we have a budget surplus, and we are at peace. As a result, a full majority of the population agree that this is OK. Because making us feel good far overshadows a little anomaly like lying! And their spin doctors nightly remind us that it doesn't matter, because everybody does it, and besides, where would we be if they were not our leaders. Besides,

These leaders are doing a good job! Imagine the arrogance. Ladies and Gentlemen, I submit to you this morning that the beginning of the end of all of the greatest civilizations that have ever inhabited this earth began with a lie. A lie, by their leaders, to the people in order to curry some form of favor or power or money to those leaders. How could they have not seen through this thin mask, you might ask? Because they, as we, are intoxicated with the visions of a glorious future where we are cool and accepted and rich and powerful and beautiful and gifted and smart and admired and loved and on and on. We need to be vigilant, not of the threats from outside, but from inside our own homes. We need to come together as one community, one family, committed to the good that God has ordained us for and stand up for rightness, what we know in our hearts to be right. Not the Expert Version of Rightness, for the long term good of our family, our community, our nation. We are the beacon to the world. We are the children of the poor, humble descendants of the immigrants who migrated here in search of a better future. Which of us would return to our forefathers native land in search of a better lifestyle and future? Our forefathers forsaked all that they had in their homeland in search of opportunity. God has chosen to bless this nation far beyond any riches accumulated by any civilization in history. These blessings are ours to use and multiply and safeguard and cherish for future generations. Or to squander on ourselves under the delusion of becoming cool and accepted and rich and powerful and beautiful and gifted and smart and admired and loved. . . . .

The choice is ours. Our freedom demands the choice be made. We need to be bigger than our individual selves in the here and now and look at what is best for our children's future. What legacy are we going to leave for them, that we stood up for the Biblical standards of moral character, of right from wrong, of honesty, integrity, and righteousness and pass on this high threshold of absolute standards. Are we going to pass on to our children the slippery slope of a declining empire whose inhabitants are so consumed in themselves that they fail to recognize the worth of our heritage, the very moral fabric which sustains our freedom in this country. Can we long endure this slide? Is there not a bottom to every fall? Are there not consequences?

Ladies and Gentlemen, I want to challenge each of you today, to go out of this facility committed to embrace the faith of our forefathers and share the standards and ideals of rightness with our children, grandchildren, students, employees, and co-workers. I truly believe that God will honor our efforts by blessing and rewarding us and our community. Your reward will surely be exceeded by many, many magnitudes, the small sacrifices which you have made. Thank you for the opportunity to be with you today and may God continue to bless you and your family.

HOUSE OF REPRESENTATIVES—*Saturday, December 19, 1998*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 19, 1998.

I hereby designate the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using a benediction from the Book of Numbers:

The Lord bless us and keep us. The Lord make his face shine upon us and be gracious unto us. The Lord lift up his countenance upon us and give us peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 277, nays 125, not voting 32, as follows:

[Roll No. 541]

YEAS—277

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clement
Coble
Coburn
Collins
Combest
Conyers
Cook
Cooksey
Cox
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeLay
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Evans
Everett
Ewing
Farr
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Kolbe
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Manzullo
McCarthy (MO)
McCollum
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Torres
Traficant
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Yates
Young (AK)

NAYS—125

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Becerra
Berry
Bishop
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Carson
Clay
Clayton
Clyburn
Condit
Costello
Coyne
Cramer
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dixon
Doyle
Engel
English
Ensign
Eshoo
Etheridge
Fattah
Fazio
Filner
Ford
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kennelly
Kilpatrick
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sánchez
Sawyer
Schaffer, Bob
Serrano
Skaggs
Skelton
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Turner
Velázquez
Vento
Waxman
Wexler
Woolsey
Wynn

NOT VOTING—32

Barton
Burton
Chenoweth
Crane
Davis (VA)
Fossella
Frank (MA)
Gonzalez
Johnson, Sam
Klug
Knollenberg
Largent
Maloney (NY)
McCrery
McDade
Miller (CA)
Pastor
Paul
Pelosi
Pickering
Pryce (OH)
Rangel
Riggs
Sessions
Slaughter
Smith (NJ)
Smith, Linda
Souder
Towns
Visclosky
Waters
Young (FL)

☐ 0921

Mrs. MEEK of Florida, Mr. BERRY and Mr. HINOJOSA changed their vote from "yea" to "nay."

Ms. LOFGREN and Mr. HALL of Texas changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, on December 18th and 19th, I was unavoidably detained due to a family illness. Had I been present, I would have voted in the following manner: Friday, December 18, 1998: Motion to Adjourn (Roll Call No. 540): "Nay." Saturday, December 19, 1998: Approval of the House Journal (Roll Call No. 541): "Aye."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LAHOOD). Will the gentleman from New York (Mr. SOLOMON) come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVILEGES OF THE HOUSE—IMPEACHING WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

The SPEAKER pro tempore. The unfinished business is the further consideration of the resolution (H. Res. 611), impeaching William Jefferson Clinton, President of the United States, for high crimes and misdemeanors.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, December 18, 1998, the resolution is debatable for 1 additional hour equally divided between the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS), and the previous question is ordered on the resolution to final adoption without intervening motion except one motion to recommit.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Speaker, the evidence is overwhelming. The question is elementary. The President was obliged under his sacred oath faithfully to execute our Nation's laws. Yet he repeatedly perjured himself and obstructed justice, not for any noble purpose but to crush a humble lone woman's right to be afforded access to the courts. Now his defenders plead for no constitutional accountability for the one American uniquely able to defend or debase our Constitution and the rule of law.

When they are old enough to appreciate today's solemnity, I want my young daughters to know that when the last roll was called, their father served in a House faithful to the guiding principle that no person is above the law. And he served with colleagues who counted it a privilege to risk political fortune in defense of the Constitution.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise to strongly oppose these articles of impeachment and this very flawed and undemocratic process. This process and this action are the real crimes against the American people and our democracy. This march to impeachment is an attempt to undo and overthrow a duly elected President and ignores the will of the people.

Denying a vote on censure creates the appearance of a one-party autocracy which we condemn abroad and which history has proven can lead to authoritarian rule. This Republican Party coup underscores that their only goal is to turn back the clock on an agenda that puts people first; an agenda that will want to cancel policies that value and support basic human rights, such as a woman's right to choose, a good public education instead of vouchers; that insists on a living wage for working men and women; that protects our environment; that supports the Patient's Bill of Rights and that preserves Social Security.

The Republican process is cynical and it is dangerous. It will be recorded that they stood on the wrong side of history. We must restore the public trust and establish a Congress which communicates respect for the people of the United States, the Constitution and democracy.

Mr. Speaker, I rise to strongly oppose these articles of impeachment. I join my Democratic colleagues in speaking out against this flawed, undemocratic process.

This process and this action are the real crimes against the American people and our democracy.

This Republican Congress is marching this country into an impeachment of President Clinton in an attempt to undo and overthrow a duly elected President. This ignores the will of the people.

We condemn single party rule abroad. But this Republican Congress refuses to allow the minority party to vote on censure. But squelching the minority's requests for debate, for fairness, and for reasonable alternatives, this Republican Congress demonstrates its contempt for the Presidency, for the democratic process, and for the will of the people of this nation.

It abridges the Constitution by restricting and closing off legislative options, and creates the appearances of a one-party autocracy, which history has proven can lead to authoritarian rule.

This Republican party coup underscore that their only goal is to turn back an agenda that puts people first. To cancel a program that values basis human rights. That values a woman's right to choose, and that supports good public education instead of vouchers. Their goal is to cancel an agenda that insists that working women and men have a right to a living wage. An agenda that protects our environment. An agenda that fights for a Patient's Bill of Rights and preserves Social Security.

Today's vote is one of the most important votes in American history. The Republican's process is cynical and dangerous. It will be recorded that the Republicans have stood on the wrong side of history. As Americans who value an open and just society, we must reject this madness and say yes to openness. Say yes to fairness.

We must restore public trust and establish a Congress which communicates respect for the people of the United States, the Constitution, and democracy. A vote on a censure motion will allow the opinion and the voice of millions of Americans to be heard.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, this long and difficult process for all of us in the House is almost to a conclusion. Twenty-five years ago a Democratic-controlled Judiciary Committee with a minority of Republicans reported articles of impeachment against Richard Nixon. Why? Nixon cheated. He cheated the electoral system by concealing efforts of a political break-in. And his people thought the other side deserved to be cheated. They thought his enemies deserved to be mistreated. Ladies and gentlemen, they were wrong.

Today Republicans, with a small handful of Democrats, will vote to impeach President Clinton. Why? Because we believe he committed crimes resulting in cheating our legal system. We believe he lied under oath numerous times, that he tampered with evidence, that he conspired to present false testimony to a court of law. We believe he assaulted our legal system in every way. Let it be said that any President who cheats our institutions shall be impeached.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, like all my colleagues I spent a great deal of time carefully reviewing the Judiciary Committee testimony and evidence. Let me make it absolutely clear I do not in any way condone the President's behavior. But the framers made clear that the constitutional act of impeachment is not meant to punish a President for deplorable behavior, but to protect our Nation from acts which jeopardize our democratic system. What the President did was wrong, both personally and morally. But his acts did not threaten our democracy and thus do not rise to the level of impeachable offenses as defined by our Founding Fathers in our Constitution.

□ 0930

I do believe that the President should be held accountable for his actions, and support an alternative to impeachment that will both condemn his actions and fine him. The Committee on the Judiciary considered a censure resolution which we in the full House are being denied the opportunity to debate and vote on today.

Our Founding Fathers designed impeachment specifically to protect the

Nation from grave harm from a Chief Executive who clearly endangers our constitutional democracy. Mr. Speaker, I do not believe the President's actions meet this test. The penalty for his misconduct should not be exacted through impeachment, but through indictment in our criminal court system and a stern censure by this Congress.

Mr. Speaker, like all my colleagues, I have spent a great deal of time carefully reviewing the Judiciary Committee testimony and evidence. Let me make absolutely clear that I do not in any way condone the President's behavior. But the Framers made clear that the constitutional act of impeachment is not meant to punish a president for deplorable behavior but to protect our nation from acts which jeopardize our decmoratic system. What the President did was wrong, both personally and morally, but his acts did not threaten our democracy and thus do not rise to the level of impeachable offenses as defined by our founding fathers in the Constitution.

As Mr. Burce Ackerman, a constitutional law and impeachment expert at Yale University, testified before the Judiciary Committee, "Once we lower the impeachment standard to include conduct that does not amount to a clear and present danger to our constitutional order, we will do grevious damage to the independence of the Presidency. [T]here can be little doubt that the present case falls short of the standard set by the Framers when they insisted on 'high crimes and misdemeanors against the state.'"

I do believe that the President should be held accountable for his actions, and support an alternative to impeachment that would both condemn his actions and fine him. The Judiciary Committee considered a censure resolution which we in the full House are being denied the opportunity to debate and vote on today.

Many of my constituents have called and been resolute in their belief that the President should be held accountable for his actions, and I could not agree more. President Clinton is not above the law and is still subject to indictment, trial, and sentencing in the same manner as all other citizens who do wrong. He will be fully subject to criminal prosecution for his wrongful acts when he leaves office.

Our founding fathers designed impeachment specifically to protect the nation from grave harm from a Chief Executive who clearly endangers our constitutional democracy. I do not believe the President's actions meet this test. The penalty for his misconduct should not be exacted through impeachment, but through indictment in our criminal court system and a stern censure by the Congress.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, it is very simple. Accountability comes not from opinions; really in a way it does not even come from votes. It comes from those three great pillars of our society that are the basis for the rule of law. It is our laws, the Criminal Code of the United States of America, which based on exhaustive evidence this President has violated pursuant to a pattern of activity. It is based on the evidence, the evidence accumulated, considered at great length and voted on, and available to every Member of the House by the Independent Counsel, and as summarized in the report of our very able staff on the Committee on the Judiciary; and finally, the smallest yet most profound document that we have before us in all of our deliberations, the Constitution of the United States.

Today our votes and our consciences must be based on these three great pillars of the rule of law: the law itself, the evidence and the Constitution.

God bless the United States of America.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, as our Commander in Chief battles the problems in Iraq he is also battling for his presidency in the people's House. This could have waited. Wrong day, wrong way.

Mr. Speaker, I rise to oppose the articles of impeachment before this House this morning. I urge Members to step outside the passion of their convictions and think about our obligations to the Constitution, to our constituents and the American people before we cast this vote.

Mr. Speaker, I had hoped this moment could have never come and the members of the Committee on the Judiciary, after carefully examining the evidence, history and their conscience, could recognize that these charges do not rise to the level of an impeachable offense. However, with this vote we have the opportunity by censure to live up to the Framers' vision and honorably close a sad chapter in our Republic's history, or we can open a new one that is perilous.

I will say to my colleagues that the American people and history will judge us. Yes, we have the votes to impeach, but can our conscience withstand the scrutiny that history will bring to bear on our vote?

What a sad day in the history of America.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Speaker, I rise with the fondest hopes that the bitterness engendered in this debate will at its conclusion be put aside, and that all Members will return to their families for the holidays mindful of what has been done here by we as agents of principle. We have fulfilled our duty to our magnificent Constitution.

Yes, our young men and women in the uniformed Armed Services have in these last few days set about the task of ridding the earth of the threat of weapons of mass destruction in the hands of an enemy of civilization, Saddam Hussein, and they have performed their tasks with valor and fortitude, that we may freely engage in this most unpleasant aspect of self government as was envisioned by our forefathers.

I very much regret the enmity and hostility that has been bred in the Halls of Congress for the last months and years. I want so very much to pacify and cool our raging tempers and return to an era when differences were confined to the debate and not of personal attack or assassination of character.

I am proud to serve in this institution, and I respect every Member of this body. Each of us stands here because a majority of roughly 600,000 people had the confidence to vest us with this authority to act as their agents in a representative democracy.

When given the chance, we often find that aside from political and partisan differences we have much in common with one another. But we never discover what that common ground may be with the gulf between the sides of this narrow aisle.

The debate has done nothing to bring us together, and I greatly regret that it has become quite literally the opening gambit of the intended Livingston speakership. I most certainly would have written a different scenario, had I had the chance.

But we are all pawns on the chessboard, and we are playing our parts in a drama that is neither fiction nor unimportant. Indeed, it is of utmost significance in the course of American history, and my desire to create an environment for healing must take lesser precedence than must the search for responsibility, duty and justice within the format provided by the U.S. Constitution.

I believe we are in active pursuit of these goals, and I give great credit to the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS), and Mr. Tom Mooney and all the members and staff, majority and minority, of the Committee on the Judiciary for their deliberate and conscientious effort on this most difficult task.

We are nearing completion, and however the vote turns out, no one may say that we did not own up to our constitutional responsibility as Members of Congress in a careful, respectful and insightful debate. Much credit is due our presiding officer, the gentleman from Illinois (Mr. LAHOOD), who has done an outstanding job.

Mr. Speaker, we differ on process. The minority believes that we acted too hastily in view of the troops in the field, and that we omitted an alternative from the options available for consideration. We in the majority believe we have properly begun the debate after setting aside a whole day to honor and praise our troops and the effort that they are extending on our behalf. General Schwarzkopf, the commander of the troops in Iraq several years ago, agreed with us on the Brian Williams Show on MSNBC just two nights ago. We believe, we believe that the Constitution envisioned that censure not be a part of the debate on whether or not to impeach the President, and we are supported there by comments by then majority leader Tip O'Neill during the Nixon impeachment proceedings.

So there are differences in process; what about substance? The minority has maintained that the President has not perjured himself and that even if he did, such perjury was not intended within the term "high crimes and misdemeanors" delineated in Article 2, Section 4 of our Constitution.

Surely no President has been impeached for perjury, but at least three Federal judges have been impeached and convicted under the perjury statutes, and so perjury, a felony punishable by up to 5 years in the penitentiary, is a crime for which the President may be held accountable, no matter the circumstances.

Perjury is a felony, as I have said, and fully 116 people are serving time in Federal prison as we speak for perjury today, and, yes, there have been several instances of people going to prison following convictions for perjury involving lies under oath under sexual circumstances.

The average citizen knows that he or she must not lie under oath. Ms. Christine Simms of Rockville, Maryland, wrote to the Committee on the Judiciary just 2 weeks ago and said, and I quote:

> I too was called upon to give answers under oath in interrogatories during a civil proceeding. Truthful answers to those questions would be embarrassing to me, and what I knew exposed me to criticism and had a potential to ruin my life, particularly as it related to my children whom I love very much. In short, I was scared to tell the truth. However, I did just that. I could not lie when I was sworn to tell the truth, no matter what the risks nor the degree of temptation to take the easy way out. Parts of my life have been difficult since that time because elements of that testimony have been used to scorn me. But I as a common citizen was compelled by my conscience to tell the truth.

Yes, our Nation is founded on law, not on the whim of man. We are not ruled by kings or emperors, and there is no divine right of Presidents. A President is an ordinary citizen, vested with the power to govern and sworn to preserve, protect and defend the Constitution of the United States. Inherent in that oath is the responsibility to live within its laws with no higher or lower expectations than the average citizen, just like Ms. Simms.

When the President appeared at the deposition of Ms. Jones and secondly before the Federal grand jury, he was sworn to a second oath, to tell the truth, the whole truth and nothing but the truth, so help you God. This, according to witnesses to the Committee on the Judiciary and before the Special Counsel, he did not do. For this I will vote to impeach the President of the United States and ask that his case be considered by the United States Senate, that other body of this great Congress, uphold their responsibility to render justice on these most serious charges.

But to the President I would say:

Sir, you have done great damage to this Nation over this past year, and while your defenders are contending that further impeachment proceedings would only protract and exacerbate the damage to this country, I say that you have the power to terminate that damage and heal the wounds that you have created. You, sir, may resign your post.

And I can only challenge you in such fashion if I am willing to heed my own words.

To my colleagues, my friends and most especially my wife and family: I have hurt you all deeply, and I beg your forgiveness.

I was prepared to lead our narrow majority as Speaker, and I believe I had it in me to do a fine job. But I cannot do that job or be the kind of leader that I would like to be under current circumstances, so I must set the example that I hope President Clinton will follow.

Mr. Speaker, I will not stand for Speaker of the House on January 6, but rather I shall remain as a back bencher in this Congress that I so dearly love for approximately 6 months into the 106th Congress, whereupon I shall vacate my seat and ask my Governor to call a special election to take my place.

I thank my constituents for the opportunity to serve them; I hope they will not think badly of me for leaving. I thank Allen Martin, my chief of staff, and all of my staff for their tireless work on my behalf, and I thank my wife most especially for standing by me. I love her very much.

God bless America.

□ 0945

Mr. CONYERS. Mr. Speaker, continuing the business under the incredible turn of events that has occurred, I yield 1 minute to the gentleman from New York (Mr. JOSÉ SERRANO).

Mr. SERRANO. Mr. Speaker, it is a tough time to follow, but I must stay the course and be true to myself. The Republican right wing in this country does not like it when we say coup d'etat, so I will make it easier for them, golpe de estado. That is Spanish for overthrowing the government.

From day one they wanted to get rid of Bill Clinton. From day one they stood on him and tried to make him out to be the number one villain in this country. They have been blinded by hate then and they are blinded by hate today. This place is full of hate because of what they tried to do to our president.

My constituents do not hate Bill Clinton, they love him, and they are praying for him right at this very moment. That side may have the votes today to impeach them, but they do not have the American people.

Let me tell the Members something, I grew up in the public housing projects of the South Bronx. I can tell a bunch of bullies when I see them. The bullies get theirs, and these Members are getting get theirs, too. The people are going to rise up from California to New York. They are going to rise up from Texas to Florida, everywhere in this country, and they are going to tell us, do not do this to him. By the way, do not ask him to quit. He will never quit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would ask all Members to respect the time constraints under which we are operating.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I really do not know how to begin, following BOB LIVINGSTON's astounding announcement, except to say that our prayers are with the gentleman from Louisiana (Mr. BOB LIVINGSTON). His decision must be respected, but we are all profoundly distressed. His action only underscores what I was prepared to say before the gentleman from Louisiana made his announcement. I was prepared to say, and now more than ever insist, that "These are the times that try men's souls." Indeed it was on this date, December 17, 1776, that Thomas Paine published that essay. We all share in the emotional trauma, getting back to our subject, of this constitutional crisis in which we are all ensnared.

But this cup cannot pass us by. We cannot avoid it. We took an oath of office, Mr. Speaker, to uphold the Constitution under our democratic system of government, separation of powers, and checks and balances. We must fulfill that oath and send the articles of impeachment to the Senate for a trial.

I want to say personally, and all who know me, and many do, I have served in this House a long time, I bear no personal animosity towards the President. But we in the House did not seek this constitutional confrontation. It was thrust upon us by a series of legal maneuvers and denials.

Let me stress, going back to the President again, that the articles of impeachment are not about sex or the privacy of the President and his family. Those personal matters, which even his supporters deplore, are between him, his God, and his family.

These charges are about perjury before a grand jury and obstruction of justice. It is about whether the President is above the laws that apply to all Americans.

We must vote to send this evidence reported by the Judiciary Committee to the Senate for trial.

So the Congress and the American people can determine, in the words of Abraham Lincoln, whether—"This Nation or any other nation so conceived and so dedicated can long endure".

This is our solemn obligation. History will judge us. We owe it to our children and grandchildren.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair asks that all Members respect the rights of others while they are speaking, and we will try and stay within the time constraints. We have a limited amount of time here.

REQUEST FOR CALL OF THE HOUSE

Mr. CONYERS. Mr. Speaker, would it be in order to have a call of the House at this point? I call for a quorum call.

The SPEAKER pro tempore. Under the Chair's discretionary authority, the Chair would prefer not to do that. The Chair appreciates the suggestion of the gentleman from Michigan (Mr. CONYERS), but the Chair would prefer to proceed.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I think that we need to pause here for a moment. There is a songwriter who wrote a song that says, give me a higher love.

Mr. Speaker, the Framers of the Constitution did not entrust this House with the power to impeach the President of the United States in order to establish this body as a court of personal morality. Impeachment was supposed to be a constitutional shield, not a moral or political sword.

For all of these reasons, we should step back from this edge of this dangerous cliff. Serious crimes have been committed that this Congress needs to address. Every morning children across the Nation go to school and sit in overcrowded classrooms and deteriorating and crumbling facilities, and Congress turns a blind eye. That is a serious crime.

Every afternoon people find themselves lacking access to affordable health care, trying to figure out how to afford the prescription drugs they need. People are suffering, and even dying, even as we debate today. That is a serious crime.

Every evening people sit at their dinner tables wondering how they will afford a college education for their children, whether they need or even if they will be able to get a second job. That is a serious offense.

We should be leaving personal and moral sanctions to the courts, the branch of government where they properly belong. We should be doing the job we were elected to do. The wisdom of history, not the passions of this moment, must guide our actions.

As David cried out to the Lord in the Book of Psalms—"For I know my transgressions, and my sin is ever before me. Against thee, thee only, have I sinned, and done that which is evil in thy sight, so that thou art justified in thy sentence and blameless in thy judgement."

The President has asked for the forgiveness of his family, his God and the American people. Let us not continue to persecute a person who has sought to make his peace.

I pray to God that wisdom will prevail.

Mr. HYDE. Mr. Speaker, I yield one minute to the distinguished gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, the example that the gentleman from Louisiana (Mr. BOB LIVINGSTON) has set for us has completely changed what I was going to say. Let me offer these words instead. He has shown us the importance of trust. If we cannot trust our leaders, they cannot govern. The gentleman from Louisiana (Mr. BOB LIVINGSTON) has led by example.

Our Constitution was amended in 1967 to allow removal for incapacitation. Prior to that, the only way to remove a person who was physically incapacitated was impeachment. Today we deal with incapacitation of a different kind; a person who, by his conduct under oath in a Federal criminal grand jury, demonstrated that he would not tell the truth if it was in his interest not to tell the truth. He has incapacitated himself from being president.

The voters of our country elected AL GORE to be president if Bill Clinton were incapacitated. That day has arrived.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, while the world is rocked by war and the spectacle of removing a president, our drama here is not about impeachment, it is what we have done to ourselves. We have managed to squeeze the life out of what is the most important vote we will ever cast, the overturning of a presidential election. Gone is any pretext of fairness or nonpartisanship, rendering us unable to do what a majority of the public and what a majority of this House wants to do, issue a harsh statement of condemnation and censure.

In the final death throes of this Congress we have debased our powers, we have frayed our fragile bases for bipartisan cooperation, making the impeachment process just one more pathogen in the medical chest of toxic politics. We will long be judged by our failure to deal fairly, quickly, and decisively with the President's shameful behavior.

It is with great sadness that I vote to oppose this flawed, tragic symbol of the continued unraveling of our political process.

Mr. Speaker, the experts tell us there are five stages of grief from denial to bargaining then anger, followed by depression, and ultimately, acceptance.

Most of us as Americans have been experiencing this sequence of emotions as we react to this tangled national soap opera. For some time now, I like many Americans, have been trapped somewhere between the stages of anger and depression. We have been in a large echo chamber dominated by many angry and frustrated voices, but are now at the central issue: "What does Congress do?" A vote to impeach the President is simply not warranted by the facts. It is, rather, a dangerous precedent that is completely inconsistent with our requirements and responsibilities under the Constitution.

The President can and will be punished for his conduct. In part, that has already happened. No one in history has been the object of such world-wide scorn, anger and ridicule as Bill Clinton. The details are all known to anyone who cares to know about them as well as many who really don't have the slightest interest. Nor is the President, by any stretch of the imagination, through being punished. The public humiliation continues in Congress, in the press and on the late night comedy shows. As he leaves office he can be subject to perjury and further lawsuit just like any other citizen. The President has expended millions of dollars in legal fees with no end in sight. Of course, there has been a permanent loss in his reputation. Congress can and should censure his conduct and express the deep disappointment of the American people in his behavior.

The reality is that it is not our role in Congress to deal with America's anger and sense of betrayal by adopting a very dangerous standard for impeachment.

My research and consultation with constitutional experts convinces me that impeachment for "high crimes and misdemeanors" would not include an act that did relate to the official duties of the Office of the President. For example, one of the articles of impeachment that was drafted but not presented to the House Judiciary Committee in the Watergate Inquiry was Richard Nixon's alleged tax evasion. In that case Nixon would have been subjected to prosecution like any other citizen, after he left office.

This is a difficult concept at best. It grates on us. We in Congress would like to right the wrongs of the world, especially if they are somebody else's wrongs.

Yet there are some things that the Constitution does not permit us to do. It is with good reason that this threshold of what constitutes an impeachable offense should remain higher rather than lower. A lower standard of what constitutes an impeachable offense would severely weaken future Presidents of either party, allowing them to be manipulated for political purposes. I must agree with the constitutional experts that under the lower standard credible inquires into impeachment could have been launched against President Roosevelt about Lend Lease operations with Britain, Kennedy, Johnson, and Nixon about Vietnam, and Reagan and Bush about the Iran Contra scandal.

I fear the use of impeachment not just for the paralytic effect it would have on the Executive Branch. It would have a corrosive effect on Congress, with the possibility of being constantly in a state of attack, because there will always be determined minorities who will be able to pursue these actions due to this dramatically reduced standard.

Congress should guard the process of impeachment for the future of the Presidency, the integrity of Congress and the possibility of getting on with the business of running the Government. I cast my vote against impeachment with the hope to be able to express the will of my constituents that the President's conduct be severely censured.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, there are very few values and legal obligations that are fundamental, the foundation on which all else rests. But personal responsibility, a responsibility that each of us bears to tell the truth under oath, is such a fundamental responsibility.

If we treat perjury lightly, the only path to truth can be blocked by the instinct to lie, to cover up shame, or the determination to do harm to others. In either case, regardless of the motivation to lie, the result is the same. The path to truth is blocked.

Mr. Speaker, there can be no justice without the truth. That is just profoundly so, and that is why perjury matters. Had the President been able to face up to the truth a year ago, we would not be here. If he had faced up to the truth a month ago, he could have taken responsibility for the impact of that on our Nation and individuals. Our Nation can survive a transition better than it can survive the erosion of our fundamental values.

Mr. CONYERS. Mr. Speaker, it is with profound sentiment that I yield 3 minutes to the gentleman from Connecticut (Mr. CHRIS SHAYS).

Mr. SHAYS. Mr. Speaker, after Judge Starr's report to Congress in September and his presentation to the Judiciary Committee in November, I concluded that impeachable offenses were not proven and that the proven offenses were not impeachable.

□ 1000

But the President's continued failure to come to grips with his actions; the sincerity and arguments of members of the Judiciary Committee from both sides of the aisle; the change of heart and conviction by Members on my side of the aisle who originally opposed impeachment and who now support it; and the strong and powerful opinion of so many of my constituents who oppose my position and wanted the President impeached, caused me to rethink my position.

Like you, I listened to my constituents: those who supported impeachment and those who opposed it. I revisited the evidence, reexamined the documents, and even looked at documents I had not seen earlier. I spoke to people who were truly experts on these issues—people who I have immense respect for.

Yesterday morning, before I visited with the President, I concluded that my original position was the correct one—for me. I believe that the impeachable offenses have not been proven and that the proven offenses are not impeachable. But they are close. And that's why I understand why Members who happen to be primarily Democrats concluded that the President should not be impeached and Members on my side of the aisle—Republicans believe he should be impeached.

With no exception, I truly believe that every Member of Congress is voting his or her conscience. In a few minutes, the President of the United States, William Jefferson Clinton, will be impeached. But he will not be impeached with my vote. I cast my vote with no criticism of those who think differently and who will vote differently. We've all tried to do our best. And we will all have to live with our vote the rest of our lives.

My prayers are for this country and its people, our President and his family, and for the House of Representatives and its Members, all of whom I dearly love. I pray the President of the United States will be able to do the right thing in the days and weeks and months to come. And I pray Republicans and Democrats in Congress will find common ground and do the work of the people of this great and prosperous land during the next two years.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, there are those who would have the American people believe that my colleagues and I have been threatened by our party to fall into line. We have seen this morning this is not about falling into line. It is about honor.

I have only been here 5 months. The New Mexico that I love is more Democrat than Republican. And not once, not once has any leader of this House even so much as asked me how I will vote.

No, Mr. Speaker, the line that I will fall into today is the line of legislators who are doing in our hearts what we believe to be right, even if it would be easier to do otherwise.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Philadelphia, Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I would hope that my friends, and many are indeed my friends in the majority, would recognize that in their attempt to get Bill Clinton, they have at least lost one Speaker and one Speaker to-be. They could be almost accused of being the gang that could not shoot straight.

This effort, this effort to get Bill Clinton, first it was Whitewater, then it was campaign finance, FBI files, Travelgate. We come to the floor today and they are going to vote to impeach this President for having an affair and not telling the truth about it?

This is something that is, I think for the majority of people in this country, a nonsensical issue. On one hand we have 16 million new jobs, a balanced budget, better education, we have a President committed to protecting the environment and preserving Social Security. On the other hand we have a party determined to do nothing other than to attack and investigate and now to finally impeach Bill Clinton. We deserve better.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, after careful review of the evidence, I will vote today to impeach President William Jefferson Clinton. I believe the evidence is overwhelming that the President committed perjury before a Federal grand jury and in other settings, that he obstructed the administration of justice, and that he abused his office by lying under oath to Congress.

"The truth, the whole truth, and nothing but the truth so help me God." Like the Pledge of Allegiance, those words are ingrained in every American from an early age. They are the foundation of our legal system which is the foundation of a civil society.

If America's chief law enforcement officer sought to compromise the integrity of that legal system, it is a matter of the highest consequence and requires us to invoke our most serious of constitutional prerogatives, impeachment, and refer this matter to the other body for trial. No individual, not even the President, is above the law.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Speaker, as an American who cares deeply about our Constitution, I rise in opposition to this impeachment process.

This is a difficult time for our Nation. The impeachment of a president has happened only once before in history. I cast my vote against impeachment solemnly, after serious study and many hours of soul searching. It has been especially difficult to watch this issue come before the House of Representatives while our American troops are at war against Saddam Hussein.

Impeachment is the most constitutional power given to Congress. It is the first step in overturning a democratically held election and removing the President. When Thomas Jefferson, Benjamin Franklin, and the other framers of our Constitution adopted the impeachment mechanism, they spoke of it as an alternative to assassination or a military coup, to be used only for treason, bribery of other high crimes against the government. I believe that the President's actions, while immoral and irresponsible, were not treasonous, and do not meet the high test of impeachment as intended by our Founders.

Make no mistake. The President's behavior is indefensible. He did not tell the truth about his actions, and he should be held accountable for his behavior. I strongly believe that the best way to do this—in fact the only constitutional alternative—is through censure and a stiff fine. Once President Clinton has completed his term in office, he should be charged with perjury before a court of law, just as any other private citizen would be.

I am disappointed that the Republican leadership refused to allow a vote on censure. Although opponents are correct that censure is not specifically mentioned in the Constitution, there is nothing that prohibits this action. There are at least four instances of Congressional censure involving Presidents—Presidents Jackson (1834), Tyler (1842, Polk (1848) and Buchanan (1860). Subsequent sessions of Congress have continued to consider censure resolutions. Former President Gerald Ford, former Senator Bob Dole and other Republicans have called on Congressional leaders to permit a censure vote. Do they not understand the Constitution? It is tragically unfair that the opportunity for at least half of our Members to vote our conscience will not be allowed.

We have many important issues that we need to consider in the coming months, and I intend to keep my focus on the important matters that affect our families. I pray that we can come together in the new year and begin the healing process for our nation. This is a sad day for our country and our Constitution.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, we are in the midst of a serious debate, a serious matter for all Americans, even for those Americans that I represent who cannot vote for President. But he is our President as much as any American community, and I and my constituents stand against the impeachment of the President.

With weighty and eloquent words, we have been told that this is a matter of conscience, that Members of this body should vote their conscience based upon their understanding of the Constitution, the charges, and evidence presented against the President.

But this view of conscience is a limited one. One can only vote their conscience if they have the conscience of the Republican Majority leadership, if they accept only the majority's view of the Constitution, and only if they accept the majority's view of the charges and options available.

Yes, this is a vote for one's conscience, but only if one's conscience is exactly that of the Republican Majority. The debate today will not allow for that one option, that of censure, which meets the conscience of most Americans and probably a majority of Members of this House. The conscience option of censure is absent and its failure to be included is fundamentally unfair and a blemish on this Nation's democratic tradition.

Mr. Speaker, We are obviously in the midst of one of this nation's most serious debate; a serious matter for all Americans, even those that I represent, Americans who can not vote for President because they live in a territory of this country. Nevertheless, President Clinton is our President as much as he is the President of any other American community.

President Clinton is a great President. He has been a good President for schools, for the environment, for the economy, for health care and for the well-being of the ordinary citizen of this great and diverse nation. As the leader of the free world, he pushes for peace and reconciliation throughout the world while demonstrating that force can and will be used as a last resort as he is doing today. It is tragic that we bring this matter before the people's House at a time when our men and women in uniform are engaged in military action on distant shores. Some may question the timing, but it is the mark of Bill Clinton's presidency that he does what is right at the right time.

I say all of this because no matter what we may hear, President Clinton's record as a leader is important factor in this debate. The energy to remove him is motivated by discontent and disdain for Bill Clinton just because he occupies this office. And for me, his record of achievement must be considered against any proof of harm to the Constitution, to our system of government and to our country if we are to remove him. And based on my review of the facts, I conclude that his offenses, as wrong as they are, are not a threat to our system of government and simply do not rise to the standard of impeachment outlined in the Constitution.

With weighty and eloquent words, we have been told that this is a matter of conscience; that members of this body should vote their conscience based upon their understanding of the Constitution and the charges presented against the President. But this view of conscience is a limited one. One can only vote their conscience if they have the conscience of the Republican majority leadership; if they accept only the majority's view of the Constitution and only if they accept the majority's view of the charges and possible options available to deal with the matter.

Members are being asked to vote yea or nay on the articles of impeachment. To vote your conscience is to vote yea or nay on their view of what is Constitutionally permissible, to vote yea or nay on their view of the punishment. Despite the reality that members of this body, members with as good a conscience as any one here, may be willing to vote for censure, this option is not within the conscience of to the majority. Despite the fact that the majority of the American public, that it is to say the conscience of a majority of Americans, wants censure included and, in fact, passed as the ultimate remedy of this procedure, censure is not an option.

Yes, this is a vote of one's conscience, but only if your conscience is exactly that of the Republican majority. The debate today will not allow for the one option, that of censure, which meets the conscience of most Americans. Today's debate does not include all options and if fundamentally unfair and a blemish on this nation's democratic tradition.

Yesterday's session began with a prayer of St. Francis of Assisis; let us truly bring light to darkness and allow all options to illuminate these proceedings and allow every member a vote which reflects their conscience.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, there is no joy sometimes in upholding the law. It is so unpleasant sometimes that we hire other people to do it for us. Ask the police or judges. It is tiring and thankless. But we know it must be done, because if we do not point at lawlessness, our children cannot see it. If we do not label lawlessness, our children cannot recognize it. And if we do not punish lawlessness, our children will not believe it.

So if someone were to ask me, "J.C., why did you vote for the articles of impeachment?" I would say I did it for our children. How can we tell our children that honesty is the best policy if we do not demand honesty as a policy? How can we expect a Boy Scout to honor his oath if elected officials do not honor theirs? How can we expect a business executive to honor a promise when the chief executive abandons his or hers?

Whether it is a promise or a truth or a vow or an oath, a person's word is the firm footing our society stands upon, and the average kid understands that. They do not need a grand jury to enforce it. They say "cross your heart, hope to die"; "pinkie promise"; "king's X"; "blood brother." These are the childhood instincts that seek to draw a line between the honest and the dishonest, between the principled and the unprincipled.

Ask the children. The kid who lies does not last and they do not bicker over what is and what is not a lie. They know. So do I. So do the American people.

Time and again, we wanted the essence of truth and we got the edges of the truth. We hear, "Let's get on with the business of our country." What business is more important than teaching our children right from wrong? Some say it is all about politics and party lines. If that were true, I would have given in to popular opinion. But what is popular is not always what is right.

Some say polls are against this. Polls measure changing feelings, not steadfast principle. Polls would have rejected the Ten Commandments. Polls would have embraced slavery and ridiculed women's rights.

Some say we must draw this to a close. I say we must draw a line between right and wrong; not with a tiny fine line of an executive fountain pen, but with the big, thick lead of a Number 2 pencil. We must do it so every kid in America can see it.

The point is not whether the President can prevail, but whether truth can prevail. We need to cease the cannibalizing of Members of Congress. We need to cease the attacks on the President and his family because, friends, this is not about the President of the United States. He is not the injured party. Our country is.

In this moment, our children's future is more important than our future. If our country looks the other way, our country will lose its way.

Mr. CONYERS. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, the record of the House on something as important as impeachment should be as clear and accurate as it can be, and after yesterday's considerable misstatements by Members of the majority, I rise to set the record straight.

Mr. Speaker, they say these articles show high crimes. The record of historians who wrote the committee say they are low crimes and do not justify the drastic remedy of impeachment.

As to Article I, impeachment is not justified. They say the President committed perjury in the grand jury, but the actual record is that he did not deny an inappropriate relationship with Miss Lewinsky during his grand jury appearance. They are complaining only because of a lack of specificity, if my colleagues can believe that, in the President's testimony about who touched who and where and when it happened.

They claim that there is a clear and convincing evidence of grand jury perjury, but ignored is the panel of experienced prosecutors who testified that no reasonable prosecutor in the land would have brought a perjury case arising out of these facts.

As to Article II, the impeachment is not justified. They say the President's testimony deprived the plaintiff, Paula Jones, of her day in court. Not so. The record shows that a Federal judge ruled three times that Monica Lewinsky's allegations were not relevant to the core issues of the Jones case and refused to permit the Jones lawyers to pursue the allegations.

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They say the President lied when testifying about his understanding of the definition of sexual relations. The record shows that three lawyers and a judge spent a half an hour debating the meaning of that contorted phrase, with the judge concluding, "I am not sure Mr. Clinton understands all these definitions anyway."

They say the President perjured himself when he testified to the truthfulness of the Lewinsky affidavit. The record shows that Ms. Lewinsky stated that her denial of sex was not untruthful because she defined sex as intercourse.

As to the third article of impeachment, it is not justified either. They say the President obstructed justice by, one, asking Ms. Lewinsky to lie in the Jones case; two, engineering the return of gifts he had given her; three, trying to buy her silence with a job; and, four, directing Ms. Currie's testimony.

The record is that Ms. Lewinsky stated over and over again that the President never asked her to lie. She said this in the grand jury and in her written statement. The record shows that Ms. Lewinsky and not the President or Ms. Currie initiated the return of the gifts. The record shows that the President gave her more gifts after she had been subpoenaed. The record is that the job search began months before Ms. Lewinsky showed up on the witness list in the Jones matter. The record shows that the President made no extraordinary effort to get her a job. The record shows that Ms. Currie was never a witness on any list. Ms. Currie testified no fewer than 9 times and stated repeatedly that she did not feel pressured by the President's remarks.

Finally, to article 4, the President, they say, abused his power by failing to answer the 81 questions. But the record shows the President answered the 81 questions completely, but that the alleged abuse of power lies in the fact that the majority disagrees with the answers. The majority has simply tried to dress up its perjury allegations in the clothes of the Watergate's abuse of power language, and I know something about that, in an effort to make its case against the President seem more serious.

They say the President has to be impeached to uphold the rule of law, but we say the President cannot be impeached without denigrating the rule of law and devaluating the standard of impeachable offenses.

Mr. Speaker, during the course of our proceedings, President Clinton's attorneys rebutted each and every charge of impeachment leveled against him. If there is any doubt as to that the Members should review the following materials (which are hereby incorporated by reference):

1. Preliminary Memorandum of the President of the United States Concerning Referral of the Office of the Independent Counsel and Initial Response of the President of the United States to Referral of the Office of the Independent Counsel, Communication from the Committee on the Judiciary, 105th Congress, 2d Session, House Document 105–317 (57 printed pages).

2. Submission by Counsel for President Clinton to the Committee on the Judiciary of the United States House of Representatives, Impeachment Inquiry Pursuant to H. Res. 581, Committee on the Judiciary, House of Representatives, 105th Congress, 2d Session, Committee Print Serial No. 16 (404 printed pages).

Memorandum Regarding Standards for Impeachment dated October 2, 1998, transmitted with cover letter addressed to Chairman Hyde and Rep. Conyers dated 10/2/98 signed by Charles F. C. Ruff, Counsel to the President, and David E. Kendall of Williams & Connolly (31 typed pages, published House Judiciary Democratic Web Page).

4. The testimony of the witnesses called by the White House including in particular the fourth panel called by the White House on December 9th dealing with prosecutorial standards (Thomas P. Sullivan, Richard Davis, Edward Dennis, Jr., and William F. Weld). (Printing forthcoming).

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I do not know if I can make this speech, but I am going to try.

Believe it or not, I have been very depressed about this whole proceeding. When I came to work yesterday, it really hit me what we were about to do. But after this morning, it made me realize even more what this is all about. I feel great about it, because no matter how low we think we are or depressed we are, this country shows us time and time again how great it is.

There is no greater American in my mind, at least today, than the gentleman from Louisiana (Mr. BOB LIVINGSTON) because he understood what this debate was all about. It was about honor and decency and integrity and the truth, everything that we honor in this country. It was also a debate about relativisim versus absolute truth.

The President's defenders have said that the President is morally reprehensible, that he is reckless, that he has violated the trust of the American people, lessened their esteem for the office of President and dishonored the office which they have entrusted him, but that it does not rise to the level of impeachment.

What the defenders want to do is lower the standards by which we hold this President and lower the standards for our society by doing so.

I cannot in good conscience, after watching NEWT GINGRICH put the country, his caucus, his House above himself and resign, and I cannot stand before you watching BOB LIVINGSTON put his family, and I hope you will think about his family, his friends, his House and his country above any ambitions that he may have. He thought he could do a good job as Speaker. I think he would have. But for some it is no longer good enough to make a mistake, confess that mistake and accept the consequences of that mistake and change the way you live your life and keep moving and make a contribution to this country. I think you ought to think about that, both sides.

So, Mr. Speaker, we will proceed. We will elect another Speaker. This country will be better for it. I cannot say this strong enough: This is God's country, and I know He will bless America.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces that the gentleman from Illinois (Mr. HYDE) has 14 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 15 minutes remaining.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from New York (Mr. NADLER), an outstanding member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I am even more depressed today than I thought I would be yesterday. I believe the resignation of the gentleman from Louisiana (Mr. LIVINGSTON), while offered in good faith, was wrong. It is a surrender, it is a surrender to a developing sexual McCarthyism.

Are we going to have a new test if someone wants to run for public office: Are you now or have you ever been an adulterer? We are losing sight of the distinction between sins, which ought to be between a person and his family and his God, and crimes which are the concern of the State and of society as a whole.

On one level we could say, I suppose, that you reap what you sew, but that gives us no joy, and it gives me no joy. I wish that the gentleman from Louisiana (Mr. LIVINGSTON) would reconsider, because I do not think that on the basis of what we know he should resign. But the impeachment of the President is even worse. Because, again, we are losing the distinction, we are losing track of the distinction between sins and crimes. We are lowering the standard of impeachment.

What the President has done is not a great and dangerous offense to the safety of the Republic. In the words of George Mason, it is not an impeachable offense under the meaning of the Constitution.

As we heard from the gentleman from Michigan (Mr. CONYERS), the allegations are far, far from proven. And the fact is, we are not simply transmitting evidence, transmitting a case with some evidence to the Senate, as evidenced by the fact that we already heard leaders in this House say he should resign. God forbid that he should resign. He should fight this and beat it.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, we are gathered here to deal with a problem that none of us wants and we are agreed upon much more than we admit.

The censure resolution, not the articles of impeachment, but the censure resolution states that William Jefferson Clinton has violated his oath of office, damaged and dishonored the presidency, engaged in reprehensible conduct with a subordinate and wrongly obstructed discovery of the truth. This debate, therefore, is not about whether the President has abused his office. He has. And both Democrats and Republicans acknowledge it.

Some have said we should not deal with this question now while our troops are in the Gulf. It might be added that they are also in Bosnia, in Kosovo, and nose to nose with North Korean soldiers in the DMZ. A quarter million American soldiers are positioned at trip wires of global conflict, and they will be there long after this debate ends. They are protecting our freedom and our democracy. It is for them as much as for any Americans that Congress meets today.

Every one of our soldiers is held to a code of conduct. None of them could keep his or her job, the privilege of being ordered into battle, if they had committed the crimes of our Commander in Chief. For committing just the underlying acts, the so-called personal elements of the Commander in Chief's offenses, the Clinton administration has prosecuted no fewer than 67 American officers and enlisted men and women. Hundreds of Americans who have served their country in the Army, the Navy, the Air Force and the Marine Corps have lost their careers, even though they did not once lie under oath to a judge or to a grand jury or obstruct justice or tamper with a single witness. They were dismissed because of a more simple reason: They failed in their duty.

Every single man and woman in operation Desert Fox at this very moment is held to a higher standard than their Commander in Chief.

Let us raise the standard of our American leader to the level of his troops. Let us once again respect the institution of the presidency. Let us see to it indeed what the censure resolution says merely in words, that no man is above the law. Let us not fail in our duty. Let us restore honor to our country.

□ 1030

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN), a distinguished member of the Committee on the Judiciary.

Mr. MEEHAN. Mr. Speaker, my God, what kind of country are we becoming? What kind of institution are we becoming? This process of impeaching the President of the United States has been partisan right from the start. An Independent Counsel spends 4½ years investigating a President and sends a one-sided report to the Committee on the Judiciary, and the Republican members of that committee put their stamp of approval on it in very, very partisan hearings and send it to this body.

One party should not have the power to impeach a President of the other party. It's wrong. How can they do it? Both parties have to participate if we are going to impeach a President of this country. And at the same time one party is going to impeach a President of the other party, our men and women are engaged in active combat at this hour.

This couldn't wait until Monday? God help our country. God help America.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, no Nation has been so blessed as America in the 1990s. We enjoy a prosperity that our parents and our grandparents could not even imagine. Each day we invent wonderful new things to make life easier and more interesting. Our scientists are uncovering the wonder of God's creation, from the secrets of our genes to the wonders of the universe.

The social problems that have caused so much pain and worry are diminishing. Crime is dropping. Welfare dependency has plummeted. Unwed teenage pregnancy rates are finally dropping. Religious belief and attention to decent moral values are on the rise in this great country.

Even abroad America is respected as the world's one remaining superpower. We have triumphed over the vile tyrannies. Democratic nations on six continents owe their elected governments to our example and to our support. We have never been safer. Our brave armed forces, though they certainly need more resources, are still unquestionably second to none, a fact we can all agree is being demonstrated today in the skies of the Persian Gulf.

How did this great Nation of the 1990s come to be? It all happened, Mr. Speaker, because freedom works. As Americans, we know that when we allow ordinary people the freedom to help each other for their common benefit great things happen. And in this land they certainly have.

But freedom, Mr. Speaker, freedom depends upon something, the rule of law, and that is why this solemn occasion is so important. For today we are here to defend the rule of law.

According to the evidence presented by our fine Committee on the Judiciary, the President of the United States has committed serious transgressions. Among other things, he took an oath to God to tell the truth, the whole truth and nothing but the truth, and then he failed to do so, not once but several times. If we ignore this evidence, I believe we undermine the rule of law that is so important to all that America is.

Mr. Speaker, a nation of laws cannot be ruled by a person who breaks the law. Otherwise it would be as if we had one set of rules for the leaders and another for the government. We would have one standard for the powerful, the popular and the wealthy, and another for everyone else. This would belie our ideal that we have equal justice under the law. That would weaken the rule of law and leave our children and grandchildren with a very poor legacy.

I do not know what challenges they will face in their time, but I do know they need to face those challenges with the greatest constitutional security and the soundest rule of fair and equal law available in the history of the world, and I do not want us to risk their losing that.

Mr. Speaker, none of us, not us Members of Congress, not the President of the United States, are here by accident. We asked for these jobs. We went before the American people and we asked for the privilege and the honor to hold these offices. The American people gave us their trust and they expect us to use it to serve the Nation, its heritage and its future. We are not supposed to use it for ourselves.

Sadly, it seems that is exactly what the President has done. He failed in his duty to comply with the law of the land, the law of the land that he swore to uphold. He did that to protect his own person; not his office; not the duties of his office. He then used the powers of his office once again for his own purposes.

The President's defenders say it is wrong to pursue our duty here because the President's transgressions, they say, which, incidentally, they do not dispute, indeed, they even condemn, they say were personal, private behavior. But, Mr. Speaker, perjury before a grand jury is not personal and it is not private. Obstruction of justice is not personal and it is not private. Abuse of the power of the greatest office in the world is not personal and it is not private.

We cannot allow the President of the United States to abuse his trust and the great authorities of his office. Not telling the truth about some transgressions will spawn bigger transgressions, and they will spread like a cancer across America's character. When those transgressions come from the Presidency, only the Congress has the constitutional authority and the responsibility to provide a check and a balance, and that can only be done through impeachment. That is why we must hold the President accountable today. If we fail to do our duty, for whatever reason, but most of all for the reason that it is uncomfortable or unpleasant, then we will be responsible for the cancer spreading through the Nation. It will create a sickness in the everyday lives of all Americans.

How will it appear? In contracts not honored; in a mother who loses custody of her children in a divorce court because the father lied under oath; in a business where the only witness to a vicious sexual harassment is given a new job and hushed up by a generous bonus; in a college where a grade is given for money; in our armed forces, where a lack of integrity means people might die needlessly; in a family where the children cannot tell the difference between a truth and a lie.

Mr. Speaker, today we have a responsibility to uphold our most sacred principle and to fulfill the duties to which we swore an oath. My great fear is that if for some reason we fail in this duty, we will be just as responsible for degrading the rule of law as the President we failed to hold accountable.

Mr. Speaker, the gentleman from Louisiana (Mr. LIVINGSTON) set before us today an example. It breaks our heart. It breaks our heart for his wife Bonnie, for his family. It confuses some of us. But the example is that principle comes before person, and it is an example we must all hold to ourselves.

There is no doubt about it, Mr. Speaker, this is a difficult day. And yet it is really a day of affirmation, a day that says our system of government works. We are showing the world that our democracy is resilient. It deals fairly and it deals effectively with a leader who fails in his responsibilities.

Mr. Speaker, today we are defending the rule of law and we are letting freedom work in the lives of Americans. This is tough for all of us. We are all saddened by it, but we will complete this work on this day and then we will go on.

We will go on in a great Nation and we will go on in a government that once again strives to hold and preserve and assert its integrity along with its authority. For, Mr. Speaker, this vote today is not about the character of a President, this vote is about the character of a Nation. And, Mr. Speaker, I intend to vote for the articles of impeachment and I intend to vote for the rule of law.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CHARLES SCHUMER), a senior member of the Committee on the Judiciary who will be departing this House.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding me this time.

The argument made by the gentleman from Texas, the best argument that the majority has made thus far, focused on upholding the rule of law. But a hallmark of rule of law is proportionality of punishment.

If the President were caught, if any President were caught speeding at a hundred miles an hour, he would have to be disciplined so that others would not feel that reckless speeding was permissible. But we certainly would not use the political equivalent of capital punishment, impeachment, to discipline that President.

On the other hand, if the President accepted a bribe, there would be no doubt he should be impeached, and all 435 of us would vote for it. Lying under oath about an extramarital relationship requires significant punishment, such as censure, but not the political version of capital punishment, impeachment.

My colleagues, the rule of law requires that the punishment fit the crime. Allow us to vote for censure, the appropriate punishment under rule of law.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MCCOLLUM), a member of the Committee on the Judiciary.

□ 1045

Mr. MCCOLLUM. Mr. Speaker, there are three principal questions each of us has to answer today:

First, did the President of the United States commit the felony crimes with which he has been charged? Secondly, are they impeachable offenses? And, third, should we impeach him?

My task is to explain how I believe and I think you should understand these four articles of impeachment we have before us today and to walk through the evidence of the crimes the President, I believe, committed.

First of all, the President was sued in a sexual harassment civil rights lawsuit by Paula Jones. As a part of her case, she wanted to prove her credibility by bringing forward evidence that the President had engaged in a pattern of illicit relations with women in his employment.

Long before the President and Monica Lewinsky were ever called as witnesses in that lawsuit, they reached an understanding that they would lie about their relationship if they were asked. One day in December of last year, the President learned that Monica Lewinsky was on the witness list in that case. He called her. He talked to her about it. During that conversation they discussed the cover stories they had previously discussed on other occasions. And the President suggested to her that she could file an affidavit to avoid testifying in that suit.

Monica Lewinsky subsequently, as we all know, filed a false affidavit that was perjurious in its own right. She testified before the grand jury that the President did not tell her to lie in that affidavit but she and he both understood from their conversations and previous understandings that in fact she would lie.

The evidence is clear and convincing, I think beyond a reasonable doubt, that at that moment the President committed the first of a series of felony crimes that led us to here today. That was a crime of obstructing justice in trying to get Monica Lewinsky to lie in an affidavit and encouraging her to lie if she were called as a witness.

That is the heart and essence of the first of seven counts of obstruction of justice in article 3. I would like to call my colleagues' attention to the fact that the way that article reads, and it is here for Members to look at in article 3. It says that the scheme the President engaged in after that included one or more of the following. There were seven of them.

I believe the hiding of the gifts, the effort to get a job for Ms. Lewinsky, the efforts to get Ms. Currie, his secretary, to corroborate his later false testimony and so forth are all proven by the evidence in the 60,000 pages of sworn testimony that we have reviewed. But whether you agree with all of them or not, all you have to do is to believe there is clear and convincing evidence that one of them is true, and certainly the affidavit is true, to send this article to the Senate for trial.

Now, in January after this affidavit incident, once it was prepared and it was filed and all of the sordid details we are aware of with regard to it took place, the President testified under oath in a civil deposition in that Jones case and he lied again and again and again. The principal lie he told then and before the grand jury concerned the question of whether or not he had sexual relations with Monica Lewinsky. The definition that he was given by the court, however convoluted people think, he did testify in the grand jury he did understand. The words that were given to him, he knew what they meant. And the actions that the President took on several occasions according to Monica Lewinsky indeed were sexual relations according to that definition.

There are more than six witnesses that Monica Lewinsky talked with contemporaneously to the engaging in those activities that corroborate what she has to say. She is very believable, unfortunately, and the President is not.

It is not a question of having to fudge around with the definition. Under the clear definition as he understood it, the President lied before the Paula Jones case in his deposition and then under oath again before the grand jury about that.

Not only that but in his deposition in the Jones case the President swore he did not know that his personal friend, Vernon Jordan, had met with Monica Lewinsky and talked about the case. The evidence indicates that he lied. It also indicates that the President swore he could not recall being alone with Monica Lewinsky. And in that case that he lied. The President said he could not recall being in the oval office hallway with Ms. Lewinsky except maybe when she was delivering pizza. The evidence indicates that he lied. The President could not recall the gifts exchanged between Monica Lewinsky and himself, and the evidence indicates that he lied. And so on down the road. He lied then, he went on to the grand jury and he lied again under oath, and that is articles 1, 2 and 3.

In article 4, he lied again to Congress. He told us the same things. He said he did not engage in the sexual relations with Ms. Lewinsky. He said that he was never alone with her. He repeated the same lies again to this Congress, and that is a grave insult to the constitutional system of government.

The President of the United States did commit impeachable offenses. Perjury rises to the same level as bribery. Treason, bribery and other high crimes and misdemeanors. That is what the Constitution says. I would submit that he should be impeached, that the evidence is clear, there is no question that he has subverted our system of government and he should be impeached unfortunately.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, I beg of my colleagues to end this sad chapter in America. We have damaged the fiber of our representative democracy. We are tearing down the greatest country in the world by the deliberations here and over the past few months.

I plead of you to stop. To stop. Please put an end to this madness. You have lost two of your own. We have lost the bipartisan spirit. But the real losers are the American people. Vote your conscience and your beliefs. I will. But let us move on.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, as Speaker Jim Wright asked from the well of this House in 1989, "When will this mindless cannibalism end?" How many good public officials must be destroyed because of their private sins and human imperfections? When will we stop using the fallibilities of dedicated public servants to overturn the will of the American people expressed in free elections? When will we stop the sin of focusing on the faults of others while ignoring the faults of ourselves? When will we recognize that the genius of our Founding Fathers was that they designed a system of government two centuries ago that would survive not because of the perfections of those who serve but despite the imperfections of all of us who serve? When? When?

My colleagues, I would suggest only when we recognize these things will the rule of law and equal justice under the law prevail in this the people's House.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT) a former member of his State's Supreme Court.

Mr. DOGGETT. Mr. Speaker, our democracy has flourished throughout history because imperfect human beings have come together here to resolve differences about how our nation should proceed, recognizing that no individual, no political party has a monopoly on truth. How tragic it is that we gather this week with so much talent and so much creative energy and so many problems that the American people face and are diverted to such unworthy purpose.

The real division that troubles me today is not the division that will go along strictly party lines about how we will vote, but the division that strikes through the heart and the spirit of America. What we need to be doing is coming together, recognizing that today we have a clear choice to punish individual wrongdoing—that we could come together and censure and disapprove that wrongdoing—but we do not have to censure and punish America.

In this new year, we will have a great choice—of coming together to resolve the real problems of our country or continuing to destroy individual lives. I hope we will make the right choice.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. Goode).

Mr. GOODE. Mr. Speaker, when the roll is called today I will vote "yes" on impeachment.

After assessing the evidence, testimony, and materials presented to the House Judiciary Committee, I believe that the President lied under oath in a grand jury proceeding and made false statements in a sworn deposition after acknowledging that the testimony was subject to the penalty of perjury.

In my judgment, these offenses are impeachable. They violate the rule of law which is fundamental to our democracy. To me, the issue is not what the lie was about, but the fact that the President made the choice to lie, repeatedly, after having taken an oath to tell the truth, the whole truth and nothing but the truth. Today there are hundreds of people in the United States in jail because they lied under oath.

Today is a sad day for Congress, a sad day for the Presidency, and a sad day for America.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I rise to oppose all four articles of impeachment.

The articles allege conduct on the part of the President that is undeniably distasteful and unbecoming of our Executive. The conduct alleged, however, does not rise to the high standards of impeachment spelled out in Art. II, Sec. 4 of the Constitution—"Treason, Bribery, or other high crimes and misdemeanors." This standard, as evidenced through records from the Framers, history, and precedents, clearly describe only offenses against our Constitutional system of Government.

I wish to be clear that for purposes of evaluating the impeachability of the allegations against the President, I have assumed they are accurately characterized by the proponents of today's proceedings. It is important to remember, however, that none of the material and information contained in the referral from the Office of Independent Counsel (OIC)—much of it inadmissible hearsay evidence—has been subject to any sort of cross-examination.

THE CONSTITUTIONAL SYSTEM OF GOVERNMENT

The United States is divided into three coequal branches of government. The Framers believed that the liberty of the nation would best be assured by each branch jealously guarding its prerogatives, thus ensuring that no branch would inappropriately extend its power over the nation, or usurp the power of another.

Our Government is not a parliamentary system. The President does not serve at the pleasure of the Legislature. The Executive is the only branch representing the popular will of the entire American population, to carry out the laws passed by the Congress. Correspondingly, the Constitution sets a high bar for impeachment and removal of the President. The invalidation of the popular will of the American public as expressed by a Presidential election is not an act the Framers wanted to make easy, or common. It is an act that was contemplated to be undertaken only in the face of the most serious threat to the nation. This is especially true because the Framers understood that the Public would be able to express its displeasure with a President every four years through the election process.

With this in mind, the Constitution affords the sole power of impeachment to the House of Representatives. Because the Judiciary was purposefully not given a role in the impeachment proceeding, the Constitutional standard is greater—a tell tale indication that not just any crime committed by the Executive warrants removal from office. This is a solemn responsibility, and one that should not be entered into lightly. In over 200 years of the Republic, the House has only once fully utilized this proceeding.

THE CONSTITUTIONAL DUTY OF THE HOUSE OF REPRESENTATIVES

The Constitution gives to the House of Representatives the "sole Power of Impeachment." The power of impeachment is not subject to review or guidance by any other branch of government. While the impeachment process has been casually analogized to the grand jury process, with Members of the House simply acting as grand jurors possibly sending an indictment to the Senate for trial, a careful parsing of the analogy, suggests a more involved role for House Members.

A grand jury is a mechanism by which the State may commence a criminal proceeding against a criminal defendant. Both the Judiciary and the Executive branch—Prosecutors—play significant roles in order to guarantee fundamental fairness of the proceedings. However, in impeachment proceedings, the Constitution envisions that these vital roles will not be forfeited, but rather that House Members must combine within themselves the role of judge, prosecutor and grand juror.

As Prosecutor, Members of the House must determine whether it is appropriate to consider articles of impeachment. As has been often noted, prosecutorial discretion is one of the benchmarks of fairness of our criminal justice system. As grand juror, Members of the House must act with personal and political impartiality towards the Executive in deciding the issue. And as Judge, Members of the House must determine the legal standards of impeachment—in other words, the Framers' intent of "high crimes and misdemeanors."

In my review of the impeachment record, it is clear that the House has not exercised the mandated prosecutorial discretion in determining whether to proceed with the impeachment of the President nor acted with the impartiality required of grand jurors. Furthermore, I conclude that the House, as Judge, must conclude that the standards of high Crimes and Misdemeanors has not been met. I would like to focus on this core issue of whether the President's conduct is impeachable.

THE CONDUCT ALLEGED IS NOT IMPEACHABLE

The facts alleged on the part of the President by the OIC referral are not impeachable because they do not rise to the high standards of impeachment called for in the Constitution. The President shall be removed from office only upon "Impeachment for, and Conviction of, Treason, bribery or other high Crimes and Misdemeanors."

As the text of the impeachment clause makes clear, the Constitution envisions impeachment for Presidential conduct that threatens the Republic. Impeachment can be further differentiated from a criminal penalty in that impeachment serves to protect the nation, not to punish a wrongdoer. The high Crimes and Misdemeanors should be of the caliber of Treason and Bribery to rise to the impeachment threshold. The Constitution created the impeachment mechanism in order to punish serious, official misconduct. Official misconduct on the part of the Executive that was not serious could be punished by the election process. The President, for private acts of misconduct, would be—like any other American—subject to the normal judicial process.

Realizing that removal of a popularly elected Executive would be traumatic for the nation, the Framers set a very high bar. Notably, the Framers considered such a lower standard in drafting the Constitution—"maladministration." James Madison objected to this impeachment standard because it would imply that the President served at the pleasure of Congress, thus threatening the co-equal status of the Executive vis a vis the Legislature.

The core allegations contained in the articles of impeachment are that the President lied in a civil deposition and before a grand jury about a private, sexual affair, and that he obstructed justice and abused Executive power in attempting to conceal and obfuscate the embarrassing facts of this private affair. Further, even accepting the argument of the proponents of the impeachment articles, that the President's misstatements are perjury—a great leap of legal faith—the Constitutional standard for impeachment would still not be met.

It is inconceivable that the Framers could have imagined that the conduct alleged in the OIC referral threaten the Republic or our Constitutional system of government. As George Mason wrote in the Federalist Papers, impeachment was designed to remedy "great and dangerous offenses" attempting "to subvert the Constitution." The President's sexual affair, and his subsequent attempts to conceal it, were distasteful, and possibly illegal, but it strains credulity to claim they were an attempt "to subvert the Constitution." If they were illegal, they can be punished by the normal criminal or civil judicial process.

CONCLUSION

The House today ill serves the Constitution. The Framers set a very high standard for impeachment. They did not intend that the will of the people, as expressed in the election of a President, would be lightly set aside. Nor did they create the mechanism of impeachment to punish wrongdoing by the Executive. Impeachment was created to protect the nation—indeed, the Constitutional system of government—from serious, official misconduct by the President. There can be little doubt that the President's conduct as alleged in the report from the office of the Independent Counsel is reprehensible and embarrassing. History will show, however, it did not rise to the high threshold called for by the Constitution.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I also rise to oppose all four articles of impeachment.

From the outset, I believed that any action the Congress chose to take to punish the President had to be bipartisan. If Republicans and Democrats could put the best interests of the country ahead of their personal political viewpoints, we could solve this problem honorably and get on with the nation's business. We had the opportunity, but we didn't take advantage of it.

I've been one of the people working for a bipartisan solution, trying to build consensus for a fitting punishment, but this process has degenerated into a purely partisan battle.

In some ways, this process has been unfair from the outset. No other President in American history has been continuously investigated by a Special Prosecutor throughout his terms of office. The President's enemies have misused this process to undo the decision that the American people made in two elections. The office of the Special Prosecutor was not established to settle political differences, but that is how it has been used in this case, and it sets a very bad precedent for the future.

When I joined with 30 other Democrats to support the Republicans' outline for inquiry by the House Judiciary Committee, I did so because I thought Chairman HENRY HYDE would conduct a thoughtful and honest examination of the facts, with testimony from witnesses, and a chance for cross-examination—but he chose not to take that course, and I have been profoundly disappointed by what he did do. Instead of conducting an investigation in the cooperative, bipartisan tradition of the Watergate hearings, the Chairman directed hearings that were unfocused, largely without any substantive examination of the facts or witnesses, and designed to deliver a pre-ordained outcome.

When the Watergate-era Judiciary Committee considered the evidence against President Nixon, it was clear that he had submitted false tax returns, and broken the law by doing so. Nonetheless, Republicans and Democrats on the Committee voted 12 to 26 against bringing Articles of Impeachment based on this charge. They determined, together that this did not rise to the constitutional level of "high crimes and misdemeanors."

While I am deeply disappointed with the President's personal behavior, in my view these charges do not rise to the constitutional standard of "high crimes and misdemeanors."

The process conducted by the current House Judiciary Committee has been politically driven from the outset, and in the end, the course they decided to pursue will not serve the country. For their own political purposes, they have decided to lower the constitutional standard so that it can be used as a weapon in a political disagreement.

The obvious course of action—supported by both Republicans and Democrats—is that of censure. The President should be censured, fined and be subject to prosecution when he is out of office.

Unfortunately, the Republican leadership refused to allow the House—Republicans and Democrats—to debate and vote on this option. Instead of allowing an honest vote of conscience, on a rational middle ground solution, they decided to say to all of us, "our way or no way." There was no room for discussion, and no effort to work with conservative Democrats like myself.

Furthermore, it is clear that the Senate will not vote to remove the President from office. From a practical standpoint, it serves no useful purpose to put the country through more weeks and months, and maybe even years, of this process. The smudge on this President's place in history is already established. What we are about to do will spread that same smudge to all of us, and it will not serve the country.

In the end, by choosing to pursue impeachment, the Republicans may actually let the President off the hook all together. By pursuing impeachment even though the Senate will not convict or remove the President from office, and disdaining any effort to censure and fine him, he may escape without paying any substantive price for his actions.

I do not believe it is legitimate to settle political differences by using the constitutional process designed to protect our country from crimes that endanger the existence of this nation. In truth, none of the President's reprehensible behavior threatens the nation, or our individual freedom and liberty. We're setting a very dangerous precedent for the future, and I shudder to think how this will come back to haunt us.

I know that this has been a very difficult process to listen to and raises unpleasant issues for the people I represent in Minnesota's 7th District. I know that they will not all agree with me this day, but having listened to their collective counsel, I believe that most of them would do as I will do—support a resolution of censure, but vote no on this tragic and obsessive effort to impeach the President.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DIXON).

Mr. DIXON. Mr. Speaker, I rise to oppose the impeachment of the President of the United States.

I strongly believe that the allegations against him do not reach the threshold of impeachable offenses. This is a sad day, Mr. Speaker. For 20 years, I have had the privilege of serving in this distinguished body. Never in that 20 years have I seen a matter as grave as the issue before us today treated in such an unfair manner. I truly believe that the solemn duty of this body to check the power of the Executive has been degraded by the partisanship that has marked every step of this impeachment process.

What President Clinton did was wrong; I think we all agree on that point. He had an extramarital affair with an employee—betraying the trust of his family. He lied to conceal that shameful affairs—betraying the trust of the nation. These actions are deeply disappointing to me and are deeply disappointing to the nation. President Clinton has admitted his wrongdoing and, it would appear, has the forgiveness of most of the people in this nation.

Assuming that the referral from independent Counsel Starr is entirely factually correct, I do not believe that President Clinton has committed treason, bribery, or other high crimes and misdemeanors. Missing from this process is a sense of scale and context. A protracted investigation by an Independent Counsel has produced charges that are weakly supported by the evidence. Perjury is the most compelling charge against the President, though I do not find the evidence to be convincing. The alleged perjurious statements originate in immaterial statements in the course of a dismissed civil suit. In an apolitical environment, it is questionable that a person other than an elected official would be prosecuted for such statements.

Some have tried to draw parallels between this impeachment inquiry and the Nixon inquiry. However, the scope of the offenses is not comparable, nor are the actions of the Judiciary Committee. The fact that articles of impeachment were reported by the Judiciary Committee on a series of partisan votes is deeply disheartening and underlines the illegitimacy of today's process. Now that the issue has reached the full House, members will not have the opportunity to vote their consciences—a vote on censure has been ruled out by a Republican leadership decree precisely because a bipartisan majority of members would have supported that measured, responsible course of action.

For these reasons, Mr. Speaker, I urge my colleagues to reject these articles of impeachment.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. BONIOR) our distinguished minority whip.

Mr. BONIOR. Mr. Speaker, this House is shocked and saddened by the Speaker-elect's announcement. The gentleman from Louisiana (Mr. LIVINGSTON) is a respected member of this House who has served with distinction and dedication for over 20 years. Now we find ourselves in a destructive cycle that is eating away at our democracy. The politics of personal smear is degrading the dignity of public office and we must not let it continue.

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We must put an end to it, and the only way we will stop this vicious cycle is if we stand up and refuse to give in to it, whether it is Bill Clinton or BOB LIVINGSTON.

To the Speaker-elect I would say, "This is your decision, the decision of your family, the decision of your Conference." But for my own part I would say, "You should not allow a campaign of cynicism and smear to force you to resign from office, and you should not have called on the President to resign."

Mr. Speaker, what we do here today will have long-lasting consequences, not just in this House, but for our Constitution, for our country, for our democracy. We are here to debate impeachment and should not be distracted from that.

What does a vote for impeachment really mean? It is a vote to nullify the most sacrosanct institution in any democracy: the ballot box.

What the President did is wrong, and he should be held accountable, but the offenses he has committed do not rise to the historical standards of impeachment set by our Founding Fathers. We must not lower that standard today to suit the needs of angry partisans. We must not let them accomplish through impeachment what they could not do at the ballot box. They must not succeed.

Today we stand against those who would hijack an election and hound the President out of office against the will of the American people. The American people support this President's agenda, and they want us to move forward for better health care, for stronger schools, for retirement security for every American in this country.

A vote for impeachment today will only feed the corrosive and destructive politics of personal attack. It will prolong and escalate this whole sorry episode.

Mr. Speaker, in this building are the marble halls where Daniel Webster and Henry Clay and Abraham Lincoln debated the fate of the Union. Have we sunk so low that in these same halls we would allow the likes of Ken Starr and Monica Lewinsky and Linda Tripp to ignite the constitutional crisis of our age? Does such a spectacle really strengthen our Nation? Does it dignify our democracy? Does it honor our Constitution?

The American people sent a clear message this November. They want this President to continue to do the job they elected him to do, and yet this Congress is deliberately ignoring their will. Let me tell my colleagues that people are angry, and they are frustrated, and they are outraged and bewildered at what is happening here. Six days before Christmas our troops are in battle, and a lame duck Congress is rushing to overthrow the Commander in Chief.

Mr. Speaker, this is surreal. The scenario reads like the plot of a cheap paperback novel, not the deliberation of the history's greatest democracy.

Mr. Speaker, it is not too late to step back from the brink. The American people desperately want us to restore some dignity and some common sense to our politics, some sense of proportion. They want us to come together, they want us to move on. Has this House become so out of control, so out of touch, so consumed that we will be denied the chance to vote on the one option, the one option that commands the support of the American people, the motion to censure?

We have heard a lot of talk around here about the rule of law, but these partisan proceedings have made a mockery of our constitutional process. Across the Nation they have been announced as, and let me quote: a dreadful farce of partisan posturing; a soiling of the Constitution; a circus; a kangaroo court; an attempted coup.

Today we are offering a way out of this morass, and one last time we implore our colleagues to not use their power to block a motion to censure. Do not deny us the right to vote our conscience. Do not silence the voices of the American people. Do not let the politics of cynicism and smear prevail.

Listen to the American people. Let us vote on censure, and let us bring America together again.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Missouri (Ms. DANNER).

Ms. DANNER. Mr. Speaker, first, let me state that for anyone who believes that my vote was made on a partisan basis, let me assure you that if that had been the case, my decision could have and would have been made long ago.

However, I can assure you that was not the case. I fully recognized that this would be the most important vote in my career as an elected official and that it merited my most careful and thoughtful consideration. As late as 2:00 a.m. the morning prior to the vote I was reading Rakove's Original Meanings—Politics and Ideas in the Making of the Constitution. I have spent endless hours reading, studying and evaluating other materials and information—the Independent Counsel's Report, the Judiciary Committee Report, Committee testimony from legal scholars on both sides of the issue, the views of my constituents and the remarks of my colleagues.

After much deliberation, I came to the conclusion that since there are other remedies that exist to address President Clinton's behavior, impeachment was not the answer.

Impeachment, as defined by the Constitution, was designed to protect our nation from "treason, bribery, or other high crimes and misdemeanors." Indeed, President Clinton can, after leaving office, be indicted, tried and punished in the courts for any crimes he committed while in office. This is for our judicial system to decide. Try him in a federal court when his term of office ends and let a judge and jury decide—free of partisan energy. This susceptibility to such a criminal justice process proves that the rule of law applies to everyone. Not even a President, is above the law.

The actions of President Clinton have been described in various terms: reprehensible, inappropriate, embarrassing and others too numerous to mention. All are applicable. The actions of the President have demeaned him in innumerable ways. However, as terribly inappropriate as his conduct was—that conduct did not threaten our nation's security, nor did it undermine the Constitution. And, though it may have hampered his performance, it did not prevent him from executing his Constitutional duties as President.

Central to the Articles of Impeachment is the question with regard to perjury on the part of the President. To determine if perjury is an impeachable offense, we must look to the Constitution and to historical precedent. In 1974, during the Watergate Inquiry, the Judiciary Committee decided on a bi-partisan basis that only Presidential misconduct which is "seriously incompatible with either the Constitutional form and principles of our government or the proper performance of the constitutional duties of the Presidential office" justifies impeachment. The Committee added, "Not all presidential misconduct is sufficient to constitute grounds for impeachment. There is a further requirement—substantiality. . . . Because impeachment of a President is a grave step for the nation, it is to be predicated only upon the above criteria.

Indeed, a precedent was established that a crime committed in private life (i.e. President Nixon's tax fraud) did not warrant impeachment. The Committee was persuaded by the legal principles defining an impeachable offense, not by the lack of factual evidence. Actually, President Nixon, knowing that he was fraudulently claiming a $576,000 deduction, had signed his name under the words: "Under penalty of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete." Members of the Committee determined that President Nixon's actions in this case were not impeachable.

In addition, many Members felt impeachment of President Clinton was inappropriate and there was a great deal of bi-partisan support for a different option—censure. A Congressional censure would have allowed the House of Representatives to officially express the condemnation which the President deserved while also remaining true to long-established Constitutional principles. Although some have argued that censure is not Constitutional, the matter is not prohibited by the Constitution and is, therefore permissible. In fact, three different Presidents (Jackson, Tyler and Buchanan) have been censured in the past. Unfortunately, despite the popularity of the censure option, the House leadership did not allow a vote on this proposal. However, with support for this measure by both Democrat and Republican members, it is troubling that we were prohibited from voting on this measure.

In the final analysis, our responsibility as Members of the House of Representatives was not to the President, but to the Presidency—one of three co-equal branches of government. Impeaching President Clinton would lower the standard for impeachment for future Presidents, and would therefore necessarily weaken that branch of government.

Additionally, it would prevent Congress and the Supreme Court from devoting full attention to our national and international responsibilities, since a trial would require an unknown amount of time and attention from all involved. It would prove to be the ultimate distraction to our nation's business. And as distasteful as all have found the hearings before the Judiciary Committee to be—I feared that a Senate trial would be so salacious and sordid that all would be appalled.

In closing I believe it is important to once again refer to the intent of those who framed our Constitution. Impeachment, George Mason proclaimed, was for "crimes against the state." In the Federalist No. 65, Alexander Hamilton wrote that a clear sign of when not to impeach was when the dispute between Congress and the president was "connected to pre-existing factions," Old World parlance for "partisan." At the Constitutional Convention in 1787, when George Mason proposed the impeachment clause, he described it as the most drastic remedy to "great and dangerous offenses"—to only "the most extensive injustice."

Our Founding Fathers in their wisdom, and for the stability of our nation, placed the bar for impeachment high: at high crimes and misdemeanors. The President's actions, while worthy of contempt, do not meet this threshold.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I submit for the RECORD certain deliberations by the Committee on the Judiciary.

[From the Washington Post, Dec. 9, 1998]

DEC. 9: FOURTH PANEL OF WHITE HOUSE WITNESSES

Rep. HYDE. Very well. Would the witnesses please stand and take the oath? Thank you.

Do you solemnly swear or affirm that the testimony you're about to give to the committee is the truth, the whole truth and nothing but the truth?

ALL. I do.

Rep. HYDE. Thank you. Let the record show the witnesses answered the question in the affirmative. We have a distinguished panel today, as we have had all week. Thomas P. Sullivan is a senior partner at Jenner (sp) & Block (sp) and has practiced with that firm for the past 44 years. He's a former United States attorney for the northern district of Illinois. Mr. Sullivan specializes in civil and criminal trial and appellate litigation, and he has served as an instructor at Loyola University School of Law and for the National Institute for Trial Advocacy.

Richard Davis is a partner with the New York law firm of Weil, Gotschal and Manges. He clerked for the United States District Court Judge Jack B. Weinstein (sp) from 1969 to 1970. He also served as an assistant U.S. attorney in the southern district of New York from 1970 through 1973 and was task force leader for the Watergate special prosecution force, 1973–1975. From 1977 to 1981, he served as assistant secretary of the treasury for enforcement and operations.

Edward S.G. Dennis Jr. is a partner in the litigation section of the Philadelphia law firm of Morgan, Lewis and Bockius. He joined the firm after 15 years with the Department of Justice, during which he held the following positions: Acting deputy attorney general, assistant attorney general for the criminal division, and U.S. attorney for the eastern district of Pennsylvania. He is co-chairman of the corporate investigations and criminal defense practice group.

William F. Weld is a former two-term governor of Massachusetts, graduate of the Harvard Law School. Governor Weld began his legal career as a counsel with the House Judiciary Committee during the Watergate impeachment inquiry. He then served as U.S. attorney and as head of the criminal division at main Justice under President Reagan before being elected governor of Massachusetts in 1990. Governor Weld is currently a partner in the Chicago law firm of McDermott (sp), Will (sp) & Emory (sp), and he is also the author of the recently published comic political crime novel, "Macro by Moonlight." I hope it's not a violation of any rule or regulation give a plug for the governors book. (Laughter.)

Ronald Noble is associate professor of law at NYU Law School. He served as undersecretary of the treasury for enforcement, 1994–1996; as deputy assistant attorney general and chief of staff in the criminal division of the Department of Justice, 1988–1990; and as assistant United States attorney in the eastern district of Pennsylvania, 1984–1988.

Before recognizing each of you, in whatever order you choose to go, although it's probably just as simple to start on my left to the right, I would like to recognize the ranking minority member, John Conyers, for a statement if he wishes to make one.

Rep. JOHN CONYERS (D–MI). Could I delay my statement, Mr. Chairman?

Rep. HYDE. You surely could.

Rep. CONYERS. Thank you.

Rep. HYDE. Very well. Mr. Sullivan.

Mr. SULLIVAN. Thank you.

Rep. Mr. Sullivan, turn the mike toward you and put the switch on, please.

Mr. SULLIVAN. Thanks. Is that all right?

Members of the Judiciary Committee, I appreciate the opportunity to appear before you today to discuss the professional standards for obstruction of justice and perjury. My qualifications to discuss this subject include over 40 years of practice in federal criminal cases, chiefly in Chicago but also in other cities.

During most of that time, I have acted as defense counsel for persons accused of or under investigation for criminal conduct. For four years, from 1977 to 1981, I served as the United States attorney for the northern district of Illinois. Chairman Hyde and Mr. Schippers are known to me from the practice in Chicago, and I believe they can vouch for my qualifications.

Rep. HYDE. Extraordinarily high.

Mr. SULLIVAN. Thank you, sir.

During the past 35 years, I have taken an interest in, but no part in, politics. While I am a registered Democrat, I consider myself independent at the ballot box and I've often voted for Republican candidates. I have acted for the Republican governor of Illinois, a Democratic senator, and Mayor Harold Washington. I have prosecuted as well as defended Democrat and Republican office holders. I appear today not as an advocate or partisan for President Clinton or the Democrat Party, but rather as a lawyer of rather long experience who may be able to assist you in your deliberations on the serious and weighty matters you now have before you.

The topic of my testimony is prosecutorial standards under which cases involving alleged perjury and obstruction of justice are evaluated by responsible federal prosecutors. In the federal criminal justice system, indictments for obstruction of justice and perjury are relatively rare. There are several reasons. One is that charges of obstruction and perjury are not substantive crimes but rather have to do with circumstances peripheral to underlying criminal conduct. The facts giving rise to the obstruction or perjury arise during the course of an investigation involving other matters, and, when prosecuted, are usually tagged on as charges additional to the underlying criminal conduct. Second, charges of obstruction and perjury are difficult to prove because the legislature and the courts have erected certain safeguards for those accused of these "ripple effect" crimes, and these safeguards act as hurdles for prosecutors.

The law of perjury can be particularly arcane, including the requirements that the government prove beyond a reasonable doubt that the defendant knew his testimony to be false at the time he or she testified, that the alleged false testimony was material, and that any ambiguity or uncertainty about what the question or answer meant must be construed in favor of the defendant.

Both perjury and obstruction of justice are what are known as specific intent crimes, putting a heavy burden on the prosecutor to establish the defendant's state of mind, Furthermore, because perjury and obstruction charges often arise from private dealings with few observes, the court have required either two witnesses who testified directly to the facts establishing the crime, or, if only one witness testifies to the facts constituting the alleged perjury that there be substantial corroborating proof to establish guilt. Responsible prosecutors do not bring these charges lightly.

There is another cautionary note, and this, I think, is very significant here. Federal prosecutors do not use the criminal process in connection with civil litigation involving private parties. The reasons are obvious. If the federal prosecutors got involved in charges and counter-charges of perjury and obstruction of justice in discovery or trial of civil cases, there would be little time left for the kinds of important matters that are the major targets of the Department of Justice criminal guidelines. Further, there are well-established remedies available to civil litigants who believe perjury or obstruction has occurred. Therefore, it is rare that the federal criminal process is used with respect to allegations of perjury or obstruction in civil matters.

The ultimate issue for a prosecutor deciding whether or not to seek an indictment is whether he or she is convinced that the evidence is sufficient to obtain a conviction; that is, whether there is proof beyond a reasonable doubt that the defendant committed the crime. This is far more than a probable-cause standard, which is the test by which grand jury indictments are judged. Responsible prosecutors do not submit cases to a grand jury for indictment based upon probable cause. They do not run cases up the flagpole to see how the jury will react. They do not use indictments for deterrence or as a punishment.

Responsible prosecutors attempt to determine whether the proof is sufficient to establish guilt beyond a reasonable doubt. If the answer is yes and there are no reasons to exercise discretion in favor of levity, the case is submitted to the grand jury for indictment, which, where I come from—and everywhere else I know about—is routine and automatic. if the answer is no—that is, even if the evidence establishes probable cause, but, in the prosecutor's judgment, will not result in a conviction—the responsible prosecutor's will decline the case.

Some years ago, during the Bush administration, I was asked by an independent counsel to act as a special assistant to bring an indictment against and try a former member of President Reagan's cabinet. Having looked at the evidence, I declined to do so because I concluded that when all the evidence was considered, the case for conviction was doubtful and that there were innocent and reasonable explanations for the allegedly wrongful conduct.

Having reviewed the evident here, I have reached the same conclusion. It is my opinion that the case set out in the Starr report would not be prosecuted as a criminal case by a responsible federal prosecutor.

Before addressing the specific facts of the several of the charges, let me say that in conversations with many current and former federal prosecutors in whose judgment I have great faith, virtually all concur that if the president were not involved, if an ordinary citizen were the subject of the inquiry, no serious consideration would be given to a criminal prosecution arising from alleged misconduct in discovery in the Jones civil case having to do with an alleged cover-up of a private sexual affair with another woman, or the follow-on testimony before the grand jury. This case would simply not be given serious consideration for prosecution. It wouldn't get in the door. It would be declined out of hand.

A threshold question is whether, if the president is not above the law, as he should not been, is he to be treated as below the law? Is he to be singled out for prosecution because of his office in a case in which, were he a private citizen, no prosecution would result? I believe the president should be treated in the criminal justice system in the same way as any other United States citizen. If that were the case here, it is my view that the alleged obstruction of justice and perjury would not be prosecuted by a responsible United States attorney.

Having said that, I would like to address several of the specific charges in the Starr report. The first has to do with perjury in the president's deposition and before the grand jury about whether or not he had a sexual affair, relationship or relations with Ms. Lewinsky. The president denied that he did based on his understanding of the definition of the term, quote, "sexual relations," quote, adopted by the court in the Jones case. That definition, which you have before you in the papers, is difficult to parse, and one can argue either side; but it is clear to me that the president's interpretation is a reasonable one, especially because——

Rep. HYDE. Mr. Sullivan, I hate to interrupt, but your time has expired. Now, do you think in another three minutes you could wind up?

Mr. SULLIVAN. Yes.

Rep. HYDE. Could you? Very well.

Mr. SULLIVAN. I will—I think I can.

Rep. HYDE. Then we'll continue it for three minutes.

Mr. SULLIVAN. Thank you very much, Mr. Hyde.

It's clear to me that the president's interpretation is a reasonable one, especially because the words which seem to describe oral sex—the words which seem to describe directly oral sex were stricken from the definition by the judge.

In perjury prosecution, the government must show beyond a reasonable doubt, that the defendant knew when he gave the testimony, he was telling a falsehood. The lying must be known and deliberate. It is not perjury for a witness to evade or frustrate of answer non-responsibly. The evidence simply does not support the conclusion that the president knowingly committed perjury, and the case is so doubtful and weak that a responsible prosecutor would not present it to the grand jury.

Let me turn to the issue of obstruction through delivery of gifts to Ms. Lewinsky by Mrs. Currie. Some of the evidence on this subject is not recounted in the Starr Report, but a responsible prosecutor will not ignore the proof consistent with innocence, or which shows that an element—an essential element of the case is absent.

The evidence is that when talking to the president, Ms. Lewinsky brought up the subject of having Mrs. Currie hold the gifts. And the president either failed to respond or said "I don't know," or "I'll think about it." According to Mrs. Currie, Ms. Lewinsky called Mrs. Currie and asked Mrs. Currie to come to Ms. Lewinsky's home to take the gifts and Mrs. Currie did so. Ms. Lewinsky testified that Mrs. Currie placed the call to Ms. Lewinsky. But the central point in this is, that neither Mrs. Currie nor Ms. Lewinsky testified that the president suggested to Ms. Lewinsky that she had the gifts, or that the president told Mrs. Currie to get the gifts from Ms. Lewinsky.

Under these circumstances, it is my view that a responsible prosecutor would not charge the president with obstruction, because there is no evidence sufficient to establish beyond a reasonable doubt, that the president was involved. Indeed, it seems likely that Ms. Lewinsky was the sole moving force, having broached the idea to the president, but having received no response or encouragement, she called Mrs. Currie to take the gifts without the president's knowledge or encouragement. That is not the stuff of which an obstruction charge is made.

Because of time, I'm going to skip over my third example, and go to my conclusion.

Rep. Hyde. Thank you.

Mr. Sullivan. Which was about influencing Mrs. Currie's testimony. Time does not permit me to go through all of the allegations of misconduct in the Starr Report. Suffice it to say, that in my opinion, none of them is of the nature which a responsible federal prosecutor would present to a federal grand jury for indictment. I will be pleased to respond to your questions. Thank you very much, and particularly for the extra time.

Rep. Hyde. Thank you, Mr. Sullivan. This is a formal proceeding. And in the chamber of Congress, we never—unlike in certain state legislatures—introduce people in the gallery. But this is a special day, and we have someone in the audience that I think ought to be introduced. And with the permission of the gentleman from Massachusetts, I'd like to introduce Elsie Frank, Barney Frank's mother.

[Applause.]

Rep. Hyde. Thank you. Mr. Davis.

Mr. Davis. Thank you, Mr. Chairman, Mr. Conyers, members of the committee——

Rep. Coble. Mr. Chairman. Mr. Chairman.

Rep. Hyde. Yes.

Rep. Coble. I'm reluctant to do this, but in the sense of fairness, do you think that since Mr. Sullivan was afforded an additional three minutes, that we should make that offer to the other members of the panel, if it comes to that?

Rep. Hyde. I'd rather face that critical decision——

Rep. Coble. Very well. Very well.

Rep. Hyde [continuing.] On a piecemeal basis.

Rep. Coble. But for the remaining four, at least I tried.

Rep. Hyde. Thank you. Mr. Davis.

Mr. Davis. Thank you. I will try and summarize my longer, written statement, which the committee has. There can be no doubt that the decision as to whether to prosecute a particular individual is an extraordinarily serious matter. Good prosecutors thus approach this decision with a genuine seriousness, carefully analyzing the facts in the law, and setting aside personal feelings about the person under investigation.

In making a prosecution decision, as recognized by Justice Department policy, the initial question for any prosecutor, is can the case be won at trial. Simply stated, no prosecutor should bring a case if he or she does not believe that, based upon the facts in the law, it is more likely than not that they will prevail at trial. Cases that are likely to be lost, cannot be brought simply to make a point, or to express a sense of moral outrage, however justified such a sense of outrage might be. You have to truly believe you will win the case.

I would respectfully suggest that the same principle should guide the House of Representatives as it determines to, in effect, make the decision as to whether to commence a prosecution by impeaching of the president. Indeed, if anything, the strength of the evidence should be greater to justify impeachment, than to try a criminal case.

In the context of perjury prosecutions, there are some specific considerations which are present when deciding whether such a case can be won. First, it is virtually unheard of to bring a perjury prosecution based solely on the conflicting testimony of two people. The inherent problems in bringing such a case are compounded to the extent that any credibility issues exist as to the government's sole witness.

Second, questions and answers are often imprecise. Questions sometimes are vague, or used summarily to define terms, and interrogators frequently asked compound or inarticulate questions, and fail to follow up imprecise answerers. Witnesses often meander through an answer, wandering around a question, but never really answering it. In a perjury case, where the precise language of a question and answer are so relevant, this makes perjury prosecutions difficult, because the persecutor must establish that the witness understood the question, intended to give a false, not simply an evasive answer, and in fact did so. The problem of establishing such intentional falsity is compounded, in civil cases, by the reality that lawyers routinely counsel their clients to answer only the question asked, not to volunteer, and not to help out an inarticulate questioner.

Third, prosecutors often need to assess the veracity of an "I don't recall" answer. Like other answers, such a response can be true or false, but it is a heavy burden to prove that a witness truly remembered the fact at issue. The ability to do so, will often depend on the nature of that fact. Precise times of meetings, names of people one has met, and details of conversations, and sequences of events, indeed, even if those events are of fairly recent origin, are often difficult to remember. Forgetting a dramatic event, is however more difficult to justify.

The ability to win a trial is not however the only consideration guiding a decision whether to prosecute. Other factors reflected in the Justice Department guidelines include federal law enforcement priorities, the nature and seriousness of the offense, the impact of the offense on any victim, whether there has been restitution, deterrence, in the criminal history of the accused.

Before turning to the application of these principles to the facts at hand, I should say that in my work at the Watergate Special Prosecutor's office, I was involved in applying these principle in extraordinarily high profile cases. While we successfully prosecuted a number of matters, we also declined to proceed in a number of close cases. We did so even in circumstances where we believed in our heart that a witness had deliberately lied under oath, or committed some other wrongful act, but simply concluded that we were not sufficiently so certain that we would prevail at trial.

I will not turn to the issue of whether, from the perspective of a prosecutor, there exists a prosecutable case for perjury in front of the grand jury. The answer to me is clearly no. The president acknowledged to the grand jury the existence of an improper intimate relationship with Monica Lewinsky, but argued wit the prosecutors questioning him, that his acknowledged was not a sexual relationship as he understood the definition of that term being used in the Jones deposition. Engaging in such a debate, whether wise or unwise politically, simply does not form the basis for a perjury prosecution.

Indeed, in the end, the entire basis for a grand jury perjury prosecution comes down to Monica Lewinsky's assertion that there was a reciprocal nature to their relationship, and that the president touched her private parts with the intent to arouse or gratify her, and the president's denial that he did so.

Putting aside whether this is the type of difference of testimony which should justify an impeachment of a president, I do not believe that a case involving this kind of conflict between two witnesses would be brought by a prosecutor, since it would not be won at trial.

A prosecutor would understand the problem created by the fact that both individuals had an incentive to lie—the president to avoid acknowledging a false statement at his civil deposition, and Miss Lewinsky to avoid the demeaning nature of providing wholly unreciprocated sex. Indeed, this incentive existed when Miss Lewinsky described the relationship to the confidantes described in the independent counsel's referral.

Equally as important, however, Mr. Starr has himself questioned the veracity of his one witness, Miss Lewinsky, by questioning her testimony that his office suggested she tape record Ms. Currie, Mr. Jordan, and potentially the president. And in any trial, the independent counsel would also be arguing that other key points in Miss Lewinsky's testimony are false, including where she explicitly rejects the notion that she was asked to lie and that assistance in her job search was an inducement for her to do so.

It also was extraordinarily unlikely that in ordinary circumstances a prosecutor would bring a prosecution for perjury in the president's civil deposition in the Jones case, First, while one could always find isolated contrary examples, under the prosecution principles discussed above, perjury prosecutions involving civil cases are rare and it would be even more unusual to see such a prosecution where the case had been dismissed on unrelated grounds and then settled, particularly where the settlement occurred after disclosure of the purported false testimony.

Second, perjury charges on peripheral issues are also uncommon. Perjury prosecutions are generally filed where the false statement goes to the core of the matter under inquiry. Indeed, in order to prevail in a perjury prosecution, the prosecutor must establish not only that the testimony was false, but that the purported false testimony was material.

Here, the Jones case was about whether then-governor Clinton sought unwanted sexual favors from a state employee in Arkansas. Monica Lewinsky herself had nothing to do with the actual facts at issue in that suit. This deposition was about the Jones case. It was not part of a general investigation into the Monica Lewinsky affair, and that is important on the materiality issue. Given the lack of connection between these two events, under the applicable rules of evident, her purely consensual relationship with the president half a decade later would, I believe, not have even been admissible at any ultimate trial of the Jones case.

While the court allowed questioning in the civil deposition about this matter, the judge did so under the very broad standard used in civil discovery. Indeed, while not dealing with the admissibility issue, had there been no independent counsel inquiry after the controversy about the President's relationship with Miss Lewinsky arose, the court considered this testimony sufficiently immaterial so as to preclude testimony about it at the trial.

Finally, the ability to prove the intentional making of false statements in the civil deposition is compounded by inexact questions, evasive and inconsistent answers, insufficient follow-up by the questioner, and reliance by the examiner on a definition of sexual relations rather than asking about specific acts. But whatever the ability to meet the standard of proof on this issue as to any particular question, this simply is not a perjury case that would be brought. It involves difficult proof issues as to, at best, peripheral issues where complete and truthful testimony would be of doubtful admissibility, in a settled civil case which had already been dismissed. This simply is not the stuff of criminal prosecution.

Turning to the issues of obstruction of justice involving the Paula Jones case, a prosecutor analyzing the case would be effected by many of the same weaknesses that are discussed above. These weaknesses, as well as additional problems with such a case are discussed in my written statement and I will not comment on them, you know, orally, in the interest of time.

Before concluding, I would like to make two closing observations, and I will be, with your permission, just a minute or so. In August, 1974, prior to the pardon, the Watergate special prosecution force commenced the extraordinarily difficult process of whether—determining whether—to indict then-former President Nixon. In my 1974 memorandum analyzing the relevant factors which should ultimately affect such a decision, and proceeding in that memorandum on the belief not present here that adequate evidence clearly existed to support the bringing of such criminal charges, I articulated two primary and competing considerations which I believed it appropriate for us then, as prosecutors, to consider.

The first factor was to avoid a sense of a double standard by declining to prosecute a plainly guilty person because he had been president. The second was that prosecutors should not proceed with even provable charges if they conclude that important and valid societal benefits would be sacrificed by doing so. In the Nixon case, as articulated in my memorandum, such a benefit was the desirability of putting the turmoil of the past two years behind us so as to better be able to proceed with the country's business.

The second was the prosecutor should not proceed with even provable charges if they conclude that important and balanced societal benefits would be sacrificed by doing so. In the Nixon case, as I articulated in my memorandum, such a benefit was the desirability of putting the turmoil of the past two years behind us so as to better be able to proceed with the country's business. I believe today, 25 years later, that it is still appropriate for those deciding whether to bring charges to consider these factors.

Finally, prosecutors often feel a sense of frustration if they cannot express their sense that a wrong has been committed by bringing charges. But not every wrong is a crime, and wrongful noncriminal conduct sometimes can be addressed without the commencing of any proceeding.

Apart from issues of censure, we live in a democracy, and one sanction that can be imposed is by the voters acting through the exercise of their right to vote. President Clinton lied to the American people, and if they believe it appropriate they were free to voice their approval by voting against his party in 1998, and remain free to do so in 2000, as occurred in 1974 when the Democrats secured major gains. The answer to every wrongful act is not the invocation of punitive legal processes. Thank you.

Rep. HYDE. Thank you, Mr. Davis.

Mr. Dennis.

Mr. DENNIS. Thank you, Mr. Chairman. Mr. Chairman, Mr. Conyers, members of the House of Representatives committee on the Judiciary, I am opposed to the impeachment of President Clinton. My opposition is grounded in part in my belief that a criminal conviction would be extremely difficult to obtain in a court of law. There is very weak proof of the criminal intent of the president.

The Lewinsky affair is of questionable materiality to the proceedings in which it was raised. And I believe that a jury would be sympathetic to any person charged with perjury for dancing around questions put to them that demanded an admission of marital infidelity; that is, unless the answers were essential to the resolution of a very substantial claim.

On another level, I sense an impeachment under these circumstances would prove extremely divisive for the country, inflaming the passions of those who would see impeachment as an attempt to thwart the election process for insubstantial reasons. Perjury and obstruction of justice are serious offenses. They are felonies. However, in my experience perjury or obstruction of justice prosecutions of parties in private civil litigation are rare. Rarer still are criminal investigations in the course of civil litigation in anticipation of incipient perjury or obstruction of justice. In such circumstances prosecutors are justifiably concerned about the appearance that government is taking the side of one private party against another.

The oath taken by witnesses demands full and truthful testimony at depositions and in grand jury proceedings—excuse me, demands truthful testimony at depositions and in grand jury proceedings. Nonetheless, imprecise, ambiguous, evasive and even misleading responses to questions don't support perjury prosecutions, even though such responses may raise serious questions about the credibility of a witness on a particular subject. Proof that a witness's testimony is untrue is not sufficient alone to prove perjury, and to prove that a witness is intentionally evasive or nonresponsive is not sufficient to prove perjury either.

Courts are rigorously literal in passing on questions of ambiguity in the questions and the responses of witnesses under oath, and generally give the accused the benefit of any doubt on possible interpretations of the questions and the meaning of the allegedly perjurious response. Perjury cases are very difficult to win under the most favorable circumstances.

I believe the question of whether there were sexual relations between the president and Ms. Lewinsky is collateral to the harassment claim in the Jones case. The president has confessed to an inappropriate relationship with Ms. Lewinsky. The Jones case was dismissed and is now settled. These circumstances simply would not warrant the bringing of a criminal prosecution, and a criminal prosecution would most likely fail. Certainly the exercise of sound prosecutorial discretion would not dictate prosecuting such a case.

The consequences of the impeachment of the president of the United States are far reaching. These consequences are grave, and they impact the entire nation. Impeachment in my view should not serve as a punishment for a president who has admittedly gone astray in his family life, as grave as that might be in personal terms.

Where there is serious doubt, as there must be in this case, prudence demands that Congress defer to the electoral mandate. Thank you, Mr. Chairman.

Rep. HYDE. Thank you, Mr. Dennis.

Mr. Noble.

Mr. NOBLE. I too will attempt to keep my remarks within 10 minutes, Mr. Chairman. Mr. Chairman, Mr. Ranking Minority Member, and members of the committee, before I begin my formal remarks, let me extend my thanks to the following people who helped prepare me under these rushed circumstances: my brother, James Noble, who is here with me today; my research assistant, Russell Morris (sp), of NYU Law School is here with me today; my students in my evidence class, with whom I have spent the last two weeks talking about impeachment, but not the impeachment of a president, the impeachment of a witness. I have been trying to give them hypotheticals with which they could learn or from which they could learn. I told them I will be the best prop they will have today.

I am honored to appear before you today. I will discuss the factors ordinarily considered by federal prosecutors and federal agents in deciding whether to investigate, indict and prosecute allegations of violations of federal criminal law.

I submit that a federal prosecutor ordinarily would not prosecute a case against a private citizen based on the facts set forth in the Starr referral. My experience, which forms the basis of my testimony, is as follows: I have served as an assistant U.S. Attorney, a chief of staff and deputy assistant attorney general in the Justice Department's Criminal Division during the Reagan and Bush administrations, and undersecretary of the Treasury for enforcement in the Clinton administration, and I am currently a professor at the New York University School of Law where I teach, as I said, a course in evidence.

When investigating a possible violation of the law, every federal prosecutor must heed the guidelines of the Department of Justice.

DOJ guidelines recognize that a criminal prosecution entails profound consequences for the accused and the family of the accused, whether or not a conviction ultimately results. Career federal prosecutors recognize that federal law enforcement resources and federal judicial resources are not sufficient to permit prosecution of every alleged offense over which federal jurisdiction exists. Federal prosecutors are told to consider the nature and seriousness of the offense, as well as available taxpayer resources. Often these resources are scarce and influence the decision to proceed or not to proceed and a decision how to proceed. Federal prosecutors may properly weight such questions as to whether the violation is technical or relatively inconsequential in nature, and what the public attitude is towards prosecution under the circumstances of the case. What will happen in the public confidence and the rule of law if no prosecution is brought, or if a prosecution results in an acquittal?

Even before the Clinton-Lewinsky matter arose, DOJ guidelines intimated that prosecutors should pause before bringing a prosecution where the public may be indifferent or even opposed to enforcement of a controlling statute, whether on substantive grounds or because of a history of nonenforcement, or because the offense involves essentially a minor matter of private concern and the victim is not interested in having it pursued.

Yet public sentiment against should not discourage prosecutors from bring charges simply because a biased and prejudiced public is against prosecution. For example, in a civil rights case or a case involving an extremely popular political figure, it might be clear that the evidence of guilt viewed objectively and by an unbiased fact-finder would be sufficient to obtain and sustain a conviction. Yet the prosecutor might reasonably doubt whether the jury would convict. In such a case, despite his or her negative assessment of the likelihood of a guilty verdict, based on factors extraneous to an objective view of the law and facts, the prosecutors may properly conclude that it is necessary and desirable to commence of recommend prosecution, and allow the criminal process to operate in accordance with its principles.

During the civil rights era many prosecutions were brought against people for locally popular but no less heinous crimes against blacks. However, prosecutors should not bring charges on public sentiment in favor of prosecution when a decision to prosecute cannot be supported on grounds deemed legitimate by the prosecutor.

DOJ prosecutors are discouraged from pursuing criminal prosecutions simply because probable cause exists. And a number of the witnesses have already addressed this point. Why? Because probable cause can be met in a given case, it does not automatically warrant prosecution. Further investigation may be warranted, and the prosecutor should still take into account all relevant considerations in deciding upon his or her course of actions. Prosecutors are admonished not to recommend in an indictment charges that they cannot reasonably expect to prove beyond a reasonable doubt by the legally sufficient evidence at trial.

It is one of the most important criteria that prosecutors must consider. Prosecution should never be brought where probable cause does not exist, and both as a matter of fundamental fairness and in the interest of the efficient administration of justice, no prosecution should be initiated against any person unless the government believes that the person will be found guilty by an unbiased trier of fact.

Federal prosecutors and federal agents as a rule ought to stay out of the private sexual lives of consenting adults. Neither federal prosecutors nor federal investigators consider it a priority to invest allegations of perjury in connection with the lawful, extramarital, consensual, private sexual conduct of citizens. In my view, this is a good thing. From a proactive perspective, who among us would want the federal government to initiate sting operations against private citizens to see if we lie about our extramarital affairs or the nature of our sexual conduct. Imagine a rule that required all federal job applicants to answer the following question under oath: "Because we are concerned about our employees being blackmailed about unusual or inappropriate sexual conduct, and because we want to know whether you would be at risk, please name every person with whom you've had a sexual relationship or with whom you've had sexual intercourse during your life. It certainly would be relevant and it certainly might lead to blackmail."

Such a question would naturally lead to allegations of perjured responses. Irrespective of constitutional challenges from a public policy standpoint, most Americans would object to federal prosecutors and federal agents investigating and prosecuting those cases that came to our attention. Could we trust our government to make fair, equitable and restrained decisions about how much to investigate any one of these allegations?

The potential for abuse and violation of our right to privacy would be great. Indeed, assigning federal agents to interview witnesses, install wiretaps and insert bugs to learn about the private, legal, sexual conduct of U.S. citizens would concern us all. But aggressive prosecutors and agents would do exactly that to make cases against those citizens where prosecutions would garner publicity and thereby act as a deterrent. In my view, the biggest target would be politicians.

As a general matter, federal prosecutors are not asked to bring federal criminal charges against individuals who allegedly perjure themselves in connection with civil lawsuits. As a rule, federal prosecutors on their own do not seek to bring criminal charges against people who perjure themselves in connection with civil depositions, for the reasons that have already been articulated. In addition, this would open a floodgate of referrals. Parties by definition are biased, and it would be difficult to discount the potential bias.

By their nature, lawsuits have remedies built into the system. Lying litigants can be exposed as such and lose their lawsuits. The judge overseeing the lawsuit is in the best position to receive evidence about false statements, deceitful conduct, and even perjured testimony. She can sanction violating litigants by initiating civil or criminal contempt proceedings.

Notwithstanding the reasons generally, there are 10 good reasons, taken in combination, which support the view that a career federal prosecutor asked to investigate allegations like those in the Clinton-Lewinsky matter would not pursue federal criminal prosecution to the indictment or trial stage. One, the alleged perjury occurred in a civil deposition and concerned private, lawful, sexual conduct between consenting adults. Two, the alleged perjured testimony was deemed inadmissible by the trial judge. Three, that evidence arguably was dismissed as immaterial by the trial judge. Four, in any event, the alleged perjured testimony was, at most, marginally relevant. Five, the alleged perjured testimony did not affect the outcome of the case.

Six, the parties settled and a court dismissed the underlying civil suit. Seven, the settlement of the suit prevented the appellate court from ruling on a dismissal and on the materiality of alleged perjured testimony. Eight, the theoretically harmed party knew of the alleged perjury prior to settlement. Nine, alleged—and I say alleged—political enemies of the defendant funded it in a plaintiff's suit. Ten, a federal government informant conspired with one of the civil litigants to trap the alleged perjurer into perjuring himself.

Given the above considerations, most federal prosecutors would not want to use taxpayer dollars, federal agents and sensitive federal investigative resources to uncover the most intimate and embarrassing details of the private sexual lives of consenting adults when there is a risk of bias and when there is a judge in a position to address the alleged criminal conduct.

The judgment that a career prosecutor might make about an ordinary person might be very well affected by the knowledge that the alleged perjury was committed by the president. That is to be conceded. Even the most experienced, fair-minded prosecutor will find it difficult not to pursue allegations of criminal misconduct against a president, a senator, a governor, any member of Congress. The interest in targeting, threatening and harming the president, especially, can be explained in part by the power and visibility of his office. Even a prosecutor with exceptional judgment might be tempted by the challenge of bringing down a president. A prosecutor with unchecked power, unlimited resources and only one target might find the temptation even stronger.

Mr. Chairman, I believe I can conclude in two minutes, with the permission of the chairman.

Rep. HYDE. Two minutes?

Mr. NOBLE. Two minutes.

Rep. HYDE. Surely.

Mr. NOBLE. Thank you, Mr. Chairman.

Rep. (Off mike.)

Mr. NOBLE. Thank you, Mr. Coble.

It is difficult to think of a fail-safe structure that could protect anyone from allegations of bias in a decision to prosecute or not prosecute the president. Not the attorney general, the independent counsel, the Justice Department, the FBI, the Secret Service, the federal judiciary, the congress, the bar and the academy can escape some person or act in their background that could create a conflict or an appearance of a conflict. No one for or against prosecution would be safe from attack on the merits or from false personal attacks. For this reason, a prosecutor or a committee assigned such a case must strive to be objective, knowing that criticism of bias will be unavoidable.

In a prosecutorial context, a 13-to-10 vote by the grand jury constitutes enough votes to proceed, but reflects that there must be, or might be, a serious problem with some aspect of the case. Similarly, a vote for impeachment based on a party-line vote or near party-line vote is a signal that something is wrong or may be wrong with the case and that the case may not be worth pursuing. This is particularly true where the overwhelming majority of Americans appear to be well-informed about the allegations and unbiased as a group, yet they do not want this president impeached.

While indictments and impeachment proceedings are different, they carry at least two similarities. One, most of us know it when we see the clear cases for criminal conviction and for impeachment. Two, public confidence in the rule of law and our system of government would suffer if we regularly indicted cases or impeached presidents, only to have juries or the Senate vote to acquit.

In closing, I believe that the Justice Department got it right and Independent Counsel Donald Smaltz got it wrong. Indictments and impeachments that result in acquittal ought to be avoided where possible. No prosecutor would be permitted to bring a prosecution where she believed that there was no chance that an unbiased jury would convict. Almost no one in this country believes that the U.S. Senate will convict the president on any potential article of impeachment. Members of Congress should consider the impact that a long and, no doubt, sensationalized trial will have on the country, especially a trial that will not result in a conviction.

In the end, I am confident that you will give the weighty responsibility that you must discharge serious consideration. A vote against impeachment need not be viewed as a vote against punishment. As Professor Steve Saltzburg noted before you earlier this week, Judge Susan Webber Wright retains jurisdiction over the case wherein the allegedly perjured testimony occurred. She can hold civil or criminal contempt hearings. Of all the arbiters of justice in this matter, she is perceived as being the least biased. She can punish the president for false and misleading conduct even if it does not rise to the level of perjury or obstruction of justice. Trust her to mete out the appropriate punishment.

I thank you.

Rep. HYDE. Thank you, Mr. Noble.

Governor Weld.

Mr. WELD. Mr. Chairman, Mr. Ranking Member, members of the committee, my name is William Weld and I am sincerely honored to appear before you this morning.

I'm no Tom Sullivan, but I have knocked around the criminal justice world a little bit, from 1986 to 1988. Under President Reagan I was the assistant attorney general in charge of the criminal division in Washington, which is relevant because that's the policy, or political appointment, charged with ensuring the uniformity of charging decisions—decisions of whether to seek an indictment around the country, in various districts. Prior to that, for five years I was the United States Attorney in Massachusetts.

And I became familiar, in the course of that seven years, with the handbook, "The Principles of Federal Prosecution," and with the United States attorneys manual and, when I was in Washington, with the practices and procedures that also have been developed over the years to try to ensure uniformity in charging decisions.

It so happens that in 1974, for nine months, I also worked for this committee under Chairman Rodino on the impeachment inquiry into President Nixon. And I worked on the constitutional and legal unit there, which was charged with reading every precedent—in Britain (sp), in Heinz (sp), in Cannon (sp), in reported cases in the records of the 1787 debate on the Constitution—having any relevance at all to what high crimes and misdemeanors means in the United States Constitution.

Like Mr. Sullivan, like many others, I do not consider myself an advocate here before you. I do have a couple of points of view that I would like to share with the members of the committee, and you can take them for what they're worth. Ordinarily, in a civil context, you don't qualify as an expert on the basis of nine months' experience, but for whatever they're worth.

I do believe, Mr. Chairman, that under the Reagan administration it was not the policy of the U.S. Justice Department to seek indictments solely on the basis that a prospective defendant had committed adultery or fornication, which are not lawful, but it simply wasn't the policy to go there. It was also not the policy to seek an indictment based solely on evidence that a prospective defendant had falsely denied committing unlawful adultery or fornication.

And let me say a little bit about perjury cases. I don't think they're all that rare, and I've prosecuted a lot of them, but I do think that what one or two of the witnesses said is true; there's usually something else involved in a federal perjury prosecution. There's a pass-through aspect here—you're really going to something else. I once prosecuted a guy who stated that he was in Florida on November 28th and 29th, 1981. You may say, that's kind of, you know, stooping to pick up pins. Why would you prosecute him for that? Well, that was the day the city of Lynn, Massachusetts burned down, and this guy was an arsonist and three people made him in the Porthole Pub in Lynn, Massachusetts, that day, so—and we found his fingerprints on a ticket to Florida the next day after the fire, so we thought it would be a good idea to bring a perjury prosecution there to rattle the cage a little bit, and we did. And often, we brought them where we were trying to penetrate a wall of silence, as in cases of public corruption or narcotics, when you're trying to break through this omerta, everyone's got to dummy up, phenomenon. But there is something else that you're trying to get at here.

Until this year, the policy of the Department of Justice was that in cases of false statements they would not seek an indictment solely on the basis of somebody denying that they themselves had committed misconduct. This is called the "exculpatory no" doctrine, and it was adopted in a lot of circuits. It was kicked out by the Supreme Court in a decision by Justice Scalia early this year, based on bad facts—you had a ranking union official who'd taken money from employers in violation of an independent federal statute—so that's the "something else" that the prosecution was trying to get at. So, a very unsympathetic case for the court applying the exculpatory no doctrine.

In my view, it would have been a handy idea to carve out an exception to the abrogation of that doctrine for cases involving personal misconduct as opposed to a violation of an independent federal statute such as was involved there. Certainly, a responsible prosecutor could apply that filter in the exercise of his or her discretion.

The last thing, let me just say, on the law of impeachment, I am pretty well convinced that adultery, fornication or even a false denial—false—I'm assuming perjury here—false denial of adultery or fornication, they do not constitute high crimes and misdemeanors within the meaning of the impeachment clause of the U.S. Constitution. They're not offenses against the system of government, they don't imperil the structure of our government.

The remedy of impeachment is to remove the officeholder. Get the worm out of the apple. It's a prophylactic—prophylactic remedy, it is not punitive. If any of you are thinking, we've got to vote yes on impeachment to tarnish the president, he's already tarnished, and that's really not the purpose of the impeachment mechanism.

Nobody's going to forget this stuff. This is a man who's been elected president of the United States twice, and thus entitled to this office, after allegations very similar to those now before you.

I hate to open old wounds, but you remember back in 1992 and the Gennifer Flowers matter; if there are two people in a room and they both deny that something happened, then you can't prove that it happened. Well, that's very similar to what we're talking about here, and this officeholder was elected president of the United States twice after all those facts were before the people.

So, I come out thinking that the most appropriate result is something other than removing this person from his office, taking his office away from him. There's a lot of talk about censure. I think, personally, the dignity of Congress and the dignity of the country demands something more than merely censure here, and I would suggest, in conclusion, Mr. Chairman, four things that you might want to think about, in addition to censure.

Number one, it's not unknown for grand juries investigating corruption in a city or a county, for example, to issue a written, detailed report of their findings. That could easily be done here, be entirely proper. Number two, there could be a written acknowledgement of wrongdoing on the part of the president, and for reasons which will become evident in a moment, I would not propose that there be insistence on the use of the word "lie" or "perjury" there, but it's something that could be negotiated to reflect the gravity of what he has done.

Number three, there could be an agreement to pay a fine. This is something tangible, more tangible than censure, and it involves the respondent as well as the moving party, the moving party here being the House.

And that would mark the moment. That would mark the solemnity of the occasion. And the agreement would remove any doubt about somebody going to court and saying there's no basis for this. It would be thrown out on the basis of the political question doctrine anyway, I think.

I'm not here to say what the fine should be, but if memory serves, Speaker Gingrich had to pay quite a large fine not so long ago because people didn't like either the content or the market of a college course that he taught. The members might wish to consider providing that the fine could not be paid out of the proceeds of a legal defense fund, given all the background circumstances.

Finally, what I am proposing, the final element would be that the president would have to take his chances with respect to the criminal justice process post his presidency. I do not agree with those in the media who say that any deal on censure has to protect the president against criminal proceedings after he leaves office.

First of all, there doesn't have to be any deal on censure. That's entirely within your power. The White House has no leverage there. Second, the Constitution explicitly says that even if a president or anybody is impeached, convicted and removed from office, they remain liable to trial and indictment. It's very explicit. It's right in the Constitution. If the objection is that the spectacle of a former president being prosecuted would be tawdry and degrading, it really couldn't be much more tawdry and degrading than what we've already been subjected to through the constant daily reports of the Lewinsky affair.

Lastly, I agree with everyone who's spoken before about whether a perjury prosecution here really lies. I think there's quite a low risk of that from the point of view of the president. So that's the suggestion. It's a political suggestion, but this is in part a political process about a five-part deal, if you will. And I think the dignity of the House would be upheld if something like that were to be approached, and everybody could perhaps get on more easily with attending to the public's business.

Thank you, Mr. Chairman.

Rep. HYDE. Thank you, Governor. Mr. Sensenbrenner.

Rep. SENSENBRENNER. Thank you very much, Mr. Chairman.

As I'm sure all members of the panel know, the last impeachment took place nine years ago, in 1989, against Judge Walter Nixon of Mississippi. And in that impeachment, the House of Representatives, by a vote of 417 to nothing, declared that making false statements to a grand jury were impeachable offenses. The Senate apparently agreed with the House's judgment, because Judge Nixon was removed from office on a 91–8 vote on both of those articles of impeachment.

I'm wondering if members of the panel think that the House made a mistake nine years ago in unanimously declaring that making false statements to a grand jury were impeachable offenses.

Mr. DAVIS. One, I think you have to look at the proof. I mean, first of all, I assume that there was proof as to what the perjury that took place. I assume also that the perjury, as I recall, went to the core issue in the matter in which the perjury took place. So you had certain important factual differences.

I also think that there's an important difference when one is considering the issue of a judge versus the president; that judges, as others have testified, sit in terms of good behavior, and so the standard is not precisely the same as would be in removing a president who's elected by the public and sits for only four years.

And finally, I think that in terms of perjury, I do think that one has to look a bit about what the underlying events are. And I do think that since what we're talking about is a private consensual relationship as being at the core of it, that that affects the impeachability. But the bottom line is, as I said in my statement, I don't think there's really the proof, particularly as to grand jury perjury.

Rep. SENSENBRENNER. Well, just by way of background, the events that led up to the Judge Nixon impeachment, which is contrasted to the President Nixon impeachment—you've got to be very particular here—involved a private affair, a financial affair, where Judge Nixon allegedly accepted an illegal gratuity of a sweetheart deal in an oil and gas lease. He was acquitted of that charge by the jury at a criminal trial.

So here we're saying that the jury made a determination that Judge Nixon did nothing wrong in terms of entering into this oil and gas lease, but he was convicted by the jury of the two counts of making false statements. So while there are some differences, there are also some similarities in that private misconduct was alleged as a part of the grand jury investigation.

I am concerned with the answers to your question, in that you seem to be implying that the standard of truthfulness for the president of the United States is less than a federal judge someplace in the country because the president is elected and the judge is appointed and holds office for good behavior.

Mr. DAVIS. No, I'm not saying——

Rep. SENSENBRENNER. You know, am I wrong on that?

Mr. DAVIS. I'm not really saying that. I'm saying that the standard for truthfulness is really the same. I'm saying that here I don't think there's the proof, particularly as to the grand jury, that you can make the case of perjury. And second, what I'm saying is the standard for impeachment, not the standard for truthfulness, but there are differences in the standard of impeachment for a judge as opposed to the president. And I think there's a lot of scholarship (for that?).

Rep. SENSENBRENNER. Well, yesterday many of the president's defenders were troubled about the alleged false statements to the grand jury. And at least one of the witnesses that the White House brought up here, former Congressman Owens, flat out said that the president lied before the grand jury. That's what the House found in terms of Judge Nixon. And, you know, I'm concerned that if a judge lies to the grand jury, we all agree that it's impeachable, and if the president lies before the grand jury, then there is a huge debate about whether or not that's impeachable. Now, who's going to stand up for the truth here?

Mr. DAVIS. Well, respectfully, I don't think that the evidence supports the perjury in the grand jury, as articulated in my statement.

Rep. SENSENBRENNER. Okay, thank you. I yield back my time.

Rep. HYDE. The gentleman from Michigan, Mr. Conyers.

Rep. CONYERS. Gentlemen, I want to pay my highest commendations to all of you here because you have now put on the record, once and for all, all of these pestering questions that have been tempting to be dealt with for so many weeks and months now. You should, Ron, feel proud to go back to your evidence class. You can hold your head high. And I thank you all.

Now, the important thing about this was that, unless I missed something, none of you contradicted each other—nobody. And it seems to me that this testimony of you five gentlemen ought to be bound up and delivered, which I would elect to do. I need Pat Buchanan to get a copy of this, Tim Russert, Cookie Roberts, George Will, Sam Donaldson and Ms. Buchanan, Pat's sister, not because they object to all of this, but because they are the ones that in the media continue—with many others, of course—this nonsensical debate about obvious legal questions that a first-year law student could dispose of.

And so what you've done here is of signal importance, from my point of view. This should be studied carefully by everybody that makes public utterances about the questions of perjury and obstruction and how and when materiality figures into the prosecutorial role.

Now, this question has come up. I think I called it the Scott question. Is there any case on record for a prosecution, based on a case in which it was dismissed?

It was an immaterial statement. There was a settlement to boot. I mean, we are going through everything—has anybody ever heard of a case like this? We need the citation right away if there is, because I'll stop making this assertion.

Mr. SULLIVAN. Mr. Conyers——

Rep. CONYERS. [continuing]. I can't guarantee you that there is no such case, but I doubt it. As I said in my remarks, the—well, the thrust of what I'm saying is that the federal criminal process is simply not used to determine truth or falsity in statements in civil litigation. And it's particularly true—I mean, that's true, and it's also even more true when you take a situation, as you have here, that the testimony is even peripheral to the civil case involved. The federal criminal justice system is not designed or intended to enforce a code of moral conduct. That's not what we do, or what I used to do and what the good federal prosecutors do. I'm not saying you can't find an errant one somewhere that will bring charges. But so far as I know, this would be totally unprecedented, if such a case were brought.

Rep. CONYERS. Thank you.

Mr. Davis, Mr. Noble, Governor, any other comments on this, this matter?

Mr. DENNIS. Well, I agree. I mean, I do not disagree with any of the statements that have been made by my colleagues here on the panel. I have not considered the suggestions that Governor Weld had made with regard to possible political disposition of the matter. But I think that it's fairly clear and that if a poll were taken of former U.S. attorneys from any administration, you'd probably find the overwhelming number of them would agree with the assessment that this case is a loser and just would not be sustained in court.

Rep. HYDE. The——

Rep. CONYERS. Well, thank you, Mr. Chairman. I think that this is one of the most important panels that we've had before us in the course of these proceedings.

Rep. HYDE. Thank you, Mr. Conyers.

The gentleman from Florida, Mr. McCollum.

Rep. BILL MCCOLLUM (R–FL). Thank you very much, Mr. Chairman.

Mr. Sullivan, have you had an opportunity to review the District of Columbia Circuit Court of Appeals decision regarding the question of materiality and the issue before us, you know, and the question of the independent counsel and Lewinsky?

Mr. SULLIVAN. I have read about it in the Starr report.

I don't think I read the opinion of——

Rep. MCCOLLUM. Well, it's—the decision just is unsealed and available to us in the last week.

Mr. SULLIVAN. That's why I have not.

Rep. MCCOLLUM. And you may not be aware that the District Court of Appeals opinion squarely addressed that issue of materiality, and it found that her false sworn statement would be material for the purposes of perjury law. In other words, a false statement by the President in that case would have been material. So I think we can put that materiality question to rest that Mr. Conyers just raised.

I also want to make a comment to you, Governor Weld. You said that "I do not believe that adultery, fornication, or false denial of adultery or fornication constitutes high crimes and misdemeanors within the meaning of the impeachment clause of the Constitution of the United States." I agree with you. But in this case, we're not dealing simply with false statements or fornication or adultery, we're dealing with potentially perjury, obstruction of justice, witness tampering, things of that nature. And there's where you and I may differ. And I think it is significant, albeit a civil case.

Mr. Sullivan, you and Mr. Davis and several others on the panel pointed out how rare you think it for perjury cases to be brought in federal court in civil cases, and yet we just had Mary—Barbara Battalino, I should say, in here last week as a witness, a very recent case in which a perjury case was brought in a civil suit involving the Veterans' Administration psychiatrist. And on August 4, 1998, a former employee of the United States Postal Service, Diane Parker (sp), was sentenced to 13 months in prison and three years of supervised release for lying in a civil case regarding a sexual relationship with a subordinate. And that, of course, was a federal case. And I've got citations for 29 of these cases, at least, sitting right here. There are 115 people, minimally—maybe more than by now—serving in federal prison today for perjury and, as I say, most of those or a great many of those for civil perjury. So maybe the policy a few years ago was different, but certainly prosecutors are prosecuting in these sexual harassment-type cases and the type of Battalino and Parker cases that we—that we're seeing more of today than maybe we did back in 10 or 15 years ago.

I also want to address the question that, Mr. Sullivan, you raised and, I think, Mr. Davis, you raised in particular, about perjury with regard to a single witness. Section 1623, as you've pointed out, rightfully, does allow prosecution with a single witness. And I dare say that about 90 percent of the cases brought today that have resulted in people going to prison in the federal system have been brought under that.

I've looked at it, and that's who those 115 people constitute.

Now I'll agree with you, I think your analysis is good. You need corroborative witnesses, even though it may not be required. But let me go through what's here in the grand jury case with respect to the perjury charged, and it's the same underlying main issue in the deposition. You have a situation in which the President of the United States says that he did not commit or have sexual relations with Monica Lewinsky under the definition as given in the court in the Jones case. That court included in its definition explicitly the touching of breasts or genitalia.

Now, the president said, "I didn't do that." He repeated it very carefully in the grand jury testimony. Monica Lewinsky said on nine occasions in her sworn testimony before the grand jury the president touched her breast and on four occasions, they had genital contact and that all of this was to arouse.

Now, the issue of corroboration, there are 10 corroborative witnesses. Interestingly enough, strangely enough, Monica Lewinsky talked contemporaneously with family members, friends and relatives about these matters in great detail. And we have 10 of those whose testimony is before us in sworn testimony. Seven of the 10 corroborate the explicit detail with regard to this touching under the definition of sexual relations that Monica Lewinsky describes.

Now, it seems to me that that kind of corroboration is precisely the kind of corroboration that would in fact engender a prosecution, would give confidence to a prosecutor to take perjury cases forward, and would indeed give a high probability of conviction if this were taken before a court in any case—any court in this land. A jury would be hard pressed not to convict under those circumstances.

Mr. DAVIS. Mr. McCollum, if I——

Rep. MCCOLLUM. So it strikes me as very strange that we're dismissing this. Nobody, nobody on this panel and nobody yesterday has mentioned the fact that these corroborating witnesses exist. It seems to be something that the president's advocates simply want to ignore. It's a bottom-line question in here, Mr. Davis.

Mr. DAVIS. I think I did address the——

Rep. SENSENBRENNER. Gentleman's time has expired.

Rep. NADLER. Mr. Chairman. Mr. Chairman.

Rep. SENSENBRENNER. The gentleman from Massachusetts is recognized.

Rep. NADLER. Mr. Chairman.

Rep. FRANK. Mr. Chairman, I——

Rep. NADLER. Mr. Chairman, before the gentleman from Massachusetts, I request recognition for a moment.

Rep. SENSENBRENNER. For what purpose does the gentleman from New York seek——

Rep. NADLER. Mr. Chairman, the question that Mr. McCollum just asked the witness is perhaps that central question of this case.

Rep. FRANK. I'll give them time to answer.

Rep. NADLER. And I'd ask that you give them time.

Rep. FRANK. I was just about to do that.

Rep. SENSENBRENNER. The—with yielding to continue on the debate, that's going to mean that we're going to be here until midnight. The chair will enforce the clock and the rules that were laid down by Mr. Hyde at the beginning of this hearing. If further members down the list want to have questions answered when the time has run out, they can decide to use their time to do that.

The gentleman from Massachusetts is recognized.

Rep. FRANK. Anybody want to answer that question?

Mr. DAVIS. Yes, I'd like to answer that. I think the reasons why that prosecution would not win is one, as I said in my statement, that both witnesses, including Miss Lewinsky, had an incentive to lie. And she had an incentive to lie not only to the grand jury on this issue but to her confidants, because otherwise she would be acknowledging an unreciprocated sexual relationship.

But just as important, if you're talking about one witness that Mr. Starr or any prosecutor is going to put forward, Mr. Starr and his prosecutors themselves are going to have to argue in this case that Miss Lewinsky's testimony in other issues is not accurate. They're going to have to argue that. They're going to be in a position where they're going to have to say she's telling the truth as to this, not telling the truth as to other things.

Also, Miss Lewinsky in her testimony various times said she had a similar definition of sexual relations.

So I think that if you look at this from the perspective of a trial lawyer, in terms of how this would play out, I think this would be really an impossible case to develop.

Rep. FRANK. Mr. David, you've convinced me. We'll go on to the next issue. I think that's absolutely right. All those corroborating witnesses corroborated only what Ms. Lewinsky had told them. No one has yet alleged that there was a kind of Peeping Tom slot outside the Oval Office, where they could have made any observation that would have made them in any way relevant to the trial.

We also ought to know telling the truth was not the most noticeable characteristic of this set of interrelationships. But I mean, I think, had the guy with the lamp been there, he'd still be outside looking for someone to talk to if he got involved with all of them.

Ms. Lewinsky was herself threatened with prison, as was her mother. And I do think that Mr. Starr's penchant for threatening people with prison if they did not say bad things about the president has some credibility relevance.

But I wanted to just also talk about Judge Nixon. I'm reading from the majority, and the gentleman from Wisconsin said, "Well, he perjured himself only about"—or he didn't say "only"—"he perjured himself about an oil and gas deal." But I am reading from the majority's report, which the majority issued earlier this year and staff kindly gave to me, on pages 9 and 10, "Judge Nixon lied about whether he had discussed the case with the state prosecutor and had influenced the state prosecutor to essentially drop the case." In other words, the underlying issue here was not simply a private oil and gas deal, but a federal judge intervening with a state prosecutor to get him to drive (sic) the case. And that's what I—I was particularly interested in Mr. Weld's presentation and others.

One of the arguments we've had here is that looking at the underlying issue in a perjury allegation is somehow a—to traduce the law and to undercut it. And I would like to ask all of you, because I think this becomes now a central issue in this case—when you are deciding how to deal with allegations of perjury—because I don't believe that anybody would be able to prove grand jury perjury; I do think that with regard to the deposition, it would be easier, and the president did unfortunately, in my judgment, when he said he couldn't remember being alone, transgress—but on the question about whether or not you take into account the underlying issue, in the case of Judge Nixon, the underlying issue was talking to a state prosecutor and intervening to get his partner's son's conviction lessened—I think very different.

This is the central case—as prosecutors, all of you, is it wrong to take into account the underlying cause where there is a perjury allegation? Mr. Weld has said that in his experience, perjury is usually a way to get at a broader issue. So let me start with Mr. Weld.

Mr. WELD. Well, I agree, Mr. Congressman. I think the underlying conduct is important. I mean, I would agree, in a way, on the law, with Representative Sensenbrenner, Representative McCollum; I do think that false statements to a grand jury can easily be grounds for impeachment.

I think I had the Judge Nixon case for a while when I was at Justice, and my recollection is that there was clouds of corruption in the background of that——

Rep. [off mike]—foreground.

Mr. WELD [continuing]. And perhaps in the foreground, of that case. So, you know, I think, looking at the underlying conduct—and that's another way of saying what Mr. Dennis, Mr. Noble, others have said, that there's a test of substantiality—Mr. Davis said it, as well—in assessing the totality of circumstances in making a charging decision whether to go forward in a perjury case. And it's really more substantiality than materiality that I think might be the rock you run up against.

Rep. FRANK. Thank you, Mr. Weld.

Let me just say in closing, there's a point I wanted to make, and I was particularly grateful to the former governor of my state for making it, as a man who understands the broader democratic, with a small "d," implications here. He made a very important point when he acknowledged the president has been tarnished. Bill Clinton is a man who clearly thinks a lot about how he is going to be regarded, and the argument that somehow he will be walking away unpunished if he is censured and has had this and other proceedings, I think, is very inaccurate, and I appreciate Mr. Weld bringing that out.

Rep. SENSENBRENNER. The gentleman's time has expired.

The gentleman from Pennsylvania, Mr. GEKAS.

Rep. GEORGE GEKAS (R–PA). I thank the chair.

Mr. Sullivan, you had repeated today what we have heard in different ways over the months of this controversy, that the president is neither above the law nor below the law, implying, I believe, on your part that if it were an ordinary citizen, not the president of the United States, that this case would have been dismissed out of hand, and therefore, the same premise should have been accorded to the president because he's not below the standard or above the standard that you would apply to an ordinary citizen.

I see such a big difference that it's hard for me to articulate it, but suppose the ordinary citizen in your set of circumstances had pleaded the Fifth Amendment. You would have, undoubtedly, honored that and then we may never have heard of it at all, that case, in the body politic. And I would submit that the Fifth Amendment is pleaded regularly across the land and we never get results from that kind of case. But if the president of the United States had pleaded the Fifth Amendment, you would agree that there would have been headlines acorss the world and that there would have been a shaken seat of government in Washington, D.C. Or don't you think that would have been as dramatic as I think it would have been?

Mr. SULLIVAN. Had the president, instead of testifying in the grand jury, had taken the Fifth Amendment, I'm certain it would result in a great deal of publicity, probably adverse.

I don't think that it changes the issue of whether he's above or below the law.

Rep. GEKAS. But my point is that you are asserting with me that this high-profile case that would have been a result of the president pleading Fifh Amendment makes it a different situation. It is possible, I believe, that the Congress, that the House, could begin impeachment proceedings if that alone had happened—the pleading of the Fifth Amendment by the presieent—as being a political problem, a political affront to the system of government.

Mr. SULLIVAN. Do you think taking the Fifth Amendment is a high crime or misdemeanor?

Rep. GEKAS. No, no, no. No, I'm saying that it——

Mr. SULLIVAN. The Constitution gives everyone the right to take the Fifth Amendment and the jury is instructed that they are not to take any inference from that.

Rep. GEKAS. No, no, no, no. What I'm saying is that it could serve—it could—what I'm saying to you, sir, is that in pleading the Fifth Amendment it becomes a high profile case, and——

Mr. SULLIVAN. There's no doubt about that.

Rep. GEKAS. And when——

Mr. SULLIVAN. I'm sorry if I interrupted.

Rep. GEKAS. If the president did so, you can't argue that case. It would be—you already admitted that it would be a high-profile case.

Mr. SULLIVAN. I admit that, of course. But I don't think it's relevant here.

Rep. GEKAS. Well, I'm asking questions concerning it.

Mr. SULLIVAN. Go ahead.

Rep. GEKAS. The fact that it becomes a high-profile case means that when the president of the United States takes some kind of legal action, like committing false or stating falsehoods under oath, that we cannot treat it as just another case, but whether or not the president attacks the system of government that is so important to us. Governor Weld makes a great deal out of the fact that what the president did, no matter how we couch it, is not an attack on the system of government.

Yet we submit, many of us, that when he undertakes to make false statements under oath that he is directly attacking two segments of our system of government: one, the rights, the constitutional rights of a fellow American citizen who has instituted a case in which he, if he did those falsehoods, was trying to destroy that individual's right to pursue a case. That is an attack, some of us might conclude, against our system of government.

And secondly, in affronting the judicial system, the other third branch of government by directly giving false statements under oath could be considered, could it not, as an attack on the delicate balance of separation of powers, his disdain for the judicial system? We have to take that into consideration, do we not, Governor?

Mr. WELD. It could be so considered, Mr. Congressman; those arguments, while fair on their face, strike me as on the technical side, but I understand what you're saying.

Rep. GEKAS. I thank. I have no further questions.

Rep. SENSENBRENNER. The gentleman from New York, Mr. Schumer.

Rep. CHARLES SCHUMER (D–NY). Thank you, Mr. Chairman.

First, I want to compliment this panel. I think it was an extremely strong and erudite presentation from all five of you. It was an excellent panel, and I appreciate your putting the time and effort into it.

When I look at where we're headed here, I think there are sort of three levels of argument. The level we addressed yesterday was dispositive for me and for some of us, and that is that even if you assume all of Mr. Starr's facts to be true and that the president did wrong, however one would define that wrong, it does not rise to the level of high crimes and misdemeanors and doesn't merit impeachment. I think that case was made very well yesterday by the first panel.

The second level of the case would be—the next two levels relate to you folks, and that is, if you assume the opposite, that if Starr's facts are correct, if Mr. Starr's facts are correct, then impeachment is warranted, there are two parts to that. One is the abuse of power and obstruction of justice charges, which seem to most, myself included, to be at a higher level, and the next go to the perjury charges. So let me ask you about each of those.

First, on the abuse of power charge, which even many on this committee feel went too far, do any of you think there's any merit to that charge being filed, whether it be—well, you can't even make the case to a citizen, because it relates to the president being president. Do any of you feel that charge has any merit whatsoever? (No audible response.) Okay. Let the record show that nobody did. And I don't want to spend much time on that.

On the obstruction of justice, there seem to be three specific areas that at least Mr. Starr talked about. One was the finding of the attempt to find Ms. Lewinsky a job; the second, the discussions between Ms. Lewinsky and the president about what they would say if confronted with their relationship; and the third about Ms. Currie's testimony and so-called being coached about that testimony.

When we examined that, and when I questioned actually Mr. Starr himself about those and I asked him what greater evidence did he have to the president making a determination that he wished to influence the judicial process, as opposed not having his wife, his friends, his staff, the nation find out about his relationship, Starr didn't point to any evidence. It was simply surmise.

Would any of you care to comment on that group of charges?

Mr. SULLIVAN. Mr. Schumer——

Rep. SCHUMER. Mr. Sullivan?

Mr. SULLIVAN [continuing]. Can I comment on the one about Mrs. Currie?

Rep. SCHUMER. Yes.

Mr. SULLIVAN. Because that's the one I didn't allude to in my statement.

Rep. SCHUMER. Correct.

Mr. SULLIVAN. Mrs. Currie testified that she did not feel that the president came and asked her some questions in a leading fashion—"Was this right? Is this right? Is this right?"—after his deposition was taken in the Jones case. And she testified that she did not feel pressured to agree with him and that she believed his statements were correct——

Rep. SCHUMER. Correct, right.

Mr. SULLIVAN [continuing]. And agreed with him. He—the quote is, "He would say, 'Right,' and I could have said, 'Wrong.'"

Now that is not a case for obstruction of justice. It is very common for lawyers, before the witness gets on the stand, to say, "Now you're going to say this, you're going to say this, you're going to say this."

Rep. SCHUMER. Right.

Mr. SULLIVAN. Now it doesn't make a difference if you've got two participants to an event and you try to nail it down, so to say.

Rep. SCHUMER. Do you all of you agree with that, with the Currie—the Currie——

Mr. ———. Yeah.

Rep. SCHUMER. And on the other two, the Lewinsky parts of this, is there——

Mr. DAVIS. I think to some——

Rep. SCHUMER. I mean, I don't even understand how they could—how Starr could think that he would have a case, not with the president of the United States, but with anybody here, when it seems so natural and so obvious that there would be an overriding desire not to have this public and to have everybody—have the two of them coordinate their stories—that is, the president and Miss Lewinsky—if there were not the faintest scintilla of any legal proceeding coming about. It just strikes me as an overwhelming stretch. Am I wrong to characterize it that way? You gentlemen all have greater experience than I do.

Mr. DAVIS. I think you're right. And also, the problem a prosecutor would face would be that in these cases, there is relationship between these people unrelated to the existence of the Paula Jones case—the relationship. And that's the motivation——

Rep. SCHUMER. Correct.

And Mr. Weld, do you disagree with—do you agree with that?

Rep. SENSENBRENNER. The gentleman's time—the gentleman's time——

Rep. SCHUMER. Could I just ask Mr. Weld for a yes or no——

Rep. SENSENBRENNER. I'm sorry, Mr. Schumer. Mr. Schumer——

Rep. SCHUMER [continuing]. For a yes or no answer on that?

Rep. ———. Can you answer that yes or no, Governor?

Mr. WELD. I think it's a little thin, Mr. Congressman.

Rep. SCHUMER. Thank you.

Rep. SENSENBRENNER. The gentleman from North Carolina, Mr. Coble.

Rep. HOWARD COBLE (R–NC). Thank you, Mr. Chairman.

Good to have you all with us.

Governor Weld, I have a handful of friends who reside in your state, and Democrats and Republicans alike, without exception, speak very favorably of you.

Mr. WELD. Well, I have friends in your state, too, Mr. Congressman.

Rep. COBLE. Do they speak favorably of me, governor? [Laughter]

Governor, last fall, you appeared on the Today Show, alluding to the possibility of resignation of the president, I'm quoting in part here, you said, "My sort of rule of thumb here, I think it comes down to this: If when the president goes to a high school and colleges and universities, really his strongest point, if he looks out at those kinds, those students and their teachers and sees a sea of signs that says, "liar, liar, pants on fire," it's time to go. "Do you think, Governor, at this late stage of the game, what is your view on the possibility of resignation?

Mr. WELD. Well, in a way, I say this with a heavy heart, because I was troubled by the conduct at issue here. But I think that events have overtaken that possibility. I remember saying and thinking that the president would be well advised, when he looked in the mirror shaving every morning to say, "Are people taking me seriously? Are they taking me seriously at home? Are they taking me seriously abroad?"

I was concerned that some international events that were happening around then were happening because of a perception of weakness at the core of the executive of the U.S. government. But what happens, you know, the week after I deliver myself of these wise sentiments, the president goes to the United Nations and gets a standing ovation. Then he goes into the budget negotiation with members of the opposite party, and by most accounts, gets, you know, better than half a loaf. Then he has the Wye agreements on the Middle East.

So, it appears to me that people are taking him seriously.

Rep. COBLE. Thank you, sir.

Mr. Davis, in a Washington Post interview comparing the impeachment process with Watergate, you indicated that we're in an uglier political time now. Now much has been said about the late President Kennedy's sexual indiscretions that were not publicized but however were commonly known. And many of those same people insist that those indiscretions would be publicized today. And I'm not convinced, sir, that we're in an uglier political climate or a political time, I think, rather, the members of the media are probing more thoroughly and probing more consistently. And I think probably that may be why more attention is focused today.

Now let me ask you this, Mr. Davis.

Would you—I started to say "wouldn't you" but I'd be speaking for you. Would you acknowledge that this committee's consideration of whether grand jury perjury and civil deposition perjury and potential witness tampering by the president—not saying it happened, but assuming that it did—that it merits impeachment is a legitimate exercise for this committee? Would you acknowledge that?

Mr. DAVIS. I think that it's appropriate for the committee to be conducting a review. I think there are issues in terms of whether the committee can meet what I believe is the committee's burden, if it's going to decide that there should be impeachment, without really itself satisfying itself as to the credibility of some of the core witnesses, like Ms. Lewinsky. But I think given—once you received the referral, I think, obviously, it was appropriate for you to consider that referral and consider it seriously.

Rep. COBLE. Governor Weld, neither am I Tom Sullivan. But Mr. Sullivan—this has been broached previously, but I want to broach it as well. You indicated that it was your belief that probably the average citizen probably would not be prosecuted for similar circumstances that are now before us.

Mr. SULLIVAN. Yes, sir.

Rep. COBLE. And it was referred that two average citizens last week—one a physician, one a basketball coach appeared—sat where you are sitting now, and they in fact were prosecuted. I'm inclined to think, Mr. Sullivan—and I'm not mad; by no means am I taking you to task for this, but I think what you said may well be subject to interpretation. I think perhaps—and maybe it's because of the uglier time or the fact that the media is more focused now, I think probably that you would see more and more average citizens prosecuted for perjury. But I'll be glad to hear from you in response to that.

Mr. SULLIVAN. Well, Mr. Coble, I'm aware of the fact that there are some few prosecutions for perjury arising out of civil matters when—but——

Rep. COBLE. Mr. Sullivan, I hate to do it to you, but I see time's up.

Rep. SENSENBRENNER. Time's up.

Rep. COBLE. Thank you, Mr. Sullivan.

Rep. SENSENBRENNER. The gentleman from California, Mr. Berman.

Rep. HOWARD BERMAN (D–CA). Thank you, Mr. Chairman.

Actually, the question I'm most curious about is whether, Mr. Davis, if there had been a cooling-off period, and if President Ford hadn't issued the pardon, what do you think Mr. Jaworski would have done?

Mr. DAVIS. The answer is I don't know. Indeed, the reason that in my memorandum I recommended a cooling-off period and felt that we should defer that decision was because I thought the emotions at the time were too high and one would have to balance the factors very carefully including, as I said in my statement, whether the public interest in saying, you know, "we've had two years of this we need to get on to something else, and shouldn't we do it" and that a prosecution would drag that out.

Rep. BERMAN. Well, I agree with the other comments. I think this panel has presented some very compelling testimony on all the pitfalls in pursuing a perjury prosecution in this situation and raised doubts about whether all the elements of perjury are present in this case. We're not a courtroom; some people keep wanting to analogize us to that. I thought the professors yesterday were a political body, and this is a political process in many, many ways. The Founding Fathers would have given this process to the Supreme Court if they had wanted a strict legal analysis.

So your testimony perhaps on the question of whether there would be a prosecution for perjury is less relevant to whether there are high crimes and misdemeanors here than it is to the question of whether one of the articles of impeachment should actually assert the conclusion, the legal conclusion, that perjury has been committed, and I would hope the framers of these articles would look at this testimony carefully in making that decision.

The point that does interest me—for those who want to analogize it to a legal proceeding, this notion of—even if I think, as a prosecutor, that I have probable cause and I believe that the accused is guilty, that if I known I can't get a conviction from an unbiased jury, I don't bring the case. Develop that a little bit more. Is this some—is this a—is this some formalized process that prosecutors use? Where did you get this from?

Mr. SULLIVAN. Mr. Berman, I can only speak from my experience as a prosecutor, but I have had situations where not my assistants, but agents, have said to me after the discussion about the evidence and we concluded that we cannot get a conviction, or it's likely we'd lose, "Let's indict him anyhow to show him." My response to that is, "Get out of my office and never come back."

Rep. FRANK. But you might try to become an independent counsel, you might tell that person. [Laughter.]

Rep. BERMAN. So, then, for those who want to—let me ask you, are there any other comments on that? Yeah.

Mr. WELD. This is written into the principles of federal prosecution, Mr. Congressman, which is the handbook that guides federal prosecutors. And what it says about the charging stage of the criminal justice process is that the prosecutor has to believe that there's sufficient admissible evidence—admissible evidence—to obtain from a reasonable, unbiased jury a conviction and to sustain it on appeal.

Rep. BERMAN. Now, as I understand, though, in the Justice—there is a second paragraph in the Justice Department qualification. If you are bringing in the case in the South involving civil rights with an all-white jury and where certain practices were prevalent, you wouldn't refuse to bring that case against some crimes against a black victim simply because your fears in the 1960s or '50s that an all-white jury might never convict. But—so if that's the—you wouldn't—that wouldn't cause you to stop bringing in the case, I assume.

Mr. WELD. That's why it says "reasonable and unbiased."

Rep. BERMAN. Right. And, of course, so you'd have to conclude here that the United States Senate, by conclusion, you'd have to reach a conclusion that they were somehow not a reasoned and unbiased jury to apply that logic in this situation.

Mr. NOBLE. May I just respond? And let me quote you from the Department of Justice guidelines, because they use precisely that example to make that point. And they say, and I quote:

"For example, in a civil rights case or a case involving an extremely popular political figure, it might be clear that the evidence of guilt viewed objectively by an unbiased fact-finder would be sufficient to obtain and sustain a conviction if the prosecutor might reasonably doubt whether the jury would convict. In such a case, despite his or her negative assessment of the likelihood of a guilty verdict based on factors extraneous to an objective view of the law and the facts, the prosecutor may properly conclude that it is necessary and desirable to commerce or recommend prosecution and allow the criminal process to operate in accordance with its principles."

Rep. HYDE. The gentleman's time has expired.

The gentleman from Texas, Mr. Smith.

Rep. LAMAR SMITH (R–TX). Thank you, Mr. Chairman. Mr. Chairman, I have an observation and then a question for Governor Weld.

I have to say that I fundamentally disagree with the premise of this panel, which is that the President should be considered, quote, "an ordinary citizen." And therefore I disagree with their conclusion.

To me, the president has a special responsibility that goes beyond that of an ordinary citizen.

He holds the most powerful position in the world. He is the number one law enforcement official of our country. He sets an example for us all. Other people in other positions of authority, such as a business executive or a professional educator or a military officer, if they had acted as the President is alleged to have acted, their careers would be over, and yet they don't hold near the position of authority that the President does.

Let me read a statement from the rules under which President Nixon was tried for impeachment. It says, "The office of the President is such that—the office of the President is such that it calls for a higher level of conduct than the average citizen in the United States." Because of the President's special authority, I think it makes the charges against him more serious, and therefore, in my judgment, at least, demands that any punishment be more severe. the way there, let me compliment you for offering a well thought-out alternative to impeachment. And that's not to say I agree with it; it's just a well though-out alternative, I think.

I want to read a couple of statements from students at Roxbury Latin School, which is, I'm sure you know, a school in Boston. This was a column that appeared in the Boston Globe that was written by their headmaster. And apparently, he conducted a couple of school forums, and these are for students aged 12 to 18, and suggested to the students that they accept the president's statement of regret. He said, "They would have none of it," and then he generalized their reactions, which I want to read. And these are quotes.

"You've got to be kidding. This wasn't some one-time lapse in the face of sudden and unexpected temptation. The president did this over and over, plotting meetings with Monica Lewinsky in the White House, including one on Easter just after he was pictured coming out of church, Bible in hand."

"Clinton lied passionately, looking us in the eye; then he played word games; but he never told the truth until he was caught."

"Cheating by students usually results in suspension. Repeat cheating brings expulsion. Clinton cheated repeatedly. The only difference is that Clinton is a lot older than we are, supposedly a lot wiser, and he holds the highest public office there is."

"Maybe we're naive, but people our age want to look up to the president. What we see when we look at Clinton is someone who can't control himself and lies to his fellow citizens." End quote.

Governor Weld, aren't those students generally right in their assessment?

Mr. WELD. Well, Mr. Congressman, I don't think anybody's saying this is a day at the beach or a walk in the park. This is not a strong outing by the president, and I find those statements as depressing as you do. And as I was discussing with Mr. Coble a moment ago, if that kind of attitude and reaction had persisted in the citizenry at large——

Rep. SMITH. I understand your answer, and I appreciate it. Thank you very much.

I'll yield back the balance of my time.

Rep. HYDE. Thank the gentleman.

Mr. Boucher.

Rep. RICK BOUCHER (D–VA). Thank you very much, Mr. Chairman.

I would like to join with you and the other members who have congratulated this panel on what I think is the very excellent presentation this morning. And I would like to join in the welcome of these distinguished witnesses here.

Mr. Weld, I was very interested in your statement, with which I would wholly concur, that the intent of the impeachment power was to protect the public interest, and that the standard that Congress should apply in determining whether acts of the President constitute impeachable conduct is the public interest; and your further statement that impeachment should not be deemed to be punishment for that individual misconduct, that the punishment can occur in the regular course.

You cited the constitutional provision that says that for any crimes that are committed during the tenure of the presidency, the president can be indicted and tried, just as any other American.

I gather, however, from the thrust of the testimony of this panel of witnesses, that perjury prosecutions in civil actions are rarely undertaken. I gather also that perjury prosecutions generally, while undertaken on occasion, are not the first resort of prosecutors in most cases. But in this particular instance, there is yet another avenue in which the president potentially could be sanctioned for any misconduct that may have occurred in his testimony under oath, and that is in the U.S. district court in Arkansas, which had jurisdiction of the Jones case.

It has been suggested by a number of witnesses to this committee that that judge retains jurisdiction even though the case itself has now been formally dismissed by the eighth circuit court of appeals; that if she decides it is appropriate to do so, that she could impose sanctions based on any misconduct that may have occurred in the deposition that was taken in her court.

I would like the opinion of these witnesses with regard to whether or not that is an accurate statement of the jurisdictional posture of that case. Does she have the jurisdiction to do that? And based on your very extensive experience with regard to criminal prosecutions, do you think there is a probability or likelihood, or how would you rate the chances that if she deems that misconduct occurred there that she might be led to take actions and impose some sanction? That might be the more probable way in which some sanction occurs, as opposed to a criminal prosecution. So who would like to answer? I'll ask you first, Mr. Sullivan.

Mr. SULLIVAN. There is, under the United States Supreme Court decisions, inherent power in the district court in civil cases to impose sanctions for misconduct occurring before the court. So there's no question about that. That case was decided several years ago.

Your second part was, what would happen if she were to do this? Not having brought my crystal ball with me, I can't tell you. But she does have that power to pursue that, so far as I know. I do not know whether the dismissal of the case terminates that power. That's an issue I really haven't looked at.

Rep. BOUCHER. Does anyone else have a comment on that issue? Let me ask this additional question. Mr. Noble, I was very interested in your saying that this Congress should consider, in deciding whether or not to vote articles of impeachment, the effect that the House voting articles of impeachment and the Senate being put to trial would have on the country, the further polarization that would occur, the diversion of the President and the Congress from their real responsibility, which is attending to our national agenda, the potential immobilization of the Supreme Court while the chief justice presides, the lowering of the standard of impeachment in proceedings in future years.

I am concerned that, in fact, some members of this Congress, not fully having considered those effects, may have decided to apply a lower standard to determining whether or not articles of impeachment should be approved and believe that perhaps the House should act as a grand jury and simply vote on probable cause. Do you agree that there ought to be a higher standard than probable cause for us to consider this weighty matter?

Mr. NOBLE. This follows on Mr. Smith's comments. It's clear that before the public the President is not an ordinary citizen. It's clear that before Congress the President is not an ordinary citizen. It's clear that any rational criminal investigator or federal agent investigating an allegation of perjury by a president of the United States is not going to treat it like the ordinary case. It's clear, based on everything we've heard, that most of us believe, without looking at specific evidence, that the President either did perjure himself or didn't perjure himself.

Rep. HYDE. The gentleman's time has expired. Do you have a finishing sentence or two?

Mr. NOBLE. I can do it in one minute—or I'll just wait. I'll wait.

Rep. HYDE. Thank you.

Rep. BOUCHER. Thank you, Mr. Chairman.

Rep. HYDE. Thank you. The gentleman from California, Mr. Gallegly.

Rep. ELTON GALLEGLY (R–CA). Thank you, Mr. Chairman. Gentlemen, thank you for being here this morning. Mr. Sullivan, for the record, do you believe that the knowing and willful misleading of a judge or federal grand jury represents an effort to thwart the judicial system from discovering the truth?

Mr. SULLIVAN. Could you repeat the question, please?

Rep. GALLEGLY. Do you believe that willful misleading of a judge or federal grand jury represents an effort to thwart the judicial system from discovering the truth, for the record?

Mr. SULLIVAN. It sounds like what you said is correct, if I understand it.

Rep. GALLEGLY. [Laughs.] Thank you. You know, the evidence indicates that the President and Mrs. Lewinsky, or Ms. Lewinsky, had three conversations about her testifying in the Jones case within one month before his deposition. When the President was asked, "Have you ever talked to Ms. Lewinsky about the possibility that she might be asked to testify in this lawsuit?" he answered, "I'm not sure." Governor Weld, do you think it's reasonable—you know the President pretty well—to believe that the President completely forgot about these three conversations?

Mr. WELD. I really don't know, Mr. Congressman.

Rep. GALLEGLY. Thank you, Governor. When the president was asked, "At any time, were you and Monica Lewinsky together alone in the Oval Office?" he answered, "I don't recall." The evidence indicates that he was, in fact, alone with Ms. Lewinsky on many occasions, including the time that they exchanged gifts less than 20 days before the deposition. Mr. Sullivan, for this not to be perjury, the President must have genuinely forgot his numerous encounters with Ms. Lewinsky. Is that correct for it not to be perjury?

Mr. SULLIVAN. Yes, the evidence in a perjury case requires proof beyond a reasonable doubt that the defendant not only made a false statement but knew it was false at the time it was made. That's correct.

Rep. GALLEGLY. And if—and the test would be that he genuinely forgot in order for that not to be perjury. Is that correct?

Mr. SULLIVAN. That's my understanding.

Rep. GALLEGLY. Thank you very much, Mr. Sullivan. You know, the president's action of being less than truthful has caused and continues to cause serious problems. I'm concerned about how his lying affects the ability of the American people to trust the highest elected official in the land.

One of my constituents called me yesterday, a constituent by the name of Les Savage (sp). I've never met this gentleman before. But his question was very sincere. How do we know when the president is telling the truth? And maybe even more importantly, how do the leaders of other countries around the world know when he's telling the truth?

President Clinton has had many occasions to come clean, and to date I don't believe he has. The president's failure to present any substantive evidence is consistent with his obvious lack of concern about how serious the offense of lying under oath truly is.

Mr. Chairman, I yield back.

Rep. HYDE. The gentleman from New York, Mr. Nadler.

Rep. JERROLD NADLER (D–NY). Thank you, Mr. Chairman. Before my five minutes beginning, I have a parliamentary inquiry.

Rep. HYDE. State your inquiry.

Rep. NADLER. Thank you. Mr. Chairman, a few weeks ago, when Mr. Starr was here, in answer to a question I asked, he referred to a court case which was then under seal, and I was not able to characterize his—I felt myself unable to characterize the accuracy of his statement about that case lest I be accused of violating the seal.

A few moments ago, Mr. McCollum referred to the same court case, which is no longer under seal, but which is within the possession of this commmittee in executive session. Would I be violating the confidentiality rule if I were to state that Mr. McCollum misquoted and misstated what the court found and that the court did not conclude that the president's testimony about Lewinsky was material to the Jones litigation, but rather found the truthfulness of Monica Lewinsky's affidavit was material enough to her motion to quash her subpoena in that case to justify the OIC's issuance of a grand jury subpoena to her lawyer and that this is a distinct issue from whether the president's testimony in the Jones deposition was material to that case? And if I were not permitted to state that, why is Mr. McCollum permitted to quote this case?

Rep. HYDE. You will be provided with a copy of the opinion.

Rep. NADLER. But am I permitted to state this?

Rep. HYDE. Well, I'd ask you to read the opinion before you make any statements. I'm told you have mischaracterized Mr. McCollum's characterization.

Rep. NADLER. Well, whether I've mischaracterized it or characterized it, since that is——

Rep. HYDE. You can say anything you want, Mr. Nadler.

Rep. NADLER. Thank you. Then I will simply——

Rep. HYDE. But I'm suggesting that you'll get a copy of the opinion very shortly, and i'm suggesting you read it before you make statements about it. But that's up to you. All right, now your five minutes starts.

Rep. NADLER. Thank you, Mr. Chairman. Mr. Chairman, I should note that I have written to the attorney general asking that Mr. Starr be disciplined for breaking the confidentiality of that case when he mischaracterized it two or three weeks ago.

Let me ask Mr. Davis, I think, starting off. You stated very carefully and clearly in your testimony that you really—no prosecutor would prosecute a perjury case on the basis of the evidence that we have before us from the Starr referral, that there really holds—that it's not likely that a jury would convict, that there is no real perjury case there.

You said that, for example, that you wouldn't bring a prosecution of perjury based on two conflicting statements of two witnesses, one of whom disagrees with the other; that the alleged corroboration that Mr. Starr cites for Monica Lewinsky's testimony is not corroboration at all, because that she told 10 or 11 friends of hers and relatives the same thing, that she had a motive to embellish or falsify the statement. And, in fact, I think law school tells us that such a statement would be inadmissible in a court as hearsay in prior consistent statements in any event.

I would simply—first of all, do I characterize your testimony correctly?

Mr. DAVIS. Generally, yes.

Rep. NADLER. Okay. Thank you. Secondly, some people on the other side here, have talked about the president being impeachable, not only for perjury, but for a lesser crime, that if perjury isn't a high crime and misdemeanor and a great offense threatening the safety of the republic, that maybe false statements under oath are.

Would the same or similar constraints prevent a successful prosecution under these circumstances, with this evidence of false statements under oath, as would prevent a successful prosecution for perjury?

Mr. DAVIS. Yes. I mean, the false statement under oath section of the U.S. Code really——

Rep. NADLER. Could you speak up, please?

Mr. DAVIS. The false statement under oath section of the U.S. Code will formally eliminate the so-called two witness rule, the same prosecutorial judgment would come into play in which you'd have to assess can you win the case, and for the reasons that I articulated before, it seems to me that with the one-on-one testimony, and as I said, the fact that Mr. Starr would have to disassociate himself, and criticize Ms. Lewinsky's testimony, and say that it's not true in various regards, would make such a prosecution, in my view, doomed to failure.

Rep. NADLER. For false statements under oath as well as for perjury.

Mr. DAVIS. That is correct.

Rep. NADLER. All right. So there would be no successful prosecutions for false statements under oath, and again, to summarize, Ms. Lewinsky is a weak witness because the Special Prosecutor would have to point out that she lied under oath at some other place.

Mr. DAVIS. Yes. And in a grand jury context, that's really the core perjury.

Rep. NADLER. And it's further weakened by the fact that the alleged corroboration witnesses would be inadmissible in any court as hearsay?

Mr. DAVIS. Well, they would probably be, you know, inadmissible. There may be some arguments that they could come in at some point, depending upon cross-examination. But the point is, whatever motive she had to falsify in the grand jury on this——

Rep. NADLER. The same motive.

Mr. DAVIS [continuing]. The same motive would exist.

Rep. NADLER. So in other words, if I want to falsify or embellish my statement, or have a fantasy, or lie, the fact that I lied to 12 people, doesn't make it any less of a lie than if I lied only to one person.

Mr. DAVIS. That is correct.

Rep. NADLER. And—yes, Mr. Noble.

Mr. NOBLE. Yes, can I talk about that for just a moment, because it's very important. A good prosecutor is going to try this case with the defense theory in mind. And the defense theory is going to be: can I prove that the president did what she said the president did? She's going to be impeached for every prior inconsistent statement she has. But the person's not going to cross-examine her, and make it seem as though her testimony was recently fabricated. Because that way, she can bring in every prior statement.

All of us ought to worry about someone lying about us to a thousand people and having that come in as admissible evidence, making what we lied about the first time was true, if the motive to lie began in the very beginning.

So, for that reason, a smart——

Rep. NADLER. Her motive did begin at the very beginning.

Mr. NOBLE. And her motive arguably did begin at the beginning.

Rep. NADLER. And that applies to false statements under oath, as well as to prejury.

Rep. NOBLE. That applies to false statements under oath, as well as perjury. I tried a case, a false statement case, I convicted it at the jury level, was reversed on appeal because of a literal truth defense, the same defense that——

Rep. NADLER. Thank you. I have one further question, if I can quickly get it in. Mr. Smaltz, the special prosecutor in the Espy case, said that an indictment is as much a deterrent sometimes as a conviction, so you might as well get it——

Rep. HYDE. The gentleman's time has expired.

Rep. NADLER. Do you agree with that?

Rep. Hyde. The gentleman from Florida, Mr. Canady.

Rep. CHARLES CANADAY (R–FL). Thank you. Mr. Chairman, I'd like to thank you all for being here today. You've done a good job in presenting what I believe are some of the best arguments in defense of the president, and I understand that's why you're here, and we appreciate your perspective on this.

I have agreed with some of the points that have been made. Obviously, I disagree with some of the others. But when you talk about prosecutorial discretion, and the question that a prosecutor has to ask about whether he can have some expectation of winning before a jury. I think that's right. And I think that's an appropriate way for a prosecutor to view the case.

Now, my judgment about the facts of this case, differ from yours, based on what I've seen today, because I think there is compelling evidence here that points to the conclusion that the president engaged in a pattern of lying under oath and other misconduct.

But on the standard for prosecution, I think you've raised some good and valid points. But I want to quarrel a little bit with the application of that in this context. The argument has been made that in essence, we in the House should, in carrying out our responsibility, look to the Senate, and make a guess about how the proceedings would turn out in the Senate, to determine how we exercise our responsibility under the Constitution.

I would suggest to you, I don't think that's a proper way for us to proceed. I believe that we have an independent responsibility, under the Constitution, to make a judgment concerning the conduct of the president, and whether he should be impeached or not. And it would be in derogation of our constitutional responsibility to attempt to count noses in the Senate. I will have to say that it's a very difficult thing to count noses in the Senate anyway, and in a proceeding like this, it's hard to predict the outcome.

But aside from that, I just don't think that's a proper undertaking for us to be involved in. And I'd also point out that the very structure of the Constitution indicates that. In the Constitution, the framers provided that the House could impeach with a simple majority. They provided that conviction in the Senate would have to be by a two-thirds majority.

Now, I would suggest to you that that structural feature of the Constitution suggests that the framers would have contemplated circumstances in which the House might very well impeach, but the Senate would not convict. Now, I think that's obvious on the face of the documents. Some of these arguments I think have to be brought back to the text of the Constitution and evaluated in that light.

But on this issue of prosecutorial discretion, let me pose a scenario here, which I think is very analogous to what we have before us. Suppose the chief executive of a Fortune 500 corporation, a major national corporation in the United States, was accused of sexual harassment, and the corporation had been sued—sexual harassment or any other civil rights offense. And in the course of the discovery in that case, the chief executive of that major national corporation lied under oath to impede that civil rights action.

Now, I believe that the fact that the chief executive of a major national corporation was engaged in that type of conduct, would be a relevant consideration for the prosecutors who were evaluating the case and whether to bring it, because of the impact of that conduct.

Now, I do believe that bringing prosecutions have a deterrent impact. And that is one of the considerations that has to be factored into prosecutorial discretion.

So, I think if we step back from this situation—and again, we can argue about the weight of the facts, and I understand you disagree with the evaluation some of us may have made about the weight of the facts here. But if the president of the United States did engage in obstruction of justice, and committed multiple acts of lying under oath, I think that we have to look at that conduct, in light of the consequences that it has, and the message it sends, just as we would look at the conduct of the chief executive of a major national corporation who was the defendant in a civil rights case brought against that corporation.

So, I think that's something to look at. There's really not time for you to respond. But do you disagree, that that sort of high-profile case has to be evaluated in light of those circumstances?

Mr. DENNIS. I think there's one point on this. I mean, the analogy isn't quite there. I think if you were looking at the—a president of a Fortune 500 corporation, you'd be talking about a suit that was brought by, perhaps, someone prior to them taking that position and——

Rep. CANADY. Oh, no! No, no, absolutely not. He could have been guilty of that in the course of his conduct as chief executive. But thank you.

Mr. DENNIS. Well, I think that the issue of materiality is one that's been discussed here. And I think that's where the nub of it is—that the Jones matter was something prior to the president becoming president of the United States. We weren't talking about issues of how the president deals with subordinates in that respect. And I think that that really makes a huge difference in terms of how that person should be perceived insofar as these kinds of charges.

Rep. CANADY. Thank you.

Rep. HYDE. The gentleman's time has expired.

The gentleman from Virginia, Mr. Scott.

Rep. ROBERT SCOTT (D–VA). Thank you, Mr. Chairman.

Mr. Sullivan, in your prepared testimony you said that no serious consideration would be given to a criminal prosecution rising from an alleged misconduct and discovery in the Jones civil case, having to do with alleged cover-up of a sexual affair with another woman, or the follow-up testimony before the grand jury; it simply would not have been given serious consideration for prosecution. It wouldn't get in the door. It would be declined out of hand.

Are you aware that we are not straight as of now as to all of the allegations, specific allegations of perjury, that even yesterday that gentleman from Arkansas specified in a different statement that he believed to be perjurious? ABC News said that the Republicans—on December 7th said the Republicans might shy away and come up with new charges from the grand jury. Is it fair to have an accused respond to a perjury charge without stating with specificity what the statement is that was false?

Mr. SULLIVAN. No.

Rep. SCOTT. Thank you.

Mr. Noble, in fact-finding, is there a problem using conflicting grand jury testimony, copies of FBI interview sheets, and prior consistent statements in order to make a case against an accused?

Mr. NOBLE. I believe there's a problem using only those bases for making prosecutive decisions, yes.

Rep. SCOTT. And why is conflicting grand jury testimony and copies of FBI interview sheets inherently unreliable as testimony?

Mr. NOBLE. Because our system of justice is based on testing the testimony of someone, under oath, in front of the finder of fact, subject to cross-examination, and in a grand jury that doesn't exist.

For that reason, prosecutors, at the very least, interview the principle witnesses themselves; try to test that witness as much as they can in terms of deciding whether or not he or she can withstand cross examination. Otherwise, you just have hearsay.

Rep. SCOTT. And because of that unreliability, is it—you can't make a case just using grand jury testimony to make a case against someone?

Mr. NOBLE. I say this with all due respect: only a foolish or inexperienced prosecutor would attempt to indict and convict someone based on hearsay grand jury testimony.

Rep. SCOTT. Thank you. Mr. Davis, in your testimony, on page 13 of your prepared testimony, right at the top—you didn't have time to go through the specifics of why the obstruction of justice case could not be made. Could you start at the top of page 13—I assume you have—where it says, "But there are—," draw the factor——

Mr. DAVIS. Yes. Another complicating factor in the obstruction of justice case which makes this such a difficult case to bring is the reality that the principle players in this drama, the president, Miss Lewinsky, and Ms. Currie, had relationships and motivations to act, wholly unrelated to the Jones case. This kind of thing would seriously complicate the ability of a prosecutor to establish the intent to obstruct some official proceeding, which is required to prevail in an obstruction of justice case.

Examples: The job search began before Miss Lewinsky was on the witness list, and frankly, there's nothing surprising that someone who had an illicit relationship with a woman would, when it was over, be willing and want to help her to get a job in another city. Ms. Currie had her own relationship with Miss Lewinsky. People who have an illicit relationship often understand that they will lie about it without regard to the existence of a litigation and here it appears that such an understanding was discussed prior to Miss Lewinsky being identified as a potential witness.

The evidence, you know, about retrieval of the gifts is contradictory, with Ms. Currie and the president offering versions of the events which exculpate the president and which differs from Miss Lewinsky's testimony, and Miss Lewinsky herself provided varying and sometimes exculpatory interpretations of these very events in terms of her testimony.

These are the kinds of things that make winning a case—and I do think when you're talking about——

Rep. SCOTT. Let's—do you have the next paragraph, which I think you can get in?

Mr. DAVIS. And the reality that at the time of the president's conversation with Ms. Currie in the immediate aftermath of his civil deposition, Ms. Currie was not a witness in any proceeding. And given the status of the Jones case, there was no reason to believe that she ever would be, and that the president was likely focusing on the potential public relations repercussions from his relationship.

You know, it isn't a question, I must say, of counting votes in the Senate. The issue is in thinking through the standard of whether to proceed at the House level, whether you think you have adequate evidence to prevail. So you are making the judgment.

Rep. HYDE. The gentleman's time has expired.

The chair will declare a 10-minute recess, and it—and I mean it, that it's 10 minutes! [Laughter.] Please come back.

Mr. ?. We won't move. [Laughs.]

Rep. HYDE. Thank you. Well, you're entitled to move; that's why I'm calling the recess.

[A 10-minute recess is taken.]

Rep. HYDE. The committee will reconvene.

I must say, the panel looks refreshed. That's good.

Mr. ?. On behalf of the panel, thank you, Mr. Chairman.

Rep. HYDE. Mr. Watt, the gentleman from North Carolina.

Rep. MELVIN WATT (D–NC). Mr. Inglis was next.

Rep. HYDE. All right, Mr. Inglis is next.

Rep. BOB INGLIS (R–SC). Thank you, Mr. Chairman.

And I want to thank the panel for being here.

Mr. Sullivan, if this case, the facts of this case ever resulted in a prosecution of Bill Clinton after leaving the White House, would any of what we've heard this morning be admissible as a fact in a case involving the prosecution of Bill Clinton, the private citizen? Any of your testimony, would any of that be admitted as a fact in that case?

Mr. SULLIVAN. On, no. Absolutely not.

Rep. INGLIS. Would anything that anyone else has said here this morning be admitted as a fact in that case?

Mr. SULLIVAN. Absolutely not.

Rep. INGLIS. I'm keeping score, Mr. Chairman, as you know. So this makes panel 4, Mr. Craig, the fourth panel—no facts. And Mr. Craig said yesterday to us, "In the course of our presentation today"—that was yesterday—"and tomorrow"—that's today—"we will address the factual"—underlined factual—"and evidentiary issues directly." The score now is zero to four; zero panels, zero witnesses dealing with facts. Everybody that we've heard from in these four panels has given conclusions, has given legal opinions. Not a single person has presented a fact.

Mr. Sullivan, would a memorandum of law be considered a fact in trial?

Mr. SULLIVAN. Not unless the—normally no, if the issue arose out of that. But no.

Rep. INGLIS. Right. Unless the memorandum of law itself was an issue. Then it could be a fact, correct?

Mr. SULLIVAN. Right. Right.

Rep. INGLIS. So this 184-page document—it really, I think, can only be described as a memorandum of law, possibly a brief—contains no facts—no facts in the case before us today.

Mr. SULLIVAN. It's similar to the Starr report in that regard. They're about equal. [Laughter.] I mean, they do deal with the facts, but there are no witnesses that you've heard to testify directly about the facts, whereas in a trial the people would have to appear and give their testimony personally.

Rep. INGLIS. Right.

Mr. SULLIVAN. Yeah.

Rep. INGLIS. Well, of course, the difference, would you have to concur with me, is the Starr report is based on sworn testimony gathered by an independent counsel, which are the same facts that I guess are discussed here. It's just that there you have a direct quotation of those facts and a summary of those facts. Is that correct?

Mr. SULLIVAN. Yes. And I think that the White House submission, although I have not read all of it, I've read part of it—the part I read did deal in great detail with a great many of the facts, including a lot of the facts that are not highlighted in the Starr report.

Rep. INGLIS. Right. But none of those are facts in a case, and the point that I'm making is that, again, Mr. Craig yesterday made a very high bar for him to get over.

And the thing that I find wonderful about these proceedings is that for the—really, it's a rare opportunity to bring accountability to the White House spin machine. What happens, I think, with the spin machine is the reporters get worn down. They get tired of trying to pursue it, so they just accept it. But here we have accountability.

Yesterday Mr. Craig said that in the course of the presentation, we will address the factual evidentiary issues directly. The score is zero to four; zero of these panels, Mr. Craig, have addressed facts. All of them are doing what the other panels have done in times past. In other words, here again, very helpful discussion—I appreciate the time of all these witnesses, but there's nothing new here, no new facts, no new evidentiary issues that have been addressed directly. And once again we do have that the president was—had personally instructed you not to obscure the simple moral truth. But all this 184-page document is, is more of the hairsplitting, more of the legal technicalities that are so maddening in what the president has to say to us. That's what the 184 pages is.

Rep. HYDE. The gentleman's time has expired.

The gentleman from North Carolina, Mr. Watt.

Rep. MELVIN WATT (D–NC). Thank you, Mr. Chairman.

We got a 445-page referral from independent counsel Starr. Is there anything in that 445 pages that in that form would be admitted in a criminal case.

Mr. SULLIVAN. No.

Rep. WATT. So I suppose that what Mr. Inglis is talking about is the same thing that—what we've been talking about all along. We keep waiting on some facts to be developed here, and without that development, the score remains zero to zero, I take it, with the presumption of innocence being in favor of the president.

Mr. Noble, you had a response?

Mr. NOBLE. Yes, I would like to respond to the previous congressman's comments.

Rep. WATT. Before you go there, let me——

Mr. NOBLE. But the direct response to your comment, and that is, if it was a trial and the prosecution presented no admissible evidence, zero, not guilty, there would be no defense case.

Rep. WATT. That's right.

Okay. Now that brings me to the point that I wanted to make, because I got a call from—everybody seems to be getting calls from constituents; I got mine last week from a constituent who started out by saying that the president was engaging in a legal attempt to distinguish what he had said in some way. And I reminded the caller that this in fact is a legal proceeding that we are involved in. Is there anybody on this panel that disagrees with that? (No audible response.) Okay.

So the standards that are applicable in a legal proceeding, Mr. Sullivan, you referred to that—on the first page of your testimony you said, "The topic of my testimony is prosecutorial standards under which cases involving alleged perjury and obstruction of justice are evaluated by responsible federal prosecutors." I take it that you are equating this panel to responsible federal prosecutors and what you're saying, I guess—I take it from your testimony this morning, is if a responsible federal prosecutor wouldn't prosecute this case, then we ought not be moving it along to the Senate—or to the House floor. Is that—is that the essence of where you come down?

Mr. SULLIVAN. I'm not sure I would presume on the—that issue of what your responsibility is. I'm only saying that since your judgment here is high crimes and misdemeanors—that's the test—in my opinion, a responsible federal prosecutor would not bring a case based on these charges in the Starr report. Now, you can draw whatever conclusions you wish politically from that conclusion.

Rep. WATT. All right. So, Mr. Noble, what would be your response to that, and in the context of what some of my Republican colleagues on the committee have suggested ought be the standard under which we are evaluating this evidence?

Mr. NOBLE. I believe that—and I'm not one—I was not elected by anyone, not by prosecutors or by citizens, to comment. But my best advice would be that there's a lesson to be learned from the Justice Department. The parallels are quite striking. In the Justice Department, before bringing a criminal prosecution, the hurdle is very low—probable cause. However, before getting a conviction, you need proof beyond a reasonable doubt.

Here, in order for it to get voted out of this House, you'll need a majority. However, in order for a conviction to occur, you need two-thirds of the Senate. I believe you ought to look and think about what a rational, fair-minded senator would do, how he or she would vote. If you conclude they would not convict, think about the precedent you would have set if after two, three, four, five, six, seven impeachments and no convictions. You would not restore public confidence; if anything, you will have started to undermine public confidence in the impeachment proceedings.

Rep. HYDE. The gentleman's time has expired.

The gentleman from Virginia, Mr. Goodlatte.

Rep. ROBERT GOODLATTE (R–VA). Thank you, Mr. Chairman.

Rep. HYDE. Mr. Goodlatte, would you yield to me for just a question?

Rep. GOODLATTE. Sure.

Rep. HYDE. Maybe, Mr. Sullivan——

Rep. WATT. Mr. Chairman, on whose time are we operating?

Rep. HYDE. Pardon? [Off mike response.] I'm sorry. I asked staff to do that, and sometimes they forget. They're enchanted by my question. [Laughter.]

Rep. WATT. Thank you, Mr. Chairman.

Rep. HYDE. Thank you.

The question I was going to ask, when someone is granted immunity, as Ms. Lewinsky was done, is it customary—and of course we could get the answer by looking at the immunity agreement—but is it customary that they are obliged to tell the truth thereafter, and if they lie or tell a falsehood about some substantial issue that they forfeit their immunity? Is that the custom?

Mr. SULLIVAN. There are two kinds of immunity. But the normal immunity—and I haven't seen her agreement—is what's called "use immunity" which means that any testimony that she gives that is not truthful could be used against her in a subsequent perjury prosecution. If she gets "transactional immunity" she's entirely free. But that's not normally the case; it's usually use immunity. However, in my experience, when the federal prosecutors give use immunity to a witness, it is—I don't like to say never happens, because that's usually wrong, but I just don't know of a case in which they've brought prosecution for perjury.

Rep. HYDE. I think the thing to do is to see what the agreement held.

Mr. SULLIVAN. Right. But generally, the agreement requires truthful testimony—

Rep. HYDE. Right.

Mr. SULLIVAN [continuing]. And you are subject to perjury prosecution if you do not give truthful testimony.

Rep. HYDE. Thank you, Mr. Sullivan.

I thank you, Mr. Goodlatte.

Rep. GOODLATTE. Gentlemen, welcome.

Governor Weld, when you were governor of Massachusetts, if you were convicted of a felony that was serious that included jail time, what would happen to you as governor of the state of Massachusetts?

WELD. I think you're out automatically, but I never got close enough to the border to focus on that question—[Laughter]—Mr. Congressman.

Rep. GOODLATTE. We hope not. We hope not. But the point is, I think that's true not only in Massachusetts, but in virtually every other state in the country, that if the chief executive is convicted of a felony, that they are automatically removed from office. And I do have the annotated laws of Massachusetts here in front of me, and that is exactly what they provide.

In addition, it's my understanding that you would not be exempt from prosecution during the time that you served as governor.

In other words, the prosecution could go forward, you could be tried and convicted during that time, unlike the prevailing opinion with regard to the President of the United States.

Mr. Weld. Well, sure. I think that's true.

Rep. Goodlatte. And if that were to occur, that would be a serious disruption of your duties as governor of Massachusetts, to go through a—what could conceivably be a lengthy trial. But nonetheless, the laws of that state and virtually every other state, provide for that to be done to protect the public trust and the interest of the public in not having someone with a serious charge and then subsequently a felony conviction serving in the office of highest trust of that state. Is that correct?

Mr. Weld. That's right. That's right. Actually, one of the reasons I resigned in '97 was because the Mexico ambassadorship was taking up so much of my time I didn't think it was fair to the people to continue drawing a full salary. So a lengthy criminal proceeding would be problematic also.

Rep. Goodlatte. Now, also, if the judgment against he governor is reversed at a later time, the governor can be restored to that position according to Massachusetts law unless it is so expressly ordered by the terms of a pardon.

The President of the United States has the power to pardon, and the prevailing opinion is that the president can pardon himself. Are we all in agreement that the likelihood of any kind of subsequent prosecution of this case, regardless of your opinions of the merits, is not going to take place because of the reality of the circumstances, that either for practical reasons after the president leaves office or because he could bestow a pardon upon himself that that would take place?

Mr. Weld. Well, I can't imagine the president pardoning himself, Mr. Congressman.

When I said I thought that the post-term risk was low, that's because of my assessment of the merits of the prosecution case.

Rep. Goodlatte. Be nonetheless, he has that power, and the Constitution is very explicit about the one exception to the use of that power, and that is in circumstances where the president is impeached. He cannot then pardon himself and restore himself to office as a result of impeachment, obviously.

Mr. Noble, in my last question, if I may, would you be able to keep your job as professor of law at New York University if these charges were brought forward before you and made known to the public and to your employer?

Rep. Sensenbrenner. The gentleman's time has expired.

Rep. Goodlatte. The activities that we know the president——

Rep. Sensenbrenner. Mr. Noble, you don't have to answer that, because time is up.

[Remarks off mike.]

Rep. Conyers. Could he answer it if he wanted to?

Rep. Sensenbrenner. I think so. [Mild laughter.]

Rep. Conyers. Okay.

Mr. Noble. I can't even imagine me being accused of anything along these lines. [Laughter.]

Rep. Goodlatte. Professor Noble, I can't imagine your being accused of anything as heinous as this, either, but nonetheless, I think you would agree that you would not be able to hold that position.

Rep. Sensenbrenner. Thank you. The gentlewoman from California, Ms. Lofgren.

Rep. Zoe Lofgren (D–CA). I am someone who believes that the issue before the Congress is whether behavior of the chief executive is so severely threatening to our Constitutional system of government that it requires us to undo the popular will of the people and remove the executive and go through that trauma—that that's the issue that faces us.

However, not every person is analyzing this in the same way, the appropriate way. There are some who say that lying about sex, although deplorable, is not enough to impeach, but it's the crime that causes them to think that there ought to be an impeachment. Unfortunately for the president, there's no forum, really, to address the issue—to defend against allegations of crime. People say, well, those are technicalities, but that's what the criminal law is all about.

I've been thinking about my old, my late professor, Graham Douthwaite (sp), my crimes professor, who told us all that in order to convict of a crime you had to prove every element of a crime, and that, necessarily becomes technical. And in the case of perjury you have to have the person under oath and it has to be a statement about a material fact in the case and it has to be an unambiguous question, and it has to be a knowingly false answer, and it has to be actually false and it has to be competent evidence for all of those elements, to get a conviction.

For example, I recently—and I'm not arguing this case, but I read an article in the Legal Times and also the American Lawyer Today that points out that the president was probably—well, he was not under oath when he testified before the grand jury because the oath was administered by an officer who did not have the capacity to administer the oath, to wit, a prosecutor. And there is a case on that, U.S. v. Doshen (sp) that requires that in such a case, the case must be dismissed. So if it was not William Clinton but John Smith in court, any courtroom in America, that case of perjury would have to be dismissed. It's a technicality, but that's what the criminal law is about.

I went home this weekend and asked a friend who is a deputy district attorney whether a conviction could be had in this case, and the answer I got was, no way, this could never yield a conviction if it were John Smith.

And so I'm wondering, Mr. Sullivan, could you help the American people who have had the benefit of not going to law school to understand and to appreciate why we have these technicalities, and why it could be possible, if it was John Smith in court, to sday something was obviously, you know, misleading but it would not yield actually a criminal conviction? How could that be, and what's the point of that, Mr. Sullivan?

Mr. Sullivan. The law has raised very, very high barriers against any citizen being convicted of a crime, the presumption of innocence. We have it in the United States. It is not common throughout the world. We are very privileged in many ways, and this is one of them.

In perjury cases, you must prove that the person who made the statement made a knowingly false statement. Now, where I think the defect in this prosecution is, among others—and I don't think it would be brought, because it's ancillary to a civil deposition—is to establish that the president knew what he said was false. When he testified in his grand jury testimony, he explained what his mental process was in the Jones deposition, and he said the two definitions that would describe oral sex had been deleted by the trial judge from the definition of sexual relations and I understood the definition to mean sleeping with somebody.

I don't want to get to particular here.

Rep. Lofgren. Thank you.

Mr. Sullivan. But that is were the case, in my opinion, wouldn't go forward even if you found an errant prosecutor who would want to prosecute somebody for being a peripheral witness in a civil case that had been settled. That's my answer to that.

Rep. Lofgren. Let me ask you, Mr. Nobel. You're an evidence professor. It's been all sorts of—oop, my time is up. Well, perhaps someone else can ask you about hearsay. And I will yield back, Mr. Chairman.

Rep. Sensenbrenner. I thank the gentleman from California for watching the red light.

The gentleman from Indiana, Mr. Buyer.

Rep. Steve Buyer (R–IN). I would like to respond to this frivolous argument about the oath that we just now heard. The president's deposition oath was administered in a civil deposition by Judge Susan Webber Wright, according to the court reporter who recorded the deposition. The Federal Rule of Civil Procedure 28 specifies three types of persons before who depositions may be taken within the United States; before an officer authorized to administer oaths by the laws of the United States or place—or of the place where the examination is held, or before a person——

Rep. ?. Will the gentleman yield?

Rep. Buyer. No, I will not.—or before a person appointed by the court to administer oaths and take testimony.

There is no dispute that Judge Wright has the authority to give the oath in the civil deposition.

Note also in addition 5 U.S.C. 2903 provides, quote, "an oath authorized or required under the laws of the United States may be administered by the vice president or an individual authorized by local law to administer oaths in that state, district, or territory, or possession of the United States where an oath is administered."

Now before the grand jury, Rule 6(c) of the Federal Rules provides that the foreperson of the grand jury, quote, "shall have the power to administer oaths and affirmations, and shall sign all indictments," end quote. This does not mean that the foreperson is the only person who administers oaths in the grand jury. In the District of Columbia, a notary public could administer an oath and affirmation. In the president's grand jury testimony, the oath was administered by the court reporter/notary public, who's authorized to administer oaths by the federal law and District of Columbia. The District of Columbia Code provides that a notary public shall have the power to administer oaths and affirmations. That's Chapter 8, D.C. Code 1–810.

I have a question for you, Mr. Noble, with regard to——

Rep. Scott. Mr. Chairman, could—was the reading off—from a document?

Rep. Sensenbrenner. Time belongs to the gentleman from Indiana.

Rep. Scott. Well, if he was reading off a document, we'd like to see what he was reading.

Rep. ? [Off mike.]

Rep. Sensenbrenner. The time belongs to the gentleman from Indiana. He will proceed.

Rep. Buyer. Mr. Noble, with regard to prosecutorial discretion, I was pleased to hear some of your testimony. As I am referring here to the principles of federal prosecution, I have a series—a couple questions I'd like to ask. Prosecutors end up having to exercise discretions a lot of times because—

sometimes there's more crime that occurs, and you have less resources, so you have to exercise good judgment. Is that correct?

Mr. NOBLE. That's correct.

Rep. BUYER. And there are many different factors that you need to take into consideration, and that's why you also have these guidelines in the federal sector, correct?

Mr. NOBLE. Correct.

Rep. BUYER. And one other factor that you even talked about here today is the strength of evidence, right?

Mr. NOBLE. Yes, sir.

Rep. BUYER. Another factor would be—is the gravity of the offense, correct?

Mr. NOBLE. That's correct.

Rep. BUYER. And the other is the deterrence, the deterrent effect——

Mr. NOBLE. Correct. Correct.

Rep. BUYER [continuing]. By prosecuting or not prosecuting. Is that correct?

Mr. NOBLE. Correct, yes.

Rep. BUYER. Now, in this case, when I refer to the guidelines under the section of the nature and the seriousness of the offense, I thing it is somewhat informative, it says in here, it even states, "The public may be indifferent or even opposed to the enforcement of a controlling statute whether on substantive grounds or because of the history of non-enforcement or because the offense involves essentially a minor matter of private concern." And that's what you—some of you have tried to articulate here today.

Mr. NOBLE. I believe I quoted that in my prepared remarks. That's correct.

Rep. BUYER. Right. But if you go down further, it reads, "While public interest or lack thereof deserves the prosecutor's careful attention, it should not be used to justify a decision to prosecute or to take other action that cannot be supported on other grounds. Public and professional responsibilities sometimes require the choosing of a particularly unpopular course." Do you agree with that?

Mr. NOBLE. Again, I've quoted most of what you've said, yes.

Rep. BUYER. Well, we've had other panels come in and testify, and they like to cite public opinion polls. And they say, "Well, you know, you need to listen to public will here and exercise, you know, sound public discretion here and go with the polls." But as in the prosecution of cases, you don't have that luxury, do you?

Mr. NOBLE. I believe that what one is supposed to do is try to make one's best judgment in terms of what an unbiased decider of fact would decide. If the public polls are deemed to be based on unbiased opinion, then that should be considered. But if they're deemed to be based on bias, then I think they should be ignored.

Rep. SENSENBRENNER. The gentleman's time has expired.

The gentlewoman from Texas, Ms. JACKSON-LEE.

Rep. SHEILA JACKSON-LEE (D–TX). I thank the chairman very much, and I think it is important as these days come to a close to make all of ourselves clear.

Let me again clearly state that I find the president's behavior unacceptable and morally wrong. But I take issue with my colleague from South Carolina, who continues to restate the premise that there are no new facts. Unfortunately, what I would offer to say is there's been no new thinking in this room, because as I read the provision "treason and bribery. and other high crimes and misdemeanors," I do not hear the claim "treason and bribery and unfit morally."

So we're discussing actuality apples and oranges for the American people. That confusion causes the divide and the inability for us to come together in a collaborative and bipartisan manner.

I would offer to say that maybe the panel that is missing here are spiritual leaders who might address the question of the schoolhouse in Texas; to be able to talk about redemption or the fact that "no, liars are not excused and it is wrong"; to teach parents how to teach their children; church houses and synagogues and parishes how to lead America morally.

But the impeachment process is not a spiritual process, it is a process, in fact, that we must deal with one, the farmers's intent, and as these gentlemen, who I applaud for your presence, your intellect and your experience, have come to answer concerns as put forward by the president's defense, so I would like to get to what you're here for—to present information that is relevant to the impeachment question. That is not a spiritual question, it's not a moral question, but we condemn morally the behavior of the president.

Now, my friends say there's no new evidence. If they would turn to page 93 in the president's presentation, there's a statement that say there is no evidence that the president obstructed evidence in connection with gifts. But the point is, the independent counsel, Mr. Starr, said the president and Ms. Lewinsky met and discussed what should be done with the gifts subpoenaed by Ms. Lewinsky (sic). Here, the answer—here is Ms. Lewinsky's testimony, not ever put forward: "He really didn't. He really didn't discuss it." And so you have it where there is an absolute new fact, of which my friends seem to reject.

Another point is, in the Paula Jones deposition, Mr. Bennett objected to the definition this is a sexual relations or sexual affairs. He was on the record saying, "I think this could really lead to confusion. I think it's important that the record is clear. I do not want my client answering questions not understanding exactly what these folks are talking about."

Another co-defendant, Danny Ferguson's lawyer said, "Frankly, I think it's a political trick definition—the definition, and I've told you before how I feel about the political character of this lawsuit."

Let me ask, Mr. Sullivan, Mr. Davis and Mr. Noble, as my time eases on, one, Mr. Davis, give the American people, most of whom have not been charged with crime, never been inside of a grand jury, as to what it is like; whether it ends there with the probative value of that.

Mr. Sullivan, if you would, if you could remember the question so I could quickly get it answered, you mentioned the fact that it is unlikely to prosecute for these issues for perjury. Say that again for us quickly.

Mr. Noble, do we have the authority in this proceeding not to go foward if we don't think we have a case?

Mr. Davis, inside the grand jury room.

Mr. DAVIS. The grand jury is really the instrument of the prosecutor, or they may ask some of their own questions. It really is the agenda of the prosecutor. And what it is not is a vehicle for getting an assessment of the credibility of witnesses that appear there. There is no cross-examination. It is the prosecutor's presentation and really is not sufficient to determine what ultimately will happen in a trial.

Rep. JACKSON LEE. Mr. Sullivan?

Mr. SULLIVAN. The reason, I think, a perjury prosecution on the sexual-relations issue would fail is that the President has clearly explained in detail, and repeatedly, in his grand jury testimony what his understanding of the term meant, when he gave his testimony in the Jones case. And I do not think, in light of the obscure definition and in light of what happened, that it can be said that there is proof beyond a reasonable doubt that he did not honestly have that interpretation.

Rep. SENSENBRENNER. The gentlewoman's time has expired.

Rep. JACKSON. Sorry, Mr. Noble.

Thank you.

Rep. SENSENBRENNER. The gentleman from Tennessee, Mr. Bryant.

Rep. ED BRYANT (R–TN). I thank the chair, and I thank the distinguished panel.

I always want to remind those that might be watching that this is the President's defense. And the witnesses who have been testifying the last two days, are all called by his lawyers to testify in his favor.

I want to commend Mr. Craig for the outstanding strategy he has presented today. He is truly a very fine lawyer. He has brought a defense to us today that this President should not be impeached because he almost committed perjury, obstructed justice, tampered with witnesses, caused someone to false affidavit, but because he didn't actually cross that line exactly, then he should not be impeached.

This extraordinarily talented wordsmiths, or the extraordinarily talented wordsmiths, and people who can make those extremely sharp distinctions for the President allow him to redefine such words as "sexual relationships," the word "is," the word "alone" and defend this cover-up story with such statements that, actually in this 184-page report, that the cover story of Monica could be that she was delivering papers. And that's because she did, maybe two times of the numerous times that she went there, and she said there was a lot of truth in there.

Well, there was also a lot of lies in there, in addition to that truth, but again, this is good wordsmanship and I have to commend, again, the counsel for the President for the defense that's been so crafted carefully, and say it is consistent with the President's statement so far.

Summarizing, though, I would say that the defense of today that he almost did these things is like saying close only counts in horseshoes. I don't think, though, and let me say, I think like Mr. Canady and so many others on this committee, that I think the proof is there that he is—didn't almost commit these offenses, that in fact, he crossed that line. There's compelling evidence of that.

But for those who don't agree, who might accept your view, I want to remind the people of the other witnesses who said that you don't have to have a crime to impeach. I think that's unanimous among all the experts who've testified, and as a Congress, if we accept your view, I think we have to be careful that you don't box us in to the Nixon standards or that you don't box us in that there has to be a crime with—and that a technical defense would escape impeachment.

I think what we have to look at and what is so important to me was Mr. Craig's statement yesterday, admission on the part of the President that the President, under oath, the chief law enforcement officer, the President who appointed all of us as U.S. attorneys, who appoints the attorney general, the commander in chief, evades the truth, gives incomplete answers to the truth, gives misleading testimony, and he says it's maddening. It's maddening. I think it's sickening. I think it's sickening that the President does this. And for us to allow this President to do that and do damage in a civil rights lawsuit I think is improper, and for Congress to turn the other way and look the other side, I don't think we can do that.

Now, we all, in the end, have to vote our conscience, but we should not continue to hear about Nixon is the standard, is the threshold. That's not the case. But in the end, I do want to thank you for your able presentation. You've done, again, what you were supposed to do as part of this presentation. I think you've done a good job at it. But again, I think—I would address my colleagues, let's don't get boxed in this idea that he almost did it, in your view, and we can't impeach. I also, again, would give the disclaimer that I do believe he committed these crimes and I think the evidence is there to show that. And I thank you again.

Rep. SENSENBRENNER. The gentleman's time has expired.

The gentlewoman from California, Ms. Waters.

Rep. MAXINE WATERS (D–CA). Thank you very much.

I'd like to thank our panelists for being here today. I am extremely impressed with the way that they have used their very limited time. And I am extremely frustrated. I would like to see each of you take one aspect of these allegations and present a summation about why they're not impeachable, but this process doesn't allow for it, and you're not able to do what you have shown you could do so well because you don't have the time.

You're setting here with so-called legal minds and lawyers talking about they want to impeach the President because they are sickened by his actions, they feel his actions are reprehensible, they don't—they feel they are unacceptable. And we keep trying to make the case they have a righ to feel anything they'd like to feel, but just becasue they are sickened by this actions does not mean they're impeachable. I don't know how we're going to get that message through.

I think you did a fine job, Mr. Sullivan, of talking about the state of mind of the president and why he could rationally say that he did not have sexual relations, based on the definitions and his belief. He did not consummate the sexual act that he thought was central to sexual relations. And simply because he got on television and said, "I did not have sexual relations," somehow these would-be lawyers on this committee think that he has done something that's impeachable.

Let's move on to the gifts, Mr. Davis. Betty Currie did not say that she was instructed to go get gifts and burn them up or dump them in the river. If she wanted to obstruct justice, do you think she could not have found a better hiding place than putting them under her bed? Would you illuminate on that as obstruction of justice for us—just for a minute. And then I've got one more.

Mr. DAVIS. I think there would be both a better hiding place, and in terms of obstruction of justice, I think there's also the significant issue as to the lack of evidence as to the president's real role in that whole process, even when you look at a lot of Ms. Lewinsky's testimony, Betty Currie's testimony, and the president's testimony.

Rep. WATERS. Mr. Dennis, this business about bribery—somehow there's an attempt to make the case that because there were discussions about jobs, that Miss Lewinsky was trying very much to get a lot of help from anybody she could get it from, to get a job, that somehow there's some bribery involved here and obstruction of justice, because they would like to make the leap that there was an exchange of some kind of informaiton or communication that said, "If you give me this job, I will not"—or an offer, "If I get you a job, will you not—?" Will you help us with that?

Mr. DENNIS. Well, two things I recall—one from President Clinton's grand jury testimony, which was not challenged, I don't believe, that issues related to her employment were taken up long before she became a witness in ths case. It's also my understanding that Miss Lewinsky herself denied that there was any attempt to use help with her employment in order to get her to testify one way or the other. I would think that that would basically close the whole issue.

Rep. WATERS. Exculpatory information that was never presented to us——

Mr. DENNIS. It's right in the record.

Rep. WATERS [continuing]. In this so-called case.

Mr. DENNIS. That's correct.

Rep. WATERS. In addition to that, there were some discussions about conversations with the president and Ms. Currie about trying to remember what was said or what took place. Is there anything in that exchange that would cause us to move toward impeachment because the president said, "Were we ever alone? Do you remember what"—give us—would you illuminate on that somewhat, Mr. Noble?

Mr. NOBLE. Again, it's a specific-intent crime, and the question is, what was the president thinking when he said this? We can look at his words and try and analyze his words.

But Ms. Currie says that she didn't believe he was trying to influence her and that if she'd said something different from him, if she believed something different from him, she would have felt free to say it. So for that reason, I beliee, you just don't have the specific intent necessary to prove obstruction of justice with regard to the comment that you just asked me.

Rep. WATERS. Thank you very much.

Mr. Weld, someone offered that there were other people serving time for perjury, and they gave these piddling little numbers, despite—we have the kind of population that we have in the country. they did not give you facts in the case of the woman who came before us. Dr. Battalino, I think, is her name. And I think it was not fair to use that and say to you, "See, she was prosecuted. How can you not say the president should be prosecuted?"

Do you know the facts of that case? If so, could you illuminate on them?

Rep. SENSENBRENNER. The gentlewoman's time has expired.

Governor, you got a quick answer to that one? [Laughter.]

Mr. WELD. [Chuckles]. Saved by the bell, Mr. Chairman.

Rep. SENSENBRENNER. Okay. The gentleman from Ohio, Mr. Chabot.

Rep. STEVE CHABOT (R–OH). Thank you, Mr. Chairman.

Mr. Dennis, in your statement you said, and I quote: "I sense an impeachment would prove extremely divisive for the country, inflaming the passions of those who would see impeachment as an attempt to thwart the election process for insubstantial reasons."

I can assure you that there are many citizens who feel just as passionately that this president deserves to be impeached. Would you acknowledge that that is true?

Mr. DENNIS. I'm sure that passions do run in both directions, high in both directions.

Rep. CHABOT. Thank you.

Mr. Davis, let me quote from your opening statement as well. You said, and I quote: "Prosecutors often need to assess the veracity of an 'I don't recall''' question—or "answer. The ability to do so will often depend on the nature of the facts at issue. Precise times of meetings, names of people one has met and details of conversations and sequences of events, even if fairly recent, are often difficult to remember."

Let me ask you this. In your experience, is it common for people to forget things such as whether or not they had sex with somebody or whether or not they were alone with someone? Just yesterday, we were presented with the president's 184-page defense report and were told that the world "alone" is a vague term unless a particular geographic space is identified. Do you find that sort of legal hair-splitting defense helpful? Don't you think we ought to at least be able to agree that "alone" means you're by yourself, not with anybody?

Mr. DAVIS. I think "alone" in essence means that you're by yourself; but I think that, while you don't forget that you had sex with somebody, I think you have to go back and look at the confusing nature of the answers. What basically was going on, there's no question the president was trying his best to avoid and was playing word games in his deposition.

Rep. CHABOT. Thank you.

Mr. DAVIS. He shouldn't have been doing it, and he was doing it. The issue is, what is the legal consequences now? And that's what we're all struggling with.

Rep. CHABOT. Thank you. I think the president should set a standard for all the citizens in this country, and I think we all ought to be able to agree on what the word "alone" means.

Mr. Sullivan, in your opening statement, in discussing how much evidence a prosecutor should have before he brings a case to a grand jury, you stated that they should not run cases up the flagpole to see how a jury will react. Do you think it's responsible for a president to take a poll, to, in a sense, run something up a flagpole to see whether or not he ought to tell the truth or lie?

Mr. SULLIVAN. No.

Rep. CHABOT. Thank you.

Mr. Noble, in your statement you said "Members of Congress should consider the impact of a long and no doubt sensationalized trial, what effect that will have on the country." Should we also consider what the impact that a president committing perjury, obstructing justice, tampering with witnesses, and getting away with it might have on the country, particularly when that president is the chief law enforcement officer and is sworn to uphold the laws in this country and, in fact, is sworn and took an oath himself that he would uphold the laws?

Mr. NOBLE. I believe you ought to consider whether or not you could prove those allegations that you've just made. From my review of the evidence, I don't believe you could prove any of the allegations that you just articulated in front of a jury, and I think you ought to take into account in deciding whether or not you want to base your impeachment, as I've read, on perjury. You can base your impeachment on whatever you want. But if it's on perjury, I believe you would not be able to sustain a conviction for perjury before a jury in this country.

Rep. CHABOT. Thank you very much. And I—the final time that I have here, I think as Mr. Bryant just said, it's very important for all of those folks that may be watching the testimony today not to forget that these witnesses were sent here, and I think they've done a very good job. But they're witnesses on behalf of the president, not impartial witnesses. They're advocates. And I think that the president should set a standard that our kids in this country ought to be able to look up to, and we ought to know that the chief law enforcement officer, the president of this country, is somebody that we can respect and who actually tells the truth.

I yield back the balance of my time.

Rep. HYDE. The gentleman's time has expired.

The gentleman from Massachusetts, Mr. Meehan.

Rep. MARTIN T. MEEHAN (D–MA). Thank you, Mr. Chairman. Mr. Chairman, Mr. McCollum earlier referred to a case from the United States Court of Appeals in the District of Columbia circuit and seemed to indicate that that case, the ruling in the case, which had been sealed, put to rest the issue of whether or not the president's testimony was material in the Paula Jones case. Well, it just so happens that I got a copy of that ruling that was under seal, and this is not a ruling on that at all. This is a ruling on a motion to quash by Ms. Lewinsky's attorney because Ms. Lewinsky did't want to testify. This ruling in no way, shape or manner says that the president's testimony was material to the underlying civil case in the Paula Jones-filed lawsuit. So just to set the record straight, and I would ask that this be submitted for the record that members might want to read it.

Rep. HYDE. Without objection, so ordered.

Rep. MEEHAN. Thank you, Mr. Chairman.

In any event, I'm delighted to see the former Masschusetts governor here back in the public arena—on the right side. [Laughter.]

I heard my friend from South Carolina, Mr. Inglis, talk about the high bar over the last few days. The high bar, that Mr. Craig has to make sure that Mr. Craig has to make sure that he gets over that high bar, because it's a very high bar. They're prepared to vote for impeachment of the President of the United States on Saturday. It's the second time we'll have a trial in the United States Senate if the full House goes along with it. And he's talking about the high bar that Mr. Craig has to pass, to get witnesses before this committee to prove the president's innocence.

Now, Governor Weld, you're a former prosecutor.

I am sure that you have heard many on the other side say that this is sort of like a grand jury proceeding.

Now, have you ever had a case where you as the prosecutor appeared before a grand jury and gave your presentation as to why you thought a defendant had committed crime yet called no material witnesses—no witnesses—yet, nonetheless, you got an indictment?

I don't subscribe to this theory, but let's assume we are in the grand jury system. Have you——

Mr. WELD. I have had cases where the case went in through an agent at the grand jury and a lot of the agent's testimony would be hearsay. He would be a cumulative witness.

Rep. MEEHAN. But you have never had a case where you didn't appear—where you didn't present basically a forensic case—you never went in, said, "We should indict this person"?

Mr. WELD. I don't think you'd get too far that way, Mr. Congressman.

Rep. MEEHAN. Right.

But apparently though, Governor Weld, you do here is the point because we haven't heard from a material witness yet. And I hear the other side saying: "Wait a minute. The Democrats, the president, they haven't brought a material witness here. They should prove the president's innocence."

Isn't the fact of the matter in a judicial proceeding, any judicial proceeding, that the prosecution or the person seeking to pass that high bar has the obligation to provide the material witnesses? Mr. Sullivan, isn't that the way our system works?

Mr. SULLIVAN (?). Yes.

Mr. DAVIS. It clearly works and must. And indeed, I think that the burden to proceed with an impeachment should have a higher evidentiary threshold than the burden for a prosecutor to bring a criminal case, because of the consequences of impeachment—are such more important national——

Rep. MEEHAN. Let me go on to another instance. There is all of this obstruction of justice that is being thrown around here, as if we had a case of obstruction of justice.

And there is a talk about who initiated the events relative to the gifts, who transferred the gifts? Betty Currie testified before the grand jury that Ms. Lewinsky called her and asked her to come over and pick up the gifts. Monica Lewinsky claimed that Ms. Currie made the initial phone call.

Now, I know this is probably hard to believe. But one of the Articles of Impeachment are going to be on obstruction of justice, but this committee has never called either one of them to try to determine what the truth is.

Now, Mr. Sullivan, have you ever heard of drafting an Article of Impeachment where there is a conflict in the facts, like on this particular instance, and we didn't call either one of the witnesses to try to correct what the grant jury testimony says?

Mr. SULLIVAN. Well, no, but let me——

Rep. HYDE. The gentleman's time ha expired. Can you answer briefly?

Mr. SULLIVAN. Yeah, I can, Mr. Hyde. Even if you take what Miss Lewinsky said when she talked to the President about what to do with the gifts, you wouldn't have a case, because she says he said, "I don't know," or "Let me think about it." That's all. That's the total sum of what Lewinsky said Mr. Clinton said.

Mr. MEEHAN. Thank you, Mr. Sullivan.

Rep. HYDE. The gentleman from Georgia. Mr. Barr. And, Mr. Barr, would you yield to me just briefly.

Rep. BOB BARR (R–Ga). Certainly.

Rep. HYDE. Mr. Davis, in law, if you have a prima facia case, the burden then shifts to the other side to come forward with some evidence, does it not?

Mr. DAVIS. Well, not really. In order—the burden in a criminal case always remains on the prosecutor to show proof beyond a reasonable doubt. And that burden stays with the prosecutor from beginning to end.

Rep. HYDE. Well, I understand that, but can you be critical of not producing witnesses when you have 60,000 pages of under-oath testimony, deposition testimony, grand jury testimony? Are you not entitled to take that into consideration? And then if you reject that, if you think that's wrong, don't you have some obligation to come forward yourself with a scintilla—by the way, what is a scintilla? [Laughter.]

Mr. DAVIS. A scintilla is very little. But I think——

Rep. HYDE. Well, don't you think you'd have an obligation to come forth with a scintilla of evidence invalidating the 60,000 pages that the independent counsel has developed?

Mr. DAVIS. It's not a question of the number of pages. The real issue is whether those pages were uncontradicted facts is to which there's not factual issue. The problem here is that when you have——

Rep. BARR. Mr. Chairman, I'm going to have to reclaim my time. I have some matters to go over here, with all due respect. [Laughter.]

[Cross talk.]

Rep. ROTHMAN. Mr. Chairman, let the witness finish his answer please.

Rep. HYDE. Well, he's been very generous, please.

Rep. BARR. Mr. Chairman.

Rep. SCOTT. Mr. Chairman, I'd ask unanimous consent that you be allowed to finish and Mr. Barr's time be restored.

Rep. BARR. Mr. Chairman, could we restart the clock then? If they want to give this gentleman time to answer the question, let him answer and then restart the time for me. That's fine with me.

Rep. HYDE. Please, please. On nobody's time but the chair's time, the gentleman may finish his answer. And it's not—we'll start again with Mr. Barr. I want to be fair.

Rep. BARR. Thank you, Mr. Chairman.

Rep. HYDE. And I really intruded in his questioning. Go ahead, Mr. Davis.

Mr. DAVIS. I think it does depend upon what's in those 60,000 pages.

Rep. HYDE. Of course.

Mr. DAVIS. If there are conflicts that are revealed so that there are factual issues, the issues then becomes credibility. And credibility is important.

Rep. HYDE. Sure.

Mr. DAVIS. And even as Mr. Starr recognized, he didn't want to give immunity to Miss Lewinsky unless he saw her. Of course, actually he didn't see her. He wanted his office to see her.

So if you're going to make credibility judgments, and as to a number of these issues, there are credibility issues, that's when it becomes important for the person with the responsibility for making the decision—and that is in this case this committee—in my view to actually test the credibility of the witnesses.

Rep. HYDE. And of course, where there's no conflict, that isn't an issue; isn't that so?

Mr. DAVIS. If there is no conflict——

Rep. HYDE. Yes, no conflict.

Mr. DAVIS [continuing]. Then it's a question of the significance of what is said and understanding that.

Rep. HYDE. Right. Thank you.

Now, forgive me, Mr. Barr. I won't do that again. You'll start all over.

Rep. BARR [chuckles]. Mr. Chairman, if you can ask questions and then start the time for me, you can do that anytime you want.

Rep. HYDE. All right!

Rep. BARR. Thank you, Mr. Chairman.

I know Mr. Craig is here. And I don't know whether he is delighted or dismayed by the panel today, because after promising us yesterday that we would not be hearing technicalities and legalities, that's all we hear today. And that's fine. We have a panel of very distinguished criminal attorneys here, and that is the essence of criminal law, finding clever ways to parse words and definitions, and so forth, and determine why certain principles don't apply, and I understand that.

But we really have gone, Mr. Chairman, today from the technical to the absurd. From the technical, we have lawyers here that would apparently agonize greatly over a definition of "sexual relations" that is very, very broad, uses terms that are deliberately broad to encompass a whole range of activities—using the term "any person". Now, to

Mr. Sullivan, "any person" may not mean any person, but I think to the average person of common sense it would. So we still have this legal, technical parsing over definitions and words that really leaves us precisely where we were before Mr. Craig made a promise yesterday that we would have no more technicalities and legalities to hang our hats on.

We have gone then to the absurd, Mr. Chairman, and that is the preposterous presumption or scenario that the president, in talking with Ms. Currie the day after he gave his grand jury testimony—or his testimony in his deposition before the court, was really acting as her attorney. Because according to Mr. Sullivan, it is entirely proper for an attorney to go over somebody's testimony in advance of that testimony to make sure that it fits. I don't think the president was contemplating serving as her attorney, nor do I think that Ms. Currie was contemplating hiring the president for that purpose.

Therefore, we'd have to look elsewhere, and the elsewhere is that he was trying to coach her and that fits within the definition, in the statute, of tampering.

For those on this panel, all of whom have tremendous and very noted experience in dealing with criminal law, many including dealing with very serious drug cases, I would ask them rhetorically, since they seem so enamored of the propriety of evasive and crafty answers being the tools in trade of an attorney, why they would find it interesting—or maybe they wouldn't—that the acting deputy administrator of the Drug Enforcement Administration—for whom, I would presume, you would all agree it is important to have agents testifying in court, testify truthfully—why that deputy administrator believed it necessary on September 15th of this year in a memo to all DEA personnel admonishing them—and I've never seen a memo like this before—admonishing them, quote, "Evasive or craftily worded phrases, testimony or documents designed to omit or distort key facts are similarly unacceptable and will not be tolerated. Making false statements in any matter or context is completely unacceptable and will not be tolerated."

That, I think, Mr. Noble—and I noticed you did not answer the specific question put to you, by, I think it was my colleague and another former U.S. attorney, Mr. Bryant—that is why this case is so important. Not necessarily that we know for a fact that there are DEA agents out there developing crafty or evasive answers to be used in court, but apparently the head of one of our preeminent law enforcement agencies, because of the president, the chief law enforcement officer, using crafty and evasive answers in court before judges, because that sets a certain standard.

That is why it's important that we are here today, that is why it's important why we're here today, not to argue over the technicalities, niceties and legalities of whether or not a specific case of perjury can be made, but because of the damage that is already being done to our law enforcement by having a president who excels at evasive and crafty answers that, in the case of the average DEA agent, would be unacceptable, would get them thrown out of court and probably cashiered from the government. That's why this is important, and Mr. Craig, shame on you for putting together a panel here of technicalities and legalities when you promised us yesterday there'd be no more of that.

[Groans, faint applause.]

Rep. HYDE. The gentleman's time has expired. The chair would appreciate no demonstrations, although we've had them, but we can get along better without them.

Mr. Delahunt.

Rep. BILL DELAHUNT (D–MA). Thank you, Mr. Chairman.

You know, I want to speak to the issues of technicalities and legalities and what have you because I think it's important, when we speak about the rule of law, oftentimes we're talking about technicalities and questionable legalities because it's embedded in our constitution that there are certain standards and requirements. Is that a fair statement, Mr. Sullivan?

Mr. SULLIVAN. Yes, and it's——

Rep. DELAHUNT. This is not about technicalities.

Mr. SULLIVAN. It is—in response to what Mr. Barr said, and somewhat——

Rep. DELAHUNT. Mr. Sullivan, I'm just going to speak to you because I want to have a little——

Mr. SULLIVAN. It is interesting to me because in my experience, persons who make such statements, when they become the subject or the object of investigation——

Rep. DELAHUNT. Correct.

Mr. SULLIVAN [continuing]. Are the first ones to get the mantle of the constitutional protections, wrap them around them——

Rep. DELAHUNT. Right, and start yelling about technicalities and legalities.

Mr. SULLIVAN [continuing]. Insisting on their rights. And you don't hear that kind of a speech from them anymore when they hire me to defend them; I can guarantee you that.

[Laughter.]

Rep. DELAHUNT. Right. Thank you.

Let's talk about perjury. To evade is not to perjure, is it, Mr. Sullivan?

Mr. SULLIVAN. No.

Rep. DELAHUNT. To obfuscate is not to perjure.

Mr. SULLIVAN. No.

Rep. DELAHUNT. To be non-responsive is not to perjure either; it's not a crime, is it?

Mr. SULLIVAN. No, it is not. The definition of perjury and the proof required to prove perjury is very specific, very technical, and properly so.

Rep. DELAHUNT. Right. However it might be maddening, it might be frustrating, it might not be right, it might very well be immoral, but it's not a crime.

Mr. SULLIVAN. The criminal code is not enacted to enforce a code of morality.

Rep. DELAHUNT. You know, I was listening to my friend from Tennessee, Mr. Bryant, and I thought his comments were interesting. You know, the "almost did it" theory. You know, I don't think he and I disagree all that much. I do think, however, that there are ways to deal with a president who has evaded, who has been non-responsive and who has obfuscated the truth. And I suggest that there are alternatives that are open to this Congress to deal with that particular issue.

You know, I think it was Mr. Chabot that raised the issue about recollection and forgetfulness. You're all experienced trial lawyers. We know as human beings that memories—people can answer in good faith and memories can fail.

Is that a fair statement, Mr. Sullivan?

Mr. SULLIVAN. Of course it is.

Rep. DELAHUNT. Well, I just want to submit this for the record, because hearing the issue being raised yesterday or several days ago, I went back to the testimony that was provided by Kenneth Starr. And according to my review, the independent counsel expressed difficulties in recalling information at least 30 times during the course of his testimony. And it's fully detailed here, and I want to submit it, Mr. Chairman, for the record.

Rep. HYDE. Without objection, may be received.

Rep. DELAHUNT. You know, I think it's important to—also to note that credibility is an issue here, Mr. Davis. It's a real issue. And I think it's important to note too that the majority, represented by Mr. Schippers, has acknowledged that in their report to this committee.

I'm going to read to you his statement. "Monica Lewinsky's credibility may be subject to some skepticism. At an appropriate stage of the proceedings, that credibility will, of necessity, be assessed, together with the credibility of all witnesses in the light of all the other evidence."

I would suggest that it's an obligation of this committee to make that assessment before we proceed?

Mr. DAVIS. I believe it is, because you're the people who have to be comfortable that there is sufficient evidence to establish what is put in a piece of paper——

Rep. DELAHUNT. Miss Lewinsky has on numerous occasions lied, if you have read the—if you accept the transmittal by Mr. Starr.

Mr. DAVIS. I think Mr. Starr's transmittal references that.

Rep. DELAHUNT. And earlier Mr. McCollum talked about nine corroborative witnesses. My memory of the Starr communication is that she told different stories to different people.

Mr. DAVIS. I think they're set out there, and as I said before, it's also just the same—if she had a preconception or motivation to tell a false statement in the grand jury, it was the same with those people, in any event.

Rep. HYDE. The gentleman's time has expired.

The gentleman from Tennessee, Mr. Jenkins.

Rep. BILL JENKINS (R–TN). Thank you, Mr. Chairman.

And let me say to this panel, thanks. Mr. Chairman, I regard this as a very able panel, and I suppose you saved, Mr. Craig, the best till last, a very bright panel.

And I certainly—I feel like I would be unarmed to get engaged in any mental gymnastics with any member of the panel.

But you've all announced that you're here as witnesses, not advocates. You are advocates in a sense as witnesses. And I suppose the tendency for all of us who practice law or been judges is to get back in the arena.

The last two or three panel members I think have gone in the direction that we need to continue to go in. They've talked about getting away from legalistics, talked about getting away from lawyer talk, and talked about talking about things that the American public would understand. Now, I've got a question along those lines. I'd like to ask Mr. Sullivan.

Mr. Sullivan, you testified that you have read from the president's deposition that he had denied that he had sex with somebody based on the interpretation of sex——

Mr. SULLIVAN. In the grand jury testimony.

Rep. JENKINS [continuing]. In the grand jury testimony.

Mr. SULLIVAN. Right. The grand jury testimony about his deposition testimony.

Rep. JENKINS. And you commented that you thought the president's interpretation was reasonable. Is that——

Mr. SULLIVAN. No. No, I said it is not—yeah, I think it's a reasonable interpretation, and that it was—he insists that that is his interpretation. And it seemed to me, given the necessity of proof beyond a reasonable doubt that he thought he was telling a lie, that you could not make a criminal case against him.

Rep. JENKINS. Well, now, this is a solemn matter, and I want to keep it that way. But for those people across this land who are viewing this, now, I want to ask you if—you've come down here and testified. And actually what—when it comes down, when you pull the shuck back and look at the corn, what you're asking the American people to believe is that we've got a guy down at 1600 Pennsylvania Avenue who's smart enough to get himself elected, who's smart enough to serve as President of the United States, and he doesn't know what sex is.

Mr. SULLIVAN. No, I'm not suggesting that at all. It's absolutely not what I'm saying. I have said it three or four times. The judge in the Jones case gave a specific definition of the term "sexual relations." She deleted two sentences that specifically read on, as the patent lawyers say, oral sex. The president said in his mind that took oral sex out of it, and that what was left was, we would call it normal sexual intercourse. And he said "That is the definition I was responding to." Now, you can say "That's silly, that's ridiculous, I don't believe it," but that's what he says. And it seems to me that if you were to bring this as a criminal case with that background in mind and what was left in that definition, you can't make a case. That's all I'm saying.

Rep. JENKINS. Well, you and Mr. Noble have both indicated that you don't believe—and perhaps other—I guess other panel members have indicated that——

Mr. NOBLE [off mike].

Rep. JENKINS. Well I haven't asked you to, Mr. Noble.

Mr. NOBLE. I thought you just mentioned my name. I'm sorry. I apologize.

Rep. JENKINS. Wait just a minute and I'll try to give you an opportunity. I'm about to burn up all the time I have.

But do you know anything, Mr. Sullivan, about the Battalino case, the lady who came here and testified?

Mr. SULLIVAN. Just what I've read in the newspapers about it. I did not——

Rep. JENKINS. So you're not—you're not able to compare——

Mr. SULLIVAN. No—well, I could compare it this way, that in the cases that have been referred to—I have not heard of any in which it is analogous to this case where the witness's testimony was peripheral to the issues in the case, the alleged perjury was not dealing with the specific facts like of the Jones case, but of some other peripheral case that might not even be admissible in evidence.

Rep. HYDE. The gentleman's time——

Rep. JENKINS. Thank you, Mr. Sullivan. My time has expired.

Rep. HYDE. The gentleman's time has expired.

Mr. Wexler.

Rep. ROBERT WEXLER (D–FL). Thank you, Mr. Chairman.

Mr. Sullivan, I was very struck by your testimony in terms of your examination of the allegations against the president because it seems to me one of the most critical elements against the president's and the president's lawyers' in this process is that they have engaged in legal hair-splitting, and they have been condemned for it, and in some cases maybe appropriately so.

But as you analyzed the nature of the case against the president with respect to perjury, what struck me was it seems that in order to make that same very case against the president, you have to engage in legal hair-splitting to do so. Because when it all comes down to that very essence of the case against the president on perjury, it comes down to a discrepancy—a discrepancy between the testimony of the president and Ms. Lewinsky over the precise nature of the physical contact involved in their relationship. The president, on the one hand, at the grand jury says, "I had an intimate relationship, an inappropriate intimate relationship with Ms. Lewinsky that was physical in nature."

And he goes on to say it was wrong, and then, of course, as you have pointed out here today on several occasions, he denied, in essence, having sexual relations as it was defined by the judge. Miss Lewinsky, on the other hand, in response to the independent counsel's several questions, goes into graphic detail in recollection of her encounters with the president. That's what it seems the perjury is all about.

But let's take the advice of the members on the other side. Throw away the legal technicalities, throw away the requirements that the law provides we prove for perjury. Forget all about that. Tell the American people what is the false statement that the president allegedly made to the grand jury? Forget the consequences, forget the law. What is the false statement?

Mr. SULLIVAN. Well, if you—it could be one of two. It could be when he denied having sexual relations and I've already addressed that, because he said, "I was defining the term as the judge told me to define it and as I understood it," which I think is a reasonable explanation. The other is whether or not he touched her—touched her breast or some other part of her body, not through her clothing, but directly. And he says, "I didn't," and she said, "I (sic) did," so it's who-shot-John. It's, it's, you know, it's one on one.

The corroborative evidence that the prosecutor would have to have there, which is required in a perjury case—you can't do it one on one, and no good prosecutor would bring a case with, you know, I say black, you say white—would be the fact that they were together alone and she performed oral sex on him. I think that is not sufficient under the circumstances of this case to demonstrate that there was any other touching by the president and therefore he committed this—you know, he violated this—and committed perjury.

Rep. WEXLER. Well, Mr. Sullivan, I only hope that a vast majority of Americans have heard your answer right now. What this is about, at its worst, is the president making false statements about sexual relations and about where he touched Monica Lewinsky?

That's what the alleged perjury is about. I hope I am not misstating what your answer was.

Mr. SULLIVAN. No, you're not. What the other side is saying is that perjury in any regard is so important that the president oughtn't to engage in it, and we can all probably agree with that. The issue for you is whether or not it justifies impeachment.

Rep. WEXLER. I agree. I agree.

So it's about sexual relations, and it's about touching. And now we are about to impeach a president because we think he gave false answers about sexual relations and about touching. How many times does it have to be said? How many times do we, the Congress of the United States, have to now set up a standard that says the president may have falsely told us an answer about sexual relations and about touching, and now we are going to impeach him?

Thank you.

Rep. HYDE. The gentleman's time has expired.

The gentleman from Arkansas, Mr. Hutchinson.

Rep. ASA HUTCHINSON (R–AR). The investigation was opened up because of a concern about an attempt to obstruct and suborn perjury in a civil proceeding in which a plaintiff that had a right to bring a suit, that the courts determined had a right to bring a suit, was pursuing that. And our review is looking into those allegations of obstruction of justice and perjury.

There are some questions raised about whether Monica Lewinsky is truthful or not, and I think that's a legitimate question that can be raised. But I think she does have an incentive for telling the truth.

I have here before me the immunity agreement, which I have seen before, and these witnesses have seen before, as well, that said that if Ms. Lewinsky has intentionally given false, incomplete or misleading information or testimony, she would be subject to prosecution for any federal criminal violation. And so certainly she has immunity, would you agree, Mr. Sullivan, but if she does not tell the truth, then she would be subject to prosecution?

Mr. SULLIVAN. If that's the standard use-immunity agreement, that is correct.

Rep. HUTCHINSON. Now, I believe, Mr. Sullivan, going to your testimony, you talked about prosecutions for perjury are relatively rare, difficult to prove, and the United States does not do it generally in pursuit of civil litigation.

And we got the statistics for federal prosecutions. And I think Governor Weld mentioned this, that he didn't believe that they were that rare.

And in fact, in 1993 there were more federal perjury prosecutions by United States attorney than there were kidnapping prosecutions. I don't think that means that kidnapping is not significant. In '94, the same fact was true; there were more perjury prosecutions—('93/93?)—than there were kidnapping prosecutions. The same in '95. It's really a pattern that goes back to the 1960s. And I wish I could give credit to all of my staff that did such great work, but talking about United States attorneys prosecuting perjury in civil litigation, here's a stack of cases. Now, I could go through them, but I only have five minutes. And so I won't take advantage of that. I did find one in Illinois and in different parts of the country. But a rather impressive arena of cases in which U.S. attorneys prosecute perjury in civil cases.

Now, I agree with your point that sometimes there's a history behind it, but I think there's a history here in this case, as well. There's an investigation of obstruction of Justice.

Now Mr. Sullivan, you mentioned that it was in a peripheral matter. Am I correctly——

Mr. SULLIVAN. Yes. Yes.

Rep. HUTCHINSON. Has anyone on this panel ever represented a woman as a plaintiff in a sexual harassment case? (Pause.) If you have, raise your hand. Well, I have. And whenever you look at the most difficult thing in a sexual harassment case, it would be to prove who's telling the truth. And many times you have to go to a pattern of conduct because there's a denial. And so if you try to prove a pattern of conduct, you've got to ask questions in a deposition as to what has happened in the past. And I don't think that's a peripheral matter. I don't think you can make sexual harassment cases if you do not ask those questions. And when the president in that deposition denied ever having in his lifetime sexually harassed a woman, is that a material statement in the civil deposition? And I invite your answers.

Mr. DAVIS. Well, I think, you know, the issue is—I don't think, I don't think—believe it is, because——

Rep. HUTCHINSON. The question is, is it material?

Mr. DAVIS. No, I don't think it's material, because you're entitled to ask the question under the broad discovery rules, but the question is—was, if a truthful answer here would have revealed the true facts, would it have been admissible in that Jones case?

Rep. HUTCHINSON. If he had admitted he had sexually harassed someone, you don't think that——

Mr. DAVIS. No, no. Actually, the truth is it would not have been because it would not have been admissible in the Jones case.

Rep. HUTCHINSON. Does anyone disagree that that would be a material statement?

Do you disagree, Mr. Noble?

Mr. NOBLE. I'm sorry, maybe I misunderstood the question. But—and I don't know the record to reflect this question, but if your hypothetical question is: In a sexual harassment suit, if a person is asked "Have you ever sexually harassed someone?" would that be material, I believe it would be material.

Rep. HUTCHINSON. Okay. Would anybody else agree with Mr. Noble, who gave a very straightforward answer? I know you all haven't handled sexual harassment cases; perhaps that's a little bit of a disadvantage. But I thank you for your testimony.

Rep. HYDE. The gentleman's time has expired.

The gentleman from New Jersey, Mr. Rothman.

Rep. STEVE ROTHMAN (D–NJ). Thank you, Mr. Chairman.

Let me start off by saying that with respect to my colleagues on the other side of the aisle, I don't think it aids the search for truth to demonize the White House counsel. Mr. Craig said that he was going to be presenting us with some factual rebuttal to the factual arguments made by Mr. Starr. As I've read the 184 pages of the White House submission, there are pages 70 through 89 and pages 93 through 182 which address each and every one of the factual charges made by Mr. Starr.

So what we now have is Mr. Starr, who was a witness to no facts, making his statements, 450 pages in writing and then 2½ hours in his initial testimony, and we have Mr. Kendall, who made several written rebuttals, and now this 184-page rebuttal to all the facts, neither of which are admissible in a court of law, as we all know and have accepted the testimony of these experts. And we're left without one single fact-witness to help us clarify when Monica Lewinsky was telling the truth and when she wasn't, because Mr. Starr said—Judge Starr said sometimes she was telling the truth and sometimes she wasn't. But no fact witnesses have yet been called to aid us in finding the truth.

But we all agree that there is a basic, fundamental American notion of due process and fairness; that those bringing charges must bear the burden of proof, and in this instance, it is a clear and convincing standard of proof. Yet not one single fact-witness has yet been presented. That will be telling, unless it's remedied, my friends.

But I understand, though, that my colleagues on the other side of the aisle, despite the fact that these distinguished prosecutors have said they would never bring a criminal indictment on these matters—and remember the standard is "treason, bribery or other high crimes or misdemeanors"—they wouldn't bring an indictment on these alleged crimes. But my colleagues say that, well, even if it wasn't a crime, it's a pattern of lying, it violates—it's not right. Well, I'm not sure that the standard is "treason, bribery, high crimes, misdemeanors, evasiveness and lack of respectability." Although some might argue that "high crimes and misdemeanors" should say that, it doesn't say that.

With regards to the rule of law, we've said many times President Clinton has already paid or will pay an $850,000 fine, or settled his case for $850,000.

In a civil case, that's not an incentive to lie in a civil case. He can be sued criminally once he leaves office and go to prison if the charges against him were proven true. That's certainly no incentive to anyone to lie under oath in a criminal—in any proceeding. And the rule of law is upheld because the president is not above the law. He can be sued civilly and criminally, and our kids know that. And this whole process has demonstrated that.

The question for our committee and for all of America is to decide, if no reasonable prosecutor would bring these matters up for a crime, how could it be a high crime or misdemeanor? Should we interpret, say the Founders got it wrong, that they should have added "evasiveness" as a high crime or misdemeanor, or "lack of respectability" as a high crime and misdemeanor? Some might argue yes, some might argue no. What we have to be aware of is the consequences to our nation if we expand on that definition when we already know the president can be punished civilly, as he has been in the settlement, and criminally by going to prison if the charges are proven against him.

I yield back the balance of my time.

Rep. HYDE. I thank the gentleman.

The gentleman from Indiana, Mr. Pease.

Rep. ED PEASE (R–IN). Thank you, Mr. Chairman. I have a few questions and then an observation.

I wanted to—well, first of all, let me say I have found this panel very helpful on the questions dealing with criminal prosecutions. I understand that there is a difference between criminal prosecutions and impeachment. But on the questions of criminal prosecutions and the parallels that may be argued, I am grateful.

I wanted to be certain—let me back up. I especially—without diminishing the work done by any of you, I especially want to thank Mr. Noble, whose presentation was most helpful to me, and I had some follow-up questions I wanted to ask you based on questions that you were asked by other panelists but didn't get the chance to conclude. And the first deals with questions from Mr. Boucher on the standards that are used, or the—the standards that are used in assessing when to prosecute cases where there is a high profile potential defendant. Can you share with us the standards in the Department of Justice in those cases?

Mr. NOBLE. I must say I'm humbled to answer this, because on my left was the assistant attorney general from the Criminal Division when I was an assistant U.S. attorney and on my right was a U.S. attorney and the assistant attorney general for the Criminal Division. So I will see if I learned anything from these two wise fellows.

As soon as you get an allegation that there is a political figure who has engaged in criminal activity, as a U.S. attorney or as a prosecutor, one of the first things you will think about is: Will people have confidence that my office's investigation of this will be deemed independent and unbiased? You ask yourself that before you do anything. Can my office handle this? Or should I send it to the criminal justice—to the Justice Department's Criminal Division in Washington and have Mr. Weld or people from Public Integrity handle it?

And then you want to know who is the person bringing it. Does he or she have a bias, a stake in this—the outcome of this matter? And if it's a matter involving parties that are already involved in a dispute, you've got to worry about that.

And how did this person become aware of this information, if—in the case of someone cooperating with you, one of your informants, giving information to someone and having that information lead to possible criminal activity, like a perjury trap? All of the considerations, so that after all is said and done, a rational citizen who's looking at you—I can't help the fact that I was asked by the Democrats to be here; if the Republicans had asked me to come, I would have come willingly—but that a rational, independent person would say, "Yes, I can look at the evidence and see why this prosecution's brought."

No rational, seasoned prosecutor would bring any criminal prosecution against any person for perjury or obstruction of justice, based on the evidence I've seen. And I'm thankful of that, and we should all be thankful of that, because if you want to prosecute me, prosecute me for something I did, but not for something you thought I did. If I've got a weird thought process, don't prosecute me criminally for it; say that I'm a weird person and disassociate yourself from me.

Rep. PEASE. Thank you, Mr. Noble. And I appreciate your efforts to be concise.

I don't know if this question was directed to you or to the panel, but Mr. Boucher was getting into the question of whether dismissal of a case terminates the authority of a court to sanction parties or witnesses. And I don't know that that was addressed, and I would appreciate it if someone could.

Mr. SULLIVAN. I addressed that. I said that there is inherent power under the Supreme Court decision and that I do not know that—whether or not the dismissal of the case terminates——

Rep. PEASE. That's my question. So you don't know——

Mr. SULLIVAN. I do not know.

Rep. PEASE. Does anybody else have a response or a thought on that?

Mr. NOBLE. I believe that she does not lose jurisdiction to investigate and recommend the prosecution or hold criminal contempt hearings for anyone that might have engaged in criminal conduct during the time period that she had this matter.

Rep. PEASE. I also, as I began, want to thank all of you.

It's been—your presentation has been very helpful in understanding the issues surrounding charging and conviction in criminal matters. I'm concerned, though, that we not assume that either the standards in a criminal prosecution or the burden of proof or the procedures employed are the same as those which face this committee.

A criminal prosecution is not the same as an impeachment and we should not succumb to an argument that because a criminal prosecution might not succeed that Congress is unable to act under its constitutional obligation regarding impeachment. No matter my eventual conclusion on the matters before us, I'm not prepared to say that the expected standard of conduct for an American president is simply that he or she may not be indictable.

I yield the balance of my time.

Rep. HYDE. I thank the gentlemen. The gentleman from Wisconsin, Mr. Barrett.

Rep. THOMAS BARRETT (D-WI). Thank you, Mr. Chairman. Mr. Sullivan, you indicated in your testimony that you did not think that this would be a case that would be brought by a United States attorney for perjury. We have heard many—many witnesses and many members saying that the president, when he leaves office, is open to criminal prosecution. The sense of the American people, I think, remains that the president did something wrong, that he should be held accountable for his actions and that he should not be impeached.

So in your discussion, where is the justice? In this case, in the civil suit, since every one of us would explore not telling the truth, or lying, where is the justice, in your analysis here?

Mr. SULLIVAN. Well, we live in an imperfect world, and justice is not always achieved in this world. We sometimes have to wait and hope. But all I'm saying is that the law—you have to follow the law. If the law provides that the president can be indicated after he leaves office, and if some prosecutor wants to take this up who has jurisdiction over it, they may—they may reach a different conclusion than I do. I doubt that a responsible prosecutor would bring a perjury case against the president on these facts. Now, I think that the—I mean, look what the man has already gone through, though. I mean we're sitting here, the third time in the history of the country that they're considering removing a president from office.

It seems to me that there's been terrible retribution on this man for what he did.

Rep. BARRETT. Well, let's take the president out of it, and let's leave it as a civil case where a person has lied. Where's the justice system work in this case if a person in the civil case has lied under oath or misrepresented themselves or obfuscated the facts? Tell me where the justice comes into the system, if there is not going to be perjury. There has to be justice. We can't just say, well, that's the way it goes.

Mr. SULLIVAN. Well, in the—we're talking about the Jones civil case. And in that case, after the president made his disclosures and Monica Lewinsky made her disclosures and the cases had been dismissed, but before it was decided by the Court of Appeals Ms. Jones settled the case. So it seems to me it's washed away, because she, then, knew at the time she settled that if that evidence was going to be admissible, you know, she would take that into consideration in determining the amount of her settlement. The case was thrown out, as I understand, for reasons entirely different, that she couldn't demonstrate that there was any connection between what may have happened in her—detriment to her in any employment.

Rep. BARRETT. Do you think that the amount of the settlement reflects some of that? It was——

Mr. SULLIVAN. Well, I think that Ms. Jones, she voluntarily took that settlement in light of all the facts, including the facts that we are now talking about today.

Rep. BARRETT. Okay.

Mr. Weld, you've offered some interesting observations, I think, one of which was the notion of a fine. And I've heard commentators talk about a plea bargain or a deal. And I bristle when I hear those words, because I do think that this is a vote of conscience and that every member on both sides of the aisle should be listening to their conscience and be guided by that.

I also am mindful of the fact that we cannot impose a fine on the President of the United States, that there are bill of attainer problems. How conceivable do you think it is that the president, if we were to censure him, would come forward and say "I recognize that as part of the process I should reimburse the Treasury for part of this investigation"?

Mr. WELD. Well, politically, I guess, I had anticipated that all that might be the subject of negotiation before the votes were taken. I was trying to think of things that would mark the solemnity of the occasion, do justice to the dignity of the House and its role, having the sole power of impeachment. And it would say to the American people there has been justice here, this person, this president has paid a penalty here short of being removed from office, which I think we've kind of slid by that one.

But the fine, the written acknowledgment of wrongdoing and the exposure to future criminal prosecution, as well as a censure, and a Starr report as the committee or the House wished to put on the public record in perpetuity, those are the five things I could think of to mark the events.

Rep. BARRETT. Okay. My time has expired.

Rep. HYDE. The gentleman's time has expired.

Rep. BARRETT. Thank you, Mr. Chairman.

Rep. HYDE. The gentleman from Utah, Mr. Cannon.

Mr. CHRISTOPHER B. CANNON (R-UT). Thank you, Mr. Chairman.

I would like to begin by thanking this panel today. This is an important issue, and I think your presence has added weight to the issue. And I appreciate your comments and testimony.

I would also like to just point out at the very beginning that, without any parsing of words or equivocation, I agree with my frind Mr. Delahunt and with the comments by Mr. Sullivan, that the essence of the rule of law lies in the technicalities, and the technicalities are very, very important to us here.

Now, I'd like to refer to some of the things that my good friend Ms. Lofgren commented on earlier. Ms. Lofgren and I are on two subcommittees of this committee, together, and I have the greatest respect for the way she thinks.

She said or pointed out that perjury about sex is relevant essentially—and I am paraphrasing—is relevant to this side because it's a crime, and then went on to point out some of the technical elements of the crime that may in fact be missing here.

And the first is that—there was the suggestion that the person who administered the oath to the president may not have been authorized to do so. I think that was rebutted fairly effectively by Mr. Buyer, and I agree with his responses.

Secondly, she said that the question must be unambiguous. Now, I don't read the statute as requiring an unambiguous question, but I think the perjury ultimately has to be quite clear.

Later, Mr. Sullivan, I think in response to some of this questioning, suggested that the president can defend on the basis that the definition was changed—that is, the definition of "sex"—and that the new definition may somehow have excluded a certain act or type of sex.

Let me just suggest in response to that, that I have read that definition very carefully, as I think many of the members of this committee have. The president pointed out that he answered the question very carefully, because he answered the question in the context of the definition that he read very carefully. And obviously, minds can disagree on this sort of thing, but I just don't see how you could exclude that particular act from the definition that remained after the striking of the two sentences.

Now a lot has been said about whether or not the president could be prosecuted for this crime, where these technical defenses may be relevant. But I think the real potential for understanding the likelihood of a criminal prosecution actually lies in the president's own actions. He refuses to acknowledge or deny the underlying facts of the case, and it's like there's an allergy to the L-word. Mr. Crain, yesterday said, in answer to a question, "No, he deceived, he misled, but he did not lie." Later, "No, he was technically accurate, but he did not disclose information."

This—I mean, I think all the commentators in the editorial pages have pointed out that the president is caught between the Fifth Amendment and coming clean with the American public. And I think it's his actions, the fact that he won't deal with the facts of the case, that make it clear to me that there may actually be, in another context, rather than this one, a criminal problem that he's concerned about.

But unlike Mr. Wexler, who says that this is about sexual—lying about sexual relations and touching, let me suggest that I believe that this—that this proceeding is really about—not about crime—I believe that it's about the government's ability to secure the——

Rep. [off mike].

Rep. CANNON. I have to protect my mike frommy compatriot on this side.

This is about the government's ability to secure the rights of the governed. And John Jay was quoted yesterday. Let me just repeat part of that quote. "If oaths cease to be sacred, our dearest and most valuable rights become insecure."

I know, Mr. Weld, you've actually governed, and you're a person for whom I have the greatest respect. Would you mind responding? What do you think those rights are? And if we can be very particular, because my time is almost up, what are those rights that Mr. Jay is concerned about keeping secure?

Mr. WELD. I think it's the rights to life, liberty, property, and the pursuit of happiness.

Rep. CANNON. Thank you. I view property and the pursuit of happiness as the same right—life, liberty, and property. And since my time is gone, I would love to hear a little bit about that.

I believe that John Jay was right. What this panel is all about doing is maintaining for Americans for generations and centuries to come the security of those basic rights of life, liberty, and property, or the pursuit of happiness. That's what we're about here. And I yield back the balance of my time, Mr. Chairman.

Rep. HYDE. The gentleman from California, Mr. Rogan.

Rep. JAMES ROGAN (R-CA). Thank you, Mr. Chairman.

I join my colleague from Utah in welcoming the panel, and particularly in welcoming the distinguished former governor of Massachusetts, whose service to our country I have long admired and thank you for to this day.

Gentlemen, let me start off by saying that I've noticed a recurring theme among most of the panelists over the last few hours. The first one, with the exception of Governor Weld, is that perjury generally is a crime not prosecuted. The second one is the statement made over and over that somehow the statements made by the president were not material, even if they were lying under oath. And I must tell you, I take exception to both of those claims.

In the federal government since Bill Clinton became president, according to the Offenders Sentenced Under the Guidelines table, just during the Clinton administration, almost 700 people have not only been convicted for perjury in federal court, they've been sentenced for perjury. In my own state of California, since Bill Clinton became president, some 16,000 perjury prosecutions have occurred. And so I just don't know where this novel claim comes from that this is a crime that is ignored by the courts. The record simply does not reflect that.

A couple of members raised the name of Dr. Battalino and there were some blank stares by members of the committee. Let me share with you briefly the story of Dr. Battalino. She was here a week or so ago and testified before this committee. She was a doctor who worked for the Veterans Administration. She is also an attorney. In her capacity as a V.A. physician, she had a one-time consensual relationship, sexual relationship with a male patient of the hospital, but not her patient. He later sued the hospital for a sexual harassment claim and named her in the claim. She was asked in a civil deposition whether she had ever had a sexual relationship, a one-time sexual encounter with this patient. Out of embarrassment and out of concern for her job and her career, she denied it.

The civil case was later dismissed—the gentleman's case against the hospital and the doctor was later dismissed. Despite that dismissal, the Clinton Justice Department filed perjury charges against her. She is now precluded form practicing law as a result of her conviction. She lost her medical license and she is under incarceration. She appeared before us with an ankle bracelet because she is under house arrest.

You might imagine that Dr. Battalino has some grave concerns over the incredible double standard as to her loss of livelihood and the shame that she's had to face as a result of the Clinton Justice Department prosecuting her for this, and the claim now being proffered by some of the president's supporters that this is all much ado about nothing.

I have to also say that I take very grave exception to some of my beloved colleagues on the other side who keep insisting to the American people that this is simply about sex. That just is not true. Governor Weld is absolutely right. Fornication, adultery not only are not impeachable offenses, they clearly, they patently are not the business of the House Judiciary Committee. But that is not what was at stake here. The president was a defendant in a federal sexual harassment civil rights case. And as a result of that case, a federal judge ordered him to tell under oath whether in his capacity as governor or president he had ever had sexual relations with subordinate female employees. And the judge specifically found that was relevant to show a pattern of conduct. That's how sexual harassment cases are proven. And so this idea among some folks that if they just say it enough and if their histrionics are dramatic or theatrical enough, if the volume is raised enough, that somehow we can reduce this to being just a case about sex may play well for the talk show circuit, but it doesn't play well for the truth. And I want to make that observation before my time expires.

I thank the chair, and I yield back my time.

Rep. HYDE. The gentleman from South Carolina, Mr. Lindsey Graham.

Rep. LINDSEY GRAHAM (R–SC). Thank you, Mr. Chairman. I have a couple observations and some questions for the panelists here. And I, too, have appreciated your being here.

Please understand that when I vote, I will look at it in a very legal sense. I don't believe due to the nature of what's going on that we should send a case forward that doesn't meet certain legal standards. And I just happen to disagree with you about whether or not this is a provable case of perjury. I think this is a very clear case of perjury, and it's not just about intimate touching. It goes much further. And I can't explain all that in five minutes. I've seen the president's deposition in Paula Jones where he testified. I saw Mr. Bennett lay the affidavit of Monica Lewinsky in front of the president. I saw the president's eyes follow the affidavit, his head nod, and I believe his grand jury testimony where he said he wasn't paying any attention is a lie. And I believe I could convict him with fair-minded people.

But this is really more than just about the law. It's about the national interest. And I'm a politician. And there's a unique political aspect to this case that's probably good. I've said before, impeachment without outrage should be difficult. And it should be, in a democratic society. But let me tell you the mood of my district to let you know a little bit about what I'm up against here.

The Washington Post sent, apparently, four reporters to the four corners of the country, and they happened to pick my district to feel out how people feel about the president and his misconduct. There is a portion of my district, very good friends of mine, who want to get this over with and understand this. In their mind, it doesn't rise to the level of overturning an election. That's a real dynamic. Very nice, rational people. But that's the minority opinion.

You can take the pools and reverse them. The reporters said "I think I need to come home now" because they never got out of the clothing department of Wal-Mart to figure out what people thought about the president. It wasn't good. Being evasive, deceptive, immoral and non-responsive are not resume-builders in my district. Forget about perjury.

So I'm a congressman that comes from an area—[laughs]—of the country that's got no use for this kind of stuff. But I have publicly said that we're going to play it straight with the president, we're not going to take our emotions and our political disagreements and try to use that in the impeachment process. And I'm going to stand by that.

I've said to Mr. Craig and others I believe the president committed serious crimes, but if he would reconcile himself with the law so that we could end this thing on a note of honor, I may consider a different disposition than impeachment. But if he continues to flout the law, I don't think he should be the president for the next century. I stand by that statement.

But there's another aspect to this that I think we need to talk about. Ms. Waters has—I really do—have gotten to know my colleagues on the other side, and we do get along pretty well. She says, well, it's really silly to believe the president would have his secretary hide gifts under her bed. Well, that sounds silly, but the day that people stop doing silly stuff is the day all of us as lawyers go out of business. [Laughter.] I think it's silly to fool around with an intern while you're being sued. But those things happen. And they happen to smart people like Bill Clinton. And if we impeach people for being silly and doing inappropriate things we'll wipe the Congress out.

So I'm not saying that those type things ought to be the reason we get rid of the president. But don't underestimate what people can do that really is inappropriate and defies understanding. And I believe that's a lot of what Bill Clinton's problems really are at the end of the day.

And if I've got to cast my vote based on knowing what the Senate's going to do, I'd never vote in the House, because I can't tell you what they're going to do half the time. And I think what they ought to do is wait 'til they get a case before they decide it. And everybody in Congress ought to let this committee do its work, whether you like us or not, before you decide what you're going to do, because the day you start deciding the case before the case is over is the day we lose a lot in this country.

Governor Weld, hypothetically, you're the governor. There's a person out there that possesses damaging information about you. You're in a consentual relationship that's wrong. That person, you know, if asked to testify, could hurt you legally and politically. If you used the resources of the governorship, if you got people in your office to plant lies, flasehoods, malicious rumors, and tried to use your office as governor to trash out that potential witness against you, what should be your fate?

Mr. WELD. Well, in a clear enough case, my fate should be "out of here".

Rep. GRAHAM. Thank you.

I yield back the balance of my time.

Rep. HYDE. The gentlelady from California, Ms. Bono.

Rep. MARY BONO (R–CA). Thank you, Mr. Chairman. And to my panel, thank you, first and foremost, for your patience. I woke up this morning and I thought, What do I get to do today? And question top—five of the top attorneys in the entire country. What a great way to start off my day.

I want to ask you a question, Governor Weld, to begin with, and it's a follow-up to something that Congressman Coble has asked earlier on. You discussed how you had changed your position, your initial reaction in February was that you said the president should resign. And you indicated that you've changed your thinking because of events during the past year and the general reaction to the president. As a congresswoman I also sit on the National Security Committee, and so issues concerning our military readiness and standing around the world greatly concern me.

Earlier this year, the United States engaged in some military activity. Many people accused the White House of following a wag-the-dog strategy. It troubles me that the president may be in some ways hamstrung to lead and act decisively and swiftly on the international military state without the complete trust of the American people. In other words, if the office of the president does not enjoy the complete public trust this might affect our national security.

So governor, if there is new evidence that the president does not have the trust of the international community or of our armed forces—and I'm not talking about polls, but more specific evidence from leaders around the world, would you revisit your February advice that the president should resign for the good of the country?

Mr. WELD. Yes. I think actually it was September, Madame Congresswoman. And as I indicated or alluded to earlier, one of the things I was troubled by in September was we'd had, frankly, some acts—some bombings and similar actions abroad which coincided with the Lewinsky matter really coming to a head. And that's precisely what I was worried about. So I think, you know, anybody on an ongoing basis has got to ask themselves the question, Can I do the job? And if you can't do the job, you shouldn't do the job.

Rep. BONO. So will your opinion vacillate, though, depending on what is happening with attacks on us, or if——

Mr. WELD. Well, you know, we don't have a parliamentary system here, we have presidents who are mighty unpopular. Harry Truman was mighty unpopular even when he was by and large, you know, in retrospect people think, doing the right thing on a lot of stuff. So I don't think it should be following the public opinion polls. It's a question of ability to discharge the duties of the office, and I will confess that I was somewhat surprised at the alacrity with which all seemed to be forgiven and forgotten in terms of people saddling up and doing business with the president and taking him seriously.

Rep. BONO. Well, my point, sort of, here, is, is that, you know, the public trust, though, is something you also have to anticipate and its's easy to have it now, today, while the economy is strong, the stock market is great, although some of us still can't get Furbys— [laughing]—so it's not strong enough. But how about tomorrow? Will we have it tomorrow? Will the public trust be there tomorrow? It cannot change. It's something that we can't—we have to sort of guess. Will it be there? And I'm sort of hearing, as you're saying, too, I guess you're echoing with me that here today, gone tomorrow. And we on this committee cannot have that. We have to decide, will the public trust be there a month from now when Osama bin Laden rears his ugly head again?

Mr. WELD. Well, I don't think you want to go the removal route because of a concern that the trust might not be there. It would have to be a little bit more solid than that.

Rep. BONO. There is a concern, right? Thank you. And I guess—I still have a green light—this is a miracle. I have a question based on Mr. Sullivan's testimony, but I'll leave it open to the whole panel, but first I want to—oh, it's yellow, so I'll just comment briefly.

Mr. Sullivan, I had a fun moment earlier; it's not a comment or anything, but, you know, we're here because of the president's, sort of, dancing on the head of a pin, as Lindsey (sp) would say, over the definition of sex, and oral sex was omitted from the description before the Paula Jones testimony. But then here in this room you've changed it to sleeping with somebody, and I know you were trying to sort of elude references to salacious materials again, but isn't that what got us in this whole mess? And now you're changing the wording—and I'm not a lawyer so I'm getting used to listening to every word we're saying—that you did the very thing that got us in this whole mess to begin with. And I just thought it was a fun moment, so I wanted to leave you with a good experience here with the House Judiciary Committee. So thank you all. Thank you, Mr. Chairman.

Rep. HYDE. Thank you very much. We are going to take a break. I'll yield to Mr. Conyers.

Rep. CONYERS. Well, I wanted to take a few minutes on the reservation that I had earlier.

Rep. HYDE. All right, well, you're recognized for——

Rep. CONYERS. I'll move as quickly as I can, Mr. Chairman, and thank you. I first wanted to let Sheila Jackson Lee utilize 30 seconds of the time.

Rep. JACKSON LEE. Thank you very much, Mr. Conyers.

Just very briefly, there was a comment on the presentation of the witnesses. Let me assume that you can come forward here because you are fact or expert witnesses. But I did want to very quickly comment on Dr. Battalino's case and Ms. Parsons's case.

Dr. Battalino's case, the issue of perjury went to the fact that she was attempting to reclaim monies for litigation costs. It was insurance fraud, if you will. That went to the question; that's why the Department of Justice prosecuted her. And you were unfairly asked about it.

Pam Parsons, she was accused of being a lesbian. She was a plaintiff and sued the newspaper that accused her of such and lied that she was not. And there was definite or definitive proof—otherwise.

And so it went to the heart of the cases. And I think it's important that we clarify the record on those grounds. I thank the gentleman. I yield back my time.

Rep. CONYERS. Mr. Chairman and members of the committee, and to this very-much-appreciated panel; this is a critical phase of the hearings. And it's helping us to recognize how the experts on this panel, seasoned and experienced prosecutors all, which Mr. Starr acknowledged that he was not, would have rejected bringing a criminal case against the president, based on Mr. Starr's allegations, if he were an ordinary citizen.

It's critical in this part of our hearing to understand the vast difference between the allegations being considered by the committee and the system of criminal justice that applies to the rest of us. If no ordinary citizen, who had faced even a criminal prosecution based on the allegations in the referral—how can we justify considering the rarely used remedy of impeachment for the same conduct? If no ordinary citizen would face a criminal prosecution based on these allegations, how can it be argued that to decline to vote for impeachment places the president above the law? If no ordinary citizen would face a criminal prosecution based on these allegations, why should we bother to take the Senate and the chief justice of our highest court, to spend months resolving undignified and trivial questions of fact, rather than in tending to the important business of the country? I hope these questions raise serious issues and reservations for all of my colleagues in the committee about the wisdom of proceeding on the path that we apparently are on.

May I acknowledge the chairman of this committee's accommodations that he has offered me concerning prompt notice to all of us on the committee of any draft Articles of Impeachment and his further willingness to consider the motion that will be offered by the gentleman from Virginia, Mr. Scott, to require that the specific allegations against the president be provided to him before his counsel responds, when we conduct our business session today or tomorrow.

May I reiterate my strong view to the Republican leadership that fairness dictates that the American people not be muzzled on the all-important issue of censure. Overwhelmingly, the American people that we have referred to, we've tested in the districts and the nation, do not want the president impeached.

Our citizens either support doing nothing, under the theory that the president has already been censured, or they support an additional resolution of censure. But the important point is that for the vast majority of those who do not want an impeachment, a six-month Senate investigation with all of the attendant political and economic turmoil, for all of those who want a proportional and sensible alternative shouldn't be muzzled.

And so your testimony here and this panel may well be the most important that we will have because you have dealt so significantly with these fact questions that have been troubling us. And thank you, Mr. Chairman.

Rep. HYDE. I thank you, Mr. Conyers, and I want to say that I, too, deeply appreciate the contribution which was and is substantial that you've made to some of our knowledge on this very difficult question. You've all been enormously helpful, highly qualified, very forthcoming and you've made a great contribution.

Now, we should take a 30-minute recess, but before I reach that happy point I yield to Ms. Jackson Lee.

Rep. JACKSON LEE. Very briefly, Mr. Chairman, I'd like to submit into evidence of this proceedings the Constitution of the United States, particularly noting that there is no prohibition on censure noted in the Constitution of the United States. I'd like to submit this into the record, Mr. Chairman.

Rep. HYDE. Well, certainly, without objection, even though ours is a government of delegated powers. But, nonetheless, your motion is granted.

Rep. JACKSON LEE. I thank you very much, Mr. Chairman. I appreciate it.

Rep. HYDE. Thanks. Thank you.

And now I will try again, we will have a half-hour recess. Please come back at the end of a half-hour.

[Recess.]

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. BARRETT) a distinguished member of the Committee on the Judiciary.

Mr. BARRETT of Wisconsin. Mr. Speaker, I am the junior member of the House Committee on the Judiciary, and when I walked in that room the first time, I honestly felt that we would be addressing this issue not as Democrats and Republicans, but as Americans. I was so naive I did not even think that we would be sitting along our normal spots as Democrats and Republicans. But I was wrong.

But I entered that room with hope, and I want to leave today with hope because I have tremendous confidence not only in this institution but this country.

I begged from the first hearing on that we not allow this process to become what it has become because I fear for this institution. We are consuming ourselves. We are lowering the respect for our democratic institutions in this country by what we are doing today.

This is the great tragedy. The tragedy of the loss of the presidency for

Bill Clinton would be a personal loss. The tragedy of the loss of two Speakers is a personal loss. But the greatest tragedy is if the young men and women in this country do not respect this government, because if they do not respect this government, we all lose.

That is why, Mr. Speaker, I tried time and time again to offer an olive branch, to say to my colleagues, please, let us recognize that the President's actions were wrong, because they were very wrong; let us recognize the gravity of what we are doing; let us recognize that after he leaves office he should remain accountable to appropriate criminal and civil remedies. But, Mr. Speaker, I beg that we move on because I could see no good coming from this for our country, and I stand here today and say if this process continues, we will continue to consume ourselves, and that is not good for this country.

So, Mr. Speaker, today I again offer the olive branch. For the sake of this institution, for the sake of this country, for the sake of our children, please let us work together. This country will not accept a partisan solution to this problem. This country recognizes that the President's actions were wrong and he has to be held accountable. But they do not want us to tear ourselves apart.

When I talk to young people about entering government, I tell them, "Think of the worst thing you have ever done in your life. Don't tell me what it is. Now think about having it on the 10 o'clock news."

If that becomes more and more prevalent, what are we going to become? We are going to become a Nation where people who have sins, and every one of us is a sinner, will be afraid to enter the ranks of public service.

Is that what we want?

Is that what we are coming to?

I pray not, Mr. Speaker. For if that is what we are coming to, our country is in grave danger.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, I too come to extend the olive branch, and I am deeply saddened by the events of today.

The American people have made it clear that their desire is for us to censure the President and move on to the Nation's business. It is wrong that there has been a decision made by the Republican leadership that would not allow censure to come to the floor. Whether my colleagues agree with censure or not, I submit it is their obligation to do so.

They say that censure is unconstitutional, but most historians and constitutional scholars disagree with them. The founder of their party, Abraham Lincoln, supported a censure of President Polk. Congress actually did censure President Andrew Jackson. Earlier this session, the majority whip, the gentleman from Texas (Mr. DELAY) introduced a resolution censuring President Clinton.

They have told us over again that this is a vote of conscience. But what about the consciences of Democrat Members? And what about the will of the people?

Mr. Speaker, I fear that we will do a terrible disservice for the Constitution and to our country.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. LEWIS), the minority deputy whip.

Mr. LEWIS of Georgia. Mr. Speaker, today is a very sad day for this House. This morning when I got up, I wanted to cry, but the tears would not come.

Before we cast this one little vote, we all should ask the question:

Is this good for America?

Is this good for the American people?

Is this good for this institution?

When I was growing up in rural Alabama during the 40s and the 50s as a young child, near a shotgun house where my aunt lived one afternoon an unbelievable storm occurred.

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The wind started blowing. The rain fell on the tin top roof of this house. Lightning started flashing. The thunder started rolling. My aunt asked us all to come into this house and to hold hands, and we held hands.

As the wind continued to blow, we walked to that corner of the house, and as the wind blew stronger, we walked to another corner; as it tried to lift another corner, we would walk there. We never left the house. The wind may blow, the thunder may roll, the lightning may flash, but we must never leave the American house. We must stay together as a family: one house, one family; the American House, the American family.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Illinois (Mr. HYDE) is recognized for 5½ minutes.

Mr. HYDE. Mr. Speaker, those of us who are sinners must feel especially wretched today, losing the gentleman from Louisiana (Mr. BOB LIVINGSTON) under such sad circumstances. One's self-esteem gets utterly crushed at times like this. I think of a character in one of Tolstoy's novels who feels so crushed, he asked God if he couldn't be useful in wiping something up, or filling a hole, or being a bad example.

But something is going on repeatedly that has to be stopped. That is a confusion between private acts of infidelity and public acts, where as a government official, you raise your right hand and you ask God to witness to the truth of what you are saying. That is a public act.

Infidelity, adultery, is not a public act, it is a private act. The government, the Congress, has no business intruding into private acts. But it is our business, it is our duty, to observe, to characterize public acts by public officials. So I hope that confusion does not persist.

"The rule of law," a phrase we have heard, along with "fairness" and "reprehensible", more often than not, is in real danger today if we cheapen the oath, because justice depends upon the enforceability of the oath.

I do not care what the subject matter is, if it is important enough to say, I raise my right hand and swear by the almighty God that the testimony I am about to give is the truth, the whole truth, nothing but the truth, if it is solemn enough for that, it is solemn enough to enforce.

When we have a serial violator of the oath who is the chief law enforcement officer of the country, who appoints the judges and the Supreme Court, the Attorney General, we have a problem. Members recognize that problem because they want to censure him. That is impeachment lite. They want to censure him with no real consequences, except as history chooses to impose them.

But we suggest that censuring the President is not a function permitted in this Chamber. Maybe across the Rotunda, where the sanctions of an impeached person are imposed, that is another situation. I daresay, they are innovative and creative over there on Mount Olympus, but here we are confined by the strictures of the Constitution which affords us one avenue, and that is impeachment, impeachment.

There is a doctrine of separation of powers. We cannot punish the President. Yet, a censure resolution, to be meaningful, has to at least harm his reputation. We have no power to do that, if we believe in the Constitution. The Constitution did not enumerate for us a power of punishing the President. Again, I speak not for the gentlemen across the hall.

No fact witnesses, I have heard that repeated again and again. Look, we had 60,000 pages of testimony from the grand jury, from depositions, from statements under oath. That is testimony that we can believe and accept. We chose to believe it and accept it. Why reinterview Betty Currie to take another statement when we already had her statement? Why interview Monica Lewinsky when we had her statement under oath, and with a grant of immunity that if she lied she would forfeit?

If Members on the other side did not trust those people, if they did not accept their credibility, Members had the opportunity to call them and cross-examine them to their heart's content. But no, they really did not want to bring them in and cross-examine them, but they want to blame us for having no fact witnesses. I think that is a little short of the mark.

Lame duck? The cry was, get this over with, get this behind us. We have an election, they pick up a few seats, and "lame duck" becomes the cry. Please, be fair. Be consistent.

Now, equal protection of the law, that is what worries me about this whole thing. Any of the Members who have been victimized by injustice, and you have not lived until you have been sued by somebody and pushed to the wall, and turned to the government and the government is on the wrong side, justice is so important to the most humble among us, equal justice under the law. That is what we are fighting for.

When the chief law enforcement officer trivializes, ignores, shreds, minimizes, the sanctity of the oath, then justice is wounded, and Members on that side are wounded and their children are wounded. I ask Members to follow their conscience and they will serve the country.

Mr. LATHAM. Mr. Speaker, I quote: "Do you solemnly swear in the testimony you are about to give that it will be the truth, the whole truth and nothing but the truth, so help you God?"

Mr. Speaker, that is the oath President Clinton took before his August 17th testimony of this year. The President answered "I do". And despite repeated attempts by Deputy Independent Counsel Sol Wisenberg to warn him of the consequences of providing false or misleading testimony, the President went on to make perjurious statements pertaining to his relationship with Monica Lewinsky and his sworn testimony in the Paula Jones civil trial.

But why? Why would this President, who by anyone's account is a very intelligent man and a very good lawyer, and thus knowing the consequences of his actions, why would be proceed to commit perjury before the grand jury?

I think the answer lies in the testimony of the President's political consultant and confidant Dick Morris. After the story of the President's extramarital relationship and his false testimony in the Jones civil trial broke, he consulted with Morris about what strategy he should employ. It was decided a poll should be taken to gauge what conduct the American people would and would not forgive. According to Morris' testimony, his poll found that the President's adultery could be forgiven by the public.

However, the results also showed that if it were found that the President committed perjury or obstructed justice, the public would consider that grounds for removal from office. It is then when the President made a defining statement to Morris. He said, "Well, we just have to win, then." And so it was, back in January, that the President determined to continue his pattern of lies and deceit, to his staff, his cabinet, the American public and to the grand jury on August 17th.

This first article of impeachment is perhaps the most serious. It is clearly evident that President William Jefferson Clinton perjured himself before a federal grand jury—certainly a "high crime" as delineated in Article II, Section 4 of our Constitution.

We cannot, in good conscience, ignore the President's callous disregard for the laws made on the floor of this House.

"Do you swear and affirm to tell the truth, the whole truth and nothing but the truth, so help you God?"—The oath taken by President Clinton in the Jones versus Clinton civil trial.

There are some who say the second article, regarding the President's perjurious testimony in the Jones versus Clinton case, does not amount to an impeachable offense since it occurred as part of a civil and not a criminal trial and since, ultimately, the case was thrown out of court. In fact, some even claim the President's statements do not amount to perjury.

However, one of the President's own special counsel, Gregory B. Craig, in his testimony before the House Judiciary Committee, "conceded that in the Jones deposition, the President's testimony was evasive, incomplete, misleading—even maddening," Given this and the evidence derived from the sworn testimony of Vernon Jordan, Betty Currie, Monica Lewinsky and others, there is clear and convincing evidence that the President lied under oath and committed perjury in the Jones deposition.

The fact that the case was subsequently thrown out of court does not acquit the President from the perjury count. Because, in fact, the President's perjurious statements denied Paula Jones a continuance of that trial, and, in effect, her civil rights.

Obstruction of justice is an equally grave crime. The third article of impeachment delineates how President Clinton set out on a course to obstruct justice in seven instances, including the President's tampering with witnesses in the Jones versus Clinton case, notably Betty Currie and Monica Lewinsky.

The President's actions prevented Paula Jones' suit from receiving a fair and just decision in court on whether her civil rights had been violated by the President. Each of us would expect that our grievance would receive a fair hearing in a court of law, it is our Constitutional right. No one, including the President of the United States—especially the President of the United States—should be able to deny someone that right and not suffer the consequences of their actions.

President Clinton has displayed a pattern of lying, putting forth perjurious testimony, and obstructing justice, all which undermine our Constitution and the principle that no one individual is above the law—that the law is applied equally to all. This despite his oath before the American people on two occasions to "faithfully execute the Office of the President of the United States, and to . . . to the best of [his] ability, preserve, protect, and defend the Constitution of the United States."

Furthermore, while I do not believe Article 4 necessarily rises to the level of an impeachable offense in this instance, the President has, with great disrepute, used his office to proliferate his own lies and destroy the character of those who have sought to serve justice. Unfortunately, this behavior is in no way a revelation to this generation or to those past. In fact, in 1788, Sir Edmund Burke, in his opening speech for the impeachment of Warren Hastings, the British Governor General of Bengal and India, noted the employment of such familiar tactics as character assassination and twisting the truth when he criticized Hastings and his defenders that . . . "When they cannot deny the facts, they attack the accuser—they attack their conduct, they attack their persons, they attack their language in every possible manner."

However, I bear no personal grudge against President Clinton. I forgive him for what he has done. But forgiveness is not justice, and since we are a nation of laws, we must see to it that the laws are upheld and applied equally to all citizens. That principal is what this nation was built on, it is for what our Founding Fathers pledged their lives, their fortunes and their sacred honor.

And it is in this great legislative body that we are charged with making the laws that govern our nation. To permit the chief executive enforcing those laws to cast them aside as he pleases would, in effect, sanction such actions. To do nothing would be to place a stamp of approval on illicit conduct and transfer power to the executive branch, thus upsetting the system of checks and balances devised by the Framers. It would cheapen the law, which, in turn, would cheapen the work by this House.

So it is with a heavy heart but a clear conscience that I cast my votes in favor of three of the four articles of impeachment today. Of course, the people of northwest Iowa did not send me 1000 miles from my home in Alexander to the U.S. Congress to make the easy decisions. But if a democratic republic were an easy system of government, America would not be unique in this world. A republic is so difficult to maintain because it demands greater sacrifice and restraint on the part of the ruler and than the ruled. Part of this sacrifice is that our leaders are held to a higher standard of conduct as they set the example for the rest of the citizenry and are placed in a position of trust.

It pains me to say that this President has placed himself above the Office of the Presidency and above the people he took an oath to serve. The House of Representatives is doing today what is our duty to do. We should wait no longer, for as Burke opined, "To have forborne longer would not have been patience but collusion."

Mr. RAMSTAD. Mr. Speaker, this has been the most difficult, gut-wrenching decision I have made in my 18 years of public service. In making my decision, I have been obligated to put personal feelings and political concerns aside to focus solely on my constitutional obligation.

The impeachment matter is a trauma for our nation and the decision demands careful and thoughtful deliberation and much soul searching. A decision of this magnitude required me to examine all of the evidence, listen to all the legal arguments and search my conscience.

As a former Criminal Justice Act lawyer, I have objectively reviewed all the evidence, heard all the arguments and searched my conscience. I have regrettably and sadly concluded that sufficient evidence of perjury exists to send this matter to the Senate.

I cast my votes solely on the evidence and the law consistent with my conscience.

Impeachment is similar to an indictment, or a formal charge of wrongdoing, and I believe the evidence of perjury before the grand jury and obstruction of justice meet the "clear and convincing" threshold for moving the process forward. I have also concluded these charges rise to the level of an impeachable offense pursuant to the Constitution of the United States.

In the final analysis, it all comes down to perjury and covering up perjury. The compelling reason for impeachment is that the President's perjury has undermined the rule of law.

The laws against perjury are the glue that holds our legal system together. To remain a nation of laws governed by the rule of law, all people, including the President, must be treated equally and held accountable. The President must abide by the same laws as every other American.

In analyzing the four articles of impeachment, I have concluded that the charge of perjury before the grand jury is substantial by clear and convincing evidence. As the chief law enforcement officer of the United States, the President has an obligation to tell the truth, under oath, in judicial proceedings. He chose not to.

Similarly, I concluded that there was sufficient evidence that the President obstructed justice in order to cover up his perjury.

At the same time, I have concluded that Articles 2 and 4 do not present clear and convincing evidence of impeachable offenses by the President.

In my judgment, the second article concerning perjury in a civil deposition does not meet the "clear and convincing" standard because of questions about materiality. In addition, the charge of abuse of power—for the answers by the President's lawyers to the Judiciary Committee's questions—is not justified by the evidence and raises Due Process concerns.

This is truly a sad day for America and the American people. But, long after the words spoken today have faded, and long after this painful ordeal is concluded, we will remain a nation of laws. This means we must sometimes make difficult decisions to ensure that our national principles survive and public trust is maintained.

By the grace of God, I pray that this painful chapter in our nation's history will be quickly put behind us by the Senate so we can address our nation's pressing needs, heal our wounds and show the world America's enduring strength and resiliency.

Mr. SANDLIN. Mr. Speaker, on this somber occasion I rise in strong support of the Constitution of the United States of America and the rule of law and in strong opposition to the Articles of Impeachment before us today.

Impeachment is possibly the most difficult issue to face any Congress. Attempting to impeach and remove a president strikes at the very foundation of our constitutional scheme of government.

As has been correctly stated many times today, the Constitution of the United States of America sets the standard for impeachment and provides that the President can be removed only upon "Impeachment for and Conviction of Treason, Bribery or other high crimes and Misdemeanors."

Under our law and interpretations of the Constitution, it is clear that impeachment requires wrongdoing by public officials while acting in their public capacity. English precedent clearly illustrates that impeachment applies only in cases of fundamental attacks against the system of government itself. Further, legal scholars agree that the Framers of our Constitution understood English precedent and intended to authorize impeachment only in cases of serious harm to the state such as treason or bribery.

Recent interpretations are consistent. In fact, a memorandum prepared by the Republican Members of the Judiciary Committee in 1974 stated, in a pertinent part, as follows:

> . . . It is our judgment, based upon this constitutional history, that the Framers of the United States Constitution intended that the President should be removable by the legislative branch only for serious misconduct dangerous to the system of government established by the Constitution. [Nixon report at 364–365 (Minority views of Messrs. Hutchinson, Smith, Sandman, Wiggins, Dennis, Mayne, Lott, Moorhead, Marazati and Latta)]

Obviously, the historical and constitutional standards are clear. Justice as obviously, the articles before us today do not even attempt to allege official misconduct resulting in damage to our system of government. Therefore, the articles must be rejected.

Is the conduct of the President disappointing? Certainly it is. Has it been offensive to the American public? Again, the answer is yes. However, neither of those standards is the test. We must follow the law.

Attempting to impeach a President for any reason other than the reasons set out in the Constitution will seriously erode our constitutional order and will ignore the constitutionally-imposed limits on legislative authority.

This is a serious matter. Either we respect the Constitution or we do not. Either we follow the rule of law or we do not. I intend to vote against the Articles of Impeachment. I urge my friends and colleagues on both sides of the aisle to do the same.

Mr. WISE. Mr. Speaker, as you, know, the President has acknowledged the shameful personal conduct that he engaged in to a grand jury, to his family and to the American people. I think everyone agrees that such indefensible behavior was reprehensible and immoral, and appropriately, President Clinton has apologized for misleading the country on this matter. Even more appropriately, he has repeatedly recognized how harmful his conduct has been and the damage it has caused to the nation and his family.

Congress has spent the last few months attempting to determine what action should be taken in response to the President's offenses. Unfortunately, I believe that the process by which the House of Representatives has approached this matter has become tainted and unfair.

From the start, the House Judiciary Committee promised a thorough, bipartisan investigation that would command public support as in the 1974 Watergate hearings. Sadly, the Committee failed this test. Unlike 1974, they relied exclusively on the one-sided case of independent counsel Ken Starr rather than interviewing the major participants in this case who have contradicted allegations made by Starr. Unlike 1974, there was no cross-examination opportunity for the President's lawyers. Unlike 1974, there was littel access given to the President's counsel for most of the proceedings. Unlike 1974, there was no bipartisan decision to proceed with articles of impeachment, instead only a strict party-line vote.

The Congress is considering resolutions which direct that President Clinton's actions "warrants impeachment and trial, and removal from office." I am voting against these resolutions because I feel that while the poor judgment and reprehensible behavior in which the President engaged was wrong, it simply does not rise to the standard of impeachment outlined in the Constitution—a crime comparable to treason or bribery. This vote lowers the standard our Founding Fathers set for such a drastic action. From this point forward, a simple vote of no confidence by the majority party will empower them a president and overturn a popular election.

I have called for the congressional censure and rebuke of President Clinton as an appropriate punishment. Censure would be a shame of historical proportion and would allow the President to be indicated and tried in a court of law when he leaves office. Unfortunately, we will be denied the opportunity to vote on this option on the floor of the House.

Some have expressed concern that failure to impeach the President sends a bad message to our families and children. I believe that public officials need to strive constantly to set a high standard. However, America's families are strong enough that the don't have to depend on Congressional action to tell them right from wrong. In my family and in every family across the country, the President's behavior has been discussed, evaluated and rebuked. Wherever the President goes, he will always carry this brand for his personal behavior, both now and throughout history. That is why I believe censure in the proper and appropriate formal declaration against his behavior. However, impeachment under the high standards set by the Constitution is not appropriate.

I vote against impeachment not to approve of the behavior of this president, but to support the Constitution and the institution of the Presidency.

Mr. QUINN. Mr. Speaker, article I section 2 of the United States Constitution says in part that, ". . . the House shall have the sole Power of Impeachment." It is one of the most awesome responsibilities that Members of this chamber face, but one which we cannot ignore. Today, it is with a heavy heart and much regret that I will support three articles of impeachment against the President of the United States.

The President, while appearing before a grand jury and answering questions presented to him in a deposition, took an oath to, ". . . tell the truth, the whole truth and nothing but the truth." By offering false and misleading testimony, the President failed to honor that oath, and in doing so, committed perjury and obstructed justice.

Mr. Speaker, I did not reach this decision easily. In fact, this is the most difficult decision I have made since being a member of Congress. I arrived at my vote after speaking and meeting with my constituents and after talking to clubs, school groups, friends and neighbors. Most importantly, I reached my decision after a great deal of soul searching. It is a decision based on principle, not politics. My vote is one of conscience.

My decision is also based upon the clear evidence of perjury and obstruction of justice as presented by the House Judiciary Committee. After examining the record of the House Judiciary Committee, I am convinced that the President committed an impeachable offense. The more I learn about the serious details of perjury and obstruction of justice, the more I am concerned about the President's failure to tell the truth. All Americans must tell the truth while testifying in a court of law. What precedent are we establishing within our legal system if we do not uphold the most basic legal concept of telling the truth, the whole truth and nothing but the truth? If the truth is lacking, justice can not and will not prevail.

Some have said that a vote to impeach is unfair. I disagree. Impeachment puts this matter right where it belongs, in the Senate, where the evidence can be weighed, where the public can have time to understand the charges and where a proper judgment can be reached.

Every Representative must swear or affirm to uphold the Constitution of the United States. It is that very oath that demands this vote that we are casting today. The right vote is not always the easy vote. I would have liked nothing more than to have had this matter resolved before it was taken under consideration by the full House of Representatives. However, that was not the case. I see it as my duty to cast a vote for justice.

Mrs. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the Republican majority will vote to pass Articles of Impeachment against President William Jefferson Clinton. This is truly a sad day for the nation. The Republican majority has seen fit to trample the Constitution in railroading these Articles through both the Judiciary Committee and the House of Representatives.

The Republican majority insists that this is being done to preserve the Presidency. This is not their true concern. The Republican majority wants to destroy this President. He has been too effective for too long. President Clinton is truly a representative of the American people. He rose from poverty to gain an education, to gain the highest office in the State of Arkansas, and finally, to gain the highest office in the United States and the world. He has long been a threat to the Republican party, and now the majority is looking to destroy this man to save themselves.

The Republican majority insists that this is being done to preserve the Constitution. The unfair and partisan process followed by the Republicans is evidence that this is not true. The Framers of the Constitution did not intend impeachment to be taken lightly. The constitutional standard calls for impeachment when "treason, bribery and other high crimes and misdemeanors" have been committed. This standard envisioned crimes against the state—crimes which truly cut deep through the fabric of the nation. The Republican majority's Articles of Impeachment do not reflect such crimes. The President has betrayed himself and his family. He exercised bad judgment. He did not betray this nation.

The Republican majority insists that this is being done for the good of the American people. This is clearly not true. The majority of Americans have come out in opposition to impeachment and yet the Republicans have gone forward with this process. Instead of listening to the desire of the people to move forward, the Republicans have chosen to ignore the public. This is not democracy, this is tyranny.

The Republicans have pushed forward in an atmosphere fraught with unfairness, forcing through Articles of Impeachment without concern for the rule of law. The Republicans have abandoned all due process in their investigation, calling only the Independent Counsel to attest to the so-called "facts" brought to bear in this case. The Republicans have argued that the President is not above the law. Neither should the President be held beneath the law. He deserves the basic protections that we give all Americans in cases of this magnitude. The Office of the President deserves better, the American people deserve better.

During the Iran-Contra investigation, the current chairman of the Judiciary Committee, the Honorable HENRY HYDE, was quoted as, "mock[ing] those who 'sermonized about how terrible lying is and sa[ying] it made no sense to 'label every untruth and deception an outrage" by the Los Angeles Times. Further, he characterized the investigation of Col. Oliver North a "witch hunt." What a difference an election makes. The Republicans became the majority party in the House of Representatives, and have long since forgotten those words. The Republicans have embarked on a forty million dollar, six year fishing expedition, hoping to find something to pin on the President. What the Republicans have caught should be thrown back.

I do not condone the past actions of the President, but his actions do not constitute "high crimes and misdemeanors." I only hope that history will forgive this House for the grave mistake we have made today.

DECEMBER 17, 1998.

TO: HON. EDDIE BERNICE JOHNSON:

DEAR MS. JOHNSON. The Constitution is not the Bible. It is bothersome to see Republicans wrap themselves so tightly around this document as the truth, the whole truth, and nothing but the truth. The Bible is the only publication that claims this posture.

Interpreters of this same Constitution at one point did not believe that blacks had the same rights as whites. Women were not equal to men, they said. We have amended the Constitution many times as time has revealed more and more reasons to do so. Using the Constitution as a truth text disregards all the amendments that have been added to it.

The President tried to cover up an affair. It was a wrong to his wife and daughter. The only impeachment he deserves is from them. Adultery is a sin. Bearing false witness is a sin. It seems then, that the Bible is the best text to deal with this sin, not the Constitution.

The Constitution gives all life, liberty, and the pursuit of happiness. It also gives each of us rights—rights to defend ourselves when accused, rights to legal counsel. Hiring counsel or using our legal system should not be twisted into a charge of obstruction of justice. Is it abuse of power to defend yourself?

Hiding the truth about an adulterous affair is something human beings often do. It is a character flaw that comes with the territory. Those who are faithful to their wives and husband are to be commended. Let's not be in denial, however, about our country's divorce rate and the cheating rate in history and in present times.

Let me get this straight. We're going to impeach the President for: 1. Defending himself (a.k.a abuse of power?); 2. Hiring legal counsel (a.k.a. obstruction of justice?); 3. Trying to conceal an affair (a.k.a. perjury?).

The Constitution gives all Americans a right to privacy. Kenneth Star has violated Bill Clinton's right to privacy. That's constitutional. To investigate this sexual affair is not the governments' business—never was and never will be. That's constitutional. A citizen can defend himself against prosecution. That's constitutional. A citizen can hire a legal counsel. That's constitutional. Lying under oath about a constitutional right to privacy is constitutional.

The Bible should be our guide on this matter. The Constitution is not the Bible.

Sincerely,

THOMAS HENDERSON.

Mr. SPENCE. Mr. Speaker, I rise to address the matter before the House regarding the four Articles of Impeachment that have been reported by the Committee on the Judiciary. This is a situation that demands our most careful consideration and devotion to duty as Members of Congress. It is a matter that is not to be taken lightly. Each Member of this body must reason individually to reach the determination that must be made in order to fulfill our constitutional responsibilities in the impeachment procedure. This is a process that should not be partisan, as it should be based on the application of the rule of law.

I believe that all of us recognize the seriousness of President Clinton being charged with violations against the Constitution. Much time and effort have been devoted to investigating and reviewing the actions on which this resolution is based. I have followed the hearings of the Committee on the Judiciary concerning this matter with great interest and I am in agreement with the resolution (H. Res. 611) that has been submitted by Chairman HYDE. H. Res. 611 outlines four articles as the basis for impeachment, which I shall summarize:

Article I—President Clinton willfully provided perjurious, false and misleading testimony to a Federal Grand Jury. I agree.

Article II—President Clinton willfully corrupted and manipulated the judicial process, in that, he willfully provided perjurious, false and misleading testimony in response to written questions seeking information in a Federal civil right action, which was brought against him, as well as in a deposition in that action. I agree.

Article III—President Clinton prevented, obstructed and impeded the administration of justice through a course of conduct or scheme in a series of events between December 1997 and January 1998. I agree.

Article IV—President Clinton has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the Legislative Branch and of a coordinate investigative proceeding, in that, he refused and failed to respond to certain written requests for admission, as well as willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission that were propounded as part of the impeachment inquiry that was authorized by the House. I agree.

It is clear to me that convincing evidence has been presented in regard to each of the four Articles that have been reported by the Committee on the Judiciary. Accordingly, I support the Articles as stated in H. Res. 611.

Mr. Speaker, I would also like to address the assertion that I have heard today that the consideration by the Congress of the impeachment of President Clinton, who is the Commander in Chief of our Armed Forces, would have a demoralizing effect on our men and women in uniform, especially while our Nation is engaged in military operations against Iraq. I can speak from experience, based on numerous conversations with Americans from all walks of life, who are now serving or who have previously served in our Nation's military, that such a charge has no merit. In this regard, I would like to submit the following article by Major Daniel J. Rabil, of the United States Marine Corps Reserve:

[From the Washington Times, Nov. 9, 1998]

Please, Impeach My Commander in Chief

(By Daniel J. Rabil)

The American military is subject to civilian control, and we deeply believe in that principle. We also believe, as affirmed in the Nuremberg Trials, that servicemen are not bound to obey illegal orders. But what about orders given by a known criminal? Should we trust in the integrity of directives given by a president who violates the same basic oath we take? Should we be asked to follow a morally defective leader with a demonstrated disregard for his troops? The answer is no, for implicit in the voluntary oath that all servicemen take is the promise that they will receive honorable civilian leadership. Bill Clinton has violated that covenant. It is therefore Congress' duty to remove him from office.

I do not claim to speak for all service members, but certainly Bill Clinton has never been the military's favorite president. Long before the Starr report, there was plenty of anecdotal evidence of this administration's contempt for the armed forces. Yes, Mr. Clinton was a lying draft dodger, yes his staffers have been anti-military, and yes, he breezily ruins the careers of senior officers who speak up or say politically incorrect things. Meanwhile, servicemen are now in jail for sex crimes less egregious than those Paula Jones and Kathleen Willey say Mr. Clinton committed.

Mr. Clinton and his supporters do not care in the least about the health of our armed forces. Hateful of a traditional military culture they never deigned to study, Mr. Clinton's disingenuous feminist, homosexual and racial activist friends regard the services as mere political props, useful only for showcasing petty identity group grievances. It is no coincidence that the media have played up one military scandal after another during the Clinton years. This politically-driven shift of focus, from the military mission to the therapeutic wants of fringe groups, has taken its toll: Partly because of Mr. Clinton's impossibly Orwellian directives, Chief of Naval Operations Jay Boorda committed suicide.

So Clinton has weakened the services and fostered a corrosive anti-military culture. This may be loathsome, but it is not impeachable, particularly if an attentive Congress can limit the extent of Clinton-induced damage. As officers and gentlemen, we have therefore continued to march, pretending to respect our hypocrite-in-chief.

Then came the Paula Jones perjury and the ensuing Starr Report. I have always known that Clinton was integrity-impaired, but I never thought even he could be so depraved, so contemptuous, as to conduct military affairs as was described in the special prosecutor's report to Congress. In that report, we learn of a telephone conversation between Mr. Clinton and a congressman in which the two men discussed our Bosnian deployment. During that telephone discussion, the Commander-in-Chief's pants were unzipped, and Monica Lewinsky was busy saving him the cost of a prostitute. This is the president of the United States of America? Should soldiers not feel belittled and worried by this? We deserve better.

When Ronald Reagan's ill-fated Beirut mission led to the careless loss of 241 Marines in a single bombing, few questioned his love of country and his overriding concern for American interests. But should Mr. Clinton lead us into military conflict, he would do so, incredibly, without any such trust. After the recent American missile attacks in Afghanistan and Sudan, my instant reaction was outrage, for I instinctively presumed that Mr. Clinton was trying to knock Miss Lewinsky's concurrent grand jury testimony out of the head-lines. The alternative, that this president—who ignores national security interests, who appeases Iraq and North Korea, and who fights like a leftover Soviet the idea of an American missile defense—actually believed in the need for immediate military strikes, was simply implausible. And no amount of scripted finger wagging, lip biting, or mention of The Children by this highly skilled perjurer can convince me otherwise.

In other words, Mr. Clinton has demonstrated that he will risk war, terrorist attacks, and our lives just to save his dysfunctional administration. What might his motives be in some future conflict? Blackmail? Cheap political payoffs? Or—dare I say it—simply the lazy blundering of an instinctively anti-American man? It is immoral to impose such untrustworthy leadership on a fighting force.

It will no doubt be considered extreme to raise the question of whether this president is a national security risk, but I must. I do not believe presidential candidates should be required to undergo background investigations, as is normal for service members. I do know, however, that Bill Clinton would not pass such a screening. Recently, I received a phone call from a military investigator, who asked me a variety of character-related questions about a fellow Marine reservist. The Marine, who is also a friend, needed to update his top-secret clearance. Afterward, I called him. We marveled how lowly reservists like us must pass complete background checks before routine deployments, yet the guardian of our nation's nuclear button would raise a huge red flag on any such security report. We joked that my friend's security clearance would have been permanently canceled if I had said to the investigator, "Well, Rick spent the Vietnam years smoking pot and leading protests against his country in Britain. His hobbies are lying and adultery. His brother's a cocaine dealer, and oh, yeah—he visited the Soviet Union for unknown reasons while his countrymen were getting killed in Vietnam."

Do I show disrespect for this president? Perhaps it depends on the meaning of the word "this." If Clinton were merely a spoiled leftist taking advantage of our free society, a la Jane Fonda, that would be one thing. But you don't make an atheist pope, and you don't keep a corrupt security risk as commander-in-chief.

The enduring goodness of the American military character over the past two centuries does not automatically derive from our nation's nutritional habits or from a good job benefits package. This character must be developed and supported, or it will die. Already we are seeing declining enlistment and a 1970s-style disdain for military service, squandering the real progress made during the purposeful 1980s. Our military's heart and soul can survive lean budgets, but they cannot long survive in an America that would tolerate such a character as now occupies the Oval Office. We are entitled to a leader who at least respects us—not one who cannot be bothered to remove his penis from a subordinate's mouth long enough to discuss our deployment to a combat zone. To subject our services to such debased leadership is nothing less than the collective spit of the entire nation upon our faces.

Bill Clinton has always been a moral coward. He has always had contempt for the American military. He has always had a questionable security background. Since taking office, he has ignored defense issues, except as serves the destructive goals of his extremist supporters. His behavior with Paula Jones and Kathleen Willey was bizarre and deranged—try keeping a straight face while watching mandated Navy sexual harassment videos, knowing that the president's own conduct violates historic service rules to the point of absurdity.

For a while, it was almost possible to laugh off Mr. Clinton's hedonistic, "college protester" values. But now that we have clear evidence that he perjured himself and corrupted others to cover up his lies, Bill Clinton is no longer funny. He is dangerous.

William J. Clinton, perhaps the most selfish man ever to disgrace our presidency, will not resign. I therefore risk my commission, as our generals will not, to urge this of Congress: Remove this stain from our White House. Banish him from further office. For God's sake, do your duty.

Mr. SANDLIN. Mr. Speaker, yesterday, I listened as Members explained that the reason they were voting to impeach President Clinton was because he had committed perjury. The fact of the matter is—and the record is clear and undisputed—that the President did not commit and, in truth, these proposed Articles of Impeachment do not actually accuse the President of perjury.

Let's be very careful and clear about this loose talk of perjury. Whatever you may think of Ken Starr, he has never accused Bill Clinton of having committed perjury—neither in his own statement to the committee on November 19 nor in the OIC Referral sent to the Congress on September 9.

Everyone seems to have forgotten the testimony of the five expert prosecutors who appeared and testified before the Judiciary Committee. Three served in Republican administrations at the top levels of the Justice Department; two served in Democratic administrations. They were unanimous in their agreement that the evidence against Mr. Clinton could not support a perjury charge and that no responsible prosecutor would ever bring such a charge.

Let me quote Thomas P. Sullivan, the U.S. attorney from the Northern District of Illinois from 1977 to 1981, someone who has had 40 years of experience in the criminal justice system. He testified, "It is not perjury for a witness to evade or frustrate or answer non-responsively. The evidence simply does not support the conclusion that the President knowingly committed perjury, and the case is so doubtful and weak that a responsible prosecutor would not present it to the grand jury."

What are we really talking about in Article One when President Clinton is charged with wilfully providing "perjurious, false and misleading testimony?" It is not that President Clinton denied an improper, intimate relationship with Ms. Lewinsky. He admitted that relationship, and the whole world saw his testimony on that point when the video tape of the grand jury testimony was played. Instead, the allegation of perjury in the grand jury boils down to a disagreement between the President and Ms. Lewinsky as to the graphic details of their contact—whether he touched certain unclothed private parts of her body. She says, "He did." He said that he didn't.

According to the expert prosecutors, this kind of dispute would never be prosecuted. To quote Mr. Richard Davis, a distinguished and experienced prosecutor from New York City, "In the end, the entire basis for a grand jury perjury prosecution comes down to Monica Lewinsky's assertion that there was a reciprocal nature to their relationship, and that the president touched her private parts with the intent to arouse or gratify her, and the president's denial that he did so. Putting aside whether this is the type of difference of testimony which should justify an impeachment of a president, I do not believe that a case involving this kind of conflict between two witnesses would be brought by a prosecutor . . . This simply is not a perjury case that would be brought."

For many years, it has been the practice of the Department of Justice not to bring perjury charges based on "he says/she says" swearing contests. That is what we have here. Nothing more.

Enough loose talk about perjury.

Mr. PITTS. Mr. Speaker, it has been several months since I called on the President to resign from office for the good of the country and the honor of the Presidency.

Today I will cast my vote in favor of his impeachment because to this day he has refused to live up to the honor demanded of that office.

For if the law is not respected and obeyed by the highest official in the land—indeed the Commander in Chief—why should each of us seek to uphold the law. Why could we not selectively choose when to lie and when to tell the truth?

It is unbelievable to me today that President Clinton still continues to lie about his affair.

He continues to deny that he had a sexual relationship with Ms. Lewinsky.

He continues to deny that he has lied under oath.

Does he believe that the subject of his words make the truth of his words irrelevant? The fact that he had an affair is not the issue.

Yet, when both the President—in swearing to tell the truth, the whole truth and nothing but the truth—disregards his oath, he fails to meet the high moral standard example demanded of our President.

Thus, such disregard for the rule of law demands impeachment action by the Congress of the United States.

For, as Chairman HYDE has said, in this country, justice depends on the enforceability of the oath.

Accoring to the evidence that I have reviewed, I see no option but to recognize the President's actions as perjurious, and to conclude that he has obstructed justice and abused the power that he has as President of the United States.

There are more than 115 people in federal prison for perjury in this country.

Should the man charged to lead our Nation with integrity and honesty be allowed to be treated any differently for charges similar or worse than those of individuals who have been convicted—solely because his position of power? the President is not a king.

America was built on the ideal of equal justice under law. This concept must apply equally to everyone, including the President.

As a Member of Congress, the very first of my duties was to swear an oath to uphold the Constitution.

My duty this week goes beyond the normal task of making law and directly reflect my sworn duty to maintain the integrity of the Constitution and apply the rule of law, which has held this nation together since its birth more than 200 years ago, to the illegal actions of the President.

I soberly take part in this process with the weight of responsibility to the Constitution on my shoulders.

Mr. FRANKS of New Jersey. Mr. Speaker, it is with a profound sense of sadness that I stand here today. All of us wish that the events connected with this matter had never occurred. But they did.

Today, we are being asked to stand in judgment and decide whether William Jefferson Clinton should become only the second president in our Nation's history to be impeached. It is the most agonizing decision I have ever been called upon to make.

As we address this matter, we must decide what is right for the country and what is required to serve the interests of justice. In making this decision, I recognize that the purpose of impeachment is not to punish a political leader, but to preserve the integrity of our institutions of government.

In order to meet our solemn responsibility, we must put aside public opinion polls and avoid the temptation to pursue the politically expedient course. Our responsibility is clear—we must uphold the Constitution of the United States.

America is a government of laws—not of men. No individual—not even the President of the United States—is above the law. These are the principles embodied in our Constitution. It's what we teach children every day in classrooms across America.

The evidence presented to this House lays out a compelling case that President Clinton committed perjury on two separate occasions and personally engaged in conduct to obstruct justice.

I recognize that some Americans question whether perjury and obstruction of justice constitute adequate grounds for impeachment.

I've tried to weigh this issue very carefully. And in the final analysis, it comes back to a basic principle—no American is above the law.

Perjury and obstruction of justice are direct attacks on the government's ability to dispense justice. Lying under oath undermines the very foundation of our judicial system. If Congress fails to confront President Clinton's violations of the law, we would fail to meet our obligation under the constitution. We would be telling America, particularly our nation's young people, that the crime of perjury, even when committed by the President, is acceptable in certain situations. Equally devastating, we would be holding the President of the United States to a different standard of justice than ordinary citizens.

I want to remind my colleagues and the American people that we are voting on impeachment today not because the Republicans control Congress or because the Independent Counsel was overzealous. We're here because William Jefferson Clinton—our Nation's chief law enforcement official—has subverted the judicial process and violated the laws he swore to uphold.

Through his actions, the President—and the President alone—has led the nation down the painful path toward impeachment. And he, and he alone, has been in a position to spare the Nation the ordeal of an impeachment trial in the United States Senate.

Over the past 2 weeks, I've written twice to the President asking him to come to terms with the fact that he broke the law and to take responsibility for his actions.

On December 3d, I urged the President to come before the American people, admit that he committed perjury and indicate that he was prepared to face the consequences.

On the eve of this debate, I wrote to the President one more time and called on him to tell the truth, the whole truth and nothing but the truth.

Tragically, President Clinton continues to put his own self interest above America's interests. The President appears to be more concerned about avoiding criminal prosecution after he leaves office than he is about sparing the nation the ordeal of an impeachment trial.

The failure of the President to come forward and publicly admit that he has broken the law, compels me to vote for impeachment articles, 1, 2, and 3 which are before the House today.

I want to issue one final plea to the President. It's not too late to demonstrate real personal and moral leadership. Save the Nation the trauma of an impeachment trial and save your Presidency. Admit that you broke the law and violated the trust of the American people.

Mr. THOMPSON. Mr. Speaker, I rise today to speak on the behalf of my country and my party. I do not come to this floor easily—indeed, I am disheartened that we are here today debating impeachment while our Armed Forces are engaged in fighting in the Middle East. I am disheartened that a distortion of the legal facts has brought us to this point today. Impeachment of a President according to the Constitution can only occur when that individual is guilty of high crimes and misdemeanors. I strongly feel President Clinton has neither violated the fundamental principles of the Constitution nor is he guilty of a high crime or misdemeanor. He has not threatened the security of our nation and this impeachment is not based on treason, bribery or a threat to our democracy. This impeachment is based on partisan party politics. Let me remind those who support impeacment that the presumption of innocence until proven guilty is central and basic to our system of justice. This impeachment is predicated on perjury which has not been proven. I urge my colleagues to remember the words of Martin Luther King, Jr., who said from his cell in the Birmingham jail—"injustice anywhere is a threat to justice everywhere . . . whatever affects one directly, affects all indirectly." Mr. LIVINGSTON's resignation proves the effect of his injustices affecting his status. As in all prior impeachments, the allegations concerned official misconduct not private misbehavior. In all of American history, no official has been impeached for misbehavior unrelated to his offical responsibilities. The Founding Fathers did not intend impeachment or the threat of impeachment to serve as a device for nullifying a duly elected President just because Members of Congress disagree with him. Again, I say the President has not committed a crime or misdemeanor and should not be impeached.

In face of this turbulent time for America, BOB LIVINGSTON's decision to resign from Congress and relinquish his position as Speaker of the House only demonstrates his personal shame for his own misdeeds. His action does not lend any credence to this procedure against the President.

America is a great county. I hope this impeachment, this attempted coup d'etat, does not begin a downward slide to our economy, our image, and our morale. I urge my colleagues to vote against impeachment.

Mr. STARK. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD a letter that I received from Mayor Roberta Cooper of Hayward, CA. Mayor Cooper writes to express the sentiment that runs strong in my district that the impeachment proceedings being conducted by House of Representatives are not in the best interest of our Nation and not supported by our citizens.

CITY OF HAYWARD,
Hayward, CA, October 26, 1998.

Hon. PETE STARK,
Member, House of Representatives, Cannon Office Building, Washington, DC.

DEAR PETE: On the issue of the partisan driven Presidential Impeachment, its time for you and the members of California Congressional Delegation to hear from us at home!

Frankly, the speed at which this proceeding is proceeding, it's as if the voice of the American people has fallen on deaf ears and blind eyes!

Doesn't Congress see that President Clinton's ratings, among the American people, are holding steady?

Can't Congress grasp the fact that we've had enough?

Isn't it glaringly clear that pursuing this matter with the level of ruthlessness and aggression can ultimately serve no greater public good?

Is Congress completely blind to the fact that the collective mind and spirit of the United States of America will suffer a massive societal depression should it succeed in its effort to destroy President Clinton? Is it Congress's intention to bring the citizens down with the President?

I am extremely troubled by the far reaching implication and tremendously adverse outcomes presented by this partisan feeding frenzy should it succeed.

I implore you to let your colleagues know that we strongly object the proposal to impeach the President and urge that this matter be resolved by means other than impeachment.

Sincerely,

ROBERTA COOPER,
Mayor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, throughout this long process as I have listened to this divisive debate, I have had to wonder about the legacy of the 18th Congressional district. The first person to hold this seat was the late Congresswoman Barbara Jordan. She was a member of the Congress in 1974 during Watergate, and she was a member of the House Judiciary Committee.

I have been careful not to mischaracterize her thoughts or words during these serious and troubling times. However, throughout the debate it seems at every moment the Republican majority continues to misuse Ms. Jordan's comments.

I think it is important to acknowledge the remarks she made today, and the impact that those words will have on the actions we take today. In her July 24, 1974 speech, in citing the Framers of the Constitution, she noted that "the Framers confined in the Congress the power if need be, to remove the President in order to strike a balance between a president swollen with power and grown tyrannical * * *." This is not the case today.

She also said impeachment was limited to high crimes and misdemeanors, as she cited the federal convention of 1787. Finally, Ms. Jordan sheds light on what she might have thought of today's proceedings as she states "A President is impeachable if he attempts to subvert the Constitution." I think it is important for Congress to hear these words that the late Barbara Jordan gave on July 24, 1974.

A sense of the Congress resolution on censure is not unconstitutional, it is not prohibited by the words of the Constitution. It is not specifically noted in the Constitution, but however neither are postal stamps, education, or social security. This resolution is germane and constitutionally sound. Mr. Speaker please rule and allow a free standing resolution of censure to be voted on by this House—do not deny the will of the people.

The Bible, Mark 3:25, teaches that "[I]f a house be divided against itself, that house cannot stand." It's time to stop the malicious attacks because surely, we will all perish. It is time to close ranks and get back to the business of America. It is time to heal this Nation. Today let's restore the American public's faith in the Constitution do not deny their will.

We need to begin that healing process now to return America to greatness.

Mr. HOBSON. Mr. Speaker, I will vote to impeach the President because by committing perjury he has violated his oath to uphold our Constitution and has undermined the rule of law, which is the foundation of our society.

The lifeblood of our legal system is honest testimony. When falsehoods are tolerated then the system cannot function. Perjury, therefore, cannot be dismissed as a minor infraction, but instead is a serious felony offense because it undermines the very existence of our system of justice. Accordingly, I will vote for the first article of impeachment.

The second article of impeachment relates to the President's alleged false testimony in a civil lawsuit which has been settled out of court. Perjury in a civil lawsuit is a serious offense as well and, if adequately proven, would warrant criminal prosecution. However, I do not believe the evidence presented is adequate to reach the threshold of an impeachable offense.

The third article of impeachment alleges the President obstructed justice by, among other actions, engaging in a scheme to conceal and willingly encouraging his employees to provide false testimony in order to help conceal his pattern of lying under oath. This is a misuse of power and a very telling sign of the lengths to which the President was willing to go to subvert the legal system he swore to uphold in order to hide his crimes. Article III deserves the support of the House.

The last article of impeachment charges the President with contempt of Congress for presenting inaccurate testimony in response to written questions submitted to him by the House Judiciary Committee. Though a serious crime, the evidence provided by the Judiciary Committee does not reach the necessary standard of "clear and convincing" in order to justify impeachment.

The President's lies under oath do a disservice to the memory of those who brought us the freedoms we enjoy and endanger the hopes of future generations who will one day enjoy those freedoms. He has also demonstrated a belief that he is above the law he has sworn to uphold and enforce. Nothing is further from the truth.

The success and longevity of our republic are due to its foundation upon principles tested by time, not specific people or personalities. One of those principles is that Americans are equal under the rule of law. No one is exempt from this standard.

Our democracy will survive this difficult time because its founding principles will endure long after the players in this current drama pass from the scene, and it will be stronger for having gone through this struggle.

Mr. INGLIS of South Carolina. Mr. Speaker, as I fly back to South Carolina for the last time as a Member of this House, I'm thankful that the House has done its duty. We've kept the Republic; we've met our day of obligation.

The Speaker-elect Mr. LIVINGSTON's dramatic resignation today on the House floor has shined the light of truth and honor on the deception that private conduct does not affect public morality and on the lie that a civilization may persist where wrongdoing is devoid of consequences. Repentance accompanied by acceptance of consequences precedes true healing.

May our Land be healed as John Adams words ring down through history: "Our constitution is meant for a moral and religious people and is wholly in adequate for the government of any other."

Mr. CLEMENT. Mr. Speaker, I rise today with a heavy heart, a clear conscience, and a strong resolve to move our nation forward. As we stand on the edge of the 21st century, a veil of darkness hangs over our democracy. Indeed, let no member of this institution nor the American people minimize the gravity of today's actions. We are about to cast our votes on whether or not we want to impeach the President of the United States for only the second time in the history of the republic.

I have heard a lot of talk today about the "rule of law." I wish I could hear more talk about the "rule of fairness." Why couldn't we have debated and voted on Monday after the bombings ceased in Iraq? Why couldn't the majority party let us vote on a censure proposal where all of us in the U.S. House of Representatives could vote our conscience?

Abraham Lincoln called this a government of the people, by the people, and for the people. The people have made it abundantly clear that they do not want to see the president impeached. Are we going to put aside their wishes in favor of partisan politics that have no place in this debate?

The Framers of the Constitution created the impeachment process, not as a punishment for the president, but as a protection for the American people against a chief executive whose actions would threaten our very system of government. There are other ways to hold President Clinton responsible for his actions: censure, fine, or criminal indictment after he leaves office.

Peter Rodino, who presided over the impeachment hearings of Richard Nixon, has said that President Nixon was impeached because of "the totality of the many actions which resulted in grave harm to the republic, which if permitted to go on, would have destroyed the constitutional system."

If the President had stolen taxpayers' dollars or sold classified information to a foreign government, I would not hesitate to vote for impeachment. But do Members honestly believe that President Clinton's actions have resulted in grave harm to the republic and would destroy our constitutional system if he is allowed to remain in office? Or do you believe, as I do, that President Clinton's conduct, while appalling, immoral, and reprehensible, does not constitute an impeachable offense under our Constitution? If so, then you must vote no. Impeaching this President over his personal failings would be a greater threat to public confidence in government and the rule of law than all of his misdeeds.

Let's close this regrettable chapter in our nation's history and get on with the business of the American people.

Mr. McINTOSH. Mr. Speaker, after weeks of reviewing the evidence, quiet reflection and prayer, a few days ago I reached the decision that I would be voting in favor of impeaching President Clinton. I came to this decision only after a thorough review of documents from the House Judiciary Committee's investigation along with Independent Counsel Kenneth Starr's report to Congress and information supplied by the White House.

Although I have criticized the President frequently in the past because of his policies, I will cast these votes with a heavy heart. Nothing that Congress can do will completely heal our nation from the injury it has sustained. Nothing that Congress can do will restore the honor the office of the presidency previously held.

But there is one thing which our Constitution does allow Congress to do, and which I believe Congress must do.

Before I explain why I believe we must do that, I want to make one thing clear: censure will not do. What has happened over the last year represents a blow to our Constitution, and only a Constitutional solution will bring integrity back to our democracy.

A censure resolution will not unify our nation. Many of us feel that a censure would be exculpatory, since the President has repeatedly failed to acknowledge the full effect of his action, particularly the grave damage that his perjury caused to the rule of law on our constitutional republic. Clearly, a censure resolution would not fully bring the President to account for those actions.

In addition, our Constitution does not provide for censure. Some may argue that just because the Constitution does not provide for it does not mean that it is unconstitutional. I say that it is unconstitutional, and that there is only one constitutional process.

Section 4 of Article II states: The President . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." If the President has committed such high crimes and misdemeanors, our responsibility is clear—impeachment is the one and only mechanism that our Founders decided was necessary to resolve the question of whether a President is discharged of his duties under the Constitution.

Let us review the charges put forth by the Judiciary Committee. The four articles passed by the Committee make very serious charges.

Article I asserts that William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning the nature of his relations with a subordinate; concerning prior perjurious, false and misleading testimony given in a Federal civil rights action brought against him; concerning prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and concerning his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.

Article II asserts that William Jefferson Clinton willfully provided perjurious, false and misleading testimony in response to questions in a Federal civil rights action concerning conduct and proposed conduct with subordinate employees; and to a Federal judge concerning the nature and details of his relationship with a subordinate; his knowledge of that employee's involvement and participation in the civil rights action brought against him; and his corrupt efforts to influence the testimony of that employee.

Article III asserts that William Jefferson Clinton prevented, obstructed and impeded the administration of justice, and engaged in a course of conduct designed to delay, impede, cover up and conceal the existence of evidence and testimony related to a Federal civil rights action by encouraging a witness to execute a sworn affidavit he knew to be perjurious; encouraging a witness to give false testimony; engaging in a scheme to conceal subpoenaed evidence; secured job assistance to a witness in order to corruptly prevent the truthful testimony of that witness; allowed his attorney to make false statements to a Federal judge characterizing an affidavit in order to prevent questioning; related a false account of an event to a potential witness in order to corruptly influence the testimony of that witness; and made false statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses, causing the grand jury to receive false information.

Article IV asserts that William Jefferson Clinton engaged in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the legislative branch and the truth-seeking purpose of an investigate proceeding by refusing and failing to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in his response.

I think it is clear that if we study the evidence with an open mind we will see that these actions do qualify as high crimes and misdemeanors. The cooperation of citizens and their honesty before the courts is absolutely necessary for our judicial system to work. It is all the more important to our liberty that we insist that the President, whose job it is to see that "the laws are faithfully executed" as the highest law enforcement official, be subject to these important legal requirements.

And here it is very important to say that we cannot make exceptions for sex. Many will argue that sexual matters should never enter the courtroom or the public domain. But I disagree with this. The days when it was ok for male employers to hit on their female subordinates, and then lie about it and not suffer any consequences, are long gone.

We cannot have a different standard for the President than we do for other citizens. Any teacher, military officer, company executive, or other person in a position of responsibility or leadership would have been immediately fired for the sort of charges brought against Mr. Clinton. To create a lower standard for Clinton is equivalent to setting him above the law. This undercuts the core of Constitutional democracy, in which the people are governed by laws, not kings or queens.

Further, not keeping the President to the same standard as the rest of the nation strikes me as fundamentally un-American. Allowing leaders to turn public office into their private playgrounds is the sort of thing that were appropriately associated with banana republics. We have always sought a higher standard, and have defined ourselves as a nation that does not tolerate corruption in its highest levels.

I would like to make reference to a recent letter signed by 96 scholars, lawyers and former government officials, including former Attorneys General Griffin B. Bell (Carter administration) and Edwin Meese III (Reagan administration), former Judge Robert H. Bork, former Education Secretary William J. Bennett, Steven Calabresi (Northwest University law school), and other luminaries. They assert that, not only will impeaching the President not harm the presidency, but that not doing so would cause irreparable harm to the presidency. They also counter the argument that this vote is against the will of the people: "The Constitution was made in order to remove some objects from decision by momentary popular sentiment. . . Should the House and the Senate shirk their responsibilities, they will establish a precedent for lawless government."

I am also concerned about another consequence of the President's behavior, the effect it has on public attitudes toward morality. What is the message we send to our nation's youth? How does this scandal—played out on the evening newscast for months—affect parents' efforts to teach their children the difference between right and wrong? One of the saddest moments during the last year for me when reading a letter from a mother in Indiana. She wrote:

> DEAR DAVID: My sons and I were watching the news the other night. They were discussing President Clinton and his sexual affairs.
>
> My eleven year old son commented, he wanted to grow up to be President so he could have sex in the oval office with who ever he wanted to.
>
> I try to teach my children right from wrong and good moral values. I feel the President has made himself a very fine role model. Wouldn't we want all of America's youth to think the same way! I think he has lied to us enough and should be put out of office.
>
> P.S. Do you now how embarrassing it was for my son to tell me that?
>
> A concerned Mother and an American Citizen,
>
> ELAINE LECHIEN.

My heart sank as I read Mrs. Lechien's letter. Being a parent nowadays is difficult enough. Parents who want to teach their child to live responsibly and morally already have a lot of competition. Television, popular music, and multiple other media all vie for the role of informing our youth's hearts and minds. Now parents must also contend with competition from a President who engages in sexual relations with a very young college intern, then lies to the American people about it, then encourages his subordinates to lie about it, then lies to the courts about it, and finally attempts to obstruct those whose job it is to investigate his actions.

It is not surprising that Mrs. Lechien's son wants to be able to do the same things that the President does. In his mind, the Presidency is the pinnacle of power and honor in the adult world. If the President is allowed to get away with such acts he must think, anything goes. It imagine that every parent would be thrilled to hear his or her children say they aspire to become President. But with Bill Clinton's actions, the holder of that office is no longer an unambiguously good role model.

America stands at the threshold of a new century, and as we take this vote, we also stand at a crossroad. One leads to the principles that are contained in our Declaration of Independence and our Constitution—justice, decency, honor and truth. These are the principles that for over 200 years have so affected our actions as to earn the admiration of the world and to gain for the United States the moral leadership among nations. The other path leads to expediency, temerity, self-interest, cynicism, and a disdain for the common good. That road will inevitably end in shame, dishonor, and abandonment of the high principles that we as a people rely upon for our safety and happiness. There is no third road. So this is a defining moment for the presidency and for the Members of this House.

I believe that Americans need leaders who will take us to that first path, the path of honor. Americans are yearning in their hearts for higher standards of conduct by our leaders—true fidelity to the Constitution, moral character in their private lives, and integrity is being honest with the American people.

As we vote today, we must be true to our God, true to our Constitution, true to the American people, and true to ourselves. Sadly, fidelity demands of us that we vote in favor of these articles of impeachment.

Mr. ALLEN. Mr. Speaker, President Clinton has disgraced himself and diminished the office he holds.

While this House may not censure Bill Clinton, history will.

But by failing to respond in a fair and measured way to the President's conduct, the Republican leadership has assured that history will also condemn the 105th Congress.

Others in this debate have made the point simply: the proven offenses are not impeachable and the impeachable offenses are not proven.

"To depose the constitutional chief magistrate of a great nation, elected by the people, on grounds so slight, would * * * be an abuse of power."

These are not my words, but the temperate statement 130 years ago of a Maine Republican.

William Pitt Fessenden was one of seven courageous Republican Senators who voted against the attempt by the Radical Republicans to remove Andrew Johnson from office in 1868.

Fessenden understood the meaning of the Constitution's words, "treason, bribery, or other high crimes and misdemeanors."

An impeachable offense, Fessenden said, must be "of such a character to commend itself at once to the minds of all right thinking men, as beyond all question, an adequate cause for impeachment. It should leave no reasonable ground of suspicion upon the motives of those who inflict the penalty."

Fessenden knew what the framers meant and what the distinguished chairman of our Judiciary Committee professed to believe at the outset of this inquiry—a partisan vote of impeachment will be forever suspect.

History will find, as people across America and around the world already know, that there is more than "reasonable ground of suspicion upon the motives" of the Republican leadership of the 105th Congress.

Just as the Radicals of 1868 abandoned the principles of Abraham Lincoln in pursuit of a political vendetta, they have ignored the wise counsel of cooler heads like Gerald Ford and Bob Dole and recklessly abused the awesome power of impeachment for partisan purposes.

December 19, 1998 will go down with February 24, 1868 as sad days for America.

More than the tawdry behavior admitted by Bill Clinton, today will be remembered for the failure of this Congress to honor our constitutional responsibility to act with fairness and justice before recommending removal of a President elected by the people.

Let us all pray that the Senate has enough William Pitt Fessendens to correct the mistake this House will make today.

Mr. STARK. Mr. Speaker, today I rise in strong opposition to the impeachment proceedings. Impeachment of President Clinton is not warranted by the facts of this case.

Although the Republicans have couched their arguments in terms of perjury, obstruction of justice, abuse of power and their constitutional duty to do the "right thing," this proceeding is in fact a political move to use private, consensual sexual conduct to subvert the constitution and remove a President.

Our constitution provided impeachment as a mechanism to remove a President for crimes against the state such as "treason, bribery, and other high crimes and misdemeanors." The allegations in the Starr referral, even if assumed to be true, do not rise to the level of impeachable offenses. On this point, almost 900 constitutional scholars, law professors and American historians agree. Yet, we proceed with the impeachment process as if compelled to do so by our constitution.

It is not, however, the constitution which compels today's action; it's not even partisanship that brings us this sad day. Beyond partisanship, this majority leadership has abused their power in a dictatorial manner to impeach a President to satisfy a small block of right wing conservatives. The majority leadership rejected the request of over 200 Members of this body to allow a vote on censure, an option that has the clear support of the American public, because the conservation faction demands impeachment.

When the House completes this frenetic activity this weekend, history will judge our activity. There will be no avoiding the fact that this whole process has been propelled by a small group obsessed with political revenge, not crimes against the state. This is not what the Framers intended or what the people want. Today defines the GPO as a group of vindictive, reactionary pharisees. It is a sad day for our country.

Mr. POMBO. Mr. Speaker, I quote:

> On January 20, 1993, William Jefferson Clinton took the oath prescribed by the Constitution of the United States to faithfully execute the office of President; implicit in that oath is the obligation that the President set an example of high moral standards and conduct himself in a manner that fosters respect for the truth; and William Jefferson Clinton has egregiously failed in this obligation, and through his actions violated the trust of the American people, lessened their esteem for the office of the President, and dishonored the office which they have entrusted to him.
>
> (A) William Jefferson Clinton made false statements concerning his reprehensible conduct with a subordinate;
>
> (B) William Jefferson Clinton wrongly took steps to delay discovery of the truth; and
>
> (C) in as much as no person is above the law, William Jefferson Clinton remains subject to criminal and civil penalties.

These are not the words of the Articles of Impeachment but the words of the Democrat resolution which was approved unanimously by the Democrats on the House of Representatives Judiciary Committee. Even President Clinton agreed to accept this severe language.

We all agree that the President committed these crimes, and yet there is great debate over impeachment.

The President's defenders claim that this issue is only about a consensual sexual relationship. Tell that to Paula Jones. Her case started as a sexual harassment lawsuit where the President was subpoenaed and required to tell the truth, just like any other defendant. He made the decision to lie. In protecting himself from political and legal jeopardy, he deprived Paula Jones of her fair day in court. You or I would expect our fair day in court and no less.

We have also been told that these hearings and this process were unfair and partisan. Partisan? Yes, the hearings were very partisan. It was very disturbing to watch the hearings as no Democrat came forward to work with the Republican majority. The partisan protection of the President at all costs will without doubt damage future Congresses. The process was fair to a fault. The Republicans allowed the President's defenders panels of witnesses who testified over dozens of hours. The Judiciary Committee allowed the President witnesses of his choice to defend his actions in front of Congress and the country. The committee offered the President an opportunity to appear in person, which he declined. Judiciary Committee Chairman HENRY HYDE went beyond the norm to be fair.

Another desperate claim made by the President's partisans is that impeaching and convicting the President would overturn an election. If the President is forced from office, his defeated opponent Bob Dole would not become President! Clinton's own Vice President AL GORE would. GORE was elected on the same ticket as Clinton and would step in, as the Constitution requires. Our Founding Fathers included impeachment in our Constitution to remove a sitting President. There is never a good time nor the right time to conduct an impeachment and convict a President, but unfortunately it has become necessary.

When I had to make this very difficult decision I tried to put aside ideological and partisan differences. I cleared my head and made a decision based on facts, not emotion. I read the report, supporting documents and the conclusion the committee came to.

I made the decision to support the four articles of impeachment, not as a matter to punish Bill Clinton, but to protect the rule of law. Future presidents and congresses will look at this precedent to determine the proper behavior of those presidents and congresses. Perjury on multiple occasions, obstruction of justice, and abuse of power are impeachable offenses and Bill Clinton and no future President should be allowed to hold office after having committed these offenses.

Mr. CASTLE. Mr. Speaker, I had hoped not to have to make this statement today. I love this country and our democratic institutions, which are the strongest and most unique in the world. I have the highest respect for the Office of the President, and I respect the talents and accomplishments of President Clinton, with whom I have worked on a number of important national issues. My respect for much of the President's work makes this decision even more difficult. Yet, based on a careful review of the evidence in the record, watching the Judiciary Committee hearings and listening to the presentations by all sides, I have come to the conclusion that there is clear and convincing evidence that the President's material false statements to a federal grand jury meet the standard for impeachment and I will vote to refer Impeachment Article One to the United States Senate. I intend to vote against Articles Two, Three and Four.

This is certainly the most difficult decision I have faced in thirty years of public life. It has been personally agonizing for me and it has also tremendously affected the people of Delaware and our nation. In the last week alone, I have received many thousands of calls, letters and E-mails from people in Delaware on this issue. I have never seen this number of heartfelt comments and this level of intensity in the arguments from people on both sides of any issue. Delawareans have not reacted purely along partisan lines. I have heard from people who describe themselves as "life long Democrats" who believe the President should be impeached. I have also heard from Republicans who have urged me to vote against impeachment. Individuals have shared their experiences of having to testify in legal proceedings or their painful discussions with their children about the President's behavior. One man said it was the first time in fifty years that he moved to write to a public official. Their words have further impressed upon me the seriousness of this decision.

I delayed my decision as long as possible to review the evidence carefully and also to attempt to find a solution that would be fair and just and would allow us to end the turmoil that has enveloped our nation. No one wants this process to go on any longer than necessary. I still believe that a strong censure and financial penalty could be a solution to bring this matter to a close in the best interest of our nation.

Nevertheless, it is clear that the President acted deceitfully in attempting to hide his adulterous sexual relationship with Monica Lewinsky. He made false statements in his deposition before a federal judge in the Paula Jones lawsuit; he made false statements to his staff, his Cabinet and the American people. Finally, he made false statements before a federal grand jury. In short, he lied to all of us. The President's wounds are self-inflicted. One can almost understand his initial effort to hide his sexual affair which was wrong, but certainly not impeachable. However, he continued to weave a fragile pattern of deceit which he allowed to build to the point where he was not only repeating falsehoods to the public, but he continued them before a federal grand jury.

It is critical to note that the President's lawyers have not attempted to rebut the essential facts of any of the allegations. The only question that remains is whether the President's lies and other steps to hide his relationship with Miss Lewinsky posed the type of threat that the Founding Fathers envisioned when the provided for impeachment of the President in our Constitution, the greatest democratic document in the world.

In reviewing the Articles of Impeachment, I believe that the most troubling issue is in Article One—whether the President made material false statements under oath to a federal grand jury on August 17, 1998. I have reviewed the President's grand jury testimony and the arguments on both sides regarding this issue. The President had months to decide whether to appear before the grand jury and to prepare his testimony, he was permitted to have his attorney present—a privilege no other person would be afforded—and to set a time limit on his testimony. In short, there was little chance the President could be surprised by questions and he was able to ask for breaks to confer with his attorney. So it is especially disturbing that in his testimony, he continued the pattern of false statements and evasions regarding his relationship with Miss Lewinsky and his efforts to conceal it. He did not tell the truth in his grand jury testimony. That is the inescapable fact that troubles so many Americans because it poses a real threat to the credibility of our legal system and raises the question of the President's fitness for office.

I have known President Clinton for over a decade. We have worked together on a number of policy issues when we served as governors and since he became President. He is very capable on policy matters. In meetings with the President, I have seen him display an excellent recall of policy details on complex issues. Because I have seen this sharp intellect and memory in other settings, it is difficult for me to believe his statements to the grand jury that he does not recall key events involving his own actions in the Lewinsky matter. It is necessary to conclude that whatever happened prior to his grand jury testimony, the President had the opportunity to set the record straight and tell the truth and he chose not to do it.

The evidence supporting Impeachment Articles Two, Three and Four, while showing the President's actions to be morally and legally questionable, is not clear and convincing as required to meet the standard for high crimes and misdemeanors under the Constitution. There are very real and serious doubts regarding the truthfulness and legality of the President's testimony in the Paula Jones deposition, his discussions with Betty Currie and Monica Lewinsky about their potential testimony in legal proceedings, the handling of the gifts the President and Ms. Lewinsky exchanged, and the President's responses to the questions from the Judiciary Committee. However, I believe that the case for these Articles is not strong enough to merit sending them to the Senate for trial. The President may be guilty of wrongdoing in these matters, but he can remain liable for civil and criminal penalties for those actions after he leaves office.

This whole episode has been terribly sad for the entire nation. But the unfortunate fact is that the President's own reckless behavior has led us to this point. There were numerous times during the past year when the President could have ended this matter by telling the unvarnished truth, especially before the grand jury. At that time, even some of the President's strongest supporters warned that lying before the grand jury could very well be grounds for impeachment. It was his decision to continue to shade or avoid the truth and rely on questionable definitions to defend his actions. In the end, his answers were not, as he insisted, "legally accurate."

I do believe that the Independent Counsel law is flawed and should be reviewed carefully and possibly terminated. This investigation has gone on too long and cost too much. Yet, the President's own denials and refusal to provide answers by invoking executive privilege prolonged the process. Most important, the essential findings of the investigation have not been disputed.

I am particularly saddened by these events because I have had a positive working relationship with the President and am proud to have worked with him to enact the 1994 crime bill, the 1996 Welfare Reform Act, the 1997 balanced budget agreement and other positive legislation for the nation. President Clinton is a talented politician and public official. But, I cannot escape the conclusion that the charges against the President in Article One do meet the standard for impeachment in the House of Representatives. Our system of justice was established to insure that every American, including the President, is accountable for their actions.

A vote by the House on Articles of Impeachment is only part of the process envisioned by the Constitution. The House determines only whether the President should be, in effect, indicted and then the Senate has the responsibility to try the case. The Senate has the responsibility to consider the charges against the President, and it also has the authority to consider censure as a possible alternative to removing the President from office. It is my hope that in the end, the Senate will make its decision expeditiously and in the best interest of all Americans.

This has been the most difficult decision I have ever had to make in my public life. I am tremendously disappointed that while the President has apologized for his actions, he has been unable or unwilling to admit that he lied both in legal proceedings and to the American people. His testimony before the grant jury was false and he repeatedly made statements in public and private that prevented the discovery of the truth. His false grand jury testimony strikes at the heart of what our legal system and form of government are about. I still hope that this matter can be resolved quickly to avoid unnecessary turmoil for the country. While it may not ultimately require that he be removed from office, it does require that the Senate consider a trial on this matter and reach a conclusion. I hope it can be done fairly and quickly and in the best interest of the nation.

I hold no malice toward the President and I would far refer to vindicate him of these charges. While the President's actions could result in criminal and civil prosecution, what has truly haunted the President throughout this matter is his repeated failure to tell the truth and that his lies led others to do the same. It is these facts that affect Americans so deeply and that I can not ignore. My unavoidable obligation is to hold the President accountable for this actions as required by the Constitution.

Mr. LUTHER. Mr. Speaker, the United States Constitution states that "The President . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." Clearly, consideration of the impeachment of a democratically elected President is one of the most serious duties of a Member of the United States House of Representatives.

Because impeachment overturns a national election, the framers of the Constitution set a very high threshold so that our head of state would not be removed for political expediency. They intended impeachment to be the ultimate check in our system of checks and balances so we would never have a President destroy our democracy, reign as a despot, or emerge as a king.

In the case against President Clinton, I have reviewed the Independent Counsel's allegations as well as voluminous other information on the subject. I have also heard from many constituents and listened to the debate. It is undisputed that the President's conduct was wrong. It is also quite clear that some people in and out of Congress see this as an opportunity to rid themselves of a President they have never liked.

Impeachment, however, is reserved for Presidential action that threatens the very nature of our democracy. The framers of the Constitution considered other possibilities, but they settled on the well known phrase, "Treason, Bribery or other high Crimes and Misdemeanors" and chose not to allow impeachment for lesser offenses that do not threaten our system of government. After reviewing all of the information available, I have concluded that President Clinton's actions, however reprehensible, do not come close to that level.

I nevertheless believe the President should be held accountable for his actions. In my judgment, former Senate Majority Leader Bob Dole's suggestion to convert the Articles of impeachment into censure resolution is a sound alternative. Allowing a vote on this approach would enable each member of Congress to truly vote his or her conscience on this issue. Because a vote for censure will not be allowed in the House and since the only votes will be on impeachment, I will vote against the Articles of Impeachment.

If the House impeaches the President, it will be up to the Senate to determine how best to proceed with this matter. In that event, I believe the Senate should end this melodrama just as quickly as possible in order to get back to work on the other important issues facing our country.

Mr. WALSH. Mr. Speaker, I submit to the House a December 16, 1998 editorial from the Syracuse Post-Standard entitled "Duty Calls" relating to the impeachment process presently before us.

I ask my colleagues to carefully review this thoughtful and insightful piece.

DUTY CALLS

IF LAWS ARE TO HAVE WORTH, THE HOUSE MUST VOTE TO IMPEACH THE PRESIDENT

It is regrettable that the impeachment process never quite reached a high-minded tone of solemn purpose and bipartisanship, as those responsible for conducting it had vowed it would.

It is vexing that a majority of American people apparently say, in response to opinion polls, that President Clinton should not be impeached. It is almost certain that impeachment by the full House of Representatives would make a political martyr of the president.

But these are insufficient reasons for the House to avoid its duty. If the laws of this land have worth, if the office of presidency has sanctity left to protect, then the House must vote to impeach the president. His fate then goes in the full Senate which can, after trial and by a two-thirds majority, vote to remove him from office.

Absent bold action by the congressmen and women, President Clinton will have shown brazenly that power begets exceptions to the law whenever those in power decide the lawless act is too trivial for pursuit.

The House Judiciary Committee in votes almost strictly along party lines, has sent four articles of impeachment to the full House. The members will begin to debate them Thursday. Assent by a simple majority of the representatives on any one of the articles will result in Clinton's impeachment.

The House should toss out the fourth article immediately. It relates to the president's answers to 81 questions submitted to him by the Judiciary Committee. It is more an expression of the committee's pique at the tone and evasiveness of the president's answers than a real finding of wrongdoing. It comes closest to appearing petty political.

The first two articles, in contrast, have abundant supporting evidence. They accuse the president of perjury. These relate to the answers he gave in grand jury testimony last January about his relationship with Monica Lewinsky. The third article, obstruction of justice, has to do with accusations that he tried to influence testimony of others by, among other things, directing efforts to get Lewinsky a job. The intentions behind many of the facts here are at least debatable.

What is beyond debate is Clinton's unyielding faith in his own ability to grease his exit from a knotty situation by the application of slick words. He remains a believer in a small truth—the precision of his own language—rather than the larger truths that his words defy.

This is not Watergate, his defenders cry. But nothing in the Constitution says that Watergate is the standard for impeachment inquiries. It is merely one other case from history, with its own set of facts and its own kind of assault on this nation's core values.

Impeachment is not the will of the people, other defenders say. But the people did not have this set of facts before them when they re-elected Clinton. They had only his word about Gennifer Flowers—which we now know to be a lie—when they first elected him president in 1992. Opinion polls are snapshots in time, framed by the way questions are asked and by the choices given to respondents, and are unreliable, guides.

Remember that Dick Morris had told Clinton many months ago that his own polls showed that the people would forgive adultery, but not perjury.

Impeachment on charges of lying about sex trivializes the process, others say. Remember that this sex occurred between the most powerful man in America and an intern on his staff. That inherently abuses the power of office, a point on which many male and female feminists have been strangely silent.

On the contrary. Failure to hold a president accountable for his misdeeds and his lies about them trivializes the law, the presidency and the meaning of truth. If it's possible to debase them more than Clinton has already. It's time for the House to take the next step to clean house.

Mr. TANNER. Mr. Speaker, short of a declaration of war, a U.S. Representative can never be called upon to make a decision requiring more solemn thought than to vote on articles of impeachment against the President of the United States. Only five times in our nation's history has the Congress voted to declare war, and this is only the second time the full House of Representatives has considered articles of impeachment against a President of the United States. Other than voting to send our troops into harm's way during Desert Storm, this is the most somber responsibility I have been asked to address. Therefore, I would ask for the opportunity to share with you the careful deliberations I made before casting our district's vote on impeachment.

Like some, I am repulsed by the President's actions which were immoral and sinful. It is impossible to think of what the President has done without stirring up emotions in all of us. However, I also have a responsibility to the oath I have taken to defend and protect the Constitution. As such, I cannot allow myself to simply follow the immediate impulses of my emotions and moral convictions, but must also be cognizant of the Constitutional and historical consequences of this decision on our form of government.

The Constitution is simple and straightforward, yet it still lends itself to interpretation. Accordingly, from time to time it becomes necessary to turn to the writings and records of the Constitutional Convention of 1789. It was at this convention that our basis of government was formulated. George Mason, who proposed Article II, Section 4 (the impeachment clause) of the Constitution, defined "treason, bribery and other high crimes and misdemeanors" as "great and dangerous offenses" of "attempts to subvert the Constitution." After extensive reading and review on the creation of our Constitution and our country's history, particularly the discussions and writings dealing with the impeachment process. I concluded that the President's actions did not reach the high threshold our forefathers envisioned to remove a President from office, and, in effect, thwart the elective will of our citizens.

It is clear from those writings, that impeachment is not about punishing the President, but about protecting the country from the unlawful and the illegal exercise of executive power against its citizens. The Starr referral contained no allegations of this type.

In fact, Judge Starr exonerated the President of all charges relating to using the FBI to investigative private citizens, or the firing of federal civil service employees in the White House travel office, charges that would fit the mold set forth as impeachable offenses by the framers of our Constitution. In the final analysis, the Starr report did not present conclusive evidence that this President used the power of his office against our nation or its citizens.

I also believe that our founding fathers did not intend for impeachment to be used as a judicial tool. It was not intended to be utilized as a mechanism to prosecute the President for crimes committed. This view was clearly articulated by Alexander Hamilton, when in the Federalist No. 65 he writes, "The punishment which may be the consequences of conviction upon impeachment, is not to terminate the chastisement of the offender. After having been sentenced to a perpetual ostracism from the esteem and confidence, and honors and emoluments of his country, he will still be liable to prosecution and punishment in the ordinary course of law."

In other words, the founding fathers did not intend for impeachment, itself, to be the punishment. The debate clearly indicates the framers belief that the prosecution of crimes remain within the Judicial branch, not the Legislative branch. Nowhere did the founding fathers suggest that impeachment, or any other Constitutional process for that matter, be used to prosecute a President. Rather, they held the President should be subject to the scrutiny and prosecution of the criminal justice system, just like any other citizen. That is not to say that they intended for the Constitution to shield the Chief Executive from being punished for any and all crimes which fall short of the "great and dangerous offenses" or "attempts to subvert the Constitution" standard for impeachment. To the contrary, the historical debate suggests the framers intent was that the Chief Executive be accountable to the criminal justice system for all crimes that do not meet the high threshold for impeachment.

As the statute of limitations will not expire before the President leaves office, it will be possible to prosecute him for perjury or any other alleged offense. It convicted, he would still be subject to imprisonment and/or fines, just like you or me, as he should be.

During the Watergate hearings, the standard for impeachment was defined as "a Constitutional remedy addressed to serious offenses against the system of government." Several Republican Members of the committee in the minority report, argued for an even higher standard of judgment, saying in their report "the President should be removable by the legislative branch only for serious misconduct dangerous to the system of government established by the Constitution."

For example, President Nixon was found to have cheated on his federal income taxes. On July 30, 1974, the Committee considered an article of impeachment stating that President Nixon knowingly and fraudulently failed to report certain income and claimed unauthorized deductions in the years 1969, 1970, 1971, and 1972. They concluded that President Nixon lied by signing a false income tax return. After debate by the Judiciary Committee, the Committee decided not to report this Article of Impeachment to the House of Representatives. While this action by President Nixon was a crime, the Judiciary Committee found that it did not rise to the level of an impeachable offense. It was a matter of personal wrongdoing, and not considered to be a crime committed according to their standard for impeachment, "against the system of government."

It is also critically important to realize that moving forward with such a low threshold for impeachment will almost certainly jeopardize the viability of the presidency. We must take great care to ensure that the long-term consequence of this House's action is not one that establishes a precedent that dramatically weakens any President and the Office of the President compared with the other two "separate but equal" branches of government. For our system of government to work, raw political power cannot be invested in one branch of our government to the exclusion of the other two. Checks and balances are imperative and the Constitution's framers recognized that clearly. One can forget about President Clinton because he will be leaving office in 24 months regardless of this process. Nevertheless think about the ramifications of this kind of precedent relative to future Presidents. The Supreme Court recently said, wrongfully I believe, that anyone can file a civil lawsuit against any President at any time over a matter which did not occur while he/she was in office and has nothing to do with the presidency. Are we setting a precedent whereupon a future President can be made to give a deposition where his whole life can be combed through, and if there is any misrepresentation in that deposition, then the political opposition can bring that to Congress and ask that he be impeached for perjury? Any political enemy could bring a lawsuit against a future President and require him to go through this process. In my judgment, this could threaten the presidency with judicial tyranny.

The President's independence from Congress and the Judiciary is fundamental to America's unique structure of government. The lower the threshold for impeachment, the weaker and less equal is the President compared with the Judicial and Legislative branches of government.

On the final analysis, I concluded that impeachment was established to guard against a President's use of the authority conferred on him/her to carry out activities against the country or its citizens. After weeks of deliberations, I came to the conclusion that alleged perjury and efforts to conceal a consensual sexual relationship did not reach the threshold needed to impeach a President of the United States. I do not think the President's actions reach the high Constitutional bar set by our forefathers.

Mr. Speaker, I do not condone what Bill Clinton did. I think his actions were despicable. He says he is paying a dear price with his wife and daughter. He deserves to. This President's actions have been committed to history's record and his legacy will forever be cloaked in shame. History and God will be his ultimate judge.

Mr. MALONEY of Connecticut. Mr. Speaker, as one of only 31 Democrats to cross party lines and support the comprehensive impeachment inquiry, I did so because I believed a full and fair review of the serious charges of misconduct against the President was the only way to seek the truth. During this process, I have carefully monitored the Judiciary Committee hearings, thoroughly analyzed the Republican and Democratic Committee recommendations, and personally read the Special Prosecutor's report and the President's rebuttals before reaching my decision. As I did with the inquiry vote, I have approached this matter in a non-partisan, open and fair-minded manner.

It is clear from the inquiry that President Clinton's actions were immortal, harmful to our nation, and deserving of serious moral and legal rebuke. Not only did the President engage in morally inappropriate conduct, he also lied to the American people and perjured himself before a grand jury. He must be held morally accountable by Congress on behalf of the American people, and legally accountable in full for his perjury by the courts after he leaves office, just like any other American would be held accountable for perjury.

Our Constitution, however, authorizes impeachment only for "treason, bribery, or other high crimes and misdemeanors" (Article II, Section 4) which is why I urge my colleagues to oppose impeachment and allow us an opportunity to vote on a Resolution of Censure.

The great weight of informed legal and scholarly judgment is that the impeachment clause is intended to cover offenses that involve the misuse of Presidential powers. As Supreme Court Justice Joseph Story made clear in the earliest days of American jurisprudence, "[impeachable offenses] are committed by public men in violation of their *public* trust and duties . . . " 2 Joseph Story, "Commentaries on the Constitution," Sec. 744 (1st ed. 1833), emphasis supplied. While President Clinton clearly engaged in morally and legally inexcusable behavior, his misconduct was personal in nature and did not constitute a misuse of his Executive authority. His perjury before the grand jury pertained to his personal life, and could well have been committed by any individual; it did not entail the power or privileges of the Presidency. Accordingly, President Clinton's misconduct does not meet the threshold of "high crimes and misdemeanors" necessary to impeach him. That doesn't excuse his conduct or imply that he should go unsanctioned; it simply means that the punishment for his offense should meet and be appropriate to his wrongdoings.

The distinction between misconduct related to government duty, which is necessary for impeachment, and non-impeachable misconduct related to personal activity, was once previously before the Congress, when President Nixon knowingly filed a false tax return. The filing of a false tax return is an incident of perjury and, therefore, a very close precedent for the current situation. In 1974, the House Judiciary Committee recognized the difference between "government" and "personal" wrongdoing and voted not to bring an article of impeachment for President Nixon's perjury precisely because it was a form of personal misconduct. The articles of impeachment that were filed against President Nixon were for actions that went to the misuse of presidential power (i.e. subverting the FBI for political purposes).

Those supporting impeachment make the argument that because the President has a duty to "take care that the laws are faithfully executed" (U.S. Constitution, Article II, Section 3) his perjury was, specifically because of that delineated duty, not merely personal but also technically public. That interpretation, however, disregards the inherent connection between the nature of the offense and the terms of the impeachment clause. The impeachment clause explicitly pertains only to "High" offenses (i.e. offenses involving the misuse of Presidential power or heinous acts), not those other offenses that are committed—as in this case—in an individual, not governmental, capacity.

During this extremely difficult time, it is our responsibility to remain especially vigilant in upholding our Constitution, and only use impeachment for its intended constitutional purpose—"treason, bribery, and other high crimes and misdemeanors"—not as a substitute for other measures. While President Clinton's actions are clearly deserving of censure, and at the conclusion of his term make him liable for criminal prosecution for perjury, it would be wrong for this House to abuse its power of impeachment and attempt, without proper cause, to overturn the electoral choice of the people.

Mr. SNOWBARGER. Mr. Speaker, you have called the 105th Congress back into session to address the most distressing circumstances this country has faced in decades. We have been called back to vote on the issue of impeachment of the President of the United States. It will be the final legacy of our second session. It has been a session where legislative achievements have been eclipsed by media coverage of the President's personal activities and his cover-up. While we may disapprove of his personal behavior, and I certainly do, I would find it difficult to use this as a basis for impeachment.

However, we are not here today to judge the President on the basis of his personal behavior. We are focused on his cover-up of his shameful behavior by lying, by abusing the judicial system, and by using his office and its resources to prevent our court system and the duly appointed federal prosecutors from discovering the truth.

Let's remember that this series of events began with a federal civil rights action involving allegations of sexual harassment against the President. By its very nature, such an action involves very personal behavior. However, our society has determined that behavior of this nature is so inappropriate that we have provided legal remedies for victims. It was in pursuit of such a remedy that the President was brought before our system of justice to answer to charges. In that process, the President gave an oath. Because our judicial system is a search for the truth, that oath is a vow, a promise that is essential. It is an oath " . . . to tell the truth, the whole truth and nothing but the truth . . . " so our courts can do justice, protect the innocent and right wrongs. Our expectations of justice cannot be realized unless we demand truth of those before our courts. We have enforced that requirement of truth throughout this country by prosecuting witnesses who have felt that it was in their best interests to tell courts a "less than accurate" version of events. We can get caught up in a debate over whether such behavior is misleading, lying or perjuring, but if we fail to hold the truth sacred, justice cannot follow.

In today's debate and through the weeks and months of investigation by the independent counsel and the able review of his report and the inquiry by our Judiciary Committee, we have been presented credible evidence that the President has violated this oath to tell the truth on numerous occasions. He lied in the civil action I referenced. He lied before a federal grand jury. He lied to our own Judiciary Committee. The lies which form the basis for these impeachment articles were all preceded by these very sacred words, "I swear to tell the truth, the whole truth and nothing but the truth so help me God." Justice has been impeded.

Every citizen of this country who comes before our court system takes similar oath and suffers consequences if he is found to have violated that oath. However, there is another oath involved in this case that not every citizen takes. Although it is not an oath unique to the President, he is and should be bound by it maybe more than anyone else. It is his oath to uphold and defend the Constitution of the United States. Most school children know that the President is the chief law enforcement officer of the country. (Of course, this President seems willing to debate and parse even this well-accepted concept.) Our Constitution provides the framework for our society to pursue our valued goals of personal liberty and justice. As shown through the process of this impeachment inquiry, in his personal involvement with the legal system of this country, the President has shown a preference for abusing that system rather than protecting or defending it. In so doing, he has violated this second oath.

Interestingly, I have been admonished by two constituents to follow the lead of one of my fellow Kansans from history. Senator Edmund G. Ross from Kansas was one of the few Republicans who voted against convicting President Andrew Johnson of the charges made against him in his impeachment. Ross was immortalized by his inclusion in John F. Kennedy's book, "Profiles in Courage."

To one constituent the lesson from this incident is that a vote for impeachment was the wrong choice, an inappropriate course to pursue in light of the current circumstances. He felt I should reject partisan pressures and vote against impeachment. To the other constituent the lesson was equally clear but the result was the opposite. He felt I should reject the pressures of public opinion and vote for impeachment.

The contrast led me to again read the story of Senator Ross. It helped to remind me of the significance of this process and the decision that will result. It was ironic that I was reading the story of the thinking and actions of a fellow Kansan who was involved in the process of impeachment of the President of the United States. Now I am dealing with similar issues for only the second time in our nation's history where the process has gone this far. The lessons of this story were embodied in the words of a telegram sent by Ross to a group of constituents and supporters that demanded he vote for impeachment.

That telegram read in part,

> I have taken an oath to do impartial justice according to the Constitution and laws, and trust that I shall have the courage to vote according to the dictates of my judgment and for the highest good of the country.

Mr. Speaker, I have attempted to put aside the pressures that have been placed on us by outside influences, whether by popular opinion or by supporters of one outcome or the other. I have tried to weigh my decision "according to the dictates of my judgment and for the highest good of the country."

After consideration of the evidence presented and of the applicable laws, and after measuring the resulting decision against and standard set by my Kansas predecessor, and in full adherence and submission to my own oath of office, I vote in favor of impeachment and ask that our colleagues in the Senate bring this matter to trial pursuant to the Constitution. This mandate should be executed in a timely manner so that faith and trust in the integrity of the office of the Presidency can be restored to prevent further damage to the political institutions of our great nation.

Mr. SPRATT. Mr. Speaker, last night, after making a statement on the floor, I filed for extension of my remarks a longer statement, which I prepared as I reviewed the committee report on H. Res. 611. I have rewritten the last page of my longer statement, and file it as an amendment to my extended remarks:

The majority argues that articles of impeachment are required by the rule of law. The rule of law starts at the source, with the Constitution and specifically Article II, Section IV. How the Congress removes a President elected by the people is vitally important to the rule of law in a democracy. The Frames of our Constitution did not choose a prime minister beholder to a parliament, but a president independent of Congress, so that each could counter the other and maintain a balance of power. Having made that fundamental decision, they did not intend for the impeachment power to be used as a vote of no confidence, so that the president serves, in effect, at the will of Congress. They knew that in extreme cases the power to impeach might be needed, so that Congress could rid the country of a president who took bribes or became a traitor or tyrant. For 210 years, Congress has regarded the impeachment power in that light, as extraordinary, and abused it only once, in the case of Andrew Johnson.

In this case, the decision is not easy. President Clinton has disgraced himself; his conduct has been sordid; but his conduct does not amount, in my opinion, to a "high crime" like bribery or treason. Not for his sake, but for the sake of the presidency, we should not "define down" the grounds of impeachment. We have an alternative. We can rebuke this president and leave a stain on his legacy forever, without leaving a precedent for impeachment we may live to regret. I think censure is the choice we should make.

Mr. MORAN of Kansas. Mr. Speaker, yesterday, Congress was called into session to consider whether President Clinton should be impeached as provided by the United States Constitution. Never would I have thought I would be called upon to determine whether another elected official should be allowed to remain in office, especially the President of the United States. I have tried to use my position to make policy decisions beneficial to the people of Kansas and to make certain that each individual Kansan receives a fair shake in his or her dealings with the federal government. Judging others' conduct is not a task I seek, but one required of me by the U.S. Constitution. I am humbled by the responsibility and hope I am equal to the task.

I refrained, despite the constant demand from some, from reaching a conclusion on the merits of the case against President Clinton until I had as much factual information as possible and until I had an understanding of the meaning of the words of the U.S. Constitution, ". . . or other high Crimes and Misdemeanors." I especially wanted to examine the Judiciary Committee Report concerning the impeachment of the President. I have now had the opportunity to personally review the work product of the Committee and to question the Committee members.

No task in my life has created a greater burden. I have no compulsion to turn this president out of office. Whether President Bill Clinton has the requisite qualities or abilities to be president or whether his administration's policies are right for the country was decided by the American people in November, 1996 and is not now the issue before Congress. At issue are the facts and whether such facts demonstrate that the President of the United States committed impeachable offenses. I want this president to succeed for the benefit of all Americans. I do not represent Republican Kansans or Democrat Kansans; I have been granted a privilege to represent all Kansans.

I regret the highly partisan manner in which the impeachment of the President has been presented to the American people. I have said, from the beginning of these proceedings, that the process matters; at the end of the day, whatever the outcome, the American people must know that the end result was reached for the right reasons. In my opinion, the Independent Counsel, Congressional leadership and the White House have all contributed to the failure to meet this standard. Many citizens unfortunately will wonder and even be convinced that this is a Republican effort to oust a Democrat president. This belief increases the cynicism already prevalent in our political process.

Having now read the Judiciary Committee report, discussed its provisions with Committee members, consulted the Constitution, inquired of many Kansans, both Republican and Democrat, whose judgment I value, and reviewed my basic beliefs of right and wrong, I am compelled to vote for articles of impeachment.

Having to make a choice, I choose to be on the side that says no person is above the law, that this is a nation of laws not men, that telling the truth matters, and that we should expect our public officials to conduct themselves in compliance with the highest ethical standards.

It is clear that President Clinton on numerous occasions lied to a federal grand jury, lied in a civil proceeding affecting the civil rights of an American citizen, and orchestrated an attempt to obstruct justice. The requirement that a party to a civil or criminal proceeding tell the truth, no matter how humiliating or harmful such statements might be, is a cornerstone of our system of justice. No one wants to tell the truth when the truth hurts. But we all know we have no choice, and if we lie, we know we suffer the consequence. We learn this as children, and President Clinton, a lawyer, knows this as an officer of the Court.

The untruthful actions of the President are not mere technical violations of federal law; rather, the President's lies, obfuscation and overt acts to obstruct justice are serious and felonious, and they tear at the essential foundation of our judicial system. His actions were part of a pattern of conduct over many months and not a mere moment of poor judgment. There are those who argue that the subject matter of the President's lies is such that one could not reasonably be expected to tell the truth. But if you cannot believe someone who has raised his hand and has sworn to tell the truth, the whole truth and nothing but the truth, when could you ever rely on that person to be truthful? If we each are allowed to determine on which topics we must tell the truth there will be no due process, no equal protection and no justice.

Many Americans do not want the President to be impeached because they do not want any disruption in their lives. Most of us did not want to know the details of the President's personal activities. Other worry that this process of impeachment will interfere with the economic prosperity which some in this country are enjoying. We just want it to go away. I regret that the Independent Counsel chose this path of inquiry. But now that the facts are known, none of us have the luxury of closing our eyes. President Clinton describes this as a private matter. It is not. What the President does affects each of us, especially parents. As much as we would otherwise prefer, we have an obligation to deal with this issue, and our obligation requires some sacrifice. There are some ideals more important than our comfort or our economic well being. We have responsibilities to the next generation. The Preamble to the Constitution reminds us of our responsibility to ". . . secure the Blessings of Liberty to ourselves and our Posterity." We owe the next generation our unwavering support for certain essential ideals on which our nation was founded.

Impeaching the President is not popular across the country nor is it supported by all the people I represent. I have received thousands of letters, faxes, e-mails and telephone calls from my constituents, expressing strong and unequivocal positions on both sides of the issue. But this cannot be about polls, partisan politics, which party controls Congress, or even who is the next president, and unfortunately there is no middle ground.

Years from now, when my school age children look back on their father's time in Congress, I want them to see their dad as a guy who struggled to make certain he was doing the right thing for the right reason, not one who was persuaded by the political passions of the moment, influenced by party politics, or unable to make a tough decision because of contrary polling data. I want my children to know that their dad chose the side of holding elected officials to high ethical standards, as an advocate for truth and a supporter of the rule of law.

Contrary to the impression which one would receive from the television cable shows, the impeachment of the President is not all-consuming. My work in Congress on behalf of the people of the First District has and will go on unabated. We face significant problems on our farms and ranches, the Kansas oil and gas industry is on the verge of extinction, and, if we are not careful, adequate health care, particularly in rural communities, will be a thing of the past. These issues continue to receive my complete attention. It is time for Congress to address our military needs, strengthen social security and insist on a truly balanced budget. The impeachment process must be completed as quickly as possible. Although we cannot close our eyes, we can insist that these proceedings be conducted in a respectable manner and without undue delay.

Thank you for the opportunity to provide my thoughts. It is a privilege to represent the people of the First District in the United States Congress.

Mr. HOSTETTLER. Mr. Speaker, throughout the debate on the resolution before this House, there has been much discussion of the opinions of "experts" on Constitutional law. This discussion reminds me of the testimony of Lino A. Graglia, the A. Dalton Cross Professor of Law at University of Texas School of Law in testimony before the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, United States House of Representatives on May 15, 1997 when he states, "The first and most important thing to know about constitutional law is that it has virtually nothing to do with the Constitution." I have not had the title bestowed upon me as an "expert" on Constitutional law so therefore I had to read the Constitution and determine its meaning. And how would I do that? I believe Thomas Jefferson gave the most persuasive advice on the topic of Constitutional meaning when he wrote in a letter to Justice William Johnson on June 12, 1823, "On every question of construction let us carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed our of the text, or invented against it, conform to the probable one in which it was passed." In order to determine its meaning and be faithful to the wisdom of the Chief Architect of the Declaration of Independence, the third President of the United States of America and the founder of the Democratic Party, Mr. Jefferson, it was necessary to understand the meaning of the words as they were written by the Framers because, as was stated by Charles Louis Joseph de Secondat, Baron de Montesquieu, France: Author of "Spirit of the Laws," "Society, notwithstanding all its revolutions, must repose on principles that do not change."

That being said, there has likewise been much discussion about whether the information that has been acquired by the House of Representatives is sufficient to accuse the President of an offense or offenses which proceed from what Alexander Hamilton referred to in Federalist #65 as "the misconduct of public men." The virtually infinite spectrum of potential wrongdoings that may—to use the modern day vernacular—"rise to the level of an impeachable offense," is defined in Article II, Section 4 of the Constitution to be those offenses situated inclusively between the levels of ". . . high Crimes and Misdemeanors." While I have heard several opinions that what the President did does not rise to the level of a crime, does what William Jefferson Clinton did while in office constitute misconduct of a "public" man? It would obviously be necessary to know what the term "Misdemeanor" means as was intended by the Framers. Noah Webster, one of the first Founding Fathers to call for a Constitutional Convention, wrote and published the first American dictionary in 1828 where he defined "misdemeanor" as, "ill behavior, evil conduct, fault, mismanagement." He also included the definition given by the individual most influential on the process of jurisprudence in the colonies at the time of ratification of the Constitution, William Blackstone: "In law, . . . the word crime is made to denote offenses of a deeper and more atrocious dye, while small faults and omissions of less consequence are comprised under the gentler name of misdemeanors."

And so today we, as members of the United States House of Representatives, are asked to determine whether there is sufficient information to accuse the President of some wrongdoing less than or equal to a "high crime" and greater than or equal to a "small fault [or] omission." I believe there are two reasons why there is much more consensus on this issue than has been perceived by either ourselves in the House of Representatives or the people of the United States. Initially, any individual who would support a resolution of censure accusing President William Jefferson Clinton of:

1. egregiously fail[ing] in [his] obligation [to] set an example of high moral standards and conduct[ing] himself in a manner that fosters respect for the truth,

2. through his actions violat[ing] the trust of the American people.

3. lessen[ing] [the American people's] esteem for the office of President,

4. dishonor[ing] the office which [the American people] have entrusted to him,

5. [making] false statements concerning his reprehensible conduct with a subordinate and,

6. wrongly [taking] steps to delay discovery of the truth would have to admit that the President may be at least accused of a "small fault" and therefore impeached. Secondly, I have heard the consternation of the Minority that they will not be able to "vote [their] conscience" because they will not be able to censure the President. Also, I have heard my colleagues in the Majority state that it is not Constitutional to censure the President. This is where the consensus of the members of this House is, if not known, nonetheless present. The consensus being that both the Minority and the Majority are wrong. Once again we need only to look to the enlightment of the original definition of the term "impeach" as it was most probably known at the time of the ratification of the United States Constitution and observed in Webster's first dictionary of 1828. That definition of "impeach" was given to us to be "Censure, accusation, a calling in question the purity of motives or the rectitude of conduct. . ." Therefore, by definition quit literally, to impeach is to censure. It follows that those compelled by their conscience to vote for censure may salve that conscience with a vote for impeachment of President William Jefferson Clinton.

In conclusion, I will vote for all four articles of impeachment outlined in H. Res. 611 of the 105th Congress because my conscience compells me to consider the facts as they have been presented and render the judgement obligated to me by my oath to ". . . support and defend the Constitution of the United States. . ."

Mr. SMITH of Texas. Mr. Speaker, our Constitution tells us: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

To impeach, which lies within the power of the House, means to accuse or charge with a crime. Only the Senate can actually convict and remove from office.

As a distinguished Democratic member of the Judiciary Committee said during the Nixon impeachment proceeding, "It is wrong, I suggest, it is a misreading of the Constitution for any member here to assert that for a member to vote for an article of impeachment means that that member must be convinced that the President should be removed from office. The Constitution doesn't say that. The powers relating to impeachment are an essential check in the hands of this body, the legislature, against and upon the encroachment of the executive. In establishing the division between the two branches of the legislature, the House and the Senate, assigning to the one the right to accuse and to the other the right to judge, the Framers of this Constitution were very astute. They did not make the accusers and the judges the same person." (Opening statement of the House Judiciary Committee, proceedings On the Impeachment of Richard Nixon, by Barbara Jordan)

After consideration of all the evidence presented, I am convinced it is sufficient for the House to charge the President with several wrongful actions. I feel the evidence shows that the President committed perjury by lying under oath, obstructed justice, and abused the power of his office.

Both historical precedent and current practice support the conclusion that perjury is a "high crimes and misdemeanor." The Constitution applies that same phrase both to the President and to "all civil officers of the United States." Several Federal judges have been impeached and removed from office for perjury. That is why the President can be, too.

Also, bribery and perjury are equivalent means of interfering with the justice system. The Federal Sentencing Guidelines include bribery and perjury in the same Guideline.

Some of the President's defenders would like to change the subject and talk about anybody else but the President and about anything else except the allegations of lying under oath, obstruction of justice, and abuse of office. Such efforts are an affront to all who value truth over tactics, substance over spin, principles over politics.

House Members will be consistent if they follow the precedent established in 1974 by the Judiciary Committee. Individuals from both parties agreed with a Democratic Congresswoman from Texas when she said, "The President engaged in a series of public statements and actions designed to thwart the lawful investigation by government prosecutors. Moreover, the President has made public announcements and assertions * * * which the evidence will show he knew to be false. These assertions, false assertions," she said, are "impeachable." (Ibid.)

By any commonsense measure, the President did not "tell the truth, the whole truth, and nothing but the truth," as his oath required, when he testified before a judge and then before a grand jury, as many Democrats now admit.

We should not underestimate the gravity of the case against the President. When he put his hand on the Bible and recited his oath of office, he swore to faithfully uphold the laws of the United States. Not some laws; all laws.

Many people have gone to jail for doing what the President did—lying or knowingly making false statements after swearing in court not to do so. However, others have not been punished for failing to tell the truth.

So, if the President were just an ordinary person living in the United States, it is not certain that he would be found to have committed a crime.

What, then, makes this a case that rises to the impeachment level?

I think there are two factors: the repeated and deliberate nature of the lies, and the uniqueness of the Office of the Presidency.

It was determined by the independent counsel that, "On at least six different occasions—from December 17, 1997, through August 17, 1998—the President had to make a decision. He could choose truth, or he could choose deception. On all six occasions, the President chose deception—a pattern of calculated behavior over a span of months." (Statement of Independent Counsel Kenneth W. Starr before the Committee on the Judiciary, U.S. House of Representatives, November 19, 1998)

During this time, not only did the President tell a judge and then a grand jury less than the truth, he also told lies to the American people, the news media, Members of Congress, his Cabinet, and senior White House advisors.

One of his own former advisors commented, "President Clinton turned his personal flaws into a public matter when he made the whole country complicit in his cover story. This was no impulsive act of passion; it was a coldly calculated political decision. He spoke publicly from the Roosevelt Room. He assembled his Cabinet and staff, and assured them that he was telling the truth. Then he sat back, silently, and watched his official spokespeople, employees of the U.S. government, mislead the country again and again and again." (Column by George Stephanopoulos, Newsweek, August 31, 1998)

The President himself, when he was a law professor in Arkansas, defined an impeachable offense this way: "I think that the definition should include any criminal acts plus a willful failure of the president to fulfill his duty to uphold and execute the laws of the United States. Another factor that I think constitutes an impeachable offense would be willful, reckless behavior in office * * *"

The President consciously and persistently made an effort to deceive, give misleading answers, and tell lies. He made statements and engaged in actions designed to impede the investigation of the Independent Counsel. We all know the President still might be deceiving us today were it not for physical evidence that forced him to change his story.

As to the uniqueness of the office the president holds, he is a person in a position of immense authority and influence. He influences the lives of millions of Americans. He sets an example for us all.

A sixth grader from Chisolm Middle School in Round Rock, Texas, recently wrote me. She said bluntly, "He has lied to the American people! And although I realize what he lied about has nothing to do with him running the country, then what else would he lie about? He let us down! Kids that think he is a role model now are heart broken! (Letter from Kara Kothmann, November 17, 1998)

The President sets an example for adults, too. When he took the oath of office he swore to "preserve, protect and defend the Constitution of the United States" and to "take care that the laws be faithfully executed." The president has rightly been called "the number-one law enforcement officer of the country." (Leon Jaworski in "The Right and the Power.") As such, he has a special responsibility to "take care" that he not commit any crime, particularly such a serious one as perjury, a felony for which a person can go to jail for up to five years.

When someone is elected president, they receive the greatest gift possible from the American people—their trust. To violate that trust is to raise questions about fitness for office. My constituents often remind me that if anyone else in a position of authoirty—for example a business executive a military officer, or a professional educator—had acted as the evidence indicates the President did, their career would be over.

The rules under which President Nixon would have been tried for impeachment, had he not resigned, contained this statement: "The office of the President is such that it calls for a higher level of conduct than the average citizen in the United States." (Drafted in 1974 with the help of Hillary Rodham, a staff attorney of the Judiciary Committee)

The President has a higher responsibility for another reason. The Arkansas Rules of Conduct for attorneys states that "lawyers holding public office assume legal responsibilities going beyond those of other citizens," because they know how important the rule of law is to a stable and civilized society. And the President doesn't hold just any public office, he holds the most powerful one in the world.

It is for these two reasons—the President's premeditated and repeated efforts while under oath to tell less than the truth, and the special responsibility that comes with holding the highest office in our country—that I feel the President's actions have reached the level of impeachable offenses.

I have been surprised by the assertion of the President's defenders that we should not impeach him for his actions because it would set a precedent.

If our actions send a message that future Presidents should not lie under oath, should tell the truth, the whole truth and nothing but the truth—as President Clinton swore to do when giving testimony before both a judge and then a grand jury; that future Presidents should uphold the law—as President Clinton swore to do when he took the oath of office as President; that future Presidents should not obstruct justice—as President Clinton did for seven months as he admittedly deceived the American people and those associated with the investigation* * * if these are the precedents Congress sets, if these are the standards future Presidents then live by, we need not fear our actions.

This will not be an easy task; in fact, it is a difficult ordeal for all Americans. But we will get through it: we are a great nation and a strong people. our country will endure because our Constitution works and has worked for over 200 years.

As much as one might wish to avoid this process, we must resist the temptation to close our eyes and pass by. The President's actions must be evaluated for one simple reason—the truth counts.

As this process goes forward, some good lessons can be reaffirmed. No one is above the law. Actions have consequences. Always tell the truth.

We the people should insist on these high ideals. That the President has fallen short of the standard doesn't mean we should lower it. If we keep excusing away the President's actions, we as a nation will never climb upwards because there will be no firm rungs.

Let me quote another insightful letter from a student in that same sixth grade class:

"As everyone knows," it begins, "President Clinton is going through hearings about lying under oath and tampering with the evidence. Perjury especially in front of the Grand Jury is unacceptable. These many months of investigation could have been avoided if President Clinton would have told the truth in the beginning."

She concludes her letter with words I will use to conclude my remarks, "I know you are being bombarded with letters each with different opinions, but this is a big issue. Now it is up to you and your fellow congressmen to decide to the best of your ability what should happen next. Please take into consideration what I have stated and make a decision that would be the best for America's future." (Letter from Brandi Bockhorn, November 19, 1998)

That, my colleagues, to me, says it all.

Mr. RIGGS. Mr. Speaker, this is a profoundly sad and disturbing time for me. I had hoped to conclude my Congressional service on a high note after the Congress passed, and the President signed, my bills improving literacy, expanding vocatinoal and technical education, and increasing the number of federally-funded charter schools in the final days of the 105th Congress, before the November elections. Unfortunately, it is not to be.

Before I focus on the question of impeachment and the fate or Bill Clinton, led me address the situation in Iran. As an Army veteran, I strongly support our troops in the field. That probably goes without saying. But while i—like my colleagues—support our men and women in uniform in the Persian Gulf, I must question the timing of the mission ("Operation Desert Fox") and our foreign policy towards Iraq in generel.

It has been eight years since the United States went to war against Saddam Hussein and the Iraq military. It is about time we finish the job.

In my first official vote as a newly-elected Member of Congress in 1991, I voted against the use of military force against Iraq. I was convinced we were not committed to removing Saddam Hussein from power. We left in power a man who, for corrupt, venal reasons, would rather hold on to his personal power and military might than help his own people.

As columnist Richard Cohen recently pointed out in the Washington Post: "As long as Saddam rules, the U.S.-Iran conflict will continue. Either his military has to be hurt so badly it will turn on him, or dissent elements—and they exist—will sense weakness and rise in revolt. Force has to be applied in such a way—sustained and punishing—that this eight-year conflict is brought to a conclusion."

I recognize that many of my fellow Americans also support our troops but question the timing of this mission. One could argue that a President facing the imminent prospect of impeachment should not use military force unless the national security interests of the United States are directly and immediately threatened.

That so many Americans question the timing and necessity of this mission indicates the widespread, and in my opinion, corrosive cynicism in America that is yet another sign of the weakened state of this presidency. President Clinton has lost credibility and standing with the American people. We are witnessing the steady erosion of the moral authority of the presidency under his tenure.

A majority of Americans now believe that President Clinton lied to us and damaged the basic trust between the American people and their president. Just as seriously, if the American people do not believe the president, why should our allies or our enemies? I believe that the president can no longer effectively perform the duties and responsibilities for which he was elected. For the good of the country he should resign, as I have said for months.

Furthermore, true contrition and the shame that accompanies it should compel President Clinton to resign. He has disgraced his family and his office. He alone can forestall the national ordeal and the ugly spectacle of an impeachment trial in the United States Senate, and salvage some dignity for himself and the presidency, by resigning now. Yet Clinton refuses to resign, even though his conduct is contemptible and renders him unfit to be president of our nation.

In a 1910 address in New York, Theodore Roosevelt said of the presidency: "Any man who has ever been honored by being made President of the United States is thereby forever after rendered the debtor of the American people, and is honor-bound throughout his life to remember this as a prime obligation; and in private life, as much as in public life, so to carry himself that the American people may never have course to feel regret that once they placed him at the head."

Some partisans and pundits are suggesting that we should short-circuit the impeachment process or simply shunt the whole matter aside based on poll ratings. But we in Congress have an obligation to do exactly the opposite. That was our duty before the election and it continues to be so now. Our oath of office requires no less. Our sworn constitutional obligations may be onerous, but we cannot abdicate our responsibilities because what is popular is not always right, and what is right is not always popular.

My responsibility is to inform and mold public opinion but even if unsuccessful, to vote my conscience and convictions. In my service in the U.S. House, I have tried to follow the dictum of Sir Edmund Burke, who told his constituents: "Your representative owes you his judgment as well as his industry. He betrays your best interests if he sacrifices his judgment to your opinion."

A few thoughts on the impeachment process itself: The House is charged by the constitution with determining whether the president should be impeached. Judge Starr's referral under the Independent Counsel statutes is his conclusion that evidence exists that President Clinton has committed "high crimes and misdemeanors." But it is only his opinion; the House is certainly not bound by it, nor is Congress required to accept his evidence.

In fact, it is the House's constitutional obligation to investigate de novo, that is, make an independent assessment: What are the facts and what are the legal implications of those facts? That is what an impeachment inquiry does.

If the Judiciary Committee, then the full House, find the facts show high crimes and misdemeanors by the president, Articles of Impeachment are adopted. That is still not a finding of guilt, but more akin to an indictment. The House proceeding is thus like a special Grand Jury devoted to the president's conduct. The actual finding of guilt would have to be made by a two-thirds vote by the Senate, after a trial presided over by the Chief Justice of the Supreme Court.

(Maintaining the analogy to a grand jury, it also follows that the president does not have the same automatic rights of cross-examination or presentation of his case at this stage as he would at a trial. The fact that, nonetheless, he was given those rights is further evidence that Congress has undertaken a fair inquiry.)

I have tried to approach this historic vote of great import in a serious, solemn and objective way. I have endeavored to be as honest, fair, thorough, and deliberate as humanly possible. I have consulted with the Republican members of the House Judiciary Committee and sought the advice of national leaders like former Presidents Gerald Ford and Jimmy Carter, former Vice President Dan Quayle, and Bob Dole, who, because of their unique experiences, had valuable insights and perspective to offer. In preparation for this vote, I also asked myself a series of questions.

(1) Would one of my constituents be held accountable for lying before a federal grand jury or a federal judicial officer?

(2) Does lying before a federal grand jury or a federal judicial officer undermine the rule of law?

(3) Is it possible that the president of the United States lied before a federal grand jury or a federal judge, thereby violating his oath of office which requires him to uphold and abide by the rule of law?

In reaching my decision, I have read the referral report to Congress from the Office of Independent Counsel, closely followed the Judiciary Committee's deliberations, and, most recently, studied the Judiciary Committee's Report on the Articles of Impeachment in detail. I have given great weight to the Committee's report, which contains a full discussion of the facts and the Committee's rationale and justification for approving the articles. I have satisfied myself that I would be voting the same way if the alleged misconduct involved a Republican president and/or if I had stood for re-election to Congress.

After a thorough review of the record, careful deliberation, much soul-searching, and due consideration of the consequences for our nation, I have reached the conclusion that President Clinton lied under oath and encouraged others to lie under oath in a federal court proceeding. He has thereby violated his fundamental constitutional obligation to take care that the laws be faithfully executed. He has flouted the rule of law by lying before a federal grand jury and a federal judge. His false and misleading testimony before the grand jury is especially egregious since he knew going in that he had to "come clean"—but instead he continued to obfuscate the truth. That is grounds for the President's resignation. It is also grounds for impeachment under the first three articles reported out by the Judiciary Committee.

I believe that the laws should be applied equally to all, regardless of their financial or political stature. The foundation of our criminal justice system is that no man is above the law. Impeachment is essential to preserving the rule of law, because under our constitution a sitting president cannot be indicted for crimes. The only way to make him subject to the law and preserve the rule of law, is through the process of impeachment.

If the President, arguably the most powerful man on earth, can distort the truth, break the law, and avoid accountability, what are the consequences for ordinary Americans?

Do we want to establish the precedent that presidents may with impunity hold the law in contempt? How can we expect anyone who is subpoenaed to court to have to tell the truth when the head of our government (and it's legal system) has not? In my opinion, to overlook such conduct would invite further social abdication of morality and accountability and breed contempt for the law.

As former U.S. Senator John Danforth said recently: "What's important here is what Congress says in the end about what has generally been an accepted and basic standard in this country: that lying under oath is not permitted. If that standard is in any way watered down, then the country and all it stands for will be sorely harmed and the future will be in grave doubt."

I believe that the President has lied under oath and that he continues to flout the rule of law by refusing to admit publicly that he lied under oath, and therefore should be impeached and removed from office. Truth is on trial.

Eight years ago, I stood in the well of the House and voted my conscience on the Persian Gulf resolutions. One year later seven of us—all Republican freshmen—forced the House to confront corruption in the House Bank and Post Office scandals.

Today, too, is a vote of conscience. It is a vote about our country—its proud heritage and promising future—not about the politics or polls of the moment. As the father of our country George Washington said: "Let prejudices and local interests yield to reason. Let us look to our national character and to things beyond the present period."

We are duty bound today by our solemn oath of office to defend our country and the common commitment to its political principles—the constitution, the rule of law, the right to life, liberty and the pursuit of happiness—that unites all Americans. We must not, we cannot fail, for the sake of the future generations of Americans. For the sacred purpose of preserving the honor of the Office of President of the United States and the integrity of our Constitution, I will vote to impeach William Jefferson Clinton.

Mr. BLUNT. Mr. Speaker, today the House of Representatives meets to vote on the impeachment of the president. In the 210-year life of our Constitution and of the House, the Congress has met to vote on this critical question only one other time. This is our most serious constitutional duty.

This duty is required by the unique system of checks and balances that has made our system so strong. This concept, born in Philadelphia in 1787, has served us well. It has served us well because the representatives of one branch of government cannot subvert the others. No president can be allowed to subvert the judiciary or thwart the investigative responsibility of the legislature.

There is clear evidence that President Clinton committed perjury on two or more occasions, and urged others to obstruct justice. These are serious felonious acts that strike at the heart of our judicial system. Oaths taken in the American system of government are serious commitments to truth and the rule of law. Violating these oaths or causing others to impede the investigation into such acts are serious matters that meet the standard for impeachment.

The House Judiciary Committee, after a month of hearings, returned four Articles of Impeachment all dealing with President Clinton's statements made in a civil trial deposition, to a federal grand jury his actions with others who were likely to testify and in his response to the committee's inquiries. This is not about the President's personal conduct, it is about the President's conduct under oath. It is about his subversion of the judicial system and his unwillingness to cooperate with the legislative investigation of that failure; it is about the rule of law.

The President's actions and statements have brought the country to this difficult decision. The vote today holds great consequence for the President and the constitutional process. This is about determining the facts, seeking the truth, and giving the President the forum to rebut the charges against him. The duty of the House of Representatives is to determine if sufficient evidence exists to proceed with a trial in the Senate. The House Judiciary Committee has met that burden. After reviewing the material gathered by the Judiciary Committee and the corroborated nature of hard evidence, it is my conclusion that the allegations against the President warrant a formal trial in the Senate.

Many of my colleagues advocate some other punishment for the President. They say for the first time in the history of the United States the Congress should censure the President. Censure would set a dangerous precedent for this President and successors. The Constitution prescribes one option for the Congress which is to determine whether the President's action are impeachable or not. Today, you could censure the President for bad conduct, five years from now another Congress could decide to censure a president for a bad policy and a few years later the Congress could censure a president for good policies that did not work out and suddenly, we don't have a presidential system, but a parliamentary system. One of the great strengths of our system of government is the lack of a requirement that a president be popular between elections. The Congress has only one standard, the actions of the President are either impeachable or they are not impeachable. The decision to censure would head our government in the wrong direction.

It is my desire that this embarrassment on the presidency and our country end quickly, but the Constitution cannot be rewritten by public opinion polls or by political expediency. When I took the oath of office to serve in Congress, I did not swear to uphold the Constitution only if it was popular. Today the Constitution gives the House of Representatives the responsibility to determine if the President's conduct is impeachable or not. There are no other options. Tomorrow this House should get on with the business of the new Congress. Our next job is to work to defend the country, balance the budget, find tax relief for working families, keep our commitments to Social Security, Medicare, Veterans and Military retirees and the next generation.

Mr. PAUL. Mr. Speaker, I rise in support of all four articles of impeachment against the President. There is neither pleasure nor vindictiveness in this vote and I have found no one else taking this vote lightly. It seems though many of our colleagues are not pleased with the investigative process; some believing it to have been overly aggressive and petty, while others are convinced it has been unnecessarily limited and misdirected. It certainly raises the question of whether or not the special prosecutor rather than the Congress itself should be doing this delicate work of oversight. Strict adherence to the Constitution would reject the notion that Congress undermine the separations of power by delivering this oversight responsibility to the administration. The long delays and sharp criticisms of the special prosecutor could have been prevented if the Congress had not been dependent on the actions of an Attorney General's appointee.

The charges against the President are serious and straight forward: lying, perjury, obstruction of justice, and abuse of power. The main argument made in his defense is that these charges surround the sexual escapades of the President and therefore should not be considered as serious as they otherwise would be.

But there are many people in this country and some members of Congress who sincerely believe we have over concentrated on the Lewinsky event while ignoring many other charges that have been pushed aside and not fully scrutinized by the House. It must not be forgotten that a resolution to inquire into the possible impeachment of the President was introduced two months before the nation became aware of Monica Lewinsky.

For nearly six years there has been a steady and growing concern about the legal actions of the President. These charges seem almost endless: possible bribery related to Webb Hubble, foreign government influence in the 1996 presidential election, military technology given to China, FBI files, travel office irregularities, and many others. Many Americans are not satisfied that Congress has fully investigated the events surrounding the deaths of Ron Brown and Vince Foster.

The media and the administration has concentrated on the sexual nature of the investigation and this has done a lot to distract from everything else. The process has helped to make the President appear to be a victim of government prosecutorial overkill while ignoring the odious significance of the 1,000 FBI files placed for political reasons in the White House. If corruption becomes pervasive in any administration, yet no actual fingerprints of the president are found on indicting documents, there must come a time when the "CEO" becomes responsible for the actions of his subordinates. That is certainly true in business, the military, and in each congressional office.

There is a major irony in this impeachment proceeding. A lot has been said the last two months by members of the Judiciary Committee on both side of the aisle regarding the Constitution and how it must be upheld. But if we are witnessing all of a sudden the serious move toward obeying constitutional restraints, I will anxiously look forward to the next session when 80 percent of our routine legislation will be voted down.

But the real irony is that the charges coming out of the Paula Jones sexual harassment suit stem from an unconstitutional federal law that purports to promote good behavior in the work place. It's based entirely on ignoring the obligations of the states to deal with physical abuse and intimidation. This whole mess resulted from a legal system institutionalized by the very same people who are not the President's staunchest defenders. Without the federal sexual harassment code of conduct—which the President repeatedly flaunted—there would have been no case against the President since the many other serious charges have been brushed aside. I do not believe this hypocrisy will go unnoticed in the years to come. Hopefully it will lead to the day when the Congress reconsiders such legislation in light of the strict limitations placed on it by the Constitution and to which many members of Congress are now publicly declaring their loyalty.

Much has been said about the support the President continues to receive from the American people in spite of his acknowledged misconduct. It does seem that the polls and the recent election indicate the public is not inclined to remove the President from office nor reward the Republicans for their efforts to investigate the Lewinsky affair. It is quite possible as many have suggested that the current status of the economy has a lot to do with this tolerance.

The public's acceptance of the President's behavior may reflect the moral standards of our age, but I'm betting there's a lot more to it. It is true that some conservative voters, demanding the Republicans in Congress hold the President to a greater accountability, "voted" by staying home. They did not want to encourage the Republicans who were seen as being soft on Clinton for his personal behavior and for capitulating on the big government agenda of more spending, and more taxes. But hopefully there is a much more profound reason for the seemingly inconsistent position of a public who condemns the President while not having the stomach for punishing him through impeachment.

If my suspicion is correct we can claim a major victory. Polling across Texas, as well as nationally, confirms that more than 80 percent of the people are fearful of the Federal Government's intrusion into our personal privacy. That's a healthy sign and indicates that the privacy issue could be the issue that will eventually draw attention to the evils of big government.

The political contest, as it has always been throughout history, remains between the desire for security and the love for liberty. When economic security is provided by the government, privacy and liberty must be sacrificed. The longer a welfare state lasts the greater the conflict between government intrusiveness and our privacy. Government efficiency and need for its financing through a ruthless tax system prompts the perpetual barrage of government agents checking on everything we do.

Fortunately, the resentment toward government for its meddling in all aspects of our lives is strong and becoming more galvanized, and that should give us hope that all is not lost.

But this resentment must be channeled in the right direction. Belief that privacy and liberty can be protected while the welfare state is perpetuated through ever higher taxes is an unrealizable dream.

The "sympathy", if that's what we want to call it, for the President reflects the instinctive nature of most Americans who resent the prying eyes of big government. It's easy to reason: "If the President of the United States can be the subject of a 'sting operation' and FBI ordered tape recordings, how can any of us be secure in our homes and papers?"

The ambivalence comes from fear that demanding privacy, even for the President, means that his actions are then condoned. And turning this into a perjury issue has been difficult.

The President, his advisors, and the friendly media were all aware that the sexual privacy issue would distract from the serious charges and knew it was their best chance to avoid impeachment.

But the President, this Administration and the Congress have all been hypocritical for demanding privacy for themselves yet are the arch enemies of our privacy. Although other Administrations have abused the FBI and the IRS, this Administration has systematically abused these powers like none other.

Let's declare a victory in despite of the mess we're in. The President is not likely to be removed from office. We'll call it a form of "jury nullification" and hope someday this process will be used in our courts to nullify the unconstitutional tax, monetary, gun, anti-privacy, and seizure laws that are heaped upon us by Congress, the President, and perpetuated by a judicial system devoid of respect for individual liberty and the Constitution.

Hopefully, the concept of the overly aggressive prosecutor will be condemned when it comes to overly aggressive activities of all the federal police agencies whether it's the IRS, the BATF or any other authoritarian agency of the federal government.

A former U.S. Attorney, Robert Merkle, recently told the Pittsburgh Post Gazette that "the philosophy of (the Attorney General's office) the last 10 to 15 years is whatever works is right," when it comes to enforcing federal laws which essentially all are unconstitutional. It's this attitude by the federal police agents that the American people must reject and not only when it applies to a particular President some want to shield.

Even though we might claim a victory of sorts, the current impeachment process reveals a defeat for our political system and our society. Since lack of respect for the Constitution is pervasive throughout the Administration, the Congress and the Courts and reflects the political philosophy of the past 60 years, dealing with the President alone, won't reverse the course on which we find ourselves. There are days when I think we should consider "impeaching" not only the President, but the Congress and the Judiciary. But the desired changes will come only after the people's attitudes change as to what form of government they desire. When the people demand privacy, freedom and individual responsibility for everyone alike, our government will reflect these views. Hopefully we can see signs in these current events that more Americans are becoming serious about demanding their liberty and rejecting the illusions of government largesse as a panacea.

It's sad but there is another example of a most egregious abuse of presidential power, committed by the President, that has gotten no attention by the special prosecutors or the Congress. That is the attempt by the President to distract from the Monica Lewinsky testimony to the Grand Jury by bombing with cruise missiles both Sudan and Afghanistan, and the now current war against Iraq.

Two hundred million dollars were spent on an illegal act of war against innocent people. The pharmaceutical plant in Sudan was just that, a pharmaceutical plant, owned by a Muslim businessman who was standing up to the Islamic fundamentalists, the same people we pretend to oppose and use as scapegoats for all our Middle-Eastern policies. And now we have the controversial and unconstitutional waging of war in Iraq.

And to add insult to injury both military operations ordered by Clinton were quickly praised by the Republican leaders as good and necessary policy. These acts alone should be enough for a serious consideration of impeachment, but it's never mentioned—mainly because leadership of both parties for decades have fully endorsed our jingoism and bellicosity directed toward other nations when they do not do our bidding.

Yes, the President's tawdry affair and the acceptance of it to a large degree by the American people is not a good sign for us as a nation. But, let's hope that out of this we have a positive result by recognizing the public's rejection of the snooping actions of Big Brother. Let's hope there's a renewed interest in the Constitution and that Congress pays a lot more attention to it on a daily basis especially when it comes to waging war.

The fact that President Clinton will most likely escape removal from office I find less offensive than the Congress's and the media's lack of interest in dealing with the serious charges of flagrant abuse of power, threatening political revenge, issuing unconstitutional Executive Orders, sacrificing U.S. sovereignty to world government, bribery, and illegal acts of war, along with the routine flaunting of the constitutional restraints that were placed there to keep our government small and limited in scope.

Mr. DEFAZIO. Mr. Speaker, the Republican-led House of Representatives is about to do something that is nearly unique in our nation's history. It is about to cast a party line vote to impeach a President of the opposite party against the will of the majority of the American people. The Chairman of the House Judiciary Committee, HENRY HYDE, said at the beginning of this process that impeachment must be bipartisan in order to be legitimate. Well, Mr. Speaker, this process is the furthest thing from bipartisan. Every vote in the Judiciary Committee was along party lines, and the final votes on articles of impeachment will almost certainly be party line votes, as well. This sorry chapter in the nation's history creates a new gold standard for partisanship—a standard that will be hard to beat in the decades to come.

But this impeachment drive is illegitimate for other, more fundamental reasons: the charges brought against the President by House Republican leaders are not only lacking in merit, they are not the kind of high crimes and misdemeanors that warrant impeachment. Chairman HYDE has painted his crusade in moral terms—he claims to be upholding the rule of law. The rule of law is not at risk here, but the Constitution is. The Constitution reserves impeachment for treason, bribery and other high crimes and misdemeanors. It does not say fornication, adultery and other high crimes and misdemeanors. Nor does it say perjury, evasiveness and other high crimes and misdemeanors. These are misdeeds that have other remedies under the law. Calling them impeachable offenses demeans the Constitution and undermines our system of government.

And finally, Mr. Speaker, this impeachment is illegitimate because it is taking place in a Congress that the voters have rejected. In the election just six weeks ago, the American people made clear their distaste for impeachment. Many of the members of this House who will vote today lost their elections last month—in many cases their support for impeachment was one of the issues that led their constituents to reject their candidacy. Yet those very members are here today supporting impeachment and violating the will of the voters who turned them out of office.

Mr. Speaker, I expect to hear a rising clamor of calls for the President to resign. That would be an even greater disaster for our democracy than this partisan proceeding has been. Having voted—however illegitimately—for impeachment, the nation, the Constitution and the President deserve a trial in the Senate. We must determine once and for all whether these charges are grave enough to warrant impeachment. And these unproven charges must be judged. The President is innocent until proven guilty, and Chairman HYDE and his colleagues have not made their case.

Mr. MANZULLO. Mr. Speaker, I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

The Pledge of Allegiance is recited frequently by all Americans, including school children and government leaders. It starts each day of Congress. It is a statement that in this country, our system of justice is for all people—elected and non elected. Unequal justice is no justice under the law.

Before I entered Congress in 1993, I practiced law for 22 years. I have been a student of the Constitution and the powers of Congress since college in the mid 60's and wrote a book on constitutional law, which was published in 1973. I am also a father of three young children. I, therefore, approach the subject of impeachment of the President with this perspective.

I believe the President should be impeached, which means a finding by the House of Representatives that there is evidence the President committed acts sufficient for the Senate to consider the charges and vote on whether or not he should be removed from office.

THE CONSTITUTIONAL BACKGROUND OF HIGH CRIMES AND MISDEMEANORS

Wehn the founders of our Constitution met in Philadelphia, they used English law as the basis for our founding document. The English view of impeachment meant two things: removal from office and the imposition of a criminal penalty (sentence and/or fine). Our founders, however, when they wrote the impeachment section in the U.S. Constitution, chose to make removal from office the only penalty, but specifically allowed any criminal actions against the officeholders to be taken by others (state or federal prosecutors).

This distinction means the American Constitution contemplates two very different proceedings: the removal from office was to be separate from criminal proceedings, because removal protects the people and criminal proceedings punish the officeholder.

Futhermore, the impeachable offense could, but does not have to be, a violation of a criminal statute. George Mason, who wrote the Bill of Rights, said impeachment was to be used for "attempts to subvert the Constitution." Hamilton said impeachment should be used for "those offenses which proceed from the misconduct of public men . . . from the abuse or violation of some public trust . . . as they related chiefly to injuries done immediately to the society itself" (Federalist Papers, No. 65). Other works by James Wilson, a signatory of the Constitution, and the pre-eminent jurist, Justice Joseph Story, conclusively verify this. When the House of Representatives in 1974 considered Articles of Impeachment for President Nixon, the Democratic-led House Judiciary Committee, for which attorney Hillary Rodham worked, stated the Articles were premised upon "injury to the confidence of the nation and great prejudice to the cause of law and justice."

WHY CENSURE IS NOT AN OPTION IN THE HOUSE OF REPRESENTATIVES

The House of Representatives must consider the charges to remove the President only in terms of how the Constitution governs the procedure. The Constitution speaks of this duty only in terms of "impeachment," that is, the House finding enough evidence to send to the Senate for a final resolution as to whether there should be a conviction (removal) on the impeachment charges. The Constitution provides no option for the House of Representatives to consider anything less than impeachment, such as censure. Censure is a formal scolding or reprimand. It has no legal consequences.

THE CHARGES AGAINST PRESIDENT CLINTON

The Articles of Impeachment charge President Clinton with perjury, which is lying under oath, before a federal grand jury and during a deposition (a sworn statement under oath with attorneys for all parties present). He is also charged with encouraging a witness to lie under oath. These charges cannot be dismissed and are not "simply about sex." Watergate was not about breaking and entering, but about cover up and perjury after the fact. It is the same here.

Why is perjury and encouraging a witness to lie under oath so serious?

The U.S. Supreme Court (US v. Mandurano, 1974) said that "perjured testimony is an obvious and flagrant affront to the basic concepts of judicial proceedings." When somebody perjures himself under oath, this does two things: first, it deprives a party to the lawsuit of the constitutional right to a fair trial (because truth is frustrated) and, second, it is a frontal assault upon the intergrity of the system of justice in this Nation.

The fact that President Clinton lied under oath at the federal grand jury and the deposition is not refuted. Period. Does his perjury have to be of such a nature that criminal charges could be brought against him? The answer is no, (even though I believe criminal charges could be brought). Under the English system, the question is probably yes. But because impeachment under the American Constitution is aimed at removal and not criminal punishment of the officeholder, the criminal rules of evidence and other rules in a regular criminal proceeding sumply do not apply. That's why it is incorrect to compare impeachment proceeding in the House of Represenatives with a criminal trial.

Encouraging a witness to lie under oath is akin to the following: you own a business (Party A) and get involved in a lawsuit with another businessperson (Party B). Your livelihood is threatened. An independent distribution who has a business relationship with you and Party B can verify your claim. Party B has a conversation with the independment distrubutor and says, "I understand you have been named as a witness in this case. I know you'll do the right thing, possibly by simply signing and filing an affidavit in court. That way you might not be called as a witness. By the way, I understand you are looking for more business, and perhaps we could do something on that." Party B's attorney then picks up the distributor, takes him to another lawyer's office. That lawyer prepares an affidavit that is false, and that lawyer goes over the affidavit with Part B's attorney. The affidavit is filed in court. You lose your lawsuit, or it is greatly hindered, and the trial suffers a serious blow because the notion of justice based upon truth is destroyed. This is what the President is charged with. The President discovers Monica Lewinsky is on the witness list in the case where Paula Jones has charged the President with a federal Constitutional civil rights case of sexual harassment. The President suggests to Ms. Lewinsky that if an affidavit is signed, she won't have to testify and that he is sure she'll do the right thing. The President talks to his close friend, attorney Vernon Jordan, who then takes Ms. Lewinsky to another lawyer, who prepares a false affidavit about Ms. Lewinsky's relationship with the President. Her attorney goes over the affidavit with Mr. Jordan. After she signs the affidavit, Mr. Jordan again enters the picture and Ms. Lewinsky gets another job.

The U.S. Supreme Court rule unamimously that Paula Jones has a right to file and pursue her federal constitutional remedy against the President while he is in office.

Paula Jones has a constitutional right to a trial based upon factual—not perjured—testimoney, and thus the false affidavit deprives her of that constutional right. Second, the entire judicial system, based upon people seeking redress for legal wrongs, suffers a serious blow. This is why perjury is so serious. This is why 115 people are sitting in federal prison because they committed perjury. This is why four Northwestern students have been indicated for perjury because they lied about betting on sports. This is why a 17-year-old student in McHenry County, Illinois, received six months in jail for lying in open court under oath. The Northerwestern students cannot defend their actions because they were simply lying about "just a little sports betting" any more that the President can defend his lie because the Jones lawsuit was "just about sex."

And this is why impeachment, in the words of the founders, is to remove those officeholders who violate the "public trust and subvert the Constitution."

THE OATH OF OFFICE

As a member of Congress, I swore an oath "to defend the Constitution of the United States. . . ." This means I have an obligation to defend the Constitution and to do everything I can to make sure the powers and protections of the Constitution are enjoyed by the rest of America. This is a solemn obliation. That is why elected officials have oaths.

The President's Constitutional oath says he is to "preserve, protect and defend the Constitution of the United States." The Constitution further provides that the President "shall take Care that the Law be faithfully executied." The worlds "care" and "laws" in the Constitution are purposely, capitalized for emphasis. Other words for "take Care" are to "nurture," "conserve," "supervise," and "be vigilant over" the law of this land. The President is, therefore, constitutionally charged with being a caretaker of the Constitution and the laws of this nation, holding these in trust for the protection of the American people. This is such an awesome responsibility that the Constitution makes the President the Commander in Chief of the Armed Forces with the power to use force, if necessary to protect the people's Constitutional right to equal application of the Constitution and the laws.

Teddy Roosevelt said it best, as recorded in The Strenuous Life (1900): "We . . . differ on the currency . . . tariff and foreign policy; but we cannot . . . differ on the question of honesty if we expect our republic permanently to endure. Honesty is . . . an absolute prerequisite to efficient service to the public. Unless a man is honest, we have no right to keep him in public life, it matters not how brilliant his capacity . . . No man who is corrupt . . . who condones corruption in others can possibly do his duty by the community. If a man lies under an oath or procures the lie of another under an oath, if he perjures himself or suborns, perjury, he is guilty under the statute law."

This paper opened with the Pledge of Allegiance, which is a pledge taken by Americans, including those who serve in public office, to do whatever is necessary to assure equal justice under law. Unequal justice is no justice under the law.

Even if the President were my best friend, I would still vote to impeach him because the Rule of Law is more important to me than friendship, popularity or politics.

Mr. PORTMAN. Mr. Speaker, Article IV alleges that President Clinton "refused and failed to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in response to certain written requests propounded to him as part of the impeachment inquiry authorized by the House of Representatives." The "written requests" consisted of 81 written questions posed to the President by the House Judiciary Committee.

I find President Clinton's responses to the Judiciary Committee's questions misleading, evasive and incomplete. They show disrespect for an authorized impeachment inquiry—the most serious proceeding the House can undertake.

While President Clinton's responses show disrespect, even contempt, for the Congress of the United States, their most disturbing elements are really just repetitions of the perjurious statements alleged in Articles I and II.

I am also concerned that the wording of Article IV could set a negative precedent for the balance of power between future White House and future Congresses. We do not want the President of the United States to be concerned about impeachment allegations every time a provocative communication is sent to the Congress or every time he responds in an aggressive manner to a Congressional inquiry. I am concerned that Article IV may have the effect of unduly weakening the Presidency.

For this reason and because I believe its core is redundant to the other Articles, I cannot support Article IV.

Mr. CRAMER. Mr. Speaker, as members prepare for this historic vote, I would like to say that I take this matter as seriously as any issue I have ever voted on during my tenure here in Congress.

I know that I will have to look back on this as one of the most critical votes I will ever cast. Out of thousands of votes over the past eight years, the two most important have been this vote and my very first vote in 1991 to commit our country to war in the Persian Gulf.

I have carefully and thoroughly examined each of the articles of impeachment. I have reflected on this matter at great length and listened to every possible opinion through each step of this process. Having done that, I will not vote to impeach the president.

Mr. Speaker, as deplorable and disgusting as the president's personal conduct has been, and as much as I condemn what he, through his own actions, has put this country through, I do not believe that it reaches the level that the framers of our Constitution set for impeachment. There are many pressing issues for this country to address, and we need to focus our energies on these issues as quickly and strongly as possible.

I still believe the president should be punished. I had hoped that censure would be an option. I have done everything I could to create the momentum to put forth a strong censure motion that would condemn the president and penalize him with a considerable fine. I feel that this is a way to hold him accountable without damaging the Constitution or further punishing the nation.

I believe that the president can be held accountable for his actions after he leaves office through the criminal justice system. After considering all of these factors. I will vote against impeachment.

Mr. WAXMAN. Mr. Speaker, my Republican colleagues have made history in the four years since they took control of the House. But it's not a history future will view with pride.

Over and over again, our Republican colleagues have called for the "rule of law." Let me suggest that if the President has committed a crime, that he be tried in a court of law after he leaves office. There, even he will have the protections of the law. Here in the House of Representatives he is not getting the rule of law—but the rule of politics.

President Clinton has been subjected to an unprecedented and deliberate strategy to use taxpayer funded investigations to "get him." Millions have been spent, and a series of reckless charges have been investigated to death and turned out to have no basis in fact.

The reality is that many of my Republican colleagues intensely dislike the President. Some have never been able to accept the fact that the American people have twice elected him. Some have never been able to accept him as their President. Indeed, one of my distinguished Republican colleagues, Majority Leader Dick Armey, once derisively referred to the President as "your President" during a debate with a Democratic House member. Another Republican member called Mr. Clinton an "illegitimate President" as early as January 1995.

That intensity of feeling has transformed itself into a deliberate strategy to use taxpayer-funded investigations to cripple the President. Over three years ago, just after the Republicans took control of Congress, the Speaker's top political strategist wrote a memo urging Republicans to "get the Clinton Administration under special prosecutor problems." Two years ago, the House of Republican leadership directed Committee chairmen to compile "examples of dishonesty or ethical lapses in the Clinton Administration."

The result has been an extraordinary series of personal attacks on the President. I won't recount every accusation, but I do want to mention some of the most notable.

President Clinton and his Administration has been accused of misusing the IRS and the FBI to punish political enemies. The President and his Administration have been accused of compiling an enemies list and of intentionally obtaining secret FBI files for those on the list.

The President and his Administration have been accused of doctoring White House video tapes that Congress subpoenaed.

The President and his Administration have been accused of selling cemetery plots at Arlington Cemetery in exchange for campaign contributions.

The President and the First Lady have been accused of stealing government property.

The president has even been accused of killing one of his closest friends, Vince Foster.

Most serious of all, the President has been accused of committing treason. That word, treason, was tossed around on this floor earlier this year. It is without question the most serious charge one American can make against another American.

All of these charges have been investigated, and all turned out to have no basis in fact. And while the accusations were trumpeted in press headlines around the country, their debunking at best made the back pages.

One of our colleagues even introduced an impeachment resolution last year, months before anyone had heard of the President's affair with Ms. Lewinsky, and it was based on all these ridiculous, unsubstantiated, and false accusations

This has been an impeachment in search of an impeachable offense.

During these past four years, my Republican colleagues have taken all the tools of traditional congressional investigations and twisted them into something no American can be proud of. They have misused and abused the subpoena process. They have misused and abused the deposition process. They have misused and abused the power to grant immunity. They have misused and abused the power to hold others in contempt of Congress.

We have trivialized these important powers and set horrifying precedents for future congressional investigations. In years to come, almost anything imaginable will be justified—by whichever party is in control—by pointing to the actions of the past four years. It's remarkable and remarkably sad that so much harm could be done in so little time.

I suppose today's impeachment is the natural evolution of all those prior excesses. Every abuse of the past four years has built to this day. As one of my Republican colleagues said in the Washington Post on December 15, "impeachment is icing on the cake."

The impeachment resolution is the ultimate indulgence of the House Republican leadership. It puts their anger, their hatred of the President, their political interests, ahead of the national interest.

Despite the Republicans' premeditated and constant attack on him, today's vote would have been impossible had the President not acted irresponsibly, if not recklessly, in his personal and sexual misconduct. Feeling trapped, he lied. He acted dishonorably and dishonestly. The Republicans were desperate to find a crime, and the President, unfortunately, provided them with irresistible ammunition.

For that President Clinton deserves censure and he deserves to be prosecuted if he violated the law. His crimes, if any, do not amount to impeachable offenses envisioned by the Constitution. He does not deserve—and our country does not deserve—this impeachment resolution.

What has been presented to us by the Judiciary Committee do not amount to impeachable offenses. I call for the rule of law and the supremacy of the Constitution. I urge all my colleagues to oppose these articles of impeachment.

Mr. TIAHRT. Mr. Speaker, with solemn thought and a certain sadness we are brought together to speak of removing the President of our United States. This is a task I did not choose, but as with all of us in this chamber, this task was thrust upon us by the actions of our President.

Before us are four articles of impeachment. Two for perjury, one for obstruction of justice and the last for abuse of power. In these articles, we are required to judge our President and determine if his actions rise to the level of impeachable offenses. But we judge not only the character of the President, we judge ourselves and our nation. What standard must we raise for our President and ourselves? What standards will come from this for each of us to live up to and what expectations will we set for our nation? Will we accept the degradation of untruth or attempt to bring ourselves and our nation to its highest and best?

With sadness we view the crisis of character in the words and deeds of the last year and we must hold the President accountable for those actions. Over 2,500 years ago, the philosopher Heraclitus said, "A man's character is his fate." Anne Frank, quoting her father said, "Parents can only give good advice or put them (children) on the right paths, but the final forming of a person's character lies in their own hands." I believe this to be right. I believe in personal responsibility. I believe the president is responsible for his own character and his own actions.

The standard of conduct and personal character we expect from our President should be no less than what we expect of ourselves. So we must ask, do we expect to carry out our duties and our responsibilities with integrity or do we stoop to the lowest levels of personal character? Stephen L. Carter, in his book "Integrity" defines integrity in three steps. First, to conduct ourselves with integrity we must discern right from wrong. This is a judgment based on all we are and all we know. What we learned from our parents, our teachers, people of faith, the wisdom of our years and that small, still voice inside which guides us to the judgment of what is right. Second, we must do the right thing. And third, we must tell others why we are doing what we are doing.

Our decision must also determine what we hope for our nation. Tolerating actions that abuse the law, without repercussions, moves the entire nation to a place beneath its rightful one. We must work to raise our nations goals, ideals and future. We must protect the rule of law for it brings justice to us all. If we refuse to hold the President accountable for his actions, then we accept the degradation of our society and his actions. This cannot be.

It is clear to me the President committed perjury and broke the law. It is against the law to deny another American their civil rights by withholding information and coordinating an effort to mislead a court as the President has done. It is obstruction of justice when the President used taxpayer funded resources to cover up, delay, and propagate misdeeds and lies. Finally, it is an abuse of power for the President to deliberately mislead Congress. All of these rise to the level of impeachable offenses.

It is my hope that we expect the highest and best from ourselves, our nation and our President. Honesty is a simple concept but it is at the foundation of our system of justice which protects our free society and our free enterprise system. For these reasons, I have chosen to vote for articles of impeachment.

Mr. BARCIA. Mr. Speaker, one of the greatest moments of my life was when I walked into this chamber, the House of Representatives, to take my oath of office as a Member of this elected body. I had spent my entire life being enthralled by the dignity and the humility of this special Chamber within our Capitol.

One of the reasons I wanted to serve as a Congressman was to actively work to express my appreciation for what this nation means to me, and to be an advocate for my constituents, people who often thought that their government overwhelms them with demands, but fails to understand their needs.

I then had another thrill in my life. I met our President. I met a man who cares about ordinary people. He wants children to have the best possible opportunities for education. He wants working men and women to earn a decent wage and be better prepared for an increasingly competitive world. He wants our senior citizens to have access to the health care they need, and to make sure that their Social Security is, indeed, secure.

When I heard about President Clinton's involvement in an extramarital affair last January, I was just as shocked as any of my constituents. Certainly I joined the chorus of people who said "say it isn't true." And when President Clinton said it wasn't true, I was pleased.

But as events have unfolded over this past year, I, like so many of you, have been bitterly disappointed in the President's personal failings. He has done wrong, and he should face an appropriate penalty. I personally believe that the President should be censured, and I would support a fine.

Mr. Speaker, since my arrival in Washington in 1993, indeed for more than a decade, the growing acrimony between parties and people has made our government increasingly powerless to attack the critical problems of our nation. Impeachment of this President and his ultimate removal from office would make that climate of anger and distrust all the more palpable. I weigh this decision, against the probability of this outcome. Those who care more about getting a person whom they personally dislike than they do about the ability of this government to solve this nation's problems have an easy decision. Those who want to provide a safe and prosperous future for our citizens recognize the excruciating nature of this decision, regardless of the outcome of their personal deliberation.

There has been a wealth of learned experts who testified before the Judiciary Committee that the failings of the President are not crimes against the state. They are not a misuse of Presidential authority. Yes, he did mislead the American people. He offered answers that may have met technical legal requirements, but did not provide full satisfaction. But so did our leaders during wars and foreign negotiations. They didn't answer questions to the fullest degree. Are we now going to make that impeachable, or are we creating a standard that you can be impeached, for personal lies, not professional ones? If Bill Clinton truly did commit perjury, then legal authorities should be ready to bring charges against him when they can—the same way any other American can be charged with perjury. If he lied, he is not getting away with it.

Did he encourage others to lie for him? The very people he was supposed to have suborned said that he did not. If we are to depend upon the factual record that the Judiciary Committee provided for us in which it depended upon prior statements under oath of Betty Currie and Monica Lewinsky, then we have to accept those statements as true. After all, that is what the Judiciary Committee did.

What Bill Clinton did was wrong and I don't condone it. Since he did it while President, he demeaned the office of the President. Had he done it as a private citizen, certainly he would be subject to perjury charges, the same as he is now. But the story might not have been made the page before the classifieds in your local paper, let alone the front page. He may have lost some credibility with the American people, but he hasn't with world leaders. Ask British Prime Minister Tony Blair who joined the President in attacking Saddam's Iraq by committing young British men and women to Operation Desert Fox.

To all of my constituents who have called and written to me with their strong views, I thank you from the bottom of my heart. Your comments have given me reassurance on many issues, and have raised challenges on others that made me think even harder. The people I represent are truly split on this issue, and I know that regardless of which way I vote, some will be disappointed and perhaps angered. I wish this were not the case, but it is the likely outcome of any divisive issue.

So many have said to me to vote my conscience, and that is exactly what I am doing. I am disappointed in Bill Clinton and believe he should pay a penalty. But I do not believe that the personal failings of the individual meet the constitutional tests of high crimes and misdemeanors of the President acting in a Presidential capacity. I will not be surprised if my position is not the prevailing one at the end of this debate, but it is the right one for me.

This is a very solemn moment in our nation's history. May God guide us swiftly through the difficult days ahead.

Mr. TAYLOR of North Carolina. Mr. Speaker, this is a sad day for our Nation, but, unfortunately, a necessary one. The President took an oath to uphold all the laws of the Nation. I recognize in that many respects the Nation has become a morass of regulations that have the effect of law, which sometimes contradict each other and can confuse the average citizen. The Congress, to its shame has allowed such regulations to become so multiplied and so confusing.

This President was not caught up in bureaucratic regulations, but has been charged, and an overwhelming amount of evidence has been produced, which proves he has violated some of the most fundamental laws recognized by almost every government. The President had violated common law and some of the first laws adopted by this country, perjury, suborning perjury, and obstruction of justice. He has added insult to our constitution by abusing his power in covering up his crimes.

These are serious felonies for which convicted citizens are placed in prison and Federal public official have been and are impeached and expelled from office.

I and other Member of Congress did not wish to be here today, however, we must fulfill our constitutional oath. Serious charges, which go to the heart of our constitution and rule of law, were placed before the Congress. As required by law, we have to fulfill our oath and vote for impeachment to send the matter to the Senate for trial if there is sufficient evidence.

It is clear that after serious and due consideration of the evidence presented and available that the President committed felonies of which he is charged. I believe that his actions of perjury, obstruction of justice, suborning perjury and abuse of power are of a serious nature and that they merit impeachment by this body and trial by the Senate. If they were committed by any citizen, they would be serious. When they have been committed by the Chief Executive Officer who functions as the chief law enforcement officer of the Nation, they merit impeachment by this body and trial by the Senate.

Accordingly, it is my duty to the Constitution, the people of the United States, and to the rule of law to vote for impeachment of the President.

Mr. MCHUGH. Mr. Speaker, as all of America knows, on December 11 and 23, the House Judiciary Committee approved four separate articles of impeachment against the President of the United States, William Jefferson Clinton. Today, with profound sorrow, but firm conviction, I cast my vote in support of Articles 1 and 2 of those charges. Articles 3 and 4, while constituting disturbing accusations alleging obstruction of justice and the failure of the President to deal honestly with the House of Representatives in the discharge of its constitutional duties, do not, in my judgment, contain sufficient specificity of clear and unquestioned misconduct to rise to a level of an impeachable offense. Clearly, however, the accusations described in Article 3 strongly suggest activity that warrants further examination and possible legal action against the President following the conclusion of his current term of office.

This has been the most difficult and heart-wrenching decision I have ever faced in my 14 years of elective office. It is a circumstance I never envisioned and it's certainly a choice I never sought to make. And yet, the honor the good people of the 24th Congressional District have bestowed upon me requires that I now make a judgment.

For the past 12 months, I have watched and listened as the President's predicament has evolved. With each new revelation, with each additional shred of evidence, it has become increasingly clear that the President has committed grievous wrongs. Still, like most Americans, I wanted desperately to forgive, to heal, and to direct our Nation's gaze toward other challenges. Sadly, the continued failure of the President to face his guilt fully and honestly, in addition to the overwhelming body of highly credible evidence, no longer permits me such a course.

To those who would say this action of impeachment is the result of nothing more than an admittedly unseemly, but nevertheless consensual, relationship between two adults, I would respond that I deeply wish it were so. I would much prefer to leave judgment of highly private transgressions to those who have been most directly harmed by them. While the President's indiscretions did, in fact, add to and even help light the path to his current legal troubles, they are not the cause of my decision today. In this instance, my vote is based on the fact that the America of today has grown from certain convictions of the past. Our democracy has outlived all others because, through all our marvelous diversity, we have always shared certain common bonds: belief in life, liberty, and the pursuit of happiness and the recognition that all are created and must live equally. The binding force of our national ideals has always been the rule of law—the recognition that the passage of the tyranny of kings brought an era wherein no citizen, man or woman, for lack of power or position, would ever be judged differently from all others. For some 222 years, that irreplaceable belief has nurtured our freedom and our liberties. It's that belief that the President's actions have so directly assailed and, as such, requires my affirmative vote on Articles 1 and 2.

When the President submitted a false affidavit to the courts during the Paula Jones case, he was going far beyond an illegal, yet somewhat understandable, effort to conceal an illicit affair. He was, instead, attempting to avoid legal responsibility for his alleged actions of sexual harassment of an employee during his tenure as Governor of the State of Arkansas. To excuse the deliberate act of falsifying testimony in a Federal civil rights case because the truth may have proven somehow embarrassing would be to lay waste to the essential tenet that an oath of honesty before a court requires the whole truth, no matter how disruptive or unfortunate its consequences. The President knowingly and willfully ignored this solemn duty, a failure that in America today has caused dozens of citizens to be incarcerated in prisons, denied of their liberty and rights, simply for not telling the truth.

As tragic as this original failure was unto itself, the President went beyond, seeking to further obscure, conspiring to conceal. When the President again swore an oath of honesty before a federal grand jury and repeated his deceptions, he again crossed a line that cannot be ignored. To do so would be to say to the thousands of Americans that each day pledge their truthfulness in the courtrooms of this land that their oath is meaningless as well, and that like their President, their personal convenience is the superior concern. I firmly believe such a message would result in a dangerous and irreversible decline in the respect for our Nation's laws, our judicial system, and the liberties we rely upon them to protect.

I realize there are those who will claim that this impeachment is but an attempt to secure some political advantage or revenge. Such assertions are wholly without foundation and in themselves seek political gain. In truth, the easy political path would be to turn from this crisis, pretending that somehow it all never occurred. But thoughtful people understand that, in our democracy, where the heart may be fooled, the head will not be deceived. The false, short-term sense of security that such a self-deception might produce would be buried under the longer term costs of a nation blind to the wrongdoings of its highest official.

Through its actions today, the House seeks not to imprison or punish this President as we normally use these terms. Rather, we seek to express our outrage and dismay at his lawlessness through the sole means provided to us under the Constitution. Whether the President is held to account through a trial and possible removal from office is a question solely to be decided by the Senate. I, for one, would accept, even welcome, their mercy. But through the adoption of these articles of impeachment, the House of Representatives seeks to reaffirm our most solemn national principle that in the United States, equal treatment under the law requires its universal and uniform respect.

I join those who long for a conclusion to this seemingly endless and trying ordeal. But, for the sake of those who will follow us, and in solemn respect for those who have sacrificed and gone before, that end must be reached in a fashion that, above all else, preserves the high principles and standards upon which this great Nation was built. To do otherwise would be to dishonor the blood that has been spilled by so many in pursuit and preservation of the American dream. To do otherwise would be to hasten the goal of so many others whose perverse objective is a world of tomorrow that is devoid of American honor and ideals. I cannot, I will not, be an accomplice to such a foul scheme.

To the President and his family, I would say I am deeply saddened by your pain. I pray that you find peace and redemption from your anguish. In his remarks to the American people on December 11, the President recalled the words of Omar Khayyam, wherein he noted the futility of struggling to erase the failures of the past. Truly, those words hold much wisdom. It is important to remember, however, that especially in this most holy time of year, the greatest promise our faith can provide is that of redemption from our transgressions. The first step in that salvation is the acceptance of our failings. May our actions this day, as wrenching as they may be, hasten us up the long, difficult path to a higher and better place. May God bless America.

Mrs. KELLY. Mr. Speaker, this is a sad day for me. It is a sad day for the country. Each of us in this body, on both sides of the aisle, today faces what is surely the most solemn duty of our lives; to decide whether it has become necessary to impeach a President of the United States. It is a duty, I dare say, that none of us cherish. Having spent considerable time listening to my district, I've heard many voices. All Americans struggle with the dilemma we face. The great debate is what to do with a popular President who has violated the very constructs of our safe, legal society. Ours is not a monarchy. Unfortunately, there is no easy way out. This is not about sex, it is about the law.

This vote is about what kind of country we will live in from this day forward. It is about whether we really believe in the "rule of law" or just pretend to abide it. It is about whether we really have faith in the principles and mechanisms set forth by our founding fathers in the Constitution, or will instead choose to be guided by TV pundits and polls. Perhaps we would all best be guided by the words of Edmund Burke who, in a speech to the Electors of Bristol on November 3, 1774 said, "Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

In the words of the New York Times (12/14/98), "Mr. Clinton did lie repeatedly, in plain sight, while under oath."

Mr. Clinton is not the first President who has lied to the American people. He is the first in modern times to perjure himself in front of a grand jury. He lied not to protect the safety of American soldiers, to save the Republic, nor to trick a foreign despot in a game of political poker. He lied to thwart a court proceeding, in a sad attempt to conceal.

He broke his oath of office.

A CEO in my district would be fired for this. An attorney in my district would face disbarment; a member of my staff dismissed. All would face prosecution.

Should I overlook the President's crime because, as some suggest, he remains popular? Are we to disregard the President's perjury to spare the Country the agony of a Senate trial? Am I to vote against impeachment, thereby forgiving the President's conduct for which my constituents would face prosecution?

Certainly, the President has the same right as everyone else to the equal and unfettered protection of our judicial system. This process we undergo today is about whether we will ever again be able to honestly say to ourselves and to our children that we live in a country where no one is above the law. I still believe in that country. It's not a perfect country. Unfortunately, there is hypocrisy, there is dishonesty, there is evasion of laws. These things surely exist in that country I believe in.

But if by our actions today we sanction hypocrisy, if by our vote we ratify dishonesty, if by our vote we permit evasion of laws at the very highest level of our Government, then we will have forevermore surrendered the thing that makes us uniquely American—a free, yet legal, society.

Mr. HEFLEY. Mr. Speaker, as I walked from my office yesterday morning to this chamber, I was almost overcome by the weight of the responsibility thrust upon us. The idea of having to make a decision on the impeachment of a President is sobering and no one should approach it casually.

Mr. HYDE and Mr. GEPHARDT both did an excellent job of framing the issues, but from that point it was mostly downhill. The debate degenerated into small sound bytes of partisan demigogery interspersed with infrequent moments of lucidity.

Many talked of the inappropriateness of proceeding while our troops are in combat, as if we were somehow doing something to impede their efforts. Nonsense!

Others, argued that the President's behavior was "reprehensible", but that censure was the appropriate punishment. No, we are not here to contrive novel types of punishment for the President, or even to decide whether he should be removed from office.

We, in this House, are to determine whether enough evidence has been presented to convince us there is substantial cause to believe that the President has committed offenses for which he should stand trial in the Senate.

This is our responsibility! No more! No less!

One of the themes put forth by a number of speakers yesterday was, "He who is without sin, cast the first stone" or "vote" as it were. If this is the criteria, there will be no impeachments, or grand jurys, or trial jurys, for that matter. The scripture tells us, "All have sinned and come short of the glory of God." As I look out over this House I know this must be true.

We are a group with great strengths, but also great weaknesses. We have virtues and flaws. We are the representatives of over 250,000,000 Americans who themselves lack perfection.

No, no one here claims perfection and shame on any of us who wrap our robes of self-righteousness around ourself and finds joy in the task before us.

But perfection is not the question. The President is being judged not by saints but by a jury of his peers as the Constitution provides.

The questions we must answer center narrowly around a limited number of legal concepts. Perjury! Obstruction of justice! Misuse of office! The decisions we must make should not be based upon polls, or number of phone calls, or political party, or even how we feel about the President personally.

Our decisions should be based on the evidence alone. It is on this evidence I have seen presented that I will cast my vote for impeachment.

Mr. STUMP. Mr. Speaker, I must rise today in support of the impeachment of President William Jefferson Clinton.

Having reviewed the compelling evidence that shows our President intentionally lied under oath and used his position to hinder the due process of law, I can reach no other conclusion.

Mr. Speaker, while my decision may be painful for the country, my conscience and high regard for the rule of law dictates that I support impeachment. I did not reach this conclusion in haste. I have carefully reviewed the facts of the case and consulted with my distinguished colleagues on the Judiciary Committee, including the esteemed Chairman, HENRY HYDE.

Contributing to my decision, but not dictating it, is that I received an overwhelming number of calls and letters from Arizonans expressing their profound interest in ensuring that the President is not allowed to enjoy a special status before the law. I talked personally with many of these people, They are law-abiding people who have the utmost respect for our laws. They know that great damage will be done to our justice system if we dismiss the President's actions, and they have urged that we not turn our backs on this matter.

Our duty today is not pleasant and, contrary to the misguided charges of some of the President's supporters, no Member takes joy in what we must do. Mr. Speaker, I regrettably submit that we have no choice. We must move ahead with impeachment and hold President Clinton responsible for his crimes.

Mr. JONES. Mr. Speaker, on October 1, I received a message from Mike Hagerty, a Retired Marine Corps Officer from my Eastern North Carolina District. He now works with the young people in Jacksonville, where he serves as a Boy Scout leader.

Mr. Hagerty wrote:

> The Boy Scouts in my town are smart young men and they ask many questions about the President. Most of the discussion among our Scouts is to the effect that the President's conduct is simply unacceptable.

He then went on to write, and I quote:

> I explain to our Scouts that our current President did not take the same oath that they take and retake each week. I stress that, unfortunately, we hold our Scouts to a higher standard than our current President. That is a bitter pill.

Mr. Hagerty concluded his message by writing:

> Sir, I would like to ask you a favor. When the time comes for the United States House of Representatives to deal with the issues involving our President, please cast your vote in a manner consistent with our Constitution.
>
> . . .There is not an elite class that is above the law; there is not a clause in the Constitution that gives an elected official license to conduct himself in a reckless, wanton, and unlawful manner because of his popularity.

Mr. Speaker, when I think about the letter from Mr. Hagerty, I realize that the decision we are making about the violation of the law by the President of the United States is critical to the youth of America. They must understand that the strength of our nation is that every American—no matter their status—must absolutely abide by the laws of this land.

I hope, if nothing else, that we have learned from this experience that character and integrity are vital to maintaining a strong America.

Mr. Speaker, today millions of teachers, parents—and even Scout Leaders—are watching to see whether we in Congress will ensure that the President of the United States is held to the same laws as everyone else.

I want Mike Hagerty to be able to look those young men in the eye and tell them that lying under oath is not acceptable behavior, and that no man is above the law.

I want him to be able to tell those Scouts that despite the fact that it wasn't fun, or popular, their Congressman voted to put the Constitution above any single politician—even the President of the United States.

The young people of America must see by our vote—no matter how distasteful and regretful—that we are ensuring that the America of tomorrow will be a nation of strength, because the Congress of today has upheld the dictates of the Constitution.

Mr. Speaker, as a man of faith, I will vote for the articles because I believe it is the right vote to ensure the strength of America for the next generations.

Mr. WEYGAND. Mr. Speaker, twenty-three short months ago, I stood in the well of this House to take the oath of office. At that time, I could not imagine that during my first term I would be asked to consider the impeachment of the President of the United States. In fact, I could not imagine that I would do so at anytime during my career in the House. I believe that as a member of the House of Representatives, short of sending young men and women to risk their lives in battle, impeachment is the gravest vote I can make.

More than two centuries ago, when our forefathers met to draft our Constitution, they were aware that from time to time extreme circumstances would arise in the life of the nation that would require the right of the people who freely elect their representatives to be superseded in order to protect the Union and preserve our political system, through the process of impeachment by the Hose of Representatives and removal by the United States Senate.

Throughout the process leading us to our historic vote, members of Congress have heard quite often the phrase in the Constitution outlining which offenses are considered grave and serious enough to merit impeachment. As it states in the Constitution in Article II, Section 4, "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

At this juncture, it is critical to examine the framers' expectations and understandings of this important phrase. The authors of the Constitution carefully chose every word, phrase and punctuation and, by doing so, created a timeless document. The Constitution has persevered throughout our nation's history and has guided our republic through both its darkest and proudest time because of its deliberately chosen words.

The phrase describing what were considered impeachable offenses took many shapes before final adoption. At the beginning, the phrase 'malpractice or neglect of duty' was suggested, but shelved by the Committee of Detail which suggested the phrase 'treason, bribery or corruption'. This phrase was also altered because it was too limited in scope and specifically mentioned certain crimes, all of which were official in nature. Immediately prior to the adoption of the final phrase. 'high crimes and misdemeanors', the Constitutional Convention also considered the term 'maladministration'. Concerns were raised that 'maladministration' would be far too broad. By adopting the phrase 'high crimes and misdemeanors' in lieu of 'maladministration' I believe the framers of the Constitution were more interested in limiting the number and kind of offenses which are considered impeachable than expanding the type of transgressions deemed serious enough to warrant the removal of a President duly elected by the people. Each of the terms considered prior to the adoption of the final wording, 'neglect of duty', 'maladministration' and 'corruption', referenced acts related to the official duties of the President not personal matters conducted by the President during his tenure in office.

In addition, I believe the word 'other' in the phase 'treason, bribery and other high crimes and misdemeanors' was precisely selected by the authors of the Constitution (emphasis added). In my view, the inclusion of 'other' reflects the desire of our forefathers to include crimes and misdemeanors akin to treason and bribery in the list of impeachment offenses. Without the adjective 'other', the phrase would have another meaning entirely and would be interpreted very differently.

Before us today are four articles of impeachment, two of which bring forth accusations of perjury, one which alleges presidential abuse of power and one which indicts the President for obstruction of justice.

The first two articles, Article I and Article II, accuse the President of perjury in testimony given before a federal grand jury and during a deposition in a private civil case. Although I believe perjury is evident and there is a strong possibility that perjurious statements may have been made in both the civil deposition and before the grand jury, it does not reach the threshold for impeachment envisioned by our forefathers and authors of the Constitution. As reprehensible as this behavior is,I do not believe that the alleged transgressions are linked to his official capacity as President of the United States, and thus will not support these two articles of impeachment.

Article III and Article IV allege obstruction of justice and abuse of presidential power. These two articles, due to their connection to the official duties of the President, were extremely serious charges and deserved intense examination. If proven, these offenses could have been impeachable. As one of the 31 members of my party who joined with my Republican colleagues on the vote to authorize the impeachment inquiry, I had hoped for fair and open hearings in the Judiciary Committee. To my dismay, that did not occur. In fact, I believe the Judiciary Committee failed to live up to its solemn duty and responsibility, under the authority of H. Res. 581 which stated that "the Committee on the Judiciary . . . is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach William Jefferson Clinton, President of the United States of America."

The Committee, in my opinion, did not fully examine the fundamental questions behind the charges of abuse of power and obstruction of justice. The Committee did not hold the allegations up to the bright light needed for an ardent cross-examination. Based on evidence and testimony presented to the Judiciary Committee, we do not know if the assertions made in the report by the Office of Independent Counsel can be corroborated or even contradicted. No material witnesses were called before the committee to answer specific questions about necessary details to uncover the truth. As our investigatory panel, the Judiciary Committee did not question witnesses who held the keys to discovering the facts behind these serious allegations. These two articles are built upon an unstable foundation. None of the alleged charges, particularly those in Articles III and IV, are substantiated by any standard of proof, much less proven beyond a reasonable doubt.

Prior to the debate today, I joined with many of my colleagues in urging the leadership of the House of Representatives to permit a fair and reasonable vote on censure. Unfortunately, they have consistently refused to allow such a vote. Like the vast majority of American people and my constituents in Rhode Island, I believe that a severe censure and substantial fine is the most appropriate method to punish the President's extremely reprehensible behavior. Censure is neither expressly permitted nor prohibited by the United States Constitution but has been used by Congress to express its opinion on public officials throughout the history of our nation, most notably by the censure of President Andrew Jackson. While later expunged by a subsequent Congress, his censure has stood the test of time and has not been erased from the history books. In fact, history will forever proclaim President Jackson as being censured by the Senate, which remains an unenviable mark on his tenure as President. There should be no doubt that censure is an exceptionally serious rebuke and should be treated as such. If censure was approved, history would indelibly stain this President as committing acts serious enough to earn an official condemnation from Congress.

A strongly written resolution of censure and substantial monetary fine requiring the acceptance of the President through his signature, is the most appropriate form of condemnation for the President's reprehensible behavior.

In Federalist 65, Alexander Hamilton writes:

> The prosecution of them (impeachable charges), for this reason, will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused. In many cases it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side or the other; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties than by the real demonstrations of innocence or guilt.

And so, two hundred and eleven years later, we find ourselves exactly where Mr. Hamilton said we would be. The President engaged in extremely reprehensible and inappropriate behavior with a subordinate. He lied to his wife and his daughter, his friends, staff, the court, and most of all to the American people. The President's actions were wrong, immoral and reckless. But, Mr. Hamilton was right. The charges have divided the nation. Congress is divided amongst "parties and pre-existing factions". The President's fate is not being decided on the facts but rather based on partisanship.

We are a nation led by our President carrying the flag of our country, the banner of principles of our people. He has been wounded by his own wrongdoing. But to abandon him or another for political reasons would be abandoning the very principles upon which the country was founded, a doctrine of fairness and justice for all. We cannot and must not tolerate or accept a system that dismantles the very foundation of our republic and this action today unfortunately sends such a signal.

The role of the House of Representatives in the impeachment process is not to be abused nor is it to be taken lightly. A vote for impeachment is by far one of the gravest and most challenging votes for any Congress and for any member. I urge my colleagues, on both sides of the aisle, to listen to your conscience, to realize the gravity of your vote and to realize that at the end of the day, you can act in a fair and reasonable manner and disprove Mr. Hamilton's theory that the House of Representatives is incapable of acting justly. For to impeach the president for the charges as outlined in these Articles would be to affirm the partisanship feared by Mr. Hamilton, and how sad a commentary that is for our Congress and our country.

Mr. PASCRELL. Mr. Speaker, I have not to this point formally announced how I would vote on these four articles of impeachment. In reaching my decision, I have weighed not only my constitutional duty and this President's fate, but I have weighed what vote is the right one for the country at this time.

I have concluded that this President can and should continue in office for the remainder of his elected term.

In making my decision, I have looked carefully at the words of our Framers, particularly the founder of my hometown of Paterson, New Jersey, Alexander Hamilton.

In Federalist No. 65, Hamilton not only outlined what offenses rise to the level of impeachment. He also left us a clear, unambiguous warning against the dangers of unruly partisanship in this process.

Hamilton spoke of offenses that are an "abuse or violation of some PUBLIC trust," and ones that "relate chiefly to injuries done immediately to the society itself."

The President's misdeeds, as wrong as they are, were NOT acts against the society as a whole. In fact, he was exonerated of any wrongdoing that fit that definition.

In that same passage, Hamilton stated that a partisan impeachment "threatened to agitate the passions of the whole community . . . to divide it into parties . . . to connect itself with pre-existing factions . . . and to enlist their animosities, partialities, influence and interest."

Ironically, our colleague on the other side, Mr. Linder, echoed Hamilton's warning just a few months ago, saying, "One party cannot impeach the other party's President."

Well, this is exactly what has happened in this body. This process has been driven solely by those in one party—the majority party—the very path Hamilton told us to avoid.

No one has denied that the President acted in a manner unbecoming of the high office he is privileged to hold.

His actions are NOT, however, offenses that rise to the level of treason, bribery or other "high crimes and misdemeanors."

In short, these are reprehensible acts for which the President should surely be punished. That punishment should fit his misdeeds. Censure is the appropriate penalty, but we have been denied this option by those driving this process for fear they will not extract the "pound of flesh" they seek.

My colleagues, I urge you as you cast your vote to look to history and the real facts in this case, and to look beyond partisan interests as the Constitution requires, and vote "no" on these articles of impeachment.

Mr. LAFALCE. Mr. Speaker, I rise in strong opposition to all four of the pending articles of impeachment for the following reasons.

First, I believe the investigation by the Independent Counsel which has led us to this point has been a tainted and politicized process designed to produce a political, not a legal or Constitutional result.

Second, if this House is to impeach the President, the burden of proof to establish clear and convincing evidence of wrongdoing rests with us. It is a burden the Republican majority has not sustained.

Third, the articles of impeachment before us do not specifically and meaningfully cite any conduct that remotely rises to the level of an impeachable offense: "Treason, Bribery, or other high Crimes and Misdemeanors."

Fourth, passage of this resolution will subject this country to a Senate trial that the vast majority of Members in this House, and a vast majority of our citizens, do not believe will result in conviction or removal of this President. Indeed, there are Members voting for this resolution precisely because they expect the Senate will not convict the President. That constitutes a cynical manipulation of an important constitutional process to a petty political end.

Finally, it is fundamentally unfair that the Republican Leadership will not permit a vote on censure as an alternative to impeachment. At the very least, the Republican leadership, and especially so-called moderate Republicans who, for whatever reasons, have decided to vote for impeachment themselves, should give Members the option of presenting an alternative censure resolution on the floor of the House. Let us vote our conscience. If they do not, they can never again be called fair and just individuals.

The President has admitted wrongful and reprehensible conduct. I was the first in this institution to call for a censure of him for his misleading of the American public. I believe that remains the appropriate response—a response that the vast majority of the American people can and do endorse. Further, the President has not only acknowledged the wrongfulness of what he has done, he has apologized repeatedly, indicated a willingness to take the appropriate consequences of his conduct, and sought forgiveness. he is also subject to legal prosecution for any alleged offenses, as he should be. But what he has done does not come close to "Treason, Bribery, or other high Crimes and Misdemeanors" which the Framers intended to be the tough and exacting standards those seeking impeachment must meet.

THE STARR INVESTIGATION

There is clearly an abuse of power in this case, and behavior by someone in authority that strikes at the heart of our legal and political system. But it is the behavior of the Independent Counsel that is the abuse of power, and it is his conduct that is the most threatening to our republic. To quote a respected journalist writing in one of my local papers, what we have in Ken Starr is a "self-righteous, underhanded prosecutor dedicated to destroying someone," and "a man willing to deploy the full resources of federal government's investigative and police powers" to do so. It is this man, and the biased case he has put forward, on which the Republican majority is willing to rely.

I strongly believe that the Independent Counsel has not conducted an impartial investigation of a possible crime, as is his duty under the law. Instead, we have been subjected to a partisan investigation by a man in search of a crime. Ken Starr has conducted a biased inquiry designed to produce a pre-ordained result.

After four years and the expenditure of tens of millions of dollars, Ken Starr was able to find nothing whatsoever that would subject the President to criminal liability regarding those issues that were within his purview—i.e., Whitewater, "travelgate", or misuse of FBI files. Yet Starr decided not to issue any report on those issues, and deliberately said nothing exculpatory until after the November election. Failing to come up with any criminal conduct on these potentially substantive issues, he has been forced to try to make an impeachment case out of very misleading statements about conduct which, however reprehensible and inexcusable, should have remained what it was—a private matter between consenting adults.

In passing the Independent Counsel statute, the intent of the Congress was to create a mechanism to ensure that anyone who investigated the President or a Cabinet official be of the highest ethical standards, completely impartial, free of conflicts of interest, and respectful of his own legal obligations and the rights of others. What we have instead in Ken Starr is a man of unseemly zeal in search of any excuse that might suffice to bring down a President. Let me review some of the conduct that brings me to that unfortunate conclusion.

Ken Starr used information from Linda Tripp that he knew she had obtained in violation of the law, and in fact encouraged her to further violate the law to obtain more information. He set up a sting operation with Monica Lewinsky, threatened her with twenty-seven years in prison and the indictment of her mother if she failed to cooperate, trivialized her Constitutional rights, and suggested he would deny her a grant of immunity if she exercised her right to call a lawyer. He grilled Ms. Lewinsky for ten hours without her being represented by counsel, and attempted to wire her in an effort to entrap the President or his aides.

When Starr asked the Attorney General for jurisdiction to extend his inquiry to encompass the President's relationship with Monica Lewinsky, he withheld critical information relevant to the Attorney General's assessment of his request. He had long been working in concert with Paula Jones' attorneys, conduct which necessarily suggested a clear bias, but he failed to disclose that fact. Starr was contacted several times by Mrs. Jones' lawyer to discuss constitutional issues related to her suit against President Clinton and provided such assistance. In fact, Starr considered helping Mrs. Jones by joining in a friend-of-the-court brief.

Ken Starr's report repeats and exaggerates any conceivable evidence of wrongdoing, but egregiously omits any exculpatory evidence. It is not, as Congress intended, an even-handed report. In fact, no one can even claim it is even-handed. Ken Starr has crossed the line and moved from being an objective and impartial investigator to being a clear advocate for impeachment. His conduct in this regard has been so excessive and inappropriate that his own ethics adviser, Sam Dash, has charged Starr with abuse of his office and resigned.

Ken Starr's actions are not now, and have never been, the actions of a man engaged in an impartial investigation. His conduct is the conduct of a zealot with a diabolical obsession—bringing down the President of the United States. It is Ken Starr's conduct that is frightening and threatening to the rule of law. And this is the man on which the Republican majority has chosen to rely to make their case for impeachment.

THE BURDEN OF PROOF

If the Legislative Branch is to impeach the President, I believe it must meet a high standard and establish clear and convincing evidence of an impeachable offense.

Impeachment is not a slap on the wrist. It is not just a different way to censure the President for wrongful conduct of which we disapprove. It is one of the most significant and momentous steps that the House can take. It is the first step in the removal of a sitting President from office and the reversal of the results of an election. And it is being taken in defiance of the will of the majority of the public which has been, and remains, clearly in opposition to the impeachment and removal of this President on the basis of the facts thus far presented.

The members of both parties have a responsibility to be judicious in what we do here today. This should not be a partisan proceeding. There should be no impeachment unless there is clear and convincing evidence of conduct that clearly constitutes the equivalent of a high crime and misdemeanor. This is too important to be a close call.

Impeachment is neither a purely legal nor a purely political act. It requires a judicious balancing of both legal and political judgment. But if the action we take is to be judicious and defensible not only today, but in the eyes of history, certain parameters are clear. We should only impeach for a grave offense of a public nature. We should only impeach when the evidence is so strong and the conduct so clearly within the parameters of what the Constitution intends that the resolution to impeach can pass by a sizable and bipartisan majority. We should only impeach if the American public supports impeachment, or at the very least is ambivalent—certainly not when the vast majority of the American public is opposed.

And we should not impeach in a lame duck session of the Congress when votes are being cast by many Members who have been defeated and/or will not return. In fact, some argue such action is unconstitutional. Whatever the merits of that argument, such action is clearly unnecessary. There is no need or justification for us to take this important action in such haste.

Finally, we should only proceed if there are reasonable grounds for believing the evidence is such that the Senate might reasonably move to convict. Few believe the Senate will muster the 2/3 vote necessary to convict. It is the worst kind of cynicism to put the country through the trauma of a trial in the Senate in the face of a high probability that the impeachment process will end without conviction.

If there is a real desire for bipartisanship in this context, it would be reasonable to look to what the elder statesmen of the Republican party are suggesting. Both Republican former President Gerald Ford, who knows something about impeachment, and Republican presidential candidate Senator Robert Dole, who lost to President Clinton in the most recent election believes censure, not impeachment, is the appropriate option.

FAILURE TO IDENTIFY AND PROVE AN IMPEACHABLE OFFENSE

What, indeed, are we supposed to be impeaching the President for? I have read the reports and followed the hearings. But I believe I am not alone in being unable to answer that question. Certainly my Republican colleagues have not answered it.

The Constitution very clearly prescribes the grounds for impeachment—treason, bribery or other high crimes and misdemeanors. If Congress wants to violate the spirit of the Constitution, we can impeach for almost anything. But if we want our action to be in keeping with both Constitutional spirit and history, our authority is limited to conduct that rises to the high level indicated. The Framers clearly believed that impeachment was intended to redress seriously wrongful public conduct, and requires a very high and very clear standard because impeachment nullifies the popular will.

Some would impeach because the President allegedly violated his oath of office. That is far too vague and ambiguous a charge for anyone to seriously argue it rises to the level of an impeachable offense. What is required is a high crime that is comparable to treason or bribery. Assuming that the worst charges against the President are true and convincing, his alleged misconduct does not rise to that level.

Indeed, there is not clear and persuasive proof that the President committed any crimes. Those who would impeach the President have tended to use important words cavalierly and interchangeably as if they have fungible content. Words have meaning, they are the skins of living thoughts. To mislead, to lie, to perjure oneself are all, in varying but important degrees, wrong. But to mislead is not necessarily to lie, to lie is not necessarily to perjure. Unfortunately, words can be and have been used interchangeably and carelessly, leading to obfuscation or confusion. Some who favor impeachment have too frequently used them to manipulate rather than to clarify.

Some believe that the President committed perjury. I believe responsible people can disagree about where to draw the line on what does or does not constitute perjury. But there is widespread agreement that few prosecutors would bring a case on the factual basis we have before us today, let alone be able to convict anyone on these grounds.

There are two articles of impeachment that allege perjury, one incident in the context of the Paula Jones deposition, the other in the context of the grand jury deposition. Yet the Republican majority has repeatedly refused to pinpoint exactly what statements constitute perjury or elements of perjury. In the Paula Jones case, there is clear evidence of obvious confusion on the part of the attorneys and the judge about the definition of sex, and concern that its use would make it harder to get at the truth. If the attorneys and the judge were confused, is it inconceivable that the President was confused as well? Are we going to impeach a President over a definition he used that accorded with the definition of every dictionary I am aware of—i.e., "intercourse?"

The other purported perjury, that in the grand jury testimony, is that the President said he abided by his testimony in the Paula Jones case. Does anyone seriously believe that response rises to the level of a crime against the state?

Some suggest that there are precedents where individuals have been impeached for perjury, and cite the impeachment of judges. However, in those cases perjury was the gravamen of, not peripheral to, the charges brought against the individuals. More importantly, I believe different constitutional standards apply in regard to the impeachment of judges than pertain for the impeachment of the President. First, judges are appointed for life, by one individual. They are not elected for a finite term by the people of the United States. Secondly, the Constitution says, with regard to judges, that they "shall hold their offices during good behavior." That is a much lower constitutional standard, and far easier to meet.

The specifics of our legal system and its procedures are not always easy to understand or appreciate. But I believe all Americans understand that, in this country, we operate under a rule of law, and every citizen—even the President—is innocent until proven guilty. No one is obligated to admit guilt, or to assist the prosecutor to convict him. It is expected and proper for a witness to be cautious under oath, to keep his counsel, to give away as little as possible. Any citizen would and should do the same. Yet some would impeach the President for exercising his most basic legal rights.

As for abuse of power and obstruction of justice charges, I believe they are specious on their face. There are charges of witness tampering, of hiding evidence. But those are disputed charges, and there is evidence on the record that calls their legitimacy into question. There is no proof whatsoever that the President tampered with witnesses or attempted to hide evidence. We cannot impeach on the basis of unproven charges. To suggest that written responses prepared by the President's attorneys to a congressional committee that the committee deems inadequate constitute an abuse of power is so frivolous as not to merit further comment. Indeed, such charges are themselves an abuse of congressional power, or at the very least, a cavalier, indiscriminate use of such powers.

CONCLUSION

Assuming, for the sake of argument, the sincerity of those who want to impeach the President—and that is in some cases a hard assumption to make—shouldn't they permit those who sincerely disagree but believe some punishment is appropriate, the right to pursue the alternative they believe is legitimate—i.e., a resolution of censure? That would allow all Members to vote their consciences on this important issue. The rights of those who would impeach would not be infringed—they could simply vote "no" on a censure resolution.

But the Republican majority will not allow that option, because they are afraid it would pass. Instead, they are forcing Members who have serious doubts about impeachment but believe some serious punishment is appropriate to choose between impeachment and nothing.

The Republican majority has taken what should be an historic vote on an issue of conscience and trivialized it into political gamesmanship. On a vote of this import, that conduct is unconscionable. I will vote against the resolution.

Ms. McCARTHY of Missouri. Mr. Speaker, I rise in opposition to H.R. 611, the four articles of impeachment against President William Jefferson Clinton. I do strongly support the motion to recommit so that censure of the President, a fair and bipartisan compromise, can be debated. To deny us the right to vote on censure is to deny us the right to express the truth of our conscience, and to deny the will of the majority of Americans who want Congress to censure the President, not impeach him.

I have carefully studied the evidence and arguments presented to the Judiciary Committee and have concluded that the articles of impeachment drafted by the Committee do not meet the impeachment threshold established by the framers as specifically outlined in our Constitution. Article II, Section 4 of the Constitution of the United States provides that the House of Representatives "shall remove from office [the President] on impeachment for treason, bribery or other high crimes and misdemeanors." My interpretation of the intent of the framers is that the phrase "other high crimes and misdemeanors" is limited to acts with the magnitude and gravity of the crimes of treason and bribery, crimes that do direct harm to the institutions of our government. Perhaps to avert use of impeachment in a partisan effort to derail a political agenda, Alexander Hamilton wrote that an impeachable offense is of the nature "which may with peculiar propriety be denominated political, as they relate chiefly to injuries done immediately to the society itself." The Judiciary Committee has not demonstrated that the President has so subverted our Constitution and threatened our system of government as to corrupt our Republic.

I do support a strong and punitive censure resolution of the President for his reprehensible actions. It is unfair to deny America's Representatives in Congress the opportunity to take positive action on a bipartisan compromise of censure. Censure is warranted, appropriate, and would not undo two national elections nor preclude future legal action that a federal prosecutor could undertake or judgment a court could find when the President returns to the private sector. In addition, the President will face the judgment of history just as we in the Congress will be judged by this defining moment.

I urge all of my colleagues to vote to recommit H.R. 611, the articles of impeachment, and support a motion to censure. By not achieving the threshold established in the Constitution's Article II, Section 4, we will have failed in our duty to preserve and protect the law of our land.

Mr. LATOURETTE. Mr. Speaker, it is not our job to determine if the president is guilty of being a philanderer, a coward, a sinner, or even a liar.

This issue is not whether he was unfaithful but whether he was unfaithful to our laws, and our Constitution. No president, even a popular one, has the right to cheat on the most sacred document in the world.

For those who favor a censure that amounts to nothing more than a verbal spanking, how do we adequately rebuke a man who insists he's done nothing wrong, who flaunts the law and wants to manipulate the Constitution?

The law does recognize that a lesser penalty should apply to those with remorse and a contrite spirit, but there is none.

There cannot be two standards under the law, just as there cannot be a geographically desirable place to lie under oath. The law does not pause, even if you are the President of the United States.

If we can court-martial members of our military and subject them to 50 years of jail time for lying under oath to cover up sexual indiscretions, should the punishment be nothing for a president or any other citizen of this land? We cannot reconcile that which makes no sense.

Sometimes in this life somebody has to not just be the adult, but the bigger adult. Our president refuses to go down that path.

He allowed a casual workplace flirtation to go to a place it never should have gone, and then acted as if he was somehow victimized.

He put our country through months of denials and defiance and outright lies. He knew the stakes and the consequences of lying under oath, and then did so anyway.

I gave this president every benefit of the doubt. I remain stunned by his inability and refusal to place the country first.

Lying under oath is not nothing. Perjury is not nothing. As a prosecutor, I sent people to jail for this crime.

I would give anything to be elsewhere today, to not have to cast this vote. Our President left us, left me, with no other option.

Mr. President, you gave into your shame. I refuse to do the same.

While partisan politics makes an easy foil for the predicament President Clinton finds himself, it cannot be blamed.

When the spin and partisan hostility fade, I am confident that history will reveal that President Clinton was the master of his own demise in both words and deeds.

Ms. RIVERS. Mr. Speaker, I do not approve of nor defend, the behavior of the president that has brought us here. I have no interest in helping him avoid the legal consequences of those acts. However, I have every interest in making sure those consequences are constitutional.

The constitution tells us a President can only be impeached and removed by Congress for treason, bribery and other high crimes and misdemeanors. The founding fathers were clear that the careful balance of powers between the branches could be altered in only the most extraordinary circumstances.

Alexander Hamilton in The Federalist #65 argued that impeachment is meant to address "the misconduct of public men," "the violation of some public trust," or "to address injuries done immediately to the society itself."

Wooddeson, a legal scholar whose writings in 1777 were nearly contemporaneous with the drafting of the constitution, and whose views on English impeachment provided the foundation for much of the impeachment discussion in Jefferson's Manual spoke to the use of impeachment to prosecute "magistrates and officers instrusted with the administration of public affairs [who] abuse their delegated powers to the extension detriment of the community, and. . . in a manner not properly cognizable before ordinary tribunals."

The standards set forth by the founding fathers remain vital and immutable—we are not free to add to the list of impeachable offenses, no matter how worthy our additions.

Just last year in Clinton v. Jones—in a 9–0 decision, the Supreme Court referred to the historical standard for impeachment when it quoted James Wilson—delegate to both the Philadelphia and Pennsylvania conventions—who said "that although the President is placed on high, not a single privilege is annexed to his character; far from being above the laws, he is amenable to them in his private character as a citizen and in his public character by impeachment." The justices go on to say that "with respect to acts taken in his "public character". . . that is official acts. . . the President may be disciplined, principally by impeachment. . . But he is otherwise subject to the laws for his purely private acts."

As you probably recall, the Supreme Court allowed Ms. Jones lawsuit was allowed to go forward expressly because it was the personal, private conduct of the President that was at issue. The conduct before us is the same.

The history is clear and so is our duty. The behavior at issue here—if proven—are punishable in the Courts. They are not, however, of the "public" character necessary to rise to the level of impeachable offenses.

I will vote no—not because I believe the President should be able to avoid the legal consequences ordinary Americans would face in similar circumstances, but because I believe he should face exactly the same consequences: trial in a court of law. This outcome does not subvert the law, as the majority argues, but in fact, observes the law as the Constitution demands. The founding fathers, more than 200 years ago, and the Supreme Court, just last year, laid out the course we must follow.

The Constitution must be our guide. The wrath that the citizens of this country delivered upon us when we shut down the government will be nothing compared to what will happen if we rape the Constitution.

Mr. LoBIONDO. Mr. Speaker, voting for the articles of impeachment will be one of the most difficult votes I will cast in my career. I cannot think of anything more serious for myself and the nation. I have put more effort into this decision than any other I have made in elected office. I have spoken personally with hundreds of constituents, read mountains of correspondence, and carefully listened to legal arguments on both sides of the issue.

The President has an obligation set out in Article II, Section 3 of the Constitution to "take Care that the Laws be faithfully executed." The President is the Nation's chief law enforcement officer who appoints the Attorney General and nominates all federal judges including the Supreme Court. I cannot in good conscience allow the President to violate the law and his Constitutional duty without consequence.

I have come to my decision after a long and careful consideration of the facts. These facts have not been disputed. There is clear and convincing evidence that the President broke the law. The laws he broke are serious enough to warrant impeachment. Specifically, the evidence demonstrates that the President committed perjury and perjury is a felony punishable by up to five years in prison. If Congress chose to ignore the President's actions, we would set the dangerous precedent that some are above the law. But the truth is no one is above the law, and everyone has an obligation to uphold the law no matter how personally uncomfortable compliance might be.

If the House ultimately decides to approve one or more impeachment articles, the Constitution charges the Senate with the responsibility to decide what proper action should be taken. I hope they act expeditiously and I will abide by their decision. This has been an extremely wearisome experience for the country and it is in everybody's best interest to bring closure soon.

Mr. FOSSELLA. Mr. Speaker, over the past few months I have reviewed, in some instances more than once, the evidence in this case in an objective and dispassionate manner.

Perjury, or lying under oath, is a felony. As evidence, there are American citizens in jail today because they did not tell the truth, the whole truth and nothing but the truth in a court of law. The foundation of our legal system is premised upon the rule that when any citizen raises his or her hand and swears to tell the truth, he or she will tell the truth.

In my community, as in every community throughout our nation, juries have reaffirmed that fundamental principle. Today in New York due to a felony conviction: A Police Officer would lose his job, lose his pension and go to jail; an attorney would face automatic disbarment and go to jail; and a captain in the United States Army could be subject to court martial and go to jail.

In reviewing the evidence, it became clear and convincing to me that the President lied under oath in a civil proceeding and in testifying before a Federal Grand Jury. In this case I believe there is sufficient evidence that William Jefferson Clinton committed perjury and abused the office of the Presidency. Accordingly, I will take the only course of action that the United States Constitution has mandated me to do—I will vote for impeachment and let the United State Senate conduct a trial to determine the ultimate outcome.

I understand that this decision may not sit well with some people. And I appreciate that many Americans have take the time to voice their opinions. But, it is my firm belief that I must do what I believe is right. Indeed, there are those who acknowledged that the President has committed a felony, yet will not summon the courage to vote to move this matter to the Senate for trial. I cannot defend the indefensible and maintain a clear conscience. I cannot in good conscience justify a vote against impeachment.

The integrity of the judicial system and the rule of law must be maintained regardless of who comes before it. We cannot ignore the rule of law for the President, but apply it to the ordinary citizen.

Our founding fathers and many of our ancestors escaped the tyranny where the King was law. Millions have fought, hundreds of thousands have died and many are fighting today, far from our shores, to preserve the freedom and rule of law that we enjoy. This vote is cast to preserve the notion for our children and future generations of Americans yet unborn that in the United States of America the law is King.

Mr. LAZIO of New York. Mr. Speaker, after accompanying the President as he returned home from the Middle East, I return to the House of Representatives to vote on authorizing his trial of impeachment in the Senate. Aloft in Air Force One I was deeply impressed once again by the Presidency itself, a great and stable institution that transcends even the finest men who have occupied the office. Through some may add to it and others may subtract from it, the office remains imperturbable because it represents not only the Nation but the constitutional order.

I bear no animus for Bill Clinton. I have no grudge against him. Nor would I consider removing a President from office because of partisan differences. For one thing, the President has on many occasions adopted Republican positions, and on various subjects his political outlook is congenial to mine. For another, his replacement should he be removed from office or resign would be the Vice President, a man who has been less aligned with my party's views.

This is neither a personal nor a partisan decision. Its difficulty lies in the rare but important conflict between what is expedient in the short term and what resonates as a guiding principle for time with no limit. It is not about the fate of one man, but the value of truth itself, the principle that no man, no matter how rich or powerful, is above the law. It is about the notion of accountability, and about dealing straight and keeping one's word.

Public ethics and the truth must be partners. A leader who tells the truth no matter what the cost to him is a leader who puts the interests of the country before his own, and thus with these priorities, has the power of moral suasion. He is able to call upon a vast reservoir of public esteem to marshal the people for great things and in defense of essential principles. And great leaders do not arise without this understanding clearly in mind. They are recruited by expectations, and their repayment for the trust the people vest in them is their integrity.

Duty. Honor. Trust. Sacrifice. These are the qualities that, for the sake of people they had never known and the principles formulated centuries before their births, enabled millions of American soldiers to put their lives on the line in far-off lands and in horrific moments. If they could do so then, at the price of their lives, then it should not be difficult now to tell the truth or vote according to the dictates of conscience even if it means the end of one's career. And that is what I will do. With the greatest respect and humility for those who made far more difficult decisions and at a far greater price, I will simply abide by what I think is right, without political calculation.

And what do I think is right in this case? When I was a Suffolk County prosecutor my entire duty was based on the integrity and conduct of the men and women who took an oath to tell the truth. In many cases it was difficult for these people to testify honestly, sometimes it was even disastrous. But when they were sworn-in they understood that this was different, that here the truth was required, that it was almost holy, that upon their respect for their oath would ride many things, including the functioning of the system of justice, the existence of a government of laws, the equality of one citizen with another, and, not least, their own honor. These were ordinary people. They understood. In many cases, they sacrificed. In many cases, they suffered. But they told the truth.

If an anonymous citizen, with no reward for his actions other than the knowledge that he has done right, can abide by his oath, what about a President, upon whom someday the light of history will shine? We have strengthened the office and given the President immense power and privilege not only with the expectation that he will be scrupulously honest but also with the thought of helping him to be so. Unlike the ordinary citizen, his decisions are insulated and he is protected. And history is poised to look kindly on him for every instance in which he sacrifices for the sake of the nation he leads, for every instance in which he chooses forthrightness rather than obfuscation: in short, for his character.

Therefore, when a President fails in his duty as an ordinary citizen does not, the failure is catastrophic. Shall less be expected of the President than of you or me? It has always been that we expect and deserve of the President a great deal more. Nor is the case in question a private matter. For a high school principal, a corporate executive, a military officer, or anyone else, it would not be a private matter. Here, the trustee of the greatest of world powers knows that he will be in a sworn legal proceeding, consults with advisers (including taxpayer-paid White House lawyers) for many months, has full notice, appears voluntarily before a criminal grand jury (though only due to the existence of incontrovertible evidence), and still cannot bring himself to do what the Government he heads insists every day that we all do—tell the truth.

For me, the turning point was the President's written response to the 81 questions posed by the Judiciary Committee. The only thing required of him was the truth. The questions were submitted with the hope and expectation that he would put the interests of the country and the constitution before his own, that he would cease the very elaborate game that he had long been playing, that he would tell the truth and reclaim the honor and dignity of the Presidency. But he did not.

What choice is there, then? What choice is there when the President's own witnesses before the Judiciary Committee claim that he has "disgraced the Presidency" and acted without morals? His own lawyer testified that the President, having taken the oath that promises "the truth, the whole truth and nothing but the truth," gave an answer that amounted to a "false denial." And the President continues to profess that "false denials" are not lies. This is a catastrophic abdication of ethical leadership and a grave departure from our most fundamental practices.

I have chosen my course, and will vote for impeachment, to hammer home as best I can that we must continue to insist that no one is above the law and that the truth must be told. We simply cannot tolerate dishonesty in the heart of our Government. This is what I was brought up to believe, and I believe it still.

Ms. ESHOO. Mr. Speaker, today, December 19, 1998, is a day of infamy in the House of Representatives. I believe history will record that on this day, the House of the People, through searing partisanship, disallowed the right of each Member to express his or her own conscience. Today, only votes on impeachment are allowed.

A flawed case was brought forward by the House Judiciary Committee. I say "flawed" because the Framers' intent for removal of the Chief Executive was set at the highest level—treason, bribery, and high crimes against the people. The President's actions, morally wrong as I judge them, do not meet this constitutional standard.

The lessons of history—1868 and 1974 are instructive. Today, our Chamber, in 1998, mirrors the 1868 experience wherein the highly partisan action of the Congress ripped at the fabric of our nation and weakened the Constitution and the Presidency for decades.

The 1974 experience differed in that the evidence brought forward and the deliberations were highly bipartisan—some even say nonpartisan. And importantly, the people of our Nation agreed with the actions Congress took.

I believe that censure is not barred by the Constitution. The Constitution and the Federalist Papers are silent on censure. Hundreds of scholars have spoken on this. Why would the Republican majority so fear a vote being allowed and taken in the House today?

Impeachment of the President is the constitutional equivalent of the death penalty. But the rule of law—a principle so often invoked in the debate—also relies on proportionality. And impeachment of the President for moral laxity is beyond the proportionality of what the President has done and the punishment deserved.

The citizens of our nation do not support impeachment. Almost half the Congress does not support impeachment. Without clear consensus in our Nation, without critical bipartisanship in this House, without proportionality relative to the rule of law, and without a clear case that can withstand the scrutiny of history, we stand on a slippery slope, and I believe our Nation is placed in jeopardy.

Mr. Speaker, our flag is the symbol of our Nation but the Constitution is the soul of our Nation.

Today we tear at the soul of our Nation.

There is no doubt that by his actions Bill Clinton has brought shame as President. But today this body has set itself on a treacherous course of both weakening the Presidency and diminishing the Constitution. This action in 1998 I believe will haunt us in history just as 1868 did.

Mrs. CUBIN. Mr. Speaker, after weeks of soul-searching, hearing from the people of Wyoming, and a thorough review of the evidence, I have reached a painful decision which I realize will severely impact our country and bring humiliation to another human being. At this crucial time, however, we have to put the good of the Republic, the integrity of the Constitution, and the rule of law above all else to protect the future of the United States America. For this reason, I will vote to impeach the President.

This is an awesome responsibility that none of us take lightly, certainly not me.

Perjury, obstruction of justice, and abuse of power undermine the basis of our judicial system, our system of laws, thereby undermining the very foundation of this great country.

I recognize the profound effect my vote will have on the future of our democracy and most importantly, the effect and impact it will have on the future of our children. It may well be the most important vote I ever cast during my years of public service.

I want you to know I have prayed for guidance every day. After examining all the material, watching the hearings, listening to the testimony and to the President, and making myself familiar with all the information I can, I have come to the sad conclusion that I must vote for all four proposed articles of impeachment against the President of the United States. In my view, there is no doubt the President's actions warrant impeachment and a subsequent trial in the Senate.

None of us are perfect, and we can all be forgiven for what we do in life. However, forgiveness does not negate the fact that every action we take in life has consequences. President Clinton is not just our head of state. He is the most powerful public servant in the country, probably the world. He took an oath to uphold the Constitution and the laws of our land. The American people are right to hold him to this high standard, and the Congress is right to uphold the Constitution when the President fails to do so.

I implore the President to resign in order to spare the country and the people of America the painful and embarrassing experience of going through further impeachment proceedings. If he does not resign, I have the solemn duty to vote to impeach William Jefferson Clinton.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Friday, December 18, 1998, the previous question is ordered on the resolution.

MOTION TO RECOMMIT OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. BOUCHER. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BOUCHER moves to recommit the resolution H. Res. 611 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the resolving clause and insert the following:

That it is the sense of the House that—

(1) on January 20, 1993, William Jefferson Clinton took the oath prescribed by the Constitution of the United States faithfully to execute the office of President; implicit in that oath is the obligation that the President set an example of high moral standards and conduct himself in a manner that fosters respect for the truth; and William Jefferson Clinton, has egregiously failed in this obligation, and through his actions violated the trust of the American people, lessened their esteem for the office of President, and dishonored the office which they have entrusted to him;

(2)(A) William Jefferson Clinton made false statements concerning his reprehensible conduct with a subordinate;

(B) William Jefferson Clinton wrongly took steps to delay discovery of the truth; and

(C) inasmuch as no person is above the law, William Jefferson Clinton remains subject to criminal and civil penalties; and

(3) William Jefferson Clinton, President of the United States, by his conduct has brought upon himself, and fully deserves, the censure and condemnation of the American people and this House.

Mr. SOLOMON. Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) reserves a point of order.

Pursuant to the order of the House of Friday, December 18, 1998, the gentleman from Virginia (Mr. BOUCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. Boucher) for 5 minutes.

Mr. BOUCHER. Mr. Speaker, this debate comes very late, and it comes in a procedurally awkward manner. The resolution of censure that I am pleased to offer today was made in order for consideration in the Committee on the Judiciary by the gentleman from Illinois (Mr. HYDE), the chairman.

He understood the importance of an evenhanded process. He understood the need for balance. He perceived that fairness required the availability to the Members of the outcome for this investigation, which is the clear preference of the American people, the passage of a resolution of censure that admonishes the President for his conduct.

I commend the gentleman from Illinois (Mr. HYDE) for that evenhandedness. I can only wish that his example had been followed by the majority leadership in the House. With the leadership's concurrence, the Committee on Rules could have been convened, and a procedural resolution allowing floor consideration of both the articles of impeachment and a resolution of censure could have been reported and adopted by the House. This censure resolution could have and should have been made in order from the start.

But that did not occur. The Members of the House did not have a censure alternative available to them from the beginning, and a point of order has been reserved to this resolution offered at the present time. I very much regret this procedure. I think it is a monument to unfairness.

Not only is a censure and rebuke of the President the public's clear choice, but it is the right thing to do. The constitutional history clearly instructs us that the presidential impeachment power is to be used only as a last resort at times of true national emergency. Its purpose is to remove from office a president whose conduct threatens the very foundations of our system of government. It is a drastic remedy for the removal of a tyrant. It should not be used to remove a president whose offense is a shameful affair and its efforts to conceal it. For that offense he can be tried in a court of law. For that offense he can and should be censured by this House. That would be a perfect expression of the public's entirely justified outrage.

But to use the impeachment power for that conduct defines it down, cheapens its use, lowers the standard of impeachment for all time, and will inherently weaken the presidential office. Censure is the right approach. I urge approval of this resolution.

Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

Mr. GEPHARDT. Mr. Speaker, I stood on this floor yesterday and implored all of us to say that the politics of slash and burn must end. I implored all of us that we must turn away from the politics of personal destruction and return to the politics of values.

It is with that same passion that I say to all of you today that the gentleman from Louisiana (Mr. BOB LIVINGSTON) is a worthy and good and honorable man.

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I believe his decision to retire is a terrible capitulation to the negative forces that are consuming our political system and our country, and I pray with all my heart that he will reconsider this decision.

Our Founding Fathers created a system of government of men, not of angels. No one standing in this House today can pass the puritanical test of purity that some are demanding that our elected leaders take. If we demand that mere mortals live up to this standard, we will see our seats of government lay empty and we will see the best, most able people unfairly cast out of public service.

We need to stop destroying imperfect people at the altar of an unobtainable morality. We need to start living up to the standards which the public in its infinite wisdom understands, that imperfect people must strive towards, but too often fall short.

We are now rapidly descending into a politics where life imitates farce, fratricide dominates our public debate, and America is held hostage to tactics of smear and fear.

Let all of us here today say no to resignation, no to impeachment, no to hatred, no to intolerance of each other, and no to vicious self-righteousness.

We need to start healing. We need to start binding up our wounds. We need to end this downward spiral which will culminate in the death of representative democracy.

I believe this healing can start today by changing the course we have begun. This is exactly why we need this today to be bipartisan. This is why we ask the opportunity to vote on a bipartisan censure resolution, to begin the process of healing our Nation and healing our people.

We are on the brink of the abyss. The only way we stop this insanity is through the force of our own will. The only way we stop this spiral is for all of us to finally say "enough."

Let us step back from the abyss and let us begin a new politics of respect and fairness and decency, which realizes what has come before.

May God have mercy on this Congress, and may Congress have the wisdom and the courage and the goodness to save itself today.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Wisconsin (Mr. Sensenbrenner) is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, I yield to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding to me, and I rise in opposition to the motion to recommit.

The gentleman from Missouri (Mr. GEPHARDT) has, with his customary dignity and good grace, made a passionate appeal for the motion to recommit. I submit to the House, however, that the motion to recommit must be rejected by this House.

The motion to recommit must be rejected first and foremost because we today in this House do not sit in judgment on the President for his sins. We do not sit in judgment on the President for his frailties, for his human failings. That is not our responsibility.

But today in this House we do sit in judgment on the President of the United States for his crimes. And it is because of his crimes that this motion must be rejected.

It must be rejected first because the proposal for censure is outside the framework established by our Constitution. As the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, so eloquently explained, the Constitution establishes a single method for this Congress to sit in judgment on the misconduct of a President. The constitutional method is impeachment by the House and trial in the Senate.

Other methods may seem to us more convenient or more comfortable, but our standard cannot be comfort or convenience. Our standard must be and always remain our Constitution.

Are we in this House so fearful of following the constitutional standard? Do we have so little faith in the institutions of our government and the path marked out for us in our Constitution that we would turn aside and substitute our opinions for the wisdom of the Framers and go down another path? Our answer must be no. We must stay on the path laid out for us in the Constitution.

To those who say that a vote of censure is a matter of conscience, I must say that their consciences do not bind the Committee on the Judiciary to bring before this House a measure which we judge to be harmful and dangerous because it is outside the constitutional framework, a measure which violates the separation of powers. Their consciences do not trump our Constitution.

And I must also ask this: If expressing a censure of the President is such a matter of conscience, why have they not done what is clearly within their power and which raises no constitutional problems to censure President Clinton? Why has the Democratic Caucus, by its own solemn act and resolution, not censured President Clinton? With all due respect to my Democratic friends, I must suggest, if their consciences were so stricken, they would have censured him by their own collective judgment through the action of their own Caucus long before we came to this sad day.

There are, of course, other reasons that this House must reject censure. We must reject censure because the facts of the case against the President, facts establishing a calculated and sustained pattern of perjury and obstruction of justice, are overwhelming. All the attacks on the Independent Counsel, all the attacks on the Committee on the Judiciary do not alter the stubborn facts of the case against President William Jefferson Clinton.

We must reject censure because the President's defense rests squarely, we must sadly conclude, on the denial of the obvious and the assertion of pure nonsense. To this day, the President's defense rests on the claim that he told the truth in his deposition when he denied that he had any specific recollection of ever being alone with Ms. Lewinsky. Who in this House believes that? Who in this country believes that? To this day, the President's defense rests on the argument that Ms. Lewinsky had sex with him, but he did not have sex with her.

How sad it is that the President of the United States is reduced to making such nonsensical arguments. What rational person can accept such a defense? Such a defense is an insult to our intelligence, an insult to judgment and to common sense.

Finally, we must reject censure because under our Constitution, the President's crimes, not his sins, not his human failings, but his crimes demand impeachment. William Jefferson Clinton has willfully, he has willfully turned aside from the unique role assigned to him under our Constitution. He has willfully turned aside from the oath of office that he swore. He has willfully turned aside from his preeminent duty to take care that the laws be faithfully executed. Such a President should not remain in office. Such a President must be impeached by this House and brought to account before the Senate.

POINT OF ORDER

The SPEAKER pro tempore. Does the gentleman from New York (Mr. SOLOMON) insist on his point of order?

Mr. SOLOMON. Mr. Speaker, I do insist on my point of order and I wish to be recognized on the point of order.

Mr. Speaker, I make the point of order against this motion to recommit on the grounds that it does violate clause 7 of House Rule XVI, that is the germaneness rule.

Mr. Speaker, this rule is a rule of the House and it requires amendments to be germane to the text that one is attempting to amend. And, Mr. Speaker, House Resolution 611, a resolution impeaching President Clinton for high crimes and misdemeanors, was reported as a question of privileges of the House under Rule IX. This privileged status is established by the Constitution in Article I, Section 2, which grants the House the sole power of impeachment.

□ 1145

It is also established by numerous precedents in the history of this House in which resolutions of impeachment have been called up as privileged matter on the floor.

Mr. Speaker, the motion to recommit contains matter which is not privileged for consideration by this House. An attempt to insert nonprivileged matter into privileged matter by amendment clearly violates the germaneness rules of this House.

Mr. Speaker, in order to be held germane, an amendment must share a fundamental purpose with the text one attempts to amend. Impeachment is the prescribed mechanism to address this conduct by the chief executive, and any other procedure has no foundation in the Constitution and is not contemplated by the separation of powers. To attempt to substitute a censure for impeachment is to violate the overall purpose of the Constitution's impeachment clause.

Mr. Speaker, the fundamental purpose of the motion to recommit presently before the House obviously does not conform to the fundamental purpose of the impeachment resolution. It proposes a different end, a different result and a different method of achieving that end.

Mr. Speaker, I urge the Chair to sustain this point of order.

I ask unanimous consent to insert extraneous matter at this point in the RECORD. It is a "Dear Colleague" letter to Members from myself and the incoming chairman of the Committee on Rules, the gentleman from California (Mr. DREIER).

Finally, Mr. Speaker, let me just say that this House has a tradition, it has a tradition of nonpartisan rulings by the Chair on questions of germaneness. Indeed, the parliamentarian of the House is a nonpartisan officer of the majority and minority party Members. These recommendations are based on an orderly set of factual rulings from the past which establish precedents of the future.

Mr. Speaker, I urge you to continue your reputation of fairness and sustain this point of order.

The SPEAKER pro tempore (Mr. LAHOOD). Extraneous material will be inserted after the point of order is disposed of.

Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. MOAKLEY. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, there is nothing unusual or unprecedented in offering this motion. On many occasions the House has debated resolutions to censure presidents, other executive officials, even private citizens. In fact, Mr. Speaker, the House has even debated an amendment to convert articles of impeachment into a censure resolution. In 1830, Mr. Speaker, no one even questioned the legitimacy of that amendment.

The Boucher amendment to censure the President is germane to the articles of impeachment that we find before us.

Mr. Speaker, in proposing this amendment, we are simply following the precedents of the House. The 3rd volume of Hinds' Precedents, section 2367, clearly records that during the impeachment of Judge James Peck, Representative Edward Everett of Massachusetts offered an amendment to an impeachment resolution. That amendment stated that the "House does not approve of the conduct of James Peck" and goes on to recommend that he not be impeached. This is, in essence, Mr. Speaker, what the motion of the gentleman from Virginia (Mr. BOUCHER) does.

The Boucher amendment strikes out the articles of impeachment and, in a more expansive formulation, states that the "House does not approve of the conduct of" President Clinton. The House went on to defeat Representative EVERETT's amendment, but it was offered, it was debated, and it was voted upon.

Mr. Speaker, we are asking for the same consideration that the precedents of the House prove was given before. And furthermore, Mr. Speaker, the Peck case is not the only time that the House has considered censure of an individual subject to impeachment.

In a recent study, the Congressional Research Service reported that the House has considered censuring executive officials a total of 9 times. And the House also has censured its own Members.

The Republican-led House has considered numerous resolutions expressing its disapproval of individuals and their conduct. Just recently the House condemned travel by Louis Farrakhan and the House castigated the remarks of Sara Lister, Assistant Secretary of the Army for Manpower. The House even expressed itself on the President's assertions of executive privilege. And the House expressed its views on many other matters.

Surely, Mr. Speaker, if the House can approve the display of the Ten Commandments, it can censure the deplorable behavior of President Clinton, and we are simply asking for that opportunity.

The gentleman from New York (Mr. SOLOMON) makes the point of order that the amendment is nongermane. The amendment could be challenged on three grounds: First, that it is not germane to amend privileged material with nonprivileged material; second, that even if censure is considered as privileged, the fundamental purpose of impeachment is different from censure; and third, that censure is not a constitutionally sound remedy.

On the first argument, Mr. Speaker, the Chair may be tempted to follow footnote 8 in Deschler's volume 3, chapter 14, section 1.3 which states that it is not germane to amend impeachment which is privileged material with censure which is nonprivileged material. But I ask the Chair to withhold judgment on that. The footnote itself acknowledges that this is not a matter of precedent because the issue has never arisen. Again, Mr. Speaker, this is not a matter of precedent because the issue has never arisen.

Moreover, it is clearly established that resolutions of censure have been considered as privileged in the past.

In the second volume of Hinds, section 1625, a Mr. A.P. Field was reprimanded in the well of the House by the Speaker pursuant to a privileged resolution. And this is not the only case, Mr. Speaker. The 6th volume of Cannons precedents, section 333, records that in 1913, a Mr. Charles Glover was also brought to the well of the House. He was reprimanded by the Speaker pursuant to a privileged resolution.

Mr. Speaker, it is clearly established that resolutions that provide for censure or reprimand have been considered as privileged in the past. In sum, it is supported by the precedents that resolutions of censure have been treated as privileged by this House and, therefore, the argument that it is not germane to amend privileged matters with nonprivileged material is not at issue in this case.

The second line of argument my Republican colleagues use is that censure has a fundamentally different purpose than impeachment. The argument is that impeachment is intended to remedy a constitutional crisis whereas censure is designed to punish.

Mr. Speaker, let me ask, where is the remedial meaning in phrases such as "acted in a manner subversive of the rule of law and justice" "has brought disrepute on the presidency" and "exhibited contempt for the inquiry"?

These words of censure are found in the very articles before us. Clearly, Mr. Speaker, this language is meant to inflict punishment on the President, punishment that is at odds with the remedial nature of impeachment.

The articles of impeachment also touch on this issue of punishment by recommending to the Senate that the President be tried, convicted, removed from office and forbidden to hold any office in the future. In fact, Mr. Speaker, the House has never, ever recommended to the Senate that the person being impeached also be prohibited from holding other office. Even in the highly-charged, politically-motivated impeachment of President Andrew Johnson, the House did not dare recommend to the Senate an appropriate punishment.

The committee clearly intends not only to remedy the situation by impeaching the President but also intends to punish him by its disqualification to hold and enjoy office of honor, trust or profit under the United States.

The words of Alexander Hamilton in Federalist 65 are instructive. When discussing impeachment, Hamilton uses the word "punishment" to describe being denied future public office. It certainly sounds like punishment to me, Mr. Speaker.

Mr. Hamilton also describes that punishment as being "sentenced to a perpetual ostracism from the esteem and confidence and honors and emoluments of this country." Clearly, Alexander Hamilton believed that denial of future public office was intended to be punitive as well as remedial.

Mr. Speaker, since this resolution contains both remedial impeachment and punitive censure, it should be germane to propose censure alone. The Committee on the Judiciary itself has opened the door by censuring the President.

The last argument that is being propounded is that censure is not a constitutionally sound remedy. I would urge the Speaker not to entertain this argument. It is well established that the presiding officer does not pass judgment on the constitutionality of any proposed legislation, 8 Cannon section 3031.

If the Speaker still feels constrained to address the constitutional question, I remind the Chair that the House has attempted to censure Federal officials numerous times in the past and has in fact voted to censure such individuals.

Not once, Mr. Speaker, not once has there been a successful constitutional challenge. Clearly, censure is not prohibited by the Constitution.

Mr. Speaker, I respectfully remind the Chair that you are ruling on a profoundly important matter, a matter of whether to allow us a vote of conscience in the matter of impeachment. In the 210 years of Congress, 210 years that Congress has been in existence, no Chair has ever been called on to rule whether censure is germane to impeachment. I repeat that. In 210 years, the Chair has never been called on to rule on that. Your decision would be the first and the only such decision and will be recorded in the rule books as such.

Volume 3 of Deschler's notes, and I quote, "the issue of whether a proposition to censure a Federal officer would be germane to a proposition for his impeachment has not arisen." While the Chair was not asked to rule on the question then, the House has considered an amendment to the impeachment resolution to censure Judge Peck and in has in other instances considered censure resolutions as privileged.

Mr. Speaker, it has happened in the past. I urge the Chair to follow the weight of House practice and to overrule the point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of the point of order on the motion to recommit because it is not germane to House Resolution 611.

Clause 7 of rule XVI of the rules of the House of Representatives provides that "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." Prior rulings of the House have held this provision applicable to motions to recommit with or without instructions. A motion to recommit is not in order if it would not be in order as an amendment to the underlying proposition.

The constitutional prerogatives of the House, such as impeachment and matters incidental thereto, are questions of high privilege under rule IX of the House rules.

A joint or simple resolution evincing the disapproval of the House is not a question of privilege under the rules of the House.

Furthermore, the fundamental principle of such a censure resolution is inconsistent with the fundamental purpose of an impeachment resolution.

I would point out to the Chair that the motion to recommit with instructions that is under consideration here is not even a censure motion. It is a sense of the Congress resolution, and I would refer the Chair to the last four lines of their resolution, that William Jefferson Clinton, President of the United States, by his conduct has brought upon himself and fully deserves the censure and condemnation of the American people and this House. It says he deserves the censure but it does not censure him.

We have heard an awful lot about the rule of law during this debate, which I think has been one of the finest debates that the House of Representatives has had.

□ 1200

This is our opportunity to uphold our rules, our laws, and I would strongly urge the Chair to sustain the point of order.

The SPEAKER pro tempore (Mr. LAHOOD). Are there other Members who wish to be heard?

The Chair recognizes the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I wish to be heard on the point of order and I urge you to overrule the point of order.

Mr. Speaker, the argument has been made that censure is unprecedented, uncommon or unconstitutional. That simply is not the case.

In the impeachment of Judge Peck, an amendment was offered that contained a censure. The gentleman from Massachusetts (Mr. MOAKLEY) spoke to this in his remarks. I want to point out that on many other occasions the House has chosen censure over impeachment. I would like to cite a few examples.

In the case of Judge Speers, the committee report stated, and I am quoting, "The record presents a series of legal oppressions that demand condemnation and criticism." Even in the light of this finding, the committee did not recommend proceeding with impeachment and the report containing censure was adopted.

In the cases of Judge Harry Anderson, Judge Frank Cooper, Judge Grover Moscowitz, Judge Blodgett, Judge Boarman, Judge Jenkins and Judge Ricks, the committee recommended censure instead of proceeding with impeachment.

The fact of the matter, Mr. Speaker, is that there is a long-standing history in the House of substituting censure for impeachment. Sometimes, as in the Louderback case, the Committee on the Judiciary recommends censure and the House rejects that recommendation and votes impeachment. Other times the committee has recommended censure over impeachment and the House has agreed with that recommendation. Mr. Speaker, what is important is that the House has had a choice between censure and impeachment.

There is also a long tradition in the House of censuring executive officers. As we have heard, a recent Congressional Research Service study found nine instances where the House has attempted to censure Federal officials. Presidents John Adams, John Tyler, James Polk and James Buchanan were all subject of censure resolutions. In addition, Treasury Secretary Alexander Hamilton, Navy Secretary Isaac

Toucey, former War Secretary Simon Cameron, Navy Secretary Gideon Welles, and Ambassador Thomas Bayard as well, were all subject to censure resolutions.

Indeed, private citizens have also been censured by the House. The gentleman from Massachusetts (Mr. MOAKLEY) cited two examples in his opening argument. The House has also censured a Mr. John Anderson, a Mr. Samuel Houston, and moved to censure Mr. Russel Jarvis.

I believe these examples will dispel the myth that censure by the House is uncommon, unprecedented or unconstitutional.

The most salient fact is that when the House wants to censure an individual, both private citizens and executive officers, it can and it has. There is no constitutional prohibition against such an action, and the Congress has freely engaged in passing such censures.

The question before the Speaker is, with this long line of precedent, can censure be offered as an alternative to impeachment? The answer is clearly yes. As I cited above, the House has on many occasions adopted reports from the Committee on the Judiciary that has given the House the opportunity to express its views, its lack of regard, its censure, its condemnation, as an alternative to impeaching a judge. The same model should hold here.

Mr. Speaker, I would argue that the reason this is such a long-standing practice and precedent of the House is because it just makes good common sense. When the House does not feel impeachment is warranted, but does want to go on the record censuring certain behavior, it has. One only need look at the precedents.

Mr. Speaker, I urge that you overrule the point of order.

The SPEAKER pro tempore. Are there any other Members who wish to speak on the point of order?

The Chair recognizes the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Speaker, I join with the gentleman from Wisconsin in rising to a point of order and also noting the dichotomy in this particular proposal of censure; that if this were to pass, we would go on record as stating that the President deserves censure, but the document itself does not grant censure.

There are two other interesting areas relating to the proposal before us. In the House Committee on the Judiciary, when this matter came before us, the maker of the proposed resolution of censure was the same maker as the proposal today, the distinguished gentleman from Virginia. The resolution of censure that was presented to the Committee on the Judiciary had two distinguishing characteristics that are absent today.

In the Committee on the Judiciary, the resolution that was put before us would have required not only a vote of the House but a vote of the Senate to bring the condemnation of Congress upon the President. That is absent here. It also had an additional element. It had an element of requiring the President to come to Congress and to affix his signature to the document in recognition of the censure. That too is absent.

Impeachment, and not censure, is properly before the House at this time. The paradox between the two was demonstrated during our debate in the Committee on the Judiciary on the proposed resolution of censure.

In committee I asked the author if there was any language in the proposal that would preclude any future Congress, by a simple majority vote, from erasing or expunging the censure from history. I knew in advance the answer to that question. No. There can be no such language in a resolution of censure because, under the rules of Congress, this Congress cannot bind a future Congress.

What does this mean? It means that any censure adopted by this House today can be expunged from the record by a simple majority vote of this House. Now, in a courtroom, convicted felons seek to have their criminal convictions expunged. When that request is granted, that felon may truthfully state that he was never convicted of a crime. In the eyes of the law, the criminal conduct simply never happened when expungement is granted. It is forgotten.

A censure resolution of this President today can be erased from our journals and from our history books forever tomorrow, and it may be done by a simple majority vote. Censure is a remedy designed for the polls, it is not a remedy designed for the Constitution. It is a phantom remedy and the amendment should be turned back.

The SPEAKER pro tempore. Does the gentleman from Wisconsin (Mr. BARRETT) wish to speak to the point of order?

Mr. BARRETT of Wisconsin. Yes, Mr. Speaker, I wish to speak. But before I do that, I want to compliment you on the evenhandedness you have displayed in presiding over this matter.

Mr. Speaker, the argument that censure is of a fundamentally different purpose than impeachment has been made; that impeachment is remedial in nature while censure is punitive in nature. Ordinarily, I would agree. The words in the censure resolution are meant to be punishment. But unlike previous articles of impeachment, the impeachment articles before us also raise the issue of punishment, and it does so in three ways:

The articles incorporate language which clearly condemns and, in effect, censures the President. I quote from the articles: "In all of this William Jefferson Clinton has undermined the integrity of his office and has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice to the manifest injury of the people of the United States." This language appears in all four articles of impeachment.

The article also states that he has, "violated his constitutional duty", and "willfully corrupted and manipulated the judicial process." If this language were considered on its own, it clearly would be considered a condemnation and censure of the President.

Second, and more importantly, last night I looked through the 16 previous articles of impeachment that this House has considered. And for the first time in the history of the Congress, for the first time in 210 years, this House is taking the additional step and telling the Senate that not only should the President be tried and removed from office but also disbarred from ever holding public office again. That language did not even appear in the articles of impeachment for Andrew Johnson or Richard Nixon.

Let me repeat that, Mr. Speaker. For the first time in the history of the United States, the House is taking it upon itself to say that the power of disqualification from office should be invoked. Until today, no Member of this House has voted to do this. Until today.

This is important. Alexander Hamilton, in Federalist 65, talks about this very issue. Hamilton says, "Punishment is not to terminate the chastisement of the offender." Hamilton goes on to talk about the offender having been sentenced to a perpetual ostracism from the esteem and confidence, and honors and emoluments of this country when the person is disqualified from holding public office. While this penalty is partly remedial, one can only conclude that there is something inherently punitive in forever disqualifying an individual from holding public office, and this punishment quality is intentional.

Third, article 4 states that the President exhibited contempt for the inquiry. By charging the President with contempt, the articles open up the possibility for the House to address that contempt.

Mr. Speaker, the precedents clearly show that contempt can be remedied by a censure of this House. It is equally clear that contempt of the House can be addressed by a privileged resolution of censure. The articles before us contain language that clearly raises the issue of punishment and censure.

To a proposition that contains both impeachment and censure, clearly it is germane to offer a proposition for censure. For rather than expanding the purpose of the articles of impeachment, our censure resolution, in a real sense, narrows the focus of the resolution. We do not expand, we narrow the focus.

One final point, Mr. Speaker. You have discretion. You can put the question of germaneness to this body. This is an issue that this body has never considered before. And in doing so, you could truly let the people decide.

The SPEAKER pro tempore. Does anyone on the majority side wish to be heard?

The gentleman from Indiana (Mr. PEASE) is recognized.

Mr. PEASE. Mr. Speaker, what is clear from the debate in the Committee on the Judiciary and on the floor of this House is that the meaning, even the intent of a resolution of censure is not clear.

Some contend that its purpose, no matter what it is called, is to punish the President. Others argue that it is not intended to punish but merely to state the opinion of the House on the matter. Without determining which it is, this much is now clear. If its purpose is to punish the President, no matter how it is captioned, it is a bill of attainder, that is, special legislation intended to punish and identify an individual or group without benefit of judicial proceedings, and constitutionally prohibited.

I understand that the proposal originally before the committee has been amended so as not to require Senate action, thus diminishing it substantially in order to meet the constitutional infirmity. If it is not intended to punish the President, but merely state our opinions, it is clearly meaningless, for we have already done that extensively, some would say exhaustively.

If anything, the debate of the last few months has brought consensus on one thing, the centrality of the rule of law to our system of government. Some contend that the rule of law is best acquitted through impeachment of the President; others that it will be upheld because of the President's exposure to proceedings in civil and criminal courts of this Nation after he leaves office.

□ 1215

But all of us agree that following the rules is essential. The rules of this House, as we were reminded yesterday by both our outgoing rules chairman the gentleman from New York and the incoming rules chairman the gentleman from California, do not allow the interjection of nonprivileged matter into privileged matter by amendment. The articles of impeachment are privileged. The sense of the House resolution is not. The motion, though perhaps so across the rotunda, is not germane here and the point of order should therefore be sustained.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I rise in opposition to the point of order that has been made by the gentleman from New York and in support of the motion to recommit so that this body could have before it the question as to whether or not we can vote for censure.

As you look over the rules and precedents of this House, you will have the broad discretion to include in your ruling the question of fairness and the question of equity. Mr. Speaker, the whole world is watching.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. BUYER).

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, the debate is getting to be repetitive on the point of order.

The SPEAKER pro tempore. The Chair has discretion to hear Members who wish to speak to the point of order. As long as Members speak to the point of order, the Chair hopes to allow Members to do that. The Chair will make a ruling after a sufficient number of Members have had a chance to speak.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, if many of my colleagues are sitting here somewhat confused and scratching their heads and trying to follow this debate and they think this is a bunch of lawyers speaking lawyerly language, I kind of agree with them. They are right. I am confused.

Now, I sat on the Judiciary Committee and I watched this debate. Let me share with my colleagues why. Here is why I am confused. When the censure resolution was offered in the Judiciary Committee, I asked questions of the author about what is its clear intent. The gentleman from Virginia (Mr. BOUCHER) was very clear to me. He said the intent of the censure resolution is not to have findings of guilt and it is not to punish. Then I questioned that, looking at the four corners of the document and got into the exact words, because it did have findings of guilt, that the President had egregiously failed, that he had violated his trust, that he lessened the esteem of his office, that he brought dishonor to his office and then as a form of punishment it sought that the President's actions were entitled to condemnation.

The reason that the gentleman from Virginia (Mr. BOUCHER) would assert that his intent was not to have findings of guilt and not to punish is because it would have brought it within the clear prohibition of the Constitution of bills of attainder. Now, even up to yesterday on this House floor we were still discussing bills of attainder. But now there is a problem. The problem is that how do they make a censure resolution germane as an alternative to impeachment? So they have gotten clever. The cleverness is to change the title but leave the words the same. It is no longer called a censure resolution, it is now called a sense of the House. So being clever, they have now tried to distance themselves from the clear, express constitutional prohibition on bills of attainder and now say that because this is a sense of the Congress resolution, it comes under the speech and debate clause.

That is what is happening here, Mr. Speaker. So now that the same Members who yesterday in debate said that our intent by this was not to have findings of guilt and not to punish, if you are confused that now the same Members are saying that we are having findings of guilt and our intent is to punish, the same Members are saying that now because they have changed the title and it is merely now under the speech and debate clause.

As one of the legal scholars testified before the Judiciary Committee, they said that if it is a sense of the Congress, it is the equivalency of Congress shouting down Pennsylvania Avenue at the President and saying, "We think what you have done was a bad thing," and it has no other clear legal effect.

Now, Mr. Speaker, I rise in support of the point of order on the motion to recommit because censure is not germane as an alternative to the impeachment resolution. I have great respect for every Member of this body. I have had opportunities to speak with many of them. I had a good conversation with the gentleman from Indiana (Mr. ROEMER) yesterday and he and I disagree on this issue.

I understand the motives and the intentions of the Members of this House who would like to censure the President for his lack of integrity, responsibility and violations of the rule of law. I understand their convictions and that is why they offer this sense of the House resolution.

Americans all across the country every day, we all try very hard to live by the rules, principles and proverbs and we teach them to our children. What are they? It is called honesty: You tell the truth, be sincere, do not deceive, mislead or be devious or use trickery. Do not withhold information in relationships of trust. Do not cheat or lie to the detriment of others nor tolerate such practice. You honor your oath. Be loyal. Support and protect your family, your friends, your community and your country. Do not violate the law and ethical principles to win personal gain. Do not ask a friend to do something wrong. Judge all people on their merits. Do not abuse or demean people. Do not use, manipulate, exploit or take advantage of others for personal gain. Be responsible and accountable, think before you act, consider the consequences on all people by your actions.

The SPEAKER pro tempore. Members will confine their remarks to the point of order.

Mr. BUYER. You do not blame others for your mistakes.

Unfortunately, the President did not follow these principles. His criminal misconduct and dereliction of his executive duties do meet the constitutional threshold of high crimes and misdemeanors.

The founders in their infinite wisdom made three coordinate branches of government in a system of checks and balances. When the President and the Vice President, Federal judges and other executive officials are accused of high crimes and misdemeanors, the Constitution gave this body the express authority as the accusatory body to bring the charges. That is why many of my colleagues have referred to the House as the grand jury function. That is accurate. That is why the House is the accusatory body. There is not a grand jury in this country that can investigate, prosecute and have findings, guilt and sentence. That is why in the Constitution they said we accuse and the Senate tries. It is not expressly authorized for anyone to use censure as an alternative to impeachment. Impeachment is our only course of action.

Mr. HEFNER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair has the discretion to recognize Members on a point of order. The Chair is going to exercise that discretion to recognize two more Members on the minority side and two more Members on the majority side before ruling.

The Chair recognizes the gentleman from North Carolina (Mr. HEFNER) on the point of order.

Mr. HEFNER. Mr. Speaker, I do not understand why anybody would be confused, this being an exercise in lawyers here and all the technical things we have talked about.

Let me just mention something here. I have been here longer than most of the people that have talked on this point of order. The most powerful committee in this House is the Rules Committee. It is the Speaker's committee. The leadership in this House and the Speaker in this House dictates the rules that will be considered on this House floor. Make no mistake about it.

Now, it has been said that we cannot have a vote on censure because it is not constitutional. But no one, no one, has shown us why it is unconstitutional. It is an opinion. Nobody has given us concrete evidence that it is not constitutional for us to consider censure.

Now, if that be the case and you want to make the argument that we want to be fair in these proceedings, well, then you would give us a vote on censure. The Rules Committee could have met, the gentleman from New York (Mr. SOLOMON) I think will agree, and you could have crafted any rule that you wanted. You could have waived any points of order to have a rule that comes to this floor, and you would have the votes to enforce the rule that you brought.

But to say that it is unconstitutional and hide behind the fact that it is unconstitutional to me says we are going to have a vote for impeachment to get rid of this President and that is going to be it, period. We are not going to allow anybody to vote his conscience if it conflicts with our conscience.

Now, I do not know about you, but this will be the last time that I will probably ever speak on the floor of this House of Representatives, and it has been the greatest privilege of my life. It has been the greatest privilege of my life to serve on this House of Representatives, and for every Member of Congress, whether I have agreed with you or not, if there is anything that I have said over these years that would have offended anybody, I would ask your forgiveness.

The President of the United States stood before the whole world and said, I have sinned and I ask forgiveness, and that is what it is all about.

I do not know how you are going to rule on this but just as soon as I can get finished, I want to go home and go to the Christmas programs and watch these children stand out front and spell out the name of Christmas and Jesus Christ. I want to go home and celebrate the birth of the saviour Jesus Christ, the prince of peace, and if people want to stay here forever and ever and berate the President, then you just have to let that be your Christmas legacy.

But if you do not allow us a vote on censure, you are saying to me our mind is made up and we are going to get this President and we are not going to give you a vote on it and the deal is cut. If that be the case, we may as well all go home and have the vote now. But I hope that the Chair will not rule that this is not germane.

I thank you very much, God bless you, and have a merry Christmas.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, precedents are important and for precedent in this dispute, in discussing the germaneness of the motion to recommit, I believe one of the most important precedents one can turn to is the founder of the Democrat Party, President Andrew Jackson. His words, indeed, Mr. Speaker, for purposes of this particular debate are particularly relevant, because it was President Jackson who was the subject of a censure motion, and his words printed at great length in the registry of the proceedings of this Chamber in 1834 very clearly discuss, illustrate and stand for the proposition that the very carefully balanced system of checks and balances and separation of powers in our government was violated, would be violated then as it is today by any motion to censure the President as a substitute for impeachment.

The words of Andrew Jackson should be in our minds today, should be in these halls today, because they say that a motion for censure as a substitute for impeachment is offensive to the fundamental work of this Congress, the fundamental powers of this Congress and the powers of the presidency.

This is the precedent, Mr. Speaker, that we should follow today and rule this motion for recommittal out of order as repugnant and offensive to the constitutional separation of powers on which our system of government is based.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TRAFICANT. Mr. Speaker, there has not been one Member that has addressed the legal precedents of the challenge to this motion.

□ 1230

By removing further debate, there is no one else standing. I believe there is only one governing principle here today because of a lack of legislative precedents and action, and that is the Constitution. The Constitution, as has been stated, does not permit censure, but the Constitution does not prohibit censure.

Insofar, under my parliamentary inquiry, as there is no legislative precedence that has been set, and the Founders did not place this with the elected judges of the Supreme Court, they left it to the elected Congress, therefore, they choose not to send it to judicial process but to the political process, and Congress should have the right to work its political will.

Therefore, this motion should be defeated on the grounds that there is no precedence, it is lacking, and it cries out for further interpretation of the Founders' actions. And the Founders' actions were clear. They did not want to place it with the Supreme Court judges that were not responsible to voters; they placed it to the Members of Congress.

Mr. Speaker, I ask that this motion be defeated.

Mr. BOUCHER. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. It is the Chair's prerogative to indicate that this will be the last speaker on the point of order.

The Chair recognizes the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, the gentleman from Massachusetts (Mr. MOAKLEY) has answered well the arguments that have been made in support of the point of order. There is actual precedent for the acceptance by the House of a resolution of censure as an amendment to the impeachment resolution. That occurred in the matter of the impeachment of Judge Peck in 1830.

In response to the argument that censure is nonprivileged material and that it may not be used to amend privileged material, the gentleman has pointed to instances in which the House has treated censure as privileged. And the gentleman persuasively argues that by their own language the articles of impeachment have a fundamental purpose that is both remedial and punitive. The punitive language of the censure resolution is, therefore, not inconsistent with the fundamental purpose of the articles of impeachment.

Mr. Speaker, this is a question of first impression. The Chair has never ruled before on this precise matter. We have had in our Republic 200 years of silence on the question of whether the substitution of a resolution of censure for the President's conduct to articles of impeachment shall be considered as germane.

Given the unprecedented nature of the question, given the extraordinary gravity of the matter that is now before the House, given the inherent unfairness of not making a censure alternative available to the Members and the inherent unfairness of disallowing the consideration of the House by the American public's clearly preferred outcome for this inquiry, which is the passage of a resolution of censure, I urge the Chair to resolve all ambiguities in the rules and all doubts about their proper application in favor of finding that the resolution of censure is germane and permitting its consideration by the House.

A finding of germaneness would do no violence to the precedents of the House. It would not overturn previous rulings of the Chair. It would allow us today to give voice to the public's overwhelming desire to put this unfortunate matter behind us with the stern censure and rebuke which the President, for his conduct, deserves.

I thank the Chair for his patience in listening to these arguments, and I urge his finding that the resolution of censure is germane.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair understands that the ranking member of the Committee on Rules wishes to make a brief statement to the Chair.

Mr. MOAKLEY. Mr. Speaker, I ask to be heard to make a different appeal.

The SPEAKER pro tempore. Briefly.

Mr. MOAKLEY. Arguing in the alternative, Mr. Speaker, and I thank the Chair for its patience, arguing the alternative, if the Chair finds some merit in our argument but is not convinced in the sufficient merit to overrule the point of order, I respectfully urge the Chair to consider to put the motion, the question, directly to the House, and there is precedent for this action.

One of the issues in deciding the germaneness of censure to impeachment is the notion that the censure is not privileged, but impeachment is. On a question of privilege, however, the early practice of the House was for the House to determine whether it should be entertained. In fact, the practice was so well established that in 1842 the Speaker, Representative John White of Kentucky, remarked he could find no instance on record where the Chair had determined what constituted a question of privilege. On the contrary, he found numerous instances where the House had settled it. This occasion is described in the third volume of Hinds' Precedents, section 2654.

When the Speaker was asked to rule on whether a resolution regarding charges made by a Cabinet officer about Members of Congress committed a question of privilege, he said, the Speaker speaking:

> For the Chair to decide in such a case would be an usurpation on its part, and what the Chair might deem a breach of privilege, the House may not deem so, and vice versa.

Again, Mr. Speaker, I remind the Chair that this is a question of first impression. The Speaker has never in the 210 years of history of the Congress been asked to rule on whether censure is germane on impeachment. There is no precedence directly on point. The question has not arisen in the past, although the House has taken up an amendment that would have converted impeachment to censure in the matter of Judge Peck.

Mr. Speaker, in a matter so grave as this, to deny the House a vote of conscience, I beg the Chair not to base its decision on a narrow and technical interpretation, and if the Chair cannot see its way to accept entirely our argument on the merits, I ask the Chair to put the question directly to the House.

The SPEAKER pro tempore. The Chair is prepared to rule.

Knowing that the House may wish to express its will on this question, the Chair nevertheless will follow the course set by presiding officers for at least the past 150 years by rendering a decision from the Chair.

The gentleman from New York has made the point of order that the amendment in the motion to recommit offered by the gentleman from Virginia is not germane to House Resolution 611.

The rule of germaneness derives directly from the authority of the House under section 5 in article I of the Constitution to determine its own rules. It has governed the proceedings of the House for all of its 210-year history. Its applicability to a motion to recommit is well established. As reflected in the Deschler-Brown Precedents in volume 10, chapter 28, both at section 1 and at section 17.2, then-Majority Leader Carl Albert made these general observations about the rule in 1965, and I quote:

> It is a rule which has been insisted upon by Democrats and Republicans alike ever since the Democratic and Republican parties have been in existence.
>
> It is a rule without which this House could never complete its legislative program if there happened to be a substantial minority in opposition.
>
> One of the great things about the House of Representatives and one of the things that distinguish[es] it from other legislative bodies is that we do operate on the rule of germaneness.
>
> No legislative body of this size could ever operate unless it did comply with the rule of germaneness.

At the outset the Chair will state two guiding principles.

First, an otherwise privileged resolution is rendered nonprivileged by the inclusion of nonprivileged matter. This principle is exemplified in the ruling of Speaker Clark on January 11, 1916, which is recorded in Cannon's Precedents at volume 6, section 468. Accordingly, to a resolution pending as privileged, an amendment proposing to broach nonprivileged matter is not germane.

Second, to be germane, an amendment must share a common fundamental purpose with the pending proposition. This principle is annotated in section 798b of the House Rules and Manual. Accordingly, to a pending resolution addressing one matter, an amendment proposing to broach an intrinsically different matter is not germane.

As the excellent arguments in debate on this point of order have made clear, these two principles are closely intertwined in any analysis of the relationship between the amendment proposed in the motion to recommit and the pending resolution. The Chair thanks those who have brought their arguments to the attention of the Chair.

The pending resolution proposes to impeach the President of the United States. As such, it invokes an exclusive constitutional prerogative of the House. The final clause of section 2 in Article I of the Constitution mandates that the House, "shall have the sole power of impeachment." For this reason, the pending proposal constitutes a question of the privileges of the House within the meaning of rule IX. Ample precedent is annotated in the House Rules and Manual at section 604.

The amendment in the motion to recommit offered by the gentleman from Virginia proposes instead to censure the President. It has no comparable nexus to an exclusive constitutional prerogative of the House. Indeed, clause 7 of section 3 in article I of the Constitution prescribes that "judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States."

An instructive contrast appears in clause 2 of section 5 in article I of the Constitution, which establishes a range of alternative disciplinary sanctions for Members of Congress by stating that each House may, "punish its Members for disorderly behavior, and with the concurrence of two-thirds, expel a Member." This contrast demonstrates that, while the constitutional power of either body in Congress to punish one of its Members extends through a range of alternatives, the constitutional power of the Congress to remove the President, consistent with the separation of powers, is confined to the impeachment process.

Thus, a proposal to discipline a Member may admit as germane an amendment to increase or decrease the punishment (except expulsion, which the Chair will address presently), in significant part because the Constitution contemplates that the House may impose alternative punishments. But a resolution of impeachment, being a question of privileges of the House because it invokes an exclusive constitutional prerogative of the House, cannot admit as germane an amendment to convert the remedial sanction of potential removal to a punitive sanction of censure, as that would broach nonprivileged matter. For this conclusion the Chair finds support in Hinds' Precedents at volume 5, section 5810, as cited in Deschler's Precedents at volume 3, chapter 14, section 1.3, footnote 8.

The qualitative difference between these two contrasting sources of disciplinary authority in the Constitution signifies an intrinsic parliamentary difference between impeachment and an alternative sanction against the President. The Chair believes that this distinction is supported in the cited precedents and is specifically discussed in the parliamentary notes on pages 400 and 401 of the cited volume. An analogous case emphasizing an intrinsic difference is recorded in Cannon's Precedents at volume 6, section 236, reflecting that on October 27, 1921, Speaker Gillett held that an amendment proposing to censure a Member of the House was not germane to a resolution proposing that the Member be expelled from the House.

□ 1245

The cited precedent reveals several occasions when the Committee on the Judiciary, having been referred a question of impeachment against a civil officer of the United States, reported a recommendation that impeachment was not warranted and, thereafter, called upon the report as a question of privilege.

The occasional inclusion in an accompanying report of the Committee on the Judiciary of language recommending that an official be censured has not been held to destroy the privilege of an accompanying resolution that does not, itself, convey the language of censure.

The Chair is aware that, in the consideration of a resolution proposing to impeach Judge James Peck in 1830, the House considered an amendment proposing instead to express disapproval while refraining from impeachment. In that instance no Member rose to a point of order, and no parliamentary decision was entered from the Chair or by the House. The amendment was considered by common sufferance. That no Member sought to enforce the rule of germaneness on that occasion does not establish a precedent of the House that such an amendment would be germane.

Where the pending resolution addresses impeachment as a question of the privileges of the House, the rule of germaneness requires that any amendment confine itself to impeachment, whether addressing it in a positive or a negative way. Although it may be possible by germane amendment to convert a reported resolution of impeachment to resolve that impeachment is not warranted, an alternative sanction having no equivalent constitutional footing may not be broached as a question of privilege and, correspondingly, is not germane.

The Chair acknowledges that the language of House Resolution 611 articulates its proposition for impeachment in language that, itself, tends to convey opprobrium. The Chair must remain cognizant, however, that the resolution does so entirely in the framework of the articles of impeachment. Rather than inveighing any separate censure, the resolution only effects the constitutional prayer for judgment by the Senate.

The Chair is not passing on the ultimate constitutionality of a separate resolution of censure. Indeed, the Chair does not judge the constitutionality of measures before the House. Rather, the Chair holds today only that the instant proposal to censure or otherwise admonish the President of the United States—as it does not constitute a question of the privileges of the House—is not germane to the pending resolution of impeachment—an intrinsically separate question of the privileges of the House.

The gentleman from Missouri (Mr. GEPHARDT), the minority leader, is recognized.

Mr. GEPHARDT. Mr. Speaker, with all due respect, I must appeal the ruling of the Chair.

The SPEAKER pro tempore (Mr. LAHOOD). The question is, shall the decision of the Chair stand as the judgment of the House?

MOTION OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARMEY) to lay the appeal of the ruling of the Chair on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEPHARDT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Let the Chair announce that this will be a 15-minute vote, followed by 15-minute votes thereafter.

The vote was taken by electronic device, and there were—ayes 230, noes 204, not voting 1, as follows:

[Roll No. 542]

YEAS—230

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)

Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—1

Miller (CA)

☐ 1304

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Ms. PELOSI. Mr. Speaker, I rise to speak on the point of order. Mr. Speaker our Republican colleagues have agreed that censure is not constitutional. Censure is indeed a Constitutional option. In 1800, Rep. Ed Livingston (NY) introduced a censure motion against President John Adams. The President was successfully represented by Congressman John Marshall of Virginia. Representative Marshall argued the case on the merits and never once argued that censure was unconstitutional.

John Marshall went on to become the Chief Justice of the United States and was the father of much of our constitutional law. Indeed in the landmark 1819 decision McColluch vs Maryland, the court ruled that "there is no phrase in the Constitution which excludes incidental or implied powers." The power of Congress to censure is an obvious corollary of the legislatures inherent power as a deliberative body to speak its mind.

It is therefore clear that censure is not prohibited by the Constitution and is indeed a germane penalty. I urge the Chair to rule the censure motion in order.

Mr. DELAHUNT. Mr. Speaker, I wish to be heard on the point of order and I urge you to overrule the point of order.

Mr. Speaker, the argument has been made that censure is unprecedented, uncommon or unconstitutional. That simply is not the case.

In the impeachment of Judge Peck, an amendment was offered that contained a censure. Mr. MOAKLEY spoke to this in his remarks. I want to point out that on many other occasions, the House has chosen censure over impeachment. I would like to cite a few examples. In the case of Judge Speers, the committee report stated "the record presents a series of legal oppressions (that) demand condemnation and criticism." Even in light of this finding, the committee did not recommend proceeding with impeachment and the report containing the censure was adopted. (6 Cannon 527) In the cases of Judge Harry Anderson (6 Cannon 542), Judge Frank Cooper (6 Cannon 549), Judge Grover Moscowitz (6 Cannon 552), Judge Blodgett (3 Hinds 2516), Judge Boarman (3 Hinds 2518), Judge Jenkins (3 Hinds 2519) and Judge Ricks (3 Hinds 2520) the committee recommended censure instead of proceeding with impeachment.

The fact of the matter, Mr. Speaker, is that there is a long-standing history in this House of substituting censure for impeachment. Sometimes, as in the Louderback case, the Judiciary committee recommends censure and the House rejects that recommendation and votes impeachment.

Other times, the committee has recommended censure over impeachment, and the House has agreed with that recommendation.

Mr. Speaker, what is important is that the House has had a choice between censure and impeachment.

There is also a long tradition in the House of censuring executive officers. A recent Congressional Research Service study finds nine instances where the House has attempted to censure federal officials.

Presidents John Adams, John Tyler, James Polk and James Bucanan were all subjects of censure resolutions. In addition, Treasury Secretary Alexander Hamilton, Navy Secretary Isaac Toucey, Former War Secretary Simon Cameron, Navy Secretary Gideon Welles and Ambassador Thomas Bayard, as well, were all subject to censure resolutions.

Indeed private citizens have also been censured by the House. Mr. MOAKLEY cited two examples in his opening argument. The House has also censured a Mr. John Anderson (2 Hinds 1606), a Mr. Samuel Houston (2 Hinds 1619) and moved to censure a Mr. Russel Jarvis (2 Hinds 1615).

I believe these examples will dispel the myth that censure by the House is uncommon, unprecedented or unconstitutional.

The most salient fact is that when the House wants to censure an individual—both private citizens and executive officers—it can and it has. There is no constitutional prohibition against such an action and the Congress has freely engaged in passing such censures.

The question before the Speaker is, with this long line of precedent, can censure be offered as an alternative to impeachment. The answer is clearly yes. As I cited above, the House has on many occasions adopted reports from the Judiciary Committee that have given the House the opportunity to express its views, its lack of regard, its censure, its condemnation as an alternative to impeaching a judge. The same model should hold here.

Mr. Speaker, I would argue that the reason this is such a long-standing practice and precedent of the House is because it just makes good common sense. When the House does not feel impeachment is warranted, but does want to go on record censuring certain behavior, it has. One only need look at the precedents.

Mr. Speaker, I urge that you overrule the point of order.

Ms. JACKSON-LEE of Texas. Mr. Speaker, throughout this long process as I have listened to this divisive debate, I have had to wonder about the legacy of the 18th Congressional district. The first person to hold this seat was the late Congresswoman Barbara Jordan. She was a member of the Congress in 1974 during Watergate, and she was a Member of the House Judiciary Committee.

I have been careful not to mischaracterize her thoughts or words during these serious and troubling times. However, throughout the debate it seems at every moment the Republican majority continues to misuse Ms. Jordan's comments.

I think it is important to acknowledge the remarks she made today, and the impact that those words will have on the actions we take today. In her July 24, 1974 speech, in citing the Framers of the Constitution, she noted that "the Framers confined in the Congress the power if need be, to remove the President in order to strike a balance between a President swollen with power and grown tyrannical . . ."

She also said impeachment was limited to high crimes and misdemeanors, as she cited the federal convention of 1787. Finally, Ms. Jordan sheds light on what she might have thought of today's proceedings as she states "A President is impeachable if he attempts to subvert the Constitution." I think it is important for Congress to hear these words that the late Barbara Jordan gave on July 24, 1974.

A sense of the Congress resolution on censure is not unconstitutional, it is not prohibited by the words of the Constitution. It is not specifically noted in the Constitution, but however neither are postal stamps, education, or social security. This resolution is germane and constitutionally sound. Mr. Speaker please rule and allow a free standing Resolution on Censure to be voted on by this House—do not deny the will of the people.

The Bible, Mark 3:25, teaches that "[I]f a house be divided against itself, that house cannot stand." It's time to stop the malicious attacks because surely, we will all perish. It is time to close ranks and get back to the business of America. It is time to heal this nation. Today let's restore the American public's faith in the Constitution; do not deny their will.

We need to begin that healing process now to return America to greatness.

The SPEAKER pro tempore (Mr. LAHOOD). The question has been divided for a vote.

The question is on the adoption of article I.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 206, not voting 1, as follows:

[Roll No. 543]

YEAS—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—1

Miller (CA)

□ 1323

So Article I was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the adoption of Article II.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 229, not voting 1, as follows:

[Roll No. 544]

YEAS—205

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—229

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Lazio
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—1

Miller (CA)

☐ 1340

So Article II was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LaHood). The question is on the adoption of Article III.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 212, not voting 2, as follows:

[Roll No. 545]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—212

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—2

Allen
Miller (CA)

☐ 1356

So Article III was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LaHood). The question is on the adoption of Article IV.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. LOFGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 148, nays 285, not voting 2, as follows:

[Roll No. 546]

YEAS—148

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Everett
Ewing
Forbes
Fowler
Fox
Gallegly
Gekas
Gibbons
Gingrich
Goodlatte
Goodling
Graham
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hilleary
Hoekstra
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kingston
Knollenberg
LaHood
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McDade
McKeon
Metcalf
Mica
Miller (FL)
Myrick
Neumann
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Radanovich
Redmond
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Tiahrt
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—285

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foley
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Houghton
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Woolsey
Wynn
Yates

NOT VOTING—2

Allen
Miller (CA)

☐ 1413

Mr. HEFLEY changed his vote from "yea" to "nay."

So Article IV was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CERTAIN APPOINTMENTS AND PROCEDURES RELATING TO IMPEACHMENT PROCEEDINGS

Mr. HYDE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Resolved, That Mr. Hyde, Mr. Sensenbrenner, Mr. McCollum, Mr. Gekas, Mr. Canady, Mr. Buyer, Mr. Bryant, Mr. Chabot, Mr. Barr, Mr. Hutchinson, Mr. Cannon, Mr. Rogan, and Mr. Graham are appointed managers to conduct the impeachment trial against William Jefferson Clinton, President of the United States, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers so appointed may, in connection with the preparation and the conduct of the trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under applicable expense resolutions or from the applicable accounts of the House of Representatives.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any pleadings, in conjunction with or subsequent to, the exhibition of the articles of impeachment that the managers consider necessary.

The Clerk will report the resolution at this time under rule IX.

The Clerk read as follows:

H. RES. 614

Resolved, That Mr. Hyde, Mr. Sensenbrenner, Mr. McCollum, Mr. Gekas, Mr. Canady, Mr. Buyer, Mr. Bryant, Mr. Chabot, Mr. Barr, Mr. Hutchinson, Mr. Cannon, Mr. Rogan, and Mr. Graham are appointed managers to conduct the impeachment trial against William Jefferson Clinton, President of the United States, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers so appointed may, in connection with the preparation and the conduct of the trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under applicable expense resolutions or from the applicable accounts of the House of Representatives.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any pleadings, in conjunction with or subsequent to, the exhibition of the articles of impeachment that the managers consider necessary.

The SPEAKER pro tempore (Mr. LAHOOD). The resolution offered by the gentleman from Illinois (Mr. HYDE) is a question of the privileges of the House.

The Chair recognizes the gentleman from Illinois (Mr. HYDE) to proceed immediately on the resolution.

Under a previous order of the House, the gentleman from Illinois (Mr. HYDE) will control 5 minutes, and the gentleman from Michigan (Mr. CONYERS) will control 5 minutes.

The Clerk will report the resolution.

The Clerk read the resolution.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The Speaker pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. HYDE) for 5 minutes.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume. I certainly will not use 5 minutes.

Mr. Speaker, this resolution merely appoints managers to conduct the impeachment trial, authorizes the message to be sent to the Senate to inform the other body of these appointments, and authorizes the managers to exhibit the articles of impeachment to the Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am opposed to the motion. I do not think there needs to be a lot of discussion about this. We choose not to be a part of the managers in the Senate, and I am going to vote against the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the previous order of the House, the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 190, not voting 17, as follows:

[Roll No. 547]

YEAS—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin

Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley

Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf

Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad

Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon

Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clement
Clyburn
Condit
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)

Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Oberstar
Obey

Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—17

Allen
Buyer
Clayton
Conyers
Costello
Danner

DeGette
Furse
Kennelly
Lipinski
McCarthy (MO)
Miller (CA)

Murtha
Neal
Poshard
Ryun
Smith (OR)

☐ 1434

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 547 on December 19, I was unavoidably detained. Had I been present, I would have voted "no."

EXTENSIONS OF REMARKS

Mr. SANDLIN, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $6,982.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, pursuant to section 3 of House Concurrent Resolution 353, and as the designee for the Majority Leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with the provisions of House Concurrent Resolution 353, the Chair declares the second session of the 105th Congress adjourned sine die.

Thereupon (at 2 o'clock and 36 minutes p.m.), pursuant to section 3 of House Concurrent Resolution 353, the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

12594. A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting the Department's final rule—Foreign Donation of Agricultural Commodities (RIN: 0551–AA56) received November 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12595. A communication from the President of the United States, transmitting from the President, requesting emergency supplemental appropriations for the repair of damage caused by Hurricane Georges, pursuant to Public Law 105–277; (H. Doc. No. 105–355); to the Committee on Appropriations and ordered to be printed.

12596. A letter from the Secretary of Health and Human Services, transmitting a report of a violation of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

12597. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Director of Plans and Programs at the 11th Wing is initiating a cost comparison of the Supply and Transportation functions at Bolling Air Force Base, District of Columbia, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

12598. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Architectural and Engineering Services and Construction Design [DFARS Case 98–D313] received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

12599. A letter from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting a report regarding the feasibility and advisability of expanding the current Department of Defense (DoD) mail order pharmacy program for Medicare eligible beneficiaries affected by a base Realignment and Closure (BRAC) action to include DoD beneficiaries who are covered by Medicare and reside in the United States outside of the catchment area of a medical treatment facility of the uniformed services; to the Committee on National Security.

12600. A letter from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting the results of a study on the cost and feasibility of intergrating all or part of Dod/VA medical treatment; to the Committee on National Security.

12601. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); State Victims of Crime Compensation Programs; Voice Prostheses (RIN: 0720–AA42) received October 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

12602. A letter from the Acting Assistant Secretary, Department of Defense, transmitting the annual report on the Department's effective use and the costs of the civilian voluntary separation incentive pay program; to the Committee on National Security.

12603. A letter from the Office of the Secretary, Panama Canal Commission, transmitting the Commission's final rule—Tolls for Use of Canal (RIN: 3207–AA–46) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

12604. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Securities Credit Transactions; List of Marginable OTC Stocks; List of Foreign Margin Stocks [Regulations T and X] received November 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12605. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Rent Control Preemption for Supportive Housing for the Elderly and Persons With Disabilities [Docket No. FR–4346–F–01] (RIN: 2502–AH21) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12606. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness (RIN: 3064–AC18) received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12607. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Federal Deposit Insurance Corporation's 1997 Merger Decisions report; to the Committee on Banking and Financial Services.

12608. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7697] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12609. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7700) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12610. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7256] received December 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12611. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7698] received December 17,1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12612. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

12613. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention, pursuant to 42 U.S.C. 5617; to the Committee on Education and the Workforce.

12614. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Use and Disclosure of Federal Employees' Compensation Act Claims File Material (RIN: 1215–AB18) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

12615. A letter from the Secretary of Education, transmitting Twentieth Annual Report about the education of children and youth with disabilities; to the Committee on Education and the Workforce.

12616. A letter from the Secretary of Health and Human Service, transmitting a report to the Congress on the Community Food and Nutrition (CFN) Program for Fiscal Years (FY) 1992 through 1995; to the Committee on Education and the Workforce.

12617. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's Annual Energy Review for 1997, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Commerce.

12618. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report of material violations or suspected material violations of regulations relating to Treasury auctions and other offerings of securities upon the issuance of such securities by the Treasury, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Commerce.

12619. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report that during the period of January 1, 1997, through December 31, 1997, no exceptions to the prohibition against favored treatment of a government securities broker or dealer were granted by the Secretary; to the Committee on Commerce.

12620. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Acquisition/Financial Assistance Letter—received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12621. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Nuclear Materials Management and Safeguards System Reporting and Data Submission—received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12622. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Acquisition Letter—received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12623. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Occupational Exposure Assessment—December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12624. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Approval and Promulgation of Air Quality State Implementation Plans, Texas; Recodification of, and Revisions to the State Implementation Plan; Chapter 114; Correction of Effective Date under the Congressional Review Act (CRA) [FRL–6182–9] received October 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12625. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Pinal County Air Quality Control District [FRL–6175–2] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12626. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Alaska [AK 15–1703a; FRL–6188–7] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12627. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee; Final Approval of State Petroleum Underground Storage Tank Program [FRL–6186–1] received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12628. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Application of

Minority and Women-Owned Business Enterprise Requirements in the Clean Water and Drinking Water State Revolving Fund Programs—received November 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12629. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program) [Docket 6207-7] (RIN: 2050–AD19) received December 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12630. A letter from the AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule—Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use [ET Docket No. 94–32] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12631. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Natamycin (Pimaricin) [Docket No. 98F–0063] received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12632. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Humanitarian Use of Devices [Docket No. 98N–0171] received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12633. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Management Directive 5.6, Integrated Materials Performance Evaluation Program—received December 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12634. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—An Approach for Plant-Specific Risk-Informed Decisionmaking Inservice Inspection of Piping [Regulatory Guide 1.178] received October 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12635. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting this report in accordance with the requirement of the Nuclear Waste Policy Amendments Act of 1987, pursuant to 42 U.S.C. 10268; to the Committee on Commerce.

12636. A letter from the Secretary of Energy, transmitting the 1997 Annual Report on Low-Level Radioactive Waste Management Progress; to the Committee on Commerce.

12637. A letter from the Secretary of Health and Human Service, transmitting the Administration's final rule—Regulations Requiring Manufactures to Assess the Safety and Effectiveness of New Drug and Biological Products in Pediatric Patients [Docket No. 97N–0165] (RIN: 0910–AB20) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12638. A letter from the Secretary of Health and Human Services, transmitting the Administration's final rule—Prescription Drug Labeling; Medication Guide Requirements [Docket No. 93N–0371] (RIN: 0910–AA37) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12639. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Impatient Psychiatric Services Benefit for Individuals Under Age 21 [HCFA-2060–F] (RIN: 0938–AJ05) received November 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

12640. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the use of $12 million in appropriations to the Korean Peninsula Energy Development Organization, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on International Relations.

12641. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

12642. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting that the Secretary of Commerce is imposing certain foreign policy-based export controls on Specially Designated Terrorists ("SDT") determined to be disrupting the Middle East peace process and Foreign Terrorist Organizations ("FTO"); to the Committee on International Relations.

12643. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes"; to the Committee on International Relations.

12644. A letter from the Executive Director, Japan-United States Friendship Commission, transmitting the Commission's annual report for fiscal year 1998, pursuant to 22 U.S.C. 2904(b); to the Committee on International Relations.

12645. A letter from the Administrator, U.S. Agency for International Development, transmitting the annual report on activities under the Denton Amendment Program; to the Committee on International Relations.

12646. A letter from the Chairman, Board of Directors Panama Canal Commission, transmitting the semiannual report of the Inspector General of the Panama Canal Commission, for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12647. A letter from the Chairperson, Commodity Futures Trading Commission, transmitting a report on the Commodity Futures Trading Commission's (CFTC) management control and financial systems; to the Committee on Government Reform and Oversight.

12648. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12649. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans and Vietnam Era Veterans (RIN: 1215–AA62) received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12650. A letter from the Assistant for Employment Standards, Department of Labor, transmitting the Department's final rule—Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans and Vietnam Era Veterans (RIN: 1215–AA62) received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12651. A letter from the Inspector General, General Services Administration, transmitting the Office's Audit Report Register for the period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12652. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97–10; Introduction—received December 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12653. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule—Releasing Information (RIN: 2550–AA01) received December 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12654. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Technical Amendments to Financial Disclosure Rule for Executive Branch Employees (RIN: 3209–AA00) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12655. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Standards of Ethical Conduct for Employees of the Executive Branch (RIN: 3209–AA04) received December 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

12656. A letter from the Director, Office of Personnel Management, transmitting the semiannual report for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12657. A letter from the Inspector General, Office of Personnel Management, transmitting the semiannual report for the period of April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12658. A letter from the Executive Director, President's Committee on the Arts and The Humanities, transmitting a follow-up report on the recommendations of a Presidential Advisory committee; to the Committee on Government Reform and Oversight.

12659. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 1998, through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

12660. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases, pursuant to 30 U.S.C. 237; to the Committee on Resources.

12661. A letter from the Assistant Secretary of the Interior for Indian Affairs, Department of the Interior, transmitting a proposed plan for the use and distribution of the Little Traverse Bay Bands of Odawa Indians (Tribe) share of the judgment funds in Docket 22–H, before the United States Court of Federal Claims, pursuant to 25 U.S.C. 1402(a) and 1404; to the Committee on Resources.

12662. A letter from the Assistant Secretary—Indian Affairs, Department of the Interior, transmitting the Bureau of Indian Affairs' FY 1995 and FY 1996 Contract Support Report; to the Committee on Resources.

12663. A letter from the Administrator, Rural Development, Department of Agriculture, transmitting the Department's final rule—Environmental Policies and Procedures (RIN: 0572–AB33) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12664. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 1996 annual report on the activities and operations of the Department's Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

12665. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 103–159, Relating to the Permanent Provisions of the Brady Handgun Violence Prevention Act (93F–057P) [T.D. ATF–405; Ref: Notice No. 857] (RIN: 1512–AB67) received October 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12666. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Final Guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, as Amendmened (RIN: 1105–AA56) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12667. A letter from the Director, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Inmate Work and Performance Pay Program: Work Evaluation [BOP–1078–F] (RIN: 1120–AA74) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

12668. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 1997 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

12669. A letter from the Chairman, Inland Waterways Users Board, transmitting the Board's annual report of its activities; recommendations regarding construction, rehabilitation priorities and spending levels on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99–662, section 302(b) (100 Stat. 4111); to the Committee on Transportation and Infrastructure.

12670. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Grove City, PA [Docket No. 98–AEA–31] (RIN: 2120–AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12671. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Poughkeepsie, NY [Docket No. 98–AEA–18] (RIN: 2120–AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12672. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: East Hampton, NY [Docket No. 98–AEA–30] (RIN: 2120–AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12673. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta A109C Helicopters [Docket No. 98–SW–14–AD] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12674. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332C, AS 332L, AS 332L1, and AS 33L2 Helicopters [Docket No. 98–SW–19–AD] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12675. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters [Docket No. 98–SW–45–AD] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12676. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives 98–24–17 [Docket No. 97–NM–14–AD]; McDonnell Douglas Model DC–10–10, -30, and -40 Series Airplanes (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12677. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 95–CE–65–AD] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12678. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Stemme GmbH & Co. KG Models S10, S10–V, and S10–VT Sailplanes [Docket No. 98–CE–106–AD] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12679. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerostar Aircraft Corporation PA–60–600 and PA–60–700 Series Airplanes [Docket No. 97–CE–139–AD] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12680. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives 98–24–26 [Docket No. 97–NM–13–AD]; Boeing Model 747–400 Series Airplanes (RIN: 2120–AA64) November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12681. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SE.3160, SA.316B, SA.316C, and SA.319B Helicopters [Docket No. 98–SW–17–AD] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12682. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives 98–24–19 [Docket No. 98–NM–317–AD]; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes (RIN: 2120–AA64) received November 30,1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12683. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Grob Luft-und Raumfahrt GmbH Models G 109 and G 109B Sailplanes [Docket No. 98–CE–40–AD] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12684. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives 98–24–24 [Docket 98–NM–71–AD]; McDonnell Douglas Model MD–11 Series Airplanes (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12685. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives 98–24–25 [Docket 98–NM–84–AD]; Lockheed Model L–188A and L–188C Series Airplanes (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12686. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS-365N2, SA–360C, SA–365C, C1, C2, N, N1, and SA–366G1 Helicopters [Docket No. 98–SW–05–AD] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12687. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace Grand Junction, CO [Airspace Docket No. 98–ANM–17] received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12688. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Model 240B, 205A, 205A–1, 205B, and 212 Helicopters [Docket No. 97–SW–20–AD] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12689. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier-Werks GmbH Model Do 27 O–6 Airplanes [Docket No. 97–CE–137–AD] (RIN: 2120–AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12690. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives 98–24–18 [Docket 98–NM–299–AD];

Bombardier Model DHC-8-100 and -300 Series Airplanes (RIN: 2120-AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12691. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mooney Aircraft Corporation Models M20B, M20C, M20D, M20E, M20F, M20G, M20J, M20K, M20L, M20M, and M20R Airplanes [Docket No. 98-CE-20-AD] (RIN: 2120-AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12692. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Ursula Hanle Model H101 "Salto" Sailplanes [Docket No. 98-CE-35-AD] (RIN: 2120-AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12693. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; EXTRA Flugzeugbau GmbH Models EA-300, EA-300S, and EA-300L Airplanes [Docket No. 98-CE-53-AD] (RIN: 2120-AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12694. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; HOAC-Austria Model DV-20 Katana Airplanes [Docket No. 97-CE-83-AD] (RIN: 2120-AA64) Receive November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12695. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Stemme GmbH & Co. KG Model S10 Sailplanes [Docket No. 98-CE-103-AD] (RIN: 2120-AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12696. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Burkhart Grob Luft-und Raumfahrt Models G115, G115A, G115B, G115C, G115C2, G115D, and G115D2 Airplanes [Docket No. 98-CE-68-AD] (RIN: 2120-AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12697. A letter from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting a report on the foreign aviation authorities to which the Federal Aviation Administration provided services in the preceding fiscal year, pursuant to Pub.L. 103-305; to the Committee on Transportation and Infrastructure.

12698. A letter from the Acting Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—Advanced Technology Program [Docket No. 980717184-8277-02] (RIN: 0693-AB48) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

12699. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Acquisition Regulation: Title and Reference Updates (RIN: 2900-AJ29) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

12700. A letter from the Director, Office of Personnel Management, transmitting OPM's Fiscal Year 1997 annual report on Veteran's Employment in the Federal Government, pursuant to 38 U.S.C. 4214(e)(1); to the Committee on Veterans' Affairs.

12701. A letter from the Secretary of Labor, transmitting the fourteenth report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

12702. A letter from the Secretary of Labor, transmitting the Department's fifth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 1996 to 1997, pursuant to Public Law 102-182, section 207 (105 Stat. 1244); to the Committee on Ways and Means.

12703. A letter from the Assistant Secretary For Import Administration, Department of Commerce, transmitting the Department's final rule—Countervailing Duties [Docket No. 950306068-8205-05] (RIN: 0625-AA45) received November 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12704. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Filing Procedure for Early Closing of Courier's Desk [Notice 98-67] received December 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12705. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Abatement of Interest [TD 8789] (RIN: 1545-A V32) received December 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12706. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule—Notice, Consent and Election Requirements of Sections 411(a)(11) and 417 for Qualified Retirement Plans [TD 8796] (RIN: 1545-AU05) received December 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12707. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Certain Payments received as Temporary Assistance for Needy Families (TANF)—received December 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12708. A letter from the Assistant Commissioner, Examination, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue; Construction/Real Estate Industry Retainage Payable—received December 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12709. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—New Technologies in Retirement Plan Administration [Notice 99-1] received December 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12710. A letter from the the Director, the Congressional Budget Office, transmitting CBO's final sequestration report for Fiscal Year 1999, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587); (H. Doc. No. 105-357); to the Committee on the Whole House on the State of the Union and ordered to be printed.

12711. A letter from the the Director, the Office of Management and Budget, transmitting OMB's final sequestration report to the President and Congress for Fiscal Year 1999, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587); (H. Doc. No. 105-356); to the Committee on the Whole House on the State of the Union and ordered to be printed.

12712. A letter from the Comptroller, Department of Defense, transmitting a notification of transfer of funds as required by the provisions of section 8005 of the Department of Defense Appropriations Acts for FY 1997 and FY 1998; jointly to the Committees on Appropriations and National Security.

12713. A letter from the Administrator, Agency for International Development, transmitting a quarterly update report on development assistance program allocations updated as of June 30, 1998, pursuant to 22 U.S.C. 2413(a); jointly to the Committees on International Relations and Appropriations.

12714. A letter from the Acting Chairman, Federal Election Commission, transmitting its FY 2000 Budget Request for consideration by the President and the Congress; jointly to the Committees on House Oversight and Appropriations.

12715. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's request for supplemental appropriations, pursuant to 49 U.S.C. app. 1903(b)(7); jointly to the Committees on Transportation and Infrastructure and Appropriations.

12716. A letter from the Director, Office of Management and Budget, transmitting a report that identifies accounts containing unvouchered expenditures potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on Appropriations, the Budget, and Government Reform and Oversight.

12717. A letter from the Commissioner of Social Security, Social Security Administration, transmitting the Social Security Administration's Accountability Report for Fiscal Year 1998, pursuant to 42 U.S.C. 904; jointly to the Committees on Ways and Means, Government Reform and Oversight, and the Judiciary.

12718. A letter from the Secretary of the Treasury, transmitting the "1998 Report on Foreign Treatment of U.S. Financial Institutions"; jointly to the Committees on Banking and Financial Services, Commerce, International Relations, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Mr. HYDE introduced a resolution (H. Res. 614) appointing and authorizing managers for the impeachment trial of William Jefferson Clinton, President of the United States; which was considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

408. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 166 memorializing the Congress of the United States to enact Congress Roukema's amendment to H.R.4328 which would require the United States Secretary of Transportation to waive repayment of any Federal-aid highway funds expended on the construction of high occupancy vehicle ("HOV") lanes on Interstate Highway Route No. 287 if the New

Jersey Commissioner of Transportation assures the Secretary that the removal of HOV lane restriction on Interstate Route 287 is in the public interest; to the Committee on Transportation and Infrastructure.

409. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 361 memorializing the Congress of the United States to rescind its mandate that the United States Department of Health and Human Services develop a national health identifier and to restrict the use of Social Security numbers to the purposes of Social Security and use permitted by law; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

93. The SPEAKER presented a petition of the Legislature of Rockland County, relative to Resolution No. 500, petitioning the Congress of the United States to oppose passage of the proposed wireless and public safety act of 1998 insofar as it limits local consultation in the siting and building of wireless communications facilities on federally owned property; jointly to the Committees on Commerce and Transportation and Infrastructure.

EXTENSIONS OF REMARKS

RECOGNIZING DAN CHRISTIE, CHRISTIE CONSTRUCTION, CHARLOTTE, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. SMITH of Michigan. Mr. Speaker, I wanted to take a moment today to recognize Mr. Dan Christie, owner of Christie Construction, for his work on the "House That Congress Built" project in Charlotte, Michigan.

Dan has enthusiastically served as volunteer construction manager and building consultant for several weeks at the construction site and future home located at 521 Monroe. I am proud to say we will dedicate the home this Sunday, December 20, 1998, at 3 p.m.

Mr. Christie generously volunteered his construction expertise to patiently and expertly guide volunteers with varying degrees of experience to construct the home. Not only did Dan donate his vast knowledge, but his time and tools too.

Families selected to receive a Habitat for Humanity home are required to contribute many hours of their "sweat equity" to the construction of their future home. Mr. Christie's sweat equity, his dedication, hard work and long hours, many times getting to the site after working for his own company all day, is what I recognize and honor today. His investment in this home, neighborhood, Charlotte community, Eaton Area Habitat for Humanity, and perhaps most importantly, the lives of the new homeowners, Julie, Hailey and Skyler Hartig, is to be commended.

Many of my colleagues have been involved in the construction of a Habitat for Humanity home. This year, I was privileged enough to lend my support to three houses in my district. I could not have attempted to help build these homes without the drive, support and assistance of good people like Mr. Dan Christie.

The Honorable Speaker of the House, NEWT GINGRICH, perhaps summed it up best when we kicked off the "House that Congress Built" project last year, "When you help a family grow, as well as build a house . . . when you watch the sense of ownership . . . you understand why this is a great program."

The Theology of the Hammer, a guiding principle of Habitat, is an appropriate way to describe Dan's efforts. This theology emphasizes partnerships, bringing people together from all different social, racial, religious, political and education backgrounds, to work together for a common goal. This was never more apparent than working at the Charlotte home site. People were brought together in the spirit of friendship and teamwork, and personal differences didn't matter. Mr. Christie embodies the spirit of volunteerism and caring and Christian values that drive so many organizations like Habitat for Humanity and allows them to do all the good things they do for others in need in our communities and around the world.

Habitat is founded on the conviction that every man, woman and child should have a simple, decent, affordable place to live, grow and raise their families. Because of Dan Christie, the Julie Hartig family now has such a place to call home.

My wife Bonnie and I would like to offer Dan our most sincere thanks for his dedicated volunteerism and assistance in helping build the Eaton Area Habitat for Humanity's the "House That Congress Built," at 521 Monroe, Charlotte.

TRIBUTE TO STUDENTS OF CLAUDE PEPPER ELEMENTARY SCHOOL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take a moment to honor my predecessor, Congressman Claude Pepper, who faithfully and honestly served this House for 27 years. A school in my district bears his name which celebrates his memory of unselfish service and sacrifice. During a recent visit to this school, I enjoyed the lyrics of Claude Pepper Elementary's school song written by Jerry Little which is here reprinted:

> Claude Pepper Elementary, the best school of this century. Look at our great family, I'm as happy as can be. Claude Pepper Elementary, I am an honoree. School now is fun for me, it's a wonderful place to be. Our family includes parents, teachers, and me. There is a dream we will work as a team, we'll share what we think, give a smile and a wink, believe in ourselves as we grow. The future's locked in a chest and we hold the key, I know we'll all do our best. In our families, the future's locked in a chest and we hold the key. The world is waiting for me.

Claude Pepper Elementary is great! Claude Pepper Elementary, the best school of this century. School now is fun for me, it's a wonderful place to be. Look and you will see we are family.

TRIBUTE TO ELLEN DELANEY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. VENTO. Mr. Speaker, I rise today to recognize an extraordinary person, Ms. Ellen Delaney. Ms. Delaney, a math teacher at North Senior High School in the district I represent, has been named the Minnesota Teacher of the Year.

The Teacher of the Year program is the oldest and most prestigious recognition program in Minnesota which honors excellence in education. The Minnesota Teacher of the Year represents the profession as an advocate for education and spokesperson for teachers. The recipient makes numerous public appearances, meets policy makers, attends meetings and gives presentations.

Ms. Delaney has taught both middle and high school math, algebra and calculus in her 20-year career. She places great importance not only on quality curriculum and lesson plans, but on recognizing the individuality of her students. "You may think that mathematics teachers are absent minded, far-sighted and require a front pocket for all their equipment," she says, but adds, "I'm fortunate that the students recognize the difference between what I teach and who I really am. In the same way, it's important for me to recognize the difference between how well they do in my class and who they really are."

As a former educator, I appreciate the amount of time, dedication and enthusiasm that it takes to be successful in the classroom. Ms. Delaney serves as an inspirational example of how much can be accomplished when we make an investment in our youth. It is with thanks and gratitude that I extend my congratulations to Ms. Delaney for being honored with this prestigious award.

TRIBUTE TO INTER-MILAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BERMAN. Mr. Speaker, my colleague, Mr. DIXON, and I rise today to congratulate the AYSO, Culver City, Region 19, Boys U12 Division team, INTER-MILAN. Headed by the superb leadership of coach, Ernesto Martin and assistant coach, Chris Labra, INTER-MILAN finished a proud second in entire Boys, Region 19, U12 Division. Coach Martin and Assistant Coach Labra knew how to get things done. Their utter commitment, boundless energy, no nonsense coaching and clear sense of direction are responsible in a large measure for Inter-Milan's success.

Team members Charles Hicks, Persy Trejo, Michael Case, Cristian Dascalu, Gustavo Sanchez, Steven Bressler, Kenny Perez, Daniel Willis, Dorian Bey, Ernesto Martin Jr., Christopher Labra, Jerry Lara, and Henry Bergmans played hard, tough, competitive soccer. They gave their best efforts at every practice. Each player displayed a passion to improving their individual skills equal only to their determination to improve as a team.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Every game played exceeded the skill of the game before. Inter-Milan always demonstrated good sportsmanship.

The enthusiasm and zest for soccer expressed by the team was matched by the commitment and support of the parents. The parents in Inter-Milan dedicated time and energy and kept the team spirit high.

We ask our colleagues to join us today in saluting Inter-Milan, for their outstanding achievement in the 1998, AYSO Region 19, Boys U12 Division, Culver City.

TIMOTHY L. WALBERG, STATE REPRESENTATIVE, MICHIGAN, 57TH DISTRICT

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. SMITH of Michigan. Mr. Speaker, I wanted to take a moment today to recognize a retiring political leader from my district. Mr. Timothy "Tim" L. Walberg, State Representative, because of Michigan's term limits law, will retire at the end of this year after 16 years of service to the people of Michigan. Representative Walberg represented the 57th District, which included nearly all of Lenawee County, Michigan.

Tim most recently served on the Advanced Technology and Computer Development Committee, the Colleges and Universities Committee, the Commerce Committee, and the Conservation, Environment, and Recreation Committee.

Mr. Walberg has not always been an elected public official. Tim was the Pastor of Union Gospel Church in Tipton for almost 5 years. Previously, he was Co-Pastor of Grace Fellowship Church in New Haven, Indiana for about 4 years. He received his training at the Moody Bible Institute and Taylor University in Fort Wayne, Indiana. He also received a Master of Arts degree, with honors, from Wheaton College Graduate School in Communications.

He was elected to the Michigan State House of Representatives in the 1982 election.

Representative Walberg has been involved in a number of civic groups including the Tecumseh Kiwanis Club, the Lenawee County Chamber of Commerce, the Christian Family Foundation Board of Directors, the Lenawee County Riding for the Handicapped Committee, Trenton Hills United Brethren Church, Lenawee Habitat for Humanity, District Committee Member and Chaplain—Boy Scouts of America, the National Rifle Association, and Pheasants Forever.

His political and legislative memberships have included the American Legislative Exchange Council (ALEC) National Task Force on Education, the Michigan and Lenawee County Republican Parties, and the National Republican Legislators Association.

Representative Walberg and his wife, Susan, live in Tipton, Michigan. They have three children, Matthew, Heidi, and Caleb. Their family dog, Sadie, is a special member of their family as well. Tim loves fly fishing, hunting, and riding his motorcycles. I am sure his retirement from public service will give him more time to pursue these loves and spend more time with his family.

Public service has its challenges and it sometimes requires sacrifice. In all that he has accomplished throughout his distinguished career of public service, Tim Walberg handled his public duties with honor, generosity, and integrity. As a former state legislator myself, I know that Tim's contributions will be sorely missed in Lansing. I am confident, however, that Tim will continue to use his many talents to enrich our state and its people.

On behalf of the people of Michigan, I am honored to recognize and thank Tim Walberg for his outstanding contributions to public service and the state of Michigan.

AMERICAN HERITAGE RIVERS INITIATIVE

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mrs. CHENOWETH. Mr. Speaker, during the 105th Congress I have fought the American Heritage Rivers Initiative (AHRI) with legislation to abolish it, oversight hearings to expose its flaws and a federal lawsuit challenging its illegal establishment.

Repeatedly the Clinton-GORE Administration stated AHRI was not a new federal program and would not result in a new federal bureaucracy and new federal employees. Moreover, it would only be a new approach to help communities gain access to existing federal programs.

The Property Rights Foundation of America, Inc., located in Stony Creek, New York, has recently compiled the partial listing of federal bureaucrats that will be administering AHRI. It is based on information supplied by the Council on Environmental Quality which has always been the lead agency for this new program.

This is only a partial listing and does not include the names of "River Navigators" for each designated river and the five person National Task Force which will consist of federal employees working full time. These names will be available at a later date.

I encourage my colleagues to read this revealing information which illustrates more broken promises from the Clinton–GORE Administration regarding the American Heritage Rivers Initiative.

AMERICAN HERITAGE RIVERS OFFICIAL FEDERAL AND LOCAL CONTACTS REVEALED

INTRODUCTION

The purpose of this directory is to overcome the impediments to citizen participation which have characterized the American Heritage Rivers Initiative. With the knowledge of the identities, agencies, locations and telephone numbers of both the federal contact and the federal facilitator, as well as the "community" contact, for each of the fourteen American Heritage Rivers designated by the President, citizens should now be able to become informed of the heretofore secret "community" meetings before they are held, and also bring influence toward holding properly notice public hearings about all facets of the American Heritage Rivers program in their region. Citizens should also be warned that the "community" meetings may be led by professional facilitators and conducted by consensus. This means that skills to manipulate meeting outcomes may dominate and that, instead of taking votes, a feeling of agreement or acceptance, supposedly by all present, will be the basis for official leadership pronouncements and decisions. Minutes may not be taken. Citizens should make an effort to enable a broad range of the public, resource users, and other business people from the region who are concerned about the economy, home rule, and private property rights to be consistently present in adequate numbers. Citizens are forewarned to be ready to issue formal minority reports to the press, the public and their elected representatives about the issues and programs under consideration. They should plan to lead the consensus and committee structure and assignments in directions beneficial to the local economy and respectful of private property rights and home rule.

The full identities and contact information for each member of the thirteen-agency American Heritage Rivers Interagency Committee created by President Clinton are included to enable citizens to contact these individuals as well. As soon as they are available, we intend to add to the directory the Navigators for each individual river and the five-person, full-time national Task Force which, it is said, will soon be selected to administer the American Heritage Rivers Initiative.

PART 1. THE FOURTEEN AMERICAN HERITAGE RIVERS

Blackstone and Woonasquatucket (RI/MA)—The nomination was made by the Providence Plan.

Community Contact: Michael Creasey Blackstone River Valley National Heritage Coordinator, One Depot Square, Woonsocket, RI 02895, 401–762–0250.

Jane Sherman, The Providence Plan, 56 Pine Street, Suite 3B, Providence, RI 02903, 401–455–8880.

Co-Facilitator: Doug Thompson, U.S. EPA, Water Quality Unit/Office of Ecosystem Protection, JFK Federal Building, Boston, MA 02203, 617–565–3480.

Elissa Tonkin, U.S. EPA, JFK Federal Building, Boston, MA 02203, 617–565–1154; 617–565–1141.

Interagency Contact: Jerry Wylie, U.S. Forest Service, 14th & Independence, SW., Washington, DC 20250, 202–205–1129 or Jerry Wylie, Federal Building, 324 25th Street, Ogden, UT 84401, 801–625–5172.

Connecticut (CT/MA/NH/VT)—The Connecticut River Watershed Council submitted the nomination.

Community Contact: Whitty Sanford, Connecticut River Weatershed Council, One Ferry Street, Easthampton, MA 01027, 413-529-9500.

Facilitator: Eric Scherer, Natural Resources Conservation Service, 3 Sunrise Terrace, East Granby, CT 06026, 860–653–4149.

Interagency Contact: Roger Stephenson, U.S. Department of the Interior, 1849 C Street, NW, (MIB 31230), Washington, DC 20240, 202–208–3855.

Cuyahoga (OH)—The Cuyahoga was nominated by the Cuyahoga River Remedial Action Plan (RAP).

Community Contact: Kay Carlson, Program Manager, Cuyahoga River Community Planning, Organization/Cuyahoga River RAP, 668 Euclid Avenue, 4th Floor Atrium, Cleveland, OH 44114–3000, 216–241–2414, ext. 253.

Facilitator: Lucy Loghead, Community Builder, U.S. Department of Housing and Urban Development, Renaissance on Playhouse Square, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, 216–522–4058, ext. 7214.

Interagency Contact: Loretta Neumann, U.S. Department of Transportation, American Heritage Rivers, 722 Jackson Place, N.W., Washington, D.C. 20503, 202–395–7416.

Detroit (MI)—The City of Detroit, Wayne County, Downriver Community Conference and Peter Stroh, representing the business community, nominated the Detroit River.

Community Contact: Mark Breederland, Michigan State University Extension, Michigan Sea Grant Extension, MSUE—Macomb County, 21885 Dunham Road, Suite 12, Clinton Township, MI 48036, 810–469–7176.

Facilitator: Rick Wears, Community Builder, U.S. Department of Housing and Urban Development, McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48266, 313–226–7900.

Interagency Contact: Karen Hobbs, U.S. Department of Agriculture, American Heritage Rivers, 722 Jackson Place, N.W., Washington, D.C. 20503, 202–395–7417.

Hanalei (HI)—The University of Hawaii nominated the Hanalei.

Community Contact: Michael Kido, University of Hawaii, 7370 A Kuamoo Road, Kapaa, HI 96746, 808–822–4984.

Facilitator: Dr. James Kent, 970–927–4424.

Interagency Contact: Jerry Wylie, U.S. Forest Service, 14th & Independence, S.W., Washington, D.C. 20250, 202–205–1129 or Jerry Wylie, Federal Building, 324 25th Street, Ogden, UT 84401, 801–625–5172.

Hudson (NY)—The nomination was submitted by Governor Pataki.

Community Contact: John Spenser, New York State Department of Environmental Conservation, 21 South Putt Corners Road, New Paltz, NY 12561–1696, 914–332–1835, ext. 369.

Facilitator: E. K. James, Bureau of Land Management, U.S. Department of the Interior, 1849 C Street, N.W., Washington, D.C. 20240, 202–452–5157.

Interagency Contact: Jack Frost, U.S. Department of Agriculture, Natural Resources and Conservation Service, Watersheds and Wetlands Division, P.O. Box 96090, Washington, D.C. 20013, 202–720–9483.

Mississippi, Lower (TN/LA)—This designation encompassed two nominations, one from the City of Memphis, Tennessee, which covers the immediately adjacent area plus two small river tributaries, and the City of New Orleans, which includes that portion up to Baton Rouge, Louisiana.

Community Contact:

Memphis: The Honorable Willie Herenton, Mayor, City of Memphis, 125 North Main Street, Room 200, Memphis, TN 38103, 901–576–6011.

New Orleans: Jerald White, Office of Mayor Marc Morial, City of New Orleans, 1300 Berdido Street, Suite 8E06, New Orleans, LA 70112, 504–565–8115.

Facilitator:

Memphis: Lt. Troy Taylor, U.S. Coast Guard Reserve, c/o Commanding Officer, Coast Guard Lower Mississippi River, 2 Auction Avenue, Memphis, TN 38105, 901–544–3912, ext. 121.

New Orleans: Jim Murphy, U.S. Department of Transportation, Maritime Administration, 501 Magazine Street, Room 1223, New Orleans, LA 70130–3394, 504–589–2000, ext. 229.

Interagency Contact: Loretta Neumann, U.S. Department of Transportation, American Heritage Rivers, 722 Jackson Place, N.W., Washington, D.C. 20503, 202–395–7416.

Mississippi, Upper (MO/IL/IA/WI/MN)—Fifty-eight mayors along the Upper Mississippi submitted the application.

Community Contact: The Honorable Robert Moloney, Mayor, City of Hannibal, 320 Broadway, Hannibal, MO 63401, 573–221–0111.

Co-Facilitators: Matthew Didier, U.S. EPA, 77 West Jackson, Chicago, IL 60604, 312–886–6711.

Janet Pfundheller, U.S. EPA, 77 West Jackson, SMR–7J, Chicago, IL 60604, 312–353–5821.

Interagency Contact: Chuck Moeslein, U.S. Army Corps of Engineers, 20 Massachusetts Ave., N.W., Washington, D.C. 20314–1000, 202–761–8534.

New (NC/VA/WV)—The nomination was submitted by The Conservation Fund.

Community Contact: Mikki Sager, The Conservation Fund, P.O. Box 271, Chapel Hill, NC 27514, 919–967–2223.

Co-Facilitators: Craig White, The Conservation Fund, P.O. Box 271, Chapel Hill, NC 27514, 919–967–2223.

Melanie Young, Allegheny County Chamber of Commerce, P.O. Box 1237, Sparta, NC 28675, 336–372–5473.

Interagency Contact: Chuck Moeslein, U.S. Army Corps of Engineers, 20 Massachusetts Ave., N.W., Washington, D.C. 20314–1000, 202–761–8534.

Potomac (VA/WV/D.C./MD/PA)—The Mt. Vernon Ladies Association submitted the nomination.

Community Contact: Karen Zachary, Nomination Coordinator, 1411 North Lincoln Street, Alexandria, VA 22201, 703–522–8783.

Facilitator: Mike Haske, Bureau of Land Management, U.S. Department of the Interior, 1849 C Street, N.W., Washington, D.C. 20240, 202–452–5034.

Interagency Contacts: Roger Stephenson, U.S. Department of the Interior, 1849 C Street, N.W. (MIB 31230), Washington, D.C. 20240, 202–208–3855.

Jack Frost, U.S. Department of Agriculture, Natural Resources and Conservation Service, Watersheds and Wetlands Division, P.O. Box 96090, Washington, D.C. 20013, 202–720–9483.

Rio Grande (TX)—The nomination was submitted by CoRio, an organization formed by jurisdiction along the Rio Grande for the express purpose of seeking American Heritage Rivers designation.

Community Contact: Tyrus G. Fain, General Secretary, CoRio, UTEP/CERM, Burges Hall, 500 West University Boulevard, El Paso, TX 79968–0645, 915–747–5328.

Facilitator: None identified.

Interagency Contact: Ray Clark, Associate Director, President's Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20503, 202–395–7419.

St. Johns (FL)—Jacksonville Mayor John Delaney submitted the nomination.

Community Contact: Isabel Peace, Office of Mayor John Delaney, 117 West Duval Street, Suite 400, Jacksonville, FL 32202, 904–630–1786.

Facilitator: Jim Walker, U.S. Department of Housing and Urban Development, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202, 904–232–1777.

Interagency Contact: Chris Lewicki, U.S. EPA, 401 M Street, S.W. (mail code: 4501f), Washington, D.C. 20003, 202–260–2757.

Upper Susquehanna-Lackawanna Watershed (PA)—Congressman Paul Kanjorski submitted the nomination, which covers 12 counties in northeastern Pennsylvania.

Community Contact: Tom Williams, Office of Congressman Paul E. Kanjorski, The Stegmaier Building, 7 North Wilkes-Barre Boulevard, Suite 400M, Wilkes-Barre, PA 18702–5283, 717–825–2200.

Facilitator: Glenn Hanson, Special Assistant, Office of the Director, Air Protection Division, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103, 215–814–2053.

Interagency Contact: Karen Hobbs, U.S. Department of Agriculture, American Heritage Rivers, 722 Jackson Place, N.W., Washington, D.C. 20503, 202–395–7417.

Willamette (OR)—Governor John Kitzhaber submitted the nomination.

Community Contact: Louise Solliday, Office of Governor John Kitzhaber, Oregon State Capitol, Salem, OR 97310, 503–378–3589.

Facilitator: Tim Mealy, The Meridian Group, P.O. Box 4005, 05 Village Place, Dillon, CO 80453, 970–513–8340.

Interagency Contact: Karen Hobbs, U.S. Department of Agriculture, American Heritage Rivers, 722 Jackson Place, N.W., Washington, D.C. 20503, 202–395–7417.

PART 2. THE AMERICAN HERITAGE RIVERS INTERAGENCY COMMITTEE

Council on Environmental Quality, George Frampton, Jr., Acting Chairman, Council on Environmental Quality, Executive Office of the President, OEOB Room 360, NW, Washington, DC 20503, 202–456–5147 and Loretta Neumann, Executive Director, AHRI, (CEQ address above), 202–395–5750.

U.S. Department of Defense, Sherri W. Goodman, Deputy Under Secretary of Defense, Environmental Security, U.S. Department of Defense, 3400 Defense Pentagon, Room 3E792, Washington, DC 20301–3400, 703–695–6639.

Ms. Sandy Apgar, Assistant Secretary of the Army, Installations, Logistics, and Environment, U.S. Department of Defense, 110 Army Pentagon, Room 2E614, Washington, DC 20310–0110, 703–695–6527.

Joe Westphal, Assistant Secretary of the Army, for Civil Works, U.S. Department of Defense, 108 Army Pentagon, Room 2E570, Washington, DC 20310–0108, 703–697–8986.

U.S. Department of Justice, Lois Schiffer, Assistant Attorney General, U.S. Department of Justice, Environment and Natural Resources Division, 950 Pennsylvania Ave., NW, Room 2718, Washington, DC 20530, 202–514–2701.

U.S. Department of Interior, Ann Shields, Chief of Staff, U.S. Department of Interior, 1849 C St., 6th Floor, NW, Washington, DC 20240, 202–208–7351.

U.S. Department of Agriculture, Jim Lyons, Under Secretary for Natural Resources and Environment, U.S. Department of Agriculture, 14th and Independence Ave., SW, Room 217 East Administration Building, Washington, DC 20250, 202–720–7173.

U.S. Department of Commerce, Phil Singerman, Assistant Secretary for Economic Development, U.S. Department of Commerce, 14th and Constitution Ave., NW, Room 7800 Washington, DC 20230, 202–482–5081.

Department of Housing & Urban Development, Saul Ramirez, Deputy Secretary, Department of Housing & Urban Development, 451 7th Street, SW, Room 10100, Washington, DC 20410, 202–708–0123.

U.S. Department of Transportation, John Horsley, Associate Deputy Secretary, Office of Intermodalism, U.S. Department of Transportation, 400 7th Street, SW, Room 10126, Washington, DC 20590, 202–366–5781.

U.S. Department of Energy, Gary Falles, Chief of Staff, Office of Secretary, U.S. Department of Energy, Room 7A257, 1000 Independence Ave., SW, Washington, DC 20585, 202–586–6210.

U.S. Environmental Protection Agency, Reid Wilson, Chief of Staff, Office of the Administrator, U.S. Environmental Protection

Agency, 401 M St., SW, Room 1200, West Tower, Washington, DC 20460, 202-260-4700.

Advisory Council on Historical Preservation, John Fowler, Executive Director, Advisory Council on Historical Preservation, 1100 Pennsylvania Ave., NW, Suite 809, Washington, DC 2004, 202-606-8503.

National Endowment for the Arts, William Ivey, Chairman, National Endowment for the Arts, 1100 Pennsylvania Ave., NW, Suite 520, Washington, DC 20506, 202-682-5414.

National Endowment for the Humanities, Bill Ferris, Chairman, National Endowment for the Humanities, 1100 Pennsylvania Ave., NW, Suite 503, Washington, DC 20506, 202-606-8310.

A TRIBUTE TO NICHOLAS COLGLAZIER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to Nicholas Colglazier who was recently selected an FFA Star by 1-800-COLLECT. Nicholas will attend either the International Future Farmers of America, or FFA, Washington Leadership Conference, or Leaders Shape next summer. His fine leadership abilities through the Holyoke FFA propelled him to these exceptional honors. Mr. Speaker, I am proud of Nicholas Colglazier for his hard work, dedication and accomplishments. Through good efforts such as his, the youth of today will become the leadership of tomorrow.

TRIBUTE TO JUDGE LUIS GONZALEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. SERRANO. Mr. Speaker, I rise today to congratulate and to pay tribute to Judge Luis Gonzalez, an outstanding individual who has dedicated his life to public service. He was appointed this month Administrative Judge of Bronx Supreme Court and tomorrow, Saturday, December 19, he will be celebrating his appointment in the company of his family and friends.

Judge Gonzalez was born in Manati, Puerto Rico in 1945. His parents migrated to New York City in the 1950's. After graduating from Eastern Mennonite College in History and Social Sciences, he earned his Juris Doctor from Columbia University School of Law in 1975. I have known him personally for more than 25 years, and I am very familiar with his background, experience, character, and personality. He is a person of the highest personal and professional integrity.

Mr. Speaker, in 1985, Judge Gonzalez was appointed Housing Court Judge in New York City Civil Court. Two years later, he was elected Judge of the Civil Court in Bronx County where he served with distinction until 1992 when he was elected Justice of the Supreme Court in Bronx County. He presided over an Individual Assignment Part (IAS). This month Judge Gonzalez was appointed Administrative Judge of Bronx Supreme Court.

Being the first Latino Administrative Judge in New York State history, Judge Gonzalez is well known and highly respected by his peers and the different communities for this sensitivity, professionalism, integrity and sound judgement. On the other hand, his toughness, stubbornness when he feels that the law is being broken is also well known. "An iron hand in a velvet glove" as some would say. His confirmation brings to the Court an outstanding judge at the same time that it expands its ethnic composition.

This is the kind of issue that should be discussed in the classrooms. He is a role model for all Hispanics. Judge Gonzalez has set an example of how success is available for all of those who persevere to achieve their goals. He is an inspiration for many Puerto Ricans and for the people in the Bronx who are trying to break the cycle of poverty.

Mr. Speaker, in my 25 years of public service, 16 in the New York State Assembly and 9 in the U.S. House of Representatives, this occasion is one of my proudest moments. I am very proud of Judge Gonzalez' accomplishment.

Judge Gonzalez is the proud father of two daughters, Aida and Nydia.

Mr. Speaker, I ask my colleagues to join me in commending Judge Luis Gonzalez for his outstanding achievements and in wishing him continued success as Administrative Judge of Bronx Supreme Court.

DONALD H. GILMER, STATE REPRESENTATIVE, MICHIGAN, 63D DISTRICT

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. SMITH of Michigan. Mr. Speaker, I wanted to take a moment today to recognize the long and distinguished career of State Representative Donald "Don" H. Gilmer. Representative Gilmer, serving his 11th term, represents a large portion of Calhoun County, Michigan, in my district. Term limits require Representative Gilmer to end his remarkable contributions to Michigan public policy as a member of the State House.

Don graduated from Kellogg High School in Hickory Corners, Michigan. He attended Michigan State University and Western Michigan University. He was a Kellogg Fellow at Michigan State from 1968 to 1971.

Representative Gilmer was a member of the Kalamazoo County Board of Commissioners from 1973 to 1974, and served as Vice Chairman in 1974. He was elected to the Michigan Legislature in the 1974 election.

He most recently served as Minority Vice Chairman of the Michigan House of Representative's Appropriations Committee. On the Appropriations Committee he also served as Vice Chairman of the Higher Education and the Consumer and Industry Services Subcommittees.

Don has been a member of the Interstate Migrant Education Council since 1985. He also has been a member of the Department of Education's Michigan School Finance Commission, the House of Representative's Ad Hoc Special Committee on Property Tax and School Finance, and the House Republican Task Force on Property Tax and School Finance Reform. In April of 1993, Representative Gilmer was appointed to the Midwestern Higher Education Commission.

Representative Gilmer is a member of countless community groups, and is especially active with the Michigan Farm Bureau, the Michigan Association for Retarded Citizens, and Planned Parenthood. He was a Gubernatorial appointee to the Michigan Agricultural Labor Commission.

Don has an outstanding reputation as a model legislator who has common sense solutions to complex problems.

Mr. Gilmer was born in Battle Creek, Michigan on November 29, 1945. Don married Lynn Weimeister November 19, 1988. Don is the father of three children and lives in Augusta. Michigan on his family's apple orchid, Hillcrest, which he formerly co-owned and operated.

The work of public service has many rewards. But it also requires many sacrifices. Throughout his tenure as representative. Don Gilmer never lost his warmth, generosity, and good humor. He is the very model of the type of legislator we should have in our state capitals.

On behalf of the people of Michigan, it is my privilege to honor and recognize Don Gilmer for his distinguished contributions to Michigan and its people.

IN RECOGNITION OF MARY CLAUDE GAY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. HALL of Texas. Mr. Speaker, I rise today to pay my respects and honor a dedicated civic leader and fine American—Mrs. Mary Claude Gay of Flower Mound, Texas, who died August 5, 1998, at the age of 81.

Mrs. Gay was a prominent local business and civic leader who received many honors and recognition for her service and dedication to both her profession and community. She served on numerous committees and as an officer of the local, state and national associations of Realtors. She received many real estate awards including: 1983 Denton Women's Council of Realtors "Woman of the Year," 1976 Texas Chapter of the Women's Council of Realtors "Woman of the Year," 1975 "Peoples Choice" Award from the people of Denton and 1969 Realtor of the Year from the Denton Board of Realtors. She was well known as an expert on the Professional Standards of real estate and was a certified instructor for graduates of the Realtors Institute and "Train-the-Trainer".

As a civic leader she served as the district clerk of Denton County from 1953 to 1959 and on the Denton City Council in 1977. She served as Mayor-Pro-Tem in 1978. She was a founding member of the Denton Benefit League and served in various capacities with many charitable organizations. She received the Otis Fowler Award for being an outstanding citizen by the Denton Chamber of Commerce and served United Way for many years. Ever dedicated to her community, Mrs. Gay remained active in the Real Estate Community until her death. She is survived by her four sons.

Mr. Speaker, as we adjourn today, let us do so in honor of and respect for this great American—the late Mary Claude Gay.

A TRIBUTE TO POUDRE FIRE AUTHORITY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the good men and women of the Poudre Fire Authority in Colorado. A competitive team of their top firefighters placed third in the world at the Firefighter Combat Challenge, a grueling test of physical strength, stamina, aptitude and teamwork. Dave Minchow, Tom Champlin, Chad Myers, Jim Pietrangelo, and Ross Reinking earned the best time of any team in the United States in their astounding third place finish. Mark Hettinger, Brandon Garcia, and Ryan Thomas of the Poudre Fire Authority also placed in the top 11 teams for the relay competition. Coined the toughest two minutes in the world of sports, these competitions brought out the best in these men, demonstrating their commitment, dedication and hard work. Mr. Speaker, I commend the Poudre Fire Authority for their award, and most importantly for their service and devotion to protecting the community. We can look forward to watching their competition on ESPN at 8:00 Eastern time on January 2.

ON THE DEATH OF ISABEL HERNÁNDEZ COLLAZO

HON. JOSÉ SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. SERRANO. Mr. Speaker, it is with great sorrow that I rise to commemorate Isabel Hernández Callazo, a legendary Puerto Rican designer and manager in the garment industry who died at Lincoln Hospital in the South Bronx, New York on Wednesday, December 16.

As most members of this body know, I am a native of Puerto Rico who is extremely proud of his origins. Puerto Rico's history and its dynamic, multifaceted cultures are a genuine source of joy to all of her daughters and sons.

Isabel Hernández Callazo was born in Coamo, Puerto Rico and migrated to New York in 1927. She was a hardworking woman and we are all proud of contribution to our society and community.

Mr. Speaker, Isabel Hernández Collazo is the mother of film/television producer and actress, Carla Pinza. To my dear friend Carla, I know how difficult it can be when we no longer have with us the people we love the most. Your mother may not be with you physically, but she remains with you through the love she shared with you throughout the years.

Hernández Collazo was the widow of Ramón Rodríguez of Manatí, Puerto Rico. She will be laid to rest in Saint Raymond's Cemetery, besides her husband's rest.

Mr. Speaker, as we all know, the American experience is an intermingling of people from different lands, with differing languages and customs. American society has been called "a gorgeous mosaic." Isabel Hernández Collazo's great contribution was to help polish the majestic Puerto Rican tile of that mosaic. And for that, we all should remember and thank her.

FRANK M. FITZGERALD, STATE REPRESENTATIVE, MICHIGAN, 71ST DISTRICT

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. SMITH of Michigan. Mr. Speaker, I wanted to take a moment today to recognize Frank M. Fitzgerald. Mr. Fitzgerald faces term limits and is retiring at the end of this year as State Representative in Michigan's 71st District. Frank served the good people of Eaton County with distinction for 6 terms.

Representative Fitzgerald was first elected to the Michigan House of Representatives in 1986. From 1992 to 1996 he was the Speaker pro tem of the State House, the second ranking House officer.

Frank chaired task forces on drunk driving, illegal drugs, accountability in government, campaign finance, traffic safety, and the Republican Alliance for Safe Neighborhoods to fight crime and make our homes and neighborhoods safer.

He was the sponsor of Michigan's first anti-organized crime law and a measure granting prosecuting attorneys the right to appeal judicial decisions.

One of Representative Fitzgerald's notable accomplishments was his sponsorship of the zero alcohol tolerance law for drivers under the legal drinking age. Recently he had a bill included in legislation to crack down on repeat drunk drivers. He also was a leader to limit youth access to tobacco products.

He worked diligently to protect children from abuse by creating three degrees of "child mistreatment." Frank also voted repeatedly to cut taxes and ease homeowners' property tax burdens with the passage of Proposal A. Fitzgerald helped revise Michigan's Single Business Tax to help businesses save millions of dollars and create more jobs. He supported welfare reforms to encourage personal responsibility, not dependency on the state. He also supported legislation giving school boards and parents more control over the curriculum of their local schools. Representative Fitzgerald worked to establish a legislative ethics commission and a code of conduct for legislators.

Frank is a graduate of Grand Ledge, Michigan Public Schools, the College of William and Mary, and the Thomas M. Cooley Law School in Lansing, Michigan.

He and wife, Ruth, and their two children, Ellen and John, reside in Grand Ledge. The Fitzgerald family is active in Grand Ledge's First Congregational United Church of Christ, the Girl Scouts, and youth athletic and music activities.

Prior to his election, he practiced law and served as an Assistant Prosecuting attorney in Eaton County, Michigan for three years.

For now, this is the end of a long tradition of Fitzgeralds serving the citizens of Michigan as elected representatives. For over 100 years, a Fitzgerald has served in Michigan government. It started with State Representative, John Fitzgerald in the 1890's. His son, Frank D. Fitzgerald, served as Michigan's Secretary of State and went on to be elected Governor of Michigan twice. His son, John W. Fitzgerald, served in the State Senate, on the Court of Appeals, and then as Chief Justice of the Michigan Supreme Court. Representative Frank M. Fitzgerald, whom I am honoring today, is the fourth generation of Fitzgerald's in public service.

I supported Frank Fitzgerald as a candidate for Attorney General of Michigan. I still believe that he might someday make a wonderful Attorney General for our state and I know he will continue to serve the people in any way he can.

On behalf of the citizens of Michigan, it is my privilege to honor and recognize Frank Fitzgerald, an outstanding American who served his state with great distinction.

IN RECOGNITION OF JAMES ROBERT MONTGOMERY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a dedicated civic servant and fine American—J.R. Montgomery of Tyler, Texas.

Mr. Montgomery was born September 8, 1912, in Waco, to the late Mr. and Mrs. James Robert Montgomery. He graduated from Texas A&M University in 1933 with a degree in civil engineering and worked for Houston Lighting and Power Co. from 1933–1940. He then served in the Army during WWII as commander of the 269th Field Artillery. After the war, he worked for Humble Oil & Refining Co. (now Exxon USA), from 1946–1974, in various engineering capacities in the Gulf Coast area, Refugio, Houston and Tyler.

Mr. Montgomery retired in 1975 from Exxon as a senior supervising engineer. He served on the Tyler City Council for seven years and as mayor from 1987 to 1991. He was a member of the Cathedral of the Immaculate Conception and served on the board of East Texas Lighthouse for the Blind, United Fund, YMCA membership drives, Boy Scouts of America, Tyler Sister Cities, Friends of the Arts and Tyler Civic Theater. He was also a member of the National Society of Professional Engineers, a former vice-president of the Texas Society of Professional Engineers, Society of Petroleum Engineers of AIME and American Society of Civil Engineers.

Mr. J.R. Montgomery passed away on August 30, 1998. He is survived by his wife, Rosalis, two sons and one grandson. Mr. Speaker, as we adjourn today, let us do so in honor of and respect for this great American—the late J.R. Montgomery.

CONGRATULATIONS TO THE COLORADO BOYS RANCH

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to congratulate the Colorado Boys Ranch which has been designated the winner of the Samaritan Institute Award for demonstrating "the importance of ethical values through its work." The Boys Ranch, a residential treatment and education center for troubled youth near La Junta, Colorado, has helped boys for the last 40 years. Operated on a 40-acre site, the Boys Ranch provides education, skills, and counseling. Its innovative programs and individual attention have contributed to the Ranch's exceptional success rate. One study indicated 21 months following discharge, 80 percent of graduates were living successfully with their families or on their own.

Mr. Speaker, the Colorado Boys Ranch deserves Congress' recognition for helping kids gain the education, skills, and perspective needed to succeed. A new outlook on life, embedded in ethics and morals, is essential to gaining a good and fruitful life. Skills and education, while important, will not help a troubled child make a break with the past, unless they are matched with a sense of right and wrong, a regard for others, self-respect, and a willingness to work hard. Private and public entities which seek to help high-risk youth, should emulate the Boys Ranch. We are proud of this Colorado organization which has touched the lives of our children and communities.

EXPRESSING UNEQUIVOCAL SUPPORT FOR MEN AND WOMEN OF OUR ARMED FORCES CURRENTLY CARRYING OUT MISSIONS IN AND AROUND PERSIAN GULF REGION

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, I am deeply saddened by the events of this week, and my heart goes out to the men and women in uniform and their families who are involved in Operation Desert Fox. We want them to know that America is firmly behind them as they face their most difficult challenges.

To bomb another country is no an easy decision for a president. However, I am convinced that President Clinton had no choice but to respond to Saddam Hussein's repeated violations of negotiated agreements by launching the strike.

The United Nations Special Commission on Iraq (UNSCOM) is responsible for monitoring Iraqi weapons programs and dismantling weapons of mass destruction. The United Nations and the United States have repeatedly demanded that Iraq cooperate with UNSCOM and fully comply with all applicable UN Security Council resolutions. Yet, Saddam Hussein has repeatedly defied the United Nations and refused to keep his promises. He has attempted to restrict UNSCOM's activities and interfere with the efforts of UN weapons inspectors.

This conflict is not with the Iraqi people. It is with Saddam Hussein—a dictator who has repeatedly threatened his neighbors, defied world public opinion, oppressed his own people, violated their basic human rights and used weapons of mass destruction against innocent civilians. I sympathize with the suffering of the Iraqi people and I am hopeful that this military action will be completed with minimal loss of life.

No matter what difference we may have domestically regarding the President, this is clearly not a time for partisan politics and divisive language. We must stand united behind our troops and assure them that the American people are with them in this tragic time of crisis. I am hopeful that this mission may be completed quickly and without the loss of American lives and that our fighting men and women may be able to return home to their families in time for the holidays.

TRIBUTE TO RAFAEL ALBERTO WAGNER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Rafael Alberto Wagner, an outstanding individual who has devoted his life to his family and to serving the community. Mr. Wagner will be celebrating his retirement from Columbia Presbyterian Medical Center in the company of his family and friends today, Friday, December 18, 1998. He worked for Columbia University for 29 years.

Mr. Wagner was born in the Dominican Republic on June 27, 1935. He came to the United States in 1964 and became a U.S. citizen in 1985.

He worked as a shoemaker until 1969 when he joined the Facility Services Department at Columbia University.

Mr. Wagner is married to Carmen Maria Wagner and they have three children, Clara, Wagner-Anderson, David Wagner and Cindy Altagracia Wagner. They have four grandchildren, Jazmin Janay Wagner, David Wagner, Jr., Derek Wagner and Abdiel Rolando Anderson II, and look forward to greeting a fifth in March.

Mr. Speaker, I ask my colleagues to join me in wishing a happy retirement to Mr. Rafael Alberto Wagner.

IN RECOGNITION OF RUSSELL EUBANK

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. HALL of Texas. Mr. Speaker, I rise today to pay my respects to and honor a man dedicated to his community, his family and his church—Mr. Russell Eubank of Canton, Texas.

Mr. Eubank was born June 8, 1918, in Hamilton County to the late Mr. and Mrs. Robert Lee Eubank. He grew up in Wills Point, Texas, and was salutatorian of the 1936 graduating class at Wills Point High School. Mr. Eubank received a B.A. degree from North Texas State College. He then finished mortuary school in Dallas before entering the U.S. Navy in 1942. In 1946, at the end of the war, Mr. Eubank returned to Canton to operate the Eubank brothers' businesses. Active in several organizations, in 1968–69 he served as president of both the Texas Cemetery Association and the Texas Association of Life Insurance Officials. He also served on the local school board, city council and did other civic work as well.

Honored for his commitment to the community Mr. Eubank received the Man of the Year Award of Van Zandt County in 1990 and the Canton Chamber of Commerce Outstanding Citizen Award in 1979. A member of the Masonic Lodge No. 141, AF&AM, Mr Eubank also received the Golden Trowel Award.

Mr. Eubank was also a 50-year member of the Lions Club, a Mason and a Long time member of the First Methodist Church of Canton.

After a long illness, Mr. Eubank passed away at his Canton residence on June 20, 1998. He is survived by his wife, three sons and ten grandchildren. Mr. Speaker, as we adjourn today, let us do so in honor of and respect for this outstanding East Texan—the late Russell Eubank.

A TRIBUTE TO JUSTIN MERTENS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to a fine young man in my district. Mr. Justin Mertens, of New Raymer, Colorado, won the national Future Farmers of America, or FFA, award for Diversified Crop Production. Growing up on his family's dry land farm, Justin learned the importance of agriculture at an early age. He started by learning to drive a tractor. Soon, he hopes to earn a degree in diesel mechanics, buy more land and join his family enterprise. Hopefully, he will pass along his skills to future generations of farmers. Mr. Speaker, agriculture remains the backbone of American society. In Colorado, agricultural exports contribute greatly to the economy, feed our families and provide open space and wildlife habitat. I commend Justin for his fine work, and hope that many will follow his example.

WYCKOFF HEIGHTS MEDICAL CENTER RECEIVES ACCREDITATION WITH COMMENDATION FROM JOINT COMMISSION ON THE ACCREDITATION OF HEALTHCARE ORGANIZATIONS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the notable achievements of Wyckoff Heights Medical Center (WHMC) in Brooklyn, New York. As a 1998 recipient of an Accreditation with Commendation from the Joint Commission on the Accreditation of Healthcare Organizations, the Nation's oldest and largest accrediting body, WHMC has been recognized as a superior health care provider.

This Accreditation with Commendation is a significant achievement that recognizes WHMC's exemplary performance for providing quality care in the borough of Brooklyn. Formed in 1951, the Joint Commission evaluated and accredits almost 11,000 hospitals and home care agencies, and over 7,000 other health care organizations.

As the Representative of the 10th Congressional District of Brooklyn, I am extremely proud of these dedicated men and women. Under the vigorous leadership of Dominick J. Gio, President and CEO, WHMC is poised to lead the nation into the new millennium. WHMC employees at both the main campus and ambulatory sites go the extra mile on a daily basis in order to provide the best possible health care to its patients. This award highlights the fact that WHMC is a shining star in the world of healthcare.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in saluting Wyckoff Heights Medical Center for its tremendous achievement.

A TRIBUTE TO CINDY ERKER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to Morgan County Commissioner Cindy Erker for her fine achievements and hard work on behalf of the people of Morgan County, Colorado. Ms. Erker was named the 1998 County Commissioner of the Year by Colorado Counties, Inc. This prestigious award belongs to Ms. Erker due to her exceptional ability to serve, even in times of adversity. Her peers selected Cindy for the award at the Colorado Counties winter conference. This is the second time she has been recognized for her dedication and hard work. Responsible for pulling the community together to adopt an important drainage plan to avoid disastrous flooding in Ft. Morgan, Cindy was named the Freshman County Commissioner of the Year in 1991 by Colorado Counties, Inc. Mr. Speaker, I commend Cindy Erker for her perseverance, determination and leadership.

HONORING JUDITH VIERA OF WYND COMMUNICATIONS

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mrs. CAPPS. Mr. Speaker, I rise today to congratulate Judith Viera of my district on the Central Coast of California for the recent commendation she has received from Telecommunications for the Deaf, Inc. Ms. Viera is appropriately being honored for a lifetime commitment to expanding access to telecommunication services for the deaf and hard of hearing community.

Deaf herself, Judith Viera has been dedicated to the deaf and hard of hearing individuals for more than thirty years. In 1965, Ms. Viera graduated from Gallaudet University and immediately began her life of public service and bettering the life of others.

Among her many contributions is her work with Governors Brown and Deukmajian to establish California's policy on telecommunications access for the deaf and hard of hearing in California, which subsequently lead to many other states adopting the same policy. Also, Ms. Viera founded the NorCal Center on Deafness which is committed to assisting people who are deaf or hard of hearing with communications services, independent living skills, and social services.

Judith Viera served as program manager at the California Department of Rehabilitation where she successfully advocated legislation which contributed to providing telecommunications equipment and services to the deaf and hard of hearing community. She was also appointed as the first and only deaf member to the National Exchange Carriers Association Interstate Telecommunications Relay Services Advisory Board which assists telecommunications providers in receiving compensation for the cost of interstate relay services.

Ms. Viera's most recent service has been as vice president of business development for Wynd Communications in San Luis Obispo, CA. Wynd Communications, which was founded in 1994, is a pioneer in providing wireless telecommunications services to the deaf and hard of hearing through out the nation.

I am truly honored to have Ms. Judith Viera as one of my constituents. She is an example of selfless commitment and altruistic dedication to a very meaningful cause; opening the bounties of our country to all of its citizens.

WHAT MATTERS TO COLORADANS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, for two years, Coloradans have been bombarded with opinions suggesting it's not about fidelity, commitment, or personal behavior. But now a new survey from the Rocky Mountain Family Council shows that what Coloradans really care about are lifelong, satisfying marriages and happy children.

Last Tuesday, as Members of Congress were returning to Washington for the impeachment vote, the Rocky Mountain Family Council was unveiling the "Marriage Matters: 1998 Colorado Marriage Health Index." The results clearly contradict the values demonstrated by the recent affairs of our President and Governor.

President Clinton's exploitation of a clever slogan proved decisive in ushering him into office, "It's the economy stupid!" Coloradans, being common sense, caring people, recognize marriage and family last forever. Economic prosperity, however, is often only as secure as the next paycheck. Sure, some may find solace in this period of relative economic prosperity. Fatter wallets tend to squelch the alarm of cultural decay to a certain degree.

But even the highest heights of consumer confidence cannot achieve the kind of moral indifference upon which political left-wingers are banking in the face of executive scandal and infidelity. On the contrary, Coloradans bristle when politicians betray their marriage vows for extramarital affairs, even when downplayed as "affectionate" or "hugging" relationships.

According to the Family Council, when asked if they could wave a magic wand and guarantee certain life goals for themselves, Coloradans overwhelmingly chose a lifelong, satisfying marriage and happy children over the material goods like fancy homes, comfortable retirements, and fulfilling careers. Further underscoring this result is the fact that Coloradans were far more willing to give up houses, retirements and careers if that would ensure a satisfying, lifelong marriage and happy kids.

The question for political leaders becomes one of how government can best help the average citizen achieve these goals. Government should take a page from the Hippocratic Oath: "First, do no harm."

Many well-intentioned government programs designed to strengthen families achieve just the opposite, by subsidizing parents spending time away from their spouses and children. Government policies which support marriage and family, like doing away with the marriage tax penalty in the tax code, can go a long way toward ensuring Coloradans realize their family goals and dreams.

Working families struggling under a heavy tax burden may be so crushed by the weight of supporting lofty government programs they can't spend the time with their spouses and children they'd like. Economic prosperity, lower taxes, and freedom can support and strengthen families and marriages if they enable spouses and parents to devote more attention to what really matters.

Fancy house? Fat retirement accounts? Cushy jobs? These pale in comparison to heartfelt desires for happy marriages and children. As we enter the twenty-first century, elected officials would do well to respond to what Coloradans say is really important to them. Failure to do so will only perpetuate the myth that strong marriage and families are just by-products of a strong economy.

No one ever went to his or her grave saying "I wish I had worked longer hours." Government can, and should, do all in its power to allow families and marriages to grow strong without interference.

VICE PRESIDENT AL GORE'S TRIBUTE TO HIS FATHER, SENATOR ALBERT GORE, SR., OF TENNESSEE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. LANTOS. Mr. Speaker, on December 5, Albert Gore, Sr.—who served 14 years as a member of this House and another 18 years as a member of the United States Senate—died at his home in Carthage, Tennessee. I knew Senator Gore, Mr. Speaker, and I have great respect for this outstanding gentleman and distinguished public servant.

During his 32 years of service in the Congress, Senator Gore established a legacy that all of us can envy. He was the principal Senate author of the legislation that created the Interstate Highway System which was adopted by the Congress in 1956. He was a voice of reason and honor in supporting civil rights at a time when few southern political leaders would dare to take such a principal stand. He expressed his opposition to the war in Viet Nam, and that courageous position ultimately cost him his seat in the Senate.

Mr. Speaker, I had the honor of attending the Memorial Service for Senator Albert Gore, Sr., in Nashville on December 8. On that occasion, our Vice President AL GORE delivered a moving eulogy to his father. No finer tribute could be paid to any father than the honor which Vice President GORE paid to his father last week. Mr. Speaker, I ask that the Vice President's remarks be placed in the RECORD, and I urge my colleagues to read them and join me in celebrating the life and legacy of Senator Gore.

REMARKS BY THE VICE PRESIDENT AT THE FUNERAL OF HIS FATHER, FORMER SENATOR ALBERT GORE, SR.

WAR MEMORIAL AUDITORIUM, NASHVILLE, TENNESSEE, DECEMBER 8, 1998

The Vice President: President and Mrs. Clinton; so many honored guests from our nation and our state. The Lord gave and the Lord hath taken away. Blessed be the name of the Lord.

My father was the greatest man I ever knew in my life. Most of you know him for his public service and it could be said of him, in the words of Paul, that this man walked worthy of the vocation wherewith he was called.

There were those many, many who loved him—and there were a few who hated him. Hated him for the right reasons. It's better to be hated for what you are than to be loved for what you are not.

My father believed, in the words of the Scripture, "Woe unto you when all men shall speak well of you." (Laughter.) He made decisions in politics that were such that he could come home and explain to his children what he had decided and why. He went into the world with peace; he held fast to that which was good. He rendered to no one evil for evil. He was of good courage. He strengthened the fainthearted. He supported the weak. He helped the afflicted. He loved and served all people who came his way.

None of this was a secret to the world. As most of you know, there was a time when some people thought my father should seek the highest office in the land. Here's what he said about that idea: "The lure of the presidency never really overwhelmed me, though, there were times when the vice presidency seemed extremely attractive." (Laughter.) Now, that's humility. (Laughter.) And he did love mercy and do justly. The last advice he gave me, two weeks ago, when he was almost too weak to speak, was this: Always do right.

He was born in an isolated, poor dirt farm on the banks of the Roaring River in Jackson County, Tennessee. His father was a friend of Cordell Hull who, of course, later made all the families in this part of the country proud by becoming a congressman and a senator, and then Secretary of State.

My grandfather and Cordell Hull floated logs down the Cumberland River to the point where it meets the Caney Fork at Carthage. My father's boyhood dreams were taken by the currents of both men's lives. He was always a farmer, and he became a statesman.

Soon after he was born, his whole family moved to Smith County, to a place just west of Carthage called Possum Hollow. He grew up in what he described as a self-giving, self-respecting household. and he said that, although the chores were heavy and the discipline absolute, there was love in our family and reverence for each other.

He went to work as a teacher, in a one-room schoolhouse in a mountain community in Overton County named Booze (phonetic). (Laughter.) He was 18 years old and had three months of college. His students called him Professor Gore. (Laughter.) He read voraciously and taught himself to use language with precision. "The Leatherstocking Tales" were his favorites.

I always marveled at his vocabulary and, as I grew older, at his unusual pronunciation of certain words. For example, instead of "woond" he always said "wownd." I used to challenge him on the words I was certain he'd mispronounced. But invariably the dictionary also contained his preferred version, with the italic note: "archaic." (Laughter.) As many have said since his passing, he was an original.

As he continued his education at Murfreesboro State Teachers College, and continued working in all his free hours, he learned the lessons of hard times, trucking livestock to market only to find that they had sold for less than the hauling fee. The Great Depression awakened his political conscience. He often told me of the deep emotions he felt watching grown men with wives and children they could neither feed nor clothe, on farms they could no longer pay for. Grown men who were so desperate that tears streamed down their cheeks when they received their meager checks for a whole season's work on their crops.

The kindling for his political philosophy piled up on Sunday afternoons among the whittlers, with whom he sat under the shade trees of the Carthage Square, and listened as Congressman Hull talked of important business in the Nation's Capital. When my father first heard Franklin Delano Roosevelt on the radio, the kindling caught fire.

He became the youth chairman in Tennessee for FDR in 1932. The following year, he became a candidate himself, for the first time, for Smith County's Superintendent of Schools. He lost the election, and then his teaching job—(laughter)—but he gained respect from those who heard him. Indeed, when the man who won the race unexpectedly turned gravely ill soon after the election, he surprised the County Court by recommending my father as his replacement before he died. This gift from his dying former rival made a deep and lifelong impression on my father. It was one of the reasons why he never said a harsh word about any of his opponents for the rest of his career.

He soon began YMCA night law school, even as he continued as Superintendent of Schools, and awoke well before dawn to also tend his crops. I don't think I ever saw him tired, but he must have been sleepy after such long days and nights, facing an hour's drive yet to return from Nashville to Carthage on old Highway 70. So he went looking for coffee.

And he found it at the old Andrew Jackson Coffee Shop, which stood not 100 yards from here. He loved to tell the story of how the coffee didn't taste good unless it was poured by a beautiful young waitress named Pauline LaFon. She was going to law school by day and working nights. They say opposites attract. (Laughter.) They didn't marry right away; she left for Texarkana, put up her shingle, and practiced oil and gas law. But his coffee turned bitter, and eventually he persuaded her to come back as his wife.

Of all the lessons he taught me as a father, perhaps the most powerful was the way he loved my mother. He respected her as an equal, if not more. He was proud of her. But it went way beyond that. When I was growing up, it never once occurred to me that the foundation upon which my security depended would ever shake. As I grew older, I learned from them the value of a true, loving partnership that lasts for life.

After managing the successful campaign of Governor Gordon Browning, he became Tennessee's first Commissioner of Labor, and started unemployment compensation in the face of powerful opposition. He enforced mine inspection laws for the first time in our history. He administered our first minimum wage law; it was 25 cents an hour. He defended the right to organize. He was always, always for working men and women.

He loved practical jokes. His humor often had an edge. One Saturday night in the early 1930s, at a party he organized in a barn by the Cumberland River for a group of friends in Carthage, he planted the suggestion that quite a few rattlesnakes had been seen in the area the preceding day. Then, surreptitiously, in the shadows thrown by the fire, he attached a fishhook to the pant-leg of his friend, Walter Merriman. At the other end of the hook was tied a large black snake he had killed in the barn before the party guests arrived.

Rejoining the circle, he bided his time for a moment, and then suddenly pointed towards Merriman's leg and shouted, "Snake!" The more Merriman jumped and ran, the more determined the pursuing snake appeared. (Laughter.) The prank worked a little too well when the fishhook dug into Merriman's calf. (Laughter.) Certain that it was a rattlesnake's fang, he collapsed in fear. (Laughter.)

It took several months for the friendship to be repaired—(laughter)—but the story became such a local legend that someone told me about it again last night at the wake.

It's difficult to follow the rhythm of his life without hearing the music that held him in its sway ever since the spring day a fiddler named Uncle Barry Agee played at the closing ceremonies of Miss Mary Litchburg's first-grade class. It was a magical experience that ignited a passion for playing the fiddle, so powerful that, later in his life, he sometimes worried that, if he gave into it, it would somehow carry him away from the political purposes to which he was also powerfully drawn.

Before long, by the grace of his mother and with the help of his brother, he marshaled the impressive sum of $5 to buy his own fiddle, and soon thereafter his classmates nicknamed him Music Gore.

He always told lots of stories, but without a doubt the one he told most often was about a Possum Hollow hoedown held at his house, to which several musicians were invited, including a traveling mandolin player with one leg named, Old Peg, who spent the night in their home.

My father had just finished the eighth grade and his devotion to music had become, in his words, all-absorbing. The next morning he helped his father hitch up the harness for Old Peg's horse and buggy. Each time he told this story, the buggy grew more dilapidated. Before long, it had no top; the harness was mostly baling wire and binding twine. He counted that scrawny horse's ribs a thousand times for me and my sister, and then counted them many times again for his grandchildren.

As Old Peg left the sturdy Gore household, the buggy was practically falling apart. As the impoverished picker wobbled precariously down his less-traveled road, my grandfather waited until he was just out of hearing range, then put his hand on my father's shoulder and launched a sentence that made all the difference: "There goes your future, Albert." (Laughter.) My grandfather's humor had an edge to it, too. (Laughter.)

Don't ever doubt the impact that fathers have on their children. Children with strong fathers learn trust early on, that their needs will be met; that they're wanted; that they have value. They can afford to be secure and confident. They will get the encouragement they need to keep on going through any rough spots they encounter in life. I learned all those things from my father. He made all the difference.

Boys also learn from their fathers how to be fathers. I know I did. When my father first ran for Congress, as the age of 29, he worried that people would think he was too young, so he vowed to always wear his coat and he affected a formal demeanor. With Old Peg still wobbling through his unknown future, candidate Gore vowed also to never play the fiddle—in public.

Which brings me to what was, by our official family count, my father's second-most frequently told story. It's Saturday night in Fentris County, July 1938. The crowd had gathered in the hot, crowded courtroom for my father's speech on reciprocal free trade. (Laughter.) There's a bustle through the door at the rear of the crowd. Three of my father's musician friends are working their way through the crowd toward the podium, and one of them holds a fiddle over his head. He, my father, speaks louder and more rapidly about the evils of tariffs, hoping, he claims, that the fiddle will go away.

By now, though, his alter ego is standing directly in front of him, holding the fiddle in outstretched arms and demanding loudly, "Play us a tune, Albert?" Trapped by this powerful drama, he seizes the fiddle and unleashes his music. And then the crowd goes wild. My father always chuckled when he delivered his favorite punchline, "They brought the house down." (Laughter.)

Once he was reconciled to who he really was, there was no turning back, and the crowds did love it. He brought the house down wherever he went.

In August, he was elected in the Democratic primary. That was it, because back then no Republicans ever ran. In September he went to Washington with his wife and baby daughter, my sister Nancy, not one year old, and he was invited to play his fiddle in Constitution Hall with Eleanor Roosevelt in the audience.

Fourteen years later, when I was four, he moved to the Senate. The incumbent he defeated, Senator Kenneth D. McKellar was a powerful chairman of the Appropriations Committee, and sought to remind the voters of his power to bring money to the state with his omnipresent slogan, "A thinking feller votes McKellar."

In keeping with my father's campaign philosophy had a negative word about his opponent and always admonished his supporters never to remove a McKellar sign. Instead, acting on my mother's advice, we put up new sign directly underneath McKellar's—every time we found a sign that said, "The thinking feller votes McKellar," we put our new sign directly underneath it proclaiming, "Think some more and vote for Gore." (Laughter.)

By defeating McKellar, and more broadly, the Crump machine, he helped to establish the terms of a new politics for Tennessee and the entire South—a progressive politics that rejected race baiting and connected our region to the rest of America. And he carried those values on to the national stage.

In 1956, my father hoped to be Adlai Stevenson's running mate. So did Estes Kefauver, who felt he had earned it. And so did my father's friend and Senate classmate, John F. Kennedy. It was quite a convention.

I'm particularly proud that my father was way ahead of his time in fighting for civil rights. Discrimination against blacks deeply offended his sense of justice. He talked about it to Nancy and me often.

When I was eight years old, we lived in a little house in Carthage on Fisher Avenue, halfway up a hill. At the top of the hill was a big, old mansion. One day as the property was changing hands, the neighbors were invited to an open house. My father said, "Come, son, I want to show you something." So we walked up the hill and through the front door. But instead of stopping in the parlor or the ornate dining room or the grand staircase with all the guests, my father took me down to the basement, and point to the dark, dank, stone walls and the cold mettle rings lined up in a row—slave rings.

Long after he left the classroom, my father was a teach. And I thank God that he taught me to love justice.

Not everyone was eager to learn. One unreconstructed constituent once said, in reference to African Americans, though that was not the term he used, "I don't want to eat with them, I don't want to live with them, I don't want my kids to go to school with them." To which my father replied gently, "Do you want to go to heaven with them?" After a pause came the flustered response, "No, I want to go to hell with you and Estes Kefauver." (Laughter.)

All that driving between Carthage and Nashville, and between Carthage and Washington, made him impatient for better roads. During World War II, he had been the first congressman to decline a commission as an officer and joined the Army as a private. FDR called all the congressmen back from service. He later went back in, and during his service in Germany, he was impressed by the autobahn. In 1956, he personally authored and passed into law the Interstate Highway Bill, the largest public works endeavor in the history of humankind.

We traveled down here this morning from Carthage on old Highway 70, the same road he first took to Nashville 75 years ago. It's a long way. He's taking his last trip home on I–40, a part of the 44,000 miles of interstate that he created.

He wrote and passed the first Medicare proposal ever to pass on the Senate floor, in 1964. One year later, after the Democratic landslide, Medicare became law. For more than a decade he controlled all tax policy on the Senate floor, because the majority of his colleagues had absolute trust in his conscience, his commitment to fairness, and his keen understanding of the law.

He was the best speaker I ever heard. When he spoke on the Senate floor the cloakrooms emptied, the galleries began to fill, the pages sat in rapt attention. He had a clarity and force that was quite remarkable. People wanted to hear him speak and they wanted to know what he said, because they knew that whatever he said he believed with his heart.

Time and again, with the crispness of his logic and the power of his oratory, he moved his listeners to adopt his opinions and cheer. Indeed, in his very first speech on the floor of the House of Representatives in 1939, the next day The New York Times reported that his remarks—and I quote—"stopped the show, and received an ovation of proportions such as are usually reserved for elder statesmen." His speech changed enough votes to defeat the bill he opposed. That's what happens when you bring the house down.

Keeping alive the tradition of Hull, he fought tirelessly for reciprocal free trade—and he always emphasized that word "reciprocal." But he often quoted Hull, his mentor, as saying, "When goods do not cross borders armies do."

He was an early supporter of Israel. As chairman of the Foreign Assistance Appropriations Subcommittee, in 1948, he authored and passed the first American aid to the new Jewish state. He was the nation's leading expert on outer space law and authored the treaty banning weapons from space. He led the fight to negotiate and ratify the Anti-Ballistic Missile Treaty, an agreement which many believe was a turning point in the nuclear arms race.

And of course, he was an early, eloquent, and forceful opponent of the Vietnam War—and it cost him his seat in the Senate.

My father was brave. I mean really brave. He opposed the poll tax in the '40s, and supported civil rights in the '50s. By the time he was in his final Senate term, I was old enough to understand clearly the implications of the choices he made when he repeatedly rejected the advice of many fearful political allies who had urged him to trim his sails. He was proud to support the Voting Rights Act of 1965. He was damned if he was going to support Hainesworth or Carswell, Nixon's suspect nominees for the Supreme Court. And I was so proud of that courage.

And even then, he almost defied the odds and won. But a new ill wind was blowing across the land. And in many ways he was unprepared for the meaner politics that started in 1970. For example, he never, ever had a press secretary on his payroll, for 32 years. He was offended by the very thought of using taxpayers' money to pay the salary of someone whose principal job was to publicly flatter him. (Laughter.)

He preferred to speak plainly for himself. Indeed, many older Tennesseans will tell you that what they remember most about my father was his Sunday radio broadcast on WSM, where he presented the news from Washington "as I see it."

The night he lost in 1970, he made me prouder still. He said, defeat may serve as well as victory to shake the soul and let the glory out. And then he turned the old southern segregationist slogan on its head and declared, "The truth shall rise again."

I heard that. The next day was the first time I ever remember our roles being reversed, the first time I gave back to him what he taught me. We were in a canoe on the Caney Fork, just the two of us. Near to despair, he asked, "What would you do if you had 32 years of service to the people given to the highest of your ability, always doing what you thought was right, and had then been unceremoniously turned out of office? What would you do?" I responded, "I'd take the 32 years, Dad."

It's not correct to say that he went back to his farm; throughout his entire career in public service he never left his farm. He loved to raise Angus cattle. In the audience today are quite a few Angus breeders from around the country who were among his closest friends. It was his recreation. He always said, "I'd rather find a new black calf in the weeds than a golf ball in the grass." (Laughter.)

Our farm was also an important school where he taught me every day. He must have told me a hundred times the importance of learning how to work. He taught me how to plow a steep hillside with a team of mules. He taught me how to clear three acres of heavily wooded forest with a double-bladed axe. He taught me how to take up hay all day in the sun and then take up the neighbor's hay after dinner by moonlight before the rain came.

He taught me how to deliver a newborn calf when its mother was having trouble. He taught me how to stop gullies before they got started. He taught me how to drive, how to shoot a rifle, how to fish, how to swim. We loved to swim together in the Caney Fork River, off a big flat rock on the backside of his farm.

Once my father was giving a magazine reporter from New York City a short tour of the farm when he came across a cow stuck in the river mud. The reporter had no idea what to make of it when he stripped naked and waded into the mud, emerging a half hour later with his cow. (Laughter.)

After he left the Senate he went into business. For ten years he ran the second largest coal company in America, driving back and forth on the interestate connecting Tennessee with Lexington, Kentucky. At the time of his death he was still serving as the senior director on the board of Occidental Petroleum.

But just as with farming, he had always been in business. He owned a feed mill, a hardware store, and sporting goods store, a towing and auto repair shop. He sold boats and motors. He had a gasoline station. He leased the space for three restaurants, a barber shop, a beauty shop, a natural gas distributor, a veterinarian's office, and a union hall. He ran a commercial egg production house with 10,000 chickens. He build and operated the first so-called pig parlors in this part of the country. He developed real estate and built houses and apartments for rent. He was always busy.

When I eventually left journalism and entered politics, he was also a source of invaluable advice in my races for the House and Senate, and later when I ran for President he personally campaigned in every single county in both Iowa and New Hampshire. I constantly run into people in both states who know him well, not from his days in the Senate, but from his days as a tireless octogenarian campaigner.

In 1992, when then Governor Clinton asked me to join his ticket, my father became an active campaigner once again. At the age of 84, he and my mother took their own bus trip that year, and what a crew was on that bus—Albert and Pauline Gore, Tony Randall, Mitch Miller, and Dr. Ruth. (Laughter.)

He convinced one young man from our campaign to come back to the farm with him. But the fellow soon left, and asked me, how do you tell a man who is working beside you and is 84 years old that you are quitting because it's too hot and the work is too hard? (Laughter.) I could have told him I learned the answer to that one when I was still young—you don't. (Laughter.)

At 85, he embarked on a major new project—the antique mall and car museum in south Carthage. Two years ago, when he was 89, he was still driving his car. I had great difficulty persuading him to stop. When I asked my friends and neighbors in Carthage to help, one of them said, "Oh, don't worry, Al, we know his car—we just get off the road when we see him coming."

Once, though, he didn't know his own car. He left the store, got in somebody else's car and drove home. (Laughter.) Carthage is the kind of place where people often leave the keys in the ignition. Luckily, the store owner drove my father's car up to his farm, left it in the driveway and then drove the other fellow's care back to the store before he knew it was missing. (Laughter.)

There are so many people in Carthage who have bent over backwards to help my parents, especially over the last few years. My family is so grateful for the quality of kindness in Smith County, and we thank you. And during the months and weeks before my father's death, we've been blessed with the devotion of a wonderful collection of around-the-clock caregivers and doctors and nurses.

Reverend Billy Graham wrote recently, "We may not always be aware of the presence of angles. We cannot always predict how they will appear. But angels have been said to be our neighbors." All I know is that my family is mighty grateful to the people who have shown so much love to my father. And we found out that a lot of our neighbors in Smith County and the surrounding counties really are angels. A lot of them are here today, and on behalf of my family I want to say thank you.

He died bravely and well. As it was written of the patriarch, Abraham, "he breathed his last and died at a good old age, an old man and full of years, and he was gathered to his people. And we know that those who walk uprightly enter into peace, they find rest as they lie in death."

As many here know, it's hard to watch the sharpness of a parent's face, hard to watch, in the words of the poet, "how body from spirit does slowly unwind until we are pure spirit at the end."

We're a close family. But the time we had together over the last few weeks to say goodbye truly brought us closer still. We're grateful to all those who have reached out to us, many of whom understand the need because they, themselves, have suffered loss. As is our custom here, neighbors brought food and we tried to concentrate on making ready for today.

So here's what I decided I would like to say today—to that young boy with the fiddle in Possum Hollow, contemplating his future: I'm proud of the choices you made. I'm proud of the road you traveled. I'm proud of your courage, your righteousness, and your truth. I feel, in the words of the poet, because my father "lived his soul, love is the whole and more than all."

I'll miss your humor, the sound of your laughter, your wonderful stories and your sound advice, and all those times you were so happy that you brought the house down.

Dad, your whole life has been an inspiration. I'd take the 91 years—your life brought the house down.

ELBERT COUNTY RESOLUTION 98-112

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, over the course of the past few weeks, I have received numerous contacts from constituents regarding the matter of today's impeachment question.

On Wednesday, the Board of County Commissioners for Elbert County, Colorado adopted and forwarded to me, a Resolution calling upon the House to decide in favor of impeachment of President William Jefferson Clinton. Mr. Speaker, as Colorado's Fourth Congressional District Representative, and on behalf of the people of Elbert County, Colorado I hereby submit for the RECORD a full and complete copy of the Resolution adopted by Chairman John Dunn; Vice Chairman Ralph Johnson; and Commissioner Daniel A. McAndrew.

I further call upon my colleagues to carefully consider the thoughtful commentary, opinion, and findings of the Elbert County Commissioners. Finally Mr. Speaker, I extend my most sincere thanks to the Elbert County Commissioners for assisting the Congress in resolving this great question facing our beloved nation.

STATE OF COLORADO, COUNTY OF ELBERT

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 16th day of December A.D. 1998, there were present: John Dunn, Commissioner Chairman; Ralph Johnson, Commissioner Vice Chair; Daniel A. McAndrew, Commissioner; and Geri Scheidt, Deputy, Clerk to the Board.

When the following proceedings, among others were had and done, to wit:

RESOLUTION 98–112—CONSTITUTIONAL SUPPORT RESOLUTION

Whereas, elected official are sworn to uphold the Constitution; and

Whereas, the President is the highest elected official in the land; and

Whereas, all House and Senators are sworn to uphold the Constitution; and

Whereas, the Board of County Commissioners, as elected officials, are duly sworn to uphold the Constitution. Be it therefore

Resolved, the Board of Elbert County Commissioners do hereby request that the Colorado Delegation for the House, vote to impeach President Clinton, and be it further

Resolved, the Board of Elbert County Commissioners do hereby request that the Senate consider the evidence presented by the House and vote as the Constitution demands.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote: John Dunn, Chairman, Aye; Ralph Johnson, Vice Chairman, Aye; and Daniel R. McAndrew, Commissioner, Aye.

EXPRESSING UNEQUIVOCAL SUPPORT FOR MEN AND WOMEN OF OUR ARMED FORCES CURRENTLY CARRYING OUT MISSIONS IN AND AROUND PERSIAN GULF REGION

SPEECH OF

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. JOHN. Mr. Speaker, I rise today to express my support for the American men and women who are putting their lives on the line in the Persian Gulf to protect our nation and the world from the threat being posed by Saddam Hussein's arsenal of terror. Sadly, Saddam has again called into question the commitment of the United States and our allies to prevent the proliferation of weapons of mass destruction in Iraq by blocking the United Nations Special Commission (UNSCOM) from inspecting suspected sites and restricting its ability to review evidence.

Nobody in this chamber wishes harm on the people of Iraq, but the repeated refusal of Saddam to comply with the conditions of the 1991 cease-fire poses a clear and present danger to the national security interests of our nation. I stand by the decision of the President and his national security advisors to launch a military strike against Iraq and condemn Saddam for forcing this upon his people. There can be no doubt that decisive military action is justified and that Saddam bears full responsibility for these actions.

As the leader of the world community, the United States must remain vigilant in our efforts to expose and destroy Iraq's chemical, biological and nuclear capabilities. The UNSCOM inspectors are a critical tool in accomplishing this objective. With the UNSCOM report issued only days ago and Islamic observance of Ramadan beginning this weekend, the timing of U.S. air strikes were critical to the success of this mission. We can only hope that U.S. and British military forces in the Persian Gulf can accomplish what repeated efforts at diplomacy could not.

I want to express my gratitude to our soldiers, sailors and pilots who are carrying out this vital effort and tell their families that our thoughts and prayers will be with them during this holiday season. I offer my unequivocal support for their just cause and pray for their quick and safe return.

KORY KESSINGER EARNS THE AMERICAN FUTURE FARMERS OF AMERICA DEGREE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to Kory Kessinger of Akron, Colorado who has earned the prestigious American Future Farmers of America, or FFA, Degree, their highest honor. Kory received this award at the national FFA convention this last November. He has worked closely with his family on their farm, raising and breeding good market beef, always striving to improve production. The son of Kim and Lila Kessinger, Kory Kessinger is attending Colorado State University and studying animal science. Mr. Speaker I commend Kory for his hard work and dedication. We have much to look forward to from this fine young man. Through good efforts such as his, the youth of today are the promise of tomorrow.

REMARKS OF THE HONORABLE MARION BERRY DECEMBER 18, 1998 TRIBUTE TO MAURICE SMITH JR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BERRY. Mr. Speaker, I rise today to honor the memory of a good friend, Maurice Smith, a prominent farmer and banker in Birdeye, Arkansas, who passed from this world earlier this month Maurice was a great man who lived in Arkansas and provided leadership for the generations.

Maurice has had a long history in Arkansas politics. He served as highway commissioner and director of the state Highway and Transportation Department. He was also appointed to the University of Arkansas board of trustees and served as chief of staff to then-Governor Bill Clinton. But if it is one thing that Maurice Smith be remembered for, it is his leadership as the director of the state Highway Department. In 1991, under his direction, a 5-cent-a-gallon increase in the gas tax and a 2-cent-a-gallon increase in the diesel fuel tax pumped an additional $48 million into the department's construction budget each year.

One of my favorite quotes is from former Senator Le Roy Percy of Greenville, MS. "I guess a man's job is to make the world a better place to live in, so far as he is able—always remembering the results will be infinitesimal—and to attend to his own soul." Maurice was such a man and he will be greatly missed. He was chairman of the St. Francis Levee Board. He provided support and leadership for generations of Arkansans to make the state a better place to live, work, and raise a family, with special attentionto developing infrastructure.

A TRIBUTE TO STUB AND JOSEPHINE ROBERTS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to Stub and Josephine Roberts, owners and operators of Stub's Gas and Oil near Wiggins, Colorado. In business since 1949, Stub's recently celebrated its fiftieth anniversary of service to residents and travelers along Highway 39 and Highway 34 in Colorado. From humble beginnings as a simple gas station, Stub's has grown to a multiple service station that includes several gas and diesel pumps, a convenience store, and even a deli. With loyal customers going back for decades, Stub's has been, and will continue to be, an institution in eastern Colorado. Mr. Speaker, I commend Mr. and Mrs. Roberts, and all those who have contributed to this fine entrepreneurial business. They are true representatives of the spirit, hard work and dedication that built America as we know it.

JUDGE A. LEON HIGGINBOTHAM: CONSTITUTIONAL SCHOLAR DIES WITH HIS BOOTS ON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. CONYERS. Mr. Speaker, I was greatly saddened to hear of the loss of Judge Leon Higginbotham this week. He was a great civil rights champion who died with his boots on, for just two weeks ago I had the honor of introducing him to the Judiciary Committee impeachment hearings, where he protested the current impeachment process in his last major appearance. Judge Higginbotham's death on December 14th was a loss not just for his wife Evelyn and his children, but for every American.

Leon Higginbotham was in every way a giant. His contribution to the law as a peerless judge and superb educator was immense. His large personality and his passionate love of justice made him a colossus of the civil rights movement. The attentive silence which marked his impeccably coherent and flawlessly logical testimony just 2 weeks ago to the Judiciary Committee reminded the nation's lawmakers, and the people, of the brilliance possessed by this giant of a man.

Leon Higginbotham's achievements have served as an inspiration to Americans of all ages. His brilliant record as a civil rights attorney led to his becoming a federal judge in 1964. His performance as one of the United States' most consistent and fair judges led to his being appointed to the US Circuit Court of appeals fourteen years later. In 1995 he was recognized by President Bill Clinton with the award of the Presidential Medal of Freedom. His authority and standing led South African President Nelson Mandela to seek his expertise and impartiality as a mediator in the landmark 1994 elections. Leon Higginbotham belongs to that group of exceptional people which any nation is proud to call its own.

His outspoken courage, and his passionate opposition to racism was clearly reinforced at the hearings two weeks ago. His clear condemnation of the damage that discrimination and disregard for individual civil rights does to the justice system made his magnum opus "Race and the American Legal System" one of the most important and influential legal texts in the lifetime of this Republic.

I join every American in mourning the passing of Leon Higginbotham and in saluting his living legacy. His compassion and his respect for the individual combined with his unrivalled knowledge and love of the law to making a person I am proud to say I knew. My sympathy and that of my family goes out to his family, whose loss we all share.

TRIBUTE TO THE PEOPLE OF IDALIA, COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the good people of Idalia, Colorado. Their innovative fundraising through the nonprofit Idalia Foundation earned the prestigious $25,000 Julie and Spencer Penrose Award for Colorado's most outstanding nonprofit. Through this entity, the community of one hundred raised $1.2 million in private donations for a new community center for recreation, health care, education and meetings. Mr. Speaker, I commend the people of Idalia and the Idalia Foundation for all of their hard work, dedication and commitment to overcoming obstacles. All of this had been accomplished without a town government, and most importantly, without raising any taxes? Members of Congress should take heed by the fine examples set in our backyards.

EXPRESSING UNEQUIVOCAL SUPPORT FOR MEN AND WOMEN OF OUR ARMED FORCES CURRENTLY CARRYING OUT MISSIONS IN AND AROUND PERSIAN GULF REGION

SPEECH OF

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of this resolution. I fully support the men and women of our Armed Forces who proudly serve this Nation in the Persian Gulf. I am certain that our Nation stands behind them one hundred fifty percent, and I salute them for their hard work, patriotism, and courage.

Saddam Hussein has been tolerated for far too long. We have tried to talk to him, and we have tried to reason with him, but to no avail. He continues to break promises and threaten the security of the civilized world. As that old adage goes: "Talk softly and carry a big stick." It's time to stop talking. He has terrorized too many innocent people for far too long, and he has thumbed his nose at the civilized world. He fancies himself a leader, but in reality, he is a ruffian and a thug who possesses a dangerous arsenal of lethal weapons and the will to use them for his own megalomaniac purposes. This time, we should not be there to teach a lesson. We should, once and for all, remove Saddam Hussein from Power.

I support this resolution, and I urge my colleagues to do the same.

OF MICE AND BABBITT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, Nobel laureate John Steinbeck warned us about the best laid plans of mice and men. On Friday, December 4, Secretary of Interior Bruce Babbitt came to Colorado to unveil, with much hurrah, a special "4(d)" rule under the Endangered Species Act (ESA) designed to protect the Preble's Meadow Jumping Mouse.

Under the rule, ongoing agricultural and landscaping activities can go forward, but certain activities like maintaining irrigation ditches will need federal review. Special areas, deemed Mouse Protection Areas (MPAs) and Potential Mouse Protection Areas (PMPAs), will be determined and mapped like a federal shadow over the state of Colorado.

The special rule, in theory, would allow most existing land use practices until more permanent measures, in the form of Habitat Conservation Plans (HCPs), are worked out with Washington. Secretary Babbitt has touted HCPs as collaborative efforts toward recovering endangered species. Presumably, ranchers may go on ranching, farmers may continue to feed us, and homeowners won't have to get rid of their cats. Wonderful news for everyone!

"Not so fast" say the litigious radical wing of the environmental movement. Their disdain for farmers, ranchers, cats and people will become the basis for suing whatever collaborative plans are secured by stakeholders and interested parties. A few recent legal examples foretell of what we can anticipate in Colorado.

In Massachusetts, environmentalists sued the state for merely licensing fishermen who used certain kinds of lobster traps because the traps actually worked. In Florida, one radical environmental group sued in the name of Loggerhead Turtles because they believed aggressive local actions to curb beach-front lighting were not aggressive enough. It didn't matter that the county did everything in its power to protect sea turtles. Environmentalists sued, and won, but the turtles are no better off now than they were before.

Despite Babbitts' prose about species "wriggling off the list", and a happy working partnership of ranchers, environmentalists and bureaucrats, the ESA will—as it has always done—enrich lawyers rather then protect mice.

How well the ESA has worked depends upon who you ask. On May 6, 1998 Secretary Babbitt released a statement about several success stories under the Act. Boasting his intention to delist or downlist some two dozen species, he claimed the species had recovered thanks to this over-bearing federal law. To convince us that the Act works, Babbitt said species would be "flying, splashing and leaping off the list."

However, an independent review by the National Wilderness Institute proved otherwise. Data error, not recovery under the ESA, was responsible for the change in status of at least eight of the species. The species' status never actually improved.

Threats to other species were overestimated by government biologists. Four species turned out to be imaginary—that is they were not unique or separate species as once thought by the agency. Five species, listed as "proof" the ESA works, have actually gone extinct!

Twenty-nine of my Congressional colleagues joined me in demanding a retraction of this gross misjudgment. Jamie Rappaport Clark, the Director of the Fish and Wildlife Service, responded she was "personally embarrassed by this unfortunate error" and promised to recant the statements.

There are over 1,138 species listed under the Endangered Species Act. None have conclusively recovered due to it's passage.

To reestablish the ESA as the vanguard against extinction, we must reform it by ensuring all decisions are based on sound science, and recovery efforts include land owners, state leaders and businesses. Absent these simple precepts, even Secretary Babbitt's best laid plans for the Preble's mouse are certain to go awry.

THE STARR TRAP

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. DEUTSCH. Mr. Speaker, as we consider the gravity of the constitutional matters before the nation today, I commend my colleague's attention to an important column by Anthony Lewis which appeared in the Washington Post on December 1, 1998. I insert the full text of that column in the RECORD.

THE STARR TRAP

(By Anthony Lewis)

Boston—At 1 P.M. on Friday, Jan. 16, Monica Lewinsky arrived at the Ritz Carlton Hotel in Pentagon City to meet Linda Tripp. What happened then is well known. But its significance—its crucial significance—is not generally understood.

Ms. Lewinsky was confronted by F.B.I. agents and Kenneth Starr's assistant prosecutors. She immediately told them, as she testified later, that "I wasn't speaking to them without my attorney."

Her attorney was Francis D. Carter. When she was subpoenaed by Paula Jones's lawyers, she told him that she had not had "sexual relations" with President Clinton; Mr. Carter prepared, and she signed, an affidavit to that effect.

Mr. Starr's agents did everything they could, short of physical force, to keep Ms. Lewinsky from calling Frank Carter. They told her that he was a civil rather than a criminal lawyer "so he really couldn't help me." (That was a lie; Mr. Carter is a highly regarded criminal lawyer who for six years headed Washington's public defender service.) They gave her the number of another lawyer and suggested she call him.

They told her she had signed a false affidavit and could go to prison for 27 years. They offered to give her immunity if she would "cooperate" but said there would be no deal if Mr. Carter were called in. (A Federal regulation forbids immunity negotiations in the absence of a suspect's lawyer.)

Why were Mr. Starr's deputies so anxious that Ms. Lewinsky not telephone Mr. Carter?

On that Friday afternoon Mr. Carter had not yet filed Ms. Lewinsky's affidavit. Until it was filed, it could be changed—without legal consequences. Federal law makes it a crime only to file a false affidavit in a civil case. You can swear one, keep it, then change it or tear it up without violating the law.

Mr. Starr knew about the affidavit from Linda Tripp's last taped conversation with Ms. Lewinsky, and knew from Paula Jones's lawyers that it might not yet have been filed. That is why his deputies worked so hard to keep Ms. Lewinsky from calling Frank Carter. If he knew what was happening, they realized, he would not file it. And they wanted a crime. They wanted perjury to be committed: by Ms. Lewinsky so they would have leverage over her, and by the President when he was deposed in the Jones case the next day.

If Ms. Lewinsky had called that afternoon, Mr. Carter told me the affidavit "would not have been sent." But there was no call. At the end of the business day it was sent to the court in Little Rock by Federal Express. Under the rules, that was a filing.

Mr. Carter had shown the affidavit to the Jones lawyers and to Robert Bennett, President Clinton's lawyer. If he had not filed it, he said, "I would have told them." So Mr. Bennett would have known of Mr. Starr's interest in Monica Lewinsky. The President's deposition on Saturday would have taken another course or been canceled. And the history of the last 10 months would have been very different.

(Did the President or Ms. Lewinsky in fact commit perjury when they swore they had not had "sexual relations"? Perjury, a complicated legal concept, requires among other things proof of deliberate falsehood. In a conversation with Linda Tripp unrelated to any threat of prosecution, Ms. Lewinsky had said emphatically that "having sex" meant "having intercourse"—not oral sex.)

The right to a lawyer is fundamental in our constitutional system. A person accused of crime, the Supreme Court said in the Scottsboro Case in 1932, "requires the guiding hand of counsel at every step." Without it, the innocent person may be overborne by what she does not understand.

Police officers occasionally break the rules. It is another matter when prosecutors, who are officers of the court, overbear a young woman to keep her from calling her lawyer. The Starr deputies who were there on Jan. 16—Michael Emmick, Jackie Bennett Jr. and Bruce Udolf—should surely face questions by the appropriate legal authorities on their fitness to practice law. And Mr. Starr condoned what they did.

None of this excuses President Clinton's moral folly. But it makes powerfully clear that Kenneth Starr is a far more serious menace to our constitutional order than Bill Clinton is.

PUBLIC FIGURES CAN PAY A HIGH PRICE FOR CANDOR

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to introduce for the RECORD, an article published by Kent Holsinger of my staff. "Public Figures can pay a high price for candor" appeared in the December 10, 1998 Denver Post. Mr. Holsinger's analysis of how public speaking, delivered through the media, affects public sentiment towards government is particularly relevant as we consider tomorrow whether to impeach the President of the United States. I urge my colleagues to keep the following in mind as we deliver our messages to the country.

Public cynicism towards government may stem from the difficulty politicians and public figures have giving forthright answers to difficult questions. Behind the cynicism is a complex, and dynamic saga of American politics and culture. In the midst of this saga, the media serves as a conduit between public figures and the public. As the nature of reporting has changed dramatically with the information age, so too has the nature of public speaking.

History was made by public statements of public figures. Before pollsters, media consultants and ghost writers, great orators like Daniel Webster, Henry Clay and John C. Calhoun mesmerized their audiences in the halls of Congress, thus securing their roles in the nation's history. People rushed to the Capitol, filled the galleries and watched the great debates in person. Of those, Daniel Webster's speech on the Senate floor for a united country, one liberty and one people, is among the most famous in American history. Webster proclaimed that public speech, while it may be manipulated or sculpted, "[It] must exist in the man, the subject, and in the occasion."

But are those principles of dialogue maintained in modern times? How public speech is delivered, and reported has changed dramatically over time. Modern reporting is instantaneous and relentless. Papparazzi pursue celebrities with cameras and microphones, while news is beamed continuously to households around the world, around the clock. To cope with modern reporting, media advisors and press secretaries craft skillful, but evasive, replies for their bosses. Throughout the Monica Lewinsky scandal, President Clinton has emerged as a master of evasiveness and media "spin" on the political battlefield. Why don't public figures just speak their minds? They may be taking their lessons from what rash public statements have done to others before them.

On the real battlefield, General George S. Patton, Jr. swept the Third Army through Europe and helped secure an allied victory in World War II. Characterized by his gruff personality and hard demeanor, Patton demanded strength and discipline from his men. Inwardly, he studied philosophy and wrote poetry; but outwardly he was ruthless and offensive. He may have carried his troops more than once by determination alone. Never afraid to speak his mind, Patton once was asked by a preacher whether he ever managed to read from the Bible he kept on his nightstand. "Every—damned day," Patton replied.

At times hated and loved by his men, Patton commanded loyal troops who performed the impossible during the war. His fierce determination to pursue and conquer the enemy, coupled with his unapologetic prose was at times glorious and disastrous. He was one of the greatest tactitions and generals the United States has ever seen. General Patton led his armored units with speed and daring, his philosophy: "Catch the enemy by the nose and then kick him in the pants." This philosophy carried the Third Army across more territory and captured more prisoners than any other army in American history.

Patton, as battlefield commander, enjoyed unparalleled success. Patton, as a public figure, suffered greatly. Many times his brash, unapologetic statements, made off the record, ended up as newspaper headlines. His statements about fighting the Russians to free Eastern Europe and using ex-Nazi's during reconstruction were hotly criticized. Those controversial, but matter-If-fact statements were said quietly, or in private. But they eventually cost one of our great generals his command of the Third Army.

It is no wonder today's public figures sometimes hesitate to speak their mind. Modern reporting, often geared towards sensationalism, creates that need for evasiveness and spin in public speaking. This dichotomy fuels public cynicism and distrust. But sensationalism sells. So long as it does, public figures will guard their words, and the public long for heroes, like Patton, whom are unafraid to speak their minds.

TRIBUTE TO PROFESSOR SUSAN PFUEHLER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute and congratulate Susan Pfuehler on a distinguished career as a Theatre Professor at Eastern Washington University in Cheney, Washington. I have come to know Susan as the mother of one of my staff members, and have had the privilege to learn and hear about her from her son. I know that he is very proud of her.

From Susan's days as a child, growing up on a small turkey farm in rural western Illinois, she displayed a flair for the dramatic. Her reading about a "runty" pig earned her local accolades and launched her career in theatre. Susan was one of those rare individuals who knew her calling at a young age and pursued it full tilt. Once she graduated from her local college in Monmouth, Illinois, she headed across the Mississippi River to the University of Iowa for her masters degree. Although she was there a few years before me, we are proud to count her among our alumni.

After a short teaching stint at the University of Arizona, Susan and her husband found themselves in the small town of Cheney where she made her career as a professor and raised her family. Some might say Susan was among the original feminists—those strong and pioneering women who launched successful careers in the early 1950's. While Susan returned to the job a mere ten days after her son was born and her work often kept her in the theatre into the wee hours, she still possessed an amazing ability to find time for her family and include them in the activities at her workplace. As is, unfortunately, all too common today, it was not easy for women to succeed professionally. But Susan had deep resolve and drew strength from her family to have an outstanding career.

From setting up the first ever costume production facility and academic program at, then, Eastern Washington State College, to creating a dynamic costume program at the Interlochen Center for the Arts, to being named among Who's Who in Entertainment for the past two years, Susan has forged ahead heartfelt passion and steadfast determination.

I was once told that Susan's definition of successful teaching was to draw that one quiet kid in the classroom out and inspire them to do great things. I think it's safe to say that Susan has been successful time and time again. Teaching is a noble profession. But perhaps it is those teachers who are indeed humble in their contributions who are truly our national treasures. Susan certainly belongs in that category.

Over nearly 50 years of service to the job she loved—teaching our young people—Susan has inspired thousands of students in thousands of ways. From the classroom podium, Susan found a comfortable forum from which both to teach and to learn. As she looks forward to her next stage, I know that she will dearly miss that platform from which to speak and to listen.

Indeed the educational community has lost a great friend, but if I know Susan, she will be active in retirement and will, hopefully, have a little fun along the way. I wish all the best to you, Susan, on your well-deserved retirement.

EXPRESSING UNEQUIVOCAL SUPPORT FOR MEN AND WOMEN OF OUR ARMED FORCES CURRENTLY CARRYING OUT MISSIONS IN AND AROUND PERSIAN GULF REGION

SPEECH OF

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1998

Mr. SANFORD. Mr. Speaker, I rise today very reluctantly to voice opposition to H. Res. 612. If this resolution is truly about honoring our servicemen and women, I would vote differently. However, it is clear to me that voting for this resolution is tantamount to endorsing the President's capriciously-timed, to use a euphemism, invocation of the War Powers Act. That is something my conscience cannot allow.

I have the most profound respect for our nation's military and it is for just this reason that I cannot support this resolution. I have come to this floor on innumerable occasions to provide for my unconditional support of those initiatives which prudently and honestly promote our armed forces. My support of H. Res. 322 in November of last year which urged military action to assure full Iraqi compliance with U.N. Security Council resolutions, for example, delineates my record on the use of military force in the Persian Gulf.

It is the right thing to do at the wrong time. The timing of Wednesday's air strikes on Iraq raised too many red flags for me. I am left with too strong a perception that our men and women of the military are being put in harm's way for political reasons. I say this for several reasons:

Red Flag #1—On several occasions over the past few years, we have walked to the brink of further military engagement with Iraq. In every instance, we have walked away from that brink. Yet on the eve of a historic vote, one that has not occurred for the last 130 years in the House, we choose to cross the line? For thirteen months, the President has watched and dithered, then, after 400 days of inaction, hours before the House vote, the President decides that this is the day to take America to war. The President declared Saddam Hussein a "clear and present danger". But, he has been a clear and present danger for 400 days. Now all of a sudden, kowtowing is out and the danger is present.

Red Flag #2—There seems to be discrepancy in the messages that we get out of the White House. Rowan Scarborough's article in The Washington Times pointed out that the White House notified the Joint Chiefs of Staff on Sunday that President Clinton would order air strikes this week. Now that's a full 48 hours before he saw the United Nations report declaring Iraq noncompliant. However, on Wednesday night and in a number of press briefings since then, Administration officials insist that Mr. Clinton made the decision to strike based on the U.N.'s finding of noncompliance. My question is: which version is it? Did they decide it on Sunday or did they decide on Tuesday? This, at minimum, undermines their argument that they learned about it Tuesday and had to act Wednesday. Excluding the two interim reports and several infringements they knew about it for weeks and days and chose to strike Wednesday.

Red Flag #3—Though I agree with what the President said on Wednesday night, the problem lies in the fact that it is old news. In some ways it's old news over the last year, and it has certainly been reinforced several times over the last several months. Scott Ritter, a former United States Marine Corps officer and Gulf War veteran, resigned his post on the U.N. Inspection Team in August. In September he testified before Congress on the reasoning behind that resignation. In both his testimony and his resignation, Mr. Ritter's reasoning and facts were the same that the President suggested was new information on Wednesday. In fact, since mid-November, the Iraqis have thrown a series of impediments in front of the U.N. inspection teams. As you might remember, the inspections team returned to Iraq on November 17th and within days their efforts were being thwarted on November 25th, November 26th, November 29th, December 4th and December 9th the Iraqis hampered our efforts. The government of Iraq thwarted UN Inspection Teams in a number of different efforts ranging from proposed schedule of work to inspections of a variety of different sites. The White House knew about each of these incidents and in fact, Richard Butler produced two interim reports. Suddenly, this week, the Administration has painted Saddam Hussein as a "clear and present danger" when his actions are no different now than they were last year or earlier this year.

Red Flag #4—I am struck with the unconventional use of force. Any of the Pentagon folks that I've been around over the last several years have suggested that the American military typically places overwhelming force at the beginning of engagement to minimize the risks of casualties to Americans. That is certainly not the case in this present conflict with Iraq. In 1991, we had a full six carrier battle group in the Persian Gulf. Today, we have just one. Even on November 15, the date of our last staredown with Saddam, we had 2 carrier battle groups in place in the Persian Gulf. Now, we are told by Secretary Cohen, another carrier battle group is on the way and will be there by the weekend and that more aircraft are on the way. This raises another question: Is our new military strategy to amass a force slowly after the initial moment of engagement?

On this point, not only have we amassed our forces slowly, we have little over 200 planes prepared for this engagement, while we had 2,700 aircraft in the Persian Gulf of 1991. More significantly, we've essentially made no efforts to build support in the region for our undertaking. In the Persian Gulf War, we had 36 allies. In this engagement, only Great Britain has joined us in risking military personnel.

Red Flag #5—This hasty engagement broke previous procedure used prior to the use of force. I spoke with Porter Goss, head of Select Intelligence Committee in the U.S. House of Representative, who learned of this incident the same way I did—on CNN. This is highly unusual policy. Typically in a military engagement or a buildup to a military engagement, he would have been forwarded and briefed.

Red Flag #6—We are not sure of our strategy. Some have suggested that because of the onset of Ramadan, a month of peace in the Muslim world, we will be wrapping up our efforts in a matter of days. If so, this pin prick effort is sure not to do any great damage to Saddam. Using 2,700 aircraft in a 42 day engagement, he stayed in power. Does he have to do little more than hide for a few days if he knows an engagement is going to be curtailed by a religious holiday?

Red Flag #7—With air strikes limited to just a few days, what is the outcome we hope to get? We were told that we want to thwart his ability to produce weapons of mass destruction and yet the very nature of biological or chemical weapons makes them very difficult to detect. If one was charged with hiding gallon-sized milk jugs across the state of Texas, and then someone else 30 days later was charged with bombing those gallon sized milk jugs, my bet is that at the end of the month there would be plenty of well-hidden milk jugs absolutely unharmed. Similarly, we can tear down buildings maybe 4, maybe 40, maybe 400, but if they are not buildings that weaken what the military calls his center of gravity, his access to strength, then it will do little to no good. If we're serious about this we ought to be aiming for his Republican Guard and other pieces of the formula that's keeping him in power. There are no clear efforts to weaken these components of his power.

In summary, as you walk through these red flags, too many of them suggest that the timing of this engagement may have been politically motivated. I think we should make every effort to ensure that even the appearance of that politicization doesn't come back to rest on the shoulders of American troops. We can do better than that and the men and women of our armed services deserve it.

TRIBUTE TO CONGRESSMAN GLENN POSHARD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the public service of my very good friend, Congressman GLENN POSHARD.

GLENN and I were elected to Congress during the same year, 1988, and worked together as a team to represent the 22nd and 21st Districts of Illinois until those districts changed in 1992. Since then, GLENN has represented the 19th District and I have represented the 12th District, which covers a large amount of territory formerly in GLENN's old congressional seat.

I can tell you that there is no one in Southern Illinois who is held in higher esteem than GLENN POSHARD. During his race for Governor in 1998, GLENN ran a race that made all of his colleagues in the Illinois Delegation proud. However, I can tell you that the constituents in my district who know and love GLENN POSHARD were also very proud of his congressional service and his race for Governor.

GLENN has always been a unique representative. He made the decision early in his congressional career to refuse money from political action committees, a commitment he made as well in his race for Governor. He imposed on himself a term-limit of five terms in Congress, which he fulfills by leaving at the end of this session of Congress. He has carried himself with a quiet dignity, working hard for the people of his district while promoting those policies he thought best for the entire nation.

His sources of inspiration have been those individuals who overcame difficult circumstances to excel in life, including his parents, and notable public figures like Lech Walesa and Nelson Mandela. GLENN was born poor in Southeastern Illinois and rose to achieve a PhD and go on to one of the highest honors an individual can attain in the United States—to serve his fellow men and women in the Congress.

GLENN POSHARD will leave this Congress with a distinguished record: fighting for a balanced federal budget; increasing the pay, working conditions and health care for working men and women; protecting the Constitution and improving the economy of rural America. But he will also leave here with enormous affection and gratitude of his colleagues, and the thanks and devotion of his constituents, who may be seeing the end of his days in the Congress but surely not the end of his public service.

I join my colleagues in saluting the honored service of my good friend, GLENN POSHARD.

CUSTOMER SERVICE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, in these times of automated phone responses, impersonal corporations, and indifferent employees, some see customer service as a deduction from the bottom line. However, good customer service is more important now than ever. In private industry, and in government, good service fosters trust and good feelings between constituencies and those who serve them. In a competitive market, those who perform above and beyond what people expect survive and prosper. Government leaders can always learn from good examples in American businesses.

Some of the nation's most successful business leaders have built upon a philosophy of service to their respective constituencies. Herb Kelleher, CEO of Southwest Airlines, was never content to a rest while his employees toiled. He once helped flight attendants serve drinks on a Southwest flight. On Thanksgiving and Christmas, the busiest travel times, it was rumored he worked in baggage service alongside his employees. Imagine the inspiration, working with their CEO, as they sacrificed time with their families to ensure thousands of others could be together on those important holidays. Likewise, wayward travelers at some hotels are not directed, but accompanied by employees to the destination they seek within the hotel. Such kind assistance is likely to lift the spirits of even the weariest of guests.

Sam Walton, founder of Wal-Mart, and recipient of the Presidential Medal of Freedom, was legendary for his commitment to his employees and his customers. His philosophy of good service destined his enterprise to become the nation's largest retailer. Mr. Walton ran his stores like a coach preparing his team for the big game. He led by example, and instilled in his staff the determination and motivation to serve and to succeed. Famous for his devotion to his employees, Walton, whenever he saw a Wal-Mart Truck, was known to land his Cessna amidst the nearest cornfield, flag down the driver, and ride with him to his destined store. Such company spirit and pride has fostered loyalty and trust among the public.

Sound principles of customers service should be inherent in government as well as private industry. Intrinsic within a republican form of government is a commitment to the people one represents and to serving their needs in the best way possible. With that in mind, I have focused on putting together America's best congressional staff. Employees in my office come from diverse backgrounds and have diverse talents: all have close ties to Colorado and the district. Each and every member of my staff considers it their personal responsibility to serve the public the best they can. They genuinely believe in their work and in serving the people of the State of Colorado.

Our office responds to thousands of letters and phone calls each month. My dedicated staff handles scores of constituent requests, helps me prepare letters, draft and follow legislation, and helps advise me on multitudes of important issues. Should someone from Colorado visit our nation's capital, we are always eager to line up congressional tours of the Capitol, and even the White House. People within the district also express their opinions, seek help with problems involving a government agency, or request information on legislation or proposed regulations from me or a member of my staff all the time. With an open door policy, my staff communicates frequently and openly with me. I consider them, as should my constituents, as an extension of myself. With selfless dedication, and in the spirit of America's best business leaders, America's best congressional staff works long hours and strives toward a philosophy of service to the good people of Colorado's Fourth Congressional District.

A TRIBUTE TO CONGRESSMAN GLENN POSHARD

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to my good friend, Congressman GLENN POSHARD. Congressman POSHARD has aptly served the Nineteenth Congressional District of Illinois for ten years. During his tenure in the House of Representatives, GLENN has stayed true to his strong morals and has done what was best for his constituents.

With working-class roots of his own, Congressman POSHARD has been one of the most ardent congressional supporters of working-class men and women. From his position on the House Committee on Small Business and the Committee on Transportation and Infrastructure, POSHARD has also been a guardian of the economic interests of his district. For example, Congressman POSHARD opposed the North American Free Trade Agreement, which he knew would cost many American working men and women their jobs. However, when it became clear that this flawed trade agreement would pass in the House of Representatives despite his opposition, Congressman POSHARD sponsored an amendment to protect the domestic broom industry. There are many broom factories in the Nineteenth Congressional District and they are still thriving today because of Congressman POSHARD.

Congressman POSHARD has a strong moral center that has greatly influenced his congressional career. GLENN is opposed to abortion and has been one of the most impassioned defenders of the unborn. A pro-life Democrat like myself, Congressman POSHARD has worked to protect the lives of the unborn and has worked to make the Democratic Party more open and welcoming to pro-life members. As a former teacher, GLENN has also worked to protect the needs of children. GLENN voted for welfare reform in 1996 but only after satisfying himself that the needs of children were addressed.

Throughout his service in the House of Representatives, GLENN POSHARD has fashioned himself as a citizen legislator. Since his first term in Congress, GLENN has shunned contributions from Political Action Committees. Instead, GLENN has relied on the support of his constituents. As he promised when he was elected in 1988, Congressman POSHARD is leaving after five terms so that "other folks have their shot at solving the problems."

My colleagues in the House of Representatives and I will miss GLENN POSHARD. He is a gentleman, a statesman, and even a poet on occasion. Most of all, however, he is a good friend. Thank you, Congressman POSHARD, for all of your hard work and support throughout your ten years in Congress. Congratulations on your numerous accomplishments which are too numerous to list here. And, good luck with all your future endeavors.

A TRIBUTE TO GLENN POSHARD

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. SHIMKUS. Mr. Speaker, I join my colleagues in honoring the distinguished gentleman from Carterville, Illinois, Congressman GLENN POSHARD.

There are perhaps no two better words to describe GLENN POSHARD than distinguished and gentleman.

GLENN POSHARD arrived in Washington 10 years ago charged with a mandate to represent the people of his district to the very best of his abilities. I can think of no one who has been a more effective representative for the unique needs of southern Illinois than GLENN POSHARD.

For the people of southern Illinois, he has been a fighter and a tireless advocate. He has broken through the wall of regionalism that separated our State into Chicago versus the suburbs versus downstate versus the real downstate of southern Illinois. GLENN POSHARD made people aware that southern Illinois existed by never wavering in his efforts and never shying away from the pride that those southern Illinois roots instilled in him years ago.

As a Member of this body, he has distinguished himself as one who keeps his word and stands on principle. As a member of our society, he has distinguished himself as a gentleman of the first order.

There's never a moment when he's too busy to say hello or share a kind word with a friend or foe. I am proud of all that he has accomplished.

I am proud that he kept his word to serve no longer than 10 years in this body and then returned to Illinois to run for Governor, as for GLENN POSHARD, public service never truly ends.

While he wasn't elected as our next Governor, I know that he gained the personal respect of the man who was elected and of all those of us who watched him during his campaign.

During that effort, GLENN POSHARD spoke forcefully and loudly about the needs of our State's children. Since that time he has pledged to continue to try and make a difference for our kids.

As he leaves this body to move on to that effort, GLENN POSHARD should know that he has already made a difference for our State's children, one that will last for generations to come.

God's blessing to the distinguished gentleman from Carterville and his loving wife Jo.

HONORING THE PUBLIC SERVICE OF CONGRESSMAN GLENN POSHARD

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. LAHOOD. Mr. Speaker, I rise today to recognize the positive contributions that my fellow Illinois colleague, GLENN POSHARD, made to the State of Illinois, Congress, and the Nation. After 10 years of congressional service, GLENN POSHARD is retiring. His principled and pragmatic presence will be missed, not only by the people of the 19th District of Illinois, but also by those of us in Congress who worked with him on important issues.

First elected to the House of Representatives in 1988, GLENN POSHARD pledged to serve only 10 years in Congress. Now, ten years later, he is keeping his word. He will be leaving behind a reputation for bipartisan and hard work, forged while working on such issues as campaign reform, improving rural health care, deficit-cutting, and preserving the American coal-mining industry. During his work on these issues and others, GLENN POSHARD always stood his ground and fought for what he believed in, and for what was good for his constituents and for the State of Illinois.

Throughout his congressional service, GLENN POSHARD was able to benefit from, and draw on, his background. As a holder of a doctorate in education from Southern Illinois University and as a former teacher, GLENN POSHARD brought a valuable perspective to Capitol Hill. This perspective was further enhanced by his experiences that he gained while growing up in a small, rural town in Illinois. He never forgot his roots, and they helped him maintain his down-to-earth style that was, in many ways, GLENN POSHARD's best attribute.

As a member of the Transportation and Infrastructure Committee, I had the occasion to work on a number of issues with my fellow committee member, GLENN POSHARD. He was always approachable and willing to work together on issues that were of vital interest to the State of Illinois. Whether it was aviation or highways, GLENN POSHARD was always knowledgeable and ready to do what was best for Illinois.

I am proud to have served in the House with GLENN POSHARD. He leaves this House with many friends and many good memories. I wish him all the best in whatever endeavor he chooses to participate.

IN HONOR OF LEONARD SOMDAHL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Leonard Somdahl, a good friend and a man dedicated to the economic betterment of his community.

On a day fraught with solemn, weighty and sad decisions, it's important to recognize the Americans in whose names we vote today, Americans who raise their families and work to make America strong. Leonard Somdahl is one such American.

Leonard Somdahl was born and raised in Minnesota. He moved to the San Joaquin Valley in California in 1946, then migrated south to Ventura County. He worked for McMann Furniture, then went into business for himself. Thirty-one years ago, he started with First American Title Co. He retired from First American in August, but hasn't stopped working.

I met Leonard during my years in the real estate business. His dedication to his profession and the business community impressed me. In addition to his dedication to First American, Leonard Somdahl took an active role in the Building Industry Association, Ventura County Chapter; the Ventura County Economic Development Association; the Christian Business Men's Committee in Santa Barbara and Ventura; and the Ventura County Taxpayers Association. As a member of the International Right of Way Association, he held all chairs and ultimately became president of Santa Barbara Chapter 47.

Non-industry groups have also benefited from his generosity. Leonard Somdahl has participated as an active board member and charter member of Network for Housing, a nonprofit group to support affordable housing in Ventura County; is a past member of the Y's men's club and a financial support group for YMCA activities; and is a past volunteer for the Oxnard Boys Club. He has donated to such groups as Navajo schools in Arizona, the Lions Club, Muscular Dystrophy, the American Cancer Society, the Ventura County Rescue Mission, and City Impact, an organization to help young people get off drugs and improve their self-esteem.

Leonard Somdhal is also a dedicated family man. He and his wife. Ellen, have raised a daughter and three sons. The couple have five grandchildren and three great-grandchildren.

Mr. Speaker, I know my colleagues will join me in recognizing Leonard Somdahl for his decades of service and wish him and his family Godspeed in his retirement.

MEMORIALIZING MRS. JUDITH BRAUN, A"H

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. NADLER. Mr. Speaker, I rise today to honor the memory of a constituent who was beloved in our community, Mrs. Alte Rivka Braun, a"h.

Mrs. Braun was the devoted wife of Rabbi Shlomo Braun, and was the daughter of Rabbi Moshe Yehudah Gross, famous shochet during the last 30 years at Empire Kosher Poultry. She born in Czechoslovakia to parents who were Holocaust survivors. They fled Czechoslovakia and emigrated to America in 1968. Even under Communist rule, Mrs. Braun exhibited strong inner faith and a personal generosity of spirit, accepting everything cheerfully. These attributes remained strong and enduring throughout her life.

Mrs. Braun was very active with Aleh, an organization which provides services to the developmentally disabled. I have visited their facilities in Israel and can attest to the outstanding work they do. In recognition of her dedication to the work of Aleh, Mrs. Braun was memorialized at the annual Aleh luncheon held on May 17, 1998 (21 Iyar).

Additionally, Mrs. Braun spend countless hours each day helping patients in the emergency room at Maimonides Medical Center. She also found time to cook and bake for troubled families, personally delivering and serving food that she prepared in her own home.

While Mrs. Braun's home was undergoing renovation, she requested that one room be set aside for hachnasas orchim use, providing a place to stay for a traveler who has no place to stay, which is one of the highest mitzvot. She found great strength in the knowledge that her house was always utilized by guests from all over the world—from Israel, Denmark, France, Mexico, Belgium, and other countries.

During the three years of her illness, Mrs. Braun suffered untold pain. Rabbi Braun, her devoted husband, arranged for the best doctors and tried everything humanly possible to alleviate her illness. Unfortunately, that was not God's will, and Mrs. Braun passed away on the 27th day of Tishrei, last year. She left a family of six children, with four still at home. The youngest, Yaakov, is only five years old.

Mr. Speaker, I have had the privilege of knowing the Braun family for quite a few years. The exemplary lives of Rabbi and Mrs. Braun are truly an inspiration to our neighbors for their dedication to their community and to those in need. Our community was enriched by Mrs. Braun's life and mitzvot. I commend her example to my colleagues.

TRIBUTE TO THE MIGHTY MENOMINEE MAROONS OF 1998

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. STUPAK. Mr. Speaker, in the near future several signs will be erected along the main highways entering my home town of Menominee Michigan. Those signs will advise travelers that they are entering the community whose high school has won the 1998 Class BB state football title. Those signs will be a lasting legacy of the Menominee High School team's accomplishment, but they won't begin to reveal to the passing motorist the wonderful, personal stories bound with the season-long march to the championship.

Menominee is a football town, Mr. Speaker, with a gridiron tradition reaching back 105 years. Larry Ebsch, a former local newspaper editor and an inveterate sports fan, has calculated that the Menominee Maroons have played 810 games, with a winning percentage of 61.6—but not one state championship. Thousands of young men have taken the field wearing the maroon jersey, and those signs on the edge of town don't give a glimpse of those thousands of personal memories of more than 100 seasons of football. I'm sure every one of those former players had a lump in his throat and tears in his eyes thinking of the joyous welcome given to the 1998 Maroon team after their 10-hour bus ride from the Silverdome in Pontiac back to Menominee.

Another great story is that of the coach himself. Ken Hofer, by Larry Ebsch's reckoning, has coached 277 of Menominee's 810 games in a career going back to 1966. His own winning percentage is 68.2, and his teams, running the 1930s-style offense known as the single wing, have averaged 17 points per game.

None of those statistics reveal the great memories of great games that Ken Hofer and his teams have given Menominee fans, particularly memories ofthe rivalry between Coach Ken and his son, Coach Chris Hofer of Kingsford. The powerful Kingsford Flivvers served as an obstacle that the Maroons for years could never quite overcome. When Ken's team finally defeated Chris's team last year and Menominee advanced into the playoffs, it was evident that the Menominee team had taken the measure of its most difficult adversary and was well on its way to a championship year. That promise was fulfilled in 1998.

Coach Hofer says the seeds for final victory were planted early in the season, when the team pledged itself to reach the playoffs. It was a team supremely suited to become a championship team, Mr. Speaker, because it was built around a team ego, not individual egos. This collective ego made the 1998 Maroons a team of destiny. On the first play of the first playoff game, Josh Tarbox returned the opening kickoff for a touchdown. Then the Maroon team made a quick run of 27 points in the first five minutes, signaling clearly this team was on its way to the state championship.

Many Menominee residents were on hand in Pontiac for the fulfillment of the championship dream. Along with the cheerleaders and 113 members of the marching band, a steady procession of vehicles sporting "Go Maroons" stickers made the drive across to the Mackinac Bridge and the long haul down the full length of the state of Michigan to the city of Pontiac. Menominee's hallmark stong fan base was out to make an expression of confidence, love, joy, and not just a little pride in showing that a team and a town from Michigan's Upper Peninsula were a match for any downstate opponent.

Here, Mr. Speaker, is the full roster of the 1998 Michigan Class BB football champions, the Menominee Maroons: Head Coach Ken Hofer, Assistant Coach "Satch" Englund, Assistant Coach Dale Vanduinen, Assistant Coach Joe Noha, Manager Bob Anderson, and players Jim Anderla, Adam Bebo, Jordan Beck, Andrew Bray, Nick Brukardt, Drew Buyarski, Bromley Carlson, Adam Clark, Scott Demille, Nick Dessart, Matt Dionne, David Eaton, Tom Emmes, Bob Fifarek, Charles Hanson, Mike Hubert, Isaac Johnson, Doug Kamin, Mike Klitzke, Kris, Lavigne, Brandon Lemery, David Lescelius, Byron Lundquist, Aron Mars, Allan Mars, Mike Merrill, Jesse Miller, Shane Mundt, Nash Myers, Nick Nerat, Dale Olsen, C. J. Paasch, Pat Palmquist, Nathan Parrette, Nathan Patzke, Scott Polzin, Adam Racine, Scott Ries, Todd Roach, Randy Ruleau, Jeremy Sallgren, Mike Schultz, Rich Shatusky, Kevin Smith, Richie Smith, Josh Tarbox, Trevor Thomas, Nick Thompson, Erich Voigt, Tim Vojcihoski and Justin Wozniak.

GLENN POSHARD: A GREAT CONGRESSMAN; A GREAT FRIEND

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. EVANS. Mr. Speaker, with the end of each Congress, we lose not only members but good friends. That is the case for me today as GLENN POSHARD leaves the House but not without making his mark.

GLENN is a member of my state delegation and I know all members join me in congratulating him on his service. GLENN has also been my neighbor—his office is next to mine and I enjoyed walking to a vote with him and discussing issues. More than that, he is a good friend who I greatly respect and admire.

In many ways, GLENN's impact on this institution has gone unnoticed. He worked to bring people together, to develop harmony and crate an environment that allowed us to rise above the partisanship. And that will have a lasting impact on all of us.

GLENN's character and commitment are unmatched. As a Congressman, he has been a model of integrity and a man of incredible depth and intelligence. He truly has put his principles to work. He has always remembered his roots and stood up for average citizens. That is why early on I backed his candidacy for Governor. And it is why I have been proud to serve with him and why I know his constituents were proud to have him represent him.

GLENN POSHARD is the genuine article: Veteran, Teacher, Parent, Democrat, and a Great Friend and a Great Congressman. I hope the end of this Congress will not mark the end of his public service. We need him working for people and the people of this country need him working for them.

A TRIBUTE TO GLENN POSHARD

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. DAVIS of Illinois. Mr. Speaker, There is no greater experience than to serve with the honorable men and women in pursuit of equality, justice and the making of a better world. Such has been my experience with the Honorable Glenn POSHARD who is leaving this body to return to the land of Lincoln where he will be welcomed with open arms.

Congressman POSHARD has been an exemplary Member of this body for the past 10 years and such has championed the causes of the poor, veterans, senior citizens, those living in rural America, those in need of good schools, human services, good roads and the opportunities to pursue a good life.

GLENN POSHARD has represented the best of what it means to be an elected official, fierce loyalty to his constituents, acute understanding of the political process, a willingness to stand on principle for that which he believes in and to continue standing even if it puts him at a political disadvantage.

Not only are the people of the 19th District of Illinois going to miss having Representative POSHARD to represent them, all of America is going to miss a true public servant. Therefore, I and the people of the seventh District of Illinois extends best wishes to Representative POSHARD and his family as they move to new vistas, new challenges, and new opportunities.

TRIBUTE TO DR. KEITH F. OLSON

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to honor an extraordinary constituent of Colorado's Fourth Congressional District, Dr. Keith Olson, on his retirement from the Larimer County Mental Health Center (LCMHC). I am privileged to know and have worked with such a talented public servant, dedicated professional, and father.

After 24 years of service in Larimer County, Dr. Olson's legacy is one of leadership, compassion, and professionalism. He began his tenure with the LCMHC in 1974 as a mental health clinician. Exhibiting the talent and hard work characteristic of his entire career, Dr. Olson soon moved into roles of greater responsibility, beginning with the coordination of the Intensive Management Team, and culminating with the top post at LCMHC: Executive Director. Under his eight-year guidance, the Center attained widely recognized excellence. The many accolades include: 1998 Agency of the Year (Columbine Chapter of the National Association for the Dually Diagnosed); the Joel Webber Award for Excellence in Health Care (El Pomar Foundation Awards for Excellence for Colorado non-profit organizations); national recognition from the Federal Emergency Management Agency for the center's Project Rebound, a program assisting the victims of the disastrous 1997 Ft. Collins flood; and the National Association of Counties named the Center's volunteer program one of the top ten in the nation. Clearly, Dr. Olson inspired the LCMHC to achieve outstanding service to the Ft. Collins area.

While these accomplishments would not have been possible without Dr. Olson, he is the first to say they could not have happened without the interest, enthusiasm and care of his colleagues at the Center and throughout the community. Moreover, the greatest reward for the LCMHC, for the community and for Dr. Olson, was making a substantial difference in the lives and families of men and women suffering from mental illness.

What makes Dr. Olson truly remarkable is his commitment to the mental health profession above and beyond the call of duty, and his devotion to the community and his family. He has created and developed a large number of agreements, partnerships, programs and non-profit organizations. Through these partnerships, Larimer County reaches out to provide access to essential mental health services for the Medicaid population in northern Colorado, give the developmentally disabled population much-needed mental health and psychiatric services, treat children and youth in schools, provide on-site service to needy families. Mr. Speaker, it is interesting to note, Dr. Olson accomplished all of these things with just 50 percent of his hearing. Dr. Olson's contribution to the mental health profession, to the people of Larimer County, and to the State of Colorado will be missed.

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